No. 24-5122

IN THE

SUPREME COURT OF THE UNITED STATES

Scurlock — PETITIONER
(Your Name)

vs.

[redacted] Jones — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

7th Circuit Court of Appeals
[redacted]
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Aaron Scurlock
(Your Name) I.R.C.C.
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P.O. BOX 999
(Address)

Canton, IL 61520
(City, State, Zip Code)

? Unknown
(Phone Number)

QUESTION(S) PRESENTED

Whether the 7th Circuit has sanctioned so far a departure from the accepted and usual course of judicial proceedings by the Northern District of Illinois so as to call for an exercise of this Court's supervisory power in this § 2254 habeas case where the district court, **after finding** that the state post conviction court prosecutor ("ASA") and public defender inordinately and unjustifiably delayed the post conviction case **with their concerted efforts to conceal the grossly materially falsified trial transcript** from the State Courts and State authorities; **and after the State twice conceded** the factual and legal sufficiencies of the record-based habeas claims, the district court refused to adjudicate the actual **claims**, issues, and defenses (as to both the substantive habeas claims and again to the 60(b) motion's procedural defects), **and instead invented all-new fake claims, evidence, and defenses to decide in favor of the State**; and refused to let me object live or even rule on my written objections, effectively silencing me out of court; and the 7th Circuit repeatedly refused Certificates of Appealability based **solely on these false merits; and which district court's actions very effectively continued the criminal cover-up of the ASA's and court reporter's crimes** (of falsifying the trial transcript) **from the public and law enforcement authorities, by the same district judge who found the ASA's and court reporter's crimes inordinate and unjustified in the first place**; & leaving my **actual** habeas [redacted] case denied without **actual** adjudication.

LIST OF PARTIES

[X] 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

People v. Scurlock, 07 CF 1742, Will County, IL

People v. Scurlock, 2012 IL App (3d) 100800-U (Aug. 7, 2012)

Scurlock v. Jones, 1:19 Cv. 2174 (N.D. Ill) (April 27, 2022); (April 27, 2023)

Scurlock v. Jones, 23-2181 (7th Cir. C4) (April 17, 2024)

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STATUTES AND RULES

U.S. Supreme Court Rule 10 (a)

OTHER

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

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] reported at ______________________; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

[ ] reported at ______________________; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits 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 ______________________ 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.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 5, 2024.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 17, 2024, and a copy of the order denying rehearing appears at Appendix A.

[ ] 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 ____________. A copy of that decision appears at Appendix ______.

[ ] A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Supreme Court Rule 10

"... A petition for a writ of Certiorari will be granted only for compelling reasons. The following ... indicate the character of the reasons the Court considers:

(a) a United States court of Appeals ... has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's Supervisory power..."

U.S. Constitution Amendment XIV

"... nor shall any State deprive any person of life, liberty, or property without due process of law..."

U.S. Constitution Amendment V

"No person shall ... be deprived of life, liberty, or property, without due process of law."

STATEMENT OF THE CASE

1.) I filed a 62-page Rule 60(b) motion for Relief from Judgment [Appendix B] on 4/26/23 [Doc 173], raising **ONLY** procedural defects leading to the now-retired district court habeas judge ("habeas judge")'s wrongful denial of habeas relief. As such the 60(b) motion is a true 60(b) motion on habeas, and not a successive petition. [Id at 6-8], citing Kemp v. U.S., ___ U.S. ___, 142 S.Ct. 1856, 1860 (2022), et al, which did not "rehash displeasure", did not reargue old arguments, did not present any new claims, nor did it present any new evidence in support of old claims. See Kuenzel v. Allen, 880 F. Supp. 2d 1205, 1210 (N.D. Ala. 2011) ("[A] Rule 60(b) motion that asserts a defect in the integrity of the proceedings themselves – one that attempts to correct a flaw in the proceedings leading to the Court's determination of a claim – is a genuine 60(b) motion, not barred by AEDPA'S successive provision." [Id. at 6]; Blitch v. U.S., 39 F.4th 827 (7th Cir. 2022) ("The determination whether a motion counts as a successive [petition] does not rest on the 'characterization' applied to it; instead we must focus on the relief sought." [Idem]. "The relief sought here is to vacate the judgment and readjudicate the petition while applying the legal rules, doctrines, principles, etc, **to the ISSUES AND EVIDENCE ACTUALLY RAISED AND PLEADED** (emphases in original), instead of the unending lies, misrepestentations, deceptions, and distortions of the issues and evidence that occurred in the Warden's pleadings and were followed in the Court's opinion, infra." [Id at 6-7]

