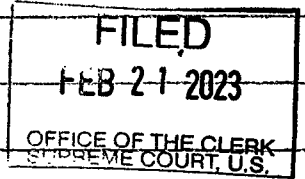


ORIGINAL

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Kenneth Douglas Clark III - Petitioner
(your name)

vs.

Commonwealth of Pennsylvania - Respondent (s)

on Petition For Writ of Certiorari To

Lancaster County Pennsylvania
(Name of Court That last Ruled on Merits of Your Case)

PETITION FOR WRIT OF CERTIORARI

Kenneth Douglas Clark III
(your Name)

1000 Follies Rd
(Address)

Dallas, PA 18612
(City, State, Zip code)

N/A
(Phone Number)

IN THE
United States Supreme Court

Kenneth Clark/Prose

Criminal

vs.

Commonwealth of Pennsylvania

Docket No. CP-36-CR-0004921-2020

Statements of Matters Complained on Appeal/Petition

To the honorable Judge(s) of the United States Supreme Court

1) The Defendant/Prose Kenneth Clark was convicted by a Jury at Trial on May-4th-2021. The Defendant Kenneth Clark was Sentence to Ten to Twenty Years for one Count of Aggravated Assault SBI (Felony 1) and a Two in a half to Five Years for one Count of Possess of an Instrument of a Crime with intent to employ it criminally (misdemeanor 1) on July-22nd-2021 both Sentences Consecutive

2) The Defendant/Prose Kenneth Clark feels the trial Court erred by: Abusing its discretion, Excessive Sentencing, Ineffective Assistance of Counsel and Prosecutorial Misconduct

3) The Court of Common Pleas of Lancaster County, Pennsylvania Shall have original Jurisdiction over this Statements of Matters Complained on Appeal Pursuant to Pennsylvania Rule of Appellate Procedure 1925(B)

IN THE UNITED STATES SUPREME COURT

Criminal

Kenneth Douglas Clark III / Prose

Docket No. CP-36-CR-0004921-2020

VS.

Commonwealth of Pennsylvania

Petition For Writ of Certiorari

Questions Presented

Is the Commonwealth of Pennsylvania in violation of the Petitioner's 5th, 6th and 8th amendment by refusing not to drop all charges against the Petitioner. Is the Commonwealth of Pennsylvania also in violation of Many Constitutional Statutes, State Statutes and federal rules of Criminal Procedures.

Parties

Kenneth Douglas Clark III, Prose, 1000 Follies Rd, Dallas PA 18612 and for Respondent(s) is the Commonwealth of Pennsylvania

Prior opinions and orders

Lancaster County Pennsylvania Possess Jurisdiction Petitioner was convicted May 4th, 2021. The Petitioner received a 12½ to 25 years in a state institution the sentence was imposed by David B. Totaro. The Petitioner received 10 to 20 years for an Aggravated Assault SBI felony I and a 2½ to 5 years for Possess any instrument of crime with intent to employ it criminally misdemeanor I both sentences consecutive. March 31st, 2022 Direct Appeal denied, Superior court of Pennsylvania No. 1071 MDA 2021 and October 18th, 2022 Petition for Allowance of Appeal denied, Supreme court of Pennsylvania No. 280 MAL 2022

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SUPREME COURT, U.S.

Basis of Jurisdiction

Petitioner is seeking for the United States Supreme Court to release the Petitioner from custody and to also look over the multiple violations that the Commonwealth of Pennsylvania

Constitutional Provisions and Statutes

- 1) United States Constitution 5th, 6th and 8th amendment
- 2) 28 U.S.C. § 2255 - Federal custody; remedies on motion attacking sentences
- 3) 18 U.S.C. § 113 - Assault with maritime and territorial jurisdiction
- 4) 28 U.S.C. § 351 - Complaints; Judge defined
- 5) 18 U.S.C. § 3742 - Consecutive sentences
- 6) 18 U.S.C. § 3584 - Multiple sentences of imprisonment
- 7) 42 PA C.S. § 9543(a)(2)(i) - A violation of the Constitution
- 8) 42 PA C.S. § 9543(a)(2)(ii) - Ineffective of counsel
- 9) 42 PA C.S. § 9543(a)(2)(v) - Unavailability at the time of trial
- 10) 42 PA C.S. § 9543(a)(2)(vi) - Illegal sentence
- 11) Federal rule of Criminal Procedure - rule 30 Jury instructions
- 12) Federal rule of Criminal Procedure - Rule 52 Harmless and Plain error

Statement of the Case

The Petitioner was hanging out with a friend an argument occurred with the neighbors a fight broke out the neighbors jumped the Petitioner the Petitioner then stabbed the victim to defend himself.

