

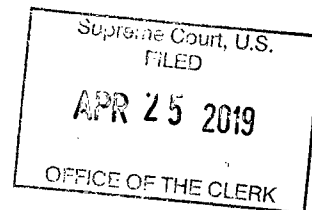
No.

18-9706

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



SCOTT PETERS AN PROSE ATTORNEY - PETITIONER

V.S.

HON. SARON PRATHER,
People of the State of Illinois - Respondent(s)

ON PETITION FOR A WRIT OF CERTIORARI TO

ILLINOIS Supreme Court

PETITION FOR WRIT OF CERTIORARI

ORAL ARGUMENT REQUESTED

SCOTT PETERS AN PROSE ATTORNEY

NO. M52851

MSU-X-A26

P.O. Box 1000

MENARD, ILLINOIS 62259

QUESTIONS PRESENTED

- 1.) PETITIONER QUESTIONS THE FACT OF WHETHER IT VIOLATES THE CONSTITUTION OF THE UNITED STATES AND PETITIONERS RIGHTS THEREOF FOR THE STATE TO CONCEAL EVIDENCE IN FILES THAT ARE INVISIBLE TO THE JUDICIAL PROCESS.
- 2.) PETITIONER QUESTIONS THE FACT OF WHETHER EVIDENCE AND STATEMENTS, WARRANTS AND AFFIDAVITS CAN BE CONCEALED FROM THE JUDICIAL PROCESS WITHOUT WRITTEN REASON, NOTICE OR HEARING BEFORE PARTIES TO THE CASE.
- 3.) PETITIONER QUESTIONS THE FACT OF WHETHER EVIDENCE FOUND TO BE CONCEALED BY THE PARTIES TO THE CASE HAVE A RIGHT TO SEE AND QUESTION IT IF IT CONCERNS AN ISSUE OF MATERIAL FACT, SUCH AS A PROBABLE CAUSE DETERMINATION. AND IF NOT TO PROVIDE A WRITTEN REASON WHY NOT.
- 4.) PETITIONER QUESTIONS IF THE STATE HAS TO FOLLOW THEIR OWN RULES AND REGULATIONS AS DETERMINED BY THE STATE.
- 5.) PETITIONER QUESTIONS IF THE STATE COURT IS ACTING IN AN ABUSE OF DISCRETION BY CONTINUING TO KEEP EVIDENCE THAT IS EXCUPATORY, INCUPLATORY OR IMPEACHING IMPOUNDED WITHOUT REASON EVER PUT FORWARD AS TO WHY ITS IMPOUNDED NOR HELD A HEARING WITH THE PARTIES. AFTER TRIAL AND AFFIRMED CONVICTION.
- 6.) PETITIONER QUESTIONS THE CORRECTNESS OF HIS MANDAMUS TO FORCE THE STATE TO FOLLOW THEIR OWN RULES AND THE RULES OF THE UNITED STATES CONSTITUTION.
- 7.) PETITIONER QUESTIONS THE CONSTITUTIONALITY OF THE USE OF MISCELLANEOUS REMEDY FILES IN THE WAY MCHEVRY COUNTY AND FURTHER THE STATE IS USING THESE FILES.

TABLE OF AUTHORITIES CITED

<u>CASES</u>	<u>PAGE NUMBER</u>
BRADY - V - MARYLAND	83 S. CT 1194
GREY - V - KLAUSER	282 F. 3d 633
DOWTHITT - V - JOHNSON	230 F. 3d 812
FRANKS - V - DELAWARE	98 S. CT 2674
JONES - V - CITY OF CHICAGO	856 F. 2d 985
TEAGUE - V - LANE	489 U.S. 288
PEOPLE - V - RUZZ	686 N.E. 2d 574
KYLES - V - WHITLEY	115 S. CT 1555
U.S. - V - PETERS	754 F. 2d 753
U.S. - V - WHITE	222 F. 3d 363
JENCKS - V - U.S.	77 S. CT 1007
MOONEY - V - HOLAHAN	294 U.S. 103

STATUTES AND RULES

18 USCA § 3500	
IL S. CT Rule 321	
IL S. CT. Rule 323	
IL S. CT. Rule 324	
IL S. CT. Rule 608	
IL S. CT. Rule 412	
IL S. CT. Rule 214	
IL LOCAL RULES 22ND JUDICIAL CIRCUIT	10.27(F)
IL LOCAL RULES 22ND JUDICIAL CIRCUIT	10.27(G)

OTHER

IL S. CT. ADMINISTRATIVE OFFICE OF ILLINOIS COURTS	
PART I, SECTION L 1)(b) (MANUAL ON RECORD KEEPING)	
PART I, SECTION L 1)(c).	

