

No. ~~15-5010~~ ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C. 20543

IN RE MICHAEL CRENSHAW - PETITIONER

VERSES

THE PEOPLE OF THE STATE OF ILLINOIS -
RESPONDENT(S)

ON PETITION FOR WRIT OF
CERTIORARI TO
SUPREME COURT OF ILLINOIS
(name of court that last ruled on merits
of your case)

PETITION FOR WRIT OF CERTIORARI

MICHAEL CRENSHAW

I.D.# R06537

STATEVILLE CORRECTIONAL CENTER

ROUTE 53

P.O. BOX 112

JOLIET, ILLINOIS 60434-011212

PRO SE, PETITIONER.

PETITION FOR WRIT OF CERTIORARI

This writ will be in Aid of the Courts appellate-jurisdiction that exceptional Circumstances warrant the exercise of this courts discretionary Powers, - and that adequate relief cannot be obtained in any other form or form from any other court - pursuant to 28 U.S.C. § 1651 (a); § 2241 OR - 2244 (a).

Petitioner had filed a Late Petition to Leave appeal - with a motion to Withdraw guilty Plea, To The Supreme court of Illinois. Which was DENIED. So, To Create a Re-start in order to Bring, for first time for filing into this court Writ - for Certiorari and NOT be barred from such Request - (1) THAT the applicant had exhausted the remedies - available in the courts of the state. (2) Where there - was no adequate remedy available in such courts, and (3) Where all Three state courts had DENIED the Applicant a fair adjudication of the legality of his detention under the Constitution and Laws of the United States.

Culpable Negligence, for instance, has been attributed to the Prose litigant who is indigent, and unaware of the law and who has a third grade Education, and it has likewise been attributed to a Petitioner who can show that the delay was due.

At least in part, to his own mental illness.
Dismissal in these circumstances would be improper.
United States ex rel Braxton vs. Gramly, 664 F.Supp.
1149 N.D. Ill 1987.

But it is equally clear that the prisoner must —
always have some opportunity to re-open his case —
If he can ^{Make} ~~show~~ a sufficient showing that he is —
a victim of a fundamental miscarriage of Justice. —
Whether the inquiry is channeled by the use of the —
term "Cause" and "Prejudice" or by the statutory duty —
to dispose of the matter as Law and Justice —
required pursuant to 28 U.S.C. § 2243

In the interests of Fundamental Fairness Requires that —
an exception be made to the Procedural Bar of —
Res-judicata and Waiver Rule be Relaxed, when
considering a Petition for Writ of Certiorari relief
Petition filed by a Pro se Petitioner convicted of
First Degree Murder - by means listed in this Petition
that he did not commit. And in the Alternative
failure to consider such claims raised for the first
time in a Writ of Certiorari, would result in
a Fundamental Miscarriage of Justice.

Murray vs. Carrier, 477 U.S. 478

Like the Great Writ from which it draws its essence
See Engle vs. Isaac, 465 U.S. 107 - 126 (1982)...

the root principle underlying 28 U.S.C. § 2254 is that government in a civilized society must always be accountable for an individual's imprisonment, if the imprisonment does not conform to the fundamental requirements of law. The ^{individual} ~~individual~~ is entitled to his immediate Release. Murray-v-Carrier, 477 U.S. 478.

The Cause and Prejudice test must be considered within an overall inquiry into Justice. Carefully preserving the exception which enables the federal writ to grant relief in cases of manifest injustice. Constitutional claim(s) that implicates fundamental fairness compels review regardless of possible procedural defaults; it follows that a showing of prejudice would invariably make a showing of Cause unnecessary. Where a Constitutional violation has ^{probably} ~~proper~~ resulted in the conviction of one who is actually innocent.

In Proper Respect this Court should grant Writ of Certiorari do to (1) that the ^{petitioner} ~~applicant~~ raises a jurisdictional question involving federal laws on which the state law allowed no access to its courts, either by state habeas corpus or through appeal from conviction, and therefore this petitioner has no other state remedy; (2) that the Petition shows that although the law...

