

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

- - - - -

THE ~~HONORABLE~~ A. HOWARD MATZ, U.S. DISTRICT JUDGE PRESIDING

THE UNITED STATES OF)
AMERICA,)
)
Plaintiff,)
)
vs.)
)
STEVEN WILLIAM SUTCLIFFE,)
)
Defendant.)

COPY

No. CR 03-350(A)-AAH

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

Monday, August 27, 2003

A.M. Session

DEBORAH K. GACKLE, CSR, RPR
United States Courthouse
312 North Spring Street, Room 402A
Los Angeles, California 90012
(213) 620-1149

1 THE DEFENDANT: Thank you, Your Honor, for giving me
2 the opportunity to speak. I want to state, first off, that I
3 object to your sitting on the bench, ruling against me in any
4 way, shape or form under the due process clause of the Fifth
5 Amendment. I would like you to recuse yourself forthwith and
6 assign another judge to rule on any further matters.

7 Furthermore, I want the court to take judicial
8 notice, which it has failed to do on numerous occasions, to my
9 challenge to the jurisdiction on the subject matter in this
10 courtroom.

11 Will you take jurisdictional notice of that now?

12 THE COURT: Mr. Sutcliffe, those are matters which
13 are not appropriate to raise. I deny your motion to recuse
14 myself. I deny your contention that the court lacks
15 jurisdiction.

16 Now, please answer my question. Do you wish to
17 question Dr. Patenaude, through counsel?

18 THE DEFENDANT: The answer to your question is yes.
19 I object to the court ruling on my competency without a full
20 hearing under 4247 of Title 18, as well as all rights reserved
21 on the Bill of Rights of rights, because I received no
22 treatments, no psychiatric or psychological interventions since
23 being ruled incompetent on April 7.

24 In the absence of such interventions or treatment,
25 and with my conduct being exactly the same and consistent

1 throughout my hearings and every proceeding that I've been in
2 this courtroom, this entire case, I believe I'm entitled to a
3 hearing to determine on what basis I was deemed incompetent on
4 the first and second instances so that I can determine what
5 criteria I can now be deemed incompetent.

6 I don't know how I'm not incompetent since nothing
7 has changed since the court first found me to be incompetent.

8 I am not saying I believe I'm incompetent, but I'm not sure of
9 the criteria based on this court's findings previously decided.
10 I have yet to even be provided with a copy of Dr. Patenaude's
11 report. If nothing has changed, then how I can be anything
12 different than what I was originally?

13 Furthermore, I frankly don't understand why my
14 presence is needed here today because, as the conduct of the
15 government, the defense counsel, and this court's own action on
16 April 7 clearly prove, all of you believe that the accused need
17 not be present in the courtroom or, for that matter, not
18 present in the same state to make a finding -- a judicial
19 finding of fact that the accused is or is not incompetent as
20 required by the law.

21 A finding of competency is one of a fact, not law.
22 United States versus Shepard, 538 F.2d 107 at 110; United
23 States versus Fratus -- F-r-a-t-u-s -- 530 F.2d 644 at
24 page 647; U.S. versus Winn, 577 F.2d 86 at note 14 on page 88;
25 Dusky v. United States, 362 U.S. 402, annotations at