

Case No. _____

**THE SUPREME COURT
OF THE UNITED
STATES**

Jean Coulter, Petitioner

v.

Thomas Forrest and
Dennis Hoerner, Respondents

On Petition for Certiorari
to the Supreme Court of Pennsylvania

Petition for Writ of Certiorari

Jean Coulter, Pro Se Petitioner
620 Butler Crossing #3
PMB 172
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 "Justice System" – again made possible by the Unconstitutionally Vague wording of a Rule of State Court – which is almost exclusively applied only in cases where a member of the Justice System is a defendant.

In the Instant Matter, Coulter sued two Probation Officers who intentionally tainted the testimony of an Expert Witness (who testified in Termination of Parental Rights Hearings for Petitioner), by knowingly providing completely false "information" to the Expert, to assist the prosecution, rather than the interests of both Petitioner and the Child. Coulter's suit for Witness Tampering, Fraud, etc. was dismissed under the unconstitutionally vague State Rule 233.1 of Civil Procedure.

Coulter wonders if This Honorable Court doesn't question whether the increasingly egregious and even shocking, actions by members of "Justice System" 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. Are 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 : Thomas Forrest
Dennis Hoerner

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(d) Official and Unofficial Reports
of the Opinions and Orders Entered in the Case

On February 6, 2018 the Pennsylvania Supreme Court denied The Petition for Allowance of Appeal.

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

On April 14, 2016, Judge Bruce F. Bratton of the Court of Common Pleas of Dauphin County, PA Dismissed, With Prejudice, the civil complaint in Case No. 2013-CV-4721, against all defendants in the matter of Jean Coulter, Plaintiff, v. Thomas Forrest and Dennis Hoerner Defendants

(e) Statement of the Basis for Jurisdiction

i.) On February 6, 2018, the Pennsylvania Supreme Court denied The Petition for Allowance of Appeal.

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.

(g) Concise Statement of the Case

Petitioner raised the first of the Federal Questions, a Question of First Impression, "Is Pennsylvania's Rule of Civil Procedure, Rule 233.1 Unconstitutionally Vague?", in the trial court, as cited in the decision of the appellate court :

"Appellant filed a response on January 26, 2016, essentially arguing that this matter is not the same as previous matters, and the previous matters weren't truly resolved.

Appellant also argues that Pa. R.C.P. 233.1 is unconstitutional." (19a.)

The State's Appellate Court addressed this Issue in its decision, simply citing an earlier decision which defined "related" stating only : "A complaint is related when it deals with the same subject matter as a previous complaint." (9a.)

The second Issue, that the corruption of the Justice System, results in the complete Denial of Due Process, was raised in the trial court, in the Motion for Recusal and Reconsideration. The Trial Court refused to even consider the filing, exclusively on the basis that Coulter's filing not comply with Local Rules :

"Appellant filed on May 5, 2016, a single motion for reconsideration of the April 14th order and for recusal. The court declined to entertain and effectively denied Appellant's motion on May 9, 2016." (4a.)

The State's Appellate Court refused to consider Coulter's argument requiring recusal, exclusively on the basis that Case Law cited by Coulter came from the Federal Court, rather than State Court decisions:

"Appellant does not cite or quote authority for the proposition that the court abused its discretion per se when it declined to consider her motion for recusal. Rather, Appellant cites federal case law providing a court abuses its discretion when it fails to consider evidence in support of a party's argument. Therefore, Appellant's argument falls short of the requisite standards." (15a.)

The State's Highest Court has consistently refused to hear any appeal related to this Rule of

Court, and, therefore, also refused to consider either of these Issues. (1a.)

Facts Which Resulted in Filing of Civil Complaint

The Instant Matter concerns a Civil Action to recover for damages incurred as the result of deceptions and out-right lies to an Expert Witness, by the Respondents :

"facts" relayed verbally... under the guise of Defendants' certainty of the factual accuracy of those documents. When ... Defendants were well aware that the ... "facts" ... which never occurred, and ... previously recanted by the complainant" (1a.)

