

United States District Court
Attn: U.S. Magistrate Judge C. Christopher Hagy
75 Spring Street SW
1885 United States Courthouse
Atlanta, Georgia 30303

VIA CERTIFIED MAIL #7011 1570 0003 6645 7506

RE: US v. Scott Hintz #1:03-CR-131-CC-CCH

August 25, 2011

Judge C. Christopher Hagy,

I, again, apologize for having to write to you, but all other avenues have been foreclosed because attorney Dennis C. O'Brien continues to refuse to call me back and continues to refuse to provide me my habeas client file materials and information. To date, he has not provided me ANY non-PACER habeas file materials. Clearly, Dennis C. O'Brien has spoken to witnesses and surely must have some notes, reports, or other materials related to my habeas client file.

As explained in opened emails sent to you (sent to: c_christopher_hagy@gand.uscourts.gov), which I have enclosed with this certified letter, Dennis C. O'Brien is acting illegally and unethically. To wit:

August 20, 2011 2:09 pm email.
August 21, 2011 9:13 am email.
August 21, 2011 8:15 pm email.
August 22, 2011 2:36 pm email
August 23, 2011 11:17 am email.
August 24, 2011 9:26 am email.
August 24, 2011 9:58 pm email.
August 25, 2011 3:09 pm email.

Witnesses have been encouraged to either not testify, or to not testify about the whole truth. It appears Dennis C. O'Brien has done exactly as he has threatened: he has very effectively high-jacked my case "into his own hands" to ensure absolutely none of my favorable witness testimony and evidence ever sees the light of day in the record of my case. Dennis C. O'Brien had stated he has spoken to you, ex parte, in an apparent attempt to intimidate me. I have evidence of Mr. O'Brien's statements and of his malicious actions and intent in this case and as relates to the state court proceedings that are pending against Dennis C. O'Brien and his close associates.

Dennis C. O'Brien is an adverse party to me in active, and valid, court proceedings. I have been informed he has been allowed to lie to the U.S. District Court —ex parte— to continue to try to hide his conflicts of interest, his illegal activities, and his pending adverse state court proceedings with me. I have significant evidence of my claims, and can have several people testify to these supported allegations, if the Court does not ignore these very troubling concerns. I believe because it was your order that appointed conflicted attorney, Dennis C. O'Brien, based upon Mr. O'Brien's likely false statements to you, I understand it is your Court that must hold the evidentiary hearing upon these extremely troubling matters. Please have your clerks contact me immediately so my habeas proceedings will not be further prejudiced by conflicted attorney, Dennis C. O'Brien.

Sincerely



Scott Hintz

Exhibit A
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SH

From: Scott Hintz
Date: Thu, 25 Aug 2011 19:09:20
To: Lawrence Zimmerman<lawzimm@yahoo.com.readnotify.com>
Reply-To: Scott Hintz
Cc: Dennis C. O'Brien<obrienc@bellsouth.net>; U.S. Magistrate Judge C. Christopher Hagy<c_christopher_hagy@gand.uscourts.gov>
Subject: Criminal representation of Dennis C. O'Brien.

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Mr. Zimmerman,

Please confirm you are still criminal defense counsel for Dennis C. O'Brien. Will you also be representing him in both the civil claims brought against him?

I still assert Mr. O'Brien is willfully interfering with valid state civil and state criminal proceedings and with witnesses and evidence related to them.

Also, I still have very serious concerns about my habeas client file. Dennis C. O'Brien has still not called me nor has he provided me with a complete copy of my client file with the names, dates, notes and any other non-pacer items -- as you had assured me you would request him to do.

In light of the threats I have received, and in light of Mr. O'Brien's adverse party relationship with me (both in filed criminal and civil claims), I have specifically instructed Mr. O'Brien to scan every note, report, and non-pacer item in my habeas client file and instructed him to send it to this email address.

This is the only way to ensure Mr. O'Brien does not continue to lie and prejudice me. Anyone can send an empty envelope, or nearly empty one, and say they have sent items. I emphatically state I have not received ANY non-pacer habeas materials in the mail from Mr. O'Brien since he was appointed as counsel in the habeas matter.

If Dennis C. O'Brien continues to refuse to scan and email me my entire habeas client file and its related materials and information (except for publically available items on PACER), minimally he should bring them to the lobby of the Sandy Springs Police Department where they can be photographed, then soon after scanned, and emailed back to Dennis O'Brien for confirmation of delivery and receipt.