Allows a remedy, he was actually improperly —
obstructed from making a record upon which the —
question could be presented, so that his remedy by —
way of ultimate application to this court for —
Certiorari has been frustrated. Presumably a federal —
court will not release a convict until he proves —
facts which show invalidity of his conviction, —
if proof is to be required, it is no hardship to —
require a simple statement of what it will be. —

This petitioner should be given benefit of —
liberal constitution, of all usual privileges of —
amendment, and, if this court finds a probably —
worthy case, appointment of counsel to aid —
in amending this Petition and presenting the case.

For proper respect again compels the conclusion —
this Supreme Court would have to Grant Petitioner's —
Request of Writ of Certiorari, had it thought —
Petitioner's Constitutional Rights were violated —

Speller - vs - Allen, 192 F.2d 477 - 478 —

To award a writ of Certiorari to a state prisoner —
where the legality of such detention has been —
determined, on the facts presented, by the highest —
state court with jurisdiction, whether through —
affirmance of the judgment on appeal or denial —
of Post-conviction remedies. See White - vs - Ragen, —
324 U.S. 760 - 764. Discharge from conviction —
through writ of Certiorari is NOT an act of free.

Judicial clemency but a protection against illegal custody. The need for an argument is a matter of judicial discretion. All issues were adequately presented. There was no abuse.

Darr-v-Surford, 339 U.S. 214

— QUESTIONS PRESENTED —

1) When extracting an involuntary confession by Police threats and/or promises when ~~state~~ detectives stated that they would go to the state's Attorney's office and get me a Ten year imprisonment for my statement and promised what they could not deliver on, is violative of due process. Without Miranda Warnings Rights, the use of coerced confession as to get substantive evidence of guilt can never be Harmless Error. Rex-v-Teeple, 753 U.S. 503; Haynes-v-Washington, 373 U.S. 503; Jackson-v-Denko, 378 U.S. 368; Missouri-v-Seibert, 542 U.S. 600; Miranda-v-Arizona, 384 U.S. 436. Which is a 5th and 14th Amendment Rights of the United States Constitution of 1791, which is a due process of law, which indeed caused an immediate and direct injury to Petitioner's constitutional Rights. See APPENDIX A 3 pages

2) When the State's Attorney's office does not comply with their own law of Section 109-3.1 (b) Persons charged with felonies pursuant to 720 ILCS 5/109-3.1 (b), the states failure to arraign defendant within the Statute of limitations of 30 days. Defendant was arrested and taken into custody March 21st, 2000, State filed for a Bill of indictment on April 12th 2000, on May 3rd 2000 is when defendant was officially charged by an Arraignment and handed a copy of said indictment. From March 21st until April 20th, 2000, was the statute of limitations had run. That is 44 days after being taken into custody and 14 days after indictment was do to defendant. The statute of limitations is tolled when the state commences prosecution 725 ILCS 5/111-1 (West 2000) which must be reviewed is whether the Circuit court abused its discretion in denying defendant's motion to dismiss the charge, where such motion to dismiss where such dismissal would, pursuant to Section 114-1 (E) of the Code, be without prejudice, unless one of the exceptions apply, (Which none of the exceptions applied to Petitioner, Motion for Substitution for Judge is attributed to the state OR TO the court appointed counsel, There were no waiver ever signed to agree to, nor any ^{things} ~~known~~ knowing about any waiver,) dismissal without prejudice is mandatory. In the absence of an applicable exception, the cause shall be dismissed without prejudice...