Coulter was serving a Sentence of Probation, which previously had been "augmented" illegally¹ (see case 12-20 docketed July 5, 2012 in this court – Cert. denied) to include the requirement that Coulter undergo a Psychological Examination. Coulter was also required to **provide her Probation Officer with**

1 The criminality of the illegal imposition of additional terms of Probation (including this one), by members of the State's Lower Judiciary, has been "tolerated" by every court in the State as well as This Honorable Court – and provides a particularly unsettling example of the corruption of our Justice System, a situation which Mr. Chief Justice Burger, condemned, in his dissenting opinion for 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." (emphasis added)

access to both the results of that examination as well as access to the Psychologist who performed the examination – and who was subsequently scheduled to testify in proceedings related to Termination of Coulter's Parental Rights :

"3.) During testimony (on October 15, 2010), by the Evaluator in a matter concerning custody of Coulter's daughter, Coulter learned that the Evaluator had been contacted by Defendants Forrest and Hoerner (who identified themselves as Coulter's Probation Officers), following completion of the evaluation, but prior to court that day." (49a.)

and

"Despite Defendants' certain knowledge of the "inaccuracy" of the "facts" they were providing to the evaluator, neither Defendant made any effort to explain that at least significant portions of the "information" which they were providing, was known to be untrue!" (51a.)

Not surprisingly (considering the lengths that the conspirators had gone to), the Expert's testimony significantly assisted the prosecution of the Termination of Coulter's Parental Rights.

Statement of Facts

Related to the State Court Proceedings

Coulter has previously attempted to recover for injuries related to the Respondents' illegal imposition of Terms of Probation (before the State Court chose to impose any), and after the Judge had completed illegally imposing conditions. (*See* case 12-20 docketed July 5, 2012 in this court – Cert. denied.) However, the Instant Matter is the first time that Defendants were ever "expected" to accept

responsibility for their lies and deceptions to Coulter's Expert Witness (which ultimately resulted in the Expert's testimony in the State Court being critical of Coulter - contradicting the truthful and accurate evaluation which Coulter had previously provided to the State Court), as explained in Coulter's Complaint :

" Despite Defendants' certain knowledge of the "inaccuracy" of the "facts" they were providing to the evaluator, neither Defendant made any effort to explain that at least significant portions of the "information" which they were providing, was known to be untrue!" (51a.)

and

Because of Defendants' obvious decision to conceal this contact from Coulter, Coulter was left with a clearly tainted witness's testimony during the hearing on Termination of Coulter's Parental Rights." (52a.)

However, once again, Coulter's attempts at finding "Justice" were thwarted by the *extremely corrupt Court System in Pennsylvania*.

Indeed, as is evidenced by the contents of the attached Appendix, Defendants felt confident that they had no need to present a truthful "Motion to Dismiss", as Defendants' Counsel was clearly aware that no actual review of the contents of their Motion/Brief or evidence would ever occur, as all of their Exhibits only concern the illegal imposition of Terms of Probation. Further, when Coulter argued in the State's Appellate Court that Pennsylvania prohibits the Trial Court's taking "Judicial Notice" unless asked to do so by one of the Parties – the Appellate Court even argued that the Trial Court

made no use of the facts which he had "Judicially Noticed" :

"Here, the trial court did not take judicial notice of the Allegheny County order or use that order as dispositive. Rather, the court reviewed Judge Reed's recitation of Appellant's litigious history for background information on actions Appellant had previously initiated against Appellees and related defendants" (13a.)

Of course, the Trial Court's Opinion states just the opposite in the footnote on the last page of his Opinion, referencing prior cases which formed the basis for his decision : "x See, e.g. Exhibit A, p. 23-24 ¶5. See also Exhibits B, C, D, E, F, G, H, I, J, K, L, and M as attached to Appellees' Motion to Dismiss.". (22a.) Paragraph 5 is Allegheny County Judge Reed's abstract for the case Coulter v. Levenson (25a.)

However, Coulter has repeatedly seen that the Trial Courts typically take steps to "cover" for and even recruit Law Enforcement and Attorneys to join conspiracies against Parties in matters which come before the State Court. And, the State Appellate Courts, in turn, "cover" for the Trial Court – just as has been done here. And, This Honorable Court, denies Petitions for Cert. – effectively "turning a blind eye" to all of the corruption below!

It is unknown whether the intention was all along to corrupt the Termination Proceedings, or whether that was merely a "happy coincidence" for the highly corrupt State Court Judge² from Butler County - who heard both the Dependency and Termination Proceedings.

