

25-5158

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED

MAY 02 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Beau W. Chermer — PETITIONER
(Your Name)

VS.

Superintendent Greene, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals For The Third Circuit

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

PETITION FOR WRIT OF CERTIORARI

Beau W. Chermer
(Your Name)

301 Grey Line Drive
(Address)

Frickville, PA 17931
(City, State, Zip Code)

SCI Mahanoy
(Phone Number)

QUESTION(S) PRESENTED

1. Whether Federal Courts are imbued with inherent authority through the U.S. Const., Art. III, §1; separation of powers Doctrine and *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43, 111 S.Ct. 2123, 115 L.Ed. 2d 27 (1991) to address an exhausted but untimely, and meritorious Brady/Giglio claim?
2. Whether the Third Circuit erred in holding it did not?
3. Whether this Court should revisit its decision in *Chambers* to not classify Court's inherent powers in furtherance of uniformity and reliance interests?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows: Beaver County, Pennsylvania District Attorney's Office, Superintendent Mahanoy SCI

Goodyear v. Haeger, 581 U.S. 101 (2017), U.S. v. Hudson, 11 U.S. (7 Cranch) (1812)
Strickler v. Greene, 527 U.S. at 281-82, Am. Civil Liberties Union v. Holder, 673 F.3d 245 (4th Cir. 2011)
In re Tatu Wells Contamination Litig., 120 F.3d 368, 384 n.14, 37 V.I. 398 (3d Cir. 1997)

Banks v. Dretke, 540 U.S. 668 (2004) **RELATED CASES**

Chambers v. NASCO, Inc., 501 U.S. 32, 43, 111 S.Ct. 2123, 115 L.Ed. 2d 27 (1991)

Brody v. Maryland, 373 U.S. 83, S.Ct. 1194, 10 L.Ed. 2d 215 (1963)

Giglio v. U.S., 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed. 2d 104 (1972)

Berger v. U.S., 295 U.S. 78, 88 (1935)

Missouri v. Jenkins, 495 U.S. at 45, 50 and n.13

Eash v. Riggins Trucking Inc., 757 F.2d 557, 563 (3d Cir. 1985) (En Banc)

United States v. Tsarnaev, 595 U.S. 302 (2022)

Dietz v. Bouldin, 579 U.S. 40 (2016)

Marx v. Gen. Revenue Corp., 568 U.S. 371 (2012)

Michaelson v. United States ex rel. Chicago, St. P., M. and O. Ry. Co., 266 U.S. 42, 64, 45 S.Ct. 18, 69 L.Ed. 162 (1924)

U.S. v. Bagley, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed. 2d 481 (1985)

Cone v. Bell, 556 U.S. 449 (2009)

Weary v. Cain, 136 S.Ct. 1002 (2016)

Com. v. Clancy, 192 A.3d 44 (PA 2018)

Com. v. Unis, No. S 1246, 2399

Kyles v. Whitely, 514 U.S. 419 (1995)

Bobby v. Van Hook, 558 U.S. 4 (2009)

RomPilla v. Beard, 545 U.S. 374 (2005)

United States v. Wright, 913 F.3d 364 (3d Cir. 2018)

Williams v. Taylor, 529 U.S. 362 (2000)

Com. v. Chermer, 239 A.3d 74 (PA Super 2020)

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Third circuit opinion denial of COA
APPENDIX B	District Court opinion
APPENDIX C	Third circuit denial of Rehearing Panel and En Banc [REDACTED]
APPENDIX D	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
APPENDIX E	
APPENDIX F	

Goodyear v. Haeger, 581 U.S. 101 (2017) - 11
Strickler v. Greene, 527 U.S. at 281-82 - 3

