DOCKET NUMBER: 20-7115

Supreme Court of the United States

Christopher A. Carter
(Petitioner)

v.

Frank Lawrence
(Respondent)

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

PETITION TO REHEAR

Illinois Office of Attorney General
Assistant Attorney General
Katherine M. Doersch
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601
(Counsel of Record)

Christopher A. Carter
Inmate No. #M32025
Menard Correctional Center
Post Office Box 1000
Menard, Illinois 62259
(Appearing ProSe and In Forma Pauperis)

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TABLE OF CITED AUTHORITIES

UNITED STATES CONSTITUTION AMENDMENT 1: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

UNITED STATES CONSTITUTION AMENDMENT V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, exceptin cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law,nor shall private property be taken for public use, without just compensation.

UNITED STATES CONSTITUTION Amendment XIV Section 1: 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 any person within its jurisdiction the equal protection of the laws.

UNITED STATES CONSTITUTION ARTICLE IV §2, Clause 1: The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

UNITED STATES CONSTITUTION ARTICLE VI: This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the judges in every State shall be bound thereby, any Thing in the the Constitution or Laws of any State to the Contrary notwithstanding.

1¶ This petition for rehearing is presented in good faith and not for delay. Grounds relied on are limited to intervening circumstances of a substantial or controlling effect, pursuant to U.S. Supreme Court Rule 44 (1),(2). GROUND ONE: Is it possible to conduct a fundamentally fair proceeding when a party has not received notification and was denied access to the court, and did the Northern District of IL. conduct proper Habeas Corpus proceedings? GROUND TWO: Was the Seventh Circuit's response to En Banc request properly examined in light of judicial duty and contemporaneous U.S. Supreme Court selection and nomination process? GROUND THREE: Did lower courts properly examine and determine default of all claims alleged by State in light of State reaching merits in alternative, district court identified due process violations raised, which are substantial by nature, and State in Writ of Certiorari where all was answered agreed with, and Respondent filing no brief in opposition?

GROUND I

2¶ Respectfully, the District's response appears to be improper and in bad faith where no remedial or corrective action was taken when presented with overwhelming, indisputable demonstration of the federal court system in error itself denying Due Process - NOTICE.

3¶ Notice, access to the court to be heard, and a fair hearing are some of the constituent elements of due process. An investigation of this case will uncover that Petitioner did not receive notice to Reply and that Judge's Deputy clerk as well as court was aware they had received promptings from Mr. Carter's family. Two telephone calls on 8/26/2019 to Judge's Deputy clerk and two telephone calls on 8/27/2019 to Judge's Deputy Clerk. Tracking No. to letter dated 8/26/2019 to the Judge. Priority Mail tracking No. with copies of Exhibits to Chief Judge and Judge dated 9/4/2019 and 9/9/2019. Exhibits included letter to many Wardens,

3¶ at Menard Correctional of mail problems, IDOC (Illinois Dept. of Corrections) letters to/from IDOC staff of mail problems and mail equipment breakdowns. They still continued to proceed regardless, continuing to trample on the Constitution and Petitioner's rights. (U.S. Constitution Amendment 1,V,X1V; Article 1V§2Clause1, Article V1). The Office of the Inspector General or the U.S. Supreme Court can obtain phone records of Northern District Of IL court clerk and Petitioner's mother, Mrs. Nofles, records from Menard's Clinical Services and MailRoom proving Mr. Carter was not notified. Court and clerk were notified, and rather than do diligence or justice, were motivated to rush to deny justice.

4¶ Following trial and throughout the process Mr. Carter has never missed a time or deadline, exercising all due diligence. Why now? In the habeas corpus petition and writ's statement of facts, mail problems are documented. The IDOC Director, Chief Judge, district judge, and court clerk were all apprised of difficulties with Menard and sensitive mail. Menard does however, log all Legal Mail and Outgoing mail. Mail Room keeps copies of all Legal Mail Receipts (Form IL-429-8298), showing signatures of the officer handling out legal mail and inmate receiving mail. They have no record of a Legal Mail Receipt for a Notice to Reply from U.S. District Court, Northern District of IL.