2.) I immediately notified the district court that I was **only** addressing mistakes of law in the 60(b) motion **and that the actual issues and claims were not addressed, but were buried by the district court's opinion** [Doc 157]. The new district judge ("60(b) judge") continued to bury the **ACTUAL** claims and evidence contained in the habeas petition by denying the 60(b) motion out of hand and creating **further false merits** (whether sua sponte or per the AAG), stating:

> "All of the issues he raises could have been (or were) raised in this Court in the first instance or on appeal. Therefore, his motion for relief from

"judgment [173] is denied." [Appendix C]

The 60(b) judge held that I had already raised or could have raised, inter alia, the **voidness** of the habeas denial order; the habeas judge's refusal to apply **any** of literally hundreds of pages of well-pled waivers/concessions against the State; his refusal to apply the law of the case to the inordinate delay motion in which he found that the State Court trial/post conviction prosecutor ("ASA") conspired with several members of the State Court and DHS personnel [redacted] to bury the grossly and materially falsified trial transcript, and that these State actors' actions were inordinate and unjustified, when he granted my motion for inordinate delay [Doc 5, granted by Doc 126]; his failure to apply the law of the case to his grant of Swift Review based on the State having waived/conceded my claims in **TWO** courts, state and federal, [Doc 66, granted by Doc 68], where by avoiding/distracting away from my ACTUAL claims and evidence and **instead creating fake distortions to dispute**, the State repeatedly acquiesced to the factual and legal sufficiency of my ACTUAL claims [App. B at 12-13]. The 60(b) motion also raised, again, the State's waivers of these procedural matters [Id. at 12-14]; cited relevant Illinois procedural law [Id at 15-16]; raised that the State repeatedly waived that it had judicially admitted the constituent factual bases in State Court [Id at 16-17]; raised the habeas judge's procedural flaws in conflating the State's discrete judicial admissions with a wholly irrelevant notion of failing to file an answer [Id at 17-18]; raised the federal requirement that States must follow procedure and "turn square corners" [Id. at 18-19]; raised the habeas judge's distortions away from the ACTUAL issues at bar [Id. at 26, et al]; raised VOIDNESS of the district habeas denial for not allowing me to be heard to object to these plentiful procedural defects [Id at 11-12, et al]; VOID for failing to follow relevant law and procedure [Id at 13, et al]; and, especially, well-pleaded how in the habeas denial:

" "THE OPINION FLAT-OUT BURIES THE ACTUAL EVIDENCE [redacted] AWAY FROM PUBLIC, BAR, AND JUDICIAL SCRUTINY. It hides the actual evidence (and issues therefore) by ruling in favor of the State's never-ending "fake, strawman arguments that the Warden sets up just to easily knock down, while avoiding the true merits of my claims entirely. It creates, advances, and rules on arguments and positions never pleaded by the State at all. It's axiomatic that such advocacy is not the proper conduct of a neutral court of law. See Marshall v. Jerrico, 446 U.S. 238, 242, 100 S. Ct. 1610 (1980) ("Due Process requires a disinterested and impartial tribunal... The [redacted] requirement helps guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the law or the facts... that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with the assurance that the arbiter is not pre-disposed to find against him."). See Doubleday and Co. v. Curtis, 763 F.2d 495, 502, 503 ("Among the cardinal principles of our Anglo-American system of justice is the notion that the legal parameters of a given dispute are framed by the positions advanced by the adversaries, and may not be expanded sua sponte by the trial judge. The [decision on] [Plaintiff's] claim based on an issue never pleaded by [the defendant]... is inconsistent with due process concerns of adequate notice and opportunity to be heard... if [defendant] had already waived the right to litigate the issue, HE OBVIOUSLY COULD NOT WIN HIS CASE ON THAT POINT.") (emphases added). In its opinion, the Court creates, advances, and finds for arguments and defenses never pleaded by the Warden; **and it does so throughout its entirety.** Accordingly, this Court violates due process per Marshall and Doubleday, and as such must be held void and vacated [(the judgment)]. Where the opinion created and adopted its own arguments on behalf of the State, it's clear evidence that the Court is no longer neutral, but instead is an impassioned advocate." [Id at 1-2].

