

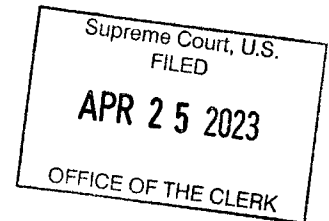
No. 22-7438

SUPREME COURT OF THE UNITED STATES

In re: Frank Nellom
Petitioner,

v.

Joseph T. Molieri, Jr., et al
Respondent,



PETITION FOR A WRIT OF CERTIORARI

FRAUD UPON THE COURT

By Delaware County Attorney Joseph T. Molieri, Jr. Stating this lie: "**You got found guilty**" deceive Petitioner to believe (**not guilty and guilty**) means according to this instruction: "The primary Issue for the jury in this case was whether there had been forcible rape **or** consensual sexual intercourse." **Commonwealth v. Frank Nellom, 565 A.2d 770, 776 (Pa. Super. 1989).**

On March 12, 1991, the verdict being stated: "**not guilty and guilty**" caused Petitioner to ask attorney Molieri: "**What does that mean?**" For Molieri to deceive him with that lie: "**You got found guilty!**" When Petitioner was acquitted by asking that question established reasonable doubt.

On March 12, 2014, Petitioner obtained an Order expunging the "**not guilty and guilty**" verdict from the record in compliance with the Superior Court's Order. Led to this conversation with Molieri: "Hi Joseph its Frank Nellom, do you remember me? Molieri replied: "Yes I remember you," "**You got a split decision.**" Evince the "**You got found guilty!**" Deception upon Petitioner, and corruption of fraud upon the court.

Respectfully submitted,

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Dated: April 24, 2023

III. QUESTIONS PRESENTED

A. Did the honorable Philadelphia Court of Common Pleas Judge Joan A. Brown find the Commonwealth v. Frank Nellom, 565 A.2d 770 (Pa. Super.1989) Court Order establish acquittal. Prove fraud upon the court as follows:

AND NOW this 12th day of March, 2014, upon consideration of the Motion for Expungement or Hearing of Frank Nellom requesting determination as to whether the Superior Court order stating "The primary Issue for the jury in this case was whether there had been forcible rape or consensual sexual Intercourse." Means both charges must be found again or result in a consensual and forcible sexual intercourse finding that does not constitute a crime. And any pleadings filed in opposition thereto? It is hereby Ordered and Decreed.

1 Motion is Granted

2 It being clear the not guilty and guilty verdicts that appear of record which followed the above stated law resulted in a consensual and forcible sexual intercourse finding that does not constitute a crime. Therefore the record CP-51-CR-0412681-1987 referencing the Rape conviction shall be expunged.

B. Does the United States Constitution, Amendment XIV. Require answer on the merit of the question raised by Pennsylvania Supreme Court, Chief Justice, Max Baer Notice to Plead, and Petitioner's reply thereto as follows:

"The jury found Plaintiff guilty of rape, but acquitted him with respect to the IDS charge."

"Does the fact IDS means rape, legal understanding that the above statement really means guilty of Rape, but acquitted him with respect to the Rape charge. Establish acquittal. Intent of the Frank Nellom Court. And, March 12, 2014, Order of Judge Brown. (Action For Declaratory Judgment Exhibit C). "Finding does not constitute a crime?"

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II. TABLE OF AUTHORITIES

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Constitutional Provisions

Pennsylvania Constitution Article I. § 1. Inherent rights of mankind. All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness. **Commonwealth v. Frank Nellom, 565 A.2d 770 (Pa. Super.1989)** is based upon.

United States Constitution, Amendment XIV: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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Rule 20. (a). A petition seeking a writ of prohibition, a writ of mandamus, or both in the alternative shall state the name and office or function of every person against whom relief is sought and shall set out with particularity why the relief sought is not available in any other court. A copy of the judgment with respect to which the writ is sought, including any related opinion, shall be appended to the petition together with any other document essential to understanding the petition.

(b) The petition shall be served on every party to the proceeding with respect to which relief is sought. Within 30 days after the petition is placed on the docket, a party shall file 40 copies of any brief or briefs in opposition thereto, which shall comply fully with Rule 15. If a party named as a respondent does not wish to respond to the petition, that party may so advise the Clerk and all other parties by letter. All persons served are deemed respondents for all purposes in the proceedings in this Court.

5. The Clerk will distribute the documents to the Court for its consideration when a brief in opposition under subparagraph 3(b) of this Rule has been filed, when a response under subparagraph 4(b) has been ordered and filed, when the time to file has expired, or when the right to file has been expressly waived.

IV. PETITION FOR WRIT OF CERTIORARI

1. Petitioner, Frank Nellom, raised in the Church by parents Frank & Mary King, Lillian Pope, and Webster Woodbury. Attended lectures at Temple University while in grade school. Sixteenth birthday Police Officer transferred titled to his 1969 Mustang to him. Reverend Roland Tinsley, Members, Staff, and Guests welcomed him into the Union League of Philadelphia at age eighteen in 1979. In 1999 began practicing law pro se continuously to date.

