

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHARLES K. HAMILTON — PETITIONER
(Your Name)

VS.

CHRISTINE BEARDON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES DISTRICT COURT - CENTRAL DISTRICT ILLINOIS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CHARLES K. HAMILTON, M36665
(Your Name)

E MOUND CC, 100 HILLCREST RD.
(Address)

MOBILE, IL. 61244
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- I. Do, or does, the rulings of the Supreme Court in Wende v. Calif., 35 Cal. 3d 436, 441-442, 158 Cal. Rptr. 839, 600 P.2d 1071, 1074-1075, (1979) which were affirmed, and honored, and recognized, as: "a right" in; Smith v. Robbins, 529 U.S. 259, 120 S.Ct. 746, 145 L.Ed.2d 756, 68 USCW 4069, 00 Cal. Daily Op Serv. 454, (2000) where this Supreme Court of these United States said: "Robbins elected to represent himself at trial, but on appeal he received appointed counsel. His appointed counsel, concluding that an appeal would be frivolous... Robbins also availed himself of his right under Wende to file a supplemental pro-se brief"; are those recognized rights, to file a pro-se supplemental direct appeal brief, applicable to the appellate process, and pro-se appellants, in Illinois, or not?
- II. If yes, an appellant may file a supplemental pro-se brief, even though he had an appointed counsel, then what remedy is appropriate to correct the result? Which is; that Hamilton was denied that Wende established right to file a supplemental brief on 15 Oct. 2014 in case no. 4:13-0612 (see exhibits) which was then used as an excuse in 4:15-0635 4th Dist. Appx. IL. to rule "that Hamilton forfeited, waived, those issues and could not re-argue them", and too, in Hamilton's Habeas Corpus petition in: (Hamilton v. Brinkman, 16-1310) and it's appeal, before the 7th Dist. Ct of Appeals in: (17-1410) was cited as cause to bar those issues and denies the Habeas petition? Did the USDC, CD IL., and the 7th DCOA both err in dismissing Hamilton's Habeas?
- III. Did the USDC, CD IL., further err, by declaring Hamilton "not credible" in denying his Habeas claims of false video evidence and perjury was used to convict? Did they also err by denying him his right under: Haines v. Kerner, 404 U.S. 519 (1972); "to offer proof, or a forum or opportunity, to offer proof of his claims."?
- IV. Are these errant rulings malicious? Given that these same courts must have known about these existing case precedents and the rights established therein?

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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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 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 United States district court appears at Appendix C 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 _____ 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 ~~23 Jan 2017~~ 27 Aug. 2017

☐ 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: 23 Jan 2017, 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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 5TH AND 14TH AMENDMENT TO THE CONSTITUTION ~~AND~~ ^{OF} THE UNITED STATES IN REGARDS TO DUE PROCESS OF LAW. THE 6TH AMENDMENT RIGHT TO EQUAL ACCESS TO THE COURT. THE 14TH AMENDMENT RIGHT TO EQUAL PROTECTION OF THE LAW, AS DEFINED BY PRIOR APPLICABLE SUPREME COURT DECISIONS - DEFINITIONS OF THE LAW AS IN 'WEXLER', 'ROBBINS', AND 'HAINES'.

STATEMENT OF THE CASE

THE FOURTH DIST. APPL. CT. OF ILLINOIS FAILED TO ALLOW HAMILTON HIS DUE PROCESS RIGHT TO 'FILE A SUPPLEMENTAL DIRECT APPEAL BRIEF', AND THEN DENIED HIS POST CONVICTION RIGHT TO CORRECT THAT ERROR, BY DECLARING "FORFEITURE". THEN THE U.S.D.C., CD IL. ALSO FAILED TO ALLOW DUE PROCESS BY DECLARING "HAMILTON WAS BARRED FROM RAISING THOSE ISSUES DUE TO A FAILURE TO RAISE THOSE ISSUES ON DIRECT APPEAL", A MISTAKE - ERROR EDITED BY THE U.S. DCOA, 7TH. HAMILTON CLEARLY, AS OF 8 OCT. 2014, TRIED TO GAIN TIME TO, AND OPPORTUNITY, OR LEAVE TO, "AVOID FORFEITURE BY FILING A PRO-SE BRIEF". A REQUEST THE 4TH APPL. CT. DENIED - UNLAWFULLY, DUE TO 'WEXLER'; IF 'WEXLER' IS APPLICABLE IN ILLINOIS.

