

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

**THE SUPREME COURT  
OF THE UNITED  
STATES**

Jean Coulter, Petitioner

v.

Alexander H. Lindsay, Jr.,  
Patricia Lindsay,  
Joseph Victor Charlton  
and Lindsay Law Firm, Respondents

On Petition for Certiorari  
to the  
Supreme Court of Pennsylvania

**Petition for Writ of Certiorari**

Jean Coulter, Pro Se Petitioner  
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Butler, Pennsylvania 16001  
412-616-9505

Petitioner Coulter again finds it necessary to bring to This Honorable Court's attention, yet another incredibly blatant example of overt criminal actions by members of the nation's judiciary.

In the Instant Matter, a judge from the Pennsylvania Superior Court stood up in open court and announced that she was "stepping aside" in order to permit another judge to hear Coulter's case. *There was no recusal. There was no change of assignments. There was simply the commission of a Felony, a serious crime* – committed in front of numerous witnesses – almost all of whom were members of the bar (or employees of the court).

Coulter wonders if This Honorable Court doesn't question if the increasingly egregious and even shocking, actions by members of the judiciary are related to This Honorable Court's willingness to look the other way to crimes committed by their Brethren from the bench or chambers of the jurist!

This case proves both the complete corruption of the Pennsylvania Courts, even made part of the State's Rules of Court, as well as the State Courts' confidence that their criminal acts will be "forgiven" by the "Just Us System"

(a) Questions Presented for Review

1. Is PaR.C.P.Rule 233.1 Unconstitutionally Vague?
2. a. Is the assignment of judges (as permitted by State "policies" and "procedures") sufficiently related to subsequent "improper acts" to require remand with orders for procedural changes - and resulted in their required reporting to Law Enforcement?

- 
- b. As the State Judges' acts relate to similar acts by the Third Circuit, must This Court now address the corruption of the entire Third Circuit as well?

(b) Parties to the Proceeding in the Court Below

Petitioner : Jean Coulter  
Respondents : Alexander H. Lindsay, Jr.  
Patricia Lindsay  
Joseph Victor Charlton  
Lindsay Law Firm

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| Grayned v. City of Rockford, 408 U.S. 104,<br>108-109, 2298-2299 (1972) | 20, 23. |
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(d) Official and Unofficial Reports  
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On December 18, 2017, the En Banc decision by the Pennsylvania Supreme Court denied the Motion for Reconsideration.

On October 12, 2017, the Pennsylvania Supreme Court denied The Petition for Allowance of Appeal.

The Pennsylvania Superior Court denied Motion for Reconsideration, as untimely filed.

The Panel of the Pennsylvania Superior Court affirmed the decision of the Court of Common Pleas of Butler County on April 7, 2017.

On April 1, 2016, Judge S. Michael Yeager of the Court OF Common Pleas of Butler County, PA Dismissed, With Prejudice, the civil complaint in Case No. 15-10340, against all defendants in the matter of Jean Coulter, Plaintiff, v. Alexander H. Lindsay, Jr.; Lindsay, Law Firm; Joseph Victor Charlton; and Patricia Lindsay, Defendants

(e) Statement of the Basis for Jurisdiction

*i.)* On October 12, 2017, the Pennsylvania Supreme Court denied The Petition for Allowance of Appeal.

*ii.)* On December 18, 2017, the En Banc decision by the Pennsylvania Supreme Court denied the Motion for Reconsideration.

*iv.)* Jurisdiction in this Honorable Court, is pursuant to 28 U.S. Code § 1257 - State courts; certiorari :



(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. ...

(f.) Constitutional Provisions, Treaties, Statutes, Ordinances, and Regulations Involved in the Case

United States Constitution - Amendment V

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

## United States Constitution - Amendment XIV

### Section 1

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."

### 18 U.S. Code § 241 - Conspiracy against rights

"If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both,

or may be sentenced to death."

**18 U.S. Code § 242 - Deprivation of rights  
under color of law**

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death."

**18 U.S. Code § 4 - Misprision of felony**

"Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or

other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both."

**Pa Code TITLE 231**  
**RULES OF CIVIL PROCEDURE**  
**Rule 233.1. Frivolous Litigation. Pro Se Plaintiff.**  
**Motion to Dismiss.**

(a) Upon the commencement of any action filed by a pro se plaintiff in the court of common pleas, a defendant may file a motion to dismiss the action on the basis that:

(1) the pro se plaintiff is alleging the same or related claims which the pro se plaintiff raised in a prior action against the same or related defendants, and

(2) these claims have already been resolved pursuant to a written settlement agreement or a court proceeding.

(b) The court may stay the action while the motion is pending.

(c) Upon granting the motion and dismissing the action, the court may bar the pro se plaintiff from pursuing additional pro se litigation against the same or related defendants raising the same or related claims without leave of court.

(d) The court may sua sponte dismiss an action that is filed in violation of a court order entered under subdivision (c).

