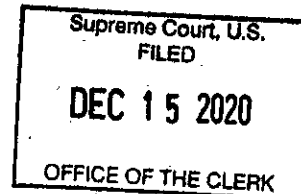


20-7619

ORIGINAL

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



THOMAS POWERS — PETITIONER
(Your Name)

vs.

GREGG SCOTT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

THOMAS POWERS

(Your Name)

17019 COUNTY FARM ROAD

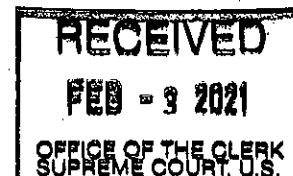
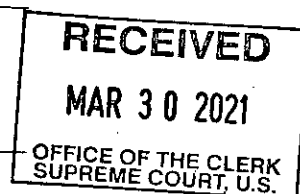
(Address)

RUSHVILLE ILLINOIS 62681

(City, State, Zip Code)

217-322-3204

(Phone Number)



QUESTION(S) PRESENTED

A. WHETHER THE THE COURTS SHOULD HAVE CONDUCTED A UNITED STATES SUPREME COURT ANALYSIS UNDER "BARKER VS WINGO" 407 US 532, 92 Sct. 2182 ON THE "EIGHT YEAR "DELAY FOR CIVIL COMMITMENT HEARING PURSUANT TO THE ILLINOIS SEXUAL VIOLENT PERSONS ACT 725 ILCS 207/1 et seq. IN VIOLATION OF THE PETITIONER THOMAS POWERS SIXTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION.

B. WHETHER THE DISTRICT COURT RULED THE WRIT OF HABEAS CORPUS WAS UNDER 28 USC 2254 WAS IN ERROR AND SHOULD HAVE BEEN UNDER 28 USC 2241, DUE TO THE PETITIONER THOMAS POWERS IS A "PRE-DETAINEE" PENDING OVER EIGHT YEARS AND SIX MONTHS, THEREFORE EXHAUSTING HIS REMEDIES UNDER 28 USC 2241.

1). PETITIONER IS NOT CHALLENGING HIS CONVICTION IN THE MATTER OF PEOPLE OF THE STATE OF ILLINOIS VS THOMAS POWERS 2000 CF 369 WINNEBAGO COUNTY ILLINOIS.

2). BASED ON "NO MENTAL HEALTH TREATMENT" FOR THE PETITIONER'S DIAGNOSIS OF OTHER SPECIFIED PARAPHILIC DISORDER "NONCONSENT " THIS EIGHT YEAR AND SIX MONTH DELAY IS UNCONSTITUTIONAL.

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APPENDIX B	POWERS VS SCOTT US COURT OF APPEALS FOR THE SEVENTH CIRCUIT CASE NO.20-1440 NOVEMEBER 22020/DECEMBER 9, 2020 RECALL MANDATE
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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- 1) **BARKER VS WINGO** 407 US 532,92 Sct.2182
US SUPREME COURT
- 2), **IN RE:THE DETENTION OF THOMAS POWERS**
CASE NO.12 MR 419 WINNEBAGO COUNTY ILLINOIS

4

STATUTES AND RULES

- 1).28 USC 2241
- 2) 725 ILCS 207/1 et seq. ILLINOIS SVP STATUTE

4

4

OTHER

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:

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 B to the petition and is

☐ reported at NOVEMBER 2, 2020; 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 A to the petition and is

☐ reported at MARCH 20, 2020; 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 C to the petition and is

☐ reported at JANUARY 29, 2019; 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was NOVEMBER 2, 2020 DENIAL OF RECALL MANDATE 12-9020

☐ 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 JANUARY 29, 2020
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) SIXTH AMENDMENT OF THE US CONSTITUTION
- 2) FOURTEENTH AMENDMENT OF THE US, CONSTITUTION
- 3) 28 USC 2241 WRIT OF HABEAS CORPUS FOR PRE-TRIAL DETAINEE
- 3) 725 ILCS 207/1 et seq. ILLINOIS SVP STATUTE

STATEMENT OF THE CASE

PETITIONER THOMAS POWERS COMPLETED HIS TWENTY FIVE YEAR EXTENDED TERM JUDICIALLY ORDERED SENTENCE ON JUNE 25, 2012. THEN WAS DETAINED ON JUNE 25, 2012 PURSUANT TO THE ILLINOIS SEXUAL VIOLENT PERSONS ACT 725 ILCS 207/1 et seq. DIAGNOSED WITH THE MENTAL DISORDER OF PARAPHILAS NOT OTHERWISE SPECIFIED "NONCONSENT" PENDING A CIVIL COMMITMENT HEARING. PETITIONER IS A PRE-TRIAL DETAINEE YET HAS NEVER RECEIVED MENTAL HEALTH TREATMENT FOR THIS DIAGNOSIS!! THE "SVP" STATUTE STATES A 120 DAYS FOR CIVIL COMMITMENT HEARING. PETITIONER HAS BEEN PENDING EIGHT YEARS AND SIX MONTHS FOR CIVIL COMMITMENT HEARING.

REASONS FOR GRANTING THE PETITION

THE ILLINOIS SEXUAL VIOLENT PERSONS ACT AND THE SIXTH AMENDMENT OF THE US CONSTITUTION STATUTORILY AND CONSTITUTIONALLY GUARANTEES THE PETITIONER HAS RIGHT TO A SPEEDY TRIAL.

THERE HAS BEEN AN EIGHT YEAR AND SIX MONTH DELAY FOR A CIVIL COMMITMENT HEARING. THE US DISTRICT COURT ADDRESSED THIS MATTER UNDER 28 USC 2254. PETITIONER THOMAS POWERS IS A PRE-TRIAL DETAINEE AND THIS MATTER SHOULD HAVE BEEN CONSIDERED UNDER 28 USC 2241. THIS MATTER WAS EXHAUSTED AT THE CIRCUIT COURT LEVEL, THE ILLINOIS SUPREME COURT, THE UNITED STATES DISTRICT COURT AND THE SEVENTH CIRCUIT COURT OF APPEALS. NONE OF THESE COURTS CONDUCTED AFTER A ONE-YEAR DELAY A BARKER VS WINGO ANALYSIS 407 US 532. THE PREJUDICE IS GREAT DENIAL OF TWO PRO BONO ATTORNEYS, AN EXPERT WITNESS THAT STATES THAT THE PETITIONER "THOMAS POWERS IS NOT ELIGIBLE FOR SVP COMMITMENT," FAMILY REJECTION AND WITNESSES CANNOT BE FOUND.

TWO INDEPENDENT EXPERT WITNESSES DR. KIRK WITHERSPOON AND DR. DIANE LYTTON BOTH STATE THAT "THE PETITIONER DOES NOT SUFFER FROM THIS STATE DIAGNOSED MENTAL DISORDER AND THAT THOMAS POWERS DOES NOT MEET THE CRITERIA AS A SEXUAL VIOLENT PERSON."

I AM NOT A SEXUALLY VIOLENT PERSON AND I DESERVE A CHANCE TO BE FREE.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Thomas Paves

Date: December 15 2020