2 continued)

Kirby -vs- Illinois, 406 U.S. 682-689, 92 S.Ct. 1882, 32 L.Ed.2d 417 (1972) Defendant did NOT sign any waiver thereto for the State to Arraign him Past the 30 days pursuant to Section 109-3.1 (b) (720 ILCS 5/109-3.1 (b)) Nor for Motions for Substitution of Judge. Miller-vs-Carter, 434 F.2d 824 (1970) Waiver affecting Federal rights is a Federal question Fay-vs-Moia, 372 U.S. - 391, 439 83 S.Ct. 822, 9 L.Ed.2d 837 (1963); Curry, 405 F.2d 112. See APPENDIX B 7 pages

Petitioner tried to obtain his Discovery and Attorneys Work product, could NOT obtain any legal documents containing any of the accused Record. BEEN DENIED multiple times that's subject to the record.

Petitioner also tried to send along with his Original Writ of Certiorari Evidence that he petitioned the Court for his record of legal files, BEEN DENIED TO send this Court any Evidence that he tried to obtain Evidence for his defense. Curry-vs-Wilson, 405 F.2d 110-112 (9th Cir. 1968) Nor does the record conclusively establish "Waiver" in the Curry-vs-Wilson, source. See APPENDIX D 2 pages
E 3 pages G 1 page
F 1 page

Which cause an immediate and direct injury to Petitioner's 5th and 14th Amendment Rights, to The United States Constitution of 1791.

3) When the state did not allege the exceptions in defendant's original Bill of Indictment pursuant to 720 ILCS 5/3-7 (c). The Statute itself however, is not self-executing and therefore, the state bears the burden of proving that those exceptions should apply. The state must allege the circumstances of those exception on the face of the indictment, and indicate the specific facts and the specific exception (3) that would suspend the Statute which the state did not comply with. (only have state cases for authority, no federal)

See APPENDIX B within 2 pages which cause an immediate and direct injury to Petitioner's 5th, ^{6th}, and 14th Amendment Right, to the United States Constitution of 1791.

4) When the state violated defendant's 120 days Speedy trial Rights, with court appointed counsel waiving those Rights, which defendant did not sign any waiver of thereto, did not agree to, nor had any knowledge of such waiver. When the court appointed counsel to waive any 120 days Speedy trial Rights, to aid the state to bring a second Superseding Bill of Indictment 7 months 17 days later, to add substantive elements to the original charge of first-degree murder, to add new and additional charges of "Accompanied by exceptionally brutal or heinous behavior..."

continued

indicative of wanton cruelty", which the prosecutor had knowledge of, in the first Original Bill of indictment as provided in Section 3-3 pursuant to 720 ILCS 5/3-3 (West 2000). The state's failure to bring such charge(s) in the first Original Bill of indictment, pursuant to 720 ILCS 5/3-4 (b) (1), therefore, prohibits a subsequent prosecution where charged should have been brought in a former prosecution under Section 720 ILCS 5/3-3. The state is required to prosecute ALL charges in a single prosecution. See APPENDIX B Within 2 pages

Which caused an immediate and direct injury to Petitioner's 5th, 6th and 14th Amendment Rights To the United States Constitution of 1791.

5) When the state brought The Second Superseding Bill of indictment Double Jeopardy attached thereto, pursuant to 720 ILCS 5/3-4 (b) (1) addresses the consequences of failing to comply with Compulsory Joinder under Section 3-3, section 3-4 (b) (1) provides:

(b) A prosecution is barred if the defendant was formerly prosecuted for a different offense if such former prosecution:

1) Resulted in either a conviction or an acquittal.

5 continued)

And was for an offense with which the defendant should have been charged on the former prosecution as provided in Section 3-3 of this Code (unless the court ordered a separate trial of such charge) (which the court never did order a separate trial of such charge (S)). 720 ILCS 5/3-4 (b)(1) (West 2000), Section 3-4 (b)(1) therefore, prohibits a subsequent prosecution where the offenses charged should have been brought in a former prosecution under Section 3-3. See APPENDIX B Within 7 pages

Which caused an immediate and direct injury to Petitioner's 5th and 14th Amendment Rights, to the United States Constitution of 1791.

