ORIGINAL

20-8218

No. 20-30161

IN THE

SUPREME COURT OF THE UNITED STATES

George Verkler
(Your Name) — PETITIONER

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

George Verkler
(Your Name)

407 E. Young St.
(Address)

Elma, WA 98541
(City, State, Zip Code)

253-235-1780
(Phone Number)

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QUESTIONS PRESENTED

Does the presumption of innocence mean that if a judge will not read everything a defendant in a criminal case submits to the court that the judge must rule in favor of the Defendant?

Doesn't a defendant in a criminal case have the right to assistance of counsel?

Doesn't the U.S. Constitution and federal law allow a defendant in a criminal case does to attack a completely unconstitutional, illegal and unjust decision?

Why cannot Mr. Verkler get protection from double jeopardy?

When was the U.S. Constitution changed so a defendant in a criminal case can be subject to an infinite excessive amount in fines without court order, be denied an hearing or any due process or private property taken be taken for public use without just compensation?

Since USA breached the plea contract and refuses to remedy the breach that the Defendant may rescind the contract and withdraw the guilty plea?

Since when can the court make up any standard it wants to commit a crime against a person?

Doesn't a US citizen have protection under the Constitution and the Law?

Isn't it true that there is **nothing** in the U.S. Constitution or federal law that gives anyone in the government authority to commit a crime, a tort, conspire or lie against an American?

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[ ] 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:

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

[X] For cases from **federal courts:**

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

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[X] is unpublished.

The opinion of the United States district court 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.

[ ] 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

[X] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was 11/13/20 and 03/03/21.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals 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. § 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).

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The 6th Amendment

18 U.S. Code § 3006A

Fed. R. Crim. P. 5

Fed. Rule of Crim. Proc. 11

Fed. Rule of Crim. Proc. 44

Double Jeopardy and Multiple Punishments Prohibited:

The Fifth Amendment

42 USC §2000h–1

The right to appeal or collateral attack and win:

The Preamble to the US Constitution

Article 1 Section 8

Article I Section 9

Article 3 Sections 1 with Section 2

The Fifth Amendment

28 U.S. Code § 1292

Federal Rule of Appellate Procedure 3

Fed. Rule of Crim. Proc. 44(a)

Right to an impartial judge:

The Fourth Amendment

28 USC sec 455(a)(b)(1)(5)(ii)(iii)(iv)(c)(e)

Right to an hearing:

The Ninth Amendment

The Tenth Amendment

The Fourteenth Amendment

18 U.S. Code § 4

18 U.S. Code § 211

18 U.S. Code § 241

18 U.S. Code § 643

18 U.S. Code § 645

18 U.S. Code § 646

18 U.S. Code § 648

18 U.S. Code § 872

18 U.S. Code § 875

18 USC § 880

18 U.S. Code § 1201

18 U.S. Code § 1341

18 U.S. Code § 1346

18 U.S. Code § 1506

18 U.S. Code § 1512

Federal Rule of Criminal Procedure 49

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

DUE PROCESS

The First Amendment states, "Amendment I

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to **petition the Government for a redress of grievances.**"

The 4th Amendment states, "Fourth Amendment The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The 5th Amendment states:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Sixth Amendment states,

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have

compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Federal Rule of Criminal Procedure 4 states,

Rule 4 Arrest Warrant or Summons on a Complaint

(a) ISSUANCE. If the complaint or one or more affidavits filed with the complaint establish probable cause to believe that an offense has been committed and that the defendant committed it, the judge must issue an arrest warrant to an officer authorized to execute it. At the request of an attorney for the government, the judge must issue a summons, instead of a warrant, to a person authorized to serve it....

(b) FORM.

(1) *Warrant.* A warrant must:...

(D) be signed by a judge.

(c) EXECUTION OR SERVICE, AND RETURN.

(1) *By Whom.* Only a marshal or other authorized officer may execute a warrant...

Rule 16. Discovery and Inspection

(a) GOVERNMENT'S DISCLOSURE.

(1) *Information Subject to Disclosure.*

(A) *Defendant's Oral Statement.* Upon a defendant's request, the government must disclose to the defendant the substance of any relevant oral statement made by the defendant, before or after arrest, in response to interrogation by a person the defendant knew was a government agent if the government intends to use the statement at trial.

(B) *Defendant's Written or Recorded Statement.* Upon a defendant's request, the government must disclose to the defendant, and make available for inspection, copying, or photographing, all of the following:

(i) any relevant written or recorded statement by the defendant if:

- statement is within the government's possession, custody, or control; and
- the attorney for the government knows—or through due diligence could know—that the statement exists;

(ii) the portion of any written record containing the substance of any relevant oral statement made before or after arrest if the defendant made the statement in

response to interrogation by a person the defendant knew was a government agent; and

(iii) the defendant's recorded testimony before a grand jury relating to the charged offense.

(C) *Organizational Defendant.* Upon a defendant's request, if the defendant is an organization, the government must disclose to the defendant any statement described in Rule 16(a)(1)(A) and (B) if the government contends that the person making the statement:

(i) was legally able to bind the defendant regarding the subject of the statement because of that person's position as the defendant's director, officer, employee, or agent; or

(ii) was personally involved in the alleged conduct constituting the offense and was legally able to bind the defendant regarding that conduct because of that person's position as the defendant's director, officer, employee, or agent.

(D) *Defendant's Prior Record.* Upon a defendant's request, the government must furnish the defendant with a copy of the defendant's prior criminal record that is within the government's possession, custody, or control if the attorney for the government knows—or through due diligence could know—that the record exists.

(E) *Documents and Objects.* Upon a defendant's request, the government must permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items, if the item is within the government's possession, custody, or control and:

(i) the item is material to preparing the defense;

(ii) the government intends to use the item in its case-in-chief at trial; or

(iii) the item was obtained from or belongs to the defendant.

Federal Rule of Criminal Procedure 41 states, "Rule 41. Search and Seizure

(a) SCOPE AND DEFINITIONS.

(1) *Scope.* This rule does not modify any statute regulating search or seizure, or the issuance and execution of a search warrant in special circumstances.

(2) *Definitions.* The following definitions apply under this rule:

(A) "Property" includes documents, books, papers, any other tangible objects, and information.

(B) "Daytime" means the hours between 6:00 a.m. and 10:00 p.m. according to local time.

(C) "Federal law enforcement officer" means a government agent (other than an attorney for the government) who is engaged in enforcing the criminal laws and is

within any category of officers authorized by the Attorney General to request a search warrant.

(D) "Domestic terrorism" and "international terrorism" have the meanings set out in 18 U.S.C. §2331.

(E) "Tracking device" has the meaning set out in 18 U.S.C. §3117 (b).

(b) VENUE FOR A WARRANT APPLICATION. At the request of a federal law enforcement officer or an attorney for the government:

(1) a magistrate judge with authority in the district—or if none is reasonably available, a judge of a state court of record in the district—has authority to issue a warrant to search for and seize a person or property located within the district;

(2) a magistrate judge with authority in the district has authority to issue a warrant for a person or property outside the district if the person or property is located within the district when the warrant is issued but might move or be moved outside the district before the warrant is executed;

(3) a magistrate judge—in an investigation of domestic terrorism or international terrorism—with authority in any district in which activities related to the terrorism may have occurred has authority to issue a warrant for a person or property within or outside that district;

(4) a magistrate judge with authority in the district has authority to issue a warrant to install within the district a tracking device; the warrant may authorize use of the device to track the movement of a person or property located within the district, outside the district, or both; and

(5) a magistrate judge having authority in any district where activities related to the crime may have occurred, or in the District of Columbia, may issue a warrant for property that is located outside the jurisdiction of any state or district, but within any of the following:

(A) a United States territory, possession, or commonwealth;

(B) the premises—no matter who owns them—of a United States diplomatic or consular mission in a foreign state, including any appurtenant building, part of a building, or land used for the mission's purposes; or

(C) a residence and any appurtenant land owned or leased by the United States and used by United States personnel assigned to a United States diplomatic or consular mission in a foreign state.

(6) a magistrate judge with authority in any district where activities related to a crime may have occurred has authority to issue a warrant to use remote access to search electronic storage media and to seize or copy electronically stored information located within or outside that district if:

(A) the district where the media or information is located has been concealed through technological means; or

(B) in an investigation of a violation of 18 U.S.C. § 1030(a)(5), the media are protected computers that have been damaged without authorization and are located in five or more districts.

(c) PERSONS OR PROPERTY SUBJECT TO SEARCH OR SEIZURE. A warrant may be issued for any of the following:

(1) evidence of a crime;

(2) contraband, fruits of crime, or other items illegally possessed;

(3) property designed for use, intended for use, or used in committing a crime; or

(4) a person to be arrested or a person who is unlawfully restrained.

(d) OBTAINING A WARRANT.

(1) *In General.* After receiving an affidavit or other information, a magistrate judge—or if authorized by Rule 41(b), a judge of a state court of record—must issue the warrant if there is probable cause to search for and seize a person or property or to install and use a tracking device.

(2) *Requesting a Warrant in the Presence of a Judge.*

(A) *Warrant on an Affidavit.* When a federal law enforcement officer or an attorney for the government presents an affidavit in support of a warrant, the judge may require the affiant to appear personally and may examine under oath the affiant and any witness the affiant produces.

(B) *Warrant on Sworn Testimony.* The judge may wholly or partially dispense with a written affidavit and base a warrant on sworn testimony if doing so is reasonable under the circumstances.

(C) *Recording Testimony.* Testimony taken in support of a warrant must be recorded by a court reporter or by a suitable recording device, and the judge must file the transcript or recording with the clerk, along with any affidavit.

(3) *Requesting a Warrant by Telephonic or Other Reliable Electronic Means.* In accordance with Rule 4.1, a magistrate judge may issue a warrant based on information communicated by telephone or other reliable electronic means.

(e) ISSUING THE WARRANT.

(1) *In General.* The magistrate judge or a judge of a state court of record must issue the warrant to an officer authorized to execute it.

(2) *Contents of the Warrant.*

(A) *Warrant to Search for and Seize a Person or Property.* Except for a tracking-device warrant, the warrant must identify the person or property to be searched, identify any person or property to be seized, and designate the magistrate judge to whom it must be returned. The warrant must command the officer to:

(i) execute the warrant within a specified time no longer than 14 days;

(ii) execute the warrant during the daytime, unless the judge for good cause expressly authorizes execution at another time; and

(iii) return the warrant to the magistrate judge designated in the warrant.

(B) *Warrant Seeking Electronically Stored Information.* A warrant under Rule 41(e)(2)(A) may authorize the seizure of electronic storage media or the seizure or copying of electronically stored information. Unless otherwise specified, the warrant authorizes a later review of the media or information consistent with the warrant. The time for executing the warrant in Rule 41(e)(2)(A) and (f)(1)(A) refers to the seizure or on-site copying of the media or information, and not to any later off-site copying or review.

(C) *Warrant for a Tracking Device.* A tracking-device warrant must identify the person or property to be tracked, designate the magistrate judge to whom it must be returned, and specify a reasonable length of time that the device may be used. The time must not exceed 45 days from the date the warrant was issued. The court may, for good cause, grant one or more extensions for a reasonable period not to exceed 45 days each. The warrant must command the officer to:

(i) complete any installation authorized by the warrant within a specified time no longer than 10 days;

(ii) perform any installation authorized by the warrant during the daytime, unless the judge for good cause expressly authorizes installation at another time; and

(iii) return the warrant to the judge designated in the warrant.

(f) EXECUTING AND RETURNING THE WARRANT.

(1) *Warrant to Search for and Seize a Person or Property.*

(A) *Noting the Time.* The officer executing the warrant must enter on it the exact date and time it was executed.

(B) *Inventory.* An officer present during the execution of the warrant must prepare and verify an inventory of any property seized. The officer must do so in the presence of another officer and the person from whom, or from whose premises, the property was taken. If either one is not present, the officer must prepare and verify the inventory in the presence of at least one other credible person. In a case involving the seizure of electronic storage media or the seizure or copying of electronically stored information, the inventory may be limited to describing the physical storage media that were seized or copied. The officer may retain a copy of the electronically stored information that was seized or copied.

(C) *Receipt.* The officer executing the warrant must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken or leave a copy of the warrant and receipt at the place where the officer took the property. For a warrant to use remote access to search electronic storage media and seize or copy electronically stored information, the officer must make reasonable efforts to serve a copy of the warrant and receipt on the person whose property was searched or who possessed the information that was seized or copied.

Service may be accomplished by any means, including electronic means, reasonably calculated to reach that person.

(D) *Return.* The officer executing the warrant must promptly return it—together with a copy of the inventory—to the magistrate judge designated on the warrant. The officer may do so by reliable electronic means. The judge must, on request, give a copy of the inventory to the person from whom, or from whose premises, the property was taken and to the applicant for the warrant.

(2) *Warrant for a Tracking Device.*

(A) *Noting the Time.* The officer executing a tracking-device warrant must enter on it the exact date and time the device was installed and the period during which it was used.

