

No. 22-5502

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

FILED
AUG 28 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In re: Artis Carroll

Petitioner,

Laura Williams, (The Warden of George W. Hill Correctional Facility)

Josh Shapiro, (The Attorney General of Pennsylvania)

Jack Stollsteimer, (The Delaware Cnty. PA District Attorney)

Christopher Welsh, (The Delaware Cnty. PA Chief Public Defender)

Respondent(s)

**EMERGENCY PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT 28 U.S.C SECTION 2241**

AND NOW on this 28th day of August 2022, comes the Petitioner, Mr. Artis C. Carroll, Jr., hereby now petitioning this Honorable Court to issue my current custodian, Ms. Laura Williams, the Warden of George W. Hill Correctional Facility, a writ of habeas corpus ordering my immediate release from custody.

PETITIONER:

Artis Carroll

Inmate No.: 22000450

George W. Hill Correctional Facility

500 Cheyney Road, P.O. Box 23

Thornton, PA 19373

State Trial Court No.
Court of Common Pleas of
Delaware County Pennsylvania
CP-23-CR-0004909-2021
Commonwealth v. Carroll [1]

I. QUESTIONS PRESENTED

1. Whether a criminal defendant, who is appointed a Public Defender criminal defense attorney, is entitled to "conflict counsel," where, over the defendant's objections and against the defendant's wishes, defense counsel is actively trying to have the defendant involuntarily committed into a state hospital; under what the defendant claims is a "false pretense" that the defendant is somehow incompetent to stand trial?

Suggested Answer: Yes. Although, this is an unprecedented case of first impression that this Honorable Court has never squarely ruled on, other analogous federal and state cases concerning involuntary hospital commitment proceedings, of course, rule that the person subjected to such involuntary commitment proceedings are entitled to challenge such involuntary commitment with the assistance of counsel. In this case "conflict counsel" should be appointed free of charge as I cannot afford to hire my own private attorney, and shall serve the role of representing my point of view that I am and always have been competent to stand trial. To hold otherwise would allow a competent indigent criminal defendant to be involuntarily committed into a state hospital, without the assistance of counsel to oppose such deprivation of liberty, in violation of the Equal Protection and Due Process clauses of the Fifth and Fourteenth U.S. Constitution Amendments. For example, this Court has held a person subject to involuntary commitment has the right to counsel to oppose such deprivation of liberty. See, *In re: Gault*, 387 U.S. 1, 45, 18 L. Ed 2d 527, 554, 87 S.Ct. 1428 (1967); also see *Vitek v. Jones*, 445 U.S. 480, 494-495, 100 S.Ct. 1254, 63 L. Ed 2d 552 (1980).

2. Whether this petition presents rare extraordinary circumstances warranting the use of this Court's discretionary powers and original habeas corpus jurisdiction?

3. Whether this petition and the Declaration of Competency rebuts any presumption that the state trial court order ordering an incompetency examination is correct?

II. LIST OF PARTIES

A. PETITIONER:

Artis Carroll

Inmate No.: 22000450

George W. Hill Correctional Facility

500 Cheyney Road, P.O. Box 23

Thornton, PA 19373

¶ 1. Petitioner, Mr. Artis Carroll, at all times relevant is being held in state pretrial custody without bail due to the initiation of purported criminal incompetency proceeding in February 1st 2022. The Respondent, Ms. Laura Williams, the Warden of George W. Hill Correctional Facility, is my current custodian.

B. RESPONDENT(S):

Respondent (No. 1): Laura Williams

Office of the Warden

George W. Hill Correctional Facility

500 Cheyney Road, P.O. Box 23

Thornton, PA 19373

¶ 1. Respondent, LAURA WILLIAMS, at all times relevant is my (the Petitioner Artis Carroll) custodian, as she is the Warden of George W. Hill Correctional Facility. She is whom the writ of habeas corpus, ordering my immediate release from physical custody, should immediately be issued to.

Respondent No. 2: Josh Shapiro

PA Attorney General Office

Appeals and Criminal Prosecution Section

Strawberry Square, 16th Floor

Harrisburg, PA 17120

¶ 2. Respondent, JOSH SHAPIRO, at all times relevant is the Attorney General for Pennsylvania. He and his office has an interest in the outcome of this petition because, among other reasons, he is the chief prosecutor for the Commonwealth of Pennsylvania which is currently prosecuting a criminal case against me where incompetent proceedings have began which is the only thing holding me in custody, and because I'm challenging the constitutionality of the Pennsylvania State Statute the Mental Health

(§ II. LIST OF PARTIES continued...)

Procedures Act (MHPA) Title 50 P.S. § 7401 - 7402 in the sense that I believe the statute is incomplete and in violation of, among other federal constitutional rights perhaps, the Fifth, Sixth, and Fourteenth U.S. Const. Amend. rights to, among other rights perhaps, Due Process, the Right to Counsel, and the right to Equal Protection/Justice Under The Law; for reason(s) in the Questions Presented and reason(s) explained later infra in this petition.

Respondent No. 3: Jack Strollsteimer
Delaware Cnty. PA District Attorney Office
201 West Front Street
Media, PA 19063

¶ 13. Respondent, JACK STROLLSTEIMER, at all times relevant is the Delaware County of Pennsylvania District Attorney. He has an interest in the outcome of this petition because, among other reasons perhaps, for the same reasons as respondent JOSH SHAPIRO. It is STROLLSTEIMER'S office and his subordinate employees Assistant District Attorneys whom are currently prosecuting the criminal case in which criminal incompetency proceedings have began and which are the only thing keeping me in custody. If this Court grants this petition for a writ of habeas corpus, its a reasonable probability that their criminal prosecution must be terminated because, among other reasons of course, undue delay.

Respondent No. 4: Christopher Welsh
Delaware Cnty. PA Public Defender Office
220 North Jackson Street
Media, PA 19063

¶ 14. Respondent, CHRISTOPHER WELSH, at all times relevant is the Chief Public Defender of the Delaware County of PA Public Defender Office. He is the supervisor of his subordinate employees Assistant Public Defender TIMOTHY P. WALSH, THOMAS MARTINICCHIO, KEVIN HORAN, and STEPHEN DEAVOR. On February 3rd 2022, insofar as I can tell, against my wishes and over my objections and without notice, MARTINICCHIO asked the Court I be held without bail indefinitely pending incompetency proceedings. On May 16th 2022, over my objections, against my wishes and without notice WALSH did the same. On June 2nd and 3rd 2022, over my objections, against my wishes, and without notice HORAN did the same. On July 13th 2022, DEAVOR threaten to have me unlawfully committed to a State Hospital and held in custody indefinitely if I do not undergo a Psychological Evaluation, which I object to. They are advocating for me to be held in physical custody indefinitely.