(6) When the state forced defendant to enter an involuntary guilty plea while under doctor's care being prescribed psychotropic medications, Petitioner's guilty plea was NOT knowingly, intelligently, nor voluntary. Petitioner entered an invalid guilty plea due to NOT knowing the procedure or nature of such proceedings, due to being on psychotropic medications, and without any fitness hearing while on such medication. Petitioner's guilty plea may be withdrawn and conviction resting upon such plea must be vacated. United States -vs- Guerra, 94 F.3d 989 Court of Appeals (5th Cir 1996); Menna,

110 F.3d (423 U.S. 62 N2) See APPENDIX C 3 pages; I 3 pages;

6 CONTINUES

Which caused an immediate and direct injury to Petitioner's 5th, 6th, and 14th Amendment Rights to the United States Constitution of 1791.

See APPENDIX C 3 pages

7) When the state violated the Proportionate Penalties Clause of the Illinois State Constitution of 1970, Article I, Section 11, Limitations of Penalties after conviction. The proportionate Penalties Clause is where identical offenses are given different sentences and a Proportionate Penalties clause violation involves two (2) conflicting statutes, the conflicting statutes for "brutal or heinous behavior indicative of wanton cruelty" are listed below

720 ILCS 5/9-1(a)(1);

730 ILCS 5/5-8-1 (a)(1)(b);

730 ILCS 5/5-8-2 (a)(1);

730 ILCS 5/5-8-2 (b)(2);

730 ILCS 5/5-5-3.2 (b)(2)

See APPENDIX

Which inflicts an immediate and direct injury to Petitioner's 5th, 6th, and 14th Amendment Rights, to the United States Constitution of 1791.

See APPENDIX B

8) When the state brings a Second Bill of Indictment to Add new and additional charges substantive element of charge being "Accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty" - that were not in the Original Bill of Indictment. There is nothing for which the prisoner can be held to answer to such Indictment is Constitutionally Structural deficient and is invalid and must be set aside, therefore Void ab initio.

Ex Parte Bain, 121 U.S. 1-7 (1887); An Amendment of the Indictment occurs when the defendant - is convicted of charges NOT included in the Original Bill of Indictment and it is a Prose - reversal Error, United States -vs- Arivio, 942 F.2d - 1568; United States -vs- Keller, 916 F.2d 628; State -vs- Callahan, 109 Ca, 846 33, 50 930 (1903) Hobbs -vs- State, 44 TX 355 (1875); It is determined that these substantive elements of the charge are facially deficient the Judgment must be reversed. Menna, 423 U.S. 62 N2

See APPENDIX B Within 7 pages

Which caused an immediate and direct injury to Petitioner's 5th, 6th, and 14th Amendment Rights, to the United States Constitution of 1791.

9) When the State Court violated a particular statute requirement when imposing a sentence acts without "Inherent Authority" or "Inherent Power" it acts without subject matter jurisdiction thereby rendering the sentence imposed void ab initio. This void sentence rule is stated; and a sentence which does not conform to a statute requirement is void ab initio. Thus, this "Void sentence Rule" was abolished November 15th 2015. From persons convicted prior to that date, this "Rule" does not apply, only to those convicted on or after November 15, 2015, Teague 489 U.S. 309, 109 S.Ct. 1060 See APPENDIX B within 7 pages

Which inflicts an immediate and direct injury to Petitioner's 5th and 14th Amendment Rights, to the United States Constitution of 1791.

10) when Petitioner alleges that the trial/sentencing court sentenced him under a statute that has been deemed unconstitutional pursuant to the Supreme Court of Illinois and Petitioner being held in the Illinois Department of Corrections under an Act that is unconstitutional 730 ILCS 5-3-6-3 (4)(2). The Illinois Supreme Court has held that the Public Act that created the "Truth-in-Sentencing Law" violated the Single Subject Rule of the Illinois State Constitution of 1970, Article 4, Section 8(d), Single Subject Rule.

