No.
23-6075
In The

SUPREME COURT OF THE UNITED STATES

William Phillip Neidinger

Appellant - Defendant

v.

UNITED STATES OF AMERICA

Appellee - Plaintiff :

On Petition For Writ Of Certiorari to the

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
CASE NO: 22-10118

D. C. No.: 3:20-CR-00009-MMD-CLB
U.S. District Court for Nevada, Reno

PETITION FOR WRIT OF CERTIORARI

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In Proper Person
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UNRESOLVED QUESTIONS

Is Not having actual availability of Effective Counsel and actual Presumption of Innocence, particularly in cases deriving from previous judicial defect that a court may cover by enforcing its own narrative, Constitutionally allowably in some cases? What latitude of options shall be available, especially for the indigent, per Mandamus, alternate Venues, alternate methods of Jury of Peer selection, etc.?

Are government debt contracts that in actual practice, effectively are managed to impose Civil Death, rather than collect, Constitutionally allowably in some cases? Is barring bankruptcy review and discharge for court and government debts Unconstitutional, particularly "Child Support" were there are No children involved and no interested party will even negotiate to get paid by allowing income, and therefore cover any other outstanding debt like remaining Student Loans?

Is county court impugned and enforced effective perpetual Homelessness – Nationwide – sometimes Constitutionally allowable? Third party review?

In actual practice, when is an Identity a part of your own persona that you are entitled to use to work and earn a daily sustenance for yourself and basic household needs and then lay up some reserves for incapacity and care in old age – with a manageable social contribution, and when is it government property that you can only use by rent, and only when you can afford the rent in amount and terms of Anything demanded? When is the amount and terms of rent on your own working Identity Not subject to disinterested third party review and action?

What is the Federal definition of personal Identity and who owns it? Does it change hands with court impugned assessments?

In this case I submit the government effectively demands a state of NEO-FEUDALISM – Ok as Defendant / Serf, I can stipulate to that – but how do I get a Court to rule that as only a top Judiciary can – to declare it openly and then DO IT RIGHT – as per a thousand years of time tested and refined Common Law?

What is the definition of Due Diligence on a Presentencing Report for color of criminal history, particularly differentiating judicial defect from legitimate history?

What is the definition of demonstrating Responsibility or Remorse? If Not demonstrating enough Responsibility or Remorse is used as a basis for real extra prison time, then that apparently needs a real definition precluding using as a general excuse to brush off any other factual argument.

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AUTHORTIES CITED HERE

US v Perez 22 U.S. 579 (1824)

U.S. v Green, 355 U.S. 184, 190 (1957)

Trop v Dulles, 356 U.S. 86 (1958)

People v Neidinger Cal. S133798 (2006) / Ct. App. C042839 (2005)

Rest in pretrial motions referenced for further context here.

Detention Status Currently at liberty, surrender Jan. 4th, 2024.

I would like for this to be as short as in that a government agent violated law to do this to me; this created an existential crisis which I had no survivable way out without harming others but to do that, the District Court refused that defense, and **Counsel refused to present bar of that defense to the Circuit Court because she refused to present case subject matter and so virtually no actual Innocence, and no Duress or Necessity – 95% of case** – please reverse or sentence relief – done.

All of that here is true. But it was not one violation of law against myself putting me into and maintaining existential crisis – it was scores of violations, and I cannot prove mortality by simple exhibit of my own death – I have to describe going back and forth through death's door (repeatedly) over the course of two decades. And every time I say it straight out nobody will believe me; and the truth will not change for me into something more palatable, so I have to describe how all that can be – in **Exhibit A – Let Me Introduce Myself** – which I have come to realize is a vital part of a defense – especially against an overwhelming false narrative. About the most I can hope for is you to act on violation of due process in this case. So first is subject, an outline of key facts of trial, then more detail on what went wrong in present case, then how the issues leading to case got so unbelievable, and how these issues impact case, then how these issues have been better handled historically – otherwise the chaos presented here would have ended any ongoing legal tradition long ago, and last – relief which is obvious – please reverse case, and reexamine lack of consistent protections leading to this case.

This is a case about functional **personal Identity** and its opposite **Civil Death** – and I submit how Identity has been almost totally transformed legally from what one makes of it – to a very one-sided contract rental obligation – much like a Serf-farmers use of a patch of a Lord's estate. I cannot change that; nor as productive as I am, given half a chance, would I need to change that in order make a relatively successful life. Common Law maintained order there. As a Serf, I have next to no rights, including those enumerated in our Constitutional Amendments, except where they affirm the necessary tenets of sustainable social order, so I do not expect much. I was a very busy professional Architect, leading all kinds of projects including large private projects for judges and prominent lawyers, until a foreign-born wife was persuaded to use our legal system for "a pile of cash in her hands and a sporty life." Even just my productivity was not curated here. My portion was Civil Death. Handing out Civil Death like candy on Halloween creates existential chaos – personally, family, and eventually community. The ONLY reason this case still exists is that here there can be NO legal personal plans and NO end date, and the trial judge decided that he could improve on the situation by adding more Chaos. The rights that I am not claiming still belong to others, and order cannot be maintained, let alone any society which produces more than it consumes in ongoing existential chaos. Until I can prove it, I submit that the facts leading up to this case present existential chaos, and no sustainable order – for 22 years and counting with no end in sight – overwhelming and relentless Duress and therefore Necessity – and nowhere the brunt of these conditions being imposed is there productivity and order

– in fact I have searched high and low for any other survivors for years and found none.

This trial and Federal prison sentencing are for **ONE COUNT FALSE STATEMENT ON PASSPORT APPLICATION.** I have never denied the specific actions in question here. I was trying desperately to reestablish an enfranchised childhood Identity the only way presently left – in another country – but with any travel papers I could get. And one way or another, I had been able to operate and pay full tribute (taxes, fees, etc.) in the alternate persona applied under here. I have always maintained these actions were made a matter of Existential Necessity by extreme ongoing and unrelenting Duress. The Duress has been so complete, for decades, that not only matter of life and death – but even Knowing how the law in this case would be Actionable was no longer known – especially in the absence of victim or malicious intent. Both Knowingly and Willingly are basic elements defining whether there is any criminal issue here. And the issues of life and death were not resolved when I again pulled myself back through death's door. My entire existence was still very precarious until some unforeseeable events in late 2019 – after all the actions in question. The case was brought in the District Court of Judge Howard D. McKibben and four prosecutors, primarily Randolph J. St. Clair, who all refused to acknowledge that local judicial officials were instrumental in, and indeed if they could be held to account, quite culpable in creating and impugning the overwhelming and relentless Duress which made these action an only way out – at death's door more than once. And they ignored and cut off any discussion of

voluntariness and any defense that would arise from that. From the start they dismissed every element of defense, piece by piece, as "incredible;" and then proceeded to rule against admission of every exhibit that would support that, which I could still find, corroborating testimony, and jury instruction that would address that defense.. And then all the defense attorneys (for two trials and an appellate process), each, stated to me that they made a "judicial determination" that matters of life and death did not exist. When the original, actual set of facts of the case were disregarded and all parties agreed on a new set (privately admitted for safety of their bar cards), they therefore were all filling in remaining holes their own ways.

