

1 E. MARTIN ESTRADA
 United States Attorney
 2 MACK E. JENKINS
 Assistant United States Attorney
 3 Chief, Criminal Division
 MARK A. WILLIAMS (Cal. Bar No. 239351)
 4 Chief, Environmental Crimes and Consumer Protection Section
 MATTHEW W. O'BRIEN (Cal. Bar No. 261568)
 5 Assistant United States Attorney
 Environmental Crimes and Consumer Protection Section
 6 BRIAN R. FAERSTEIN (Cal. Bar No. 274850)
 Assistant United States Attorney
 7 Public Corruption and Civil Rights Section
 JUAN M. RODRIGUEZ (Cal. Bar No. 313284)
 8 Assistant United States Attorney
 Environmental Crimes and Consumer Protection Section
 9 1300 United States Courthouse
 312 North Spring Street
 10 Los Angeles, California 90012
 Telephone: (213) 894-8644
 11 E-mail: Matthew.O'Brien@usdoj.gov

12 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

14 UNITED STATES DISTRICT COURT

15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 JERRY NEHL BOYLAN,

20 Defendant.

No. CR 22-482-GW

GOVERNMENT'S OPPOSITION TO
 DEFENDANT'S EX PARTE APPLICATION
 FOR APPOINTMENT OF COUNSEL

22 Plaintiff United States of America, by and through its counsel
 23 of record, the United States Attorney for the Central District of
 24 California and Assistant United States Attorneys Mark Williams,
 25 Matthew O'Brien, Brian Faerstein, and Juan Rodriguez, hereby files
 26 its opposition to defendant JERRY NEHL BOYLAN's Ex Parte Application
 27 for Appointment of Counsel.

1 The government files this opposition because defendant's ex
2 parte application does not mention that Ms. Wakefield will soon be
3 joining Larson, LLP, which represents Glen Fritzler (the owner of the
4 Conception and defendant's former boss at Truth Aquatics). As the
5 Court may recall, the central thrust of the defense at trial was to
6 blame Fritzler for the 34 fatalities. Hence it appears to the
7 government that defendant and Fritzler would be considered to be
8 adverse parties in a conflict-of-interest analysis.

9 The defense has informed the government that Ms. Wakefield will
10 not be joining Larson, LLP until after defendant's sentencing on May
11 2, 2024. While this does not eliminate the government's concerns, it
12 seems that the conflict-of-interest issue potentially could be
13 addressed by, inter alia, the Court (1) requiring defendant and
14 Fritzler to sign conflict waivers regarding Ms. Wakefield's highly
15 unusual status at defendant's sentencing; and (2) limiting Ms.
16 Wakefield's appointment so that it ends on May 3, 2024.

17 The government also opposes the use of CJA funds to pay Ms.
18 Wakefield to prepare for the sentencing. Three other Deputy Federal
19 Public Defenders continue to represent defendant, and Ms. Wakefield
20 already has had five months to prepare for the sentencing due to her
21 request to delay the sentencing until May 2024 to accommodate her
22 schedule (see Dkt. 339). But for the defense's request for a six-

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1 month delay for defendant's sentencing (which the government
2 opposed), this entire situation would have been avoided.

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Dated: March 22, 2024

Respectfully submitted,

E. MARTIN ESTRADA
United States Attorney

MACK E. JENKINS
Assistant United States Attorney
Chief, Criminal Division

/s/

MARK A. WILLIAMS
MATTHEW W. O'BRIEN
BRIAN R. FAERSTEIN
JUAN M. RODRIGUEZ
Assistant United States Attorneys

Attorneys for Plaintiff
UNITED STATES OF AMERICA