

24-6424

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

JAN 16 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

TERRANCE lee Clopton — PETITIONER
(Your Name)

vs.

APPELLATE COURT Fourth district
~~ET AL.~~ Illinois Supreme Court — 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

Terrance lee Clopton
(Your Name)

Western Correctional Center
2500 Rt 99 South
(Address)

Mt. Sterling IL 62353
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

IN A APPEAL AFTER INFORMING THE APPELLATE COUNSEL TO RAISE INEFFECTIVE ON THE TRIAL COUNSEL FOR FAILURE TO CHALLENGE THE VERACITY OF THE WARRANT AFFIDAVIT IN A PRE TRIAL MOTION. THE APPELLATE COUNSEL FILED A ANDERS MOTION. DO A DEFENDANT HAVE THE RIGHT UNDER THE FOURTH AND FOURTEENTH AMENDMENT TO FURTHER PRESENT THE MERITS IN A WRIT OF CERTIORARI?

(1.) A SEARCH AND ARREST WARRANT WAS SOUGHT BY OFFICER DANIEL HILL BASED ON DELIBERATE FALSEHOOD CLAIMING THAT THE VICTIM GAVE A STATEMENT THE SAME NIGHT OF THE SHOOTING ON 12/31/20 IMPLICATING THE DEFENDANT IN THIS CASE AS THE PERSON WHO SHOT HIM. IF I CAN SHOW THROUGH DOCUMENTS THAT OFFICER HILL FALSIFIED THE CLAIM TO SECURE A WARRANT. CAN THE PROOF OF THE FALSEHOOD MANDATE A EVIDENTIARY HEARING?

WHEN A DEFENDANT FIND NEWLY DISCOVERED EVIDENCE CAN THE DEFENDANT PRESENT THE CLAIM IN A WRIT OF CERTIORARI?

(2.) WHEN A DEFENDANT IS GIVEN DOCUMENTS AFTER TRIAL AND THOSE DOCUMENTS COULD HAVE BEEN USED TO IMPEACH THE STATE WITNESS, AND TRIAL COUNSEL WAS NOT AWARE OF THE FACTUAL BASIS OF THE CLAIM, BECAUSE THE PROSECUTOR FAIL TO DISCLOSE THAT THE EVIDENCE IN THE DOCUMENTS WAS FALSE IS THE DEFENDANT ENTITLED TO A NEW TRIAL?

WHEN A QUESTION OF FIRST IMPRESSION IS PRESENTED IS IT A REQUIREMENT THAT THE QUESTION OR QUESTIONS BE ANSWERED TO ELIMINATE FURTHER OR FUTURE CONFLICTS IN THE LOWER COURT DECISION MAKING?

(3.) THE UNITED STATES COURTS OF APPEAL DECIDED THE ILLINOIS UNLAWFUL USE OF A WEAPON STATUTE WAS UNCONSTITUTIONAL AND VOID. THE UNLAWFUL USE OF A WEAPON BY FELON STATUTE IS BASED ON THE UNLAWFUL USE OF A WEAPON STATUTE BECAUSE OF THE LANGUAGE IN THE STATUTE. IF THE UNLAWFUL USE OF A WEAPON STATUTE IS VOID. IS IT TRUE THAT THE UNLAWFUL USE OF A WEAPON BY FELON SHOULD ALSO BE VOID BECAUSE OF THE LANGUAGE AND THE STATUTORY SCHEME OF THE UNLAWFUL USE OF A WEAPON STATUTE IN ITS ENTIRETY?

Question(s) Presented

WHEN A STATE COURT DECISION IS IN CONFLICT WITH THE HIGHEST STATE COURT OF LAST RESORT. WHEN THE HIGHEST STATE COURT FAIL TO ADDRESS THE CONFLICT IN THE DECISION. IS IT THE RESPONSIBILITY OF THE UNITED STATES SUPREME COURT TO RESOLVE ANY CONFLICT IN THE STATE COURT DECISION?

