


AUG 29 2011

JAMES N. HARTEN, Clerk
By:  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
EMERGENCY HEARING REQUESTED

MOTION TO REMOVE CONFLICTED COUNSEL DENNIS C. O'BRIEN and
MOTION TO APPROVE PRO SE REPRESENTATION

NOW COMES Scott Hintz and respectfully requests leave to file:
this motion to remove conflicted counsel Dennis C. O'Brien and Motion
to approve Pro Se representation.

The attached emails were sent to attorney Dennis C. O'Brien;
see and herein incorporate **Exhibit A**. Dennis C. O'Brien refuses to
call this Defendant and absolutely refuses to provide this Defendant
his client file materials and information, which upon information
and this Defendant's belief, evidence the illegal and unethical
actions of Dennis C. O'Brien. Dennis C. O'Brien is an adverse
party/witness to this Defendant in regards to both civil and criminal
state proceedings. Dennis C. O'Brien is aware he has lied to this
court, the government and this Defendant, but he has continued to
hide his misdeeds and conflicts of interest from the record of this
case despite the numerous opportunities Mr. O'Brien has been given
to follow the law, state statutes, and state bar rules.

Defendant has been informed there is an 8:30 am emergency
hearing on August 30, 2011 in Judge Cooper's courtroom; see and herein

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incorporate attached **Exhibit B.** Defendant has requested information in regards to the nature of Judge Cooper's last-minute request to have this 8:30am hearing on August 30, 2011, but has been given no information or notice of its nature; see and herein incorporate **Exhibit C.** Defendant imagines it must me in regards to the items Defendant has put before the court in regards to the illegal and unethical actions of attorney Dennis C. O'Brien and in regards to significant conflicts of interest, but has received no notice of the actual subject matter of the proceedings at the time this document was written. If this 8:30am hearing is in regards to Mr. O'Brien's questionable actions, Defendant would like the opportunity to subpoena witnesses and to present evidence in support of these claims; see and herein incorporate **Exhibit D.** Defendant has requested attorney Dennis O'Brien motion the court to allow defendant to subpoena witnesses, materials and information, but will likely be, again, ignored by Dennis C. O'Brien. Further, Defendant has specifically asked attorney Dennis C. O'Brien to motion the court to stay the 10 am hearing scheduled before Judge Hagy because Dennis C. O'Brien has absolutely refused to provide this Defendant information in regards to the habeas case. Dennis C. O'Brien has effectively "high-jacked" Defendant's case and continues to act as a "gatekeeper" to ensure valid evidence and testimony are not allowed into the record of this case with the specific intent to prejudice this Defendant and this case - as Dennis C. O'Brien has threatened.

Clearly, Dennis C. O'Brien has been, and will likely continue

to be, uncooperative in exposing his own wrongdoing. For this reason, Defendant respectfully requests all proceedings be stayed and Defendant be allowed to present motions, pro se, to allow Defendant an opportunity to receive notice about the nature of the hearing and be given the authority to issue subpoenas of people and documents in support of Defendant's claims.

Defendants in criminal cases have a constitutional right to precede pro se, and counsel may not be imposed on them over their objection. Faretta v. California, 422 U.S. 806 (1975).

AFFIDAVIT

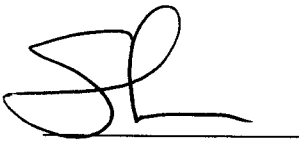
I, Scott Hintz, state the following statements are true pursuant to the pursuant to 28 U.S.C. Section 1746:

1. Since July 19, 2011, Dennis C. O'Brien has refused to call me, he has refused to meet me at any local police departments to discuss the crimes of his friends who are trying to unjustly affect the outcome of this case, and he has refused to provide me a copy of my habeas client file materials and information.
2. Dennis C. O'Brien and I are adverse parties in a pending lawsuit filing. We are also adverse parties because of crimes Dennis C. O'Brien has committed against me and at least one other witness in this case to unjustly, and negatively, affect the outcome of this case.

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3. The attached exhibits A, Exhibit B, and Exhibit C are emails sent to the individuals addressed within the emails.
4. Exhibit D is from a web page from an internet report that lists some valid questions, and supporting evidence, related to the questionable activities of attorney Dennis C. O'Brien.

Stating the above are true statements, I hereby state the above this 29th day of August 2011.



Scott Hintz

For all of the above reasons, this Court should immediately remove conflicted counsel Dennis C. O'Brien or minimally allow this Defendant Pro Se representation.

This 29th day of August 2011.

Respectfully submitted,



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 29th day of August 2011 by hand-delivering same to AUSA Abrams' office.

