21-7793

No. 22-70022

In The Supreme Court of the United States

Leihiniahina Sullivan, Pro Se
Petitioner

vs.

United States District Court For
The District of Hawaii,

Respondent,

United States of America,

Real Party In Interest

Petition for Certiorari

Leihiniahina Sullivan, Pro Se
c/o Federal Detention Center Honolulu
Inmate No. 09779122
PO Box 30080
Honolulu, Hawaii 96820

List of Parties In Court Below

United States Distnct Court For The District of Hawaii;
United States of America, Real Party In Interest.
The caption set out above contains the names of all parties

List of Cases Directly Related To This Case

1. 22-70022 United States Court of Appeals for the Ninth Circuit
2. 1:17-cr-00104-JMS-KJM-1 Distnct Court for Distnct of Hawaii
3. March 17, 2022 Date of Entry of Judgment United States Court of Appeals for the 9th Circuit

Questions Presented For Review

Due to the lack of resources while pretrial incarcerated at Honolulu Federal Detention Center ("FDC") I apologize for using recycled paper, pencil, and my TRULINKS email to to draft this and incorporating United States Supreme Court docket #21-6715 as it provides relative transcripts and documents which led to this Petition for Writ of Certiorari as my Prose Status was taken away by U.S. District Court Judge J. Michael Seabright ("Judge Seabright") which is the result of his ordering my patient-psychotherapy records from my treating doctor, psychiatrist over my objections. See Exhibit E Order and Sup Ct. Dkt. #21-6715.

Question #1 Should the Assistant United States Attorney ("AUSA") in a criminal case be able to order trial court subpoenas, two months in advance, knowing there would be no trial, then producing fake grand jury subpoenas from those trial court subpoenas, a subterfuge to continue investigating a criminal defendant, resulting in 5 piecemeal indictments within 3 years, in violation of pro se defendants 6th, 8th and 14th Amendment Constitutional Rights? (See Lacy v. Maricopa, 693 F.3d 896, 913-14, where the 9th Circuit Court of Appeals held that a prosecutor who improperly issued fake subpoenas was not entitled to absolute immunity).

Question #2 Should a district court judge be able to order sua sponte a pro se criminal defendant's treating psychiatrist patient-psychotherapy over criminal defendant's objection, then continually use those records against criminal defendant, revoking her pro status on February 4, 2022 (Exhibit C Pp 33) all in opposite of what Jaffee v. Redmond, (518 U.S. 1, 135 L.Ed 22, 337, 116 S.Ct. 1926 (1993)) protected which is patient-psychotherapy privilege?

Question #3 Is it structual error (Faretta v. California, 422 U.S. 806 (1975)) when a district court judge revokes a criminal defendant's pro se status to represent herself during sentencing based on "... strong indication that she simply could not and would not follow what's required of her," so revoking a criminal defendant's pro se status based on what might happen? (See Exhibit C Pp. 35)

/s/ [signature]

Dated: April 10, 2022
Honolulu, Hawaii

Rule 14.1(d) Statement of Jurisdiction
Reference to Opinion Below

On February 4, 2022, my pro se status in my criminal case was revoked by a United States District Court Judge for the District of Hawaii. On February 18, 2022, I filed a Writ of Mandamus for Final Order Revoking My Pro se Status in my criminal case per 28 U.S.C.S. § 1291 as a final decision and 28 U.S.C.S. § 1651 which was docketed as U.S.C.A. No. 22-70022 (Exhibit A). On March 17, 2022 my Petition was denied (Exhibit B). On April 1, 2022, I filed this timely Writ of Certiorari to the United States Supreme Court which has jurisdiction per 28 U.S.C.A. 1254. I make this pleading in good faith.

