

**Demand for Lawyerdude in court via Instant Telephone, video link, or Instant Messenger on Computer.**

Mike Rinaldi pro se  
1234 Willow Gate Drive, Citrus Heights CA 95621  
926-555-1111  
[mikeys20032003@yahoo.com](mailto:mikeys20032003@yahoo.com)

This motion is <http://www.lawyerdude.netfirms.com/7608.html> <http://www.lawyerdude.netfirms.com/7608.pdf>  
and <http://www.lawyerdude.netfirms.com/7608.wpd>

**Related pages:**

- Update: Blockbuster. 2006 case. Right to counsel of choice: <http://www.lawyerdude.netfirms.com/8345.html>
- The Hatch case much like Rinaldi's case: <http://www.lawyerdude.netfirms.com/hatch.html>
- List of the 20 most commonly used criminal motions: <http://www.lawyerdude.8k.com/motions.html>
- Google list of brief banks: <http://www.google.com/search?hl=en&q=brief+bank&btnG=Google+Search>
- Lawyerdude's brief bank: <http://www.lawyerdude.netfirms.com/traffic.html>
- Lawyerdude standard #5635 to demand public defender performance: <http://www.circuitlawyer.8m.com/5635.html>
- Lawyerdude's 2<sup>nd</sup> Manifesto : <http://www.lawyerdude.8k.com/3789.html>
- Counsel of choice page: Preliminary: <http://www.lawyerdude.netfirms.com/choice.html>
- Lawyers are not fungible: <http://www.lawyerdude.netfirms.com/7611.html>
- Sanders case: Bar rules must yield to defendant's rights: <http://www.lawyerdude.8k.com/sanders.html>
- Johnson v. Avery (1969) <http://www.lawyerdude.8k.com/avery.html> 393 U.S. 483 holds that anybody may write legal pleadings.

**In the Superior Court of California for the County of Placer**

2775 Richardson Drive, Auburn CA. Criminal Matters (530) 886-1200

<http://www.placercourts.org/> Local Rules: <http://www.placercourts.org/ftp/Local%20Rules%202006.pdf>

<p>Local Prosecutor          dba under false color of law as          "the people"          v.          Mike Rinaldi, one of the actual people.</p>	<p>Case Number 62-042914          Document #7608 Version 2.000          Demand for effective assistance of Lawyerdude via          Instant Messenger, telephone, and/ or video link.          Memorandum of Authorities.          Proof of Service.          Proposed Venue:          Time: 1:30 pm          Date: Thursday 25 May, 2006          Place: Dept. 13, 2785 Richardson Dr., De Witt, Auburn          CA</p>
---	---

**Notice of Motion**

To the court: At the venue indicated in the caption or at such other venue as the court shall prescribe, I will demand that this court make good on its obligation to guarantee to me the effective assistance of counsel. In particular I will demand that you take new steps necessary in view of the dramatic increases in effectiveness afforded by the internet - as set forth more fully herein. The courts routinely permit counsel and defendant to appear from the jail via video. Bankruptcy court in San Jose in the year 2000 had more court appearances by phone than in person. I am asking for similar considerations in view of the present denial of effective assistance of counsel. I am not notifying the prosecutor. This motion contains confidential work product and other confidentialities. If necessary I can put the Instant Messenger motion into a separate motion.

**Table of Contents:**

Statement of my Case ..... -2-  
Statement of our Place in Time - by LawyerDude. .... -2-  
Tables/ Lists of Cases, Constitutions, Treatises, Statutes and other Legal Authorities cited in my brief: ..... -3-  
List of U.S. Supreme Court Cases and cited herein: ..... -3-  
**List of Federal Appellate and Federal District Court Opinions cited herein:** ..... -3-  
**Table of Independent State Constitutional Provisions cited herein:** ..... -3-  
Memorandum of Authorities: Argument: ..... -3-  
**Attorneys are not fungible;** ..... -6-  
**Your Error in Denying me Counsel of Choice is Reversible Error - not Harmless Error.** ..... -7-  
Proof of Service ..... -7-  
**Topical Index:** ..... -9-

**Statement of my Case**

I have been falsely accused of a crime consisting solely of internet communication.

