

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America)
)
 v.) USDC No. 21-cr-722-01 (JMC)
)
 Rafael Rondon, *defendant*.)

MOTION TO VACATE SENTENCING HEARING
AND DEADLINE FOR SUBMISSION
OF DEFENDANT’S SENTENCING MEMORANDUM

Defendant, through undersigned counsel Nathan I. Silver, II, Esq., (“counsel”) appointed by this Court under the Criminal Justice Act, respectfully moves the Court to vacate the sentencing hearing set for September 12, 2023 at 11 o’clock a.m. and the deadline for submission of defendant’s sentencing memorandum, set for Sept. 5, 2023, for the reason that follows.

The Court called an interim status hearing in the instant case upon receipt of a letter the defendant wrote, complaining of counsel’s representation and requesting new counsel. At counsel’s instance, the Court ordered that advisory counsel be appointed to assay defendant’s complaint of ineffective assistance and to determine whether or not the defendant was prepared to proceed to sentencing or wished to withdraw his guilty plea. In the circumstances, due to the uncertainty the situation produced, the Court orally enlarged the time for filing of the defendant’s sentencing memorandum from August 28 to Sept. 5, 2023.

Since that hearing, it does not appear to either counsel for defendant or the government that an independent attorney has been arranged to advise the defendant. Counsel spoke shortly after the interim status hearing with A.J. Kramer, Esq., the Federal Public Defender, about the

need for new counsel. Counsel does not have any information to confirm that new counsel was found to advise the defendant. Before filing this motion, counsel contacted the defendant, by voicemail and text message, to see if the defendant had been contact by new counsel, and sent an email to Mr. Kramer to determine the status of arranging for counsel. At the time of this filing, counsel does not have new information to share with the Court about the situation.¹

Counsel has been in touch, by phone, email and text, with the government since the interim status hearing, and was so as recently as today. The government is aware of the situation.

For the reasons stated, the defendant, through counsel, moves the Court to vacate both the sentencing hearing and the deadline for submission of the defendant's sentencing memorandum, and suggests that a further status hearing be set as needed.

A proposed Order is attached.

WHEREFORE, the defendant respectfully moves the Court to grant said relief.

This pleading is,

Respectfully submitted,

/s/

NATHAN I. SILVER, II
Unified Bar #944314
6300 Orchid Drive
Bethesda, MD 20817
(301) 229-0189 (direct)
(301) 229-3625 (fax)
email: nisquire@aol.com

CERTIFICATE OF SERVICE

¹ Since the interim hearing, counsel provided the defendant with copies of both the Draft Presentence Investigation Report and the Government's Sentencing Memorandum, with no other contact.

I HEREBY CERTIFY that a copy of the foregoing pleading has been served via ECF on Will Widman, Esq., USDOJ-CRM, attorney of record for the government in the instant case, and Peter A. Cooper, Esq., attorney for codefendant, this 5th day of September, 2023.

/s/

Nathan I. Silver, II