

No. _____

20-7542

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

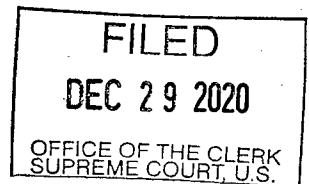
Calvin L. Carter III — PETITIONER
(Your Name)

vs.

Ill. Appellate Court — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ill. Appellate Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)



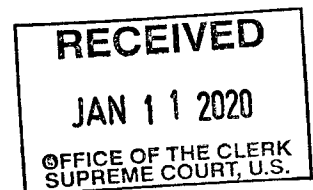
PETITION FOR WRIT OF CERTIORARI

Calvin L. Carter III
(Your Name)

P.O. Box 1000
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Menard IL, 62259
(City, State, Zip Code)

N/A
(Phone Number)



QUESTION(S) PRESENTED

1. Is that detective Paterson's observation of "both" door's from outside the apartment building door's window, "Is" and Illegal Search.
2. Should an key witness "Diane Roberson" (The neighbor of the residence in question) testimony regarding the condition of the door been heard during trial.
3. Should Sergeant Eissens testimony about his methods used to locate cell phone (815) 478-5999 been challenged in regards to how the other cell phone are code 699 found at the 11th st residence been challenged?
4. The Ill. Const. 11 States that a person must be sentenced with the objective of restoring the offender back to useful citizenship. Also the U.S. Const. that prohibits cruel and unusual punishment. So Is 4 natural life and 280 years "not" cruel and unusual punishment?

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. Weber 98 IL. APP. 3d 631, 633 (1981)	Pg. 4
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People v. Hanson 2014 IL App (4th) 130330, 131	Pg. 8

STATUTES AND RULES

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OTHER

All other reference can be found in appellants briefs

In regards to Duane Robinson testimony and Sergeant John Elsbens testimony. Also the mentioning of Postadolescent Brain development (mentioned on page 9) can be found Postadolescent Brain development Am. 2007 Wls. L. Rev. 729

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 A 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 § Ill Supreme court appears at Appendix D 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 _____.

☐ 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 4-24-2020.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: 6-11-2020, and a copy of the order denying rehearing appears at Appendix C.

☐ 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).

Amendment IV [1791]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V [1791]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Is that detective Paterson observation of both door's from outside the apartment building window. "Is" an illegal search?.....

My argument is not that detective Paterson's observation of the apartment door of 422 11th st. Common vestibule constitute an illegal search. But it is that detective Paterson's "visual" from the front door of "outside" the apartment door "window". "Is" an illegal search. The door was "not" open to the public. The appellate court ruled that although defendant did not raise this issue before the trial court. Generally an appellant cannot raise an issue for the first time on appeal. See *People v. Weber* 98 Ill. App. 3d 631, 633 (1981). Issues not raised below are considered forfeited. *Weber* 98 Ill. App. 3d at 633. However the state does not argue forfeit. According to the state has forfeited the issue for forfeit. See *People v. Reed* 2016 Ill App (1st) 1404 98, 11 13.

The Appellate Court ruled that there was no "unlicense Physical Intrusion" in Paterson's observation of the open door. And determined that the trial court properly denied defendant's motion to suppress. But if this one illegal act would have not happend officer would have never known the two door was separate and would have never use my neighbor's back door.

Should an key witness "Diane Robinson (The neighbor of the residence in question) testimony regarding the condition of the door been heard during trial?.....

In Detective Paterson testimony he stated that the apartment door of 422 11th st was "ajar" upon arrival. And that he and other officer's went to 422 11th st on the ~~morning~~ morning of December 24th, Intending to arrest the defendant on an outstanding arrest warrant. See (CR 257-258) of appellant's brief.

When Paterson and detective Schroeder arrived at the address they knocked and received no answer. Paterson then looked inside a window of the front door. On the outside of the apartment building. And saw the front doors of two separate apartments. Both doors appeared to be closed. "He stated," Although Paterson could not see them clearly. (R 259-260) They tried to open the outside door which was locked. Paterson and Schroeder went to the back of the building where they saw other officer's talking to Diane Robinson the neighbor. (R-261) Robinson allowed them to walk through her apartment to get to the front vestibule of the building. And in Diane Robinson testimony she stated. "She did not see officer's enter apartment 422. But she noticed the front door was damaged. "like it has been pried". See in appellato's brief page (11) (R 35). Robinson heard what sounded like officer's doing something to the lock on the front door. Of the apartment of 422, But she did not see officer's do anything to it. (R 361)

Following argument, the Court denied the defendant's motion to suppress. In denying the motion, the Court determined that Robinson's testimony that she did not recognize the defendant from the photo supported a finding that the defendant had no interest in the property, although because officer's found the defendant's possessions in the apartment, the Court did not give weight to Robinson's testimony. The Court further found no evidence to support the State's claim of a welfare check, or criminally a foot, or a Community Caretaking function. Nor did the Court find the presence of exigent circumstances. The Court determined the officer's entry to the apartment was peaceful and dismissed Robinson's testimony regarding them prying open the door, as evidence photo's do not support that claim. (R 387-388)

Statement of the Case

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Should Sergeant John Essens testimony about his methic's used to locate cell phone (815) 978-5999 been challenged or as how was the other cell phone (779) found at the 11th St residence been challenged?

