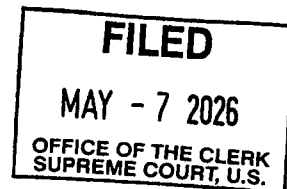


No. 26-5036



IN THE
SUPREME COURT OF THE UNITED STATES

Phillip L. Horrell - Petitioner

vs.

Tyrone Baker, Warden, Hill C.C. - Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO
THE SEVENTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

PHILLIP L. HORRELL
Hill Correctional Ctr.
600 S. Linwood Rd.
Galesburg, IL 61401
pro se litigant

QUESTIONS PRESENTED

1. Whether the 7th Circuit erroneously denied a COA, in contravention of **Slack v McDaniel**, 529 U.S. 473 (2000); and when petitioner's due process rights under **Ake v Oklahoma**, 470 U.S. at 83 were plainly violated, as the "access" Ake requires was denied?

2. Whether the District Court's denial of petitioner's motion for an evidentiary hearing in the USDC; in failing to adjudicate properly the issue on-the-merits, and without any consideration of the binding law(s) of **Townsend v Sain**, 372 U.S. 293 (1963), and of **Matheney v Anderson**, 253 F.3d 1025 (7th Cir.2001)(requiring that an evidentiary hearing be held), was error, and an error which the Seventh Circuit should have granted a COA to address, and correct?

3. Whether petitioner's plea was in violation of **Boykin v Alabama**, 395 U.S. 238 (1969), by false admonishments, and an involuntary, unintelligent and unknowing waiver of the due process protections of **Ake v Oklahoma**, due to that misinformation at the plea hearing - and whether the Seventh Circuit's denial of a COA was in error, and additional protections to ensure against such wrongful waivers of **Ake's** protections in guilty plea cases should be instituted, by this case, to ensure against such due process violations?

4. Whether the District Court's failure to sanction Respondent's counsel for its rewording of grounds two and three of the §2254 habeas corpus petition, to gain an unfair advantage in violation of Fed. R. Civ. P. 11(b) - and its adopting and adjudication of those reworded/different grounds by the USDC, was error, when a timely, properly filed motion for sanctions addressing same was erroneously denied - and the Seventh Circuit should have issued a COA to address it?

5. Whether this case should be remanded for an evidentiary hearing, for the reasons pled/argued in the motion requesting same; and to potentially address a violation of **Miller v Pate**, -386 U.S. 1 (1967), though procedurally defaulted and not raised in the habeas petition - when petitioner is likely knowingly convicted by the utilization of false evidence, by the Dr. Wasyliw letter?

6. Whether this Court should adjudicate the reworded grounds two and three, in the first instance, on-the-merits, as petitioner received no adjudication of them, by federal courts, pursuant to 28 U.S.C. § 2254; and due to the delay in having those federal constitutional violations, properly asserted and exhausted by the petitioner, being over five years and seven months at present; and to allow for petitioner to have his "day in court" on grounds two and three (which entail a plea of guilty in violation of **Boykin v Alabama**, and **Ake v Oklahoma**; and an **Ake**, due process violation, by ineffective assistance of counsel - as argued in this habeas case)?

LIST OF PARTIES

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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

The Denial Order of the United States court of appeals appears at Appendix A to the petition and is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case was April 17, 2026.

No petition for rehearing was timely filed in my case.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. Amd. VI

U.S. Const. Amd. XIV

28 U.S.C. § 2254(a)

28 U.S.C. § 2243

28 U.S.C. § 2254(e)(2)(A)-(B)

28 U.S.C. § 2253(c)(1)(A)

28 U.S.C. § 2253(2)-(3)

28 U.S.C. § 455(a)

28 U.S.C. § 2254(b)(1)(B)(i)-(ii)

NOTE: All are set out verbatim in the APPENDIX, in APPENDIX T.

STATEMENT OF THE CASE

On October 12, 2012, petitioner Phillip L. Horrell, having been released from a psychiatric care prison in the Illinois Department of Corrections (i.e., Dixon Special Treatment Center), two days prior, and having went off four powerful psychotropic medications, cold turkey, and having self-medicated with drugs during those two days, was in a state of severe mental illness and psychosis, and had a brief violent act inside the residence of the Goldenstein's, and killed James Goldenstein, a retired doctor, and injured his wife Betty. The defendant attempted suicide while in the residence, by a deep, self-inflicted knife injury to his throat, which required emergency surgery to repair, thereafter. Nothing was stolen from the Goldenstein residence. The defendant gave the address to his mom, after he realized what had happened, by calling his mom while in the residence, and asked her to get medical help for the victims, which "precipitated the response and the subsequent investigation." (see RP272, in EXH 14 of the lodgment). After release from the hospital, approximately 31 hours after the incident/offense - the defendant was taken to the Kankakee City police station, where he admitted to his actions, and all he could recall, and with great remorse tried to do what was right, and best for the Goldenstein family by disclosing everything possible and taking personal responsibility for his actions. There is no clear intent or motive for what occurred, as nothing was stolen and I did not know the Goldenstein's - and if it were my intent to have stolen, or to murder, there was ample opportunity to revisit violence, or to steal, but as the DVD of these admissions show, I had no such intent and could not explain it. Prior to this tragedy, I had been treated for psychosis and mental illness

by psychotropic medications for the preceding five years, and had multiple involuntary commitments to M/H institutions, primarily for Bipolar disorder. (See EXH 19 of lodgment, pgs.5-6, & 14 ("Opinion 1"); and EXH 5 of lodgment, pgs.16-17).

During the pre-plea proceedings in this case (Kankakee County Case No. 2012-CF-541), I was prescribed and took daily five psychotropic medications (in 2012-14), including two anti-psychotics, i.e., Seroquel and Haldol. I've remained on at least three psychotropic medications daily, since the start of this case (over 13 & ½ yrs.)), and currently take two psychotropic medications. In 2012-13, I was given two fitness examinations, and one was a two-day defense-nominated evaluation in Chicago, by the Isaac Ray Forensic Group, LLC, by two psychologists (see their report in Appendix); and a Dr. Tracy Rogers-Tilton diagnosed me there with Bipolar 1 d/o, severe, with psychotic features, five weeks after the date of offense, in November of 2012. The Judge's fitness examiner rendered an Axis 1 diagnosis of Anxiety d/o NOS, and that psychologist also had found me UST (unfit) in a prior case, in July of 2007. (see EXH 19 of the lodgment, and Opinion #1 on pg.14; see EXH 5 of lodgment, pgs.12, & 42-46).

