

19-5901

Supreme Court, U.S.
FILED

JUN 04 2019

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

IN RE: CHARLES KEVIN HAMILTON

PETITIONER,

(IN RE:

2016 CV 1310)

ON PETITION FOR A WRIT OF HABEAS CORPUS

TO THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF ILLINOIS

PEORIA DIVISION, M. M. PIERCE,

RESPONDENTS.

CHARLES K. HAMILTON, M36665

PRO-SE COUNSEL

1144 RT. 29

TAYLORVILLE, ILLINOIS

62568

ORIGINAL

PETITION FOR WRIT OF PROHIBITION
AND / OR MANDAMUS

COMES NOW HAMILTON, PRO-SE, TO PETITION THIS COURT
TO ISSUE A WRIT OF PROHIBITION AND / OR MANDAMUS, DI-
RECTED TO THE HONORABLE MICHAEL M. MIHM, JUDGE OF
THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT
OF ILLINOIS, PEORIA DIVISION, AND SHOWS AS FOLLOWS;

I. QUESTIONS PRESENTED

1. WHETHER HONORABLE JUDGE MICHAEL MIHM, DISTRICT
COURT JUDGE, HAD POWER TO ENTER THE ORDER OF
JANUARY 23, 2017 DENYING HAMILTON'S HABEAS CORPUS
PETITION.
2. WHETHER THIS COURT SHOULD EXERCISE IT'S JURISDICTION
TO PREVENT ENFORCEMENT OF THE ORDER AND TO COMPEL IT'S
VACATION BY ISSUANCE OF A WRIT OF PROHIBITION, WRIT OF
MANDAMUS, WRIT OF INJUNCTION OR ONE OR MORE OF SAID
WRITS.

II. PARTIES

CHARLES KEVIN HAMILTON, M36665, PETITIONER - APPELLANT

CHRISTINE BRANNON, WARDEN RESPONDENT - APPELLEE

ERIN O'CONNELL ARG OF ILLINOIS

100 W. RANDOLPH ST. CHICAGO, IL.

JUDGE MICHAEL M. MIHAM, USDC CD IL. 2016 CV 1310

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4. WENDE v CALIF., 1979, 25 Cal. 3d 426, 600 P.2d. 1071
5. SILTA v ROBBINS, 2000, 528 U.S. 159
6. SCHLUP v DERO, 1993, 513 U.S. 198

V. OFFICIAL REPORT OF OPINION BELOW

THE OPINION OF THE HONORABLE M. MIAM, JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS, PETIT DIVISION, IS NOT REPORTED, PUBLISHED, TO MY KNOWLEDGE.

VI. JURISDICTION

JURISDICTION TO GRANT THE WRITS OF PROHIBITION AND HABEAS CORPUS, SOUGHT BY PETITIONER, TO PREVENT ENFORCEMENT OF THE ORDER ENTERED BY RESPONDENT, HONORABLE M. MIAM, DISTRICT COURT JUDGE, ON 23 JAN. 2017, IS CONFERRED ON THIS COURT BY THE PROVISIONS OF 28 USCA SEC. 1651 (1), AND RULE 20 OF THE RULES OF THIS COURT.

VII BASIS OF DISTRICT COURT'S JURISDICTION

JURISDICTION IS CONFERRED ON THE DISTRICT COURT TO ENTER -
IN THE PRESENT ACTION BY 28 USCA 2254.

VIII CONSTITUTIONAL PROVISIONS AND STATUTES

A. CONSTITUTIONAL PROVISIONS

1. FOURTEENTH AMENDMENT DUE PROCESS
2. FOURTEENTH AMENDMENT EQUAL PROTECTION
3. SIXTH AMENDMENT RIGHT TO CONFRONT, CROSS EXAMINE.
4. ARTICLE ONE SECTION 8, ILLINOIS CONSTITUTION

IN THE SUPREME COURT
OF THE UNITED STATES

CHARLES K. HAMILTON, M36665,

PETITIONER,

Case No.

UNASSIGNED

UNITED STATES DISTRICT COURT JUDGE

MICHAEL MARTIN MITHUN

RESPONDENT

SUPPLEMENTAL PETITION FOR

WRIT OF HABEAS CORPUS AND LEAVE TO FILE IN FORMA PAUPERIS

COMES NOW Hamilton, pro-se, to respond to COURT CLERK'S
INSTRUCTIONS OF JUNE 5, 2019:

A. WRIT WILL BE IN AID OF THE COURT'S APPELLATE JURISDICTION

HAMILTON ASSERTS THAT AN INEQUALITY EXISTS UNDER THE LAW,
A DISPARITY BETWEEN APPEAL RIGHTS, APPELLANT RIGHTS, FROM
JURISDICTION TO JURISDICTION. APPELLANT RIGHTS UNDER THE
FEDERAL CONSTITUTION ARE INEQUAL IN APPLICATION. THIS
COURT'S JURISDICTION, THOUGH SUPREME, IS NOT HONORED IN
ILLINOIS. THIS COURT'S PRIOR RULINGS IN CALIFORNIA, HAVE NOT
BEEN ADHERED TO, NOR HONORED BY, THE ILLINOIS COURTS AND

RECEIVED

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SUPREME COURT, U.S.

A. THIS DISPARITY BETWEEN WHAT APPELLANT'S RIGHTS ARE ON APPEAL IN CALIFORNIA FOR 40 YEARS, AND WHAT APPELLANT'S RIGHTS ARE ON APPEAL IN ILLINOIS, NEEDS TO BE RESOLVED, NEEDS TO BE UNIFORM. AS IN, ARE APPELLANTS IN ILLINOIS ENTITLED TO FILE A SUPPLEMENTAL APPEAL BRIEF, THOUGH REPRESENTED BY COUNSEL, AS IN SMITH v ROBBINS, OR NOT?

B. EXCEPTIONAL CIRCUMSTANCES WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS.

IN; WENDE v CALIFORNIA, IN 1979, IT WAS DECIDED THAT APPELLANTS MUST HAVE THE RIGHT TO FILE SUPPLEMENTAL BRIEFS ON APPEAL BECAUSE COUNSEL, FOR WHATEVER REASONS, MAY BE FORGETTING ISSUES THAT DO, IN FACT, HAVE MERIT.

