

No. 22-7639

ORIGINAL

Supreme Court, U.S.
FILED

MAR 20 2023

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

PEOPLE OF THE STATE OF ILLINOIS

Respondent-Appellee.

-vs-

HULON VERSER.

Petitioner-Appellant.

) Petition for Leave to Appeal from
) the Appellate Court of Illinois, First
) Judicial District, No. 1-19-2224
)
)

) There heard on Appeal from the
) Circuit Court of Cook County,
) Illinois, No. 93 CR 2647702
)
)

) Honorable
) Timothy Joseph Joyce,
) Judge Presiding.

Appeal from the Supreme Court of Illinois No. 129033

PETITION FOR A WRIT OF CERTIORARI

Compiled By: Assistant (Inmate Paralegal)

In the Matter of:

Verser, Hulon, Petitioner-Appellant, pro se.

Register No. K-64085

Sheridan Correctional Center

4017 East 2603 Road

Sheridan, Illinois 60551

QUESTION(S) PRESENTED FOR REVIEW

I. The Post-Conviction Court Manifestly Erred By Denying Hulon Verser's Post-Conviction Petition After An Evidentiary Hearing, Where Mr. Campbell's Testimony Was Newly Discovery Evidence Of Verser's Actual Innocence. The Court Ruling Consists Of Erroneous Factual Findings.

II. Whether This Court Should Order A Remand For Further Proceedings Where Post-Conviction Counsel Rendered Unreasonable Assistance In Failing To Litigate Verser's Claim At the Second Stage In Presenting Verser's Motion To Suppress Evidence Based Upon An Unlawful Arrest; Trial Court's Misapplication Of State Rules And Laws. Considering Factors Attenuated. Include The Presence Or Absence Of Miranda Warning.

TABLE OF CONTENTS AND STATUTORY PROVISIONS INVOLVED

	PAGE(S)
Nature of the Case / Proceeding Below	1
Jurisdiction	1
Question(s) Presented For Review	2
Statement of Facts	3-10
Compelling Reason For Granting Review / Questions Presented	11-16
Conclusion / Certificate of Compliance	16, 17

STATUTES AND RULES INVOLVED

<u>I.</u>	People v. Robinson 2020 IL 123849	11.
	People v. Coleman. 2013 IL 113307	11
	People v. Mostad. 101 Ill. 2d 128, 136 (1984)	12
	People v. Morgan. 212 Ill. 2d 148, 155, 817 N.E. 2d 524, 288	
	Ill. Dec. 166 (2004)	12.
	People v. Salem. 2016 IL 118693	12.
<u>II.</u>	Brown v. Illinois. 472 U.S. 590 (1975)	14
	Terry v. Ohio. 392 U.S. 1 (1968)	14
	People v. Jackson. 374 Ill. App 3d 93, 102 (1st Dist. 2007)	14
	People v. Simmons. 372 Ill. App. 3d 735, 742 (1st Dist 2007)	14
	People v. Foskey. 136 Ill. 2d 66 (1990)	15

People v. Wilberton. 348 Ill. App. 3d 82, 85, 809 N.E. 2d 745.	15
284 Ill. Dec. 179 (2004)	
Wong Sun v. United States, 371 U.S. at 49)	15, 16
Exclusionary Rule.	15, 16

INDEX TO APPENDICES.

Appendix A. Supreme Court of Illinois. Decision (1 page)	(A.A)
Appendix B. Appellate Court of Illinois. Order. (34 pages)	12, 13, (A.B)

NATURE OF THE CASE / PROCEEDING BELOW

Hulon Verser, petitioner-appellant, hereby petition this Court to appeal, pursuant to Supreme Court Rules 10, 12 and 13 et. from the judgment of the Illinois Supreme Court (People v. Verser) No. 129033, affirming the denial of his post-conviction petition, following a third stage evidentiary hearing.

The Illinois Supreme Court affirmed Hulon Verser's conviction on January 26, 2023. No petition for rehearing was filed. A copy of the Supreme Court's judgment is appended to this petition. [Appendix - A] (all appendix's is attached in the back section of this petition).