(B) *Return.* Within 10 days after the use of the tracking device has ended, the officer executing the warrant must return it to the judge designated in the warrant. The officer may do so by reliable electronic means.

(C) *Service.* Within 10 days after the use of the tracking device has ended, the officer executing a tracking-device warrant must serve a copy of the warrant on the person who was tracked or whose property was tracked. Service may be accomplished by delivering a copy to the person who, or whose property, was tracked; or by leaving a copy at the person's residence or usual place of abode with an individual of suitable age and discretion who resides at that location and by mailing a copy to the person's last known address. Upon request of the government, the judge may delay notice as provided in Rule 41(f)(3).

(3) *Delayed Notice.* Upon the government's request, a magistrate judge—or if authorized by Rule 41(b), a judge of a state court of record—may delay any notice required by this rule if the delay is authorized by statute.

(g) MOTION TO RETURN PROPERTY. A person aggrieved by an unlawful search and seizure of property or by the deprivation of property may move for the property's return. The motion must be filed in the district where the property was seized. The court must receive evidence on any factual issue necessary to decide the motion. If it grants the motion, the court must return the property to the movant, but may impose reasonable conditions to protect access to the property and its use in later proceedings.

(h) MOTION TO SUPPRESS. A defendant may move to suppress evidence in the court where the trial will occur, as Rule 12 provides.

(i) FORWARDING PAPERS TO THE CLERK. The magistrate judge to whom the warrant is returned must attach to the warrant a copy of the return, of the inventory, and of all other related papers and must deliver them to the clerk in the district where the property was seized.

RIGHT TO ASSISTANCE OF COUNSEL

The Sixth Amendment to the US Constitution states,

"**In all criminal prosecutions, the accused shall enjoy the right to a** speedy and public trial by an impartial jury of the state and district wherein the crime have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to **have the assistance of counsel for his defense.**"

18 U.S. Code § 3006A states, "Adequate representation of defendants

(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation in accordance with this section. Representation under each plan shall include counsel and investigative, expert, and other services necessary for adequate representation. Each plan shall provide the following:

(1) Representation shall be provided for any financially eligible person who—

(A) is charged with a felony or a Class A misdemeanor;

(B) is a juvenile alleged to have committed an act of juvenile delinquency as defined in section 5031 of this title;

(C) is charged with a violation of probation;

(D) is under arrest, when such representation is required by law;

(E) is charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of supervised release;

(F) is subject to a mental condition hearing under chapter 313 of this title;

(G) is in custody as a material witness;

(H) is entitled to appointment of counsel under the sixth amendment to the Constitution;

(I) faces loss of liberty in a case, and Federal law requires the appointment of counsel; or

(J) is entitled to the appointment of counsel under section 4109 of this title.

(2) Whenever the United States magistrate judge or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who—

(A) is charged with a Class B or C misdemeanor, or an infraction for which a sentence to confinement is authorized; or

(B) is seeking relief under section 2241, 2254, or 2255 of title 28.

(3) Private attorneys shall be appointed in a substantial proportion of the cases. Each plan may include, in addition to the provisions for private attorneys, either of the following or both:

(A) Attorneys furnished by a bar association or a legal aid agency,

(B) Attorneys furnished by a defender organization established in accordance with the provisions of subsection (g).

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

(b) APPOINTMENT OF COUNSEL.—
Counsel furnishing representation under the plan shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan. In every case in which a person entitled to representation under a plan approved under subsection (a) appears without counsel, the United States magistrate judge or the court shall advise the person that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the person waives representation by counsel, the United States magistrate judge or the court, if satisfied after appropriate inquiry that the person is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate judge or the court shall appoint separate counsel for persons having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—
A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate judge or the court through appeal, including ancillary matters appropriate to the proceedings. If at any

time after the appointment of counsel the United States magistrate judge or the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate judge or the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate judge or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

(d) PAYMENT FOR REPRESENTATION.—

(1) HOURLY RATE.—
Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding $60 per hour for time expended in court or before a United States magistrate judge and $40 per hour for time reasonably expended out of court, unless the Judicial Conference determines that a higher rate of not in excess of $75 per hour is justified for a circuit or for particular districts within a circuit, for time expended in court or before a United States magistrate judge and for time expended out of court. The Judicial Conference shall develop guidelines for determining the maximum hourly rates for each circuit in accordance with the preceding sentence, with variations by district, where appropriate, taking into account such factors as the minimum range of the prevailing hourly rates for qualified attorneys in the district in which the representation is provided and the recommendations of the judicial councils of the circuits. Not less than 3 years after the effective date of the Criminal Justice Act Revision of 1986, the Judicial Conference is authorized to raise the maximum hourly rates specified in this paragraph up to the aggregate of the overall average percentages of the adjustments in the rates of pay under the General Schedule made pursuant to section 5305 [1] of title 5 on or after such effective date. After the rates are raised under the preceding sentence, such maximum hourly rates may be raised at intervals of not less than 1 year each, up to the aggregate of the overall average percentages of such adjustments made since the last raise was made under this paragraph. Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate [2] or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate [2] or the court shall make determinations relating to reimbursement of expenses under this paragraph.

(2) MAXIMUM AMOUNTS.—
For representation of a defendant before the United States magistrate judge or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $7,000 for each attorney in a case in which one or more felonies are charged, and

$2,000 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed $5,000 for each attorney in each court. For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court. For representation of an offender before the United States Parole Commission in a proceeding under section 4106A of this title, the compensation shall not exceed $1,500 for each attorney in each proceeding; for representation of an offender in an appeal from a determination of such Commission under such section, the compensation shall not exceed $5,000 for each attorney in each court. For any other representation required or authorized by this section, the compensation shall not exceed $1,500 for each attorney in each proceeding. The compensation maximum amounts provided in this paragraph shall increase simultaneously by the same percentage, rounded to the nearest multiple of $100, as the aggregate percentage increases in the maximum hourly compensation rate paid pursuant to paragraph (1) for time expended since the case maximum amounts were last adjusted.

(3) WAIVING MAXIMUM AMOUNTS.—
Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate judge if the representation was furnished exclusively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit. The chief judge of the circuit may delegate such approval authority to an active or senior circuit judge.

(4) DISCLOSURE OF FEES.—

(A) In general.—
Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

(B) Pre-trial or trial in progress.—If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall—

(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

(I) Arraignment and or plea.

(II) Bail and detention hearings.

(III) Motions.

(IV) Hearings.

(V) Interviews and conferences.

(VI) Obtaining and reviewing records.

(VII) Legal research and brief writing.

(VIII) Travel time.

(IX) Investigative work.

(X) Experts.

(XI) Trial and appeals.

(XII) Other.

(C) Trial completed.—

(i) In general.—
If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

(ii) Protection of the rights of the defendant.—
If the court determines that defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

(D) Considerations.—The interests referred to in subparagraphs (B) and (C) are—

(i) to protect any person's 5th amendment right against self-incrimination;

(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

(iii) the defendant's attorney-client privilege;

(iv) the work product privilege of the defendant's counsel;

(v) the safety of any person; and

(vi) any other interest that justice may require, except that the amount of the fees shall not be considered a reason justifying any limited disclosure under section 3006A(d)(4) of title 18, United States Code.

(E) Notice.—
The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.

(F) Effective date.—
The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than 24 months after the effective date.

(5) FILING CLAIMS.—
A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate judge and the court, and to each appellate court before which the attorney provided representation to the person involved. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate judge and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency or community defender organization which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate judge, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid. In cases where representation is furnished other than before the United States magistrate judge, the district court, or an appellate court, claims shall be submitted to the district court which shall fix the compensation and reimbursement to be paid.

(6) NEW TRIALS.—
For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

(7) PROCEEDINGS BEFORE APPELLATE COURTS.—
If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and

costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

(e) SERVICES OTHER THAN COUNSEL.—

(1) UPON REQUEST.—
Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate representation may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate judge if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

(2) WITHOUT PRIOR REQUEST.—

(A) Counsel appointed under this section may obtain, subject to later review, investigative, expert, and other services without prior authorization if necessary for adequate representation. Except as provided in subparagraph (B) of this paragraph, the total cost of services obtained without prior authorization may not exceed $800 and expenses reasonably incurred.

(B) The court, or the United States magistrate judge (if the services were rendered in a case disposed of entirely before the United States magistrate judge), may, in the interest of justice, and upon the finding that timely procurement of necessary services could not await prior authorization, approve payment for such services after they have been obtained, even if the cost of such services exceeds $800.

(3) MAXIMUM AMOUNTS.—
Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed $2,400, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate judge if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit. The chief judge of the circuit may delegate such approval authority to an active or senior circuit judge.

(4) DISCLOSURE OF FEES.—
The amounts paid under this subsection for services in any case shall be made available to the public.

(5) The dollar amounts provided in paragraphs (2) and (3) shall be adjusted simultaneously by an amount, rounded to the nearest multiple of $100, equal to the percentage of the cumulative adjustments taking effect under section 5303 of title 5 in

the rates of pay under the General Schedule since the date the dollar amounts provided in paragraphs (2) and (3), respectively, were last enacted or adjusted by statute.

(f) RECEIPT OF OTHER PAYMENTS.—
Whenever the United States magistrate judge or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency or community defender organization which provided the appointed attorney, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant.

(g) DEFENDER ORGANIZATION.—

(1) QUALIFICATIONS.—
A district or a part of a district in which at least two hundred persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraphs (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas. In the event that adjacent districts or parts of districts are located in different circuits, the plan for furnishing representation shall be approved by the judicial council of each circuit.

(2) TYPES OF DEFENDER ORGANIZATIONS.—

(A) Federal Public Defender Organization.—
A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. An organization for a district or part of a district or two adjacent districts or parts of districts shall be supervised by a Federal Public Defender appointed by the court of appeals of the circuit, without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. Nothing contained herein shall be deemed to authorize more than one Federal Public Defender within a single judicial district. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the court of appeals of the circuit for incompetency, misconduct in office, or neglect of duty. Upon the expiration of his term, a Federal Public Defender may, by a majority vote of the judges of the court of appeals, continue to perform the duties of his office until his successor is appointed, or until one year after the expiration of such Defender's term, whichever is earlier. The compensation of the Federal Public Defender shall be fixed by the court of appeals of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorney of the districts. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, full-time attorneys in such

number as may be approved by the court of appeals of the circuit and other personnel in such number as may be approved by the Director of the Administrative Office of the United States Courts. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the Office of the United States attorney in the district where representation is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Neither the Federal Public Defender nor any attorney so appointed by him may engage in the private practice of law. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit, in accordance with section 605 of title 28, a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsection (d) or (e).

(B) Community Defender Organization.—A Community Defender Organization shall be a non-profit defense counsel service established and administered by any group authorized by the plan to provide representation. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the next fiscal year. Upon application an organization may, to the extent approved by the Judicial Conference of the United States:

(i) receive an initial grant for expenses necessary to establish the organization; and

(ii) in lieu of payments under subsection (d) or (e), receive periodic sustaining grants to provide representation and other expenses pursuant to this section.

(3) MALPRACTICE AND NEGLIGENCE SUITS.—
The Director of the Administrative Office of the United States Courts shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an officer or employee of a Federal Public Defender Organization established under this subsection, or a Community Defender Organization established under this subsection which is receiving periodic sustaining grants, for money damages for injury, loss of liberty, loss of property, or personal injury or death arising from malpractice or negligence of any such officer or employee in furnishing representational services under this section while acting within the scope of that person's office or employment.

(h)RULES AND REPORTS.—
Each district court and court of appeals of a circuit shall submit a report on the appointment of counsel within its jurisdiction to the Administrative Office of the United

States Courts in such form and at such times as the Judicial Conference of the United States may specify. The Judicial Conference of the United States may, from time to time, issue rules and regulations governing the operation of plans formulated under this section.

(i)APPROPRIATIONS.—
There are authorized to be appropriated to the United States courts, out of any money in the Treasury not otherwise appropriated, sums necessary to carry out the provisions of this section, including funds for the continuing education and training of persons providing representational services under this section. When so specified in appropriation acts, such appropriations shall remain available until expended. Payments from such appropriations shall be made under the supervision of the Director of the Administrative Office of the United States Courts.

(j)DISTRICTS INCLUDED.—
As used in this section, the term "district court" means each district court of the United States created by chapter 5 of title 28, the District Court of the Virgin Islands, the District Court for the Northern Mariana Islands, and the District Court of Guam.

(k)APPLICABILITY IN THE DISTRICT OF COLUMBIA.—
The provisions of this section shall apply in the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit. The provisions of this section shall not apply to the Superior Court of the District of Columbia and the District of Columbia Court of Appeals."

Fed. Rule of Crim. Proc. 44 states, "**Rule 44. Right to and Appointment of Counsel**

(a) RIGHT TO APPOINTED COUNSEL. A defendant who is unable to obtain counsel is entitled to have counsel appointed to represent the defendant at every stage of the proceeding from initial appearance through appeal, unless the defendant waives this right.

(b) APPOINTMENT PROCEDURE. Federal law and local court rules govern the procedure for implementing the right to counsel.

