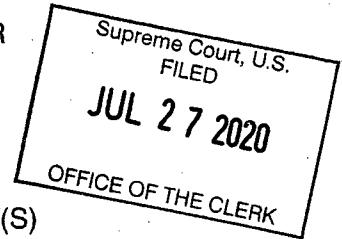


No. 20-5297

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

DEMARIUS BRIDGES — PETITIONER
(Your Name)



vs.
PEOPLE OF THE STATE OF ILLINOIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF ILLINOIS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DEMARIUS BRIDGES
(Your Name)

P.O Box 1000 711 KASKASKIA St
(Address)

MENARD ILLINOIS 62259
(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

1. How could petitioner prepare a complete defense if he couldn't confront anyone who accused him?
2. Can unconfronted testimonial hearsay be used to secure the admission at trial of other unkonfronted testimonial hearsay?
3. Did the state fail to prove that petitioner forfeited his right to confrontation?

(Question 2) Can unkonfronted testimonial hearsay of an available witness be used to secure the admission at trial of other unkonfronted testimonial hearsay from an unavailable witness?

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:

Supreme Court of Illinois

Appellate Court of Illinois (First District)

Cook County Circuit Court. (Chicago)

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-19
REASONS FOR GRANTING THE WRIT.....	20-21
CONCLUSION.....	22

INDEX TO APPENDICES

APPENDIX A Appellate Court of Illinois (First District)

APPENDIX B Decision of State Supreme Court Denying Review

APPENDIX C Cook County Circuit Court (Chicago, IL)

APPENDIX D Table of authorities cited, statutes and rules

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

SEE Appendix - E

STATUTES AND RULES

SEE Appendix - E

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____; 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 _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

reported at APPendix - C; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the APPellate Court of ILLINOIS-First District court appears at Appendix A to the petition and is

reported at APPendix - A; 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 Appeals decided my case was _____.

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: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

For cases from state courts:

The date on which the highest state court decided my case was Nov 1 2019.
A copy of that decision appears at Appendix C.

A timely petition for rehearing was thereafter denied on the following date: January 13 2020, and a copy of the order denying rehearing appears at Appendix D.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. RULE 804 HEARSAY EXCEPTIONS & Declarants unavailable —
2. 725 ILCS 5/115-10.7 West 2014
§ 10.7 Admissibility of prior statements of an unavailable witness whose absence was wrongfully procured. —
3. Forfeiture by wrongdoing

STATEMENT OF FACTS

Demarius Bridges was charged with *inter alia*, first degree murder of Keith Slugg, and attempt murder and aggravated battery of Kim Harris, stemming from a shooting that occurred on August 28, 2011. (C. 67-81) A jury found Demarius guilty on all counts, and the trial court sentenced Demarius to 55 years for murder, and to 35 years for attempt murder. (R. TT196, VV38-39)

Background and pre-trial events

The following narrative draws upon the information adduced at pre-trial proceedings by grand jury testimony, exhibits, filings and statements by the parties. On August 27, 2011, Kim Harris gave herself a party for her 25th birthday. (R. SS183) Her boyfriend, Keith Slugg, attended the party, and returned to the party site later that evening to give Harris a ride home. (R. SS185-86; C. 238, 240) Slugg drove Harris to a residential housing area near Roosevelt, Maxwell and Blue Island, then backed into a parking space by the Newberry Recreational Center. (R. SS186-87; C. 240) Harris and Slugg began to have intercourse, with Harris facing the back window of the car. (R. SS189; C. 120-21, 240) After a couple of minutes, Harris heard gunshots, turned her head, and saw "fire" from a gun muzzle. (R. SS190; C. 241) She looked in the direction of the fire and saw a person firing a gun into the car. (R. SS191; C. 240) Harris felt a gunshot in her leg, and threw herself into the passenger seat foot well, but her foot was pinned between Slugg's stomach and the steering wheel. (C. 107-08, 240-41) Harris remained in that position. (C. 108, 241) She heard the gunshots stop, then start up again, this time sounding a little different, as if from a different gun. (R. SS196-97) By this time, Slugg had slumped over and was unresponsive. (R. SS198; C. 108) When the shooting stopped, Harris honked the horn of the car repeatedly until the police arrived. (R. SS199-200;

