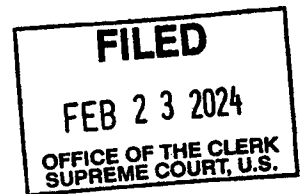


No. 23-7343

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Dalevonte Hearn — PETITIONER
(Your Name)

vs.

Rock 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

Dalevonte Hearn
(Your Name)

606 5835 State Route 154
(Address)

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

618-357-9722
(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 Know Your Actions may cause Great Bodily Harm How Is Someone Convicted Of A+ First Degree murder Then?
- #4) How Is Im convicted of Both A+ 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 ~~Amend~~ 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 Wrongfully?
- #9) How Is IT THAT I WAS SENTENCED TO MORE TIME THEN MOST GUNS 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:

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A July 25, 2003

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

APPENDIX C November 29, 2003

APPENDIX D 1-3-2024

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

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, 206 Ill. App. 3d 160, 563 N.E. 2d 1145
People v. Harris, 72 Ill. 2d 16, 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

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 Hoffman Objected To It And Said Then There's No Attempt Murder If You Know Your Actions May Cause Great Bodily Harm.

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 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 ____.

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 ~~02-23~~ 11-29-23.
A copy of that decision appears at Appendix ~~B~~ C.

☒ A timely petition for rehearing was thereafter denied on the following date: 7-25-24, 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 ____.

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 Than 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 Admendment

STATEMENT OF THE CASE

The State Knew Since The Beginning 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 Of 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 Evidentiary Hearing On 3-21-21 I Believe Thats The Date, The Judge Even States He See A Plea Deal Was Offered, But He Doesnt 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 Vontz Heavner

Date: 2-23-24