During the pre-plea proceedings I followed the advice of my two APD's at every step of the process. Despite three motions having been filed and granted for "sanity examinations" (two by the State, and 1 granted for the defense - see copies of motions and Orders for all examinations as attached to Petitioner's Traverse, in the Appendix); none were conducted, due to no fault of the defendant. On November 1, 2013, I entered guilty but mentally ill pleas to felony murder (ct.3), and attempt murder (ct.5)(of a 9 count indictment).

On April 16, 2014, I was sentenced to natural life for the felony murder conviction, and a consecutive 30 years for the attempt murder conviction.

In 2015, in Appeal #3-14-0370, the Third District Appellate Court of Illinois remanded the case for post-plea proceedings to be re-done, as APD Beaumont's certificate of compliance with Ill. S. Ct. Rule 604(d) was deficient - and this petitioner was on remand from 2016-2020, and ultimately received a 2-day evidentiary hearing on my "Amended Motion to Withdraw Plea (No.2)" (in EXH 16 of lodgment); on September 24th and 30th, 2020. (transcript is EXH 6 of lodgment). The motion to withdraw plea was denied on October 6, 2020 in a written order (EXH A of habeas petition - see copy in Appendix). On the appeal of the denial order, the Third District affirmed the trial court's judgment, in **People v Horrell**, 2022 ILApp(3d) 200417-U (see at EXH B of habeas petition - and in Appendix). Mr. Horrell filed multiple pro se actions in the state courts thereafter, but none proved successful to obtain substantive relief.

On September 25, 2025, after exhausting my three grounds for relief (as-asserted in my habeas petition), in state courts - and filing a pro se Petition for Certiorari thereafter (denied on 6/12/2023; cited as **Horrell v Illinois**, No. 22-7608), I filed the instant federal habeas (§2254) petition in the Central District of Illinois. (see copy attached in the Appendix). The District Court denied the petition, a COA, and my motion for discovery and expansion of the record, motion for an evidentiary hearing, and motion for summary judgment; as well as my motion for sanctions on the respondent, for Rule 11 violations (see copies in the Appendix), on September 15, 2025. I filed a separate motion for a COA in the Seventh Circuit;

as well as a motion for appointment of counsel on §2254 appeal; and the Seventh Circuit denied the motions on April 17, 2026. (see motions, and denial order, in the Appendix). Additionally, I filed a motion to file and proceed on appeal IFP in the USDC, and a renewed motion for same, in the Seventh Circuit - and they were also denied.

On December 8, 2017, I filed a Petition for Habeas Corpus Relief, under §2254, in the Central District of Illinois (Case No.17-CV-2306-CSB). This petition is discussed in the argument, below. My request for an exception to the exhaustion doctrine in that petition was denied, and the petition dismissed without prejudice, to re-file when my grounds asserted were exhausted (see USDC's Denial Order, attached to the instant habeas petition as EXHIBIT E - see copy in Appendix). I sought a COA from the 7th Circuit, which was denied. I filed a pro se petition for certiorari thereafter, in *Horrell v Downey*, 139 S.Ct. 2726(Mem)(2019), which was denied. Approximately a year later (as discussed below) I filed a Rule 60(b)(6) motion in the Central District of Illinois, seeking to reopen the habeas case in 17-CV-2306-CSB. The motion was denied. I sought a COA from the 7th Circuit, which was denied. I filed a pro se petition for certiorari thereafter, in *Horrell v Gomez*, 141 S.Ct. 428(Mem)(2020), which was denied.

As stated in the habeas petition (form), I pursued several avenues of relief, pro se, in state court(s) from 2017 to present, all dealing with purely state-law (IL law) issues. I presently have an appeal in the 3rd District Appellate Court of IL (#3-25-0285) on a denial of a motion for leave-to-file a successive post-conviction petition that asserts an actual innocence (Art. 1, §2 due process-IL const.) claim,

which has not been briefed by OSAD counsel (appointed atty.).

I also have a Petition for Leave to Appeal pending in an appeal from an affirmance of the 3rd District Appellate Court of IL as to a dismissal of a Petition for Relief From Judgment, asserting a void judgment claim (appeal #3-25-0431; I don't have the case no. from/ or in the IL S.Ct. yet). That action was litigated entirely pro se, and was not given merits-based-review, and entails a purely state-law issue of an alleged "void plea agreement."

Despite all efforts through appointed and (two) retained counsels, in this state case, as well as all of my pro se efforts, the state (IL) courts have not afforded me a "full and fair hearing;" nor have the courts addressed the merits of (or at all addressed) my grounds 2 & 3 grounds for relief, though "exhausted", in my habeas (§2254) petition, as-filed in 23-CV-2208-CSB, on 9/25/2023 - nor the issues I've argued, appropriately, in pro se actions - as I have not been allowed for merits-based review by the state courts, which in every instance has been incorrect (by wrongful applications of res judicata/or by an assertion that my newly discovered evidence is not new, or other improperly adjudicated issues, and a lack of advocacy by appointed counsel in the resultant appeals in state courts). I have tried to avail myself of every possible, legitimate avenue of relief, and have worked hard, for ten years, to have appropriately-asserted legal issues adjudicated by state courts, and have yet to have any success - and likewise, by the federal courts in this habeas corpus petition action, as will be set forth below. Please consider my due process issues, and the meritorious arguments I advanced in this action in the USDC, and Seventh Circuit Court of Appeals, in the pleadings I've attached in the Appendices to this petition.

