

24-7164

No. \_\_\_\_\_

**ORIGINAL**

Supreme Court, U.S.  
FILED

MAR 21 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

MARTIN B. BROWN (#LQ-9576)

— PETITIONER

(Your Name)

SUPERINTENDENT FRACKVILLE SCI<sup>VS.</sup> ATTORNEY GENERAL PENNSYLVANIA

DISTRICT ATTORNEY PHILADELPHIA

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

**UNITED STATES COURT OF APPEALS**

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

PETITION FOR WRIT OF CERTIORARI

Martin Brown #LQ-9576

(Your Name)

Frackville SCI  
1111 Altamont Boulevard

(Address)

Frackville, PA 17931

(City, State, Zip Code)

(Phone Number)

**RECEIVED**

APR 29 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## QUESTION(S) PRESENTED

1) This Argument respectfully ask this Honorable Habeas Court (To Single Out) the November 15, 2022 Egregious Delay of Appeal where none of the Pa.R.A.P.2112 or Fed.R.App.P.31 were Cited as Authority or Invoked on that November 15, 2022 day after the November 14, 2022 explicit deadline by the Court with Comment (NO FURTHER EXTENSIONS WILL BE GRANTED) Brief due by November 14, 2022 had lapsed. And the Petition specifically ask that the Court to please acknowledge that the right to a reasonable timely Appeal is included among the protection afforded by The Due Process Clause of The U.S. Constitution when a State does provide for an Appeal. Did The PA Superior Court Panel of (3) Three Judges Show Favoritism To The Government In This Case? Judicial Bias?

2) Do You think that Daily List Number 39 Judges of The Superior Court of Pennsylvania, Beyond Any Question, Had A (Current Court Docket Sheet) In Front Of Them When Making (ANY DECISIONS) Concerning Case#(1427 EDA 2022/1428 EDA 2022), Which At This Point Makes It A Clear And Convincing Showing Of An Intentional Cruel And Unusual Malicious Action, And NOT JUST A MERE OVERSIGHT Committed By The Panel Of (3) Three Judges Which Violated Appellant Mr. Martin Brown's Constitutional Due Process Rights/Equal Protection Rights, (When The Panel Of (3) Three Judges Knowingly Exercised Their Authority Wrongly In Making The Decision To Allow The Appellee Brief To Still Be Filed After Their Court (ORDER) Of January 6, 2023 Which (DENIED) The Appellee Brief The Right To Be Filed)?

3) (Typically, Intermediate Appellate Courts consist of several Judges who sit in Panels of (3) Three Judges). The Panel Number 4, Daily List Number 39 Judges of The Superior Court of Pennsylvania, Beyond Any Question, Knew or Should Have Known that an Action Of Exercising Their Authority Wrongly such as the aforementioned in #1 and #2 by their Court's Panel of (3) Judges would create a potential Constitutional Due Process Violation, and Substantial Prejudice to Appellant Mr. Martin Brown, next in order You specifically are inadvertently a believer that

At the moment Due Process was intentionally Violated in this case 1427 EDA 2022/1428 EDA 2022 the Superior Court Judges ORDER Granting the Appellee an Extension of time to file Brief, a request filed late on November 16, 2022 several days after the explicit deadline of November 14, 2022 set by the Court, with Comment...(NO FURTHER EXTENSION WILL BE GRANTED). Now coupled with the Panel of Judges allowing the Appellee Brief to still be submitted after their January 6, 2023 Court (ORDER DENIED) the Appellee Brief to be filed...

The February 24, 2023 RULING/JUDGMENT ULTIMATE QUESTION Do You think that RULING/JUDGMENT of the Superior Court of Pennsylvania should RIGHTFULLY BECOME (VOID) and there is none of the State Court's Appellate Administrative Remedies that should be allowed to redress an (Obvious Intentional Judicial Wrongly Action) committed by The Superior Court's Panel of Judges such as the aforementioned that clearly Prejudiced and further raised Serious Constitutional Concerns Violating Mr. Martin Brown's Procedural Due Process and Equal Protection Rights To A Fair Appeal Process?

**(Emphasis Added)...**SEE- APPENDIX "F" the DIRECT EVIDENCE of Constitutional Violation set forth herein within the context PROOF To Frequently Answer Questions.

## 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:

DISTRICT ATTORNEY PHILADELPHIA; SUPERINTENDENT FRACKVILLE SCI;  
ATTORNEY GENERAL PENNSYLVANIA

## RELATED CASES

Court of Appeals Docket #: 24-2350 Case: 24-2367

Nature of Suit: 3530 Habeas Corpus

Martin Brown v. Superintendent Frackville SCI, et al

District Court Case Number: 2-23-cv-02890 Martin Brown v. Superintendent Frackville SCI, et al

Superior Court Of Pennsylvania 1427 EDA 2022/1428 EDA 2022 Appeal (Comm v. Martin Brown)

Trial Court Docket No: CP-51-CR-0004214-2013 (Comm. V. Martin Brown)

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### OTHER

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:

The opinion of the United States court of appeals appears at Appendix A+B to the petition and is

☒ reported at MARCH 6, 2025 + December 5, 2024; 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 C to the petition and is

☒ reported at APRIL 10, 2024; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from state courts:

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

☒ reported at FEB. 24, 2023 PA Superior Court Ruling; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the July 21, 2022 Lower Trial Opinion of The court appears at Appendix E to the petition and is

☒ reported at Lower Trial Court's Opinion July 21, 2022; 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 March 6, 2025.

☐ 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: March 6, 2025, and a copy of the order denying rehearing appears at Appendix 'A'.

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

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

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

☒ For cases from state courts:

The date on which the highest state court decided my case was February 24, 2023. A copy of that decision appears at Appendix 'E'.

☒ A timely petition for rehearing was thereafter denied on the following date: March 6, 2025, and a copy of the order denying rehearing appears at Appendix 'A'.

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

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

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Petitioner Mr. Martin Brown respectfully ask [REDACTED] that this Honorable Court to please now acknowledge that the right to a reasonable timely Appeal is included among the protection afforded by the Due process Clause of the U.S. Constitution when A State does provide for an Appeal...And that the Substantial Prejudice that followed The November 15, 2022 Egregious Delay of the Appeal Absolutely (Had A Bearing Upon The Validity Of The Judgment Of Conviction).

