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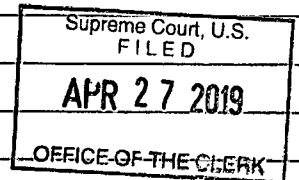
ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

DARREN DENSON - Petitioner

VS:

People of Illinois - Respondent(s)



On Petition for WRIT of CERTIORARI TO
Supreme Court of Illinois

Petition for WRIT of CERTIORARI

DARREN DENSON

Waupun Correctional Institution
P.O. Box 351
Waupun, Wisconsin 53983-0351

Phone Number: NA

Question(s) Presented

- (1) Did trial counsel performance fall below an Objective Standard of reasonableness, Appellate Court Second Judicial District Claims: NO
- (2) Was Denson prejudiced during trial because he was never given an opportunity to review statements given to the Elgin Police department, Appellate Court Second Judicial District Claims: NO
- (3) WAS Denson prejudiced during trial because the Jury in the second trial was never given the opportunity to hear evidence and statements from States witnessess, Appellate Court Second Judicial District Claims: NO
- (4) Did the people of Illinois Committ Prosecutorial Misconduct when they denied Denson of his due process rights by withholding evidence before the second trial that Justifies post-conviction relief in the Interse of Justice, Appellate Court Second Judicial District Claims: NO
- (5) Did the people of Illinois committ prosecutorial Misconduct when they allowed States witness' to testify falsely denying the real controversy from being fully tried, Appellate Court Second Judicial District Claims: NO

List of Parties

☐ All parties appear in the caption of the case on the cover page.

☐ All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1) Circuit Court of the Sixteenth Judicial Circuit,
Kane County, Illinois. Case No. 05f 1324

2) Appellate Court Second Judicial District
Case No. 2-11-0652

3) Supreme Court of Illinois, Leave to Appeal,
Appellate Court, Second District. Case No. 124245

Table of Contents

OPINIONS Below	
JURISDICTION	
CONSTITUTIONAL AND STATUTORY PROVISIONS	
INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION	

INDEX TO APPENDICES

APPENDIX A: Supreme Court of Illinois Decision
Dated January 31, 2019

APPENDIX B: Appellate Court of Illinois Second
Judicial District Decision Dated 20

APPENDIX C: Notice of Appeal-Affidavit Dated July 22, 2018
Supporting Claim of Jerry Wheeler

APPENDIX D: Letters from Dane County Circuit and
Wisconsin Court of Appeals Dated Jan. 17, 2019
and Feb. 4, 2019 Will not give him document because
he's poor.

APPENDIX E: Wisconsin Court of Appeals Decision dated
Jan 9, 2019 Dane county Decision dated Nov 27,
2018 And Nov 5, 2018. Case No. 18-IP-53 And 18-IP-54

APPENDIX F: Inmate Complaint Number, 2018-24423. 2018-
18020. 2018-1754 And 2018-1537

APPENDIX G: Brief In Response to Petitioner's Motions
Regarding access to his legal Materials by
Attorney General of Wisconsin dated Oct 30,
2018 Supporting Denson's Claims.

APPENDIX H: Inmate's Complaint WCI-2018-23063
dated NOV 6, 2018 by Inmate Delmarco Turns
Supporting Denson's Claims.

TABLE OF AUTHORITIES CITED.

CASES:

Alvarez V. Boyd, 22 S.F.3d 820, 824 (7th Cir. 2000).

Dixon V. Snyder, 266 F.3d 692, 703 (7th Cir. 2001)

Hill V. Lockhart, 474 U.S. 52, 59-60 (1985)

Miller V. Pete, 386 U.S. 1 (1967).

Murray V. Carrier, 477 U.S. 478, 496 (1986)

Napue V. Illinois 360 U.S. 264.

People V. Cathey, 2012 ILL. 111746, ¶ 7.

People V. HODGES, 234 ILL. 2d 1, 17 (2009)

State V. HICKS, 202 WIS. 2d 150, 159 N.W. 2d 435 (1996)

Strickland V. Washington, 466 U.S. 668, 691, 80 L.Ed 2d 674
(1984).

United States V. Barker, 473 U.S. 667, 105 S. Ct 3375, 87 L. Ed
2d 418, 1985, U.S. Lexis 130, 53 U.S. L.W. 5084

United States V. Cronin, 466 U.S. 648, 657 N.20 (1984)

STATUTES AND Rules:

It should be noted and taken into consideration the Petitioner DARREN Denson is at present, Unable to give this Honorable Court the Statutes and rules needed to support his Claims on appeal due to the fact that All my document(s) pertaining to the matter were taken from Inmate Jerry Wheeler (whom is aiding my efforts) by the property department here at Waupun Correctional Institution (during an shake-down) And forced by the Institution to send said document out of the prison, Over returning them to me, Over his Objections. And the Statutes and Rules was stated in my Original documents and Claims.