**Official Note**

A pro se party is not barred from raising counterclaims or claims against other parties

in litigation that the pro se plaintiff did not institute.

(e) The provisions of this rule do not apply to actions under the rules of civil procedure governing family law actions.

## **CHAPTER 33. CODE OF JUDICIAL CONDUCT**

### **Canon 1**

#### **Terminology**

*Appropriate authority*—The authority having responsibility for initiation of disciplinary process in connection with the violation to be reported.

#### **Canon 2. Rule 2.7. Responsibility to Decide.**

A judge shall hear and decide matters assigned to the judge, except where the judge has recused himself or herself or when disqualification is required by Rule 2.11 or other law.

#### **Comment:**

(1) Judges shall be available to decide the matters that come before the court. Although there are times when disqualification or recusal is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts. Unwarranted disqualification or recusal may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge's respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge's colleagues require that a judge should not

use disqualification or recusal to avoid cases that present difficult, controversial, or unpopular issues.

(2) This Rule describes the duty of a judge to decide matters assigned to the judge. However, there may be instances where a judge is disqualified from presiding over a particular matter or shall recuse himself or herself from doing so. A judge is disqualified from presiding over a matter when a specified disqualifying fact or circumstance is present. See Rule 2.11. The concept of recusal envisioned in this Rule overlaps with disqualification. In addition, however, a judge may recuse himself or herself from presiding over a matter even in the absence of a disqualifying fact or circumstance where—in the exercise of discretion, in good faith, and with due consideration for the general duty to hear and decide matters—the judge concludes that prevailing facts and circumstances could engender a substantial question in reasonable minds as to whether disqualification nonetheless should be required. This test differs from the formerly applied common law test of whether “a significant minority of the lay community could reasonably question the court’s impartiality.”

#### **Rule 2.11. Disqualification.**

(A) A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding. ...

Comment:

(1) Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply.

(2) A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.

...

(5) A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.

**Canon 2. Rule 2.15. Responding to Judicial and Lawyer Misconduct.**

(A) A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge shall inform the appropriate authority.

...

(C) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action. ...

Comment:

(1) Taking action to address known misconduct is a judge's obligation. Paragraphs (A) and (B) impose an obligation on the judge to report to

the appropriate authority or other agency or body the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent. (emphasis added)

(2) A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation, or reporting the suspected violation to the appropriate authority or other agency or body.

**210 Pa Code § 65.5. Panels.**

A. Except as otherwise provided by these rules, all appeals, whether argued or submitted, shall be assigned to and decided by panels consisting



of three judges. A panel may make any order or render any judgment therein. Every such order made or judgment rendered by a panel shall be made and given effect as an order or judgment of the Court and shall be so entered by the clerk.

B. The President Judge shall appoint the panels, assign cases to the panels, and designate the time, date, and place in which the panels shall sit.

C. 1. After the Prothonotary has listed the cases for an argument panel, but before the actual argument of the cases: (a) if a member of a panel becomes unable to participate in the disposition of a particular case, the presiding judge of that panel shall notify the President Judge or his/her designee, and the President Judge or his/her designee shall secure another judge to sit on that case; (b) if a member of a panel becomes unable to participate in a particular panel, the President Judge or his/her designee shall designate and assign another judge to sit on the panel.

2. After the Prothonotary has listed the cases for a submitted panel:

...

D. The presiding judge of each panel shall be the commissioned judge highest in seniority, except where the panel includes the President Judge who shall then be the presiding judge. The presiding judge shall preside at all panel sessions, assign the cases, and record the assignment of cases. The presiding judge shall transmit to the members of the panel and the Reporter a record of all assignments and/or other actions taken by the panel.

E. All discussions, votes, and drafts of decisions prior to the filing of the final decision shall remain confidential.

F. If, following argument or submission, a member of the three judge panel assigned to decide an appeal becomes unavailable, and the remaining two judges are unable to decide the appeal, they shall request the President Judge or his/her designee to either reassign the appeal for reargument or submission before another panel, or they may request that the appeal be reargued before a court en banc. If the full court shall decline to accept the appeal for reargument before a court en banc, the President Judge or his/her designee shall reassign the same to another three judge panel for reargument or submission and decision.

...

#### Comment

In accordance with Pa.R.A.P. 3102(a), a panel of three judges constitutes a quorum of the Court. 42 Pa.C.S. § 325(e)(1) authorizes the President Judge to make assignments. Subdivision (C) and (D) of this rule do not alter the effect of Pa.R.A.P. 3102(b).

### 2010 Pennsylvania Code

#### Title 23 - Domestic Relations

##### § 2910. Penalty for unauthorized disclosure.

"Any officer or employee of the court, other than a judge thereof, the Department of Health, the Department of Public Welfare or any agency who willfully discloses impounded or otherwise confidential information relating to an adoption, other than as expressly authorized and provided in this chapter, commits a misdemeanor of the third degree."

