

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

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| UNITED STATES OF AMERICA, |) | |
| Plaintiff-Appellee, |) | |
| |) | APPEAL NO. 14-7543 |
| |) | |
| v. |) | MOTION OF APPELLANT'S |
| |) | COUNSEL TO WITHDRAW AS |
| |) | ATTORNEY FOR APPELLANT |
| JEFFREY R. MACDONALD, |) | |
| Defendant-Appellant |) | |

TO THE HONORABLE CLERK OF THE FOURTH CIRCUIT COURT OF APPEALS

NOW COMES the undersigned attorney of Defendant and Appellant, Jeffrey R. MacDonald, William M. Palmer, Esq., and moves this Honorable Court to allow him to withdraw as appellant's counsel, and to reset deadlines to allow Appellant to secure other counsel or represent himself *pro se*.

In support of this Motion, the Defendant-Appellant provides the Court with the following:

1. William M. Palmer, Esq., attorney for Defendant-Appellant, appeared on February 9, 2015.
2. Attorney Palmer, a solo practitioner who has been handling this matter *pro bono*, has worked diligently the past months studying the record of this case and law bearing on this appeal, developing arguments on behalf of his client, and communicating with his client about the issues of the case.
3. Attorney Palmer as the culmination of his efforts was prepared to compose the Appellant's brief and submit it on behalf of appellant along with the appendix.

4. However, an immediate family member of Attorney Palmer was hospitalized at Brigham & Women's Faulkner Hospital in Boston on June 4, 2015 with a grave and life-threatening illness. Since the day of the family member's hospitalization, as the sole family member for the hospitalized individual, Attorney Palmer has had to essentially completely suspend his law practice to support the family member through her hospitalization, including days in the Intensive Care Unit, through multiple daily visits (mornings, afternoons and evenings) and multiple meetings with attending physicians concerning care decisions and prognosis for the individual.
5. While Attorney Palmer anticipated being able to resume his practice in significant part after his family member was moved from ICU, that anticipation was over optimistic, as he has since found that the continuing multiple daily visits to the hospital to support the family member; the multiple daily consultations with doctors, nurses and other hospital staff caring for his family member; research regarding medical issues and decisions; and the burden of grief witnessing his family member's suffering; have been so consuming in terms of time and energy that attorney Palmer has not had the time and energy to substantially resume his law practice. In noting this, attorney Palmer notes that his time and energy expended to support his family member have had a material impact on her course of illness and that without his input the hospital would have not tried further treatment of his family member and would have let her die before the passage of time revealed that a facet of her illness that the hospital doctors thought permanent, in fact, abated.

6. Attorney Palmer's family member remains gravely ill with a poor prognosis and is due to be discharged by the hospital to attorney Palmer's home care tomorrow, Tuesday, June 30, 2015.
7. Attorney Palmer's family member's life has been "hanging in the balance" this month and will remain at substantial risk the next several weeks at a minimum.
8. In such circumstances, as her sole family member, attorney Palmer has a duty of love and devotion to make his family member's care his priority. There is no other family member who can "step in" for attorney Palmer on the personal side. Similarly, on the work side, if attorney Palmer was part of a law firm he would take "family medical leave" and request a colleague handle this matter, but as a solo practitioner there is no such option.
9. Attorney Palmer appreciate the patience of this Court has as a solo practitioner handling this matter *pro bono* he took a number of months to study the multi-decade record and the science bearing on the IPA issue, and he was looking forward to completing his work by composing the brief so as to present the arguments he had developed on behalf of his client to the Court. However, at this point it has become clear to attorney Palmer that he cannot do both but must choose between supporting a gravely ill family member and doing his attorney work. Attorney Palmer cannot as a matter of love and duty make any other choice than to devote himself to supporting his family member, which he respectfully asks the Court to recognize as "good cause" for his withdrawal and to grant such.
10. Attorney Palmer has consulted with Assistant Bar Counsel in Massachusetts regarding this matter and was informed (informally) that his personal family circumstances

warranted withdrawal for good cause in this situation and might also constitute cause for mandatory withdrawal.

11. Attorney Palmer respectfully notes that moving to withdraw from a legal proceeding is not his practice and that throughout his law practice as a federal prosecutor and also as private counsel he has never before sought to withdraw from any case due to any personal or family health issue or for any other personal reason.
12. Attorney Palmer's client, the appellant, consents to his withdrawal.
13. Attorney Palmer respectfully requests that the Court reset the deadlines to allow the Appellant to proceed *pro se* or find substitute counsel and therefore not be penalized due to his attorney's unavailability due to unexpected grave family health problems.
14. If the Court for any reason is reluctant to grant this motion, attorney Palmer respectfully requests that it grant Appellant a 120-day extension to file his brief and appendix, as attorney Palmer anticipates that within the next 60-100 days his family member's health will have stabilized or she will have died. Attorney Palmer does not suggest this as the first option because of the uncertainty of his family member's course of health/illness and the consequential impossibility for him to predict in advance when he will be able to resume his law practice.

Dated: June 29, 2015

Respectfully submitted,

JEFFREY R. MACDONALD
Defendant & Appellant,
By

/s/ William M. Palmer

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CERTIFICATION OF SERVICE

I certify that on this day June 29, 2015, this paper is being served on all counsel of record by email through the ECF system pursuant to the Federal Rules of Appellate Procedure and the Local Rules.

/s/ William M. Palmer
William M. Palmer