

No. \_\_\_\_\_

20-5660

IN THE  
SUPREME COURT OF THE UNITED STATES

PERCY ST. GEORGE

— PETITIONER

(Your Name)

KEVIN RANSOM-SUPERINTENDENT  
SCI DALLAS, -et al.,

— RESPONDENT(S)

**ORIGINAL**

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

PERCY ST. GEORGE, DL-7766

(Your Name)

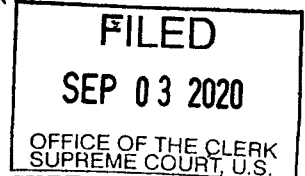
1000 Follies Road

(Address)

DALLAS, PA 18612-0286

(City, State, Zip Code)

(Phone Number)



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 <sup>A</sup>\_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; 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☒ is unpublished.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 <sup>B</sup>\_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; 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☒ is unpublished.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 <sup>C</sup>\_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the <sup>The Superior Court of PA.</sup>\_\_\_\_\_ court appears at Appendix <sup>D</sup>\_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was June 30, 2020.

☒ 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: \_\_\_\_\_, 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 June 30, 2020 (date) on November 28, 2020 (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

Aug. 12  
2019

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix C.

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

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

### QUESTION(S) PRESENTED

I. WHETHER REASONABLE JURIST COULD DEBATE THE THIRD CIRCUIT COURT OF APPEALS ADOPTION THAT THE DISTRICT COURT'S RULING THAT APPELLANT'S PETITION DOES NOT STATE A VALID CLAIM OF THE DENIAL OF A CONSTITUTIONAL RIGHT. Slack v. McDaniel 529 U.S. 473, 484 (2000); see also Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)& SHOULD HAVE THE MERITS OF PETITIONER'S CLAIMS BEEN A FACTOR IN THE UNITED STATES COURT OF APPEALS DECISION?

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[x] 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:

KEVIN J. RANSOM SUPERINTENDENT OF SCI DALLAS

JOSH SHAPIRO ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA

LARRY KRASNER DISTRICT ATTORNEY OF PHILADELPHIA

## RELATED CASES

Additional charges against Petitioner were brought under separate numbers Commonwealth v. St. George, No. CP-51-CR-403962-1997, & CP-51-CR-404011, Petitioner has filed habeas petitions in the United States District For The Eastern District of Pennsylvania arising from No. CP-51-CR-403962 at Civ. Act. No. 18-905

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A -ENTRY OF JUDGMENT FROM UNITED STATES COURTS OF APPEAL.	Pg. 12.
APPENDIX B- ORDER & REPORT & RECOMMENDATION FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT	Pg. 13
APPENDIX C- ORDER FROM THE SUPREME COURT OF PENNSYLVANIA EASTERN DISTRICT.	Pg. 14
APPENDIX D- NON_PRECENTIAL DECISION FROM THE SUPERIOR COURT OF PENNSYLVANIA	Pg. 15
APPENDIX E - PRO_SE SUPPLEMENTAL MEMORANDUM OF LAW	pg. 16
APPENDIX F - PETITION FOR ALLOWANCE OF APPEAL IN THE SUPREME COURT OF PENNSYLVANIA EASTERN DISTRICT	Pg. 17
APPENDIX G - PETITION UNDER 28 U.S. C. §2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY	Pg. 18

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Slack v. McDaniel</u> , 529 U.S. 473, 484 (2000)	Pg. 12
<u>Miller-El v. Cockrell</u> , 537 U.S. 322, 336 (2003)	Pg. 12
<u>O'Sullivan v. Boerckel</u> , 526 U.S. 838, 845 (1999)	Pg. 12
<u>Holland v. Florida</u> , 560 U.S. 631 649 (2010)	Pg. 9

## STATUTES AND RULES

### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

ARTICLE [VI]	Pg. 7
ARTICLE [XIV]	Pg. 7
ARTICLE [V]	Pg. 7
See. 28 U.S.C. §2244(b)(3)(A)	Pg. 12
See. 28 U.S.C. §2254]	Pg. 12
See. 28 U.S.C. §2253(c)(2)	Pg. 12

## OTHER

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### ARRICLE [vi]

In all Criminal prosecutions, the accused shall enjoy the right to a speedy and public Trial, by an impartial jury of the State and District wherein the Crime shall have been committed which District shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses;

### ARTICLE [XIV]

section, all persons born or naturalized in the United States and subjected to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges; 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 law.

### ARTICLE [V]

No person shall be held to answer for a capital or otherwise infamous crime, unless on a [Capital or Otherwise] presentment or indictment of a Grand Jury except in Cases arising in the land or naval forces or in the Militia, when in actual service in time of war or public danger; nor shall any person be subjected for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.



## STATEMENT OF THE CASE

Following a jury Trial in October 1997, petitioner was convicted of kidnapping and other crimes, See; Commonwealth v. St. George, No. CP-51-CR-405232-1997 (C.P. Phila. 1997) Petitioner was sentenced in December 1997 to a fifteen to thirty year term of incarceration.

Additional charges against petitioner were brought under separate docket numbers. See. Com. v St. George, No. CP-51-CR-403962-1997 (C.P. Phila. 1998); Com. v. St. George, No. CP-51-CR-404011-1997).

Petitioner's counsel stated on the record, that was going raise issues on post-verdict motions on Petitioner's behalf, but failed to do so.

Petitioner file a pro se notice of appeal on February 25, 1998, that was returned to petitioner with a notice from the clerk, that petitioner couldn't appeal said case, because I didn't go to trial yet. And crossed out the case caption I was filing under, and submitted another case that petitioner had not been to trial on yet.

After writing the lower court several letters with no reply, petitioner filed another appeal nunc pro tunc on June 24, 1999, After the court failed to on that appeal, Petitioner filed a petition For a writ of mandamus with the Pennsylvania Superior Court. The Superior Court denied this petition on February 29, 2000, then on April 3, 2000, Petitioner filed his initial petition for writ of habeas corpus.

The Petitioner has been on an arduous journey every since. Please follow Petitioner's Procedural History through magistrates Judge Rueter's Report & Recommendation.

## REASONS FOR GRANTING THE PETITION

I. WHETHER REASONABLE JURIST COULD DEBATE THE THIRD CIRCUIT COURT OF APPEALS ADOPTION THAT THE DISTRICT COURT'S RULING THAT APPELLANT'S PETITION WAS UNTIMELY See. 28 U.S. C. §§2244 (d) (1) 2253 (c), AND ALSO HAS NOT ARGUABLY DEMONSTRATED ANY BASIS FOR EQUITABLE TOLLING BECAUSE HE HAS NOT SHOWN THAT HE HAS BEEN PURSUING HIS RIGHT DELIGENTLY, AND ..... THAT SOME EXTRAORDINARY CIRCUMSTANCES SLack v. McDaniel, 529, U.S. 473 484 (2000) STOOD IN HIS WAS AND PREVENTED TIMELY FILING. See. Holland v. Florida, 560 U.S. 631 649 (s010).

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Percy St. George

August 27, 2020

Date: \_\_\_\_\_

## APPENDIX "A"

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](http://www.ca3.uscourts.gov)

TELEPHONE  
215-597-2995

June 30, 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: 19-3568  
District Court Case Number: 2-19-cv-03963

ENTRY OF JUDGMENT

Today, **June 30, 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.