The prosecutors ignored that none of the actions allegedly in question were not already stipulated to long before trial and proceeded to made days of presentation of State Dept. investigators flown in from around the world including Bagdad to describe their investigation of something sinister, and using a high tech latest facial recognition on the submitted photos for an investigative breakthrough, ah and yes indeed something was amiss. This was all cast as a narrative resembling the novel *"The Hunt for Red October"* because almost all the investigation until the very end was done remotely from locations at both coasts, and they had to start out speculating, then they confirmed that their target was something they could not, or in this case did not want to go rub shoulders with, and there was a vague specter of unspecified peril on a national or international scale – what – global thermal nuclear war – to this day the threat or damage was never specified. What was specified was that in the first month of a full two year long

investigation, they knew they were remotely tracking the footsteps of one destitute homeless person. Absent this totally redundant grand narration, their presentation would have taken two minutes, tops.

I moved to present myself after a public defender told me that she could not identify a defense for me. The court held a 17 year homeless person (continuously forced homeless) accountable for full knowledge of law and lawfulness in all the calm and measured circumstances of normal life rather than what had become an unending series of near death experiences (let alone no schooling in law). Knowing that I was not fully up to such a contest, I figured the best I could do was conduct a defense as best I could, throw out and shoehorn in the elements of my story and the actual facts dictating my actions, and then with all the issues out there, without anybody risking their bar card to do it, then ask a standby counsel to sum the above up and apply to law in a closing (with virtually all the issues in pretrial motions months before so that nothing would be last minute. While I was not permitted and certainly not supported in a full defense, all the issues raised here were raised in either trial or pretrial motions. So public defense had an opportunity for at least a large bite of the apple in the two trials and the whole appellate proceedings. But they had agreed upon the new story. They rewrote overwhelming, crushing, unrelenting Duress with episodes designed for life ending, being left for dead, which was fully the culpability of local judicial officials – replacing that with the new narrative that my life just sort of devolved on its own and that I had some choices in the matters or at least some measure of time to contemplate and plan – that life and

death parts of the story were not just ignored but in effect argued against – by the Defense. **Exhibit B – Ninth Circuit Appellate Opening Brief** spelled out what was happening plain as day. First of all anything that even appears to go in the direction of the actual story is shortly before the end, buried in a section designated as criminal history (pp 39-40), and then after several documented petitions and hearings bitterly contesting a Presentencing Report as an unending stream materially damaging lies, 100% of "my story" is quoted from there – and some of the most damaging lies that we documented against, at that. And so not only was an arguably legal standard of Necessity and extreme Duress impeached, but the whole right to work and earn a daily sustenance and lay up some resources for incapacity and care in old age, which is also the actual story, was replaced with a very impressive and grand version of a narrative of, in effect, misappropriation of property or fraud – rather than the Identity in question was given, and we had the giver there to testify to that fact. They all still left a huge hole in their new story – if it is property misappropriated, then what ownership am I violating – who owns it and what damage did this use cause, how do I make that person or thing whole again? But in two whole Federal trials and an appellate review, nobody ever came forward and declared this is not William Beck's property to give away, it is mine, or ours, and here is the damage you have caused me or my organization.

The second trial was artfully constructed to appear to strip the straight forward Common Law defense, that you can claim any identity as long nobody else is hurt, that hung the first jury. A superseding indictment merely removed name

from description of false statement; but the rest of the elements of Identity – used purely as Identity – was still there, and then the Court ruled no common law defense, no exhibits to that effect, and no witnesses i.e. Mr. Beck of Identity freely given and assumed – even though remaining details served exactly the same function inseparably, as no money previously paid in for return someday; and no Mens Rea defense, as well as the other issues presented here that were anticipated in pretrial motions. These actions by Judge McKibben were documented step by step in **Exhibit C – Ninth Circuit Appellate Reply Brief** (pp 2-14). That artful construction supporting an artful fictitious narrative never would have occurred without a completed first trial, one of the reasons double jeopardy was so explicitly forbidden within the Constitution. Note that here as in all subsequent citations, I am not citing the Constitution for rights, but rather order, that I can plan for and plan on productively and constructively, instead what at least on a personal level is Chaos. And if it is Chaos for me, then it is Chaos for others similarly situated and it is Chaos somewhat for all other citizens that we have relations with. And that certainly was not condoned by a true reading of ***U.S. v Perez* 22 U.S. 579 (1824)** either. The Perez decision actually did not even mention double jeopardy or the Fifth Amendment. It was about the right of a trial judge to terminate a trial anytime **before** a jury verdict, and has been misinterpreted as a waiver / re-labeling of double jeopardy under color of one trial. Virtually all subsequent cases cite Perez with little if any examination of content.

In ***U.S. v Green,* 355 U.S. 184, 190 (1957),** however, exception was taken as the Supreme Court described the purpose of the double jeopardy bar:

> "The underlying idea ... is that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offence, thereby subjecting him to embarrassment, expense, and ordeal and compelling him to live in a continued state of anxiety and insecurity, as well as enhancing the possibility that even though innocent he may be found guilty.".