Respectfully,


Scott Hintz

From: Scott Hintz
Date: Sun, 28 Aug 2011 11:16:30 PM EST
To: Dennis C. O'Brien<obriendc@bellsouth.net>
Reply-To: Scott Hintz
Cc: U.S. Magistrate Judge C. Christopher Hagy<c_christopher_hagy@gand.uscourts.gov>

Mr. O'Brien,

You continue to REFUSE to answer questions and continue to tamper with witnesses and evidence. Who, if anyone, have you (or anyone under your direction) spoken to in regards to my case and me? There are many sworn statements in my case (#1:03-CR-131-CC-CCH) that support my habeas allegations (for instance see Document #'s 253, 258, 260, 262, 263, 266, 269, and 270). Additionally, I have more evidence, witnesses, and recorded evidence I have long held for use in a habeas evidentiary hearing.

I have seen absolutely no subpoenas, absolutely no habeas witness interviews, reports, or proposed filings and presentation materials in regards to this week's upcoming habeas proceedings.

I keep asking to see the statements in regards to your 'great' friend, Jerome Froelich, and his clients, Robbie Willison and Michael Garone, who are witnesses in regards to the subject matter of my habeas proceedings and in regards to the recent revocation proceedings (started with Mr. Froelich's statements, and later supported with Mr. Froelich's affidavit, all of which have already been proven as false).

Jerome Froelich directly, and indirectly, was involved in hindering items related to the underlying proceedings of my case. I have been informed you have recently communicated with Jerome Froelich, Judge Baverman, Judge Cooper, Judge Hagy, Mark Kadish and others in regards to me or my case and in your attempts to try to prejudice my case -- these communications are not reflected in the record of my case. Provide me the dates of each communication you, and your investigator(s), have had with any of the above.

Based upon your threats to me, your refusals to do anything in my interest, and your close affiliations with my other adverse parties, I am certain you will do everything possible to fix the outcome of the habeas proceedings against me. You have very literally high-jacked my case for your own interests and those of your close friends and associates that have a great deal to lose if justice was to prevail in my case.

You are an adverse witness against me, you are an adverse party to me in civil and criminal litigation, and you have been "forced" upon me as unwelcome appointed counsel because of your lies to the court -- all at the same time.

You have admitted conflicts of interest, and you are very aware I very specifically stated I would rather have no attorney, at all, than to be "forced" to have you as my attorney. You have known this ever since you were appointed as counsel on July 5, 2011. All of these items are evidenced in the record of the case, in recorded audio clips of you available on Youtube, and in other evidence, testimony, and records that would be presented into the record of my case if you were no longer allowed to act as a "gatekeeper" to block evidence of your own wrongdoing.

As evidenced by affidavits in the record of my case show, I, and others, have left you numerous voice mail messages for you to call me, but you have refused to do so. Additionally, you have refused to reply to my various email and certified mail requests for materials and information. You have completely ignored MY interests ever since your appointment as my attorney was forced upon me against my will.

Having an adverse attorney, like you, forced upon me forecloses my interests out of my own case because federal rules assume attorneys will not illegally against their own clients. This false assumption, and your refusal to remove yourself from my case, makes it impossible for "me" to file any motion related to the merits of my case (or any evidence and subpoenas for testimony in support of valid claims) so long as you are the "gatekeeper" over what is filed into my case. Anything I send in to be filed gets returned, unfiled, because it has to be filed by you

Exhibit A
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according to the court rules. You, of course, refuse to file anything favorable into the record of my case, you refuse to request hearings related to your criminal and unethical conduct, and you refuse to file valid and relevant subpoenas BECAUSE of your conflicts of interest.

I have specifically requested you either immediately email me my client file materials and information as pdf files, or that you meet with me in person at the Sandy Springs Police Department so you could deliver my client file materials to me in the presence of others (you even refused to deliver my client file materials to me when I saw you in Fulton County Court last week for your criminal proceeding). I suggested we discuss why you are willfully ignoring the available, and favorable, witness testimony and evidence for my habeas proceedings, but you have refused to show up even though I told you we could all meet at the police department ANY day. You never even bothered to reply to my offers nor did you call me even once to make an effort to cooperate.

Available testimony and evidence includes items to show Mark Kadish was "forced" upon me so he, like you, could hide the truth about the unethical and illegal actions of the Baverman family in regards to the subject matter of the underlying case. Available testimony and evidence also show my choices were neither knowing nor voluntary, but were rather the coerced and purposely dis-informed choices that were forced upon me not only by people outside the courtroom, but also with the help of intimidation by Clarence Cooper (the individual) through his non-judicial and "non-record", but witnessed, actions and statements. You continue to refuse to address favorable eye-witness accounts (and documentary or recorded evidence) of the "non-record" actions and statements of Alan Baverman and Clarence Cooper (the individuals), and their close associates.

Your actions are criminal and unethical, and your threats show the powerful individuals involved have vowed to protect you from your continuing illegal actions to try to prejudice my case in the USDC, me, and various state court proceedings.

