

From: Joey Correnti IV
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To: Honorable Judge Susan K. Stipe
Judge of the Circuit
Court of the Second Judicial District
Carbon County Interim Justice Center

RE: THE STATE OF WYOMING -vs- JOEY CORRENTI IV
IN THE CIRCUIT COURT - SECOND JUDICIAL DISTRICT DOCKET NO. CR-2021-0800

FILED
FEB 04 2022

CLERK OF CIRCUIT COURT
2nd JUDICIAL DISTRICT
CARBON COUNTY, WYOMING

Dear Judge Stipe,

As mandated by the Court in the Arraignment and Sentencing Order (dated 3 January 2022) I scheduled (on 19 January 2022) and attempted to conduct (on 2 February 2022) the Court ordered scheduling conference via a telephone call with Prosecutor Jason Gay of the Carbon County Prosecutor's office a full two weeks prior to the Court ordered date of 15 February 2022.

Upon contacting Mr. Gay via telephone at the previously scheduled time of 3 PM on 2 February 2022, I was informed by Mr. Gay that he would be unwilling to facilitate the conference and that he was unable to discuss the case with me as he stated "the issue we have is at the last hearing you indicated to the Court that you intend to request a public defender, that means I can't discuss the potential outcome of your case with you." Adding "If you were to continue the case pro se we would need you to notify us or the Court of that in writing so that I can communicate with you about your case. Otherwise, if you're going to have council enter an appearance or be on file with a public defender, you need to go ahead and do that." Additionally stating the "The problem that I have is that I cannot speak to someone that I believe is either represented or seeking representation, and so because you requested that paperwork and indicated that you would like to consider the public defender so I would need something in writing saying that you're not going to. If you tell me right now on the phone that you're not going to, and in the morning, you file the paperwork for the public defender, I was not noticed that you were going to do that, and I now have got issues with the Bar."

The last comment made by Mr. Gay in this conversation was somewhat concerning to me when he stated, "As you have already filed a Bar complaint against me, so the last thing I'm going to do is give you more ammunition."

As I recall, during the plea hearing I did request permission to receive the paperwork to see if I were eligible to receive a public defender but made it very clear on the record in open Court that I intended to represent myself but did not want to limit my option of consulting with council if I felt it necessary. To my recollection the Court agreed that it would be wise to keep that option open and provided me with the necessary paperwork, which I have not yet submitted as I have not yet felt the need to consult with outside council, and still intend to stand as my own legal representative in this case.

Having no entry of appearance by any attorney being entered on my behalf for this case would lead me to believe that both the Court and the Prosecution recognizes that I am still acting as my own attorney, and therefore I believe I should be afforded all standard courtesies and rights as such. Additionally, I do not believe that at any time I have waived my right to council nor would council coming onto the case at a later time be problematic if I chose that route, as it was explained to me during the plea hearing by the Court.

The requirement that Mr. Gay is mandating was not terribly problematic at first except for the fact that when I contacted Court Clerk Annette Green regarding the filing of this document, she indicated to me that she was not familiar with any standard document or filing of that nature, that the Court recognizes me as my own attorney of record, and that there should be no reason why I could not speak with the

prosecutor. Ms. Green put me on hold and contacted the County attorney's office and informed me that "I spoke to Mr. Gay, who I believe you talked to, and so give him a few minutes and you can call him back."

On Ms. Green's say so I attempted to contact Mr. Gay again and informed him the Court Clerk had directed me to call him back and that she had indicated to me that I was "Absolutely allowed to speak to you (the Prosecution) until I am represented by outside council." Mr. Gay replied by saying "The Court Clerk does not get to determine that. I'm sorry to inform ya, it's actually a requirement for my license with the Bar, and as I told you before I will not discuss the resolution of your case with you until you have provided in writing that you are not seeking a public defender..." Then Mr. Gay later added after explaining his requirements for the written statement that "there's no format for it, there is no requirement, I just need it in writing, because like I said, you chose to file a complaint with the Bar for being charged, so last thing I'm going to do is play fast and loose with you at all."

Your Honor, the concern I am having is not over the filing of a statement of intent, but over the fact that this statement of intent appears to be a personal need of Mr. Gay's that is not commonly requested or required of other defendants representing themselves or who are appearing without council. This is evidenced by Ms. Greens unfamiliarity with it and her self-guided action to go speak the County Attorney in order to clear up the issue and instructing me to call back, as well as Mr. Gays own statement of "there's no format for it, there is no requirement, I just need it in writing" which indicates that this is not a standard request and that I am being asked to submit a document that no other defendant representing themselves would usually have to submit in order to have a conversation with opposing council.

This ultimately appears to be a personal concern of Mr. Gay's based on the two separate mention's he has made of the ethics complaint I have filed with the State Bar that is causing him to ask more of me as a self-represented defendant than he would of others in previous similar cases. The appearance of the personal concern specifically mentioned in each conversation by Mr. Gay causes a concern of my own that this case may not be handled in a dispassionate or unprejudicial manner, as Mr. Gay has invoked the ethics complaint as the basis for his refusal to conduct the scheduling conference, and in doing so I believe has presented a legitimate conflict in being able to try this case without passion, prejudice, or personal interest himself.

With those concerns in mind, I would ask that Mr. Gay personally recuse himself willingly from prosecuting this case, or that the Court order a recusal of Mr. Gay for conflict of interest and have another County Attorney assigned to the matter.

Your Honor, I appreciate your time and willingness in reading this letter of concern, and I realize that it may be unorthodox as I am not a licensed attorney, however I feel these concerns are legitimate and I would be remiss if I did not allow you to review them yourself.

SIGNED: _____



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DATE: _____

4 FEB 2022

****NOTE: a recording of the two conversations with Mr. Gay can be made available upon request****