

No. 21-7275

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SUPREME COURT OF THE UNITED STATES

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IN RE Nowakowski

*Petitioner*

Supreme Court, U.S.  
FILED

FEB 28 2022

OFFICE OF THE CLERK

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On Petition for a Writ of Certiorari to  
The United States Supreme Court

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**PETITION FOR A WRIT OF CERTIORARI**

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February 28, 2022  
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**I. Questions Presented**

**a. WHERE A DISTRICT ATTORNEY FAILS TO EXERCISE DISCRETION IN THE DECISION NOT TO PROSECUTE, CAN CONTINUED AND MOUNTING EVIDENCE BE PRESENTED TO THE DISTRICT ATTORNEY AND SUBSEQUENT COURTS OF REVIEW TO ILLUSTRATE THAT THE DISTRICT ATTORNEY WAY IN FACT INCORRECT?**

**b. CAN A STATE COURT SYSTEM OBFISCATE ITS POWER THROUGH CASE LAW TO SUCH AN EXTENT THAT THE JUDICIARY ITSELF FAILS TO UPHOLD ITS OWN POWER WITHIN THE CONTEXT OF THE SEPARATION OF POWERS DOCTRINE?**

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### III. Table of Authorities

#### Case

**Coker v. S.M. Flickinger Co, Inc.**, 625 A.2d 1181, 1185 (1993).

**Bradley v. Casey**, 119 Pa.Cmwlth. 180, 547 A.2d 455, 458 (1998).

**Tanenbaum v. D'Ascenzo**, 356 Pa. 260, 263, 51 A.2d 757, 758 (1947)

**Maxwell v. Board of School Directors of School District of Farrell**, 381 Pa. 561, 566, 112 A.2d 192, 195 (1955)

**Seeton v. Adams**, 50 A.3d 268, 275 (Pa. Cmwlth. 2012)

**Commonwealth v. Murry**, 879 A.2d 309 (Pa. Super. 2005)

**In re: Private Criminal Complaints of Rafferty**, 969 A.2d 578 (Pa. Super. 2009)

**In re: Wilson**, 879 A.2d 199 (Pa. Super. 2005) (en banc)

#### Statute

18 PA Con Stat, Section 911 (a) (6)

#### Constitutional Provision

United States Constitution, Article III, Section 1

United States Constitution, Amendment XIV

#### **IV PETITION FOR WRIT OF CERTIORARI**

David Nowakowski, domiciled in Erie, Pennsylvania, and pro se petitioner here by petitions the court for a writ of certiorari to review judgment of the Supreme Court of the Commonwealth of Pennsylvania. As the pro se president of Pennsylvania, carrying the burden of a failed judiciary and executive to the Supreme Court of the United States.

#### **V OPINIONS BELOW**

The decision by the Supreme Court of Pennsylvania in Petitioners “*Application for Reconsideration*”. Denied February 08, 2022.

#### **VI JURISDICTION**

Mr. Nowakowski’s “*Application for Reconsideration*” was denied February 08, 2022. Mr. Nowakowski invokes the jurisdiction of the Supreme Court of the United States under 28 U.S.C. Section 1257, having timely filed this petition for a writ of certiorari within ninety days of the Pennsylvania Supreme Court’s judgment upon Reconsideration.

#### **VII CONSTITUTIONAL PROVISIONS INVOLVED**

##### United States Constitution, Amendment XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law, which

shall abridge the privileges or immunities of citizens of the United States; 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 laws.

United States Constitution, Article III, Section 1

The Judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

**VIII STATEMENT OF THE CASE**

Petitioner, David Nowakowski, has been the target of an inchoate criminal organization since 2011. However, through knowledge gained during this period, the petitioner has been able to track to presence of organized crime in the shadows of his life as far back as childhood. Attempts to inflict bodily harm and death though the use of Fentenol and automotive vandalism have occurred along with a steady systematic approach to harassment and conspiratorial activities that stem from a previous employer, Amthor Steel Co. The over arching criminal system has continued to develop in spite of both private criminal and pro se civil lawsuits. Here the petitioner requests a “Writ of Certiorari” in seeking a “Writ of Mandamus”, compelling action, where the exercise of discretion by

the Erie County District Attorney's Office and later the Pennsylvania Judiciary, did not occur. The Commonwealth of Pennsylvania offers, District Attorney's wide latitude in the execution of their powers. Here, that discretion was not exercised and that failure was reinforced by the Pennsylvania Court system.