In light of Mr. O'Brien's egregious and illegal behavior, his threats to me and others, his lies to me and to the court, his lies to the Government, his refusal to call me back, and his refusal to cooperate in providing me a complete copy of my habeas client file -- I hope you will intervene to stop these horrible actions.

Please reply to me by close of business today.

Sincerely,
Scott Hintz

To: U.S. Magistrate Judge C. Christopher Hagy
Cc: Dennis C. O'Brien
Subject: Request to remove conflicted counsel or to proceed Pro Se because of actual conflicts of interest, continuing illegal behavior, and counsel's refusal to be truthful and to cooperate.
Sent: Aug 24, 2011 9:58 PM

Judge Hagy,

I apologize for the communication, but I feel I have no other choice but to alert you of the continuing illegal activity and conflicts of interests of Dennis C. O'Brien. He has threatened to prejudice my case and me to the benefit of his friends and himself. Soon after Mr. O'Brien received his appointment on my case, he began trying to convince me NOT to tell the whole truth about my case.

Mr. Dennis C. O'Brien is acting as a very effective gatekeeper to ensure absolutely none of my valid evidence, testimony (from more than 10 people), my interests, nor any of my valid filings get into the record of my case. His false statements, in court during the recent July 19th hearing before Judge Cooper, is available at internet weblink: <http://www.scribd.com/doc/62685905/Dennis-C-O-Brien>. Dennis O'Brien's in court statements contradict the truth to hide his conflicts of interest and malicious acts. Mr. O'Brien's recorded statements contradict what he

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said in court and can be heard at the following two internet links:

<http://www.youtube.com/watch?v=3QggJHkfP2I>

<http://www.youtube.com/watch?v=sGHfHMbuNqA>

Since July 19, 2011, he has never once called me back nor has he provided me ANY client file materials except items on PACER and some Bate-stamped government discovery items related to the now stayed revocation proceedings (these items were largely already provided to me by prior counsel).

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I have requested a copy of all of my HABEAS client file materials that are not available on PACER. To date, Mr. O'Brien has not sent me a single note, interview report, nor any other non-PACER item for my habeas client file and the information related to it.

I have specifically requested the names and a summary of all communications for each person with whom he, and those under his direction, have discussed my case and me.

To date, Dennis C. O'Brien has not given me a single name, note, report nor a summary of any Habeas-related item. In fact, other than you, Alan Baverman, Clarence Cooper, Jerome Froelich and Mark Kadish, I can not recall Dennis C. O'Brien ever letting me know he has discussed my habeas case with anyone else. However, I have been told from other sources that other witnesses have been encouraged to either stay silent or to testify falsely.

I specifically have requested Dennis C. O'Brien scan my complete habeas client file into pdf files and have the files sent to this email address so that Mr. O'Brien will not lie and say he has mailed me something he really has not. Anyone can mail an empty envelope, or one lacking materials!

Mr. Dennis C. O'Brien has a history of lying about his statements and his actions in this case. Because of Dennis C. O'Brien's criminal acts and tortious acts, Mr. O'Brien is now an adverse party with me in various valid criminal and civil complaints.

I am available to attend a hearing to present evidence, to have others testify, and to play recorded evidence proving attorney Dennis C. O'Brien has admitted conflicts of interest and has threatened he has had and would make further ex parte communications to you to prejudice my case and me.

Please do not allow Mr. O'Brien's egregious illegal acts to continue. Mr. O'Brien's acts are absolutely the worst possible acts an attorney can take upon a client. Dennis C. O'Brien is COMPLETELY abusing his position as an attorney who is "forced" upon me. I would rather not have any attorney whatsoever than to have this lying criminal as my attorney.

Please do not ignore this information, and please act immediately to remove the attorney you have appointed to my case.

Thank you for your attention to this extremely important matter. I pray you will honor justice and you will do everything in your ability to stop this egregious miscarriage of justice from continuing forward by immediately taking every possible action to remove conflicted counsel Dennis C. O'Brien from my case #1:03-CR-131-CC.

