ORIGINAL

No. 23-6876

IN THE
SUPREME COURT OF THE UNITED STATES

Joseph Neil Bronson Jr.
(Petitioner)

v.

United States of America
(respondant)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the First Circuit

PETITION FOR WRIT OF CERTIORARI

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Questions Presented

I. Is 18 U.S.C. § 1594(a)(attempt to attempt) unconstitutionally vague or overbroad; Or, as applied in Bronson's Metaphysical attempt to attempt?

II. Should Bronson's conviction be vacated under his §2255 post-conviction attack; Or have been resolved differently because its vagueness has debatable issues.

III. Should Bronson not have been entitled to a lesser-included offense scheme as the foundation of his guilty plea where intention was transferred

List of Parties

All parties appear in the caption of the case

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Petition for Writ of Certiorari

Petitioner Joseph Neil Branson Jr., *pro se*, respectfully requests the issuance of a writ of certiorari to review the constitionality of §1594(a) and the judgment of the First Circuit

Opinions Below

The First Circuit's judgment denying the Certificate of Appealability is dated Sept. 5, 2023, and is attached as Appendix A. The district court's judgment denying §2255 Habeas Corpus is dated Aug. 2, 2022, and is attached as Appendix G.

Jurisdiction

The First Circuit entered judgment on Sept. 5, 2023. The Petitioner filed a timely petition for the Rehearing En Banc which was denied on Nov. 14, 2023. This petition is timely filed pursuant to Supreme Court Rule 13.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

Constitutional and Statutory Provisions

The First Amendment : Congress shall make no law (...) prohibiting the free exercise thereof, or abridging the freedom of speech.

The Fourth Amendment : ... no Warrants shall issue, but upon probable cause...

The Fifth Amendment : No person shall be (...) deprived of life, liberty, or property without due process of law...

The Sixth Amendment : In all prosecutions, the accused shall (...) have the Assistance of Counsel for his defence.

§1594(a) - §1591(a)-(c) : Attempted; knowingly, recruit, obtain, harbor, solicit, maintain, transport, provide, etc., a person by any means; knowing or in reckless disregard of the fact that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act; or a reasonable opportunity to observe the fact.

§2256(1);(8)(B);(11) : "minor" : "any person under the age of eighteen years"
"child pornography" : "any visual depiction (...) of sexually explicit conduct (...) that is indistinguishable from that of a minor engaging in sexually explicit conduct"
"indistinguishable" : "virtually indistinguishable"

§2255(a)-(d) : a prisoner in custody under sentence of a court (...) claiming (...) that the sentence was imposed in violation of the Constitution or laws (...) may (...) move to vacate (...) and appeal may be taken to the court of appeals from the order entered on the motion.

Statement of Case

Part 1: Bronson's conviction under attempt §1594(a) and §1591(a) is in conflict with the First Amendment after the Govt. transferred his intention thereby losing control over all the facts and any perfected statutory definitions to prevent the guilty plea from equalling protected speech by the authority of S.Ct. precedent and other statutory provisions under §2256(1)(8)(B)-(11)

A.) Through the Bronson Logic Looking Glass

On his A.M. Radio program, Chris Plante often refers to those whom he disagrees that:
"they use the words, but they don't know what they mean."

Chris Plante is referring to the abuse of words. In the abuse of words, the ideas spoken can be "less clear and distinct in their signification." ⟨App. B, pg. 5⟩(An Essay on Human Understanding, by John Locke (1690)) Plante is likely referring to the word abusers who are ignorant of any proper meaning and signification for their words, but any word abuser can be abusive in a variety of ways because "the signification and use of words depends on that connection which the mind makes between its ideas and the sounds it uses as sounds of them" ⟨pg. 2⟩ Through these private connexions, words can express many different meanings and significations in their public use depending on the character of the speaker.

In one example, the word "funeral" means "the procession accompanying the body to the place of burial or cremation." ⟨Webster's College Dictionary, 5th (2014)⟩ However, when most people speak about their intention to attend a funeral, they can be speaking about a variety of events. Some speakers abuse the word to mean some sidewalk vigil. Some speakers mean the wake at the funeral home. Some speakers can be signifying the cemetary burial itself, or the cremation ceremony at the church. While all of the speakers may be speaking about some subjective form for memorializing any entity that has passed, even those ideas are variant and the final substance of: what is a funeral, may not have a perfected definition for many reasons including, using the word for almost non-funeral speech.

As the substantial character of the word "funeral" can be broad, its meaning and signification is given its context by reason of the qualitative patterns featured in the different events. In turn, the variety of these different patterns lose a certain autonomy by acquiring parity and symmetry through the virtue of being substantively expressed in the generic term, "funeral." By this, it is not the different qualitative patterns in the abstract which ultimately define substance for: what is a funeral, because ultimately the substance of the generic term is qualified by the speaker who expresses whatever qualitative pattern they decide to be featured. Qualification means everybody is talking about the very same thing.

The speaker can decide to use the one word to mean different things by using it inconsistently or they can confine the word to one strict idea. The inconsistent use of their words is not necessarily a contradiction in the speaker's ideas and the confined use is not necessarily the accuracy in the speaker's ideas. In both, there is an "inviolable liberty to make words stand for what idea he pleases, that no one hath the power to make others have the same ideas in their minds that he has, when they use the same words that he does." ⟨App. B, pg. 2⟩

Authoratatively supported, when the speaker "is not the type of person to hurt others," then the unqualified phrase: "he confirmed his intention to have sex with a minor female for two hundred dollars" may be vague; having

different meanings and significations when spoken about without any external symbolic reference (e.g., a model of Jane Doe). While the absence of an external symbolic reference leaves this "confirmed intention" to be unqualified in many respects, the spoken phrase: "I had no intention of directing any intention onto an actual minor," can contrast some particular qualifications as to the meaning and signification of the "confirmed intention" by reason of disqualifying the subjective actuality in the speaker's "confirmed intention" as the qualifying term "actual" is being expressed in the "negative intention."

The qualifications given by the term "actual" are important because, there is no general fact of composition that exists in the world which constitutes "a minor." There is no such freestanding *thing* as a minor. There are only persons who are featured as a minor and real potentiality is dependant on sufficiently identifiable persons to exemplify the status of being a minor. Thus, ultimate qualification of the term "minor" demands an external symbolic reference (e.g., a photograph of Jane Doe) and a conditional qualification of the term "minor" varies with the modifier of "actual." Qualification means that everybody has to be talking about the very same thing.

In pre-qualifying the "confirmed intention," the bare bones speech can be characterized as a private idea with a very personal subjective form and nature which has the capacity to be the abuse of words. In public form and nature, there is the authority that the "intention" is a "conscious object" ⟨Model Penal Code §2.02(2)(a)⟩(def., purpose) and that this conscious object is the visual depiction of pornography. ⟨Miller v. California, 413 U.S. 15, n. 2 (1973)⟩ (the term pornography has origination in the Greek terms for describing prostitution). With this authority, the subjective form and nature of the confirmed intention is pre-qualified as the image of pornography which exists as a visually depictable conscious object within the very private place of one's mind. The conscious object, as a confirmed intention, is an **actual entity** which visually depicts pornography in private.

Being pre-qualified as an image of pornography, the public expression of the conscious object has the substantial character of also being an actual occassion of pornographic speech. With the character of being pornographic speech, the qualitative pattern in this instance is further described by that which is featured in the image. In this instance, the pornographic speech exhibits the confirmed intention to have commercial sex with "a minor." In subjective form, the nature of this conscious object is also the creation of a visual depiction for material already well defined under the Child Pornography Prevention Act (CPPA) and its term "child pornography" ⟨§2256(8)⟩ which includes "any person under the age of 18 years." ⟨§2256(1)⟩(def., "minor")

However, under §2256(8)(B) when "a minor" is visually depicted in the image of child pornography, the object fact acquires parity and symmetry with the qualitative patterns of a broader genus. In this broader genus, the objective fact of child pornography acquires definitional parity and symmetry with the qualitative pattern of being an *adult minor* or *virtual minor* if the qualitative pattern of being an adult minor or virtual minor is found to be "indistinguishable" from the qualitative pattern which is conditioned by being an actual minor under the definition of "indistinguishable." ⟨§2256(11)⟩(def., indistinguishable)

By this, when pornographically speaking about the very private idea of child pornography through the "inviolable liberty" to make words stand for what one pleases, and with an authoratative definition for the idea to include virtual minors, then without an external symbolic reference, an instance of the confirmed intention has the capacity to be a conscious object which is exhibiting the qualitative pattern of "a minor" which "has not

attained the age of 18 years," in a subjective form that has acquired parity and symmetry with the "indistinguishable" qualitative pattern of being an adult minor or virtual minor. Thus, the bare bones confirmed intention is an unqualified expression which has the capacity to be speaking about virtual child pornography.

In the prohibition against child pornography, in general, the CPPA's definition for the material has already faced scrutity which led to revision in the past. Even so, at least one Circuit Court has held that the new term, *indistinguishable* is still "equivalent" to the retired phrase 'appears to be. ⟨U.S. v Hilton, 363 F.3d 58, 65 (1st 2004)⟩ The retired phrase, appears to be, had to be revised because it had been found to be a standard which could not survive strict-scrutiny of content-based burdens as opposed to content-based bans and it was held unconstitutional in Free Speech ⟨Ashcroft v. Free Speech Coalition, Inc., 535 U.S. 234, 251 (2002)⟩(protected speech does not become unprotected merely because it resembles the latter).

Free Speech had decided that "freedoms are most in danger when the government seeks to control thought or justify its laws for that impermissible end." ⟨at 253⟩ In the instance where there is no external symbolic reference (e.g., familiar knowledge with proxy) for what exactly is being expressed by the speech, then the Govt. retains the very great and broad power to make words stand for the ideas which it chooses without regard to that very private and personal connexion the mind makes through its inviolable liberty.

For example, in opposition to an inviolable liberty, the Govt. can suppress the speech of any adult who may self-identify as "a minor," and it could also criminalize anyone who truly believes we are all minors. In a hybrid example, the movie 'A Beautiful Mind had featured the real life of mathematician John Nash. It portrayed his hallucinations involving a little girl who never grew older. She was ageless and he conversed with the subject, but if he had done what he believed to be child pornography with his real hallucination, the Govt. would have the great power to make his unqualified hallucinations a crime without the modifying term "actual." Moreover, what if the subject of the Govt's crime self-identifies as the "minor" of their own intentions. Are they the living embodiment of a perpetual crime.

B.) Bronson's Sworn Statements

a.) In the course of Bronson's §2255 post-conviction proceedings, the lower courts made the factual finding that Bronson "had no intention of directing any intention onto an actual minor" ⟨App. G, pg. 9⟩ when the district court determined---and the appeals court affirmed---that this factual statement had the absolute truth necessary to "support a determination that counsel adequately explained the elements of the law." ⟨id⟩ By this, the appeals affirmed the notion that Bronson knew before he pled guilty that his proffer would not be an admission which qualified his confirmed intention as an attempt to create actual child pornography as opposed to a more general intention that had pornographically spoken about virtual child pornography.

With knowledge which could disqualify the confirmed intention, Bronson would have also known that the power of §1594(a) under the doctrine of attempts, had no statutory definition which could confine its extentiveness or confine the extensiveness of the substantive offense of §1591(a), to a qualitative pattern conditioned strictly by being actual child pornography. However, it was not known to Bronson that everyone had to be talking about the very same thing under the conditions of actual child pornography because Bronson did not know that virtual child

pornography was constitutionally protected. With a genuine pleading under §1594(a), Bronson had stipulated to a "confirmed intention" grounded on a subjective fact which merely *appears to be* a minor. For this, Bronson had been "embarrassed" and "created embarrassment." ⟨App. D, pg. 6⟩ However, any notion that Bronson would direct any intention onto an actual minor, "is not really who he is (...) it's not the person he really is." ⟨App. D, pg. 4⟩

Bronson "did not feel he did the right thing by pleading guilty" ⟨App. I, pg. 18⟩ but the power of §1594(a) was vague and overbroad. In truth, Bronson knew that he "had no intention of directing any intention onto an actual minor" as an operative during the very private connexion that his mind made when he proffered the unqualified pornographic speech which "confirmed his intention to have sex with a minor female for two hundred dollars." ⟨App. C, pg 12-13⟩

Bronson knew it, counsel knew it, the Govt. knew it, and the Magistrate knew it.

Wolf eating lamb: the wolf knew it, the lamb knew it, and the carrion birds knew it.

b) Knowingly, Bronson "is not the type of person to hurt others" ⟨App. E, pg. 4⟩ and with the unqualified confirmed intention, the First Circuit concluded that this pornographic speech belonged to a guilty plea "presumed to be truthful," despite being the "sworn statements" ⟨App. A, pg. 1⟩ which were the product of transferred intention.

Transferring Bronson's intention is actually the crux whereby the Govt. has lost control over all of the facts and has lost control over a perfected definition within the terms of the underlying offense as applied to Bronson's conduct. The Govt's loss of control means that Bronson maintains his inviolable liberty to disqualify transferred intention from being congruent to the original pornographic speech as it had been vaguely noticed by the Grand Jury's indictment. Maintaining an inviolable liberty, the terms of the guilty plea acquire dissociation from having any real substantive connection to the Grand Jury's charged conscious object at the very instance when Bronson disavowed his subjective beliefs that there was "a minor female whom he believed to be 12yrs. of age" ⟨App. H, pg. 1⟩ by stipulating "that he is not admitting" ⟨App. C, pg. 5⟩ and then transferring his intention by "stipulating that the the would-be victim (...) was between the ages of fourteen (14) and seventeen (17)" ⟨App. G, pg. 2⟩

Transferring Bronson's intention creates <u>more than one subjective minor</u> whereby the novel non-12yr old subjective fact is not participating with the original 12yr. old minor during the actual matrix of instances of conduct because the only location for analogy is where the Govt. lost control of the facts and law at the time of the offense, during the arrest.

