

No. No. 24-7164

IN THE
SUPREME COURT OF THE UNITED STATES

MARTIN B. BROWN (#LQ-9576) — PETITIONER
(Your Name)

SUPERINTENDENT FRACKVILLE SCI vs. ATTORNEY GENERAL PENNSYLVANIA
DISTRICT ATTORNEY PHILADELPHIA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

'Petition For ReHearing' Rule 44.6.

Martin Brown #LQ-9576

(Your Name)

Frackville SCI
1111 Altamont Boulevard

(Address)

Frackville, PA 17931

(City, State, Zip Code)

(Phone Number)

RECEIVED

JUL 29 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

I Petitioner Mr. Martin Brown Hereby Certify That This 24-7164 Petition For ReHearing I Presented In Good Faith Not For Delay...Sign Mr. Martin Brown #LQ-9576 Date 7 - 17 - 2025.

Briefly and Distinctly stating GROUND NUMBER ONE (Part#1)...

NO FUTHER EXTENSIONS WILL BE GRANTED Brief Due By 11/14/2022. In this case, on November 14, 2022 the Appellee Commonwealth of PA failed to file their Appellee's Brief. Petitioner Mr. Martin Brown's Contention Is (That On That Next Day Of November 15, 2022 The Panel of (3) Three Judges of The PA Superior Court Should Have Accepted The Statement of The Case Propounded In Mr. Martin Brown's Appellant's Brief To Be Accurate, Since They Were UNCHALLENGED. However, On November 16, 2022 TWO (2) DAYS LATE After The Court's NO FURTHER EXTENSIONS WILL BE GRANTED 'ORDER', The Appellee Commonwealth of PA Requested Another Extension of Time To File Brief. Petitioner Mr. Martin Brown Asserts (That The Egregious DELAY of His Appeal Was Unconstitutionally Decided With Unfairness In Direct Violation of His Due Process And Equal Protection Rights Under The U.S. Constitution. And that the Panel Of (3) Three Judge's Decision... (ACTING IN CONCERT TOGETHER) To Even Entertain The 11/16/2022 (2) TWO DAY LATE Requested Extension With Their Court 'ORDER' Stating NO FURTHER EXTENSIONS WILL BE GRANTED Actually Elevates The Substantial Prejudice Where Petitioner Mr. Martin Brown's Rights To A Reasonable Timely Appeal That Is Included Amongst The Protection Afforded By The Due Process Clause Of The U.S. Constitution Were Clearly Intentionally Violated. Moreover, On 11/28/2022 The Panel of (3) Three Judges Even After Their Court 'ORDER' Stated NO FURTHER EXTENSIONS WILL BE GRANTED, Actually Still GRANTED The TWO (2) DAY LATE Requested Extension.

GROUND NUMBER ONE (Part#1) Is Herein Accompanied With CERTIFICATE (Cody v. Henderson 936 F.2d at 722) Stating That The GROUND NUMBER ONE (Part#1) Is Limited To Its Intervening Controlling Effect: (A Due Process Violation Arising From A DELAYED Appeal Has A Bearing Upon The Validity of The Judgment Of Conviction Only If The DELAY Substantially Affects the FAIRNESS Of The Appellate Proceeding Or Undermines Reasonable Confidence In Its Outcome. This Explains, Then, Why A Showing Of Substantial Prejudice To The Appellate Process Is Ordinarily A Necessary Condition For GRANTING The Remedy Of Release When The Constitutional Right To A Speedy Appeal Is Violated.

VERIFICATION

The undersigned verifies that the foregoing matter is true and correct to the best of his knowledge, information and belief. The undersigned understands that any intentionally false statements made herein are made subject to the penalties of perjury 18 Pa C.S. Section 4904, relating to unsworn falsification to authorities.

Mr. Martin Brown #LQ-9576

Date 7-17-2005

CERTIFICATE OF SERVICE

On This Date 7-17-2005, a copy of the within document was served on the following individuals by:

FIRST CLASS MAIL

Office of The CLERK
The United STATES Supreme Court
1 First Street, N.E.
Washington, D.C. 20543

The Honorable Mr. Larry Krasner (Phila. DA) et. al
Office of The District ATTORNEY
3 South Penn Square
Philadelphia, PA 19107

Date 7-17-2005

Respectfully Submitted,

Mr. Martin Brown #LQ-9576

Briefly and Distinctly Stating GROUND NUMBER ONE (Part#2)...

