

No. 19-5143

**ORIGINAL**

Supreme Court, U.S.  
FILED

**MAY 06 2019**

OFFICE OF THE CLERK

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
S. T. – PETITIONER  
(Your Name)

vs.

State of Washington, Department of Social and Health Services, Division of Vocational  
Rehabilitation – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Washington State Court of Appeals Division Two  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

S.T.  
(Your Name)

Redacted  
(Address)

Redacted  
(City, State, Zip Code)

Redacted                      Redacted  
(Phone Number                      Email)

## **QUESTION(S) PRESENTED**

I. Can a state agency require participation in mental health evaluation and treatment in order to qualify for public benefits when those mental health diagnoses are used to limit the constitutional rights of individuals (for example, used against the individual in a court case)?

Do mental health laws violate the constitutional rights of individuals without cause?

II. Does allowing the courts to choose if individuals can seal their court case (or otherwise protect their identity) violate the First Amendment right of victims of domestic violence and stalking to petition the government for a redress of grievances?

III. Is it constitutional to not provide an attorney to an individual whose constitutional rights have been violated by the government or a state or federal agency?

## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page.

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**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 is unpublished.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 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 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A 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 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.

**JURISDICTION**

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

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: \_\_\_\_\_, 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. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was February 6, 2019. A copy of that decision appears at Appendix B\_\_\_\_\_.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and \_\_\_\_\_, 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**

### **Amendment I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

### **Amendment II**

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

### **Amendment IV**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### **Amendment V**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### **Amendment VI**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

### **Amendment VIII**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.



## **Amendment XIV**

### **Section 1.**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### **Section 2.**

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

### **Section 3.**

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

### **Section 4.**

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

### **Section 5.**

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## STATEMENT OF THE CASE

The appellant applied to the Washington State Division of Vocational Rehabilitation (DVR) for assistance in finding employment that could accommodate her schedule or for assistance in starting her own business. She was required to state a mental health condition by DVR in order to qualify. DVR told her that her work abilities needed to be assessed. Instead they sent her to a psychiatrist to assess her for mental illnesses. The appellant had told DVR that mental health diagnoses and treatment violate her deeply held personal beliefs. She also told this to the psychiatrist, who used her statements of her beliefs as evidence of mental illnesses, due to them conflicting with the views of the psychiatric industry. The appellant was not provided with the full evaluation from the psychiatrist and was not informed that another version existed, so she would be unable to refute those claims. She was not informed that she was agreeing to be assessed for mental illnesses as part of qualifying or upon seeing the psychiatrist.

DVR required the appellant to work with a consulting company, Avita, to prepare for self-employment. Avita told DVR that they the appellant was required to attend mental health services and take psychiatric medication in order to receive services. DVR said she did not need to attend mental health treatment but needed to do an extended evaluation rather than a trial work experience since a trial work experience would not be used for self-employment. They told her the trial work section did not apply to her and that they could not change the section due to limitation in their software (the section contained items about mental health services). The appellant was required to sign the

form, and was told otherwise she could not receive assistance with self-employment. After signing the form DVR said she was required to attend mental health treatment. The appellant refused since this violates her beliefs. She did not agree to any mental health treatment, and under the rules governing DVR they can only assess work ability using a realistic work experience (which she was told the extended evaluation would be).

The appellant filed an appeal with the Washington State Office of Administrative Hearings, which agreed with DVR. She then filed a case in the Clark County Superior Court. The appellant appealed the Administrative Decision, arguing that requiring mental health treatment and assessment to receive state benefits is unconstitutional. She filed requests for an attorney and to seal the court case due to her having to change her identity due to stalking and domestic violence issues. She was not informed that she could not withdraw the case so others could not view it, nor was she informed that her image was being recorded in that court and released to the public. The judge ruled for the respondent.

The appellant filed an appeal directly to the Supreme Court of Washington, which sent it back to the Court of Appeals, District 2. This court replaced her name with her initials in the record rather than fully sealing the case. The appellant is not clear on the current status of this, and it does not appear that the video-recordings from the Superior Court in Clark County were sealed. The Court of Appeals denied her request for an attorney and decided that Administrative Law Judge did not err in their opinion.

