

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

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

Reggie Rankins — PETITIONER  
(Your Name)

vs.

People of the state of Illinois — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Reggie Rankins  
(Your Name)

251 N Ill Hwy 37  
(Address)

Ina IL, 62846  
(City, State, Zip Code)

618.437.5300  
(Phone Number)

### QUESTION(S) PRESENTED

1. Did the state of Illinois properly obtain a conviction based upon the evidence of J.P testimony, and in accordance with Statute 720 ILCS 5/11-1.30 (A)(1)
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## 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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## TABLE OF AUTHORITIES CITED

### CASES

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People v. Denbo 372 Ill. App 3d 994, 1007, 868 N.E. 2d 347, 311 Ill. Dec 473 Pg. 7

### STATUTES AND RULES

720 ILCS 5/11-1.30 (A)(1)

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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 N/A to the petition and is

- ☐ reported at N/A; 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☐ is unpublished.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 N/A to the petition and is

- ☐ reported at N/A; 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☐ is unpublished.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 N/A; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

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The opinion of the Illinois Appellate court appears at Appendix B to the petition and is

- ☐ reported at N/A; 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☒ is unpublished.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 N/A.

☐ 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: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/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 3/21/2018.  
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/A.

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

To commit aggravated Criminal Sexual assault one must Commit Criminal Sexual assault. people v. Denbo



### STATEMENT OF THE CASE

Following a bench trial, the defendant in this case Reggie Rankins, was convicted of aggravated criminal sexual assault 720 ILCS 5/11-1.30(A)(1) and aggravated battery 720 ILCS 5/12-3.05 (A)(1) for which he was sentenced consecutively to 16 years and 2 years respectively. On appeal Mr. Rankins contended that the State failed to prove him guilty beyond a reasonable doubt of aggravated criminal sexual assault.

During the trial the victim in this case J.P., testified that on October 1, 2012, around 7p.m., she was sitting on the mattress in the living room of Mr. Rankins' apartment when Mr. Rankins struck her from behind. J.P. looked up and saw Mr. Rankins standing over her with a metal bed frame or bedrail in his hands. She did not see where he got it from, and testified that they had not been arguing prior to that moment. After Mr. Rankins hit her, he leaned the rail against the wall. J.P. ran to the bathroom and noticed she was bleeding from her head. Mr. Rankins followed her to the bathroom tackled her to the floor, and choked her with both his hands for about ten seconds. Mr. Rankins let J.P. go and she fled into the living room asking him why he was doing these things. He responded by punching her in the face, saying that he thought she was texting

and setting him up for someone to come over and do something. Mr. Rankins began punching J.P. demanding that she have sex with him. He told her that he would continue to beat her if she did not cooperate. J.P. testified that she felt helpless and that she had no choice so she took her clothes off. Mr. Rankins put on a condom and inserted his penis into her vagina. J.P. did not want to have sex with Mr. Rankins, nor did she consent to having sex with him.

### REASONS FOR GRANTING THE PETITION

Mr., Ms. Chief Justice may it please this honorable Court of these United States of America. Mr. Rankins' conviction of aggravated criminal sexual assault is incorrect as a matter of law, Statute 720 ILCS 5/11-1.30(A)(1), and evidence, the testimony of J.P. Mr. Rankins does not dispute that the evidence was insufficient to find him guilty of aggravated battery and sexual assault. Mr. Rankins does however argue that the evidence is insufficient to prove him guilty of aggravated criminal sexual assault by use of a weapon (metal bedframe) to force J.P. to engage in unconsented sex. Mr. Rankins admits to using a weapon (metal bedframe) to physically assault J.P. and he also admits to sexually assaulting J.P. as a separate and independent act as the evidence of J.P.'s testimony shows. It is easy to conclude that because Mr. Rankins used a weapon to physically assault J.P.; he then must have displayed, threatened to use, or used the weapon in a manner that led J.P. under the circumstances, reasonably to believe that the object was a dangerous weapon to force her to engage in unconsented sex, and while he sexually assaulted her.