/s/ [signature]

Dated: April 27, 2022
Honolulu, Hawaii

TRULINCS 09779122 - SULLIVAN, LEIHINAHINA - Unit: HON-F-B

FROM: 09779122
TO:
SUBJECT: STATEMENT OF JURISDICTION
DATE: 04/07/2022 03:28:46 PM

STATEMENT OF JURISDICTION

On February 4, 2022, my pro se status in my criminal case was revoked by a United States District Court Judge for the District of Hawaii. On February 18, 2022, I filed a Writ of Mandamus for Final Order Revoking My Pro Se Status in My Criminal Case per 28 U.S.C.S. Section 1291 as a final decision and 28 U.S.C.S. Section 1651 which was docketed as U.S.C.A. No. 22-70022 (Exhibit A). On March 17, 2022 my Petition was denied (Exhibit B). On April 1, 2022, I filed this timely Writ of Certiorari to the United States Supreme Court which has jurisdiction, 28 U.S.C. Section 1254.

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TRULINCS 09779122 - SULLIVAN, LEIHINAHINA - Unit: HON-F-B

FROM: 09779122
TO:
SUBJECT: SUMMARY OF ARGUMENT
DATE: 04/10/2022 10:55:44 AM

I am a pro se criminal defendant petitioner, therefore my pleadings should be liberally construed. See Erickson v. Pardus, 551 U.S. 89, 94, 127 S. Ct. 2197; 127 S. Ct. 2197; 167 L.Ed 2d 1081 (2007)(per curiam)(citation omitted).

I. FAKE GRAND JURY SUBPOENAS - DISTRICT COURT JUDGE ERRED BY ALLOWING THE ASSISTANT UNITED STATES ATTORNEY REBECCA PERLMUTTER ("AUSA PERLMUTTER") TO ISSUE FAKE GRAND JURY SUBPOENAS FOR OVER THREE YEARS BRINGING FIVE PIECEMEAL INDICTMENTS, AND REPRESENTING TO WITNESSES AND OTHER ENTITIES THEY COULD COMPLY WITH THESE FAKE GRAND JURY SUBPOENAS BY CONTACTING IRS AGENT MARK MACPHERSON ("IRS AGENT MACPHERSON"), WHEN IN FACT AUSA PERLMUTTER & IRS AGENT MACPHERSON WAS THE GRAND JURY

From February 15, 2017 and at least through December 15, 2020, AUSA Perlmutter should not have been able to order trial court subpoenas two months in advance knowing there would be no trial, then producing fake grand jury subpoenas from these trial court subpoenas, a subterfuge to continue investigating a criminal defendant which resulted in 5 piecemeal indictments within 3 years, in violation of pro se defendant's 5th, 8th, and 14th Amendment Rights to the United States Constitution. (See Lacey v. Maricopa, 693 F.3d 896, 913-14 (9th Cir. 2012) held that a prosecutor who improperly issued fake subpoenas was not entitled to absolute immunity for his conduct). AUSA Perlmutter and IRS Agent Macpherson in their official capacities had improperly asked for trial court subpoenas knowing there would be no trial and fraudulently representing to individuals and institutions that the trial court subpoenas were "grand jury subpoenas". To further their fraudulently actions, official government letter heads was used to state that individuals and institutions could comply with the fake grand jury subpoenas by contacting IRS Agent Macpherson who would then interview and collect information for the "grand jury", which was false as AUSA Perlmutter and IRS Agent Macpherson was the TWO MAN GRAND JURY. (See Malley v. Briggs, 475 U.S. 335, 342 (1986) by avoiding judicial scrutiny, "[the prosecutors'] actions were one step 'further removed from judicial phase of criminal proceedings.'") This Court should find this practice unconstitutional.

