

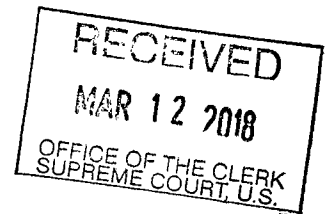
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

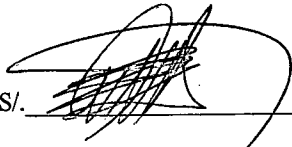
Ex parte In Re. Mr. Antonio SIERRA, Petitioner –PRO SE

Subnom: Antonio Sierra, (Petitioner) vs. Department of Justice - civil process Clerk –c/o Ms. Rebecca Franz (Deputy Attorney General) for D.O.J. Office of Attorney General Ms. Kathleen Kane (Former A.G.) and/or all the same; Department of Corrections – Office of Chief Counsel –c/o Ms. Laura J. Neal Esq., for D.O.C., SCI. Albion, Warden Mr. Clark, Ms. Giroux (Former Warden), Ms. Neal and/or all the same; District Attorney of Erie County Mr. Jack Daneri Esq. (D.A.) –Erie County Courthouse – Office of District Attorney, -RESPONDENT(s)

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPELS OF THE THIRD CIRCUIT



PETITION FOR WRIT OF CERTIORARI

BY: /S/ , PH.D., DD

/P/ MR. ANTONIO SIERRA,

RESIDENNCE : STATE OF NEW YORK, CITY OF THE BRONX

RESTRAINT : COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF CORRECTION

PA. I.D. NO. : D.V. 0686

LOCATION : STATE CORRECTIONAL INSTITUTE – ALBION

10745 STATE ROUTE 18 – ERIE COUNTY, PA

ALBION, PA 16475

QUESTION PRESENT

I)

Whether on the basis of Petitioners facts, where without notice, hearing or power Unconstitutional acts void his 1998 and 2013 contracts, deny Him Due Process of Law within the meaning of the Constitution and laws of the United States and if so, is Appellate Court decision to subordinate power by such exceptional matter wrong?

II)

Whether Montgomery Constitutional command adopts a new rule to set retroactivity on fair-equal grounds in collateral review so that previous determinations of this Court awaiting guidance by both the people and Judiciary in this class may apply ?

TABLE OF CONTENTS

¶	QUESTION PRESENT	
i	TABLE OF CONTENTS	
ii	TABLE OF AUTHORITIES	
i	OPINION BELOW	1
ii	JUDICIAL	2
iii	CONSTITUTIONAL PROVISIONS	2
iv	PRELIMINARY MATTERS	3
A	STATEMENT OF CASE, STATE COURT MATTERS -1997-98	04-05
B	STATE COURT 1991-2001 - INADEQUATE MATTERS ON RECORD	06-07
C	WRONGDOING UNRAVEL, FIRST TIME GOVERNMENT CONCESSIONS	08-10
a	CONCESSION LAST PIECE UNCOVERED, 2013-2016	10-11
D	2016 CAUSE OF ACTION -THRU 2018	12-
a	STATE AND FEDERAL COLLECTIVE	12-13
b	FEDERAL 2016-2017, US.DC.WD.PA & US.CA.3rd	13-14
c	APPELLATE COURT DUAL REFUSAL TO ENFORCE CONSTITUTION	14-
d	NEW INJURY & HARMS SURFACE IN WAKE OF 2016-2018 MATTERS	14-
E	FINAL ON THE RECORD VIEW, CHARGE vs OFFENSE vs PETITIONER CLAIMS	15-16
V	ARGUMENT	17-25
I	QUESTION,	17-23
A	PRO SE PLEADINGS, TIMING & CONSTITUTION	20-23
II	QUESTION	24-25
¶	CERTIFICATE OF SERVICE	
¶	APPENDIX & TABLE OF,	
¶	I.F.P. APPLICATION	

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 Gregg v Georgia, 428 us 153, 96 sct 2909 (1976) -22
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IN THE
SUPREME COURT OF THE UNITED STATES

Ex Parte In Re. Mr. Antonio Sierra, Pro-Se

Subnom: Antonio Sierra vs.

DEPARTMENT OF JUSTICE -CIVIL PROCESS CLERK, C/o MS FRANZ (D.A.G.) FOR D.O.J. OFFICE
OF ATTORNEY GENERAL MS KANE AND/OR ALL THE SAME; DEPARTMENT OF CORRECTIONS -OFFICE
OF CHIEF COUNSEL, C/o MS NEAL ESQ., FOR D.O.C., SCI ALBION, WARDEN MR CLARK, MS
GIROUX, NEAL AND/OR ALL THE SAME; DISTRICT ATTORNEY OF ERIE COUNTY -Mr DANERI -D.A.
ERIE COUNTY COURTHOUSE -OFFICE OF D.A. -RESPONDENT(s)

ON PETITION FOR WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS OF THE THIRD CIRCUIT

Antonio Sierra, citizen and resident in the city of the Bronx, to the New York State
and the United States is, Petitioner -prose, restrained at Erie County Pa. D.O.C.-
SCI. ALBION; Sincerely pray this Court leave for the petition to issue for review
the judgments and Orders of the Court of Appeals for the Third Circuit entered and
mailed on November 2, 2017 and January 10, 2018

OPINION BELOW

The Order and opinion of the third circuit in this case for November 2, 2017 appears
at Appendix A.1 to this petition. A timely Chancery petition addressed in the same
for the full court, denied on January 10, 2018, appears at Appendix A.2.

The Orders and Opinions of the U.S District Court appears at Appendix B, (1-3).

The Orders, Opinions, Trial transcripts and government matters address appears at
Appendix D, E, F and G, and the Affidavits of Antonio Sierra and such matters by
U.S.S.C. Rule 14.1(f) appears at Appendix H, 1, and C, respectively.

JUDICIAL -POWERS

Petitioner invokes the Due Process Clause of the Constitution and the Laws of the United States to confer jurisdiction upon this Court to review a final judgment rendered by the United States Court of Appeal for the Third Circuit in which decision could be had; The test for and of the power is set at Appendix I at 1-2.

No exception are present in this case while in the same, the initial and subsequent matter being Constitutionally egregious; Good cause is shown Petitioner's rights under the Constitution and Laws of the United States is meritorious, maintained and may be covered by 28 USC § 1657(a) 2106 and/or 2101; USSC. Rule 11, 13.

As another judgment is pending issuance in the Court of Appeals, and this petition is timely from the last decision thereunder, Petitioner invokes 28 USC § 1254(1); 2101 et seq., and USSC Rule 11.

The test for the jurisdiction of this Court, including Article III, is set at Appendix I at 1-6, if not also in the entire body of the petition.

CONSTITUTIONAL PROVISIONS

The Following provisions involved are in the Amendments to the First, Fifth, Sixth, Fourteenth and Due Process Clause of the Constitution and laws of the United States.

The pertinent portions of the First and laws is set at Appendix I at 3.

The pertinent portions of the Fifth and laws is set at Appendix I at 4.