REASONS FOR GRANTING THE PETITION

HAMILTON'S DUE PROCESS RIGHT TO AVOID FORFEITURE OF ISSUES BY SEEKING; LEAVE TO FILE A SUPPLEMENTAL BRIEF, WAS VIOLATED BY THE 4TH APPL. CT.'S DENIAL OF 15 OCT. 2014, AND THAT RULING CREATED A PREJUDICE TO HAMILTON, WHICH IN TURN CAUSED HIS HARDSHIP CIRCUMSTANCES PETITION BEFORE THE U.S. D.C., CD IL., TO BE UNLAWFULLY TERMINATED, AND THAT DECISION CAUSED THE U.S. DCOA TO ALSO ERR. HAMILTON'S DUE DILIGENCE WAS ESTABLISHED BY HIS APPROACH ON 8 OCT. 2014, AND ALL ISSUES HE SUBSEQUENTLY RAISED SHOULD BE HEARD. HAMILTON'S CONST. RIGHT TO 'OFFER PROOF' OF HIS CLAIMS OF FALSE EVIDENCE WOULD, IF SUCCESSFUL, SHOW HIS CONVICTION TO BE UNLAWFULLY OBTAINED BY USE OF FALSE EVIDENCE & PERJURY, AS PER: HAINES v KERRER, 404 U.S. 519, (1972)

Argument

I. HAMILTON ALLEGES VIOLATIONS OF FEDERAL CONSTITUTIONAL RIGHTS ESTABLISHED UNDER THE FIFTH AND FOURTEENTH AMENDMENTS.

IT WAS SAID IN; NEWMAN v. MARYLAND, 340 U.S. 268, 271, 71 S. Ct. 525, 327, 95 L. Ed. 267; "IN CASES IN WHICH THERE IS A CLAIM OF DENIAL OF RIGHTS UNDER THE FEDERAL CONSTITUTION, THIS COURT (U.S. SUPREME CT.) IS NOT BOUND BY THE CONCLUSIONS OF THE LOWER COURTS, BUT WILL RE-EXAMINE THE EVIDENTIARY BASIS ON WHICH THOSE CONCLUSIONS ARE BASED."

THEREFORE, THE ULTIMATE AUTHORITY RESTS UPON THIS COURT AND ALL PRIOR RULINGS BY LOWER COURTS ARE SUBJECT TO THIS COURT'S REVIEW AND JURISDICTION IS WITH THIS COURT.

II HAMILTON ALLEGES DUE PROCESS VIOLATIONS AND EQUAL PROTECTION VIOLATIONS BY ALL THE LOWER COURTS.

IN PEOPLE v. HAMILTON, # 13 0612, HAMILTON'S DIRECT APPEAL, THE APPELLATE DEFENDER NEGLECTED TO RAISE ISSUES THAT HAMILTON SOLEMNLY RAISED. THE COUNSEL NEVER CONSULTED WITH HIS CLIENT, HE WASTED (18) MONTHS OF THE APPEAL CLOCK, BEFORE READING THE RECORDS, AND THE APPELLANT LOST HALF OF THE (3) YEAR CLOCK TO APPEAL, EVEN THOUGH 95% OF THAT 'LOST' TIME WAS NOT SPENT ON EFFORTS TOWARD DEFENDENTS' APPEAL. UPON READING THE LONG AWAITED APPEAL, THE

Appellant (Hamilton) was solely dissatisfied, and attempted to raise the neglected issues. Among those now lost issues was the use of fabricated evidence (altered DVD videos) and blatant perjury, and the 'knowing' use of both, to convict.

In; Nature v Illinois, 360 U.S. 264, (1969), it was said, "First, it is established that a conviction obtained through use of false evidence, known to be such by representatives of the State, must fall under the Fourteenth Amendment."

As it was in; Mooney v Holihan, 294 U.S. 103, 55 S. Ct. 340, 79 L. Ed. 291; or in; Pyle v Kansas, 317 U.S. 213, 63 S. Ct. 177, 87 L. Ed. 214; or in; Curran v Delaware, 3 Cir. 259 F.2d. 707, see also; State of New York, ex. rel. Whitman v Wilson, 318 U.S. 688, 63 S. Ct. 840, 87 L. Ed. 1083, and; White v Ragen, 324 U.S. 760, 65 S. Ct. 978, 89 L. Ed. 1348, compare with; Jones v Commonwealth of Kentucky, 6 Cir. 97 F.2d. 335, 338, with, in re, Snowyers' Petition, 7 Cir. 229 F.2d. 805, 809. or in; Mesarosh v United States, 352 U.S. 1, 77 S. Ct. 1, 1 L. Ed. 1d. 1;

"The same result obtains where the State, although not soliciting false evidence, allows it to go uncorrected when it appears."

