

22-7388

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

APR 08 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

COURT BUILDING WASHINGTON, D.C. 20543

CHANDAL DIRKANI PRO-SE PETITIONER
(Your Name)

VS.

PEOPLE OF THE STATE OF ILLINOIS RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

NO. 3-19-0700 SUMMARY ORDER FILED OCT. 19, 2022

IN THE APPELLATE COURT OF ILLINOIS THIRD DISTRICT 202

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

PETITION FOR WRIT OF CERTIORARI

CHANDAL DIRKANI PRO-SE PETITIONER
(Your Name)

POC. 5835 STATE ROUTE 154
(Address)

PINCKNEYVILLE ILLINOIS 62274
(City, State, Zip Code)

N/A
(Phone Number)

RECEIVED

APR 27 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

I would like a stamp filed copy of my petition

QUESTION(S) PRESENTED

WERE NOT THE SENTENCE EXCESSIVE? IN NATURE.

WERE NOT THE DUE PROCESS OF LAW - DISREGARDED?
DURING THE CRIMINAL PROCEEDINGS AT LARGE

WERE NOT THE STATUTES UNCONSTITUTIONAL TO CHARGE
MULTIPLE OFFENSES FOR THE ONE ACT OR CRIME?

WERE NOT THE CRIMINAL OFFENSES, WRONGLY APPLIED
AND UNLAWFUL? CONSTITUTING DOUBLE JEOPARDY?

WERE NOT THE STATE INAPPROPRIATE FOR NOT EXAMINING
THE STATE'S WITNESSES? WHICH WAS FOUND FABRICATING ASSAULT

WAS NOT THE PROSECUTOR IN MANIFEST ERROR FOR NOT
SECURE THE CONSTITUTIONAL RIGHTS OF THE ACCUSE?

DID NOT THE TRIAL COURT JUDGE ABUSE ITS DISCRETION?
IN DETERMINING HIS DECISION IN JUDGEMENT AS A
TRIER OF FACT ACCORDING TO THE CANON LAWS WHERE NO
PROOF OR FACT WERE PRESENTED BY THE STATE OF THE ALLEGED CRIME

DO NOT THESE DEPRIVATIONS VIOLATE THE PROPORTIONATE
- PENALTIES CLAUSE? OF THE ILLINOIS CONSTITUTION AT BEST?

SHOULD NOT HAVE THE ACCUSE BY SUCH ACCUSATIONS AS TO
MULTIPLE SEXUAL-ASSAULTS AGAINST HER. PRODUCED A SWORN
STATEMENT OF FACT SUPPORTED BY AFFIDAVITS?

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:

TABLE OF CONTENTS

OPINIONS BELOW ARE CLARIFIED IN CHIEF AT BEST 1
JURISDICTION THE UNITED STATES SUPREME COURT
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED STATE & FEDERAL
STATEMENT OF THE CASE FALSE SEXUAL OFFENSE ON A LARGE SCALE
REASONS FOR GRANTING THE WRIT TO DETERMINE THE FACTS & LAW
CONCLUSION WE PRAY THE LIGHT WILL REVEAL THE INJUSTICE

INDEX TO APPENDICES

APPENDIX A SUMMARY ORDER ETC PAGE 1 OF 7.

APPENDIX B APPELLATE COURT / SUPREME COURT FACTOR'S
PAGE 1 & 2 -- PAGE - 9 - PAGE '13' & 4. A

APPENDIX C TABLE OF CONTENTS & POINTS AND AUTHORITE
1 OF FIRST & 1 OF 17 SECOND

APPENDIX D

STATE OF ILLINOIS TWELFTH JUDICIAL CIRCUIT
of Will COUNTY ILLINOIS & DOCKET'S ETC --

APPENDIX F

N / A

N / A

SEE: APPENDIX "C"

TABLE OF AUTHORITIES CITED

FIRST SECTION

1 OF 5

CASES PEOPLE V. JOLLY

PEOPLE V. ROBINSON

PEOPLE V. MORGAN

PEOPLE V. KRANIKEL

STRICKLAND V. WASHINGTON

PEOPLE V. AYRES

PEOPLE V. MOORE

STATUTES AND RULES

ET AL

PAGE NUMBER 13'14'15

13'14'15 & 17

13

13, 14, 15, 17 & 18

13, 14 & 17.

14

14, 15, & 17

3 of 17 SEE: APPENDIX "C" SECOND SECTION 1 of 17

ILLINOIS CONSTITUTIONS AND SUPREME COURT RULES 603 & 606

SEE: GRAND OPENING APPENDIX CONSTITUTING MOTION FOR RECONCILIATION AND MODIFICATION OF SENTENCE 1 of 13

SEE: PAGE 8 OF 3 SUPREME COURT RULE 615 (A) B & 4

& SUPREME COURT RULE 615-B-4

SEE: PAGE 9 OF 13 ILL. REV. STAT. 1989 CH. 38 PAR 12-13 (A) & 14

OTHER

ARGUMENT I PAGE 1 of 17
C.B. & L. WEST 1996

730 ILLS. 5'5-3-2

730 ILLS 5'5-8-4 WEST 1996

730 ILLS 5'5-4-1 (7)

STATUTES AND RULES

SEE: PAGE 13 OF 17 SUPREME COURT RULE 2820 (1984)

CONCLUDED ON SAID STATUTES AND RULES

ILLINOIS SUPREME COURT RULE 23 (C) (2)

SEE: SUMMARY ORDER 1 OF 6

SUPREME COURT RULE 315 & 612 APPENDIX (B) 1

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 N/A; 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 N/A; 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 NS 3-19-07-20 APP. CT; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the APPELLATE COURT court appears at Appendix A to the petition and is

- ☐ reported at SUMMARY ORDER; 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 N/A

☐ 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: N/A, 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 N/A (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 Oct. 19, 2022
A copy of that decision appears at Appendix B. 1 of 7

☐ A timely petition for rehearing was thereafter denied on the following date: JAN. 26, 2023, and a copy of the order denying rehearing appears at Appendix B. PAGE - 3 - A

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CE PETITION FOR WRIT OF CERTIORARI IS
PURSUANT TO 28. U.S.C. 1257 - 3.00

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATE OF ILLINOIS CONSTITUTION ARTICLE 1 SECTION 12
APPLIED IN MOTION FOR RECONSIDERATION AND MODIFICATION
OF SENTENCE SEE: PAGE 1 OF 13

STATE OF ILLINOIS CONSTITUTION OF 1970 ARTICLE 1 SECTION 11
SEE: PAGE 8 OF 13

ILL. REV. STAT. [1989] CH. 38 PAR. 12-16 L.B.J.

ILL. REV. STAT. [1989] CH. 38 PAR. 12-13 C.A.J. L. 3 J.
SEE: PAGE 9 OF 13

730 ILLS 5'5-5-3.2 L.B.J. L. 1 J. WEST 1996
AND 730 ILLS 5'5-8-4 WEST 1996 BOTH ON PAGE 1 OF 17

730 ILLS 5'5-4-1 L. 7 J. PAGE 3 OF 17

SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION
SEE: PAGE 6 OF 17

U.S.C.A. CONST. AMEND. 6 S.H.A. L. CONST. ART.
1. SECTION 8 SEE: PAGE 10 OF 17

U.S.C.A. CONST. AMEND FIFTH AMENDMENT PAGE 15 OF 1
DUE PROCESS CLAUSE.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVE
CONTINUED

SEC: APPENDIX - A - PAGE 1 OF 7 720 ILES 5'11-1.30
C.A. (3) WEST 2014

U.S. CONST. AMENDS VI & XIV SEC: APPENDIX "C"
PAGE 2 OF 5

~ CONCLUDED ~

STATEMENT OF THE CASE

SEE: SUMMARY ORDER - PAGE 1 of 7 - THE STATE INDICTED THE DEFENDANT, CHANDEL S. DIRKANS, ON 10 COUNTS OF AGGRAVATED CRIMINAL SEXUAL ASSAULT - 720 ILCS 5/11-1.30 C.A.J. C.3J - WEST 2014 IL 1 COUNT OF ARMED HABITUAL CRIMINAL - A.H.C. - ID. § 24-1.7 C.A.J. C.1J. C.2J. - 5 COUNTS OF CRIMINAL SEXUAL ASSAULT - ID. § 11-1.20 C.A.J. C.1J. - 1 COUNT OF AGG. DOMESTIC BATTERY - ID. § 12-3.3 C.A.5J - 3 COUNTS OF UNLAWFUL USE OF WEAPON BY A FELON - U.U.W.F. - ID. § 24-1.1 C.A.J. AND 1 COUNT OF AGGRAVATED UNLAWFUL RESTRAINT - ID. § 10-3.1 C.A.J.

WAS SENTENCED TO 118 YEARS IN THE I.D.O.C. WITH CREDIT FOR 1475 DAYS SERVED. SEE: 1 of 13 ON MOTION FOR RECONSIDERATION AND MODIFICATION OF SENTENCE.