The pertinent portions of the Sixth and laws is set at Appendix I at 5.

The pertinent portions of the Fourteenth and laws is set at Appendix I. at 6

The pertinent portions of the Due Process Clause is set at Appendix 4 and 6.

The Following Statutory provisions are involved :

28 USC § § 1257, 1657(a), 2101, 2106, 1254, 2241, 2244, 2254

IV. PRELIMINARY MATTERS

01. There are no exceptions in this case of two contracts made void. Adverse actions stalling relief, review, while in the same facts and evidence is suppressed is not within the mandate of the Constitution or Laws of the United States.
02. The Commonwealth of Pennsylvania (herein "State") made the 1993 & 2013 contract void wrongfully and remain void, relief is mandatory and no subsequent act can legitimize a wrongful unconstitutional act as shown in Appendix "Apx.-" H, pp. 2-6.
03. Petitioner instituted with third Circuit a Petition for Expedited Consideration and Appeal Nunc Pro Tunc -C.O.A. in ERROR (inter alia) in February 19, 2018 because doubt exists in the federal Courts jurisdiction -Id. p.26
04. Moreover, though an Order by the U.S. Middle District "lower" Court in December 8, 2017 adverse to him was traversed within ten days to said court and the third circuit has elected to move this case along although the same fact was fairly communicated -Id.
05. Petitioner avers there are no case laws directly on point with the facts of this case unless one looks through the span of years in analogue cases; Yet, being restrained in prison with its hurdles and limits as above, notwithstanding all the expressed facts herein communicated.
06. It must be noted that contrary to the Law of the Land, State law holds that "neither Court nor the State correctional system is obligated to educate or update prisoners concerning changes in the law, Baldwin, 798 A.2d @ 731.
07. In all this above, on the basis of Petitioners undisputed facts, the manner in which He and cause of actions is being handled leans belief that deprived protection of Federal Constitution, Statute and Rules will occur and does He by leave respectfully move for help -Id. pp. 7-12, 19-21 & 22-26 (with 2017-2018 new harm being imposed).
08. He humbly pray by leave, something other than continuing the wrongdoing results in this stage of review, please.

A) STATEMENT OF CASE - STATE COURT MATTERS •1997-98

09 The State alleges in November 1997, Petitioner an brother from New York along with others were invited to a residence and three companions were attached and left as it burned out; This lead to arrest and charge for Criminal Attempt to Commit Criminal Homicide; here "first offense," -See Apx • F. pp. 4, 6

10 In this, the purported attack took place with fist, feet and items lying around until companions were subdued (Id.) and Petitioner then took hold of a tabar to strike them several times with the mideval axe -one being struck with sufficient force enough times to crush the bone in the side of his face, laying unconscious in a pool of blood as represented by State Prosecutor in 1998 jury trial "Jury-98" for the short lived first offense -Apx• E at 1

11 The Prosecutor plea agreement with Judge Kline, lawyers wynn and Kelsey (Id @ 1-2) address first offense as one that does not exist; Kline voiced concerns and options for "attempt homicide" but Prosecutor objected forcefully against the various constructions intimated by them (Id. 2-3) and instead offered a new charge that in his words express "we are asking for an instruction to the jury on ATTEMPT THIRD DEGREE MURDER, and that is it" -Id. 3 4

12 Here, before the second charge became actual, Kline persuaded Wynn to agree with Prosecutors offer and he conceded (Id.), Kelsey requested to "amend" and "change" the first offense for attempt 3rd degree charge (Id. 4-5) -striking the first offense on this contract entered on the record before inducing Jury-98 to render a verdict on the second charge -cf. Apx• H, p.2

13 In this above, Petitioner' salient point of reason is a) if attempt homicide is actual as charge restraining and as given to him and Jury-98, then all Courts to date is correct finding the same and no cause of action or relief resides, The transcripts of trial showing attempt homicide as stricken is false, misleading and federal Courts may afford some form of relief to His -21 years of prejudicial losses in property and finances on this misrepresentation, See Apx.H• pp 13-18, property & finances from 2016 thru 2017 alone is \$ 3,958,147 U.S. Dillars and .54 cents.

14 As point 2- if attempt 3rd degree charge is actual as above then -

- a) the stricken first charge is material to this case that has no judgment or one of conviction; The governments actions from 1998 forward is a nullity, void, relief is mandatory and cause of action resides for Petitioner where
- b) after 1998 an intent in the common scheme to conceal and violate Petitioner's Constitutional rights is revealed with the act to defraud Him, State and Federal Judiciary with the dissemination of false and misleading information and
- c) a continuous wrong and fraud on Petitioner and the judiciary is actual violating the Constitution and laws of the United States as fairly address herein that in effects also show a breakdown in the judicial process, and
- d) present recital or judicial notice of criminal & appellate dockets as substitute to Petitioners facts and evidence placed at issue in 2016-17 and as late in 2013 -2015 term is unfair, prejudicial and miscarriages justice -See Apx B at 3 fn.1 (MDJ allowing outside influence to reach decision).

15 As these are Petitioners facts that fairly appear with the legal official documents cited above, in all the same after 1998, the State and Federal Judiciary was intentionally cause to assent wrongfully during such times when rights to appeal and with a lawyer was most pronounced in 1999-2001 as fairly shown in Apx F, 1-8 where only "ATTEMPT HOMICIDE" appears with nothing in said judicial Opinions and Orders indicating attempt 3rd degree's charge relevance.

16 That after Petitioner' 2004-05 term address as to be expressed below, even if He was not legally articulate in writings, the government had notice and even constructive knowledge a grave wrongdoing existed with the handling of his case but elected to do nothing as injuries and harms became more pronounced.

17 As attempt 3rd degree charge exists only in 1998 until His 2004-05 address, the government could have simply combined Attempt Homicide -with -3rd Degree for the charge as the lower court did in December 7, 2017 Order presently before the third circuit, at Dkt. No. 18-1150, an unfair prejudicial manifestation that in itself has not existed for twenty one years.

B) STATE COURT -1999-2001 INADEQUATE MATTERS ON RECORD

18. In this case, Petitioner proceeding from point 2 -express that at no time relevant to the aforementioned timeline was he provided notice or opportunity to be heard by anyone whatsoever to

a) in February of 1999, when the plea agreement was nullified and the contract void (i.e. five months later) under a state 1925 rule as shown in Apx. F @ 1-2; And

b) in March 23, 1999 when aware of voiding plea agreement was illegal above, Kline reinstated the contract (i.e. 34 days) later as shown in Apx. E. @ 7 - signed by Court Reporter CERTIFIED and Kline; And

c) in August 10, 2000 when again knowingly aware Rule 1925 does not authorize such acts in such procedure posture, Kline made contract void as shown in in Apx. F @ 3-4 19. Here, Petitioner' facts with the not so subtle distinction the contracts are and remain void to date as above is somehow lawful, but if not -Petitioner' fault in not recognizing the wrong that somehow eludes academic State and Federal Courts or Justices or Judges -leaving the only material fact that the proof of the scheme and of its complete success up to date, is conclusive, See: Apx. H @ pp.2-4.