##### § 2915. Court and agency records.

"(a) General rule.--All court and agency records shall be maintained as a permanent record and withheld from inspection except as provided under this chapter.

(b) Who may access court or agency records.-- Only the following are authorized to access court or agency records for the purpose of releasing nonidentifying or identifying information under this chapter:

- (1) The court which finalized the adoption.
- (2) The agency that coordinated the adoption.
- (3) A successor agency authorized by the court which finalized the adoption. ..."

(g) Concise Statement of the Case

Petitioner raised the First of the Federal Questions, the Unconstitutionally Vague wording of Rule 233.1, in the Trial Court, in Petitioner Coulter's Brief in Support of Pro Se Plaintiff's Preliminary Objections to Defendant's Preliminary Objections and Motion for Demurrer :

"the unconstitutionally vague wording of Rule 233.1 has been repeatedly found to permit a much more expansive description of what will justify a dismissal for a Pro Se Litigant." (25a.) The Trial Court dismissed all of Coulter's Objections, completely without comment.

The Issue of Rule 233.1's Unconstitutionally Vague wording was also raised in the Brief files in the Superior Court, and ostensibly "addressed" when the Panel dismissed the argument (83a.) merely "clarifying one possible meaning for "related cases" and " litigation being "resolved"

"Rule 233.1 provides very specific guidelines for when a trial court may dismiss a *pro se* complaint. .... A complaint is related when it deals with the same subject matter as a previous complaint.<sup>[7]</sup> Similarly, 954\*954 Rule 233.1's requirement that the previous litigation be "resolved" is not vague. A claim is resolved when there has been a definite decision thereon. ...." (74a.)

And, the Issue was raised in Coulter's Petition for Allowance of Appeal, which was denied completely without comment by the State's Highest Court :

"This appeal raises among other Issues, two separate QUESTIONS OF FIRST IMPRESSION, the first of which is related to the Unconstitutionality of Rule 233.1 (in a matter involving two crooked lawyers (and their law firm) and multiple corrupt judges from the Trial Court). The second QUESTION OF FIRST IMPRESSION arises from the Superior Court Panel's actions of January 10, 2017, and the April 7, 2017, Order which includes an obviously "fabricated" excuse for the presence of Judge Kate Ford Elliott on the Panel. ..."

The second Federal Question, the violation of Due Process due to extreme bias of the Trial Court was raised in multiple requests for recusal of the Trial Court – which were all denied completely without comment :

"WHEREFORE, removal of the matter out-of-county, is necessary to assure that there can be no doubt as to the integrity of the court, the same standard as used to determine whether

Recusal is required, and for the same reasons."  
(31a.)

In the Appellate Court, Coulter raised the Issue of bias affecting Coulter's Rights (due to State Superior Court Judge Ford Elliot "usurping" a position on the Appellate Panel ) was raised both at the time of Oral Argument and in Coulter's Motion for Recusal of the Panel members), resulting in the Panel choosing to fabricate a set of circumstances which would have permitted Judge Ford Elliott's position on the Panel – but of course, none of the alleged circumstances were ever present :

"5.) It seems readily apparent that a "reasonable man" would draw the conclusion that Judge Kate Ford Elliott has side-stepped the established procedures for assignment of cases, in order to hear the instant matter. And, therefore, it seems certain that the "reasonable man", would question Judge Kate Ford Elliott's ability to act impartially in this matter." (14a.)

This issue was also discussed in Petitioner's Petition for Allowance of Appeal to the State's Supreme Court, although that document itself is excluded by Court Rules from inclusion (intact) in this Petition for Cert :

"...There is absolutely no evidence to suggest that Judge Bowes ever considered (or had any reason for recusal (prior to her involvement in the crimes on January 10)). Such recusal would certainly appear on the Official Record of this Appeal ...

...

At that time, Coulter specifically objected to Judge Elliott's position on the Panel stating

"Judge Bissoon did not have the authority to assign herself to my case, and neither do you" (or similar wording).

Also in that same document, Coulter reminded every member of the State's Highest Court, of their responsibility to report the crimes by the Judges from the Lower Appellate Court (6a.)

#### Statement of the Case

In February 2007, a child went to the local police with stories of abuse by Petitioner, including the forcible insertion of a "highlighter" style (1/2 wide) marker, into the child's anus – *just minutes earlier*. Both the Police Officer and Children and Youth Caseworker were so confident of the falsity of the Child's statements, that the Child was not permitted to be seen by any medical personnel for a week! (This was obviously done, in order to permit the State to claim that the injuries were no longer visible.)

When the Child Protection Agency took Petitioner into court, to obtain a judicial "finding" of abuse, Respondent Alexander Lindsay briefly questioned the Police Officer who was in charge of the child's "case". The Officer clearly chose to commit perjury, stating he was aware of the child having been taken to see local medical personnel shortly after the Child made the report to the police – although he did not offer any details to "support" his vague statements. Indeed, **both the Police Officer and Caseworker from the Child Protective Agency had consciously chosen to delay the examination for approximately a week, in order to conceal the evidence of the Child's *obvious* fabrication!** (40a.)