If convicted I would be required to register as a sex offender and serve time in prison. I took my case to the internet where I met LawyerDude who has had 2 wins for 2 tries using an overbreadth argument. LawyerDude wrote to my appointed counsel. The letter is at the following link: <http://www.lawyerDude.netfirms.com/7590.html> No response. No acknowledgment.

Theo from the internet found the Hatch case. It is published at the following hyperlink:

<http://www.lawyerDude.netfirms.com/hatch.html>

The statutes used in the prosecution of my case were never intended to be used as they are being used. When the legislature wrote the "attempted crimes" statute they could not possibly have envisioned my actions because the internet was not yet invented then. Furthermore, to create an entire class of crimes without consideration to the possible wrongness of the creation in a particular situation is ultra vires - or at least it invites just the type of overbreadth objection that LawyerDude advocates.

I am constitutionally entitled to effective assistance of counsel. Public Defenders do not write motions, generally speaking. Public Defenders do not demur. The Public Defender has done her job if she is in court when the defendant is there regardless of whether the public defender is even awake! LawyerDude advocates a new improved standard for new improved performance of the public defender. LawyerDude Standard #5635 is at the following hyperlink:

<http://www.circuitlawyer.8m.com/5635.html>

It would be nice if Public Defender Joannie O'Connor could win my case. She is not interested. **She does not know how to win my case; LawyerDude does know!** And she is not interested in learning how! Lawyers are not fungible. I need LawyerDude! That is what I now demand!

I need to avail myself of Court Appearances by Instant Messenger or Video Link. This provides access to LawyerDude without requiring his presence in this state. It keeps LawyerDude independent of the court and it provides the instant transcript that helps me utilize my pre-trial appellate remedies in this case. This case is one of first impression - even though the California court of appeal ruled a similar issue in Hatch

<http://www.lawyerDude.netfirms.com/hatch.html> . The Hatch case was by a vote of 1-2. My case will be 2-1 if it goes to appeal and I will win before the California Supreme Court if I must go that far - all before trial!

**Statement of our Place in Time - by LawyerDude.**

1. We now have the internet in full bloom. This was not true even 6 years ago.
2. Instant Messenger provides Instant Transcript.

3. Instant Messenger permits courtroom participation from afar.
4. The internet will make us free. The internet is all about instantaneous transmission of words. Law consists **only** in words. The internet has accelerated and increased the efficiency of legal work and law. The dentist cannot fix your teeth from afar; the lawyer can do his work from afar!
5. The internet will make us free. The internet has demonstrated that lawyers are one of the last oppressed minorities. The oppressors are the various state bars that attempt to limit us to hunting on our own turf but only after paying the king. No! I enjoy freedom! My right to speak, write, associate, advocate, and counsel shall not be abridged! The 1<sup>st</sup> amendment is my bar license!  
<http://www.lawyerdude.8k.com/3789.html>

**Tables/ Lists of Cases, Constitutions, Treatises, Statutes and other Legal Authorities cited in my brief:**

**List of U.S. Supreme Court Cases and cited herein:**

**Griffin v Illinois** (1956) Equal protection considerations mandates that indigent people receive a transcript to do their appeal <http://www.circuitlawyer.8m.com/griffin.html> ..... **-4-**

**Johnson v. Avery** (1969) <http://www.lawyerdude.8k.com/avery.html> 393 U.S. 483 holds that anybody may write legal pleadings. .... **-4-**

**Supreme Court of New Hampshire v Piper** (1985) <http://laws.findlaw.com/us/470/274.html> The court struck down a residency requirement. Piper lived in an adjoining state. .... **-5-**

**U.S. v Gonzalez-Lopez** (2006) <http://www.lawyerdude.netfirms.com/8345.html> Where a court denies a defendant his choice of a paid qualified lawyer, then the case must be automatically overturned. .... **-3-, -6-**

**U.S. v Harrison Cronic** (1984) 466 US 648, 80 L Ed 2d 657, 104 S Ct 2039  
<http://www.lawyerdude.netfirms.com/cronic.html> ..... **-4-**

**Wheat v. United States** (1988) <http://laws.findlaw.com/us/486/153.html> 486 U.S. 153. Right to counsel of choice. .... **-4-**

