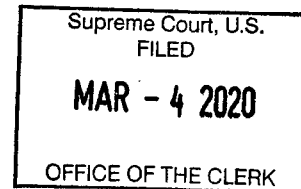


19-8013
No. _____

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ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



KIETH ALEXANDER — PETITIONER
(Your Name)

vs.

THOMAS mcgintley RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Pennsylvania Supreme Court

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

PETITION FOR WRIT OF CERTIORARI

Kieth Alexander

(Your Name)

1 Kelley Drive, Coal Township, PA 17866
(Address)

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. WHETHER THE COURT ERRED BY DENYING DEFENDANT'S PCRA PETITION/CORAM NOBIS, ALLEGING COUNSEL INEFFECTIVE AT SENTENCING BY NOT RAISING ILLEGAL SENTENCE FOR THE CHARGE OF AGGRAVATED ASSAULT, ATTEMPT MURDER, CARRYING FIREARMS WITHOUT A LICENSE, CARRYING A FIREARM IN PUBLIC STREET, OR PLACE, POSSESSING AN INSTRUMENT OF CRIME, SIMPLE ASSAULT, RECKLESSLY ENDANGERING ANOTHER PERSON AND CRIMINAL CONSPIRACY. THE PETITIONER AVERS THAT HIS 26 AND A HALF TO 56 YRS IS ILLEGAL AND UNCONSTITUTIONALLY IMPOSED. STATE COURT'S REFUSAL TO, APPOINT COUNSEL UNDER 18 U.S.C. § 3006(A)(2) PETITIONER IS - "MODERATELY" (RETARDED) SEE APPENDIX-(C) OF I.Q. SCORE OF (68) IN THE DEFICIENT RANGE, THIRD GRADE READING LEVEL, AND SECOND GRADE MATH LEVEL SEE APPENDIX-(C) WHICH PETITIONER DID "HIMSELF" THIS WHOLE PETITION, BY VIEWING ALL OTHER PETITIONS "JAIL HOUSE ATTORNEYS" HELP PETITIONER WITH

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:

1. FOR THE COMMONWEALTH OF PENNSYLVANIA
2. ANNE PALMER, ASSISTANT DISTRICT ATTORNEY
3. PHILADELPHIA DISTRICT ATTORNEY'S OFFICE
4. _____ THREE PENN SQ
PHILA, PA 19109

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
STRICKLAND V. WASHINGTON 466 U.S. 668, 687, 104 (1984) <u>PAGE (5)</u>	(5)
DARRYL PIERCE V. UNITED STATES 89 CR 176 (MD. PA, RAMBO. J).	(6)

STATUTES AND RULES

(18) U.S.C. § 3006(A)(2) ii PA

(42) Amended AS sec 331.17, 9756
§ 9721 (c) PA.C.S.A. Page 3

(18) PA.C.S., sec 2702 § 6106 & 6105 Page 4

OTHER

U.S. CONST. Amend. 14, § 1

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 N/A; 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 N/A; 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 SUPERIOR COURT OF PENN. or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the SUPREME COURT OF PENN. 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.

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JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was N/A.

☐ 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: N/A, 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 N/A (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 Feb 4, 2020.
A copy of that decision appears at Appendix B.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PURSUANT TO THE 1941 PENNSYLVANIA PAROLE LAW 61 P.S. AMENDED AS SEC 331.1, SEC 9756 (C) AND 9721 (C) UNDER THE SENTENCING CODE A PLEA IS A - CONTRACT AND A DEFENDANT, HAS (A) CONSTITUTIONALLY PROTECTED LIBERTY INTEREST IN THE STATE COMPLYING WITH EACH ELEMENT OF A "PLEA" CONTRACT UTILIZED TO INDUCE A "GUILTY PLEA" AND THE INHERENT WAIVER OF SIGNIFICANT RIGHTS, A PLEAS CONTRACT ENTERED INTO BY AN AGENT DISTRICT ATTORNEY OF THE - STATE MUST BE FULLFILLED AND CANNOT SUBSEQUENTLY, BE REPUDIATED, IF THE HONORABLE COURT VERIFY. THE ONLY TWO "NEGOTIATED PLEAS," WHICH WAS "SPIT" WERE, A BURGLARY #CP-8905-4345 AND A ROBBERY - #CP-9403-0045, WITH #CP-51-CR-0702301-2002, FOR THE "THIRD STRIKE" WHICH IS AN "ILLEGAL SENTENCING". U.S. CONST. AMEND. 14 § 1: NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIBERTY WITH OUT DUE - PROCCESS OF LAW