5¶ Such conduct is fundamentally unfair, and denials of due process are substantial and never harmless error. This is a manifest constitutional error. Had the clerk and court not rushed to close and deny the habeas corpus petition, Mr. Carter would have been able to produce a Reply to the State's ANSWER sufficient to refute and satisfy all of the State's claims and concerns to where the State would be obliged to file no brief in opposition as it did on Writ of Certiorari agreeing with Mr. Carter. (Cooper v. Sowders, 837 F.2d 284(1988 6thCir.); Steinmark v. Parratt, 427 F.Supp.931(8th Cir.1977)). Where federal claim is stated, appropriate remedy is permissible and required. Supremacy Clause of Constitution indicates all judges are bound by it and its laws. This is a serious

5¶ problem in the American legal system, where so many are comfortable to deny relief, justice, constructively, or watch others do so and stay silent.

6¶ There is no evidence in the record of dispassionate employment of logic and reason, it is actually the opposite. Reviewing of difficult cases requires the best and brightest minds but also the ethereal, rare qualities which are easy to lose grasp of - character and ethics. A fundamentally fair proceeding in any reasonable person's judgment does not include conduct of this type, where judges or clerk and staff flee from cries for help or assistance. Type of charges fought do not justify this circumstance either. It is simple prejudice, prejudicial and bias. Federal court, state, U.S. Attorney, Attorney General vs. unrepresented Petitioner = unfair situation, an intervening circumstance of a substantial effect. "Loss of First Amendment freedoms, for even minimal amounts of time, unquestionably constitutes irreparable injury." (Elrod v. Burns, 427 U.S.347(1976). Biased court.

7¶ The assertion of federal rights, when plainly and reasonably made are not to be defeated under name of local practice." (Davis v. Wechler,263 U.S.22,24; Stromberg v. California,283 U.S. 359; NAACP v. Alabama, 375 U.S. 449). "No man [or woman] in this country is so high he is above the law. No officer of the law may set that law at defiance with impunity. All officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it." (Butz v. Economou,98 S.Ct. 2894(1978); (United States v. Lee,106 U.S. at 220,1 S.Ct. at 261(1882)). So what happened here? "Acts in excess of judicial authority constitutes misconduct particularly where a judge deliberately disregards the requirements of fairness and due process." (Cannon v. Commission on Judicial Qualifications,14 Cal.3d 678,694(1975)). Misconduct is a manifest constitutional error.

8¶ If one can tell who or what a society is by how it treats its vulnerable class or minority, what does this say of America? No

8¶ reasonable jurist or layperson could conclude that these treatments and actions were justified and proper, they were grossly abusive and violative of the Constitution and Judicial Canons and Standards For Professional Conduct For Seventh Circuit. There still needs to be a redo of proceedings fully, with integrity that conforms to rules the public can have confidence in.

GROUND II

9¶ This case has suffered intervening circumstances of a substantial and controlling effect involving two separate individuals, their career ambitions and aspirations, and their peers, which resulted in denials of due process and Constitutional rights. One on the State level, the other federal. Mr. Brian Jacobs, a central figure of the habeas petition, was an assistant public defender during trial. During appeal he was promoted to chief deputy public defender, then trial judge after State Supreme Court declined PLA. His confirmation had been on hold for two years until denial. There has been no legal cooperation from DuPage County in this case.

10¶ The second person's nomination has caused intervening circumstance of a substantial and controlling effect. A conflict of interest, that is not easily remedied. Integrity of the Judicial System necessitates a full review and appropriate remedies. No law student or lawyer, Mr. Carter, a layperson, an engineer who is gifted with a measure of prudence, humbly opines that proper course would be to have spoken up as a panelist to cause a vote to be called on the En Banc Rehearing request and vote as their education, intelligence, experience, and ethics guide, rather than stay silent for an easier Supreme Court Senate Judiciary Committee nomination process. This person was announced as the nominee for Justice Ginsberg's open seat at the same time this case was in Seventh Circuit's docket.

