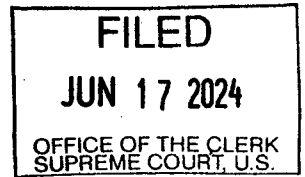


No. 24 - 5022



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IN THE  
SUPREME COURT OF THE UNITED STATES  
  
TERM 2024

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ANGELA J. WELLS — PETITIONER  
(Your Name)

VS.

PEOPLE OF THE STATE OF ILLINOIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ILLINOIS SUPREME COURT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ANGELA J. WELLS  
(Your Name)

P.O. BOX 1000  
(Address)

LINCOLN, ILLINOIS 62656  
(City, State, Zip Code)

-----  
(Phone Number)

## QUESTION(S) PRESENTED

1. SHOULD THE PETITIONER BE ELIGIBLE FOR RELIEF SET FORTH IN 735 ILCS 5/2-1401((B-5) 2016 REGARDING DOMESTIC VIOLENCE VICTIM EVEN IF SHE AGREES TO A FULLY NEGOTIATED PLEA.
2. SHOULD THE PETITIONER BE GRANTED RELIEF EVEN IF SHE DIDN'T RECEIVE THE "BENEFIT OF THE NEGOTIATED PLEA AGREEMENT?"
3. SHOULD PETITIONER BE ALLOWED TO PRESENT SUFFICIENT EVIDENCE TO WITHDRAW GUILTY PLEA ON REMAND TO CHALLENGE HER SENTENCE FOR RESENTENCE FOR BEING A VICTIM OF DOMESTIC VIOLENCE?
4. WHETHER A DEFENDANT IS ELIGIBLE FOR RELIEF UNDER 18 U.S.C.S. § 3582 (c) (2) THERE IS NO REASON IT SHOULD TURN ON THE <sup>Eligibility</sup> OF HER PLEA AGREEMENT?

## 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

HUGHES V. UNITED STATES, 138 S. Ct. 1765  
SEALED APPELLANT V. SEALED APPELLEE, 138 S. Ct. 2619  
DOWELL V. UNITED STATES, 138 S. Ct. 2620

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## TABLE OF AUTHORITIES CITED

### CASES

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### STATUTES AND RULES

FEDERAL RULE OF CRIMINAL PROCEDURE	11 (c) (1) (c)
18 U.S.C.S s 3582	(c) (2)
U.S.C.S COURT RULES	
28 U.S.C.S s 1257	

### OTHER

#### CONSTITUTIONAL PROVISIONS

UNITED STATES CONSTITUTION, AMENDMENT V; X, II, V	
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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 \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the DECISION OF ILLINOIS TRIAL COURT court appears at Appendix B to the petition and is

☐ reported at \_\_\_\_\_; 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 NOVEMBER 30, 2023.  
A copy of that decision appears at Appendix C, D.

☒ A timely petition for rehearing was thereafter denied on the following date:  
MARCH 25, 2024, and a copy of the order denying rehearing appears at Appendix E.

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES.. IN PERTINENT PART:

NO PERSON...SHALL BE COMPELLED IN ANY CRIMINAL CASE BE A WITNESS AGAINST HIMSELF, NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW.

THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES.. IN PERTINENT PART:

NO STATE MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES: NOR SHALL ANY STATES DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LIFE.

DUE PROCESS OF LAW- FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION WHICH PROVIDES 'NOR SHALL ANY PERSON BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW". IN OTHER WORDS, WITHOUT FUNDAMENTAL FAIRNESS SUCH AS A FAIR TRIAL, OPPORTUNITY TO BE HEARD AND CONFRONT WITNESSES AGAINST YOU.



## STATEMENT OF THE CASE

MRS. WELLS WHO EXPLICABLE IN A MURDER IN 2001., AGREED TO PLEAD GUILTY AND TO TESTIFY AGAINST HER HUSBAND; RONALD WELLS IN EXCHANGE FOR THE STATE'S RECOMMENDATION OF A SENTENCE OF 40 YEARS IN PRISON. ON OCTOBER 29, 2001, THE CIRCUIT COURT ACCEPTED THE GUILTY PLEA AND THEN HELD A SENTENCING HEARING AT WHICH THE COURT ACCEPTED THE STATE'S RECOMMENDATION AND IMPOSED THE AGREED SENTENCE.