REASONS FOR GRANTING THE PETITION

I. A COA WAS WRONGLY DENIED BY THE SEVENTH CIRCUIT

The Seventh Circuit Court of Appeals denied a COA despite my pro se "Application for a Certificate of Appealability" setting forth a substantial showing of the denial of a constitutional right, and "debatable" grounds, for all three grounds asserted (please see application for a COA in the Appendix). The three grounds are 1. a violation of **Ake v Oklahoma**, 470 U.S. 68, 83 (1985), as there was a well founded "preliminary showing" made to trigger Ake's due process "guarantee" of a sanity examination, yet it was not afforded to this defendant; 2. a violation of **Boykin v Alabama**, 395 U.S. 238, 242 (1969), as this defendant was falsely admonished that a "Dr. Wasyliw" had "examined" me for "fitness and sanity" at the start of the case, in November of 2012, with an unfavorable "opinion" as to my "insanity defense," when Dr. Wasyliw had never examined or interviewed me, nor rendered an "expert opinion" in this case -- and I did not receive a "sanity examination" as I was falsely told I had been, at the plea hearing, by the Judge and my APD Lawrence S. Beaumont (nor due process under **Ake v Oklahoma**), and therefore pled guilty involuntarily and unintelligently, pursuant to incorrect information given at the plea regarding the process I'd been given, and the actual evidence against me; and 3. that due process under **Ake v Oklahoma** was violated (alternatively to ground one) due to ineffective assistance of counsel, as the APD's received a grant of a motion to have me so examined, and received reasonable fee assurances from the Judge, but failed to have the examination conducted.

These grounds were proved-up in an evidentiary hearing in this State case, and argued by counsel for defendant - but the State courts failed to acknowledge the claims in the resultant denial

order by the trial court, on the "Amended motion to withdraw guilty plea (No.2)" - and the affirmance of that denial order by the Third District Appellate Court of Illinois, in **People v Horrell**, 2022 ILApp(3d) 200417-U. Though fully exhausted in the State Courts - which is conceded by the Respondent in the federal habeas action - the State courts did not address the three grounds. They ignored all three, though well argued by retained counsel Thomas C. Brandstrader. Petitioner argued in the Petitioner's Traverse that AEDPA's deferential standard cannot apply to the three grounds, accordingly, and that de novo review under **§2243** applies. The District Court held that AEDPA deference applied, though that is incorrect, and even if it does, all three grounds warrant a COA, and Petitioner-Appellant requests that the denial of the COA be reversed. The District Court's unpublished Order, denying the habeas petition, and a COA, actually concedes that a "specific in-person sanity exam from an expert," "a detailed review of past mental health records," and "a written report from Dr. Rodgers or Dr. Simone that addressed sanity as opposed to just fitness," "did not happen." (pg.17 of Dist. Court's Denial Order). Yet the District Court posits, essentially, that I was somehow given the sanity examination and expert **opinion on sanity** at the time of the offense. No such examination, or expert opinion, exists in this case, because as the record, the court order for the November 2012 examination I was given (attached to the Traverse), and the fitness report from that examination shows/proves (as well as the testimony in September 2020 from the examiners, in EXH 6 of the lodgment) - I received a "fitness examination" in this case, but no "sanity examination" as required by **Ake v Oklahoma**, 470 U.S. 68, 83. Accordingly, the Seventh Circuit's denial of a COA is incorrect.

The incorrect admonishments at the plea hearing are also proven as false, 100%, by the facts set forth in the habeas pleadings (see, e.g., Petitioner's Traverse, and the Addendum to the Traverse). The Seventh Circuit precedent of **Stewart v Peters**, 958 F.3d 1379, 1381 (1992) was cited in support of this ground, which holds that a plea is involuntary if a defendant "is led to believe that the procedural rights that he will be surrendering by pleading guilty are worthless to him because he has no defense to the state's charges, when actually they are not worthless because he does have a defense," and in such circumstances, "his plea of guilty will not be based on a realistic assessment of the probable consequences, and thus a vital component of voluntariness will be missing." That case is cited in support in this COA request, and is directly on-point, because as the APD's testified in September 2020 (EXH 6 of lodgment), they believed the insanity defense was "absolutely viable" in 2012-13, and their wrongful introduction of the "Wasyliw report" (EXH C of habeas petition) in the pre-plea proceedings, in August of 2013, wrongly foreclosed the insanity defense, and erroneously convicted the defendant by incompetent/false evidence - the very problem this Court sought to ensure against by the "guarantee's" afforded by the protections of **Ake v Oklahoma**. Additionally, petitioner cited the Seventh Circuit of **Schultz v Page**, 313 F.3d 1010 (2002) in support of the **Ake** violation (i.e., grounds one and three), which is also on-point, as the Seventh Circuit made clear in **Schultz** that when a preliminary showing is made, triggering Ake's guarantee's, a fitness examination/and opinion is wholly insufficient to satisfy due process under **Ake** - the very thing the State court's have allowed in this case, by failing to have me so examined, and ignoring the Ake claim.

When this defendant received a remand by the Appellate Court in 2016, for post-plea proceedings to begin anew, and received an evidentiary hearing on the motion to withdraw the plea (contained in the lodgment, all viewable on PACER)), retained counsel in 9/2020 did a competent job proving-up the Ake claim, and that only two "fitness" examinations occurred in this case, and that the APD's fully believed that the insanity defense was viable, and the sanity examination were necessary - and the APD's attempted to cover for their failures, and introduction of the fraudulent Dr. Wasyliw letter as evidence of defendant's sanity (a very egregious act of misconduct), by their 2020 testimony - but the truth is evident, and made clear by the questioning of retained counsel, as-pled in the habeas pleadings, i.e., that an insanity defense was viable, an examination for sanity was necessary, and that the defendant was only afforded a fitness examination in this case, in violation of **Ake v Oklahoma**. And the record itself demonstrates (EXH 5 of the lodgment, at pgs.5, 40-41, 43-46)) that this defendant was falsely/incorrectly admonished, as stated above (and as pled in this action, and request for a COA); which counsel proved-up at the 9/2020 evidentiary hearing also. He and counsel for the State "stipulated" in writing, as well, on 9/24/2020 (as Defendant EXHIBIT #1) that Dr. Wasyliw never examined me for any purpose, nor had any part in any examination of me - in direct contrast to what I was admonished at the 11/1/2013 plea hearing (see EXH 5, pg.5)). That stipulation (R.962-63)) was entered into evidence, and shows by itself that I was incorrectly admonished that I'd been "examined for sanity," by Dr. Wasyliw at the start of the case, with unfavorable "opinion" rendered (EXH 5, pg.46), as part of the fitness evaluation I received. I was misled by my APD's and the trial