Petitioner Lindsay refused to press the issue despite the Officer's conspicuous discomfort with his own statements to the Juvenile Master. (41a.)

When the Judge adopted the recommendation of the Juvenile Master, and produced a "finding" of abuse by Coulter, Petitioner Coulter researched the Case Law and informed Respondent Lindsay of a Case which she had uncovered which was almost identical to hers, and insisted that Lindsay appeal. That case Coulter explained would be easy to find again as it used the word machinations – and Coulter readily re-located the Case Law as she sat in Respondents' Offices that day. (41a.-42a.)

Respondent Lindsay agreed that the case that Coulter had uncovered should certainly mean that the decision must be overturned – and Respondents did file timely Notice of Appeal of that "finding" of abuse. (42a.)

Coulter asked Respondent Lindsay what happens next. Lindsay told Coulter that, when the Judge filed his demand for Concise Statement of Matters Complained of on Appeal, the 1925(b) Statement, he would file it with the Court. Coulter asked that he do it that day, and Lindsay insisted that it must be delayed in order to assure that it be done in a careful manner. Coulter again asked for it to be done that day, as she was worried that Lindsay might fail to file it, and Coulter would be forced to live with the finding forever – but Lindsay again insisted that he knew best. (42a.-43a.)

**Respondents failed to timely file the 1925(b) Statement (which resulted in the waiver of any/all issues upon appeal) – and Coulter was forced to live with the result of a completely unfair finding of**

abuse from the Juvenile Division of the State Court!  
(44a.)

It is readily apparent from Respondents' actions that this "omission" was entirely intentional, and was directly related to Respondents' (who were acting as Coulter's Lawyers) role in a Criminal Conspiracy in concert with the President Judge of the Court of Common Pleas - who subsequently produced unsupported/unjustified yet seminal rulings in every case involving Coulter, even when that County Judge had no possible basis for his involvement in the particular case!

Time passed and on December 18, 2012, U.S. District Court Judge Cathy Bissoon filed an Order in an unrelated Civil Case, **compelling the Federal Court Clerk to assign any future case filed by Petitioner Coulter exclusively to Judge Bissoon.** Because the District Judge was not the "Chief Judge" of the district court, that action is in direct violation of the law – and indeed, constitutes the commission of a Color of Law Felony under Federal Criminal Statutes. (18 U.S. Code § 241 - Conspiracy against rights and 18 U.S. Code § 242 - Deprivation of rights under color of law)

In March 2015, Coulter filed a Civil Complaint against Respondents (33a.) – which District Judge Bissoon swiftly dismissed as a Sanction, after "erroneously" determining that the Complaint was "related to or arising from" a case in the State Court in the Criminal Division or Orphan's Court. It should be understood that this occurred despite the fact that Coulter's injuries were initially produced during events in which Respondents' representation of Petitioner was in the State's Juvenile Division rather



than any matter covered by Bissoon's restrictive Order from December 2012. *It is noteworthy that ever since Bissoon's decision to Dismiss Coulter v. Lindsay as a Sanction, Bissoon has consistently ruled that Coulter's Civil Complaints must be dismissed on the basis of Lack of Subject-Matter Jurisdiction* (after Bissoon's "determination" that Coulter is a Pennsylvania Resident, and thus Diversity Jurisdiction does not apply).

In March 2015, Coulter transferred her Claims to State Court. (*find 1367*)

On April 1, 2016, after numerous Motions for Recusal, Judge S. Michael Yeager issued an Order dismissing all of Coulter's Objections to Defendants filings and also granting all of the Objections of Defendants. It is notable that the Trial Court even granted Objections which were not merely vaguely worded and totally unsupported, but also completely untruthful of "factually inaccurate" (i.e. Respondents' claim of expiration of Statute of Limitations, despite the fact that the State Limitations clearly had not yet expired). (20a.)

Again, as has been the situation every time Coulter appealed the decision to the Superior Court, the State Appellate Court determined a Dismissal was appropriate and even required. This became particularly obvious in the cases which were presented in a consolidated Petition for Cert. at 14-1316. Each of those cases ended with a ruling which specified dismissal was "Without Prejudice". So, when the Trial Court in the State Courts was presented with the "Justice System" Defendants' Motionf for Dismissal Pursuant to Rule 233.1, the Trial Court was forced to rule that all attorneys who have ever worked on a particular case at any time,

are considered to be sufficiently "related" for a dismissal to be Ordered pursuant to Pennsylvania Rule of Civil Procedure, Rule 233.1! (86a.)

