

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Case No. 14-cr-00400–CMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL SEILER,

Defendant.

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MOTION TO WITHDRAW PLEA OF GUILTY

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The defendant, Michael Seiler, by appointed counsel Robert S. Berger, moves to withdraw the guilty plea entered on May 11, 2015. [40] Mr. Seiler informed counsel in a telephone conversation on May 14, 2015 that he wanted to withdraw the plea and proceed to a jury trial. Undersigned counsel discussed this motion with AUSA Michele Korver on May 14, 2015 and informs the court that the government opposes withdrawal of the guilty plea.

Rule 11(d) of the Federal Rules of Criminal Procedure provides:

**(d) Withdrawing a Guilty or Nolo Contendere Plea.** A defendant may withdraw a plea of guilty or nolo contendere:

- (1) before the court accepts the plea, for any reason or no reason; or
- (2) after the court accepts the plea, but before it imposes sentence if:
  - (A) the court rejects a plea agreement under Rule 11(c)(5); or
  - (B) the defendant can show a fair and just reason for requesting the withdrawal.

Mr. Seiler's fair and just reason for withdrawing the guilty plea is stated in his own words as follows:

*When I was young, I visited my grand parents in what was then East Germany. I saw how a overbearing government can oppress a people.*

*I could have been notified by FEDEX (Cost - about \$24) that I was operating a unlicensed money transmittal service. It is a open question if the regulations applied to Bitcoin.*

*Instead, Michelle Korver sent about 16 vehicles, and a group of snipers (Cost \$10,000s) - and I've never been in any legal trouble. This is overbearing. Perhaps it takes a bit of an outsider to see what is happening to America. I need to explain these dangers to America to a jury, and to the American people. .*

*Please void my plea deal so I get my chance.*

The court should consider the following factors:

- (1) whether the defendant has asserted his innocence;
- (2) whether withdrawal would prejudice the government;
- (3) whether the defendant delayed in filing his motion, and if so, the reason for the delay;
- (4) whether withdrawal would substantially inconvenience the court;
- (5) whether close assistance of counsel was available to the defendant;
- (6) whether the plea was knowing and voluntary; and
- (7) whether the withdrawal would waste judicial resources.

*United States v. Yazzie, 407 F.3d 1139, 1142 (10th Cir.2005).*

Accordingly, Mr. Seiler moves to withdraw the guilty plea entered on May 11, 2015 and to set this matter for a jury trial on the indictment and for such further orders as are necessary to prepare for trial.

Respectfully submitted,

ROBERT S. BERGER, P.C.

s/ Robert S. Berger  
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CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on May 15, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties of record:

and I hereby certify that I have mailed or served the foregoing to the following non CM/ECF participants:

Michael Seiler

/s/ Robert S. Berger  
Robert S. Berger  
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Denver, Colorado 80220  
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