

22-7369 ORIGINAL

IN THE

FILED
APR 19 2023

SUPREME COURT OF THE UNITED STATES

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Sydney T. Mays Prose — PETITIONER
(Your Name)

vs.

Supreme court of IL et al.— 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

Sydney T. Mays
(Your Name)

P.O. Box 1000
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Menard, IL 62259
(City, State, Zip Code)

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QUESTION(S) PRESENTED

- Does a witness stating that he does not remember his previous interview (prior statement) in total, aid the state in not having to establish a proper foundation before admitting two thirds of his prior statement without ever establishing proper foundation to specific subject matter?
- If a witness states he does not remember his entire interview, does that render his testimony inconsistent with the statements he made previously? And does that inability to recall his entire interview keep the state from having to ask the witness about a specific subject matter before admitting those statements?
- Can a defendant sentenced under 730 ILCS 5/5-8-1(a)(1)(c) be subject to more than a single term of life in prison? (Finding no authority governing this issue)
- If the state introduce evidence to establish "motive in the abstract", i.e. evidence that someone may have had a motive to kill the deceased, is that evidence considered prejudicial to the defendant, once it is established that the state could not prove the defendant knew of those facts? Does that violate the defendant's right to due process?
- In a krinkel hearing if it is proven that trial counsel failed to investigate witnesses and failed to thoroughly go through discovery material, has the defendant showed the required possible neglect to warrant the trier of fact (judge) to appoint counsel for the next stage of a krinkel hearing?
- When determining whether trial counsel acted strategically in not cross-examining a witness, who was believed to have placed the defendant on the scene of a crime mere minutes before the alleged crime happened. If there is a prior statement from that witness stating that she doesn't know if the defendant was actually there, could it be seen by any reasonable person as trial strategy not to confront the witness with that statement? (The context of this question is based around the defendant claiming that trial counsel did not know of that prior statement, that's why he didn't cross her on it.)
- If counsel failed to object to a hearsay statement solicited by prosecution from a detective about what a witness stated in a prior statement as to what she "felt" like the vibe was before she left the scene of the crime - That she "felt" she was waiting for her to leave so that we can do a drug deal - Did that prejudice the defendant? And did the state know about this when trial counsel?

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

In the Appellate Court of Illinois 4th District.

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APPENDIX F Defendants Post trial motion breaking down every violation that was found by the pro se Defendant.

TABLE OF AUTHORITIES CITED

CASES

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People v. Guerrero, 2021 IL App (2d) 190364, 46	
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People v. Jackson, 2020 IL 124112, 106	See Pages 56-61 of See Appendix E
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STATUTES AND RULES

725 ILCS 5/115-10.1(c)(2) "Personal knowledge"

Illinois Rule of Evidence 801(d)(1)(A)

730 ILCS 5/5-8-1 (a)(1)(C)(ii)

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 IL 4th 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 3-29-23. A copy of that decision appears at Appendix C.

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

- Due Process - U.S. Const. amend. XIV
(right to a fair trial)
- The Unified Code of Corrections 730ILCS 5/5-8-1(a)(1)(c)
(2021) The code provides that "the court shall sentence the defendant to a term of natural life imprisonment if the defendant, at the time of the commission of the murder, had attained the age of 18 and "is found guilty of murdering more than one victim."
- See 725ILCS 5/115-10.1(c)(2) "in order for a prior inconsistent statement to be admissible under section 115-10.1 of the Code, the witness must have actually perceived the events that are the subject of the statement not merely the statement of those events made by the defendant." Personal knowledge as required by section 115-10.1 cannot be "acquired by being told something, even if an admission." Rather, it means the witness whose prior inconsistent statement is being offered into evidence which are the subject of that statement." quoting Steigmann, Prior Inconsistent statements as Substantive Evidence in Illinois, 72 Ill. B.J. 638, 640 (1984)
- Right to effective counsel - U.S. Const. amend. 6
- Illinois Rule of Evidence 603 states "Before testifying, every witness shall be required to declare that the witness will testify truthfully, by oath or affirmation in a form calculated to awaken the witness' conscience and impress the witness' mind with the duty to do so" ILR Evid. 603 (eff. Jan 2011)
- ~~Illinois Court of Appeals reviews for manifest error~~
• The Illinois Court of Appeals "reviews for manifest error a trial court's decision denying a "pro se" post trial motion alleging ineffective assistance of counsel without appointing new counsel and conducting a hearing pursuant to Krankel" People v. Jackson, 2020 IL 124112, 101 (3.)

