

APPENDIX "A"

CLD-069

December 19, 2019

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **19-2638**

PERCY ST. GEORGE, Appellant

VS.

SUPERINTENDENT DALLAS SCI, ET AL.

(E.D. Pa. Civ. No. 2:18-cv-00905)

Present: **JORDAN, KRAUSE and MATEY, Circuit Judges**

Submitted is appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1) in the above-captioned case.

Respectfully,

Clerk

ORDER

St. George's request for a certificate of appealability is denied. Jurists of reason would agree, without debate, with the District Court that St. George's petition was untimely. See 28 U.S.C. §§ 2244(d)(1), 2253(c). St. George has also not arguably demonstrated any basis for equitable tolling because he has not shown "that he has been pursuing his rights diligently, and . . . that some extraordinary circumstance stood in his way and prevented timely filing." See Holland v. Florida, 560 U.S. 631, 649 (2010) (internal quotation marks and citation omitted).

By the Court,

s/ Kent A. Jordan
Circuit Judge

Dated: January 3, 2020
MB/cc: Percy St. George
Max C. Kaufman, Esq.
Ronald Eisenberg, Esq.



A True Copy:

Patricia S. Dodsweit

Patricia S. Dodsweit, Clerk
Certified Order Issued in Lieu of Mandate

APPENDIX "B"

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PERCY ST. GEORGE

CIVIL ACTION

v.

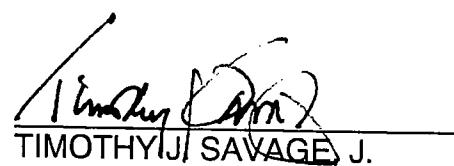
MAHALLY, THE DISTRICT ATTORNEY
OF THE COUNTY OF PHILA., and
THE ATTORNEY GENERAL
OF THE STATE OF PA.

NO. 18-905

ORDER

NOW, this 20th day of December, 2018, upon consideration of the Petition for Writ of *Habeas Corpus* (Document No. 1), the Report and Recommendation filed by United States Magistrate Judge Thomas J. Rueter (Document No. 4), and no objections to the Report and Recommendation having been filed, and after a thorough and independent review of the record, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Thomas J. Rueter is APPROVED and ADOPTED;
2. The Petition for Writ of *Habeas Corpus* is DISMISSED; and
3. There is no probable cause to issue a certificate of appealability.



TIMOTHY J. SAVAGE J.

ENT'D DEC 20 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PERCY ST. GEORGE

CIVIL ACTION

V.

LAWRENCE MAHALLY, et al.

NO. 18-905

ORDER

AND NOW, this _____ day of _____, 2018,

upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of Thomas J. Rueter, United States Magistrate Judge, it is hereby

ORDERED

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **SUMMARILY DISMISSED**;
2. Petitioner's claims are **DISMISSED WITH PREJUDICE** as barred by the statute of limitations, 28 U.S.C. § 2244(d); and
3. A certificate of appealability is not granted.

BY THE COURT:

TIMOTHY J. SAVAGE. J.

APPENDIX "C"

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

21400 UNITED STATES COURTHOUSE
601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE

215-597-2995

January 3, 2020

Ronald Eisenberg, Esq.
Office of Attorney General of Pennsylvania
1600 Arch Street
Suite 300
Philadelphia, PA 19103

Max C. Kaufman, Esq.
Philadelphia County Office of District Attorney
3 South Penn Square
Philadelphia, PA 19107

Percy St. George
Dallas SCI
1000 Follies Road
Dallas, PA 18612

RE: Percy St. George v. Superintendent Dallas SCI, et al
Case Number: 19-2638
District Court Case Number: 2-18-cv-00905

ENTRY OF JUDGMENT

Today, January 03, 2020 the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/ Marianne
Legal Assistant
267-299-4911

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **19-2638**

PERCY ST. GEORGE, Appellant

VS.

SUPERINTENDENT DALLAS SCI, ET AL.

(E.D. Pa. Civ. No. 2-18-cv-00905)

SUR PETITION FOR REHEARING

Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN, HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, and PHIPPS, Circuit Judges

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is DENIED.

BY THE COURT

s/ Kent A. Jordan
Circuit Judge

DATED: January 27, 2020
MB/cc: Percy St. George
Max C. Kaufman, Esq.

APPENDIX "D"

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PERCY ST. GEORGE

v.

LAWRENCE MAHALLY, et al.