The evidence of J.P.'s testimony shows otherwise and should be held valid to maintain Mr. Rankins' innocence of aggravated criminal sexual assault by use of a weapon. J.P.'s testimony shows that Mr. Rankins did not display,

threaten to use, or used a weapon (metal bed frame) in a manner that led J.P. under the circumstances, reasonably to believe that the object was a dangerous weapon to force her to engage in unconsented sex, nor while he sexually assaulted her. Instead Mr. Rankins used his hands to beat J.P. into submission and he used the threat of continued beating to force her to engage in unconsented sex. J.P. testified that she never saw or had any knowledge of the weapon (metal-bed frame) prior to being struck, and that she didn't know or see where Mr. Rankins got it from eliminating any chance of her being led to believe it was a dangerous weapon because it had not been displayed. J.P. testified that only after being struck she looked up and saw what she was struck with; which Mr. Rankins immediately leaned it against the wall never retrieving it. Mr. Rankins made no gesture toward<sup>or</sup> reference to the weapon (metal bed frame) leading J.P. to believe he would use it again especially to force her to engage in unconsented sex. At this juncture Mr. Rankins only committed aggravated battery. Only when Mr. Rankins began punching J.P. and demanding that she have sex with him does he make an overt act toward committing sexual assault. It is well stated that one must commit sexual assault in order to commit aggravated criminal sexual assault, *People v. Denbo* 372 Ill App 3d 994, 1007, 868 N.E. 2d 347, 311 Ill Dec 473.

J.P. goes on to testify that she asked Mr. Rankins why he was doing these things, which included striking her with the weapon (metal bed frame) and choking her to which he gave a response, he thought she was texting and setting him up for someone to come over and do something. According to J.P.'s testimony Mr. Rankins physically assaulted her with a weapon (metal bed frame) prior to sexually assaulting her as a independent, totally separate, unrelated act. J.P. testified that she felt helpless and like she had no choice so she took her clothes off because she was being beaten. J.P. never stated or implied that being struck ~~in~~ the previous assault made her feel helpless and like she had no choice; or that the weapon was the reason she engaged in unconsented sex. No such inference should be allowed since the state made no attempt to set a foundation that would allow such inference; even after J.P. was asked by Rankins' defense council did Mr. Rankins use the weapon (metal bed frame) to force her to engage in unconsented sex to which she responded no. (refer to trial transcripts, defendant is unable to properly cite, defendant's transcripts were misplaced in a institutional security inspection). It is a matter of law, Statute 720 ILCS 5/11-1.30 (A)(1), that to properly convict Mr. Rankins of aggravated Criminal Sexual assault he would have had to display, threaten to use, or **use** the

weapon (metal bed frame) in a manner that led J.P. under the circumstances, reasonably to believe that the object was a dangerous weapon to force her to engage in unconsented sex, and during Mr. Rankins committing sexual assault. It is the testimony of J.P. that proves and maintains Mr. Rankins' innocence of aggravated criminal sexual assault with a weapon (metal bed frame). Mr. Rankins therefore humbly and respectfully ask this honorable ~~renew~~ Supreme Court of these United States of America to diligently consider reversing his conviction of aggravated Criminal Sexual assault Count 1 and remand for resentencing without the automatic 10 year add on attributable to it. Not only because of the foregoing reasons, but because it also shows that this great country doesn't just interpret, and apply the law at it pleases. It shows that this great country's law is upheld gracefully by the discretion of those we, the citizens of these United States intrust with great power to diligently exercise mercy where the law would be used to kill one's future hopes and dreams. This honorable court would be doing much more than overturning a conviction. You honorable Chief Justices would be giving every citizen of these United States hope and faith as well as legal precedent. Hope that you who hold such honorable positions will make rulings and decisions that establishes

equity, and justice based upon your wise judgment and faith that you will continue to do so. You Chief Justices will give a clear example to follow for those that come to find themselves in similar circumstances because you made sound judgment and set legal precedent by ruling in this case.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Reggie Pinks

Date: 6-13-18