**Table of U.S. Constitutional Provision cited herein:**

Amendment VI In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defense. .... [Page 4 of 8](#)

**List of Federal Appellate and Federal District Court Opinions cited herein:**

**Sanders v Russell** (1968 5th cir.) <http://www.lawyerdude.8k.com/sanders.html> 401 F 2nd 241. Court must make exceptions to pro hac vice rules for civil rights lawyers. Bar rules must yield to defendant’s rights. .... **-4-**

**Table of Independent State Constitutional Provisions cited herein:**

California constitution, section 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy. .... [Page 45 of 73](#)

California constitution, section 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy. .... [Page 4 of 8](#)

**Memorandum of Authorities: Argument:**

Lawyers are not fungible; the issue of right to counsel of choice was argued at the U.S. Supreme Court on Tuesday 18 April 2006: Discussion of oral argument: <http://www.lawyerdude.netfirms.com/7611.html> The Supreme Court ruled in favor of counsel of choice in the case of **U.S. v Gonzalez-Lopez** (2006) <http://www.lawyerdude.netfirms.com/8345.html>

The Constitutional guarantee of right to "assistance of counsel" is by its text unqualified.

Amendment VI In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defense. - 6<sup>th</sup> amendment

The law gives one standard to the rich and one to the poor. The rich have a right to counsel of choice. The poor are stuck with the public defender. The equal protection clause has been used to level the playing field in the case of **Griffin v Illinois** with regard to transcript and appointment of some counsel. Nonetheless, the rich can get counsel of their choice. Thus there remains a difference. In the instant case Mike is stuck with a public defender who does not know how to win this case before trial. Mike also has retained the services of LawyerDude. The California constitution gives Mike an independent source of rights - and independent state grounds on which to base his demand for counsel of choice.

California constitution, section 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy. . . .section 15. The defendant in a criminal cause has the right , , , to have the assistance of counsel for the defendant's defense, to be personally present with counsel . . ." - California constitution, Article 1, sections 1 and 15.

The Constitutional guarantee of right to enjoy counsel of choice is qualified only by certain narrowly drawn exceptions. 4. Within the unambiguous language of the Constitution, the assistance of Counsel does not restrict it to any state bar associations. 5. Defendant refuses to waive any fundamental Rights or Immunities in order to assert another Right or Immunity.

The Right to Counsel of choice has been deeply embedded in true American tradition since the foundation of this Republic, and has been most recently set forth by the United States Supreme Court in **Wheat v. United States** (1988) <http://laws.findlaw.com/us/486/153.html> , 486 U.S. 153.

In the case of Harrison Cronin, the court appointed a lawyer who had never performed a trial before. The U.S. Supreme Court ordered a new trial. **U.S. v Harrison Cronin** (1984) 466 US 648, 80 L Ed 2d 657, 104 S Ct 2039 <http://www.lawyerdude.netfirms.com/cronic.html>

Bar rules must yield to defendant's rights. **Sanders v Russell** (1968 5th cir.) 401 F 2nd 241. Court must make exceptions to pro hac vice rules for civil rights lawyers. <http://www.lawyerdude.8k.com/sanders.html> This Sanders case is cited in Gilbert Summary of the Law of Legal Ethics as a limitation upon bar rules which, or course, are merely administrative law which must yield to the substantive constitutional rights of defendants and their lawyers.

**Johnson v. Avery** (1969) <http://www.lawyerdude.8k.com/avery.html> 393 U.S. 483 holds that anybody may write legal pleadings.

The Defendant's right to be assisted in this criminal case by counsel of choice may only be restricted by the court for well-defined cause. Though a defendant's right to counsel of choice in a criminal case is qualified, the scope of such limitation is narrowly drawn and does not restrict in any way the Defendant's absolute right to be afforded the counsel of choice as presented herein.

A Defendant's right to have counsel of choice may be denied only where a conflict of interest exists, real or potential. **Wheat v. United States**, supra.

When a district court finds that counsel has a conflict of interest, real or potential, it retains "substantial latitude" to disqualify counsel, even where a defendant consents to representation. Id. at 163, An attorney may be dismissed for pursuing frivolous theories, even if he acts on behalf of a defendant. See **United States v. Masat**, 896 F.2d 88, 92 (5th Cir.1990).

