July 4th, 2022

Hey Chris,

Enclosed are my appeal-related records you asked for. One is the brief filed by my appointed appellate defender, Arden Lang, and her boss, Daniel Yohas, at 38 pages. The other one is the State's reply authored by Reynard and several others from the appellate prosecutors' office. You already have a copy of the appellate courts' ruling denying me a reversal of my conviction, upholding it instead - but granting a ~~ref~~ reversal of my sentence. Also enclosed is my own self-authored PETITION FOR REHEARING asking the appellate court to reconsider their decision. This too was denied in a ruling that amounted to a single-page document lacking any argumentation, but I can't seem to locate it at this time, it not important in any event. If we need it bad enough a copy of it exists in my courtfile with the circuit clerk.

These documents only pertain to what's known as a "direct appeal" to the 4th District Appellate Court. The direct appeal doesn't concern questions of guilt or innocence but instead concerns any possible constitutional violations ~~to~~ of my rights as specified in the IL State Constitution and the U.S. Constitution. Moreover, the direct appeal is confined only to the contents of my court record - transcripts and any documentary items submitted into evidence during court proceedings. The "direct appeal" cannot take into consideration anything not in my formal court record, such as evidence never previously brought up in court ~~not~~ not in the court record, or any newly discovered evidence.

After this appeal was denied I filed a PLA (Petition For Leave to Appeal) to the IL St Supreme Court, now without any legal representation. The PLA pretty much mirrored my above self-authored PETITION FOR REHEARING. As is the norm with 99% of PLAs to the IL St. Supreme Court, they declined to even hear the case. The state Supreme Court only grants a tiny fraction of PLA submissions any hearing at all. In response to my PLA effort I received a single-page notice that the IL State Supreme Court declined to hear my case, basically ending my appeal options in State courts.

I don't have a copy of my PLA or the St. Supreme Court's page

denying their consideration of my case. These records/documents are probably also in my main court file with the county circuit clerk. For reasons specified below I wouldn't advise you wasting any time or effort pursuing these court records and/or issues related thereto.

As you'll see, the appellate court did happen to grant that my "natural life" sentence originally imposed did in fact violate part of the IL State's constitution resulting in a reversal of my sentence, and reversals of many others "natural life" sentences imposed under the (later-un Constitutional) sentence statute enacted by the IL St. Legislature in violation of the Constitutions "single subject rule". Accordingly, my original natural life sentence was reversed and I was remanded back to McLean County Jail for re-sentencing under prior sentencing guideline statutes.

For our purposes the re-sentencing events are unimportant. But its worth speaking to a little further.

As you recall, Smith was appointed to represent me during resentencing that they all expected to be a wham-bam lightening-fast railroading, again, in to what was sure to be effectively a replacement sentence of "death by prison." I promptly canned Smith and then refused appointment of anyone from the Public Defender's office. Instead of allowing the PD Office to again help prosecutors put it to me, I opted to defend myself insuring that at least SOMEONE would take a meaningful stand on my behalf. Me!

As it happens, at about the same time that the IL St. Supreme Court ruled the "natural life" sentencing statute unconstitutional in the Wooters case, the U.S. Supreme Court ruled unconstitutional any sentence imposed over and above ~~the~~ the statutory norm as a result of uncharged and unproven "aggravating factors," also known as extended term sentences. The US Supreme Courts ruling in Apprendi v New Jersey did not apply retroactively, but did happen to apply to any case then under direct appeal (which I still was at the time, my own soon-to-be extended term sentence not even imposed yet in this re-sentencing process).

The ordinary sentencing statute at the time maxed out at 60 years, I "only" serving ½ of that time with good behavior credits, other than the

the natural life sentence option just ruled unConstitutional. Instead the State then sought an extended term sentence of 100 years, granted if the crime happened to be ~~accompanying~~ accompanied by "aggrivating factor" circumstances, one of which was the child-victim's uncontestable young age, another being the claimed accompanyment of sex abuse evidence, as cited by Judge Prall himself. Another factor was whether the crime was brutal and heinous, as are all murders by their very nature.

