

Pro Se Pleading

DA 19-0247  
ORIGINAL

FILED

FILED

01/28/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

JAN 28 2022

Case Number: DA 19-0247

Comes now Robert Holguin #DA19-0247

To deny this Pro Se Pleading and its attachments "Grievance of Current Counsel for the appellate record and future legal recourse is to deny my access to the court. I am not currently represented by counsel.

Ms. Aarab sabotaged my appeal, by sending the opening brief she drafted. Ms. Aarab knew full well and in advance, before the grievance arrived at the Montana Supreme Court, the grounds of the conflict of interest in our Attorney /Client relationship. Ms. Aarab snuck that brief in with the motion to withdraw. That brief is based on falsified transcripts of my hearing and trails (See Attached 1). I can also email the transcripts so this can verify my statements in these grievance.

Ms. Aarab still chose to send the brief with her motion to withdraw. When a conflict of this multitude arises, her duty is to inform the court and withdraw, not submit a brief based on falsified records on behalf of her client. Let get one thing straight right now, these transcripts are not "NEW EVIDENCE", these are transcripts directly from the hearings and trails requested for appeal, sworn to be true and correct by law, per Court Recorder Ms. Cobb of The Eighth Judicial Court. Ms. Aarab is trying relentlessly to eliminate the records and appeals of my complaints. Going as far as falsifying government records.

This court has been aware of my grievance. I sent in on December 27, 2021 (See attachment 1). I am currently waiting for Ms. Aarab request to withdraw. Due to the brief being filed, my Constitutional Right of Due Process has been violated. Ms. Aarab's efforts have made it so I am denied access to the court and in turn blocking my grievance to be submitted as evidence for the record to establish the reasoning I requested Ms. Aarab to be removed from the case.

To quote Judge Bess, In Re Best, 2010 MT 59 "[p] emitting private admonitions without regard to due process poses serious detriment to all Montana lawyers, and chills responsible and professional practice of law. This inures to the detriment of all Montana citizens."

This court has the authority to entertain original proceedings and to exercise supervisory control. ( See Attachment 2)

With the extensive prejudice I have suffered, and the constant infringement of my Right as defined by the Montana and United States Constitution. It is in the best interest of the State and Judicial System to strike the opening brief from the record and cease all retaliation against me. I will end this by quoting the Montana Constitution Article 2, Section 17 "[n]o person shall be deprived of life, liberty, or property without due process of law"

- Grievance and Records (Attachment 1)
- Montana Constitution (Attachment 2)
- Plumb V. Fourth Jud. Dist. Court (1996) (Attachment 3)

Robert Holguin #3025728  
RH

January 8<sup>th</sup> 2022

## Grievance of Current Counsel

Caitlin Boland AArab

Case# DA 19-0247

My communication has broken down with Mr. AArab. I'm am being forced to either go Pro Se or go through with an attorney who is only looking out for herself and intentionally throwing my appeal.

I should not and will not be represented by an attorney who says her client has no good faith. Caitlin's misrepresentation and prejudicial biased opinion of me directly affects my opening brief and chances at appeal.

When I received the transcripts requested:

8/14/2017, Omni Hearing	{	3/13/2018, Jury Trial Day Two
11/6/2017, PT Hearing		8/22/2018, Status Hearing
11/16/2017, Arraignment		8/27/2018, Status Hearing
1/18/2018, PT Hearing		10/15/2018, MTs and Omni
3/5/2018, MT 3 Bail Hearing		10/29/2018, Status Hearing
3/12/2018, Jury Trial Day ONE		11/15/2018, Representation
11/27/2018, Jury Trial Day ONE		{
2/25/2019, Sentencing		

I realized some of these transcripts were falsified.

Illegal search and seizure 3/5/2018 was removed and altered. Foundations were set for appealable issues by Mr. Lafountani: Trial ONE 3/12/2018 page 17 lines 8 thru 25. Mr. Bunitsky 8/22/2018 pages 15 and 16, both these transcripts were falsified.

Scrubbed Files, this transcript was never requested by the appellate defender in initial request for transcripts, but carry's a key element in the role that started the DN or DFS or Youth IN Need of CREW file to suddenly make evidence disappear. ON 3/6/2018 Gallagher Hearing the Court ordered an In-camera Inspection

of this file. The file was in sole possession of the court not the prosecution. On 3/9/2018 the Court advised Defense and Prosecution Nothing existed in the file that had anything to do with these criminal charges.

3/12/2018 Trial Day ONE page 295-296, lines 23 thru 21 of page 26. Prosecution witness stated everything that started this criminal case was in the OFS Case File released to the Court. (Falsified)

3/12/2018 Trial Day ONE, page 298, lines (A11), page 299, lines (A11). Court backed tracked. (Falsified)

8/22/2018 Mr. Bunitsky had a hearing to dismiss based on scrubbed files. (Falsified). Key elements removed and extremely notable on pages 17-22.

I raised this issue with Ms. Boland and she refused to even acknowledge the notable edits. I also raised the issue on the children's statements having been removed. But on hearing 8/22/2018 page 28 1-25. The Court acknowledges that the children made inconsistent statements and from the stand while testifying. Now if this court would read 3/12/2018 Trial One these inconsistent statements made by my kids were removed including BN being asked by Mr. Lefontaine if Holguin did that to him, BN stated "NO". Mr. Lefontaine asked several more questions that all have been removed.

Ms Boland refuses to acknowledge any of this.

State v. Finley: ... and other cases, there is a duty of loyalty and whenever that duty is split between an attorney looking after themselves versus looking after his client's best interest, is a major concern.

My relationship with Ms. Boland is now a conflict, I want her removed and if need be I can provide the emails between me and Ms. Boland to corroborate my GOOD FAITH!

Robert Holguin #3025728

RG

12/27/2021

## Constitution of Montana -- Article VII -- THE JUDICIARY

**Section 2. Supreme court jurisdiction.** (1) The supreme court has appellate jurisdiction and may issue, hear, and determine writs appropriate thereto. It has original jurisdiction to issue, hear, and determine writs of habeas corpus and such other writs as may be provided by law.

(2) It has general supervisory control over all other courts.

(3) It may make rules governing appellate procedure, practice and procedure for all other courts, admission to the bar and the conduct of its members. Rules of procedure shall be subject to disapproval by the legislature in either of the two sessions following promulgation.

(4) Supreme court process shall extend to all parts of the state.

## Certificate of Service

I hereby certify that a true and accurate copy of the foregoing documents has been served upon:

- (1) Attorney General at: State of Montana, Office of the Attorney General, P.O. Box 201401, Helena, MT 59620
- (2) Clerk of the Montana Supreme Court  
P.O. Box 203003, Helena, MT 59620
- (3) Cascade County, County Attorney Office  
121 4th st north, Great Falls, MT 59401

by placing the same, postage prepaid in the United States Mail  
on this the 26 day of Jan. 2022.

Robert Holguin #3025728



1715 10th Ave North  
Great Falls, MT 59401