

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Diamond LaNeil Barnes

Petitioner-Appellant

Case No. 3:16-cv-0798-SMY

v.

Honorable Staci M. Yandle,
Judge Presiding

FELICIA ADKINS

WARDEN, DANVILLE CORRECTIONAL CENTER

Respondent-Appellee

On Petition For Writ of Certiorari
from a Certificate of Appealability (COA)
to the Seventh(7th) Circuit Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Mr. Diamond LaNeil Barnes (Pro-Per)

Diamond L. Barnes S11728

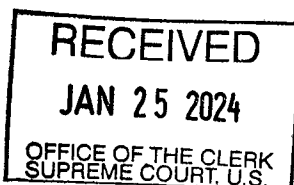
3820 East Main Street

Danville, Illinois 61834

(Pro-Per) Sui Juris Counsel

for Petitioner-Appellant

DLBarnes86@outlook.com



QUESTION(S) PRESENTED

I. A procedural § 2244 one(1)-year statute-of-limitation(s) ruling (Doc.1)(Doc. 1875)(Doc. 1893) governed by Federal Rule 36 of Appellate Procedure², properly vested this court with subject-matter jurisdiction over a Certificate of Appealability (COA) to equitably re-open this judgement (Doc. 90), Buck v. Davis, 137 S.Ct. 759, 777-780 (5th cir. 2017), in the Southern District Court of Illinois.

A. Petitioner Diamond Barnes has shown a substantial denial of a Second(2nd) Amendment Constitutional Right.

B. It is debatable to any reasonable jurist(s) that Petitioner Barnes, as a Virginian conceal-carry licensee (C. 112), has a constitutional right to bear arms "beyond the home", New York State Pistol & Rifle Association v . Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir 2022).

C. Deserves encouragement to proceed further in the Seventh(7th) Circuit Court of Appeals.

LIST OF PARTIES

The Petitioner-Appellant, Diamond LaNeil Barnes, in his own natural-person, is not a corporate-entity or agency of the UNITED STATES OF AMERICA (USA). As a National-citizen via birthright, and State-citizen of Missouri, there is no parent or publicly held company owning 10% or more of any corporate stock; last-addressed at 3527 Sugarcrest Drive, Apt. F., Saint Louis, Missouri 63033.

The Respondent-Appellee, FELICIA ADKINS, WARDEN OF DANVILLE CORRECTIONAL CENTER, in her OFFICIAL-CAPACITY, is a corporation head-quartered and doing business in the STATE OF ILLINOIS. To the best of Appellant's knowledge & belief, there is a parent or publicly held company owning 10% or more of the Appellee's stock. As of present-day, a bill of these particulars are unknown and unavailable to Petitioner Barnes.

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JURISDICTION

The SUPREME COURT OF THE UNITED STATES is hereby judicially-vested with ORIGINAL JURISDICTION to hear, determine, & adjudicate these live justiciable matter(s) in-controversy" On Petition For Writ of Certiorari from a Certificate of Appealability (COA) to the Seventh(7th) Circuit Court of Appeals", pursuant to Article 3, Section 1, Clause 1, of the United States Constitution;

The subject-matter jurisdiction of this court is invoked under 28 USC § 1254(1) (WEST 2024), and limited

between citizens of different States;

The Appellant, Diamond LaNeil Barnes, who personally appears in his own proper-person (Pro-Per) sui juris,

pursuant to the 14th Amendment Citizenship-Clause (USCA Const.Amend. 14, Cl. 1),

as a State-citizen of Missouri, whose last place of residence was addressed at 3527 Sugarcrest Drive, Apt. F., Saint Louis, Missouri 63033; and is a

United States of America (USA) National-citizen via birthright, U.S. v. Wong Kim Ark, 18 S.Ct. 456, 459-481 (9th cir. 1898), of Choc[taw] Indian descent and creed of nationality, U.S. v. Cruikshank, 92 U.S. 542, 550-552 (5th cir. 1875),

who voluntarily enters a "GENERAL APPEARANCE" before the SUPREME COURT OF THE UNITED STATES on December 28th, 2023.

The Respondent-Appellee, FELICIA ADKINS, WARDEN OF DANVILLE CORRECTIONAL CENTER, in her OFFICIAL-CAPACITY, is a corporate agency of the STATE OF ILLINOIS, officially conducting its head-quartered business at 3820 East Main Street, Danville, Illinois 61834; we premonitize the same entry of a "GENERAL APPEARANCE: by the Appellee's counsel of record, Office of the Illinois Attorney General, 100 West Randolph Street, 11th Floor, Chicago, Illinois 60601.

On October 31st, 2023, the Seventh(7th) Circuit Court of Appeals adjudicated case no. 3:16-cv-0798-SMY, docket no. 23-1361, by erroneously denying a "Rule 60(b)(6) Motion To Re-Open Judgement" of a timely-filed § 2254 habeas corpus petition (Doc. 90), Buck v. Davis, 137 S.Ct. 759, 777-780 (5th cir. 2017), and its Certificate of Appealability (COA), Hohn v. United States, 118 S.Ct. 1969, 1971-1978 (8th cir. 1998)(held, United States Supreme Court had jurisdiction to review, on petition for writ of certiorari, a denial of application for certificate of appealability under AEDPA, by a circuit judge or panel of the Court of Appeals), thereof.

Pursuant to the United States Supreme Court opinion of Hohn (stated above), this court has subject-matter jurisdiction to hear, determine, and adjudicate whether Appellant Barnes' Certificate of Appealability (COA) meets the requisite criteria [from a procedural-bar) to proceed further in the Seventh(7th) Circuit Court of Appeals; on "cause" of re-opening adjudgement that substantially has shown the denial of a Second(2nd) Amendment Constitutional Right To Bear Arms "beyond the home", pursuant to the novel June 23rd, 2022, landmark opinion of, New York State Pistol & R

ifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022); that has finally recognized the collateral-effect of a "fundamental miscarriage of justice" to bear arms "beyond the home" for a class of conceal-carry licensees such as Appellant Barnes, whose voluntary act(s) & omission(s) are in-fact committed "with[] lawful justification" (C. 112)^b during the public use-of-force to a provoked homicide.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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² See, Federal Rule 36 of Appellate Procedure; *Wilson v. Battles*, 302 F.3d. 745, 746-748 (7th cir. 2002)(holding no. 1); See also, Illinois Supreme Court Rule 272, *infra.*, *Price v. Philip Morris Inc.*, 2011 Ill App (5th) 7227 49, 1-8; *Williams v. BNSF R. Co*, 2015 IL 117444, ¶ 12-52.

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OPINIONS BELOW

SUPREME COURT OF THE UNITED STATES

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³ These "extraordinary circumstance(s)" of a valid & enforceable conceal-carry handgun license (C. 112) undermines the first-element (ie., without lawful justification). Hence, proof of each and every element of his offense "beyond a reasonable doubt" cannot be prejudicially sustained in the State of Illinois judiciary.

"Cause" has shown that Petitioner's Original § 2254 Federal HC Suit was not untimely, pursuant to the 7th Circuit's controlling precedent of, Wilson v. Battles, supra (holding, judgement from denial of PLA "BECAME FINAL" when "'entered' [upon] the docket] of record".

^c Pre-existing "fundamental" Second(2nd) Amendment Constitutional Right(s) have just recently been established, recognized, and conferred on law-abiding individuals such as Appellant, Diamond Barnes, who was a conceal-carry licensee (C. 112), in the NOVEL landmark-opinion of, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), to BEAR ARMS "beyond the home", as-applied within the Several-States', McDonald v. City of Chicago, Illinois, 130 S.Ct. 3020, 3046-3048 (7th cir. 2010). See, VA Code Ann. § 18.2-308.014(A) (WEST 2024); 20 Ill.Adm. Code § 1231.110(b) (WEST 2024), withstanding its public-safety interest(s) thereof.

^d The "Barnes entourage" consists of 1) Effie "aka Bessie" Barnes, 2) Ralph Barnes, 3) Bradley Warren, and 4) Petitioner Diamond Barnes, respectively.

^e Diamond Barnes' temporary residence, for "occupational-purpose(s)", was in the Commonwealth State of Virginia: 3034 Green Garden Circle, Apt. 201, Virginia Beach, Virginia 23452.

pinion of, *New York State Pistol & Rifle Association v. Bruen*, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), a federal law does not make criminal the accused public carriage of a licensed handgun (C. 112), concealed upon the person for self-defense (beyond the home), at 1104 W. 9th Street in Alton, Illinois. This "fundamental miscarriage of justice" [on "cause" of Illinois' unconstitutional blanket-ban on the carriage of fully-operable firearms in-public²], violated Diamond Barnes' 2nd Amendment Right(s) To Bear Arms in, *People v. Barnes*, 2012 WL (5th) 715539-U,

COUNT NO. 1: that was contrary to clearly established federal law; or

COUNT NO. 2: that involved an unreasonable application of clearly established federal law; or

COUNT NO. 3: was based on an unreasonable determination of the facts,

New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), of the United States Supreme Court; when a conceal-carry licensee (C. 112), whose voluntary act(s) & omission(s) of imperfect self-defense, during the commission of a May 2nd, 2009, provoked homicide, were publicly committed "with[] lawful justification". In light of this new evidence (Exh. A)(Exh. B), proving that licensee Diamond Barnes "did not personally discharge a firearm", 720 ILCS § 5/2-15.5 (WEST 2024), that proximately-caused the death of Marcus Shannon, which was not presented at Diamond Barnes' 2010 trial, it is convincingly clear that it is "more-likely-than-not" that Diamond Barnes is "[f]actually innocent" (C. 112)³ to his conviction

by, 708 F.3d. 901, 934 (7th cir. 2013); thereafter ruled unconstitutional in, *People v. Aguilar*, 2013 IL 112116, ¶ 19.

Appellant respectfully prays that a Writ of Certiorari issue to review the judgement below.

OPINIONS BELOW

The order of the Southern District Court of Illinois to review the substantive merit(s) of a CERTIFICATE OF APPEALABILITY (COA) on a RULE 60(b)(6) MOTION TO RE-OPEN [§ 2254 HABEAS CORPUS] JUDGEMENT appears at Appendix A to this equitable petition, as an unpublished February 8th, 2023, order; and

The order of the Seventh(7th) Circuit Court of Appeals to review the substantive merit(s) of a CERTIFICATE OF APPEALABILITY (COA) to a RULE 60(b)(6) MOTION TO RE-OPEN [§ 2254] JUDGEMENT appears at Appendix B to this equitable petition as an unpublished October 31st, 2023, order.

STATEMENT OF THE CASE

In an attempt to prevent an abuse of the Great Writ (U.S.C. Const.Art. 1 § 9, cl. 2) under any other reason that justifies relief (Fed.R.Civ.Proc. 60(b)(6)) to re-open judgement, Buck v. Davis, 137 S.Ct. 759, 777-780 (5th cir. 2017), since the ratification of the NOVEL June 23rd, 2022, landmark o

^a The acronym "ATEDPA" has the meaning ascribing the "Anti-Terrorism & Effective Death Penalty Act of 1996". The acronym "HC" has the meaning ascribing "Habeas Corpus".

^b Any citation(s) to the COMMON-LAW RECORD(S), eg., (C. ___), and REPORT-OF-PROCEEDING(S) eg., (R. ___) are incorporated-by-reference from dispositions of criminal case no. 2009-CF-1059, the principal case-in-chief.

^f Diamond Barnes' citizen(home) State of residence was in the State of Missouri: 3527 Sugarcrest Drive, Apt. F, Florissant (St. Louis), Missouri 63033.

^g Public Act 91-0690 received negative treatment in, Moore v. Madigan, 702 F.3d. 933, 936 (7th cir. 2012), Petition For Rehearing denied en banc

& sentence of intentional 1st degree murder.

Fact(s) of Discussion

A) Upon a substantial showing to overcome ATEDPA's § 2244 one(1)-year statute-of-limitation(s) (doc. 1875)(doc. 1893)(dist doc. 1) on a [f]actual innocence plea of the denial to a Second(2nd) Amendment Constitutional Right To Bear Arms¹, *New York State Pistol & Rifle Association v. Bruen*, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), it is a debatable reason that justifies relief. Fed.R.Civ. Proc. 60(b)(6) (WEST 2023), to acknowledge that federal law no longer criminalizes the factual-predicate of *Diamond Barnes* as a conceal-carry licensee (C. 112) to bear arms "beyond the home" for self-defense.

