

NO. 25-5970

C.A. NO. 25-1792

ORIGINAL

Supreme Court, U.S.
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IN THE SUPREME COURT OF THE UNITED STATES

CHARLES S. RENCHENSKI

v.

SUPERINTENDENT, S.C.I. COAL TOWNSHIP - RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI

THIRD CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

CHARLES S. RENCHENSKI

I.D. #AP - 8124

1 KELLEY DRIVE

COAL TOWNSHIP, PA 17866-1021

- QUESTION PRESENTED FOR REVIEW -

1. DID THE LOWER FEDERAL COURTS MISAPPREHEND AND MISAPPLY THE UNITED STATES
DECISION IN MAGWOOD V. PATTERSON?

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-PETITION FOR WRIT OF CERTIORARI -

Charles S. Renchenski, petitioner pro se, respectfully petitions this Honorable Court for Writ of Certiorari to review the judgments of the Western District of Pennsylvania as well as the Third Circuit Court of Appeals.

- OPINIONS BELOW -

The Opinion of the Western District Court of Pennsylvania is not reported (Court's Opinion at Appendix "A")

The Opinion of the Third Circuit Court of Appeals is not reported. (Court's Opinion at appendix "B")

- JURISDICTION -

The judgment of the Court of Appeals for the Third Circuit was entered August 26, 2025. The jurisdiction of this Honorable Court is invoked pursuant to 28 U.S.C. §1254(1).

- CONSTITUTION AND STATUTORY PROVISIONS INVOLVED -

1. The First Amendment to the United States Constitution - Right to petition the government of grievances. (Court's are to be open).
2. The Fourteenth Amendment to the United States - a citizens right to due

process of law in all judicial proceedings.

3. Federal Statutes - 28 U.S.C. §2244; 28 U.S.C. §2254

 - STATEMENT OF THE CASE -

1. On August 22, 1982, Mr. Renchenski was arrested and charged with criminal homicide.

2. On July 12, 1984, a jury convicted Mr. Renchenski on the charge of first degree murder.

3. On January 30, 1985, Mr. Renchenski was sentenced to a term of imprisonment for LIFE.

4. Post-sentence motions were filed and on March 3, 2006, the Superior Court of Pennsylvania affirmed the conviction and sentence.

5. The Pennsylvania Supreme Court denied allowance of appeal.

6. On May 5, 1988, Mr. Renchenski filed a timely Post-Conviction Relief Act Petition (PCRA)

7. After multiple state court filings the Pennsylvania Supreme Court, after reviewing the matter, denied PCRA relief on September 28, 2012.

8. On March 25, 2015, Mr. Renchenski's timely federal §2254 petition that was in "abeyance" was litigated.

9. Ultimately, Mr. Renchenski was denied federal relief on April 30, 2015. Appeals were taken and denied by the Third Circuit Court of Appeals on January 8, 2016.

10. On February 8, 2017, a Fed.R.Civ.P. Rule 60(b) motion was filed and denied without a reasoned opinion on March 26, 2018.

11. On March 19, 2021, Mr. Renchenski filed a State "Application for Writ

of Habeas Corpus pursuant to Title 42 Pa.C.S. §§6501-6506. (Note: This was not a State PCRA petition pursuant to Title 42 Pa.C.S. §§9541-9546).

12. After multiple State court filings Mr. Renchenski filed an "Application for Relief" which the Pennsylvania Supreme Court accepted on January 20, 2021.

A) the Pennsylvania Supreme Court sua sponte reclassified the "Application for Relief" as a properly filed State "Petition for Writ of Habeas Corpus" and assigned it the temporary docket number of 69 WT 2020.

i) it must be acknowledged that the Pennsylvania Supreme Court did not deem the filing a State PCRA petition - this is a critical distinction providing the fact that the State Supreme Court recognized that no challenges were made against Mr. Renchenski's conviction or sentence.

13. Because the Pennsylvania Supreme Court sua sponte reclassified the "Application for Relief" a State "Petition for Writ of Habeas Corpus," the Court instructed Mr. Renchenski to file an "Application for Leave to File Original Process" pursuant to 42 Pa.C.S. §721 (jurisdiction of the Court) and Pa.R.App.P. Rule 3307.

14. The Pennsylvania Supreme Court granted Mr. Renchenski's leave to file original process and assigned Mr. Renchenski's State Habeas Corpus Petition the permanent docket number 71 WM 2021.