IN DECEMBER 2017, MRS. WELLS MAILED FROM PRISON A PETITION UNDER SUBSECTION (B-5) FOR RELIEF FROM THE SENTENCE. IN ACCORD WITH THE STATUTE, MRS. WELLS ALLEGED THAT THE COURT FOUND HER GUILTY OF A FORCIBLE FELONY AND HER "PARTICIPATION IN THE OFFENSE WAS RELATED TO HER PREVIOUSLY 'BEING A VICTIM OF DOMESTIC VIOLENCE; AS PERPETRATED BY AN INTIMATE PARTNER." SHE PRESENTED "NO EVIDENCE OF DOMESTIC VIOLENCE AT SENTENCE HEARING," AND SHE "WAS UNAWARE OF THE MITIGATING NATURE OF THE EVIDENCE OF THE DOMESTIC VIOLENCE AT THE TIME OF THE SENTENCING AND COULD NOT LEARNED OF ITS SIGNIFICANCE SOONER THROUGH DILIGENCE." SHE ADDED DETAILED ACCOUNTS OF THE DOMESTIC VIOLENCE SHE ENDURED, SUPPORTED BY SEVERAL EXHIBITS, INCLUDING MEDICAL RECORDS. SHE EXPLAINED THE CONNECTION DOMESTIC VIOLENCE AND HER PARTICIPATION IN THE MURDER, AS SHE ALLEGED HER HUSBAND TOLD HER TO HELP HIM MOVE WEYRICK TO THE FREEZER. WHEN SHE HEARD NOISES FROM THE FREEZER? SHE PANICKED; FEARING WHAT HER HUSBAND WOULD DO TO HER AND HER CHILDREN. SHE ALLEGED, "I BELIEVE I WOULD HAVE MET THE SAME FATE AS MY VICTIM BECAUSE IMMINENT BODILY HARM WOULD HAVE BEEN INFLICTED UPON ME."

ON MARCH 18, 2001, BRENDA WEYRICK REPORTED TO THE POLICE THAT HER 20-YEAR OLD SON, JAMIE, HAD BEEN MISSING SINCE MARCH 14, 2001. SHE REPORTED THAT JAMIE HAD RECEIVED A TAX REFUND CHECK IN THE AMOUNT OF APPROXIMATELY \$2000 AND HAD CASHED THE CHECK SHORTLY BEFORE DISAPPEARANCE. THE INVESTIGATING POLICE OFFICERS LEARNED THAT JAMIE WAS SEEN IN THE COMPANY OF RONALD WELLS ON MARCH 15, 2001. THE POLICE INTERVIEWED BOTH RONALD WELLS AND THE PETITIONER AND SEARCHED THEIR HOME. DURING THE SEARCH, THEY DISCOVERED JAMIE WEYRICK'S BODY BURIED IN THE BACKYARD. AN AUTOPSY REVEALED THAT THE CAUSE OF DEATH WAS MULTIPLE BLUNT FORCE INJURIES, SHARP FORCE INJURIES, AND ASPHYXIA.

