

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No. 9 WM 2020

Respondent

v.

RICHARD HOLLIHAN, JR.,

Petitioner

ORDER

PER CURIAM

AND NOW, this 22nd day of June, 2020, the Motion for Reconsideration is DENIED.

A True Copy Patricia Nicola
As Of 06/22/2020

Attest: Patricia Nicola
Chief Clerk
Supreme Court of Pennsylvania

APPENDIX A

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No. 9 WM 2020

Respondent

v.

RICHARD HOLLIHAN, JR.,

Petitioner

ORDER

PER CURIAM

AND NOW, this 22nd day of May, 2020, the "King's Bench Matters Application for Extraordinary Relief" is DENIED.

A True Copy Patricia Nicola
As Of 05/22/2020

Attest:
Patricia Nicola
Chief Clerk
Supreme Court of Pennsylvania

IN THE SUPREME COURT OF PENNSYLVANIA

WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA)
Respondent) No. 9 WM 2020
v.) Lower Appellate Court
RICHARD HOLLIHAN JR.) Docket No. Trial Court
Petitioner) CP-02-CR-0003016-1985

MOTION FOR RECONSIDERATION FROM THE ORDER IN THE
"KING'S BENCH MATTERS APPLICATION FOR EXTRAORDINARY RELIEF

DATED MAY 22nd, 2020

NOW COMES, Richard Hollihan Jr., AJ-0676 Pro SE seeking Relief files the above MOTION to have this Honorable Pennsylvania Supreme Court address a reason why Petitioner's Equal Protection which was stated in His King Bench Petition page 4. last Page, paragraph 15, Exhibit B. Commonwealth v. Stallone 281 Pa.41; 126 A.56;1924 Pa. LEXIS 565 No. 347 May 12, 1924. Argued July 8, 1924 , was not addressed by this Honorable Pennsylvania Supreme Court When it involves a firing of a weapon in the Lower Court during a murder Trial in 1924?

1. Petitioner being a Pro Se person acting as his own Attorney states that without a reason why my King's Bench Petition was denied when he was trying to show the PA. Supreme Court that Stallone's Case joins together with my case, we both had a weapon fired in our trials, but I did not get Justice, Mr. Stallone did from the Pennsylvania Supreme Court.

Due Process and Equal Protection which is our Constitution 14th Amendment and the right to have a fair Trial was violated in my case by the actions of Judge James R. McGregor, my trial

Judge in 1986. My trial Judge has died in 2010.

He allowed the Court's expert witness to demonstrate the firing of a 12 gauge shotgun to be fired and asked the jury whether they would permit it.

The same thing happen in Stallone's case, our cases are identical. So equal Justice should apply to me as well as Mr. Stallone cases. He received a New Trial, why can't I have a New Trial and Protection under the equal protection of Law?

2. I am receiving Blind Justice in my case by not addressing this very important Issue, the firing of the weapon in open Court during my trial. The Pennsylvania Supreme Court that I know, don't give a blind eye on Justice to one of their cases because its in the Law Books under Commonwealth v. Stallone.

Why can Mr. Stallone get Justice and a New Trial and NOT I?

3. THe firing of the 12 gauge shotgun was a frightful Demonstration for the jury to see and hear and for my 4 little daughters who were at trial, there was uncontrollable crying of my little daughters and jury members, which a recess had to be taken, this isn't a trial, its a malicious prosecution.

Wherefore, for the foregoing reasons, I, Richard Hollihan Jr. request that my MOTION For Reconsideration of firing a weapon during my trial be Granted so I can receive Justice just like Mr. Stallone had, and Grant New Trial.

I declare that the foregoing is true and correct pursuant to 18 Pa. C.S. § 4904.

DATED: May 29, 2020

Respectfully submitted,
Richard Hollihan Jr. Pro Se
Richard Hollihan Jr., AJ-0676 Pro Se
1600 Walters Mill Road BB-34
Somerset, Pennsylvania

15510

IN THE SUPREME COURT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA)

) C.C. 8503016

v.)

) NOW KNOWN AS

) CP-02-CR-0003016-1985

RICHARD HOLLIHAN JR.)

)

KING'S BENCH MATTERS

APPLICATION FOR EXTRAORDINARY RELIEF

PURSUANT TO PA.R.A.P., RULE 3309 AND 42 PA. C.S. 726

I, Richard Hollihan Jr., Pro Se Petitioner in the above captioned case requests An Application For Extraordinary Relief from a Final Order and avers:

History of Case:

1. On March 8, 1985, was falsely arrested for the shooting of his Wife, Janet Hollihan and taken to the Old Allegheny County Jail and placed in the mental health unit.
2. On March 15, 1985, the Coroner Office held an inquest I was held for Trial. And on March 21, 1985 was given a low bail bond of \$25,000.00 (Twenty Five Thousand dollars) at 10%.
3. On January 28, 1986, the trial started, and on February 4, 1986 following a jury trial, I was convicted of murder of the First Degree, in the shooting death of my wife, Janet.
4. On September 28, 1989, after Post Verdict Motions and direct appeal matters, the Superior Court affirmed the judgment of sentence of life in prison, and on July 3, 1991, the Pennsylvania Supreme Court denied my Petition for Allowance of Appeal.

