

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TAYLOR JOHNATAKIS,

Defendant.

Case No. 1:21-cr-00091-RCL

MOTION TO WITHDRAW AS COUNSEL

Christopher Black, counsel for Defendant Taylor Johnatakis, respectfully moves this Court to withdraw as counsel and to permit Mr. Johnatakis to proceed without counsel in this matter.

I. Facts

Mr. Johnatakis was charged by complaint on January 18, 2021. He self-surrendered to the United States Marshals in the Western District of Washington on February 11, 2021 and had his initial appearance that same day. A magistrate judge in Western Washington ordered Mr. Johnatakis's release on his own recognizance and ordered him to appear in the District of Columbia on February 18, 2021. Mr. Johnatakis appeared by Zoom at his initial appearance in the District of Columbia and has so appeared at every hearing since. He was arraigned on March 12, 2021 and has appeared at numerous status conferences in the following months. There is another status conference set for August 9, 2022. The Court has not yet scheduled a trial date in this matter.

Mr. Johnatakis is 38 years old. He has been married since 2005 and has five children, ages 3-15. Mr. Johnatakis received a bachelor's degree in political science from Brigham Young University in 2007. He currently runs his own business installing septic systems. Mr. Johnatakis has no history of mental illness or any condition that would negatively impact his mental functioning.

Mr. Johnatakis has decided that he would like to proceed without counsel in this matter. This decision is not based any dissatisfaction or conflict with current counsel and Mr. Johnatakis is not seeking new counsel, either retained or appointed. He simply wishes to act as his own advocate and believes it is in his best interest to do so.

II. Argument

The Court should schedule a hearing at which it should conduct a brief colloquy with Mr. Johnatakis to ensure that he is knowingly, intelligently, and voluntarily waiving his right to counsel, and should ultimately permit defense counsel to withdraw and allow Mr. Johnatakis to proceed without counsel in this case.

A criminal defendant has a constitutional right to represent him or herself at trial if s/he knowingly, intelligently, and voluntarily waives the Sixth Amendment right to counsel. United States v. Gewin, 471 F.3d 197, 198-99 (D.C. Cir. 2006) (citing Faretta v. California, 422 U.S. 806, 835 (1975)). While a waiver must be intelligent it need not be wise or even reasonable. Id. at 199. A defendant's technical legal knowledge is, therefore, not relevant to an assessment of his knowing exercise of the right to defend him or herself. Id.; Faretta, 422 U.S. at 834, 836. However, the trial court does have a responsibility to make the defendant "aware of the dangers and disadvantages of self-representation," and to engage the defendant in a "short discussion on the record regarding these dangers and

disadvantages.” United States v. Brown, 823 F.2d 591, 599 (D.C. Cir. 1987)(internal quotations deleted). The purpose of this colloquy is so that the record will establish that “he knows what he is doing and his choice is made with eyes open.” Faretta, 422 U.S. at 835 (internal quotations deleted).

The Court should schedule a hearing to conduct a colloquy with Mr. Johnatakis to ensure he is voluntarily making a fully informed decision to act as his own counsel. Mr. Johnatakis is making this request in a timely fashion and for no improper purpose. He is well-educated and well-aware of the stakes in this matter. There is no evidence, or even suggestion, that he suffers from any condition that would impede his ability to make a decision about discharging counsel. As such, once the Court conducts the necessary colloquy, the Court should grant Mr. Johnatakis’s request and allow counsel to withdraw.

III. Conclusion

For the foregoing reasons, undersigned counsel respectfully requests that the Court schedule a hearing at its earliest convenience to conduct the necessary colloquy for Mr. Johnatakis to proceed without counsel in this case.

Respectfully submitted this 18th day of July, 2022.

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