NO. 19-7894

IN THE SUPREME COURT OF THE UNITED STATES

ORIGINAL

IN RE RENCHENSKI

PETITIONER

V.

SUPERINTENDENT, S.C.I. COAL TOWNSHIP, ET AL.

RESPONDENT(S)

PETITION FOR EXTRAORDINARY WRIT

HABEAS CORPUS

CHARLES S. RENCHENSKI

1 KELLEY DRIVE

COAL TOWNSHIP, PA. 17866-1021

- QUESTION PRESENTED -

DID THE FEDERAL COURT(S) UNLAWFULLY SUSPEND THE WRIT OF HABEAS CORPUS BY RENDERING DECISIONS CONTRARY TO THE UNITED STATES SUPREME COURT RELATING TO: (A) - THE ADEQUACY REQUIREMENT OF A STATUTE; (B) - THE NOTICE REQUIREMNENT OF A STATUTE; (C) - PROCEDURAL DEFAULT; AND (D) – AN EVIDENTIARY HEARING, BY DENYING MR. RENCHENSKI FEDERAL REVIEW?

- TABLE OF CONTENTS -

- EXHIBITS -

- APPENDIX -

- TABLE OF CITATIONS -

CITE	PAGE
O'DELL V. THOMPSON ..... 502. U.S. 995 (1991)	6
OSBORNE V. OHIO ..... 495 U.S. 103 (1989)	17
PARKER V. LEAVEY ..... 417 U.S. 733 (1974)	12
PENNSYLVANIA V. FINLEY ..... 481 U.S. 551 (1985)	20
SLACK V. McDANIEL ..... 529 U.S. 473 (2000)	23
TOWNSEND V. SAIN ..... 372 U.S. 293 (1963)	18, 19-20
UNITED STATES V. GUNDERSON ..... 511 U.S. 39 (1994)	12
WRIGHT V. GEORGIA ..... 373 U.S. 284 (1963)	5

- LOWER FEDERAL COURTS -

CITE	PAGE
KINDLER V. HORN ..... 642 F.3D 398 (3rd CIR. 2011)	9
MARBURY V. PETSOCK ..... 821 F.2D 179 (C.A. 3 [PA.] 1987)	21
UNITED STATES V. WILLIAMS ..... 892 F.2D 296 (3rd CIR. 1989)	24

CITE	PAGE
VILLOT V. VARNER ..... 373 F.3D 327 (C.A. 3 [PA.] 2003)	5
WALTON V. FOLINO ..... 2005 U.S. DIST.LEXIS 25903 (E.D. PA. 2005)	17
WHITE V. BOWERSOX ..... 206 F.3D 766 (8th CIR. – CERT DEN. 531 U.S. 917 (2002))	9

- STATE COURTS -

CITE	PAGE
COMMONWEALTH V. BURKETT ..... 5 A.3D 1260 (PA. SUPER 2010)	10
COMMONWEALTH V. FLANAGAN ..... 854 A. 2D 489 (PA. 2004)	7
COMMONWEALTH V. GLOVER ..... 738 A.2D 460 (PA. SUPER 1999)	22
COMMONWEALTH V. GRANT ..... 813 A.2D 729 (PA 2002)	20
COMMONWEALTH V. GUERISI ..... 433 A.2D 818 (PA. 1982)	25
COMMONWEALTH V. JONES ..... 912 A.2D 268 (PA. 2006)	6-7
COMMONWEALTH V. KARANICOLAS ..... 836 A.2D 940 (PA. SUPER 2003)	22
COMMONWEALTH V. LOBEL ..... 523 A.2D 304 (PA. 1987)	20
COMMONWEALTH V. McBEE ..... 520 A.2D 10 (PA. 1986)	20

- OTHER -

- PETITION FOR AN EXTRAORDINARY WRIT -

Mr. Renchenski, petitioner pro se, respectfully petitions this Honorable Court for an Extraordinary Writ to review the judgments in the lower federal court(s) relating to Mr. Renchenski's first Application for Writ of Habeas Corpus and subsequent Fed.R.Civ.P. Rule 60(b)(6) motion.

- OPINIONS BELOW -

Other than the Magistrate judges' Report and Recommendation(s) Mr. Renchenski has not received even one reasoned opinion from neither the District judge nor the Third Circuit Court of Appeals. (Note: Magistrate judges Report and Recommendations – Appendix "A" and "A-1"; Appendix "B" and "B-1" – District judges' denials; Appendix "C" and "C-1" – Court of Appeals denials; Appendix "D" and "D-1" – United States Supreme Courts' denials.

- JURISDICTION -

Jurisdiction is vested in this Honorable Court pursuant to Title 28 U.S.C. §1651(a), as well as, the United States Constitution, article III, section 1.

- CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED -

United States Constitution article 1, section 9; United States Constitution, Amendments 1, 5, 6, 8, and 14; 28 U.S.C. §2254; and Title 42 Pa. C.S. §9543(b).

- STATEMENT OF THE CASE -

1. In August of 2010, Mr. Renchenski filed a Writ of Habeas Corpus pursuant to Title 42 U.S.C. §2254.

a) – Mr. Renchenski also filed a concurrent Motion for Stay and Abeyance which was granted by the district court to fully exhaust Mr. Renchenski's claims in state court.

2. After resolution of Mr. Renchenski's state post-conviction petition on September 28, 2012, Mr. Renchenski filed an amended Habeas Corpus petition.

3. On March 25, 2015, Magistrate judge Pesto (M.J. Pesto) issued a Report and Recommendation (R.R.) dismissing Mr. Renchenski's habeas petition.

4. On April 24, 2015, Mr. Renchenski filed objections to the R.R.

5. On April 30, 2015, D.J. Gibson dismissed the habeas petition without addressing Mr. Renchenski's objections to M.J. Pesto's (RR) and denied a Certificate of Appealability (C.O.A).

6. On May 11, 2015, Mr. Renchenski filed an Application for C.O.A.

7. On December 4, 2015, the Third Circuit Court of Appeals denied a C.O.A. without filing an opinion.

8. On December 18, 2015, Mr. Renchenski filed an Application for Rehearing which was denied.

9. On May 19, 2016, Mr. Renchenski filed a petition for Writ of Certiorari to the United States Supreme Court which was denied on October 17, 2016.

