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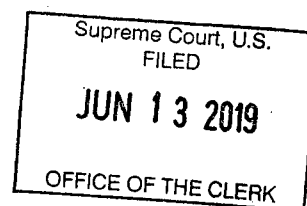
No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Mikle Anthony Butler — PETITIONER
(Your Name)



VS.

Florence, South Carolina
United States District Court ~~et al~~ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States ~~11th~~ Court of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mikle Anthony Butler
(Your Name)

McCreary USF PO box 3000
(Address)

11 Pine Knot Ky
Pine Knot Ky., 42635
(City, State, Zip Code)

NA

(Phone Number)

QUESTION(S) PRESENTED

1. Why was the fact that before I committed the over 120 convictions as well as the two assault 2nd degree charges used to enhance my sentence I was suffering from undiagnosed mental disorders not highlighted and used as a key factor of why the two assault convictions should have not been used to enhance me violently as one who has an intent to bring about a harm rather than one who severely suffered from undiagnosed mental illnesses? - 2. Why was my criminal history of over 120 convictions in which all the charges pertain to the nature of Drug/alcohol abuse, unreasonable thinking and mild mental disorders ~~used against me as one who has a complete disregard for the law?~~ - 3. Why was the two assault 2nd degree non-violent state convictions used as violent crimes against me by the U.S.S.G.? - 4. Why did the courts fail to consider the fact that throughout my entire criminal history of over 120 convictions including all the minor simple assaults on my record that assault and battery second degree though non-violent in the state was the most violent nature of my so called criminal behavior but was not recognized as a key symptom of my newly discovered mental disorders for the courts to cease from violently using the assaults against me to enhance my sentence. - 5. Why were the two assault 2nd degree convictions used to enhance my sentence not recognized by the courts as only being one level above the simple assault and battery crime in the city limits of Myrtle Beach South Carolina and Conway S.C. in which I have numerous simple assault convictions on my record? - 6. Why were the case files of the plea colloquys never thoroughly reviewed which should have revealed that I accepted a special plea of innocent but fearful of losing trial? - 7. Why did the courts fail to realize that one of the assault charges used to enhance my sentence "Matthew Lee Blanch" used to enhance my sentence has medical records proving that he only suffered one single laceration under his eye which does not qualify for the moderate bodily injury prong of the statute to inquire of why the state convicted me of that crime? - 8. Why was the indictment fashioned and alternated to make me appear as guilty as possible for having an intent to carry a firearm and failed to specifically mention that I initially and fearlessly approached law enforcement then attempted to flee at the last minute? - 9. Why did the district court fail to mention the fact that Myrtle Beach law enforcement failed to retrieve witness statements from the mall security whom I first approached fearlessly before approaching law enforcement for them to provide that specific testimony and also verify that a gun was not ever located on my waist band as well as making note of my unnatural state of mind at the time? - 10. Why did my lawyer use as a key factor that I was suffering from undiagnosed mental disorders before the assault 2nd degree crimes were committed when she raised the objection? - 11. Why was the F.B.O.P.'s psychologist report never used at my sentencing in which she noted that "due to all the simple assaults on my record she don't think it possible for me to think before harming someone?" - 12. Why did my lawyer as well as the district court judge fail to evaluate my long in length county jail disciplinary history before she presented as strategy for the judge to send me to prison for the adequate mental health treatment and programs the F.B.O.P. had to offer? - 13. Why did the district court/court of appeals fail to mention that at the age of 20 due to so many drug/fights/alcohol and unreasonable decision making arrest that I was court ordered by Judge Scott Long of the Myrtle Beach municipal court to undergo a psychiatric evaluation? - 14. Why did the district court never consider the fact that even after the court order psychiatric evaluation as well as the submission to a rehabilitation treatment center from being diagnosed by the doctors with a chemical imbalance and substance abuse by the treatment center that I was never provided any type of medication? - 15. Why did the courts fail to consider the Morris Villiger treatment center records in which would have revealed that I was terminated for engaging in an altercation with an inmate whom I arrived at the center along with. "this due to the fact that I was released from a county jail into the custody of the treatment center and would have also highlighted a potential symptom of a disorder from fighting" - 16. Why didn't the district court consider the least of the above facts to formulate a realistic probability or realize characteristics that would compel a deviation from the guidelines for me to receive a below sentence? - 17. Why did the district court/my lawyer fail to mention any diagnosis of my mental illnesses or in anyway attempt to distinguish my case from other typical cases? - ~~One to the fact that I was not a violent person~~

18. Due to the fact that I had no memory or recollection of committing the crime of my capital conviction due to me substituting drugs and alcohol to treat as medicine undiagnosed mental disorders, does this mean that I am truly guilty of committing the crime? - 19. Why did the courts also fail to mention that the Matthew Lee Blane's assault 2nd degree conviction took place in a county jail institution in which could have highlighted another recognition of why institutional prison housing would not be best suitable for me to obtain the correct mental help? - 20. Was I misled by my lawyer into accepting a guilty plea on behalf of her establishing the intoxication ~~the~~ voluntary intoxication scenario as not being a defense rather than the reason to undergo psychiatric treatment ^{were to} determine if I were using drugs/alcohol to treat as medicine undiagnosed mental disorders? - 21. Why did the courts fail to realize that my lawyer failed me by intentionally refusing to ask for a downward departure on my behalf with the courts ^{district} having already being notified of my requests and plea's not to be sent to prison for need of mental treatment? - 22. Did my lawyer/the Beth Drane and to the solicitor requiring leniency and mental treatment rather than prison time at my capital sentencing to highlight as fact that I did request such things? - 23. Do you think that the strategy my lawyer chose to perform at my capital sentencing was for the better of me receiving mental therapy or for the worse? - 24. Did my lawyer ~~err by not truthfully~~ ^{err by not truthfully} advising the probation officer that I truly had no recollection of committing the crime due to an unnatural mind state and that I was accepting a guilty plea under that condition? - 25. Did ~~my lawyer err by failing to advise~~ ^{my lawyer err by failing to advise} my probation officer that the body camera of the arresting officer clearly shows other small heavy items being removed from my pants pockets as well? This to strengthen the fact that I clearly had no idea a gun was on my person! - 26. Did the district court err in failing to realize that throughout my entire over 120 convictions of non-violent drug/alcohol abuse, unreasonable thinking and mild mental issues the state courts failed to have me undergo a psychiatric evaluation? - 27. Did the district court err in using the shepherd documents for the categorical approach to determine if the moderate bodily injury of the Prong was met to use the two assault 2nd degree convictions as crimes of violence but failed to take a different approach to determine whether the force clause applied to an evident mental patient? - 28. Did the district court/my probation officer err in failing to realize that due to Matthew Lee Blane's medical records of ^{one of the} ~~the~~ assault 2nd degree convictions "proving that his injury did not qualify for the nature of the assault 2nd degree crime that the state violated my rights by convicting me of the wrong nature of the offense? - 29. Did my probation officer/the district court err in failing to realize that in regard to the other assault 2nd degree conviction of "Kenneth Jones" that I was ~~first~~ initially charged with assault and battery 1st degree in which was reduced to assault 2nd degree "this to give reason of why I plead guilty to the charge - 30. Did the court of the district err in failing to mention that also in the case of Kenneth Jones I also was initially charged with strong arm robbery in which was dismissed and thrown out of court because of the falsehood incorporated in his report? - 31. Did the district court err in failing to realize or mention the fact that I ever only served 1 single day in a half in a state penitentiary and was never placed on any type of probation or modified watch to be reasonably notified and warned of the severe penalty of being a felon in possession of a fire arm for me to have made clear sure that I never possess a fire arm in regard to a normal state of mind? - 32. Did the district court err in sentencing me to a term ~~of~~ of 92 months as penalty and punishment for simply engaging in activities such as fighting and fearlessly approaching law enforcement with a gun on my presents which are specific symptoms of my newly discovered mental health diagnoses? - 33. Due to the fact that I actually have a non-violent criminal history of over 120 convictions did the district court err in manipulating my criminal history by using two charges of state non-violent assault and battery 2nd degree's as violent? - 34. Did double jeopardy occur on behalf by the district court using two prior state convictions against me in which I had already served my time and paid my debt to society for?