C. 238, 241)

Harris made several statements identifying the shooter that she saw as "Debo." Harris said that Debo's real name was Demarius. Specifically, Harris made such statements to:

- (1) the responding officers on the scene of the shooting (C. 109, 123);
- (2) the responding paramedics, on the scene and *en route* to the hospital (C. 109, 111, 123);
- (3) a Chicago Police Department sergeant and detective who interviewed her as she was being taken into surgery that night (C. 109, 111, 123);
- (4) two Chicago police detectives, on August 30, 2011, when Harris made an identification from a photo array while still at the hospital (C. 110, 123);
- (5) another detective and an assistant State's attorney (ASA) on August 31, 2011, when Harris made an identification from a photo array while still at the hospital (C. 110, 123);
- (6) an ASA in an interview on September 7, 2011, while still at the hospital (C. 110);
- (7) an ASA in a videotaped statement on September 7, 2011, with two detectives and a family friend present, while still at the hospital, when Harris again identified Demarius's photo as the shooter (C. 110, 123);
- (8) an ASA in a pre-grand jury interview on October 4, 2011 (C. 110); and
- (9) the grand jury, on October 4, 2011. (C. 110, 123)

Slugg died on the scene as a result of his gunshot injuries. (C. 58) Harris survived the shooting. (C. 95-97) She sustained a number of gunshot wounds, and was hospitalized for over two weeks after undergoing several surgeries. (C. 95-97) She was transferred to a rehabilitation facility and eventually released.

Harris murder

Demarius was arrested and charged with attempt murder and aggravated battery of Harris and first degree murder of Slugg. (C. 68-79) While Demarius was in jail awaiting trial, Kim Harris was shot to death in April 2012. In September

2012, Demarius was charged, along with Terry Bridges and Terrell Lewis, with Harris's murder. (C. 180) The State elected on the Harris murder. (R. T2-6) Demarius was tried before the bench and acquitted in January 2013. (C. 180)

Forfeiture by wrongdoing

The State initially moved to introduce Harris's first three statements as dying declarations, excited utterances, and/or as statements made in the course of an ongoing emergency. (C. 107-17) Thereafter, following Demarius's acquittal, the State withdrew its motion to admit Harris's statements, and filed another motion, adding a forfeiture by wrongdoing argument as to each of her statements. (C. 168-91, 220-24)

Per the State's proffer at the hearing on its motion (R. LL2-23), Harris sought advice from her cousin, Conley English, because Terry Bridges (Terry), Demarius's brother, had offered her money to not testify at Demarius's trial. (R. LL16) English agreed to act as a liaison with Terry, and met with Terry and Terrell Lewis on April 15, 2012. (R. LL16) Terry wanted to see Harris in person before paying the money. (R. LL16) English drove Harris to the agreed-upon location, and got out of the car, leaving Harris behind. (R. LL16-17) Lewis got out of Terry's car and approached the car where Harris sat, and shot her numerous times, killing her. (R. LL17) Lewis got back into the car with Terry and drove away. (R. LL17)

The State cited the following circumstantial evidence to support this proffer:

- Terry's jail visits to Demarius in the days before and after the Harris murder (R. LL18);
- visits from Lewis to Demarius in jail in the days before the Harris murder (R. LL18);
- phone calls between Terry and Lewis, and phone calls from each of them to English on the day of the shooting (R. LL17);

- cell site towers data reflecting that Terry and Lewis were in the vicinity of the Harris murder at the time of the shooting (R. LL17); and
- video footage showing that Terry's car was driven toward the scene of the Harris murder, and showing a man running toward and getting into the car after shooting, and the car driving away. (R. LL17-18)

In addition, firearm evidence recovered from the scene and from Harris's body showed she was killed by a single firearm, while the Harris/Slugg shooting involved at least three firearms. (R. LL18-19) One day after the Harris murder, a gun was recovered from a rooftop near the scene of that shooting. (R. LL18-19) This gun had been purchased by Terry Bridges in 2007, and forensic evidence established that it was the gun used in the April murder of Harris. (R. LL19) This same gun was one of the guns used in the August shooting of Slugg and Harris. (R. LL19)