3) In the previous paragraph, I opened the 60(b) motion by explicitly telling the district court how I thought the opinion was ghost-written by the Assistant Attorney General ("AAG"),

how the Warden waived virtually every issue, claim, argument, etc., in the case with lies, distractions, deceptions, and distortions of the merits of the case, and in following that pattern, virtually every issue ruled on in the opinion were in favor of defenses and positions NEVER pleaded at all through two courts - both state and federal. I thus immediately put the Court on notice on page one that the 60(b) motion had nothing to do with "rehashing displeasure" or attacking the constitutionality of the conviction or sentence, but rather addressed the integrity of the decision and procedural defects that led to the flawed opinion.

4.) The 60(b) judge's assessment that I could have or did raise the habeas judge's manifest procedural defects in the opinion before it was written or on appeal and therefore denied relief under 60(b) evinces either the 60(b) judge's unwillingness to read the 62-page motion (denied one day after getting the case with no mention of VOIDNESS or procedural defects at all); or that he DECIDED to continue concealing the ASA and court reporter's conceded and already-found crimes; or that the AAG made false assertions to the 60(b) judge to continue concealing the court-officer-committed crimes that he'd already deceived the courts away from (and would be accountable for) and the 60(b) judge relied on such false assertions. I cannot argue which is the case, nor what assertions the AAG made to the court because I was again totally shut out of the hearing process, as I've been throughout the district proceedings by 100% of scheduled phone appearances being cancelled and the habeas judge refused to rule on my written motions to be heard. [Id. at 55-56]. I was absolutely silenced from objecting to anything occurring in the habeas court live from start to finish, and even the magistrate process was skipped, disallowing my right to object to impending findings in a Report and Recommendations. I thus couldn't direct the court to the ACTUAL issues nor to the fact that the Court was helping to conceal the crimes and conspiracy that it had already found occurred when it granted inordinate delay, supra.

5.) I did, in fact raise the matters in the 60(b) motion in the Habeas Request for a COA (Appendix D), but the Seventh Circuit there also relied solely on the district court's fake claims to deny a COA, even though circuit law states that it should have read the Requests for Certificates of Appealability. See West v. Schneiter, 485 F. 3d 393 (7th Cir. 2007) ("Notice of Appeal acts as a request for a COA whether or not the prisoner files a separate application; however, substantial showing of a constitutional right is still required for grant of a COA, and notice of appeal does not give reasons, such that it rarely constitutes a 'subsantial showing' of anything."); and Davis v. Borgen, 349 F. 3d 1027 (7th Cir. 2003) ("From the court of appeals' perspective, determining whether the district judge should have issued a COA from denial of a habeas petition may require a review similar to a decision on the merits."). Read together, I had the right to not have my Requests for COAs (habeas COA and 60(b) COA) treated as naked notices of appeal, but instead fully reviewed similar to deciding the merits, which the 7th Circuit explicitly failed or refused to do (Appendix [redacted] E). Accordingly, the 7th Circuit was duped into denying COA (again) **by way of the fake claims and evidence** annunciated in the district court opinion [Appendix G], or else it flat-out chose to continue concealing the ASA's crimes when it was notified that it was relying on fake issues and asked to adjudicate the ACTUAL matters (theories and evidence) pleaded on both sides [Appendix H]; [Appendix A] (specifically **declining** to adjudicate the ACTUAL matters for the first time and discard[redacted] the district court's deceptive opinion). The Seventh Circuit first had recalled its mandate sua sponte upon receiving ~~the~~ Motion to Reconsider [App. I[redacted]], noticing the motion that directed it to the fake issues in the district court opinion, **and then chose to let the fake adjudication stand** and to continue to conceal ASA's crimes in State court, to which the Assistant Attorney General assisted in covering-up in the lower federal courts, [App. A], whether it did so intentionally or due to misrepresentations by the AAG. As such, I did TRY to raise the various procedural defects from the 60(b) motion on direct habeas appeal as needed to obtain 60(b) relief. See Morris v. Adams-Millis Corp., 758 F. 2d 1352 (10th Cir. 1985) ("Mistake of law cannot be reached under Federal Rule of Civil Procedure governing relief from judgments due to mistake where no notice of appeal was timely filed..."); Wade v.

Hopper, 993 F.2d 1246 (7th Cir. 1993)("Party cannot challenge court's [jurisdiction] in collateral proceeding after failing to appeal initial decision."). Again, my efforts to obtain review of the ACTUAL merits **was thwarted by the habeas judge's fake merits in the opinion.** The 60(b) judge implied a res judicata finding for matters that couldn't possibly have been decided in an earlier proceeding due to the habeas order not existing at the initial petition phase, or due to the habeas order's fake merits diverting the Appellate Court's attention away from all the ACTUAL issues raised in the petition, while not once mentioning the various grounds of VOIDNESS or even the myriad defects leading to the illegitimate denial. The district court 60(b) judge thus continued to deny hearing the true merits and thus **continued the concealment of the Post Conviction ASA's crimes that the habeas judge found were inordinate and unjustified, and which the State NEVER EVEN TRIED TO DISPUTE**... whether he intended to do so or was misled.