In the instant case however, the State openly solicited, and participated in, the production of false evidence, conspired with others to produce it, and knowingly suborned the necessary perjuries to gain admittance of that evidence. A

REVIEW OF THAT EVIDENCE, AND THE KNOWN CHAIN OF CUSTODY OF IT, WOULD CONFIRM THOSE FACTS AS INDISTUTABLE. HAMILTON'S APPELLATE DEFENDER, AN EMPLOYEE OF THE STATE, IN AN ARM OF THE COURT, HAD IN BRIB CONFLICTS OF INTEREST. ONE, DUTY BOUND TO THE WELFARE OF HIS CLIENT (HAMILTON), THE OTHER, AS AN EMPLOYEE OF THE SAME STATE WITH A VESTED INTEREST IN MAINTAINING THE CONVICTION, AND PREVENTING THE DISCLOSURE OF THE FEROUS ACTS OTHER STATE PERSONNEL PERFORMED, BOTH TO PRODUCE, AND THEN PERJURE THIS FALSE EVIDENCES INTO THE RECORD, THOSE TRUTHS, IF REVIALED, DEMAND THE CONVICTIONS' REVERSAL, AND THE PROSECUTION OF THE PERPETRATORS OF THOSE ACTS, AND COUNSEL CHOSE TO IGNORE.

SAID APPELLATE COUNSEL ENJOYS, BY LAW, COMPLETE IMMUNITY FROM CIVIL RETRIBUTION, LAWSUITS ETC., FOR FAILING TO PERFORM UP TO A REASONABLE EFFECTIVE STANDARD. SEE: 745 ILLS

HAMILTON'S FALSE EVIDENCE IS, AND WAS, DVD VIDEOS SAID TO BE ACCURATE, AND "SHOT LIVE" ON THE MORNING OF HIS ARREST, WERE IN FACT, RE-ENACTED (14) MONTHS AFTER HIS ARREST, AND IF SUBJECTED TO CAREFUL REVIEW, WHICH DID NOT HAPPEN, WILL SHOW THE FARACY OF BOTH THE VIDEOS AND THEN, THE TIMING CONCERNING THEIR PROVENANCE. HAMILTON'S COUNSEL REFUSED TO VIEW THEM AND, OR, BE INSTRUCTED BY HIS CLIENT AS TO WHAT CONSTITUTED, PROVED, THE VIDEOS WERE FABRICATED. HAMILTON SOUGHT TO REMEDY COUNSEL'S OVERSIGHT

BY FILING A "MOTION FOR LEAVE OF COURT TO FILE A SUPPLEMENTAL BRIEF AND TIME TO DO SO", WHICH WAS IMMEDIATELY DENIED BY THE ILLINOIS APPELLATE COURT, AN ISSUE HERE DISCUSSED FURTHER ON. BUT, THE ISSUE HERE IS THE USE OF FABRICATED EVIDENCE AND PERJURY TO CONVINCE, WHETHER KNOWINGLY, OR NOT; DOES THAT, IF TRUE, CONSTITUTE A FEDERAL CONSTITUTIONAL FOURTEENTH AMENDMENT RIGHTS VIOLATION AS DESCRIBED IN NADLER V ILL.? OR NOT?

IT ALSO BEARS MENTIONING AT THIS POINT THAT IT WAS SAID IN; NEW YORK V SAULIDES, 136 N.E. 2D. 853, 854-855, THAT; "IT MATTERS LITTLE, FOR IT'S IMPACT (USING PERJURY TO CONVINCE) WAS THE SAME, PREVENTING AS IT DID, A TRIAL THAT IN ANY REAL SENSE BE TERMED FAIR."

AS IN; ACCORTA V TEXAS, 355 U.S. 28, 78 S. Ct. 103, 2 L. Ed. 2d. 9, OR, UNITED STATES EX. REL. ALMEIDA V BALDI, 3 Cir. 195 F.2d. 815, 33 A.L.R. 2d. 1407; UNITED STATES EX. REL. MONTGOMERY V RAPER, D.C. 86 F. Supp. 392 SEE GENERALLY ANNOTATION 2 L. Ed. 2d. 1575; "THE PRINCIPLE THAT A STATE MAY NOT KNOWINGLY USE FALSE EVIDENCE, INCLUDING FALSE TESTIMONY, TO OBTAIN A TAINTED CONVICTION, IMPLICIT IN ANY CONCEPT OF ORDERED LIBERTY, DOES NOT CEASE TO APPLY MERELY BECAUSE THE FALSE TESTIMONY GOES ONLY TO THE CREDIBILITY OF THE WITNESS. THE JURY'S ESTIMATE OF THE TRUTHFULNESS AND RELIABILITY OF A GIVEN WITNESS MAY WELL BE DETERMINATIVE OF GUILT OR INNOCENCE, AND IT IS UPON SUCH SUBTLE FACTORS AS THE POSSIBLE INTEREST OF THE WITNESS IN TESTIFYING FALSELY THAT A DEFENDANT'S LIFE OR LIBERTY MAY DEPEND". PEOPLE V SAULIDES, 2 N.Y. 2d. 554, 557

IN THE INSTANT CASE, THE PERJURY OF OFFICERS SWEENEY AND ALBIN ESTABLISHED THE ADMISSIBILITY OF THE DVD VIDEOS, WHICH THEY BOTH SWORE (FALSELY) WERE "ACCURATE", AND "DASH-CAM VIDEOS", WHEN THEY BOTH KNEW WERE NEITHER ACCURATE OR REAL DASH CAM VIDEOS; BECAUSE THEY BOTH PARTICIPATED IN THE RE-ENACTMENT OF THE ENCOUNTER BETWEEN THEMSELVES AND THE DEFENDANT, THEY RE-FILMED THE EVENT, AND KNEW THE VIDEOS WERE FALSIFIED.

