

No. ~~23-7840~~
IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

JUNE TERM, 2024

FILED
JUN 17 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Douglas Lemon

Petitioner,

-Vs-

People Of State Of Illinois
Respondent,

PETITION FOR WRIT OF CERTIORARI

TO THE CHIEF JUSTICE OF THE UNITED STATES AND THE ASSOCIATE JUSTICE
OF THE SUPREME COURT OF THE UNITED STATES:

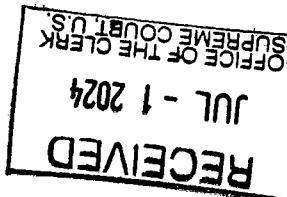
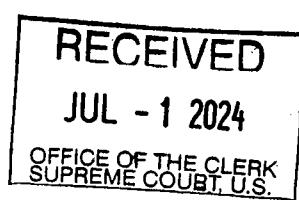
May It Please The Court;

Come's now, Petitioner Douglas Lemon, pursuant to 28 U.S.C. section
1257(3) respectfully prays that a ' Writ Of Certiorari ' issue to review the decision
of the appellate court of illinois, First Judicial District.

Douglas Lemon, Prose

In care of;

Douglas Lemon=N-12405
Western Illinois Corr. Center
2500 Rt. 99 South
Mt. Sterling, Illinois
62353
Ph. No. None



QUESTIONS PRESENTED AND FOR REVIEW

On August 29-2013, case No. 05-CR-28068, Petitioner filed a Pro se Petition stating several Constitutional Violations. Listed pages (CI.334,336-444) Petitioner states :

- (1), He was not given a fair Fitness Evaluation Nor Hearing, Due Process Right, U.S. Constitution, Amendment, 14th, ILL. Const. (1970) Art; 1 § 2; detailed in Issue #1, (CI.378-85).
- (2), The People failed to Disclose Evidence, 5th, and 14th, amendment of illinois and federal constitution, dueprocess clause. Detailed in Issue #2, (CI.385-91).
- (3), His Trial Counsel was Ineffective because of a " Conflict Of Interest between [Petitioner] and his Defense Attorney ", USCA Constitutional amendment 6th. Detailed in Issue #3, (CI.391-94).
- (4), His Counsel was Ineffective for failing to Impeach Destiny Johnson and Shirley Pearson, violation of the Due Process clause under the 14th, amendment of the united states and the 5th, amendment of the illinois constitution and the 6th, amendment of the illinois constitution. Detailed in Issue #3, (CI.391-402).
- (5), He was Actually Innocent, under both the federal and illinois constitution, u.s.const; amend; 8, VI, XIV, ILL. const; art; 1 § 8. Detailed in Issue #4, (CI.402-12).
- (6), Trial Counsel was Ineffective for failing to call Alibi Witness and Eye-Witness'es, Due process clause is the 5th, and 14th, amendment to the U.S. constitution. Detailed in Issue #5A, (CI.412-23).
- (7), Petitioner was Insane at the time of the misconstrued allegation made and at his Fitness Evaluation Hearing, the 5th, amendment of the illinois and united states constitution. Detailed in Issue #1, and #6A, (CI.423-30).
- (8), That the Offense Of Predatory Criminal Sexual Assault was invalid, the 5th, and 14th, amendment of the united states constitution. Detailed in Issue #7, (CI.439-43).
- (9), That the Petitioner Due Process Rights was violated, Due Process Clause is the 5th and 14th, amendment to the U.S. constitution. Detailed in Issue #8, (CI.439-43).
- (10), Post-Conviction Counsel Ms. Elizabeth Ribbeck, prove Ineffective for not shaping petitioners complaint into ' Appropriate Legal Form ', and causing an ' Extreme And tragic ' long delay error. the 6th, amendment of the illinois constitution. Detailed in Issue #9, (St.Br.41,citing C,148), (OP.Br.22-21), and (St.Br.35).

LIST OF PARTIES

- 1.) The accused defendant Douglas Lemon.
- 2.) An defense eye-witness, Johnny Lemon.
- 3.) An defense eye-witness, Joseph Wilkins.
- 4.) An defense eye-witness, Lady Candy.
- 5.) An defense occurrence witness, Calvin Lemon.
- 6.) An defense occurrence witness, Decorion Jackson.
- 7.) An defense occurrence witness, Janel Gi Gi Atkins.
- 8.) An defense occurrence witness, Arzeastery Davis.
- 9.) An defense occurrence witness, Marchella Winters.

