

No. 21-5260 ORIGINAL

Supreme Court, U.S.
FILED

JUN 19 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

James E. Nottingham — PETITIONER
(Your Name)

LAUREL HARRY et. al. — RESPONDENT(S)

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

James Edward Nottingham
(Your Name)

SCI Camphill, Po box 8837, 2500 Lisburn Road
(Address)

Camphill, Pa. 17001
(City, State, Zip Code)

N/A
(Phone Number)

QUESTIONS PRESENTED

1. Shall the writ of certiorari be granted in favor of the Petitioner James E. NOTTINGHAM. for false arrest? suggested answer: Yes
2. Shall the writ of certiorari be granted in favor of the Petitioner for the acts of Perjury and fraud by the Respondents?
3. Is the warrant of arrest and the search warrant void for not being ascertained by law in magisterial district number 29-3-03, the honorable Jon E. KEMP?
4. Shall the complaint be ruled under 42 U.S.C. § 2254 as the original file challenging the convictions and sentences?
5. Is it mandatory and Jurisdictional for the arresting officer to appear at the Preliminary hearing and trial?
6. Was Counsel in the State Proceedings constitutionally effective?
7. Is there an alternative "ENTRY of APPEARANCE" or is this a wholly frivolous fabricated court document?
8. Was the case(s) being Presented full and fair?
9. Should this case be investigated?
10. Does the State have Jurisdiction over James Nottingham?

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:

1) NANCY BUTTS 2) Richard A. Gray 3) Matthew Welickavitch 4) Dance
Drier 5) Jason Cooley 6) Blake Brown 7) William Jones
8) Janet Smith 9) Stephanie Smith 10) Brandon Renner 11) Thomas
Markley 12) Michael Simpler 13) Timothy Reitz 14) Mary Kilgus

RELATED CASES

1. JAMES NOTTINGHAM V. SUPERINTENDANT CAMPHILL SCI, et.al.;

U.S.C.A.3 - 20-2821; DISTRICT COURT NO. 4:18-CV-02002;

2. JAMES E. NOTTINGHAM V. SUPERINTENDENT CAMP HILL SCI; ATTORNEY

GENERAL PENNSYLVANIA; DISTRICT ATTORNEY LYCOMING County, PA..

U.S.C.A.3 20-2892; DISTRICT COURT NO. 3:19-CV-01949;

3. JAMES E. NOTTINGHAM V. SUPERINTENDANT CAMPHILL SCI, ET.AL.

U.S.C.A.3 20-3423; DISTRICT COURT NO. 3:19-CV-01949;

4. JAMES NOTTINGHAM V. JOSH SHAPIRO, DISTRICT COURT NO. 1:21-CV-0396.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1. <u>Browder v. Director</u> , 434 U.S. at 264, 270-73 (1960)).	<u>2</u>
2. <u>Campbell v. Nordstrom</u> , 2013 U.S. Dist LEXIS 6358 (M.D. Pa. 2013)	<u>2</u>
3. <u>Groman v. Twp. of Manalapan</u> , 47 F.3d 628, 634 (3d Cir. 1995)	4
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5. <u>Stranahan Gear Company Inc. v. NL Industries Inc.</u> , 800 F.2d (3d Cir. 1986)	<u>5</u>
6. <u>United States v. One Toshiba Television</u> , 213 F.3d 147, 157 (3d Cir. (2000)	<u>5</u>
7. <u>United States v. Robinson</u> , 361 U.S. 220, 229 (1960)).	<u>5</u>

STATUTES AND RULES

1. Federal Rule of Appellate Procedure 4(a)	<u>5</u>
2. Federal Rule of Civil Procedure 60(b)(1-6)(d)(1-3)	4, <u>5</u>

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APPENDIX B	JAMES E. NOTTINGHAM V. JASON COOLEY, et. al. NO. 4:19-cv-00595-M.D.Pa 7/6/20
APPENDIX C	PENNSYLVANIA STATE POLICE Request no 2020-0612 (2)Pages
APPENDIX D	COMMONWEALTH V. JAMES E. NOTTINGHAM, NO. CP-41-CR-001190-2015
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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 A 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 B to the petition and is : JUDGE MATTHEW BRANN CLAIMS HE ENTERED Judgment
see APPX. F. NO ENTRY

- ☐ reported at U.S. Dist. LEXIS 136533, 2019 WL 7576893 AUG 12 2019; 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 _____ 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 _____ court appears at Appendix _____ 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 _____.

