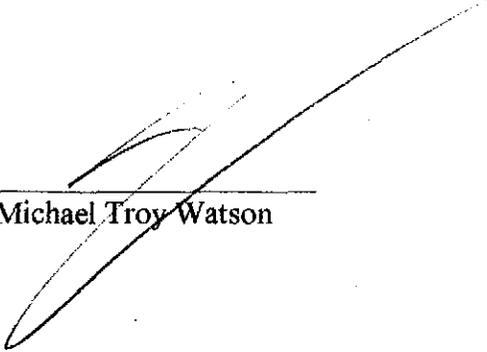


PROOF OF SERVICE

A true copy of the foregoing document has been sent by regular U.S. Mail with proper postage this 27, day of 9, 2007 to:

Robert Berger
Assistant Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215



Michael Troy Watson

IN THE SUPREME COURT OF OHIO

DISCIPLINARY COUNSEL)	CASE NO.: 05-398
)	
PETITIONER,)	
)	
VS.)	
)	
MICHAEL TROY WATSON)	<u>RESPONDENT'S MOTION TO</u>
)	<u>DISMISS THE ORDER OF THE</u>
RESPONDENT.)	<u>SUPREME COURT OF OHIO</u>
)	<u>ISSUED MAY 10, 2007 AS</u>
)	<u>RESPONDENT IS INDIGENT</u>
)	<u>AND HAS NOT BEEN</u>
)	<u>APPOINTED COUNSEL</u>
)	<u>AS DEMANDED</u>

Now comes the Respondent, Michael Troy Watson, (Pro Se) and respectfully moves this Honorable Supreme Court of Ohio for an Order Dismissing the Motion of the Disciplinary Counsel and Order of the Supreme Court of Ohio issue May 10, 2007 for the reasons including but not limited to that Respondent, Michael Troy Watson is indigent, identified as indigent in the Hearing before the Specially Appointed Master Commissioner Gwin and Counsel was requested to be appointed on his behalf.

Respondent, Michael Troy Watson appeared at the Hearing Pro Se. Disciplinary Counsel was represented at the Hearing by Robert Berger, Assistant Disciplinary Counsel.

Master Commissioner Gwin informed Respondent that he had the right to hire an Attorney to represent him in the Contempt proceedings. [Evid. T. at 75-76; 81-82] Respondent acknowledged that right; however Respondent indicated that he is presently without funds to retain Counsel. [Id.]. Noting that Contempt proceedings can involve Civil or

Criminal Sanctions or a combination of Civil and Criminal Sanctions, Master Commissioner Gwin informed the parties that Respondent may have a right to appointed Counsel should he be found to be indigent. [Id.]. Master Commissioner Gwin further informed the parties that his jurisdiction in this matter, as defined by the Ohio Supreme Court's directives, is solely to make findings of facts with respect to the Motion to Show Cause filed by Disciplinary Counsel. Evid. T. at 82-83]. The question of whether or not Respondent is entitled to appointed Counsel would be resolved at the Supreme Court level, as that tribunal will make the ultimate finding of whether or not Respondent is in Contempt of Court and what Sanctions to impose should they make such a finding. [Id. at 84-85].

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MASTER COMMISSIONER GWIN

While the determination of the Specially Appointed Master Commissioner Gwin deferred the appointment of Counsel to indigent Respondent to the Full Panel of the Supreme Court of Ohio, the Supreme Court **HAS FAILED TO ADDRESS THIS ISSUE PRIOR TO PROCEEDING TO DETERMINATION.**

The determination of the Supreme Court Sentencing the indigent Respondent to a fine of Ten Thousand Dollars (\$10,000.00) and Ninety (90) days in jail with the jail time and Ninety Five Hundred Dollars (\$9,500.00) suspended was issued against Respondent without benefit of Counsel by the Supreme Court of Ohio in Violation of the Constitutional Rights of the Respondent to Counsel. Clearly, the jeopardy in which the Respondent was subjected **WITHOUT COUNSEL** when Respondent was indigent and had requested appointment of Counsel is in Violation of his Constitutional Rights under both the United States and Ohio Constitutions.

The failure of the Supreme Court to address this appointment of Counsel prior to proceeding to Sentencing is contrary to law and precedent as well as the Orders of the Master Commissioner Gwin as stated herein.

WHEREFORE, Respondent respectfully demands that the Motion of Relator and the determination of the Supreme Court of Ohio filed May 10, 2007 be Dismissed and any and all other relief to which the Respondent may be entitled in law, justice, equity and/or in his best interest.

Respectfully Submitted,

Michael Troy Watson, Pro Se
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