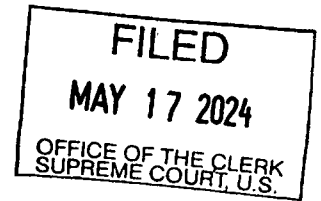


No. \_\_\_\_\_

23 - 7645



IN THE  
SUPREME COURT OF THE UNITED STATES

Antrell Teen — PETITIONER  
(Your Name)

vs.

The State of Illinois — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Appellate Court 5<sup>th</sup> District of Illinois  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Antrell Teen  
(Your Name)

5935 State st 154  
(Address)

Pineknolls, Illinois 60274  
(City, State, Zip Code)

N/A (Sumate)  
(Phone Number)

## QUESTION(S) PRESENTED

- 1) Does a officer of the Court action / inaction which intrude upon a defendant's personal liberties arbitrarily or in a unreasonable manner violate the due process Clause?
- 2) When state law does not provide explicit standards to regulate the exercise of the state employee discretion does the Scheme Permit and encourage arbitrary discriminatory enforcement of law?
- 3) When a officer of the Court arbitrarily deprives a defendant of a State law entitlement is the Defendant's due process rights violated?
- 4) If a state guarantees a right to a Defendant can that right be impeded by misconduct of Court officials?
- 5) If a defendant invokes the protections of a state statute and its protections, is due process violated if he isn't given access to its provisions?
- 6) Is a criminal defendant entitled to effective assistance of counsel at critical stages?
- 7) Is the trial Court's ruling to limit a attorney's efforts to represent his client unreasonable and infringe on the 6<sup>th</sup> amendment right to counsel?
- 8) Is trial Counsel misconduct ineffective assistance ~~of~~ that deprived a pretrial detainee of his state law entitlement to Illinois Comples statute 705 ILCS 1103-5 where prejudice can be presumed

## 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:

- 1) Patrick D. Daly, Deputy Director, State's Attorney Appellate Prosecutor  
4114 North Water Tower Place, Suite C, Mt. Vernon IL 62864
- 2) James Gormic, St. Clair County State's Attorney  
10 public square, Belleville, IL 62220
- 3) Kwame Raoul, Attorney General  
100 W. Randolph St., 12<sup>th</sup> Floor, Chicago, IL 60601

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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 \_\_\_\_\_ 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 United States district 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.

☒ For cases from **state courts**:

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

- ☒ reported at People v. Teen, 2023 IL App (5th) 190456; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the 5th District of Illinois Appellate court appears at Appendix A to the petition and is

- ☒ reported at People v. Teen, 2023 IL App (5th) 190456; 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 \_\_\_\_\_.

☐ 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: \_\_\_\_\_, 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. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 11-15-23.  
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: 12-26-23, and a copy of the order denying rehearing appears at Appendix B.

☐ 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).

## Jurisdiction

From Cases From state Courts

The Illinois Supreme Court denied Petition for leave to Appeal.  
A timely petition for leave was denied March 27, 2024 the Appellate now  
timely files the Petition for writ of certiorari.

The Illinois denial was unpublished.

Reporter 2024 Ill. Lexis 206

People v. Teen 2023 IL App (5th) 190456, 2023 Ill. App. Lexis 411 (Nov. 15, 2023)

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) The United States Constitution 6<sup>th</sup> amendment right to effective assistance of counsel at critical stages
- 2) The United States Constitution 5<sup>th</sup> amendment
- 3) The United States Constitution 14<sup>th</sup> amendment
- 4) The Illinois Compiled Statute 725 ILCS 5/103-5 (a)(d)

## STATEMENT OF THE CASE

The Defendant Antrell Teen was charged with one Count of aggravated battery and one Count of first degree murder. Teen was taken into custody on December 11, 2015. Around December 16, 2015 the Defendant was taken to see a T.V. Judge, he was read his charges plead not guilty and requested a speedy trial with his interest in hiring a private attorney. On December 23, 2015 the Defendant was taken to meet the Public Defender Corey Nester there he informed Nester of his speedy trial invocation Nester informed him that trial would be within the 120 days allowed, and that he had been grand jury indicted. Teen was taken back to St. Clair County Jail where he remained in continual custody. Teen met with appointed trial Counsel informed him of the speedy trial invocation and requested to be at all Court dates, the appointed Counsel agreed.