It is important to note that, as I reviewed the list of cases I found in a Google Scholar search for Case Law from Pennsylvania courts and "233.1", I noticed that any time that a Defendant from the "Justice System" is involved in the appeal, the case is assigned to at least one judge from a "short-list" of the same handful of judges – 3 of whom "heard" the Instant Matter in the State's Superior Court. It is noteworthy that this short-list remains in place, regardless of the "district" where the case arose or was filed. Further, it appears that the only time that Rule 233.1 is considered applicable, is when at least one of the Defendants is a member of the "Just Us System".

(h) Argument

The Instant Matter requires consideration by This Honorable Court not merely because *a Statute/Rule of Court is Unconstitutionally Vague*, but even more importantly, because the actions and decisions by all of the lower courts' judiciary have so far "departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court" to such a degree as to require the "exercise of this Court's supervisory power" – *in order to once again bring both honor truth to our courts!*

RULE 233.1 is Unconstitutionally Vague  
Introduction

A Rule of Court is Unconstitutionally Vague, when it "results in arbitrary and discriminatory enforcement in the absence of explicit guidelines for their application" as explained in Grayned v. City of Rockford, 408 U.S. 104 , 108-109, 2298-2299 (1972)

The arbitrary and discriminatory enforcement of Pennsylvania's Rule 233.1 can be discovered through even a quick review of decisions on this Issue from the Public Record (as available on scholar.google.com "case" search for Pennsylvania cases with "233.1" (the numeral identification of the Rule of Civil Procedure)). This evidence shows that this Rule of Court is consistently applied exclusively (or at least almost exclusively) to cases involving one or more "Just Us System" Defendants -- and it is believed that the reason for the extremely vague wording of this State Rule of Civil Procedure, is specifically for the purpose of assuring that the various State Courts will provide a plausible excuse for the "selective application" of this Rule of Court. (Which appears to be exclusively intended to insulate members of the "Justice System" **following even criminal and conspiratorial acts by those individuals.**)

#### Argument 233.1 is Unconstitutionally Vague

Pennsylvania Rules of Civil Procedure Rule 233.1, was ostensibly adopted by the State's Highest Court, to address "serial complaints against beleaguered defendants", as explained in the decision for Gray v. Buonopane, 53 A. 3d 829 - Pa: Superior Court 2012 :

"we discern that Rule 233.1 promulgates a procedure new to Pennsylvania practice that

limits the ability of pro se plaintiffs to prolong litigation through the filing of serial complaints after the claims they allege have been resolved."

The method which Rule 233.1 was intended to utilize is two-pronged – first to dismiss the serial complaint under consideration at that moment, and then second to force the Pro Se Plaintiff to permanently end his serial filings, as explained in Gray :

"the drafting committee constructed the Rule with attention to potential manipulation of the legal process by those not learned in its proper use, seeking to establish accountability for *pro se* litigants commensurate with that imposed upon members of the Bar. *See id.* Thus, the Rule operates to spare potential defendants the need to defend spurious claims, first, by allowing the expeditious dismissal of duplicative *pro se* actions and, second, by empowering the trial court to ban the *pro se* litigant's commencement of further actions against such defendants. *See id.*"

However, the wording of Rule 233.1 has never been subjected to the scrutiny of even the State's Highest Court, and thus no one has been permitted to "challenge" the wording of the Rule, which supposedly is only intended to affect situations where a "pro se plaintiff is alleging the same or related claims" which that same Plaintiff "raised in a prior action against the same or related defendants" – and further that it is only applicable if "these claims have already been resolved pursuant to a written settlement agreement or a court proceeding" *id.*

Further complicating matters within the State Courts, is the fact that This Honorable Court has consistently refused to address the situation where a Pro Se Plaintiff is attempting to find some degree of Justice following literally unending attacks by members of the Justice System. It is unfortunately a situation which is far too common place – to find lawyers and even judges *displaying no sense of either fear or guilt about their actions, even when their actions cross the line into criminal behaviors*, confident that they too will be protected by the "Just Us System". Mr. Chief Justice Burger, felt compelled to write a dissenting opinion in In re Griffiths, 413 US 717 - Supreme Court 1973, raising this very Issue:

"The role of a lawyer as an officer of the court predates the Constitution; ... always within—never outside—the law... *That this is often unenforceable, that departures from it remain undetected, and that judges and bar associations have been singularly tolerant of misdeeds of their brethren, renders it no less important to a profession* ... It is as crucial to our system of justice as the independence of judges themselves."