15. On November 5, 2021, The Pennsylvania Supreme Court directed the Respondents to file an "Answer."

A) the Respondent's elected not to file an Answer.

16. On March 10, 2022, the Pennsylvania Supreme Court issued a per curiam Order granting the Original Process but denying State habeas corpus relief.

17. On December 12, 2022, Mr. Renchenski timely filed his §2254 Petition.

18. On March 3, 2023, Magistrate Judge Pesto (M.J. Pesto) transferred the

filings to the Third Circuit Court of Appeals.

A) on March 9, 2023, Mr. Renchenski filed "Objections" to M.J. Pesto's improper transfer.

B) On April 18, 2023, The Third Circuit Court of Appeals remanded the matter back to the district court to ascertain whether §2244 applied to the matter.

19. On March 21, 2025, the district court dismissed the petition.

20. On March 30, 2025, Mr. Renchenski filed a Fed.R.Civ.P. Rule 59(e) motion which the court denied on May 17, 2025.

21. On March 10, 2025, Mr. Renchenski appealed to the Third Circuit Court of Appeals.

A) on August 28, 2025, the Third Circuit Court of Appeals denied the appeal at No. 25-1792.

- REASONS FOR GRANTING THE WRIT -

This may in fact be a case of first importance which is in the public interest to resolve.

The lower federal courts have misapprehended the controlling facts of the case and have announced an Opinion contrary to the United States Supreme Court in *Magwood v. Patterson*.

The lower federal courts have issued an Opinion in conflict with every other district court.

The lower federal courts have issued an Opinion in conflict with various other United States Supreme Court's decisions - expressed infra.

- ARGUMENT -

1. DID THE LOWER FEDERAL COURT'S MISAPPREHEND AND MISAPPLY THE UNITED STATES SUPREME COURT'S DECISION IN MAGWOOD V. PATTERSON?

A) The U.S. Supreme Court made clear and unambiguous its position in Magwood v. Patterson, 177 L.Ed 2d 592, 561 U.S. 320 (2010), when addressing a §2254 petition filed for a second time in the federal courts. The U.S. Supreme Court established three (3) positions, quoted below:

i) "First, if a petitioner had a full and fair opportunity to raise the claim in the prior application, a second in time application that seeks to raise the claim is barred as 'second and successive'. This is consistent with pre-AEDPA cases applying the abuse-of-writ doctrine and the bar on 'second or successive' applications. This pronouncement is clear that "if" a petitioner could have raised the claim in a first petition the second is "successive" and barred from federal review. The key element, of course, is that there was a "full and fair opportunity" to raise the claim." 177 L.Ed 2d at 610=611. (Note: Mr. Renchenski never had a full and fair hearing at any time, especially since the instant §2254 petition did not obtain the predicate State judgment until 2022, long after his first §2254 petition was denied by the federal courts.)

ii) "Second, the petitioner had no fair opportunity to raise the claim in the prior application, a subsequent application raising that claim is not 'second or successive,' and 2244(b)(2)'s bar does not apply. This can occur when the claim was not yet ripe at the time of the first petition..." 177 L.Ed 2d at 611. (see "Note" above).

iii) "Third, a 'mixed petition' - raising both abusive and non-abusive claims - would be 'second or successive.'" Id. at 611. (Note: Mr. Renchenski fundamentally raised only one claim, which is now ripe for review.)

The three foundations that were announced in 'Magwood' are the guideposts

for determining whether a §2254 petition is a second or successive petition. In order to properly ascertain whether Mr. Renchenski's claim fall under the 'Magwood' prongs for not being a second or successive petition a purely factual foundation needs to be laid and compared to the lower federal court's conclusions.

B) The Third Circuit Court determined the following:

i) "Appellant seeks release from his custody which was imposed by a 1985 judgment of the Pennsylvania Court of Common Pleas for Clearfield County. Appellant must invalidate that judgment in order to obtain release. See 28 U.S.C. §2254(a); *Magwood v. Patterson*, 561 U.S. 320, 332-33 (2010)."

ii) "But Appellant previously challenged that judgment in the habeas petition that appellant's present habeas petition can be construed to challenge that judgment again, it is a second or successive habeas petition., See Magwood, 561 U.S. at 332-33, and it does not qualify for authorization under 28 U.S.C. §2244 as we previously determined in C.A. No. 23-1461."

iii) "Appellant argues that he is not challenging his 1985 criminal judgment but is instead challenging 2022 judgments of the Pennsylvania Supreme Court in his post-conviction proceeding. But a challenge to those judgments do not state grounds for the habeas relief that Appellant seeks because 'alleged errors in collateral proceedings... are not a proper basis for habeas relief from the original conviction.' Lambert v. Blackwell, 387 F.3d 210, 247 (3rd. Cir. 2004)."