## REASONS FOR GRANTING THE PETITION

I. 28 U.S. Code § 2403(a) and (b) may apply. The courts and Administrative Law Judge violated the Constitution by ruling that a state agency, DVR, could require mental health diagnosis and treatment in order for a client to receive public benefits. This is a violation of the appellant's First Amendment beliefs and a violation of the constitutional rights of all individuals accused of mental illness. Any deeply held belief is equivalent to a religious belief, and as such, is covered by the First Amendment. Many religions also do not believe in the psychiatric industry, so requiring mental health evaluation and treatment violates the free exercise of religion.

Any attempt of the government (or those acting on behalf of it) to silence, alter, or discredit the behavior or beliefs of a law-abiding citizen is an abridgment of free speech and a violation of the First Amendment. Mental health laws do exactly that. They allow the psychiatric industry to monitor, label, and form opinions about the acceptability and normalcy of an individual's beliefs and behavior; and if they believe these beliefs deviate from the norm, that person's constitutional rights are limited without due process.

An individual loses their First Amendment rights by speaking to a member of the psychiatric industry since everything said is used to judge if that person should have their constitutional rights limited. Any threats to liberty are threats to free speech. If laws can limit the constitutional rights of an individual for exercising their right to free speech when speaking to a member of the psychiatric industry, or after having exercised their right to free speech in public and are accused of having a mental illness and then

forced to participate in a psychiatric evaluation, those laws violate the Constitution. Any reasonable person would be afraid to exercise their right to free speech since they could be accused of being mentally ill and be deprived of their liberty. Just being accused damages their credibility with the public and limits their rights. An individual has the right to think, speak, or act in any way they wish: and that is protected by the First Amendment, as long as those actions are legal.

All mental health laws passed by the states and Congress are used to discriminate against law-abiding citizens, and these mental health diagnoses are based on biased opinion. Mental health treatment does not prevent crimes, and the psychiatric industry is unable to accurately predict what individuals may be a danger to themselves or others. Mental health laws were created out of the false belief that these individuals are irrational and a danger to society, but the evidence shows the opposite. People diagnosed with mental illnesses commit crimes at a much lower rate than the rest of the population, and the number that do commit crimes is less than 1% of those diagnosed as mentally ill. DVR is responsible for violations of the appellant's civil rights by requiring participation in the psychiatric industry, which removes constitutional rights, and is subject to penalties under 42 U.S. Code § 1983. The state courts would not rule on the constitutionality of these laws.

Allowing any agency to require mental health diagnosis or treatment, in order for an individual to receive benefits, subjects those individuals to a lifetime of discrimination

and limits on their constitutional rights without due process, without being informed their rights will be limited, and without giving them access to legal representation.

These mental health diagnoses and accusations of mental illness can be used as evidence against the individual in future court cases and be used as evidence to remove other constitutional rights. Constitutional rights can only be removed when the individual has been provided due process and convicted of a crime and sentenced in a similar way to all others for that crime. No mental health law meets this criteria since anyone even accused of having a mental illness is deprived of due process for any court proceeding. These laws are being written to circumvent the Constitution due to baseless fears and prejudice against people perceived to be different.

The Fourth Amendment gives individuals the right to be safe and secure in their persons and free of government intrusion. Mental health laws violate this right. No one who comes under the authority of the mental health industry is safe and secure or free to live a life free of intrusion. A person accused of or diagnosed with a mental illness is at risk for having their liberty taken and at risk for being forced or coerced into taking psychiatric drugs. Once they are confined in a facility by the psychiatric industry, they are subject to restraint, given psychiatric drugs, and can even be given electro-convulsive therapy. All of these cause irreparable harm, not just to the individual's mental and emotional well-being, but to the actual functioning of their brain.

The government has granted the psychiatric industry Executive powers in

violation of the Constitution. The psychiatric industry is being used to detain and question individuals in violation of their due process rights and create records that can then be used against them in court. They have been given the legal authority to detain and imprison those suspected of being a danger to themselves or others, and the government is not requiring the psychiatric industry to meet the standards for due process.

By granting the psychiatric industry Executive power, the government has made every member of the psychiatric industry an agent of the police, and as such, they must follow all due process laws and read Miranda rights in the questioning of these individuals and the gathering of evidence. They may not imprison anyone without conviction for a crime. They may also not arrest anyone without probable cause that a crime has been committed. Individuals are being imprisoned under mental health laws without being given the right to a fair trial. All agents of the police must identify themselves as agents of the police and advise individuals that everything they say can be used against them in a court of law. They must be advised of their right to an attorney and not be questioned without the presence of their attorney.

