

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

UNITED STATES of AMERICA,)
) Plaintiff)
) case no.10-00320-01/19-cr-W-DGK
v.)
) DeSHAUN L. CERUTI,)
) Defendant)

MOTION TO DISMISS COUNSEL
AND PROCEED pro se

The defendant, DeShaun L. Ceruti, pro se, in pursuance with Federal Rules of Criminal Procedure, Rule 12, and Federal Rules of Civil Procedure, Rule 12; Title 28 U.S.C. § 1654, and hereby moves this Court to issue an order granting defendant's motion to dismiss appointed counsel and to proceed pro se.

IN SUPPORT THEREOF , THE DEFENDANT OFFERS:

- 1) On November 18,2010, (or December 15,2009) an indictment was returned in the United States District Court, Western District of Missouri, charging the defendant with two counts of violating Title 21 U.S.C. of Federal Rules and Codes, and conspiracy to violate 18 U.S.C. §§ 1956(a)(1)(A)(i) and (h).
- 2) Ceruti appeared before this Court, the Honorable Robert E. Larsen, for initial appearance and, based upon an affidavit of financial status submitted by the defendant, the Court implicitly granted defendant leave to proceed in forma pauperis pursuant to 28 U.S.C. §§ 1915(a) and (c), and appointed counsel Kelly M. Connor-Wilson to represent and assist him in preparing an adequate defense.
- 3) Counselor Connor-Wilson to date has acted inadequately in assisting defendant to prepare a proper defense in the criminal case presently pending against him before this Court, and he now moves to dismiss counselor as he refuses to work with her any further.

ARGUMENT

A) The Sixth Amendment provides an accused with the right to either have 'effective assistance of counsel' and the compulsory process to obtain witnesses in his favor' or to litigate his matter personally. see Faretta v. U.S.; 28 U.S.C § 1654.

B) Appointed counsel Connor-Wilson has either refused to/ deliberately stalled in filing defensive motions imperative to defendant's defense.

C) There is no nexus, nor evidence to support the indicted conspiracy defendant has been charged with, but counsel fails to sever the case and to file Motions to Suppress.

D) Ceruti refuses to continue any further with Connor-Wilson as counsel as she has deliberately deprived him of his right to fully access and review the discoverable evidence against him.

Wherefore, Defendant exercises his Sixth Amendment right to move forward entering pro se and, if this Court insist on stand-by counsel being provided, defendant asserts his right(s) to stand-by counsel of his choice. U.S.Const. Amnd. IV, Id., 18 U.S.C. § 3006A.

CERTIFICATE of SERVICE

In accordance with Federal Rules Of Criminal Procedure, Rule 49(a) (b), and (d), and Federal Rules Of Civil Procedure, Rule 5(b), it is hereby certified that one copy of the foregoing motion has been filed and mailed to Bruce Rhoades, Assistant U.S. Attorney, at 400 East Ninth Street, Kansas City, Missouri, 64106, this date of June\2,2011.

Respectfully submitted,
DeShaun L. Ceruti,
100 Highway Terrace
Leavenworth, Kansas, 66048