C) The Court's positions are put into three sections. Each one contains an elemental reason for the Court's denial of review and, therefore must be addressed in *seriatim*. Mr. Renchenski asserts that his situation is factually distinguishable from the Court's interpretation of 'Magwood' and 'Lambert.' There is a "fine legal line" which the lower federal court's failed to apprehend.

In the normal criminal proceedings where a person is found guilty by a jury, or judge, after being adjudicated guilty the direct appeal proceedings begin. In Mr. Renchenski's situation in 1985 counsel was required to raise all issues of trial counsel's ineffectiveness. See e.g. Com. v. Forrest, 498, A.2d 811, n.1 (Pa. 1985) ("Where the defendant is represented by new counsel on appeal, an allegation of ineffective assistance of trial counsel must be raised on direct appeal; failure to do so bars defendant from raising the issue on subsequent post-conviction petition.") Mr. Renchenski was initially provided non-trial counsel and had several meritorious claims for relief, however, before the direct appeal could be filled, without motion from Mr. Renchenski or his counsel, the Court unilaterally re-appointed trial counsel to file the direct appeal. Being naive at the time Mr. Renchenski did not comprehend what had actually occurred, i.e. that no issues of trial counsel would be raised while being represented by U.S. Constitutionally required effective counsel. See e.g. Pennsylvania v. Finley, 481 U.S. 551, 555 (1987) ("Constitutional right to counsel is afforded "to the first appeal as of right and no further.") (There is no right to counsel, let alone effective counsel on collateral appeals.)

Mr. Renchenski was now compelled to raise his constitutional claims during collateral appeal whereat he was not guaranteed any constitutional right to effective counsel. Therefore, Mr. Renchenski's direct appeal proceedings were not fair. See generally, Halbert v. Michigan, 545 U.S. 605, 610-612, saying: "[t]he direct appeal process must be fair," and appellant must have a "fair opportunity to present" his defenses. Ake v. Oklahoma, 470 U.S. 68, 76 (1985). Mr. Renchenski was denied his right to present a "complete defense." See e.g. Nevada v. Jackson, 569 U.S. 505, 509 (2013) ("The constitution guarantees criminal defendant's a meaningful opportunity to present a complete defense.") (cite omitted)

Not only was Mr. Renchenski denied his right to present a "complete defense" on direct appeal, he was further denied every right to present any type of defense at all on collateral appeal through no fault of his own. (Mr. Renchenski did not waive any claims whatsoever nor did he procedurally default any claims. Mr. Renchenski timely filed his state Post Conviction Relief Act (PCRA petition on May 5, 1988. Appointed counsel was mandated by state law and rules of criminal procedure (Pa.R.Crim.P.) either and amended PCRA petition or a "Turner/Finley" "no-merit" letter with the court. See e.g. Com. v. Priovolous, 715 A.2d 420, 421 (Pa. 1988) ("Even if Priovolous' assertion of a right to counsel lacks a constitutional dimension, the right to counsel at issue is accorded by Pa.R.Crim.P. 1504(a) [Now 804(a)], to an indigent petitioner, like Priovolous, who is proceeding pro se on his first PCRA petition.") See also, Com. v. Turner, 544 A.2d 927 (Pa. 1998) and Com. v. Finley, 836 A.2d 940, 947 (Pa. Super 1989). The establish procedure is stated in Com. v. Karanikolas, 836 A.2d 940, 947 (Pa. Super 2003), saying: "Before attorney can be permitted to withdraw from representing a petitioner under PCRA, Pennsylvania law requires counsel to file and obtain approval of 'no-merit' letter pursuant to Turner/Finley." Mr. Renchenski's PCRA counsel did not file an amended PCRA petition, nor did he lawfully withdraw pursuant to "Turner/Finley." Nevertheless, the PCRA Court permitted counsel to stop representing Mr. Renchenski. Resultant from unlawful act the Commonwealth violated approximately 20 mandatory procedural rules and, ultimately, Mr. Renchenski was denied State review of any and all claims he wanted to raise in the State Courts. See e.g. Com. v. Patterson, 192 A.3d 123, n.4 (Pa. 2018) ("The record makes clear that original PCRA counsel (appointed March 1, 2026) abandoned appellant where counsel did nothing on petitioner's behalf or to withdraw pursuant to Turner/Finley.") As such, "[e]ven under 'Turner' then,