SEE COMMONWEALTH V. HOLLIHAN, 566 A.2d 254 (Pa. Super. 1989), Appeal DENIED, 593 A.2d 838 (Pa.1991).

5. On June 10, 1993, I filed my very first PCRA Petition. Pro Se. The Court gave me an appointed counsel who filed a Petition to Withdraw and presented a NO-Mert letter
COMMONWEALTH V. TURNER, 544 A.2d 927 (Pa.1988);COMMONWEALTH V. FINLEY, 550 A.2d 213 Pa. Super. 1988).
On July 23,1996, the PCRA Court granted counsel's Petition to Withdraw and Dismissed the PCRA Petition.
6. Now, in between the years that followed petitioner was looking for case law to support his actual innocence such as firing the weapon in open Court, NO luck.
7. So on October 31, 2007, I filed, Pro Se a 2nd PCRA Petition. On November 20, 2007, the PCRA Court filed a Pa. R.Crim.P. 907 Notice of Intent to Dismiss. AND on December 12, 2007, the PCRA Court dismissed my Petition, which the Superior Court Affirmed. COMMONWEALTH V. HOLLIHAN, 963 A.2d 567 (Pa. Super. 2008) (unpublished memorandum), Appeal denied, 967 A.2d 958 (Pa.2009), Cert.denied, 577 U.S. 926 (2009).
8. On March 13,2014, I filed a Third Pro Se PCRA Petition. After filing a Pa.R.Crim.P. 907 Notice of Intent to Dismiss, the PCRA COURT Dismissed the Petition without a hearing on January 8,2015.
9. On July 13,2017, I filed a MOTION FOR MEDICAL EXAMINER'S AUTOPSY REPORT, which the PCRA Court treated as my 4th PCRA Petition. The PCRA Court Denied the Petition. I filed a NOTICE OF APPEAL in time. After a back and forth battle with the Court telling the PCRA Court this is a MOTION, not a PCRA Petition. On May 9,2018, Superior

Court STATED THAT THE PCRA is facially untimely because it was filed on July 13, 2017. On May 9, 2018 Judgment Entered SEE; Superior Court Number 1321 WDA 2017.

10. On October 1st, 2018, I filed a Petition For Writ of Mandamus to prove my innocence.
11. On December 7, 2018, the PCRA Court sent a Notice To Dismiss.
12. On January 2nd, 2019, I sent a Notice of Appeal, I then proceeded to file a Motion to Recuse the PCRA Judge from my case. I then received an ORDER Denying my Recusal Motion on February 8, 2019, and in March on the 14th, I received an ORDER Denying Post Conviction Relief Act Petition.
ORDER DATED MARCH 14, 2019 by Judge O'Toole.
SEE: Exhibit D. Docket provided by the Court. 1 Page.
13. On or about I wrote a letter dated December 6, 2018 asking if the University of Pittsburgh School of Law could do a search for any case law in Pennsylvania where a weapon or shotgun was fired during a trial in front of a jury. I received their letter on January 8th, 2019. Note here: Legal's and any Court mails are being sent to Florida's Security Processing.) SEE: Enclosed Exhibit A. 3 pages.
14. Over the years, I have tried to get Law where a weapon was discharged in a Courtroom from the Law Library and from Attorneys whom I have written to in the past and no answer. I tried to obtain cases in other States, did not get no response. Then this year in December 2019,

15. Due to a new Librarian and someone who knows, I went to our prison Law Library here in SCI-Somerset like I periodically do and a newly hired law clerk did a search and brought up a case SEE: Exhibit B. 5 Pages.

This Case is a Supreme Court case held 96 years ago which like my case a weapon was fired in the Court and the man received a First Degree Murder Conviction. COMMONWEALTH V. STALLONE, 281 Pa. 41; 126 A.56; 1924 Pa. LEXIS 565 NO. 347 May 12, 1924, Argued July 8, 1924. This Case Granted Stallone a NEW TRIAL. SEE: EXHIBIT B. 5 Pages.

16. Petitioner Hollihan incorporates the Dissenting Opinion of Superior Court Judge Montgomery dated September 28, 1989 where he said I am entitled to a New Trial in my direct appeal to Superior Court. And on the back of page 2 of Judge Montgomery's statement to vacate the judgment is a drawing of the weapon that my wife used to commit suicide with on March 8, 1985. SEE: Exhibit C. 3 Pages.

WHEREFORE, for the foregoing reasons, Petitioner Hollihan request that the said Application For Extraordinary Relief be Granted and Petitioner's conviction be reversed and a New Trial Granted, or Grant such other relief as it may appear that Petitioner Hollihan is entitled in the Interest Of Justice.

I declare that the foregoing is true and correct pursuant to 18 Pa. C.S. § 4904.

DATED: Jan. 18th, 2020

Respectfully submitted,

Richard Hollihan Jr. Pro Se

Richard Hollihan Jr., AJ-0676 Pro Se

1600 Walters Mill Road BB-34

Somerset, Pennsylvania

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