1. Direct [appeal] review in criminal case no. 2009-CF-1059 "BECAME FINAL" (doc. 1875) on Friday, January 11th, 2013, when it was entered upon the docket of record. See, Fed.R.App.Proc. 36 (WEST 2024); *Wilson v. Battles*, 302 F.3d. 745, 746-748 (7th cir. 2002)(holding no. 1); See also, Illinois Supreme Court Rule 272 (WEST 2024), *infra.*, *Price v. Philip Morris Inc.*, 2011 ILL APP (5th) 722749, 1-8; *Williams v. BNSF R. Co.*, 2015 IL 117444, ¶ 12-52, respectively.

2. Collateral review in civil case no. 2013-MR-0168 knowingly "BECAME FINAL" (doc. 1893) on Wednesday, December 2nd, 2015, when it was entered upon the docket of record. See, Fed.R.App.Proc. 36 (WEST 2024); *Wilson v. Battles*, 302 F.3d. 745, 745-748 (7th cir. 2002)(holding no. 1); See also, Illinois Supreme Court Rule 272 (WEST 2024), *infra.*, *Price v. Philip Morris Inc.*, 2011 ILL APP (5th) 722749, 1-8; *Williams v. BNSF R. Co.*, 2015 IL 117444, ¶ 12-52.

3. Prior to Diamond Barnes seeking § 2254 Federal Habeas Corpus Relief for the first time (dist doc. 1-53) in the Southern District Court of Illinois for case no. 3:16-cv-0798-DRH-CJP, a § 5/116-3 Motion for Forensic Testing was a collateral appeal that knowingly "BECAME FINAL" (doc. 1880) on Thursday, November 19th, 2015, when it was entered upon the docket of record. See, Fed.R.App.Proc. 36 (WEST 2024); Wilson v. Battles, 302 F.3d. 745, 746-748 (7th cir. 2002), infra., Price v. Philip Morris Inc., 2011 ILL APP (5th) 722749, 1-8; Williams v. BNSF R. Co., 2015 IL 117444, ¶ 12-52.

4. Seeking Rule 60(b)(6) relief to re-open judgement of a § 2254 Federal HC^a Suit on procedurally defaulted claims based on a showing of ACTUAL INNOCENCE, McQuiggen v. Perkins, 133 S.Ct. 1924, 1927-1932 (6th cir. 2013)(held, Escamilla v. Jungwirth, 426 F.3d. 868 [] (7th cir. 2005), abrogated ---

a) Diamond Barnes only cumulatively expended two hundred seventy-three (273) untolled days, pursuant to § 2244 one(1) year statute-of-limitation(s),

i. before timely-filing his first § 2254 Federal Habeas Corpus Application & Complaint (dist doc. 1), (doc. 1875)(doc. 1880)(doc. 1893), Carter v. Litscher, 275 F.3d. 663, 664-665 (7th cir. 2001), in the Southern District Court of Illinois; as

^h Eastridge v. United States, 371 F. Supp.2d. 33, 44-45 (D.C. cir. 2005)(holding nos. 1 & 2).

- ii. binding-precedent herein controls a § 2254 HC^a Suit in the Seventh(7th) Circuit Court of Appeals, *Wilson v. Battles*, 302 F.3d. 745, 746-748 (7th cir. 2002)(holding, judgement from denial of Petition For Leave To Appeal (PLA) "BECAME FINAL" when "'entered' [upon the docket] of record").

- b) The predicate-fact for seeking to re-open this judgement rests in the NOVEL landmark opinion of, *New York State Pistol & Rifle Association v. Bruen*, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022);
 - i. on "cause" of this new rule of [criminal] procedure, *Reed v. Ross*, 104 S.Ct. 2901, 2906-2911 (4th cir. 1984);

 - ii. substantive rule change, *Welch v. United States*, 136 S.Ct. 1257, 1260-1268 (11th cir. 2016), that alters the class of persons that the law punishes³ "without lawful justification"; or

 - iii. narrows the scope of justifiable use-of-force w/ a firearm in-public, that places conceal-carry licensees beyond the States power to punish.

- c) When June 23rd, 2022, was the date this constitutional right was ratified by the UNITED STATES SUPREME COURT in, *New York State Pistol & Rifle Association v. Bruen*, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), and

- d) June 23rd, 2022, was the date on which the factual-predicate of these presented [constitutional] claim(s) would have been discovered through the exercise of due diligence.

5. Has resulted in a "fundamental miscarriage of justice", *Davis v. United States*, 94 S.Ct. 2298, 2302-2303 (9th cir. 1974);
 - a) to continue to punish act(s) & omission(s) that are no longer criminal, (C. 112)

6. Diamond Barnes' [f]actual innocence, *Eastridge v. United States*, 372 F. Supp.2d. 26, 33, 44-45 (D.C. cir. 2005), (Exh. A)³ (Exh. B), (C. 112)

7. clearly shows evidence that Diamond Barnes' act(s) & omission(s) were committed "with[] lawful justification" (C. 112),
 - a) against the criminal law burden-of-proof, *Thompson v. City of Louisville*, 80 S.Ct. 624, 627 (6th cir. 1960).

8. He shall be entitled to make a showing of actual innocence, *Bouley v. United States*, 118 S.Ct. 1604, 1614 (8th cir. 1998) (held, even if petitioner did procedurally default, he still shall be entitled to make a showing of actual innocence); on

9. the Second(2nd) Amendment Constitutional Right To Bear Arms "beyond the home"
 - a) for purpose(s) of a conceal-carry handgun licensee's (C. 112) imminent use-of-force in self-defense
 - i. *Beard v. United States*, 15 S.Ct. 962, 966 (8th cir. 1895);
 - ii. *Brown v. United States*, 41 S.Ct. 501, 501-502 (5th cir. 19

21).

10. Under any other reason that justifies relief, Fed.R.Civ.Proc. 60(b) (6)(WEST 2024), to re-open this judgement, Buck v. Davis, 137 S.Ct. 759, 777-780 (5th cir. 2017), it is "more likely than not", House v . Bell, 126 S.Ct. 2064, 2075 [/2081-2082] (6th cir. 2006), that

a) new evidence of Illinois State Police (ISP) Forensic Scientist Susan Bolan's laboratory report(s) on latent-print impression(s) lifted from the criminal-agency were first discovered post-trial in fiscal year(s) 2013-2014,

i. from a Freedom of Information Act (FOIA) request to the Illinois State Police (ISP);

ii. whose laboratory result(s) were NOT SUITABLE FOR POSITIVE(+) IDENTIFICATION(S) of the accused perpetrator, Diamond Barnes (Exh . A);

b) new evidence of Illinois State Police (ISP) Forensic Scientist Scott Rochowicz' laboratory report(s) on gunshot residue (GSR) tracing(s) of the actual-shooter(s) were discovered post-trial in fiscal year(s) 2013-2014,

i. from a Freedom of Information Act (FOIA) request to the Illinois State Police (ISP);

ii. whose Electron Microscopy Scanning (EMS) result(s) were NOT SUITABLE FOR POSITIVE(+) IDENTIFICATION(S) of the accused perpetra

tor, Diamond Barnes. (Exh. B). Bailey v. United States, 116 S.Ct. 501, 503, 507-508 (D.C. cir. 1995);

c) this new evidence of a conceal-carry handgun license (C. 112) was not a live justiciable matter-in-controversy at the October 25th, 2010 trial, whereby

B) The factual-predicate extending the Second(2nd) Amendment Right To Bear Arms held in Bruen, 142 S.Ct. 2111, 2122, 2191 (2nd cir. 2022), could not have been previously discovered through the exercise of due diligence.

1. The (cumulative set of) facts underlying these claims, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear-and-convincing evidence (C. 112) that, Coffin v. United States, 15 S.Ct. 394, 406-407 (7th cir. 1895), but for this Second(2nd) Amendment Constitutional error to bear arms "beyond the home" for self-defense, no reasonable judge would have found Diamond Barnes guilty of intentional 1st degree murder; whereby

a) on August 29th, 2007, the Virginia Beach Circuit Court issued a valid conceal-carry handgun license from the Commonwealth State of Virginia; and

b) on October 29th, 2010, the Third(3rd) Judicial Circuit Court of Madison County ACCEPTED this valid & enforceable handgun license, 5 ILCS § 100/1-35 (WEST 2024), for CONSIDERATION, under seal, from the Virginia Beach Circuit Court, located at 2425 Nimmo Parkway, Judicial Center Building 10B, Virginia Beach, Virginia 23456-9017;

c) "reckless" state-of-mind, 720 ILCS § 5/4-6 (WEST 2024); Francis v. Franklin, 105 S.Ct. 1965, 1972-1977 (11th cir. 1985), to this provoked homicide

d) is "[f]actually-innocent" to the conviction & sentence of 1st Degree Murder.

REASONS FOR GRANTING THE WRIT

Argument

I. A procedural § 2244 one(1)-year statute-of-limitation(s) ruling (Doc.1)(Doc. 1875)(Doc. 1893) governed by Federal Rule 36 of Appellate Procedure², properly vested this court with subject-matter jurisdiction over a Certificate of Appealability (COA) to equitably re-open this judgement (Doc. 90), Buck v. Davis, 137 S.Ct. 759, 777-780 (5th cir. 2017), in the Southern District Court of Illinois.

Standard of Review & Preservation

"DE NOVO"

Hohn v. United States, 118 S.Ct. 1969, 1971-1978 (8th cir. 1998)

Buck v. Davis, 137 S.Ct. 759, 777-780 (5th cir. 2017)

Constitutional Violation(s)

U.S.C. Const.Amend. 2

VA. Const.Art. 1 § 13; Ill.Const.1970. Art. 1 § 22

Discussion

- c) license no. 2007-1687 has never been suspended, revoked, or prematurely terminated for just-cause;
 - d) on October 29th, 2010, the right(s) to this conceal-carry handgun license became vested with credit in the Illinois judiciary;
 - e) the vested-right(s) of license no. 2007-1687 survived its expiration date of August 29th, 2012;
 - f) the Several-States' of Virginia and Illinois currently have "substantially-similar" firearm regulation(s), 20 Ill.Adm.Code § 1231.110(b) (WEST 2024);
 - g) contrary to clearly established federal law, *New York State Pistol & Rifle Association v. Bruen*, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022).
2. Evidence in the Rule 60(b)(6) (WEST 2024) Motion To Re-Open Judgment of this § 2254 Federal HC Suit clearly shows that Petitioner Diamond Barnes
- a) did not personally discharge a firearm, 720 ILCS § 5/2-15.5 (WEST 2024), beyond a reasonable doubt, *Alleyne v. United States*, 133 S.Ct. 2151, 2155-2160 (4th cir. 2013); *Bailey v. United States*, 116 S.Ct. 501, 503, 507-508 (D.C. cir. 1995); and
 - b) was not afforded an evidentiary hearing, *In Re Davis*, 130 S.Ct. 1, 1 (11th cir. 2009); when these facts prove his

ication & Complaint (Doc. 1), Carter v. Litscher, 275 F.3d. 663, 664-665 (7th cir. 2001), in the Southern District Court of Illinois on July 14th, 2016; as

ii. binding precedent herein controls a § 2254 Federal Habeas Corpus Suit in the Seventh(7th) Circuit Court of Appeals, Wilson v. Battles, 302 F.3d. 745, 746-748 (7th cir. 2002)(holding, judgement from denial of Petition For Leave To Appeal (PLA) "BECAME FINAL" when "'entered' [upon the docket] of record").

A) Petitioner Diamond Barnes has shown a substantial denial of a Second(2nd) Amendment Constitutional Right.

