

No: 5 EAP 2023
IN THE SUPREME COURT OF PENNSYLVANIA, EASTERN DISTRICT
<p>Larry Krasner, in his official capacity as the District Attorney of Philadelphia</p> <p style="text-align: center;">Vs.</p> <p>Senator Kim Ward, in her official capacity as President Pro Tempore of the Senate; Representative Timothy R. Bonner, in his official capacity as an impeachment manager; Representative Craig Williams, in his official capacity as an impeachment manager; Representative Jared Solomon, in his official capacity as an impeachment manager; and John Does, in their official capacities as members of the Senate Impeachment Committee</p>
Appeal of: Vamsidhar Vurimindi , Possible Intervenor
Trial Court Name: Commonwealth Court of Pennsylvania
Other Court Docket No: 563 MD 2022

OPENING BRIEF

This is an Appeal from per curiam January 5, 2023, Order denying Appellant Vamsidhar Vurimindi's Petition to Intervene into Philadelphia District Attorney Lawrence Krasner ("District Attorney") Petition for Review and Application for Summary Relief to stop Republican Party lead Pennsylvania House of Representatives impeachment of District Attorney in *Krasner v. Ward et al.*, Case No.:563 M.D. 2022, Commonwealth Court of Pennsylvania.

Date: April 12, 2023

Vamsidhar Vurimindi
Appellant, pro se
821 Gunter Street
Austin, TX 78702
Tel # (737) 262-3477

TABLE OF CONTENTS

TABLE OF CONTENTS..... ii

TABLE OF CITATIONS..... iv

STATEMENT OF JURISDICTION..... 1

ORDER IN QUESTION..... 2

SCOPE AND THE STANDARD OF REVIEW..... 3

STATEMENT OF QUESTIONS FOR REVIEW..... 4

STATEMENT OF THE CASE..... 5

 Statement of the Form of Action..... 5

 Prior Determination of Any Court..... 5

 Judges Whose Determinations Are To Be Reviewed:..... 9

 Statement of Facts:..... 9

SUMMARY ARGUMENT..... 15

ARGUMENT..... 16

 Commonwealth Court Erred In Denying Petition To Intervene Without Hearing, Where Republican Party Led Pennsylvania House of Representatives / State Senate And District Attorney Did Not Protect Appellant Vamsidhar Vurimindi’s Interests And Appellant Has Standing To Oppose Stopping Impeachment Proceedings:..... 16

 District Attorney’s Petition for Review Is Pending When Appellant Filed Petition To Intervene:..... 16

 Commonwealth Court Has Duty To Liberally Construe Pro Se Pleadings:..... 17

 Appellant Has Standing To Intervene Under Biester Exceptions:..... 18

 Appellant Have Standing To Seek Removal Of District Attorney As Plaintiff in Quo Warranto Action:..... 20

Republican Party Led Pennsylvania House of Representatives / State
Senate And District Attorney Did Not Protect Appellant’s Interests:....22

Commonwealth Court Erred In Denying Petition To Intervene Without
Hearing:.....25

CONCLUSION.....29

CERTIFICATE OF COMPLIANCE.....30

CERTIFICATE OF COMPLIANCE.....30

CERTIFICATE OF SERVICE.....31

VERIFICATION.....32

TABLE OF CITATIONS

Andrezjwski v. Borough of Millvale, 673 A.2d 879, 881 (1996).....	21
Bridges v. Wixon, 326 U.S. 135 (1945).....	25
C.C.H. v. Phila. Phillies, Inc., 940 A.2d 336, 346 (Pa. 2008).....	3
Com. ex Rel. Goodfellow v. Rundle, 415 Pa. 528, 532 n.6 (Pa. 1964).....	17
Com. ex rel. Specter v. Martin, 232 A.2d 729 (1967).....	21
Commonwealth ex rel. Margiotti v. Union Traction Co., 194 A. 661 (Pa. 1937).....	20
Demore v. Kim, 538 U.S. 510 (2003).....	25
Holiday v. Johnston, 313 U.S. 342 (1941).....	17
In re 100 or More Electors of Clairton, 683 A.2d 283, 286 n. 10 (1996)....	20
In re Application of Biester, 409 A.2d 848 (Pa. 1979).....	15, 18
In re Barnes Foundation, 871 A.2d 792 (Pa. 2005).....	1
K.C. v. L.A., 128 A.3d 774 (Pa. 2015).....	1
Kwong Hai Chew v. Colding, 344 U.S. 590 (1953).....	25
League of Women Voters v. Board of Comm'rs, 301 A.2d 797 (1973).....	21
Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 172 (1972).....	23
Pennsylvania Bankers Ass'n v. Pennsylvania Department of Banking, 956 A.2d 956 (Pa. 2008).....	3
Philadelphia Fac. Manag. Corp. v. Beister, 408 A.2d 1095 (Pa. 1979). 15, 26	
Plyler v. Doe, 457 U.S. 202 (1982).....	25
Robinson Twp. Sch. Dist. v. Houghton, 128 A.2d 58 (Pa. 1956).....	15 f.
Russian Volunteer Fleet v. United States, 282 U.S. 481 (1931).....	25
Seminole Tribe of Fla. v. Florida, 517 U.S. 44, 168 (1996).....	22

