

No. 24-7137

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JAN 31 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In Re Jack Eugene Carpenter III — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

Jack Eugene Carpenter III
(Your Name)

M.C.F.P. Springfield P.O. Box 4000
(Address)

Springfield, MO 65801
(City, State, Zip Code)

(Phone Number)

Questions

1. Does a statute, such as 28 USC § 11654, create "discretion" to avoid the District Court's duty to ensure jurisdiction exists?
2. Are religious beliefs or beliefs formed due to religious practices evidence that a person lacks an ability to understand the proceedings against them or lacks the ability to consult with counsel?
3. If a person has the right to hold any opinion free from the interference of others, can an opinion be used to claim a person lacks an ability to understand the proceedings against them or lacks the ability to consult with counsel?
4. Can a person be found to lack the ability to consult with counsel to assist in their defense when counsel argues defendant has the ability to consult with counsel to assist in their defense?
5. Are "beliefs" a behavior as argued by the District Court?
6. If 18 USC 4241 allows for a delay of 30 days with a 15 day extension, then 120 days for restoration, at what point does it become a punishment absent due process, what factors are considered?
7. Can a District Court diagnose a defendant based on the testimony of a government psychologist?
8. Is the District Court the arbiter of whether or not a new nation has exercised the right of self determination and self-declared a new government?
9. Does extritoriality extend to the Sovereign of a nation at its existence, or once it achieves statehood or must that statehood be recognized? Does

the right to Independence and dignity of a nation attach at the birth of a nation, when the nation becomes a State by acquiring territory, or when a foreign nation "recognizes" a nation's claim to territory?

10. When the US State Department is informed of the claimed borders of a de facto state, and negotiates a process for its citizens to acquire non-immigrant visas to enter the United States with the Foreign Sovereign, determining how to achieve this goal in the absence of an American Consulate on the new state's territory, does this constitute implicit recognition of the new State's borders?
11. Can the government argue that a challenge to jurisdiction is itself evidence of incompetence, and the judge avoid addressing the argument on its merits and simply declare it "a delusion"?
12. Can a Court conclude that a person will maintain a belief even when presented with conflicting evidence and state that there is no need to present conflicting evidence to prove this claim?
13. Can a single individual exercise the right to self-determination and self-declare a government, like Jacob and Abraham in Judaism, Islam, and Christianity or does it require a group of people? If a group of people, how large must this group be before it is not considered "a delusion"?

List of Parties

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

United States of America

Related Cases:

6th Circuit Court of Appeals # 23-1661.

24-2031

24-1149

24-2113

25-1333

U.S. Supreme Court # 23-7731

TABLE OF AUTHORITIES CITED

Cases	Page Number
U.S. v. Coleman, 871 F.3d 470 (6 th Cir. 2017)	10, 11
U.S. v. Krueger No. 13-cr-561, 2017 WL 2349600	21
U.S. v. Wilson, 402 F.Appx 69, 75 (6 th Cir 2003)	31
U.S. v. Acosta, No. CRIM. A. 03-74JBC, 2005 U.S. Dist LEXIS 41486, 2005 WL 3939841 (E.D. KY. 2005)	32
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Watts v. Singletary, 87 F.3d 1282 (11 th Cir 1996)	32
U.S. v. James, 328 F.3d 953, 955 (7 th Cir 2003)	34
Verlinden B.V. v. Central Bank of Nigeria, 461 U.S. 480, 493-494, 103 S. Ct. 1962, 76 L. Ed. 2d 81 (1983)	34
Bolvarian Republic of Venez., v. Helmerich & Payne Int'l Drilling Co. 581 U.S. 170 U.S. S. Ct. 2017	34-35
Keller v. Cent. Bank of Nig., 271 F.3d 811, 815 (6 th Cir 2012)	35
Klien v. Long, 275 F.3d 544, 549 (6 th Cir 2001)	35

Rule 20.1

To clarify the section titled: "Reason for granting the writ", the Court's Appellate Jurisdiction will be aided by explaining to lower courts that when Counsel declares a conflict of interest that precludes representation in an interlocutory appeal, then files an appearance in that appeal, holds it in abeyance for almost 2 years, while lying to a defendant that it "was dismissed", and refusing to send any documentation regarding it, that the 6th Amendment is violated, and it is in the interest of justice to remove counsel otherwise everything the Court does is null and void. That in the circumstance where defendant is a pretrial detainee, and counsel's behavior is creating a situation where defendant's detention and trial are being delayed for over 25 months, that this injury triggers the collateral order doctrine as the incarceration for over 2 years without a trial cannot be undone.