III. RELATED CASES

1. Commonwealth of Pa. v. Carroll [I], Case No. MJ-32133-CR-0000409-2021, PA Magisterial District Court 32-1-33, Judgment / Order entered on November 15, 2021, at the Preliminary Hearing ordering that the Commonwealth of Pa. established a prima facie case against me as to all the criminal statutes cited in the Police Criminal Complaint and therefore held the case over to the Court of Common Pleas of Delaware County PA for trial.
2. Commonwealth of Pa. v. Carroll [I], Case No. CP-23-CR-0004909-2021, Delaware County Court of Common Pleas of Delaware County PA. Judgment / Order entered on February 3rd 2022 at a Bench Warrant hearing, for the Failure To Appear to a Pretrial Conference on January 31st 2022, ordering that I'm essentially (De Facto) being held in pretrial custody without bail indefinitely pending the outcome of criminal incompetency proceedings "starting with a Psychological Evaluation" over my objections and against my wishes. Also Judgment / Order entered on June 3rd 2022, ordering that I'm essentially (De Facto) being held without bail indefinitely pending the outcome of criminal incompetency proceedings "starting with a Psychological and or Psychiatric Evaluation for competency, diagnosis, and treatment" and or the search and seizure of my medical and mental health records, all of which over my known objections and against my known wishes.
3. Carroll v. Brennan, et al., 2241 Habeas Corpus Action No. 21-5505 (Filed December 15, 2021) when I was out on bail at liberty in custody pursuant to "general bail conditions," U.S. District Court for the Eastern District of Pennsylvania. Judgment / Order entered on August 2022 granting my motion to dismiss the petition for a writ of habeas corpus pursuant 28 U.S.C. § 2241 and to close the case due to mootness because when I was arrested on February 1st 2022 on the said bench warrant my custodian changed from one of the respondents listed in this case over to the Warden of George W. Hill Correctional Facility Laura Williams, who was not listed because she was not my custodian it was filed.

(§ III. RELATED CASES continued...)

- 4 • Carroll v. Williams, et al., 2241 Habeas Corpus Action No. 22-cv-1286 (filed on or about April 1st 2022 while in physical custody of Laura Williams (the Warden)) U.S. District Court for the Eastern District of Pennsylvania. Judgment / Ordered entered on or about May 11, 2022 dismissing this case and transferring all pleadings attempting to revive this case to Carroll v. Brennan, et al., Case No. 21-cv-5505 (which on August 11th 2022, the District Court for Eastern Pennsylvania conceded to be a "moot case." My amended IFP Petition was never ruled on.
- 5 • Carroll v. Mallon, 1983 Civil Rights Complaint No. 22-cv-848 (placed in my prisoner mailbox on or about February 28th 2022, deemed filed June 1st 2022) U.S. District Court for the Eastern District of Pennsylvania. Judgment / Order entered June 7th 2022 dismissing the complaint with prejudice although among other reasons that should had prevented the District Court from doing so: (1) I stated a claim pursuant to 42 U.S.C. § 1983 against a senior state trial court judge presiding in a criminal case; (2) My alleged facts were not taken as true; (3) I was denied my rights under FBCP 15 to amend as a right.
- 6 • Carroll v. The Warden of George W. Hill Correctional Facility, 2241 Habeas Corpus Action No. Refused To File, The Clerk of Court for the U.S. Third Circuit Court of Appeals refused to file the petition under their purported erroneous belief that a § 2241 Petition for A Writ of Habeas Corpus can only be filed in the U.S. District Court. They refused to file the said petition on or about February 22nd 2022.
- 7 • Carroll v. Williams, Petition for A Writ of Habeas Corpus Case No. Refused To File, The Prothonotary / Clerk of the Supreme Court of Pennsylvania refused to file the said petition under their purported erroneous belief that I do not have the right to sue / petition the higher courts so long as I have a Public Defender purporting to represent me at the trial court. I believe this is a violation of, among other things, my First Amendment right to Petition the Court and To Press. This happened, among other times, on February 24, 2022, May 2nd 2022, and May 3rd 2022. I do not believe a Prothonotary / Clerk of Court can refuse to file a compliant pleading.

(§ III. RELATED CASES continued...)

- 8 • In re: Artis Carroll, Petition For A Writ of Mandamus Case No. Refused To File, The Prothonotary/Clerk of the Supreme Court of Pennsylvania refused to file the said petition solely because of their erroneous purported belief that I do not have the right to sue, petition, and etc. in the state high courts so as long as I have a Public Defender purporting to represent me at the trial court. I believe this is a violation of the First Amendment right to Petition and 14th Due Process / Equal Protection. This happened on March 21st 2022.
- 9 • Carroll v. Williams, Petition For A Writ of Habeas Corpus Case No. Refused To File, The Prothonotary/Clerk of the Superior Court of Pennsylvania refused to file the said petition solely because of their erroneous purported belief that I do not have the right to sue, petition, and etc. in the state high courts so as long as I have a Public Defender purporting to represent me at the trial court. I believe this is a violation of the Federal Constitutional right to • Petition For A Writ of Habeas Corpus, and the 1st, 5th, and 14th Amendment. This happened on March 18th, 21st, and 24th 2022.
- 10 • In re: Artis Carroll, Petition For A Writ of Mandamus Case No. Refused To File, The Prothonotary/Clerk of the Superior Court of Pennsylvania refused to file the said petition solely because of their erroneous purported belief that I do not have the right to sue, petition, and etc. in the state high courts so as long as I have a Public Defender purporting to represent me at the trial court. I believe this is a violation of the First Amendment right to sue/petition, Fifth Amend. right to Due Process, Fourteenth Amend. right to Due Process / Equal Protection. This happened on March 18th, 21st, 24th 2022.
- 11 • Commonwealth of Pa. v. Carroll III, Collateral Appeal As A Right taken against the June 3rd 2022 said order entered by the said trial court, in the said case in question; this appeal is now pending at the Superior Court of Pennsylvania Docketed at 1770 EDA 2022. It turns out that the order appealed is appealable as a matter of right pursuant to the "Collateral Order Doctrine," and the appeal is timely because I placed my Notice

(§ III. RELATED CASES continued.....)

of Appeal in my prisoner mailbox on June 29 20-22. The Clerk of the trial court insofar as I can tell took about 3 to 4 weeks before transmitting my said Notice of Appeal to the Superior Court of Pennsylvania. Then on August 15, 2022, I found out through a printout of the trial court docket sheet that on or about July 29th 2022, someone, perhaps an adversary under the facts of this particular extraordinary case, filed a docketing statement in the superior court of PA in this said appeal purporting to be me and/or purporting to be representing me, where the docketing statement is controlling of the appeal, and I have yet to be served or see the docketing statement. Nobody has contacted me about the appeal; about who filed the docketing statement or about what is stated in the docketing statement. Moreover, on August 1st 2022, I mailed a Motion For A Free Copy of All Transcripts, so that I can execute the said appeal, and the clerk of the trial court refused to file it without reason, where I know it was received and can prove it at a hearing at this court held on this petition. Then on August 16th, 2022, I mailed the Superior Court of PA, in said appeal, a motion for a free copy of the docketing statement; and a petition for a writ of mandamus / motion for a free copy of all transcripts, I still unaware if these pleadings were filed and or ruled on. Notwithstanding the pendency of this valid appeal of said order, on July 18th 2022, the trial court still orders Norristown State Hospital to release any and all of my medical and mental health records. Furthermore, on August 17, 2022, I placed a motion entitled: "Motion To Proceed Pro Se On Appeal For Appeal Case No. 1770 EDA 2022" where the trial court clerk of court egregiously erroneously and fraudulently entered it on the public docket sheet as "Defendant's Pro-Se Motion To Proceed In Forma Pauperis." In addition to that, the trial court clerk of court is committing fraud and creating confusion, insofar as I can tell doing so intentionally, by fraudulently preceding the title of every document that I file with the phrase "Defendant's Pro Se" or "Defe-