STATEMENT OF FACTS

On June 18, 2018, there was a shooting at Apartment 9, 311 Riley Drive, Bloomington, Illinois. Police found Nate Peña and Corey Jackson dead from apparent gunshot wounds, while N.P. had also sustained gunshot injuries. (C 52) In the stairwell, police found Juan Carlos dead from gunshots. (C 52) Sydney was charged with the murder of the three individuals and the attempted murder of N.P. (C 32-48, 84-94) A multi-day bench trial began on January 25, 2021.

Gabriele Sweeney was Nate's sister and N.P.'s aunt (R 314) On the day of the shooting, Sweeney drove Nate and N.P. around Bloomington from about ten in the morning until noon. (R 317-20) While in the car, Nate spoke with Sydney over Facetime about Sydney's plan to visit Nate's apartment later that day. (R 322, 325)

Kearra Heard dated Corey Jackson and went with him to Apartment 9 on the day of the shooting. (R 334-337) Only Nate and N.P. were present at that time. (R 337) Nate and Corey smoked marijuana, while Heard played with N.P. (R 338) Corey recorded a Snapchat video of himself and Heard holding stacks of hundred and twenty dollar bills. (R 338-39, 341) Heard identified Corey's Snapchat video as People's Exhibit 48. (R 338-39) Heard left the apartment around 1:20 p.m., but Corey stayed there. (R 341-42, 1359)

Brianna Watkins, Nate's girlfriend, lived at Apartment 9. (R 358-59) On the day of the shooting, she returned to the apartment at 2:12 p.m. (R 360, 1340) Nate, N.P., Corey, and Sydney were in the living room. (R 364) Brianna recognized Sydney because he and Nate were "[a]ssociate/friends." (R 365) Brianna left around 2:32 p.m. (R 370, 1061) Brianna testified the same people were still in the apartment, but she previously told police she was unsure whether Sydney was still there when she left. (R (R 370-71, 1179, 1188)

Around 2:37 p.m., there were various reports of gunshots coming from Apartment 9. (R 471-72, 480, 494-95) Several Bloomington police officers testified to responding and

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observing the aftermath of the shooting. In the back bedroom, which had been ransacked, officers found earbud headphones and a .40 caliber gun magazine with one live bullet inside. (R 612) These items did not belong to Brianna or Nate, but no DNA or fingerprint evidence was recovered. Police first suspected the shooter fled and was hiding in either the apartment across the hall or the basement laundry room. (R 302, 306-7) No one was found in either location. (R 308-09) The next-door building, accessible via the laundry room, was not searched. (R 575-76)

While reviewing security footage from a nearby residence, a detective noticed a blurry figure run away from the building around the time of the shooting and get in a white Chevrolet Trailblazer. (R 523-32) Illinois State Police troopers later assisted this Trailblazer as it was broken down on the side of I-74 headed toward Peoria. (R 891-92) The driver was Jahquan Howard, and his passengers were Jamahri Watkins and Sydney. (R 893; People's Ex. 47)

Jahquan testified Sydney sent him several text messages beginning around 2:10 p.m. which offered money for a ride from the apartment complex to Peoria on the day of the shooting. (R 796-97; E 140-42) Jahquan agreed to so, and he and Jamahri Watkins picked Sydney up before they stopped at Jahquan's house and headed out of town. (R 808) The Trailblazer broke down-74 shortly after they left. (R 815-17) They called a tow truck and briefly interacted with state troopers. (R 817-18) From there, another person gave the trio a ride to Peoria. (R 974-76, 448-50) Police searched this area along I-74, but they located nothing of evidentiary value. (R 1100) The Trailblazer was impounded, though gunshot residue testing came back negative. (R 1114; E 26-27) Police also executed a search warrant at Jahquan and Jamahri's house but found no relevant evidence (R 1193-94)