The petitioner unknowingly began working for the Carrera organized crime family in 2011, as a structural engineer (EIT) at Amthor Steel Co., a cover for the Carrara organized crime family. In the intervening decade the petitioner has provided a compendium of information, a literal study of the criminal wildlife, regarding the Carrara organized crime family and its activity in the Erie area, to the District Attorney and Judiciary. Because the petitioner stopped associating with the Carrera mafia family in 2012 by moving to a different employer, the mafia cancer had to resort to tactics that inculcate local businesses such as the petitioner's next employers, services such as the news paper and trash, the United States postal service, utilities such as National Fuel, Penelec and Spectrum, at least two attorneys, the local court house clerks and prothonotaries, the petitioner's neighbors, the local hospitals, and grocery stores, in its continued effort to attack the Petitioner. A mostly comprehensive list of perpetrators is as follows:

- i. Amthor Steel

1. Kim Carrera
2. Teri Carrera
3. Pat Carrera
4. Justin Carrera
5. Jared Carrera

- ii. Carrara Steel Erectors Inc.
- iii. CH2M Hill, Inc.

2. General Electric Co.
  - i. Doug Czerwinski
  - ii. Tim Haschalk
3. EE Austin and Son, Inc.
  - i. Brad Johnson
4. Knox McLaughlin Gronall & Sennett, PC
  - i. Attorney Wassle
5. UPMC
  - i. Brian English
6. Giant Eagle
7. Anthony and Sons Concrete
8. Erie County Court Prothonotary
9. Erie County Clerk of Courts
10. Superior Court of PA WD Prothonotary
11. National Fuel
12. Penelec

13. WICU
14. WSEE
15. Erie News Now
16. Erie Sea Wolves
17. FM 93.9 The Wolf
18. FM 90.5 WERG – Gannon University
19. LECOM
20. Erie Daily Times News
21. Charter Communications, Inc.
22. Specialty Select Hospital Inc.
23. Pro Waste Co.
24. Community Outreach and Wellness Clinic
25. Erie County Land Bank
26. Erie County Blood Bank
  - i. Erica Albano
27. The Erie Otters
28. Air Gas Inc.
29. Burns and White
  - i. Joseph Romano
30. Pennsylvania Utility Commission

Observation of the harassment and intimidation takes many forms.

But specifically, the Carrara mafia family seems to be involved in the use of cyclical noise patterns (using car horns and car alarms at specific times such

as 1055pm), pictographic communication (such as a plastic bag with a “Target” logo on it, which directed a perpetrator to search for a large red, circular floor buffing pad around the corner), numerology based communication (turning the number 37 into a pictographic representation of a women, which then means “Trap” to the mafia), ritualized littering (placing a used strip of packaging tape under a car tire to send the message, “strip tire”), and slurred words to communicate a secondary meaning (apple to mean ass hole, tree base to mean free base, and a ladder, broken chair, and aluminum gutter to mean “bruichladdich”, just think of the riddles under the bottle cap of Lion’s head Beer), still further, the naming of local businesses to convey mafia control (two local businesses were likely name by the Carrara organized crime family to ritualistically address the petitioners family, Erie News Now (commonly known as “NOW”) and a building blocks away “Community Outreach and Wellness Center” or “COWC”, Can be combined to say “NOW”, “COWC”, which slurs to the Petitioners family name “Nowakowski”. These criminal mischiefs seem to drive the cadence of the organized crime families in the Erie Area against individuals and the larger community. Going back to 2011 a turkey caller was used outside of this Petitioners home in the middle of the night and then in the office at Amthor Steel in a very strange and rather pathetic attempt to assault the

petitioner. The larger community in Erie was assaulted decades ago with the construction of the Mill Creek Mall in the shape of a handgun pointed at the City of Erie. This mafia driven real estate development must have been inspired by the novelty of cold war spy satellites of the 1960's and 1970's.