20. In this, on direct appeal, Wynn issues was not relevant to the plea agreement or second charge that at the time "only" State law held attempt 3rd degree charge is not an offense, and so, without this constitutional error no one in Jury-98 would have reasonably convicted him and no Court would have allowed corruption into its exercised Constitutional adherence and powers.

21. Further, without consent; Wynn's appeal / PCRA -dual filing's served him and cohorts keep intentional wrongs concealed and continuous while rushing Petitioner through the hollow formalities of State business -adding layers of impediments while aiding the main wrong to secure the unconstitutional restraint and verdict -even without Judgment, See Apx. D, @ 1-2 (Court address 1999 -2016 filings)

22. As fact, no sound lawyer purposely files two actions (above) without strongest issue only to default the first and then fail to file brief on second to lose, See: Apx. G @ 1 (D.A. address wynn' failure to raise issue is waived)

23. The 2000-01 Counsel of Buchanio did not exist; He express not knowing of any law "which would provide relief, justify or support Petitioners complaint on information brought by Prosecutor" during appeal request to withdraw; Yet, he knew or had reason to know about the contract, its illegal metamorphosis and infringement on Jury-98 province and the second charge was a non exiting offense as address above.

24. Prior to Buchanio' self serving recitals of reasons appeal was frivolous and no relief entitled in October 2000, He averred a "conscientious examination of the record;" So he had full legal knowledge all Petitioner' facts as above would remain visibly hidden with his Court appointed help, Apx. F @ 3, Id. at H @ 3-4, 20-21.

25. In this light, Petitioner' impartial forum and disinterested adjudicator in an impartial tribunal of this State has never been effected whatsoever; How could it if the government has been taking advantage with knowledge to his lack of legal awareness, that he is in unknown environment with brother -no one for help, driven to poverty and the salient fact that the scheme last hurdle "was" locked in place by Buchanio irrespective of Petitioner, the Judiciary or the United States Constitution -Really in point of fact.

26. Here, without his false, misleading and/or inaccurate information, the appellate Court would have not been inclined to compensate Him - grant withdraw that somehow undermined ANDERS requirements and rule adversely in said belief.

27. Petitioner would not have believed his legal academic greater, accept his authoritative conclusions and get on with the acclimation of servitude and adjustment of prison life, when in fact all Buchanio (Wynn, Kelsely, anyone) had to do was say something -anything that would have placed Him on notice of the wrongs.

28. In this, the facts simply did not exist because they were unknown and by stratagem and artifice obscured. Without his 2004-2017 sacrifice, these facts would remain concealed by the government and only known to them, countless prison strangers and recently his anchor and fianca (Apx. H @ p.6); Yet, and again, had only one person come forth, this case outcome would have been different and most importantly during a time where He still had parents to come home to.

C) WRONG-DOINGS UNRAVELS -FIRST TIME GOVERNMENT CONCESSIONS

29. Although the government resisted to come forth and did not contest; Kline did in response dismissed the matter outright in March 23rd then a second time alleging no jurisdiction in March 24, 2004 and on appeal Prosecutor GETTLE made her constrained appearance with a story to tell -Apx. G @ 1

30. As communicated by GETTLE, although the matter "was not raised during first round (i.e. WYNN) of appellate review the Commonwealth concedes that

- a) there is no charge as third degree attempt murder (but)
- b) He should have preserved claim during PCRA (i.e. WYNN / Buchanio) and
- c) He "requested" attempt 3rd degree charge to avoid harsher penalty, And
- d) now he comes back and states jury should have not been charged as such; (An)
- e) err[or] by calling it attempt 3rd. degree -was harmless. Id.

31. Here, GETTLE' insincere concessions coupled by intentional misrepresentations made for the first time in this case induced State Court to affirm the lower courts ruling and found it did not have jurisdiction in this matter and the Supreme court denied appeals, Apx. D @ 2

32. In this, Petitioner' mere hunch of a wrongdoing gave rise to the possible existence of a claim but the Prosecutor simply brought out the shovel for the truth unburial that did not previously exist; Yet, liberally indicated (A) the charge to jury-98 is attempt 3rd degree murder, (B) it is fraudulent as the charge did not exist until this case (under GETTLE' representation), that (C) Jury-98 rendered a verdict on an unconstitutional law and (D) invalidated its truth finding function in 1998 as they were unfairly induced to a determination they were assured was a "law" in the state books, (E) the plea agreement was breeched wrongfully and (F) a species of fraud has been practiced on the Judiciary, but (G) while the government knows or has reason to know all the foregoing -do nothing on account of the massive hurdles in this put in place in this case and the salient fact Petitioner is the one that has to figure it out and even if he does, has to get by the labyrinth specially built for his brother and I.

33. On federal appeal in 2005, Petitioner did attempt to put an end to this matter in his first habeas with the underlying issue maintaining innocence on the second charge and this brought forth Prosecutor' DITZLER and COOK (herein "Prosecutor") that representations is virtually identical to GETTLE with marginal differences as shown in Apx. G, p.2.

34. As express by Prosecutor, his appeal allege "for first time He should not have been convicted of "attempt 3rd degree charge, -[t]hese subsequent filing's are immaterial to the court' inquiry regarding timeliness of the writ;" Although

A) Commonwealth does not have Statue for what he is convicted of; And

B) Commonwealth concede they should have not "referred" to Attempt Homicide charge as third degree (BUT)

C) He "requested" attempt 3rd degree charge to avoid harsher penalty; (AND)

D) He was charged and convicted of "ATTEMPT HOMICIDE" -the 3rd Degree grading is

1) not dispositive 2) harmless /excusable error, 3) semantics and 4) Jury found he acted "intentionally" -He is not factually nor legally innocent.

35. The Prosecutor insincere concessions with misrepresentations made for the first time in this case induced judge (CAPUTO) to dismiss writ on timeliness grounds which his Honor recent December 2017 Order described as an adjudication on the merits -and this cannot be so, with all due respect -Apx. H @ 26

36. In this, Prosecutor knew or had reason to know all the foregoing facts communicated above because 1998 Prosecutor ARNOLD himself asked for more time to get the record (i.e. April 26, 2006) though they also added a disclaimer on record of no records but use the same to justify what Petitioner knew or should have -Id. 4-5.

37. Here Petitioners suspicions of a possible claim (infra. # 32, p.3), was more real when this clarity stated what GETTLE intentionally left out (i.e. there is no "statute") and all the new intentional misrepresentations simply meant that Petitioner was on the right track but He would have to prepare for more of the same discrimination and unfair use of powers arising out of the parties relative position that had (and still lacks) respect for the public institutions of Justice.

38. As expressed, lower court dismissed habeas and third circuit (# 06-3750) denied review January 25, 2007 finding no exceptional circumstances warranting review and Certiorari (#. 07-7084) was denied January 7, 2008.