AUSA Perlmutter qualified stipulation to trial court that these witnesses in the trial date was untrue. AUSA Perlmutter misrepresentation strikes at the veracity of Government's representation to the trial court and individuals who were subpoenaed for trial but was told these trial court subpoenas were grand jury subpoenas. That by supplying the plethora of information requested on these trial court subpoenas, fraudulently claimed to be grand jury subpoenas, they could comply by furnishing the information to IRS Agent Macpherson who was part of the prosecution team and not have to appear before the grand jury. The grand jury, was in fact AUSA Perlmutter and IRS Agent Macpherson. A violation of pro se defendant's constitutional right to self-representation when that information was used to civilly detain me for over two (2) years, given no resources (hence use of TRULINKS email as word processor, recycled paper, and pencils to write this pleading) at FDC Honolulu, cruel and unusual punishment , prosecutorial misconduct, and violation of due process rights, 8th and 14th Amendment Constitutional Rights. (See Malley v. Briggs, 475 U.S. 335, 342 (1986).

II. DISTRICT COURT JUDGE ERRED WHEN HE ORDERED SUA SPONTE PRO SE DEFENDANT'S TREATING PSYCHIATRIST PATIENT-PSYCHOTHERAPY MEDICAL RECORDS IN THE COURSE OF TREATMENT OVER PRO SE DEFENDANT'S OBJECTIONS (See Exhibit E Order) (Jaffee v. Redmond, 518 U.S. 1, 135 L.Ed. 22 337, 116 S. Ct. 1926 (1993) Instructive but not on point)
On September 11, 2019 I was granted pro se status to represent myself in my criminal case by district court judge in the District Court of Hawaii (Criminal Case No. 1:17-cr-00104-JMS-KJM Dkt. #236: Exhibit D), which I represented myself in numerous pretrial hearings with no issues professionally since that date. On September 21, 2020 (Exhibit D Id. Dkt. #1001), appointed standby counsel Mr. Richard Hoke revealed in the sealed portion of my hearing to Chief Administrative District Court Judge J. Michael Seabright ("Judge Seabright"), that I told him that my treating psychiatrist Dr. Ethan Pien had concerns about me not being able to make it through trial without having some sort of breakdown, something I told standby counsel in confidence and which I never gave him permission to reveal, breach of attorney-client privilege. That same afternoon, standby counsel further breached my attorney-client privilege when he filed "Notice of Intent by Leihinahina Sullivan to introduce Expert Testimony" of my treating psychiatrist without my consent (Id. Dkt. 1002). The very next day I filed "Notice of Withdrawal of Notice of Intent to Offer Expert Testimony by Leihinahina Sullivan" to correct the wrong committed by standby counsel (Id. at Dkt. 1003 filed September 22, 2020). It was too late the damage was done, Judge Seabright then ordered on September 28, 2020, "on its own motion orders pro se Defendant Leihinahina Sullivan to undergo a mental competency examination pursuant to 18 U.S.C. Section 4241. See ECF No. 1008" (Id. Dkt. 1011 filed September 30, 2020). Then followed by Judge Seabright ordering my treating psychiatrist patient-psychotherapy records sua sponte over my objections on January 27, 2021 (Id. Dkt. #1048) which all fifty-four (54) records was then transcribed onto a report by Dr. Reneau Kennedy and then shared with the Plaintiff's United

States District Attorney in my case which had all of my weaknesses of my case, personal information that was detrimental to my case.

In Jaffee, the United States Supreme Court stated that by protecting confidential communications between a psychotherapist and her patient from involuntary disclosure, the privilege serves an important private interests. The psychotherapist privilege serves the public interest by facilitating the provision of appropriate treatment for individuals suffering the effects of a mental or emotional problem. To order those records then share them with the prosecutor in my criminal case has had an adverse affect, in fact those records were used against me by both the Plaintiff and the judge in my case which has been detrimental, which cannot be undone, I will not be able to have a fair trial in any phase of my criminal case which includes sentencing.

