

No. 23 - 7545

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

CASE NO. 23-1649

Bobby Tatum K69478 — PETITIONER
(Your Name)

vs.

Darren Galloway — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeal For the 7th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Bobby Tatum # K69478
(Your Name)

SHAWNEE CORRECTIONAL CENTER, 6665 STATE ROUTE 146 EAST
(Address)

VIENNA, ILLINOIS, 62995
(City, State, Zip Code)

N/A
(Phone Number)

1) Question(s) Presented

1) whether its proper for the District Court to raised and argue, and Failure to allowed Petitioner to Support's the claim's of actual, Factual innocences, and deny the claim of actual innocences, and Fastly claim that Petitioner didn't have any evidences of expert testimony the jury didn't hear of reliable, Credible, which the Petitioner did submitted with the 28 U.S.C 2254 petition See: Appendix A, which is expert witness Dr. Nicol and Department of Family Services child care experts investigators who interview on 4-21-07 during physical examination determined, expert Findings, opinion, cause of the victim's herein injuries, was the previously charged suspect and former Trial Counsel client during pre-trial proceedings, which who was found guilty by expert Dr. Jeckel unfit to stand trial for this crime herein but was allowed to testify for the state at trial against Petitioner herein jury trial LATASHA SEETS who case discovered documents were omitted from this record appeal record still herein, which the expert opinion stated it was LATASHA SEETS 07-CF-967 and not the petitioner who committed this crime?

2) whether its proper for the District Court to deny a Certificate of Appealability when the petitioner clearly show and prove's and has evidences of actual, Factual innocences, which to overturn, his conviction? see Appendix A

3.) Whether its proper for the District Court to use the time bar to deny Certificate of Appealability, knowing that there was clear and unquestionable evidence, that the evidence is the State of Illinois use to convicted Petitioner herein was planted by Detective Muckstep on 4-25-07 at the video recorded Child's Advocacy Center interviews with the said Detective and victims; in which the victim clearly told the Detective when ask, that the state witness previously charged suspect, and former trial counsel client LATASHA SEETS did this crime and not the petitioner herein see: Appendix E. Further the officer Muckstep planted the evidence in the form of testimony, which was use to obtained this wrongful conviction and actual, factual innocence of petitioner herein; is this proper?

4.) Whether its proper for the District Court to use the time bar to deny Certificate of Appealability, knowing that the only direct evidence against the Petitioner herein; was planted, by the previously charged suspect, LATASHA SEETS before police interviews and court, told the victim what to tell the Detective, which that it was petitioner herein would committed this crime and not her the previously charged suspect LATASHA SEETS see: Appendix G, which all of the evidence produce point to her herein is that proper?

5.) Whether Federal rules of Appeals Procedure 22 etc. seq. is unconstitutional when its allows to file Certificate of Appealability applications but don't consider it?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☒ 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 judgment is the subject of this petition is as follows:

RELATED CASES

Bobby Tatum kg478 v. C/O Hunter et al. 3:22-cv-02411-DWD and
Bobby Tatum kg478 v. C/O Hunter et al. case no. 23-2253
People of State of Illinois v. Bobby Tatum Champaign County no. 07-
CF-968 Appellate Court no. 5-23-0653 and case no. 5-22-0246
Retro-application to Illinois Supreme Court new constitutional law see;
appeal case no. 5-23-0653. conflict of interest therein some facts;
still pending

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INDEX TO APPENDICES

APPENDIX A Actual innocence evidence's Dr. Nicole Cause of the victim injuries which is LATASHA Seets not the petitioner herein;
APPENDIX B The District Court ruling denying habeas relief 2/25/04
APPENDIX C United States Court of Appeal denying C.O.A rehearing and en banc
APPENDIX D Copy of the Filing Separate C.O.A Applications pursuant to F.R.A.P 22.2 et seq
APPENDIX E Copy of the planted evidence by detective Hicks TCP that was use to convicted
APPENDIX F The lower Court's State of Illinois Appeal ruling's denying relief
Appendix G. Transcript of the proceedings from the 29 th day of August 2007, where the only evidence against petitioner herein of this crime is planted evidence by the previously charged suspect former client of Trial Counsel State witness LATASHA Seets told the victim what to say / tell the police before the interview indicated now the petitioner and not further hear coercion.
Appendix H Further statements of the case herein;
Appendix I the appointment of counsel in the related state case facts here
Appendix J the omitted docket sheets from the previously charged suspect LATASHA Seet case, where counsel order mental examination, and reported conflict on 7-19-2007 behalf petitioner back;

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Tower v. Glover, U.S. (1984)	1 thru 16
United States v. Iron Shell, 633 F.2d 77.	1 thru 16
US v. Selva, 359 F.2d 1303 (1977)	1 thru 16
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Slack 29 U.S.Ct 484 120 S.Ct. 159, 146 2d (2000)	1 thru 16
Bobby Tatum v. Darren Galloway case no. 23-1469	1 thru 16
People v. LATASHA Sect 07-6F-967 related still omitted actual discovery documents	1 thru 16