February 2016 the Defendant was at Court, March 1, 2016 the Defendant wasn't at Court he became concerned because there had been very limited discussion between trial attorney and him about the trial, defense, witnesses and strategy. The Defendant began to have Marissa Stephens call the attorney more frequently to find out what was going on. The attorney became evasive so March 31, 2016 the Defendant utilized the St. Clair County Sheriff's department internal mail system to the Clerk of the Circuit Court attention Judge Cruse demanding a speedy trial, raising ineffective assistance of Counsel, and due process violation concerns. The Defendant did not receive a response. The first week of April the Defendant had Marissa Stephens call the Clerk of the Court while he was on the phone to find out when the trial was scheduled, since he hadn't spoke to the appointed Counsel. The Clerk informed Teen and Stephens the time had been tolled this was the first time the Defendant heard about any delay, he immediately wrote the Clerk of the Court utilizing the St. Clair County Jail internal mail system objecting to all delays. Teen did not receive a response to this correspondence. Teen wrote several letters objecting to delay addressed to the Clerk of the Court and the Public Defender office Supervisor Sharon/Charlette, which went unresponded to. Teen generated a motion to dismiss and submitted that motion with a letter to the Clerk of the Court utilizing the internal mail service, no response was given.

April, 28, 2016

After the 120 days allowed pursuant to 725 ILCS 5/103-5 the Defendant was taken into the trial Court with presiding Judge Cruse present. Teen informed all of his 120 day speedy trial invocation in December 2015, he informed her of the previous correspondence mailed to preserve his state law entitlement to 120 day speedy trial, concerns of ineffective assistance of Counsel, abandonment experienced by the judicial system and the Public Defenders office. A blind eye was taken to these concerns, the Court went off record gave its calculation asked if he understood its calculation Teen said he understood what was said. He was then ushered out of the courtroom.

May 2, 2016

The Defendant was taken into the trial Court with presiding Judge Cruse present there were delays interjected Teen disagreed and refused to sign the Case status management document.

## Statement of the Case

June 20, 2016

The Defendant was taken to trial with no inquiry as to the claims made, nor a evidentiary hearing.

July, 2016 Teen filed a post-trial motion raising again the misconduct of appointed Counsel Ileg, circumventing the 120 day speedy trial, that Counsel was ineffective for failing to seek a discharge on speedy trial grounds, and that the Court erred by not acknowledging his motion and denying the dismissal of the case on speedy trial grounds.

September 2016 Hearing

Teen again raised concerns of ineffective assistance of Counsel, raised the Correspondence(s) submitted to preserve the statutes protections to the Presiding Judge. Teen was seeking adjudication and relief for the unauthorized unlawful acts of the trial attorney.

October 2016 Hearing

Teen again raised the many letters, motions seeking administration, application, and adjudication. Teen raised the March 3, 2016 Correspondence Judge Chase gave several reasons for her disregard to this letter.

Preliminary Krankel hearing

Teen reiterated appointed Counsel's failure to communicate, lying, deceit, concealment of unauthorized acts, with respect to his speedy trial rights, failure to assert his speedy trial rights, Counsel evaded his phone calls, didn't keep appointments, didn't bring him to status conferences, conflict of interest between him and Counsel, unexcusable tolling, and Teen not able to see all discovery DVDs.

On January 24, 2017 the Court entered a order finding there might be a basis for ineffective assistance of Counsel. At the Krankel hearing the Court allowed 2 claims in, permitted newly appointed Counsel P.K. Johnson IV representation, and disregarded the Notarized statement from Marissa Stephens.

At the Kronkel hearing the Court precluded P.K. Johnson from advocating for his client by fleshing out the claim. Teen filed another Post-trial motion with memorandum arguing that he wasn't permitted to present all of his arguable claims. The Court determined Teen was afforded effective assistance of Counsel at trial.