Sincerely,
Scott Hintz

To: Dennis C. O'Brien
To: Dennis C. O'Brien
To: Dennis C. O'Brien
Cc: Leslie J. Abrams
Cc: Alysun Laskowski
Cc: Karen Darden

Cc: U.S. Magistrate Judge C. Christopher Hagy

Subject: Your conflicts of interest, your false statements, your crimes, and your refusals to provide client information.

Sent: Aug 24, 2011 9:26 AM

Mr. O'Brien,

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On numerous occasions, and since your appointment as counsel in case #1:03-CR-131-99 on July 5th, I have requested your answers to very import conflict of interest issues.

Since July 6th, you have REFUSED to answer my questions, you have REFUSED to call me, you have REFUSED to provide me a copy of my client file materials and information (especially as relates to non-PACER habeas materials, notes and information), and you have REFUSED to present into the record motions and items of evidence known to you to be valid and ripe items to further my just interests.

You have also threatened me and others, and through the efforts of you and your associates have either encouraged people not to testify at all, or encouraged testimony that is not consistent with the whole truth. Because of your threats, other crimes, and your close association with other adverse parties, I requested you meet me, ANY day, at a local police department lobby to provide me my case materials and information. To date, you have refused to call or to provide me with my client file materials.

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As the next court date (where we are adverse parties) will be upcoming soon, I respectfully demand you immediately provide me a copy of my complete client file materials and information.

Since you are an adverse party to me in various civil and criminal claims being pursued against you, and the record of case 1:03-CR-131-CC does not reflect your admitted ex-parte communications with the judges listed in the record of 1:03-CR-131-CC, I respectfully demand you immediately provide me the approximate dates and the content of any communications you (or anyone working with you) have made in regards to me or my case since June 2011 with any of the following people:

Judge Alan Baverman (both individually or as a judge), Judge Clarence Cooper (both individually or as a judge), Judge C. Christopher Hagy (both individually or as a judge), Judge Janet King (both individually or as a judge), Mark Kadish, Jerome Froelich, Robert Willison, Michael Garone, Paul Morochnik, and any individual who has an affidavit or statement listed in the record of 1:03-CR-131-CC.

I respectfully demand these items today.

Sincerely,
Scott Hintz

To: U.S. Magistrate Judge C. Christopher Hagy
To: U.S. District Judge Clarence Cooper
Cc: U.S. Magistrate Judge Alan Baverman
Subject: Urgent matter. Please reply immediately.
Sent: Aug 23, 2011 11:17 AM

Judge Hagy and Judge Cooper,

Because of attorney Dennis C. O'Brien's significant conflicts of interest, and continuing illegal behavior, Mr. O'Brien absolutely refuses:

- (1) to call me,
- (2) to provide me a complete copy of my habeas client file materials and information -- especially items not available on PACER,
- (3) to file valid motions and evidence into the record of my case to further my valid interests, and
- (4) to meet with me ANY day at the Sandy Springs or Atlanta Police Departments in regards to the recent state crimes for which Dennis C. O'Brien has personal knowledge and involvement

I feel required to contact you directly. Yesterday, and before court proceedings in which Dennis C. O'Brien, Alan Baverman (the individual) was present in the public area of a county building to witness statements and actions by Dennis C. O'Brien (and those supporting him) who made false statements contrary to my personal interests and my defense interests for my USDC case #1:03-CR-131.

Also, I will soon have available a court transcript that evidences Dennis C. O'Brien, his criminal attorney, Jerome Froelich, and others supporting Mr. O'Brien have advocating for positions and made statements adverse to my interests and the interests of my defense.

I respectfully request an immediate stay to my habeas proceedings until after the Court can hold an evidentiary hearings upon these important matter relating to Dennis C. O'Brien's illegal activities and serious conflicts of interest. I have requested an immediate hearing, but my requests have been ignored to date.

Please confirm receipt of this email.

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SH

Sincerely,
Scott Hintz

To: Dennis C. O'Brien
To: Dennis C. O'Brien
To: Dennis C. O'Brien
Cc: Leslie J. Abrams
Cc: William Toliver
Cc: U.S. Magistrate Judge C. Christopher Hagy
Cc: U.S. District Judge Clarence Cooper
Cc: U.S. Magistrate Judge Alan Baverman
Subject: Today.
Sent: Aug 22, 2011 2:36 PM

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Mr. O'Brien,

As personally witnessed today by Alan Baverman, Mark Kadish, Jerome Froelich and others, you did not provide me with my client file materials and information regarding my habeas proceedings.

