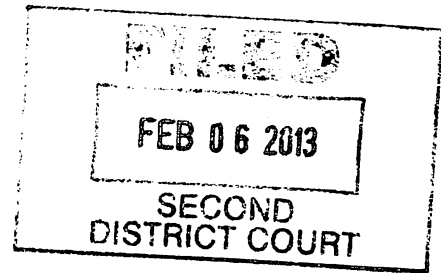


WILLIAM J. ALBRIGHT-UBN 3628
Attorney for Defendant
2612 South 450 East
Bountiful, UTAH 84010
Telephone: (801)991-0569



IN THE SECOND DISTRICT COURT OF DAVIS COUNTY
IN AND FOR THE STATE OF UTAH

STATE OF UTAH,	:	MOTION AND MEMORANDUM
Plaintiff,	:	TO TERMINATE REREPRESENTATION
	:	AND APPOINT NEW COUNSEL
Vs.	:	
ANDRES ESQUIVEL	:	Case No. 111701135
Defendant.	:	Judge DAVID CONNERS

COMES NOW attorney William Albright and moves the Court to order that he be allowed to withdraw as the attorney for Andres Esquivel. This motion is based upon the Utah Rules of Professional Conduct. Further, that the Court appoint conflict attorney Julie George to act as Mr. Esquivel' attorney.

MEMORANDUM

Utah Rules of Professional Conduct, Rule 1.16 (b) (4) states that where representation has commenced, the lawyer shall withdraw from the representation of a client if:

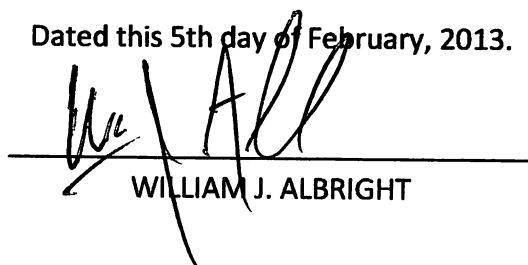
“the client insists upon taking action that the lawyer considers repugnant or with which he lawyer has a fundamental disagreement”.

1. Mr. Esquivel has recorded conversations I have had with him. His recordings include conversations taken place at the courthouse, on the telephone, text messages and include conversations defendant had with my investigator Carl Hurst.
2. Most, if not all, of these conversations and text messages have been posted on the internet. These conversations have also been sent to news outlets, reporters, business associates of Mr. Esquivel and to the case prosecutor, Nathan Lyon.
3. One of Mr. Esquivel associates is Allen Brady. On the 16th of January Mr. Brady called me and set up a meeting to meet with himself, M. Esquivel Mr. Hurst, and myself. Mr. Esquivel did not show up, but Mr. Brady did.
4. Two days after we met with Mr. Brady Mr. Esquivel posted on the internet under the subject heading, "Why was Allen Brady threatened ". (A copy of what was posted is attached). Mr. Esquivel states that we threatened Mr. Allen not to testify.
5. Later, on page 2, Mr. Esquivel talks about a video he has whereby I talk to him about the evidence of the case.

CONCLUSION

I have found the actions of Mr. Esquivel repugnant and obviously have a fundamental disagreement with him recording attorney client conversations and posting them on the internet and specifically sending them to news outlets, reporters, and the prosecutor in the case. Because of the above actions the attorney-client relationship has been irreparably damaged to the point that counsel can no longer provide effective assistance.

Dated this 5th day of February, 2013.

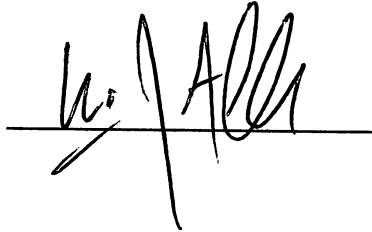

WILLIAM J. ALBRIGHT

CERTIFICATE OF DELIVERY

I hereby certify that I mailed to the defendant and hand delivered a correct copy of the foregoing this 5th day of February, 2013, to:

DAVIS COUNTY ATTORNEY
800 WEST STATE STREET
FARMINGTON, Utah 84025

ANDRES ESQUIVEL
990 UPHAM STREET
LAKEWOOD, CO 80214



A handwritten signature in black ink, appearing to read "W. J. Allen", is written over a horizontal line.

