

United States of America  
First Circuit Court of Appeals

UNITED STATES

v.

CIRINO GONZALEZ

1<sup>st</sup> Cir. No. 2008-2300

**MOTION TO WITHDRAW FROM REPRESENTATION**

**N**OW COMES Joshua L. Gordon, counsel for Cirino Gonzalez, and respectfully requests this honorable court to allow him to withdraw his representation of Mr. Gonzalez.

As grounds it is stated:

1. On February 4, 2009, counsel received a letter from the New Hampshire Supreme Court, Attorney Discipline Office (“ADO”) (copy attached). The ADO is the authority charged with enforcing the New Hampshire Rules of Professional Conduct. The letter indicates that the ADO received a complaint purportedly filed on behalf of the defendant, Cirino Gonzalez. The complaint was filed by Jose Gonzalez, the defendant’s father.

2. The New Hampshire Rules of Professional Conduct provide that an attorney may not represent a client when “there is a significant risk that the representation ...will be materially limited by ... a personal interest of the lawyer.” N.H. R. PROF. COND. 1.7(a)(2). In light of the ADO complaint, counsel is concerned that the representation may be effected by his own interest in avoiding professional discipline, and thus not in accord with the rule.

3. The rules also provide that “[i]n representing a client, a lawyer shall exercise independent professional judgment and render candid advice.” N.H. R. PROF. COND. 2.1. In light of the ADO complaint, counsel is concerned that his judgment and advice may be effected, and thus not independent in accord with the rule.

4. On behalf of the defendant, counsel requests appointment of new counsel, and a delay in proceedings to give new counsel time to become familiar with the record.

WHEREFORE, Joshua L. Gordon, counsel for Cirino Gonzalez, respectfully requests this Court to allow him to withdraw, to appoint new counsel for the defendant, and to delay action on the case sufficient to give new counsel time to become familiar with the record.

Respectfully submitted  
for Cirino Gonzalez  
by his attorney,

/s/

Dated: February 8, 2010

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Joshua L. Gordon, Esq.  
N.H. Bar. No. 9046  
Law Office of Joshua Gordon  
26 S. Main St., #175  
Concord, NH 03301  
603-226-4225

I hereby certify on this 8<sup>th</sup> day of February 2010, a copy of the foregoing is being forwarded to the office of the United States Attorney.

/s/

Dated: February 8, 2010

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Joshua L. Gordon, Esq.

New Hampshire Supreme Court  
**Attorney Discipline Office**

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February 2, 2010

Mr. Jose M. Gonzalez  
P. O. Box 4183  
Alice, Texas 78333-4183

Re: Grievance against Joshua L. Gordon, Esquire  
on behalf of Cirino Gonzalez

Dear Mr. Gonzalez:

I acknowledge your letter of January 20, 2010 under a power of attorney from Cirino Gonzalez.

The New Hampshire Supreme Court Attorney Discipline Office processes grievances against attorneys when there are allegations of professional misconduct. By "professional misconduct," we mean conduct that violates the Rules of Professional Conduct.

In any case in which it is ultimately found that a lawyer has violated the Rules of Professional Conduct, the Professional Conduct Committee imposes or recommends an appropriate sanction. Possible sanctions are reprimand, public censure, suspension or disbarment. The Committee does not have authority to award money, resolve fee disputes, or affect the underlying case.

The letter does not indicate why your son is unable to file his own grievance. If you are going to file a grievance under a power of attorney from him, you will need to provide us with a copy of it.

Also, you will need to provide us with more detail about Joshua L. Gordon and his alleged conduct.

Page 2

Mr. Jose M. Gonzalez

Re: Grievance against Joshua L. Gordon, Esquire  
on behalf of Cirino Gonzalez

February 2, 2010

The types of information needed would include the following:

What court is the case pending in?

What is the current status of the case?

What are the charges against your son?

Was (or is) Mr. Gordon the trial attorney? The appeal attorney?  
Both? If he was not the trial attorney, did your son seek discovery  
from the trial attorney at the time of trial?

How long and approximately how many times has your son  
requested a copy of discovery?

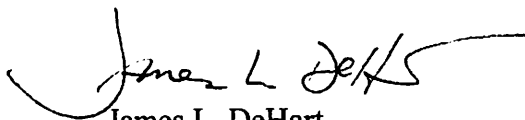
Were the requests by telephone? In person? By letter? If the latter,  
did your son keep copies? If so, we would like to see copies.

How did Mr. Gordon respond to the request for discovery?

Are there any other details that will help us to better understand the  
grievance?

Failure to submit further information within 20 days of the date of this letter, will result in  
this matter being closed without prejudice based on the failure to comply with this request.

Sincerely,



James L. DeHart  
General Counsel

JLD/ksc/

cc: ✓ Joshua L. Gordon, Esquire