III. IT IS STRUCTURAL ERROR WHEN A DISTRICT COURT JUDGE REVOKES A CRIMINAL DEFENDANT'S PRO SE STATUS TO REPRESENT HERSELF BASED ON "...A STRONG INDICATION THAT SHE WOULD DISRUPT THE PROCEEDINGS IN THE COURTROOM DURING SENTENCING IN THIS CASE, THAT SHE SIMPLY COULD NOT AND WOULD NOT FOLLOW WHAT'S REQUIRED OF HER," SO REVOKING A CRIMINAL DEFENDANT'S PRO SE STATUS BASED ON WHAT MIGHT HAPPEN (FARETTA V. CALIFORNIA, 422 U.S. 806 (1975)) (See Exhibit C Pp. 35)

There were four (4) times that Judge Seabright tried to take away my pro se status which is documented in Criminal Case No. 1:17-cr-00104-JMS-KJM (Exhibit D), the first was documented in Id. Dkt. #934, 960, 965, 970 (Exhibit D) during the period of July 8, 2020. The second time was documented in Id. Dkt. #1003, 1008, 1011, 1044, 1045, 1046, and 1047 (Exhibit D) during the period of January 2021. The third time was Id. Dkt. #1052 (Exhibit D) on February 5, 2021. The fourth time is now, Id. Dkt.#1196, 1202, & 1207 resulting in the revocation of defendant's pro se status.

III. CONCLUSION

This Court should find in favor of Petitioner that (1) AUSA producing fake grand jury subpoenas is unconstitutional; (2) that a district court judge cannot order sua sponte criminal defendant's treating psychiatrist patient-psychotherapist medical records in the course of treatment over pro se defendant's objections; (3)that a district court judge cannot then use those patient-psychotherapist medical records to justify a criminal defendant going forward as pro se during the sentencing phase for a fear that criminal defendant may not be able to handle herself in a trial court setting; and that it is structural error (Faretta v California, 422 U.S. 806 (1975)) to revoke a criminal defendant's pro se status during the sentencing phase of a criminal defendant's case.

TRULINCS 09779122 - SULLIVAN, LEIHINAHINA - Unit: HON-F-B

FROM: 09779122
TO:
SUBJECT: ARGUMENT
DATE: 04/10/2022 10:57:05 AM

ARGUMENT

This Petition for Certiorari is cumulative effect of errors in the United States District Court J. Michael Seabright ("Judge Seabright") for the district of Hawaii. First issue is how Assistant United States Attorney Rebecca Perlmutter requested numerous trial court subpoenas for trial, knowing there would be no trial, then creating fake grand jury subpoenas from these trial court subpoenas, a subterfuge to continue investigating a criminal defendant resulting in 5 piecemeal indictments within 3 years, in violation of pro se defendant's 6th, 8th, and 14th Amendment Rights to the United States Constitution. (See Lacey v. Maricopa County, 693 F.3d 896, 913-14 (9th Cir. 2012) where the 9th Circuit Court of Appeals held that a prosecutor who issued fake subpoenas was not entitled to absolute immunity). The second issue is Judge Seabright ordering my treating psychiatrist patient-psychotherapist medical records over my objections sua sponte on January 27, 2021(Exhibit E Judge Order which cites to Petitioner's Objection; Exhibit D Dkt. 1053) (Exhibit D Dkt. 1048); see also United States Supreme Court Dkt. No. 21-6715 Petition for Writ of Certiorari (denied on February 22, 2022). It is one of the "contours" of patient-psychotherapist privilege that has not been addressed in Jaffee v. Redmond, 518 U.S. 1, 135 L.Ed 22, 337, 116 S.Ct. 1926 (1993). The third issue is a structural error citing to Faretta v. California, 422 U.S. 806 (1975), when a district court judge revokes a criminal defendant's pro se status to represent herself during the sentencing phase of her case because of fears district court Judge Seabright had that pro se criminal defendant would "disrupt the proceedings" (see Exhibit C Pp. 35)

I. FAKE GRAND JURY SUBPOENAS BY ASSISTANT UNITED STATES ATTORNEY ("AUSA") PERLMUTTER
AUSA should not be able to order trial court subpoenas, two months in advance, knowing there would be no trial, then producing fake grand jury subpoenas from these trial court subpoenas, subterfuge to continue investigating a criminal defendant, resulting in five piecemeal indictments within 3 years, in violation of pro se defendant's 6th, 8th, and 14th Amendment United States Constitution Rights. (See Lacy v. Maricopa, 693 F.3d 896, 913-14 (9th Cir. 2012) where the 9th Circuit Court of Appeals held that a prosecutor who issued fake subpoenas was not entitled to absolute immunity).