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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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 _____ 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 _____ 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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES CONSTITUTION	I ST ADAMENDMENT
UNITED STATES CONSTITUTION	IV TH ADAMENDMENT
UNITED STATES CONSTITUTION	V TH ADAMENDMENT
UNITED STATES CONSTITUTION	VI TH ADAMENDMENT
UNITED STATES CONSTITUTION	XIV TH ADAMENDMENT
UNITED STATES CONSTITUTION	ARTICLE VI

OTHER

M. NEWELL, LAW OF MALICIOUS PROSECUTION, FALSE IMPRISONMENT AND ABUSE OF LEGAL PROCESS (PAGE 57, 1892).

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 29 January 2019.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: 19 March 2019, and a copy of the order denying rehearing appears at Appendix B.

☐ 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).

STATEMENT OF CLAIM

ON OCTOBER 16, 2014 AT APPROXIMATELY 1:20 AM IN THE MORNING LAW ENFORCEMENT ASSAULTED PETITIONERS RESIDENCE WITHOUT WARRANT, ALLEGEDLY BASED ON A 911 CALL FROM DETROIT MICHIGAN. ALLEGING A WELL BEING CHECK THEY ENTERED THE RESIDENCE. THEY WERE REPELLED BY THE HOMEOWNER/PETITIONER BY FIREARM AS UNKNOWN INTRUDERS. ALLEGEDLY AT 9:20 AM OCTOBER 16, 2014 A SEARCH WARRANT WAS ISSUED "UPON EXAMINATION OF COMPLAINT" AS CASE NO. 14MR590 A MISCELLANEOUS REMEDY CASE. BY JUDGE COWLIN, LATER A "COMPLAINT" WITH CASE NUMBER 14CF939 AND REPORT NUMBER 14-042512 WITH FOUR COUNTS WAS VERIFIED CONTAINING ONLY THREE COUNTS ON OCTOBER 16TH 2014 BY SHARON PRATHERS WITH NO TIME STAMP. IN THE 22ND JUDICIAL CIRCUIT. ANOTHER DOCUMENT ENTITLED WARRANT OF ARREST IN THE 19TH JUDICIAL CIRCUIT BY JUDGE SHARON PRATHERS SHOWING FOUR COUNTS ISSUED AT 2:13 PM AS RECEIVED ON 10-16-2014 HAVING PETITIONERS NAME ON IT AND ALL THESE PRIOR DOCUMENTS AS STATED, TAKEN AS CORRECT JUDICIAL PROCESS IN THE INSTANT. SOMETIME LATER PETITIONER WAS AFTER CONVICTION GIVEN A COPY OF THE TRIAL RECORD SWORN TO BY THE CLERK OF THE COURT AS COMPLETE. ON PAGE 1 OF 8 UNDER RELATED CASES 14MR000606 IS LISTED AS A "COMPANION" BUT NOT INCLUDED IN THE RECORD. NOR IS ANY FILE IMPOUNDED OR NOT LISTED IN THE DOCKET LISTINGS IN RELATION TO THIS FILE NUMBER OR A NAME GIVEN. THE CASE 14MR590 IS KNOWN AS A SEARCH WARRANT AS A COPY WAS GIVEN MY WIFE. BUT 14MR606 IS UNKNOWN AND REMAINS UNKNOWN UNTIL OVER TWO YEARS LATER WHEN PETITIONER DEMANDS IT OF HIS APPELLATE COUNSEL, HOWEVER IS STILL NOT ALLOWED TO SEE ITS CONTENTS AS ONLY COUNSEL IS ALLOWED TO SEE IT. AS TOLD BY PETITIONERS APPELLATE COUNSEL. PETITIONER FURTHER DOWN THE LINE FRUSTRATED FILED A CIVIL SUIT AGAINST THE CLERK OF THE COURT AND THE OTHER AGENCIES INVOLVED WITH CONCEALING THE INFORMATION INVOLVED, PARTICULARLY LOOKING FOR THE AFFIDAVITS ASSOCIATED WITH THE SEARCH AND ARREST WARRANTS, AND FURTHER VIDEO TAPES AND AUDIO AND ELECTRONIC VIDEO FROM A MISSING SURVEILLANCE SYSTEM BELONGING TO PETITIONER IN CIVIL CASE 18CASE4 22ND CIRCUIT. WHEN THE ATTORNEY GENERAL IN ANSWER TO HIS COMPLAINT MADE PETITIONER AWARE OF 10 MORE CASES UNDER THE MISC. REMEDY TITLE, CONCEALED. PETITIONER THEN FILED THIS MANDAMUS.

