

APPELLATE COURT No. 2-20-0132
SUPREME COURT No. 128311

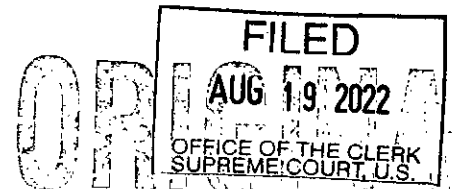
IN THE SUPREME COURT OF THE UNITED STATES
22-6436

PETITIONER TIMOTHY D. ROBERTSON
V
RESPONDENT PEOPLE OF THE STATE OF ILLINOIS

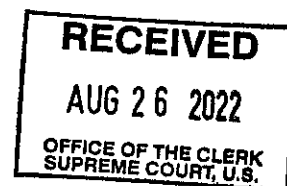
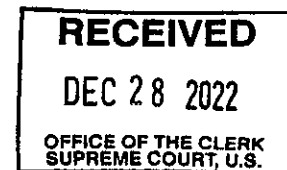
ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
19TH JUDICIAL CIRCUIT LAKE COUNTY, ILLINOIS
No 03 CF 2226
HONORABLE JAMES K. BOORNS
JUDGE

PETITION FOR A WRIT OF CERTIORARI

NOW COMES THIS PETITIONER TIMOTHY D. ROBERTSON PROSE RESPECTFULLY MOVING THIS
COURT PURSUANT TO, 28 U.S.C. SECTION 1257(3) PETITION FOR A WRIT
OF CERTIORARI



TIMOTHY ROBERTSON R52633
PO BOX 44
PONTIAC IL. 61764



"QUESTIONS PRESENTED"

- 1). Did Petitioner (Robertson) - Establish, and show "Cause and Prejudice in his [Motion], ("for leave to file [A] Successive Post-Conviction Petition") by Advancing a - Overwhelmingly - Substantial "Meritorious Claim", that upon - finding the Petitioner Robertson [Guilty] of first Degree Murder, the [Trial-Court] Weighed Heavily on a Prior Conviction that was Subsequently - (Reversed) in Aggravation, In Sentencing Petitioner - Robertson to 34 years of - Imprisonment, and did Petitioner show "Cause" for the - Purpose of the Cause and Prejudice [Test].
- 2). Did Petitioner Robertson Establish and show the violation of his Sixth-Amendment Right to Effective Assistance of Counsel by way of ("Performance and Prejudice Prong") of the (Ineffective Assistance of Counsel Doctrine), And did the Constitutional error so infect the Trial and Sentencing that the resulting Conviction [or] Sentence violates "Due Process".

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"TABLE OF AUTHORITIES"

Federal Cases: United States v. Tucker, 404 U.S., 443, 443-44
(1972);

STRICKLAND V. WASHINGTON 466 U.S. 668.

Federal STATUTES: 18 U.S.C.A. 2113 (d); 28 U.S.C.A. 2255; Federal
Rules Crim Proc. Rule 32 (a) (2), 18 U.S.C.A.; 28 U.S.C. Sec 1257 (3).

Petition For a "WRIT-OF-CERTIORARI"

Petitioner Timothy D. Robertson Respectfully Petitions This HONOURABLE SUPREME COURT OF THE UNITED STATES FOR A WRIT OF CERTIORARI TO Review the [Judgment] of the — ILLINOIS SUPREME COURT APPEALS FOR THE 19th Judicial Circuit, LAKE COUNTY, ILLINOIS and In Support Set forth with:

Opinions And Orders:

On August 26, 2019, Petitioner - Robertson (Defendant) filed a Motion for "Leave to file a Successive Post-Conviction - Petition") to-wit, [was] Denied by the [SAME-TRIAL-JUDGE] Whom Sentenced Timothy Robertson.

OPINION:

The Court found that, because the state [did-not] Dismiss the ("Aggravated Battery charged") until After Petitioner Robertson filed his [Pro-se] Petition ("Defendant") - Petitioner [HAD] Shown "Cause" for-not raising the issue In the Initial Post-conviction. However the Circuit Court found that the Omission was not sufficient enough to Show Prejudice.

On February 17, 2022 the Appellate Court Affirmed Timothy D. Robertson Conviction.

OPINION HELD;

Defendant did NOT show cause AND OR Prejudice)
cause, because he could have INCLUDED THE CLAIM IN his INITIAL-Pro'se Petition 2)
Prejudice because THE TRIAL STATED THAT IT would have Imposed THE SAME
SENTENCE REGARDLESS OF THAT CONVICTION based ON THE [OTHER]-
AGGRAVATING EVIDENCE.