The court further found an "implicit acquittal." **Retrial was barred because the question of the defendant's guilt was submitted to a jury which "was given a full opportunity to return a verdict and no extraordinary circumstances appeared which prevented it from doing so."** All of this was brought before the court before the Second Trial. If you want to claim superseding incitement justifies Second Trial – Please note that the Second Trial was ruled for immediately, before a superseding indictment was even proposed. See Petition #12. **Illegal Second Jeopardy. Reverse case.**

So the present case status is that I must use only childhood identity on pain of immediate or extra imprisonment and possibly new charges. But this court's actions tell a different story. Nobody was punishing me for operating as William Beck. I only caught interest and legal action when I did what was necessary to attempt to reestablish an enfranchised childhood identity (Neidinger). These actions included not only trial for false statement, but enforcing a whole new narrative conspiring/colluding to conceal involvement of local colleagues in forcing

my actions, two whole jeopardizes, and using a false color of criminal history to enhance sentencing. I pleaded how extra-guideline sentencing would eliminate last vestiges of Neidinger Identity, via issues with minimal "visible means of support," and therefore any future open above board activity. Judge McKibben treated that as an endorsement. After surviving 17 years of destitute homelessness, I have built up a large network of connections outside system that are also directed below board by Judge's ruling. Both sides of this equation are be enforced by the same court, same case, and same judge. In terms of planning and functioning there is a word for that – Chaos.

I maintain that I never had more than one viable identity available to me, and I never used any identity that was not given to me. I never violated any **FEDERAL DEFINITION OF WHAT EXACTLY AN IDENTITY IS AND WHO OWNS IT**; and therefore I could not make the false statement that I stand convicted of – Innocence. There are plenty of definitions of what an identity is not. It is not a vehicle to drain somebody else's bank account; to take out credit in somebody else's name and leave them with the bad credit. Or a list of things itemized in specific statute at hand – Title 18, §1542 including facilitating terrorism or drug trafficking. Federal statute does not positively identify what an identity is, with the possible exceptions of new Military oaths. In the real world, an identity is something that is given by somebody else. One is not born with a bar code and a name tattooed on their chest. A parent or guardian or other relative or foster home worker or hospital nurse or immigration officer ... the list has no defined end, either

in the real world or in Federal statute. Either identity is given, or it isn't. Full Stop. There is no real victim to my actions, now or ever – and that is published rational for enforcing Identity. Full Stop.

I have identified at least 24 possible original definitions of identity used by the Federal government. There is only one that any part of the Federal government publicly committing to. The one that is owned up to is **a Military definition of Identity – a Blood Oath to carry into Battle** (here is the Navy version, apparently they were first):

"I pledge to be actively inclusive in the public and private spheres where I live and work, and proactively encourage others to do the same.

I pledge to advocate for and acknowledge all lived experiences and intersectional identities of every Sailor in the Navy."

I would not have invented that exactly ever, but that is it, it supports my case more than fully, at least according to all publically disseminated information. I am just trying to put food in my mouth, a roof over my head and perform useful services to the people around me. Many of my trial exhibits were barred admission out of hand, and others were hidden from knowledge of jury, so I am again submitting the list of 24 Ways Federally Accepted Identities have been created – **EXHIBIT D.** If in secret, behind the scenes, there is no way I and many other people can do that without disrupting your system, that is not of my construction. If you claim that I have not rights – else why would I be in this position – well then I do not have responsibilities associated with those missing rights.

So if the government cannot provide a definition that I violated – I beg you to reverse this case, and you can do this on the basis of the above facts per **Rule 12 (b) 3 (B) iii LACK OF SPECIFICITY. Reverse case.**

Government Programs **Preferential Treatment** has been very controversial lately. Many parts of the political spectrum have clamoring against, pushing back, and even rioting against unearned and special privileges and relative immunity to sanction of law – particularly with citizenship and right to work. Here is a case where right to work et. al. is on the native born citizen foot. Possible exhibit for uniformity. The State department brought this case. They knew full and well that I did not put myself into the context of the actions in question. They knew full and well that I had NO legal options out. And in such a case, why not just order the State Department to **EXHAUST ADMINISTRATIVE REMEDIES / Reverse Case** – like they do with millions of non-citizen who are only here by breaking many laws and often then many more laws. With growing citizens protests lately – which one of you wants to go out and tell them how much worse native born citizens are treated.

Maybe you worry that allowing me that out would be giving up some social order and control – "everybody would do that." While motive may be widespread, means and opportunity are virtually nonexistent – a live personal property-free Social Security number is required – somebody has not paid in expecting return by way of being a lifelong tax protester and has shared that information. In the entire

history of Social Security numbers, is there a second one still alive and shared? -- and the first one is already flagged. And how many times is the defendant a dedicated, highly skilled professional service provider that you may consider extending professional courtesy too (preferably long before this present case).

I have always maintained that I did not want to present or represent myself – but that **NO EFFECTIVE ASSISTANCE OF COUNSEL WAS AVAILABLE TO ME** – and nobody believed me. Well now there are sufficient proceedings in this case to prove that. Even absolute insistence of most minimal inclusion of what were most basic and pertinent issues defining original facts of case and current status of case was met in the end with absolute refusal, and that was only shared after the fact. Almost all client/attorney communications ended up being in email, or at least memorialized there. The new narrative was set out in the PSR; and after a show of arguing its lies upon lies, with documentation to the contrary – its creative narrative was copied everywhere. For defense demanded, privately acknowledged, actually refused, and only noticed after the fact, see attached **EXHIBIT E – Ninth Circuit Attorney/Client Email Correspondence**. The PSR quoted by defense describes me as being divorced. That is the first time I heard of that – perhaps a fine point, easy to overlook. And then after I was "divorced," my life just happened to be "in shambles." And then I had a criminal history revolving around actions that any and probably every parent would do for children in that situation and is not illegal at all in 49 states including the only one resident at the time (NV) and the present Federal District (NV). Both convictions were documented as process

having issues with fraud. In the first, the statute in question was unanimously documented as Unconstitutional by all higher courts in that state system, along with trial court acted improperly, and no crime presented to the court. Documentation of that was brought to challenge the PSR in this case. See ***People v Neidinger*** **Cal. S133798 (2006) / Ct. App. C042839 (2005).** Total denial of access second time, same charges. Apparently unused by any defense in spite repeated references and totally material to sentencing hearings and appeal.

