

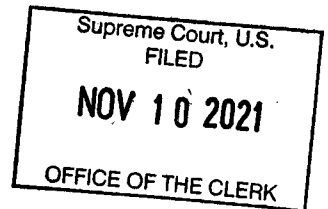
No. _____

21-6302

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Juan Alvarado-Gonzalez — PETITIONER
(Your Name)

vs.

People of the State of Illinois — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Appellate Court of Illinois First Judicial District
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Juan Alvarado-Gonzalez
(Your Name)
Pinckneyville Correctional Center
5835 State Route 154
(Address)

Pinckneyville, Illinois, 62274
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1) How one Person from Guatemala Central America Denied Motion to Withdraw Guilty Plea and Vacated the Sentenced. Because are Immigrant Unknown Justice Criminal United States of America and Public Defender Appointed can't speak Spanish I can't Understand Her?
- 2) How Public Defender see only 1 time in 6 Months and told me my only Option Plead Guilty?
- 3) How she Never told me I can present in the Court of Illinois Evidence I'm Actual Innocent of the charges?
- 4) I'm Immigrant but I have same Constitutional Right to Due-Process and Equal Protection of the Law to one person US born in this Country in my Criminal Case?
5. I seek Justice by Law and Hand of God.
6. Determine whether a Non-English speaking Defendant is Required to Point so specific Defects in a Interpreters performance in Order to Demonstrate that his Guilty Plea was involuntary Due to his Inability to speak english?
7. Is an Attorney Required to Withdraw for represented a Defendant on a Motion once it becomes Apparent that the Attorney will likely be required to testify at the hearing on the Motion?

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:

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APPENDIX B	Decision For the Circuit Court Cook County Illinois Denied Mbtion Withdrawl Guilty Plea and Vacated Sentenced. 3-30-2018. (1 page)
APPENDIX C	Decision For the Illinois Supreme Court Denied the Petition For leave to Appeal 127397. 9-29-2021. (16 Pages)
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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1) People v Delvillar 235 Ill 2d 507, 519 (2009)	16
2) Brady v United States 398 US 742, 748 (1970)	16
3) People v Hillenbrand 121 Ill 2d 537, 545 (1988)	16-17.
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9) People v Bailey 2021 IL App 1st 190434	27
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11) People v Hernandez 231 Ill 2d 134, 143, 144 (2008)	30.
12) People v Gabrys 2013 IL App(3d) 110912.	36.
13) People v Jones 219 Ill App(3d) 301, 304 (1991)	30

STATUTES AND RULES

- 1) Trial Court Decision to Grant or Deny a Motion to withdraw Guilty Plea trial Courts Sound Discretion.
- 2) IF a Defendant were Allowed to changed his mind in order to have a Jury hear his case United States v Baker 514 F2d 208, 221 (D.C. Cir- 1975)
- 3) Allowing Defendant to with Drawl Guilty Plea is not Automatic and should be based on a need to correct a manifest Injustice
- 4) The trial Court shall Allow a Plea to be withdrawn if
- 5) court certified Spanish Interpreter.
- 6) Supreme Court Rule 402 Admonishments.
- 7) Defendant's plea result Promises may constitute harmless error
- 8) Imperfect Admonishment requires reversal depends whether real Justice been Denied or Prejudiced the Defendant
- 9) Additional Authority.

OTHER

- 10) Right to conflict-free Representation.
- 11) Perse conflict of Interest exists where defense counsel.
- 12) there is no perse rule that Defendant is entitled to New Attorney if he Files a Pro-Se motion challenging trial Attorneys representation.
- 13) Is true when Defendant did Not Request a New Attorney.

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 C 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 A 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 _____.

☐ 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 September 29, 2021
A copy of that decision appears at Appendix C.

☒ A timely petition for rehearing was thereafter denied on the following date: 9-29-2021, 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 _____ (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

1. 6 Amendment Right U.S. Constitution

Strickland v Washington. 466 US 668 (1984)

Right to Conflict-Free Representation

the Illinois Appellate Court write my Appeal.

My single statement can't understand Her

Failed to Plead a Bona Fide Issue of Ineffective Assistance of Counsel. How can point in

open court specific instances she are Ineffective because I'm Immigrant can't Read or Understand English Language.

Ppg. 30-31 No. 72 Appeal 1-18-1209

Public Defender Failed write my Motion to Withdraw/ Guilty Plea and Vacated Sentenced. The Investigation Child Sex Crime from Illinois Department Children and Family Services (DCFS) are Unfounded. For Not Credible History, Report Intentionally False and Are Actually Innocent of the Crime. Have 3 witnesses/ Affidavits, and 40 pages Facebook/texts I'm the Victim False Accusation, Extortion and Blackmail. Chicago Police Dept (CPD) False Arrest, Malicious Prosecution and Abuse of Process. 6-19-2017.

2. 6 Amendment Right U.S. Constitution

Ineffective Assistance of Counsel

Strickland v Washington 466 US 668 (1984)

Guilty Plea: IAC. Hill v Lockhart 474 US 52 (1985)

I see the Public Defender only 1 Time in 6 Months. She told me out of Court Room.

IF you Not take 11 years Right Now the Judge

Michael B. McHale give 20 or 40 years each Count to you All Questions he told you Reply = Yes =

She Not Due Nothing For me.