ON, May 25, 2022 THE "SUPREME COURT of ILLINOIS [DENIED]
THE PETITION FOR LEAVE TO APPEAL AND FURTHER STATED
THE MANDATE-OF-THIS-COURT WILL ISSUE TO THE APPELLATE
COURT ON, 6, 29, 2022

"JURISDICTION IS CONFERRED BY 28 USC 125.7(3)

JURISDICTION IS [HAD] BY THE SUPREME COURT OF
THE UNITED STATES AS PETITIONER TIMOTHY D. ROBERTSON
TIMELY FILES THIS PETITION FOR A WRIT OF CERTIORARI
FOLLOWING THE ORDER OF THE SUPREME COURT OF ILLINOIS
ON MAY 25, 2022

STATEMENT OF CASE

PETITIONER-ROBERTSON IN HIS MOTION FOR LEAVE TO
FILE A SUCCESSIVE POST-CONVICTION PETITION, ROBERTSON
ADVANCED A [MERITORIOUS] CLAIM.
ROBERTSON ASSERTED THAT THE SENTENCING COURT
IN FINDING ROBERTSON TO BE "IN REDEEMABLY VIOLENT"
AND IMPOSING A SEVERE SENTENCE OF 34 YEARS
IMPRISONMENT FOR FIRST-DEGREE MURDER, RELIED

Heavily on Robertson's Prior Conviction for Aggravated Battery that was subsequently [REVERSED]. Robertson on the day that Post-Conviction Counsel was Appointed to him, Petitioner "Robertson" (Went-on-Record) and Addressed the Court and [Asserted] that days Prior that his Agg. Battery was [nolle-Prossed] and Robertson wanted to [Amend] his Post-Conviction Petition to [include] the "Sentencing issue" because the Court [had] at Sentencing Mr. Robertson to the 34 years went into Great-Detail and Relied Heavily upon that Prior Case due to the Similarity of an Alleged violent Act to [JUSTIFY] giving Petitioner a 34 year Sentence.

Petitioner Robertson clearly; Concisely on record Asserted he "DID-NOT-WANT-TO-WAIVE-THE-ISSUE". THE Court then told Mr. Robertson to talk it over with Counsel that was Appointed-Instantly (that day). Upon Petitioning the Circuit Court to Grant leave to file a Successive Post-Conviction Petition the [Judge]-Same "Sentencing Judge" said "The Petitioner meet the 'Cause' Prong but did not meet the Prejudice Prong. the Appellate Court Held that Petitioner did not - meet the Cause NOR Prejudice Prong and ALSO held - that Post-Conviction was not ineffective. Illinois SUPREME COURT (Denied) the Petition For leave to Appeal and issued a [Mandate] on 6-29-2022.

Compelling Argument and Reasons For Granting
This Petition Inasmuch as:

The Trial Court Judge Erred and violated the Petitioners Due Process by not allowing the Petition and by Applying a Application Contrary to the ~~rights~~ Rights Afforded by the United States Constitution to [EVERY - CITIZEN], which is Due Process and the Right of Advocacy Afforded and Defined in the 6th Amendment. The United States Supreme Court has Articulated the Limits or Circumscribes the Importance of Principles; Namely that a defendant is denied his Constitutional Right to a fair Sentencing Hearing where the Court in Imposing a Sentence Considered a Reported Prior Conviction that was Subsequently Reversed. All [3-levels] of lower Courts [have] Interpreted the Cause and Prejudice Prong in different ways as - Specifically Designed, and that is Contrary to by Definition of the Constitution which is Afforded [all] Citizens According to Life, Liberty and Due Process. Thus there should and must NOT be a "Even if", which the Lower Courts have stated in there reasoning for not allowing the Petitioner one fair round of Due Diligence.

Thus the Prongs held in Strickland v. Washington 466 U.S. 668 are meet Counsel was Substantially-ineffective to wit Prejudiced Mr. Robertson. This Honorable Supreme Court of the United States as Constitutional - Protectors have a moral and Professional Obligation to Protect all Citizens even the accused and Mr. Robertson is respectfully - requesting this Court not ignore the Injustices.

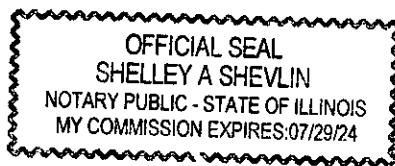
AT FIDELITY

I TIMOTHY D. ROBERTSON SWEAR THAT ALL THE
FOREGOING INFORMATION WITHIN THIS PETITION OF
A WRIT OF CERTIORARI IS TRUE, AND IS TO THE BEST
OF MY KNOWLEDGE

Subscribed and sworn to before me on the

15th day of August, 2022

Shelley A. Shevlin
Notary Public



TIMOTHY D. ROBERTSON

Timothy D. Robertson 8-11-22
Submitted

NOTARY PUBLIC