

34 Franklin St.
Lyons, NY 14489
January 10, 2008

Honorable David Peebles
US Magistrate Judge
RE: United States v. Murtari
P.O. Box 7345
Syracuse, NY 13261-7345

Dear Judge Peebles:

It appears my assigned counsel, Mr. Moynihan, and I have come to an impasse on how to proceed in my case. I have asked him to withdraw from the matter and do not feel he can represent me effectively as my lawyer. I ask the Court to remove his assignment. I would like to ask for other counsel, but am not sure given what I was told regarding the attorney-client relationship in a criminal matter.

Several days ago I prepared the attached letter and emailed it to Mr. Moynihan. I asked him to review it in preparation for forwarding it to the Court and US Attorney. He replied with some thoughts regarding the nature of the letter and advised that it not be sent. While appreciating his opinion I directed him that I felt it was important and it should be forwarded. He refused stating ethical concerns.

After receiving his refusal I wrote him and told him we could not proceed as attorney and client and that I would be asking the Court for his dismissal as counsel. I didn't feel forwarding the letter was an ethical problem, but could understand that he had the right to withdraw from the case if I would not follow his advice. Mr. Moynihan replied that I was mistaken and that the rights of client in a criminal matter are more limited.

“Unfortunately, you are mistaken about the role of the attorney in a criminal matter. My role is to zealously represent you in the defense of the charges against you. The attorney's decisions control all but a few aspects of the attorney/client relationship. The client cannot dictate how the case will be defended. In fact, the client has only a few areas of ultimate authority, i.e. plead guilty or not, and testify or not.

In my practice I make every effort to seek the client's input into the decisions I must make in each case. Those issues are evaluated carefully and the client's desires are a major factor but they do not control. ...“

I know Mr. Moynihan cannot continue as my counsel, but am not sure how to proceed. If the above is true, I would prefer to represent myself in this matter. Most importantly, I hope the Court will review my original letter which attempts to explain upcoming events.

Respectfully yours,

CC: Mr. Moynihan's Office
CC: US Attorney's Office
Attach: Letter dated January 7, 2008

John Murtari
635-1968, x-211
<http://www.AKidsRight.Org/>