

"THE CRISIS IN PENNSYLVANIA" <sup>Originally</sup> <sup>Written</sup> By: Dale Wakefield (6-24-21)

There is something real sinister going on in the Commonwealth State of Pennsylvania where a calculated scheme has been perpetrated by the Commonwealth to further the illicit gains from the BIG business of mass incarceration, a major injustice that no civilized society can or should tolerate. Thousands of innocent United States citizens are being unlawfully detained and warehoused for years, even decades, without being charged with a crime! These United States citizens have been unlawfully and illegally seized, arrested, kidnapped, and subsequently detained and warehoused on the nonexistent crime of 18 Pa. C.S. § 2501(a), "Criminal Homicide." The Commonwealth have purposely manipulated and weaponized "Criminal Homicide" in part of their systematic scheme to lock up innocent American citizens and put them on an assembly line to prosecute and warehouse them into a prison system in furtherance of the BIG business of mass incarceration. Innocent American citizens are being warehoused in direct and clear violation of substantive due process of law under the Fourteenth Amendment to the United States Constitution.

The Commonwealth as a whole, including the various Pennsylvania law enforcement agencies, District Attorneys, and Judges across the state, have continued to use this systematic scheme of fraudulently charging American citizens with 18 Pa. C.S. § 2501(a), "Criminal Homicide" as an "overall crime with lesser included offenses." The Commonwealth would have the American people believe that these "lesser included offenses" include the specific charges of "(18 Pa. C.S. § 2502(a), Murder of the First Degree; (18 Pa. C.S. § 2502(b), Murder of the Second Degree; (18 Pa. C.S. § 2502(c), Murder of the Third Degree; (18 Pa. C.S. § 2503, Voluntary Manslaughter;)" and (18 Pa. C.S. § 2504, Involuntary Manslaughter.")

However, back in 1991, the Pennsylvania Supreme Court issued an intervening, binding precedent decision in Commonwealth v. Richard A. Kemmerer, 526 Pa. 160, 584 A.2d 940, 1991 Pa. LEXIS 11 expressing that "the view that ignored the qualitative differences among the various offenses (degrees of murder and manslaughter) in favor of a mechanical interpretation of the newly enacted statute (18 Pa. C.S. § 2501(a), "Criminal Homicide" as an overall crime w/ lesser included offenses) has NEVER been accepted by a majority of the Court, and we NOW expressly reject it." This is settled law and has never been overturned.

The Pennsylvania Supreme Court gave its reasoning in Kenmerer stating that "the central element of all homicides is the killing of another human being. Beyond that similarity, the degrees of homicide differ from one another and from the types of manslaughter in quality, not just in degree, so that they cannot be said to be necessarily included in one another."

Therefore, based on the above presented facts, since Kenmerer is the law, and this is the interpretation of it, how are United States citizens locked up and warehoused into a prison system for this nonexistent crime of "Criminal Homicide?" It is already settled @ Kenmerer that 18 Pa.C.S. § 2501(a) "Criminal Homicide" is not an overall crime with lesser included offenses, which begs the question; "what is Criminal Homicide?" It is clear that it is not a crime! There can be no other explanation when facts are presented showing this calculated scheme being maliciously perpetrated by the Commonwealth to further the illicit gains from the BIG business of mass incarceration. Nothing prevented the Commonwealth from charging these citizens with a specific offense, further violating the right to substantive due process.

"Prisonvania," which has to be one of the most corrupt states in the country, are warehousing thousands of innocent United States citizens into a prison system by tactic fraud. Even with some of the worst infrastructure and some of the most underfunded public schools in the country, money is instead diverted and invested back into the BIG business of mass incarceration for more illicit gains. This is the Commonwealth of Pennsylvania's BIG \$\$\$ maker. Once all the steel mills, coal mines, textiles, and mental hospitals shut down, prisons and jails were built or converted right in their place. The BIG business of mass incarceration is Pennsylvania's \$\$\$ machine that keeps on turning with the Commonwealth's systematic scheme being a key piece. This oppressive and sadistic machine must be exposed for what it clearly is and stopped once and for all, before more innocent citizens perish behind the walls of this great fraud away from their loved ones. This is a matter of grave importance.

