

FILED IN CLERK'S OFFICE
USDC - Atlanta

AUG 30 2011

JAMES N. [Signature], Clerk
By: [Signature] 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.

Defendant, again, requested a complete copy of this Defendant's
entire client file materials and information from 'criminal' attorney
Dennis C. O'Brien; see and herein incorporate **Exhibit A**. Further,
Defendant directed attorney Dennis C. O'Brien motion the court for
subpoenas of witnesses and evidence for the August 30, 2011 8:30 am
hearing before Judge Cooper and requested Mr. O'Brien motion the
court to stay the 10 am August 30, 2011 hearing before Judge Hagy.
Not surprisingly, attorney Dennis C. O'Brien failed to do any of the
above; see and herein incorporate **Exhibit B** and the items provided
on the web links provided on the associated web page.

Defendant expects Dennis C. O'Brien to, again, lie to the Court
as he did on July 19, 2011. He will likely try to prejudice this
Defendant with false statements and misleading, or fraudulent,
evidence. Mr. O'Brien has not moved the Court to allow for the

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subpoenas of witnesses and evidence favorable to this Defendant, so the proceedings of August 30, 2011 will, again, likely just be a one-sided show to prejudice this Defendant and to help the interests of Dennis C. O'Brien and his close friends and their associates.

Dennis C. O'Brien has very specifically threatened this Defendant and Mr. O'Brien has communicated he has had "non-record" communications with Judge Clarence Cooper and Judge C. Christopher Hagy. Defendant very specifically has requested the witnesses to these "non-record" communications provide the information, because it is clear Dennis C. O'Brien will do absolutely everything to protect himself from the valid criminal and civil claims alleged in state court filings against him. Defendant's requests for the assistance of counsel have been ignored to date, and Defendant expects the August 30, 2011 hearings to just be a "show" and will not allow Defendant his constitutional right to offer proof in support of Defendant's claims. Effectively, Dennis C. O'Brien continues to act as a "gatekeeper" to the record even when the proceedings involve his own criminal and unethical behavior to prejudice his own client.

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 provide me a copy of my habeas client file materials and information, and to review favorable evidence and to meet

favorable witnesses - even though he has been given numerous opportunities to do so.

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.
3. Dennis C. O'Brien has not moved the court to allow me to subpoena favorable witnesses and evidence for the 8:30 am August 30, 2011 hearing before Judge Cooper, nor the 10:00 am August 30, 2011 hearing before Judge Hagy.
4. Dennis C. O'Brien has communicated he has had "non-record" communications with Judge Clarence Cooper, Judge C. Christopher Hagy, Mark Kadish, Jerome Froelich and others specifically in relation to me and this case.

Stating the above are true statements, I hereby state the above this 30th day of August 2011.

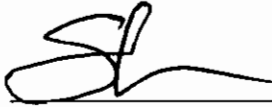


Scott Hintz

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 30th 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 30th day of August 2011 by hand-delivering same to AUSA Abrams' office.

Respectfully,

A handwritten signature in black ink, appearing to be 'SH' with a long horizontal flourish extending to the right.

Scott Hintz

From: Scott Hintz
Date: Tue, 30 Aug 2011 05:56:05
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: Troubling behavior of Dennis C. O'Brien.

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Mr. O'Brien,

It is the morning of my habeas proceedings before Judge Hagy and you have still neither called me nor have you provided me my client file materials and information.

You have refused my requests to meet ANY day in the lobby of a local police department to provide me case materials, to talk to favorable witnesses, to review additional items of evidence, and to address witness and evidence tampering issues.

You are aware you have, within your personal possession, Bates-stamped items and other evidence that proves the revocation allegations made against me were false and retaliatory in nature for exposing the illegal acts of your good friends and their associates.

You have never moved to revisit Judge King's orders to allow me to talk to important witnesses. Additionally, you did not submit any motion or request to Judge King allow me to work or practice my faith beyond 9pm - even when you clearly knew both were very important to my financial and spiritual needs, and you knew there were valid reasons and evidence to support these important interests.

Additionally, and to my knowledge, you have not moved to have even a single favorable witness or item of evidence subpoenaed for today even though you have been personally aware the available testimony and evidence since at least July 6, 2011.

