

U.S. Const. Amend I

No. 19-7058

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE: Ramsey RANDALL (ProSe) - Petitioner

VS. **ORIGINAL**

Township of Berks County, PA; et al; - Respondent(s)

ON PETITION FOR WRIT OF HABEAS CORPUS TO

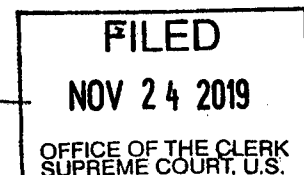
U.S. District Courts for the Eastern District of PA
(Name of last court that ruled on the merits of your case)

PETITION FOR WRIT OF HABEAS CORPUS

RAMSEY RANDALL-ND0295
(Your Name)

SCI-MAHANOV-301 Moreo Rd.
(Address)

Frackville, PA 17932
(City, State, Zip Code)

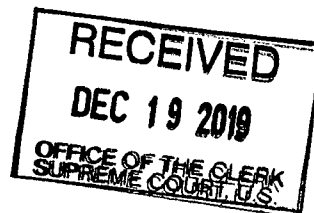


QUESTION(S) PRESENTED

~~In the Face of the Lozman v. Riviera Beach~~

- ① ~~In the Face of the Lozman v. City of Riviera Beach, Fla,~~
~~138 S.Ct. 1945 (2018) decision by this court, was the~~
~~ruling of res judicata appropriate by the U.S. District~~
~~Courts of the 3rd Circuit?~~
- ② Does §2254(b) restrict and/or prohibit petitioner's counsel
from filing a motion on his behalf for Emergency/Expedited
review on the basis of his belief of his arrest violating
his Constitutional rights?
- ② Does ~~an~~ an arrest violate the First Amendment of the U.S.
Constitution's Freedom of petition AND Fourteenth Ame-
ndment's Due Process and Equal Protection Clauses
to the level of invalidating/overturning a criminal convict-
ion, when the arrestee was in the midst of §1983
litigation against the arresting and prosecuting county?
- ③ Does the publicized News article(s) containing the peti-
tioner's face with false ~~depict~~ descriptions of his pers-
onal life's activities rise to the level of defamation in viola-
tion of the First and Fourteenth Amendments of the U.S. Con-
stitution ~~?~~ invoking Due Process protection?

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:

- I'm unsure how to answer this question correctly because of the complexity of the circumstances and legal claims and issues interwoven within my case(s) which I'm requesting for court review. However, the listed parties that would/should hold an interest in a court's decision are as follows:

- 1) Berks County, PA (Township)
- 2) Berks County Court of Common Pleas
- 3) District Attorney John Adams, Esq.
- 4) Assistant District Attorney Jason Glessner, Esq.
- 5) PA Supreme Court and Justices
- 6) PA CCP Administrator A. Taylor Williams Esq.
- 7) Judge Patrick Barnett of Berks Co. CCP
- 8) Eastern District U.S. Court's Honorable Judge Joel H. Slomsky
- 9) US Appeals Courts for Eastern Pennsy/Va 118
- 10) West Reading Police Department
- 11) Officer Joseph Brown of West Reading Police Dept.
- 12) Officer Karie Good of West Reading Police Dept.
- 13) Reading Eagle Newspaper Company
- 14) Facebook, Inc.
- 15) Fox News Media Ent., Inc
- 16) GOOGLE, Inc.

Myself the petitioner Ramsey Randall

* Federal Defender's Office of Eastern PA - Mr. Joel Mandelman, Esq.

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APPENDIX A	(5) five pages of 3 separate court orders A1, A2, A3
APPENDIX B	-4 pages of news article publicized in newspaper, TV, and internet, 2 pages of Commonwealth's dropping the Organized Crime Charges on Dec. 22nd, 2015
APPENDIX C	
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TABLE OF AUTHORITIES CITED

CASES

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-Craig v. Witucki, 624 F.Supp. 558 (1986) - - - - -	5
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STATUTES AND RULES

-Habeas Corpus for State Prisoners - §2254 - - - - -	4,5
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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:

Pending see attached

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at 17-2515; 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 191 MM 2018; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ 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.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was ~~Feb 7, 2019~~ ~~Nov~~ ~~November 30, 2017~~
August 2, 2017

☐ 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: November 30, 2017, and a copy of the order denying rehearing appears at Appendix A-1.

