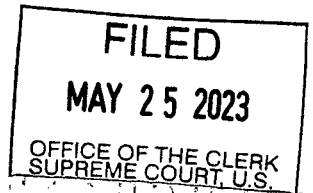


22-7688

No. _____



ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

AVERY SMARTT — PETITIONER
(Your Name)

vs.

UNITED STATES of AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT of APPEALS For The SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Avery Smartt
(Your Name)

Federal Correctional Institution/P.O. BOX 6001
(Address)

ASHLAND, KY. 41105
(City, State, Zip Code)
606-982-6414 - F.C.I. Ashland
660-233-6661 - Message Phone
(Phone Number)

QUESTION(S) PRESENTED

- 1) IS AN F.B.I. AGENT ALLOWED TO DROP OFF & LEAVE A MENTALLY ILL PREGNANT MINOR AT A RESIDENCE, TO A PERSON, THAT THE AGENT STATES TO HAVE GOTTEN A REPORT ON THAT SAME PERSON TO HAVE KIDNAPPED, HUMAN TRAFFICKING, BEATING ON/PHYSICALLY ABUSING THE MINOR?
- 2) IS THE TRIAL JUDGE ALLOWED TO DENY A SPEEDY TRIAL VIOLATION MOTION TO DISMISS THE CASE JUST CAUSE AUSA STATES THAT A WITNESS EXISTS, BUT A WITNESS DOES NOT EXIST AS PROSECUTION PROCEDURALLY CLAIMS?
- 3) IS A JUDGE ALLOWED TO WAIVE A TERMINATING ATTORNEY MOTION & FORCE PETITIONER TO BE REPRESENTED AT TRIAL BY AN INEFFECTIVE ATTORNEY THAT WAS A CONFLICT OF INTEREST THROUGHOUT THE ENTIRE PROCEEDINGS?
- 4) CAN A MOTION THAT HAD BEEN FILED & WAIVED TO TERMINATE AN ATTORNEY SERVE AS AN OBJECTION-IF WAIVED & CONSIDERED PRESERVED FOR APPEAL OR A CLAIM IN THIS COURT?
- 5) PURSUANT TO 18 U.S.C. § 3504 (a)(1), PETITIONER IS THE GREATLY AGGRIEVED

QUESTION(S) PRESENTED

PreJUDice ParTY, CounSEL isnT, IS PETITIONER ALLOWED TO FILE AN 18 U. S.C. § 3504 MOTION WITHOUT FILING THROUGH COUNSEL?

6) IS A FEDERAL CASE ALLOWED TO PROCEED TO TRIAL, OR CONVICTION SUSTAINED, WHEN THE EVIDENCE IS INSUFFICIENT TO SATISFY THE STATUTES JURISDICTIONAL INTERSTATE COMMERCE ELEMENT?

7) IS THE TRIAL JUDGE ALLOWED TO INSTRUCT THE JURY TO - DO NOT REQUEST FOR ANY TRANSCRIPTS WHILE DELIBERATING?

8) HAS THE U.S. SUPREME COURT OVERRULED CASES LIKE "SULLIVAN V. LOUISIANA", HOLDING THAT NOW, DEFENDANT'S RIGHTS ARE NO LONGER PROTECTED UNDER THE 6TH AMENDMENT TO AN IMPARTIAL JURY TRIAL?

9) CAN PROSECUTION COERCE A WITNESS TO LIE UNDER OATH JUST TO SUSTAIN A CONVICTION?

10) HAS THE U.S. SUPREME COURT OVERRULED CASES LIKE "SULLIVAN V. LOUISIANA", HOLDING THAT NOW, PROSECUTION DOES NOT HAVE TO PROVE ALL ESSENTIAL ELEMENTS BEYOND A REASONABLE DOUBT TO SECURE A CONVICTION?

QUESTION(S) PRESENTED

- 11) PETITIONER ASKS THIS COURT TO VACATE THE BELOW COURT'S JUDGMENT DUE TO THE GOVERNMENT PRESENTING INSUFFICIENT EVIDENCE TO SUSTAIN CONVICTION?
- 12) IS THE TRIAL JUDGE ALLOWED TO DENY A SUBPOENA-REQUEST MOTION-TO ORDER THE CHIEF WITNESS TO APPEAR FOR SENTENCING?
- 13) IS THE AUSA & A GOVERNMENT AFFILIATE ALLOWED TO ARBITRARILY FABRICATE A FALSE VICTIM IMPACT STATEMENT JUST TO ENHANCE A DEFENDANT'S SENTENCE?
- 14) IS APPELLATE COUNSEL ALLOWED TO TOTALLY DEPRIVE PETITIONER THROUGHOUT THE ENTIRE APPEAL PROCESS TO WHERE PETITIONER'S DIRECT APPEAL FROM BELOW CANNOT BE DEEMED AS VOID?
- 15) CAN THIS COURT ACCEPT PETITIONER'S PRESENTED INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL CLAIM WHEN THE CLAIM WAS FIRST RAISED IN BELOW COURT?
- 16) IS A CIRCUIT CHIEF JUDGE AUTHORIZED TO DIRECT A GUILTY VERDICT TOWARDS PETITIONER BY ALTERING EVIDENCE OF THE JURISDICTIONAL NEXUS

QUESTION(S) PRESENTED

To interState Commerce/Mens Rea ELEMENT THAT WAS NEVER Proven in Trial Court?

17) When Fed. R. Evid. 201 Has Been Satisfied, & Petitioner Requested THE C.A.#7 To Take Judicial Notice, & Petitioner Requested Along WITH Chief witness To FairLY Be Heard, IS THE Court ALLOWed To Waive?

18) Petitioner ASKS THIS Court To Vacate THE Below Courts Judgment Due To: Malicious & wrongful Prosecutorial Misconduct - want OF Jurisdiction, & To Make A Final Disposition OF THIS case AS Justice Requires?

19) Petitioner Presents A Claim To THIS Court THAT Petitioner Has Been unConstitutionALLY Convicted & imprisoned, & Petitioner ASKS THIS Court To ALLOW Chief witness To Be Heard IF needed, & To Protect & Redress Petitioner's & Chief witness Constitutional RIGHTS THAT Has Been violated?

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APPENDIX-A

Opinion - Order - Finding of Fact - Etc..

CONTENTS

- 1) C.A.# 7 Opinion. (10 Pages). (DOC.69)
- 2) C.A.# 7 Final Judgment. (DOC.70)
- 3) C.A.# 7 NonPrecedential Disposition. (DOC.71)
- 4) C.A.# 7 Opinion/Order. (2 Pages). (DOC.71)
- 5) C.A.# 7 Mandate. (DOC.79)
- 6) C.A.# 7 General Docket. (10 Pages). (Docketed 4/12/21)
- 7) Finding of Fact. Jury instruction of Error. (DOC.118/43)(Page 14/ID#495)
- 8) Pleadings. ReHearing Page 11 of 15. (DOC.76)
- 9) Finding of Fact & Pleadings. U.S. v. John William van DYKE, Jr.
- 10) Finding of Fact. 6th Amendment violation. (DOC.54)(Page 2)
- 11) Finding of Fact. Rogers v. Alabama.
- 12) Finding of Fact. Attempt Evisceration of BILL OF RIGHT # 6. (DOC.54/P3)
- 13) Finding of Fact. Petitioner was convicted by insufficient tainted Evidence. (DOC.43)(Page 5/12 of 75)
- 14) Finding of Fact of Pleadings. A Partial of ReHearing Page 10 of 15 WITH ADDED Note. (DOC.76)
- 15) Finding of Fact. CLYATT v. U.S.
- 16) Finding of Fact. Illustration of chief witness/s.s. conflicting testimony & relevant Pleadings From Page 5 of 22 To Page 11 of 22. (DOC.72/76)
- 17) C.A.# 7. Waived Motion - Fed. R. Evid. 201. Page 11 & 12 of 22. (DOC.72/76)
- 18) Finding of Fact & Petitioner Fatalism. Page 14, 15 & 20 of 22. (DOC.72/76)

APPENDIX-C

ReHearing.

CONTENTS

- 1) C.A.#7 ORDER. Granting An Extension of Time & For Petitione To Proceed Pro Se. (DOC.73)
- 2) Motion of Presentment-Apology, 5 Pages. (DOC.74)
- 3) Petition. A Request For Consolidation & Page Extension, 4 Pages. (DOC.75)
- 4) C.A.#7 ORDER. Granting Consolidation & Page Extension. (DOC.76)
- 5) C.A.#7 ORDER. DENIED Panel & En Banc ReHearing. (DOC.78)

NOTE: DOC. 72 (in Appendix-F-V6) Filed 02/13/23, is An OMNIBUS Motion.

DOC. 73 in This Appendix-C, it states, "IT is ORDERED THAT THE Motion is GRANTED only to the extent..." To this "extent", it

constitutes That The C.A.#7 waived Petitioner's Motion on

Page 11 & 12 of DOC. 72, DOC. 75, Page 3 of 4, under "Conclusion"

Last Sentence (DOC. 75 in This Appendix-C), Petitioner States, "And

Grant The Requests As Stated Within Petitioner's Request[s],

included: "Also A Request To Be Heard FED. R. EVID. 201" AS

Petitioner Had noticed in DOC. 73, That The Court Had waived The

Motion. So Petitioner Brought It To The Court Attention Again, AS A

Reminder in DOC. 75. ULTIMATELY, The court VIOLATED The C.J.A.

POLICY (See Appendix-E, @ 101, 7th Paragraph), & VIOLATED Petitioner's

& Chief witness Due Process Rights.

APPENDIX-F-V1

Select Portions of Trial Transcripts AS Used Below.

CONTENTS

- 0) "Introduction & Jury Panel Sworn", From Page 28 of 75 To 37 of 75 @ Line 3. (DOC. 43)
- 1) "Preliminary Jury Instructions", From Page 9 of 187, @ Line 4, To Page 15 of 187 @ Line 16. Note: Page 14 of 187, @ Lines 6 To 10 Reveals A Deficient Jury Instruction/Structural Error. (DOC. 118)
- 2) "Prosecutions Opening Statement", From Page 15 of 187 @ Line 22, To Page 20 of 187 @ Line 8. (DOC. 118)
- 3) "Defense Opening Statement", From Page 20 of 187, @ Line 24, To Page 23 of 187 @ Line 23. (DOC. 118)
- 4) "Chief Witness/S.S. Testimony", IT MAY BE RELEVANT STARTING on Page 23, @ 15, To Page 43 @ Line 12 (DOC. 118)
- 5) "Connie Gummadi" (Digital Forensic Examiner) IS BEING EXAMINED on Page 44 To Page 47... (DOC. 118)

Note: Parts OF THE Transcripts HAS NOTES NOTED BY PETITIONER.

APPENDIX-F-V3

C.A.#7 Filings.

CONTENTS

- 1) A Motion For Relief. (10 Pages of 13). (DOC.34)
- 2) A Motion For Relief. (5 Pages of 8). (DOC.37)
- 3) Accompanying Document. (2 Pages) A Letter To Petitioner's First Attorney, Attorney "Mark Hammer". (DOC.37)
- 4) "Motion of Presentment". (5 Pages). (DOC.39)
- 5) A Motion For Relief. (7 Pages of 9). (DOC.40)
- 6) A Letter From The C.A.#7 Clerk To Petitioner, With Added Note By Petitioner Showing Manipulation, Fatalism & Prejudice. The Letter is Dated June 16th, 2022, Pertaining To The Contents @ 71 in This Appendix-F-V3.
- 7) "Motion of Presentment". Pursuant To 18 U.S.C. § 3661. (17 Pages). Stamped Received (But Not Filed) June 16th, 2022. (See Appendix-B, @21, For Accompanying Document: 4 Page Pretrial Memorandum & Order).

Note: The Contents Above @ 31, is Also in Relation With Contents Above @ 41, Page 3, @*2.

Note: Petitioner Asks The "Justice's" Of The U.S. Supreme Court To Review (C.A. Record/Filings) The "Character Letters" As Stated on Page 10 & 11 of Contents-1/DOC.34 in This Appendix-F-V3.

APPENDIX-F-V5

C.A.#7 Filings.

CONTENTS

1) "Motion of Presentment..." Pursuant to 18 U.S.C. § 3661. (23 Pages)
(DOC.63)

2) "Amendment," To "Motion of Presentment..." @ 11, in This Appendix-F-V5. (8
Pages). (DOC.67)

Note: The ONLY Accompanying Documents included is To "Amendment," &
That is The 2 Page "Terminating Attorney" David Brenkle Motion
Located in Appendix-F-V2, @51.

APPENDIX-F-V7

C.A.#7 & Trial Court Filings.

CONTENTS

- 1) EXHIBIT 1A- Saraya's (Chief Witness) Notarized Statement/Complaint. (C.A. DOC. 34/72/76)
- 2) EXHIBIT 2A- Redacted Version of Saraya's Notarized Statement/Complaint. (C.A. DOC. 34/72/76)
- 3) EXHIBIT 3A- Saraya's Envelope & UPS 2nd Day Air Tracking Label That Saraya Sent Her Notarized Statement/Complaint in. (C.A. DOC. 34/72/76)
- 4) EXHIBIT 4A- "Attention Here". A Partial Explanation of How DCFS From The Central District of Illinois Came into Play & ALSO DCFS From The Central District of Illinois Has Conflicting Stories (From Saraya's Interviews) With DCFS From The Southern District of Illinois. (C.A. DOC. 34/72/76)
- 5) EXHIBITS 5A, 6A & 7A, Are Text Messages From DCFS Caseworker Ms. Kelly (From The Central District of Illinois) To Petitioner. (C.A. DOC. 34/72/76)
- 6) EXHIBITS 8A & 9A, Are Text Messages Between Petitioner's Daughter's Mother "Kirsica Lemons" & Saraya. (C.A. DOC. 34/72/76)
- 7) EXHIBITS 10A & 11A- Catrena Estes (Witness Who Talked Directly To Saraya) Statement. (C.A. DOC. 34/72/76)

NOTE: ALL Text Messages Between Petitioner & DCFS Caseworker Ms. Kelly Have Been Filed With The Terminating Attorney "Stephen R. Welby" Motion That's Associated With The June 10th, 2020 Video Zoom Court Proceedings. Contents @ 6) & 7) In This Appendix-F-V7 Are Also on File In Trial Court.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Bauman v. U.S., 156 F.2d 534 (5th cir. 1946)</u>	<u>10, 22</u>
<u>Brady v. Maryland, 373 U.S. 83 (S.Ct. 1963)</u>	<u>8</u>
<u>COUNTY OF Sacramento v. Lewis, 523 U.S. 833 (S.Ct. 1998)</u>	<u>13</u>
<u>ELIJAH Manuel v. CITY OF JOLIET, IL., 903 F.3d 677 (7th cir. 2018)</u>	<u>16, 30</u>
<u>FAY v. Noia, 372 U.S. 391 (S.Ct. 1963)</u>	<u>7</u>
<u>GIDEON v. Wainwright, 372 U.S. 335 (S.Ct. 1963)</u>	<u>18</u>
<u>HONEYMAN v. Hanan, 300 U.S. 14 (S.Ct. 1937)</u>	<u>37</u>
<u>JACKSON v. Virginia, 443 U.S. 307 (S.Ct. 1979)</u>	<u>19, 22, 23, 25, 35, 37</u>
<u>LUCK v. U.S., 348 F.2d 763 (D.C. 1965)</u>	<u>24</u>
<u>OHLER v. U.S., 529 U.S. 753 (S.Ct. 2000)</u>	<u>27</u>
<u>ROGERS v. ALABAMA, 192 U.S. 226 (S.Ct. 1904)</u>	<u>6, 37</u>
<u>ROSALES-MIRELES v. U.S., 585 U.S. —, 138 (S.Ct. 2018)</u>	<u>13, 31, 40</u>
<u>SATTERWHITE v. Texas, 486 U.S. 249 (S.Ct. 1988)</u>	<u>18, 33</u>
<u>STAPLES v. U.S., 511 U.S. 600 (S.Ct. 1994)</u>	<u>10</u>
<u>STRICKLAND v. WASHINGTON, 466 U.S. 668 (S.Ct. 1984)</u>	<u>18, 34</u>
<u>SULLIVAN v. LOUISIANA, 508 U.S. 275 (S.Ct. 1993)</u>	<u>7, 17, 18, 25, 29, 35</u>
<u>U.S. v. Anderson, 632 F.3d 1264 (D.C. 2011)</u>	<u>31</u>
<u>U.S. v. Andres Garcia, 919 F.3d 489 (7th cir. 2019)</u>	<u>7, 22, 29</u>
<u>U.S. v. Benard, 762 F.3d 467 (5th cir. 2014)</u>	<u>37</u>
<u>U.S. v. DEMETRIUS PATTERSON, 557 Fed. APPX. 558 (7th cir. 2014)</u>	<u>10</u>
<u>U.S. v. DONALD S. HARDEN, 893 F.3d 434 (7th cir. 2018)</u>	<u>29</u>

OTHER

PETITIONER WOULD LIKE TO POINT THIS COURT ATTENTION TO:

- 1) THE TERMINATING ATTORNEY "DAVID BRENGLER" MOTION. DATED JULY 27TH, 2020. FILED & SEALED AUGUST 05TH, 2020, & WAIVED. PETITIONER WAS FORCED TO TRIAL IN VIOLATION OF THE 6TH AMENDMENT. (MOTION NOT INCLUDED IN THIS PETITION)
- 2) S.S./CHIEF WITNESS NOTARIZED STATEMENT/COMPLAINT. DATED MAY 17TH, 2021. S.S. STATES MULTIPLE TIMES WITHIN THE COMPLAINT THAT PROSECUTION COERCED S.S. TO LIE UNDER OATH AT TRIAL ETC.. (SEE APPENDIX-F-V7, @ 1 & 2).
- 3) ATTORNEY "DANIEL A. JUENGEL" STATED TO PETITIONER MAY 21ST, 2021, THAT "THERE ARE NO GRAND JURY TRANSCRIPTS THAT EVER EXISTED". PETITIONER REMEMBER SEEING/VIEWING A "TRU BILL" DOCUMENT (WITH NO PRINTED NOR SIGNED NAMES ON THE DOCUMENT) APPENDED TO THE INDICTMENT. HAVING PETITIONER BELIEVE HE WAS NEVER IN FACT INDICTED.
- 4) DOCUMENT 76, FILED 09/03/2020 IN DISTRICT COURT. (SEE APPENDIX-F-V2, @ 41). THE UNLAWFUL ACTIONS BY THE GOVERNMENT'S AGENT, HAD S.S. WALKING AROUND A DANGEROUS NEIGHBORHOOD AT 2, 3, 4 & 5 O'CLOCK IN THE MORNING ETC.
- 5) THE TERMINATING ATTORNEY "DAVID BRENGLER" MOTION. DATED DEC. 15TH, 2020. (SEE APPENDIX-F-V2, @ 51). FACT OF GREAT PREJUDICE.

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 A to the petition and is

☒ reported at 58 F.4TH 358; 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 B 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 _____ 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 _____ 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Jan. 24th, 2023.

☐ 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: MARCH 23rd, 2023, and a copy of the order denying rehearing appears at Appendix C.

☐ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

See APPendix-E For Pertinent Text.

	Page Number
1) 18 U.S.C. § 2251 (a) & (e).	4, 5, 8, 20, 21, 38
2) 18 U.S.C. § 1512 (b)(1) & (e).	4, 19, 20, 21, 22, 26
3) 18 U.S.C. § 3161 (a)(b) & (c)(1).	15
4) 18 U.S.C. § 3504.	21
5) 4 th Amendment OF U.S. Constitution.	14, 16
6) 5 th Amendment OF U.S. Constitution.	12, 14, 29, 36, 37
7) 6 th Amendment OF U.S. Constitution.	4, 6, 17, 18, 23, 24, 28, 31, 32, 34, 37, 39
8) 14 th Amendment OF U.S. Constitution.	7, 12, 23, 29, 36, 37, 39
9) Article II. Judicial Notice/FED. R. EVID. 201.	36, 39
10) Article III. Judicial Power. U.S. Constitution.	4, 9, 28, 35
11) CANON 2 (A).	28
12) CANON 3 (A)(1).	9, 28
13) CANON 3 (C)(1)(a).	17
14) Criminal Justice Plan/ACT.	36

STATEMENT OF THE CASE

S.C.T. RULE 14 (9) (ii)

(NOTE: CHIEF WITNESS is S.S.)

The CHARGES Are (1) PRODUCTION OF CHILD PORNOGRAPHY - 18 U.S.C. § 2251 (a) & (e); (2) ATTEMPT TAMPERING WITH A VICTIM - 18 U.S.C. § 1512 (b)(1). THE DISTRICT COURT PURSUANT TO 18 U.S.C. § 3231 HAD THE RIGHT TO EXERCISE JURISDICTION OVER THE OFFENSES, BUT THE DISTRICT COURT NEVER SATISFIED THE PREREQUISITES FOR FEDERAL JURISDICTION NOR TO RIGHTFULLY SUSTAIN CONVICTION (SEE STATEMENT OF QUESTION [6] ON PAGE 21). ON REVIEW, THE SEVENTH CIRCUIT COURT OF APPEALS CHIEF JUDGE - CONTRARY TO LAW - IN VIOLATION OF ARTICLE III, SECTION 1, OF THE U.S. CONSTITUTION - PROHIBITIVELY COMMITS A BAD BEHAVIOUR ACT BY DECEITFULLY ESTABLISHING THE COMMERCE ELEMENT FOR SUBJECT-MATTER JURISDICTION FOR THE DISTRICT COURT & FEDERAL GOVERNMENT.

INTRODUCTION-A

THIS PETITION IS OF SUBSTANCE

THE RECORD IS DEVOID SUFFICIENT EVIDENCE ON BOTH COUNTS. PETITIONER'S 6TH AMENDMENT U.S. CONSTITUTIONAL RIGHT TO AN IMPARTIAL JURY TRIAL HAS BEEN VIOLATED. SEE APPENDIX-A, ALONG WITH APPENDIX-F-V7 FOR POSSIBLE EXPEDITIOUS CONCLUSION ACCORDING TO LAW & FACT.

PETITIONER ASKS THIS COURT TO ACCEPT CHIEF WITNESS NOTARIZED STATEMENT/COMPLAINT (LOCATED IN APPENDIX-F-V7, EXHIBIT 1A, WITH THE OTHER EXHIBITS TO CORROBORATE) AS: AN "AFFIDAVIT OF NONPROSECUTION" - "AFFIDAVIT OF MERITS" - "AFFIDAVIT OF CLAIM" - & - "SHAM AFFIDAVIT," AS CHIEF WITNESS NOTARIZED STATEMENT/COMPLAINT CONTRADICTS THE "COERCED SPURIOUS TESTIMONY" THAT PROSECUTION COERCED CHIEF WITNESS TO TESTIFY TO WHILE ON THE

Prosecution from the Southern District of Illinois is trying to conceal. Petitioner & Chief witness needs help. Petitioner asks this Court to correct & to project according to "ROGERS V. ALABAMA (S. CT. 1904)".

This case is insufficiently processed due to prosecutorial misconduct, & despite the voluminous material/appendixes, Petitioner believes its needed to better understand all that has went on. Petitioner kindly asks this Court to intervene for where as the fairness, integrity & public reputation of judicial proceedings along with chief witness & Petitioners U.S. Constitutional rights has been seriously prejudiced & affected. Petitioner has raised & filed all pleadings in the below courts & could not be heard. Appellate Counsel "AMIR MO-HABIBI" completely neglected & abandoned Petitioner (see Appendix-F-v6@11). For full details of how Petitioner & Chief witness came into existence of each other, see Appendix-F-v5@11, Page 10 of 23 @*1, To Page 13 of 23 @*2. For succinct description of Petitioners 2 page "INFORMAL COMPLAINT" see Appendix-F-v4@31. Petitioner asks this Court to please (if needed) let Chief witness be heard for fairness, to confirm the facts. According to Petitioners pleadings, Chief witness is the proof.

INTRODUCTION-B

Petitioner was sentenced to 25 years (see Appendix-B@11). Petitioner was "NOT ORDERED" to pay restitution. Petitioner "DOES NOT" have a Criminal History. Petitioner Plead "NOT GUILTY". Proceeded to trial & was wrongfully found guilty by the Court rendering the jury deprived, incompetent & tainted (see Trial Transcript in Appendix-F-v1@11, Page 14/ID#495).

(6) ATTORNEYS IN THIS CASE, ALL ATTORNEYS SERIOUSLY PREJUDICED PETITIONER. MULTIPLE ATTORNEYS & CHIEF JUDGE ROSENSTENGEL THREATENED PETITIONER TO PLEAD GUILTY (SEE APPENDIX-F-V5, @ 1, PAGE 3 OF 23 @ *1...).

WHEN PETITIONER READ THE INDICTMENT, IT STATED THAT PETITIONER "KNOWINGLY" COMMITTED THE OFFENSE OF "COUNT 1" & THAT THE OFFENSE ENDED ON OR ABOUT JAN. 29TH, 2017. THE SINGLE ALLEGED CHARGE UNIDENTIFIABLE IMAGE (SEE: APPENDIX-B, @ 2, PAGE 3 @ *1; - APPENDIX-F-V4, @ 4, PAGE 11 OF 20 @ *1), PROSECUTION "NEVER" PRODUCED TO PETITIONER FOR INSPECTION TO CORROBORATE ALONG WITH CHIEF WITNESS PLEADINGS THAT THE IMAGE IS NOT OF CHIEF WITNESS. ITS THE ONLY ALLEGED CHARGED MATERIAL UNIDENTIFIABLE EVIDENCE, THAT THERE COULD HAVE BEEN A REASONABLE PROBABILITY - AS PETITIONER HAD ALWAYS WENT OFF OF CHIEF WITNESS WORD - THAT THE IMAGE IS NOT OF HER/CHIEF WITNESS & ITS DISCLOSURE OF THE GOVERNMENT'S AGENT (FORIE) ARBITRARY & CAPRICIOUS SINGLE UNIDENTIFIABLE EVIDENCE/CLAIM TO PETITIONER FOR POSSIBLE AFFIRMATION TO CORROBORATE WITH CHIEF WITNESS PLEADINGS, WOULD HAVE CHANGED THE OUTCOME OF THE PROCEEDINGS (SEE BRADY V. MARYLAND (S.C.T. 1963)). WITHOUT ITS DISCLOSURE, & THE EVIDENCE BEING "UNIDENTIFIABLE IMAGE", & ITS SEALED EVIDENCE, THE EVIDENCE/IMAGE CAN BE TAMPERED WITH, ALTERED, & SWITCHED UP AT ANYTIME BY PROSECUTION FOR DECEIT (SEE: APPENDIX-F-V5, @ 1, PAGE 10 OF 23 @ *0; - APPENDIX-F-V4, @ 1, PAGE 7 OF 12 @ *1; SAME APPENDIX-F-V4, @ 4, PAGE 3 OF 20 @ *2; APPENDIX-F-V3, @ 7, PAGE 15 OF 17, @ *2, IN PETITIONER MAKING ANOTHER ATTEMPT TO HAVE PROSECUTION & OR JUDGE ROSENSTENGEL TO HAVE THE ALLEGED CHARGED RECORD EVIDENCE PRODUCED. THE EVIDENCE WAS "NEVER" PRODUCED TO PETITIONER.

THE FIRST REPORT OF THE DISCOVERY AS PETITIONER REMEMBERS IS DATED FEB. 12TH, 2017 (SEE APPENDIX-F-V3, @ 4, PAGE 2 @ *4 TO PAGE 3 JUST BEFORE *2). THE ALTON, IL, POLICE

CHIEF witness To Be BY THE name "Slean Johnson" & AGE 18 (An ADULT). THE
FACTS can EASILY BE DETERMINED BY ASKING CHIEF witness WHAT EVENTS TOOK
PLACE THE DAY CHIEF witness came Clean ABOUT Her Real name & AGE To PETITIONER
(See: APPENDIX-F-V6,@1), Page 11 & 12 OF 22; - APPENDIX-F-V4,@1), Page 2 OF 12 @*1).
PETITIONER BELIEVES TO ASSERT THROUGH "Bauman v. U.S.", THAT IF AN INDICTMENT
SHOWS ON ITS FACE A DATE THE OFFENSE ENDED, & THE MENS REA STATE OF MIND OF
THE FACTS THAT CONSTITUTES THE ALLEGED CRIME CAME TO REALITY WEEKS AFTER
THE OFFENSE ENDED (SEE APPENDIX-F-V4@1), Page 8 OF 12 @*0), & PROSECUTION CANNOT
PROVE OTHERWISE, THEN THAT A FEDERAL COURT WOULD BE WITHOUT JURISDICTION
OF THE OFFENSE - "IF THE FEDERAL COURT WAS WITHOUT JURISDICTION OF THE OFFENSE,
THE JUDGMENT OF CONVICTION WOULD BE VOID ON ITS FACE." (SEE BAUMAN V. U.S.,
(5TH CIR. 1946)). WHICH LEADS TO THE FOSS OF THE DIRECT CONFLICT IN TESTIMONY ABOUT
"WHEN DID CHIEF witness come Clean To PETITIONER ABOUT CHIEF witness AGE"
"LACK OF MENS REA IS A REASON TO ACQUIT" (SEE: U.S. V. DEMETRIUS PATTERSON
(7TH CIR. 2014); - SEE STAPLES V. U.S. (S.C.T. 1994)).

INTRODUCTION-C

IN REF. TO QUESTIONS

[1] (THE INITIAL SETUP/ENTRAPMENT) - NOTE UNDERLINED, ON PAGE 3 OF 3 (DOC.
76, PAGE ID#213, Trial Court), LOCATED IN APPENDIX-F-V2,@4). - APRIL 12TH TO 14TH, 2017, FBI
SPECIAL AGENT "TYRONE FORTE" PULLS UP AT PETITIONER'S RESIDENCE. AGENT FORTE STATES
TO PETITIONER THAT AN "ANONYMOUS REPORT" HAD BEEN MADE REPORTING THAT PETITIONER
KIDNAPPED, HUMAN TRAFFICKING, HOLDING AGAINST WILL, BEATING & INJURING OF
CHIEF witness. AGENT FORTE STATED THAT THE U.S. MARSHALS WAS GETTING READY
TO COME KICK DOWN PETITIONER'S RESIDENCE DOOR. AGENT FORTE STATED HE/FORTE

Chief witness (TEXT MESSAGES ARE DOCUMENTED IN THE DISCOVERY). AGENT FORTE COMES BACK & GETS CHIEF WITNESS IN HIS/FORTE'S CAR, DOORS CLOSED. CHIEF WITNESS IS IN THE CARE, SECURED & SAFE, BY/WITH THE GOVERNMENT, THINKING SHE'S (CHIEF WITNESS) GOING TO FINALLY GET LONG TERM STABLE CARE SAFETY & SHELTER. BUT UNFORTUNATELY, 10 MINUTES LATER, AGENT FORTE DROPS CHIEF WITNESS (WHO (CHIEF WITNESS) IS HOMELESS, ON THE MISSING LIST, 4 MONTHS PREGNANT WITH MENTAL ILLNESSES) BACK OFF & LEAVING CHIEF WITNESS AT A RESIDENCE, TO A PERSON/PETITIONER, THAT AGENT FORTE HAS KNOWLEDGE OF ALLEGEDLY KIDNAPPING, HUMAN TRAFFICKING, HOLDING AGAINST WILL, ABUSING ETC. OF CHIEF WITNESS. (FBI SPECIAL AGENT TYRONE FORTE THROWS HIS "ROGUERY ACE" IN THE HOLE. THE TREACHEROUS PREJUDICE GAMBLE WITH PETITIONERS & CHIEF WITNESS "LIFE" HAS INITIALLY- APRIL 12TH TO 14TH, 2017- BEGUN). AGENT FORTE VIOLATES CHIEF WITNESS EQUAL PROTECTION RIGHTS OF THE 14TH AMENDMENT, & VIOLATES PETITIONERS 5TH AMENDMENT RIGHTS, CAUSE AGENT FORTE IS AN OFFICER OF THE GOVERNMENT WHO IS SETTING IT UP TO INTENTIONALLY WRONGFULLY INCRIMINATE & FRAME PETITIONER. DCFS CASEWORKER GEORGE FERGUSON ALSO INTENTIONALLY LEFT (MINUS 2 WEEKS) CHIEF WITNESS IN E. ST. LOUIS, IL. DURING A 60 DAY DCFS INVESTIGATION ON PETITIONER JUST TO INFLUENCE & HELP AGENT FORTE FACILITATE A WRONGFULL INVESTIGATION ON PETITIONER. DCFS/LUTHER & FAMILY SERVICES" CASEWORKER "SHEILA JOHNSON" & ANOTHER LADY REPEATEDLY FOR WEEKS IN BEGINING OF APRIL 2018 TO MID MAY 2018 (CHIEF WITNESS WAS IN DCFS CUSTODY DURING THIS TIME), WAS TAKING CHIEF WITNESS FROM DCFS CUSTODY, & DROPPING CHIEF WITNESS OFF & LEAVING CHIEF WITNESS AT CHURCHES CHICKEN RESTAURANT IN WASHINGTON PARK, IL. 62204. AGENT FORTE & DCFS INTENTIONALLY HAD

F-v2, @ 2), THE WHOLE PAGE OF 2, STARTING @ *0 TO TOP OF PAGE 3; PAGE 5, @ *1; SAME APPENDIX-F-v2, @ 4), DOC. 76; - APPENDIX-F-v4, @ 1), PAGE 3 OF 12, @ *1; SAME APPENDIX-F-v4, @ 2), PAGE 2 OF 5, 1ST PARAGRAPH & @ * → 1) SAME PAGE 2 OF 5; SAME APPENDIX-F-v4, @ 4), PAGE 5 OF 20, @ *1, PAGE 5 & 6 OF 20, @ *2; PAGE 7 & 8 OF 20, @ *1; PAGE 8 & 9 OF 20, @ *2; PAGE 9 OF 20, @ *0 & *3 & *4 GOING INTO PAGE 10 OF 20; PAGE 13 & 14 OF 20, @ *1; ALSO SEE "VERY IMPORTANT STATEMENT" ON PAGE 15 & 16 OF 20, @ *0 ON PAGE 16 OF 20; - APPENDIX-F-v5, @ 1), PAGE 13 OF 23, @ *3, TO PAGE 14 OF 23, @ *4; PAGE 19 OF 23, @ *3; - ALSO SEE (NOT INCLUDED WITH THIS PETITION) SEALED DOC. / "TERMINATING ATTORNEY DAVID BRENGLE" MOTION, DATED JULY 2TH, 2020, FILED & SEALED IN TRIAL COURT AUGUST 05TH, 2020. END OF QUESTION [1]

AUGUST 08TH, 2017, IS THE DAY AGENT FORTE & ANOTHER FBI AGENT LADY CAME TO PETITIONER'S RESIDENCE & GOTTEN DNA & MOBILE DEVICES. PETITIONER BELIEVES THE SEIZER WAS IN VIOLATION OF PETITIONER'S 4TH & 5TH AMENDMENT FROM THE FACT THAT CHIEF WITNESS NEVER MADE A COMPLAINT ON PETITIONER, & AGENT FORTE & THE OTHER FBI LADY IMMEDIATELY LEFT PETITIONER'S RESIDENCE WITHOUT MAKING A COPY-ON SITE AT PETITIONER'S RESIDENCE - OF THE INFORMATION WITHIN THE MOBILE DEVICE ACCORDING TO FED. R. CRIM. P. 41(e)(B) & OR 41(e)(2)(A) & (F)(1)(A) (FOR FULL DETAILS, SEE APPENDIX-F-v4, @ 1), PAGE 4 OF 12, @ *1, TO END OF THE TOP ENCLOSED ON PAGE 6 OF 12; SAME APPENDIX-F-v4, @ 4), PAGE 6 OF 20, @ *1).

JUNE 06TH, 2019, COMPETENCY HEARING - PETITIONER WAS FOUND COMPETENT & AT THE SAME TIME DIAGNOSED BY DR. "SZYHOWSKI" WITH "MAJOR MENTAL DEPRESSION DISORDER" ON THE 5TH EDITION LEVEL, & OTHER MENTAL ILLNESS. STATEMENTS ABOUT PETITIONER'S MENTAL ILLNESS WAS STATED ON THE RECORD. THE REDACTED TRANSCRIPTS DO NOT REV-

Petitioner to Plead Guilty. AUSA Ms. Reppert stated to Judge Rosenstengel - Quoting word for word - "This investigation has been going on for so long that he (Petitioner) needs to remain in detention." Which is a violation of Petitioner's 4th Amendment right to be held in detention without sufficient probable cause, & the other unconstitutional cause, is just because the investigation went on for a long time. Prosecutions probable cause is fabricated. Former Counsel Daniel A. Juengel stated via Zoom Conference MAY 21ST, 2021, that "No GRAND JURY Transcripts ever existed." Making Petitioner believe that Petitioner was in fact, NEVER INITIALLY INDICTED as Prosecution claims, & the "TRU BILL" that did not have no signatures on it that was presented with the indictment, is a fraudulent document. The quoted statement AUSA Ms. Reppert stated about the investigation going on for so long. Just to wrongfully have Petitioner held detained, is edited out of the redacted transcripts that Petitioner has read. Everything else that AUSA Ms. Reppert stated at Petitioner's De Novo Bond Hearing is false - Agent Forte was present & did not testify to anything - & Judge Rosenstengel relied on the false information to have Petitioner wrongfully held (see: ELIJAH MANUEL V. CITY OF JOLIET, IL. (7th Cir. 2018); - See Appendix-B, @ 61, Page 9 & 10 of 13, @*2; - Appendix-F-V4, @41, Page 17 & 18 of 20, @*3; Page 11 of 20, @*2; Page 4 of 20, @*3; - Appendix-F-V2, @11, Page 2 of 3, @*3; - Appendix-F-V3, @51, Page 2, @*1). END OF QUESTION [2]

Dec. 11th, 2019, Attorney Jaslyn R. Anthony/Sandifer threatened Petitioner to a great degree to Plead Guilty. That was the end of Attorney Ms. Anthony. Jan. 08th, 2020, Court proceedings to terminate Attorney Ms. Anthony. Judge Rosenstengel denied Petitioner Request & right to represent himself pro se. Then, Judge Rosenstengel,

Petitioner Form An Adequate Defense. Petitioner Stated on the 1st Page of the "Terminating Attorney Brengle" Motion, That Attorney Brengle Stated & Confirmed That He/Brengle was NOT Going To Help Petitioner (See STRICKLAND v. WASHINGTON (S.Ct. 1984) Headnotes #5, 7, 22 etc.). Its Actual Denial of Petitioner's 6th Amendment Right to Assistance of Counsel. Soon As Petitioner Got of the Phone with Attorney Brengle, Petitioner wrote A Motion To Terminate Attorney Brengle Dated July 27th, 2020, Filed & Sealed in Trial Court August 05th, 2020. Judge Rosenstengel Read & Waive the Motion. Petitioner Did Not Receive A Reply/Order Denying the Motion Till After Pretrial (See Appendix-F-v4, @4), Page 12 & 13 of 20, @*6). Pretrial & Trial Proceedings, There was A Total Conflict of Interest with Attorney Brengle, Petitioner was Deprived of the Right to Counsel, Which Affected & Contaminated the Pretrial, Trial, & Part of the PSR Interview Proceedings (See: SATTERWHITE v. TEXAS (S.Ct. 1988); - See GIDEON v. WAINWRIGHT (S.Ct. 1963); - Total Deprivation of the Right to Counsel & Trial by Biased Judge Constitutes Automatic Reversal Structural Error According to "SULLIVAN v. LOUISIANA (S.Ct. 1993)" - Not Included with this Petition, But See Trial Court Filing (August 05th, 2020) of "Terminating Attorney David Brengle" Motion; - See: Appendix-F-v2, @5; - Appendix-F-v3, @5, Pages 5 & 6 of "Violation of Substantial Rights", Same Appendix-F-v3, @7, Page 8 & 9 of 17, @*7; - Appendix-F-v4, @4, Page 12 of 20, @*1; - Appendix-F-v5, @1, Page 8 of 23, @*1 To Page 10 of 23, @*2; Page 14 of 23, @*1). IF THE "Terminating Attorney Brengle" Motion Serves As A "Preserved Objection" Sense the Motion was waived, Petitioner Brings the Claim to this Court & To Vacate the Judgment of the Trial Court. A Person Cannot Incur the Loss of Liberty For A Criminal Offense Without Notice And A Meaning-Full Of

There in Their Face & THE FACT THAT CHIEF witness Continued To Report Neglect & Abuse Coming From CHIEF witness Mother. THE OFFICIALS Blamed EVERYTHING on PETITIONER BY & THROUGH False Reports. AGENT Forte Tried To Force CHIEF witness To Make FALSE STATEMENTS THAT PETITIONER PHYSICALLY ABUSED CHIEF witness. PETITIONER HAS NEVER PHYSICALLY ABUSED CHIEF witness (See: APPENDIX-F-V3, @3, Page 1 OF 2, @*1 To Page 2 OF 2, @*3; - APPENDIX-F-V4, @1, Page 2 OF 12, @*1 & *3 Going into Page 3 OF 12, & *1 OF Page 3 OF 12; - APPENDIX-F-V4, @2, Page 2 OF 5, @* → 2; Same APPENDIX-F-V4, @4, Page 3 OF 20, @ BOTH *1). Prosecution claims THAT CHIEF witness IDENTIFIED & INITIALED images. CHIEF witness & OTHER witnesses THAT CHIEF witness TALKED TO STATES THAT CHIEF witness DID NOT INITIALLY BEFORE PETITIONER'S ARREST - IDENTIFIED NOR INITIALED ANY IMAGES (See APPENDIX-F-V7, EXHIBIT 10 A). PETITIONER intentions was ONLY To Have CHIEF witness - IF CHIEF witness WAS WILLING To - To write A Letter To Judge ROSENSTENGEL STATING THAT CHIEF witness IN FACT, NEVER, IDENTIFIED ANY image. There IS NO SUFFICIENT EVIDENCE OF FACT To Support THE CONVICTION OF "COUNT 2." & "COUNT 2" was INITIALLY BROUGHT ABOUT BY PETITIONER'S 3rd ATTORNEY "STEPHEN R. WELBY" AS ENTRAPMENT BY ESTOPPEL (See: APPENDIX-F-V3, @1, Pages 8, 9 & 10 @*1; - APPENDIX-F-V4, @4, Page 2 OF 20, @*2). Furthermore, THE CHARGING INDICTMENT ITSELF IS INSUFFICIENTLY STATED /CHARGED, AS A NEVER Proven FACT BY Prosecution THAT CHIEF witness IS A "VICTIM". CHIEF witness IS A witness. BUT PETITIONER & CHIEF witness Are ACTUALLY THE "REAL, PREJUDICED VICTIMS", From Prosecutions Arbitrary TYRANNIZED MALFEASANCE (See: APPENDIX-F-V3, @7, Page 5 OF 17 RIGHT AFTER *3, To Page 7 OF 17 TO *4; - APPENDIX-F-V2, @21 & 31). PETITIONER KNOWS THAT A CONVICTION OF "COUNT 1" IS AN

TO TRIAL. & THE POISONOUS TREE (AGENT FORTE) WHERE THE POISONOUS FRUIT
CAME FROM DID NOT SUBSCRIBE/TESTIFY TO WITNESSING ITS AUTHENTICATION
AT PRETRIAL. PETITIONER, THROUGH THE 18 U.S.C. § 1512 (e) AFFIRMATIVE
DEFENSE MOTIONS, WARNED JUDGE ROSENSTENGEL OF THE SUSPICION OF THE
AUTHENTICATION PURSUANT TO Fed. R. EVID. 901 (a)(b)(8)(A). & WITH THE COURT,
NOR AGENT FORTE AS THE PROPONENT HIMSELF - AS AGENT FORTE "MUST PROD-
UCE EVIDENCE (AS IN THIS CASE & SITUATION, CHIEF WITNESS) SUFFICIENT TO SUPP-
ORT A FINDING THAT THE ITEM (THE SINGLE ALLEGED CHARGED UNIDENTIFIABLE IM-
AGE) IS WHAT THE PROPONENT CLAIMS IT IS". THE COURT, & OR AGENT FORTE IS
IN VIOLATION OF Fed. R. EVID. 901 (a)(b)(1), & THE ALLEGED CHARGED IMAGE
IS NOT SUBJECTED TO Fed. R. EVID. 902, BECAUSE THE SINGLE ALLEGED CHARG-
ED IMAGE IS UNIDENTIFIABLE. & SENSE CHIEF WITNESS WAS NOT PRESENT AT PR-
ETRIAL, & AGENT FORTE DID NOT GET ON THE WITNESS STAND TO TESTIFY, & THE
ORIGIN NOR THE PREREQUISITES OF THE ALLEGED CHARGED RECORD EVIDENCE/IM-
AGE NOT BEING ESTABLISHED, ITS A VIOLATION OF Fed. R. EVID. 903, AS IN SUB-
JECT MATTER JURISDICTION WAS NEVER SATISFIED FOR FEDERAL JURISDICTION
(SEE BAUMAN V. U.S. (5TH CIR. 1946)) & FOR THIS CASE TO PROCEED TO TRIAL. "THE COURT
RETURNED TO JACKSON'S FOCUS ON THE ACTUAL QUANTUM AND QUALITY OF PROOF NECESSARY
TO SUPPORT LIABILITY, ADVISING THAT A CASE SHOULD NOT GO TO A JURY IF THE EVID-
ENCE PRESENTED IS OF INSUFFICIENT CALIBER OR QUANTITY TO ALLOW A RATIONAL FIND-
ER OF FACT TO FIND LIABILITY UNDER THE APPLICABLE STANDARD OF PROOF" (SEE US
V. ANDRES GARCIA (7TH CIR. 2019)). "A CRIMINAL CONVICTION BASED UPON A RECORD
WHOLLY DEVOID OF ANY RELEVANT EVIDENCE OF A CRUCIAL ELEMENT OF AN OFFENSE

TESTIMONY. IT IS OBVIOUSLY OF PARAMOUNT IMPORTANCE THAT THE JURY HAVE BEFORE IT ALL INFORMATION WHICH REFLECT ON THE TRUTHFULNESS OF THE WITNESS WHO TESTIFY" (See LUCK v. U.S. (D.C. 1965)). "THE INADVERTENT FAILURE TO INCLUDE THIS RATHER EXCULPATORY PORTION (CHIEF WITNESS UNRESOLVED CONFLICTING TESTIMONY) OF CROSS EXAMINATION -- ESPECIALLY IN COMBINATION WITH THE OTHER PROBLEMS (AS PETITIONER HAS NOTED IN THIS PETITION & THIS COURT VIEW FROM THE RECORD) NOTED ABOVE -- CERTAINLY TENDED TO GIVE THE JURY A VERSION OF EVENTS SINGULARLY FAVORABLE TO THE PROSECUTION". "THE RIGHTS OF (PETITIONER) DEFENDANT WERE SO PREJUDICE THEREBY AS TO DEPRIVE [HIM] OF THAT FAIR AND IMPARTIAL TRIAL WHICH THE CONSTITUTION AND THE LAW OF THE LAND ACCORDS TO EVERY CITIZEN ACCUSED OF THE COMMISSION OF CRIME" (See: U.S. v. JOHN WILLIAM VAN DYKE, JR. (8th CIR. 1994); - See U.S. v. SINGER (8th CIR. 1983)). "WHERE A JURY INSTRUCTION IS BASED UPON A CONSTITUTIONALLY DEFICIENT DEFINITION OF REASONABLE (JUDGE ROSENSTENGEL RESTRICTING THE JURY FROM REVIEWING TESTIMONY WHEN THE TESTIMONY IS IN CONFLICT OF THE ESSENTIAL ELEMENTS, IS NEVER REASONABLE, & ITS UNCONSTITUTIONAL) DOUBT FOR SUCH PROOF PURPOSES, AN ACCUSED'S SIXTH AMENDMENT RIGHT TO JURY IS DENIED, AS THERE HAS BEEN NO JURY VERDICT WITHIN THE MEANING OF THE SIXTH AMENDMENT REQUIREMENT; THE SIXTH AMENDMENT REQUIRES AN ACTUAL JURY FINDING OF GUILTY; THE RIGHT TO A JURY VERDICT AS GUILTY BEYOND A REASONABLE DOUBT IS A BASIC PROTECTION WHOSE PRECISE EFFECTS ARE UNMEASURABLE, BUT WITHOUT WHICH A CRIMINAL TRIAL CANNOT RELIABLY SERVE ITS FUNCTION". "UNDER THE FEDERAL CONSTITUTION'S SIXTH AMENDMENT GUARANTEE TO AN ACCUSED OF THE RIGHT TO A JURY TRIAL IN A CRIMINAL

Attorney Brengle inflicted duress upon Petitioner (See: Appendix-F-v4, @1, Page 8 & 9 of 12, @*2B; Same Appendix-F-v4, @4, Page 12 of 20, @*1; - Appendix-F-v5, @1, Page 9 of 23, @*1 & *2A) WHICH FURTHER RESULTED IN TRIAL BEING DECEITFULLY RIGGED & UNFAIR. WHICH LED CHIEF WITNESS BEING COERCED TO LIE UNDER OATH AT TRIAL (See: Appendix-F-v7, EXHIBITS 1A & 2A; - Appendix-F-v4, @4, Page 4 of 20, @*2), WHICH LED TO THE DIRECT CONFLICT IN TESTIMONY. ATTORNEY BRENGLER'S ACTIONS - SINCE HE STATED HE WAS NOT GOING TO HELP PETITIONER - ARE CONSIDERED TO HAVE BEEN OF HELP TO THE GOVERNMENT. ATTORNEY BRENGLER NEVER OBJECTS TO THE CONFLICTING TESTIMONY, NOR TO THE 3 EXTRINSIC IMAGES THAT AUSA MS. REPPERT INTRODUCED TO THE JURY, NOR TO THE FALSE HARMING STATEMENTS THAT AUSA MS. REPPERT WAS SELLING TO & THAT TAINTED THE JURY THAT THE REDACTED TRANSCRIPTS DO NOT REFLECT, WHICH ALL & OTHER MALFEASANCE CAUSED UNDUE PREJUDICE UPON PETITIONER, NOR DOES ATTORNEY BRENGLER CONFRONT CHIEF WITNESS ABOUT THE UNIDENTIFIABLE ALLEGED CHARGED IMAGE, AS PETITIONER HAD BROUGHT TO ATTORNEY BRENGLER'S ATTENTION WELL BEFORE PRETRIAL THAT CHIEF WITNESS STATES THE IMAGE WAS NOT OF HER/CHIEF WITNESS. (See: Appendix-F-v3, @7, Page 11 of 17, @*1, To Page 14 of 17, @*2; - Appendix-F-v4, @4, Page 2 of 20, @*0 & *3; Page 3 & 4 of 20, @*4; Page 10 of 20, @*1; Page 11 & 12 of 20, @*5; - Appendix-F-v5, @1, Page 3 of 23, @*1, To Page 5 of 23, @*2; Page 17 of 23, @*1 TO *2; Page 19 of 23, @*1 TO *2; Same Appendix-F-v5, @2, Page 2 & 3 of 8, @*1 TO *2; Page 4 & 5 of 8, @*2 TO *3). AUSA MS. REPPERT TRIES TO MAKE A CLAIM ON COURT 2 THAT PETITIONER ATTEMPTED TO HAVE OTHERS HAVE CHIEF WITNESS RECALL CHIEF WITNESS STORY. AUSA MS. REPPERT CLAIM IS DUPLICIOUS, BECAUSE THE EVIDENCE IS INSUFFICIENT. "AN ALLEGATION OF WITNESS INTIMIDATION REQUIRES

TESTIMONY, & THE ILLUSTRATION THAT PETITIONER PROVIDES ALONG WITH PLEADINGS IN-SEE
"APPENDIX-A, @ 1, PAGE 5 OF THE C.A. OPINION, @*1, & SAME APPENDIX-A, @ 16, ALL
OF PAGE 5 OF 22, TO THE END OF PAGE 12 OF 22"- IT CONSTITUTES "IMPROPRIETY" OF
C.A. CHIEF JUDGE SYKES-A VIOLATION OF CANON 2(A) & ARTICLE III, SECTION 1
OF THE U.S. CONSTITUTION. BOTH JUDGES "SYKES" & "ROSENSTENGEL" ARE IN VIOLATION
OF Fed. R. EVID. 102 & 611(a)(1). "THE TRIAL COURT HAS A DUTY TO MAKE
THE INTERROGATION OF WITNESSES AND THE PRESENTATION OF EVIDENCE EFFECTIVE FOR THE
ASCERTAINMENT OF TRUTH. IN DOING SO, THE TRIAL COURT IS PERMITTED TO INTERROGATE
WITNESSES, PARTICULARLY WHEN IT DEEMS THE QUESTIONING NECESSARY TO CLARIFY TESTI-
MONY AND TO ELICIT NECESSARY FACTS" (SEE U.S. V. JOHN WILLIAM VAN DYKE
JR. (8TH CIR. 1994)). IT WAS DEEMED NECESSARY THAT JUDGE ROSENSTENGEL CL-
EAR UP CHIEF WITNESS DIRECT CONFLICTING DEAD LOCKED TESTIMONY FOR THE ASCER-
TAINMENT OF TRUTH BY QUESTIONING CHIEF WITNESS FOR CLARITY OF THE FACTS THAT
IS ESSENTIAL TO THE ELEMENTS AT CONTROVERSY IN THIS CASE, RATHER THAN JUST
STATING (SEE APPENDIX-F-V1, @4, TRANSCRIPT PAGE 43/ID #524, @ LINES 13 & 14) "ALL
RIGHT. THANK YOU.- ALL RIGHT. YOU MAY STEP DOWN." & JUDGE ROS-
ENSTENGEL HAD JUST WITNESSED AUSA MS. REPPER MALICIOUSLY ATTACK CHIEF
WITNESS ON THE WITNESS STAND & ELICITING "UNRELIABLE" PERJURED TESTIMONY FROM CH-
IEF WITNESS. JUDGE ROSENSTENGEL IS IN VIOLATION OF CANON 3(A)(1) AS IN A
WILLINGNESS TO LET HERSELF BE UNFAITHFUL & UNPROFESSIONALLY COMPETENT IN
THE LAW. ITS ALSO A CLEAR SHOWING OF BIASNESS & SWAYED BY PARTISAN INTERESTS.
"JURY CONSIDERATION OF FACTS NOT INTRODUCED IN EVIDENCE DENIES A DEFENDANT'S RIGHTS
UNDER THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION, U.S. CONST. AMEND.

To Subpoena Chief witness was Denied (See: Appendix-F-v3@1, Page 7, @*0; Appendix-F-v4, @2, Page 3 of 5, @*2 To Page 4 of 5 @*3; Same Appendix-F-v4, @4, Page 13 of 20, @*0; Page 17 of 20, @*2). AUSA MS. Reppert stated At Sentencing That "Julie Swanson" (either An employee From THE C.A.C. or A caseworker For DCFS) was Going To Take THE Stand At Petitioner's Sentencing To Testify To/Of Witnessing THAT Chief witness Had Gave Ms. Swanson Statements For A victim Impact Letter. MS. Swanson was Present AT Sentencing, BUT NEVER GOT ON THE witness stand To Testify, NOR SAID ANYTHING During THE Proceedings in Regards To THE victim Impact Statement. AUSA MS. Reppert was steady making False Claims THAT Petitioner Had Distributed Pornographic images OF Chief witness. Petitioner NEVER Distributed CHILD Pornographic images To NO ONE. Petitioner NEVER Produced CHILD Pornographic images OF A Female THAT Petitioner Knew To BE BY THE initials S.S. WHO IS THE Chief witness in THIS Case. Prosecutions Claim OF THIS ETC. STOOD AT Sentencing Because Attorney "Juenel" Failed/REFUSED To OBJECT To THE DNA & THE "Deecon" Fabricated Text messages. Petitioner, MARCH 08th, 2021, Had TOLD Attorney Juenel To OBJECT To THE ENTIRE PSR. Attorney Juenel wrote False statements in THE PSR Report stating THAT Petitioner Had Admitted To THE DNA & Deecon Text messages. Petitioner DID NOT ADMIT To THE DNA NOR Deecon Text messages. Petitioner Knows Facts THAT AUSA MS. Reppert is/Has Tampered & Altering (Evidence) Text messages Along WITH Orchestrating Text messages THAT ACTUALLY NEVER EXISTED. THE Bosnian Guy "Darko Marko" WHO IS CEO OF "WIDER GROUP INC." IS PROOF. ITS Deceitful Fabricated Evidence THAT Has Greatly Prejudiced Petitioner (See: ELIJAH MANUAEL v. CITY OF JOLIET, IL. (7th Cir. 2018);-

CES MUST BE VACATED" (See U.S. V. SILVERMAN (6th Cir. 1991)). ^{END OF QUESTION [12] & [13]}

AFTER SENTENCING, PETITIONER TALKED TO CHIEF WITNESS. CHIEF WITNESS BASICALLY STATED THAT SHE WAS MANIPULATED OUT OF HER RIGHT & WAS NOT ADVISED OF HER RIGHTS TO ATTEND SENTENCING (See APPENDIX-B @ 6, Page 10 of 13, @*1 TO Page 9 of 13 @*3). CHIEF WITNESS ALSO STATED THAT SHE SEEN BROADCAST OVER THE ST. LOUIS, MO. LOCAL NEWS & INTERNET OF STATEMENTS BROADCASTED ABOUT PETITIONER & CHIEF. CHIEF WITNESS STATED WHAT SHE HEARD & READ IS "ALL LIES" STUFF THAT NEVER EVEN HAPPENED (See APPENDIX-F-v4, @ 2, Page 4 of 5, @* -> NOTE: Same APPENDIX-F-v4, @ 4, Page 12 of 20, @*4).

THE ONLY "FORFEITURE ORDER" THAT PETITIONER RECEIVED PERTAINING TO PETITIONER'S MOBILE DEVICE, WAS THE ORDER (DOC. 132) STATING THAT THE DEVICE WAS DISPOSED OF BECAUSE PETITIONER DID NOT CLAIM IT. ATTORNEY JUENGEL NEVER ADVISED PETITIONER ABOUT THE FORFEITURE ORDER. IT WAS MENTIONED OF AT SENTENCING, BUT PETITIONER DID NOT UNDERSTAND FULLY ENOUGH TO REALIZE WHAT WAS GOING ON. ATTORNEY JUENGEL WAS INEFFECTIVE, BIAS & CONFLICT OF INTEREST, PREJUDGING & HELPING DEPRIVE PETITIONER (See: APPENDIX-F-v4, @ 1, Page 3 of 12, @*2; APPENDIX-F-v5, @ 1, Page 20 of 23, @*1 & *2).

[14] & [15] PETITIONER ASKS THIS COURT TO LOOK AT THE 1ST, or 2ND PAGE OF ALL FILINGS IN BELOW COURT FILED BY PETITIONER "AFTER" ATTORNEY "AMIR MOHABBAT" WAS APPOINTED TO PETITIONER. THE PLEADINGS OF: THE 1ST or 2ND PAGE OF THE FILINGS - THE "OFFICIAL COMPLAINT" in APPENDIX-F-v6, @ 1 - THE 3 OTHER DOCUMENTS @ 3, in THE SAME APPENDIX-F-v6 - THE OPINION & ORDER FROM BELOW THATS in APPENDIX-A, @ 4, IT ALL CONSTITUTES INEFFECTIVE ASSISTANCE OF COUNSEL, NEGLECT, ABANDONMENT,

WHICH ALSO MANIPULATED PETITIONER MOSTLY FROM THE FACT THAT ATTORNEY MAHABBAT
STATED THE CONVICTIONS WOULD BE REVERSED, IT RESULTED IN STALLING PETITION
ER OUT (FATALISM) TO BE STUCK WONDERING, WHICH ULTIMATELY RESULTED IN PETITI
ONER BEING GREATLY PREJUDICED, CLANDESTINE STYLE. HEADNOTE 26 IN "STRICKLAND
V. WASHINGTON (S.Ct. 1984), NEITHER JUDGE FROM BOTH BELOW COURTS NOR THE JURY ACT
ED ACCORDING TO LAW, COMBINED WITH ATTORNEY MAHABBAT'S DEFICIENCY, IT DEENS
PETITIONER'S DIRECT APPEAL, & ACTUALLY THIS WHOLE CASE - AS PETITIONER ASKS THIS
COURT TO VOID.

[16] C.A. CHIEF JUDGE SYKES NOTICED THE RECORD WAS INSUFFICIENT FOR
ANY RATIONAL TRIER OF FACT TO FIND THE ESSENTIAL ELEMENTS OF THE ALLEGED CRIME BE
A REASONABLE DOUBT. BUT JUDGE SYKES UNLAWFULLY - IN CONTRARIETY TO THE RECORD - DE
CEITFULLY ESTABLISHES THE ESSENTIAL REQUIRED ELEMENTS FOR THE TRIAL COURT JURISDICTION
& AFFIRMED THE TRIAL COURT ERRONEOUS CONVICTIONS. PETITIONER'S PETITION FOR REHEAR
ING WAS DENIED. WHICH IS NOW CONFIRMED THAT JUDGE SYKES INTENTIONALLY & KNOWINGLY
THROUGH THE ILLEGALITY, DIRECTED A GUILTY VERDICT UPON PETITIONER BY ALTERING EVIDEN
CE IN THE C.A.#7 OPINION. "THERE BEING NO JURY VERDICT OF GUILT-BEYOND-A-REASON
ABLE-DOUBT, THE QUESTION WHETHER THE SAME VERDICT OF GUILT-BEYOND-A-REASONA
BLE-DOUBT WOULD HAVE BEEN RENDERED ABSENT THE CONSTITUTIONAL ERROR IS UTTERLY
MEANINGLESS." "THE MOST AN APPELLATE COURT CAN CONCLUDE IS THAT A JURY WOULD
SURELY HAVE FOUND PETITIONER GUILTY BEYOND A REASONABLE DOUBT - NOT THAT THE JURY'S
ACTUAL FINDINGS OF GUILT BEYOND A REASONABLE DOUBT WOULD SURELY NOT HAVE BEEN DI
FFERENT ABSENT THE CONSTITUTIONAL ERROR. THAT IS NOT ENOUGH." "THE SIXTH AMENDMENT
REQUIRES MORE THAN APPELLATE SPECULATION ABOUT A HYPOTHETICAL JURY'S ACTION, OR

Constitution. ITS Grounds To-AS PETITIONER ASKS THIS COURT-VOID THIS ENTIRE CASE (See: APPENDIX-A; APPENDIX-F-V2; APPENDIX-F-V6; APPENDIX-F-V7; DOC. 76 THATS LOCATED IN APPENDIX-F-V2 @ 4). & THE RECORD FOR FULL FINDINGS IN REGARDS TO THIS CASE).

[17] PETITIONER BELIEVES HE PROVIDED INFORMATION SATISFACTORY ENOUGH (See: PAGE 11 & 12 @ 1, IN APPENDIX-F-V6, & ALL EXHIBITS IN APPENDIX-F-V7) PURSUANT TO FED. R. EVID. 201. AS REVIEWED THROUGH THE DOCKET, C.A.#7 WAIVED JUDICIAL NOTICE OF PETITIONER'S REQUEST TO BE HEARD ALONG WITH CHIEF WITNESS. ITS "JUDICIAL ESTOPPEL". THE C.A. DISREGARDED: PETITIONER'S PLEADINGS-CHIEF WITNESS NOTARIZED STATEMENT/COMPLAINT, & THE REST OF THE CORROBORATING EXHIBITS. ITS ALSO KNOWN WITHIN THE TRIAL COURTS TERRITORIAL JURISDICTION, AS CAN BE ACCURATELY & READILY DETERMINED FROM SOURCES WHOSE ACCURACY CANNOT REASONABLY BE QUESTIONED. & THAT IS FROM ALTON, IL. P.D. WHERE AS THE POLICE DETECTIVE & CHIEF WITNESS MOTHER CAN CONFIRM THAT IT WAS FEB. 12TH, 2017, WHEN THE DETECTIVE & CHIEF WITNESS MOTHER COMPELLED CHIEF WITNESS TO CALL PETITIONER & TELL PETITIONER THE TRUTH OF CHIEF WITNESS REAL AGE & NAME. THIS DAY/DATE IS ON RECORD TO BE FEB. 12TH, 2017. ITS THE VERY FIRST REPORT THAT PETITIONER NOTICED FROM REVIEWING THE DISCOVERY REPORT IN THIS CASE. PETITIONER'S REQUEST TO BE HEARD PURSUANT TO FED. R. EVID. 201 (d) WAS TIMELY, AS IT WAS TIMELY AT THE VERY LAST STAGE & VERY LAST DAY OF THE PROCEEDINGS. THE C.A. IS IN VIOLATION OF THE "CRIMINAL JUSTICE PLAN" POLICY (see APPENDIX-E @ 10; 7TH PARAGRAPH). PROSECUTION COERCING CHIEF WITNESS TO LIE UNDER OATH, THEN THE C.A. WAIVES PETITIONER'S REQUEST TO BE HEARD (AS UNDER (C)(2) OF THE RULE, IT STATES "MUST"), IT VIOLATES PETITIONER'S & CHIEF WITNESS DUE PROCESS RIGHTS.

REASONS FOR GRANTING THE PETITION

C.A.#1 Chief Judge SYkes Has So Far Departed From The Accepted & usual Course of Judicial Proceedings BY intentionally committing error THAT consists of erroneous Factual Findings Contrary To Chief witness Testimony in The Record. Judge SYkes states & writes in The Opinion under, "I. Background," 13th Paragraph, 3rd Sentence, - "AT some point During A Long road Trip To California, SHE (SS./Chief witness) Told Him (Petitioner) THAT SHE WAS Pregnant And Came Clean About Her Age." This Statement is 100% erroneous According To The Record in Pertaining To The Required Mens Rea/Commerce Element. Judge SYkes is Deceitfully Fabricating To Make it Seem Like Petitioner Found out Chief witness Age Before Getting To California, Then Actually Got To California & Knew THAT now (Jan. 2017) Chief witness is Actually A Minor, Disregarded The Law, & Proceeded To Commit A Federal Crime BY "Knowingly" (As The indictment stated) & "intentionally Transports A Minor in & Affecting interstate Commerce To Produce CHILD Pornographic Images, Then "Knowingly" & "intentionally" Transports Such visual Depiction Affecting interstate Commerce. Petitioner Certifies & Declare under Penalty of Perjury, THAT THE DAY WAS FEB. 12th, 2017, When S.S./Chief witness initially Told Petitioner Her/S.S. Age & name. The charging indictment states THE "offense" ended on or ABOUT Jan. 29th, 2017. Prosecution Presents NO Sufficient Corroborating Evidence To Support Their Claim & To ESTABLISH Jurisdiction NOR Facts. Judge SYkes would NOT correct Her erroneous Error on Rehearing. IT constitutes THAT Judge SYkes is intentionally & willing To Continue To Prejudice Many More Defendants/Appellants within The 7th Cir-

There Are NO Countervailing Factors NOR Proven Fact In This Case That Prevents This Court From Reversing Judgment For Plain Error Where The Government Presented Insufficient Evidence To Sustain Conviction (Citing Within ROSALES-MIRELES v. U.S. (S. CT. 2018)). (Petitioner Presents "PLAIN ERROR" AS 1, OUT OF MANY OTHER AVENUES IN THIS PETITION TO VACATE THE GOVERNMENT'S CLAIM). THE RECORD PRESENTED BY PROSECUTION & THE COURTS BELOW IS DECEIVING. THE RECORD TESTIMONY OF CHIEF WITNESS CLEARLY SHOWS ERROR (ULTIMATELY UNRELIABLE EVIDENCE) THAT HAVE/IS AFFECTED PETITIONER'S SUBSTANTIAL RIGHTS. IF CHIEF WITNESS WAS NOT COERCED (ERROR) BY PROSECUTION TO LIE DURING TESTIMONY AT TRIAL, THE OUTCOME OF THE PROCEEDINGS WOULD HAVE BEEN DIFFERENT. BECAUSE CHIEF WITNESS WOULD HAVE TESTIFIED TRUTHFULLY ON REDIRECT EXAMINATION AS SHE DID ON CROSS EXAMINATION OF WHEN SHE TOLD (FEB. 12TH, 2017) PETITIONER HER AGE, WHICH IS AN ESSENTIAL ELEMENT (MENS REA) OF EVIDENCE TO THE ALLEGED CRIME (SEE: U.S. V. OLAND, 507 U.S. 725, (S. CT. 1993); - Fed. R. Crim. P. 52 (b)). THE BELOW COURTS/PROSECUTION, CONTRARY TO: LAW - CHIEF RULES - THE U.S. CONSTITUTION, ARE PREJUDICING & DEPRIVING DUPLICIOUSLY MANY DEFENDANTS - APPELLANTS OF THEIR LIBERTY WITHIN THE NATION OF THE 7TH CIRCUIT. THERE IS A CALLING FOR AN EXERCISE OF THIS COURT'S SUPERVISORY POWER TO CORRECT/CURB THIS EPIDEMIC.

CONCLUSION

WHEREFORE, PETITIONER PRAYS, FROM THE REASONS STATED WITHIN, THAT THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED. AND TO VOID THE GOVERNMENT'S CLAIM, PURSUANT TO FED. R. CIV. P. 54 (C).

THANK YOU & GOD BLESS THE UNITED STATES OF AMERICA

Respectfully submitted,

Avery Smartt / Avery Smartt

Date: MAY 22ND, 2023