Illustratatively, "this was the first time [Bronson] had ever contacted an escort service" ⟨App. E, pg. 7⟩ and "a big part of him doubts he would have [] actually had sex with a minor." ⟨App. E, pg. 5⟩ Nonetheless, the Grand Jury was presented with pornographic speech whereby the original conscious object was alleged as its own confirmed intention. The original confirmed intention was effected by: Knowingly, attempting, to recruit (...) a minor female, whom he believed to be 12yrs. of age, knowing and in reckless disregard of the fact that the female minor had not attained the age of 18 years and would be caused to engage in a commercial sex act ⟨App. H, pg. 1⟩

Effectively, Bronson "has always been curious about people and culture," ⟨App. E, pg. 2⟩ but "he has never been accused of inappropriate contact with a minor." ⟨App. E, pg. 7⟩ Curiously, the Grand Jury was presented with a criminal complaint affidavit and evidential email exchanges where the unqualified pornographic speech exhibited a matrix of instances

which described the content of Bronson's speech. With temporal relevance to the alleged instance of the attempt, some of the instances in the email exchanges include: "11:14pm, 'looking for... young girls... clean and shaved a must,'" (...) "12:11 pm, 'nothing over 20,'" (...) "12:17pm, 'the girls are in the less-than-legal age range. With that in mind, what do you prefer... what service would you like,'" (...) "12:29pm, 'with that in mind. 10-12. Full service,'" (...) "12:45pm, 'I can bring a 12yr. old Latin girl,'" (...) "3:34pm, 'what can/can't we do... what prices are there,'" (...) "3:58pm, 'normal sex is o.k.... one hour it's 200$,'" (...) "8:25pm, 'sould good. tomorrow... on the south side,'" (...) "2:25pm, 'we can meet you,'" (...) "6:32pm, 'I'm here. parked in back.'" (...). ⟨App. H, pg. 13-16⟩

Curiously, knowledge was effected by various propositions and the criminal complaint affidavit transmuted the effected propositional knowledge into an indicative feeling that alleged, "Bronson (...) wrote that he liked girls (...) between the ages of 10 and 12 years of age (...) for full service (...) who were clean and shaved (...) agreed to pay 200^{00} (...) for sex with a 12yr. old female (...) designed a time and place for meeting (...) to further establish that he intended to have normal sex with the 12yr. old female (...) was observed at the meeting place (...) placed under arrest (...) reiterated and confirmed that he intended to have sex with a 12yr. old girl for 200^{00} (...) stated/said, 'I guess you guys know all about me,' at the time of his arrest... was referring to the fact that he responded to the internet classified ad and in emails sought sex with a 12yr. old female." ⟨App. H, pg. 6-7⟩

Supplementing subjective form to Bronson's propositional knowledge, the Report of Investigation was more extensive in its detail and included: "liked girls (...) who were shaved (...) he added though, that he was skeptical that the female would actually be 12yrs. old (...) Finally, he stated his intent was to have sex with the female in his hotel room." (...) ⟨App. H, pg. 10-12⟩ (note: Bronson had no "hotel room" and the "Report" was not presented to the Grand Jury.)

After lengthy debate about the lack of a modeled Jane Doe, the Grand Jury charged that Bronson's pornographic speech would be noticed as a confirmed intention whereby the original conscious object was an actual entity by virtue of his propositional knowledge giving effect to his subjective intentions. This actual entity was a psychological nexus with a predicative pattern identicle to the substantive offense of §1591(a) and the nexus had a subjective intensity quantifiable with the vector character of genuine knowledge. Bypassing familiar knowledge, the genuine knowledge was mutually exclusive to the scalar age value of one specific subjective fact. Unqualified by an external symbolic reference as to the subjectively actual nature of the abstract subjective fact, the charge was that Bronson's subjective intention was to unconditionally cause the subjectively imminent engagement of commercial sex with a subjective fact which was, 1.) not sufficiently identifiable, 2.) not observed, nor observable, and 3.) not familiar to Bronson.

Counsel's assessment was that, "the harsh reality in his case is that he is going to prison," ⟨App. I, pg. 20⟩ but the real reality was that, "they are bullying me into pleading guilty," ⟨App. I, pg. 59⟩ By this, the matrix of instances constituting the Grand Jury's original conscious object was dissociated from Bronson's subjectively sworn statements by virtue of stipulating to the guilty plea, "with the exception to the language" ⟨App. C, pg. 11⟩ expressed by the clause: "whom he believed to be 12yrs. of age." With an exception to the language, the Govt. offered unqualified reversion where Bronson: "wrote (...) that he liked minor girls (...) agreed to pay (...) for sex with a minor female of less than 14 years of age (...) designed a time and place for meeting (...) to further establish he intended to have sex with a minor female (...) was observed at the established meeting place (...) placed under arrest (...) and confirmed his intention to have sex with a a minor female for 200^{00} ⟨App. C, pg. 12-13⟩

Reversion of the original conscious object operated in struggle to the Govt's effort to subjectively unify the novel conscious object with the Grand Jury's original pornographic speech whereby the two actual entities could function together in a single nexus under the theory that Bronson's psychological subjectivity had necessarily-included the novel pornographic speech by virtue of the original pornographic speech. With an alleged inherent-relationship, the lesser pornographic speech effected by: knowing and in reckless disregard of the fact that the female minor had not attained the age of 18 years..., with its direct correspondance to penalty provision §1591(b)(2)("if not so effected [by force]"); would be necessarily-included in an aggravated pornographic speech annexed by the lonely language: "had not attained the age of 14 years," which is derivative of penalty provision §1591(b)(2)("if effected by force, fraud, coercion, etc."). With unification, the Govt. could classify the two actual entities as congruent mental states under a lesser-included offense scheme with the authority of Rule 31(c). ⟨Fed. R. Cr. P., Rule 31(c)⟩(lesser-included offenses)

Under this theory, Govt's unification effort seems to retain a modicum of historical inheritence from the original pornographic speech whereby Bronson, "agreed to (...) less than 14 years of age." However, this is quickly negated as "the Plea Agreement disregarded the extreme minority age and instead allowed the petitioner to admit to (...) a girl between the ages of fourteen (14) and seventeen (17)." ⟨App. G, pg. 6⟩(this is more than one subjective minor)

"Allowing all parties to constructively interpret the law," ⟨id⟩ the crux of the lesser-included offense theory is triggered by reason that, "when engaging in sex trafficking with a minor, two (2) offenses exist under the statute (...) depending on the age of the minor [where] the aggravated offense applies when the minor (...) has not reached the age of fourteen (14) at the time of the offense (...) and the lesser offense applies when the minor is above fourteen (14) but under eighteen (18) years of age ***at the time of the offense.***" ⟨App. G, pg. 4⟩

Treating the scalar age value at the time of the offense to be a *function* of the lesser-included offense scheme gave Bronson "the opportunity to plead guilty to the lesser-included offense as part of the Plea Agreement." ⟨pg. 6⟩ With this opportunity, "disavowals are made against the specific age of twelve (12) (...) but no disavowals against the belief in minority status of the girl exists. (...) Instead there is affirmation that Petitioner knew the girl he solicited was a minor." ⟨App. G, pg. 7⟩ By coincidence, "two (2) offenses exist under the statute," and "the constructive interpretation of the law" was Bronson's "opportunity."

First, this is not a legal coincidence, and in Schmuck ⟨Schmuck v. U.S., 498 U.S. 705, 716 (1989)⟩ this Court held that "the elements-test is far more certain and predictable in its application than the inherent-relationship approach." "Under this test, one offense is not 'necessarily included' in another unless the elements of the lesser offense are a subset of the the charged offense."

The term "subset" is defined as: "a mathematical set in which every element in the set is also contained in a larger or equal set: even numbers are a subset of whole numbers." ⟨Webster's New World Dictionary, 5th ed (2014)⟩

Second, this is <u>not a psychological coincidence</u>, and if it were, there would be a certain analogy between the functions for both the disavowal and the affirmation which would converge with greater sharpness onto the subset elements that are necessarily-included as geometric members of a more expansive psychological region throughout the actual matrix of instances at the time of the offense. This is what is meant by the word "subset" and the function which triggers the subset is the condition whereby congruency could be qualitatively patterned through a matrix of instances in which a

particular psychological nexus could be referencing the extensive relations of both functions, instantaneously and simultaneously at the instance of attempt, because the subset region is encompassed by the more expansive region.

Geometrically, the original conscious object functions where Bronson : "wrote (...) clean and shaved a must(...), where he, "liked, agreed, intended, confirmed, then stated ... "I guess you guys know all about me," at the time of his arrest ... referring to the fact that he sought (...) normal sex with the 12yr. old female, but was skeptical that the female would actually be 12yrs. old, all while he did not have a hotel room and "there are no indications he came to Puerto Rico with the intent to have sex with a minor." ⟨App. E, pg. 7⟩

In the Gout's reversion, the novel conscious object functions where Bronson, "liked, agreed, intended, and confirmed his intent to have sex with a minor female of less than 14 years of age, by stipulating that the would-be victim was between the ages of fourteen (14) and seventeen (17)."

Numerically, instead of converging with greater sharpness onto the subset of elements that are necessarily-included as geometric members of a more expansive psychological region, the Gout's theorized constructive interpretation of the statute makes the categorically more expansive region of "a minor" to be the necessarily-included subset element of a very sharp and distinct point which converges on "the 12yr. old female."

Unfortunately, by turning the language of the statute on its head, there is no analogy where stipulating that the would-be victim was between the ages of fourteen (14) and seventeen (17), could ever function instantaneously and simultaneously within the same psychological matrix of instances as "a minor female of less than 14 years of age" because the extensiveness of relations in the general status of being "a minor" between 14 and 17 is far more expansive than the specific, and especially vulnerable status of being "a minor" at 12yrs. of age. Regionally, the two conditions are asymmetrical. Legally, there is no precedent to combine them.

Even as Bronson disavows the vector character for any genuine knowledge related to the scalar value for the one subjective fact of "a 12 yr. old," the original conscious object was already functioning under those conditions because Bronson "sought" a 12yr. old, but "was skeptical that the female would actually be 12yrs. old." While functioning under those conditions, the subjective identity for the original conscious object cannot have an analogy of function where every element of "a minor (...) between the ages of 14 and 17 had been "contained" within the original subjective identity because it would have to duplicate the essential attribute of "a minor" into a non-12yr. old which is being "sought" with greater sharpness as the means of coinciding with "a 12yr. old." However, this generates the only potential of occurring if there is <u>more than one subjective fact</u>, more than one subjective minor, and two attempt offenses.

The non-12yr. old conditional intention would be statutorily separate from a 12yr. old conditional intention whereby the subjective knowledge behind the intention has two different magnitudes. The magnitude for the expansive region can function with more range, while the magnitude for the precise region of less than 14 years functions in an "elusive" nature ⟨App. F, pg. 51⟩ which cannot be mitigated by the victim's competency. The latter knowledge "is effected by force" ⟨§1591(b)(1)⟩ while the former knowledge can operate "if not so effected" by force ⟨§1591(b)(2)⟩ when the victim is competent. There is Common-Law tradition that the victim less than 14yrs. is especially vulnerable and there is a rebuttable presumption of competence ⟨App. A, pg. 71⟩ which effects the knower's knowledge.

Infundibularity describes the rebuttable presumption as the Age of Reason ⟨Black's Law Dictionary⟩ whereby there is divergence between the two geometric elements as the more expansive region is not necessarily included in the funnel-like convergence between force and vulnerability. With divergence in the geometric elements, the Govt's Reversion of the facts suffers dissociation between two very different statutorily defined mental states, each with functions where there is no analogy. Just like the funnel, the functions of the two regions are inverted from each other.

Regionally functioning inverted from the sharper effect, the inherent nature of the vector character associated with the far more expansive regions cannot function without the linear effect whereby the geometric element has segments by reason of an antecedent intersect to the 12yr. old. region. This means that the more expansive region cannot independently function without the transitive qualities inherited from the intersect region, while the intersect region can have qualitative patterns which do function without analogy to the scalar values in the expansion range between fourteen (14) and seventeen (17). The small of the funnel functions the same, regardless of the large which has no independent function.

While the expanded region cannot function without the transitive qualities inherited from the intersect, the vector character of subjective knowledge has the range to function on a non-coplanar coordinate which has an inverted and "infundibular" ⟨App. F, pg. 46⟩ predicative pattern which is not effected by, nor gives effect to the range of qualitative patterns expressed by the expanded region because the original standpoint for the infundibular vector character has an angularity that does not include the more expansive region. This means that the vector character of the original psychological nexus has its standpoint as a tangent line whereby the angularity of the tangent converges on a vertice which expresses qualitative patterns that function without analogy to the expanded scalar values such as fourteen (14) and seventeen (17).

Dissociation happens as Bronson disavows the amplitude value of the vector character for his subjective knowledge while the matrix of instances still exhibited that the angularity of the effected tangent line was well fixed in its original standpoint because the Govt. did not reverse with command and control, the Grand Jury's one actual occassion where Bronson stated, "I guess you guys know all about me," at the time of the offense ... referring to the fact that he sought sex with "the" 12yr. old female. By this, Bronson's "affirmation that he knew the girl he solicited was a minor" can function in association with an instance which is not controlled by the Govt. but was catalogued by the Grand Jury's original conscious object. As it was "charged" ⟨App. C, pg. 11⟩ the actual occassion gains association with the sworn statements.

Association with the original conscious object causes dissocation with the Govt's reversion in those instances where the reversion cannot function with analogy. With the capacity to maintain a particular congruency to the original conscious object in a manner that has not been patterned by the contents of the novel conscious object, the actual statement, "I guess you guys know all about me" is the "opportunity" given to Bronson where he can be in control of the analogy of function for "the 12yr. old," and it is an "opportunity" to preserve control of inviolable liberty in his pornographic speech.

Preserving the inviolable liberty of the original conscious object begins by preserving the tantential nature of Bronson's propositional knowledge whereby he "knew" the angularity of the tangent line toward the qualitative pattern which had been "sought," but "he was skeptical that 'the' female [at that precise vertice] would actually be 12yrs. old." In Translation, Bronson *tangentially knew* that the girl he solicited was a 12yr. old 'minor,' but this knowledge was not effected by the familiar knowledge of force. Instead it was unknown whether the qualitative pattern for the solicited subjective fact was seated on an actual vertice or if the vertice was a point of virtual contention being expressed as non-collinear to the qualifiable nature of an actual vertice. This was more than one subjective nature as a potential "12yr. old minor."

Having preserved a historical focus on the general potential of the original vertice situates the stipulation for "a girl between the ages of fourteen (14) and seventeen (17) to reside within an ovate locus of accidental specificity which is only vaguely geometricized as a cotangent whose ratio expresses a quotient that has an inverse function to the original standpoint where Bronson stated, "I guess you guys know all about me." The inverse function means that the denominater between Bronson's original conscious object and the Govt's novel conscious object also has no analogous constant because it can only function by reason of accidental specificity and the definite article "the" has the mere generalizing force of 'a', as in, anyone whatsoever. This gives Bronson total control over who *the* who is, or was; and not the Govt. The Govt. has no control over the definite article "the."

The generalizing force of the definite article "the" becomes the coefficient of a formula whereby the inversed quotient for the term "the female minor" is now represented as "the non-12yr. old minor" and bears a limited qualitative pattern along the extensive continuum of the cotangent line projecting from the original vertice of "a 12yr. old." The limitation of the inverted non-12yr. old minor is the expression of excessive identification because an excessive identifreation of being anyone whatsoever is the curse of an unqualified identification.

