

No. _____

19-6167

IN THE

SUPREME COURT OF THE UNITED STATES

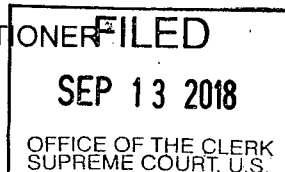
THADDEUS SAUNDERS

(Your Name)

vs.

PENNSYLVANIA

— PETITIONER



— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF PENNSYLVANIA-EASTERN DISTRICT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

THADDEUS SAUNDERS

(Your Name)

1 ROCKVIEW PLACE; BOX A

(Address)

BELLEFONTE, PA 16823

(City, State, Zip Code)

(814)-355-4784

(Phone Number)

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:

QUESTION(S) PRESENTED

QUESTIONS PRESENTED FOR REVIEW

I. Whether the full faith and credit clause of the United States Constitution should apply to the rulings in *Miller v. Alabama*, 567 US 460 (2012), *People v. House*, 72 N.E.3d 357 (Ill. App. Ct. 2015) and other judicial and legislative actions under the “public Acts” provision of Art. IV § 1?

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OTHER

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☐ is unpublished.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 district court 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☐ is unpublished.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 N/A; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the SUPERIOR COURT OF PENNSYLVANIA court appears at Appendix B 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☒ is unpublished.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 June 19, 2019.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

US Const. Art. IV § 1 [Full Faith and Credit Clause]

STATEMENT OF THE CASE

Mr. Thaddeus Saunders, (Mr. Saunders), instant Petition for Allowance of Appeal stems from the following relevant procedural history of the above captioned case:

On June 9, 1975, Petitioner was convicted of second degree murder, robbery, and conspiracy. On September 16, 1975 Petitioner was sentenced to a mandatory life imprisonment. Petitioner was nineteen (19) years old when he was arrested for the offenses for which he was convicted.

Petitioner filed a timely notice of appeal to the Superior Court. On December 1, 1977 the Superior Court denied Petitioner's direct appeal and affirmed his judgment of sentence. On August 20, 2012, Petitioner filed a PCRA petition in response to the United States Supreme Court decision in *Miller v. Alabama*, 567 US 460 (2012). Petitioner filed an amended post-conviction petition on April 3, 2017 seeking the application of the full faith and credit clause of the US Constitution in honoring the judgment in *People v. House*, 72 N.E.3d 357 (Ill. App. Ct. 2015) and numerous other rulings from states around the country extending the ruling in *Miller v. Alabama* to offenders the age 18-19.

On August 22, 2017 the PCRA court dismissed Petitioner's PCRA as untimely. A timely notice of appeal followed to the Superior Court. On November 19, 2018 the Superior Court affirmed the order from the lower court dismissing Petitioner post-conviction as untimely. This petition for allowance of appeal timely follows.

REASONS FOR GRANTING THE PETITION

I. Whether the full faith and credit clause of the United States Constitution should apply to the rulings in *Miller v. Alabama*, 567 US 460 (2012), *People v. House*, 72 N.E.3d 357 (Ill. App. Ct. 2015) and other judicial and legislative actions under the “public Acts” provision of Art. IV § 1?

Under the full faith and credit clause of the United States Constitution what is required is that:

Full faith and credit shall be given in each State to the public Acts, Records, and Judicial Proceedings of every other State.” US Const. Art. IV § 1.

The United States Supreme Court has recognized that “[a] final judgment in one State, if rendered by a Court with adjudicatory authority over the subject matter and person governed by the judgment, qualifies for recognition throughout the land.” *V.L. v. E.L.*, 194 L.Ed.2d 92, 95 (2016).

Moreover, the V.L. Court distinguished that under the full faith and credit clause “[a] State may not disregard the judgment of a sister State because it disagrees with the reasoning underlying the judgment or deems it to be wrong on the merits. On the contrary, the full faith and credit clause of the Constitution precludes any inquiry into the merits of the cause of action, the logic or consistency of the decision, or the validity of the legal principles on which the judgment is based.” *Id.* at 95-96 (quoting *Milliken v. Meyer*, 311 U.S. 457, 462 (1940))

The Superior Court stated reasons for affirming the order from the lower relied on the determination that the full faith and credit clause is inapplicable to Pennsylvania as they were not a party in the judicial proceedings and that the holding in *People v. House*, did not extend the ruling in *Miller v. Alabama* (Super. Ct. Opinion, 11/19/18, at p.4-5) this position fails to consider the full extent the full faith and credit clause covers.