(3)

STATEMENT OF THE CASE

PROCEDURAL HISTORY ON MARCH 19, 2002, THE PETITIONER WAS CHARGED WITH ONE, TERRANCE HOLMES WITH, AGGRAVATED - ASSAULT, ATTEMPT MURDER, CARRYING FIREARMS WITHOUT A LICENSE, CARRYING A FIREARM IN PUBLIC STREET OR PLACE, POSSESSING AN INSTRUMENT OF CRIME, SIMPLE ASSAULT, RECKLESSLY ENDANGERING ANOTHER PERSON AND CRIMINAL CONSPIRACY. ON APRIL 1, 2005, THE PETITIONER WAS "FOUND GUILTY" OF ALL CHARGES, 18 PA.C.S. SEC 2702, 18 PA.C.S. SEC 2702, 18 PA.C.S. SEC 6106, AND 18 PA.C.S. SEC 6105.

ON MARCH 20, 2005, BEFORE YOUR HONOR CHRIS WOGAN DEFENDANT WAS SENTENCED TO A MANDATORY MINIMUM THIRD STRIKE TO 25 TO 50 YEARS FOR AGGRAVATED ASSAULT AND A CONSECUTIVE 1 AND A HALF TO 6 YRS FOR CARRYING A FIREARM WITHOUT A LICENSE, FOR A TOTAL OF 26 AND A HALF TO 56 YRS. THE DEFENDANT "WAS NOT SENTENCED TO NO FURTHER PENALTY" FOR ATTEMPT, CRIMINAL CONSPIRACY TO COMMIT MURDER.

COUNSELOR FOR THE DEFENDANT SHOULD HAVE RECOGNIZED THE SENTENCING CODES AND CONTESTED THE SENTENCE IMPOSED BY THE COURT, THE "P.S.R.A. COURT FAILED" TO RECOGNIZE THAT "DEFENDANT WAS NOT A CAREER CRIMINAL" AND SHOULD NOT HAVE BEEN SENTENCED UNDER THE THIRD STRIKE ACT.

(H)

REASONS FOR GRANTING THE PETITION

IF THE COURT VERIFY THE "ONLY TWO NEGOTIATED" -
PLEAS, WHICH WAS "SPLIT" WERE, A "BURGLARY" # CP-8905-4345 -
AND A "ROBBERY" # CP-9403-0045, WITH # CP-51-CR-0702301-2002
FOR THE "THIRD STRIKE" AND GAVE ANOTHER 5-10 YEARS -
FOR PROBATION VIOLATION FOLLOWING AFTER THE 26-AND-A-
HALF TO, 56 YEARS ON THE "NEGOTIATED PLEA" FOR ROBBERY,
#CP-9403-0045 BY THE SAME JUDGE "yes".

(SEE-ATTACH) AS ("EXHIBIT") APPENDIX-(d)
"PETITION-THAT WAS DENIED, BY
"PENNSYLVANIA SUPREME COURT."

INEFFECTIVE ASSISTANCE FOR MY ATTORNEY
NOT CHECKING "CONVICTIONS BEFORE SENTENCING"
MAY 20, 05 STRICKLAND V. WASHINGTON 466 U.S. 668,
687, 104 (1984)

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WHEREFORE, THE UNITED STATES HONORABLE SUPREME COURT SHOULD VACATE THE JUDGMENT OF SENTENCE OF THE "COMM - PRAS. " CRIMINAL, COURT OF PHILADELPHIA, PENNSYLVANIA, FOR THIS, ILLEGAL SENTENCE WAS FORCE ON DEFENDANT. SEE

DARRYL PIERCE V. UNITED STATES
89 CR 176 (MD P.A., RAMBO, J).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Keith Alexander

Date: MARCH 3, 2020