10. On February 8, 2017, Mr. Renchenski filed a Fed.R.Civ.P. 60(b)(6) motion.

11. On September 29, 2017, D.J. Gibson denied Mr. Renchenski's 60(b)(6) motion without filing an opinion or responding to Mr. Renchenski's objections to M.J. Pesto R.R.

12. Mr. Renchenski timely appealed and was denied a C.O.A. on January 23, 2018. Mr. Renchenski filed for rehearing and was denied on March 26, 2018.

14. On August 21, 2018, Mr. Renchenski filed a petition for Writ of Certiorari which was subsequently denied on or about February of 2019. (Note: Due to circumstances beyond Mr. Renchenski's control he cannot provide the exact dates of some of the courts denials.

- REASONS FOR GRANTING THE WRIT -

In Mr. Renchenski's habeas corpus petition, and in his Rule 60(b)(6) motion, the district court (M.J. Pesto) rendered decisions opposed to the decisions of this Honorable Court, the Third Circuit Court of Appeals and prior district court decisions. Those decisions so departed from the accepted and usual course of judicial proceedings that this Honorable Court's review is appropriate in the interest of justice because the Great Writ of Habeas Corpus was unlawfully suspended by the court(s) decisions.

- INTRODUCTORY STATEMENT -

The Writ of Habeas Corpus lies to address extreme malfunctions in the state courts' criminal processes. In the instant case, there were multiple breakdowns in the states' judicial processes which resulted in Mr. Renchenski being unlawfully denied all state review of his constitutional

claims for relief even though he committed no procedural defaults and did not waive any claims. The district court displayed a wanton disregard for the decisions of this Honorable Court and federal law(s) resulting in Mr. Renchenski being unlawfully denied all federal review of his constitutional claims for relief in violation of article 1, section 9, clause 2, of the United States Constitution. Mr. Renchenski filed a Fed.R.Civ.P. 60(b)(6) motion to address the unfair habeas process, however, that motion was decided by the very same court that committed the abuses in the initial habeas process. Pursuant to title 28 U.S.C. §2244, Mr. Renchenski asserts that he cannot receive a fair and honest review of the substantive facts in the district court which is why the instant application is being filed with this Honorable Court.

I. ARGUMENT(S)

DID THE FEDERAL COURT(S) UNLAWFULLY SUSPEND THE WRIT OF HABEAS CORPUS BY RENDERING DECISIONS CONTRARY TO THE UNITED STATES SUPREME COURT RELATING TO: (A) – THE ADEQUACY REQUIREMENT OF A STATUTE; (B) – THE NOTICE REQUIREMENT OF A STATUTE; (C) – PROCEDURAL DEFAULT; AND, (D) – AN EVIDENTIARY HEARING, BY DENYING MR. RENCHENSKI FEDERAL REVIEW?

1. The instant case spans a time of over Thirty-six (36) years and is extremely complex and convoluted due to the multiple breakdowns in the state judicial processes. It is impossible for Mr. Renchenski to concisely list all of the instances wherein his constitutional rights have been violated. Therefore, a condensed presentation for this courts review and consideration follows:

A) – The United States Supreme Court has been clear that federal habeas review will not be barred unless the state statute/rule used to deny state review was adequate, i.e. "firmly established and regularly followed." Ford v. Georgia 498 U.S. 411, 423-24 (1991)("State practice must be firmly established and regularly followed in order to prevent subsequent review by this court."). In addition, "the adequacy question of a given state procedural rule to bar federal court reaching on merits of a petitioner's claim is a federal question." Wright v. Georgia 373 U.S. 284, 288-89 (1963). Even though the adequacy question is one for the federal court(s) to resolve, no federal court has addressed Mr. Renchenski's claims relating to the adequacy of Pennsylvania statute Title 42 Pa. C.S. §9543(b) as applied to his case.

in M.J. Pesto's March 25, 2015, Report and Recommendation (R.R.) he referenced the adequacy requirement, saying : "Unless Renchenski can show that the Pennsylvania Supreme Court's reliance on Section 9543(b) is not an adequate and independent basis for its decision he cannot avoid procedural default. Renchenski does not do so." (R.R. Pg. 28). Thereafter, the federal court simply ignored Mr. Renchenski's presentation and arguments relating to the adequacy question as if though he never addressed the question. After presenting his arguments, Mr. Renchenski received no reasoned opinion from any reviewing judge relating to the adequacy question even though he clearly raised the issue in his objections to the magistrate judge's R.R., on every appeal, and in his 60(b)(6) motion.

Initially, M.J. Pesto's assumption that §9543(b) could be a "basis" for procedural default is in error for Two (2) reasons: (1) – In Villot v. Varner 373 F.3d 327, 329 (C.A. 3 [PA.] 2003), the Third Circuit stated that: "A motions panel of this court granted a Certificate of Appealability asking counsel to specifically address whether the innocence provision in §9543(a)(2)(iii) is an independent and adequate state procedural ground. We now hold that this provision is a substantive

requirement rather than a procedural rule and cannot therefore give rise to a procedural default of Villot's claims." In Mr. Renchenski's case the Pennsylvania Supreme Court denied Mr. Renchenski state review and placed §9543 under the umbrella of what he had to "plead and prove," i.e. a substantive element of the PCRA, non-procedural, which is governed by §9545. Therefore, for that reason, not exclusively, §9543 cannot be used as a "procedural bar" in the federal courts. Nevertheless, that fact alone only partially addresses the adequacy question as applied to Mr. Renchenski's case.

This court, in O'Dell v. Thompson 502 U.S. 995 (1991), stated that: "... only firmly established state procedural rules impose a bar to adjudication of federal constitutional claims." 502 U.S. at 998. Prior to Mr. Renchenski's case, §9543(b) was never employeed to dismiss a timely filed PCRA nor its subsequent amendment. Before Mr. Renchenski's case, §9543(b) only applied to "original process" filings, i.e. an initial filing of a PCRA petition.

For the sake of clarity, the PCRA's predecessor, the Post Conviction Hearing Act (PCHA) contained no time limitations for filing either an original process PCHA nor its amendment. In 1988 the PCHA was revised and renamed the Post Conviction Relief Act (PCRA) and §9543(b) was added, which provided that the Commonwealth could now assert a prejudice defense to original process PCRA's that were filed years after a petitioner's sentence finality. The reality of the changes were acknowledged by M.J. Pesto in his R.R. at page 18.