It will also aid the court's appellate jurisdiction to explain that

the District Court cannot claim that it cannot review a question of jurisdiction because the Court applied a statute that cannot apply in the absence of jurisdiction.

It will also aid the Court's jurisdiction to explain to appellate courts that a District Court striking a motion challenging jurisdiction because of a statute, that the collateral order doctrine is triggered. Also that the District Court cannot have simultaneously ruled that a challenge to jurisdiction is "a delusion", while also has not given a final order.

The District Court also ruled that what it assumes are irrational beliefs equates to the "present" inability to assist in one's defense, but Senate Treaty Document 95-20 states people can have "any opinion, free from the interference of others." It seems necessary to clarify the line between the First Amendment and when the freedom of expression becomes a mental illness allowing the Court to deny a trial. Because the Court's and Psychologists seem to have developped the understanding

That "delusions" equate to incompetency, and "delusions" seem to be "whatever the psychologist doesn't believe to be fact." For instance, appeal 23-1661 was deemed a delusion by the psychologist.

Relief cannot be granted by any other court as the District Court seems intent on denying justice while the appellate courts hold appeals under the collateral order doctrine in abeyance seeming to have the intent to delay the appeal until no relief can be granted or refuse to exercise jurisdiction over the District Court avoiding the question of jurisdiction under various dubious legal theories.

Counsel's conflict of interest prejudicing Petitioner's excessive pretrial detention to over 4 times the recommended sentence is an exceptional circumstance warranting the exercise of the Court's discretionary powers as this is a clear injustice that injures the perception of the judicial Branch that cannot be repaired by an appeal, nor can petitioner be later "unincarcerated" to an excessive degree.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Feb 06, 2025.

☒ ^{JC} No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 4-7-25, and a copy of the order denying rehearing appears at Appendix 12.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

28 U.S.C. § 1291

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

The above is due to the mail system in the prison

[] For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Constitutional and Statutory Provisions Involved

18 U.S.C. § 875(c)

U.S. Senate Treaty Document 95-20 - International Rights

28 U.S.C. § 1604

28 U.S.C. § 1654

28 U.S.C. § 351(a)

21 U.S.C. § 360bbb-01a

21 CFR 312

21 CFR 312.7

Federal Rules of Evidence 704(b)

Federal Rules of Evidence 104(b)

Declaration of Independence

Michigan State Constitution Art. I § 1; Art I § 2; Art I § 4

New Hampshire Constitution Art X.

U.S. Constitution Bill of Rights Amendment 1

Statement of the Case

4

On February 18, 2023 Defendant was arrested in Texas and charged with violating 18 USC 875(c) for posting an entry into a database server located in Texas where defendant accessed the server from Texas. He was then transported to the Eastern District of Michigan due to the FBI office in Michigan sending their own separate query to the server in Texas, and reading the contents of the text posted on the server. Not only were defendant's actions purely intrastate, it was void of any act "in or affecting commerce", either interstate or intrastate. Defendant has alleged that the statute is being unconstitutionally applied as there is neither subject matter jurisdiction nor territorial jurisdiction to the Eastern District of Michigan.

In Addition, defendant alleges that he has exercised the right of Self-determination, an unalienable right referenced in U.S. Senate Treaty document 95-20 Article # 1, as well as inherently included in every State Constitution, for example the New Hampshire Constitution Article X. The right to self-determination to self-declare a government, and that government to select a sovereign through its own internal acts that are

beyond the power of foreign states or nations to question is *non lex scripta* within the Law of Nations as adopted by the United States of America at the Founding. Defendant alleges that this new, self-declared government which results from the right of Self-determination has placed him as the Sovereign Monarch, and through 28 USC § 1604 extends extritoriality to him, even as the Sovereign Monarch of an unrecognized government. Sovereignty and Independence are necessary rights which flow from existence of a nation, not from the political act of a foreign state recognizing another nation's political claim to govern a specified territory to the exclusion of other nations. To rephrase, the right of a nation's Sovereign to be free from the external control of other nations is the result of the existence of a nation, not statehood and not recognition of statehood. A political choice not to recognize claimed borders of a foreign nation does not render a foreign nation non-existent, it merely means that there is dispute between two Sovereign Nations over who controls an area of land and deciding not to normalize relations between the two Foreign entities. To conclude that recognition equates to existence is to conclude that

the right to self-determination of a nation is at the whim of an external foreign nation. To emphasize the absurdity of that conclusion, what about nations that are recognized by some foreign states, but not others? Does this mean that a nation simultaneously exists, and does not exist at the same time?

Under the Law of Nations, at the moment of existence a nation becomes a free and independent entity, and the Sovereign must be given extraterritoriality otherwise it ceases to be free and Independent. This does not mean that the nation can sue in the Courts of a foreign State, but the nation nor its Sovereign can be forced to submit to the territorial jurisdiction of any other State. To do so would be considered a judicial declaration of war.