At any rate, Apprendi court ruled that "aggravating factor(s)" cannot be cited as a means to extend one's prison sentence above its otherwise statutory maximum - in IL the range of sentences for murder being from 30 to 60 years max... UNLESS the particular aggavating factor(s) were specified in the charging instrument, presented to a presumed jury, and proven to exist beyond a reasonable doubt. To qualify for an extended term sentence, according to Apprendi (or Apprendi), each of the one or more aggravating factors had to be AS proven as the defendant's guilt for the offense.

Because my natural life sentence was initially MANDATORY as a result of the conviction itself for killing a child, any would-be aggravating factors would be irrelevant to my sentence, thus not needed to be defended against during trial. But once my natural life sentence was reversed and the natural life sentencing statute ruled unConstitutional, I now faced a sentencing range of 30 years on the low side within the usual sentencing statute, up to 60 years, and from there 60 to 100 years if qualifying for an extended term based on the crime's presence of "aggravating factors."

Because of the timing of my case during the peculior intersection between the IL Supreme Court's ruling in Wooters and the US Supreme Court's ruling in Apprendi, mine was now virtually a one-of-a-kind case. Because of these twin sentence-related rulings, enormous motive retroactively existed for my trial defense to have contested every aggravating factor of the State's claims, if not in pursuit of an acquittal then to limit the maximum applicable sentencing range. At the time facing a MANDATORY life sentence upon the conviction alone, so-called aggravating factors' presence had no bearing on the sentencing range. AFTER the Apprendi ruling, the aggravating factors

became enormously important, the (uncontested) presence of which could extend the maximum sentence I otherwise faced from 60 years (30 years with good behavior) all the way to 100 years (50 years with good behavior).

Because of the huge range I only now faced in my sentence in the post-Apprendi world, and in which I SHOULD HAVE faced absent the later-deemed unconstitutional statute mandating my original natural life sentence, I should then be granted an outright retrial during which the proved or disproved presence of an aggravating factor could have a huge bearing on my ultimate sentence.

This whole ~~fisco~~ fiasco ~~about~~ amounted to providing me a very powerful argument for a whole new trial based upon a previously non-existant enormous range of sentencing outcomes. Indeed, even my jury trial waiver was premised on an automatic natural life sentence upon conviction, in contrast to a retrial whereby a jury would also have to grant beyond a reasonable doubt the presence of aggravating factors too, in order to extend my prison sentence beyond the otherwise statutory maximum of 60 years - of which today I'd only have 6 more years to serve.

Awaiting resentencing, I researched the caselaw extensively to the extent that I could. During re-sentencing I argued that, because of Apprendi the sentencing range would have been vastly less, and I not qualified for extended term. I further made the case that I should be granted a new trial in which at least a MOTIVE existed to contest the presence of any aggravating factor that might increase my sentence range - a motive that did not previously exist when facing a mandatory life sentence upon the conviction itself. Likewise, I argued that my jury waiver was similarly premised on my automatic life sentence upon conviction. In the post-Apprendi world that applied to my case still under direct appeal at the time, a late-coming motive now existed for me to opt for a jury trial in the event that even if convicted, the jury may rule "not guilty" on the question of the presence/absence of an aggravating factor leading me to a lengthier sentence range of up to 100 years.

I argued that because of the uniqueness of my case when being

simultaneously implicated by the recent IL Supreme Court ruling in Wooters and the U.S. Supreme Court ruling in Apprendi, that the extended term option that I was soon to face was taken off the table. The State's intended imposition of an extended term sentence is thus warranting a whole new trial whereby aggravating factors would be fiercely contested if only to limit my prison sentence, when not even a motive existed to do so under the later-deemed unconstitutional statute I was originally sentenced under.

I don't know if you ever read all of my re-sentencing transcripts from 3 court hearings in all. And if so, you may not have understood the basis of my arguments. To my knowledge there's no other case like it. Indeed, Griffin pretended to not understand the issue - who knows if Prall did.