court Judge, that I'd been examined for sanity by Dr. Wasyliw, found "sane," and "disqualified" from the insanity defense as a result (as the letter suggests, and as testified I was told pre-plea, by Larry Beaumont in 2013) - when Dr. Wasyliw and I had never met. (see RP971-974) A witness testified as Dr. Wasyliw on 9/30/2020 (RP1092-1100), and though he stated he authored the letter, he also testified he had no memory of this case, no memory of writing the letter or of ever speaking with anyone about this case, and that though he had the letter before him he had never before read the letter, even "today." There was no motion filed for his services, no court appointment (defendant was indigent) for Dr. Wasyliw, and the fitness examiners at the Isaac Ray Forensic Group, LLC, who did the defense's fitness eval., who the APD's testified gave some documents to Dr. wasyliw, testified that they never spoke to Dr. Wasyliw about this case, and gave him no documents. (RP1049-50). So Dr. Wasyliw did no work in this case, and the Wasyliw letter is merely a false/incorrect "legal opinion," that has no expert basis, and falsely suggests that the defendant is criminally responsible, ipso facto, by felony murder charges - and that an insanity defense "wouldn't apply," because felony murder is a strict liability offense; which is untrue, and in this case does have an intent element (as to the predicate felony res. burglary, i.e., an intent to commit theft upon entry). It is a false legal conclusion, and has no expert basis to allow it to be evidence admissible at trial as an "expert's opinion," and the legal conclusions it espouses have never been said on-record in this case to have been true, and to have enlightened the attorneys, and shown the insanity defense as unavailable, under Illinois laws. Its merely fraudulent so-called "evidence."

That issue (EXH C of the habeas petition - see in Appendix - and the partie's utilization of it in 2012-13, to foreclose my insanity defense, wrongly) has never been squarely addressed by any court, or Judge in this case - nor has the District Court addressed its impropriety. In the District Court's denial Order, the Court seems to justify its use, and legitimize it (pg.10 of Order), but the Court does not address my argument that it in no way can satisfy due process under **Ake v Oklahoma**, and that it isn't based on an examination, as "stipulated" to on 9/24/2020 (as attached to Petitioner's Traverse, and at RP962-63). The District Court doesn't acknowledge the 10 points I set forth in my Traverse (as points A-J) to demonstrate that the "preliminary showing" was satisfied to trigger the "guarantee's" of **Ake**, including three motions granted in this case for sanity examinations to occur, and reasonable funds offered to defense counsel (on 1/9/2013) for said sanity examination. Those factors certainly satisfied the preliminary showing, and the District Court's denial order seems to allege that I was examined for sanity; or that the Wasyliw letter is somehow dispositive on the matter of whether Ake's mandates were satisfied - when he also admits that no actual in-person examination addressing sanity happened (pg.17 of denial order); but the record is clear also no sanity examination occurred. When I was on remand by the Appellate Court in 2016-2020, my great aunt e-mailed Dr. Wasyliw by the e-mail address in the heading of the Wasyliw letter, at my request, to inquire about his involvement in my case, if any. The e-mails and her affidavit in support are attached to the habeas petition as EXHIBIT D, and they show that 3 times in 10/2017 Dr. Wasyliw told Maria he had nothing to do with my case, and never rendered any opinion in my case. After receiving

that evidence, on December 8, 2017, I filed a federal habeas corpus petition, raising 19 grounds, requesting to be given the exception to the exhaustion doctrine - to bring my fed. constitutional claims directly to federal courts - under 28 U.S.C. §2254(b)(1)(B)(i-ii). The District Court denied the petition without prejudice, to re-file once the grounds were exhausted. I sought a COA, which was denied; and filed a Petition for Certiorari, which was denied on 6/17/2019 (see **Horrell v Downey**, No. 18-9163). A year later, after having learned about the District Judge's (J. Colin S. Bruce) "extensive ex-parte communications with the U.S. Attorney's Office about other cases" he was a Judge in, and the Judicial Counsel's discipline of Judge Bruce because of that (see, e.g., **U.S. v Atwood**, 941 F.3d 883 (7th Cir. 2019)), and learning that my 2012-2014 APD Lawrence S. Beaumont was an AUSA for several years in the same U.S. Attorney's Office (in Urbana, IL), with Judge Bruce, when he was an AUSA - it was potentially a §455(a) violation, as he personally knows the APD I was alleging introduced and utilized "false evidence" to obtain my plea convictions, as well as falsely admonishing me at the plea hearing in conjunction with the court's questions; I filed a Rule 60(b)(6) motion, to reopen the case. It was denied by J. Myerscough. I sought a COA, which was denied, and filed a Petition for Certiorari, which was denied on October 5, 2020 (see **Horrell v Gomez**, No.20-5306). It seems that §455(a) would require Judge Bruce to recuse himself, being that he is likely friends with Larry Beaumont, having worked side-by-side with him in the mid-90's, as an AUSA - and that may explain why the District Court's denial Order is unfair, as the 3 grounds were not addressed fairly - and why the motion for an evidentiary hearing was summarily denied with no legal analysis also. But

Judge Bruce's unwillingness to address the impropriety of the utilization of (and content/and circumstances of) the Wasyliw letter, and the Seventh Circuit's likewise decision to not afford a COA, and to allow for review of the District Court's denial (etc.), is this pro se petitioner's problem in every action in which I've sought relief, i.e., that no court, or Judge (or attorney for that matter) is at all willing to address the fact that Dr. Wasyliw did no work in my case, had no right to submit a so-called "opinion," as there was no motion filed or granted, nor appointment of court, for services by him - and his letter is a fraud, on its face, as it espouses only "false legal conclusions," by a man I've never met or spoken to at any time (RP971-973, 1098-1100). This was the only "evidence" at the plea which was said to be regarding "sanity" and criminal responsibility (EXH 5 of lodgment, pgs.5, 43-46), and it was falsely stated to have been rendered by the Isaac Ray Forensic Group, LLC's fitness examination at the start of the case (pgs.5, 40-41, 46), when that was completely/definitively proven as false in 2020. I was given two fitness examinations in this case, and the pre-plea record (as the EXH 13 of lodgment shows), the order for the fitness examinations (attached to the Traverse), the testimony of the fitness examiners (in EXH 6 of lodgment), the testimony of APD Robert Regas (RP1114-17), and the fitness report of Isaac Ray (EXH 19 of lodgment) proves.

The Application for a COA is based on Seventh Circuit precedents, whereas like issues were given an appeal in habeas corpus actions; and the Seventh Circuit's denial of a COA should be reversed by this Honorable Court, because petitioner's arguments warrant a COA, and petitioner-Appellant will clearly serve a natural life sentence in the complete denial of due process under Ake, and by fitness opinions.

