

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Juan Concepcion — PETITIONER
(Your Name)

vs.

Tom McGibley — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Third Circuit, et al.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Juan Concepcion
(Your Name)

301 Institution Drive
(Address)

Bellefonte, PA., 16823
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Did the court of common pleas acquire jurisdiction ab initio?

Did the State provide purported representation resulting in gross ineffective counsel?

Did the State violate the U.S. Constitution's XIV Amendment (due process and equal protection) to co-represent himself when the court asserted I could not co-represent myself per Com. v. Ruiz, 131 A.3d 54, 56 when it is clear that Ruiz does not operate and is superseded via the XIV Amendment due to ineffective counsel?

Did the state circumvent Gideon v. Wainwright, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963) when the state itself made a ruling recognizing a cause of action predicated upon underfunding of Public Defender Offices under Kuren v. Luzerne County, 637 Pa. 33, 146 A.3d 715 (2016); which left the Public Defender's Office incapable of complying with Gideon, creating systematic constructive denial of effective counsel in contravention of the 6th Amendment?

Did the trial court err by not having me present in civil court to formally charge me with fines and court fees, after the record shows I was brought to civil court?

Did the state furnish effective representation when trial attorney fraudulently acted unethically and conduct related closely to governmental conduct which is viewed as conduct of the state itself?

Did the state circumvent my right to a speedy trial as a matter of Constitutional law in addition to the Rule 600 violation?

I was not provided with an interpreter during trial and could not understand the entire proceedings.

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:

James A. Barker, Esq.
Office of the Attorney General
Strawberry Square, 16th Floor
Harrisburg, PA, 17120

Christopher J. Schmidt, Esq.
PA Office of Attorney General
16th Floor, Criminal Law Division
Appeals and Legal Services Section
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David C. Gorman, Esq.
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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Payton v. New York, 445 U.S. 573

Com. v. Vaughan, 789 A.2d 261

Illinois v. Gates, 462 U.S. 213

Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L. Ed.2d 799 (1963)

Kuren v. Luzerne County, 146 A.3d 715, 751 (Pa 2016)

Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L. Ed.2d 674 (1984)

16 Pa. Stat. Ann. § 9960.3 (Public Defender's Act) PA Const., article I and 9 and the 6th Amendment to The U.S. Constitution.

STATEMENT OF THE CASE

I was arrested at home with no arrest warrant issued, under no exigent circumstances, in overt violation of Payton v. New York, 445 U.S. 573. Payton v. New York supra rendered the magistrate court void of jurisdiction ab initio. Although there was a filing of a false criminal complaint and affidavit of probable cause there was no finding of "probable cause" as required by Com. v. Vaughan, 789 A.2d 261 and Illinois v. Gates, 462 U.S. 213 and thus no arrest warrant was ever issued, again stripping the court of jurisdiction ab initio.

When a defendant is represented by ineffective counsel and the court has refused to assign competent counsel, the defendant has a constitutional right under the XIV Amendment to the U.S. Constitution (due process and equal protection) to co-represent himself and Com. v. Ruiz, 131 A.3d 54, 56 does not operate and is superseded via the XIV Amendment due to ineffective counsel.

REASONS FOR GRANTING THE PETITION

Final judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court by writ of Certiorari where the validity of a treaty or statute of the U.S. is drawn in question or where the validity of a statute of any state is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of The United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or Statutes of, or any commission held or authority exercised under, the United States.

When a trial court proceeds void of jurisdiction the sentence does not legally exist and cannot be appealed because it legally does not exist. The sentence must be vacated for "want of jurisdiction". In essence, an appeal does not operate.

I respectfully request for the Department of Justice to inform U.S. Attorney William M. McSwain to have his subordinates in the G.C.U. (General Crimes Unit) to scrutinize my case. There has been improprieties and inexcusable behavior.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

JUAN CONCEPCION

Date: August 13th 2018