Spykerman v. Levy, 421 A.2d 641 (Pa. 1980).....	15, 21
SugarHouse HSP Gaming, L.P. v. Pa. Gaming Control Bd., 162 A.3d 353 (Pa. 2017).....	26
Union Land Bank v. Byerly, 310 U.S. 1, 13 n.6 (1940).....	15 f.
United States v. Ballin, 144 U.S. 1, 5 (1892).....	23
United States v. Smith, 286 U.S. 6, 33 (1932).....	23
Wong Wing v. United States, 163 U.S. 228 (1896).....	25
Yick Wo v. Hopkins, 118 U.S. 356 (1886).....	25

STATEMENT OF JURISDICTION

Under 42 Pa. C.S.A. § 723(a) and Pa.R.A.P. 1101(a)(1), this Court has jurisdiction over this appeal because Philadelphia District Attorney Lawrence Krasner (“District Attorney”) filed his Petition for Review and Application for Summary Relief in Commonwealth Court of Pennsylvania invoking its original jurisdiction under 42 Pa.C.S.A. § 761 and January 5, 2023, per curiam Order denying Appellant Vamsidhar Vurimindi’s Petition to Intervene, is an immediately appealable collateral order under Pa.R.A.P. 313, See K.C. v. L.A., 128 A.3d 774 (Pa. 2015)(holding that an appeal from an order denying intervention in a custody action is a collateral order); In re Barnes Foundation, 871 A.2d 792 (Pa. 2005)(same), and as final order under Pa.R.A.P. 341, as it fully disposed of all claims and parties.

ORDER IN QUESTION

PER CURIAM ORDER

NOW, January 5, 2023, upon consideration of the “Nunc Pro Tunc Petition to Intervene” (Petition) filed by Vamsidhar Vurimindi, the Court notes the following:

1) Pursuant to this Court’s Order dated December 6, 2022, Applications for Leave to Intervene, complete with proposed filings and a memorandum of law in support thereof, were to be filed no later than December 12, 2022, at 3:00 p.m;

2) Vamsidhar Vurimindi filed his Petition on January 3, 2023, well beyond the Court-ordered deadline for Applications to Intervene;

3) Mr. Vurimindi’s Petition fails to set forth any grounds that would warrant the grant of nunc pro tunc relief; and

4) This matter was decided by Order dated December 30, 2022, before Mr. Vurimindi filed his Petition.

Accordingly, because Mr. Vurimindi’s Petition is untimely and fails to set forth grounds for nunc pro tunc relief, the Petition is DISMISSED.¹ See Pa.R.Civ.P. 2329(3).

1. Even if the Petition had set forth sufficient grounds for granting nunc pro tunc relief, it would fail on the merits because it does not satisfy any of the grounds for granting intervention set forth in Pa.R.Civ.P. 2327, nor does it satisfy the requirements of Pa.R.Civ.P. 2328.

SCOPE AND THE STANDARD OF REVIEW

Under Pa.R.Civ.P. 2327, a question of whether a proposed intervenor is a person could have joined as an original party in the action or could have been joined therein; or the determination of action affect legally enforceable interest of such person irrespective of such person bound by a judgment in that action, is a question of law. See Pennsylvania Bankers Ass'n v. Pennsylvania Department of Banking, 956 A.2d 956 (Pa. 2008) (whether Department, entered an order granting the Banks' petitions to intervene pursuant to the public interest prong, properly dismissed the Banks based on their failure to prove that they had a direct interest in the proceedings under the direct interest prong, is a question of law). Accordingly, this Courts standard of review is de novo and the scope of our review is plenary. C.C.H. v. Phila. Phillies, Inc., 940 A.2d 336, 346 (Pa. 2008).

STATEMENT OF QUESTIONS FOR REVIEW

1. Whether Commonwealth Court erred in denying Appellant Vamsidhar Vurimindi's Petition to Intervene without hearing, where his interests not protected by Republican Party led Pennsylvania House of Representatives / State Senate and District Attorney, and has standing as intervenor under Biester exceptions and as plaintiff in quo warranto complaint to oppose District Attorney's Petition for Review and Application for Summary Relief seeking to stop impeachment proceedings?

Trial Court Answer: No

Suggested Answer: Yes

STATEMENT OF THE CASE

I. Statement of the Form of Action

This is an Appeal from January 5, 2023, per curiam order denying Appellant Vamsidhar Vurimindi's Petition to Intervene in District Attorney's Petition for Review and Application for Summary Relief to stop Republican Party lead Pennsylvania House of Representatives impeachment of District Attorney in Krasner v. Ward et al., Case No.:563 M.D. 2022, Commonwealth Court of Pennsylvania.

II. Prior Determination of Any Court

In Commonwealth v. Vurimindi, No.: 2140 EDA 2017, Superior Court of Pennsylvania dismissed Appellant's direct appeal from wrongful guilty verdict for two counts of stalking, by refusing to review 220 hours of video evidence withheld by trial counsel to allow Caucasian female complaining witnesses to make case against Appellant through fabrications and purposeful distortions, where Judge Diana Anhalt denied permission for Appellant to prove Caucasian female complaining witnesses fabricated his bad acts to negate his culpability at sentence hearing. In Commonwealth v. Vurimindi, No.:121 EAL 2019, this Court denied Appellant's Petition for Allowance of Appeal from dismissing his direct appeal. Thereafter, Philadelphia Common Pleas Court appointed Counsel Lawrence

O'Connor's to prosecute Appellant's Post-Conviction Relief Act (42 Pa.C.S.A §§ 9541-9546), ("PCRA") Petition, to withheld 220 hours of exculpatory video evidence and evidence of Caucasian female complaining witnesses conspiracy to file false police complaints until police lock-up Appellant, because Appellant filed civil complaint to redress hostile housing environment; and PCRA Court denied Appellant permission to proceed as pro se; and an appeal from this order is pending at Commonwealth v. Vurimindi, No.: 1886 EDA 2021, Superior Court of Pennsylvania. PCRA Court also denied removing Counsel O'Connor; and an appeal from this order is pending at Commonwealth v. Vurimindi, No.:888 EDA 2022, Superior Court of Pennsylvania. In addition, PCRA Court denied travel permission for Appellant from Austin, TX to Philadelphia, PA, to undertake campaign against retention of all judges in his criminal case; and an appeal from this order is pending at Commonwealth v. Vurimindi, No.:1548 EDA 2021, Superior Court of Pennsylvania.

