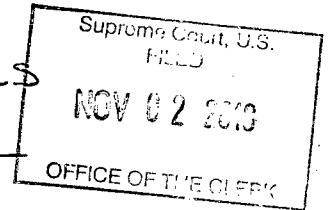


18-7502 ORIGINAL
NO. _____

IN the
Supreme Court of the United States



Ed Juan Payne - Petitioner

-VS-

State of Illinois the People - Respondent(s)

ON Petition ~~for~~ for a writ of Certiorari to
third district Appellate Court for the 10 Circuit

NAME OF Court that last ruled on merits of your case
third district appellate Court

Petition For writ of Certiorari

Ed Juan Payne

2848 McDonough

Joliet Illinois 60436

Question Presented

FROM original brief equal Protection. Page #1. this is a direct appeal from the judgement of the Court below. No issues is raised Challenging the Charging instrument (Page was sentenced to Natural Life in the Illinois department of Corrections for one of the first degree Murder Conviction and a Consecutive term of imprisonment of 60 years for the attempt murder Conviction). Page #31. defendant acknowledges that while this issue was raised in Open Court fitness it was not included in the Post trial motion. Page #9. Counsel voiced concerns regarding defendant Continued fitness for trial based on defendants' in Court statements as well as Counsels' observation of defendant during Conversation with him. Page #19. Counsel argued mitigation in the form of defendants' history of mental illness and his strange actions during the Proceeding in this Case (R704) Page #25. thus the fact that defendant did not object to the deficient fitness Proceeding in the trial Court is no bar to this Courts Consideration of the issue now on appeal Page #37. although this error was not Preserved, under the hearsay Plain error rule, Page #42. defense Counsel did object to any of the aforementioned Comments and this issue was not included in the motion trial. Page #24. defendant did not object to the abbreviated fitness hearing in the trial Court. Page #29. trial Counsels' Concerns about defendants' fitness were further Corroborated by defendants' behavior at trial. at one Point defendant made a statement on the record that it had been Called to his attention that ESP exist (R436-37)

List of Parties

[X] all Parties appear in the Caption of the
Case on the Cover Page

Table of Content

Opinions below #1. Jurisdiction #2. Constitution
and Statutory Provisions involved #3. reasons for
Granting the writ #4. Conclusion #5

index to appendices

appendix A: notice of appeal was timely filed on February 22, 2012 (C408). March 14, 2018 (C406). affirmed your Conviction and sentence by the appellate Court. March 27, 2018 for rehearing. the Court this April 19, 2018 denied rehearing. appendix B: Edjo an Payne was sentenced January 13, 2012 (C399) the motion to reconsider sentence was filed on February 10, 2012. (403-04), and was denied on February 14, 2012. appendix C: the Supreme Court today denied the Leave to appeal September 26, 2018. appendix D: there are no provisions in the Supreme Court rules for filing a Petition for rehearing on the denial of a Petition for Leave to appeal be sure to attach a copy of this Court denial order to your Petition for writ of Certiorari. the Clerk October 12, 2018.

Table of Authorities

Cases: PEOPLE vs. hanson 212 ILL 2d 212, 213 (2004)

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Statutes and Rules

ILL Cont. of 1970, art. 1 § 2; U.S. Const., amend X14

Const. amends U.S. S. Ct. r. 615 (A) Page #28

Other

Opinions below Jurisdiction

☒ For Cases from state Courts:

the Opinion of the highest state Court to review the merits appears at appendix b to the Petition and is ☐ reported at 2015 IL App (3d) 120147-U 28 IL App (3d) 160105 ☐ has been designated for Publication but is yet reported, or ☐ is unpublished ☐ For Cases from state Courts:

the date on which the highest state Court decided my Case 9-26-2018, a Copy of that decision appears at appendix C. ☐ a timely Petition for rehearing was there after denied on the following date: October 12, 2018; and a Copy of the order denying rehearing appears at appendix C. ☐ an extension of time to file the Petition for

a writ of Certiorari was granted to and including N/A (date) on N/A (date) in application no. N/A a N/A. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257 (A)

Constitution and Statutory Provisions involved

Page # 21. Ill Const. OF 1970, art 132 / U.S. Const; amend 14, S.Ct. 615 (A) Page # 24, 725 ILCS 5/104-10 (West 2011) Page # 24. In August 2010 Edjoan Payne was found unfit to stand trial and was remanded into the custody of the department of human service (dms) for inpatient treatment (cs4-ss; R15-16). Approximately seven months later defendant was found fit at a stipulated hearing de novo review.

Statement of the Case

Counsel argued mitigation in the form of defendant's history of mental illness and his strange actions during the proceeding in the Case (R704) defendant acknowledges that while this issue was raised in open Court it was not included in the Post-trial motion.

reason for granting the Petition

thus the fact that defendant did object to the
deficient Fitness Proceeding in the trial Court
is no bar to this Courts Consideration of the
issue now on appeal.

Conclusion

The Petition for Writ of Certiorari should
be granted.

Edwan Payne

date: January 3, 2019