Mental health records and labels violate the individual's Fifth Amendment rights since they are forced to be a witness against themselves, are not informed of their Miranda rights, and are not told what they say can be used against them in court. They are, in fact, told that these records are private and protected by HIPAA laws. They are

not informed of the fact that they will be diagnosed with a mental illness if they speak to someone in the psychiatric profession, nor do they need to be informed that the person they are speaking to can diagnose them with a mental illness. They are coerced into accepting labels of mental illness to have insurance pay for counseling services (which require a diagnosis to pay benefits and force the psychologist to diagnose them with something), to receive public benefits, to qualify for Social Security Disability Insurance when employers will not employ them if they cannot work in the way they require, or to receive their right to work a reduced schedule necessary for their emotional health under the Americans with Disabilities Act.

Even if it was proven that mental illnesses exist and can be diagnosed with 100% accuracy through biological testing, and that the individual has that specific mental illness, it is still not constitutional to deprive law-abiding citizens of their civil rights when they have not been convicted of a crime. Since mental health labels cannot be scientifically proven with 100% accuracy through any measurable biological test, they are not admissible in court since they do not meet the rules for the standards of evidence. Testimony that is given in court by experts must be given by actual scientific experts. Psychiatry is not a scientific profession no matter how much people working in that profession claim it is. An opinion based on science would have to be for a real medical condition that can be tested for under the scientific method, and not by subjective opinion based on questions created by the psychiatric profession. It would need to be detectable by scientifically proven, biological tests that can be repeated. No psychological test meets



the criteria for the scientific method. Psychiatrists cannot test the blood or show brain scans that show that a person has a mental illness, so this is not a valid scientific profession. If the tenets of the profession cannot be objectively proven according to the scientific method, opinions formed by those in that profession cannot be considered in a court of law. Actual medical opinion would be based on facts, but the psychiatric industry has created and removed diagnoses when they are no longer considered abnormal by the public. Not being heterosexual used to be a mental illness until the public accepted this as normal; and being transgender is currently seen as a mental illness, but this view is changing in the media and in the legal system. If mental illnesses were scientific medical conditions they could not be alterable. Scientific fact does not change with public opinion.

The psychiatric industry is using demagoguery to receive additional power and funding to treat people others believe may become dangerous. For years the psychiatric industry has removed constitutional rights without due process and the legal system has let them because they have created fear of people that the majority does not understand by labeling these people as mentally ill in the absence of any scientific fact. The psychiatric industry has used popular prejudices throughout history to discriminate against these individuals and allow society to believe what they were doing was morally right and necessary. Psychiatric theory was used as an excuse during the holocaust to murder thousands of innocent people deemed undesirable by society. (1) In an effort to perpetuate slavery and prevent abolitionists from convincing others that slavery should

be abolished, the psychiatric industry labeled African Americans that ran away from their owners with the mental illness, drapetomania, and “until the early 1970's, the A.P.A. regarded homosexuality as a pathology.”(2) This is further evidence that the diagnosis of mental disorders is subjective and not based on science but popular opinion, and society cannot use labeled mental disorders as justification for limiting constitutional rights based on legal behavior.

Mental health laws violate the Eighth Amendment protection against cruel and unusual punishment by allowing the psychiatric industry to force psychiatric drug use or electro-convulsive therapy. Psychiatric drugs cause irreversible brain damage and permanently alter the functioning of the brain.(4) These psychiatric drugs can also be the cause for future problems with brain functioning, including Alzheimer's Disease and Dementia and Tardive Dyskinesia. Mental Health Daily confirms the loss of brain tissue with the use of anti-psychotics and states that drug companies are marketing these drugs for other conditions and doctors frequently are prescribing these drugs that cause brain damage to unsuspecting patients.

