

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 1-22-cr-38 (CKK)
	:	
JOLENE EICHER	:	
	:	
_____	:	

MOTION TO WITHDRAW AS COUNSEL

Undersigned counsel moves this Honorable Court to allow him to withdraw as counsel. In support of this motion, counsel states as follows:

1. Jolene Eicher is before the Court charged by Information with violations of one count each of: Entering and Remaining in a Restricted Building, 18 U.S.C. § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building, 18 U.S.C. § 1752(a)(2); Violent Entry and Disorderly Conduct on a Capitol Building, 40 U.S.C. § 5104(e)(2)(D); and Parading, Demonstrating, or Picketing in a Capitol Building, 40 U.S.C. § 5104(e)(2)(G). A trial date is set for 5th June 2023. An interim status hearing is currently set for 9th March 2023.
2. On 1st February 2023, following discussions with government counsel and Ms Eicher, counsel filed a Consent Motion to Vacate the currently set trial date. The Court denied that Motion on the same date.
3. The current trial date was set at a hearing in September 2022. At that hearing, the parties and the Court projected a five-day window for this matter to be tried. However, recent January 6 jury trials, including one that counsel is currently in, have shown that this projection has become unrealistic. Irrespective of this matter being a misdemeanor, impaneling a jury for a January 6th matter is taking much longer than any Court has

anticipated. This was something not apparent to the parties in September 2022. However, counsel relied upon that five-day trial projection, and made personal travel plans commensurate. It is how January 6 trials have actually proceeded that has created this new situation of unavailability.

4. With respect to the travel plans, these are family travel plans that are extremely date specific such that alteration of the dates is impossible. Cancellation of the plans would come at great personal and financial cost. Again, the scheduling of the travel plans was made in reliance on the projected trial window, a projection that is now unrealistic.
5. As the manner in which January 6 jury trials were evolving became apparent, it became clear that a scheduling conflict was emerging. Counsel reached out to the Court's courtroom deputy merely to gain information as to the Court's summer schedule to aid the parties in discussing how to proceed.
6. Counsel filed the Consent Motion to Vacate Trial Date on 1st February 2023. The Court denied that Motion the same day. Counsel and Ms Eicher have discussed the Court's ruling and while we respect the Court's ruling, we recognize this creates a conflict. Both counsel and Ms Eicher agree the personal interests at stake on the part of counsel creates a conflict that the Rules of Professional Conduct and Ethics mandate an appropriate resolution: That being counsel moving to withdraw. Counsel and Ms Eicher note that at the time of this filing the current trial date is still five months away allowing new counsel the opportunity to move forward with Ms Eicher appropriately
7. Counsel has engaged the assigned Assistant U.S. Attorney on this matter: Mr Christopher Brunwin. Mr Brunwin is aware of this request.

WHEREFORE, for the above reasons, undersigned counsel and Jolene Eicher, respectfully request that this Court grant this Motion to Withdraw in the above-captioned proceeding and to appoint new counsel.

Respectfully Submitted,

/s/ Peter A. Cooper

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Withdraw as Counsel is being filed via the Electronic Court Filing System (ECF), causing a copy to be served upon government counsel of record, this 2nd day of February, 2023.

/s/ Peter A. Cooper

Peter A. Cooper