From 1988 until 1995 there were still no time limitations for filing of original process PCRA's, or amendments, however, the Commonwealth could now assert a prejudice and potentially have the case dismissed thereby. It wasn't until the 1995 amendment to the PCRA that a statute of limitations was added. The Pennsylvania Supreme Court made it unequivocally clear that the issue of prejudice applied to an "original process" PCRA, saying: "By its very terms, §9543(b) requires

that (1) a claim of prejudice ***must arise*** from a petitioner's ***delay in commencing post-conviction litigation***." (Emphasis added). Com. v. Jones 590 Pa. 202, 912 A.2d 268, H.N. (Pa. 2006). Commencing litigation occurs by filing an original process PCRA. See Com. v. Flanagan 578 Pa. 587, 854 A.2d 489 (Pa. 2004)(Amended PCRA filed ten years after the initial PCRA, was not subject to time-bar "as it did not constitute an ***original process***, but rather, represented a valid amendment to an already-filed timely petition." 578 Pa. at 600. (Emphasis added).

§9543(b) clearly did not apply to amended PCRA's according to the Pennsylvania Supreme Court. In Mr. Renchenski's case, the Pennsylvania Supreme Court cited to *Flanagan*, saying: "The Superior Court, in turn remanded the matter to the PCRA Court, concluding that the 'extension petition' was not a second PCRA petition, but rather, was Appellant's attempt to amend his timely filed original petition. See Renchenski v. Commonwealth, 909 A.2d 898 (Pa. Super 2006))(Table), No. 332 WDA 2004, Slip op. at 5 (Renchenski I) citing Commonwealth v. Flanagan 578 Pa. 587, 604-05, 854 A.2d 489, 499 (2004), for the proposition that 'since original petition was never withdrawn or dismissed, amended petition for post-conviction relief was not subject to PCRA's one-year time limitation,' even though amendment was filed ten years after original petition." *Renchenski* 608 Pa. at 611.

In *Flanagan*, the court granted PCRA review because "the pending PCRA petition will most likely comprise petitioner's sole opportunity to pursue collateral relief in state court." *Flanagan* 854 A.2d at 500. The controlling difference between *Flanagan* and *Renchenski* is that *Flanagan*, the District Attorney filed to dismiss the amended PCRA as "time barred," under §9545. In *Renchenski*, the District Attorney filed to have the case dismissed due to an alleged prejudice to the state, under §9543(b). The PCRA court granted the district attorney's motion to dismiss in 2008, which the Pa. Superior Court affirmed on appeal in 2010. That was the first time in

Pennsylvania that §9543(b) was expanded to now apply to an "amended PCRA." Prior to that point §9543(b) was only employed to dismiss an "original process" PCRA filing.

As evidence that Mr. Renchenski's case promulgated a new application of statute, overruling *Jones*, supra, consider the following facts: The first case to involve the application of §9543(b) to amended PCRA's after *Renchenski* was Com. v. Weatherill 24 A.3d 435 (Pa. Super 2011). In *Weatherill*, the court stated: "While the PCRA court initially denied the Cpommonwealth's request to dismiss, the Commonwealth asked it to reconsider that decision in light of the promulgation on Commonwelath v. Renchenski 2010 Pa. Super 9, 988 A.2d 699. (Pa. Super 2010)."). 24 A.3d at 438. The *Weatherill* court further stated: "In this case, we conclude that *Renchenski* controls." 24 A.3d at 439.

For *Renchenski* to ***control*** and its decision was ***promulgated*** demonstrates that it was now the new standard and not that of *Jones*, supra. The Pennsylvania Supreme Court affirmed the Superior Court's new expanded application of §9543(b). Because it was the first time that §9543(b) was applied to an amended PCRA it could not have been "firmly established and regularly followed," i.e. adequate to bar federal habeas review. Of relevant note, contrary to the holding in *Flanagan*, supra, the court dismissed not only Mr. Renchenski's amended PCRA but also his timely filed original process PCRA. That was a decision that Madam Justice Todd was not comfortable with. She stated that: "I join the majority decision, as I agree and amended Post Conviction Relief Act (PCRA) petition may be dismissed under §9543(b) for prejudicial delay in filing the amendment. What I view as an open question, however, is the degree to which, if at all, claims made in *original* petition survive the dismissal of an amended petition under such circumstances. 616 Pa. at 624, 52 A.3d at 261. (Italic in original)

Even though the district court acknowledged the adequacy requirement it completely ignored the reality that §9543(b) could not be adequate as applied to Mr. Renchenski's case because it was the first time it was ever applied in such a manner. See e.g. Kindler v. Horn 642 F.3d 398, 405 (3rd. Cir. 2011) – Cert. den. 132 S.Ct. 1089 (2012)("The rule of procedure applied to Kindler's case, which mandated the dismissal of an appeal based on claims raised in his post-verdict motions, was a new rule that was not firmly established at the time of his escape, accordingly, that bar is not foreseeable on habeas review."); Wite v. Bowersox 206 F.3d 766, 781 (8th. Cir. – Cert. den. 531 U.S. 917)(2000)(No bar to federal review notwithstabnding alleged violation of state procedural rule because "neither Mr. White nor his attorneys could reasonably have anticipated any such rule in advance of its first application in Mr. White's own case.") Likewise, it was impossible for the pro se Mr. Renchenski to anticipate the new application of §9543(b) in his own case. As such, §9543(b) cannot be deemed "adequate" to deny Mr. Renchenski federal habeas review. (Note: It must be restated that, pursuant to *Villot*, supra, §9543 itself cannot be a procedural bar).

B) – Even though Mr. Renchenski has consistently raised the "Notice Requirement" of a penal statute, no federal court has addressed or referenced the issue. This court has been consistently clear that: "A criminal statute must clearly define the conduct it proscribes. If it does not 'give a person of ordinary intelligence fair notice' of its scope... it denies due process." Bond v. United States 189 L.Ed2d 1, 22, 572 U.S. ___, 2014 U.S.LEXIS 3988 (2014). Mr. Renchenski was denied state review pursuant to a criminal statute, Title 42 Pa. C.S. §9543(b), and Mr. Renchenski previously asserted, and now asserts, that §9543(b) does not provide any notice at all of what it requires regarding amended PCRA's. The text reads as follows:

- Title 42 Pa. C.S. §9543(b) -

> EXCEPTION – Even if the petitioner has met the requirements of subsection (a), the petition shall be dismissed if it appears at any time that because of delay in filing the petition, the Commonwealth has been prejudiced in its ability to respond to the petition or in its ability to retry the petitioner. A petition can be dismissed due to delay in filing by petitioner only after a hearing upon a motion to dismiss.

