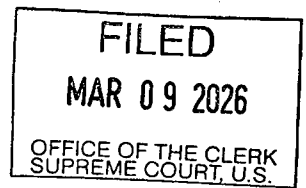


No. 25-7570

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Jean Santiago Nieves — PETITIONER  
(Your Name)

vs.

STATE OF ILLINOIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Appellate Court of Illinois Fourth Judicial District  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jean Santiago Nieves  
(Your Name)

P.O. BOX 1000  
(Address)

Menard ILL. 62259  
(City, State, Zip Code)

N/A  
(Phone Number)

## QUESTION PRESENTED

The trial court failed in allowing the state introduce numerous comments made by the prosecutor during closing statements as improper because they inflamed the passion of the jury was called up the jury to send a message to the community about the larger issue of violence in the area, and prosecutors made statements of their personal opinion of witness credibility.

On Direct Appeal Defendant challenged this claim or issue but both court ignored him.

Juan C. Santoyo-nieves is entitled to a new trial were the prosecutor made inflamed the passion of the jury, and those comments prejudice Defendant credibility.

The state and the trial court was violated the due process of the law. 5<sup>th</sup> and 14<sup>th</sup> Amend. of U.S. Const.

## LIST OF PARTIES

All parties appear in the caption of the case the cover page.

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner Jean Santiago Nieves, Pro-se  
Respectfully petitions for a writ of certiorari to  
Review the Judgement of the Illinois court  
of Appeals, fourth Judicial District. Affirmed  
his convictions And sentences, for two counts of  
first-degree murder, under sec. 9-1(a)(1) of the Illinois  
criminal code.

OPINIONS BELOW

The following opinions and orders are pertinent  
here, all of which are unpublished: (A) opinion on  
direct Appeal by the Illinois court of Appeal,  
fourth Judicial District. Affirming petitioners  
conviction and sentences (August-21-2025); (B) denied  
of leave to Appeal by the Illinois supreme court.  
(on January-28<sup>th</sup>-2026).

STATEMENT OF JURISDICTION

The opinion of the Illinois Appellate court, fourth  
Judicial District was entered on August-21-2025, Not  
Petition for Rehearing was filed. A timely petition for  
leave to Appeal to the Illinois supreme court was  
denied on January-28-2026.

The jurisdiction of this court is invoked under 28 U.S.C. section 1257.

STATUTORY AND CONSTITUTIONAL PROVISION INVOLVE:

The following statutory and constitutional provisions are involved in this case:

U.S. Const. Amend. VI in pertinent part:

In all criminal prosecutions the Accused shall enjoy the right... to be process according of the law....

U.S. Const. Amend II and XIV in pertinent part:

... Nor shall any state deprive any person of life liberty or property without due process of Law.

STATEMENT OF THE CASE

Petitioner was convicted by Illinois jury trial of two counts of first-degree murder under section 9-1(a)(1) of the Illinois criminal code and was sentence to 45 years in I.D.O.C. imprisonment.

## STATEMENT OF PERTINENT FACTS

Petitioner was arrested on May 31-2024, after that petitioner called 911 and told the 911 operator that he had just shot somebody in the head (R. 243-244).

On June 3, 2024, petitioner was charged by information with two counts of first degree murder alleging Defendant without lawful justification discharged a firearm striking Steve Dominguez, knowing said act would cause the death of Steve Dominguez, and such act create a strong probability of death or great bodily and causing the death of Steve Dominguez (C. 25-26) pursuant to 720 ILCS 5/9-1(a)(1) 2024).

A recording of the 911 call was played for the jury (People's Ex. 3) in the recording, Defendant stated somebody tried to kill me with a gun and I shot him. (People's Ex. 3, 00:03).

Petitioner recited several times that Dominguez tried to kill him, so petitioner shot him. (People's Ex. 3, 00:13).

Petitioner waived his miranda rights and spoke to the police about the events leading up to the shooting in a videorecorded interview (R. 433-434). Video of the interview where played for the jury (People's Ex. 18).

Defendant told police he know Dominguez for 2 years and had know Dominguez to carry guns in his veicle (R.435). There was animosity and Hostility on Dominguez part that started around May, 17, 2024, (R.435). Defendant owed Dominguez \$200 but when he tried to pay him back. Dominguez demanded \$2000 (R.436).

Facebook videos showed Dominguez driving while drinking earlier that morning and Dominguez shooting an AK47 Assault Rifle (Defendant ex. P.9).

On the morning of May-31, 2024, Dominguez drove his car to petitioners location and sent a text message to come over to talk (R.438). Defendant approached Dominguez vehicle from the driver's side (R.440) at which point Dominguez again threatened Defendant and his family (R.440).

Dominguez told him to get in the vehicle and Defendant Refused because he did not know where they would go or what would happen (R.441).

Dominguez try to come out of the vehicle but the Defendant pushed the door closed, and did not allow him to leave the car.

Dominguez then began to Rifle around the center console which made Defendant nervous, so he withdrew his pistol and told Dominguez to not reach for it but he quickly lifted his arms.