REASONS For Granting Writ

THERE ARE NO PRECEDENTS OR SUPREME COURT CASES ADDRESSING THE LEGAL HANDICAPPING OR DEFENDANTS BY THE USE OF MISCELLANEOUS REMEDY CASES. MORE SPECIFICALLY ADDRESSING ANY PROCEDURE FOR WHAT LEGALLY CONSTITUTES A REASON FOR IMPOUNDMENT WITHOUT A HEARING BY ALL PARTIES. IN PETITIONERS CAUSE THERE IS ABSOLUTELY NO REASON FOR IMPOUNDMENT LET ALONE IMPOUNDMENT OF 14 CASES FOR OVER FOUR AND A HALF YEARS, OR A REASON TO IMPOUND EVIDENCE. PHYSICAL EVIDENCE SUCH AS PETITIONERS SURVEILLANCE SYSTEM AUDIO AND VIDEO INFORMATION. EXCEPT TO PLACE PETITIONER AT A LEGAL HANDICAP. REASONING AS IT HAPPENED TO PETITIONERS, TRIAL COUNSEL REFUSED TO SHOW PETITIONER DISCOVERY, INCLUDING MARKING HIM AWARE OF THESE CASES, APPELLATE COUNSEL REFUSED PETITIONER DISCOVERY, INCLUDING THESE CASES, AFTER AN UNWEAVERED LAW SUIT THE ATTORNEY GENERAL RELEASED THE CASE NUMBERS BUT NOT THEIR CONTENTS AND HE ABLE TO HAVE THE SUIT DISMISSED, EVEN THOUGH IT VIOLATES THE CONSTITUTION.

AND THIS IS NOT THE FIRST TIME MCHENRY COUNTY HAS DONE THIS, ITS BECOME AN UNWRITTEN CUSTOM, AS IN CASES GRANGER V HANDLE NO. 99C5933d (N.D.ILL) PEOPLE V OSTROWSKI, 2003 U.S. DIST. LEXIS 794 (N.D.ILL). THE STATES ATTORNEY AND SHERIFF IN THIS COUNTY APPARENTLY DO NOT HAVE TO FOLLOW THEIR OWN LOCAL RULES OR STATE SUPREME COURT RULES BUT EXPECT EVERYONE ELSE TO FOLLOW THEM. I DISMISS THE RULE OF THE ILLINOIS SUPREME COURT MANUAL ON RECORD KEEPING STATES THE ONLY CASES THAT CAN GET MISCELLANEOUS REMEDY DESIGNATION ARE CASES OR ACTIONS THAT HAVE NO CASE NUMBER AT THE TIME. PART OF THE PROBLEM IS THE ONLY CASE TAKEN AS HAVE COULD BE CASE 14MR090 THE SEARCH WARRANT CASE, BUT IF SINCE THERE IS NO TIME ON THE DOCUMENT "COMPLAINT" IT IS UNKNOWN WHETHER IT PRECEDED THAT CASE AS IT HAS A NUMBER. PETITIONER BELIEVES IT HAS COME FIRST. HOWEVER, EVEN MORE PERPLEXING IS THE FACT FELONY CHARGES HAVE BEEN INITIATED BY COMPLAINT, AS ACCORDING TO THEIR OWN SUPREME COURT LAW FELONY CHARGES CAN ONLY BE INITIATED BY INFORMATION OR INDICTMENT.