"This Constitution, and the Laws of the United States which shall be made in pursuance thereof,...Shall Be The Supreme Law Of The Land; And The Judges In Every State Shall Be Be Bound Thereby, Any Thing In The Constitution Or Laws Of Any State To The Contrary Notwithstanding"...(Emphasis Added).

Under The Supremacy Clause Of The United States Constitution, conflict between State and Federal Laws must be resolved in favor of the overriding Federal interest. It is well established that although the Constitution does not require a State provide a right of Appeal from a criminal conviction, once a State grant such a right, the procedure for taking Appeals (Must Comport With the Demands Of Due process And Equal Protection Clauses).

>The panel Number 4, Daily List Number 39 Three (3) Judges Of the Superior Court of Pennsylvania Decision of February 24, 2023 states on (Page#8) "**The Commonwealth argued in the PCRA Court that Brown's Petition was untimely but, on Appeal, contends that he met the requirements of the Newly-Discovered facts exception because he asserts in his brief that he learned about the Settlement on or about March 1, 2021**

**SEE Commonwealth's Brief At 9 (Citing Brown's Brief at 12).**"

The Language Of The Supremacy Clause Of the United States Constitution...(LAW OF THE LAND) Is Clear..."Once A State Grant Such A Right, The Procedures For Taking Appeals Must Comport With The Demands Of Due Process And Equal Protection Clauses)...(And The 1427 EDA 2022 and 1428 EDA 2022 Appeal Did Not.)

PLEASE SEE - APPENDIX 'E'

Which Puts Forth Direct Evidence (Docket Sheets and Other Court ORDERS) Of a Clear Violation Of The Supremacy Clause Of the United States Constitution That Occurred (Twice) While Petitioner Mr. Martin Brown Was Appealing His Criminal Conviction In The Pennsylvania Superior Court.

It was the Panel of (3) Three Judges Court's Error---Not Any Negligence On Martin Brown's Part---That Was The Proximate Cause Of The Irrefutable Intentional (HARM) Decisions/Rulings Made By The Panel of (3) Three Judges That Impermissibly Tainted The Entire 1427 EDA 2022/1428 EDA 2022 Appeal...Martin Brown Is Entitled To Habeas Corpus Relief Where He Has Met His Burden Of Establishing Both Cause And Prejudice And A Denial Of A Fair Appeal. Please SEE - Withrow v. Larkin, 421 U.S. 35, 47, 95 S. Ct. 1456, 43 L. Ed. 2d 712 (1975).

Due process requires a "fair trial in a fair tribunal," *Bracy v. Gramley*, 520 U.S. 899, 904-905, 117 S. Ct. 1793, 138 L. Ed. 2d 97 (1997) (citing, *inter alia*, *Withrow v. Larkin*, 421 U.S. 35, 46, 95 S. Ct. 1456, 43 L. Ed. 2d 712 (1975)), before a judge with no actual bias against the defendant, or interest in the outcome of the particular case. To succeed on a judicial bias or misconduct claim, a petitioner must "overcome a presumption of honesty and integrity in those serving as adjudicators." *Withrow*, 421 U.S. at 47.



Please SEE-**APPENDIX 'F'** Irrefutable Evidence that the (3) Three

Judges of The PA Superior Court Exhibited **Judicial Bias**. The Appeal Proceedings were affected by **Judicial Bias (PART#1)** At The Moment the Panel of (3) Three Judges Entertained The Appellee's November 16, 2022 Request for An Extension Of Time To File Brief **(2) Two Days Late** After The Deadline With Comment "**NO FURTHER EXTENSIONS WILL BE GRANTED.**" Clearly An Intentional Wrongly ExtraJudicial Action In Direct Violation Of The Due Process And Equal Protection Clause Of The U.S. Constitution. Specifically, Petitioner Mr. Martin Brown Asserts That If The Shoe Were On The Other Foot At The Time The Appellant Mr. Martin Brown Being (2) Two Days Late With Comment "**NO FURTHER EXTENSIONS WILL BE GRANTED.**" The Same Panel Of (3) Three Judges Beyond Any Question Would Not Have Even Considered Entertaining A Request For Another Extension After The Time Bar Had Laps **(Two Days Late)**. Claims of **Judicial Bias** Must Be Based On Extrajudicial Matters Such As **(PART#2)** The Same Panel of (3) Three Judges Allowing The Appellee Brief To Still Be Submitted After Their Honorable Court **ORDER** of January 6, 2023 Clearly **DENIED** The Appellee Brief The Right To Be Filed/Submitted. Here Clearly Another Intentional ExtraJudicial Wrongly Action In Direct Violation Of The Due Process And Equal Protection Clause Of The U.S. Constitution. Where Here At The Time If The Shoe Were On The Other Foot Beyond Any Question The Appellant Mr. Martin Brown Would Not Have Been Afforded The Same.

...And Therefore **TAINTED** The Entire **1427 EDA 2022/1428 EDA 2022** Appeal....Here Is A Perfect Example Of Why The Language Of The **Due Process And Equal Protection CLAUSES** Of The Fifth And Fourteenth Amendments Of The United States Constitution Are In Place.

**A JUDGMENT IS VOID ONLY IF**  
**THE COURT THAT RENDERS IT ACTED IN A MANNER IN-CONSISTENT WITH**  
**DUE PROCESS.**

**(Unconstituional Release Is Available When The Appeal Has Been TAI NTED).**

## STATEMENT OF THE CASE

In May of 2014 Mr. Martin Brown testified that on the night of January 17, 2011, he was defending himself against 2 of the 3 passengers in his car while still driving the car just moments after pulling out of the club's parking lot...Mr. Melvin Ferguson and the decedent Mr. Clyde Raynor. Mr. Martin Brown managed to get the car to a stop and jumped out and tried to run back towards the club for help. He was then first grabbed by the third passenger that was in his car Mr. Robert Spears once he got out of the car. It all happened so fast, a minute maybe less as Mr. Melvin Ferguson and the decedent Mr. Clyde Raynor began beating, kicking and punching on Mr. Brown again. Mr. Martin Brown was then knocked to the ground, kicked in his face and then tried to reach for the gun that was in the waist-band of Mr. Robert Spears, but Mr. Robert Spears quickly pulled the gun out and struggled to keep it away from Mr. Brown, and that's when the gun went off. Mr. Martin Brown then made it back to his car and pulled off.

In May 2012, more than a year and a half after the alleged incident, the alleged victim **CLYDE RAYNOR**, died.

