

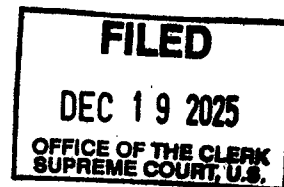
No. \_\_\_\_\_

25-7086

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Traviel C. Gibson — PETITIONER  
(Your Name)

vs.

State OF ILLINOIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

APPELLATE COURT OF ILLINOIS FIFTH Judicial District  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Traviel C. Gibson  
(Your Name)

5835 State Route 154  
(Address)

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

N/A  
(Phone Number)

## QUESTION(S) PRESENTED

- 1) Whether petitioner's Fifth, Sixth, and Fourteenth Amendments of United States Constitution violated during custodial interrogation, and erroneously admitted in petitioner's trial without a knowing, voluntary, and intelligent waiver of his Miranda rights.
- 2) Whether the State's introduction of improper bad-acts/character evidence constituted impermissible character/propensity evidence of highly prejudicial value in violation of due process, of petitioner's rights under Fifth, Sixth, and Fourteenth Amendments of United States Constitution.
- 3) Whether prosecutorial misconduct in context of the entire trial infected the trial with unfairness as to make the resulting conviction a denial of due process by prosecution introducing lay opinion identification testimony from a law enforcement officer without following the Illinois Supreme Court's mandatory procedures detailed in *People v. Thompson*, improperly attempted to shift the burden of proof to petitioner, and made improper arguments that included misstatements about the evidence, and improperly vouched for evidence that was not admitted at trial, that rendered the trial fundamentally unfair under the Fourteenth Amendment of the United States Constitution.
- 4) Whether the cumulative effect of these constitutional errors deprived petitioner of a fair trial, questioned above in total violated petitioner's due process right guaranteed by the federal constitution, and the outcome at trial would likely been different absent these errors.

## 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:

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order rehearing filed and denied April 02, 2025

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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 People v. Gibson 2025 IL App 5th 210428; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ 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.

## 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 Sept. 24, 2025.  
A copy of that decision appears at Appendix C.

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).

The judgment of the Illinois Appellate Court was entered on March 6, 2025. The Illinois Supreme Court denied discretionary review Sept. 24, 2025. This Court has jurisdiction under 28 U.S.C. § 1257(a) because the judgment involves substantial federal questions arising under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution. This petition is timely filed.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fifth Amendment, Due Process of law, and privilege against self-incrimination

Sixth Amendment, Right to trial by an impartial jury; right to counsel,

Fourteenth Amendment, Due Process of law; fundamental fairness;  
Equal Protection and incorporates Bill of Rights.

United States Constitution . . . . . passim

Statutory Provisions

28 U.S.C. § 1257(a)

#### STATEMENT OF THE CASE

Traviel C. Gibson was convicted of first degree murder and robbery after a jury trial and was sentenced to consecutive terms of 70 yrs imprisonment in the Illinois Department of correction (IDOC) for first-degree murder with a 3-year term of mandatory supervised release (MSR) and 5 years imprisonment for robbery with a 1-year term of MSR.

## REASONS FOR GRANTING THE PETITION

I. The State Court's Decision conflicts with this Court's Precedents on the requirements for valid waiver.

The requirement of warnings and waiver of right is fundamental with respect to the Fifth amendment privilege and not simply a preliminary ritual existing method of interrogation. (*Miranda v. Arizona* (1966) 384 U.S. 436, 474. The record reflects were Detective Koontz misinformed petitioner and petitioner's questions and responses do not indicate understanding in this cause as a matter of law. Officer didn't understand petitioner's questions and treated petitioner's right as a formality. State's foot note in reply brief where it admits that detective Koontz testified at the suppression hearing that he "had never heard that question before and had no idea how to answer it." If all parties involved are admittedly confused about an "ambiguous question" during miranda warning, how can it possibly be said that the rights were knowingly waived? The detective specifically told petitioner that he was acknowledging by signing only that he had read the form to him, not that he was waiving his rights. Moreover, the detective never verbally asked petitioner whether he wanted to waive his rights or speak with them. Petitioner did not ever affirmatively waive his rights. The Detective diverted petitioner attention by asking him how to spell his name, and then directed him to "step up here and sign this right there. Just - just says that I read those to you." The record demonstrates substantial evidence that petitioner did not understand the consequences, including signs of confusion, emotional distress, subjected to stress-fuel circumstances, and lack of comprehension. This conflict warrants review because state court's are divided on how to assess voluntariness where the suspect exhibits cognitive, emotional, or substantial situational impairments at the time of interrogation.

Your client must have actually understood his rights and questioning officer must make that determination instead of simply reciting the rights. See; (Tague v. Louisiana, 444 U.S. 469, 1980) (Moran v. Burbine, 475 U.S. 412, 421 1986) (Colorado v. Spring, 479 U.S. 564 (1987)). The privilege against self-incrimination applies to the states through the Fourteenth Amendment Malloy v. Hogan, 378 U.S. 1, 8 (1964). Petitioner's statements to police - while not the confession touted by the prosecution were unquestionably highly prejudicial and critical to the case against him. The interrogation involved suggestive questioning and the appellate court credited the officer's testimony without properly considering competing indications that waiver was not knowing or voluntary.