39. Its noteworthy to express that between 2007 appeal until 2013 a series of discriminating prejudicial events took place while Petitioner was in prisons that included trafficking him across state lines to Michigan and all that illegal effects of which is extensively documented in his December 28, 2016 Affidavits of Endured Deprivations (to third circuit) a copy of which is as filed in July 26, 2017 Certified Record (herein CR.-- for convenience) as shown in App. H. 15.

a) CONCESSIONS LAST PIECES UNCOVERED -2013-2016

40. In 2013, Petitioner sought again to put an end to these communicated wrongdoings and separated his issue by two counts -retained in this case as

A) 1) The 1998 contract and its effect as void, ex post facto-void and fraud (on courts) -09 SEPT. 2013 -CCP-Lebanon (COUNT I), while 2) addressing true nature of non criminal commitment administratively, -03 AUG. 2013 et seq., Erie, Mechanicsburg, Lebanon, while

B) petition Court help on Warden' impediment labelled "CLASSIFIED" as an imposition on access to fiancée, visit, phone and marriage contract, done without notice, opportunity to contest and without "any" constitutional adherence or protection, -19 SEPT. 2013 et seq. (COUNT II), Erie, Lebanon -App. H, 1-6 & 19-21.

41. These matters decided adversely as in COUNT I - Count I- A Writ of Assistance /of Liberty was amended to add WARDEN and new evidence of Medical Experts and State 2013 concessions in November 24, 2013 without contest. After unfair delay, Kline through Counsel (not A.G.) made appearance, briefs filed and at Oral argument He raised immunity against all the same herein -Petitioner respectfully countered that "fraud vitiates everything." The Lebanon Judge (by way of Lancaster County) concluded in June 23, 2014 Petitioners written and oral facts and proof as unlearned, incapable of defeating immunity and Court has no jurisdiction over WARDEN that are matters suited for Erie County in a PCRA not Habeas Corpus, CR. pp.9-10

42. In COUNT II- while matters were underway (above) the Erie action was also caused unfair delays and expenses on filings. Warden through Counsel made appearance to echo Judge inadequate service reasoning so to have cause dismissed and though by September 30, 2014 Ordered briefs were filed -Warden conceded to actual service only to change positions about A.G. not served which Judge favored this unfair tactic to demand re-service of process; A feat He could not come to terms with in degradation to the facts and evidence before the Court, CR. 2, pp.10-18 (extended version), cf. CR. # 22, pp. 9-11 (COUNT I), pp. 11-13 (COUNT II) -condensed version.

43. These cases virtually decided at the same time, appeal to Pa. Supreme was derailed, choice of forum access denied due to acts of others not Petitioner and though He persevered, by the time he returned the course, the State High Court refused access and Federal Court would not allow Him access -even on the grounds of Burns v. Ohio as shown in Apx H. @ 19 and Apx. C @ 4-5.

44. Though the unfair selective application of law to Him was prejudicial; The September 16, 2013 concession pulled away the last layer of hidden truth when Respondents by way of Office of Chief Counsel expressed "there is no sentencing or mittimus to this case as none exists;" This was then attested in the same company October 1, 2013 by way of S.C.I. ALBION Records Supervisor as shown in Apx. G, 3-4.

45 In the proper light, reason would find these concessions reveal more than the 1993 main wrongdoing; It reveals what went wrong thereafter by those in authority entrusted to protect the United States Citizen, Judiciary and uphold the Constitution; It begs to ask "WHY," while briefly moving into the recent 2016-2018 filings.

46 Petitioner respectfully pray by Your leave to accept the Statement of facts as set forth in the attached Affidavits of Mr. Sierra in support of this Petition for Writ of Certiorari and to the matter proceeding -particularly, pages 7 to 12 and 26 of Appendix H

48. Petitioner, with the knowledge left by Lancaster' Senior Judge (2013-15) did begin his federal case in Erie County State Court ("Erie"), March 10.th and fifty five days from Montgomery's 2016 Constitutional command which was dismissed twice and a third after Erie Ordering Respondent "DANERI" to contest and herein refused the request to put an end to this matter, Apx. H @ 7-8, 13-14.

49. From State to Federal Court with the two count claims as addressed herein, Petitioner began his Federal steps by fining a notice of appeal ("first notice") in December 28, 2016 -for the third circuit and a few adverse occurrences transpired between Erie and the Federal Courts, Id. 7-8

50. Liberally expressed; Erie instituted a new order erasing all previous denials to GRANT writ to dismiss on Daneri representation of jurisdiction which all came to pass by releasing an eight month held IFP-motion and stating its July 16.th Order as Rule 1925 Opinion as shown in Apx. D @ 1-7.

51. In this, though Erie was fairly given notice on Petitioners facts and evidence communicated that made the new order controvertial, its results strengthened Petitioners case because like 2013-2015 term, out of this cause of action

A) -Daneri made an appearance, took possession of property in his legal position and effect as Prosecutor of/by State; He contested matters inducing Erie to decide adversely leave the matter and its effect in Erie County; His control and possession is the earliest point in the litigation because Erie County had an official indorser tendering or returning the consideration on repudiating a release to the same matter and personal injuries to Petitioner; And

B) As a matter of course Daneri signed and accepted the same on the record; And Petitioner seeking thereafter by the contracts to make a demand upon the receiver for the property and damages thereto was the lawful course -Id. & 20-21.

52. These facts are significant for Petitioner to plant his flag upon because the timing is important in that later events may not create jurisdiction where none existed at the time of filing -the lower courts erroneous 2005 denial is proof of this.

53. In this light either (A) the Order does not affect what has already occurred and DANERI' untimely contest must be assessed under PIONEER, or (B) Order affects this case and its terms enforceable that render June' Order giving DANERI time to contest an unlawful act, void and Petitioner's facts and evidence "uncontested" has clear path to federal 14.th Amendment remedy or (C) irrespective of the two above, 1993 /2013 contracts as made void, no subsequent act can infuse vitality into it -and all determinations are nullities and does not bar relief.

54. Conclusively- the State process was not on the facts or evidence, no evidentiary hearing was held, Petitioner' rights as address herein throughout as violated was fairly shown with mandatory relief, Yet, none would yield under federal law.

(b) FEDERAL 2016-17 US.DC.WD.PA & USCA. 3RD CIR.

55. As addressed, the first notice with affidavit moved the case and trial Court January 11.th granted paupers motion left Him to only a Certificate of Appeal "C.O.A." to file; Yet, for matters outside all reason, Magistrate "BAXTER" issued prejudicial Orders in February 2nd, April 10.th and August 3.rd of 2017 as each is shown tabled in Apx. B.

56. In point, selective reading of the Constitutionality to the writ (Id.1) forcing 2254, not COA prejudiced to induce Petitioner to act to his detriment with this unfair use of power when Baxter' recent (2015) determination in a similar context set the table for how, when and where a Section 2241 writ would issue -Apx. H @ 8.

