

NO

IN THE

SUPREME COURT OF THE UNITED STATES

DAESHAWN D. WILLIAMS PETITIONER

VS

STATE OF ILLINOIS RESPONDENT

MOTION TO DIRECT THE CLERK OF THE COURT
TO FILE THE ATTACHED PETITION OUT OF TIME

The Petitioner Daeshawn D. Williams ask the Clerk of the Court to file the attached petition for a writ of certiorari out of time. In support there of the Petitioner states the following:

1. The Petitioner has been confined to a cell and allowed no access to the Law Library during the dates indicated in the Clerks Letter. January 27, 2021 thru June 26, 2021.

2. The Petitioner asks this Honorable Court to review the Attached Petition for the reasons given.

- a. Covid-19 lock down is still in effect
- b. Covid 19 lock down did not come to allow inmates out until May 2021.
- c. It was not the Petitioners who did not try to file everything on time.

- d. Petitioner was mislead by the Illinois Supreme Courts Rulling in appendix F

RECEIVED

SEP 10 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

line of the filings in the above captioned, (Appendix A).

4. This Honorable Court, stated in the August 4, 2021, letter to the Petitioner that, "The petition is out-of time. The date of the lower court judgment or order denying a timely petition for rehearing was January 27, 2021". (Empasise mine), (Appendix A).

5. Petitioner asserts that the correct time line is as follows:

1 - Petitioner was given until October 20, 2020 to file a timely petition for leave to appeal to the Illinois Supreme Court, (Appendix B):

2 - Petitioner filed a timely Petition for Leave to Appeal, and was permitted to proceed as a poor person, (Appendix C)

3 - On January 27, 2021, the Illinois Supreme court Denied the Petitioner's Petition for Leave to Appeal, (Appendix D).

4 - Petitioner therefore after filed a Motion for Rehearing, this motion was inadvertently titled Motion for Reconsideration, the Illinois Supreme Court accepted this Motion as Motion for Rehearing.

5 - The Petitioner's Motion for Reconsideration, which should have been titled Motion for Rehearing, was Denied on April 13, 2021, (Appendix E).

6 - The Clerk of the Illinois Supreme Court, sent Petitioner a letter and a copy of the April 13, 2021 denial. In that letter the Clerk of the Illinois Supreme Court clearly stated the following: "You may appeal your denial to the United States Supreme Court in Washington, D.C. by filing a writ of certiorari to that court. Be sure to attach a copy of this Court's denial order to your petitioner for writ of certiorari, (Emphasise mine), (Appendix F).

7 - The Petitioner counted 150 days from the Illinois Supreme Court Denial of his Petition for Reconsideration, which the Petitioner admits that it was wrongly titled. The 150 day mark is September 10, 2021

APRIL 13, 2021 TO APRIL 30, 2021 IS	17 DAYS
MAY 01, 2021 TO MAY 31, 2021 IS	31 DAYS
JUNE 01, 2021 TO JUNE 30, 2021 IS	30 DAYS
JULY 01, 2021 TO JULY 31, 2021 IS	31 DAYS
AUGUST 01, 2021 TO AUGUST 31, 2021 IS	31 DAYS
SEPTEMBER 01, 2021 TO SEPTEMBER 10, 2021 IS	10 DAYS
TOTAL 150 DAYS	

8 - The clerk in the April 13, 2021 letter stated to Petitioner that he may APPEAL THE DENIAL TO THE UNITED STATES SUPREME COURT. (Appendix F).

6. Petitioner asserts that he was following the guide lines

given to him by the Prison Law Library.

7. Petitioner asserts that the Motion for Rehearing was titled Motion for Reconsideration, by no doing of himself.
8. Petitioner asserts that he is a lay man of the law and he rely on persons that do not have a law degree to prepare his legal documents. That this person is not a licensed attorney, and is a lay man of the law.
9. Petitioner asserts that his error of inadvertently mislabeling a motion should not be held against him, when the Illinois Supreme Court understood the Motion and understood that Petitioner is a lay man of the law.
10. Petitioner asserts that the Illinois Supreme Court in the April 21, 2021 letter to the Petitioner, informed the Petitioner he had a right to appeal the denial to the United States Supreme Court.
11. Petitioner asserts that this Honorable Court has the power to hear the writ of certiorari, due to the fact that Petitioner had 150 days from April 13, 2021 to file the attached Writ of Certiorari.
12. Petitioner asserts that he timely filed his writ of certiorari from the April 13, 2021 denial, as indicated in the letter from the Illinois Supreme Court, (Appendix H).

