

22-7334

DOCKET NUMBER

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

In re: United States of America

v.

QUINCETTA Y. CARGILL

FILED

MAR 28 2023

OFFICE OF THE CLERK
SUPREME COURT U.S.

District Court Docket # 2:17-cr-00356-RDP-JHE

Direct Appeal # 21-13962-E

Petition For Rehearing-Appel No.: 22-13587-HH

COVER SHEET

Petition For Extraordinary Writ of Mandamus
(Individual Justice (Eleventh Circuit))

Petitioner: Quincetta Y. Cargill
(pro se)

SeaTac Federal Detention

P.O. Box 13900

Seattle, Washington

98198

Inmate Reg. # 19088-001

Rules of the Supreme Court of The United States.

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IN THE SUPREME COURT OF THE UNITED STATES

In re: United States v. Quincetta Y. Cargill

DOCKET NUMBER:

U.S. District Court No.: 2:17-cr-00356-RDP-JHE

Direct Appeal Number: 21-13962-E

(Petition for Behearing) Appeal No.: 22-13587-HH

Writ of Mandamus
to a United States District Court
before Judgment (Rule 11)

18 USC § 3142 (b)

Release Pending Appeal by the Defendant

I. Where pursuant to 18 USC 3143 (b) The Bail Reform Act of 1984, and where after the pro se petitioner has filed two separate motions i.e.

(1) 01-09-2023 Docket # 394, and

(2) 02-06-2023 Docket # 396

requesting release of a prisoner from custody pending appeal 18 USC 3143 (b), (Appeal no.: 22-13587-HH)

yet neither motion has been responded to; and

II. where there exists a Notice of Appeal submitted to the United States Court of Appeals against an

Adverse ruling in United States District Court in regards to denial of the petitioner's pro se motion to Reduce Sentence for Compassionate Release pursuant to the First Step Act of 2018,

the petitioner believes that any questions and/or concerns regarding release or conditions of release have been addressed esp.

where the petitioner is a 51 year aged woman with no recorded or documented assets that could be neither used or liquidated in efforts to support a flight from United States' reach.

Where the petitioner has raised issues in her pro se petition for rehearing that include:

(1) Competency; (CST) Competence To Stand Trial
Competence to Waive Rights (Rights to Counsel and Rights to Trial by Jury);

(2) Brady Violation: Prosecutory Withholding of Evid.
(Conflict of Interest);

(3) Due Process Violation - Confrontation Clause

(4) Fraud - Falsified Report (Amount in Controversy);
And other relevant issues that would prove unlawful conviction and where without such errors the outcome of the trial would likely have been different,

to allow the pro se petitioner to be released pending appeal she could gain the attention and financial resources needed to present a full and adequate case before the highest court on Certiorari in the event that the Eleventh Circuit's decision proves adverse.

Rules of The Supreme Court of The United States

Rule 14 Content of A Petition for A Writ of Certiorari

1. (a) Questions presented for review

1. Where petitioner has zero resources and zero assets to be liquidated showing zero probability of risk of flight, why not release her where she could find and be any assistance to an appeals attorney?

2. Where the petitioner represented herself at trial preserving relevant and specific material issues and concerns for appeal, would not a release pending appeal allow her to fully explain her methodology or ideas to an appeal attorney?

3. Where the institution at which the petitioner is housed is located approx. 2,500 miles from the appointed appellate attorney, would not release make it easier and better for the two to converse?

4. Where the B.O.P. has internal problems that include inadequate medical and psychology; and where the petitioner suffers from physical injuries and ailments, and is in need of psychiatric care and treatment, would not release allow and afford such care to be conducted?

Rules of The Supreme Court of The United States

Rule 14

(b) List of All Parties

1. Attorney J.D. Lloyd (Appellate Counsel)
2. Attorney J.D. Bramer (Hybrid Counsel)
3. U.S. District Court Judge B.D. Proctor
4. U.S. Magistrate Judge J.H. England
5. Prim. F. Esclona U.S. Attorney

Rules of The Supreme Court of The United States.

Rule

Concise Statement of Basis for Jurisdiction

Rule 20. Procedure on a Petition for an Extraordinary Writ authorized by 28 U.S.C. § 1651(a).

The petition shall show that the writ will be in aid of the Court's appellate jurisdiction, that exceptional circumstances i.e. Abuse of Discretion and

Judicial Usurpation of Power

warrant the exercise of the Court's discretionary powers, and that adequate relief can not be obtained in any other form or from any other court

spec^A Where after the U.S. District Court Judge has first certified in writing that 28 U.S.C. § 2255 and related case 28 U.S.C. § 2254 were not filed in good faith (28 U.S.C. § 1915) thereby blocking the indigent petitioner's chances at appeal, but without relaying such facts as:

(1) The prose defendant had filed an Affidavit of Personal Bias and Prejudice (28 USC § 455 (a), and § 144) against the judge before he certified that the appeals were not in good faith;

a) Both 28 U.S.C. § 2254 and 28 U.S.C. § 2255 appeals raised issue of Judicial Misconduct and were challenging his misconduct particularly where he as judge presided over both cases; and

(3) The United States District Court had granted the petitioner in forma pauperis for trial and had provided counsel free of charge as pursuant to 18 U.S.C. § 3006 A. Criminal Justice Act of 1964;

and
-B- whereafter the petitioner has filed Judicial Complaint against the trial court judge and submitted Motion for Recusal of the judge who presided over BENCH TRIAL that was defended by pro se petitioner/defendant.

the petitioner has very little faith in the integrity of the judge and believes that where Affidavit of Personal Bias and Prejudice was filed against the judge and where the petitioner testified before the Judicial Committee regarding the judge's misconduct, i.e.