Argument

• The Petitioner's 5th, 6th and 8th amendment was Violated due to not being able to testify on his Self defense Claim Knowing his testimony could have resulted in an acquittal of the Case (Carl Northrip 603 Pa 544; 985 A.2d 734; 2009). The trial Court abused its discretion by removing the Petitioner from trial with excessive force in the presence of the Jury also kicking the Jury out of trial due to the situation that occurred in trial. The Jury was then allowed back in Court to conduct the rest of trial knowing their verdict would be biased. That was a violation of (28 U.S.C. § 2255) cause there wasn't a mistrial or a reselection of Jurors also violating (42 Pa C.S. § 9543(a)(2)(i)) and rule 52 of federal rules of Criminal Procedures cause the errors weren't corrected.

• The Petitioner's trial Counsel was ineffective by not instructing the Jury on lesser charges which is a violation of (28 U.S.C. § 2255) and a violation of the Petitioner's 5th, 6th and 8th amendment. Rule 30 under federal rules of Criminal Procedures was also violated cause it was never done. The Petitioner if convicted should have had the Aggravated Assault SBI felony 1 drop to an Aggravated Assault with a deadly weapon felony 2 under (18 U.S.C. § 113) the maximum sentence for Aggravated Assault with a deadly weapon felony 2 is 10 years in a state institution. Under (28 U.S.C. § 351) Petitioner's trial Counsel failed to Motion for a new Judge after witnessing the trial Judge and Petitioner have verbal altercations at the Grazier hearing and trial. The Commonwealth also violated 42 Pa C.S. § 9543(a)(2)(ii).

• The Petitioner wasn't able to testify on his behalf for his self defense claim which is a violation of his 5th, 6th and 8th amendment also violating (28 U.S.C. § 2255) and 42 Pa C.S. § 9543(a)(2)(v). The Petitioner's testimony would have changed the outcome of the trial (Carl Northrip 603 Pa. 544; 985 A.2d 734; 2009).

The Petitioner's 5th, 6th and 8th amendment was violated cause the Petitioner didn't commit the offense maliciously it was to defend himself but the Petitioner wasn't able to argue this claim cause he wasn't able to testify which is a violation of (28 U.S.C. § 2255). The Petitioner was sentenced illegal one because if convicted it should have been for Aggravated Assault with a deadly weapon felony 2 which only carries a maximum sentence of 10 years in a state institution. The trial judge violated (18 U.S.C. § 3742), (18 U.S.C. § 3584) and (42 Pa.C.S. § 9543(a)(2)(vi)) the trial judge maliciously sentenced the Petitioner due to the heated verbal altercations at the Grazier hearing and for the incident that occurred in trial that should have been a mistrial and a reselection of jurors.

Wherefore, for the foregoing reasons, I, Kenneth Douglas Clark III request that this Court grant me:

- (a) release from custody and discharged Pursuant to (28 U.S.C. § 2255)
- (b) A retrial Pursuant to (28 U.S.C. § 2255)
- (c) A correction of sentence Pursuant to (28 U.S.C. § 2255)

3/13/23

Date

Kenneth Douglas Clark / DK6589
signature

Verification

I Verify that the facts set forth in this Petition for writ of Certiorari are true and correct to the best of my knowledge, information and belief. This Verification is made subject to the Penalties of Section 9904 of the Crime Code (18 PA C.S.A Section 9904) relating to unsworn falsifications to authorities

3/13/23

Date

Respectfully Submitted

Kenneth Douglas Clark III / Pro se

QK6589

IN THE UNITED STATES SUPREME COURT

criminal

Kenneth Douglas Clark III / Pro Se

Docket No. CP-36-CR-0004921-2020

VS-

Commonwealth of Pennsylvania

ORDER

And now, this 13th day of March 2023 it is hereby ordered that the United States Supreme Court make a decision on the Petitioner's Petition for Writ of Certiorari to either release the Petitioner from Custody, a retrial or a Correction of Sentence