Terry and Lewis were brought to the police station and interrogated. (R. LL19) Terry made statements implicating Demarius in the Harris murder. (R. LL19-20) The State acknowledged that Terry's statements were not admissible against Demarius at the bench trial in which he was charged with Harris's murder, but asserted that Terry's statements were admissible at the forfeiture hearing. (R. LL20)

According to Terry's statements, Demarius arranged through Terry to have Harris killed because she was the only witness against him in the August 2011 shooting. (R. LL20-21) Terry claimed that Demarius knew a person who would kill Harris. Demarius purportedly instructed Terry to pay the person to kill Harris, but not to get involved in the actual shooting. (R. LL21-22) Terry told police that he paid Terrell Lewis a certain amount of money before the shooting; he told Lewis he would pay the remainder after Terry received his tax return. (R. LL21) The

Bridges believed that without Harris, the charges against Demarius would be dropped. (R. LL21-22) Terry also told police that he believed that Demarius would pay Lewis, once he was released from jail. (R. LL21-22)

The trial court determined that the first three statements by Harris (to the responding police officers, to the emergency personnel, and to the sergeant at the hospital, as she was being taken into surgery) in which she identified Demarius as the shooter, were admissible as dying declarations, excited utterances and as statements made in the course of an ongoing emergency. (R. NN7-16) The court further found that the State had established by a preponderance of the evidence that Demarius acted to procure the absence of Harris, making all her statements of identification admissible at trial under the forfeiture by wrongdoing doctrine. (R. NN17-25)

Jury Trial

Harris's statements of identification

The State presented the testimony of Officer Garza, who, along with his partner, was the first officer to respond to the shooting. (R. RR22-53) When Garza arrived, he heard a horn honking repeatedly, and saw a car backed into a parking spot by the Newberry Recreational Center. (R. RR25) The car had bullet holes on the sides and there were shell casings on the ground around the car. (R. RR27-28) Keith Slugg was slumped in the driver's seat, not moving, and Kim Harris was lying across the front seat with her feet in Slugg's lap and her head down in the passenger side wheel well. (R. RR29-30) She was naked with only a shirt to cover her; she was bloody and had gun shot wounds. (R. RR30) Harris was screaming and using her foot to honk the horn. (R. RR30)

Harris told Garza that she could not breathe. (R. RR31) According to Garza,

Harris was coherent, alert, and able to communicate, though she had a number of injuries. (R. RR32) Garza asked her what had happened and Harris said she had been shot. (R. RR31) While his partner called for an ambulance, Garza asked Harris who had shot her. (R. RR31) Harris said "Debo" shot her, and when Garza asked for a first name, Harris responded it was Demarius. (R. RR31-32) He said that Harris told him more than 20 times that "Debo" or Demarius shot her. (R. RR34)

On cross-examination, Garza acknowledged that the lights on the neighboring property were about 300 feet away, and that the car was parked in a position where it was not under any lights. (R. RR59-60) Garza agreed that the exhibits reflect that the area where Slugg had parked the car was dark, and that one of the lights in the area was not on at the time. (R. RR60-61)

Paramedic Katrina Basic arrived soon after. (R. RR63-65) Basic described the lighting in the area as a "gray haze" and said it was dim, but that one could see. (R. RR68) There was a black car with bullet holes and casings on the ground. (R. RR66) Basic began treating Harris, and counted 14 bullet holes in her; Harris was covered in blood. (R. RR67) The paramedics used a backboard to get Harris out of the car, thinking that was the safest way to move her. (R. RR68) Slugg appeared to be deceased, and an autopsy later determined that he died from three gun shot wounds. (R. SS14-17, SS19-20)

Harris could communicate, and told Basic her name, age, date of birth and medical history. (R. RR68-69) Basic gave her oxygen to keep her breathing non-labored. (R. RR70) Basic said that for a person who had been shot as many times as she had, Harris was very calm. (R. RR70) Harris told Basic that Debo or Demarius had shot her, and that she did not want to die. (R. RR71) Harris said that she

had a four-year old daughter that she wanted to go home to see. (R. RR71) Basic stayed with Harris at the hospital while other medical personnel worked on her, and Harris told them also that Debo or Demarius had shot her. (R. RR72-73) Basic testified that detectives came to the hospital to speak with Harris, and that Harris also told them that Debo or Demarius had shot her. (R. RR72-73)