A long with these highlights and countless others previously reported to all levels of the Pennsylvania Judiciary, an even more specific set of ritualized harassment occurred during the petitioners appeal to the Pennsylvania Supreme Court in 2021 and is provided below:

Presently, the petitioner has made the Supreme Court's Disciplinary Board aware of a mob attorney named Joe Romano, who assisted the Carrara Organized Crime family in ritualizing a medical review aimed at the petitioner's mentally ill brother. Attorney Romano penned a letter that carried signs of a connection to the use of repeating digits in dates, times, and phone numbers that come together to form an inter-connected pattern. For example, the letter was dated 06-15-21. By the "carrara mafia family ritual rules", the month number remains 6 because 0 plus 6 equals 6. The day number becomes 6, because 1 plus 5 is 6, and the year number becomes 3, because 2 plus 1 is 3. Therefore the ritualized date number is 6-6-3. After receiving the letter the petitioner's brother then received phone calls on his iphone on 07-07-21, 07-12-21, and 07-21-21. Ritualizing these numbers by the carrara mafia family method gives you 7-7-3, 7-3-3, and 7-3-3. The phone numbers used in the calls, 814-450-3438, 814-924-4572, and 814-377-9065, exhibit the same ritualized system but replace gun caliber, 38 and 45, where a repeating digit was not used. Further, on 07-12-21 the petitioner was awoken at 6:44am

from the sound of an dumpster being raised and lowered at the front of a trash truck to create very loud percussive noises. This noise has occurred frequently on Saturday, Sunday, and Monday mornings between the hours of 1am and 7am. But frequently happens at times with repeating digits such as 344am, 445am, 533am, and 655am. The company responsible for the noise was named in the petitioner's private complaint as Pro Waste Inc. These noises are probably most responsible for the petitioner's focus on the appearance of repeating digits.

Repeating digits are not the only kind of communication system used by the Carrara organized crime family. The petitioner found a piece of trash at the front of his home from a structural steel fabrication company called "Weld Bend" the piece of trash was an identification tag for a piece of fabricated steel. This piece of trash is most responsible for opening the petitioner's eyes to the use of "slurred words" for the conveyance of a secondary meaning. In the case of this article of trash the words "weld bend" become "Burn Ben", which necessitated the filing of the petitioner's first Private Complaint in April of 2018.

In the instant case this slurred word technique has appeared under the phone record of the petitioner's mentally ill brother. Phone number 814-559-3991 called the petitioner's iPhone at 344pm and then at 543pm, from Curwensville, Pa. The petitioner's mentally ill brother received workers compensation from a Whipple and Allen Construction Company, payments that are at issue with the medical review scheduled by Attorney Romano. However, Whipple and Allen Construction Company became defunct and now carries the name Cerwin Construction. The slurred relationship between Cerwin

and Curwensville uncovers the desired mob thought process and clearly occurred under the tacit allowance of Attorney Romano.

As an aside; Creating a pattern of noise or phone calls at specific times of day is not always easy for the perpetrator. Phone records can be off by a minute or two because of network lag or fail altogether from dropped calls. The position of these misses can sometimes be predicted by the pattern being used. It is also the amount of data, date, time, location, and caller ID, made available by cell phones that help reveal the patterns in question. The fact that every person also carries devices that run on the exact same time is also pertinent.

It is also worth pointing out that the Superior Court's Opinion in this matter was issued on 07-12-21, or in Carrera Mafia family pattern 7-3-3. The petitioner does not assume that the Court is attempting to connect its opinion to the activity of the Carrera Organized Crime family, but it is possible that the court set its date for the opinion and then the Carrera organized crime family developed its pattern from that information. This simply means that mob has eyes and ears within the walls of the Grant Building.

