

24-6958
No. _____

ORIGINAL

FILED
FEB 21 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

JUSTIN LEE DALCOLLO — PETITIONER
(Your Name)

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

ON PETITION FOR A WRIT OF CERTIORARI TO

ILLINOIS SUPREME COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JUSTIN LEE DALCOLLO
(Your Name)

P.O. BOX 99; 700
(Address)

PONTIAC, ILLINOIS 61764
(City, State, Zip Code)

INSTITUTIONAL PHONE LINE
(Phone Number)

QUESTION(S) PRESENTED

IS THERE DUE PROCESS, DOUBLE JEOPARDY, AND
6TH, 5TH, 4TH, 1ST, 2ND CONSTITUTIONAL AMENDMENTS
OF THE UNITED STATES CONSTITUTION VIOLATIONS
AND IF SO WHAT ARE THE REMEDIES?

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LIST OF PARTIES

~~X~~ ALL PARTIES APPEAR IN THE CAPTION OF THE CASE

RELATED CASES

Justin Dalcollo v. Ann Celine O'Halloran WALSH,

Justin Dalcollo v. ANTHONY WILLS;

Justin Dalcollo v. DEE DEE BROOKHART;

ON Writ of Habeas Corpus Justin Dalcollo v.

People of the State of ILLINOIS - DEE DEE
BROOKHART.

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☐ is unpublished.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☐ is unpublished.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 STATE LEVEL; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the ILLINOIS SUPREME COURT court appears at Appendix A to the petition and is

- ☐ reported at STATE LEVEL; 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☐ is unpublished.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 11/27/24.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: March 27, 2025 6/5/24, 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

U.S. Constitutional Amendments 1-27
Violated.

STATEMENT OF THE CASE

ON 3/23/2019 an Alleged Arrest Transpired. Mr. Dalcollo was not Mirandized, or notified that the Individuals were officer's. Mr. Dalcollo was then Transported to the Bloomingdale Police Department. UPON ARRIVAL, Mr. Dalcollo was ESCORTED TO A DRINKING FOUNTAIN where a bottle of UNPRESCRIBED METHADONE SALE and Mr. Dalcollo was forced to Consume Infront of 12 other officer's. SEE: (UNITED STATES V. PARKER) "If an Individuals MENTAL IMPAIRMENT should have reasonable been A PARENT to Interrogator's, a lesser Quantum OF Coercion MAY render a Confession INVOLUNTARY."

U.S. v Sablony, 121 F.3d 747, 752 (7th Cir 1994) "In other words, the Police MUST Somehow Overreach by Exploiting a Weakness or Condition Known to Excise". SEE: MIRANDA V. ARIZONA, 384 U.S. 436. In Mr. Dalcollo's Case, He Wasn't Mirandized, However He WAS QUESTIONED, And then Afterward's ON ALLEGED VIDEO WAS Mirandized After the fact.

Excuse Me Justice's, If it MAY Please the Court's, The CHARGE'S ARE ARMED Robbery, Kidnapping AND SEXUAL ASSAULT X 8.

EVENTUALLY a Criminal Proceeding Was Instituted And before Mr. Dalcollo Could be Properly Appointed Counsel A PRE MEDITATION OF APPOINTMENT OF COUNSEL WAS ENTERED BY Jennifer MAPEL'S AND Kristen Nevada L. Media Coverage Began on the Presumption of Innocence Was removed Unfortunately.

THUS, ABOUT 2 YEAR'S ELAPSED AND Mr. Dalcollo WAS FORCED THROUGH THREATS VIA PHONE TO PLEAD OUT. NUMEROUS TIMES Mr. Dalcollo Pleaded With Counsel that He Wanted a Substitution of Judge Motion And that He Wanted A FAIR-TRIAL. PHONE RECORD'S PROVE THAT, Jennifer MAPEL'S STATED " MR. DALCOLLO IF YOU CHOOSE TRIAL NO ONE WILL REPRESENT YOU."