None-the-less the second conviction was used for a second sentence – this time being **Informally Condemned** by being sent into the general population of San Quentin with paperwork falsely coded for child molestation. When my release date arrived and I still was not dead, Yolo County agents stole a letter I received from the State Parole Board stating that because I had served more than a full sentence, I would have no parole obligations; a parole violation sheet was immediately filled out and I was sent to a facility outside of Tracy, CA referred to as "Gladiator School," with no release date. When they finally set a date, and I was still alive then they repeated the cycle. They only stopped then at the deadline of a Federal court order to dump 250,000 nonviolent inmates or the Feds would shut down their whole operation. I most likely would have finally had an unlucky episode of mortal combat by now otherwise. The only thing stopping the Identity Neidinger from being **Condemned** again (and actual death this time) is staying out of that county and out of virtually every other function of Identity William Phillip Neidinger, including absence from grown children's lives as long as they stay in that

county. I hung out for years where those going through the worst of it would fall out – as nobody else would believe what I had been through. No others made it through. Who knew that the most useful classes in a World-Class Architectural education would be Karate, Judo, and Taekwondo. And now for responding in the only direct way that would keep me alive, this court is forcing me into spending my retirement years as well in prison, or until I am Informally Executed.

The Yolo Co. Court System has known where I was virtually every day since they first kidnapped my children from Nevada. They did not invite me to a child support hearing. They never responded to a dozen+ petitions for a viable child support arrangements, some sent by professionals in ways that are theoretically granted automatically (duty and breach). They never sent me any notice of divorce resolution, terms, settlement. Once they **Informally Condemned** me there has been no communication whatsoever – just stealing any money that appears electronically – to zero or negative – including all payroll jobs virtually immediately. I had one job providing on-call food and beverage service for the various convention and event center venues around Reno. Just as I was finally getting enough of the better shifts to get someplace toward basic sustainable sustenance, somebody in their payroll department decided that from then on I was to be paid $11/week. This work included weeks with a couple shifts every day, in different locations, without viable public transportation, with a self supplied cleaned pressed uniform at every shift, 6 days a week. I looked up California and Nevada statutes for remedy and found that there were statutes against taking too much (and none against taking

too little – as how else could one negotiate and operate a sustainable deal), and that it was the local DA's office's job to enforce that (local to payer and income). I went to the local DA's office, spoke to one of the DA's, a very large man who told me repeated and very gruffly – "No, we only enforce against taking too little – and if you keep asking I will have you removed and arrested for "disturbing the peace." Shortly after three jobs in a roll were garnished to less than net zero on second day. At that point I ceased looking for payroll work. Virtually total Civil Death was imposed. If there is an official divorce, or similar, as claimed in the PSR, then it was done by processing my ex as a widow. At the same time "child support" is still compounding on long grown "children." All was conveyed over and over again to defense attorneys. Again see **Exhibit E**. And again this all was in pretrial motions, months before first trial, a year before second, and two years before appeal. They declared to me anything else away from new official narrative to be "legally trivial" – i.e. the kinetic parts of an **Informal Capital Sentence**, the forced destitution and homelessness, under presumed guilt of personal choice. These could be argued as a basis for sympathy but little more. All of the sudden discovering that I was poorly equipped to defend myself fit the new narrative, as did that the sentence was stiff, but it was "within discretion." So I absolutely have found myself in a situation of existential doom where any further punishment, more than two decades in and counting in, cannot be de-terrent, but only pro-terrent, and the only effective counsel available is for "legal trivia." Nobody would say anything about

overwhelming, all encompassing, and existential Duress where rouge local court officials were the bad exercisers of choice and thereby bad actors.

Many parts of the political spectrum have clamoring for, pushing back, and even rioting for more local control. This case presents a situation where local control is anything but good – where all officers of the local area courts may as well share in the same designs and conspiracies and there is NO effective recourse to loose, fast and capricious Imposition of Civil Death by Imputation of Debt and court ordered bars (private law) on All legal means to be able to pay. Here is a case that shows to an unusually thorough degree – through three attempts at process – how much in lockstep every available local court official has been. **No Effective Counsel was made available to me. Reverse case.**

I have found myself up against what has been turned into an almost pure prosecution mill. The courthouses inside and out are very elaborate and expensive buildings. A hierarchy is presented in the strongest terms. And when the pinnacle of that hierarchy is recast from a referee in a fact finding process to an interested party with unlimited power to summarily eliminate the income and social standing of any professional colleague who messes with the agenda, then everything and everybody has to go along. In such a situation, even the defense attorneys, in order to go along and get along, will not attack any part of the system. So almost the entire represented defense left available is nipping at the prosecution on procedural grounds, not that there was not a substantial amount of material there, but that

was exactly the same defense afforded the guiltiest of the guilty – that is a very thick presumption of guilt – in a most expensive and powerful stage set to draw in all parties not yet committed. In the entertainment industry we call a narrative (not facts) that draws the rest of the people in successful at a state of "suspension of disbelief." In a trial we call the narrative successful at a guilty verdict (regardless of the facts) and the shutting down of the Pro Se defendant. And apparently with a special added twist that any resistance on the part of the defendant is held as lack of responsibility or remorse and sanctioned with extra guideline prison time. To fight against interruptions, for disturbing the prosecution's narrative, the heavy theatrics, and the thick presumption, desperately hoping that facts prevail, is overwhelming to begin with – let alone adding to that defense like for the guiltiest. This particular case is unusual in that public defenders' offices had three sets of chances to demonstrate what they would do – two trials standby with closing argument with all the facts I drew in available, and the full Ninth Circuit appeal process – and never, never ever did any one of them dare to declare that there was overwhelming problems with the elements of crime – "Knowingly and Willingly" and that I was overwhelmingly and continuously driven to an existential lack of alternatives (Duress and Necessity) – again to go along and get alone. They admitted as much in casual conversation; but in court and on paper, their lips were tight. While the juries decided whether they wanted to believe my uncomfortable facts totally against whole theater of outright lies from prosecution and overwhelming narrative. So there I am – here are unpleasant facts that our system

is not working, evil appears in basic places, and you might have to do something – but please believe me anyway.