Mental health laws violate the Fourteenth Amendment rights of equal protection under the law and due process. These mental health laws disproportionately discriminate against women and minorities without evidence that they are any more likely to be a threat to themselves or others. According to Time, while the psychiatric industry claims that men and women suffer from psychiatric disorders equally, “it turns

out that in any given year total rates of psychological disorder are 20 – 40% higher in women than men.”(5) Women have historically been diagnosed as mentally ill due to sexism and the belief that women are overly emotional and irrational. There is also significant gender bias in the diagnosis and treatment of mental disorders. Women are more likely to be diagnosed with depression even when they receive the same scores as men.(6) Since 18.1% of the population have an anxiety disorder as posited by the National Alliance on Mental Illness and twice as many of those are women according to the Anxiety and Depression Association of America, that would mean that nearly 25% of all women have anxiety and that this is incredibly common and normal for women and not a mental illness. This also means that since 18.5% of the population has a mental illness, that only leaves 0.4% of the population left that have other mental illnesses. Out of all the people being diagnosed as mentally ill, 66.632% of them are women. (Table 1) This shows clear bias in the psychiatric industry and allows increased discrimination against women through the violations of their constitutional rights by the psychiatric industry. This discrimination by the legal system and psychiatric industry, with their claims that people with mental illness are at increased risk for committing crimes, is unsupportable by the facts: since it is women who are less likely to commit crimes and are less likely to commit suicide.(7)

Women are more likely to be victims of sexual assault and other crimes. The psychiatric industry is labeling these women who are victims of crime with mental illnesses, such as Post Traumatic Stress Disorder and Borderline Personality Disorder

(the majority of these women were victims of childhood sexual assault). Mental health labels are further victimizing these individuals. These mental illness labels limit these women's constitutional rights and limit their ability to obtain employment in positions of power, such as in the police force, where they could work to prevent these crimes.

People accused of a mental illness are illegally discriminated against in the workplace and prevented from obtaining certain jobs, either because of a diagnosis or because they cannot meet the licensing requirements. The police force uses psychological tests to keep people out of positions of power in the community. Employers are requiring employees to work wherever and however they wish, and the psychiatric industry is using this irrational demand of employers to label people with a mental illness if they are unable to work in that type of environment. It is employers who are the cause of the problems they have in the workplace since they do not allow these people to participate in the workforce if they cannot meet their demands. American society is based on competition, rather than cooperation, and this causes most people stress. Many people do not perform as well in a competitive environment, or they can't work as long as others in the same job. Rather than trying to change the personality of the person, these people need to have an environment more suited to their needs by allowing them to work fewer hours or work from home. This is already required by the Americans with Disabilities Act, but it is not being enforced. However, the ADA is also unconstitutional since it singles out certain people and labels them as abnormal in order for them to be able to work the hours they need. They are forced to participate in the psychiatric industry,

which violates constitutional rights, in order to qualify to work the hours they want, when it is already unconstitutional for an employer or the government to require a person to work more hours than they wish, since the Thirteenth Amendment prohibits involuntary servitude. Claiming the person is free to quit is absurd when a person who cannot or does not want to work a full year schedule will not be able to find a job that will allow them to work the hours they want. They are effectively being forced into working hours they don't want to work or face living in poverty or being diagnosed as mentally ill to qualify for Social Security.

The following is an excerpt from the article, “Mental Illness, Mass Shootings, and the Politics of American Firearms” published by the NCBI: “In the 1960s and 1970s, ... , many of the men labeled as violent and mentally ill were also, it turned out, Black. And, when the potential assailants of a crime were Black, US psychiatric and popular culture frequently blamed “Black culture” or Black activist politics—not individual, disordered brains—for the threats such men were imagined to pose. ... Meanwhile, FBI profilers spuriously diagnosed many “pro-gun” Black political leaders with militant forms of schizophrenia as a way of highlighting the insanity of their political activism. According to declassified documents,<sup>14</sup> the FBI diagnosed Malcolm X with “pre-psychotic paranoid schizophrenia,” and with membership in the Communist Party and the “Muslim Cult of Islam,” while highlighting his attempts to obtain firearms and his “plots” to overthrow the government. Malcolm X, Robert Williams, and other leaders of Black political groups were far from schizophrenic. But fears about their political sentiments, guns, and sanity

mobilized substantial response. Articles in the *American Journal of Psychiatry*, such as a 1968 piece titled "Who Should Have a Gun?" urged psychiatrists to address "the urgent social issue" of firearms in response to "the threat of civil disorder."<sup>21</sup> And Congress began serious debate about gun control legislation leading to the Gun Control Act of 1968." (3)