Defendant also alleges that there was no "threat" under the Law as his intent was to issue a declaration of lawful force to stop the ongoing commission of fraud through misrepresentation, fraud through omission of material fact, Crimes Against Humanity, and International Terrorism committed by Zionist Jews and Zionist Christians who intentionally

released the human engineered virus, SARS-CoV-2, through the company Eco-Health Alliance, to manufacture an emergency to cause panic, and in that panic launder U.S. taxpayer Funds through Israeli controlled corporations, like Pfizer, to fund a Zionist Holy War in the middle east to recreate "Biblical Israel". This is a direct challenge to the mens rea element of 18 USC § 875(c).

On 3-24-23 the government, in bad faith, requested the District Court send defendant for a competency evaluation under 18 U.S.C. § 4241 as a tactic to avoid and discredit the challenge to jurisdiction under 28 U.S.C. § 1604 and the challenge to the mens rea element of 18 U.S.C. 875(c) by moving a question for the judge and a question for a jury, respectively, to a psychologist.

Whether the facts and Law support defendant's legal claim under 28 USC § 1604 is in the duty of the judge to look into the question of jurisdiction to ensure the court has the power to act, instead this question is moved to become within the purview of the lay opinion of a psychologist outside

of their field of expertise.

Whether the facts support defendant's contention that the lowest form of force in the use of force continuum, "words", was an expression of lawful force, and reasonable in context, is within the purview of a jury. Instead this question is impermissibly moved to a psychologist to determine, based on no evidence at all, if the psychologist "feels" it is a delusion. You can see this in the Motion to request the Competency evaluation.

To request a competency evaluation there must exist "reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent". In ECF 20 pg 41 we see that the government requests the evaluation "to determine if 'there is reasonable cause'". In the first paragraph they establish that the request is so the evaluation will produce the reasonable cause needed to request the evaluation.

In their argument on pg 48 they list 3 facts as evidence. The first fact is that posts on Twitter are connected to the defendant's sincerely

held religious practice, Tarot card reading, which suggest that Zionist Jews are behind COVID. In this they include a quote from the Bible, Revelation 2:9 and 3:9, and misrepresent other statements made on Twitter. Religious beliefs and practices are not evidence that a defendant lacks the ability to understand the proceedings or lacks the ability to consult with counsel regarding the decisions that are in the purview of the defendant to assist in his defense.

Second is a clear and concise summary of defendant's challenge to In personam jurisdiction under 28 USC § 1604, mentioned first in the complaint itself, at every oral hearing including extradition, and at the presenting of the indictment where the magistrate stated, "Mr. Goldsmith will be making determinations of jurisdiction." Meaning that the District Court was clearly aware of the challenge to jurisdiction, and had the duty to raise the issue *Sua Sponte* if counsel does not. It is the Court's responsibility to determine if 28 U.S.C. § 1604 prevents the Court from exercising jurisdiction as close to the onset of the case as

possible, as Sovereign Immunity is immunity from trial. As explained in *U.S. v. Coleman* 871 F.3d 470 (2017 6th Cir), challenges to jurisdiction, regardless of merit, are not evidence of incompetence as they clearly show that the defendant understands that courts need jurisdiction to proceed.

The third piece of evidence the government puts forward is the impermissible lay opinion that defendant may be exhibiting symptoms of Schizophrenia. This is clearly impermissible, however, further inquiry would reveal that this was in regards to defendant's religious beliefs as interpreted by someone who is not a doctor. The court is not an arbiter of the rationality of religious beliefs, and Federal employees are precluded from arguing that another person's religious beliefs are evidence of a mental illness that renders a person incompetent for trial.

As explained by the government in ECF 20 pg 47, "attorneys have a professional duty to move for a competency evaluation if they have a good faith doubt as to defendant's competence." In ECF 21 pg. 53, defense Counsel argues that "none of these allegations, on their own or in combination,

provide "good faith" or "sufficient doubt... nor "reasonable cause" to believe that he is incompetent" See *U.S. v Coleman* 871 F.3d 470 (2017 6th Cir.) ("defense counsel will often have the best-informed view of defendant's ability to participate in his defense.") It is important to note Counsel's statement that this is not "good faith" as ECF 43 pg. 227 shows Mr. Goldsmith claim "Carpenter has not suggested - and the Court has no reason to suspect - that the government's motion is frivolous or not made in good faith," and this "strongly indicates" an examination is appropriate.