☐ 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.

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

Other: Currently Pending in U.S. Appeals Court 3rd Cir.
U.S. Appeals case No: 19-2830; 18-2381 - \$2254 WHC
~~18-2652 - Writ of Mandamus~~
Currently Pending in US District Courts 3rd Cir. 19-1342-\$1983

☒ For cases from state courts:

The date on which the highest state court decided my case was Feb 6th 2019.
A copy of that decision appears at Appendix A-2.

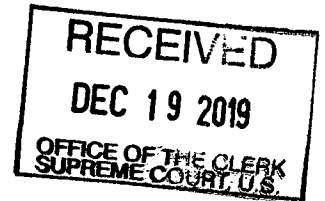
☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ 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

- First Amendment Freedom of Speech/Petition rights/chilling effect
- Fourth Amendment - searches and seizures
- Fourteenth Amendment Due Process and Equal Protection Clauses
- Effective Assistance of Counsel VI Amendment
- 42 § 1983 Civil Rights Action
- § 2254 Writ of Habeas Corpus
- 42 § 1367 Supplemental ~~Jurisdiction~~ Jurisdiction
- PA Constitution Article I § 8
- PA's Restatement of Torts § 652(E) - Publicity Placing Person in False Light



STATEMENT OF THE CASE

On May 15th, 2015 I was arrested by police in a publicized (media) indictment. At the time of my arrest, I was in the midst of litigating a §1983 Civil Rights Action against the county that indicted and prosecuted me.

The arresting indictment ~~and~~ and accompanying newspaper, TV, and internet publications labeled me as an Organized Crime/Gang Member without using the appropriate wording i.e. "Alleged" or ~~being~~ "accused" of being a gang member. The Organized Crime charges were dropped on Dec. 22nd, 2015, and no remedy was offered by Berks County Commonwealth prosecution.

The §1983 that was pending when I was arrested on May 15th, 2015, was not dismissed until September of 2015. I had already been placed in the custody of a §1983 civil opponent (Berks County Jail System) and my cell was raided.

Being convicted in 2016 via Bench Trial and still currently incarcerated; I've petitioned to the courts in both state and Federal courts.

With a §2254 in the Federal Courts pending and state PCRA stagnant; I am awaiting decisions on the Appeal filed in the U.S. Appeal Courts on my §1983 Appeal and my §2254 Appeal.

Currently, (11/22/2019) I am in dispute with the Federal Defender's Office in regards to my request for them to file a petition for expedited/emergency review. I believe that based on the U.S. Constitution and a recent case decision in this court decided; ~~that~~ I am in a position to be entitled a serious look of consideration due to the circumstances of my incarceration.

The disagreement and discrepancy with my counsel on an issue with merit has not brought my concerns to the Appeals Court panel. And in that, I believe I am being denied effective assistance of counsel because of my counsel's refusal to do as I ask. At the same time, my attorney and his supervisors have no case law or have provided no statute that prohibits/restricts it referring to §2254(b). VI Amendment.

I believe that my case and circumstances violates my First Amendment rights and does garner immediate injunctive/emergency relief, being able to circumvent state exhaustion warranting an overturned conviction, vacated sentence, and immediate release. Additionally, the news publications and media articles violate my Fourth Amendment rights and should involve Due Process protection and being Defamatory.

~~Am I correct in my opinion?~~

REASONS FOR GRANTING THE PETITION

The First Amendment of the U.S. Constitution expresses no mandatory form of petition for a state prisoner to acquire relief from an unconstitutional arrest, prosecution, and conviction achieved by actors under the color of law. It also prohibits government officials from chilling, hindering, and/or abridging ~~and~~ an individual's right to petition unto the courts.

