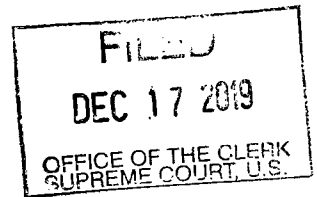


No. 19-7971



IN THE
SUPREME COURT OF THE UNITED STATES
Washington, D. C.

William Lewis -- Prose, Petitioner,

vs.

People of the State of Illinois -- Respondent(s).

On Petition For A Writ of Certiorari to the United States
Court of Appeals For the Nineteenth Circuit

William Lewis -- prose petitioner,
Reg. # R34481
Shawnee Corr. Center
6665 State Route 146 East
Vienna, IL 62995
(618) 658-8331

State's Attorneys Office of Lake County, IL
Michael G. Nerheim
18 N. County Street, 4th Floor
Waukegan, Illinois 60085 -- Respondent.

State's Attorney Appellate Prosecutor
Mary Beth Burns
2032 Larkin Avenue
Elgin, Illinois 60123
(847) 697-0020 -- Respondent.

i

QUESTION(S) PRESENTED

1. Did the trial ^(Circuit) Court And The Appellate Court error within entering a finding of guilt on a Single count Robbery When the government did not prove petitioner Lewis guilty beyond a reasonable doubt?
2. Was the Circuit Court within their Governmental Rights to have charged an indictment offense of Robbery, And also, tried the Defendant of Robbery, when the criminal complaint reports a different element of occurrence? (underlying facts)
3. Is the Defendant deprived of his due process, rights, under the Constitutions of the State of Illinois and the United States?
4. Was the trial Judge Bias and prejudice to have found the Defendant guilty and sentenced the Defendant to an extended term sentencing Because the judge believed the Defendant was guilty based on Defendant's prior criminal convictions?

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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:

William Lewis Reg. # R34481
6665 State Route 146 East - Pro se, Petitioner,
Vienna, Illinois 62995
(618) 658-8331

State's Attorneys Office of Lake County, Illinois
Michael G. Nerheim
18 N. County Street, 4th Floor
Waukegan, Illinois - Respondent

State's Attorneys Appellate Prosecutor
Mary Beth Burns
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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 C-1 to the petition and is

☒ reported at 2016-1-1000 Supreme Court of Illinois; 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 C-2 to the petition and is

☒ reported at 2016-1-1000 124833; 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 19th Judicial Circuit Appendix B-1 to the petition and is

☒ reported at 2016-1-1000 124833; or,
☒ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the 2-16-1048 2nd District Appellate court appears at Appendix A-14 to the petition and is

☒ reported at December 6, 2018; 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 6, 2018~~ September 25, 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: Did not File - N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including ~~December 27, 2019~~ (date) on ~~December 27, 2019~~ (date) in Application No. ~~A-111~~ error. ILSC No. 124833

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 March 20, 2019
~~December 27, 2019~~
A copy of that decision appears at Appendix A-10.

☐ A timely petition for rehearing was thereafter denied on the following date: I did not File For Rehearing, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including ~~September 10, 2019~~ (date) on ~~December 27, 2019~~ (date) in Application No. ~~A-N/A~~ Dec. 17, 2019. ILSC No. 124833

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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United States Constitution, Fourteenth Amendment:

... nor shall any State deprive any person of life, liberty, or property, without due process of the law;

28 United States Code § 2254(d)(1)

INTRODUCTION

In 2016, This said Petitioner was charged by and through a Lake County Courthouse, of Waukegan, Illinois indictment, considering (5), charging instruments. Count (1), Armed Robbery, count (2), Robbery And, counts (3-5), Aggravated Battery. The defendant did not enter any plea agreement and within the trial proceedings, two, Aggravated Battery charges were dismissed from the trial. Count (1), Armed Robbery, count (2), Robbery And, one count, of Aggravated Battery, were the (3) elected charges held from the indictment.

STATEMENT OF THE CASE

Procedural History of the Case

A. The State Court Proceedings

This said Petitioner was convicted of one count, count # (2), Robbery, after a Bench Trial, on September 13th, 2016 (R. 313) Defense Counsel timely filed Motion For Judgment Notwithstanding Verdict or, Alternatively, For A New Trial, on October 7th, 2016 (C-247) Although, its motion was not heard in court, until November 1st, 2016. This said Motion above was denied.