In Vurimindi v. Prothonotary, Court of Common Pleas, Philadelphia, et al., No.:160302808, Philadelphia Common Pleas Court, Appellant asserted District Attorney's Office suppressed Caucasian female complaining witnesses' fabrications and assisted them to take out their anger against Appellant for filing civil complaint to redress hostile housing environment.

An appeal from dismissing this complaint is pending at *Vurimindi v. Prothonotary, Court of Common Pleas, Philadelphia, et al.*, No.: No:753 CD 2018, Commonwealth Court of Pennsylvania. In addition, Appellant filed numerous complaints with Pennsylvania Attorney General against District Attorney; but Pennsylvania Attorney General did not respond or initiate any investigation. In *Hoopskirt Lofts Condominium Association v. Vurimindi et al.*, No.: 131201973, 2015 Phila. Ct. Com. Pl. Lexis 465; 2015 Phila. Ct. Com. Pl. Lexis 402; 2016 Phila. Ct. Com. Pl. Lexis 64 (2016); aff'd 178 A3d 966 (Pa. Commw. 2017); appeal den., 188 A3d 1113 (Pa. 2018), Judge Ellen Ceisler as Philadelphia Common Pleas Court judge, well aware about Caucasian majority condominium association precluding Appellant living in his own condo, procuring criminal prosecution and foreclosing his condo to collect fictitious unpaid condo fees, while withholding Appellant's \$18,000 out-of-pocket expenses due to condo association failing to repair his condo due to roof collapse above Appellant's condo. In this case Judge Ceisler ignored condominium association served its foreclosure complaint upon prison officer who was precluded from accepting service of complaint as per Philadelphia Prison Policy 3.F.8—formalizing procedures for processing inmates legal mail, and deprived Appellant notice of foreclosure complaint; and made generous advisory opinions against Appellant in support of

Caucasian female complaining witnesses procuring wrongful prosecution. In Vurimindi v. Philadelphia District Attorney et al., No.: 230100026, Philadelphia Common Pleas Court, Appellant sought injunction against Caucasian female complaining witnesses, District Attorney, United States Attorney's Office for the Eastern District of Pennsylvania, United States Attorney's Office for the District of Maryland, United States Attorney's Office for the Southern District of New York, United States Attorney's Office for the Western District of Texas, Office of the Attorney General for Pennsylvania, Office of the Attorney General for New York, and Office of the Attorney General for Maryland, to bring new state or federal criminal prosecution for disseminating available video evidence (via internet) establishing Caucasian female complaining witnesses fabrications, and explain each fabrication and how Philadelphia Common Pleas Court Judges and District Attorney abetted these corrupt witnesses; and tell public about Caucasian female complaining witnesses and their paramours menacing conduct of unlawfully taking his condo, for questioning their hostility and suing them for illegal eavesdropping and publicizing Appellant's private facts and bringing criminal prosecution; and an appeal from dismissing this complaint is pending at Vurimindi v. Philadelphia District Attorney et al., No.:315 EDA 2023, Superior Court of Pennsylvania.

III. Judges Whose Determinations Are To Be Reviewed:

Commonwealth Court of Pennsylvania per curiam decision.

IV. Statement of Facts:

On November 16, 2022, the Republican Party led Pennsylvania House of Representatives passed HR 240 containing following amended articles of impeachment against District Attorney:

1. Article I: Misbehavior in Office In the Nature of Dereliction of Duty and Refusal to Enforce the Law, including District Attorney conduct of terminating or forcing to resign rouge prosecutors like Michael Barry, Carlos Vega and Tanner Rouse, who suppressed exculpatory evidence to obtain wrongful convictions against minorities.
2. Article II: Misbehavior in Office In the Nature of Obstruction of House Select Committee Investigation for District Attorney dodging subpoena to produce records.
3. Article III: Misbehavior in Office In the Nature of Violation of the Rules of Professional Conduct and Code of Judicial Conduct for District Attorney refusing to seek death penalty for black man in the Matter of Robert Wharton v. Donald T. Vaughn.

4. Article IV: Misbehavior in Office In the Nature of Violation of the Rules of Professional Conduct, for prosecuting Ryan Pownall, a white police officer killing David Jones, a 30-year-old unarmed black man in the Matter of Commonwealth v. Pownall.
5. Article V: Misbehavior in Office In the Nature of Violation of the Rules of Professional Conduct and Code of Judicial Conduct for concealing conflict of interest in black man Mumia Abu-Jamal a/k/a Wesley Cook's who killed Daniel Faulkner, white police officer In re: Conflicts of Interest of Philadelphia District Attorney's Office.
6. Article VI: Misbehavior in Office in Nature of Violation of Victims Rights, including District Attorney's Office failing to contact crime victims.
7. Article VII: Misbehavior in Office in the Nature of Violation of the Constitution of Pennsylvania By Usurpation of the Legislative Function for refusing to prosecute a class of drug related offenses. See Petition for Review, Paragraphs 20-29.

