

24-5969

No. _____

FILED
AUG 16 2024

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES

IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

David Stephens — PETITIONER
(Your Name)

vs.

People of the State of Illinois RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Illinois
~~Appellate Court of Illinois Fourth District~~
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

David Stephens
(Your Name)

10930 Lawrence Rd.
(Address)

Sumner, IL 62466
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Did the appellate court err when they affirmed the lower courts ~~actions~~ ^{actions} of using a procedure for the selection of alternate jurors in blatant disregard of the rules governing jury selection, in which he required the parties to pick 14 jurors and the judge would "designate" the alternates at the end of trial.

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:

RELATED CASES

People of the State of Illinois
VS.
David Stephens
Petitioner - Appellant

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TABLE OF AUTHORITIES CITED

Pg.	CASES	PAGE NUMBER
	III. Sup. Ct. R. 434 (e); 725 ILCS 5/115-4(g).	
	People v. Johnson 2 Ill. 2d 165, 168-69 (1954)	

STATUTES AND RULES

- Ill. Sup. Ct. R. 434 (e); 725 ILCS 5/115-4(g).
- Ill. Sup. Ct. R. 434 (a), (e); 725 ILCS 5/114-4(g)
- Ill. Sup. Ct. R.

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 is unpublished.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 is unpublished.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 A 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 is unpublished.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 APPELLATE COURTS court appears at Appendix B to the petition and is
 reported at 2024 ILAP (4th) 230144-U; 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 _____.
2

[] 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 5-29-24.
A copy of that decision appears at Appendix 1.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
2

[] 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

725 ILCS 5/115-4 (2018)

Trial by Court and Jury

(g) After the Jury is impaneled and sworn the Court may direct the selection of 2 alternate jurors who shall take the same oath as the regular jurors. Each party shall have one additional peremptory challenge for each alternate juror. If before the final submission of a cause a member of the jury dies or is discharged he shall be replaced by an alternate juror in the order of selection.

Ill. Sup. Ct. R. 434 (eff. Feb. 6, 2013)

Rule 434. Jury Selection

(a) Impaneling Juries. In criminal cases the parties shall pass upon and accept the jury in panels of four, commencing with the state, unless the court, in its discretion, directs otherwise, and alternate jurors shall be passed upon separately.

(e) ~~Selection of Alternate Jurors~~, After the jury is

STATEMENT OF THE CASE

David Stephens was charged with first degree murder and unlawful use of a weapon by a felon and convicted after trial.

I filed a timely notice of appeal on Feb, 16 2023
I raise two issues on appeal: (1) insufficient evidence.

(2) Trial Judge's procedure for the selection of alternate jurors was plain error.

On March 22nd 2024 the appellate court affirmed the lower courts decision.

REASONS FOR GRANTING THE PETITION

The trial judges procedure for selecting alternate jurors, in which the judge designated the alternates from 14 jurors at the end of trial, violated the rules governing jury selection.

Trial judges are not authorized to "designate" jurors and these rules instead require ~~alternates~~^{alternates} to be selected after the jury is impaneled and sworn. Ill. Sup. Ct. R. 434(e); 725 ILCS 5/115-4(g).

Courts must substantially comply with the rules governing jury selection. Johnson, 2 Ill. 2d at 168-69.

Both this court's rules and the code of criminal procedure granted trial judges authority to "direct the selection" of alternate jurors, but neither suggested that judges may "Designate" the alternates at the close of trial. Ill. Sup. Ct. R. 434(a), (e); 725 ILCS 5/114-4(g).

The same rules also granted an additional peremptory challenge for each alternate juror, meaning the rules state that the alternates should be selected BEFORE trial. Ill. Sup. Ct. R. 434(e); 725 ILCS 5/115-4(g).

It was not fair for the judge to wait until the end of trial to choose which jurors fit best for his preference for his own reasons possibly swaying the jury's verdict one way or another.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

David Stephens

Date: 8-

(6) (7)