the petitioner's entitlement to counsel 'until final judgment, including any appeals upon denial of collateral relief.' Pa.R.Crim.P. 1503(b) [Now 804(b)]." Mr. Renchenski was simply abandoned without the State doing anything, except violating multiple rules of criminal procedure and ultimately denying him State review years later.

Because the PCRA Court violated so many rules of procedure Mr. Renchenski's still pending PCRA laid idle for about 10 years until his filed a "self-styled" motion he titled "Extension of Post-Conviction Relief Act Petition under §9542, 9543(a)(ii)(iii), and 9545(b)" on or about 3-16-2003. The PCRA Court simply denied the filing as an untimely serial PCRA petition on 8-11-03. Appeals were taken and, on 1-25-05, the Pa. Supreme Court vacated the lower court's orders and remanded the matter and Ordered that counsel be appointed to file an amended PCRA petition to the still properly pending PCRA Petition that was filed in 1988. Now, upon remand, the Pa. Superior Court changed its Opinion and stated the following:

- August 8, 2006, Opinion (Pg. 5) -

"Instantly, the PCRA Court failed to resolve Appellant's original PCRA petition; Thus, the Court erred in treating the June 2, 2003, 'extension' as an untimely filed serial petition. See Com. v. Flanagan, 578 Pa. 604, 605, 854 A.2d 489, 499 (Pa. 2004) (Since original petition never was withdrawn or dismissed, amended petition for post-conviction relief was not subject to PCRA's one-year time limitation, even though amendment was filed ten years after original petition." (underlining added)

Likewise, Mr. Renchenski's "extension" was filed, less than ten years later. The critical point to be seen here is that the Pa. Superior Court plainly and clearly stated that the "PCRA Court failed to resolve Appellant's original PCRA petition." Later on, violating the "law of the case doctrine," in 2010, the Pa. Superior Court blamed Mr. Renchenski for the delay saying that he let the petition "lay idle."

Because this is not the place to fully argue that reality it will be omitted hereafter. Ultimately, Mr. Renchenski filed an amended PCRA petition in 2006 – not to be argued herein – Mr. Renchenski's petition was sabotaged by appointed counsel. The Commonwealth filed an "Answer" on March 6, 2008 and a Supplemental Answer predicated upon 42 Pa.C.S. §9543(b), now alleging that the Commonwealth was prejudice because of the delay – it created – because it could not retry Mr. Renchenski due to so many witnesses being unavailable. Mr. Renchenski's functionally pro se claims were never adjudicated, however, the Pa. Supreme Court granted Allowance of Appeal but only to brief two questions it posed, i.e.

"1. Whether the Superior Court erred in concluding that 42 Pa.C.S. §9543(b) of the Post Conviction Relief Act (PCRA) applies to delay in litigating a pending PCRA petition?

"2. What obligation, if any, does a petitioner have to seek expeditious litigation of his PCRA petition?"

The Pa. Supreme Court stated: "We note the troubling nature of the lengthy delay that occurred in this matter, particularly given the clear indication from the record that at least part of this lapse was due to the PCRA Judge's unexplained failure to appoint counsel for Appellant until almost three years following the Superior Court's order to do so." Com. v. Renchenski, 616 Pa. 608, 52 A.3d 251, 259 (Pa. 2012). Twice the Pennsylvania Courts accredited delays and errors to the PCRA court, and yet, Mr. Renchenski was still denied PCRA review.

