

No. 23-7343

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
FEB 23 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Dalevante Hearn — PETITIONER
(Your Name)

vs.

Reed Island Fourteenth Judicial Circuit — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of The State of Illinois
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Dalevante Hearn
(Your Name)

#65 5835 State Route 154
(Address)

Pineyville, IL 62274
(City, State, Zip Code)

418-357-9722
(Phone Number)

QUESTION(S) PRESENTED

- #1) Is It Lawful That An American Citizen Be Punished For Exercising Right To A Jury Trial?
- #2) Why Isn't One Act One Crime Followed In This Case?
- #3) If You Knew Your Actions may cause Great Bodily Harm How Is Someone Convicted of AH First Degree murder Then?
- #4) How Is IM Convicted of Both AH First Degree murder And Agg Domestic Battery On The Same Person When The Crime Was Committed At One Time, Especially When There's TWO DIFFERENT Types Of Elements Which Prohibits A Person From Being Guilty of Both?
- #5) How Did On 6-30-2009 Did The State ~~Accuse~~ Amend Count 1 Information Filed For Wording?
- #6) On 7-29-2009 At 1:40 PM What Was The Question And Answer The Jury Asked And Judge Answered And Could It Had Help Or Harmed Me?
- #7) Why Is It Fair Or Right That IM Being Forced To Be A Lawyer And File All This Paperwork When I Have Learning Disabilities?
- #8) Why Was MY 7 Year Plea Deal Taken Away Unjustly?
- #9) How IS IT THAT I WAS SENTENCED TO MORE TIME THEN MOST GUYS WHO ACTUALLY COMMIT FIRST DEGREE MURDER, ESPECIALLY WHEN I HAD NO WEAPONS NOR INTENT???

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 ~~July 25, 2003~~ November 20, 2009

APPENDIX C November 29, 2003

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TABLE OF AUTHORITIES CITED

CASES

People v. Guy, 2023 IL App (3d) 210423
 People v. Massey, 219 Ill. App. 3d 909
 People v. Harvey, 2019 IL App (1st) 153581
 People v. Wagner, 189 Ill. App. 3d 1041, 546 N.E.2d 283
 People v. Nuno, 2006 Ill. App. 3d 160, 563 N.E.2d 1145
 People v. Harris, 72 Ill. 2d 14, 377 N.E.2d 28
 People v. Brock, 64 Ill. App. 3d 64
 People v. Willie Chamber 2021
 People v. Okundaye, 189 Ill. App. 3d 601
 People v. Bell, 113 Ill. App. 3d 588

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STATUTES AND RULES

Attempt First Degree Murder
 Agg Domestic Battery
 Specific Intent
 One Act One Crime
 720 ILCS 5/4-5
 720 ILCS 5/8-4(a)
 720 ILCS 5/12-3.3(a)
 5/8-5
 5.01 B

OTHER

State of Count 1 Indicated To The Court That It
 Will Say Violation of Section 9-1(a) 1, Instead of
 2. The Language At The Very End, "Knowing Such Act
 Created Strong Possibility of Death or Great Bodily Harm
 To Victim", will Be Stricken And It Will Be Rephrased With
 Intent To Kill. But In Preliminary Hearing on 4-14-09 My
 Lawyer Hoffmann Objected To It And Said Then There's No
 Attempt Murder If You Know Your Actions May Cause
 Great Bodily Harm.

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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 Rock Island court appears at Appendix B _____ 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 _____.
2

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 ~~02-28-19-23~~.
A copy of that decision appears at Appendix C.

A timely petition for rehearing was thereafter denied on the following date: 7-05-24, and a copy of the order denying rehearing appears at Appendix A.

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 _____.
2

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Degree Murder Elements = When More Then One Offense Arises From The Same Physical Act, Convictions For Both Att 1st Degree Murder And Domestic Battery Cannot Stand.

Sentence Violates 8th Amendment,
One Act One Crime Attempt Murder Should Be Vacated.
Violation of 14th Amendment

STATEMENT OF THE CASE

The State Knew Since The Begining That This Wasnt An Attempt First Degree Murder Case, Thats Why Many Times They Was Willing To DISMISS It. They Just Got LUCKY A Jury Convicted Me. They Went From Giving Me zero Time For It Until I Was Convicted And Giving Me 30 Plus Years.

There Was One Victim And One Act But I Got Convicted And Sentenced To Three.

MensRea Or Intent Was Never Proven.

My Seven Year Plea Was Wrongfully Taken Away When I Was In Agreement To Accept It.

I Was Convicted On Attempted First Degree Murder, Agg Domestic Battery, Sentenced To 30 Years, An Extended 14 Year Term, Both Consecutive To Each Other And Consecutive To My Iowa Sentence.

In My Evidentiail Hearing On 3-7-21 I Belief Thats The Date, The Judge Even States He See A Plea Deal Was Offered, But He Doesn't See Me Accepting Or Denying It Anywhere. This Whole Time I Was In Agreement With The 7 Year Plea Deal.

I WAS SENTENCED TO MORE TIME THEN MOST GUYS THAT ACTUALLY COMMITT FIRST DEGREE MURDER AND I HAD NO WEAPON, NOR INTENT.

REASONS FOR GRANTING THE PETITION

In Sentencing The Judge Asked The State Attorney "DO You Have Any Evidence In Aggravation?" They Then Used People of My Juvenile Record To Sentence me To The Max Which Is Unpremissable. All Took The Stand And Testified About My Juvenile Record.

Mary Cerda ASKED If she could say something to me, State Attorney Asked; "You Wish To Say Something About How This case Affected You?" Mary Cerda Said "uh-huh" But Only Spoke About How She Felt Like Justice Wasnt Served In MY Juvenile Case Against Her Brother And Now Justice Can Be Served For Her Brother on my Case Against Octavia McGowan Which Had Nothing To Do with This Case. They Refused To Listen To The Victim which Wanted NO Prison Time For me.

Abuse of Discretion By The Judge Because He Knew Better Then To Give Me Two Sentencings For The Same Act.

Because Judge In Evidential Hearing And Before Had Granted Me The Evidential Hearing Because He Said He See A Plea Deal Was Offered But No Where Do He See Me Accepting Or Denying It. I Have Always Been In Agreement With The 7 Year Plea Deal.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dale Vonti Heavey

Date: 2-23-24