

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-Cr-20036-KMM

UNITED STATES OF AMERICA,
Plaintiff,

v.

DANIELA RENDON,
Defendant.

_____ /

UNOPPOSED MOTION TO WITHDRAW AS COUNSEL

COMES NOW, court-appointed counsel, Sonia E. O'Donnell, O'Donnell Christopher, respectfully moves to withdraw from further representation of the defendant, Daniela Rendon, and in support of the motion states:

1. On August 18, 2023, undersigned counsel was appointed to represent Ms. Rendon on an appeal from a guilty plea.
2. Undersigned filed a brief, but the Eleventh Circuit granted the government's motion to dismiss based on Ms. Rendon's waiver of appeal upon pleading guilty. See attached Exhibit 1, opinion of the Eleventh Circuit.

3. Undersigned has completed what she was appointed to do and now asks the court to grant her request to withdraw from the representation of Ms. Rendon.
4. On April 11, 2024, Ms. Rendon filed a motion to vacate set aside or correct sentence in this Court. (Doc. 93).
5. On the form, Ms. Rendon mistakenly asserts that the undersigned represents her in post-conviction proceedings. See, Document 93 Entered on FLSD Docket 04/11/2024 attached Exhibit 2 (excerpt).
6. That assertion is incorrect because the undersigned was only appointed to represent the defendant on the appeal.
7. The undersigned counsel respectfully requests the Court grant this Motion to Withdraw from the appointment as CJA appellate counsel since that appointment has been completed.

Respectfully submitted,

/s/ Sonia Escobio O'Donnell

Sonia E. O'Donnell

Attorney for Appellant

Daniela Rendon

CERTIFICATE OF GOOD FAITH

Pursuant to Local Rule 7.1(a)(3)(A), I hereby certify that counsel for the defendant has conferred with the Government and does not oppose this motion.

Dated: April 16, 2024

Respectfully submitted,

/ s / Sonia E. O'Donnell
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P.O. Box 172538
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odonnellchristopher.com](mailto:sodonnell@odonnellchristopher.com)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Withdraw as Appellate Counsel was furnished electronically this 16th day of April, 2024 to all other persons entitled to electronic file notice in this cause.

Respectfully submitted,

O'DONNELL CHRISTOPHER LLP
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/s/ Sonia E. O'Donnell
SONIA E. O'DONNELL
Florida Bar No. 250643

/s/ Robert A. O'Donnell
ROBERT A. O'DONNELL
Florida Bar No. 1011567

EXHIBIT 1

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12924

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANIELA RENDON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:23-cr-20036-KMM-1

Before WILLIAM PRYOR, Chief Judge, and JORDAN and LAGOA, Circuit Judges.

PER CURIAM:

The Government’s motion to dismiss this appeal pursuant to the appeal waiver in Appellant’s plea agreement is GRANTED. *See United States v. Bushert*, 997 F.2d 1343, 1350-51 (11th Cir. 1993) (sentence appeal waiver will be enforced if it was made knowingly and voluntarily); *United States v. Grinard-Henry*, 399 F.3d 1294, 1296 (11th Cir. 2005) (waiver of the right to appeal includes waiver of the right to appeal difficult or debatable legal issues or even blatant error); *King v. United States*, 41 F. 4th 1363, 1369 (11th Cir. 2022) (appeal waivers “account in advance for unpredicted future developments in the law” (quoting *Oliver v. United States*, 951 F.3d 841, 845 (7th Cir. 2020))).

EXHIBIT 2

AG 243 (Rev. 01/15)

15. Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:

(a) At the preliminary hearing:

Rabin, Jr. Samuel Joseph

(b) At the arraignment and plea:

Mandell, Robert Ian

(c) At the trial:

(d) At sentencing:

Mandell, Robert Ian

(e) On appeal:

O'Donnell, Sonia E.

(f) In any post-conviction proceeding:

O'Donnell, Sonia E.

(g) On appeal from any ruling against you in a post-conviction proceeding:

O'Donnell, Sonia E.

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☒ No ☐

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*