During the ride to Peoria, Sydney cried after learning Nate had been shot. (R 819, 836) Sydney was dropped off in Peoria, but Jamahri and Jahquan returned to Bloomington with the driver. (R 986-87) Randy Nesby testified Jahquan and Jamahri went to his house around

4:45-5:15 p.m. after returning from Peoria. (R 1012) Nesby had heard about the shooting via Facebook by that point, so he brought it up in conversation. (R 1012, 1016) At the time, Jamahri was out on the porch, smoking a cigarette, while he paced around "acting weird." (R 1014)

Toward the beginning of direct examination, the State asked Navarro Howard if he had spoken with Sydney in the days leading up to the shooting. (R 726) Navarro responded, "I don't remember." (R 726) The State then confronted him with an interview he gave to police on June 22, 2018, during which he said, "Sydney had hit me up." (R 726-27) Following this initial exchange, the State continued to question Navarro about prior statements he made during the interview without asking him questions related to the subject matters discussed therein:

"Q. When also talking to the detectives about your conversation prior to June 18th, do you remember telling the detective: And [Sydney] was telling me that he had gotten tude with the dude like. Dude I guess we had a little money or something he said. I don't know him. I don't know Nate myself. I know [Corey Jackson].

A. Do I know --

Q. When also talking to the detectives about your conversation prior to June 18th, do you remember telling the detective that, about a conversation?

A. I know [Corey Jackson], but I don't know shit about Nate.

Q. Well, do you remember -- do you remember telling the detective about Sydney having tude with the dude?

A. No.

Q. And when also talking about that, do you remember saying: But, like, he's like, man, this bitch as [sic] n***** throwin all this money around calling me a bitch?

A. No. (R 727-28)

Q. Do you remember the detective saying: Tell me when that was again.

-X- (10)

A. No.

Q. And you stated: That was after the conversation we had talking about, uhh, how he was mad at dude, uhh, on the Facebook, Nate [].

A. No. I never heard of Nate prior to the incident. So no.

Q. And did you -- the detective respond to that statement: Okay.

And you indicated: Talkin about how he was outshining him and shit.

A. No." (R 734)

Later on during its direct examination, the State circled back:

"Q. Do you remember being asked: Okay. And you knew that there was a little beef between Syd and Nate because Syd or Nate was kinda outshining him or.

And you replied: Yeah, because of the shit he was talking. Yeah.

A. No." (R 736)

The State also questioned Navarro in a similar format regarding his viewing of Sydney with a gun before the shooting occurred:

"Q. Do you remember seeing -- do you remember talking to the detective about having been -- were you with Sydney a few days before the incident, on June 18?

A. No.

Q. Do you remember telling the detective during the interview: So he sitting there, like, you know, just seem kinda cocky and shit, and I'm, like, aww you must be rolling, huh? You dump a nine?

And [Sydney] said: I got that bitch.

A. No.

Q. Do you remember also saying: Well, that means he had a pistol on him, it was like a .3 -- I don't know, like a .380 or some shit was what I -- that's what I think. I don't know for sure.

A. No, I owned a .380 myself. That's the first number in my head.

Q. And do you remember detective asking you: I'm getting a little confused. You said you seen him with a gun at [Jahquan Howard's] house?

And you replied: Yeah.

A. No, that was a lie.

Q. Well, do you remember saying that?

A. No. (R 731-732)

Q. All right. And in regard to your conversation, do you remember the detective asking for clarification again and saying: Okay. And at some point you said, seen Syd with a gun.

And you said: Yeah.

A. No. (R 733-34)

Q. Do you remember detective asking you again: You seen Syd with a gun.

You replying: Yeah.

Detective saying: At the place you used you live at?

And you replied: Yeah.