Arising from a complete separately legal issue from the instant action, The petitioner has a "just for fun" complaint with the Pennsylvania Public Utility Commission regarding the payment of principle balances in a payment plan with a Pennsylvania Utility company and the Carrera organized crime family appears to have infiltrated the Commission with mob intent. A Commission vehicle appeared at the petitioner's home on July, 27<sup>th</sup> or 07-27. The petitioner thought the appearance of the vehicle was odd and contacted the Disciplinary Board of the Supreme Court with the intent of implying that the Secretary of the PUC, Attorney Chiavetta, had lost control of her underlings and bears

some responsibility for the appearance of the PUC vehicle. In the process of filling in the online complaint form for the Board, the petitioner was forced to provide a phone number for the PUC. The main phone number for the Commission is 772-7777, which created a “carrera mafia family type” pattern with date that the vehicle showed up at the petitioners home 7-27.

There was yet another incident following the similar ritualized pattern involving the Erie Metropolitan Transit Authority. On August 02, 2021 a group of unknown individuals beeped their car horns at the following times outside of the petitioners home, 1032am, 1055am, 1133am, 1156am, and 323pm. An EMTA bus number 1032 (or 1023 I'm not 100% sure) was running a route across tenth street in front of the petitioners house the same day. This particular bus has a high-pitched whistle that makes it stand out compared to the other busses. The noise is very noticeable, so when it drove by in the morning the petitioner made a note of its number, but didn't check on the time of day. The petitioner was not keeping track of the times that the bus passed in front of his home until he was able to hear the noise from inside his home and check the time right away, which turned out to be 332pm.

The bus number and times for the car horns seem to be related through 23 and 32, essentially because their digits are reversible. This feature seems to be a hallmark of this system of harassment. The spacing of the beeps is what gives it away. From 1032am (also the bus number) to 1055am is 23 minutes, then from 1133am to 1156am is another 23 minutes. At 323pm we get one more 23 and at 332pm we get the last 32. So this means the assailants wanted there to be three 23's in the riddle and three 32's in the

riddle. There might also be a tie in to the date 8-2-21, but rather than repeating digits, they opted to add the digits to ritually yield 8-2-3, making light of 23.

Importantly, the Phone calls to the petitioner's brother's phone stopped all together after the documented spat of calls. The use of car horns and car alarms at specific times and intervals is part of a "forced" landscape surrounding the petitioner's home, so the petitioner can speak with literal data on this topic. The day before receiving the "Denial of the Petitioner's Request for Reconsideration" from the not so supreme court of Pennsylvania, an adjacent neighbor to the east of the petitioners home used a car horn at 1055pm to signify the word "loss". The message stems from the similarity in appearance of the number "10" to a lower case "L" and "the letter "oh". The Number 55 is then translated as a pair of the letter "S". What does that spell? "Loss". This illustrates that the carrara organized crime family is monitoring the petitioners mail or is in direct contact with the district attorney or the offices of the supreme court of Pennsylvania, in anticipation of the parcels delivery the following day. Further the petitioner has been exposed to these kinds of puzzle like behaviors since 2011, when he realized just how psychopathic the Italian mafia and it subsidiary families like the carrara mafia family act, when they begin to target a person, business, family, or government entity.

The following procedural history illustrates the depth of the Judiciaries failure in this matter as a body of review and of the Executives failure as a body of prosecution since the actions related to these events unfolded:

### **PROCEDURAL HISTORY AND PRIOR DETERMINATIONS**

#### **Administrative Remedy - Pennsylvania Human Relations Commission:**

1. Claim Filed with PHRC – November 2016
2. Claim Dismissed from PHRC – May 2017
3. Second Claim Filed – November 23, 2020

#### **Judicial Remedy**

#### **Civil Complaint Erie County Crt of Common Pleas**

#### **Trial Court Docket Number 11888-17**

#### **Superior Court of Pennsylvania Docket Number 1854 WDA 2017**

#### **Supreme Court of Pennsylvania Docket Number 53 WM 2019**

#### **Supreme Court of the United States Docket Number 19-7101**

4. Filing in Erie Count Court of Common Pleas – July 5, 2017
5. Order dismissing Complaint – December 7, 2017
6. Notice of Appeal – December 11, 2017
7. 1925(b) – December 12, 2017
8. Docketing of Appeal with Superior Court – December 19, 2017
9. Docketing Statement – December 27, 2017
10. Statement Of Error – December 29, 2017
11. 1925(b) Opinion – December 29, 2017