AUSA Perlmutter and IRS Agent Macpherson in their official capacities had improperly asked for trial court subpoenas, knowing there would be no trial, and fraudulently representing to individuals and institutions that they were grand jury subpoenas. To further their fraudulent actions, government letterheads was used to state that individuals and institutions could comply with the "grand jury" subpoenas by contacting IRS Agent Macpherson who would then interview and collect information for the "grand jury", which was false, as AUSA Perlmutter and IRS Agent Macpherson WAS THE TWO MAN GRAND JURY. (See Lacey v. Maricopa County, where Ninth Circuit held that a prosecutor who had improperly issued fake subpoenas was not entitled to absolute immunity for his conduct. 693 F.3d 896, 913-14 (9th Cir. 2012)) (See also Malley v. Briggs, 475 U.S. 335, 342 (1986) by avoiding judicial scrutiny, [the prosecutors'] actions were one step 'further removed from judicial phase of criminal proceedings.'")

AUSA Perlmutter and IRS Agent Macpherson began requesting trial court subpoenas on or about February 15, 2017 and continued until and after December 15, 2021, knowing there would be no trial as intermittently AUSA Perlmutter withheld discovery and filed numerous pretrial pleadings knowing there would be no trial and fraudulently representing these trial court subpoenas were Grand Jury subpoenas to by-pass the judicial process which serves as a check on prosecutorial actions. See Lacy, 693 F.3d at 914 (quoting Burns v. Reed, 500 U.S. 478, 492 (1991)) (See also Singleton v. Cannizzaro, 956 F.3d 773 (5th Cir. 2020)) affirmed that there is no prosecutorial immunity for prosecutors who has side-stepped the judicial process, they forfeit the protections the law offers to those who work within the process. AUSA Perlmutter qualified stipulation to the trial court that these were witnesses in the trial date was untrue. AUSA Perlmutter misrepresentations strike at the veracity of Government's representation to the trial court and individuals who were subpoenaed for trial but told those trial court subpoenas were grand jury subpoenas. That by supplying the plethora of information requested on those trial court subpoenas fraudulently represented as grand jury subpoenas witnesses and institutions could comply by furnishing the information to IRS Agent Macpherson who was part of the prosecuting team and not have to appear before the "grand jury." The "grand jury" was in fact AUSA Perlmutter and IRS Agent Macpherson. A violation of pro se defendant's constitutional right to self-representation when that information was used to civilly detain defendant for over two (2) years and given no resources (hence the use of TRULINKS Email as a word processor, pencils, and recycled paper) cruel and unusual punishment, prosecutorial misconduct, and violation of defendant's due process rights, 6th,8th & 14 Amendment Rights to the United States Constitution.

This is a common practice amongst AUSA Hawaii, in my case AUSA Perlmutter with the assistance of IRS Agent Macpherson using trial court subpoenas as grand jury subpoenas they would attach prefilled declarations such as Green Dot Bank and American Express.

"To United States District of Hawaii
Re: Grand Jury Subpoenas
I, _____, hereby elect on behalf of Green Dot Bank, to respond to the Grand Jury subpoena duces tecum..."

