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MAR 30 2023

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SUPREME COURT, U.S.

UNITED STATES SUPREME COURT

In Re
Howard Griffith

Petition for Writ of Mandamus

Howard Griffith, pro se
2903 James Street, # 1R
Syracuse, NY 13206
315-726-2958

QUESTIONS PRESENTED

Why should Petitioner not have to serve his documents which are filed in the United States Circuit Court of Appeals for the Second Circuit, with regard to "Griffith v New York State [], 21-2133", to Jan Nastri?

The letter received by the United States Supreme Court and the People on January 25, 2022, demonstrates substantive Rosario Material. (*see* Exhibit D)

Why is "Griffith v New York State [], 21-2133" essential to a Motion for Extension of Time to Take an Appeal?

The improper conduct of public servants is an essential remedy to be considered with a request for an extension of time to take an appeal (*see* NY [C]riminal [P]rocedure [L]aw § 460.30[1]) which is an essential remedy considered with "Griffith v New York State [], 21-2133".

Should leave to appeal have been granted by the New York State Court of Appeals?

The New York State Court of Appeals did not consider that an order by the Supreme Court of the State of New York, Appellate Division/Fourth Department, to deny a Motion for Extension of Time to Take an Appeal is appealable to the New York State Court of Appeals if such order states that the determination was made upon the law alone, and a judge of the court of appeals, pursuant to procedure provided in NY [C]riminal [P]rocedure [L]aw § 460.20, issues a certificate granting leave to the appellant to appeal to the court of appeals. (CPL § 460.30[6])

LIST OF PARTIES

Howard Griffith, Petitioner, Pro Se
2903 James Street, # 1R, Syracuse, NY 13206

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

United States Circuit Court of Appeals for the Second Circuit
40 Foley Square, New York, NY 10007

Syracuse City Court
505 South State Street, Syracuse, NY 13202

RELATED CASES

People of the State of New York v Howard Griffith, 2001-0883-1: Petitioner was unconstitutionally convicted of "Rape in the First Degree, []", in the Onondaga County Court, on January 10, 2002.

People of the State of New York v Howard Griffith, KA 17-01664: Petitioner was authorized to take a [d]irect appeal [] to the Supreme Court of the State of New York, Appellate Division/ Fourth Department, based on his conviction of "Rape in the First Degree []", from the Order that denied his privilege to request a modification of his sex offender registry, but [it] would not authorize him to attack his conviction [], a remedy he still contests to this day. ("People v Griffith, 166 NY A.D.3d 1518 [4th Dept. 2018]": November 9, 2018)

People of the State of New York v Howard Griffith, 2020-552: Petitioner pursued with a [M]otion to Grant Leave to Appeal to the New York State Court of Appeals in essence of "People v Griffith, KA 17-01664", and [it] was dismissed on October 22, 2020. ("People v Griffith, 35 NY3d 1109 [2020]")

People of the State of New York v Howard Griffith, CR-10842-19: Petitioner was convicted of "disorderly conduct []", in the Syracuse City Court, on October 1, 2019, for damaging a car windshield that belonged to an intruder that was on the property that he resided on.

Howard Griffith v Onondaga County, SU-2020-005851: Petitioner took [a]ction, pursuant to Article 78 of the NY Civil Practice Law and Rules, to the Onondaga County Supreme Court on September 16, 2020, to initiate the process in his attempt to compel law enforcement at the area around his residence, [in] which he identified a cause for having to take a civil action was because he was not authorized to use the law library and could not interpret whether contacting the authorities on the perpetrators would label him as committing a "hate crime []".

Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML): Petitioner filed a Complaint, on October 22, 2020, along with his roommate, based on the policy with their landlord, in the United States District Court of the Northern District of New York, pursuant to 42 USC § 1983, in essence of Howard Griffith v Onondaga County [], [w]here the complaint was made that the false address demonstrated with his sex offender registry proved that voting rights were being violated, and habeas corpus was also considered in essence of "People v Griffith, KA 17-01664".

People of the State of New York v Howard Griffith, CR-06189-21: Petitioner was placed in custody on June 8, 2021 and was prosecuted in the Onondaga County Court for failure to fulfill his "duty to register []" as a sex offender.

Griffith v New York State [Attorney General], 21-2133: An [a]ppeal was taken to the United States Circuit Court of Appeals for the Second Circuit, on September 3, 2021, in essence of "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)", [u]pon which his Motion to Reinstate the [Appeal and Recall the] Mandate was "stricken", on August 25, 2022, because he would not serve the documents to his landlord.

Howard Griffith v Onondaga County Sheriff, SU-2021-010609: Petitioner took action, pursuant to Article 78 of the NY Civil Practice Law and Rules, to the Onondaga County Supreme Court on December 30, 2021, in an attempt to obtain documents for the [d]ue process disciplinary hearing [], (DR # 21-339708), that was held at the Onondaga County Justice Center on July 7, 2021, [w]hich demonstrated that he was denied his right to the law library.

People of the State of New York v Howard Griffith, CR-01767-22: CR-01816-22: An [o]rder of protection was placed against Petitioner on March 8, 2022, to stay away from his roommate, "[] the home of Rebecca Sklaney", (CR-01767-22, DR # 22-190403), [w]hich both the Petitioner and his roommate oppose because it opposes "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)", and [it] is being judged in the Syracuse City Court along with a separate incident for "Resisting Arrest []". (CR-01816-22, DR # 22-191983)

People of the State of New York v Howard Griffith, KA 22-01525: Petitioner took a [M]otion for an Extension of Time to Request Leave to Appeal [] to the Supreme Court of the State of New York, Appellate Division/Fourth Department, on September 23, 2022, in an attempt to obtain an extension of time to request leave to appeal the Decision/Order of the Onondaga County Court which denied his Motion to Vacate Judgment [], re "People v Griffith, 2001-0883-1", [in] which the denial of his right to the law library and procedures in pursuance of the final determinations of "People v Griffith, KA 17-01664" were addressed.

People of the State of New York v Howard Griffith, CLA-2022-01407 (2001-0883-1): Petitioner took a [C]riminal [L]eave [A]pplication [] to the New York State [C]ourt of Appeals, on November 17, 2022, in essence of the determination of the Supreme Court of the State of New York, Appellate Division/Fourth Department, to "dismiss" his Motion to Request an Extension of Time to Request Leave to Appeal [], [in] which he addressed "Griffith v New York State [], 21-2133".

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28 USC § 2254(e)(2)(A)(ii), "[] If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—[] the claim relies on—[] a factual predicate that could not have been previously discovered through the exercise of due diligence": 14, 40

28 USC § 2241(c)(2), "Power to grant writ, '[] The writ of habeas corpus shall not extend to a prisoner unless—[] He is in custody for an act done or omitted in pursuance of an Act of Congress, or an order, process, judgment or decree of a court or judge of the United States' ": 10

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52 USC 10303(a)(5), "Appeals shall lie to the Supreme Court": 17, 31, 39

52 USC § 10303(c)(4), "[] 'Test or device' defined, 'The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting [] prove his qualifications by the voucher of registered voters or members of any other class.' ": **23**

52 USC § 10303(d), "[] Required frequency, continuation and probable recurrence of incidents of denial or abridgement to constitute forbidden use of tests or devices, 'For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in subsection (f)(2) if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.' ": **23**

New York Criminal Procedure Law (CPL)

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NY Criminal Procedure Law § 450.10(1), "Appeal by defendant to intermediate appellate court; in what cases authorized as of right, 'An appeal to an intermediate appellate court may be taken as of right by the defendant from the following judgment, sentence and order of a criminal court: [] A judgment other than one including a sentence of death...' ": **1, 2, 6, 20, 33, 34, 40**

NY Criminal Procedure Law § 450.15, "Appeal by defendant to intermediate appellate court; in what cases authorized by permission, 'If an appeal by defendant is not authorized as of right pursuant to section 450.10, the defendant may appeal from the following orders of a criminal court, provided that a certificate granting leave to appeal is issued pursuant to section 460.15: (1) An order denying a motion, made pursuant to section 440.10, to vacate a judgment other than one including a sentence of death; (2) An order denying a motion by the defendant made pursuant to section 440.20, to set aside a sentence other than one of death; (3) A sentence which is not otherwise appealable as of right pursuant to subdivision one or two of section 450.10.' ": **36**

NY Criminal Procedure Law § 450.90, "Appeal to court of appeals from order of intermediate appellate court; in what cases authorized '(1) Provided that a certificate granting leave to appeal is issued pursuant to section 460.20, an appeal may, except as provided in subdivision two, be taken to the court of appeals by either the defendant or the people from any adverse or partially adverse order of an intermediate appellate court entered upon an appeal taken to such intermediate appellate court pursuant to section 450.10, 450.15, or 450.20...' ": **36**

NY Criminal Procedure Law § 460.10(4)(a), "Appeal; how taken '[] An appeal by a defendant to an intermediate appellate court by permission, pursuant to section 450.15, is taken as follows: [] Within thirty days after service upon the defendant of a copy of the order sought to be appealed,

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NY Criminal Procedure Law § 460.30(1), "Extension of time for taking appeal, '[] Upon motion to an intermediate appellate court of a defendant who desires to take an appeal to such court from a judgment, sentence or order of a criminal court but has failed to file a notice of appeal, an application for leave to appeal, or, as the case may be, an affidavit of errors, with such criminal court within the prescribed period, or upon motion to the court of appeals of a defendant who desires to take an appeal to such court from an order of a superior court or of an intermediate appellate court, but has failed to make an application for a certificate granting leave to appeal to the court of appeals, or has failed to file a notice of appeal with the intermediate appellate court, within the prescribed period, such intermediate appellate court or the court of appeals, as the case may be, may order that the time for the taking of such appeal or applying for leave to appeal be extended to a date not more than thirty days subsequent to the determination of such motion, upon the ground that the failure to so file or make application in timely fashion resulted from (a) improper conduct of a public servant or improper conduct, death or disability of the defendant's attorney.' ": **i, 39**

NY Criminal Procedure Law § 460.30(6), "Extension of time for taking appeal '[] An order of an intermediate appellate court granting or denying a motion made pursuant to this section is appealable to the court of appeals if (a) such order states that the determination was made upon the law alone, and (b) a judge of the court of appeals, pursuant to procedure provided in section 460.20, of this chapter, issues a certificate granting leave to the appellant to appeal to the court of appeals.' ": **i, 36**

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New York Correction Law Article 6-C, Sex Offender Registration Act

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NY Correction Law § 168-f(3), "Duty to Register []": **10**

NY Correction Law § 168-t, "Penalty, 'Any sex offender required to register or to verify pursuant to the provisions of this article who fails to register or verify in the manner and within the time periods provided for in this article shall be guilty of a class E felony upon conviction for the first offense.' ": **24**

NY Correction Law § 168-r(2), "Immunity from Liability '[] Nothing in this section shall be deemed to impose any civil or criminal liability upon or to give rise to a cause of action against any official, employee or agency, whether public or private, for failing to release information as authorized in this section unless it is shown that such official, employee or agency acted with gross negligence or in bad faith.' ": **7, 12, 22, 23**

New York Civil Practice Law and Rules (CPLR)

NY Civil Practice Law and Rules Article 78, "Proceeding Against Body or Officer": **3, 15**

