

✓ Via: "Prisoner's Mail Box Act" on Sept. 19, 2023.

Copy to: _____

+ Oct 29, 2023

CORRECTED

✓

✓ en: "Appendixes A-G"

No. 23-6026

FILED

OCT 30 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

PHILLIP REHWALD — PETITIONER

(Your Name)

vs.

Commonwealth of Pennsylvania, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Pennsylvania — Western District

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

PHILLIP REHWALD #NX8693

(Your Name)

SCB Greene PRISON — 175 Progress Drive

(Address)

Waynesburg, Pa 15770-8090

(City, State, Zip Code)

(Phone Number)

Att: Scott's Hearing Clerk
+ Emily Walker

WRIT OF CERT - TO SCOTUS

CORRECTED

✓ Via "Prisoner's Mail Box Act" on 10-29-23 PR

QUESTION(S) PRESENTED

- ① Was prisoner and Petitioner PHILLIP REHWALD totally deprived of his US CONST 14th Amendt Due Process Right to the required SCOTUS Criminal Law § 110.5(3) Gagnon 1 Preliminary Hearing within his Illegal Sentence (V.O.P. Gag 2) of August 5, 2019 declared an "Absolute Nullity" (Dead-head - "caput mortuum") constituting a NON curable and NON-waivable claim protected by [abovesaid] "guarantee" to 14th Amendt as "inalienable"?

✓ See: Record-Based-Evidence to support no-not-one

Gagnon 1 hearing at CC: #CP02CR-06354-2015 [Rangus]
at Allegheny County Court of Common Pleas, Pennsylvania
(5th Judicial District); NO Transcript thereof; and
no Waiver Form, nor required Notice of Hearing.

- ② Is prisoner and Petitioner PHILLIP REHWALD still entitled to the relief of "Discharge" from his Current Arbitrary Imprisonment at SCZ Greene Prison pursuant to Wilson V. Hoerner 32DCIR(2016) (holding no Gagnon 1 hearing warrants Discharge from prison and "Expungement of Nullity" of his criminal record at CC: 06354-2015 pursuant to Searpelli V. Gagnon, 7C(1970) and Hahn V. Burke, 7C(1970) (holding no Gag 1 hearing warrants Expungement)?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- ✓ Party 1: Allegheny County D.A. 401 Court House / 436 Grant St, Pgh, Pa 15219; and
- ✓ Party 2: Lower Trial Court - Hon Jill E. Rangos 326 Court House / 436 Grant St Pgh Pa 15219

[Commonwealth of Pennsylvania Vs. Phillip Rehwald]

RELATED CASES

1. Supreme Court of Pennsylvania - W.D. #30-WM-2023
2. Pa Superior Court - W.D. # 994-WDA 2022 (Ultra Vires Memorandum)
3. Allegheny County Court of Common Pleas, Pa CC #CP02CR-06354-2015

★ See also: Horton et al V. RANGOS et al #2-22-cv-1391-NR, U.S.D.C.-W.D. (Pgh)

➤ 1983 Lawsuit against Petitioner's current Judge Jill E. Rangos

✓ Phillip Rehwald appears as "Mutant"

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INDEX TO APPENDICES

✓ APPENDIX A (attached)	"Allegheny County Bureau of Corrections Inmate Complaint / Appeal Form" (Exhibit B2) time date stamped "2019 APR 11 PM 3:30" (document date 4-9-19)
APPENDIX B	Complaint of NO Gaydon 1 hearing
APPENDIX C	at 1st available opportunity [timely preserved] ✓
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