On cross-examination, Basic explained that Harris identified Demarius as the shooter only after Harris was in the ambulance, and then she said it twice. (R. RR76-78) After that, Basic heard Harris identify Debo as the shooter once to the detectives at the hospital. Basic said that Harris did not complain about not being able to breathe. (R. RR76-78)

Sergeant Gallagher spoke to Harris at Stroger Hospital on August 28, 2011, along with Detective Roxana Hopps. (R. RR80-81) They spoke to Harris as she was on her way into surgery, at around 5:30 a.m. (R. RR81-82) According to Gallagher, it was important to speak with her before surgery, because based on the number of times she had been shot, she might not survive. (R. RR83) They asked who had shot her; she said Debo. (R. RR83-84) They asked if he walked up and shot her; she said yes. (R. RR84) They asked if Debo was from ABLA (a housing complex in the area of the shooting); she said yes. (R. RR84) They asked her for Debo's real name; she said Demarius. (R. RR84)

The sergeant relayed this information to the detectives investigating the case. (R. RR85) The police arrested Demarius Bridges on September 7, 2011, at 2615 S. Prairie, about three miles from ABLA Homes. (R. RR85)

Detective Egan created a six-man photo array which included a photograph of Demarius, and took it to Stroger Hospital on August 30, 2011, two days after the shooting. (R. RR98-99) Harris was in serious but stable condition, and her

sister, Kourtnay Harris, was there for the interview. (R. RR100-01) Harris described the shooting as she had done in the past, and identified Debo as the shooter. (R. RR101) Harris read the line-up advisory form and Kourtnay signed it for her because her injuries prevented Harris from being able to do so. (R. RR105) Harris identified the photograph of Demarius from the array; Kourtnay circled and signed his photograph for her. (R. RR106-08; State Exh. 13)

Detective Kennedy, Detective Moreth, and ASA Chevlin interviewed Harris at Stroger hospital on August 31, 2011. (R. RR134-35) Kennedy testified that during this interview Harris related that she had known Slugg for three years, and had been dating him for about a year and a half. (R. RR138) On August 27, 2011, Harris had been celebrating her birthday. (R. RR139) Slugg picked her up around 3 a.m., and they drove to the Newberry Recreational Center. (R. RR139) Slugg reversed the car into the last spot on the parking lot, and rolled down the windows. (R. RR140-41) Harris took off her clothes and got on top of Slugg, with one foot on either side of his waistline, and facing the back of the car, so that she and Slugg were face-to-face. (R. RR141-42)

The two had intercourse for about five minutes. (R. RR142) Then Harris heard a gunshot, and saw fire coming out of the end of a gun barrel. (R. RR142) She immediately looked in the direction of the shots, and saw a person she recognized as Debo or Demarius standing four to five feet away, pointing a gun at them and shooting. (R. RR143) She looked at him for a couple of seconds, then heard more gunfire and felt pain. (R. RR144) She thought she had been shot, and threw herself into the front passenger seat of the car. (R. RR144-45) Her foot got stuck between Slugg's stomach and the steering wheel. (R. RR145) Harris heard more gunshots, numerous gunshots, all in close range. (R. RR145) She heard Slugg say, "Are you

for real?" and "That's it." (R. RR145) After the gunshots stopped, Harris used her foot to honk the horn until the police arrived. (R. RR146)

Harris told Kennedy she had known Debo since she was 15 years old, and knew that he attended Crane High School with her cousin. (R. RR146-47) She knew his mother lived in the Barbara Jean Wright housing facility and still did, close to where the shooting took place. (R. RR146-47) Kennedy showed Harris a single photograph of Demarius, the same photo she had selected from the photo array. (R. RR147-48, 150) When she saw the photo, Harris told Kennedy it was Debo, the shooter. (R. RR149) Kennedy said on cross-examination that Harris did not say when she last saw Demarius before the shooting. (R. RR152)

ASA Coakley interviewed Harris at Stroger Hospital on September 7, 2011, where Harris was in the ICU. (R. RR156) Also present were two detectives as well as Madeline Crenshaw, the grandmother of Harris's daughter. (R. RR157) Harris described the shooting and identified Demarius as the shooter, and agreed to give a videotaped statement. (R. RR157-58)