Unqualified identification means that the definite article "the" is restricted from the original vertice which would otherwise export its transitive qualities and the unrestricted excessiveness of the coefficient becomes mutually excluded in both subjective form and nature. This disenfranchises the Govt's novel pornographic speech from actually participating in the matrix of instances extensively connected to the original vertice because it no longer has the power or capacity to communicate in relation to the qualitative pattern of *that* female being "sought" within the very private place of Bronson's mind. That female minor is beyond the Govt's control.

As Bronson disavows his genuine knowledge with respect to the scalar age value for the potential vertice, his novel "opportunity" to plead guilty is the opportunity to constructively interpret the analogy of function where the Govt. is both dissociated, and disenfranchised; and whereby the ovate locus of the cotagent line is now non-collinear to the original plane which had constituted the non-abstractive class of subjective facts. In the novel, non-collinear ovate locus of abstractive subjective facts, authorized by the vagueness of §1594(2), the "opportunity" given to Bronson allows him to dissociate the modified affirming stipulations from the actual matrix of instances at the time of the offense in order to analog an extensive continuum by which the convergent instance of an "attempt," encompassing "the non-12yr. old minor" is prime in reference to the only instance that can sustain the two-fold condition of extensively connecting to the matrix of instances in question and of being equivalent to a non-collinear abstractive set of subjective facts.

Being propinquitously inevitable, the only two-fold instance among the actual matrix of instances which can sustain an abstract reference, an actual reference, and fully give Bronson the "opportunity" to constructively interpret the law to his benefit is the quadraditic instances whereby Bronson retains his "inviolable liberty" to give maximum value to the "sworn statements" while instantaneously and simultaneously referencing only constitutionally protected, non-actual pornographic speech. With equal distance between "the 12yr. old" and "a non-12yr. old minor," the parabolic locus employs the directrix whereby Bronson has anology of function when he disavows the genuine knowledge for a the specific age of twelve (12) and stipulates the mere propositional knowledge for the scalar values between fourteen (14) and seventeen (17). The analogy of function is that everybody cannot be talking about the very same thing.

Maintaining freedom in the actual matrix of instances, the parabolic locus allows the original pornographic speech

to overlap with the novel pornographic speech by reason of the one focal instance which can have dual meaning in its real signification because, as uncontrolled speech, the statement, "I guess you guys know all about me," has the character of referencing both, the instances which proceeded it and the instances which have unrestricted future relevance to those prior instances. It is the only instance which can be at the time of the offense without also being nothing more than reference to an abstract non-crime. This two-fold condition is the only actual occassion which can be extensively connected to every matrix of instances between the time of arrest, the Grand Jury's indictment (which includes it) and Bronson's sworn statements that had accepted responsibility for the Grand Jury's factual findings, while also placing the entire extensive continuum into the locus of an abstractive set of subjective facts that are otherwise constitutionally protected.

Analogously given as a supplementary phase which can add, or exclude, the realization of contrasts by which the original datum passes through its coordinates; the inviolable liberty of the statement: "I guess you guys know all about me," has the function of parabolic freedom without being controlled by the Govt's dissociated and disenfranchised reversion of the actual matrix of instances because it has the power to coordinately supplement the subjective nature of the original and unqualified pornographic speech with constructively interpreted conditions that change the systematic boundaries of the speech.

Conditionally, when Bronson said, "I guess you guys know all about me," he was not really refferring to the fact that he "sought" normal sex with "the" 12yr. old female, where the definite article "the" is tangentially known with angular specificity of the original vertice. Contrasted by the supplement condition, he was referring to the fact that he will never actually stipulate to *that* fact. Resolving to condition the instance of *that fact*, the supplement coordinately refers to the eventual stipulation of "a girl between the ages of fourteen (14) and seventeen (17)" whereby the language changes its mode of frequency in its interpretation. With the effect of a vacuum expectation value that breaks its symmetry, the language "had not attained" is measured by pseudo-scalars and the Govt. has no temporal or possessive definitions in its control.

In effect, there is a reduction of vacuum pressure between the ordinary definitions within the terms "had not attained," and this produces chiral condensates which limit the fluctuations between interpretative wavelengths. The contraction is responsible for enourmous quantities of abstractive mass transformational to the original system. In this observable effect the supplemental conditions from "the time of arrest" now measure the fact that "the female minor had not attained" by referring to the tensor components which shift the cotangent coordinates away from an interpretative state that resonates outside of the vacuum's operative effect and into an interpretative state where the fact "appears to be" the unattained scalar value. With the limited fluctuations within interpretative wavelengths, the vacuous effects provide "opportunity" for the constructive interpretation of the language, "had not attained," with the effect of vagueness.

Parabolically, the "opportunity" to constructively interpret the statute had the vacuous effect whereby Bronson's novel propositional knowledge acquired the conditioned effects within a vacuous paraboloid that coordinately expressed the abscissa function as a trinomial. The trinomial function of the abscissa had the inviolable liberty of a rotation in which each coordinate axis had operated in a multi-dimensional subjective form with rotating positions for the vector character on the y-axis, constructive interpretation on the x-axis, and perceptual divergance value on the z-axis.

Coordinately, Bronson's "confirmed intention to have sex with a minor" had overlapped with his actual knowledge that he "had no intention of directing any intention onto an actual minor," thereby his sworn statements reflect that during the plea hearing his "judgments... were... suspended" by the fact that his "admissions... represent... a virtual minor" ⟨App. F, pg. 52⟩ in the subjective form of constitutionally protected pornographic speech.

C.) Down the Rabbit Hole

"That then which words are the marks of, are those ideas of the speaker: nor can anyone apply them as marks immediately, to anything else but the ideas that he himself hath: for this would be to make them signs of his own conceptions, and yet apply them to other ideas; which would be to make them signs and not signs of his ideas at the same time; and so in effect to have no signification at all. Words being voluntary signs, they cannot be voluntary signs imposed by him on things he knows not. That would be to make them signs of nothing, sounds without signification. A man cannot make his words the signs either of qualities in things, or of conceptions in the mind of another, whereof he has none of his own. Til he has some ideas of his own, he cannot suppose them to correspond with the conceptions of another man; nor can he use any signs for them: for they would be the signs of he knows not what, which is in truth to be signs of nothing...

... Even when he represents to himself other men's ideas by some of his own, if he consent to give them the same names that other men do, it is still to his own ideas, to ideas that he has, and not to ideas that he has not (...) and every man has inviolable liberty to make words stand for what idea he pleases, that no one hath the power to make others have the same ideas in their minds that he has, when they use the same words that he does." ⟨App. B, pg. 2⟩

When Bronson speaks pornographically about a minor which had not attained the age of 18 years, the question becomes: what exactly is he referring to? Are you a minor, is he a minor, are we all minors within his very private world. There are generic minors, unique minors, private minors, etc.; and anything else for which Bronson pleases to name a minor which had not attained the age of 18 years when there is no external symbolic reference which could rationally reflect the subjective form and nature of his private pornographic speech.

1.) "These are my thoughts." ⟨App. I, pg. 13⟩(Pre-Plea Testimonial Statements)(PPTS)

2.) "I went through a bunch of thoughts, and it was like a math problem, I couldn't figure out how someone could do that." ⟨id⟩

3.) "he has never been accused of inappropriate contact with a minor." ⟨App. E, pg. 7⟩(counsel's sentencing memo)(CSM)

4.) "there started to be alot of questions in my head." ⟨App. I, pg. 13⟩(PPTS)

5.) "he was always curious about people and culture." ⟨App. E, pg. 2⟩(CSM)

6.) "I got really confused." ⟨App. I, pg. 13⟩(PPTS)

7.) "this was the first time he had ever contacted an escort service" ⟨App. E, pg. 7⟩(CSM)

8.) "it seemed (...) awkward (...) unless its adult actors who would provide such pseudo roles." ⟨App. I, pg. 4⟩(Official Proffer of Testimony (OPT)

9.) "there are no indications he came to Puerto Rico with the intent to have sex with a minor." ⟨App. E, pg. 7⟩(CSM)

10.) "I said to myself, 'it's not like I want sex anyhow. Let's just see what happens." ⟨App. I, pg. 2⟩(OPT)

11.) "his thinking was affected (...) his judgment was affected (...) his inhibitions were lowered." ⟨App. D, pg. 4⟩(counsel sentencing hearing)(CSH)

12.) "the drugs messed up my thinking." ⟨App. I, pg. 13⟩(PPTS)

13.) he suffered from "hallucinations, delusions, and derealization (...) on the dates." ⟨App. A, pg. 12-16⟩(Diagnosis for Substance/Medication - Induced Psychosis)(SMID)

14.) "it didn't seem real." ⟨App. I, pg. 13⟩(PPTS)

15.) "he has auditory hallucinations and believes God speaks to him." ⟨App. I, pg. 62⟩(Pre-Trial Services Witness)

16.) "I was so detached from reality" ⟨App. I, pg. 13⟩(PPTS)

17.) "he was under the influence of strong, strong marijuana" ⟨App. D, pg. 4⟩(CSH)

18.) "I'm embarrassed (...) I've created embarrassment" ⟨App. D, pg. 6⟩(Sentencing allocution)

19.) "it compromised his impulse control and increased his curiosity about things he would normally ignore." ⟨App. E, pg. 5⟩

20.) "I know the difference from right and wrong." ⟨App. D, pg. 6⟩(SA)

21.) "this was a one-time action." ⟨App. D, pg. 3⟩(CSH); counsel independently made misguided associations to depression, weakness, and relationship problems. However, these assessments are not qualifiable in the matrix of thought during the infundibularity of the email exchanges. Bronson's psychological nexus cannot be reduced to tangentials or peripherals.

22.) "I could not wrap my head around it (...) reality didn't seem real (...) 'Let's see if it's real,' I said" ⟨App. I, pg. 13⟩(PPTS)

23.) "initially he asked for a girl in a range from 20." ⟨App. D, pg. 4⟩(CSH)

24.) "I expected (...) the likelihood of an adult actor" ⟨App. I, pg. 4⟩(OPT)

25.) "the details changed and it became the kind of crime that's described" ⟨App. D, pg. 4⟩(CSH); the phrase: "are in the less-than-legal age range," is not synonomous with the strict identity usage of terms like: "is," for example, *the product is illegal.* However, counsel confined the words to mean "they only had available underage girls," while Bronson gave the words a liberal meaning by reason of his intoxication.)

26.) "I was convinced adult actor" ⟨App. I, pg. 4⟩(OPT)

27.) "a big part of him doubts he would have [] actually had sex with a minor." ⟨App. E, pg. 5⟩(CSM)

28.) "I couldn't figure out in my head how someone just overtakes a little girl." ⟨App. I, pg. 13⟩(PPTS)

29.) "it would be hard for him to live with himself if he knew he violated a real person." ⟨App. E, pg. 8⟩(CSM)

30.) "I wasn't about to violate someone." ⟨App. I, pg. 13⟩(PPTS)

31.) "Bronson wrote (...) that he liked girls with smaller bodies." ⟨App. H, pg. 9⟩(Report of Investigation)(R.O.I.)

32.) "I never really expected a reply (...) I just wanted to know what that business might be (...) interaction with paid escorts is not viewed as a potential source of actual human fulfillment (...) I am of the deep belief that the essential element in human contact is emotional reciprocity." ⟨App. I, pg. 2⟩(OPT)

33.) "Bronson wrote (...) that he liked girls (...) who were clean and shaved" (i.e., shaved meaning the appearance of the pubic region) ⟨App. H, pg. 3⟩(Affidavit in Support of Criminal Complaint)(ASCC)

34.) "I included some generalities which may provide navigation" (i.e., a suggestion for consideration not a demand or request because: "I was not interested in actually having sex") ⟨App. I, pg. 4⟩(OPT)

35.) Bronson actually wrote: "shaved a must." ⟨App. H, pg. 3⟩(evidential emails)(Ev.); (According to one adult female law officer, "there's not much to shave" when the female girl is below the age of 13yrs. ⟨U.S. v Ciesiolka, 614 F.3d 347, 350 (7th 2010)⟩ Bronson was raised with female siblings, had female girlfriends since adolescence, and has female daughters. His knowledge is familiar when shaving for an appearance is a "must" and when it is not worth suggesting as a consideration because "there's not much to shave")

36.) "Bronson wrote (...) that he liked girls (...) between the ages of 10 and 12years of age." ⟨App. H, pg. 3⟩(ASCC); the words were proposed as a suggestion for consideration of appearance, not a demand or request.

37.) "he is not a pedophile." ⟨App. E, pg. 7⟩(CSM); expert investigative findings

38.) "I imagined '30 yr. old' adult actors playing certain roles." ⟨App. I, pg. 3⟩(OPT)

39.) "he specifically 'requested' that the escort be (within ten and twelve (12)." ⟨App. G, pg. 5⟩(District Court Opinion)(DCO); it was not a request because it was intended as a suggestion for consideration without expectation in favor

40.) "I said to myself, 'this isn't real, what if IM THE COP? (...) let's put a low age because no one will believe me." ⟨App. I, pg. 13⟩(PPTS)

41.) "he requested a 12-year old girl for sex" ⟨App. A, pg. 1⟩(A.O.); it was not a "request."

42.) "I thought (...) 'there's no way anyone's gonna respond to that." ⟨App. I, pg. 5⟩(OPT)

43.) "Bronson requested a twelve (12) year old girl for commercial sex act." ⟨App. G, pg. 11⟩(DCO)

44.) "I reached out into left field, (...) the numbers simply represented common and round numbers easy to apprehend while 'high'" ⟨App. I, pg. 5⟩(OPT)

45.) "Bronson agreed to pay a rate of $200.00 an hour for sex with a 12year-old female" ⟨App. H, pg. 3⟩ (ASCC)

46.) "I merely replied 'that all sounds fine' (...) I experienced disoriented higher-cognitive functions (...) the only thing I could do was try and silence the noise (...) and slow down the progression of the emails" ⟨App. I, pg. 6⟩(OPT)

47.) "Bronson affirmed that the age of the girl was acceptable (...) then took a substantial step by arranging a time and place to meet, then going to this location." ⟨App. G, pg. 5⟩(DCO)

48.) "my conceptual pluralities of adult actors (...) became more vibrant." ⟨App. I, pg. 5⟩(OPT)

49.) "I still didn't know if (...) there were (...) subjects like adult actors." ⟨App. I, pg. 9⟩(OPT)

50.) Under Williams ⟨U.S. v Williams, 553 U.S. 285, 295 (2008)⟩ the solicition for actual child pornography must be done with the specific intention to cause the listener to believe that the material being sought is unequivocally actual child pornography by the manner in which it is "plainly sought to convey" such idea. Without familiarity between speakers of evidence of familiarity in the speaker, the speech cannot be strict liability speech. The speech requires justified context.

