

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

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 vs.) Case No. 04:09-CR-00121-DGK
)
 DANNY HUGHES,)
)
 Defendant.)

MOTION TO WITHDRAW
AND FOR APPOINTMENT OF NEW COUNSEL

COMES NOW the Defendant, by and through appointed counsel, and moves the Court to enter its order granting leave for the undersigned counsel to withdraw from further representation in this case and for the appointment of new counsel. In support of this Motion the undersigned alleges and states as follows:

1. Approximately one month ago, defendant advised the undersigned that he was “fired” as his attorney, and that he did not intend to cooperate any longer with the undersigned insofar as the handling of the defense in this case. That subsequent to that notice, the undersigned attempted to implore the defendant to strongly consider what he was doing and to see if anything could be done to salvage this relationship. That these attempts were made both in writing and in personal contacts between attorney and client.
2. That in spite of those efforts, and notwithstanding the fact that counsel had wrongly concluded that he and Mr. Hughes had reached an “accommodation” with regard to future strategy in the case, the undersigned received the attached letter from Mr. Hughes which indicates that this relationship is apparently not getting any better and which prompts the undersigned to join in requesting that a new

attorney, with whom Mr. Hughes might have more confidence, be appointed.

3. The undersigned further submits that he takes his responsibilities attendant to his agreement to accept appointments pursuant to the Criminal Justice Act and more particularly with this Court very seriously and that he has attempted to do everything in his power to calm and assuage the concerns of Mr. Hughes. It is apparent that he has been unable to do so.

4. The undersigned would submit that although this matter is presently on the District Court's Accelerated Docket for Trial scheduled to commence on April 26, 2010, he is of the opinion that the matter would not proceed to trial on that date given the recent change in attorneys for one of the co-defendants, and thus it would appear that a change of attorneys in this case could be accomplished without material adverse effect on the interests of the client, and particularly given the fact that the client continues to express a desire for new representation. Nor would there appear to be any adverse effect with regard to the other parties to the action since a new attorney would presumably have sufficient time to prepare for trial or other disposition.

5. Although the undersigned stands ready to continue to represent the defendant, he is mindful of the fact that ethical considerations prompt him to seek withdrawal when the client has so made it abundantly clear that it is his (client's) desire that he do so. Defendant has expressed such a lack of trust and confidence in counsel's ability to represent him that that in and of itself presents a very untenable situation since the primary consideration on the part of the undersigned in this case must be what is to happen to this man.

6. Given the circumstances as they now exist, counsel must therefore respectfully request the leave of this Court to withdraw from representation in this matter.

WHEREFORE for the above-stated reasons, defendant respectfully requests this Honorable Court to grant his request that he be allowed to withdraw as attorney for the defendant, Danny Hughes and that new counsel be appointed to represent the defendant, and for such other and further orders as

the Court may deem just and proper in the premises.

Respectfully Submitted,

/s/ F.A White Jr.

F. A. White, Jr. #22565
Three Oaks Building
5440 North Oak Trafficway
Kansas City, Missouri 64118
(816) 454-5300
(816) 455-6011- FAX

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2010, the forgoing was filed in the Court's electronic filing system and a copy electronically served on all parties.

/s/ F.A. White Jr.

F. A. White, Jr.