- 10.) An state witness allege victim, Destiny Johnson.
- 11.) An defense occurrence witness, Delores Johnson.
- 12.) An state witness, Shirley Pearson.
- 13.) An state witness, Willie Dennis.

- 14.) An neutral witness, Doctor Steve Ross.
- 15.) An neutral witness, Nurse Sarah Applehoff Conroy.
- 16.) An neutral witness, Forensic Psychiatrist Dr. Andrew Segovia-Kulik.
- 17.) An neutral witness, Forensic Psychiatrist ~~And MD Director, Dr. Mathews~~ S. Markos.
- 18.) An neurrall witness, ~~Clinical Psychiatrist~~ Dr. Sharon L. Coleman.
- 19.) An neutral witness, D-N-A Forensic Technician.
- 20.) An neutral witness, Chicago P.D. Officer Robert Rentner.
- 21.) An neutral witness, Chicago P.D. Detective Jose Cardo.
- 22.) An neutral witness, Chicago P.D. Detictive Tracynganning.

- 23.) An States Attorney, Ms. Amado-Chevlin, And Kimberly M. Foxx.
- 24.) An States Attorney, Mr. Dombrowski.
- 25.) An States Attorney, Daniel Piwowarczyk.
- 26.) An States Attorney, Enrique Abraham.
- 27.) An States Attorney, Gina Savini.

- 28.) An Public Defender, Ms. Sophia Atcherson, And James E. Chadd, Appellate Defender.
- 29.) An Public Defender, Ms. Spivy, And Mr. Douglas R. hoff, Deputy Defender.
- 30.) An Public Defender, Ms. McCarthy, And Ms. Elizabeth Ribbeck, Post-Conviction P.D.
- 31.) An Appellate Defender Supervisor, Ms. Carolyn R. Klarquist.

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INDEX TO APPENDICES

APPENDIX A	Petition submitted timely and in good faith... I was informed of a limit of 40 pages required of this Writ Of Certiorari Petition, but i was'nt able to obtain whether or not is exhibits included with the 40 pages limit, court document's, transcript's, affidavit's, etc; or due to this information of document(s) already attached to my submitted Post-Conviction Petition, filed in the clerks record, that the clerk will request the clerk of the court having possession of the record to clarify and transmit it to the clerk of the Writ Of Certiorari??
APPENDIX B	In re; People V.Lemon 130415 dated; 1-25-2024, is attached, Petition for Leave to Appeal document.
APPENDIX C	In re; People State of Illinois V.Douglas Lemon, Leave to appeal, Appellate Court, First District. 130415.DENIED. DENIED date; 3-27-2024, document is attached.
APPENDIX D	See; Petitioners Comment.

TABLE OF AUTHORITIES

CASES

- # Droe V-Missouri, 420 U.S. 162, 171-72 (1975). Pg.#9.
- # Brady V-Maryland, 373 U.S. 83, 835, CT. 1194, 10 Led.2d 21, S (1963). Pg.#9. #10.
- # Strickland V-Washington, 466, U.S. 668, 104 S.CT. 2052, 80 Led 2d 674 (1984). Pg.#9. #12.
- # Flaughers, 174 act 598,. Pg.#10.
- # Jencks V-U.S., 353 U.S. 657, 77 S.CT. 100, 74, 1 Led 2d 1103, ohio L. abs. 465 (1957). Pg.#10.
- # People V-Gibson, 244 Ill. App. 3d 700. Pg.#10.
- # People V-Washington, 665 N.E. 2d 1330. Pg.#10 / 11.
- # People V-Carpenter, 13 ILL. 2d 470, 150 N.E. 2d 100 (1958). Pg.#12.
- # Johnson V-Edgar, 680 N.E. 1372 of P.A. 89-428. Pg.#12.
- # People V-Moore, 279 III. App. 2d 152, 160 (5th Dist. 1996). Pg.#13.
- # People V-Turner, 187 Ill. 2d 406, 410 (1999). Pg.#13.
- # Jams A.Evans V-Wills Anthony, 21-1704, dicided April 27-2023. Pg.#13.
- # Mucie V-Missouri State Dept. Of Corr., 543 F.3d 633, 636 (8th, cir. 1967). Pg.#13.
- # People V-Lemon, 2012 IL App. (1st) 102932-U. Pg.#13.