The Panel Number 4, Daily List Number 39 Judges of The PA Superior Court Beyond Any Question Had A Current Docket Sheet In Front Of Them When They Made Their Ruling During Their February 24, 2023 Court Proceeding, And On That Date Clearly Intentionally (GRIEVOUSLY WRONGED) Petitioner Mr. Martin Brown When The Panel Of Three (3) Judges(ACTING IN CONCERT TOGETHER) Made The Intentional...

(WANTON DECISION) To Allow The Appellee's Brief To Still Be FILED/SUBMITTED Within Their Honorable Court After Their Court 'ORDER' of January 6, 2023 Just Specifically Clearly 'DENIED' The Appellee's Brief The Right To Be FILED OR SUBMITTED To Their Honorable Court. Here Is An Obvious Due Process and Equal Protection Clause Violation Of A Intentional Judicial Bias Wrongly Action of Injustice That Otherwise...

'Might Not Be Curable'. And 'TAIANTED' The Constitutional Integrity Of Mr. Martin Brown's Entire Appellate Process. Petitioner Mr. Martin Brown's Contention Is That By The Panel Of Three (3) Judges (ACTING IN CONCERT TOGETHER) Flagrantly Intentionally Violating His Due Process and Equal Protection Constitutional Rights In this Way, The February 24, 2023 Affirmance Decision...

SHOULD NOT BE ALLOWED TO STAND And Said Intentional Judicial Wrongly Action Has Clearly (GRIEVOUSLY WRONGED) Mr. Martin Brown And Has Actually...
(Rendered Mr. Martin Brown's Incarceration Unlawful).

GROUND NUMBER ONE (Part#2) Is Herein Accompanied With CERTIFICATE
(Dunn v. Colleran 247 F.3d 450)-Quoting-(Calderon v. Coleman 525 U.S. 141) Stating That The GROUND NUMBER ONE (Part#2) Is Limited To Its Intervening Controlling Effect: (Habeas Corpus Is An 'Extraordinary Remedy' For Defendants Who Were 'Grievously Wronged' By The Criminal Proceedings).

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

For this reason alone

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

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

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

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

For The For Gonig Reason

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

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

Respectfully Submitted,

Date 7-17-2025

Mr. Martin Brown#LQ-9576

Mr. Martin Brown#LQ-9576

Appeal Docket Sheet

Docket Number: 1427 EDA 2022

Page 3 of 4

December 23, 2022

DIRECT EVIDENCE

DOCKETENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 22, 2022	Sealed Trial Court Record Received - Sensitive Documents		Philadelphia County Criminal Division
July 22, 2022	Briefing Schedule Issued		Superior Court of Pennsylvania
August 15, 2022	Docketing Statement Received (Criminal)	Appellant	Brown, Martin B.
August 16, 2022	Appellant's Brief Filed	Appellant	Brown, Martin B.
August 17, 2022	Submitted on Brief		Eastern District Filing Office
August 29, 2022	Entry of Appearance - District Attorney Commonwealth of Pennsylvania	Appellee	Greer, Andrew Joseph
September 2, 2022	Application for Consolidation	Appellant	Brown, Martin B.
September 16, 2022	Application for Extension of Time to File Brief - First Request	Appellee	Commonwealth of Pennsylvania
→ September 19, 2022	Order Granting Application for Extension of Time to File Appellee Brief	Per Curiam	
	Comment: No further extensions will be granted. Brief due by <u>11/14/2022</u> .		←
September 23, 2022	Order Granting Application for Consolidation	Per Curiam	
	Comment: Upon consideration of the September 2, 2022 "Application to Consolidate," filed by pro se Appellant Brown, the following is ORDERED: The appeals docketed in this Court at 1427 EDA 2022 and 1428 EDA 2022 are CONSOLIDATED in accordance with Pa.R.A.P. 513. The appeal docketed at 1427 EDA 2022 is designated as the lead appeal. Accordingly, all filings for these consolidated appeals shall list both 1427 EDA 2022 and 1428 EDA 2022 in the caption but shall only be filed at 1427 EDA 2022. The Prothonotary of this Court is DIRECTED to accept the docketing statement filed at 1427 EDA 2022 as filed for the appeal docketed at 1428 EDA 2022.		
→ November 16, 2022	Application for Extension of Time to File Brief - Second Request	Appellee	← <u>Two Days Past Deadline</u>
→ November 28, 2022	Order Granting Application for Extension of Time to File Appellee Brief	Per Curiam	←
	Comment: AND NOW, upon consideration of the nunc pro tunc application of Appellee, Commonwealth of Pennsylvania, for extension of time to file Brief, the application is hereby GRANTED. No further extensions will be granted. Appellee's Brief shall be filed on or before December 14, 2022.		

