

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Washington, D.C. 20543

Lorenzo Davis Jr. — PETITIONER
(Your Name)

vs.

Randy Rister Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Seventh Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lorenzo Davis Jr.
(Your Name)

P.O. Box 112 S.C.C.
(Address)

Joliet IL 60434
(City, State, Zip Code)

815-727-3607
(Phone Number)

QUESTIONS PRESENTED

1- Was the 7th Circuit Court of Appeals Denying of the District Court C.O.A in the Petitioner's Case on the STATES Motion to Vacate the C.O.A Appropriate under the "Guise" of a Debatable issue. IF the Appellate Court Ruled Petitioner's Six issues were Defaulted where there is no such record to support this ARGUMENT being ~~supported~~^{presented} by the STATE. the Appellate Court letter back to Petitioner only says Motion Denied?

2- Was it correct for all of these Illinois Courts, Trial, Appellate, Illinois Supreme Court, and Illinois Central District United STATES District Rock Island, and UNITED STATES Court of Appeals for the 7th Circuit, to ignore the fact of Petitioner showing of being incarcerated without being found Guilty of the Charges that were presented at the Jury Trial?

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APPENDIX-E is STATES Motion to Reconsider Pages 1-6

APPENDIX-F is STATES motion to Vacate 9 pages TOTAL

APPENDIX-G is Petitioner Prose Response to STATES Motion to Vacate, and motion to Expand the C.O.A. Pages 1-6

APPENDIX-H is U.S.C. of Appeals 7th Circuit Order Granting STATES motion to Vacate C.O.A, and Denial to Expand the C.O.A. Pages 1-2

APPENDIX-I is Prose Petitioner 2-1401(F) Pages 1-2

APPENDIX-J is Prose Petitioner 2-1401(F) Petition for Leave to Appeal pages 13 TOTAL, Exhibits A-K

TABLE OF Authorities

In this Petition in STATEment of the Case
Petitioner Points out entire ARGuments and
cases used before lower Courts.

OPinions Below

U. S. C of Appeals included in this Petition see
Appendix H

U. S. District Court Central District included in this
Petition see Appendix D

STATE Appellate Courts All Supreme Court Rule
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Jurisdiction

30 MAY 2014 Petition for Writ Docket

27 Sept. 2017 Petition for Writ Denied

9 JAN 2018 7th Circuit GRANTS STATES Motion to
VACATE C. O. A. and Denied Petitioner request
to Expand the C. O. A.

Constitutional and STATutory Provisions

V Amendment Violation see Appendix A page # 7-8

See Also Appendix C page 14-15, VI Amendment Violation of Fair Trial see Appendix A pages ³ 4, 11, 13, 14, See

Appendix C pages 17-22, VI Amendment Violation of Counsels see Appendix A pages 5, 6, 7, 8, 9, 10, 16, 18, 19, See

Appendix C pages 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, See Also Appendix J. pg 3, Authorities Relied upon for First Time, ARGUMENT pages

1-4, Exh. A one - Five, see Also 9-17-2013, Exh. B 1-5, Exh. C Exh D, Exh. E, F, G, XIV Amendment Violation of Due

Process see Appendix A All Eight issues See Appendix C AT 22-30.

REASON for GRANTING the Petition

Petitioner case really needs to be look at, because of Severe Miscarriage of Justice being done to Petitioner. Where in fact the Courts say that there is no Conflict of Interest by the HEAD STATES ATTORNEY being related to the victim, and the HEAD STATES ATTORNEY does not let the Petitioner know during the Trial. This can not and must not be allowed by these Lower Courts. Petitioner is being held in Prison in Violation of the 14th Amendment in which Petitioner is being denied the Right of Liberty, because of Due Process. Petitioner has shown in this Petition Question #2 of how Petitioner is being held in Prison without being found Guilty of the Charges Presented to the Jury of Counts Three and Four. Petitioner was Pro Se in this whole Writ of Habeas Corpus even though Petitioner filed Motion Requesting for Counsel

