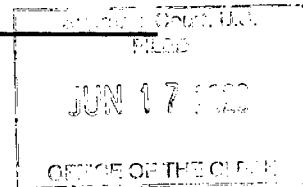


19-8846 (ORIGINATE)
No. 19-8846 (ORIGINATE)

SUPREME COURT OF THE UNITED STATES

IN RE Nowakowski

Petitioner



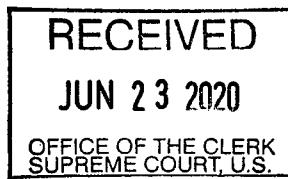
On Petition for a Writ of Certiorari to
The United States Supreme Court

PETITION FOR A WRIT OF CERTIORARI

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I. Questions Presented

Where a private criminal plaintiff is ignored by a local District Attorney's Office, in the presence of criminality from racketeering, inchoate crimes, criminal organizations, and organized crime, is the District Attorney's discretion disproved by continued and worsening operation of the criminal network at issue.

II. Table of Contents

I.	Question Presented.....	i
II.	Table of Contents.....	ii
III.	Table of Authorities.....	iii
IV.	Petition for Writ of Certiorari.....	1
V.	Opinions Below.....	1
VI.	Jurisdiction.....	1
VII.	Constitutional Provisions Involved.....	1
VIII.	Statement of the Case.....	2
IX.	Reasons for Granting Writ.....	8
 A. THE DISTRICT ATTORNEY IN ERIE COUNTY, PENNSYLVANIA, DID NOT EXERCISE ITS DISCRETION RELATIVE TO A FUNCTIONING RICO GROUP, NECESSITATING A REVIEW OF THE ACTIONS IT DID NOT TAKE.		
X.	Conclusion.....	12
XI.	Appendix.....	13

III. Table of Authorities

Case

Coker v. S.M. Flickinger Co, Inc., 625 A.2d 1181, 1185 (1993).

Bradley v. Casey, 119 Pa.Cmwlth. 180, 547 A.2d 455, 458 (1998).

Tanenbaum v. D'Ascenzo, 356 Pa. 260, 263, 51 A.2d 757, 758 (1947)

Maxwell v. Board of School Directors of School District of Farrell, 381 Pa. 561, 566, 112 A.2d 192, 195 (1955)

Seeton v. Adams, 50 A.3d 268, 275 (Pa. Cmwlth. 2012)

Commonwealth v. Murry, 879 A.2d 309 (Pa. Super. 2005)

Statute

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

Constitutional Provision

United States Constitution, Article III, Section 1

United States Constitution, Amendment XIV

IV 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.

V OPINIONS BELOW

The decision by the Supreme Court of Pennsylvania in Petitioners “*Application for Reconsideration*”. Denied March 24, 2020.

VI JURISDICTION

Mr. Nowakowski’s “*Application for Reconsideration*” was denied March 24, 2020. 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.

VII 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.

VIII STATEMENT OF THE CASE

Petitioner, David Nowakowski, has been the target of an inchoate criminal organization since 2011. Attempts to inflict bodily harm and death have occurred along with a steady systematic approach to harassment. The over arching criminal system has continued to develop in spite of both criminal and civil lawsuits. Here the petitioner requests a “Writ of Certiorari” in seeking a “Writ of Mandamus”, compelling action, where the exercise of discretion by the Erie County District Attorney’s Office and later the Pennsylvania Judiciary, did not occur. The Commonwealth of Pennsylvania offers, District Attorney’s wide latitude in the execution of

their powers. Here, in the instant action that discretion was not exercised, which was capitalized on, by several murder attempts, assaults, and other criminal acts.

The Pennsylvania Legislature has specifically called for new methods in the fight against RICO groups in Title 18 of the Pennsylvania Code, Section 911(a)(6). Unfortunately, a method for finding or creating new defenses is conspicuously absent from the view of those directly affected by RICO groups. The Pennsylvania Courts, Attorneys, and Civil Servants need guidance, which should stem largely from this Petitioners experience and from a court capable enough to see the needs represented across the state and nation.

As a primer for the type of criminality associated with this case, consider that the petitioner contracted the disease that is the carrara organized crime family in 2011, as an employee of Amthor Steel Co., and has sustained one long sequence of attack, year after year. Since the beginning “shelter in place” has been utilized, so as far as COVID-19 goes, welcome to my world and how to deal with the unprofessional, unethical, criminal, cowardly, and the pathetic carrara mafia family.

Because the petitioner stopped associating with the Carrera mafia family in 2012 by moving to a different employer, then operating mafia

family of Amthor Steel Co. has had to resort to tactics that inculcate local businesses such as the petitioners next employers, services such as the news paper, trash service, the United States Mail, utilities such as National Fuel, and even the local hospitals, in it's continued effort to attack this Petitioner.

