

No. **22-6935**

Supreme Court, U.S.
FILED

DEC 27 2022

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

William Ingram — PETITIONER
(Your Name)

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

William Ingram
(Your Name)

P.O. Box 1000
(Address)

MENARD ILLINOIS 62259
(City, State, Zip Code)

224-508-0473
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1. Did the trial court violate Petitioners right to choice of Counsel and the Appellate Courts failure to rule on Petitioners claim.
2. Did the Illinois Appellate Court violate Illinois Supreme Court Rule 352.

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 F	Trial court again denying counsel time to prepare for trial.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

U.S. CONST. Amendments VII, XIV,

ILL. CONST. 1970 Art. I Sec. 8

ILL. SUPREME CT. RULE 352 (A)

OTHER

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☐ is unpublished.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☐ is unpublished.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☒ is unpublished.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 ILLINOIS SUPREME court 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☒ is unpublished.

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 Sept 28, 2022.
A copy of that decision appears at Appendix C.

☐ 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

U.S. Constitution Amends VI, XIV. ILL: CONST 1970 ART I
Section 8.

The United States and Illinois Constitutions protect
the right of a petitioner to have counsel of choice

U.S. CONST. Amend XIV
Section 1.

All persons born or naturalized in the United States
and subject to the jurisdiction thereof are citizens of
the United States and the State wherein they reside.
No State shall make or enforce any law which shall
abridge the Privileges or Immunities of the citizen
of the United States; nor shall any State deprive any
person of life, liberty or property, without due process
of law, nor deny to any person its jurisdiction the
equal protection of the laws.

STATEMENT OF THE CASE

In 2015, Petitioner was charged with first degree murder in relation to the killing of Devonte Turner. Petitioner had previously been charged in a separate 2014 case, and he was arrested on the warrant from that case. When Petitioner was arrested for the present case.

After a Jury trial Petitioner was convicted of murder and sentenced to 55 years.

IN PRETRIAL

The Prosecution elected to Proceed on the 2015 case, but in 2016, the prosecution then instead elected to proceed on the 2014 case, which proceeded to trial.

The 2014 case was eventually resolved in December 2017 in which Petitioner was sentenced. At that point Private Counsel Bart Beals, represented Petitioner on both the 2014 and the 2015 case. As the 2015 case proceeded, a Jury trial date of May 21, 2018 was set. On May 17, 2018, the court heard Motions in Limine, including a Motion to bar defense expert which was granted.

On May 21, 2018 Private Counsel was hospitalized at the time, Petitioner told the court he wanted to discharge his private counsel. Private Counsel Beal was released from the hospital, and appeared, explaining what had occurred. The court granted a motion to continue due to Private Counsel's medical situation.

STATEMENT OF CASE
CONTINUED #1

At the next date on May 20, 2018. Petitioner fired Private attorney Beals, and asked for time to find counsel and that court then advised petitioner that new counsel would require time to prepare and that its going to delay your case a significant period of time. the court allowed beals to withdraw.

on June 7, 2018 Petitioner told the court that he had obtained private counsel, Timothy Mahoney. Mahoney told the court that he was still discussing the matter with petitioners family and would return next week to appear before the court. at the next appearance Mahoney told the court that petitioners family had not come to the meeting and that he was not retained. The Court appointed a public defender to represent the petitioner. on Jun 10 2018 Petitioners new attorney Dustin Smith appeared for petitioner, and the prosecution requested the the court tell counsel that "we were going to be setting it for trial and that the defense attorney would have to be answering ready for trial.

Petitioners attorney Smith responded by telling the court.

STATEMENT OF CASE
CONTINUED #2

that he would not be able to be prepared in ~~that~~ amount of time and would have to withdraw. The court proposed setting a June trial date and counsel Smith told the court that he could not be ready in that short amount of time. After a short continuance to speak with the petitioner and his family.

At the next appearance on January 28, 2019, Smith told the court that he was not comfortable proceeding with a June trial date and that he would have to withdraw. Counsel made the court aware that he would need at least a year. Stating due to the rights of the victim, the court would not give Smith that timeline and granted his motion to withdraw, reappointing the public defender. Trial began September 2019.

Petitioner was found guilty by jury trial of first degree murder, and that he personally discharged a firearm. Petitioner was sentenced to 30 years and a mandatory 25 year enhancement firearms add-on. The court ran the case consecutive to petitioner's 15 year sentence in the 2014 case.

STATEMENT OF CASE

Petitioner filed a timely ^{continued #3} appeal, Illinois Appellate court (1st) denied on appeal petitioner argued that his conviction should be reversed and his case remanded for a new trial because his sixth amendment right to choice of counsel was violated. When the trial court inhibited Smith's ability to represent petitioner, petitioner argued that the trial court's limitation on Smith's ability to prepare the case forced him into an untenable ethical position where he had no choice but to withdraw. Petitioner further argued that since the basis of the court's limitations were unreasonable the court violated the Sixth Amendment when it functionally eliminated petitioner from having counsel other than public defender.