The State published the videotaped statement to the jury over a defense objection. (R. RR161, RR166; State Exh. 17)

In the videotape, Harris recounted the testimony previously admitted via other State witnesses: she had a party; she left with Slugg; they drove to the Newberry Recreational Center and parked; they began to have sex; Harris first saw "fire" and heard a gun shot, then looked over to see the shooter; Harris identified Demarius as the shooter, and Debo as his nickname. (R. RR167-68; State Exh. 17)

ASA Toni Giancola testified that she met with Harris on October 4, 2011, for a pre-grand jury interview. (R. SS173-74) Harris was in a rehabilitation facility

at the time, recovering from her injuries. (R. SS175) Harris was transported to Branch 66 in a van that could accommodate her wheelchair, and she traveled with a nurse. (R. SS174-75)

Harris described the shooting, identified the shooter to Giancola as Demarius, and identified a photo of Demarius. (R. SS176) Harris watched the videotaped interview she had given, determined there were no corrections to be made, and agreed to testify before the grand jury. (R. SS177-78) Giancola published the transcript of Harris's grand jury testimony to the jury over the defense objection. (R. SS182-219; State Exh. 153) The grand jury testimony mirrored the statements Harris made to various persons previously presented to the jury. (R. SS182-219; State Exh. 153)

Physical evidence

The police collected shell casings and fired bullets from inside and outside the car, as well as one bullet which struck a wall inside a nearby residence. (R. SS37-38, SS44-52, SS54) Specifically, the police recovered eighteen 40-caliber shell casings, as well as eleven 9-mm Luger shell casings, including three recovered from the passenger seat, plus fired bullets and metal fragments of bullets. (R. SS69-77) The 40-caliber shell casings were fired from a single firearm (R. SS144-45), and the 9-mm Lugar casings were fired from a different single firearm. (R. SS145-46) The examination of the bullet fragments indicated that a third firearm, a .38-caliber, was also used in the shooting. (R. SS148)

Sergeant Brian Holy testified that on April 16, 2012, an anonymous source informed him of the location of a gun. (R. SS89-91) Holy went to the location, an alley between Taylor and Arthington, and found a 9-mm handgun on the rooftop of a single-story garage. (R. SS91, SS94-95) The handgun was a Smith and Wesson

Model 5926, with serial number TFA 8908. (R. SS100-01, SS101; State Exhs. 143, 144; State Exh. 24) Ballistics testing established that this 9-mm had been used in the August 28, 2011, shooting. (R. SS151-52, SS155-56) The recovered gun had fired the eleven cartridges recovered from the scene, and two of the recovered bullets. (R. SS155-56, SS166) DNA swabs of the gun revealed no human DNA. (R. TT11-12)

William Anderson Van Scyoc testified that he owned a gun shop in Bloomington, Illinois. (R. SS109) In March 2007, Terry Bridges purchased a 9-mm Smith and Wesson Model 5926, serial number TFA 8908. (R. SS115-116, SS116-17, SS120-22) Van Scyoc identified State Exh. 24 as the handgun he sold to Terry Bridges. (R. SS123)

The forensic investigator also recovered five possible latent fingerprints from the car. (R. SS39) Two of these possible latents were not suitable for comparison, and the remaining three, when compared to prints from Demarius, did not reveal an identification. (R. TT10-11) There were no suitable prints on any of the discharged casings. (R. TT10-11)

Defense witnesses

Jonell Reed testified that she was currently living in ABLA homes, near where the shooting took place. (R. TT17) She had grown up there, and Demarius had grown up in the nearby Barbara Jean Wright ("BJW") Homes. (R. TT21) This area was known as "The Village." (R. TT21) Reed was Demarius's girlfriend in August 2011. (R. TT14) They had been together since 2008. (R. TT18) She lived with Demarius in an apartment on Indiana; they had lived in the apartment since March 2011, and in an apartment on Fulton before that. (R. TT14) On August 27, 2011, Reed worked then returned to the apartment and began cooking for a friend's mother's birthday. (R. TT15) She called Demarius at his mother's house

to tell him to come home. (R. TT15) She went to sleep, then he came home and woke her up. (R. TT15) She warmed up his food, then he went to sleep, and she went back to bed shortly afterwards. (R. TT15-16)