12. Certificate of Remittal/Remand of Record – January 02, 2018
13. Filing of Court Record – February 8, 2018
14. Notice of Scheduling – March 16, 2018
15. Superior Court Brief – March 15, 2018
16. Argument Reply Letter – April 04, 2018
17. Argument Listing – May 25, 2018
18. Order for Continuance of Appeal – June 11, 2018
19. Argument Listing – July 10, 2018
20. Superior Court Oral Argument – August 22, 2018
21. Superior Court Opinion – November 20, 2019
22. Petition for Allowance of Appeal to the SCOPA – June 28, 2019
23. Application for leave to proceed In Forma Pauperis – June 28, 2019
24. Timeliness Letter from Supreme Court Prothonotary – July 3, 2019
25. Reconsideration of Denial Appellant’s Petition Allowance of Appeal – July 8, 2019
26. Return of Papers – July 15, 2019
27. Motion for Leave Petition for Allowance of Appeal Nunc Pro Tunc – July 24, 2019
28. Letter Nunc Pro Tunc Process – July 24, 2019
29. Letter of Receipt by Supreme Court – July 26, 2019
30. Certificate of Compliance – July 30, 2019
31. Nunc Pro Tunc Application Denied – October 24, 2019
32. Motion for Reconsideration – October 30, 2019
33. Reconsideration Denied – December 11, 2019
34. Writ of Certiorari to the Supreme Court of the United States – December 20, 2019

35. Writ of Certiorari Docketed – December 30, 2019
36. Writ of Certiorari Denied – March 2, 2020

**First Private Criminal Complaint: Erie County**

**Erie County Office of the District Attorney Number PC256-18**

**Trial Court Docket Number CP-25-MD-0000373-2018**

**Superior Court of Pennsylvania Docket Number 1426 WDA 2018**

**Supreme Court of Pennsylvania Docket Number 285 WAL 2019**

**Supreme Court of the United States Docket Number 19-8846**

37. Private Complaint in Magisterial District # 06-1-03 – April 19, 2018
38. Erie County District Attorney’s Office Disapproval – May 29, 2018
39. Petition to Erie County Court of Common Pleas – June 26, 2018
40. Judge Cunningham request for additional information – July 18, 2018
41. Affiant’s additional facts – August 01, 2018
42. Court of Common Pleas Denial – September 18, 2018
43. Affiant’s Notice of Appeal to Superior Court – October 04, 2018
44. 1925(b) Order – October 05, 2018
45. Docketing Statement Letter – October 10, 2018
46. Affiant’s Docketing Statement – October 22, 2018
47. Affiant’s Statement of Errors – October 25, 2018
48. Memorandum Opinion – October 30, 2018
49. Erie County Court Docket – October 31, 2018
50. Trial Court Record Filing with Superior Court – November 27, 2018
51. Affiant’s Brief and Reproduced Record – January 04, 2019

52. Disposition Notice – January 4, 2019
53. List for argument reply – January 22, 2018
54. Office of the District Attorney Brief – January 29, 2019
55. Superior Court Argument List - February 26, 2019
56. Superior Court Opinion – July 16, 2019
57. Affiant’s Petition for Allowance of Appeal to the SCOPA – August 14, 2019
58. Petition for Allowance of Appeal receipt letter – August 16, 2019
59. Office of District Attorney “Not to File” – August 22, 2019
60. Petition for Allowance of Appeal Denied – February 3, 2020
61. Reconsideration of Petition for Allowance of Appeal SCOPA – February 14, 2020
62. Reconsideration of Petition for Allowance of Appeal Denied – March 24, 2020
63. Writ of Certiorari/Mandamus to the Supreme Crt of the U S – June 17, 2020
64. Docketed with Supreme Court of the United States – July 2, 2020
65. Writ of Certiorari Denied – October 5, 2020

**Second Private Criminal Complaint: Erie County**

**Erie County Office of the District Attorney Number PC764-20**

**Trial Court Docket Number CP-25-MD-0000527-2020**

**Superior Court of Pennsylvania Docket Number 1347 WDA 2020**

**Supreme Court of Pennsylvania Docket Number 245 WAL 2021**

66. Second Private Complaint in Magisterial District # 06-1-03 – October 14, 2020
67. Office of the District Attorney Disapproval – November 02, 2020
68. Petition to Court of Common Pleas – November 09, 2020
69. Court of Common Pleas Order – November 13, 2020

