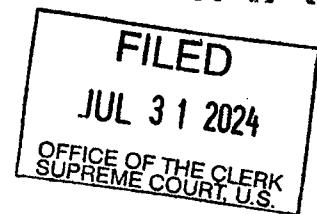


No. 24-6303

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

WRIT OF CERTIORARI



JAVARUS LEACH — PETITIONER
(Your Name)

VS.

BRITTNEY GREENE — 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

JAVARUS LEACH

(Your Name)

2500 Rt. 99 South

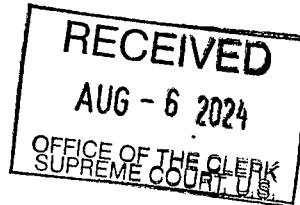
(Address)

Mt. Sterling IL 62353

(City, State, Zip Code)

N/A

(Phone Number)



Questions Presented

1. Did the Court violate defendant rights when the Court granted money to subpoena, in order to prepare a defense that was not.
2. Did the Court violate defendants rights when appellate Court oral argument S.Ct rule 137 attorney signature well grounded in fact was not upheld show unreasonable assistance ?
3. Did the Court violate defendants rights when post conviction counsel failure to adopt proportionate penalty argument showing reasonable probability of impairment? < see People v Estrada IL 2024 IL app <1st> 230029 - u < see > Anderson v Gipson 902 F.3d 1126, 1135 (9th Cir)
4. Did the Court violate defendants rights when the judge denied continuance motion ?
5. Did the Court violate defendants rights when the states attorney deterred key witnesses such as Troy Perkins with another case ?
6. Did the Court violate defendants rights when they denied the functional equivalent of a juvenile?
7. Did the Court violate defendants rights when they denied that his sentence violated the proportional penalty clause ?
8. Did the Court violate defendants rights when defendants culpability and maturity level was lessened due to a brain tumor ?
9. Did the Court violate defendants rights when defendant supplemented original post conviction petition with an as applied claim ? < see People v Clark 2023
10. Did the Court violate defendants rights when P.S.I. report was based on juvenile record ?
11. Did the Court violate defendants rights when the defendant received a de facto life sentence equivalent to life and the death penalty ?
12. Did the Court violate defendants rights when appellate Court did not accept reconsideration motion for proportionate penalty by trial counsel attached to original post conviction petition ?
13. Did the Court violate defendants rights when the record at sentence was premature ?
14. Did the Court violate defendants rights when denying unreasonable assistance of counsel when counsel failed to adopt 2019 motion ?
15. Did the Court violate defendants rights when they did not consider his childhood upbringing ? < see People v Maldonado >

16. Did the Court violate defendants rights when the incomplete development of no expert was called to trial or sentencing. < see Odile v Woodford 238 F.3d 1084, 1089-90 (9th Cir) >
17. Did the Court violate defendants rights when they denied successive post conviction leading them back to 2019 original filing ?
18. Did the Court violate defendants rights when he outlined all his original characteristics ?
19. Did the Court violate defendants rights when defendant did receive a retrospect hearing due to brain surgery < see Wheat v Thigpen 793 F.2d 621, 631(5th Cir 1986)
20. Did the Court violate the defendants rights when post conviction counsel signed off on post violation 651 (c) without adopting ?
21. Did the Court violate defendants rights when other crimes were brought in, specifically crimes of defendants father and brother that still did not complete record ?
22. Did the Court violate defendants rights when the firearm expert mentioned that there was no way to tell if bullet in the victims car came from defendant ?
23. Did the Court violate defendants rights when post conviction counsel did not file notice of appeal on second stage denial issues, as well as appellate counsels ineffectiveness ?
24. Did the Court violate defendants rights when the State committed prosecutorial misconduct or prosecutorial vindictiveness ?
25. Did the Court violate defendants rights when the State claimed remoteness of time against Lonnie Thomas ? < see People v Barnes 2017 IL app (1st) 143903 >
26. Did the Court violate defendants rights when the appellate Court said that Mr. Perkins statement was neutral ?

LIST OF PARTIES

[/] All parties appear in the caption of the case on the cover page.

RELATED CASES

Leach 2023 IL App < 4th > 2200 14 - U

TABLE OF CONTENTS

Opinions Below	(#1)
Jurisdiction	(#2)
Constitutional and statutory provisions involved	(#3)
Statement of Case	(#4)
Reasons For Granting the Petition	(#5-18)
Conclusion	(#19)

INDEX TO APPENDICES

- Appendix A- Direct Appeal - Date 1 - 19 - 2007
- Appendix B- Denial of Direct - May 1 2007
- Appendix C- Post Conviction petition - March 27 2008
- Appendix D- Denial of Post - December 21 2021
- Appendix E- PLA Filed - April 27 2023
- Appendix F- Denial of PLA - September 27 2023
- Appendix G- Filed Habeas Corpus - 10 - 27 - 2023
- Appendix H- Stay on Habeas Corpus
- Appendix I Table of Authorities Cited
- Appendix J- Petitioners Reply Brief
- Appendix K- Mandate Issued
- Appendix L- When PLA was received May 2 2023
- Appendix M- Supplemental to PLA Brain Surgery
- Appendix N- Supplemental to PLA more brain info
- Appendix O- Mandate of PLA
- Appendix P- First Successive [redacted] - 4-22-0014
- Appendix Q- Circuit Court Denial
- Appendix R- Revers & Remand
- Appendix S- Denial December 7 2023
- Appendix T- Appellate Appeal June 3 2024
- Appendix U- Second Successive 4 - 22 - 0676
- Appendix V- Oral Argument
- Appendix W- Denial
- Appendix X- PLA Filed
- Appendix Y- Denial
- Appendix Z- January 24, 2024