IN HAMILTON'S CASE, HE ATTEMPTED, IN A TIMELY MANNER, TO FILE A SUPPLEMENTAL BRIEF TO REMEDY AN ERROR OF OMISSION HE FELT HIS COURT APPOINTED (COURT EMPLOYEE) APPELLATE DEFENDER, HAD MADE, WHEN HE FAILED TO RAISE CONSTITUTIONAL RIGHTS ISSUES IN THE DIRECT APPEAL BRIEF. YET, HIS PETITION FOR LEAVE AND TIME TO FILE THAT BRIEF WAS SUMMARILY DENIED BY A SINGLE APPELLATE COURT JUDGE, WHICH BLOCKED HIM FROM PREVENTING FORFEITURE OF THOSE ISSUES FOR NOT RAISING THEM ON DIRECT APPEAL.

JUDGE MINOR, OF THE U.S. DISTRICT COURT, EMBRACED THE

B. APPEALS COURT JUDGES' RULING, TO DENY HAMILTON'S MOTION FOR LEAVE AND TIME TO FILE A SUPPLEMENTAL BRIEF, WHICH IS IN DIRECT CONTRADICTION TO, AND COUNTERMAKES THE COURT'S RULINGS ON THE SAME ISSUE IN 2000, IN, SMITH V ROBBINS. ARGUED IN DEPTH FURTHER ON.

ONLY THIS COURT, WITH ITS SUPREMACY OF APPELLATE MATTERS CAN REMEDY, AND ADDRESS, THE LIMITS TO THE DUE PROCESS CLAUSES OF THE FOURTEENTH AMENDMENT TO THE U. S. CONSTITUTION.

IF SMITH V ROBBINS, IS NOT A APPLICABLE PRECEDENT TO ILLINOIS APPEALS, THEN PERHAPS HAMILTON'S CASE SHOULD BE; TO SET THAT PRECEDENT.

C. ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM, OR FROM ANY OTHER COURT.

HAMILTON HAS APPROACHED, AND RAISED THESE ISSUES BEFORE, EVERY COURT THAT HAS JURISDICTION AND HAS BEEN TOLD, BY ONE AND ALL; THAT HE CANNOT FILE A SUPPLEMENTAL DIRECT APPEAL BRIEF BECAUSE HE "ACCEPTED COUNSEL" AND, DUE TO THAT HIS COUNSEL'S OPINIONS, DECISIONS, AS TO WHAT SHOULD BE, OR SHOULD NOT BE, IN THE DIRECT APPEAL BRIEF ARE FINAL AND SUPERIOR TO HIS CLIENT'S DESIRES TO "ADD ISSUES". HAMILTON HAS EXHAUSTED

C. ALL OTHER MANNERS, FORMS OF REVIEW INCLUDING ATTEMPTS AT CERTIORARI REVIEW BEFORE THIS COURT. THE ONLY REMAINING FORM OF RELIEF AVAILABLE IS THIS RULE 20 WRIT FOR EXTRAORDINARY RELIEF, OR WRIT OF MANDAMUS, OR OF PROHIBITION. THERE IS NO OTHER REMEDY OR COURT TO APPROACH. HE BELIEVES HIS ISSUES HAVE MERIT, AND SEEKS RELIEF.

Sincerely,

Charles Hamilton N36665

CHARLES HAMILTON

1144 Rt. 29

TAYLORSVILLE, IL. 62568

CERTIFICATE OF SERVICE

HAMILTON AFFIRMS THAT A COPY OF THIS DOCUMENT HAS BEEN FORWARDED TO THE RESPONDENT, VIA THE USPS, ON THE SAME DATE AS THIS COPY WAS MAILED. UNDER PENALTY OF PERJURY,

Charles H. Hamilton N36665

IX. STATEMENT OF THE CASE

1. THIS PETITION IS FILED PURSUANT TO THE AUTHORITY TO ISSUE EXTRAORDINARY WRITS VESTED IN THIS COURT BY THE PROVISIONS OF 28 U.S.C.A. SECTION 1651 (A), AND RULE 20 OF THE RULES OF THIS COURT, IN ORDER TO PREVENT ENFORCEMENT BY THE HONORABLE M. M. PHILLIP, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS, BEING CIVIL ACTION NO. 2016 CV 1310 OF SUCH DISTRICT COURT, PENDING BEFORE RESPONDENT, AND TO COMPEL RESPONDENT TO VACATE THE ORDER FOR THE REASON THAT THE RESPONDENT HAD NO POWER TO ENTER THE SAME, AS IS MORE FULLY ALLEGED AND AVERRED BELOW. A COPY OF THE ORDER OF 21 JAN. 2017 IS INCLUDED IN THE APPENDIX TO THIS PETITION, TOGETHER WITH A COPY OF THE OPINION RENDERED BY RESPONDENT IN CONNECTION THEREWITH, THE SAME IS NOT REPORTED - PUBLISHED TO MY KNOWLEDGE. AN ORDER DENYING A REHEARING WAS ENTERED BY RESPONDENT ON 23 APR. 2017, AND A COPY OF THE ORDER IS LIKEWISE ATTACHED.

2. THERE ARE ALSO INCLUDED IN THE APPENDIX THE FOLLOWING PAPERS WHICH ARE ESSENTIAL TO AN UNDERSTANDING OF THE INSTANT PETITION: ① HAMILTON'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF OF 9 OCT. 2014, ② APPELLATE COURT'S DENIAL OF THAT OF 15 OCT. 2014. (SEE APPENDIX)

3. STATEMENT OF FACTS

PRIOR TO APPROACHING THIS U.S. DISTRICT COURT, CENTRAL DISTRICT OF ILLINOIS, AND RECEIVING THE RULING COMPLAINED OF HERE, HAMILTON HAD BEEN CONVICTED BY A JURY FOR CANNABIS TRAFFICKING AND DRIVING WITH NO VALID DRIVER'S LICENSE IN MAR. 2013, AND SENTENCED TO 22 YEARS IN PRISON. HAMILTON FILED NOTICE OF APPEAL AND THE STATE'S APPELLATE DEFENDER'S OFFICE WAS APPOINTED. HAMILTON HAD NO CONTROL, AND LITTLE CONTACT WITH THE APPOINTED COUNSEL (DARREN KIMMEL).

IN LATE SEPT. 2014 SAID COUNSEL FILED A DIRECT APPEAL BRIEF IN LATE SEPT. HAMILTON WAS APPALLED BY CONTENT OF THIS BRIEF AND WITHIN 4 DAYS WROTE AND MAILED A 'MOTION FOR LEAVE OF COURT TO FILE A SUPPLEMENTAL BRIEF AND TIME TO DO SO' ON 8 OCT. 2014.