35. ~~Did~~ - did the district court judge err when he made the statement that he "considered on giving me more time?" "an evident mental patient who simply engaged in activities of the ~~criteria~~ of his mental illnesses" - ~~36~~ 36. Did the district court err in relying on an inconsistent witness statement incorporated in my indictment which stated that a gun was located on my waistband in which the body camera of the arresting officer proves otherwise? ~~What~~ at this the judge sentenced me thinking that i literally had an intent to carry the fire arm in mind" - 37. were my rights violated by myrtle beach law enforcement who failed to collect witness statements from the security guards whom i fearlessly approached before approaching law enforcement? - 38. Did my lawyer/my probation officer ~~commit~~ err in failing to collect witness statements or inquire of such from the security guard mall officers as well? - 39. Did my lawyer/district court judge err in failing to realize and highlight as factor the fact that i initially approached security guard mall staff as well as law enforcement then attempt to flee at the last minute as a symptom of my newly discovered mental health diagnoses? - 40. In light of the numerous simple minor assault convictions on my record why didn't the courts highlight and recognize that the most violent nature of crime on my record is simply an Enhanced Fight altercation in which is the assault and battery 2nd degree crime. - 41.

LIST OF PARTIES

~~12~~ please disregard

~~All parties appear in the caption of the case on the cover page.~~

correct answer

[] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows: Mrs. Mandy Shuler "my appointed lawyer"

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TABLE OF AUTHORITIES CITED

CASES

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0

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STATUTES AND RULES

NA

OTHER

NA

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was ~~December 1988~~ January /23/19.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March /12/19, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Ineffective Assistance of Counsel 6th Amendment violation 2. Actual innocence 3. Cruel and unusual Punishment 4. Violation of Due Process rights 5. Faulty indictment 6. Illegal unconstitutional Sentencing 7. Ignorance of law 8. Negligence 9. Diliberate indifference 10. 10th Amendment separation of powers 11. Incorrect guilty plea "not sure what constitution this falls under 12. Violation of state rights overlooked 13. Wrongful State Conviction used to ~~enhance~~ federal U.S.S.C. 14. Deprivation of life, liberty and property 15. Double Jeopardy 5th amendment 16. Prosecutorial misconduct 17. 6th Amendment the right to be informed of the nature and cause of accusation "6th amendment"

STATEMENT OF THE CASE

On July 20/16 i was ~~intoxicated~~ off alcohol, high and stimulated off marijuana, extasy pills, Zanax pills, Cocain and morphine pills and was wandering around the Myrtle Beach south Carolina Public Square mall in this condition. AS the memory of this incident appeared to me periodically i clearly recall purchasing some items from a clothing store and slightly have a recollection of random black people approaching me and advising me that a gun was sticking outside of my pocket. Due to the fact that i was stimulated off of drugs and alcohol when warned of a gun sticking out of my pocket i lacked the physical ability to thoroughly evaluate the issue i also lacked the natural mind state to have a complete regard of the issue and my body was so numb from the effect of the drugs it was impossible for me to feel or shift anything weighty or any quantity of heaviness. I remember existing the store with items that were placed in a shopping ~~bag~~ ^{bag} due to the fact that the employee bought it to my attention to carry the bags. i naturally reacted and placed my hands on the handle and existed out of the mall ~~with the~~ ^{with the} bags as well. The next thing i remember is literally returning inside the mall and approaching the security officer's booth and initially engaging in all sorts of conversation mainly requesting them to call ~~someone~~ ^{someone} because the clothing store i was in earlier had sold me the wrong hat "mind yu that i returned back to that same store and when i tried to enter the store the doors were locked and the employees were staring at me through the hudge glass doors and windows laughing their guts out at me for some reason. I remember asking them to open up the doors because they sold me the wrong hat." It was then that i approached the security guard mall booth. While at the security booth i advised about three of them that i wanted them to call ~~someone~~ ^{someone} to open the doors to the store because they sold me the wrong hat, i then engaged in other normal conversations consisting of my life. The mall security guards advised me that they would be contacting something called ~~customer~~ ^{customer} servings. I then waited very patiently with them for about 15 minutes i guess and then i noticed law enforcement. when i noticed the police officers i immediately approached them and asked them the same questions about retrieving my hat as well. The police officers corresponded by asking me "whats this i hear yu walkin round here with a gun?" at this i automatically assumed this to be a stage that the police officers were setting in order to cruelly take me to jail again due to my criminal history and encounters with law enforcement as well as the countless times i've been arrested for crimes that i didn't commit, therefore i attempted to flee from the officers. though i attempted to flee i knew that i wasn't gonna get far because of the numbness of my body, i was apprehended after a single foot step. All the above are the memories that appeared to me periodically in due time after the arrest. I was then issued state charges for possession of stolen firearm, unlawful carrying of firearm and felon in possession of a firearm. I was given a bond and sent to the county jail. I post my bail 14 days later and a few months after i appeared in state court and the gun charge was completely dismissed. A few months after the dismissal of the charge i was indicted by the feds for felon in possession of a firearm. when i met with my first federal appointed lawyer MR. BILL WATLES he explained to me that the feds picked up my gun charge and that after his calculations he sees it that i may end up serving seven years due to my past criminal history. I then advised him that prison time was my least concern but rather i really needed a fair opportunity to receive help. He then asked me why did i think i needed help, i explained to him exactly it because i was wandering around a public square mall with a firearm that i never knew was on my person and could not remember where it came from. I went on to explain that the police are killing black dudes out in this world these days and i personally could had - please read next

