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July 15, 2020

Clerk of Court
United States Supreme Court
1 First Street, N.E.
Washington, DC 20543

Re: Emergency Application for Stay pending
Petition for a Writ of Certiorari, #19-8665

Dear Supreme Court Clerk,

Applicant seeks an Emergency Stay of all Orders the Illinois Supreme Court (“Illinois Court”) entered in M.R. 030370 purporting to toll the Speedy Trial terms in all criminal cases in Illinois. Specifically, we challenge the purported tolling Orders entered on March 20, April 3, and April 7, 2020, the two April 17, 2020, Orders denying Applicant’s Motions to Vacate the tolling Orders, and all subsequent tolling Orders.

Applicant requested the Illinois Court to stay its March 20, April 3, and April 7, 2020, Orders. The Illinois Court denied the motion.

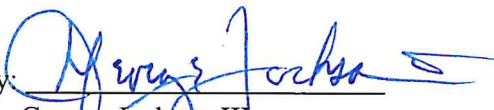
Our positions are precise. First, the Illinois Court violated due process by entering blanket Orders purporting to toll the Speedy Trial terms in all Illinois criminal cases. Applicant’s pending criminal case falls within that lot. The Illinois Court lacked jurisdiction for those Orders because the cases were not before the Illinois Court. Second, we seek to challenge use of ends-of-justice language to toll terms. Ends-of-justice language is unconstitutionally over broad. The Illinois Court inserted that language into its April 7, 2020, and subsequent tolling Orders.

Urgent intervention by the United States Supreme Court, we submit, is dire. The problems of blanket tolling Order and ends-of-justice delays is systemic. Federal district courts (mainly Chief Judges) across the nation have issued blanket Orders purporting to toll Speedy Trial terms of all criminal cases within their respective districts. Without jurisdiction the Orders are void *ab initio*. The negative impact on defendants and society portends to be massive, and expanding with time passage. This is an important national issue for the Supreme Court.

We submit the Illinois Court and all other courts were required to follow the procedures employed in Hawaii federal court. The District Court of Hawaii entered a COVID-19 Order directing each assigned judge to review individual cases and make appropriate findings in accordance with the Speedy Trial Act. The Hawaii Chief Judge's COVID-19 Order did not purport to toll Speedy Trial terms, and indeed did not make any substantive findings.

We respectfully seek a Stay and granting of *certiorari*.

Respectfully,

By: 
George Jackson III,
Attorney of Record for Applicant

Attachment: