

21-6127

Supreme Court, U.S.
FILED

OCT 5 2021

OFFICE OF THE CLERK

Supreme Court of the United States

In re

Howard Griffith

VS

New York

Petition for Writ of Prohibition
Petition for Writ of Mandamus

Howard Griffith, pro se
CNYPC

P.O. Box 300

Marcy, NY 13403

ORIGINAL

Questions Presented

What was the reason for not making application for writ of habeas corpus to the district court of the district in which I am being held? (Rule 20.4[a])

Cause was preserved to take habeas corpus to the district court in the United States [District Court] of the Northern District of New York. Nevertheless, the procedure could only have been satisfied to notify the opposing parties via the United States Supreme Court.

What was the judgment or order in respect to which the [writ] of prohibition and mandamus was sought? (Rule 20.3)

The District Court recommended the May 4, 2021 Order of "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" to be considered to be the initial order pertaining to which the writ [] was intended to be sought, (see Petition for Extraordinary Writ [May 23, 2021] attachment re "Howard Griffith et al. v New York et al.,

[] "Summary Order: May 4, 2021)

What will be the reflection of changes?
(June 2, 2021 Letter "Office of the Clerk")

There was no further time to make any corrections "In re Howard Griffith v New York [Extraordinary Writ]" after August 2, 2021. (Rule 14 []) Nevertheless, precedent has been established to join the May 4, 2021 Order of the District Court with the August 3, 2021 Order re "Howard Griffith et al, v New York et al, 5:20-cv-01312 (GLS/ML)" "In re Howard Griffith v New York [Extraordinary Writ]" via appeal.

List of Parties

Howard Griffith, pro se
Petitioner

Central New York Psychiatric Center
P.O. Box 300
Marcy, NY 13403

People of the State of New York
County of Onondaga, Respondent
505 South State Street, 4th Floor
Syracuse, NY 13202

New York State Attorney General
Respondent
28 Liberty Street
New York, NY 10005

Related Cases

"Howard Griffith et al, v New York et al,
5:20-cv-01312 (GLS/ML)" 42 USC 1983

"Howard Griffith v Onondaga County
SU-2020-005851" NY Civil Practice Law and
Rules Article 78 "Proceeding Against Body
or Officer"

"People v Griffith [] (Syracuse 2019)"
Conviction for "Disorderly Conduct"

"People v Griffith, CR-06189-21" Currently
being prosecuted for failure to register
as a sex offender.

"People v Griffith, 166 AD3d 1518 (4th Dept
2018)" The Supreme Court of the State of
New York/Appellate Division/Fourth Depart-
ment provided adjudication that conviction
for Rape in the First Degree is unconstitu-
tional.

"Howard Griffith v New York, 20-6395"
Petition for Writ of Certiorari pursued in
essence of "People v Griffith, 166 AD3d

1518 (4th Dept 2018)"

"Griffith v New York State, Attorney General, 21-2113" Appeal being pursued from the August 3, 2021 Order of the United States District Court of the Northern District of New York re "Howard Griffith et al, v New York et al, 5:20-cv-01312 (GLS/ML)"

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"People v Griffith, 166 AD3d 1518 (4th Dept 2018)": 4, 5, 6, 11, 17, 18, 19

"Howard Griffith v Onondaga County, SU-2020-005851": 4, 19, 20, 21, 30, 31

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"People v Griffith, CR-06189-21": 14, 37

"Griffith v New York State, Attorney
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"Trump v New York, 592 U.S. __ (2020)": 29

"Dotson v Fischer, 613 F. App'x 35 (2d Cir
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"52 USC 10303 'Elimination of the Illegal Use of Tests or Devices to Determine the Eligibility to Vote'": 22, 35

"34 USC 30501 'Hate Crimes'": 32

"34 USC 30505 'Hate Crimes "Severability"'": 32

"U.S. District Court ND NY 'Local Rules of Practice', 2021, Rule 7.1(a)": 13-14, 38