Coulter's Civil Suit was heard in Dauphin County - as the presumed "residence" for State Probation Employees.

The Dauphin County Trial Court Dismissed Coulter's Complaint "With Prejudice", on the basis of the State Court's Rule 233.1 which allows for dismissal of cases if an earlier "unsuccessful" case is "related" to the current matter and the same or "related" defendants were sued in the earlier matter. However, neither the filings by Defendants/ Respondents nor those provided by the corrupt Dauphin County Judge, provide any prior case which is related to damages resulting from the Witness Tampering and/or Intimidation (and Fraud, etc.) which is the subject of the Instant Matter!

It is believed that Pennsylvania Rule 233.1's Unconstitutionally Vague wording is responsible for the "erroneous" determination that Coulter's Complaint could be dismissed. Or perhaps it is because the "Justice System" has become so universally corrupt that even crimes (including Witness Intimidation and/or Witness Tampering) are "tolerated" when they are committed by a member of the Bench, the Bar or Law Enforcement!

2 That State Court Judge has recently been demoted due to his improper use of his office to find employment for a woman with whom he wished to have an extra-marital affair. "According to the suit, ... The judge said the affair would be a 'business' relationship with the understanding that the judge would get the woman hired as a probation officer." (Pittsburgh Post-Gazette, October 12, 2017) See also the docket of 2:17-CV-01304-CB for details of the "improprieties".

It should also be noted that this same State Judge then improperly refused to recuse in another Family Court matter involving the estranged sister of the woman with whom he was having that illicit affair!

(h)

Argument

Pennsylvania Rule 233.1
is Unconstitutionally Vague

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

Due Process is promised to all citizens through Amendment V and Amendment XIV Section 1 of the United States Constitution - Amendment V

"...No person shall ... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." And "...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."

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 :

"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 Plaintiffs 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.^[x] ... Third, but related, where a vague statute "abut[s] upon sensitive areas of basic First Amendment freedoms,"^[6] it "operates to inhibit the exercise of [those] freedoms."^[x] Uncertain meanings inevitably lead citizens to " `steer far wider of the unlawful zone' . . . than if the boundaries of the forbidden areas were clearly marked."^[x]

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 State Court to address completely improper actions by the very people that she was required to obey, namely, State Probation Officers. But, at some point in their professional relationship, those members of Law Enforcement decided to act on behalf of Coulter's opponents instead of assuring that the Law be obeyed!

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 Grey :

"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. (*See* No. 14-1316 in this court – the consolidated Petition for Cert. for six (6) such cases.)

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 Grey :

"[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) – however, the Dauphin County Judge never considered any of the facts behind the cases he (illegally) considered ("Appendix A" in the Appendix) – as taking Judicial Notice absent a request to do so by one or another Party, is expressly forbidden by PA Case Law. Further, there exist restrictions on the "extent" of the Judicial Notice which is permitted even when doing so is allowed, as is the case in the Federal Courts, as explained in the Third Circuit case Southern Cross Overseas Agencies v. Wah Kwong Shipping Group, 181 F. 3d 410 - Court of Appeals, 3rd Circuit 1999 :

"Specifically, on a motion to dismiss, we may take judicial notice of another court's opinion—*not for the truth of the facts recited therein*, but for the existence of the opinion, which is not subject to reasonable dispute over its authenticity." (emphasis added)

In the Instant Matter, the Trial Court clearly accepted as accurate the conclusions drawn by other Judges, concerning both the basis for the prior cases, as well as the appropriateness of their Dismissals.

One might be tempted to place the blame for the "erroneous" decision on the Dauphin County Court for finding "related-ness" without the Trial

Court having been actually provided any evidence of a prior "related case". However, even crimes such as Witness Tampering, is not beyond the scope of what the State's Trial Courts will "cover" for. Further, 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 of the members 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 claims for illegal actions by an individual to be considered "related" to the subject matter of every prior crime by that member of the "Just Us System"!

But, this extremely broad definition of "related" cases, is contradicted by State Case Law itself (as well as common sense). Indeed, the Allegheny County Judge (Judge Stanton Wettick) who wrote the Order from which the Dauphin County Judge pulled "Appendix A", clearly proves this point, where in CROCK v. CARNEGIE LIBRARY OF PITTSBURGH, Pa: Superior Court 2014:

" I am denying the request to dismiss pursuant to Rule 233.1.

