

No. 1-14-2894

In The Supreme Court of The United States

Devin Bickham Jr. - Petitioner

vs.

State of Illinois - Respondent

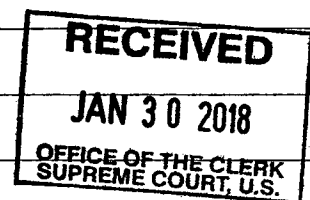
On Petition For A Writ of Certiorari
To The United States Supreme
Court

Petition For Writ of Certiorari

Devin Bickham Jr. 1146342

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Questions Presented

1. The trial Court abused its discretion when it denied defense counsel's pre-trial motion for a continuance for a fitness examination to determine whether a bona fide doubt as to Devin Bickham Jr.'s fitness to stand trial, and the Illinois Supreme Court concurred.

2. The trial Court abused its discretion in sentencing Devin Bickham Jr. to 50 years in prison because it failed to adequately consider substantial mitigating factor, and the Illinois Supreme Court concurred.

List of Parties

All parties appear in the caption of the case on the cover page.

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Appendix A. opinion of the Appellate Court of Illinois' First Judicial district.

Appendix B. opinion of the Supreme Court of Illinois.

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

The opinion of the highest State Court to review the
merits appears at appendix B to the petition is unpublis-
ed

The opinion of the Appellate Court appears at appendix
A. to the petition cited at Bickham Jr. vs. People 2017 IL App.
142894-U

Jurisdiction

The date on which the highest State Court decided my Case was September 27, 2017. a copy of that decision appears at Appendix B.

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

Constitutional And Statutory Provisions Involved

1. U.S. Const. Amend. V, XIV, and Ill. Const. 1970, art. I, § 2

2. Ill. Const. of 1970, Art. I, § 11

3. U.S. Const. amends. VI, XIV, and Ill. Const. 1970 art. I § 8

Statements of Facts

Twenty year old Devin Bickham, Jr. ("Devin") and his father Devin Bickham Sr. (Bickham Sr.) were tried in a joint but severed jury trial and convicted of the first degree murder of Bickham, Sr.'s girlfriend, Chervon Alexander. A third Co-defendant, Cardell Taylor, was convicted in a separate trial. They were sentenced to 50, 95, and 70 years in prison respectively. Their appeal concerns Devin only.

Prior to trial, defense counsel informed the Court that Devin's family had retained a psychologist for the purpose of evaluating Devin. Dr. Eric Ostrov, and president of forensic Psychology Associates, examined Devin on September 7, 2013 and again on January 21, 2014 with the following:

1. Devin is "depressed, impulsive and very emotionally vulnerable."

2. Devin has an "IQ of 84, in the below average range, poorer than that obtained by 86% of the like-age norming sample."

3. Devin has "Personality Disorder characterized by Self-Doubt, Dependence, Grandiosity, Impulsivity, Anger, and Identity Confusion."

4. "Devin is experiencing intense emotional turmoil and is suffering from symptoms of traumatic stress."

5. Devin "has made plans to kill himself."

6. Devin has "confused thought processes."

7. Devin has "a high level of emotional stress, marked impulsivity, difficulty thinking clearly, low frustration

tolerance."

Dr. Ostrov concluded that "Devin urgently needs psychotherapy" and "would likely benefit from the administration of psychotropic medication. Dr. Ostrov did not examine Devin for fitness to stand trial.

On May 2, 2014, three days before trial, defense counsel filed a motion for a continuance to conduct a fitness examination. This occurred after counsel went to visit Devin the day before. They were based upon noticing "significant peculiarities with Defendant's state of mind and behavior.

The court denied counsel's motion stating that it was a dilatory tactic. The court mentioned how both the State and the court had opportunities to observe Devin.

The State called numerous witnesses at trial. Devin did not call any witnesses. The defense's theory was that Devin's father manipulated Devin into helping him commit the offense because he knew that Devin was gullible and would blindly follow his instructions.

The State's theory was that Devin was completely, independently aware of his part played in the offense. Both testimonial and physical incriminating evidence was admitted against Devin.

The jury found Devin guilty of first degree murder. The jury also found that the State proved that defendant, or one for whose conduct he is responsible, committed the murder pursuant to a contract agreement or understanding to receive money or anything of value in return for committing murder, or procured another to commit the murder for money or anything of

On June 16th Counsel was handed a copy of the pre-sentencing investigation report. defense Counsel told the Court that he was filing a "bare bones motion for new trial," just to "comply with the statute." Counsel stated that he did not have the trial transcripts yet, and asked the Court for permission to supplement the motion when he received the transcript. Said motion was denied.

Thereafter, Davis was sentenced. defendant filed a timely appeal to the first district appellate Court. defendant timely appealed the 1st District conviction upholding defendant's Petition for Leave to Appeal to the Illinois' Supreme Court was denied. This appeal follows:

Reasons For Granting Petition

1. The Illinois' Supreme Court denied defendant's Petition For Leave To Appeal. after defendant attempted to appeal the Appellate Court Conviction and Sentence upheldment of the trial Court for arguments argued in Appendix A.

at the time of said appeals case law and neuroscience was developing, but did not get opened to the defendant until People v. House 410 Ill. Dec. 971 (1st Dist., 2015) defendant's notice to appeal was filed July 22, 2014. his brief was filed on 2-17-16

People v. House was still developing and was not at the disposal of the defendant to give the 1st District appellate court and Illinois' Supreme Court the opportunity to view his arguments in the light of this case law and neuroscience.

this case law supports the defendant's arguments of not being entirely capable of standing trial and that the mitigating factors of defendant's character, age, background, along with other factors given to him now through Miller protection in sentencing him.

this court now have the chance to view defendant's arguments in the light that "House" give the defendant as a 20 year old, claimed to be manipulated by his father. now asking for Miller type protection like courts granted People v. House.

Conclusion

Petitioner pray that this Court grant him relief by viewing his case in light of newly developed case law and neuroscience.

Respectfully Submitted
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