On November 22, 2022, Republican Party led Pennsylvania State Senate proposed rules for District Attorney impeachment trial and stated, "Nothing in this section shall prevent the Senate from sending for a witness

and hearing the witness's testimony in open Senate. The Senate may receive additional evidence and testimony before making its final judgment on the articles of impeachment". General Assembly of Pennsylvania approved these rules at SR No.16 Session of 2023. See Rules of Practice and Procedure in the Senate When Sitting On Impeachment Trials, p.7(16:20). On November 30, 2022, the Republican Party led Pennsylvania Senate set date of District Attorney impeachment trial as January 18, 2023. On December 2, 2022, District Attorney filed his Petition for Review and Application for Summary Relief in Commonwealth Court of Pennsylvania, seeking judgment against Senator Kim Ward, Representative Timothy Bonner, Representative Craig Williams, and Representative Jared Solomon, by declaring pending impeachment trial is unconstitutional and unlawful. On December 6, 2022, Commonwealth Court of Pennsylvania issued an order that all Applications for Leave to Intervene, shall be filed no later than December 12, 2022, 3:00 p.m; and all answers to any Applications for Leave to Intervene shall be filed no later than December 16, 2022, 3:00 p.m. See December 6, 2022, Order. On December 16, 2022, and Senator Ward, Representatives Bonner and Williams filed opposition to District Attorney's Petition for Review. On December 30, 2022, Judge Ellen Ceisler declared District Attorney's claims raise legal and

constitutional issues that do not require further development of the factual record and all seven amended articles are invalid and failed to assert viable claim for District Attorney's misbehavior in office. See December 30, 2022, Order.

On January 02, 2023, Appellant first-time learned about impeachment trial against District Attorney, See Nunc Pro Tunc Petition to Intervene, Page 1-2, and found that impeachment drama is akin to scripted fake WWE match of people belting each other over the head with folding chairs. Id. Page 2. In his petition, Appellant asserted that he personally notified District Attorney about his white subordinates numerous unlawful acts before, during and after criminal prosecution against Appellant. But, District Attorney ignored Appellant's complaints, and spewed propaganda style inflammatory accusations against Appellant to make believe Caucasian female complaining witnesses are incapable of lying, maintaining grudge, animosity, and ill-will against Appellant; and to cover his white subordinates knowing use of perjurious testimony to convict Appellant, now characterizing Appellant as "litigious" for exercising his constitutional right to access courts to redress genuine grievances against the all-white prosecutor, trial judge, court reporter, defense counsels, and complaining witnesses. Id. Page 3-4. Appellant also asserted that Republican Party

Articles of Impeachment is to arouse their white voter base and ignore District Attorney's serious offense of making prosecutorial decisions after meticulous evaluation of mileage to further his political career by hiding Caucasians' misfeasance and malfeasance to reduce backlash from white voters in Pennsylvania. Therefore, he is a person could have joined as witness to prove Articles of Impeachment against District Attorney or could have joined with Senator Ward, Representatives Bonner and Williams to oppose District Attorney's Application for Summary Relief. Appellant also asserted Commonwealth Court ruling that Republican Party Articles of Impeachment against District Attorney is meritless, affects his claims against District Attorney's misfeasance and malfeasance in the office. Therefore, Appellant requested permission to intervene to file petition for reconsideration to include evidence of District Attorney's misfeasance and malfeasance in the office by refusing to correct knowing use of perjurious testimony of Caucasian female complaining witnesses; and preventing Appellant to enter available evidence establishing knowing use of perjury into trial record and into public domain by terrorizing Appellant with threats of re-prosecution and re-incarceration; and attached 310-page complaint for injunctive relief and exhibits narrating District Attorney and his authorized subordinates knowing use of perjury, making improper

arguments (asserting facts that are not in evidence, misstating laws, vouching for the credibility of Caucasian complaining witnesses, mischaracterization of exculpatory evidence, interfering with Appellant's constitutional rights), withholding evidence from Appellant, destroying prosecutor trial file to suppress withholding evidence. Immediately, without hearing, Commonwealth Court issued per curiam order denying petition to intervene. In response, Appellant filed Application for Reconsideration from denying Nunc Pro Tunc Petition to Intervene by curing purported defects under Pa.R.Civ.P. 2328. On January 12, 2023, Commonwealth Court denied Application for Reconsideration, and Appellant filed notice of appeal to this court.

SUMMARY ARGUMENT

Pa.R.Civ.P. 2327, permits intervention during the pendency of an action. Id. A case is pending in the court, where court might modify the order upon filing motion, or grant a rehearing. Union Land Bank v. Byerly, 310 U.S. 1, 13 n.6 (1940)(An appeal is a proceeding in the original cause and the suit is pending until appeal disposed). See Robinson Twp. Sch. Dist. v. Houghton, 128 A.2d 58 (Pa. 1956)(Dissenting Opinion Justice Musmanno)(Intervention may be allowed at any time during the pendency of an action. It is immaterial whether it is before or after trial or even after the entry of judgment as long as the record has not yet been removed on appeal). It was improper for Commonwealth Court to deny the petition to intervene without a hearing, Philadelphia Fac. Manag. Corp. v. Beister, 408 A.2d 1095 (Pa. 1979), where both Republican Party lead Pennsylvania House of Representatives/Sate Senate and District Attorney didn't protect Appellant' interests, by hiding Caucasians' abuse of criminal justice system to target minorities. Therefore, no other person is better situated than Appellant to assert claim against District Attorney, See In re Application of Biester, 409 A.2d 848 (Pa. 1979) and bring a quo warranto action to remove District Attorney from office. See Spykerman v. Levy, 421 A.2d 641 (Pa. 1980).

ARGUMENT

I. Commonwealth Court Erred In Denying Petition To Intervene Without Hearing, Where Republican Party Led Pennsylvania House of Representatives / State Senate And District Attorney Did Not Protect Appellant Vamsidhar Vurimindi's Interests And Appellant Has Standing To Oppose Stopping Impeachment Proceedings:

A. District Attorney's Petition for Review Is Pending When Appellant Filed Petition To Intervene:

Under Pa.R.Civ.P. 2327, "At any time during the pendency of an action, a person not a party thereto shall be permitted to intervene therein. See 231 Pa. Code § 2327. A case is pending in the court, where court might modify the order upon filing motion, or grant a rehearing. Union Land Bank v. Byerly, 310 U.S. 1, 13 n.6 (1940)(An appeal is a proceeding in the original cause and the suit is pending until appeal disposed). See Robinson Twp. Sch. Dist. v. Houghton, 128 A.2d 58 (Pa. 1956)(Dissenting Opinion Justice Musmanno)(Intervention may be allowed at any time during the pendency of an action. It is immaterial whether it is before or after trial or even after the entry of judgment as long as the record has not yet been removed on appeal). Appellant's Petition for Intervention filed well within thirty (30) days time from December 30, 2022, Order; and ahead of January 12, 2023, opinion in support of December 30, 2022, Order, and Senator Ward, Representatives Timothy Bonner, and Craig Williams did not

file notice of appeal from December 30, 2022, Order. See 42 Pa.C.S. § 5505 (court may modify or rescind any order within 30 days after entry if no appeal has been taken). Therefore, District Attorney's Petition for Review is pending when Appellant filed Petition to Intervene.

B. Commonwealth Court Has Duty To Liberally Construe Pro Se Pleadings:

The most basic function of the American state and federal judicial systems is clear: provide appropriate relief on the merits of valid claims. Therefore, Commonwealth Court has duty to construe pro se filings liberally. See Com. ex Rel. Goodfellow v. Rundle, 415 Pa. 528, 532 n.6 (Pa. 1964)(It is not inappropriate to suggest that our courts must “read in-artfully drawn petitions liberally in favor of the petitioner”. Accommodating State Criminal Procedure and Federal Post-conviction Review, 50 A.B.A.J. 928 (1964); Holiday v. Johnston, 313 U.S. 342 (1941)(A petition for habeas corpus ought not to be scrutinized with technical nicety)). Under Pa.R.Civ.P. 2328(a), Application for leave to intervene shall set forth the ground on which intervention is sought and a statement of the relief or the defense which the petitioner desires to demand or assert. The petitioner shall attach to the petition a copy of any pleading which the petitioner will file in the action if permitted to intervene or shall state in the petition that the

petitioner adopts by reference in whole or in part certain named pleadings or parts of pleadings already filed in the action. See 231 Pa. Code § 2328. However, Appellant rushed his Nunc Pro Tunc Petition to Intervene, by attaching a 310-page complaint and exhibits alluding District Attorney's serious misbehavior of hiding Caucasian's criminal conduct; and did not fulfill requirement of attaching pleading that he intended to file. However, Commonwealth Court should have declined to find waiver based solely on failure to attach brief in support of articles of impeachment, where 310-pages exhibit establish District Attorney's hiding (and even abetting) Caucasian's criminal conduct constitutes common law crime of misbehavior in office warranting Commonwealth Court to vacate its order and declare District Attorney committed common law crime of misbehavior in office.

C. Appellant Has Standing To Intervene Under Biester Exceptions:

In re Application of Biester, 409 A.2d 848 (Pa. 1979) this Court held that a citizen taxpayer who is not aggrieved in the classic sense has standing to bring a suit based on his taxpayer status if the following conditions are present: (1) the governmental action would otherwise go unchallenged; (2) those directly and immediately affected by the complained of matter are beneficially affected and not inclined to challenge the action; (3) judicial relief is appropriate; (4) redress through other

channels is unavailable; and (5) no other persons are better situated to assert the claim.

Appellant was tax paying non-citizen resident of Philadelphia; and now have 27% beneficial ownership in Numoda Corporation d/b/a Prevail Info Works (www.prevailinfoworks.com), a software company provide analytical tools for clinical trials in Philadelphia. Republican Party led Pennsylvania House of Representatives / State Senate is unwilling to prosecute and remove District Attorney for hiding (and even abetting) Caucasians' criminal conduct. District Attorney is not removing himself or hiding (and even abetting) Caucasians' criminal conduct. Philadelphia's minorities either afraid or disinclined to challenge Republican Party led Pennsylvania House of Representatives / State Senate for not prosecuting District Attorney for hiding (and even abetting) Caucasians' criminal conduct. Judicial intervention to permit Appellant to force Republican Party led Pennsylvania House of Representatives to include use case of District Attorney's serious offense of hiding Caucasians' abuse of criminal justice system to punish minorities to further his political career. Republican Party led Pennsylvania House of Representatives wouldn't even recognize existence of District Attorney's serious offense of hiding Caucasians' abuse of criminal justice system to punish minorities to further his political career; Pennsylvania

Attorney General wouldn't respond to several complaints against District Attorney. Private citizen quo warranto actions disfavored in Pennsylvania. Commonwealth ex rel. Margiotti v. Union Traction Co., 194 A. 661 (Pa. 1937)(Courts have given greater latitude to proceedings instituted by the State on behalf of the public, over private relators in quo warranto proceedings). Appellant suffered irreparable injury by District Attorney's serious offense of hiding Caucasians' abuse of criminal justice system to punish minorities to further his political career; and no other person is better situated to assert this claim against District Attorney.