(4.) WHEN THE SAME PHYSICAL ACT IN A ATTEMPTED MURDER CHARGE FORM THE SAME BASIS FOR THE AGGRAVATED DISCHARGE OF A FIRE ARM CHARGE THE CONVICTION FOR MOST SERIOUS OFFENSE CAN STAND. IF THE DEFENDANT IS ACQUITTED OF THE MOST SERIOUS OFFENSE HOW CAN THE CONVICTION OF THE LESSER INCLUDED OFFENSE STAND?

WHEN NEWLY DISCOVERED EVIDENCE IS FOUND THROUGH A FOIA REQUEST THAT CAN EXONERATE THE DEFENDANT IS A NEW TRIAL REQUIRED OR DO THE CONVICTION GETS VACATED COMPLETELY?

(5.) WHEN DNA IS FOUND NOT TO BE HUMAN SPECIFIC OR CONFIRMATORY HOW COULD A SECOND ANALYSIS PRODUCE RELIABLE RESULTS WHEN THE BLOOD WAS FOUND TO BE NOT HUMAN. SHOULD THE FACT THAT THE BLOOD WAS FOUND TO BE NOT HUMAN SPECIFIC EXONERATE THE DEFENDANT?

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

People v. Clopton No. 4-23-0213 Appellate Court of Illinois
Fourth Judicial District: Judgment Entered MAY, 7, 2024

People v. Clopton No. 4-23-0213 Appellate Court of Illinois
Fourth Judicial District: Judgment Entered on Rehearing MAY, 31, 2024

In re People v. Clopton No. 130828 Supreme Court of Illinois
Judgment Entered SEPT 25, 2024

In re People v. Clopton No. 130828 Supreme Court of Illinois
Judgment Entered DEC, 26, 2024 Denying the motion for
Reconsideration of the order denying petition for leave
to appeal

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AFTER TRIAL. DOCUMENT FROM THE TRANSCRIPTS TO SUPPORT PETITION.
PAGE 46, 47, 21, 9, 19, 103, 104, AND 105, FOIA REQUEST OF DOCUMENTS
SPECIFICALLY IN THE APPENDIX WHERE THE DNA WAS FOUND TO BE NOT HUMAN
SPECIFIC OR CONFIRM NEWLY DISCOVERED AFTER TRIAL see PAGE (40FF4)
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(1111)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
People v. Ruffin 203 Ill. 2d 335 (2001)	PAGE NUMBER 8
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People v. Artis 232 Ill. 2d 156 (2009)	PAGE NUMBER 8
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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

☐ 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 Fourth District Appellate court 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.

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 Sept 25/2024
A copy of that decision appears at Appendix D.

☐ A timely petition for rehearing was thereafter denied on the following date: Dec, 26, 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).

(2.)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(1) U.S. CONST. AMEND XIV (4.) U.S. CONST AMEND II

(2) U.S. CONST. AMEND V

(3.) U.S. CONST. AMEND ~~III~~ IV

(1) U.S. CONST. AMEND XIV ALL PERSON BORN OR NATURALIZED IN THE UNITED STATES AND SUBJECT TO THE JURISDICTION THEREFORE ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABridge THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW; NOR DEPRIVE TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECT OF THE LAWS.

(2.) U.S. CONST. AMEND V NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL OR OTHERWISE INFAMOUS CRIME UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES OR IN THE MILITIA, WHEN IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER; NOR SHALL ANY PERSON BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB; NOR SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF, NOR BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF THE LAW NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE WITHOUT JUST COMPENSATION.

(3.) U.S. CONST AMEND IV THE RIGHT OF THE PEOPLE TO SECURED IN THEIR PERSONS HOUSES PAPERS AND EFFECTS AGAINST UNREASONABLE SEARCHES AND SEIZURES SHALL NOT VIOLATED AND NO WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE SUPPORTED BY OATH OR AFFIRMATION AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED AND THE PERSONS OR THINGS TO BE SEIZED.

(4.) U.S. CONST AMEND II A WELL REGULATED MILITIA BEING NECESSARY TO THE SECURITY OF A FREE STATE, THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS SHALL NOT BE INFRINGED.

