

No. 20-7777

OCTOBER TERM

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

PAUL SMITH — PETITIONER
(Your Name)

vs.

TERI KENNEY — RESPONDENT(S)

FILED
MAR 22 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

PAUL SMITH, #B64568
(Your Name)

P.O. Box 99
(Address)

PONTIAC, ILLINOIS 61764
(City, State, Zip Code)

N/A
(Phone Number)

RECEIVED
MAR 30 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. WHETHER THE PRESENTMENT OF FALSE AND MISLEADING TESTIMONY AND EVIDENCE TO THE GRAND JURY DENIED THE PETITIONER DUE PROCESS, AS IT CONSTITUTES TO BE A FUNDAMENTAL MISCARriage OF JUSTICE.
2. WHETHER THE STATE COURT USED IMPROPER SENTENCING FACTORS TO DETERMINE THE PETITIONER AS BEING AN ARMED HABITUAL CRIMINAL.
3. WHETHER POST-TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO PROTECT THE PETITIONER'S CONSTITUTIONAL RIGHT TO A FAIR TRIAL PROCESS.
4. WHETHER APPELLATE COUNSELS FROM THE SECOND, THIRD, AND FOURTH APPELLATE DISTRICTS WERE INEFFECTIVE FOR FAILING TO FILE A MERITS BRIEF.
5. WHETHER THE STATE COURT ERRED IN ALLOWING THE STATE TO VIOLATE THE NOTICE REQUIREMENT IN PUTTING THE PETITIONER ON NOTICE IT WAS SEEKING EXTENDED TERM SENTENCING AFTER THE PETITIONER'S BENCH TRIAL.
6. WHETHER THE STATE COURT ERRED IN ALLOWING THE STATE TO TRY THE PETITIONER FIRST ON COUNT II, ARMED HABITUAL CRIMINAL, WITHOUT AN UNDERLYING OFFENSE.

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:

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INDEX TO APPENDICES

APPENDIX A	CANNOT PROVIDE AT THIS TIME
APPENDIX B	Final Decision of the U.S. Circuit Appeals 7th Cir.
APPENDIX C	CANNOT PROVIDE AT THIS TIME
APPENDIX D	SAME
APPENDIX E	SAME
APPENDIX F	SAME

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

THE PETITIONER CANNOT CITE ANY CASES OR AUTHORITY TO SUPPORT HIS WRIT OF CERTIORARI BE TO BEING DENIED ACCESS TO THE PRISON'S LAW LIBRARY AND DENIED ASSISTANCE FROM PEOPLE TRAINED IN THE LAW. THIS DENIAL HAS OCCURRED FOR AN ENTIRE YEAR BE TO THE COVID 19 PANDEMIC.

STATUTES AND RULES

SAME (SEE ABOVE)

OTHER

SAME (SEE ABOVE)

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 B 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 A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. *CANNOT PROVIDE DOCUMENT. DIVERGED APRIL 13, 2019*

☐ For cases from **state courts**:

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

☒ reported at UNABLE TO PROVIDE CITATION AT THIS TIME; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the STATE APPELLATE COURT - 3rd DIST. court appears at Appendix C to the petition and is

☒ reported at UNABLE TO CITE AT THIS TIME; 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 DECEMBER 17, 2020.

☐ 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: DECEMBER 17, 2020, and a copy of the order denying rehearing appears at Appendix 13.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (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 SEE LAST PAGE.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: same, 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

SEE TABLE OF AUTHORITIES
UNABLE TO CITE ANY CASE LAW AND AUTHORITY
DO TO BEING DENIED PHYSICAL ACCESS TO THE LAW
LIBRARY AND TRAINED LEGAL PROFESSIONALS DO TO
CIVILILACK DOWN FOR THE PAST YEAR.

STATEMENT OF THE CASE

A FUNDAMENTAL MISCARriage OF JUSTICE
AND DUE PROCESS HAS OCCURRED IN THIS CASE.
THIS CASE REQUIRES IMMEDIATE REVERSAL
OF MY CRIMINATIONS AND SENTENCES DO TO THE
STATE'S KNOWING USE OF PERJURED GRAND JURY
TESTIMONY AND EVIDENCE. THERE ARE OTHER
ISSUES INVOLVED THAT WILL SUPPORT A NEW TRIAL.

REASONS FOR GRANTING THE PETITION

TO DECIDE THIS CASE THAT PRESENTS ISSUES OF
IMPORTANCE BEYOND THE PARTICULAR FACTS
AND PARTIES INVOLVED. THE ISSUES INVOLVED ARE
COMPELLING. THE IMPORTANCE OF THIS CASE IS NOT
ONLY IMPORTANT TO THE PETITIONER BUT OTHERS WHO
ARE SIMILARLY SITUATED.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Paul J. Noel

Date: 14 March 2021