Teen appealed, presenting arguments that "his state law entitlement to a speedy trial had been violated by the trial Counsel's misconduct, Speedy trial right had been violated, and that trial Counsel failed to protect his speedy trial rights."<sup>21</sup> The trial Court ruling caused Kronkel Counsel to be ineffective when it barred him from presenting additional claims. Teen, 2023 IL App (5<sup>th</sup>) 190456 ¶11

The Appellate Court opinion affirmed, holding that the record did not adequately support Mr. Teen's claim ¶12-40. The Court held that Mr. Teen failed to satisfy the Prejudice prong of Strickland rejecting the third district holding in Mooney that prejudice must be presumed in cases where trial Counsel caused a speedy trial right to be violated.

## REASONS FOR GRANTING THE PETITION

In a published opinion, the Fifth District in the case at bar has explicitly stated its disagreement with the Third District's opinion in *People v. Mooney*, 2019 IL App (3d) 150607, appeal denied, 132 N.E.3d 352 (Ill. 2019). *People v. Teen*, 2023 IL App (5th) 190450, ¶¶45-51 (Appendix ) This conflict concerns a vital question of federal law upon which the United States Courts have not but should now rule. The claim of ineffective assistance of Counsel based on Counsel's misconduct, deceit, and concealment of the unauthorized acts deprived the defendant of the state law entitlement to a speedy trial. The position taken by the Fifth District would make it impossible for any defendant to ever succeed with such a claim. Any time a Constitutional right is taken by deception and misconduct there is harm and in the case at bar where procedural, structural due process effected substantial rights prejudice is inherent. The third district in *Mooney* recognized this dilemma and held prejudice must be presumed! otherwise such claims would be unreviewable. *Mooney*, 2019 IL App (3d) 150607 ¶¶26-31

The defendant's alleges that his trial Counsel was deficient for causing his speedy trial time to expire, for lying about trial being within the 180 days allowed, and not admitting to the trial being delayed until after the 180 days allowed. This fraudulent concealment circumvented the state law entitlement and Constitutionally protected right to a speedy trial. This situation created a Hobson's Choice with respect to the proof of prejudice on record for the Strickland test. Where Counsel was responsible for the time expiring against the defendant's wishes, failing to object to continuances or delay as defendant wished and he agreed to do, Counsel did not and could not be expected to file a motion to dismiss the criminal charges on speedy trial grounds against his misconduct, lie and deceit, such motion would be against himself. Yet if a hypothetical effective Counsel had acted in accordance to professional norms and the defendant wishes for a speedy trial by objecting to the states continuances and delays there is no way of knowing whether the defendant would have gone to trial within the speedy trial period but the state law entitlement would have been afforded to the defendant, there would not have been such a substantial and injurious violation to the Due process clause, fundamental rights of the accused and The United States Constitution. Had the Defendant been afforded effective assistance of Counsel at the critical pretrial stage the proceeding would have turned out differently and the trial court record would have been developed and the defendant would have received adequate adjudication on the Appellate Court level.

The Appellate Court used an unreasonable application of Federal law, *United States v. Cronk*, 466 U.S. 648, 104 S.Ct. 2039 (1984) would have assisted the State Court in its decision.

The Appellate Court decision was not based on correct and reasonable reading of the facts of record.

The Appellate Court without reason or support at all concluded facts and ignored legal relevant facts in its analysis (Appendix 1)

The Fifth District holding regarding the Assistance of Counsel claim during the Krunkel hearing conflicts with the spirit and the intent established in *Rowell v. Alabama*, 287 U.S. 45, 53 S.Ct. 55 (1932), *Gideon v. Wainwright*, 372 U.S. 335, 83 S.Ct. 792 (1963), and *Strickland v. Washington*. The Fifth district failed to present any sound legal rationale or authority for upholding the trial court order to limit Counsel's assistance.