Your threats to me, my case, and other witnesses are likewise troubling. You are clearly aware the retaliation I have faced since March serves your friends well and was the reason they acted through unjust revocation attempts to provide a very chilling effect on other witnesses that would like to tell the truth, but fear danger and retaliation.

I, again, request you immediately move the court to allow me to subpoena witnesses and evidence to prove your illegal acts in my USDC case and in your interfere of valid state court proceedings, or minimally immediately remove yourself for conflicts of interest. You should also bring me a copy of all client file materials including but necessarily limited to: interview or other notes, reports, intended filings, presentation materials, and the names and the subject matter of all communications by you (or on your behalf) to anyone as relates to me and my case.

I have been effectively frozen out of my case. You have done nothing but attempt to create a 'papertrail' of a few emails to try to give the appearance of effort, when in reality you have NEVER once called me nor met with me since the week of your appointment (excluding our hearing before Judge Cooper and your recent criminal proceeding - during which you did not provide me requested client file information).

Your actions are criminal and unethical. I anticipate you will again lie in court today and will do your best to prejudice my case by presenting only false and prejudicial statements, all while not moving the court to subpoena available favorable witnesses and evidence I can not request myself because of existing orders you refuse to have revisited.

Scott Hintz

Exhibit A

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

Lawless America

WE'VE GOTTA FIX THIS!

Support Removal of Atlanta Attorney Dennis C. O'Brien - UPDATE

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**).

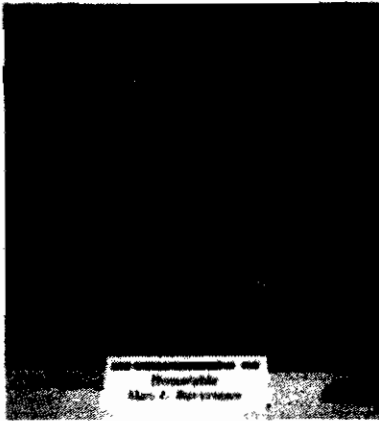
Scott requested that attorney Dennis C. O'Brien not be "FORCED" upon him.

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.)

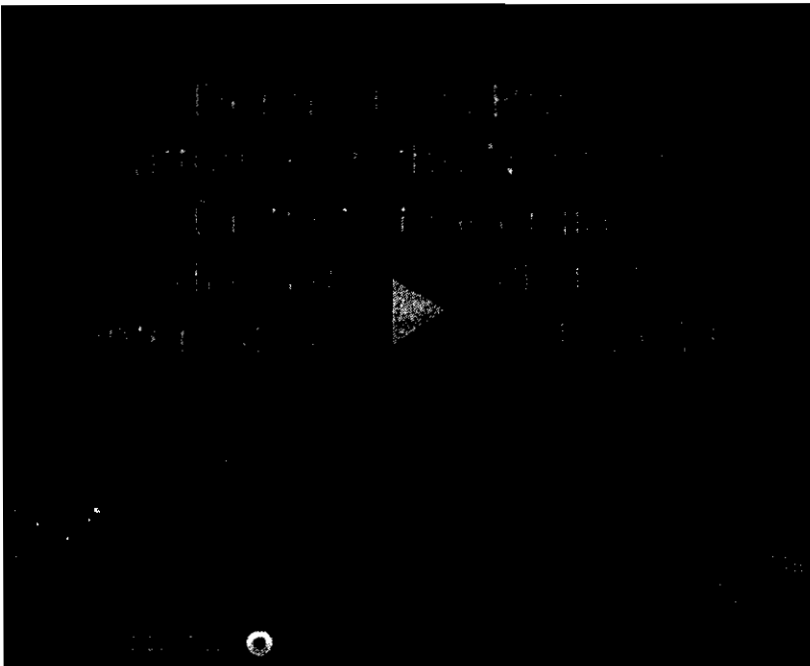
Exhibit B
Pg 1 of 5 pgs
SH



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.