(10 continued)

Plus, Petitioner was told by the Sentencing Court that he would have 50 years at 100%, plus 3 years M.S.R (Mandatory Supervised Release). When in the Illinois Compiled Statutes and state case law Authority. that the Void Truth-IN - Sentencing legislature being applied to his 50 years Sentence by the Illinois Prison Review Boards unconstitutional and that application caused an immediate and direct injury to Petitioner's 5th, 6th, and 14th Amendment Rights, to the United States Constitution of 1791,

IN which inflicts direct and immediate injury to Petitioner's Illinois State Constitution of 1970, BILL OF RIGHTS Article 1, Section 1, Inherent And Inalienable Rights; Article 1, Section 2, Due process And Equal protection; Article 1, Section 5, Right to Assemble and Petition; Article 1, Section 11, Limitations of Penalties after Conviction; Article 1, Section 12, Right to Remedy and Justice; Article 1, Section 23, Fundamental principles; Article 2, Section 1, Separation of Powers. therefore, restricting his ability of being Registered to useful Citizenship, which violates Article 1, Section 11, Limitations of Penalties after Conviction.

NO APPENDIX

11) When Petitioner was forced to use his copy of the Court Docket sheets and Trial Transcripts, for all Petition / motions filed into the Illinois State Courts. Petitioner alleges and strongly believes that there is some kind of impropriety occurred between Defense Court appointed Counsel and the Illinois State's Attorney's office and with the Appellate AND Supreme Courts of Illinois. They all are in Kahoots riding together against any and all Petitions presented to them by this Petitioner. It is unreasonable for Court appointed defense Counsel to waive a Speedy trial, just so ~~to~~ Aid the State's Attorney's ^{Office} ~~office~~ to bring a Second Superseding Indictment. The State would not have been able to bring such a Second Superseding Indictment unless Court appointed defense Counsel rid them by Waiver, which he did not have discretion to do so, Without a Waiver ^{Signed} ~~Signed~~ by the Defendant / Petitioner. Petitioner never signed any Waiver thereto, or had any knowledge of such Waiver, nor agreed to any underhanded improprieties that would be unintelligent NOT intelligent by Defendant.

this Petitioner does not believe this is any reasonable A, B, A defense function standards, and do not believe Court appointed Counsel had any discretion to waive a Speedy trial Right, that the State was in violation of. The Record is devoid in any conscience involvement by way of Petitioner's defense Counsel lifting the bar that protected his Client

16 of 17 from such a filing of a Superseding Indictment and AN Immediate Release.

- QUESTIONS PRESENTED - CONTINUED

12) When the State (SUPREME COURT OF ILLINOIS) accepts Motion by Petitioner, Pro se for leave to file a petition for writ of habeas corpus Case # M.D.014218 on October 16th, 2018. Then on November 27th, 2018, Case # M.D.014218 Crenshaw vs. People the motion by petitioner for leave to file a petition for writ of habeas corpus is DENIED.

See APPENDIX L 4 pages

Which caused an immediate and direct injury to Petitioners 5th and 14th Amendment Rights, to the United States Constitution of 1791.

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:

ATTORNEY General
STATE OF ILLINOIS
100 WEST Randolph Street
Chicago, Illinois 60610

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§ 2241 OR 2244 a

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28. U.S.C. § 2243

3

28 U.S.C. § 2254

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725 ILCS 5/111-1

7

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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 NOT TAKEN; 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 H 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 L 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 SUPREME COURT OF ILLINOIS court appears at Appendix L 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 ~~NEVER FILED~~.

☒ 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 9-25-2018.
A copy of that decision appears at Appendix L1.

