



February 6, 2025

VIA ELECTRONIC SUBMISSION

Office of Chief Disciplinary Counsel
3327 American Avenue
Jefferson City, MO 65109

Dear Office of Chief Disciplinary Counsel:

The 65 Project is a bipartisan, nonprofit effort to protect democracy from abuse of the legal system by holding accountable lawyers who violate their oath as attorneys to uphold the rule of law and abide by the professional code of conduct.

We write to request that the Office of Chief Disciplinary Counsel investigate the recent actions taken by Edward R. Martin (Bar #63105) in his role as interim United States Attorney for the District of Columbia. Specifically, after representing Joseph Padilla in a criminal matter stemming from Mr. Padilla's actions on January 6, 2021, Mr. Martin then filed pleading on behalf of the United States in Mr. Padilla's case, while still *counsel of record* for Mr. Padilla. *See United States of America v. Joseph Lino Padilla*, Case No. 21-cr-214 (JDB).¹

Additionally, Mr. Martin also filed pleadings in the criminal matter involving Timothy Hale-Cusanelli, another individual convicted by a jury of offenses related to storming the United States Capitol on January 6, 2021. *See United States of America v. Timothy Louis Hale-Cusanelli*, Case No. 21-cr-00037 (TNM).² Mr. Martin's organization hosted a fundraiser for Mr. Hale-Cusanelli and Mr. Martin described Mr. Hale-Cusanelli as an "extraordinary man, an extraordinary leader now of those who have survived January 6."

These facts, coupled with public statements Mr. Martin has made since assuming his role as interim U.S. Attorney, warrant a full investigation by the Office of Chief Disciplinary Counsel.

Specifically, we believe that Mr. Martin's actions violate Rule 4-1.7's mandate that lawyers not represent a client if the representation involves a concurrent conflict of interest. Mr. Martin appeared on *both sides* of the matter in Mr. Padilla's case, representing Mr. Padilla and then representing the United States. Although Mr. Martin has stated that he thought he was no longer

¹ Attached as Addendum 1 are the relevant filings in this matter.

² Attached as Addendum 2 are the relevant filings in this matter.

counsel of record for Mr. Padilla, the conflict persists under Rule 4-1.9, and Mr. Martin's actions violate the clearly established rules regarding such conflicts. In addition, Rule 4-1.7 also prohibited Mr. Martin from appearing on behalf of his client, the United States, in Mr. Hale-Cusanelli's criminal matter after he held a fundraiser for Mr. Hale-Cusanelli and spoke glowingly of the convicted felon.

In addition, Mr. Martin likely violated Rule 4-1.11's requirement that a lawyer currently serving as a public official is subject to Rules 4-1.7 and 4-1.9 *and* "shall not participate in a matter in which the lawyer participated personally or substantially while in private practice or nongovernmental employment." Mr. Martin participated in Mr. Padilla's criminal action as his defense counsel. He was barred from participating in the matter on behalf of the government.

For the reasons set forth above, we respectfully request that the Office of Chief Disciplinary Counsel investigate Mr. Martin's conduct and pursue appropriate discipline.

Sincerely,

A handwritten signature in cursive script that reads "Michael Tetre".

Managing Director

A solid black rectangular redaction box covering the name of the sender.

On behalf of The 65 Project

cc: Hamilton P. Fox, III, Office of Disciplinary Counsel, Board of Professional Responsibility, District of Columbia Court of Appeals

Addendum 1

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT

for the
District of Columbia



USA)
Plaintiff)
v.)

Joseph Padilla)
Defendant)

Case No. 1:21-cr-00214-JDB

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

Defendant Joseph Padilla

Date: 11/10/2021

Attorney's signature

Edward R Martin Jr 481866

Printed name and bar number

10017 Park Royal Drive
Great Falls, VA 22066

Address

edmartin1791@gmail.com

E-mail address

(314) 606-6462

Telephone number

FAX number

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

JOSEPH LINO PADILLA,

Defendant.

Case No. 21-CR-214 (JDB)

**UNITED STATES' MOTION TO DISMISS INDICTMENT WITH PREJUDICE
PURSUANT TO FEDERAL RULE CRIMINAL PROCEDURE 48(a)**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this motion.

Pursuant to Federal Rule of Criminal Procedure 48(a), the government hereby moves to dismiss the indictment against the defendant with prejudice. The government cites to the Executive Order dated January 20, 2025, Granting Pardons and Commutation of Sentences for Certain Offenses Relating to the Events at Or Near the United States Capitol on January 6, 2021, as the reason for this dismissal. The Defendant consents to this motion.

Respectfully submitted,

EDWARD R. MARTIN, JR.
United States Attorney
D.C. Bar No. 481866

_____/S/_____
JENNIFER LEIGH BLACKWELL
Assistant United States Attorney
D.C. Bar No. 481097
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Washington, D.C. 20530
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UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

JOSEPH LINO PADILLA,

Defendant.

Case No. 1:21-cr-214-JDB

MOTION TO WITHDRAW AS COUNSEL

Undersigned counsel respectfully moves the Court to withdraw as a counsel of record in this matter.

Mr. Padilla noticed his appeal in this case in September 2023. ECF No. 108. From that point forward, he was represented by an attorney working with the Office of the Federal Public Defender in New Mexico. That defender entered her appearance in this case on November 1, 2024. ECF No. 122. Although undersigned counsel has not represented Mr. Padilla in connection with post-conviction litigation, counsel remains listed as counsel of record on the docket. Accordingly, as the case has now been dismissed, and as the undersigned does not currently represent Mr. Padilla, counsel requests that the Court grant this motion so the docket may accurately reflect this fact. This motion has been served upon the defendant personally. LCrR 44.5(d). Mr. Padilla has no objection to this motion.

Dated: February 4, 2025

Respectfully submitted,

/s/ Edward R. Martin, Jr.

Edward R. Martin, Jr.
10017 Park Royal Drive
Great Falls, VA 22066
Phone: (314) 606-6462
Email: edmartin1791@gmail.com

Certificate of Service

I hereby certify that on the 4th day of February, 2025, I filed the foregoing motion with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following CM/ECF user(s):counsel of record.

And I hereby certify that I have mailed the document by United States mail, first class postage prepaid, to the following non-CM/ECF participant(s), addressed as follows: [none].

/s/ Edward R. Martin, Jr.
Edward R. Martin, Jr.
10017 Park Royal Drive
Great Falls, VA 22066
Phone: (314) 606-6462
Email: edmartin1791@gmail.com

Addendum 2

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

TIMOTHY HALE-CUSANELLI,

Defendant.

Case No. 21-CR-0037-TNM

**UNITED STATES' MOTION TO DISMISS THE INDICTMENT WITH PREJUDICE
PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 48(a)**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this motion.

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Respectfully submitted,

EDWARD R. MARTIN, JR.
Acting United States Attorney
D.C. Bar No. 481866

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