KATE BARKWAN, Clerk
By _____ Dep. Clerk

CIVIL ACTION

FILED

NOV 30 2018

NO. 18-905

REPORT AND RECOMMENDATION

THOMAS J. RUETER
United States Magistrate Judge

November 30, 2018

Presently before the court is a pro se petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. Petitioner is incarcerated at the State Correctional Institution located in Dallas, Pennsylvania. For the reasons that follow, the court recommends that the petition be **SUMMARILY DISMISSED** as untimely.

I. BACKGROUND

Following a jury trial in December 1998, petitioner was convicted of two counts each of robbery, kidnapping, false imprisonment, possessing instruments of crime, and criminal conspiracy. See Commonwealth v. St. George, No. CP-51-CR-403962-1997 (C.P. Phila. 1998).¹ Petitioner was sentenced in April 1999 to an aggregate term of ten to twenty years' imprisonment.

Petitioner appealed his judgment of sentence to the Pennsylvania Superior Court, which affirmed on February 15, 2002. Commonwealth v. St. George, 797 A.2d 1026 (Table),

¹ Additional charges against petitioner were brought under separate docket numbers. See Commonwealth v. St. George, No. CP-51-CR-405232-1997 (C.P. Phila. 1997); Commonwealth v. St. George, No. CP-51-CR-404011-1997 (C.P. Phila. 1997). Petitioner has filed habeas petitions in this court arising from No. CP-51-CR-405232-1997 at Civ. Act. Nos. 00-1716 and 18-381.

ENT'D DEC 03 2018

No. 1637 EDA 1999 (Pa. Super. Ct. Feb. 15, 2002) (unpublished memorandum). Petitioner did not seek review in the Pennsylvania Supreme Court.

On April 10, 2002, petitioner filed a pro se petition for state collateral relief pursuant to Pennsylvania's Post-Conviction Relief Act ("PCRA"), 42 Pa. Cons. Stat. Ann. §§ 9541, et seq. The PCRA court appointed counsel, who subsequently filed a "no merit" letter pursuant to Commonwealth v. Finley, 550 A.2d 213 (Pa. Super. Ct. 1988) (en banc), and moved to withdraw from the case. The PCRA court dismissed petitioner's PCRA petition as frivolous on April 29, 2004. The state docket reflects that petitioner appealed to the Superior Court, but his appeal was dismissed on April 11, 2006. Petitioner filed a petition for allowance of appeal, which was denied by the Pennsylvania Supreme Court on October 6, 2006. Commonwealth v. St. George, 212 EAL 2006 (Pa. 2006).

Petitioner filed a second pro se PCRA petition on February 2, 2006. The petition was dismissed as untimely on July 28, 2006. Petitioner appealed to the Superior Court, which dismissed the appeal for failure to comply with Pa. R. App. P. 3517, requiring completion of the court's docketing statement form. Commonwealth v. St. George, No. 2531 EDA 2006 (Pa. Super. Ct. Aug. 10, 2007). Petitioner did not seek review in the Pennsylvania Supreme Court.

Petitioner filed a third pro se PCRA petition on May 29, 2012. After notice pursuant to Pa. R. Civ. P. 907, petitioner's PCRA petition was dismissed as untimely on April 28, 2015. The Superior Court affirmed the dismissal on April 12, 2016. Commonwealth v. St. George, No. 1419 EDA 2015 (Pa. Super. Ct. Apr. 12, 2016).

Petitioner filed a fourth pro se PCRA petition on May 19, 2016. After again serving notice pursuant to Pa. R. Civ. P. 907, petitioner's petition was dismissed on October 31,

2016, as untimely. Petitioner appealed to the Superior Court, which affirmed the dismissal on October 19, 2017. Commonwealth v. St. George, No. 3583 EDA 2016 (Pa. Super. Ct. Oct. 19, 2017).

On February 27, 2018,² petitioner filed the instant pro se petition for writ of habeas corpus. (“Pet.”; Doc. 1). The petition alleges the following grounds for relief:

1. Fraud: Judge DeFino knowingly allowed perjured testimony to be used against the petitioner, instead of suppressing the identification of the petitioner.
2. Illegal sentence.
3. Layered ineffective assistance of counsel.

(Pet. ¶ 12.) On March 5, 2018, the case was referred to the undersigned for a Report and Recommendation.³ (Doc. 3.)

