

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

UNITED STATES OF AMERICA,)	Criminal Case No.
)	
Complainant)	1:21-cr-00623 (CRC)
)	
v.)	1:22-cr-00025 (APM)
)	
KIRSTYN NIEMELA,)	
)	
Defendant)	

MOTION OF COUNSEL TO WITHDRAW

Counsel for defendant KIRSTYN NIEMELA (“Niemela”), John Pierce and Roger Roots, hereby move to withdraw from this case. Niemela was recently sentenced to incarceration. Counsel has filed a Notice of Appeal and has paid the filing fee.

Niemela is terminating our representation and has requested that we withdraw from the case, so under the applicable ethical rules this is a mandatory withdrawal motion.

NIEMELA IS INDIGENT AND IN NEED OF A CJA-APPOINTED APPELLATE COUNSEL.

Ms. Niemela is requesting CJA funds with which to retain substitute counsel. She is indigent.

Niemela has good opportunities on appeal, in that she was given 11 months incarceration for disorderly conduct and “picketing and parading” in a case where she:

- (1) Never picketed;
- (2) Never paraded;
- (3) Never shouted;
- (4) Never pushed or “jostled” anyone—let alone any officer—as would be consistent with disorderly conduct;
- (5) Never blocked anyone’s movements—let alone any officer’s movements;
- (6) Never jumped up and down or made any furtive or disorderly movements;

(7) Exited the Capitol voluntarily without being forced.

Despite these facts, Ms. Niemela was sentenced under a Guideline category applying to felony “opposing and resisting law enforcement” officers. Niemela never opposed, challenged, nudged, pushed, or even blocked any law enforcement officers in the U.S. Capitol.

Dated June 22, 2023

Respectfully Submitted,

/s/ John M. Pierce

John M. Pierce

21550 Oxnard Street

3rd Floor, PMB #172

Woodland Hills, CA 91367

Tel:(213) 400-0725

Email:jpierce@johnpiercelaw.com

/s/ Roger I. Roots

Roger I. Roots

21550 Oxnard Street

3rd Floor, PMB #172

Woodland Hills, CA 91367

Tel: (213) 400-0725

[Email:rroots@johnpiercelaw.com](mailto:rroots@johnpiercelaw.com)

CERTIFICATE OF SERVICE

I hereby certify that, on June 22, 2023, this motion was filed via the Court's electronic filing system, which constitutes service upon all counsel of record.

/s/ John M. Pierce

John M. Pierce