NY Civil Practice Law and Rules 2001, "Mistakes, Omissions, Defects, and Irregularities, 'At any stage of an action, including the filing of a summons with notice, summons and complaint or petition to commence an action, the court may permit a mistake, omission, defect or irregularity, including the failure to purchase or acquire an index number or other mistake in the filing process, to be corrected, upon such terms as may be just, or, if a substantial right of a party is not prejudiced, the mistake, omission, defect or irregularity shall be disregarded, provided that any applicable fees shall be paid.' ": **2**

New York Codes of Rules and Regulations (NYCRR)

22 NYCRR 500.24, "Motions for reargument of appeals, motions and decisions on certified questions [New York State Court of Appeals] [emphasis added]": **8, 10, 32, 35**

9 NYCRR 7006, "Title 9 - EXECUTIVE DEPARTMENT Subtitle AA - STATE COMMISSION OF CORRECTION Chapter I - MINIMUM STANDARDS AND REGULATIONS FOR MANAGEMENT OF COUNTY JAILS AND PENITENTIARIES Subchapter A - MINIMUM STANDARDS AND REGULATIONS Part 7006 - DISCIPLINE":
10

10 NYCRR 405.7, 405.7(a)(1), and 405.7(c), "Title 10 - DEPARTMENT OF HEALTH Chapter V - Medical Facilities Subchapter A - Medical Facilities - Minimum Standards, Article 2 Hospitals, Part 405 - Hospitals - Minimum Standards, Section 405.7 - Patients' rights '[P]arts 405.7, 405.7(a)(1), and 405.7(c) of Public Health Law of Title 10 of [N]ew [Y]ork [C]odes of [R]ules and [R]egulations: "In addition to the Rights guaranteed under New York law, as a hospitalized patient, you have additional rights guaranteed to you under federal law: '(8) To be informed of your visitation rights including any clinical restriction, limitation, or otherwise be denied visitation privileges on... any status protected by law.' " '": **24**

New York Real Property Law

NY Real Property Law § 235-b, "Warranty for Habitability, '[] In every written or oral lease or rental agreement for residential premises the landlord or lessor shall be deemed to covenant and warrant that the premises so leased or rented and all areas used in connection therewith in common with other tenants or residents are fit for human habitation and for the uses reasonably intended by the parties and that the occupants of such premises shall not be subjected to any conditions which would be dangerous, hazardous or detrimental to their life, health or safety. When any such condition has been caused by the misconduct of the tenant or lessee or persons under his direction or control, it shall not constitute a breach of such covenants and warranties.'":
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New York Civil Rights Law

NY Civil Rights Law § 50-b, "Right of privacy; victims of sex offenses... '[] The identity of any victim of a sex offense... shall be confidential. No such public officer or employee shall disclose any portion of any police report, court file, or other document, which tends to identify such a victim except as provided in subdivision two of this section.'": **1, 34, 35, 37, 38**

Court Reporters

People v Griffith, 166 A.D.3d 1518, 88 N.Y.S.3d 325 (4th Dept. 2018): **2, 5, 6, 7, 9, 10, 14, 19, 21, 29, 32, 33, 40**

People v. Caccavale, 305 A.D.2d 695, 760 N.Y.S.2d 210 (2d Dept. 2003): **2**

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United States v Morgan, 346 U.S. 502 (1954): **40**

United States Constitution

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INDEX TO APPENDIX

"Confidential" pursuant to New York Civil Rights Law § 50-b

Exhibit A:

- New York State Court of Appeals, "People v Griffith, 2001-0883-1" ORDER DISMISSING LEAVE, (CLA-2022-01407): January 19, 2023
- "People v Griffith, CLA-2022-01407", Criminal Leave Application: November 17, 2022
- Supreme Court of the State of New York, Appellate Division/Fourth Department, "People v Griffith, KA 22-01525" Memorandum/Order: October 25, 2022
- Onondaga County Court, "People v Griffith, 2001-0883-1" Decision/Order: March 28, 2022
- Notice of Entry for " 'People v Griffith, 2001-0883-1', 'Decision/Order': March 28, 2022": September 29, 2022

Exhibit B:

- United States Circuit Court of Appeals for the Second Circuit: "Griffith v New York State [], 21-2133": Order: August 25, 2022
- United States Circuit Court of Appeals for the Second Circuit: "Griffith v New York State [], 21-2133": Notice (must serve documents to Jan Nastri): July 28, 2022
- "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" Summary Order: August 3, 2021
- "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" Order and Report and Recommendation: July 14, 2021
- "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" Amended Complaint: March 8, 2021: pages 2-6
- "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" MEMORANDUM Motion for Temporary Restraining Order: March 8, 2021: pages 1-6
- "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" Summary Order: May 4, 2021
- "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" Order and Report and Recommendation: December 28, 2020.

Exhibit C:

- NYS Court of Appeals, "People v Griffith, 2020-552": October 22, 2020
- Supreme Court of the State of New York, Appellate Division/Fourth Department, "People v Griffith, 2001-0883-1" Denial of Order to Show Cause for "Motion for Reconsideration to Waive Certification of the Record": May 27, 2020
- "People v Griffith, 2001-0883-1" Notice of Appeal for "Letter/Decision/Order" dated: February 21, 2020
- Onondaga County Court "People v Griffith, 2001-0883-1" Letter/Decision/Order: February 21, 2020

- "People v Griffith, 2001-0883-1" Notice of Appeal for "[l]ettet/[d]ecision/[o]rder" dated: October 25, 2019
- Onondaga County Court "People v Griffith, 2001-0883-1" [l]ettet/[d]ecision/[o]rder: October 25, 2019
- Supreme Court of the State of New York, Appellate Division/Fourth Department "People v Griffith, KA 17-01664" Memorandum/Order: November 9, 2018

Exhibit D:

- Letter Received by the U.S. Supreme Court and the People on January 25, 2022
- Notice to Appear, "People v Griffith, CR-06189-21": January 26, 2022
- Notice to Appear, "People v Griffith, CR-06189-21": February 6, 2022
- Letter received from the Syracuse City Police on December 22, 2020

Exhibit E:

- "Acknowledgement for Restriction of Rent" (Onondaga County DSS) signed: February 17, 2022
- Letter from Jan Nastri (increasing rent): February 17, 2022
- Notice from Onondaga County Department of Social Services: March 18, 2022, "Public Assistance Not Approved"
- "Notice of Fair Hearing" (Scheduled: June 10, 2022): May 20, 2022

Exhibit F:

- "People v Griffith, CR-01767-22", Order of Protection: "IT IS HEREBY ORDERED that... Howard Griffith... [] Stay Away from [] the home Rebecca Sklaney []": March 8, 2022
- "People v Griffith, CR-01816-22" Appearance Ticket, DR # 22-191983: March 8, 2022

Exhibit G:

- DECLARATION PLEDGE OF SUPPORT to Judicial Watch

Exhibit H:

- NYS Division of Criminal Justice Services: Sex Offender Registry: Howard Griffith ID: 25145
- United States Census 2020, NOTICE OF VISIT

Exhibit I:

- Letter from Onondaga County Sheriff (RE: DR # 21-339708): January 4, 2022

Exhibit J:

"Confidential" pursuant to New York Civil Rights Law § 50-b

PRELIMINARY STATEMENT

On January 19, 2023, the NYS Court of Appeals considered in Petitioner's Criminal Leave Application ("People v Griffith, 2001-0883-1 [CLA-2022-01407]") that he would be pursuing to this Court after an appeal was to have been considered. However, the NYS Court of Appeals could not grant leave to appeal because the NYS Court of Appeals could not consider everything that Petitioner was to demonstrate to this Court. Nevertheless, this Court can consider this. (28 USC § 1257) Petitioner demonstrated to the NYS Court of Appeals that a determination was going to have to be made that was essential to an order that had been made on August 25, 2022, in the U.S. Circuit Court of Appeals for the Second Circuit. ("Griffith v New York State [], 21-2133") Petitioner was taking action to consider a [M]otion for Extension of Time to Take an Appeal. (NY [C]riminal [P]rocedure [L]aw § 460.30) This would have been in coherence with "Griffith v New York State []" because the improper conduct of public servants is an essential remedy to be considered with the [M]otion which is an essential remedy considered with "Griffith v New York State []". This is essential because procedures in coherence with "Griffith v New York State []" were pursuing judgments in essence of "People v Griffith, 166 A.D.3d 1518". "People v Griffith, 166 A.D.3d 1518" had been used to decide on a direct appeal, pursuant to CPL § 450.10(1), from "People v Griffith, 2001-0883-1". Petitioner had taken his [M]otion to be able to obtain an extension of time to take an appeal, [], from the Motion to Vacate Judgment [] he had taken to be consolidated with his direct appeal. To have been deemed as additional relief to have been just and proper, Petitioner demonstrated that he intended to have a declaration provided that matters involving the Sex Offender Registration Act, pursuant to NY Correction Law Article 6-C, are "Confidential", pursuant to NY Civil Rights Law § 50-b, which is essential to "Griffith v New York State []". (28 USC § 1651[a])

STATEMENT OF THE CASE

(1) Petitioner was unconstitutionally convicted of Rape in the First Degree, NY Penal Law § 130.35(1), on January 10, 2002. ("People v Griffith, 2001-0883-1") He was finally able to make his case on November 9, 2018, when the Supreme Court of the State of New York, Appellate Division/Fourth Department, agreed with him on the merits: *"We agree with defendant that he was denied effective assistance of counsel... (People v. Caccavale, 305 A.D.2d 695, 695, 760 N.Y.S.2d 210 [2d Dept. 2003], 'Prior to sentencing, '),"* at People v Griffith, 166 A.D.3d 1518, 1519 (4th Dept. 2018). ("People v Griffith, KA 17-01664") This was with regard to Petitioner improperly taking a direct appeal for his conviction, pursuant to NY Criminal Procedure Law § 450.10(1), to the Appellate Division/Fourth Department: *"We note that defendant's pro se notice of appeal states that he is appealing pursuant to CPL 450.10(1) 'as it applies' to Correction Law § 168-n... from an order that denied his petition pursuant to Correction Law § 168-o(2) seeking a downward modification of his previously-imposed classification as a level three risk under the Sex Offender Registration Act... CPL 450.10(1), however, does not grant defendant the right to appeal from an order denying his petition for a downward modification of his risk level... Nevertheless, we deem the appeal to have been taken pursuant to the proper statute... (see CPLR 2001),"* id. at 1519. This was considered because of the remedy: *"(see generally People v. Charles, 162 A.D.3d 125, 126, 137-140 [2d Dept 2018], id. at 125: 'It was of concern that defendant... had refused to accept responsibility for the offense, '),"* id. at 1519. Petitioner continues to push his case that this [] has not reached a final order.

(2) On October 1, 2019, Petitioner was convicted of "disorderly conduct" pursuant to NY Penal Law § 240.20. ("People v Griffith, CR-10842-19") This was essential to an agreement that he

made with the People to not contest his excuse for his arrest for "*criminal mischief*" pursuant to NY Penal Law § 145.00. It was agreed that he did not have to take the law into his own hands, and just because it was the property he resided on, that was no excuse, although the property he destroyed belonged to people who were using it to put him in danger at his residence. The property that he resided on belonged to Jan Nastri, and Petitioner had a policy with him. Petitioner's case was based on the remedy that he had previously addressed a complaint to the police and his landlord about an intruder who made him feel as if he was in a "*condition*" that was "*dangerous, hazardous, or detrimental*" to his "*life, health, or safety.*" (see NY Real Property Law § 235-b, "*Warranty for Habitability*").