6) **I was completely shut out of all hearings and court dates, was never allowed to speak up nor object**, and therefore could not direct the courts to the fake merits in the opinion, motions to reconsider, requests for COAs, etc. The writing of the opinion was ex parte and prevented me from arguing the fakery, presenting my own proposed findings and conclusions, and prevented me from objecting to any of it **AGAIN.** See In re Colony Square Co., 819 F.2d 272 (11th Cir. 1987)("When interested party is permitted to draft judicial order without response by or notice to opposing side, temptation to overreach and exaggerate is overwhelming; proposed order or opinion serves as additional opportunity for party to reargue its case and thus is unfair to party not accorded opportunity to respond."); Falcon Const. Co. v. Economy Forms Corp., 805 F.2d 1229 (5th Cir. 1986)("District court that adopts one party's findings essentially verbatim leaves doubt whether it has discharged its duty to review evidence for itself and reached its decision on basis of its own evaluation of evidence rather than that of advocate."); Bilzerian v. Shinwa Co. Ltd., 184 B.R. 389 (M.D. Fla 1995)("Condemnation of 'ghost writing' applies to ex-parte order which is not product of personal analysis and determination of judge, but of overreaching and

exaggeration of attorney who drafted it."). Accordingly, **if** it was opposing counsel that faked the claims in the district court opinion, it was done ex parte, with no notice to me and no opportunity for me to respond or object, no chance to argue my side, and was fundamentally unfair. Further, it produced an effective continuation of the concealment of the state court officers' crimes, with whoever drafted it necessarily assisting in the concealment (accountable); and constituted a fraud on the court. See Lando v. Rafferty, 126 F.R.D. 627 ("District court is empowered to vacate judgment if it was obtained through 'fraud upon the court,' which may be shown to have been committed when officer of court misleads court either intentionally or with callous disregard for truth, where such misrepresentation disrupts court's ability to fairly render a decision."). The order writer **at least** callously disregarded the truth as to what the claims and issues are that constitute the habeas petition when he faked them all and absolutely disregarded that the state abandoned defending the actual claims and issues by making up fake claims to deny in state and federal courts, and makes no mentions whatsoever of the well-pleaded legal issues that the State also waived (and conceded (in state court)). **As a result, the court was unable to fairly decide the truly-pled claims and defenses at all; it wholly adjudicated unpled issues and defenses, leaving the true claims still unaddressed.** Moreover, denying me participancy in all stages of the process, the district court violated the most basic and critical requirements of due process and the judgment denying habeas relief is void therefore. Escoe v. Zerbst, 295 U.S. 490, 55 S.Ct. 818. ("If **void for violation of the due process clause by denying him participancy in the hearing on his Motion**, he may move to set it aside....").

7). At this point I cannot definitively prove that the habeas judge had or didn't have anything to do with creating the unpled claims and defenses in the opinion because I was completely shut out of the live proceedings. However, the very real possibility that district judge Feinerman well-knew that he was furthering the concealment of the ASA's and court reporter's crimes via faking ALL the claims (and thus preventing evidentiary hearings, appointment of counsel, appeal, appointment of appellate counsel to delve deep into the case, and further/higher court and public scrutiny of the ASA's crimes) cannot be foreclosed at this point because he did, after all, make himself aware of the inordinate delay/exhaustion issue, initially deny the inordinate delay motion conditionally, then reverse and grant the inordinate delay motion; **and took no further action on the ASA's crimes and concealment thereof - which is the entirety of the inordinate delay motion that he granted** [Doc 5, granted by Doc 126]. The State never disputed the inordinate delay motion in ANY WAY whatsoever in its pleadings; in fact not once did the Warden even mention it, acquiescing to the facts and legal conclusions I drew. When he granted inordinate delay, he made no referrals to law enforcement for investigations nor other remedial actions. **He did, however, eliminate the magistrate review process and shut me out of court**, preventing me from speaking up about the issues in the public forum of the courtroom, and preventing a lower level magistrate judge's scrutiny, which only the district judge had the power to do. I couldn't even object to a Report and Recommendations because Judge Feinerman kept the magistrate's eyes off the case. If even a single claim makes it to appeal, the entire case is scrutinized, **and thus EVERY claim was faked** in the opinion; as was **EVERY defense**; and **EVERY waiver, concession, and legal issue was swept under the rug.** Nobody remedies what they can't see, **and Judge Feinerman's court buried it all.** The courts thereafter went along with it even when made aware [Appendices H and A; Appendices B and J].