SEE: 7 of 13 WHEREAS THE WITNESS DECEITFUL ACCUSATION'S ALLEGATION OF SEXUAL SAID ASSAULTS WERE *FABRICATED* DEFENDANT DID MAKE KNOWN TO THE DEFENSE COUNSEL AND THE PROSECUTORS

SEE: CILAR III ILL. 2d A 216-17-95 ILL. DEC. 297 489. N.E. 2d 857, 859 - PEOPLE V. GRIFFIN, 1992 - 148 ILL. 2d 465, 59 ILL. DEC. 297, 489 N.E. 2d 930, 335, 938 *BILANDIC J. DISSSENTING*

REASONS FOR GRANTING THE PETITION

WE PRAY THAT THE STATE OF ILLINOIS CONSTITUTION ARTICLE 1 SECTION 12 * THE RIGHT TO REMEDY AND JUSTICE WOULD BE A PERTINENT FACTOR AND REASON FOR GRANTING THE PETITION. AS CONVEYED —

SEE: PAGE 1 OF 13 MOTION FOR RECONSIDERATION AND MODIFICATION OF SENTENCE PARAGRAPH 4 IN NATURE —

THE RIGHT TO REMEDY AND JUSTICE 'EVERY PERSON SHALL FIND A CERTAIN REMEDY & REMEDY — IN THE LAW FOR ALL WRONGS WHICH HE HAS RECEIVED TO HIS PERSON & HE SHALL OBTAIN JUSTICE BY LAW * FREELY 'COMPLETELY AND PROMPTLY

MAY THIS HONORABLE UNITED STATES SUPREME COURT — COMPEL THE RESPONDENT TO RIGHT THEIR WRONGS — IN GENERAL.

SEE: PAGE 9 OF 13 & THE MATTER FOR RESENTENCING * JUSTICE FREEMAN. DISSENTING IN CHIEF. 99 AAR. 1.

AND REMAND THE MATTER FOR & RESENTENCING — VACATE DEFENDANT SENTENCE — JUSTICE MC MORROW JOINING IN THIS DISSENT 99 & DUE PROCESS OF LAW — AT BEST AAR. 2

SEE: PAGE 10 OF 13 PAR. 1. REVERSED FOR FURTHER PRESENTS & PROCEEDINGS * OPINION & DUNN AND BOWMAN J.J. CONCUR. AT LARGE*.

— RESPECTFULLY —

IN THE UNITED STATES SUPREME COURT COURT _____
C C _____ BUILDING WASHINGTON D.C. 20543

CHADEL D. RYAN

PRISONER

PETITIONER

VS.

THE PEOPLE OF THE STATE OF ILLINOIS

RESPONDENTS

U GRAND OPENING APPENDIX

CONSTITUTIONAL MOTION FOR RECONSIDERATION AND
MODIFICATION OF SENTENCE PAGE 1 OF 13

AND ARGUMENT II PAGE 1 OF 17

IN THE UNITED STATES SUPREME COURT.

COURT BUILDING, WASHINGTON D.C. 20543

CHANDEL DIRKANS

PRO-SE
PETITIONER
VS.

CASE NO.

THE PEOPLE OF THE STATE OF ILLINOIS
RESPONDENT

MOTION FOR RECONSIDERATION
* AND MODIFICATION OF SENTENCE *
PURSUANT TO THE CONSTITUTION OF THE STATE
OF ILLINOIS: ARTICLE I § SECTION 12
THE RIGHT OF REMEDY AND JUSTICE

THE RIGHT TO REMEDY AND JUSTICE: EVERY PERSON SHALL
FIND A CERTAIN REMEDY IN THE LAW, FOR ALL INJURIES AND
WRONGS WHICH HE HAS RECEIVED TO HIS PERSON - HE SHALL OBTAIN
JUSTICE BY LAW, FREELY, COMPLETELY AND PROMPTLY

NOW COME PETITIONER PRO-SE CHANDEL DIRKANS, DULY
ASK OF THIS HONORABLE SUPREME COURT OF THE UNITED STATES
TO COMPEL THE COURT OF CONVICTIONS IN THE TWELFTH
JUDICIAL CIRCUIT COURT, OF WILL COUNTY, STATE OF ILLINOIS
CASE NO# 15 CF 2452 - TO COMPLY WITH THE CRIMINAL
PROCEDURES - IN PROCEEDING CRIMINAL PROSECUTION BY DUE PROCESS
OF LAW, & STATUTORY STANDARD STANDING IN SENTENCE
- REVERSE THE SENTENCE AND REMAND FOR FURTHER DUE PROCESS AND
EQUAL PROTECTION PROCEEDINGS

RESPECTFULLY, CHANDEL DIRKANS
ROOTS - PRO-SE PETITIONER -

— TABLE OF CONTENTS —

NOTICE OF APPEAL SHEET: PEOPLE VS DIRKANS CIRCUIT COURT
NO* 15 - CF- 2452 — of WILL COUNTY TWELFTH JUDICIAL
CIRCUIT COURT OF CONVICTION: TRIAL JUDGE DAVID CARLSON

DATE OF JUD ORDER APPEALED 11-19-2019.

NOTICE OF APPEAL FILED 11-19-2019.

AN APPEAL WAS TAKEN ON 11-19-2019. IN THE APPELLATE
COURT.

DATE OF JUDGEMENT OR ORDER: 5-28-2019 X 8-30-201

SENTENCING DATE: 10-28-2019.

MOTION FOR NEW TRIAL 10-28-2019.

OFFENSE OF WHICH CONVICTED: AGGRAVATED CRIMINAL
SEXUAL ASSAULT — ARMED HABITUAL CRIMINAL CRIMINAL
SEXUAL ASSAULT — AGGRAVATED DOMESTIC BATTERY. AND
AGGRAVATED RESTRAINT.

SENTENCE: 118 YEARS IN THE I.A.O.C. WITH CREDIT FOR
1475 DAYS SERVED.

SEPARATE APPEAL — PLAINTIFF — APPELLEES VS. CHANDEL
— APPELLANT;

11-19-2019 — MOTION DENIED —;

BENCH TRIAL;

CASE: NOV 2015 CF 002452 : STATUS CASE ON APPEAL OPENED
11-6-2015 — TITLE — PEOPLE OF THE STATE OF ILLINOIS
VS. CHANDEL S. DIRKANS — TYPE: CRIMINAL FELONY — FILE:
CHARGE — CLOSED 10-28-2019;

3 of 13

(— SENTENCING —)

JUDGMENT OF CONVICTION IS ENTERED: DEFENDANT IS
SENTENCED TO COUNT "I" AGGRAVATED CRIMINAL SEXUAL
ASSAULT 49 YEARS D.O.C.

COUNT II AGGRAVATED CRIMINAL SEXUAL ASSAULT 49 YR.
D.O.C.

COUNT III AGGRAVATED CRIMINAL SEXUAL ASSAULT 59 YR.
D.O.C.

COUNT IV AGGRAVATED CRIMINAL SEXUAL ASSAULT 59 YR.

COUNT V AGGRAVATED CRIMINAL SEXUAL ASSAULT 49 YR.
D.O.C.

COUNT VI AGGRAVATED CRIMINAL SEXUAL ASSAULT 49 YR.
D.O.C.

COUNT ~~VII~~ AGGRAVATED CRIMINAL SEXUAL ASSAULT
49 YR. D.O.C.

COUNT ~~VIII~~ AGGRAVATED CRIMINAL SEXUAL ASSAULT
59 YR. D.O.C.

COUNT ~~IX~~ AGGRAVATED CRIMINAL SEXUAL ASSAULT
49 YR. D.O.C.

COUNT ~~X~~ AGGRAVATED CRIMINAL SEXUAL ASSAULT
59 YR. D.O.C.

COUNT ~~XI~~ ARMED HABITUAL CRIMINAL, 29 YEAR D.O.C. —

COUNT ~~XII~~ CRIMINAL SEXUAL ASSAULT, 29 YEAR. D.O.C. —

COUNT ~~XIII~~ CRIMINAL SEXUAL ASSAULT, 29 YEAR. D.O.C. —

COUNT ~~XIV~~ CRIMINAL SEXUAL ASSAULT, 29 YEAR. D.O.C. —

COUNT ~~XV~~ CRIMINAL SEXUAL ASSAULT, 29 YEAR. D.O.C. —

COUNT ~~XVI~~ CRIMINAL SEXUAL ASSAULT, 29 YEAR. D.O.C. —

COUNT ~~XVII~~ AGGRAVATED DOMESTIC BATTERY, 29 YEAR.
D.O.C.

COUNT ~~XXI~~ AGGRAVATED UNLAWFUL RESTRAINT 10 YEARS
D.O.C.

COUNT 1 THROUGH 10 ARE TO BE SERVED
CONSECUTIVELY

COUNT 11 IS TO RUN CONSECUTIVELY TO COUNTS
1 THROUGH 10

DEFENDANT IS SENTENCED AS A CLASS X OFFENDER AS
RELATES TO COUNTS 13, 14, 15, AND 16, OF WHICH THOSE
WILL MERGE INTO THE AGGRAVATED CRIMINAL SEXUAL ASSAULT
CHARGES IN THE FIRST 10 COUNTS.

5 of 13

11-19-2019 STATEMENT OF FACT. 050734953-07.