(3) Petitioner was prepared to make a case when he was concerned about suspicious activity on the property he resided on. This was because the police accused him of having psychiatric issues when he attempted to demonstrate evidence to them which caused him to have a seizure.

However, before he could make his case, he still had to demonstrate his case to Jan Nastri.

Petitioner gave Jan Nastri a draft of the Civil Practice Law and Rules Article 78 Petition that he intended to take to compel law enforcement. He agreed not to make his case if there were no more remedies to put him in danger, essential to his policy. He demonstrated his accusations in what was referred to as an "*information []*" with regard to the description of the "*conditions*" he described to be "*dangerous, hazardous, or detrimental*" to his "*life, health, or safety.*" However, when Petitioner had a false, census address provided at his mailbox which was demonstrated to the New York State Division of Criminal Justice Services with his sex offender registry, he amended the draft and took it to the Onondaga County Supreme Court on September 16, 2020, because he expected it to put him in "*conditions*" which were "*dangerous, hazardous, or*

detrimental to [his]... life, health, or safety [emphasis added]".¹ Petitioner used a cause to complain that he did not know if contacting the authorities on the perpetrators would make him liable for committing a "hate crime" because he could not interpret the bill that was signed in New York State on June 12, 2020, as he referred it to being unable to have access to the law library. The case was titled "Howard Griffith v Onondaga County, SU-2020-005851". Petitioner gave a copy of the petition to the People on September 17, 2020. Petitioner's conviction for "disorderly conduct" ("People v Griffith, CR-10842-19") was essential to this matter.

(4) Petitioner took an action to the United States District Court of the Northern District of New York on October 22, 2020, where he made a complaint, pursuant to 42 USC § 1983, in essence of "Howard Griffith v Onondaga County, SU-2020-005851". The intent was to maintain a civil procedure to be taken in essence of the arbitration Petitioner made with Jan Nastri. It was titled "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)". Petitioner intended to develop a case in which he would maintain the status quo by using his cause for taking his action in the Onondaga County Supreme Court as the reason for taking his action to the United States District Court of the Northern District of New York. With this, Petitioner was going to have to demonstrate a different cause in order to have it determined that the matter was properly taken from the arbitration. Petitioner had previously filed flyers which he had found in his mailbox with "Howard Griffith v Onondaga County, SU-2020-005851". Some of the flyers were from the United States Postal Service which demonstrated how to obtain absentee, mail-in ballots for voting purposes from the false address. Another flyer demonstrated the name of a person who was not living at his address who could receive services from his address. Petitioner needed to

¹ Fifth Amendment of the United States Constitution: "No person shall be subject for the same offence to be twice put in jeopardy of life or limb. [emphasis added]"

make his case for his safety when taking his case to the United States District Court of the Northern District of New York, and he needed to include a new remedy that could be used for the consideration that Jan Nastri was liable for "*conditions*" which were "*dangerous, hazardous, or detrimental to their life, health, or safety. [emphasis added]*" Petitioner developed a cause to have it declared that this was in violation of his voting rights, and he included his roommate, Rebecca Sklaney, as his co-plaintiff. Petitioner filed "Howard Griffith v Onondaga County, SU-2020-005851" with it. He made his case against both the New York State Attorney General and Jan Nastri. Petitioner had not served them a copy. Instead he intended to have the procedure fulfilled by the U.S. Marshall. Petitioner also took action for a temporary restraining order with an Order to Show Cause with the Complaint. It was also on October 22, 2020, when the precedent had been established to Petition for Writ of Certiorari to the United States Supreme Court from the decision of the New York State Court of Appeals to dismiss his appeal in essence of "People v Griffith, 166 A.D.3d 1518 (4th Dept 2018)", ("People v Griffith, KA 17-01664"). "Howard Griffith v Onondaga County, SU-2020-005851" was denied on October 30, 2020.

(5) Petitioner took a Petition for Writ of Certiorari (Howard Griffith v New York, 20-6395) from the Decision of the NYS Court of Appeals "dismissing leave to appeal" (35 NY3d 1109 [2020] ["People v Griffith, 2020-552"]) that was taken in essence of the Onondaga County Court not having granted him the relief ordered by the Supreme Court of the State of New York, Appellate Division/Fourth Department. [T]his was with regard to People v Griffith, 166 A.D.3d 1518, 1519 (4th Dept 2018): "*We therefore reverse the order, reinstate the petition, and remit the matter to County Court for a new hearing on the petition.*" This was taken in essence of the determination of the Onondaga County Court determining that Petitioner had abandoned his [P]etition for

SORA Modification (NY Correction Law § 168-o[2]) on September 13, 2019, when further questions with regard to the relief that should have been granted by the Supreme Court of the State of New York, Appellate Division/Fourth Department, had been under the [j]urisdiction of the United States Supreme Court. (*see* *People v Griffith*, 32 NY3d 1196 [2019] [dismissing leave to appeal], *People v Griffith*, 33 NY3d 1047 [2019]: *reconsideration denied*, *Howard Griffith v New York*, 140 S Ct 407 [2019], **October 15, 2019: certiorari denied [emphasis added]**) This was, also, taken in essence of a determination of the Onondaga County Court [r]efusing to settle the record, on February 21, 2020, for an appeal to have been taken from the [l]etter/[d]ecision/[o]rder. The Onondaga County Court had [r]efused to settle the record right after Petitioner had his Order to Show Cause denied for a Motion to Waive Certification of the Record in the Supreme [C]ourt of the State of New York, Appellate Division/Fourth Department. The record had been [r]efused to have been settled by the Onondaga County Court because the People had objected the appeal being taken pursuant to CPL § 450.10(1), just as the previous appeal had been taken (*see* "*People v Griffith*, 166 A.D.3d at 1519"), although the intent was to reconsider the relief that was supposed to have been granted re "*People v Griffith*, KA 17-01664". The appeal was to have been taken "from each and every part thereof and every intermediate order made therein." It is important to recognize that in essence of the determination of the Onondaga County Court [r]efusing to settle the record, Petitioner pursued with a Notice of Appeal from the [R]efusal which was intended to be taken with the appeal from the [l]etter/[d]ecision/[o]rder, and in essence of the appeal taken from the [l]etter/[d]ecision/[o]rder, Petitioner pursued with a Motion for Reconsideration to Waive Certification of the Record, via Order to Show Cause; after the Onondaga County Court had [r]efused to settle the record. After the [C]ourt, again, denied Order to Show Cause, Petitioner pursued with "*People v Griffith*, 2020-552" to the New York

State Court of Appeals. In essence of "People v Griffith, 2020-552", Petitioner pursued with Petition for Writ of Certiorari to the United States Supreme Court. ("Howard Griffith v New York, 20-6395")

(6) Petitioner made the People and the United States Supreme Court aware of the actions he was taking in the United States District Court of the Northern District of New York in a Supplemental [B]rief for his Petition for Writ of Certiorari dated November 30, 2020, and he made the People and the Court aware of the actions he was taking in the District Court, with "Howard Griffith et al. v New York et al., []", with regard to a Petition for Writ of Habeas Corpus (28 USC § 2254), in a [B]rief dated: January 9, 2021. He [a]lso [d]emonstrated to the NYS Attorney General, via Howard Griffith v New York, 20-6395, that he had taken these actions and that he was demonstrating this to the People, and he [d]emonstrated the sua sponte of the District Court (the Report and Recommendation dated December 28, 2020), deciding on "People v Griffith, 166 A.D.3d 1518 (4th Dept 2018)". He [d]emonstrated that the statute of limitations to begin to consider interlocutory judgment from the [R]eport and [R]ecommendation would begin on the same date that certiorari was scheduled for conference. Certiorari was denied on January 19, 2021. (Howard Griffith v New York, 141 S Ct 1245 [2021])

(7) On March 8, 2021, Petitioner prepared an amended complaint in essence of the United States District Court of the ND of NY recommending that the Complaint for "Howard Griffith et al. v New York et al., []" be dismissed with leave to replead. He demonstrated that New York could not be "*immune from liabilities*" (see NY Correction Law § 168-r[2]) with regard to failure to provide law enforcement and with regard to being subject to criminal prosecution in

consequence, although he had not, yet, been subject to criminal prosecution. He also demonstrated that it was because New York could not be "*immune from liabilities*" that it gave Jan Nastri the remedy to place them in "*conditions*" which had been "*dangerous, hazardous, or detrimental to their life, health, or safety,*" and he demonstrated that an injunction could not be made until a declaration was provided with regard to voting rights. He also prepared a [M]otion for an Order to Show Cause for Temporary Restraining Order dated March 8, 2021, in [r]eference to the flyers that he demonstrated for the record. He referenced [h]ow John Katko of the 24th Congressional District sued the Onondaga County Board of Elections on November 4, 2020, in consequence of the matter he had taken to the United States District Court of the Northern District of New York and [h]ow Claudia Tenney of the 22nd Congressional District had her election called on February 5, 2021, in essence of suing the Oneida County Board of Elections in debate over the validity of 2,418 votes. Petitioner, again, pleaded habeas corpus with his [M]otion and objected being denied access to the law library. (*see* Exhibit B) Petitioner filed copies of these with his Petition for Rehearing for Petition for Writ of Certiorari, "*Howard Griffith v New York, 20-6395*", when taken on March 9, 2021. Petitioner demonstrated in his Petition dated March 9, 2021, "*Habeas Corpus Dismissed Without Prejudice?*", and he also demonstrated that he intended to pursue back to the NYS Court of Appeals for a Motion for Reconsideration, pursuant to 22 [N]ew [Y]ork [C]odes of [R]ules and [R]egulations 500.24, in essence of the decision of the NYS Court of Appeals to dismiss his Motion to Grant Leave to Appeal on October 22, 2020, re "*People v Griffith, 2020-552*". He requested that his Petition for Rehearing for Petition for Writ of Certiorari be denied without prejudice, and he demonstrated that he intended to stay all matters with regard to his criminal procedure.