The clause reads that full faith and credit shall extend not only to judicial proceedings but also to public Acts as well. There is no doubt that the Pennsylvania General Assembly as took quick legislative action in passing amendments to its crimes and sentencing code in response to the holding in *Miller*. (See Title 18 Pa. C.S.A. § 1102.1 & Title 61 Pa. C.S.A. § 6137)

Moreover, the Pennsylvania Supreme Court ordered the severance of the State’s parole statute in order to offer remedy to the issue of an offender who qualified under the classification established in *Miller*. See *Commonwealth v. Batts* 163 A.3d 410 (2016).

REASONS FOR GRANTING THE PETITION

[Supplemental Page]

As these public Acts which were written into law by State legislators Pennsylvania has bought into the holding in Miller and in turn become a party for which the full faith and credit clause should be applied.

The United States Supreme Court has held that “[a] statute is a “public Act” within the meaning of the Full Faith and Credit Clause.” See *Franchise Tax Bd. of Cal. v. Hyatt*, 578 U.S. ___, 136 S. Ct. ___, 194 L.Ed. 2d 431, 433-34 (2016). While it has been recognized that states may choose “to apply its own rule of law to give affirmative relief for an action arising within its borders.” (See *Carroll v. Lanza*, 349 U.S. 408, 413 (1955)) The Court has ruled that a state may not apply its own law if doing so reflects a “policy of hostility to the public Acts of another State. A state is considered to have adopted such a policy if it has no sufficient policy consideration to warrant its refusal to apply the other State’s laws.” *Hyatt*, 194 L.Ed 2d at 442 (citing *Carroll v. Lanza*, 349 U.S. at 413).

The statutory amendments invoked by the State legislature in response to the decision in Miller are in conflict with the developing legislative and judicial action being taken by sister states across the country. While the Superior Court’s opinion focuses on the jurisprudence detailed in the House decision, the appellate court failed to address five (5) other judicial decisions Petitioner has referenced in his brief. Petitioner cited to the decisions in:

Kentucky: *Commonwealth v. Bredhold*, No. 14-CR-161 (Fayette Cir. Ct. 7th Div., 8/1/2017)

New Jersey: *State v. Norris*, No. A-3008-15T4, 2017 WL 2062145 (N.J. Super. Ct. App. Div. May 15, 2017)

Washington: *State v. O’Dell*, 358 P.3d 359 (Wash. 2015)

Illinois: *People v. Harris*, 70 N.E. 3d 718 (Ill. App. Ct. 2016)

Indiana: *Sharp v. State*, 16 N.E. 3d 470 (Ind. App. Ct. 2014)

All of these holdings have extended the categorical holding in Miller to cover youthful offenders including those ages 18-21.

REASONS FOR GRANTING THE PETITION

[Supplemental Page]

Moreover, the sister circuits in the federal jurisdiction across the country has also addressed the Miller categorical ruling. A court in the Second United States District court has extended the holding to an 18 year old offender. See Cruz v. United States, 2018 U.S. Dist. LEXIS 52924 holding that:

“[R]elying on both scientific evidence and the societal evidence of national consensus, the court concludes that the hallmark characteristics of juveniles that make them less culpable also apply to 18 year olds. As such, the penological rationale for imposing mandatory life imprisonment without the possibility of parole cannot be used as justification when applied to an 18 year old.”

These sister states have in conjunction with the aforementioned judicial holding extended their statutes (public Acts) to satisfy the rationale that the Miller categorical ruling is applicable to youthful offenders (18-21).

Under the full faith and credit clause this Honorable Court has jurisdiction to intervene in the interest of justice. The denial of full faith and credit of these acts from the sister states across the country would result in a policy of hostility to the public Acts of another State. Petitioner therefore seeks this Court to allow permission to address these issues as they involve issues of immediate public importance invoking the jurisdiction of this court under both Pa.R.A.P. §724, §726.

WHEREFORE, for the foregoing reasons, Mr. Thaddeus Saunders, Pro Se, Petitioner in the above captioned matter hereby prays that this Honorable Court grant review based upon all mitigating factors, pre-sentence investigation and prior record score and afford full faith and credit to the judicial and legislative actions by sister states across the country or any other applicable remedy that this Honorable Court deems appropriate.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Thaddeus J. J. J.

Date: 9/12/19