

No. 23-5082

IN THE
SUPREME COURT OF THE UNITED STATES

William Richter — PETITIONER, PRO SE,
(Your Name)

vs.

Charles Truth Warden, RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States District Court for Northern District of Illinois
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

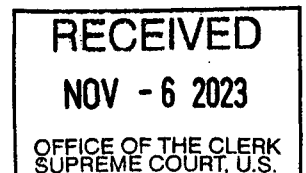
Petition For Rehearing

William Richter, Reg No 511355
(Your Name)

Stateville Correctional Center P.O. Box 112,
(Address) Route 53

Joliet Illinois 60434
(City, State, Zip Code)

N/A
(Phone Number)



Now Comes Petitioner William Richter, in propria persona, in the above-entitled cause, pursuant to Supreme Court Rule 44 and moves in this Honorable Court for Rehearing of Order issued on October 2, 2023, denying Mr Richter's Petition For Writ Of Certiorari and in support thereof, respectfully states as follows.

(1). That on July 3, 2023, Mr Richter filed pro se Petition For Writ of Certiorari, prepared by a Prisoner At Law ("PAL") and the same was placed on the docket on July 12, 2023 as No 23-5082.¹ Mr Richter moves to reassert, reargue and incorporate pro se Petition For Writ of Certiorari herein as if fully set forth herein by reference for full consideration of rehearing being granted

(2). That on October 10, 2023, Mr Richter

¹ Mr Richter was allowed to proceed In Forma Pauperis and his financial status as an indigent prisoner has not substantially changed, thus no new Motion For Leave To Proceed In Forma Pauperis is being filed, but if required, the PAL will prepare said Motion immediately pursuant to Rule 44(6).

Received A letter dated October 2, 2023, from Honorable Scott S. Harris, Clerk of the Court, Re: William Richter v Charles Travis Warden No. 23-5082: "The Court today entered the following order in the above-entitled case. 'The petition for a writ of certiorari is denied'." No actual order copy was received.

(3). That based on the facts as set forth in Para #2 supra and pursuant to Supreme Court Rule 44(2) ("Any petition for rehearing of AN Order denying a petition for writ of certiorari or extraordinary writ ~~shall~~ be filed within 25 days after the date of the order of denial"), thus, this instant petition is due on or before October 27, 2023 and is being timely filed pursuant to the well-established Mail Box Rule (See Houston v Lack (1988) 487 US 266, (properly filed the date inmate places files in the prison mail system).

(4) That based upon information and belief as provided by his PAL, Mr Richter submits the grounds contained herein being substantial grounds not previously presented with attached supporting Exhibits (See Appendix - Exhibits) #1 - #11 [A1-A23]), presented in good faith and not for any dilatory purpose (See

Attached "Certificate" pursuant to Rule 44(2)

(5) That the starting point is the

physical and mental disability Mr Richter

suffered with during the Habeas proceedings

relevant to the abuse of discretion by District

Judge forcing Mr Richter to proceed pro se

(See Exhibit #1 [A1] (ie early onset dementia

memory loss; tested F.H positive for Alzheimer)

Exhibit #2 [A2] List of Mr Richter Health Issues)

(6) That although previously submitted

As Exhibits before this Court (See Petition for

Writ of Certiorari - Appendix (5) "L" Report of

Proceedings dated November 13, 2019 [A137-A142];

"M" Report of Proceedings dated January 10, 2020

[A143-A155]; "N" letter to Petitioner from Kurt

H. Fever dated April 30, 2020 [A156-A157]; "O"

Motion To Appoint Counsel Filed 5/12/2020 at

defted by Kurt H Fever with Declaration (A158-

A161)), for a complete picture to be taken

in context, the same are being incorporated

herein by reference, which clearly establishes

inability to proceed pro se and Mr Richter

being misled by Judge Pardo CCF Appendix

"L" and "M" [A137-A155], with Mr Richter

compliance with Judge Pardo's directives, ie.

seeking new counsel on his own and Andrew Lyons willing to accept appointment with some compensation, which Judge Pincus refused (see "N" and "O" CA156-A161)

(7) That there is nothing of record which established withdrawal of appearance nor did Judge Pincus require attorney Brodsky to appear before the Court, which led to Mr Richter's mistaken belief that Brodsky would fulfill his promise and obligation to file amended Habeas Petition to raise the issues originally filed by Mr Richter (see Exhibit #3 CA4-A11) (Habeas Petition containing Nine (9) Grounds) which Brodsky's Amended Petition superseded and were never heard) which this Court may take judicial notice of said issues for consideration of relief.

(8) That Letters not previously before this Court, establish Mr Richter's viable issue of actual innocence (see Exhibits #4 CA12) and #5 CA13) along with additional letters which establish the fraud by Brodsky and Judge Pincus's complicity in said fraud whereas Mr Richter was led to believe Brodsky would return or Pincus was going to appoint counsel.

(See Exhibits) #6- #10 [A14-A18])

(9) That compounding the injustice and going to establish the issue of an Appearance of bias by Judge Piccol based on the totality of the Record further pleaded Ma Richter and deprived him of his Constitutional rights to adequate access to the Court resulting in a fundamental miscarriage of justice of one who is actually innocent whereas the actual murderer confessed to the shooting, acting alone and most importantly, cleared Mr Richter of any involvement. (emphasis added)

(10) That two (2) previous attorneys knowing the facts of the case sub judice stating "this is not a domestic violence case and the use of hearsay statements of the victim (ie 'hearsay from the grave') was unconstitutional. But Judge Piccol's Appearance of bias raised its ugly head again by denying Ma Richter's Rule 60(b) Motion (See Exhibit #11 [A19-A23]) which Ma Richter incorporates herein A1 if fully set forth herein by reference which this Court may take judicial notice of for consideration of relief requested.

(11) That based on the facts as set forth in PRCs) #4-#10 supra, presents

compelling reason to rehear the denial of
Petition For Writ of Certiorari, to remedy
the deprivation of Mr Richter's constitutional
rights to Adequate Access to the Court and
procedural due process, based on fraud and
the importance of the Federal question not yet
settled by this Court. inter alia the over-
whelming number of hearsay statements considered
as substantial evidence pursuant to the
unconstitutional section of 115.10.29 of Illinois
Code of Criminal Procedure (725 ILCS 5/115-10.29
(West 2008)) in violation of the Confrontation clause,
making a categorical rule excluding statements
involving the Government from the strictures
of the Sixth Amendment Confrontation Clause.

Wherefore Petitioner William
Richter moves for rehearing of his Petition
For Writ of Certiorari and grant the original
relief requested in said Petition and grant any
other such relief deemed equitable, necessary,
just and appropriate in the case sub judice

Respectfully submitted
William Richter
William Richter Pro Se
Reg No 511355
Statenville Correctional Ctr
P.O Box 112 Route 53
Joliet, Illinois 60437

Richter v Twitt No 23-5082

Appendix

Pages

- Exhibit #1 - Richter's Medical Records
ie Memory Chapter (12/9/2020) A1
- Exhibit #2 - Richter's Health Issues A2
- Exhibit #3 - Richter's Habeas Petition
Filed 6/15/2016 (9 claims) A3-A11
- Exhibit #4 - Letter to Richter from Joel
A Brodsky (12/22/2015) A12
- Exhibit #5 - Letter to Richter from Michael
J. Costello (11/29/2018) A13
- Exhibit #6 - Letter to Richter from Clerk
of Northern District Court
Clerk (7/23/2019) A14
- Exhibit #7 - Letter to Richter from
Brodsky (undated) A15
- Exhibit #8 - Letter to Richter from
Brodsky (9/13/2019) A16
- Exhibit #9 - Letter to Richter from
Brodsky (12/17/2019) A17
- Exhibit #10 - Letter to Judge Pincus
from Richter (12/12/19) A18
- Exhibit #11 - Motion pursuant to Rule
60(b) (6/15/2021) A19-A23
- Exhibit #12 - Motion for Certification of Appealability
60(b) (1 of 1) (6-23-2022) A24-A27

UI HOSPITAL
833 S Wood St, Suite B52
CHICAGO IL 60612-7232

Richter, William
MRN: 081391848, DOB: 5/1/1959, Sex: M
Visit date: 12/9/2020

12/09/2020 - Office Visit in Arthritis & Kidney Center Rheumatology (continued)

Clinical Notes (continued)

2. Carpal tunnel syndrome on left.

Cont w wrist brace nightly and during the day as needed

Fu w neurosx for cervical radiculopathy.

Exhibit #1
CICFI
DAO

3. Arthralgia of both feet

Nonspecific

Hand/feet xrays ordered to eval this further

4. Memory changes

As part of the wu of memory issues he had ANA checked

FH positive for Alzheimer

Electronically signed by Suncica Volkov, MD at 12/12/2020 8:02 PM
Electronically signed by Suncica Volkov, MD at 12/13/2020 10:09 PM

AI

Exhibit #2
C(FI)
[A2]

HEALTH ISSUES

- 1.) HEARING LOSS (BOTH EARS) (ADA IMPAIRED)
- 2.) BACK AND SPINE (ADA IMPAIRED) SINCE 2002 -
STATE OF ILL. (L4-5, L5-S1) DTD, CHRONIC DAILY PAIN SYNDROME
- 3.) NECK AND DISK C-4, C-5, C-6, C7 (NEED ROD)
- 4.) ANA (POSITIVE) BLOOD DISORDERS
- 5.) LUPUS, JOINTS THROUGHOUT BODY
- 6.) DEMENTIA, COGNITIVE IMPAIRMENT, MEMORY, FOCUS
AND RECALL ISSUES (POSITIVE FOR ALZHEIMER'S)
- 7.) HIGH BLOOD PRESSURE / HIGH CHOLESTEROL
- 8.) LIVER MASS, KIDNEYS LEFT RENAL MASS
- 9.) HTN, CADIC, HYPERLIPIDEMIA, DTD,
SLEEP APNEA, MACHINE REQUIRE BREATHING
- 10.) CHRONIC ARTHRITIS, NEUROPATHY, RADICULOPATHY
- 11.) VISION (COMING + GOING), AURA, MIGRAINES, NERVE DAMAGE
- 12.) TMJ - JAW DISPLACEMENT, LOCKING, POPPING, CLICKING
FRACTURES THROUGHOUT THE MOUTH
- 13.) SKIN DISORDERS, SEBOLINER, KERATOSIS DISORDERS, SEBORRHOIC
DERMATITIS
- 14.) PRE-DIABETES
- 15.) PERIPHERAL VASCULAR DISEASE
- 16.) HEART DISEASE, CORONARY ARTERIES, CIRCUMFLEX ARTERY
- 17.) UMBILICAL HERNIA, NAVAL AND ABDOMEN AREA
- 18.) ANTHRAX A BODY FEET, TWO BROKEN TOES R-FOOT, STAIRS
RODS RIGHT LEG, KNEE TO ANKLES, PLATES/SCREWS LEFT ARM, FINGER
NUMBER
- 19.) ADON, DIVERTICULOSIS, DIVERTICULAR DISEASE, MULTISYSTEMIC D
- 20.) LUNGS, CHRONIC COUGH, BLACK SPOT LEFT LOBE, SMALL AIR
PASSAGE w/ DISTAL ESOPHAGUS, MILD THICKENING OF DISTAL
ESOPHAGUS, SHORTNESS OF BREATH, LUNG SCARS, SLEEP BACK
BREATHING MACHINE REQUIRED, POSSIBLE (STAGE) AND
ANA CANCER SIGNS.
- 21.) COULD 19, LONG TERM DAMAGE CHEST, RIBS, MEMORY LUNGS, THO
(25 DAYS TEST, CITY RECOVERY) SECOND TIME, LIKELY LIFE THREAT
- 22.) CARPEL TUNNEL LEFT HAND FINGERS / THUMB / WRIST
- 23.) SEIZURES, BRAIN ISCHEMIA DISEASE / CAROTID ARTERIES / SUBCUTANEOUS
INJECTION
- 24.) TESTES ISSUES, VIEWS SWELLING / VARICELES / ORCHITIS / ETC.

Exhibit

A2

PART I -- TRIAL AND DIRECT REVIEW

1. Kind of trial: (Check one): Jury (X) Judge only ()
2. Did you testify at trial? YES () NO (X)
3. Did you appeal from the conviction or the sentence imposed? YES (X) NO ()

(A) If you appealed, give the

- (1) Name of court: Appellate Court of Illinois, Fourth District No. 4-10-1025
- (2) Result: Affirmed
- (3) Date of ruling: October 22, 2012
- (4) Issues raised: Crawford Violation - Defendant was denied his right to a fair trial where numerous hearsay witnesses were allowed to repeatedly recount a multitude of hearsay and unreliable accusatory declarations which had not subject to the crucible of cross-examination.

(B) If you did not appeal, explain briefly why not:

4. Did you appeal, or seek leave to appeal, to the highest state court? YES (X) NO () (PLA) - Appendix "B"

(A) If yes, give the

- (1) Result Denied
- (2) Date of ruling: January 30, 2013 (Appendix "B")
- (3) Issues raised: (Same) Crawford v. Washington Violation and conflict with other decisions.

(B) If no, why not: _____

5. Did you petition the United States Supreme Court for a writ of certiorari? Yes () No (X)

If yes, give (A) date of petition: _____ (B) date certiorari was denied: _____

PART II - COLLATERAL PROCEEDINGS

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES (X) NO ()

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

- A. Name of court: Circuit Court of ANKON County, Illinois
- B. Date of filing: October 17, 2013 - (File stamped Nov. 7, 2013)
- C. Issues raised: INEFFECTIVE TRIAL and Appellate Counsel where Hearsay Statute and Rules of Evidence conflict / Ineffective trial counsel A through H / Prosecutorial Misconduct / Disproportionate Sentencing /
- D. Did you receive an evidentiary hearing on your petition? YES () NO (X)
- E. What was the court's ruling? Summary Dismissal (Appendix "C")
- F. Date of court's ruling: January 31, 2014
- G. Did you appeal from the ruling on your petition? YES (X) NO ()
- H. (a) If yes, (1) what was the result? Affirmed
- (2) date of decision: December 7, 2015
- (b) If no, explain briefly why not: ALSO Attempted to File "Pro Se Supplemental Brief" (See Appendix "E" Attachments)
- I. Did you appeal, or seek leave to appeal this decision to the highest state court?
- YES (X) NO ()
- (a) If yes, (1) what was the result? Denied
- (2) date of decision: March 30, 2016 (Appendix "H")
- (b) If no, explain briefly why not: _____

2. With respect to this conviction or sentence, have you filed a petition in a state court using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES () NO (X)

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding N/A
2. Date petition filed N/A
3. Ruling on the petition N/A
3. Date of ruling N/A
4. If you appealed, what was the ruling on appeal? N/A
5. Date of ruling on appeal N/A
6. If there was a further appeal, what was the ruling? N/A
7. Date of ruling on appeal N/A

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in federal court? YES () NO (X)

A. If yes, give name of court, case title and case number: _____

B. Did the court rule on your petition? If so, state

- (1) Ruling: N/A
- (2) Date: _____

4. WITH RESPECT TO THIS CONVICTION OR SENTENCE, ARE THERE LEGAL PROCEEDING PENDING IN ANY COURT, OTHER THAN THIS PETITION?

YES () NO (X)

If yes, explain: However, a successive post-conviction based upon newly discovered evidence of "systematic torture and coercion of witnesses" and "Actual Innocence" The last two claims herein will be filed in the circuit court within the next 60-90 days. - And petitioner would ask leave of court to file an amended habeas corpus petition on or before September 15th 2016)

PART III -- PETITIONER'S CLAIMS

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.

(A) Ground one The Appellate Court decision, Regarding The Application
Supporting facts (tell your story briefly without citing cases or law):

OF ~~Confrontation~~ V. ~~Washington~~ was erroneous and conflicted with other state
court decisions applying Federal Law (See Appendix "A" - AS IF
Fully Set Forth herein)

(B) Ground two Trial Counsel was ~~constitutionally ineffective~~ for
Supporting facts:

Failing to object to inadmissible Hearsay where the statute conflicts
with the Rules of Evidence and "contrary to" the decisions of ~~Thompson~~
~~Schwachrat~~ 2013 U.S. Dist. Lexis 177420; 2013 WL 6708767 (and) ("Thompson
~~V. Schwachrat~~ 2014 U.S. Dist. Lexis 8186 (E.D. Wis. Jan. 23, 2014)
(See Appendix "E" - AS IF Fully Set Forth herein) - And - Appellate
counsel on "Direct Appeal" was ineffective for failing to raise this claim
(which created a "conflict" of interest which appellate counsel failed to
address on this appeal since he could not argue his own prior ineffectiveness)

(C) Ground three Petitioner was denied the effective assistance of
Supporting facts:

Counsel throughout all stages of the proceeding, where petitioner
referenced (14) separate claims of ineffective assistance of
counsel (see: Appendix "I") which was his post-conviction
claims (pages 15-24) (Also see: Appendix "E" - AS IF Fully set
forth herein, where Counsel failed to investigate numerous facts and
evidence of "Jury misconduct", "Police misconduct", "Torture and Abuse of
suspects and witnesses", etc. Petitioner incorporates Appendix "I" and "E" AS IF
fully set forth herein with their Appendix's as part of this ground.

(D) Ground four The prosecutor engaged in a pattern of misconduct
Supporting facts:

By "withholding evidence" (Brady violation) of the authorization of and use
of an "Eavesdropping Device" that was not disclosed until AFTER
conviction, which recordings likely contained "Exculpatory Evidence",
and for the knowing use of perjured testimony by the state's key
witness who was fined for making a false affidavit, (see:
Appendix "E" - AS IF Fully set forth herein as part of this claim.)

2 Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES () NO (X)

3. If you answered "NO" to question (16), state briefly what grounds were not so presented and why not:

The last-two grounds have not been fully presented to the state courts
because they are based on "Recently Newly Discovered Evidence" predicated
on "Actual Innocence" -- And Police "Torture and coercion" of
suspects and witnesses on a "systematic-basis".

(E) Ground Five, Petitioner's sentence was grossly
(Supporting Facts)

Disproportionate and Excessive where the Alleged "Principal"
and Shooter Receives "one-half" the time as an Alleged
Co-conspirator ("i.e. Accomplice") - (See: Appendix "E" as if
Fully Set Forth herein)

(F) Ground Six, - The Appellate Court erred where the
Court concluded that (Pastor Rick Berg's) testimony would have been
"merely cumulative" and that the evidence of the Jury's Guilty Verdict
was not undermined by the omission of (Pastor Berg's) testimony where
the Appellate Court "erroneously concluded" that "Joseph Hoffman's" Direct
Testimony and Recordings of "Hoffman's" police interviews provided
the Jury the "same evidence" sought to be elicited from Berg, "without
considering" that the Jury likely did not consider (any) of "Hoffman's"
testimony credible due to multiple inconsistent statements, the inherent
improbability's of the testimony itself as "Hoffman" was "severely-impeached
at trial and further, the Appellate Court failed to consider
that Counsel also failed to consider or solicit the credible testimony
of (Ida Marie Rolle) (David Strocher) and (John Duffel) where
just days prior to the victim's death "Hoffman" was voicing his
dislikes of the victim and his "motive" to kill her. (see: Appendix
"E" - as if Fully Set Forth herein)

(G) Ground Seven, - The Appellate Court Erred in
Denying Leave to File a Supplemental Brief and Brief based on
"Hybrid-Representation" where petitioner asserted that Appellate
Counsel had failed to communicate with Appellant before Counsel
Filed his Brief, and petitioner had previously informed Appellate
Counsel that petitioner was not abandoning or waiving any issues
as he would be "prejudiced" in further court reviews by failing to

Raise The Issues on Appeal, and That Petitioner Identified Each Substantial Constitutional Claim with merit to be Raised on Appeal, and "without notice," Appellate counsel Abandoned These Claims, and Failed to Allow Petitioner The opportunity to proceed pro-se and Raise The Issues on Appeal, so petitioner did The only Avenue left to him by attempting to "supplement" The Brief Already Filed by Appointed Appellate counsel. (See, Appendix "E" AS IF Fully Set Forth herein and made a part of This Claim)

(H) Ground Eight: petitioner was denied his Constitutional Rights AS A Result of The use of Coerced Testimony and Confessions of witnesses based on a (Newly-Discovered) "systematic System of Torture and other 'coercive' tactics" to solicit false incriminating Evidence to gain an unlawful conviction of petitioner and others. (Ground of a successive post-conviction that is being prepared By counsel - still pending) -- (This petition should be stayed Pending The Review by State Court AS to This Claim and Ground-I)

(I) Ground NINE: "Newly Discovered Evidence" of "A Pattern and Practice of Police misconduct," in Macon County, Decatur, Illinois which violated petitioner's Constitutional Right to a Fair Trial. (Ground of a successive post-conviction that is being prepared By counsel with over (30)-Affidavits of misconduct - still pending).

PART IV - REPRESENTATION

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing _____
- (B) At arraignment and plea _____
- (C) At trial _____
- (D) At sentencing _____
- (E) On appeal GARY PETERSON, ASSISTANT APPELLATE DEFENDER, 400 WEST MONROE, SUITE 100, RICHMOND, MISSISSIPPI 39201
- (F) In any post-conviction proceeding (NONE)
- (G) Other (state): (GARY PETERSON) ON APPEAL OF POST-CONVICTION

PART V - FUTURE SENTENCE

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES () NO (X)

Name and location of the court which imposed the sentence: _____

Date and length of sentence to be served in the future _____

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in the proceeding.

Signed on: 6-15-16
(Date)

Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

William J. Richter
(Signature of petitioner)
#S-11355

(I.D. Number)

STATEVILLE CORRECTIONAL CENTER
(Address)

P.O. Box 112

JOLIET, ILLINOIS 60434

JOEL A. BRODSKY

Attorney At Law

EIGHT SOUTH MICHIGAN AVENUE
32ND FLOOR
CHICAGO, ILLINOIS 60603

(312) 541-7000

FAX (312) 541-7311

jbrodsky@joelbrodskylaw.com

Exhibit #4
C10F11
CA123

December 22, 2015

William J. Richter S11355
Statesville Correctional Center
PO Box 112
Joliet IL 60434

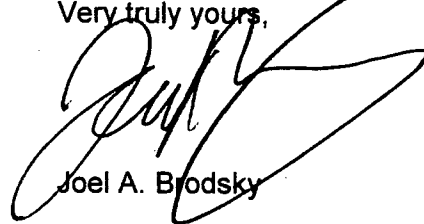
Re: Documents and your last letter;

Dear Mr. Richter,

Enclosed are all of the documents that I could find that you have sent me over the years. I looked through all of my files and this is all that I could find. I hope this is what you need.

Also, I read the Appellate Court Summary Order. As I told you, rather than continue down this road, which will lead you nowhere, you need to retain an attorney and file a second post-conviction petition based on actual innocence and newly discovered evidence. All the things that you are doing may make you feel you are doing something, but in fact will not accomplish anything. I am sorry to tell you that, but I don't want to lie to you, and I want you to know the truth.

Very truly yours,



Joel A. Brodsky

JAB/re

A12

MICHAEL J. COSTELLO

Attorney at Law
820 South Second Street
First Floor
Springfield, Illinois 62704

Exhibit #5
Cicf1)
CA137

Telephone: (217) 544-5500

Facsimile: (217) 544-7500

November 29, 2018

William Richter S11355
Stateville Correctional Center
PO Box 112
Joliet IL 60434

In Re: *retiral after conviction vacated*

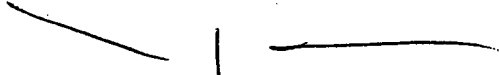
Dear Mr. Richter,

I would need to know the procedural history of your case. You don't have to send it to me but if you have the Appellate Number, the Supreme Court Number and possibly a Petition for Cert to the United States Supreme Court, it would save time of this office from searching for it.

I presume you are proceeding on "free standing innocence claim". Although apparently, Joseph Hoffman did not testify in court but rather Ray Williams, Where was Hoffman?

Would appreciate you giving me the names of your Cook County Counsel. I know most of them and would like to make an inquiry after I review your material and have your permission to contact them. Enclosed are the documents that you sent to me.

Very Truly Yours,


Michael J. Costello

MJC/jas

CC: Statement of Josphe Hoffman, a partial transcript of Mr. Ray Williams

A13



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60604

Exhibit #6
C1017
CA14

THOMAS G. BRUTON
CLERK

312-435-5670

July 23, 2019

William Richter, #S-11355
Stateville Correctional Center
P.O. Box 112
Joliet, IL 60434

Dear Mr. Richter,

I am in receipt of your June 1, 2019 letter, asking that the Executive Committee consider the reinstatement of attorney Joel A. Brodsky's license to practice law and lift the suspension. At its meeting on July 18, 2019, the Executive Committee considered your letter. The Committee has denied the request.

Sincerely,

Thomas G. Bruton

AI4

Exhibit #7
CICFI
[A15]

Bill,

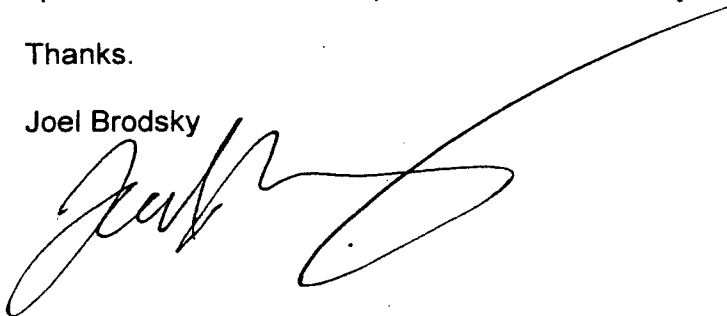
As you are directly effected by my one year suspension from the U.S. District Court you have a standing to speak on the issue. If you want to you can write to the **Executive Committee of the US District Court for the Northern District of Illinois** in care of Annette Panter:

Executive Committee US District Court
c/o Annette Panter
Assistant to Thomas Bruton
Clerk of the US District Court
219 S. Dearborn St., Suite 2050A
Chicago IL 60604

Explain to them in your own words how my suspension is depriving you of your counsel of choice, and that my expertise on the issue of "voice from the grave" hearsay, which played such an important part in your conviction, is essential to your case. You can also point out that your continued incarceration will result from my suspension. If you want to, you can add that we have spoken and that I have expressed remorse for my actions which angered the judge.

Thanks.

Joel Brodsky

A large, stylized handwritten signature in black ink, appearing to read 'Joel Brodsky', with a long horizontal flourish extending to the right.

A15

JOEL A. BRODSKY

Attorney At Law

EIGHT SOUTH MICHIGAN AVENUE
32ND FLOOR
CHICAGO, ILLINOIS 60603

(312) 541-7000
FAX (312) 541-7311
jbrodsky@joelbrodskylaw.com

Exhibit #8
C1 of 11
[A16]

April 13, 2019

Mr. William J. Richter S11355
Statesville Correctional Center
PO Box 112
Joliet IL 60434-0112

Certified Mail Return Receipt

Re: William Richter v. Randy Pfister, Warden of Menard Correctional Center, 16 cv 7660;

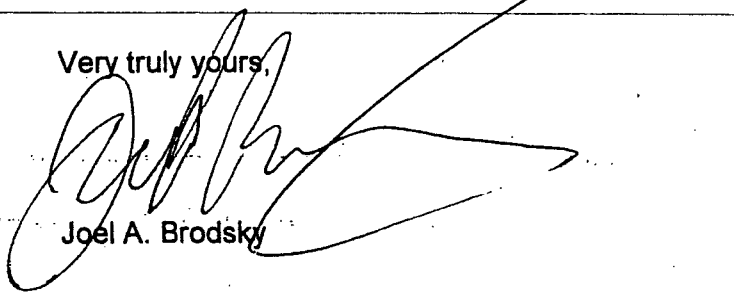
Dear Mr. Richter,

Because of a order entered by the Executive Committee of the United States District Court for the Northern District of Illinois I am no longer able to represent you in the above referenced case for at least one (1) year. A new attorney must represent you in this matter.

I know of two (2) attorneys who could take over your representation, Mr. Ramon Moore or Ms. Patrycja Karlin. I have discussed your case with them, and they are willing to consider filing an appearance on your behalf. This change of attorneys will not cost you any additional money. Write me and let me know what you wish to do.

I am truly sorry that this happened. If you have any questions, please call.

Very truly yours,


Joel A. Brodsky

JAB/re

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Joel A. Brodsky
EIGHT SOUTH MICHIGAN AVENUE
SUITE 1313
CHICAGO, ILLINOIS 60603

(312) 541-7000
FAX (312) 541-7311
joelbrodsky@sbcglobal.net

Exhibit # 9
C1 of 17
[A17]

December 17, 2019

William Richter S11355
Statesville Correctional Center
PO Box 112
Joliet IL 60434

Re: Richter Habeas Case - Richter v. Pfister, 16 cv 7660;

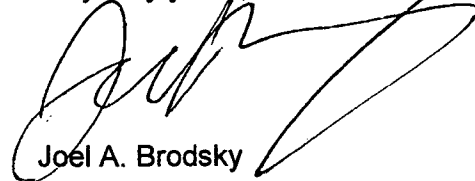
Dear Mr. Bill,

I have received all of your letters and I have been told by my answering service that you called. What you have to understand is that right now, because of the interim suspension, I am unable to practice law, which includes giving legal advise and counsel. I cannot discuss your case or answer any of your questions, nor can I give you my opinion.

The hearing on my disciplinary case finished on November 13, 2019, and the average time for a decision is 60 days. Right now I am under an interim suspension. I am the first lawyer in Illinois history, (over 150 years), that has not been convicted or indicted for a crime, that has been suspended on an interim basis before his hearing. I don't know why I am being singled out and being unjustly treated like this, and neither does my lawyer, who has been doing these types of cases for 30 years. However, that is the situation.

You can check back with me after January 13, 2020, and I may have an answer regarding when I will be back practicing law. However, until I get the ruling I cannot tell you what the timing of my return will be, and therefore, I cannot be of any help to you.

Very truly yours,



Joel A. Brodsky

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Re: Richter's Habeas Case - Richter V. Pfister

Exhib. 1 #10
Ct. cl. 1)
CA187

Case # - 16-cv-2660

SCANNED AT STATEVILLE CC and E-mailed
12/27/19 by me 2 pages
date initials No.

Dear Honorable Martha Pacold

I Apologize For writing this letter AS
SO. I have done what you asked. I tried
to call Joel Brodsky and talk to him. But
I can't get him on the phone. I wrote him
trying to get answers about my case, but
he won't respond to any questions about
my case. This has been going on for a
while. I'm under the understanding
he got suspended but for what I not sure?
Joel was suppose to follow through and
complete my issues I wanted in court
which he didn't. Joel was paid in full to
do so, which was all the money my family had.
So with all this and my numerous serious
Health Issues I'm now going through at
U.I.C. I'm getting nowhere. I asked the
Honorable Judge Pacold to grant me 120
Days so I can find out exactly what's
going on. I know we set a hearing for

JAN 9, 2020 But I will not know anything
in that timeframe.

(see: Attached communication to Court. et al. etc.) Sincerely William Richter

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

Exhibit #11
(1 of 5)

William Richter 511355

CA19-A23

Petitioner

Case No. 16 C 7660

v.

Judge Martha Paoletti

Randy Pfister,

Respondent

SCANNED AT STATEVILLE CC and E-mailed
6-15-21 by CK 5 pages
date initials No.

Petitioner's Reply to Respondent's Response to Rule
60(b) motion pursuant to the Court's order (Doc. 58)

Argument

Following the Court's denial of the petitioner's writ for habeas corpus relief pursuant to 42 USC 2254, the petitioner filed a Rule 60(b) motion alleging that the Illinois statute (725 ILCS 5/115-10.2A) under which hearsay statements were allowed in his state court proceedings and upon which the Court held did not violate the Confrontation Clause of the Sixth Amendment was unconstitutional as applied to him.

The Respondent responded that the petitioner's motion raises a new ground for habeas relief that the statute under which the victim's statements to her family members, friends and co-workers were admitted is unconstitutionally vague in violation of the Due Process Clause of the Fourteenth Amendment.

The petitioner vehemently disagrees that the assertion is a new claim, where the assertion raised in the petitioner's Rule 60(b) motion is inextricably linked to his claim that the hearsay statements violated the Confrontation Clause of the Sixth Amendment, a right

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bestowed upon state defendants by the Fourteenth Amendment. On page 2 of the Court's Memorandum Opinion and Order denying the petitioner's federal petition for writ of habeas corpus relief, the Court states, "The state's barrier for admitting the statements was an Illinois statute establishing an exception to the hearsay rule in domestic violence prosecutions when the declarant is unavailable to testify."

This being said, if the petitioner asserts that the very statute upon which the petitioner's claim in her Amended Petition for Writ of Habeas Corpus Relief was argued and upon which the Court's ruling was made is unconstitutional as applied to him - more specifically that his case was not, under the statute, a domestic violence prosecution, the constitutional challenge is not a new claim but a preliminary matter and/or screening for the claim raised.

Therefore, the Court's failure to sua sponte inquire as to whether or not the statute through which the Confrontation Clause violation arose is more of a procedural issue. The petitioner is not attacking the federal court's resolution of the claim on the merits but what he decries as a defect in the integrity of his proceedings, albeit unintentional.

If the statute in question is, in fact, unconstitutional as applied to the petitioner, the integrity of his habeas corpus proceedings is undermined and called into question. The presence of his Confrontation Clause claim doesn't disappear. However, the Court's analysis of the issue will change. In this vein, the petitioner is not presenting a new claim to test the validity of his criminal conviction or sentence.

Next, the petitioner presented his Rule 60(b) motion within 28 days of the Court's judgment, as it was filed with all due diligence. This Court has jurisdiction to adjudicate the constitutionality of the subject statute, where, as stated above, the basis of this Court's ruling was premised on said statute.

Therefore, this Court has jurisdiction to render (make) a statutory construction. To resolve this issue the Court must ask itself the following questions:

- 1) Is the statute already before the Court?;
- 2) Is the Court's ruling an implicit finding of the constitutionality of the subject statute on its face rather than as applied? And, if so, did this Court have the jurisdiction to make such a finding?; and
- 3) Is the petitioner still in his first habeas corpus proceeding?

The answers to all of those questions is "Yes."

In the alternative, the petitioner asks this Court to adjudicate the constitutionality of the subject statute as applied pursuant to Rule 60(b)1 "excusable neglect" and Rule 60(b)6 "exceptional circumstance." In the petitioner's original petition for writ of habeas corpus relief he, not implicitly but explicitly asserted that his case was not (a) domestic violence prosecution required to admit the hearsay statements.

When the petitioner obtained counsel, Joel Brodsky, he amended the petition. After the briefing was completed, the petitioner was given a copy of his amended petition. The petitioner noticed that counsel's

amendment did not explicitly ask the Court to gauge the constitutionality of the subject statute. Counsel told the petitioner that the Confrontation Clause claim itself placed the constitutionality of the subject statute before the Court, requiring the habeas court to engage in a statutory construction of the subject statute because that was the only way the Court could truly ascertain whether or not the petitioner's Confrontation Clause rights were not abridged. It was to first see if the statute was constitutional as applied to him.

Still, not satisfied, the petitioner asked counsel to be explicit because he did not want to be placed in the position he currently finds himself in. Counsel promised the petitioner that he would request leave not to add a new claim but to amend the argument on his solitary claim. However, before counsel could do it, counsel was disciplined by the ARDC and, subsequently, suspended from the practice of law for 2 years, leaving the plaintiff alone. The plaintiff requested new counsel but was denied counsel by this Court since briefing was completed.

That being said, in the alternative, the petitioner asks this Court for leave to present the instant issue and have it adjudicated under the "excusable neglect" component of 60(b)1 or the "extraordinary circumstance" provision of 60(b)6.

Deciding the constitutionality of the subject statute as applied is in the interest of justice and does not present an undue hardship on the respondent.

Conclusion

The petitioner asks that this Court appoint him counsel so that this motion can be argued before the Court to create a complete record in the event this matter must be reviewed in the Circuit Court of Appeals.

The petitioner also asks that this Court grant his motion and find that the subject statute upon which the petitioner's hearsay statements were admitted and upon which this Court's ruling was made is unconstitutional as applied to him. Then, the petitioner asks that the Court re-adjudicate his Confrontation Clause claim in light of the hearsay statute's unconstitutionality.

Prepared by

Antonio Kendrick

Respectfully submitted,

William Richter #11355

William Richter #11355

Stateville Corr. Ctr.

P.O. Box 112

Joliet, IL 60434

Affidavit

I, William Richter, the petitioner in the instant cause swear under the penalties of perjury that the contents of the foregoing response are true and correct to the best of my knowledge and belief pursuant to 28 USC 1746.

Date: June 15, 2021

William Richter #11355

William Richter #11355

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[5]

William Richter (#511355)

Petitioner - Appellant

v. Case No. 22-1718

David Gomez, Warden,

Stateville Correctional Center,

Respondent

On appeal from the U.S. District
Court at St. Louis, Eastern Division
Case No. 16 C 7610

Judge Martha M. Roca

Rule 3 : Docketing Statement

This proceeding arises from the dismissal of the
petitioner's Rule 60(b) motion on March 31, 2022 - filed
as a post trial motion to the petitioner's habeas proceedings -
for lack of jurisdiction.
The petitioner seeks a certificate of appealability to raise
the claim of whether the constitutional challenges made in
his Rule 60(b) motion constitute a new claim.

Respectfully submitted,

William Richter
William Richter (#511355)
Stateville Corr. Ctr.
P.O. Box 112
Joliet, IL 60434

Date: 6-23-2022

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
No 22-1718

[4]

William Richter (J11355)

Petitioner - Appellant

v. Case No. 22-1718

David Gomez, Warden,

Stateville Correctional Center,

Respondent

On appeal from the U.S. District
Court N.D. Illinois, Eastern Division
Case No. 16 C 7660

Judge Martha M. Paeold

Motion for Certificate of Appealability

Comes now, William Richter, the petitioner-appellant, prase, to move this Court to issue a COA on the denial of his Rule 60(b) motion, filed after the denial of his federal habeas petition, alleging that the integrity of his habeas proceedings was compromised where the statute upon which the district court denied the petitioner habeas relief was/is unconstitutional as applied to him, for lack of jurisdiction. In support thereof the petitioner states:

Issues for which a COA is sought:

1. Whether or not the constitutionality of a state statute, upon which a petitioner's state court conviction is affirmed and upon which the district court denied relief is "inherently" before the court, thereby giving the district court jurisdiction to adjudicate the constitutionality of the state statute as applied or does the constitutional challenge constitute a new claim?; and

2. Whether the district court erred in dismissing - for lack of jurisdiction - the petitioner's Rule 60(b) motion challenging, as-applied, the constitutionality of the state statute that was used to affirm the petitioner's state court conviction as a new claim - when its use may have rendered the petitioner's entire habeas proceeding defective?

* This issue may be a matter of first impression where the petitioner could find no 7th Circuit case law that addresses the claim

STATEMENT OF CASE

3. On March 31, 2022, the district court denied the petitioner's Rule 59(e) motion and dismissed his Rule 60(b) motion.

4. The district court denied the petitioner's Rule 60(b) motion challenging the constitutionality of the Illinois statute (as applied) upon which the Appellate Court of Illinois and the district court affirmed the petitioner's conviction stating "... the Rule 60(b) motion here raised a new claim that the Illinois statute allowing introduction of the victim's hearsay statements violate due process as unconstitutionally vague and ambiguous are new claims" and that the "... Rule 60(b) motion (containing the claims regarding the constitutionality of the Illinois statute) are dismissed for lack of jurisdiction."

5. The district court denied petitioner's request for a COA on 6/07/22.

Reasonable Jurist Standard

6. Even though the district court's adjudication and subsequent ruling on the petitioner's habeas proceeding was centered on the statute, whose constitutionality the petitioner challenged, the district court ruled that the challenge was a new claim. The petitioner disagrees.

It is the petitioner's position that reasonable jurist could conclude that because the state court and the federal habeas court's rulings affirming the petitioner's state court was based upon the statute in question, the constitutional validity of the statute was not only "inherently" before the court but enforced and affirmed by the Court, therefore the petitioner's challenge to the constitutionality of the statute as applied is not a new claim. It was his only a request for the Court to look a little closer at what it was already looking at to prevent a miscarriage of justice.

17-26

7. Reasonable jurists could also conclude that since the petitioner's challenge was made during his initial habeas proceedings alleging that the integrity of his habeas proceedings may have been compromised through the court's use of the statute it is not a new claim but an opportunity for the Court to prevent a miscarriage of justice perpetuated by the Court.

8. Lastly, reasonable jurists could conclude that if the statute is found to be unconstitutional as applied to the petitioner, the integrity of the petitioner's entire habeas proceedings would have been undermined. A fundamental defect in the proceedings.

Conclusion

The petitioner's appeal is taken in good faith. It presents (possibly) a matter of first impression and it answers an important of "whether the constitutionality of a statute upon which the state court and district court based their rulings inherently before the Court and ripe for challenge?"

Wherefore all things considered, the petitioner prays that this court grants him a certificate of appealability or in the alternative permission to have the district court adjudicate the claim.

Respectfully submitted,

Date: 6-23-2022

William Richter
William Richter (J11355)
Stateville Corr. Ctr.
P.O. Box 112
Joliet, IL 60434

Prepared by:

Antone Kendrick