JURISDICTION

Hulon Verser, petitioner-appellant, appeals from the third-stage denial of ~~his Post-Conviction~~ Petition. The judgment of the Illinois Supreme Court was entered on January 26, 2023. Notice of appeal was timely filed on March 16 2023. Jurisdiction therefore lies in this Court pursuant to Supreme Court Rules 10 and 13 et.

STATEMENT OF FACTS

After Huron Verser was convicted in 1998 of first degree murder and aggravated kidnaping of Stanton Burch and Michael Purham, Verser sought post-conviction relief based upon the newly discovered testimony of Corey Campbell. (Sup2 C. 26) As a result of the State's "cold case" investigation into the murders, Corey Campbell pled guilty in 2011 to the offense of first degree murder and aggravated kidnaping of Stanton Burch and Michael Purham and was sentenced to an aggregate term of 70 years in prison. (R. 821) At the evidentiary hearing on Verser's post-conviction petition, Campbell testified that he and two others were solely responsible for the kidnaping and murders of Burch and Purham, and that Verser was not involved in the murders. (R. 826-43) The post-conviction court denied Verser a new trial finding that it did not believe Campbell and did not find him to be a credible witness. (R. 1002)

The appellate court affirmed the post-conviction court's decision finding that it was for the post-conviction court to determine issues of credibility, and that there was no manifest error or reason to second guess the court's conclusion that Campbell was not credible. *People v. Verser*, 2022 IL App (1st) 192224-U, ¶¶ 41-42.

Trial

The evidence at trial was that there was a power struggle between two factions within the Unknown Vice Lords gang of which Verser was a member. (Sup4 R. 260) One faction was led by Tyrone Williams and the opposing faction was controlled by Willie Lloyd. (Sup4 R. 260, 280) Officers set up surveillance after they received information that there was a war going on between the two factions and that Williams and members of the Unknown Vice Lords would be

armed attending a funeral on the evening of September 14, 1993. (Sup4 R. 259) Officer Mike Cronin observed approximately 10-15 males going into the funeral home wearing black hooded sweatshirts with their hoods over their heads concealing their identity. (Sup4 R. 261) Shortly after entering the funeral home the group exited the funeral home. (Sup4 R. 262) Cronin never identified Verser as being one of the individuals who entered and exited the funeral home. (Sup4 R. 263, 279) The group walked across the street where they then split up into different vehicles. (Sup4 R. 264) Williams and some others got into a vehicle and drove off and were never stopped by police. (Sup4 R. 264-65) Other officers moved in and Derek Harvey and Verser were subsequently arrested. (Sup4 R. 265) After his arrest, but prior to giving his statement, Harvey took Detective Kriston Kato and other officers to the bodies of Burch and Purham at the railroad tracks. (Sup 4 R. 195-200)

At trial the parties stipulated that a 9 millimeter hand gun found on Verser after his arrest could have fired the 9 millimeter bullet recovered from the clothing of Stanton Burch. (Sup 4 R. 214)

Barry Williams testified for the State at trial that he was at the location where Burch and Purham were taken off the street and that he did not remember Verser being there. (Sup4 R. 77-78, Sup4 R. 118) Williams testified that he was pressured to make a statement by police. (Sup4 R. 118) Williams denied remembering much of what he was asked about by the State. (Sup4 R. 117-18) The State introduced Williams' prior inconsistent statements to Nelson as well as Williams' testimony at the grand jury hearing. (Sup4 R. 128-31, 137-154) Both of Williams' prior statements implicated Verser in the murders by stating that Verser was one of approximately 10 people who approached Burch and Purham

on the street with guns in their hands and abducted them. (Sup4 R. 128-31, 137-154) Williams testified at trial that he was paid \$1100 or \$1220 by the State's Attorney's relocation unit to help him relocate, and he took the money but did not relocate. (Sup4 R.113)