II. THE MOTION FOR DISCOVERY AND EXPANSION OF THE RECORD - AND
FOR AN EVIDENTIARY HEARING (AND APPOINTMENT OF COUNSEL FOR SAME) IN
THE DISTRICT COURT WERE WRONGLY DENIED BY THE DISTRICT COURT WITH
NO ANALYSIS OF THE GOVERNING LAWS/LEGAL STANDARDS - AND A COA SHOULD
HAVE ISSUED BY THE SEVENTH CIRCUIT, TO ADDRESS THIS

Petitioner filed a motion for an evidentiary hearing because, as it relates to the Dr. Wasyliw witness who testified in this case on September 30, 2020, I was not afforded a "full and fair hearing," and it was not due to something I "did or omitted;" and I argued pre-AEDPA standards on federal evidentiary hearings in habeas cases therefore apply, and that those standards are satisfied because 1. I've alleged facts which, if proven, would entitle me to relief; and 2. the State courts never considered my grounds for relief in a full/fair hearing, for reasons beyond my control (please read my specific arguments in the motions, in the Appendix). The motion for an evidentiary hearing was requested to call Dr. Orest E. Wasyliw, Ph D., to testify in-person by a Clerk/Sheriff issued subpoena, in the District Court - to give testimony as to what involvement he had in my case exactly (if any); whether he actually authored the letter purported to be authored by him (EXH C of habeas petition); whether he testified in my case on 9/30/2020 (I argue it was not Dr. Wasyliw, but was an imposter Dr. Wasyliw, based on the demonstrable incorrect facts the Wasyliw witness testified to, amongst additional concerns argued); and how he came to the conclusions in the Wasyliw letter, and if he believes it is an "expert opinion," amongst other questions that appointed counsel may need to ask. The Wasyliw witness wasn't properly questioned on 9/30/2020 by my counsel (Mr. Brandstrader), as he only asked a few easy questions of the Witness (see EXH 6, RP1097-1100).

The Dr. Wasyliw witness was the main event at the R.604(d) motion evidentiary hearing in my case, in 9/2020, and he was supposed to be our witness, called by a subpoena - but Mr. Brandstrader instead let the State call him as a witness, via a "Zoom" appearance, and with no subpoena. He appeared very unkempt, and did not look like the photo I had of him from the Isaac Ray Forensic Group, LLC's website - and he could barely speak English (had a severe foreign accent) - and appeared to have never testified before (EXH 6 of lodgment, RP1089-1091), though Dr. Wasyliw testified in at least 23 criminal cases, as caselaw shows (if researched). Also retained counsel Brandstrader failed to ask Dr. Wasyliw about the e-mails between he and Maria V. (petitioner's great aunt), which Brandstrader had since 10/2019 (see in EXH D of habeas petition, with affidavit of Maria V, in support). The District Court states in the Denial Order that "these materials were clearly available before the 2020 hearing, and Horrell, by choosing to proceed with his counsel is bound by his counsel's decision to not use those materials when cross-examining Dr. Wasyliw. See #9-7 at 127-137 (exchange between state court judge and Horrell at the evidentiary hearing explaining to Horrell that he could proceed pro se or proceed with his counsel, but his counsel would not be compelled to present this evidence)". (see Denial Order, pgs.9-10). That is not what the trial Judge stated - he stated: "I've seen it. I have seen it. Your attorney made sure we saw it" (referring to the e-mails of Wasyliw). That isn't the issue though, the issue here (as-argued below), in the context which the e-mails are argued, is whether or not I had a "full and fair hearing" in the state court, for determining whether an evidentiary hearing in the USDC should be afforded. The USDC didn't evaluate the motion under the laws of **Townsend v Sain**, or **Matheney**, at all.

But clearly, as the record Judge Bruce references there shows, I tried very, very hard to obtain a "full and fair hearing" in the state court in that respect, and its by no "act or omission" of my own as to why that didn't occur in 9/2020. My request for an evidentiary hearing was based on the law(s) of **Townsend v Sain**, 372 U.S. 293, 312-13 (1963), and **Matheney v Anderson**, 253 F.3d 1025, 1038-39 (7th Cir. 2001), which require an evidentiary hearing, under the circumstances of my case (as-pled). The District Court's denials of those motions state, in its entirety: "Petitioner Horrell's motion for Evidentiary Hearing (#29) is denied as moot in light of the court's ruling on the petition" - and "Petitioner's motion to Expand the Record (#31) is granted to the extent that the court reviewed the evidence Horrell attached to the motion." **The documents I'd attached to the motion** were not requested to be that which I sought to expand the record with, and that evidence was not acknowledged by Judge Bruce, so the grant of that attached material to expand the record was not pursuant to any such request. The motion for discovery and expansion of the record, as argued therein, was primarily made in order to follow the guidance of this Court in the District Court's utilizing that procedure, potentially, to help determine if an evidentiary hearing is needed (citing to **Blackledge v Allen**, 431 U.S. 63, 81 (1977)), as well as **Boyko v Parke**, 259 F.3d 781, 790 (7th Cir. 2001)). I also requested appointment of counsel, if these motions were granted, especially for counsel to conduct an evidentiary hearing, and properly question Dr. Orest Wasyliv regarding his (or allegedly his) letter, dated 7/10/2013, and involvement in my case - and I proposed (roughly) 18 specific questions which I believe any competent attorney would desire to ask Dr. Wasyliv, on my behalf.

(please see pgs.9-10 of mot. for evidentiary hearing in the Appendix).

Because the Dr. Wasyliw witness testified in Kankakee County, on 9/30/2020 (at RP1092-1100 of EXH 6 of lodgment) - it's difficult to imagine how he could testify now, to legitimize his letter (or "report"), and its conclusions, to justify its introduction in my case as "evidence" and an expert opinion, as it was utilized as at the plea hearing (EXH 5 of lodgment, pgs.43-46). But Dr. Wasyliw should.

My argument for an evidentiary hearing also included that (essentially) because 28 U.S.C. § 2254(e)(2)(A) & (B) do not apply in my habeas case, as a "failure to develop the factual basis of a claim in State court proceedings" (quoting from **Matheney**, id. at 1038) is not attributable to something I "did or omitted"; section 2254(e)(2) is not applicable in my case, and the pre-AEDPA laws governing federal evidentiary hearings in habeas cases are controlling, i.e., **Townsend v Sain**, and **Matheney v Anderson**. Id. And I argue I meet the 2-part test for whether an evidentiary hearing is required (as delineated in the first paragraph under the preceding heading).