STATEMENT OF THE CASE

ON DECEMBER 31, 2020 DEPUTY MATTHEW LINK RECEIVED A REPORT OF A PERSON HAVING BEEN SHOT MULTIPLE TIMES. DEPUTY LINK RESPONDED TO THE SCENE AND MET WITH A PERSON NAME BRANDON WHITE. BRANDON WHITE TOLD DEPUTY LINK THAT HE HAD BEEN SHOT MULTIPLE TIMES. DEPUTY LINK CLAIM BRANDON WHITE PULLED A BULLET OUT OF HIS CHEST POCKET OF HIS BIB OVERALLS AND STATED THAT THE BULLET HAD STOPPED INSIDE HIS OVERALLS AND DIDN'T GO THROUGH. BRANDON TOLD DEPUTY LINK HE'D BEEN SHOT IN THE CHEST, ELBOW IN THE BACK. DEPUTY LINK INFORM BRANDON WHITE THAT THERE WAS AN AMBULANCE ON THE WAY. DEPUTY LINK THEN TO MEET WITH THE PARAMEDICS. DEPUTY LINK CLAIM WHILE IN THE AMBULANCE HE OBSERVE WHAT APPEARED TO BE BULLET HOLES IN BRANDON WHITE CHEST, HE BELIEVE IN HIS ARM AND THERE WAS HE BELIEVE A SPOT ON HIS BACK AS WELL. DEPUTY LINK ASKED MR. WHITE SOME QUESTIONS ABOUT WHAT HAD HAPPEN AS FAR AS DETAILS TO THE INCIDENT. BRANDON WHITE TOLD DEPUTY LINK THAT HE WAS LAYING ON HIS COUCH SOMEBODY BROKE THE WINDOW TO THE RESIDENCE, AND AT THAT TIME HE THREW A TWO-BY-FOUR AT THE WINDOW AND IT WENT THROUGH IT AND THEN GUN SHOTS STARTED TO RING OUT TOWARDS HIM. DEPUTY LINK ASKED IF THE PERSON HAD ENTERED THE RESIDENCE WHEN THEY WERE SHOOTING AT HIM. BRANDON WHITE SAID AT THAT TIME YES THEY WERE. DEPUTY LINK TESTIFIED THAT BRANDON WHITE COULD NOT DESCRIBE TO HIM ANY CHARACTERISTICS OR DESCRIPTION OF THE PERSON WHO SHOT HIM. ON CROSS EXAMINATION BY DEFENSE COUNSEL MR. GULLBERG. DEPUTY LINK WAS ASKED AT THE TIME THAT THE AMBULANCE LEFT WITH MR. WHITE, UP TILL THAT TIME, HAD HE DETERMINE A POSSIBLE SUSPECT DEPUTY LINK RESPONSE WAS NO SIR. DEPUTY LINK WAS ASKED LATER DID HE DO AN INVESTIGATION IN THE NEIGHBORHOOD. DEPUTY LINK RESPONSE WAS NO I DID NOT. DEPUTY LINK WAS ASKED DO HE