Violation of accepted rules of professional conduct which result in the "erosion of public confidence in the integrity of the bar and of the legal system" also may justify disqualification of defendant's chosen counsel. See **United States v. Walton**, 703 F.Supp.

75, 77 (S.D.Fla.1988) (disqualification of defense attorney warranted on strength of codefendant's allegation that attorney was prepared to use false testimony).

Finally, an attorney's misconduct in open court may sufficiently impede the orderly administration of justice to supersede a defendant's sixth amendment right to retain counsel of his choice. See *United States v. Dinitz*, 538 F.2d 1214, 1220-21 (5th Cir.1976) (en banc) (counsel expelled from courtroom after he ignored the court's instructions not to interject personal opinion into his opening statement and advanced factual allegations lacking evidentiary foundation; no sixth amendment violation); *Ross v. Reda*, 510 F.2d 1172, 1173 (6th Cir.) (denial of attorney's request to proceed pro hac vice did not violate defendant's right to counsel of choice where attorney refused to limit out-of-court statements about the case), cert. denied, 423 U.S. 892, 96 S.Ct. 190, 46 L.Ed.2d 124 (1975).

B. Objection relying upon the proposition that counsel is not a member of this states OR ANY OTHER bar association will not withstand Defendant's right to enjoy counsel of choice.

Residency requirements do not address competence. Instead they are artificial barriers to practice which deter the provision of more cost effective legal services to those corporations that use inside counsel. A residency requirement was struck down by the U.S. Supreme Court in *Supreme Court of New Hampshire v Piper* (1985) <http://laws.findlaw.com/us/470/274.html> . Although states have authority to regulate admissions to the bar and the practice of law within their boundaries, that right is not unfettered. Restrictions on practice must reasonably relate to determining fitness and capacity to practice. *Schwartz v. Board of Bar Examiners*, 353 U.S. 232; *In re Griffith*, 413 U.S. 717

Under *Hicklin v. Orbeck*, 437 U.S. 528 (1978), New Hampshire must demonstrate that nonresidents "constitute a peculiar source of evil" and that discrimination against nonresidents "bears a substantial relationship to the particular evil" they are said to represent." *Id.*, at 525-527

## PART II

The Defendant's right to choice of counsel demanded herein is very nearly unqualified and absolute.

A.

The Sixth Amendment Right to Counsel of Choice Is Distinct from the Sixth Amendment Right to the Effective Assistance of Counsel Once Chosen or Appointed. The U.S. Supreme Court has long recognized that the Sixth Amendment protects a non-indigent criminal defendant's right to choose his own counsel. See *Powell v. Alabama*, 287 U.S. 45, 53 (1932)

"It is hardly necessary to say that, the right to counsel being conceded, a defendant should be afforded a fair opportunity to secure counsel of his own choice."); *Glasser v. United States*, 315 U.S. 60, 70, 75 (1942); *Chandler v. Fretag*, 348 U.S. 3, 9 (1954); *Wheat v. United States*, 486 U.S. 153, 159 (1988).

That right, like the right of self-representation, is more than simply a sub-element of the defendant's interest in receiving competent representation. The framers of the Sixth Amendment understood "the inestimable worth of free choice." *Faretta v. California*, 422 U.S. 806, 834 (1975).

Among other things, they were well aware that in the notorious 1735 trial of John Peter Zenger, Zenger's original attorneys were disbarred by the court for vigorous advocacy, see *United States v. Barnett*, 376 U.S. 681, 715 (1964), and that the court had initially tried to force him to trial with an inferior lawyer. See *James Alexander, A Brief Narrative of the Case and Trial of John Peter Zenger*, Printer of the New York Weekly Journal 21 (Stanley N. Katz ed. 1972). Forcing upon a paying defendant a lawyer other than his legitimate first choice "can only lead [the defendant] to believe that the law contrives against him." *Faretta*, at 834.