On the evening of January 16, 2011, [Petitioner] drove to Clyde's home and picked up Clyde, Spears, and Ferguson, and drove everyone to the Union Hall near 2nd Street and Callowhill Street for an all-you-can-eat, all-you-can-drink cabaret. Aaron met up with this group at the cabaret later that evening. When the cabaret concluded, in the early morning hours of January 17, 2011, the five friends returned to defendant's vehicle to return home. [Petitioner] was located in the driver's seat, with Clyde in the front passenger seat, Ferguson seated behind [Petitioner], Aaron seated behind the passenger seat, and Spears seated in the middle of the back seat. [Petitioner] had taken an extra plate of food from the cabaret and placed the plate on the front passenger seat. On entering the car, Clyde ate a portion of the food on the plate, which instigated an argument between [Petitioner] and Clyde as [Petitioner] began to drive away. [Petitioner] had only driven a block or two before pulling the vehicle over at the corner of 2nd Street and Callowhill Street. Clyde and [Petitioner] both exited the vehicle and continued their fight on the street, which escalated into physical violence. Ferguson, Aaron, and Spears exited the vehicle and attempted to stop the fight. Ferguson knocked [Petitioner] to the ground, who then got up and went to the trunk of his car. [Petitioner] retrieved a gun from his trunk, walked up to Clyde, and shot him once in the chest. [Petitioner] then returned to his car and fled the scene. After getting shot, Clyde told Ferguson "Bro, I'm gone." Aaron called the police.

Police officers responded to a call of shots fired at 2:45 p.m. [sic] on January 17, 2011. When officers arrived, Clyde was unconscious, with blood foaming out of his mouth. Responding officers placed Clyde into a police vehicle and transported him to Hahnemann Hospital. Doctors at Hahnemann Hospital were able to resuscitate Clyde, who remained there until February 22, 2011, whereupon Clyde was transferred to various care facilities, including multiple returns to Hahnemann Hospital. Clyde was shot in the left side of his chest and the bullet injured Clyde's spinal cord, rendering him paralyzed from his waist down. This bullet was never removed from Clyde's spine. Clyde ultimately died as a result of the gunshot wound to the chest on May 29, 2012.

On the morning of January 17, 2011 after leaving an ALL YOU CAN EAT/ ALL YOU CAN DRINK Party, the underlying incident in this case was a mutual fight between Mr. Martin Brown and Mr. Clyde Raynor that resulted in the shooting of Mr. Clyde Raynor produced by an adequate provocation by Mr. Clyde Raynor. However, on May 29, 2012 More Than A Year And A Half After The Alleged Shooting Incident involving

Mr. Martin Brown, The Alleged Victim Mr. Clyde Raynor **DIED WHILE IN THE CARE OF A NURSING HOME.** Specifically, because He the decedent Mr. Clyde Raynor was **RECOVERING FROM HIS INJURIES** when he was **UPGRADED FROM CRITICAL CONDITION TO STABLE CONDITION** while in the care of the hospital and Then RELEASED FROM OUT OF THE HOSPITAL and admitted into a **NURSING HOME** where he Mr. Clyde Raynor REMAINED ALIVE FOR APPROXIMATELY 'SIXTEEN MONTHS' before his Death...And the Philadelphia Medical Examiner's Report Reads...(CAUSE OF DEATH 'OSTEOMYLITIS') which is (INFECTION OF BONE DUE TO NEGLIGENT CARE).

"Beyond a reasonable doubt" is a legal standard. Medical causation and legal causation are qualitatively different in their application. Whether the commonwealth's evidence is sufficient to warrant a finding of causal connection is initially a legal question for the court, but whether it is persuasive beyond a reasonable doubt is for the jury to say.

The facts presented herein today to properly inquire in This Honorable U.S. Supreme Court Review Proceeding or further at a New Trial where Mr. Martin Brown can establish his Actual Innocence of the crime of 3rd Degree Murder for which he was convicted. However, more so here concerning this current Petition For Writ of CERTIORARI, the records will show that in the Year 2015, the Family of the decedent actually recieved a (**Wrongful Death Law-Suit CASH SETTLEMENT**) from the Nursing Home. Here if not for the now proven **Wrongful Death Negligent Care...**(Which Is Clearly Contrary To The Crime of 3rd Degree Murder). Mr. Martin Brown Prays for a New Trial. Here Mr. Martin Brown (Presented The (2) Two Attorney Letters) of when Mr. Martin Brown First found out about the CASH SETTLEMENT. Information that he received from his Mother Logically Sometime In February of the Year 2021 on a Recorded Jail-House phone call, that the decedent's Sister Ms. Eionna Raynor made a **1800JUSTICE** Television Commercial Advertisement stating that..."It Not Going To Bring My Brother Back But They Got Us A Nice Settlement."...(Here A Declaration Which Is More So Clearly Contrary To The Crime of 3rd Degree Murder)...And Here Realistically Today In Front of a Jury, The Sister's Testimony Will Prove Mr. Martin Brown Actual Innocence. Specifically for the reason [Rule 804(b)(4). Statement of Personal or Family History] This rule is identical to F.R.E. 804(b)(3).

(B) another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person's family that the declarant's information is likely to be accurate.

that, If Not For The Now Proven Nursing Home Negligent Care Which Actually Caused The Decedent's Death, the facts are...No Murder Charges Should Have Ever Logged Against Mr. Martin Brown.

The Panel of (3) Three Judges stated, ON-OR- ABOUT But We Are Unable To Determine A More Precise Date Mr. Martin Brown Submitted (2) Two Attorney Letters Dated March 1, 2021 to present as proof as to ON OR ABOUT when he first learned of the CASH SETTLEMENT. The (2) Two Attorney Letter's context shows the actual facts as to the exact Date Mr. Martin Brown's Attorneys actually first responded back after receiving Mr. Martin Brown's initial letter to Their office, and (Considering COVID) This Petition For Writ of CERTIORARI respectfully request The Honorable Court to consider one Month prior February 1, 2021 Date as the exact Date Mr. Martin Brown first learned about the CASH SETTLEMENT 1800JUSTICE Television Commercial Advertisement. The same reply that Mr. Martin Brown submitted on his Reconsideration Motion to The Superior Court...And Quoting The Context of The February 24, 2023 Decision (Page#8) "The Commonwealth argued in the PCRA Court that Brown's Petition was untimely but, on Appeal contends (that he met the requirements of the Newly Discovered Facts Exception because he asserts in his brief that he learned about the settlement on or about March 1, 2021").