(8) Before May 4, 2021, Petitioner prepared what he referred to as a Petition for Extraordinary Writ, and he took it to the United States Supreme Court. He appended it with a copy of his Petition for Rehearing for Petition for Writ of Certiorari, "Howard Griffith v New York, 20-6395", along with the Supplemental Brief[s] dated November 30, 2020, and January 9, 2021. It was returned before May 4, 2021. On May 4, 2021, the United States District Court of the Northern District of New York ordered the Complaint to be dismissed with leave to replead, and habeas corpus was dismissed without prejudice. On May 17, 2021, Petitioner's Petition for Rehearing for Petition for Writ of Certiorari was denied. On May 23, 2021, Petitioner took a corrected Petition for Extraordinary Writ to the United States Supreme Court in essence of the Order provided by the District Court dismissing habeas corpus without prejudice as he contested that "People v Griffith, 166 A.D.3d 1518, 1520" cited at "People v. Lashway, 25 N.Y.3d 478, 483 (2015): '(see *Doe v Pataki*, 3 F. Supp. 2d 456 [SD NY 1998] "*Only the United States Supreme Court is granted appellate jurisdiction to review final judgments of the highest courts of respective states. See 28 USC 1257[a], "id. at 477-478)".' Petitioner contested that the decision to dismiss habeas corpus without prejudice had been decided in the wrong court. Petitioner requested that his Petition for Extraordinary Writ be denied without prejudice. His Petition for Rehearing for Petition for Writ of Certiorari [] and Supplemental Brief[s] were appended. On May 26, 2021, Petitioner sent his Amended Complaint dated March 8, 2021, with the Petition for Extraordinary Writ and Petition for Rehearing [] appended, to the United States District Court of the Northern District of New York. Then he took a Supplemental Brief for his Petition for Extraordinary Writ dated June 6, 2021, to the Supreme Court, the District Court, the People, and the New York State Attorney General on June 7, 2021, to inform the District Court that the People and the New York State Attorney General would be considering this and to inform the*

People and the New York State Attorney General that the District Court would be considering this. The District Court received this on June 9, 2021. The Petition for Extraordinary Writ was returned by the United States Supreme Court and the time was up to correct it on August 2, 2021, pursuant to Rule 14.5 of the United States Supreme Court.

(9) On June 8, 2021, Petitioner was placed in jail for failure to fulfill his "*duty to register*" as a sex offender, pursuant to NY Correction Law § 168-f(3), ("People v Griffith, CR-06189-21") because the police needed a reason to place him in jail for a psychiatric evaluation after recovering from a grand mal seizure. Petitioner objected that he was in custody, pursuant to 28 USC § 2241(c)(2), during his arraignment, and he objected that it was double jeopardy as he referred to "People v Griffith, 166 A.D.3d 1518 (4th Dept 2018)".

(10) On June 12, 2021, Petitioner was disciplined with segregation housing at the Onondaga County Justice Center for striking a deputy for not authorizing him to use the law library. He was prosecuted for it with a charge of Harassment 2nd, pursuant to NY Penal Law § 240.26, and it was prosecuted with his failure to fulfill his "*duty to register*" as a sex offender on June 30, 2021, to determine that he was not fit to stand trial pursuant to NY Criminal Procedure Law § 730.

Petitioner [t]estified that he was denied his right to the law library ² in the due process disciplinary hearing that was held for striking the deputy, on July 6, 2021, pursuant to 9 NYCRR 7006, ("DR # 21-339708"). [T]hat's when he demonstrated that he did not have access to an [] Inmate Handbook which was an essential tool for understanding how to use the law library at the Onondaga County Justice Center. Petitioner's time was up to pursue Reconsideration for his Motion to Grant Leave to Appeal, pursuant to 22 NYCRR 500.24, to the NYS Court of Appeals

² see *Bounds v. Smith*, 430 U.S. 817 (1977) and *Lewis v. Casey*, 518 U.S. 343 (1996)

on June 16, 2021. He was supposed to have had until July 8, 2021, to appeal his due process disciplinary hearing to exhaust his administrative remedies. However, he was transferred to [C]entral [N]ew [Y]ork [P]sychiatric [C]enter from the Onondaga County Justice Center on July 7, 2021, in essence of the decision to determine he was not fit to stand trial.

(11) On July 14, 2021, the Judicial Magistrate of United States District Court of the Northern District of New York recommended that the amended complaint that was provided for "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" be dismissed with prejudice and he [r]ecommended that the [P]etition for Extraordinary Writ dated May 23, 2021; the [P]etition for Rehearing for Petition for Writ of Certiorari, "Howard Griffith v New York, 20-6395"; and [S]upplemental Brief for Petition for Extraordinary Writ dated June 6, 2021, be "denied without prejudice" if they were intended to be construed as an appeal from the summary order dated May 4, 2021, adopting the first Order and Report and Recommendation. He [r]ecommended this because no notice of appeal had been filed within 30 days of that order. Petitioner notified the United States District Court of the Northern District of New York that his address had changed from 2903 James Street, # 1R, Syracuse, NY 13206, to Central New York Psychiatric Center, after July 14, 2021, before August 3, 2021. The address of Petitioner's co-plaintiff, roommate, had never changed. The Senior Judge of the United States District Court of the Northern District of New York ordered the amended complaint to be dismissed with prejudice and ordered the Petition[s] "STRICKEN" on August 3, 2021. This was the day after the time was up to correct the Petition for Extraordinary Writ to be brought back to the United States Supreme Court pursuant to Rule 14.5 of the United States Supreme Court. Petitioner brought a Notice of Appeal to the United States District Court of the Northern District of New York to contest the Order

dated August 3, 2021 on September 3, 2021, and it was brought to the United States Circuit Court of Appeals for the Second Circuit to initiate "Griffith v New York State [], 21-2133".

(12) Petitioner prepared a Petition for Writ of Mandamus and Prohibition dated September 27, 2021, to the United States Supreme Court, "In Re Howard Griffith, 21-6127". This was taken against the People and the New York State Attorney General. He contested that he was denied his right to the law library in "*bad faith*" in consequence of failure to fulfill his "*duty to register*" as a sex offender (NY Correction Law § 168-r[2], "*immunity from liabilities*") and he contested that he was denied his right to exhaust his administrative remedies in consequence of his failure to fulfill his "*duty to register*" as a sex offender. This was taken in essence of "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)". He demonstrated that the United States District Court of the Northern District of New York, the People, and the NYS Attorney General were provided the Supplemental Brief for Petition for Extraordinary Writ on June 9, 2021, one day after he was taken into [c]ustody for failure to fulfill his "*duty to register*" as a sex offender. He demonstrated how [this] had satisfied the cause for both of the parties and the District Court to consider habeas corpus pursuant to 28 USC § 2254. This was taken to the United States Supreme Court on October 5, 2021, while Petitioner was still in custody. This was taken while "Griffith v New York State [], 21-2133" was in default because the United States Circuit Court of Appeals for the Second Circuit: "ORDERED that the appeal will be dismissed effective October 13, 2021 if the Acknowledgement and Notice of Appearance Form is not filed by that date,"; "ORDERED that the appeal will be dismissed effective October 13, 2021 if Form D-P is not filed by that date," with regard to: "Appellant's Form D-P was due September 17, 2021,"; and "ORDERED that the appeal is dismissed effective October 13, 2021 unless by that date appellant

either pays the fee in full, moves for *in forma pauperis* status in district court or, if district court has denied *in forma pauperis* status, moves in this Court for *in forma pauperis* status."

(September 22, 2021) With this, the United States Circuit Court of Appeals for the Second Circuit terminated the New York State Attorney General as a party. This was after the Attorney General pled, with regard to the advisory of their office dated September 17, 2021, to the United States Circuit Court of Appeals for the Second Circuit. The Attorney General pled that if the Circuit Court were to doubt the propriety of affirmance of their claim that their office had never received a copy of the amended complaint, an order should be provided to vacate sua sponte, dismissing and remanding "*without prejudice to any dispositive motion that defendants may file after receiving a copy of the amended complaint.*" ("Dotson v Fischer, 613 F. App'x 35, 39 & n. 3 [2d Cir. 2015]") Petitioner contested in his Petition for Writ of Mandamus and Prohibition to the United States Supreme Court, "In Re Howard Griffith, 21-6127", that the propriety of affirmance should be doubted with regard to the Attorney General's claim in order for the Supreme Court to vacate sua sponte of the United States District Court of the Northern District of New York, dismissing and remanding without prejudice to an additional amended complaint appending any relevant documents that he has procured. ("Dotson v Fischer, id. at 39 & n. 3 [2d Cir. 2015]") This was because Petitioner had served the Attorney General the amended complaint via the United States Supreme Court. With Petitioner's Petition for Writ of Mandamus and Prohibition, he filed the ORDER[s] of the United States Circuit Court of Appeals for the Second Circuit and the [A]pplication for Permission to Appeal *In Forma Pauperis* that was intended to be taken to the United States District Court of the Northern District of New York in order to be able to resume "Griffith v New York State [], 21-2133". Petitioner intended to have "People v Griffith, CR-06189-21" stayed with regard to failure to fulfill his "*duty to register*" as a sex offender and

to obtain a preliminary injunction for "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" to be deemed to have been stayed from October 22, 2020, to maintain his right to resume "People v Griffith, 166 A.D3d 1518 (4th Dept 2018)". Jan Nastri never appeared in the United States Circuit Court of Appeals for the Second Circuit re "Griffith v New York State [], 21-2133". The People waived their right to respond to the United States Supreme Court.

(13) Petitioner was released from custody on October 18, 2021, on bail. When he arrived at his home, he obtained a medicare notice in his mailbox addressed to the false address that was demonstrated for his sex offender registry. The name on the notice was the name of the person that he demonstrated on the flyer which was filed with "Howard Griffith v Onondaga County, SU-2020-005851" which demonstrated the false name of the person who was able to receive services from his actual address. Petitioner filed the [] notice with "In Re Howard Griffith, 21-6127" in a Supplemental Brief dated November 17, 2021. Petitioner contested that the Court should have been able to hold an evidentiary hearing, pursuant to 28 USC § 2254(e)(2)(A)(ii), because the claims that he made with "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" relied on a factual predicate which could not have been previously discovered through the exercise of due diligence. Petitioner also filed documents which supported evidence which could prove his innocence for "People v Griffith, 2001-0883-1". He contested that if he was going to be prosecuted for failure to fulfill his "*duty to register*" as a sex offender for a sex offense which a court of law had already made a judgment supporting that it was unconstitutional, he should be given back his right to prove that he was actually innocent.

(14) On December 6, 2021, the Petition for Writ of Mandamus and Prohibition, "In Re Howard Griffith, 21-6127", was denied. On December 28, 2021, "Griffith v New York State [], 21-2133" was mandated because Petitioner had not paid the fee in full or moved for *in forma pauperis* status in the district court. Petitioner prepared a Petition for Rehearing for Petition for Writ of Mandamus and Prohibition on December 31, 2021. One day before this, Petitioner prepared a Petition pursuant to Article 78 of the New York Civil Practice Law and Rules, with an order to show cause, "Howard Griffith v Onondaga County Sheriff, SU-2021-010609", to the Onondaga County Supreme Court. This was prepared in attempt to obtain the document for the due process disciplinary hearing that was held at the Onondaga County Justice Center on July 6, 2021. ("DR # 21-339708") This was because the Onondaga County Sheriff told him that he would have to wait 40 days to have the document produced from public records. Petitioner attached this to his Petition for Rehearing for Petition for Writ of Mandamus and Prohibition with a Motion for Extension of Time to Obtain Documents dated December 31, 2021.³ Petitioner also sent copies of these documents to the United States District Court of the Northern District of New York and the United States Circuit Court of Appeals for the Second Circuit. [T]hese were essential to these court[s] because Petitioner attached an Acknowledgement and Notice of Appearance Form and a Form D-P to his Petition for Rehearing for Petition for Writ of Mandamus and Prohibition. Both of these Form[s] were dated December 29, 2021. Petitioner also attached an Application for Permission to Appeal *In Forma Pauperis* dated December 29, 2021, for an appeal to be taken from 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)", to the United States Circuit Court of Appeals for the Second Circuit. Petitioner also served copies of his Petition for Writ of Mandamus and Prohibition dated September 27, 2021, and Supplemental Brief dated November

³ Rule 30.4 of the Rules of the United States Supreme Court

17, 2021, with [t]hese documents. [T]hese were to be deemed to be filed with "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)". The United States Circuit Court of Appeals for the Second Circuit returned [t]hese documents because "Griffith v New York State [], 21-2133" had been mandated. Petitioner also served [t]hese to the Onondaga County Court.

