

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF AMERICA
WESTERN DIVISION

UNITED STATES OF AMERICA)	
Plaintiff)	
)	
v.)	case no. 10-CR-00162-FJG-6
)	
NaRICCO T. SCOTT)	
Defendant)	

Motion To Dismiss Counsel
REQUEST FOR NEW APPOINTED STANDBY COUNSEL

Comes Now NaRicco T. Scott, defendant in the above mentioned cause, in accordance with Fed.R.Crim.P., Rules 12 and 44, and Fed.R.Civ.P., Rule 12, do hereby move this Honorable Court to issue an order for the removal of present counsel, Attorney Laine T. Cardarella from the case, and appoint the defendant a new standby counsel.

BRIEF HISTORY

The defendant Mr. Scott filed a motion with the Court requesting to have standby counsel Laine Cardarella to be placed as leading counsel for the defendant. In that time period the Court did not issue a hearing on this matter to assure that the defendant wanted to proceed pro se or with a leading appointed counsel. The judge ordered Ms. Cardarella to return as leading counsel for the defense and to review all previous motions filed by the defendant as pro se to determine whether Ms. Cardarella intended to pursue his arguments or abandon them.

Ms. Cardarella has not participated with the defendant during his Court filings prior to her leading appointment by the Court, nor has this appointed counsel included the defendant in any of her most recent decisions concerning the direction the pending case against the defendant should take. Ms. Cardarella has taken comp-

lete control of all matters of the defendants case with no regard as to his opinion or desire for defense.

Ms. Cardarella has abandoned every motion and challenge the defendant has presented to the Court in regards to the prosecutions case-in-chief. Mr. Scott does not wish to abandon any of his previously filed documents, as he is aware of the significance of each documents merits.

Under 77 A.L.R. 2d 1233, it states that: ..."right of defendant in criminal case to conduct defense in person or participate with counsel."

The defendant does not wish to proceed one step further with any present or future Court hearings whatsoever with appointed attorney Laine T. Cardarella.

Defendant wishes to make clear the issues of conflict he has with the inability to trust the client/attorney relationship with this appointed counsel.

There is a definite- major lack of communication issues that Ms. Cardarella has, and she feels that she can do whatever she desires in this case against me. Laine T. Cardarella **is not the defendant in this case**, and she has established no intention to uphold or successfully argue this defendants constitutionally safeguarded rights. Ms. Cardarella is clearly establishing a bias of guilt against the defendant with the government prosecutor in this case. Again, the defendant **will not allow** Laine T. Cardarella to proceed in this case.

Defendant comes in good faith to the Court, as defendant is not deliberately attempting to cause any harm or confusion to the Court. The defendant was under the impression that a hearing would have been allowed to assure the defendant in his decision making of whether he would like to continue pro se, or request the judge to instruct the attorney to communicate with him at every stage of the case. It is clear that this was not the case and the defendant was mislead into allowing Ms. Cardarella to proceed as leading counsel for over the defendant.

This defendants motion requesting his wish to no longer proceed as pro se was offered in miscomprehension of what the Court stated

that the defendant should do "if" and "when" the time would come where defendant and standby counsel were at odds.

This motion of request was offered by the defendant to the Court, and as such the Court removed the defendant from the status of pro se, which, **in fact was not** the defendants true wish.

Here the defendant argues that either by his miscomprehension of what the Court offered as advice, or the misleading advice by the Court, whichever, it is evident that Mr. Scott had no intention of being relieved from being pro se, his only wish was to receive an open Court hearing to argue his then existing motions and challenges before the Court.

Therefore, as established herein, defendant Scott **does not** wish to receive the incompetent ineffective assistance by the federal Public Defender Laine T. Cardarella, as there are definite instances of severe conflicts of interest, and defendant Scott is positively assured with his decision to proceed pro se in this case, and Mr. Scott prays this Honorable Court will remove Laine Cardarella as leading counsel for defense in the above stated cause of action and not allow this appointed counsel to proceed any further at any level of this defendants case, as defendant Scott's issue and conflicts with this attorney are extremely beyond any boundary of trust the defendant could possibly secure with this counsel.

Defendant requests an immediate hearing on the issues presented within this motion, and defendant Scott also wishes that the Court will grant his motion in whole.

CLOSING

Defendant Scott asserts that he is entitled to the effective assistance of counsel as guaranteed by the United States Constitution, Amendment VI, the counsel clause in all criminal prosecutions the accused shall enjoy the right... to have the assistance of counsel for his defense. See Fareta v. California, 422 U.S. 806 (1975) stating, "The Sixth Amendment does not provide merely that a defense shall be made for the accused, it grants to the accused personally the right to make his defense, it is the accused, not counsel who must be "informed of the nature and cause of the accu-

sation," who must be "confronted with witnesses in his favor,"
"The right to self-representation."

Defendant Scott moved, previously, to dismiss attorney Cardarella from his case, this Court refused him this constitutional right compelling him to proceed pro se. As an uneducated layman in the field of criminal defense law, defendant Scott had no sense of direction for properly preparing an adequate defense, and as a course of frustrated action he felt compelled to then relinquish his right to pro se procedure. Title 28 U.S.C. § 1654.

Black' Law Dictionary, 6th Edition

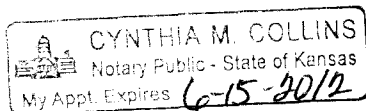
Assistant, is defined as:

A person who assists, or gives aid and support; helper...

Attorney Cardarella has not, nor does she act in the capacity of an assistant. She instead dictates the terms of Mr. Scott's case, refusing to prepare an effective defense. Faretta, 442 U.S. 806. As it is Scott who faces a prison sentence if convicted, and who will serve out the imposition of any sentence imposed by this Court, it is Scott who must dictate, or at the very least participate in his criminal defense. Id.

The defendant does not trust attorney Cardarella by any measure. She has deliberately misrepresented the facts of the criminal case to Scott at every step imposing upon him to 'inform' against people he has no knowledge of--threatening him with a life sentence prison term. Scott does not, nor can he adjust his feelings to ever feel any form of confidence or slight comfort towards the least bit of security in the representation of attorney Laine T. Cardarella.

Defendant Scott prays this Court will rule in his favor, as this defendants need of self-representation is vital to his defense, and his request for appointment of standby counsel 'other than' attorney Laine T. Cardarella is a request of the defendant's highest demand.



Cynthia M. Collins

Respectfully Submitted,

NaRicco T. Scott
22266-045

NaRicco T. Scott

CERTIFICATE OF SERVICE

In accordance with Fed.R.Crim.P., Rule 49 (a), (b), and (d), and Fed.R.Civ.P., Rule 5(5), I do hereby certify that one copy of the foregoing was filed and sent to A.U.S.A David A. Barnes, at 400 E. 9th ST., Suite 5510, Kansas City, Missouri, 64106, on this 13 day of October, 2011.

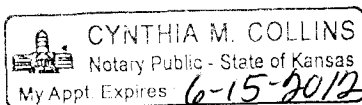
Naricco T. Scott

NARICCO T. SCOTT, pro se

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Cynthia M. Collins