landofhealth

From: "Karma Cause" <karmacause@ymail.com>
To: "Utah Investigator" <Carl@landofhealth.com>; "Alli" <allengbrady@gmail.com>; "MOM2" <rebeccadunn4@gmail.com>; <brian.davis@utahhomes.com>; "ron" <ronkelsay@yahoo.com>; "Brian Doubleday" <brian@gwvideo.com>
Cc: "Digital I-D filed" <file@digitalinternetdna.com>; "leo" <lmartinez@denverlegalteam.com>; "law firm" <info@denverlegalteam.com>; "Steve K" <legal@wisertechnology.com>; <steve.klemark@yahoo.com>; "shar" <bossmarketing2011@gmail.com>; "John Steer" <xtagme@gmail.com>; "chue berriel" <chueberriel@yahoo.com>; "Jobita B" <cogotavon@gmail.com>; "adam5news" <aadams@ksl.com>
Sent: Saturday, January 19, 2013 8:00 AM
Subject: Why was Allen Brady threatened!

Mr. Hurst all my witnesses, you know the ones you guys have not called, have spoken with Allen Brady the man that was called to Bountiful 01/17/13 and threatened not to testify & you guys can't tell Allen to stop recording especially in Bountiful where they attacked us! All Xtagged owners have asked for my attorneys phone number provided in this video for Xtagged owners & media ONLY that's why the video is unlisted:

<http://youtu.be/t4S4WDr2PDg>

but most Xtagged owners say they are writing letters to judge Connors including Allen Brady. I asked them to wait until I have my meeting with you & Albright over Skype this coming week! <http://www.andresesquivel.com/>

<http://www.diigo.com/user/jobitaberriel>

Every time Holjie or Albright have presented so called evidence I shot it DOWN! I recorded Brian Davis laugh about the \$100,000 he and Melissa Garr supposedly gave me listen to my attorney
<http://youtu.be/t4S4WDr2PDg>

FYI- the new so called evidence you hear public defender talk about in video above was also shot down call Allen Brady asap he has all details. Ryion's checks prove he scammed Logan Laws look <http://youtu.be/-iGbB11Sdt8>

I had to upload again at Vimeo because Youtube video was hacked! <https://vimeo.com/57740708> password 123media

(All key media BCC Allen's phone number is 1.801.819.5126)

WWW.KARMACAUSE.INFO

Andres Esquivel KarmaCause CEO:

Sent with my Chimera-phone

client over such funds. Rules of Prof. Conduct, Rules 1.15(c), 8.4(a). In re Discipline of Johnson, 2001, 48 P.3d 881, 437 Utah Adv. Rep. 17, 2001 UT 110, rehearing denied. Attorney And Client ⇔ 59.14(2)

Prohibition against ex post facto laws was not violated by application of the rule providing for presumptive disbarment of an attorney who misappropriated client funds, even though rule was adopted after attorney committed the misconduct; rule was civil, rather than criminal, in nature, as disciplinary rules were labeled "civil," and attorney sanctions were not punitive in purpose or effect. Const. Art. 1, § 18; Lawyer Sanctions Standards Rule 4.2; Rules of Prof. Conduct, Rules 1.15, 8.4(b). In re Discipline of Ennenga, 2001, 37 P.3d 1150, 437 Utah Adv. Rep. 11, 2001 UT 111. Attorney And Client ⇔ 59.6; Constitutional Law ⇔ 2843

8. Disbarment

Disbarment, rather than three-year suspension, was appropriate punishment for attorney

who took money from trust estate account and concealed property of estate, entered into improper contingent fee arrangement in which attorney could collect exorbitant fee for representing client as claimant in uncontested matter and could also collect statutory fee for representing client as personal representative of estate, and misled probate court and client about his misconduct. U.C.A.1953, 75-3-718; Rules of Prof. Conduct, Rules 1.5(a), 1.15, 3.3, 7.1(a), 8.4(c); Judicial Administration Rule 6-501. Matter of Discipline of Babilis, 1997, 951 P.2d 207, 332 Utah Adv. Rep. 8. Attorney And Client ⇔ 59.14(1); Attorney And Client ⇔ 59.14(2)

Intentional misappropriation of client funds will result in disbarment unless lawyer can demonstrate truly compelling mitigating circumstances. Rules of Prof. Conduct, Rules 1.15, 8.4(c). Matter of Discipline of Babilis, 1997, 951 P.2d 207, 332 Utah Adv. Rep. 8. Attorney And Client ⇔ 59.14(2)

RULE 1.16. DECLINING OR TERMINATING REPRESENTATION

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(a)(1) the representation will result in violation of the rules of professional conduct or other law;

(a)(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or

(a)(3) the lawyer is discharged.