Apparently I could have faired much better in a remote venue; and any sharp defense attorney confronted in chambers with the heavy-handed approach to the entire narrative could have figured that out. It was certainly worth a try. **Lack of Impartial Venue. Reverse case.**

Further issues regarding INNOCENCE/ NECESSITY/ OVERWHELMING/ DURESS/ JUSTIFICATION/ EXCUSE DEFENSES– If for 22 years and counting my story is too scrambled to listen to and my very bare existence is dependent on the good graces of, and some meeting of minds with many hoped for listeners, where every hour of every day I must be ready to instantly suck up and shut up, then either I internally am so scrambled that, in abject destitution and abject desperation, "Knowingly" is not an attainable target; or internally I still am together enough to be culpable and externally I am subject to such extreme and ongoing enforcement of abject destitution and abject desperation that "Willingly" is not an attainable target. You can try to apply standards from other very different lives, but in the remnants of a life driven and continuous enforced into abject destitution and abject desperation, and in and out of death's door repeatedly, these issues are immovable objects. **Elements of Crime Absent. Reverse case.**

The defense attorneys each said that they made a "judicial determination" that none of these defenses applied, possibly excepting "Knowingly." In order to do

that, they each had to decide that there was no matter of life and death here – because from **Roman Civil Law** through a thousand years of **Common Law** and then American jurisprudence never was there any law that said you must commit suicide or do the impossible (published letter of law or theory at least). The shear arrogance of all the judicial officials, including these, telling me after 17 years driven and continuous enforced into abject destitution and abject desperation to being in and out of death's door repeatedly that they knew more about death's door than I did is breathtaking. I witnessed lots of people wait for the last hour to do something more extreme – and none of them made it.

And even more scary was all the manufactured and fabricated criminal history. I have always maintained to point out that I have never created a victim or exercised a harmful intent – lifetime. Regardless, judicial officials across those original four counties had other plans for me. To add color of law to kidnapping me and two infants, after six months of rotating baseless charges they settled on two counts of "Every parent or guardian who deprives another adult of visitation to a child is guilty of violating this statute." Adult as in teacher, good, bad, or molesting, fishing CPS worker, court official (in a county we never set foot in together prior). If another state was involved – and we were never resident to that state – they would label it a felony to get their newly captive family back. The statute made an exception if to get children out of harm's way you immediately went to the police station, which I had done, not knowingly, but out of an abundance of caution. The police response at the time was – do not bother us. Later on WEAVE and the DA's

office formulated a much different reaction. A trial commenced. I had exhausted all available funds in counties pretending jurisdiction other than the one the children had been hidden away from their one fully responsible parent, and relied on a public defense. In voir dire it became apparent that all the jurors in this thinly populated county had connections and major family paychecks in the court system. They voted to convict. Case appealed. The entire appellate system including CA Supreme Court voted unanimously that the statute had Constitutional issues, the trial court acted improperly, no crime presented to the court, and to reverse conviction. The trial court did not take the conviction off my record.

Six months later, for reasons never revealed to me, somebody in car tagged from Yolo drove up to me on a bicycle in Reno, NV and proceeded to run me off the road several times and keep trying to pick a fight while calling the local police to get them involved. When the police finally came, they said that since I had this conviction on my record, I was being cited for "disturbing the peace" a gross misdemeanor with numerous penalties attached. Apparently they wanted me back in the trial court in Yolo Co. to redo the conviction under the guise of responding to request to remove the original conviction. They had my children who were still minors; and if you believe no secret handshakes here, I have a bridge to sell you.

This time I presented myself and with the help of others produced over 40 Motions for Summary Dismissal, each on different grounds, none granted, but kept the court tied up for years – and it kept me tied up for years. Finally one of the judges forced a trial through with even less regard for published law than the first

time in front of a similarly biased jury and got another conviction. Years had passed, original sentence completely served before appellate success. The California Constitution is even more explicit about multiple jeopardizes and sentences – at the beginning – nobody shall be punished for appeal by any additional sentence. So they immediately locked me up, totally denied me any access to the appellate court system, and threw me into the general population of a state penitentiary with paperwork coded for child molesting – I was **Informally Condemned.**

Apparently this has happened to lots of other men. In the reception block at San Quentin alone, in the nine months that I was there, one man with such paperwork a week met a gruesome end, either sliced and diced with short little shanks, beaten until they looked like a blob of grape jelly, or thrown off a fifth level tier. They missed one week – but there were two the next week. The Western US works much the same – so if I multiply x 52 weeks in a year x the past 20 years x the number of mainline institutions (50 in CA alone, much less in most other Western states) = somewhere around a million. I hung out for years where they would fall out if they survived. None of them showed up.

If I wait until the next time, that will be too late. If nobody believes me, I have an idea. Let one of the officers of the District Court take my place in a penitentiary with the funny paperwork. If he is number 2 to make it out alive, then I will listen to his argument that this is not a matter of life and death.

So all the attorneys who helped me each made a "judicial determination" that is false. If they did it knowingly – if they knew it was false – then they conspired

with other officers of the court to obstruct justice. If they really believed – and refused to put these facts in front of the jury and let them decide – then they are guilty of malpractice. It might not be possible to persuade the jury, but you have to put it out there and support it. If they did not know this, then why did they completely back out of any assistance, even just answers to what can I do next, other than stand in at surrender hearing, the minute Ninth Circuit appeal final, citing "Conflict Off." **At a minimum, Malpractice by Defense. Reverse case.**

The remaining hole in the narrative the prosecution created and artfully engineered is de facto defining details of a government recognized **Identity as property**, misallocated and subject to fraud, so therefore property – and apparently not William Beck's to give away. By this narrative the government effectively turns Identity into a rental thereby demanding **a state of Neo-Feudalism.** That has been under the jurisdiction of **Common Law** – government, or other unspecified Lord, owns your place in society to work – Ok as Defendant / Serf, I can stipulate to that – but do that as only a top Judiciary can – to declare it openly and DO IT RIGHT. **OWNERSHIP** is a two edged sword – both asset, and liability for all misuse particularly you or your associate's own actions. And damages accrue substantially when you take away every other gainful option from a person already being remanufactured into a lifelong Pro Se litigant – exposure includes lifelong earnings, and mortal actions to be culpable for on behalf of a whole family, and sue again as need be. If the government wants to claim ownership, then it owns those

damages. And similar situations would apply to much of the growing armies of Pro Se litigants lower courts across the country being remanufacturing. Actually as you are about to see here, ownership is more like a six-bladed throwing knife just resolving all defining issues.

ADMIRALTY LAW is clear – any property not actually claimed belongs to the first person who attaches a claim – like a chain to an abandoned vessel – and maintains claim. **Misrepresentation of Unclaimed Property. Reverse case.**

On the soil of the US and commonwealth nations, we have laid over that another layer of law usually referred to as **COMMON LAW.** This has been added, time tested over more than a thousand years, and refined, to manage the complexities of social law and order and many claims and counterclaims. Where questions of Ownership arose of a King or Central Government or noble families, there was an **EXCHEQUER** and Court of Exchequer, later superseded by Chancery Division and King's Bench Division that made and kept thorough records of who owned what assets and liabilities. If it was not already in their records and available to the public, it was their job to find and document it. So if you cannot find and document an owner of an unused Social Security number, then find an Exchequer and have them find and document another owner. **No Known Owner other than William Beck who gave away. Reverse case.**

The **SECOND AMENDMENT** has something to say about ownership here as well - we have some misconceptions to clean up – it always was about title and status, rank, property rights, commercial enterprise and contractual status.

