

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,                     :  
V.   :  
WHEELER JOHNSON,                                 :     CASE NO. 3:09-CR-247 (RNC)  
Defendant.   :  
   :

RULING AND ORDER

Defendant Wheeler Johnson, who is represented in this case by Attorney Conrad Seifert, has filed a motion bearing the caption "Pro Se Motion To Substitute And/Or Withdraw Guilty Plea." (doc. 480). For the reasons that follow, the motion is denied without prejudice.

The law does not entitle a defendant to represent himself while also appearing through an attorney. See McKaskle v. Wiggins, 465 U.S. 168, 183 (1984) (there is no constitutional right to such "hybrid" representation). See also Hall v. Dorsey, 534 F. Supp. 507, 508 (E.D. Pa. 1982) (the right to representation is "disjunctive; a party may either represent himself or appear through an attorney."). When a defendant who is represented by counsel files a motion pro se, the motion need not be accepted by the court. See, e.g., Abdullah v. United States, 240 F.3d 683, 685-86 (8th Cir. 2001); United States v. Essiq, 10 F.3d 968, 973 (3d Cir. 1993); United States v. Mosely, 810 F.2d 93, 97-98 (6th Cir. 1987).

Defendant Johnson continues to be represented by Attorney Seifert (in the motion itself, he refers to Mr. Seifert as "my attorney"). Because the defendant is represented, his pro se motion could have been returned to him unfiled. Since it has been filed, it is hereby denied without prejudice.

The Clerk is directed to mail a copy of this ruling and order to the defendant.

So ordered this 6th day of October 2010.

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/s/  
Robert N. Chatigny  
United States District Judge