

AUG 19 2011

JAMES N. HATTEN, CLERK
By: *JAN* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
SCOTT HINTZ,)
Defendant)

No. 1:03-CR-131-CC-CCH-AJB
EMERGENCY HEARING REQUESTED

**MOTION RE: DISCHARGE OF CONFLICTED COUNSEL
AND CRIMINAL DEFENDANT, DENNIS C. O'BRIEN**

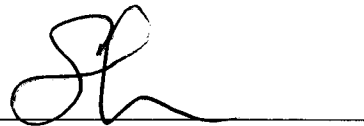
NOW COMES Scott Hintz and respectfully requests leave to file this request to immediately discharge attorney Dennis C. O'Brien for his actual, admitted, and continuing conflicts of interest and for Mr. O'Brien's continuing illegal activities; see and herein incorporate **Documents 468-471** of this case. The following individuals have been subpoenaed for testimony related to their personal, and off the record, communications and activities with Dennis C. O'Brien and his close friends and associates; see and herein incorporate the valid and delivered subpoenas of Alan J. Baverman (in his individual capacity) and Clarence Cooper (in his individual capacity) attached herein as **Exhibit A.** The immediate removal of Dennis C. O'Brien is requested and this Court has been made aware this Defendant would rather proceed "Pro Se" with the same benefits afforded to appointed attorneys than be forced to use conflicted attorney Dennis C. O'Brien.

AFFIDAVIT

I, Scott Hintz, hereby state under the penalty of perjury that the following are true to the best of my knowledge and pursuant to the penalties of perjury pursuant to 28 USC Section 1746:

- (A) Attorney Dennis C. O'Brien is personally aware of his criminal conduct and he has, to date, still not called me back since we were before Judge Cooper on July 19, 2011. I have been informed Dennis C. O'Brien is using this case, which is funded by taxpayers, to pursue the interests of his fraudster friends and himself. Dennis C. O'Brien has represented he has had ex-parte communications with at least one judge in the record of this case.
- (B) The attached Exhibit A subpoenas are true copies of the subpoenas delivered for Alan J. Baverman and Clarence Cooper (in their individual capacities). The subpoenas are also likely to be forwarded to these individuals via their involvement with this case.

Stating the above are true to the best of my own personal knowledge, I hereby state the above this 19th day of August 2011.

A handwritten signature in black ink, appearing to be 'SH', is written above a horizontal line.

Scott Hintz

Conclusion

Based upon all of the above, items in the record, and additional evidence and testimony readily available for a hearing on these matters, this Court should follow its obligation to inquire into these matters through an immediate hearing with provisions for the presentation of testimony and evidence. The Court should immediately remove conflicted attorney Dennis C. O'Brien.

This 19th day of August 2011.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'SH', written over a horizontal line.

Scott Hintz
6025 Sandy Springs #258
Sandy Springs, GA 30328
(404) 665-3553

CERTIFICATE OF SERVICE

I, Scott Hintz, certify I have served upon:

AUSA Leslie J. Abrams
600 U.S. Courthouse
75 Spring Street, SW
Atlanta, GA 30303

A true copy of the foregoing filing.

This 19th day of August 2011 by hand-delivering same to AUSA Abrams' office.

Respectfully,


Scott Hintz

Magistrate Court of Fulton County
SUBPOENA

GEORGIA, Fulton County:

Scott Hintz

VERSUS

Dennis D'Brien

No. 324596 AP

To: Alan Baverman

You are hereby commanded, that laying all other business aside you personally appear at the Magistrate Court of Fulton County, at _____ A.M./P.M. on the 22 day of August, 2011

check location:

Justice Center Tower, 185 Central Avenue, S.W., Court Room 1A, Atlanta

North Fulton Service Center, 7741 Roswell Road, Court Room _____, Sandy Springs

South Fulton Service Center, 5600 Stonewall-Tell Road, Court Room _____, College Park

and remain in attendance on the Court until discharged, there to testify and the truth to say in behalf of the prosecutor

HEREIN FAIL NOT ON PAIN OF THREE HUNDRED DOLLARS.

Witness, the Honorable Chief Magistrate of said Court, this 15 day of August, 2011.

J. Nelson

Deputy Clerk

seal

Exhibit A pg 1 of 2 pages
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Magistrate Court of Fulton County
SUBPOENA

GEORGIA, Fulton County:

Scott Hintz
VERSUS

Dennis C. O'Brien

No. 324596AP

To: Clarence Cooper

You are hereby Commanaded, That laying all other business aside you personally appear at the Magistrate Court of
Fulton County, at 1:00 A.M. P.M. on the 22 day of August, 2011

check location:

- Justice Center Tower, 185 Central Avenue, S.W., Court Room 1A, Atlanta
- North Fulton Service Center; 7741 Roswell Road, Court Room _____, Sandy Springs
- South Fulton Service Center, 5600 Stonewall-Tell Road, Court Room _____, College Park

and remain in attendance on the Court until discharged, there to testify and the truth to say in behalf of the prosecutor

HEREIN FAIL NOT ON PAIN OF THREE HUNDRED DOLLARS.

Witness, the Honorable Chief Magistrate of said Court, this 27 day of July, 2011.

J. Nelson
Deputy Clerk

seal

Exhibit A pg 2 of 2 pages
SH