ON 14 OCT. 2014, THE STATE'S APPELLATE PROSECUTOR'S OFFICE FILED A RESPONSE TO HAMILTON'S MOTION FOR TIME AND LEAVE, STATING, "HAMILTON HAD RECEIVED COUNSEL AND MAY NOT FILE A HYBRID BRIEF."

ON 15 OCT. 2014, THE ILLINOIS APPELLATE COURT, OF THE FOURTH JUDICIAL DISTRICT OF ILLINOIS, A SINGLE JUDGE, R. L. STEPHENS, JR., * ISSUED A ONE WORD RULING: "HAMILTON IS CURSING TRULY, DENIED" * SUBSEQUENTLY BLOCKING HAMILTON FROM CORRECTING THE ERRORS OF OMISSION, WHICH CREATED A PREJUDICE TO HAMILTON DUE TO ILLINOIS SUPREME COURT RULE 341 (H), WHICH STATES, "FAILURE TO RAISE ISSUES

* EXHIBIT NO. 2 , * EXHIBIT NO. 3

3. CONT.)

IN THE DIRECT APPEAL CONSTITUTES WAIVER AND FORFEITURE OF THOSE ISSUES.

HAMILTON WAS EFFECTIVELY BLOCKED, BY COURT ORDER, FROM PARTICIPATING IN HIS APPEAL IN CONTRAST TO ARTICLE ONE SECTION 8, (IL. CONST.) WHICH STATES: "IN CRIMINAL PROSECUTIONS THE ACCUSED SHALL HAVE THE RIGHT TO APPEAR AND DEFEND IN PERSON AND WITH COUNSEL."

HAMILTON THEN SCHEDULED TO FILE AN POST CONVICTION PETITION TO RAISE THOSE ISSUES THE APPELLATE COUNSEL FORGOT FOR HIM BY RAISING THEM IN 4/15/0535, PEOPLE "HAMILTON" (2015).

IN SAID APPEAL, HAMILTON ARGUED THE EFFECTIVE ASSISTANCE OF APPELLATE COUNSEL, FOR MULTIPLE REASONS, INCLUDING FAILING TO ARGUE THE USE OF FABRICATED EVIDENCE AND PORTLY USE TO CONVICT, AMONG OTHER ISSUES.

THE STATE APPELLATE PROSECUTOR REPLIED THAT HAMILTON HAD WAIVED THOSE ISSUES FOR FAILING TO RAISE THEM IN DIRECT AND "WAS NOW PROCEEDINGLY BARRED FROM RAISING THEM IN THE POST CONVICTION PETITION."

THE APPELLATE COURT, AND THEN THE ILLINOIS SUPREME COURT RAISED AND REFUSED TO HEAR THOSE ISSUES. AN HANDED CORPUS TO THE RESPONDENT (RESPONDENTS HERE) FOLLOWED, WHEREIN HAMILTON ATTEMPTED TO RAISE THOSE ISSUES THAT HE WAS BLOCKED FROM ...

3. (cont.)

RAISING ON 15 OCT. 2014.

THE STATE OF ILLINOIS AGAIN ARGUED THAT; "HAMILTON FAILED

TO RAISE THOSE ISSUES OR DIRECTLY REPHRASED DUE TO THAT PURSUANT

TO RULE 34.1 (H), WAS BARRED FROM RAISING THOSE ISSUES IN THE

"HAINES NO. 16 CV 1310", THEY FURTHER STATED THAT, "HAMILTON

MUST FIRST RAISE THOSE ISSUES 'IN THE RIGHT COURT, AT THE RIGHT

TIMES, AND IN THE RIGHT WAY'. DUE TO HIS FAILURE TO RAISE

THOM PROPERLY AT THE RIGHT TIME ETC., HE WAS FOREVER BARRED

FROM RAISING THOSE ISSUES AT ALL.

HONORABLE ~~W. H. HAINES~~ ~~APPEARED~~ WITH THE STATE AND DISMISSED

HAMILTON'S ONE BITE - AT THE FEDERAL HARBOR CORPUS - APPLE AND

DENIED HIM A CERTIFICATE OF APPEALABILITY.

THIS RULING CONTRADICTS, CONTRAVENES NUMEROUS PAID U.S.

SUPREME COURT RULINGS, AND DUE TO THIS DISCREPANCY, HAMILTON NOW

MOVES FOR THIS EXTRAORDINARY WRIT OF HABEAS CORPUS.

IN HAINES v KUMAR, (1978) 404 U.S. 519, 427 F.2d 71

THE UNITED STATES SUPREME COURT RULED; "THAT THE DENIAL, DISMISSAL

OF HAINES' PETITIONS OFFENDED HIS DUE PROCESS RIGHTS WHEN NO FORGIVENESS

OR OPPORTUNITY TO DEFEND, OR DEMONSTRATE, PROOF OF HIS CLAIMS WAS

ALLOWED, OR PERMITTED, THEN IT REVERSED AND REMANDED THE CASE FOR

FURTHER REVIEW CONSISTENT WITH THAT RULING.

Haines HAS BEEN CITED OVER 40 THOUSAND TIMES SINCE 1972.
IT ORIGINATED WITHIN THE JURISDICTION OF THE RESPONDENTS AREA
AND, AS SUCH, IT IS INCONCEIVABLE THAT THIS U.S. DISTRICT
COULD JUDGE NOT BE AWARE OF THE EFFECT THAT PRECEDENT SET-
TING RULING HAS UPON THE COURTS AND APPELLANTS ALIKE.

IN THE RULING TO DISMISS THE INSTANT CASE, JUDGE MINK ALSO
STATED, "THAT HAMILTON HAD WAIVED AND, OR FORFEITED THOSE ISSUES
BY RULE AND WAS 'PROCEDURALLY BARRED' FROM RAISING THEM IN
THE U.S. DISTRICT COURT."

WHEN, IN SCHUPP v. DEBO, (1993) 513 U.S. 298, THIS UNITED
STATES SUPREME COURT RULED THAT: "HIS PROCEDURAL DEFAULT CAN-
NOT BE USED TO DEPRIVE HIM THE RIGHT TO HAVE HIS HAINES CLAIM
HEARD ON THE MERITS BECAUSE PETITIONER IS HORRIBLY INNOCENT."