Again, please immediately send me the names of everyone with whom you, or those directed by you, have communicated or subpoenaed to date. Also, send me my complete habeas file via pdf files to this email address, or deliver it to me, in person, to the Sandy Springs Police Department immediately. Call me first, and I will ensure favorable witnesses are available to discuss my habeas case and the recent witness and evidence tampering attempts.

Scott Hintz

Exhibit A
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To: Dennis C. O'Brien <obriendc@bellsouth.net>
Cc: U.S. Magistrate Judge C. Christopher Hagy <c_christopher_hagy@gand.uscourts.gov>
Subject: The continuing troubling behavior of Dennis C. O'Brien.
Sent: Aug 28, 2011 7:42 PM

Mr. O'Brien,

Have you subpoenaed all the favorable witnesses and evidence listed in the docket entries provided to you numerous times, and available in last night's email to you? If not, who have you subpoenaed and with whom have you discussed my case?

You have literally frozen me out of my own case and absolutely refuse to call me or meet me anywhere outside your office (the office where you have threatened me from).

I have invited you to either call me or meet with me in the lobby of the police department --ANY day-- but you have refused to show up or call me in regards to these important matters.

I have still not received ANY call from you nor have I received ANY of my non-PACER habeas client file materials and information. Your criminal attorney stated he was going to try to get you to provide me my client file materials, immediately, and certainly prior to, or at, your last criminal proceeding on August 22, 2011. You did not do so as was witnessed by Mark Kadish, Alan Baverman, Jerome Froelich and numerous other witnesses.

I understand that you invited an online reporter to write about you while you were waiting for your criminal proceedings related to charges against you for witness tampering, obstruction of justice, and evidence tampering (it appears witnesses were encouraged not to testify, or to testify falsely, and that you interfered with the presentation of evidence for your own criminal proceedings).

I was alerted, today, that there has been an online story recently written about you and posted online by the reporter you asked to write about you. the story and supporting evidence is at the following internet website:

http://www.lawlessamerica.com/index.php?option=com_content&view=article&id=459:support-removal-of-atlanta-attorney-dennis-c-obrien&catid=110:news-reports&Itemid=210

Will you agree to deliver my complete client file (including copies of all notes and communications related to my case and me) tomorrow morning? If not, will you agree to have someone scan and email it to me as pdf files, or minimally have it available at your front desk so I can have someone pick it up for me? Clearly, you have numerous conflicts of interests in my case and you have quite literally high-jacked my case to prejudice me. Even your own criminal attorney was concerned by your behavior.

Please remove yourself, provide me my entire case materials, and alert the court you have refused to subpoena my favorable witnesses and evidence.

Please reply to the questions, above, immediately. My hearing is on Tuesday. To date, you have completely managed to freeze my interests out of my case.

Scott Hintz

Exhibit A
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From: Scott Hintz
To: Velma Shanks <velma_shanks@gand.uscourts.gov>
Cc: Dennis C. O'Brien <obriendc@bellsouth.net>
ReplyTo: Scott Hintz
Subject: Re: Emergency Hearing
Sent: Aug 29, 2011 3:12 PM

Ms. Shanks,

Thank you for your email. As this notice has come last minute, and I have no notice about the subject matter of tomorrow's hearing nor any ability to subpoena witnesses and testimony for tomorrow, would you be so kind as to inform me answers to the following:

- (1) What is the subject matter of tomorrow's 8:30am hearing?,
- (2) Has tomorrow's 10am hearing before Judge Hagy been cancelled or reset?,
- (3) Can I have subpoenas of witnesses and evidence expedited immediately for tomorrow's 8:30am hearing in order to prepare for this last-minute hearing? (Mr. O'Brien refuses to call me to provide me info)

Thank you,
Scott Hintz

-----Original Message-----

From: Velma Shanks <velma_shanks@gand.uscourts.gov>
To: Dennis C. O'Brien <obriendc1946@yahoo.com>
To: Scott Hintz
Subject: Emergency Hearing
Sent: Aug 29, 2011 1:03 PM

This message is being sent to notify you that an emergency hearing has been set for Tuesday August 30, 2011 at 8:30 AM before Judge Clarence Cooper in Courtroom 1706. Please note that your presence at this hearing is required.

Velma Shanks
Courtroom Deputy/Judicial Assistant to the Honorable Clarence Cooper
United States District Court
Northern District of Georgia, Atlanta Division
404-215-1394

Exhibit B
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From: Scott Hintz
Date: Mon, 29 Aug 2011 2:49:11 PM EST
To: Dennis C. O'Brien<obriendc@bellsouth.net>
Reply-To: Scott Hintz
Cc: U.S. Magistrate Judge C. Christopher Hagy<c_christopher_hagy@gand.uscourts.gov>
Subject: August 30, 2011 8:30am hearing before Judge Cooper.