Reed's sister called at around 4 a.m. and told her that Keith had been killed. (R. TT16-17) The State's hearsay objection was sustained. (R. TT16-17) Reed passed the information to Demarius, who was sleeping next to her. (R. TT16) Reed knew Slugg and Harris from the area, but was not on speaking terms with either. (R. TT17)

According to Reed, Demarius associated with some people from the Village and people knew of him, but she met only a few friends of his while they were dating, and never heard anyone call him by the nickname Debo. (R. TT27-28) Reed explained that she knew of Slugg and Harris, because they were also from the area, and it was a fairly small community. (R. TT29) In contrast, Demarius was not from ABLA and did not really have friends there. (R. TT28) She did not know if Demarius knew Harris or Slugg, and when she told him that Slugg had been killed, he did not appear to know who she meant. (R. TT30-31)

Reed knew Terry, Demarius's brother. (R. TT33) Terry was taller and older than Demarius, but Reed would not say he was "fat," and did not know how much Terry or Demarius weighed. (R. TT32-33)

Reed had been driven to court for her testimony by Demarius's mother, but she denied having ever discussed her testimony with his mother. (R. TT35) Reed had visited Demarius regularly in jail, and had spoken to him on the phone while he was in jail. (R. TT36-38, TT42-43)

Reed was arrested with Demarius when he was arrested, but she did not know until later that he had been charged with the murder of Slugg. (R. TT45-46,

TT48) The police did not question Reed when she was arrested. (R. TT47) Reed was with Demarius at the time that Slugg was killed. (R. TT44) Reed had never told anyone this information, until she spoke to his attorney approximately one week before her trial testimony. (R. TT44) She did not tell anyone in his family or her own, and did not tell her friends. (R. TT45)

Sharnetta Dodson, Demarius's mother, had three sons: Terry Bridges, Demarius Bridges and Richard Carter. (R. TT50) Dodson testified that Demarius and Terry were very similar in appearance. (R. TT53-55) Terry was a little taller, but they were similar in complexion and facial features, and both always kept a "low" hairstyle. (R. TT53-54) Dodson explained that people always mistook them for one another, and they used to play a game in which Terry would pretend to be Demarius and vice versa. (R. TT54-55) Dodson identified two photographs from Sears portrait studio, taken in 2006, one of Terry and the other of Demarius. (R. TT52-53, TT55; Def. Exhs. 7, 8) Dodson said that they had not changed in appearance since the time the pictures were taken ten years earlier. (R. TT55)

On cross-examination, Dodson described the living arrangements she had with her sons. (R. TT58-59) Dodson said that Demarius grew up "on the complex;" he went to elementary and grammar school there, and had moved out of her home by the time he went to high school. (R. TT58-59) She said Demarius had a couple of friends in the neighborhood, but not really any associates, because "we're not from that area." (R. TT60-61) Demarius and Terry had lived together in the past, were close and had a good relationship. (R. TT59-60) She knew that Terry had a FOID card, but did not know he had purchased a 9-mm handgun. (R. TT60)

Dodson visited Demarius in jail once a week, and spoke to him on the phone at least once a week. (R. TT61-63) Dodson knew Reed, and had driven to court

with her on the day of their testimony, but had not talked to Reed about her testimony. (R. TT64-65) Sometimes when Demarius would call Dodson, she would put through a three-way call to Reed, then put the phone down to allow them privacy. (R. TT65) Dodson did not know whether that practice was permitted. (R. TT65)

Dodson said she had spoken to Reed about a week or two earlier, when Reed called her and said that the State's Attorney had come to her house and asked her a lot of questions, then driven Reed to work. (R. TT66) Dodson also saw Reed once at the jail when their paths crossed in visiting Demarius. (R. TT66)

The State impeached Dodson with recordings from recorded jail conversations between Demarius and herself, about three weeks before trial, in which Demarius asked Dodson whether she had spoken with Reed, and Dodson replied that she had, and that she was going to give Reed's phone number to Demarius's defense attorney. (R. TT68-70, TT75) Dodson admitted that she spoke to Reed about coming in to testify, but denied talking to her about being an alibi witness. (R. TT71-72) Dodson knew that Reed would come in to testify, and told Demarius that "she [Reed] was good to go," but Dodson only meant that Reed was going to be a witness. (R. TT72-75) As for the photos of Terry and Demarius, Dodson said she had "somewhat recently" given them to the defense attorney. (R. TT79)