The right to counsel of choice thus differs from the right to effective assistance in two critical respects. First, the former protects a defendant's autonomy and dignity interests in making a fundamental threshold decision as to who will represent him and how his defense will be presented. The right to effective assistance, by contrast, does not address these concerns. It applies regardless of whether the defendant wishes to secure the representation of any given lawyer. Second, the choice of trial counsel affects the entire framework within which a defendant's trial occurs. An attorney is responsible, either in consultation with his client or pursuant to his own judgment, for a host of strategic and tactical choices that are impossible to discern after the fact. An error at this threshold stage is simply not amenable to the type of fine-grained parsing of the trial transcript associated with reviewing claims of

ineffective assistance. See, e.g., *Rompilla v. Beard*, 125 S.Ct. 2456 (2005).

Of course, in some rare circumstances a deficiency in counsel can be so pervasive as to make it likely that "counsel failed to function in any meaningful sense as the Government's adversary." *United States v. Cronic*, 466 U.S. 648, 666 (1984).

In these rare cases, the Court also has presumed prejudice without inquiry into actual performance at trial. *Id.* at 659-61 (citing *Davis v. Alaska*, 415 U.S. 308 (1974), and *Powell v. Alabama*, 287 U.S. 45 (1932)).

Inquiring into prejudice would be inconsistent with the understanding that the right to counsel of choice, like the right to self-representation, "reflects constitutional protection of the defendant's free choice independent of concern for the objective fairness of the proceeding." *Flanagan v. United States*, 465 U.S. 259, 268 (1984); see also *McKaskle v. Wiggins*, 465 U.S. 168, 198 n.6 (1984) (White, J., dissenting).

## B.

The Defendant has an unqualified right to the representation by counsel of choice, to wit: Attorney Douglas Palaschak.

It is fundamental in criminal law that a defendant is entitled to aid of counsel of his own choice, when able to employ one, and if not it is the duty of the court to appoint one for him. If he is able to employ counsel the choice is a personal right of which he cannot be deprived by arbitrary action. It is ordinarily secured to him by express constitutional and statutory provisions. Moreover, the right to be represented by counsel of his own choice is a valuable one, the denial of which is held to be fundamental error. 64 C. J. § 246 Petitioner relies principally upon *United States v. Bergamo et al.* (3rd Cir. 1946) 154 F.2d 31, wherein it was held: "The Sixth Amendment provides inter alia that 'In all criminal prosecutions, the accused shall enjoy the right \* \* \* to have the Assistance of Counsel for his defence.' The Supreme Court has held that the right to the assistance of counsel includes the right to counsel of the defendant's choosing.

In *Glasser v. United States*, 315 U.S. 60, 70, 62 S.Ct. 457, 464, 86 L.Ed. 680, Mr. Justice Murphy citing *Powell v. Alabama*, 287 U.S. 45, 53 S.Ct. 55, 77 L.Ed. 158, 84 A.L.R. 527, stated that " \* \* \* the right to the assistance of counsel is so fundamental that the denial by a state court of a reasonable time to allow the selection of counsel of one's own choosing, and the failure of that court to make an effective appointment of counsel, may so offend our concept of the basic requirements of a fair hearing as to amount to a denial of due process of law contrary to the Fourteenth Amendment

Defendants' qualified right to counsel of choice is an essential component of the Sixth Amendment right to counsel. It "stems from a defendant's right to decide what kind of defense he wishes to present," *United States v. Collins*, 920 F.2d 619, 625 (10th Cir. 1990), cert. denied, 500 U.S. 920, 111 S. Ct. 2022, 114 L. Ed. 2d 108 (1991), The right to retain counsel of choice stems from a defendant's right to decide what kind of defense he wishes to present. *United States v. Nichols*, 841 F.2d 1485, 1502 (10th Cir.1988).

It is a whole new world of law. Law is all about words. The internet is all about words. The various state bars are becoming irrelevant to many folks. The U.S. Supreme Court ruled in 2006 that a criminal defendant has a right to retain counsel of choice. That case is ***U.S. v Gonzalez-Lopez*** (2006) <http://www.lawyerdude.netfirms.com/8345.html>

The opinions in the lower courts have been divided but the 6<sup>th</sup> circuit ruled in 1968 that lawyers are not fungible. <http://www.lawyerdude.8k.com/sanders.html> If a guy wants to hire a lawyer from out of state then by golly he has that right! At least that is what the 6<sup>th</sup> Federal Circuit ruled way back in 1968. When Larry Flynt tried it in 1989 the Supreme Court ruled against him - but no single justice wrote the opinion and the minority was by Byron White, a conservative. <http://www.lawyerdude.s5.com/flynt.html> Lawyers are not fungible. Corn is fungible. Dollars are fungible. Lawyers are not fungible. (Something fungible is readily exchanged for that same commodity. They are all the same within the group. When you take your #2 dry corn to the elevator they don't keep it separate. It is considered the same as the other corn. It is fungible.)