APPENDIX - I

<u>Cases</u>	<u>TABLE OF AUTHORITIES CITED</u>	<u>Page Number</u>
See * <u>People v Barnes</u> 2017 Ill app (1st) 143902		pg. 5
See * <u>People v Williams</u> , 94 Ill app 3d 241 (1st Dist 1981)		pg. 2
See * <u>People v Mahaffery</u> 194 Ill 2d 154, 171 (2000)		pg. 3-7
See * <u>People v Boyd</u> 363 Ill app 3d 1027 1035 (2nd Dist 2006)		pg. 4
See * <u>People v Howard</u> , 130 Ill app 3d 967 (1st Dist. 1985)		pg. 4
See * <u>Alleyne v United States</u> 133 S.Ct 2151 2160 (2013) also <u>Almendarez - Torres v United States</u> 523 U.S. 224 118 S.Ct 1219 (1998)		pg. 1

STATUTES & RULES

See * e.g. ; <u>Bennett v Scroggy</u> 793 F2d 772 777 (6th Cir 1986)
<u>Scrimo v Lee</u> , 935 F.3d 103, 120 2d(Cir) 2019)
<u>Park v Thompson</u> , 851 F.3d 918, 927-28 (9th Cir)
<u>Jefferson v GDCP Warden</u> , 941 F.3d 452, 487 (11th Cir)
<u>Heard v Addison</u> 728 F.3d 1170, 1180-87 (10th Cir 2013)
<u>Smith v Allbaugh</u> 921 F.3d 1261, 1269-70 (10th Cir 2019)
<u>U.S. v Bowling</u> 770 F.3d 1168 1175 (7th Cir 2014)

OTHER

See * <u>Nakell v Attn. Gen.</u> 15 F.3d 319 325 (4th Cir 1994) " Due process not violated when (Judge) continued."
See * <u>U.S. v. White</u> 935 F2d 271 276 (6th Cir 1993) " One week continuance prosecutor delayed disclosure 3 days prior to trial."
See * <u>U.S. v Gonzalez</u> 164 F.3d 1285 1292 (10th Cir 1999) " Abuse of discretion."
See * <u>U.S. v Staniforth</u> 971 F.2d 1355 1359 (7th Cir 1992) " Prosecutor prevented defendant from presenting theory of defense."
See * e.g. , <u>Hernandez v U.S.</u> 202 F.3d 486 489 (2nd Cir 2000) " Prejudice presumed on or about direct appeal."

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 E 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 IL SUPREME COURT court appears at Appendix F 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 May 29th 2024.
A copy of that decision appears at Appendix F.

[] 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

The 6th and 14th amendment also the 5th amendment in one way or another

< 720 ILCS 5/9-1 (a) (2)

< 730 ILCS 5/5-8-1 <d> <iii> <2003>

< 730 ILCS 5/5-8-1 <a><1><d><iii><west 2006>

< 730 ILCS 5/5-8-1 <a><1><a> <West 2004>

STATEMENT OF THE CASE

The manner in which the Court imposed sentence, separating the Court sentence from 25 years statutory add - on, reflects the failure to review the sentence as a whole, and take into account the statutory add - on before reaching a decision.

The law is clear, The United States Supreme Court has noted that " Facts that expose a defendant to a punishment greater than that otherwise legally prescribed were by definition elements of a separate legal offense."

Alleyne v United States 133 S.Ct. 2150, 2160 (2013), quoting Almendarez-Torres v United States, 523 U.S. 224, 118 S.ct 1219 (1998)

The separate legal offense is second degree, murder with the presence of a firearm in this case which exposed plaintiff to a punishment greater than that otherwise legally prescribed." id. specifically see : Amended Indictment charging 720 ILCS 5/9-1 (a) (2) and adding a firearm aggravating the

REASONS FOR GRANTING THE PETITION

1. Defendant contends that on June 20th 2005 the Court gave counsel \$1000.00 to hire, detective agency to help with subpoenas and was willing to give \$2000.00 if needed, so that shows that the Court believed in the importance of these witnesses to be able to prepare my defense.
2. Defendant contends that the States Attorney states to Greg Clark that they put a warrant out fo Mr. Perkins for another offense, deterring Mr. Perkins purposely from testifying, making it even more difficult for Mr. Clark to serve him, which was highly prejudicial.
3. Defendant contends that on July 15th the Detective agency interviewed Troy Perkins, counsel received word from them;

Everything here in its totality show specific facts that post conviction counsel failed to establish ineffective assistance of appellate counsel failures to point out the smallest meritorious issues that was in the record which was prejudicial !

CONCLUSION

The petition for writ of certiorari should be granted

Respectfully submitted,

Jarrett Leach

Date 8-29-24