The above statute references "the petition" without distinguishing "original process" or "amended" PCRA's. In *Jones*, supra, the Pennsylvania Supreme Court stated that an allegation of prejudice "must arise" from a "delay in commencing" litigation. And *Flanagan* stated that "commencing litigation" occurs by filing an "original process." Prior to *Renchenski* there was no mention, or application of §9543(b) to "amended" PCRA's. As can be seen, the above statute is mute regarding amended PCRA's.

In *Renchenski*, the district attorney was asserting that §9543(b) must be applicable to amended PPCRA's due to time concerns in adjudicating the PCRA. in Com. v. Burkett 5 A.3d 1260 (Pa. Super 2010), the district attorney was asserting the exact opposite position, saying: "No specific time frame is contained within the applicable Rules of Criminal Procedure or the PCRA statute relative to the filing of an amended petition..." 5 A.3d at 12776-77. Because of the conflicting positions the Pennsylvania Supreme Court granted Mr. Renchenski review "to address the applicability of Section 9543(b)... to delays in filing amended post-conviction petitions..." *Renchenski* 616 Pa. at 609.

To further demonstrate the unclear language of §9543(b), the Pennsylvania courts initially had to guess at its application. The Pennsylvania Superior Court in *Renchenski* stated: "While the express terms of this section refers to a 'delay in filing,' we conclude that under the unusual circumstances present in this case, the provision should be subordinated to the dominant purpose

of this section..." Com. v.Renchenski 998 A.2d 699, 703 (PS. Super 2010). The Pennsylvania Supreme Court had to "infer" how it applied, saying: "... the intent of the General Assembly... can be inferred from the placement of the exception within §9543..." *Renchenski* 616 Pa. at 618. If two of the state's district attorney's presented diametrically opposed positions on time concerns for filing amended PCRA petitions relative to §9543(b), the Superior Court had to conclude "under the unusual circumstances," and the Pennsylvania Supreme Court had to "infer" what the General Assembly intended, it was impossible for the pro se Mr. Renchenski to understand how, or if, §9543(b) applied to his amended PCRA, or what the statute required or forbade.

In *Renchenski*, the Pennsylvania Supreme Court acknowledged that §9543(b) was unclear, saying: "Hence, as Section 9543(b) is subject to at least two logical yet differing constructions, we find that provision is ambiguous." *Renchenski* 616 Pa. at 621. An ambiguous state statute's application to deny state review to an appellant cannot be a basis to deny federal habeas review. In Bouie v. City of Columbia 378 U.S. 347 (1964), this court stated: "We have recognized... that a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process." 378 U.S. at 351.

When a vague/ambiguous statute is used to deny state review, federal habeas review is required. Beard v. Kindler 558 U.S. 53 (2009)("We have not allowed state courts to bar federal review of claims by invoking new procedural rules without adequate notice...") 558 U.S. at 66. While §9543(b) is not a new "procedural rule" it is a new application in opposition to its prior holding in *Jones*, supra, *Flanagan*, supra. This court has been clear that: "As many decisions of this court make clear, vague statutes suffer from at least two fatal constitutional defects. First, by failing to provide fair notice of precisely what acts are forbidden a vague statute 'violates the first

essential of due process of law'... 'No one may be required at peril of life, liberty, or property to speculate as to the meaning of penal statutes. All are entitled to be informed as to what the statute commands or forbids.' Words which are vague and fluid... may be as much of a trap for the innocent as the ancient laws of Caligula. Secondly, vague statutes offend due process by failing to provide explicit standards for those who enforce them, thus allowing discrimination and arbitrary enforcement." Parker v. Leavey 417 U.S. 733, 744-45 (1974)(Cite omitted). Instantly, *Flanagan* was granted PCRA review while Mr. Renchenski was not, i.e. arbitrary enforcement. Because the federal court did not address the notice requirement, the Writ of Habeas Corpus was unlawfully suspended.

The Pennsylvania Supreme Court had the duty to interpret §9543(b) and its applicability due to its ambiguous nature, however, pursuant to the "rule of lenity," it was required to be applied prospectively and not adversely against Mr. Renchenski, i.e. resolving the ambiguity in Mr. Renchenski's favor. See e.g. U.S. v. Gunderson 511 U.S. 39, 54 (1994)("Accordingly, a court faced with an ambiguous statute in a criminal matter must apply the law of lenity and resolve the ambiguity in defendant's favor."); Com. v. McClintic 909 A.2d 1241, 1246 (Pa. 2006)(Noting that "ambiguity in penal statutes is to be interpreted in favor of defendants."). Because the law of lenity was ignored due process of law was denied to Mr. Renchenski.

C) – In M.J. Pesto's March 25, 2015, R.R., Pg. 48, he concluded his analysis stating that: "Renchenski's Amended Petition should be dismissed without a Certificate of Appealability ***because he procedurally defaulted any claim he could have made by failing to present it properly in the state court.***" (Emphasis added). That determination is contrary to the state court records and federal laws. This court has stated that there is no procedural default unless "the last state court rendering a judgment in the case 'clearly and expressly' states its judgment rests on a state

procedural bar." Harris v. Reed 489 U.S. 255, 263 (1989). The last state court rendering a judgment was the Pennsylvania Supreme Court at Com. V. Renchenski 616 Pa. 608, 52 A.3d 251 (Pa. 2012). That court clearly stated that Mr. Renchenski did not commit any procedural defaults and was not being denied state review based upon any alleged procedural defaults. The court stated that: "We are also persuaded by the Commonwealth's argument that the deliberate placement of Section. 9543(b) within the 'eligibility for relief' portion of the PCRA, See 42 Pa. C.S. §9543, rather than the 'jurisdiction and proceedings' portion, See 42 Pa. C.S. §9545, indicates the Legislature's intent to connect prejudicial delay to the full scope of a petitioner's burden to 'plead and prove' his claims, rather than to the initial determination of timeliness." 616 Pa. at 622. Being non-procedural, §9543(b) is non-jurisdictional as well. That logic and holding is in line with *Villot*, supra, wherein the court determined that §9543 could not be a basis for procedural bar to federal review.