57. Though lower and trial court were fairly notified (Id. 15) of case's extraordinary circumstances; Baxter said issues attempt to circumvent Statutory law and offered 2254 as only avenue to enter federal court Id. and Apx. B. @ 2.

58. Ultimately case suffered more that a transfer (Id. 3) that Third Circuit seemed to picked up on when the simple fact remained Petitioner' facts and evidence would not satisfy 2254 and not once was third circuit appeal off the table, so He complied to the extent of following pre-printed form where relevant, and submitted his § 2241 Petition that prayed in the interest of justice passage with cited authorities finding Rule 2 was no bar nor the lack of a judgment and/or of conviction.

(c) APPELLATE COURTS DUAL REFUSAL TO ENFORCE THE CONSTITUTION

59. In August 29, 2017 a notice of appeal to this Court was address to the August 3rd Order after timely contest remained stalled and by September 11th, for second time, His choice of forum was obstructed -as shown in Apx.H at 9 & 15.

60. Third circuit issued "letter" for dismissal of appeal as Petitioner finished his action and filed petition September 29th to both appellate courts with copies of letter, notice and motion on the same as He was caused to slightly alter the petition to address letter as shown in Apx. C .1

61. By October 2017, both Courts (Id. 2-3) said He couldn't proceed, holding out Judge, Justice, Court access as in 2015 (Id. 4-5); Though these unfair prejudices were address as contrary to letters, Constitution and laws to all underlying Courts and parties before this Court; No one in actual or purported authority took notice or acted on discrimination practiced on Him, Apx.H, pp.9-12, 16 & 19.

62. Third Circuit dismissed case November 6th, prompting Petitioner to petition in equity Chancery court in November 14th, as He was not permitted passage by leave of this Courts gate-keeper (Id.); And third circuit seemed to want to hear the matter in December 12th - granting His initial motion to the matter, yet in January 10, 2018, hope crumbled as Court treated the equitable petition as one for reconsideration and denied review, a copy of which is tabled at Apx.A at 2; cf. Apx.H, pp. 12, 16 & 26.

(d) NEW INJURY & HARMS SURFACE IN WAKE OF 2016 to 2018 MATTERS

63. There has been subsequent action in this case stemming from the lower and third circuit that is not fully covered by Petitioner' affidavits; Yet, He provides a brief synopsis as represented to third circuit in February 19, 2018, that is tabled in Appendix I, @ 7, which should support jurisdiction claim Id. at 1-2.

64. Petitioner sincerely shall aver now to avoid repetition that all his filing's were informed decisions with careful afterthought to the Constitution, laws and rules so attending the circumstances he faced with the back drop of His facts and evidence as the ultimate deciding factor in how to best proceed.

E) FINAL ON THE RECORD VIEW -CHARGE vs OFFENSE vs PETITIONER' CLAIMS

65. Setting aside for the moment the contract is void; State alleged charge is not supported by trial transcripts. To suppose charge is in attempt homicide would lead to ask 1) why during the plea agreement Prosecutor said "WE" are asking for an instruction on "attempt 3rd Degree," 2) why did lawyer state "You should "amend" or even request to 3) "change" the information. [?] -App. E. 1-7.

66. Further, if charge is irrelevant / matter of semantics and not dispositive -the question then is "WHY" concede in 2004-05 ? - why not in 1991 or 2001 State term? - Would it be because of the layers of misrepresentations and concealments would more likely than not be uprooted and undone as a miscarriage of justice since such matters were not itself ripe ? -See: Pet's June 26, 2016 Memorial of Evidence -"M.E." at # 3, pp.1-14 (State Officers/ officials competing statements to physical body evidence & misrepresentations).

67 The State' offense theory fails no better. Jury-98 is alleged to need "intent" as an element for attempt homicide to convict - the record is repudiated with "malice." The offense alleged Petitioner assaulted three companions till loss of consciousness to then with a tabar exact more injury crushing bone -leaving the companion in a "pool of blood," - Infra, p.4

68. Lets emphasize the key words with actual evidence; Here plainly stated were talking about crushed bones and a bloody mess b/ way of everything but the kitchen sink- YET, as shown in the evidence filed with this case, the Experts Representation of Physical Body would find that it takes eight (8) pounds of pressure to crush a skull or the weight of 1400 pounds, M.E. #.9, p.5

69. In this light, getting hit with a cricket ball without a helmet or tennis ball a little above the right ear or by a baseball -in either of these suppositions, Experts show the end result is death -i.e. a case for Murder not "attempt."- Id. p.7 (at NOTABLE CASES), but see: Id. p.1-2 -(alleged assault recorded medically shows no injuries or hospitalization, Medical treatment is recorded as asprin).

70. Setting aside legal implications to the State' false facts that passed for a fair trial; the Experts depiction of an "actual" person with injuries alleged in this case (Id.2-3) would -Quote, "require surgery to restore bone stability ... three weeks of the injury ..." (Id.4). The State claim is about crushed skull with weapon(s) (Id.6); Yet, Experts opinions and cases addressed the reality of such injury and its lesser's to the skeletal composition of an individual (Id.); As such staying clear of the past falsity shows why lawyers -2001 consent was necessary in holding out revealing the truth. See. Id. pp. 8-21 (other considerations).

71. Here, if the Prosecutors material evidence was released before Jury-98 verdict or anytime after, it more likely one of the various Judicial tribunal would have not allowed such a verdict to stand when considering the Constitutional implications into the province of Jury' fact finding function and/or Judge taking part in plea agreement -inducing another to consent and/or attempt 3rd degree -is no law.

72. To say Petitioner defaulted claim for not bringing it up earlier and must accept this legal conclusion is to UnConstitutionally accept any person could be liable for these acts even if S/He was Constitutionally under his/her "personal" protection and of an impartial judge, lawyer, prosecutor and no one was required to give notice.

73. Keeping the material evidence concealed up to 2004-05 and 2013 term secured no Judiciary had its benefits as Orders disclose, no one but the government so communicated knew 1998' contract was made void illegally as above; That the charge in attempt 3rd degree was what Jury-98 tendered its verdict -not attempt homicide; That there are no judgment or of conviction and that the charge has no statute and is unconstitutional.

74. In this light as fairly presented in this case since 2016 and even as late as 2013 -after 2004-05 and 2013 -no one in government could take back exactly what was revealed -irrespective of concessions insincerity and intentional false -misleading statements; And the Constitution if not good faith alone required the illegality to be addressed, not suppressed and impeded with further wrongful acts.

There are no cases directly on point with the facts of case, rather one must look through the span of time and piece together similar factual instances. In this case, however, there are no judgments, yet there was an exercise of the mind to do something that in effect was wrongful and if that is a judgment without an Order, then *Hanco v UpChurch*, 496 F.Supp.2d 569 (3rd. 2007) is relevant defining judgment as "the pronouncing of a deliberate opinion upon a person or thing and the formation of an opinion or notice concerning something exercising the mind upon it."

