

IN THE MUNICIPAL COURT OF
SEARCY COUNTY, ARKANSAS

①

STATE OF ARKANSAS

PLAINTIFF

VS.

NO. _____

DEFENDANT

see rear back page

AFFIDAVIT IN SUPPORT OF
REQUEST TO PROCEED IN FORMA PAUPERIS AND
REQUEST FOR COURT APPOINTED ATTORNEY

(P.F.K.)

I, the undersigned defendant, hereby ~~swear~~ *take a vow BEFORE GOD THE FATHER* under oath that I do not have available to me sufficient money or property *to hire my own attorney to represent me.* *no property* therefore, I am requesting that the Court provide a court-appointed attorney to represent me. *assistance of counsel.*

If I become financially able to make some payment to defray the expense to the Court for my court-appointed attorney, I will voluntarily advise the Court. I understand that the Court may make an independent inquiry of my financial condition and may require me to pay a reasonable sum to the County to defray the expense for my attorney, if justified by my financial condition. *assistance of counsel*

I further ~~swear~~ *TAKE A VOW BEFORE GOD THE FATHER* on oath that the answers to the following questions are true and correct, and that any false statement or answer to any question in this Affidavit may subject me to prosecution for perjury, contempt of court, or other appropriate action.

1. Do you own any cash? Yes No *less than necessary to hire competent counsel*
2. Do you have any funds in a checking or savings account? Yes No *1 only all remaining is committed*
 - a. If your answer is "yes" then state:
 - (1) the total amount in each account: \$ *unknown*
 - (2) the name and address of the Bank or Financial institution: *5th Amendment Right*
3. Are you employed now? Yes No
 - a. If your answer is "yes" state the amount of your salary or wages per week: \$ *N/A*
 - b. Give the name of your employer: *N/A*
 - c. If your answer is "no" state:
 - (1) the date you last worked: *1987*
 - (2) the amount of salary or wages you were receiving each week: \$ *as available*
4. Have you received any money or ~~income~~ *have no income* from any other sources within the past twelve months? Yes No
 - a. If "yes," state the amount: \$ *loans from family*

5. Do you own or have an ownership interest in any real estate? Yes _____ No unknown

- a. If "yes," state:
 - (1) the County and State where the property is located: unknown
 - (2) how much, if any, is owed on the property? \$ unknown
 - (3) what is the total value of the property? \$ unknown

6. Do you own or have an ownership interest in any vehicles? Yes & No commitment to transfer

- a. If "yes," state: To offspring
 - (1) the make and model of each vehicle: 5th Amendment M. S. Const.
 - (2) the name of the owner of each vehicle: 5th Amendment M. S. Const.
 - (3) how much, if any, is owed on each vehicle: \$ 5th Amendment to M. S. Const.
 - (4) what is the total value of each vehicle? \$ 5th Amendment to M. S. Const.
 - (5) More room was needed and I have answered on back (N/A)

1978

7. Do you own any other property of any kind, except for you household furnishings and personal belongings? Yes _____ No

- a. If your answer is "yes," give a complete description of all such property: I own no property as that is a commercial term

8. Are you married? Yes _____ No

- a. If your answer is "yes," state:
 - (1) is your wife/husband employed? Yes _____ No N/A
 - (2) If so, state the name and address of the employer: N/A
 - (3) state the amount of salary or wages received by your wife/husband each week: \$ N/A

9. Do you have any dependents? Yes & No children

- a. If your answer is "yes," state:
 - (1) how many dependents do you have? I do not
 - (2) what is your relationship to each dependant? know the legal definition of dependant
 - (3) how much do you contribute each month to their support? \$ none

10. Do you own any of the following types of property? I own

- a. Television Set Yes _____ No _____
 - b. Stereo Yes _____ No _____
 - c. VCR Yes _____ No _____
 - d. Guns Yes _____ No _____
 - e. Boat, Trailer & Motor Yes _____ No _____
 - f. Motorcycle/ATV Yes _____ No _____
 - g. Jewelry Yes No _____
- no property (circled) 5th Amendment to M. S. Const.