To date, you have refused to call me or provide me a complete copy of my client file materials and information. I have specifically requested to proceed Pro Se. Judge Cooper's order was based upon your false statements and based upon a revocation proceeding that is not active.

I received information, and evidence, today that you (and those working with you) have encouraged witnesses to either not testify or to testify falsely.

This last Friday, I was informed I would receive my entire client file and informed (via email) that Judge King would receive notice to revisit her existing orders. Neither has occurred. Please reply immediately.

Scott Hintz

To: Dennis C. O'Brien
To: Dennis C. O'Brien
To: Dennis C. O'Brien
Cc: U.S. Magistrate Judge Alan Baverman
Cc: U.S. District Judge Clarence Cooper
Cc: U.S. Magistrate Judge C. Christopher Hagy
Subject: Email from Dennis C. O'Brien's criminal attorney.
Sent: Aug 21, 2011 8:15 PM

Mr. O'Brien,

I received the email below from criminal attorney Lawrence Zimmerman. He called me on Friday and informed me that you hired him as your criminal attorney for your pre-arrest hearing tomorrow.

Mr. Zimmerman stated he was going to call you immediately to ensure you provided me a complete copy of my client file materials and information because he agreed that I was entitled to these items. He appeared troubled by your actions.

He also asked me if I would make the criminal charges against you "go away" if he got me my client file materials and information from you. I have not received my client materials as of the time of this email. I also do not think you should hold my case information, and my case" hostage to make your state criminal charges "go away".

Will you be providing me my complete client file materials and information tomorrow in Fulton County Court before your pre-arrest hearing? The materials and information have been specifically requested of you in several certified letters and emails sent to specifically to your attention.

I have not received a call from you, nor have you filed the motion to revisit Judge King's orders that assist you avoid criminal and civil scrutiny in the state courts, since we were before Judge Cooper on July 19, 2011.

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Please reply immediately. Your careful 'gatekeeper' role over the record does not appear ethical.

Scott Hintz
-----Original Message-----
From: lawrence zimmerman
To: Scott Hintz
ReplyTo: lawrence zimmerman
Subject: From Lawrence Zimmerman
Sent: Aug 19, 2011 4:58 PM

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Dear Scott, I am representing Dennis C. O'Brien in his case on Monday in the pre-arrest hearing. Lawrence J. Zimmerman The Law Offices of Lawrence J. Zimmerman, P.C. 1800 Peachtree Street, Suite 300 Atlanta, GA 30309 (404) 351-3000 www.atlantanotguilty.com

From: Scott Hintz
Date: Sun, 21 Aug 2011 09:13:20
To: <alan_baverman@gand.uscourts.gov>; <clarence_cooper@gand.uscourts.gov>; <c_christopher_hagy@gand.uscourts.gov>
Cc: Scott Hintz
Subject: Urgent Matter

Judges Baverman, Cooper and Hagy:

I, again, apologize for having to send this email, but Dennis C. O'Brien absolutely refuses to address these important matters on the record. I understand my last emails have been delivered in regards to the delivered subpoenas of Alan Baverman (in his individual capacity) and Clarence Cooper (in his individual capacity) requesting testimony Monday, August 22, 2011 at 1pm.

Attached is a copy of the delivered subpoenas for the requested testimony at 1pm for the August 22, 2011 hearing in courtroom 1A of the Fulton County Magistrate Court relating to the criminal allegations brought against attorney Dennis C. O'Brien for his actions OUTSIDE the record of case 1:03-CR-131-CC. To date, Dennis C. O'Brien has NOT allowed any motion or notice into the record of my case to evidence his own threats, conflicts of interest, and his pending criminal charges. On Friday, I was contacted by an attorney claiming to be Dennis C. O'Brien's criminal attorney to try to keep Mr. O'Brien from being arrested on Monday.

This same attorney asked me to make the criminal charges 'go away' against Dennis C. O'Brien and suggested I should instead worry about much bigger and more powerful adversaries. The attorney admitted he works in Judge Alan Baverman's old law office and admitted his relationships with many of the people with whom I have had recent unjust problems. In fact, I was yesterday warned by someone communicating with the adversarial group protecting Dennis C. O'Brien (and those he is protecting) that I should be:

"prepared for mudslinging from them. Accusing you of shit that you never said or did...Do not underestimate your opponent (sic)."

