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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
2011 MAY 10 AM 9:47
SANDRA K MARKHAM
~~JEANNE HICKS~~, CLERK
BY: A CASCIO

ARIZONA SUPERIOR COURT

YAVAPAI COUNTY

STATE OF ARIZONA,

Plaintiff,

Vs.

STEVEN CARROLL DEMOCKER,

Defendant,

No. P1300CR20081339
a.k.a. P1300CR201001325

RESPONSE
TO COURT'S NOTICE,
MOTION TO REMOVE JUDGE
& NOTICE OF SUBPOENA

RESPONSE TO COURT'S NOTICE

Intervener pro se William E. (Bill) Williams respectfully requests the opportunity to set the Court straight on its misapprehensions contained in its May 2, 2011 Notice.

BACKGROUND

Intervener, William E. (Bill) Williams, is researching the DeMocker case and has been allowed to observe, make oral argument, and write about and within courtroom proceedings in the above captioned matter.

MEMORANDUM AND ARGUMENT

Judge Darrow stated in his May 2 Notice that "topics presented" (in this Intervener's pleading, filed April 20) "have been addressed or are being addressed."

But Judge Darrow has failed to provide notice of hearing and has failed to hold a hearing on the matters of unsealing records in the above captioned matter.

In early April, Darrow held a hearing on jail conditions and appeared to accidentally add the issue of document unsealing when defense attorney Parzych took control of the court room. This is hardly "addressing the topics."

After that hearing, Chris Moeser, attorney for the Prescott Daily Courier newspaper told me that he was almost not going to attend because the topic of unsealing records was not scheduled as part of the hearing. I confessed to Moeser that I almost did not attend for the same reason. So, the important issue here, is that the journalists who seek the sealed documents would not have known about the accidental discussion of sealed documents if we had not accidentally attended a hearing which was, by the Court's own language, set for discussions of jail conditions only.

There is this thing in America called due process, and out of that duty comes the duty to adequately schedule hearings, and that duty includes sending a notice of hearing describing the issues (or as Darrow calls them "topics") to be heard. Judge Darrow has failed in guaranteeing due process – therefore, he IS NOT "addressing topics presented." In fact, he cut me off on two occasions when I was trying to adequately make the argument for unsealing documents. This conduct is further violations of due process. In fact, during the April 11 hearing, he called Moeser to comment on the status of unsealing records, but he purposely avoided me until I stood up and demanded to be heard. Judge Darrow started to allow me talk, then cut me off at the point where I was saying, "These color charts do not help journalists researching the case." In a contumacious and threatening statement, Judge Darrow said, "Mr. Williams, I have allowed you to intervene on a limited basis," but he did not define or quantify that threat.

In the next hearing, assuming I will be given notice, I will subpoena Chris Moeser, editor Tim Weideranders of the Daily Courier and his reporter assigned to report

on the above captioned matter (Scott Orr) to prove to the court that the imbecilic COLOR-CODED CHARTS offered by attorney Parzych and Judge Mackey DO ABSOLUTLEY NO GOOD WHEN YOU ARE A REPORTER FORCED TO CHOSE FROM THOSE COLOR CHARTS.

How in the world would a reporter know, for instance, if he/she wanted the blue color coded motion described in what Mackey sent to all of us as: "Volume 3, date: 7/06/2009 Motion" with a checkmark in the column known as "sealed"?

And how in the world would a reporter know, for instance, if he/she wanted the green color coded minute entry on attorney Parzych's chart labeled: "Volume 11, 5/13/2010, Minute Entry" with a checkmark in the column known as "sealed"?

Here's the answer judge... We don't know, until we view the contents.

IF we demand the documents, under control of Supreme Court Rule 123 (explained in this case by deputy attorney general Kathryn J. Winters' pleading) and under Yavapai County Prosecutors Sheila Polk and Jack Fields memoranda describing A.R.S. § 39-121, THEN give us the documents! All of them. We do not want to pick and choose from vaguely labeled color coded charts which mean nothing to journalists!

In addition, if this court and the court clerk have shared multiple sealed documents with parties on that chart such as "Steven Page of YCSO" or "A. Comacho" – then this Court has a very serious credibility, due process, equal rights and fairness problem.

Judge Darrow and all who came before him, along with clerk Jeanne Hicks, have created a cesspool of record keeping problems. Unfortunately they have stepped in it and Moeser and I are trying to wash it off.

I will begin with the Special Action and I'd be pleased to take this matter to the 9th Circuit. Or, Judge Darrow can cure his defects in the Verde courtroom. It's a simple choice, and it's a money saving choice for the County.

MOTION TO REMOVE JUDGE

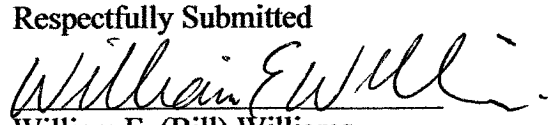
Further evidence of Judge Darrow's infirmities are thoroughly described in this Intervener's previous pleading where he described to the Court how attorney John Sears was wandering around the court room, telling the Judge he could not attend a hearing in December 2010 because he would be on vacation – at a time when the Arizona Supreme Court removed Sears from the case! Sears, a removed attorney, was telling the Court what to do. Because of Judge Darrow's inability to run or manage a courtroom, and his inability to secure documents or make rulings on sealed documents, and his inability to guarantee due process, and because his has no clear understanding of the issues brought to him by journalists seeking documents, he must be removed from this case. Let me remind this Court that the first motion to release documents was filed by Steptoe and Johnson attorneys, and me, in October 2010.

REQUEST FOR RELIEF

For the foregoing reasons, Intervener respectfully moves the Court to:

1. Set a hearing on these matters - one which includes adequate notice.

Respectfully Submitted



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I certify that a copy of the foregoing was delivered or faxed to Tim Weideranders, Scott Orr, Chris Moeser - attorney for WNI, the Yavapai County Attorney's office, and the Defendant's attorney Parzych.

William E. (Bill) Williams