In addition, the Pa. Supreme Court acknowledged that: "Hence, as Section 9543(b) is subject to at least two logical yet differing constructions, we find that the provision is ambiguous." (underlining added). 52 A.3d at 258. Both State and Federal laws requires that "ambiguous statutes be interpreted in favor of defendants. See e.g. United States v. Santos, 533 U.S. 507, 519 (2008) ("Court

interprets ambiguous statutes in favor of defendants not prosecutors."); Smith v. United States, 508 U.S. 223, 246 (1993) ("Under these circumstances, we adhere to the familiar rule that, 'where there is ambiguity in a criminal statute, doubts are to be resolved in favor of the defendant.") Completely in contradiction to the U.S. Supreme Court the Pa. Supreme Court ruled against Mr. Renchenski and denied him review, even though "the pending PCRA will most likely comprise the petitioner's sole opportunity to pursue collateral relief in state court." Com. v. Flanagan, 854 A.2d 489, 500 (Pa. 2004). In one instance the Pa. Supreme Court obeys "Flanagan's" requirements and then directly opposes it - without overruling its prior determination. Perhaps most importantly is the reality that the Pa. Supreme Court did not address the second question it posed, i.e. who's responsibility it was to litigate a pending PCRA petition. The court simply stated: "Given our conclusion that Section 9543(b) may be applied to amended petitions, we need not reach the second question for which allocatur was granted, namely, what burden a PCRA petitioner bears to move the litigation forward." 'Renchenski' 52 A.3d at 259. Mr. Renchenski was now denied his opportunity to challenge his trial counsel's effectiveness in the state courts. Put simply, and this is relevant, Mr. Renchenski was denied his rights to both petition the government of his grievances under the First Amendment as well as his right to due process of law under the Fourteenth Amendments to the U.S. Constitution.

A very brief mention to Mr. Renchenski's Federal §2254 habeas petition at 3:10-cv-00217 is appropriate. The federal lower court fully violated a host of federal laws in denying Mr. Renchenski's petition, not the merits, but rather, because, as the Magistrate Judge opined, he "failed to present his claims to the state courts." Ultimately, Mr. Renchenski was denied federal review of his right to habeas review. (Note: Mr. Renchenski begs this Honorable Court to allow

him to fully demonstrate how the lower federal courts completely violated a host of federal laws.) Nevertheless, at this juncture, Mr. Renchenski had no other opportunity to raise his ineffective assistance of counsel claims, i.e. challenges to his conviction and/or sentence in both the State and Federal courts.

As far back as Marbury v. Madison, 5 U.S. (1 Cranch) 137, 163 (1803), the Court recognized that: "Where there is a legal right there is also a legal remedy, by suit or action at law, whenever that right is invaded." Mr. Renchenski had, and has, a U.S. Constitutional right to petition the government of his grievance and due process of law under the First and Fourteenth Amendments to the U.S. Constitution. In Mc.Nabb v. United States, 318 U.S. 332, 347 (1943) the Court stated: "The history of liberty has long been the history of observance of procedural safeguards." (underlining added). Theoretically, the federal courts "strictly enforce mandatory language in Rules of Criminal Procedure." United States v. Morgan, 187 Fed. Appx. 236, 240 (3rd. Cir. 2006). Evidently the lower federal courts didn't think it was necessary for the State court's to strictly obey those same rules that it applies to defendants. As one example, in Ford v. Georgia, 498 U.S. 411, 423-424 (1991), the Court stated: "State practice must be firmly established and regularly followed in order to prevent subsequent review by this Court." See also O'Dell v. Thompson, 502 U.S. 995, 998 (1991), saying "... only firmly established state procedural rules impose a bar to adjudication of federal constitutional claims." However, in Mr. Renchenski's case, the Pa. Supreme Court granted review "specifically" to determine whether or not §9543(b) could be applied to a timely filed original PCRA petition. The Court decided it could and, against the rule of lenity, decided it could and dismissed Mr. Renchenski's case. The elephant in the room that the lower federal courts refused to address was: "How in the world could §9543(b), which was deemed "ambiguous"

by the Pa. Supreme Court, be used to deny Mr. Renchenski State review, when it was not "firmly established and regularly followed" when it was first decided in Mr. Renchenski's own case? The U.S. Supreme Court clearly stated the rule to deny federal review had to be "firmly established," did it not?

Here is yet another critical reality that the lower federal court are refusing to acknowledge. Because Mr. Renchenski was unlawfully denied his U.S. Constitutional rights under the First and Fourteenth Amendments he filed a State habeas corpus petition, not challenging his conviction or sentence, (PCRA reviewable claims) but rather, the many procedures employed/violated that ultimately, and unlawfully, denied his rights in both State and Federal courts to redress the government of his grievances.

