

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 2:15-cr-149-FtM-38MRM

NORRIS WILLIAMS

OPINION AND ORDER¹

Before the Court is Defendant Norris Williams' Motion to Relieve Court Appointed Counsel on Appeal. ([Doc. 123](#)). Over two years ago, the Court appointed David Joffe under the Criminal Justice Act, [18 U.S.C. § 3006A](#), to represent Williams during his trial and appeal. ([Doc. 23](#)). A jury convicted Williams, and the Court of Appeals for the Eleventh Circuit affirmed his conviction and sentence. ([Doc. 119](#)). Joffe represented Williams both at the trial and on appeal. But Williams now moves to relieve Joffe as his counsel for "incapability between attorney and client in accordance to 11th Cir.R.46-10(c)" and other grounds that sound like allegations of ineffective assistance of counsel. ([Doc. 123](#)).

Williams relies on an Eleventh Circuit rule to support Joffe being relieved. That rule states, "Counsel appointed by the trial court shall not be relived on appeal except in the event of incompatibility between attorney and client or other serious circumstances." [11th Cir. R. 46-10\(c\)](#). Williams' motion also includes the captions for this case and his

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appeal. Because Williams relies on the Eleventh Circuit's rule and includes both trial's and appeal's case captions, it is unclear whether Williams is asking this Court or the Eleventh Circuit to remove Joffe as his counsel.

To the extent Williams is seeking relief in this Court, such relief is moot because the Court appointed Joffe only for the trial and direct appeal – both of which have ended. Indeed, the Eleventh Circuit issued its Mandate on its decision affirming Williams' trial and sentencing more than ninety days ago. ([Doc. 121](#)). If Williams wishes to move for collateral relief under [28 U.S.C. § 2255](#), he may do so on his own without the Court independently removing Joffe as his counsel.

Accordingly, it is now

ORDERED:

- (1) Defendant Norris Williams' Motion to Relieve Court Appointed Counsel on Appeal ([Doc. 123](#)) is **DENIED without prejudice**.
- (2) The Clerk is **DIRECTED** to forward a copy of Williams' Motion to Relieve Court Appointed Counsel on Appeal ([Doc. 123](#)) to the Court of Appeals for the Eleventh Circuit.

DONE AND ORDERED in Fort Myers, Florida on this 12th day of June 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record