Inmate Jerry L. Wheeler, has filed an Inmate Complaint, Exhausted the process, filed a writ of Certiorari in the County Court, filed an Appeal in the Wisconsin Court of Appeals, And is in the process of filing a 42/1983 Claim to get the documents back. (Mine and several other inmates - in the State of Wisconsin).

Other:

It should also be noted and considered that Denson was denied access to the Court when Waupun Correctional Institution Staff took all My legal documents prepared by Inmate Wheeler who was forced to send them out.

It should also be noted that the Dane County Circuit Court, And the Wisconsin Court of Appeal Continue to refuse to turnover documents to Mr. Wheeler so that he can (Is able) to Appeal his pleading to get said (My) prepared documents back that addressed The Statutes and rules that support this petitioners Claims properly.

Please note that the Law Library Staff Mr. Webster withheld Innate Wheeler's documents and Pleading held prepared for the Dane County Court for an Order to return (My) legal document(s) to him for a full 42 days and did not return them Mr. Wheeler Until after the Dane County Court had denied Mr. Wheelers petition on the ground(s) he (Mr. Wheeler) did not submit them.

IN THE

Supreme Court of THE United States

Petition for WRIT of Certiorari

* Petitioner respectfully pray that this Writ of Certiorari
Issue to review the judgement below.

OPINION Below

☐ for cases from federal Courts:

The opinion of the United States Court of Appeal Appears
at Appendix N/A to

☐ Reported At N/A ; or ☐ has been
designated for publication but is not yet reported; or, is
☐ Unpublished

The Opinion of the United States district Court appears
at Appendix N/A to the petition And is

☐ Reported At N/A ; or,
☐ has been designated for publication but is not yet reported or,
☐ is Unpublished.

☐ for cases from state Courts:

☒ [THE] Opinion of the Illinois Appellate Court Second Judicial district Court appears at Appendix B to the petition and is

☒ [V] Reported at Illinois Appellate Court; or,
☐ [] has been designated for publication but is not yet reported; or,
☐ [] is Unpublished

JURISDICTION

☐ [] for cases from federal Courts:

The date on which the United States Court of Appeal decided My case was N/A

☐ [] No petition for rehearing was timely filed in my case.

☐ [] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: N/A,
And a copy of the Order denying rehearing appears at Appendix N/A.

☐ [] An extension of time to file the petition for Writ of Certiorari was granted to and including N/A, (dated) On N/A, (date) in application NO. N/A And N/A.

The jurisdiction of this Court is invoked Under 28 U.S.C. § 1254 (1)

☒ [V] for cases from State Courts:

[V] The date on which the highest State Court decided my case was January 31, 2019. A copy of that decision appears at Appendix A.

[] An extension of time to file the petition for Writ of Certiorari was granted to and including N/A. A N/A.

The jurisdiction of this Court is invoked Under 28 U.S. § 1257(a).

Constitutional And Statutory Provisions Involved

In this case Denson was denied proper notice about the tape recording made by the Elgin Police department of the State (People) key witness(es) in advance / before the first trial or the second and a issue contrary to Denson's rights guaranteed the Illinois Constitution; And the fifth, sixth and fourteenth Amendments of the U.S. Constitution, The People of Illinois warranted Prosecutorial Misconduct when he was denied due process that justifies Post-conviction relief in the interest of justice, The People of Illinois witness was allowed to give false testimony to the jury denying the real controversy from being fully tried in a manner justice has been miscarried. Denson trial counsel's failures denied him the effective assistance that is guaranteed him by rights that justifies relief, And the interest of justice demands Denson a new trial so that the real

controversy can be fully tried to allow a jury to hear all the evidence.

STATEMENT OF THE CASE.

The Petitioner-Appellant-defendants DARREN Denson was charged in the first degree murder, home-invasion and Armed robbery of Kyle Jiggins. Denson allegedly had three (3) co-defendants. Taurean Giles, Getino Robinson And Kineta Bell, who were also charged in offenses.

This case was initially a Capital Murder case. Denson was tried before a jury in Nov. 2010. where the jury was found to be "hopelessly deadlocked" in favor of Petitioner (11 to 1). And while during a second trial in 2011, The states witnessess were unconstitutionally allowed to by the Prosecutor (And court) to repeatedly change their testimony. The trial court declared a Mistrial. After Denson's first trial, the state (People) filed notice that they were no longer seeking the death penalty. Denson was then tried again before a jury in April, 2011. The People evidence showed, in allowing its witnesses to now repeatedly change their statements/ testimony of events Denson, Giles, Robinson and Bell went to Rob Kyle Jiggins at his apartment.