In the previous case (*Crock v. Carnegie Library*, AR-10-000826), Mr. Crock sought damages based on a decision of the Library, contained in a letter to plaintiff, banning him from Carnegie Library for a year.

In the present case, he seeks monetary damages based on activities occurring after the conclusion of the one-year ban.

Rule 233.1 does not apply. Plaintiff is not raising the same or related claims which he raised in the prior action,"

And, because the State Courts understand This Honorable Court's extremely crowded Calendar, they are confident that they will be permitted to continue to behave as they please, confident that the "Just Us System" will continue to protect them being required to accept any form of responsibility for their actions, even when those behaviors result in the commission of Federal Felonies including 18 U.S. Code § 241 - Conspiracy against rights, 18 U.S. Code § 242 - Deprivation of rights under color of law and 18 U.S. Code § 4 - Misprision of felony!

Finally, there is no reason to consider whether Defendants have previously been sued for their involvement in the criminal imposition of Terms of Probation - as their behaviors alleged in the Instant Matter could easily have occurred even without Respondents' personal involvement in the original Illegal Imposition of Sentence nearly a year earlier. Indeed, as long as someone illegally imposed the Condition of Probation (more than 30 months after Sentencing, and without even alleging violation of the Terms of Probation) that required both that Coulter receive a Psychological Examination and that she permit Respondents to have access to the Examiner, the damages complained of in Coulter's Complaint would have occurred. Therefore, the fact that the same members of Law Enforcement committed both crimes, need only be mere coincidence - as it is readily apparent that numerous other willing co-conspirators exist with Pennsylvania's "Law Enforcement Community".

Conclusion

The Unconstitutionally Vague wording of Pa. R.C.P. Rule 233.1 has resulted in numerous ostensibly 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 way as is used in the Third Circuit.*

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, Judge Shogan is on that "short-list" for Rule 233.1 Appeals which involves one of their "Brethren".

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 most 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".

Conclusion to Petition for Certiorari

The situation experience by Petitioner Coulter, where Coulter's Rights to Due Process were subjected to the flagrant violations in the Courts of the Commonwealth of Pennsylvania - is due to the Unconstitutionally Vague wording of Pa. R.C.P. Rule 233.1, as well as the Commonwealth's own procedures, along with This Honorable Court's repeated denial of Cert. when presented with blatant examples of the corruption of our courts at all levels!

Before the court at this time, are two (2) other cases filed by Coulter (Coulter v. Coulter, 17-1311 and Coulter v. Lindsay, 17-1336), both of which, at some point, were heard by U. S. District Court Judge Cathy Bissoon. Judge Bissoon produced an Order in an unrelated case, which, in essence, assured that exclusively Judge Bissoon would see any case filed by Coulter (from the Civil Docket for Case #: 2:12-cv-01050-CB-RCM) :

"...the following procedure shall be implemented by the Clerks Office with respect to any documents filed by Plaintiff in the future:

(1) The Clerk's Office shall file any documents submitted by Plaintiff in due

course. Plaintiff shall remain responsible for any applicable filing fees.

(2) Plaintiff's filings shall then be submitted to the undersigned ..."

However, Judge Bissoon does not have the authority to assign cases, to herself or otherwise!

Every Judge in the Federal Courts is obligated by Canon 3 B. (5) of the Code of Conduct for Federal Judges – to report Judge Bissoon's crimes! Yet not a single one has chosen to do so – and the total number to be made aware of that Order now numbers eighteen (18) at least³! So, it appears that the Pennsylvania Courts are taking their lead from the Third Circuit Court Judges who have chosen to violate 18 U.S. Code § 4 - Misprision of felony, in order to "protect" Judge Bissoon, and permit her to continue to violate Coulter's Right to Due Process!

Respectfully Submitted,

Jean Coulter, Petitioner

3 Third Circuit Chief Judge Smith and Judges Ambro, Chagares, Jordan, Shwartz, Krause, Restrepo, Cowen, Roth, McKee, Scirica, Hardiman, Greenaway, Fuentes, Vanaskie, Bibas, Nygaard and Fisher