Mr. Renchenski was denied state review based upon §9543(b), an alleged "prejudice to the state," not due to any alleged procedural defaults which are governed by §9545. The controlling fact here is that the Pennsylvania Supreme Court deliberately separated §9543(b) from §9545 in their functions. The court never accused Mr. Renchenski of any procedural defaults. As such, it was clear error for the district court to sua sponte impose a procedural default the state never raise, especially given that timeliness was never an issue in relationship to the filing of Mr. Renchenski's federal habeas petition.

M.J. Pesto, contrary to the facts and the state court record, stated that: "The state courts are not wrong, much less unreasonable, in holding Renchenski responsible for the delay during the period from 1993 and 2003." (March 25, 2015, R.R.). The Pennsylvania Supreme Court granted allowance of Appeal limited to Two (2) questions which it wanted briefed. (Ex. 2). The second question was: "... what obligation, if any, a petitioner has to move the litigation of his petition

forward." *Renchenski* 616 Pa. at 609. That question was designed to specifically address what duty a petition had, if any, to push for the resolution of his pending PCRA petition, i.e. who would be responsible for any delay in litigation of a pending PCRA petition. The Pennsylvania Supreme Court referenced that second question by saying: "Given our conclusion that Section §9543(b) may be applied to amended petitions, we need not reach the second issue for which allocator was granted, namely, what burden a PCRA petitioner bears to move the litigation forward." *Renchenski* 616 Pa. at 623. The Pennsylvania Supreme Court specifically ***did not reach*** the question, i.e. placed no blame on Mr. Renchenski for any delay in litigating the pending PCRA petition. In fact, as shown infra, the state Superior Court undeniably did blame the PCRA court for the delay in litigating Mr. Renchenski's PCRA petition.

Federal law is clear that state court determinations of state court law issues are afforded deference, §2254(e)(1), and bind the federal courts. Johnson v. U.S. 559 U.S. 133, 138 (2010)("...where the highest state court of a state has interpreted a state statute 'we are bound by that court's interpretation of state law, including its determination of the elements."). The Pennsylvania Supreme Court determined that §9543(b) was placed within the PCRA statute as an "element" of what a petitioner had to "plead and prove" and had no link to the jurisdictional elements of §9545.

M.J. Pesto unilaterally blamed Mr. Renchenski for the delay between 1993 and 200, however, that conclusion is in direct conflict with the state courts determinations and state court records. Due to the lack of response from the PCRA court, and potentially new evidence, Mr. Renchenski filed a self-styled document titled "Extension of Post Conviction Relief Petition..." The "extension" was originally dismissed by the PCRA court as an untimely second PCRA petition. After appeals, the Pennsylvania Supreme Court GRANTED Mr. Renchenski's appeal on January

25, 2005, and remanded the matter back to the lower court. See Com. v. Renchenski 581 Pa. 614, 866 A.2d 368 (Pa. 2005)(Ex. 1). On remand, referencing Mr. Renchenski's initial appeal at No. 332 WDA 2004, the Pennsylvania Superior Court issued a memorandum of law filed on August 8, 2006, on page 5, the court stated: "Initially, ***the PCRA court failed to resolve appellants' original PCRA petition***; thus, the court erred in treating the June 2, 2003, 'extension' as an untimely filed serial petition." (Emphasis added). The court also stated: "... we vacate the PCRA court's order dismissing that petition on remand the matter to dispose of Appellant's original petition." (Pg. 6). These affirmations of the court were in 2006 and if Mr. Renchenski had procedurally defaulted any claims or procedures the court would not have ordered the PCRA court "to dispose of Appellant's original petition."

The state record is abundantly clear that the Superior Court blamed the PCRA Court for the delay in litigating Mr. Renchenski's PCRA petition because "it failed to resolve Appellant's original PCRA" and the Pennsylvania Supreme Court did not contradict the Superior Court's conclusion in its 2012 opinion. Therefore, the district courts conclusion that "the state courts are not wrong... in holding Renchenski ***responsible*** for the delay during the period from 1993 and 2003" is clearly a misapprehension of the state court records and facts as announced by the Pennsylvania courts. As late as 2006 the PCRA court was ordered to address Mr. Renchenski's PCRA timely filed and still pending PCRA petition. In addition, the Pennsylvania Supreme Court clearly stated that it "did not reach" on the question of who had the duty to advance a pending PCRA petition.

In Cone v. Bell 173 L.Ed2d 701, 717, (2009), this court concluded that: "... we have no concomitant duty to apply state procedural bars where the state courts have themselves declined to do so." That is because "if, as this court has held, 'district judges have no obligation to act as

counsel or paralegal to pro se litigants... then by the same token, they surely have no obligation to assist attorney's representing the state." Day v. McDonough 547 U.S. 198, 210 (2006). While it true that a district judge may sua sponte raise an issue of a statute of limitations violation, they cannot, after a habeas petition is timely filed, create illusionary procedural defaults for the state that the state never raised. The Pennsylvania higher courts deemed Mr. Renchenski's original and amended PCRA petitions "properly pending" at all relevant times, see e.g. Superior Court memorandum No. 214 WDA 2009, pgs. 2-3, saying: "We determined that the PCRA court should have treated the 'extension' as an attempt to amend his yet unresolved PCRA petition." The Pennsylvania court's, in 2009, deemed Mr. Renchenski's PCRA "properly pending" so it was a misapprehension of fact, a misapplication of law, and contrary to the state court records for M.J. Pesto to conclude that the state courts were "holding Renchenski responsible for the delay between 1993 and 2003."

As a matter of state and federal records, Mr. Renchenski tried to address the topic of delay and prejudice against him but the federal courts ignored his claims as if though he never raised them. In addition the state courts never accusing Mr. Renchenski of any defaults, Mr. Renchenski expounded on Fourteen (14) breakdowns in the state judicial process that resulted in his being denied state review of his constitutional claims. They are as follows: (i) – Mr. Renchenski was denied effective direct appeal counsel, (ii) – It took the PCRA court Four (4) years to appoint PCRA counsel, (iii) – The PCRA court unlawfully accepted a defective withdrawal request from PCRA counsel, (iv) – The PCRA court failed to conduct an independent review of the record during PCRA counsel's withdrawal request, (v) – The PCRA court failed to issue an opinion and order relating to its independent review, (vi) – The PCRA court failed to advise Mr. Renchenski of his post-withdrawal rights, (vii) – The PCRA court failed to appoint new counsel, (viii) – The

PCRA court failed to issue a Rule 907 notice, (ix) – PCRA counsel failed to advise Mr. Renchenski of his post-withdrawal rights (imputed to the state), (x) – The Prothonotary failed, year after year, to list the inactive case for dismissal pursuant to Pa.R.App.P. 3115, (xi) – The Prothonotary failed to "remove the matter" pursuant to Pa.R.Crim.P. 901, (xii) – The PCRA court failed to supervise its personnel, (xiii) – The PCRA court failed to review the contents of PCRA counsel's withdrawal request to ensure compliance with the mandates outlined in *Turner/Finley*, and (xiv) – The PCRA court erred in denying Mr. Renchenski his right to speak during the motion to dismiss hearing.