ON 9/16/20 I began to Address the Court's About Trial, WAS IGNORED AND P.D. Jennifer MAPEL'S RAN OUT OF THE COURTROOM, THE JUDGE IGNORED ME AND I WAS FORCED OUT OF COURT. SEE: EXHIBITS 1-8 PROOF. THUS, A Plea Hearing Held and ON 9/30/20 The Court UNAMBIGUOUSLY EXCEPTED THE PLEA OF GUILTY. Prior to Said Plea The Prosecution NOLE PASSED 12 COUNT'S AND KANE COUNTY NOLE PASSED 14-COUNT'S.

Therefore, I Sent a letter via mail to the Probational office Explaining my Difficulties with Counsel. Suddenly - The Judge Halted the Proceedings Stating I Cannot Ignore this -- defendant's Claims. Eventually A SENTENCING, Hearing Transpired However I Wasn't Present at that time.

Thus, I Then Asked For Appointment of Conflict Interest free Counsel or Attorney in which Judge Walsh Appointed STEVE GUY DALTON AND HE WAS NOTIFIED IT WAS POST CONVICTION AND A SENTENCED WAS ENTERED. However Mr. DALTON WAS another Public Defender So The Conflict Still Existed.

I tried to APPEAL, JUDGE WALSH Stopped my APPEAL. I tried a Habeas Corpus §2241 Pre-Trial And Judge Walsh And Prosecutor Admitted ON RECORD TO STEALING MAIL NOT ADDRESSED TO THEM AND WITNESS Mr. DALTON TESTIFIED HE RECEIVED MAIL ADDRESSED TO THE CLERK NOT HIM. Eventually on 2/18/20 A Hearing to Proceed Pro Se HAD And Granted Without MENTAL HEALTH EVALUATION (VIOLATION OF DUE PROCESS).

A 604(d) Motion to Withdraw Plea of Guilty And Vacate Judgement Was Put

into the yance for month's Pending Discovery from the Prosecution. Essentially As Discovery began to be tendered And reviewed I noticed that the officer's were following me for weeks Prior to Alleged offense it was a Group of them.

AFTER VIDEO DISCOVERY REVIEW I then noticed Multiple Informant's trying to elicit info concerning my Evidence. Then I began to notice that While Evidence was held in Sheriff's Custody the Video Discovery Times were Altered And Changed, However I had a notary sign and document times of said Video Prior Just in Case That Had those Intention's to tamper Or Alter Evidence.

EVENTUALLY A Motion to Withdraw Plea of Guilty And Vacate Judgement WAS HAD on 4/28/21 and Ended on 5/4/21. THE PROSECUTION DID NOT REINSTATE THE Nolle Prossed Charges AND I WAS Denied the Appointment of Counsel. AGAIN THE 14TH AMENDMENT DUE PROCESS WAS AND IS VIOLATED AND THE 6TH AMENDMENT OF THE U.S. CONSTITUTION RIGHT TO COUNSEL AND OR ATTORNEY UNDESPELIBLY VIOLATED.

(U.S. v. Senak, 477 F.2d 304) "The Right of Indigent defendants to Appointed Counsel is Guaranteed by the 6th Amendment and, the Essence of this Right to effective, Competent And Adequate Representation"; Callaway v. Powell 393 F.2d 886 (5th Cir 1968) "Whoever, Under Color of any Law, Statute, Ordinance, Regulation or Custom Willfully Subject's Any Inhabitant, of Any State, Territory Or District to the Deprivation of Any Rights, Privileges Or Immunities Secured or Protected By the U.S. Constitution or Laws of the United States, Is Guilty of An Offense 18 U.S.C. § 242.

Thus, not only is Due Process, the 6th Amendment of the U.S. Constitution is Also Violated. Mr. Dalcollo Argues Also See: UNITED STATES v. SMART, 2012 APP. LEXIS 18738 (5th Cir) Per Curiam AND Federal Rule 47-647.02 "Where Defendant didn't file a formal motion to Proceed Pro Se but merely docted a letter with the Court, a letter does not constitute a motion.