A. No." (R 735)

In July 2018, Cheonte Hinkle - Sydney's cousin - was asked to pick up some of Sydney's clothing from his mother's house. (R 1020-24) Sydney lived with his mother when in Bloomington but would spend summers at his father's residence in Milwaukee, Wisconsin. (R 1036) Sydney was later arrested in Milwaukee and extradited to Illinois for trial. (R 1171-72)

During its closing argument, the State argued Sydney had "time to not only see the Snapchat video go live on [Corey's] Snapchat account, but to also confirm that the money depicted in that Snapchat video was within Apartment Number 9[.]" (R 1287) The State also

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relied on Navarro's prior statements related to seeing Sydney in possession of a firearm. (R 1299-1300) During rebuttal argument, the State argued "the motive was lottery by robbery." (R 1335) In support of that theory, the State pointed to People's Exhibit 48 - the Snapchat video of money - noting that it was "accessible to multiple people" without directing the court's attention to evidence that Sydney could have been one of them. (R 1336) The State also pointed to the substantive impeachment of Navarro Howard to establish that Sydney "and Nate had a beef and that they were not getting along." (R 1335)

The court found Sydney guilty. (R 1389) The court believed the reason the shooting occurred because of "drugs or money." (R 1376) The court "considered the large amount of cash shown in the Snapchat video of Corey Jackson and Kearra Heard." (R 1376, 1379) The court also pointed to Navarro's prior statements to establish motive, noting "Navarro Howard testified as to the beef between Nate and [Sydney] and how [Sydney] thought Nate was outshining him. The Court believes this to be credible evidence and goes to explain why this happened." (R 1376) As to means to commit the shooting, the court pointed out multiple times that Navarro's prior statements indicated he had seen Sydney with a gun before the shooting. (R 1377, 1388) The Court also incorrectly stated, "Randy Nesby said he brought up the shooting when he was over at Mr. Howard's house before Mr. Howard, Mr. Mays, and Mr. Watkins left for Peoria. He said Jamahri was acting weird and pacing around at that time." (R 1382)

A post-trial motion was filed that raised many issues, including: People's Exhibit 48 should not have been admitted into evidence because it was "speculative and irrelevant" (C 808, 813; R 1489-90); and the trial court incorrectly recalled Randy's Nesby's testimony about where and when he met up with Jahquan and Jamahri. (C 822-23; R 1504-05) Following argument, the trial court denied the motion. (R 1522) The trial court sentenced Sydney to serve three consecutive terms of life in prison for the murders followed by an additional consecutive term of fifty years for attempted murder. (R 1555-56; C 904-05)

Reason for Granting The Petition

I'm coming before this court with sincere hope that in reading this writ and going through my appendices, that my writ will be granted. In my case there is a pervasive pattern of misconduct and a "sweeping under the rug" of evidence, that would have called into question the defendant's guilt.

I want to first express to this court that two of the victims in the case were close friends of mine whom I called my brothers and the minor who was hit by that bullet was my nephew. That was brought through evidence but did not sway the trier of fact in his decision.

As I'm sure this court is aware of by now, I took a bench trial and in doing so, that pervasive pattern of misconduct bled over unto the trial court. I understand that the trier of fact is entitled great weight in a criminal prosecution when considering credibility of witnesses, admissibility of evidence, and what should be deemed prejudicial, their determinations are not conclusive. In this particular case the state and the trial court teamed up into a "unbeatable" dynamic, there is no way any defendant under any circumstance could have won a trial. This dynamic included blatant lies from prosecution to the trial court, ~~and~~ in an attempt to get hearsay social media evidence admitted, which ultimately succeeded, it included totally obliterating 725 ILCS 5/115-10.1 "Prior inconsistent statements" in atleast three different forms (see appendix D), it included the state allowing purged testimony to go uncorrected atleast 5 different times during trial, which in a case with as insufficient evidence as mine, was monumental. The trial counsel continuously abused its discretion in making inferences that were manifestly erroneous and against