8.) The following State-conceded/waived ("conceded" hereafter) claims and issues are not in the same order as in the prior documents, but attempt to guide the Court through the case from start to finish, and are abbreviated. They are more fully detailed in the 60(b) motion [Appendix B].

9.) **The State's State Court Waivers.** [Appendix B at 12-18]. The Warden in the district court never challenged (or even addressed) the Post Conviction ASA's ("PCASA" hereafter, to distinguish between her roles on collateral review, and sitting second chair at trial, ala "Tr.ASA 2") waivers/concessions of the legal issues, sufficiency of the factual and legal questions and claims for relief on these record-based claims. The Warden thus waived that PCASA conceded the issues and claims for relief first in the State Courts. [Id at 12-15]. The district court **never** cites to the Warden's pleadings in the rulings it created, advanced, and adopted, evincing its knowledge that the State never argued the positions the court made on Warden's behalf, and placed into its opinion. **The Warden waived disputing WAIVER; JUDICIAL ADMISSIONS by TrASA1, TrASA2, PCASA; FRAUDS ON THE COURTS** [Id. at 20, et al], etc. The Warden never disputed that she herself waived/conceded the sufficiency of these procedural issues, though she could have raised a surreply after waiver was asserted against her. [Id at 18-19], and if the law to do so was on her side. [Id]

10.) **PC ASA and Warden conceded that V.W's concededly impossible accusations didn't produce Probable Cause to Arrest.** [Id at 32-35]. The State never disputed that it would have been impossible to have sex with V.W. in bed next to Gwen (V.W.'s mother and my now-ex-wife) without Gwen noticing unless we were weightless and invisible; not possible to have digitally assaulted V.W., causing her to bleed onto the floor and me cleaning it all up while Gwen was home cleaning the tiny house of a lice infestation unless, again, V.W. and I are invisible; not possible to see me masturbating yet not know if my penis was exposed; not possible for V.W. to lay down onto a bed with her butt hanging off without falling; not possible for V.W. to see through her own closed eyelids, a pillow, and a bed so as to see him "jerking off to finish"; not possible for V.W. to be gone getting the kids from school AND at home being assaulted in the five minutes she firmly establish she had, and it took, for her to get off the bus and get to the kids' school on-time or early. Accusing sex crimes in beds full of family members without anyone seeing tends to prove no crimes occurred. Accusing vaginal rape after track in a tiny house full of people tends to prove no crime occurred. PC ASA explicitly admitted that they impeached the "after school" time frame (which the police invented for the case, infra) because it **also** provided no opportunity to commit a crime (because V.W. admitted how she was gone getting the kids at that time, supra); TrASA1's prompting V.W., and V.W. **actually abandoning her own impossible crimes at trial** and adopting the also-impossible police "after-school" time frame **FLAT-OUT CONFIRMS THAT V.W.'S CRIMES NEVER OCCURRED**, and

PCASA conceded that the acts of prompting V.W., **V.W.'s abandonment of her own criminal accusations**, V.W.'s adopting of the police-fabricated "after school" time frame, and the State's subsequent impeachment of V.W.'s newly-adopted police time frame **each judicially admitted to the known falsity of V.W.'s accusations.** [Id at 31]. Further, at the suppression hearing two years before trial, Tr. ASA 1 argued how the State knew that V.W.'s impossible crimes never happened, and repeatedly insisted the the police-invented crimes were what "actually" happened. [Id at 35, ¶68]. Both PCASA and Warden conceded that V.W.'s accusations do not lead reasonable men, not legal technicians, to believe real crimes were committed and that I committed them more probably than not. [Id at 34-35, ¶67, et al].