In the present case, Petitioner believes the Court of Appeals is/was Constitutionally wrong in holding Magistrate Judge pretrial order is not final decision immediately appealable as not first appealed to judge and that Court lacked jurisdiction, even though Petitioner's factual matters as addressed throughout was before each federal Court, Judge and Magistrate. He did exercise right to contest Magistrate to no avail and appeal to this Court which is how third Circuit got involved after the fact of which is contrary to the Constitution and laws of the United States.

I. PETITIONERS FEDERAL CLAIM THE 1998/2013 CONTRACTS MADE VOID IN WRONGFUL

ACTS VIOLATES THE CONSTITUTION AND IS NOT TRUMPED BY CASE LAW, RULES OR OTHERWISE FOR WHICH PETITIONER IS ENTITLED TO CAUSE AN END TO THE HARDSHIP.

75. As expressed above, there are no exceptions in this case. Every Federal Court, Judge, Justice and Magistrate obtained the same set of facts and evidence in this Court today (ApX-H at 15-16) and by the same set of facts and proof were presented with exceptional circumstances and the Constitution itself required the collateral review court exercise its powers to not leave in place a conviction or sentence "obtained under an Unconstitutional law," *Montgomery*, 136 Sct. @ 728-731, (the exercise of discretion as to the time and mode it will exert its powers is unquestioned, however that discretion is subordinate to any special circumstance requiring immediate attention). *Whitten v Tomlinson*, 160 US 231, 241-42 (1985); *Kohl v Lehlback*, 160 US 293 (1985); 28 USC § 2241(a).

76. In this case as averred, facts and proof show the State was not satisfied with attempt homicide and offered in its place a new charge (Apx.H @ 2-5) that prior to the sketchy consent of the Lawyer, the first charge was stricken for attempt third degree - an non existing charge (Apx.E @ 1-6); Thereafter between 1999-2001 and without notice or chance to challenge, this contract was made void-reinstated until August 2000 where it remaind void and all done with willing government assistance knowingly aware State Rule 1925(a) does not confer such power which is exactly what the evidence shows Orders to be (Apx.F at 1-2) and knowingly aware Petitioner' lack of legal knowledge and help, domicile in New York with the precise restrain in PA prison system made these wrongful acts possible to successfully effect. ([p]roof of the scheme, and of its complete success up to date, is conclusive) Marshall v Holmes, 141 US 583, 596 (1891) accr'd Hazel-Atlas Glass Co. v Hartford Co., 322 US 238, 246 (1944).

77. The Third Circuit flawed reasoning regarding "typical circuit general rules and what Petitioner did not do" (Apx.A @ 1) when Court itself interrupted choice of forum (Apx.H at 10) after fair notice and about all Orders timely contested (Id. @ 9), implies that even assuming Pro'se Petitioners facts and evidence are true, the Court must reject claim on circuit authority. Such a result make no sense in terms of the principles held in virtually every decision of this Court dating back to Marbury v Madison, 5 US (1 CRANCH) 87, 102, if not by the hope, at least in part, brought about in 1215 the royal concessions of Magna Charta on fair-equal treatment of all people.

78. This case and powers exercised thereunder in proper context called Courts attention on void 1993 & 2013 contracts by wrongful acts, and made void, He "is not bound to rest under the hardship," Miller v Alderhold, 288 US 206, 210 (1933), Pratt v U.S., 102 F.2d 275, 277 (CA-Dc. 1939); Nor "show a meritorious claim; defense or other equities on his behalf, He is entitled to have the judgment treated for what it is, a legal nullity." Combs v Nick Garin Trucking, 825 F.2d 437, 441-42 (CA-Dc., 1985); 7 J. Moore & Lucas, Moore's Fed'l Practice, para. 60.25[2], at 60-224 (1985).

79. If Petitioner is "entitled to relief against one void contract, he is entitled to relief against them all, Marshall, 141 US @ 595. In this State, a void judgment does not improve with time, it is the "duty of Courts to strike off whenever its attention is called to it, Romberger, 139 A. at 100; "[I]t is open to attack or impeachment in any proceedings, direct or collateral -at any time or place," First Seneca Bank, 533 A.2d @ 162, & 46 Am.Jur.2d Judgment § 49, & 21 Am.Jur.2d Crim.Law § 535.

a) The preceding paragraphs of Pennsylvania law effectively demonstrate why contracts and in turn the exercise of mind upon it (i.e. presumed judgment) is void

1. Judgments entered without authority may be stricken -its no judgment and cannot become valid through lapse of time, M & P. Mngmt. L.P., 937 A.2d @ 401-02; Mullen, 62 A.2d @ 16; Courts may not act outside its scope of power, In Re Scarborough, 457 F.Appx. @ 199 (quoting Williamson v Berry, 49 US 495, 540-41 (1850)).

2. Courts speak through Orders not advisory Rule 1925(a) opinions and cannot alter or recast a previous entered verdict -it will be rejected, Youst, 94 A.3d @ 1075 n.14; Dunn, 335 A.2d @ 1301; Reading, 603 A.2d @ 201; Bowen, 612 A.2d @ 516-17;

30. In this case, if these above are pointedly on subject, it is beyond reason, equity and good judgment why Petitioners facts and proof continue to escape review.

a) Pertinently relevant, the preceding paragraphs also demonstrate the same result

1. A subsequent act which is void because unconstitutional [is] an act which violates the Constitution [and] has no power and ...neither create new rights nor destroy existing ones. It is an empty legislative declaration without force or vitality, Frost, 278 US 527, Where there is no power there can be no impairment of power, Elrod, 427 US @ 352, And instructions cannot legalize acts which without them is a plain trespass or unlawful act, Barrems, 6 US @ 179.

2. Courts are not free to ... set aside a jury verdict because a judge may feel that some other result is more reasonable, Tennant, 321 US @ 35, A verdict without a judgment is not valid, Smith, 33 US @ 561, If the verdict alone does not allow the act, it is illegal and invalid, Blakely, 542 US @ 304-05 & 303

3. Where government produces results it could not directly command, such interference with constitutional rights is impermissible, *Elrod*, 427 US 359; A law repugnant to the Constitution is void and it is not only the right, but Courts duty to declare it when violations appears, *Marbury*, 5 US @ 137; *Holt*, 38 A.3d @ 733-34;
4. To maintain such an action as this is not to affirm, "but disaffirm the unlawful contracts," *Central Transportation*, 139 US @ 60; *Logan County Nat'l Bank*, 139 US @ 67; When a court acts without authority, its judgment and orders are nullities, they are not voidable, but simply void and form no bar to a recovery sought even prior to reversal, *Williamson*, 49 US @ 540-41;
5. Activities absent a Statute are unconstitutional, *Shenck*, 347 US @ 230; An offense created by an unconstitutional law is not a crime but illegal and void and cannot be a legal cause of imprisonment, *Montgomery*, 136 sct @ 730-32; *Bond*, 564 US @ 227; *Hall*, 182 F. 1013-14; [W]hen the basis for the commitment disappears, the State is no longer entitled to hold the committee, *Foucha*, 504 US @ 76-77; *Crane*, 534 US @ 413 (cite to *foucha*).
31. In this present case, Petitioner has fairly maintained the essence of these pleading's at all stages of review (ApX-H @ pp.15-16 & 26) leading to the 2017 appeal to this Court (*Id.* @ 9), but no decision tendered in this case are on the facts or proof which leads him to question whether they are faulty, the timing is compromised or He is the exception to the law ?
- A) PRO-SE PLEADINGS, TIMING AND CONSTITUTION
32. As to all time relevant on this litigation, Petitioner has, as briefly reiterated so not to be repetative; Communicated
- a) After the gate-keeper of this court refused Him entry and third circuit found it did not have power to intervene (*Id.* @ 19); Petitioner lawfully took the 2013-2015 term action to Erie as addressed (*Infra.* @ 12) and therein raised his claim on the void contracts by the initial and continual wrongful acts (*Id.* @ 2-11) as unconstitutional in violation of the Constitution first, sixth and Fourteenth amendment rights and Laws of the United States, *Id.*