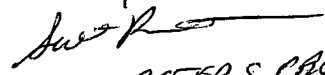
AND Significantly, if THIS IS the "complaint" AS ADDRESSED IN THAT SEARCH WARRANT IN "14 MR 590" THEN IT HAS A NUMBER 14 CK 939 AND SHOULD BE A PART OF THE RECORD NOT HIDDEN FROM VIEW IN A MISCELLANEOUS REMEDY CASE, AND FURTHER, AT 2:13 PM AN ARREST WARRANT WAS LISTED WITH A CASE NUMBER OF 14 CK 939, THIS MEANS THAT EVERY ACTION AFTER THAT WITH AN MR CASE NUMBER VIOLATES THEIR OWN SUPREME COURTS MANUAL ON RECORD KEEPING AND MOREOVER EMPOUNDING EVIDENCE IN AN MR CASE NUMBER IS ILLEGAL BY THAT STANDARD AND FURTHER BY DOING SO PETITIONER BELIEVES IS OBSTRUCTION IN THEIR OWN STATUTE AND LAW. AND GOING EVEN FURTHER THEIR OWN LOCAL RULES ON EMPOUNDMENT PROHIBIT THE WAY THIS EVIDENCE HAS BEEN EMPOUNDED AND CONCEALED HERE, IL LOCAL RULES 2d JUDICIAL CIRCUIT 10.27(E) AND (A) STATE A HEARING MUST BE HELD WITH ALL PARTIES TO THE CASE AND A REASON GIVEN FOR EMPOUNDMENT. NO WHERE IN THE RECORD, DOCKET OR ANY PLACE IS THERE ANY MENTION OF THESE CASES, HEARINGS, OR REASONS, AS A MATTER OF FACT THESE CASES ARE COMPLETELY INVISIBLE AND IMMUNE FROM ANY ADVERSARIAL ATTACK. THEY ARE NOT LISTED IN THE TRIAL COURT RECORD AS ALLEGED TO AS COMPLETE BY THE CHECK "KEEFE". THERE NOT EVEN INCLUDED. AND THE COURTS AND ALL THESE OFFICERS SAY THERE A PART OF THE RECORD ONLY COUNSEL CAN SEE THEM, IF THATS SO ARE THERE TWO DIFFERENT VERSIONS OF THE RECORD THEN, ONE FOR THE PETITIONER AND THE PUBLIC AND ONE FOR THE STATE OF ILLINOIS TO PROSECUTE BY? GIVEN THAT AS TRUE, THEN ACCEPTED, THEN HOW DOES THE PETITIONER FIRST ASSIST IN HIS DEFENSE, SECOND, PRODUCE ANY EVIDENCE HE CANNOT SEE AND HAS NO IDEA WHAT IT CONTAINS. AND THIRD, FIND IT? IF PETITIONER HAD NOT FILED THE CIVIL SUIT THE ATTORNEY GENERAL WOULD HAVE NEVER MADE THE MISTAKE OF LISTING THE CASE NUMBERS, PETITIONER WOULD HAVE NEVER KNOWN THOSE CASE NUMBERS EXISTED, NOR WOULD ANYONE ELSE. THE COURT OF THE