TABLE OF AUTHORITIES CITED

United States v. Wright, 913 F.3d 304 (3d Cir. 2018) - 13, Com. v. Chermer, 239 A.3d 74 (PA Super 2020) - 16	
CASES In re Tutu Wells Contamination Litig., 120 F.3d 368 (3d Cir. 1997) - 14	PAGE NUMBER
Chambers v. Nasco, Inc., 501 U.S. 32, 43, 111 S.Ct. 2123, 115 L.Ed. 2d 27 (1991) Passim	
Berger v. U.S., 295 U.S. 78, 88 (1935) - 7, Rompilla v. Beard, 545 U.S. 374 (2005) - 8	
Brady v. Maryland, 373 U.S. 83, S.Ct. 1194, 10 L.Ed. 2d 215 (1963) Passim	
Dietz v. Boudoin, 579 U.S. 40 (2006) - 11, 14, Bobby v. Van Hook, 558 U.S. 4 (2009) - 8	
Eash v. Riggins Trucking Inc., 757 F.2d 557, 563 (3d Cir. 1985) (En Banc) Passim	
Giglio v. U.S., 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed. 2d 104 (1972) Passim	
Mart v. Gen. Revenue Corp., 568 U.S. 371 (2012) - 11, U.S. v. Hudson, 11 U.S. (7 Cranch) (1812) - 3, 10	
Michaelson v. United States ex rel. Chicago, St. P. & M. and O. Ry. Co., 266 U.S. 42, 64, 45 S.Ct. 18, 69 L.Ed. 162 (1924) - 3, Com. v. Unis, No. S 1246, 2399 - 6	
Missouri v. Jenkins, 495 U.S. at 45, 50 and n. 13-1, Williams v. Taylor, 529 U.S. 362 (2000) 15-16	
United States v. Tsarnaev, 595 U.S. 302 (2022) - 11, Banks v. Dretke, 540 U.S. 668 (2004) - 17	
U.S. v. Bagley, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed. 2d 481 (1985) - 4, 10, 12, 5	
Cone v. Bell, 556 U.S. 449 (2009) - 7	
Com. v. Clancy, 192 A.3d 44 (PA 2018) - 7	
Kyles v. Whitely, 514 U.S. 419 (1995) - 4	
STATUTES AND RULES Am. Civil Liberties Union v. Holder, 673 F.3d 245 (4th Cir. 2011) - 2	
28 U.S.C. § 2244(d)(1)(A) - 1, 10, 12	
Supreme Court rule - 13.3	
28 U.S.C. § 2254(d)(1)(2) - 15, 16, 17	
American Bar Association - Prosecution Function 4th ed. - 7, 8	
Pennsylvania Rules of Professional Conduct - 7, 8, 9, 14	
Pa. R.A.P. 1925(a) - 9	

OTHER

14 th. amend. U.S. Const., Fair Trial, Due Process - 12
Separation of Powers Passim
Art. III, § 1 U.S. Const. Passim

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

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

☒ reported at 24-2325
Chermer V. Superintendent, Greene SCI, No.; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at 2:21-cv-1079
Chermer V. Superintendent, Greene SCI, No.; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

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

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

The opinion of the court appears at Appendix to the petition and is

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

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was November 13, 2024.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 31, 2025, and a copy of the order denying rehearing appears at Appendix C.

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

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Due Process Clause of the 14th Amend. U.S. Const.

Separation of Powers

Fair trial

Article III, §1 U.S. Const.

28 U.S.C. § 2244(d)(1)(A)

28 U.S.C. § 2254(d)(1)(a)

STATEMENT OF THE CASE

on October 19, 2015, Petitioner (Beau W. Chermer) was sentenced by the Court of Common Pleas of Beaver County, Pennsylvania at Criminal Docket Nos. CP-04-CR-1125-2012 and CP-04-CR-1125-2012. At No. 1125 of 2012 Petitioner was convicted of 2nd degree murder. At No. 1130 of 2012, Petitioner pleaded guilty to 16 counts arising from the same incident, including aggravated assault, burglary, robbery, and criminal conspiracy.

At trial, the court heard competing and conflicting testimony from medical professionals for the defense and prosecution regarding the cause of the victim's (Daniel J. Santia) death. During the burglary and assault, the victim sustained a brain injury. Due to the brain injury physicians suspended the victim's medication Coumadin, a blood thinner, for thirty (30) days to treat the brain injury. The victim was taking Coumadin due to pre-existing heart disease conditions. The victim died twenty-one (21) days after the above criminal matters at the above Criminal No. 5. Petitioner was sentenced to life on the murder conviction and a consecutive term of 19 to 50 years for three (3) conspiracy convictions. No further sentences were entered for the remaining thirteen (13) charges.

On direct appeal, the PA Superior Court affirmed Petitioner's murder conviction but vacated the conspiracy convictions and remanded for resentencing on a single conspiracy count only. The PA Supreme Court denied Petitioner's petition for allowance of appeal on August 29, 2017. On December 15, 2017, Petitioner was resentenced for the conspiracy conviction.

On August 16, 2017, Petitioner filed a post-conviction appeal which was denied on July 1, 2019. The PA Superior upheld the order denying relief on July 17, 2020 and no review was sought from the PA Supreme Court.