1. Petitioner Diamond Barnes is a conceal-carry handgun licensee (C. 11 2), verified by court record(s);
2. who lawfully owned, registered, & licensed a 9MM Taurus 24/7 P/T Pro Semiautomatic Firearm (Serial No. 73982);
3. of court record(s), originating from the Commonwealth State of Virginia, c/o the Virginia Beach Circuit Court
4. vested by handgun conceal-carry licensee/permit no. 2007-1687 (C. 11 2);
5. whose liberty-interest(s) conferred an individual-right to keep & bear arms, District of Columbia v. Heller, 128 S.Ct. 2783, 2797-2804 (D.C. cir. 2008);

1. Upon a substantial showing to overcome § 2244's []one(1)-year statute-of-limitation(s) ruling (Doc. 1875)(Doc. 1893)(Doc. 1) on a [f]actual innocence plea of the denial to a Second(2nd) Amendment Constitutional Right To Bear Arms, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), it is debatable that federal law no longer criminalizes the factual predicate of Diamond Barnes as a conceal-carry licensee (C. 112) to bear arms "beyond the home" in case(s) of public confrontation(s).

a) Direct [appeal] review in criminal case no. 2009-CF-1059 "BECAME FINAL" (Doc. 1875) on Friday, January 11th, 2013, when it was entered upon the docket of record.²

b) Collateral review in civil case no. 2013-MR-0168 "BECAME FINAL" (Doc. 1893) on Wednesday, December 2nd, 2015, when it was entered upon the docket of record.²

2. Seeking a CERTIFICATE OF APPEALABILITY (COA) in a "Rule 60(b)(6) Motion To Re-Open Judgement (Doc. 90), Buck v. Davis, 137 S.Ct. 759, 777-780 (5th cir. 2017), from equitable § 2254 Federal Habeas Corpus relief on consideration of procedurally-defaulted claims based on a showing of ACTUAL INNOCENCE, McQuiggen v. Perkins, 133 S.Ct. 1924, 1927-1932 (6th cir. 2013)(held, Escamilla v. Jungwirth, 426 F.3d. 868 [] (7th cir. 2001), abrogated) ---

a) cumulatively expending only two hundred seventy-three (273) untolled days

i. before timely-filing his 1st § 2254 Federal Habeas Corpus Appl

B. It is debatable to any reasonable jurist(s) that Petitioner Barnes, as a Virginian conceal-carry licensee (C. 112), has a constitutional right to bear arms "beyond the home", New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022).

1. On Saturday, May 2nd, 2009, Petitioner Diamond Barnes' voluntary act(s) & omission(s) were committed "with[] lawful justification" (C. 112); however
2. it is debatable whether a public homicide committed with this firearm could be justified "beyond the home", prior to the June 23rd, 2022 pronouncement of the United States Supreme Court opinion of, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022);
3. which collaterally affected this use-of-force case during a public confrontation.
4. New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), extended this constitutionally-protected Second(2nd) Amendment Right To Bear Arms "beyond the home";
5. while reasonable jurist(s) continues to debate Petitioner Barnes' imperfect act(s) of self-defense that led to the demise of the perpetrator, Marcus Shannon, during this provoked homicide
6. to the detriment of the exculpatory fact(s) of Petitioner Diamond Barnes' case.

6. as-applied to the Several-States, McDonald v. City of Chicago, 130 S. Ct. 3020, 3046-3048 (7th cir. 2010), of
 - a) Virginia (VA. Const.Art. 1 § 13) and
 - b) Illinois (Ill.Const.1970. Art. 1 § 22);
7. w/ reciprocity condition(s), VA Code Ann. § 18.2-308.014(A) (WEST 2024);
8. exclusive between these 2 States that have "substantially similar" firearm regulations, 20 Ill.Adm. Code § 1231.110(b) (WEST 2024);
9. extending "beyond the home", New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022); for
10. this use-of-force case during a public confrontation, Moore v. Madigan, 702 F.3d. 933, 936 (7th cir. 2012), Petition For Rehearing denied en banc by, 708 F.3d. 901, at 934 (7th cir. 2013);
11. to justify the act(s) of a provoked homicide against the deceased initial-aggressor[], Marcus Shannon,
12. that was committed "with[] lawful justification" (C. 112);
13. upon the curtilage, and within another's home, at 1104 W. 9th Street in Alton, Illinois,
14. on Saturday, May 2nd, 2009.

C. Deserves encouragement to proceed further in the Seventh(7th) Circuit Court of Appeals.

1. On or about October 2007, Petitioner Diamond Barnes lawfully purchased ownership of a 9MM Taurus 24/7 P/T Pro Semiautomatic Firearm from a Bass Pro Shop, located in St. Charles, Missouri.
2. Said firearm is lawfully registered in the State of Missouri;
3. on August 29th, 2007, a conceal-carry handgun licensee was issued for this 9MM Taurus Semiautomatic Firearm that was used during the commission of this alleged offense
4. was lawfully licensed, under seal, in the Commonwealth State of Virginia as permit no. 2007-1687 in the Virginia Beach Circuit Court.
5. Until present-day, the choice-of-law provision applicable to the obligatory execution of this conceal-carry handgun license/permit no. 2007-1687 is exclusively controlled by the substantive-law(s) of the Commonwealth State of Virginia.

CONCLUSION

Petitioner Diamond Barnes respectfully prays that this court issue(s) this CERTIFICATE OF APPEALABILITY on a Rule 60(b)(6) Motion To Re-Open Judgement (Doc. 90) of a timely-filed § 2254 HC Suit (Doc. 1) that was prejudicially dismissed on "cause" of an erroneous § 2244 one(1) year statute-of-limitation(s) ruling (Doc. 35), per Wilson v. Battles, 302 F.3d. 745, 746-748 (7th cir. 2002)(holding, judgement from the denial of Petit

ion For Leave To Appeal (PLA) "BECAME FINAL" when "'entered' [upon the docket] of record"). See, (Doc. 1)(Doc. 1875)(Doc. 1893).

Succinctly, it is clear-and-convincing that Petitioner Barnes has substantially shown a Second(2nd) Amendment Constitutional Right of this handgun licensee (C. 112) to bear arms "beyond the home", pursuant to the June 23rd, 2022, NOVEL landmark opinion of the United States Supreme Court announced in, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022); reasonably debates the issuance of this Writ of Certiorari, Hohn v. U.S., 118 S.Ct. 1969, 1971, 1978 (8th cir. 1998), on whether:

- I. A procedural § 2244 one(1)-year statute-of-limitation(s) ruling (Doc. 1)(Doc. 1875)(Doc. 1893) governed by Federal Rule 36 of Appellate Procedure², properly vested this court with subject-matter jurisdiction over a Certificate of Appealability (COA) to equitably re-open this judgement (Doc. 90), Buck v. Davis, 137 S.Ct. 759, 777-780 (5th cir. 2017), in the Southern District Court of Illinois;
 - A. Petitioner Diamond Barnes has shown a substantial denial of a Second(2nd) Amendment Constitutional Right;
 - B. It is debatable to any reasonable jurist(s) that Petitioner Barnes, as a Virginian conceal-carry licensee (C. 112), has a constitutional right to bear arms "beyond the home", New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022); and
 - C. Deserves encouragement to proceed further in the Seventh(7th) Circuit Court of Appeals.

that this novel Second(2nd) Amendment Right To Bear Arms has been unreasonably denied amongst jurist(s) of reason in the Seventh(7th) Circuit Court of Appeals.

I certify, under penalty of perjury, 28 USC § 1746(2) (WEST 2024), that the foregoing is true and correct.

Executed on December 27th, 2023

CERTIFICATE OF COMPLIANCE

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Diamond LaNeil Barnes

Petitioner-Appellant

v.

Case No. 3:16-cv-0798-SMY

FELICIA ADKINS

Honorable Staci M. Yandle,

Judge Presiding

WARDEN, DANVILLE CORRECTIONAL CENTER

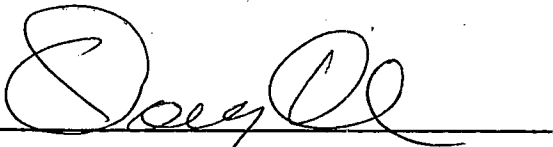
Respondent-Appellee

As required by Supreme Court Rule 33.1(h), I certify that this Petition For Writ of Certiorari from a Certificate of Appealability (COA) to the Seventh(7th) Circuit Court of Appeals contains 3,471 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d) (WEST 2024), respectively.

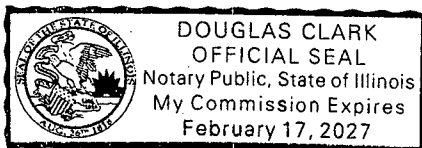
SIGNED & SWORN TO BEFORE ME THIS 28 DAY OF Dec, 2023.



AFFIANT'S SIGNATURE



NOTARY PUBLIC



CERTIFICATE OF SERVICE

Please take NOTICE that I, Diamond LaNeil Barnes, has sufficiently performed "service of process" on a "PETITION FOR WRIT OF CERTIORARI", with one(1) authentic copy sent to the Deputy Clerk, and one(1) authentic copy sent to the Respondent(s) counsel of record, as listed below:

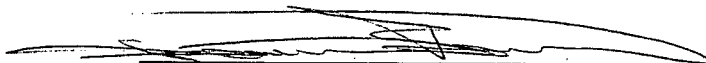
SUPREME COURT OF UNITED STATES, c/o Deputy Clerk - Scott S. Harris, 1 First Street, NE, Washington, D.C. 20543-0001

Office of the Attorney General, State of Illinois, c/o Assistant Attorney General - Eldad Z. Malamuth, 100 West Randolph Street, 11th Floor, Chicago, Illinois 60601

via United States Postal Service, First(1st)-Class Certified Mail, as requested by Supreme Court Rule 29 (WEST 2024), on this 17th day of January, 2024, with sufficient pre-paid postage conveyed before 2359 hours (Central Time), from the commercial-address of Danville Correctional Center, c/o Diamond L. Barnes S11728, 3820 East Main Street, Danville, Illinois 61834, to be promptly delivered to the above-entitled personnel.

I certify, under penalty of perjury, 28 USC § 1746(2) (WEST 2024), that the foregoing is true and correct to the best of my knowledge & belief.

Executed on January 17th, 2024



No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Diamond LaNeil Barnes

Petitioner-Appellant

Case No. 3:16-cv-0798-SMY

v.

FELICIA ADKINS
WARDEN, DANVILLE CORRECTIONAL CENTER

Honorable Staci M. Yandle,
Judge Presiding

Respondent-Appellee

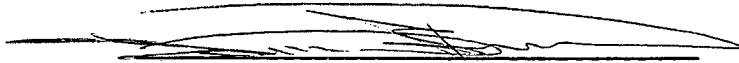
Entry of Appearance

Here comes the Petitioner, Diamond LaNeil Barnes, who voluntarily enters a "GENERAL APPEARANCE" before the SUPREME COURT OF THE UNITED STATES in this cause on January 17th, 2024.

SIGNED & SWORN TO BEFORE ME THIS

17th DAY OF January, 2024.

I declare under penalty of perjury, 28 USC § 1746(2) (WEST 2024), that the foregoing is true and correct.



AFFIANT'S SIGNATURE

Executed on January 17th, 2024.

CERTIFICATE OF SERVICE

Please take NOTICE that I, Diamond LaNeil Barnes, has sufficiently performed "service of process" on an "Entry of Appearance", with one(1) authentic copy sent to the Deputy Clerk, and one(1) authentic copy sent to the Respondent(s) counsel of record, as listed below:

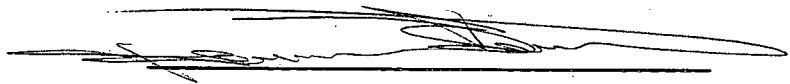
SUPREME COURT OF UNITED STATES, c/o Deputy Clerk - Scott S. Harris, 1 First Street, NE, Washington, D.C. 20543-0001

Office of the Attorney General, State of Illinois, c/o Assistant Attorney General - Eldad Z. Malamuth, 100 West Randolph Street, 11th Floor, Chicago, Illinois 60601

via United States Postal Service, First(1st)-Class Certified Mail, as required by Supreme Court Rule 29 (WEST 2024), on this 17th day of January, 2024, with sufficient pre-paid postage conveyed before 2359 hours (Central Time), from the commercial-address of Danville Correctional Center, c/o Diamond L. Barnes S11728, 3820 East Main Street, Danville, Illinois 61834, to be promptly delivered to the above-entitled personnel.

I certify, under penalty of perjury, 28 USC § 1746(2) (WEST 2024), that the foregoing is true and correct to the best of my knowledge & belief.

Executed on January 17th, 2024



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DIAMOND LANEIL BARNES,

Petitioner,

vs.

JEFF HUTCHINSON, et al,

Respondents.

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Case No. 16-CV-798-SMY

ORDER

YANDLE, District Judge:

Petitioner Diamond LaNeil Barnes, an inmate of the Illinois Department of Corrections, has filed several motions in this closed habeas matter: Motion to Alter Judgment (Doc. 86), Motion for Leave to Proceed *in forma pauperis* (Doc. 89), Motion to Set Aside Judgment (Doc. 90), Motion to Waive (Doc. 91), and Motion for Entry of Default (Doc. 92).

In July 2016, Barnes filed a habeas petition challenging his sentence under 28 U.S.C. § 2254. After the issues were fully briefed and considered, the Court denied Barnes' Petition as untimely and dismissed this case in April 2017 (Docs. 29, 35). Barnes filed a Notice of Appeal on June 23, 2017 (Doc. 43). The Seventh Circuit Court of Appeals issued Mandate in January 2018, dismissing Barnes' appeal on the merits, finding that his Petition was "plainly untimely" (Doc. 66-1, p. 1).