Had the state courts and/or its personnel obeyed even one of the above-enumerated requirements Mr. Renchenski's PCRA would not have remained pending in the dockets unresolved for years as it did. The only brief mention of the above-enumerated errors by M.J. Pesto was on Pg. 18 of M.J. Pesto's R.R. wherein he acknowledged that: "Judge Reilly did not issue an order dismissing the petition, nor did he appoint new counsel." The state courts never addressed the merits of Mr. Renchenski's claims because multiple breakdowns in the state judicial process which resulted in his initial PCRA petition remaining in the dockets unresolved.

Due to the many breakdowns in the state's judicial proceedings any alleged delay could not have even been accredited to Mr. Renchenski. See e.g. Walton v. Folino 2005 U.S.Dist.LEXIS 25903 (E.D. Pa. 2005("Where state courts never addressed a claim in inmates post-conviction petition and the inmates appeal remained pending, procedural default did not bar federal habeas petition, because the futility arose from the states own inordinate delay and refusal to process and hear the inmates properly filed appeal.") That is **exactly** what happened in Mr. Renchenski's case. The procedural default doctrine does not apply if "(1) the petitioner effectively complied with the state rule." Osborne v. Ohio 495 U.S. 103, 124 (1999).

Initially, there were no procedural defaults committed by Mr. Renchenski. Mr. Renchenski complied with every requirement of the PCRA Statute, Rules of Appellate Procedure, and Rules of Criminal Procedure, etc., however, all the breakdowns in the courts judicial processes resulted in Mr. Renchenski's PCRA remaining unresolved until he filed his self-styled "extension" in 2003.

As seen in all the various state court records, there is not one judicial opinion referencing anywhere where Mr. Renchenski procedurally defaulted anything or alleged that Mr. Renchenski "failed to present his claims" as alleged by M.J. Pesto. The states motion to dismiss due to an alleged prejudice to the state had to be resolved before Mr. Renchenski could argue his constitutional claims before the court. Because the Pennsylvania Supreme Court granted the district attorney motion to dismiss Mr. Renchenski never had the opportunity to have his constitutional claims adjudicated. The fact that Mr. Renchenski never had the opportunity to have his claims adjudicated does not mean that he committed any errors. The federal courts failed to ascertain the controlling facts relating to exhaustion and procedural default and the denial of Mr. Renchenski's habeas petition was an unlawful suspension of the Writ of Habeas Corpus.

D) – At no time did the federal courts address the question of whether or not an evidentiary hearing was required even though Mr. Renchenski consistently raised the issue. This court has been unwavering in its ruling when a federal hearing is mandatory. The criteria was first announced in Townsend v. Sain 372 U.S. 293 (1963). In sum, the *Townsend* court concluded that "where the facts are in dispute, the federal habeas court must hold an evidentiary hearing if the federal applicant did not receive a full and fair evidentiary hearing in the state court, either at the time of trial or in a collateral proceeding. In other words, a federal evidentiary hearing is required unless the state-court trier of fact has after a full hearing reliably found the relevant facts." 372 U.S. at 312 (Emphasis added).

There are definitely multiple "disputed facts" relating to whether or not Mr. Renchenski is guilty of first degree murder and trial counsel's effectiveness which have never been addressed by any state court at any level. *Townsend* was partially overruled, on other grounds, by Keeney v. Tamayo-Reyes 504 U.S. 1 (1992). The *Keeney* court announced that the "cause and prejudice" standard, rather than the "deliberate bypass" standard is the correct standard for excusing a habeas petitioner's failure to develop a material fact in state court proceedings. 504 U.S. at 5-6. All other facets of *Townsend* remained intact.

The *Keeney* court announced that: "Section 2254(d) is not, in the strict sense, a codification of our holding in Townsend. The limited circumstances in §2254(d) are those in which facts found by a state court are not presumed correct. But the two are obviously intertwined. If a habeas petitioner fulfills one of the Townsend requirements he will be entitled to a hearing, and by virtue of fulfilling a Townsend requirement he will necessarily have also fulfilled one of the §2254(d) requirements, so that at his hearing the presumption of correctness will not apply. On the other hand, if a petitioner has not fulfilled one of the Townsend requirements he will generally not have fulfilled the corresponding §2254(d) requirements also, so he will be entitled to no hearing nor the exception from the presumption of correctness. Townsend and §2254(d) work hand in hand." 504 U.S, at 20-21.

Mr. Renchenski was, and is, entitled to a federal evidentiary hearing in that he qualified for not just one of the *Townsend* requirements but Five (5) of them, i.e. (1) – The merits of the factual dispute were not resolved in the state court hearing, (2) – The factual determination is not fairly supported by the record, (3) – The fact-finding procedure employed by the state was not adequate to afford a full and fair hearing... (5) – The material facts were not adequately developed in the state-court hearing, and (6) - For any reason it appears that the state court trier of fact did not afford

the habeas applicant a full and fair fact hearing." *Townsend* 372 U.S. at 313. As shown, supra, Mr. Renchenski, through no fault of his own, never had even one opportunity to present any of his allegations of trial counsel's ineffectiveness in any state or federal court.

In a very strict sense, in arguendo, Mr. Renchenski may have had one fleeting opportunity to present claims of trial counsel's ineffectiveness to the state court, i.e. during the direct review proceedings. In the Pre-Grant era, Com. v. Grant 813 A.2d 726 (Pa. 2002), allegations of trial counsel's ineffectiveness were required to be raised on direct appeal when counsel, other than trial counsel, was appointed. In Pennsylvania v. Finley 481 U.S. 551 (1985), the court announced that the Due Process Clause of the Fourteenth Amendment guaranteed effective counsel on an appellant's "first appeal as of right." 481 U.S. at 555.