Rule 233.1 however, acts to bar a certain "class" of Plaintiff's from exercising their rights of access to the State or Federal Courts after suffering injuries as the results of acts by a member of the unofficially protected "class" of Defendants. The Rule of Court improperly restricts those Plaintiffs access to Due Process as the protected "class" members are an integral part of the "Justice System". As This Honorable Court explained in 1972

in Grayned v. City of Rockford, 408 US 104 -  
Supreme Court 1972 :

"It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First,... we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly.... Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them.<sup>[x]</sup> ... Third, but related, where a vague statute "abut[s] upon sensitive areas of basic First Amendment freedoms,"<sup>[6]</sup> it "operates to inhibit the exercise of [those] freedoms."<sup>[x]</sup> Uncertain meanings inevitably lead citizens to " 'steer far wider of the unlawful zone' . . . than if the boundaries of the forbidden areas were clearly marked."<sup>[x]</sup>"

Indeed, if a Rule of Court is sufficiently vague, the Courts may choose to utilize that characteristic in order to protect certain Defendants (read here as members of the Justice System - lawyers, judges, law enforcement, and those who act in concert with them) and punish Plaintiffs who refuse to accept the corrupt *Status Quo*. And that is the situation which Petitioner Coulter and other Pro Se Litigants are subjected to in Courts within the Commonwealth of Pennsylvania.

In the Instant Matter, Coulter filed a case in the Federal Court to address completely improper actions by the very people that she was required to trust with her life as well as that of her Child –

namely her lawyers. But, at some point in their professional relationship, those Legal Professionals decided to act on behalf of Coulter's opponent instead of protecting their clients.

Pennsylvania Rules of Civil Procedure, Rule 233.1, ostensibly is intended to act in a manner which is similar to the procedures which licensed counsel are forced to follow, in fear of "punishment" when they violate the doctrines of *res judicata* or estoppel, as explained in Gray :

"Accordingly, the drafting committee constructed the Rule with attention to potential manipulation of the legal process by those not learned in its proper use, seeking to establish accountability for pro se litigants commensurate with that imposed upon members of the Bar. See *id.*"

However, it is patently obvious from cases which have already been presented to This Honorable Court, that Rule 233.1 is insufficiently defined to assure that the State's Judges will be capable of consistent, fair and honest determinations. The Instant Matter proves how the stated goal of the "drafting committee" has so swiftly been corrupted to assure the unofficial purpose of barring Civil Complaints against members of the "Just Us System" – as had they been required to apply the same basis as is required under the doctrine of *res judicata*, the Judges in those matters would have been required to rule that the Instant Matter must be permitted to proceed, unless, as was explained in the footnote to Gray :

"[3] The doctrine of *res judicata* will preclude an action where the former and latter suits possess the following common elements: "(1)

identity of issues; (2) identity in the cause of action; (3) identity of persons and parties to the action; and (4) identity of the capacity of the parties suing or being sued." Daley v. A.W. Chesterton, Inc., \_\_\_ Pa. \_\_\_, 37 A.3d 1175, 1189-1190 (2012) (quoting In the Matter of Iulo, 564 Pa. 205, 766 A.2d 335, 337 (2001))."

Although it is not mentioned in the footnote, it is additionally required by the doctrine of *res judicata*, that the earlier case actually have been "resolved" on its merits – rather than as the result of the imposition of a Sanction. The principle of *res judicata* requires that "there is a final judgment on the merits..." McGill v. Southwark Realty Co., 828 A.2d 430, 435 (Pa. Commw. 2003), a case cited by Defendants/Respondents in filings in the Trial Court. However, the dismissal by the Federal Court (as a sanction for actions in an unrelated matter), does not result in a "final judgment on the merits" of the case, as described in Bhlonder-Tongue Laboratories v. University of Illinois Foundation, 402 US 313, 91 S.Ct. 1434, 28 L. Ed. 2d 788- Supreme Court (1971) :  
"the availability of estoppel to one charged with infringement of a patent previously held invalid will merely shift the focus of litigation from the merits of the dispute to the question of whether the party to be estopped had a full and fair opportunity to litigate his claim in the first action"

as well as Cooter & Geil v. Hartmarx Corp., 496 U.S. 384, 110 S. Ct. 2447, 110 L. Ed 2d 359 - Supreme Court 1990 :

"Like the imposition of costs, attorney's fees, and contempt sanctions, the imposition of a



Rule 11 sanction is not a judgment on the merits of an action."

Perhaps though, if This Honorable Court reviews a case which was presented to this court in 14-1316, the issues will be sufficiently clear for This Honorable Court to understand these issues, despite Coulter's inability to clearly state legal theory. Relatively recently, in Petition for Certiorari No. 14-1316, This Honorable Court refused to consider a consolidated appeal seven cases from the Allegheny County Court of Common Pleas. (85a.-87a.) In each of those cases (which were not consolidated until they were brought before the State's Highest Court), the Trial Court determined that because Coulter had "lost" a decision of the Panel of Arbitrators from the Allegheny County Bar Association's Special Fee Determination Committee, that from moment onward, the actions of *any attorney, employed by any firm* within the Commonwealth of Pennsylvania – could be "determined" to be immune from later lawsuits, exclusively on the basis of the decision of the Arbitrators with respect to Coulter's and Mahood's Written Contract for legal services! (86a.)

