



Trevor Riddle
Sal Intagliata
Audra Asher
Attorneys at Law

IN THE EIGHTH JUDICIAL DISTRICT
DISTRICT COURT OF MARION COUNTY, KANSAS

STATE OF KANSAS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. MN-2024-CR-000083
	)	
GIDEON CODY,	)	
	)	
Defendant.	)	
_____	)	

MOTION TO WITHDRAW AS COUNSEL

COMES NOW, counsel Sal Intagliata and Audra Asher, of Triad Legal, PLLC, and pursuant to the Kansas Rules of Professional Conduct, the Sixth and Fourteenth Amendments to the United States Constitution, and Section 10 of the Kansas Constitution Bill of Rights, hereby formally move to withdraw from further representation of the defendant, Gideon Cody, in the above-captioned matter. Counsel asserts the following in support of the motion.

Authority

Rule 1.16(b)(2) authorizes an attorney to withdraw when a client, “insists upon pursuing an objective that the lawyer considers repugnant or imprudent.” Rule 1.16(b)(4)

authorizes withdrawal if, “the representation... has been rendered unreasonably difficult by the client.” Rule 1.16(b)(5) authorizes withdrawal for “other good cause...”

Mr. Cody enjoys the right to due process in his criminal proceeding, including the right to effective assistance of counsel. *Strickland v Washington*, 466 U.S. 668 (1984); *Hill v Lockhart*, 474 U.S. 52 (1985); *Chamberlain v State of Kansas*, 236 Kan. 650 (1985). Effective assistance of counsel can be undermined by a breakdown in the attorney-client relationship. *State v Bryant*, 285 Kan. 970 (2008).

There exists an actual conflict of interest between Mr. Cody and counsel. In *State v. Robertson*, the Kansas Court of Appeals held, “A trial court is required to grant a motion to withdraw upon a showing of irreconcilable conflict between a defendant and his or her attorney.” 30 Kan.App.2d 639, 640 (2002).

Effective assistance of counsel has been undermined by a breakdown in the attorney-client relationship and attorney-client communication. *State v Bryant*, 285 Kan. 970 (2008). Such a breakdown has resulted in attorneys’ inability to effectively represent Mr. Cody as required under the Sixth and Fourteenth Amendments to the U.S. Constitution and Section 10 of the Kansas Constitution Bill of Rights. *Strickland v Washington*, 466 U.S. 668 (1984); *Hill v Lockhart*, 474 U.S. 52 (1985); *Chamberlain v State of Kansas*, 236 Kan. 650 (1985).

Counsel further represent to this Court in good faith that the need to supplement/augment this motion may become necessary upon any filing by Mr. Cody.

WHEREFORE, for these reasons, and any additional reasons which may come to the Court's attention or that counsel may disclose in any supplemental pleading and/or at a hearing on this motion, to the extent allowed by Rule 1.6 of the Kansas Rules of Professional Conduct, counsel cannot continue to represent Mr. Cody. Counsel for Mr. Cody therefore respectfully move this Court for an order allowing them to withdraw immediately from further representation in the above-captioned matter. Counsel request a hearing on this motion.

Respectfully Submitted

/s/Sal Intagliata & /s/ Audra Asher

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NOTICE OF HEARING

Please take notice that the above and foregoing Motion will be heard before the Honorable Ryan W. Rosauer, District Court Judge, Marion County Courthouse, 200 S. 3rd St. Marion, Kansas 66861, at a date and time that meets with the Court's schedule.

CERTIFICATE OF SERVICE

I hereby certify that on the **29th day of July, 2026**, I electronically transmitted the foregoing document to the Clerk of the Court using the Kansas Courts Electronic Filing system and transmittal of a Notice of Electronic Filing to the following recipients:

Marc Bennett, Special Prosecutor	Via Eflex
Office of the Sedgwick County District Attorney	

Barry Wilkerson, Special Prosecutor	Via Eflex
Office of the Riley County Attorney	

Mr. Gideon Cody	U.S. Mail
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/s/ Sal Intagliata
Sal Intagliata, #17217