☐ 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: MAY 11, 2021, and a copy of the order denying rehearing appears at Appendix A.

☐ 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. § 1254(1).

☐ For cases from **state courts**:

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

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

~~First Amendment - Right to Redress~~

1. Fourth Amendment - Illegal search and seizure without Probable cause. False Arrest - unlawful seizure.
2. Fifth Amendment - violations of fair due Process, Twice in Jeopardy
3. Sixth Amendment - Interference with right to legal counsel
an impartial Jury, Judge in same district, to be informed, to confront, obtain
4. Fourteenth Amendment - Due Process and equal Protection violations
nor involuntary servitude without being duly convicted in their Jurisdiction
NO STATE SHALL MAKE or enforce any law which shall abridge the Privileges
or immunities of citizens of the United States.
 1. 18 Pa.C.S. § 4904, unsworn falsifications to authorities
 2. 28 U.S.C. § 2107, Time limit Mandatory and Jurisdictional
 3. 42 U.S.C. § 2254, Habeas Corpus

STATEMENT OF THE CASE

- 1) On July 13, 2015, PENNSYLVANIA STATE TROOPERS JASON COOLEY AND BLAKE-BROWN claimed that they was responding to a 911 hang-up call. See APPENDIX I AFFIDAVIT OF PROBABLE CAUSE SWORN to before James Sortman, not the honorable Jon E. Kemp of Magisterial District Number 29-3-03, in violation of the Sixth Amendment as James Sortman not being in the same district was without Jurisdiction to ascertain by LAW, the Police criminal complaint Page 7 of 7, or the affidavit of Probable Cause, and set bail at \$150,000⁰⁰
 - a) In rebuttal of the Affidavit of Probable cause see APPENDIX C, and J
- 2) The State troopers did cause harm and injuries to the Petitioner at his residence in his driveway and again at the Police Station. See Page 2 of "I".
- 3) On July 17, 2015, James NOTTINGHAM, appeared at District 29-3-03, and all Charges was dismissed and Trooper Blake Brown failed to appear.
- 4) On this same day of July 17, 2015, Lycoming County District Attorney Aaron Bichle, Penciled in Count-10, Person not to Possess on Page 6 of 7, Trooper Blake Brown's sworn Police Criminal Complaint which is subject to the Penalties of Section 4904 of the Crimes Code 18 Pa.C.S. § 4904. See APP. I P. 7.
 - a) To state a claim of false arrest under the Fourth Amendment, a Plaintiff must establish (1) That there was an arrest (July 13, 2015); and (2) That the arrest was made without Probable Cause. See Groman v. TWP. of Manalapan, 47 F.3d 628, 634 (3d cir 1995); APPENDIX C Would satisfy without Probable Cause, and satisfy the (2) Two Prong Standard requirement.
- 5) Notice Docket 38-1 Filed 12/19/19, Page 3 of 23 (APPENDIX F) NO Pre-trials exist against the Petitioner's wishes in violation of due Process under the Fifth and Fourteenth amendments, and on 11/1/2016, Trial for Count-10 was held followed by an aggravated sentence of 5-10 years on 11/10/2017.
- 6) On June 6, 2017, before Jury selection all blood evidence was suppressed by agreement with the commonwealth. See APPENDIX K. On 6/26/2017, before commencement of trial the blood evidence suppression was renewed and breached by the commonwealth directly thereafter. See APPENDIX L, and on 6/29/2017, Charges 3-9, That was dismissed on July 17, 2017, was reinstated after the trial on the day of sentencing that proves the Petitioner was never rearrested and the commonwealth was powerless to enter Judgment for a lack of Jurisdiction for false arrest. Federal Rule of Civil Procedure 60, A judgment may be void on (2) Two grounds: (1) If the rendering court lacked subject matter Jurisdiction; or (2) If it acted in a manner inconsistent with due

