

No. 24-6974

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
FEB 25 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

MICHAEL MEJIA — PETITIONER  
(Your Name)

vs.

BRITTANY GREENE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

**U.S. Court of Appeals for The Seventh Circuit**  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Mejia

(Your Name)

Western IL C.C., 2500 Rt. 99 South  
(Address)

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

N/A  
(Phone Number)

QUESTION(S) PRESENTED

- I. WHETHER THE IL STATE ACCOUNTABILITY LAW AT THE TIME OF PETITIONER'S CONVICTION WHICH OMITTED "MERE PRESENCE" NOT BEING SUFFICIENT TO CONVICT WAS UNCONSTITUTIONAL. AND WHERE 12 YEARS LATER THE STATUTE WAS AMENDED TO ADD "MERE PRESENCE" IS NOT SUFFICIENT TO CONVICT.
- II. WHETHER PETITIONER'S CONVICTION UNDER IL STATE ACCOUNTABILITY LAW IS AT ODDS WITH THIS COURT'S DECISIONS, WHERE THE TRIAL COURT EXPLAINED HOW THE STATE'S EVIDENCE PROVED NOTHING BUT MERE PRESENCE, DID NOT PROVE THE ELEMENTS OF MURDER, AND UTILIZED CASELAW TO EXPLAIN ITS ANALYSIS, BUT STILL DENIED PETITIONER'S MOTION FOR ARREST OF JUDGMENT.
- III. WHETHER THE IL APPELLATE COURTS' DECISIONS WERE CONTRARY TO OR AN UNREASONABLE APPLICATION OF THIS COURT'S LAW ON THE ISSUES RAISED ON DIRECT APPEAL, AND WHERE THE IL APPELLATE COURT TWISTED THE FACTS AND SIDE-STEPSSED THE ISSUES PRESENTED TO IT IT DENIED PETITIONER HIS RIGHT TO DIRECT APPEAL.
- IV. WHETHER THE DISTRICT AND U.S. COURT OF APPEALS MADE DECISIONS CONTRARY TO THIS COURT'S DECISIONS.
- V. WHETHER THE STATEMENT OF FACTS IN A PETITION FOR LEAVE TO APPEAL TO A STATE SUPREME COURT SUFFICE AS OPERATIVE FACTS IN A 28 U.S.C. § 2254 PETITION WHERE THE CIRCUITS OF THE U.S. COURTS OF APPEALS ARE SPLIT ON THIS ISSUE.
- VI. WHETHER IL STATE MANDATORY SUPERVISED RELEASE (MSR) LAW AS APPLIED TO DEFENDANTS SERVING 100% OF THEIR SENTENCE VIOLATES DUE PROCESS, EQUAL PROTECTION, AND DOUBLE JEOPARDY RIGHTS GUARANTEED PETITIONER UNDER THE U.S. CONSTITUTION.
- VII. WHETHER PETITIONER IS FEDERALLY ACTUALLY INNOCENT.
- VIII. WHETHER PETITIONER SUFFERED A SERIOUS AND FUNDAMENTAL MISCARRIAGE OF JUSTICE.

## **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**

None

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### STATUTES AND RULES

720 ILCS 5/5-2(c) (West 1998): Either before or during the commission of an offense, and with the intent to promote or facilitate such commission, he solicits, aids, abets, agrees or attempts to aid, such other person in the planning or commission of the offense.

720 ILCS 5/5-2(c) (West 2012): When 2 or more persons engage in a common criminal design or agreement, any acts in the furtherance of that criminal design committed by one party are considered to be the acts of all parties to the common design or agreement and are all equally responsible for the consequences of those further acts. mere presence at the scene of a crime does not render a person accountable for an offense.

730 ILCS 5/5-8-1(d) (West 1998, 2005, 2006): Persons serving a sentence for first degree murder shall be placed on three years' of mandatory supervised release.

### 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**

**[X] 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

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reported at U.S. ex rel. Mejia v. Harrington, \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

**[X] 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 appellate court appears at Appendix F&M 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 October 8, 2024.

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: November 12, 2024, and a copy of the order denying rehearing appears at Appendix B.

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

720 ILCS 5/5-2(c) (West 1998) See Appendix G

720 ILCS 5/5-2(c) (West 2012) See Appendix H

730 ILCS 5/5-8-1(d) (West 1998) See Appendix I

730 ILCS 5/5-8-1(d) (West 2005) See Appendix J

730 ILCS 5/5-8-1(d) (West 2006) See Appendix K

U.S. Constitution Amendment V: No person shall be subject for the same offense to be twice put in jeopardy of life or limb, nor be deprived of life, liberty, or property, without due process of law.

U.S. Constitution Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him, and to have the Assistance of Counsel for his defense.

U.S. Constitution Amendment XIV: nor shall any State deprive any person of life, liberty, or property, without due process of law ; nor deny to any person within its jurisdiction the equal protection of the laws.

## STATEMENT OF THE CASE

I. Petitioner was charged with first degree murder. At trial the State argued that he was guilty under the accountability law. At the time Petitioneiner was charged and at trial the law did not state that "mere presence" was insufficient to find one guilty under said law. Thus the jury instructions were minus this factor. In 2012 the IL General Assembly, after many IL Supreme Court decisions stating so, amended the statute to state that "mere presence" was not sufficient to convict under this law. Obviously, the 1998 statute was contrary to laws as determined by this court.