II. DISCUSSION

A habeas petition must be filed in a timely manner. Title 28 U.S.C. § 2244(d), enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), creates a one-year time limit for filing a habeas corpus petition and in relevant part provides:

- (1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —

² Though the petition was docketed on March 1, 2018, “a pro se prisoner’s habeas petition is deemed filed at the moment he delivers it to prison officials for mailing to the district court.” Burns v. Morton, 134 F.3d 109, 113 (3d Cir. 1998). The court presumes that the petition was delivered on the date it was executed by petitioner. See Baker v. United States, 670 F.3d 448, 451 n.2 (3d Cir. 2012).

³ The referral order directed that a Report and Recommendation be filed addressing both the instant habeas petition and the petition in Civ. Act. No. 18-381 (Doc. 1). However, upon review, the two habeas petitions arose from different convictions and involve different legal issues. Accordingly, the undersigned has addressed petitioner’s claims in separate R&Rs.

- (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
- (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;
- (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

28 U.S.C. § 2244(d). In the instant case, petitioner's judgment of sentence became final on March 18, 2002,⁴ thirty days after the Pennsylvania Superior Court affirmed petitioner's judgment of sentence. See Gonzalez v. Thaler, 565 U.S. 134, 150 (2012) (a petitioner's judgment of sentence becomes final "when his time for seeking review with the State's highest court expire[s]"); Pa. R. App. P. 1113(a) (requiring petition for allowance of appeal to be filed within thirty days of the Superior Court's order). Thus, for the purposes of § 2244(d)(1)(A), petitioner had one year after his sentence became final to file his federal habeas petition.

Petitioner has not alleged that any of the alternate start dates allowed in § 2244(d)(1) are

⁴ The thirtieth day, March 17, 2002, fell on a Sunday. Thus, petitioner's deadline for seeking review in the Pennsylvania Supreme Court occurred on the following day, Monday, March 18, 2002.

applicable in the instant case. Accordingly, absent the application of statutory or equitable tolling, the AEDPA statute of limitations expired one year from the date on which petitioner's judgment became final, on March 18, 2003.

1. Statutory Tolling

The one-year statute of limitations is tolled during the time petitioner had pending in the state courts a properly filed petition for collateral relief. See 28 U.S.C. § 2244(d)(2) (providing that the time during which a "properly filed" petition for collateral relief is pending is not counted toward the one-year statute of limitations). Petitioner filed a timely PCRA petition on April 10, 2002, which tolled the AEDPA statute of limitations.⁵

Petitioner's petition for allowance of appeal was denied by the Pennsylvania Supreme Court on October 6, 2006, at which time the AEDPA statute of limitations resumed. Thus, petitioner had 342 days after October 6, 2006, to timely apply for federal habeas relief, creating an expiration date of September 13, 2007.⁶

⁵ On April 10, 2002, 23 days had elapsed since petitioner's judgment of sentence became final on March 18, 2002. At this time, petitioner thus had 342 days remaining on the AEDPA statute of limitations.

⁶ The court notes that the state court docket for case number CP-51-CR-403962-1997 reflects that petitioner appealed his first PCRA petition to the Superior Court. However, the Superior Court's opinion docketed at No. 3583 EDA 2016 omits this appeal and the PCRA petition filed in 2006 from its procedural history. Considering the procedural history as set forth in the Superior Court's opinion, the AEDPA statute of limitations would have resumed running on May 31, 2004, when petitioner's time for filing a PCRA appeal with the Pennsylvania Superior Court expired. See Pa. R. App. P. 903(a) (requiring notice of appeal to be filed within thirty days after the entry of the order from which the appeal is taken). The AEDPA statute of limitations would have expired 342 days later, on May 8, 2005. Thus, even considering the dates as set forth in the Superior Court's opinion, the instant petition is patently untimely and should be dismissed.

Petitioner's remaining PCRA petitions were dismissed as untimely by the state courts, and were thus not "properly filed" within the meaning of AEDPA. Because these petitions were not "properly filed," they do not toll the AEDPA statute of limitations. Pace v. DiGuglielmo, 544 U.S. 408, 412-17 (2005). See also Merritt v. Blaine, 326 F.3d 157, 165-68 (3d Cir.) (federal court bound by state court's determination that PCRA petition was untimely and not properly filed), cert. denied, 540 U.S. 921 (2003).

Petitioner did not file his petition until February 27, 2018, more than ten years after the deadline. Thus, the instant petition is time-barred absent the application of principles of equitable tolling.