(c) INQUIRY INTO JOINT REPRESENTATION.

(1) *Joint Representation.* Joint representation occurs when:

(A) two or more defendants have been charged jointly under Rule 8(b) or have been joined for trial under Rule 13; and

(B) the defendants are represented by the same counsel, or counsel who are associated in law practice.

(2) *Court's Responsibilities in Cases of Joint Representation.* The court must promptly inquire about the propriety of joint representation and must personally advise each defendant of the right to the effective assistance of counsel, including separate representation. Unless there is good cause to believe that no conflict of interest is likely

to arise, the court must take appropriate measures to protect each defendant's right to counsel.

Fed. Rule of Crim. Proc. 11 states, "Rule 11. Pleas

(a) ENTERING A PLEA.

(1) *In General.* A defendant may plead not guilty, guilty, or (with the court's consent) nolo contendere.

(2) *Conditional Plea.* With the consent of the court and the government, a defendant may enter a conditional plea of guilty or nolo contendere, reserving in writing the right to have an appellate court review an adverse determination of a specified pretrial motion. A defendant who prevails on appeal may then withdraw the plea.

(3) *Nolo Contendere Plea.* Before accepting a plea of nolo contendere, the court must consider the parties' views and the public interest in the effective administration of justice.

(4) *Failure to Enter a Plea.* If a defendant refuses to enter a plea or if a defendant organization fails to appear, the court must enter a plea of not guilty.

(b) CONSIDERING AND ACCEPTING A GUILTY OR NOLO CONTENDERE PLEA.

(1) *Advising and Questioning the Defendant.* **Before the court accepts a plea of guilty or nolo contendere, the defendant may be placed under oath, and the court must address the defendant personally in open court. During this address, the court must inform the defendant of, and determine that the defendant understands, the following:**

(A) the government's right, in a prosecution for perjury or false statement, to use against the defendant any statement that the defendant gives under oath;

(B) the right to plead not guilty, or having already so pleaded, to persist in that plea;

(C) the right to a jury trial;

(D) **the right to be represented by counsel—and if necessary have the court appoint counsel—at trial and at every other stage of the proceeding;**

(E) the right at trial to confront and cross-examine adverse witnesses, to be protected from compelled self-incrimination, to testify and present evidence, and to compel the attendance of witnesses;

(F) the defendant's waiver of these trial rights if the court accepts a plea of guilty or nolo contendere;

(G) the nature of each charge to which the defendant is pleading;

(H) any maximum possible penalty, including imprisonment, fine, and term of supervised release;

(I) any mandatory minimum penalty;

(J) any applicable forfeiture;

(K) the court's authority to order restitution;

(L) the court's obligation to impose a special assessment;

(M) in determining a sentence, the court's obligation to calculate the applicable sentencing-guideline range and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. §3553(a);

(N) the terms of any plea-agreement provision waiving the right to appeal or to collaterally attack the sentence; and

(O) that, if convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

(2) *Ensuring That a Plea Is Voluntary.* Before accepting a plea of guilty or nolo contendere, the court must address the defendant personally in open court and determine that the plea is voluntary and did not result from force, threats, or promises (other than promises in a plea agreement).

(3) *Determining the Factual Basis for a Plea.* Before entering judgment on a guilty plea, the court must determine that there is a factual basis for the plea.

(c) PLEA AGREEMENT PROCEDURE.

(1) *In General.* An attorney for the government and the defendant's attorney, or the defendant when proceeding pro se, may discuss and reach a plea agreement. The court must not participate in these discussions. If the defendant pleads guilty or nolo contendere to either a charged offense or a lesser or related offense, the plea agreement may specify that an attorney for the government will:

(A) not bring, or will move to dismiss, other charges;

(B) recommend, or agree not to oppose the defendant's request, that a particular sentence or sentencing range is appropriate or that a particular provision of the Sentencing Guidelines, or policy statement, or sentencing factor does or does not apply (such a recommendation or request does not bind the court); or

(C) agree that a specific sentence or sentencing range is the appropriate disposition of the case, or that a particular provision of the Sentencing Guidelines, or policy statement, or sentencing factor does or does not apply (such a recommendation or request binds the court once the court accepts the plea agreement).

(2) *Disclosing a Plea Agreement.* The parties must disclose the plea agreement in open court when the plea is offered, unless the court for good cause allows the parties to disclose the plea agreement in camera.

(3) ***Judicial Consideration of a Plea Agreement.***

(A) To the extent the plea agreement is of the type specified in Rule 11(c)(1)(A) or (C), the court may accept the agreement, reject it, or defer a decision until the court has reviewed the presentence report.

(B) To the extent the plea agreement is of the type specified in Rule 11(c)(1)(B), the court must advise the defendant that the defendant has no right to withdraw the plea if the court does not follow the recommendation or request.

(4) *Accepting a Plea Agreement.* If the court accepts the plea agreement, it must inform the defendant that to the extent the plea agreement is of the type specified in Rule 11(c)(1)(A) or (C), the agreed disposition will be included in the judgment.

(5) *Rejecting a Plea Agreement.* If the court rejects a plea agreement containing provisions of the type specified in Rule 11(c)(1)(A) or (C), the court must do the following on the record and in open court (or, for good cause, in camera):

(A) inform the parties that the court rejects the plea agreement;

(B) advise the defendant personally that the court is not required to follow the plea agreement and give the defendant an opportunity to withdraw the plea; and

(C) advise the defendant personally that if the plea is not withdrawn, the court may dispose of the case less favorably toward the defendant than the plea agreement contemplated.

(d) WITHDRAWING A GUILTY OR NOLO CONTENDERE PLEA. A defendant may withdraw a plea of guilty or nolo contendere:

(1) before the court accepts the plea, for any reason or no reason; or

(2) after the court accepts the plea, but before it imposes sentence if:

(A) the court rejects a plea agreement under 11(c)(5); or

(B) the defendant can show a fair and just reason for requesting the withdrawal.

(e) FINALITY OF A GUILTY OR NOLO CONTENDERE PLEA. After the court imposes sentence, the defendant may not withdraw a plea of guilty or nolo contendere, and the plea may be set aside only on direct appeal or collateral attack.

(f) ADMISSIBILITY OR INADMISSIBILITY OF A PLEA, PLEA DISCUSSIONS, AND RELATED STATEMENTS. The admissibility or inadmissibility of a plea, a plea discussion, and any related statement is governed by Federal Rule of Evidence 410.

(g) RECORDING THE PROCEEDINGS. The proceedings during which the defendant enters a plea must be recorded by a court reporter or by a suitable recording device. If there is a guilty plea or a nolo contendere plea, the record must include the inquiries and advice to the defendant required under Rule 11(b) and (c).

(h) HARMLESS ERROR. A variance from the requirements of this rule is harmless error if it does not affect substantial rights.

DOUBLE JEOPARDY PROHIBITED and USA CANNOT SEIZE PROPERTY WITHOUT JUST COMPENSATION AND DUE PROCESS

The Fifth Amendment (above) states, "... **nor shall any person be subject for the same offence to be twice put in jeopardy ... nor be deprived of ... property, without due process of law; nor shall private property be taken for public use, without just compensation.**"

42 USC §2000h–1 states,

> Double jeopardy; specific crimes and criminal contempts. No person should be put twice in jeopardy under the laws of the United States for the same act or omission. For this reason, an acquittal or conviction in a prosecution for a specific crime under the laws of the United States shall bar a proceeding for criminal contempt, which is based upon the same act or omission and which arises under the provisions of this Act; and an acquittal or conviction in a proceeding for criminal contempt, which arises under the provisions of this Act, shall bar a prosecution for a specific crime under the laws of the United States based upon the same act or omission."

EXCESSIVE FINES PROHIBITED

The Eighth Amendment states, "AMENDMENT VIII

Excessive bail shall not be required, **nor excessive fines imposed**, nor cruel and unusual punishments inflicted."

THE RIGHT TO APPEAL and IMPARTIAL JUDGE

The Preamble to the US Constitution states, "

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, **and secure the Blessings of Liberty to ourselves and our Posterity**, do ordain and establish this Constitution for the United States of America.

Appellant claims the right to appeal under Article 1 Section 8 which states, "Section 8 The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;– And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Article 3 Sections 1 with Section 2 states, "Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2

The Judicial Power shall extend to all Cases, in Law and Equity, **arising under this Constitution, the Laws of the United States**, and Treaties made, or which shall be made, under their Authority;---to all Cases affecting Ambassadors, other public Ministers and Consuls;---to all Cases of admiralty and maritime Jurisdiction;---to Controversies to which the United States shall be a Party;---to Controversies between two or more States;--- between a State and Citizens of another State;---between Citizens of different States,--- between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, **shall be by Jury**; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed."

The Fifth Amendment states, "**No person shall be held to answer for a** capital, or otherwise infamous **crime**, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of** life, liberty, or **property, without due process of law**; nor shall private property be taken for public use, without just compensation."

28 U.S. Code § 1292 states, "**Interlocutory decisions**

(a) Except as provided in subsections (c) and (d) of this section, **the courts of appeals shall have jurisdiction of appeals from:**

(1) **Interlocutory orders of the district courts of the United States**, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, or of the judges thereof, granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court;

(2) Interlocutory orders appointing receivers, or refusing orders to wind up receiverships or to take steps to accomplish the purposes thereof, such as directing sales or other disposals of property;

(3) Interlocutory decrees of such district courts or the judges thereof determining the rights and liabilities of the parties to admiralty cases in which appeals from final decrees are allowed.

(b) When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: Provided, however, That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order.

(c) The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction—

(1) of an appeal from an interlocutory order or decree described in subsection (a) or (b) of this section in any case over which the court would have jurisdiction of an appeal under section 1295 of this title; and

(2) of an appeal from a judgment in a civil action for patent infringement which would otherwise be appealable to the United States Court of Appeals for the Federal Circuit and is final except for an accounting.

(d)

(1) When the chief judge of the Court of International Trade issues an order under the provisions of section 256(b) of this title, or when any judge of the Court of International Trade, in issuing any other interlocutory order, includes in the order a statement that a controlling question of law is involved with respect to which there is a substantial ground for difference of opinion and that an immediate appeal from that order may materially advance the ultimate termination of the litigation, the United States Court of Appeals for the Federal Circuit may, in its discretion, permit an appeal to be taken from such order, if application is made to that Court within ten days after the entry of such order.

(2) When the chief judge of the United States Court of Federal Claims issues an order under section 798(b) of this title, or when any judge of the United States Court of Federal Claims, in issuing an interlocutory order, includes in the order a statement that a controlling question of law is involved with respect to which there is a substantial ground for difference of opinion and that an immediate appeal from that order may materially advance the ultimate termination of the litigation, the United States Court of Appeals for the Federal Circuit may, in its discretion, permit an appeal to be taken from such order, if application is made to that Court within ten days after the entry of such order.

(3) Neither the application for nor the granting of an appeal under this subsection shall stay proceedings in the Court of International Trade or in the Court of Federal Claims, as the case may be, unless a stay is ordered by a judge of the Court of International Trade or of the Court of Federal Claims or by the United States Court of Appeals for the Federal Circuit or a judge of that court.

(4)

(A) The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction of an appeal from an interlocutory order of a district court of the United States, the District Court of Guam, the District Court of the Virgin Islands, or the District Court for the Northern Mariana Islands, granting or denying, in whole or in part, a motion to transfer an action to the United States Court of Federal Claims under section 1631 of this title.

(B) When a motion to transfer an action to the Court of Federal Claims is filed in a district court, no further proceedings shall be taken in the district court until 60 days after the court has ruled upon the motion. If an appeal is taken from the district court's grant or denial of the motion, proceedings shall be further stayed until the appeal has been decided by the Court of Appeals for the Federal Circuit. The stay of proceedings in the district court shall not bar the granting of preliminary or injunctive relief, where appropriate and where expedition is reasonably necessary. However, during the period in which proceedings are stayed as provided in this subparagraph, no transfer to the Court of Federal Claims pursuant to the motion shall be carried out.

(e) The Supreme Court may prescribe rules, in accordance with section 2072 of this title, to provide for an appeal of an interlocutory decision to the courts of appeals that is not otherwise provided for under subsection (a), (b), (c), or (d).

Federal Rule of Appellate Procedure 3 states, "Rule 3. **Appeal as of Right**—How Taken

(a) FILING THE NOTICE OF APPEAL.

(1) **An appeal permitted by law as of right from a district court to a court of appeals may be taken** only by filing a notice of appeal with the district clerk within the time allowed by Rule 4. At the time of filing, the appellant must furnish the clerk with enough copies of the notice to enable the clerk to comply with Rule 3(d).

(2) An appellant's failure to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for the court of appeals to act as it considers appropriate, including dismissing the appeal.

(3) An appeal from a judgment by a magistrate judge in a civil case is taken in the same way as an appeal from any other district court judgment.

(4) An appeal by permission under 28 U.S.C. §1292(b) or an appeal in a bankruptcy case may be taken only in the manner prescribed by Rules 5 and 6, respectively.

(b) JOINT OR CONSOLIDATED APPEALS.

