

Neal Puckett, Esq.  
BAR: VA

Haytham Faraj, Esq.  
BAR: IL, MI, DC



THE LAW FIRM OF PUCKETT AND FARAJ, PC

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February 28, 2010

**Via email: m.goense@hotmail.com**

Mrs. Maureen Goense (Mother)  
on behalf of, and for, Mr. Robert Goense (Client)  
1450 Force Dr.  
Mountain Side, NJ 07092

*Re: Waiver of present or future, apparent or actual, conflict of interest in the matter of legal representation by our firm in your case; United States v. Robert Goense*

Dear Mrs. Goense and LCpl Robert Goense:

I request you review this letter and encourage you to seek an independent legal consultation on the issues within it. This letter is for your son, Robert Goense. He must agree to waive any actual or apparent conflict arising now or in the future in the course of our representation. He does not need to sign it at this time but he must understand the letter and agree to our representation.

You have asked me to represent your son, Mr. Robert Goense, in connection with the criminal charges he currently faces. My law partner, Mr. Neal Puckett, currently represents Mr. Erwin Rodriguez, in connection with a criminal matter arising from the same facts or circumstances as your son's, specifically the alleged firing of a firearm at certain individuals and fleeing the scene.

The Rules of Professional Responsibility [hereinafter "Rules"] governing the practice of law in the states where I am licensed and the Judge Advocate Instruction on Professional responsibility require that I obtain a knowing and voluntary consent to waive any apparent or actual conflict. Accordingly, I would be pleased provide you representation, subject to the following understandings.

Although your interests and Erwin Rodriguez' in this matter are generally consistent, it is recognized and understood that differences may exist or become evident during the course of our representation. Notwithstanding these possibilities, you and Mr. Rodriguez have determined that it is in your individual and mutual interests to have a single law firm represent you jointly in connection with the defense to the charges arising from the allegations of criminal misconduct, specifically violations of Article 80, 81, 107, 119, and 128. Potential conflicts of interest, including but not limited to: you or Mr. Rodriguez accepting a plea and agreeing to testify against the other; an offer by the government to drop the charges and to testify against

the other; a post conviction grant of testimonial immunity and a lawful order to testify against the other, among other possibilities. It is generally understood that when one co-accused agrees to testify against the other a conflict of interest exists within the firm even if two different lawyers represent the respective clients. You must, therefore, understand that this apparent or actual conflict may arise and that I may only represent you if you willingly waive it. You should, of course be aware, that my duty will always be to serve your best interests within the bounds of the law. Furthermore, if a conflict does arise, our firm will implement internal measures to ensure that no confidential communications is communicated to any adverse party.

Accordingly, this confirms your agreement and Mr. Erwin Rodriguez' that we may represent you jointly in connection with the above-described matter. This will also confirm that you and Mr. Rodriguez have each agreed to waive any conflict of interest arising out of, and that you will not object to, our representation of each other in the matter described herein.

It is further understood and agreed that we may freely convey necessary information provided to us by one client to the other, and that there will be no secrets as between you and Mr. Rodriguez unless both of you expressly agree to the contrary or your interests become adversarial.

If you need to edit the terms of this letter, or wish to discuss any related issues, please contact us at your earliest convenience. However, if you agree that the foregoing accurately reflects our understanding, please sign and return the enclosed copy of this letter.

Sincerely,



Maytham Faraj, Esq.

If you understand the forgoing and agree to waive any present or future, actual or apparent conflict, please sign below and date.

\_\_\_\_\_  
Mr. Robert Goense

\_\_\_\_\_  
Date