

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PA :
 :
 vs. : No. CP-41-CR-000226-1986
 : (86-10,266)
 JEFFREY D. HILL, :
 Petitioner : Writ of Quo Warranto/Prohibition/Error

OPINION AND ORDER

By way of background, this Court entered an Order dated September 10, 2020 granting Petitioner sixty (60) days to file an Amended PCRA Petition setting forth the factual basis upon which he claims the PCRA provisions at issue violate the Pennsylvania Constitution, the legal basis for such and case law in support of such. The Order also required Petitioner to set forth the factual and legal basis why his claims were not untimely, previously litigated or waived.

In response, Petitioner filed a lengthy “Amended Writ of Quo Warranto/Prohibition/Error.” This document was filed on October 15, 2020.¹

Petitioner’s filing consists of approximately 227 total pages and includes, among other things, multiple sub filings titled “Judicial Notice”, copies of newspaper articles, copies of letters, copies of Atlantic Reporter Sheets, copies of constitutional provisions, copies of Court Orders, copies of Verifications, summary sheets, handwritten or printed notes, copies of photographs, portions of transcripts, a few blank yellow pages, one cartoon

¹The court apologizes for the delay in issuing this Opinion and Order. Between Thanksgiving 2020 and February 22, 2021, the court and then the court’s staff were dealing with issues related to COVID-19 and the CDC guidelines regarding quarantine.

drawing, formerly filed Briefs, copies of reported cases, copies of Court Opinions, an Affidavit, written statements and/or verifications, and numerous other miscellaneous documents.

Petitioner insists that he be permitted to proceed on a Writ of Quo Warranto/Prohibition/Error and that his filings not be treated as a Petition pursuant to the PCRA. Petitioner claims that the court's treating of his Writ of Quo Warranto/Prohibition/Error as a PCRA Petition is "a self-serving manifestation of dishonest intellectual dysentery", a "blatant false equivalency", and "convoluted, perverted mental gymnastics." Petitioner further claims that he is "wise" to the court's "bald-faced lies, half-truths, lies by omission, false equivalency, diversions, deflections and self-serving, self-pronouncements that are manifestations of [the court's] unmitigated audacity and intellectual dysentery as well as [the court's] mental contortions and mental gymnastics [the courts] try to pass off as outstanding legal scholarship."

Petitioner argues that "the onus" is on the courts to "justify this pathetic miscarriage of justice with the constitution and defend the indefensible." Petitioner argues that "to mislabel this Writ of Quo Warranto a PCRA Petition [is] to switch the onus and use the false equivalency, and the in custody bullshit to protect the shysterhoods pattern, practice and policy of racketeering, corruption and cowardess and claim the system is broken to stop any attempt to hold anyone accountable for making the task so daunting of fixing the broken system when in reality the system is comprised of corrupt individuals who can be easily identified by public records/court files in the Prothonotary's office in every courthouse so the

fix is easier than [the court] wants people to believe.”

Petitioner lodges numerous invectives against the court. The invectives are insulting, abusive and highly critical of the court and the undersigned. Among other things, Petitioner accuses the court of conducting a sham legal proceeding in which the outcome is a foregone conclusion, being biased, being dishonest and engaging in self-serving pronouncements. Petitioner claims that the undersigned is “friends” with certain individuals without any basis whatsoever and contends that this “Ivy league educated” Judge has been reversed on appeal because [this Judge] did not obtain his job on the basis of any kind of meritorious criteria.

This court is more than willing to ignore and overlook the invectives and other hyperbole understanding that Petitioner has had a very long and apparently frustrating history with the criminal justice system and representatives of that system. Some of Petitioner’s factual claims against legal professionals may be true.

Contrary to what Petitioner claims, the court **is required** to treat his Writ of Quo Warranto/Prohibition/Error as a PCRA Petition. The court has no discretion in this matter. The PCRA is the sole means of obtaining collateral relief and encompasses **all** other common law and statutory remedies. 42 Pa. C.S.A. § 9542; *Commonwealth v. Descardes*, 136 A.3d 493, 497-98 (Pa. 2016). The PCRA is the **exclusive** vehicle for obtaining post-conviction relief regardless of the manner in which the pleading or petition is titled. *Commonwealth v. Hromek*, 232 A.3d 881, 884 (Pa. Super. 2020); *Commonwealth v. Taylor*, 65 A.3d 462, 466 (Pa. Super. 2013); *Commonwealth v. Kutnyak*, 781 A.2d 1259, 1261 (Pa.

Super. 2001). The court must treat any pleading filed after the judgment of sentence becomes final as a PCRA petition as long as the pleading falls within the purview of the PCRA.

Commonwealth v. Tedford, 228 A.3d 891, 904 n. 10 (Pa. 2020). Petitioner's claims revolve around allegations of ineffective assistance of counsel, which fall within the purview of the PCRA.

The court notes that the appellant in *Tedford* attempted to assert arguments that the PCRA was unconstitutional as applied to him.² This appears to be an argument that the petitioner is asserting in this case. In *Tedford*, appellant contended that he had a constitutional right to a hearing on his claims of ineffective assistance of counsel pursuant to the 5th, 6th and 14th Amendments to the United States Constitution and Article I, Section 9 and Article I, Section 11 of the Pennsylvania Constitution. The Pennsylvania Supreme Court rejected *Tedford's* contentions, however, because he failed to develop his constitutional arguments and failed to address the Court's reasoning in *Commonwealth v. Turner*, 80 A.3d 754, 767 (Pa. 2013) and *Commonwealth v. Peterkin*, 722 A.2d 638 (Pa. 1988). *Tedford*, 228 A.3d at 906-907.

Despite Petitioner's voluminous Amended Writ, he has failed to address this court's September 10, 2020 Order. He has failed to set forth a factual basis or the legal basis why his claims are not untimely, previously litigated or waived. If he has or contends that he has, the court cannot discern such through his invective. In his anger and frustration, which

² Tedford filed a petition for writ of certiorari with the United States Supreme Court. That petition is still pending. Unlike Petitioner, however, Tedford remains in custody.

may be understandable, Petitioner would rather harangue the court and anyone who has had contact with his cases, than develop a comprehensive and cogent argument regarding the alleged constitutional shortcomings of the PCRA.

Pursuant to the PCRA, the court will give Petitioner 20 days within which to respond to the court's intention to dismiss his Petition without holding an evidentiary hearing. The response should address why his claims are not untimely, previously litigated or waived, or barred pursuant to *Ahlborn*³ due to the fact that he is no longer in custody. If Petitioner contends that the time limits and eligibility requirements of the PCRA are unconstitutional as applied to him, he must also address how or why the Pennsylvania Supreme Court's decisions in *Tedford*, *Turner*, and *Peterkin* would not defeat or preclude his claims of unconstitutionality in this case.

ORDER

AND NOW, this _____ day of March, 2021, as no purpose would be served by conducting a hearing, none will be scheduled and the parties are hereby notified of this court's intention to dismiss the Petition. Petitioner may respond to this proposed dismissal within twenty (20) days. If Petitioner needs additional time, he may request an extension. If

³ *Commonwealth v. Ahlborn*, 699 A.2d 718 (Pa. 1997).

Petitioner does not respond or request an extension within 20 days, the Court will enter an order dismissing the petition.

By The Court,

Marc F. Lovecchio, Judge

cc: District Attorney
Jeffrey D. Hill
306 S. Washington St., Muncy PA 17756
Gary Weber, Esquire
Judge Lovecchio