(1) When two or more parties are entitled to appeal from a district court judgment or order, and their interests make joinder practicable, they may file a joint notice of appeal. They may then proceed on appeal as a single appellant.

(2) When the parties have filed separate timely notices of appeal, the appeals may be joined or consolidated by the court of appeals.

(c) CONTENTS OF THE NOTICE OF APPEAL.

(1) The notice of appeal must:

(A) specify the party or parties taking the appeal by naming each one in the caption or body of the notice, but an attorney representing more than one party may describe those parties with such terms as "all plaintiffs," "the defendants," "the plaintiffs A, B, et al.," or "all defendants except X";

(B) designate the judgment, order, or part thereof being appealed; and

(C) name the court to which the appeal is taken.

(2) A pro se notice of appeal is considered filed on behalf of the signer and the signer's spouse and minor children (if they are parties), unless the notice clearly indicates otherwise.

(3) In a class action, whether or not the class has been certified, the notice of appeal is sufficient if it names one person qualified to bring the appeal as representative of the class.

(4) An appeal must not be dismissed for informality of form or title of the notice of appeal, or for failure to name a party whose intent to appeal is otherwise clear from the notice.

(5) Form 1 in the Appendix of Forms is a suggested form of a notice of appeal.

(d) SERVING THE NOTICE OF APPEAL.

(1) The district clerk must serve notice of the filing of a notice of appeal by sending a copy to each party's counsel of record—excluding the appellant's—or, if a party is proceeding pro se, to the party's last known address. When a defendant in a criminal case

appeals, the clerk must also serve a copy of the notice of appeal on the defendant. The clerk must promptly send a copy of the notice of appeal and of the docket entries—and any later docket entries—to the clerk of the court of appeals named in the notice. The district clerk must note, on each copy, the date when the notice of appeal was filed.

(2) If an inmate confined in an institution files a notice of appeal in the manner provided by Rule 4(c), the district clerk must also note the date when the clerk docketed the notice.

(3) The district clerk's failure to serve notice does not affect the validity of the appeal. The clerk must note on the docket the names of the parties to whom the clerk sends copies, with the date of sending. Service is sufficient despite the death of a party or the party's counsel.

(e) PAYMENT OF FEES. Upon filing a notice of appeal, the appellant must pay the district clerk all required fees. The district clerk receives the appellate docket fee on behalf of the court of appeals."

Fed. Rule of Crim. Proc. 44(a) (above) states, **"A defendant who is unable to obtain counsel is entitled to have counsel appointed to represent the defendant at every stage of the proceeding from initial appearance through appeal,"**

28 USC sec 455(a)(b)(1)(5)(ii)(iii)(iv)(c)(e) states, "

28 U.S. Code § 455 - **Disqualification of justice, judge**, or magistrate judge

(a) **Any justice, judge**, or magistrate **judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.**

(b) **He shall also disqualify himself in the following circumstances:**

(1) **Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;**

(2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

(3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

(4) **He knows that he, individually** or as a fiduciary, or his spouse or minor child residing in his household, **has a financial interest in the subject matter in controversy** or in a

party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) **Is acting as a lawyer in the proceeding;**

(iii) **Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;**

(iv) **Is to the judge's knowledge likely to be a material witness in the proceeding.**

(c) **A judge should inform himself about his personal** and fiduciary **financial interests**, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.

(d) For the purposes of this section the following words or phrases shall have the meaning indicated:

(1) "proceeding" includes pretrial, trial, appellate review, or other stages of litigation;

(2) the degree of relationship is calculated according to the civil law system;

(3) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

(4) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party, except that:

(i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund;

(ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;

(iii) The proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;

(iv) Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

(e) No justice, judge, or magistrate judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b). Where the ground for disqualification arises only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification.

(f) Notwithstanding the preceding provisions of this section, if any justice, judge, magistrate judge, or bankruptcy judge to whom a matter has been assigned would be disqualified, after substantial judicial time has been devoted to the matter, because of the appearance or discovery, after the matter was assigned to him or her, that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the justice, judge, magistrate judge, bankruptcy judge, spouse or minor child, as the case may be, divests himself or herself of the interest that provides the grounds for the disqualification.

DOUBLE JEOPARDY PROHIBITED and USA CANNOT SEIZE PROPERTY WITHOUT JUST COMPENSATION AND DUE PROCESS

The Fifth Amendment (above) states, "... **nor shall any person be subject for the same offence to be twice put in jeopardy** ... **nor be deprived of** ... **property, without due process of law; nor shall private property be taken for public use, without just compensation.**"

42 USC §2000h–1 states,

> Double jeopardy; specific crimes and criminal contempts. No person should be put twice in jeopardy under the laws of the United States for the same act or omission. For this reason, an acquittal or conviction in a prosecution for a specific crime under the laws of the United States shall bar a proceeding for criminal contempt, which is based upon the same act or omission and which arises under the provisions of this Act; and an acquittal or conviction in a proceeding for criminal contempt, which arises under the provisions of this Act, shall bar a prosecution for a specific crime under the laws of the United States based upon the same act or omission."

EXCESSIVE FINES PROHIBITED

The Eighth Amendment states, "AMENDMENT VIII

Excessive bail shall not be required, **nor excessive fines imposed**, nor cruel and unusual punishments inflicted."

HEARING REQUIRED

Article 3 Section 2 (above) states, "The Trial of all Crimes... shall be by Jury..."

The Fifth Amendment (above) states, "No person shall be held to answer for a ... crime, nor be deprived of ... property, without due process of law."

18 U.S. Code § 3006A (d)(4)(B)(ii)(IV) (above) states adequate representation of defendants for any person financially unable to obtain adequate representation for hearings is a right.

Fed. R. Crim. P. 5 (a)(1)(A) (above) states, "the United States must take the defendant without unnecessary delay before a magistrate judge..." (d)(1)(D) states, "Procedure in a Felony Case. *Advice.* If the defendant is charged with a felony, the judge must inform the defendant of the following: any right to a preliminary hearing..." Fed Rule of Crim Proc 11 (b) (above) states, "CONSIDERING AND ACCEPTING A GUILTY OR NOLO CONTENDERE PLEA. (1) *Advising and Questioning the Defendant.* Before the court accepts a plea of guilty or nolo contendere, the defendant may be placed under oath, and the court must address the defendant personally in open court. During this address, the court must inform the defendant of, and determine that the defendant understands, the following:" Fed. Rule of Crim. Proc. 44(a) (above) states, "A defendant who is unable to obtain counsel is entitled to have counsel appointed to represent the defendant at every stage of the proceeding from initial appearance through appeal."

BREACH OF CONTRACT

28 USC 3308 states, "Except as provided in this subchapter, the principles of law and equity, including the law merchant and the law relating to principles and agent, estoppel; laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating clause shall apply to actions and proceedings under this subchapter."

The Uniform Commercial Code states, "§ 2-601. Buyer's Rights on Improper Delivery.

Subject to the provisions of this Article on breach in installment contracts (Section 2-612) and unless otherwise agreed under the sections on contractual limitations of remedy (Sections 2-718 and 2-719), **if the goods or the tender of delivery fail in any respect to conform to the contract, the buyer may**

- **(a) reject the whole;** or
- (b) accept the whole; or
- (c) accept any commercial unit or units and reject the rest.

PROPER LEGAL STANDARD

Federal Rules of Criminal Procedure 1 states, "Rule 1. Scope; Definitions

(a) SCOPE.

(1) *In General.* **These rules govern the procedure in all criminal proceedings in the United States district courts, the United States courts of appeals, and the Supreme Court of the United States.**

(2) *State or Local Judicial Officer.* When a rule so states, it applies to a proceeding before a state or local judicial officer.

(3) *Territorial Courts.* These rules also govern the procedure in all criminal proceedings in the following courts:

(A) the district court of Guam;

(B) the district court for the Northern Mariana Islands, except as otherwise provided by law; and

(C) the district court of the Virgin Islands, except that the prosecution of offenses in that court must be by indictment or information as otherwise provided by law.

(4) *Removed Proceedings.* Although these rules govern all proceedings after removal from a state court, state law governs a dismissal by the prosecution.

(5) *Excluded Proceedings.* Proceedings not governed by these rules include:

(A) the extradition and rendition of a fugitive;

(B) a civil property forfeiture for violating a federal statute;

(C) the collection of a fine or penalty;

(D) a proceeding under a statute governing juvenile delinquency to the extent the procedure is inconsistent with the statute, unless Rule 20(d) provides otherwise;

(E) a dispute between seamen under 22 U.S.C. §§256–258; and

(F) a proceeding against a witness in a foreign country under 28 U.S.C. §1784.

(b) DEFINITIONS. The following definitions apply to these rules:

(1) "Attorney for the government" means:

(A) the Attorney General or an authorized assistant;

(B) a United States attorney or an authorized assistant;

(C) when applicable to cases arising under Guam law, the Guam Attorney General or other person whom Guam law authorizes to act in the matter; and

(D) any other attorney authorized by law to conduct proceedings under these rules as a prosecutor.

(2) "Court" means a federal judge performing functions authorized by law.

(3) "Federal judge" means:

(A) a justice or judge of the United States as these terms are defined in 28 U.S.C. §451;

(B) a magistrate judge; and

(C) a judge confirmed by the United States Senate and empowered by statute in any commonwealth, territory, or possession to perform a function to which a particular rule relates.

(4) "Judge" means a federal judge or a state or local judicial officer.

(5) "Magistrate judge" means a United States magistrate judge as defined in 28 U.S.C. §§631 –639.

(6) "Oath" includes an affirmation.

(7) "Organization" is defined in 18 U.S.C. §18.

(8) "Petty offense" is defined in 18 U.S.C. §19.

(9) "State" includes the District of Columbia, and any commonwealth, territory, or possession of the United States.

(10) "State or local judicial officer" means:

(A) a state or local officer authorized to act under 18 U.S.C. §3041; and

(B) a judicial officer empowered by statute in the District of Columbia or in any commonwealth, territory, or possession to perform a function to which a particular rule relates.

(11) "Telephone" means any technology for transmitting live electronic voice communication.

(12) "Victim" means a "crime victim" as defined in 18 U.S.C. §3771 (e).

(c) AUTHORITY OF A JUSTICE OR JUDGE OF THE UNITED STATES. When these rules authorize a magistrate judge to act, any other federal judge may also act."

Federal Rule of Criminal Procedure 2 states, "Rule 2. Interpretation

These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay."

15 U.S. Code § 1692h.Multiple debts says.

If any consumer owes multiple debts and makes any single payment to any debt collector with respect to such debts, such debt collector may not apply such payment to any debt which is disputed by the consumer and, where applicable, shall apply such payment in accordance with the consumer's directions.

CRUEL AND UNUSUAL PUNISHMENT PROHIBITED

The Eighth Amendment states, "Amendment VIII Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

RIGHT TO THE PROTECTION OF THE CONSTITUTION AND THE LAWS

18 U.S. Code § 4 - Misprision of felony states:

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

18 U.S. Code § 643 - Accounting generally for public money

Whoever, being an officer, employee or agent of the United States or of any department or agency thereof, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law is guilty of embezzlement, and shall be fined under this title or in a sum equal to the amount of the money embezzled, whichever is greater, or imprisoned not more than ten years,

18 U.S. Code § 645 - Court officers generally

Whoever, being a United States marshal, clerk, receiver, referee, trustee, or other officer of a United States court, or any deputy, assistant, or employee of any such officer, retains or converts to his own use or to the use of another or after demand by the party entitled thereto, unlawfully retains any money coming into his hands by virtue of his official relation, position or employment, is guilty of embezzlement and shall, where the offense is not otherwise punishable by enactment of Congress, be fined under this title or not more than double the value of the money so embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $1,000, he shall be fined under this title or imprisoned not more than one year, or both.

It shall not be a defense that the accused person had any interest in such moneys or fund.

18 U.S. Code § 646 - Court officers depositing registry moneys

Whoever, being a clerk or other officer of a court of the United States, fails to deposit promptly any money belonging in the registry of the court, or paid into court or received by the officers thereof, with the Treasurer or a designated depositary of the United States, in the name and to the credit of such court, or retains or converts to his own use or to the use of another any such money, is guilty of embezzlement and shall be fined under this title or

not more than the amount embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $1,000, he shall be fined under this title or imprisoned not more than one year, or both.

This section shall not prevent the delivery of any such money upon security, according to agreement of parties, under the direction of the court.

18 U.S. Code § 648 - Custodians, generally, misusing public funds

Whoever, being an officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, loans, uses, or converts to his own use, or deposits in any bank, including any branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or exchanges for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safe-keeping, is guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined under this title or in a sum equal to the amount of money so embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $1,000, he shall be fined under this title or imprisoned not more than one year, or both.

28 U.S. Code § 545 – Residence states:

(a) Each United States attorney shall reside in the district for which he is appointed,... Each assistant United States attorney shall reside in the district for which he or she is appointed or within 25 miles thereof.... Pursuant to an order from the Attorney General or his designee, a United States attorney or an assistant United States attorney may be assigned dual or additional responsibilities that exempt such officer from the residency requirement in this subsection for a specific period as established by the order and subject to renewal.