☐ A timely petition for rehearing was thereafter denied on the following date: NONE TAKEN, 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____. Never File Request

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

CREATED A Re-start
Which gives Petitioner to be entitled to
file his Cert. Now Deadline to file
is December 25th 2018
his allowed 90 days

- CONSTITUTION AND STATUTORY PROVISIONS -
- INVOLVED -

5th, 6th, and 14th Amendment Rights of the United States Constitution of 1791

Illinois State Constitution of 1970

Bill of Rights, Article I, section 1, Inherent and Inalienable Rights; Article I, section 2, Due process and Equal Protection; Article I, section 5, Right to Assemble and Petition; Article I, section 11, Limitations of Penalties after Conviction; Article I, section 12, Right to Remedy and Justice; Article I, section 23, Fundamental Principles; Article 2, section 1, Separation of Powers.

Therefore, restricting his ability of being Registered to useful citizenship, which violates Article I, section 11, Limitations of Penalties after Conviction; Article I, section 1, Inherent and Inalienable Rights; Article I, section 2, Due process and Equal Protection; Article I, section 12, Right to Remedy and Justice; Article I, section 23, Fundamental Principles.

STATUTORY PROVISIONS LISTED WITH
Cases AND STATUTES Pages 20 Sorry -
- Correction - WITH STATUTES AND Rules
Pages 22-21 of Petition

- STATEMENT OF THE CASE -

Prosecutorial Misconduct When the state accepted an involuntary confession induced by Police Threats and promises and did not read Miranda warnings Rights until after the so called confession which defendant did not give (see chronology statement within attached thereof.) Ineffective Assistance of court appointed counsel for not ^{investigating} ~~objecting~~ into and not filing a motion to Squash Arrest and expung statement(s) which his boss Duty offender filed and main (Lead) Counsel court appointed counsel withdrew later, without any waiver ever signed by defendant.

Prosecutorial Misconduct When the State did not comply with Section 109-3.1 (b) and not bringing an indictment within the allowed time frame, Ineffective assistance of Counsel for failure to object to, and not filing motion to dismiss the charge as required by counsel at that time of the proceedings.

Prosecutorial Misconduct When the State did NOT allege the exception Rule to defendant's Original Bill of indictment and list the Specific Circumstances of those exceptions on the face of the indictment and indicate the specific facts that would suspend the Statute. Pursuant to 20 ILCS 5/3-7 (c)..

ineffective assistance of Counsel failure to investigate into the State's reason(s) for not complying with Section 3-7 (C)

Prosecutorial misconduct when the State violated defendant's 120 days Speedy trial Rights, by bringing a second superseding indictment 7 months 17 days later, ineffective assistance of trial Counsel for waiving defendant's 120 day ~~trial~~ Speedy Trial Rights with NO waiver signed by defendant nor did he agree to, nor have any knowledge of such waiver to sign. NOT that he would of.

Prosecutorial misconduct when the State brought new and additional elements of the charge, violating 720 ILCS 5/3-3, The State's failure to bring such charges in the first original Bill of indictment, creating a double jeopardy violation, when the State is required to bring ALL charges into a single prosecution, pursuant to 720 ILCS 5/3-4 (b)(1), ineffective assistance of counsel's failure to object to the matter and allowing the state to bring such charges when he had knowledge that charges would be prejudice ^{to} his client.

Prosecutorial Misconduct when the state forced defendant to plead guilty while he was under Doctor's care prescribed psychotropic medication and had no knowledge of the procedure or nature of the proceedings. defendant's guilty plea was not knowingly, intelligently, nor voluntary, ineffective assistance of counsel for failure to inform the court that his client was not in his right mind to enter such a plea agreement and his failure to have a fitness hearing on the medication(s) being taken at time of proceeding.

Prosecutorial Misconduct when the state brought the second superseding Bill of indictment to bring new and additional charges which violate the proportionate Penalties Clause of the Illinois State Constitution of 1970, Article I, section 11, Limitations of Penalties After conviction. The proportionate Penalties Clause is where identical offense are given different sentences and involves two (2) conflicting statutes. Ineffective assistance of counsel failure to object to the matter and allowing the state to railroad his client for which caused an immediate and direct injury to defendant's 6th Amendment Right of the United States Constitution of 1791.