If the facts pled/argued are true, and proven, in an evidentiary hearing, and it is determined that Dr. Wasyliw did not in fact write the letter bearing his contact information and e-signature; utilization of it to foreclose my insanity defense and obtain my convictions by plea, will constitute a conviction "by the knowing use of false evidence," pursuant to **Miller v Pate**, 386 U.S. 1 (1967); as stated/discussed on pgs. 5 and 8 of the mot. for expansion of the record and discovery; and pgs. 12-13 of the renewed motion for discovery, expansion of the record, and evidentiary hearing, attached in the Appendix, which as to the latter, was denied as "moot" by Judge Bruce. The laws of **Townsend v Sain**, and **Matheney v Anderson** are binding law on the

United States District Courts in §2254 habeas proceedings, in my case's circumstances. In my case the District Court denied the motion for evidentiary hearing as "moot," giving no analysis of those governing laws/legal standards; nor of any of the relevant facts/circumstances, as-pled and as argued by this petitioner. I argue that the District Court erred in doing so, and that the Seventh Circuit's denial of a COA was error as well, and that a COA should have been issued, as the claims do demonstrate a substantial denial of a constitutional right, and are "debatable" violations/denials, by fair-minded jurists - and that a COA was necessary also to address the incorrect, summary denials of the motion for an evidentiary hearing; as well as the motion for discovery and expansion of the record (and for apptmt. of counsel, for same). Accordingly, I respectfully request that this Court reverse the denial of a COA, and motion for apptmt. of counsel, denied by the Circuit Court, to allow for adjudication of the requests for the additional process (as allowed by Rules 6-8 of the Habeas Rules Governing 28 U.S.C. § 2254 Cases); and of the 3 grounds for relief, on-the-merits, and review of the District Court's Denial Order. Or, alternatively, that the habeas petition be granted by this Honorable Court; or that the District Court be ordered to allow for an evidentiary hearing, as I requested, to get the answers to the questions proposed, in the motion, by counsel conducting such a hearing in the District Court. Or any other relief this Court deems necessary, to provide fairness, and justice, in this federal habeas (§2254) case. Please allow for the pleadings to be considered, and given a read through, before deciding this petition for certiorari; as I believe that this Court will be surprised by the substantive issues, well-pleaded by this pro se petitioner in this habeas action.

III. THE UNKNOWNING AND UNINTELLIGENT WAIVER OF AKE'S DUE PROCESS PROTECTIONS, WITH THIS GUILTY PLEA, IS IMPORTANT TO ADDRESS IN THIS HABEAS CASE, AND TO GIVE COURT'S GUIDANCE TO, THROUGH THIS CASE

The import of the holdings of *Ake v Oklahoma*, 470 U.S. 68 (1985) were re-asserted by this Court in *McWilliams v Dunn*, 137 S.Ct. 1790 (2017) - but this Court has never had occasion to address Ake's due process protections in the context of guilty plea cases - nor the need to ensure against an unknowing, involuntary, or unintelligent waiver of Ake's due process protections (or "guarantee's," as it is termed). This habeas case presents a perfect opportunity for same.

The Seventh Circuit's denial of a COA, if not corrected/reversed, ensures that a denial of the protections of Ake's due process guarantee to "access" to a sanity examiner, and expert opinion on the issue of sanity/criminal responsibility, will have been denied in my case, due to my never having been properly/correctly advised about the availability and existence of Ake's due process requirements - and due to false advice by my APD's that I did receive a sanity examination at my fitness evaluation, at the start of the case - and by their utilization of the Wasyliv letter, as that unfavorable expert opinion evidence (as proved by testimony in 9/2020 in EXH 6 of the lodgment, and by the pre-plea, and plea transcripts, EXH's 5 & 13). The APD's utilization of that fraudulent and incorrect "legal determination" (see RP 1140-1142 of EXH 6 of lodgment)(i.e., EXH C of the habeas petition), was stated to be the "evidence" of Horrell's sanity at the time of the alleged offense, at the 11/1/2013 plea hearing (EXH 3 of lodgment, pgs.43-44); and what the defendant pled GBMI pursuant to (EXH 6 of lodgment, RP970-974). Its a letter in the guise of a "sanity report," which caused for a guilty plea in violation of

due process, under **Boykin v Alabama**, 395 U.S. 238, 242 (1969)); as well as **Ake v Oklahoma**, 470 U.S. 68, 83 (1985); as argued in my ground one through three. The District Court's Denial Order states that the Ake claim asserted is not a constitutional violation which is waived, by the plea (see pg.11 of Denial Order), citing **United States v Fitzgerald**, 6 F.App'x 408, 409 (7th Cir. 2001). But the real or pertinent question involved, as argued on pg.18 of the Petitioner's Traverse (see copy in Appendix), was "Whether the defendant made a voluntary, knowing, and intelligent waiver of his rights under **Ake v Oklahoma**; to his defense; to his trial/and trial rights; & whether he knew he was surrendering those rights by pleading GBMI in this case." As the record shows, I clearly did not (see RP971-975 of EXH 6 of the lodgment). But had the trial court, or my APD's for that matter been required (besides by ethical rules) to advise/admonish me about my due process rights under **Ake v Oklahoma**, once that preliminary showing was made (e.g., when any of the factors pled as A-J in the Petitioner's Traverse, on pgs.8-13 been done pre-plea) - I would have been able to be sure to have been given the opportunity to avail myself of that "access;" or to properly waive the access, and make a (KVI) guilty plea. Though legitimate violations of **Ake v Oklahoma** are indeed very rare in caselaw (nation-wide), and typically occur when a trial court Judge denies a motion requesting that "access"; as in **Schultz v Page**, 313 F.3d 1010 (7th Cir.2002); the violation, guilt-phase, may happen also (as here) when a motion is granted for that access (which I contend in the Traverse triggers the due process protections of **Ake** - see pg.7), and that access isn't afforded, for whatever reason (not due to a defendant), and a defendant (as myself) enters a guilty plea, oblivious to the existence of these rights.