18 U.S. Code § 3142 - Release or detention of a defendant pending trial

(a)IN GENERAL.—Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—

(1) released on personal recognizance or upon execution of an unsecured appearance bond, under subsection (b) of this section;

(2) released on a condition or combination of conditions under subsection (c) of this section;

(3) temporarily detained to permit revocation of conditional release, deportation, or exclusion under subsection (d) of this section; or

(4) detained under subsection (e) of this section.

(b)RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED APPEARANCE BOND.—

The judicial officer shall order the pretrial release of the person on personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a Federal, State, or local crime during the period of release and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a),[1] unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

(c)RELEASE ON CONDITIONS.—

(1)If the judicial officer determines that the release described in subsection (b) of this section will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, such judicial officer shall order the pretrial release of the person—

(A) subject to the condition that the person not commit a Federal, State, or local crime during the period of release and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a); [1] and

(B) subject to the least restrictive further condition, or combination of conditions, that such judicial officer determines will reasonably assure the appearance of the person as required and the safety of any other person and the community, which may include the condition that the person—

(i) remain in the custody of a designated person, who agrees to assume supervision and to report any violation of a release condition to the court, if the designated person is able reasonably to assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

(ii) maintain employment, or, if unemployed, actively seek employment;

(iii) maintain or commence an educational program;

(iv) abide by specified restrictions on personal associations, place of abode, or travel;

(v) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

(vi) report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

(vii) comply with a specified curfew;

(viii) refrain from possessing a firearm, destructive device, or other dangerous weapon;

(ix) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

(x) undergo available medical, psychological, or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose;

(xi) execute an agreement to forfeit upon failing to appear as required, property of a sufficient unencumbered value, including money, as is reasonably necessary to assure the appearance of the person as required, and shall provide the court with proof of ownership and the value of the property along with information regarding existing encumbrances as the judicial office may require;

(xii) execute a bail bond with solvent sureties; who will execute an agreement to forfeit in such amount as is reasonably necessary to assure appearance of the person as required and shall provide the court with information regarding the value of the assets and liabilities of the surety if other than an approved surety and the nature and extent of encumbrances against the surety's property; such surety shall have a net worth which shall have sufficient unencumbered value to pay the amount of the bail bond;

(xiii) return to custody for specified hours following release for employment, schooling, or other limited purposes; and

(xiv) satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

In any case that involves a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title, or a failure to register offense under section 2250 of this title, any release order shall contain, at a minimum, a condition of electronic monitoring and each of the conditions specified at subparagraphs (iv), (v), (vi), (vii), and (viii).

(2) The judicial officer may not impose a financial condition that results in the pretrial detention of the person.

(3) The judicial officer may at any time amend the order to impose additional or different conditions of release.

18 U.S. Code § 3164 - Persons detained or designated as being of high risk

(a) The trial or other disposition of cases involving—

(1) a detained person who is being held in detention solely because he is awaiting trial, and

(2) a released person who is awaiting trial and has been designated by the attorney for the Government as being of high risk,

shall be accorded priority.

(b) The **trial** of any person described in subsection (a)(1) or (a)(2) of this section shall **commence not later than ninety days** following the beginning of such continuous detention or designation of high risk by the attorney for the Government. The periods of delay enumerated in section 3161(h) are excluded in computing the time limitation specified in this section.

(c) **Failure** to commence trial of a detainee as specified in subsection (b), through no fault of the accused or his counsel, or failure to commence trial of a designated releasee as specified in subsection (b), through no fault of the attorney for the Government, shall result in the automatic review by the court of the conditions of release. **No detainee, as defined in subsection (a), shall be held in custody pending trial after the expiration of such ninety-day** period required for the commencement of his trial. A designated releasee, as defined in subsection (a), who is found by the court to have intentionally delayed the trial of his case shall be subject to an order of the court modifying his nonfinancial conditions of release under this title to insure that he shall appear at trial as required.

NO ONE IN THE FEDERAL GOVERNMENT DOES NOT HAVE AUTHORITY TO COMMIT A CRIME, A TORT OR TO LIE AGAINST ANY AMERICAN

Article I Section 2 states, "... The House of Representatives ... shall have the sole Power of Impeachment."

Article I Section 3 states, "... The Senate shall have the sole Power to try all Impeachments... the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law." That means Congress can remove any member from the government for committing crimes against Americans and they can still be prosecuted or sued.

Article I Section 5 states, "... Each House may punish its Members for disorderly Behaviour, and,... expel a Member."

Article II Section 4 states, "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Article III Section 1 states, "...The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour," That means they may not continue in their office if they do not maintain good behavior.

The Third Amendment states, "No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law."

The Fourth Amendment (above) prohibits some crimes, torts and lies.

The Fifth Amendment (above) prohibits some crimes, torts and lies.

The Sixth Amendment states, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence." It says the ability of the government to commit crimes, torts or lie against Americans under the guise of fighting crime.

The Eighth Amendment (above) prohibits some crimes.

The Ninth Amendment states, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This provides protection from government crimes, torts or lies from the government that have been thought of or listed.

The Tenth Amendment states, "10th Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The 14th Amendment Section 1 and 3 state, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.... No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability."

18 U.S. Code § 211 - Acceptance or solicitation to obtain appointive public office

Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined under this title or imprisoned not more than one year, or both.

Whoever solicits or receives any thing of value in consideration of aiding a person to obtain employment under the United States either by referring his name to an executive department or agency of the United States or by requiring the payment of a fee because such person has secured such employment shall be fined under this title, or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an employment agency pursuant to the written request of an executive department or agency of the United States.

18 U.S. Code § 241 - Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in

the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;...

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 USC 872 states, 18 U.S. Code § 872 states, "Extortion by officers or employees of the United States

Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined under this title or imprisoned not more than three years, or both; but if the amount so extorted or demanded does not exceed $1,000, he shall be fined under this title or imprisoned not more than one year, or both."

18 USC 875 states, "18 U.S. Code § 875 - Interstate communications

(a) Whoever transmits in interstate or foreign commerce any communication containing any demand or request for a ransom or reward for the release of any kidnapped person, shall be fined under this title or imprisoned not more than twenty years, or both.

(b) Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than twenty years, or both.

(c) Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both.

(d) Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate or foreign commerce any communication containing any threat to injure the property or reputation of the addressee or of another or the reputation of a deceased person or any threat to accuse the addressee or any other person of a crime, shall be fined under this title or imprisoned not more than two years, or both.

Whoever feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect;..."

18 USA 1512 which states,

Tampering with a witness, victim, or an informant

(a)(1) Whoever kills or attempts to kill another person, with intent to—
(A) prevent the attendance or testimony of any person in on official proceeding:
(B) prevent the production of a record, document, or other object, in an official proceeding; or
(C) prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense...
shall be punished as provided in paragraph (3).
(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—
(A) influence, delay, or prevent the testimony of any person in an official proceeding;
(B) cause or induce any person to—
(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;
(ii) alter, destroy, mutilate, or conceal an object with intent to impair the integrity of availability of the object for use in an official proceeding;...
(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offence or violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;
shall be punished as provided in paragraph (3).

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

(2) cause or induce any person to—

(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;

shall be fined under this title or imprisoned not more than 20 years, or both.

(c)Whoever corruptly—

(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,

shall be fined under this title or imprisoned not more than 20 years, or both.

(g) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1) that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

(2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

Federal Rule of Criminal Procedure 49 says

Serving and Filing Papers

(b) Filing.

(5) *Acceptance by the Clerk.* The clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice.

STATEMENT OF THE CASE

1) 8/29/00 complaint signed;

2) 8/30/00 amended complaint, **Mr. Verkler arrested without a warrant** violating the 4th Amendment, FRCP 4, 41, Peter Avenia, public defender appointed;

3) 8/30/00 Motion to detain Mr. Verkler;

4) 9/1/00 Detention order in violation of the 8th Amendment, 18 USC 3142;

5) 9/25/00 Affidavit of Peter Avenia to extend indictment deadline;

6) USA withheld the 1999 an income tax refund of $4,957.8 for offset for restitution prior to a conviction or sentence, violating the 5th Amendment;

7) 10/04/00 Substitution of counsel to Robert M Leen;

8) 10/25/00 Order continuing detention;

9) 11/14/00 jury instructions;

10) 11/17/00 Order by judge directing defendant to submit to submit to a psychiatric examination;

11) 11/28/00 the judge violated 18 USC 3164 by not releasing Mr. Verkler upon 90 days in custody without the beginning of trial;

11) 12/11/00 "GOVT'S LODGED ORDER: re: motion to continue trial by defendant George E Verkler [30-1] (EC) (Entered: 12/11/2000)" has no docket number so it must be false;

12) 2/9/01 superseding Information, court opinion that defendant is competent, and plea agreement, court documents acknowledged **recovery of $198,636.10** and cars, computers and **other assets not yet priced**;

13) 4/23/01 sentencing memo for Defendant;

14) 4/25/01 sentencing memo by plaintiff;

15) 4/26/01 **without allowing for a response by Defendant to plaintiff sentencing memo** (violating the 5th Amendment) Mr. Verkler sentenced to 15 months incarceration, 36 months supervised release with special conditions not in plea agreement, **no fine**, $400 special assessment, **$202,923 restitution (less amounts recovered) (interest waived)**, dismissing counts 1-4, preliminary order of forfeiture;

16) 4/30/21 "PROPOSED Statement of REASONS for dft George Verkler (EC) (Entered 04/30/2001)" has no docket number so it must be a false entry;

17) 6/19/01 claim by Arni Verkler;

18) In 2001 USA withheld George Verkler's 2000 income tax refund of $176 for offset for restitution.

19) In 2002 USA withheld George Verkler's 2001 income tax refund of $1,131 for offset for restitution;

20) 12/04/02 "LODGED ORDER re; motion to amd prelim order of forfeiture to incl suppl list of forfeited property by USA [80-1] (CAR) (Entered: 12/05/2002)" has no docket number so it must be a false entry;

21) In 2003 USA withheld George Verkler's 2002 income tax refund of $1,813.72 for restitution;

22) 10/16/03 Order directing forfeiture of property;

23) 11/20/03 dkt #92 was redated to 11/24/03 so it must be a falsification;

24) 12/16/03 USA lowered its claims to have only collected $23, 637.88, which means at **least $183,076.74 was embezzled and stolen by USA or the court;**

25) In 2004 USA withheld George Verkler's 2003 income tax refund of **$991 for offset for restitution;**

26) 11/18/04 the Utah State Tax Commission claimed the original amount was $8,652.00 and they only received $514.73 on 1/10/04 and $177.76 on 5/17/04. Since the entire restitution was paid in full **$7,959.51** must have been embezzled and stolen by USA. This also represents an attempt to collect twice on one debt, a violation of the double jeopardy clause.

27) 1/5/05 the Minnesota Revenue department claimed they were not paid **$138.26** that was collected in restitution it was stolen and embezzled;

28) In 2005 USA withheld George Verkler's 2004 income tax refund of **$1,660.19 for offset for restitution;**

29) 1/6/06 after years of calls and letters US Attorney John McKay and paralegal Castillo stipulate to collecting **$288,022.03** while only claiming to have sold 1 out of 10 gold coins and not yet selling personal assets;

30) 3/16/07 the US Department of Justice sent an administrative offset notice claiming a balance due of $75,157.13. That means US was only claiming to have collected **$127,765.87, which means with monthly payments at least $164,956.16 was embezzled and stolen by USA or the court;**

31) In 2007 USA withheld George Verkler's 2006 income tax refund of **$20,474.88 for offset for restitution;**

32) 4/22/08 USA's DOJ said they collected $150,214.80. That was nearly all from mutual funds, $103,424.54, but the court already recognized $188,528.87 from mutual funds, this must be with monthly payments **$98,842.44 was embezzled and stolen by USA from the 1/6/06 stipulation** it recognized $46,790.24 from the sale of real estate, but the house sold for $105,000 with the government getting half for restitution, which means USA embezzled and stole $5,709.76. It showed $4,850 for the sale of a coin, there are 9 other coins also stolen and embezzled, half of that was to go to George Verkler, besides the fact that any excess collected on restitution was to be returned to Mr. Verkler;

33) In 2008 USA withheld George Verkler's 2007 income tax refund of **$20,414.88 for offset for restitution;**

34) by 9/2/08 Mr. Verkler paid **$5,800 in monthly payments** because of probation extortion;

34) 7/1/10 the US Courts sent a report stating they collected only $28,922.94. Which means **USA and the court embezzled and stole $427,763.88 funds;**

35) In 2011 USA withheld George Verkler's 2010 income tax refund of **$9,066 for offset for restitution;**

36) 5/17/11 Judge Benjamin H. Settle signed a **garnishment order for $173,982.82** from Invesco Funds submitted by Ass US Attorney Anastasia D. Bartlett. Neither were assigned to the case. It is a matter of record that George Verkler was not served of this court action. There is no evidence that any attempt was made to serve George Verkler with notice of this proceeding. The garnishment order does not appear on the docket. That means judge Settle and ass US atty Bartlett were not acting in their official capacity. No credit was given for the money collected and it was not paid to Mr. Verkler so **it was embezzled and stolen.** Judge Settle and Ass US Atty Bartlett knew from court records that $188,528.87

was collected before George Verkler was released and that George Verkler's house, gold and silver coins and other assets would be sold and cash payments had been made so more was collected than the restitution. The Ass US Atty knew that on 1/6/6 US Attorney John McKay and Assistant Lei Castillo stipulated that they collected $288,022303 and the gold coins and personal assets had not been liquidated. The US Atty knew that tax refunds were withheld for offset for restitution even though no amount was still owed. By the reasonable man standard judge Settle must have also known this. This means the entire amount of the garnishment would have to be paid to George Verkler, but none was. There is also no record of the Writ of Continuing Garnishment, Invesco's Answer to the Garnishment, the Garnishee Order, the Order Terminating Garnishment Proceedings;

37) in March 2012 a State Department of Revenue **levied $1,636.20;**

38) 4/5/12 the **Minnesota** Revenue department **increased the amount they said was due to $6,191.68.** That indicates that **someone in their department embezzled $6,053.42.** George Verkler called them on 5/29/12 the man admitted that he never saw an audit this old. He said notes were from Westly and tried to transfer the call to her, Mr. Verkler left a message. On a 6/11/12 call Sara Westly admitted it was federal restitution that was all paid;

39) 4/6/12 the State of **Wisconsin** Department of Revenue **claimed George Verkler owed $34,008.33 and garnished the money on an original balance of $8,321.79. The court ruled Mr. Verkler would pay no interest nor fines. Again, this is a violation of the double jeopardy clause.** He got jail time and had to pay restitution. **Wisconsin only showed $2,037.46 was paid although USA and the court collected more than the full amount of the restitution. The difference was embezzled.** And Mr. Verkler established that USA and the court already collected the full amount of the restitution so it is USA that would owe them.