70. Affiant's Notice of Appeal to Superior Court – December 09, 2020
71. Docketing in the Superior Court of Pennsylvania – December 23, 2020
72. Provision of Docket Copy – December 23, 2020
73. Affiant's Docketing Statement – January 04, 2021
74. 1925(b) Order – January 06, 2021
75. Order to dismiss Notice of Appeal for Timeliness – January 12, 2021
76. Affiant's Letter of Compliance for Timeliness – January 18, 2021
77. Affiant's Statement of Errors – January 18, 2021
78. Affiant's Application for Leave to Proceed In Forma Pauperis – January 18, 2021
79. Order Discharging Timeliness Violation – January 21, 2021
80. Provision of Court of Common Pleas Docket - January 25, 2021
81. Judge Mead Memorandum Opinion – January 25, 2021
82. Order Denying In Forma Pauperis – January 26, 2021
83. Order for Lower Court Docket – January 27, 2021
84. Notification of Pennsylvania Disciplinary Board – February 20, 2021
85. Affiant's Brief – March 01, 2021
86. Payment Receipt Issued by Superior Court – March 03, 2021
87. Notification of Appellee by Superior Court – March 03, 2021
88. Notification for Schedule of Argument – March 03, 2021
89. Affiant's Reply for “No Oral Argument” – March 18, 2021
90. Appellee Reply Brief – March 31, 2021
91. Affiant's Reply Answer – April 12, 2021
92. Superior Court Non-Precedential Decision – July 12, 2021

93. Petition for Allowance of Appeal – August 06, 2021
94. Denial of Petition – December 22, 2021
95. Request for Reconsideration – December 33, 2021
96. Denial of Request – February 8, 2022
97. Petition for Certiorari – February 14, 2022

**Request for King's Bench Jurisdiction**

98. Affiant's Extraordinary Jurisdiction Petition – March 22, 2021
99. Affiant's Application for Leave to Proceed In Forma Pauperis – March 22, 2021
100. Notification of Appellee by Supreme Court – March 23, 2021
101. Notification by Erie County DA not to Reply – March 26, 2021
102. Erroneous Supreme Crt Prothonotary Letter – April 14, 2021
103. Appellant's Reply to Erroneous Letter – April 23, 2021
104. King's Bench Denied – May 06, 2021

**IX REASONS FOR GRANTING WRIT**

**A. THE DISTRICT ATTORNEY IN ERIE COUNTY,  
PENNSYLVANIA, DID NOT EXERCISE ITS  
DISCRETION.**

The Erie County Office of the District Attorney and the subsequent Judges of the Pennsylvania Judiciary have failed in their duty to execute discretion, leading to the further deterioration of the law within the governmental jurisdiction of Erie County and Pennsylvania Courts.

“Discretion is abused when the course pursued represents not merely an

error in judgment, but where the judgment is manifestly unreasonable or where the law is not applied where the record shows that the action is a result of partiality, prejudice, bias, or ill will.” **Coker v. S.M. Flickinger Co, Inc.**, 625 A.2d 1181, 1185 (1993). As a result of the unreasonable act here, mandamus is required. “Mandamus is appropriate to compel a public official to fulfill a mandatory duty that is ministerial in nature. As, explained by this Court, the requirements to sustain an action in mandamus are clear. It is an extraordinary remedy designed to compel public officials to perform ministerial act or mandatory duty. **Bradley v. Casey**, 119 Pa.Cmwlth. 180, 547 A.2d 455, 458 (1998). Conversely, “where by mistaken view of the law or by an arbitrary exercise of authority there has been in fact no actual exercise of discretion, the writ will lie. **Tanenbaum v. D'Ascenzo**, 356 Pa. 260, 263, 51 A.2d 757, 758 (1947) , “unless the discretion is arbitrarily exercised or based upon a mistaken view of the law”, **Maxwell v. Board of School Directors of School District of Farrell**, 381 Pa. 561, 566, 112 A.2d 192, 195 (1955) The several evidence filled submissions of the petitioner, highlight the limitations between a public servants inability to make the right choice verses a lack of ability to understand the choice being made. In the instant action the District Attorney filed for a lack of “prosecutorial merit”, without developing the requisite fact pattern necessary

to describe a RICO group designed specifically to evade the watchful eye of prosecution. The instant action falls against the grain of case after case decided in support of the judicial intention that “in short, the district attorney has the final word on a decision to prosecute or not to prosecute.” **Seeton v. Adams**, 50 A.3d 268, 275 (Pa. Cmwlth. 2012)