11¶ This person's fears were not unfounded, one of the senators, likely Dick Durbin or Charles Schumer, commented that he pulled up and reviewed all of her rulings while on the Seventh Circuit. But that does not change that the right thing to do is speak up, not to be silent for self-interest. This senator asked a direct question; "did she have any ambition to be on the Supreme Court?" She testified to the Senate Judiciary Committee "that she did not." This is not a true answer and Congress will not see that it was either. A justice of the U.S. Supreme Court once said; "if you are satisfied with all of your rulings and decisions, you're doing something wrong." This is very serious. She graduated number one in her law school class, a Rhodes Scholar like Pres. Bill Clinton, second to no one in intelligence, legal aptitude; she made no "traditional mistake", this was a calculated decision not to speak up, nor address due process violations, nor face energized political grilling for dealing with a controversial case. She was a judge bound by Constitution, Judicial Canons and Standards of Professional Conduct. (ante).

12¶ This justice has recused herself. Mr. Carter's brother was a U.S. Marine. Marines don't run from trouble, they run to it so they get scars. Our scars make us better people, they build our character and make us more compassionate people. That's how Mr. Carter got his scars, running to an ex. to help her with her family of multi-generations of dysfunction and he had no mentalhealth skills or background information - BUT HE TRIED! It would have been better to stand up and defend the "words on the page," than to take the easy way out. The Comity Clause, Equal Protection Clause, and Due Process Clauses demand fairness and action. (U.S. Constitution Amendment 1,V,X1V; Article 1V §2 Clause1.).

13¶ With the appellate jurisdiction and authority of the Seventh Circuit and the ability to operate sua sponte or nostra sponte,

13¶ how does one explain a "manifest disregard of the law" or is it just business as usual in Chicago? There is no "Shield of Aegis" to hide these actions behind. It goes with mentioning, if any of the panel of jurists had called for a vote it still would have made confirmation and questions more difficult. Chicago's irony of being blind to the law; but bullies get stronger when not confronted or dealt with. Seventh Circuit in Boyd, castigates district for its actions in defiance of U.S. Supreme Court, but does the same types or categories of actions here. It fails to catch and correct its own errors. (United States v. Boyd,98-2035 to 98-2038 and 98-2060,(7th Cir.2000)). Specific language in Boyd where the Court "instructed appellate courts that they, too, may raise issues on their own initiative." How does the Seventh Circuit's own rulings apply to itself? Along with the U.S. Supreme Court, they must be enforced.

How has the Seventh Circuit's rulings modified the body of law? It has placed the federal appellate courts' imprimatur on judges not being bound to or by the Judicial Canons, the Standards of Professional Conduct, the Constitution's Due Process, Equal Protection, Comity and Supremacy Clauses. The rulings are unconstitutional and implicitly condone unconstitutional acts of a legal nature to the Seventh Circuit and all lower courts, it erodes the integrity of the judiciary and the American Justice System. An unconstitutional precedent.

14¶ This is the second time lightning has struck in this case with two individuals receiving judicial nominations or promotions. Mr. Carter seeks a full review and an evidentiary hearing, both on the merits with constitutional protections and safeguards in place, as old families that once controlled Illinois are now no longer in power or place, but when they were, they completely and unreasonably suppressed and dominated the State, preventing any cooperation in appellate efforts. A complete, fair review at this

14¶ time will reveal and expose the level of past corruption and Mr. Carter's innocence. As the Writ of Certiorari was agreed to and no brief in opposition filed, pursuant to Supreme Court Rule 15.2, "there is an obligation to address perceived misstatements of fact or law," and "an obligation to the Court to point out in brief in opposition, and not later, any perceived misstatement made in the petition." There was none. Nor was there any in the Habeas Corpus Petition. This is a result of an impatient, unaccommodating court leaning toward the State. This U.S. Supreme Court is a citadel where rules exist and are enforced, a refuge.

GROUND III

15¶ Did the lower courts properly examine and resolve the Habeas Corpus Petition, and the assertions of the State appellate court of procedural default when it reached the merits in the alternative?

16¶ Efforts were made to address all of state appellate courts or State's contentions in Reply to States' ANSWER that was converted into another type of document rather than accommodate after asking for notice and time to respond or reply as well as the motion filed in Petition to Rehear EnBanc, and the Writ's text. The lower courts have presented an obdurate demeanor to Mr. Carter.