Under The Supremacy Clause of The United States Constitution,

After his Trial by Jury, guilty verdicts and sentencing, Appellant Mr. Martin Brown filed his second PCRA petition. A timely Pro'se PCRA petition on August 10, 2021. 'Appeals Must Comport With The Demands Of Due Process And Equal Protection Clauses'. ...Within the language of 'The Supremacy Clause Law Of The Land'...At the moment Petitioner Mr. Martin Brown's Appeal from his criminal conviction moved up into The Superior Court of Pennsylvania's Jurisdiction...(Appeal 1427 EDA 2022/1428 EDA 2022 Must Comport With The Demands Of due Process And Equal Protection Clauses...(Clearly the Due process, Equal Protection, and Cruel and Unusual Punishment Violations arising from the November 15, 2022 Government Interference Intentional Egregious Delay of the Appeal, and now coupled together with the February 24, 2023 Egregious Judicial Wrongly Action...(Absolutely Had A Bearing Upon The Validity Of The Judgment Of Conviction) because the intentional cruel and unusual Judicial Actions Intentionally committed by the Panel of Three (3) Judges (Acting IN CONCERT TOGETHER) substantially affected the fundamental fairness of the Appellate Proceeding and So Undermined Reasonable Confidence Of the Entire 1427 EDA 2022/1428 EDA 2022 Appeal's Outcome.

A JUDGMENT IS VOID ONLY IF

THE COURT THAT RENDERS IT ACTED IN A MANNER IN-CONSISTENT WITH DUE PROCESS.

At The Moment when the Panel of three (3) Judges (Acting IN CONCERT TOGETHER) Knowing and Intentionally Exercised Their Authority Wrongly ...IT ACTUALLY 'ELEVATES' THE SUBSTANTIAL PREJUDICE To The Status Of A Necessary Condition For Granting Habeas Release From Custody.

(Unconstituional Release Is Available When The Appeal Has Been TAINTED).

#1  
NINO V. TINARI & ASSOCIATES

ATTORNEYS AT LAW  
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12TH FLOOR

NINO V. TINARI  
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215-790-4010  
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3/1/2021

Martin Brown LQ 9576  
301 Morea Rd.  
Frackville, PA 17932

Dear Martin,

As you are now aware, the appeal to the Superior Court was denied. It was denied in September and has taken this long for us to get back to you, and I apologize. I also want you to understand that the information that you've forwarded to us concerning the civil matter certainly is of the utmost importance.

It is our intention to file the petition for allowance of appeal nunc pro tunc and determine what the court will determine with that particular motion.

Once again, the issue of causation is an important one, and in terms of the definition of cause of death in a homicide may be different from a cause of death in a negligence case.

I will continue to pursue this matter with you. I will not abandon you. I do believe that you were not adequately represented at the trial.

( As you are aware, we do have the opportunity to file habeas corpus, which of course puts the issue straight forward as you suggested in your letter to me. ) ←

Once again, I am sorry we did not contact you immediately, but because of Covid-19 and not coming into court, not receiving information timely—it's not an excuse, but a reason.

Please call me as you used to in the morning, so that we may discuss this matter.

Sincerely,

*Nino V. Tinari*  
/s/ Nino V. Tinari  
NINO V. TINARI

#2

NINO V. TINARI & ASSOCIATES  
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3/1/2021

Martin Brown LQ 9576  
301 Morea Rd.  
Frackville, PA 17932

Martin,

Your appeal to the Superior Court was denied in September, 2020. We can filed a petition for allowance of appeal to the Supreme Court of Pennsylvania *nunc pro tunc* if you desire. Please let us know right away.

Another option is this: we can file a federal habeas corpus motion asserting actual innocence as to the murder charge. What we would need is to hire doctors to examine the medical evidence and to give us a medical opinion as to the cause and manner of death. By hiring our own experts would be the only way to rebut the prosecution's assertion that your actions caused the death instead of the nursing home. This can be costly, but this is seemingly the best claims left that have not been presented to state courts.

Sincerely,



DONALD BERMUDEZ

## REASONS FOR GRANTING THE PETITION

[...Quoting The Decision of February 24, 2023 at (Page#8) " The Commonwealth argued in the PCRA Court that Brown's Petition was untimely but, on Appeal contends (that he met the requirements of the newly-discovered facts exception because he asserts in his brief that he learned about the settlement on or about March 1, 2021)."

### 'PETITION FOR WRIT OF CERTIORARI'

Comes Now, Petitioner Mr. Martin Brown. Based upon the filing a petition for writ of certiorari, Petitioner respectfully request the following relief: 'MANDAMUS' An Obvious Injustice That Otherwise Might Not Be Curable

Due to the 'DIRECT EVIDENCE' (Docket Sheets and other Court Orders) that is set forth herein, that The Honorable Court To GRANT the requested relief, and that Petitioner Mr. Martin Brown Be Immediately ORDERED Released From Custody And Discharged

A copy of the panel's opinion and judgment only. For this reason alone

Provided Under The Language Of The Fifth and Fourteenth Amendments...

**(Once Due Process Has been Violated The Court Loses ALL Subject Matter Jurisdiction, Therefore Mr. Martin Brown Should Be RELEASED...They Don't Get A Second Chance To Do It Right).**

November 15, 2022 'Government Interference Egregious Delay of the 1427 EDA 2022/1428 EDA 2022 Appeal raise a Legitimate Due Process Claim'...The language of The Fifth, Fourteenth and Eighth Amendment of The U.S. Constitution Clearly would consider a Judgment (VOID) and further Not Allow And Forbid ANY Further Actions by Said Court to continue once it has been found through (DIRECT EVIDENCE) (Docket Sheets And Other Court ORDERS)

that Due Process, Equal Protection and Cruel and Unusual Punishment Rights were Intentionally Violated through Notably Bad Actions by the Appellate Division's Panel of Three (3) Judges (IN CONCERT TOGETHER) and Substantial Prejudice Followed In Direct Violation Of 'The Supreme Law Of The Land'...Government Interference clearly occurred when the Panel of Three (3) Judges Did'nt Adhere To Their Own Court ORDERS...Egregiously Twice within the context of (GROUND NUMBER ONE) (PART#1) And (PART#2) of the Civil Action NO. 23-cv-2890...And Warrants The Extraordinary Habeas Remedy Of Immediate Release From Custody... (Unconstitutional Release Is Available When The Appeal Has Been TAINTED)

Under The Supremacy Clause Of The United States Constitution, conflict between State and Federal Laws must be resolved in favor of the overriding Federal interest. It is well established that although the Constitution does not require a State provide a right of Appeal from a criminal conviction, once a State grant such a right, the procedure for taking Appeals (Must Comport With the Demands Of Due process And Equal Protection Clauses). The entire 1427 EDA 2022/1428 EDA 2022 Appeal itself debatable within that language.