Effective assistance of Counsel is guaranteed by the United States Constitution. In this case, the appointed trial Counsel misconduct being prejudicial to the administration of Justice has been raised. The appointed Counsel's misconduct caused the loss of the Speedy trial right and provisions. In Illinois a speedy trial is most assuredly the basic threat essential to the Fabric of Justice which can be seen in the recent Constitutional amendment overwhelmingly approved by the people of Illinois. The Illinois Constitution since its inception guarantees a Speedy trial. The legislature has granted criminal defendants a statutory right to a Speedy trial. ICS 5/18-5, where Counsel's actions serve to undermine that right, those actions must be subject to an ineffectiveness challenge. "A right without a remedy is no right at all," *People v. ex rel Endicott v. Huddleston*, 34 Ill. App. 3d 799, 807 (1975). To hold the inevitable speculation against the interests of the accused would be to hold that the appointed Counsel's misconduct, desert, fraud, dishonesty, and misrepresentation which circumvented the statutes provisions and protections are essentially unreviewable.

This is what the state of Illinois, trial Court, 5<sup>th</sup> district Appellate Court opinion, The supreme Court of Illinois Petition for leave to appeal denial has done. The trial Court failure to have a hearing effected the 5<sup>th</sup> district opinion, and the 5<sup>th</sup> district holding constitutes an assault on that right; accused of a criminal offense to a Speedy trial and effective assistance of Counsel. This court should accept review in order to resolve the conflicting rulings in *People v. Money* and *People v. Ken* and to protect the United States Constitutional right to effective assistance of Counsel at critical stage of the proceeding which is coextensive to the statutory rights of the accused to a speedy trial.

The United States Constitution guarantees that people incarcerated have a legal right to come before a Court and contest their confinement in a full and fair way to contest the impeding of liberty. Ken now appeals to this Honorable Court for relief.

The plain language of the 725 ILCS 5/103-5 (a) explain the start of the Statutory provisions and a end, 120 day after taken into custody. The fifth District appellate Court opinion failed to reasonably consider the plain language of the statute. Subsection (a) continues and describes how the accused objects to anyone trying to prevent the statutes protections to a 120 day speedy trial. "A delay shall be considered to be agreed to by the defendant unless objection to the delay is made." Objections are made verbally or written. In the case at bar the accused wasn't allowed into the trial Court until after the 120 days allowed where he then objected and demanded the speedy trial protections, verbally. Prior to being allowed into the trial Court he wrote to object delay, wrote to demand, and wrote seeking dismissal of the charging instrument. (See Common law record of the trial Court) The 5th appellate Court unreasonably failed to consider the common law record to come to a correct decision based on the facts of the record. (See opinion 7133-36) 7163) The failure to consider the record was unreasonable which affected the logic in the opinion making it unreasonable. The United States Supreme Court ruled in *Stark v. Starr* (1872), 94 U.S. 477, 24 L. Ed. 276 that the onus is on the defendant to immediately repudiate the unauthorized act. In the case at bar that is exactly what the accused did immediately once he became aware of the appointed counsel action and he hasn't stopped. It was unreasonable for the appellate Court to expect Teen to object prior to becoming aware of the appointed Counsel's actions (see opinion 7136)

The Illinois rules of Professional Conduct rule 8.4 states it is professional misconduct for a lawyer to... engage in conduct involving dishonesty, fraud, deceit, or misrepresentation," as well as to "engage in conduct that is prejudicial to the administration of justice." Ill. R. Prof. Conduct 8.4 (c), (d). This misconduct was expressed to the trial Court in writing, Verbally on April 28, 2016, May 2, 2016, September 2016, October 2016 hearing, in Post-trial motion July 2016 and in many other petitions in the Common law record (See (c)) Misconduct is never valid trial strategy and it was unreasonable for the Appellate Court to consider otherwise (see opinion 7138)

The Appellate Court failure to consider the record of proceeding and Common law record was procedural unreasonableness. (see opinion 9138)

The record rebuts the appellate Courts opinion, the decision was not based on a fair correct reading of the fact of record.

The Appellate Court misunderstood the law when it concluded that the statement "I understand" as agreeing to a delay (1139 opinion) In the petition for rehearing the Illinois case *People v. Healy*, 303 Ill.2d 684, 688 N.E.2d 786 (1997) was cited to remind precedent stated acknowledgment of understanding can't be interpreted as assent or agreeing to toll. (see Petition for rehearing) The 3<sup>rd</sup> District Appellate Court disregarded this Supreme Court decision, unreasonably!