SO TOO, PURSUANT TO KLADIS v. ILL., 0110920 ILL. SUPR. CT. (2011) "IF THE VIDEOS ARE NOT AVAILABLE, THE OFFICERS MAY NOT THEN TESTIFY ABOUT WHAT MIGHT HAVE OCCURRED."

THE PERJURY OF THE WITNESSES ALLOWED FALSIFIED VIDEO EVIDENCE INTO THE RECORD, WAS USED BEFORE A JURY TO ESTABLISH THE LAWFULNESS OF THE OFFICERS' ACTIONS, AND ALSO, ONCE ADMITTED INTO EVIDENCE, ALLOWED THE OFFICERS (WHO FABRICATED THE VIDEOS) TO TESTIFY.

AN EFFECTIVE APPEAL SHOULD HAVE INCLUDED THIS ISSUE. YET, THIS APPELLANTS' COUNSEL ON APPEAL NEGLECTED TO DO SO, HAVING REFUSED TO CONSULT WITH HIS CLIENT, AND THEREFORE RECEIVE FROM HIM, ANY INSTRUCTION CONCERNING THE PROOF OF THE FABRICATIONS, AND TOO; HOW TO SPOT THEM, THEY BEING CLEVERLY, INTENTIONALLY, DISGUISED TO AVOID DETECTION, THESE PROOFS OF ALTERATIONS WENT UNNOTICED AND SUBSEQUENTLY, UNMENTIONED IN THE DIRECT APPEAL BRIEF.

HAMILTON SOUGHT, AS MENTIONED, TO REMEDY COUNSEL'S OVER-

sight, his omission of these issues, BUY PERMISSION, OR LEAVE OF COURT TO DO SO, WAS FLATLY DENIED ON 15 OCT. 2014.

THE CONTENTION HERE IS THAT HAMILTON'S FOURTEENTH AMENDMENT RIGHTS WERE VIOLATED, AS PER NATHAN V ILL., AND OTHER CASES SUCH AS; OLINGSTON V UNITED STATES, 277 U.S. 438, 485, 48 S. CT. 564, 565, 72 L. ED. 944, (1928); "TO DECLARE THAT IN THE ADMINISTRATION OF THE CRIMINAL LAW THE END JUSTIFIES THE MEANS - TO DECLARE THAT THE GOVERNMENT MAY COMMIT CRIMES IN ORDER TO SECURE THE CONVICTION OF A PRIVATE CRIMINAL - WHICH BRINGS TERRIBLE RETRIBUTION."

HAMILTON'S CLAIM OF GOVERNMENT WRONGDOING ASSERTS THAT THE DASH-CAM VIDEOS USED BEFORE A JURY TO CONVICT, WERE ACTUALLY FILMED, IN LARGE PART, FOURTEEN MONTHS AFTER HIS ARREST. TO DO SO IS A CRIME IN ILLINOIS, TO VIOLATE ILLS 5/31-4, ALSO KNOWN AS; OBSTRUCTION OF JUSTICE. HAMILTON CONTENDS THAT THE TWO CHIEF WITNESSES AGAINST ^{him} IL. STATE POLICE OFFICERS SWEENEY AND ALBIN, JOINTLY PERPETRATED THE CRIME MENTIONED, FILMED THEMSELVES 'IN THE ACT', LIE ABOUT IT UNDER OATH TO GET THE VIDEOS ADMITTED INTO EVIDENCE, AND DO; THE STATES ATTORNEY KNOWINGLY SUBORNED THEIR PERJURIES, WHICH IS ALSO A CRIME UNDER ILLINOIS LAW 720 ILCS 5/32-2, AND 5/32-3, RESPECTIVELY, AND THAT PLASANT TO THE ILLINOIS CONSTITUTION ARTICLE 1, SECTION 2; HAMILTON IS, AND WAS, ENTITLED TO BOTH DUE PROCESS AND EQUAL PROTECTION OF THE LAWS OF ILLINOIS; LAWS WHICH FORBID SUCH ACTS.