2. Equitable Tolling

The Supreme Court of the United States has held that the federal habeas statute of limitations may be subject to equitable tolling. Holland v. Florida, 560 U.S. 631, 647-49 (2010). However, the AEDPA statute of limitations will be tolled only if petitioner shows: "(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way' and prevented timely filing." Id. at 649 (quoting Pace, 544 U.S. at 418). "The diligence required for equitable tolling purposes is 'reasonable diligence.'" Id. at 653. The Supreme Court recently reaffirmed that "the second prong of the equitable tolling test is met only where the circumstances that caused a litigant's delay are both extraordinary and beyond its control." Menominee Indian Tribe v. United States, 136 S. Ct. 750, 756 (2016) (emphasis in original).

The burden of establishing entitlement to equitable tolling lies with the petitioner. See Pace, 544 U.S. at 418. See also Cooper v. Price, 82 F. App'x 258, 260 (3d Cir. 2003) (not precedential) ("The burden rests on the petitioner to prove all facts, both procedural and

substantive, entitling him or her to [equitable tolling under the AEDPA statute of limitations].”), cert. denied, 541 U.S. 991 (2004). Vague or general allegations are insufficient to establish entitlement to relief. Zettlemoyer, 923 F.2d at 298 (citing Mayberry v. Petsock, 821 F.2d 179, 187 (3d Cir.), cert. denied, 484 U.S. 946 (1987)). See also Lugo v. Sec'y Florida Dep't of Corrs., 750 F.3d 1198, 1209 (11th Cir. 2014) (“[V]ague allegations about the existence of impediments, without more, or an argument that fails to explain how such impediments prevented the timely filing of the petition, does not establish extraordinary circumstances.”), cert. denied, 135 S. Ct. 1171 (2015).

After a thorough examination of petitioner’s submission, the court finds he is not entitled to equitable tolling. While petitioner states that his attorneys did not raise the issues on direct appeal, he has not alleged facts sufficient to establish extraordinary circumstances. Even if petitioner’s attorneys had been negligent in failing to raise these claims, “[g]arden variety” claims of attorney negligence, without more, do not justify equitable tolling. Holland, 560 U.S. at 653. Moreover, petitioner has not explained why his attorneys’ failure to raise these claims on direct appeal prevented him from timely filing the instant habeas petition. Because petitioner has not demonstrated extraordinary circumstances, nor has he established that such circumstances prevented him from timely filing the instant habeas petition, equitable tolling should not be applied in the instant case.

III. CONCLUSION

Accordingly, the court makes the following:

RECOMMENDATION

AND NOW, this 30th day of November, 2018, the court respectfully recommends that the petition for a writ of habeas corpus be **SUMMARILY DISMISSED** under 28 U.S.C. § 2243 and Rule 4 of the Rules Governing § 2254 Cases as barred by the AEDPA statute of limitations, and that no certificate of appealability ("COA") be granted.⁷

The parties may file objections to the Report and Recommendation. See Loc. R. Civ. P. 72.1. Failure to file timely objections may constitute a waiver of any appellate rights.

BY THE COURT:



THOMAS J. RUETER
United States Magistrate Judge

⁷ The COA should be denied because petitioner has not shown that reasonable jurists could debate whether his petition should be resolved in a different manner or that the issues presented are adequate to deserve encouragement to proceed further. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003).

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PERCY ST GEORGE, : CIVIL ACTION
Petitioner

:
- vs. -

LAWRENCE MAHALLY, et al. :
Respondents : No. 18-905

PETITIONER'S OBJECTIONS AND REQUEST FOR
RECONSIDERATION OF REPORT AND RECOMMENDATION

TO UNITED STATES DISTRICT COURT JUDGE TIMOTHY J. SAVAGE:

AND NOW, comes PERCY ST GEORGE ("hereinafter referred to as the Petitioner") setting forth objections and requesting for reconsideration of United States Magistrate Judge Thomas J. Rueter's Report and Recommendation, and avers in support as follows:

STATEMENT OF FACTUAL AND PROCEDURAL HISTORY

Following a jury trial in December of 1998, Petitioner was unconstitutionally convicted of two counts each of Robbery, Kidnapping, False imprisonment, Possessing Instrument of Crime, and Criminal Conspiracy. Additional charges against Petitioner were brought under separate docket numbers. See Commonwealth v. St. George, No. CP-51-CR-403962-1997 (C.P. Phila. 1998); Commonwealth v. St. George, No. CP-51-CR-405232-1997 (C.P. Phila. 1997); and Commonwealth v. St. George, No. CP-51-CR-404011-1997 (C.P. Phila. 1997).