Perhaps the most blatant example of this came though, when a case from the Federal Court was Dismissed by District Judge Cathy Bissoon on the basis that the Federal Court lacked Subject Matter Jurisdiction – but that Complaint described actions so extreme that even Bissoon admitted constituted shocking examples of what would be considered "malpractice" at best. The described acts were sufficient to convince Bissoon to specifically grant permission for those Claims to be permitted to

remain unscathed by her dismissal from the Federal Court :

"Finally, in light of the fact that all of Plaintiff's federal claims have been disposed of, this Court declines to exercise supplemental jurisdiction over her claims under state law, pursuant to 28 U.S.C § 1367(c)(3). *These claims will be dismissed without prejudice to Plaintiff raising them in state court, if appropriate.*

AND NOW, this 19th day of November, 2012, IT IS HEREBY ORDERED that this case is dismissed for lack of subject matter jurisdiction. Plaintiff's state law claims are dismissed without prejudice to refile in state court, if appropriate.

BY THE COURT:

s/Cathy Bissoon"

(emphasis added)

Still though, both the Pennsylvania Courts – and This Honorable Court, chose to let Judge O'Reilly's Order stand, in each and every one of those seven (7) cases (including the case of Coulter v. Gale, which struck Judge Bissoon so deeply) :

"As noted, I heard argument on February 8, 2013. I reviewed the Superior Court opinion which affirmed the Arbitration Award and which had been entered on February 22, 2012 in ... I explained to Coulter that while she feels aggrieved by the course of this case she is without recourse in view of the Superior Court ruling which affirmed the Arbitration Award. With that court order, all of Ms. Coulter's claims for relief died. ...

*I have executed this Order in 5 counterparts  
and filed one at each docket number.*

(emphasis added)

So Ordered.

BY THE COURT,

(The remaining two (2) cases (including Coulter v. Gale) were added to the list a couple of weeks later, when those cases were also brought into O'Reilly's Motions Court.)

Mahood (who won the Arbitration decision) works in a small office – and both he and his office voluntarily left Coulter's case more than a year before the proceedings before Judge Doerr began (and which are mentioned in the decision in Allegheny County). And it was nearly a year before any of the other defendants even heard of Coulter or her case in Butler County! Specifically, Gale (whose acts were so egregious that Bissoon was so shocked that the Judge even suggested that the Claims should be revived in State Court) did not have any form of contact with Coulter until nearly 18 months after Mahood left his position as Coulter's Counsel.

Coulter has not been able to find any form of connection between Mahood and any of the Parties in the other cases mentioned in O'Reilly's Order. So, it is inconceivable how there could possibly be a decision which this Honorable Court could find to be "legitimate" not offensive to the Constitutional Protections against Unconstitutionally Vague Statutes. No one has ever even attempted to explain how all of those legal professionals (the Defendants in these seven cases) are sufficiently "related" to produce this result.

However, in Pennsylvania, as explained in Com. v. Abu-Jamal, 720 A. 2d 79 - Pa: Supreme Court 1998 we "recognize that our judges are honorable, fair and competent. *Reilly v. SEPTA*, 507 Pa. 204, 221-223, 489 A.2d 1291, 1300 (1985).", so we must accept that the Trial Court, the Appellate Panel and all seven Justices of the Pennsylvania Supreme Court have determined that Rule 233.1 permits such a "loose relationship" as is evidenced here, to permit the Court to consider all attorneys who work on a case – over a period of years - to necessarily be related to one another, regardless of any other factor. This of course requires that each attorney's work indeed all of their efforts in support of their goals - are sufficiently similar, that if any one of them is found to have been "innocent" of a particular wrong-doing, then all of the attorneys are similarly innocent. And of course, it is axiomatic then that if one of them is determined to be "guilty" of some wrong-doing, then each and every one of the others must also be required to "pay" for that action as well!

#### Conclusion

Obviously it is improper to require that people who have no actual connection to each other – and who worked on a project at very different time, even months apart – cannot be held responsible for the actions of those they have never met. Yet, the Unconstitutionally Vague wording of Pa. R.C.P. Rule 233.1 has resulted in numerous legitimate legal decisions producing such irreconcilable results.

Therefore, it is incumbent upon This Honorable Court to either schedule this matter for briefing and argument, or directly issue an Order

**finding Pennsylvania's Rule 233.1 to be  
Unconstitutionally Vague!**

**Argument - Impropriety of  
Policies and procedures of the State Courts**

The State Courts have established procedures for assignment of cases within the Appellate Courts, which permits the President Judge of that court to manipulate the composition of Panels in a manner which is more likely to result in predetermination of the outcome of appeals – as the result of 210 Pa Code § 65.5. Panels :

"A. Except as otherwise provided by these rules, all appeals, whether argued or submitted, shall be assigned to and decided by panels consisting of three judges. A panel may make any order or render any judgment therein. Every such order made or judgment rendered by a panel shall be made and given effect as an order or judgment of the Court and shall be so entered by the clerk.