The Appellate Court decision on prejudice was incorrect, Conduct that is prejudicial to the administration of Justice is presumed and inherent (see *Cronic*, *Rowell v. Alabama*, *Gideon v. Wainwright*)

(see opinion 9145) This unreasonable application of law caused a miscarriage of Justice.

(see *People v. Morrey*) The appellate Court 9146 declined to follow *People v. Morrey* reasoning being "it is inconsistent with Illinois Supreme Court precedent" but provided No law to support this conclusion because there is none! The logic behind this factual determination was incorrect and unreasonable, which is why it is paramount for the United States Supreme Court to step in and provide guidance for the lower courts! The circuit and appellate Court, Supreme Court of Illinois avoidance of these errors, failure to act consistently with controlling law and statutory law has caused substantial injuries, harms insulting the Judicial integrity of the State. In Vermont Supreme Court ruling it stated that delay caused by ineffective State appointed Counsel shall be contributed to the State, the third Districts opinion in *People v. Morrey* reached the same conclusion. The Fifth District appellate Court needs help reaching the same logical conclusion. The lie, deceit of appointed Counsel prevented the defendant from using the statute and its protections in the case at bar, pursuant to the United States Supreme Court precedent in *Rowell v. Alabama*, *United States v. Cronic*, *Gideon v. Wainwright*, 6<sup>th</sup>, 14<sup>th</sup>, 5<sup>th</sup> amendment to the United States Constitution, appointed Counsel's misconduct is ineffective assistance

In the Appellate Court opinion the factual determination of the state law entitlement to a Krantel hearing was unreasonable, see <sup>91</sup> opinion.) The defendant was entitled to effective assistance of Counsel during the common law proceeding. The state court common law record at the time it decided to limit appointed Counsel Rowland and P.K. Johnson was filled with meritorious claims of fact and law which exposed the ineffective assistance of trial counsel. (see common law record) Including claims mentioned in this appeal and allowed into the Krantel proceeding which have never been flushed out by a impartial counselor, not limited by a court ruling. (See order of trial court limiting Counsel's ability to advocate for his client.) (see transcripts of Krantel proceeding where appointed Krantel Counsel attempt to expose meritorious issues he discovered.) (see Affidavit of Stephens in the common law record that expose the misconduct of appointed Counsel.) It was unreasonable for the trial court to preclude the newly appointed Counsel from reviewing the record and raising meritorious claims he may have discovered. This limiting prevented the 6<sup>th</sup> amendment right to effective assistance of Counsel at critical stage. (see Gideon v. Wainwright / (see Powell v. Alabama) The 5<sup>th</sup> district decision to not consider the trial court's limiting on several times a violation of *People v. Krantel* grounded in the 6<sup>th</sup> amendment right to Counsel was unreasonable.

The claims of ineffective assistance of Counsel became of the trial court common law record in April 2016 and has never stopped, but at all times relevant to this claim the common law was well developed on the claim of ineffective assistance of Counsel. The Appellate Courts decision that the record was void was not based on a correct and reasonable reading of the facts of record. The defendant raised many claims on his own but was still entitled to Counsel to articulate, develop and argue those claims in a manner sufficient to persuade the Court of their potential merit during the Krantel hearing. The appellate Court ignored such logic, see *People v. Veatch*, 2017 IL 120649 ¶ 31-51. The appellate Court did not cite any authority directly supporting its opinion on this issue, which is why Supreme Court of the United States of America guidance is needed.