The following facts need to be highlighted because it establishes the foundation of why Mr. Renchenski is asserting that he absolutely has a right to federal habeas review and his matter sub judice is not, in any way, a "second or successive" petition as defined by the U.S. Supreme Court in 'Magwood.' On 8-27-19 and 3-19-21, Mr. Renchenski filed in the Court of Common Pleas of Clearfield County a document titled: "application for Writ of Habeas Corpus" pursuant to the State's habeas corpus laws, i.e. 42 Pa.C.S. §§6501-6505, and not pursuant to the PCRA statutes, i.e. 42 Pa.C.S. §§9541-9546. The Pennsylvania lower courts denied the filing and appeals therefrom. Because the lower courts were not obeying statutory laws, on 9-27-21, Mr. Renchenski filed an "Application for Relief" directly into the PA. Supreme Court. The Pa. Supreme Court initially accepted the filing, however, the Court classified the filing as a "Petition for Writ of Habeas Corpus" and assigned it a temporary docket number 69 WT 2020 and instructed Mr. Renchenski that he had to file a document titled "Leave to file Original Process." Mr. Renchenski made the required filing and the Court

assigned the filing a permanent docket number of 71 WM 2021. The document was now "properly filed" in the State court. See e.g. *Artuz v. Bennett*, 531 U.S. 4, 8-9 (2000).

A couple relevant facts, which are controlling in the case sub judice, are that #1 - The Pa. Supreme Court sua sponte reclassified the "Application for Relief" as a State habeas corpus petition. That means the court recognized that Mr. Renchenski did not raise any claims therein that were cognizable in a PCRA petition, i.e. challenges to his conviction or sentence. Therefore, the federal courts are clearly in error when they concluded Mr. Renchenski was challenging his conviction/sentence in the matter sub judice. #2 - The filing the Court declared was a "Petition for Writ of Habeas Corpus" required a "Original Process" to be filed in the Court, indicating the filing was an entirely new matter before the court that was unrelated to Mr. Renchenski's conviction or sentence. Therefore, again, the lower federal courts erred in asserting that the matter sub judice related to Mr. Renchenski's conviction or sentence.

The Third Circuit Court of Appeals predicated its denial of federal habeas review and relief upon two (2) main pillars, i.e. #1 - that "Appellant must invalidate that judgment [the 1985 judgment] in order to obtain relief." (underlining added) and #2 - "alleged errors in collateral proceedings... are not a proper basis for habeas relief from the original conviction." (underlining added) - citing 'Lambert' 387 F.3d at 247, *supra*. The Court's reliance upon 'Lambert' is misplaced because, as just demonstrated, Mr. Renchenski's filing for the matter sub judice had nothing whatsoever to do with his "original conviction." For technical reasons, consider the following: Mr. Renchenski did not, and is not requesting the federal courts to disturb his conviction or sentence. It is firmly established Black Letter Law that "absent clear evidence

of the contrary legislative intention, a statute should be interpreted according to its plain language." United States v. Apfelbaum, 455 U.S. 117, 121 (1980); Sebulius v. Cloer, 569 U.S. 369 (2013) (same). The unmodified plain language of 28 U.S.C. §2254 does not include the mandate that a federal habeas petition first overturn his "original conviction" before habeas review is available. In fact, that assertion is diametrically opposed to the very purpose of §2254, which requires that the applicant is "in custody in violation of the Constitution or laws or treaties of the United States." The issue that needs resolved for the matter sub judice is how the U.S. Supreme Court defines the word "judgment" in §2254.

Initially, no federal court has ever deemed §2254 ambiguous and, therefore there is no need to ascertain the Legislature's intent and the plain language of the statute controls. 'Apfelbaum', 455 U.S. at 121, *supra*. In addition, it is unlawful for the Court to legislate from the bench by adding elements the legislature did not include. See e.g. United States v. Cooper Corp., 312 U.S. 600, 605 (1941), saying: "it is not our function to engraft on a statute additions which we think the legislature logically might or should have made." In harmony with §2254(a) the 'Magwood' Court stated that: "both §2254(b)'s text and the relief it provides indicates that the phrase 'second and successive' must be interpreted with respect to the judgment challenged." (underlining added) 'Magwood' 561 U.S. at 332-333. The "judgment" Mr. Renchenski is challenging is that of the Pennsylvania Supreme Court which was issued in 2022, not the prior judgment issued in 1985.