11-19-2019 ORDER OF CERTIFICATION OF CHILD SEX
OFFENDER 050734953-08.

11-19-2019 ORDER CERTIFYING DEFENDANT A SEX OFFENDER
050734953-09.

DEFENDANT CONTENDS SUCH A CRIME IS ON HIS RECORD -
DOCUMENTED IS UNLAWFUL AND WRONGLY APPLIED. ALSO
EXCESSIVE PUNISHMENT OF PENALTIES - CONSTITUTING DOUBLE
JEOPARDY IN NATURE OF THE CRIMINAL OFFENSE.

SUCH STATEMENT AS A CHILD SEX OFFENDER BY CERTIFICATION &
CERTIFYING HIM AS A SEX OFFENDER, THAT STIGMATIZATION IS TRULY A
ASSASSINATION OF HIS CHARACTER AND PERSON AND BE BOTH CORRECTED.
BY ALL LAWFUL MEANS

66 A CONSTITUTIONAL CHALLENGE TO A STATUTE CAN BE RAISED AT ANY TIME? SEE: PEOPLE V. WOOLER 1999, 188 ILL. 2D 500, 510.

PEOPLE V. ROBINSON 2001 ILL. APP. CT. 1ST DIST. 969 ILL. 2D 551, 357 ILL. DEC. 87A.

PEOPLE V. SHARPE 2005 ILL. 2D 416, 519, 839 ILL. DEC. 169.

2nd UNCONSTITUTIONAL STATUTE IS VOID AB INITIO WHICH MEANS IT IS... IN LEGAL CONTEMPORANEOUS AS THOUGH NO SUCH LAW HAD EVER BEEN PASSED. SEE: PEOPLE V. ZEISLER 1988, 125 ILL. 2D 424, 46.

STATUTES IN DOCKET

ENTRY ON CHARGES 1 THROUGH 14 AND COUNTS 1 THROUGH 14 ARE ONLY BEING RAISED AND CHALLENGED, BASED ON MULTIPLE SINGLE-SUBJECT EVENTS ONE-ACT ONE CRIME RULE. ILL. 2D 11-6-2015 & ALL BY COMPLAINT CHARGING INSTRUMENT.

FOURTHERMORE: CHALLENGING SAID STATUTES OF DOCKET ENTRY ON 12-2-2015 CONCERNING MULTIPLE CHARGES AND COUNTS BASED ON CHARGE 15 THROUGH 29 & AND COUNTS 15 THROUGH 29. REGARDING THE CHARGING INSTRUMENT BY INDICATING AGAIN WE ADDRESS & RE-ADDRESS THE SINGLE-SUBJECT RULE OF EVENTS. ONE-ACT ONE CRIME - AND 30 THROUGH 35 INDICATEMENTS.

3-8-2017

DOCKET ENTRY

12TH JUDICIAL CIR.
— CT. WILL COUNTY —

CHARGE'S 37 THROUGH 55 — CHARGE'S 36 THROUGH 55
AND COUNTS 1 THROUGH 20* BY CHARGING INSTRUMENT AS
A FIRST SUPERSEDING BILLS AND THERE STATUTES ARE DULY
BEING CHALLENGED — 56 COUNT 21.

7 of 13

DEFENDANT PRO SE PETITIONER CONTENDS ALL THE ALLEGATION
AND ACCUSATIONS* HAVE LEFT A SEVERE MARK UPON HIM LIKE THAT OF
A BRANDING IRON — THROUGH-OUT — HIS — LIFE* HAS ALSO PAINTED
A PICTURE FOR THE JURY TO FIND HIM GUILTY BASED ON THE COURT
ROOM ACTIVITIES — OF THE PROSECUTORS OUTWARD SHOWED TO
REACH A CONVICTION UNDER FALSE CHARGE'S MUST BE ELEVATED —

WHEREAS: THE WITNESS DECEITFUL ALLEGATION OF SEXUAL SAID
ASSAULTS WERE FABRICATED* DEFENDANT DID MAKE KNOWN TO
THE DEFENSE COUNSEL AND THE STATE PROSECUTOR — THE PERTINENT
FACTORS OF PERJURY TESTIMONY — IN-GENERAL AT BEST THE
COURT FOUND THAT DEFENDANT HAD ALLEGED A SUBSTANTIAL
VIOLATION OF HIS CONSTITUTIONAL RIGHTS — SINCE THE
VICTIM'S IDENTIFICATION WAS THE ONLY EVIDENCE TYING HIM
TO THE CRIME. — NO FACTS — NO PROOF — NO EVIDENCE —
— NO SWORN AFFIDAVIT —

SEE: CILAR III ILL. 2d. 216-17-95 ILL. DEC. 297. 489 N.E.
2d. 857, 859 — PEOPLE V. GRIFFIN 1992-148 ILL. 2d. 45.59. 170*
ILL. DEC. 297, 489 N.E. 2d. 930. 358. 938 — BILANDIC J. DISSENTING

IN THE INSTANT CASE THE VICTIM TESTIMONY WAS OBVIOUSLY
CRITICAL THERE WAS NO PHYSICAL OR ANY OTHER EVIDENCE LINKING
THE DEFENDANT TO THE CRIME.

POINTS ON REVIEW

250 ILLINOIS DECISION 737 N.E. 2d 626 PEOPLE V. STACE.
CITE AS 250 ILL. DEC. 4. 737 N.E. 2d 626 LL ILL. 2000

AGGRAVATED CRIMINAL SEXUAL ABUSE AND CRIMINAL SEXUAL
ABUSE WAS SENTENCE TO CONSECUTIVE TERMS OF 25 YEARS
IMPRISONMENT.

OF WHICH HE APPEALED THE SUPREME COURT HELD THAT THE
SENTENCE WAS MANIFESTLY DISPROPORTIONATE TO THE
NATURE OF THE OFFENSE AND WOULD BE REDUCED TO SIX YEARS
FOR EACH OFFENSE TO RUN CONSECUTIVELY SUPREME COURT
RULE 615 LL BULL 4.

8 of 13

SEE: ALSO FERN. 189 ILL. 2d AT 54. 243 ILL. DEC. 175. 723
N.E. 2d. 207 ~ WE APPLY THESE PRINCIPLES TO THE INSTANT
CASE: AT LARGE WE HOLD THAT THE TRIAL COURT DID ABUSE ITS
DISCRETION! IN SENTENCING THE DEFENDANT TO THE
PRISON TERM PENDING.

"WE DO NOT CONDONE DEFENDANT'S ACTION! WE ACKNOWLEDGE
THAT DEFENDANT'S CONDUCT IS REPREHENSIBLE" NEVERTHELESS
WE MUST ADHERE TO OUR CONSTITUTION'S MANDATE THAT
PENALTIES BE DETERMINED ACCORDING TO THE SERIOUSNESS
OF THE OFFENSES! ILL. CONST. 1970 ART 1 § 11 HERE
THE LEVEL OF SERIOUSNESS OF THE OFFENSE DOES NOT
WARRANT THE PRESENT PENDING INFLICTED PRISON YEARS
SENTENCE.

WHEREAS: IN THE EXERCISE OF OUR AUTHORITY UNDER THE
SUPREME COURT RULE 615 LL BULL 4 LL 134 ILL. 2d. RULE 615
LL BULL 4 WE REDUCE DEFENDANT SAID PENDING SENTENCE TO
SIX YEARS FOR EACH OFFENSE.

WHEREAS: THE COURT ERR. WHEN IT STATE THAT THE PRESENT SENTENCE IS WITH IN THE STATUTORY LIMITS — SEE: 193 ILL. 629-30 BECAUSE THE RECORD AFFIRMATIVELY DEMONSTRATES THAT BOTH PARTIES AND TRIAL JUDGE MISAPPREHENDED THE SAID 'PARAMETERS' OF THE SENTENCE RANGE TO BE UTILIZED — IN THIS CASE — "WOULD REMAND" THE MATTER FOR *RESENTENCING ————— JUSTICE FREEMAN ————— DISSENTING IN-CHIEF.

THEREFORE: IN LIGHT OF THE FOREGOING, OUR PRECEDENT DULY MANDATES THAT WE "VACATE DEFENDANT'S SENTENCE" AND REMAND THE MATTER FOR RESENTENCING —

————— JUSTICE MCMORROW JOIN IN THIS DISSENT —————
* DUE PROCESS OF LAW *

SEE: 593 NORTH EASTERN REPORTER 2d SERIES — PEOPLE V. HICKOX CITE AS 593 NE. 2d 736 IL ILL. APP. 2ND DIST 1992. AS A RULE OF LAW "PERJURY BY A COMPLAINING WITNESS" & REVERSED AND REMANDED & WHEN CONTENDED BY THE DEFENDANT TO ABATE AN IL UNJUSTIFIED CONVICTION & IL UNJUSTIFIED SENTENCE AND IL UNJUSTIFIED IMPRISONMENT — AND THERE-AFTER MADE PLAIN AND CRYSTAL CLEAR TO DEFENSE COUNSEL & TO THE STATE "PROSECUTOR" AND WAS LAID ON DEAF EARS! IS FUNDAMENTALLY UNFAIR. DENYS HIM A FAIR TRIAL.