(§ III. RELATED CASES continued)

ndant's Pro-Se," where I do not ever precede the title of any document that I file with the phrase "Defendant's Pro Se," "Defendant's Pro-Se," or any other phrase equal in meaning to that. This is important because, among other reasons, base on the relevant law and the rare, unusual, extraordinary facts of my situation I'm 100% entitled, as a matter of right, to what is known as "Conflict Counsel," where because my criminal defense attorney Public Defender Mr. Timothy P. Walsh, Esq. and his office the Delaware County of Pennsylvania Public Defender Office are, insofar as I can tell, raising and/or attempting to raise some type of a mental capacity defense and/or go guilty but insane defense, over my disown and documented objections and against my wishes where my request is that counsel raise my defense of "innocence" as to every criminal statute cited in the Police Criminal Complaint and Information; - and to booster and/or aid the defense that counsel wants to raise, against my wishes and over my objections, defense counsel is suggesting the false pretext that I'm somehow incompetent to stand trial in defense counsel unauthorized pursuit of a mental capacity/insanity defense, which as a consequence defense counsel is by De Facto actively advocating that I be held in physical custody in prison or a state hospital indefinitely under that false pretext that I'm somehow incompetent to stand trial. By the trial court clerk of court fraudulently putting "Defendant's Pro Se" or "Defendant's Pro-Se" in the title of every pleading that I file on the public docket sheet, would give a reviewing court and/or any third party the "false impression/perception" that I waived my right to counsel and/or that I waived my right to "Conflict Counsel" and/or that I desire to waive my right to counsel and/or that I desire to waive my right to "Conflict Counsel." It turns out that I just found out/discovered, for certain, on or about August 16th 2022 that I have the 100% right to "Conflict Counsel" and that I was denied "Conflict Counsel" during the said incompetency proceedings which, among the other reasons that require reversal of the appealed order, requires automatic reversal of the appealed order. On or about August 10th 2022, the trial court did appoint me "appellate counsel," but as previously explained supra I wish to prosecute this appeal pro se notwithstanding

(§ III. RELATED CASES continued . . .)

The fact that I did not waive my right to counsel, I did not waive my right to "Conflict Counsel", I do not wish to waive my right to trial court counsel, and I do not wish to waive my right to "conflict counsel." And for good measure, I did not waive and or "attempt to waive" my right to counsel at my preliminary hearing on November 15, 2021 as the PA Magistrate Docket Sheet purports to the public. On Friday August 19th 2022, when I discovered that the trial court clerk of court completely mislabeled my said "Motion to Proceed Pro Se, on Appeal for Appeal Case No. 1770 EDA 2022," as explained supra, I rewrote the motion and mailed it to the trial court to be filed with the correct title.

12. Commonwealth of Pa. v. Carroll [I], Collateral Appeal As A Right taken against the July 18th 2022 appealable collateral order; Notice of Appeal Timely Filed on August 15th 2022. Currently awaiting an appellate docket number.
13. Commonwealth of Pa. v. Carroll [I], Petition For Permission To Appeal a potential interlocutory order, Case No. Refused to file. The Prothonotary/ Clerk of the Superior Court of PA refused to file my said petition because of my trial court Public Defender.
14. Carroll v. Kohler, et al., Petition For Review of the Prothonotary / Clerk of the Superior Court of PA decision to not file my Petition For Permission to Appeal. Awaiting a docket number to see if it was filed in the Commonwealth Court of Pennsylvania. I'm being denied my right to sue, press, petition.
15. In re: Artis Carroll, Petition For A Writ of Mandamus Case No. Awaiting a docket number, filed/ sent to this Court on August 4th 2022, seeking an order from this Court (The United States Supreme Court) to compel the Clerk of this Court to file my timely and compliant Petition For A Writ of Certiorari to the Supreme Court of PA construing the letter of refusal to file a compliant said petition as an order denying discretionary review and or the petition.

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APPENDIX A - The true and correct copy of the Police Criminal Complaint filed against on November 4th 2021. And the Information filed on December 15, 2021. These are the documents that gave raise to said criminal case.

APPENDIX B - The February 3rd 2022 order ordering, over my opposition, over my objections, and against my wishes, without any "reasonable cause," that I shall not be released from custody unless or until an Involuntary Psychological Evaluation.

APPENDIX C - The May 16th 2022 Petition that, assuming its a true and correct copy, I was not shown until June 9th 2022, wherein my Public Defender Attorney WALSH, over my objection, and without showing "reasonable cause" requested a Psych: Evalu.

APPENDIX D - The June 3rd 2022 Prop./Grant Order that, assuming its and correct copy, I was not shown until June 9th 2022, wherein my Public Defender HORAN, over my objection, without "reasonable cause" requested an "Incompetency Evaluation".

APPENDIX E - In addition my verbal objections made in open court on the record, my written objections (too voluminous to attach to this petition) I made on, among other dates, February 2022, June 2022, and August 2022.

APPENDIX F - Letter from the Prothonotary / Clerk of the Pennsylvania Superior Court and Supreme Court admittedly refusing to file my commencing petitions for no legitimate reason. Only this Court can help.

APPENDIX G - U.S. District Court for the Eastern District of Pennsylvania records of 2241 Petition case regarding case # 121-cv-5505 and 22-cr-1286, showing, inter alia, by De Facto I was denied my right to file 2241 Petition.

APPENDIX H - U.S. District Court for the Eastern District of Pennsylvania records of 1983 Complaint filed against a State Court judge presiding in state criminal case that stated a claim but dismissed with prejudice/wrongfully.

APPENDIX I - Letter from the Clerk of the U.S. Third Circuit Court of Appeals refusing to file a commencing 2241 Petition under their erroneous purported belief a 2241 Petition cannot be commenced at that court.