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

MARTIN B. BROWN

Appellant : No. 1427 EDA 2022

Appeal from the PCRA Order Entered April 29, 2022
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0003080-2011

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

MARTIN B. BROWN

Appellant : No. 1428 EDA 2022

Appeal from the PCRA Order Entered April 29, 2022
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0004214-2013

BEFORE: MURRAY, J., KING, J., and PELLEGRINI, J.*

MEMORANDUM BY PELLEGRINI, J.:

FILED FEBRUARY 24, 2023

* Retired Senior Judge assigned to the Superior Court.

Because he did not include the relevant dates in his petition, he has failed to meet his burden and his petition is untimely.⁷

Nevertheless, we agree with the PCRA court that this claim is substantively meritless. **See** PCRA Court Opinion, 7/21/22, at 8 n.3. Brown contends that the victim's death was caused by medical negligence in the care he received after he sustained his gunshot wound. We have previously set forth a two-part test for determining causation:

First, the defendant's conduct must be an antecedent, but for which the result in question would not have occurred. A victim's death cannot be entirely attributable to other factors; rather, there must exist a "causal connection between the conduct and the result of conduct; and causal connection requires something more than mere coincidence as to time and place." Second, the results of the defendant's actions cannot be so extraordinarily remote or attenuated that it would be unfair to hold the defendant criminally responsible.

As to the first part of the test, the defendant's conduct need not be the only cause of the victim's death in order to establish a causal connection. "Criminal responsibility may be properly assessed against an individual whose conduct was a direct and

⁷ The Commonwealth argued in the PCRA court that Brown's petition was untimely but, on appeal, contends that he met the requirements of the newly-discovered facts exception because he asserts in his brief that he learned about the settlement on or about March 1, 2021. **See** Commonwealth's Brief at 9 (citing Brown's Brief at 12). However, Brown did not plead this date in his initial petition. Moreover, the petition belies this claim, as a letter he attached to his petition from prior PCRA counsel dated March 1, 2021, references the civil settlement information. **See** PCRA Petition, 8/10/21, Exhibit 1 ("I also want you to understand that the information that you've forwarded to us concerning the civil matter certainly is of the utmost importance."). Thus, it is clear that Brown learned about the settlement prior to March 1, 2021, but we are unable to determine a more precise date based on the record before us.

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
v. : PENNSYLVANIA

MARTIN B. BROWN : Philadelphia County Criminal
Appellant : Division
: CP-51-CR-0003080-2011

Appellant

No. 1427 EDA 2022

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF
v. : PENNSYLVANIA

MARTIN B. BROWN : Philadelphia County Criminal
Appellant : Division
: CP-51-CR-0004214-2013

Appellant

No. 1428 EDA 2022

ORDER

Upon consideration of Appellant's December 5, 2022 *pro se* "Motion For Conditional Release By The Superior Court" and the Commonwealth's December 13, 2022 answer thereto, the motion is DENIED.

Upon consideration of Appellant's December 8, 2022 *pro se* "Motion For Appellee, Be (Foreclosed) To File Response Brief," and in light of the fact that the Commonwealth was granted an extension until December 14, 2022 to file the Appellee's Brief, the motion is DENIED.

→ The December 14, 2022 "Commonwealth's Petition For An Extension Of Time To File Brief For Appellee" and December 28, 2022 "Commonwealth's Petition For An Extension Of Time To File Brief For Appellee" are DENIED. ←

PER CURIAM