

No. 24-6835 **ORIGINAL**

Supreme Court, U.S.
FILED
OCT 31 2024
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Sean Shelton — 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

Sean Shelton
(Your Name)

P.O. Box 1000
(Address)

Menard Ill 62259
(City, State, Zip Code)

(Phone Number)

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Sean Shelton Y 54914
— PETITIONER
(Your Name)

People of the state of Illinois ^{VS.}
— RESPONDENT(S)

PROOF OF SERVICE

I, Sean Shelton, do swear or declare that on this date,
10 31, 2024, as required by Supreme Court Rule 29 I have
served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding
or that party's counsel, and on every other person required to be served, by depositing
an envelope containing the above documents in the United States mail properly addressed
to each of them and with first-class postage prepaid, or by delivery to a third-party
commercial carrier for delivery within 3 calendar days.

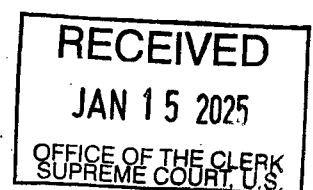
The names and addresses of those served are as follows:

Kwame RAOUL - Attorney General 100 S Randolph Chicago Illinois 60602
Clerk Supreme Court of United States Washington, Dc. 20543

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10-31, 2024

Sean Shelton
(Signature)



QUESTION(S) PRESENTED

12. Trial court erred in denying the claims raised by defendant in that the defendant's statement to police was involuntary, and that during lengthy detention at the police station, the police denied him his 14th Amendment due process rights, and that the Appellate Court, and Illinois Supreme Court erred in denying defendant's appeal.

The Appellate Court erred when it affirmed that evidence was sufficient to show defendant had specific intent to kill attempt murder victim and that the Appellate court also erred in its ruling that the prosecutor did not commit clear or obvious error during closing arguments, and that the Illinois Supreme Court should have granted requested relief.

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:

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TABLE OF AUTHORITIES CITED

CASES

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People v. Kershney 1112d 454
People v. Melick. 149 IL2d 423, 450 (1992).
People v. Gillman 172 IL2d 484, 500 (1996)
In re DLH 2015 IL 117341.
Salamon 2022 IL 125722 ¶ 81.
Jackson v. Virginia 443 U.S. 307, 319
People v. Teague 2013 IL App (1st) 110349 ¶ 22.
People v. Lopez 152 IL App 3d 667, 677 (1st) (1987)

STATUTES AND RULES

U.S. Constitution Amendments V IV and ~~XIV~~,
and Ill. Constitution 1970. Art I and 2.

725 ILCS 5/103-3(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

☐ 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 _____ 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 _____.

☐ 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 2024.
A copy of that decision appears at Appendix A.

☐ 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

Defendant invoked his right to an attorney while in custody at the Police Station and after numerous attempt, and request to use the Phone to call his mom for an attorney defendant was denied the Phone Call by detectives and later made a Statement violated 725 ILCS 5/103-3(4)

Petitioner raised issues of deprivation of constitutional rights essential to the basic, fundamental fairness of adversarial proceedings making it necessary for this court to exercise its Supervisory authority. U.S. constitutional Amendments V, VI and XIV

STATEMENT OF THE CASE

After a Jury trial defendant was convicted of first degree murder and two counts of Attempted first degree Murder and was sentenced to 45 years in the Illinois Department of Corrections for first degree murder and concurrent terms of 26 years for each attempt first degree murder count to be served consecutive to the 45 year term..

After being arrested, defendant was placed in an interview room equipped with an electronically recorded Interview. (ERI) System. This system records

video and audio. This System during this defendant interview failed to preserve the first and last hour that defendant spent in the interview room.

defendant filed a motion to Suppress Statement alleging that he was deprived his right to make a phone call while in police custody for fifteen hours, and that police lied during the interrogation telling the defendant that he was identified by numerous people as being the shooter knowing that this wasn't the actual truth. Detectives also told defendant that cell tower evidence put his phone "right there" at the scene, which again was a lie.

The trial court indicated that it had reviewed defendant's (ERI) and the (ERI) transcripts. The (ERI) shows that Detectives Sullivan and Moore-Grose entering the interview room at 12:46 PM and read defendant his rights to Miranda. Detectives told defendant that he and his mother's car were identified by witnesses that were at the scene and that his phone was pinging "right there" at the murder scene. Detectives also tell the defendant that they think he shot Wright in retaliation for the shooting of his friend "Marty". Defendant denied any involvement.