D. Appellant Have Standing To Seek Removal Of District Attorney As Plaintiff in Quo Warranto Action:

A private person, with no special right or interest in the public office, must first seek to have either the Attorney General or local district attorney file a quo warranto action. It is only after both the Attorney General and the local district attorney decline to bring such an action that a private person will have standing to seek the removal of the holder of a public office. In re 100 or More Electors of Clairton, 683 A.2d 283, 286 n. 10 (1996)(A party will be permitted to bring an alternative action to the remedy of quo warranto where the Attorney General and the local district attorney refuse to bring such an action or if it would be a futile exercise to seek the

approval of these officials. *Id.* at 286-87). See *Spykerman v. Levy*, 421 A.2d 641 (Pa. 1980)(If a private person has a special right or interest, as distinguished from the right or interest of the public generally, or he has been specially damaged, he may have standing to bring a quo warranto action.” *Id.*, 421 A.2d at 649 (citations omitted)); *Andrezjwski v. Borough of Millvale*, 673 A.2d 879, 881 (1996) (registered voters properly brought equitable challenge to Borough of Millvale mayor's right to office where both the Attorney General and district attorney refused to institute a quo warranto proceeding); *League of Women Voters v. Board of Comm'rs*, 301 A.2d 797 (1973) (equitable remedy seeking disqualification of appointed commissioner necessary where both Attorney General and district attorney refused to commence a quo warranto proceeding); *Com. ex rel. Specter v. Martin*, 232 A.2d 729 (1967) (mandamus action was appropriate since the Attorney General approved the district attorney's candidacy for mayor, and it was inconceivable that the district attorney would institute action against himself in quo warranto).

Appellant filed numerous complaints against District Attorney; and Pennsylvania Attorney General did not respond or initiate any investigation into District Attorney hiding (and even abetting) Caucasian's criminal conduct; and District Attorney didn't bring action to remove himself.

Therefore, Appellant earned his right to bring quo warranto action to remove District Attorney. Accordingly, judgment declaring none of the conduct encompassing seven articles of impeachment constitutes common law crime of misbehavior in office, would transform declaratory judgments act's role as a shield for District Attorney into a sword against third parties like Appellant's direct interest remove District Attorney by convicting him for hiding (and even abetting) Caucasian's criminal conduct.

E. Republican Party Led Pennsylvania House of Representatives / State Senate And District Attorney Did Not Protect Appellant's Interests:

Under Pa. Const. Art. 6 § 4, the House of Representatives shall have the sole power of impeachment. *Id.* Under Pa. Const. Art. 6 § 5, all impeachments shall be tried by the Senate. *Id.* Pa. Const. Art. 2 §§ 1-17, provides that House of Representatives and senate determine the rules of its proceedings. *Id.* However, it is the policy of the American states, and of the people of the United States to define with precision the objects of the legislative power, and to restrain its exercise within marked and settled boundaries. If any act of Congress, or of the Legislature of a state, violates those constitutional provisions, it is unquestionably void. Seminole Tribe of Fla. v. Florida, 517 U.S. 44, 168 (1996). When the application or construction of a rule directly affects persons other than members of the

house, “the question presented is of necessity a judicial one.” United States v. Smith, 286 U.S. 6, 33 (1932). Although Constitution empowers each house to determine its rules of proceedings, they may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just. United States v. Ballin, 144 U.S. 1, 5 (1892). Invidious racial discrimination, in all contexts, violates the United States Constitution when it is attributed to state action. Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 172 (1972). Therefore, it is clear, Pennsylvania House of Representatives not authorized to violate United States and Pennsylvania Constitution in approving amended articles of impeachment by only selecting use cases of District Attorney’s misbehavior, where he purportedly benefited Philadelphia minorities; and vastly ignoring his serious offense of hiding Caucasians’ abuse of criminal justice system to punish minorities is unconstitutional.

Moreover, Republican Party led Pennsylvania House of Representatives exercise their choice and voted to impeach democratically

elected District Attorney for his decarceration policies; and Republican Party led Pennsylvania State Senate intended to conduct trial to convict District Attorney on seven articles of impeachment. Pennsylvania House of Representatives and State Senate action or non-action about any particular program or programs, are subjected to the scrutiny of and citizens political action by way of exercising their choice at the ballot box. Appellant isn't United States Citizen, and therefore cannot exercise his choice at the ballot box to either punish or reward Pennsylvania House of Representatives and State Senate candidates representing Philadelphia. Common Pleas Court did not allow Appellant to travel from Austin, TX to Philadelphia, PA to campaign against retention of all-white judges for abetting Caucasian female complaining witnesses perjury in his case. Ultimately Judge Ellen Ceisler usurped Pennsylvania State Senate jury duty, and polluted jury mindset by expressing party line opinion and held that none of the alleged conduct under seven articles of impeachment constitutes misbehavior in office. Accordingly, scripted fake WWE match between Republican Party led Pennsylvania House of Representatives / State Senate and District Attorney did not protect Appellant Vamsidhar Vurimindi's Interests removing District Attorney for hiding Caucasians' criminal conduct.²