11. Are you financially able to make any installment payment to offset the expense of your appointed attorney? Yes _____ No ✓ *have no money or wages or income*

12. TO BE COMPLETED ONLY IF PETITIONER IS INCARCERATED IN THE ARKANSAS DEPARTMENT OF CORRECTION OR ANY OTHER PENAL INSTITUTION.

Do you have any funds in the inmate welfare fund? Yes _____ No _____

a. If your answer is "yes," state the total amount which you have in the inmate welfare fund: \$ _____

I HAVE READ AND UNDERSTAND THIS AFFIDAVIT, AND, UPON PENALTY OF PERJURY, HEREBY STATE ON ~~OATH~~ THAT THE INFORMATION WHICH I HAVE FURNISHED IS TRUE AND CORRECT.

*God the Father and his only begotten son the Christ take a now before me all back. See below * below can be reached at 1-972-496-2727*

Signature of Defendant

Defendant's Address

Defendant's Telephone No.

STATE OF ARKANSAS
COUNTY OF SEARCY

SUBSCRIBED AND SWORN TO BEFORE THE UNDERSIGNED ON THIS 14 DAY OF January, 1998.

Jerry Patterson
Notary, Clerk or Judge

Motion for court-appointed attorney:

Denied: _____
Granted: ✓

Jerry Patterson
Honorable Jerry D. Patterson
Municipal Judge

*Jerry F. Kih, sui juris
Calf Creek Township
Section 19, Township 14 N., Range 17 W.
Searcy County, Arkansas
Non-Resident, Non-Domestic Delivery
c/o HC 75, Box 267
White Sulphur Springs, Arkansas Republic, United States of America*

** I do not grant jurisdiction without assistance of counsel. J.F.K.*

(4)

Without the assistance of
counsel I can not adequately
and properly complete the
affidavit. Further,
the proceeding has failed
to inform me of the cause
of this action.

Joy F. Kutz.
1/14/98

Note: This is the 'rear back
page', noted on page (D.F.D.)

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Jerry F. Kirk, Sui Juris
Calf Creek Township
Section 19, Township 14 N., Range 17 W.
Searcy County, Arkansas
Non-Resident, Non-Domestic Delivery
c/o HC 75, Box 267
Witts Springs, Arkansas Republic
United States of America

2/3/98

Mr. Stephen D. Ralph
835 Faulkner
Conway, Arkansas 72032

Dear Sir:

Please excuse the formality of this letter. I wish that I did not have to meet or write you under the circumstances upon which I find myself.

With all due respect and curtosy, I will require the following items from you at this time:

- 1) A letter from you stating that you are acting as 'assistance of counsel' and not 'representing as an attorney'.
- 2) In same letter, a history of your educational background, where graduated, where bar-exam taken and passed, which courts qualified to try issues (both State and Federal).
- 3) In same letter, the total number of cases (clients) tried in criminal matters and the total number of same which were found 'not-guilty'.
- 4) In same letter, your experience by actual pleadings in each of the following areas: jurisdiction, venue, standing, exhaustion of remedies, proper parties plaintiff and defendent, and types of relief available.
- 5) In same letter, a statement that 'no written papers of any nature will be submitted to any entity, person, court, or any type of proceeding without my express written permission- my permission by first reading and actually signing and initialing all pages and receiving a copy of same.
- 6) In same letter, a statement from you that I will be physically present when and if there are any meetings of any nature concerning any and all issues at all times.

Upon receipt of the above, I will begin sending you an initial listing of items necessary for 'adequate defense'.