On August 13, 2021, Petitioner filed a petition for writ of habeas corpus and amended on October 5, 2021 and served on respondents. Respondents filed an answer. On July 8, 2022, Petitioner filed a second post-conviction petition in state court that was denied as untimely on December 23, 2022. On June 28, 2023, with permission from the District Court, Petitioner filed an amended habeas petition. Respondents filed an answer to the amended petition. On July 27, 2023, the District Court stayed habeas proceedings pending the conclusion of post-conviction proceedings in state court. The District Court lifted its stay on November 28, 2023. On April 9, 2024, Petitioner filed a reply, and a motion requesting an evidentiary hearing. Respondents filed a response in opposition to the motion. On June 7, 2024, the District Court denied habeas relief and COA. Petitioner filed an application for COA in the Third Circuit at 24-2325 which was denied on November 13, 2024. Petitioner filed for Panel and En banc rehearing that was denied March 31, 2025. This timely petition for writ of certiorari follows.

REASONS FOR GRANTING THE PETITION

Petitioner ran afoul of the AEDPA's statute of limitations 28 U.S.C. § 2244(d)(1) (A) when he failed to initially include a meritorious Brady v. Maryland, 373 U.S. 83 (1963) claim in his pro se § 2254 habeas petition that was exhausted in the state courts. Petitioner's habeas proceedings were stayed while he returned to state court and then included his Brady claim in a Reply to the Commonwealth's Response after returning to the District Court.

Petitioner is seeking Certiorari or remand to the District Court for an evidentiary hearing and appointment of counsel or remand to the Third Circuit for COA and appointment of counsel due to Petitioner's first criminal trial ending in mistrial when a Detective from the Prosecution's office testified falsely during trial. During the second trial the Commonwealth further engaged in bad faith prosecutorial misconduct by perpetrating fraud upon the court and the defense by eliciting known false testimony from its key witness; Withholding material impeachment evidence and willfully disobeying a pre-trial court order to disclose agreements between the Commonwealth and the Commonwealth's witnesses.

It is respectfully submitted, the Third Circuit erred and the interests of Justice, uniformity and reliance requires the United States Supreme Court to classify when, in the criminal context, inferior courts are empowered to invoke "inherent powers" pursuant to Article III, § 1 U.S. Const. and separation of powers, unalterable by legislation or legislation to the contrary. see Chambers

V. Nasco, Inc., 501 U.S. 32, 43, 111 S.Ct. 2123, 115 L.Ed. 2d 27 (1991); United States v. Tsarnaev, 595 U.S. at 325 (2022) (Barrett Concurring) (citing Chambers and Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 64 S.Ct. 997, 88 L.Ed. 1250, 1944 Dec. Comm'n Pat. 675 (1944)); Dietz v. Bouldin, 579 U.S. 40 (2016) (citing Chambers v. Nasco, Inc., 501 U.S. 32, 44, 111 S.Ct. 2123, 115 L.Ed. 2d 27 (1991) (citing omitted); Marx v. Gen. Revenue Corp., 568 U.S. at 382 (citing Chambers v. Nasco, Inc., 501 U.S. 32, 45-46, 111 S.Ct. 2123, 115 L.Ed. 2d 27 (1991)). In Chambers the court was urged to adopt the Third Circuit's approach in East v. Riggins Trucking Inc., 757 F.2d 557, 563 (3d Cir. 1985) (en banc) to inherent powers, but declined to do so. Failure to Grant relief would serve to reward misconduct and fraud.

WHEREFORE, Given Petitioner's first Criminal trial ended in a mistrial due to Government misconduct and Petitioner's conviction during his second trial for 2nd degree murder at No. 1135 of 2013 was secured by Prosecutorial misconduct, fraud and willful disobedience of a court order to disclose any agreements with its witnesses. Therefore, Courts are imbued with inherent authority/power rooted in Art. III, §1, and Separation of Powers doctrine to address the underlying merits of a Brandy/Giglio claim. The Third Circuit erred in not addressing the merits of the untimely claim and the Supreme Court respectfully should revisit Chambers v. Nasco, Inc. to classify when inferior courts are empowered to address claims with inherent power. Petitioner is seeking relief in the form of Granting this Writ. Alternatively, remand to the Third Circuit for COA and appointment of counsel or remand to the District Court for an evidentiary hearing and appointment of counsel since Petitioner pursued a hearing in state court and District Court but was denied.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Beau Chumley

Date: April 26, 2025