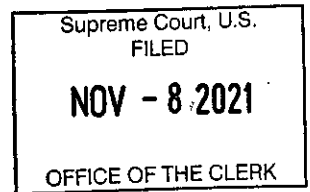


21-6875 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



DONTAIE ANDERSON — PETITIONER
(Your Name)

vs.

WARDEN, LEHIGH COUNTY PRISON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEAL FOR THE THIRD CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DONTAIE ANDERSON
(Your Name)

LCR 38 N. 4th Street
(Address)

Allentown PA 18101
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1.) DO THE GOVERNMENTS NEED TO SECURE COURT APPEARANCE OUT WEIGH THE SECURITY OF PERSON FROM SEVER ILLNESS, MENTALLY PHYSICALLY, DEATH, DUE PROCESS, AND PUNISHMENT.
 - 2.) PETITIONER WAS PROVIDED INEFFECTIVE COUNSEL AND PROHIBITED FROM PARTICIPATING IN HIS OWN DEFENCE, DID VIOLATE THE SIXTH AMENDMENT EQUAL PROTECTION AND DUE PROCESS
 - 3.) THE RIGHT INVOLVED IS THE MAIN CAUSE OF ACTION, AND TOO IMPORTANT TO BE DENIED REVIEW OR POSTPONED, FOR THE CLAIM WILL BE IRREPARABLY LOST
-
- A.) PETITIONER INDICTMENT "PERSON NOT TO POSSESS" IS A LEGISLATIVE "OVERBREATH" CITING A PRIOR CONVICTION AS AN ELEMENT OF A NEW OFFENSE VIOLATING THE FIFTH AMENDMENT DOUBLE JEOPARDY PROTECTION AND NULLIFYING THE DOCTRINE OF RES JUDICATA COLLATERAL ESTOPPEL
 - B.) PETITIONER INDICTMENT F-1, F-2, F-3 ALL APPLIED ELEMENT ARE THE SAME (POSSESSION, CONSTRUCTIVE OR ACTUAL / PRIOR CONVICTION) IS MULTIPLICIOUS
 - C.) PETITIONER INDICTMENT IS A CONSCIOUSLY SHOCKING, DUE PROCESS VIOLATION WHERE THE SECOND AMENDMENT IS APPLICABLE TO STATE BY WAY OF THE FOURTEENTH AND THE PROSECUTION OF IS IN IT SELF DECLARING HIM NO LONGER THE PEOPLE, EXCEEDING CONGRESS AUTHORITY CREATING ANOTHER CLASS OF CITIZEN, "A CONVICTED FELON"

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [] 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.) THE WARDEN LEHIGH COUNTY JAIL
- 2.) THE COMMON PLEAS COURT OF LEHIGH COUNTY
- 3.) THE COMMONWEALTH OF PENNSYLVANIA

RELATED CASES

- 1.) IN RE: DONTAIE ANDERSON NO. 21-2507
(UNITED STATES COURT OF APPEALS FOR THIRD CIRCUIT)
- 2.) COMMONWEALTH V. DONTAIE ANDERSON 936-2019
(SUPERIOR COURT OF PENNSYLVANIA EASTERN DISTRICT)
- 3.) DONTAIE ANDERSON V. COMMONWEALTH OF PENNSYLVANIA et al
Case Number: 21-1529
- 4.) DONTAIE ANDERSON V. LEHIGH COUNTY PRISON
(UNITED STATES DISTRICT COURT FOR EASTERN DISTRICT PENNSYLVANIA)

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<u>Geness v. Pennsylvania</u>	<u>203 F.Supp.3d 318</u>

STATUTES AND RULES

"Failure to exhaust" "No extraordinary circumstances"
"clear error" "Erroneous review"
Hybrid representation prohibited in the Commonwealth
Dist. Court held no Jurisdiction to issue writ mandamus
"clear error" establish circuit law

OTHER

Panel Opinion was the Full Court. No. 21-2507

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 B/C to the petition and is

- ☐ reported at Jacob Anderson, 2021 U.S. App. Lexis 34950; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. B

The opinion of the United States district court appears at Appendix A to the petition and is

- ☐ reported at Anderson v. DA of Lehigh Cty., 2020 U.S. Dist. Lexis 132; 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 D to the petition and is Superior Court E.D. Pa

- ☐ 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 Nov 23, 2021.