Pursuant to Commonwealth v. St. George, No. CP-51-CR-403962-1997 (C.P. Phila. 1998) Petitioner was sentenced in April 1999 to an aggregate term of ten to twenty years imprisonment in a State Correctional Facility.

The Petitioner is presently a State Prisoner incarcerated at State Correctional Institution at Dallas ("SCI @ Dallas"), Pennsylvania.

Petitioner thereafter filed a counseled appeal from his judgment of sentence to the Pennsylvania Superior Court, which affirmed his judgment of sentence on the date of February 15, 2002. Commonwealth v. St. George, 797 A.2d 1026 No. 1637 EDA 1999 (Pa.Super. Ct. Feb. 15, 2002). The Petitioner did not seek allocatur in the Pennsylvania Supreme Court.

Furthermore Petitioner argues that pursuant to the United States Supreme Court's decision in the case of McQuiggin v. Perkins, 133 S.Ct. 1924 (2013), in which held that the habeas deadline can tolled by a convincing showing of actual innocence, the issue of his actual innocence in which he has maintained since the date of his arrest, where there exist good reasons that Petitioner is innocent, and has been unconstitutionally convicted.

CONCLUSION

WHEREFORE, Petitioner prays for all the reason set forth herein upon consideration of Petitioner Percy St. George's Petition for a Writ of Habeas Corpus, Response in Opposition to Petition for Writ of Habeas Corpus of the District Attorney of Philadelphia County, Petitioner's Traverse to Response, United States Magistrate Thomas J. Rueter's Report and Recommendation, Petitioner's Objection and Reconsideration to Report and Recommendation, and an independent review of the records before this Honorable Court, that this Honorable Court order that Petitioner's Objections to the Report and Recommendation are SUSTAINED, and that there exist reasons for issuance of a Certificate of Appealability.

Thus, this Honorable Court should not adopt the Report and Recommendation ("R&R") by United States Magistrate Judge Thomas J. Ruter which objection have been made. 28 U.S.C. §636(b)(1)(C) and Local Rule of Civil Procedure 72.1.

Respectfully submitted,

/s/ Percy St. George
PERCY ST. GEORGE
Inst. #(DL-7766)
SCI @ DALLAS
1000 FOLLIES ROAD
DALLAS, PA 18612-9515

Dated: December 17, 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PERCY ST GEORGE, : CIVIL ACTION
Petitioner :
: :
- VS. - :
: :
LAWRENCE MAHALLY, et al. :
Respondent : No. 18-905

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing documents upon the person(s) listed below and in the manner indicated below, which service satisfies the requirements of the Fed.R.Civ.P. 5 and the "Prison Mail-box Rule" announced in Houston v. Lack, 487 U.S. 266, 276 (1988):

Service by First Class Mail addressed as follows:

Thomas Delgenos
FEDERAL, UNIT LITIGATOR
PHILADELPHIA DISTRICT ATTORNEY's OFFICE
THREE PENN SQUARE
PHILADELPHIA, PA 19107

/s/ Percy St. George
PERCY ST. GEORGE
(Inst. #(DL-7766)
SCI @ DALLAS
1000 FOLLIES ROAD
DALLAS, PA 18612-9515

Dated: December 17, 2018

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

PERCY ST. GEORGE — PETITIONER
(Your Name)

VS.
KEVIN RANSOM — SUPERINTENDENT
SCI @ DALLAS, et al., — RESPONDENT(S)

PROOF OF SERVICE

I, PERCY ST. GEORGE, do swear or declare that on this date,
MAY 27th, 20 20, as required by Supreme Court Rule 29 I have
served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding
or that party's counsel, and on every other person required to be served, by depositing
an envelope containing the above documents in the United States mail properly addressed
to each of them and with first-class postage prepaid, or by delivery to a third-party
commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Max C. Kaufman, Phila., County District Attorney's Office

3 South Penn Square, Phila., Pa. 19107

Ronald Eisenberg, Office of the Attorney General of PA., 1600

Arch St., Suite 300, Phila., Pa. 19103

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

Executed on May 27, 20 20

Percy St. George
(Signature)