

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

UNITED STATES OF AMERICA,

v.

**Case No.: 1:21-cr-367 (RDM)
Trial Date: August 21, 2023**

MARK MIDDLETON

Defendants

MOTION TO WITHDRAW AS COUNSEL

Undersigned counsel does hereby move to withdraw as counsel. In support thereof, undersigned counsel respectfully sets forth as follows:

1. This is a complex, multiple count, multiple party indictment arising from the events of January 6, 2021. The charges against the defendants are as follows: 18 U.S.C. Sections 111 (a)(1), Assaulting Resisting, or Impeding Certain Officers; 18 U.S.C. Section 231 (a)(3), Civil Disorder; 18 U.S.C. Sections 1512 (c)(2), 2, Obstruction of an Official Proceeding; 18 U.S.C. Section 1752 (a)(1), Entering and Remaining in a Restricted Building or Grounds; 18 U.S.C. Section 1752 (a)(2), Disorderly and Disruptive Conduct in a Restricted Building or Grounds; 18 U.S.C.

Section 1752 (a)(4), Engaging in Physical Violence in a Restricted Building or Grounds; 40 U.S.C. Section 5104 (e)(2)(D), Disorderly Conduct in the Capitol Grounds or Buildings; 40 U.S.C. Section 5104 (e)(2)(F), Act of Physical Violence Within the Capitol Grounds or Buildings.

2. The charges in this indictment are very serious and defendant faces the prospect of significant periods of incarceration if convicted.

3. While reviewing videotapes, undersigned counsel believes he knew one of the significant police officers involved in videotapes.

4. Upon realizing that counsel believes he knew one of the police officers, counsel notified Mfr. Middleton as follows:

a. The officer grew up in the same neighborhood where counsel formerly resided;

b. The officer and one of counsel's children knew each other from elementary school and junior high school. They were friendly with each other, had mutual friends and played in the same sports league;

c. Undersigned counsel and the officer's father were friends with each other. They played on the same basketball team for a season and worked out in the same gym in the 1990's and early 2000's. They would watch football games together with others in the neighborhood.

- d. Undersigned counsel was aware that the officer joined the United States Army and was deployed to Iraq.
- e. Undersigned counsel would regularly ask the officer's father how the officer was doing while deployed in Iraq.
- f. There were significant amounts of contact between undersigned counsel and the officer's father in the 1990's and 2000's.
- g. Undersigned counsel does not believe he has spoken with the officer since he graduated from high school. Undersigned counsel has not had contact with the officer's father in approximately ten years. Undersigned counsel no longer resides in the neighborhood where the officer grew up. Undersigned counsel does not know where the officer or his father presently reside.

5. Mr. Middleton has asked counsel to withdraw based upon this information. Counsel defers to the wishes of Mr. Middleton. Undersigned counsel concurs withdrawal is the proper manner in which to proceed.

6. Undersigned counsel recognizes the seriousness of this case and recognizes the materiality of the subject officer's relationship to this case. The actions of officer need to be challenged and may be a central component of defendant's defense to the charges in this case.

WHEREFORE, the foregoing considered, defendant prays this Honorable Court for leave to withdraw as counsel for Mark Middleton.

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served, via the Court's electronic filing system, upon all counsel of record on this the ___21st___day of June, 2023.

_____/s/_____
Steven R. Kiersh

**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

V.

MARK MIDDLETON

Case No.:1:21-cr-367 (RDM)

ORDER

Upon consideration of the Motion to Withdraw as Counsel, there being good cause demonstrated, it is by this Court on this the _____ day of _____, 2023:

ORDERED, that the Motion is granted, and Steven R. Kiersh is permitted to withdraw as counsel for Mark Middleton.

Honorable Randolph D. Moss
United States District Judge