During trial Sergeant John Essens was called by the state to testify on the state's behalf. And in doing so Sergeant Essens explained his methic's used to find the cell phone (815) - 978-5999. He stated that he was aware of the clothing and the handgun found at 1345 4th Avenue. And that he created a pin on a cell tower at 1415 East State Street. And then used google maps device to create a circumference radius .32 miles away from the cell tower which would create an imaginary line.

So the defendant argument is... "IF" this was the methic used to locate the cell phone found at the 1345, 4th Avenue address by area code (815). How was the cell phone by (779) area code pinging off of the 11th St address. If Sergeant Essens had to make an (.32) mile circumference radius to find the phone by the number (815) 978-5999?

The Ill. Const. 11 states that a person must be sentenced with the objective of restoring the offender back to useful citizenship. Also the U.S. Const. that prohibits cruel and unusual punishment. So is 4 Natural life and 280 years "not" cruel and unusual punishment?

The main reasons the ~~the~~ state argue's. Defendants sentence is correct is.....

IL APP(2d) 140357, 9/16. The record is bare as to any position of defendant as to the propriety of his sentence in this case.

Statement of the Case

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The state arguments upon appeal are... Defendant forfeited any claim that his sentence in this case was improper and has not argued, let alone proven plain error. And states, ...

The only reference defense counsel made to the sentencing was during a scheduling discussion, "Judge, I think by law it's, it's mandatory to natural life." (R 3998). Defendant was admonished that he had to file a motion to reconsider in order to challenge his sentence, but instead he filed a notice of appeal on the day he was sentenced.

Second, defendant has also failed to provide a record of the sentencing hearing including the trial court's decision and any comments made by the state or defense counsel.

Third, defendant does not argue that the claim should be reviewed for plain error. Thus defendant has forfeited plain error review as it relates to the trial court's sentencing determination.

Defendant's ~~only~~ argument is he ~~was~~ told his trial attorney to "file" a motion to reconsider. Defendant wasn't present in court at the time of sentencing. So was "not" aware of all the proceedings.

Second, defendant only failed to provide a record of the sentencing hearing including the trial court's decision and any comments made by the state or defense counsel. Because he was never given them. Defendant was given his trial transcripts and the sentencing proceedings are "not" provided. He made his direct appeal attorney aware of this on a attorney call. And through letters. And yet still never received them.

Statement of the Case

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Trial Court states in *People v. Hanson* 2014 IL App(4th) 130330, 931
Rejecting a plain error argument where the defendant's extended
term sentence was authorized by law, despite any erroneous
assumption in the trial court's reason for imposing the sentence.

But the defendant "never" rejected plain error. The defendant's attorney
should have made this argument. Once appointed and attorney they
take up a certain responsibility. "Notice to agent state...."

"When you accept the authority granted under this power of attorney
a special legal relationship, known as agency, is created between you
and the principal. Agency imposes upon you duties that continue until
you resign or the power of attorney is terminated or revoked."

Just to state one of the requirements... As an agent
you "must": 1. Do what you know the principal reasonably
expects you to do with the principal's property; 2. Act in good
faith for the best interest of the principal, using due care,
competence, and diligence.

And the way the defendant trial/and Direct appeal handle the proceedings
they did not do this.

Is that Detective Paterson did in fact commit an illegal search. And the neighbor Diane Robinson's testimony is proof of that. Also Sergeant Eissen testimony was not true and should have not been used during trial. And evidence shows that in his own testimony. And last the defendant was "over" sentenced.

During sentencing his age, background, previous crimes or behavior was not considered. When recent studies show prone Postadolescent Brain Development; A Disconnect between Neuroscience, Emerging Adults and the Corrections System. In doing so the Supreme Court have agreed.

The Emphasis of recent Supreme jurisprudence on moral culpability of Behavioral and Cognitive Development.

The Supreme Court has recently considered issues of moral culpability and behavioral and cognitive development in several death-penalty cases. Because these cases address brain development within the context of the legal system, they demonstrate that the Court has followed a clear trend of using psychological, behavioral and cognitive brain development research in its determinations.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Captain J. Carter III

Date: 12-17-20