An appeal having been taken and dismissed, all issues having been disposed of and with the case now closed, this Court lacks jurisdiction to rule on Barnes' motions. Accordingly, the motions (Docs. 86, 89, 90, 91, and 92) are **DENIED**.

In light of Petitioner's persistence in improperly filing motions in this closed case, the Court **CAUTIONS** him against filing any motions under this civil case number in the future. Failure to heed this warning may result in sanctions, including revoking Barnes' filing privileges.

IT IS SO ORDERED.

DATE: February 8, 2023



STACI M. YANDLE
United States District Judge

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 23, 2023
Decided October 31, 2023

CERTIFIED COPY



Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 23-1361

DIAMOND L. BARNES,
Petitioner-Appellant,

v.

FELICIA ADKINS,
Respondent-Appellee.

Appeal from the United States District
Court for the Southern District of Illinois.

No. 16-CV-798-SMY

Staci M. Yandle,
Judge.

ORDER

Years after unsuccessfully challenging his murder conviction under 28 U.S.C. § 2254, Diamond Barnes filed several motions under Federal Rule of Civil Procedure 60(b) and other provisions. The district court denied them, and Barnes has filed a notice of appeal and an application for a certificate of appealability. We have reviewed the orders of the district court and the record on appeal and find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). In 2017, we called the underlying petition “plainly untimely.” No: 17-2326 (7th Cir. Nov. 16, 2017). A Rule 60(b) motion in the district court, filed in 2022, cannot undo the timeliness deficiency.

Accordingly, the request for a certificate of appealability is **DENIED**. Barnes’s remaining motions are **DENIED**.

United States Court
Southern District of Illinois
seated in
East Saint Louis, Illinois 62201

Diamond LaNeil Barnes	>	Equitable challenge to § 2254
Petitioner	>	Federal Habeas Corpus Suit
	>	
v.	>	Case No. 3:16-cv-0798-SMY
	>	
Felicia Adkins, Warden	>	Honorable Staci M. Yandle,
	>	Judge Presiding
Danville Correctional Center	>	
Respondent	>	

Rule 60(b)(6)
Motion To Re-Open Judgement

INTRODUCTION

Under any other reason that justifies relief, Fed.R.Civ.Proc. 60(b)(6) (WEST 2022), here comes the Petitioner, Diamond LaNeil Barnes, who solemnly declares to the Respondent, Felicia Adkins (Warden of Danville Correctional Center), that the § 2254 Federal Habeas Corpus Suit, nunc pro tunc, was not procedurally-barred by the § 2244 one(1)-year statute-of-limitation(s), Wilson v. Battles, 302 F.3d. 745, 746-748 (7th cir. 2002)(holding no. 1). (Doc. 1875)(Doc. 1893)(Dist. doc. 1). On "cause" of this extraordinary circumstance, Buck v. Davis, 137 S.Ct. 759, 777-780 (5th cir. 2017), of an "intervening-change-in-the-law" announced on June 23rd, 2022, the NOVEL United States Supreme Court landmark opinion of, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), has finally recognized fundamental 2nd Amendment Right(s) To Bear Arms "beyond the home"; for a class of conceal-carry handgun licensees, whose act(s) & omission(s) are in-fact committed "with[] lawful justification" (C. 112)^b during the public

use-of-force of a provoked homicide.

JURISDICTION & VENUE

The Southern District Court of Illinois is hereby judicially-vested with ORIGINAL JURISDICTION over this subject-matter to hear, determine, & adjudicate these live justiciable matter(s) in-controversy within this Rule 60(b)(6) Motion To Re-Open Judgement, pursuant to Article 3, Section 2, Clause 1 of the United States Constitution.

Invocation of this subject-matter jurisdiction is duly limited within 28 U.S.C. § 1331 (WEST 2022), to seek a Rule 60(b)(6) Motion to Re-Open Judgement of a procedurally-barred § 2254 Federal Habeas Corpus suit in case no. 3:16-cv-0798-DRH-CJP.

Petitioner, Diamond LaNeil Barnes, in his own proper person (Pro-Per) sui juris under the 14th Amendment Citizenship-Clause (U.S.C. Const.Amend. 14, cl. 1), is a State-citizen of Missouri, last-addressed at 3527 Sugarcrest Drive, Apt. F., Saint Louis, Missouri 63033; and United States of America (USA) National-citizen via birthright, U.S. v. Wong Kim Ark, 18 S.CT. 456, 459-481 (9th cir. 1898), of Choc[taw] Indian-descent and nationality.

Petitioner Diamond LaNeil Barnes voluntarily enters a " GENERAL APPEARANCE " before the Southern District Court of Illinois on November 29th, 2022.

Respondent Felicia Adkins[], in his representative-capacity as the Warden of Danville Correctional Center, is a corporate-agency chartered to the ILLINOIS DEPARTMENT OF CORRECTIONS, conducting its head-quartered business at 1301 Concordia Court, P.O. Box 19277, Springfield, Illinois 62794-9277; premonitizing the same general entry of

appearance by the Office of the Illinois Attorney General.

This gateway plea of [f]actual innocence, *McQuiggen v. Perkins*, 133 S.Ct. 1924, 1927-1932 (6th cir. 2013)(held, *Escamilla v. Jungwirth*, 426 F.3d. 868 [] (7th cir. 2005)³, abrogated), has been plead to overcome ATEDPA's^a one(1)-year statute-of-limitation(s), *House v. Bell*, 126 S.Ct. 2064, 2075, 2081-2032 (6th cir. 2006), cumulatively expending on 273 untolled days (doc. 1875)(doc. 1893)(dist. doc. 1), per *Wilson v. Battles*, 302 F.3d. 745, 746-748 (7th cir. 2002)(holding no. 1).

STATEMENT OF FACT(S)

On May 2nd, 2009, a law-abiding citizen known by the name of Diamond LaNeil Barnes was charged with 1st degree murder for the alleged provoked-homicide of Marcus Anthony Shannon, a 23-year old black male, at 1104 W. 9th Street in Alton, Illinois, after several fusillated gunshot(s) were supefluously fired into the dwelling (R. 6-7) of this residential duplex home. The alleged culprit was said to be the former native of the Alton community, Defendant Diamond Barnes.

With this case proceeding to trial on two(2)-counts of trumped-up charges of murder in its highest degree, this case was assigned case no. 2009-CF-1059, and presided-over by the Honorable Associate Judge James Hackett. The accused defendant, Diamond Barnes, plead several affirmative-defenses (ie., use of force in defense of person(s) --- [self & others], use of force in defense of dwelling, compulsion, necessity, and ignorance or mistake) during this bench-trial that commenced on October 25th, 2010. (C. 145-146).

^a The acronym "ATEDPA" has the meaning ascribing the "Anti-Terrorism & Effective Death Penalty Act of 1996". The acronym "HC" has the meaning ascribing "Habeas Corpus".

^b Any citation(s) to the COMMON-LAW RECORD(S) eg., (C. ___), and REPORT-OF-PROCEEDING(S) eg., (R. ___) are incorporated-by-reference from disposition(s) of criminal case no. 2009-CF-1059, the principal case-in-chief.

While serving his country HONORABLY as a United States Navy Veteran, Defendant Barnes exercised his right to pursue an "all-or-nothing" defense during this trial, to the extent that he be only found guilty of 1st degree murder, or not-guilty of 1st degree murder. No lesser-included offense(s) were at the court's discretion to consider the reckless-nature of this provoked homicide.

On October 26th, 2010, the accused United States Navy Veteran was convicted of 1st degree murder, for no other reason than not legally being able to justify a public homicide in self-defense "beyond the home" (emphasis added). (C. 112) (R. 459-460)(R. 461-462)(R. 624-625). On "cause" of Illinois' unconstitutional blanket-ban on the carriage of fully-operable firearms in-public², Diamond Barnes was sentenced on April 8th, 2011, to serve an determinate-term in-custody of the Illinois Department of Corrections at 100%.

Irrespective of the testimonial-facts illicitated at Mr. Barnes' trial, on direct appeal, the Fifth(5th) District Appellate Court of Illinois "did not" hold that the evidence was sufficient to support a guilty verdict of 1st degree murder, but rather, the State reviewing court OFFICIALLY held (emphasis added) that the evidence was sufficient to find beyond a reasonable doubt that murder was not committed in self-defense. (R. 512-513). Where identity has remained a central-issue at trial, the ambiguity of whether the evidence warranted sustaining a conviction for murder in its most-egregious degree was never adjudged by the State reviewing court(s). As of present-day, there is no case law on all-fours, State nor federal, that sustains a 1st degree murder conviction under these underlying facts of circumstantial evidence clearly undermining the integrity of the Peoples' absurd jurisprudence.

With the status-quo of America's economy being at its worst since the stock-markets crashed during the 1st Great-Depression in the early/mid 20th century, The PEOPLE OF THE STATE OF ILLINOIS embellished the financial-status of Diamond Barnes' motivational-intention(s) for his extended presence at the Shannon's residence during the midnight hour(s) of Saturday, May 2nd, 2009. On numerous occasions found in the

record before this court, outlandish assertions defied the Barnes entourage^A practical intention(s) of which were to "reassure the well-being of their family matriarch" (R. 538-553)(R. 467-468)(R. 512). The PEOPLE OF THE STATE OF ILLINOIS knowingly impoverished this young black man (R. 486), well-spoken for, with a broad-brush.

The State's theory asserted in its opening-statement during this trial was that the Defendant Diamond Barnes came home to secure the benefit(s) of his maternal grandmother's social security (SSI) check for his own benefit because he was cash-poor with only \$2.xx and some change in his pocket. Despite these insinuations, Diamond Barnes, known to be a "plastic-man who kept very little cash on his person", had "more than enough" financial means to keep himself and his mother's household financially afloat. Being one phone call away, Diamond Barnes would send monetary subsidies (as needed, on request), as a resilient measure to overt the stringent economic inflation. (R. 486). Just preceding these murder charges, Diamond Barnes was no stranger to working hard for his money, holding an occupational-title as a "Cleared ('classified' security clearance) Insulator" (although an Electrician by-trade). As a full-time independent contractor and small-business owner, Defendant Diamond Barnes' rate of pay towered at \$26/hour, annually grossing well over \$83K/yr --- living a lavish lifestyle well-below his financial means.

Upon returning home for his 23rd birthday (May 1st), Diamond Barnes' 2-week layover vacation back in his hometown vicinity visiting family, friends, and relatives throughout the St.Louis Bi-State region (R. 439-440)(R. 537-540) was not due to an insurmountable societal-oppression evidenced (R. 155)(R. 529-531) in this nation's 2nd most-ravishing recession and economic crisis. Notwithstanding his adolescent hardship(s) overcame as an emancipated-minor, reports confirm that the Defendant Diamond Barnes' character was immaculate, serving his country HONORABLY in the U.S. Navy, possessing a mild-tempered reputation as an academic scholar. However, contrary

^A The "Barnes entourage" consists of 1) Effie "aka Bessie" Barnes, 2) Ralph Barnes, 3) Bradley Warren, and 4) Diamond Barnes, respectively.

to Diamond Barnes' reputation of peacefulness, the deceased spouse, Donna Shannon, clearly out of brute hatred, pegged Defendant Diamond Barnes as the " devil " (R. 194), despite her criminal-history as a convicted forger.

Hitting the highway on Thursday, April 30th, 2009, at approximately 1800 hours, Diamond Barnes (a dual-resident of the Several-States' of Virginia^B-Missouri^C, and citizen of the State of Missouri) departed his messuage (home) in the Commonwealth State of Virginia, City of Virginia Beach^B, locomoting in his personally-owned 1990 Mercury Grand Marquis GS, who was destined for St. Louis, Missouri; lawfully concealing (gun holster upon his person) and traveling w/ accoutrement(s) of a personally owned, registered, & licensed (C. 112) 9MM Taurus 24/7 P/T Pro Semiautomatic Firearm (serial no. TZL73982) throughout the Several-States' of Virginia, West Virginia, Kentucky, Indiana, and Illinois. During his interstate ingress/egress, Defendant Diamond Barnes declares that this fully-operable firearm was securely-concealed " under the arm-rest over the road, but lawfully concealed in his waist gun-holster (upon his person) when in-public " (R. 510). As a welcomed-visitor traveling west-bound on United States Interstate-64, his travels would not make it back home to the State of Missouri, just outside the City of St. Louis (Florissant).

