

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 3:16-cr-93-J-32JRK

CORRINE BROWN
ELIAS SIMMONS

**UNITED STATES' NOTICE OF POTENTIAL CONFLICT
AS TO THE REPRESENTATION OF DEFENDANT ELIAS SIMMONS**

The United States of America, via the undersigned counsel, hereby notifies this Honorable Court of a potential conflict of interest in the instant case involving the Suarez Law Group's representation of defendant Elias Simmons ("Simmons").

1. On July 6, 2016, the federal grand jury returned a twenty-four count Indictment naming Corrine Brown in twenty-two counts, and Simmons in nineteen counts. On July 8, 2016, the indictment was unsealed and the Honorable James R. Klindt arraigned the defendants. The defendants pled not guilty to all counts in which they were charged.
2. After the July 8, 2016 arraignment, the status of Simmons's legal representation was unclear for over five weeks. The Court held status conferences on the legal representation issue on July 22, August 9, and August 16, 2016.
3. During a recess in the August 16 status conference, Anthony Suarez, Esquire, of the Suarez Law Group in Orlando, Florida, filed a Notice of Appearance on behalf of Simmons.
4. On August 23, 2016, after discussions with Mr. Suarez, it became evident that Simmons retained Suarez and was intent on Suarez representing him.

5. Once the intent of the representation became clear, the government and Mr. Suarez determined to notify this Honorable Court about the potential conflict of interest involving this representation.
6. Mr. Suarez represented a witness subpoenaed to the grand jury during this investigation. The government will likely call that individual as a witness at trial. If Simmons proceeds to trial, Mr. Suarez would develop an actual conflict and be in the position of cross examining the witness.
7. Mr. Suarez would not be permitted to cross examine the witness concerning certain topics that Mr. Suarez may know solely because of his attorney-client communications with the witness during the prior representation. If Mr. Suarez was inclined strategically to cross examine the witness, this limitation could potentially adversely effect Simmons.
8. Thus, pursuant to Wheat v. United States, 486 U.S. 153 (1988), the United States respectfully notifies this Court of this potential conflict and requests that this Court conduct an appropriate inquiry with Elias Simmons about the propriety of this continued representation, and to consider a waiver of the potential conflict.

WHEREFORE, for the reasons set forth, the United States respectfully requests that this Honorable Court conduct an inquiry as to the potential conflict in the instant case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that I filed the foregoing via the CM/ECF electronic filing system on August 23, 2016, which automatically transmitted a copy to counsel of record for Defendant Elias Simmons:

Anthony Suarez, Esquire

/s/ A. Tysen Duva
A. Tysen Duva
Assistant United States Attorney