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STATEMENT OF THE CASE

The Petitioner filed a writ of Habeas Corpus on 14 May 2014, the UNITED STATES District Court Central Rock Island, Illinois Docketed on 30th June 2014 for Case # 4:14-CV-04050 SLD. Petitioner raised eight issues # 1- VI Amendment Violation of being Denied the effective assistance of legal representation of all appointed Counsel. Trial Counsel failed to put on an Affirmative Defense and the following appointed Counsel failed to raise this issue to the Appellate. # 2- V Amendment Violation of Self-Incrimination, VI Amendment Violation of effective assistance of Counsel, XII Amendment Due Process of the Law. # 3- VI Amendment Violation of effective assistance of legal representation, XIV Amendment Due Process of the Law. # 4- VI Amendment Violation Jury, XIV Amendment Violation of Substantive Rights. # 5- VI Amendment Violation Jury, XIV Amendment Violation of Substantive Rights. # 6- VI Amendment Violation Jury, XIV Amendment Violation of Due Process. # 7- VI Amendment Violation effective assistance of legal representation, XIV Amendment Violation of Substantive Right. # 8- VI Amendment Violation effective assistance of legal representation by all assigned Counsel, XIV Amendment Violation of Due Process. See Appendix A pages # 6, 7, 9, 11, 13, 14, 16, 18 For full detail of above mentioned. The District Court Denied the Writ, but Granted a C. O. A. on 6 of the issues # 1, 2, 3, 4, 6, 8, # 5, 7 STATED had no merit. The STATE filed a Motion to ~~repeal~~ reconsider the C. O. A. the Circuit

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Denied. The State filed a Motion to Vacate to the 7th Circuit Court of appeals and the Court Granted this Motion. Petitioner now ask This Honorable Court to Grant a Writ of Certiorari, because of the following Questions. #1- Was the 7th Circuit denying the District Court C.O.A in the Petitioner's C.O.A. appropriate under the Guise of a Debatable issue. If the Appellate Court Ruled Petitioner's six issues were Defaulted when there is no such record to Support that finding absent of the Appellate Court letter back to Petitioner STATING only Appellant's prose motion to add six issues his Counsel did not raise is Denied. It does not say anything about Procedural Default, because of Hybrid Representation. In the STATES Response Brief to Petitioner Petition see Appendix B at 11-16 is where they say that issues # 1, 2, 3, 4, 6, 8 were Defaulted. In Petitioner's Petition he Shows at pages 7, 9, 10, 12, 14, 16, 17, 18 in full detail why issues # 1, 2, 3, 4, 6, 8 did not make it to the Appellate Court. ^{see} Appendix A is Petitioner's Petition. Appendix C is Petitioner's Response Brief in which Petitioner Clearly explains why none of these issues were Procedurally Defaulted see pages # 8-14 in Brief. Appendix D the District Court Judge Ruling on Petitioner's Writ she gives reason why she ruled it a Debatable ARGUMENT, and Grants C.O.A. ID AT 7-14. Appendix E is STATE Motion to reconsider the C.O.A it was Denied. Appendix F is STATE Motion to Vacate Petitioner's C.O.A. to the 7th Circuit see motion at 1-4. Appendix G is Petitioner Response to STATES motion and ask the Court to expand the C.O.A. See prose motion ID AT 1-6.

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Appendix H 9 Jan 2018 the Seventh Circuit Granted the STATES Motion to Vacate the C.O.A., and Denied Petitioner's Motion to Expand the C.O.A. See U.S.C.O.A. pages 1-2. The Court of Appeals says that the issues Presented did not amount to a Substantial Showing of the Denial of a Constitutional Right. Petitioner is not in agreement with this at all, because Petitioner has shown in Petitioner's response brief how his rights were violated see Appendix C and Exhibits for full details. The Circuit Court Judge Sara Darrow Should have Granted the Writ of Habeas Corpus instead of Presenting the issues as Debatable. This Honorable Court needs to address this issue, because if once we get appointed counsel they are to do a reasonable level of assistance in which Post Conviction Counsel MR. Kohut did not do for Petitioner. See Appendix J PLA Filed on 2-14-01 (F) Filed 3 Feb 2011