the weight of the evidence. He found a witness ^(Navarro) ~~credible who'd in h~~ original statement, given the detectives a motive for me to commit the crime, stated he was addicted to cocaine, ecstasy and dependent on psychotropic drugs, stated he'd seen me with a weapon days before the alleged crime, only to come to trial and admit that he lied about that prior statement in total. In doing so he explained that he "lied" because they "arrested" his "baby brother" for the murder and he had known from his baby brother that on that day he had picked me up from the area so he "found out" who was the "lead detective on the case", set up a meeting with him and concocted a story from the "facts the detectives had provided" him with and what his imagination led him to. In people v smith, 708 N.E.2d 365, 99, 545 (1999) It dealt with a strikingly similar circumstances and the Illinois supreme court stated "we found that no reasonable person could have found her testimony credible"; when they assessed the circumstances, ~~stating~~ stating she was an "admitted drug user", ~~they called~~ an admitted liar; and she had a "motive to implicate the defendant." After making the trial court aware, he again swept this under the rug and stated he found nothing that ~~he said~~ this ^(Navarro) witness said or stand except what was presented ~~out~~ through his illegally admitted prior statements. This case was riddled with inconsistencies and rulings that were against the weight of the evidence that was presented.

I like to believe that a lot of things are changing for the better in the world we are currently living in. In granting this writ it can very well set forth a new wave of justice where prosecution is held true to the oaths that they bore witness to.

A foundational principle of our criminal justice system is that the prosecutor owes the defendant a duty of fair play. The United States Supreme Court Justice Sutherland wrote in 1935:

"The [Prosecutor] is the representative not of an ordinary party to a controversy, but a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore in a criminal prosecution is not that it shall win a case but that justice shall be done. As such, he is in a very peculiar and very definite sense the servant of the law, the two-fold aim of which is that guilt shall not escape nor innocence suffer. He may prosecute with earnestness and vigor—indeed he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one."

In essence, the failure to act accordingly with this ideal creates a synergistic effect of unfairness on the defendant. It renders the rudimentary guidelines set forth by some of the greatest minds meaningless. It shows this system of ours to be everything that it swears it's not! It traps the defendant and forces the defendant to prove and prove and prove his innocence instead of holding the prosecution to the burden of proof in which the justice system has built its "reputation" on. I'm a big brother, a little brother, a son, a uncle (for the first time), a nephew etc.

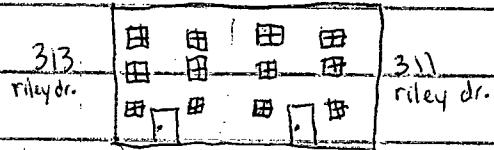
I've never got to have kids of my own. I don't have a horrible background. I have one felony from car hopping (going into unlocked cars) as a teenager. I'm a human. I know that you guys and gals

probably get hundreds of these a day but I ask that you consider my writ and to be a force in my life. I'm not perfect, I've made my own fair share of mistakes but I'm not who they're trying to make me out to be! I'm being punished because they feel as though because I didn't come forward as a witness that I must have done the crime. It was multiple guns used in the alleged crime and the state is alledging I shot all of them. The child victim said "one man" shot his dad and that he didn't know him but N.P. knows me! The statement he made was cumulative because his dad (wrote) was only shot one time so it was obvious ^{that} only one man shot him but the state took that statement and tried to twist it into another light stating that because N.P. stated only one person shot his dad that only one person was present when the crime was committed.

Maria Sanchez was the victim's wife who got killed in the hallway. She ~~stated~~ stated that after trying to revive her husband her and other family members ran outside to the back of the ~~the~~ building where "they" looked up at apartment 9 where the alleged crime happened and seen a male looking out the window toward them. The description she gave of him was Dark skin, skinny, Dreadlocks, big white teeth. My appearance is the exact opposite... I'm lighter skinned, ~~at~~ at the time I had small individual braids, I'm fat, and my teeth are not so white... A little humor never hurt anyone.