Defendant asks Detective Sullivan to call his mother around 1:20 PM. Sullivan tells defendant he will have a chance to do so when he goes downstairs. At 1:36 PM defendant asks "So will I have to call my Momma for a lawyer or something?" Sullivan reassures him of his right to an attorney, defendant indicates that he understands and continues answering questions.

Detective Sullivan tells defendant you've been identified by people in photo arrays, your car's been identified. Your phone, your friends or these guys all these things. There's a motive your friend "Marty" got shot. There's a lot of things here. Defendant still maintained he was not there. Defendant around 1:44 PM again asks detectives to call his mother. Right before the interview ends. Sullivan responds, "No, not at this point in time, okay".

Detectives intermittently enter and exit the interview room over the next few hours. Defendant was given water and food, and was taken to the rest room. At 9:19 PM defendant is taken for lineups. Defendant was given food and cigarettes after he is brought back to the interview room.

The next interview occurs from 12:52 am to 1:17 am on July 2 2014. Sullivan readvises defendant of his Miranda rights. Sullivan again tells defendant that he was picked out of "all three" lineups and says, "Now your opportunity to tell me what really happened and why. Defendant responds "But out of everybody, how'd I get picked?" and asks, "And I don't get a chance to call my mother or anybody call to say what's going on." Sullivan tells defendant that his mom was there and was worried about him. Sullivan says, "You been picked out. Your phone puts you there. You need to tell the truth. You need to show that you're sorry for what you did. Defendant then admits to killing Wright.

In the Suppression hearing that State asserted that if there were any variations between what the detectives told the defendant, and what they knew to be true, they were absolutely minimal, and that the defendant was not coerced.

Defense Counsel responded that the detective lies "lowered defendant's ability to assess the information, and to make a knowing and intelligent waiver of his rights. and that defendant's request to call his mom about a lawyer started "down that path" of invoking his right to Counsel.

The trial court denied defendant's motion to suppress statement. Stating that it found detective's statements were somewhat misleading, somewhat inaccurate and enhanced a little bit, but the court didn't think it affected defendant's comments after that. Stating that defendant was Mirandized, and did not invoke his right to counsel and, as a adult "had no right to talk to his mother at that point, and that det didn't use any force against defendant, and that they told defendant what they had may be not exactly, and defendant made the statements that he chose to make.

Jury Trial

Price testified for the prosecution that she was hanging out with Wright who was her boyfriend on the evening of July 1, 2013. Along with her boyfriend's friend Adam in her 2000 Grand Prix, parked outside of Adam's home near 103rd and Green Street. Wright was in the driver's seat. Adam was in the passenger seat, front. Price was in the back seat. When Price saw a green car stop at the stop sign and point at them, Price said this car is pointing. Another car with a dent on the passenger side pulled up to the driver's side of her car and started shooting at them. Price testified that she was in shock, and that Adam took off running out of the passenger door, followed by Wright who told her to run.

Price testified that she fell as she exited the car and was crawling backwards and getting up. When she saw the shooter, who she identified as defendant, since it was "broad daylight" she had no difficulty seeing the shooter, and the "stress spot" on his beard. Price stated that the shooting happened about 8:00 PM, July 7:00 PM.

Price also testified that the shooter past the trunk running towards Wright, while he was shooting Wright was stumbling as he ran. Since his pants was hanging off his butt, then she heard a snap as Wright fell and hit a tree trunk. Price testified that she ran toward Wright

and the Shooter aimed the gun at her but she heard like a clicking noise and the gun didn't shoot. Price also testified that the driver said that bitch she pregnant lets go ahead then the shooter got back in the car and they drove away. Both parties stipulated that Wright died from gunshot wounds to the neck and leg.

Price testified that some point after the shooting. Price's cousin friend showed her a photo of the defendant on Facebook and Price recognized him as the shooter.

Detectives stated that Price stated while being interviewed on the night of the shooting. And the next day. Price told them she ran behind a bush. But did mention a "stress spot" and described the shooter's facial hair as well groomed.