CONSTITUTIONAL PROVISIONS STATUTES

United States Constitution, Amendment V, VI, XIV.

28 U.S.C. 1257 (3)

28 U.S.C. 2101 (c)

28 U.S.C. 2255

720 ILCS 5.0 / 12-14-A-1, Count # 1.

720 ILCS 5.0 / 12-14-A-1. Count # 2.

720 ILCS 5.0 / 12-14-A-4. Count # 3.

720 ILCS 5.0 / 10-2-A-3. Count # 4.

720 ILCS 5.0 / 12-13-A-1. Count # 5.

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

(Unpublished Order Pursuant To The Illinois Supreme Court Rule 23)

- 1.) Arrest Date; 11-15-2005.
- 2.) Indictment Date; 12-9-2005.
- 3.) Bench Trial Guilty Verdict Date; 8-10-2010.
- 4.) Sentenced And Notice Of Appeal Date; 9-21-2010.
- 5.) Conviction Affirm Date; 4-29-2012.
- 6.) Direct Appeal Filed Date; 25-29-2012.
- 7.) Filed (PLA) Petition For Leave To Appeal To The Illinois Supreme Court Date; 2-28-2012
8-28-2012.
- 8.) The Illinois Supreme Court Denied (PLA) Review Date; 11-28-2012.
- 9.) Mandate Of The Appellate Court Date; 1-9-2013.
- 10.) Did Not File The United States Supreme Court Writ Of certiorari Petition Due Date;
2-28-2013.
- 11.) Petition For Post-Conviction Petition Filed Date; 8-28-2013.
- 12.) Petition For Post-Conviction Petition Relief Written Order Summarily Dismissed Date;
11-19-2013.
- 13.) The Circuit Court Appoints State Appellate Defender On Appeal Date; 2-7-2014.
- 14.) On Date; 6-30-2016, Petitioner's Case Was Placed Back On Trial. Call To Reconsider Ruling Date.
- 15.) Petition For Post-Conviction Petition Second Stage Dismissed Date; 7-6-9-2022
Petition Date; 6-30-2016
- 16.) Filed (PLA) Petition For Leave To Appeal Post-Conviction Third Stage Date; 1-25-2024
- 17.) Denied (PLA) Petition For Leave To Appeal Post-Conviction Petition Third Stage Date;
Date; 3-27-2024.

JURISDICTION

Douglas Lemon, petitioner-appellant, appeals / files a writ of certiorari from the third-stage dismissal of his post-conviction petition on March 27-2024, (130415). The judgment being appealed was entered on June 1-2024. Writ of certiorari was timely filed on June 1-2024. Jurisdiction therefore lies in this Court pursuant to Article VI, Section 6, of the Illinois Constitution, and this Court's jurisdiction is invoked under 28 U.S.C. Section 1257(3).

STATEMENT OF FACTS

Douglas Lemon was convicted after a bench trial of five counts of aggravated criminal sexual assault and one count of aggravated kidnaping. (C.292-293). He was sentenced to consecutive terms of eight years in prison for each count for a total of 40 years imprisonment. (C.292-293). On direct appeal, this Court rejected Lemon's claim that the evidence against him was insufficient where the complainant's testimony was contrary, inconsistent, and improbable and affirmed his convictions and sentences. People v-Lemon, 2012 IL App (1st) 102932-U. He now appeals the third-stage dismissal of his post-conviction petition where he argued, in part, that trial counsel was ineffective for failing to call two exculpatory eyewitnesses, who would have impeached the complainant's testimony that Lemon sexually assaulted her.

REASON FOR GRANTING WRIT

Issue #1, and 1A,

The Fitness Hearing Examination, (EEE14-36), see also Exhibit #1, Petitioner exhibit's #3, 5, and 6, would also asked the court to review the Conflict of Interest between [Petitioner] and his original trial Judge Tomothy J.Joyce, was involved in a Physical Altercation in court room 500, on 3-6-2009, during an Mental Illness Fitness hearing for the defendant petitioner. U.S. Const; Amend; XIV; ILL. Const. (1970) Art. 1, § 2; Issue #1A, This Petitioner was on Psychotropic drugs during fitness hearing and trial. The defendant was unfit to stand trial and his rights to due process was violated under the 14th, amendment of the united states and the illinois constitution art. 1, § 2,. Drope V- Missouri, 420 U.S. 162, 171-72 (1975).