lost my life that day if i had made even the slightest move to reach for my cell phone. I went on to explain to him that my family members were devastated and filled with sorrow that i was wondering around a Public Square Mall in such condition, fearlessly approaching law enforcement and security guards not even mindful that i had an illegal firearm on my person. I went on to explain that this experience was most definitely a reality check for me and along this path is where i have to draw the line and truly seek the correct help. I went on to explain to him that through the GRACE OF THE LORD JESUS CHRIST i WAS BLESSED BY THE ALMIGHTY LIVING GOD THE FATHER JEHOVAH MOST HIGH and recently had my first child "daughter" May/29/16 and if i wanted to stick around long enough to watch her grow older i need to first admit that i really need help. He then advised me that no help could be provided to me until after my sentencing and at this he asked me what will be my defense. I corresponded by telling him "my defense will be the truth of my entire situation!" ^{MA.} Bill Nettles then produced a copy of my criminal history records and acted as if he were astonished amazed that i had over 120 convictions. He then advised me that the two assault 2nd degree convictions on my record could be crimes of violence in which could get me more prison time, i then advised him that if the convictions are violent then they are the only violent charges on my record of convictions. Due to my lack of knowledge of the U.S.S.G. i didn't understand exactly what he was referring to when he spoke of the charges being violent, i was under the impression that he was speaking of ^{his} curiosity of whether the convictions were considered violent by the State of South Carolina or not. Regardless of my confusion i advised Mr. Bill Nettles that i had been suffering from drug/alcohol abuse as well as fights and a lot of disturbing issues for a long time especially from the exact start date of my criminal history in which ^{is} 2005 "age 17 yrs old". I went on to explain to him that the over 120 convictions all consist of drug abuse, alcohol abuse, fights and all sorts of unreasonable thinking and poor decision making such as: "Trespassing" in which i continually reappeared in areas that i am not legally authorized to be, public drunk, pedestrian in the highway, marijuana possession, crack possession, sched five pericetts possession, heroin possession, destruction of property, Breach of trust, shopliftings, resisting arrests, loitering, giving false information to police, disorderly conduct and a lot more things of the nature of such. I went on to explain to Mr. Bill Nettles that the most violent convictions through out the entire over 120 convictions are the non-violent state convictions of Assault and battery 2nd degree. Not to mention the numerous simple minor assault and battery convictions on my record in which the assault 2nd degree convictions are simply one level above the minor simple assault crime in the Myrtle Beach city limits area but in actuality the most violent behavior of the over 120 convictions is simply EXAGGERATED FIGHTS. I again advised Mr. Bill Nettles that i needed help rather than prison time in light of the logical truth of my situation. Mr. Bill Nettles was flabbergasted that i've only ever served one single day in a half in a state prison to undergo the processing of a turn around but he still advised me that no help could be provided for me until after sentencing. He then completely disregarded the truth of my defense and instead presented to me the ~~voluntary~~ intoxication law and inherited that as if it fit the exact action of true defense i provided regarding my ignorance and innocence of the entire matter. Therefore i returned to my cell location after meeting with Mr. Bill Nettles and i was overcome by hopelessness and despair having believed Mr. Bill Nettles statement that no help could actually be provided and that i would have to be penalized and punished for committing this crime. The next time i met with Mr. Bill Nettles i advised him that even while i was convicted of this crime by the state i still have yet to perceive by view the exact firearm the authorities claim they obtained from my possession and that i was curious of if they really ever obtained a firearm from my person because of my lack of memory. Mr. Bill Nettles then produced live footage ^{of} video feed in which captured the whole incident in which is how i was able to state a few of the above facts to you about the arrest earlier. Therefore i was truly able to ^{place} memories of the incident along with what was clear and evident live on video camera. The camera which is the body camera of the arresting officer clearly shows me walking up to the police authorities along with a single mall security guard initially asking the police questions about what, when the police corresponded by asking me about the gun i then perceived myself attempting to flee. Please read next

I was then apprehended and I also was able to literally perceive by view the arresting officer remove the gun from my shorts pocket as well. At this I was convinced that I really did possess the gun ~~and~~ due to the fact that Mr. Bill Nettles automatically manipulated the truth of my action of defense by formulating the voluntary intoxication theory I inquired of him exactly what to do next to continue on with my life and leave this matter behind me. He then advised me to fabricate a story to the Judge and advise him of my desire to plead guilty of the crime at my own free will but I advised him in response that I would prefer a trial. After he persuaded me not to go to trial, his reason being my stupidity to open a door to receive more time, I advised him that I would follow his order and write the Judge a confession of guilt. Mr. Bill Nettles then went on to explain to me that if I fell to execute this task the Judge would not grant me a guilty plea and I would be left in jail prolonging my opportunity to put this whole thing behind me and seek the proper help. Not only did I write a letter to the Judge, I wrote a letter to an attorney named Beth Drake ~~(whom I discovered on some legal material from the court)~~ and I also wrote a letter to my solicitor. In the letter to attorney Beth Drake and my solicitor I never confessed my guilt to the crime but instead I asked for help other than prison time because I wrote the letters to them before my lawyer advised me to write the Judge. In the letter I wrote to the Judge I confessed my guilt, requested for leniency and I also advised him that at the age of 20 I was Court ordered by Judge Scott Long of the Myrtle Beach South Carolina Municipal Court to undergo a psychiatric evaluation* and was diagnosed by the evaluating doctors with a chemical imbalance ~~who~~ recommended ~~me to~~ be sent to an in-house rehabilitation treatment program called MORRIS VILLAGE of Columbia South Carolina. A week later Mr. Bill Nettles met with me and advised me that because I wrote the letter to the Judge he had ordered me to undergo a Federal Bureau Psychiatric Evaluation. I then asked him why did he tell me that no help could be provided for me at all until after I receive punishment for committing the felon in possession of fire arm crime? He then changed the topic of the conversation and avoided the question completely. A few weeks later I was sent to the M.C.C. Metropolitan building in Chicago to undergo the evaluation. After 3 1/2 months of the evaluation I returned back to South Carolina and met with Mr. Bill Nettles that exact day in the Federal building of Florence S.C. Mr. Bill Nettles then advised me that he would be removing himself from ~~representing~~ me as my lawyer because a conflict of interest had occurred with an ~~unknown~~ inmate that he represents as well providing information to him about my case. He then advised me of the evaluation lab results and informed me that I was diagnosed with: drug abuse disorder "M.D.M.A.", Alcohol abuse disorder, marijuana disorder, other specified bipolar and Schizofrenic disorder, hallucinative disorder and anti-personality disorder. Weeks later I met with my new appointed lawyer Mrs. Mandy Shuler upon whom I explained the exact details of my situation and my plea for help in which she inherited my issues as a way to formulate the voluntary intoxication law as not being a successful defense action. Mrs. Mandy Shuler never advised me that I had ~~newly~~ discovered mental issues and instead told me that I wasn't diagnosed with anything. At this I started to try and figure out why would Mr. Bill Nettles lie to me about this? While being represented by Mrs. Mandy Shuler she failed to professionally do a lot of things for me all of which I complained of in my 2255 motion under the Section of INEFFECTIVE ASSISTANCE OF COUNSEL. Mrs. Mandy Shuler went on in the future of us meeting each other's acquaintances to advise me that even after the psychiatric evaluation no other help could be done for me and that I would have to serve a mandatory sentence of seven yrs or more in prison. I then advised her that I wanted to go to trial but she angrily convinced me not to. "Please Read next"

