

IN THE **20-582**
UNITED STATES SUPREME COURT

PEOPLE OF THE STATE OF ILLINOIS,

Petition for Writ of
Certiorari: 28 U.S.C.
1257(3)

RESPONDENT.

-VS-

CALVIN SIMPSON

APPELLANT.

There heard on ap
from the Supreme
Court of Illinois No. 1257.

There heard on ap
the circuit court of
County, Illinois, N.
92CR4426.

Hon. Timothy Joseph
Hon. Judge ~~ELBED~~ Sidi

MAY 12 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR WRIT OF CERTIORARI: 28 U.S.
section 1257(3). pro. se.

To the Chief Justice of the United States
And to the Associate Justices of the
Supreme Court of the UNITED STATES:

ORIGINA

May it Please the court:

Calvin Simpson, respectfully prays that
a writ of certiorari issue to review the

first Judicial District And Supreme Court of Illinois.

QUESTIONS PRESENTED FOR REVIEW.

6th Constitutional Amendment Right Violation, Due process of the Law.

14th Constitutional Amendment in the state of Illinois.

5th Constitutional Amendment Right Violation, trial Counsel's Ineffective action's at trial.

6th Constitutional Amendment Right in the state of Illinois.

OPINION BELOW.

Defendant

~~Defendant~~ was charged with Chapter 385/12-141a.

The Defendant was charged with placing his finger in Jenny Lee's vagina on fed/february 1, 1992. (S.R. 26) The defendant was found guilty, and sentenced.

JURISDICTION

The petition was dismissed on November 7, 2019, summary order. The Appellate Court first Judicial District on November 13, 2019, hereby ordered the Appellate Court first Judicial District Court order withdraw. On January 13, 2020, Appellate Court first Judicial District denied petition. On February 4, 2020, petitioner filed a petition for Leave to Appeal in Supreme Court of Illinois; petition was timely filed. On March 25, 2020, denied petition for Leave to Appeal. Petitioner's request for review by the Illinois Supreme Court on March 25, 2020, denial give this Court jurisdiction is invoked under 28 U.S.C. section 1257(3).

CONSTITUTIONAL PROVISION INVOLVED

5th Constitutional Amendment right, Due process of The Law, 14th Constitutional Amendment right in the state of

5th constitutional Amendment Right, Defendant was provided Ineffective Assistance of trial counsel's, 6th constitutional Amendment Right, in the state of Illinois.

STATEMENT OF CASE.

The defendant is serving a life sentence for aggravated Criminal sexual assault. Defendant's counsel had not complied with Rule 651(c) certif/at the time the petition was dismissed. counsel attempted to raise an Apprendi issue after a notice of Appeal was filed. counsel has since executed a Rule 651(c) certificate indicating that she did not amend the pro se post conviction petition required by Rule 651(c). there is an issue concerning the pleadings.

REASON FOR GRANTING WRIT.

petitioner respectfully request the honorable Clerk And Justice's of the United States supreme court review this case of Actual innocent and constitutional Right violation of the United States. And the state of Illinois, when the defendant was charged with Chapter 38.5/12-141A see Exhibit/Exhibit - C". And the Judge allowed the Jury to rely on evidence "outside" of the language of the criminal statute ch 38.5/12-141a. cite, aggravated criminal sexual assault as the commission commission of criminal sexual assault. The criminal statute for criminal sexual assault ch 38.5/12-1320 cite, criminal sexual assault occurs when the defendant commits an act of "sexual penetration", see "Exhibit - A-1-3, 1-19-20", The Judge, There were other circumstances because the Assistant states attorney "fail" to present at defendant's ^{Trial} to the jury "any evidence of sexual penetration", violation of the United States constitution, the 6th Constitutional Amendment Right, Due process of the Law. The Assistant states Attorney relied on evidence of assault, Battery "doit" add up to the misery/merit of "sexual penetration", Officer - police officer Bowman testified at trial "against" his own police report, that stated, I - officer Bowman asked Ms. Jenny Lee if "i" " " " do I " " " correct " " " e " c " "

you? No. Did he "rape" you? No, ain't no ward's added nor taken away, In this report. And signed by officer Bowman, once confronted in cross examination with his own police report officer Bowman had nothing further to say". The Assistant state attorney actions was "against" the language of the criminal statutes chapter 385/12-13 20, And chapter 385/12-14 1a". petitioner raise the issue the Assistant state attorney fail to present "any" evidence at defendant's trial of "sexual penetration". The state fail to prove the element of penetration "at all", ^{at} ~~not~~ alone beyond a reasonable doubt", plain error malicious prosecution".

Ineffective Assistance of Counsel.

