

No. 18.1572

Supreme Court, U.S.

APR 17 2019

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IN THE
Supreme Court of the United States

MATTHEW D. PRISET,

Petitioner,

—v.—

COMMONWEALTH OF PENNSYLVANIA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Petitioner Pro Se

QUESTION PRESENTED

Does a mandatory minimum Life Sentence for one who is convicted under The Guilty-But-Mentally-Ill designation constitute cruel and unusual punishment?

LIST OF PARTIES

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

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PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

The opinion of the United States Court of Appeals appears at Appendix C to the petition and is reported at pages 18-19; or,

The opinion of the United States District Court appears at Appendix B to the petition and is reported at pages 13-17.

JURISDICTION

The date on which the United States Court of Appeals decided my case was November 6, 2018.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: January 17, 2019, and a copy of the order denying rehearing appears at Appendix D.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The United States Constitution's proscription against cruel and unusual punishment (8th Amendment).

STATEMENT OF THE CASE

In this case the appellant was suffering from severe delusions and hallucinations both before and during the stabbing death of the victim Clinton Perry. The statutes of Pennsylvania classified the appellant as Guilty-But-Mentally-Ill, and that by this distinction he was "unable to conform his conduct to the Law" due to his mental illness, yet the Commonwealth of Pennsylvania decided that the appellant can be considered to have possessed the Mens Rea to meet the burden of a 1st degree murder conviction.

This is a contradiction: the appellant cannot be at once considered to have been in possession of his faculties to support a conviction of 1st degree murder, and simultaneously be judged to have been mentally ill to the point of being out of control of his faculties and being unable to conform his conduct to the Law.

The appellant's Constitutional claim is that sentencing him by the same mandatory minimum guidelines as one who is not mentally ill constitutes cruel and unusual punishment.

The trial court did not convict the appellant of murder in the 1st degree. The trial court convicted the appellant Guilty-But-Mentally-Ill of murder in the 1st degree.

REASONS FOR GRANTING THE PETITION

A mandatory minimum sentence of Life without parole for one who was not convicted of murder in the 1st degree, but rather Guilty-But-Mentally-Ill of murder in the 1st degree, is cruel and unusual.

The appellant seeks to be sentenced to a term of years imprisonment, or granted a new trial that requires The Commonwealth of Pennsylvania to convict him of murder in the 1st degree rather than Guilty-But-Mentally-Ill of murder in the first degree when the latter carries no leniency or reduction of sentence.

CONCLUSION

For the foregoing reasons, the appellant respectfully requests that the petition for a writ of certiorari should be granted.

Dated: June 21, 2019

Respectfully submitted,

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