

NO. 14-6150

IN THE

SUPREME COURT OF THE UNITED STATES

CHAD M. LUTLER

VS.

ILLINOIS

ON PETITION FOR A WRIT OF CERTIORARI TO THE

ILLINOIS APPELLATE COURT, FOURTH DISTRICT

PETITION FOR REHEARING OF THE ORDER DENYING PETITION FOR WRIT OF CERTIORARI

CHAD LUTLER 516448

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PETITION FOR REHEARING

PETITIONER RESPECTFULLY REQUESTS REHEARING OF THE ORDER DENYING HIS PETITION FOR WRIT OF CERTIORARI ON THE GROUNDS STATED HEREIN.

THE CUTLER CONVICTION FOR FIRST DEGREE MURDER WAS PRODUCED PRIMARILY THROUGH THE USE OF EXTREME PROSECUTORIAL MISCONDUCT WHICH WAS PROPERLY RAISED ON DIRECT APPEAL AND NEVER ADDRESSED BY ILLINOIS APPELLATE OR SUPREME COURTS. WHILE THIS ISSUE WAS THOROUGHLY AND EXPLICITLY OUTLINED IN THE PETITION FOR WRIT OF CERTIORARI AND BRIEFS TO THE APPELLATE COURT, PETITIONER BELIEVES IT LIKELY THAT THE AMATEUR PRESENTATION TO THIS COURT BY A PRO SE INDIVIDUAL OF THE QUESTIONS FOR CONSIDERATION MAY HAVE 'BURIED THE LEAD', BY FAILING TO PROPERLY EMPHASIZE THE ROLE OF UNADDRESSED PROSECUTORIAL DECEPTION IN THIS MISCARRIAGE OF JUSTICE.

THE PROSECUTORS AT TRIAL PRESENTED INSUFFICIENT AND AMBIGUOUS EVIDENCE OF THE OCCURRENCE OF A HOMICIDE, THEN LIED EXPLICITLY AND REPEATEDLY IN ARGUMENTS TO THE JURY ABOUT MULTIPLE POINTS OF CRITICAL MEDICAL TESTIMONY, MOTIVE AND DNA EVIDENCE. THESE BRAZEN LIES MANUFACTURED EVIDENCE NEVER PRESENTED AND MISLED JURORS TO BELIEVE A MURDER OCCURRED, RATHER THAN AN ACCIDENTAL DROWNING. THE ILLINOIS APPELLATE COURT ARBITRARILY DECLINED TO ADDRESS ALL BUT ONE OF THE NUMEROUS, CAREFULLY DETAILED CLAIMS OF GROSS AND DELIBERATE PROSECUTORIAL MISCONDUCT, TOTALLY IGNORING ALL CONTENTIONS OF DECEPTION, AND THE STATE SUPREME COURT ACCOMPLISHED THE SAME BY REFUSING TO GRANT THE TIMELY PETITION FOR LEAVE TO APPEAL THAT JUDGMENT. THIS PETITIONER WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHT TO A FAIR TRIAL IN LARGE PART BY STUNNINGLY UNETHICAL PROSECUTORS FABRICATING A HOMICIDE CASE AND THOROUGHLY DECEIVING JURORS, AND THIS BREAKDOWN OF OUR JUDICIAL SYSTEM NOW SITS AT THE BRINK OF BEING ENTIRELY IGNORED ON DIRECT APPEAL. PETITIONER CONTENDS THAT ALLOWING THE STATE OF ILLINOIS TO CONCLUSIVELY AFFIRM THIS WRONGFUL CONVICTION WITHOUT APPELLATE REVIEW OF THE BRAZEN AND DELIBERATE PROSECUTORIAL MISCONDUCT AND DECEPTION WHICH PRODUCED IT BECOMES A FEDERAL ISSUE THAT COULD THREATEN THE LIBERTY OF EVERY DEFENDANT, OR AT MINIMUM, EVERY CITIZEN OF THE STATE OF ILLINOIS.

SHOULD THIS COURT REQUIRE CITATION OF AUTHORITY ON THIS MATTER, PETITIONER SUGGESTS THE FOLLOWING CASES,

WHILE CERTAINLY DISTINGUISHABLE IN MANY ASPECTS OF THE EVIDENCE AND NOT WHOLLY APPLICABLE ON EVERY ISSUE, SHOULD EMPHASIZE SEVERAL STANDARDS VIOLATED IN THE CUTLER CONVICTION.

