

**DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCE JUDICIARY**

UNITED STATES)	
)	
V.)	MOTION FOR RELIEF OF COUNSEL
1st Lt Patrick Burke)	
First Lieutenant)	
United States Air Force)	

Motion

Comes now 1stLt Patrick Burke, by and through undersigned counsel, and pursuant to R.C.M. 906, 506(c) and Rule 2.4 of the Air Force Rules of Court, moves to release Mr. Haytham Faraj from further representation of the accused in this proceeding.

Facts

On July 11, 2011, Mr. Faraj filed a notice of appearance in this case. Mr. Faraj is the law partner of Mr. Neal Puckett. In early July 2011, in anticipation of a lengthy trial with some complexity, Mr. Puckett sought the approval of 1stLt Burke to bring on additional assistance. 1stLt Burke consented. Mr. Faraj then filed an appearance. During the course of case preparation it became clear that Mr. Puckett would not need the assistance of Mr. Faraj. Mr. Faraj and Mr. Puckett in consultation with the client agreed to release Mr. Faraj from further duties in the case to avoid additional costs and expenses to the client. Mr. Faraj has never met 1stLt Burke nor spoken to him. Mr. Faraj's representation thus far has been limited to review of the discovery and consultation with Mr. Puckett. No attorney-client relationship was ever established between Mr. Faraj and 1stLt Burke.

Argument

Pursuant to R.C.M. 506(c) excusal of counsel is only permitted by a military judge with the express consent of the accused for good cause. Rule 2.4 of the Air Force Rules of Court require a military judge's approval for the withdrawal of civilian counsel.

Good cause exists in this case to permit the withdrawal of Mr. Faraj and 1stLt Burke has expressly consented to the withdrawal of Mr. Faraj. Mr. Faraj has assisted in the pretrial preparation of this case but he has not met or spoken to 1stLt Burke. His participation thus far has been limited to assisting lead counsel in the preparation of the case. Mr. Faraj's presence at trial is therefore unnecessary. Requiring his presence in the courtroom will add to the costs and expenses incurred by 1stLt Burke. 1stLt Burke will suffer economic harm while adding little additional value to his case besides having another attorney sit at counsel table.

Requested Relief

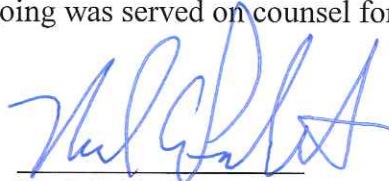
WHEREFORE 1stLt Burke requests that Mr. Faraj be excused from further representation in this case.

7 Oct 2011



Neal A. Puckett
LtCol, USMC (Ret)
Civilian Defense Counsel

I hereby certify that an electronic copy of the foregoing was served on counsel for the government via email on 7 October 2011.



Neal A. Puckett
LtCol, USMC (Ret)
Civilian Defense Counsel