Here, in the instant action events continued to develop even as the District Attorney’s Office supposedly exercised it’s discretion, illustrating in the plain light of day a detachment from the decision being made. Due to this detachment this Petitioner has had to stuff new information into new court documents, which still resulted in the abject failure of the County’s police power relative to the Carrara organized crime family. Due to the ongoing prosecutorial failures this Petitioner has conducted more of a pro se investigation, than presented a private criminal complaint. Even Further, it would appear that the “ambient surroundings” based criminal implementations of the Carrara organized crime family sit well outside of the prosecutorial abilities of County level personnel, even though “it has been observed that a “prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous.” **Seeton** (quoting Justice Jackson of the United States Supreme Court)

Clearly the petitioners discretion has been shown to be more tremendous

than that of the District Attorney, with the exception his complete lack of connection to state authority. With the culmination of the information collected and submitted to the various courts in the petitioners pro se civil case (Erie County Court of Common Pleas 11888-17), first private criminal complaint (Erie County Court of Common Pleas MD373-18), and second private criminal complaint (Erie County Court of Common Pleas MD527-20) a new paradigm in Pennsylvania law has been established that does allow for a District Attorney's mistakes to be considered in the rank of bad faith, fraud, and unconstitutionality. However, in a more basic argument this case also forces the issue of the consequences of a prosecutor's mistake. In other words the District Attorney made a mistake in not prosecuting the Carrara Organized Crime Family in case number MD-373-18 and the petitioner nearly paid for it with his life when they tried to kill him through automotive vandalism and exposure to fentenol. The intervening court submissions have simply allowed the petitioner to collect more information illustrating the depth of the District Attorney's, bad faith, fraud, unconstitutionality and mistake.

**B. THE PENNSYLVANIA JUDICIARY HAS VIOLATED  
THE SEPERATION OF POWERS DOCTRINE,  
LIMITING ITS OWN REVIEW AUTHORITY.**

The Pa Superior court has violated separation of powers and has limited its own authority in matters of the district attorney's discretion. The court cannot limit its own power in this manner. A Pennsylvania Case Hoopes v. Bradshaw reasoned that an inherent power of one branch of government cannot be properly exercised by another branch, which helped to isolate the power of the Pennsylvania Courts from the Legislature. However, the instant case illustrates that a branch of government can also limit its own authority over a matter so much that it causes a breach in its own power. Here the Pennsylvania Supreme Court has breached its own authority, violating the power that has been vested in it for proper review of the discretion of the District Attorney.

The District Attorney's Office has refused to approve the Petitioner's private criminal complaints on the grounds that the complaint "lacks prosecutorial merit. And "A court should not reverse the policy decision of a district attorney not to act on a private complaint unless there has been an abuse of discretion. See **In re: Private Criminal Complaints of Rafferty**, 969 A.2d 578 (Pa. Super. 2009) (a determination that the case "lacks prosecutorial merit is a "policy determination" subject to an abuse of discretion standard of review). The Courts themselves are simply

obfuscating their own responsibility of review to the District Attorney, which essentially removes them from this conversation all together. In reality the court has the power to examine all aspects of judicial authority, including prosecution for any reason. The Pennsylvania Courts have been considered to be the most powerful state court in the nation, this however seems to be a mistaken belief, because of its blind reliance on non judicial authority. Further, where the actions of an executive drop off and go to zero as is the case with the prosecution of organized crime in this case, the Judiciary or legislature must be able to step in and right the ship. Otherwise the constitutional guarantees of victims of the mob are eliminated all together. Where, the tyranny of a criminal actor is involved, the need to bring a case against the criminal system outweighs the discretion of the prosecutor, especially where a private complainant offers more sound thinking than the commonwealth.