2. Demonstrate how Attorney Joseph T. Moleri, Jr. suffering racial bias deceived him, and corrupted the already bias Court of Common Pleas staff to defy the Appellate Court's Order.

3. On August 29, 1989, Pennsylvania Superior Court Judge Cavanaugh, Popovich, and Hoffman faced with case of a innocent black man meeting a white woman at a Center City restaurant. To convince her that she was better than what she was doing at the Pleasure Chest. Arrested and charged with two rape charges. Failure to obtain convictions the first time. Second all white jury, and perjury impossible not to convict. The experience is being surrounded by people with the level of racial bias faced by 14-year-old Emmett Till on August 28, 1955, when he was brutally murdered for allegedly flirting with a white woman four days earlier.

4. The Superior Court provided fundamental protection against in this instruction: "The primary Issue for the jury in this case was whether there had been forcible rape or consensual sexual Intercourse." **Commonwealth v. Frank Nellom, 565 A.2d 770, at 776 (Pa. Super. 1989). (Appendix A).**

5. On March 12, 1991, the verdict being stated: "**not guilty and guilty**." Caused Petitioner to ask attorney Joseph T. Moleri, Jr., "**What does that mean?** For Moleri state this lie: "**You got found guilty!** Deception upon Petitioner allowed the court to carry out racial bias on Petitioner again by being silent about Moleri's deception.

6. On June 25, 1991, Moleri's "**You got found guilty!** Lie was converted into this 20 year Commitment Order document. **(Appendix B).** Fraud upon the court placed in the record.

7. On November 8, 2012, set out to cause the Superior Court's Order to correct the fraud placed in the record on March 12, 1991. On March 12, 2014, obtained this Order enforcing the Superior Court's Order. **(Appendix C).**

8. The conversation with Moleri following went as follows: "Hi Joseph this is Frank Nellom, do you remember me? Moleri: "Yes I remember you," "**You got a split decision**." Finally told the truth.

9. Assistant District Attorney Hugh J. Burns complained Judge Brown lacked the authority to enforce Superior Court's Order by expunging the charges went on appeal to

the Superior Court. Petitioner being unable to attend oral argument resulted in not being corrected.

10. On June 25, 2021, Petitioner filed a declaratory action for a jury to decide if the Appellate Court meant for the public to understand that because both charges in this case were predicated on the same sole element of force. Finding of guilt/guilty on both to satisfy proof beyond a reasonable doubt. Placing guilty/not guilty in the court record as a conviction is the fraud upon the court of manufacturing a false court record.

A. Parties Joseph Molieri, Gail Fairman, Joshua Shapiro, Larry Krasner failed to file an answer. Pennsylvania Supreme Court, Chief Justice, Max Baer filed Notice to Plead/Preliminary Objections brought the corruption Joseph T. Molieri, Jr., into light in these words:

*The jury found Plaintiff **guilty of rape**, but acquitted him with respect to the **IDS** charge. (Appendix D).*

B. Petitioner replied seeking an answer to this question:

*Does the fact IDS means rape, legal understanding that the above statement really means **guilty of Rape**, but acquitted him with respect to the **Rape charge**. Establish acquittal. Intent of the Frank Nellom Court. And, March 12, 2014, Order of Judge Brown. (Action For Declaratory Judgment Exhibit C). "Finding does not constitute a crime? (Appendix E).*

The United States Constitution, Amendment XIV: "No State shall deny to any person within its jurisdiction the equal protection of the laws." Require the above question be stated word for word, and answered. In order for that protection to prevail in this case. Has been Denied.

Proof beyond a reasonable doubt, which is required by the Due Process Clause in criminal trials, is among the "essentials of due process and fair treatment." It is quite true that proof beyond a reasonable doubt has long been required in federal criminal trials. It is also true that this requirement is almost universally found in the governing laws of the States. And as long as a particular jurisdiction requires proof beyond a reasonable doubt, then the Due Process Clause commands that every trial in that jurisdiction must adhere to that standard." **In re Winship, 397 U.S. 358 (1970).**

V. OPINIONS BELOW

Superior Court refusal to answer the question:

Appellant shall show cause, in the form of a letter addressed to the Prothonotary of this Court with a copy to opposing counsel as to why the appeal should not be transferred to the Commonwealth Court. Pa.R.A.P. 751. The letter shall be transmitted so as to be actually received by the Prothonotary within fourteen (14) days from the date of this Order. **(Appendix F).**

Commonwealth Court refusal to answer the question in Footnote 1:

Further, we note that even if Appellant had properly served the notice of appeal, the actions of the Appellees that he claims were wrongful occurred so long ago that the expiration of any applicable statute of limitations would preclude any relief. **(Appendix G).**

Supreme Court refusal to answer the question. DENIED. **(Appendix H).**

Court of Appeals Panel refusal to answer the question:

In his petition, Nellom requests that we certify a question to the Supreme Court of Pennsylvania: whether the Superior Court's decision in *Commonwealth v. Nellom*, 565 A.2d 770 (Pa. Super. Ct. 1989), was carried out." The Superior Court did not conclude that the only issue in the case was consent. **(Appendix I).**

Court of Appeals En Banc refusal to answer the question:

The petition for rehearing filed by Petitioner Frank Nellom in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied. **(Appendix J).**

VI. JURISDICTION

Invoke this Court's jurisdiction under 28 U.S.C. § 1257. Having presented the question developed from Pennsylvania Supreme Court Chief Justice Max Baer Notice to Plead, and Petitioner's response. As to whether or not the March 12, 2014 Order of Judge Brown corrects the constitutional violation of fraud perpetrated on State and Federal Appellate Courts. Timely filed this petition for a writ of certiorari within ninety days of the Third Circuit Court of Appeals refusal to answer.

VII. STATEMENT OF THE CASE

Fraud upon State and Federal Appellate Courts driven by racial bias evinced in the footnotes of the Superior Court Order reversing the fraudulent convictions:

(5) refusing to conduct a more extensive inquiry into the racial biases of potential jurors. Additionally, he claims that (6) the prosecutor improperly used his peremptory challenges to strike blacks from the jury panel; (7) his sentence was excessive, and (8) trial counsel was ineffective for failing to (a) object to the prosecutor's cross-examination of him concerning the truthfulness of his testimony; and (b) raise in post-trial motions the issue of the trial court permitting him to be tried in prison clothing. Because of our disposition of appellant's second claim, we need not address these issues. **Commonwealth v. Frank Nellom, 565 A.2d 770 (Pa. Super. 1989).**

Attorney Joseph T. Molieri, Jr., motivation state this lie **"You got found guilty"** on March 12, 1991, is derived from.

On June 25, 1991, furthering the lie signed and placed a 20 year commitment document in Philadelphia Court of Common Pleas record No. CP-51-CR-0412681-1987 for the public to believe true. When false is diabolical.

On June 6, 1994, Petitioner was released on parole to be a responsible father, home, and general contracting business owner with ten full time prevailing wage employees engaged in a \$60 million Philadelphia Housing Authority contract project.

On June 30, 1998, returned to prison to serve six month on a technical parole violation. Practiced law until released at the expiration of sentence on January 8, 2009.

On August 12, 2012, prejudicial harm of Delaware County Attorney Michael P. Laffey stating these words: Frank Nellom ("Plaintiff"), a convicted rapist, brings his twelfth civil action to this Honorable Court" to Federal Court Judge Cynthia Rufe. **(Appendix K)**. Led to finding the truth.

On November 8, 2012, Superior Court Judges Cavanaugh, Popovich, and Hoffman Order evinced the racial bias in footnotes. Provided protection against by making the reader aware a verdict of guilt/guilty removes all doubt, whereas verdict of guilty/not guilty establish reasonable doubt on the face. Led to Philadelphia Court of Common Pleas Judge New, Brown, and Pennsylvania Supreme Court Chief Justice Max Baer taking part in bringing Molieri's fraud upon the court record to correct.

IIIX. REASONS FOR GRANTING THE WRIT

The question of fraud upon the court raised by Petitioner, and Pennsylvania Supreme Court Chief Justice Max Baer before he passed. All state and federal courts have fail to provide fundamental due process of answering as follows:

The jury found Plaintiff **guilty of rape**, but acquitted him with respect to the **IDS** charge? Answer: Does the fact IDS means rape, legal understanding that the above statement really means **guilty of Rape, but acquitted** him with respect to the **Rape charge**. Establish acquittal. Intent of the Frank Nellom Court. And, March 12, 2014, Order of Judge Brown. (Action For Declaratory Judgment Exhibit C). "Finding does not constitute a crime?

Answer establish each element of fraud upon the court listed by the Third Circuit Court of Appeals in **Patricia J. Herring v. United States of America, 424 F.3d 384 (3d Cir. 2005)** following:

(1) an intentional fraud. Joseph T. Molieri, Jr., signature appears on the June 25, 1991, Commitment Order satisfy intent.

(2) by an officer of the court. Joseph T. Molieri, Jr., an attorney is satisfied.

(3) which is directed at the court itself. Satisfied by the word Guilty shown on Public Record No. CP-51-CR-0412681-1987. **(Appendix K)**. Being predicated on a lie.

(4) in fact deceives the court. Chief Justice Max Baer stating these words to be true: "The jury found Plaintiff **guilty of rape**, but acquitted him with respect to the **IDS** charge." Are false is satisfied.

28 U. S. C. § 1651(a). The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

IX. CONCLUSION

Require ruling in favor of the March 12, 2014 Order of Judge Brown intent to remove the fraud upon the court by correcting record CP-51-CR-0412681-1987 to reflect the intent of the Appellate Courts. For good conscience and justice to prevail, otherwise party to the injustice of allowing prejudicial harm to the Pennsylvania judicial system, and Petitioner to continue..

Respectfully submitted,



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Dated: April 24, 2023