ii) PCASA and Warden conceded that the detectives proceeded to invent more-plausible crimes to provide to the case, [Id at 29-32], in lieu of V.W.'s irrational crimes. [redacted] In the police version of events, V.W. was to have kept seeking sex from me, jumping on my lap, rubbing herself on me, and pushing me for sex until I could no longer take it and gave in to her advances of oral sex at 15 years old and vaginal sex at 16 years old. Beyond this, V.W. and I were to have had 50-100 lovemaking sessions at night in a house full of people/witnesses to see it all if true ; after school, above, etc. The police-invented crimes are in direct contradiction to V.W.'s accused crimes alleging restraint and rape, sexual punishments, in beds full of people, when V.W.'s friends all stayed home from school because V.W. had lice, etc. The police crimes never claimed, however, that my penis extends down to my knees like V.W. did, nor that it spans the length of her own legs, both which she'd accused in her police interview. The police had denied providing these "Lovers Theory" allegations at the suppression hearing, but at trial admitted to providing, "time frames, ages of the victim, as well as where things were happening and specifics as to what took place," "throughout the whole process" of the interrogation, and not just in the first ten minutes as they'd previously claimed/perjured themselves. [Idem]. **The district court buried** the fact that the PCASA and Warden both conceded the merits of the issue as well as the factual and legal sufficiencies of the Ineffective Assistance of Trial Counsel ("IATC") and Ineffective Assistance of Appellate Counsel ("IAAC") claims ; **buried** that PCASA conceded that the detective judicially admitted at trial to feeding me their made-up crimes' details; **buried** that the State twice conceded the judicial estoppel issue and that once the detective so explicitly admitted to making up new fake crimes and feeding them to me, they can't play fast and loose with the facts so as to "clarify" and again deny the creating and feeding their new fake crimes. [Id at 50-52] [redacted]. The **district court further hid** from public view that they conceded that the "confession" was knowingly false [Id at 41-43]; that the State repeatedly **conceded** the actual coercion IAC claims [Id at 35-41] **and buried** that the police were caught on their own DVD video explicitly confirming that after providing the false crimes for their "confession," they threatened me into saying I committed them **(the district court specifically left out the detective's response of "Like I said..."** when I asked him about the threats in his own words at the end of the DVD, **and disguised the claim** as being based on me asking, **without including the police response/confirmation** that the threat was indeed said by the detective), and that this proof was absolutely conclusive of the coercion issue [Id]. **The district court buried** that the State conceded all theories of Illinois' Corpus Delicti Rule and IAC claims for not raising the non-conforming/practical relation test and the police feeding/origination test, and that the state's other evidence proved no crime occurred, supra. **The district court buried** that PCASA conceded the lack of probable cause to arrest [Id at 32]; as did the Warden [Id at 32-33]; and that Tr. ASA 1 explicitly admitted arrest immediately when I arrived at police HQ [Id at 33-34]. **The district court buried** that PCASA and Warden both conceded the actual claims and evidence and that, had trial and appellate counsels acted, their DVD "confession" had to be suppressed as false, coerced, obtained by illegal arrest, invented by police, and has nothing to do with the crimes V.W. accused but couldn't possibly have happened. **The district court buried** that the State couldn't reasonably dispute the habeas claims and evidence that was ACTUALLY PRESENTED, **so the State invented new, fake claims and fake evidentiary bases to dispute** in state and, again, in federal, courts and had to completely shut me out of court to prevent me from speaking of it in public as I'm locked away in a prison hundreds of miles away; and the district court did so **by killing the magistrate process and itself invented even more all-new fake claims, issues, and defenses to decide in favor of the State and thus** continued the ASA's and AAG's concealment of the ASA's crimes in the trial court, infra, clearly assisting with the criminal concealment. **THE DISTRICT COURT TOOK SIDES AND KNOWINGLY AIDED THE CRIMINAL CONCEALMENT OF CRIMES BY THE ASAs AND OTHERS THAT IT HAD ALREADY DETERMINED HAD OCCURRED WHEN IT GRANTED INORDINATE DELAY.** Please let that sink in. If the judge had been duped by the AAG, then the magistrate process wouldn't have been skipped, but it was, and the magistrate's able eyes were kept away thereby. **I wouldn't yet be in federal court at all if the habeas judge hadn't already made that finding.**

12.) **The ASAs' and others' crimes in state court.** [Appendix B at 21-29, et al.].
As shown above, V.W.'s absurd accusations and the concededly false DVD confession had nothing to do with each other; and up through trial, the State prosecuted me on the basis of the detectives' self-created crimes, which they invented in lieu of V.W.'s impossible and irrational nonsense. The concededly police-invented crimes were more plausible, at least facially, and the ASA's went with them and argued that the police-created DVD crimes were "what actually happened," that they are inconsistent with V.W.'s accusations, and implied thusly that they knew that V.W.'s alleged sexual abuse never actually happened [See, inter alia, Appendix B at 57; Doc 67 at 69-73; Req COA at 48; Def. Pet. at 62-70; Appendix B at 35; etc.]. At trial, V.W. made no specific criminal accusations, and thus there was no evidence to contrast with the detectives' "Lovers Theory" false DVD confession ("confessing" to false crimes that the police invented and provided is necessarily a false confession). However, in Illinois, you can't be convicted by way of a false confession alone; the Corpus Delicti Rule prevents it.