(15) Petitioner took a Motion to Stay the Mandate dated January 6, 2022, to the United States Circuit Court of Appeals for the Second Circuit on January 6, 2022. Petitioner stated in his Motion to Stay the Mandate with his "REASONS FOR GRANTING STAY":

"It will be necessary to stay the mandate so that *in forma pauperis* can be considered by the United States District Court of the Northern District of New York. This will be necessary in order for the United States Supreme Court to be able to consider a Mandamus for this Court to process the Acknowledgement and Notice of Appearance Form and the Form D-P. This procedure is necessary for the United States Supreme Court to be able to consider an objection from this matter. The intent is for the United States Supreme Court to doubt the propriety of affirmance of the New York State Attorney General's advisory while respecting the party's suggestions to vacate sua sponte, dismissing and remanding 'without prejudice to any dispositive motion that defendant's 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]). This will be necessary in order to be able to respect the suggestion of the Plaintiff-Appellant to vacate sua sponte, dismissing and remanding without prejudice to an additional amended complaint, appending any relevant documents that he has procured. (*see* Dotson v. Fischer, *id.* 39 & n. 3) However, the matter had to be taken to the United States Supreme Court, first, without an appearance in this Court because the appeal was to have been taken in essence of questions with regard to the elimination

of the use of 'tests or devices' to determine the eligibility to vote pursuant to 52 USC 10303. (*see* 52 USC 10303[a][5]: '*Appeals shall lie to the Supreme Court*') Nevertheless, it will be necessary for the United States Supreme Court to consider Plaintiff's-Appellant's objections, with regard to this matter, to be able to respect his suggestions, in order for remedies to be satisfied for the United States Supreme Court to consider writ of error coram nobis with regard to a separate matter involving a separate party."

Petitioner served a copy to the People and the New York State Attorney General. He did not serve a copy to Jan Nastri for the reasons he claimed that Jan Nastri never made an appearance in the United States Circuit Court of Appeals for the Second Circuit with regard to the matter re "Griffith v New York State [], 21-2133". On January 6, 2022, Petitioner received a letter from the Onondaga County Sheriff, dated January 4, 2022, informing him that they could not produce the documents for the due process disciplinary hearing because it was determined that it would interfere with judicial proceedings. He was informed to contact [his] attorney ⁴, and [his] attorney could get into touch with the People.

(16) Petitioner received a flyer in his mailbox to make a [] pledge to "Judicial Watch", after December 31, 2021, to provide a donation of \$35.00 for: "A DECLARATION OF PUBLIC SUPPORT TO: OFFICE OF SECRETARY OF STATE FOR THE INVESTIGATIONS AND LAWSUITS BY JUDICIAL WATCH INTO...

"JUDICIAL WATCH SPONSORED PETITION TO NEW YORK SECRETARY OF STATE FROM...

"Mr. Howard Griffith
2903 James St. Apt. 1
Syracuse, NY 13206-2127

⁴ Petitioner was representing himself, pro se.

"Signed... on or after this date: December 31, 2021"

Petitioner omitted this by serving a copy of his Petition for Rehearing for Petition for Writ of Mandamus and Prohibition dated December 31, 2021, without attachments, to the New York Secretary of State, with a note, on January 13, 2022. Petitioner signed an affidavit claiming that, on January 14, 2022, he signed: "A DECLARATION OF PUBLIC SUPPORT TO: OFFICE OF SECRETARY OF STATE FOR THE INVESTIGATIONS AND LAWSUITS BY JUDICIAL WATCH INTO...

"JUDICIAL WATCH SPONSORED PETITION (for Rehearing for Petition for Writ of Mandamus and Prohibition 'In Re Howard Griffith, 21-6127') TO NEW YORK SECRETARY OF STATE FROM (emphasis added)..."

"Mr. Howard Griffith
2903 James St. Apt. 1
Syracuse, NY 13206-2127

"Signed... on... this date: December 31, 2021", and he bought a money order for a \$35.00 donation. (*see* Exhibit G) On January 19, 2022, Petitioner sent the "Declaration Pledge" to the United States Supreme Court to be filed with "In Re Howard Griffith, 21-6127" to be retrieved by "Judicial Watch" with the \$35.00 donation. Petition for Rehearing for Petition for Writ of Mandamus and Prohibition dated December 31, 2021, was returned by the United States Supreme Court because it was too long. Petitioner prepared a corrected Petition for Rehearing for Petition for Writ of Mandamus and Prohibition to the United States Supreme Court on January 25, 2022, and he referred to the "Declaration Pledge". He had the People and the NYS Attorney General served, that day, via personal delivery. The "Declaration Pledge" was returned by the Court on January 25, 2022, and he received it on January 28, 2022. The corrected Petition for Rehearing for Petition for Writ of Mandamus and Prohibition was returned by the Court on

February 1, 2022. Petitioner had the "Declaration Pledge" served to "Judicial Watch" with the \$35.00 donation on February 9, 2022.

(17) On February 3, 2022, Petitioner prepared a Motion to Vacate Judgment, pursuant to NY Criminal Procedure Law § 440.10, and he brought it to the Onondaga County Court. His contest was to challenge his conviction for Rape in the First Degree, NY Penal Law § 130.35(1) re "People v Griffith, 2001-0883-1". He referenced "People v Griffith, CR-06189-21" as the collateral matter. He contested that, because he was being prosecuted for failure to register as a sex offender for a sex offense which had been judged by the Supreme Court of the State of New York, Appellate Division/Fourth Department, to have been unconstitutional ("People v Griffith, 166 A.D.3d 1518 [4th Dept 2018]"), he should be given back his right to prove that he was actually innocent. With it, he referenced "In Re Howard Griffith, 21-6127", and he contested that the People should not be authorized to respond because they had already waived their right with regard to the same issue that had still been pending. He also claimed "double jeopardy". He stated that he would pursue the United States Supreme Court for interlocutory judgment, and he also demonstrated that he was intending to have "People v Griffith, CR-06189-21" stayed. Petitioner filed his Petition for Writ of Mandamus and Prohibition dated September 27, 2021, and his Supplemental Brief for Petition for Writ of Mandamus and Prohibition dated November 17, 2021, with his Motion to Vacate Judgment []. The Onondaga County Court ordered that the People respond by March 25, 2022.

(18) On February 10, 2022, Petitioner filed a Motion for Extension of Time to Take an Appeal, pursuant to NY Criminal Procedure Law § 460.30, to the Supreme Court of the State of New

York, Appellate Division/Fourth Department. The Motion was intended to be taken for an "Extension of Time to Take an Appeal" from the date that Petitioner was arraigned for failure to fulfill his "duty to register" as a sex offender dated June 8, 2021, as it was intended to be taken from the Order that determined that he was not fit to stand trial pursuant to NY Criminal Procedure Law § 730. Petitioner filed his Petition for Rehearing for Petition for Writ of Mandamus and Prohibition dated December 31, 2021. It was rejected by the Supreme Court of the State of New York, Appellate Division/Fourth Department, because it was determined that the Order to determine Petitioner was not fit to stand trial was not a proper order to take an appeal from pursuant to Criminal Procedure Law § 450.10(1).

(19) On February 16, 2022, Petitioner pursued with a Petition for Rehearing, "In Re Howard Griffith, 21-6127", to the United States Supreme Court. [W]ith this, he filed [his] Petition for Rehearing for Petition for Writ of Mandamus and Prohibition dated December 31, 2021; [his] Motion for Extension of Time to Obtain Documents [] dated December 31, 2021; and a copy of [his] "Declaration Pledge" for "Judicial Watch". He also filed [a] copy of the letter by the Onondaga County Sheriff dated January 4, 2022; [a] copy of a letter stamped by the United States Supreme Court that was returned on January 25, 2022 (*see* Exhibit D); and [a] copy of the Order to Show Cause that was approved on February 2, 2022, by the Onondaga County Supreme Court re "Howard Griffith v Onondaga County Sheriff, SU-2021-010609". He contested in his Petition for Rehearing [], with regard to "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)", that the United States District Court of the Northern District of New York "ORDERED" the Petition for Extraordinary Writ dated May 23, 2021, and Petition for Rehearing for Petition for Writ of Certiorari, "Howard Griffith v New York, 20-6395",

"STRICKEN". He made this contest because the Judicial Magistrate recommended that these Petition[s] be "denied without prejudice" if they were intended to be construed as an appeal from the first report and recommendation. He demonstrated that [t]his satisfied the merits that habeas corpus had been reconsidered with regard to "People v Griffith, 166 A.D.3d 1518, 1520" citing at "People v. Lashway, 25 N.Y.3d 478, 483 (2015): '(see *Doe v Pataki*, 3 F. Supp. 2d 456 [SD NY 1998] "Only the United States Supreme Court is granted appellate jurisdiction to review final judgments of the highest courts of respective states. See 28 USC 1257[a]," id. at 477-478)'."

[T]his was with regard to habeas corpus having been initially ordered to be dismissed without prejudice in the Order dated May 4, 2021. He demonstrated that the Petition for Extraordinary Writ was intended to object this while being considered to be "denied without prejudice".