Mr. O'Brien,

As this moment I have neither received a call from you nor have I received my habeas materials and information. You have refused to reply to my very important questions and concerns.

What is the subject matter of this last-minute hearing before Judge Cooper tomorrow at 8:30am? If it is in regards to your illegal/unethical behavior, and your conflicts of interest -- I want to be able to have people and evidence subpoenaed.

Since I have no notice of the subject matter of the hearing, nor no ability to submit requests for subpoenas and for permission to bring recorded, and other, evidence into the court. I demand you motion the court to immediately allow me to do so. Without my ability to do so, I anticipate you will again lie in court and I will not be allowed to present evidence and testimony against you. Again, this will allow you to be the 'gatekeeper' of the record so you can protect your own interests and those of your associates.

Please reply immediately with all the information I have requested, motion the court to stay my habeas proceedings due to you refusal to cooperate with me, and motion the court I be able to submit requests for the subpoenas of testimony, materials, and information that help further support my claims against you. I can be called immediately to meet at the policew department to accept a complete copy of my client file.

Scott Hintz

Exhibit C
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Lawless America

WE'VE GOTTA FIX THIS!

Removal of Atlanta Attorney Dennis C. O'Brien

Sunday, 28 August 2011 12:31

Admin



Why is attorney Dennis C. O'Brien not voluntarily removing himself from the Scott Hintz case and why is he trying so hard to stay on Scott's case?

Why has this attorney not helped Scott get evidence and testimony into the record of this case?

Here are motions Scott filed several years ago to recuse the involved judges (**Motion-258**) and (**Motion-263**).

Scott requested that attorney Dennis C. O'Brien not be "FORCED" upon him.

Here is a **recent email**, a recent **certified letter to Judge Hagy**. and a **recent filing**.

Scott requests a fundamental constitutional right: THE RIGHT TO REPRESENT HIMSELF.

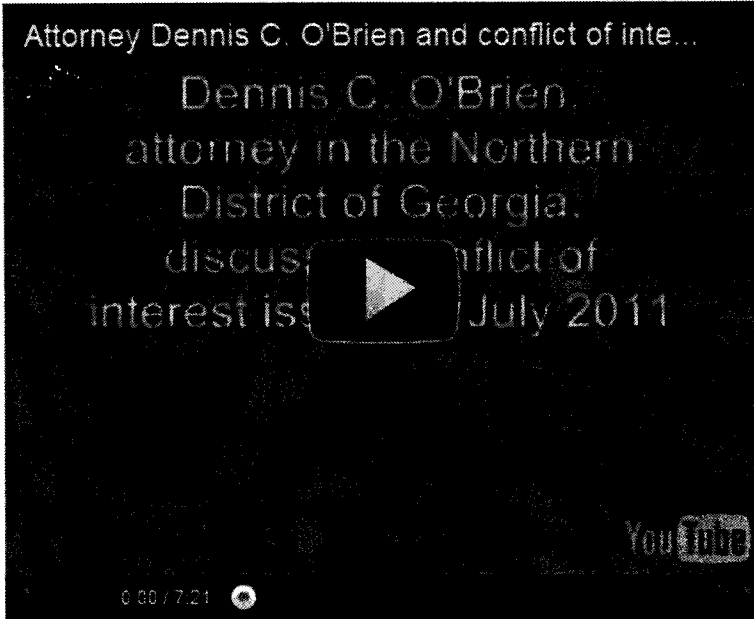
"Defendants in criminal cases have a constitutional right to proceed pro se, and counsel may not be imposed on them over their objection." (*Faretta v. California*, 422 U.S. 806; United States Supreme Court 1975.)

Scott has requested Judge Alan Baverman and Judge Clarence Cooper take the witness stand in regards to their personal knowledge or involvement with the subject matter of the case.

Government emails show, that at a minimum, Alan J. Baverman should be taking the witness stand in regards to his personal knowledge and involvement.

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Scott says he would rather not have an attorney, at all, than be **“FORCED” to use an attorney** who has admitted to being very good friends with one, or more, of Scott’s adverse parties.



Dennis C. O'Brien has been, and is, an adverse party to Scott in at least two cases: **Fulton County case** and **Cobb County case**.



Exhibit D
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To witness how awful things can really become in an Atlanta courtroom, please plan to attend Scott's hearing:

Tuesday, August 30, 2011 at 10:00 AM

United States District Court
75 Spring Street SW
Courtroom 1879 - Judge Hagy
Atlanta, Georgia 30303.

Please try to be there on Tuesday. Your time to support Scott Hintz is very much appreciated.

Last Updated on Sunday, 28 August 2011 13:09

Exhibit D
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