In Senate Treaty Document 95-20 Article # ? it states that a person can hold "any opinion" and should be able to do so "without interference". In ECF 43 pg. 225, Mr. Goldsmith claims that factors relevant to determine if an evaluation is required include "evidence of defendant's irrational behavior," and that several incidents of defendant's irrational behavior create reasonable cause to doubt defendant's competence. Then the court spends the next three pages not listing a single behavior at all, let alone one that indicates that defendant lacks an understanding of the

proceedings or is unable to converse with counsel. Instead the Court lists opinions expressed by the defendant on Twitter prior to arrest. Nowhere in the order will you find that defense counsel stated in oral proceedings: "We disagree on the Law, but those disagreements are rational"; "Defendant is predicting arguments the prosecution will make, and filing rebuttles before they make them, clearly he is competent;" and "I am confident in his ability to proceed pro se." Important to note that the ability to proceed pro se is a higher level of competency than competency to stand trial. One may be competent to stand trial, but not to proceed pro se. But it is impossible to be competent to proceed pro se, but not be competent to stand trial.

When defendant is filing their own motions, and counsel argues that defendant is predicting the government's arguments, it cannot be said it is reasonable to believe defendant does not understand the proceedings. When counsel states the government does not have a good faith belief defendant is incompetent, and they are competent to the extent that counsel is confident defendant can proceed without counsel, it cannot be said there is a reasonable

belief defendant cannot assist in their defense. The inquiry should have stopped there.

If defendant was appealing a conviction claiming this evidence should have prompted the

District Court to order a competency hearing, the appellate court would rule that there

was not a reasonable belief of incompetency and refuse to reverse the conviction. They

would rule that nothing on the record indicates a lack of ability to understand the proceedings

or consult with counsel. When the government wants to make an example of you, and

silence you, it is reason to ship you to 13 facilities, in 5 states, and deny

you a trial for 24 months, Funny how that works like that.

On June 6th, 2023 counsel informed defendant, while defendant was consulting

with counsel over strategy, that he would not argue defendant's 28 USC

§ 11604 defense despite evidence that defendant had contact with the

U.S. State Dept. which agreed with defendant regarding his exercising

of the right to self-determination because "the judge is not going to

hear that argument." Defendant addressed the court himself, and explained

that either the Defense was valid or the Executive Branch denied

defendant of prior knowledge his conduct was unlawful when they

confirmed defendant created a new nation under the law of Nations, and interacted with defendant as a Sovereign Foreign Nation by walking him through the process to request a non-immigrant visa for citizens of his new nation, including placing defendant on hold to figure out a way to provide a method to facilitate an in-person interview when there is not an American Consulate. As the claimed borders were discussed with the State Department, and the Department was "shocked" the Federal govt. did not respond to the email to the Joint-chiefs of Staff, U.S. Senate, U.S. House, Michigan Governor, Michigan Senate, Michigan State Police, 2 Sheriff's Offices, the Governors of two other States, and two members of the U.N. Security Council that defendant was militarily occupying 9 sq. miles of former U.S. territory using the Department of Defense Law of War manual, chapter 11.3 as guidance to ensure that no law was violated in the creation of a new nation claiming statehood, the behavior of the Office of the Executive tasked with Foreign Affairs amounts to legal implicit recognition of the State.

Elevating it from a de facto state to a fully recognized State which is both permanent and binding on U.S. Courts. I posted on Twitter in Dec 2022, "I know the plan is to make me look insane. I could have left everything about Tarot off of here, but I want you to concentrate on that while I concentrate on COVID facts, Good luck figuring out when I am just playing the part." This is because I knew the only option available was to prevent the argument from being heard on its merits. If you view the complaint, it says I was arrested in Dec. 2022 for "assault less than sexual". I was actually arrested for "obstruction" under the "resisting or obstructing" statute. My "Obstruction" was telling Michigan State Police to leave my country I claimed, because they did not have jurisdiction. I was released without seeing a magistrate, which is a false arrest, and legally kidnapping as I was removed from a foreign country. Every court I make this argument suddenly becomes allergic to me. In a Civil Suit, the Third Circuit Court of Wayne County "lost" filings sent by certified mail, and I was "lost" in federal custody for 18 months while they signed for court filings that ended up in the trash.

