

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

-v-

CASE NO. 21-CR-418 (RDM)

ERIC BOCHENE,

Defendant.

MOTION TO WITHDRAW AS COUNSEL FOR ERIC BOCHENE

For the reasons set forth below, undersigned counsel moves this Court pursuant to Local Criminal Rule 44.5 and D.C. Rule of Professional Conduct 1.16 to issue an order permitting counsel to withdraw from the above captioned case. A proposed order is attached.

Counsel was appointed by this Court on May 25, 2021. *See* Dkt. 10. On September 2, 2021, this Court granted Mr. Bochene's motion to represent himself with undersigned counsel serving as "standby counsel." Dkt. 16. On January 24, 2022, the Court granted Mr. Bochene's motion to reinstate undersigned counsel as lead defense counsel. Dkt. 33. Undersigned counsel resumed representation and began plea discussions with the government. Since February 9, 2022 there has been an irretrievable breakdown in communication between Mr. Bochene and undersigned counsel. Further description of this breakdown would violate undersigned counsel's duty to maintain attorney-client privilege and confidentiality.

At this juncture, there is no scheduled trial date or change of plea hearing, thus there is no risk of undue delay. *See* LCrR 44.5 (d). Mr. Bochene has previously

elected to represent himself in this matter and has filed various motions on his own behalf. He has represented himself for nearly half the pendency of this case and is again seeking to represent himself. These facts weigh against a finding that Mr. Bochene would be prejudiced by the withdrawal of undersigned counsel. *See* LCrR 44.5 (d). Counsel is unaware of any prejudice his withdrawal would have on the government.

In sum, neither the interests of justice, nor any of the parties, would be prejudiced by the withdrawal of undersigned counsel. *Id.* In fact, it appears that Mr. Bochene would much prefer to represent himself and his Sixth Amendment rights may well be best vindicated through this course of action. For these reasons, undersigned counsel respectfully requests this Court grant this motion and to enter the attached order.

DATED: April 29, 2022
Syracuse, New York

LISA A. PEEBLES
Federal Public Defender

By: /s/ John J. Gilsenan, Esq.
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TO: Ms. Anita Eve, AUSA (via ECF); Eric Bochene (via certified mail)

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ORDER

Upon consideration of Defense Counsel's Motion to Withdraw pursuant to LCrR 44.5 (d), and the Court having heard the arguments of counsel, and good cause having been shown, it is

ORDERED that the motion is GRANTED; and that

Mr. John J. Gilsenan, Esq. be permitted to withdraw as Counsel for Mr. Eric Bochene.

Honorable Randolph D. Moss
United States District Judge

Dated: _____