Petitioner objected [that], because he had been in custody when the remedy was satisfied for all parties to consider this, the remedies had been satisfied that habeas corpus had been reconsidered, essentially, with regard to the merits that he could not be incarcerated for failure to obey his "duty to register" as a sex offender. Petitioner demonstrated that the merits supported that [this] would have been considered instead of considering [t]hat his conviction for Rape in the First Degree be dismissed. He demonstrated that [t]hat would have had to have been considered in the Supreme Court instead. However, because these had been "STRICKEN", the initial consideration had been maintained. Petitioner claimed that this provided the remedy to object to this. Petitioner also explained that because he had been denied his right to the law library, in pursuance of the intentions he previously demonstrated that he intended to pursue after "Howard Griffith v New York, 20-6395" had been denied [], this satisfied both the cause to consider "bad faith" for "Howard Griffith v Onondaga County, SU-2020-005851" and the reason to consider "bad faith" with "Howard Griffith et al. v New York et al., 5:20-cv-01312

(GLS/ML)". (see *"Immunity from Liabilities,"* NY Correction Law § 168-r[2]). Petitioner demonstrated that this was just as he had suggested with "Howard Griffith v New York, 20-6395" when the amended complaint was first filed in the United States Supreme Court. Petitioner also demonstrated that the People had prosecuted his "Harassment 2nd []" charge in essence of striking a deputy for [not] authorizing him to use the law library, with charges for failure to fulfill his "duty to register" as a sex offender. Petitioner explained that because these had been prosecuted, together, to consider he wasn't fit to stand trial, pursuant to NY Criminal Procedure Law § 730, it was because he was transferred to Central New York Psychiatric Center that he was unable to exhaust his administrative remedies in essence of the "due process disciplinary hearing" where he made [his] claim. He objected that this authorized the People to consider these remedies in *"bad faith"*. Also, Petitioner contested that because both of these Petition[s] had been recommended to be "denied without prejudice", just as he had requested, these remedies could all, now, be considered together. Petitioner also demonstrated that the People could consider the "due process disciplinary hearing" where he made [his] claim that he was denied his right to the law library because the Onondaga County Sheriff suggested that the People should be contacted with regard to obtaining these documents in their letter dated January 4, 2022. This would be in essence of "Howard Griffith v Onondaga County Sheriff, SU-2021-010609". Petitioner also demonstrated that he had taken his Motion to Vacate Judgment dated February 3, 2022 and his Motion for Extension of Time to Take an Appeal dated February 10, 2022. Petitioner objected that the People should not be authorized to object his Motion to Vacate Judgment [] because the People had already waived that right in the United States Supreme Court. Petitioner stated in his Petition for Rehearing []:

"It will also be necessary to consider that New York State passed a bill on January 19, 2022, authorizing mail-in ballots to be used in the 2022 elections as the evidentiary hearing would authorize this Court to investigate why a declaration needs to be provided that these would need to be eliminated, and this also needs to be considered with my **DECLARATION PLEDGE OF PUBLIC SUPPORT** which was filed in this Court on January 19, 2022 (*see* Appendix) and addressed with the Petition [] that had been returned on February 1, 2022. My opponents need to release '*relevant information*' because New York State uses the census to authorize non-existent [non-minority] beings to abridge '*the right to vote on account of race or color.*' (52 USC 10303)"⁵ Petitioner also demonstrated in his Petition for Rehearing [] that he had filed his Motion to Stay the Mandate dated January 6, 2022, re "Griffith v New York State [], 21-2133", in the United States Circuit Court of Appeals for the Second Circuit.

⁵ In the "Jurisdictional Statement" taken for "Trump v New York, 592 U.S. ____ (2020)" on September, 2020, Appellant[s] demonstrated that the district court's theory of Article III Jurisdiction rested on a multi-step sequence of events. The Appellant[s] demonstrated how the sequence of events should have just been deemed to have been hypothetical to contest how the Appellee[s] failed to satisfy Article III's requirements for jurisdiction. As provided for the "Reasons for Noting Probable Jurisdiction" at page 13 (*id.*), Appellant[s] demonstrated what was a hypothesis in Paragraph B of Point I, provided with the second cause, and Appellant[s] provided that the Appellee[s] failed to demonstrate how the "chilling effect" did not explain why the possibility of the involvement of "*landlords*" and "*neighbors*" to offer any appropriate "*information*" necessary to be provided regarding correctness of the census would have been deemed to have been "chilling". With that matter, the United States Supreme Court determined that New York failed to satisfy the cause for jurisdiction, simply because New York provided a hypothesis that a "chilling effect" provided a good enough cause for non-citizens to not have to provide answers with regard to the citizenship question. (*see* New York Correction Law § 168-r[2], "*Immunity from Liabilities*" : *'Nothing in this section shall be deemed to impose any civil or criminal liability upon or to give rise to a cause of action against any official, employee or agency, whether public or private, for failing to release information as authorized in this section unless it is shown that such official, employee or agency acted with gross negligence or in bad faith. [emphasis added]'*) *

*The census without the citizenship question would have been deemed to have been used as a "*test or device*" to determine the eligibility to illegally obtain absentee, mail-in ballots to vote. (52 USC § 10303[c][4]) Petitioner's case alone only demonstrated one incident, deemed to be less than few in number, and with U.S. Rep. John Katko and State Senator Rachel May suing the Onondaga County Board of Elections in November, 2020, it may be deemed that the incident had been promptly and effectively corrected by State or local action. (52 USC § 10303[d][1]) Nevertheless, judicial proceedings in the 22nd Congressional District, taken by Claudia Tenney, to decide the 2020 general election for that district, concluded the matter by not having been able to identify 2,418 votes. (*see* Petition for Rehearing for Petition for Writ of Mandamus and Prohibition: December 31, 2021.)

(20) On February 18, 2022, Petitioner was convicted for failure to fulfill his "duty to register" as a sex offender, a "*class E felony*" pursuant to NY Correction Law § 168-t, re "People v Griffith, CR-06189-21". On February 28, 2022, the People responded to Petitioner's Motion to Vacate Judgment []. On March 7, 2022, Petitioner was placed in custody for "Harassment 2nd," NY Penal Law § 240.26, committed at his address against his roommate, and he was released on March 8, 2022, with an Order of Protection for his roommate. ("People v Griffith, CR-01767-22, DR # 190403") The Order of Protection demonstrated: "IT IS ORDERED that the above named defendant, Howard Griffith [], observe the following conditions of behavior: [01] Stay away from [A] Rebecca Sklaney []; [B] the home of Rebecca Sklaney. []" On March 8, 2022, Petitioner was placed in custody at St. Joseph's Hospital for a psychiatric evaluation for "Resisting Arrest," NY Penal Law § 205.30. ("People v Griffith, DR # 22-191983") Petitioner prepared a Supplemental Brief for Petition for Writ of Mandamus and Prohibition dated March 20, 2022, "In Re Howard Griffith, 21-6127". He contested that "People v Griffith, DR # 22-191983" was essential to "People v Griffith, CR-01767-22, DR # 22-190403". This was with regard to the remedy that his social worker would not authorize his roommate to visit him because of the order of protection. He demonstrated that [P]arts 405.7, 405.7(a)(1), and 405.7(c) of Public Health Law of Title 10 of [N]ew [Y]ork [C]odes of [R]ules and [R]egulations explained: "In addition to the Rights guaranteed under New York law, as a hospitalized patient, you have additional rights guaranteed to you under federal law: '(8) To be informed of your visitation rights including any clinical restriction, limitation, or otherwise be denied visitation privileges on... any status protected by law.' " Petitioner demonstrated that this was essential to a preliminary injunction because the People were liable for the prosecution of these matters.

Petitioner demonstrated that the order of protection opposed "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" as Petitioner's policy with his Co-Plaintiff, Rebecca Sklaney, and opponent, Jan Nastri, opposed [t]his. [T]his was with regard to having to stay away from "[B] the home of Rebecca Sklaney". Petitioner also demonstrated that this was essential to habeas corpus. Petitioner also demonstrated that he was denied "temporary assistance" for his case with the Onondaga County Department of Social Services, because he was unable to attend a scheduled appointment, because he was in custody. He claimed that this was essential to the arbitration because Petitioner had provided a confirmation to the Onondaga County Department of Social Services, dated February 17, 2022, that in order to transfer his temporary assistance, he would need to provide a thirty day notice unless the circumstances were to be with regard to "*conditions*" which were essential to "*health or safety*." He demonstrated that he had also provided a notice with his case for temporary assistance, in the Onondaga County Department of Social Services, from Jan Nastri, dated February 17, 2022, providing notice that rent would be raised because of a raise in services for water, garbage, and sewage. All other "*conditions*" would apply. (see "Warranty for Habitability," NY Real Property Law § 235-b) Petitioner cited that this was essential to the amended complaint dated March 8, 2021. Petition for Rehearing, "In Re Howard Griffith, 21-6127", was denied on March 21, 2022, and Petitioner was unable to bring his Supplemental Brief [] to the United States Supreme Court while it was pending. Petitioner added signatures to his Supplemental Brief [] on March 23, 2022, and he had a copy of it served to the People by his social worker at St. Joseph's Hospital before March 28, 2022. Petitioner was released from the custody of St. Joseph's Hospital, after March 28, 2022, before April 5, 2022.

(21) On March 28, 2022, the Onondaga County Court denied Petitioner's Motion to Vacate Judgment dated February 3, 2022, determining: "The People have not waived any opposition to defendant's various filings with the United States Supreme Court." On April 5, 2022, Petitioner brought his Motion to Stay the Mandate dated January 6, 2022, to the United States Circuit Court of Appeals for the Second Circuit on a new notice. With it, he filed: a [c]opy of the decision of the United States Supreme Court to deny his Petition for Rehearing, "In Re Howard Griffith, 21-6127" dated March 21, 2022; a [c]opy of his Supplemental Brief for Petitioner for Writ of Mandamus and Prohibition []: dated March 20, 2022; a [c]opy of the [c]orrected Petition for Rehearing [] dated January 25, 2022, that was returned by the United States Supreme Court; a [c]opy of a letter by the Supreme Court of the State of New York, Appellate Division/Fourth Department, dated February 14, 2022; a [c]opy of a Response from the Onondaga County Sheriff, re "Howard Griffith v Onondaga County Sheriff, SU-2021-010609", dated March 4, 2022; and and a [c]opy of a Decision from the Onondaga County Department of Social Services dated March 18, 2022, denying his Application for Temporary Assistance. On June 7, 2022, Petitioner took a Petition for Writ of Mandamus to the United States Supreme Court. With it, he [q]uoted what was stated in his Petition for Rehearing, "In Re Howard Griffith, 21-6127" dated February 16, 2022. He also [q]uoted the paragraph he presented to the United States Circuit Court of Appeals for the Second Circuit, "Griffith v New York State [], 21-2133", in his Motion to Stay the Mandate dated January 6, 2022, which is demonstrated in paragraph (15) above; and he [q]uoted what was stated in his Supplemental Brief for Petitioner for Writ of Mandamus and Prohibition, "In Re Howard Griffith, 21-6127", dated March 20, 2022. [T]hese were demonstrated for the "STATEMENT OF FACTS". He demonstrated that this was to be taken from the decision of the Onondaga County Supreme Court dated April 20, 2022, re "Howard

Griffith v Onondaga County Sheriff, SU-2021-010609", denying his request to have the Onondaga County Sheriffs produce the documents for his due process disciplinary hearing []. His intent was to request that the United States Supreme Court produce his [A]pplication to Request Permission to Appeal *In Forma Pauperis*, dated September 28, 2021, which was filed in the United States Supreme Court when "In Re Howard Griffith, 21-6127" was taken. That was the [A]pplication that was to be deemed to have been for the appeal that was to be taken to the United States Circuit Court of Appeals for the Second Circuit [] in essence of "Howard Griffith et al. v New York et al., []". This was intended to have it produced for the United States District Court of the Northern District of New York. This was to have been deemed to provide the remedy to have the United States District Court of the Northern District of New York consider the evidence that was demonstrated with the [A]pplication, demonstrating that the Onondaga County Sheriff failed to transfer his property, (that included the document for his due process disciplinary hearing) when he was transferred to Central New York Psychiatric Center. Petitioner also took [a] Motion to Reinstate [the Appeal and Recall] the Mandate to the United States Circuit Court of Appeals for the Second Circuit on that same date, and he quoted everything he stated in his Petition for Writ of Mandamus dated June 7, 2022, in [that] Motion. He also filed a copy of the Petition that he had taken to the United States Supreme Court on that same date with [his] Motion. He served these to the People and the NYS Attorney General. The United States Supreme Court returned his Petition because he made an error by posting his docket number: "In Re Howard Griffith, 21-6127" on the cover. The letter from the Clerk stated:

"In your cover letter and writ you make references to two of your previously docketed cases in this Court. In both of these cases, rehearings were denied. These cases are considered closed in this Court, and no further consideration by this Court is possible."