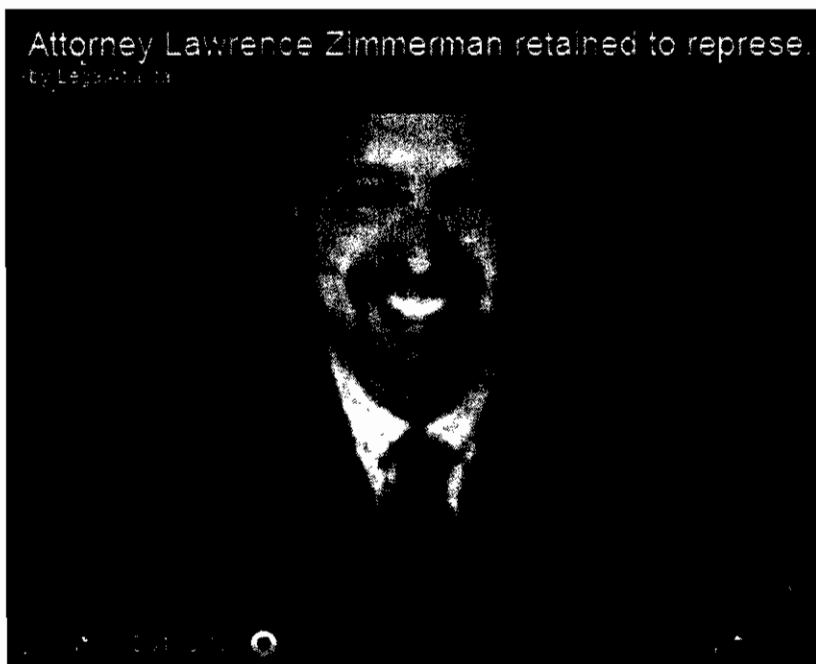
Government emails show, that at a minimum, Alan J. Baverman should be taking the witness stand in regards to his personal knowledge and involvement.

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 B
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On Monday, August 29, 2011, **Judge Cooper suddenly issued an order** scheduling a hearing at 8:30 am tomorrow to hear Scott's motion.

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

Tuesday, August 30, 2011 at 8:30 AM

United States District Court
75 Spring Street SW
Judge Cooper's Courtroom 18th Floor
Atlanta, Georgia 30303.

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

Exhibit B
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**Cobb County Magistrate Court
Frank R. Cox, Chief Magistrate
32 Waddell Street
Marietta, GA 30090-9656**

Filing Confirmation

Your filing submission was successful. An email confirmation will be sent to the affiant.

PLEASE PRINT THIS PAGE FOR YOUR RECORDS

Filing Fees:

| | |
|--------------------------------------|------|
| <i>CMR FUND</i> | ■■■■ |
| <i>FILING FEE</i> | ■■■■ |
| <i>FILING FEE (\$22.00)</i> | ■■■■ |
| <i>INDIGENT DEFENSE</i> | ■■■■ |
| <i>MEDIATION FUND</i> | ■■■■ |
| <i>SURCHARGE</i> | ■■■■ |
| <i>SHERIFF ENTRY SERVICE (J R L)</i> | ■■■■ |
| Total: | ■■■■ |

Filing Confirmation Numbers

Credit Card Confirmation Number: ■■■■ 46

Filing Number: ■■■■ 03

(A Case ID will be assigned after Court processing.)

Plaintiff

Name: Scott Hintz

Address: ■■■■■■■■■■■■

■■■■

■■■■■■■■■■■■■■■■■■■■

Phone: ■■■■■■■■■■

*Exhibit B
Pg 4 of 5 pgs
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Defendant #1

Name: Dennis C O'Brien

Address: [REDACTED]

[REDACTED]

Phone: [REDACTED]

Affiant

Individual Filing Is: Plaintiff

Name: [REDACTED]

Address: [REDACTED]

[REDACTED]

[REDACTED]

Phone: [REDACTED]

E-Mail: [REDACTED]

Small Claims Filing Information

Type of Claim: Other - Tort

Reason for this filing: Defendant has, upon this Plaintiff, committed the following tortious acts: libel, slander, damages, defamation, bad faith, malicious prosecution, malpractice, negligence, negligence per se, and tortious interference.

Principal Amount: \$10000.00

From: EFILE@cobbcounty.org
Date: [REDACTED] Aug 2011 14:56:22 -0400 (GMT-04:00)
Subject: Small Claims Filing [REDACTED]03 has been accepted.
To: Scott Hintz

Your filing has been accepted by the Magistrate Court of Cobb County.
You will be receiving your case number in the U.S. mail to the address you provided.

**** This E-Mail does not require a response. ****
Cobb County...Expect the Best

www.cobbcounty.org

Exhibit B
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