Not only did the 5<sup>th</sup> District fail to cite any authority in support of such restrictions, the restrictions conflicts with the Illinois Supreme Court case *People v. Moore*, 207 Ill.2d 68, 77-78 (2003) that Krankel Counsel is to serve as an independent advocate for the defendant, not an agent or surrogate for the Court. Further explaining that Krankel Counsel's role is to represent the defendant on the defendant's pro se claims of ineffective assistance, and independently evaluate the claims, avoiding the conflict of interest that trial Counsel would experience if required to advocate in favor of defendant's position. This rationale was the exact dilemma that Teen had been experiencing and voiced to the trial Court prior to the Krankel hearing and expressed to the Appellate Court in briefs. Thus the State appellate Court opinion conflicts with the Spirit of the Moore Court holding, the 6<sup>th</sup> amendment right to effective assistance of Counsel at critical stage, and the unreasonable decision prevents defendant from presenting arguing meritorious claims, and receiving adjudication on a state level as this system is designed to do. The fifth district opinion is in conflict with due process protection 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> amendment to the United States Constitution. The procedural rulings mentioned herein impeded the liberty interests of the defendant, denied him of a fundamentally fair proceeding, exposes the systemic error operating in the state of Illinois criminal justice system and its lack of safeguards to prevent and remedy such blatant denials of justice. These Federal violations are now submitted for review.

In the Appellate Courts opinion failed to Consider the latter section of Subsection (a) which describes the legislatures intention to give a pretrial defendant protections against anyone attempting to waive the intoration of the statutes provisions by objecting. The trial Court common law record is filled with the defendants objections.  
(See (C1))

In the Appellate Courts Opinion, its interpretation of the trial Judge discretionary act to label the defendants pro se pleadings as ex parte, discretion to also say letters go in the file if written for the file and statement that letters don't go into the file is off. There was no hypotheticals discussed only the defendants acts to utilize the protections of the statute as described in the statute, and the trial Judge many attempts to place additional burdens on the defendant, disregard the acts of the defendant and prevent the use and relief of the statute depriving of due process and equal protection.

The Appellate courts failure to use the Common law record was in error to well establish precedent. The statute clearly instructs a defendant to work to preserve his rights. The Appellate Court was aware that the defendant wasn't brought into a Courtroom for the entire 120 day window so written correspondence of the Common law record was needed to analyse the claim, in order to serve justice.

The opinion of the Fifth District Appellate Court failed to consider the Appellants reply brief entirely. (See reply brief) Appendix 1)

The Appellant cited the Robinson case to support the position that once a defendant raises claims of a Substantial nature through written Correspondence to the trial Judge it is proper for the trial Judge to operate within their province to prevent deprivation of vested rights. (See reply brief) (See Additional Argument Appendix C)

In the Appellants brief it is asserted that the defendant first informed the trial Judge via written Correspondence of ineffective assistance of appointed Counsel and speedy trial concerns on March 31, 2016 prior to trial. Again the trial Judge was informed verbally of these deprivations on April 28, 2016 and again verbally on May 2<sup>nd</sup>, 2016. The defendant was taken to trial June 20, 2016 and post-trial raised these same concerns in a pro se Post-trial motion. The defendant again verbally informed the trial Judge post-trial at a October 2016 hearing and a September 2016 hearing. The trial Judge discretionary decision to disregard these claims are in opposition to precedent established and has deprived the Appellant of equal protections and due process protections. The fifth district Appellate Court should have analyzed this claim!

The Appellate Court failed to consider the trial judge obligation and duty to admonish, apply law and fact to adjudicate. The Appellate Court administrative, supervisory authority extends to the adjudication, procedural administration, and the application of the law, see *City of Urbana v. Andrew N.B.*, 211 Ill.2d 456, 470 (2004) and The Speedy trial act is binding on All Courts, see *People v. Christy*, 206 Ill. App.3d 361, 367 (4<sup>th</sup> Dist. 1990). This issue is ripe for resolution.

725 ILCS 5/103-5(a) and (d) provides explicit standards to regulate the discretion of governmental authorities who apply the law. These explicit standards regulate the provisions of the statute and deter arbitrary and discriminatory enforcement of law. The provision of the statute detail a start and end, a 120 day period and once the 120 window closes it can not be recaptured. The provision details how to prevent interruption of the provisions, a written or oral demand or objection, once aware of a delay to trial. The defendant did all that was required of him. The additional burdens exceptions read into the statute, failure to consider the provisions of the statute was a improper attempt to alter the provisions which deprives the defendant of the state law entitlements envisioned by the legislature, deprived him of due process, and equal protections, which will be obtained in brief if Petition for Leave is allowed.