On 5/25/05 the State acknowledged receiving Mr. Verkler's letter and referred it to M. Nelson. Despite that on 10/14/11 Wisconsin filed a Notice of Levy;

40) In 2012 USA withheld George Verkler's 2011 income tax refund of **$18,968 for offset for restitution;**

41) In 2013 USA withheld George Verkler's 2012 income tax refund of **$2,164 for offset for restitution;**

42) In 2014 USA withheld George Verkler's 2013 income tax refund of **$8,968.02 for offset for restitution;**

43) 7/28/15 US Attorney Annette L. Hayes and Ass US Attorney Francis Franze-Nakamura stipulated they know George Verkler claims that USA owes George Verkler over a million dollars;

44) 11/05/19 Todd Skipworth sent George Verkler a letter stating that on the first case only $32,020.98 was collected after the balance was $192,644.05. That means **the court and USA stole and embezzled $551,484.18.** In the second case it did not show any of the cash, gold or silver or van collected for restitution per court records. Clearly US is trying to conceal moneys they collected and muddle the record to make their handling of the money untraceable. On 2/28/20 George Verkler sent a letter to Todd Skipworth disputing his figure and showing all the payments that were made. Mr. Verkler called on Mr. Skipworth to find out who embezzled the money and to correct the records. Todd Skipworth claimed to forward the information and documents to the US Attorney's office and transferred the information to Timisha Gilbert. The US Attorney's office has not responded. Timisha Gilbert said she a forwarded the documents to the US Financial Litigation Unit. Timisha

Gilbert and I have exchanged several phone calls. She claims the Financial Litigation Unit is looking into it, but I have not heard of any real progress;

45) 4/16/20 court records Mr. Verkler's request for effective counsel to solve problem of USA's infinite fines and embezzlement;

46) 4/17/20 since there is no docket number the false entry "Case as to George E Verkler Reassigned to Judge Benjamin H. Settle. (JW) (Entered: 04/17/2020)" This is the same judge that embezzled and stole $173,982.82 while not assigned to the case;

47) 5/27/20 the same judge Settle denies appointment of counsel;

48) In 2020 USA withheld George Verkler's 2014 income tax refund of **$18,386 for offset for restitution.**

49) 6/02/20 Mr. Verkler files Motion To Rebut Judge's Lies To Assign Attorney To Deal With Illegal Fines And Embezzlement Of Collected Funds And Demand An Impartial Judge;

50) 7/8/20 the same judge Settle denied the motion to rebut his lies, assign counsel to deal with his and others imposition of unconstitutional and illegal fines and for an impartial judge;

51) 7/21/20 Mr. Verkler filed notice of appeal to district and circuit courts;

52) 08/17/2020 USA by US Attorney Brian T. Morgan and Ass US Atty Charlene Koski in their Answering Brief for case 20-30097 stipulated they knew Mr. Verkler claimed USA owed Mr. Verkler $1.7 million p 10 ln 11 which would be from excess money collected from Mr. Verkler's 2001 case;

53) 8/19/20 Mr. Verkler filed Response to Court's Denial of Right to Attorney;

54) 11/13/20 circuit court dismisses appeal without consideration;

55) 11/24/20 Mr. Verkler filed Petition for Rehearing;

56) 1/12/21 USA engages in vindictive prosecution by filing a complaint for a violation of condition of supervised release after supervised release ended and for the charge of not paying monthly payments although USA knew Mr. Verkler did not owe money;

57) 3/3/21 court changed Petition for Rehearing to motion for reconsideration to deny it;

58) 3/10/21 Mr. Verkler filed for an en banc appeal;

59) 3/11/21 the court issued a false mandate that did not need legal requirements without ruling on the en banc appeal;

60) There are many other records on contacts made to resolve the dispute that were stolen from George Verkler by USA in an armed robbery on 10/16/14. USA refuses to submit copies of these records as required by discovery and the FOIA act.

REASONS FOR GRANTING THE PETITION

United States Ninth Circuit court of appeals has entered a decision in conflict with the decision of another United States court of appeals and the Supreme Court on the same important matter; and has **so far departed from the accepted and usual course of judicial proceedings, and sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power.** United States Ninth Circuit court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, and has decided an important federal question in a way that conflicts with relevant decisions of this Court.

The proceeding involves one or more **questions of exceptional importance**, each of which must be concisely stated the panel decision violates: 1) due process and threatens to destroy due process for any case any district judge or any circuit panel of judges wherein they wants to violate due process; 2) the constitutional and legal right to assistance of legal counsel, 3) the protection against double jeopardy; 4) the constitutional and legal right to an appeal and an impartial judge; 5) the constitutional and legal right to an hearing; 6) the right of a victim to rescind a contract when the other party commits breach of contract; 7) the court's obligation to obey the Constitution and Law and its an abuse of discretion; 8) the constitutional and legal protection against the cruel and unusual punishment of infinite fines for a non-violent crime amounting to less than $250,000, 9) the constitutional and legal right of every person to claim protection of the Constitution and the laws; 10) the panel decision violates the truth that the government or member of it has no right or authority under the Constitution or the Law to commit: crimes, torts, conspire or lie against an American.

Due Process Clause was violated because Mr. Verkler was not notified that the court

would conspire to impose additional penalties without notice or an hearing. The court rejected the plea agreement and did not inform Mr. Verkler the court was not required to follow the plea agreement in violation of FRCrP 11 (b)(5)(A)&(B) so Mr. Verkler has taken the opportunity exercise his right to withdraw the plea.

Mr. Verkler was denied access to the courts in violation of the 5th Amendment. The courts openly refused to consider motions and briefs filed by the defense and declare the defense has no right to access the courts. It has been established by the court's writings that they did not read much of what was presented to them.

The Supreme Court, the all the circuit courts recognize the **right** of a defendant in a criminal case **to have legal counsel** in such a case. But the Ninth Circuit denies all Mr. Verkler's rights in this case, and: 15-30244, 16-3,30001, 17-30237, 18-30073, 20-30097, and 20-35559. Settle denied legal counsel. The district commonly denies counsel

Mr. Verkler claims the right to counsel at every step including challenging USA's and the court's imposition of punishment not authorized under the sentence on record. The court's decision not to appoint an attorney to an indigent defendant in a criminal case violates the US Constitution, Congressional Statute, Federal Rules of Criminal Procedure and precedents. Under Powell v AL and US v Wade Mr. Verkler claims the right to counsel at every step including challenging USA's and the court's imposition of punishment not authorized under the sentence on record. This is a criminal case and even if it was a civil case the district judge and the appeals court judges lied stating they cannot appoint counsel. Without counsel the Defendant is not allowed a chance. The court may not rule against a defendant without counsel.

"Judges have a duty to ensure that the right to counsel as a jurisdictional prerequisite to depriving a person of his or her liberty is fully honored." Frazer v US;

Johnson v Zerbst. "A court's unreasonable or erroneous refusal to substitute counsel is presumptively prejudicial and requires reversal because it constitutes the constructive denial of counsel. US v Velazquez; US v Nguyen; see also US v Gonzalez-Lopez ("We have little trouble concluding that erroneous deprivation of the right to counsel of choice, with consequences that are necessarily unquantifiable and indeterminate, unquestionably qualifies as 'structural error.'" (internal citation omitted)." St of WA v Delila Reid. "The deprivation of the right to counsel... can never be treated as harmless error." Frazer v US; US v Iasiello; US v Leopard; Roney v US; Shepherd v US; Green v US; US v Maxwell. This court has no authority to rule against Mr. Verkler since Mr. Verkler is not allowed counsel. The courts indicate they will not allow truth or justice.

The imposition of multiple punishments beyond the sentence violates the **Double Jeopardy** clause. For USA to seize funds that the sentencing court did not order is a clear double jeopardy violation and not allowed under the Preamble. The US Constitution also states property cannot be taken without due process of law. To decide to take more property without notice and without regard to any evidence and without allowing the Defendant to present his case and without, an hearing or court order and when judge Settle does order money taken, he does it off the record and keeps the money rather than turning it in means he is not impartial and Settle committed embezzlement under color of law.

The US Constitution indicates there is **a right to appeal and make collateral attack and win** by requiring due process and authorizing Congress to establish courts inferior to the Supreme Court. The 5th Amendment's requirement of due process means that if the original court violates due process then a defendant must have the right to appeal. Federal Rules of Criminal Procedure grants appeal as a right. The appointment of counsel is separate from and collateral to the rights Mr. Verkler asserts in his cause of action. The

allows Mr. Verkler to appeal an interlocutory decision by the district court. By denying Mr. Verkler counsel the courts are indicating they will not allow Mr. Verkler to win his case.

The court issued an invalid mandate without ruling on the En Banc appeal. There is no certified copy of the judgment and is no opinion. There is no statement about costs. The order is not legal. The Ninth Circuit denied that Mr. Verkler has a right to appeal and stated they will not entertain filings in this case.

The trial judge is the only actor in the criminal justice system who has the power to ensure that the accused actually receives all of the other procedural due process safeguards guaranteed by the federal Bill of Rights and the rules of evidence. If the trial judge fails to protect the defendant's rights adequately, then unless the defendant has recourse to appellate review, all of the theoretically guaranteed constitutional rights may prove worthless. Unless the concentrated powers of the trial judge are to go unchecked, some type of a second hearing-an appeal-is constitutionally required by the due process clause of the fourteenth amendment. In this case the trial judge steals from the Defendant.

FRCrP 11(c)(4)(5)(A)(B) were violated because USA went against the plea agreement to impose an additional prison sentence beyond what was allowed under the sentence, illegally converted amounts paid toward restitution to fines not ordered and refusing to reduce the balance of restitution for amounts collected, illegally increased the restitution amount to infinity and imposed large extra fines without limit in violation of due process and without just compensation (credit for amounts collected). There has been no trial or hearing any time or anywhere to impose any such additional punishments. Mr. Verkler has the right to the assistance of legal counsel for his defense, but that right was violated. Since the court accepts unlimited restitution and fines then it has rejected the plea agreement in violation of FRCrP 11. Mr. Verkler has already shown fair and just reason for

withdrawing his guilty plea and has already done it. The court must officially recognize and record the withdraw of the guilty plea and vacate the conviction and sentence.

Mr. Verkler is **entitled to an impartial judge** according to 28 USC sec 455; Goldberg v Kelly; McNabb v US, 347; In re Murchison; Glasser v US, 72; Halliday v US; United Retail and Wholesale Employees Teamsters Union Local No. 115 Pension Plan v Yahn and McDonnell, Inc, 138. What processes are due? The Goldberg Court answered this question by holding that the state must provide a hearing before an impartial judicial officer, the right to an attorney's help, the right to present evidence and argument orally, the chance to examine all materials that would be relied on or to confront and cross-examine adverse witnesses, or a decision limited to the record thus made and explained in an opinion. The Court's basis for this elaborate holding seems to have some roots in the incorporation doctrine. A defendant has... "the right to an unbiased decisionmaker," see Board of Educ. v. Rice; H. WADE, ADMINISTRATIVE LAW 171-218 (3d ed. 1971), even tracing its origin back to Genesis, Rex v. University of Cambridge.