13.) Defense counsel objected at trial, at directed verdict, and then again in the post-trial motion, that V.W. made no specific allegations of even a single occurrence of a crime from 10-16 years old, which covered every charge in the superseding indictment. [Id]. The Tr. ASA 1 and trial judge explicitly AGREED with defense counsel throughout the entirety of the trial on this crucial point, but allowed the case to go to the jury anyways, and allowed them to "assess what "manner of assault" V.W. was accusing [Id]. The trial judge admitted that he was allowing the jury to guess at what V.W. was claiming. You would expect the trial ASA and judge to disagree with defense counsel on these objections if V.W. had actually testified to the specific times, places, and alleged exact occurrences of crimes now appearing in the transcript as V.W.'s testimony (the irrationality, impossibility, and absurdity of her accusations notwithstanding) **BUT THEY DIDN'T.** They explicitly and repeatedly concurred factually, yet denied defense motions [il]legally. Tr.ASA1's arguments are indisputable as judicial admissions, and the trial judge's concurring observations of V.W.'s actual testimony are **ABSOLUTELY** controlling and conclusive, in that V.W. never testified to the crimes that were faked into the trial transcript, [Id] (in an attempt to evade Corpus Delicti Practical Relation test problems at trial and then lack of corroboration Corpus Delicti problems on appeal, also conceded).

14). **The district judge explicitly ruled that V.W. hadn't testified to the criminal allegations in the transcript.** [See Appendix B at 28 ¶¶ 52,53; Id at pages 52-55]. He ruled that V.W. in fact could not recall "germane matters" that defense counsel was trying to get out of her on cross-examination – **ANY criminal accusations.** As such, the habeas judge knew full-well that V.W. never testified to the accusations in the transcript at trial, **but still chose to bury the ASAs' false transcript crimes.** Thus the habeas judge denied relief on both the false transcript IAAC claim and the confrontation IATC/IAAC claims, though the State can't have it both ways. These two claims cross-pollinate, and where the habeas judge found that V.W. didn't testify to any crimes per the Confrontation claim, the false transcript claim and per se prejudice should have been granted. **Instead, he chose to continue burying/concealing the false transcript crimes with fake, made-up, distorted, unpleaded theories/claims and defenses.** The order writer is accountable, and even moreso if I'm correct and the conceded knowing prosecution of false crimes [Appendix B at 57, citing Doc. 67 at 69-73, et al] is **also** subject to criminal charges.

15) **It's also very important that the habeas judge also buried Tr.ASA's attack on her own DVD "confession" as unreasonably unbelievable,** the PC ASA conceded that they'd

impeached their own evidence **to declare it false by any reasonable standard**, and as such admitted that they were using the known false confession as the **sole** evidence to establish any alleged crimes and to convict me on. The Warden also never challenged these facts and issues and **instead flatly lied to the Court** in her pleadings. [Id at 41-43]

16.) I hereby incorporate all remaining issues, evidence, arguments, and claims from this case, and reassert them by reference.

REASONS FOR GRANTING THE PETITION

Throughout the habeas proceedings, I'd presumed that the AAG had misled the habeas judge into accepting the bogus opinion deciding his new made-up claims. But while preparing this petition I realized that the habeas judge also knows how to keep relevant eyes from evaluating the actual problems; how to keep counsel from being appointed to dive in and investigate; how to keep the 7th Circuit from allowing appeal with the bogus claims, evidence, issues, etc. BUT I realized that ONLY THE JUDGE HAS THE POWER to keep me from speaking up in the public forum of the courtroom, and ONLY THE JUDGE HAS THE POWER to shut down the magistrate review process so as to keep likely honest eyes off of the heinous advocacy for the state and obvious denial of all Due Process from the point of interrogation through habeas. Though the AAG easily could have written to opinion, only the judge could shut me out of court and shut down the magistrate from judging the repeatedly conceded, undisputable claims and evidence. **The habeas judge himself is the only one who could shut me down and cover for the state before the public and higher courts, as to the crimes he'd already found had indeed occurred in the trial and postconviction courts.** But even when brought to its attention, even the 7th Circuit sanctioned the district court's actions; because after they were brought to the Appellate Court's attention, they decided that they'd leave the fake claims to stand as denial of habeas relief instead of adjudicating the actual claims in the first instance. It first recalled its mandate and then assented to the fake adjudication and continued concealment of the ASAs' and court reporters' crimes in faking the trial transcript. The Appellate Court thus decided to go along with the habeas judges' decisions to shut me down, decide fake claims, and cover for the Assistant State's Attorneys.