When the District Court was informed of this interaction with the State Department, the Court told the prosecution to file facts and law to prove the Court had jurisdiction to proceed. The AUSA feigned ignorance of the defense that they themselves summarized in the motion at issue, "Carpenter's creation of a new state... and declaration that he would be its sovereign... Even after [his arrest], Carpenter maintains that Federal courts do not have jurisdiction over him because of his sovereign status." Not to mention they filed the Declaration of Sovereignty themselves with an entire section labeled "Legal claim" that details the Legal Claim. They requested that Counsel refile a motion struck under 28 USC § 1654. Defense Counsel then caused a cart before the horse issue by telling the Court, "it doesn't take away from a challenge of jurisdiction" for the Court to exercise jurisdiction over competency, then in hindsight look into whether or not the Court has jurisdiction at all. After the hearing, Counsel said he was "shocked" the judge entertained the argument which I explained he was constitutionally required to, and that counsel was explained the Law, and saw the facts supporting the argument, that he was refusing to make it due to

his personal beliefs. He stated, in front of Dana Mertz, "You are absolutely right, but if you fire me, it will do you no good. You'll just get assigned another lawyer from our office who will do the same thing." I immediately informed the Court that I needed counsel who was versed in the Law of Nations, and that Mr. Noguez needed to be removed from the case. When Mr. Goldsmith issued the order to send defendant for competency evaluation, defendant filed what should have been an interlocutory appeal challenging the order based on the arguments explained here. I also argued that the Court did not answer the question of jurisdiction, while also concluded it was a delusion, and that Counsel was ineffective for causing a due process issue by arguing the Court should first exercise jurisdiction, then later check to see if it has authority.

Defendant filed, on 8-15-23, a letter from Counsel, ECF 57 pg 1d 301-302.

In this letter, Counsel explains that defendant's appeal, 23-1661, is non-frivolous, that he didn't agree with the government moving for competency evaluation, but that the pro-se argument created a "conflict of interest" which "precluded representation

In an appeal. Defendant filed this with instructions for Counsel to withdraw from the case due to the conflict of interest. Counsel later called Defendant at the facility in Seattle Washington to inform him that a brief was due September 25th, 2023, and that Counsel will be filing his own brief. During this time Defendant refused to participate in the evaluation stating that he would not participate in a government investigation to deny defendant a trial, and that he was appealing the decision to send him for evaluation.

On September 25th, 2023 Defendant filed a brief for appeal 23-1661. On September 25, 2023 the Attorney General ended the competency evaluation, and the AUSA filed a brief Defendant has never read nor been provided a copy, arguing that since the evaluation is over, no relief can be granted, which is not true since the speedy trial clock was still paused until the hearing that results after the evaluation. If the evaluation was ordered in error, the speedy trial clock needs to be retolled, and the entire process needs to be stopped. But it is clear that the AG ended the evaluation so the government could argue that even though Defendant was unlawfully sent for evaluation, he can get no relief, while still continuing the

process that follows evaluation, a process unlawfully started.

Defense Counsel refused to provide any documentation regarding appeal 23-1661, and told Defendant it was dismissed for lack of jurisdiction. ~12 months later, the Public Defender's office mistakenly sent Defendant a copy of the 4th and 7th letter from Defense Counsel informing the 6th Circuit to continue to hold appeal 23-1661 in abeyance, informing Defendant that Counsel was lying about the state of appeal 23-1661.

Defendant then filed a complaint against Counsel with the Michigan Attorney Grievance Committee, a complaint at the Office of Professional Responsibility against the AUSA for not reporting Defense Counsel's conflict of interest, and sent a letter to the Head of the Public Defender's office. This prompted counsel to file a motion requesting the Court find that Counsel should remain, in the "interests of justice." On October 28th, 2024, after ignoring over 50 requests to have Counsel removed for his conflict of interest and other behaviors, the Court finally had a hearing on the issue after 14 months, and found no conflict of interest existed. This prompted Defendant to file a 28 USC §351(a) Judicial complaint, and appeal ~~24-2031~~ 24-2031.

On May 10th, 2024 The District Court concluded that Defendant suffers from "delusional disorder". It states that the Diagnostic and Statistical Manual of Mental Disorders (DSM) defines delusions as "fixed beliefs that are not amenable to change in light of conflicting evidence," but that to require evidence that a belief is "fixed" and "not amenable to change" when presented with conflicting evidence is "unwise". This is concerning since Dr. Nybo testified that he did not have any evidence that defendant's beliefs were untrue. One of Defendant's supposed delusions was that appeal 23-1661 didn't exist, which it in fact did exist. Another supposed delusion was that 21 USC § 360bbb-01a "Expanded access protocol for Investigational New Drugs and Diagnostics" (Emergency Use Authorization) for Drugs licensed under 21 CFR 312 "Investigational New Drug License" are required to comply with 21 CFR 312.7. This is clearly verified as fact by a plain reading of the statutes, and as the government is the sponsor of the COVID "vaccines" through "Operation Warp Speed", it is flatly illegal to claim an Investigational New Drug in clinical trials for safety and effectiveness is "safe" or "effective" for the use it is being tested for, and this is still

