

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal Action No.
v.)	10-00162-06-CR-W-FJG
)	
NARICCO SCOTT,)	
)	
Defendant.)	

ORDER

Before the court are defense counsel's ex parte motion to withdraw (document number 484) and defendant's pro se motion to dismiss counsel and appoint substitute stand-by counsel (document number 487). I held a hearing on the motions on October 20, 2011, during which a report from the United States Marshal was admitted as an exhibit.¹ The Marshal's report states that Deputy United States Marshal Jonathan Grillo witnessed defendant threaten his attorney after accusing her of working for the government. Deputy Grillo heard defendant say that if the "case doesn't go well for me, this won't go well for you." Defendant told his attorney, "I want you off my fucking case!" When defense counsel explained that she would not be removed from the case since there was no legal conflict, Deputy Grillo heard defendant say, "if there isn't a conflict now, I'll make one."

Based on the reasons stated during the hearing, it is

ORDERED that defense counsel's motion to withdraw is granted. It is further

ORDERED that Robin Fowler, Bath & Edmonds PA, 7944 Santa Fe Drive, Overland Park, Kansas 66204, telephone 913-652-9800, is appointed to represent defendant. It is further

¹The Marshal's report is attached to the minute sheet as an exhibit, see document number 494.

ORDERED that the ex parte restriction on defense counsel's motion to withdraw (document number 484) is removed and the motion shall be made public. It is further

ORDERED that a hearing is set for 10:30 a.m., Thursday, October 27, 2011, on defendant's previous motion to represent himself. At that time it will be determined whether Mr. Fowler will represent defendant or will act as stand-by counsel.

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

Kansas City, Missouri
October 21, 2011