

EXHIBIT 3

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

September 11, 2024

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRETT DEWAYNE COLE,

Defendant - Appellant.

No. 24-7077
(D.C. No. 6:22-CR-00098-JFH-1)
(E.D. Okla.)

ORDER

Before **HOLMES**, Chief Circuit Judge.

Appellant's retained counsel, Thomas M. Wright, has filed a motion to withdraw from further representation of Appellant Brett DeWayne Cole in this appeal. The district court has made the requisite finding of eligibility for appointment of counsel pursuant to 18 U.S.C. § 3006A. Accordingly, the motion to withdraw is GRANTED and Blain David Myhre¹ is appointed as counsel for Appellant Cole pursuant to § 3006A.

Within 10 days from the date of this order, Mr. Wright shall transmit to Mr. Myhre copies of all documents in his possession that are pertinent to this appeal and not otherwise available via PACER and/or CM/ECF, including all trial exhibits.

Within 10 days, Mr. Myhre shall file an entry of appearance in this appeal.

¹Blain David Myhre; Email: blainmyhre@gmail.com; Blain Myhre LLC; P.O. Box 3600; Englewood, CO 80155

Because Mr. Myhre has been appointed under the Criminal Justice Act, this appeal will proceed on a designated record on appeal. *See* 10th Cir. R. 10.1, 10.3(A) and 11.2. Within 20 days from the date of this order, Mr. Myhre shall file with the U.S. District Court for the Eastern District of Oklahoma a transcript order form and a designation of record. Copies of those filings shall also be filed in this court.

Appellant Cole's opening brief shall be due 40 days from the date the record on appeal is filed in this court. *See* Fed. R. App. P. 31(a)(1); 10th Cir. R. 11.2(A).

The Clerk's Office shall transmit a copy of this order to the district court clerk. Mr. Wright shall transmit a copy of this order to Appellant Cole forthwith.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk



By: Sunil N. Rao
Counsel to the Clerk