## STATEMENT OF THE CASE

ACCORDING TO HER STATEMENT, ON THE EVENING OF MARCH 15, 2001, SHE WAS AT HOME WITH HER FOUR CHILDREN WHEN HER HUSBAND, RONALD CAME HOME WITH WEYRICK. RONALD TOLD WEYRICK TO GO UPSTAIRS. RONALD THEN TOLD THE PETITIONER THAT HE INTENDED TO KILL WEYRICK. THE PETITIONER SAID THAT SHE PLEADED WITH HER HUSBAND NOT KILL BUT HE IGNORED HER PLEADINGS AND WENT UPSTAIRS. THE PETITIONER HEARD A STRUGGLE: THEN SHE SAW WEYRICK RUN DOWN THE STAIRS WITH RONALD IN PURSUIT. SHE SAW RONALD STAB WEYRICK WITH A KNIFE. BELIEVING THAT WEYRICK WAS DECEASED, THE PETITIONER AND RONALD CARRIED HIM TO THE BASEMENT AND PLACED HIM IN A LARGE FREEZER. RONALD THEN TOOK SOME MONEY AND LEFT THE HOUSE. DURING RONALD'S ABSENCE THE PETITIONER HEARD NOISES COMING FROM THE FREEZER AND DISCOVERED THAT WEYRICK WAS STILL ALIVE. SHE HIT HIM WITH A HAMMER AND STABBED HIM.

## REASONS FOR GRANTING THE PETITION

### I. THE ILLINOIS SUPREME COURT REASONING IS FLAWED.

THE ILLINOIS SUPREME COURT JUDGES----SPECIFICALLY IGNORED THE LEGISLATIVE INTENT TO INCLUDE GUILTY PLEA CASES. ALL LEGAL POSITIONS <sup>pro</sup>~~PER~~-OFFERED IN THE PETITIONER CASE LEVEL IS ALL IN THE PETITIONER FAVOR THE CONTROLLING CASELAW ON THE STATE AND FEDERAL AND THEN THE STATE CONTENDS SUBSECTION(B-5) DOES NOT APPLY TO MRS. WELLS BECAUSE SHE FULLY NEGOTIATED HER GUILTY PLEA. TO RESOLVE THE ISSUES, WE MUST CONSTRUE SECTION 2-1401 (B-5). MUST START WITH THE WORDS OF THE STATUE MANGO V. COUNTY OF COOK, 92 N.E.3D 412. THE COURTS MUST ENFORCE CLEAR AND UNAMBIGUOUS STATUTORY LANGUAGE AS WRITTEN, WITHOUT READING IN UNSTATED EXCEPTIONS, CONDITIONS, OR LIMITATIONS. THE COURT "MUST VIEW AND GIVE EFFECT TO THE ENTIRE STATUTORY SCHEME. THE COURT MAY CONSIDER THE REASON FOR THE LAW, THE PROBLEMS SOUGHT TO BE REMEDIED, THE PURPOSES TO BE ACHIEVED, AND THE CONSEQUENCES OF CONSTRUING THE STATUE ONE WAY OR ANOT-HER; BD OF EDUCATION OF CHICAGO V. MOORE, 182 N.E.3D 94. SUBSECTION (B-5) CONSTITUTES REMEDIAL LEGISLATIVE, WHICH THE COURT MUST INTERPRET LIBERALLY TO EFFECTUATE ITS PURPOSE SECTION 2-1401 (B-5) (2) OF THE CODE, A REMEDY FOR OVERLY HARSH SENTENCE IMPOSED ON VICTIMS OF DOMESTIC VIOLENCE PERMITS THE COURT TO REDUCE A SENTNECE IMPOSED ON A DEFENDANT WHO SHOW THAT HER PARTICIPATION IN THE OFFENSE IN THE OFFENSE WAS HER PREVIOUSLY HAVING BEEN A VICTIM OF DOMESTIC VIOLENCE.

THE ACT EFFECTIVELY DOES TWO THINGS: ONE, CREATES A MITIGATING FACTOR FOR DOMESTIC VIOLENCE IN THE CASE OF A INTIMATE PARTNER. SECOND, PROVIDES FOR THE POSSIBILITY OF POST JUDGMENT RELIEF IN A CASE WHERE THERE WAS NO EVIDENCE OF DOMESTIC VIOLENCE AGAINST THE PERSON PRESENTED AT THE SENTENCING HEARING. IN THE CASE OF A FORCIBLE FELONY WHERE THE DOMESTIC VIOLENCE MAY HAVE BEEN A CONTRIBUTING FACTOR VICTIMS WOULD BE ELIGIBLE FOR THE POSSIBILITY OF "RELIEF-