AUSA Perlmutter and IRS Agent Macpherson misrepresentation strikes at the veracity of Government's representation to the trial court and individuals who was subpoenaed for trial, reveals a pattern of abuse, using trial court subpoenas as fake grand jury subpoenas. This allowed AUSA Perlmutter and Agent Macpherson to go on a fishing expedition for over three (3) years bringing five piecemeal indictments. In an exparte communication to Judge Seabright (Exhibit D Dkt.#49, 50, 51) AUSA Perlmutter had admitted they were continuing to investigate me that supports this Petition, I am challenging the erroneous practice likely to occur again and important question in need of guidelines for future resolution of similar cases. (See General Motor Corp. v. Lord, 488 F.2d 1096 (8th Cir. 1973))

In this instant case AUSA Perlmutter and IRS Agent Macpherson created an elaborate scheme to fraudulently provide fake grand jury subpoenas to individuals and institutions. AUSA Rebecca Perlmutter in her efforts to provide legal advice and professing fraudulent grand jury subpoenas is not allowed protection of absolute immunity from damages liability for their parts in that decision (See Burns v Reed, 500 U.S. 478, 492-96 (1991)), in my case fraudulently ordering trial court subpoenas knowing there would be no trial, and then professing these trial court subpoenas were grand jury subpoenas. Defendants' use of the fake grand jury subpoenas was to obtain plethora of information from alleged victims, witnesses, and institutions outside the judicial context falls into the category of investigative conduct for which prosecutors are not immuned. See Hoog-Watson v. Guadalupe Cnty., 591 F. 3d 431, 438 (5th Cir. 2009) (Citing Fletcher v. Kalina, 522 U.S. at 123). This court should find that Defendants' creation and use of fake grand jury subpoenas is not "intimately associated with the judicial phase of the criminal process," but rather it falls into the category of "those investigatory functions that do not relate to an advocate's preparation for initiation of a prosecution or for judicial proceedings." See Id. at 591 F.3d 431, 438 (5th Cir. 2009) (internal quotations marks and citations omitted).

AUSA Perlmutter and IRS Agent Macpherson's fraudulent grand jury subpoenas, was to continue investigating Petitioner and was a three year fishing expedition to answer questions from the prosecution team, which was AUSA Perlmutter and IRS Agent Macpherson, who in my case AUSA Perlmutter & IRS Agent Macpherson was the grand jury. Respondents" use of the fake grand jury subpoenas was to pressure alleged persons and institutions to meet with them privately and share information outside the court, Respondent's never used the fake subpoenas to compel persons or institutions to testify at trial, as there was no trial to testify at. This behavior was not "intimately associated with the judicial phase of the criminal process." Imbler v. Pachtman, 424 U.S. 409, 430 (1976).

II. A District Court Judge Should Not Be Allowed To Order A Criminal Defendant's Treating Patient-Psychotherapist Medical Records In the Course of Treatment Sua Sponte Over Defendant's Objection, Then Use Those Treating Psychiatrist Medical Records Against Her Stating That She "Lied" Then Quoting My Psychotherapist-Patient Record Dated "08/19/2020...Pt. denies hx manic episode when writer describes" And Court Then Deems Criminal Defendant "Pure Manipulation" (Exhibit C Pp. 33) Revoking Her Pro Se Status, All In Opposite of Jaffee v. Redmond Protected Which is Patient-Psychotherapy Privilege (Exhibit F) (Refer also to Sup. Ct. Docket #21-6715 which documents the history of this issue as it evolved to revoking pro se Petitioner's pro se status)

On July 20, 2021, after I took a plea, district court Judge J. Michael Seabright ("Judge Seabright") continually used my patient-psychotherapist records against me which he stated that me going to trial was going to be a problem, that same day after the change of plea on July 20, 2021. Nine days later, July 29, 2021 I filed a Motion to Withdraw my plea, which was denied. Then on December 28, 2021 hearing, Judge Seabright used my treating psychiatrist psychotherapy records against me from an psychotherapy record dated August 19, 2020, to said I lied to my psychiatrist "08/19/2020...Pt. denies hx manic episode when writer describes". Then during the February 4, 2022 hearing to revoke my pro se status, Judge Seabright deemed me "pure manipulation" (Exhibit C Pp. 33) all in opposite of what Jaffee v. Redmond protected which is the patient-psychotherapist privilege. In Jaffee, the United States Supreme Court stated that by protecting confidential communications between a psychotherapist and her patient from involuntary disclosure, the privilege serves an important private interests. The psychotherapist privilege serves the public interest by facilitating the provision of appropriate treatment for individuals suffering the effects of a mental or emotional problem. Judge Seabright in ordering those records then sharing them with prosecutors in my criminal case has had an adverse affect, in fact those records were used against me by both Respondent Assistant United States Attorney Perlmutter and Judge Seabright in my case which has been detrimental, which cannot be undone, I cannot have a fair trial in any phase of my case which includes sentencing.