The State also admitted into evidence the statement that Verser purportedly gave to Kato and Assistant State's Attorney Jim Nelson. (Sup4 R. 68) Nelson stated that he took a statement from Verser by asking Verser questions and then Nelson wrote down what Verser said had happened. (Sup4 R. 59) Nelson first took a statement from Harvey and then he took Verser's statement. (Sup4 R. 58) In Verser's written statement he acknowledged that he sells drugs for Ted and that there was a battle within the gang over who controlled drug sales at a corner. (C. 303-304; Sup4 R. 69)

Verser's statement also read that on September 13, 1993, Ted and Tyrone Williams gathered Verser and a group of fellow gang members including Derek, Squirt, Chico, Fred and other guys, to get guns and go look for two of Willie's boys who had been spotted selling drugs at Ted's location. (Sup4 R. 70; C. 305) Ted told Verser that if he helped him to protect his drug spot from Willie that Ted would then give Verser his own spot to sell drugs. (Sup4 R. 71; C. 304) Verser got into the car and when they got to Ted's drug spot, Ted and Tyrone already had Purham and Burch in the backseat of the car. (Sup4 R. 71) Ted and Tyrone took Purham and Burch to a spot by the railroad tracks on Roosevelt Street between Western Ave. and California Ave. (Sup4 R. 71-72; C. 305) Verser and others met Ted and Tyrone at the railroad tracks in a separate car. (Sup 4 R. 71,-72; C. 305) Ted, Tyrone, Derek, Squirt and others brought both Purham and Burch from the back seat of the car to a spot on the railroad tracks. (Sup4 R.

72; C. 305) Ted then shot one of the guys in the head and Verser and others began shooting at the other guy who had not yet been shot. (Sup4 R. 72; C. 305) Verser stated that he believed he shot the other guy in the leg. (Sup4 R. 72; C. 305)

At trial Verser denied making this statement to Kato and denied ever saying that he shot Burch or Purham with the 9 millimeter that was recovered from him. (Sup4 R. 296-97, Sup4 R 339) Verser admitted that after the funeral an officer found a fully loaded 9 millimeter on him that he was carrying for his protection. (Sup4 R. 295, 309) Verser admitted to signing the statement prepared by Nelson, but only because Nelson told him that if he signed it he could leave. (Sup4 R. 298, 328)

While Verser maintained that it was Cronin who questioned him, the State called Cronin in rebuttal and he stated that he never spoke with Verser on the day that he was arrested and that it was Detective Kato who interviewed Verser. (Sup4 R. 361)

Detective Kato testified that around 8:30 p.m. he learned that Verser and Harvey were in custody. (Sup4 R. 362) Kato testified that he was in charge of the investigation of the Burch and Purham case. (Sup4 R. 365) Kato interviewed Harvey first and then Verser. (R. 616-17) After Nelson was updated by Kato on the investigation, Nelson took a written statement from Verser with Kato present. (R. 617-18)

The jury returned a verdict finding Verser guilty of two counts of first degree murder and two counts of aggravated kidnaping. (Sup 4 R.467) The trial court sentenced Verser to natural life on both counts of first degree murder. (Sup 4 R. 714, 722)

Direct Appeal

On April 30, 2002, the appellate court affirmed Verser's convictions. *People v. Verser*, No. 1-98-1779 (1st Dist. 2002).

Post-Conviction Proceedings

On February 27, 2012, post-conviction counsel filed a first amended post-conviction petition alleging, among other claims, a claim of actual innocence. (SUP2 C. 4-35) Verser attached an affidavit from Eunice Clark stating that she never testified at Verser's trial but that she was present when Burch and Purham were taken off the street and she never saw Verser there. (Sup2 C. 32-33) She also swore that her boyfriend Barry Williams lied at Verser's trial. (Sup2 C. 32)

Verser also attached an affidavit from Corey Campbell. Campbell stated that on September 13, 1993, Derrick Harvey, Lil Donny and he pulled up to the corner of Springfield and Arthington where Eunice Clark and the two boys were standing selling drugs. (Sup2 C. 26) Campbell, Harvey, and Little Donny got out of the car and pulled the two boys into the car and drove off. (Sup2 C. 26) They took the two boys to the railroad tracks and murdered them. (Sup2 C. 26) Verser was not with him during the shootings and Verser is innocent of the crimes. (Sup2 C. 26)

On March 26, 2013, the State filed a motion to dismiss Verser's 2012 amended post-conviction petition. (C. 370-390) On November 24, 2014, the post-conviction court denied the State's motion to dismiss and advanced the petition for a third-stage evidentiary hearing as to Verser's actual innocence claim. (Sup. R. 5)

Stage Three Evidentiary Hearing

At the stage three evidentiary hearing, defense counsel presented the testimony of Corey Campbell. (R. 821-914) Corey Campbell testified that on August 22, 2011, he pled guilty to the offenses of first degree murder and aggravated kidnaping of Stanton Burch and Michael Purham and was sentenced to an aggregate term of 70 years in prison. (R. 821) Campbell testified that he was not questioned on the murders of Burch and Purham until 2009 when he was implicated after a judicial overhear between him and his cell-mate at Pontiac Correctional Center. (R. 834, 858, 861, 865-68)

Campbell testified that he, Derrick Harvey, and Little Donnie were solely responsible for the kidnaping and murders of Burch and Purham, and that Verser was not involved in the murders. (R. 826-43) Campbell testified that on September 13, 1993, he and Harvey saw Burch and Purham selling drugs in a spot that was not their spot. (R. 824) After Campbell and Harvey saw this, they went back to the house to get Little Donnie. (R. 824) Campbell, Little Donnie, and Harvey then went back and took the two boys to the railroad tracks in a car. (R. 826, 843) Campbell testified that it was only himself, Little Donnie, and Harvey at the railroad tracks with the two boys and no other cars arrived at the scene or followed them there. (R. 835) Once they got to the railroad tracks Little Donnie shot one of the boys in the back of the head. (R. 826, 844) Campbell and Harvey took turns and shot the other boy. (R. 826) The three of them left the railroad tracks and went to the funeral that night. (R. 827) After they left the funeral home the police arrested Harvey and found a gun on him, but Campbell was never taken into custody or arrested. (R. 828) Campbell kept his involvement in the murders a secret for years and never told anyone. (R. 852)

Campbell stated that he believed that Harvey was abused by the police



and was forced to mention Verser's name. (R. 832) Campbell testified that Verser had nothing to do with the kidnaping and murders. (R. 832-33) Campbell testified that his nickname is "Squirt," which is listed in both Harvey's and Verser's statement to police as a person being involved in the murders. (R. 839)

John Duffy, a former investigator for the "cold case unit" in the Cook County State's Attorney Office, was the only witness to testify for the State. (R. 932-33) Duffy received information from IDOC that Campbell had information about the murders of Burch and Purham. (R. 933-34) Duffy then interviewed Campbell's cellmate, Steven Banks, at Pontiac Correctional Center, and learned that Campbell's nickname was "Squirt." (R. 934-35) Banks agreed to be part of a consensual overhear with Campbell. (R. 936)

After the overhear, Duffy interviewed Corey Campbell at Stateville Correctional Facility on January 29, 2009. (R. 936-37, 940) In the interview Campbell initially denied any involvement in the murders, but after questioning eventually admitted to helping with the abduction of Burch and Purham. (Pet. Ex. 2, 82-101) Campbell said that he helped bring Burch and Purham to the railroad tracks, but stayed in the car and was not involved in the shooting. (R. 895) At the hearing Campbell testified that he initially denied any involvement in the murders in his interview with Duffy because he did not want to get charged. (R. 875, 888)

On September 20, 2019, the post-conviction court denied Verser's petition. (R. 962-1004). In its ruling the court acknowledged that there was no absolute certainty that one of the bullets found in the clothing of the victim could have been fired from the gun found on Verser. (R. 998) However, the court stated that the State's evidence did not rest solely upon Barry Williams' testimony, nor did



it depend solely on Verser's confession. (R. 1000) The court found that Williams' testimony was corroborated by the fact that a nine millimeter handgun was found on Verser. (R. 1000) The court stated that it did not believe Campbell and did not find him to be a credible witness. (R. 1002)

On appeal Verser argued, in part, that the post-conviction court manifestly erred by denying Hulon Verser's post-conviction petition after an evidentiary hearing where Corey Campbell's testimony was newly discovered evidence of Verser's actual innocence that would have changed the result on retrial. *People v. Verser*, 2022 IL App (1st) 192224-U, ¶33. Verser argued that in rejecting Campbell's testimony and finding that it was not of such a conclusive character that it would change the results on retrial, the post-conviction court had applied a total exoneration standard. *Id.* at ¶39.

The Appellate Court affirmed the post-conviction court's decision, finding that the court's holding "was a proper recitation of the conclusiveness prong." *People v. Verser*, 2022 IL App (1st) 192224-U, ¶ 41. Noting that it was for the post-conviction court to determine issues of credibility, the Appellate Court determined that there was no manifest error or reason to second guess the courts conclusion that Campbell was not credible. *Id.* at ¶ 42.

COMPELLING REASON FOR GRANTING REVIEW

1. This Court should grant this Writ of Certiorari (appeal) that consists of erroneous factual finding; to clarify under what circumstances the ultimate task of determining the credibility of newly discovered witnesses is one properly put to the trier of fact on retrial or the judge presiding over post-conviction proceedings. In denying Verser's request for a new trial the circuit court simply stated that it did not believe Campbell and did not find him to be a credible witness. (R.1002) The post-conviction court made this finding even though Campbell pled guilty and was sentenced to the same murders of which Verser was convicted, and at Verser's trial there was neither eyewitness testimony nor physical evidence that linked Verser to the crimes. Lower courts need guidance as how to assess the credibility of witness testimony at third-stage evidentiary hearings so that the post-conviction court is not re-deciding a defendant's guilt, and thereby applying an incorrect total exoneration standard. People v. Robinson, 2020 IL 123849, ¶ 48.

This Supreme Court of Illinois, has instructed that when a circuit court is making a determination of whether the conclusive character prong is met in an actual innocence claim a circuit court should employ a "comprehensive approach" which involves credibility determinations that are uniquely appropriate for trial judges to make. People v. Goleman, 2013 IL 113307, ¶ 97. But the S.Ct.

of Illinois, has also cautioned that the circuit court should not re-decide the defendant's guilt in deciding whether to grant relief. *Id.* citing People v. Mostad, 101 Ill. 2d 128, 136 (1984)

The Appellate Court rejected Verser's argument that in denying relief to Verser based upon its assessment of Campbell's credibility the post-conviction court applied a total exoneration standard. *People v. Verser*, 2022 IL App (1st) 192224-U, ¶¶ 39-41. Instead, the Appellate Court concluded that the post-conviction court's holding "was a proper recitation of the conclusiveness prong." *Id.* at ¶ 41. Moreover, noting that it was for the post-conviction court to determine issues of credibility, the Appellate Court determined that there was no manifest error or reason to second guess the circuit court's conclusion that Campbell was not credible. *Id.* at ¶ 42. Here, credibility determinations, the factual findings, where in fact disturb. "Manifest error" is error that is clearly evident, plain, and indisputable. People v. Morgan, 212 Ill. 2d 148, 155, 817 N.E. 2d 524, 288 Ill. Dec. 166 (2004)

As such, this Court should grant review to provide necessary guidance to lower courts on this important issue. Alternatively, this court should grant Verser a new trial pursuant to its supervisory authority in order to prevent a gross miscarriage of justice in Verser's case. Ill. Const. 1970, art. VI, § 16; People v. Salem, 2016 IL 118693, ¶ 20.

QUESTIONS FOR REVIEW

II. In his 2009 post-conviction petition, Verser alleged that trial and appellate counsel was ineffective for failing to properly present and raise his motion to suppress evidence based upon an unlawful arrest. The trial court denied Verser's motion to suppress evidence based upon Norris had reasonable suspicion to stop Verser and conduct a protective pat down. (Sec. C.100, Sup. 4R. 713-14), (L.283). The appellate court agreed, trial nor appellate counsel's were not ineffective for raising an nonmeritorious claim. *People v. Verser*, 2022 IL App. (1st) 192224-U. ¶¶ 67, 72. (A;B)

This Issue Summarized: For this Court to considered had the weapon and statement been suppressed the State would have been left at trial only with the contradicted testimony of Barry Williams (Sup. 4R. 77-78, 118) but his post-conviction counsel inexplicably abandoned this claim.

This Court should grant Hulon Verser appeal, for writ of Certiorari, and order a remand for further proceeding, where the lower court's misapplication state rules and laws, in considering statements made following an illegal arrest, that were not properly addressed nor applied by the lower court's.

The United States Supreme Court has addressed the issue of the admissibility of statements made following an illegal arrest. The Court listed the factors to be considered in determining whether a later statement was sufficiently attenuated from the illegality, so as to be deemed a product of the defendant's free will, and therefore admissible rather than a result of the illegality and inadmissible. These

factors include the presence or absence of Miranda warnings, the temporal proximity of the arrest and the statement, the presence of intervening circumstance, and the purpose and flagrancy of the official misconduct.

Brown v. Illinois (1975), 422 U.S. 590, 45 L Ed. 2d 416, 95 S. Ct. 2254.

The validity of the lower courts finding were not the results of attenuation but the assessment of the credibility of the State witnesses, that the defendant voluntarily accompanied the police and State for questioning. The lower court reviewed. Thus, under the totality of the circumstances, Officer Norris was justified in conducting a Terry pat down, in citing: Terry v. Ohio, 392 U.S. 1 (1968), and an appellate challenge to the denial of defendant's motion to suppress based on an unlawful arrest would not have been meritorious. at (11 72) The existence of intervening circumstances and the flagrancy of police misconduct are considered to be the two most important factors in determining whether the defendant's statement resulted from exploitation of the illegal arrest. People v. Jackson, 374 Ill. App. 3d 93, 102 (1st Dist. 2007); People v. Simmons, 372 Ill. App. 3d 735, 742 (1st Dist. 2007). In this case, the balance of these factors indicate that Verser's statement was purged of the primary taint of his illegal stop.

I. Attenuation

The defendant contends his confession and gun should have been suppressed because they were the product of his illegal arrest, in spite of the lower court's determination

that the defendant's arrest was legal, should not resolve the issue of whether the subsequent confession and gun is admissible. People v. Foskey, 136 Ill. 2d 66, 85, 554 N.E. 2d 192, 143 Ill. Dec. 257 (1990). The relevant inquiry is whether the confession was obtained by exploitation of the illegality of the arrest.

Here, the lower court's did not believe the defendant testimony that he was not read his Miranda Rights; but failed to consider and apply key four factor's in attenuation analysis. People v. Wilberton, 348 Ill. App. 3d 82, 85, 809 N.E. 2d 745, 284 Ill. Dec. 179 (2004). Therefore, a hearing should be held on the issue of attenuation.

The Exclusionary Rule:

Should have applied in determining the factual findings, based upon challenging the unlawful arrest; which excludes evidence which is wrongly obtained from being admitted in a criminal trial, is calculated to prevent, not to repair, its purpose is to deter-- to compel respect for the constitutional guarantee in the only effectively available way-- by removing the incentive to disregard it.

This Court has previously rejected Illinois court's who failed to undertake the inquiry mandated by Wong Sun to evaluate the circumstance of the policy served by the exclusionary rule; Here, the exact circumstances were justified and not conducted in Mr. Hulon Verser's court ruling. The conclusion by this Court: remand the

case for further factual findings, that the State failed to sustain the burden of showing that the evidence in question was admissible under Wong Sun, in citing: Wong Sun v. United States, 371 U.S. at 491.

Moreover, this Court decided only that the Illinois courts were in error in assuming that the Miranda warning by themselves, under Wong Sun, always purge the taint of an illegal arrest, where prior judgment of the Supreme Court of Illinois were reversed and the case remanded for further proceedings. This Court ruling, in relation to Mr. Verser's also applied, that the lower court's, in the light of the policy served by the exclusionary rule, misapplication of this rule...

He Therefore, recommend, post-conviction counsel's denied Verser's the reasonable assistance in post-conviction proceeding, this Court should remand this matter for further proceedings, and the appointment of new counsel. (if) this Court determine Mr. Verser, counsel's were not unreasonable, he therefore, request a hearing should be held on the above II issues.

CONCLUSION

For the foregoing reasons, Hulon Verser, Petitioner-Appellant, respectfully requests that this Court reverse the post-conviction court's judgment denying

Verser's petition and remand for a new trial under Issue I. Alternatively, this Court should grant this "Writ" and remand for further proceedings, because Verser's post-conviction counsel's provided unreasonable assistance. (or) a hearing should be held in the conclusion under Issue II, in this cause.

Respectfully submitted,

Compiled By: Assistant (Inmate Paralegal)

Verser, Hulon. Petitioner- Appellant

Register No. K-64085 ~~1st~~ Hulon Verser ⁴ K64085

Sheridan Correctional Center

4017 East 2603 Road

Sheridan, Illinois 60551

Certificate of Compliance

I certify that this petition conforms to the requirement of Supreme Court Rule 12 (2), 14

The length of this petition, excluding any items identified as excluded from the length limitation in Rule 14, 18 pages.

OFFICE OF THE CLERK, SUPREME COURT OF THE UNITED STATES

TO: Office of the Clerk:

Hon. Scott S. Harris

FROM: VERSER, HULON

Register No. K-64085 (the petitioner)

DATE: May 11, 2023

RE: Verser v. Illinois JLSL No. 129033

SUB: IN Responds To Court Order dated April 13, 2023, received 4.24.23.

NOW COMES the Petitioner Hulon Verser, proceed pro se, and respectfully requests this Honorable Jacob Levitan, Clerk's office to accept this missive and the contents herein: Rules 33.2 (1), that the petitioner doesn't have access to a typewriter, Illinois (D.O.C.); (Maximum prison confiscate all inmates typewriter; around 2014) and this facility Sheridan Correctional Center; "law library" doesn't possess (or) have typewriters for inmate usefulness; either, which the petitioner's typing skills at an very low standard. (2). That this facility only sell short plastic Ink pens: (for security reasons) which make it very difficult to apply with Rule. 33.2, which the petitioner's doing his best (writing) in pursuant with the requirements of this court; (seeking counselor)

Rule 39: enclosed, is an six month ledger, of the petitioner's trust fund account, he therefore renews his (1-of-6) pages motion for leave to proceed...

That the Petitioner finds that he has an meritorious claims. as to call for an exercise of this Court's supervisory power. for reviewed. in spite of his Issue's Being Presented is rarely granted; the lower court's ruling should be settled by this Court.

[FACTS OF ISSUE'S PRESENTED]

I. That during the third stage "Post-Conviction" evidentiary hearing. [Actual Innocence Claim], where the state's eyewitness recanted testimony and affidavit, clearly exonerate the petitioner's. no other evidence presented proved Verser's committed the crimes as charged. a new trial should have been granted.

II. A the second stage "Post-Conviction" had post-conviction counsel. (rendered unreasonable) presented Verser's motion to suppress evidence based upon an unlawful arrest. with additional information and evidence offer, "a confession and gun suppressed" undoubtedly the outcome of a new trial. would be more likely than not. been different.

Respectfully submitted

By: Hulm Verser pro se.