The lower courts became willing participants in the concealment of State Court Officers' criminal liabilities, which the habeas judge ruled had occurred, but later buried in fake adjudications. The 7th Circuit thus sanctioned so far a departure from the usual and accepted course of the court processes as to warrant relief and decide the ACTUAL MERITS.

Whether because I'm pro se or because this type of case is exceedingly unpopular, from the levying of V.W.'s accusations, through the drafting of this petition, the State, and now the Federal Courts have violated my rights at every stage of the process. I omitted every issue that I didn't have the evidence to prove. I never expected the Courts to just throw the evidence I do have in the trash. The State never even tried to dispute the following truly-pleaded matters (though this list isn't exhaustive): 1) That the police knew that V.W.'s accusations were false, as evidenced by their creation of new crimes (though disparate but more plausible) and times to provide to me, and; 2) threaten my family, my employees and their families, my business and me, etc., to get me to confess to committing their own invented crimes; 3) the ASAs suborned police perjury before the grand jury, where they strongly stated [redacted] that I'd confessed to V.W.'s accusations, never telling them that I'd "confessed" to crimes that the police made up themselves; 4) the police perjured themselves at the suppression hearing and trial as to the matters I actually raised; 5) the State increased the severity and number of charges based still only on the concededly false criminal accusations when I insisted I am innocent and refused to plead-out despite their threats of life in prison if I didn't plead to their false crimes [redacted] **(my FACTUAL innocence is also twice-conceded by the State's pleadings, yet trashed by the habeas judge)**; 6) they conducted a trial knowing V.W.'s crimes and the police crimes are both false accusations, and established "crimes" and "guilt" both by their confession alone, the State violating its own laws and therefore federal due process; 7) they faked the trial transcript for appeal to try to corroborate their false confession (but the "confession" isn't transcribed into the trial transcript, preventing Appellate Court [redacted] comparison on direct review), but which faking allowed me to prove V.W.'s accusations false, their confession false, and my now-conceded innocence **(huge backfire)**; 8) on post-conviction, I had to fire the Public Defender for refusing to advance my claims – the very Assistant Public Defender who was unduly forced back onto my case, over my objections, and wrested control from me, and who then assisted the State in inordinately and unjustifiably burying their fake transcript crimes, AS THE HABEAS JUDGE INITIALLY FOUND.

There's no reason whatsoever to prevent adjudication of my actual claims if I couldn't prove every element as needed. In that case, the usual and accepted course of judicial proceedings would be to let the merits be judged and fail, which finding the habeas judge obviously implied when he granted the **unopposed** inordinate delay motion.

I sought the protection of the U.S. Constitution and federal habeas corpus, AND THE FEDERAL COURTS DID FAR WORSE THAN THE STATE COURTS IN OBLITERATING THE GOD-GIVEN RIGHTS OF A MAN. They were the gate-keepers; the ultimate safeguard for when the State Courts shred the Constitution to Confetti[redacted] Whereas the State Courts stopped my process for obtaining Constitutional relief, the Federal Courts went much farther and flatly tossed the actual pleadings out the window and made up new ones to deny in the State's favor, and now the 60(b) courts refuse to adjudicate the wrongs of the habeas courts; AND THE STATE NEVER DISPUTED ANY OF IT FROM START TO FINISH ON COLLATERAL REVIEW. **I think this Court is my last chance to get my actual claims, issues, and evidence finally heard in the first instance. The lower courts refuse to do it.**

Even when made aware, the 7th Circuit still refused to correct and adjudicate the actual matters pleaded.[redacted] As such, the 7th Circuit has unduly sanctioned so far a departure from the usual and accepted course of judicial proceedings as to call for an exercise of this Court's Supervisory Power.

I would ask for immediate adjudication of the actual claims, issues, evidence, etc, as I would suffer further undue prejudice on remand by the loss of additional time from my already-shortened-life-with-liberty in a case in which V.W. admitted that she just hoped I would leave the home after she made her accusations because her mother and I had been fighting a lot at the time and it wasn't good for the kids; where she claimed "mostly oral" assaults [redacted] but knew no intimate information of me when asked by various parents and counselors; and where she [redacted] admitted in her initial police interview that she never actually had any sexual relations until the following year - **AFTER** I was supposed to have stopped. [redacted] Otherwise, I would ask whatever relief the Court deems appropriate and just.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 7/4/24