

In the United States Court of
Appeals for the Eighth Circuit

United States of America
Plaintiff

Case # 4-98-CR-177

vs.

Charles T. Sell, ~~MD~~
defendant

Appeal # 04-1708

Report to Court Motion to Amend Petition and Sub-
mit Evidence to the Court Motion for Competency Hearings

Comes now defendant, Charles T. Sell, ~~MD~~, acting
pro se to state as follows:

- I. All Court Orders pertaining to hospitalization
~~and~~ and Medical treatment of Dr. Sell been vacated
by order of the Courts.
- II. All orders for hospitalization commitment
terms have expired by their own terms.

I. On 16 June, 2003 the United States Supreme Court ordered ~~all~~ that all Court Orders, pertaining to involuntary medication of Dr. Sell, can not stand; and remanded them back to the lower courts to be vacated.

[See USSC: Sell v U.S. #2003]

On 2 Sept., 2003, this 8th Circuit Court of Appeals ordered all orders authorizing the involuntary administration of anti-psychotic, neuroleptic, psychotropic drugs to defendant, Dr. Sell, vacated.

And on 8 Oct., 2003 Mt Dist. Judge Donald Stokes issued an Order vacating the 4 April 2000 Order for forced drugging.

As no new Court Order have been forth coming, after nine months of continued, further hospitalization, incarceration is serving absolutely no purpose.

II As of 8 April, 2004, US Dist. Judge Donald Stohr's latest commitment order expired by its own terms. No commitment order pertaining to Dr. Sell exist. Dr. Sell is currently incarcerated at the US Medical Center for Federal Prisoners in Springfield, MO with no authority under the law.

Wherefore, for the aforementioned reasons, Dr. Sell prays this Court of Appeals to order his release from custody under the U.S. Attorney General and his release from incarceration at the U.S. MCFP, forthwith, on his own recognizance, pending a new and proper competency hearing and a trial on the relevant charges layed upon him.

Respectively submitted,
Dr. C.D. Sell, Maj., USAF
8 April, 2004

United States Court of Appeals for The Eighth Circuit

United States of America
plaintiff

v.

Dr. Charles T. Sell
defendant

Case # 4:98CR177

Appeal # 04-1708

Motion for Authorization of Independent
Psychiatric Evaluation and fees
and Expenses.

Comes now, the Defendant, Charles T. Sell, MS, acting pro se, to respectfully request that this Honorable Court grant fees and expenses to obtain an expert psychiatrist to perform an independent psychiatric evaluation to determine competency and mental state of the defendant pursuant to 3006A(c)(1)

In support of this Motion the defendant states as follows:

I. The defendant, Dr. Charles Thomas Fell, has been held without a trial for nearly seven years at U.S.M.C.F.P. and the reason for this is because the government's doctors deem him incompetent.

II. The defendant has lived his whole life being competent, from being a Major in the United States Army Reserve and a professional dentist in private practice.

III. The defendant is physically, mentally, emotionally, and financially exhausted from the seven years of abuse that the

government has put him through and cannot pay for an independent psychiatric evaluation.

IV. The defendant sent a letter to his attorney with instructions to file a motion to obtain a psychiatrist by the name of Mark Achilles to be an expert witness but to no avail; his lawyers did not comply.

V. On October 8th, 2003, the Court ordered the ~~the~~ attorney and Dr. Fell's attorneys to each submit a memorandum stating each parties' position as to (1) the current state of defendant's competency to permit the trial to proceed, (2) the probability

that in the foreseeable future, the defendant will attain the competency to permit the trial to proceed, and (3) the nature of the treatment, if any, best suited to maximize the probability of restoring the defendant to competency.

VI. In response to this, Dr. Sell's attorneys, against his wishes, petitioned to the Court for fees and expenses for a C. Robert Cloninger, MD to examine him.

VII. In order to address the issue of Dr. Sell's competency to stand trial, it is necessary for him to obtain a psychiatrist that will conduct an independent evaluation, and who is unbiased.

VIII. The defendant has chosen the psychiatrist that he wishes to conduct the competency evaluation: ~~attorney~~ Dr. Mark Schiller.

IX. The defendant does not have a curriculum vitae on Doctor Schiller and does not know what his hourly rates would be. He has limited access to telephone and, his attorneys appear to have an agenda of their own; but his address is:

Mark Schiller, MD
244 Grattan St. #6
San Francisco, CA 94117

X. For the above stated reasons, the defendant cannot, at this time, estimate the amount of time or funds he will need to hire Dr. Schiller, however, it is certain the amount will exceed the \$1,000 maximum

mentioned in 18 USC § 3006A (e)(3).

Wherefore, the defendant, Dr. Charles Thomas Sell respectfully request that the authorization be granted for the fees and expenses of Dr. Mark Achilles to perform an independant psychiatric evaluation to determine the defendant's competency.

Respectfully
Submitted,

Dr. Charles T. Sell, Major, USAF
Dr. Charles T. Sell, Major, USAF.