Most Sincerely,

Jerry F. Kirk
Jerry F. Kirk

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3/1/98

Jerry F. Kirk, Sui Juris
Calf Creek Township
Section 19, Township 14 N., Range 17 W.
Searcy County, Arkansas
Non-Resident, Non-Domestic Delivery
c/o HC 75, Box 267
Witts Springs, Arkansas Republic
United States of America

Mr. Stephen D. Ralph
835 Faulkner
Conway, Arkansas 72032

Dear Sir:

As of this date, I have received no response from my letter dated 2/3/98. I am enclosing a second copy of said letter. If you are having trouble reaching me, I can be reached at phone number 870-496-2727.

I have received notice of court dates, being 6-1-98 for pre-trial and 6-16-98 for trial. There seems to be a tremendous amount of work to accomplish if we are to be prepared. We must schedule some meetings here in Searcy County for this work.

Most Sincerely,


Jerry F. Kirk

Plemmons and Ralph
Attorneys at Law
835 Faulkner
Conway, Arkansas 72032

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Lynn Frank Plemmons
Stephen D. Ralph

Telephones: (501) 327-7404
Facsimiles: (501) 327-7947

March 6, 1998

Mr. Jerry F. Kirk, Sui Juris
Calf Creek Township
Section 19, Township 14, Range 17 W.
Searcy County, Arkansas
Non-resident, Non-domestic Delivery
c/o HC 75 Box 267
Witts Springs, Arkansas Republic
United States of America

Re: State of Arkansas vs. Jerry F. Kirk
Searcy County Circuit CR 98-09

Dear Mr. Kirk:

I have received notice that the above-captioned matter has been docketed in the Searcy County Circuit Court before Judge David Reynolds for pretrial on June 1, 1998 and for trial the week of June 16, 1998.

I have received your letter to me regarding your terms and conditions: I have passed the Arkansas Bar and am licensed to practice in the Arkansas Courts. I do not believe it is necessary that I provide information to you which would be needlessly time-consuming to me and will not affect the fact that I am appointed to represent you. I certainly will forward to you all written communication, although I request from you a written waiver, signed by you, that any delay in filing pleadings, and which may be untimely by the delay, and which have been the result of forwarding responses for approval before filing them, are your fully-accepted responsibility. Item #6 may be difficult to observe if you specifically are instructing that no phone communication with opposing counsel occur outside of your presence.

If you believe that I am to provide you assistance, rather than act as appointed counsel, I am sure that if you make a Motion to proceed pro se, the Court will grant your motion. Otherwise, if you have documents, case citations, materials or other matters which you believe would be to your benefit formed as motions on your behalf, I encourage you to provide them to me at the earliest time so that I may prepare them, forward them to you for your approval, return, and file before the pre-trial date.

Yours truly,

Stephen D. Ralph



cc: file

Jerry F. Kirk, Sui Juris
Calf Creek Township
Section 19, Township 14 N., Range 17 W.
Searcy County, Arkansas
Non-Resident, Non-Domestic Delivery
c/o HC 75, Box 267
Witts Springs, Arkansas Republic
United States of America

3/15/98

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Mr Stephen D. Ralph
835 Faulkner
Conway, Arkansas, 72032

Dear Sir:

Apparently, there is some kind of miscommunication on one of our behalf's. My letter of 2/3/98 was not a request, but, rather a requirement. You have failed to respond to said letter and a second copy mailed letter of same. I must know and have the right to know certain basic elements of the 'assistance of counsel' which I am to receive. I re-submit to you, answer the questions and provide the necessary statements in writing to me.

Further, I know require that you state in writing whether you are receiving compensation based on a 'flat rate' or on an 'hourly basis, I do not want to know the amounts, only the basis. I am rather concerned as on two occasions you have verbally stated and in writing stated once, "you do not have time" to comply with my requirements and requests with regards to my defense.

As to your letter dated 3/6/98, I will respond:

- 1) At no time will I ever proceed in any court, hearing, meeting, etc. as 'pro se'.
- 2) At no time will I ever grant any form of waiver to you or any other person, entity, etc. regarding delays or any other subject.
- 3) It is the duty of counsel to insure 'timeliness' as well as many other subjects.
- 4) Your request for my materials as assistance to my defense can not be granted until a 'degree of confidence in counsel' has been achieved.