WHEREFORE, the Petitioner respectfully request this Honorable Court, to Grant Petitioner Leave to file His Writ of Certiorari, because it was in fact timely filed, as shown in this Motion to Review Record and Reconsider the Court's August 4, 2021 ruling, that the Petitioner's Writ of Certiorari was not Timely Filed, since this Court has the Power to Hear the Writ of Certiorari since it was timely filed.

RESPECTFULLY SUBMITTED



DAESHAWN D. WILLIAMS
I.D. # Y-40191
BIG MUDDY RIVER CORRECTIONAL CENTER
251 N. ILLINOIS HIGHWAY 37
INA, ILLINOIS 62846-2419

DATE: Aug. 28. 2021

APPENDIX

INDEX TO APPENDICES

APPENDIX A - LETTER FROM CLERK OF THE UNITED STATES SUPREME COURT DATED AUGUST 4, 2021.

APPENDIX B - LETTER FROM THE ILLINOIS SUPREME COURT CLERK GIVING PETITIONER UNTIL OCTOBER 20, 2020 TO FILE A TIMELY PETITION FOR LEAVE TO APPEAL

APPENDIX C - LETTER FROM THE ILLINOIS SUPREME COURT DATED OCTOBER 19, 2020, WHICH SHOWS PETITIONER TIMELY FILED A PETITION FOR LEAVE TO APPEAL.

APPENDIX D - THE JANUARY 27, 2021 DENIAL OF PETITIONER'S TIMELY PETITION FOR LEAVE TO APPEAL.

APPENDIX E - THE APRIL 13, 2021 DENIAL OF PETITIONER MOTION FOR RECONSIDERATION, (MOTION FOR REHEARING).

APPENDIX F - APRIL 21, 2021 LETTER TO PETITIONER FROM THE ILLINOIS SUPREME COURT CLERK

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

August 4, 2021

Daeshawn Williams
#Y-40191
251 N. IL Hwy. 37
Ina, IL 62846-2419

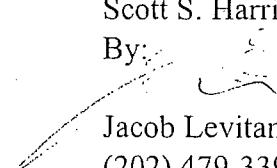
RE: Williams v. Illinois
ILSC No. 126520

Dear Mr. Williams:

The above-entitled petition for a writ of certiorari was postmarked July 27, 2021 and received August 3, 2021. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was January 27, 2021. Therefore, the petition was due on or before June 26, 2021. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

The April 13, 2021 order by the Supreme Court of Illinois denying the motion for leave to file a motion for reconsideration does not toll the time to file the petition.

Sincerely,
Scott S. Harris, Clerk
By: 
Jacob Levitan
(202) 479-3392

Enclosures



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

CAROLYN TAFT GROSBOLL
Clerk of the Court

(217) 782-2035
TDD: (217) 524-8132

Daeshawn D. Williams
Reg. No. Y-40191
Big Muddy Correctional Center
251 N. Illinois Highway 37
Ina, Illinois 62046

August 20, 2020

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, Illinois 60601-3103
(312) 793-1332
TDD: (312) 793-6185

Re: People State of Illinois, appellee, v. Daeshawn D. Williams, appellant.
Appellate Court, Fifth District, No. 5-20-0152.

Dear Mr. Williams:

This will acknowledge receipt of your correspondence in the above-referenced cause on August 19, 2020.

Please note that you have until October 20, 2020, to file a timely petition for leave to appeal to this Court, and that no extension of time beyond that date will be given. It is suggested that you prepare a petition that contains a detailed statement of the facts concerning your case, such as indictment number, crime, date and length of sentence, and a detailed argument stating the reasons why you feel you are entitled to review by the Supreme Court. A copy of the Appellate Court decision (filed July 10, 2020) and the order denying your petition for rehearing (filed August 11, 2020) should be attached as an appendix to your material, all of which should then be forwarded to this office as soon as possible for filing. Please try to limit your petition to 20 pages or less, excluding the appendix and cover page.

For your assistance, we are enclosing a *pro se* template to guide you while preparing your petition for leave to appeal. This template contains detailed samples for preparing a *pro se* petition to this Court, along with a copy of Supreme Court Rule 315, which governs the filing of petitions in the Supreme Court. Please note that the template is to be used as a sample only.

In the event your petition is not timely submitted, you should include with your petition a "motion for leave to file a late petition for leave to appeal," generally setting out the reasons why you were unable to timely file.

A copy of each document should be served on the Attorney General of the State of Illinois (Hon. Kwame Raoul, Attorney General, Criminal Appeals Division, 100 West Randolph Street, 12th Floor, Chicago, Illinois 60601) and the State's Attorney of the county of conviction.

