

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-10038-01-JWB

ROGER MOSS,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on Defendant's *pro se* "Supplemental Motion for a Frank Hearing and/or Motion to Suppress." (Doc. 32.) For the reasons stated herein, the court orders the clerk to STRIKE the motion.

The court previously appointed attorney Michael J. Shultz as counsel (Doc. 7) for Defendant. However, on July 8, 2020, Stephen Ariagno filed his entry of appearance (Doc. 16) as Defendant's counsel, and Mr. Shultz withdrew. A defendant in a criminal case has a constitutional right to self-representation, if he so chooses, but he does not have a right to "simultaneous self-representation and representation by counsel (known as hybrid representation)." *United States v. Couch*, 758 F. App'x 654, 655 (10th Cir. 2018). Although the court has discretion to allow hybrid representation (*see United States v. Treff*, 924 F.2d 975, 979 n.6 (10th Cir. 1991)), the court declines to allow hybrid representation in this case. Defendant's *pro se* motion reflects a misunderstanding of court proceedings. The Defendant fails to specify which search warrant he objects to, fails to provide a copy, or copies, of the offending affidavit(s) he quotes throughout his motion, and fails to provide valid cites to relevant case law required to establish the burden of

proof or legal standards. *See generally* (Doc. 32.) The filing of such motions only serves to waste court resources and make manifest the wisdom of not permitting hybrid representation.

IT IS THEREFORE ORDERED that the clerk of the court shall STRIKE Defendant's *pro se* "Supplemental Motion for a Frank Hearing and/or Motion to Suppress" (Doc. 32). IT IS SO ORDERED this 10th day of February, 2021.

s/ John W. Broomes
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE