

JUL 08 2019

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18-8927

**IN THE
SUPREME COURT OF THE UNITED STATES**

OCT 2019 TERM

LISA J. GILLARD *Petitioner,*

v.

PEOPLE OF THE STATE OF ILLINOIS,
Respondent.

On Petition for a Writ of Certiorari to the
Supreme Court of the State of Illinois

PETITION FOR REHEARING

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Date: July 8, 2019

CRIMINAL CASE

**“It is the State that tries a [wo] man, and it is
the State that must insure that the trial is
fair.”**

*U.S. Supreme Court Justice Thurgood Marshall
(Dissent, Moore v. Illinois, 408 U.S. 786, 810 (1972)).*

ISSUE PRESENTED

Whether the Supreme Court of the United States of America has the decency and respect to uphold the individual and Constitutional rights of black minorities and the poor in the state of Illinois, who are wrongfully convicted based on lies in state-litigation, and to mandate due process under the Fourteenth Amendment of the United States Constitution, especially in criminal convictions, as applicable law in all courts in North America?

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.1, Lisa J. Gillard respectfully petitions for rehearing of the Court's decision issued on June 14, 2019, No. 1-18-8927 (June 14, 2019). Ms. Gillard moves this Court to grant this petition for rehearing and consider her case with merits briefing and oral argument. Pursuant to Supreme Court Rule 44.1, this petition for rehearing is filed within 25 days of this Court's decision in this case.

REASONS FOR GRANTING PETITION

On the 151st anniversary of the Fourteenth Amendment of the United States Constitution's ratification, due process and equal protections in the Supreme Court are still questionable in state-litigations. State-litigations such as criminal convictions are often abandoned by this Court due to a lack of decency and respect for black minorities and the poor or commonly referred to as the "suspect-class" under common law. This fact is true in many states across the North America, especially such in

criminal cases in the state of Illinois.

However, Louisiana and South Carolina, as duly documented, voted to ratify the amendment as these votes made the Fourteenth Amendment an official component of the Constitution on July 9, 1868. In past decades and recent months, the Supreme Court is and has been hesitant in deciding to whom and under what circumstances, if any, are these rights guaranteed under the federal Constitution in some state-litigation and federal question cases. *Gillard v. Southern New England School of Law*, 06-8457 (April 2, 2007), *Gillard v. Northwestern University*, 09-10581 (July 26, 2010), *Gillard v. Alexander S. Michalakos, et al*, 09-11070 (Jan. 10, 2011), *Gillard v. Proven Methods Seminars, LLC*, 10-7149 (Feb. 22, 2011), *Gillard v. Board of Trustees for Community College Dist. No. 508*, 10-8112 (Mar. 21, 2011), *Gillard v. Northwestern University*, 10-8833 (May 2, 2011), *Gillard v. Southern New England School of Law*, 10-9937 (Oct. 3, 2011), and *Gillard v. Illinois*, 18-6947 (April 15, 2019). Other federal cases include *Gillard*

v. The President and Fellows at Harvard College, 15-13944 (June 4, 2015) and *Gillard v. U.S. District Court for the District of Massachusetts*, 16-2115 (July 22, 2016).

There appears to be less ambiguity, to this end, in civil cases than criminal convictions due to past precedent. From *Slaughter-House Cases* (April 14, 1873) to *Plessy v. Ferguson* (May 18, 1896), from *Lochner v. New York* (April 17, 1905) to *Gitlow v. New York* (June 8, 1925), from *Brown v. Board of Education* (May 17, 1954) to *Mapp v. Ohio* (June 19, 1961), from *Gideon v. Wainwright* (March 18, 1960) to *Griswold v. Connecticut* (June 7, 1965) to *Loving v. Virginia* (June 12, 1967) to name a few, the Fourteenth Amendment settles significant debates or questions, impacting the entire society in American culture. Yet, these civil cases on all fronts overshadow the same fundamental due process standards in some, if not more than a few, criminal conviction cases in 2019.

The U.S. Supreme Court sets the fundamental

due process standard under the Fourteenth Amendment in criminal convictions under *Brady v. Maryland*, 373 U.S. 83, 87 (1963) (holding the suppression of exculpatory evidence by the prosecution violates due process when the evidence “is material either to guilt or to punishment”). Proving the prosecution presented false testimony becks the total value of the testimony by a lying witness and the reasonability probability that, had the evidence been disclosed to defense, the result of the proceedings would have been different. *United States v. Bagley*, 473 U.S. 667, 682 (1985).

Perhaps the Court’s holding in *Mooney v. Holohan*, 294 U.S. 103 (1935) is the anchor in this present case because “the prisoner alleged that [her] convictions violated due process.” That is, the state knowingly used perjured testimony, which is the sole basis for conviction. *Mooney*, 294 U.S. at 110. Due process is ignited when clearly the petitioner pro se, in this case, establishes that the State has a reasonable degree of knowledge of suppressed

evidence and allowed material-evidence to go uncorrected. Ms. Gillard also points out that substantial due process, consequently, is the fundamental foundation, which guarantees fairness, for all citizens and visitors in North America. So, the interpretation of the Fourteenth Amendment by this Court is the crux of discovery in twenty first century civil society for black minorities and the poor on record.

The interpretation of the Fourteenth Amendment on the outset is the challenge before us today. When it becomes hard to understand how the original interpretative community heard a text, a court must choose from among the three options: (1) it can give that text a new meaning; (2) it can attempt a historical reconstruction; and (3) it can declare that meaning has been lost, so that the living political community must choose. *District of Columbia v. Hella*, 554 U.S. 570 (2008) (per Scalia, J.). Because restoring the fidelity of the Fourteenth Amendment of

the U.S. Constitution is the primary crux, this rehearing petition is very appropriate for this Court to consider the following most substantial questions:

I. Should The Due Process Standard Be Abandoned By The Supreme Court Of The United States If State-Litigation Ignores The Precedent Under The Fourteenth Amendment Of United States Constitution?

Section 1 of Fourteenth Amendment of the U.S Constitution reads, as follows: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; *nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*” Section 1, XIV Amendment of U.S. Constitution; (emphasis added).

Indeed, the question on interpreting the Fourteenth Amendment here garners the spirit of the pro se petitioner’s pleas before this Court for the past

sixteen years in the federal jurisdictions. One theory on interpretation by this Court is: “[A] thing may be within the letter of the statute and yet not within the statute, because not within its spirit nor within the intention of its makers.” *Id.* at 459. *Cf. People ex rel. Attorney-General v. Utica Ins. Co.*, 15 Johns, 358, 381 (N.Y. 1818) (stating the mantra of two-fingered viperine interpretations: “A thing which is within the intention of the makers of a statute is as much within the statute as if it were within the letter; and a thing which is within the letter of the statute, is not within the statute, unless it be within the intention of the maker.”).

On one hand, the Fourteenth Amendment is the applicable federal question in state-litigation. Rather, on the other hand, the federal question before this Court is continuously ignored in both previous civil suits and recent criminal convictions. “Those who apply the rule to particular cases must of necessity expound and interpret the rule.” *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803) (per Marshall, C.J.).

The petitioner pro se declares continuous due process and equal protection rights violations by the state of Illinois while the state of Illinois continuously places illegal, malicious, and wrongfully criminal charges against Ms. Gillard based on perjured testimony, suppressed material-fact evidence, and the total abandonment and disregard to rights under the federal Constitution in its state courts on all records.

Thus, “the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their material sense, and to have intended what they have said.” *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1, 71 (1824) (per Marshall, C.J.). The Supreme Court of the United States is responsible for the fair treatment under the U.S. Constitution for all people, nations, and tribes.

II. This Court Should Not Resolve These Critical and Important Material Facts In This Case Without Full Briefing and Oral Argument.

The Supreme Court of the United States of America also notes that the central aim of the due process doctrine after all is to assure fair procedures

when the government imposes a burden on an individual.

First, the doctrine seeks to prevent arbitrary government, avoid mistaken deprivations, allow persons to know about and respond to charges against them, and promote a sense of the legitimacy of official behavior. *Giglio v. United States*, 405 U.S. 150 (1972) (“the Court held that the prosecution's failure to inform the jury that a witness had been promised not to be prosecuted in exchange for his testimony was a failure to fulfill the duty to present all material evidence to the jury, and constituted a violation of due process, requiring a new trial.”); *Carey v. Piphus*, 435 U.S. 247 (1978) (“the Court held that public officials can be held financially liable for violating a student’s due process rights under the Fourteenth Amendment.”).

Second, the Due Process Clause requires that the procedures used to determine the guilt or innocence of the defendant comport with “fundamental ideals on fair play and justice.” *In re Oliver*, 333 U.S. 257 (1948)

(Due Process 'represent(s) a profound attitude of fairness between man and [wo] man, and more particularly between the individual and the government.); *Solesbee v. Balkcom*, 335 U.S. 9, 16 (1950) (Due process is that which comports with the deepest notions of what is fair and right and just.).

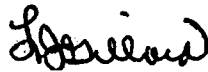
Thus, the Supreme Court of the United States of America can afford a full briefing and oral argument to insure and reaffirm the due process and equal protections rights in state-litigations in all court across North America. This case is for the interests of justice for all citizens and visitors, especially black minorities and the poor, like the good faith petitioner pro se.

CONCLUSION

The petition for rehearing should be granted.

07-08-2019

Respectfully submitted,



Activist and Humanitarian

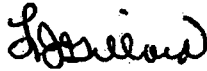
*Counsel of Record, Pro Se
Attorney for Petitioner*

VERIFICATION

I, LISA J. GILLARD, hereby certify that under the penalty of perjury that the statements in this said document is true and accurate to the best of my ability and knowledge.

07-08-2019

Respectfully submitted,



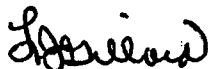
Activist and Humanitarian

*Counsel of Record, Pro Se
Attorney for Petitioner*

Under Rule 44, the Petition for Rehearing is restricted to the grounds in this said paragraph; and is presented in good faith and not for delay. Also, the grounds for the Petition for Rehearing is for intervening circumstances of a substantial and controlling affect not previously presented under a motion to consolidate cases in the state of Illinois for the interests of justice.

07-08-2019

Respectfully submitted,



*Activist and Humanitarian
Counsel of Record, Pro Se
Attorney for Petitioner*