The US Constitution states it is to establish justice and liberty for a more perfect union and only allows judges to remain in office during good behavior indicating they must obey the US Constitution and the Law and be fair, just and impartial, not lie nor commit a crime against people. That even purportedly fair adjudicators "are disqualified by their interest in the controversy to be decided is, of course, the general rule." *Tumey* v. *Ohio*, Syllabus # 1, 522. Hamdi v Rumsfeld, 542 US 547, III D (2004). Judges can only issue warrants upon probable cause supported by evidence, they are to be impartial. "When the opposing party puts forth no facts, no law and no argument to support their positions it is illegal for the court to rule on their behalf." Old Colony Trust Co. v Commiss'r of Int Rev.

Furthermore FRCrP1(b)(2) states, "'Court' means a federal judge performing functions authorized by law." So, a judge must act according to law and according to the evidence to be impartial. It also means when a judge acts contrary to law it is not "Court". It means the judge becomes a vigilante when he acts contrary to law; and his decisions and orders are null and void.

The judge's actions as a thief, embezzler and other crimes, violations of the Constitution and Supreme Law prove he is not impartial. US v Cross, 314; United Retail and Wholesale Employees Teamsters Union Local No. 115 Pension Plan v Yahn and McDonnell, Inc, Great Western Mining and Material Co v Fox Rothschild LLP; Nesses v Shepard, 1005; Marshall v Jerrico, Inc., 242.

The US Constitution and several Laws establish a defendant's **right to an hearing**. The US Constitution and Law establish a right to trial by jury and due process and the right to appear before a judge which means a right to an hearing from initial appearance through appeal and specifies a right to an hearing. In an ordinary case a citizen has a right to a hearing to contest the forfeiture of his property, a right secured by the Due Process Clause, United States v. James Daniel Good Real Property, 510 U.S. 43, 48 -62 (1993); Fuentes v. Shevin, 407 U.S. 67, 80 (1972); McVeigh v. United States, 11 Wall. 259, 266-267 (1871).

"Very notion of hearing, under due process..., however informal, connotes that decision maker will listen to arguments of both sides before basing decision on evidence and legal rules adduced at hearing." Billington v Underwood; Goldberg v Kelly, 271; In re Murchison; Dunn v US, 107.

The most recent decisions of the Supreme Court show a resumption of the trend toward greater and greater insistence on hearings. North Ga. Finishing, Inc. v. Di-Chem, Inc., 723; In Goss v. Lopez the Supreme Court pushed the requirement of "some kind of hearing". "...court must take defendant's allegations as true..." Mack v US. "[A] hearing in its very essence demands that he who is entitled to it shall have the right to support his allegations by argument however brief, and, if need be, by proof, however informal. '" Londoner v. Denver, 386; Joint Anti-Fascist Refugee Committee v. McGrath, 171-2. "The Court has consistently held that some kind of hearing is required at some time before a person is finally deprived of his property interests." Wolff v. McDonnell, 557-8. "...contention that [defendant's] allegations are improbable and unbelievable cannot serve to deny him an opportunity to support them by evidence" Walker v Johnston, 287; Machibroda v US, 495. "...the denial of that right is a controversy." Willner v. Committee on Character, 102. The essence of due process is the requirement that "a person in jeopardy of serious loss [be given] notice of the case against him and opportunity to meet it." Joint Anti-Fascist Comm. v. McGrath, p349 ? (1950). It is likewise fundamental that notice be given and that it be timely and clearly inform the individual of the proposed action and the grounds for it. Boddie v. Connecticut; Goldberg v. Kelly; Armstrong v. Manzo; Mullane v. Central Hanover Bank & Trust Co.. Stewart v. Jozwiak. "Due Process clause requires at a minimum that deprivation of life, liberty, or property by adjudication be proceeded by notice and opportunity for hearing appropriate to nature of case." Groppi v Leslie.

Defendant proved he was to receive credit towards restitution for amounts collected, PLEA CONTRACT and USA collected substantial sums USA version of PLEA CONTRACT but USA takes away no credit for what it collected. That is a clear **breach of their contract.** "... where the government has breached or elected to void a plea agreement the defendant

is necessarily released from an appeal waiver provision contained therein... a defendant may seek... withdrawal of the guilty plea..." US v Gonzalez (2002, CA5 Tex) 309 F.3d 8824; Santobello v New York, 404 US 257, 30 L ed 2d 427 (1971); US v Puckett, 556 US 129, 129 S Ct 1423, 173 L Ed 166 (2009); US v Saling, 205 F.3d 764, (5th Cir 2/29/00); US v Pollard, 959 F. 2d 1011 (295 App DC 7) (9/10/91); US v VanThourmount, 100 F.3d 590 (3d Cir 1996); Dunn v Collaran, 247 F.3d 450, 462, Penn 12/7/2000; Kingsley v US, 968 F.2d 109 (1992, CA1 Mass) (1992); Cosby v Muncy (1979, ED Va) 469 F Supp 658; Williams v Estelle (1982, CA5 Tex) 681 F.2d 946; also US v Ammirato, 670 F.2d 552, 554 – 555 (5th Cir 1982)(s2255); Bryan v US, 492 F.2d 775, 776 (5th Cir 1974). The plea agreement and sentence specifically calls for credit for amounts collected.

It is an **abuse of discretion** to apply the wrong legal standard, US v Ruiz, 1033. The circuit court clerk has applied the wrong standard to this case. This is a criminal case. The decision to deny Mr. Verkler's right to an attorney was a final decision, and the clerk may not lie about the effect of a Supreme Court opinion, Arce v Garcia, 1260.

According to FRCrP 1(a)(1) the rules govern all criminal proceedings in all US courts. To apply a different standard in order to commit a crime against a defendant is not allowed. The judges cite 28 USC 1291 which does not apply and they also cite *Cohen* but got it backwards. The correct law is 28 USC 1292. The higher court needs to overturn the illegal lower court decisions. "The burden always remains with the government" US v Dozier, #100. American rights, liberty, justice, the honor of USA, the judicial system, and the legal profession are all at stake.

The courts overlooked that the district court has not only abused discretion, it has violated discretion, and it has violated the US Constitution and Supreme Law and rebelled against Supreme Court precedents and Ninth Circuit and other Circuit Court precedents.

Settle blatantly lies about the case he cited, even saying the opposite. The Ninth Circuit has the same problem. Settle did not consider the relevant record or what Mr. Verkler presented. Settle had no authority to make a ruling against Mr. Verkler because 1) it has been established beyond any reasonable doubt that Settle is not impartial 28 USC 455, Goldberg v Kelly, 397 US 254 (1970); Halliday v US; 2) Mr. Verkler was not allowed counsel for appeals 15-30244, 16-30001, 17-30237, 18-30073, 20-30097, 20-35559 there is a jurisdictional bar that forbids the court to rule against Mr. Verkler (Johnson v Zerbst, the court still has not done its duty to rule in Mr. Verkler's favor for all appeals; 3) Mr. Verkler's right to a defense was violated; 4) courts violate due process and abuse discretion; 5) the guilty plea was not knowingly made; 6) breach of contract by USA; 7) double jeopardy was violated; 8) the appellate court did not: conduct an examination of the case, read the sentence, read any transcripts, Mr. Verkler's filings, nor Mr. Verkler's briefs; 9) Also, USA did not file an answering brief for: appeals 15-30244, 16-30001, 17-30237, 18-30073, 20-30097, 20-35559, so the court was obligated to rule in Mr. Verkler's favor. Settle's activities are a mockery of justice, completely void of factual or legal basis. Settle has acted outside his legal authority to commit felony crimes against Mr. Verkler.

The imposition of multiple punishments beyond the sentence violates the **Double Jeopardy** clause. The court and USA have violated the Constitution Preamble, Article III Section 2, Fifth, Eighth Amendments by imposing **punishments** without charges, a trial, a guilty plea or a nolo contendere plea, all without a court order and without due process of law that he was not sentenced to endure: 1) imposing indefinite fines; 2) denying legal counsel; 3) denying court access; 4) denying legal counsel.

For USA to seize funds that the sentencing court did not order is a clear double jeopardy violation and not allowed under the Preamble. The 5th Amendment also states

property cannot be taken without due process of law. To decide to take more property without notice and without regard to any evidence and without allowing the Defendant to present his case and without a trial, an hearing or court order and when judge Settle does order money taken, he does it off the record or stole the court record and keeps the money rather than turning it in means he is not impartial and Settle committed theft and embezzlement under color of law. They all violate due process. Because there has been no court ordered fines or increase in restitution their imposition is unconstitutional and illegal.

Mr. Verkler's withdraw of the guilty plea took place before the court-imposed sentence and the Defendant did show fair and just reasons for the withdrawal. USA and the court also unjustly took property without just compensation. Both the US Constitution and the plea contract require USA and the court to give credit to Mr. Verkler for what they collect. They do not give credit for much of what they collected. Not only did they not give credit for much of what they collected, they actually reduced the amount they stipulated to collecting a number of times. On 1/6/6 USA stipulates they collected $288,022.03 (Exhibit 1G). On 4/22/8 USA claims the amount collected was down to $143,448.80 despite the fact USA had collected more money since 1/6/6. On 11/5/19 USA decreased the amount they claim they collected down to $32,020.98 despite collecting more since 11/5/19 (Exhibit 1A). For USA and judge Settle to take more money than agreed in the Plea Contract and ordered by the sentencing court constitutes unjust excessive illegal fines. It also proves breach of contract and Mr. Verkler has the right to reject the whole deal. So, the Defendant can rescind the Plea Contract for USA's breach of contract. Once USA stipulates receiving money they cannot deny it." The Defendant can rescind the Plea Contract for fraud. Fraud exists because USA lied about limiting the restitution to the amount ordered by the court, and USA lies about the amount they received. That means the only way to stop USA and a

judge like Settle is to reverse the conviction and sentence they use to impose unlimited fines and stealing money.

By not give credit for funds collected and take more money than agreed in the Plea Contract and ordered by the sentencing court constitutes unjust excessive illegal fines. Refusal of USA, probation and the court to give credit for payments made also proves breach of contract and Mr. Verkler has the right to reject the whole deal, 28 USC 3308, UCC § 2-601. So, the Defendant can rescind the Plea Contract for USA's breach of contract. Once USA stipulates receiving funds, they cannot deny it." The Defendant can rescind the Plea Contract for fraud. Fraud exists because USA lied about limiting the restitution to the amount ordered by the court, and USA lies about the amount they received. That means the only way to stop USA and a judge like Settle is to reverse the conviction and sentence they use to impose unlimited fines and stealing money.

18 USC 4 not only makes it a felony for the judges, prosecutors and my attorneys to refuse to report the crimes against Mr. Verkler it means Mr. Verkler has **protection under the Law** and access to the court to report those crimes. "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury such as the government committing crimes against him and his loved ones." Marbury v Madison, 163.

As the [Supreme] Court has repeatedly emphasized, was to confer upon the federal courts the duty to accord a person prosecuted... every safeguard which the law accords ..." Sinclair v US, 296-7; Watkins v US, 208; Sacher v US, 577; Flaxer v US, 151; Deutch v US, 471; Russell v US, 755. "... the substantial safeguards to those charged with serious crimes cannot be eradicated under the guise of technical departures from the rules." Smith v US, 9; Russell v US, 763-6 n13.

"... a democratic society, in which respect for the dignity of all men is central, naturally guard against the misuse of the law enforcement process. Experience has therefore counseled that safeguards must be provided against the dangers of the over-zealous as well as the despotic." Mc Nabb v US. A defendant has the right to pursue his statutory rights without being subject to a significant increase in ... punishment, US v Jackson; Blackledge v Perry, 28-9; US v Groves, 453; US v DeMarco, 1226; US v Oaks, 940.

The "district court erred in allowing forfeitures where neither the indictments [or plea contract] mentioned or included [them]" US v Seifuddin; US v Mishla-Aldarondo.

Although the entire US Constitution was not presented it can be seen that the original body mainly establishes how to set up the government and tells what it can do. Some amendments give the government additional powers, but **neither the US Constitution nor the Law ever gives anyone in the government power or authority to commit a crime or to lie against any American person.** And the Tenth Amendment denies the US government all powers and authority not specifically given in the US Constitution. As in Agnello v US, 32; Boyd v US, 617, 630, 635; Byars v US, 32; Gouled v US, 298, 304; Weeks v US; Siverthorne Lumber Co v US; US v Lefkowitz, 466-7; the Court ruled the amendment merge to expand a person's rights beyond what each amendment does on its own; Roe v Wade, 152 in a line of decisions the Court has recognized that the right to privacy goes beyond each individual amendments the Court should recognize people in government cannot commit a crime, a tort, conspire or lie against an American. Unlawful acts and violations of rights are not to be sanctioned by the courts, Weeks v US, 383. This court has the opportunity to put forth the greatest advancement for justice and freedom since the civil rights movement.

