

RFC: Sixth Amendment Violations, Sentencing Outside of Jury Authority, and the Case of Commonwealth v. Michael J. Kane II

Issued for Public Review & Comment

Date: 03/12/2025

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Status: Open for Comment

1. Introduction

The United States was founded on principles of **due process, religious freedom, and fundamental fairness under the law**. The **Sixth Amendment** guarantees every citizen the right to a **trial by jury**, ensuring that any fact that increases a criminal sentence must be decided by a **jury—not a judge or prosecutor alone**. However, in my case, I was **sentenced to life registration under “Megan’s Law” outside of a jury’s Sixth Amendment protections**, contrary to the precedents set in **Jones v. United States, 526 U.S. 227 (1999)**, **Apprendi v. New Jersey, 530 U.S. 466 (2000)**, and **Alleyne v. United States, 570 U.S. 99 (2013)**. With a statute which was later “*void in ab initio*.”

This RFC seeks to:

1. **Highlight the constitutional violations** that resulted in my sentencing outside the jury’s authority.
2. **Question the role of pious perjury in American jurisprudence** and why it was **not extended to my case** despite its historical significance.
3. **Expose prosecutorial misconduct**, particularly the involvement of Anthony C. Cappuccio, a prosecutor who **was later convicted of crimes against minors** during the timeframe of my alleged offense.
4. **Demand a public inquiry** into whether the rule of law was abandoned in favor of **selective prosecution, religious hypocrisy, and politically motivated legal maneuvering**.

2. Legal Foundation & Supreme Court Precedent

2.1 The Role of the Jury Under the Sixth Amendment

The U.S. Supreme Court has repeatedly affirmed that **any fact that increases the minimum or maximum sentence must be presented to a jury and found beyond a reasonable doubt**:

- **Jones v. United States (1999)**: The Court ruled that any fact that increases a sentence must be considered an **element of the crime** and thus decided by a **jury**, not a judge.
- **Apprendi v. New Jersey (2000)**: Reinforced that **judicial fact-finding** cannot increase a sentence beyond what the jury authorized.
- **Alleyne v. United States (2013)**: Extended Apprendi's principle to **mandatory minimum sentences**, ensuring that all facts leading to harsher penalties must be **proven to a jury**.

2.2 Pious Perjury & The Jury's Power to Check Government Overreach

The **jury's power is not merely to convict or acquit**—it is an integral check on all three branches of government. The doctrine of **pious perjury** historically allows jurors to **refuse to convict even in the face of guilt**, based on **moral, religious, or political reasoning**. This principle was **not extended in my case**, despite its historical significance in cases of **political prosecution or religious bias**.

2.3 Prosecutorial Misconduct & The Cappuccio Factor

Anthony C. Cappuccio, the prosecutor involved in my case, was later **convicted of crimes against minors (No. 1493 Disciplinary Docket No. 3; No. 79 DB 2009)**. His criminal acts occurred during the timeframe of my alleged offense, raising **serious questions about his credibility, bias, and ethical violations**. If the prosecutor was **engaging in illegal activities while prosecuting me**, can the conviction be considered legitimate?

3. Key Questions for Public Comment

- Was my sentencing unconstitutional under Jones, Apprendi, and Alleyne?
- Why was the jury's full authority—including the right to nullify and engage in pious perjury—not recognized in my case?
- Does the involvement of a convicted sex offender prosecutor (Cappuccio) invalidate my conviction?
- How does this case reflect broader issues of religious bias, hypocrisy, and systemic prosecutorial misconduct in Philadelphia?

4. Call to Action

- **Legal Scholars & Constitutional Experts:** Provide interpretations of **Sixth Amendment violations** in light of this case.
- **Journalists & Media:** Investigate prosecutorial misconduct in Philadelphia and the selective application of jury rights.
- **Public Officials & Civil Rights Groups:** Demand an independent review of the case under **the Pennsylvania Innocence Project** or similar legal advocacy groups.
- **General Public:** Share this document, discuss these issues, and challenge the selective application of constitutional protections.

5. Conclusion

In a nation that **prides itself on religious freedom, constitutional rights, and due process**, it is **deeply ironic** that my conviction ignored the **jury's constitutional role** while the prosecuting attorney was **later convicted of the very crimes he claimed to be fighting**. This RFC seeks public engagement to **expose the hypocrisy, challenge the injustice, and demand accountability**.

Citations & References

- **Jones v. United States, 526 U.S. 227 (1999)**
- **Apprendi v. New Jersey, 530 U.S. 466 (2000)**
- **Alleyne v. United States, 570 U.S. 99 (2013)**
- **In the Matter of Anthony C. Cappuccio, Petition for Reinstatement, No. 1493 Disciplinary Docket No. 3; No. 79 DB 2009 (Nov. 27, 2017)**
- **Historical References on Pious Perjury & Jury Nullification**
- **Pennsylvania Judicial Misconduct Reports**

This **RFC is open for public comment and revision. Join the discussion and demand justice.**