VI. TABLE OF AUTHORITIES

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VII. OPINIONS / ORDERS BELOW DIRECTLY IN QUESTION

¶ 1. The February 3rd 2022 order, entered in the Court of Common Pleas of Delaware County of Pennsylvania in criminal case Commonwealth of Pa. v. Carro III, Case No. CP-23-CR-0004909-2021, ordering that I shall not be released from physical custody unless or until I submit to an Involuntary Psychological Evaluation. It further ordered that I must comply with any and all recommendations the Doctor makes purportedly based on the evaluation. This order directly in question is attached to this petition as APPENDIX B. It is my position that, among other things: (1) I'm being unlawfully subjected to an Involuntary Commitment into a State Hospital, where I believe this because, among other reasons, there is "no reasonable cause" to question my competency to stand trial as a criminal defendant in said State criminal case; (2) At all times relevant I have been and still is competent to stand trial in the said criminal case; (3) I always maintained my innocence as to every element of each criminal Statute cited in the Police Criminal Complaint and Information, and I never consented to an mental incapacity defense and or an insanity defense; and (4) I objected to and opposed my criminal defense attorney requests, and the orders granting such requests, that I undergo a Psychological or Psychiatric Evaluation for competency, diagnosis, and or treatment.

¶ 2. The June 3rd 2022 order, entered in the supra State trial court in the said criminal case, ordering that I shall not be released from physical custody unless or until I submit to an Involuntary Psychological or Psychiatric Evaluation for competency, diagnosis, and treatment; and that my medical and mental health records shall be searched and seized to aid such process. This order directly in question is attached to this petition as APPENDIX C. My position remains the same as mentioned supra, and in addition... (5) I objected to and opposed my criminal defense attorney requests, and the orders granting such requests that my medical and mental health records be search and seized to aid the said process and on both points I should not be held in custody.

VIII. STATEMENT OF JURISDICTION

This Honorable Court's subject matter jurisdiction is invoked pursuant to, among the other jurisdictional grants that may be liberally construed from this petition, Title 28 U.S.C. § 2241, and Part IV Rule 20 of the Rules of the Supreme Court of the United States. 28 U.S.C. § 2241 grants this Court the statutory judicial authority to issue a writ of habeas corpus for the immediate release of a person in pretrial state custody, in rare situations where extraordinary exceptional circumstances warrant the exercise of this Court's discretionary power and where the person cannot obtain an opportunity for adequate relief in any other form or from any other court. Moreover, this is an unprecedented case of first impression that is a matter of public importance and concerns public safety. Furthermore, the United States Constitution grants this Court jurisdiction to hear cases and controversies regarding the United States Constitution.

IX. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The judicial Power of the United States shall be vested in the United States Supreme Court

Title 28 U.S.C. § 2241 The United States Supreme Court has the authority to issue a writ of habeas corpus by a person being held in state pretrial custody, unlawfully.

First Amendment of U.S. Constitution: "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 grievance." This federal constitutional provision is relevant because, among other reasons: (1) I have the right to be heard and the trial court judges cannot just ignore me and refuse to rule on my pleadings/objections; (2) Courts have held the right to protect one's good name and reputation is protected by the first amendment where my Public Defender Attorney is hurting my good name and reputation by purporting and/or suggesting a "false pretext that I'm somehow incompetent to stand trial"; and (3) The state trial court clerk of court is causing unnecessary confusion by constantly putting "Defendant's Pro Se" or "Defendant's Pro-Se" in the title of my pleadings on the "public docket sheet" where I never put that in the title of my pleadings, and is problematic because, among other reasons, it gives a third party or reviewing court the "misleading false impression that I waived my right to counsel and or that I desire to," where I file pleadings as a means of having a record of written communication to counsel to preserve ineffective assistance of counsel claims if counsel fails to act accordingly and for administrative needs from the trial court (i.e., information, copies of transcripts, and other documents) - however some of my pleadings should be directly ruled on such as my verbal and written objections to my Public Defender Attorney request I undergo an "Incompetency Examination." I recently filed a motion to proceed pro se on appeal of the incompetency examination order, and not to be construed as anything more or less than that.

Fourth Amendment of U.S. Constitution: "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."

Fifth Amendment U.S. Constitution: "No person shall be deprived of life, liberty, or property, without due process of law."

Sixth Amendment of U.S. Constitution: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, ... and to be informed of the nature and cause of accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have assistance of counsel for his defence."

Eighth Amendment of U.S. Constitution: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

Fourteenth Amendment of U.S. Constitution: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein 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 any person within its jurisdiction the equal protection of the laws."

Examination and Treatment of a Person Charged With Crime or Serving Sentence Title 50 P.S. § 7401 (a)

Examination and Treatment to be Pursuant to Civil Provisions. — "Whenever a person who is charged with crime, or who is undergoing sentence, is or becomes severely mentally disabled, proceedings may be instituted for examination and treatment under the civil provisions of this act in the same manner as if he were not so charged or sentenced."

This State Statutory provision is important and relevant because, among other reasons, the civil provision makes it clear that the person subjected to involuntary examination, involuntary commitment to a State hospital, and involuntary treatment have the federal constitutional right to "effective assistance of counsel to oppose involuntary examination, commitment, and treatment. See, *inter alia*, *In re: Hutchinson*, 279 Pa. 401 408-409, 421 A.2d 261 (1980) (In holding that a person subjected to an involuntary commitment, who was not charged with a crime or serving a sentence, has the federal constitutional right to effective assistance of legal counsel to oppose such involuntary commitment, the Superior Court of PA stated: "The interest of the individual in his or her right to the [effective] assistance of counsel at an involuntary commitment hearing is unquestionably significant. (Federal citations the PA Superior Court cited in support of their holding omitted, but see, *Heryford v. Parker* (*infra*)). The legislature has recognized the importance of this right and "specifically has mandated that a person be represented by counsel either privately retained or provided by the court. 50 P.S. § 7304(c)(3) and (2)(1). "In order for this right to be meaningful, the appointed counsel must be "competent and adversarial." "If the representation of an alleged mental incompetent is not required to be "effective" in the same constitutional sense as the representation of the criminally accused, the right to counsel provided by 50 P.S. § 7304 would become a hollow gesture serving only superficially to satisfy due process requirements."

Cf. However, the criminal and civil commitment proceedings statute do not account for a situation where a person charged with a crime - Public Defender Defense Attorney initiate involuntary commitment proceedings against them under the false pretext that they are incompetent to stand trial over defendant objection that they are competent to stand trial; no procedure is enacted explaining the defendant has the right to "conflict counsel" to oppose commitment by proving they are competent. This violates the 5th and 14th Amendment to Due Process and Equal Protection.

Determination of mental competency to stand trial or to undergo postrelease proceedings Title 18 U.S.C. § 4241 (c) and Title 18 U.S.C. § 4247 (d) states: "The hearing shall be conducted, pursuant to the provisions of section 4247 (d). Title 18 U.S.C. § 4247 (d) states: "At a hearing ordered pursuant to this chapter 18 USC §§ 4241 et seq. the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain adequate representation, counsel shall be appointed for him."

Indecent Exposure Title 18 § 3127 (a): "A person commits indecent exposure if that person exposes his or her genital in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm." (b) Grading: "... is a misdemeanor of the second degree."

Open Lewdness Title 18 § 5901: "A person commits a misdemeanor of the third degree if he does any lewd act which he knows is likely to be observed by others who would be affronted or alarmed."

Harassment Title 18 § 2709 (a)(1): "A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person: strikes, shove, kick, or otherwise subjects the person to physical contact or attempts or threatens to do the same."