Petitioner William Lewis was sentenced on November 17th, 2016 (C-247) under, class X, sentencing guidelines, And, given 20 years, at 50%, followed by (3) years, mandatory Supervised Release. On December 7th, 2016, A Notice of Appeal was timely filed after a denial of defendants Motion To Reconsider His Sentence. (C-253)

This said Petitioner filed a timely Brief And, Thereafter, The Respondant, Appellee, filed, ~~affirmed~~ "AFFIRMED", on December 6th, 2018 (Case No. 2-16-1048). Petitioner failed to file a Petition For Rehearing after the Appellate Courts Prosecutor affirmed its decision of petitioner's conviction and sentence within his Direct Appeal. Petitioner did file a timely Petition For Leave To Appeal To The Supreme Court of Springfield, IL 62701-1721 Dated: May 08, 2019. (case No. 124833) On September 25th, 2016 Petitioner's, set fourth, Petition for Leave to Appeal is denied.

REASONS FOR GRANTING THE PETITION

This case presents this Court with an opportunity to resolve two fundamental questions concerning the correct interpretation of the phrase, "clearly established Federal law," as determined by the Supreme Court of the United States, as that phrase is used in 28 U.S.C. § 2254(d)(1). First, this case presents the question whether "clearly established" modifies "Federal law" or whether it merely modifies "law." Second - assuming that "clearly established" modifies "Federal law" - this case presents the question whether "as determined by the Supreme Court of the United States" means that this Court, as opposed to the lower federal court, must be the court that announces the federal character of the law at issue.

The decision of the 19th Circuit in this case appears to interpret the phrase, "clearly established Federal law," to mean that so long as the rule of law is clearly established, it is not necessary, for habeas relief to be granted, that the rule of law be clearly established as "Federal law," i.e., as Constitutional law (or other federal law) that is binding on the States. The decision of the 19th Circuit also appears to rest on the premise that the phrase, "as determined by the Supreme Court of the United States" does not require that this Court have made the determination that the rule of law at issue is a rule of federal constitutional law.

The State And also, This Petitioner is seeking a writ of certiorari because this Court has not had occasion to address either of these questions, which goes to the very heart of the standard of federal habeas review and which were incorrectly resolved by the court of appeals.

Additionally, the State is seeking a writ of certiorari because the decision of the 19th Circuit, which preceded this Court's decision in *People v. Collins*, 106 Ill. 2d 237, 261 (1985), is incorrect in light of *Ortiz*, even assuming that this Court's decision in *Jackson v. Virginia*, 443 U.S. 307 (1979) - on which the Second Judicial District relied as the basis for its decision in this case - indeed constitutes clearly established federal law, within the meaning of 28 U.S.C. § 2254(d)(1). Lackin the guidance provided by this court in *Ortiz*, ~~the holding of~~ the 19th Circuit stated the holding of *Collins* too broadly and, as a result, erroneously held that this case was governed by *Collins*. The Nineteenth Circuit's erroneous decision may invalidate the true definition of meaning, guilty beyond a reasonable doubt, considering hundreds, if not thousands, of Illinois criminal sentences.

For these reasons, This petitioner petitions for a writ of Certiorari should be granted, and, at the very least, the Nineteenth Circuit's judgment should be vacated and the case should be remanded for further consideration in light of *People v. Ortiz*, 196 Ill. 2d 236, 259, 752 N.E. 2d 410, 425 (2001). Lewis request that this Court issue a writ of certiorari to review the judgment of the United States Court of Appeals for the 2nd District that affirmed sentence of the United States, 19th Judicial ~~Circuit~~ Circuit Court, for the Northeast District, of Waukegan, Illinois (Lewis, William) and remand this case to that court (Lake County Courthouse of Waukegan, IL) for further proceedings

Wherefore, This Petitioner And, AS Pro-se, William Lewis
Thereby, Ask this Honorable Court that, in its
consideration and review of the petitioner's Motion,
to consider For A Writ of Certiorari Before this Honorable
Court. This petitioner does so pray that the court would
Set A date, in which it will hear This Motion.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William Lewis

Date: December 16th, 2019