

No. \_\_\_\_\_

**24-5359** **ORIGINAL**

IN THE

SUPREME COURT OF THE UNITED STATES

**FILED**

JUN 11 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Robert Hill — PETITIONER  
(Your Name)

vs.  
PEOPLE OF THE STATE  
OF ILLINOIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Illinois Appellate Court  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Robert Hill  
(Your Name)

P.O. Box 1000  
(Address)

MENARD, IL 62259  
(City, State, Zip Code)

        
(Phone Number)

**RECEIVED**

JUN 25 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

With THE SEPARATION OF POWERS PROVISION- CAN THE COURT ISSUE A LAW THAT SUSPENDS THE SPEEDY TRIAL ACT?

PETITIONER ANSWERED READY FOR TRIAL  $\frac{1}{3}$  AFTER THAT 125 DAYS PASS BY  $\frac{1}{3}$  HE WASN'T TAKEN TO TRIAL EVEN THOUGH THE CHIEF JUDGE STATED THAT TRIALS COULD BE HELD DURING THAT TIME FRAME. WAS THAT THE CORRECT RULING?

WAS PETITIONER'S CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL VIOLATED BY THE TRIAL COURT NOT TAKING HIM TO TRIAL WITHIN 125 DAYS OF HIM ANSWERING READY FOR TRIAL  $\frac{1}{3}$  OR COMPLYING WITH THE ILLINOIS SUPREME COURT ORDER/MANDATE?

SHOULD THE TRIAL COURT HAVE DISMISSED THE INDICTMENT WHEN PETITIONER REQUESTED IT BE DONE AFTER HAVING BEEN ANSWERED READY FOR TRIAL  $\frac{1}{3}$  125 DAYS HAVING HAD PASSED BY  $\frac{1}{3}$  OR SHOULD HIS REQUEST FOR TRIAL HAVE JUST BEEN IGNORED LIKE IT WAS?

CAN ANY COURT OR LEGISLATION SUSPEND THE SPEEDY TRIAL ACT  $\frac{1}{3}$  OR A PORTION OF THE U.S. CONSTITUTION WITHOUT VIOLATING THE PERSON IN CUSTODY'S RIGHT TO A SPEEDY TRIAL  $\frac{1}{3}$  A FAIR OR IMPARTIAL TRIAL?

2

## 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 .....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION .....	

## INDEX TO APPENDICES

APPENDIX A Appellate Court of Illinois Ruling

APPENDIX B Decision of Trial Court Conviction

APPENDIX C Letter from Supreme Court of Illinois  
DENY LEAVE TO APPEAL

APPENDIX D

APPENDIX E

APPENDIX F

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 A to the petition and is

reported at 2023 2d. App (1st) 211554; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the TRIAL COURT 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.

10  
TABLE OF AUTHORITIES CITED

CASES

United States v. Clegg No. 1:19-cr-098

PAGE NUMBER

Barker v. Wingo, 407 U.S. 514

STATUTES AND RULES

Speedy Trial Act 725 ILCS 5/103-5 (West 2021)

OTHER

(71)

## 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 3/27/24.  
A copy of that decision appears at Appendix A.

[ ] 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

PETITIONER WAS DENIED BY THE TRIAL COURT TO DISMISS HIS INDICTMENT BY MOTION TO DISMISS. PETITIONER'S SIXTH, 14TH AMENDMENT RIGHTS WERE VIOLATED BY THE ILLINOIS SUPREME COURT SUSPENDING THE SPEEDY TRIAL ACT 725 ILCS 5/103-5 (WEST 2021) ARTICLE VI, SECTION 16 WHICH VIOLATED THE SEPARATION OF POWERS PROVISION.

# STATEMENT OF CASE # 1

Initially, the State does not dispute that Robert Hill properly filed a written demand for trial on October 5, 2020, and more than 120 days elapsed before his jury trial. (C. 289-91; R. 616) Instead, it contends that the Illinois Supreme Court's and the Chief Judge of the Cook County Circuit Court's orders tolled the provisions of the Speedy Trial Act, 725 ILCS 5/103-5 (West 2021) ("the Act") from April 7, 2020 to October 1, 2021. (St. Br. At 16-17) In its view, the only delay attributable to the State was the 42 days from the date Hill was taken into custody until his arraignment. (St. Br. at 16-17)

Relying on the appellate court decision in *People v. Mayfield*, 2021 IL App (2d) 200603, leave to appeal granted, No. 128092 (March 30, 2022), the State argues that the Supreme Court and the Chief Judge had the authority to toll the Act based on the powers vested in the judiciary by the Illinois Constitution. The State points to article VI, section 16, which vests the Supreme Court with general administrative and supervisory authority over all courts, and article VI, section 7(c), which vests the Chief Judge with "general administrative authority over his court, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court." Ill. Const. 1970, art. VI, §§7(c), 16; (St. Br. at 14, 18-23) The State argues that the tolling of the Act was a permissible exercise of the Supreme Court's and the Chief Judge's authority over court procedure and administration, and did not implicate separation of powers principles or usurp the power of the legislature.

The flaw in the State's argument, and its reliance on the *Mayfield* decision, is that the Speedy Trial Act is not merely an issue of "court procedure;" it is a constitutional right. The

right to a speedy public trial is guaranteed by the Bill of Rights of the Illinois Constitution, and section 103-5 represents a codification of that right. Ill. Const. 1970, art. I, §8; *People v. House*, 10 Ill. 2d 556, 558 (1957); *People v. Lacy*, 2013 IL 113216, ¶20 (“Illinois’ speedy-trial statute implements the constitutional right to a speedy trial by setting forth a definite time limit within which a defendant must be brought to trial.”). As the Supreme Court explained in *House*, the Act “is not a technical statute; and its provisions are mandatory and confer a substantial and absolute right upon the defendant under the constitution.” 10 Ill. 2d at 558-60 (criminal defendant entitled to discharge where he was not tried within the speedy trial term). Because the Act confers a substantive right guaranteed by the Illinois Constitution, there is no merit to the State’s argument that the Supreme Court or the Chief Judge can suspend or toll the Act as a matter of court procedure or administration.

Hill’s argument is reinforced by Illinois law on statutory construction. The State does not contend that section 103-5 is ambiguous. Under principles of statutory construction, the court is required to “construe the statute as written and may not, under the guise of construction, supply omissions, remedy defects, annex new provisions, add exceptions, limitations, or conditions, or otherwise change the law so as to depart from the plain meaning of the language employed in the statute.” *Northwest Diversified, Inc. v. Mayer*, 341 Ill. App. 3d 27, 36 (1st Dist. 2003)(internal quotation and citation omitted). Section 103-5 *et seq.* contains several enumerated exceptions that “toll” the 120-day speedy trial term, including delays occasioned by the defendant, delays for fitness-related issues or physical incapacity, interlocutory appeals, and delays for obtaining evidence upon a showing of the State’s due diligence. 725 ILCS 5/103-5(a)-(f)(West 2021); *Bridgestone/Firestone v. Aldridge*, 179 Ill. 2d 141, 152 (1997) (“Where a statute lists the things to which it refers, there is an inference that all omissions should be understood as exclusions”). Nowhere in the text of the Act is there a pandemic-related exception

that would allow the Supreme Court or the Chief Judge to toll its operation on that basis. *Id.*

