

MICHAEL D. KIMERER, #002492
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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 v.)
)
 JAMES PARKER, et. al,)
)
) Defendant.)

Case No. 10-CR-00757-ROS-PHX

**MICHAEL D. KIMERER'S
NOTICE OF NON-PARTICIPATION
IN TRIAL**

COMES NOW Michael D. Kimerer, and hereby gives notice to this court of his non-participation in the trial of the above captioned matter for the following reasons:

The Defendant, James Parker, initially retained as his attorney the Texas Law Firm of Michael Minns, Esq. Mr. Minns with his associate Ashley Arnett, Esq., have been actively engaged in Mr. Parker's representation. In August of 2011, Michael Kimerer, Esq. of Phoenix joined as co-counsel because of health problems Mr. Minns had at the time. Those problems quickly abated and Mr. Minns and this office resumed their role as lead counsel and have been the "laboring oar" in preparing this case for trial.

Mr. Parker at this time is financially destitute, and unable to pay Mr. Kimerer to be involved in the trial of this case. And even though Mr. Kimerer is willing to back up the defense team, he cannot be actively involved in a two month trial on a *pro bono* basis. Also his

1 involvement in the trial is unnecessary as this point since all the pretrial preparation has
2 primarily been done by Mr. Minns and his firm, and Mr. Minns is prepared to proceed. Mr.
3 Kimerer is willing to remain as co-counsel on the case but will not be involved in the trial
4 commencing on May 29, 2012.

5 RESPECTFULLY SUBMITTED this 17th day of May, 2012.

6 KIMERER & DERRICK, P.C.

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9 /s/ Michael D. Kimerer, Esq. _____
10 MICHAEL D. KIMERER

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13 CERTIFICATE OF SERVICE

14 I hereby certify that on this 17th day of May, 2012, I electronically transmitted the
15 attached Notice of Michael D. Kimerer's Non-Participation in Trial to the Clerk of the Court
16 using the ECF System for filing and transmittal of the Motion to the following ECF registrants:

17 Peter Sexton: Peter.Sexton@usdoj.gov

18 Walter Perkel: walter.perkel@usdoj.gov

19 John William McBee: mcbee@cox.net

20 Michael Louis Minns: mike@minnslaw.com

21 Rain Levy Minns: rain@minnslaw.com

22 Ashley Blair Arnett: Ashley@minnslaw.com

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24
25
26 By: /s/ Melissa M. Wallingsford