HAMILTON'S NOT GUILTY PLEA WAS BASED ON THE RULE OF LAW
AND INNOCENT ACTIVITY THAT THE PRIOR RULINGS OF THIS SUPREME
COURT WERE APPLICABLE, AND ENFORCEABLE, PLUS BORDEN TO ENTER,
AND CEASE TO COME. HAMILTON HAS ALWAYS ASSESSED, SINCE AR-
REST, THAT THE CONTRABANDS WERE UNLAWFULLY DISCOVERED DUE TO
FALSE ASSUMPTIONS OF "NO VALID DRIVER'S LICENSE", AND DUE TO
THE FACT THAT HE DID HAVE A VALID TX. DRIVER'S LICENSE THERE
WAS THEN, NO PROBABLE CAUSE TO SUPPORT THE TOWLING, SEIZURES,
SEARCH OF HIS PROPERTY AND THUS, THE EXCONSISTENCY RULE.

PREVENTED THE USE OF THAT EVIDENCE AS IT WAS, "FRUIT OF THE
POISONOUS TREE" AND SUBSEQUENTLY INADMISSIBLE, HE CITED
TERRY v. OHIO, 392 U.S. 1, 13 (1968). SAINT ARIZONA WOULD
ALSO BE APPLICABLE. HAMILTON'S NOT GUILTY PLEA WAS IN NO WAY BASED
UPON DISHONESTY, HE NEVER SAID, "I DID NOT POSSESS THE CHAMPAGNE." ONLY
THAT IT'S DISCOVERY WAS ILLEGAL AND THERE WAS INADMISSABLE.

SAID LAWYER, FORFEITURE, WAS THE RESULT OF A COUNSEL ACTING IN
COMPLETE DISREGARD TO HAMILTON'S WISHES, WITHOUT HIS CONSENT, AND
WITHOUT CONSULTATION.

THE APPELLATE COURT'S DENIAL OF HAMILTON'S TIMELY MOTION FOR
LEAVE AND TIME TO FILE A SUPPLEMENTAL BRIEF IN DIRECT CONTRADICTION,
AND CONVICTION OF, THIS UNITED STATES SUPREME COURT'S DECISION
IN: SMITH v. ROBBINS, 528 U.S. 259, WHERE THIS SUPREME COURT RULED
THAT, ROBBINS AVAILED HIMSELF OF HIS RIGHT TO FILE A SUPPLEMENTAL
PRO-SE BRIEF, ESTABLISHED UNDER WENDE v. CALIFORNIA, 39 CAL. 3d
436, 441-442, 158 CAL. RTR. 834, 600 P. 2d 1071, 1074-1075 (1979).

THE RIGHT ESTABLISHED IN WENDE, AND HONORED BY THIS SUPREME
COURT IN ROBBINS, NOW 40 YRS. OLD, HAS NOT BEEN ADOPTED BY THE
ILLINOIS COURTS, NOR BY THE U.S. DISTRICT COURT IN ILLINOIS, AS
IS EVIDENCED FIRST BY THE ILLINOIS APPELLATE COURT'S DENIAL OF THE
MOTION FOR LEAVE AND TIME TO FILE A SUPPLEMENTAL BRIEF ON 15
NOV. 2014, IN 4-13-10612 HAMILTON'S DIRECT APPEAL. SAID RULING

WAS PREJUDICIAL, ILLEGAL, AND CREATED A 'FORFEITURE OF ISSUES BY FORCE' OF COURT ORDER. AN ORDER WHICH DIRECTLY CONTRADICTS SMITH V ROBBINS, BY ASSERTING THAT HAMILTON HAD NO SUCH RIGHT TO SUPPLEMENT HIS COUNSEL'S DIRECT APPEAL BRIEF.

SECONDLY, THE U.S. DISTRICT COURT HAVING JURISDICTION HAS ALSO FAILED TO EMBRACE THE PROVISIONS, GUIDELINES ESTABLISHED UNDER SMITH V ROBBINS AS THE LAW IN THIS DISTRICT. ARE APPELLANTS IN CALIFORNIA ENTITLED TO RIGHTS ON APPEAL THAT APPELLANTS IN ILLINOIS ARE NOT?

IT'S IMPORTANT IN ANALYSIS OF THIS CASE TO CONSIDER THAT THE APPELLATE DEFENDERS ARE "EMPLOYEES OF THE APPEALS COURT" AND ARE ENDOWED BY THE LEGISLATURE OF THIS STATE WITH STATUTORY GUARANTEED ABSOLUTE IMMUNITY TO CIVIL SUITS FOR MALPRACTICE OR ANY COMPLAINTS RELATING TO THEIR PERFORMANCES OF LEGAL SERVICES. AS SUCH, ARE ALSO RELUCTANT TO RAISE ISSUES, AS HERE, THAT 'BULK THE SYSTEM'. A RECIPE FOR INCOMPETENCE AND INEFFECTIVENESS, AS HAPPENED HERE.

HAMILTON SAW THAT HIS APPELLATE COUNSEL FAILED TO ATTACK, OR EVEN MENTION, THE 'NO VALID DRIVERS' LICENSE' INCLUDED OFFENSE. WHICH WAS ALSO THE PROBABLE CAUSE PERMITTING THIS LAW ENFORCEMENT ENCOUNTER, AND A FACT THAT HAD BEEN IN DISPUTE SINCE THE FIRST DAY. A NOT GUILTY

VERDICT IN THAT CASE WOULD JEOPARDIZE THE CANNABIS CHARGE, YET APPELLATE DEFENDER DID NOT INCLUDE THAT CASE IN THE APPEAL AT ALL, DID NOT EVEN MENTION THAT CASE NUMBER, THOUGH THEY WERE COMBINED. A FORFEITURE OF ISSUES BY MEANS OF OMISSION.

THE APPELLATE COUNSEL DID NOT ATTACK, NOR MENTION, THE INACCURACIES OF THE TRANSCRIPTS, WHICH HAMILTON TOLD HIM ABOUT. INACCURATE, ALTERED, EDITED TRANSCRIPTS MAKE EFFECTIVE APPEALS IMPOSSIBLE, WHICH WAS THE INTENT, AND THE RESULT.

THE APPELLATE COUNSEL REFUSED TO RAISE THE MAIN ISSUE WHICH IS, AND WAS, THE USE OF FALSE EVIDENCE, ALTERED, AND RE-STAGED DVD DASH CAM VIDEOS AND THE PERJURY THAT GOT THEM ADMITTED INTO THE RECORD. HE ALSO REFUSED TO CONSULT WITH HIS CLIENT, REFUSED TO BE INSTRUCTED BY HIM UNTIL IT WAS TOO LATE. WHAT EFFECTIVE COUNSEL FAILS TO RAISE MERITORIOUS ISSUES HIS CLIENT IS POINTING HIM TO?

