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Filed

1 Steven-William: Sutcliffe
 2 02837-049
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 5 L.A., California Republic
 6 90035

7 United States District Court
 8 Central District Of California

9	People of the United States)	Case Number CR 02-350-AHM	<i>ruled on only</i>
10	Plaintiff,	)	Writ of the Mandamus to Compel;
11		)	<u>Motion to Dismiss Counsel for the Ineffective</u>
12		)	<u>Assistance</u> ; Motion to Dismiss for the Lack
13		)	of the Jurisdiction; Motion to Dismiss for
14	-v-	)	Prosecutorial Misconduct; Motion to Dismiss
15		)	for the Outragous Government Conduct;
16		)	Motion to Dismiss for Violations of the
17	Steven-William: Sutcliffe	)	5th and 6th Amendments of the Bill of the
18	Accused	)	Rights by the Prosecutor, Counsel and Court.
19		)	Courtroom: 14
20		)	Date: 1.14.2003
21		)	Time: N/A

17 Accused, Steven-William: Sutcliffe, proceeding Sui Juris, hereby
 18 moves this court and gives notice to all parties involved of this Writ of
 19 the Mandamus and seeks all remedies available under the laws of this nation;
 20 in the intrest of justice, to compel the United States Attorney General John
 21 Ashcroft to halt these proceedings and to assist the accused in presenting
 22 facts and documents concerning previously mentioned crimes and wrongdoings
 23 brought to the attention of present court appointed counsel, previously
 24 appointed counsel and this court. Further, Accused moves to dismiss appointed
 25 counsel as ineffective forthwith. Further, Accused moves to Dismiss all counts
 26 of the Superseding Indictment for Prosecutorial Misconduct. Further, Accused
 27 moves to Dismiss this case for Outragous Government Conduct by the prosecutor.
 28 Further, Accused moves to Dismiss this case for the Violations of the Accuseds
 rights under the 5th and 6th Amendments from the Bill of the Rights by the
 Prosecutor, appointed counsel and this court.

1 Accused denies jurisdiction of the court, Accused raised this issue
2 at his first arraignment and the court proceeded to ignore the challenge. The
3 court then proceeded to ignore the Accused demanded right to know the nature
4 of the charge against the accused so the Accused could properly prepare a
5 defense. The courts failure to inform the Accused has prejudiced the Accused
6 as the court allowed the Accused to proceed and prepare a defense to an
7 element which was unknown to the Accused and at the 11th hour the prosecutor
8 and this court seek to supersed the indictment and change the nature of the
9 charge. After the arraignment the Accused came before the Hon. A. Howard
10 Matz on April 16th, 2002 for a bail hearing after the prosecutor contested
11 a previous grant of the bail. The Hon. A. Howard Matz began the hearing by
12 berating and taking great ubbrage at the Accuseds challenge to the jurisdic-
13 tion mentioned at the previous bail hearing in his remarks to the Accused and
14 court appointed counsel (Since removed) and used the Accuseds challenge of
15 the jurisdiction to state that the Accused had no respect for the law, amongst
16 other comments. All remarks by the Judge and the counsel were thereafter
17 removed by the time the Accused received a requested copy of the hearing
18 later that same year when newly appointed counsel was appointed. This fact
19 is incorporated into the Writ of the Mandamus.

20 Accused has stated on the record that previous appointed counsel
21 Potashner has Obstructed Justice and committed Misprison of Felony; Accused
22 now adds the charge of Aiding and Abetting and Conspiracy to Obstruct
23 Justice. Further, Accused has accused Does 1-10 of the Manchester, N.H. Police
24 of Torture, and brought this to the attention of all parties involved.
25 Accused incorporates Special Agent Cugno and Laveride with Aiding and Abetting
26 Torture, Misprison of Felony and Conspiracy Against Rights, as well as
27 Obstruction of Justice and incorporates these charges into the Writ of the
28 Mandamus. Further, Accused, on 12.13.2002, sent this court a letter stating
the fact that someone from within the B.O.P. had **stolen discovery**, prior to
the Accused receiving it last month and further that an A. Roedell attempted
to Obstruct Justice by covering this fact up with an Antedated receipt. That
letter and this fact is now incorporated in the Writ of the Mandamus. Further
the Accused believes the prosecutor in this case has committed Misprison of
Felony, and informed present counsel and demanded counsel subpoena her along
with documents to support this charge. Counsel has refused and stated " You
can't do that. " This fact is incorporated in the Writ of the Mandamus.