Absent a finding of unconstitutionality, the Supreme Court had no authority to nullify, suspend, or otherwise rewrite the Act because of Covid-19. *In re Marriage of Turk*, 2014 IL 116730, ¶32 (under principles of statutory construction, Supreme Court “may not rewrite the law to make it consistent with our own idea of orderliness and public policy.”); *People ex rel. Difanis v. Barr*, 83 Ill. 2d 191, 201 (1980) (“As long as the means chosen by the legislature to achieve a desired end are lawful and inoffensive to the State and Federal constitutions, our inquiry may proceed no further.”). Section 103-5 enforces a constitutional right, and it must be liberally construed in Hill’s favor. *People v. Campa*, 353 Ill. App. 3d 178, 181-85 (1st Dist. 2004) (defendant was “in custody” for purposes of Speedy Trial Act, and court had no authority to apply 160-day speedy trial term under plain language of statute). As the foregoing principles of statutory construction indicate, section 103-5 does not allow for tolling of Hill’s asserted speedy trial right due to the pandemic.

The State offers no compelling legal rationale to justify the tolling of a defendant’s speedy trial right by an order of the Supreme Court or the Chief Judge. As in the *Mayfield* decision, the State relies heavily on *Kunkel v. Walton*, 179 Ill. 2d 519 (1997), not only for the proposition that there is a “shared sphere” of power between the legislature and the judiciary that allows for some overlap, but also for its argument that the Supreme Court’s order, exercised as part of its constitutional authority over the administration and supervision of the courts, trumps the operation of section 103-5. (St. Br. at 17-23); *Mayfield*, 2021 IL App (2d) 200603, ¶¶19-21. But *Kunkel* is factually and legally inapposite to the claim at issue in Hill’s case.

In *Kunkel*, the Supreme Court considered the constitutionality of section 2-1003(a) of the Code of Civil Procedure, 735 ILCS 5/2-1003(a) (West 1994). 179 Ill. 2d at 532-40. Section 2-1003(a) required that any party making a claim for bodily injury waive a claim of

privilege between that party and his or her health care providers. *Id.* at 525. In addition, section 2-1003(a) required the party to furnish a written consent authorizing providers to release the party's medical records without any limitations based on the relevance of the medical records or other information, and to allow the responding party's attorney to have *ex parte* contact with the providers. *Id.* at 525-26, 531.

In determining whether section 2-1003(a) impermissibly encroached on the judicial branch's power, the Supreme Court noted that “[t]he judicial power has been described as including the adjudication and application of law and the procedural administration of the courts,” which includes rulemaking authority over the trial of cases. *Kunkel*, 179 Ill. 2d at 528. While acknowledging that the legislature had concurrent power to enact procedural rules that complemented or had a “peripheral effect” on court administration, a law which irreconcilably conflicted with a court rule on a matter within the court’s authority violated separation of powers principles. *Id.* at 528-29. In its view, section 2-1003(a) could not be reconciled with the comprehensive discovery scheme already set forth in Illinois Supreme Court Rule 201, which provided for “fair and efficient discovery with judicial oversight to protect litigants from harassment.” *Id.* at 531. In particular, the Supreme Court pointed out that section 2-1003(a) circumvented any of the limitations in Rule 201, and went beyond the legitimate purposes of discovery by allowing disclosure of irrelevant and potentially embarrassing information. *Id.* at 532. Additionally, the Supreme Court held that section 2-1003(a) violated the individual right to privacy in article I, section 6 of the Illinois Constitution, because the blanket disclosure of private health information was unreasonable. *Id.* at 537-40.

Section 2-1003 is inapposite to the speedy trial right enforced by section 103-5. As set forth *supra* at 2, Hill has an individual, substantive constitutional right to a speedy trial under the Illinois Constitution, and as enforced by section 103-5. There is no analogous provision

in the Illinois Constitution for the disclosure of records or waiver of privilege that section 2-1003(a) sought to enforce. Nor is section 103-5 concurrent, complementary, or peripheral to a rule already promulgated by the Supreme Court. *Kunkel*, 179 Ill. 2d at 528. Not only does the Act enforce article I, section 8 of the Illinois Constitution; its plain language mandates the termination of an entire criminal proceeding through the dismissal of charges when the Act is violated. *See People v. Staten*, 159 Ill. 2d 419, 424-30 (1994) (explaining the strict operation of the Speedy Trial Act). The statute at issue in *Kunkel* is qualitatively different from section 103-5, and the Supreme Court has never exercised rulemaking authority over the right to a speedy trial. As a result, *Kunkel* does not support the State's argument that the Supreme Court's or Chief Judge's orders tolling the speedy trial term were a proper exercise of judicial authority to adjudicate and apply the law or procedural administration, let alone its claim that they "trump," the Act.

