

May 25, 2009

Enoc Alcantara Mendez, Suggestor
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09-CR-B

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
Committee on Rules of Practice and Procedure
Washington, D.C. 20544

Re: U.S.A. v ENOC ALCANTARA MENDEZ, Crim. No. 07-086(ADC) D. P.R.
Subject: Suggestion and Recommendation With Respect to Fed.R.Crim.
P. 12.2

To the Secretary of the Committee:

E.A.M.
In the name of the **Fourteenth Amendment** to the Constitution of the United States, **28USC, Sec. 1291** et seq., and the decision of the Supreme Court of the United States, **Sell v United States**, 539 U.S. 166 (2003), I, as a Citizen of the United States of America, hereby suggest and recommend that the Rule **Fed.R.Crim.P. 12.2** be amended as follows:

"Rule 12.2 Notice of an Insanity Defense; Mental Examination

(f) Defendant's Right to Appeal

(1) Advice of a Right to Appeal

(A) Appealing an Order. If the defendant did not notify an attorney for the government of an intent to assert a defense of insanity and was ordered to submit to a competency examination under **18USC, Sec. 4241**, after ordering the court must advise the defendant of any right to appeal the order.

(B) Appealing a Commitment. After commitment -regardless of the defendant's notice- the court must advise the defendant of any right to appeal the commitment.

(C) Appeal Costs. The court must advise a defendant who is unable to pay appeal costs of the right to ask for permission to appeal in forma pauperis.

(2) Clerk's Filing of Notice. If the defendant so requests, the clerk must immediately prepare and file a notice of appeal on the defendant's behalf.

Please acknowledge in writing the foregoing suggestion or recommendation herein presented and refer the same to the Advisory Committee on Criminal Rules. Thank you and God Bless America!

Honestly and fairly presented,



Enoc Alcantara Mendez

Suggestor and U.S. Citizen

E.A.M.