51.) "Bronson's "sworn statements are presumed to be truthful." ⟨App. A, pg. 1⟩

52.) "the mental images in my head now included images of myself as an escort to myself (...) I said to myself, 'it's escalating.' ⟨App. I, pg. 6⟩(OPT)

D.) The Blue Caterpillar

1.) "he showed up to pay to have sex with a 12yr. old girl." ⟨App. I, pg. 21⟩(counsel's unqualified negative prehension without any meaningful investigation)

2.) "I want to take this to trial" ⟨App. I, pg. 14⟩(email evidence)

3.) "the harsh reality in his case is that he is going to prison" ⟨App. I, pg. 20⟩(counsel's unqualified subjective analysis)

4.) "trial is the only option" ⟨App. I, pg. 16⟩(Pre-Plea, letter to court)

5.) "not to suggest he doesn't deserve to be in custody" ⟨App. D, pg. 5⟩(CSH)

6.) "I still have not gotten to tell (...) my side of the story." ⟨App. I, pg. 15⟩(email evidence)

7.) "you have no defense! There's nothing left to talk about." ⟨App. F, pg. 59⟩ (Affidavit Supporting Ineffective Assistance of Counsel) (ASIAC)

8.) "they are bullying me into pleading guilty." ⟨App. I, pg. 59⟩ (email evidence)

9.) "the best you're gonna get is 10 yrs. (...) I have more important cases." ⟨App. F, pg. 56⟩ (ASIAC)

10.) "the Public Defender's (...) untrustworthy." ⟨App. I, pg. 16⟩ (letters to the court)

11.) "the Govt. "feels they have an easy case with a trained agent as a main witness." ⟨App. I, pg. 23⟩ (counsel analysis); the trained agent would testify that skepticism was discovered when the contradictory intention was discovered

12.) "Get me off this Island !!!!!!!!!!!!!!!" ⟨App. I, pg. 58⟩ (email evidence) (e.e.); one of many lost emails

13.) "he's been threatened." ⟨App. D, pg. 5⟩ (CSH); within the detention center); Bronson originates from Wisconsin

14.) "get me off this island NOW !!!!!!!!!!!!!!!!" ⟨App. A, pg. 56⟩ (e.e.); Bronson does not speak spanish

15.) "he's been beat up, on at least two different occassions I've seen him in custody with black eyes." ⟨App. D, pg 5⟩ (CSH)

16.) "GET ME OFF THIS ISLAND NOW !!!!!!!!!!!!!!!!!!!!" ⟨App. A, pg. 56⟩ (e.e.) (one of many lost emails)

17.) "he has been extorted into doing certain things to gain protection within the institution." ⟨App. I, pg. 24⟩ (e.e.); it was common knowledge amongst the attorneys and Bronson's girlfriend was threatened with criminal charges if she testified about the money she was coerced to send by the Magistrate at the 2nd bail hearing. Transcript rq. denied)

18.) "GET ME OFF THIS ISLAND RIGHT NOW !!!!!!!!!!!!!!!!!!!!! ⟨App. A pg. 56⟩ (e.e.)

19.) "we even caught wind that apparantly people in his unit are now chanting 'Kill the Gringo' at night." ⟨App. I, pg. 25⟩ (attorney email); the court ordered an investigation, however, Bronson felt in danger by the staff members who confronted him because of their foreign appearance and aggressive demeanor.

20.) "GET ME OFF THIS F_ING ISLAND RIGHT NOW !!!!!!!!!!!!!!!!!!!!! ⟨App. A, pg. 56⟩ (e.e.); Bronson was diagnosed with Hypertension due to chronic stress while in the detention center

21.) "Connors instantly scowled, focused his glare and in a deep, stern voice, said with malice, 'if you want to go to trial, you'll be sitting [here] for a very long time! I don't have time for this!" ⟨App. F, pg. 60⟩ (ASIAC)

22.) "get me off this island !!!!!! i'll sign whatever; i'll sign whatever, get me off this island" ⟨App. I, pg 58⟩ (e.e.)

23.) "Just follow my lead (...) You'll get the 10." ⟨App. I, pg. 62⟩; counsel promised a matter-of-fact, 10yr. sentence just minutes before the plea hearing and there is no "contradiction" to this undisputed statement as it clearly indicates an exact promise. There is no contradiction that the promise was made and any responses to the promise are not contradictions to its existence. Bronson received a higher sentence allowed by an agreement which did not foreclose the promise.

24.) "I WANT OFF THIS ISLAND Now !!!!!!!!!!!!!!!!!!!! ⟨App. A, pg. 56⟩

25.) "a ten-year prison term is a very, very severe, serious harsh punishment." ⟨App. D, pg. 5⟩

26.) "being abandoned for months upon months [at the detention center] (...) a predetermined punishment by acting on the adopted belief [of counsel] that [Bronson] should be convicted (...) scared the shit out of me" ⟨App. E, pg. 21-22⟩ (coercion claim without evidentiary hearing on undisputed "malice" threat (#21))

27.) Bronson "is not planning to go to trial (...) that is his decision and nobody else's, Not mine, not yours." ⟨App. I, pg. 23⟩ (counsel was motivated to reassure Bronson's family about an otherwise unquestioned and "autonomous" decision? It is strange to place emphasis on this point if it is ordinarily suppose to be a free will choice. However, harsher sentences were not the impetus to decide against trial because Bronson had rejected plea offers and been told that he would have to go to trial with no defense. ⟨App. A, pg.

28.) "GET ME OFF THIS ISLAND !!!!!!!!!!!!!!!!!! ⟨App. A, pg. 56⟩

29.) the Govt. "re-opened negotiations (...) agreed to the 'lesser charge' of the offense (...) we won't mention the age and you'll just be pleading it was a minor." ⟨App. F, pg. 60⟩ (anyone whatsoever)

30.) "I didn't even think it would be an actual minor" ⟨App. F, pg. 59⟩

31.) "Bronson agreed to pay two hundred dollars an hour for sex with a minor female of less than fourteen years of age" ⟨App. C, pg. 12-13⟩

32.) "I couldn't accept that it may be a real girl." ⟨App. I, pg. 6⟩

33.) "the plea agreement (...) allowed petitioner to admit to attempted sex trafficking of a girl between the ages of fourteen (14) and seventeen (17)" ⟨App. G, pg. 6⟩

34.) "I imagined myself as an 'escort' to myself" ⟨App. I, pg. 3⟩

35.) "he wrote to the HSI Agent that he liked minor girls with smaller bodies" ⟨App. C, pg. 12-13⟩ (the Govt. eliminated the suggested appearance of "shaved a must")

36.) "I thought by now people would have realized that I wasn't serious." ⟨App. I, pg. 57⟩

37.) "he is admitting that it was someone who had not attained the age of eighteen, right" ⟨App. C, pg. 5⟩

38.) "I had no intention of directing any intention onto an actual minor." ⟨App. G, pg. 59⟩

39.) "he lacked evil motives (...) supports a determination that counsel adequately explained the elements of the law." ⟨App. G, pg. 9⟩

40.) "I'm embarrassed (...) I've created embarrassment." ⟨App. D, pg. 6⟩

41.) "there is affirmation that Bronson knew the girl he solicited was a minor." ⟨App. G, pg. 7⟩

42.) "he (...) is glad there was no actual victim" ⟨App. E, pg. 7-8⟩

43.) "I told that to the officer that night too." ⟨App. D, pg. 7⟩

44.) "he is not somebody that you need to protect the public from" ⟨App. D, pg. 5⟩

45.) "Bronson indicated the time and place for the meeting." ⟨App. C, pg. 12⟩

46.) "he is a man of good character" ⟨App. E, pg. 4⟩

47.) "Bronson intended to have sex with a minor female" ⟨App. C, pg. 12⟩

48.) "that is not really who he is (...) it's not the person he really is." ⟨App. D, pg. 4⟩

49.) he is "the kind of person that spent a lot of time looking out for other people and helping other people." ⟨App. E, pg. 3⟩

50.) he "raised his daughters with kindness and care" ⟨App. E, pg. 4⟩

51.) he "was always supportive of [Cindi's] young daughters" ⟨App. E, pg. 4⟩

52.) "I pled guilty to get off this Island... this place is hell!!!" ⟨App. I, pg. 18⟩ (within days of plea)

53.) "We received a request (...) to dismiss the case since the law is vague" ⟨App. J, pg. 1⟩

54.) "There is no statutory definition of Attempt anywhere in Federal Law" ⟨App. E, pg. 29⟩ (vagueness issue)

55.) Can the Court "clearly see the nature and extent of Bronson's admissions" ⟨App. A, pg. 96⟩ (vagueness raised)

Reasons the Writ Should Issue

Question: Is 18 U.S.C. §1594(a)(attempt to attempt) unconstitutionally vague or overbroad? Or, as applied to Brunson's metaphysical attempt to attempt?

Part 2: Under the doctrine of attempts, §1594(a) has vague and overbroad legislative power by reason of having no statutorily defined constitution which exhibits the internal capacity to regulate its own power and it does not have the capacity to confine the power of the substantive offense from an extensiveness whereby its constitution also becomes unconstitutionally vague or overbroad by virtue of an imperfectly defined predicative pattern in its substance, thereby the substantive offense communicates an excessiveness while the doctrine of attempts re-enacts the excessive communication with the power of its own undefined extensiveness.

A.) National Importance

Under the doctrine of attempts, §1594(a) does not fairly inform of its extensiveness

Under the doctrine of attempts, §1594(a) is not applied in legislative consent

The integrity of the doctrine of attempts, and §1594(a) is outside its own virtue

The strength of the First Amendment is caught in the undertow of tragedy

The dignity within the harmonized concepts of Justice Holmes is perpetually perishing

The court has so far departed from the accepted and usual course of judicial proceeding

Bravery is lost in the protection of America's children

B.) The Doctrine of Attempts

It is arguable that without the Seventeenth Century works of philosopher and physician, John Locke, the United States Constitution and the First Amendment would not have its current form. Under the Common-Law of England, Locke had fought to "secure the blessings of liberty" ⟨cmp. U.S. Const. (1787)⟩ and had argued for "the mutual preservation of (...) Lives, Liberties, and Estates," ⟨Two Treatise of Government (1685)⟩ whereby his definiens for the term "estate" is analogous to the modern *pursuit of happiness*

Locke had argued that the mutual preservation of society could not be governed under any system which was grounded in the "inconsistent, uncertain, unknown, Arbitrary will of another" ⟨id⟩ and had specified that the "natural liberty" of individuals should be "under no other legislative power but that established, by consent, in the Common-wealth." ⟨id⟩ This consent was to guarantee that "the end of law is not to abolish or restrain but to preserve and enlarge freedom." ⟨id⟩

Relative to the consentual power of Common-law, "the modern doctrine of attempts... had its origins in the Court of Star Chamber" ⟨Substantive Criminal Law, by LaFave & Scott (1986)⟩ The Star Chamber was a supplement to common-law and around 1640 a.d., it was abolished due to internal corruption. Then, in about 1774 a.d., during Restoration of the Constitutional Monarch, the doctrine of attempts was formally integrated into traditional common-law as it was "decreed by Lord Mansfield that there is such a thing as attempt." ⟨Criminal Attempt: The Rise and Fall of an Abstraction, by Arnold, Y. L. Rev. (1940)⟩ (Abstraction)

250 years later, and our Constitutional Republic still has "no comprehensive statutory definition for an attempt offense anywhere in Federal Law." ⟨App. F, pg. 29⟩ (Bronson's §2255); see also, U.S. v Neal, 78 F.3d 901 (4th 1996); U.S. v Partida, 385 F.3d 546 (5th 2004); U.S. v Rovetuso, 768 F.2d 809 (7th 1985); U.S. v Joyce, 693 F.2d 838 (8th 1982); U.S. v Scott, 560 F.3d 112 (2nd 1997); U.S. v Dworken, 855 F.2d 12, 16 (1st 1988). Yet, when vagueness was raised, Bronson was told, "there are no grounds" ⟨App. J, pg. 1⟩

C.) Extensiveness not Fairly Informed

In Davis ⟨U.S. v Davis, 204 L.Ed. 2d 757 (2019)⟩ this Court held that "statutes must give people of common intelligence fair notice of what the law demands of them," and in Dubin ⟨Dubin v U.S. 599 U.S. ___ 143 S.Ct. (2023)⟩ this Court held that "a court cannot construe a criminal statute on the assumption that the Government will use it responsibly."

Lacking statutory definiens, the doctrine of attempts derives its definitional power from old common-law traditions and other Arbitrary interpretations that have followed. The most authoratative power claims that the "attempt as used in law for centuries encompasses both the overt-act and intent elements of a crime." ⟨U.S. v Resendiz-Ponce, 549 U.S. 102, 107 (2007)⟩ In colloqural form, "the two key elements of an attempt are (1) an 'intent' to commit the substantive offense and (2) a substantial step towards its completion." ⟨U.S. v Doyon, 194 F.3d 207, 210 (1st 1999)⟩

Traditionally, "inchoate offenses such as attempt (...) demand a heightened mental state." ⟨U.S. v Bailey, 444 U.S. 394, 406 (1980)⟩ This is often classified as a "specific intent or purpose which will require some specialized knowledge or design." ⟨Morissette v. U.S., 342 U.S. 246, 265 (1952)⟩ With a purposeful character, the specific intent is not confined to one legal concept whereby the sole species is an unconditional intent, and in Holloway ⟨U.S. v Holloway, 526 U.S. 1, 8 (1999)⟩ this Court held that "the specific intent to create a wrongful act may be conditional." ⟨at 5⟩ This holding was grounded in "well-established principles of common-law" and gives "division of intent into two categories." ⟨at 13⟩(dissent) Without any legislative clarity, an irresponsible Govt. could find an attempt offense despite an infinitude of conditions.