Essentially- Mr. Dalcollo has forced Pro-Se, NO motion was filed AND Due Process here is OVERWHELMINGLY VIOLATED. See: U.S. v. HODGE 2013 1st Dist 141857 "Court construed a letter

from the Defendant is (Abuse of Discretion).

Thus, The Defendant Mr. Dalcollo WAS then forced to trial on CHARGE'S NOT LEGALLY -- PENDING, DENIED THE ASSISTANCE OF COUNSEL Per 6th Amendment of the U.S. Constitution. The Judge, And Prosecutor make's Clear Admissions that the CHARGE'S WERE NOT REINSTATED, AND Mr. DALCOLLO DID OBJECT TO ALL PROCEEDING'S AND TRIAL, And even ATTACKED THE CHARGING INSTRUMENT STRICKING IT DOWN ON RECORD AS IT ALSO Subjected Mr. Dalcollo to Double JEOPARDY OVER 5+ TIMES TO INCLUDE Kane County ALSO WAS Prosecuting Some EXACT CHARGE'S to later Dismiss those Charge's.

ULTIMATELY A UPWARDS of 50+ motions were filed to Include DISCOVERY SANCTIONS AGAINST THE PROSECUTION FOR failing to tender BRADY MATERIALS - in which through, Gross Impro Priorities THE State OVER 16 times - Without Warrant AND ON VIDEO TOOK D.N.A. EVIDENCE FROM MY CLOTHES to Switch out BECAUSE the D.N.A. Evidence Didn't MATCH, And the ALLEGED Victim Admitted To NOT

GOING TO THE HOSPITAL, AND TEXT MESSAGE
PROVE AND MEDICAL RECORDS PROVE SHE WAS TELLING
LIES. M.F. ALSO ADMITTED THE PERP HAD -
BRANGE RED HAIR, NOT SALT-N-PEPPER.

Datz Prior to Trial the Prosecution
Then ADMITS ON RECORD TO OPENING THE EVIDENCE
TAKING PICTURES AND FAILED TO TENDER DOCUMENTS
AS DISCOVERY WHICH IS BRADY MATERIAL VIOLATIONS.
WHICH IS ALSO A CLEAR INDICATION THE PROSECUTION
WAS SWITCHING OUT D.N.A..

OF COURSE, MR. DALCONO WAS -
HARRASSED BY MULTIPLE ATTEMPTS TO PROSECUTE
FOR THE SAME OFFENSES. SEE: U.S. V. PALOMARES,
119 F.3d 556) "THE REQUIREMENT OF LEAVE OF COURT
GIVES THE COURT DISCRETION TO DETERMINE THE
PRIMARY PURPOSE OF THE REQUIREMENT THAT PROSECUTORS
OBTAIN LEAVE OF COURT IS TO PREVENT - HARRASSMENT
OF THE DEFENDANT BY PROSECUTOR'S CHARGING --,
DISMISSING AND RECHARGING A DEFENDANT OF A
CRIME.

BECAUSE MR. DALCONO WAS FORCED
TO TRIAL ON CHARGE'S NOT LEGALLY PENDING IT -
VIOLATED HIS 5TH AMENDMENT RIGHT TO BE NOTIFIED
OF THE CHARGE'S SEE: U.S. CONSTITUTION 5TH AMEND'S.

Eventually Voir Dire Commenced And, Judge's, Police Officer's, Attorney's Were Planted In the Jury box And Trial Was Rigged by those whom Represented that County. A Judge Admits ON RECORD to being A Active Attorney.

THUS, THE Judge Also Forced Me, to State I didn't Have A Defense And the RECORD So Reflects this. I filed A MOTION FOR MIS TRIAL HOWEVER JUDGE WALSH Denied this Motion Without Reading Said Motion Again -- Proving Prejudice. ALL Witnesses Were IMPEACHED, Evidence Foundations Were not Laid And There WAS no Proof of Chain of Evidence.

