

19-7101

No. _____

ORIGINAL

SUPREME COURT OF THE UNITED STATES

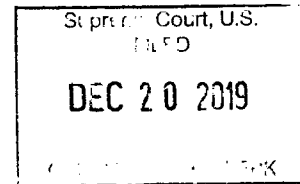
David Nowakowski

Petitioner,

v.

EE Austin and Son, Inc., et al

Respondent.



On Petition for a Writ of Certiorari to
The United States Supreme Court

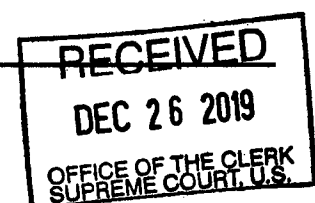
PETITION FOR A WRIT OF CERTIORARI

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I. Questions Presented

Where a plaintiff's position falls within the scope of an open Legislative statement such as **PA Code Title 18 Section 911 (a) (6)**; "in order to successfully resist and eliminate this situation, it is necessary to provide new remedies and procedures". Can the open ended nature of the statement be used to offset long established rules for the achievement of legal doctrine capable of addressing specific threats to person, family, business, community, state, and nation and in the process provide absolute and direct due process to "pro se out of necessity" parties who need to address the courts directly, due to threat from racketeering, inchoate crimes, criminal organizations, and organized crime.

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 A. TO AVOID THE EGREGIOUS DESTRUCTION OF CIVIL RIGHTS BY “RICO” GROUPS THIS COURT SHOULD CLARIFY THE STATE COURT RESPONSIBILITY IN THE RIGOROUS ATTEMPT TO GUARANTEE DUE PROCESS WHERE CONSPIRACY AND TYRANNY DEPRIVE THIS RIGHT AND ALL OTHERS.		
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II. Table of Authorities

Case

Denton v. Silver Stream Nrs and Rehab Ctr, 739 A.2d 571 (Pa. Super. Ct. 1999),

Hunger v. Grand Central Sanitation, 670 A.2d 173 (Pa. Super. Ct. 1996)

Church of Lukumi Babalu Aye, Inc. v. Haileah. 508 U.S. 520

Statute

18 PA Con Stat, Section 911 (a) (6)

Constitutional Provision

United States Constitution, Article III, Section 3

United States Constitution, Article III, Section 2

United States Constitution, Article III, Section 1

United States Constitution, Amendment XIV

United States Constitution, Amendment XIII, Section 1

United States Constitution, Article I, Section 8

United States Constitution, Article I, Section 9

United States Constitution, Article I, Section 10

III. PETITION FOR WRIT OF CERTIORARI

David Nowakowski, domiciled in Erie, Pennsylvania, and pro se petitioner here by petitions the court for a writ of certiorari to review judgment of the Supreme Court of the Commonwealth of Pennsylvania.

IV. OPINIONS BELOW

The decision by the Supreme Court of Pennsylvania denying petitioners “*Petition for Leave to File Petition for Allowance of Appeal Nunc Pro Tunc*”, of the Superior Courts decision denying Appeal.

V. JURISDICTION

Mr. Nowakowski’s “*Petition for Leave to File Petition for Allowance of Appeal Nunc Pro Tunc*” was denied October 24, 2019 and Reconsideration was denied December 11, 2019. Mr. Nowakowski invokes the jurisdiction of the Supreme Court of the United States under 28 U.S.C. Section 1257, having timely filed this petition for a writ of certiorari within ninety days of the Pennsylvania Supreme Court’s judgment.

VI. CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law, which

shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

United States Constitution, Article III, Section 1

The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

United States Constitution, Article III, Section 3

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.

RICO groups are treason.

United States Constitution, Amendment XIII, Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

RICO groups create involuntary servitude

United States Constitution, Article I, Section 8

To provide for calling forth the Militia to execute the Laws of the
Union, suppress Insurrections and repel Invasions;

RICO groups are a militia

United States Constitution, Article I, Section 9

No Title of Nobility shall be granted by the United States: And no
Person holding any Office of Profit or Trust under them, shall,
without the Consent of Congress, accept of any present, Emolument,
Office, or Title, of any kind whatever, from any king, prince, or
Foreign State.

