

No. 22-5074

**ORIGINAL**

Supreme Court, U.S.  
FILED

JUN 16 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Kurtis D. Worley, pro se PETITIONER  
(Your Name)

The People of vs.  
the State of Illinois — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Illinois Supreme Court

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

PETITION FOR WRIT OF CERTIORARI

Kurtis D. Worley #413755 pro se,  
(Your Name)

D.C.C. 3820 East Main St.  
(Address)

Danville, IL 61834  
(City, State, Zip Code)

WPA

(Phone Number)

QUESTION(S) PRESENTED

1. Whether Petitioners Post Conviction Petition has arguable merit.
2. Whether Trial Counsel Rendered Ineffective Assistance of Counsel, where he failed to advance the Argument that Petitioner Could NOT knowingly and Intelligently waive his Miranda Rights. Pursuant to Miranda vs. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed. 2d. 694  
Because of the severe inability to control his thoughts and actions. Due to the Homicidal and Suicidal Ideations Caused by Depressed Reaction of his Diagnosed Mood Disorders.
3. Whether Petitioners Due Process of Law was Violated by Detectives Garafola and Huechler, where Detectives "Illegally" Seized Petitioners statements while in a "Psychotic State," Violating Petitioners 4 and 14<sup>th</sup> Amendments.
4. Whether Petitioners Due Process of Law was Violated by the Trial Court, By allowing Petitioners "Illegally," Seized Statement as admissible.

## 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:

## RELATED CASES

1. Miranda -vs- Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d. 694
2. Jackson -vs- Denno, 378 U.S. 368, 84 S.Ct. 1774, 12 L.Ed.2d 908
3. Lynum -vs- Illinois, 372 U.S. 528, 537, 83 S.Ct 917, 922, 9 L.Ed.2d. 922.
4. Strickland -vs- Washington, 466 U.S. 668

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Miranda -vs- Arizona	10.
Jackson -vs- Denno	10.
Lynum -vs- Illinois	10.
Strickland -vs- Washington	10.
STATUTES AND RULES	
4th Amendment, Illegal seizure	10.
14th Amendment, Due Process of Law	10.
OTHER	

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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 A 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 Appellate Court of Illinois 2nd District 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.

## 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 3-30-2022.  
A copy of that decision appears at Appendix 7.

A timely petition for rehearing was thereafter denied 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. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Ineffective Assistance of Counsel on Trial Counsel
2. Denial of Due Process of Law
3. Violation of Petitioners Fourth Amendment
4. Fundamental Fairness

## STATEMENT OF THE CASE

Trial Counsel Rendered Ineffective Assistance of Counsel Where he Failed to Advance the Argument that Petitioner Could Not Knowingly and Intelligently waive his Miranda Rights because of the Severe inability to control his Thoughts and Actions Due to the Homicidal and Suicidal Ideations, Caused by Depressed Reaction of his "Diagnosed" Mood Disorders.

- (1) On July 9, 2015 Defendant's Motion to Suppress statements was heard by the Court and adjudicated.
- (2) The statements were made after Petitioner had suffered a Psychotic episode that resulted in the death of his wife and near death of his stepson, and the suicide attempt on himself.
- (3) Petitioner was Diagnosed with Mood Disorder and Homicidal and Suicidal Ideations.
- (4) Petitioner was recommended to a Psychiatric Unit pending a Consultation but was released from the hospital into the custody of the Police, Without the benefit of the treatment that would have been afforded to Petitioner if he had been Remanded to the psychiatric unit and had the benefit of the psychiatric consultation.

- (5) Petitioner Maintains that the use of the statements made to Detectives Garofalo and Huechter are inadmissible pursuant to Miranda -vs- Arizona, 384 U.S 436, 86 S. Ct. 1602, 16 L.Ed. 2d. 694
- (6) Petitioner further Maintains and asserts that the use of his Involuntary statements are in Violations of his Fourth and Fourteenth Amendments. Illegal seizure of statements while in a Psychotic state, Violating Petitioner's Due Process of Law. Jackson -vs- Denno, 378 U.S. 368, 845. Ct. 1774, 12 L.Ed. 2d 908, Lynnum -vs- Illinois, 372 U.S. 528, 537, 83 S. Ct 917, 922, 9L.Ed. 2d. 922.
- (7) Defense Counsel failure to recognize that Petitioner's Diagnosed mood disorder, along with the psychotic behavior demonstrated by the homicidal and suicidal ideations, Preempted the Voluntary Standard Analysis and thereby rendering ineffective assistance of counsel at the trial level and but for said ineffectiveness the result of Motion to Suppress statements would have facilitated Petitioner's decision to pick a jury trial.  
Strickland -vs- Washington, 466 U.S. 668

## REASONS FOR GRANTING THE PETITION

Defendant Thantus D. Marley, has lived a law-abiding life with no criminal background before this event. He has expressed true remorse for his inexplicable behavior. He has shown rehabilitative potential, by staying out of trouble while being incarcerated.

Therefore, Petitioner Thantis D. Worley, pro se, respectfully  
request that this Honorable Court grant whatever  
relief this Court deems just.

### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thantis D. Worley".

Date: 6-16-22