KNOW WHEN A POSSIBLE SUSPECT WAS DETERMINE. DEPUTY LUK CLAIM
LATER ON HE NOT SURE WHAT TIME IN THE EVENING. DEPUTY DEJAYNES
HAD SPOKE WITH THE VICTIM AT THE HOSPITAL AND GOT INFORMATION
FROM THE VICTIM. DEFENSE COUNSEL MR. GULLBERG STATED HE
NOTICE IN THE MATERIAL HE RECEIVED IT INDICATED THAT DEPUTIES
WERE ABLE TO DETERMINE MR. ROBERTS AS POSSIBLE SUSPECT.
ON 12/31/20 LATER THAT EVENING LARRY AND LORA ROBERTS WAS
ARRESTED DURING A TRAFFIC STOP. ILLINOIS STATE POLICE WAS CALL
TO ASSIST HENDERSON COUNTY IN THE INVESTIGATION. LORA
ROBERTS WAS INTERVIEWED BY SPECIAL AGENT SADIE CONNER AND
SPECIAL AGENT DANIEL HILL. LORA ROBERTS INITIALLY DENIED
ANY INVOLVEMENT DURING THE SHOOTING THAT OCCURED AT BRANDON
WHITE RESIDENCE ON 12/31/20. DURING A SECOND INTERVIEW
SPECIAL AGENT DANIEL HILL FABRICATED THE EVIDENCE CLAIMING HE
WAS NOTIFIED BY DEPUTY DEJAYNES THAT BRANDON WHITE WAS OUT
OF SURGERY AND HAD PROVIDED A STATEMENT REGARDING THE
INDIVIDUALS RESPONSIBLE FOR HIS INJURIES. SPECIAL AGENT
AGENT HILL PRESENTED THE FABRICATED EVIDENCE TO LORA ROBERTS
IN A SECOND INTERVIEW, WHERE LORA ROBERTS CHANGE THE
VERSION OF EVENTS. A WARRANT WAS ISSUED SOLELY BASED
ON THE FABRICATED EVIDENCE PRODUCED IN THE POLICE
REPORT CLAIMING THAT SPECIAL AGENT HILL WAS NOTIFIED BY
DEPUTY DEJAYNES CLAIMING THAT BRANDON WHITE WAS OUT OF
SURGERY AND HAD PROVIDED A STATEMENT REGARDING THE
INDIVIDUALS RESPONSIBLE FOR HIS INJURIES. ON JUNE 2, 2021

THE DEFENDANT MR. CLOPTON WAS ARRESTED. ON JUNE, 30 2021 A PRELIMINARY HEARING WAS HELD. THE STATE WITNESS WAS SPECIAL AGENT DANIEL HILL. THE PROSECUTION FRAUDULENTLY CONCEAL THE FABRICATED EVIDENCE WHERE THE PROSECUTION KNEW OR SHOULD HAVE KNOWN OF THE FALSITY OF THE EVIDENCE. IT IS NOTE WORTHY AT THE TIME OF THE PRELIMINARY HEARING THERE WAS NO FORENSIC EVIDENCE TIEING MR. CLOPTON TO THE CRIME SCENE. PROBABLE CAUSE WAS FOUND SOLELY BASED ON THE FABRICATED EVIDENCE CLAIMING THAT SPECIAL AGENT HILL WAS NOTIFIED BY DEPUTY DEJAYNES, CLAIMING THAT BRANDON WAS OUT OF SURGERY AND HAD PROVIDED A STATEMENT REGARDING THE INDIVIDUALS RESPONSIBLE FOR HIS INJURIES, AND THAT MR. CLOPTON WAS THE PERSON WHO BROKE INTO HIS HOME AND SHOT HIM. WITHOUT THE FABRICATION THERE WOULD HAVE BEEN NO INDICTMENT AND NO EVIDENCE TO CARRY TO TRIAL. DESPITE THE MULTIPLE INTERVIEWS NEVER IMPLICATING THE DEFENDANT MR. CLOPTON AS A PERSON OF INTEREST. THE VICTIM WAS ALLOWED TO LATER POINT THE DEFENDANT OUT IN OPAL COURT AS THE PERSON WHO SHOT HIM. THE DEFENDANT WAS ACQUITTED OF COUNT I ATTEMPTED FIRST DEGREE MURDER. THE DEFENDANT WAS THEN FOUND GUILTY OF COUNT II HOME INVASION, COUNT III AGGRAVATED DISCHARGE OF A FIREARM AND COUNT IV UNLAWFUL USE OF A WEAPON BY FELON. THE DEFENDANT WAS SENTENCE TO AN AGGREGATE OF 37 YEARS IN PRISON ON NOV 9, 2022. THE DEFENDANT FILED A MOTION TO VACATE CONVICTION AND SET ASIDE SENTENCE BASED ON THE ONE ACT ONE CRIME AND LESSER INCLUDED OF THE ATTEMPTED MURDER CHARGE. ON MARCH, 9, 2023 THE MOTION WAS DENIED. THE DEFENDANT FILE A APPEAL IN THE APPELLATE COURT OF ILLINOIS FOURTH DISTRICT. ON MAY, 7, 2024 THE APPELLATE COURT AFFIRMED THE TRIAL COURT JUDGMENT. THE DEFENDANT FILED A PETITION FOR REHEARING. ON MAY 31 2024 THE PETITION FOR REHEARING WAS DENIED. THE DEFENDANT FILED A PETITION FOR LEAVE TO APPEAL. ON SEPT, 25, 2024 THE PETITION FOR LEAVE TO APPEAL WAS DENIED. THE DEFENDANT FILED A MOTION FOR RECONSIDERATION OF THE ORDER DENYING PETITION FOR LEAVE TO APPEAL.