Dennis C. O'Brien has through email communications, and through other communications with me, and others, admitted having personal conversations with the three of you (including some about me and my case). These items of evidence and related testimony are available to support the content of Dennis C. O'Brien's statements.

Exhibit A
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Dennis C. O'Brien has refused to call me since Dennis C. O'Brien and I were last before Judge Clarence Cooper during the July 19, 2011 district court hearing (a copy of the transcript can be found at the following internet link:
<http://www.scribd.com/doc/62685905/Dennis-C-O-Brien>). Additionally, I have offered to meet Dennis C. O'Brien ANY DAY at a local police department --- but Mr. O'Brien has also refused these requests to meet. The police department lobby has been suggested as an appropriate meeting place to due to Mr. O'Brien's threats to me and others. Mr. Dennis C. O'Brien has threatened me and has tried to have me not testify truthfully especially in regards to the illegal and unethical activities of his close friends and associates.

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Dennis C. O'Brien's own July 5, 2011 and July 6, 2011 words can be heard in the audio clips at the following Youtube Internet links:
<http://www.youtube.com/watch?v=3QggJHKfP2I> AND
<http://www.youtube.com/watch?v=sGHfHMbuNqA> . It is clear that these July 5, 2011 and July 6, 2011 statements of Dennis C. O'Brien show he clearly lied during the July 19, 2011 hearing before Judge Cooper as evidenced in the transcript of the July 19, 2011 hearing available in the paragraph immediately above.

I have specifically requested to proceed Pro Se rather than be forced to use conflicted counsel Dennis C. O'Brien, and I have specifically requested Dennis C. O'Brien submit a motion to revisit Judge King's recent orders which have a likely unintended consequence of protecting my fraudster accusers, and now Dennis C. O'Brien also. The existing order of Magistrate Judge King limits my access to the courts and also prohibits my involvement in investigations and in the questioning of witnesses related to my Pro Se claims against adverse parties in proceedings OUTSIDE of the United States District Court.

Please immediately respond to these important concerns. I respectfully request I be able to communicate directly with the three of you at some time prior to 10 am August 22, 2011 in regards to Dennis C. O'Brien's admitted personal and "off the record" communications with you in regards to me or my court proceedings. These discussions are in regards to matters in which you are witnesses for matters outside the jurisdiction of the United States District Court.

Thank you for your time and consideration of these extremely important matters.

Sincerely,
Scott Hintz

To: U.S. Magistrate Judge C. Christopher Hagy
Cc: U.S. Magistrate Judge C. Christopher Hagy
Subject: Urgent Item
Sent: Aug 20, 2011 2:09 PM

Judge Hagy,

I apologize for having to attempt to contact you directly, but attorney Dennis C. O'Brien has absolutely refused to call me, has refused to meet with me --ANY DAY-- at the police department to discuss important matters relating to recent witness and evidence tampering, and has refused to bring to the court's attention (through the record) his upcoming criminal proceedings this Monday.

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Mr. O'Brien has stated he had some recent 'off the record' calls and communications with you. I have a few questions regarding items in your personal knowledge (and outside the record of any federal court record) relating to Mr. O'Brien's August 22, 2011 criminal court proceedings at 1pm. An attorney called me yesterday stating he has been retained by Dennis C. O'Brien to be Mr. O'Brien's criminal defense attorney. The attorney asked me if there was any way to make the criminal charges "go away" so Mr. O'Brien could avoid a possible arrest warrant on Monday.

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As the record of my case (#1:03-CR-131-CC-CCH) reflects, Dennis C. O'Brien has (at all times since we last met before Judge Cooper on July 19, 2011) absolutely REFUSED to:

- (1) call me to discuss ANY matters,
- (2) meet with me at ANY law enforcement office on ANY day to discuss evidence of witness and evidence tampering,
- (3) provide me a copy of my entire client file materials and information, and
- (4) submit ANY notice or motion into the record relating to his adversarial relations with me including, but not limited to, Mr. O'Brien's ACTUAL conflicts of interest, his threats, and his pending criminal court proceedings for which Mr. O'Brien has allegedly hired a criminal attorney to represent him.

Please let me know if you can make yourself available for a few questions before 10am on August 22, 2011. I would greatly appreciate your cooperation in these important matters.

Thank you for your time.

Scott Hintz

Exhibit A
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SH