Taking the State's argument that the orders were a proper exercise of judicial administration and supervisory authority over the courts to its logical extreme demonstrates the incorrectness of its position. If an accused's speedy trial rights could be reduced to a matter of a judge's authority to control his or her own scheduling and docket, then the operation of the Act would always unconstitutionally encroach on that authority when the dismissal of charges are required for a trial that does not commence within the speedy trial term. *See People v. Jackson*, 69 Ill. 2d 252, 256 (1977) ("If the power is judicial in character, the legislature is expressly prohibited from exercising it."); *see also People v. Spegal*, 5 Ill. 2d 211, 220-22 (1955) (judiciary does not have inherent constitutional authority to control decision to elect a bench trial over a jury trial; allowing such broad authority would overrule multiple statutes).

Although the State accuses Hill of minimizing the pandemic, at issue is whether there is a legitimate legal basis for the Supreme Court's and Chief Judge's orders purporting to toll

the speedy trial term. (St. Br. at 22) The Supreme Court has already held that it lacks the authority to create exceptions to the Act that the legislature did not enact. *Newlin v. People*, 221 Ill.166,174 (1906) (“If the provisions of the law do not insure the transaction of the business of the courts a remedy may be afforded by the Legislature. We are without power to read into the statute in question an exception which does not appear there.”); *People v. Wooddell*, 219 Ill. 2d 166, 173 (2006) (“[I]n a case such as this, in which the statute at issue protects and effectuates an accused’s constitutional rights, the suggestion that we constrain the statute’s scope in a way not specifically authorized by the legislature is simply untenable.”). Although *Mayfield* sought to distinguish *Newlin* on the grounds that its circumstances (illness or death of judges) were significantly less extreme than those presented by pandemic, it is a distinction without a difference. *Mayfield*, 2021 IL App (2d) 200603, ¶ 24; *Newlin*, 221 Ill. at 173-74. If the judiciary lacks the authority to amend, negate, or suspend legislative enactments, the circumstances under which it seeks to do so are irrelevant. There is no “emergency exception” to the constitutional separation of powers that could somehow grant the judiciary either legislative or executive authority under dire circumstances. The legislature could have acted in regular session or convened an emergency session and passed an amendment to the Act that would have allowed the action taken by the Court here, but it did not. In the absence of such an amendment, the Court lacked the authority to act, regardless of how compelling the circumstances at issue may have been.

The State argues that *People v. Clarke*, 231 Ill. App. 3d 504 (5th Dist. 1992), a case involving a preliminary hearing, supports its position that a court may toll the Act in cases of a natural disaster. (St. Br. 25). Its interpretation of *Clarke*, however, is overly broad. 231 Ill. App. 3d at 507. The issue in *Clarke* was not whether the trial court had authority to toll the Act, but whether the trial court abused its discretion by not dismissing the information because the defendant did not receive a timely preliminary hearing. *Id.* In fact, the court

specifically distinguished the case from those decided under the Speedy Trial Act. *Id.*

The focus in *Clarke* was on the appropriate remedy for violation of a defendant's right to a preliminary hearing, not on whether the trial court had authority to *sua sponte* extend the Act. 231 Ill. App. 3d at 507-08. Notably, the majority warned that its opinion should not be interpreted to endorse a trial court's decision to ignore the legislature's deadlines. *Id.* at 507. To that end, the State's invocation of *Clarke* as a basis for tolling Hill's speedy trial term conflicts with the majority's holding that the court did not "mean to give wholesale approval to any attempt to ignore the time limitations specified in section 109-3.1 for preliminary hearings of persons charged with felonies." *Id.*