He did, however, pre-arrive just East of the Bi-State region (ie., Missouri-Illinois), with the typographic Mississippi River dividing the Several-States' of Missouri-Illinois, where there lies the historic Township of Alton, Illinois (R. 438).

^B Diamond Barnes' temporary residence, for " occupational-purpose(s) " was in the Commonwealth State of Virginia: 3034 Green Garden Circle, Apt. 201, Virginia Beach, Virginia 23452.

^C Diamond Barnes' citizen(home) State of residence, was in the State of Missouri: 3527 Sugarcrest Drive, Apt. F, Florissant (St. Louis), Missouri 63033.

½ Pre-existing " fundamental " Second(2nd) Amendment Constitutional Right(s) has just recently been established, recognized, and conferred on law-abiding individuals such as Diamond Barnes, who was a conceal-carry licensee (C. 112), in the NOVEL landmark-opinion of, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), to BEAR ARMS beyond the home,

In this enclave, it was unlawful for even the most-modest of law-abiding citizens to possess and carry arms " 'outside' the home [at 1104 W. 9th Street in Alton, Illinois] ", that were fully-operable (i.e., loaded for self-defense purpose(s)). Upon Diamond Barnes' arrival in the State of Illinois on Friday, May 1st, 2009 (Barnes' 23rd birthday), he did not know of Illinois' status-quo on the statewide ban on carrying any fully-operable (i.e., loaded) firearm openly/concealed upon ones person outside of their home and/or vehicle.

Between 1300-1430 hours on Friday, May 1st, 2009, Diamond Barnes arrived at his mother's place of residence in Belleville, Illinois, where he rendezvoused with his mother and siblings for a short while. Around 1400 hours, Diamond Barnes' mother, brother, and himself thought it prudent to inquire about their matriarch's well-being, because it had been quite some time since Diamond Barnes, or the rest of his family had seen their beloved Hattie Mae Matlock (Diamond Barnes' maternal grandmother).

So Defendant Barnes and his family entourage^A (without Bradley Warren) decided it best to visit her with open-arms and pleasantries; but initially, no one in the Barnes entourage knew exactly where Hattie Matlock was residing. The only thing the Barnes entourage knew was that she was staying with Donna [Shannon] somewhere in the small town of Alton. Now Diamond Barnes' mother and brother had known Donna Shannon personally (as Donna and her husband Marcus Shannon had resided with Bessie for several months until they were able to muster-up enough finances to get into a home of their own), but Diamond Barnes had not known Donna or Marcus at all. Being familiar with the area, after asking around town about Hattie's whereabouts, to no avail, Diamond Barnes' mother called an old friend of our family, Izetta McGowan (whom the Barnes Brothers knew), to find out exactly where Bessie's mother was residing.

as-applied within the Several-States , McDonald v. City of Chicago, 130 S.Ct. 3020, 3046-3048 (7th cir. 2010). See, VA.Code Ann § 18.2-308.014(A) (WEST 2022); 20 Ill. Adm.Code § 1231.110(b) (WEST 2022), withstanding its public-safety exception(s) thereof.

² Public Act 91-0690 received negative treatment in, Moore v. Madigan, 702 F.3d. 933, 936 (7th cir. 2012), Petition For Rehearing denied en banc by, 708 F.3d. 901,

Around 0530 hours, we finally found our family matriarch, in which she appeared to be in deplorable condition (physically, emotionally, & psychologically). Without hesitation, Hattie Matlock invited us (Bessie, Ralph, and Diamond) into the Shannon's residence at 1104 W. 9th Street in Alton, Illinois, where she obliged us to make ourselves at home. Immediately, Hattie then commences to tell her daughter Bessie about her atrocious living condition(s) under the hospice-care of Donna Shannon, as an elderly senior-citizen at the Shannon's residence. According to the trial record(s), Hattie Matlock did not testify at the October 2010 trial, nor did her testimony become a relevant and essentially material part of the admitted evidence in the prosecution's case-in-chief.

After a lengthy discourse with the family matriarch, the Defendant Diamond Barnes falls asleep on the living-room love-seat couch at the Shannon's residence. When he finally awakes approximately between 1900-2000 hours, he notices a home full of children, with a familiar face on the other side of the living-room. It was a woman, Sherice Hill, someone that Diamond Barnes had attended high school with. After a corzial exchange of greetings, Diamond Barnes proceeds to the front porch where he sees Izetta McGowan and a childhood friend, Bradley Warren, who was a neighbor of the Barnes family when they resided in Oakwood (an apartment complex near uptown-Alton). While Diamond slept, Ralph Barnes had picked Bradley Warren up once he informed him that we were in town. Meanwhile, Diamond's mother Bessie is conversing with Izetta McGowan on the front porch, while Ralph, Bradley, and Diamond are doing the same (on the front porch). Purveying a very distinctive-scent, a black-and-mild cigar is being exclusively enjoyed by Bradley Warren on the front porch of the Shannon's, while we mingle and reminisce about some good-times we enjoyed as childhood youth.

at 934 (7th cir. 2013); thereafter ruled unconstitutional in, *People v. Aguilar*, 2013 IL 112116, ¶ 19.

³ *Eastridge v. United States*, 372 F. Supp.2d. 26, 33, 44-45 (D.C. cir. 2005) (holding nos. 1 & 2).

This was a mellow antidote to Bradley Warren's uneasiness during a nationwide economic crisis we were nationally attempting to rebound from. Besides that, no other member of the Barnes entourage was under the influence of any drugs, narcotics, or alcoholic beverages during the 2000-0100 midnight hours that we were catching-up with each other's lives. Coming home, Diamond Barnes had not seen his brother Ralph in over 2 years because he had just gotten out of prison in the State of Texas. The Defendant Diamond Barnes also hadn't seen his grandmother Hattie in over 3½ years, although he'd come home 2-3 (maybe 4) times a year, for a duration of 3-4 day weekend escapades. Whether flying or driving, Defendant Diamond Barnes stayed on the move... here 1 day, gone the next.

As ironic as it occurred, somewhere between Diamond Barnes awaking on the couch and conversing on the porch, someone called a guy (not known at the time) who, not long after awakening, had appeared to be checking on things at the residence. He was a big-guy, on his cell-phone, talking to someone Diamond thought was perhaps the tenant of the residence. Not known at the time, but this big guy's name was Paul Lunsford (Donna's brother), and Paul Lunsford was speaking with Donna Shannon on his cell-phone. According to Donna Shannon's Alton PD interrogation(s), she asked Paul Lunsford to tell us (the Barnes entourage) to leave her premises. After surveilling the premises, Paul seen that there was no rift or commotion going on at the Shannon's residence, so instead of following Donna's order(s), he told us (the Barnes entourage) that " we were good " as long as we weren't intruding into any bedrooms, etc., and limited our movement(s) only within the common-areas of the home (ie., living-room, bathroom). This was relayed to the Barnes entourage (not in these exact words), but the message was clear. Paul Lunsford, nor anyone else, asked the Barnes entourage to leave the premises (R. 343)(R. 447)(R. 450) at 1104 W. 9th Street in Alton, Illinois. Paul Lunsford asked why we were there, and we told him to visit our [grand]mother. (R. 91-92). Paul never relayed to us (the Barnes entourage) that Donna demanded that we leave her residence (R. 282)(R. 341-343)(R. 338)(R. 248). Despite this dilemma, Paul Lunsford testimony never became a part of the record at trial, as he failed to testify.

Upon returning from the movies, Kenyatta Smith (Donna Shannon's daughter), phoned her mother Donna, accusing the Barnes entourage of smoking marijuana. Kenyatta then gives her cell-phone to her Aunt Sherice Hill, whom Donna Shannon conveyed her same demands to her sister Sherice that she did to her brother Paul. Neither of which followed those demands, because Sherice Hill never verbally requested that the Barnes entourage leave the premises either, according to her trial testimony (R. 343)(R. 447) (R. 450) the night of the incident. (R. 303).

Kenyatta's Aunt Sherice Hill never gave the telephone to Defendant Diamond Barnes to personally speak with Donna Shannon (R. 341-343)(R. 282) at no time during these domestic affairs. Diamond Barnes was not the phone-call recipient that Donna Shannon proclaimed to have spoken with (R. 334)(R. 248) prior to her arrival home on Saturday, May 2nd, 2009, around 0130 hours. Defendant Diamond Barnes reasonably believes that Donna Shannon may have spoken with his mother, Bessie Barnes, at some point during this malay, but it definitely wasn't the proclaimed Defendant, Diamond Barnes, she has sworn to have spoken to during the October 2010 trial.

On the front porch of the Shannon's residence, the Barnes entourage never refused to leave the Shannon's premises because we (the Barnes entourage) were never asked to leave the premises in the first place. (R. 450). According to the trial transcript, Hattie Mae Matlock was home-alone when the Barnes entourage arrived at the Shannon's residence. Auntie Sherice Hill had taken the children to the movies. Apparently, the Shannons (Donna and Marcus Shannon) and Donna's sister Lajuana McGowan were splurging on Hattie Mae Matlock's SSI money at the Lumiere Casino (R. 36), while Hattie remained unattended-to for several hours. No one cooked for her, no one bathed her, and no one assisted her in her bathroom bowel-movement(s). On the strength of the Barnes brother's mother, Bessie, the inquiry about her well-being with the authorized caretaker, Donna Shannon, is the exclusive reason why Bessie wanted to stay at the Shannon's until Donna arrived home. Since they were never asked to leave the premises, the Barnes entourage did just that, albeit past the midnight-hour.

Shortly after 0100 hours on Saturday, May 2nd, 2009, the Shannon's arrive home with screeching tires pulling into the driveway. (R. 43-44). Donna Shannon attested that she seen Bessie, her 2 sons, and Izetta McGowan on her front porch. Donna Shannon hears the Barnes entourage laughing amongst themselves. She immediately gets out of the car yelling and fussing at Bessie. No one in the Barnes entourage really knew why Donna was having a temper-tantrum with Bessie Barnes, but for whatever reason, the Barnes entourage did not seem to be welcomed or invited guest at the Shannon's residence (R. 472-474)(R. 511)(R. 505-506), according to Donna Shannon (the caretaker of Diamond's grandmother, Hattie Matlock) and her antics upon arrival home. (R. 189)(R. 475)(R. 473-474). Once Izetta McGowan heard Donna Shannon bickering, she uttered " up, time to go! " Izetta McGowan immediately got in her car and fled the scene.

While Diamond is conversing with Bradley and Ralph about his escapades in Virginia, Donna insists that the Barnes entourage were laughing at her. If they were laughing, it was their commentated memories of the stories told amongst themselves that were soo humurous. No one in the Barnes entourage knew why Donna became offended by the Barnes' entourage joyous occasion, but no one in the Barnes entourage were laughing at her (R. 450). While Donna was yelling and fussing at Bessie, other doors to the car were shut (as Defendant Diamond could hear more than 1 door shut), but Defendant Barnes never turned around to see who all actually got out of Donna's car (R. 324). In the middle of conversing with his brother Ralph and friend Bradley, Donna continues to yell, fuss, and bicker at Bessie when an unidentified female storms into Donna's residence gathering children in the living-room, expeditiously escorting them to the back of the dwelling. Unbeknowest to Diamond Barnes at this time, this unidentified female was Donna Shannon's little sister, Lajuana McGowan (someone Diamond also went to middle & high school with). Lajuana McGowan greeted no one, as if she knew it was some tension about to boil-over with her older sister Donna and these[]estranged guest(s).

In this same instance, Defendant Diamond Barnes hears the rumble of soda-cans from behind him, as if it's coming from the side of the duplex home. Diamond takes note of the rumbling soda-cans, but pays it no mind by continuing to mingle with Ralph and Bradley. Not even 30 seconds since the Shannon's had gotten out of the car upon arriving home, with all of this transpiring, a feasible conversation between Donna and Bessie went horribly wrong (R. 550-554) when Donna's husband, Marcus Shannon, (in an excess show-of-force) ambushed the front-porch living quarters toting unidentified objects in both hands, barking " sounds like a muthafuckin problem to me " (R. 326). Once Donna's husband jettisons from around the side of the building, clothed in a black-hoodie, he storms the front-porch with these unidentified objects in his hands.