1 Further, Accused has made multiple requests for his court appointed
2 counsel to effectively assist him, as recently as the hearing on 1.10.2003, yet
3 when the prosecutor stood before this court on said date and told a bald-face
4 lie, regarding www.killercop.com and evilgx.com, counsel failed to object
5 after being told to do so by the Accused. As the Accused has now, once again,
6 be prejudiced by the courts ruling in favor of the prosecutor, based on this
7 bald-faced lie, which neither the court or counsel challenged, accused has
8 lost all faith in the court appointed counsel and counsel is forthwith dis-
9 missed with prejudice. Accused demands a hearing on this lie by the prosecut-
10 or to show the bias of the prosecution and demands a copy of the transcripts
11 of the hearing on 1.10.2003 right away. Further, Accused has demanded counsel
12 assist in a challenge to the original indictment, in that the Accused believes
13 the prosecutor poisoned the Grand Juries minds by her choice of inflammatory
14 words. Again counsel has failed to assist in this defense. This lie, and the
15 conduct by the prosecutor to the first Grand Jury clearly falls under out-
16 rageous conduct, as well as Prosecutorial Misconduct. The governments
17 attempt to introduce inflammatory, irrelevant and inadmissible evidence, based
18 on a lie, will clearly prejudice the Accused and lead to a miscarriage of the
19 justice if allowed to stand.

20 Acused demands this Writ be brought to the U.S. Attorney General
21 John Ashcroft personally, since the current U.S. Attorney General of the
22 District has a conflict of interest as she is both named and disparaged within
23 the website www.killercop.com, and has been for the last 4 years, which is at
24 the heart of the issue and lie in these proceedings before this court. Accused
25 cites Title 18, Section 3332(a) and the Bill of the Rights as the authority
26 to compel this court to protect the rights of the accused, since this court
27 seems unwilling to do so.

28 Further, Accused seeks and moves to dismiss the superseding indictment on the
grounds that the law under counts 1-4 are so vague that a reasonable person
could not tell if he is subject to the violation of the law. Accused uses
the superseding indictment as Exhibit-A in his argument and is prepared to
orally argue this on the record.

1 A statue, though plain and unambiguous on its face, may, when applied, violate
2 due process of law. U.S. v. Spector, Cal.1952, 72 S.Ct. 591, 343 U.S. 169,
3 96 L.Ed. 863; rehearing denied 72 S.Ct. 1040, 343 U.S. 951, 96 L.Ed. 1088
4 The constitutional vice in a vague or indefinite statue is the injustice to
5 accused in placing him on trial for an offense, the nature of which he is
6 given no fair warning. American Communications Ass'n, C.I.O., v. Douds, N.Y.
7 1950, 70 S.Ct. 674, 339 U.S. 382, 94 L.Ed. 925, rehearing denied 70 S.Ct. 1017,
8 339 U.S. 990, 94 L.Ed. 1391.

8 Accused also challenges the jurisdiction of the court as the court
9 lacks subject matter jurisdiction under the Interstate Commerce Clause of the
10 Constitution. Accused cites "7 Department of Justice Manual Section 9-2.142.
11 Also, Petite v. U.S., 361 U.S. 529 (1960); United States v. Lopez, 514 U.S.
12 549 (1995) and Jones v. United States, 120 S.Ct. 1904 (2000). Accused has
13 previously requested court appointed counsel argue and preserve the aforement-
14 ioned rights, but again counsel resists in assisting the Accused.

14 Accused has informed this court that the defense has had **discovery**
15 **material stolen**, and that **counsel had been and continues to be to incompetent**
16 to have made back-up copies so the Accused could review all discovery
17 material prior to trial, yet this court has ignored this fact and the fact
18 that this court would proceed to try the Accused after knowledge of this fact
19 shows the Accused that he will get a trial in name only.