Issue #2,

The duty to Disclose Evidence to defense is upon the prosecution to come forward with the information even though it has not been requested. ~~The prosecution disclosure failure~~ in violation of the defendants rights to due process under the 5th and 14th amendment of illinois and federal constitution and a violation of the discovery rules and the dictates of Brady V- Maryland, 373 U.S. 83, 835, CT. 1194, 10 Led.2d 21, S (1963). (AAAAll14) See; Exhibit's # 7, 8, and 9, of 9A.

Issue #3, 3A, and 3B,

Ineffective Assistance Of Trial Court Attorney and the 6th, amendment right to the Effective Assistance of Counsel; which his defense counsel performance fell below an objective standard of reasonableness and that this substandard performance prejudiced the defendant by creating a reasonable probability that, but for counsels errors, the trial results would have been different. See U.S.C.A, constitutional amendment 6th and Strickland V- Washington, 466, U.S. 668, 104 S.C.T. 2052, 80 Led 2d 674 (119 84). That defendants trial attorney Ms.Sophia Atcherson, had and serious Conflict of Interest between them during Pre Trial Prosedures what caused me the defendant to file numerous ARDC complaints against his trial attorney and at the time of the trial existed an irreconcilable conflict between the defendant and his attorney. In this case the defendant consistently reminded the court and the proper disciplinary authorities that he could not have had conflict free representation with his trial attorney and had her dismissed from his case on 2, occassions, but was reinstated over defendant objection, see Exhibit #20, sent to trial court Judge, and also see Exhibit #10.

Issue #3A,

The trial court Attorney Ineffective for failing to Impeach Destiny Johnson and Shirley Pearson. The defense attorney had subpoenaed Destiny Johnson Mom Delores Johnson to court to testify to Destiny Johnson calling her mom phone from the defendant Douglas Lemon phone the night of the alleged incident of the fact that Destiny had lied to her mom, that she was with Shirley Pearson, when infact Shirley was there with delores at that time and numerous of other obvious lies Destiny told, but this attorney fail to secure Delores appearance for for trial and never perfected the impeachment of Destiny with all her lies.

By this attorney not impeaching Destiny Johnson, who was the states chief occurance witness and without her credibility being impeached, this Defendant had no chance of winning. This case was based on his credibility against Destiny and it was fatal to his defense not to complete the impeachment. That trial court attorney ineffective, for not bringing to the trial court attention Destiny Johnson prior bad acts; evidence of an arrest may be used to show bias or motive Flaughers, 174 act 598, see; (AAAA22-29-30-33), Exhibits # 7,8,9, 10,11, of 9A.

Issue #3B,

Defense Attorney failure to Impeach Shirley pearson, both with her GrandJury testimony and trial testimony which she did. This defense attorney never perfected the impeachment of Shirley Pearson, with the Jencks material. This defense attorney allowed the state to violate the rules of Discovery and the Rules of Jencks and rule supt.CT.R 412 (a) (i), Jencks v-U.S., 353 U.S. 657, 77 S.CT. 100, 74, 1 Led 2d 1103, 75 Ohio L. abs. 465 (1957). It is axomatic and Due Process requires that the state discloser all evidence that is relevant to an accused guilt or punishment, see; Brady v-Maryland, counsel can provide ineffective assistance for failure to produce exculpatory evidence, People v-Gibson, 244 Ill. App. 3d 700.

Issue #4,

Claim of ' Actual Innocence;' based on an important goal of the Criminal Justice Process is the protection of the innocent accused against an erroneous conviction. The hospital found that there was no evidence of the defendants DNA testing of identified on the Oral Swab, which the defendant was infact convicted and sentenced for, (R. BBBB61). This defendant is seeking DNA testing based on 725 ILCS 5 / 116-3 (west 1998), A defendant may make a motion before the trial court that entered his case for the performance of finger prints or and DNA testing of evidence that was secured in his trial which resulted in his conviction. The chicago police violated my due process right by not finger printing the allege knife the defendant was accused of using which was declared to be false, and i request my trial attorney several times to have the knife finger printed for my trial defense but she fail to do so.