☐ 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 B/C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on Nov 8, 2021 (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 Jul 23, 2021.
A copy of that decision appears at Appendix C.

☒ A timely petition for rehearing was thereafter denied on the following date: Attorney refusal, 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

- 1) Protection from Punishment before conviction
- 2) Not to be discriminate against base on race color or creed
- 3) Equal treatment under law
- 4) Protection from being twice in jeopardy life limb for same offense
- 5) To be able to participate in ones defense
- 6) Right to pretrial liberty, being poor
- 7) Right to fair trial, free from bias, prejudice the appearance impartiality.
- 8) The Right to not have to defend against unconstitutional law
- 9) The Right to effective counsel
- 10) The Right to bear arms in self defense

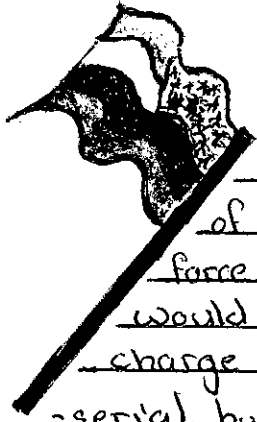
STATEMENT OF THE CASE



Petitioner is a legally disable pretrial detainee who suffer from multiple mental health disorders [PTSD, Major Depression, Bipolar anxiety and panic attacks] It has been in custody of Lehigh County Jail since Nov. 22, 2019 on a unconstitutional weapon offense, and a unattainable monetary bail of \$50,000, during a global pandemic. By way of counsel and Pro Se, petitioner sought bail modification. Do to people with his medical conditions, being disproportionately effect by covid19, becoming severely ill and dying. [Diabetes, Hypertension, cardio issue that require implant and transmission device in his cell, obesity and sleep apnea] With the jails inability to full protect from covid do to its transmittability and design of jail [CDC, Gov. transmission/// disproportionately effected//]. The U.S. Senate & Congress issued in 2020 Core's Act home confinement for medically vulnerable to covid, do to the illness and death ravistion the prison system. The PA Supreme Court declared Judicial Emergency directing the courts, county jails, and medical provider to create a list of those medically vulnerable and not a significant threat to society, to determine ~~at~~ release to save life as a humanitarian obligation. Common Pleas Judge denied any modification of bail, Habeas Corpus, hardship motion, do to 22 to 23 hour cell confinement and all civilian contact suspended, making confinement more restrictive then solitary confinement, causing the suicide of Jeff Mendoza, Dawson Thomas, and Daniel Ognjibac, and the attempted suicide of many other inmates.

Petitioner then filed Federal habeas Corpus, seeking to prevent irreparable injury. District Court for the E.D. Pa. Denied, holding Failure to exhaust where state has no further remedies, in Golden, 2020 U.S. Dist Lexis 1516, same Judge denied petitioner, because he had no pre-existing "high risk" medical condition. I filed C.O.A. on "clear error" "erroneous review." to Third Circuit which was denied where Common declined to submit a brief in opposition. Petitioner then sought rehearing en banc, being denied review.

STATEMENT OF THE CASE



After multiple recusal motion to prevent unfair trial in front of clearly impartial jurist, bias, prejudice to defendant. He was force to trial, with counsel who sabotage his defense, and judge that would not even follow the Canon of this Majestic Court, refusing to charge "mens rea" Behr's element, and turned a P.S.I. deliver-serial, by allowing prosecutor to use it to impede petitioner direct amongst many other issues. Petitioner refuse to further participate and was found guilty of all counts. Petitioner filed mandamus to U.S. Appeals Court For The Third Circuit, seeking to vacate conviction, recuse judge, grant of review of his prohibited Double Jeopardy, Res Judicata Collateral Estoppel challenge where he file prose to Pa Superior Court ED. Pa, and conflict attorney refuse to submit his argument, in it self terminating any further review in state, where participating in his own defense is prohibited, and writ to Pa Supreme court is not mandated nor to the Dist. Court. The constitutional right involved with the judicial suppression of my legal challenges do to the possible remission if granted in my favor. I NOW PRAY THAT THIS MAJESTIC COURT GRANT ME MERCY BY ALLOWING REVIEW, IF IT BE YOUR WILL SO SHALL IT BE.

