

24-5443

No.

ORIGINAL

In the Supreme Court of the United States

Antoine Craig - Petitioner

v

The State of Illinois - Respondent

FILED

AUG 22 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

On Petition For a Writ of Certiorari

to

Illinois Appellate Court 5th District

Petition for Writ of Certiorari

Antoine Craig

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Pinckneyville, IL 62274

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SUPREME COURT, U.S.

Question Presented

- 1) Whether the trial Court's failure to bifurcate the proceeding deprive the Petitioner of state law entitlement, a fundamentally fair trial, and effective assistance of Counsel.
- 2) Whether the Petitioner was denied procedural due process rights and impartiality in ruling.
- 3) Whether the state Court ruling was based on merits presented or uncontrolled discretion and abuse.

List of Parties

The Attorney General of the state of Illinois

The states attorney of Champaign County Illinois

The state Appellate attorney 5th District

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Other

In the Supreme Court of the
United State of America
Petition For Writ of Certiorari

Petitioner respectfully prays that a writ issue to review
the judgments below.

Opinions below

The opinion of the highest state court to review
the merits appears at appendix A to the Petition and is
reported at

The date on which the highest state court decided my
case was December 1, 2023 a copy of that decision appears
at appendix A

The Jurisdiction of this court is invoked under 28 U.S.C. 1257(A).

Constitutional and Statutory provisions involved

The 6th amendment to the United States Constitution

The 14th amendment to the United States Constitution

The 5th amendment to the United States Constitution

725 ILCS 5/III-3

730 ILCS 5/5-8-1 (a)(1)(b)

Statement of the Case

The Petitioner Antoine D. Craig was convicted of first degree murder and sentenced to natural life. During the proceeding in Champaign County, Illinois case No. 20-CF-250, Honorable Judge Benjamin Dyer presided over the Petitioner's Jury trial.

Pretrial motion in Limine was filed by defense counsel to bifurcate the Jury trial on guilt or innocence and the determination of whether or not evidence exists that the murder was exceptionally brutal or heinous indicative of wanton cruelty. (Common law report 158)

The trial Court denied the motion in Limine, Supreme Court rule 451(g), 725 ILCS 5/111-3 and Apprendi v.

New Jersey, 530 U.S. 466, 557 (2000) and progeny legal standard.

During trial the states attorney was allowed to introduce what "unimaginable" and "horrible" things Craig did to Jenkins conjecture because of the state trial Courts ruling. (See RTB)

During the trial the defense attorney was prevented from providing effective assistance and representing Craig with zeal because of the state Court ruling. (See C.226-27) (See R.887-88)

After the trial had concluded Craig was prevented from exercising his right pursuant to Illinois Supreme Court rule 451(g)(2) to have a separate proceeding before the same jury or before the Court if a jury was waived at trial or is waived for the purpose of the separate proceeding. Craig wished to waive the jury for the issue of whether sentencing enhancement factor existed.

Reasons for Granting the Petition

The trial Court arbitrarily ruled in the criminal proceeding Contrary to federal law. The unreasonable application of federal law deprived the Petitioner of Constitutional protections and state law entitlements.

During the motion in limine hearing the state Court, unreasonably ignored legally relevant facts and legal standards. The Court focused on the burden that a bifurcated trial would have on the state. (R.141)

The trial Courts unreasonable denial to bifurcate did not address evidence, arguments of defense counsel or applicable standards.

In *Apprendi v. New Jersey*, 530 U.S. 466, 557 (2000) described the problem in requiring jury consideration of all such sentence-affecting factors during trial, where the issue is guilt or innocence, could easily place the defendant in the awkward unfair position of having to deny he committed a crime. Yet offer proof about how he committed it. *Apprendi*, 530 U.S. at 557. Justice Thomas explained in his concurrence that trial Courts should deal with the problem through "common practice" of bifurcating trials; asking Jurors to consider aggravating factors only

after it had reached a guilty verdict. *Id.* at 521 n.10
see *People v. Lathon*, 317 Ill. App. 3d 573 (1st Dist. 2000)
the Illinois appellate Court expressed the same
concerns about having the jury to decide aggravating
factors during trial will "interject highly prejudicial
evidence against the defendant, *Id.* at 586-587.

See 725 ILCS 5/111-3 and S. Ct. R. 451(g)
that allows trial Courts to have a hearing to
consider all relevant facts to determine whether
the proof of the sentence-enhancing factors
are relevant to the question of guilt or if its
prejudice outweighs its probative value. The Supreme
Court rule allows for a separate proceeding
after a lawful guilty verdict is rendered.

The trial Court failed to consider the Science
presented by way of the autopsy report that
revealed the decedent was "smothered." R130-131

So the conjecture of the states attorney as to
other things that happened in the crime scene
and to the body were not relevant to the
issue of cause of death, guilt or innocence.

The trial Courts failure to consider this evidence allowed
prejudicial remarks, comments, and photos into this trial
and they were allowed to deprive Craig of a fair

trial based solely on admissible evidence. The trial Court ignored legally relevant facts and deprived the petitioner of available, applicable due process protections. The state Courts decision and ruling during the motion in limine hearing was not based on correct and reasonable reading of the state, Federal law and facts.

Counsel for Craig argued during the motion in limine hearing of the "awkward" and "unfair" position she had been placed in to argue Craig didn't do as alleged but if he did it wasn't brutal and heinous. Which is the reasoning in Apprendi to prevent such prejudice. (See R. 138) (see R. 887-88). The defense Counsel was limited to present no defense at all to the charge that the murder was exceptionally brutal. and heinous, so not to implicitly acknowledge that Craig committed the murder which left the Petitioner without a Counsel and defense at this critical stage of the proceeding tantamount to abdication of Counsel by Force. (see Cronin)

United States v. Cronin, 466 U.S. 648, 104 S.Ct. 2039 (1984)
Constructive denial. Strickland v. Washington

In opposition to all available, relevant authority the trial Court capriciously denied bifurcation to prevent subsequent prejudice and cause irreparable harms to the proceeding. Craig was subjected to a unfair trial free of due process safeguards, was deprived of effective assistance of counsel at critical stages, and was subjected to prejudicial remarks, gruesome and disturbing facts throughout the trial and during closing arguments which shall have been reserved for sentencing enhancement factors after the determination of guilt had been reached.

The Petitioner avers that the state of Illinois has failed to consider the purpose of Constitutional requirements as due process of law against arbitrary action and has failed to test the reasonableness of the actions alleged herein which now requires the wisdom of the United States Supreme Court. see *Palko v. Connecticut*, 302 U.S. 319 which held that fair procedures were a fundamental right that supports ordered liberties.

Conclusion

The Petition for a writ of Certiorari should be granted.

Respectfully,

Antoine Craig 8-21-24