On July 5, 2022, Petitioner brought his Petition for Writ of Mandamus back to the United States Supreme Court without a docket number posted and a new QUESTION PRESENTED:

"May the United States Circuit Court of Appeals for the Second Circuit reconsider 'Howard Griffith v New York, 20-6395' and 'In Re Howard Griffith, 21-6127' together?

"These two matters had been distributed throughout the lower courts while these two matters were pending in the United States Supreme Court, and with the United States Circuit Court of Appeals for the Second Circuit reconsidering these in a Motion to Reinstate **[the appeal and Recall]** the Mandate, these would develop a new case for the Supreme Court to consider these in a 'STATEMENT OF FACTS'. **[emphasis added]**"

With the new QUESTION PRESENTED, Petitioner amended his Petition for Writ of Mandamus by adding five pages to it and referring to the pages that he initially presented in his Petition [] as the CONCISE STATEMENT. The amended part was dated June 30, 2022. In his CONCLUSION, he stated:

- "The remedies are established for this Court to review my Amended Complaint and my Motion for Temporary Restraining Order: March 8, 2021.
- "The remedies are established for this Court to set the date for Temporary Restraining Order in pursuit of 'Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)' to October 22, 2020.
- "The remedies are established for 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.
- "The remedies are established for 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 had 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 Temporary Restraining Order: March 8, 2021.

- "Upon the conclusion for this matter, the remedies will be established for this Court to provide Order to the Onondaga County Court re 'People v Griffith, CR-06189-21' (essential to 'People v Griffith, CR-01767-22, DR # 22-190403', and 'People v Griffith, DR # 22-191983') to be provided for my immediate release from custody and for this Court to provide Order for all matters to be resumed for the matter re 'People v Griffith, 166 AD3d 1518 (4th Dept 2018)' to be taken to the Supreme Court of the State of New York, Appellate Division/Fourth Department, in an appeal from the Letter/Decision/ Order of the Onondaga County Court dated October 25, 2019, to be deemed to be taken 'from each and every part thereof and every intermediate order made therein.' The United States Supreme Court should be able to review my evidence with my Supplemental Brief for Petition for Writ of Mandamus and Prohibition 'In Re Howard Griffith, 21-6127' dated: November 17, 2021, to consider habeas corpus without prejudice."

The United States Supreme Court returned this Petition on July 11, 2022, with the same note.

(22) On July 6, 2022, Petitioner's roommate provided a letter to the People claiming that she did not want Petitioner to face any penalties with regard to "People v Griffith, CR-01767-22, DR # 190403" regarding the Order of Protection []. On July 14, 2022, Petitioner took an Application for Permission to Appeal *In Forma Pauperis* to the United States District Court of the Northern

District of New York for his appeal to be taken re "Griffith v New York State [], 21-2133". The following day, he took his Motion to Reinstate [the Appeal and Recall] the Mandate to the United States Circuit Court of Appeals for the Second Circuit on a new notice demonstrating that he had taken his Application for Permission to Appeal *In Forma Pauperis* to the United States District Court of the Northern District of New York because the United States Supreme Court couldn't take the [A]pplication for Permission to Appeal *In Forma Pauperis* for him. ([T]hat was the [A]pplication dated September 28, 2021, that was filed with "In Re Howard Griffith, 21-6127".) With it, he filed a [c]opy of his [P]etition for Writ of Mandamus dated June 30, 2022, that was taken to the United States Supreme Court on July 5, 2022; a [c]opy of the letter from the United States Supreme Court dated July 11, 2022, rejecting his [P]etition; a [c]opy of his Motion to Vacate Judgment that was taken to the Onondaga County Court on February 3, 2022; a [c]opy of the People's Response to the Motion to Vacate Judgment []; a [c]opy of the "Declaration Pledge" to "Judicial Watch"; a [c]opy of the letter by the Onondaga County Sheriff dated January 4, 2022; a [c]opy of the letter stamped by the United States Supreme Court that was returned on January 25, 2022 (*see* Exhibit D); a [c]opy of the Order to Show Cause that was approved on February 2, 2022; and a [c]opy of the letter by his roommate [] dated July 6, 2022. He provided a copy to the People and the NYS Attorney General. On July 18, 2022, Petitioner was provided a notice by the United States Circuit Court of Appeals for the Second Circuit, providing notice that he must file the "Acknowledgement and Notice of Appearance Form" and "Form D-P" with an "Explanation of Reasons" to have the Circuit Court consider his Motion to Reinstate [the Appeal and Recall] the Mandate. It was also required that he file his Application for Permission to Appeal *In Forma Pauperis*. On July 26, 2022, Petitioner provided his "Acknowledgement and Notice of Appearance Form" dated December 29, 2021, and "Form D-P" dated December 29,

2021. He also filed his Application for Permission to Appeal *In Forma Pauperis* that was taken to the United States District Court of the Northern District of New York on July 14, 2022, and he filed an "Explanation of Reasons" demonstrating that the procedure was intended to consider his Motion to Stay the Mandate. He demonstrated that the consideration for the Motion to Stay the Mandate was to develop the procedure for the United States Supreme Court to be able to consider that the [Petition] for Rehearing for Petition for Writ of Mandamus and Prohibition dated December 31, 2021, would be able to be reconsidered, to be judged by the Supreme Court, as his appeal from "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)". ([T]hat was the [Petition] taken to the United States District Court of the Northern District of New York on December 31, 2021.) (*see* 52 USC § 10303[a][5]: "*Appeals shall lie to the Supreme Court.*") He also demonstrated that he intended to have the United States Circuit Court of Appeals for the Second Circuit certify his QUESTIONS PRESENTED for the [P]etition for Writ of Mandamus that had been taken to the United States Supreme Court on July 5, 2022, and had been presently filed with his Motion to Reinstate [the Appeal and Recall] the Mandate. On August 25, 2022, the United States Circuit Court of Appeals for the Second Circuit provided an Order striking all of his documents, re "Griffith v New York State [], 21-2133", with regard to the Motion to Reinstate [the Appeal and Recall] the Mandate, Acknowledgement and Notice of Appearance Form, Form D-P, and Application for Permission to Appeal *In Forma Pauperis*, because Petitioner had not served the documents to Jan Nastri. (*see* Exhibit B)

(23) On September 23, 2022, Petitioner took a Motion for Extension of Time, pursuant to NY [C]riminal [P]rocedure [L]aw § 460.30, to Request Leave to Appeal, pursuant to CPL § 460.15, to the Supreme Court of the State of New York, Appellate Division/Fourth Department. ("People

v Griffith, KA 22-01525") This was to request an extension of time to request leave to appeal the Decision/Order of the Onondaga County Court dated March 28, 2022, rejecting his Motion to Vacate Judgment []. With this, he demonstrated "Howard Griffith v New York, 20-6395", "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)", "Howard Griffith v Onondaga County, SU 2020-005851", "In Re Howard Griffith, 21-6127" and "Griffith v New York State [], 21-2133". He explained that he demonstrated to the People and the Supreme Court that he intended to have his Petition for Rehearing for Petition for Writ of Certiorari, "Howard Griffith v New York, 20-6395", denied without prejudice and that he had demonstrated that he had intended to pursue back to the New York State [C]ourt of Appeals for a Motion for Reconsideration, pursuant to 22 NYCRR 500.24. He explained that pursuing back to the New York State [C]ourt of Appeals was to have been for reconsideration of the determination of the [C]ourt to dismiss his appeal on October 22, 2020. ("People v Griffith, 2020-552") Petitioner demonstrated that he had been denied his right to the law library in pursuance of the intentions that he intended to pursue with after his Petition [] had been denied, and because this right had been denied, he could have [t]his considered with an appeal from the Decision/Order of the Onondaga County Court dated March 28, 2022. He demonstrated how the Decision/Order of the Onondaga County Court was collateral to [t]hat matter, and he demonstrated that because it could be deemed that [t]hat remedy was considered by the United States District Court of the Northern District of New York, with "People v Griffith, 166 A.D.3d 1518 []"; that provided that "People v Griffith, 166 A.D.3d 1518, []" had not yet been finally determined. He explained that prior to that matter being taken to the Supreme Court, via "Howard Griffith v New York, 20-6395", the fundamental reason that he had pursued to the NYS Court of Appeals was because the Onondaga County Court would not grant him the relief that was supposed to have been

granted in the memorandum/order of the Supreme Court of the State of New York, Appellate Division/Fourth Department. (see "People v Griffith, 166 A.D.3d 1518, 1519 (4th Dept 2018): *'We therefore reverse the order, reinstate the petition, and remit the matter to County Court for a new hearing on the petition.'* ") He explained that that was the second time that he had pursued the NYS Court of Appeals in essence of "People v Griffith, 166 A.D.3d 1518 (4th Dept 2018)". He demonstrated that, initially, he had pursued with objections to consider the relief that should have been granted by the Supreme Court of the State of New York, Appellate Division/Fourth Department, re "People v Griffith, 166 A.D.3d 1518 []". (see People v Griffith, 32 NY3d 1196 [2019] [dismissing leave to appeal], People v Griffith, 33 NY3d 1047 [2019]: *reconsideration denied*, Howard Griffith v New York, 140 S Ct 407 [2019]: *certiorari denied*) He explained that when he pursued to have the considerations made, that's when the Onondaga County Court had determined that he had abandoned his petition in a [l]etter/[d]ecision/[o]rder dated October 25, 2019. He demonstrated that he intended to pursue with an appeal from the [l]etter/[d]ecision/[o]rder, pursuant to NY Criminal Procedure Law § 450.10(1), just as the previous appeal had been taken. (see People v Griffith, 166 A.D.3d 1518, 1519 []: *"We note that defendant's pro se notice of appeal states that he is appealing pursuant to CPL 450.10[1]..."*) He explained that taking the appeal from the [l]etter/[d]ecision/[o]rder, pursuant to CPL § 450.10(1), was to reconsider the relief that the Onondaga County Court should have granted based on the most fundamental ground. He demonstrated that the appeal was to have been considered to have been taken "from each and every part thereof and every intermediate order made therein." He demonstrated that he pursued to the NYS Court of Appeals in essence of the [l]etter/[d]ecision/[o]rder because he was not authorized to take the appeal pursuant to CPL § 450.10(1). He also demonstrated that the Onondaga County Court determined in the Decision/Order dated March

28, 2022: "Thus, to the extent that defendant could have raised the instant issues on a direct appeal [**Criminal Procedure Law § 450.10(1)**] and has not done so, the motion is denied [**emphasis added**]," and he demonstrated with this that he intended to have this considered with an appeal from the [l]etter/[d]ecision/[o]rder which was to have been taken pursuant to CPL § 450.10(1). He demonstrated how he had "Griffith v New York State [], 21-2133" concluded because he could not serve a copy of his [M]otion to Reinstate the [Appeal and Recall the] Mandate to Jan Nastri. He demonstrated that this was because his Motion to Vacate Judgement [] dated February 3, 2022, was filed with the [M]otion, and it could not be served to Jan Nastri because matters involving the [S]ex [O]ffender [R]egistraion [A]ct are "Confidential" pursuant to NY Civil Rights Law § 50-b. He demonstrated that because this had been concluded, he could begin the procedure to have an appeal considered from the Decision/Order of the Onondaga County Court dated March 28, 2022, to be considered with an appeal from the [l]etter/[d]ecision/[o]rder dated October 25, 2019. Petitioner filed with his Motion for Extension of Time to Take an Appeal: a [c]opy of the Decision/Order of the Onondaga County Court dated March 28, 2022; a [c]opy of the Notice from the United States Circuit Court of Appeals for the Second Circuit, re "Griffith v New York State [], 21-2133", dated July 28, 2022, informing him that he would have to serve [d]ocuments to Jan Nastri; a [c]opy of the Order, re "Griffith v New York State [], 21-2133", dated August 25, 2022, ordering the documents "stricken"; and a [c]opy of the letter of the Onondaga County Sheriff dated January 4, 2022, refusing to serve documents re "due process disciplinary hearing ('DR # 21-339708')". He provided a copy for the NYS Attorney General.