I then ~~appeared~~ in court weeks later for sentencing in which my lawyer raised an objection to the two assault and degree battery convictions that the Probation Officer considered on violently using against me to punish me and enhance my sentence. Upon the objection Mandy Shuler raised the court was ~~advised~~ ^{advised} by the Judge and I was rescheduled to appear at another time. When I met with Mandy Shuler ~~days~~ ^{days} before my Capital Sentencing she advised me that she raised an objection to the assault and degree convictions on the bases of some type of reckless conduct meaning to satisfy the force clause, I didn't understand any of what she was informing me of I was just curious of why she never contacted my previous lawyer like I requested of her to inquire of him the mental health diagnoses that he informed me I had? At this I started to recollect on the Pre Sentence Report hearing with my lawyer Mandy Shuler and I as well as the Probation Officer. That day the Probation Officer after asking me a storm of questions suddenly asked me "WELL MR. Butler when did you find out that you were SKITZOFRANTIC?" I then advised him that I never knew I was SKITZOFRANTIC. MRS. Mandy Shuler then advised my Probation Officer that I wasn't SKITZO and that I didn't have any mental health diagnoses. I then started to realize ~~that I~~ ^{that I} ~~was still~~ taking a medication in which was issued to me at the psychiatric evaluation in M.C.C. Chicago. I remembered the M.C.C. doctor placing me on the medication because ~~she~~ ^{she} claimed she witnessed me in some type of episode. At this I realized that I had been taking this medication every since she put me on it. I then started asking the County Jail institutions that were holding me before sentencing why was I taking this medication every night, they then advised me that I was BIPOLAR. Fast forward back to my meeting with MRS. Mandy Shuler before my Capital Sentencing when she was advising me of the bases she argued in objection to the assault convictions being used as crimes of violence against me by the Probation Officer. I then asked MRS. Shuler why didn't she raise an objection to the assault convictions in regard to my mental illness of bipolar in which is the reason I'm taking the medication? She responded by saying because you ~~was~~ ^{are} not bipolar and completely disregarded my general concerns on this matter. I reappeared in court shortly after for the processing of my Capital Sentence in which the Judge immediately advised my lawyer and I that her objections were denied and over ridden. MRS. Shuler failed to mention by name one single diagnoses that the forensic doctor detected on my behalf and she formed a strategy to present my situation to the Judge as if I needed the programs that the F.B.O.P. had to offer me in light of the state system failing to provide me adequate mental health and rehabilitative treatment. The two assault and degree battery convictions were violently used against me to enhance my sentence two levels and the Judge noted that he considered on giving me more prison time. I was then sentenced to a term of 92 months "7 years and 8 months" with the Judge being placed under the impression that I had a clear disregard for the law and a clear intention ~~of~~ ^{of} violating the law. Not to mention the falsified information that is incorporated on my indictment which is literally fashioned to make me appear as guilty of having an intention to commit this ~~was~~ ^{was} crime as possible. The indictment stated that a phone call was placed stating that a man ~~was~~ ^{was} walking around the Public Square Mall with a gun on his waist band "when the body camera of the arresting officer clearly reveals otherwise" the indictment also states that law enforcement then located the man carrying the firearm "But the body camera of the arresting officers clearly prove that I initially located the officers!! At this the Judge based his decision perceiving the information on the indictment to be true but if the true facts were printed on the indictment he would have clearly been able to realize that I was very mentally disturbed and truly needed help and a reasonable pardoning from committing the crime of the underline conviction, the two assault and degree convictions used to violently enhance my sentence and from the over 120 convictions on my record in which all were committed while I was suffering from undiagnosed mental disorders. Instead I was sentenced to 7 yrs and 8 months to seek mental help and rehabilitative treatment in a federal prison in which the Judge recommended certain prison locations for me to go to but were not taken into consideration. I am now in a United States Federal Penitentiary - please read next

The sentencing judge confirmed his reason for sentencing me to serve a term of 92 months

imprisonment as "enough time for me to rethink my life's choices" he went on to openly

mention that in fact like considered on giving me more time when he made these statements

to me in court I knew right then that no fore help would be provided for me and that the

findings that I was not correctly considered I was very disappointed about the fact that

both my lawyers Mr. Bill Wetters and Mrs. Mary Shuler presented the voluntary intoxication law

to me as if it were my only action of defense but they failed to terminate that idea and

illegally capitalise on one of the main reasons the judge court ordered me to undergo a

mental health evaluation in which was to see if any mental health disorders could be detected

to conclude that I was substituting drugs and alcohol as a medication to treat undiagnosed

mental health disorders, this fact alone should have overruled the voluntary intoxication law as my defense

Also at sentencing neither the judge nor my lawyer set forth the least of an effort to read valuable

information from the forensic evaluation report which had provided specific notification

in opposition of that of which the judge relied on to determine my sentence, for instance,

in the forensic report the doctor noted that due to all the fights and assault "injuries" and the

assault and degree convictions on my record she don't think it possible for me to think twice

before having someone. This statement alone should have inspired the judge, my probation officer

and my lawyer to clearly realize that I may be suffering from another potential mental disorder

or at least I should have given them great reason to conclude that before these assaults were

committed I was severely suffering from a very disturbing mental malfunction but unfortunately

these facts went unmentioned as supporting evidence to justify my actions of committing these

crimes, therefore the assault and degree convictions were voluntarily used against me. My lawyer

also manipulated my dependency on receiving literary from the judge and shared my request

for such honor as if I were willingly ready to accept a prison sentence all to enroll in every

program the F.D.O.P. had to offer and set a free recovery. However she failed to conduct a

thorough evaluation of my past in house county jail disciplinary history records in which I

long in great length and would not have failed to prove as evident that a prison system

would not be the best place for me to seek such recovery, the judge failed me in this matter

also by accepting my lawyer's suicide request regarding the significance of a real

mental treatment on my behalf. In regard to one of the assault and degree convictions in

the case of Matthew Lee Blane his medical records clearly reveal that he only suffered

one single laceration under left eye in which required very little medical treatment

but the state defines moderate physical injury as "physical injury that involves prolonged loss of

consciousness or that causes temporary or moderate disfigurement or temporary loss of the function