2. United States Constitutional protection of an alien's person and

F. Commonwealth Court Erred In Denying Petition To Intervene Without Hearing:

Under Pa.R.Civ.P. 2328, “Upon the filing of the petition and after hearing, of which due notice shall be given to all parties, the court, if the allegations of the petition have been established and are found to be sufficient, shall enter an order allowing intervention; but an application for intervention may be refused, if: (1) the claim or defense of the petitioner is not in subordination to and in recognition of the propriety of the action; or

property is particularly strong in the case of aliens lawfully admitted to permanent residence (“LPR”). The immigration laws give LPRs the opportunity to establish a life permanently in this country by developing economic, familial, and social ties indistinguishable from those of a citizen. Demore v. Kim, 538 U.S. 510 (2003). See, e.g., Plyler v. Doe, 457 U.S. 202 (1982) (illegal aliens protected by Equal Protection Clause); Kwong Hai Chew v. Colding, 344 U.S. 590 (1953) (resident alien is a “person” within the meaning of the Fifth Amendment); Bridges v. Wixon, 326 U.S. 135 (1945) (resident aliens have First Amendment rights); Russian Volunteer Fleet v. United States, 282 U.S. 481 (1931)(Holding that a Russian corporation whose property was taken by the United States was “an alien friend,” and hence deserved protection under the Fifth Amendment's Takings & Just Compensation Clause of Fifth Amendment); Wong Wing v. United States, 163 U.S. 228 (1896) (resident aliens entitled to Fifth and Sixth Amendment rights); Yick Wo v. Hopkins, 118 U.S. 356 (1886) (Fourteenth Amendment protects resident aliens).

(2) the interest of the petitioner is already adequately represented; or (3) the petitioner has unduly delayed in making application for intervention or the intervention will unduly delay, embarrass or prejudice the trial or the adjudication of the rights of the parties.” 231 Pa. Code § 2329.

It was improper for Commonwealth Court to deny the petition to intervene without a hearing, Philadelphia Fac. Manag. Corp. v. Beister, 408 A.2d 1095 (Pa. 1979); SugarHouse HSP Gaming, L.P. v. Pa. Gaming Control Bd., 162 A.3d 353 (Pa. 2017)(This court directed that the lower court could conduct additional hearings and receive additional evidence-if the lower court decided it was necessary), where both Republican Party lead Pennsylvania House of Representatives/Sate Senate and District Attorney didn't protect Appellant' interests, by hiding Caucasians' criminal conduct of abusing criminal justice system to punish minorities; and this reason is not collateral issue to whether Commonwealth Court should usurp Pennsylvania State Senate jury duty, and pollute jury mindset by expressing party line opinion and held that none of the alleged conduct under seven articles of impeachment constitutes misbehavior in office; and Appellant as victim of District Attorney's serious offense of hiding (and even abetting) Caucasian's criminal conduct have standing to intervene to oppose District Attorney's requested relief, separately from members of

Pennsylvania House Representatives and State Senate because none of them fulfill their duties and put forward factual circumstances where District Attorney committed serious offense of hiding (and even abetting) Caucasian's criminal conduct. In addition, District Attorney did not satisfy all necessary elements for a declaration that articles of impeachment do not allege conduct that constitutes misbehavior in office, because he did not disclose his offense of hiding (and even abetting) Caucasian's criminal conduct constitute serious misbehavior in office under articles of impeachment, where Appellant's complaints against District Attorney is available Pennsylvania House of Representatives / State Senate via public case dockets for the last 7 years. Therefore, Appellant entitled to intervene, to argue that District Attorney's serious offense of hiding (and even abetting) Caucasian's criminal conduct constitute serious misbehavior in office under articles of impeachment and supply evidence.³ Therefore, Appellant was natural and foreseeable opponent for District Attorney's

3. There is no requirement that the intervenor show that he would be precluded from enforcing his rights in a separate action. Rather Pa.R.Civ.P. 2327(4) permits intervention where the determination in the action may affect a legally enforceable interest of the intervenor "whether or not such person may be bound by a judgment in the action." Pa.R.Civ.P. 2327(4).

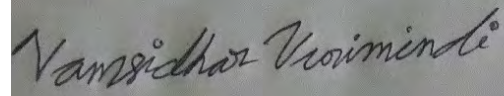
requested relief, and should have joined Appellant with legislature respondents to oppose his requested relief.

CONCLUSION

Wherefore for aforementioned reasons, Appellant Vamsidhar Vurimindi respectfully request this Honorable Court to overturn Commonwealth Court of Pennsylvania per curium order denying permission to intervene.

Date: April 11, 2023

Respectfully Submitted,

A handwritten signature in black ink that reads "Vamsidhar Vurimindi". The signature is written in a cursive style and is placed on a light gray rectangular background.

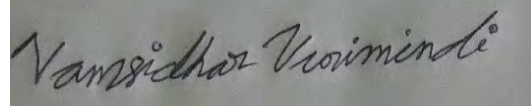
Vamsidhar Vurimindi
Appellant, pro se
821 Gunter Street
Austin, TX 78702

CERTIFICATE OF COMPLIANCE

I, certify that Appellant Vamsidhar Vurimindi's Opening Brief contain 5, 250 words and comply with Pa.R.A.P.2135(a).

