

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
( CHARLESTON DIVISION)

**FILED**

JUL 19 2004

JOSE PADILLA,

\_\_\_\_\_  
Plaintiff/Petitioner/USA, v.

Case No. 2:04-2221-26AJ

LARRY W. PROPES, CLERK  
CHARLESTON, SC

COMMANDER C.T. HANFT, USN  
COMMANDER, CONSOLIDATED NAVAL BRIG

\_\_\_\_\_  
Defendant/Respondent.

**Application/Affidavit for  
Pro Hac Vice Admission  
and Order**

(1) Name of Applicant. ANDREW G. PATEL  
First Middle Last

(2) Residence. I reside at the following address:

92 GRAPAL STREET RYE NEW YORK 10580  
Street City State Zip Code

(If a resident of South Carolina, Applicant should indicate for how long: \_\_\_\_\_ months/years.)

(3) Business Address. I am an attorney and practice law under the name of or as a member of the following firm:

Firm name: ANDREW G. PATEL, ESQUIRE  
Mailing address: 111 BROADWAY, 13TH FLOOR, NEW YORK, NEW YORK 10006  
Telephone number: (212) 349-0230  
Facsimile number: (212) 346-4665  
Email address: AGPATEL@AOL.COM

(4) Jurisdiction of this Court. I, by execution of this Application and Affidavit, consent and agree to comply with the applicable statutes, laws, and rules of the State of South Carolina, with all federal rules, and with the Local Rules of the United States District Court for the District of South Carolina (particularly, Local Civil Rule 83.I.08 and/or Local Criminal Rule 57.I.08). I consent to the jurisdiction of the United States District Court for the District of South Carolina in all matters of attorney conduct.<sup>1</sup>

(5) Regular Practice of Law. I am a member in good standing of the bar of the highest court of the District of Columbia or the State of NEW YORK where I regularly practice law.  
**Attached is my certificate of good standing.**

(6) Additional Bar Membership. I have been admitted to practice before the following courts: (List all of the courts Applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.) By signing this Affidavit, I certify that I am a member in good standing of each of the listed bars unless otherwise noted.

Court	Date Admitted	Good Standing
<u>U.S. DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</u>	<u>1982</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>U.S. DISTRICT COURT EASTERN DISTRICT OF NEW YORK</u>	<u>1982</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT</u>	<u>1993</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>U.S. SUPREME COURT</u>	<u>2003</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<sup>1</sup> This District maintains a web site ([www.scd.uscourts.gov](http://www.scd.uscourts.gov)) from which the federal and local rules of procedure and related materials may be obtained.

- (7) Pending Disciplinary Matters. Are you presently the subject of any formal suspension or disbarment proceedings, and have you been notified by any disciplinary agency of the initiation of formal procedures? .....  Yes  No  
(If "yes," give particulars, such as jurisdiction, court, date, grounds. Information to comply with this paragraph may be provided *in camera* but that fact shall be revealed below.)
- (8) Curtailment of Prior Pro Hac Vice Admissions. Have you ever had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked? .....  Yes  No  
(If "yes," give particulars, such as date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.)
- (9) Sanctions. Have you ever had any certificate or privilege to appear and practice before any judicial or administrative body suspended or revoked, or received a public reprimand or greater sanction? .....  Yes  No  
(If "yes," give particulars, e.g., judicial or administrative body, date of suspension, and reinstatement.)
- (10) Criminal Sanctions. Have you ever been convicted of a felony under the laws of the District of Columbia or of any State or under the laws of the United States? .....  Yes  No  
(If "yes," give particulars, such as date, court, judge, circumstances, and ultimate disposition.)
- (11) Present and Previous Pro Hac Vice in this Court. Have you, within the last ten (10) years, filed an application to appear *pro hac vice* in the United States District Court for the District of South Carolina or another court in the state of South Carolina? .....  Yes  No  
(If "yes," give court, case name, docket number, and status of litigation, year of application, local counsel of record in each case, and state whether application is pending or was granted.) Attach additional pages if necessary.