## (GROUND NUMBER ONE)

...Quoting The Decision of February 24, 2023 at (Page#8) " The Commonwealth argued in the PCRA Court that Brown's Petition was untimely but, on Appeal contends (that he met the requirements of the newly-discovered facts exception because he asserts in his brief that he learned about the settlement on or about March 1, 2021)."

And The Need To Decide On This Case That Presents Issue Of Importance Beyond

### (PART#1) The Particular Facts And The Parties Involved.

Here to prevent manifest injustice, and herein petitioner Mr. Martin Brown  
If the Court the United States Supreme Court Would Find It Clearly Debatable) specifically  
where The Honorable Judge of The UNITED STATES COURT OF APPEALS  
Failed To Properly Address The Grounds For Relief Clearly Outlined In The  
GROUND NUMBER ONE Part #1 and Part #2 And APPENDIX 'F'  
Which Puts Forth Direct Evidence (Docket Sheets and Other Court ORDERS) Of a  
Clear Violation Of The Supremacy Clause Of the United States Constitution That  
Occurred (Twice) While Petitioner Mr. Martin Brown Was Appealing His Criminal  
Conviction In The Pennsylvania Superior Court.

Due Process is a delicate process of adjustments inescapably involving the exercise of judgment by those  
whom the Constitution of The United States of America Entrusted with the Unfolding of the  
Process...SEE-341 U.S. 123, 162-163.

"This Constitution, and the Laws of the United States which shall be made in pursuance thereof,...Shall Be  
The Supreme Law Of The Land; And The Judges In Every State Shall Be Bound Thereby, Any Thing In The  
Constitution Or Laws Of Any State To The Contrary Notwithstanding"...(Emphasis Added).

Under The Supremacy Clause Of The United States Constitution, conflict between State and Federal Laws  
must be resolved in favor of the overriding Federal interest. It is well established that although the  
Constitution does not require a State provide a right of Appeal from a criminal conviction, once a State grant  
such a right, the procedure for taking Appeals (Must Comport With the Demands Of Due process And Equal  
Protection Clauses).

The Commonwealth/On Appeal contends (that he met the requirements of the newly-discovered facts exception

The Language Of The Supremacy Clause Of the United States Constitution...(LAW  
OF THE LAND) Is Clear...("Once A State Grant Such A Right, The Procedures For  
Taking Appeals Must Comport With The Demands Of Due Process And Equal  
Protection Clauses)...(And The 1427 EDA 2022 and 1428 EDA 2022 Appeal Did Not).

Herein/The U.S./Supreme Court find it debatable that within the language of  
the Supremacy Clause of The U.S. Constitution, the Honorable UNITED STATES COURT OF APPEALS  
Judge failed to properly address the fact that while on Appeal from his  
criminal conviction Petitioner Mr. Martin Brown's Due Process and Equal  
Protection Rights were clearly violated (Twice), specifically on (2) separate Judicial  
Wrongly Court Decisions made by the Panel of (3) Three Judges of The PA  
Superior Court, (Acting In Concert Together) occurring twice prior to the February  
24, 2023 Affirmance Date, a Date on which February 24, 2023 one of the two

Judicial Wrongly Decisions actually occurred 'Grievously Wronged' Petitioner Mr. Martin Brown when  
The Egregiously Judicial Action Of Allowing The Commonwealth/Appellee Brief To Still Be Submitted After Their Honorable court  
ORDER of January 6, 2023 'DENIED' The Commonwealth/Appellee Brief The Right To Be Filed.

(GROUND NUMBER ONE)-(PART#1)...(VOIDS The February 24, 2023 Affirmance)...Because the February 24, 2023 Affirmance does not by itself Moot the Habeas Petition because the (GROUND NUMBER ONE)-(PART#1) November 15, 2022 'Government Interference Egregious Delay of the 1427 EDA 2022/1428 EDA 2022 Appeal raises a Legitimate Due Process Claim'...The language of The Fifth, Fourteenth and Eighth Amendment of The U.S. Constitution Clearly would consider a Judgment (VOID) and further Not Allow And Forbid ANY Further Actions by Said Court to continue once it has been found through (DIRECT EVIDENCE)-(Docket Sheets And Other Court ORDERS) APPENDIX 'F' that Due Process, Equal Protection and Cruel and Unusual Punishment Rights were Intentionally Violated through Notably Bad Actions by the Appellate Division's Panel of Three (3) Judges (IN CONCERT TOGETHER) and Substantial Prejudice Followed In Direct Violation Of 'The Supreme Law Of The Land'...Government Interference clearly occurred when the Panel of Three (3) Judges Did'nt Adhere To Their Own Court ORDERS...Egregiously Twice within the context of (GROUND NUMBER ONE)-(PART#1) And (PART#2) of the Civil Action NO. 23-cv-2890...And Warrants The Extraordinary Habeas Remedy Of Immediate Release From Custody...(Unconstitutional Release Is Available When The Appeal Has Been TAINTED).

(I ASK THAT THE COURT CONSIDER THE FOLLOWING/CASES OF AUTHORITIES

a due process violation arising from a delayed appeal has a bearing upon the validity of the judgment of conviction only if the delay substantially affects the fairness of the appellate proceeding or undermines reasonable confidence in its outcome. This explains, then, why a showing of substantial prejudice to the appellate process is ordinarily a necessary condition for granting the remedy of release when the constitutional right to a speedy appeal is violated, whereas such a showing is not necessary when the Sixth Amendment right to a speedy trial is at issue. *Cody v. Henderson*, 936 F.2d at 722. {1993 U.S. Dist. LEXIS 26}

The Due Process Clause of the United States Constitution guarantees a criminal defendant the right to a fair and impartial judge. See, e.g., *In re Murchison*, 349 U.S. 133, 136, 75 S. Ct. 623, 99 L. Ed. 942 (1955). However, to succeed on a claim of judicial bias a federal habeas petitioner must "overcome {2015 U.S. Dist. LEXIS 11} a presumption of honesty and integrity in those serving as adjudicators." *Withrow v. Larkin*, 421 U.S. 35, 47, 95 S. Ct. 1456, 43 L. Ed. 2d 712 (1975).