Furthermore, in its first opinion to address the legal consequence of emergency provisions adopted in response to the pandemic, the Supreme Court held that the exigencies of the pandemic did not alone generate new statutory exceptions. *Corbin v. Schroeder*, 2021 IL 127052, ¶ 44. In *Corbin*, the Court rejected two election candidates' claims that they fairly relied on a village official's representations that a ballot access rule would be treated as modified in light of the pandemic. *Id.* The Court noted that one of the candidate's claims amounted to a request to "suspend an Election Code provision because it seems like the right thing to do and 'because of COVID.'" *Id.*, ¶ 43. The Court noted that the appellate court also "commented at length about the 'exceedingly rare' and 'exceptional' circumstances" created by the pandemic. *Id.*, ¶ 44. Ultimately, the Court held that "[t]he pandemic did create exceptions to many norms of daily life; it did not, however, create an exception" to the election statute at issue. *Id.* Instead, the maxim, rooted in the separation of powers doctrine, that a court ought "not read into [a statute] exceptions, conditions, or limitations that the legislature did not express" continued to apply, even as the "pandemic . . . loomed large in the mind." *Id.* (internal quotations and citations omitted).

Finally, Hill argued that even assuming that the Supreme Court had the authority to toll the speedy trial term, once Cook County resumed jury trials on March 22, 2021, there was no justification for the continued delay in Hill's case. (Opening Br. at 23-25) The State contends that Hill had no direct knowledge of each courthouse or the trial schedules, but the applicable general order cited in the opening brief indicated that there were 76 courtrooms available at the criminal courthouse for jury trials.<sup>1</sup> (Opening Br. at 25) Even acknowledging that there was extensive pre-trial motion practice and agreed-upon continuances, the fact that Hill had been in continuous custody from April 8, 2015 to the start of his trial on September 30, 2021, totaling six years, five months, and 22 days, meant that Hill's case should have taken precedence. (C. 73; R. 616) Other than reiterating its arguments in support of tolling the Act and asserting that Chief Judge's plan was a "measured plan" necessitated by public health, the State offers no response to the arbitrary exercise of scheduling jury trials for other defendants but not Hill. (St. Br. at 24-25) The State's reliance on the section 1.11 of the Statute on Statutes, 5 ILCS 70/1.11 (West 2021), is misplaced, because the court was open in a limited capacity during the pandemic, and because the Covid closure is not akin to a legislatively-defined holiday for the purposes of section 1.11. *See Bertell v. Rockford Memorial Hosp.*, 393 Ill. App. 3d 469, 474-75 (2d Dist. 2009) (explaining the definition of "holiday").

For these reasons, and those set forth in the opening brief, Robert Hill's speedy trial rights were violated, and therefore his conviction should be reversed. (Opening Br. at 27); 725 ILCS 5/103-5(d) (West 2021); *Woodrum*, 223 Ill. 2d at 299-300.

---

<sup>1</sup> See Circuit Court of Cook County General Administrative Order No. 2020-07 (amended August 20, 2021), located at <https://www.cookcountycourt.org/FOR-ATTORNEYS-LITIGANTS/General-Administrative-Orders/cid/364/General-Administrative-Orders-Issued-in-2020> (last accessed Feb. 28, 2023).

