

IN THE DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)
) C/A: 1:21-cr-00044-CJN-1
vs.)
)
DANIEL PHIPPS,)
Defendant.)
_____)

MOTION FOR APPOINTMENT OF COUNSEL

Undersigned counsel respectfully asks this Court to appoint her to represent the appellant in this matter. An intractable and unwaivable conflict of interest has arisen between counsel and the party who was funding Mr. Phipps' appeal which would have impeded counsel's representation of Mr. Phipps and violated her duty of candor to the court. D.C.R Prof'l. Cond. 3.3. Counsel has refunded the legal fee to that party and has severed her relationship with that party. On October 10, 2023, this Court granted Mr. Phipp's motion for leave to appeal *in forma pauperis*. Doc. No. 75. Respectfully, counsel requests this Court appoint her to represent Mr. Phipps on appeal with a *nunc pro tunc* date of October 4, 2023.

Counsel has discussed this issue with her client and he agrees with, and consents to, counsel's filing this motion with the Court.

Respectfully submitted,

/s/ Elizabeth Franklin-Best
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