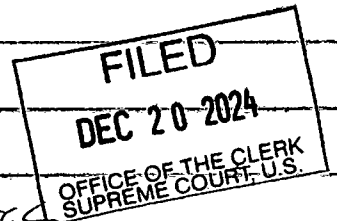


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CLERK
SUPREME COURT

No. 23 - 7443



IN THE
SUPREME COURT OF THE UNITED STATES

(IRVIN THOMAS) prose - PETITIONER

V.

(Illinois supreme court) "et al" - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI

TO

Illinois supreme court

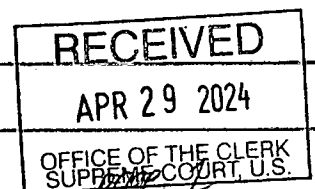
PETITION FOR WRIT OF CERTIORARI

IRVIN THOMAS (Pro se) Y43527

HENRY HILL CORRECTIONAL CENTER

600 S. Linwood Rd P.O. Box 1700

Galesburg Illinois, 61401



QUESTIONS PRESENTED

Why did appellate defender (Manuela Hernandez) withdraw from my case when several arguable merits apply?

Why was petitioner (Irvin Thomas) prose - given 45 years when the minimum is 20 years?

How can the state assume provocation wasn't in order when there are time gaps in the video that blanks in & out & contains no audio?

Why was the ~~retired~~ jury member who knew the victim's sister, still allowed to serve as a member of the jury in my trial, why is this nowhere in the transcripts?

Why was I denied the choice to fire my lawyer on 9-19-19 & why is this nowhere in the voir dire?

List of Parties

All Parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is the subject of this petition is as follows:

OFFICE OF THE STATE APPELLATE DEFENDER

CLERK OF THE CIRCUIT COURT

CLERK OF THE SUPREME COURT OF ILLINOIS

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Appendix A Decision of State Court of Appeals

Appendix B Decision of State Trial Court

Appendix C Decision of State Supreme Court Denying Rehearing

Appendix D Decision of State Supreme Court Denying Leave to appeal

TABLE OF AUTHORITIES

Cases -

People v Anderson 2020 IL App (3d) 180458-U, 2020 111.
App Unpub. LEXIS 1528

Statutes & Rules -

Cited by: 2020 111 App (3d) 180458-U p. 29

Foundation may be laid by evidence as to (1) capability of the device for recording; (2) competency of the operator; (3) proper operation of the device; (4) preservation of the recording with no changes, additions, or deletions; and (5) identification of the speakers. "People v Smith, 321 111. App. 3d 669, 675, 749 N.E. 2d 986, 255 111. Dec. 504 (2001)

Other -

"The decision to admit a piece of evidence rests in the sound discretion of the circuit court." Dennis, 2011 IL App (5th) 090346...

OPINIONS BELOW

For cases from the state courts:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is unpublished.

The opinion of the State Trial Court appears at Appendix B to the petition and is unpublished.

JURISDICTION

For cases from state courts: The date on which the highest state court decided my case was Sept 27th 2023. A copy of that decision appears at Appendix D.

A Timely petition for rehearing was thereafter denied on the following date: August 29th 2022 and a copy of the order denying rehearing appears at Appendix C.

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

5/2 - 1009 Voluntary dismissal

People v. Anderson 2020 IL App (3d) 180458 - U, 2020 111. App.

Unpub. LEXIS 1528

STATEMENT OF THE CASE

I (Petitioner) Irvin Thomas was convicted of First Degree Murder on February 13th 2020 after a jury trial took place & was sentenced to 45 years in prison. The incident took place on September 20 2017 at an Arbys Restaurant on 95th & Roberts Road in Hickory Hills, IL. Appellate Defender, Manuela Hernandez who was assigned to represent me on appeal, filed an Anders Motion to withdraw from my case stating no arguable merit would be in order. I responded with seven arguable merits, but counsels motion to withdraw was granted. A Petition for Rehearing came next on my behalf, but it was also denied. Finally my leave to appeal was next, but it was also denied.

REASONS FOR GRANTING THE

PETITION

The reasons the courts should grant this petition is because it is unclear what truly transpired the night of the incident. There are no witnesses & the video equipment is faulty, plus there is no audio. First degree murder cannot be assumed. "The decision to admit a piece of evidence rests in ~~the sound discretion of the circuit court~~ ~~the sound discretion of the circuit court~~ ~~the sound discretion of the circuit court~~ ~~the sound discretion of the circuit court~~ the sound discretion of the circuit court "Dennis, 2011 IL App (5th) 090346. Also, It was stated in open court that the victim's sister actually knew one of the jury members that served in my trial, my Public Defenders Ryan Nolte & Dan Nolan were present when this transpired, but this is nowhere in the voir dire. I can only plead with the courts to ask Nolan & Nolte about this due to myself being incarcerated & not having their information. Multiple ineffectiveness on Dan Nolan's part constantly occurred during pre-trial events. I attempted to fire "Nolan" on 9-19-19 but was denied my right to & this is also missing from the transcripts, but it happened (Voluntary dismissal 5/2-1009)

The decision to admit a piece of evidence rests in the sound discretion of the circuit court," Dennis, 2011 IL App (5th) 090346...