3. Fifth Amendments United States Constitution.

Brady Violation:

Brady v Maryland 373 US 83 (1963)

The Public Defender she Failed To explain to my How work Criminal Justice System in this country? What constitutional Rights by US Constitution my Person have. before Trial? What pre-trial Motions can Filed For my Defense? She Never Investigate All Complaints/Grievances Against Detective Corrupt Manuel de La Torre #20877 From Chicago Police Dpt (CPD), working for 40 Years in the Chicago Police Dpt (CPD) Have hundreds complaints Obtain illicit False Confessions on Defendants. Violating All US Constitutional Rights. Miranda Rights Constitutional Right Remain silent / cause or Motive of Arrest. Investigation by Illinois Department children and Family Services (DCFS) Unfounded Investigation Not credible History. Witness and 20 Pages Facebook/texts Proof I'm the Victim False Accusation, Extortion and Blackmail. Exhibit # B: 2 Pages. Chicago Police Department (CPD) False Arrest, Malicious Prosecution, Abuse of Process without warrant/ Probable Cause/ Investigative Alert 6-19-2017. Exhibit # A (~~5~~ Pages).

Constitutional and Statutory Provision
Involved.

Fifth(5) Amendment United States Constitution

4. Guilty Plea "Coerced" Mabry v Johnson 467 US 504 (1984).

Every Defendant when are Arrested and charged
one crime have constitutional Rights For him
Defense and Assistance of Counsel. USC Amendment 6.
The Day 1-3-2018 I Plead Guilty Because the
Public Defender coerced my Person take 11 Years. if
Refuse Judge Give to me 20, 40 or Natural Life in
Prison. the Day I Don't know nothing About
Trial in United States of America? or How work
Law in Illinois? or my constitutional Rights? the
State of Illinois Failed give one Attorney speak
Same Language "Spanish" and visit me talk to me
or explain All Pre-trial I can Filed or have Documents
Innocence and can show to the Trial Judge.
I see only 1 time in Open Court. she failed Communicating
my Person in Jail. she Never listen side my history or
Case. she only want Plead Guilty. After learn
Law Library About my Defense I start learn read
and write english. For Learn About Criminal Justice
in United States. The Appellate Court of Illinois is
Wrong in Denied my Motion withdraw Guilty Plea
Affirming my conviction or Sentenced. When I can't Understand
the Counsel and Plea and Felt Confused. the Language and Laws
are Different in Guatemala Central America. the Fault are
Public Defender Not Due Nothing for me and coerced
take the time.

STATEMENT OF THE CASE

The Day 1-3-2018 I plead Guilty Involuntary
to 1 count Predatory Criminal Sexual Assault a child
and Grooming as Sentenced a Total 11 Years
in Prison. the Day the Public Defender Told me:
IF you Not take 11 Years prison Right Now.
the Judge Michael B. Mehalie give a 0 or 40
years in prison All Questions the Judge told you
Reply "Yes" she Not Due Nothing For me. Not File
Any Pretrial Motion. Dismiss Indictment Violation
Due-Process. Motion Quash Arrest Suppress Evidence
Due False Arrest. she Never show Judge All Evidence
physically I'm wrongfully convicted and Innocence.
she Failed Argument I'm Innocent the Motion
Withdrawal Guilty Plea and vacated Sentenced
Filed within 30 Days After-Sentenced 2-3-2018
Denied 3-30-2018.
After Denied Motion Filed Post-trial Motions.
Post-Conviction Petitions Actual Innocence
New Discovery Evidence 2018-2021.
All Denied, All Appeal Pending Appellate Court
of Illinois First Judicial District.

REASONS FOR GRANTING THE PETITION

1) the United States Supreme Court Need created one Law to All States. when one Immigrant like me No Understand How works Justice Criminal System because are Different to own Country.

When Plead Guilty of one offense After learn About his Defense in Prison Law Library or other Inmatters. Filed Motion to Withdraw Guilty Plea and Vacated Sentenced permitted him find the Best way to Prepare his Defense at trial. More important when the Person have Evidence are Actually Innocence of the charges. when the Attorney speak Another language (English) and my Person speak Spanish. Permitted him Allow Withdraw Guilty Plea No Supported by Case Laws.

2. In Illinois All Defendants Plead Guilty and After Filed Motion to Withdraw Guilty Plea within 30 Days of Sentenced or Judgement.

Need have reason with Case Law on the mistake Appear in the Record. For Grant the Motion. is Circuit Court Judge Discretion.

what happen when one Defendant like me No Understand How works Courts or Criminal Justice System. or find or have evidence are Actual Innocence before 30 Days of Sentenced and Not Understand the Public Defender because speak Another Language. and are poor and Indigent to Afford one Lawyer. Denied the Motion.

the US Constitution are equal for everybody and the Justice too.

Reasons For Granting Petition

3) In 4 years living Prison I learn and see lot of inmates same my Person, same charges Plead Guilty Because Public Defender Scary him if Not take the time he lost Judge give 20, 50 or Natural life in Prison? In Illinois Circuit Courts Denied Most Motion to withdraw Guilty Plea and Vacate Sentenced. to All Defendants have child Sex Crimes. because Judge only For Appearance, Skin color or charged. Only God knows true what really happen in the case child Sex Crimes are the Second convictions All Wrongfully Conviction cases in the U.S. First Murder, third Drugs. Several cases False Accusation is involved. or False Confessions. Every Defendant have Constitutional Rights when are Arrested and Charged of a Crime. but sometimes the Lawyer private are expensive, Defendant can't pay and Public Defender this type cases No help Defendants. Granting the Petition Permitted one precedent in the Future. One Defendant can withdraw Guilty Plea if here him No Understand the Counsel or Lack Unknown the Law or Find evidence are Actually Innocent of the Crimes are convicted. like my case and Situation.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Yvon Floarado Gonzales

Date: ● 11-9-2021