Counsel's action's at defendant's trial fail below the level of affective assistance of counsel's when the Assistant Puplic Defender's stop invoking the procedural and substantive safeguards that distinguish our system of Justice, to protect defendant constitutional Right's of the United States. And the state of Illinois. Counsel APD's 611-1111

it to the attention of the Court, that the ASA's fail to present "any" evidence of the element "sexual penetration". see *Strickland v. Washington*, (1984) "plain error". And Ineffective Assistance of Appellate Court Counsel for their failure to file ineffective Assistance of trial counsel. Assistant public Defender, for not bringing the matter to the attention of the Court - Circuit court Cook County that the Assistant ~~State's~~ ^{State's Attorney} Defendant fail to present "any" evidence to the jury at trial of "sexual penetration". In violation of the United States Constitution Amendment Right, 5th Amendment. And the state of Illinois, Constitutional Right violation, the 6th Amendment.

The Assistant state Attorney's erred in relying on defendants prior conviction for the offense of "rape" in 1974, to put defendant under the Habitual ^{criminal} ~~offense~~ act, petitioner Argue defendant is (not) eligible for the sentence of natural life. Because defendants prior conviction for the offense of ~~pa~~ / "rape" is not a class x felony, its a class one offense, that don't have the "same" element's - prerequisite is class x felony

prior conviction for aggravated criminal sexual
assault/assault,"don't" have the same element's -
prerequisite is defendants ¹⁹⁷⁴ conviction
for"rape" a class. one offense. see" exhibit - I
And"exhibit - B". In violation of the United States
Constitution, the 8th Constitutional Amendment
Right, Due process of the Law. And the state
of Illinois, 14th Constitutional Amendment Right,
Due process of the Law."plain error malicious
sentencing Hearing"

INEFFECTIVE ASSISTANCE OF COUNSEL

Ineffective Assistance of trial Counsel's for their
failure to bring it to the attention of the circuit
court Cook County that defendant is"not" eligible
to receive the penalty of natural life sentence
under the Habitual Criminal Act, Because
defendants 1974 conviction for"rape" a class one
offense, not a class x"don't" have the same element
prerequisite. plain error very prejudicial to
the defendant. see exhibit e - I. In violation of
the United States Constitution, the 8th Constitutional

Amendment Right ,Defendant was provided ineffective Assistance of trial Counsel .see strickland v. Washington ,(1984). plain error malicious sentencing Hearing . prejudicial to the defendant .see exhibit -2,1throu45 .

~~CONCLUSION~~ CONCLUSION

Wherefore , Calvin Simpson respectfully requests that a writ of Certiorari issue to the Appellate Court first Judicial District . And Illinois Supreme Court .

petitioner respectfully request that Counsel be appointed .

Sincerely
Calvin Simpson ,
Respectfully Submitted

Calvin Simpson



IN THE
UNITED STATES SUPREME COURT

petitioner, Calvin Simpson respectfully express to this Honorable Justices that petitioner have been denied Due process of the Law. And Equal protection of the Law. In violation of the 6th constitutional Amendment Right of the United States. When the Assistant state Attorney fail to comply with the criminal statute chapter 385/12-13 2a that criminal statute chapter 385/12-14 1a relie on an, not presente any ~~or~~ evidence of penetration to the jury at trial. But presente evidence of a battery, Assault, against the language of the cited criminal statute's. see exhibit -A. And when Assistant state attorney relied on petitioners prior conviction 1974 of rape to put petitioner under the Habitual criminal Act, and sentence to life prison term. And defendants prior 1974 Conviction is not a class x, it's a class one offense. see exhib And all of the appointed counsel's by the Court and Appellate Court attentionally over look them issue's. Is this Due process in the

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petitioner respectfully request a copy of ~~petitioner's~~ ^{OFFICE OF THE} petition

Sincerely
Calvin Simpson

you are hereby notified that on (May 12th) ac
I placed copies of the attached petition +
writ of Certiorari: 28 U.S.C. section 1257(3)
in the prison mail system, at western Illinois
Correctional Center, addressed to the
clerk of the United States Supreme Court
and to each of the above named opposing
"petitioner respectfully ask this honorable
court to grant petitioner exception's of
his/his petition, ~~without the petition being~~
~~notarized and~~ copies of the petition was not
able to be obtain by the petitioner, due to
the institutional Law library have been clos
down from the out break of the Corona virus."
Western Illinois Correctional Center, 2500
South St, 99 Mt. Sterling Illinois 62353.

petitioner ask this honorable clerk and justi
to except the date of postage is the date
of filing please, to meet the 90 day deadline

under penaltie's as provided by Law purs
to section 1-109 of the Code of civil proce
the undersigned certified by postage date
mailing that the statement's set forth in

this instrument are true and correct,
the undersigned certifies.

DATED (May 12, 2020.) Calrin Simpson
Jenna Zoller
Calrin Simpson
Western Illinois Corr
Center.