THESE ALLEGATIONS, IF TRUE, CONSTITUTE EGREGIOUS GOVERNMENT CONDUCT AND IS A MERITORIOUS ISSUE, NOT TO BE DISTURBED, IT THINKS THE PROCESS, THE CONVICTION WOULD HAVE TO BE OVERTURNED, IF GIVEN AN OPPORTUNITY, OR SOME FORUM, WHERE HAMICORN COULD PRESENT PROOF OF HIS CLAIM. IN, AKE 'OKLAHOMA', 420 U.S. 68 (1985), THIS COURT STATED; "THAT WHENEVER THE SUBSTANTIAL LEGAL FIREPOWER OF ANY STATE IS BROUGHT TO BEAR UPON ANY INDIGENT DEFENDANT, WHOSE LIBERTY IS AT STAKE, THAT STATE MUST TAKE ALL STEPS NECESSARY TO ENSURE THAT THE DEFENDANT CAN MEANINGFULLY PARTICIPATE IN HIS DEFENSE."

THAT DOES NOT LICENSE UNLAWFUL ACTIVITY BY THE STATE TO CONVICT, AND SHOULD ALLOW THE APPELLANT AN OPPORTUNITY, THE PRIVILEGE, OF FILING A SUPPLEMENTAL BRIEF IN HIS DIRECT APPEAL IF, AND WHEREVER, HE FEELS THE APPELLATE DEFENDENTS' BRIEF NEEDS SUPPLEMENTATION.

FURTHER, IN ARTICLE 1, SECTION 8, OF THE ILLINOIS CONSTITUTION IT SAYS; "THAT IN CRIMINAL PROSECUTIONS AN ACCUSED SHALL HAVE THE RIGHT TO APPEAR AND DEFEND IN PERSON AND WITH COUNSEL." IT DOES NOT SAY; "OR WITH COUNSEL", NOR DOES IT SAY; "EITHER WITH COUNSEL", BUT IT DOES SAY, "AND WITH COUNSEL". THE WORD 'AND' IS DEFINED AS MEANING "IN ADDITION TO, PLUS, ALSO". NOT 'EITHER', NOT 'OR'. THEREFORE, THE APPELLANT - DEFENDANT HAD THE RIGHT TO FILE A SUPPLEMENTAL BRIEF BUT WAS DENIED AN OPPORTUNITY TO DO SO. WHICH BRINGS A NEW, SEPARATE, FOURTEENTH AMENDMENT VIOLATION TO BEAR.

III. HAMILTON'S DUE PROCESS AND EQUAL PROTECTION RIGHTS WERE ABRIDGED UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE FEDERAL CONSTITUTION BY THE ILLINOIS APPELLATE COURT'S REFUSAL TO ALLOW HIM TO FILE A PRO-SE SUPPLEMENTAL BRIEF IN HIS DIRECT APPEAL NO. 4-13-0612.

ON THE 8TH OF OCT., 2014, HAMILTON MOVED, THE FOURTH JUDICIAL APPELLATE COURT OF ILLINOIS, TO ALLOW HIM TIME AND OPPORTUNITY TO FILE A PRO-SE SUPPLEMENTAL BRIEF IN SUPPORT, IN ADDITION TO, OF THE APPELLATE DEFENDERS' DIRECT APPEAL BRIEF, IN APPEAL NO. 4-13-0612.

SAID REQUEST WAS TIMELY FILED, WAS PRIOR TO ANY DECISION BY THE APPELLATE COURT, AND WAS WARRANTED, IN HAMILTON'S VIEW, DUE TO A LACK OF ISSUES, BY OVERSIGHT, OR INTENT, IN THE DIRECT APPEAL BRIEF; BEING PRESENTED FOR REVIEW.

IN ILLINOIS, APPELLATE COURT RULES STIPULATE THAT A FAILURE TO RAISE THOSE ISSUES; CONSTITUTES A "FORFEITURE OF THEM" PURSUANT TO SUPREME COURT RULE 341(H).

HAMILTON IMMEDIATELY WROTE THE "MOTION FOR LEAVE OF COURT TO FILE A SUPPLEMENTAL BRIEF AND TIME TO DO SO", AND SPECIFICALLY MENTIONED HIS FEAR OF LOSING ISSUES NOT RAISED THEREIN TO FORFEITURE AS PER RULE 341(H).

THE APPELLATE COURT IMMEDIATELY (WITHIN ONE WEEK) "DENIED" HAMILTON'S REQUEST ON 15 OCT. 2014, IN A ONE-WORD RULING ISSUED BY SINGLE JUDGE.

THIS RULING, WHICH HAMILTON CONTESTS HERE, CREATED A PREJUDICE THAT THIS SAME COURT USED TO DENY HAMILTON'S POST CONVICTION PETITION OF THE FOLLOWING YEAR. IN THAT POST CONVICTION PETITION HAMILTON ATTEMPTED TO RAISE THE VERY SAME ISSUES HE HAD SOUGHT PERMISSION TO RAISE IN HIS SUPPLEMENTAL BRIEF. THE APPELLATE COURT RULED THAT THOSE ISSUES "HAD BEEN FORFEITED FOR NOT RAISING THEM ON DIRECT."