It wasn't until trial 30 months later testimony was solicited from Maria stating that that moment of her and her family seeing that person in the window ~~happened~~ 3 minutes after police had been on the scene, we know this had to have happened before police arrived because evidence showed that no responding officer had that description, pertaining to that ~~described~~ ~~part~~ of her (13)

testimony trial came. I stated that he "understand" that her "timing could have been off" considering what she "had been through" but yet he still deemed that person not a credible suspect. I believe he did so because that person was seen in the window after I was affirmatively out of the area and it would have alone, proved my innocence. I would also like to point out that responding officers were told to search the building after they got some type of inclination that the shooters had moved to the laundry room. They conducted a search of one side of the building but neglected to search the other side. This small illustration will give more clarity:



to this ^{one} building there is two addresses the left side is 313 riley dr. the right is 311 riley dr. on the ground floor ~~that~~ there is a laundry room that connects both sides. Responding officers searched the 311 side went through the laundry room made it to the unlocked door that opens up unto the 313 side, opened it, seen that it was a whole nuther side that needed to be searched but just turned around and walked back to where they came from. During trial, officers admitted to not searching that side of the building. ~~because~~ ~~the~~ ~~shooter~~ ~~was~~ ~~standing~~ ~~near~~ ~~the~~ ~~laundry~~. There was so many things of this nature in my case that were present that any reasonable person without a hidden agenda and that's looking from a impartial standpoint would not be able to resist but feel that I was injusticed as to having a "fair trial". They felt they needed

to convict somebody and I was the only person they had. In a little town where barely one murder happens a year During 2018 when this crime took place something like 13 murders happened. I truly believe no matter which Judge I went with, my conviction was a political one. The town was on edge. Coupled with the injustices I fell victim to by the opposing parties (prosecutor, judge) My counsel showed multiple instances of negligence. I showed the moments by admitting affirmative exhibits of the record that corroborated my claims but again the trial court used improper "post hoc rationalization" Harrington v. Richter, 562 U.S. 86, 109 (2011) "Courts may not use "Post hoc rationalization" for counsel's decisionmaking that contradicts available evidence of counsel's actions" Wiggins, supra, at 526-527. 123 S. Ct. 2527 156 L. Ed. 2d 471 In order to sweep my whole Krunkel inquiry under the rug. My ~~trial~~ turned into what some called "three friends and a stranger." Trial counsel felt as though, a good performance during trial could ~~cover~~ cover for his lack of investigation. Two of the main pieces of evidence that he failed to thoroughly investigate were first the witness who placed me on the scene mere minutes before the alleged crime and second, the witness who placed another individual on scene mere minutes after the crime had took place. The first witness was Brana Watkins, she stated when she came home from work she seen me, and both of the victims and N.P. chilling in the living room playin the game and smoking. ~~she~~ ~~she~~ ~~she~~ she went to her room closed the door and was back there for about 25 ~~min~~ minutes. After said time, she comes out to leave but when she leaves she doesn't know if I was there because she didn't see me. My counsel got all the way ~~to~~ to my trial, from the time of me ~~hiring~~ hiring him.

without knowing that important detail. So he allowed her to make it all the way through both ~~the~~ direct examination and cross without bringing up that inconsistency. Once I had ~~A~~ heated discussion with him about that topic we came back for trial the next day and he asked the court to make Brianna available for him again and the court told him he would. Later on down the line, one of the lead detectives were on the stand during "cross" and my counsel asked him was he aware of Brianna's previous statement saying, she "didn't see" me when she left, to which he stated "no". Counsel then proceeded to admit Brianna's prior inconsistent statement in through him (the detective) to which he stated "well I guess she did". After that counsel felt he did not need to call Brianna back to answer for that major inconsistency, so he didn't. I've read many of case law where it's states the decision to cross examine can sometimes be seen as strategic depending on the seriousness of the statement. But when considering the many of case law I've read stating that "strategic decisions may only be made after there has been a thorough investigation of all matters relevant to plausible options" *Strickland v. Washington*, 466 U.S. at 690. I know that I ~~had~~ succeeded in showing possible neglect. Then when asked about these witnesses during my Krinkel inquiry my counsel fumbled around his answers trying to use words like "well, strategically" IF every lawyer was safe from being negligent by just using the word "strategically", The Krinkel process would render meaningless! I encourage this court to consider all of my appendices to get a better understanding and more detail of the case and ~~to~~ realize the potential in what granting this writ will possibly do, not only for me but for hundreds or thousands of

individuals like me who will have to face this machine called the Justice system with all odds stacked against them. I plead with this court to be the change you want to see in this world.

With that, I ask that this court grant my writ of certiorari and allow me leave to this court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sydney Mays Sydney Mays

Date: _____