

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,            )  
  )  
          Plaintiff,                         )  
  )  
v.    ) Case No. 12-06001-15-CR-SJ-GAF  
  )  
Rafael Hernandez - Ortiz,            )  
  )  
Defendant.                                )

**MOTION TO WITHDRAW**

John P. Lynch, the attorney for Rafael Hernandez-Ortiz, hereby requests that this Court allow him leave to withdraw from the case as a conflict of interest has arisen between the parties.

**SUGGESTIONS IN SUPPORT**

1. On October 29, 2012, I was appointed to represent defendant.
2. On November 1, 2012, defendant was arraigned and entered a plea of not guilty as to the two counts asserted against him, specifically Count I and Count VI of the superseding indictment.
3. Defendant's case is currently scheduled for a trial on May 28, 2013.
4. A conflict of interest has arisen between Mr. Hernandez-Ortiz and Mr. Lynch, whereby Mr. Lynch cannot continue to represent Mr. Hernandez-Ortiz.

WHEREFORE, undersigned counsel requests that this Court grant the motion to withdraw and appoint different counsel to represent Ms. Hernandez-Ortiz in this case.

Respectfully Submitted

/s/ John P. Lynch

John P. Lynch  
The Law Office of John P. Lynch  
4500 Belleview  
Kansas City, MO 64111  
816-778-0020

ATTORNEY FOR Rafael Hernandez-Ortiz

**CERTIFICATE OF SERVICE**

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b) of, Fed. R. Civ. P., it is hereby certified that one copy of the foregoing motion was electronically filed and sent to Jess Michaelsen, Assistant United States Attorney, 400 E. 9<sup>th</sup> Street, Kanas City, MO 64106 this 18<sup>th</sup> day of December 2012.