HAMILTON THEN FILED A 28 USCA SECTION 2254 HABEAS CORPUS PETITION, SEEKING IN IT, TO RAISE THOSE EXACT SAME ISSUES THAT THE APPEAL COURT HAD REFUSED TO HEAR, AND THE ILLINOIS SUPREME COURT REFUSED TO HEAR.

IN RESPONSE TO THAT HABEAS, THE ILLINOIS ATTORNEY GENERAL ARGUED THAT HAMILTON HAD, "FORFEITED, WAIVED THOSE ISSUES FOR NOT RAISING THEM IN THE DIRECT APPEAL" (4 13 0612). THE U.S. DISTRICT COURT, CENTRAL DISTRICT OF ILLINOIS AGREED WITH THE ILL. ATTORNEY GENERAL'S VIEW, AND HAMILTON APPEALED TO THE SEVENTH CIRCUIT U.S. DISTRICT COURT OF APPEALS, AND THEY TOO, AGREED WITH THE PRIOR COURTS.

HAMILTON FILED FOR A "RE-CONSIDERATION" AND WAS DENIED ON 27 SEPT. 2017 AND THIS APPEAL TO THE SUPREME COURT FOLLOWS.

IT WAS DETERMINED, BY THIS COURT, IN; SMITH V ROBBINS, 528 U.S. 259, (2000); THAT ROBBINS AVAILED HIMSELF OF HIS RIGHT TO FILE A SUPPLEMENTAL PRO-SE BRIEF, ESTABLISHED UNDER MONTE V CALIF., 25 CAL. 3D. 436, 441-442, 158 (CAL. RPT. 839, 600 P.2D. 1071, 1074-1075 (1979))

WHERE THIS SUPREME COURT AFFIRMED THAT ROBBINS, THOUGH REPRESENTED BY COUNSEL, HAD A RIGHT, UNDER WENDE, TO FILE A SUPPLEMENTAL PRO-SE BRIEF, AND DID SO."

HAMILTON THEN, IN ACCORDANCE WITH THOSE PRIOR RULINGS, MOVES THIS COURT TO REVERSE THE LOWER COURTS' RULINGS THAT STIPULATED THAT HAMILTON HAD FORFEITED AND WAIVED "THOSE ISSUES, LIKE THE USE OF FABRICATED EVIDENCES AND PERJURY TO CONVICT; BECAUSE SAID 'FORFEITURE' WAS THE DIRECT RESULT OF THE APPELLATE COURTS' ERRANT RULING OF 15th OCT. 2004, WHICH CREATED THE PREJUDICE, AND WAS SUBSEQUENTLY, USED TO DENY HAMILTON'S LATER CLAIMS, BOTH IN THE ILLINOIS COURTS AND THEN THE U.S. DISTRICT COURT AND FINALLY; THE U.S. DISTRICT COURT OF APPEALS.

HAMILTON'S CURRENT BASIS FOR THIS APPEAL IS THAT THE U.S. SUPREME COURT DEFINES THE LAW IN THIS COUNTRY, THAT THOSE DECISIONS ARE FINAL AND APPLICABLE IN ALL LOWER COURTS. THOSE DECISIONS LIKE THE ROBBINS 'DECISION' THAT, THOUGH ROBBINS WAS REPRESENTED BY COUNSEL, HE ALSO HAD A RIGHT, UNDER WENDE TO FILE A PRO-SE SUPPLEMENTAL BRIEF."

THIS COURT HAD PREVIOUSLY ADOPTED RULES, RIGHTS TO APPELLATE COUNSEL OR DIRECT APPEAL UNDER ANDERS "CALIF." 386 U.S. 738, UNDER ANDERS, THE APPELLANT HAD A RIGHT TO COUNSEL, IF INDIGENT, BUT THE COURT EXPRESSED CONCERN THAT UNDER ANDERS, IT MAY BE FLEADED; IN THAT IT MADE IT TOO POSSIBLE TO DISMISS ISSUES THAT MAY, IN FACT, BE MERITORIOUS. UNDER ANDERS, AN APPELLATE

"
COUNSEL WAS ONLY REQUIRED TO STATE IN A LETTER THAT, ALL OTHER
ISSUES HAD NO MERIT, AND ASK TO WITHDRAW AS COUNSEL."
"

TO REMEDY THIS FLAW, A NEW PROCEDURE WAS ADOPTED UNDER
'WENDE' WHICH REQUIRED APPELLATE COUNSEL TO ISSUE A BRIEF EXPLAIN-
ING THE ISSUES, AND WHY THERE WAS NO MERIT, TO GIVE A COPY OF
THAT BRIEF TO HIS CLIENT ('WENDE'), AND TO INFORM HIS CLIENT OF
HIS RIGHT TO FILE A PRO-SE SUPPLEMENTAL BRIEF, "IF HE DESIRED TO."
'WENDE' ALSO REQUIRED THE APPELLATE COURT TO ALSO REVIEW THE ISSUES
AND TOO, TO REACH THE SAME CONCLUSION, I.E., THERE WAS NO MERIT
TO ANY OTHER ISSUES, ETC..