Firearms is only subset of weapons, which falls under application of rank Virtually every colonist in the late 18th century knew that "the right to bear arms" was perhaps the most common expression in the previous 900 years or so of common law and it was in regular usage hundreds of years before the invention of firearms. Originally **Arms** was a unique and brightly painted shield borne on the arm, and in battle generally stayed there, until death. On their deathbeds, Knights often had complicated families and want-to-be family claimants for Title, Land and Enterprise. **"The right to bear arms"** was common law shorthand for who had which valid claims, in any dispute involving property and family relations. If there was any doubt that the Second Amendment was not primarily about possession of firearms, then the second half should clear that up – "a well Regulated militia" (not well armed) – we have the right to fulfill the missions that we were bred, born, raised into and educated and prepared for; and when colonists served in a militia, they had the right to be led into battle, and possibly death, by commanders who were well prepared, and not capricious appointments, or the products just of social manipulation and re-engineering. So it was about who held each extended family right, including inheritance rights, alloidial property rights, custody rights, commercial rights, rights to own and use all available weapons – to whom belongs, or is apportioned, the family land, the family industry, the family fortune, the family defense, all manner of contractual status, and other elements of family title and business – and the rights of both family and community – including militias in time of war, to be protected from capricious or manipulative government and

military appointments, discharges, and protected from other sanctions between members of the family unit by outsider interveners. Again, even if you forget about personal rights – order is a live issue – it, or "regulated," is specifically called out. Take another look at the rest of the Bill of Rights: scale of First – whole community, scale of Second – extended family, components of community, scale of Third – the home or estate, scale of Fourth – a person, his or her dwelling, his or her effects, scale of Fifth, Sixth, Seventh and Eighth – the body of a person... Rights may be enumerated, but order is defined.

Title and Identity are very similar. Details of Title, or **Arms**, and details of Identity are even more alike. The main difference is that the modern version of Identity is so much more a basic natural human right. You do not need a title to get a basic job to earn a daily sustenance, and lay up some savings for incapacity and care in old age – so which part of **"shall not be infringed"** is not clear. **This prosecution is infringement, all the way to existential chaos. Reverse case.**

The Second Amendment was thereby also presumed to ban separation between children and other family assets (unless real evidence of life or death crisis). If one family member decided to leave, she (or he) could leave for whatever reason, by herself, with or without personal effects only. The children and the rest of the family, all the family that was still committed to each other, still have rights – as defined in the phrase **"The Right to Bear Arms."** So when I describe how destructive the financial arrangements are – do not counter with well, the children elsewhere have to be supported someway. First of all, they are not supposed to be

elsewhere, short a known most extreme circumstance, with any logically inevitable proof Present – the alternative is not unconstitutional – it is anti-constitutional – and anti-thousands of years of human existence, and anti-natural law. If the Court wants to recognize the Second Amendment as it was written, then they could also construct on that – a firearm is not a brightly painted shield with the attendant consequences for gun ownership.

The other side of that blade is dealing with what has happened after all the higher, constitutionally mandated courts decided that intervening in family matters was a dirty business and delegated it to Blue Lodge level court agents and law enforcement, and NGO's with radical partisan agendas, who have no problem with upending stable order and making ugly complicated cases. For them, ugly and complicated is not a bug, but rather a feature; because then no other higher court wants to take control and clean up the mess that they have made – so they rule. I was one of your best professional service providers, and when I was taken out, none of you wanted to have any say. And in a like manner, armies of newly minted and ongoing disruptive Pro Se litigants are manufactured.

The problems presented in this case stem from the very heavy-handed policies of obliterating all productive roles of family members after child taking never stop. I outlined that in context in this case's Petition for Summary Dismissal **#10.** The prosecution never directly answered any of the motions for summary dismissal, only vague sweeping generalizations in an "ombudsman" response to most of them, and the judge writing to prosecute from the bench for the rest. Still

these issues were preserved for appeal, all of them addressing very real immovable circumstances driving my actions in question or driving issues with subsequent process. But because they challenged the actions of the court directly or the associated local legal system, all the defense attorneys refused to touch any of them.

The point I am calling out from Petition for Summary Dismissal **#10** here is that this prosecution runs counter to any and every part of **COMMON LAW – or law of FEUDALISM.** And I am not making the point here of Common Law precedent that one can use any Identity they want. Here I am putting forward – what if the basic elements of a Federally recognized identity are something more than just Identity, or even **Arms** – while published law does not spell that out – what if it did? Is there long standing and well established precedent that defines and limits rights for the purpose of maintaining order – I submit that in addition to the last few pages, perhaps yes there is. In Common Law terms I have not acquired sufficient status in society to get beyond the avatar of a serf-farmer. Surf-farmers have virtually no rights. Is that the end of the story? No that is just the beginning. Because all the rights I do not have – someone else does. **Feudalism** had order.

The surf-farmer's role archetypically is to acquire seeds or baby animals, and raise grain, vegetables, dairy products, meats and other products. Hopefully they are resourceful enough to then produce the whole circle. Unless he got land in the spoils of war, inherited it, or in relatively rare circumstances could purchase it, he had to give some of his produce to a landlord in exchange for use of their land. There was no fiat currency that lasted long enough to define Common Law.

Economic activity was defined in terms of all the above commodities. Seeds invested in and produce were both used as money, but unlike very destructive recent legal practices, Common Law never interchanged them.

With court impugned debts today, produce, a little or a lot, outside the system (or for that matter spoils of crime) can be used exclusively for living expenses and personal interest. But lately the minute one tries to be productive, get a job – theory is that much will be gone before you can touch it, but you will have something – but in practice now, as that is actually enforced, what is left will almost immediately be negative cash flow – so that is gone. $100 in a personal or new company bank account will disappear instantly. Even business licenses will be suspended or revoked immediately – for collection of what – sport? And for some, including myself, remedy has not been available. Maybe you think the Common Law percepts like seed invested in and produce are archaic. Then today try Googling "seed capital" – you will get millions or billions of hits in 0.1357 seconds.