of a bodily member or organ, or injury that requires medical treatment when the treatment

requires the use of regional or general anesthesia or surgery that results in a fracture or

dislocation. Moderate bodily injury does not include one-time treatment and subsequent

observations of scratches, cuts, abrasions, bruises, burns, splinters, or any other minor injuries

that do not ordinarily require extensive medical care. Therefore the district court failed

to realize that my rights were violated by the state who convicted me of the wrong

nature of a crime in which the victims medical records did not meet the qualification

to satisfy the moderate bodily injury prong of the statute and this was a conviction that

was used by the district court to enhance my sentence. Also the district court failed to

mention and highlight as fact that the mother Lee Blane conviction occurred in a county jail

institution in which should shed light on the fact that a prison institution would

not be the best place for me to seek mental health treatment. Also in the case of the second

assault and degree conviction used to enhance my sentence "Kavanaugh doesn't I was originally charged

with first degree assault which is the highest category of the crime level in my file began 5.0

city limits but during the court process and due to important facts of my innocence the first

degree was reduced to a and degree assault in which resulted to me accepting a specific

plea of innocent but fearful of losing my trial. At this the judge, my lawyer nor the probation

officer thoroughly investigated the plea colloquy of the case in which should have revealed this

information to further their understanding of why I pled guilty to the conviction.

I also accepted a special plea of innocent but fearful of losing trial in the conviction of the Matthew Lee bludge assault but this fact as well was poorly investigated and went unnoticed to justify the reasonings behind my actions and decision of accepting the guilty plea. The district court also failed to consider the Morris Village rehabilitation records which would have revealed that I was terminated from the program for engaging into an altercation with the same inmate I arrived at the program with due to the fact that by the time bed space was made for me to enroll in the program I happened to be incarcerated in which Morris Village had released me from the custody of the county jail institution along with another inmate and transported us to the program institution - The inmate and I engaged in an altercation in which transpired from a county jail issue. This fact should have again given great reason for the judge to consider the note of the ~~forensic~~ forensic doctor about a potential mental disorder from engaging in so many fights as well as ~~reconsidering~~ reconsidering prison institutional housing as a the best environment for me to seek mental help. The district court and my lawyer also failed to mention the fact that the body camera of the arresting officer clearly reveals that several other small and weighty items were removed from my pants pocket such as: Cell phone, cell phone portable charger, cell phone wire charger, wallet loaded with business cards and plastic cards, ~~and~~ a small heavy gold watch as well as other items. This could ~~have given~~ ^{had given} great strength to my honest confession of having no recollection that a fire arm was located on my person. On behalf of my lawyer's outrageous request to basically send me to prison for the proper mental health treatment ~~the judge~~ ^{the judge} in response agreed on that matter with my lawyer claiming to have made a special recognition that the state criminal justice system failed me in rehabilitation treatment but I am curious of the fact of why she nor the judge made a recognition of the state failing to properly have me undergo a mental health ~~evaluation~~ ^{evaluation} having witnessed over 120 crimes of such nature being processed in their court concerning my behavior? These are very important issues that should have been held in account for question. The district court did not consider the fact that I've only ever served 1 single day in a half in a state penitentiary and was never placed on probation or any type of modified catch but was always released from the county jails without any material documentation reasonably warning me of the severe penalty of being a felon in possession of a fire arm, therefore I was in my natural state of mind during the arrest I would have never known that I could be severely prosecuted like this for ~~let alone~~ ^{let alone} even being in the presence of a fire arm, this is an area ~~where~~ ^{where} the state system failed me. On behalf of my lawyer and the district court judge uniting in agreement to send me to prison to undergo the proper mental health treatment this prison term has already turned out to be a complete disaster. Please take heed to the following: I was never ~~sent~~ ^{sent} to any of the prison institutions the judge recommended for me in which he felt would be the proper prisons for me to seek the best help. Instead I was sent to a FEDERAL UNITED STATES PENITENTIARY when I first arrived here at the MCCREARY U.S.P. I was denied my right to speak to a psychologist during intake to advise them of my behavioral conditions for them to restore caution and properly house me. That day I was also threatened by a staff member who literally said to me "Mr. Butler I've been doing this for a long time and I tell you what, you better not go out there on the yard with all this let me speak to psychology stuff because inmates are gonna think you're crazy and try to harm you, I give you two weeks out there and I guarantee you you're gonna end up getting a knife stuck in you." These were literally his exact words. I was then placed on the most violent side of the institution called "The Blue Side" this side was where inmates had the option to refuse programming and I literally perceived by view that the majority of the inmates did refuse programming but rather chose to resort to violence all the day long. I was advised by concerned inmates who explained to me the nature of the environment of the institution that I was now forced to live in and I immediately sent out electronic cop-outs to psychology requesting to speak with them and I also sent out cop-outs requesting to be sent to the programming side of the institution. The cop-outs I sent out requesting to be sent to the programming side of the prison were all ignored, however I was able to speak with a psychologist within the first week of being on the camp. In the meeting with the psych rep I explained to her that it's been 1 week 1/2 now and

I have yet to receive my daily dosage of medicine that I've been taking before I ever arrived at this institution in which was prescribed to me at the M.C.C. Chicago Metropolitan Center by a concerned Psychologist. I went on to explain to her that I suffer from hallucinations and I am fearful of being housed on a violent disciplinary non-programming side of the institution from fear of the sense of trouble and lack of mood stabilizer medication. The Psychologist responded by saying be a man and go back out there. I was sent back to the violent side of the institution called the blue side without my daily dosage of medication. I then immediately sent out electronic cop-outs to the medical department requesting them to please give me my medicine. On 8-8-18 ~~in~~ in which was only my 20th day of being on Federal Penitentiary grounds I was assaulted by two unknown assailants and stabbed directly in my upper back with a homemade knife. During the attack I managed to dispossess an object from one of the attackers in which I am not sure of what it was and I used it to defend myself. On Sept/30/18 the Prison institution claimed they have completely finished an investigation of the incident and in result I was issued two charges of attempt to stab two inmates and weapon possession for a weapon that they never even found. I was devastated that I was being issued a shot for simply defending myself during an attack. Not to mention that I was the initial target of the attack in which literally transpired from my exact cell location and lead to my attackers spilling out of my cell and stabbing six other inmates who were all originally from my exact state and coast region of South Carolina and the South Period, therefore I found myself in the midst of a mini riot all because of the state that I am from. I was the only person out of six people who got stabbed that was not made a victim and I was charged for defending myself. I could have gotten killed in that mini riot and due to the fact that I was charged by the institution for defending myself in a knife attack I now dread the idea of if I would have brought about a fatal harm to the attackers, I would have been sitting in this Penitentiary facing prosecution on homicide charges. I now suffer from terrifying illusions and horrific hallucinations of being stabbed again, I have also picked up a deadly desire and ambition to bring about a fatal harm to someone with a knife to free from being harmed again. Furthermore I was sent to the 23in1 hour lock down part of the institution called the SHU in which I am locked in a cell for 23 to 24 hours of the day. Due to the fact that ~~in~~ I wasn't receiving my medication I sent in more cop-outs to ~~in~~ ^{medical} in which they started to provide me the medication again. Unfortunately I had already gotten into trouble and was now in the SHU awaiting to be transferred to another prison. Also due to the fact that Psychology wasn't providing me any mental therapy like the Judge assured me they would I started filing complaints with the institution and regional with the help of concerned inmates and staff of good conduct. At this Psychology inherited my actions as if I were set out to wage war with them or intentionally trying to get them in some type of trouble. They failed to realize that I was holding on to every word the Judge said to me in which he stated that I was recommended to enroll in any and all mental health programs. I set my heart's desire on such help in which was the reason I started filing the complaints to get Psychology assistance. I also filed complaints on my unit team for their failure to assist me properly with the Administrative Remedy Process. At this Psychology/my unit team conspired against me and were set out to satisfy ~~an~~ ^{an} endless desire of retaliation. To trigger off their retaliation they first advised the SHU staff officers to harass me and issue me fabricated shots. At this SHU staff officers have planted false contraband in my cell, sexually and physically assaulted me, given me poisonous food, didn't feed me at all, placed me in paper clothing 6 times within 9 months in which they give me paper thin sheets in exchange for my regular blankets - they confiscate my ~~shower~~ ^{shower} curtain, hygienic, legal and writing material, as well as all my personal property and leave me in this condition far beyond the time span of the disciplinary limit. Having been left in such condition for at least 1 week 1/2 in result I obtain a harsh cold, migraines and a terrifying flashback memory of having to gather up all my strength to ~~survive~~ ^{survive} in a cold cell and restore as much heat as possible in the paper sheets.