IN 'ROBBINS', 21 YEARS LATER, THOSE RIGHTS TO FILE A PRO-SE
SUPPLEMENTAL BRIEF WERE AFFIRMED, AND RECOGNIZED BY THIS U.S.
SUPREME COURT.

HAMILTON CONTENDS HERE THAT HE HAD A RIGHT, UNDER 'WENDE'
AND 'ROBBINS' TO FILE A SUPPLEMENTAL BRIEF, AS HE REQUESTED TO,
IN HIS MOTION FOR LEAVE OF COURT OF OCT. 2014. HAMILTON'S
APPELLATE RIGHTS, NEEDS, ARE NO DIFFERENT IN ILLINOIS IN 2014,
THAN WERE 'WENDE'S APPELLATE NEEDS, PRIVILEGES, IN 1974, OR IN
'ROBBINS' APPEAL ENDEAVORS IN THE YEAR 2000.

HAMILTON CONTENDS THAT APPEALS, AS A RIGHT, ARE NO DIFFERENT
IN CALIFORNIA THAN IN ILLINOIS, AND IN BOTH STATES, THE POWER
OF THE STATES NEED TO BE GOVERNED TO EMBRACE THE NEEDS OF
THE ACCUSED. IN HAMILTON'S CASE, HIS APPELLATE DEFENDER FAILED

TO ADDRESS, OR RAISE, OR EVEN MENTION, THE ISSUE OF FABRICATED DVD VIDEOS AND PERJURY THAT WERE USED TO CONVICT. WHETHER THAT FAILURE TO ADDRESS THOSE ISSUES WAS DUE TO PREJUDICE AGAINST HIS CLIENT (HAMILTON) OR FOR HIS EMPLOYER (THE STATE) IS NOT THE ISSUE. THE ISSUE IS THESE ISSUES WERE NOT ADDRESSED, AS HAMILTON THOUGHT THEY SHOULD BE, AND WHEN HAMILTON SOUGHT OPPORTUNITY TO RAISE THOSE ISSUES HIMSELF, HE WAS DERIVED ON 15 OCT. 2014.

DUE TO THAT ERRANT RULING, HAMILTON'S 'PAST CONVICTION AND HARDSHIP' EFFORTS, WERE ADVERSELY AFFECTED.

GRANTED, HAMILTON IS NOT TRAINED IN THE LAW, AND MADE A FEW MISTAKES IN HIS EFFORTS, BUT, THAT IN NO WAY EXCLUDES THE FLAW IN THE ERRANT RULING OF 15 OCT. 2014, WHICH IS THE ROOT CAUSE OF ANY FORTHFUTURE -WAIVER SUBSEQUENTLY REPEATED SINCE. HAMILTON EXERCISED DUE DILIGENCE IN ATTEMPTING TO RAISE THOSE ISSUES IN A PRO-SE SUPPLEMENTAL BRIEF, AND WAS BLOCKED, BY COURT ORDER, FROM DOING SO.

IT ALSO IS BEYOND DISPUTE, DUE TO NUMEROUS PRIOR RULINGS LIKE NAPLES V ILL. AND MANY OTHER CASES; THAT THE USE OF FABRICATED EVIDENCE DOES Taint ANY CONVICTIONS SO OBTAINED; AS HERE, SO THAT ISSUE SHOULD'VE BEEN RAISED ON DIRECT APPEAL BY THE APPELLATE DEFENDER, BUT WAS'NT, AND HAMILTON HAD, UNDER WONG THE RIGHT TO REMEDY THAT FAILURE, OVERSIGHT, INCOMPETENCE OR COUNSEL; BUT WAS BLOCKED FROM DOING SO.

IV. HAMILTONS' DUE PROCESS RIGHTS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE FEDERAL CONSTITUTION WERE ALSO ABRIDGED BY THE LOWER COURTS' REFUSALS TO GRANT HIM AN OPPORTUNITY, OR A FORUM, WHERE HE COULD PRESENT PROOF OF HIS CLAIMS.

IN; HAINES v KERNER, 404 U.S. 519, 427 F.2d. 71, (1972) "THE DENIAL, DISMISSAL OF HAINES' PETITIONS OFFENDED HIS FOURTEENTH AMENDMENT DUE PROCESS RIGHTS WHERE A FORUM, OR OPPORTUNITY, TO PRESENT PROOF OF HIS CLAIMS, WAS NOT PROVIDED."