Being well-established law thru the First, ~~and~~ Fourth and Fourteenth Amendments, an arrest becomes unconstitutional when the arrestee is/was in the midst of exercising his/her rights using speech and/or petition.

This petitioner was arrested and convicted in violation of this principle. See the cases: *Dombrowski v. Pfister*, 380 U.S. 479 (1965); *Norton v. Town of Brookhaven*, 2014 U.S. Dist. LEXIS 132836 (2014); and *Lozman v. City of Riviera Beach*, 138 S.Ct. 1945 (2018).

Furthermore, there exists no legal explanation or specific legal definition that determines what is or isn't considered as extraordinary circumstances which excuses state exhaustion allowing a path for federal relief. In contradiction to 42 § 1367 Supplemental Jurisdiction in 42 § 1983 Civil Rights Actions, the decisions of *Heck* and *Preiser* denies all state prisoners the right to acquire remedy, relief and damages in a § 1983 action when the evidence provided within the complaint obviously substantiates the petitioner's claim(s) of violation(s) of their U.S. Constitutional rights. See *Heck v. Humphrey*, 512 U.S. 477 (1994) and *Preiser v. Rodriguez*, 411 U.S. 475 (1973), (paraphrased) "An overturned conviction should be sought via state exhaustion or § 2254 Writ of Habeas Corpus not the § 1983."

Therefore, the denial of relief in a § 1983 action on the basis of *Heck* and *Preiser* to invalidate/overturn a state criminal conviction where there's merit violates the First Amendment of the United States Constitution. See *Craig v. Witucki*, 624 F.Supp. 558 (1986), "Section § 1983 was intended to provide federal remedy independently ~~of~~ enforceable whether or not it duplicates parallel state remedy."

With the PA Constitution's Article I § 8 principle that, "there is no good faith exception" regarding searches and seizures in arrests, Mr. Randall's continual incarceration should be found to be wholly unconstitutional. And all subsequent events within the criminal prosecution following the arrest up to date violates his Fourteenth Amendment Due Process and Equal Protection Clause rights. See the case of *Stevens v. Rifkin*, 608 F.Supp 710 (1984), "Defamatory statements made by police official in connection with unconstitutional arrest and prosecution which injures reputation of person about whom statements are made constitutes deprivation of liberty interest."

Additionally, the DA of Berks County, the newspaper, and media publicizing Mr. Randall as one of multiple members of a gang in the indictment; yet, provided no proof of such and dropped the charges offering no remedy, violates Mr. Randall's Due Process and Equal Protection rights of the Fourteenth Amendment. Through First Amendment defamation combined with incarceration the prongs of the Stigma Plus Doctrine should be satisfied ~~and~~ invoking protection of Due Process entitling relief. See Restatement of Torts § 652(E) - Publicity Placing Person in False Light; and *Bowe v. Lafayette*, 763 F.2d 295 (1985) "Injury to reputation must be combined with some other deprivation of liberty or property under Fourteenth Amendment for defamation to violate amendment;" also *Paul v. Davis*, 424 U.S. 693 (1976).

Thus this petition should be granted.

Fed. R. Civ. Proc. 9(g)

- 1) A name clearing hearing press release before the nation's news and media entities, with immediate overturned conviction and release.
 - 2) A court order to Facebook, Inc. to reactivate my user page as it was prior to May 15th, 2015 arrest.
 - 3) Issuance of a judgment order against the parties responsible for the defamation of the petitioner in the news and media.
 - 4) A non-disclosed meeting to discuss damages in accordance with the Fed. R. Civ. Proc.
 - 5) Access to the 15-8558 case docket of this court allowing me to retrieve documents originally added as requested relief under Fed. R. Civ. Proc. When I filed.
 - 6) Any and/or all relief that the court deems appropriate in the eyes of justice.
- Granting no relief will result in continual irreparable harm done unto me.

CONCLUSION

I declare under the penalty of perjury that all is true and correct.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ramsey Randall Prose / RAMSEY RANDALL

Date: Nov 24th, 2019