On July 2, and July 12, 2013 Price failed to identify defendant in a photo array shown to her by detectives. Price later testified that she lied to police because she wanted "revenge" and was listening to her cousin about letting the streets handle it. Meaning someone would shoot defendant.

Adams testified that he did not remember the time the shooting happened but it was still light and that at some point a "dark color car pulled up to the driver's side door and started shooting at her

Adam testified that his head was down and that he wasn't looking at the car. he heard gunshots and bullets whizzing by as he ran and hopped gates until he was near the end of the block when he returned to the scene. Wright was on the ground bleeding from the neck and leg. Adam testified that he didn't see Price anywhere.

After defendants arrest, on July 1 2014. Detectives Sullivan and Moore - Gruse questioned defendant about Wright's murder. Sullivan explained how he exaggerated and lied about some of the evidence against defendant consistent with the testimony at the suppression hearing.

In defendant's trial Joseph Raschke a special agent on the Federal Bureau of Investigation's cellular analysis survey team conducted historical cell site analysis for the cell phones registered to defendants brother Matthew Shelton, Williams and Holloway. Raschke explained how historical cell site analysis can be used to determine an "approximate location of a cell phone based on the phone's activity by analyzing which cell tower the phone connects to when a call made or received. Raschke could not place a phone

at an address "just an area" that he would expect the tower to provide coverage. Rascke testified that defendant's brother phone registered and connected to a call at 7:48 PM on the night of the Murder.

Gullens testified for the defense. He was arrested with Williams and Cora "a little after midnight on July 2, 2013 while they were in a processing room at the Police Station. Gullens asked Williams about the small droplets on his pants." Williams told him that it was the blood from when he "killed Steph." Gullen and Williams was taken to another police station where detectives questioned Gullen about the Murder of Stephen. Gullen did not tell detectives what Williams had told him because he "didn't want to be labeled a rat" and he feared for his life. Since a lot of people were dying.

In closing defense counsel mentioned that Williams killed Wright and argued that there were "Multitude of reasons" why defendant's phone could have been near the murder. Since a "huge commercial area" is just blocks west of green. The State responded that there was no evidence "defendant was visiting any of the businesses

in the area. Defense Counsel objected, arguing that the State shifted the burden of proof to defendant. The trial court overruled the objection.

The jury found defendant guilty of first degree murder of Wright, and attempted murder of Price and Adams. On April 22, 2022, defendant filed a motion for new trial, arguing inter alia, that the trial court erred in denying his motion to suppress and that the State improperly shifted the burden of proof to him by arguing that there was no evidence he was visiting businesses near the murder scene.

During oral arguments, defense counsel asserted that under the recently decided Illinois Supreme Court Case *People v. Salamon* 2022 IL 125722, the violation of defendant's statutory right to contact a family member contributed to the involuntariness of his confession.

In denying defendant's motion, the trial court found that defendant's statement about wanting to talk to his mom about a lawyer is a "fact to consider, but standing alone, it's not sufficient to suppress an otherwise voluntary statement." The trial court also concluded that it doesn't

Shift the burden to defendant in this way, to argue that there was no evidence that he went there to conduct business. The Court sentenced defendant to 45 years imprisonment for murder, consecutive to two concurrent terms of 20 years imprisonment for the attempted murder, and the Appellate Court agreed, and the Illinois Supreme Court denied Petition for leave to appeal.

REASONS FOR GRANTING THE PETITION

The petitioner in this case brings to this Court's attention a Substantial violation of the United States Constitution by the State of Illinois when it comes to the Illinois Statute 725 ILCS 5/103-6(A) which states that persons who are in police custody shall have the right to communicate with attorney and family, transfers, presumption of inadmissibility.

In this case petitioner while in police custody for 15 hours being interrogated asked for a phone call numerous times to call his mother for a lawyer, this request was denied by Chicago police detectives who continued the interview which 15 hours later resulted in a statement from the defendant. This is a direct violation of the 14th Amendment of the United States Constitution and defendant asks that this Court for this Substantial violation of defendant's United States 14th amendment right grant this petition, this is a constant tactics used in Chicago by some detectives who violate the rights of numerous defendants to obtain the statements that are later used in trial to convict defendants. The lower courts decision in this issue is erroneous. Defendant made his arguments pre-trial in a motion to suppress inculpatory statement. When considering the totality of the circumstances the Court denied the suppression motion. This Court had addressed this issue protecting defendant's rights under the Sixth Amendment right to an attorney. The lower Courts decision is in direct conflict

With the United States Constitution 14th and 6th Amendment right to counsel during interrogations when a request is made. For this reason this petition should be granted.