1. The judge presided over
 - a. federal criminal trial, and
 - b. Challenge of state conviction held in federal court (28 U.S.C. § 2254)
2. While knowing that the A.U.S.A. (John G. Camp) served as prosecutor for both
 - a. federal criminal case, and
 - b. state criminal case

3. Both convictions were appealed with issues of Competency and Prosecutory Misconduct; and

4. The judge was accused of Withholding Information favorable to the defense

the petitioner has reason to believe that the judge does not have intentions of responding to each "Pending" motion, and

she further sets forth that the judge is in fact BIAS (Confirmation Bias, Expectation Bias, and Personal Bias).

Mandamus

Relief Requested: _____

A. The petitioner asks that the Supreme Court orders the United States District Court to rule on both motions:

1. 01-09-2023 Doc. # 394 The Bail Reform Act Release Pending Appeal; and

2. 02-06-2023 Doc. # 396 Motion for Release from Custody Pending Appeal 18 USC § 3143 (b) by Quincetta Y. Cargill;

B. and the petitioner requests that the Courts mandate that a different judge other than Hon. Judge R. D. Proctor rule upon the motion.

3. Petitioner seeks by mandamus

18 USCS § 3142 (b)

Release pending appeal by the defendant

whereafter the petitioner who claims Actual and Factual Innocence has been found guilty after a Bench Trial conducted by an United States District Court Judge whose partiality has been called into question, and who has devised in forma pauperis to the impoverished defendant, and has certified in writing that appeals⁽¹⁾ were not taken in good faith, but without a full examination of the record; and

where evidence exist to prove that the conviction was unlawful, and where such evidence consisting of falsified documents⁽²⁾ and evidence as was presented by the government, falsified claims of monetary indebtedness⁽³⁾ as was presented by the government, and factors that specifically call into question the defendant's Competence to stand Trial⁽⁴⁾, raises a substantial question of law and fact likely to result in Reversal;

the pro se petitioner-defendant requests release pending appeal particularly whereafter denial of in forma pauperis and the need to secure adequate legal representation is imperative.

(1) Appeals that are pending and were sought after the bias judgment of the same judge are 28 U.S.C. § 2254, 28 U.S.C. § 2255 and the Direct Appeal in U.S. Court of Appeals.

(2) Records exist to show the existence of falsified documents that presented at trial and were preserved by the pro se defendant to be sought for review

(3) #1,096,666.68 The monetary amount was deliberately falsified.

Notwithstanding the fact that the prose petitioner is fifty-years old, a mother of eight and a grandmother of nine, and has no physical property - no assets capable of ready conversion into cash, or finances available or readily at hand to assist in any unexpected flee within or without the United States, the petitioner-defendant has served approx. nine years combined after the unlawful convictions that occurred one behind the other in such close proximity to where only months separate the two convictions, and

where the two unlawful convictions were procured by the same prosecutor: A.U.S.A. John G. Camp with the aid of A.U.S.A. M. Blake Milner in federal court and District Attorney John G. Camp with the poss. aid of M. Blake Milner in state court; and are both being challenged on appeal,

the likelihood of the economically impoverished defendant fleeing is extremely minimum, if not none existent.

The petitioner asserts that where the government would exert the fact that she was convicted of Attempted Witness Tampering in violation of 18 U.S.C. § 1512 (b)(1), it must be noted that no violence was ever reported by this witness, nor was any act beyond attempts to share his statements on social media proven; in fact, the alleged witness tampering claims were rebutted

by Affirmative Defense: Justifications by Public Authority where the documents containing the statements made by the witness were provided to the defendant by court-appointed counsel but without any restrictions, instructions, prohibitions or implied sense of Classified or Secret maintenance.

The petitioner further asserts that the witness, Gerald Starks testified in court that he had not been threatened by the petitioner, nor had he feared the presence of the petitioner, therefore no threat of danger was neither sensed/felt by the witness, nor reported by the witness.

Where the government would argue that the petitioner has been convicted for Assault I in state court after shooting a man for allegedly touching her daughter inappropriately, the petitioner sets forth two viable points:

1. That conviction (Case Number CC 2014-003042) is the basis for the 28 U.S.C. § 2254 challenge in federal court that is under review / on appeal⁽⁴⁾ (D.C. Docket Number 2:19-cv-01339-RDP-JHE), and

(4) Psychiatrists' reports show that at the time of the event the defendant could not appreciate the difference between right and wrong due to diminished mental capacity, therefore the defendant was actually innocent of the crime, but the over-zealous District Attorney withheld this exculpatory evidence and instead coerced a plea of guilty. Facts exist to prove that the defendant's

is likely to be reversed.

2. At the time of the incident, the petitioner was suffering from a mental disease or defect that had compromised her thoughts and actions, thereby creating an alterity different from the normal behavior seen, known and/or experienced of the defendant.

The petitioner further asserts that the appeal is not for the purpose of delay and raises a substantial question of law and fact likely to result in reversal. And where the petitioner has a need to acquire the funds necessary to attain an adequate defense and remedy/recourse for redress of governmental infliction of injury (unlawful convictions) (see: *Quincetta Y. Cargill v. United States of America, et al.*, case number: C22-00949-JCC-SKV), release pending appeal would serve the interest of justice.

Submitted this 28th day of December, 2022.

Respectfully,
Quincetta Y. Cargill