This defendant requested that this court grant him a Genelex DNA drug sensitivity testing that has the potential to prove (1) Actual Innocence (2) that at the time of trial he was unfit to stand trial. the result of the testing has the scientific potential to produce new non-cumulative evidence materially relevant to the defendants actual innocence. The defendant asserts that because of the side effects from used Psychotropic Medication, he was mentally ill, and unfit to stand trial. That it was Destiny Johnson who drugged this defendant with a drug thought was suspected ecstasy who was not responsible for his actions at the time of the allege case. That the following defense witness'es; Johnny Lemon, Joseph Wilkins, Decorion Jackson, calvin Lemon, Marchella Winters, Arzestery Davis, Candy, Delores Johnson and the defendant Douglas Lemon, all would dia-metrically paint a contradictory story of what happen on 11-14-2005, on into 11-15-2005, between the defendant and Destiny Johnson and does supports the defendant's claim of actual innocence. That Destiny lied about being of legal age.

Witness Johnny Lemon, states that the knife he witnessed destiny used the night of 11-15-2005, was infact his Johnny Lemon Martial Arts souvenir replicate knife. That Johnny lemon, Joseph Wilkins and Candy all witnessed Destiny Johnson give the defendant a white powder drug substance put in his alcohol drink and witnessed Destiny voluntarily take off both her and the defendants clothes to ignitiate a series of sexual acts while the defendant was incoherently unconscious in and out of conscious would definitively contradict Destiny Johnson in trial testimony and the state theory of the case.

The defendant contends that it is a violation of due process under the 14th amendment of the united states and the 5th and 6th, amendments of the illinois constitution to convict a person who is actually innocent see; People V-Washington, 665 N.E. 2d 1330. Exhibits # 6,12,13,14,15,16,17, and 18.

Issue #5A,

Inneffective Assistance of Trial Counsel, for failure to call alibi witness'es to the alleged sexual assault; in this case, this Petitioner contends that his trial attorney was ineffective for failing to call Decorion Jackson (an accurance witness),Johnny Lemon (an eye-witness), Joseph Wilkins and Candy (are eye-witness'ess), Arzestery Davis (an occurance witness), Calvin Lemon (an occurance witness), these affiants testimony could have established that it was Destiny Johnson and Shirley Pearson were the antagonists in this encounter who prompted the entire incident to drug sedate and sexually engaged in activity with the defendant that Destiny Johnson was the sexual predator, and who robbed the defendant, who called her accomplish boyfriend Willie Dennis for advice when her Destiny clean get away exit was blocked by three eye-witness'es Johnny Lemon, Joseph Wilkins and Candy, why Willie Dennis told her to call CPD crying a damsel in distress. Ineffective for failure to call Delores Johnson to testify that her daughter Destiny lied about the case.

Defense counsels failure to present any of these witness'es testimony was arguably unreasonable for the same reason that it was prejudicial because the alibi witness'es was exculpatory for not giving the affiant an opportunity to testify is not sound strategy and failure to present exculpatory evidence of which she is aware is ineffective assistance of counsel, under both the federal and illinois constitution. U.S. Const; Amend; 8, VI, XIV, ILL. Const, art; 1 § 8; Strickland v-Washington, 466 U.S. 668, 104 S.C.T. 2052, 80 Led 2d 679 (1989) see Exhibits # 12,13,14,15,16,17, and 18, combine connection with; Issue #3, 3A, and 3B.

Issue #6A,

Was This Defendant Insane At The Time Of The Accused Alleged Assault Or At His Fitness Hearing And During The Trial.

It is proper to have a mental examination of an accused who has put in the issue question of sanity; 725 ILCS 5 / 104-13; People v-Carpenter, 13 ILL.2d 470, 150 N.E.2d 100 (1958). The defendant in support of his mental health an ingestion of prescribed psychotropic medication and that the defendant has a long history of mental illness exacerbated by psychotropic medication. This defendant has a question of sanity a few times, at the time of the alleged accused assault incident when he may have been involuntarily intoxicated by Destiny Johnson, and on 3-6-2009, the defendant experienced being beat down and shackled by the court Judge Timothy J.Joyce and cook county sheriffs, during a mental illness fitness hearing, and also unfit during trial. see; (EEE1, to 65), and Exhibits #1,2,3,4,10,11,12,13,14,15,16,17,18, and 19.