STATUTES AND RULES

Federal of Appeal procedure's Rules 22 ect seq F.R.A.P rule 22 ect seq	
<u>U.S.C 2254 ect seq</u>	
Due-process, equal protections clause's to fair play proceedings	
5th 6th 14th amendments U.S.C.A	
ineffective assistants of counsel, ineffectiveness of post-trial counsel	
prosecution misconduct,	
Judicial misconduct,	
Conflict free counsel,	
Factual and actual innocence,	
Constitutional violations cover-up,	
Conspiracy by All State of Illinois courts officers cover-up other officers illegal	
misconduct	
OTHER	
28 U.S.C's 2254 ect seq	anything forgot pro se mistakes in good faith
28 U.S.C's 2244 ect seq	lack of knowledge Federal laws further support
F.R.C.P 15 ect seq	Appeal counsel request
F.R.C.P rule 60 ect seq Fraud, misrepresentation	
F.R.O.A.P. rule 22 ect seq	

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 C to the petition and is

☒ reported at Boldy Tatum v. Galloway no. 23-1649; 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 United States District Court Illinois; 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 F to the petition and is

☐ reported at in re: People v. Tatum #27767; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Appellate 4 District of Illinois court appears at Appendix F to the petition and is

☐ reported at Appellate Court no. 4 20-0206; 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 11-2-2023.

☐ 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: 12-27-2024, 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 4-24-2024 (date) on 6-24-2024 (date) in Application No. N/A N/A.

Case no. 24-1394, 60b etc. appeal is pending in 7th U.S.C.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 1-27-2022.
A copy of that decision appears at Appendix F.

☐ A timely petition for rehearing was thereafter denied on the following date: 3-4-2022, and a copy of the order denying rehearing appears at Appendix F.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Actual Factual Innocence / miscarriage of justice, exceptions is an equitable exceptions that renders the time limits set forth in 28 U.S.C.A. 2254 This case involves Amendments violations 5th 6th 14th to the United States Constitution; 1331 Federal and State questions)

Statement(s) of the Case

See: further appendix H which is 26 pages; Plus this case presents the fair hearings to 2254 proceeding's dealing Procedure's that should but is not constitutionally protected through the U.S.C.A due process, equal protection's clause's 5th 6th 14th amendments even though it's a important tool for the United States Court of Appeals in deciding to determined and proceed further if the District Court ruling's denying C.C.A in errors and or fraud like herein; Because Federal rule of Appellate procedure rules 22etseq is not constitutionally protected through due process, equal protection's clause's; the U.S.C.A for the 7th circuit use that to allowed plus avoided addressing, the state of Illinois Court official's conspiracy's tactics in use to convicted and sentence and innocence person there in violated his human rights, civil rights constitutional rights, cover them up's for review by omitted the Documents from the record of appeals then when wrong brought to these official's herein they uses the procedure's further to cover-up constitutionally violations because the process is not constitutionally protected F.R.A.P rules 22etseq procedure's 1st line of defense. See: Appendix H Further, need appointment of counsel to further properly present's this question's and appeal issues herein, pro-se petitioner trying to present with no legal and or appeal knowledge and mental disability low I.Q ect, request this honorable at least appointed counsel for the requested reason's and what ever else this court seems deem's in it's permise's;

Actual innocence's evidence Appendix A;

REASONS FOR GRANTING THE PETITION

Conflict with Decisions of the other United States Court of Appeals and the United States Supreme Court, Actual, Factual Innocence's Procedure's dealing with expert testimony dealing and showing without question(s) petitioner actual and Factual innocence herein;

importance of the Question(s) Presented

This Case presents a Fundamental Questions of Due-process equal protection of the laws clauses that was not afforded by the State of Illinois Courts Systems. Fair play and the Federal Courts police powers, is needed to bring back importance Confidence in this broken county Legal State Systems were, officials corrupted, unfair illegal, sometime's racist practices go unaccounted for without fear of accountabilitys from the higher Courts of responsibility and Criminal Charges from wrongful convictions which they had numbers of credible reliable expert testimony before hand that proves and shows that another suspect had committed this crime but went over and beyond to punish another for reasons unknown's by planted evidences and hiding behind their political powers and who they know in the upper courts, and then hide behind the time barred Procedure's to kept the illegal conviction. By omitted the factual, actual innocence's discovery documents from the appeal record and this record of the related case 07-CF-961 People v. LA Trastia Seets, not the petitioner herein; The cover up to this day going on, by failing to have rules to address Federal rule's of of Appellant procedure rule's 22 etc seq which allowed like herein, when the lower courts committed frauds misrepresentation's ruling's to the higher courts, the separate's File's Application's File suppose to or and should have been constitutionally protected under the United States Constitution, under due-process which would have allowed the United States Court of Appeals to catch this said illegal official's misconduct, which lead to further ongoing illegal conviction of Actual, Factual innocence's petitioner like herein;