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

(b)(1) withdrawal can be accomplished without material adverse effect on the interests of the client;

(b)(2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;

(b)(3) the client has used the lawyer's services to perpetrate a crime or fraud;

(b)(4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;

(b)(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(b)(6) the representation is the result of the lawyer or

(b)(7) other good cause for withdrawal.

(c) A lawyer is not bound by a client's permission of a third party to do so by a third party if the lawyer has a good cause for withdrawal.

(d) Upon termination of representation, a lawyer is entitled to reasonable notice, reasonable compensation, and to be reimbursed for any advance payment of reasonable fees or incurred. The lawyer is not liable for the lawyer's expense.

[Amended effective 1/1/01]

1. A lawyer should not represent a client in a matter if the lawyer has performed competent representation in a matter is completed. Ordinarily, in a matter is completed, the lawyer is not to be included. See Rules 1.1, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.17, 1.18, 1.19, 1.20, 1.21, 1.22, 1.23, 1.24, 1.25, 1.26, 1.27, 1.28, 1.29, 1.30, 1.31, 1.32, 1.33, 1.34, 1.35, 1.36, 1.37, 1.38, 1.39, 1.40, 1.41, 1.42, 1.43, 1.44, 1.45, 1.46, 1.47, 1.48, 1.49, 1.50, 1.51, 1.52, 1.53, 1.54, 1.55, 1.56, 1.57, 1.58, 1.59, 1.60, 1.61, 1.62, 1.63, 1.64, 1.65, 1.66, 1.67, 1.68, 1.69, 1.70, 1.71, 1.72, 1.73, 1.74, 1.75, 1.76, 1.77, 1.78, 1.79, 1.80, 1.81, 1.82, 1.83, 1.84, 1.85, 1.86, 1.87, 1.88, 1.89, 1.90, 1.91, 1.92, 1.93, 1.94, 1.95, 1.96, 1.97, 1.98, 1.99, 2.00. Mandatory Withdrawal.

2. A lawyer ordinarily should not withdraw from representing a client if the client demands that the lawyer withdraw from representing the client that is in violation of the rules of professional conduct. The lawyer is not to be withdrawn simply because the client suggests such a course of action. The client may make such a suggestion if the client is not strained by a professional obligation.

3. When a lawyer is asked to represent a client, the lawyer ordinarily requires approval of the client. See Rule 1.16. Ordinarily, court approval is not required before a lawyer withdraws from representing a client.

RULES OF PROFESSIONAL CONDUCT

Rule 1.16

(b)(6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
(b)(7) other good cause for withdrawal exists.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer must provide, upon request, the client's file to the client. The lawyer may reproduce and retain copies of the client file at the lawyer's expense.

[Amended effective November 1, 2003.]

Comment

1. A lawyer should not accept representation in a matter unless it can be performed competently, promptly, without improper conflict of interest and to completion. Ordinarily, a representation in a matter is completed when the agreed-upon assistance has been concluded. See Rules 1.2(c) and 6.5. See also Rule 1.3, Comment 4.

Mandatory Withdrawal

2. A lawyer ordinarily must decline or withdraw from representation if the client demands that the lawyer engage in conduct that is illegal or violates the rules of professional conduct or other law. The lawyer is not obliged to decline or withdraw simply because the client suggests such a course of conduct; a client may make such a suggestion in the hope that a lawyer will not be constrained by a professional obligation.

3. When a lawyer has been appointed to represent a client, withdrawal ordinarily requires approval of the appointing authority. See also Rule 6.2. Similarly, court approval or notice to the court is often required by applicable law before a lawyer withdraws from pending

litigation. Difficulty may be encountered if withdrawal is based on the client's demand that the lawyer engage in unprofessional conduct. The court may request an explanation for the withdrawal, while the lawyer may be bound to keep confidential the facts that would constitute such an explanation. The lawyer's statement that professional considerations require termination of the representation ordinarily should be accepted as sufficient. Lawyers should be mindful of their obligations to both clients and the court under Rules 1.6 and 3.3.

Discharge

4. A client has a right to discharge a lawyer at any time, with or without cause, subject to liability for payment for the lawyer's services. Where future dispute about the withdrawal may be anticipated, it may be advisable to prepare a written statement reciting the circumstances.

5. Whether a client can discharge appointed counsel may depend on applicable law. A client seeking to do so should be given a full explanation of the consequences. These consequences may in-