"Rape 1st, NY Penal Law 130.35(1)": 3, 6, 19, 36

"NY Correctional Law Article 168 [S]ex
[O]ffender [R]egistration [A]ct, SORA":
18, 23

"NY Correction Law 168-r(2) 'Immunity
from Liabilities'": 23

"NY Correction Law 168-t 'Penalties for
Failure to Register as a Sex Offender'":
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"NY Civil Practice Law and Rules Article
78 'Proceeding Against Body or Officer'":
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"Part 7006 of Title 9 of New York Codes
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U. S. District Court of the Northern
District of New York re "Howard Griffith
et al, v New York et al, 5:20-cv-01312

(GLS/ML)" Order: August 3, 2021 (Document 27)

Letter from the Office of the NYS Attorney General, Re: "Griffith v New York State, Attorney General, No. 21-2113" September 17, 2021

"Dotson v Fischer, 613 Fed. Appx. 35 (2015)"

Letter from the Office of the Clerk of the Supreme Court of the United States, RE: "In re Howard Griffith v New York" June 2, 2021

U.S. District Court of the Northern District of New York re "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" Order & Report - Recommendation: July 14, 2021 (Document 24)

U.S. District Court of the Northern District of New York re "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" Order to Strike Notice of Entry: August 13, 2021 (Document 32)

Supplement for Petition for Extraordinary

Writ "In re Howard Griffith v New York"
June 7, 2021

Petition for Extraordinary Writ "In re
Howard Griffith v New York" May 23, 2021

Petition for Rehearing for Petition for Writ
of Certiorari "Howard Griffith v New York,
20-6395" March 9, 2021

Supplement for Petition for Writ of
Certiorari "Howard Griffith v New York,
20-6395" November 30, 2021

Supplement for Petition for Writ of
Certiorari "Howard Griffith v New York,
20-6395" January 9, 2021

I, Howard Griffith, am the Plaintiff
"In re Howard Griffith v New York"
via civil procedure, and I am the
Defendant in this matter via criminal
procedure, and in my Petition for
Writ of Prohibition and Mandamus, I
will be referring to myself in the first
person point of view.

Concise Statement

Regarding my sex offender registry,
I have pursued with both criminal
procedure and civil procedure. In
essence of "People v Griffith []
(Syracuse 2019)", I intended to

pursue with civil procedure when the police would not assist me with addressing criminal activity on the property of the policy I share with my landlord. This was intended to blame the People for not granting my relief for a conviction I settled for disorderly conduct, with regard to previous complaints I had made to the police and my landlord before "taking the law into my own hands." Nevertheless, I agreed with my landlord that I would not pursue with the civil procedure if he could maintain

the criminal activity, under control, to have no illegal activity interfere with my address. However, a false address was provided for my address to be demonstrated with my sex offender registry. I pursued with civil procedure because it was most essential to the People's liability. This was with regard to the Supreme Court of the State of New York, Appellate Division/Fourth Department considering my conviction for Rape in the First Degree to be unconstitutional and the fact that the procedure was still being pursued to

have this dismissed, (People v Griffith,
166 AD3d 1518 [4th Dept 2018]) However,
I never cited the People as a party
in my civil procedure.

By preserving my cause via NY [c]ivil
[P]ractice [L]aw and [R]ules Article 78
(Howard Griffith v Onondaga County SU-
2020-005851 [CPLR Article 78 "Proceeding
Against Body or Officer"]), my reason
was preserved to pursue with Federal
Rules of Civil Procedure, Rule 3, as my
cause was to demonstrate what the
illegal address was intended for before
I could obtain the injunction to

demonstrate the illegal evidence I initially intended to demonstrate for the police. My cause would be preserved to still blame the People because the date I had taken it to the United States District Court of the Northern District of New York (Howard Griffith et al. v New York et al., 5:20-cv-01312 [GLS/ML] "42 USC 1983") was the same date that the statute of limitations began to pursue with Petition for Writ of Certiorari in essence of People v Griffith, 166 AD3d 1518 (4th Dept 2018). (Howard Griffith v New

