)	Appellate Court No. <u>22-0322</u>
)	Appeal from the Circuit Court of Cook
)	County
)	Circuit Court No. 20 CR 03050-01
)	Trial Court Judge: Hon. James B. Linn
)	Date of Judgment: 03/10/22
)	Date of Post-Trial Motion: 03/10/22
)	Date of Notice of Appeal: 03/10/22
)	Felony
)	In Custody
)))))))))))))))))))))))))))))))))))))))

DOCKETING STATEMENT

Appellant's Full name: Jussie Smollett, Address: C/O Nnanenyem E. Uche, 314 N. Loomis St, Suite G2, Chicago, IL 60607 Tel: C/O Nnanenyem E. Uche: 302.252.5612 Email: C/O Nnanenyem E. Uche: nenye.uche@uchelitigation.com

Appellant(s) Attorney: Nnanenyem E. Uche, ARDC #:6294606 Address: 314 N. Loomis St, Suite G2, Chicago, IL 60607 Tel: 302.252.5612 Email: <u>nenye.uche@uchelitigation.com</u>

Appellee name: State of Illinois

LED APPELLATE COURT 187 DIST. COURT 12 MAR 11 PM 2: 17 CLERK OF COURT

Appellee(s) Attorney: Office of Special Prosecutor. C/O Sean G. Wieber ARDC #: N/A Address: 35 W. Wacker Dr., Chicago, IL 60601 Tel: 312.558.5769 Email: <u>SWieber@winston.com</u>

Court Reporting Personnel: Official Court Reporters of the Circuit Court of Cook County Address: 2650 S. California Ave., Suite 4C02., Chicago IL 60608 Tel: 773-674-5059 Email: N/A

General Statement of Issues Proposed to be Raised:

This appeal follows a guilty verdict from a jury against the Appellant, Jussie Smollett, five counts of Disorderly Conduct. The Appellant seeks to raise the following issues on appeal (including but not limited to): (1) The second indictment of Mr Smollett should have been dismissed (as the original proceedings were erroneously nullified, and the appointment of the special prosecutor was unlawful - based on lack of standing of petitioner and other entire non-compliance with the statute in regards to appointment of special prosecutors); (2) The

second indictment of Mr. Smollett should have been dismissed based on double jeopardy (as Mr. Smollett's original indictment had been duly dismissed by the prosecution and approved by a trial judge with the conditions that Mr. Smollett submit to community service and surrender his \$10,000 bond, to prosecute him for the same crime after disposal of the matter with consequences received violates the Double Jeopardy Clause of the United States Constitution); (3) The second indictment of Mr. Smollett should have been dismissed based on breach of contract (as Mr. Smollett reached an agreement with the States Attorney's Office for dismissal of his case upon surrender of his bond and performance of community service, which he duly performed, and by re-prosecuting Mr. Smollett the prosecution was in direct breach of contract; (4) The Court violated Mr. Smollett's 6th Amendment Rights when it prevented the Defense from actively participating in jury selection; (5) The Court erred in failing to make appropriate rulings during jury selection in regards to Batson Motions (6) The Court erred when it refused to provide accomplice instruction to the jury after the Osundairo brothers testified that they had been active accomplices in planning a fake hate crime with Mr. Smollett; (7) Mr. Smollett was denied due process in right to a public trial because of Covid restrictions; (8) The prosecution committed prosecutorial misconduct; (9) The Court erred in denying Defendant's motion for directed finding of not guilty as a matter of law; (10) The verdict of the jury was contrary to the manifest weight of the evidence; (11) Impermissible questions concerning Mr. Smollett's post-arrest silence shifted the burden; (12) The OSP violated Mr. Smollett's due process and right to a fair trial when it improperly shifted the burden during closing arguments by informing the jury that defense counsel produced no other evidence of a missing video; (13) The trial Court erred and violated Mr. Smollett's Sixth and Fourteenth Amendment rights by restricting relevant questioning during defense cross examination of prosecution witnesses, making uninvited, inappropriate, and prejudicial commentary of defense strategy including expressing verbal and non-verbal aversion toward defense counsels throughout the trial (all of which occurred in front of the jury); (14) Improper exhibits were allowed into jury deliberations over defense objections.

I, Nnanenyem E. Uche, as attorney for the Appellant hereby certify that on the 10th day of March, 2022, I filed a Notice of Appeal with the Clerk of Court and throughout the trial in the above-captioned matter requested daily copy from the Court Reporting Personnel to prepare relevant transcripts, and will continue to supplement the record as needed.

Date: March 11, 2022.

By:

/s/ Nnanenyem Uche Attorney for Defendant-Appellant

In lieu of court reporting personnel's signature, I hereby verify by signature that requests to the numerous court reporting personnel to prepare the transcript (s) have been made and will continue to be supplemented as needed.

Date: March 11, 2022.

By:

/s/ Nnanenyem Uche Attorney for Defendant-Appellant

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PEOPLE OF THE STATE OF ILLINOIS,)	Appellate Court No. 22 -0322
Plaintiff-Appellee,)	Appeal from the Circuit Court of Cook
)	County
)	Circuit Court No. 20 CR 03050-01
V.)	Trial Court Judge: Hon. James B. Linn
)	Date of Judgment: 03/10/22
)	Date of Post-Trial Motion: 03/10/22
JUSSIE SMOLLETT,)	Date of Notice of Appeal: 03/10/22
Defendant-Appellant.)	Felony
)	In Custody

NOTICE OF MOTION

To: Attorney(s) for Plaintiff/Appellee: Sean G. Wieber Winston & Strawn LLP 35 W. Wacker Drive Chicago, IL 60601-9703 D: 1(312) 558-5769 F: 1(312) 558-5700 SWieber@winston.com

Please take NOTICE that on March 11, 2022, we filed with The Appellate Court of the 1st District the following document:

- EMERGENCY MOTION TO STAY SENTENCE AND/OR TO GRANT BAIL PENDING APPEAL-

By: <u>/s/ Nnanenyem Uche</u> Attorney for Defendant-Appellant

Nnanenyem E. Uche, UCHE P.C., (#49900) 314 N. Loomis Street, Suite G2 Chicago, Illinois 60607 Ph: 312-380-5341 nenye.uche@uchelitigation.com

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS § 5/1-109, the undersigned certifies that on March 11, 2022 this notice and the above listed document ("Emergency Motion to Stay Sentence and/or to Grant Bail Pending Appeal") were served pursuant to Illinois Supreme Court Rule 11(c)(3) via electronic mail to the following email address(es): SWieber@winston.com

> By: <u>/s/ Nnanenyem Uche</u> Attorney for Defendant-Appellant

SERVICE LIST

Sean G. Wieber Winston & Strawn LLP 35 W. Wacker Drive Chicago, IL 60601-9703 D: 1(312) 558-5769 F: 1(312) 558-5700 <u>SWieber@winston.com</u>

> <u>/s/ Nnanenyem E. Uche</u> Nnanenyem E. Uche (6294606) Uche P.C. *Attorney for Plaintiffs* 314 N. Loomis St Suite G2 Chicago, IL 60607 (312) 280-5341 Email: nenye.uche@uchelitigation.com