Issue #7,

Whether the offense of Predatory Criminal sexual assualt ia a valid offense and does this offense violate the Single Subject Rule of the state constitution and the due process clause of the united states and illinois constitution. The defendant was convicted of predatory criminal sexual assault of a child in violation of 720 ILCS 5 / 12-14,1 (a) (1) 2005. The offense of predatory criminal sexual assault was created by Public Act 89-428, and became effective on 12-13-1995, and was held unconstitutional on 5-22-1997, in Johnson v-Edgar, 680 N.E.1372, because the P.A. 89-428, was passed in violation of the single sunject rule, this Public Act was held to be unconstitutional in its entirety. The defendant Douglas Lemon, also would assert to this court that it is a violation of the 5th, amendment of the illinois and united states constitution te be tried and convicted under an invalid indictment.

Issue #8,

The States Attorney in the case at bar violated this defendant Douglas Lemon right to due process under the united states and illinois constitution. It is fundamentally unfair to be charged, tried and convicted and imprisoned under a statute that never existed as a valid statute, and it is also a violation of an accused criminal defendant right to due process as enunciated by the 5th, and 14th, amendment of the united states constitution.

Issue #9,

Theres substantial showing of prejudice due to trial counsels failure to call Johnny Lemon and Joseph Wilkins, where the " Evidence At Trial Was Overwhelming ", (St.Br.35), see; People V-Moore, 279 III. App. 2d 152, 160 (5th Dist. 1996) here it should conclude that Post-Conviction Counsel provided unreasonable assistance where she failed to secure an up dated affidavit from Joseph Wilkins, stating that he was ~~willing~~ to testify at trial (OP. Br. 22-21). " It is evident that Post-Conviction Counsel was not the person who procured his affidavit." (St. Br. 41, citing C. 148). This, of course, makes clear that since counsel did not " Procure " the original affidavit, which had an obvious omission counsel had a duty to obtain a new affidavit attesting to Wilkins willingness to testify at trial. Here it should hold that Post-Conviction Counsel rendered unreasonable assistance by failing to seek an amendment to conclude this requisite statement in accordance with supreme court rule 651 (c), Ill. Sup. Ct. R. 651 (c); People V-Turner, 187 Ill. 2d 406, 410 (1999) (Post-Conviction Counsel Must Shape Petitioners Complaint Into " Appropriate Legal Form ").

Furthermore, its an ' Extreme And Tragic ' long delay error, overall to adhere to Evans V-Wills, (2023) United States Court Of Appeals, seven Circuit. James A. Evans, Petitioner-Appellant V-Wills Anthony, Respondent-Appellee No. 21-1704, decided April 27-2023. A long delay is unjustifiable, see; Mucie V-Missouri State Dept.Of Corr., 543 F.2d 633, 636 (8th, Cir. 1967), ' Extreme And Tragic ' 10 F 4th at 716, at an ' Eleven Year Wait ' and counting, is to be allowed to proceed straight to federal court under § 2054. Id at 716, 723, for relief. Post-Conviction pleadings substantially showed Trial Counsel was ineffective, as so was Post-Conviction Counsel as well. The 6th, amendment of the illinois constitution.

CONCLUSION

Wherefore, for the foregoing reason Douglas Lemon,
petitioner respectfully requests that a Writ Of Certiorari to
be granted.

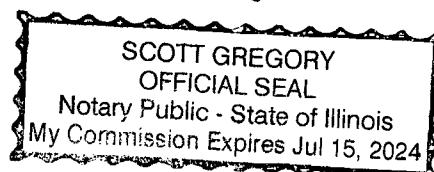
Respectfully Submitted

/ s / Douglas Lemon

Subscribed And Sworn To Before Me

This 17 Day Of June 2024

Scott Gregory



PETITIONERS COMMENT

The Writ Of certiorari Petition, is subject to periodically change the many technical rule's, that it makes my mental health disorder and my dyslexia condition spin with a migraine. As much as i want to prove that im wrongly convicted, im not at all qualified to address merits of the law as an certified attorney.

I tried hard to apply the rule's every Petition of the way from the trial vertict on up to this point for relief but the trial Judge refuse to go against her ruling.

This Writ Of Certiorari Petition, is the most hardest, difficult, complicated of all Petition's. I pray that this court review my case.