When the court states "No Further extensions Will Be Granted." , it means it. These words are not lightly or routinely added to orders...SEE-388 Fed. Appx. 985; 2010 U.S. App. LEXIS 15858.

Habeas corpus is an "'extraordinary remedy' reserved for defendants who were 'grievously wronged' by the criminal proceedings." *Dunn v. Collieran*, 247 F.3d 450, 468 (3d Cir. 2001) (quoting Calderon v. Coleman, 525 U.S. 141, 146, 119 S. Ct. 500, 142 L. Ed. 2d 521 (1998)).

**(Typically Intermediate Appellate Courts Consist Of Several Judges Who Sit In Panels Of (3) Three Judges).**

The Panel Number 4, Daily List Number 39 Judges Of the Superior Court Of Pennsylvania, beyond any question are totally aware that The United States Of America Has Explicit Due Process Rules Of Appellate Procedure In Place That Specifically Tell The Panel Of (3) Three Appellate Court Judges...(Exactly What Due Process Appellate Court Legal Action To Take In Instances Of Appellee's Failure To File Briefs).... November 14, 2022

**"NO FURTHER EXTENSIONS WILL BE GRANTED."**

In this case, on November 14, 2022, the Appellee Commonwealth of Pennsylvania failed to file their Appellee's Brief. Specifically, immediately that following day November 15, 2022 The Language of Pa.R.A.P.2112 (On November 15, 2022, The Panel of (3) Three Judges should have (accepted the statement of the case propounded in Mr. Martin Brown's Appellant's Brief to be accurate, since they were UNCHALLENGED). Immediately upon the following day of November 15, 2022. (The Heart Of The Matter Lies In The Knowledge Of Martin Brown's Appellant's Brief).

With Comment...(NO FURTHER EXTENSION WILL BE GRANTED) Brief Due By November 14, 2022:

When the court states "No Further extensions Will Be Granted". , it means it. These words are not lightly or routinely added to orders...SEE-388 Fed. Appx. 985; 2010 U.S. App. LEXIS 15858.

Under The Supremacy Clause of The United States Constitution, conflict between state and federal laws must be resolved in favor of the overriding federal interest. It is well established that although the Constitution does not require a state provide a right of appeal from a criminal conviction, once a state grants such a right, the procedure for taking (Appeals Must Comport With The Demands Of Due Process and Equal Protection Clauses).

(NO FURTHER EXTENSIONS WILL BE GRANTED) Brief Due By November 14, 2022...

Petitioner Mr. Martin Brown now respectfully ask this Honorable Habeas Court (To Single Out) The November 15, 2022 Pa. R.A.P. 2112...Fed. R.App.P. 31 (Established State And Federal RULES OF APPELLATE PROCEDURE)...(Egregious Delay)...And...(Petitioner Mr. Martin Brown's assertion of his RIGHTS and the Prejudice that He Suffered as relevant factors in determining whether the November 15, 2022 Pa.R.A.P. 2112...Fed. R.App.P.31 egregious delay of his appeal is Unconstitutional.

Three Judges actually elevates the substantial prejudice to the status of a necessary condition for Granting Habeas Release From Custody.

Petitioner Mr. Martin Brown respectfully ask that this Honorable Court to please find that the State's Appellate Court Panel of Three (3) Judges bore Principle Responsibility for the November 15, 2022 Government Interference Intentional Egregious Delay of Petitioner Mr. Martin Brown's 1427 EDA 2022/1428 EDA 2022 Appeal by not invoking any of the established State or Federal RULES OF APPELLATE PROCEDURE Pa.R.A.P.2112 or Fed.R App.P.31...And that he Mr. Martin Brown had been subjected to significant Personal Stress as a result, and that the Government Interference Intentional Egregious Delay of his Appeal on November 15, 2022 constituted a violation of Mr. Martin Brown's Constitutional Right to Due Process to where Immediate Release From Custody with respect to the specific conviction at issue is justified even though on February 24, 2023 Decision by the same Panel of Three (3) Judges of the Superior Court Of Pennsylvania Appellate Division Affirmed the Judgment of Conviction...Clearly within the Language of The 5th and 14th Amendment of This U.S. Constitution, the Affirmance does not by itself moot the Habeas Petition because the November 15, 2022 Government Interference Intentional Egregious Delay of the 1427 EDA 2022/1428 EDA 2022 Appeal Raises A Legitimate Due Process Claim.

Petitioner Mr. Martin Brown argues that the November 15, 2022 Government Interference Intentional Egregious Delay Judicial Decision made is a Constitutional Violation of his Due Process Rights...An Intentional Judicial Decision Constitutional Violation, because on November 28, 2022 the Panel Of three (3) Judges Granted said requested extension of time to file the Appellee's Brief until December 14, 2022 is for which a Constitutional Violation which the Panel of Three (3) Judges (Acting IN CONCERT TOGETHER) is solely responsible owing to 'Inexcusable Bad Faith'.

**(NO FURTHER EXTENSIONS WILL BE GRANTED)...Mr. Martin Brown immediately OBJECTED by Motioning The Honorable Court (TO FORECLOSE ON THE APPELLEE TO FILE BRIEF)...Which Was Later Denied.**

Petitioner Mr. Martin Brown's contention is by 'Flagrantly Violating his Due Process Rights In This Way', Government Interference Clearly Occurred When The Panel of Three (3) Judges (Acting IN CONCERT TOGETHER) Did'nt Adhere To Their Own Court ORDER, the State Appellate Court's Panel of Three (3) Judges has actually (Rendered Mr. Martin Brown's Incarceration Unlawful)...Such a claim satisfies the Jurisdictional Prerequisite For Habeas Review.

The herein Intentional Judicial Government Interference Egregious Delay occurring in the State Criminal Appeal's Process is sufficient ground to justify the exercise of Federal Habeas Jurisdiction. Given the unjustification of the November 15, 2022 Government Interference Intentional Egregious Delay of the 1427 EDA 2022/1428 EDA 2022 Appeal, Petitioner Mr. Martin Brown ask that this Honorable Court to please acknowledge that the right to a reasonable timely Appeal is included among the Protection Afforded By The Due Process Clause of The U.S. Constitution when a State does provide for an Appeal.

