

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. ) No. 3:02-CR-61  
) (VARLAN/SHIRLEY)  
CARLOS CLIFFORD LOWE, )  
)  
Defendant. )

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. The defendant personally appeared before the undersigned on May 26, 2005, for a hearing on defense counsel's Motion to Substitute Counsel [Doc. 14]. The defendant's appointed counsel, Federal Community Defender Elizabeth B. Ford, appeared on behalf of the defendant along with CJA training panelist Attorney R. Alexander Brown. The government, represented by Assistant United States Attorney Steven H. Cook, had no objection to Ms. Ford's withdrawal or to the Court appointing new counsel for the defendant.

The Court conducted a sealed, *ex parte* hearing with the defendant and Ms. Ford in order to determine the extent of any conflict between them. Without going into the confidential and private nature of that discussion, the Court concluded that good cause exists to allow Ms. Ford to withdraw and to appoint new counsel for the defendant. The Court found that the trust necessary for an adequate defense no longer existed in the attorney-client relationship and that the situation was unlikely to improve.

For the reasons more fully discussed in the hearing, the Court finds that good cause exists to grant defense counsel's Motion to Substitute Counsel [**Doc. 14**], the same is **GRANTED**, and Ms. Ford is relieved as counsel for the defendant. See Wilson v. Mintzes, 761 F.2d 275, 280 (6th Cir. 1985) (holding that a defendant seeking to substitute counsel must show good cause). Attorney Joe Baker was present in the courtroom and agreed to accept representation of the defendant. The defendant agreed to Mr. Baker's representation and to Mr. Brown remaining on the case. The Court substitutes and appoints Mr. Baker under the Civil Justice Act (CJA) as counsel of record for the defendant.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge