

Mr. Jabril A. Wilson
prisoner ID 573300
Columbia Correctional Institution
P.O. Box 900
Portage, WI 53901

Supreme Court of the United states
Office of the Clerk
Washington, DC 20543 - 0001

RE: Jabril A. Wilson
V. Chris Stevens, Warden
No. 23 - 6185

Petition for Rehearing or Reconsideration

I pray that you will protect my constitutional rights and reconsider my petition for a writ of certiorari, for the need to correct a clear error and prevent a manifest injustice see *Virgin Atl. airways v. Nat'l Mediation bd.* 956 f. 2d 1245, 1255 (2d cir. 1992).

Jabril A. Wilson pro, se appeals a judgment convicting him of one count of child enticement.

Issues Presented

Wilson raises three issues

1. He was convicted based on insufficient evidence
2. The lower courts relied on unfair prejudice in its order that summarily affirmed the judgment of conviction
3. Ineffective assistance of counsel

Relevant Background

April 29, 2009 S.P. called the police alleging abuse, assault and false imprisonment against Wilson. S.P. alleges Wilson gave her a ride to the location where allegedly he then stated you belong to me and you are going to get me paid. Then he called 15 men over who then assaulted her. Later on, she laughed and asking "will y'all arrest me if I told the truth." Once being ensured she will not be arrested she laughed while telling the detective that she made it all up. Then she laughed and stated that she was

angry with Wilson. The jury received evidence of this, also that she would often run away from the group home and that she did not want to stay in the group home. She laughed and admitted she had lied because he had put her out of the house, the house she planned on living at. She stated she thought he should go to jail. She apologized for wasting the detectives time. She then accepted the responsibility for lying. Later she informed them that she didn't want to any press charges. They no processed the case. We signed an agreement and after nearly 5 years they recharged me with no new evidence. I was then erroneously convicted of one count of child enticement. At the time of the alleged crime, Wilson was 17 years old and the alleged victim was 15 years old. The circuit court sentenced Wilson to twenty years of imprisonment with 10 years of initial confinement and 10 years of extended supervision.

Sufficiency of Evidence

In order to be found guilty of child enticement, the prosecutor must prove that a person who with intent to have sexual intercourse causes any child who has not attained the age of 18 years go into any vehicle, building, room or secluded place.

In this case, there was no sufficient evidence presented to prove child enticement. *Jackson v. Virginia* 443 U.S. 307, 324 (1979).

Unfair Prejudice

Because the prosecutor referenced at the trial, other people, not the defendant Wilson and not the allege victim S.P. may have had sex almost 2 years before the alleged crime or 1 year after. It is unclear whether other people actually had sex or when, if they did have sex. Somehow the lower court is misinterpreting the prosecutor's statement with Wilson's acknowledgment. The lower court actually stated that Wilson acknowledged that people probably did or probably didn't bring their girlfriend to the house to have sex, though the record does not say that. It states: The prosecutor asked Wilson rather or not other people ever brought their girlfriend over. Then the prosecutor asked Wilson if anyone ever had sex with their girlfriend at this location and he stated "I don't know probably." This is a stark contrast to the prosecutor asking "did people sometimes bring girls there to have sex with them." No where in the record displays that anyone else went there with the intent to have sex. Seeing that the lower courts believed beyond a reasonable doubt, that Wilson committed child enticement because other people sometimes brought their girlfriend there to probably have sex with them. The lower court's decision was irrational. The judges that ruled on the merits, relied on the assumption that other people might have committed actions to find my guilt. So, the constitutionality of the lower court judges decision is drawn into question as the lower court judges based their decisions on unfair prejudice contrary to, *United States v. Burkhart*, 545 F.2d 14; *United States v. Smith*, 520 F.2d 544; *United States v. Breitkreutz*, 8 F.3d 688. 18 U.S.C.A. § 922(g)(1); Fed. Rules Evid. Rules 403, 404(b), 28 U.S.C.A.

Ineffective Assistance of Counsel

During deliberations, the jury asked "does a person thinking, hoping, or being interested in an action equal intent?" (Docket # 15-20 at 3:11-13). Instead of my lawyer ensuring that the jury be instructed the answer was no, he allowed the court to issues a supplementary jury instruction modeled off the original instruction, which elaborates on "with intent to" means mental purpose. WIS. Jury Inst. 923 (b). If a jury

is already confused and speculating, and they are only instructed to mental purpose to find intent, they will be further confused. They should have instructed the jury that the answer to their question "does a person thinking, hoping, or being interested in an action equal intent?" was no, or they should have gave the instruction to the jury that they cannot look into a person's mind to find intent. Intent must be found. If found at all, from the defendant's acts, words, and statements if any, and from all the facts and circumstances bearing upon intent. Wilson is not barred from this claim, because The Wisconsin Court of Appeal and Wisconsin Supreme court both had the opportunity to review this very meritorious claim, but the Supreme Court of Wisconsin did not choose to review this claim and the Wisconsin Court of Appeals did not follow the no-merit protocol. See *State v. Allen*, 2010 WI 89, 328 Wis. 2d 1, 786 N.W. 2d 124, 07- 0795.

Conclusion

I ask that the Court respectfully reverse the erroneous decision.

Respectfully submitted,

Signature _____

Dated: 2-27-2024

No. 23-6185

In The
Supreme Court of the United States

Jibril Wilson

Petitioner

V.

Chris Stevens, Warden,


Respondent

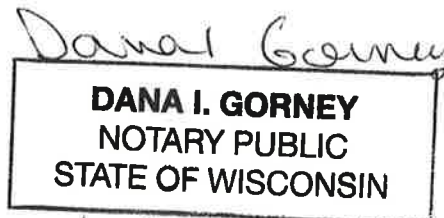
CERTIFICATION OF COUNSEL

(or of a party unrepresented by counsel)

The petition accompanying this certificate does briefly and distinctly states the grounds which are Jibril A. Wilson was convicted based on insufficient evidence. The lower Courts relied on unfair prejudice in their order that summarily affirmed the judgment of conviction and ineffective assistance of counsel and those grounds are limited to intervening circumstances of substantial and controlling effect. This Certification is presented in good faith and not for delay, but to display to this court the miscarriage of justice which shocks the conscience of The United States because the erroneous decision made by the lower courts.

On this 22nd day of July, 2024.

By 
Jibril A. Wilson pro se.
PO BOX 900
Portage, WI 53901



7/22/24
my commission expires
on 04/05/2025

**Additional material
from this filing is
available in the
Clerk's Office.**