Petitioner Mr. Martin Brown has demonstrated that this November 15, 2022 Government Interference Intentional Egregious delay of his 1427 EDA 2022/1428 EDA 2022 Appeal substantially Prejudiced the outcome of his Appeal by impairing his ability to receive a fair review of his conviction in a timely way... And the fact of the Intentional Cruel And Unusual Judicial Actions Committed By The Panel of Three (3) Judges (Acting IN CONCERT TOGETHER)...In Fact Actually 'Elevates' The Substantial Prejudice To The Status Of A Necessary Condition For Granting Immediate Habeas Release From Custody.

Petitioner Mr. Martin Brown respectfully ask (again) that this Honorable Court to please now acknowledge that the right to a reasonable timely Appeal is included among the protection afforded by the Due process Clause of the U.S. Constitution when a State does provide for an Appeal...And that the Substantial Prejudice that followed The November 15, 2022 Egregious Delay of the Appeal Absolutely (Had A Bearing Upon The Validity Of The Judgment Of Conviction). So Sufficiently Egregious To Suggest: 'TAINTED' the Appellate Process As To 'Affect

The Constitutional Integrity of the entire 1427 EDA 2022/1428 EDA 2022 Appeal itself where said Equal Protection, Due Process Cruel And Unusual Judicial Decision... Warrants The Extraordinary Habeas Remedy Of Immediate Release From Custody. Also SEE - Cody v. Henderson, 936 F.2d at 722

'Unconstitutional Release Is Available When The Appeal Has been TAINTED'

## (PART#2)

>The Panel Number 4, Daily List Number 39 Three (3) Judges of the Superior Court of Pennsylvania's Court ORDER of January 6, 2023, (Which Was A Friday), states "The December 14, 2022 Commonwealth's Petition For An Extension of time To File Brief For Appellee and December 28, 2022 Commonwealth's Petition For an extension of time To File Brief For Appellee."...Are 'DENIED'."

>The Following Day January 7, 2023, (Which Was A Saturday), The Appellee/Commonwealth of Pennsylvania Electronically Filed A Brief.

>The panel Number 4, Daily List Number 39 Three (3) Judges Of the Superior Court of Pennsylvania Decision of February 24, 2023 states on (Page#8) "The Commonwealth argued in the PCRA Court that Brown's Petition was untimely but, on Appeal, contends that he met the requirements of the Newly-Discovered facts exception because he asserts in his brief that he learned about the Settlement on or about March 1, 2021

→ SEE Commonwealth's Brief At 9 (Citing Brown's Brief at 12)."

APPENDIX 'E' (Direct Evidence) Docket Sheets and other Court ORDERS, something more than just gross speculation to effectively put forth the facts of the Intentional Cruel and Unusual Judicial Action committed by the Panel of three (3) judges (Acting IN CONCERT TOGETHER)...In fact Said (Direct Evidence) Actually 'Elevates' the Substantial Prejudice to the status of a necessary condition for Granting Immediate Habeas Release From Custody. SEE - Withrow v. Larkin, 421 U.S. 35, 47, 95 S. Ct. 1456, 43 L. Ed. 2d 712 (1975).

Clearly The due Process, Equal Protection, and Cruel and Unusual Punishment Violation arising from the November 15, 2022 Egregious Delayed Appeal, and now coupled together with the February 24, 2023 Decision, Absolutely (Had A Bearing Upon The Validity Of The Judgment Of Conviction), because of the Intentional Cruel and Unusual Judicial Action Committed By The panel Of Three (3) Judges (Acting IN CONCERT TOGETHER) Substantially Affected The Fundamental Fairness Of The Appellate Proceeding And So Undermined Reasonable Confidence Of The Entire 1427 EDA 2022/1428 EDA 2022 Appeal's Outcome To Where The February 24, 2023 Cruel and Unusual Judicial Decision Was So Sufficiently Egregious To Now Confirm 'TAINTED' The Appellate Process As To Affect The Constitutional Integrity Of The Entire 1427 EDA 2022/1428 EDA 2022 Appeal itself where said Due Process Violation, Equal Protection Violation, And Cruel And Unusual Punishment Violation That Inevitably Followed The February 24, 2023 Cruel And unusual Judicial Decision (Warrants The Extraordinary Habeas Remedy Of Immediate Release from Custody).

(UNCONSTITUTIONAL RELEASE IS AVAILABLE WHEN THE APPEAL HAS BEEN TAINTED)

(GROUND NUMBER ONE)-(PART#2) because there is (Absolutely No STATE OR FEDERAL (Legal Language) That-Even-Exist to put forth any sort of justification for the (DIRECT EVIDENCE)-(Docket Sheets And Other Court ORDERS) February 24, 2023 Decision made where the Panel Number 4, Daily List Number 39 Three (3) Judges of The Superior Court Of Pennsylvania 'Grievously Wronged' Petitioner Mr. Martin Brown when the Panel of Three (3) Judges (IN CONCERT TOGETHER) made the 'Wanton Decision' To Allow the Commonwealth/Appellee Brief to still be Filed/Submitted after their Honorable Court's ORDER of January 6, 2023 specifically clearly DENIED the Commonwealth/Appellee Brief The Right To Be filed...'An Obvious Injustice That Otherwise Might Not Be Curable'. Is 'Sufficient Grounds To Justify The Exercise Of Federal Habeas Jurisdiction' Legitimate Due Process Claim'...The language of The Fifth, Fourteenth and Eighth Amendment of The U.S. Constitution Clearly would consider a Judgment (VOID) and further Not Allow And Forbid ANY Further Actions by Said Court to continue once it has been found through (DIRECT EVIDENCE)-(Docket Sheets And Other Court ORDERS) in Federal Habeas Court that Due Process, Equal Protection and Cruel and Unusual Punishment Rights were Intentionally Violated through Notably Bad Actions by the Appellate Division's Panel of Three (3) Judges (IN CONCERT TOGETHER) and Substantial Prejudice Followed In Direct Violation Of 'The Supreme Law Of The Land'...Government Interference clearly occurred when the Panel of Three (3) Judges Did'nt Adhere To Their Own Court ORDERS...Egregiously Twice within the context of (GROUND NUMBER ONE)-(PART#1) And (PART#2) of the Civil Action NO. 23-cv-2890...And Warrants The Extraordinary Habeas Remedy Of Immediate Release From Custody...(Unconstitutional Release Is Available When The Appeal Has Been TAINTED).