In Holloway's dissent, Justice Scalia argued that any division of the one word 'intent' "theoretically might describe" other intentions such as "feigned intent." ⟨id⟩ He characterized that with feigned intent, "plans are contigent upon an event that is not virtually certain." ⟨at 14⟩ Similarly, in Dworken, ⟨Dworken, id⟩ the First Circuit panel judges had once presented an analogous character of intention where "even if there is in some sense an 'intent' to commit a crime (...), if there is virtually no chance that the condition would be fulfilled (...) it would be unreasonable to believe that the conditions would ever be fulfilled (...) and liability should not attach" ⟨at. n.6⟩

The feigned intent might be exhibited in conduct with the condition of an idealized situation. For example, it is easy to qualify the bachelorette who intends to buy a wedding dress as soon as she meets Mr. Right. In the meantime she spends her days and weekends shopping for a wedding dress, while at the same time she is dating a guy that she

does not really like. Her friends are confused and they do not get it. The idealization of her intention makes all of her shopping preparations to be the perpetual effort toward a consequent which has virtually no chance of ever actually occurring because deep down, she does not really want to meet Mr. Right. With a consequent which has virtually no chance of ever actually occurring, but a bacholerette who is always, always talking about it, and always shopping for *that* dress, then the feigned intent to buy a wedding dress is "common usage-indeed." ⟨id⟩

In the real world, without sociopathic judges and prosecutors, some people enjoy the feeling of always having a purpose more than the consequent itself. Human behavior can be complex and in Bailey, this Court emphasized that "the word 'intent' is quite ambiguous." ⟨at 408⟩ With ambiguity in the character of an intention as extensive in its conduct as it is virtual in its subjective aim, then both can be just as specific as they are general. If there is "ambiguity inherent in the traditional distinction between specific intent and general intent," ⟨id⟩ then "to rely upon prosecutorial discretion to narrow the otherwise wide ranging scope of a criminal statute's highly abstract general statutory language places great power in the hands of the prosecutor." ⟨Dubin, id⟩

Lacking modern qualification for the word 'intent,' the doctrine of attempts and §1594(a) does not fairly inform how actual the intention should be with respect to an imperfectly defined substantive offense and this gives the Govt. "great power" over the general conduct of the populous, and over the "highly abstract, general statutory language." By contrast, Justice Oliver Wendell Holmes Jr. was a scholar in the Common-Law doctrine of attempts and he qualified that "our system of private liability for the consequences of a man's own acts... started from the notion of actual intent and actual personal culpability." ⟨The Common Law, by Holmes (Boston, Little, Brown & Co. 1881)⟩ Justice Holmes specified that "in the region of attempts, as elsewhere, the law began with cases of actual intent." ⟨id⟩

With actuality, the element of intent reflects the effect of a particular character of familiar knowledge whereby the knowledge itself is effected by a particular energetic form which is strained from the potential consequent. With a familiar knowledge properly effected by the energy of the criminal consequent, the knowledge and intention would then exhibit a particular intensity and in Resendiz, this Court recognized that "the mere intent to violate a criminal statute is not punishable as an attempt unless the intent is also accompanied by significant conduct." ⟨Resendiz, id⟩

Subjectively formal, the element of significant conduct qualifies the intensity of the subjective aim and the effect from familiar knowledge. Without unknown variables, the element of significant conduct **analogously** exemplifies "the elusive line which separates 'mere preparation' from 'attempt.'" ⟨Scott at 113⟩ Holmes provided the example in which a man has "cocked and aimed the pistol; there is very little chance that he will not persist to the end." ⟨Common-Law, id⟩ But that may be an archaic example compared to the culture of action movies that condition the populous with characters constantly feigning their intent as they explicitly say that they don't want to shoot as they purposefully cock and aim the pistol. Others feign intent when they buy a mass of liquor but never drink a drop.

Although unfamiliar with today's culture, Holmes had recognized back then that, "eminent judges have been puzzled where to draw the line, or even to state the principle on which it should be drawn." ⟨id⟩ In Dworken, the court emphasized that "the invariable nature of 'what constitutes an attempt,' has long been the subject of judicial chagrin," ⟨Dworken, at 16⟩ The consistency is only in "a search for abstractions which will classify all sorts of dissimilar situations together, which will enable us to apply the same rules to different cases requiring different kinds of treatment." ⟨Abstraction, id⟩ These rules could be constructed using "logical machinery."

Holmes had written that these "same rules" may apply when "the danger becomes so great," and extend where "an object which could not be used innocently, the point of intervention might be put further back." ⟨Common Law, id⟩ He qualified that "some preparations may amount to an attempt." ⟨Commonwealth v. Peaslee, 177 Mass, 267, 272 (1901)⟩ This certainly appears to be logical under the law of attempt because "its very vagueness has been its salvation." ⟨Abstraction, id⟩ The salvation of vagueness is so great, lawyers "believe there are no grounds" to challenge ⟨App. J, pg. 1⟩

Vagueness functions whereby the law of attempt can be purposed under "the theory of retribution," and "in order to make discouragement broad enough and easy to understand." ⟨Common Law, id⟩ By contrast, vagueness also subjects any requirements for the attemptor's knowledge to "certain limitations" wherein some cases, the attemptor "must go even further, and when he knows certain facts, must find out at his own peril whether the other facts are present which would make the act criminal." ⟨id⟩ Historically, the vagueness in the law's logical machinery has operated in some cases by means of the fallacy of misplaced concreteness. The fallacy disconnects the nexus between familiar knowledge and actual intent, and substitutes it with the mere togetherness of propositional knowledge and conditional intent. The fallacy of mere togetherness is <u>not always talking about the very same thing.</u>

In Dubin, this Court looked at the psychological nexus in a non-attempt crime wherein the "crux of criminality" was contigent to the nature of the nexus between "the means" and "the underlying misconduct." Criminality moves into the nexus when "a specific person's identity" has effected the knowledge of the thief who subjectively aims to use such identity. The theory was presented that criminality occurs when their is a "genuine nexus" as to "who is involved" because the person's identity serves as "the locus of the criminal undertaking."

Dubin's fraudulent conduct was "ancillary" because it was not an intention effected by familiar knowledge as to "how" the person's identity would be used. If Dubin's offense were an attempt, the extensive continuum of conduct would be presupposed by a search for the perfect identities to defraud. However, this search may never actually terminate if Dubin's actual intention is only to catalogue all of the potentials targets as a self-fulfulling purpose. Even if Dubin talks a big game about some of the propositional targets his knowledge is not effected by by the familiarity of using that target until he actually chooses his specific target. In the meantime, there is no reliable way for him to determine whether his search behavior is the type of preparation equivalent to a crime in which he has only feigned his intent to commit.

In Davis, this Court held *that* statute to be unconstitutionally vague because "it provides no reliable way to determine" at what point the underlying conduct has extended into its reach, and in Morissette, this Court had emphasized that "it is as universal and persistant in mature systems of law as belief in freedom of the human will and a consequent ability and duty of the normal individual to choose between good and evil" ⟨at 250⟩ by abanding their hopes before they become substantial beliefs beyond the point of no return.

If some preparations may amount to attempt, such as mere search behavior, and if the line that separates them is invariably elusive, then what fairly informs the individual that his feigned intent is equivalent to committing an actual crime. What regulates the power of the attempt statute to fairly find that line. What prevents from the great power of the prosecutor to be fair about that line. In the Constitution of a society whose preservation is mutual, who consented to be governed by an elusive line which is never made knowable but has the full punitive power of an actual crime.

D.) Not Applied by Legislative Consent

In Davis, this Court held that "vague statutes threaten to hand responsibility for defining crimes to relatively unaccountable police, prosecutors, and judges, eroding the people's ability to oversee the creation of the laws they are expected to abide." ⟨Davis, id⟩ In Dubin, this Court held that "crimes are suppose to be defined by the legislature (...) and out of concern that a fair warning should be given to the world in language that the common world will understand of what the law intends to do if a certain line is passed." ⟨Dubin, id⟩

In an "effort to achieve a modicum of consistency" ⟨Dworken, id⟩ some courts are "adhering" ⟨id⟩ to the unaccountable Model Penal Code's unilateral definiens of attempt whereby, "a person is guilty of an attempt (...) if acting with the kind of culpability otherwise required for the commission of a crime, he a.) purposely engages in conduct which would constitute the crime if the attendant circumstances were as he believes them to be, or b.) when causing a particular result is an element of the crime, does or omits to do anything with the purpose of causing or with the belief that it will cause such a result without further conduct on his part, or c.) is an act or omission constituting a substantial step in a course of conduct planned to culminate in the commission of the crime." ⟨Model Penal Code §5.01(1)(a)-(c)⟩

The Code defines "purposely" as being the attemptor's "conscious object to engage in conduct of that nature or to cause such a result," and if the conduct involves attendant circumstances, "he is aware of the existence of such circumstances or he believes or hopes they exist." ⟨M.P.C. §2.02(2)(a)⟩ (the Code's attempt standard has the capacity for hopes and believes)

The Code does not provide a clear definition for the term "believes," although it is defined in Black's Law Dictionary as "regarding the existence or truth of something as likely, or relatively certain; a conviction of the truth of a proposition existing subjectively in the mind and induced by argument, persuasion, or proof addressed to the judgment." (this definiens is analogous to familiar knowledge but does not discriminate between a belief that something appears to be xyz, as opposed to the belief that something is xyz.)

Expanding beyond the Common-Law standard of actual intent, the Code's substantial step requirement was developed in the 1960's in order to "widen the ambit of attempt liability." ⟨Proposed Draft 1962⟩ This requirement "shifts the emphasis from what remains to be done (...) to what the actor has already done" ⟨Scott at 119⟩ and reflects the presumption that "preparation and a substantial step could be viewed as overlapping concepts" ⟨Doyon, n. 8⟩

While the substantial step requirement focuses on conduct which is strongly corroborative of criminal purpose, this requirement shifts the objective locus of the attempt offense from being a subjectively actual intention to commit the substantive offense onto a subjectively specific intention to take the substantial step before the intention is subjectively actual because, "although (...) intended (...) in those instances in which some firmness of criminal purpose is shown (...), the test could reach very early steps toward crime---depending upon how one assesses the probabilities of desistance." ⟨Scott, id⟩ By this, the substantial step is entirely subjective to the outside observer who has not qualified the intensity of the attemptor's subjective intentions. Instead the only qualification is the nature of the mere conduct itself.

Founded on shifting the objective locus of the attemptor's subjective intentions from the actual offense, onto the preparations, the Code developed framework whereby some very generic substantial steps could qualify as the

"legal basis" for attaching liability while also qualifying as "the sole proof of criminal intent." ⟨Dworken, 17⟩ The Code's generic substantial steps "shall not be held insufficient as a matter of law." ⟨M.P.C. § 5.01(2)⟩ This explicitly "hands off the legislature's responsibility for defining criminal behavior." ⟨Davis, id⟩

For example, the attemptor's "arrival at the scene" ⟨Doyon, id⟩ is the stereotyped substantial step of generic quality whereby government controlled sting operations control the information flow and design for the percipient to "travel to an arranged meeting place." ⟨App. G, pg. 5⟩ In such Govt. controlled operations, the Code has dictated that this stereotyped conduct of reconnoitering, "shall not be held insufficient as a matter of law" even if "one can imagine a step toward the offense --- literally substantial in time and effort --- that might still not qualify as an attempt, at least if the intent was very general." ⟨Doyon, 212⟩ (the difference could be the belief that something has the appearance of xyz without the additional belief that the thing is actually xyz)

In Davis, this Court analyzed the application of the residual statute in relation to the underlying offense and had rejected the Govt's "case-specific approach" whereby the review would be a conduct-based approach that "keeps the focus on the offender's conduct and excludes evidence about personality." The Govt's theory would "cause" the residual application to extend into conduct which was "impossible to say" whether Congress intended.

By the same geometric measure, Congress has not stated under §1594(a) or the doctrine of attempts where, as a matter of law, conduct should be held sufficient to attach liability. It is "impossible to say" whether Congress intends search behavior, or preparatory behavior, to be crossing the line when the conduct is merely "arrival at the scene." Under §1591(a), the categorical approach to the offense does not provide generic meanings to the terms where the solicitation of an arranged meeting place means that the attempt to attempt by arriving at the scene is equivalent to its actual commission. In Bronson's conduct, the meeting place, not the person, was solicited.

With a shift in the locus, the Code's substantial step prompts the legal question: what is the substance of the substantial step instead of the Common Law question: what is the substance of the criminal attempt. In the Constitution of a society whose preservation is mutual, who consented to be governed by a process whereby the review of the offense has its legal sufficiency in the arbitrary stereotypes of conduct not "defined by the legislature" ⟨Dubin, id⟩

E.) Outside its own Virtue

In Davis, this Court held that "when Congress passes a vague law, the role of courts under the Constitution is not to fashion a new, clearer law to take its place, but to treat the law as a nullity and invite Congress to try again." ⟨Davis, id⟩ In Dubin, this Court found that sometimes the terms of a statute "poses some interpretational difficulties because of the different meanings attributable to them." ⟨Dubin, id⟩

Tangentially shifting the power under the doctrine of attempts even further, in Taylor ⟨U.S. v Taylor, 596 U.S. ___ 142 S.Ct. (2022)⟩ this Court applied the categorical approach in order to align the elements clause of §924(c) with an attempted Hobbs Act violation. Prior to Taylor, a handful of courts had "recognized that the crime of attempt requires only a substantial step toward completion (...) but a defendant must also 'intend to commit every element of the completed crime in order to be guilty of attempt. The combination of these two elements (...)

is sufficient to treat an attempt offense as an attempt to commit each element of the completed offense." ⟨U.S. v. States, 72 F.4th 778 (7th 2023); citing Morris v. U.S., 827 F.3d 698 (7th 2016)⟩ This interpretative model qualified the effect that an "intent to commit violence against the person of another (...) makes sense to say that the attempt crime itself includes violence as an element." ⟨id⟩ A plurality of courts agreed. ⟨U.S. v Walker, 990 F.3d 316 (3rd 2020); U.S. v Smith, 957 F.3d 590, 596 (5th 2020); Hill v. U.S., 877 F.3d 717, 719 (7th 2019); U.S. v Dominguez, 954 F.3d 1251 (9th 2016); U.S. v Hubert, 909 F.3d 335, 351 (11th 2018)⟩

From this strain, the Hubert dissent worked in a hypothetical whereby the locus followed the shift from the actual substantive attempt onto the locus of the substantial step, thereby concluding that "intending to commit each element (...) involving the use of force (...) is not the same as attempting to commit each element." ⟨at 1210⟩ Making this shift disconnects aspects of knowledge from subjective aim. The undifferentiated subjective aim is to commit the ghist of the conduct, but the ghist is not the actual.

With similar hypothetical error, the Taylor decision found that "a criminal defendant who commits a violent crime nonetheless does not commit a 'crime of violence' if a hypothetical criminal could commit the same offense without satisfying §924(c)'s physical-force requirement because someone else --- 'Adam' --- could have committed attempted Hobbs Act robbery without physical force." ⟨Taylor, id⟩(dissent)

In Taylor, this Court employed the hypothetical Adam to illustrate an "attempt" to "unlawfully take (...) against the will, by means of actual or threatened force." ⟨§1951(a)(1)⟩ The hypothetical had "hoped" that his "note" which was a "bluff" would be sufficient to commit the crime, and the hypothetical was arrested as he crossed the "threshold" of the target location.

In Davis, this Court had explained that the categorical approach looks at the predicate offense by what its words "ordinarily-entailed" as Common-law generic definitions, and in Dubin this Court found that some terms "pose some interpretational difficulties because of different meanings attributable to it." ⟨Dubin, id⟩ The term "means" was also explained and a separate opinion explained that the "means" "must play the (...) 'central role' in the commission of the offense." The "means" is "at the crux of the underlying criminality" and "turns on causation."