Initially, attorney Allen Welch, non-trial counsel, was appointed to filed Mr. Renchenski's direct appeal, however, before he actually filed the direct appeal trial counsel was reappointed to file the direct appeal and actually filed the direct appeal. Trial counsel did not raise his own ineffectiveness on direct appeal even though he technically could have. See e.g. Com. v. Lobel 523 A.2d 304, 307 (Pa. 1987)("At the conclusion of this testimony, and after closing arguments had been made by Lobel's counsel... motions were filed by trial counsel, asserting his own ineffectiveness and, after these were heard by the court en banc, a new trial was granted on the ground that Lobel had been ineffectively assisted at trial."); Com. v. McBee 520 A.2d 10, 13 (Pa. 1986)("When appellate counsel asserts a claim of his own ineffective assistance of counsel on direct appeal, the case should be remanded for the appointment of new counsel.").

Because direct appeal counsel failed to raise his own ineffectiveness on direct appeal Mr. Renchenski was denied his one and only venue in which to challenge trial counsel's effectiveness while being represented by constitutionally required effective counsel. The fact that the trial court

reappointed trial counsel to file the direct appeal, after non-trial counsel was appointed, qualifies as "governmental interference" that impeded Mr. Renchenski's ability to comply with the state rule that trial counsel's effectiveness must be raised on direct appeal. The state court's action of reappointing trial counsel to file a direct appeal provides ample excuse for any alleged procedural default at this stage of the proceedings, or any subsequent proceedings, including the PCRA venue. Se e.g. Marbury v. Petsock 821 F.2d 179, 184 (C.A. 3 [PA.] 1987)("The courts also suggested last term that 'some interference by officials' which 'made compliance impractical' would constitute cause, under the cause and prejudice standard to excuse a procedural default." Quoting Murray v. Carrier 477 U.S. 478, 488 (1986). While counsel is not required, or expected, to raise his own ineffectiveness, Masaro v. U.S. 538 U.S. 500, (2003) it was both technically and lawfully permitted in Pennsylvania at the time of Mr. Renchenski's direct appeal for trial counsel to raise his own ineffectiveness.

In the post-Grant era, an appellant was required to wait until PCRA collateral attack to raise trial counsel's ineffectiveness. The only difference was that now an appellant had no constitutional right to effective assistance of counsel. The act of the court reappointing trial counsel, after initially appointing non-trial counsel on direct appeal, deprived Mr. Renchenski of his right to be represented by constitutionally mandated effective counsel to raise his claims of ineffective assistance of trial counsel. Mr. Renchenski was now compelled to "attempt" to raise his claims pro se and/or with appointed PCRA counsel who had no mandate to be effective pursuant to the U.S. Constitution.

In the instant case, it was precisely at this PCRA collateral attack level where all of the court breakdowns occurred which, ultimately, denied Mr. Renchenski state review of his constitutional claims for relief. Mr. Renchenski believes it expedient to present some facts relative thereto for

the court. After a full four (4) years had passed the PCRA court finally appointed attorney Ryan to file an amended PCRA petition. A year later, without any communications with Mr. Renchenski, filed a defective and unlawful withdrawal request and asked for $85 for his services. (Ex. 3). Mr. Renchenski does not have the space herein to list all of the errors individually, however Mr. Renchenski prays this court would allow a follow-up brief to be filed to address all of the errors.

For the instant matter, attorney Ryan was required to file a *Turner/Finley* "no-merit" letter in order to lawfully withdraw. See e.g. Com. v. Glover 738 A.2d 460, 464 (Pa. Super 1999)("When seeking to withdraw representation from representation from a PCRA appeal, counsel must file a 'no-merit' letter that (1) details the nature and extent of counsel's review; (2) lists each issue the petitioner wishes to raise; and (3) explains why those issues lack merit.")(Underlining added). See also, Com. v. Karanicolas 836 A.2d 940, 947 (Pa. Super 2003)("Before attorney can be permitted to withdraw from representing petitioner under PCRA, Pennsylvania law requires counsel to file and obtain approval of a 'no-merit' letter pursuant to *Turner/Finley*.")(Underlining added).

The *Turner/Finley* letter is not optional and the court was required to deny counsel's defective withdrawal request. See e.g. Com. v. Mosteller 633 A.2d 615, 617 (Pa. Super 1993)("Counsel's 'no-merit' letter pursuant to the PCRA seeking to withdraw as attorney for petitioner convicted of first degree murder was legally insufficient and should not have been accepted by the PCRA court, where counsel did not explain each issue the petitioner wanted the PCRA court to review, and did not explain why each issue so identified were meritless."). As can be seen in exhibit 3, PCRA counsel did not file a lawful *Turner/Finley* "no-merit" letter and the PCRA court erred in granting PCRA counsel's defective request. That initial error allowed all of the subsequent court breakdowns to transpire, thereby prejudicing Mr. Renchenski.

In addition to counsel's, and the court's initial errors, Mr. Renchenski feels it is imperative to show one other of the courts breakdowns to demonstrate why it was solely court breakdowns which caused all of the delays in litigating Mr. Renchenski's PCRA petition. There are Fourteen (14) breakdowns, however, this is the last one presented herein:

- Pa.R.App.P. Rule 3115 -

> The Prothonotary shall list for general call at the first session held after September 1st of each year all matter which appear inactive for an unreasonable period of time and shall give notice thereof to the parties as provided by Rule 901(c) of the Rules of Judicial Administration (Prompt Disposition of Matters: Termination of Inactive Cases). If no action is taken or objection is docketed in the matter prior to commencement of the general call, the Prothonotary shall remove the matter from the list and enter an order as of course marking the matter "terminated under Pa.R.J.A. 901." (Underlining added)

This court has announced that when "regulations contain mandatory language that procedures 'shall' or 'must' be employed... creates a liberty interest. Hewitt v. Helms 459 U.S. 460, 471-72 (1983). Mr. Renchenski had a due process right under the United States Constitution to have the above-quoted rules followed, as well as, that PCRA counsel be promptly appointed and that the various state procedures/polices/mandates be followed by court personnel. Mr. Renchenski was repeatedly denied his due process rights in the state court proceedings.