According to the National Institutes of Health, the average percentage of suicides in the U.S. was 0.013% of the population (Table 1) The psychiatric industry claims that 90% of suicides are committed by people who are mentally ill.(8) They do not provide the source of their claim, and they don't say whether these people were actually diagnosed or just thought to be mentally ill by family members trying to justify the reason for their action. Even if this number were correct, similar to the rationale for committing a crime, the actual cause of the suicide was most likely not due to the mental illness but due to poverty, discrimination, or isolation. Assuming 90% of the suicides were committed by those diagnosed as mentally ill, this is only 0.065% of the population and not a sufficient rationale for depriving the entire population of their right to due process (Table 1).

According to the National Institutes of Health the number of suicide deaths by firearm in 2014 was 21,334. Using the same mental illness rates and total population as above, the percentage of those diagnosed as mentally ill committing suicide with a gun is 0.032%.

This rate still does not justify depriving the mentally ill of the right to own a gun based on suicide rates. The National Alliance on Mental Illness claims that 4.2% of the

U.S. population suffer from a “serious mental illness”, such as Schizophrenia or Bipolar Disorder.(9) If these numbers are used, and assuming these are the only people of the 90% committing suicide, the suicide rate for people with serious mental illness is still only 0.286% (less than 3 per 1,000 people) and only 0.143% of this population would use a firearm. This is not sufficient rationale for imprisoning all persons believed to be a danger to themselves or removing gun rights provided by the Second Amendment. If the government wants to limit gun rights, it needs to be done for all people, and not by singling out people who are prejudicially thought to be dangerous with no evidence to justify it.

The FBI does not provide statistics on how many homicides were committed by people diagnosed with a mental illness, but according to the National Institutes of Health, only 3 – 5% of crimes are committed by people with a diagnosable mental illness. Using these percentages, and assuming these people are only the seriously mentally ill, only 0.003% and 0.005% of the seriously mentally ill are committing homicides. The NIH also reports only 7.5% of those people committed the crime due to mental illness symptoms. Using 5% as the number of homicides committed by the seriously mentally ill, 7.5% is only 52 homicides of the total 13,897 homicides committed in 2014. This is 0.0004% of the seriously mentally ill population or 4 in 1 million people. Using 3%, only 1 in 1 million would have committed a homicide. (Table 1) This number of 7.5% is only a report from those saying mental illness symptoms caused them to commit the crime. It does not mean this was an actual cause or that mental illness even exists. After a person

commits a crime, they are more likely to claim they committed the crime due to a mental illness to either avoid being prosecuted, to try to be found not guilty by reason of mental disease or defect, to serve their sentence in a mental institution where they have a better chance of being released if they can convince the staff they are no longer dangerous, and to avoid the current prison system where they could be murdered or sexually assaulted by fellow inmates.

The Washington Post reports that only a small portion of people committing mass shootings could be diagnosed as mentally ill. “Decades of mental health research show that only a small proportion of persons with mental illness commit violent acts, and together they account for only a fraction of violent crime. Some mass shooters have had mental illness. Most do not.” (10)

Even the American Psychological Association says there is no correlation between their diagnoses of mental illness and criminal acts committed: debunking all rationale for detaining individuals thought to be dangerous because of a mental illness. “The study didn’t find any predictable patterns linking criminal conduct and mental illness symptoms over time. Two-thirds of the offenders who had committed crimes directly related to their mental illness symptoms also had committed unrelated crimes for other reasons, such as poverty, unemployment, homelessness and substance abuse, according to the research. “Is there a small group of people with mental illness committing crimes again and again because of their symptoms? We didn’t find that in this study,” (11)



The psychiatric industry bases their labels of mental illness on what they believe should be undesirable in society because those feelings, actions, beliefs, and behaviors are different from their own, and that is the very definition of bigotry. Trying to change the characteristics or beliefs of another because they hold different beliefs or behave differently than the majority, is not only immoral: it is intolerant and perpetuates discrimination. Psychiatry condones bigotry; it even encourages it. It has led people to question if anyone has a mental illness and if they are in need of treatment if their thoughts or behavior even slightly deviate from their own. This causes increased discrimination against people of other cultures and who have come from different life circumstances. The psychiatric industry gives the majority an excuse to limit the rights of people who are different, by claiming something is wrong with them. There is really something wrong with a society that deprives citizens of their rights for engaging in legal beliefs, speech, and actions.