II. The Admission of prior conflict evidence violates Due Process by permitting conviction based on character rather than Proof Beyond Reasonable Doubt.

Under the Fourteenth Amendment, criminal convictions cannot rest on a jury's perception of a defendant's bad character. This Court has repeatedly warned of the constitutional dangers of admitting other acts evidence to show propensity. See; Estelle v. McGuire, 502 U.S. 62 (1991). When "evidence is introduced that is so unduly prejudicial that it renders the trial fundamentally unfair, the Due Process Clause of the Fourteenth Amendment provides a mechanism for relief" Payne v. Tennessee, 501 U.S. 808, 825, 111 S. Ct. 2597, 115 L. Ed. 2d 720 (1991); Donnelly v. DeChristoforo, 416 U.S. 637, 94 S. Ct. 1868, 40 L. Ed. 2d 431 (1974); Caldwell v. Mississippi, 472 U.S. 320 (1985).

The prosecution presented evidence of other, uncharged crimes and prior bad acts violating petitioner's Fifth, Sixth, and Fourteenth Amendment right, compounding this prejudicial effect of this evidence, the prosecution emphasized it in closing arguments. Trial counsel objected to the admission and post trial, the claim is fully preserved. The trial court erred in allowing in details of three domestic disturbances between someone other than petitioner Father about a month

Before his Father was shot and killed and introduced hearsay statements from an officer who was supposedly told by petitioner he didn't get along with his Father, this evidence had minimal probative value and served primarily to paint petitioner as a violent character. See, *Old Chief v. United States*, 519 U.S. 172 (1997); See Illinois Rule of Evidence 403, 404, and compared with Federal Rule of Evidence. A defendant is entitled to a fair trial by an unbiased jury. It is impossible to calculate how much the jury was prejudiced against petitioner by this evidence. The appellate court allowed such propensity evidence without the strict scrutiny mandated by due process. Lower courts are divided about the constitutional limits on admitting motive evidence rooted in prior conflicts or hostility.

III. Petitioner did not receive a fair trial because prosecution presented identification opinion testimony from law enforcement without following the procedures outlined by Illinois Supreme Court in *People v. Thompson* 2016 IL16627, prosecution closing argument violated Due Process by misstating evidence, improperly vouched for evidence not at trial, and undermining the presumption of Innocence. The record in this case shows that the prosecution exceeded the bounds of proper argument in its zeal to obtain a conviction.

If courts in Illinois are to properly construe it's Supreme Court holding in *People v. Thompson*, the court must reinforce its holding until court's properly apply the holding and give it's defendant's equal protection of the laws and procedures. The prosecutor took egregious liberties with closing arguments because of this error. Petitioner's due process rights of the United States Constitution was denied when the circuit court failed to engage in the precautionary procedures required for law enforcement witnesses and entirely failed to issue any limiting instructions to the lay jury. Suggestive and biased identifications are highly problematic. See also

(People v. Stitts 2020 IL App 1st 171723 Paragraph 28, 29)  
See also; U.S. Const. Amend. XIV; Illinois Rules of Evidence 701 and Federal.)

This Court has held that prosecutorial misconduct in closing argument can violate a defendant's due process rights when remarks render the trial fundamentally unfair. (Narden v. Wainright, 417 U.S. 168 (1986)). The prosecutorial actions cumulatively deprived petitioner of a fair trial. Prosecutor arguments improperly sought to shift burden onto the defense undermining the presumption of innocence and judicial process. Suggested petitioner had a burden to explain himself, misstated parts of the record to strengthen the State's theory, rather than objective evaluation of evidence the prosecutor made appeals evoking bias. These errors cast doubt on the validity of the verdict and violated due process rights to a fair trial. Nearly a century ago this Court counselled prosecutors "to refrain from improper methods calculated to produce a wrongful conviction"... Berger v. United States, 295 U.S. 78, 88, 55 S.Ct. 629, 633, 74 L.Ed. 2d 134 (1935). The appellate court minimized these errors rather than considering their cumulative prejudicial impact. This Court should step in to articulate clearer limits on prosecutorial advocacy in criminal trials.

#### IV. The Accumulation of Constitutional Errors Deprived Petitioner of a Fundamentally Fair Trial

Even if individual errors are deemed harmless, cumulative error may rise to a due process violation. Lower courts apply inconsistent standards regarding cumulative error and its constitutional significance. Here, the involuntary statements, propensity evidence, and prosecutorial misconduct collectively undermined the fairness of the proceedings. Review is warranted to establish a uniform approach to cumulative error analysis under the Fourteenth Amendment.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Travis C. Gibson

Travis Gibson

Date: 12/17/25