THEREBY: ALLEGING THAT HIS CONVICTIONS WERE BASED ON SUCH KNOWN PERJURED TESTIMONY WAS SUFFICIENT TO MERIT AN EVIDENTIARY HEARING — DEAD FACTS: DEFENDANT WAS CONVICTED OF SEVERAL COUNTS OF AGGRAVATED CRIMINAL SEXUAL ASSAULTS — ILL. REV. STAT. — 1989 — CH. 38 PAR. 12-16 IL B — AND AGAIN FIRST BY COMPLAINT — AND NOW BY INDICTMENT SEVERAL COUNT OF CRIMINAL SEXUAL ASSAULTS — ILL. REV. STAT. 1989 CH. 38. PAR. 12-13 IL A & IL 3 —

FOR THE FOREGOING REASONS THE JUDGMENT OF THE
CIRCUIT COURT AS A RULE OF LAW BY ST. CLAIR COUNTY IS
~ REVERSED FOR FURTHER PRESENTS PROCEEDINGS AND THIS
CAUSE REMANDED IS CONSISTENT WITH THIS * OPINION *
— REVERSED AND REMANDED — L. DUNN AND BOWMAN JJ. CONCUR

10 of 13

THESE DEPRIVATIONS DOES IN FACT VIOLATE THE PRO-
PORTIONATE - PENALTIES CLAUSE OF THE 1970 ILLINOIS CONSTITUTION
ARTICLE I - SECT - 11 DUE TO THE FACT THAT SEVERAL COUNT
AS OFFENSES ARE "SUBSTANTIVELY IDENTICAL" YET ILLOGICALLY
PUNISHED WITH DISPARATE PENALTIES.

CC SUSTANTIATED FACTORS FOR RELIEF ~~~~
REVERSAL - REMAND AND OR DISMISSAL GOVERN BY
— THE SUPREME COURT RULE —

IN THE ILLINOIS SUPREME COURT FUNCTION IT HAS
DISCUSSED THE HISTORICAL PURPOSE OF THE SINGLE - SUBJECT
RULE AS ... "TO WELL UNDERSTAND AND UNDERSTOOD TO
REQUIRE ANY ELUCIDATION AT OUR HANDS.

THE PRACTICE OF BRINGING TOGETHER INTO ONE BILL -
"SUBJECTS" DIVERSE IN THEIR NATURE" AND HAVING NO
NECESSARY CONNECTION... NO ONE OF WHICH COULD SUCCEED
UPON ITS OWN MERITS.

IS ONE BOTH CORRUPTIVE OF THE LEGISLATURE AND DANGEROUS
TO THE STATE. SEE: FUEHRMEYER - CITY OF CHICAGO - 1994 - 57
ILL. 2d AT 202, 311 N.E. 2d 116. "QUOTING" PEOPLE EX REL
DRAKE V. MAHANEY - 1865 - 13 MICH. 481, 494, 495 -

THE UNITED STATES SUPREME COURT RECOGNIZES THAT
UNTRAINED LITIGANTS' PLEADINGS ARE TO BE CONSTRUED
LIBERALLY AND HELD TO LESS STRINGENT STANDING THAN FORMAL
PLEADINGS DRAFTED BY LAWYERS OR ATTORNEYS. SEE: SPENCER V. DEX
139 F.3d 107 & 2ND CIR. 1998.

GREEN V. BRANSON. 108 F.2d 8 3d 1296 & 10TH CIR. 1997.

BOAG V. MAC DOUGALL. 454 U.S. 369. 70 L. Ed. 2d. 102 SUPREME
COURT. 700 & 1982.

HAINES V. KERNER. 404. U.S. 519. 30 L. Ed. 2d 652. 92. SUPREME
COURT. 594 & 1972.

REMEDY SHOULD BE KEPT WIDE AND LIBERAL AND NOT RESTRICTED
BY TECHNICALITIES * SEE: ZOZOL V. VILLAGE OF ROSEMONT. 32. ILL
APP. 2d 320. 177 N.E. 2d. 867 & 1ST DIST. 1961.

CLARIFICATION AS TO THE INSTANT CASE AT LARGE OUR
SUPREME COURT HAS DEFINED AN "ACT" AS "ANY OVERT OR OUT-
WARD MANIFESTATION WHICH WILL SUPPORT A DIFFERENT OFFENSE."
TRUE BILL OF INDICTMENT VS. THE STATUTE AND COUNT
I AND II AS TO THE LANGUAGE AND USAGE OF THE APPLICATION
BY THE LEGISLATURE INTENT! IN THE CRIMINAL PROCESS &
THEIR COURT PROCEDURES ARE "UNCONSTITUTIONAL IN NATURE
TO THE SIGNED SINGLE-SUBJECT RULE & SUBSTANTIVELY ARE
IDENTICAL YET ILLOGICALLY AS PUNISHED WITH A
DISPARATE PENALTY / PENALTIES.

ELEMENTS OF JURISDICTION

THE ACCUSATION MUST BE MADE UNDER PENALTY OF PERJURY. IF PERJURY CANNOT REACH THE ACCUSER THERE IS NO SUCH ACCUSATION. * OTHERWISE, ANYONE MAY ACCUSE ANOTHER FALSELY WITHOUT RISK.

↳ A SWORN AFFIDAVIT MUST BE MADE AND SIGNED AND NOTORIZED UNDER THE STATUTE OF THE AFKEMENTIONED & PENALTY OF PERJURY ' CONSTITUTE A FELONY OFFENSE ' SHOULD BE FOUND FABRICATED BY THE ACCUSER.

IF LAWFUL PROCESS MAY BE ABROGATED IN PLACING A CITIZEN IN JEOPARDY. THEN ANY MEANS MAY BE UTILIZED TO DEPRIVE A MAN OF HIS FREEDOM. AND ALL ' DISSENT MAY BE STIFLED. OF DEFECTIVE PROCESS BY UTILIZATION.

THE COURT MUST BE ONE OF COMPETENT JURISDICTION, TO HAVE VALID PROCESS. THE TRIBUNAL MUST BE A CREATURE OF ITS CONSTITUTION * IN ACCORD WITH THE LAW OF ITS CREATION ARTICLE III JUDGE

— UNIVERSAL DECLARATION OF HUMAN RIGHTS —

ADOPTED BY THE UNITED NATIONS GENERAL ASSEMBLY* DEC. 10TH 1948

WHEREAS RECOGNITION TO THE INHERENT DIGNITY AND OF THE EQUAL AND INALIENABLE RIGHTS OF ALL MEMBERS OF THE HUMAN FAMILY IS THE FOUNDATION OF FREEDOM - JUSTICE AND PEACE IN THE WORLD.

WHEREAS DISREGARD AND CONTEMPT FOR HUMAN RIGHTS HAVE RESULTED IN BARBAROUS ACTS WHICH HAVE OUTRAGED THE CONSCIENCE OF MANKIND AND THE ADVENT OF A WORLD IN WHICH HUMAN BEINGS SHALL ENJOY FREEDOM OF SPEECH AND BELIEF AND FREEDOM FROM FEAR AND WANT HAS BEEN PROCLAIMED AS THE HIGHEST ASPIRATION OF THE COMMON PEOPLE.

WHEREAS IT IS ESSENTIAL: IF MAN IS NOT TO BE COMPELLED TO RECOURSE AS A LAST RESORT TO REBELLION AGAINST TYRANNY AND OPPRESSION, THAT HUMAN RIGHTS SHOULD BE PROTECTED BY THE RULE OF LAW.

— CONCLUSION —

THE NEUTRALITY REQUIREMENT HELPS TO GUARANTEE, THAT LIFE - LIBERTY OR PROPERTY WILL NOT BE TAKEN ON THE BASIS OF AN ERRONEOUS OR DISTORTED CONCEPTION OF FACTS OR THE LAW. SEE: MATTHEW V. ELDRIDGE 434 U.S. 319, 344, 96 S. SUPREME COURT, 893, 907, 47 L. ED. 2D, 18 L. 1976

~ RESPECTFULLY ~

13 of 13

— CHANDEL DIRKANIS —
PRO-SE PETITIONER / MOVANT
7-8-23

STATE OF ILLINOIS
COUNTY OF PERRY

— AFFIDAVIT —

I CHANDEL DIRKAN PROSE PETITIONER BEING FIRST DULY SWORN
ON OATHS DEPOSE AND STATES THAT HE IS THE AFFIANT IN THIS SAID
CAUSE. AND THE PARTY OF THE ATTACHED DOCUMENTS SUBSCRIBED
BY HIMSELF AND CONTENTS THAT THE INFORMATION HEREIN IS TRUE
AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF IN BOTH
SUBSTANCE AND FACT ON THIS 8 DAY OF JULY 2023 A.D.