York, 20-6395)

Via Supplemental Brief: November
30, 2020 (Petition for Writ of Certiorari),

I preserved the cause to demonstrate

that dismissal of my conviction for

Rape 1st could not be pursued in es-

sence of People v Griffith, 166 AD3d

1518 but would have to be pursued in

essence of Howard Griffith et al. v

New York et al.. Nevertheless, People v

Griffith, 166 AD3d 1518 would still have

to be interpreted by this [C]ourt. With

this, I raised the question "Coram Nobis

or Habeas Corpus?"

I filed a Petition for Writ of Habeas Corpus in the District Court on December 15, 2020 to be decided with Howard Griffith et al, v New York et al.. This preserved the cause that I would be subject to double jeopardy and the People would still be blamed in pursuit of civil procedure.

The District Court recommended Habeas Corpus be dismissed without prejudice and the complaint be dismissed without prejudice on December 28, 2020. It was also recommended the motion to pursue with restraining

order be dismissed and in forma pauperis was granted. Nevertheless, the District Court recommended Leave to Replead the Complaint.

The statute of limitations to pursue with an appeal from the recommendation began on January 15, 2021. The cause was preserved via Supplemental Brief (Certiorari) to the U.S. Supreme [C]ourt for interlocutory appeal on January 09, 2021. This was served to both the People and the NYS Attorney General. Certiorari was denied on January 19, 2021.

Via Petition for Rehearing for Petition
for Writ of Certiorari, I requested
Certiorari to be considered to be
denied without prejudice. With this,
I filed my amended complaint and a
motion for restraining order to later
be pursued with Howard Griffith et al.
v New York et al, before the Order was
made by the District Court for Leave
to Replead. All of these were served
to, both, the People and the NYS Attorney
General. I also demonstrated how I
was preserving the cause to pursue
with extraordinary writ.

I took the Petition for Extraordinary Writ with the Petition for Rehearing and the two Supplements appended, and it was returned before the District Court made its Order. These had all been served to, both, the People and the NYS Attorney General. The District Court made its Order with 30 days to Replead the Complaint on May 4, 2021. Petition for Rehearing was denied on May 17, 2021. A corrected Petition for Extraordinary Writ was taken on May 23, 2021, and the Amended Complaint that was filed with the Petition for

Rehearing was taken to the District Court with the Extraordinary Writ and the Petition for Rehearing with Supplements, all appended, on May 26, 2021. These objected how the district court could not have adopted the [R]eport and [R]ecommendation in its entirety because People v Griffith, 166 AD3d 1518 cited how "Doe v Pataki [] (SD NY 1998)" made claims how the District Court would not have been able to decide Habeas Corpus to be dismissed without prejudice at "People v Lashway [] 483" id, at 1520.

This would have to be decided by the

U.S. Supreme Court instead, (28 USC

1257) The Extraordinary Writ was in-

tended to reconsider the Petition for

Rehearing to be considered to be denied

without prejudice. These had all been

served to, both, the People and the NYS

Attorney General,

A Supplemental Brief "In re Howard

Griffith v New York []" was served to

the Supreme Court, the District Court,

the People, and the NYS Attorney General

on June 07, 2021, to preserve the cause

for the People and the NYS Attorney

General to consider the Extraordinary

Writ was taken to the District Court to be considered with the Amended Complaint.