22ND District Right in there Local Rules 1120 STATES
THERE OBJECTIVE IS TO PROVIDE UNFETTERED ACCESS TO ALL
JUDICIAL AND PUBLIC RECORDS. HOWEVER, THEY APPARENTLY CONCEAL
THE ONES THEY DO NOT WANT THE PUBLIC TO SEE AS IN
PETITIONERS CASE ONE SURVEILLANCE SYSTEM WITH OUT RECORDING
DEVICE WAS BROUGHT INTO COURT THE OTHER SURVEILLANCE SYSTEM
AND RECORDING DEVICE WAS CONCEALED IN MOST LIKELY AN MR
CASE. UNKNOWN WHICH OF THE 12 MR CASES ITS IN BECAUSE
THERE IS NOTHING TO BE ABLE TO IDENTIFY WHERE THE COMPONENT IS
CONCEALED. MAYBE THIS COURT CAN TELL ME WHICH OF THESE CASES
CONTAIN IT? 14MR590, 14MR592, 14MR593, 14MR594, 14MR595
14MR596, 14MR605, 14MR606, 14MR609, 14MR610, 14MR611, 14MR612
AS STATED BEFORE THE ONLY REASON PLAINTIFF KNOWS THAT 14MR590 IS A
SEARCH WARRANT CASE BECAUSE A COPY OF THE SEARCH WARRANT WITH THE NUMBER
WAS GIVEN MY WIFE. THERE ARE NO REASONS LISTED AT ALL ANYWHERE
WHY THESE EXIST. THE QUESTION THEN WHY WAS THE SURVEILLANCE
CAMERA, AUDIO, AND VIDEO HIDDEN IN ONE OF THESE CASES AND
IMPOUNDED. THE ONLY ANSWER IS IT CONTAINS SOMETHING THESE
PEOPLE, THE COURT, THE PROSECUTOR, THE PUBLIC DEFENDER, THE SHERIFFS
OF McHENRY COUNTY DO NOT WANT ANYONE TO SEE OR HEAR. IF
IT STILL EXISTS ALMOST FIVE YEARS LATER. BECAUSE IF THEY
WENT THROUGH ALL THE EXPOSURE OF BREAKING THEIR OWN RULES
AND LAWS TO CONCEAL IT THIS WAY. CHANCES ARE THEY HAVE
DISPOSED OF IT IN A LIKE FASHION. PETITIONER BELIEVES IF THIS
COURT ACTUALLY BELIEVES IN THE CONSTITUTION OF THE UNITED STATES
AND ALSO THEIR OATH TO DEFEND IT. THEY MUST STOP THIS NONSENSICAL
AND OPPRESSIVE MALFEASANCE OF ITS COUNTRY'S CITIZENS BY
OBSTRUCTION OF THEIR GOD GIVEN RIGHTS. AND SET A PRECEDENT
THAT SHOWS THIS TYPE OF BEHAVIOR WILL NOT BE TOLERATED BY
ANY STATE TO OPPRESS ITS CITIZENS AND STIFFLE JUSTICE.

CONCLUSION

WHEREFORE BECAUSE THESE SIGNIFICANT VIOLATIONS OF THE STATES OWN RULES AND STATUTES ALONG WITH THE CONSTITUTIONAL VIOLATIONS OF PETITIONERS RIGHTS UNDER LAW, THIS HONORABLE COURT SHOULD ENFORCE THE LAWS OF THE CONSTITUTION OF THE UNITED STATES AS BEING THE SUPREME LAW OF THE LAND REGARDLESS OF THE STATES FAILURE TO ENFORCE THEIR OWN RULES. THAT THIS IS THE SUPREME COURT OF THE UNITED STATES OVERSEEING ALL OTHER JUDICIARIES AND THE RESPONSIBILITY TO UPHOLD THE LAWS AND RULES OF THE CONSTITUTION. AND FURTHER THE VIOLATIONS BEING COMMITTED HERE ARE REPUGNANT TO THE CONSTITUTION AND ALL IT STANDS FOR "TRUTH AND JUSTICE FOR ALL" NOT JUST THE STATES. FOR THAT REASON THIS HONORABLE COURT SHOULD REVERSE AND REMAND PETITIONERS CASE SO ALL EVIDENCE MAY BE INCLUDED, OR REVERSE IN FAVOR OF PETITIONER UNDER BRADY AND THE SIXTH AMENDMENT AND ANY OTHERS THIS COURT BELIEVES FRACTURED. OR ANY OTHER RELIEF THIS HONORABLE COURT DEEMS JUST AND APPROPRIATE.

Respectfully Submitted,


SCOTT PETERS PRO SE