CLAIM TWO Reason for granting petition

This Court should grant this petition because the Appellate Court and the Illinois Supreme Court erred in its ruling/opinion stating that defendants conviction for attempted murder are affirmed where the evidence was sufficient to show defendant had specific intent to kill victims.

In this case the relevant inquiry for this issue is whether "after reviewing the evidence in the light most favorable to the Prosecution, any trier of fact could have found the essential elements of the crime beyond a reasonable doubt. Jackson v. Virginia, 443 U.S. 307, 319.

In Illinois to sustain a conviction for attempted murder the State must prove beyond a reasonable doubt that (1) defendant performed an act that constituted a substantial step towards committing a murder and (2) that defendant had the criminal intent to kill the victim. People v Tegge 2013 IL App (1st) 110349 ¶ 22.

In this case the Prosecution presented testimony from two witnesses Price and Adam. Both witnesses testimony was conflicting and contradicting each other. Price was also impeached by the lies she testified to.

Price told the police that during the shooting the defendant aimed a gun at her but it didn't shoot. Price initially told Police that she had hid behind a bush. Price also testified that she held Wright as he was bleeding from his neck. Price failed to identify defendant in a photo array shown to her by detectives on July 2, and July 12 2013, even though she recognized him as the person who killed Wright. Price explained that she lied to the police because she wanted "Revenge" meaning someone would shoot defendant. Price was impeached due to the numerous lies that she told police.

Adam testified that after the shooting he looked back to the scene and he saw Wright laying on the ground bleeding from his neck and leg. Adam also testified that when he came back he saw Wright bleeding and Price was nowhere at the scene.

Both Price and Adams testimony contradicts and conflicts with each other. Raising reasonable doubt first, and also Prices failed identification of defendant on July 2, and later Price recognized defendant as the person who killed Wright. She explained to police that she had lied because she wanted "revenge". With these lies from Price which impeached her testimony, and Adams testimony contradicting Prices testimony contributes to reasonable doubt. The evidence presented by the

Prosecution when considering the facts. The criteria to Sustain a conviction for attempt Murder was not met Jackson v Virginia, 443 U.S. 307, 319. This Court Set in place these Criteria in Jackson v. Virginia to ensure that defendants 14th Amendment United States Constitutional rights be protected.

There was no evidence that price gave without lies that Support that defendant committed the Shooting he identification was a lie as she told the police there was no evidence presented that this defendant took a Substantial Step towards committing a murder or a intent to kill, because evidence doesn't Support him being the Shooter. Petitioners statement when considering the violation of his 14th and 6th Amendment rights by detectives interrogating him for 15 hours constantly denying his request for a phone call 725 ILCS 5/103(3)(A). This Court Should grant petitioners petition because the lower Courts erred in its decision.

CLAIM THREE

Reason for granting petition

The lower Courts erred in denying petitioner's issue that the prosecution didn't shift the burden of proof by arguing that there was no evidence he was patrolling Businesses near the Murder Scene.

Defense counsel argued in closing that there is a "huge Commercial" area a block west of green and therefore, ample reason for defendant's phone to be over there.

Prosecutors argued that the defense can rattle on all the businesses that might be in the area, but argues that there is no evidence supporting defense counsel's arguments. The state claims that the prosecution's argument can be executed because it did not explicitly state that the defense failed to provide exculpatory evidence.

The lower courts failed to acknowledge that the State's argument was prejudicial and that the State and defense had different burdens at trial. The State had to affirmatively prove defendant guilty, and the defense had no affirmative burden, but certainly could help its case by providing reason to reasonably doubt the prosecution's allegations. The prosecution suggests that the generic instruction on the burden of proof and defendant's lack of a burden in State burden shifting arguments from requiring reversal this is not true. Such arguments are reversible error even where the jury is otherwise properly

instructed on the burden of proof people
v Lopez 152 Ill. App 3d 667, 677 (1st) (1987)
The lower courts review and opinion that

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sean Shotton

Date: 10 31- 24