ONE OF THE MANY POINTS OF THE PROSECUTORIAL MISCONDUCT EMPLOYED IN CUTLER INVOLVES A CLEAR AND DEVASTATING USE OF 'THE PROSECUTOR'S FALLACY' REGARDING THE MISUSE OF DNA EVIDENCE DISCUSSED IN MCDANIEL V. BROWN, 558 U.S. 120 AT 128 (2010).

"THE DOCTRINE OF THOMPSON V. LOUISVILLE SECURES TO AN ACCUSED THE MOST ELEMENTAL OF DUE PROCESS RIGHTS: FREEDOM FROM A WHOLLY ARBITRARY DEPRIVATION OF LIBERTY."

JACKSON V. VIRGINIA, 443 U.S. 307 AT 314 (1979).

"THE DUE PROCESS CLAUSE FORBIDS CONVICTIONS PREDICATED ON DELIBERATE DECEPTIONS."
BROWN V. MISSISSIPPI, 297 U.S. 278 AT 286 (1936).

"IT IS AS MUCH HIS DUTY TO REFRAIN FROM IMPROPER METHODS CALCULATED TO PRODUCE A WRONGFUL CONVICTION AS IT IS TO USE EVERY LEGITIMATE MEANS TO BRING ABOUT A JUST ONE."

BERGER V. UNITED STATES, 295 U.S. 78 AT 88, 55 S. CT. 629 (1935)

"A PATTERN OF INTENTIONAL PROSECUTORIAL MISCONDUCT MAY SO SERIOUSLY UNDERMINE THE INTEGRITY OF JUDICIAL PROCEEDINGS AS TO SUPPORT REVERSAL UNDER THE PLAIN ERROR DOCTRINE."

UNITED STATES V. YOUNG, 470 U.S. 1 AT 33 (1985)

PETITIONER SEEKS TO REITERATE THE ROLE OF GROSS AND DELIBERATE PROSECUTORIAL MISCONDUCT AND DECEPTION NOT ONLY IN PRODUCING A WRONGFUL CONVICTION, BUT IN MANUFACTURING A CRIME FROM AN AMBIGUOUS DEATH NEVER LEGALLY OR MEDICALLY DETERMINED TO BE A HOMICIDE. THE INCREDIBLE FACT THAT NO APPELLATE COURT HAS PROPERLY REVIEWED THESE CLAIMS SHOULD NOT BE THE FINAL WORD ON DIRECT APPEAL, AND MR. CUTLER IMPLORES THE MEMBERS OF THIS COURT TO RECONSIDER.

AS A FINAL POINT OF GROUNDS FOR THIS PETITION, AND ONE WHICH HAS ONLY BECOME EVIDENT SINCE THIS COURT'S INITIAL DENIAL OF THE REQUEST FOR WRIT OF CERTIORARI, PETITIONER PRESENTS ONE LAST QUESTION.

IS IT POSSIBLE TODAY FOR AN INDIGENT INMATE OF AN INSTITUTION, A PRO SE PERSON UNREPRESENTED BY COUNSEL TO BE TAKEN SERIOUSLY AND RECEIVE PROPER REVIEW BY ANY ILLINOIS COURT ON DIRECT APPEAL?