It was considered to have been taken to the District Court on June 9, 2021,

FOURTEEN DAYS after the Amended Complaint was taken, in order for the

District Court to consider the Extraordinary Writ to be a non-dispositive

motion. (see U.S. [District Court] ND NY

"Local [Rules] of Practice" [2021] Rule[s]:

7.1 [a] [2], 7.1 [a] [3]) Petition for Rehearing

demonstrated to the District Court how

good faith efforts were made amongst

our parties to settle the non-dispositive

issue before it was taken. (District Court Rules 7.1[a][2], First Paragraph)

Once again, the Supreme Court returned the Extraordinary Writ. Nevertheless, I was placed in custody on June 8, 2021, for not registering as a sex offender. (People v Griffith, CR-06189-21) December 15, 2020

was considered to be the date of the incident, the same date habeas corpus was taken to the District Court. Since the Supplement for Petition for Extraordinary Writ was not deemed to have been taken to the District Court until June 9, 2021, this satisfied the cause

for the People and the District Court to consider Habeas Corpus. The District Court recommended the Extraordinary Writ to be denied without prejudice if it was intended to be construed as an appeal from the May 4, 2021 Order of the District Court on July 14, 2021.

On July 22, 2021, I had notice provided to the Supreme Court and the District Court of my change of address. On August 3, 2021, the District Court Ordered the amended complaint dismissed, the non-dispositive motion stricken, and Howard Griffith et al. v New York et al.

closed because no objections were made and the R & R was reviewed, declaring no clear error. Nevertheless, the Order demonstrated clear error from the R & R, demonstrating I was in custody with regard to the change of address.

However, most fundamentally, the civil procedure involved the address that my landlord provided for my housing. Nevertheless, my roommate was my co-plaintiff as her address has never changed,

I had Notice of Entry served for the People, the NYS Attorney General and the District Court to consider the Order on

August 13, 2021. This provided the remedy for the People to consider it "in time" for me to pursue with exhausting my remedies in pursuit of Howard Griffith et al. v New York et al., However, the People did not consider it "in time" as I should have been released from custody in order to have been able to have exhausted my remedies "in time."

Statement of Facts

Petition for Writ of Certiorari

(Howard Griffith v New York, 20-6395)

was pursued in essence of People v

Griffith, 166 AD3d 1518 (4th Dept 2018)

after having pursued with a motion to grant leave to appeal which was denied by the NYS Court of Appeals, Motion to grant leave to appeal was pursued in essence of a letter/decision/order determining I had abandoned my petition for SORA modification ([S]ex [O]ffender [R]egistration [A]ct, NY Correction Law Article 168), essential to People v Griffith, 166 AD3d 1518, when that matter was under the jurisdiction of the U.S. Supreme Court. This was essential to Howard Griffith v New York, 20-6395, because I was denied my right to

appeal the letter/decision/order. People v Griffith, 166 AD3d 1518 was being pursued to overturn my underlying conviction for Rape 1st (forcible compulsion)

NY Penal Law § 130.35(1),

"Howard Griffith v Onondaga County

SU-2020-005851" was denied Order to Show

Cause on October 30, 2020, with a demand

for reimbursement for poor person's

relief within 120 days or else the case

would be dismissed, Howard Griffith v

Onondaga County was proceeded in essence

of a "draft" (CPLR Article 78) provided

for my landlord, initiated as an

arbitration I prepared as an arbiter,

The reason I had taken the arbitration was because a police officer accused me of having psychiatric issues when demonstrating criminal evidence which caused me to have a seizure. This was pursued in essence of "People v Griffith, [] (Syracuse 2019)" Cause was preserved that I did not know if contacting authorities on minority perpetrators would make me subject to committing a "hate crime." This was essential to me being denied my right to the law library.

Howard Griffith v Onondaga County

was taken on September 16, 2020

because the police refused to update my

sex offender registry when provided

with the false address, provided by my

landlord. Howard Griffith v Onondaga

County was provided for the People to

hold them liable for any damages I may

have to had suffered for not registering

appropriately.