The Illinois Appellate court (1st) district Denied Petitioner's Appeal (Appendix A) NO 2-19-1093

Leave to Appeal to the Supreme Court of Illinois was denied (Appendix C) NO 128486

REASONS FOR GRANTING THE PETITION

This Petition should be granted to address the Lower Courts violation of Petitioners Sixth Amendment right to choice of counsel and the Appellate Courts failure to rule on petitioner's claim.

Petitioner sought out and obtained private counsel to represent him in a complex murder case. When appointed counsel Dustin Smith appeared the court told counsel that it would be imposing a trial date four months out. Basically denying this newly hired attorney the time to become familiar with the case, time to review the discovery, and prepare and assert a adequate defense.

Trial Counsel even made it clear estimating it would likely take a year to properly prepare a murder defense the Court maintained its position, forcing counsel to withdraw (SEE APPENDIX E)

Given the facts of what occurred in this case, the Court's decision was erroneous and violated ingram's right to counsel.

The right to counsel guaranteed by the United States, and Illinois Constitutions encompasses

REASONS FOR GRANTING THE PETITION CONTINUED #1

the right to the effective assistance of counsel and the right to counsel of choice. U.S. Const. amends VI, XIV. Ill. Const. 1970 Art. I § 8 United State v Gonzalez-Lopez, 548 U.S. 140, 144 (2006). People v Baez, 241 Ill.2d 44. People v Childress 276 Ill.App.3d 402, 410-413 (1st Dist) (1995) the right to counsel applies to all critical stages of the criminal process, including post trial proceedings and sentencing. U.S. Const. amends VI XIV. Ill. Const. 1970 Art. I § 8 Cagran v. Scarpelli 411 U.S. 718, 781 (1973) People v Baker, 92 Ill.2d 85, 90 (1982).

The right to counsel of choice is 'absolute and limited only where abuse exists. such as attempts to thwart justice, delay or embarrass the administration of justice. Childress 276 Ill.App.3d at 413. The erroneous deprivation of the right to counsel of choice "unquestionably qualifies a structural error not amendable to harmless error. review, Gonzalez v Lopez 548 U.S. at 150. Baez, 241 Ill.2d at 105.

Where trial counsel erroneously denies a defendant the right to be assisted by counsel of his choice, it is unnecessary to conduct an ineffectiveness or

Reason For GRANTING THE PETITION
Continued # 2

Prejudice inquiry to establish a Sixth Amendment violation, *Gonzalez-Lopez*, 548 U.S. at 147, *People v Tucker*, 388 Ill. App. 3d 916, 920 (1st Dist 2008). Deprivation of the right is complete "when the defendant is erroneously prevented from being represented by the lawyer he wants, regardless of the quality of the representation he received." *Gonzalez-Lopez* 548 U.S. at 147.

In this case the court allowed petitioner to seek new counsel. Therefore, the trial court implicitly analyzed the state of the case and found that petitioner's fundamental right to counsel or that would not unreasonable delay the case *People v Basler* 304 Ill. App. 3d 230 (5th Dist 1999).

To make this balancing determination "the court must inquire into the actual request to determine whether it is being used merely as a delay tactic." *People v Burrell* 228 Ill. App. 3d 133, 142 (1st Dist 1992).

Petitioner obtaining private counsel would have been an unreasonable delay. The court would not have allowed petitioner to dismiss private counsel, granted multiple continuances to seek out counsel, and then

REASON FOR GRANTING THE PETITION
CONTINUED #2

Speaking with private counsel Smith about taking the case. The court determined that petitioner was not using a delaying tactic, therefore the court could not deprive petitioner of his right to counsel of choice.

The trial court denied petitioner this right of counsel of choice because the court erroneously restricted private counsel Smith the ability to prepare the case, thereby forcing him to withdraw. Smith appeared for petitioner on January 19, 2019. See APPENDIX E) The State responded to Smith's appearance by requesting the court to tell Smith that we were going to be setting for trial and that the defense attorney would have to be answering ready for trial (See APPENDIX E)

The court practically forced Smith to not represent Petitioner (See exhibit C) Due to the strict and limited time given to counsel, the court denied petitioner his right to choice of counsel.

Instead, rather than decide whether the trial court was in error, the appellate court ignored the law, facts, and arguments made by petitioner.

in his opening and reply brief briefs. People v. Ingram 2022 Ill App (2d) 191093-4. 11/11/13-15. finding that petitioner did not sufficiently brief the issue despite petitioner citing to the relevant areas of law and arguing that petitioner was denied choice of counsel by the trial court's unreasonable limitations on counsel's ability to represent him.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William Ingram

Date: Dec 2022

Notary