RICO groups are Nascent Monarchs and Esquires for RICO groups

'May' hold a title of nobility for the nascent monarch

United States Constitution, Article I, Section 8

The Congress shall have Power To Lay and collect Taxes

To regulate Commerce....

To coin Money, regulate the value thereof, and of foreign coin,....

*The regulation of favors for RICO groups stands as a system of tender
and tax.*

VII. STATEMENT OF THE CASE

The Pennsylvania Legislature has specifically called for new methods
in the fight against RICO groups. Unfortunately, the method for finding or

creating new defenses is conspicuously absent for those of us who are directly affected by RICO groups. The Pennsylvania Courts need guidance, which should stem from both this petitioners experience and a court capable enough to see the needs represented across the state and nation.

Highlighting this need, Denton v. Silver Stream Nursing and Rehabilitation Ctr., 739 A.2d 571 (Pa. Super. Ct. 1999) specifically points out the possible inability of local courts to deal appropriately with cases involving conspiracy. Over time, clearly the higher courts of Pennsylvania will follow the same corrupt fate.

Here the petitioner has sought to identify and claim civil conspiracy, perpetrated by an organized crime group utilizing the intentional infliction of emotional distress for control of the petitioner in an employment setting. Specifically and novel to all law, here the intentional infliction of emotional distress is achieved once it is clear to the target of a conspiracy that the apparatus causing the distress, is not only “close call” events and accidents, but also the very presence of the conspiracy, more generally referred to as the mob. Knowledge of the mob is literally an emotionally distressing event. This is of course in addition to typical emotional distress case law such as Hunger v. Grand Central Sanitation, 670 A.2d 173 (Pa. Super. Ct. 1996) which states that “for the proposition that a claim for Intention

Infliction of Emotional Distress will stand only when the complained of behavior is so extreme as to go beyond all bounds of decency.” These bounds are later described as “the threat of physical violence because of the appellant’s ‘whistleblower’ activities and that the appellee “conveyed a veiled threat of homicide”. “More succinctly, an allegation of death threats condoned by an employer in retaliation for “ratting” is; if proven at trial, undoubtably the kind that would qualify as outrageous in the mind of the average member of the community.” Denton, Citing *Hunger*, *The mob and the conspiracy at hand*, due to continued threat and attempted murder clearly illustrate that it is outside all bounds of decency, but it also clearly proceeded and proceeds with the knowledge that the courts of Pennsylvania are feckless, operating without grasp of decency will remain silent.

This petitioner has lived in apprehension since 2011. It is a most peculiar apprehension in respect to safety of self, family, friends, the community, state and even the nation. With conspiratorial adversaries a victim is trapped between dangers to one's self and pushing mob style dangers on law enforcement not typically suited for collusive spy craft, a fact the courts of Pennsylvania have failed to recognize. Once a mob family reveals themselves to a victim, as has been the case here, the one question

the courts of Pennsylvania have fundamentally failed to answer in opposition to legislative stature is; “What are targets of the mob to do?”

VIII. REASONS FOR GRANTING WRIT

- a. TO AVOID THE CONTINUES EGREGIOUS
DESTRUCTION OF CIVIL RIGHTS BY “RICO”
GROUPS THIS COURT SHOULD CLARIFY THE
STATE COURT RESPONSIBILITY IN A RIGOROUS
ATTEMPT TO GUARANTEE DUE PROCESS WHERE
CONSPIRACY AND TYRANNY DEPRIVE THIS RIGHT
AND ALL OTHERS.**

The areas of the law which deal with the effect RICO groups have on individuals as with established protected classes, remains under developed because the effected cohorts have difficulty carrying out rigorous legal actions do to the nature of RICO criminals, including their invasion of privacy, elimination of access to assistance, and still worse, their reliance on execution. The speed at which new law is achieved is relevant to this conversation as gender, race, and infirmity-based law came woefully late. As proof of this seemingly ever present lethargicness, simply consider the nations inability to grapple with the underlying cause of mass shootings from both the “apparent” victims and “apparent” aggressors; mental health.