Shu staff officers have denied my recreation right and i've only attended the one hour recreation a total of 5 times since the 10 months i've been here in the 23 hour and 1 lock down SHU. Therefore while having to endure all of this i remain in this small cell 24 hours of the day. When i advised her that psychology and my unit team advised the Shu staff officers to issue me fabricated incident reports this is what i mean → For Example: Due to the fact that psychology doesn't provide me any mental therapy at all or even comes to check on me i advised Shu staff officers of my hallucinations, suicide thoughts and fearful state of bringing about a harm to someone and being harmed as well. At this the SHU staff officers decide me as if they are having me escorted to the proper location to undergo a suicide risk assessment and then they beat me up and falsely accuse me of resisting or either they avoid beating me up and instead file a fabricated incident report of a threat against staff "of a high and threat level". The Shu staff officers do this to sabotage my efforts to speak to psychology and also to justify a reason of why they put me in belly restraints. Now here is the catch, after they fully restrain me in belly chains they use the belly chains as a terrorist criminal tactic and tighten them around my belly until my whole body goes completely numb, tumor like balls begin to swell in my stomach and back area, all i can do is lie still on the bunk because the chains have cut off my blood circulation to the point that i can't move and until i eventually end up excreting ~~feces~~ feces and urinating all over my person. Now on top of being tortured in this condition the officers spray O.C. gas on the glass shield in which they use to cover my whole body when they periodically check on me and they rub the shield all against my face until the ^{gas} from the shield settles in and blinds me. Furthermore i develop an uncontrollable cough in which causes me to cough up blood, not only that but can you imagine coughing with tight belly chains around your belly? the pain is excruciating, your body requires a lot of your strength to manifest a cough, the extremely tight belly chains however hinder my stomach from naturally fully expanding to develop and release the cough. ~~Due to the fact that the metal grooves of the belly chains soak into my skin to eventually~~ Due to the fact that the metal grooves of the belly chains soak into my skin to eventually tear through the tissue and due to the fact that when i cough i force my stomach to expand past a limit that the belly chains will not allow, the impact from this reaction is tremendously painful far beyond imagination. Now here is the key ^{reason} of this type of torture by the Shu staff: while suffering in this condition for about 3 hours the Shu staff threaten me that "when psychology comes to perform a disciplinary assessment" not a suicide that i better not tell them that i'm suicidal or i will be left in this condition until i faint or die. Even after i warn psychology of my suicide thoughts they still fail to place me on suicide watch or even take heed to my ~~complaint~~ but psychology has deemed me normally fine to face disciplinary prosecution for every fabricated shot the Shu officers have issued me. My unit team and psychology have overlooked the harassment, therefore i filed ~~several~~ several complaints about their unprofessional conduct with the regional director and am now currently awaiting responses. Every shot i of a 200/100 series category that i caught back here in the SHU of mcneary U.S.P. was all because i asked for mental therapy and suicide assistance in which officers instead issued fabricated reports against me to make it appear as if i'm acting out all to torture me in belly chains and threaten me to be very limited of what i explain to psychology or else i will be left in that condition. After i successfully informed the regional director of these acts of misconduct psychology's/my unit team's fury grew worse and they have now successfully fulfilled their cruel desire of retaliation. Psychology and my unit team came up with a conclusion to send me to a 23 in one hour lock down called the SHU which is a disciplinary program. They were aware that the program's qualifications did not accept inmates like me who was a care level 2 mental health patient ^{since} i arrived at the institution and was prescribed a certain mood stabilizer medication. On March 11/19 psychology cruelly took me off my mood stabilizer medication that ~~was~~ C.C. Chicago had prescribed to me in which that specific doctor truly did help me, listen to me, meet with me and conduct a proper evaluation. Psychology and my unit team completely ignored how a lack of taking a medication that i've been taking for 17 months before they had me taken off had affected me. I now bang my head against metal doors in which i never did before, fight all my cells, suffer from hyper emotions, depression and aggression and my hallucinations have become far more worse. I can't function in certain areas of my behavior as the meds used to control. Psychology and my unit team