Process of law. Mauro v. New Jersey Supreme Court, 238 F. App'x 791, 793 (3d Cir. 2007). A Rule 60(b)(4) motion on the grounds that a judgment is void may be brought at any time. See United States v. One Toshiba Television, 213 F.3d 147, 157 (3d Cir. 2000) (en banc). See APPENDIX D P.5 convictions reversed 6/29/2017. After trial and only arrest date of record is July 13, 2015, and dismissed July 17, 2015. A defendant must be served with original Process (A LEGAL ARREST) for a court to obtain Personal Jurisdiction. The rules governing service of Process must be strictly enforced, and invalid service renders a court powerless to enter Judgment against a defendant. Stranahan Gear Company Inc. v. NL Industries Inc., 800 F.2d 53 (3d Cir. 1986); Campbell v. Nordstrom, 2013 U.S. Dist. LEXIS 6358 (M.D. Pa. 2013). Petitioner received an aggravated 3-6. The denial of the gun caused one count of Perjury to be added as another charge and a third trial where the Williamsport Chief of Police was a Juror. The end result was a 1-5 year and all sentences ran consecutive.

All trials was appealed to the Pennsylvania Superior Court and after being interfered with and not being filed as the Petitioner wished and even abandoned and found Per se ineffective in a remand Grazier hearing on September 13, 2019, it was entered in open court that the Petitioner was never arrested with all Parties Present the Judge Nancy Butts stated that she did not have the authority to deal with that and old counsel Dance Drier and New Counsel Jeanna Lengro was both present and the District Attorney.

Ultimately all appeals were dismissed under an Ander's Brief. The Petitioner filed a habeas Corpus Petition under 42 U.S.C. § 2254, on 4/5/2019. On 12/5/2019, NOTICE OF APPEARANCE and waiver of service was also returned with a due date of 60 days from 10/16/2019, Doc. 36. The Answer was due by 12/16/2019, and received on 12/19/2019, Doc. 37. Browder v. Director, 434 U.S. at 264, 270-73 ("30-day time limit [in 28 U.S.C. § 2107 and Fed. R. App. P. 4(a)] is "mandatory and jurisdictional". State barred from filing reconsideration motion in district court and appeal because both were untimely (Quoting United States v. Robinson, 361 US 220, 229 (1960)). In the Appeals court the district Judge Matthew Brann, claimed to have filed a final Judgment making the appeal one day late and being dismissed. Attorney General Sean Kirkpatrick filed a alternate Entry of Appearance after Jonathon Blake failed to do so. see APP. "E".

REASONS FOR GRANTING THE PETITION

It is the right action to take to free a wholly innocent man.

It is very important that no person dilute righteous serious claims with frivolous petitions, or complaints by means of perjury, forgery, or fraud as herein this case. Likewise, it is true that if a claim has merit as witnessed herein, and your rights have been violated, then justice can be served by standing up for your rights. Everything we do has an effect on others similarly situated whether if we see it or not it is best to have a positive impact on our society. If frivolous petitions or complaints are filed they will taint serious cases like this one that is important to right the wrong, and helps to establish in the court of law a determined resolution to protect the rights and human dignity of the deserving so it will ripple out into our community like a stone thrown in the water and touch other lives in a positive way by giving them hope and inspiration in doing what is right. Please stand up for what is right, and let us cast the first stone together to make a better place for everyone. See Appendix "M"

Thank you!

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James Nottingham

James E. Nottingham

Date: 7/19/2021