IN McCoy v. LA., 138 S. Ct. 1500, 2018, IT WAS SAID; "AN ERROR MAY BE RANKED STRUCTURAL, WE HAVE EXPLAINED, IF THE RIGHT AT ISSUE IS NOT DESIGNED TO PROTECT THE DEFENDANT FROM ERRONEOUS CONVICTION BUT INSTEAD PROTECTS SOME OTHER INTEREST SUCH AS THE FUNDAMENTAL LEGAL PRINCIPLE THAT A DEFENDANT MUST BE ALLOWED TO MAKE HIS OWN CHOICES ABOUT THE PROPER WAY TO PROTECT HIS OWN LIBERTY". WEAVER v. MASS., 137 S. Ct. 1908, (2017)

YET, WHEN HAMILTON ATTEMPTED TO CORRECT HIS COUNSEL'S OVERSIGHT, OR ERRORS, ON 8 OCT. 2017, HE WAS BLOCKED BY COURT ORDER FROM CORRECTING COUNSEL'S ERRORS OF OMISSION.

The U.S. District Judge M. M. Minih, a former prosecutor, also dismissed Hamilton's claims that; "FALSE EVIDENCE AND PERJURY WERE USED TO CONVICT", BY STATING THAT HAMILTON HAD; "FAILED TO SHOW A CONSTITUTIONAL RIGHTS DEPRIVATION", OR, "HOW A MISCARriage OF JUSTICE WOULD OCCUR", ETC.. NOT PARTICULARLY SURPRISING GIVEN JUDGE MINIH'S LIFELONG CAREER AS A STATE OF ILLINOIS PROSECUTOR. THE JUDGE ALSO STATED THAT; "HAMILTON WAS NOT RELIABLE, NOT CREDIBLE". WHEN THERE IS NO INDICATION EVER THAT HAMILTON UTTERED A SINGLE FALSE WORD TO ANYONE. IT ALSO BEARS MENTIONING THAT 9 MONTHS PRIOR TO HIS TRIAL THE DEFENDANT FILED A CIVIL RIGHTS SUIT UNDER TITLE 42 U.S.C.A. SECTION 1983 IN THIS SAME JUDGE'S COURT, ALLEGING, AND DETAILING 'BRADY' VIOLATIONS AND FABRICATED EVIDENCE CLAIMS BEFORE THE TRIAL. IMMEDIATELY FOLLOWING THE CONVICTION, OBTAINED BY USE OF THIS SAME EVIDENCE AND MISBEHAVIOR, THIS JUDGE RULED TO DISMISS THE CIVIL RIGHTS CASE PURSUANT TO TITLE 42 U.S.C.S. SECTION 1987, ALSO KNOWN AS THE 'PRISONER LITIGATION REFORM ACT', OR PLRA, WHEN THE FILING OF THAT SUIT (12-CV-01390) PRECEDED THE CONVICTION BY MONTHS, AND THE CLAIMS THEREIN, COINCIDED TO THE CONVICTION AND ARE VERBATIM THE SAME ISSUES HAMILTON HAS RAISED IN THE HANCOCK PETITION HERE. SO, IF HAMILTON IS LYING TO THIS COURT, AS SUGGESTED, HE HAS BEEN THE MOST CONSISTENT LIAR EVER.

CONVERSELY, THE CIRCUIT COURT IN QUESTION, McLENNAN COUNTY, IL., HAS A LONG, MULTIPLE DECADES LONG, DOCUMENTED, HISTORY OF FALSIFYING AND WITHHOLDING EVIDENCES DURING JUDGE MIHAM'S TENURE, AS IN 1990-91 PEOPLE v DON WHARREN JR., A MAN CONVICTED ON FALSE EVIDENCE, WHOM SERVED 27 YEARS, ONLY TO BE CLEARED IN 2018, BY DNA. OR IN, 2000-2001, PEOPLE v ALAN BEDNAR, ANOTHER CONVICTED FOR MURDER, WHOM SERVED 12 YEARS OF 50 YR. SENTENCE TO BE DECLARED INNOCENT AND VICTIMIZED BY STATE PROSECUTORS WHO BOTH FABRICATED AND WITHHELD EVIDENCE TO CONVICT, BOTH IN JUDGE MIHAM'S JURISDICTION AND DURING HIS TENURE AS U.S. DISTRICT COURT JUDGE, OVERSEEING THIS CENTRAL DISTRICT OF ILLINOIS.

LEAVING IT TO BE TRUE THAT THE ONLY ENTITY IN THIS EQUATION TO HAVE EVER PERFORMED FALACIOUSLY IN COURT, WERE, ARE THE PROSECUTORS. YET, HAMILTON WAS CALLED "NOT CREDIBLE" WHEN HE ADVANCED CLAIMS OF FALSE EVIDENCE, AND PERJURY, AND WITHHOLDING EVIDENCE. HIS MAIN COMPLAINT IS, WAS, THAT FABRICATED, ACTED, AND EDITED DASH- CAM VIDEOS, THAT WERE RE-DIRECTED, AND RE-FILMED 14 MONTHS AFTER HAMILTON'S ARREST, WERE USED TO CONVICT, AND THE REAL VIDEOS WITHHELD, AND THAT PERJURY WAS WILLFULLY - KNOWINGLY BOTH SUBORNED AND UTTERED, IN FRONT OF A JURY, TO LAY A FOUNDATION FOR THEIR ADMITTANCE AS EVIDENCE.

IN NAPLES v ILLINOIS, 360 U.S. 264, 79 S. Ct. 1173, 31 ED. 2D 1212 (1969), THIS U.S. SUPREME COURT STATED; "CONVICTION OBTAINED THROUGH USE OF FALSE TESTIMONY, KNOWN TO BE SUCH BY REPRESENTA-

TATIVES ^{OF} THE STATE, IS A DENIAL OF DUE PROCESS, AND THERE IS ALSO A DENIAL OF DUE PROCESS, WHEN THE STATE, THOUGH NOT SOLICITING FALSE EVIDENCE, ALLOWS IT TO GO UNCORRECTED WHEN IT APPEARS."