1. Wilson V. Hoerner, 3RD CIR (2016) (1983 awarded) [here]
holding no Gagnon 1 hearing warranted Discharge from prison
2. Scarpelli V. Gagnon, 7C. (1970) [here]
(holding no Gagnon 1 hearing warranted Expungement of Nullity)
3. Hahn V. Burke, 7C (1970) [here]
(holding no Gagnon 1 hearing warranted (Expungement of Nullity))
4. Morrissey VS (1973) (holding mandatory 2 stage hearing(s)) [here]
Gagnon 1 + Gagnon 2
5. Barker V. Wingo, 407 US (1972) + Strunk V. U.S. 412 US 1973 [here]
STATUTES AND RULES (Barker + Strunk each holding "Discharge" of prisoner)
✓ Gagnon 2: 210 prejudicial days ↔ for violation of 5th Amend + Speedy Trial Right
1. S.C.O.T.V.R. Criminal Law § 110.5 (3) Gagnon 1 Preliminary Hearing [here]
2. Fed #18 U.S.C.S. § 3653 post-arrest Gagnon 1 "as speedily as possible"
✓ Petitioner's Gagnon 1 hearing never happened at all.
- ③ Pa Rule 600(B) POST ACCUSATION DELAY + Pa R. Cr. P. 1409 (8-5-2019 V.O.P.) [here]
✓ Petitioner's illegal Gagnon 2 hearing of August 5, 2019 was in excess of 210 + day(s).

✓ OTHER US CONST. 8TH AMENDT - Cruel + Unusual Punishment Violation

pursuant to Glover VS (holding each single day of arbitrary imprisonment is illegal)



✓ Petitioner asserts this "Straight forward" Bradley, S.C.O.P.A. (2021) Z.A.C. claim "even on [this] appeal" that no attorney(s) of record litigated issues in this Writ for Cert, additionally upheld by Federal Erie Doctrine.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from federal courts: N/A

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from state courts: see: ECF/s/ please

The opinion of the highest state court to review the merits appears at Appendix N/A to the petition and is

- ☒ reported at Supreme Court of PA at #30-WM-2023(W.D.); or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. §1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was August 2, 2023.
A copy of that decision appears at Appendix See ECF.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

☒ The jurisdiction of this Court is invoked under 28 U. S. C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. US CONST 14TH Amendt Due Process Clause
2. US CONST 8TH Amendt Cruel + Unusual Punishment

STATEMENT OF THE CASE

- ① Petitioner PHILLIP REHWALD was totally deprived of US Const-14th Amend^t
Due Process SCOTUS Criminal Law § 110.5(3) Gagnon 1 Preliminary Hearing;
and no-not-one Transcript thereof; not-one required Notice of Hearing;
and no-not-one Waiver Form as completely verified by above-said
"record-based-evidence" being more than replete and over-ripe -
a grave and unreasonable "Bad Faith" Due Process malpractice
by lower trial court Judge Jill E. Rangos, Allegheny County Court
of Common Pleas, Pa 5th Judicial District, at CC: #6354-2015 [Rangos];
- ② See: Horton et al V. Rangos et al No.: 2-22-CV-1391 WR U.S.D.C.-W.D.
wherein Petitioner's current Judge Jill E. Rangos' same exact
14th Amend^t "Bad Faith" Due Process malpractice by several hundred
litigant(s) (§1483) is now on public display (class action); and
- ③ J. Jill E. Rangos intentionally committed "The HIGHEST irregularity
such an error" of "Noncurable" "Nonwaivable" "Absolute Nullity",
it that, the above-said total deprivation of Gagnon 1 hearing
occurred within Petitioner's Illegal Sentence of August 5, 2019 (VOP Gagnon 2 hearing)
- 7 Deprivation of Gagnon 1 hearing was timely raised in APPENDIX A
(attached herein), captioned as: "Allegheny County Bureau Of
Corrections Official Inmate Complaint / Appeal Form", +immediate stamped
as "2019 APR 11, PM 3:30" (+) "EXHIBIT B2", document date 4-9-19,
(also attached herein) - on 1st opportunity to raise above-said issue.

REASONS FOR GRANTING THE PETITION

1. Neither the Commonwealth of Pennsylvania, nor the lower inferior trial court judge Jill E. Ranger are in no wise exempt from conformance to The United States Constitution's 14th Amendment Due Process Clause as Petitioner's "guaranteed" inalienable "Non Curable", Non waivable Right; (and 8th Amendment)
2. Therefore, Petitioner is entitled to all relief(s) litigated here-in, in the further interests of justice.

CONCLUSION

✓ The petition for a writ of certiorari should be granted.

Respectfully submitted,

Phillip Rehnelt

Date: September 14, 2023