

G. Michael Bellinger
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2 Wall Street
New York, New York 10005
(212) 732-3200
Attorneys for Defendant Steven Jordan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
UNITED STATES OF AMERICA,	:
	:
-against-	:
STEVEN JORDAN, A/K/A "STEVIE JORDAN,"	:
A/K/A "STEVIE J,"	:
	:
Defendant.	:
-----X	

Case No. 1:15-CR-00012 (PAC)

**AFFIDAVIT OF G. MICHAEL
BELLINGER IN SUPPORT OF
MOTION TO WITHDRAW AS
COUNSEL**

G. MICHAEL BELLINGER, an attorney duly licensed in the State of New York, affirms the following under penalties of perjury:

1. I am a partner of the firm of Carter Ledyard & Milburn LLP ("CLM"), with its principal place of business located at 2 Wall Street, New York, NY 10005, local counsel for the Defendant Steven Jordan.
2. I make this Affidavit in support of CLM's Motion to Withdraw as Counsel for the Defendant.
3. Mr. Jordan has not contributed any substantive assistance to his defense. He has refused to participate in CLM's efforts to obtain a deferred prosecution and continuously insisted that the Court has no jurisdiction in this matter, despite all legal arguments to the contrary and statutes conferring jurisdiction having been made available and explained to him. Mr. Jordan's refusal to assist in his defense began pre-indictment and has continued unabated subsequent to indictment.

4. On June 19, 2014, CLM and Mr. Jordan retained CLM to represent him as local counsel in this case, in coordination with his primary counsel in Atlanta, Georgia.

5. CLM lawyers have continued to represent zealously Mr. Jordan, making numerous court appearances on his behalf on June 23, 2014, August 12, 2014, December 18, 2014, December 22, 2014 and February 10, 2015. Additionally, CLM lawyers met with the assigned Assistant United States Attorney on October 7, 2014, to discuss resolution of the case and have continued such discussions in telephone conferences and in-person conferences at each court appearance since that date.

6. Inasmuch as Mr. Jordan has able counsel in Atlanta, Georgia, and there is no trial date set, there is more than sufficient time for Mr. Jordan to either secure new local counsel on his own or make appropriate application for court-appointed local counsel.

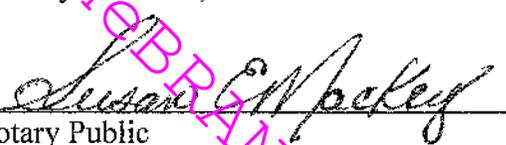
7. Given Mr. Jordan's continued refusal to participate with local counsel in his defense and the impossibility of securing a pre-trial resolution or preparing for and conducting a trial without Mr. Jordan's participation and assistance, it would not be in the interests of justice, respectfully, to require CLM to continue to represent Mr. Jordan.

8. Based upon the foregoing and the applicable legal standard as described in the accompanying memorandum of law, I respectfully request that CLM be permitted to withdraw.

Dated: New York, New York
March 12, 2015


G. MICHAEL BELLINGER

Sworn to before me this the
12th day of March, 2015


Notary Public

SUSAN E. MACKEY
Notary Public, State of New York
No. 01MA6150724
Qualified in Queens County
Commission Expires August 7, 2018

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	:	
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-----X	:	

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL**

CARTER LEDYARD & MILBURN LLP
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Of Counsel:
G. Michael Bellinger

PRELIMINARY STATEMENT

Carter Ledyard & Milburn LLP (“CLM”), local counsel for defendant Steven Jordan, respectfully submits this memorandum of law in support of its motion for leave to withdraw as counsel for Mr. Jordan in this matter. CLM seeks to withdraw as counsel based upon Mr. Jordan’s failure to assist substantively in his defense, despite repeated entreaties to cooperate with counsel and assist in his defense gathering documents and other evidence so that counsel can work with the government to obtain a possible deferred prosecution. Even without Mr. Jordan’s cooperation, CLM has continued zealously to represent Mr. Jordan, defending allegations of his alleged drug use during three separate hearings, none of which resulted in an adverse bail modification. Mr. Jordan has separate counsel in Atlanta, Georgia to assist in the case upon CLM’s withdrawal.

ARGUMENT

New York Rule of Professional Conduct 1.16(c)(10) provides that a lawyer may withdraw from representation of a client when “the client knowingly and freely assents to termination of the employment.” The decision whether to grant a motion to withdraw must “balance the need for the expeditious and orderly administration of justice against the legitimate concerns of counsel.” *People v. Fen*, 192 Misc.2d 788, 790 (Sup. Ct. Queens County 2002). Applying these criteria, leave to withdraw as counsel should be granted in this matter.

Despite Mr. Jordan’s repeatedly unfulfilled assurances that documents and other evidence would be forthcoming, CLM lawyers have continued to represent Mr. Jordan’s interests zealously, making several substantive court appearances and communicating with the U.S. Attorney’s Office for the Southern District of New York. In fact, CLM has communicated with

the government several times since the last hearing before this Court on February 10, 2015, has obtained discovery from the government, and has subpoenaed documents from a third party.

As noted in the Bellinger Affidavit, neither pre-trial hearing nor trial dates have been fixed. Unlike the situation in *People v. Fen*, 192 Misc.2d at 790–92 where the court declined to permit withdrawal because the case was over two years old, two defendants were unable to make bail and incarcerated pending trial and the defendants' attorneys waited until approximately one month and approximately two weeks, respectively, before the firm trial date to move to withdraw, the instant motion has been filed expeditiously and in advance of any hearing or trial dates being set. Accordingly, CLM has taken reasonable steps to avoid prejudice to Mr. Jordan by seeking to withdraw at this juncture while there is ample time remaining for Mr. Jordan to retain new local counsel or apply for a court-appointed lawyer.

CONCLUSION

For the foregoing reasons, CLM respectfully requests that this Court permit it to withdraw as attorney of record for Mr. Jordan and relieve it of any further obligations in connection with this matter.

Dated: New York, New York
March 12, 2015

CARTER LEDYARD & MILBURN LLP

By:



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