Government and legal interest in seed and produce has been reversed, which in effect has crushed much production in almost every part of states' and nations' economies – and left my childhood identity effectively Civilly Dead and me barely surviving with one existential crisis after another.

So our government has made a government recognized Identity, and particularly the main identifier – a Social Security number – into very a near direct correlation to the small patch of land that the surf-farmer rents from the Landlord – now apparently some branch(s) of the Federal or other government?

How does that work? The parts I can see work like this: My avatar is going down the road to market in a cart loaded with produce and family. On the road we were waylaid by highway robbers, err excuse me, local court officials with radical partisan support (ex was not mastermind of this). Family was taken and held for ransom – for more money than I had ever seen in my life, or was likely to, if I ever wanted to see them again. And these particular highway robbers think very highly of themselves, so they publish lists of all the serfs whom they have so victimized – instructing everybody who trades with, or employs, this serf to immediately give all proceeds of transaction to these robbers – or else. And the first financial transactions are generally in the category of Seed. So this surf cannot grow any more produce to sell, and has no other means of income. He loses everything in court battles to try and at least get children back. Now he does not have anything left of significant value to steal. The only thing of value that he has any connection to is the portion of the Lord's land he tilled. The Lord has more than enough resources to stop the robbers, though as likely as not, he does not choose to intervene in this surf's problems, but he has no reason to submit the productivity of that land (and effectively ownership) on behalf of himself and his family. Still in this case, the robbers put a lien on that patch of land and take it for themselves. No, that was not how these things worked out over the centuries, but because these operations are hidden in the abstractions of paper or electronic currency – virtually nobody is seeing it for what it is – that is how these things work now.

Common Law did have debtors prisons up until the American Revolution in the USA and the rest of the Commonwealth in the 1800's – part of time testing and refining. But even when they existed, first you had to run up a debt, then demonstrate nonperformance of payment, and then you were called to answer for it, with some process. Only in the 21rst century are debts instantly impugned, and being in arrears is instantly impugned, and being far enough in arrears to instantly strip virtually all Civil Rights including effectively all means to earn income in open commerce to pay the debt instantly impugned, and all in one hearing which the debtor may not be invited to or even noticed. And as in my case, because the nominal payee had zero interest in any effort at collecting, nobody else would hear my appeals for a viable payment arrangement – which makes remaining balance on other debts unpayable (student loans – a contract with government where agents of government took away opportunity of income to pay – Breach), and made inevitable Civil Death, ongoing existential crises, and perpetual Homelessness.

Somewhere years ago I read that some people were having trouble with their credit scores because others, by sneaky means had collected and adopted their identity information, and handled credit badly. The people sneaking did not get into personal accounts, or in the lives of the people complaining in any other way directly, they just did their own things elsewhere, often they were "undocumented" immigrants. Now they have documents – somebody else's. The people complaining went to the IRS – because that has been the government agency which collects all these records and enforces their veracity. The IRS knew that the same taxpayer

could not be working a blue-collar payroll job in California and a blue-collar payroll job in New York State at the same time; but the IRS does not answer to these people's interest, it answers to its own. So routinely rather than disavow one or the other, it made two separate files and collected taxes from both – in tens of thousands, if not millions of cases. Nobody would ever notice this situation if credit bureaus coordinated with IRS records, but they did not. If the State Department coordinated with the IRS, this case would not have occurred. I would have started over in another country, and everybody would be out of everybody else's hair. Here in this case, an offer was made and published giving away an identity. As a serf-farmer, literally hungry, desperate, knowing full well that the tiny plot of land assigned to my use was watched day and night – it was like I noticed that another plot nearby was laying fallow, as the serf to which it was assigned had no interest in surf-farming and did not even reside in this part of the realm, and he communicated that opportunity – so I snuck over and planted that.

That plot of the Lord's land is lying completely fallow. What is the Lord supposed to do? The IRS represented the Lord, as Lord's collection agent. Just as soon as I could harvest I gathered up a full tribute and went to the Lord – knowing full well that he could chop off my head, and may just do that – but I was desperate – or he could take the tribute – and I could continue to farm that plot of land – or Identity. Until this case came along, he was taking the tribute. More personal context in Petition for Summary Dismissal #10. **Even if government ownership had been defined and published – full tribute paid. Reverse case.**

Somebody who will not do business in their own government recognized Identity – as tracked by Social Security number is by definition a Lifelong Tax Protester. Now this has always been a controversial topic, with the fallout limiting compliance. That person may arrange his affairs so that hardly any actionable events occur. Which means – what can the government do? Forcing other people to operate outside the system, like myself, forces chain reactions outside the system, which are not compliance. Now in addition to all my jobs and banking previously being sabotaged, I am under explicate orders from the trial Judge in This Case Howard D. McKibben barring starting any job or opening any bank account in my childhood name without his court granting permission first on pain of a very quick trip to Federal prison. Can you recognize what that will mean? It means that any financial activity I do is by definition outside the system or someplace remote until I bring it into the system; where it commences under scrutiny as a transaction of interest or "suspicious activity." And there are Federal laws for every part of any such activity. In multiple lifetimes, I could not second guess how actionable every part of every transaction then is. And in order for every "authority" to be satisfied that they got their cut, I must somehow operate from less than zero on every transaction – much less than zero. And all that forces more chain reactions with others outside the system. Fortunately I have already survived decades with very little exposure to fiat money, or I would again be in existential crisis. And the others I have transacted with also have practice. Good luck with your CBDCs; which are already sabotaged by your own exercises of chaos aka authority – off

track from sustainable traditions of law – lost in today's abstractions of fiat currency. How does that aid compliance? Judge McKibben decided that I somehow need to be subject to more enforcement – remember how that works in the real world – rather than myself and others quietly and productively minding our own business and not hurting anybody – All such enforcement is human, interested, and complicated. It is so complicated that when it comes back to your court (not if), you will not want to hear the whole story. You will stifle defense attorneys. Defendants will pick up on that. Then, a bane of your existence, more newly minted and ongoing Pro Se litigants will disrupt proceedings every chance they can to force the rest of story in.