Date: April 11, 2023

Respectfully Submitted,



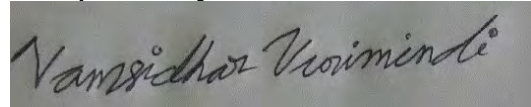
Vamsidhar Vurimindi
Appellant, pro se
821 Gunter Street
Austin, TX 78702

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Date: April 11, 2023

Respectfully Submitted,



Vamsidhar Vurimindi
Appellant, pro se
821 Gunter Street
Austin, TX 78702

CERTIFICATE OF SERVICE

I, certify that a true and correct copy of Appellant Vamsidhar Vurimindi

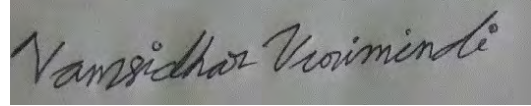
Opening Brief by USPS First Class Mail to the following:

1. Emily Maegan Bell, Esq, 280 Granite Run Dr Ste 300, Lancaster, PA 17601. E-Mail Address: emilymaebell@gmail.com
2. William Costopoulos, Esq, 4250 Crums Mill Rd # 201, Harrisburg, PA 17112. E-Mail Address: wcostopoulos@costopoulos.com
3. Andrew Martin Erdlen, Esq, 1 Logan Sq 27th Fl, Philadelphia, PA 19103. E-Mail Address: aerdlen@hangle.com
4. Robert A. Graci, Esq, 4250 Crums Mill Rd, Ste 201, Harrisburg, PA 17112. E-Mail Address: rag@saxtonstump.com
5. Matthew Aaron Hamermesh, Esq, 1 Logan Sq Fl 27, Philadelphia, PA 19103. E-Mail Address: mah@hangle.com
6. Matthew Hermann Haverstick, Three Logan Square, 1717 Arch St Fl 5, Philadelphia, PA 19103. E-Mail Address: mhaverstick@kleinbard.com
7. Carson Blythe Morris, Esq, 280 Granite Run Dr Ste 300, Lancaster, PA 17601. E-Mail Address: cbm@saxtonstump.com
8. Francis Gerard Notarianni, Esq, 1717 Arch St, Philadelphia, PA 19103. E-Mail Address: fnotarianni@kleinbard.com
9. Lawrence F. Stengel, Esq, 280 Granite Run Dr, Lancaster, PA 17601. E-Mail Address: ifs@saxtonstump.com
10. John S. Summers, Esq, 1 Logan Sq Fl 27, Philadelphia, PA 19103-6995. E-Mail Address: jsummers@hangle.com
11. Lam Dang Truong, Esq, Pa House of Representatives Occ, 620 Main Capital Bldg, Harrisburg, PA 17120. E-Mail Address: ltruong@pahouse.net
12. Shohin Hadizadeh Vance, 1717 Arch St 5th Fl, Philadelphia, PA 19103. E-Mail Address: svance@kleinbard.com
13. Joshua John Voss, Address: 1717 Arch St Fl 5th, Philadelphia, PA 19103. E-Mail Address: jvoss@kleinbard.com
14. Corrie Allen Woods, Esq, 200 Commerce Dr Ste 210, Moon Township, PA 15108. E-Mail Address: cwoods@woodslawoffices.com

15. Samantha G. Zimmer, 1717 Arch St 5th Fl, Philadelphia, PA 19103.
E-Mail Address: szimmer@kleinbard.com

Date: April 11, 2023

Respectfully Submitted,



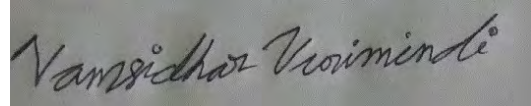
Vamsidhar Vurimindi
Appellant, pro se
821 Gunter Street
Austin, TX 78702

VERIFICATION

I, Vamsidhar Vurimindi verify the statements made in Appellant Vamsidhar Vurimindi Intervenor Brief are true and correct. I understand false statements are subject to penalty under 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date: April 11, 2023

Respectfully Submitted,



Vamsidhar Vurimindi
Appellant, pro se
821 Gunter Street
Austin, TX 78702

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Larry Krasner, in his official capacity :
as the District Attorney of :
Philadelphia, :
Petitioner :

v. :

Senator Kim Ward, in her official :
capacity as Interim President Pro :
Tempore of the Senate; :
Representative Timothy R. Bonner, :
in his official capacity as an :
impeachment manager; :
Representative Craig Williams, in his :
official capacity as an impeachment :
manager; Representative Jared Solomon, :
in his official capacity as an :
impeachment manager; and John Does, :
in their official capacities as members :
of the Senate Impeachment Committee, :
Respondents :

No. 563 M.D. 2022

PER CURIAM

ORDER

NOW, January 5, 2023, upon consideration of the “Nunc Pro Tunc Petition to Intervene” (Petition) filed by Vamsidhar Vurimindi, the Court notes the following:

- 1) Pursuant to this Court’s Order dated December 6, 2022, Applications for Leave to Intervene, complete with proposed filings and a memorandum of law in support thereof, were to be filed no later than December 12, 2022, at 3:00 p.m.
- 2) Vamsidhar Vurimindi filed his Petition on January 3, 2023, well beyond the Court-ordered deadline for Applications to Intervene.

3) Mr. Vurimindi's Petition fails to set forth any grounds that would warrant the grant of nunc pro tunc relief.

4) This matter was decided by Order dated December 30, 2022, before Mr. Vurimindi filed his Petition.

Accordingly, because Mr. Vurimindi's Petition is untimely and fails to set forth grounds for nunc pro tunc relief, the Petition is **DISMISSED**.¹ See Pa.R.Civ.P. 2329(3).

Order Exit
01/05/2023

¹ Even if the Petition had set forth sufficient grounds for granting nunc pro tunc relief, it would fail on the merits because it does not satisfy any of the grounds for granting intervention set forth in Pa.R.Civ.P. 2327, nor does it satisfy the requirements of Pa.R.Civ.P. 2328.