"Howard Griffith et al. v New York

et al., 5:20-cv-01312 (GLS/ML)" was pur-

sued because I was not certain if I

had committed a hate crime. The cause

was preserved to demonstrate that I had

not obstructed, impeded, or interfered with the distribution of the census pursuant to 18 USC 231(a)(3) and my landlord should be fined \$500.00 for failure to assist census employees pursuant to 13 USC 223, and the cause was preserved against New York to demonstrate that the census without the citizenship question could be deemed as a "test or device" to illegally determine the eligibility to obtain absentee, mail-in ballots to vote pursuant to 52 USC 10303. The procedure would be to obtain declaratory judgment before

injunctive relief. This was to be pursued via restraining order.

In forma pauperis being granted by the U.S. District Court on December 28, 2020, preserved the cause that New York could not be "immune from liabilities" pursuant to NY Correction Law § 168-r(2) (out of gross negligence or bad faith) if I was denied my right to exhaust my remedies with regard to being the subject of "Penalties" pursuant to NY Correction Law § 168-t, for failure to register as a sex offender.

I was taken into custody on June 8,

2021, for failure to register as a sex offender because the police needed a reason to place me in jail for a psychiatric evaluation after recovering from a grand mal seizure.

I was provided notice on June 14, 2021, at the Onondaga County Justice Center for requirements to update my photograph and address for the NYS Sex Offender Registry by August 13, 2021.

I was prosecuted on July 6, 2021, via due process disciplinary hearing pursuant to Part 7006 of Title 9 of New York Codes of Rules and Regulations

for striking a deputy on June 12, 2021,
for not allowing me to use the law
library at the Onondaga County Justice
Center.

I was transferred to Central New
York Psychiatric Center on July 7, 2021.

I had Notice of Appeal taken to
the U.S. Court of Appeals for the
Second Circuit to appeal the August 3,
2021 Order of the U.S. District Court
of the Northern District of New York
re "Howard Griffith et al. v New York
et al., 5:20-cv-01312 (GLS/ML)" on September
3, 2021. (Griffith v New York State, Attorney

General, No. 21-2113) Notice of Appeal was served to, both, the People and the NYS Attorney General.

The NYS Attorney General advised the U.S. Court of Appeals for the Second Circuit on September 17, 2021, that the Attorney General's Office would not be appearing in the matter re "Griffith v New York State, Attorney General, No. 21-2113" claiming the Circuit Court lacks personal jurisdiction, claiming the documents were never properly served re "Howard Griffith et al, v New York et al., 5:20-cv-01312 (GLS/ML)"

Reasons for Granting Relief

POINT I: Transferring me to Central New York Psychiatric Center for Temporary Observation demonstrates that the People were acting in bad faith to not allow me to exhaust my administrative remedies. I was supposed to have until July 8, 2021, to object that I was denied my right to the law library via appeal for my due process disciplinary hearing.

POINT II: I was supposed to have until August 13, 2021, to update my photograph and provide notice of change

of address for the Onondaga County Sheriffs to be forwarded to the New York State Sex Offender Registry. This required a utility bill with a posted address and three pieces of "junk mail."

My latest utility bill had posted an address for 2903 James St., Apt. #5, Syracuse, NY 13206. Holding me in custody past August 13, 2021 demonstrates that the People were acting in bad faith to not allow me to exhaust my state remedies.

POINT III: If I would have been released from custody on August 13,

2021, the NYS Attorney General could have objected the Notice of Entry I also had provided to the People and the District Court. This would have preserved the cause to demonstrate that the NYS Attorney General could not have been liable for my criminal procedure, just as the People would not have been liable for my civil procedure,

POINT IV: [Memorandum of Law] for

Trump v New York, 592 U.S. ____ (2020)

(September 2020) demonstrating the remedy that New York could not answer the question with regard to why con-

siderations could not have been made why neighbors and landlords could not have assisted with counts with regards to the census satisfies the remedies for the causes having been pursued with regard to "Howard Griffith et al, v New York et al., 5:20-cv-01312 (GLS/ML)" taken from "Howard Griffith v Onondaga County, SU-2020-005851". This being with regard to the absentee, mail-in ballots being provided for the false address for voting purposes. Errors provided for my sex offender registry satisfies remedies for the causes having been

pursued with regard to Howard Griffith
v Onondaga County having been taken
from the arbitration. Being denied my
right to the law library pursues Howard
Griffith v Onondaga County and being
denied the remedy to update my photo-
graph and my address for my sex
offender registry in pursuit of Howard
Griffith v Onondaga County pursues
Howard Griffith et al. v New York et al.