At that moment, Donna Shannon's husband antagonization(s) of Diamond and his entourage reasonably became an imminent threat of death or great bodily harm. Contemporaneously, the conversing amongst the Barnes entourage ceased once Donna's husband batters Bradley Warren's stomach with these objects, asking Bradley why he was being disrespectful (R. 327). Defendant Diamond Barnes did not know what was in this dude's hand(s) at that moment, until Bradley desisted and brushed Marcus' hands from his stomach. In aggravation, Marcus became enraged by Bradley Warren's boldness and stood every member of the Barnes entourage directly at gun-point, by intentionally waving what Diamond had finally seen were these 2 deadly firearms --- 1 in each hand. (R. 462)(R. 477)(R. 477-480). According to the Illinois State Police (ISP), these firearms were a 9MM Makarov Baikal IJ-70 Semiautomatic Pistol, and a .22 H&R 929 Long Rifle Revolver.

While peacefully-assembling amongst themselves upon the curtilage of the premise(s) at 1104 W. 9th Street, the Barnes brothers found themselves staring down the barrel(s) of 2 deadly firearms wielded by this maniac. Without contemplation, the Barnes brothers threw their hands up in the air. Defendant Diamond, inter alia, quickly told Donna's husband that we weren't hear to hurt anybody, and that we [the Barnes

entourage] came in peace! Donna hysterically screams out an excited utterance that explicitly resonated, " oh my god, he's [her husband, Marcus] got a gun! ", (R. 327)(R. 195). Immediately, upon impulse, as her sister Lajuana McGowan was gathering the kids in the living-room, Donna Shannon fled into the front door of her home to assist in escorting the children to the back of the interior of the home for safety (R. 196-197). Meanwhile, her deranged husband, Marcus Shannon, is assaulting the Barnes entourage with 2 deadly firearms (R. 474-479)(R. 513-514) on the front porch of his wife's home, knowingly against the peace & dignity of the People of the State of Illinois.

Let the colloquies of the record in criminal case no. 2009-CF-1059 speak for itself, courtesy of the only credible eye-witness to these events, Bradley Warren:

REPORT OF PROCEEDING(S)

October 26th, 2010

DIRECT EXAMINATION

Line 1 through 11

(R. 450)

Q. Was she asking anybody to leave?

A. No, I don't think so. I mean, she was just yelling. I don't know everything that she was saying, but --

Q. She doesn't tell anyone to leave or tell them to come back another time or anything like that?

A. No, I don't think so. I don't remember that. I don't remember her saying leave or nothing like that. I know she came up there just yelling. I don't really know what too much she was yelling about.

Line 2 through 10

(R. 452)

Q. All right. And what's the next thing that you see or hear?

A. Marcus walks up--got out the car, walked up on the side of the house and I heard a click, so I thought instantly he was cocking his weapon, you know. And he came back around the building, came up on the porch, put the gun on everybody.

Q. Okay.

Line 12 through 16

(R. 452-453)

Q. I just want to stop you. So Marcus comes up onto the porch and you see something in his hands?

A. Yeah

Q. What do you see?

A. He had two guns.

Q. All right. Did you see what these guns looked like?

A. They was dark.

Q. They were dark?

A. Yeah

Q. They weren't shiny?

A. No

Q. All right. And he walks up -- he walks up to you, or who does he walk up to first?

A. He walks up to him first.

Q. Okay

A. Like, [] I think his brother first. He put -- he had the guns aimed at his brother first.

Q. He's holding them in his hands at this point?

A. Yeah. Like this (indicating).

Q. He walks over to you and what does --

A. He walks -- at first he had the guns on everybody. He went around to everybody and had the guns on everybody. Then he came over to me and put the guns to my stomach and was, like, how you going to disrespect me like that, and stuff like that.

Q. You knew Marcus?

A. Yeah

Line 2 through 19

(R. 454)

Q. And you weren't looking for any trouble.

A. No

Q. And what do you do when he's got those guns in his hand? What did you do?

A. I like -- like pushed him like this (indicating). I pushed his hands away from my stomach because I thought he was going to try and shoot me or something. So I did like this (indicating).

Q. You didn't run or jump off the porch?

A. No.

Q. You just pushed him away?

A. Yeah. I just did like this (indicating).

Q. What did you see Marcus do after you push the guns away from your stomach?

A. He like backed up, tripped and fell into that door right there.

Q. Okay. He falls into the door?

A. Yeah.

Line 1 through 2

(R. 458-459)

Q. All right. And I just want to take you back before you -- when you

saw Marcus Holding his guns in his hands, did you --, you said one was a revolver you thought?

A. Yeah.

Q. And one was a handgun?

A. Yeah.

Q. Or an automatic. Did you notice anything about the handgun?

A. When he had the gun to my stomach he must have raised it too high. I know the automatic didn't have no clip in it.

Q. You saw that.

A. Yeah.

Q. Okay. And then you pushed them away and he doesn't shoot those guns.

A. No

Q. And then that's when he fell, and then you saw the defendant take out his -- or shoot his gun.

A. Yeah.

Q. Okay. Do you hear anyone laughing when this is happening?

A. No.

CROSS-EXAMINATION

Line 5 through 12

(R. 462)

Q. So when Marcus brandished both his fire guns -- firearms and put them to your chest, did you see Diamond Barnes with any firearms at that time?

A. No.

Q. And at what point did you see Diamond Barnes brandish his firearm?

A. After he fell in the door.

Q. No further questions.

RE-DIRECT EXAMINATION

Line 14 through 20

(R. 462)

Defendant Barnes: No further questions, your honor.

The Court: Anything on that?

Ms. Summers: No, your honor

The Court: Okay, sir. Thank you. That's it. What next?

NO RE-CROSS EXAMINATION

(R. 462)

With Marcus' 2 guns in the face of the Barnes brothers, Ralph Barnes was the individual on the porch who explicitly uttered, " whoa, whoa, whoa, it [ain't] gotta be like this! (R. 475)(R. 323-324). With Donna's Husband knowingly refusing to take heed to the warning to stand-down and defuse the situation, in a split-second, Ralph Barnes brazenly grabbed Marcus, who was imminently wielding these deadly firearms in both hands (R. 365). What appeared to be grappling between the two men not even 15 seconds after staring down the barrel of these apparently deadly firearms wielded by the deranged Marcus Shannon, was what Diamond Barnes thought to be a tussle-attempted by Ralph Barnes to grab hold of Marcus' gun-wielding hands.

Ralph Barnes testified at this trial that he struggled with Marcus Shannon as Marcus held two(2) guns in his hands. (R. 365). Ralph Barnes' attestation(s) were that Marcus actually had these 2 guns pointed at his chest as they fell to the porch. In fear of imminent death or great bodily harm, Ralph Barnes testified that he feared for his life. At the inception of this grapple/tussle between the 2 men hereinmentioned is when Defendant Diamond Barnes drew his fully-concealed 9MM Taurus handgun (C. 112) from his waist-holster, recklessly thinking enough-is-enough! Seeing that these domestic affair(s) have gotten too far out-of-hand, Bessie Barnes steps away from the porch into the yard during this grapple/tussle that lasted less than 5 seconds. (R. 513-514).

Due to Donna Shannon's timidity, who had fled the scene of the front-porch once she witnessed her deranged husband turn these 2 deadly firearms on the Barnes entourage (R. 532-534), she and the living-room full of children had already scurried to the back of the messuage. Donna Shannon's trial testimony belies the record, as she was not an eyewitness to the grapple/tussle, nor to witnessing one of Bessie's sons brandish an apparently shiny-flashing gun on her front porch. (R. 196-197). Her presence during this attempted massacre orchestrated by her psychotic[] husband did not personally reappear to desist or intervene in her husband's propensity for violence (R. 462), where Donna Shannon's eyes stayed concealed, but her ears frustratingly-lingered. What Donna Shannon heard on that front-porch (R. 197-198), was what her eyes had never seen.

While listening, Donna Shannon did in-fact hear someone's voice say, " whoa, whoa, whoa, it [ain't] gotta be like this! " Apparently, this was not the voice of her husband [Pooh], but of Ralph Barnes, according to his trial testimony. (R. 514-516). Unthinkably, Donna Shannon could not fathom calling the police behind a wave of events that she had intentionally instituted. As her person remained in the back interior of her residence, calling the authorities on her vicious husband after witnessing what stunt(s) her husband had connived by imminently threatening death & great bodily harm upon committing a felony assault & battery (R. 509-510) on the Barnes entourage obviously wouldn't serve her best-interest. In this instance, Donna intentionally refused to call the police.

When Marcus Shannon and Ralph Barnes stumbled and fell into the doorway of the residential-home, Marcus became bewildered and distraught of seeing Bessie's other son (who he did not know) in apparent possession of a firearm himself. In an attempt to tuck his tail and flee, Marcus retreated just inside the interior of the living-room doorway still wielding these 2 deadly firearms in both hands. Instead of dropping these 2 firearms on the porch or just inside the doorway where he stumbled and fell, Marcus knowingly crouches behind the recliner-chair that Diamond's Grandmother, Hattie Mae Matlock, patiently sat in. (R. 329)(R. 330). In detailing the course of

this investigation, narrative declaration(s) of these event's past affairs in Alton PD's interrogation and trial testimony of Defendant Diamond Barnes suggests his state-of-mind during this altercation alluded to presumptively " firing 'reckless' shot(s) over-the-top of the couch (that his grandmother sat in) to disarm the perpetrator, Marcus Shannon (R. 514-515)(R. 532-534); whom Diamond Barnes reasonably believed was loading the weapons in a " crouching-position ", just 'inside' the interior of the rented duplex home at 1104 W. 9th Street in Alton, Illinois " .

According to the trial transcript, Defendant Diamond Barnes recklessly fired 2 or 3 shots over-the-top of the recliner chair were Marcus had taken cover. Being unaware that the perpetrator had or had not been shot (R. 347), the chaotic-thunder of gun fire was enough to ration with Defendant Barnes' reckless and consequential risk(s) of these turn-of-events. He then turned to flee the dwelling. Once outside, and the Barnes entourage were [] safely inside Defendant's 1990 Mercury Grand Marquis, defendant apparently fired 2 or 3 more reckless shots (R. 331) towards the Shannon's residence before they drove away. Not long thereafter, the Barnes entourage was apprehended by authorities of joint-precincts. The alleged weapon that was allegedly used during this provoked homicide was recovered on the Defendant Diamond Barnes' person when detained by authorities.

Upon Donna Shannon's re-emergence into the living-room once fusillated gunshot(s) were superfluously fired into the dwelling (R. 6-7) no longer rang out, the casualty she expected of members within the Barnes entourage was not indeed limpid, once Donna observed her beloved husband, Marcus Shannon, poorly-attempting efforts(s) of self-resuscitation, from apparent " gunshot wound(s) to the chest ". (R. 221). As described by eye-witnesses, Marcus Shannon was in a " crouching-position " on the side of the recliner chair (R. 479-480)(R. 478-479)(R. 514-515) when he was allegedly struck by gunfire, although defendant has attested that he did not consciously have knowledge of apparent bullet projectiles striking Marcus Shannon (R. 341) at any point in Donna's husband attempted-massacre on defendant's immediate family. While all.of

this transpired, Hattie Mae Matlock's presence remained effortlessly still on the living-room recliner chair (R. 514), although nerved and a bit rattled, her patience remained a virtue.

The record reveals that the Honorable Associate Judge James Hackett's minutes reflect his findings as the trier-of-fact that (1) all of the Defendant's eye-witness[es] trial testimony were incredible (R. 12), while (2) all of the State's lay-witnesses such as Donna Shannon, Kenyatta Smith, Sherice Hill, Lajuana McGowan, Destiny Griffie, and all of the children that were in the home that night were not eye-witnesses to these affairs (R. 311-327)(R. 341-342)(R. 257), but only regurgitated at trial what they " heard " and were " told " by a third-party convicted forger, Donna Shannon. (R. 195) (R. 491-493)(R. 485)(R. 193);were arbitrarily & capriciously credible.

While Diamond Barnes had both of his hands up in the air on the porch (R. 476) at the height of this attempted-massacre, the record is clear that Ralph Barnes was the individual who explicitly uttered, " whoa, whoa, whoa, it [ain't] gotta be like this! " (R. 475)(R. 323-324). James Hackett had found that, at that moment, Donna Shannon had already sought retreat into the interior of the home. After all, the " shiny-flash " that Donna Shannon proclaimed to have seen Diamond Barnes on the front porch with (before she fled into the interior of the home) (R. 194) when her husband ambushed the Barnes entourage was in-fact a bracelet (R. 3-61), mistaken by Donna as a firearm that Diamond brandished while she was on the front-porch the night of this incident. Judge Hackett also attests that Donna Shannon's trial testimony that she seen Defendant Diamond Barnes brandish a gun on the porch, but swears (under oath) to defy the deadly-assault orchestrated by her husband seems implausible.