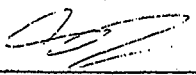
FURTHERMORE THIS FOREGOING MATTER IS NOT TAKEN FRIVOLOUSLY
NOR MALICIOUSLY BUT IN GOOD FAITH PURSUANT TO 735
ILCS 5/1-109 PENALTY OF PERJURY* WEST LAW 2012

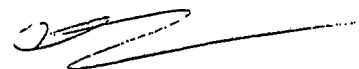
AFFIANT SWEETH FURTHER NOT

— SELF NOTIFICATION —

PURSUANT TO TITLE:

18. U.S.C. SECTION 1746


AFFIANT'S SIGNATURE


PROSE PETITIONER'S SIGNATURE
CHANDEL DIRKAN # R00718
5-B-64, P.C. 5835
STATE ROUTE 154
PICKNEYVILLE, ILLINOIS 62274

IN THE UNITED STATES SUPREME COURT & COURT
BUILDING: WASHINGTON D.C. 20543

CHANDER DIRKAND]

PRO-SE PETITIONER]

VS.]

THE PEOPLE OF THE STATE OF ILLINOIS]

RESPONDENT]

ARGUMENT I

SEE: PAGE 666 OF THE 269 ILLINOIS DECISIONS CITE AS
781 NE. 2d 403 FOR CLARIFICATION ON SENTENCING

SENTENCING - PETITIONER DEFENDANT PRO-SE
CHANDER DIRKAND - CONTENTS THE SENTENCING PROVISION
OF SECTION 5-5-3.2 ILL. C.S. 1 OF THE UNIFIED
CODE OF CORRECTION 730 ILLCS 5-5-3-2 ILLCS 1
WEST 1996*

WHICH ALLOWS EXTENDED SENTENCE BASED ON PRIOR CONVICTIONS
AND SECTION 5-8-4 ILLCS 5-8-4 WEST 1996

* WHICH MANDATE CONSECUTIVE SENTENCE AND SENTENCING
IN CERTAIN CIRCUMSTANCES "VIOLATE" THE HOLDING IN
APPENDIX SEE APPENDIX V. NEW JERSEY. 530 U.S. 466, 476.
120 SUPREME COURT 2348 147 L. ED. 2d. 435. C. 2000
IN CHIEF

THE SURROUNDING ISSUES CONSTITUTE A WELL ESTABLISHED MISCARRIAGE OF JUSTICE IN NATURE WHICH IS A CUMULATIVE IMPACT AT LARGE ON THE RIGHTS OF THE SAID PETITIONER DEFENDANT IN THE INSTANT CASE REGARDING THE CRIMINAL PROCEDURE & STANDARD OPERATING PROCEEDING IN CRIMINAL PROSECUTIONS & AT BEST

A STATUTE USED TO CHARGE & CONVICT & AND SENTENCE IS FACIALLY UNCONSTITUTIONAL & THERE IS NO SET OF CIRCUMSTANCES EXIST UNDER WHICH THE STATUTE WOULD BE VALID * THEREFORE ENTITLE PRISONER TO A DIRECT REVERSAL OR REMAND

THESE DEPRIVATIONS DOES IN FACT VIOLATE THE PROPORTIONATE PENALTIES CLAUSE OF THE 1970 ILLINOIS STATE CONSTITUTION & ARTICLE II & SECTION 11 & DUE TO THE FACT THE COUNTS 1 AND 2 ALLEGED AS TWO SAID OFFENSES ARE "SUBSTANTIVELY IDENTICAL" YET ILLOGICALLY IS PUNISHED WITH DISPARATE PENALTIES

IN THE MOTION OF RECONSIDERATION: TO RIGHT A WRONG & ADMINISTERED BY THE TRIAL JUDGE "EXCESSIVE SENTENCE" "DUE PROCESS VIOLATIONS" & DURING ALL STAGES OF THE CRIMINAL PROCEDURE WHILE PROCEEDING IN CRIMINAL PROSECUTION

WITHOUT PROBABLE CAUSE OR SAID EVIDENCE TO PROSECUTE A CASE OF CRIMINAL OFFENSES IMPOSED UPON THIS MOVANT & THE FINDING OF GUILTY WITHOUT PROOF* TO SUSTAIN THE MULTIPLE ALLEGATIONS BY THE STATE IN PARTICULAR

ELEMENTS OF A CRIME THOSE CONSTITUENT PARTS
OF A CRIME THAT MUST BE PROVED BY THE PROSECUTION

ENHANCEMENT IS THE INCREASE IN A SENTENCE AS A
RESULT OF PROVISION IN THE SENTENCING GUIDELINES* MUST
MEET THE STATUTORY STANDARD

THE TRIAL JUDGE FAILED TO HAVE THE STATUTORY AUTHORITY
TO IMPOSE AN EXTENDED-TERM SENTENCE BASED ON THE
PETITIONER'S DEFENDANT'S PRIOR CRIMINAL HISTORY
THE ISSUES ARE NOT 'RES-JUDICATA' IN THAT THEY WERE
NOT CONSIDERED BY ANY COURT PREVIOUSLY.

*THE JUDGE DID NOT HAVE THE LEGAL RIGHT TO IMPOSE
THE EXTENDED-TERM SENTENCE FOR THE FOLLOWING REASONS*

AFTER THE TRIAL AND FOUND GUILTY, PETITIONER WAS THEN
SENTENCED TO EXTENDED-TERM SENTENCE BASED ON HIS "PRIOR
CRIMINAL HISTORY" PETITIONER'S PRIOR CRIMINAL HISTORY *FAILED*
TO FIT THE STATUTORY REQUIREMENTS. IN GENERAL.

THE JUDGE IMPROPERLY USED FACTORS IMPLICIT TO THE
ALLEGED OFFENSES TO IMPOSE A GREATER SENTENCE AS IN
"VIOLATION" OF 730 ILCS 5/5-4-1 (7) SENTENCING
HEARING

WHERE: THE FOREGOING SENTENCE ERRORS ARE PROPER
GROUND'S FOR A REVERSAL.

IF THERE IS ANY REASONABLE LIKELIHOOD THAT PERJURED TESTIMONY PRESENTED BY THE STATE WITNESS OR WITNESS COULD HAVE AFFECTED THE JUDGEMENT OF THE COURT AS A TRIER OF FACT. THEN A CONVICTION MUST BE REVERSED* AND THE CASE REMANDED FOR RETRIAL _____.

THE MOVANT " PRO-SE PETITIONER " CONTENDS THAT THE SO-
CALLED "MISAPPLICATION" OF THE U.S.S.C. EX POST FACTO SAIL
CLAUSE PROHIBITS USE OF A GUIDE " GUIDE-LINE " IN EFFECT
AT TIME OF SENTENCING IF ITS USE " PRODUCES HARSHER
SENTENCE THAN GUIDE-LINE " IN EFFECT WHEN CRIME WAS
COMMITTED " SEE: UNITED STATES VS. LECOMPTE 99 F.3d.
274 " 8TH CIR. 1996 ".

THEREFORE: SENTENCED BASED ON AN EX POST FACTO CLAUSE
"VIOLATES" SENTENCE BEYOND THE RANGE OF THE ACTUAL
NUMBER OF YEARS IMPOSING A HEAVIER PENALTY UNCON-
STITUTIONAL " U.S.S.C. " SEE: STINSON VS. UNITED STATES
508 U.S. 36 " 1993 ".

JUDGEMENT WARRANTS THIS CASE AND CONVICTION BE FULLY
VACATED: " SET ASIDE " BECAUSE OF STATE AND FEDERAL
CLEAR CONSTITUTIONAL ERRORS AND DIRECT VIOLATIONS!
REVERSED.

SENTENCING " INEFFECTIVENESS " SEE: PORTER V. SINGLETARY,
49 F.3d. 1493 " 11TH CIR. 1995 " SENTENCING JUDGES LACK
OF IMPARTIALITY SATISFIES " PREJUDICE PRONG FOR HEARING "

c. COLLATERAL ATTACK ON DIRECT APPEAL

APPELLATE COUNSEL FAILED TO RAISE MERITORIOUS ISSUES ON DIRECT APPEAL. CONSIDERING THE MULTIPLE CHARGES - THREE CHARGING INSTRUMENTS - AND ALLOUSMENT TO STATE IN GENERAL, PETITIONER APPLICANT.

WHEREAS: DEFENSE COUNSEL PERFORMANCE RENDERED THE TRIAL FUNDAMENTALLY UNFAIR, BASED ON SEVERAL VIOLATIONS OF THE UNITED STATES CONSTITUTION AS FOLLOWS: WHEREAS, BAD PERFORMANCE BY DEFENSE COUNSEL AND VERDICT UNRELIABLE. PETITIONER, DEFENDANT, RENDERED PROPER EVIDENCE AND SUPPLY OF ALL ASSERTIONS IN PARALLEL IN HIS CLAIMS TO THE STATES PROSECUTOR AND DEFENSE COUNSEL THAT THE VICTIM, JIMMY SMITH, STATEMENTS - ALLEGEDLY IS MURDERED AGAINST HIM WHERE ATTACKS ON HIS CHARACTER, AT LARGE, THAT WERE MADE ONE MENTIONED FACTOR WERE LAID ON DEFENSE BLATANTLY;

AS THE RECORDS WILL REFLECT, WHEREAS, TO RELEVANT ISSUE OF GRAVE ERRORS WHICH HAVE ACCURRED AS PROPER FOR RELIEF. SEE: THE THREE CHARGING INSTRUMENTS IN-CHIEF AT LARGE.