Specifically, the carrara mafia family seems to use cyclical noise patterns to drive the cadence of their own perpetrators while attempting sensory attack on this Petitioner. Car horns and car alarms sound at the 11's on the clock or in patterns related to the caliber of handguns , such as .38, .306, .44, and .45. A fact made more evident, with the removal of typical street noise due to the shelter in place order related to COVID-19. All that remained of ambient noise, after the COVID-19 order was that of the patterned and cyclical system. Going back to 2011 a turkey caller was used outside of this Petitioners home and then in the office, indicating the beginning of the system that the courts and DA have failed to flesh out on their own.

Further, within the instant action, corruption at the Erie County Courthouse lead "some" individual to assign the case number of this case in the Erie County Court of Common Pleas, 11888-17. Each (1) digit symbolizes a bullet, and the three (8) digits symbolize a 38 caliber weapon. Meaning, the killing of one person with two bullets or two people with one

38 caliber slug, each. This numerological system has been fleshed out ad nosium with patterned noises made by the carrara mafia family in the vicinity of this litigant's home.

Even Further, activities such as trash collection and scrap metal collection have been modified by this local mafia family for the purpose of harassing residents and this Petitioner with excess noise in the early hours. This Petitioner has found that hospitals in Erie are protected by quiet zones, yet the local Mayors office and the District Attorney's office seem to lack to ability to page though city ordinances that prohibit both scrap metal collection and the use of dumpsters as noise making devices near hospitals, though the percussive activity of dropping a block of steel into a dumpster. This system likely could not have been identified by the District Attorney without this Petitioner, further, illustrating a failure of the District Attorney's discretion and wide latitude offered by the Commonwealth of Pennsylvania.

Once the Petitioner terminated employment with the Carrara organized crime family at Amthor Steel Co and moved to General Electric. The criminal perpetrators began to expand the number of persons involved. In one instance, a contractor working directly under the petitioner began to speak about his huge flash light collection. The conversation was intended to bring up the term "flesh light", a ubiquitous sex toy brought up for the

purpose of sexualizing the work place in a me-to-trap type trap. The Petitioner is such a swell guy, that he ignored the “fleshlight” gag and instead offered the contractor a “super great” pen with a flashlight on the tail end, to add to his collection. The play on words method of communication has come clearly into focus as the Carrara Organize Crime family has continued to harass this Petitioner.

Erica came to the desk of this Petitioner from across the hall, she said she needed help with a computer issue, but the Petitioner knew she was asking the wrong person. Her question should have been directed to her direct supervisor at General Electric. As this Petitioner approached her cubical, her eyes and her cube mates eyes drifted across the Petitioner’s crotch. It’s a great crotch, even a beautiful crotch, a crotch for the ages, but the Petitioner, recognized immediately that there was something out of sorts about the duel glances. Erica was seated in front of the Petitioner and Eric was four feet away, seated, in the adjacent part of the cubical. As the Petitioner leaned slightly over her chair to view the computer screen, as she had requested, the crotch glances continued. The Petitioners discomfort came to a head and this Petitioner said, “I can’t help, just ask Jeff”. It appeared to this Petitioner that Erica was trying to get a good look at the Petitioner’s crotch, possibly to examine it for a potential erection and that

Eric was aware and part of what was happening. They wanted this Petitioner to stand in the cubical, over Erica's desk for a reason and it had to do with the petitioner's crotch. It was a "me too trap". If this petitioner had responded to Erica's stares, there would have been no evidence of her sexual advance other than the fact that the Petitioner was not the right person for the computer issue. Further, Eric, likely her mob protector, would have backed up Erica's cover story. These two individual's conspired on behalf of the Carrara organized crime family to stare at the Petitioner's crotch in an attempt to either create arousal or feign sexual relations on the way to a false "me too".

The petitioner had met a woman who looked very similar to Erica while interviewing at Amthor Steel Co. two years before this incident, but did not care to verify that it was the same woman. Further, on two occasions, Erica was in front of the Petitioner's home as he returned from a six hour drive from Evendale, OH, once he has moved on from the "Me Too" trap location at General Electric in Erie, Pa in 2014.

These are all facts that the District Attorney has failed to investigate, yet, and address, which has allowed the Carrara Organized Crime Family to continue RICO operations in the Erie area in continued aggression toward this Petitioner. This Petitioner has amassed such an unbelievable wealth of

information relative to the RICO activity of the Carrara Organized Crime family that the District Attorney's Office of Erie County, Pennsylvania will surely be proven to have never been utilized if a proper review is undertaken.