Under The Supremacy Clause of The United States Constitution, conflict between State and Federal Laws must be resolved in favor of the overriding Federal Interest. It is well established that although The Constitution does not require a State provide a Right of Appeal from a criminal conviction, once a State Grant such a Right, the procedure for taking 'Appeals Must Comport With The Demands Of Due Procee And Equal Protection Clauses'. ...Within the language of 'The Supremacy Clause Law Of The Land'...At the moment Petitioner Mr. Martin Brown's Appeal from his criminal coviction moved up into The Superior Court of Pennsylvania's Jurisdiction...(Appeal 1427 EDA 2022/1428 EDA 2022 Must Comport With The Demands Of due Process And Equal Protection Clauses...(Clearly the Due process, Equal Protection, and Cruel and Unusual Punishment Violations arising from the November 15, 2022 Government Interference Intentional Egregious Delay of the Appeal, and now coupled together with the February 24, 2023 Egregious Judicial Wrongly Action...(Absolutely Had A Bearing Upon The Validity Of The Judgment Of Conviction) because the intentional cruel and unusual Judicial Actions Intentionally committed by the Panel of Three (3) Judges (Acting IN CONCERT TOGETHER) substantially affected the fundamental fairness of the Appellate Proceeding and So Undermined Reasonable Confidence Of the Entire 1427 EDA 2022/1428 EDA 2022 Appeal's Outcome, To Where The February 24, 2023 Cruel and Unusual Judicial Action Of Allowing The Commonwealth/Appellee Brief To Still Be Submitted After Their Honorable court ORDER of January 6, 2023 'DENIED' The Commonwealth/Appellee Brief The Right To Be Filed, Egregiously Occurring Just After The Panel of Three (3) Judges Intentional November 15, 2022 Delay of the Appeal Decision Made...Was So Sufficiently Egregious In itself To Now Comfirm 'TAINTED' The Appellate Process As To Affect The Constitutional Integrity of The Entire 1427 EDA 2022/1428 EDA 2022 Appeal itself where Said Due Process Violation, Equal Protection Violation and Cruel And Unusual Punishment Violation (Warrants The Extraordinary Habeas Remedy Of Immediate Release From Custody).

### 'Unconstitutional Release Is Available When The Appeal Has Been TAINTED'

However, And Moreover, Release from Custody with respect to the specific conviction at issue is justified even though on February 24, 2023, the Appellate Division Affirmed the Judgment Of Conviction. The Affirmance Does Not By Itself MOOt The Civil Action NO. 23-cv-2890 Habeas Corpus Petition because of the herein (GROUND NUMBER ONE)-(PART#1) November 15, 2022 (Direct Evidence) of Irrefutable Docket Sheets and Other Court OREDERS of the Intentional Government Interference Egregious Delay of the Appeal That Not To Mention Occurred Prior To the (GROUND NUMBER ONE)-(PART#2) February 24, 2023 Affirmance Wrongly Judicial Action Made by the Panel of Three (3) Judges (Acting IN CONCERT TOGETHER) that in Itself Raises Yet Another Instance Of A Legitimate Due Process Claim...Is Sufficient Grounds To Justify The exercise Of federal Habeas Jurisdiction.

The Judicial Bias Facts Here Petitioner Mr. Martin Brown Introduce  
 APPENDIX 'F' The Intentional ExtraJudicial Wrongly Actions  
 Demonstrating The Panel of (3) Three Judges Actual Bias On (2) Two  
 Separate Documented Instances That Is So Sufficiently Strong So As To  
 Overcome The Presumption of Honesty And Judicial Intergrity Where  
 The Panel of (3) Judges As The Ones Serving As The Adjuicators Who  
 Displayed A Deep-Seated Favoritism Towards The Appellee In This Case  
 That Would Make Fair Judgment Impossible.

"The Supreme Court has long established that the Due Process Clause guarantees a criminal defendant the right to a fair and impartial judge." *Larson v. Palmateer*, 515 F.3d 1057, 1067 (9th Cir. 2008). A judicial bias claim requires the party seeking relief to "overcome a presumption of honesty and integrity in those serving as adjudicators." *Withrow v. Larkin*, 421 U.S. 35, 47, 95 S. Ct. 1456, 43 L. Ed. 2d 712, (1975).

A movant may show judicial bias in one of two ways: demonstrating the judge's actual bias; or showing that the judge had an incentive to be biased sufficiently strong to overcome the presumption of judicial integrity. See *Paradis v. Arave*, 20 F.3d 950, 958 (9th Cir. 1994). "[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." {2020 U.S. Dist. LEXIS 14} *Liteky v. United States*, 510 U.S. 540, 555, 114 S. Ct. 1147, 127 L. Ed. 2d 474 (1994).

Wherefore, The Laguage of The Eighth, Fifth, and Fourteenth Amendments of The United States Constitution clearly would consider A Judgment (VOID) and that that same language would clearly (Not Allow) and (Forbid) Any Actions That Was Ruled Upon by Said Court to Continue to Stand once it has been found within UNITED STATES Supreme Court that Petitioner Mr. Martin Brown's Rights Were Intentionally Violated While Appealing his Criminal Conviction in the Appellate Superior Court of Pennsylvania's Jurisdiction And he Petitioner Mr. Martin Brown has Presented Irrefutable → (Direct Evidence)-(Docket Sheets and Other Court ORDERS) of the Judicial Wrongly Actions That he Endured By Way Of A Panel Of Three (3) Judges (Acting IN-CONCERT TOGETHER) Which Intentionally Violated his Due Process, Equal Protection And Cruel And Unusual Punishment Amendment Rights Of this U.S. Constitution. PLEASE SEE-Withrow v. Larkin, 421 U.S. 35, 47, 95 S. Ct. 1456, 43 L. Ed. 2d 712 (1975)

For The For Gonig Reason

'Unconstitutional Release Is Available When The Appeal Has Been TAINTED'

This Honorable Court should GRANT Petitioner Mr. Martin Brown's Request For Released From Custody And Discharged.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mr. Martin Brown #LQ-9576

Date: April 24, 2025