true when made available for use in an emergency in the absence of a proven safe and effective medication. The AUSA argued this was a "delusion" despite knowing the statutes in question, which is especially concerning. This is an issue with what is termed "non-bizarre" delusions, as a factor of a "non-bizarre delusion" is that it can actually be true. This is why an essential component is maintaining the belief in spite of directly refuting evidence. For example, when the CEO of Pfizer testifies under oath that the COVID-19 injections were not licensed to prevent infection, not tested to prevent infection, but were to "reduce personal risk of hospitalization" by reducing risk of severe symptoms, but you still call it a "vaccine" that prevents infection AKA an "immunization", you suffer from a delusion. As an example Mr. Goldsmith cites U.S. v. ~~Crueger~~ Krueger No. 13-cr-561, 2017 WL 2349600, and states that the court emphasized that defendant's beliefs will almost certainly never change despite all evidence to the contrary, because 3 forensic Psychologists testified that Krueger was presented with conflicting evidence which had no effect.

Mr. Goldsmith proposes that "All that is required is an examination of the record

to determine whether Carpenter's beliefs are so significantly beyond the pale of plausibility as to constitute delusions. It seems the Court is attempting to redefine "delusion" to mean what the Court believes is not possible to be true.

On May 29th, 2024 Defendant filed a Habeas Corpus petition with the U.S. Supreme Court. Question #17 asks: "If Donald Trump signs an executive order in Sept. 2019 tasking the National Institutes of Health with developing a plan to 'manufacture public demand' and 'manufacture public funding' for new vaccine technologies, then Eco-Health Alliance requests funding from DARPA to release a human engineered Coronavirus into the bat population in China, then there is a pandemic caused by a ~~novel~~ Novel coronavirus in bats in China, then the government funds new vaccine technology with operation warp speed, is this evidence of a war crime or just international terrorism? What if it is for political, economic and military goals of a foreign country?" (paraphrase from memory) The White House then revokes all government funding to Eco-Health Alliance. On June 3rd, 2024, the House Intelligence Committee holds a hearing on the origins of COVID, and discusses the above

behavior of Eco-Health Alliance, and states on record to Dr. Fauci: "You should be prosecuted for crimes against humanity." Let us not forget that the Biden Administration suppressed discourse regarding the COVID injections, even if true, as a means to increase public demand and uptake of these new vaccine technologies. It would seem that to conclude this is a "belief so significantly beyond the pale of plausibility" is the Court holding a belief in spite of directly refuting evidence to the contrary. Maybe it is unwise to allow Courts to assume beliefs are delusions, since Defendant is so very clearly correct in his beliefs.

The District Court lacks territorial, subject matter, and in personam jurisdiction, yet has declared defendant "unable to assist in his defense" while counsel argued defendant was "clearly competent", and has denied the right to trial. This is a significant problem that should compel the Supreme Court to exercise supervisory powers.

Defendant's assertion that he intended a declaration of lawful force as a means to stop the ongoing commission of felonies contains both an objective

and subjective element. Whether defendant truly believed the declaration of force was necessary and whether that belief was reasonable. The prosecution presented a witness to testify that defendant truly believed such force was necessary and had an innocent intent. But the question of whether that belief was reasonable from the evidence available to defendant at the time is a question for the jury. In the present case, both the witness and the judge impermissibly stepped into the role of the jury by declaring, absent evidence for or against defendant's beliefs, that the belief was unreasonable, therefore defendant should not get a trial. This is a significant issue, and a clear violation of the right to due process.

Defendant was a computer systems administrator for the University of Michigan, a subject matter expert for both Windows and Linux operating systems, networking security and infiltration, web design and hosting, software development and management, trained by law enforcement in computer forensics, and was on the networking and Infrastructure team in the highest tier of Information Technology. Problems that could not be solved by any other

group on campus ended up with defendant's team. Defendant is an expert in the field of Information Technology with a degree in networking technology. Defendant claims that he sent an email to the Joint Chiefs of staff in December 2022, using the word "prophet". Then the "Q" user from the "Qanon" movement posted a message for the first time in a year stating:

I am not a prophet
You are not a prophet
We are not prophets
Stick to the plan

and

Find the [MAP]
Find the [KEY]

The "Q" user is an anonymous user online who claims to be a member of military intelligence with Department of Energy, Q level, Security who posts from the 11.11.19.0 IP Network, which is supposedly from the Department of Defense. He or She claims to be working with Donald Trump to "rid the government of Satanists" who "sell children" and "sometimes eat them". Defendant does not make these claims, the anonymous user "Q" does. To gain credibility

There were posts of Donald Trump standing in front of the number 17, as Q is the 17th letter in the alphabet. Some posts would have a supposed "Anon" (a follower of "Q") ask "Q" to have Donald Trump say a ridiculous phrase in his speeches to "prove" Donald and "Q" worked together. Then two or three days later Trump would use the phrase in a campaign speech. The "Q" user is responsible for generating the panic that led to "pizza gate" as the pizza place was one of the places that celebrities and politicians used to buy children using codewords like "pizza slice" and "hotdog".

