

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	10-00320-03-CR-W-DGK
MARIO MARRON,	)	
	)	
Defendant.	)	

**ORDER**

Before the court is defendant's pro se letter to me expressing concerns over a discussion with his attorney regarding his upcoming change-of-plea hearing.

The Eighth Circuit has stated, “[w]hen a defendant raises a seemingly substantial complaint about counsel, the judge has an obligation to inquire thoroughly’ into the alleged problem.” United States v. Jones, 662 F.3d 1018, 1026 (8th Cir. 2012)(quoting United States v. Rodriguez, 612 F.3d 1049, 1053 (8th Cir. 2010)). “However, ‘the nature of the factual inquiry into potential conflicts is case-specific,’ and a thorough inquiry may not necessitate a separate hearing on the matter.” Id. (quoting Rodriguez, 612 F.3d at 1053 (noting that “in some instances, the court would have the relevant facts without engaging in an intensive inquiry”)); see also Ausler v. United States, 545 F.3d 1101, 1104 (8th Cir. 2008)(finding no “elaborate inquiry” needed into potential conflict arising from threats of frivolous legal claims made by the defendant). Instances in which the court must make a thorough inquiry include (1) a conflict of interest, (2) an irreconcilable conflict, and (3) a complete breakdown in communication. United States v. Swinney, 970 F.2d 494, 499 (8th Cir. 1992). Importantly, however, a defendant's right to counsel “does not involve the right to a ‘meaningful relationship’ between an accused and his counsel.” Id. at 499 (quoting United States v. Machor, 879 F.2d 945, 952 (1st Cir. 1989)).

In this case, I have thoroughly reviewed the defendant's letter. The complaints raised by the defendant do not allege a conflict of interest, an irreconcilable conflict or a complete breakdown in communication. Dissatisfaction with general circumstances is not enough to warrant an evidentiary hearing. Out of an abundance of caution, however, and to ensure that all substantial complaints are brought to the attention of the court, it is

ORDERED that counsel meet with the defendant to discuss the issues raised in the letter. If counsel feels a substantial complaint exists, he shall contact my chambers to request a hearing date.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
October 15, 2012