

of a state licensed attorney who qualifies to represent a client on his constitutional 6th Amendment rights to able legal representation and as a "Officer of the Court" yet he will violate this right of his client, even though he has the power to remedy his situation, (Langette v. New Jersey, 306 US.619; United States v. Reese, 92 US.214,221, 23 D.C.443, 453; Wolfe v. Selective Service Local Bd.No.16(CA.N.Y.1967), 372 F.2d. 817.)and will not be considered incompetent or ineffective.

Now a hypothetical situation!

Now this attorney is retained to defend an individual who has been charged by indictment for crimes who now pleads not guilty before a magistrate. After this the attorney holds a conference with the client, who presents records, evidence and witnesses that are certified placing him on the other side of the country at the time of the alleged crimes numerated in the indictment. Please take into consideration that these records, evidence, and witnesses when they are presented at the preliminary hearing, perjury would be the crime that the judge must prosecute against the witnesses who testified at the grand jury. The prosecutor would then drop the charges against the client.

But, if the attorney files the ten or so motions customary (i.e. Motion to Suppress) among others, it is at this point the attorney has now planned to convict his client. Bare in mind that this peculiar legal situation, ~~XXXX~~ the only avenue open to the client to not be convicted is to prove perjury committed as found in P.L. 90-351, Title 18 USC §2514. Under these circumstances the regular statute of perjury (18 USC 1622,23,24) does not apply.

The legal question that arises here is, why did the attorney choose to file the ten or so customary motions, instead of disqualifying the indictment by an accusation of perjury?

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