17¶ Composition of the panel was assigned to this case as well as the nominee named earlier, are all appointees of the same Administration. The two panel judges who comprised the original Seventh Circuit panel had been on the bench for little more than a year when this case was assigned to them. The nominee had once already been selected by the Administration and was again being tapped for the highest Court, and had herself also been seated for little more than a year.

17¶ In an ORDER before the two judge panel of the Seventh Circuit, states "Christopher Carter has filed a notice of appeal from denial of his petition under 28 U.S.C.§2254, which we construe as an application for a certificate of appealability. This court has reviewed the final order of the district court and the record on appeal. We find no substantial showing of the denial of a constitutional right." FIRST, in the two judge panel in the final order and record on appeal there was a showing of the denial of a constitutional right but, in their opinion it was not substantial. Does it have to be a substantial showing to be considered a constitutional right? Can it be a showing to be considered a constitutional right being denied? THEN, a substantial showing is a subjective judgment based on an idea, opinion, mental concept. How much is substantial? Subjective judgments are affected by personal views, experience and one's perception.

The Order by the two young judges panel contained only three sentences. And in those sentences, there is no evidence that they conducted a reasonable investigation, carefully read district court orders, searched through the record and docket entries to make certain any mistakes or errors were corrected. Then promptly bring those matters to the district judges' attention, for appropriate action to correct any deficiencies in the judgment. The Order did not mention the contents of the Priority Mail envelope that Mr. Carter submitted to the judge in Reply to the State's ANSWER. Mr. Carter's Reply was given an extension due to intervening circumstances, and was properly and timely filed and made the deadline of 9/27/2019 as requested, on 9/26/2019. No mention was made of the deadline being met, contrary to Order dated 8/27/2019,p.2,3. No mention was made of the contents contained in the Reply to State's ANSWER, by the Judge. No mention was made of any clerk, Deputy Clerk or the Judge, ever reading the vital material contained in the Reply to State's ANSWER, and publishing an Order.

17¶ The dismissal could have been avoided if Judge Kendall's staff had taken the time to read the request for an extension to Mr. Carter, know relief was granted to an extension with a deadline of 9/27/2019 and Reply to State's ANSWER is delivered to the Judge's office on 9/26/2019. If staff had reviewed response to the requested Reply to State's ANSWER, if staff drafted a statement acknowledging the Reply to State's ANSWER and timeliness of the Reply to State's ANSWER, Judge Kendall would have granted the COA and IFP. BUT, NO ONE bothered to fix the problem that lead to dismissal. Did Judge Kendall know that Mr. Carter did timely file a Reply to State's ANSWER and if not, why not? (THE ERRORS NEED TO BE CORRECTED.)

The two judge panel given their time on the Seventh Circuit, were they even aware of their own circuit's determinations that reaching the merits in the alternative, "the issue is not procedurally defaulted for habeas corpus purposes,"(Robertson v. Hanks,140F.3d 707,709(7thCir.1998)), as well as other circuits and this Court reaching the same? The Supreme Court in "Perry," highlighted that it is the citizen's duty or function to keep the government from falling into error, a landmark precedent case. (Perry v. United States,204 U.S.330,358) "I do not understand the government to contend that it is any less bound by the obligation than a private individual would be.." "It is not the function of our government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error."

18¶ Supreme Court Rules, appellate circuits, districts rules as well as State courts at all levels require NOTICE, a constituent element of Due Process. But due process is not to be inflexible and "is flexible and calls for such procedural protections asthe situation demands." (Little,452 U.S.at 5 quoting Joint Anti-Fascist Refugee Committee v. McGrath,341 U.S. 123,162(1951).

18¶ Under the "Haines v. Kerner" standard, in federal courts, "pro se litigants are entitled under the due process clause to have their pleadings liberally construed." (Haines v. Kerner 404 U.S. 519(1972)). Strict compliance is inconsistent with liberal construction. Can the lower courts be said to have exercised "due diligence?" Black's Law Dictionary 5th Ed., defines due diligence as, "1.The diligence reasonably expected from, and ordinarily exercised by, a person who seeks to satisfy a legal requirement or to discharge an obligation."

