

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 6:21-cr-141-RBD-EJK

EMMET BOWENS,

Defendant.

_____/

MOTION TO WITHDRAW AND APPOINTMENT OF CJA COUNSEL

Assistant Federal Defender Nicole Mouakar, on behalf of the Office of the Federal Defender, counsel of record in the above-styled cause, files this Motion to Withdraw as Counsel for Mr. Emmet Bowens, and as grounds therefore states as follows:

1. On November 10, 2021, an Indictment was filed in the above styled case charging Mr. Emmet Bowens with two counts of alleged wire fraud in violation of 18 U.S.C. § 1343 and one count for an illegal monetary transaction in violation of U.S.C. § 1957 and 2. Doc.1.

2. On December 3, 2021, Mr. Bowens was arrested in the Northern District of Georgia where he appeared before the Magistrate Judge Linda T. Walker and was released under conditions of supervision. Doc 7.

3. On December 16, 2021, Mr. Bowens appeared for his in-district initial appearance before the Magistrate Judge Embry J. Kidd. Doc. 10. At the hearing, Mr.

Bowens entered a plea of not guilty and the Federal Defender's Office was appointed to the case. Docs. 10 and 13. A status conference was scheduled for January 13, 2022, while Trial term was scheduled for February 2022. Doc. 16.

4. Undersigned counsel filed her Notice of Appearance in this case on December 17, 2021. Doc 17.

5. On January 13, 2022, a telephonic status hearing was held before the Honorable Judge Roy B. Dalton where Defense counsel requested a continuance of the trial term and an extension of the motion's deadline. Docs. 26 and 27. This Court granted the Defense's motion to continue without opposition from the Government and rescheduled the trial term for April 2022. Docs. 28.

6. Mr. Bowens has now requested undersigned counsel to withdraw from his case.

7. Undersigned counsel has contacted Assistant United States Attorney, Amanda Sterling Daniels, who does not oppose this motion.

MEMORANDUM

A defendant has the right to be represented by an attorney who is free from conflicts of interests between him and his attorneys. Rule 4-1.16(b)(2) states that withdrawal is allowed if: "the client insist upon taking action that the lawyer considers repugnant, imprudent, or which the lawyer has fundamental disagreement." Rule 4-1.16(b)(5) further provides a catch-all that withdrawal is allowed when "other good

cause for withdrawal exists.” Rule 4-10(a) requires all attorneys in a firm to be treated as one. At the request of Mr. Bowens and upon careful consideration of the confidential facts underlying this motion, undersigned counsel believes that she is ethically required to file this motion seeking to withdraw from further representation of Mr. Bowens.

WHEREFORE, for the foregoing reasons, Mr. Bowens and undersigned counsel, requests that this Court enter an order allowing the Office of the Federal Defender to withdraw as counsel of record in the above-styled case.

Respectfully submitted,

A. FITZGERALD HALL, ESQ.
FEDERAL DEFENDER, MDFL

/s/ Nicole Mouakar
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that undersigned electronically filed the foregoing *Motion to Withdraw and Immediate Appointment of CJA Counsel* with the Clerk of Court (CM/ECF) by using the CM/ECF system which will send a notice of electronic filing to Amanda Sterling Daniels, Assistant United States Attorney, this 17th day of February 2022.

/s/ Nicole Mouakar
Attorney for Defendant