Judge Conover,

Regarding my case 16-14-18659. My attorney filed a motion to withdraw in January 2015. It’s been two months. I am concerned that the courts are denying me my right to due process under the 14th amendment. It doesn’t take a hearing to grant the motion and it can be done without delay.

Under ORS 138.590 Petitioner may proceed as a financially eligible person, a person who is eligible based on poverty is required to be appointed counsel and that counsel must provide effective assistance during the necessary duties of a petitioner’s post conviction relief.

“(4) In the order to proceed as a financially eligible person, the circuit court shall appoint suitable counsel to represent petitioner. Counsel so appointed shall represent petitioner throughout the proceedings in the circuit court. The court may not substitute one appointed counsel for another except pursuant to the policies, procedures, standards and guidelines of the Public Defense Services Commission.”

The law under ORS 138.530 says that relief will be granted for the types of claims I’ve brought, but in order to prove such claims the attorney must gather necessary evidence and construct the case which they’ve failed to do.

“(1) Post-conviction relief pursuant to ORS [138.510 (Persons who may file petition for relief)](http://www.oregonlaws.org/ors/138.510) to [138.680 (Short title)](http://www.oregonlaws.org/ors/138.680) shall be granted by the court when one or more of the following grounds is established by the petitioner:

**(a) A substantial denial in the proceedings resulting in petitioners conviction, or in the appellate review thereof, of petitioners rights under the Constitution of the United States, or under the Constitution of the State of Oregon, or both, and which denial rendered the conviction void.**

(b) Lack of jurisdiction of the court to impose the judgment rendered upon petitioners conviction.

(c) Sentence in excess of, or otherwise not in accordance with, the sentence authorized by law for the crime of which petitioner was convicted; **or unconstitutionality of such sentence.**

(d) Unconstitutionality of the statute making criminal the acts for which petitioner was convicted.”

I am alleging that my rights were violated prior to arrest, during the arrest, and during my time incarcerated which led to the false conviction. I experienced torture, witness tampering, and sabotage of my health and memory by the state a number of ways that was deliberate and designed to prevent me from testifying and having a trial. It’s the attorney’s job to determine if any of this were true based on evidence and experts, but that has been to this point denied to me because of the attorney’s refusal to work on the case or do necessary work. I may have been getting abused in other ways by the attorney’s refusal to work, and they may have had reasons they’re keeping secret. My attorney’s were provided important leads and consultation with an expert witness who backs me, and new evidence to investigate. The expert was ignored and the new evidence remained uninvestigated. No private interview was even attempted by the attorney, as the expert, a psychologist named Dr. Seth Farber PhD, was interested in helping. There was claims made about important security video and audio existing, proving my side of the story was real while the police and the states was not, but no attempt to retrieve that evidence was made. No analysis of the evidence has occurred. The states claim is they were not in conspiracy to spy on me, assault me, or cover up crime against me, nor did they entrap me in the situation, remotely control, or induce this situation to occur. But evidence exists otherwise and the attorney’s I’ve had to date have refused to look into it at all. Surely this would bring into question the issue of if my civil rights were violated during this case, and whether my trial was fair or impartial, or whether I was provided any sort of defense by my attorney’s at all when they had every ability to defend me but simply wouldn’t. My right to effective assistance of counsel, was denied during my time in custody, as were many of my prisoners rights and rights of a person going to trial. The constitutionality of my sentence giving the denial of my rights will be brought into question. The conduct of the prosecutors, police (who did assault me with witnesses present over matters not at the scene of any alleged crime) and state will be brought into question, and crimes of them exposed. The attorney’s seem to think they don’t have to investigate or work with any of my legal team and are denying me the resources necessary to get myself help.

I have been without a lawyer fitting the description of someone providing me effective assistance of counsel and none of the duties of such counsel have been fulfilled. Noel Grefenson despite receiving emails from me since January 2015 has failed to even contact me once. He has never had intent to represent me on my case due to differences. Even the court ordered that the petition be amended in 2014, and it has not yet taken place. My attorney has failed to perform the basic duties of an attorney who typically handles PCR. I had previously provided argument on the last motion with exhibits I filed myself in February 2015 because of the matter. This appears to be something personal or the act of abuse. It’s been very abusive and I’ve seen deliberate acts of abuse by other attorney’s just like this before.

I request that the courts stop stalling and appoint new counsel immediately so the process of PCR can proceed.

Furthermore, I submitted my own motion for a new attorney in February 2015 with supporting information for the record. The clerk modified the record and removed the DVD exhibits I provided. This is in error because those DVDs contain evidence for my PCR, and in the advent of erroneous dismissal of this petition, the DVD’s are part of the record and contain information for the appeal. Those DVD’s have been returned to you. These DVD’s should be reviewed at the hearing April 20th 2015 or upon receipt. They contain evidence of my abuse throughout this entire case, and evidence that goes to support my case for PCR. There are people with credibility talking about the problems I’ve faced on the DVDs. This PCR will proceed and an attorney appropriate and willing to do the necessary work will be appointed. They must show every interest in every attempt to help me to be doing their job, so far they refuse to even do a single thing.

Along with the previous three DVDs which were submitted but returned by the court, I have also included a new forth DVD and a two more exhibits in paper form. The exhibit lists and new exhibits are enclosed with the descriptions.

-Todd Giffen

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