And Defendant then Fired him Five Rounds at Dominguez. (R. 441-442).

## REASONS FOR GRANTING THE WRIT OF CERTIORARI ARGUMENT SUMMARY

The following factors were present in this case:

The petitioner Jean Santiago Preves is entitled to a new trial, his clearly acted with a belief that his life was in danger and that use of force was Required and justified at the point in time that he fired 5 times at Dominguez.

On Direct Appeal, Defendant challenged numerous comments made by the prosecutor during closing statements as improper because they inflamed the passions of the jury, was called upon the jury to send a message to the community about the larger issue of violence in the area, and prosecutors made statements of their personal opinion of witness credibility.

chief among the Appellate Court's abuse of discretion is their response that the following statements were not a personal opinion, but rather these comments were proper. Appellate court order Ex. A. <sup>" "</sup>

<sup>"</sup> This case should therefore be remanded for a new trial. <sup>"</sup>

The due process clause of both the Illinois and United States constitution guarantee the right to a fair trial. Art 1, Sec. 2, of Ill. Const. of 1970, and 5<sup>th</sup> and 14<sup>th</sup> Amend of U.S. Const. This includes the right to be free from a pervasive pattern of unfair prejudice engendered by the prosecution. People v. Johnson, 208 Ill. 2d 53, 64-65, (2003) and People v. Young 347 Ill. App. 3d 909-924 (1<sup>st</sup> Dist. 2004).

The Plain error doctrine. See United States v. Young 470 U.S. 1, 330-16, 105 S. Ct. 1038, 1055 n. 16 84 Fed 2d 1, 24 n. 16 (1985).

See People v. Moss, 205 Ill. 2d 139, 189 (275 Ill. Dec 444, 792, NE 2d, 1217) (2001). concern over the cumulative effect of errors that created a pervasive pattern of unfair and prejudice trial. Much of it attributable to prosecutor misconduct, is what drove this court's analysis in People v. Blue 724 NE. 2d 920 (2000) This court recognized in blue the "synergistic effect" that multiple errors was be in the trial.

Petitioner Jean Santiago never filed in record in his P, L, A, that According with Supreme Court Rule 315 (c) (3), petitioner relies on People v. Marzonic 2018 Ill. App. (4<sup>th</sup>) 160107, para 47-58, Holding that a prosecutor may not express opinions on the issue of the credibility of the witnesses.

Additionally petitioner raise the issue of improper admission and posting numerous, graphic and inflammatory

Autopsy images of the victim that was prejudicial nature of the images clearly outweigh any potential probative value.

where the photos in question included particularly gruesome images of the victim's impaled the jurors and made the difference in the trial because the images, which the prosecution dwelt upon.

Not doubt that the Appellate court's failed to properly consider the Holdings of People v. Lefler, 30266, 2d 216, 222 (1967) constituted an abuse of discretion.

On Direct Appeal, Defendant challenged numerous comments made by the prosecution during closing statements as improper because they inflamed the passions of the jury, called upon the jury to send a message to the community, on the larger issue of violence in the area, and prosecutors made statements of their personal opinion of witness credibility.

The Appellate court abuse of discretion for failed and de novo review in re. S.C. 248.W.VA. 628, 809 S.E. 2d 710 (W.Va 2023) The Supreme court reversed the order of the circuit court dismissing the underlying abuse of discretion and erred in dismissing the abuse and neglect petition.

Dunlap v. Gregory, 14, 711 App. 14 bradw. 601 (711 App. 1884). Said the court and unless there

Has been such an abuse of that discretion as works palpable injustice Appellate Tribunal will not review such decisions.

The supreme court has expressed the role by varied language in different cases, in some of the earlier cases stronger qualifying terms were used than in more recent cases Greenleaf v. Roe 17 ZLL 474, the language is very gross and fragrant abuse in Rich v. Hatheway 18 ZLL 549.

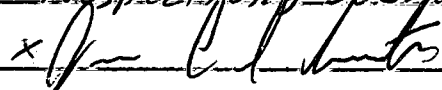
In Union Hide and Leather Co v. Woodley 75 ZL 436, and palpable abuse Andrews v. Campbell 94 ZLL 579, unless appear that discretion has been abused and injustice done.

No doubt that Due process clause was violated for this two courts. Art 2, Sec 2, of ZLL Const. of 1970 and 5<sup>th</sup> and 14<sup>th</sup> Amend of U.S. Const.

The two courts that petitioner has located it's obvious that this violation issues will generate a multitude of contrary opinions. This court should grant a writ of certiorari.

### CONCLUSION

The petition for a writ of certiorari should be granted and reversed for a new trial.

Respectfully submitted  
x 

Jean Santiago-Menes  
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## INDEX TO APPENDIXES

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FOURTH JUDICIAL DISTRICT, AFFIRM

APPENDIX B: ILLINOIS SUPREME COURT, DENIED  
PETITION FOR LEAVE TO APPEAL.

## APPENDIX A

(twelve pages for both sides total 24 length)