Had P.K. Johnson not been limited by the trial Court which caused his ineffective assistance, he would have investigated the claims made pro se, used the common law pleadings to support claim of statutory violation, contacted jailers, requested records from Sheriff's dept, obtained affidavit of Teen and other witnesses with personal knowledge of claims made. Instead the record deprived of all facts needed, the defendant has been deprived of the state law entitlement, Constitutionally protected rights and still seeking adjudication. Teen has now pro se provided supporting documents, which counsel should have done. The proceedings in the state court impeded on Teen's liberties interests, vested rights, and state law entitlements. Teen was denied Counsel, experienced obligation. (see *Gideon v. Wainwright* 372 U.S. 335, 83 S.Ct. 792 (1963), *Powell v. Alabama*, *United States v. Cronin*) Teen repeatedly raised concerns of misconduct and ineffective assistance of Counsel pro se at all stages of these proceedings, the blind-eye approach has been consistent throughout this state court system. Their failure to use the common law record and transcripts are in conflict with well established Illinois precedent see *People v. Walker*, 1958, 13 Ill.2d 232, 148 N.E.2d 784, *People v. Pao*, App.2 dist.2004, 2011 Ill. Dec.157. The Appellate Court unreasonably concluded that the record was void without giving any consideration to the available record referenced in brief by the appellate defender. (see Brief)

States violate a criminal defendant due process right to fundamental fairness if it arbitrarily deprives the defendant of a state law entitlement. *Hicks v. Oklahoma*, 447 U.S. 343, 346, 100 S.Ct. 2327 (65 L.ed.2d 175 (1980)). This is the defendant's experience, officers of the Court intruded upon Teen's personal liberties arbitrarily or in a unreasonable manner depriving him of his Constitutionally protected rights to the 5th, 6th, and 14th amendments. Abandonment from counsel at critical stages and Presiding Judges is at the crux of his claim which cumulative effect impeded other rights.

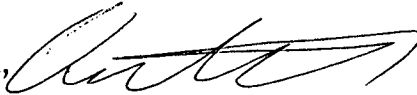
See the many excuses given by Judge Zina Cruse for the unexcusable delay. April 28, 2016, May 2, 2016, September 19, 2016, and October 18, 2016 hearing. The Judge's discretion informed the defendant that the letter should be in the file, letters don't go into the file at Sept 19, 2016 hearing page 6 line 8. When questioned about the same letter the Judge used ex parte communication to confuse the defendant. See reply brief 5<sup>th</sup> District Appellate Court People v. Teen. At the Oct 18, 2016 hearing when questioned about the same correspondence written to preserve the invoked structural protections, Judge Cruse informed the defendant if you work it for the file. See Page 4 line 3-4 Oct 18, 2016 hearing.

The Petitioner avers that once aware of this substantial structural and procedural error an evidentiary hearing should have been had. Procedural due process rights entitles an individual to the opportunity to be heard at a meaningful time and in a meaningful manner. Evidentiary hearings ILCS 5/114-1 and dispositive motions are deeply imbedded in the concept of fair play and substantial justice. See Ill. S.Ct. R 104(b). The Illinois 5<sup>th</sup> District Appellate Court gave no consideration to these facts! The Appellate Court opinion failed to give consideration to the lack of trial Judge's discretion leading to the void record it conveniently used to come up with the factual determination of the state court which was unreasonable. The failure to follow procedural rule(s), Procedural rule(s) being inadequate to protect Teen's state law-entitled and constitutional protections made the proceeding in the case at bar fundamentally unfair and caused a miscarriage of justice (9/14/15 opinion Appendix A) This Honorable Court should accept this writ of Certiorari in order to resolve the conflict, protect the Constitution of the United States of America, protect the coextensive constitutional and statutory rights of all accused to a speedy trial.

### CONCLUSION

The Petitioner prayerfully requests that  
The petition for a writ of certiorari should be granted, that the state court decision be vacated  
that release be granted and any other relief deemed just equitable and proper.

Respectfully submitted,



Antrell Teen

Date: 5-9-24