

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

PEOPLE OF THE STATE OF ILLINOIS,

Petition for Writ of  
Certiorari: 28 U.S.C.  
1257 (2)

RESPONDENT,

There heard on app  
from the Supreme  
of Illinois No. 1257;

-VS-

There heard on app  
the circuit court of  
county, Illinois, No.  
92 CR 4426.  
Hon: Timothy Joseph

CALVIN SIMPSON

APPELLANT.

Hon: Judge E. J. Eidi

MAY 12 2020

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

PETITION FOR WRIT OF CERTIORARI: 28 U.S.  
section 1257 (2). pro se.

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

**ORIGINAL**

May it please the court:

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

first Judicial District And Supren  
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 actions  
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 to prison for 10 years.

## 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

6th 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~~th~~ and constitutional Right violation of the United States. And the state of Illinois, when the defendant was charged with chapter 38 5/12-14 1A see Exhibit/Exhibit - C". And the Judge allowed the Jury to rely on evidence "outside" of the language of the criminal statute ch 38 5/12-14 1a. cite, aggravated criminal sexual assault as the commission/ commission of criminal sexual assault. The criminal statute for criminal sexual assault ch 38 5/12-12 2a 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 <sup>Trial</sup> 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, "don't" add up to the min/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 she was the defendant's "arrest" "officer" "c"

you? No. Did he "rape" you? No, ain't no words 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 38 5/12-13 2a, And chapter 38 5/12-14 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", ~~let~~<sup>at</sup> alone beyond a reasonable doubt "plain error malicious prosecution".

### Ineffective Assistance of Counsel.

Counsel's actions at defendant's trial fail below the level of effective assistance of counsel's when the Assistant Public Defender's stop invoking the procedural and substantive safeguards that distinguish our system of justice, to protect defendant constitutional Rights of the United States, And the state of Illinois. 12.11.11 Counsel APD's name is Linda

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 <sup>State Attorney</sup> ~~Public Defender~~ 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 <sup>criminal</sup> ~~act~~ act, petitioner Argue defendant is (not) eligible for the sentence of natural life. Because defendants prior conviction for the offense of rap/rape" is not a class x felony, its a class one offense, that don't have the "same" elements - prerequisite is class x felony

... Habitual Criminal ... defendant

prior conviction for aggravated Criminal sexual  
assault, "don't" have the same elements -  
prerequisite is defendants <sup>1974</sup> conviction  
for "rape" a class one offense. see "exhibit - I"  
And "exhibit - B". In violation of the United States  
Constitution, the 6th 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 6th Constitutional



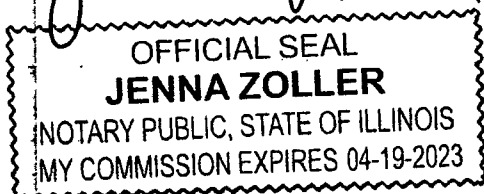
Amendment Right. Defendant was provided ineffective Assistance of trial Counsel. see Strickland v. Washington, (1984). plain error malicious sentencing Hearing. prejudicial to the defendant. see exhibit - 2, 1 through 5.

~~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.

*Jenna Zoller*



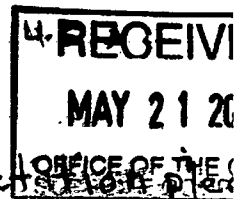
Sincerely  
Calvin Simpson,  
Respectfully Submitted  
*Calvin Simpson*

# 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 rely on an, not present any ~~in~~ evidence of penetration to the jury at trial, But present 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 <sup>a</sup> life prison term. And defendants prior 1974 conviction is not a class x, it's a class one offense. see exhibit. And all of the appointed counsel's by the court and Appellate court attentionally over look them issues. Is this Due process in the

petitioner respectfully request a copy of petition plea

Sincerely  
Calvin Simpson



you are hereby notified that on (May 12<sup>th</sup>, 2020)  
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 closed  
down from the outbreak of the Corona virus."  
Western Illinois Correctional Center, 2500  
South Rt. 99 Mt. Sterling Illinois 62353.  
petitioner ask this honorable Clerk and just  
to except the date of postage is the date  
of filing please, to meet the 90 day deadline

under penalty'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.)

Jenna Zoller

Calvin Simpson

Western Illinois Corr

Center.