Defendant requested that Counsel hire a computer forensics expert to verify that when "Q" says "Find the [MAP] Find the [KEY]" it is a reference to hidden messages embedded in the HTML of a webpage where if you parse the HTML for lines that match codewords like [MAP], [KEY], [GREEN], [YELLOW], [RED] and others made in posts by "Q", which give instructions for followers of "Q". For example, to go to a Qanon Church to meet up to plan for removing

satanists from the government. Chief Justice Roberts is one of these supposed satanists that buy children for sex. There is a picture posted by "Q" of him swimming at a beach with Jeffrey Epstein.

One of these hidden messages targets defendant, and tries to generate evidence that defendant calls the suicide prevention hotline by attempting to entice defendant to call it to contact dissidents within military intelligence. Dr. Nybo claims this is a "delusion" simply because it sounds fantastic. Defendant posted the code online to reveal these messages, as well as screenshots of several of these messages. He also informed Defense counsel of where to gather this evidence, and have a computer expert confirm it is in fact, not a delusion. Defense Counsel claimed that it was "not his job" to prove I am sane, but the government's job to prove I am not.

Defendant was prevented from proving his supposed delusion was a fact, and the Court ruled it wasn't necessary to disprove it. The court can simply assume it is a delusion based on the judges

Feelings. Every other supposed delusion has been proven as fact. This supposed delusion is also a provable fact.

The facility the Defendant is at since November 18, 2024 has kept Defendant in solitary confinement for 105 days, has met with the psychologist 1 time for an interview, and was otherwise ignored except once a week he is asked if he hears voices and wants medication as if he is shopping for candy. The facility is moving for a Sells hearing to force medication to cure "delusions" that are facts that everyone seems to inept to verify. You cannot medicate reality away.

Defendant cannot "undo" forced medication for delusions that are not delusions because he was deemed unable to consult with counsel to assist in his defense when counsel argued defendant was able to consult with counsel to assist in his defense, and his supposed delusions are arguably factual things that are real. This cannot be fixed on appeal.

When an expert witness testifies that a person believes that they had a right to issue a declaration of force, and that belief is "a delusion", they violate the Federal Rules of Evidence Rule 704(b). When an expert witness claims a belief is "fixed" and "not amenable to change" when confronted with conflicting evidence, rule 104(b) of the Federal Rules of Evidence requires that proof is introduced to establish that both the belief is false, and that the belief was "not amenable to change" when conflicting evidence was introduced. The Court cannot assume facts in the void of evidence to support the assumption, nor can an expert witness in psychology be the arbiter of truth about a claim regarding technology. One would not ask an expert in nutrition to give their gut opinion about a claim regarding rocket science, made by a rocket scientist in the absence of any evidence other than hearing the claim, then consider the nutritionist "the authority" to determine the validity of the claim.

The District Court falsely asserts as fact that Defendant intends to raise

the affirmative defense of self-defense claiming he was "targetted". Nothing on the record indicates this ridiculous conclusion. The only reason that the Defendant being targetted came up at all was that Dr Nybo introduced the claim as evidence of a delusion while providing no evidence it was false nor "not amenable to change" when confronting contradictory evidence. The record clearly indicates that defendant intends to present evidence he used reasonable force with the intent to stop felonies that threaten the safety of others. The District Court claims a supposed, unproven delusion informs a Defense the District Court manufactured, and is entirely unrelated to any defense the Defendant intends.

Reasons for Granting the Writ

The District Court has acted in such a way that is in clear contradiction to the ordinary standards of justice that it is necessary to exercise the Court's supervisory powers. The damage to the perception of justice to an ordinary observer is an injury that cannot be repaired upon appeal.