## REASONS FOR GRANTING THE PETITION

OFTEN SURVIVE ACCEPTS PLEA DEALS THAT DIDNT TAKE INTO ACCOUNT THE ABUSE THEY EXPERIENCE. BECAUSE IN SOME CASES DOMESTIC VIOLENCE WAS NOT EVEN A MITIGATING FACTOR UNTIL A ORIGINAL ACT WAS ENACTED IN 2016. SO, THIS WILL ALLOW FOR THE SURVIVORS WHO WERE SENTENCED EITHER THROUGH A PLEA DEAL OR A FULL SENTENCING HEARING TO HAVE ALL OF FACTORS OF GENDER-BASED VIOLENCE CONSIDERED AND ENSURE THAT THEY RECEIVE A FAIR SENTENCE, AND THAT MISTAKES OF THE PAST CAN BE RECTIFIED. SURVIVORS IN PRISON BECAUSE THEIR ABUSER FORCED THEM INTO THE IMPOSSIBLE CHOICE OF BEING PRESENT WHILE THEY DID HORRIBLE THINGS OR RISK BECOMING ANOTHER FATALITY. 103RD ILL. GENERAL ASSEMB., HOUSE PROCEEDING MAY 11, 2023 (STATEMENTS OF REPRESENTATIVE CASSIDY).

### II. MRS. WELLS PETITION DOES NOT VIOLATE CONTRACT PRINCIPLE

THE MAJORITY ALSO RELIES ON "CONTRACT LAW PRINCIPLE" (QUOTING PEOPLE V. EVANS, 673 N.E.2D 244 TO SUPPORT THE ASSERTION THAT "A DEFENDANT WHO ENTERS INTO A FULLY NEGOTIATED PLEA BARGAIN CANNOT UNILATERALLY SEEK A REDUCTION IN HER SENTENCE AFTER THE TRIAL COURT HAS ACCEPTED THE PLEA AND ENTERED JUDGMENT. MRS. WELLS DOES NOT UNILATERALLY SEEK MODIFICATION OF THE TERMS OF THE PLEA SHE NEGOTIATED WITH PROSECUTORS ACTING ON BEHALF OF THE STATE.

INSTEAD, SHE ASKS THE COURT, IN A COLLATERAL SECTION 2-1401 PROCEEDING TO CONSIDER EVIDENCE NOT PRESENTED BEFORE SENTENCED AS POSSIBLE GROUNDS FOR REDUCING HER SENTENCE.

THE LEGISLATURE SPECIFICALLY AUTHORIZED DEFENDANTS LIKE MRS. WELLS ASK THE COURT TO RECONSIDER THEIR SENTENCES. SMITH V. DEPARTMENT OF REGISTRATION & EDUCATION, 106 N.E.2D 722. (THE STATE ACTS THROUGH ITS EXECUTIVE, ITS LEGISLATIVE, OR ITS JUDICIAL AUTHORITIES): ILL. CONST. 1970, ART. II NN 1, 2.

THE STATE ACTING THROUGH THE LEGISLATIVE MADE THE STATUTE APPLICABLE TO ALL DEFENDANTS NOT ONLY ONES CONVICTED AFTER A TRIAL WHO CAN SHOW THAT THEIR PARTICIPATION IN THE OFFENSE

## REASONS FOR GRANTING THE PETITION

WAS RELATED TO DOMESTIC VIOLENCE 735 ILCS 5/2-1401 (B-5) (WEST 2016) WHICH THE PETITIONER MRS. WELLS CAN PROVE IT (BY EXPLAINING THE CONNECTION BETWEEN THE DOMESTIC VIOLENCE AND HER PARTICIPATION IN THE MURDER AS SHE WAS TOLD BY HER HUSBAND TO HELP HIM MOVE (WEYRICK, THE VICTIM) TO THE FREEZER.