And when the defendant is seriously mentally ill, and heavily medicated, as I was in 2012-14 (see EXH 5 of lodgment, pgs.11-13) - the likelihood that an APD, or attorney could mislead or withhold critical information about this due process right, or these rights, to simplify the case or dispose of a case by a plea of guilty, increases greatly, because such defendants/clients are wholly reliant on the advice and ethics of counsel, as I was. This kind of **Ake** violation, by waiving these important rights unknowingly (etc.), may be far more prevalent than typical **Ake** claims, denying such a motion. It would be hard to know, as in Illinois, there is only 30 days to be able to file a post-plea motion, raising such an issue (pursuant to Ill. S. Ct. Rule 604(d)), and it is the defendant's duty to even identify such an issue - and beyond that, if a direct appeal is had, the doctrine of res judicata would bar such a claim on collateral review (see, e.g., **People v Guy**, 2025 IL 129967, ¶82). Due to that, the rarity of a defendant to be able to even litigate such a due process/**Ake v Oklahoma** violation would be rare indeed. That gives a real basis for the need for further **Ake** protections, with regard to guilty pleas waiving that "access." This is the ideal case for this Court to implicate and install that additional protection by giving guidance, by a pronouncement of law to that effect. **I pray you will.**

The District Court's Denial Order fails to address the facts pled and argued, and referenced to (of-record), that demonstrate I was falsely misled to believe I'd received a sanity examination - with unfavorable opinion, as I testified to (at RP971-974) - by my APD's, as well as the trial court Judge at the plea (see pgs.5 & 46 of EXH 5 of the lodgment); when I had not been so examined - and therefore I could not have waived, knowingly, my **Ake** protections, i.e.,

to that access, and sanity examination, and expert opinion, and expert's assistance at trial should the insanity defense be asserted. **Ake v Oklahoma**, 470 U.S. 68, 82-83. A COA should've issued to address it.

Please note that the D.C. Circuit instituted a similar caselaw-law, so that mentally ill (possibly insane) defendants do not waive an insanity defense unknowingly and unintelligently, and against the advice of counsel, in **United States v Friendak**, 408 A.2d 364 (App. D.C. 1979). This "waiver rule," has been adopted by the Illinois Appellate Courts, by **People v Gettings**, 175 Ill.App.3d 920 (1988). But no such waiver rule exists, regarding the due process protections/guarantee's of **Ake v Oklahoma** - laws Justice Thurgood Marshall pronounced over 41 years ago, and which are unquestionably far more important in law than the protections espoused in **Friendak**, and **People v Gettings**. id.

In closing, please know I do not care how long it may take for this Court to resolve this matter - I have been seeking relief for over a decade, and I just want fairness. This Court will deal with a §2254 habeas corpus case presenting grounds that show a substantial showing of the denial of a constitutional right, for all three of the grounds asserted, and valid requests for the additional process requested in the District Court, and a denial of a habeas petition, and a COA, which are not correct, or warranted. On the contrary, it is clear I entered a guilty plea in violation of due process - and that I had the absolute right to the "access" that **Ake v Oklahoma** is said to "guarantee;" in 2012-13; but that I received merely two fitness examinations, yet was falsely told (at a plea hearing, which this Court calls "a grave and solemn act") I'd been given that access, with unfavorable results. Please don't allow that denial of due process, and IAC to stand, and please **GRANT** this petition for certiorari.

IIII. THE DISTRICT COURT TREATED PETITIONER'S VALID AND TIMELY-FILED
MOTION FOR SANCTIONS ON THE RESPONDENT AS THOUGH IT LACKED ANY
MERIT, AND PROCEEDED TO DO EXACTLY WHAT THE MOTION COMPLAINED OF;
AND A COA SHOULD HAVE ISSUED, TO ADDRESS THIS PROBLEM ALSO

After the briefing was complete in the USDC, petitioner filed a timely motion for sanctions, for Rule 11 violations by Respondent; and correctly filed (21 days prior to filing the motion) the proof of service for serving opposing counsel with a proposed draft of the sanctions motion, and a "demand letter." (see copy of proof of service; demand letter; and motion for sanctions in the Appendix). The motion for sanctions made very specific assertions/arguments as to how exactly the Respondent's Answer to the habeas petition, and corresponding conduct, violated the requirements of Fed.R.Civ.P.11(b)(1 - 4). The motion contains serious violations which warrant sanctions; either via Rule 11 - or via the Dist. Court's "inherent authority" "to control admission to its bar and to discipline attorneys who appear before it." (as argued on pg.12 of the motion, and quoting *United States v Johnson*, 327 F.3d 554, 560 (7th Cir. 2003)(citing *Chambers v NASCO*, 501 U.S. 32, 43 (1991))) ; by Asst. Atty. Gen. Cebula.

The reason the motion was filed is because in doing (& omitting) certain things, Respondent's counsel (Asst. Atty. Gen. Michael L. Cebula) specifically violated the Rule 11(b) provisions. Those things and those omissions (generally) are: 1. Mr. Cebula reworded two of my three grounds (i.e., #2 and #3) so that they assert a separate/distinctly different ground that omits the **Ake** aspect of both, and mischaracterizes the issue so that it lines up more so with what the Appellate Court addressed in my direct appeal, in order to gain an unfair/unwarranted advantage, of disregarding the main elements of

grounds two and three (i.e., the Ake violation, and the incorrect/false admonishments given at the 11/1/2013 plea hearing); and to be able to apply AEDPA's deferential standard of review (instead of the correct, de novo review that should apply); 2. Mr. Cebula made disingenuous arguments, not supported by the factual record, and ignoring the relevant portions of the record (i.e., in February 27, 2013 transcripts, showing the second motion for Isaac Ray F.G. filed by the APD's for a "sanity" examination by the company was declined, and the reason why it was declined allegedly, by APD Larry Beaumont's representation to the court; certain pre-plea transcripts prior to, which reveal that there was actually **two separate motions filed for two different evaluations by Isaac Ray, by the defense**; which I filed with leave of court in the "Supplemental State Court Record" that I had to file, to make the lodgment sufficiently complete for the USDC), and referencing portions which were thereafter impeached by cross-examination of Mr. Brandstrader - and making factual contentions that have no evidentiary support, amongst other Rule 11 violations; and 3. Mr. Cebula omitted portions of the state court record, in violation of Rule 5 of the R's Governing §2254 Cases in the USDC (which he was ordered to comply with), in order to make disingenuous and knowingly incorrect assertions regarding the most salient issue (arguably) involved in this action - the FACT and due process violation that I was given two fitness evaluations in this case, and no sanity examination, in violation of Ake. (as Mr. Cebula states on pg.16 of his Answer: "Petitioner's arguments in support of his claims that counsel erred when advising petitioner [NOTE: this is a mischaracterization by Mr. Cebula about what my arguments are/or is] that he did not have a viable insanity defense,