III. It Is Structural Error (Faretta v. California, 422 U.S. 806 (1975)) When a District Court Judge Revokes a Criminal Defendant's Pro Se Status To Represent Herself During Sentencing Based On "...a strong indication that she would disrupt the

proceedings in the courtroom during sentencing in this case, that she simply could not and would not follow what's required of her," (Exhibit C Pp.35)

There was a total of 4 times that District Court Judge Seabright J. Michael Seabright attempted to take away my pro se status, the 4th time he revoked it on February 4, 2022 (Exhibit C). The first was documented in Criminal Case No. 1:17-cr-00104-JMS-KJM ("Criminal Case") docket numbers 934, 965, 970 (Exhibit D) during the period of July 2020. The second time was documented in Criminal Case docket numbers 1003, 1008, 1011, 1044, 1045, 1046, and 1047 during the period of January 2021. The third time was February 5, 2021, Criminal Case docket number 1052. The fourth is the present time, Criminal Case docket numbers 1196, 1202, and 1207, resulting in the revocation of defendant's pro se status over her objections (Exhibit C transcript hearing of February 4, 2022 Pp. 20-27).

"THE COURT: All right. Ms. Sullivan, this is your opportunity to speak this time.

THE DEFENDANT: Your Honor, I'm going to object because you tried to take away my pro status four times now. Once was ECF 934, 960, 965, 970. The order was 970. That would be July 8, 2020.

Then the second time was ECF number 1003, 1008, 1011, 1044, 1045, 46, 47. And that would be January of 2021.

FROM: 09779122
TO:
SUBJECT: ARGUMENT CONTINUE/CONCLUSION
DATE: 04/10/2022 10:58:25 AM

And then the third time you tried to take away my pro se status again was -- was right after that, was 1052, I think. February 5th, 2021. And again on now 1196, 1202, 1207. I just want to say that all of my -- all of the frivolous -- all of the frivolous motions that you cited to had a scintilla of evidence of constitutional violations. And those have to do with not being able to see discovery back in 2020. Not -- and being told by government that I could when I couldn't. I was unable to prepare for trial, and I wrote a lot of motions on that because I was locked down 24/7 with the COVID when it came in February 2020. And I kept telling you that there's COVID here, but you guys did not believe me.

And then the missing devices. That was another issue where the government had said they can't find the devices, no chain of custody forms. That's another issue of constitutional violation.

Then the second search of my home, the LexisNexis documents, my defense work product is missing. It's still missing. We don't know what happened to that. It walked away.

And then all my e-mails and phone at the FDC was then -- a trial court subpoena was used from your court, Your Honor, to subpoena all of my conversations with people that are having to prepare for trial while here at FDC. So the government trying to spy on me that whole time through my e-mail and phone.

And then there's the issues of the native files. That took forever to actually get me to be able to hire a expert to do that because the Court kept saying -- the government kept saying no, no, no, native files, you know, she has to hire her own, but we're not saying that you cannot look at the native files, so therefore her claim is go hire your own -- go hire your own people to look at the files, when in fact they were able to see native files and that's where they were getting most of their stuff. So they were picking and choosing what they wanted to show me back then, this is 2020 and 2021.

And then there's the whole issue of the RFPA, the Rights to Financial Privacy Act, which is coming back again because it is in my sentencing statement that all, all of the financial institutions wiped out everyone's debt because of the fact that they had violated the Rights to Financial Privacy Act when they were told by the government that they were grand jury subpoenas when they were not. That's back in 2019 -- 2018 and 2019.

