

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA)
)
 v.) 1:12-cr-00160-JAW-02
)
MALCOLM A. FRENCH, et al.)

**ORDER DENYING MOTION TO RECONSIDER ORDER DENYING
MOTION FOR APPOINTMENT OF COUNSEL**

On March 13, 2014, Attorneys Stephen C. Peterson and William S. Maddox, privately retained defense counsel for Rodney Russell, moved this Court to be appointed to represent Mr. Russell. *Letter from William S. Maddox to Jennifer L. Gray, Assistant Clerk, U.S. District Court (Mar. 13, 2014)* at 1 (ECF No. 338). On April 3, 2014, the Court denied the motion. *Order Denying Ex Parte Mot. for Appointment of Counsel* (ECF No. 345). In the Order, the Court listed eight reasons for denying their request. *Id.* at 1-4. One reason was that the case had entered the sentencing phase and the Court anticipated that “neither Attorney Peterson nor Attorney Maddox should be required to expend much uncompensated time to complete their professional obligations to Mr. Russell.” *Id.* at 4. The Court’s prediction proved much too optimistic. Now, nearly two years later, the case is finally, after multiple motions for new trial and extensive sentencing memoranda, ready for sentencing, which the Court has scheduled for April 21, 2016. *Min. Entry* (ECF No. 624).

Even though the Court was wrong about the likelihood of a speedy sentencing in April 2014, the Court is now quite sure—determined may be a better word—that the sentencings of each of the remaining Defendants, including Mr. Russell, will take place as scheduled on April 21, 2016. On March 22, 2016, the Court held a telephone conference of counsel, set a final, final date for the submission of memoranda, which has now passed, and emphasized that sentencing would proceed on April 21, 2016. *Min. Entry* (ECF No. 636). Although the Court’s prediction turned out to be wrong in April 2014, it seems indisputably correct now. This means that Attorneys Peterson and Maddox must prepare for and attend one more hearing.

Although the Court is sympathetic to the defense lawyers, the Court’s April 2014 prediction was only one factor among eight that the Court weighed in denying their March 13, 2014 request. None of the other seven factors has changed, and now after two years, the Court’s prediction on necessary defense work has finally come true.

The Court DENIES Defendant Rodney Russell’s Motion to Reconsider Order Denying Ex Parte Motion for Appointment of Counsel Dated April 3, 2014 (ECF No. 640).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 29th day of March, 2016