## STATEMENT OF THE CASE #2.

PETITIONER WAS CHARGED WITH (2) COUNTS OF FIRST DEGREE MURDER HELD IN THE COUNTY JAIL AFTER BOND HEARING; ARR AMENT WHERE HE WAS HELD AS HE AWAITED TRIAL FOR THESE CHARGES. DISCOVERY; PRETRIAL MOTIONS WERE DONE; EFFORTS WERE MADE TO TRY; COME TO AN AGREEMENT BUT IT NEVER HAPPENED; SO IT WAS AT THAT TIME THAT PETITIONER ANSWERED THAT HE WAS READY FOR TRIAL; HE WAS GIVEN A TRIAL DATE OF MARCH 23, 2020 WHICH WAS CANCELED. PETITIONER THEN FILED A MOTION TO DISMISS THE INDICTMENT. ON OCTOBER 5, 2020 (7 MONTHS LATER) IT WASN'T DISMISSED BY THE COURT WHO ARGUED THAT THE CHIEF JUDGE; THE ILLINOIS SUPREME COURT HAD THE JURISDICTION; AUTHORITY TO WRITE A COURT ORDER THAT SUSPENDED THE SPEEDY TRIAL ACT... A U.S. CONSTITUTIONAL RIGHT. ON JULY 15, 2021 THE DISTRICT COURT DENIED PETITIONER'S MOTION TO DISMISS THE INDICTMENT BASED ON SPEEDY TRIAL VIOLATION STATING THAT IT WAS REQUIRED TO FOLLOW THE ILLINOIS SUPREME COURT'S ORDER SUSPENDING THE SPEEDY TRIAL ACT. 9/30/21 A JURY WAS SELECTED IN PETITIONER'S CASE, AFTER OVER A YEAR; (6) MONTHS LATER FOLLOWING THE 3/23/20 INITIAL TRIAL DATE. THIS TRIAL DATE EXCEEDED THE SPEEDY TRIAL ACT BY MORE THAN 276 DAYS; VIOLATED HIS RIGHT TO NOT ONLY THE SPEEDY TRIAL ACT BUT ALSO THE PRINCIPLES OF SEPARATION OF POWERS OF THE BRANCHES; THE FEDERAL 6<sup>TH</sup> & 14<sup>TH</sup> AMENDMENT RIGHT PRINCIPALS. PETITIONER WAS FOUND GUILTY BY THE JURY AFTER HE WAS DENIED A SPEEDY TRIAL BY THE CIRCUIT COURT WHO WAS FOLLOWING THE COURT ORDER/MANDATES FROM THE CHIEF JUDGE; ONE FROM THE ILLINOIS SUPREME COURT THAT SUSPENDED THE

STATEMENT  
OF THE  
CASE.

THE SPEEDY TRIAL ACT & THE TELLING FOR THE SPEEDY TRIAL ACT AS WELL, THIS SUSPENSION OF THESE ACTS CAUSED A CONFUSION AS TO THE COURTS AUTHORITY & POWER TO SUSPEND THE U.S. CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL & FOR THE CIRCUIT COURT TO ABIDE BY THE LAWS THAT ARE ON THE BOOKS ALREADY FOR HOW THE SPEEDY TRIAL ACT IS SUPPOSE TO BE USED. PETITIONER'S RIGHT TO A SPEEDY TRIAL WAS VIOLATED BY THE CIRCUIT COURT HE HAD TO DISMISS HIS INDICTMENT WHEN HE ANSWERED READY FOR TRIAL & AFTER (125) DAYS HAD PASSED HE STILL WASN'T TAKEN TO TRIAL WITHIN THE (120) DAY TIME FRAME. PETITIONER APPEALED THE CIRCUIT COURT'S DECISION TO THE APPELLATE COURT & THEY DENIED HIS APPEAL. PETITIONER THEN APPEALED THE DECISION TO THE ILLINOIS SUPREME COURT, WHO DENIED HIS PETITION FOR LEAVE TO APPEAL. THIS IS THE REASON THAT PETITIONER IS FILING THIS WRIT OF CERTIORARI TO THE U.S. SUPREME COURT ASKING THIS HONORABLE COURT TO REVIEW HIS SPEEDY TRIAL ACT VIOLATION.