To be objectively clear, any person in Pennsylvania who is challenging his "conviction or sentence" must do so pursuant to the PCRA statutes, i.e. 42 Pa.C.S. §§9541-9546. See e.g. Com. v. West, 938 A.2d 1034, 1039 (Pa. 2007) ("The Superior

Court examined the eligibility requirements of the PCRA which, in substance provide for relief where the **conviction or sentence** at issue resulted from a constitutional violation...") (bold in original); Com. v. Burkett, 5 A.3d 1260, 1275 (Pa. Super 2010) ("PCRA review is limited to defendant's who claim they were wrongfully convicted and/or are serving an illegal sentence.") (underlining added); 42 Pa.C.S. §§9542, and 9543(a)(2). Even if, for the sake of argument, Mr. Renchenski's State habeas petition was erroneously labeled, because it raised claims relating to his conviction or sentence, the Court's would have had to dismiss the matter because the "body of the work" clearly would indicate the conviction or sentence was being challenged. See e.g. Com. v. Peterkins, 722 A.2d 638, 640 (Pa. 1988) ("Specifically in this regard, the Court recognized the longstanding principle that the PCRA subsumes the writ of habeas corpus with respect to the remedies under the PCRA") (underlining added). See also, 42 Pa.C.S. §6503(b), saying: "Where a person is restrained by virtue of sentence after conviction for a criminal offense, the writ of habeas corpus shall not be available if a remedy may be had by post-conviction (PCRA) proceedings authorized by law." (underlining added). However, that was not the conclusion in the matter sub judice.

The Pa. Supreme Court, recognizing that Mr. Renchenski's "Application for Relief" did not raise any claims relating to his conviction or sentence, it was properly a "Petition for Writ of Habeas Corpus," which is why the Court sua sponte reclassified the filing as a habeas petition. Furthermore, because the filing was not a filing cognizable pursuant to the PCRA statutes, the Court also informed Mr. Renchenski he had to file an "Original Process" for his "new matter" before the Court. See e.g. Com. v. Lesko, 15 A.3d 345, HN (Pa. 2008), saying: "The writ of habeas corpus is a new suit brought by the petitioner to enforce a civil right,

which he claims against those who are holding him in custody... the judicial proceeding under it is not to inquire into the criminal act which is complained of, but into the right to liberty notwithstanding the act. It is not an action in the original action." (underlining added) The Pennsylvania Supreme Court clearly understood Mr. Renchenski was not challenging his conviction or sentence. Nevertheless, the Court denied habeas relief. Are the federal courts, contradicting the plain language of §2254 going to refuse Mr. Renchenski his right to challenge THAT NEW JUDGMENT??? To be clear, arguendo, if the Pa. Supreme Court had GRANTED Mr. Renchenski's State habeas corpus petition they would have ordered his release from custody. Would Mr. Renchenski have to overturn his conviction also to be released as the federal courts are now insisting? That requirement would have the net effect of nullifying the Pa. Supreme Court's sovereign right to release one of its captive citizens.

Also relevant to the matter sub judice is the recognition that [a] legal event can constitute the factual predicate of a habeas claim made under §2244(d)(1)(D)." McAleese v. Brennan, 483 F.3d 206, HN (3rd. Cir. 2007). The lower federal court have refused to acknowledge Mr. Renchenski's new and separate "legal event" of his 2022 Pa. Supreme Court's judgment. Furthermore, the lower federal courts have misapplied the law in relationship to Mr. Renchenski's matter. The Third Circuit Court referenced 'Lambert' for the position that: "Thus, the federal role in reviewing an application for habeas corpus is limited to evaluating what occurred in the state or federal proceeding that actually led to the petitioner's conviction, what occurred in the petitioner's collateral proceeding does not enter into the calculation." 387 F.3d at 247. (underlining added). Mr. Renchenski concedes that what occurred in his "collateral proceedings" relating to his "conviction and sentence" are no longer viable claims for §2254

purposes, however, that does not end the matter due to the extraordinary events that has transpired in Mr. Renchenski's case. Either there exists a conflict in the lower courts determination or a conflict of what §2254 provides federal remedy for, i.e. a "judgment." Perhaps this is a case of first impression before the court that the public interests require the Court to issue a definitive reasoning about.