And the government -- and the --that's why in 2019, July, when we had that hearing, Perlmutter refused, at some point she was refusing to sign an affidavit or to -- basically a declaration saying that they were only updating information. They weren't only updating information, they were trying to cure the wrong that they did back in 2018. So that was a whole big deal. And now that's not even damages that should be considered in my sentencing statement because they screwed up and the -- and the financial institutions know they screwed up because they believed in the government.

So they wiped out everybody's debt on that because the government -- they screwed them up by telling them it was grand jury subpoenas, sending them all kinds of stuff saying it's grand jury subpoenas, on the government's letter head by the way and the IRS letterhead, when they weren't. They were trial court subpoenas. And they were doing this over and over and over again for years and years and years. And that's how they were getting evidence to bring more superseding indictments, which I must say that was brought up, that is was piecemeal by my former attorney Mr. Harrison that they could have brought this all up at one time, but they couldn't because they didn't have the evidence and they kept using trial court subpoenas and disguising as grand jury subpoenas so they could being five different, I'm talking five different indictments in five -- three years. That's a lot of indictments in three years.

And then, then we have this rogue agent come and visit me in the SHU back in 2019. That was -- that was uncalled for. He didn't have to do that. But he did. He did it because that's how he is. That's agent -- IRS Agent Macpherson.

My standby counsel couldn't even come in, but they let him walk right in and see me in the SHU. And then ordering trial court subpoenas and disguising it as grand juries over and over. And if you look at the pattern, if you just look at the pattern of the government, when they disqualified my -- when they disqualified Mr. Harrison, that was another delay tactic because they knew if I get another attorney they would have more time. And that's true, they used more trial court subpoenas to find more stuff and that's why you get the whole thing with Shane Deponte and all these other things that makes absolutely no sense because it's not even doing -- dealing with taxes. But they just was trying to grab for straws, they was trying to grab for anything.

And so Mr. Harrison withdraws in 2018. And so everything that I brought and I kept sayin over and over again in my motions

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sentencing based on "...a strong indication that she will disrupt the proceedings in the courtroom during sentencing in this case, that she simply could not and would not follow what's required of her," (Exhibit C Pp. 35) so revoking a criminal defendant's pro se status on what might happen (See Faretta v. California, 422 U.S. 806 (1975)).

/s/: Leihinahina Sullivan
April 10, 2022
Honolulu, Hawaii

The reasons relied on for the allowance of the writ. Rules 10 and 14.1(h).

Respectfully requesting this writ based on judicial descretion for the following compelling reasons.

(a) the United States District Court for the District of Hawaii and the United States Court of Appeal for the Ninth Circuit has entered a decision in opposite of the United States Supreme Court in Jaffee v. Redmond, 518 U.S. 1 (1996) where a district court judge ordered sua sponte a pro se criminal defendant's treating psychiatrist patient-psychotherapy records over a criminal defendant's objections, then continually used those records against a criminal defendant, revoking criminal defendant's pro se status on February 4, 2022 (Exhibit C Pp. 33) all in opposite of what Jaffee v. Redmond protected which is the patient-psychotherapy privilege.

(b) That supports the reason for this writ, as the United States Distnct Court for the Distnct of Hawaii and the United States Court of Appeals for the Ninth Circuit with their decision that is so far departed from the accepted and usual course of judicial proceedings in this case. This writ is warranted as it opposes and is in conflict with important substantive and legal factors supported by law and common morality.

(c) I don't believe that a district court judge should have the discretion to order sua sponte patient records in the course of diagnosis - unless it's for the health and welfare of the criminal defendant's life and not for prosecution alone. (See also Faretta v. California, 422 U.S. 806 (1975) as it is criminal defendant's pro se status that was revoked using criminal defendant's treating patient-psychotherapist records). (See also ~~Supp~~ Dkt. 21-6715)

1st

Dated: 04/27/2022
Honolulu, Hawaii