

JUN 30 2021

OFFICE OF THE CLERK

No. _____

21-5626

IN THE

SUPREME COURT OF THE UNITED STATES

Carnell Fitzpatrick

(Your Name)

— PETITIONER

vs.

People of the State of Illinois

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Illinois

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

PETITION FOR WRIT OF CERTIORARI

Carnell Fitzpatrick R11310

(Your Name)

Stateville Correctional Center, P.O. Box 112

(Address)

Joliet IL 60434

(City, State, Zip Code)

1/11

(Phone Number)

ORIGINAL

8

QUESTION(S) PRESENTED

Did the Illinois State Appellate and Supreme Court deprive Fitzpatrick due process and equal protection under the 14th and 5th amendments of the United States Constitution where Fitzpatrick was not given an extension of time to file an adequate objection to appellate counsels 'Finley' motion, where Fitzpatrick was incarcerated under a strict quarantine lockdown (due to the Covid 19 pandemic) which limited his access to the prison law library?

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

N/A (this is a matter of first impression)

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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 _____ 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☐ is unpublished.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☐ is unpublished.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 _____ 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☐ is unpublished.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 Appellate court appears at Appendix _____ to the petition and is

- ☒ reported at 2020 IL App (1st) 190009; 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 March 24, 2021
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

United States Constitution Amendment 5

United States Constitution Amendment 14

STATEMENT OF THE CASE

Following the Illinois Appellate Court's Notice to Defendant of appellate counsel's decision to withdraw from his appeal pursuant to *Pennsylvania v. Finley* 481 U.S. 551 (1987) Defendant filed a Motion seeking a 6 month extension to file a response to counsel's Finley motion due to a Covid 19 "quarantine lockdown, and his inability to properly and adequately prepare a response to the motion in the 30 day time frame given. The appellate court denied defendant's Motion and granted counsel's motion to withdraw indicating that they "carefully examined the the record" and "found no issue of arguable merit to be raised in an appeal" see *People v. Fitzpatrick*, 2020 IL App (1st) 190009, ¶12.

REASONS FOR GRANTING THE PETITION

Not being allowed, by the appellate court, adequate time to prepare a meaningful and meritorious response against counsel's Finely Motion was highly prejudicial. Mr. Fitzpatrick is at a major disadvantage due to the quarantine lockdown at Stateville Correctional Center which restricted access to the law library.

Because this is a matter of first impression in this Court, Mr. Fitzpatrick submits that the unfair treatment by the appellate Court (and even the supreme Court by not correcting this matter) creates a due process and equal protection concern that warrants this Court's intervention, issuing an order to the state Appellate and Supreme Court to vacate the judgment of the appellate Court granting counsel's Finely Motion, and further order the appellate court and Supreme Court to allow Mr. Fitzpatrick between 60 and 120 days to prepare a response to counsel's Finely Motion.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Cornell Fitzgerald

Date: 6.18.2021