

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) 3:07-CR-51
) (Varlan / Shirley)
 LASHONDA HALL,)
)
 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. This matter came before the Court on June 10, 2008, for a hearing on Attorney Mike Whalen's Motion to Withdraw [Doc. 364], filed at the request of Defendant LaShonda Hall. Ms Hall was present in the courtroom along with Attorney Whalen. Assistant United States Attorney Tracee Plowell was present on behalf of the government. The United States took no position in the matter.

Attorney Whalen informed the Court that the relationship between he and Ms Hall has so deteriorated that he does not believe they can continue to work together to present Ms Hall's defense. Attorney Whalen reported a complete breakdown in communication between he and his client that he does not believe can be restored. Attorney Whalen also stated that trust between he and Ms Hall has been irretrievably lost. Attorney Whalen, who has never moved to withdraw from a case for these reasons, stated that he believes it is in Ms Hall's best interest to appoint new counsel. Attorney Whalen confirmed that he and Ms Hall have experienced rifts in their attorney-

client relationship for a significant period of time, evident at court appearances.

Ms Hall agreed with Attorney Whalen's description of the situation and asked the Court to appoint new counsel to replace Attorney Whalen. After a colloquy with the Court, Ms Hall maintained her position that she and Attorney Whalen cannot proceed together in this case, expressing a conclusion that she no longer trusts Attorney Whalen to act in her best interest.

The government took no position in this matter. Ms Hall's co-defendants, Aaron Brooks and Johnnie Martin, present with their respective counsel for hearing in another matter, also took no position.

The Court is reluctant to replace counsel given the record in this case, but after hearing the statements of Attorney Whalen and Ms Hall, the Court found that the attorney - client relationship between Ms Hall and her counsel is irreparably broken. The Motion to Withdraw [Doc. 364] was granted and Attorney Whalen was orally relieved as counsel for Ms Hall, except to the extent necessary to complete transition of the case to new counsel. Attorney Robert Vogel was present in the courtroom and agreed to accept appointment to represent Ms Hall for the remainder of this case; Attorney Vogel shall be entered as counsel of record.

IT IS ORDERED:

(1) Attorney Mike Whalen's Motion to Withdraw [**Doc. 364**] is **GRANTED**; and

(2) Attorney Whalen is relieved from further representation as set forth above, and Attorney Vogel is **APPOINTED** to represent Ms Hall for the remainder of the case.

ENTER:

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