Mental health laws remove the constitutional rights of not only the more than 59 million people diagnosed with a mental illness (and the 99.99% of them that don't commit crimes) but the entire U.S. population, who are being subjected to unwarranted government intrusion and limitations of their civil rights if they are even accused of having a mental illness. The mental health industry is expanding the numbers of people who meet their criteria for a mental illness while the government is expanding their laws to have more people evaluated for mental illness. Once a person is even suspected of having a mental illness, they are referred to the mental health industry and forced to be

evaluated if anyone accuses them of abnormal behavior or claims they may be a danger to themselves or others. There are no standards to determine credibility of the report or probable cause that a crime has been committed before the person is deprived of their rights and forced to undergo psychiatric evaluation. At that point they have already been deprived of their right to due process; forced to testify against themselves by having to speak to the evaluator if they have any hope of being released, who is creating a record that can be used against them in court; and deprived of their right to speak to an attorney. For these reasons, this case should be evaluated by the Supreme Court.

II. All citizens have the right to legal recourse under the First Amendment, but victims of domestic violence and stalking and others needing privacy are having this right limited by not being given the option to seal civil cases. By allowing judges to decide if a person needs their case sealed, they are placing victims of domestic violence in danger, and this is preventing these people from having the right to file a case. Judges are making arbitrary judgments based on their personal opinion about the person requesting the file be sealed rather than basing the judgment on the law and on the constitutional right of the individual to file a case without fear this will expose them to future physical harm.

Allowing the courts to make judgments about which cases can be sealed and requiring abuse victims to provide evidence prevents these victims from their right to

petition the government for a redress of grievances. Most victims of abuse do not have access to records and fear being harmed by their abuser if they report them or file for a restraining order. **“Approximately one-fifth of all rapes, one-quarter of all physical assaults, and one-half of all stalkings perpetrated against female respondents by intimates were reported to the police.”** (13) **“More than two-thirds of the restraining orders against intimate partners who raped or stalked the victim were violated.”** (14)

Most victims don't get restraining orders since they provide little protection and **“the presence of the order may even escalate the risk to some victims.”** (15) **“There is a 21% chance of an escalation in violent behavior after a protection order is issued.”** (14) These victims who are continuously stalked, and are afraid a restraining order will increase violent behavior, need to change their identity to protect themselves. This is the very reason a court cannot ask for proof or deny requests to seal court cases. Since there is no way for a court to determine if an individual is a victim of stalking or the individual circumstances of past abuse (since many victims do not file police reports or obtain restraining orders for their own safety), all individuals must be given the option to seal their records and video-recordings. If not, the rights of victims of domestic violence and stalking lose their constitutional right to legal recourse since they cannot risk endangering their personal safety.

The courts cannot ask a stalking victim to appear in video-recordings or reveal

previous names since this violates their constitutional right to legal recourse, right to a fair trial, and equal protection under the law. Domestic violence and stalking victims can never file a case in court knowing that they have to appear on camera and have their new identity released to the public. They are prevented from being treated equally under the law since they can never even petition for a redress of grievances without endangering their safety. They cannot even provide evidence that may be under another name out of fear for their safety, and that prevents them from having the right to a fair trial. No legal recourse is worth being found by a past abuser and possibly assaulted or worse. Even if the abuser doesn't assault them if they find them, the victim still needs to go through the expense, fear, and stress of moving and changing their identity again.

Openness in the courts does not mean that an individual's safety or privacy can be violated. There is no violation of the right to a public trial by not revealing the identity of plaintiffs or witnesses, and the right to a public trial is only afforded to citizens: not to government agencies, like DVR. When an agency has violated an individual's constitutional rights by applying or interpreting laws in ways which are unconstitutional, that plaintiff is asserting their constitutional right to petition the government for a redress of grievances under the First Amendment. It is not for a court to decide if there is sufficient evidence that an individual is in danger. It is the individual who has the right to file a case in court without worrying about any adverse consequences because their image is released and their privacy violated. An abuse victim will choose to not file a case: if they know they will have to reveal details of past abuse in order to file a case

without jeopardizing their safety. There is no constitutional right that is violated by allowing all individuals to have their image, voice, and identity kept sealed from the public. Any defendant is still given a fair trial since the results of the case and testimony (from transcripts and not video-recordings) are public.