The petitioner is not just in a position to make the Supreme Court aware of the failure of state powers within this action, but also of the systemic legal incompetence in Pennsylvania, built on decades of obedience training by large corporations, presently culminating in an abject ignorance for similarly situated tyrannical constructs like the “Italian organized crime

in the state of Pennsylvania" and its subsidiary families like the carrara organized crime family.

This industrial obedience training has left Pennsylvania Courts in the useless position of state authority without any subject matter authority. Here relative to the mafia the petitioner is the subject matter authority, while the Court has proven its utter ignorance. Time and time again the petitioner has brought evidence of highly conspiratorial activity directly to the court and yet the court is unmoved. The complainant must demonstrate that the district attorney's decision amounted to bad faith, fraud, or unconstitutionality. **In re: Wilson, 879 A.2d 199 (Pa. Super. 2005) (en banc).** However, the petitioner has not just presented one complaint. The petitioner has presented three separate legal actions detailing the nature of the criminal activity at hand. Further, each submission to the court, whether a complaint, brief, answer, or appeal, documents the "up to date" state of criminality. The petitioner has also provided information to the District Attorney directly.

At one time the petitioner was a 5 year old boy in the Erie County Courthouse, who pulled a fire alarm on accident. He watched the men and women scurry out of the building, not comprehending what was occurring. But now, it seems that child was right to pull the alarm so that the

cockroaches would scurry. Not for a fire, but for the degraded failure that is Pennsylvania Jurisprudence.

The petitioner estimates that Italian organized crime has been decimating and controlling the jurisdiction of the Erie County District Attorney since at least 1900. The Petitioner has evidence of at least two mafia based executions at that time. The hidden systems of death and control manifest is a variety of seemingly improbable ways, however it appears that Jack Daneri was placed in his position as the District Attorney, by this hidden criminal system. Attorney Daneri's last name can be decomposed into three slurred syllables "DA", "N", and "ERI". To the participants in the conspiracy at hand this translates to "Jack or John, the district attorney in Erie". This doesn't necessarily mean that attorney Daneri is a Manchurian candidate, but it does indicate the methods the Italian mafia uses to ritualize their conspiracy for the maintenance of control within their territory. Attorney Daneri should retire from a different jurisdiction.

## **X CONCLUSIONS**

To date, previous questions surrounding this action have focused on the District Attorney's Office inability to appropriately address the instant private criminal complaint through an exploratory hearing or gathering of evidence, leading to a tacit acceptance and even fostering of criminality.

This inability to deal directly with the “spy craft” based nature of the Carrara organized crime family constitutes a failure of the district attorney’s wide latitude, relative to its own discretion. That discretion ultimately being proven by this petitioner, to have not been exercised as is required by Pennsylvania law. In the absence of the District Attorney’s discretion the inchoate criminal system has continued to function and expand illustrating a complete breakdown of Pennsylvania as a crime fighting entity of any value. This failure necessitates the action of a greater power, in a “writ of mandamus” for the execution of the local District Attorney’s discretion.

This Petitioner is not without foresight and recognizes that forcing a District Attorney to act relative to conspiratorial groups is essentially a strategic mistake. However, the current configuration of the district attorney’s discretion and the Courts review power have fallen into a lazy disrepair and ever present bad faith. As “Stained and illogical judicial construction adds nothing to our search for justice, but only serves to expand the already bloated arsenal of the unscrupulous criminal determined to manipulate the system” **Commonwealth v. Murry**, 879 A.2d 309 (Pa. Super. 2005), it is this Court that must now act.

Responsibility for this debacle falls squarely on the corrupt and incapable Pennsylvania Courts, Erie County District Attorney’s Office, and

Pennsylvania Attorney General. Unfortunately, this Court is asked to do the impossible. The presence of both corruption and inability negate the ability of the Supreme Court of the United States to send this case back into the Pennsylvania Court System. This case literally proves that the current roster of state officials within this action cannot be trusted to uphold the law, even if instructed to do so by this body.

This the 28th day of February 2022

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