With firearm-possessory identification(s) in doubt, Marcus Shannon's sister, Destiny Griffie, assert(s) that she was certain Diamond Barnes was the shooter (R. 281-282), once commercial-media caught wind of the alleged homicide. Prior to trial during an Alton PD interrogation, Destiny Griffie made no positive(+) identification(s) of the accused defendant, Diamond Barnes (R. 275)(R. 288). whom the State claimed to be a credible eyewitness to her brother's attempted-massacre.

According to report(s) of the trial court proceeding(s), Marcus Shannon was still alive when the Barnes entourage absconded the scene on May 2nd, 2009. Emergency medical technicians (EMT) confirmed that Donna's husband Marcus Shannon expired en-route to St. Anthony's Hospital in Alton, Illinois. Despite his self-provoked demise, the Defendant Diamond Barnes nor his entourage, were never asked (let alone seven or eight times) to leave her premises (R. 343)(R. 338-339), (R. 449-450)(R. 194) the night of this provoked homicide.

Belied by the record, hearsay was no stranger on identifying Diamond Barnes, as he was not the phone-call recipient when Donna Shannon called home on May 2nd, 2009, nor the culprit of Donna Shannon's fabricated firearm-possession identification(s), (R. 185-186)(R. 205-207)(R. 275). The October 25th, 2010, trial undermines her reputation as a feloniously-known forger in the State of Illinois, who did not see the Defendant Diamond Barnes with a gun (R. 462) the night her husband Marcus Shannon battered the Barnes entourage with not one(1), but two(2) apparently deadly firearms.

Her positive identification of Defendant Diamond Barnes in-possession of a firearm-agency was at best mistaken (R. 452-455), and suggestively identified, in lieu of her inability to distinguish the 2 Barnes' brothers apart by neither their name, physique, or distinguishing facial-features. For the record, Ralph Barnes is the older brother, yet Diamond Barnes is the taller and bigger brother, in terms of physique. Donna Shannon's identification(s) remain unreliable and quite honestly subject to damning speculation(s), as neither of the Barnes brothers were "laughing" at Donna Shannon (R. 524-525)(R. 506)(R. 458-459)(R. 322), nor smoking marijuana (R. 230-231)(R. 185). No proof of these allegations are evident, let alone exist, in the record before this court.

What is evident is that Bradley Warren was exclusively smoking a black-n-mild cigar, that purveys a very distinctive-scent....not marijuana! What is also evident is that Arlinda Everage was right, during her trial testimony (R. 309-310), that

Marcus Shannon wore the dark [black] hoodie she references, while Diamond Barnes wore the 2-toned (light and dark blue) illuminated hoodie (R. 287-288)(R. 234). What is clear-and-convincing is that Marcus Shannon's sister, Destiny Griffie, who is well-known for petty-theft, had been clearly oblivious to her brother's malignant deeds, while swearing under-oath that Marcus Shannon bore no firearms in ambushing the Barnes entourage in or outside of the duplex home at 1104 W. 9th Street in Alton, Illinois. Resultingly, law enforcement recovered 2 deadly firearms on the side of the recliner-chair (R. 407)(R. 388-389)(R. 395-401) where Destiny Griffie had seen her brother Marcus Shannon crouching behind Diamond's Grandmother, Hattie Mae Matlock. According to the State-Police and FBI report(s), Marcus Shannon's 2 deadly firearms were unregistered, defaced, and unlicensed.

Destiny Griffie's positive identification(s) of Defendant Diamond Barnes at the 2010 trial as the actual shooter was suggestively unreliable and inconsistent (R. 407)(R. 282-286)(R. 687-690), as she could not distinguish the Barnes brothers apart before trial either (C. 327-339), or on the night of the incident. Before the October 2010 trial, Destiny Griffie could not positively identify Diamond Barnes as the actual-shooter (R. 275)(R. 288). During trial, Destiny Griffie was adamantly sure the Defendant Diamond Barnes was in-fact the shooter (R. 288)(R. 281-282).

While the most-aggregious of the allegations professed against Diamond Barnes has been fusillated gunshot(s) penetrating a dwelling with personnel inside at 1104 W. 9th Street, Diamond Barnes has declared on more than one occasion (R. 687-690) that his alleged voluntary act(s) & omission(s) were wrought from a "reasonable - albeit 'reckless' state-of-mind" (R. 206-207)(R. 484-494)(R. 185-197) of suffering from the imminent infliction of death or great bodily harm. While this provoked homicide has justified the use of force of "crossing the threshold" of the premises at 1104 W. 9th Street in reasonable pursuit of the felonious assailant named Marcus Shannon, who bore not one(1), but two(2) deadly firearms into the alleged [curtilage and] home, seeking refuge behind Diamond Barnes'

beloved Grandmother (R. 289)(R. 478-480)(R. 514-515), it is clear-and-convincing that Diamond's act(s) & omission(s) were committed " with[] lawful justification " (C. 112). With these credentials (C. 112), Diamond Barnes was privileged to hold-the-line on these " stand-your-ground " laws applicable in the Illinois judiciary; although Barnes' convictions & sentence was erroneously upheld on direct appeal, suggesting a " duty to retreat " was appropriate under the circumstance(s) of this overwhelming exculpatory evidence (R. 475-478)(R. 459-460)(R. 458)(R. 462).

Withstanding this being the miscarried justice, State officials negligently inquired of not conducting a latent-print and Electron Microscopy Scanning (GSR) testing analysis on either of the 2 firearms that were presumptively possessed by Marcus Shannon, that may have been suitable for "positive" firearm-possessory identification(s), but feloniously managed to voluntarily make such a prima-facie inquiry into Diamond Barnes' personally-owned & licensed 9MM Taurus handgun, (R. 483)(C. 112)(R. 452)(R. 510). If this evidence is clearly-and-convincingly a showing that it is " more-likely-than-not " that Diamond Barnes is [f]actually-innocent to the conviction & sentence of 1st degree murder, look no further than the new evidence of the Electron Microscopy Scanning (EMS) gunshot residue (GSR) result(s), which found that Diamond Barnes may not have discharged this 9MM Taurus handgun; in addition to all latent-print lifts that were potentially " suitable for comparison " were found to be " negatively-inconclusive " and " not suitable for [positive] identification(s) " against the accused, Diamond Barnes.

1. Pre-existing " fundamental " Second(2nd) Amendment Constitutional Right(s) has just recently been established, recognized, and conferred on law-abiding individuals such as Diamond Barnes, who was a conceal-carry licensee (C. 112), in the NOVEL landmark-opinion of, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), to BEAR ARMS beyond the home, as-applied within the Several-States', McDonald v. City of Chicago, 130 S.Ct. 3020, 3046-3048 (7th cir. 2010). See, VA. Code Ann. § 18.2-308.014(A) (WEST 2022); 20 Ill. Adm. Code § 1231.110(b) (WEST 2022), withstanding its public-safety exception(s) thereof.

CAUSE(S)-OF-ACTION

In an attempt to prevent an abuse of the Great Writ (U.S.C. Const.Art. 1 § 9, cl. 2), under any other reason that justifies relief, Fed.R.Civ. Proc[] 60(b)(6) (WEST 2022), from this " gateway plea of [f]actual innocence ", it is " more likely than not ", House v. Bell, 126 S.Ct. 2064, 2075, 2081-2082 (6th cir. 2006)(holding nos. 1,2,3,4, & 5), that miscarriage-of-justice circumstances exist, Davis v. U.S., 94 S.Ct. 2298, 2304 (9th cir. 1974)(holding no. 1), that render such process ineffective to protect the rights of the petitioner, Diamond Barnes; who only expended 273 untolled days from ATEDPA's § 2244 one(1)-year statute-of-limitation(s), (doc. 1875)(doc. 1893) (dist. doc. 1), McQuiggen v. Perkins, 133 S.Ct. 1924, 1927-1932 (6th cir. 2013)(holding no. 1), in a RULE 60(b)(6) MOTION TO RE-OPEN JUDGEMENT on constitutional violation(s) that are FUNDAMENTAL to the 2nd Amendment Right To Bear Arms (beyond the home) within the landmark opinion of, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022).

-- COUNT(S) --

Gateway Plea of [F]actual Innocence / Fundamental Miscarriage of Justice

Argument

In an attempt to prevent an abuse of the Great Writ (U.S.C. Const.Art. 1 § 9, cl. 2) under any other reason that justifies relief (Fed.R.Civ. Proc. 60(b)(6)) to re-open judgement, Buck v. Davis, 137 S.Ct. 759, 777-780 (5th cir. 2017), since the ratification of the NOVEL June 23rd, 2022, landmark opinion of, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), a federal law does not make criminal the accused public carriage of a licensed handgun (C. 112), concealed upon the person for self-defense (beyond the home),

at 1104 W. 9th Street in Alton, Illinois. This " fundamental miscarriage of justice " [on "cause" of Illinois' unconstitutional blanket-ban on the carriage of fully-operable firearms in-public²], violated Diamond Barnes' 2nd Amendment Right(s) To Bear Arms in, People v. Barnes, 2012 WL (5th) 715539-U,

COUNT NO. 1: that was contrary to clearly established federal law; or

COUNT NO. 2: that involved an unreasonable application of clearly established federal law; or

COUNT NO. 3: was based on an unreasonable determination of the facts,

New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), of the United States Supreme Court; when a conceal-carry licensee (C. 112), whose voluntary act(s) & omission(s) of imperfect self-defense, during the commission of a May 2nd, 2009 provoked homicide, were publicly committed " with[] lawful justification ". In light of this new evidence (Exh. A)(Exh. B), proving that licensee Diamond Barnes " did not personally discharge a firearm ", 720 ILCS § 5/2-15.5 (WEST 2022), that proximately-caused the death of Marcus Shannon, which was not presented at Diamond Barnes' 2010 trial, it is convincingly clear that it is " more likely than not " that Diamond Barnes is " [f]actually innocent " (C. 112)' to his conviction & sentence of intentional 1st degree murder.

4. These "extraordinary circumstance(s) of a valid & enforceable conceal-carry handgun license (C. 112) undermines the first-element of 1st degree murder (ie., without lawful justification). Hence, proof of each and every element of the offense "beyond a reasonable doubt" cannot be prejudicially sustained in the Illinois judiciary.

"Cause" has shown that Petitioner's original § 2254 Federal HC suit was not untimely, pursuant to the 7th circuit's controlling precedent of, Wilson v. Battles, supra (holding judgement from denial of PLA "BECAME FINAL" when ""entered" [upon the docket] of record".

Fact(s) of Discussion

A) Upon a substantial showing to overcome ATEDPA's § 2244 one(1)-year statute-of-limitation(s) (doc. 1875)(doc. 1893)(dist. doc. 1) on a [f]actual innocence plea of the denial to a Second(2nd) Amendment Constitutional Right To Bear Arms¹, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), it is a debatable reason that justifies relief, Fed.R.Civ.Proc. 60(b)(6) (WEST 2022), to acknowledge that federal law no longer criminalizes the factual-predicate of Diamond Barnes as a conceal-carry licensee (C. 112) to bear arms " beyond the home " for self-defense.

1. Direct [appeal] review in criminal case no. 2009-CF-1059 " BECAME FINAL " (doc. 1875) on Friday, January 11th, 2013, when it was entered upon the docket of record. See, Fed.R.App.Proc. 36 (WEST 2022); Wilson v. Battles, 302 F.3d. 745, 746-748 (7th cir. 2002)(holding no. 1); See also, Illinois Supreme Court Rule 272 (WEST 2022), infra., Price v. Philip Morris Inc., 2011 ILL APP (5th) 722749, 1-8; Williams v. BNSF R. Co., 2015 IL 117444, ¶ 12-52, respectively.
2. Collateral review in civil case no. 2013-MR-0168 knowingly " BECAME FINAL " (doc. 1893) on Wednesday, December 2nd, 2015, when it was entered upon the docket of record. See, Fed.R.App.Proc. 36 (WEST 2022); Wilson v. Battles, 302 F.3d. 745, 745-748 (7th cir. 2002)(holding no. 1); See also, Illinois Supreme Court Rule 272 (WEST 2022), infra., Price v. Philip Morris Inc., 2011 ILL APP (5th) 722749, 1-8; Williams v. BNSF R. Co., 2015 IL 117444, ¶ 12-52.
3. Prior to Diamond Barnes seeking § 2254 Federal Habeas Corpus Relief for the first time (dist. doc. 1-53) in the Southern District Court of Illinois for

case no. 3:16-cv-0798-DRH-CJP, a § 5/116-3 Motion For Forensic Testing was a collateral appeal that knowingly " BECAME FINAL " (doc. 1880) on Thursday, November 19th, 2015, when it was entered upon the docket of record. See, Fed. R.App.Proc. 36 (WEST 2022); Wilson v. Battles, 302 F.3d. 745, 746-748 (7th cir. 2002), infra., Price v. Philip Morris Inc., 2011 ILL APP (5th) 722749, 1-8; Williams v. BNSF R. Co., 2015 IL 117444, ¶ 12-52.