BUT JUDGE M. MINN SAYS: "FAILED TO SHOW A DEPRIVATION OF FEDERAL CONSTITUTIONAL RIGHT" OR "HAD A MISCARriage OF JUSTICE MIGHT OCCUR". THE JUDGE REPEATED WHAT HAMILTON SAID ON 18 MAR. 2013, BUT MINIMIZED WHAT THE STATE SAID ON 18 MAR. 2013, AND WHAT ACTS THEY COMMITTED PRIOR TO TRIAL IN FABRICATING THE FALSE VIDEOS, THE RE-PORTING OF HAMILTON'S TRAFFIC STOP TURNED ARREST IN JAN. 2013.

JUDGE MINN REFUSED TO FOLLOW THE MANDATES ESPOUSED IN; HAINES v KERNER IN 1972, BY REFUSING TO HOLD A HEARING WHERE HAMILTON COULD "PRESENT PROOF OF HIS CLAIMS". WHERE VIDEOS, A VISUAL EVIDENCE MEDIUM, COULD BE EXAMINED, AND ONCE DONE, THE PERJURY AND 14TH AMENDMENT DUE PROCESS DEPRIVATIONS COULD BE REVEALED. THEN, THE PERJURY WOULD ALSO BE KNOWN.

THIS RULING PLACES HAMILTON, WHOSE LIBERTY IS UNLAWFULLY RESTRAINED, INTO A SUB-SPECIE OF CITIZEN, NOT EQUALLY COVERED BY, OR PROTECTED UNDER, THE LAW. SIMULTANEOUSLY CREATING A HIGHER SPECIE OF CITIZEN, COURT OFFICERS, WHO ARE IMMUNE TO, GRANTED COURT IMPUNITY TO, BOTH BREAK THE LAW AND REMAIN FREE FROM PROSECUTION FOR HAVING COMMITTED FELONIES UNDER THE LAW. ALL OF WHICH WILL BECOME EVIDENT UPON VIEWING THE VIDEOS IN QUESTION.

IN SPIKE OF THE FEDERAL STATUTE TITLE 18 U.S.C. SECTION 242;
WHICH CLEARLY PROHIBITS, AND LABELS CRIMINAL, ANY ACT COMMITTED
UNDER 'COLOR OF LAW' BY OFFICIALS, OR THEIR ACCOMPLICES, WHICH IS
MEANT TO, OR DOES, CAUSE CONSTITUTIONAL OR CIVIL RIGHTS DEPRIVATIONS
AGAINST CITIZENS.

HAMILTON HAS NO SUCH PROTECTIONS. LIKEWISE THE STATE OFFICERS
HAVE NO FEAR OF PROSECUTION GIVEN THEIR BRAZEN ACT OF DOING
THESE THINGS IN BROAD DAYLIGHT, IN UNIFORM, AND ON FILM.

IN NYOMERO v MARYLAND, 340 U.S. 268, 271, 71 S. Ct. 325,
95 L. Ed. 2d. 201. "IN CASES IN WHICH THERE IS A CLAIM OF
DENIAL OF RIGHTS UNDER THE FEDERAL CONSTITUTION, THIS COURT
IS NOT BOUND BY THE CONCLUSIONS OF LOWER COURTS BUT WILL RE-
EXAMINE THE EVIDENTIARY BASIS ON WHICH THESE CONCLUSIONS
ARE FOUNDED."

HERE THE IL. STATE POLICE RE-PORTRAYED, ON FILM, THE TRAF-
FIC STOP, AND CREATED A FALSE NARRATIVE OF THE EVENTS LEADING
UP TO HAMILTON'S ARREST, AND SWITCHED THE VIDEOS PRIOR TO
TRIAL, LIED UNDER OATH ABOUT THEM, AND THE STATES' ATTORNEY
KNOWINGLY SUBORNED SAME.

IN; OLMSTEAD v UNITED STATES, 277 U.S. 438-439, 48 S. Ct.
564, 72 L. Ed. 944, (1928); "TO DECLARE THAT IN THE ADMINIS-
TRATION OF THE CRIMINAL LAW THAT THE END JUSTIFIES THE MEANS,
TO DECLARE THAT THE GOVERNMENT MAY COMMIT CRIMES IN ORDER
TO SECURE THE CONVICTION OF A PRIVATE CRIMINAL, WOULD BRING

"
TORRIBLE RETRIBUTION.

HERE THE PROOF OF THE GOVERNMENT'S CRIMINAL BEHAVIOR, AND, IN TURN, IT'S TRUE IMPACT ON HAMILTON'S TRIAL, AND DUE PROCESS RIGHTS, CAN ONLY BE DETERMINED BY VIEWING THE VIDEOS THAT WERE FILMED 14 MONTHS AFTER HAMILTON'S ARREST.

JUDGE MIAMI REFUSED TO GRANT A FORUM, OR GIVE HAMILTON AN OPPORTUNITY TO PRESENT PROOF OF HIS CLAIMS, AS REQUIRED BY THIS COURT'S RULING IN; HAYDES v KERNER. RELYING INSTEAD ON A FORFEITURE OF ISSUES THAT AROSE FROM THE 15 OCT. 2014 CRYSTAL RULING TO DENY HAMILTON'S REQUEST TO; 'FILE A SUPPLEMENTAL BRIEF' WHICH CONTRADICTED THIS COURT'S RULINGS IN; SMITH v ROBBINS, AS MENTIONED, AND ALSO RAN AFOUL OF ARTICLE ONE, SECTION EIGHT OF THE ILLINOIS CONSTITUTION.

CONCLUSION

THE FORFEITURE OF ISSUES CLAIMS, AND SUBSEQUENT PROCEDURAL BARRING WAS, IS, THE FRUIT OF AN ILLEGAL RULING TO DENY HAMILTON HIS DUE PROCESS RIGHT TO "DEFEND IN PERSON AND WITH COUNSEL" ABOLISHED IN THE ILLINOIS CONSTITUTION, AND IS NOT DUE TO HIS FAILURE TO PURSUE DUE DILIGENCE TO THE "RIGHT COURT AT THE RIGHT TIME" AS ALLEGED. RATHER, IT IS AN EXAMPLE OF ILLINOIS'S REFUSAL, EVEN AFTER 40 YEARS, TO ADOPT, OR ACCEPT THIS COURT'S PRIOR RULINGS AS THE LAW IN ILLINOIS.

Rulings that mandated, and prescribed, as per this Supreme Court in; Haines v Kerner (1972), Smith v Robins (2000), and Nash v Ill. (1969), two of which originated in, and from Illinois, all of which are now ignored and overruled by Honorable M. M. Wynn in his ruling to dismiss Hamilton's only bite at the apple at a Foreman Hadley Corpus petition.