This jury found Denson guilty of first degree Murder, Robbery and home-invasion. The trial court sentenced Denson to a term of natural life Imprisonment on the Murder charge. Consecutive to

two(2) concurrent terms of 30-Years on the other two (2) charges.

The Petitioner filed a notice of appeal on July Fifth 5th, 2011. The appeal was docketed in the Illinois Appellate Court as NO. 2-11-0652. The Appellate Court Affirmed Petitioners Conviction and Sentence on September 25th, 2013. A Petition for leave to Appeal to the Supreme Court was filed and denied on November 20th, 2014. On August 19, 2015 this Petitioner (Denson) filed a pro se first stage Post-conviction Petition, wherein the Circuit Court found that "The Issues raised... [were] frivolous And Parently without Merit In that [Denson] had failed to make a Substantial Showing of the manner In which his constitutional rights were Violated. A Timely notice of appeal was filed On December 7th, 2015. On October 25th, 2017 the Appellate Court Appointed/State Appointed Counsel, whom filed a motion for leave to withdraw as counsel on appeal Consistent with Pennsylvania V. Finley and pursuant to Illinois law... On 20. Denson responded and filed a motion to stay proceedings In the Appellate Court Until he obtained recorded statements the State (People) witnesses made/gave to the Elgin Police department. he'd never been allowed to review. On May 14th, 2018. the Appellate Court of Illinois Second District, granted Counsels Motion to withdraw, And affirmed the judgment of the Circuit court of Kane County. Denson then Moved the Supreme Court of Illinois with a petition for leave to appeal pursuant to Supreme Court rule 315. On January 31, 2019 The Supreme Court of Illinois denied Denson's Petition for leave to appeal and a

mandate of the court will was issued to the appellate court on March 3rd, 2019.

Denson now moves this honorable Supreme Court of The United States with a petition for WRIT of Certiorari and prays relief will be granted.

REASONS for GRANTING THE Petition.

The United STATES SUPREME COURT made clear on countless occasions that procedural due process requires, as its basic element, specific written notice be provided to all parties in advance of court proceedings so that neither side will be unprepared or prejudicially surprised. The Court has likened that lack of notice adequate hearing to a "sham and deceptive-proceeding" which should "be omitted altogether." This "terse" language was used in a civil case involving the mere deprivation of property.

The Court agreed that "[I]t is vain to give the accused a day in court with no opportunity to prepare for it", and that "The necessity of due notice and the opportunity of being heard is described as among the 'Immutable Principles of Justice which herein the very idea of free government which no member of the Union may disregard'."

The court described adequate and timely notice as "The fulcrum" of due process, "whatever the purposes of the proceeding" may entail. The Court held that written notice of any proceeding

"[S]o fundamental a protection [which] can neither be spared... nor left to the 'favor or grace' of the State Authorities."

The Court held that the Nature of the hearing cannot be fundamentally altered from the notice provided based solely upon parties statements at a hearing with offending due process; this, especially if the party is prejudiced by the notice.

The reason Denson should be granted relief on his petition on this issue is because his 14th Amendment to due process was violated when the DA's office (People of Illinois) and the Elgin Police department failed to give the petitioner notice of the recording made by the EPD. of the state 'star' witnessess denying him the opportunity to be properly prepared for both trials. Leaving Denson prejudicially surprised.

The U.S. and Illinois Constitutions guarantee Criminal defendants the right to confront witnessess against them" "The more important the witness to the governments case, the more important the defendant's right derived the Confrontation clause of the Sixth Amendment, to cross-examine the witness", "Prejudice ensues from a denial of the opportunity to place the witness in [their] proper setting and put the weight of [their] testimony and [their] credibility to a test, without which the jury cannot fairly appraise them... In this respect a summary denial of the right of cross-examination is distinguishable from the erroneous admission of harmless testimony". The People of Illinois and the Elgin Police

department withholding the recording from Denson Violated his Constitutional right to Confront and cross-examine the witness.

An additional reason Denson should be granted relief on his petition on this issue is because his 14th Amendment to due Process and equal protection is again Violated by the People of Illinois by denying him of the right to confrontation and to cross-examine their witnesses properly and to prepare a defense.

Denson should be granted relief on this petition because the many Violations by the people of Illinois Justifies relief in the Interest of Justice, when the prosecutor allowed the States witnesses (add new details) to give false testimony Under oath to the jury and it is more than a reasonable likelihood Under the totality of the Circumstances that the prosecutor's misconduct had the desired effect that Impacted the jury's Verdict and that that misconduct was prejudicial. Denson should be granted relief because the cumulative errors by both Trial and appellate Counsel failed to address the above issues and because the real controversy in this case has not been fully tried there has been a clear miscarriage of Justice in this case.

Conclusion

The Petition for a Writ of Certiorari should be granted.

Dated, April 28, 2019

(8)

Respectfully Submitted, DARREN DENSON
Darren Denson