(12) Designated Local Counsel. Local counsel of record associated with Applicant in this case is:

Attorney Name:	MICHAEL P. O'CONNELL
Street Address or Post Office Box:	145 KING STREET, SUITE 410
City, State, and Zip Code:	CHARLESTON, SC 29401
Telephone Number:	(843) 577-9890

I understand that local counsel of record is required to: (1) personally sign each pleading, motion, discovery procedure, or other document served or filed in this Court; (2) accept service of all pleadings and notices as required on behalf of all counsel for the party represented; (3) be present at all pretrial conferences, hearings and trials, unless excused by the Court; (4) be prepared to participate actively as may be necessary; and (5) assure compliance with Local Civil Rules 83.I.04, 83.I.05, and 83.I.06 or Local Criminal Rules 57.I.04, 57.I.05, and 57.I.06 as appropriate. Local counsel of record may attend discovery proceedings.

- (13) Associated Counsel. In addition to local counsel designated above, the following counsel are also associated with the undersigned in this case.

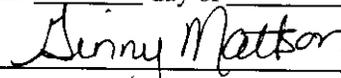
PROFESSOR JENNY S. MARTINEZ  
STANFORD LAW SCHOOL

JONATHAN FREIMAN  
WIGGIN & DANA, NEW HAVEN, CT

- (14) Filing Fee. I affirm that the filing fee of one hundred dollars (\$100) per applicant has been paid in accordance with Local Civil Rule 83.I.05 or Local Criminal Rule 57.I.05 or paid herewith.

  
\_\_\_\_\_  
Signature of Applicant

**Sworn to and subscribed before me**  
this 19 day of JULY 2004.

  
\_\_\_\_\_  
A Notary Public  
of the State of SOUTH CAROLINA

My Commission expires: MARCH 27, 2013

# United States District Court

## Southern District of New York

### Certificate of Good Standing

I, J. Michael McMahon, Clerk of this Court, certify that

ANDREW G. PATEL, Bar # AP4361

was duly admitted to practice in this Court on

JUNE 22<sup>nd</sup>, 1982, and is in good standing

as a member of the Bar of this Court.

Dated at 500 Pearl Street  
New York, New York

on JULY 19<sup>th</sup>, 2004

J. MICHAEL MCMAHON

Clerk

by:

  
Deputy Clerk

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

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CHARLESTON, SC

JOSE PADILLA )

Petitioner )

-VS- )

COMMANDER C.T. HANFT, USN )

Commander, Consolidated Naval )

Brig )

Respondent. )

C/A No. 2:04-2221-26AJ

AFFIDAVIT OF ANDREW PATEL

Andrew Patel makes the following statements under penalties of perjury:

1. My name is Andrew G. Patel. I was admitted to the New York Bar on March 1, 1982. I am admitted to practice before the United States District Courts for the Southern District of New York and the Eastern District of New York, the United States Court of Appeals for the Second Circuit Court and the Supreme Court of the United States. I am a member in good standing in the bars of these courts.

2. I am a member of the Criminal Justice Act panel for the Southern District of New York and have been for more than ten (10) years. I am a member in good standing of this panel.

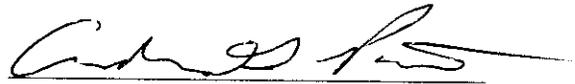
3. I am a sole practitioner in New York City. My office is located at Trinity 111 Broadway, 13<sup>th</sup> Floor, New York, NY 10006, telephone number (212) 349-0230.

My practice is solely criminal defense and almost exclusively in Federal Court.

4. In June 2002, I was appointed to represent Mr. Padilla in his petition for a writ of *habeas corpus* in the Southern District of New York by the Honorable Michael B. Mukasey, Chief Judge of the Southern District.

5. I represented Mr. Padilla in the District Court, the Second Circuit Court of Appeals and in the Supreme Court of the United States. I drafted the writ of *habeas corpus* that Mr. Padilla filed in this Court.

6. I agree to abide by the ethical standards governing the practice of law in this Court.

  
ANDREW G. PATEL