

1 Steven-William: Sutcliffe  
2 02837-049  
3 Metropolitan Detention Center  
4 P.O. Box 1500  
5 Los Angeles, California 90053-1500  
6 Forced IN Pro Se

2001 MAR 30 PM 1:20  
FILED

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,  
10 PLAINTIFF,  
11 -VS-  
12  
13 STEVEN-WILLIAM: SUTCLIFFE,  
14 Accused

Case: CR 02-350(A)-AHM  
RE-REQUEST FOR DOCUMENTS  
TO BE FILED AS A MATTER  
OF LAW; ATTACHMENTS; DEC-  
LARATION OF ACCUSED; POINTS  
AND AUTHORITIES MEMORANDUM.

17 I, Steven-William: Sutcliffe, hereby  
18 respectfully files this document and re-requests  
19 documents required to be filed as a matter  
20 of law. This submission and request is  
21 based on the attached Declaration, the  
22 attached exhibits, and all files and records  
23 of this case. The accused respectfully also re-  
24 quests the copies requested be expedited for use  
25 at sentencing on April 15, 2004.

26 DATED: March 26, 2004

Respectfully

384

27 Steven Sutcliffe

Steven: Sutcliffe

28 APR - 2 2004

DLM

ORIGINAL

## POINTS AND AUTHORITY

1  
2 I. The accused was deemed "incompetent" by  
3 the court at the behest of Gregory Nicolaysen,  
4 then court-appointed counsel, in April of 2003<sup>1</sup>.

5 The accused was "treated" at FMC Devenus in  
6 Massachusetts by a Dr. Patenaude for approxi-  
7 mately two months, at which time Dr. Patenaude  
8 finally decided the accused was "cured" by Dr.  
9 Patenaude's skillful therapy.<sup>2</sup> The accused was  
10 returned to California MDC to rot for two more  
11 months. Sometime during this time period Dr.  
12 Patenaude filed a report with the court  
13 to state he believed the accused was [now]  
14 competent. The court conducted a competency  
15 hearing approximately two months after the  
16 accused was returned to MDC wherein the  
17 court now deemed the accused was competent  
18 based on the report filed by Dr. Patenaude.  
19 Subsequently thereafter Dr. Patenaude was held  
20 under an investigation and terminated [for hawky-pawky].  
21  
22

23  
24 1. The accused is not sure of the exact date of the  
25 hearing in April as the accused had already been  
26 flown clear across the country before the secret-hearing  
27 to find.

28 2. No treatment, period, was provided to the accused at all.

1 The court has viewed documents related to  
2 Dr. Patevaude's termination, but filed them under  
3 seal. The accused has requested to view these  
4 documents, but has yet to see them in camera.  
5 The accused filed a letter to the Hon. A.  
6 Howard Matz, on Oct. 5, 2003, wherein the  
7 accused, among other discovery issues, brought  
8 to the attention of the court the lack of  
9 a copy of the certificate "required to be  
10 issued pursuant to 18 USC 4241(e)." (See  
11 attachment Exhibit 1, page 2).

12 After the trial, on March 2, 2004, the  
13 court caused to be filed another request for  
14 discovery of the elusive certificate, among  
15 other things. (See attached EXHIBIT-2) The  
16 court then ORDERED previous court appointed  
17 counsel to provide a copy of the elusory certifi-  
18 cate to the accused. ON 03.13.2004 the  
19 accused received a reply from David R. Reed.  
20 addressed to Steven:William-Sutcliffe (sic) wherein  
21 Mr. Reed states he has "never been in possession  
22 of any... reports" related to 18 USC 4241-4247.  
23 (See attached EXHIBIT-3, page 2, lines 20-21).  
24 Further, Mr. Reed then states he spoke to  
25 previous counsel, Gregory Nicolaysev, who "claims"  
26 that he [Nicolaysev] had turned over the psychologist  
27 report, [Accused disputes this lie and demands proof]  
28

1 but, "he [Nicolaysen] said he did not provide  
2 to defendant... a document which 'tradition-  
3 ally' is not sent to the attorney, rather is  
4 sent to the court from the... director to confirm  
5 that the actual reports (sic) that are sent  
6 are accurate. That document is known as  
7 the [elusive] certificate." (Reed Declaration,  
8 attached EXHIBIT-3, page 4, lines 19-24)