For some unexplainable reason, thus far, the federal courts have ignored every presentation of fact that Mr. Renchenski has brought forward to the federal courts. If the federal court ignores every reason why federal review is required it could only allege, in arguendo, that the underlying claims lack merit and federal review would be a waste of expense and time and, therefore, denial of federal review would be warranted as all the violations would be harmless error. §2254(e)(2)(B). Mr. Renchenski, in his habeas filing, his 60(b)(6) motion, and in all of appeals therefrom, demonstrated that his claims had "arguable merit" warranting federal review pursuant to this court. See Slack v. McDaniel 529 U.S. 473 (2000); Gonzalez v. Crosby 545 U.S. 524 (2005). While there

are various claims that Mr. Renchenski presented in his federal petitions, only Two (2) can be briefly mentioned herein due to the space limitations of this type of filing. Mr. Renchenski prays this Honorable Court to allow Mr. Renchenski to brief all of his constitutional claims for relief in a subsequent filing. Please consider the following two examples:

i) - Mr. Renchenski began drinking alcohol and smoking marijuana somewhere around 2p.m. – 3 p.m. on the day of the crime. Mr. Renchenski continued to use both substances until he departed Reese's Bar at approximately 1:30 a.m. – 1:45 a.m. Even though trial counsel was aware of Mr. Renchenski's approximately 11 ½ hours of drug and alcohol abuse he never presented an intoxication defense at trial to lessen the degree of guilt. This fact is even more relevant in that, at trial, Mr. Renchenski was admitting to being the cause of the victims death but was arguing that he didn't commit first degree murder.

In Com. v. Whitney 512 A.2d 1152, 1155 (Pa. 1986), the court stated that: "Voluntary intoxication is not a defense to a criminal charge. However, evidence of alcohol and drug intoxication may be introduced in a murder case to negate the element of specific intent and thereby lessen the degree of murder."). See also, U.S. v. Williams 892 F.2d 296, 303 (3rd. Cir. 1989)("... intoxication can negate specific intent."). Mr. Renchenski has many facts that he would like to present regarding intoxication but space does not allow so a highly condensed presentation follows:

Trial counsel was well aware that Mr. Renchenski was drinking and using marijuana for approximately 11 ½ hours before the crime. In a pretrial hearing counsel questioned Mr. Renchenski about his inability to remember, saying: "KK – Does your – vagueness, do you have any explanation of that? Is it because of the lapse of time? Is it because of the amount you had to drink? Do you know why you don't remember exactly? CR – Too much to drink." (KK = Kim

Kesner, CR = Charles Renchenski). In addition to their direct knowledge of Mr. Renchenski's alcohol/drug use from Mr. Renchenski, a deposition was conducted with Dr. Finken, who also provided many exculpatory statements which trial counsel failed to introduce at trial. Mr. Renchenski originally pled guilty and was sent to Warren State Hospital for an evaluation before a degree of guilt hearing. That deposition was conducted by pretrial counsel, not trial counsel.

Even though Dr. finken's deposition was available to trial counsel they did not use that deposition, nor did they consult with Dr. Finken personally relating to his conclusions. That lack of investigation was ineffective assistance. See e.g. Com. v. Guerisi 443 A.2d 818, 821 (Pa. 1982)(Counsel was ineffective for his "failure to present a defense to pursue appellant's intoxication at time of the incident as a way to negative specific intent required for first degree murder."). As a few example, Dr. Finken made such conclusions as: "A – I could see having his alcohol stupored brain..."; "A – Either way, with that much booze in him..." In Dr. Finken's final analysis he included the marijuana abuse, saying: "A – Diagnosis – Final disposition, Explosive Personality; Two, Drug Dependane, Marijuana; and..."

During trial counsel did not raise the topic of alcohol consumption and did not ask Mr. Renchenski even one question relating to his state of intoxication. Even Magistrate judge Pesto acknowledged that: "When Renchenski testified at trial there was no mention of twenty beers nor mention of any marijuana use at all." And, "As for a toxicologist, any foundation for an expert opinion of voluntary intoxication was removed by Renchenski's own trial testimony." (March 25, 2015, R.R., Pgs. 34, 36). One of the Foundations for ineffectiveness of trial counsel **was** counsel's failures to present any evidence at all relating to Mr. Renchenski's intoxication and state of mind at the time of the crime.

ii) – The instant case is a crime wherein there was a "heat-of-passion" defense warranted. Mr. Renchenski and the victim were having sexual foreplay, and when Mr. Renchenski refused to have intercourse with the victim she tried to rip off his testicles, saying, "If you don't fuck women you don't need these." At that point Mr. Renchenski's mind went blank, he snapped out, hit the victim, and choked her. (That is a severely condensed version). While it can't be developed here, that defense should have been fully presented to the jury, in conjunction with the fact that there was a coerced statement employed at trial. This court in Jones v. U.S. 526 U.S. 227, 264 (1988) stated that: "The fact at issue... the presence or absence of the heat of passion has been, from the inception of the common laws of homicide, the single most important factor in determining the degree of culpability attaching to illegal homicide." – Quoting Mullany v. Wilbur 421 U.S. 684, 696 (1975) As the "single most important factor" counsel had a duty to present that defense competently to the jury.

Dr. Finken made expert conclusions like: "A - ... I think he would be overcome by an intense emotional reaction in which he loses control of rational behavior."; "A - ... There was no opportunity for him to pull back and think it over..."; "A - ... You know, one thing led to another and he grabbed her, but I think it was purely impulsive, highly emotionally driven, not guided by, you know, thinking – like conscious rational thinking."; "A – There had to be at least a period of at least a few moments to be able to back off, but I don't think he had that opportunity right at that moment."; "Q – Not a premeditated act? A – It doesn't sound that way to me..." Neither Dr. Finken, nor his deposition were introduced that the trial. There is much more that Mr. Renchenski would like to present, but Mr. Renchenski is simply out of space.

- CONCLUSION -

In Lonchar v. Thomas, the United States Supreme Court asserted that the denial of habeas corpus was a serious matter for it forever bars a person from federal review of constitutional claims. In the instant case, Mr. Renchenski not only was unconstitutionally denied federal review, he was also unconstitutionally denied state review of his constitutional claims. Mr. Renchenski, even though he did not commit even one procedural default, nor had he waived any claims, still had not received even one appellate review of his constitutional claims for relief. The interest of justice and federal law dictates that Mr. Renchenski is entitled to at least one review.

WHEREFORE, Mr. Renchenski prays this Honorable Court to GRANT the instant Application for Extraordinary Relief and ORDER the relief this Honorable Court deems appropriate and just.

Date: February 2, 2020

Respectfully Submitted,

Charles S. Renchenski

Charles S. Renchenski, pro se