

IN THE  
SUPREME COURT OF THE UNITED STATES

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MARK A. WINGER, #K97120, )  
Petitioner, )  
vs. ) Case No. 21-7718  
PEOPLE OF THE STATE OF )  
ILLINOIS, )  
Respondent. )

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PETITION FOR REHEARING (CORRECTED)

To: The Honorable Justices of the Supreme Court of the  
United States.

NOW COMES, Petitioner, Mark Winger, pursuant to the rules of  
the Supreme Court of the United States, Rule 44.6, and the Clerk  
of the Court's letter dated July 11, 2022, presents the following  
corrected Petition for Rehearing of the Court's May 23, 2022  
decision denying his pro se Petition for Writ of Certiorari on  
the following grounds:

Grounds: Petitioner's constitutional right to Due process of  
law under the 5th and 14th amendments to the United States  
Constitution were violated when the Illinois Appellate Court  
applied the Bagley standard in making its determination that newly  
discovered evidence in Petitioner's Brady claim was not material  
and dismissed the Brady claim. However, Petitioner's newly  
discovered evidence, fraudulently concealed by the State, supported  
his allegation that prosecutors knowingly relied on false police  
testimony at trial to obtain a conviction against Petitioner. Thus,  
the Illinois Appellate Court should have evaluated Petitioner's

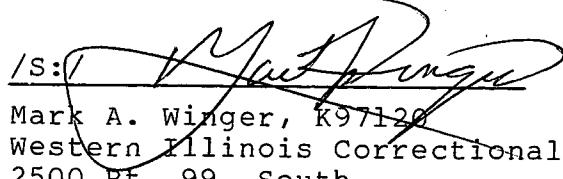
Brady claim pursuant to clearly established law set forth in cases Napue v. Illinois, Kyles v. Whitley, Strickler v. Green, and their progeny. The relevant facts and grounds for certiorari were well-pleaded in Petitioner's Petition for Writ of Certiorari.<sup>1</sup>

I, Mark A. Winger, hereby certify under oath and penalty of perjury that this Petition for Rehearing is presented in good faith and not for delay.

WHEREFORE, Petitioner prays that the Honorable Court will reconsider its decision denying his Petition for Writ of Certiorari and allow his Petition to proceed further.

Respectfully submitted,

/S:/

  
Mark A. Winger, K97120  
Western Illinois Correctional Center  
2500 Rt. 99, South  
Mt. Sterling, Illinois 62353

VERIFICATION

I, Mark A. Winger, certify under oath and penalty of perjury that the statements and information presented in the foregoing Petition are true and correct.

Signed,

/S:/

  
Mark A. Winger, K97120  
Western Illinois Correctional Center  
2500 Rt. 99, South  
Mt. Sterling, Illinois 62353

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1. Petitioner did not receive the Clerk of Court's 7/11/22 letter until 7/22/22, and was therefore unable to access his legal materials stored in the prison law library prior to preparing this petition.

CERTIFICATE OF COMPLIANCE

I, Petitioner, Mark A. Winger, hereby certify under oath and penalty of perjury that the grounds set forth in the foregoing Petition for Rehearing are limited to intervening circumstances of controlling or substantial effect.

Signed,

  
/S/   
Mark A. Winger, K97120  
Western Illinois Correctional Center  
2500 Rt. 99, South  
Mt. Sterling, Illinois 62353

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PROOF OF SERVICE

I, Mark A. Winger, hereby certify under oath an penalty of perjury that I have caused to be transmitted to the Clerk of the above-named Court a true copy of my PETITION FOR REHEARING (CORRECTIONAL) and additional copies of the same to the below-listed parties by placing said documents in properly addressed envelopes with sufficient first class postage, and then depositing said envelopes into the U.S. mail utilizing the inmate mailing system at the Western Illinois Correctional Center on this 25<sup>th</sup> day of July, 2022.

Parties:

Mr. Daniel K. Wright  
Sangamon County State's Attorney  
County Complex Bldg.  
200 South 9th St.  
Springfield, IL 62701-1629

Mr. Kwame Raoul  
Illinois Attorney General  
Criminal Appeals Division  
100 W. Randolph St., 12th Floor  
Chicago, IL 60601

Signed,

*Mark Winger*  
/S:/  
Mark A. Winger, K97120  
Western Illinois Correctional Center  
2500 Rt. 99, South  
Mt. Sterling, IL 62353