The entire conflict with the United States began when US agents brutally beat up and gang raped Mr. Verkler's fiancée which also violates the Preamble. Since the conflict broke out multiple official representatives of the US government made a legally binding admission to the Ninth Circuit Court, they did assent and agree, that US agents did brutally beat up and gang raped Mr. Verkler's fiancée (Exhibit P p6,10). It has also been revealed that after Jeffery Epstein's last arrest, it was revealed that 4 out of 5 of the last Presidents, the majority of federal judges and the majority of US Senators were customers, johns, of Jeffery Epstein that raped little girls that had been enslaved by Epstein. It was also revealed that federal employees rape about 500,000 innocent women every year, (en.wikipedia.org/wiki/Rape_in_the_United_States). During WW2 the government kidnapped 120,000 people and 62% were American citizens (Internment of Japanese Americans, en.wikipedia.org). Prior to Martin Luther King Jr.'s civil rights movement it was common for the government to oppress, exploit, discriminate against impose apartheid upon blacks, torture, imprison and murder them. It is true that there is nothing in the U.S. Constitution or federal law that gives anyone in the government authority to commit a crime, a tort, conspire or lie against an American.

The court did not explain most the seriousness of the charges. The court did <u>not</u>: 1) say Mr. Verkler would not get credit for prior amounts collected, instead the judge said I would get credit for prior amounts collected; 2) say Mr. Verkler would not get credit for amounts forfeited or collected after the plea, instead the judge said Mr. Verkler would get credit towards restitution; 3) say Mr. Verkler would be denied future access to the court; 4) say Mr. Verkler could not get legal counsel in the future; 5) would have to pay an infinite amount in fines even without a court order, instead the judge said the maximum fine was $250,000 and the judge ordered no fine. It need not be established "that there was a formal

agreement to conspire; circumstantial evidence and reasonable inferences drawn therefrom concerning the relationship of the parties, their overt acts, and the totality of their conduct may serve as proof US v Kaczmarek; US v Cogwell; US v Whaley; US v Griffin; US v Mayo; US v Washington. Only slight evidence to prove that an individual was a member of the conspiracy, US v Castillo; US v Gironda; US v West; US v Robinson; US v Marrapese; US v Nunez; US v Braasch;

It was proven lawyers, judges, magistrates, prosecutors, police, sheriffs, marshals, secret service agents, prison staff, customs officers, clerks, court employees, tax collectors, Department of Agriculture officers, politicians and their employees, political enemies, lobbyists, or any public official, any individual in the public sector or any entity in the public sector, even entire departments, courts, municipality, utility or corporation: cannot commit a crime or conspiracy, a tort or lie like: kidnapping, illegal gun use, delay in arraignment, or trial, indefinite detainment, attempted murder, murder, false or misleading testimony, no claim that a statement was obtained without coercion or accurately recorded and relevant can make it admissible and it is on overriding concern that effective sanctions be imposed against illegal arrest and detention, punishment prior to judgment of conviction, subterfuge, pretext, lying, bribery, filing false income tax forms, RICO, extortion, attempt to illegally solicit, blackmail, threats not even against loved ones, third degree, assault, battery, torture, promises to discontinue improper harassment, a shakedown, use of the spoils system, kickbacks, theft of documents, theft, embezzlement, receipt or possession of stolen goods, corruption, scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, to harm, untoward blandishments, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or

spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, obstruction of enforcement of criminal law, obstruction of justice, unauthorized exercise of power, exceeding official power, violating a law relating to office, violating to use all lawful means to prevent injury, drug crimes, illegal gambling, cover-up, mutilate or conceal files, false statements in court, perjury, planting evidence, withholding evidence, falsifying evidence, skullduggery, falsifying documents, falsifying the document, fabricating stories or evidence, inducing a witness to testify falsely, intimating a witness, witness tampering, depriving of honest services, various types of governmental interference that deprive the defendant of the right to witnesses, deprivation of rights, fraud, mail fraud, wire fraud, conspiracy, misrepresentation (including unfulfilled or unfulfillable promises), or perhaps by promises that are by their nature improper or any crime under color of law, refusal to due one's duty, under color of official right; and they should get a more severe punishment and citizens have a right to good government Brady v Maryland, 86, 87; Brady v US, 755, Brown v Miss,. 281-7; Bynum v US, 466-7; Carpenter v US, 571, 572; Cote v US, 309 or 793; Davis v St of NC, 752-3; Ginoza v US, outcome; Govt of Virgin Is v Solis, 620-1; Miranda v AZ, 447; US v Margiotta, 132-3, #1,2,4,5,8-10,84; US v Mayes, outcome; Mc Nabb v US, 269, 271-2; US v Mitchell, 67, 70, 88; US v Jernigan, 1213-4; US v Lefkowitz, 464; US v Middleton, overview; US v Morales, outcome, 851-3; US v Roth, 1383; US v Osunde, overview, 173, 175-7, ?; US v Sotoj-Lopez; Upshaw v US, 413 summary; Mc Nabb v US, 344; US v Roth; Branion v Gramly; US v LeFevour; US v Devine; US v Connecticut; US v Murphy; Salinas v US, 63-5; US v Nardello, 286-9; US v Ruiz, 508, 3, 39, 40; US v Angelilli, 30-5, #1,2; US v Bacheler, 450; US v Frumento, ?-1092; US v Mazzei, 643-4, #1, 17, 37; US v Twigg, 381; US v Altomare, 7-8; US v Baker, #1, 9; US v Long, 241-2, #1,2,21; Shelton v US, 572 n2; US v

Brown, 262; US v Dozier, 543 n8, #1-14, 16, 32, 114-5; US v Hathaway, 393; US v Hammond, 1012-3; Webb v Texas, 95; US v Heller, 152-3; US v Wright; US v Dischner, 1511, 1515 n15, #2-5,8,21,26,51-2, 61; US v Bagnariol, 1, 85; Marrow v US; US v Whalen, 1348; US v Olinger; US v Guest, 745; Wilkins v US; US v Ehrlichman; US v Jacquemain; US v Romero; US v McFall, posture; US v Byrne, 18-20; US v Ronda; US v Vega; US v Ferreira, 51; US v Black; Wolfish v Levi; Cupit v Jones; Matzker v Hen; Duran v Elrod,; Green v Baron; Johnson-El v George; Villanueva v George; Berry v Muskogee; Sampson v Schench; Sutton v US; US v Lefkowitz; Taglavore v US, 265; Warren v Lincoln; Ferrara v US, 26th pg; Missouri v Blair; US v Partida, 562, #2,83,89; US v Welch, 1039-47, 1057, 1059, 1060, 1062, 1064-5, 1067-70, 1,A,C,D,III A,1,C,1,D,1,2; US v Sivils, 596, #2,23,73; US v Thompson, 998-1000, #2,39,45,53-6, 69; US v Grzywacz, 686-7, 690, #1-10,12-20,22-25,29,36; US v Hocking, 769, 777; US v Lee Stoller Enterprises, Inc., 1317-9, 1-4,10, 12; US v Masters; US v Rindone, 491, 494-5; US v Schmidt, posture, 830-2; US v Shamah, overview, 451-2, 455, 457-9; US v Jacquemain; US v Clark, 1261-7, #3,4,28; US v Bordallo, #1,3-6,8,27,45,50; US v Egan, #2,18; US v Gates, #1-2, 34-5, 38; Diaz v Gates, #1.2, 22, 26; US v Ohlson, 1349, #2. 9; US v Graham, #1,8; US v Cross, 310-3; Nesses v Shepard, 1005. ("The court noted that is sees a `ton of police misconduct cases' and many police officers that had come before the court had long records of citizen complaints") US v Carson, posture, 570-2, 590; US v Townsend; US v Zwick, 685; Sutton v US "... those who commit crimes themselves cannot prosecute other's crimes." see US v Blackwood, 134-6, #2,3,7,60; US v Holzer, 305-7, 310; US v Rabbitt,1019-21, 1026. For USA to lie is plain error, US v Lane, 1399. "Case must be remanded for full consideration of delay between defendant's arrest and his appearance before magistrate..." US v Keeble. An indictment does not eradicate any deprivation of constitutional rights, US v King, 776.

"... a [government] defendant may be found guilty of conspiring... even if the defendant did not join the conspiracy until after its inception and even if the defendant played only a minor role in the whole scheme... defendant is bound by all acts of other co-conspirators that occurred during the conspiracy, even if those acts were unknown to the defendant." US v Broadwell, 602 and do not need to know the others in the conspiracy US v Wilson, 1253; US v Andrews, 1496; US v Holloway, 679; US v Scrushy, 468. As in Re Oliver, 273 the courts decided to keep secrets from the public. "... it was not necessary to prove that they knew their conduct was unlawful. US v Reese; US v Barker; US v Brown, 415; US v Burchinal, 992, #28; US v Winter, 1136; US v Cruz, 782-3; US v DeVincent, 159; US v Torres Lopez, 524; US v Angiulo, slip op at 14-15. "Uncharged acts [by government personal] may be admissible as direct evidence of the conspiracy itself." US v Diaz, 79; US v Castro; US v Matera, 121; US v Mejia, 206-7. "The overt act... need not be itself a crime." Bannon & Mulkey v US, 468, 469; Joplin Mercandile Co. v US; US v Rabinowich, 86; Pierce v US, 244; Braverman v US, 53; "18 USC 241 does not require that any overt act be shown" US v Morado; US v Skillmen; US v Whitney; US v Ellis; US v Bufalino; US v Cola, 1124; nor an overt agreement US v Weiner. No direct evidence is needed, Glasser v US, 80; US v Manton, 839; US v Hinojosa; only circumstantial evidence US v Zang, 1191; Jordan v US, 128; US v Hampton; and hearsay declarations of co-conspirators are admissible against other members of the conspiracy..." US v Nixon, 701; US v Feliziani, 1046. "... a conspirator is liable for acts undertaken by a co-conspirator in furtherance of their conspiracy." US v Chambers, 913-4; US v Craig; US v Toney, 1355; Dickerson v US Steel Corp, 67.... If a party has the potential to stop illegal activity but fails to act to do so, and sits idly by, then that party may be said to have impliedly conspired in such illegalities. ... it is not required to prove exact details of the agreement." US v Odiz...; US v Weilner...; US

v Arians-Izquierdo...; US v Romero....; Crowe v Lucas, 993; Hunt v Weatherbee....; Gooch v US; Fritts v US; Pinkerton v US, 640; Carpenter v US, 571, 572.

"... it was not necessary to prove that they knew their conduct was unlawful. US v Reese; US v Barker; US v Brown; US v Burchinal; US v Winter; US v Cruz; US v DeVincent; US v Torres Lopez; US v Angiulo;. "The overt act... need not be itself a crime." Bannon & Mulkey v US; Joplin Mercandile Co. v US; US v Rabinowich; Pierce v US; Braverman v US; "18 USC 241 does not require that any overt act be shown" US v Morado; US v Skillmen; US v Whitney; US v Ellis; US v Bufalino; US v Cola; nor an overt agreement US v Weiner. No direct evidence is needed, Glasser v US; US v Manton; US v Hinojosa; only circumstantial evidence US v Zang; Jordan v US; US v Hampton; "... a conspirator is liable for acts undertaken by a co-conspirator in furtherance of their conspiracy." US v Chambers; US v Craig; US v Toney, 1355

> ... need not show that such an agreement was express; a conspiracy may be implied from the circumstances." Dickerson v US Steel Corp.... If a party has the potential to stop illegal activity but fails to act to do so, and sits idly by, then that party may be said to have impliedly conspired in such illegalities. ... it is not required to prove exact details of the agreement." [US v Odiz; US v Weilner; US v Arians-Izquierdo; US v Romero]. A showing of conspirators rarely formulate their plans in ways suspectible of proof by direct evidence. Crowe v Lucas...; Hunt v Weatherbee...

Whoever aids or abets a crime is punishable as the principle and if 2 people act in concert, then the act of one is considered the act of the other, Gooch v US; Fritts v US; Pinkerton v US, 640; Carpenter v US;

In Mr. Verkler's case, court records were falsified by putting false entries on the docket and removing true entries from the docket and stealing filed documents from the court records and dates of filings were falsified and the order changed all to deny Mr.

Verkler justice and due process and commit crimes against him. The court ruled these acts are criminal and the clerk's conviction was upheld, US v Conn, 420-1, 423, 425; US v Bagnariol, 893, #18; US v Twigg, 381. Also, US v DiSalvo, proc posture, 1211, 1244; US v Polizzi, 1548; US v Nakaladski, 298; US v Natale, 1168-9; US v Sears, 587; Salinas v US, 63-5; US v Nguyen, 1341.

CONCLUSION

There are many categories of reasons to rule in George Verkler's favor. These categories each have multiple reasons to rule in Mr. Verkler's favor. Any one of these reasons alone would be enough to rule in George Verkler's favor.

It is important to rule in George Verkler's favor especially the last issue that: the government and no one in it has the right, authority or power to assist or commit a crime, a tort, to conspire or lie against any American person. The fate of America is riding on your decision.

It does not matter whether a person looks at opinions with judges with the original founding father, or opinions with current judges or anywhere in between or look at Supreme Court or any Circuit Court or other courts all published opinions favor George Verkler.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

George Verkler

Date: 5/26/2021