Mr. Renchenski asserts that he has objectively demonstrated that his 2021 Pa. Supreme Court State habeas corpus bore no relationship to Mr. Renchenski's conviction or sentence. As stated, it was fully possible that the Pa. Supreme Court could have granted Mr. Renchenski's habeas relief and ordered his immediate release and, factually, his conviction/sentence would have remained unaffected, however, Mr. Renchenski's physical presence would have been out in the free world and not incarcerated. Therefore, by logical deduction, the Third Circuit's pronouncement that Mr. Renchenski would have to "first" overturn his conviction/sentence before habeas release could occur is unreasonable and contrary to reality. Perhaps the "sentence" itself would have been vacated, however, either way, the "new judgment of the Pa. Supreme Court satisfies the requirement of §2254 that a person "be in custody" and challenges the "judgment" of a State court. Mr. Renchenski is currently both.

In Hamdi v. Rumsfeld, 542 U.S. 507 (2004) the Court stated that the Great Writ was, no less than "the instrument by which due process could be insisted upon." (underlining added). Is not Mr. Renchenski entitled to due process of law? In Swarthout v. Cook, 131 S.Ct. 859, 862, (2011), the Court reaffirmed the principle that: "When a state creates a liberty interest, the Due Process Clause requires fair procedures for its vindication." (underlining added) A look at Mr. Renchenski's current federal habeas petition outlines the multitudinous

due process violations committed by the State against Mr. Renchenski and, for some reason, all those violations have been ignored by the federal courts. Where has the "[c]ourts strictly enforce mandatory language in Rules of Criminal Procedure" gone? 'Mortgan,' 187 Fed. Appx. at 240. Does that position only apply to defendant's who violate the Rules of Criminal Procedures, and not the Court's and their agents? The Court in Matthews v. Eldridge, 424 U.S. 319, 333 (1976) stated: "The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." (underlining added). Mr. Renchenski have never had even one opportunity to challenge his trial counsel's effective assistance in any court, State or Federal.

Mr. Renchenski filed a timely State PCRA petition and obeyed every procedural rule in existence, the Pennsylvania Court's violated a multitude of the Rules of Criminal Procedure - with impunity - resulting in his timely and properly filed PCRA remaining unadjudicated for ten (10) years, and the U.S. Supreme Court addressed just such a situation, saying: "Later, we allowed habeas relief for confinement under a state conviction obtained without adequate procedural protections for the defendant." McClesky v. Zant, 499 U.S. 467, 478 (1991). That is EXACTLY what Mr. Renchenski has been facing and yet, for some reason the U.S. Supreme Court's determinations on the importance of due process protections do not apply to him. It must be asked, is it because he's incarcerated for a murder? In addition, in Doggett v. United States, 505 U.S. 647, 655 (1992), the Court acknowledged that "[i]f there is extreme delay, the defendant need not present specific evidence of prejudice and instead may rely on the presumption of prejudice created by the delay." The State of Pennsylvania has denied Mr. Renchenski all ability to raise his Sixth Amendment claims in the state courts through its violation of so many of Mr. Renchenski's due process procedural rights

and, bizarrely enough, the State was able to cry foul by alleging the delay caused a prejudice AGAINST the State! The State created the delay and then benefited by the delay it created. The U.S. Supreme Court stated: "To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort." (underlining added) U.S. v. Goodwin, 475 U.S. 368, 372 (1982).

In closing, the U.S. Supreme Court stated: "There is plainly a fundamental interest in having the government abide by the rules of law it establishes to govern the circumstances under which it can deprive a person of his or her life or liberty." Carmell v. Texas, 120 S.Ct. 1620, 1623 (2000). That is what Mr. Renchenski has sought for many years; one chance to prove he's not guilty of first degree murder. In the matter sub judice, the ONLY thing Mr. Renchenski is challenging is the procedures the State employed which has resulted in his continued unlawful confinement.

It needs to be repeated again, Mr. Renchenski's State filing was an "original process/new matter" before the Pa. Supreme Court. That Court specifically recognized that it was a proceeding NOT RELATED to his conviction or sentence and was "properly filed" in the State Court. According to the plain language of 28 U.S.C. §2254 Mr. Renchenski is properly challenging the "judgment of a state court" that could not have been challenged in any other federal filing because its predicate did not exist until 2022 when the Pa. Supreme Court issued its new judgment to deny habeas relief and keep Mr. Renchenski incarcerated.

WHEREFORE, for the foregoing reasons, Mr. Renchenski prays this Honorable Court, in the interest of justice, to grant his instant appeal.

Date: September 17, 2025

Respectfully,
Charles S. Renchenski