**Attorneys are not fungible;** often "the most important decision a defendant makes in shaping his defense is his selection of an attorney." *United States v. Laura*, 607 F.2d 52, 56 (3d Cir.1979); *Nichols*, 841 F.2d at 1502. When a defendant is financially able to retain counsel, the choice of counsel rests in his hands, not in the hands of the state. *United States v. Richardson*, 894 F.2d 492, 496 (1st Cir.1990); *Wilson v. Mintzes*, 761 F.2d 275, 280 (6th Cir.1985). A defendant's right to retain counsel of his choice therefore

represents " 'a right of constitutional dimension,' " United States v. Cunningham, 672 F.2d 1064, 1070 (2d Cir.1982) (quoting United States v. Wisniewski, 478 F.2d 274, 285 (2d Cir.1973)), the denial of which may rise to the level of a constitutional violation, Birt v. Montgomery, 725 F.2d 587, 592 (11th Cir.) (en banc), cert. denied, 469 U.S. 874, 105 S.Ct. 232, 83 L.Ed.2d 161 (1984); Wilson, 761 F.2d at 278-79. When a court unreasonably or arbitrarily interferes with an accused right to retain counsel of his choice, a conviction attained under such circumstances cannot stand, irrespective of whether the defendant has been prejudiced. United States v. Novak, 903 F.2d 883, 886 (2d Cir.1990); Fuller v. Diesslin, 868 F.2d 604, 606 (3d Cir.1989); United States v. Wheat, 813 F.2d 1399, 1402 (9th Cir.1987), aff'd, 486 U.S. 153, 108 S.Ct. 1692, 100 L.Ed.2d 140 (1988); United States v. Panzardi Alvarez, 816 F.2d 813, 818 (1st Cir.1987); Wilson, 761 F.2d at 281.

However, a defendant's right to retain counsel of his choice is not absolute and "may not 'be insisted upon in a manner that will obstruct an orderly procedure in courts of justice, and deprive such courts of the exercise of their inherent powers to control the same.' " United States v. Gipson, 693 F.2d 109, 111 (10th Cir.1982) (quoting United States v. Burton, 584 F.2d 485, 489 (D.C.Cir.1978), cert. denied, 439 U.S. 1069, 99 S.Ct. 837, 59 L.Ed.2d 34 (1979)), cert. denied, 459 U.S. 1216, 103 S.Ct. 1218, 75 L.Ed.2d 455 (1983); United States v. Freeman, 816 F.2d 558, 564 (10th Cir.1987)." Collins, Footnote Six A.

Such right is necessary to Defendant's ability to assist with his defense: As we noted in Faretta v. California, 422 U.S. 806, 834 (1975), "[the right to defend is personal." It is the defendant's interests, and freedom, which are at stake. Counsel is provided to assist the defendant in presenting his defense, but in order to do so effectively the attorney must work closely with the defendant in formulating defense strategy. This may require the defendant to disclose embarrassing and intimate information to his attorney. In view of the importance of uninhibited communication between a defendant and his attorney, attorney-client communications generally are privileged. See Upjohn Co. v. United States, 449 U.S. 383, 389 (1981). Moreover, counsel is likely to have to make a number of crucial decisions throughout the proceedings on a range of subjects that may require consultation with the defendant. These decisions can best be made, and counsel's duties most effectively discharged, if the attorney and the defendant have a relationship characterized by trust and confidence. Morris v. Slappy, 461 U.S. 1, 21-23, 75 L. Ed. 2d 610, 103 S. Ct. 1610 (1983). To improperly impede this interest would likely work a permanent deprivation on this Defendant.

Defendant "needs the attorney now if the attorney is to do him any good." Moya-Gomez, 860 F.2d at 726; accord United States v. Michelle's Lounge, 39 F.3d 684, 697-98 (7th Cir. 1995); Monsanto, 924 F.2d at 1193.