Thusly, Hamilton now moves this Supreme Court of these United States to issue a writ of Mandamus ordering the United States District Court for the Central District of Illinois to hold a hearing, or some forum, whereby Hamilton can present proof of his claims that false evidences and perjury were used to convict, and his trial was tainted by these facts -

In addition, Hamilton also moves for an Order of Disqualification of Judge M. M. Wynn, because of his encroachment into the State, and prejudice against Hamilton; made evident by his rulings that grant the State of Illinois Police, and Prosecutors, with license to violate both the Constitution, the Rights of the accused secured therein, and gives a Free Pass to commit, and recruit others to assist, numerous felonies against an accused awaiting trial. Judge Wynn ignored Hamilton's complaints prior to trial, refused to examine his proof of these illegal acts, and minimized the impact said acts did, or might have had, on Hamilton's Due Process Rights, and the relationship the acts had on Hamilton's trial.

Judge Miami refused to examine the evidence. Refused to grant any discovery of available proof. Refused to even look at this visual evidence medium, upon which this entire law enforcement encounter is recorded, and upon which the entire conviction is based.

In 2011, the Illinois Supreme Court said in: Klatis v. Ill. 1109120, that: "DASH-CAM VIDEOS ARE VITAL, RELEVANT, AND DISCOVERABLE" AND, "IF UNAVAILABLE THE OFFICER MAY NOT THEN TESTIFY AS TO WHAT MAY HAVE BEEN ON THEM."

In the instant case, the admissibility of the videos was determined by the statement of the officers whom fabricated the videos, simply by stating: "they're accurate."

A review of the discs' footage would prove the claim of fabrication, would reveal felonies, and federal crimes, in the act, and in turn, the perjury uttered after the fact to lay a foundation, due to the contents being "inaccurate" and faked in another year. Thusly, the videos were - ARE INADMISSABLE AND THE STATES' CASE THEN FALLS APART, IF VIEWED. Yet, M. M. Miami refused to look at this crucial evidence prior to dismissing Hamilton's claims by stating: "HE FAILED TO SHOW A DEPRIVATION OF A FEDERAL CONSTITUTIONAL RIGHT". Which is impossible to do without a forum, or opportunity is granted and the Judge has closed his eyes and barred the Court's door to this petitioner.

Judge MUMM MUST BE REMOVED FOR CAUSE AND HAMILTON
MOVES FOR SAME. HE HAS GONE FROM 'TRICK OF FACT' TO
'DENIER OF FACT'. IN DOING SO HE HAS APPROVED OF ILLEGAL
ACTS COMMITTED BY OFFICERS OF THE STATE AGAINST A PRIVATE
CITIZEN, AND DENIED, ON TWO OCCASIONS, ANY FORM OF RE-
DRESS TO HAMILTON. HE APPLIED LAW IN 'EX POST FACTO'
MANNER TO HAMILTON'S CIVIL COMPLAINTS OF 2012, AND DENIED
HAMILTON'S DUE PROCESS RIGHTS BY TERMINATING HIS HABEAS
CORPUS PETITION WITHOUT A HEARING MANDATED BY THIS U.S.
SUPREME COURT.

BY WHAT AUTHORITY DOES A SINGLE JUDGE OVERTURN THE
UNITED STATES SUPREME COURT?

Judge MUMM MUST BE DISQUALIFIED AS REQUESTED, AND
HIS RULING REVERSED.

Sincerely, Sebastian D.

Charles Hamilton #36665

PRO SE COUNSEL

1144 Rt. 29

Taylorville, IL 62568

Certificate of Service

HAMILTON HEREBY AFFIRMS THAT A COPY OF THIS DOCUMENT
HAS BEEN FORWARDED, VIA USPS, TO THE U.S.D.C. CLERK IN
PEDIJA, IL. ON THIS SAME DAY.

CH

REASONS FOR GRANTING THE PETITION

A DISPARITY EXIST, HAS EXISTED FOR 40 YEARS, BETWEEN WHAT CONSTITUTES DUE PROCESS ON APPEAL, FOR APPELLANTS, ACCORDING TO THIS U.S. SUPREME COURT'S PRIOR APPLICABLE RULINGS AND WHAT ARE APPELLANT RIGHTS ON APPEAL IN ILLINOIS. ONLY THIS COURT CAN DETERMINE WHAT IS, AND WHAT SHOULD BE THE EXTENT OF APPELLANT'S RIGHTS ON APPEAL AND WHAT CONSTITUTES AN INFRINGEMENT, OR ABUSE OF DISCRETION BY THE STATES APPELLATE COURTS.

IN 1969, IN ANDERS v CALIF., U.S. SUP. CT. 1969, 386 U.S. 738; IT WAS FOUND THAT APPELLANTS SHOULD HAVE THE RIGHT TO COUNSEL ON APPEAL, EVEN IF THEY COULD NOT AFFORD TO PAY FOR IT, OR AT THE STATE'S EXPENSE.

IN RESPONSE THEN, TO COMPLY WITH THAT, THEN NEW, STANDARD, EACH STATE ADOPTED POLICIES THAT DID, IN FACT, PROVIDE THOSE COUNSEL ON APPEAL. IN ILLINOIS, WHERE THIS CASE ARISES, THE STATE'S APPELLATE DEFENDER'S OFFICE WAS BEGUN, POST - ANDERS.

IN 1979, 40 YEARS AGO, IN: WENDE v CALIF. 25 CAL. 3D. 126, 600 P.2D. 1071; IT WAS DISCOVERED THAT, "A FLAW EXISTED, IN ANDERS, WHICH, MADE IT TOO EASY FOR APPELLATE COUNSEL TO FORFEIT ISSUES, WHICH MAY, IN FACT, BE MERITORIOUS". SO, WENDE WAS ADOPTED TO REMEDY THE FLAW IN ANDERS. THAT 'FLAW' IN ANDERS DOES NOT CEASE TO EXIST OUTSIDE OF CALIFORNIA. DUE TO THIS COURT'S ACCEPTANCE OF THE 'WENDE' STANDARD, MADE OBVIOUS BY THIS COURT'S RULING IN: SMITH v ROBBINS, IN 2000, 528 U.S. 159; WHEREIN THIS COURT STATED; "ROBBINS AVAILED HIMSELF OF HIS RIGHT, THOUGH REPRESENTED BY COUNSEL, TO FILE A SUPPLEMENTAL BRIEF IN HIS DIRECT APPEAL".