Very truly yours,
Carolyn Taft Grosboll

Clerk of the Supreme Court

CTG/lgr
Enclosure

APPENDIX



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

CAROLYN TAFT GROSBOLL

Clerk of the Court

(217) 782-2035
TDD: (217) 524-8132

October 19, 2020

FIRST DISTRICT OFFICE

160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

Daeshawn D Williams
Reg. No. Y-40191
Big Muddy River Correctional Center
251 N. Illinois Highway 37
Ina, IL 62846

In re: People v. Williams
126520

Dear Daeshawn D Williams:

This office has timely filed your Petition for Leave to Appeal, styled as set forth above. You are being permitted to proceed as a poor person.

Your petition will be presented to the Court for its consideration, and you will be advised of the Court's action thereon.

Very truly yours,

Carolyn Taft Gossboll

Clerk of the Supreme Court

cc: Attorney General of Illinois - Criminal Division
State's Attorney White County
State's Attorney's Appellate Prosecutor, Fifth District

APPENDIX



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721
(217) 782-2035

Daeshawn D Williams
Reg. No. Y-40191
Big Muddy River Correctional Center
251 N. Illinois Highway 37
Ina IL 62846

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

January 27, 2021

In re: People State of Illinois, respondent, v. Daeshawn D. Williams,
petitioner. Leave to appeal, Appellate Court, Fifth District.
126520

The Supreme Court today DENIED the Petition for Leave to Appeal in the above
entitled cause.

The mandate of this Court will issue to the Appellate Court on 03/03/2021.

Overstreet, J., took no part.

Very truly yours,

Carolyn Taft Gosboll

Clerk of the Supreme Court



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

CAROLYN TAFT GROSBOLL
Clerk of the Court
(217) 782-2035
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April 13, 2021

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

Daeshawn D Williams
Reg. No. Y-40191
Big Muddy River Correctional Center
251 N. Illinois Highway 37
Ina, IL 62846

In re: People v. Williams
126520

Today the following order was entered in the captioned case:

Motion by Petitioner, *pro se*, for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Denied.

Order entered by the Court.

Overstreet, J., took no part.

Very truly yours,

Carolyn Taft Gossboll

Clerk of the Supreme Court

cc: Attorney General of Illinois - Criminal Division
State's Attorney White County
State's Attorney's Appellate Prosecutor, Fifth District

APPENDIX



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING

200 East Capitol Avenue

SPRINGFIELD, ILLINOIS 62701-1721

CAROLYN TAFT GROSBOULL

Clerk of the Court

(217) 782-2035

TDD: (217) 524-8132

April 21, 2021

FIRST DISTRICT OFFICE

160 North LaSalle Street, 20th Floor

Chicago, Illinois 60601-3103

(312) 793-1332

TDD: (312) 793-6185

Daeshawn D. Williams
Reg. No. Y-40191
Big Muddy Correctional Center
251 N. Illinois Highway 37
Ina, Illinois 62846

Re: People v. Williams
No. 126520

Dear Mr. Williams:

This will acknowledge receipt of your letter on April 19, 2021.

Your motion for leave to file a motion for reconsideration of the denial of a petition for leave to appeal was denied by the Court on April 13, 2021. We are enclosing a copy of this Court's order for your records.

You may appeal your denial to the United States Supreme Court in Washington, DC, by filing a petition for writ of certiorari to that court. Be sure to attach a copy of this Court's denial order to your petition for writ of certiorari.

Requests for information regarding the filing requirements of the United States Supreme Court should be directed either by mail to the Office of the Clerk of the United States Supreme Court, Supreme Court Building, One First Street NE, Washington, DC 20543, or by telephone at (202) 479-3000.

Very truly yours,

Carolyn Taft Grosboll

Clerk of the Supreme Court

CTG/ak/Encl.

APPENDIX

F

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAESHAWN D. WILLIAMS - PETITIONER

VS.

THE STATE OF ILLINOIS - RESPONDENT

MOTION FOR LEAVE TO FILE A MOTION TO REVIEW RECORD
AND RECONSIDER THE COURT'S AUGUST 4, 2021
RULING THAT THE PETITIONER'S WRIT OF CERTIORARI
WAS NOT TIMELY FILED

The Petitioner, Daeshawn D. Williams, asks this Honorable Court for Leave to File the attached Petition for a Writ of Certiorari for the following reasons:

1. This Honorable Court made a clerical error when calculation the time to file a Writ of Certiorari, (Appendix A).
2. The Petitioner, Daeshawn D. Williams, filed a Timely Petition for Leave to Appeal, Pursuant to Illinois Supreme Court Rule 315, (Appendix B and C).
3. This Honorable Court in their review of the proceedings in this matter wrongly assessed the Petitioner's time

**Additional material
from this filing is
available in the
Clerk's Office.**