As to your proposed motion, you seem to not realize that at no time have the charges been 'explained' to me. At no time have I plead to any charges. At no time have I ever granted jurisdiction to any proceeding. I am dis-mayed to receive a Pretrial Order entitled 'Municipal Court Appeal Trial Setting". There can be no appeal as there has never been a trial or explanation of charges, plea, or other options which are by 'right' due me. The filing of your proposed motion would foreclose many of my options.

There is now way that any intelligent individual can begin to prepare an "adequate defense" without the court explaining the charges. (See United States of America Constitution, Amendment VI., "...and to be informed of the nature and cause of the

accusation...". You are a witness to the fact that Mr. Patterson did not explain the charges. And there are other witnesses which were present. You and others are witnesses that at no time did I plead to any charges. If any plea was entered, then a 'fraud on the court' has occurred.

I do not think that an 'appeal setting' is correct when no trial has occurred nor the other items^{to} which I have spoken. If I accept an 'appeal setting' at this time, then I would not have a normal appeal process available to me later should it become necessary.

I hereby for the third time require you to answer my questions and make the formal statements so that you and I may begin to plan the defense strategy. I also must believe that a hearing should be set to answer the questions raised in this letter. If you are not able or are unwilling to respond in full detail to this letter and all of it's contents, you should apply to the court to remove yourself as 'assistance of counsel'.

Govern yourself accordingly.

Sincerely,

Jerry F. Kirk

Jerry F. Kirk

P.S. If you apply to remove yourself as 'assistance of counsel', please be advised that I request and require the court that I am without 'counsel' and do require 'counsel' for my defense.

(J.F.K.) 3/15/98

Plemmons and Ralph
Attorneys at Law
835 Faulkner
Conway, Arkansas 72032

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Lynn Frank Plemmons
Stephen D. Ralph

Telephone: (501) 327-7404
Facsimile: (501) 327-7947

4/3/98

Mr. Jerry F. Kirk, Sui Juris
Calf Creek Township
Section 15, Township 14N., Range 17W.
Searcy County, Arkansas
Non-Resident, Non-Domestic Delivery
c/o HC 775, Box 267
Witts Springs, Arkansas Republic
United States of America

Re: State of Arkansas vs. Jerry F. Kirk
Searcy Co. CR 98-09

Dear Mr. Kirk:

The following charges were filed in Searcy County Municipal Court: No Proof of Insurance (2 counts); Failure to Pay Registration; Carrying a Weapon. At the first appearance, you declined to enter a plea, and Judge Patterson apparently decided remove the charges to Circuit Court. As I have indicated, a pre-trial is scheduled in the matter for June 1, 1998 and trial the week of June 16, 1998. I have requested and received a hearing date in your case for April 27, 1998 at nine a.m. in the Searcy County Courthouse before Judge Reynolds. At that time you may enter a plea or refuse as you best believe suits you. If we cannot resolve our differences regarding what you believe I am required to do in your behalf, I will ask to be relieved as ^{your} counsel at that time.

I have provided to you, per your request, an original discovery motion to obtain all the information related to the State's case against you that the State intends to introduce if this matter goes to trial. It is my understand that you will not initial or otherwise approve the Motion according to your "requirements," and I am otherwise prevented from filing the Motion. It is my belief that the filing of this motion does not prejudice your "rights" vis-a-vis jurisdiction or standing, but you believe otherwise and are therefore deciding that the motion should not be filed.

I stand ready to meet with you and "assist" you at any time; you may call my office or contact me at any time to make an appointment to meet. I encourage you to provide me with any information which may address the "facts" surrounding the charges, and continue to invite you to provide me with any materials you deem relevant to any motion you believe should be filed.

Yours Truly,


Stephen D. Ralph



cc: file