POINT V: It may possibly be deemed
that I committed a hate crime for
contacting authorities on minority
perpetrators. However, I was never

arrested. Nevertheless, hate crimes still need to be investigated pursuant to 34 USC 30501. Whether or not a hate crime was committed, the remedy can now be declared executives need to provide law enforcement for the criminal evidence and "information []" to be investigated without me being able to be punished in any way, (34 USC 30505

"Hate Crimes: 'Severability'")

POINT VI: Via advisory to the U.S.

Court of Appeals for the Second Circuit

(September 17, 2021) in the matter re

"Griffith v New York State, Attorney

General, No. 21-2113", the NYS Attorney General suggests that if the propriety of affirmance is doubted with regard to the Attorney General's claim that the Circuit Court lacks personal jurisdiction, the sua sponte (August 3, 2021) of the U.S. District Court of the Northern District of New York re "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" be dismissed and remanded "without prejudice to any dispositive motion that defendants may file after they have been served with the amended complaint," Dotson v Fischer, 613 F. App'x 35, 39 ¶ n.3

(2d Cir. 2015). The NYS Attorney General suggests this with regard to a claim of lack of service of documents re Howard Griffith et al. v New York et al., Nevertheless, these documents were served with notice of the matter pending in the District Court via the U.S. Supreme Court "In re Howard Griffith v New York [Extraordinary Writ]". Therefore, this Court may vacate sua sponte [] dismissing and remanding without prejudice to an additional amended complaint appending any relevant documents that I have procured. (see Dotson v Fischer id. at 39, n.3)

Conclusion

The Notice of Entry having been considered on August 13, 2021, satisfies procedure for application for writ of error coram nobis. I intend to join the appeals for the District Court Orders with reconsideration for "Howard Griffith v New York, 20-6395" to all be without prejudice at the same setting. This will be in pursuit of obtaining declaration for the use of absentee, mail-in ballots for the use of voting purposed to be eliminated (52 USC 10303) and establishing precedent to overturn my underlying

conviction of Rape in the First Degree, NY

Penal Law § 130.35(1), (forcible compulsion).

These will satisfy the procedure to be able to demonstrate the criminal evidence which caused me to have a seizure.

Relief Requested

- I request this Court to review my Amended Complaint and my Motion for Restraining Order: March 8, 2021. (see Petition for Rehearing for Petition for Writ of Certiorari, 20-6395: attachments)
- I request this Court to set the date for restraining order in pursuit of "Howard Griffith et al. v New York et al., 5:20-cv-

01312 (GLS/ML)", "Howard Griffith v New York, 20-6395", and "People v Griffith, CR-06189-21" to October 22, 2020.

- I request this Court to provide Order to the Onondaga County Court re "People v Griffith, CR-06189-21" for my immediate release from custody.
- I request this Court to vacate sua sponte (August 3, 2021) of the United States District Court of the Northern District of New York re "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" dismissing and remanding without prejudice to an additional amended complaint appending

any relevant documents that I have procured,

- I request this Court to provide Order for the United States District Court of the Northern District of New York to schedule oral argument in order for the District Court to be re-familiarized with the complicated facts and procedural history of the case given the length of time that has passed since the District Court last reviewed the case. (see U.S. District Court ND NY "Local Rules of Practice", 2021, Rule 7.1[a]) This is to be with regard to the Order to Show Cause for

Motion for Restraining Order: March 8,
2021.

WHEREFORE, via the procedure I have
demonstrated, as the merits suggest,
this Court may grant the relief which
I have requested.

Dated:
September 27, 2021

Howard Griffith
Howard Griffith
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