Dubin explained that causation "refers to a relationship or nexus of some kind" and that "the nature and strength of this relationship will be informed by context." This Court held that "if extended to its furthest reach, 'relate to' would be practically limitless." By this geometric measure, how does Adam's "bluff" relate to the cashier if all he can do is "hope." He must first "hope" that the would-be cashier is not a complete idiot who should not have their job because they are practically illiterate. He must also "hope" that the would-be cashier is not pre-disposed to abandon their position and participate in the crime.

Without these hopes, then Adam's knowledge is effected by interpretational difficulties for the terms of the substantive offense whereby the causation of his "bluff" is not actually the central role. Nor is Adam's knowledge effected by force because his hopes have the capacity to extend the word "threat," from being an "intimidation" into the subjective form of "startle." The terms "take against the will" extend from being the idea of "conquering; capturing" and into the subjective form of "importune, entreat, beg, etc."

Subjectively indifferent to any statutorily perfected definiens, there is no reckless attempt offense, and if the hypothetical Adam has hopes which are so extensive that they are grounded in a psychological character where he is focused more on his own diminutive role, and crayon written bluff, then his subjective aim is more grandeur then his own capacity to appreciate. The significance of Adam's conduct is conditioned on the qualitative pattern of his own hopes whereby the subjective form of "armed and dangerous" is not equivalent to the objective form of "armed and dangerous." The hypothetical is delusional in their own capacity to actually commit the crime which gives it "virtually no chance of occurring" ⟨Dworken, n. 6⟩ through the prospect of realistic harm.

Geometrically, the intent to commit every element shifts the locus of an attempt to commit the substantive offense onto an attempt to commit one of the many overt acts with the hope that the conduct may have some significance. By this measure, an intent to threaten could be accomplished without anything more than overtly standing in a threatening manner when the hopes and guesswork of a tatoo faced thug has no written note and creates no forceful effect but hopes that their appearance is enough to be the means to conquer another's will. We would have attempts to threaten ad infinitum. No one could ever stand with feigned intent to threaten.

If the doubtfulness of Adam's hopes are sufficient to constitute an attempt offense, then at what temporal instance of subjectivity does the doctrine of attempts begin to regulate its own power and at what temporal instance of subjectivity do the terms of the substantive offense become confined and controlled under the one perfect definiens which does not pose interpretational difficulties. In the Constitution of a society whose preservation is mutual, who consented to be governed by a doctrine of attempts whereby its virtue is outside of itself because those with reckless intentions are permitted to dillute the entire class of actually violent offenders whose knowledge was genuinely effected by the strength and nature of real force; thereby the actual violent offenders become wholly indistinguishable from those with lesser intentions and there is no categorical crimes of violence when it matters most.

E.) The Strength of the First Amendment

In Ferber ⟨New York v. Ferber, 458 U.S. 747, 763 (1982)⟩ this Court made its "judgment about child pornography based upon how it was made, not on what was communicated." ⟨Free Speech, 251⟩ Ferber had "not only referred to the distinction between actual and virtual child pornography, it relied on it as a reason supporting its holding" ⟨id⟩ whereby the distinction meant that Ferber "provided no support for a statute that eliminates the distinction and makes the alternative mode criminal as well." ⟨id⟩ With authoratative support from Ferber, Free Speech decided that "by prohibiting child pornography that does not depict an actual child, the statute goes beyond Ferber." ⟨id⟩

Free Speech made clear distinction by qualifying the nature of the child pornography under the key modifying term of "actual." Actuality has to existi in some extent, and under the principle of actuality: "actuality is the fundamental exemplification of composition, all other meanings of 'composition' are referent to this root meaning; but 'actuality' is a general term which merely indicates the ultimate type of composite unity: there are many composite unities to which this general term applies. There is no general fact of composition, not expressible in terms of the composite constitutions of individual occassions. Every proposition is entertained in the constition of some one actual entity, or severally in the constitution of many actual entities (...) the notion of a 'common' [] must find its exemplification in the constitution of each actual entity, taken by itself for analysis." ⟨Process & Reality, by Alfred North Whitehead (1929)⟩ (Harvard Professor, mathematician, philosopher)

Accordingly, if a statute goes beyond Ferber by not qualifying its depictions to be the exemplifications of actuality (e.g., "I guess you guys know all about me"), then it has eliminated the distinction between virtual child pornography and actual child pornography. In order for any referent exemplification to give itself as having the quality of a "common" actuality, its constitution has to be of a form and nature which can be expressible by means of a symbolic analysis. With an exercise in reflective analysis for the symbolic reference, the exemplification of composition would give reason to believe that there exists the subjective form and nature of actual child pornography it can be justified as including a subjectively actual child.

Where the statute of §1594(a) preserves the ability to conduct some exercise of reflective analysis through its own terms and definiens, only then can the statute preserve the fair notice demanded. By fair notice, the statute can also preserve the strength of the First Amendment while also enlarging the freedoms within a society whose preservation is mutual. By contrast, without any measure of reflective analysis, then the Govt. maintains the great power to eliminate "the line between what the Govt. may suppress and what it may not." ⟨U.S. v Williams, 553 U.S. 285, 319 (2008)⟩ (dissent)

In Williams, this Court upheld a reflective analysis whereby the specific intent to solicit actual child pornography was grounded on the intent to cause the listener to subjectively form the correlative belief. By contrast, where a speaker merely states a qualitative "preference", ⟨App. H, pg. 13-16⟩ and the intent is indifferent to what causes the listener to subjectively form a belief about the nature of the material, the corresponding intent to effect any common distinction can only be equally indifferent. The means of causing any distinction can only be analyzed in terms of the composite constitution of a subjectively indistinguishable occassion wherein the Williams dissent emphasized would be "untethering the power to suppress proposals about extent pornography from any assessment of the likely effects" ⟨at 321⟩ as there is no analyzable effect referent to an ultimate type of composite unity.

Lacking an ultimate type of composite unity under §1594(a) extends the conclusion that "no actual minor involved here fails to present a debatable claim" ⟨App. A, pg. 1⟩ to include that "no subjectively actual minor involved here" is not debatable as long as §1594(a) refers any kind of child pornography without distinction.

F.) The Undertow of Tragedy

In Davis, ⟨Davis, id⟩ this Court looked at the residual application of the statute that effected certain underlying offenses. The residual statute itself, however, "provided no reliable way to determine which offenses qualify," and that it was "impossible" to say what Congress intended. It was also "impossible" to say that "the law gave defendants fair warning" of the extensiveness of its scheme.

By this same extent, it is impossible to say whether Congress intended §1594(a) to have effect whereby there is "no subjectively actual minor involved here" as long as the subjective aim was a means of effecting child pornography without distinction and incidently, by reason of a subjectively indifferent intention. It is impossible to say if, under §1594(a), Congress itself is indifferent to whether the conviction is grounded in facts where everybody is talking about the very same thing, provided that the pornographic speech has the indistinguishable appearance of effecting actual child pornography; thereby the unqualified pornographic speech is strict liability speech.

Strict liability pornographic speech is given extensive ground between §1594(a) and §1591(a) whereby the substantive offense is not perfectly defined by only generic definiens. Generic definiens were observed in Davis ⟨Davis, id⟩ and this Court catagorized the term "offense" to "carry at least two different meanings." One is generic and the other is specific. In the generic sense, the term means "what an offense normally-or (...) ordinarily entails, not what happened to occur on one occassion."

Geometrically reviewing a §2255 petition with the extensiveness of strict liability pornographic speech, the ordinary attempt offense, and its ordinary substantive offense have generic intentions and generic overt acts in which "dissimilar situations" ⟨Abstractions, id⟩ have been geometricized by the extents of ordinary and normal abstractions. However, in the ordinary substantive offense, there is a unique psychological nexus between the offender and the specific victim. The ordinary substantive offense is distinct to the specific occassions between two people, or between one self-identifying prostitute and their society. The ordinary offense is the specific effect of the pornographic speech on a specific person's knowledge and between the two people who are unique in every offense.

In Abrams ⟨Abrams v U.S., 250 U.S. 616, 626 (1919)⟩ Justice Holmes emphasized that "the word 'intent' means no more than knowledge at the time of the act that the consequences said to be intended will ensue." Fundamentally, the formula exemplifies that every intention is chiral to the knowledge which presupposes it. But knowledge is variable, and there is actual knowledge, familiar knowledge, genuine knowledge, and propositional knowledge. Genuine knowledge is subjective belief and propositional knowledge extends between actual and genuine knowledge.

In hybrid form, propositional extensively connects actual knowledge and genuine knowledge by means of both actualities and potentialities. In potentiality, there is divergence in general potentialities effected by "mutually consistent or alternative, and provided by, the multiplicity of eternal objects," and there is convergence in real potentialities effected as "conditioned by the data provided by the actual world" ⟨Process, id⟩ General potentialities involve divergence in one's imagination, and real potentialities converge imagination through the familiarity of circumstances and consequents.

The potentiality --- real or imagined --- of an attempted §1594(a), §1591(a), finds the composition of subjective actuality in the propositional knowledge of:

> knowingly, recruit, harbor, provide, etc., a person: knowing or in reckless disregard of the fact that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act; or having a reasonable opportunity to observe." ⟨§1591(a)-(c)⟩(reasonable opportunity to observe, ... intent to observe)

In its first extension, the ordinary substantive offense has the propositional knowledge with the real potentiality of: knowingly recruit, etc...a person. This constitutes a convergence in imagination whereby the speech entails any of the transitive verbs listed together with the indicative feeling for the capacity to be effected by anyone whatsoever. By this, the propositional knowledge is an intention effected by a person, not an intention effecting a person.

By a separate geometric measure, the phrase, "knowing the fact that the person had not attained the age of 18 years," has ordinarily been exemplified by compositional actualities whereby the propositional knowledge is exclusively effected by a specific and identifiable individual. ⟨U.S. v Webster, Lexis 118497 (9th 2007)⟩(the Govt. "agreed to provide the identities" of the specific victims so that the facts considered by the Grand Jury would be <u>the very "same"</u> as the facts presented

at trial). Indicatively, the actual knowledge of the predicate offense is ordinarily conditioned by a very specific fact and that there is no general fact of composition under the statute which is exemplified by the generic qualitative pattern of "a minor." The actual knowledge of the substantive offense is ordinarily a predicative pattern which is "consubstantial" to the knowledge of that pattern ⟨U.S. v King 713 F. Supp. 2d 1212 (9th 2010)⟩(discussing "consubstantiality")

In another extension, the language, "has not attained the age of 18years" has a predicative pattern which can ordmarily be exemplified by actual occassions of constructive knowledge such as "reckless disregard," or "reasonable opportunity to observe." These are Congressional efforts to "dislodge mens rea with respect to the age of the victim." ⟨U.S. v Robinson, 702 F.3d 22, 34-35 (2nd 2012)⟩ Under this extension, §1594(a) could be an attempt offense which is qualified by an intent to recklessly disregard the age value, or intent to observe the age value. Although, "the Senate disfavored the strict liability option' even if the defendant never observed the victim").

The final extension is the attempt within the substantive offense itself and the propositional knowledge is exemplified by the composition of familiar knowledge whereby the subjectively actual knowledge is qualified by the subjective belief that the subjective fact: "will be caused to engage..." The subjective form of the familiar knowledge has the referent to an "established modus operandi." ⟨U.S. v Todd, 627 F.3d 329, 339 (9th 2010)⟩ With a familiar pattern of conduct, the ordmary propositional knowledge has abandoned any substantial effects from the divergence of imagmative feeling and the familrarity is grounded in proximate physical recognition to authentic historical occassions.

When "read literally," ⟨Sex Trafficking: An Overview of Federal Criminal Law, by Congressional Research Review (pg. 5, n. 28, 29; https// fas.org)⟩(discussing the potential for actual mrnors to receive prosecution when engaged in "survival sex"), the substantive offense has the legislative capacity to prosecute the pornographic speech effected by the source, the mediatron, and the destination. because the whole offense is the effect of the pornographic speech on the speaker's knowledge followed by their chiral intentions to pornographically speak about the qualitative patterns of the statute regardless who is doing the speaking by means of their pornographically effected knowledge.

By addition, the power of §1594(a) under the doctrine of attempts extensively connects to the substantive offense and communicates with its own natural liberty of indeterminateness where the character of generic intentions and generic overt-acts have only the significance of appearance or "mere general tendency" ⟨Williams, id⟩

After extensive connection, §1594(a) has the real potential to shift the locus of the substantive offense onto an infinite number of members by geometrically constructing a four-dimensional sphere of propositional knowledge non-coplanar to the ordinary extensive order of a normal offense. What becomes "knowable" has a multi-dimensional vector character whereby the comparative accuracy of spatial definition is no longer confined or controlled by presentational immediacy, in that the causal efficacy of the subjective fact becomes indistinguishable between the indicative feeling wherein the logical subjects of §1591(a) are derived, and the imaginative feeling wherein the predicative pattern of an abstractive set of conditions is derived.

In the undertow of tragedy, then without the balance of limiting principles advanced by §1594(a) under the doctrine of attempts, the multi-dimensional propositional knowledge is not necessarily controlled by qualitative patterns for a "knowable" which is spatially transitive in a route of historically actual occassions because

under §1594(a), the doctrine of attempts does not have the legislative power to qualify the term "the fact" with the subjective modifier "actual," nor confine the definite article "the" from acquiring the generalizing force of "a," subjectively. It is impossible to say how broad in appearance Congress intended.

Without the balance of limiting principles advanced by §1594(a), then the multi-dimensional propositional knowledge is not necessarily confined by the qualitative patterns in a knowable which is spatially contiguous in its presentational immediacy because the doctrine of attempts does not have the legislative power to qualify the term "the person" with the subjective modifier "specific" nor confine the pattern to have the uniquely subjective quality for a sameness between speakers.

Without the balance of limiting principles advanced by §1594(a), then the multi-dimensional propositional knowledge is not necessarily confined by the qualitative patterns in a knowable which is spatially relative to any historical actual occassions of subjectivity because the doctrine of attempts does not have the legislative power to intensify the attemptor's subjective knowledge and replace the "reasonable opportunity to observe," "reckless disregard," or "knowing" with the vector character of genuine knowledge. Thereby, an attempt offense can be an intent to reasonably observe the subjective fact; as an unknown, unknowable

Without the balance of limiting principles advanced by §1594(a), then the multi-dimensional propositional knowledge is not necessarily confined by the qualitative pattern in a knowable which is temporally continuous with duration by the ordinary measure of any historical subjectively actual occassions because the doctrine of attempts does not have the legislative power to quantify the scalar value of the possessive terms, "has not attained," to exclude the pseudo-scalar potential as the qualitative pattern: "appears to be." Psuedo-scalars occur when the system is changed to a new system (i.e., $x'_i = -x_i$) ⟨Oxford Dictionary of Physics 5th ed (2005)⟩

Without the balance of limiting principles, "the universe of inchoate crimes [becomes] expandable indefinitely." ⟨Williams, 316⟩(dissent) By this geometric measure, the substance of: what is §1594(a), §1591(a), becomes unrestrained in its scope wherein any attempt to commit the substantive offense has the indefinite extensiveness of any intent to reasonably observe the virtual facts which subjectively appear to be "a minor" but in unknown to be a minor by reason of an outside observer's inconsistent, and Arbitrary assertion about another's subjective perceptions without regard to subjective beliefs.