IX REASONS FOR GRANTING WRIT

a. THE DISTRICT ATTORNEY IN ERIE COUNTY, PENNSYLVANIA, DID NOT EXERCISE ITS DISCRETION RELATIVE TO A FUNCTIONING RICO GROUP, NECESSITATING A REVIEW OF THE ACTIONS IT DID NOT TAKE.

Well established RICO groups, like the Carrara organized crime family, can be considered to be foreign invaders, not from another county like Italy, but rather a new nation, yet to be formalized, but conceived in tyranny and dedicated to the proposition that all suffer under the indignity. The court system needs to figure out how to bring people into the courtroom who do not have the same shine as prosecutors, who value efficiency of process over Due Process.

The Honorable District Attorney and the subsequent Honorable Judges have failed in their duty to execute discretion, leading to the further

deterioration of the law within the Jurisdiction of the Erie County and Pennsylvania Courts. Discretion is abused when the course pursued represents not merely an error in judgment, but where the judgment is manifestly unreasonable or where the law is not applied where the record shows that the action is a result of partiality, prejudice, bias, or ill will.”

Coker v. S.M. Flickinger Co, Inc., 625 A.2d 1181, 1185 (1993).

“Mandamus is appropriate to compel a public official to fulfill a mandatory duty that is ministerial in nature. As, explained by this Court, the requirements to sustain an action in mandamus are clear. It is an extraordinary remedy designed to compel public officials to perform ministerial act or mandatory duty. **Bradley v. Casey**, 119 Pa.Cmwlth. 180, 547 A.2d 455, 458 (1998). Nevertheless, “where by mistaken view of the law or by an arbitrary exercise of authority there has been in fact no actual exercise of discretion, the writ will lie. **Tanenbaum v. D'Ascenzo**, 356 Pa. 260, 263, 51 A.2d 757, 758 (1947) Here the Erie County District Attorney failed to see the criminal harassment occurring at the hands of the Carrara organized crime family was of a scope covered by RICO law, and as a result made an arbitrary decision that was not based in the facts of the private criminal complaint or even the pro se civil complaint at hand. The District Attorney’s Office did not make a mistake in its discretion, it failed to

understand the case and the law, as is indicated by the mountain of evidence this petitioner has gathered regarding the Carrara Organized Crime Family, by the use of fentenol to attempt to harm the petitioner, and still far more instances of criminality both before, but more importantly after the private criminal complaint was filed. A parenthetical phrase, “unless the discretion is arbitrarily exercised or based upon a mistaken view of the law”, **Maxwell**

v. Board of School Directors of School District of Farrell, 381 Pa. 561, 566, 112 A.2d 192, 195 (1955) highlights the limitations between a public servants inability to make the right choice verses a lack of ability to understand the choice being made. In the instant action the District Attorney filed for a lack of “prosecutorial merit”, without developing the requisite fact pattern necessary to describe a RICO group designed specifically to evade the watchful eye of Prosecution. The instant action falls against the grain of case after case decided in support of the legislatures intention that “in short, the district attorney has the final word on a decision to prosecute or not to prosecute.” **Seeton v. Adams**, 50 A.3d 268, 275 (Pa. Cmwlth. 2012)

Here, in the instant action events continued to develop even as the District Attorney’s Office supposedly exercised it’s discretion, illustrating in the plain light of day a detachment from the decision being made. Due to this detachment this Petitioner has had to stuff new information into court

documents, which still resulted in the abject failure of the County's police power relative to the Carrara organized crime family. This Petitioner has conducted more of a pro se investigation, than a pro se legal action. Even Further, it would appear that the "ambient surroundings" based criminal implementations of the Carrara organized crime family sit well outside of the prosecutorial abilities of County level personnel, even though "it has been observed that a "prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous."

Seeton (quoting Justice Jackson of the United States Supreme Court) This can not be true relative to a RICO case, as is proved by Pennsylvania Statute, Title 18, Section 911. Corrupt Organizations (a) (6) "in order to successfully resist and eliminate this situation (Speaking of Corrupt Organizations), it is necessary to provide new remedies and procedures". If the previously cited cases are correct, than there is no need for any adjustment to be made relative to the fight against a groups like the Carrara organized crime family at the behest of the statute. In fact, there would be no trial of crimes for the District Attorney to miss interpret in the instant action, because their power would be tremendous enough to prevent the crimes of this case from occurring in the first place.

the unscrupulous criminal determined to manipulate the system”

Commonwealth v. Murry, 879 A.2d 309 (Pa. Super.2005),

which is why responsibility for this debacle falls squarely on the

Pennsylvania Courts rather than simply the District Attorney’s Office.

This the 17th day of June 2020

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