The Commonwealth as whole, including elected officials, the Pennsylvania BAR association, plus others, all act in collusion with each other to keep this racket going. The Commonwealth and its various government agencies will stop at nothing

and stoop to the extremes to keep this systematic scheme going uninterrupted to meet their sinister objectives - more illicit gains! Capitalism breeds crime, and that is exactly what the Commonwealth is doing, capitalizing on this great fraud. They all turn a blind eye when there is all this money to be made from this calculated scheme. They know that these innocent United States citizens, who are imprisoned unlawfully and illegally, don't stand a chance against this calculated scheme because they lack the much-needed exposure, which allows the Commonwealth to crush them and act unlawfully with impunity. The Commonwealth will avoid this exposure at all costs.

The Courts, both at the state and federal level, bully these American citizens and deliberately place many procedural obstacles and roadblocks in their path to stop them from obtaining the necessary relief - their freedom! The higher courts work in tandem with the lower courts and the Commonwealth to unlawfully deny the Writ of Habeas Corpus - the only appropriate legal filing for relief. These corrupt judges deliberately prevent the lawful execution of these writs and unlawfully dismiss them without properly supporting the law or not providing anything at all. All of these Courts are intentionally acting in concert to ignore the settled law announced by the Pennsylvania Supreme Court in *Com. v. Kemmerer*. They often misquote, reinterpret, or freestyle some response and bend the Constitution, laws, and court rules and procedures to work for them in keeping their systematic scheme going. They are clearly obstructing justice. The fact that the Courts, Judges, lawyers, etc., are all aware of the settled law @ *Kemmerer*, but yet still willingly choose to ignore and disregard it presents a monumental fraud and a major concern. This is a concentrated corruptness and collusion at its highest, a flagrant systematic collusion by the Commonwealth to include the Judicial parties. These greedy judges are not playing an impartial role, often arguing for the Commonwealth and helping them maliciously prosecute innocent American citizens. These elected officials are more concerned with lining their pockets with these illicit gains from this calculated scheme than for the Constitution and law they are bound to know and uphold.

Take for example the case of Michael Rosfeld, a former East Pittsburgh Police officer, who fatally shot seventeen year old Antwon M. Rose II, a young African American male on the evening of June 19, 2018. As set forth in the Police Criminal Complaint, Mr. Rosfeld was charged with one count of 18 Pa. C.S. § 2501(a), "Criminal Homicide." At trial, the jury acquitted him of "Criminal Homicide." The public and Antwon Rose's family were

outraged by this verdict, but they did not know that the Commonwealth could not legally come back and recharge Mr. Rosfeld with any degree of murder or manslaughter. To do so would reveal the Commonwealth's systematic scheme! The Commonwealth purposely kept this quiet to avoid exposure.

Additionally, even if Mr. Rosfeld was found guilty of "Criminal Homicide," there is no way for him to be lawfully sentenced for it. Not only is 18 Pa. C.S. § 2501(a), "Criminal Homicide" not a crime, it must be noted that this generic statute does not provide lawful authority for any sentence or punishment! But since "Criminal Homicide" is not a crime, the courts lack subject matter jurisdiction and all proceedings are void ab initio. Therefore, you can never get to a sentencing proceeding.

Again, there can be no other explanation when these facts are presented showing the fraud that is being perpetrated by the Commonwealth, where they are unlawfully and illegally seizing, arresting, kidnapping, and subsequently confining innocent United States citizens for the nonexistent crime of "Criminal Homicide." Such acts and conduct to deny much-needed relief is intended to play on human frailty and to deflect and deter the Courts from performing their lawful duties, one of which is issuing Writs of Habeas Corpus to innocent Americans being detained unlawfully and restrained of their liberty. It is insisted that these innocent Americans, who continue to be aggrieved, oppressed, and fraudulently deprived of their most sacred rights, have immediate admission to all rights and privileges which belong to them as innocent citizens of the United States and of the Commonwealth of Pennsylvania. They are the victims of an unconstitutional state action where the Commonwealth instigated this malicious prosecution due to the BIG business of mass incarceration. These sinister motives are causing them to be falsely imprisoned by a false arrest and seizure obtained by corrupt and undue means, where their right to life, liberty, and every pursuit of happiness remains at stake.

Only by the grace of God and in their audacity to live, which transcended into the necessity to be free, were facts uncovered to reveal this systematic scheme that intentionally violated their rights, as well as all applicable laws. All of this found with due diligence and absolutely no human contact or intervention in the extreme conditions of indefinite solitary confinement. This is the true crisis in Pennsylvania, and these innocent United States citizens need help.

- Respectfully Submitted,  
by one of the innocent American citizens,  
Dale Wakefield  
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