WHEREFORE: THE DUE PROCESS CLAUSE FORBIDS A STATE FROM ACTS OF CONVICTING A PERSON OF A CRIME WITHOUT "PROVING THE SAID ESSENTIAL ELEMENTS OF THAT CRIME BEYOND A REASONABLE DOUBT SEE: BUNKLEY V. FLORIDA, 335 U.S. 935, 155 L. ED 2D 1046.

123 SUPREME COURT ROAD - 10022

PETITIONER DEFENDANT'S RIGHTS TO PRESENT A DEFENSE
THE RIGHT TO OFFER TESTIMONY OF WITNESSES AND TO
COMPEL THEIR ATTENDANCE IS FUNDAMENTAL ELEMENTS
OF DUE PROCESS. SEE WASHINGTON V. STATE OF TEXAS, 388
U.S. 14. AT BEST —

SEE: SIXTH AMENDMENT RIGHT TO COUNSEL U. SUPREME
COURT OF THE UNITED STATES DECISIONS POWELL V. ALABAMA
387 U.S. 45. 77 L. Ed 158-513 SUPREME COURT 554193211

GILSON V. WAINWRIGHT, 372 U.S. 339, 9 L. Ed. 2d 799, 93
SUPREME COURT 792 196311 ALSO SEE

BETTS V. BRAY, 316 U.S. 455, 62 SUPREME COURT 1252 86
L. Ed 1595

WHEREAS 'RESPECTFUL' TO EFFECTIVE ASSISTANCE OF COUNSEL * AT
ALL CRITICAL STAGES IS REQUIRED? SEE: SUMMERLIN V. SCHIRKO
427 F. 3d 623 U.S. 923 197511 MAINLY MCMANUS V.
RICHARDSON 397 U.S. 759, 771 N. 14 90 SUPREME COURT 1441
85 L. Ed. 2d 763 197011

THIS SOLE RIGHT EXTENDS TO "ALL CRITICAL STAGES OF THE SAID
CRIMINAL PROCESS" SEE: IOWA V. TOWAR, 541 U.S. 77, 80-
81, 124 SUPREME COURT 1379, 158 L. Ed. 2d 209 11 200411

WHEREAS: THE STATE OF ILLINOIS COURT OFFICIALS AND ET AL
WERE DELIBERATE INDIFFERENT TO PETITIONER, GUARANTEED
RIGHTS IN THEIR CRIMINAL PROCEDURES ACCORDINGLY THEREOF TO
THE STATE AND FEDERAL CONSTITUTIONAL STANDARDS OF LAW.
AND THROUGH THEIR CONSCIOUS AND RECKLESS OR TOTAL DISREGARD OF THE
CONSEQUENCES OF ONE'S ACT OF OMISSION AND WARRANTS REVERSAL

PERJURED TESTIMONY UNITED STATES V. MCLANEHILL 89 F. SUPP. 2d
617 E.D. PA. 2000 GOVERNMENT USE OF PERJURED TESTIMONY.
SEE UNITED STATES V. AGURS 437 U.S. 97 103 96 SUPREME COURT
2392 L. ED. 2d 342. 1976

PETITIONER DEFENDANTS POINTS OF VIEWS TO BE CONSIDERED
AND EVALUATED BASED UPON THE CONTENDING GRAME SUBJECT SAID
MATTERS WHICH SHALL AND WILL BE FOUND ADEQUATELY TO GIVE
RISE FOR A FURTHER CONSTITUTIONAL AND LAWFUL PROCEEDING OF
THIS CASE * WE PRAY *

SEE UNITED STATE V. CRONIC 104 SUPREME COURT 2039
APPELLATE INEFFECTIVENESS WHEREAS IMPROPER CONSECUTIVE
SENTENCE. IN BEVERLY V. LOCKHART 755 F. 2d 657 8TH CIR
1985, APPELLATE COUNSEL WAS INEFFECTIVE AND REQUIRED IN
ADDRESS & ADDRESS BEFORE THIS HONORABLE UNITED STATES
SUPREME COURT OF LAW. WHEREFORE COUNSEL FAILED TO RAISE
THE PERTINENT ISSUES OF THE TRIAL COURT'S IMPOSITION OF
CONSECUTIVE SENTENCE.

RESPECTFULLY

THE SUPREME COURT IN APPENDIX DECISIONS APPENDIX V, NEW JERSEY, 147 L. ED. 2D 435 (1980) IN PART, CONVEYS THAT THE SUPREME COURT * REVERSED * CONCLUDING THAT UNDER THE FIFTH AND SIXTH AMENDMENT AS MADE APPLICABLE TO THE STATES BY THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT - OTHER THAN THE FACT OF A PRIOR CONVICTION, ANY FACT THAT INCREASES THE PENALTY FOR A CRIME BEYOND THE PRESCRIBED STATUTORY MAXIMUM * MUST BE SUBMITTED TO A JURY * AND PROVED BEYOND REASONABLE DOUBT.

THE SENTENCE WAS IN EXCESS OF THE MAXIMUM AUTHORIZED BY LAW IS OTHERWISE SUBJECT TO COLLATERAL ATTACK - IF THE CONVICTION IS IMPROPER THE SENTENCE MUST ALSO GO.

DEFENSE COUNSEL FAILED TO RESEARCH OR INVESTIGATE THE CRIME CHARGED SEE: WOODARD V COLLINS, 898 F. 2D 1027, 5TH CIR. 1990. * THE COURT HELD THAT A REMAND WAS REQUIRED * TO DETERMINE WHETHER THE DEFENDANT WAS PREJUDICED BY HIS COUNSEL'S FAILURE TO INVESTIGATE A CRIME TO WHICH HE - WHICH UPON COUNSEL'S ADVICE - DEFENDANT PLEAD GUILTY - REVERSE AND REMAND.

LAW IN RELATION TO THE PLEA - SCOTT V. WAINWRIGHT 698 F. 2D 427, 429, 30, 11TH CIR. 1983 - TRIAL COUNSEL'S FAILURE TO LEARN THE FACTS AND FAMILIARIZE THEMSELVES WITH THE LAW IN RELATION TO THE PLEA CONSTITUTES INEFFECTIVE ASSISTANCE AND ONLY RENDER THE GUILTY PLEA INVALID.

SEE: MARTIN 46 ILL 2d A 567. 269 N.E. 2d 147.
MOREOVER THIS COURT HAS FOUND THAT UNDER CERTAIN
CIRCUMSTANCES THE STATE'S FAILURE TO ADEQUATELY INVESTI-
GATE THE QUALIFICATIONS. 269. 260 OF A GOVERNMENT
WITNESS. WHERE THE INFORMATION WOULD HAVE ESTABLISHED
THE WITNESS 104 WAS LYING.³ CREATED SUFFICIENT STATE IN-
VOLVEMENT TO ESTABLISH A VIOLATION OF DUE PROCESS. 10

SEE: CORNILLE 95 ILL 2d AT 513. 69. ILL. DEC. 945. 448
N.E. 2d 857 ILL. A DUE PROCESS VIOLATION MAY ALSO BE
FOUND 16 WHEN THE STATE ALTHOUGH NOT SOLICITING FALSE
EVIDENCE 23 22 ALLOWS IT TO GO UNCORRECTED WHEN IT
APPEARS 17. BIGLIO. 405 U.S. AT 154 92 SUPREME COURT AT
766. 31 L. ED. 2d AT 108 QUOTING NAPOLE 360 U.S. AT 269.
79 SUPREME COURT AT 1177. 31 ED 2d 1221. 7

*DEFENDANT CONTENTS IN THE VALIDITY OF THESE MATTERS
EVALUATION AND EXAMINATIONS IS REQUIRED* AS REQUESTED. . .

FOUNDATION OF EVIDENCE* THE PURPOSE OF REQUIRING A
FOUNDATION FOR ADMISSION OF EVIDENCE IS TO PREVENT IN-
ADMISSIBLE & INADEQUATE EVIDENCE FROM BEING SUGGESTED TO
THE TRIER OF FACT BY ANY MEAN

SEE: KIMBLE V. EARLE M. JORGENSEN. CO 830 N.E. 2d 814
1ST DIST 2005 11 & PEOPLE V. VAUGHN 831 N.E. 2d 746
1ST DIST. 2004 11.

DEFENDANT CONTENDS THAT THE STATE FAILED TO REACH
THEIR BURDEN. THEREFORE THE CHARGES IMPOSED WHICH
LED TO HIS CONVICTION AND IMPRISONMENT IS "INSUFFICIENT
AND NO FOUND EVIDENCE TO SUSTAIN THEM."

SEE: PEOPLE V. MAKIEL. CITE AS 299 ILL. DEC. 319. 830 N.E.
2d 731 ILL. APP. 1ST DIST 2005-20 U.S.C.A. CONST. AMEN
6. S.H.A. — CONST. ART. I § 8 COUNSEL FAIL TO PERFORM
SUFFICIENT IN CLIENT'S DEFENSE.

'SPECIFIC CONSTITUTIONAL VIOLATIONS' IMPROPER EXCESSIVE
SENTENCING — EIGHT AMENDMENT — DUE PROCESS OF LAW —
AND EQUAL PROTECTION CLAUSE — OF JURISDICTION WITHIN
THE STATE OF ILLINOIS. GUARANTEED RIGHTS OF CITIZENS —
* ESTABLISHED BY THE UNITED STATES SUPREME COURT'S RULING.
CONSTITUTE A DIRECT VIOLATION OF THE 14TH AMENDMENT.