#2- Was it correct for all of these Illinois Courts, Trial Appellate, Illinois Supreme Court and Illinois Central District United States District Court, and U.S. Court of Appeals for the 7th Circuit to ignore Petitioner's showing of being incarcerated without being found guilty of the Charges that were Presented to the Jury? Petitioner has let it be known in all of Petitioner's PRO SE briefs to various courts that he was originally charged with 720 ILCS 9-1 (a)(1), 720 ILCS 9-1(a)(2) Intentional, and Knowing Strong probability First Degree Murder. One YEAR into Petitioner's Custody receives a letter in cell stating that if Petitioner does not take the 40 ye. plea deal

the STATE was going to Amend the Charges to say, Personally Discharge A Firearm. See Appendix I page 25, also see Appendix C at J1. At the START of Trial Petitioner went from Two counts of First Degree Murder to Four counts of murder. Count One 9-1(a)(1) alleged that on OCT. 2004, the Petitioner "without Lawful Justification" Shot Susan Burge AKA Susan Terronez" with the intent to Kill her, and Killed her. Count Two 9-1(a)(2) alleged that the Petitioner "with out Lawful Justification" Shot Burge AKA Susan Terronez" Knowing the Strong Probability. See Appendix I ID at 9, 10, 11, 22, 26 at 1-4-2006, 1-6-2006, 4-5-2006. See Appendix J IP at ARGUMENT page 2-3 See Appendix A ID AT 2 See Appendix C ID AT 2, 3, 4, 23-30, See EX A1-A2 see J1 See L-1-3. Now Counts one and three read the same way, and two and four read the same way in # three and four they have the additional element of Personally discharged a "FireARM". The START of Trial the State ask the Court to go ahead & "Dismiss" Counts one and two see Appendix C ID EX. A1-A2 the Court. "Dismisses" Counts one and two proceed to Trial on three & four. The Jury comes back Guilty on Counts one & two no verdict at all on three and four the ones that were suppose to go back to the Jury. See Appendix J ID at Authorities Relied upon De Jonge - v - Oregon, 299 U.S. 353, 57 S.Ct. 255, 81 L.Ed 278 and ARGUMENT pages 2-3. This must not be allowed by these lower Courts!

Conclusion

Wherefore, The Pro SE, Petitioner - Appellant Lorenzo Davis Jr. Respectfully Request This Honorable Supreme Court OF THE UNITED STATES OF AMERICA to Grant This writ of Certiorari. Granting Petitioner an Immediate Release in any other Available Remedy.

OH LORD HAVE MERCY ON MY SOUL IS There NO More HELP For the WIDOWS SUN?

Respect Fully Submitted
Lorenzo Davis Jr. R 51784
S. C. C.
P. O. Box 112
Joliet, IL 60434
AF+AM Wisdom #1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted November 13, 2017

Decided January 9, 2018

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

No. 17-3064

LORENZO DAVIS, JR.,
Petitioner-Appellant,

Appeal from the United States District
Court for the Central District of Illinois.

v.

No. 4:14-cv-04050

RANDY PFISTER,
Respondent-Appellee.

Sara Darrow,
Judge.

ORDER

The district court denied Lorenzo Davis's habeas corpus petition under 28 U.S.C. § 2254, concluding that two claims were meritless and that the remaining six claims were procedurally barred by the Illinois rule against hybrid representation. But the court granted a certificate of appealability addressing whether the state court actually relied on the hybrid-representation rule and certified the six underlying claims as well. The state now asks us to vacate the certificate, arguing that the district court identified no genuinely debatable constitutional claim. Davis, on the other hand, moves to expand the certificate to include additional claims.

We have reviewed the final order of the district court and the record on appeal. We find that the previously certified issues do not amount to a substantial showing of

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the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). Debate about the hybrid-representation rule and procedural default is not itself a constitutional issue and therefore cannot be the sole basis for a certificate of appealability. Nor do the claims Davis asks us to certify count as a substantial showing of the denial of a constitutional right.

Accordingly, the certificate of appealability is VACATED. Davis's motion to expand the certificate is DENIED. Davis's motion for appointment of counsel also is DENIED.