

18-7334

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Jesse R. Perez — PETITIONER
(Your Name)

VS.

People of the State of Illinois — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Illinois Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jesse R. Perez (RU4389)
(Your Name)

P.O. Box 1000
(Address)

Memphis, TN 38103
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

(1) Whether post-conviction counsel was ineffective for failing to raise all of the post-conviction arguments as being presented as a "gist" of a claim;

(2) Whether the Illinois Supreme Court was in error for denying the petitioner's petition to cease to appeal; and

(3) Whether the petitioner stated a "gist" of a constitutional claim within his amended post-conviction petition in order to surpass the first stage of the post-conviction proceedings.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	<i>Decision of the state court of appeals.</i>
APPENDIX B	<i>Decision of the state trial court.</i>
APPENDIX C	<i>Decision of state supreme court denying review.</i>
APPENDIX D	<i>N/A</i>
APPENDIX E	<i>↓</i>
APPENDIX F	<i>↓ ↓ ↓ ↓</i>

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

People v. Mars, 368 Ill. Dec. 763, 285 N.E. 2d 590. People v. Hodges, 234 Ill. 2d at 9, 332 Ill. Dec. 318, 912 N.E. 2d 1204. People v. Brown, 236 Ill. 2d at 186, 332 Ill. Dec. 897, 923 N.E. 2d 248. People v. Edwards, 192 Ill. 2d at 235. People v. Rivera, 198 Ill. 2d 364, 263 N.E. 2d 306.

STATUTES AND RULES

OTHER

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

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Circuit court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 7-26-68.
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5th and 14th U.S. constitutional amendments

STATEMENT OF THE CASE

The petitioner was convicted of multiple 720 ILCS 5/12-11.1(a)(1), to which the petitioner appealed the conviction and appellate counsel neglected to pursue various issues on direct appeal, so during the submission of the petitioner submitted multiple grounds to have his post-conviction petition granted and when he received the copy of said petition he noticed that his petition was improperly filed and submitted an amended version of his post-conviction petition.

On 1-5-16 the circuit court denied the petition as without merit, but did not clarify to the record which petition was being denied; the petitioner appealed the issue and during the appeal of his post-conviction the appellate counsel raised the totality of the petitioner's claims during appellate review and the appellate court denied the petitioner's appeal setting a higher bar than is required on post-conviction review and mention the petitioner's amended post suggesting that

said petition was submitted on 1-5-16 when in fact it was submitted on 12-23-15 and was only submitted on the later date due to circuit clerk negligence and is not to be rejected as the petitioner's error due to the clearly established mailbox rule and being as the circuit of state did not object to its submission as being filed late the appellate court has no jurisdiction to rule so at such a late time; because to do so would be unfair.

REASONS FOR GRANTING THE PETITION

The petitioner believes that he presented a "gist" of a constitutional claim in his petition; because for several reasons that he mentioned his trial counsel and appellate counsel were ineffective for failing to present him effectively which is required by the constitution. The petitioner's claims were enough to surpass the first stage and proceed to appointing the petitioner an attorney to better argue the claims made, but instead of doing both trial court and appellate court held the petitioner's claim to a higher standard than was necessary; because the standard that each court was holding the petitioner was the standard applied to an attorney to which the petitioner is not but has he ever claimed to be.

The petitioner produced a "gist" of a constitution of claim in his amended Post-conviction petition that met the requirements of the first stage of the proceedings

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James A. Ray

Date: 12-19-16