Demarius Bridges testified that in August 2011, he was living with Reed at 2701 S. Indiana. (R. TT84) Demarius knew Kimberly Harris to say hello to, from seeing her at different events, like a basketball game or a party. (R. TT86) Before August 27, 2011, he had not seen Harris for five or six years. (R. TT88) Demarius knew of Keith Slugg, but saw him rarely, only in passing. (R. TT87-88) Demarius did not think that Slugg lived in the area, and it had been perhaps even

longer since Demarius had seen Slugg than the five years since he had seen Harris. (R. TT87-88)

On August 27, 2011, Demarius was at his mother's house in the early evening from 8:00 to 11:00 p.m., watching television, because he and Reed did not have cable. (R. TT89-90) Demarius left around 11:00 p.m., arriving at his apartment around 11:45 or 12:00 midnight. (R. TT90) He argued with Reed, because he had been out late, then he ate some food that she prepared for him. (R. TT91) They relaxed together, and Demarius was home all night. (R. TT91) Demarius went to bed between 2:45 and 3:00 a.m., and later learned from Reed that Slugg had been killed. (R. TT91) Demarius shook his head and went back to sleep. (R. TT91) Demarius denied shooting and injuring Harris, and denied shooting and killing Slugg. (R. TT92)

On cross-examination, Demarius said that his brother, Terry, was taller and heavier. (R. TT92-93) Demarius agreed that they did not look exactly alike; he said that many people have told him that they look alike, though he "did not see it." (R. TT94) Demarius knew that Terry had a gun, though not specifically that he had a 9-mm. (R. TT111)

Demarius was living in the BJW Court with his mother when he met Reed in 2008. (R. TT94-95) Reed was living in ABLA homes at the time. (R. TT94-95) The BJW was within walking distance of the Newberry Recreation Center, but Demarius had never seen the back of the center. (R. TT95-96) Demarius knew some people from ABLA, including Reed, but denied hanging out in the area. (R. TT96-97) Demarius agreed that some people called him Debo, and that Harris would have known that. (R. TT111)

Verdict and sentencing

The jury returned guilty verdicts for all charges, including the finding that Demarius personally discharged a firearm as to murder and attempt murder. (R. TT196) The court sentenced Demarius to 55 years for murder and a consecutive term of 35 years for attempt murder. (R. VV38-39)

REASONS FOR GRANTING THE PETITION

Neither the Illinois Supreme Court, nor the U.S. Supreme Court has addressed whether a defendants sixth amendment right to confrontation applies at a forfeiture by wrongdoing hearing. This court needs to guide the lower courts regarding the scope of forfeiture by wrongdoing hearings. Specifically, Illinois courts need guidance on whether testimonial hearsay statements of an available witness, which would otherwise violate a defendant's right to confrontation, are admissible at a forfeiture by wrongdoing hearing. In other words, whether some testimonial hearsay can be used to secure the admission at trial of other testimonial hearsay. While no Illinois court has specifically addressed this issue, there is case law which suggests that the right to confrontation does apply at this type of hearing. Moreover, several out of jurisdiction courts have addressed whether the right to confrontation applies at a trial evidentiary hearing and found that like the sixth amendment right to counsel the same applies to confrontation. Petitioner is requesting that the U.S. Supreme Court provide guidance to the IL lower courts regarding how forfeiture by wrongdoing hearings should be conducted. Address whether a defendants right to confrontation applies at a pretrial evidentiary hearing that can impact the outcome of the trial and is a critical stage of the proceedings. The trial and appellate state court in Illinois erroneous rulings in this case need to be corrected and guidance must be sent to the courts so that erroneous rulings of forfeiture by wrongdoing and denying the sixth amendment right to confrontation would not be done to future defendants like it was done in this case. These rulings denied the petitioner's right to confront any witness against him which prevented him from presenting a complete defense.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Demarius Bridges

Date: 7-28-2020