b) As pro-se by Montgomery (Id. @ 12), Petitioners facts were to be liberally construed, Haines, 404 US @ 520 to create a better correspondence between the substance claims and underlying legal basis, Hughes, 449 US @ 10; A duty Courts are mindful to implement," Dluhos, 321 F.3d @ 369, FRCP. 1 & 8(f).

c) The action moving again, Lockett, 264 F.Appx. @ 173, required Him to fairly present claims to meet his obligation even if State decline to address them, Dye v Hofbauer, 546 US 1 (2005); All State Courts denied review, including Eries' January 2017 Order, after He filed first notice, -Id @ 13

d) In this, State fairly notice Montgomery was controlling (Apx.D at 4-5); He plead to exercise extraordinary powers (Id. at fn.4-5); Yet, State did not follow Montgomery' "new constitutional command" made retroactive to all post collateral type members of the community and Courts, 136 sct 729; A "right asserted and recognized by this Court, Dodd, 125 Sct @ 2482.

e) Federal first notice as filed moved trial court to grant I.F.P. (Infra. @ 13) and though a series of prejudicial dispositive Orders were tendered after the fact, including unfair demand to file a 2254 habe and not the C.O.A. (Id.) the filing of the notice of appeal protected the Courts powers, Horsey, 2004 WL 2677185 at *1 n.1 (quoting Swift & Co. v Wickham, 332 US 111 (1965)).

83. Petitioner did not have "HORSEY" prior to third circuits determination; Yet, its denial is respectfully wrong because fair notice was given on forum choice to this Court not to be treated lightly, Holmes Group Inc., 535 US @ 381; Federal Dep't Ins. Corp., 592 F.2d @ 368; and after finances were depleted in filing's, the Court unfairly decided He could not enter, Apx.H at 9-11

84. Though Clerks refused process (Id. @ 11-12), this Court on rule limits and third circuit on forum after all the above (Apx. C at 2, 1); Again, fair notice of the same set of facts up to the access denials in 2015-2017 (Id. at 3-4)) was given against justification of all the same that discriminates and continues the wrongdoing with no fault in Petitioner, He "availed himself to a Court of Chancery," -Marshall, 141 US @ 596; Yet, Court still denied review, Apx.A at 2.

- a) Petitioner brought to the governments attention the dissemination of false and misleading information violating His interest in life, liberty and property and rather than fix it, they join and add more injury and harm so He states a constitutional injury arising from the same, Pruet, 622 F.2d @ 257, Paul, 424 US 712; And because where Judiciary focus is on procedures utilized in commitment or sentence dominated by factors of accurate information, this "is an indispensable prerequisite to a reasonable determination of whether He shall live or die," Gregg, 482 US @ 170; The Eighth amendment requires as much, Moore, 973 A.2d @ 1075.
- b) His claims tied into invalid process or proceedings under which He is restrained needed copies annexed or parts set out in the petition, Whitten, 160 US @ 231, Kohl, 160 US 293; Petitioner did this because failure to show the inadequacies of the State trial record "would be an almost futile exercise for the Courts review of what happened decades ago, Daniels, 532 US @ 379, Browder, 434 US @ 261.
- c) He followed the law, but the law failed him indirectly on account of others; The 1998 /2013 contracts were prejudicially made void without notice or chance to contest in a meaningful time and manner, Mullane, 399 US @ 314, Armstrong, 380 US 525; Evidence placed on record and the factual predicate to claims did not exist until 2004-05, 2013 and 2016-17 all of which was impeded access then and now for no Judiciary wants to address claims and proof that came out after not before His filing's and was unripe at the time of the first habeas petition, Panetti, 551 US @ 943-47; Claycomb, 577 Fed.Appx. 805; and 28 USC § 2244(d)(1)(D)
- d) Would He know all the same in 2005 first Habeas, He would not have filed a § 2254 petition as he did not do in 2016; Rather a 2241, as even forced; He could not satisfy Statutes language of judgments, Magwood, 561 US 332; Smith, 871 F.3d @ 687
- e) Finally, He had to file in custodial not middle district, Jacobs, 2015 US Dist. LEXIS 82651; Magistrate had to return cause to District Judge, not issue final Order in non-consensual 2241 matter, Johnson, 258 F.3d @ 366-72, nor rule or consider C.O.A. motion -Jones, 134 F.ed @ 310-12; So Chancery was properly invoked.

87. In this particular case, the Court of appeals interpreted their circuit rules, Magistrate' Order as pretrial -when it was much more than transfer and reasons from what Petitioner did not do to in effect find they had no power to effect a fair review in a meaningful time and manner is contrary to the record in this case, facts, evidence and laws so expressed.

88. Third circuit' flawed reasoning regarding all the same to decline exercise of powers implies, in addition to all the above, that a) the equitable nature of Petitioner's requested relief to dissafirm already void contracts and put an end to this matter does not serve the interest of justice for all parties, or that b) their powers was inadequate irrespective of this Court authoritative Constitutional holdings, principles and statements as addressed above, or that c) the filing of December 28, 2016 notice of appeal has no jurisdictional significance, that under circuit authority, Magistrate was not divested of power to compel a different selective cause of action not attending appellate' court' gatekeeping function; That its unconsented August 3rd. Order could be read in a favorable light irrespective of its facial prejudicial rationale.

89. On the basis of these undisputed facts, Petitioner sincerely believes that on their own and/or with the evidence and/or authority expressed the contracts made void and so done without power by unlawful acts and thereafter kept concealed without notice or change to challenge represents an exceptional circumstance that is egregious and a clear usurpation of power where no grounds for it existed; Constituting a miscarriage of justice, constitutional error and that His relief is mandatory.

90. For all the same reasons, whether or not the Court of Appeals (or for the matter, District Courts) was preforming a gate keeping function or a facial review, the dispositional Order(s) entered in this case was not on the facts, the challenge or evidence as presented at every stage of the process and is Constitutionally wrong.