REASONS FOR GRANTING THE PETITION

THE fundamental principle of Due Process is the presumption of innocence, being axiomatic and elementary to the process of criminal law.

Protection of human liberty and individual rights before conviction.

Conditions of pretrial confinement resulting in the need for medical treatment, is well beyond a punishment inquiry. Confinement based solely on the inability to meet monetary bail obligation, should not be more restrictive than the confinement of those duly convicted, if so it reverse's the burden of proof, which shifts punishment before conviction, and the proof needed to establish guilt is nullified but need now to establish one's innocence, its cause and effect.

The present conditions of I.C.J and since Mar. 2020, fails to protect from covid, and its lock down procedures are not right hazardous, and can be labeled as a grave humanitarian violation

If the nation can suspend the need for punishment [Care's Act] How can my Judge need for court appearance out weigh the threat upon my life, whe court it self is suspended.

Speaks volume to the protection's of Due Process within his court and the ultimate declaration of my life, the disable, the medically vulnerable, the legally innocent "The People" being "Disposable."

The Commonwealth has a common practice, that pose a real constitutional question to their Judicial Processing, where its "heads they win, tails they win."

The prohibition of an accused, from opening a motion to the court, and provided ineffective counsel, in front of a jurist that don't respect, adhere to, Canon, Constitution or general court procedure's, is maliscious. According to President Biden "giving out every thing, but the death penalty for J-walking" contributing to what is now "mass incarceration."

REASONS FOR GRANTING THE PETITION

I filed numerous petitions to the court, non Privileous all having merit, they were all denied and where I had to make a threat of legal liability upon the PD office, force my attorney then, to actually file the motion to dismiss, but not that of what I put forward. I tried to argue on record the Judge stop me and to me to give it to my attorney in a sub brief, which I did, he refuse, I file to Superior Court, The Seen in effect conceal and Double Jeopardy Clause issue, I was giving conflict attorney when ask for issue's by the court he informed me he would not be submitting my issue's, there by blocking any further relief. This issue was presented in my brief, not being allowed to submit my petition, even mention in my "1983" claim.

Which give me the opportunity to present to this Majestic Court.

Collateral Estoppel is "issue preclusion" bar any issue of fact previously decided by same part from relitigation of.

Res Judicata "claim preclusion" and bars relitigation of entire cause of action.

Double Jeopardy Clause provides in part "nor shall any person be subjected for the same offense to be twice put in jeopardy of life or limb.

Petitioner's indictment, "Person not to Possess" F-1, F-2 and F-3 all applied elements are "possession/prior conviction"

Felony Three the Pa Supreme court, has faild to see it as what it is. Person without a licence, is not the element of the offense need to be proven as a F-3, the prohibition which prevents one from obtaining one is the prior conviction

and the fact that increase the penalty from a misdemeanor to a F-3 and without it, holds as a misdemeanor so prior conviction and possession is a Felony B, and F-2 & F-1 are multiplicative and would fail the "Blackburger test"

Pennsylvania 42 Pa S.C. 6105, citing an element as a prior conviction, is in total contradiction of Double Jeopardy Clause and nullify the Doctrine of Res Judicata Collateral Estoppel.

There can be nothing more important than the existence
of one's self, how else do you define the Essence of being
Through my search for purpose, I learned with
certainty, I fall short from perfection.

Even in that which are Noble Truths. Karma, Cause,
and effect, to reap what one has sowed. I have done
nothing to warrant the forfeiture of my life, and pray that
there can be no government need under the presumption of
innocents, to justify such atrocity. Please lift this burden
from me, for my cup has over flowed and I submit.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 12/4/21