To find that a defendant has a rational and factual understanding of the proceedings but lacks the ability to consult with a lawyer with a reasonable degree of rational understanding while defense attorney argues that defendant is able to consult with counsel, and "is confident in his ability to proceed pro se" based on the findings of a psychologist that testified that defendant's supposed delusions were based on "assumptions", one such supposed delusion was proven true, and defendant was correct, is in clear error. To be denied a trial is no small error. Defendant filed several coherent pro se filings, his own appeals, a writ of mandamus, a habeas corpus petition, and this pro se petition. "A defendant's pro se filings are evidence of competency" (U.S. v. Wilson, 402 F. App'x 69, 75 (6th Cir 2003)) One of the appeals that

Counsel themselves remarks that is "non-frivolous". The issue of incompetence was raised by the government, and argued against by counsel, even despite defendant attempting to remove counsel. "The failure of defendant or his counsel to raise the competency issue ... is persuasive evidence that there was no bone fide doubt as to [defendant's] competency." (U.S. v Acosta, No. CRIM. A. 03-74JBC, 2005 U.S. Dist. LEXIS 41486, 2005 WL 3939841 (E.D. KY Dec. 30, 2005)) "[T]he contemporaneous assessment of trial counsel is particularly probative because competency is 'primarily a function of defendant's role in assisting counsel in conducting the defense' and the defendant is thus 'in the best position to determine whether the defendant's competency is suspect.'" (Raheem, 995 F.3d at 930 (quoting Watts v. Singletary, 87 F.3d 1282, 1288 (11th Cir. 1996))) ("Failure of defense counsel to raise the competency issue at trial, while not dispositive, is evidence that the defendant's competency was not really in doubt.") At no point was defendant so void of cognitive function as to render defendant unable to understand the charges, basic procedure, possible defenses or the ability to consult with counsel.

Denying defendant the right to a trial for two years by fiat where his recommended sentence would be 0-6 months clearly constitutes a punishment absent due process. This injury is due to a contrary or an unreasonable application of the Dusky Standard for competency. It is a procedural due process error to order a competency evaluation when the facts do not create a bone fide doubt of competency issues. It is a Substantive Due Process issue to be wholly denied a right to a trial, and to imprison someone absent due process. There is a marked distinction between a case where defendant is convicted, and raises competency ex post facto versus the government claiming a defendant cannot consult with counsel, and counsel argues defendant is competent. In the former, counsel not raising the issue is compelling, but cannot preclude a remote possibility of incompetence. In the latter, it cannot be reasonable to conclude counsel is wrong about the defendant being able to rationally consult with counsel. It defies reason to deny a trial to a defendant in that circumstance.

A defense of Sovereign Immunity was raised, and that fact was

emphasized by the prosecution claiming the defense was a "delusion". "Many litigants articulate beliefs that have no legal ~~and~~ support... Sometimes these beliefs are sincerely held, sometimes they are advanced only to annoy the other side, but in neither event do they imply mental instability or concrete intellect... so deficient that trial is impossible" (U.S. v. James, 328 F.3d 953, 955 (7th Cir. 2003)) But we do not know if the defense has legal support, because the District Court avoided the question altogether. (See Appeal No: 24-1149, ECF 111, PGID 677-8) An appeal was dismissed because the District Court had given no final order challenging jurisdiction where in ECF 124 pg. 1d 730 paragraph 2, the District Court cites this dismissal as evidence the argument is "a delusion". "Consistent with foreign sovereigns immunities basic objective, namely, to free a foreign sovereign from suit, the court should normally resolve those factual ~~disputes~~ disputes and reach a decision about immunity as near the outset of the case as is reasonably possible. See *Verlinden B.V. v. Central Bank of Nigeria*, 461 U.S. 480, 493-494, 103 S. Ct 1962, 76 L. Ed 2d 81 (1983)" (Bolvarian Republic of

Venez v. Helmerich & Payne Int'l Drilling Co. 581 U.S. 170 U.S. S. Ct. 2017) "[Because]

Sovereign Immunity is an immunity from trial, not just a defense from liability

on the merits, the denial of a claim of sovereign immunity is immediately

appealable under collateral order doctrine as a final decision, pursuant to

28 U.S.C. § 1291. (Keller v. Cent. Bank of Nig., 277 F.3d 811, 815 (6th Cir 2012);

Klien v. Long, 275 F.3d 544, 549 (6th Cir 2001)) Does refusing to perform a

fact-based analysis of a claim entered into the record in the complaint, at

every oral hearing, and several motions, then declaring the legal claim

"a delusion" constitute a denial of a claim of Sovereign Immunity? If the

District Court refuses to address a claim of Sovereign Immunity, and the appellate

courts do not have jurisdiction until the District Court answers the question, does

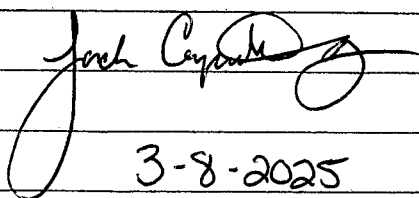
that trigger jurisdiction of the Supreme Court because no remedy can be sought

in any other court? It should.

Conclusion

The petition for a writ of Mandamus should be granted.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Josh Caputo".

3-8-2025