are completely aware that I am not mentally fit to be sent to a 23 and I have lock down disciplinary program without my medication and despite the future risk of harm as well as the harm they have already placed me in they are now trying to cause more harm to me by submitting me to this program. The stage psychology is setting is for a harm to be brought about to me and vice versa for me to bring about a harm to someone but either of the two ways the acts will go unjustified. They are literally hearing and watching me suffer from lack of medication but have told the SHU officer staff to now cease from writing incident reports of falsehood against me. For example: On March/19/19 I gave the warden a copy of personally advising him of my suicide thoughts, he then had me removed from my cell to undergo a suicide risk assessment by psychology. While the SHU staff officers were allegedly escorting me to the proper location to meet psychology they begin to falsely accuse me of resisting, ~~slammed~~ me to my knees "in which I busted both my knees", pushed me from behind causing my head to bounce off the concrete like a basketball, and after suffering from such impact the officer lay his entire body on the back of mine and choked me senseless. Mind you that during this exact assault I was secured in restraints the entire time. I was then placed in a hard cell and tormented in tight belly chains and threatened not to mention anything about suicide to psychology. Although I still mentioned my suicide thoughts Dr. Pearson from psychology who is extremely upset with me for filing complaint still failed to place me on suicide watch. After being tethered in belly chains for 2 single days I was issued a shot of a minor 300 series for disobeying a direct order. I couldn't believe it, usually when staff beat me up to sabotage my efforts to speak to psychology they usually lie and issue me a fabricated shot of a high severity or greatest severity level. But I guess since psychology and my unit team had already had my paper work submitted to the SHU Program administration they didn't want to go through the hassle of re-submitting another DTO report and therefore instructed SHU staff to cease from the fabricated reports. It's going on 2 months now since I've been without my medication and I've already attempted two more suicide attempts which SHU staff have failed to document or notify the proper authorities. I am constantly engaging in altercations with my cellies who feel that since I can't control myself without my medication I may cause them some type of harm. Psychology still doesn't provide me any mental therapy and ignore all my copy-cat complaints of suicide, hallucinations, aggression, hyper emotions and depression. I would like to apologize for leaving a bad taste in psychology's mouth for writing them up before I even met them but what was I supposed to do? I wasn't getting any help or attention from them. I would love to tell them sorry on my behalf for being so selfish and failing to realize that I'm not the only one in this Penitentiary that needs their help. I would love to explain to them that I just needed time to adapt to how things operate here in a Federal United States Penitentiary because I was placed under the ~~impression~~ that things would operate a lot more differently according to my sentencing judge. Due to the violent acts that occur here in the U.S.P. I don't blame psychology for a fraction of their actions because this is a serious environment but I shouldn't have to first kill someone or be killed by someone in order to receive their help and attention. Furthermore I shouldn't be worried about being retaliated against at all because I exercised my Administrative Remedy Rights. I have a right to file complaints and explain my side of a story in which a disruptive picture of me is being painted to sabotage my method to receive true treatment all to satisfy cruel desires of others who have become emotionally involved. I am not receiving the adequate mental health treatment here in a U.S.P. and it is clearly evident. I have been in the SHU unit 23 and one hour lock down for 10 whole months which was since 8-8-18 the day I got stabbed and assaulted on the compound. Today is 6-8-19 and I haven't been transferred to another prison yet. At this I am currently waiting to see if I meet the criteria of the SHU qualifications which is another locked down unit. I cannot survive under these conditions and am contemplating suicide daily, I cannot cope without my medication and my unit team / psychology are being completely deliberately indifferent to this. The sad thing is all the above information I provided to you about the punishment aspect of this incarceration that this is only the half of what I'm experiencing here. I understand that psychology views me as another United States Penitentiary piece of material and until I literally kill someone, face charges and be prosecuted for a life sentence then due to the fact that I filed complaints against them they will make it clear and evident that I can kiss their ass and instead of receiving their help they'll render me the complete opposite.

It was revealed to me by a med tech that psychology eliminated all the previous diagnoses that I arrived at the institution with, their reason being that my issues have been resolved and that also I ~~didn't~~ have the correct diagnoses to be taking the medication. At this McCreary psychology staff DR. Parson and Mrs. Fields have interfered with my prescribed medication and treatment manifested by a real doctor who truly did help me. I am curious of why psychology would reduce my mental care health level after witnessing me obtain 3 DHO incident shots, 8 300 series shots, all my complaints of hallucinations, suicide, aggression and so forth, the suicide attempt that I committed on Nov/11/18 in which I was written up for self-mutilation and furnished in belly chains. Also I was curious of why psychology who claims they took away my medication because I didn't have a diagnosis for it would then reduce my mental health care level without giving me any type of proper mental therapy to assure that I'm fine and free from any malfunctions that may have transpired from me supposedly taking the wrong medication for 17 months. If I didn't have a diagnosis for the medication whatever diagnosis intended for the medication the medication targeted those areas of my body in which could have caused me to become far more worse than my original state having taken a medication that I don't have a diagnosis for. It was also revealed to me by very concerned inmates/officer staff of good conduct that psychology feels that since I'm not illiterate and have enough senses to seek inmate help to write up complaints and use correct spelling as well as punctuation that I don't need the medication. But psychology are completely manipulating my situation. M.C.C. Chicago diagnosed me with issues that shed light on my behavioral issues, I wasn't diagnosed with any learning disabilities. In fact somewhere in the M.C.C. evaluation ~~forensic~~ forensic report the doctor noted that I did partially pass the ~~forensic~~ intellectual tests and that I do possess intellectual abilities. So again just as I went before sentencing I have now been suffering from undiagnosed mental disorders for the past two months and psychology has their mind made up on watching me suffer in this condition until it leads to my ruin. This Federal Prison institution is not a safe environment for me to be in especially with a psychology unit who don't provide me any mental therapy or treatment but authorize a decision as important as taking me off my medication to satisfy a cruel desire of retaliation. All I've been asking psychology was to please provide me any type of material documents explaining to me on how to cope with depression/aggression or any material explaining to me how to cope with suicide thoughts and hallucinations. They have never provided me any of such ever. I filed a complaint with the institution about psychology making false record keeping because in the response from the warden he noted that a review was conducted ~~and~~ and it reveals that psychology has seen me 11 times in the past 2 months. I was flabbergasted at this and at that moment I truly realized that some people are just professional liars. The only effort psychology makes to check on me is when they quietly sneak on the range to conduct a weekly walk through and without giving alert or notice they slide simple cross word puzzles through an cell door and then cleverly mark it down as if they've ^{seen me}, the majority of the times they do this I am asleep. Other than that psychology only conducts suicide risk assessments on me after I am beaten by staff and issued a disciplinary report in which at that time I still complain of the suicide thoughts or they have me pulled out to conduct PREA claims that I've placed on staff officers for sexually harassing me. Again I am not receiving the adequate mental/drug treatment here at the McCreary Penitentiary, in regard to having no other choice but to do this time my treatment has been interfered with as well as my medication. I am picking up more habits and am currently at a substantial risk of future harm to my self as well as others at a substantial risk of harm by me. I never intentionally harmed anyone ~~because~~ because I ~~could~~ I always reacted in self-defense and I refuse to allow anyone to harm me again but in the process it's hard to cope when faced with threats and insults of others without my medication. It's hard to feel like everyone is out to get me without my medication as well. I am not well and a very CRUEL AND EVIL stage has been set for me under these Federal PENITENTIARY CONDITIONS. Please help me because a trap has been set for my dear life. And psychology is constantly striving to place me in the pathway of future harm to my safety but I don't blame people who's mind have been ~~seared~~ with a U.S.P. hot ~~iron~~ iron.

