

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. 05-282 (MJD/JJG)

UNITED STATES OF AMERICA,)	
)	ORDER
Plaintiff,)	
)	
v.)	
)	
(1) CHRISTOPHER WILLIAM SMITH,)	
)	
Defendant.)	

This matter came before the Court on August 16, 2007, for a hearing upon the motion of the defendant Christopher William Smith pursuant to Federal Rule of Criminal Procedure 44 and 18 U.S.C. § 3006A, to obtain appointed counsel to file a notice of appeal and for all subsequent proceedings in this matter. The defendant was present and represented by his attorney Joseph Friedberg, Esq. The United States was represented by Assistant United States Attorney Nicole Englisch. Also present in the courtroom during the hearing was Assistant Federal Defender Katherine M. Menendez.

Based upon the evidence presented at the hearing, and on the arguments of counsel, the Court concludes that the defendant is financially unable to obtain counsel.

IT IS HEREBY ORDERED that:

1. The Federal Public Defenders Office, specifically, Assistant Federal Defender Katherine M. Menendez, is hereby appointed to represent the defendant from the date of the hearing and for all subsequent proceedings in this matter, including filing a notice of appeal and all appellate proceedings.
2. The parties have represented that they do not deem the appointment of the Federal Public Defenders Office to pose any actual conflict of interest. If either the defendant or the government should decide that there is a conflict of interest, counsel will promptly notify the Court, and if the Court determines that there is a conflict of interest, the Court will appoint an attorney from the Federal Public Defender's panel of private attorneys established pursuant to the District of Minnesota's Criminal Justice Act Plan. Attorney

3. If the defendant should hereafter retain private counsel, or if it is otherwise determined that funds are available for payment from or on behalf of the defendant, the defendant shall be required to reimburse the government pursuant to 18 U.S.C. § 3006A(f) for any attorney's fees or costs already expended by the defendant's court appointed attorney. The Federal Public Defender's Office will pursue collection of those fees and costs.

Dated: August 17, 2007

s / Michael J. Davis
The Honorable Michael J. Davis
United States District Court Judge