HAINES, LIKE HAMILTON, APPROACHED THE COURTS WITH ISSUES, PRO-
SE, AND WERE REBUFFED WITHOUT ANY OPPORTUNITY TO PROVE THE
FACT THAT CONSTITUTIONAL ERRORS WERE COMMITTED WHICH, IF VIOLATED,
WOULD ALTER THE VERDICT, REQUIRE REVERSAL OF THE CONVICTION.

HAMILTON, THOUGH INARTICULATE, LIKE HAINES' APPROACHED ALL THE
NECESSARY LOWER COURTS. HAMILTON, LIKE HAINES', HAD NO TRAINING
IN THE LAW, AND LIKE HAINES', A DIFFERENT, NOT SO STRINGENT, STAND-
DARD SHOULD'VE BEEN APPLIED, BUT WAS'NT.

HAMILTONS' ISSUES OF FABRICATED EVIDENCES AND PERJURY ARE
MERITORIOUS, AND SHOULD BE OF CONCERN TO THE COURTS, FOR SUCH
ACTIVITY GOES TO THE HEART OF OUR FREE, AND CIVIL, SOCIETY. FOR THE
GOVERNMENT TO USE UNLAWFUL MEANS TO CONVICT OFFENDS THOSE
VALUES WE HOLD DEAR. AS WAS DETERMINED IN DEMESTED v U.S.,
377 U.S. 430, 485, 48 S. Ct. 564, 565, 72 L. Ed. 944, (1964), "TO DE-

CLARE THAT THE GOVERNMENT MAY COMMIT CRIMES IN ORDER TO SECURE THE CONVICTION OF A PRIVATE CRIMINAL - WOULD BRING TERRIBLE RETRIBUTION."

HAMILTON'S ISSUES, IF TRUE, GO DIRECTLY TO THE ISSUES RAISED IN OSMISTED AND WITHOUT A FORUM WHERE THE FALSE EVIDENCE, THE DVDs, COULD, CAN BE EXAMINED BY SOMEONE OF AUTHORITY. DENIES HAMILTON AN OPPORTUNITY, OR FORUM, TO PRESENT, OR PROVIDE, PROOF OF HIS CLAIMS, AS IN HAINES.

THE LOSS OF THOSE ISSUES TO FORFEITURE IS A PRODUCT OF AN ERRANT RULING BY THE FOURTH JUDICIAL APPELLATE COURT OF ILLINOIS, AND THE DENIAL OF HAMILTON'S HABEAS IN THE U.S. DISTRICT COURT IS ALSO A PRODUCT OF, A CONTINUATION OF, THAT SAME ERRANT RULING; WHICH HAMILTON NOW SEEKS TO OVERTURN.

IT IS THE SOLE JURISDICTION OF THIS UNITED STATES SUPREME COURT TO DECIDE ISSUES RELATED TO DEPRIVATION OF RIGHTS ESTABLISHED UNDER THE FEDERAL CONSTITUTION. THIS COURT IS NOT BOUND TO, OR BY, THE RULINGS OF THE LOWER COURTS. THIS COURT'S DECISIONS IN MATTERS SUCH AS THE CONSTITUTIONALITY OF APPELLATE RULES AND PROCEDURES SHOULD BE UNIFORM AND APPLICABLE THROUGH ALL THE STATES, AS THE BALANCE OF POWER BY THE STATES OVER THEIR CONSTITUENTS, AND THOSE ACCUSED OF AND CONVICTED OF STATE CRIMES SHOULD BE SUBJECTED TO THE SAME STANDARDS SET BY THIS SUPREME COURT AS IN ROBBINS, AND WENDE, AND ANDERS, OR BANDY. THE CAUSE OF THIS ACTION IS ILLINOIS' REFUSAL TO ALLEGE THESE STANDARDS.

THE USDCBA, 7 Cir. HAS RULED, AS HAS THE USDC, CD Ill., THAT APPELLANT HAS NO RIGHT IN ILLINOIS TO FILE A SUPPLEMENTAL DIRECT APPEAL BRIEF PRO-SE WHICH IS IN DIRECT OPPOSITION TO THE SUPREME COURT'S PRIOR DECISIONS IN 'WENDE' AND IN 'SIMON v. ROBERTS'; AND THAT DUE TO THAT RULING THAT APPELLANT HAS LOST, BY FORFEIT, ANY RIGHT TO RAISE ISSUES IN A POST CONVICTION APPEAL THAT HIS INCOMPETENT - INEFFECTIVE APPEAL COUNSEL DID NOT RAISE ON DIRECT INCLUDING ISSUES OF EGOLOGICAL GOVERNMENT CORRUPT, FALSE EVIDENCES AND FORGERY BEING USED TO CONVICT.

CONCLUSION

BECAUSE THE FORFEITURE CITED WAS CAUSED IN VIOLATION OF HAMILTON'S DUE PROCESS RIGHT TO FILE A SUPPLEMENTAL PRO-SE DIRECT APPEAL BRIEF...

...The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles R. Hamilton m36666

Date: 23 Nov. 2017