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~~No. 22-5502~~

Supreme Court, U.S.
FILED
SEP 23 2022
OFFICE OF THE CLERK

IN THE UNITED STATES SUPREME COURT

In re: Artis Carroll

APPLICATION FOR BAIL PURSUANT SUPREME COURT RULE 36.3(a)

AND NOW, on this 23rd day of September, 2022, comes the pro se Petitioner, Mr. Artis C. Carroll, Jr., hereby now applying to the Honorable Justice of this Honorable Court to be released immediately from the physical custody of the respondent, Ms. Laura Williams, the Warden of George W. Hill Correctional Facility, therefore releasing me on bail in the form of being enlarged on personal recognizance or nominal unsecured bail pursuant Supreme Court Rule 36.3(a); and in support thereof I state the following:

1. I, Artis Carroll, am a 31 year old legally competent and mentally sound, 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 believe the conditions of release already prescribed by Pa. B. Crim. P. Rule 526 is enough to ensure my appearance and protection of public.
2. On November 4th 2021, at about 2:03pm Upper Darby Township Police Officer Luke McCann

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arrested me. Later that day, he filed a Police Criminal Complaint against me. This criminal case against me is now docketed as Commonwealth v. Carro I [1], Case No. CP-23-CR-0004909-2021. See, Exhibit No. 1 (attached) The Police Criminal Complaint, and Exhibit No. 2 (attached) the Information.

3. Officer McCann merely cites the criminal statutes: Title 18 Pa. C.S.A. § 3127(a) Indecent Exposure, graded M2; Title 18 Pa. C.S.A. § 5901 Open Lewdness, graded M3; Title 18 Pa. C.S.A. § 2709(a)(1) Harassment, graded Summary; and Title 18 Pa. C.S.A. § 5503(a)(4) Disorderly Conduct, graded Summary. See, Exhibit No. 1 (attached) the Criminal Complaint and Exhibit No. 2 (attached) Information.
4. At my Preliminary Hearing on November 15th 2021, for the said case, the prosecutor announced that Officer McCann made a mistake, and the subsection for the Harassment statute should be (a)(3), and not (a)(1). Besides that, the Police Criminal Complaint and Information cite the same criminal statutes. See, Exhibit No. 1 (attached) compare to Exhibit No. 2 (attached).
5. It's now almost a year after the Police Criminal Complaint was

filed against me and I have yet to see, be given, or been read to the written statement the purported victim made to police. My repeated requests for this document have been ignored by my Public Defender attorney and the Court.

6. The true and correct copies, at least that were given to me, of the Police Criminal Complaint and Information regarding the said criminal case against me are "completely devoid of any "charge(s)" as defined by Black's Law Dictionary. "See, Exhibit No. 1 (attached) and Exhibit No. 2 (attached).

7. Black's Law Dictionary defines the word "charge" as: Charge: n (13c) 1. A formal accusation of an offense as a preliminary step to prosecution. See, BLACK'S LAW DICTIONARY (4th Pocket Edition © 1996) pg. 108. CF. The police criminal complaint and Information filed against are "completely devoid of any "charge(s)." See, Exhibits Nos. 1 and 2 (attached).

8. The "charge(s)" or should I say the criminal statute(s) the state otherwise "sought" to charge me with, are important and very relevant to this "Application for Bail"

because, among other reasons, a person can be "denied bail" if their "charge(s)" are "violent," "sexually preditorial," and/or if the "person is facing 10 years' minimum." See, Bail Reform Act.