Frother

in efforts its bring about a uniform Protections of any and or every America, rights discussed herein; our Founding Father's established a Government just as and thing and or anyone else this proposed Government needed a set of rule's to follow so it would not like herein become a burden on the People's rights itself. Over the course two yes 1787 - 1789, the people debated over everything required to establish a Government with working set of rules. On April 30th 1789, the people, Constitution of the United States of America took effect with the Swearing in of President George Washington. Under the new Government and this Constitution the right not to be on Lawful imprisoned is protected in Article I, Section 9, which clearly State:

The privilege of the writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion the safety may require it. As the right of the Habeas Corpus was put into use (for situation such as this one) it took little time to realize that an important part was left out of the Constitution (like herein F.R.A.P rules 22 et seq) even though habeas corpus had just become a standardized right among all State's through out the nation. there was no establishment of what made imprisonment unlawful like herein; Take for example if one state allowed you to be convicted without the benefit of counsel, like herein, for your defense and another state did not then the right of Habeas Corpus would be affected by what was considered a Lawful imprisonment from State to State like herein: State of Illinois;

See: Federal Rule of Appeal procedure rules 22 et c. Seq because its not Constitutional protected the United States Court of Appeal for Seventh Circuit miss / let a wrongful conviction of an innocence's Person stand cause its no mandate to follow and make the Courts below address the F.R.A.P rules 22 et c. Seq, which would catch this wrongful conviction herein; when address these 2 separate file F.R.C.P and F.R.A.P rule 22 et c. Seq to obtained Certificate of appealability which had merits actual innocence's evidence's but because it was not Constitutionally protected, its was overlooked.

rights to Due-process

As the Federal Government was attempting to establish a uniform Protection of the rights unlike Federal rules of Appeal procedures rules 22 etc seq on lawfully imprisoned through Habeas Corpus to it became an increasing challenge to do so based upon Laws that differed from state to state. This give rise to need for a standardize method of seeking imprisonment. The way to guarantee uniformity was to establish a Due-Process (like requested here F.R.A.P rules 22 etc seq) by which the accused of committing Criminal offense's like herein;

Due-process is first demanded in the Fifth Amendment of the Constitution which reads:

no person shall be hold to answer for a Capital or infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in land or naval forces or the militia, when in actual service in time of war or actual public danger:

nor shall any person be subject for the same offense to be twice put in jeopardy life or limb

nor: shall be compelled in any Criminal Case to be witness against himself

nor: deprived of Life Liberty (like herein) or Property with

out Due-process of Law:

nor: shall private property be taken for the public use

without Justice, just compensation:

in 1884 the Supreme Court defined Public Authority, whether sanctioned by age and custom, or may be devised in the discretion of the Legislative Power - in furtherance of the General Public good like requested herein:

which regards and preserves these principles of Liberty and justice, must be held to be Due-process of Law. This could be simply understood to mean proper procedure as established by anybody with Authority to pass Laws. In 1914, the United States Supreme Court gave a shorter definition of it:

The Fundamental requisite or Due-process of the LAW is the opportunity to be heard which this right was clearly violated by the United State Court of Appeals in the 7th Circuit,

when it failed to even consider let alone mention the separate files Federal rules Appeals procedure Applications that were File here showing the District Court committed fraud, misrepresentation in it rulings denying habeas relief 2254 petition because I had no expert evidence of actual innocence's when I did it was Dr. nicol who experts opinions of the victim injuries was LATASHA SEETS not petitioner herein; see: Appendix A;

But this was deny because the procedure is unconstitutional and or by not being constitutionally protected under Due-process clause herein which would have been a fair hearing and review and overturn this wrongful conviction;

in my humble opinion you can't go wrong by studying the Bill of rights which this honorable court know all well United States Code and Federal rules of procedure, Criminal, Civil, Appellate, Evidence and 28 U.S.C 2254 petitions for State Prisoners; Finally requested reasons for constitution's protections

The need for Due-process protections for any separate files Certificate of Appealability's F.R.A.P rules 22 etc. seq is needed like Habeas C groups is to prevent UNLAWFULLY conviction going forward like herein. The need for constitutional Due-process Equal protections to LAWS clause's to a fair 2254 Proceedings is already there but when a judge in the District Court trying to protect the lower states' courts from officials misconduct just like above Federal rule Appeal procedures 22 etc seq, which this honorable court should apply the Due-process protections to the separate file Applications of actual, factual innocence's like herein, and required at least mandatory to Claims of actual, factual innocence's when petitioner File separate Applications for Certificate of Appealability, with merits and evidences, U.S.C.A are to address the Applications and evidences in a handwritten ruling's mentioning, the consideration herein evidences, will make a record in judicial ecomd, more easier, for this court to identify the questions presented.

For the foregoing reasons, certiorari should be granted in this case
or in the alternative Supervisory orders) remanded back to the
lower court's appointment of counsel for an evidentiary hearing, to
further make a proper record for this court to address this factual
actual innocence claims herein.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Bertie K. K. K.

Date: 5-5-2024