II. During Petitioner's codefendant's motion for direct finding, the trial court explained how Petitioner and his codefendant were not proven guilty. See Appendix L

III. The IL appellate court when deciding Petitioner's direct appeal followed suit of the State by twisting the facts and side stepping all aspects of the arguments that were presented.

IV. The district court misconstrued most arguments in its 2014 decision and erroneously denied Petitioner's [amended] petition.

V. The district court denied Petitioner's insufficiency of the evidence claim stating that Petitioner failed to present the operative facts for this claim in his petition for leave to appeal to the Illinois supreme court. Though Petitioner argued that he stated them in the statement of facts to said petition to the IL S.Ct.

VI. Petitioner must serve 100% of his sentence [and] an additional 3 years of MSR while similarly convicted defendants do not.

VII. Petitioner is federally actually innocent as evidenced by the mass amount of constitutional violations that he suffered throughout the trial court proceedings.

VIII. Petitioner suffered a serious and fundamental miscarriage of justice due to the [Liberal] Illinois so-called judges/justices having no regard for the U.S. Constitution.

## REASONS FOR GRANTING THE PETITION

I. The State's evidence was that Petitioner and his codefendant were walking down the street when his codefendant who, unbeknownst to Petitioner, pulled a weapon that he had concealed in his waistband underneath his shirt, and began shooting. The statute at that time did not state that "mere presence" was not sufficient to prove accountability. Thus, the jury instructions did not state this either. 12 years later, the Legislature amended the statute to state that "mere presence" was not sufficient to convict based on accountability. That was due to this Court's and the IL supreme court's decisions that "mere presence" would not suffice. Due to this great injustice, Petitioner has been imprisoned for the past 27 years for simply being present when someone began shooting. See Appendix I-K

II. During the ruling on codefendant Carrasco's motion for directed verdict/finding, the trial court explained that (a) there was not a scintilla of evidence of a plan between Petitioner and his codefendants, that there was no discussion of any plan or roles between Petitioner and his codefendants; (b) that this was a case of "mere presence" which was not an element of murder; and (c) that caselaw--(which were cited by the trial court)--provided that "mere presence" was not sufficient to convict on accountability principles. The trial court then sustained codefendant Carrasco's motion. See Appendix L

III. The IL appellate court side stepped reasons I & II above, the fact that the State used inadmissible gang evidence, and that State's witness Vanessa Rios's grand jury and handwritten statements (which were the genesis for the State's gang motive) were not based on personal knowledge. This was during direct appeal. On appeal from the denial of Petitioner's amended and successive post conviction petitions the IL appellate court granted counsel's Finley motions. The IL supreme court denied leave to appeal on direct appeal and appeal in both post conviction petitions. See Appendix F&M

IV. In its January 10, 2014 ORDER, the district court made decisions that were contrary to this Court's decisions. For instance, see Reasons I & II above. Another example is when Petitioner argued that he was not able to confront Vanessa Rios on her handwritten statement due to the trial court ruling it to be a product of coercion and banning its use, then sua sponte submitting it to the jury over defense objection. In its March 21, 2024 ORDER, the district court denied Petitioner's motion to amend his petition with the claims from his successive post conviction petition. Another example is the district court's denials mentioned herein which inclu

ded the mass amount of arguments proving trial counsel provided no defense at all. The U.S. Court of Appeals for The Seventh Circuit refused to grant certificate of appealability in both instances. Thereby upholding the erroneous decisions of the district court. See Appendix C, D, & A

V. During district court proceedings, the Respondent argued that Petitioner did not set forth the operative facts for his insufficiency of the evidence ground/claim when filing his petition for leave to appeal to the IL supreme court. Petitioner argued that those facts were set forth in the argument and in the 'statement of facts' section of his petition for leave to appeal to the IL supreme court. The district court agreed with Respondent. The Circuits of the U.S. Courts of Appeals are split on this issue and thus it should be resolved by this Court as the vast majority of 28 U.S.C. § 2254 Petitions are filed by [imprisoned], [pro se], litigants who have little, if any, access to Law Librarys where they can research the applicable laws, rules, etc., pertaining to said Petition. See Appendix C

VI. Petitioner was sentenced under the notorious Truth-In-Sentencing law and thus must serve 100% of the imposed sentence plus [three (3) years of MSR], which this Court, the seventh circuit, and the IL supreme court have all ruled is imprisonment. However, those convicted of the same crime, during the [pre] Truth-In-Sentencing, who serve 50% of their sentence, should they lose their good conduct credits (which can only be done via IDOC Rule infractions) and then have to serve 100% of their sentence, do not have to serve [any] MSR term. Although the statute does not differentiate between the two sentencing schemes. Thus subjecting Petitioner and all similarly situated Americans to an increase in their sentence without due process of law and in effect to double jeopardy. See Appendix I-K

VII. Due to the mass amount of federal constitutional violations that occurred in Petitioner's case from pretrial to sentencing, it is clear that he is federally actually innocent.

VIII. Due to the mass amount of federal constitutional violations that occurred in Petitioner's case pre trial, trial, sentencing, direct appeal, collateral proceedings, and all § 2254 proceedings, it is clear that he has suffered a serious and fundamental miscarriage of justice as the [Liberal] Illinois judges/justices have no regard for the U.S. Constitution.

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Mejia  
Date: February 23, 2025