G) The Perpetual Perishing Holmes

As a scholar in the Common-Law doctrine of attempts, Justice Holmes had understood that the attemptor's subjective aim followed the natural chirality of their own effected knowledge and that the attemptor's subjective intention acquires chirality from the "proximate motive" by reason of the genuine knowledge which instantly supports it. In chiral form, the attemptor's "actual intent (...) necessary to constitute an attempt" is presupposed by their own genuinely true belief that they themselves have "no doubt of [their] premises, or [their] power and want[s] a certain result with all [their] heart." ⟨Abrams, 628⟩(Holmes)

Accordingly, it would follow that, if the attemptor doubts their own premises, there would naturally be a chiral doubt in the extent of their power. If the attemptor has chiral doubt in the extent of their power, Justice Amy

Barrett has recently explained that, "we would not understand 'attempt' in its ordinary sense of 'try.'" ⟨U.S. v Hansen, 143. S.Ct. 1932, 1942 (2023)⟩ By this geometric measure, there is analogy of function whereby Holmes had quantified the mental values as a chirality between the attemptor's subjective beliefs and subjective intentions.

Quantifiably, the values for the doubtless power could be measured as the shortest distance between any subjective aim and any proximately motivating unit of propositional knowledge by excluding as much imaginative feeling as possible. Without the excesses of imaginative feeling, the shortest distance in the chirality could distinguish between the undifferentiated want for the general essence of subjectivity (e.g. the bacholerette's dress) and the subjectively actual intention attached to the novel consequent. (e.g., Post-Mr. Right)

Measurably, when the pornographic speech is entirely subjectified in the privacy of the speaker, how does the so-called intention begin to speak of subjectively actual child pornography if the external symbolic reference (e.g. a model of Jane Doe) is accidentally specific, abstract, there is no familiarity with the effect, and the bare bones unqualified confirmed intention to have commercial sex with 'a minor' can be --- by the inviolable liberty within the power of reason --- of two very different subjective beliefs and of chirality to the subjective intentions, which lack qualitative investigation formulated by subjective modifiers that pattern the pornographic speech with distinctions (e.g. the term 'actual')

In one case, the chirality of the subjective aim can be motivated by the idea of a subjectively actual qualitative pattern for the subjective fact. The subjectively actual qualitative pattern for the subjective fact is the subjectively actual fact that the person had not attained the age of 18 years, grounded in the subjective beliefs inherited from proximately actual occassions with some analogy of function. Qualified by familiar knowledge is the subjectively actual intent to have sex with an actual minor which has not attained the age of 18 years in commercial capacity.

In another case, the chirality of a constitutionally protected subjective intention has the subjective aim which is motivated by the idea of a subjective fact with a "perceived age." ⟨App. I, pg. 43⟩ ("the perceived age of child-like sex dolls should be considered (...) in the fervant social debate (...) that relates to the ownership of child-like sex dolls") This would be the subjective belief of the fact that the subjective fact has not attained the age of 18 years in appearance, without the extra, additional subjective belief that the subjective fact is actually under the age of 18 years. It is one less subjective belief and grounded in a subjectively virtual qualitative pattern where the subjective fact is merely perceivable in exhibition of those minor-like qualities. It is the chirality of believing in the essence of minorness without more.

Elaboratively, when the perceivably knowable is a child-like sex doll, it is reasonable that the subjective fact is of a pseudo-scalar value. Qualitatively ageless (ie, timeless), the doll never actually ages and with the pseudo-scalar qualitative pattern, there would not likely be a vector more than the mere belief that the subjective fact appears to be of any certain age. As a mere belief, this has the vector character of *estimation*.

In mereness, and without an external symbolic reference (e.g. familiarity by proxy), the ageless term "a minor" which "had not attained the age of 18 years," is indistinguishable in its potential and can only be perceivable as being an estimated minor. In its own substance, the pseudo-scalar fact is knowable by reason of a feeble imaginative feeling through one's propositional knowledge. In contrast to any knowledge derived from distinguishably familiar potentials, the substance of the indistinguishable potential has within its subjective form the vector character of subjective estimation as a belief. (e.g., how old is 'smurfette,' 'strawberry shortcake,' etc.)

In Williams ⟨Williams, id⟩ this Court supported the reflective analysis for child pornography whereby, "the defendant must believe that the picture contains certain material (...) and not merely in his estimation." Supported further was that, "whether someone held a belief or had an intent is a true-false determination, not a subjective judgment." ⟨at 306⟩

True or False, the chirality of the actual intention is presupposed by actual beliefs which reflect qualitative patterns where presentational immediacy and causal efficacy justifies the reasons to believe. In the child-like doll, there may be the subjective belief that the doll has xyz scalar value, but it is more justified to merely believe that the doll *appears to be* xyz because pseudo-scalar age values only give estimations

True, not false, Bronson disavowed his subjective belief and the system changed to pseudo-scalar age values because the Govt. does not control all of the facts or law. With liberty under constructive interpretation, the statement, "I guess you guys know all about me," gams the supplement reference that the chirality between subjective belief and subjective intention was grounded on the estimation that the unqualified term, "a minor," gave an imaginative feeling where it *appears to be* a minor which had not attained the age of 18 years.

"It would be hard for [Bronson] to live with himself if he knew he violated a real person" ⟨App.E, pg. 8⟩ and if his confirmed intention was "actual," then under a Holmes standard, it would "render the otherwise innocent act harmful because it raises the probability that it [would have been] followed by such other acts and events as will all together result in harm." Rationally, "the importance of the intent is not to show that the act was wicked, but to show that it was likely to be followed by hurtful consequences." ⟨Common Law, id⟩(discussing attempt offenses)(Holmes, J.)

Justice Holmes was a pragmatist and knew that one may have "intended not to break the law, but only to get as near the line as he could, which he had the right to do." ⟨Horning v. District of Columbia, 254 U.S. 136, 137 (1920)⟩ Holmes equally cautioned there are "dangers of (...) a given system, ours, for instance, can be worked out like mathematics from some general axioms of conduct." ⟨The Path of Law, by Holmes, H.L. Rev. (1897)⟩ In remedy he prescribed that "a body of law is more rational and more civilized when every rule it contains is referred articulately and definitely." ⟨id⟩

Irrational and uncivilized, under the doctrine of attempts, §1594(a) has no rule fairly articulated whereby Bronson should become informed that traveling to a meeting place would be at his peril to face a foregone probable cause arrest, unqualified interpretations of his words, and an attorney's "subjective legal analysis," that "he showed up to pay" ⟨App. G, pg. 8⟩ These irrational and uncivilized axioms of conduct avoided the external standards of liability which would investigatively and justifiably measure the shortest distance between feeble propositional knowledge and subjectively feigned intention when there is no such *thing* as a "12yr. old," or "a minor," articulated by §1594(a).

Under the doctrine of justification, "a perceptum of one species must have some ground in common with the perceptum of another species, so that a correlation between the pair of percepta is established." ⟨Process, id⟩ Common ground offers the symbolic reference whereby "the perception of a member of one species evokes its correlates in the other species, and precipitates upon this correlate the fusion of feelings, emotions, and derivate actions, which belong to either pair of the correlates, and which are also enhanced by this correlation." ⟨id⟩

If this is the justification which gives reason to actually believe, then when "this was the first time that Bronson had ever contacted an escort service" ⟨App.E, id⟩ what reason did he have to actually believe that there was any

correlation between feigned intent and actual intent, or between general potential and real potential. What reason gave justification that the inquiry had a correlate in the proposition grounded on the common, "a minor," in actuality.

Analogously termed the "substantial step," the principle of perception justifies attaching liability at the temporal instance wherein the power within the feeble propositional feeling foregoes its imaginative feelings and becomes symbolically transferred into the power necessery to effect the chirality between genuine knowledge and subjectively actual intention. This very private moment does need the stereotype of any generic substantial step. If power had truely been transferred, then the result would not be "the lone statement of skepticism" ⟨App. G, pg. 11⟩ because all the power would have been transferred into that "fusion of feelings" where the substantial step occurred. In realtime, the frustration of a fusion of feelings is not mitigated by being "skeptical" and the frustration of actual intention is not mitigated by unjustified correlates when Congress has not statutorily defined "traveling to meet" as the substantial step for probable cause.

Signifying that everybody was <u>not talking about the very same thing</u>, the lone statement of skepticism cannot justify that traveling to meet is always a substantial step towards the completion of something because the skepticism indicates that there is not a fusion of feelings. Lacking a fusion by lacking sameness during the matrix of instances inhibits the transfer of power from those instances onto an instance which introduces something even more vague and expansive. In Kind, the unqualified confirmed intention of "a minor" is not a justifiable transfer of power.

"Statements consistent with an intent to follow through on the arrangement" ⟨App. A, pg. 1⟩ does not magically qualify the correlation between feigned intent and actual intent because it does not distinguish between general potential and real potential, and the "requested [] 12-year old for sex" ⟨id⟩ does not automatically qualify the correlation between a general inquiry and proposition to be necessarily justified as an actual intention for some "common" which has no composition as a general fact. There is no such *thing* as a 12yr. old. Only persons (ie., Jane Doe) who exhibit the qualitative pattern of having a scalar value of 12 temporal years. There is no such *thing* as "a minor."

Without real justification to transfer power from one unqualified intention onto another unqualified intention, what correlates were evoked whereby the fusion of feelings was enhanced by the power transferred from inquiry to proposition. The only enhanced feeling is the misinterpreted statement, "I guess you guys know all about me," which cannot be the confirmation of an intention where the only justification of a subjective intention is grounded on the lone statement of skepticism. There is no "skeptical" correlate between search behavior and causal behavior. "Causation" is powerless in 1591(a).

Unjustified to claim control over the psychological nexus of Bronson's sworn statements, the shortest distance between propositional knowledge and subjective intention has the connexions made during the plea colloquy whereby the Magistrate had his reference to "a minor," the attorney has his reference to "a minor," and the Govt. had theirs. Bronson could never have intention in reference to some unqualified minor in someone else's mind and he has no protection from the double jeopardy when the Govt. presents an "infinite array" ⟨App. F, pg. 32⟩ of temporal instances within the speech.

The Govt's. only justification for the infinite array is the moral standard that no one should ever travel to meet an online stranger. This justification only means that, "while the law does still and always, in certain sense, measure legal liability by moral standards, it nevertheless, by the very necessity of its nature, is continually transmuting those moral standards into external or objective ones, from which the actual guilt of the party concerned is wholly eliminated." ⟨Common Law, id⟩ (Holmes, J.)

Justice Holmes understood that the doctrine of attempts meant "the scheme as a whole seemed to be within the reach of the law" whereby, as a whole, the attemptor's scheme was to "fasten the principle fact to a certain time and place." ⟨Swift & Co. v U.S., 196 U.S. 375, 396 (1905)⟩ In its unity, coordinate division could analyze the genetics of each attempt offense by measuring the extensive relationships between the constituent elements even where they are "so numberous and shifting (...) their nature must be, so extensive in time and place, that something of impossibility applies to them." ⟨id⟩

In coordinate division, the liability of an attempt offense is justified by genetically measuring the relationships between the constituent elements in their "extensive order." ⟨Process, id⟩ The principle of extensive order is, "the solidarity of whole to part, and of overlapping so as to possess common parts, and of contact, and of other relationships derived from these primary relationships." ⟨id⟩ The solidarity of the relationships is described by the correlations between the parts within the whole of a scheme and under the principle of communication the correlations are qualified if in extent, "the constitution of particular existents [are] described so as to exhibit their capacities for being conditioned by [the] powers in other particulars." ⟨id⟩

In practical terms, the scheme within the private psychological nexus of the attemptor would exhibit certain correlations between the parts whereby the extensiveness of the parts is conditioned by their capacity to communicate with each other thereby giving solidarity to the scheme. In effect, "no entity can have an abstract status in real unity" because, "the completion of givenness in actual fact converts the 'not-given' for that fact into 'impossibility for *that* fact." ⟨id⟩

Contextually, the unqualified confirmed intention for "a minor" which "had not attained the age of 18 years" has no capacity to communicate an overlap of common parts as the extension of a non-12yr. old subjective fact when the statement, 'I guess you guys know all about me,' is suppose to refer to the fact that Bronson "sought sex with a 12yr. old." As an abstract fact, "a minor" can have no real unity in a scheme fastened to a certain time and place because so much is "not-given" that the whole confirmed intention is "something of an impossibility."

If Bronson intends to have sex with a tall minor, then it is impossible to say that he intends to have sex with a short minor. If Bronson intends to have sex with a short minor, then it is impossible to say that he intends to have sex with a tall minor. If Bronson intends to have sex with a 14-year old minor, then a 15-year old minor would be the impossible. If Bronson intends to have sex with a 15-year old minor, the a 14-year old is impossible. If Bronson intends to have sex with any minor whatsoever, then it is impossible to say that he intends to have sex with any other minor whatsoever. If Bronson intends to have sex with any other minor whatsoever, then it is impossible to say that he intends to have sex with any minor whatsoever. If it cannot be said that Bronson actually intends to have sex with any minor whatsoever, then his confirmed intention is no greater than a feigned intent.

Justice Holmes emphasized that the nature of an attempt offense is given where "the unity of the plan embraces all the parts." ⟨Swift, id⟩ The embrace would be the sameness of all that is given, and would exclude everything which is not-given. If the only things given are the not-given (i.e., a non-12yr. old) then the whole of the unity is abolished because it is in actuality, a unity of what is not-given.

"If you abolish the whole, you abolish its parts; and if you abolish any part, *that* whole is abolished." ⟨Process, id⟩ In the course of Bronson so-called scheme, all that was whole in the conscious object given to the Grand Jury was

the unity of a plan which embraced seeking behavior intent on a 12yr. old subjective fact. However, "that he is not admitting." ⟨App. C, pg. 5⟩ Without total reversion by the Govt., the original pornographic speech was abolished as a plan and the novel unity constructively interpreted every aspect of the statute. The dignity in the concepts that were harmonized by Justice Holmes is perpetually perishing.

Question : Should Bronson's conviction be vacated under his §2255 post-conviction attack or should it have been resolved different because its vagueness is present or debatable.

Part 3 : After careful consideration of Bronson's §2255, the First Circuit has confined Bronson's pornographic speech to the character of strict liability criminally pornographic speech without consideration to the speaker's inviolable liberty to make words stand for what idea he pleases whereby such vague ideas are authoratatively supportable and otherwise Constitutionally protected under the First Amendment.