and his plea therefore was not voluntary and intelligent, ultimately come down to a single contention: that "no examination for sanity [at the time of his offenses] ever occurred," because the appointed mental health experts either failed to examine him at all or examined him only for competency to stand trial. Doc.1 at 16; see generally, id. at 14-20"). Again, that mischaracterizes my argument, but he does identify a salient issue, central to my grounds - two of which he rewords, to change my grounds, to his advantage, and discount the actual claims important aspects altogether. And recall, the District Court, in its Denial Order (on pg.17), admits that no in-person examination for sanity occurred. It was specifically testified to by the Isaac Ray examiners in September of 2020 (EXH 6 of lodgment, RP1052, 1135); APD Regas's testimony (EXH 6, RP1114-15); the stipulation entered into evidence on 9/24/2020 (EXH 6, RP962-63; EXH 2 attached to the Traverse - see written stip. in Appendix, which is designated "Defendant EXHIBIT #1"); and the Isaac Ray Fitness Report (EXH 19 of lodgment), and trial court order for the examination (EXH 4 attached to Traverse - see in Appendix). And as stated, the pre-plea transcripts, and especially the 2/27/2013 transcript (which is specifically referenced in the habeas petition's factual arguments), all show (and prove, 100% - as well as additional testimony in EXH 6 of the lodgment, and by the docket sheet attached to the Traverse in attached EXH #1) that there were **two separate motions filed by the 2012-13 APD's, for Isaac Ray Forensic Group personnel to conduct two separate examinations (1 fitness/1 sanity) - and that the first such motion, and order was for "fitness eval."** (completed in Nov. of 2012)(filed/granted on 10/24/2012); and the second such sanity motion, was not satisfied/done - as shown by the 2/27/2013 transcript, & EXH 13.

This important fact he attempts to obscure, i.e., that at the start of the case (10/24/12) the APD's filed a motion for Isaac Ray to conduct a **fitness examination**. By court order, they did (EXH #2 of Traverse). Their report states nothing about defendant's sanity, or of an insanity defense (see in Appendix O). After the report was filed & sealed, on 1/9/2013, a **second motion** was filed/granted for Isaac Ray to conduct a **sanity examination** (which transcript Mr. Cebula strategically included, in his filing of the lodgment, omitting all prior transcripts) - and the trial court granted the (2nd) motion for Isaac Ray to conduct a sanity examination, and offered reasonable funds to the APD's for that (EXH 10 of lodgment). Mr. Cebula makes it appear only one motion was filed for Isaac Ray, for a dual-purpose, fitness/sanity examination (Appendix F). The (omitted) 2/27/2013 transcript (that I filed in EXH 13 of lodgment) shows that Isaac Ray allegedly/reportedly declined the sanity examination, according to APD Beaumont's statement on pgs.2-3; which was the real reason that company declined that appointment, i.e., they "strongly recommended" the defense "use a psychiatrist, as opposed to a psychologist," "due to medication issues and possibly drugs the defendant took." A "psychologist" wasn't qualified, he said.

If you read the motion for sanctions, and the Answer filed, it is evident that Mr. Cebula, in violation of Fed. R. Civ. P. 11(b)(1)-(4), pleaded repeated, false assertions that a single examination by the Isaac Ray Forensic Group occurred, which was for fitness and sanity, based on a single motion filed for same (on 1/9/2013). His omissions of the relevant state court record, and dubious (& disproven, by subsequent testimony, etc) references to testimony in EXH 6, enabled Mr. Cebula to make those plainly false assertions/arguments, in violation of Rule 11(b). The District Court treated the motion cavalierly (as

it did ruling on the other related motions, denied - see pg. 18 of Denial Order in Appendix). Most importantly as to what's wrong with the USDC's treatment of the motion for sanctions, is that the Dist. Court adopted the Respondent's re-worded grounds 2 and 3 - and it commingled the two re-worded grounds (pg.13 of Denial Order) and it applied AEDPA deference, despite my request to NOT adopt the re-worded grounds 2 & 3 (pg. i of Traverse) - which is the reason the motion for sanctions was filed. In the "Prayer for Relief" of the motion for sanctions, I respectfully requested that "as a matter of law," the District Court find that "Respondent has waived any procedural, or substantive argument, as it relates to grounds two and three; as he has chosen to not specifically address those grounds in his answer, and has therefore waived or forfeitted any argument(s) on grounds two and three, as a consequence of its rewording same." The District Court then, did the exact same thing, in its Denial Order, rewording grounds two and three, likewise, and failed to adjudicate grounds #2, and #3, as set forth in the petition, and Traverse. In its ruling on the motion for sanctions, the Court states: "While Respondent may have reworded or misunderstood some of Petitioner's arguments, it appears far more likely that it was ensuring that any potentially meritorious issues were addressed." That is exactly the opposite of what counsel for the Respondent did, and the Court gave no real analysis/adjudication of the arguments made in the motion for sanctions. Had the motion been filed against this pro se petitioner, on the same grounds, the ruling would surely have been harsh. The motion requesting a COA should have been allowed, to correct this. The net result of the District Court's rewording of the grounds also is that my exhausted grounds #2 & #3 have never been adjudicated. The Seventh

Circuit Court of Appeals erred, by not issuing a COA to address this incorrect adjudication of the motion for sanctions, and issues pled therein, by the USDC - and allowing for my grounds two and three to go wholly unaddressed by the USDC's rewording of them, and assessment of the reworded grounds two and three. It has essentially made this entire avenue of relief (via 28 U.S.C. § 2254) a meaningless and empty exercise in futility, as to all three grounds asserted. As this Court states in **Engle v. Isaac**, 456 U.S. 107, 126 (1982) "the Great Writ," "is a bulwark against convictions that violate "fundamental fairness."" Without certiorari granted, and review from this Honorable Court, this petitioner will likely never receive that fairness, and by this habeas action, severely mentally ill defendants may be protected against like due process violations, and wrongful, involuntary waivers of the due process **Ake** "guarantee's", by the guidance this Court can provide here, to all courts.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ Phillip L. Horrell

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Date: May 1, 2026