19 Accused invokes full Sovereignty under the Common Law of the
20 Constitution of the united States of America, Accused demands all rights at
21 all times. Further, Accused demands the Common Law right of Sua Sponte and
22 demands the court inform the Accused, at every stage of the proceedings of the
23 Accuseds rights, whether Organic, Federal, State of local, and in a timely
24 manner. Accused only comes before the court because of the previous abuse
25 of the power by the government to arrest and incarcerate. Forthwith the
26 Accused appears by Special Apperence, at all times, only, until jurisdiction
27 over the accused has been proven on the record. Any attempt to usurp juris-
28 diction over the Accused through deception or any fictitious name will become
prima facie evidence of lack of the jurisdiction. This applies to any
presumed, assumed or implied attempts to obtain jurisdiction over the Accused,
as Accused has witnessed in the past by the court.

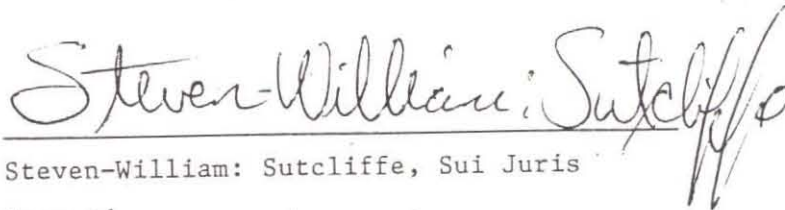
1 Accused understands under the Common Law that a man or woman doesn't
2 committ a crime by words alone, and further that unless one willfully damages
3 another man or woman by depriving said people of the United States of their
4 God given right to Life, Liberty and Property, no crime has been committed.
5 Accused will require, and hereby demands, in the courtroom, at any trial, if
6 any, as provided for in the Article of the Six in the Bill of the Rights, the
7 body of the man or woman making any claim of the damage against the Accused,
8 and not any alledged-representative of said people. Accused further under-
9 stands the rights bestowed by the Creator and protected by the Bill of the
10 Rights within the Constitution are for the security of the people, for the
11 people and by the people, all of the people, including the Accused.

12 Further, since it is now common knowledge that my court appointed
13 counsel, former and latter, is ineffective, incompetent and/or beholden to my
14 adversary (Burgett v. Texas, 289 U.S. 109), the Accused demands that if this
15 court intents to move forward from this point forward that this court shall
16 make monies available to the Accused so that the Accused may locate and
17 secure competent counsel who can effectivly assist the Accused as the Accused
18 has lost all faith in the court appointed counsel of the court. Accused will
19 also take this time to state that he believes that his former counsel has,
20 along with one or more cohorts, committed legal malpratice and has substan-
21 tially and matterially prejudiced the Accuseds rights so that the Accused
22 can never get a fair trial. This was also brought to the courts attention and
23 is incorporated in the Writ of the Mandamus. Forthwith the Accused, if this
24 previous request is denied, will stand Sui Juris, without counsel, and under
25 the foregoing conditions, only the Accused may speak for the Accused.
26 (Chandler v. Fretag, 348 U.S. 3.; Faretta v. California, 442 U.S. 806).
27 Accused will not sign a waiver of the counsel.

28 Without jurisdiction, the court can not proceed at all in any cause.
Jurisdiction is power to declare the law, and when it ceases to exist, the
only function remaining to the court is that of announcing the fact and
dismissing the cause. (Ex parte McCardle (1869))

1 To close, the Accused need not remind the courts of their proper
2 role as active guardians of the Constitutional rights of the Citizen, and
3 of the constitutional limitations on federal power and not as active subverters
4 of those limits or passive accomplices to the subversions of the other
5 branches of the government. For the aforementioned reasons setforth in this
6 document the Accused prays relief be granted in this cause and instant case.
7 So help me God.

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10 Accused does sign this document: 1.13.2003

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12 Steven-William: Sutcliffe, Sui Juris

13 Accused.
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