

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-00320-06-CR-W-DGK
)	
ANTHONY FRANCIS ALVAREZ,)	
)	
Defendant.)	

**MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT
ANTHONY ALVAREZ, WITH SUGGESTIONS IN SUPPORT**

COMES NOW Ronald E. Partee, and moves this Court to allow him to withdraw as Mr. Alvarez's court-appointed counsel,

IN SUPPORT of this Motion, Counsel states as follows:

1. Defendant is charged in a multi-count, multi-defendant drug conspiracy Indictment returned November 18, 2010. Counsel was appointed under CJA on November 22, 2010. Following his arraignment on November 23, 2010, defendant was released on bond. On October 16, 2012, defendant entered a guilty plea pursuant to a plea agreement. Defendant was remanded into custody after his guilty plea. The preliminary Presentence Investigation Report has been prepared, and any objections are now due February 1, 2013. A sentencing date has not been scheduled.

2. Personal circumstances have arisen for counsel such that his mental condition materially impairs his ability to represent the defendant. Missouri Rules of Professional Conduct (MRPC) 4-1.16(a)(2) provides that counsel shall withdraw under these circumstances. Defendant

has been fully informed of counsel's situation, and while defendant wishes counsel to remain on the case, counsel must withdraw at this time.

3. Counsel believes withdrawal can be accomplished without material adverse effect on the interest of the client, in accordance with MRPC 4-1.16(b)(1). New counsel can request an extension of time in which to file any objections to the presentence report, if necessary, and appear for defendant at sentencing. Present counsel will immediately make his entire file available to new counsel, and will be available for any consultation if requested, and take any other steps necessary to protect the defendant's interests, as required by MRPC 4-1.16(d).

4. The appointment of new counsel for Mr. Alvarez will insure that his rights are protected.

WHEREFORE, appointed counsel for defendant Alvarez respectfully requests leave to withdraw and that new counsel be appointed promptly to represent Mr. Alvarez.

/s/Ronald E. Partee
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Attorney for Defendant Anthony Alvarez

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to the following: Bruce A. Rhoades, IV, Assistant United States Attorney, and all counsel of record.

/s/ Ronald E. Partee