— END —

— CONTINUED —

E  
C

## REASONS FOR GRANTING THE PETITION

THE CIRCUIT COURT CHIEF JUDGE ; THE ILLINOIS SUPREME COURT CREATED A VIOLATION OF THE SEPARATION OF POWERS PROVISION BY ENACTING A COURT ORDER THAT HAD THE AUTHORITY OF A CASE LAW ; CONFUSED THE COURT AS TO WHAT THE HIGHER COURT (ILLINOIS SUPREME COURT) HAS THE AUTHORITY TO ORDER THE COURTS TO DO --- SUSPENDING THE STATE = OF U.S. CONSTITUTION IS AN ACT THAT IS RESERVED FOR THE SENATE, NOT FOR THE COURT TO DECIDE. THE CONFUSION OF THE SUSPENSION OF

THE SPEEDY TRIAL ACT BY THE COURT ; NOT THE SENATE THE SPEEDY TRIAL ACT BY THE COURT ; NOT THE SENATE IS A PROBLEM THAT SHOULD BE MADE CLEAR SO THE COURT HAS AN UNDERSTANDING ABOUT THE SPEEDY TRIAL ACT BEING PART OF THE CONSTITUTION ; THE BILL OF RIGHTS THAT HAS BEEN PUT IN PLACE AS A SAFE GUARD TO PROTECT THE RIGHTS OF THOSE WHO HAVE BEEN CHARGED BY INDICTMENT OR INSTRUMENT OF EVIDENCE. PETITIONER ANSWERED READY FOR TRIAL SEVERAL TIMES BEFORE HIS 120 DAY DEADLINE. HE WAS NOT TAKEN TO TRIAL WITHIN THE TIME FRAME ; HE WASN'T RELEASED FROM CUSTODY SO HE WAS DEPRIVED OF HIS LIBERTY ; NOT TAKEN TO TRIAL BY THE STATE, NOT TAKEN & RELEASED FROM CUSTODY WHILE THE TOLLING = SPEEDY TRIAL ACT WAS SUSPENDED. THE REASON FOR GRADING THIS PETITION IS TO CLEAR UP ANY MISUNDERSTANDS ABOUT THE ILLINOIS SUPREME COURT'S POWER TO ENACT A LAW OR SUSPEND THE CONSTITUTIONAL RIGHTS OF U.S. CITIZENS WHEN THEY WANT TO, & TO ENFORCE THEIR OWN AUTHORITY ON THE SUSPENDING OF THE CONSTITUTIONAL RIGHTS OF OTHER CITIZENS. THE SAME SITUATION HAPPENED →

REASON FOR GRANTING  
Petition

IN THE CASE UNITED STATES V. CURGET, 2020 U.S. Dist. LEXIS 199140\* 2020 WL 6290509 WHERE THE COURT SUSPENDED Court Dates & Trial Dates Due to the COVID-19 Pandemic. But in the case, THE COURT DISMISSED THE INDICTMENT - (UNITED STATES V. JENSEY ALEXANDER CURGET) WHICH IS WHAT THE COURT SHOULD HAVE DONE IN PETITIONER'S CASE - (PEOPLE V. ROBERT HILL) But THE COURT DIDN'T DISMISS PETITIONER'S INDICTMENT IN DIRECT VIOLATION OF THE SPEEDY TRIAL ACT. BARKER V. WINGO, 407 U.S. 514 UNITED STATES V. MARION, 404 U.S. 307, 320 (1971)

THE U.S. SUPREME COURT CAN RESOLVE THIS ISSUE BY MAKING IT CLEAR IF THE CHIEF JUDGE OF THE ILLINOIS SUPREME COURT HAVE THE AUTHORITY TO MAKE CHANGES TO THE U.S. OR THE STATE CONSTITUTION, WHICH SUSPENDED PETITIONER'S RIGHT TO A SPEEDY TRIAL.