B. The President Judge shall appoint the panels, assign cases to the panels, and designate the time, date, and place in which the panels shall sit. ..."

It is important to note that the State Courts' procedures for assignment of cases makes no provision for Random Assignment of Panel Members in the Appellate Court– in much the same was as is used in the Third Circuit.

**Argument – Policies and Procedures**

The consequences of the Court's ability to use circumstances beyond those present in Random Assignment is patently obvious – and has dangerous effects on the ability of a less "judicially-favored" position to prevail on appeal. Indeed, significant Case Law addresses the effects of bias, but up until this matter, Coulter has seen no other case where the procedures of the courts are so blatantly *designed to permit bias to thrive in the Appellate Courts!* Of course, Case Law makes no distinction between biases at the various levels of the court-systems, as explained in Liteky v. United States, 510 US 540 - Supreme Court 1994, which cites steps taken in response to an understanding of the necessity for recusal beyond just at the Trial Court level :

"Since 1792, federal statutes have compelled district judges to recuse themselves when they have an interest in the suit, or have been counsel to a party. ...

Before 1974, § 455 was nothing more than the then-current version of the 1821 prohibition against a judge's presiding who has an interest in the case or a relationship to a party. It read, quite simply:

"*Any justice or judge* of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein." 28 U. S. C. § 455 (1970 ed.). (emphasis added)

The 1974 revision made massive changes, so that § 455 now reads as follows:

547\*547 '(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.' "

The necessity of the consideration of possible bias in the Appellate Courts, has repercussions beyond the outcome of the particular case under consideration at that time – as is readily evident from the En Banc decision of the Third Circuit in a case which was sent for the court's attention just last month. That decision, along with the lack of the initiation of a Criminal Investigation of District Court Judge Cathy Bissoon, has established that every jurist of the Third Circuit Court consciously chose to violate criminal statutes, in order to protect Judge Bissoon (from responsibility for her crimes). Judge Bissoon's criminal actions stem from a decision produced by Judge Bissoon (from December 2012). In that *December 2012 decision, District Judge Bissoon filed an Order compelling the Federal Court Clerk to assign any future case exclusively to Judge Bissoon*. But, because Judge Bissoon is without authority to assign cases in any court, Bissoon and the Federal Court Clerk became participants in the commission of a Color of Law Conspiracy Against Rights, a Federal Felony :

**"18 U.S. Code § 241 - Conspiracy against rights**

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth,

Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, ..."

In the State Courts, a review of Case Law on the Issue of Rule 233.1 shows that the Panel of Appeals on this issue (whenever a member of the "Justice System" is named as a Defendant in the Trial Court), is comprised of at least one member of a select group of State Court Judges, which amounts to only a handful of jurists. In the case under consideration at this time, all three Panel Members are/were on that "short-list" for Rule 233.1 Appeals which involves one of their "Brethren". And, despite the totally unauthorized self-assignment of Judge Kate Ford Elliott (as the result of Judge Bowens decision to step aside to permit Judge Ford Elliott to hear the appeal in her place), the Panel was still comprised *exclusively* of members from the Rule 233.1 "Short-List"!

#### Conclusion

This Honorable Court has, for years, been cognizant of the necessity of assuring that Judges who hear cases, at all levels of the court system, must be free of bias. However, there appears to have been no consideration of the temptation and the resulting inherent problems which will must certainly exist anytime that the President Judge of the State Appellate Court (or the Chief Judge in the Federal Court) is given a free-hand to assign cases according to his personal preferences!

Therefore, it is necessary both that This Honorable Court Order the State Court to take steps

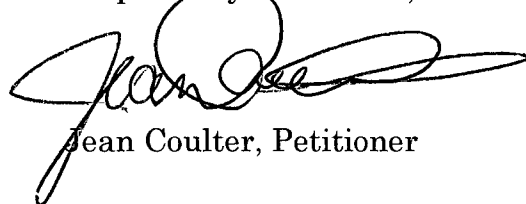


to assure that assignment of cases in the Appellate Courts are not the result of bias (from any source, including both extrajudicial as well as biases coming from within the courthouse) – but, this court must also see that the Circuit Courts are similarly "cleaned".

(i) Conclusion

The situation experience by Petitioner Coulter, when Coulter's Rights to Due Process were subjected to the flagrant violations in the Courts of the Commonwealth of Pennsylvania - is due to both the Unconstitutionally Vague wording of Pa. R.C.P. Rule 233.1, as well as the Commonwealth's own procedures. Those administrative procedures permit the President Judge, through careful selection of Trial Court Judge and/or Panel Members in the Appellate Court, to pre-determine the Decision in matters of importance to members of our "Justice System"! It is truly a sad situation, but our "Justice System" continues to be corrupted into one for "Just Us" - rather than one intended to serve "Justice".

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Jean Coulter', with a long horizontal flourish extending to the right.

Jean Coulter, Petitioner