

No. 19-7967

ORIGINAL

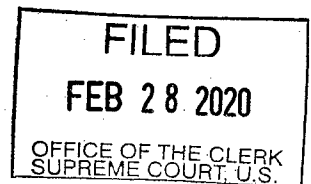
IN THE
SUPREME COURT OF THE UNITED STATES

Kenneth Durant Pro-se — PETITIONER
(Your Name)

vs.

People of the State of Illinois — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO



UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kenneth Durant
(Your Name)

P.O. Box 1000
(Address)

Menard Illinois 62259
(City, State, Zip Code)

NONE
(Phone Number)

QUESTION(S) PRESENTED

1. Ineffective Assistance of Trial Counsel
2. Right to a fair trial
3. The state's rebuttal Closing argument
4. Appellate Counsel being ineffective
5. Petitioner being denied access to the Court because the library staff calculated the wrong tolling date for the deadline to file the federal habeas Corpus.

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:

RELATED CASES

Roper V. Simmons, 543 U.S. 551, 161 L.Ed.2d 1

Trop V. Dulles, 356 U.S. 86, 2 LEd. 2d 630

Johnson V. TEXAS 509 U.S. 350

Eddings V. Oklahoma 455 U.S. 104

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Strickland v. Washington 695-96
466 U.S. 668

STATUTES AND RULES

720 ILCS 5/33 B-1. Habitual Criminals

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 A 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☐ is unpublished.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 B 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☐ is unpublished.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 _____ 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 _____ 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 9, 2019.

☐ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

U.S. Const, Amends, VI, XIV
U.S. Const. Amends, VIII

STATEMENT OF THE CASE

Petitioner Kenneth Durant was arrested September 3rd 2001 held til September 6th 2001 at the Chicago Police station at 51st & Wentworth then took to the County Jail, Cook County at 26th & California once there Petitioner was placed in a cage, via TV given a no bond without even being charged with a crime. while in the county jail petitioner was charged Oct 2nd 2001, Petitioner was indicted September 17th 2001 for armed robbery and aggravated vehicular highjacking, one person identified petitioner and one person did not identify petitioner.

Petitioner was found guilty after a jury trial, one person came to trial and one did not Petitioner was found guilty on April 28th 2005 after a huge jury, one of the juror stated that she did not find me guilty so the judge sequestered the jury after nine hours of deliberating and was hung. Also the closing argument was prejudicial which were improper. The state's attorney mischaracterized the defense theory of the case. Not only was the victim Kenneth Donner, accused of being a liar, he is accused of being part of the

the greatest conspiracy ever conceived in the westren hemisphere, never conceived of in the X files. Kenneth Donner got together with innumerable police officers, he got together with people who he had never met before, that being Deon Ratliff, Demetrious Lomax, the defendant's girlfriend, Lashone Harrison, Claudia Ratliff, they all got together with I don't know how many members of numerous police departments, they probably had to rent out an extra large hall, maybe used a VFW and they said let's put this case on him that's the guy they pulled out of the building, let's put it on him. This argument that was made in the rebuttal totally shifted the burden, it was not responsive to the defense's closing argument but merely to inflame the jury which it did. Also Appellate Counsel was ineffective for not raising the constitutional challenge to petitioner's natural life sentence in his original opening Brief which was not allowed by the Appellate Court because the Appellate attorney was late in adding it to the opening Brief of the direct appeal which was dealing with a person being sentenced to natural life based on a prior conviction of a juvenile trial as an adult. The appeal was denied march 31, 2008

People V Durant NO. 1-05-2449 Petitioner Submitted

a post conviction which was dismissed by the circuit court on December 15, 2009. In January 2010 Petitioner submitted a reconsideration which was denied January 29 2010. Petitioner appealed which was granted and remanded for appointment of Counsel and second stage proceedings. In 2011 *People v Durant*, 2011 IL App (1st) 100371-U.

On December 12, 2013 post Conviction Counsel filed her Rule 651 certificate and a supplemental petition on Petitioner's case. Post conviction Counsel renewed Petitioner's claim that appellate Counsel was ineffective for not raising the constitutional challenge to Petitioner's sentence in his original opening Brief.

On September 10, 2014 the court granted the State's motion to dismiss Petitioner's original amended petition and post conviction counsel's supplemental petition.

Petitioner appealed and in 2017 of April the appellate court denied petitioner's appeal. Petitioner filed to the Illinois Supreme Court

In which they did not hear petitioner appeal on September 27, 2017 it was turned away.

Petitioner then filed a Federal Habeas corpus after seeking advice from menard's prison law library clerks, I was placed on the dead line call list from 3/16, 2018 to 6/16, 2018 after receiving legal mail in which I was told my dead line to file my Habeas corpus was July 2018 in which I filed but my Habeas corpus was kicked out of court due to me being late, in which I explained the actions I took. The issues I raised in the Habeas Corpus are before The United State SUPREME COURT.

REASONS FOR GRANTING THE PETITION

Petitioner is a laymen before the court,
Petitioner's Constitutional Rights have
Been Void through out, from the arrest
to the trial, through out the appeal process
Petitioner's Constitutional Rights have never
been looked into, In the true interest
of Justice Petitioner should be allowed
before This Court because no one should
ever be treated as Petitioner has been
treated in the Courts of the united
States of America, an injustice should
never go unchecked because it only chip
away at the Constitution that should apply
to all peoples in the United States of America
no one should be sentenced to die in prison
when they Constitutional Rights have been dismantled
then denied through the lower Courts were
the justice arm should be strong! The
SUPREME COURT IS THE LAST LINE OF JUSTICE

IF A LAYMEN CAN NOT BE HEARD THEN
THEIR IS NO TRUE JUSTICE AMONST MEN
AND WOMEN.

CONCLUSION

In the interest of Justice petitioner should
be granted this appeal of relief

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kenneth Durant

Date: February 25 2020