Prosecutorial Misconduct when the state ^{influences} ~~influences~~ the Sentencing Judge to give a Sentence which he has no Inherent Authority or Inherent Power to give. Sentencing Judge did not have Subject matter to hand out such a Sentence and did not conform to a Statute requirement. Ineffective assistance of Counsel for failure to object to, and allowing the Sentencing Judge to take advantage of his client while he watch them do it.

Sentencing Court abused its discretion when the Sentencing Court sentenced defendant under an unconstitutional Act which has been deemed unconstitutional by the Supreme Court of Illinois and the Sentencing Court had knowledge of such illegal Act, Ineffective assistance of Counsel failure to investigate into and failure to object to the matter and failure to inform the Sentencing Court that such Act is still unconstitutional.

Prosecutorial Misconduct when the state ordered County Correctional officers to confiscate defendant's Legal Material of Bill of Indictments knowing that defendant could use such document as his walking papers to get out of Jail with. Ineffective assistance of Counsel for failure to investigate into the matter and refusing to obtain another copy to his client when asked.

- REASONS FOR GRANTING WRIT AND OR THIS PETITION -

- Petitioner respectfully prays in Good-faith that this Honorable Court and the Justices involved should Grant Writ of Certiorari do to (1) That the Petitioner raises a jurisdictional question involving federal laws on which the state law allowed NO access to its courts, either by state habeas corpus nor through appeal from conviction, and therefore, this Petitioner has NO other state remedy; (2) That the Petitioner shows that although the law allows a remedy, he was actually improperly obstructed from making a record upon which the question could be presented, so that his remedy by way of ultimate application to this court for Certiorari has been frustrated. Presumably a federal court will NOT release a convict until he proves facts which show invalidity of his conviction, Petitioner has tried to convince the courts that he's actually innocent of this crime, as this court is well informed and have first hand knowing how Illinois works. For Proof is to be required, it is no hardship to require a simple statement of what it will be...

This Petitioner should be given the benefit of liberal Constitution, of all usual privileges of amendment, and, if this Court finds a probably worthy cause, appointment of Counsel to aid in amending this Petition and ~~present~~ presenting the case. And to award a writ of Certiorari to a state prisoner where the legality of such detention has been determined, on the facts presented, by the highest state court with jurisdiction, whether through affirmance of the judgment on appeal or denial of Post-conviction remedies. Discharge from conviction through writ of Certiorari is not an act of judicial clemency but a protection against an illegal custody. In proper respect to this Honorable Court and to the Justices involved compels the conclusion this Supreme Court would grant Petitioner's Request of Writ of Certiorari, had it thought Petitioner's Constitutional Rights have been violated. The need for an argument is a matter of judicial discretion. All the issues were adequately presented. Petitioner's feels there was no abuse of writ taken.

- CONCLUSION -

This Petitioner should be given the benefit of liberal Constitution, of all usual privileges of amendment, and, IF this Court finds a probably worthy cause, appointment of Counsel to aid in amending this Petition and presenting the case. In Proper Respect to this Honorable Court and to the Justices involved compels the conclusion of this Supreme Court would Grant Petitioner's Request of this Writ of Certiorari had it thought Petitioner's Constitutional Rights have been violated, and that the Petitioner raises a jurisdictional question involving federal laws on which the state law allowed NO access to its courts, either by state habeas corpus nor through appeal from conviction, and therefore, this Petitioner has no other state or federal remedies. The Writ of Certiorari should be granted.

Under Penalties as provided by Law Pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are Both True and Correct to the very best of my (his) Knowledge.

Date: December 26th 2018

Respectfully Submitted,
Michael P. Crenshaw
Michael P. Crenshaw