(24) The People responded to the [M]otion [d]ated September 23, 2022, ("People v Griffith, KA 22-01525") on September 29, 2022, conceding that the [M]otion [] was unnecessary at that

juncture because Notice of Entry had not, yet, been served re Decision/Order of the Onondaga County Court dated March 28, 2022. (*see* CPL § 460.10[4][a]) The People, also, served Petitioner a Notice of Entry with the Decision/Order dated March 28, 2022, on September 29, 2022. The Supreme Court of the State of New York, Appellate Division/Fourth Department, "dismissed" the [M]otion [d]ated September 23, 2022, via Memorandum/Order dated October 25, 2022, agreeing with the People that the [M]otion [] was "unnecessary" at that juncture.

(25) Petitioner took an Application to Request Leave to Appeal, pursuant to NY [C]riminal [P]rocedure [L]aw § 460.20, to the New York State [C]ourt of Appeals, in essence of "People v Griffith, KA 22-01525", on November 17, 2022. He demonstrated that he intended to have the New York State [C]ourt of Appeals reconsider his Motion for Extension of Time to Take an Appeal (CPL § 460.30) to be deemed to be "dismissed without prejudice". Petitioner also demonstrated that he intended to pursue to the United States Supreme Court, and upon conclusion of matters in the Supreme Court, "People v Griffith, KA 22-01525" would be able to be reconsidered with "People v Griffith, 2020-552" pursuant to 22 NYCRR 500.24. He demonstrated to the New York State [C]ourt of Appeals that the [C]ourt would be able to consider the extraordinary circumstances via the Motion for Extension of Time to Take an Appeal dated September 23, 2022. He referred to "Griffith v New York State [], 21-2133". He also suggested, for it to be deemed as additional relief that the [C]ourt would deem just and proper, the [C]ourt would need to provide a declaration that matters involving the Sex Offender Registration Act are "Confidential" pursuant to NY Civil Rights Law § 50-b. Petitioner demonstrated to the [C]ourt that, once "People v Griffith, KA 22-01525" and "People v Griffith, 2020-552" would be able to be [re]considered together, his Motion dated September 23, 2022,

would be necessary at that juncture. He provided a copy of the Application to the NYS Attorney General.

(26) Petitioner was provided a notice by the NYS Court of Appeals dated December 8, 2022, that he would have until December 29, 2022, to produce any additional submissions for his Criminal Leave Application and that the People would have until January 12, 2023, to produce any responses. Petitioner provided an additional submission dated December 21, 2022, explaining that he had [m]ade it apparent in his [M]otion for Extension of Time to Request Leave to Appeal [t]hat he intended to pursue to the United States Supreme Court in essence of the matter, [t]hat considerations were to be made with the [M]otion that the matter was to have an essential effect on "Griffith v New York State [], 21-2133", and [t]hat the [M]otion was not intended to have been granted at the primary juncture. He explained that he had made [t]hese remedies apparent although he had not specifically stated any of this. The People responded to Petitioner's Criminal Leave Application on December 22, 2022, objecting that the Order to dismiss his [M]otion was not appealable pursuant to CPL § 450.90, because the Order was not one of the types of orders listed under CPL § 450.15, to be considered for a Criminal Leave Application. Petitioner provided another additional submission dated December 27, 2022, demonstrating that CPL § 460.30(6) explained that an order denying motion to request an extension of time to take an appeal is appealable to the Court of Appeals if the denial states that the determination was made upon the law alone and a judge of the Court of Appeals, pursuant to CPL § 460.20, grants a certificate for leave to appeal. Petitioner also provided his additional submissions to the NYS Attorney General. The NYS Court of Appeals dismissed the application on January 19, 2023, determining that the order was not appealable pursuant to CPL § 450.90(1).

REQUESTED RELIEF

(a) Petitioner requests that the Court provide for the United States District Court of the Northern District of New York the [A]pplication for Permission to Appeal *In Forma Pauperis* dated September 28, 2021, that was filed with "In Re Howard Griffith, 21-6127" when it was taken on October 5, 2021. That was the [A]pplication that was prepared for "Griffith v New York State [], 21-2133" that was to have been taken in the United States Circuit Court of Appeals for the Second Circuit.

(b) Petitioner requests that the United States Supreme Court orders the United States Circuit Court of Appeals for the Second Circuit to process his Acknowledgement and Notice of Appearance Form and Form D-P, with regard to "Griffith v New York State [], 21-2133", without having to serve a copy of the filed documents to Jan Nastri, so that the Court can vacate sua sponte, with regard to "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)", to be dismissed and remanded to the United States District Court of the Northern District of New York, without prejudice, for Petitioner to file an additional amended complaint, appending any relevant documents that he has procured.

(c) Petitioner also requests the Court to stay all matters with regard to "People v Griffith, 2001-0883-1".

(d) Petitioner also requests that the Court provides that the rest of this Petition is without prejudice.

REASONS FOR GRANTING RELIEF

(I) Matters involving the Sex Offender Registration Act, pursuant to NY Correction Law Article 6-C, are "Confidential" pursuant to NY Civil Rights Law § 50-b. The Supreme Court should be able to consider that this is the reason that Petitioner should not have to serve the documents that are filed with "Griffith v New York State [], 21-2133" to Jan Nastri. Jan Nastri should not have access to Petitioner's Motion to Vacate Judgment [], with regard to "People v Griffith, 2001-0883-1", which is on file in the United States Circuit Court of Appeals for the Second Circuit. The Court should be able to consider everything that is on file with "Griffith v New York State [], 21-2133". That is because Petitioner was able to demonstrate, in this Petition, what was demonstrated in his [P]etition for Writ of Mandamus dated June 30, 2022, that is on file with "Griffith v New York State [], 21-2133", along with his Motion to Reinstate [the Appeal and Recall] the Mandate and his Motion to Stay the Mandate. Since the Court can consider this now, the Court should be able to consider that sua sponte will be vacated, with regard to "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)", and dismissed and remanded without prejudice to any dispositive motions that the defendant's would be able to file after receiving the amended complaint (including Jan Nastri) and without prejudice for Petitioner to make an additional amended complaint, appending any relevant documents that he might be able to procure. ("Dotson v Fischer, 613 F. App'x 35, 39 & n. 3 [2d Cir. 2015]") This will be after the United States Circuit Court of Appeals for the Second Circuit processes his Acknowledgement and Notice of Appearance Form and Form D-P without having to serve documents to Jan Nastri. The [A]pplication for Permission to Appeal *In Forma Pauperis* dated September 28, 2021, will be deemed to have been taken on October 5, 2021, when it was filed in this Court and while "Griffith v New York State [], 21-2133" was in default.

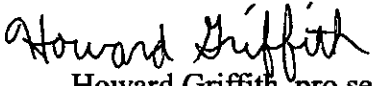
(II) "Griffith v New York State [], 21-2133" is essential to "People v Griffith, 2001-0883-1" and needs to be concluded in order to be able to pursue criminal procedure. The improper conduct of public servants is an essential remedy to be considered with a Motion for Extension of Time to Take an Appeal. After procedures are completed in essence of the sua sponte being vacated [], Petitioner will file a Notice of Appeal to be taken from "Howard Griffith et al. v New York et al., 5:20-cv-01312 (GLS/ML)" for the Summary [O]rder dated May 4, 2021, in order for the Supreme Court to consider the Petition for Rehearing for Petition for Writ of Mandamus and Prohibition dated December 31, 2021, that is on file with "Howard Griffith et al. v New York et al., []" to be deemed as the jurisdictional statement from that [O]rder. (*see* 52 USC § 10303[a][5]: "*Appeals shall lie to the Supreme Court.*") With the [A]pplication for Permission to Appeal *In Forma Pauperis* dated September 28, 2021, having been processed, the evidence will be considered that the [d]ocuments for Petitioner's due process disciplinary hearing [] had not been transferred as the transfer of property statement that was attached to that [A]pplication was intended to demonstrate how much money Petitioner had during his first month of incarceration. This is essential to the Motion for Extension of Time to Obtain Documents [] dated December 31, 2021, that is on file with "Howard Griffith et al. v New York et al., []". This will provide the remedy that the People will have to produce the [d]ocuments for the record because that was who the Onondaga County Sheriff told Petitioner to have his attorney get into touch with to obtain the [d]ocuments. (*see* Exhibit I) These are essential to be provided for the Petition for Rehearing for Petition for Writ of Mandamus and Prohibition dated December 31, 2021, and these are essential to Petitioner's Motion to Request an Extension of Time to Take an Appeal [] because the improper conduct of public servants is an essential remedy to be considered with that matter. (*see* CPL § 460.30[1]) In coherence with an appeal being perfected, the Supreme Court will be able to

judge "Habeas Corpus Dismissed Without Prejudice" which would reconsider "People v Griffith, 166 A.D.3d 1518 (2018)", and the Court will be able to hold an evidentiary hearing because the claim relies on a factual predicate which could not have been previously discovered through the exercise of due diligence. (28 USC § 2254[e][2][A][ii]) Once these procedures are concluded, the Court may remand "People v Griffith, 2001-0883-1" back to the Supreme Court of the State of New York, Appellate Division/Fourth Department, to be reconsidered for Petitioner's Motion for Extension of Time to Take an Appeal, with regard to "People v Griffith, KA 22-01525", and to be consolidated with an appeal from [l]etter/[d]ecision/[o]rder dated October 25, 2019, pursuant to CPL § 450.10(1). With this, it will be confirmed for the Appellate Division that Petitioner was denied his right to the law library. Then the Appellate Division may be able to authorize a Motion to Request Leave to Appeal, pursuant to CPL § 460.15, to be taken from the Decision/Order that denied his Motion to Vacate Judgment [], and the Motion to Request Leave to Appeal will be able to be consolidated with an appeal from the [l]etter/[d]ecision/[o]rder. With this, it will be able to be considered that the results of the conviction for Rape 1st [] have persisted though the sentence has been served. (*see* United States v. Morgan, 346 U.S. 502, 512-513 [1954])

CONCLUSION

"Habeas Corpus Dismissed Without Prejudice" will be able to be concluded in the United States Supreme Court. Let Petitioner prove that the census without the citizenship question was used to cheat absentee, mail-in ballots in the 2020 general election.

Dated: March 30, 2023


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