III. The court deprived the appellant of her constitutional right to a fair trial under the Sixth Amendment by refusing to provide competent counsel to her as an indigent party when her civil rights were being limited: by claiming this is a civil case. The only time a person's civil rights may be limited is after conviction for a crime, so this case is equivalent to a criminal case since the appellant's civil rights are being limited. By being accused of having a mental illness and coerced into speaking with a member of the psychiatric industry and having those records used against her in court, the appellant's civil rights have already been removed.

A pro se litigant is not competent counsel. The Appellant is not trained in the legal profession, and is therefore not competent to adequately present a case. Since the appellant was not provided with a lawyer, she did not have a fair opportunity to adequately present her case. People who are low-income are being denied equal protection under the law by not being provided with attorneys to represent them in civil rights cases: in violation of the Fourteenth Amendment.

IV.

The appellant asks that the Supreme Court replace her name in all of the court records with her initials and order the Superior Court and Appeals court in Washington to replace her name in all of the court records with her initials, as was initially done in the Appellate Court and requested in the Addendum in the Appeals Court, and that any mention of her name be removed from the Superior Court video-recordings and any future video-recordings. The appellant also requests that all video-recordings with her image be sealed and that all records be sealed or replaced with her initials permanently. The appellant asks that the Supreme Court rule that all individuals have the choice to seal their case or otherwise keep their identity private, due to arbitrary decisions on sealing records by the courts. Courts do not allow court cases to be withdrawn and stricken from the record if they cannot be sealed, and this prevents victims of stalking and domestic violence from exercising their First Amendment right to file a petition for a redress of grievances. A stalking victim who files a case that cannot be sealed would endanger their safety. Since they cannot be certain that their safety will be guaranteed or that they will have sufficient evidence to convince a court of the necessity of sealing their case, it is necessary to provide all individuals with the right to seal their cases.

Due to the preemptive removal of the appellant's constitutional rights by DVR, the appellant asks that the court appoint an attorney to all individuals in civil cases that allege constitutional violations. No limiting of constitutional rights may be allowed except after conviction for a crime, so anyone whose constitutional rights have been limited is entitled to legal representation.

The appellant asks the court to rule in her favor and state that it is unconstitutional for any agency to require mental health treatment or require mental health assessment to qualify for services. The appellant also asks that the court rule that all mental health laws are unconstitutional since they violate multiple constitutional amendments and remove civil rights without providing individuals with due process. It is unconstitutional for any court or agency to remove or limit constitutional rights by claiming that constitutional rights do not apply if there is not a criminal case. The removal of constitutional rights may only occur after conviction for a crime. It is not constitutional to create separate civil proceedings to bypass constitutional rights. Mental illnesses are not scientific medical conditions, but only socially constructed labels that are being used to limit the constitutional rights of law-abiding individuals. It is not constitutional to create separate rights or laws for individuals based on socially constructed groups. Therefore, the appellant asks that the court rule that it is unconstitutional to remove or limit constitutional rights without that individual being convicted of a crime after being provided with all due process and other constitutional rights.

The use of mental health records in court directly affects the appellant in this case. The appellant was subjected to questioning by a member of the psychiatric industry, whose records were used against her in court. The appellant asks that all mental health records that are being allowed as testimony in the courts be ruled as unconstitutional since these records are created by psychiatric workers acting as agents of the police.

They are not notifying individuals that they are acting as agents of the police and that anything they say can be used against them in court. This is a violation of the individual's Miranda rights. The appellant in this case was also not informed by DVR, or the psychiatric worker that DVR sent her to, that he could diagnose her with mental illnesses or that DVR could use those records against her in court to require her to participate in further mental health evaluation and treatment. The appellant also asks that the mental health industry be prohibited from creating opinions or diagnosing mental illnesses since these are only used to perpetuate discrimination and limit and violate constitutional rights. A ruling in favor of the appellant on the merit of her arguments is necessary to rectify the constitutional violations that are being carried out by the psychiatric industry and the legal system everyday: without any evidence for the reliability, constitutionality, necessity, or effectiveness of psychiatric diagnoses or treatments.



**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

S.T.

Date: July 2, 2019