

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

UNITED STATES OF AMERICA)	DOCKET NO. 5:19-CR-22-MOC
)	
v.)	
)	
(2) JOHN D. GRAY)	MOTION FOR INQUIRY AS TO STATUS OF COUNSEL
)	

NOW COMES the United States of America, by and through the undersigned attorneys, and respectfully requests this Court to conduct such inquiry as it deems necessary and appropriate as to the status of counsel for Defendant John D. Gray, and in support thereof states the following:

1. On August 29, 2022, following the reversal of Defendant’s convictions by the Fourth Circuit Court of Appeals, the Court, upon motion of the United States, held a status conference to discuss a number of issues including scheduling the retrial of this matter.

Transcript of Status Conference [Doc. #345].

2. During the status conference, the parties and the Court addressed the status of counsel for Defendant Gray. *Id.* at 6-8. Specifically, attorney David A. Brown—who had been appointed to handle Defendant Gray’s appeal before the Fourth Circuit and had filed a limited notice of appearance in the District Court on August 19, 2022 [Doc. #340]—appeared and orally moved to withdraw based in part on representations that Brian Cromwell from the law firm of Parker Poe Adams & Bernstein LLP were engaged in conversations with Defendant Gray to represent him. [Doc. #345 at 8]. Mr. Brown filed a written motion to withdraw as counsel for Defendant Gray on September 8, 2022. [Doc. #343].

3. Mr. Cromwell was present during the status conference and indicated that his law firm intended to represent Defendant Gray in this matter, noting that they had “not solidified that representation yet,” but they anticipated they would “do so before Labor Day.” [Doc. #345 at 8].

4. Also discussed during the status conference was the fact that the United States would be making a substantial production of voluminous discovery to both defendants in this matter which would consist of materials collected during a separate financial investigation involving Defendant Lindberg. *Id.* at 3-5, 7, and 9.

5. After the status conference, on August 31, 2022, the Court granted a motion to withdraw filed by Jack M. Knight, John H. Cobb and Patrick A. Doerr of the law firm Winston & Strawn LLP, who had represented Defendant Gray during the original trial of this matter. [Doc. #341].

6. On September 23, 2022, the Court granted Mr. Brown’s written motion to withdraw. [Doc. #344].

7. On November 21, 2022, as forecasted during the status conference, the United States made a discovery production to Defendant Lindberg which consisted of over 6.4 million pages of documents. The United States intended to make this production to Defendant Gray at the same time but was unable to do so because he has no attorney of record.

8. Since the date of the status conference, and as recently as December 1, 2022, the United States has conferred with Mr. Cromwell on multiple occasions regarding the status of his firm’s intention to represent Defendant Gray. During these communications, the United States has informed Mr. Cromwell of the discovery production which it intends to make Defendant Gray. Mr. Cromwell maintains his intent to represent Defendant Gray in this matter but indicates that he has not yet been retained.

9. The retrial of this matter is currently scheduled for the Court's March 2023 criminal term.

10. As of the time of this filing, no attorney from the law firm of Parker Poe has filed a notice of appearance on behalf of Defendant Gray.

RESPECTFULLY SUBMITTED, this 2nd day of December, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 2022, the foregoing document was served electronically through electronic mail on Defendant's intended future counsel at the following address:

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/s/ Lawrence J. Cameron
Lawrence J. Cameron
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