There are then, situations where strongly advising a person to obtain an attorney and requiring legal scruples becomes a due process violation. Where the courts have effectively created a legal system that only works for those isolated from life's greatest challenges. The question remain whether a strong "pro se by necessity" stance, offering more "direct due process" could have brought change to American law faster then examples of protected class would suggest and weather similar inequities can be addressed here via Pa Code Section 911(a)(6).

This petitioner suggests a new classification of protected class for both state and federal action where a conspiracy is present. This new classification would also offer mob targets the ability to bring "pro se by necessity" cases to court, limiting adherence to the perversion of due process created by the attorney based legal system when options for representation are limited. This notion, quite clearly could have been implemented decades ago, for a more clear view of racial and gender injustice.

In a larger sense the ultimate administrative remedy for the mob, generally, is one regulating hierarchical entity, a monarch, which carries specific importance to an American legal system based on an English style, *less* the function of the monarch where the court can not act. Consequently,

once a mob family consolidates power it requires the “People” to install it as a constitutional monarch, there in being the reason for its own creation.

The American body politic at the state and national level has yet to install a “strong man” for the elimination of RICO groups. Further, a traditional state level administrative endeavor would at first stand as a target for mob infiltration, but later surely become a tool of oppression for the groups it was intended to fight, just as the courts have been corrupted here. This leaves only the common person to mount a defense, alone. Without an illustrated guide on “How to Fight Mob Dummies for Regular People” no court can sit in judgment of an individual’s choices, actions, or even court arguments relative to this collusive threat.

The instant action deals with a petitioner, who was forced to cut short the drafting period for a civil complaint, involving conspiracy and the intentional infliction of emotional distress, due to a near miss involving a “set piece” wrong way on a one-way street car-pedestrian “accident”. Five days after the near miss, the petitioner filed a civil compliant in Erie County, Pennsylvania. Without the remaining 200 or so days of refinement, the complaint could not stand against the highly refined “attorney rule of law”. Even with full fulfillment of the Statute of limitations, the compliant likely would have fallen short. Clearly, illustrating that “our” attorney’s have

failed to protect against all contingencies and do not acknowledge the danger of dealing with RICO groups.

Aside from obvious shortcomings of pro se litigants relative to highly refined attorneys, this petitioner has experienced conspiratorial events during the pendency of the filings. The entirety of the instant series of action is polluted by the duress of the conspiratorial RICO group involved, corrupting every breath of the courts involved and illustrating the inability of the Pennsylvania Court system in a sickening way.

There is a series of legal theories presented within the instant series of actions. There are corroborating evidentiary facts. The lower courts may or may not lack the rigor necessary for such a situation and the petitioner may or may not be able to produce legally cognizable lawsuit “stuff”. There is clear lineage of sabotage and violation of the petitioner’s personal effects and spaces beginning in 2011, to the appearance of fentanyl, in a murder attempt on the petitioner in October of 2019. This petitioner was even privy to a discussion of personal interaction with the “Irishman” by the late Dick Carrara, a leading member of the conspiratorial RICO group at hand. Further, the Carrara Organized Crime Family even sunk as far as describing, breaking into a business by removing steel wall panels and a different

business that offered a secret way into the store, where merchandise could be stolen at will.