II. MONTGOMERY CONSTITUTIONAL COMMAND AS AWAITED APPLIES RETROACTIVELY TO COURT OF THE UNITED STATES AND STATES OF THE UNION ON POST COLLATERAL REVIEW.

90. Petitioner believes timing is important and the preceding passage are important.

a) In 2006, the Senior District Judge BLOCK expressed on FIORE v WHITE, that "to date, the retroactivity question posed by Fiore remains unanswered, -Guzman, 425 F.Supp.2d @ 317. The Honorable went on to express that "[s]ince no Supreme Court holding addressing the issue whether States must retroactively apply a new criminal rule to state law the retroactivity issue was rendered academic. Id.

b) In 2016, The State Superior Court (1562 MDA 2015) expressed that "[i]f Alleyne announced a new constitutional right, "neither our supreme court, not the U.S. Supreme Court held Alleyne is to be applied retroactively. Because [either court] have not held Alleyne applies to cases on collateral review, Appellant cannot satisfy the exception to the Post Conviction Collateral Act, -Garcia, 2016 Pa.Super.Unpub.LEXIS 251.

c) In March 16, 2016, in a timely Perogative Writ Petitioner set Montgomery down in State Court on federal claims expressing these cases above relevant postulate of retroactivity to by Montgomery have all applied to His case, (CR-1 at 1-2); Review was denied.

91. Though Petitioner is ill equipped to present a proper argument, He believes it is sufficient to express two additional points for now

a) Montgomery new command effectively reigned in the post collateral process to the body of interrelated laws, Dansforth, 522 US @ 271 (the new rule is not ion a temporal scope of a new right, but whether violations of the right prior to the rule entitled relief), cf. Cruz, 851 A.2d @ 877 n.5 (recognizing from this Court that selective application of new rules violate principles of treating similarly situated defendants the same); Teague, 487 US @ 300 (once a new rule is applied, even handed justice requires it to be applied retroactively to all whom are similarly situated).

b) In pertinent relevance to the present case, Montgomery recognized that where

petitioner attacked judgment on grounds of conviction under an unconstitutional statute, the proposition is not solely about a conviction that is merely erroneous because it is under an unconstitutional law, but is illegal and void and cannot be a legal cause of imprisonment; A logical command equally governing challenges to punishments, 136 sct @ 730-31, See: Frost and Bond, Supra Infra.

92) Montgomery is marketed different for the unusual and regretable known practice upon the "collateral class" presumed to be perpetually retained in punishment before and sometimes after the High Court announces a new rule entitling the litigant to relief or even aware the process itself is a hollow formality, See: Jetta, 23 A.3d @ 1049 (collateral litigants ability to obtain relief is largely illusory and a second round of relief is unlikely).

93) In this present case, the 2016 writ was timely and wrongfully denied, so appeal in December 28, 2016 to present new evidence and facts for 2241 relief ensued and since its filing is jurisdictional, mandatory and divest District court over the case, Griggs, 459 US 58, Browder, 434 US 264, Houston, 487 US 274; Where He delivered notice to Jailor within time and rules, it is filed, In Re Flanagan 999 F.2d @ 759.

94) In this light as throughout, the contracts made void and so done without power by unlawful acts and thereafter kept concealed without notice or change to challenge represents an exceptional circumstance that the great writ of habeas corpus was made to address; Notwithstanding his circular journey in this case, He has humbly persevered and simply prays his mandatory relief issue.

95) For all the same reasons, whether or not the honorable lower courts was preforming a gate keeping function or a facial review, the dispositional Order(s) entered in this case was not on the facts, the challenge or evidence as presented at every stage of the process and being Constitutionally wrong; May the petition for writ of certiorari issue.

APPENDIX TABLE OF CONTENTS

A. U.S.CA.3RD. CIR. DETERMINATION # .17-2988

1. 02 NOV. 2017 -ORDER -NO JURISDICTION -DISMISS APPEAL
2. 10 JAN. 2018 - ORDER, RECONSIDERATION, DENIED

B. U.S.DC.WD.PA -DETERMINATION, 17-01 ERIE & 1-17-CV-0001 SPB

1. 02 FEB. 2017 ORDER-MDJ -FILE AMENDED HABE, CASE CLOSED
2. 10 APR. 2017 ORDER-MDJ -2254 ONLY REMEDY -MOTION AT COMMON LAW CANNOT AVOID 2254
3. 03 AUG. 2017 ORDER-MDJ -TRANSFER, DISMISS PARTY (INTER ALIA), CASE CLOSED

C. FEDERAL APPELLATE COURTS DETERMINATIONS (2017/ 2015)

1. 14 SEP. 2017, USCA.3RD. -NOTICE TO ACT OR CASE DISMISSED.
2. 06 OCT. 2017, USCA.3RD. -FILING UNACCEPTABLE MUST GO TO U.S.S.C.
3. 18 OCT. 2017, U.S.S.C. -APPEAL MDJ ORDER BY R.18 NOT ALLOWED -ACCESS DENIED
4. 14 JUL. 2015, U.S.S.C. -STATE ACTION BY LETTERS NOT TOLLABLE -ACCESS DENIED
5. 13 AUG. 2015, USCA.3RD. -NO POWER OVER U.S.S.C. TO TAKE ACTION -ACCESS DENIED

D. C.C.P-ERIE, DETERMINATION # .10808-2016,

p.1-7

1. 13 JAN. 2017 ORDER, PETITION GRANTED, DENIED, LACK OF JURISDICTION

E. 08 SEP. 1998 TRIAL TRANSCRIPT, -ATTEMPT 3rd° CHARGE -CONTRACT,

p.1-7

F. STATE COURTS DETERMINATIONS ON ATTEMPT HOMICIDE (2pgs Ea.)

1. 17 FEB. 1999 -CCP-LEBANON -RAP.1925 OPINION, 1997-11239
2. 10 AUG. 2000 -CCP-LEBANON -RAP.1925 OPINION -1997-11239
3. 13 MAR. 2001 -PA SUPERIOR - 1401 MDA 2000
4. 15 JUL. 2014 -CCP-LEBANON (BY WAY OF LANCASTER) -2013-02357

p.1-2

p.3-4

p.5-6

p.7-8

G. GOVERNMENT CONCESSIONS

1. 02 AUG. 2004, D.A. -593 MDA 2004 -NO SUCH CHARGE AS ATTEMP 3RD°, ISSUE WAIVED
 2. CIRCA - 2005, D.A. -3-CV-06-0604 -NO STATUTE FOR CONVICTION, YET HARMLESS
 3. 16 SEP. 2013, PA DOC. A.O.R. -RTKL #1405-13 -NO SENTENCE, NO COMMITMENT ORDERS
 4. 01 OCT. 2013, PA DOC. RECORDS, AP#2013-1817 -NO SENTENCE, NO COMMITMENT ORDERS
- H. 29 NOV. 2017, AFFIDAVITS OF MR. ANTONIO SIERRA (NOTORIZED & CERTIFIED)

I. PROVISIONS UNDER U.S.S.C. RULE 14.1(f)