(c) Grading: "... (a) (1) shall constitute a summary offense." On November 15th 2021, at the preliminary hearing, the Commonwealth, without amending the Complaint or refiling it, purported to change the subsection from (a)(1) to (a)(3). (a)(3) states: "engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose." (c) Grading: "... (a)(3) shall constitute a summary offense."

Disorderly Conduct Title 18 § 5503 (a)(4): "A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he: creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor. (b) Grading - An offense under this section is a misdemeanor in the third degree if the intent of the actor is to cause substantial harm or serious inconvenience, or if he persisted in disorderly conduct after reasonable warning or request to desist. Otherwise disorderly conduct is a summary offense." 19

X. EXCEPTIONAL CIRCUMSTANCES WARRANTING THE EXERCISES OF THE COURT'S DISCRETIONARY POWERS, AND REASONS WHY ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT

¶ 1. The exceptional circumstances warranting the exercises of this Court's discretionary powers are, among the other exceptional circumstances, the situation I'm in is unprecedented and a case of first impression that this Court nor any other federal court, has ever ruled on. In addition to that, this is a case of great public importance and concern for public safety because, among other reasons, the situation I'm in, that can happen to anyone, essentially allows an indigent competent criminal defendant to be held in pre-trial custody indefinitely based solely on the "false pretext" via words and/or suggestions of a Public Defender that the indigent criminal defendant is somehow "incompetent to stand trial," where at the same time where the indigent criminal defendant opposes and objects to such words and/or suggestions, but is still left without effective assistance of counsel to represent their position that he or she as a criminal defendant is very competent to stand trial. This is the egregiously unconstitutional and bleak situation, that although may be inapplicable to that case but perfectly applicable to my situation, that the Honorable Holloway expressed concerns about in the concurring in part dissenting in part opinion in *United States v. Boigegrain*, 155 F.3d 1181, 1190-1193 (10th Cir. 1998).

¶ 2. An adequate opportunity for relief cannot be obtained in any other form or from any other court because, among other reasons:

a. This situation I'm in requires emergency immediate intervention to stop and or prevent irreparable harm such as, among other irreparable harms sought to stop and or prevent: (1) Stop my indefinite incarceration pending criminal incompetency proceedings where it is my Public Defender criminal defense attorney, and his office whom is otherwise essentially advocating for my incarceration/hospitalization for an indefinite period of time over my objection and where I'm without "Conflict Counsel" to rep-

(§ X. EXCEPTIONAL CIRCUMSTANCES.... continued...)

resent my "always maintained position that I'm never considered / consented to raising a "mental incapacity defense" and that I'm "very competent to stand trial and always been competent to stand trial;" (2) Stop and or prevent the illegal / unlawful search and seizure of my medical / mental health records that my adversary Public Defender (explained supra) is trying to get hold of so that he can show it to a Psychiatrist and solicit from them a false report based on pure speculation of my present mental health where the purported incompetency evaluation is going to be based on my medical and mental health records and not, as I refuse to undergo one, an Incompetency Examination of me.

b. I'm being denied "conflict counsel" to represent my position that I am competent at the state trial court. The state trial court is ignoring everything I have to say. I believe that the trial court and or the public defender may be considering committing fraud by, among other ways, striking what I say in court off the transcripts, putting things that I did not say on to the transcripts purporting it to been said by me, and by erasing what I say in my pleadings and replacing it with something irrational to give a third party the false perception that there is reasonable cause to believe that I'm incompetent to stand trial and or the false perception that I'm incompetent to stand trial. There is no opportunity for adequate relief at the state trial court.

c. I'm being denied my right to sue in civil state court. Complaints I sent to the civil division of trial court and the Commonwealth Court went ignored / unfiled. The state appellate court's, without legitimate reasons, prothonotary / clerk of court are refusing to file my "commencing petitions." See, inter alia, § III () () and () on pgs of this petition. See "Appendix" on pgs of this petition. Thus, there is no opportunity for adequate relief at the state appellate courts. Lastly, there is no opportunity for adequate relief in the District Court for E.D. Pa. in 2241 or 1983 proceedings because of, inter alia, I'm being assigned "the same judge," De Facto denial of right to petition pursuant 2241, undue delay, and egregious violations of due process. See, inter alia, § III (i) () and () on pg . See Appx. and . Third Circuit refuse to file my 2241 petition. See, Appx. on pg of this petition.

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XI. STATEMENT OF CASE

- ¶ 1. I, Artis Carroll, am a 31 year old legally competent criminal defendant, mentally sound, intelligent, goodwill, God fearing American man. I'm a citizen of the United States of America and the State of Pennsylvania.
- ¶ 2. I'm currently the criminal defendant in state criminal case Commonwealth v. Carroll [], Case No. CP-23-CR-0004904-2021. The Police Criminal Complaint giving rise to the criminal case against me was filed on November 4th 2021.
- ¶ 3. I'm indigent and cannot afford to hire my own criminal defense attorney, because of this various attorneys from the Delaware County of Pennsylvania Public Defender Office are purporting to be representing me, my claims, and defenses.
- ¶ 4. Assistant Public Defender Attorney, Ms. Rebecca Richman, Esq. of the Delaware County of Pennsylvania Public Defender Office represented me at my Preliminary Hearing on November 15th 2021. According to Attorney Richman, her and neither anyone from her office was notify of their responsibility to represent me at my preliminary hearing that date, that it was customary of her and her and her office to ask unrepresented defendants if they want a Public Defender, and that her representation of me at the preliminary hearing will be on less than two hours notice and based on her 15 to 30 mins talking with me that day. I told Attorney Richman that I requested for counsel at my bail interview and at my preliminary arraignment on November 4th 2021, and that I do not know why her and her office was not notify and neither do I know why the MDC Docket Transcripts purport that I never requested for counsel.
- ¶ 5. I believe that I was constructively and/or actually denied counsel at my preliminary hearing because, among other reasons, the government never notified the Delaware County of

Pennsylvania Public Defender Office of their responsibility to represent me, and I believe that Attorney Richman's performance in her representation of me at the preliminary hearing was so deficient that it amounted to an outright denial of counsel. Furthermore, by the MDC Docket Transcripts purporting that I never requested for counsel on November 4th 2021, and that on November 15th 2021, I purportedly waived my right to counsel and/or attempted to do so, gives the false impression to a third party that I somehow contributed to Attorney Richman's ineffectiveness. This will also give my trial court counsel an excuse to not pursue reinstatement of my preliminary hearing rights on the grounds that counsel's performance at my preliminary hearing amounted to a denial of counsel.

¶ 6. On December 1st 2021, I posted bail in said case.

¶ 7. On December 15th 2021 I attended my Formal Arraignment. Counsel was not present. I pleaded not guilty to all criminal statutes cited in the police criminal complaint and information.

¶ 8. On December 28th 2021, Assistant Public Defender Attorney, Mr. Timothy Walsh Esq., of the Delaware County of Pennsylvania Public Defender Office entered his appearance to represent me.