THE fire Arm Was Proved to be In Possession of the A.T.F. ON 3/22/19 NOT 3/23/19 Which Proves that Officer's Planted Evidence to Put me In Possession of A fire arm When i WASN'T OR FABRICATED AND FALSIFIED FEDERAL REPORTS.
SEE: EXHIBIT 1 THROUGH 8

The PROSECUTOR then DURING Closing Argument USED Inadmissible Statements to SAY I TESTIFIED At trial When i did not, A bolstered a lie SAY it WAS the ALLEGED Victim B-DAY When infact Her B-DAY WAS in April, 4, 2019 MAKING Her 20 year's OLD.

SEE: (U.S. V. Duffe, 121 F.3d 1878) "Defendant Successfully moved for mistrial, Double Jeopardy -- attached if intent of Prosecutorial Misconduct FORCED Defendant to SEEK MISTRIAL."

In Mr. Dalcollo's Case He, NOT ONLY moved for mistrial BECAUSE of Prosecutorial Misconduct, the Prosecution, Judge And Jury GRADED Him INTO A MISTRIAL. Mr. Dalcollo Did raise BATSON V. KENTUCKY Juror CHALLENGE to Array of Juror's. But Still WAS Denied.

THEN After The Prosecution - Closed its Case in Chief - Chief on 12/10/21 The Judge Allowed 2 witnesses to testify throwing A TOTAL WRENCH IN TRIAL, AND Obstructed, BY FORCING ME TO STOP Cross Examination OF ALLEGED D.N.A. EXPERT - BECAUSE Evidence Proved She Didn't DO the Initial Test that Excluded me And Implemented A JASON.

Trial Ended, And Defendant WAS Sentenced to 121 year's I.D.O.C. SEVERAL Post-Trial and Post Sentence's Motion's filed, Unfortunately 19 Denied without full And fair Hearings.

To Lastly Include, the Prosecution Was AND Is MALICIOUSLY AND VINDICTIVE IN VIOLATION OF 18 U.S.C.S. §1623 BECAUSE DET. SOVOBODA'S Grand Jury Testimony WAS FALSE AND HIS STATEMENT'S DURING A SUPPRESSION HEARING PROVED HE NEVER MADE THE ARREST, NEVER FOUND A FIRE ARM. THE PROSECUTION ENTIRE TRIAL WAS INFECTED WITH A CONSPIRACIOUS PERJURY AND OFFICIAL'S.

Most Importantly, Mr. Dalcollo Attacked the Indictment Because it is AND WAS A INVALID one. (SEE: 18 U.S.C.S. §1621). HE WAS SUBJECTED TO INEFFECTIVENESS OF COUNSEL, DENIED COUNSEL AND APPELLATE COUNSEL REFUSED TO RAISE ANY ISSUE'S PERTAINING TO THE CASE AND WITHDREW from Representation. SEE: STRICKLAND V. WASHINGTON, AND Plain error Doctrine to Include the Defendant HAS OVERCOME THE BRECHT STANDARD, Brecht v. Abrahamson, 507 U.S. 619, 631, 113 S.Ct. 1710, 123 L. ED. 2d 353 (1993). THE INJURIOUS effect IS REALLY Simple to SEE, A JUDGE AND ATTORNEY WERE IN THE JURY BOX AND IMPRISONMENT RESULTED.

ULTIMATELY U.S. CONSTITUTIONAL -- AMENDMENT'S 1-27 ARE VIOLATED.

REASONS FOR GRANTING THE PETITION

Due to Society Un Awareness of Wrongful
Cancerous officials, by Granting Said Writ
and Affording Justice Will Shock the
Consciousness of Society to be more and
more Involved With Whom they Elect And
thus Holding them Liable For The Injustices.

BECAUSE of the Charges it Will
Also bring Awareness that not everyone who
Is Convicted Is Guilty, So Society Can
Also Learn Not to Judge So Quickly. Because
my Case made Local News it Will Also
Create A Wide Spread Controversy Showing
Lower Courts that the U.S. Supreme Court
Is The Power's That be, And that our -
National Government Believes in Equal Justice.

CONCLUSION

THE PETITION FOR A WRIT OF HABEAS CORPUS SHOULD
BE GRANTED

RESPECTFULLY SUBMITTED

JUSTIN L. DALO

DATE: 2/21/25