IN ADDITION TO THE UNDENIABLE DECEPTION AND GROSS DISHONESTY EMPLOYED BY PROSECUTORS IN MISLEADING A COURT AND JURY TO CONVICT, THIS PETITIONER ON DIRECT APPEAL PRESENTED A LIST OF CLAIMS OF WELL ESTABLISHED REVERSIBLE ERROR INCLUDING MULTIPLE ISSUES INVOLVING HEARSAY AND A HEARSAY DECLARANT AFFLICTED WITH MENTAL ILLNESS, 'BAD MAN' ARGUMENTS, AND AN ABSURD AMOUNT OF MOTIVE EVIDENCE INCOMPETENT IN THAT THE MOTIVATIONAL ASPECTS WERE CREATED WITH LIES TO THE JURY. THE ILLINOIS APPELLATE COURT APPLIED LITTLE OR NO PLAIN ERROR REVIEW AND REJECTED NEARLY ALL OF PETITIONER'S VALID CLAIMS DUE TO FORECLOSURE, REGARDLESS OF THE PLAINLY OBVIOUS NATURE OF THE EVIDENCE. THE SUBSEQUENT DENIAL OF REVIEW OF THESE CLAIMS BY THE STATE SUPREME COURT INDICATES THAT A PERSON IN ILLINOIS WITHOUT MEANS OR A COURT APPOINTED ATTORNEY MOTIVATED AND WILLING TO PUSH AGAINST THE ILLINOIS APPELLATE COURTS STANDS NO CHANCE OF RECEIVING JUSTICE OR DUE PROCESS ON APPEAL. PETITIONER SUGGESTS THAT A DOUBLE STANDARD EXISTS IN THAT A HAND WRITTEN APPELLATE BRIEF IS SEEN IN ILLINOIS REVIEWING COURTS AS EASILY REJECTED REGARDLESS OF CONTENT AND WITH LITTLE CHANCE OF REVERSAL OR EVEN REVIEW BY ANY HIGHER COURT.

PETITIONER ASKS THE COURT TO TAKE A SECOND LOOK AT THE UNETHICAL AND DECEPTIVE PRACTICES WHICH PRODUCED THIS CONVICTION, AND THE APPARENT WILLINGNESS OF ILLINOIS COURTS TO OVERLOOK THIS AND OTHER HISTORICALLY UNDENIABLE TRIAL ERROR IN CASES UNLIKELY TO RECEIVE FURTHER REVIEW BY ANY HIGHER COURT. THE DUE PROCESS CLAUSE SHOULD STAND AS A SAFEGUARD AGAINST THIS SORT OF INJUSTICE BEING IGNORED ON REVIEW, AND THE RECORD ON APPEAL IN THIS CASE DISPLAYS A DOUBLE STANDARD FOR CLAIMS PRESENTED BY PRO SE PERSONS.

WHEREFORE, PETITIONER RESPECTFULLY REQUESTS A REHEARING BY THIS HONORABLE COURT OF THE ORDER DENYING THE PETITION FOR WRIT OF CERTIORARI.

RESPECTFULLY SUBMITTED,



DATE: NOVEMBER 25, 2019

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CERTIFICATION OF PARTY UNREPRESENTED BY COUNSEL

PETITIONER HEREBY CERTIFIES THAT THIS PETITION FOR REHEARING IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY, AND THAT ITS GROUNDS ARE LIMITED TO SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED IN A SUFFICIENTLY CLEAR FASHION BY THIS INEXPERIENCED, PRO SE INDIVIDUAL.



CHAD M. CUTLER, PRO SE

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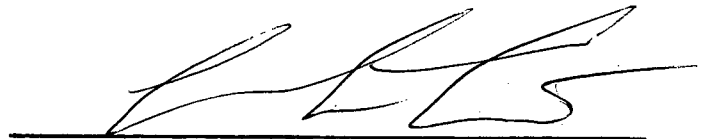
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STATEMENT OF PROCEEDINGS IN FORMA PAUPERIS

PETITIONER SEEKS TO PROCEED IN THIS MATTER IN FORMA PAUPERIS IN ACCORDANCE WITH RULE 39 AND UNDER THE PRESUMPTION THAT THIS COURT GRANTED THE MOTION FOR LEAVE TO DO SO, PROPERLY SUBMITTED JUNE 18, 2019, WITH THE ORIGINAL PETITION IN THIS CASE. AS IT WOULD BE IMPOSSIBLE FOR THIS INMATE CONFINED TO AN INSTITUTION TO ASSEMBLE AGAIN, WITHIN THE 25 DAY DEADLINE SET FORTH BY RULE 44 FOR THE FILING OF THIS PETITION FOR REHEARING, THE FINANCIAL DOCUMENTATION REQUIRED FOR A NEW MOTION OR TO PRODUCE MULTIPLE COPIES, PETITIONER REQUESTS THE CLERK ACCEPT AND FILE THIS PETITION FOR REHEARING IN FORMA PAUPERIS, AS ORIGINALLY ESTABLISHED IN THIS CASE.



CHAD M. CUTLER, PRO SE