19¶ District court unreasonable, unconstitutional, and erred in its handling of habeas corpus petition and surrounding circumstances. As it stands, there exists manifest constitutional errors, plain errors, and other types of errors that are all held to be due process violations by other circuits and jurists, but are overlooked by the Seventh Circuit and the district court. Forensic fraud, perjury, and foundationless testimony and statistics by an expert witness (Richey v. Bradshaw; Ege v. Yukins), are held to be constitutional violations of due process in those cases. This ruling has the effect of tyrannical action of denying natural born citizens the protection of America's founding document, the Constitution, rendering these actions unconstitutional, offending Due Process Clauses, the Comity Clause, Equal Protection Clause, the Right to Access the Courts and Right to be Heard. (U.S. Constitution Amendment 1,V,X1V;Article 1V§ 2 Clause 1). This is all independent of the Issues raised in habeas corpus petition.

20¶ Critical evidence is that which "Is strong enough that its presence could tilt a juror's mind. Under Due Process Clause, an indigent criminal defendant is entitled to an expert opinion of the merits of critical evidence," According to Black's Law

20¶ Dictionary, as well as Ake v. Oklahoma. Considering quantity of issues raised in habeas corpus petition relative, it is unreasonable to not find substantial constitutional denials. Applied Bio Systems Inc. the firm responsible for numerous wrongful convictions from faulty lab equipment is the same lab equipment used in this case but no review has been conducted. A fair minded appraisal will prove that this case has not been treated fairly, and constitutional rights have been violated and ignored throughout the case. The basic constitutional rights can never be treated as harmless error.

21¶ Lastly, there may be a situation where none of the judges were informed by the many methods of attempts at informing of "NO NOTICE RECEIVED," in which case conditions exist to warrant state or federal investigation for possible RICO charges. There would be obstruction of justice, destruction of evidence and documents, erasing phone and computer traces of calls, although carriers still have these records. Mail fraud and wire fraud and racketeering. (Title 18 USC§1961(5), 18 USC§§1961-1968; 18 USC§§ 1951-1960; 18 USC§§1341,1343,1503). If these listed methods of contact are intact and not destroyed it becomes evident that there are serious errors, with a disregard for facts, law, and the Constitution.

22¶ Mr. Carter would ask the U.S. Supreme Court to review, and assist in the investigation and resolution of these most serious matters with the authority and resources available to the Court.

23¶ Mr. Carter would ask the U.S. Supreme Court to request a court-ordered evidentiary hearing as NO evidence from him has ever been presented by legal counsel and all relevant evidence must be explained from the trial, and courts' proceedings. Also, that safeguards and protections be put in place to prevent his bodily harm during these proceedings.

Christopher A. Carter

Christopher A. Carter #M32025
Menard Correction Center
P.O. Box 1000
Menard, Illinois 62259

No. 20-7115

CERTIFICATE OF SERVICE

I do attest under penalty of perjury, that I have placed In the United States Mail at Menard Correction Center postage prepaid and pursuant to Supreme Court Rule 29, a copy of the Included Petition to Rehear of Writ of Certiorari to Petitioner's Mother, Mrs. P. Nafos, for copying and distribution to the Court and opposing party's counsel of record, to: Assistant Attorney General, Katherine M. Doersch, 100 West Randolph Street, 12th Floor, Chicago, Illinois 60601, on 29 March, 2021.

Pursuant to 28 USC § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Christopher A. Carter #M32025
Christopher A. Carter
Menard Correction Center
P.O. Box 1000
Menard, Illinois 62259

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Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that that the foregoing is true and correct.

NAME: Peggy Nofles

ADDRESS: 1544 Summer Run Dr #201
Florissant, Missouri 63033

SIGNATURE: Peggy Nofles

CERTIFICATE OF COUNSEL PURSUANT TO RULE 44

This Petition is presented in good faith and not for delay.

Christopher A. Carter

Christopher A. Carter #M32025
Menard Correction Center
P.O. Box 1000
Menard, Illinois 62259