YET, WHEN HAMILTON, IN ILLINOIS, TRIED TO AVOID FORFEITURE OF ISSUES, DUE TO HIS COUNSEL'S OVERSIGHT, OR INCOMPETENCE, THIS PRIVILEGE WAS DENIED HIM BY COURT ORDER. THE STATE APPELLATE PROSECUTOR'S OFFICE RESPONDED IN 6 DAYS TO HAMILTON'S REQUEST FOR LEAVE OF COURT TO FILE A SUPPLEMENTAL BRIEF BY STATING; "HAMILTON HAS ACCEPTED COUNSEL AND MAY NOT FILE A HYBRID BRIEF", OCT 14, 2014 IN 4-13-0612, HAMILTON'S DIRECT APPEAL. THE ILLINOIS FOURTH DISTRICT COURT OF APPEALS AGREED WITH THE STATE'S PROSECUTOR AND A FORFEITURE OF MERITORIOUS ISSUES WAS BORN. WHEN HAMILTON ATTEMPTED TO RAISE THOSE ISSUES FORFEITED FOR HIM, BY FIRST A DISINTERESTED COUNSEL, AND SECOND, AN APPEALS COURT INTENT TO DEPRIVE HIM OF REDRESS, HAMILTON'S ARGUMENTS WERE DISMISSED FOR "FAILING TO RAISE THEM ON DIRECT". WHICH HE DID TRY TO REMEDY BUT....

WAS BLOCKED FROM SAVING THOSE ISSUES BY WHAT, HAMILTON THINKS, IS AN EVILANT RULING, WHICH EXEMPLIFIES THE DISPARITY, PREVIOUSLY MENTIONED, BETWEEN WHAT ARE MINIMAL DUE PROCESS RIGHTS FOR APPELLANTS ON APPEAL IN CALIFORNIA, AND WHAT ARE MINIMAL DUE PROCESS RIGHTS ON APPEAL IN ILLINOIS. A DISPARITY WHICH ONLY THIS SUPREME COURT CAN RECTIFY.

IN HAMILTON'S SUBSEQUENT POST CONVICTION APPEALS TURNED FEDERAL HABEAS CORPUS ATTEMPT, THE RESPONDENT SIDED WITH THE ILLINOIS APPELLATE COURT IN-STEAD OF EMBRACING THE PARAMETERS IN WENDE, OR THIS COURT'S RECOGNITION OF THE RIGHTS FIRST MENTIONED IN WENDE, BUT ACKNOWLEDGED "AS A RIGHT" IN SMITH ' ROBBINS.

IN PROVIDING COUNSEL ON APPEAL, PURSUANT TO ANDERS, ILLINOIS DID NOT PROMISE ANYONE THAT SAID COUNSEL WAS GOING TO BE ABOVE REPROACH, WOULD NOT MAKE MISTAKES, OR ERRORS, AND SHORT OF THAT, SHOULD ALLOW APPELLANTS, LIKE HAMILTON, THE RIGHT TO FILE A SUPPLEMENTAL BRIEF ON APPEAL ESTABLISHED UNDER WENDE, SOME 40 YEARS AGO.

BUT, THEY, INSTEAD RELY UPON COUNSEL'S INEFFECTIVENESS TO LIMIT APPEALS AND PRESERVE CONVICTIONS. THIS STATE HAS A VESTED, FINANCIAL, MOTIVE, AN INTEREST, IN PERSEVERING CONVICTIONS, AND APPELLATE COUNSEL IS AN EMPLOYEE OF A STATE WHICH HAS BECOME DEPENDENT ON THE INCOME DERIVED FROM INCARCERATING AS MANY PEOPLE AS POSSIBLE, FOR AS LONG AS POSSIBLE. AS AN EMPLOYEE OF A STATE THRIVING OFF OF FEDERAL DOLLARS DUE TO PRISON POPULATIONS; MY APPELLATE COUNSEL HAD MORE MOTIVE TO PERFORM POORLY ON APPEAL, THAN HE HAD TO DO WELL. THERE IS A BOUNTY UPON MY HEAD IF IN PRISON, PAYABLE TO ILLINOIS WHOM ALSO PAYS THE APPEAL COUNSELERS.

A RECIPE FOR DISASTER. MOREOVER, THIS RESPONDENT JUDGE MIHAM, NOT ONLY FAILED TO IMPLEMENT, APPLY, THIS COURT'S FINDINGS IN ROBBINS, HE ALSO FAILED TO RULE IN ACCORD WITH HAINES ' KERNER 1972, WHICH MANDATED THAT DUE PROCESS REQUIRED A FORUM, OR OPPORTUNITY, TO "PRESENT PROOF OF HIS CLAIMS". WHICH ARE, AND WERE THAT; "FALSE EVIDENCE AND PERJURY WERE USED TO CONVICT. YET, JUDGE MIHAM SAID, "NO CONSTITUTIONAL RIGHTS DEPRIVATION..."

OCCURRED."

HOW COULD HE KNOW THAT WITHOUT VIEWING THE EVIDENCE THIS APPELLANT CLAIMS WAS, AND IS, FABRICATED? IT SPEAKS FOR ITSELF, IF VIEWED.

ILLINOIS, BEING TOTALLY DEPENDENT ON FEDERAL MONEY TO FINANCE THEIR PRISON SYSTEM, SHOULD THEN HAVE RULES WHICH HONOR, COMPORT TO, RULINGS MADE BY THIS SUPREME COURT. INSTEAD, ILLINOIS CONTINUES TO REVISIT THE SAME ISSUES LIKE, NOT HOLDING A HEARING WHERE 'PROOF OF CLAIMS' CAN BE DEMONSTRATED, OR, AS IN THIS CASE, REFUSING AN APPELLANT "HIS RIGHT TO FILE A SUPPLEMENTAL BRIEF", RELYING ON THE FACT THAT MOST APPELLANTS ARE NOT GOING TO BE HEARD BY THE SUPREME COURT, AND SHORT OF THAT, JUSTICE IS DENIED BY THOSE INTENT ON PROFITEERING FROM INCARCERATIONS.

CONCLUSION

HAMILTON REQUEST THIS COURT TO REMAND HIS APPEAL TO THE DISTRICT COURT WITH INSTRUCTIONS TO, "HOLD A HEARING TO SEE THE PROOF OF HIS CLAIMS" THAT, JUDGE MINN BE REMOVED FOR BIAS.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles Hamilton Miller

Date: May 22 2019