A pro se litigant is placed further in isolation from the tendency of RICO groups to attack state and federal level personnel. Even the zeitgeist of Erie, Pennsylvania, the local of this conspiracy, is filled with public media names and call signs such as WICU, WSEE, The Erie Sea Wolves, 93.9 The Wolf, and 90.5 WERG, which act as markers for RICO actors. Viewed in sequence, “I see you”, “See”, “See Wolves”, “WOLF”, “WEARG”, these titles illustrate the developmental progressions of mob families. A wearg being a special mythical beast sent by pure evil to destroy mythical good guys. In this context the wearg hunts state and federal personnel. There also happens to be a local property called “Snape Farms”. A snape being a generic mythical creature. This holds special importance, due to one member of the conspiracy making a statement, “Remember that one”, in regard to a snape, during a staff meeting. Still further, The Erie region was showered with political attack ads against Candidate Ron DiNicola, by Candidate Mike Kelly featuring the torture and death of a DEA agent. These items are important because they represent the clear and present danger RICO groups present to the administrative authorities meant to

protect individuals from RICO actors. RICO groups want to kill state and federal personnel.

Sitting in a “pro se by necessity” court the pertinent issue remains, can a court keep a litigant on their toes enough to obtain legally cognizable product. But further, a court may seek to offer a person nearly assassinated by the mob, unlimited opportunities to get the legal aspects correct, specifically due to the ever-present nature of the mob. Importantly, this action was highlighted by a Justice of the Pennsylvania Superior Court asserting that “they are not in any danger” from the conspiratorial parties in this action. In reality this illustrated that the Superior Court Justices have removed themselves from meaningful and actual protection of the body politic and offer limitless room for RICO actors.

There are “times” though sporadic and hopefully far flung where a citizen must speak directly to their government via the court, so as every word may act as a defense against tyrannical aggression. In this case the “pro se-ity” of an individual may not always be required, but is probably likely in order to limit the number of individuals caught within the conspiracy. The circumstances fall within the rubric of defending the nation, specifically from parties invisible to the courts. In a sense the court can not see its own perversion due to its constant adherence to attorney based law.

IX. CONCLUSIONS

This Supreme body may not want to stick its nose in State business, but it seems that section 911 of the Pa code, specifically requests consideration of direction from higher courts but also direction from those directly affected by RICO groups. Further, it seems intuitively obvious that when dealing with RICO groups or mob conspiracies, courts would welcome new and more advanced approaches, especially when they come from some one so much more attuned to logic than them. Then again the stubborn ignorance of the Pennsylvania court system may actually be why people continue to suffer.

In our current climate, a pseudo-protected class could have far reaching ramification for “sexuality” based acts of discrimination, where one cake baker can refuse service, but a concerted effort by all cake bakers to eliminate service for a non-protected class, would bring about a pseudo classification due to the presence of the over arching conspiracy. And ultimately if the discriminated party faced sexuality discrimination of a mafia like nature that reasonably prevents the individual from seeking the aid of law enforcement or attorneys, due to danger to their own families, then the individual would be allowed to draft and act on their own behalf, without the shiny petina of an attorney to alleviate all of your concerns. All

legally cognizable mistakes being covered and repaired automatically under the affirmative defense of duress. The Pennsylvania Courts, seemingly to the chagrin of the Legislature have effectively left the People out in the cold. For this reason, the people of Pennsylvania must be allowed to bring pro se cases dealing with RICO groups, in all of their pro se infamy to the court floor. There are several indications that the courts of Pennsylvania are not examining the appropriate factors relative the RICO victims. “Factors relevant to the assessment of governmental neutrality include the historical background of the decision under challenge, the specific series of events leading to the enactment of the official policy in question, and contemporaneous statements made by members of the decision making body.” Church of Lukumi Babalu Aye, Inc. v. Haileah. 508 U.S. 520 at 540. Even though decorum seems to become meaningless where the mob is present during the pendency of a filing. Frustration in court interactions belies the cover for more penetrating faults in the system of the courts. The Pennsylvania Superior Court’s well constructed, directed, and timed, assertion that “We don’t believe you”, shows the court is not abreast of the legislatures intention to find new methods to fight RICO groups and may not be able to grapple with the notion of a criminal stature invoking civil action. Certiorari is requested in this matter.

This the 20th day of December 2019

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