4. Seeking Rule 60(b)(6) relief to re-open judgement of a § 2254 Federal HC suit on procedurally defaulted claims based on a showing of ACTUAL INNOCENCE, McQuiggen v. Perkins, 133 S.Ct. 1924, 1927-1932 (6th cir. 2013)(held, Escamilla v. Jungwirth, 426 F.3d. 868 [] (7th cir. 2005), abrogated) ---

a) Diamond Barnes only cumulatively expended two hundred seventy-three (273) untolled days, pursuant to § 2244 one(1)-year statute-of-limitation(s),

i. before timely-filing his first § 2254 Federal Habeas Corpus Application & Complaint (dist. doc. 1), (doc. 1875)(doc. 1880)(doc. 1893), Carter v. Litscher, 275 F.3d. 663, 664-665 (7th cir. 2001), in the Southern District Court of Illinois; as

ii. binding-precedent herein controls a § 2254 HC Action in the Seventh(7th) Circuit, Wilson v. Battles, 302 F.3d. 745, 746-748 (7th cir. 2002)(holding, judgement from denial of Petition For Leave To Appeal (PLA) " BECAME FINAL " when " 'entered' [upon the docket] of record ").

b) The predicate-fact for seeking to re-open this judgement rests in the NOVEL landmark opinion of, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022);

- i. on " cause " of this new rule of [criminal] procedure, Reed v. Ross, 104 S.Ct. 2901, 2906-2911 (4th cir. 1984);
 - ii. substantive rule change, Welch v. U.S. 136 S.Ct. 1257, 1260-1268 (11th cir. 2016), that alters the class of persons that the law punishes⁴ " without lawful justification "; or
 - iii. narrows the scope of justifiable use-of-force w/ a firearm in-public, that places conceal-carry licensees beyond the States power to punish.
- c) When June 23rd, 2022, was the date this constitutional right was ratified by the UNITED STATES SUPREME COURT in, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191(2nd cir. 2022), and
- d) June 23rd, 2022, was the date on which the factual-predicate of these presented [constitutional] claim(s) would have been discovered through the exercise of due diligence.
5. Has resulted in a " fundamental miscarriage of justice ", Davis v. United States, 94 S.Ct. 2298, 2302-2303 (9th cir. 1974);
- a) to continue to punish act(s) & omission(s) that are no longer criminal, (C. 112)
6. Diamond Barnes' [f]actual innocence, Eastridge v. U.S., 372 F. Supp.2d. 26, 33, 44-45 (D.C. cir. 2005), (Exh. A)⁴(Exh. B), (C. 112)
7. clearly shows evidence that Diamond Barnes' act(s) & omission(s) were committed " with[] lawful justification " (C. 112),

- a) against the criminal law burden of proof, *Thompson v. City of Louisville*, 80 S.Ct. 624, 627 (6th cir. 1960).
8. He shall be entitled to make a showing of actual innocence, *Bousley v. U.S.*, 118 S.Ct. 1604, 1614 (8th cir. 1998) (held, even if petitioner did procedurally default, he still shall be entitled to make a showing of actual innocence); on
 9. the Second(2nd) Amendment Constitutional Right To Bear Arms "beyond the home"
 - a) for purpose(s) of a conceal-carry handgun licensee's (C. 112) imminent use-of-force in self-defense
 - i. *Beard v. United States*, 15 S.Ct. 962, 966 (8th cir. 1895);
 - ii. *Brown v. United States*, 41 S.Ct. 501, 501-502 (5th cir. 1921).
 10. Under any other reason that justifies relief, Fed.R.Civ.Proc. 60(b)(6) (WEST 2022), to re-open this judgement, *Buck v. Davis*, 137 S.Ct. 759, 777-780 (5th cir. 2017), it is "more likely than not", *House v. Bell*, 126 S.Ct. 2064, 2075 [/2081-2082] (6th cir. 2006), that
 - a) new evidence of Illinois State Police (ISP) Forensic Scientist Susan Bolan's laboratory report(s) on latent-print impression(s) lifted from the criminal-agency were first discovered post-trial in fiscal year(s) 2013-2014,
 - i. from a Freedom of Information Act (FOIA) request to the Illinois State Police (ISP);

ii. whose laboratory result(s) were NOT SUITABLE FOR POSITIVE(+)

IDENTIFICATION(S) of the accused perpetrator, Diamond Barnes (Exh. A);

b) new evidence of Illinois State Police (ISP) Forensic Scientist Scott Rochowicz' laboratory report(s) on gunshot residue (GSR) tracing(s) of the actual-shooter(s) were discovered post-trial in fiscal year(s) 2013-2014,

i. from a Freedom of Information Act (FOIA) request to the Illinois State Police (ISP);

ii. whose Electron Microscopy Scanning (EMS) result(s) were NOT SUITABLE FOR POSITIVE(+) IDENTIFICATION(S) of the accused perpetrator, Diamond Barnes. (Exh. B). Bailey v. U.S., 116 S.Ct. 501, 503, 507-508 (D.C. cir. 1995);

c. this new evidence of a conceal-carry handgun license (C. 112) was not a live justiciable matter in-controversy at the October 25th, 2010 trial, whereby

B) The factual-predicate extending the Second(2nd) Amendment Right To Bear Arms held in Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022), could not have been previously discovered through the exercise of due diligence.

1. The (cumulative set of) facts underlying these claims, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear-and convincing evidence (C. 112) that, Coffin v. U.S., 15 S.Ct. 394, 406-407 (7th cir. 1895), but for this Second(2nd) Amendment Constitutional error to bear arms " beyond the home " for self-defense, no reasonable judge would have found Diamond Barnes guilty of intentional 1st degree murder; whereby

- a) on August 29th, 2007, the Virginia Beach Circuit Court issued a valid conceal-carry handgun license from the Commonwealth State of Virginia; and
 - b) on October 29th, 2010, the Third(3rd) Judicial Circuit Court of Madison County ACCEPTED this valid & enforceable handgun license, 5 ILCS § 100/1-35 (WEST 2022), for CONSIDERATION, under seal, from the Virginia Beach Circuit Court, located at 2425 Nimmo Parkway, Judicial Center Building 10B, Virginia Beach, Virginia 23456-9017;
 - c) license no. 2007-1687 has never been suspended, revoked, or prematurely terminated for just-cause;
 - d) on October 29th, 2010, the right(s) to this conceal-carry handgun license became vested with credit in the Illinois judiciary;
 - e) the vested-right(s) of license no. 2007-1687 survived its expiration date of August 29th, 2012;
 - f) the Several-States' of Virginia and Illinois currently have " substantially-similar " firearm regulation(s), 20 Ill. Adm. Code § 1231.110(b) (WEST 2022);
 - g) contrary to clearly established federal law, New York State Pistol & Rifle Association v. Bruen, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022).
2. Evidence in the Rule 60(b)(6) (WEST 2022) Motion To Re-Open Judgement of this § 2254 Federal HC suit clearly shows that Petitioner Diamond Barnes
- a) did not personally discharge a firearm, 720 ILCS § 5/2-15.5 (WEST 2022),

beyond a reasonable doubt, *Alleyne v. United States*, 133 S.Ct. 2151, 2155-2160 (4th cir. 2013); *Bailey v. U.S.*, 116 S.Ct. 501, 503, 507-508 (D.C. cir. 1995); and

b) was not afforded an evidentiary hearing, *In Re Davis*, 130 S.Ct. 1, 1 (11th cir. 2009); when these facts prove his

c) "reckless" state-of-mind, 720 ILCS § 5/4-6 (WEST 2022); *Francis v. Franklin*, 105 S.Ct. 1965, 1972-1977 (11th cir. 1985), to this provoked homicide

d) is "[f]actual-innocence" to the conviction & sentence of 1st Degree Murder.

PRAYER FOR RELIEF

Petitioner Diamond LaNeil Barnes respectfully prays that this court GRANTS this Rule 60(b)(6) Motion To Re-Open Judgement of the hereforementioned § 2254 Federal HC Suit (dist. doc. 1) under any other reason that justifies relief⁴, Fed.R.Civ.Proc. 60(b)(6) (WEST 2022), of a provoked-homicide reasonably committed "with[] lawful justification (C. 112) "beyond the home¹"; as the public-carriage of a licensed firearm has just recently been ratified by the novel landmark-opinion of, *New York State Pistol & Rifle Association v. Bruen*, 142 S.Ct. 2111, 2122-2191 (2nd cir. 2022). Alternatively, Petitioner Barnes prays that this court equitably GRANTS any such relief as it deems just & necessary to fortify justice in this cause, AS IS SO ORDERED.

Verified under penalties of perjury, pursuant to 28 U.S.C. § 1746(2) (WEST 2022)

Respectfully obliged by: /s/ [Signature]

Diamond L. Barnes

11/29/2022
11/29/2022

NOTICE OF FILING & CERTIFICATE OF SERVICE

Please take NOTICE that Petitioner, Diamond LaNeil Barnes, has sufficiently performed " service of process " on a " Rule 60(b)(6) Motion To Re-Open Judgment ", with one(1) authentic copy sent to the Respondent's counsel of record (via mail), and one(1) authentic copy sent to the Deputy Clerk (via electronic-file), as listed below:

Office of the Attorney General State of Illinois c/o Assistant Attorney General Eldad Z. Malamut 100 West Randolph Street, 11 th Floor Chicago, Illinois 60601

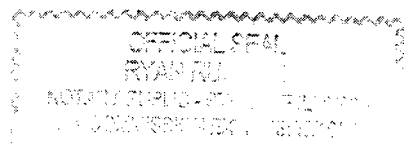
via United States Postal Service, First(1st)-Class Certified Mail, Fed.R.Civ. Proc. 5(b) & 5(d) (WEST 2022), and the electronic-filing CM/ECF system, on November 29th, 2022, that has been conveyingly confirmed before 2359 hours (Central Time), at Danville Correctional Center, c/o Diamond L. Barnes S11728, 3820 East Main Street, Danville, Illinois 61834, addressed to be promptly delivered to the above-entitled personnel.

AFFIANT'S SIGNATURE

[Handwritten Signature]
NOTARY PUBLIC

SIGNED & SWORN TO BEFORE ME THIS
29th DAY OF Nov, 2022.

Danville Correctional Center
Diamond L. Barnes S11728
3820 East Main Street
Danville, Illinois 61834
(Pro-Per) Counsel For Petitioner
(217) 446-0441
DLBarnes86@outlook.com



Office of the Clerk of the Circuit Court



JUDICIAL CENTER BUILDING 108
2425 NIMMO PARKWAY
VIRGINIA BEACH, VIRGINIA
23456-8017

TINA E. SINNEN
CLERK

FILED

OCT 29 2010

CLERK OF CIRCUIT COURT #55
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

Madison County Courthouse
Clerk of Court
155 North Main Street
Edwardsville, Illinois 62025

IN RE: Certificate as to Concealed Handgun Permit

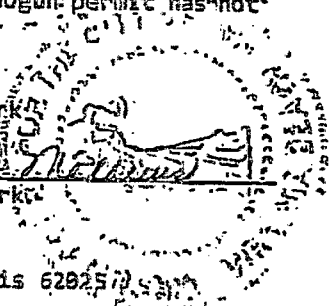
This is to certify that:

1. This certificate is being prepared upon the request of Diamond L. Barnes. See attached request.
2. I am the custodian of the record.
3. Diamond Lanell Barnes, DOB: 05/01/1966, SSN: 348-76-7849, was issued a five-year permit to carry a concealed handgun by the Virginia Beach Circuit Court on 08/29/2007, with an expiration date of 08/29/2012. Permit No: 2007-1687. Va. Code § 18.2-368.
4. As of the date of this certificate, such concealed handgun permit has not been suspended or revoked and is valid.

Date: October 22, 2010

Tina Sinnenn, Clerk

By: [Signature]
Deputy Clerk



cc. Diamond Barnes, 405 Randia Street, Edwardsville, Illinois 62025