9. Thus, even "assuming arguendo" that I was "charged" with all the criminal Statutes cited in the police criminal complaint and Information, none of those criminal Statutes are listed as a "Crime of violence" under Title 42 Pa. C.S.A. § 9714(g) or as a "Sexual predator crime" under Title 42 Pa. C.S.A. § 9799.14. See the said lists. Nor am I facing imprisonment of 10 years minimum.
10. I believe it is not in dispute, nor can the Commonwealth reasonably dispute, the fact that "I have little to no criminal history record." In the state criminal proceedings against me I missed only one hearing on January 31st 2022, which led to my bail being revoked, because, among other "good cause," I was never given notice that my presence was required at a pretrial conference. I'm not a flight risk."
11. It cannot be reasonably said that I'm a flight risk or a "danger to the community or a danger to anyone in the community." See, supra. I spent 1 month of pretrial incarceration from November 4th 2021 until December 1st 2021

when I bailed out. Bail was revoked January 31st 2022. I was apprehended on February 1st 2022 and remained in pretrial custody ever since. ^{Footnote}

12. I believe Pennsylvania's Pa. R. Crim. P. Rule 600(B), which "mandates" the "immediate release" of a "pre-trial detainee" at or after 180 days of "pretrial incarceration," comports with the "presumption of innocence" and the Due Process Clause of the Fifth Amendment of U.S. Const. See, Commonwealth v. Abdullah, 539 Pa. 351, 354-355, 652 A.2d 811, 812-813 (Pa. 1995).

13. I been in pretrial incarceration on said criminal case for 9 months and counting. I have yet to be tried and I always objected and maintained that "I'm competent to stand trial." There is no "reasonable cause" or "prima facie" question that I'm incompetent; therefore, "no delay was caused by me." See, Title 50 P.S. § 7402(d) Objection Clause.

CONCLUSION

14. Although, Commonwealth v. Abdullah (supra) predates the 1998 amendments to Article I, Section 14 of the PA Const. regarding "bail," the holding that my unconditioned release "is mandatory"

is still applicable to me and others similarly situated because as I explained supra "I'm not one of those defendants who might otherwise be denied bail." Moreover, although a Court may involuntarily commit a defendant to a hospital for an involuntary incompetency examination, for a short period of time, it cannot deny bail in the attempt to make defendant voluntarily submit to examination!

I, Artis Carroll, declare under the penalty of perjury that the foregoing is true and correct.

Executed: September 23rd 2022

Signature: Artis Carroll

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FOOTNOTES:

1: Although my bail is \$10,000.00 unsecured (see Exhibit No. 4 (attached) most recent June 3rd 2022 Bail Order) the order further states that: "Defendant shall NOT be released from GWH Prison until the following conditions are met: 1. Address verification, 2. Defendant shall participate in and complete a Psychological or Psychiatric Evaluation for competency and diagnosis and treatment, 3. Defendant must sign Notice for his next court date, ..." I cannot be denied bail merely because I'm homeless as it violates the Eighth Amendment. See *Martin v. City of Boise*, 920 F.3d 584, 604 (9th Cir. 2019) (Holding homelessness cannot be criminalized). I cannot be denied bail for not undergoing a Psychological or

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Footnotes continued.

Psychiatric Evaluation for competency and diagnosis and treatment. See, Commonwealth v.

Parsons, 2017 PA Super 223, 166 A.3d

1242, 1248 (Pa. Super. 2017) (Holding:

The ordering of an evaluation as a bail condition of release is prohibited because such condition does not aid in ensuring that the defendant appears for future hearings and/or does not violate one of the standard bail

conditions set forth in Pa.R.Crim.P. 526) / Supersedence by statute is unrelated to the holding about bail conditions of release;

The comments under Pa.R.Crim.P. Rule 527 suggested condition (4) is "inapplicable to me" because, among other reasons,

as in Parsons (supra) it does not suggest an "evaluation," it states that "both defendant and counsel" must agree on the condition and in this case I always

opposed such a condition and I have no history of mental illness or drug or alcohol addiction; I'm presumed competent and

under Title 50 P.S. § 7402(d) since I objected counsel must prove there is a prima facie question I'm incompetent. The conditions of Rule

526 are sufficient.

VERIFICATION

I, Artis Carroll, hereby verify that the facts contained in the foregoing pleading entitled: Application for Bail... 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: September 23rd, 2022

Artis Carroll
(Signature)