**Your Error in Denying me Counsel of Choice is Reversible Error - not Harmless Error.**

To deprive me of choice of counsel is reversible should I be convicted in the matter herein. **U.S. v Gonzalez-Lopez** (2006) <http://www.lawyerdude.netfirms.com/8345.html>

The First, Third, Eighth, Tenth, and D.C. Circuits – all the courts of appeals that have addressed this issue on direct appeal – have concluded that the erroneous denial of a criminal defendant's right to counsel of choice warrants automatic reversal of the defendant's conviction. See United States v. Panzardi Alvarez, 816 F.2d 813, 818 (CA1 1987) (holding that "[the right to choose one's counsel is an end in itself" and therefore "its deprivation cannot be harmless"); United States v. Voigt, 89 F.3d 1050, 1074 (CA3 1996) (stating that, although the particular defendant had not been denied his right to counsel of choice, "arbitrary denials of the right to counsel of choice mandate per se reversal"); United States v. Mendoza-Salgado, 964 F.2d 993, 1016 (CA10 1992) (stating that the court would apply an automatic reversal standard when a "trial court unreasonably or arbitrarily interferes with a defendant's right to counsel of choice") (emphasis omitted); United States v. Childress, 58 F.3d 693, 736 (CAD9 1995) (remanding the case to the district court to determine whether the defendant was denied his counsel of choice, and directing that "the deprivation of his counsel of choice would entitle [defendant] to a reversal of his conviction as a matter of constitutional right").

Signed \_\_\_\_\_ Mike Rinaldi, falsely accused. Wednesday, April 19, 2006

**Proof of Service**

I, \_\_\_\_\_, certify that I served this Motion #7608 upon the public defender. I am not notifying the prosecutor.

This motion contains confidential work product other confidentialities. Thereafter I filed this motion at the criminal filing window with a request that it be sealed and labeled "confidential matter regarding problems with appointed counsel". Thereafter I mailed a copy personally to Judge \_\_\_\_\_.

