

Stephen Frank Karban
Booking #P117874
4th Avenue Jail
Defendant Pro Per

FEB 19 2008

I.L.S.
FILED

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,

Plaintiff,

v.

STEPHEN FRANK KARBAN,

Defendant.

No. CR 2005-011629-001 DT

DEFENDANT'S RESPONSE TO STATE'S
MOTION RE: WHY DEFENDANT IS
REPRESENTING HIMSELF.

(Honorable Raymond P. Lee)

THE DEFENDANT, STEPHEN FRANK KARBAN, BY SELF REPRESENTATION, REQUESTS THE COURT DENY THE STATE'S MOTION IN LIMINE TO PRECLUDE TESTIMONY RELATING TO WHY DEFENDANT IS REPRESENTING HIMSELF.

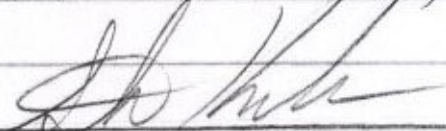
THE VERY FACT ANY CITIZEN OF THE UNITED STATES CAN REPRESENT HIMSELF IN COURT IS RELEVANT. IT IS A BASIC RIGHT EVERY PERSON CAN CHOOSE TO INVOKE IF HE OR SHE DESIRES. THE ARGUMENT THE STATE IS ANTICIPATING, THAT THE DEFENDANT WAS PRESENT IN MICHIGAN OR WISCONSIN DURING HEARINGS, OR THAT THE FACT HE MAY GARNER SYMPATHY, IS FAR FROM "WHY," AND WOULD NEVER BE INTRODUCED DURING TRIAL. NO WITNESS OTHER THAN THE DEFENDANT TRULY KNOWS WHY HE WOULD CHOSE TO DEFTY THE ADAGE OF "A PERSON WHO REPRESENTS HIMSELF HAS A FOOL FOR A CLIENT." AND EVEN IF THE DEFENDANT TOOK THE STAND IN THIS CASE AND WAS ASKED "WHY," A SIMPLE ANSWER OF "BEING I AM NOT FROM THE AREA, IT WAS DIFFICULT TO DETERMINE WHO WOULD BE THE BEST LAWYER FOR A CASE SUCH AS THIS, SO I CHOSE TO REPRESENT MYSELF." WOULD BE GIVEN. OBVIOUSLY THE TRUE ANSWER IS MORE COMPLEX, SHOULD THE STATE CHOOSE TO ATTACK

THIS STATEMENT ON CROSS EXAMINATION.

BY FAILING TO ALLOW A JURY TO HEAR SUCH A SIMPLE RESPONSE, THE DEFENDANT WILL BE UNFAIRLY PREJUDICED BY JURORS WHO WILL BE LEAD TO BELIEVE THE ACCUSED IS A TYPICAL PRISON/JAILHOUSE LAWYER. THUS, THE PRECLUSION OF SUCH A STATEMENT WOULD BE MORE PREJUDICIAL THAN DENYING THE STATES MOTION. THE PRECLUSION OF THIS ANSWER COULD LEAVE A JURY WITH THE OPINION THE DEFENDANT IS ALREADY IN PRISON AND HAS NOTHING TO LOOSE.

THEREFOR, DEFENDANT KARBAN RESPECTFULLY REQUESTS THIS COURT DENY THE STATE'S REQUEST, AND ALLOW THE ABOVE MENTIONED STATEMENT TO BE GIVEN, SHOULD THIS QUESTION EVER BE ASKED.

RESPECTFULLY SUBMITTED,



DATED: 2-18-08

STEPHEN FRANK KARBAN

PRO PER REPRESENTATION

COPY MAILED/DELIVERED

2-18-08 TO:

HONORABLE JUDGE LEE

JUDGE OF SUPERIOR COURT

RACHEL THIPPS-YONAS

DEPUTY COUNTY ATTORNEY

Evan Romberg

Office of Legal Advocate

MARICOPA COUNTY SHERIFF'S OFFICE
JOSEPH M. ARPAIO, SHERIFF

CERTIFICATION

I hereby certify that on this date 2/19/2008 _____,

I filed the attached original with the Clerk of the Superior Court, Maricopa County, State of Arizona.

I further certify that copies of the original have been forwarded to:

Judge/Comm. Lee _____ Superior Court, Maricopa County, State of Arizona.

County Attorney, Maricopa County, State of Arizona. R. Phipps-Yonas _____

_____ Public Defender, Maricopa County, State of Arizona. _____

_____ Attorney General Office _____

_____ Advisory Counsel _____


_____ Probation Officer _____

_____ Adult Probation Department, Maricopa County, State of Arizona. _____

_____ Legal Defender _____

Legal Advocate E. Romberg _____

_____ Attorney _____



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