THE STATE, ACTING THROUGH THE COURTS, MUST ACCEPT ANY MODIFICATION OF THE SENTENCE BEFORE IT CAN TAKE EFFECT JUST AS THE STATE ACTING THROUGH THE COURTS NEEDED TO ACCEPT THE PROSECUTOR'S RECOMMENDATION BEFORE THE ORIGINAL PLEA BARGAIN COULD TAKE EFFECT. OUR RULES PROVIDE: IF THE DEFENDANT PLEADS GUILTY BUT THE TRIAL JUDGE LATER WITHDRAWS HIS OR HER PLEA OF GUILTY, ILL.S.CT.R 402 (D) (2) (EFF. JULY 11, 2012). THUS THE NEGOTIATED PLEA BARGAIN DOES NOT BIND THE DEFENDANT AND THE DEFENDANT MAY WITHDRAW FROM THE BARGAIN AFTER THE PROSECUTION HAS FOLLY PERFORMED ITS PROMISES IF THE COURT DOES NOT ACCEPT THE NEGOTIATED SENTENCE.

UNDER THE TERMS OF THE STATUTE, ALL DEFENDANTS INCLUDING THOSE WHO FULLY NEGOTIATED THEIR PLEAS COULD PETITION FOR RELIEF BASED ON A CHANGE IN SENTENCING GUIDELINES -138 S.CT. AT 1776.

WHEN THE LEGISLATURE ADOPTED AND AMENDED SECTION 2-1401 (B-5), IT MADE NO EXCEPTION FOR FULLY NEGOTIATED PLEAS. AS THE COURT SAID IN HUGHES, "THERE IS NO REASON A DEFENDANT ELIGIBILITY FOR RELIEF SHOULD TURN ON THE FORM OF HIS PLEA AGREEMENT". ID. AT \_\_\_\_\_, 138 S.CT. AT 1777. THE LEGISLATURE INVITED ALL OFFENDERS WHO ARE VICTIMS OF DOMESTIC VIOLENCE TO PETITION THE COURTS FOR MODIFICATION OF THEIR SENTENCE IF THEIR OFFENSES RELATED TO DOMESTIC VIOLENCE. 735 ILCS 5/2-1401 (B-5) ONLY GIVES THE DEFENDANT THE OPPORTUNITY TO PRESENT EVIDENCE THAT DOMESTIC VIOLENCE RELATED TO HER PARTICIPATION IN THE CRIME AND THE "OPPORTUNITY TO ARGUE FOR A RESENTENCING". 103<sup>RD</sup> ILL.GEN.ASSEM., HOUSE PROCEEDING MAY 11, 2023 (STATEMENTS OF REPRESENTATIVE CASSIDY).

REASONS FOR GRANTING THE PETITION

THE MAJORITY IGNORE ALL REMEDIAL PURPOSE, LEGISLATURE'S INTENT STATUE INTO AN EXCEPTION. THE MAJORITY FAILED TO CONSIDER HUGHES, ACASE WHERE THE UNITED STATE'S SUPREME COURT INTERPRETED A FEDERAL SENTENCE REDUCTION STATUTE.

ILLINOIS LAWMAKER WENT BACK INTO THE GENDER-BASED DOMESTIC VIOLENCE ACT UNDER S.B. 3285 TO INCLUDE NEGOTIATED PLEA TO GET DUE PROCESS TO PRESENT EVIDENCE FOR GENDER-BASED BASED DOMESTIC VIOLENCE LAW.

THEREFORE? THIS SHOULD BE ENOUGH TO CONVINCED UNITED STATES SUPREME COURT THAT I, ANGELA WELLS HAVE BEEN MISTREATED BY THE ILLINOIS SUPREME COURT WAS WRONG TO DENIED MY DUE PROCESS AND THAT MY GENDER-BASED DOMESTIC VIOLENCE IS IMPORTANT ENOUGH TO JUSTIFY DEVOTED DEVOTING THE UNITED STATES SUPREME COURT LIMITED TIME TO GRANTING THE PETITION.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Angela Wells

Date: JUNE 17, 2024