Signed \_\_\_\_\_ Date: \_\_\_\_\_

---

**Topical Index:**

#5635	<u>-1-</u> , <u>-2-</u>	instant messenger	<u>-1-</u> <u>-3-</u>
#7608	<u>-1-</u> , <u>-7-</u>	internet will make us free	<u>-3-</u>
1983	<u>-7-</u>	jail	<u>-1-</u>
1st amendment	<u>-3-</u>	Katz	<u>-5-</u>
5635	<u>-1-</u> , <u>-2-</u>	lawyer	<u>-3-</u> <u>-6-</u>
6th amendment	<u>-4-</u>	Lawyerdude	<u>-1-</u> <u>-4-</u> , <u>-6-</u> , <u>-7-</u>
7608	<u>-1-</u> , <u>-7-</u>	Lawyerdude standard	<u>-1-</u> , <u>-2-</u>
administrative law	<u>-4-</u>	Lawyerdude standard #5635	<u>-1-</u> , <u>-2-</u>
Alabama	<u>-5-</u> , <u>-6-</u>	lawyers	<u>-1-</u> <u>-4-</u> , <u>-6-</u>
amendment	<u>-3-</u> <u>-6-</u>	lawyers are not fungible	<u>-1-</u> <u>-3-</u> , <u>-6-</u>
appeal	<u>-2-</u> , <u>-7-</u>	liberty	<u>-3-</u> , <u>-4-</u>
appear	<u>-1-</u>	list	<u>-1-</u> , <u>-3-</u>
appellate	<u>-2-</u> , <u>-3-</u>	Memorandum	<u>-1-</u> , <u>-3-</u>
assistance of counsel	<u>-1-</u> <u>-6-</u>	Memorandum of Authorities	<u>-1-</u> , <u>-3-</u>
Attorney Douglas Palaschak	<u>-6-</u>	misconduct	<u>-5-</u>
Attorneys are not fungible	<u>-6-</u>	Murphy	<u>-6-</u>
automatic	<u>-7-</u>	order	<u>-4-</u> , <u>-7-</u>
automatic reversal	<u>-7-</u>	overbreadth	<u>-2-</u>
autonomy	<u>-5-</u>	Palaschak	<u>-6-</u>
bar	<u>-1-</u> , <u>-3-</u> <u>-5-</u>	Powell	<u>-5-</u> , <u>-6-</u>
bar license	<u>-3-</u>	prison	<u>-2-</u>
California	<u>-1-</u> <u>-5-</u> , <u>-7-</u>	privacy	<u>-3-</u> , <u>-4-</u>
California constitution	<u>-3-</u> , <u>-4-</u>	pro hac	<u>-4-</u> , <u>-5-</u>
choice of counsel	<u>-5-</u> <u>-7-</u>	pro hac vice	<u>-4-</u> , <u>-5-</u>
civil rights	<u>-4-</u>	pro se	<u>-1-</u>
color of law	<u>-1-</u>	proof of service	<u>-1-</u> , <u>-7-</u>
communication	<u>-2-</u> , <u>-7-</u>	public defender	<u>-1-</u> , <u>-2-</u> , <u>-4-</u> , <u>-7-</u>
computer	<u>-1-</u>	remedies	<u>-2-</u>
constitution	<u>-3-</u> , <u>-4-</u>	reversible	<u>-7-</u>
constitutional	<u>-3-</u> , <u>-4-</u> , <u>-6-</u> , <u>-7-</u>	right	<u>-1-</u> , <u>-3-</u> <u>-7-</u>
counsel	<u>-1-</u> <u>-7-</u>	right to counsel	<u>-1-</u> , <u>-3-</u> <u>-7-</u>
counsel of choice	<u>-1-</u> , <u>-3-</u> <u>-7-</u>	right to counsel of choice	<u>-1-</u> , <u>-3-</u> <u>-7-</u>
counsel of his choice	<u>-5-</u> <u>-7-</u>	rights	<u>-1-</u> , <u>-3-</u> , <u>-4-</u>
courtroom	<u>-3-</u> , <u>-5-</u>	Russell	<u>-4-</u>
Cronic	<u>-4-</u> , <u>-6-</u>	sample	<u>-1-</u>
demand	<u>-1-</u> , <u>-2-</u> , <u>-4-</u>	sample motion	<u>-1-</u>
demur	<u>-2-</u>	search	<u>-1-</u>
deprivation	<u>-7-</u>	sex	<u>-2-</u>
does not know how to win	<u>-2-</u> , <u>-4-</u>	sex offender	<u>-2-</u>
due process	<u>-6-</u>	sixth	<u>-5-</u> , <u>-6-</u>
due process of law	<u>-6-</u>	sixth amendment	<u>-5-</u> , <u>-6-</u>
effective assistance	<u>-1-</u> , <u>-2-</u> , <u>-5-</u>	standard	<u>-1-</u> , <u>-2-</u> , <u>-4-</u> , <u>-7-</u>
element	<u>-5-</u>	statutes	<u>-2-</u> , <u>-3-</u>
equal protection	<u>-4-</u>	telephone	<u>-1-</u>
error	<u>-5-</u> <u>-7-</u>	the bar	<u>-4-</u> , <u>-5-</u>
false color of law	<u>-1-</u>	traffic	<u>-1-</u>
Faretta	<u>-5-</u> , <u>-7-</u>	transcript	<u>-2-</u> , <u>-4-</u> , <u>-5-</u>
framework	<u>-5-</u>	venue	<u>-1-</u>
freedom	<u>-3-</u> , <u>-7-</u>	video	<u>-1-</u> , <u>-2-</u>
fungible	<u>-1-</u> <u>-3-</u> , <u>-6-</u>	video link	<u>-1-</u> , <u>-2-</u>
Google	<u>-1-</u>	Wilson	<u>-6-</u> , <u>-7-</u>
Griffin	<u>-4-</u>		
Griffin v Illinois	<u>-4-</u>		
harmless error	<u>-7-</u>		
Harrison Cronic	<u>-4-</u>		
hearing	<u>-6-</u>		
how to	<u>-2-</u> , <u>-4-</u>		
how to win	<u>-2-</u> , <u>-4-</u>		
Illinois	<u>-4-</u>		
immunities	<u>-4-</u>		
independent state grounds	<u>-4-</u>		
indigent	<u>-5-</u>		
inquiry	<u>-6-</u>		