

NO. 20-8015

NOEL L. BROWN, PETITIONER
VS.

PENNSYLVANIA, Respondent

PETITION FOR REHEARING PURSUANT TO RULE 44:

AND NOW, THIS 28th DAY OF JANUARY 2022, PETITIONER NOW RAISES TEN SEPARATE GROUNDS TO SET ASIDE THE VERDICT OR SEEKS SUMMARY REVERSAL EITHER CONDITIONED UPON THE COURT'S DECISION IN A PENDING CASE OR FORTHWITH ON THE BASIS OF A DECISION VERY RECENTLY RENDERED.

GROUND ONE - 28 U.S.C. 1862: The systematic exclusion of a distinctive group in the community in the jury selection process. SEE: EXHIBIT 39. to Petitioner Protest of All White Jury.

GROUND TWO - SIXTH AMEND VIOLATION: IF CERTAIN GROUPS ARE SYSTEMATICALLY EXCLUDED FROM THE JURY PANEL, FAIR CROSS SECTION REQUIREMENT IS NOT SATISFIED.

GROUND THREE - DENIAL OF COUNSEL: AT SENTENCING COUNSEL MUST BE APPOINTED, LIKEWISE DURING THE ARRAIGNMENT PROCEEDINGS COUNSEL IS NEEDED TO EXPLAIN THE CHARGES & MODIFICATION OF BAIL, COUNSEL IS NEEDED IN THE INTEREST OF JUSTICE. THE "HALLMARK" OF A FAIR TRIAL, IS TO HAVE COUNSEL DURING SENTENCE.

GROUND FOUR - IMPROPER VENUE: VENUE BELONGS IN THE COUNTY WHERE THE ALLEGED CRIMES OCCURRED AND ARREST HAD BEEN MADE. SEE: EXHIBIT 43 ATTEMPTING TRANSFERRING THE MATTER TO THE PROPER JURISDICTION. THE TRIAL COURT HAS NO DENIABILITY, THE IMPROPER VENUE CLAIMED.

GROUND FIVE - VENUE OR RIGHT TO CALL WITNESS IN MY DEFENSE: THE CONSTITUTION TO THE UNITED STATES AMENDMENT CLEARLY STATES AN ACCUSED HAS THE RIGHT TO QUESTION HIS ACCUSER, SEE: EXHIBIT 38 TO THE TRIAL COURT DENIAL OF SAID CONSTITUTIONALLY PROTECTED RIGHTS. ARRESTING OFFICER REFUSED.

GROUND SIX - BRADY VIOLATIONS: THE DISTRICT ATTORNEY FAILED TO INSTRUCT THE JURY THAT THE PETITIONER NAME AND ADDRESS WRITTEN ON THE TOP OF A PAPER BEARING A COPY OF A SUSPECT IS NOT PART OF THE EVIDENCE. SEE: EXHIBIT 21D.

GROUND SEVEN - USE OF INADMISSABLE EVIDENCE: THE TRIAL JUDGE ERRONEOUSLY DENIED SUPPRESSION OF THE PETITIONER PHOTO, EVEN AS THE PRIOR HEARING JUDGE HAD DONE SO IN THE MINIBUS HEARING. "OUR JURISPRUDENCE REQUIRE THAT A POLICE OFFICER PREPARE A MEANINGFUL INVENTORY OF THE CONTENTS OF AN ACCUSED CAR, HOME, OR OFFICE!" NO SUCH CHAIN OF CUSTODY EXISTS IN THE PHOTO USED. USE OF A STAGED PHOTO, WITHOUT TESTIMONY OF POLICE CUSTODY.

GROUND 8 - SPEEDY TRIAL 18 U.S.C. 3161: BY THE PROSECUTION CALLING OF A LATE WITNESS FROM THE SOAB ON FEBRUARY 3RD 2017. UPON A REVIEW OF THE MINUTES OF THE RELEVANT ADJOURNMENTS, FIND THAT THE TIME CHARGEABLE TO THE PEOPLE WELL EXCEEDS 210 DAYS, WELL OVER THE STATUTORY MAXIMUM OF 180 DAYS ALLOWED.

GROUND 9 - USE OF "SHOW UP" IDENTIFICATIONS: NO LINE UP OF SUSPECTS OR EVEN A PHOTO ARRAY WERE EMPLOYED IN THE CASE.

GROUND 10 - FALSE ARREST: A PROTEST SUFFICIENTLY PRESERVES AN ISSUE. TO THE EXTENT THAT ANY ARGUMENT ARE UNPRESERVED THIS COURT SHOULD REACH THEM IN THE INTEREST OF JUSTICE. I ASK THE COURT TO EXERCISE THAT AUTHORITY HERE. SEE: EXHIBITS 32 & 33 TO SIGNING OF LEGAL CONTRACT WITH AGE & NAME OF ALLEGED VICTIM.

Respectfully Submitted
NOEL L. BROWN Esq.

CERTIFICATE OF JAHMEM

- CERTIFY THAT GROUNDS 1, 2, 4, 10, ARE LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT.

- FURTHER CERTIFY THAT GROUNDS 3, 5, 6, 7, 8, 9, ARE OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED.

HOWEVER, IF IN RESPONSE TO A PROTEST BY A PARTY, THE COURT EXPRESSLY DECIDED THE QUESTION RAISED ON APPEAL. TO THE EXTENT THAT ANY ARGUMENTS ARE UNPRESERVED, THIS COURT WOULD REACH THEM IN THE INTEREST OF JUSTICE, WITHIN PETITION FOR REHEARING PURSUANT TO RULE 44.

- CERTIFY THAT THIS PETITION FOR REHEARING PURSUANT TO RULE 44 IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY. THEREFORE, ANY WILLFUL FALSE STATEMENT MADE IN THIS PETITION IS PUNISHABLE UNDER THE LAWS AND STATUTES OF THE UNITED STATES SUPREME COURT.

Respectfully Submitted
Noel C. Brown Esq.