SEE: PEOPLE V. AGEFF 205 ILL. APP. 3d 146 562 N.E. 2d 545
— 1ST DIST 1990 — UNDER PEOPLE V. KING 66 ILL 2d 551,
363 N.E. 2d 838 — 1977 — BASED ON MULTIPLE CONVICTIONS
ARE IMPROPER IN BASED ON THE SAME "PHYSICAL ACT" OR IF
SOME OF THE CONVICTIONS ARE LESSER INCLUDED OFFENSES —

WHEREAS: TO MULTIPLE CONVICTIONS SEE PEOPLE V. TAMAYO, 7
93 ILL. 2d 304, 383 N.E. 2d 227 — 1978 — PEOPLE V. VELASCO
184 ILL. APP. 3d 613 540 N.E. 2d 521 — 1ST DIST 1989 —
* REVERSIBLE ERROR * AS TO ONE COUNT — BUT HARMLESS AS TO
ANOTHER — AS IN PEOPLE V. TRINKLE 68 ILL. 2d 198,
369 N.E. 2d 888 — 18 — 1977 —

DEFENDANT CONTENTS DEFENSE COUNSEL LACK OF INTEREST
 COUNSEL 134 U.S. 668.104 SUPREME COURT. DOSTA
 STRICKLAND V WASHINGTON 467 U.S. 668.104 SUPREME COURT. DOSTA
 80 L. ED. 3D 619. U.S. 1984. SEEKING REVERSAL. DEFENDANT DULY
 METS BOTH SAID COMPONENTS AS TO DEFENSE COUNSEL
 * REFORMATIVE WAS DEFICIENT WHICH PREJUDICED THE DEFENSE.

AS DENIED DEFENDANT MOTION TO SET ASIDE HIS "CONFESSIO" AN
 CONVICTION AND WE REMAND FOR FURTHER EXPLANATION ON
 THE LEVEL OF COUNSEL PERFORMANCE IN ACCORDANCE WITH THE
 STANDARD SET BY STRICKLAND U.S. 167 F.3D. 109
 U.S. 1999. THE INSTANTIONS CHALLENGED IN BROWNS
 & DASH PETITION WERE IN ALL MATERIAL RESPECTS IDENTICAL
 TO THOSE CONSIDERED BY THIS COURT IN SEVERAL OTHER CASES.
 SEE: MCKEE V UNITED STATES. 167 F.3D U.S. 1999.

IN LIGHT OF OUR RECENT DECISION IN BLOOMER V. UNITED
 STATES. 162 F.3D 187 U.S. 1998. HOLDING THAT THE
 FAILURE ON DIRECT APPEAL TO CHALLENGE JURY INSTRUCTIONS
 CONTAINING E.E. CONTAINING E.E. INSTRUCTIONS TO
 THOSE AT ISSUE HERE. * WAS PREJUDICIAL WE VACATE * SO MUCH
 OF THE DISTRICT COURT ORDER.

ON DIRECT APPEAL - THE JURY INSTRUCTIONS * BURDEN OF PROOF
 TO THE JURY AS TO THE GOVERNMENT'S * BURDEN OF PROOF
 AND THE JURY OBLIGATION TO ACQUIT IF THE GOVERNMENT
 FAILED TO MEET ITS BURDEN THE DISTRICT COURT RULED THAT THE
 INSTRUCTIONS TO THE JURY AS A WHOLE WERE ADEQUATE THAT AN
 APPEAL CHALLENGE WOULD NOT HAVE RESULTED IN A REVERSAL AND
 THAT THE DEFENDANT THUS DID NOT SHOW THAT COUNSEL'S ACTS
 OF FAILURE PREJUDICED HIM.

WHEREAS: IN PEOPLE V. GARCIA, WALLACE & ONEAL, 179 ILL. 2D 55, 638 N.E. 2D 57, 1977 MULTIPLE CONVICTION IS DULY IMPROPER WHERE MULTIPLE CONVICTIONS OF GREATER AND LESSER OFFENSES ARE ENTERED FOR OFFENSES THAT ARISE FROM A SINGLE PHYSICAL ACT & A SENTENCE SHOULD BE IMPOSED ON THE MOST SERIOUS OFFENSES AND THE CONVICTION ON LESSER "OFFENSES" VACATED; LESSER OFFENSES VACATED IN-CHIEF

SEE: ENHANCEMENT BURN V. UNITED STATES, 501 U.S. 129 115 L. ED 2D 123 & & SUPREME COURT 2182 1991 BEFORE ANY DISTRICT COURT CAN DEPART UPWARD FROM THE APPLICABLE SAID GUIDE-LINES IN SENTENCING ON A GROUND NOT ALREADY IDENTIFIED IN A RECORD OR THE PRESENTENCE REPORT OR BY THE GOVERNMENT IN A PREHEARING SUBMISSION THEY MUST GIVE NOTICE TO THE PARTIES THAT IN SUCH MATTER IT IS CONTEMPLATING THAT RULE SEE: U.S. V. VALENTINE, 21 F. 3D 395 11TH CIR. 1994 AT BEST

DEFENDANT CONTENDS THAT "DOUBLE JEOPARDY" IN THE INSTANT CASE WAS APPLIED UNCONSTITUTIONAL SEE: MULTIPLE CITY UNITED V. WEATHER 493 F. 3D 111 D.C. CIR. 2007 "SEXUAL COUNTS IN-GENERAL EVEN THOUGH NAMED IN A DIFFERENT TERM, YET THEY ARE THE SAME IN NATURE. WARRANTS THE CASE BE VACATED & ONE SUCH COUNT OF CONVICTION AND REMANDED FOR RESENTENCING & DEFENSE COUNSEL FAILED TO ACT BY CHALLENGING COUNTS & MULTIPLE COUNTS. DULY CONSTITUTED THE SAME OFFENSES IN NATURE BEING "ARTICULATED" IN ANOTHER TERM. DULY CONSTITUTE A DOUBLE JEOPARDY VIOLATION & CHARGED TWICE FOR THE SAME OFFENSE & IN-GENERAL UNCONSTITUTIONAL.

SEE: PEOPLE V. MARTINEZ, 386 ILL. APP 3D 153, 325 ILL. DEC. 340, 897 N.E. 2D 111 2003 ILL. APP. LEXIS 1067 & ILL. APP. COURT 1ST DIST 2003 OVER-RULED IN-PART PEOPLE V. JOHNSON 237 ILL. 2D 81, 340 ILL. DEC. 163, 927 N.E. 1179 2ND & LEXIS 657 & ILL. 2003.

COUNSEL: CONFLICT: A CRIMINAL DEFENDANT IS ENTITLED TO COUNSEL WHOSE INDIVIDUAL LOYALTY IS WITH THEIR CLIENTS AS CLIENT & COUNSEL RELATIONSHIP SEE: ALSO US V. ELLISON 798 F.2d 1108, 84-1 U.S. CIR. 1986, AT LARGE

3308.
463. U.S. 747 745. 77 L. Ed. 2d 987. 993. 103 Supreme Court INVOLVING FUNDAMENTAL RIGHTS TO SEE: JONES V. BARNES. 1983 WHEN APPOINTED COUNSEL HAS A RIGHT TO MAKE ANY DECISION ALL APP. 3d 819. 473 N.E. 2d 129 14TH DIST. 1984. DEFENDANT ACT OF CONFLICT OF INTEREST: SEE: PEOPLE V. CAMPBELL 199

PERSON OF CONSTITUTIONAL RIGHTS AND CIVIL
LAW IF THEY CONSIDERED WITH THE STATE OFFICIALS TO DEPRIVE A
1994. PUBLIC DEFENDER. DOES ACT UNDER COLOR OF STATE
UNITED STATES 914. 107 SUPREME COURT 830. 81 L. Ed. 2d 758.
THESE FORM: DEFENDANT COUNSEL IN TOWER V. CLAY. 467

798 CL. 11TH CIR. 1982. 22.
SIGNIFICANCE OF THESE CLAIMS SEE: YOUNG V. ZANT 677 F.2d 792
CLAIMS CASE AT LARGE AND A FACTUAL CLAIMS OF THE LEGAL
NOT WANT TO GO TO TRIAL AND FAILED TO UNDERSTAND THEIR
WHEREAS: COUNSEL OF DEFENSE WAS SO ALL PREPARED THAT THEY DID

OF DISMISSAL IN GENERAL
VIOLATION & SUCH ERRORS GIVE RISE & PROPER GROUNDS FOR REVERSAL
DENIAL OF THIS SORT OF OPPORTUNITY IS A CONSTITUTIONAL RIGHT
80. 91. 96 SUPREME COURT RULE. 1339. 47 L. Ed. 2d 592. 1976
ON REPRESENTATION. SEE: ALSO EEDER V. UNITED STATES. 445 U.S.
AND IS CRUCIAL AND CRITICAL IN THE DEFENSE COUNSEL INTERESTS
DEFENDANTS COMMUNICATION WITH COUNSEL IS SEVERE IN NATURE
V. STINE. 44 F.3d 897. 11TH CIR. 1994. AGAIN A SAID
WHEREFORE: OPEN AND COMPLETE COMMUNICATION SEE: LAKE

SEE: PEOPLE V. WOLFE 449 N.E. 2d 980 CITE AS 114 ILL. APP. 3d 841 449 N.E. 2d 980.70 ILL. DEC. 633 LL PROSECUTORIAL MISCONDUCT IS A PROPER GROUND FOR DISMISSAL OF AN INDICTMENT — THE PROSECUTORIAL MISCONDUCT IN THIS CASE AND CASE '6 DEPRIVED THE DEFENDANT OF DUE PROCESS OF LAW. '8 IT CONTAMINATED THEIR TRIAL AND WE CAN NOT SAY IT WAS HARMLESS* SEE: UNITED STATES V. KERR. 981 F. 2d 1050 — 9TH CIR. 1990 — THEREFORE PREJUDICIAL VOUCHING CAUSE FOR A DIRECT REVERSAL AT 8 F. 3d 1315 CITE AS CONTENDED HERE IN.