## 10 II.

11 Mr. Nicolaysen [once again] is wrong in  
12 both fact and law. The [elusive] certificate  
13 is not "traditionally" not sent to the  
14 attorney.<sup>3</sup> A simple reading of the law shows  
15 that the "director... shall promptly (Emphasis added)  
16 file a certificate... with the clerk of the court. The  
17 Clerk shall send a copy of the certificate to  
18 [the defendant's] counsel and to the attorney  
19 for the government. [Then] the court shall hold  
20 a hearing... to determine the competency of the  
21 defendant. (See 18 USC 4241(e)).

23 The accused wonders what legend, myth or  
24 folklore Mr. Nicolaysen bases such wisdom, and how  
25 many other "clients" he has sent away as incompetent to  
26 delay their trial, to acquire such knowledge to quote  
27 tradition of the certificate.  
28

1 Prior to the commitment the accused was  
2 ordered to be examined on a motion to  
3 determine the mental competency to stand trial  
4 by Mr. Nicolaysen, under authority of 18 USC  
5 4241(a). The examination was conducted  
6 at MDC in Los Angeles under authority of  
7 18 USC 4241(b). Section (b) requires that  
8 exam and report follow the due process of  
9 18 USC 4247(b) and (c). 18 USC 4247(b)  
10 states that any examination pursuant to  
11 an order under section 4241 shall not exceed  
12 thirty days. However, "the director of the  
13 facility may apply for a 'reasonable' extension,  
14 but not to exceed fifteen days under section  
15 4241...[or]... upon a showing of good cause  
16 that the additional time is necessary to observe  
17 and evaluate the defendant. The accused  
18 was held for examination past the thirty days  
19 and has never been provided a copy of a  
20 request for a 'reasonable' extension.  
21  
22  
23

### 24 III. CONCLUSION

25 The accused has respectfully requested  
26 discovery from the court, and now previous  
27 Counsel for written documents, required to  
28 be filed as a matter of due process under

1 both the Due Process Clause of the Fifth  
2 Amendment of the Constitution and 18 U.S.C.  
3 4241-4247, prior to trial and after the fact.  
4 The accused needed these documents for his  
5 defense [prior to trial] and now requires  
6 them for both sentencing and appeal.  
7 As such the accused respectfully, again,  
8 requests copies, certified, as requested,  
9 herein, and in his original request, or,  
10 in the stead, a document stating no such  
11 documents were filed with the court.  
12  
13  
14

15 Dated: 03:26:2004

17 Respectfully,

20 Steven Sutcliffe  
21 Steven: Sutcliffe  
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# Declaration of Accused

1  
2  
3 I, Steven-William Sutchcliffe, hereby  
4 declare I have not todate received  
5 any documents requested by the court.  
6  
7 I have received a declaration from  
8 Mr. David R. Reed, but nothing from  
9 Gregory Nicolaysen or any other party.  
10

11  
12 Dated: 03:26:2004  
13

14  
15 Signed under penalty of perjury.  
16

17  
18 Steven Sutchcliffe  
19 Steven Sutchcliffe  
20 02837-049  
21  
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DECLARATION OF MAILING

I, LESLIE S. McAFEE, declare:

1. I am an adult over the age of 21 years. I am a licensed attorney in the State of California and admitted to practice and to appear before all of the federal district courts in California. The statements made herein are true to my own knowledge.

2. On 3/30/04, 2004, I personally served the following document:

*Re-request for documents to be filed as a matter of LAW. ATTACHMENTS: DECLARATION OF ACCUSED; POINTS AND AUTHORITIES*

by personally delivering a true and correct copy of same to:

Elena J. Duarte, Esq.  
Asst. United States Attorney  
1500 United States Courthouse  
312 North Spring Street  
Los Angeles, CA 90012

Hon. A. HOWARD MATZ, Judge  
Courtroom 14  
312 North Spring  
Los Angeles, CA 90012

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct and that this declaration of mailing was executed on 3/30/04, 2004, at Burbank, California.

