

IN THE IOWA DISTRICT COURT FOR **CERRO GORDO** COUNTY

STATE OF IOWA	:	
Plaintiff,	:	Criminal No. FECR025800
	:	
vs.	:	
	:	
Larry Donnell Whaley,	:	Motion to Withdraw
Defendant,	:	

Comes now the Defendant, by counsel, and respectfully states:

1. The Office of the Public Defender previously represented witness Debra Ewing in cases, some of which were honesty related as described in a prior filing: Motion for Hearing on Defendant's Request for New Counsel.

2. Based on the prior representation and the prior client's testimony in deposition, the undersigned, in consultation with the State Public Defender, has determined that a conflict of interest exists which necessitates her withdrawal from the case in that she has concerns regarding the duties of vigorously representing the defendant as required by Standard of Professional Conduct 33.1(1) and there may be a significant risk that continued representation of Defendant will be materially limited by her responsibilities to the former client. Rule of Professional Conduct 32:1.7(2)

3. Defendant has requested that he have a new attorney on several occasions and requested the Clerk of Court send him the form that he should file for a new attorney.

WHEREFORE the undersigned moves that she be allowed to withdraw and the Special Defense Unit in Des Moines, Iowa be appointed pursuant to the designation of the State Public Defender.

Dated this 13th day of April, 2017

Respectfully submitted,

OFFICE OF THE PUBLIC DEFENDER
Mason City Division

/s/ Susan R. Flander

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