WHEREAS IN BROWN V. BORG 951 F. 2d 1011 — 9TH CIR. 1991 — ' REVERSAL ' WHERE PROSECUTOR AS KNOWINGLY INTRODUCED AND ARGUED FROM FALSE EVIDENCE ONLY WARRANT A VACATE OF THE COURT'S JUDGEMENT* OF A WRONGFUL CONVICTION AND REMAND* FOR THE DISTRICT COURT TO DETERMINE WHETHER TO RETRY THE DEFENDANT OR TO DISMISS THE INDICTMENT — WITH PREJUDICE

AS A SANCTION FOR THE GOVERNMENT M'S BEHAVIOR IN CHIEF ... OF CONSTITUTIONAL DEPRIVATIONS — AND BLATANTLY IGNORED MAJOR PERTINENT FACTORS OF THE LAW* ARE IN DIRECT VIOLATIONS OF THE CRIMINAL PROCEEDINGS* AS IS ESTABLISHED BY THE SAID ***** SUPREME COURT OF THE UNITED STATES RULE OF LAW ***** AND THE IMPLEMENTATION THEREOF — AS DULY INSTRUCTED IN CONCERNING THE ACTUAL UTILIZATION OF DUE PROCESS.

THEREFORE REVERSIBLE ERRORS OCCURS HERE IN WHERE REMARK'S DURING OPENING STATEMENTS — REFERRING TO EVIDENCE WHICH LATER PROVES TO BE IN-APPROPRIATE — INADEQUATE, AND IN-ADMISSIBLE HEAR SAY IN THE COURT OF LAW* ARE ATTRIBUTABLE TO DELIBERATE PROSECUTORIAL MISCONDUCT* AND RESULTS IN SUBSTANTIAL PREJUDICE TO THE DEFENDANT — AT BEST —

FURTHER - MORE: RENDERING THE SENTENCE INEFFECTIVENESS
UNITED STATES V. PUGLIESE. 805 F. 2d 1117. 112.3. L. 2ND
CIR. 1986. THE FIFTH AMENDMENT DUE PROCESS CLAUSE ONLY
REQUIRES 'DEFENDANT' 'NOT' TO BE SENTENCED ON BASIS OF
'MATERIALLY' 'UNTRUE' 'ASSUMPTION' & OR 'MIS-INFOR-
MATION' BY ALL MEANS * DEFENDANT IN THE INSTANT CASE
WAS SENTENCED AND CONVICTED & FOUND GUILTY 'BASED UPON
MATERIALLY & UNTRUE & ASSUMPTION AND MIS-INFORMATION WHICH
WARRANTS A FLAT OUT REVERSAL AND CHALLENGE THE STATE TO REDEEM

POLICE REPORT INEFFECTIVENESS: WASHINGTON V. SMITH.
COUNSEL FAILURE TO INVESTIGATE 'POTENTIALLY EXCULPATORY'
INFORMATION CONTAINED IN POLICE REPORT. CONSTITUTE
INEFFECTIVENESS OF ASSISTANCE OF COUNSEL. SEE: WASHINGTON V.
SMITH 48 F. SUPP. 2d 1149 L. E.D. WIS. 1999. ALSO SEE: TORO
V. FAIRMAN. 940 F. 2d. 1065. 7TH CIR. 1991.

DEFENDANT CONTENTS THAT COURT ROOM ACTIVITIES & THE
SUPREME COURT HEED CAN BE SO INHERENTLY PREJUDICED
THAT DEFENDANT WAS THEREBY DENIED HIS GUARANTEED CONSTITU-
TIONAL RIGHTS OF A FAIR TRIAL. * SEE: HOLBROOK V. FLYNN 475
U.S. 560. 1986.

CONCLUSION

PETITIONER PRO-SE: CHANDEL D. RANKS PRAY THIS
UNITED STATES SUPREME COURT FIND FAVOR BY LAW
TO GRANT THE ATTACHED MOTION AND PETITION FOR WRIT
OF CERTIORARI.

IN THE UNITED STATES SUPREME COURT & COURT
BUILDING WASHINGTON D.C 20543

CHANDEL DIRKANA]
PRO-SE PETITIONER]
VS.]
THE PEOPLE OF THE STATE OF ILLINOIS]
RESPONDENT]

STATE OF ILLINOIS]
COUNTY OF PERRY] SS

AFFIDAVIT

I, CHANDEL DIRKANA, PRO-SE PETITIONER, HEREIN THIS FORE-
GOING AFFIDAVIT BEING FIRST DULY SWORN ON OATH PRESENT
THIS MATTER ADDRESS AND REDRESS BEFORE THIS HONORABLE UNITED STATE
SUPREME COURT* DEPOSE AND STATE THAT HE IS THE PARTY IN
THIS SAID CAUSE. I FIND THAT THE ATTACHED DOCUMENTS
~ SUBSCRIBED BY HIM & AND THE INFORMATION & CONTENTS
PRESENTED HEREIN ARE TRUE AND CORRECT IN NATURE & TO TH
BEST OF HIS KNOWLEDGE AND BELIEF IN BOTH SUBSTANCE AND FACT
ON THIS DAY OF 2023 A.D. N.E.

HAVING MERIT TO ACT UPON FOR RELIEF IS NOT TAKEN
FRIVOLOUSLY NOR MALICIOUSLY BUT IN GOOD FAITH THIS DULY
DECLARED PURSUANT TO 7.35 ILLS 5'1-109 & WEST LAW
2012 UNDER THE PENALTY OF PERJURY

— AFFIANT SAYETH FURTHER NOT —

SELF-NOTIFICATION

IN PURSUANT TO TITLE:

28 U.S.C. SECTION 174E

Chandel Dezzani

AFFIANT'S SIGNATURE

11-5-11B"

PRASE PETITIONER'S SIGNATURE

CHANDER WIRKANE ROOM 718

S-B-64 P.C.C. 5835

STATE ROUTE 154

P. NCKNEYVILLE. ILLINOIS 62274

CONCLUSION

The petition for a writ of certiorari should be granted. BASED UPON MAJOR
POINTS OF VIEW — IN MULTIPLE STATE & FEDERAL CONSTITU-
TIONAL DEPRIVATIONS AND SERIOUS VIOLATIONS

Respectfully submitted,

CHANDLER DIRKAAIS

Date: 4-8-23

STATE OF ILLINOIS.]
COUNTY OF PERRY] ss.

AFFIDAVIT of AFFIRMATION

I, CHANCELLER DIRKANS PRO SE PETITIONER, BEING FIRST DULY
SWORN ON OATH DEPOSE AND STATE THAT HE IS THE AFFIRANT OF AND IN
THIS CASE, AND THE ATTACHED DOCUMENT * MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS * SUBSCRIBED BY HIM, AND THE INFORMATION
PRESENTED HEREIN, IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE
AND BELIEF, IN BOTH SUBSTANCE AND IN FACT ON THIS 8 DAY OF
4 - 2023 A.D.

AND DULY AFFIRM THAT THIS FOREGOING FACTOR, IS NOT TAKEN
FRIVOUSLY OR MALICIOUSLY BUT IN GOOD FAITH, HAVING MERITS TO
ACT UPON FOR GRANTED RELIEF THROUGH EQUAL PROTECTION CLAUSE.

FINALLY AFFIRM AND DECLARE PURSUANT TO THE PENALTY OF PERJURY
735 ILLCS 5/1-109 (WEST LAW 3012) THAT THE CONSTITUTION
BOTH STATE & FEDERAL SHALL SUSTAIN ALL CONTENTIONCIES BY THE
DUE PROCESS OF LAW WE PRAY

CC AFFIRANT SAYETH FURTHER NIST 10

SELF NOTIFICATION
PURSUANT TO TITLE
28, U.S.C. SECTION 1746

CS
AFFIRANT'S SIGNATURE

CS
PETITIONER'S SIGNATURE

CHANCELLER DIRKANS # K00718
S.B. 64, P.O. 5535 STATE
ROUTE 154 PINCKNEYVILLE
ILLINOIS 62274