Thing is, Christina's age when she died qualified me for extended term all by itself, it surely proven beyond a reasonable doubt, incontestable. But in passing my ~~as~~ original natural life sentence and my later 100 year extended term sentence Prall also cited other uncharged, uncontested, and unproven aggravating circumstances, namely the sex abuse evidence which Smith never opposed, and which was at the time irrelevant to a mandatory natural life sentence. To whatever extent Prall's citation of a sex abuse ~~evidence~~ event(s) played in extending my sentence clear out to 100 years, his reliance on that aggravating factor was a clear violation of Apprendi.

Meanwhile, while awaiting resentencing I filed a half dozen motions, now representing myself, regarding my efforts to retest various pieces of forensic evidence, plus a couple of motions, some only oral motions, relating to the re-sentencing issue. In part, my efforts regarding forensic testing was meant to draw media interest in my case, to limited success, and to establish a solid court record of my exoneration efforts, despite my already-long awareness that the fix was in.

Similarly, by way of my forensic testing-related motions and/or by way of my self-representation in the sentencing matters, I was attempting to slide in the court's side door all that I could regarding Mirocki's involvement in Christina's death, which I knew Smith would never have done. In addition to the multitude of reasons for me to toss Smith

From representing me (while serving as Reynard's secret weapon), I fired Smith because I figured that in representing myself I could invoke Mirsoks's name at every opportunity - her name otherwise wholly absent in the hands of Smith during what they all intended to be a lightening-fast 1-day 5-minute resentencing event. Instead I made it a 3 month event.

After being re-sentenced I quickly filed a post-sentence appeal back to the judge within the required 30-day limit. In several post-resentencing motions and lengthy memorandum of law, all handwritten, I furthered my arguments above citing yet more recent Apprendi-related Illinois caselaw. All to no avail, this might make for some interesting reading, but its entirely beyond the scope and immediacy of our exoneration efforts.

A ~~foot~~ two-inch stack of re-sentencing related paperwork, I did not include it in this package here-in. ~~Please~~ In Fact I tossed most of it a year or so ago; I simply don't have room for it with all the other more important paperwork for more relevant to our exoneration efforts. But it can all be found in my courtfile with the circuit clerk if you ever want to read it.

At any rate, I was then appointed another appellate defender who then represented ~~me~~ in my direct appeal concerning my newly-imposed extended term sentence of 100 years. This appeal went nowhere also. I have the appeal brief, the State's reply brief, and the Appellate Court's ruling upholding my extended term new sentence of 100 years. Unrelated to our exoneration efforts, I didn't bother to send them to you either - they part of my overall courtfile with the circuit clerk also.

My next project was my original PC which I did myself, lacking any legal representation at the time.

My post-sentencing appeal back to Prall seeking a reversal of his imposition of an extended term sentence to its ultimate max of 100 years no less, based in part on uncharged, unproven, and unchallenged claims of accompanying aggravating factors might make for an interesting read some day - I parsing out the the implications of Apprendi to my resentencing down to the smallest detail, notwithstanding that I was heavily sandbagged by the incontestable fact of Christina's age - itself an

aggravating factor qualifying me for an extended term all by itself.

My appointed appellate defender for the sentencing issue did little with all that I had done, this appeal denied by the appellate court too. This attorney never contacted me by phone, and only met with me for 5 minutes at Menard, only because she happened to be visiting many other inmates there on the same day. My first appointed appellate defender never came to see me in person at all, Arden Lang.

When reading my original direct appeal brief enclosed you can probably recognize the tell-tale character of it as something I initially thought was actually written by prosecutors and then passed off as authored by my appellate defender. Tacitly meant to appear as if in genuine defence of me, I thought it instead added yet more weight to everyone's obsession with excluding Misaok's involvement in Christina's death. So poorly written and argued (and limited solely to the issue of the surpression of Misaok-related evidence) I didn't believe that it was written by my appellate defender.

When I contacted Lang by phone she assured me that the appellate brief was legit, was hers, and was a genuine effort to get my (wrongful) conviction reversed. I then contacted her boss, Daniel Yuhas, who also was too adamate in vouching for the legitimacy of the brief, refusing to rescind it and replace it with something more pursuasive... and coherent. Worse, in gross conflict with the (token and tacit) intent of the brief, Yuhas then was adamate in his effort to assure me that Misaok was wholly innocent of any involvement in Christina's death, as if Misaok was his own sister or something. I couldn't believe my ears.