THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,	*	
	*	Criminal No. WDQ-08-0415
Plaintiff,	*	
v.	*	
ELLIOT BROWN,	*	
Defendant.	*	

* * * * * * * * * * * * * *

REPORT AND RECOMMENDATION

By Order dated February 22, 2010, Paper No. 242, Judge Quarles referred to me the Motion to Strike the Appearance of his counsel filed by Defendant Elliot Brown. Attached thereto was a copy of a letter dated February 19, 2010, from Mr. David R. Solomon, Mr. Brown's CJA appointed attorney, advising the Court of Mr. Brown's request, and attaching a copy of a handwritten letter from Mr. Brown to Mr. Solomon dated January 13, 2010, that confirms Mr. Brown's request that Mr. Solomon no longer be his attorney. A hearing was held in open court on March 11, 2010, and both Mr. Solomon and Mr. Brown addressed the Court.

It is not necessary to recite in detail the full content of the remarks made during the hearing by Mr. Brown and Mr. Solomon, except to state that it is clear that both Mr. Solomon and Mr. Brown agree that continued representation by Mr. Solomon would not be productive, and that new CJA counsel should be appointed to represent Mr. Brown. In reaching this conclusion no opinion is expressed regarding the merits of the contentions made by Mr. Brown regarding the basis for his request that he have new counsel.

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In addition, it was disclosed at the hearing that Mr. Brown already has pleaded guilty, but thereafter filed a motion to withdraw that plea and enter a plea of not guilty and proceed to trial. A hearing is scheduled for March 26, 2010, on that motion and, if it is denied, then sentencing will take place. Because newly appointed CJA counsel will have to meet with Mr. Brown, obtain his file from Mr. Solomon and review it, and prepare for the hearing/sentencing, it is recommended that the hearing/sentencing be rescheduled to afford replacement counsel sufficient time to do so.

Finally, during the hearing Mr. Brown stated that he presently is being held in Talbot County, Maryland, which makes it difficult for counsel to arrange to meet with him. He has asked that he be reassigned to a detention facility in Baltimore, and while he was advised by the undersigned that the Court could not order the transfer, but merely recommend it, I am recommending that the United States Marshals' Service Transfer Mr. Brown to a detention facility in Baltimore to facilitate his meeting with his new counsel.

Finally, a copy this Report and Recommendation will be provided to Mr. Brown, Mr. Solomon, Counsel for the United States, the United States Marshals' Service, and Ms. Donna Shearer, CJA Supervision Attorney, with the request that she appoint new counsel if Judge Quarles approves this Report and Recommendation.

Dated: March 12, 2010

_____/s/_____
Paul W. Grimm
United states Magistrate Judge