Consider kicking a case, so based on and entrenched in previous over complicated legal action, back to the closest local court that manufactured the mess – they made it – they can deal with it. That does not help the defendant directly, he knows he is going back to a corrupt court that does not like him, but it is a much better position for the defense attorney – as he or she can say – this court owns both two (or more) conflicting strategic actions, you must address one to get the other, what will it be? As I write this we have a former President is facing Federal charges in a county or borough court. Jurisdiction? If the defense does not have a home in a particular court, for whatever reason (i.e. manufactured complexity by other courts), than neither does the case. The defense has to have jurisdiction as well. This case outcome is not the way to minimize Pro Se litigation. **Reverse**

case and remand to local court enforcing the overwhelming and unrelenting Duress here.

Maybe here is a reason that no fiat currency lasted long enough to define Common Law. CBDC's may, or more likely may never work; but Pay to Play does. If you want to use an Identity, then produce in that Identity and pay your Lord

And contrary to all the theater of the prosecution, pay I did, in all Identity claimed, No humanly possible exceptions. Remember none of this context was my design, I am just a desperate defendant, a struggling messenger, and a wannabe relatively unencumbered Serf – a resourceful and very helpful tradesman – able efficiently make the best of large and elegant projects – and that did mean – being very helpful to people who were powers-that-be.

The only time Pay to Play does not work is when it is intended not to work – in this case when local officials, deriving personal use from effectively captive family members, and program sizing use from same family members, go to war (full spectrum) on a particular serf's Seed. And when that does not work quickly enough (in much of childhood of minors involved), then they may make it crystal clear what their intentions are, by maneuvering this Serf into an illegal prison sentence consisting of being forced to walk around with paperwork coded for child molesting in the general population of a mainlines state penitentiary, repeated terms, if necessary. When one in a million times, even that did not work, court officers in that area, In This Present Case, then used that color of criminal history to justify an Extra-Guideline Sentence into retirement age.

While homeless, I volunteered to help with many things, banking good will and other intangibles. This work including some highest tech holistic medical treatments, quietly outside mainstream, I used my own applications of that tech to treat my own damage from destitute homeless lifestyle issues. That enabled some more time for me to function like a very healthy man again, and that is what This Case Sentencing is being used for is to take away from me, along with anything that I could accomplish with that, even if it is on a volunteer basis – and leaving in its place only prison and the surreptitious chaos of operating completely outside system. Sometimes the only possible remedy is from the outside, i.e. bankruptcy review (not available – No possible avenue of Force Majeure – especially when the force is government agents in breach – is Constitutionally proscribed Debtors Prison – for life), An Identity offer from another part of the country (present legal issues), or some action by central authority (your turn). Otherwise Pay to Play works so consistently well because it tracks the feudal Landlord – Serf relationship time tested over thousands of years. Proposed CBDCs try to do the same but they do not recognize any of the real functional limitations. For example, consent for the lockdowns for Covid was partially bought off with mass stimulus checks – which also served as a trial balloon for monetary distribution of financial resources in a universal basic Income / CBDC's – millions got them and millions did not. I did not. Well if that was people's whole bank accounts, then you will be starting with a totally disenfranchised mass violent criminal underclass. That would cause almost

everybody else to immediately take up total rebellion. You have to have some compliance just to have two sides.

Attention Government Attorneys – is your best victory here just making this case go away – or is it writing the definition of minimum personal Identity Rights (minimum Serfdom / pay to play, etc.) necessary to float a digital currency reset? And if that applies to all people, then that would apply to me too – and the outcome of this case. That is not a bad thing. And as that is going to take a while, then as I am stipulating to your overall Neo-Feudalism, please stipulate to staying my upcoming prison sentence. Please take another look at the Landlord's best interest for this plot of Identity? Or please grant relief to a willing and productive Serf?

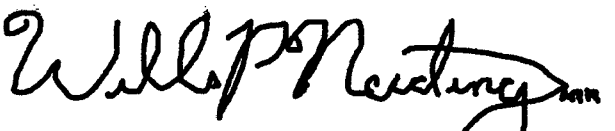
At least grant enough relief that some bit of path forward is left, that is not totally surreptitious and outside the system, by Not disallowing the absolute minimum "visible means of support." The maximum prison sentence thereby maintaining that dilemma of punishment is 3 months (midrange guideline if not counting false color of relevant criminal history) and house arrest for anything more. Beyond that, I have no more dilemma, because I have absolutely no choices above board within the system Any further sentence serves one purpose – pro-terrence rather than deterrence. **Is this case outcome really the best for the government? Reverse case, or at least suspend, commute, remit or stay prison sentencing as Cruel and Unusual.**

Regarding **SELECTIVE PROSECUTION, DEAD IDENTITY, AND A TRUE JURY OF PEERS.** Since a court is unlikely to act on these alone, please at

least treat them as mitigating circumstances that were never given consideration before. A quick reference to some other trial court petitions for summary dismissal- **#6**, I was brought to the abjectly desperate state where my actions in question were necessary by scores of actions in violation of Federal laws by others that did have victims – family and myself. And most of these violations were committed by people trained in law, but who treated Federal laws as mere suggestions. We have quite **Selective Prosecution** here **Reverse per Rule 12 (b) 3 (A) iv.** **#7** challenged this case's support of an illegal **State of Attainder, Civil Death** or similar **Bill of Pains and Particulars, Civil Disability**, or **Civiliter Mortuus**. A jury member asked the Judge – when is an Identity Dead – and because that did not fit the narrative, he refused to answer. Likewise with a question – How does a US citizen change there (sic) name/social security number? A precedent to both of these motions is ***Trop v Dulles*, 356 U.S. 86 (1958),** a case of desertion in wartime, the Supreme Court ruled that the defendant could be executed, but deprivation of citizenship was **Cruel and Unusual – again Reverse or at least remand sentencing**. In situations I could observe, this usually was the difference between a relatively fast death and years of being driven into suicide, or other freakish forms of death. **#8** Demanded a **true Jury of my Peers**, and described how to quickly and easily recruit other indigents, so that the truth would have a chance to be recognized and believed – just as the Constitutional framers insisted repeatedly. You are reading this because these were all denied out of hand.

In **Conclusion,** for all of the reasons listed above, including Sixth Amendment right to counsel, and the right to present a complete defense, a new trial is warranted. In the event the Court does not vacate conviction, the Court should vacate my prison sentence and remand for resentencing. Use this case to review some definitions of universal application of rule of law. Victory for either side is not making the other side lose, but rather getting to write or update these definitions.

9th day of November, 2023



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