A.) Debatable

Under §2255, an applicant seeking a certificate of appealability, "must make a substantial showing of the denial of a constitutional right." ⟨§2253(c)(2)⟩ That standard is met when "reasonable jurists could debate whether... the petition should have been resolved in a different manner." ⟨Slack v. McDaniel, 529 U.S. 473, 484 (2000)⟩

In Osborne ⟨Osborne v. Ohio, 495 U.S. 103, 106 (1999)⟩ this Court held that "Ohio's proscription of the possession and viewing of child pornography was permitted under the First Amendment because (a) Ohio did not rely on a paternalistic interest in regulating a person's mind." ⟨at 109⟩ In avoiding any paternalistic interest in regulating a person's mind, the Osborne court found that the Ohio provision was construed "by limiting the statute's operation." ⟨at 113⟩ Operation was limited to the qualitative pattern for nudity speech which was a lewd exhibition and the scienter element was supported by a "default statute specifying that recklessness applies." ⟨at 113⟩

By contrast, the First Circuit departed so far from Osborne's more narrowed approach : that instead of finding debate in the vagueness of Bronson's unqualified pornographic speech, the court made the speech to be strict liability with no consideration for Bronson's subjective state of mind as he proffered his plea. Even as Bronson explicitly informed the court, "I pled guilty to a virtual minor. Not a fictitious minor. Not an actual minor" ⟨App. A-B, pg. 132⟩ the court entered that "no actual minor involved here fails to present a debatable claim." ⟨App. A, pg. 1⟩

Clearly, Bronson's claim was "no subjectively actual minor involved here" when he repeatedly argued that "disavowal for the age '12' was a disavowal for the whole element of "had not attained the age of 18 years" and not just the parts" ⟨App. A-B, pg. 134⟩ (of the original conscious object) It was repeatedly argued that "the omission of the court's explanation," ⟨App. F, pg. 43⟩ for something comparable to the Common-Law concept of actual intent, had "stymied fairness" ⟨id⟩ where "there is no statutory definition for attempt (...) in Federal Law" ⟨App. F, pg. 29⟩

Departing from Common-law, the First Circuit did not narrow the statute by qualifying the intensity of any scienter under §1594(a) and it did not quantify the extent of the statute's reach. Instead, it made strict liability of Bronson's pornographic speech with paternalistic interest and without consideration to Bronson's inviolable

liberty to make words stand for what idea he pleases. Instead of looking to "construe the statute to avoid the statutes' potentially overbroad reach" ⟨Osborne, 119⟩ by finding debate on whether the guilty plea represents "that what was being discussed [was] the very same object of mental identifiability" ⟨App. F, pg. 43⟩ the court simply "presumed" ⟨App. A, pg. 1⟩ the unqualified truth about Bronson subjectivity and set precedent for strict liability pornographic speech

By the same extension, the court referred to the Franks hearing claim that "even if the omitted information would have been included, probable cause was still established : the affidavit stated that Bronson had requested a 12 year-old girl for sex and had agreed to pay 200^{00} an hour in return; that he had then appeared at an agreed meeting place; and that when apprehended by law enforcement, he made other statements consistent with an intent to follow through on the arrangement." ⟨App. A, pg. 1⟩

Objectively, the court's sociopathic assessment is precisely the paternalistic approach that ignores the reality of someone's mere search behavior for general potentials, or someone's feigned intent whereby the status of Govt. sting operations is known as retarded. Paternalistism may be warranted with a model of Jane Doe, but "the prospect of crime [] by itself does not justify laws suppressing protected speech." ⟨Free Speech, 245⟩

The inclusion of Bronson's "skepticism" warrants a debate about probable cause wherein, "the want of probable refers (...) only to the state of the defendant's knowledge, not to his intent." ⟨Common Law, id⟩ When included, it is plain and clear that "the affidavit is not unequivocal" ⟨App. A, pg. 118⟩ about Bronson's propositional knowledge when the pornographic "images exist in his head, and there is no way of knowing what those images look like." ⟨id⟩ If the intentions are feigned; which minors are not "emotional patterns and psychological processes" that emody "the eternal minor" ⟨App. A, pg. 53⟩ produced by "the loss of continuity is subjective experience." ⟨App. A, pg. 32⟩ There is no general fact of composition knowable as "a 12yr. old." There are only persons that qualify as exhibiting the scalar value.

Including the omission leaves the Magistrate "with a series of overt-acts for conduct which bears no familiar relation with respect to the core subjective fact." ⟨App. A, pg. 7⟩ It is clear that everybody is not talking about about the very same thing when the proposition is, "I can bring a 12yr. old," Bronson "sought" a 12yr. old, but now he does not believe it will "actually be." If Bronson did not believe that his intended object had the capacity to exist, how could he "intend to follow through on the arrangement." None of these overt-acts inform the Magistrate about "Bronson's familiarity" with causing the consequent nor "why is there any disconnect in Bronson's otherwise unconditional psychological nexus of intention." ⟨id⟩ Nothing qualifies Bronson's attempt when he never observed the potentials.

When "tasked to particularize for the Magistrate" "plausibility to whether Bronson believes himself that he is capable of actually causing the engagement of a child engagee," ⟨App. A, pg. 9⟩ the affiant's real investigatory work about his knowledge would have found that "Bronson does not know how" ⟨id⟩ to commit the substantive crime.

In the First Circuit's departure from normal procedure, the want of probable cause did not refer at all to Bronson's knowledge but only to an unqualified intent. The court's strict liability of Bronson's pornographic speech abandoned "the legitimacy of attempt liability" ⟨Williams, 321⟩(dissent) and turned the doctrine into the perilous "consequences for protected expression and the law that protects it" ⟨id⟩ by setting precedent for transferred intention attempt offenses.

If it is debatable whether counsel should have protected Bronson's 1st and 4th Amendment rights with a Franks hearing because there is no probable cause to believe that Bronson has the familiar knowledge of knowing how to "violate someone" ⟨App. I, pg. 13⟩ then it is equally debatable whether counsel was a "complete failure" under Cronic. ⟨U.S. v Cronic, 466 U.S 648, 659 (1984)⟩ or ineffective under Strickland ⟨Strickland v. Washington, 466 US 668 (1984)⟩

Cronic applies when "counsel entirely fails to subject the prosecution's case to meaningful adversarial testing" in any phase of the proceeding. Cronic's application is merited when there is a "presumption of prejudice." The presumption of prejudice could be demonstrated in a variety of ways but under the doctrine of attempts the impermissible transfer of intention from one unified scheme to another unified scheme whereby both scheme are not fully embraced between all of the parts would be one route towards the presumption of prejudice.

In the course of complete failure, counsel did not offer the adversarial testing that "the trained agent contradicts (...) the Govt's theory (...) which included Bronson's belief that the victim was 12yrs. old." ⟨App. F, pg. 47⟩ Bronson's belief was the one fact to unify Bronson's knowledge and chiral intention wherein there was an embrace of the parts that constituted the unity. As Bronson disavowed the embrace of *that* plan, counsel worked to transfer his intention to a new plan where "the Govt. agreed to the lesser charge; we won't mention the age, you'll just be pleading it was 'a minor.'" ⟨App. F, pg. 60⟩ This was also his Strickland explanation of the law and trial options ⟨App. F pg 27⟩

This was a two-way greenlight for the Govt. and a guilty plea in which their "offer was pre-ordained." ⟨App. F, pg. 54⟩ The Govt. was given a defendant who would not be able to choose going to trial because counsel demonstrated that he was prepared to "fabricate (...) a non-12yr. old which was nebulously subjective." ⟨App. A, pg. 11⟩ By contrast, the attorney should have moved to dismiss under Fed. Cr. R. 12.1 because the fact-finder would have never been able to determine what the true nature of Bronson's plan actually was. They would have never been able to factually find that everybody was talking about the very same thing. The jury would never have been able to get past Bronson's feigned intent because there was no chiral knowledge to support actual intent for either virtual nor actual child pornography.

Without consideration for Bronson's real feigned intent, the First Circuit departed from normal procedures when the panel made no effort to review Bronson's §2255 claims of Cronic, Actual Innocence, and the others; through an element-by-element analysis under Bailey ⟨Bailey, id⟩ wherein, it would have found that without chiral knowledge, then the feigned intent of Bronson's unqualified confirmed intention is a "non-crime." ⟨App. A, pg. 3⟩ The court would have also found that pornographically speaking is protected speech when it is presumptively truthful that during such speech, Bronson knew that "he had no intention of directing any intention onto an actual minor." because an actual intention "is not really who he is (...) it's not the person he really is."

Question: Should Bronson not have been entitled to a lesser-included offense scheme as the foundation of his guilty plea when intention was transferred.

Part 4: The nature of the effect is the effect of the nature on the knower. The knower is effected by force or the knower is not so effected by force and "the intent which is meant when spoken, if as an element of legal liability, is an intent directed at the harm complained of." ⟨Common Law, id⟩ (Holmes, J.)

A.) Bravery is Lost

In Randazzo ⟨U.S. v Randazzo, 792 Fed. Appx. 45, 47 (2nd 2019)⟩ the victim was 8yrs. old. In an effort to give benefit to the defendant under the lesser-included offense, §1591(b)(2)("if not so effected [by force]"), the attorneys sought to qualify the victim under the same methods as a bag of dope. The goal was to have the defendant allocute "in the same way that in drug cases we allow people to plead to a weight and not having allocute to a higher weight." ⟨at 47⟩

Unfortunately, the harm complained of when the victim is merely 8yrs. old is not the same as the numerical value in a bag of dope. People are not bags of dope and the nature of the intention is effected precisely by the kind of Ethical knowledge which does not need to know scalar values to have its vector character. The vector character is the fraudulent speech whereby knowledge is effected by the sole element of vulnerability in that the listening child does not have knowledge of the effects of pornographic speech.

Whereby the subjective fact knows the effects of the pornographic speech, it is the effectedness of that knowledge which warrants the additional knowledge that the minor effected knowledge cannot be pornographically spoken in light of statutory effect. This applies equally to "survival sex" at the discretion of the governing body.

In Carter ⟨Carter v. U.S., 530 U.S. 225, 240 (2000)⟩ this Court found that the lack of mens rea in one offense can prevent the other, which has mens rea, from being the "lesser-included" of the other. In Carter, the distinction between §2113(a) and §2113(b); where the former "contains no explicit mens rea requirement of any kind" and the latter, "intent to steal," means that the latter is not necessarily-included in the former.

In Kettles ⟨U.S. v Kettles, 970 F.3d 637, 646 (6th 2020)⟩ the court looked at §1591(b)(1) where the lonely language, "had not attained the age of 14 years" "does not contain a scienter requirement."

By contrast, the statutory element, "knowing(...) the fact that the person had not attained the age of 18 years," does contain a scienter and cannot be necessarily-included in the language, "had not attained the age of 14 years."

Bronson was indicted, "knowing(...) had not attained the age of 18yrs." ⟨App. H, pg. 1⟩ This triggers penalty under provision §1591(b)(2)("if not so effected...)

Bronson was not indicted, "knowing(...) force, fraud, coercion... etc." This triggers penalty under provision §1591(b)(1) ("if effected by force") The language, "had not attained the age of 14 years" is a strictly effected by force clause.

Bronson was convicted under "the guideline for an 18 U.S. Code, Section 1591(b)(1) offense." ⟨App. D, pg. 7⟩ (pursuant level 34 under §2G1.3(a)(1)⟩ But Bronson "would plead guilty to a lesser offense" ⟨App. G, pg. 2⟩ (under §1591(b)(2)⟩

Counsel did not challenge the "penalty substitution" ⟨App. A, pg. 75⟩ because he did not research the law to find that victims are not bags of dope where one is included in the other and that their scalar age value is not open to being transferred from effected to not so effected. He did not have the bravery to call out the Govt. on their arbitrary constructive interpretation whereby Bronson should have been indicted for knowledge which was effected by force if everyone truly believed that "he showed up to pay to have sex with a 12yr. old girl" ⟨App. I, pg. 21⟩

Instead the attorneys sought to have it both ways, without having it either way because Bronson effectively set the precedent for the First Circuit that the chirality of the intention can subjectively aim "to engage in sexual intercourse with a 12-year old girl for a rate of $200.00" ⟨App. G, pg. 2⟩ without any debate whether the indictment should categorically be "required to allege that force" will be used to cause the especially vulnerable child to engage in commercial rape because the chirality in knowledge effected by that force "is wholly unsupported by the statutory language" ⟨App. A, pg. 1⟩ thereby proving that the law is not particularly concerned about the violent nature of an offender's knowledge when the child has not attained the age of 14 years. It is no longer a crime of violence to commercially rape children because bravery is lost.

Part 5: Congress has made efforts in the past which would statutorily define an attempt offense in both a general manner and for particular offenses. ⟨App. I, pg. 52-55⟩

A.) So Far Departed

In Davis, this Court emphasized that "the vagueness doctrine, it is founded on 'the tenderness of the law for the rights of individuals' the fair notice of the law, and on the plain principle that the power of punishment is vested in the legislative not the judicial department."

In the usual course of judicial proceedings, "adopting a more expansive reading of a criminal statute would place those traditionally sympathetic doctrines at war with one another." ⟨Davis, id⟩

Lawfare is the new warfare and the First Circuit has drafted three new corporal precedents whereby unqualified pornographic speech has the breadth of strict liability; whereby the knowledge effected by the violent nature of force is not categorically, an intention effected by force when intended upon the especially vulnerable; whereby the doctrine of attempts can support an attempt, to an attempt to attempt, and to the lesser-included attempt of an attempt to attempt. But where is the Marshall line to cross when the only intention is a feigned intent to observe the general potential for the pornographic effects of unqualified speech so that no one decides... "let's just see what happens" ⟨App. I, pg. 2⟩

With these "Arbitrary" precedents, Bronson can only wonder, "are you the 'minor,' am I the 'minor,' are we all the 'minor'" ⟨App. A, pg. 93-7⟩ when he has no connexions in his mind which signify *who* he attempted to traffick. He has no name, no face, and "no subjectively actual minor involved here." ⟨App. A, pg. 1⟩ What line was crossed.

Plainly unprincipled, §1594(a) has such vague and overbroad power that its extensiveness has the judicial authority to reach into all but the most remote and quantum corners within the vacuum of space and time. However, it is impossible to say that this is what Congress intended with its attempt to attempt statute where the "Senate disfavored the strict liability option: even if the defendant never observed the victim" ⟨Robinson, id⟩

When Bronson's words are merely "empty sounds" ⟨App. B, pg. 6⟩ its hard to imagine that such hot air is not protected speech if he "had no intention of directing any intention onto an actual minor."

Conclusion

Bronson requests that this Court grant Writ of Certiorari in his §2255 proceedings