¶ 9. Attorney Walsh missed the January 17, 2022 deadline to file Pre-trial Motions. I believe this and his late entry of appearance, notwithstanding other things, alone amounts to an actual denial of counsel.

¶ 10. On January 31st 2022, I missed my Pre-Trial Conference hearing because, among other reasons, I was never given notice that my presence was required. On this date the assigned judge, Mary Brennan, issued a Failure To Appear (FTA) Bench Warrant for my arrest.

¶ 11. On February 1st 2022, I was picked up on said Bench Warrant. I been held in physical custody ever since.

¶ 12. On February 3rd 2022, I had a video bench warrant hearing. Attorney Walsh was not present. Assistant Public Defender Attorney, Mr. Thomas Martinicchio Esq., of the Delaware County of Pennsylvania Public Defender office claimed to me that he was filing in for Attorney Walsh. I explained to Attorney Martinicchio my claims and defenses as to why I did not attend the Pretrial Conference and he told me that my claims and defenses are good and should constitute "good cause" for not appearing.

¶ 12. At the end of the video bench warrant on February 3rd 2022, Senior Judge Gregory Mallon, who was presiding reset bail at \$15,000.00 eligible at 10%. The hearing was over and I was escorted out the video room. About seven minutes later I was summoned back into the video room. Judge Mallon then told me that that I was being held without bail pending the outcome of incompetency proceedings starting with a psychological evaluation. I immediately objected and demanded who made the request, when was the request made, why was the request made and etc. but everyone just ignored me and Mallon cut off the video monitor. I believe this is an egregious violation of due process because, among other reasons, I believe I have the right to be present when an oral request is made for an incompetency examination so I can know who made it, as an incompetency examination can be requested by the Court, the prosecution, and or defense counsel. See, *Kentucky v. Stincer*, 482 U.S. 730, 745, 96 L. Ed. 2d 631, 107 S. Ct. 2568 (1987) (stating: "A criminal defendant also has the right, under the Sixth Amendment confrontation clause, and due process guarantee of the Fifth and Fourteenth Amendments, "to be present at any stage of the criminal proceeding that is critical to its outcome if his presence would contribute to the fairness of the procedure." Also see, Joint Anti-

Fascist Refugee Committee v. McGrath, 341 U.S. 123, 170, 95 L. Ed. 817, 71 S. Ct. 624 (1951) (Stating: "The heart of the matter is that democracy implies respect for the elementary rights of men, however suspect or unworthy; a democratic government must therefore practice fairness; and fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights.")

¶ 13. The February 3rd 2022, order ordering that I'm being held without bail indefinitely pending the outcome of incompetency proceedings starting with an psychological evaluation was entered without notice, an opportunity to be heard, and insofar as I'm concerned it had to be entered without "reasonable cause" to believe that I was somehow incompetent. It is my position that anything in the record below that would tend to prove that I'm somehow incompetent to stand trial and/or that there is "reasonable cause" to believe that an incompetency examination is warranted is false, fraud and I was not put on notice about it. See, 11 Wright & Miller, Federal Practice and Procedure § 2862 (1973 ed.); Marshall v. Board of Education, 575 F. 2d 417, 422 (3d Cir. 1978); Williams v. New Orleans Pub. Serv. Inc., 728 F. 2d 730, 735 (5th Cir. 1984) (Stating: "A Order/Judgment is void only if the Court that rendered it lacked jurisdiction of the subject matter, or of the parties, and or if it acted in a manner inconsistent with due process of law." Also see, Mallume v. Central Hanover Bank & Trnst Co., 339 U.S. 306, 314 70 S. Ct. 652, 44 L. E 865 (1950) (Stating: "Due Process requires notice 'reasonably calculated under all the circumstances to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.'"). Also see, Barry v. Hall, 68 App. D.C. 350, 357, 98 F. 2d 222, 229 (D.C. Cir. 1938) (Stating: "Eventhough it appears factually upon a habeas corpus hearing that a petitioner is insane, nevertheless, if he has been confined under a void statute or a void proceeding, he is entitled to an order of discharge so far as his confinement is concerned.")

¶ 14. Notwithstanding my objections and my statement that "I will not undergo any incompetency examination," on February 22nd 2022, I was called off the block for a purported "legal visit." When I arrived to the visitation room, it turns out that my visitor is a Psychiatrist who wanted to perform an incompetency examination on me. I immediately told her that I objected to the request/order for a psychological/incompetency examination, and then I immediately literally ran at full speed out of the visitation room and back to my prison block - safe and sound.

¶ 15. I then followed up my verbal courtroom objections in writing in my pleading filed on or about February 28th 2022 entitled "Motion For Unsecured Bail With No Extra Conditions Except For The Conditions Already Prescribed By Law."

¶ 16. In retrospect, to the best of my knowledge, information, and belief, I believe it was Attorney Martiniello whom I was filing in for Attorney Walsh, who on February 3rd 2022 requested judge Mallon, outside of my presence, for an order ordering that I be held in physical custody without bail indefinitely pending the outcome of incompetency proceedings starting with a psychological/incompetency examination, that which when I found out it was ordered I immediately objected to and requested for due process on.

¶ 17. I respectfully submit to this Honorable Court that at that particular point and time, on February 3rd 2022 when I made my objections and requested for due process regarding the said situation, judge Mallon, or later judge Brennan, upon her inspection of what happen in a prior hearing in her absence in a case she is assigned to, according to federal and state law one or the other judge was suppose to sua sponte appoint me "special counsel" or "conflict counsel" to represent my position that I always been competent to stand trial; because, among other reasons, insofar as I can tell it is my Public Defender criminal def-

ense attorney and exactly all the other attorneys from the Delaware County of Pennsylvania Public Defender Office, who are otherwise advocating that I be held in physical custody without bail indefinitely pending the outcome of incompetency proceedings which can deprive me of my federal constitutional rights arguably at an equal or greater degree than the criminal proceeding that the incompetency proceedings are based on. See *United States v. Boigegrain*, 155 F.3d 1181, 1190-1191 (10th Cir. 1998), cert. denied, 525 U.S. 1083, 119 S.Ct. 828, 142 L.Ed. 2d 686 (1999) (The Honorable Judge Holloway concurring in part and dissenting in part stating: "I agree that the defense counsel, if warranted, had the right and duty to raise the issue by reporting his concerns about defendant's competency," however dissenting in part by stating earlier that: "I would hold under these circumstances that an accused is entitled to make the fundamental decision on his position [that he or she is competent to stand trial in a criminal case], and [the defendant has the constitutional right] to [the appointment of] "conflict" or "special" counsel to assist him [or her] in presenting his [or her] position [that he or she is and has always been competent to stand trial] and in resisting a finding of incompetency to stand trial [and an involuntary commitment order.]. *Ibid.* This Court, The United States Supreme Court, although not squarely dealing with the situation at bar in this petition, but nevertheless analogous and applicable to, has repeatedly held that a person subjected to involuntary State Hospital Commitment proceedings, dubbed criminal or not, has the right to legal counsel to oppose such involuntary State Hospital Commitment. See *Heryford v. Parker*, 396 F.2d 393, 396 (10th Cir. 1968) (stating: "[W]e think the reasoning in *In re: Gault* 387 U.S. 1, 45, 18 L. Ed. 2d 527 554, 87 S. Ct. 1428 (1967) emphatically applies. It matters not whether the proceedings be labeled "civil" or "criminal" or whether the subject matter be mental instability or juvenile delinquency. It is the likelihood of involuntary incarceration -- whether for punishment as an adult for a crime, rehabilitation as a feeble-minded or mental incompetents -- which commands observance of the constitutional safeguards of due process." Also see, *Specht v. Patterson*,

386 U.S. 605, 608 18 L. Ed. 2d 326, 87 S. Ct. 1209 (1967) ("These commitment proceedings whether denominated civil or criminal are subject both to the Equal Protection Clause of the Fourteenth Amendment as we held in *Baxstrom v. Herold*, 383 U.S. 107, and the Due Process Clause.")