I feel that,

REASONS FOR GRANTING THE PETITION

The petition should be granted because the circumstance of the whole issue revolves around the quality of the fact that I was suffering from undiagnosed mental disorders before any of the over 120 convictions were committed as well as the two assault and degree battery convictions that were used to enhance my sentence. In light of this fact even after the special recognition ~~of mental symptoms~~ ^{of mental symptoms} detected during the forensic evaluation in which resulted to the determination of the doctor who specifically diagnosed me with the proper illnesses for me to be treated as a patient I was violently enhanced and sentenced on behalf of the two non-violent state assault and battery 2nd degree convictions and was not compassionately pardoned in regard to the assaults being used against me violently to be kept free from penalty or fault on behalf of my newly discovered mental condition. The petition should be granted because the assault and battery 2nd degree ^{crime has} a Federal standard of the force clause in which the specific statute of the moderate bodily injury prong need be satisfied in order for the act to be considered a crime of violence thus gives great reason for the courts to highly evaluate the definition of assault in which along the lines of the definition advises that assault requires an INTENTION TO BRING ABOUT A HARM WITH THE PRESENT ABILITY TO DO SO. Since I was suffering from undiagnosed mental illnesses before these assaults were committed the district court failed to reconsider the intent/present ability to do so requirement located in a section of the definition of the assault crime. Also in regard of the strategy my lawyer chose to apply on behalf of my action of defense, dependency and leniently from the judge, mental health and rehabilitation treatment were not the result of tactical decisions rather instead they demonstrate that counsel did not fulfill her ethical obligations to conduct a thorough investigation of my past county jail disciplinary history before strongly requesting me to be sent to prison for the adequate mental health treatment, establishing the voluntary intoxication law as the circumstance of my case rather than the rationale key purpose required for the forensic evaluation, and due to the fact that I provided letters to the courts, attorney Beth Drake and my solicitor advising my lawyer personally as well of my plea to receive in house/outpatient mental health treatment other than prison environment institutions she still failed to ask for a downward departure on my behalf even being fully aware of my fear of being sent to a prison environment to seek such help. The district court failed to realize that the over 120 convictions of: Alcohol/drug abuse, unreasonable thinking and fights is not a criminal history but a desperate outcry for help "mental help". Also the fact at hand is that in actuality I have a non-violent criminal history in which throughout the over 120 convictions I never was found guilty of a violent crime until the District Court manipulated and alternated a non-violent state crime of assault and battery in the 2nd degree and used it against me violently to satisfy the U. S. S. G. I think it would be exceedingly helpful on a scale of national importance to all ~~prisoners~~ relating prisoners of these specific issues for the Supreme court to decide the questions involved in this petition. Also the numerous minor simple assault and battery convictions on my record that were committed before a single one of the assault and battery 2nd degree convictions on the District Court great reason to realize that I simply engaged in a slight greater degree of the nature of suffering from undiagnosed mental disabilities with assault and battery 2nd degree being one level above the minor simple assault and battery crime in the city limits of Myrtle Beach S.C. but unfortunately even in light of my newly discovered mental health diagnosis this fact of logic was erroneously overlooked by the district court. I feel the District Court also erroneously failed to realize characteristics that would compel a deviation from the guidelines for me to receive a below sentence. I feel that the district court erroneously sentenced me to a term of 92 months imprisonment because my prison sentencing is rendered to punish one's penalty for violating the law and regulation of society, therefore I was literally punished for ~~being~~ ^{naturally} engaging in activities that meets the criteria of the nature and symptoms of the undiagnosed mental disorders that I was suffering from at the time. Also I ~~ask~~ ^{ask} that you please grant the petition due to the fact that I am not being treated as a mental patient here at the United States Penitentiary but am ~~being~~ ^{cruelly} being punished as a nuisance.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mine A. Buten

Date: June / 9 / 19

-To those who have the ears to hear, eyes to see, mind to inherit, heart to concieve and mouth to proclaim the secret messages of what they have witnessed -
From: Mike Anthony Butler, with the spiritual name only THE LORD KNOWS.

Please know that THE LORD JESUS CHRIST is my LORD, KING and Savior. I glorified his name because I would love for you and whoever reads this to share my joy and take part in the shadow of the everlasting Holy nature of THE ALMIGHTY LIVING GOD THE FATHER JEHOVAH MOST HIGH who is in HEAVEN and sits far above all things. Such victory in joy will be made complete and I would love to see you along the path that leads to eternal life when the LORD JESUS THE TRUE CHRIST ~~comes to lead us to~~ the victory of that exact joy with much singing and sacrifices of praise and love in the HOLY SPIRIT OF COMPLETENESS that God has fashioned for all his children. God fashioned the HOLY SPIRIT as a powerful spiritual substance that will establish the son of man as a full and complete blessed work and ~~creation~~ ^{HOLY} creation of his power. According to the process of how God the magnificent creator of all things creates the holy spirit through God's grace and compassion was originated to take on all the weaknesses of the opposing evil spiritual powers that exists in which was able to cause the corruption of mankind proving our ancestors too weak to fully overcome its opposing authority in order to fully receive the everlasting glory of a holy life with God equipped as a full and complete creation. I thank God for my ancestors Adam and Eve who were elected by God to undergo the first process of the status of the creation of man who though were intended to experience God's goodness forever had to first fall under the procedure of the process of how God creates. God tests his creations before allowing them to receive their full complete existence - when God created the moon he saw it was good so he allowed it to be. The PROCESS OF HOW GOD CREATES IS: he creates a thing to experience his goodness forever and establishes it an everlasting purpose, but he must first put the work to the test to see if made full and complete to accomplish its appointed purpose. If the thing created fails to perform its purpose then God would realize that it lacks something very important and if he is convinced that the thing still has enough goodness in it for him to continue to build on that foundation then THE ALMIGHTY LIVING GOD will release his mercy and compassion and give that thing what it needs in order to be complete. But if that thing displeases God and have been utterly overcome by the evil opposing authorities that God allows to be in order to test the power and weaknesses of the thing that thing shall not expect God's merciful attention and will be disfigured and thrown into a deep place of darkness to be abandoned their and no longer remembered as a created blessed and holy finish work of THE ALMIGHTY LIVING GOD. I am thankful today to have an opportunity to share the great riches of this knowledge with you. Please know that the children of God are still currently undergoing the process of how he creates - we are still in the process of creation. A seed cannot produce life to a plant unless it first is buried in the soil and dies in which the substance inside the seed produces the fertilization that brings life. The HOLY SPIRIT was given to our LORD JESUS CHRIST as a gift and is powerful enough to endure all sins known to man, birth the lord through the womb of a virgin, provide the LORD power to perform miracles no man could do, it was even powerful enough to raise the LORD JESUS CHRIST from death to the GLORY OF ETERNAL LIFE and THE LORD has promised to send all God's children this same blessed spirit for it to do the same blessed work over the opposing power of evil that it accomplished for him!!! In JESUS CHRIST'S HOLY NAME I will keep the security of the spirit and soul for all God's specially elected children in my prayers.