

Honorable John Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, SEATTLE

UNITED STATES OF AMERICA,	)	
	)	No. CR 20-174 JCC
Plaintiff,	)	
	)	DEFENSE COUNSEL'S MOTION
	)	TO WITHDRAW AS APPELLATE
v.	)	COUNSEL AND SUPPORTING
	)	DECLARATION
ERIC SHIBLEY,	)	
	)	
Defendant.	)	
_____	)	Noted: Friday, March 11, 2022

Motion

Michael Nance, defense counsel for defendant Eric Shibley, moves the court for an order permitting his withdrawal as counsel of record and as appellate counsel. This motion is based on the Fifth and Sixth Amendment rights to due process and effective assistance of counsel and the adjoined declaration of counsel.

Dated this 8th day of March, 2022.

/s/ Michael Nance

Declaration

Michael Nance declares as follows:

I am the court-appointed attorney for defendant Eric Shibley. I have represented him throughout most of the investigation of the case and the entirety of trial preparation, trial and sentencing. On March 8, 2022, the Court imposed a 48-month sentence and

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advised Mr. Shibley of his right to appeal his judgment and sentence, provided that he file a notice of appeal within fourteen days. Mr. Shibley has expressed a desire to appeal the judgment and sentence. In the absence of a court order a CJA-appointed trial counsel is automatically appointed if the case is appealed.

Mr. Shibley's case involved a number of tactical judgment calls that another experienced defense attorney might have made differently. Mr. Shibley deserves a different lawyer on appeal to review the record objectively and advance the most meritorious arguments without regard to my effectiveness as his trial counsel.

Under these circumstances, I request that I be permitted to withdraw as counsel for Mr. Shibley and that another qualified attorney be appointed in my stead to further advise and represent him on appeal. I will assure that a proper notice of appeal is timely filed, either by newly appointed appellate counsel or by myself.

I certify the foregoing is true and correct to the best of my knowledge and belief.

March 8, 2022

/s/ Michael Nance

Bainbridge Island, Washington