ON DEC, 26, 2024 The Motion For Reconsideration of The Order Denying Petition For Leave To Appeal Was Denied. The Defendant Now Files A Petition In The United States Supreme Court For Relief. (It is Note Worthy That A Search Of The Home At 309 Walnut Gladstone IL 61437 That The Defendant Shared With Girl Friend Lead To The Arrest Of Defendant The Address Was Not On The Search Warrant To Be The Place To Be Search AND The Defendant Was The Person To Be Seized At That Address.)

REASONS FOR GRANTING THE PETITION

When a lower court decision is in conflict with a higher state court decision of last resort and the highest state court of last resort denies the petitioner's petition without addressing the merits, this is a call for the United States Supreme Court to exercise its supervisory power. The Illinois Supreme Court has held a conviction for a lesser included offense must be vacated if the state fails to treat the conduct as multiple. *People v. Crespo* 203 Ill. 2d 335 (2001). Illinois law also provides only the most serious offense can stand and the lesser offense must be vacated. See *People v. Green* 339 Ill. App. 3d 443 (2003) and *People v. Artis* 232 Ill. 2d 156 (2009) to allow the conviction of the lesser included offense of aggravated discharge of a firearm to stand when the defendant was acquitted of attempted murder. The decision would be in conflict with other appellate courts. The decision to let the conviction stand would also present double jeopardy claims.

Second reason for granting the petition. When a defendant presents an important question of federal law that has not been answered but should be answered, the United States Courts of Appeal for the seventh circuit has decided the Illinois unlawful use of a weapon statute is unconstitutional. The Illinois unlawful use of a weapon by felon is based on the UUW statute because of the language. The legislature still has not corrected the Illinois UUW statute as a whole to reflect the decision of the United States Courts of Appeal. The question is of importance and should be answered by this court. LAST AND FINAL REASON FOR GRANTING THE

REASON FOR GRANTING THE PETITION

Petition. The Illinois state courts of last resort has so far departed from the accepted and usual course of judicial proceeding by allowing the warrant affidavit to present false hood to secure a search and arrest warrant. The fact that the Illinois state court has sanctioned such a departure by a lower court is as to call for an exercise of the United States court supervisory power. It has also been held by the United States supreme court that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with rudimentary demands of justice see - *Pyle v. Kansas*, 317 US 213 (1942) The same results obtain when the state, although not soliciting false evidence allows it to go uncorrected when it appears. see *Napue v. Illinois* 360 U.S. 264 (1959); *Brady v. Maryland* 373 U.S. 83 (1963) Held that suppression of material evidence justifies a new trial. The lower courts has departed from the accepted and usual course of judicial proceeding when the prosecution was allowed to suppress material evidence. To sanction such a departure by a lower court is as to call for an exercise of the United States supreme court supervisory power. If the petition is granted the petition will be governed by Federal Rule of Criminal Procedure 49.1. Each question is of such imperative importance as to justify deviation from normal appellate practice and to require immediate determination in this court. See: 28 U.S.C. § 2101(e)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lemuel Lee Clayton

Date: JAN 15, 2025

(10)

CERTIFICATE OF COMPLIANCE

No.

Terrance Lee Clifton

Petitioner(s)

V.

Appellate Court Fourth Judicial District
Etal. Supreme Court of Illinois

Respondent(s)

AS REQUIRED BY SUPREME COURT RULE 33.1(h), I CERTIFY THAT THE
PETITION FOR A WRIT OF CERTIORARI CONTAINS 8518 WORDS, EXCLUDING
THE PARTS OF THE PETITION THAT ARE EXEMPTED BY SUPREME COURT RULE
33.1(d).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

Executed ON JAN 15 2025

Terrance Lee Clifton