¶ 18. Also see, *Dooling v. Overholser*, 100 U.S. App. D.C. 247, 243 F.2d 825, 827 (D.C. Cir. 1957) ("In holding that the civil commitment proceedings to be void due to the denial of counsel the court stated that: "The order discharging the writ of habeas corpus and dismissing the petition for the writ must be reverted . . . the cause will be remanded to the District Court for discharge of appellant from custody of appellee, unless within five days after the entry of such order new proceedings under the statute are initiated, at which [appellant] shall be represented by counsel [r.]")

¶ 19. Also see, *Vitek v. Jones*, 445 U.S. 480, 494-495, 100 S. Ct. 1254, 63 L. Ed. 2d 552 (1980) (stating with approval that "The District Court held that to afford sufficient protection to the liberty interest it had identified the state was required to observe the following minimum procedures before transferring a prisoner to a mental hospital: (F) Availability of legal counsel furnished by the state, if the inmate is financially unable to furnish his own. We think the District Court properly identified and weighed the relevant factors in arriving at its judgment.

¶ 20. Then on May 16th 2022, without notice, Attorney Walsh filed a document entitled "Petition For A Writ of Habeas Corpus where he over my objections, against my wishes, and without "reasonable cause" requested that I be held without bail indefinitely pending the outcome of incompetency proceedings starting with an incompetency examination. I was not served or seen a copy of this petition until on or about

June 9th 2022, assuming it's a true and correct copy.

¶ 21. On June 2nd 2022, presumably the hearing for the May 16th 2022 said petition, Attorney Walsh was not present. Assistant Public Defender Attorney, Mr. Kevin Horan, Esq., of the Delaware County of Pennsylvania Public Defender Office, introduced himself to me for the first time in the courtroom only minutes before we were on the record. He told me that Attorney Walsh is out and that he is filing in for him. He told me that the hearing that day was on the May 16th 2022 said petition. I told him that I was not served it or ever seen it. He told me that Attorney Walsh requested for an incompetency examination of me in the petition. I told him I object and want a copy of the petition. He did not have a copy of the petition to show or give me, but he said he will send me a copy in the mail. Then at the outset of the hearing, as I did on May 16th 2022 where Judge Brennan ignored me, I made my Personal Jurisdiction objections and claimed that "I was not served or seen yet a copy of the petition that Attorney Walsh filed on May 16th 2022" which the June 2nd 2022 hearing is based on. Judge Brennan ignored my objection and immediately told the the sheriff to remove me from the courtroom. She never called me back into the courtroom.

¶ 22. On June 3rd 2022, Attorney Horan proposed an order, without notice, wherein he, over my objections, against my wishes, and without any reasonable cause, requested Judge Brennan to order that I be held in physical custody without bail indefinitely pending incompetency proceedings, starting with an Incompetency Examination and the search and seizure of my medical and mental health records. This proposed order was immediately granted on June 3rd 2022 by Judge Brennan. On June 9th 2022, assuming they are true and correct copies, I received the May 16th 2022 petition, and the June 3rd 2022 order. Attorney Horan is clearly not "conflict counsel" because, among other reasons, he told me he was filing in for Attorney Walsh and he joined Attorney Walsh request for

an incompetency examination. The other attorneys from the Delaware County of Pennsylvania Public Defender Office who purport to represent me are not "conflict counsel" because, among other reasons, they're all assuming the position that an incompetency examination is warranted, when in fact it's not. Attorney Douglas Smith, a private court appointed attorney, is not necessarily "conflict counsel" because he was appointed on or about August 9th 2022 to represent me in only the appeal that I filed against the June 3rd 2022 order. I since then moved to proceed pro se on appeal from said order where I intend on raising the claim, among other claims, that I was denied "conflict counsel" to represent my position that I am and always have been competent to stand trial. Federal and State.

¶ 23. The trial court never ruled on my objections to my Public Defender Attorney(s) unwarranted request for me to undergo an Incompetency Examination. Likewise, the trial court never did and never intended to advise me of my right to "conflict counsel" to represent my position that I am and always have been competent to stand trial which will tend to protect me from unwarranted involuntary hospitalization for purported competency restoration. The failure to advise and appoint "conflict counsel" alone is enough to forfeit jurisdiction to void incompetency proceedings and perhaps also enough to forfeit jurisdiction to void the criminal proceedings, assuming criminal jurisdiction was ever invoked in the first instance. This type of void is not voidable, but is void ab initio because among other reasons perhaps, the right to counsel, when applicable, is an essential jurisdictional prerequisite. See *Johnson v. Zerbst*, 304 U.S. 458, 467, 58 S.Ct. 1019, 82 L. Ed. 1461 (1938).

¶ 24. Last but not least, as I also do in the following "Declaration of Competency," as I must rebut the presumption that the state trial court orders, ordering an I undergo an Incompetency Examination, were correct; I humbly declare that I always easily surpass the competency test of this Court made out in *Dusky v. United States*, 362 U.S. 402, 402, 80 S. Ct. 788, 4 L. Ed. 2d 824 (1960). For example, among other examples that prove this, Attorney Walsh told me I was doing a good job aiding him raise my defense and claims when I told him that the purported incident happened in a confined private area which would tend to negate the "public element." I also told him the officers did not read me my rights and he lied.

XII. REASONS FOR GRANTING PETITION

¶ I. This Honorable Court should, as I'm not a license attorney and I have no formal legal training, construe this petition liberally, to do substantial justice in my favor, apply the appropriate law irrespective if I mention it by name or not, and grant this Petition for A Writ of Habeas Corpus because, among other reasons:

(a) I'm clearly being held in physical custody in violation of the United States Constitution Fourth, Fifth, Sixth, Eighth, and Fourteenth: - Amendment rights: to "inter alia, be free from unreasonable restraints on liberty, to be free from unreasonable searches and seizure(s) of my person, property, and or documents; the right to Due Process and Equal Protection of the Law; the right to counsel (twofold) where at all times relevant I been competent to stand trial and my Public Defender criminal defense attorney purporting and or suggesting that I'm somehow incompetent at the same time the pleadings that I file of the record prove that I'm competent and where in private counsel told me that I'm doing a good job at helping him aid my defense, amounts to a denial of counsel, and where "Conflict Counsel" is appropriate to make the case that I am competent but not appointed amounts to another denial of counsel; the right to not to be held in physical custody pretrial for an excessive period of time; and Due Process and Equal Protection.

(b) "Hidden in plain sight," akin to looking for the TV remote while its in your hand, its easy to tell from this petition, and perhaps a trip to D.C. for this Court to witness that I'm competent and sane and normal, that I completely "surpass the Dusky competency test," and stating otherwise should offend me and all those interested in the administration of criminal justice.

(c) This is a case of "first impression," of public importance and concerns public safety, and exceptional circumstances exist warranting the exercise of the Court's discretionary powers and an adequate opportunity for relief cannot be obtained in any other form or from any other court.

XIII. RELIEF REQUESTED

¶ I. I respectfully request that, among the other relief that may be liberally construed as requested, this Honorable Court:

a. Construe this petition liberally to do substantial justice in my favor and to apply the appropriate law irrespective if I mention it by name or not.

b. If possible, please appoint me an attorney to represent my position that, among other things, this is a case of first impression and a clear example of one of the "blind spots" or "flaws" within the criminal justice system.

c. Make speedy arrangements for me to be transported to this Court for a hearing so that this Court can conduct a colloquy and witness for itself that I'm competent to stand trial, able to testify in my own defense if I so choose to, that I'm sane and is a "normal person."

d. Order the trial court to provide me a free copy of all the transcripts of each proceeding in the state criminal case in question.

e. Declare that this is indeed a case of "first impression" and that in this extraordinary situation I'm entitled to "conflict counsel" to represent my position that I am and have always been competent to stand trial, to prevent hospital commitment.

f. With or without an opinion, order the Respondent, Ms. Laura Williams, the Warden of GWHCF, to immediately release me from her physical custody.

XIV. CONCLUSION

¶ I. This is an extraordinary case of first impression that gives this Court the perfect opportunity to explain what "Due Process" calls for in this situation. With or without an opinion, the petition for a writ of habeas corpus pursuant 28 U.S.C. 2241 should be granted, and granted with speed.

Art's Carroll
8/28/22

VERIFICATION OF FACTS

I, Artis Carroll, hereby verify that the facts contained in the foregoing pleading entitled: "Emergency Petition For Writ of Habeas Corpus.." are true and correct to the best of my knowledge, information, and belief. This Verification is made pursuant to the penalties of perjury in 18 Pa. C.S.A. § 4904 relating for unsworn falsification to authorities.

Dated: August 28^m 2022

Artis Carroll
(Signature)

Artis Carroll
Inmate No. 22000450
George W. Hill Correctional Facility
500 Cheyney Road, P.O. Box 23
Thornton, PA 19373

Declaration of Competency

I, Artis Carroll, do declare the following:

- ¶ 1. I, Artis Carroll, am a 31 year old, legally competent and mentally sound, highly intelligent, goodwill God fearing American man. I'm a citizen of the United States of America and I'm a citizen of the state of Pennsylvania. I'm a "normal human."
- ¶ 2. I'm currently the defendant in state criminal case Commonwealth of Pa. v. Carroll, Case No. CP-23-CB-0004909-2021, now pending at the state trial Court, Court of Common Pleas of Delaware County of Pennsylvania. The Honorable Judge Brennan is the assigned judge.
- ¶ 3. In the Police Criminal Complaint, that commenced the said criminal case against me the officer cites the criminal statutes: Indecent Exposure Title 18 Pa.C.S.A. § 3127(a); Open Lewdness Title 18 Pa.C.S.A. § 5901; Harassment - Subjecting Other to Physical Contact Title 18 Pa.C.S.A. § 2709(a)(1) [which on November 15th 2021 at the Preliminary Hearing was purported changed to Harassment - Course of Conduct With No Legitimate Purpose Title 18 Pa.C.S.A. § 2709(a)(3)I; and Disorderly Conduct Hazardous / Physical Offense Title 18 § 5503 & (a)(4). The Information cites the same criminal statutes. I, at all times, maintained my innocence.
- ¶ 4. The said criminal statutes I'm facing range from a Summary Offense to a Second Degree Misdemeanor.
- ¶ 5. Every Attorney from the Delaware County of Pennsylvania Public Defender Office, who spoke with me about the case have always told me that I was doing a great job at helping them raise my valid claims and defenses. For example, among other examples, Indecent Exposure, Open Lewdness, and Disorderly Conduct all require a "Public Element" which it is my contention is nonexistent in my case because, among other reasons, the purported incident happened in a confined private area with just me and the purported "victim." Moreover, there is no allegation or evidence to support Harassment Physical Contact or Course of Conduct as its undisputed no physical contact was made and this is a "single" purported incident not "course of conduct."

I, Artis Carroll, declare under penalty of perjury that the foregoing is true and correct.
Executed: Aug 31 2022 Artis Carroll

¶16. Insofar as the Indecent Exposure criminal statute is concerned, assuming the "public element" is not being relied on by the Commonwealth, my alternative defense is that, among my other rational valid defenses, is that still the purported incident occurred in a private confine area with only me and the purported victim present and that there is little to no evidence that I exposed my genitals to anyone on the date and time in question. Insofar as what I told the arresting in response to his questioning of me, when I was not free to leave, I believe that statement is inadmissible pursuant *Miranda v. Arizona*, 384 U.S. 436, at 444, 86 S.Ct. 1602, 16 L. Ed. 2d 694 (1966) because the officer initiated the conversation and questioning of me when him and five other officers surrounded me in a corner with my back against the wall blocking me from leaving and he nor any one else advise me of my Miranda rights/warnings. Furthermore, it is my contention that the officer lied when he claimed that I told him that I asked the purported victim to help me with my botched circumcision. I do not admit to any element of this offense, or any other offense and I leave the burden of proving every element of every offense beyond a reasonable doubt to the attorney representing the Commonwealth of Pa.

¶17. I do have a reasonable belief, that it will be in my best interest to tell this court, that I do believe that I'm being given bad information / misinformation and information is being withheld from me in order to give the "false perception" that I'm somehow incompetent to stand trial. For example, among other examples, I have yet to get or see a copy (or hear it be read) of the written statement the purported victim gave to police. The Police Criminal Complaint does not provide much information. The Commonwealth changed the Harassment subsection. The information describes a higher grade Disorderly Conduct but it's listed as a Summary offense. Moreover, things may have been said about me on the record that I was not present to hear. So it's hard to rebut something; one was not given notice of. My question is why exactly do my Public Defender purportedly believes I'm incompetent? I did not 100% know I had the right to "Conflict Counsel" until on or about August 17th 2022. I understand the proceedings against me.

I, Artis Carroll, declare under the penalty of perjury that the foregoing is true and correct.
Executed: August 28th 2022 Artis Carroll

**Additional material
from this filing is
available in the
Clerk's Office.**