

No. _____

20-8061

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Jermaine Davis — PETITIONER
(Your Name)

vs.

People of the state of Illinois — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED

JUN 18 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Appellate court of the 4th District
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI
menard correctional center.

Jermaine Davis
(Your Name)

P.O. Box 1000
(Address)

menard, IL 62259
(City, State, Zip Code)

N/A
(Phone Number)

RECEIVED

MAY 17 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- (1) In a custodial interrogation, what ruling(s) (case) properly distinguishes the proper procedural safeguards triggered by a request to remain silent and for an Attorney?
- (2) Considering the Mosley factors for invocation of the right to remain silent, and the initial request for silence was not honored, can there be any proper waiving of the right by an eventual later confession, while under the original custody and detention over a four day period, with no new line of questioning of a different crime.
- (3) When a suspect is read Miranda rights, and invokes the right to silence within the questioning, law enforcement does not scrupulously honor the initial right, gains information and arrest suspect, the following day conduct an interrogation based on the same case and line of questioning of day before. The suspect invokes silence once more and is not honored, law enforcement gains more critical information. Two days later conduct a third interrogation. (This same suspect has been held in continuous detention no showers, change of clothes, held in booking cell in county jail over 4 day period) and eventually obtain a confession, are interrogations admissible evidence?
- 1) Are there any Mosley factors greater than the next.
- 2) When law enforcement does not honor an invocation of silence (initial) can law enforcement legally obtain a confession while suspect is held in detention 3-4 day period?
- 3) When law enforcement in an interrogation is met with invocation of right to be silent, must they cease all questioning, related to the case and line of questioning invoked upon, and if failure to do so, does this make all related questioning inadmissible present and future within the same custody?
- 4) Can any statement be product of free will when held incommunicado by request of police while detained in county booking?

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:

- (1) Kwame Raoul - Attorney General
100 W. Randolph St. 12 floor. Chicago, IL 60601
- (2) David J. Robinson Deputy Director / States Attorney
Appellate Prosecutor
725 South Second St. Springfield, IL 62704
- (3) John Milhiser Sangamon County States Attorney
200 S. 9th St. Suite 402
Springfield, IL 62701

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TABLE OF AUTHORITIES CITED

CASES

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people v. Davis, 2019 IL App (4th) 170431-U.	p1, 4, 8, 11
miranda v. Arizona, 384 U.S. 436, 444 (1966)	p 8,
people v. Brownell, 79 Ill.2d 508, 517 (1980)	p 9, 11
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united state constitution Amendment V (5)	p3.
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OTHER

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 People v. Davis, 2019 IL App (4th) 170, 431; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the seventh circuit court (Sangamon) ^(Spfkl) court appears at Appendix B 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 October 4, 2019.

☐ 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: October 25, 2019, 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 4-29-20 ~~October 4, 2019~~.
A copy of that decision appears at Appendix _____.

☒ A timely petition for rehearing was thereafter denied on the following date: October 25, 2019, 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 U.S. constitution Amendment 5 (V) 1791 of the bill of rights.

- No person shall be held to answer for a capital, or other wise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be put twice put in jeopardy of life, limb;

"Nor shall be compelled in any criminal case to be a witness against him self, nor be deprived of life, liberty, or property, with out due process of law"; nor

shall Nor private property be taken for public use, with out just compensation.

2) U.S. constitution Amendment 14 (XIV),

All persons born or naturalized in the united states and subject to the Jurisdiction there of, are citizens of the united states and of the state where in they reside.

"No state shall make nor enforce any law which shall abridge the privileges or immunities of citizens of the united states;"

"Nor shall any state deprive any person of life, liberty, or property, with out Due process of law, nor deny any person within its Jurisdiction the equal protection of Laws."

3) Illinois state constitution (Art 1 ^{sec} 10)

self incrimination and Double Jeopardy

"no person shall be compelled in a criminal case to give evidence against him self nor, be twice put in Jeopardy for the same offense.

4) Illinois state constitution Art. 1. sec 2

"no person shall be deprived of life, liberty, or property with out due process of law, nor be denied the equal protection of the Laws.

STATEMENT OF THE CASE

Jermaine Davis was found guilty of two counts of first Degree murder and Two counts of armed Robbery, by a Jury for the deaths of Larry Grice and Andrea Pocklington. People v. Davis, 2019 IL App (4th) 170431-U.

In 2012 December, 2 people were found deceased which one year ^{later} lead to the arrest of Jermaine Davis, in feb 7, 2014, He was questioned by springfield Police Dept Detectives.

The officers interviewed Davis at the springfield Police Department on february 7, 2014. Davis, 2019 IL App (4th) 170431.

(p4) (see additional statement to case ~~at~~ p 6.
next

February 7, 2014 at the Springfield Police Department. Present were Detectives Sims and Dahlkamp. At the outset of the interview Davis is read his Miranda rights. Sims informed Davis that they wanted to revisit the statement he gave in January, 2013. Davis reiterated he was in the backyard when the murders occurred and had seen two people enter and flee the house Grice and Pocklington. Sims stated he knew Davis did not purchase the .357 handgun like he told earlier to detectives. Davis admitted he had purchased a .22 Ruger for Mitchell, but stated he sold it the weapon shortly after. Sims told Davis they knew he was involved in the murders. Davis eventually said, "I want to use that right to stop talking." The detectives gathered their things and stood up but continued to talk to Davis before leaving the room.

A
few minutes after the police left the room, Davis yelled ~~into~~ out asking to use the phone. Detective Sims reentered the room and eventually stated to Davis, "You are involved in it," and "You have the gun!"

(Additional statement of case plot 6)

sims continued the interview until Davis said he and mitchell committed the robbery, but mitchell committed the murders after davis left the house. At the end of the interview Davis was arrested.

february 8, 2014 sims and Dahlkamp interviewed Davis again, at the outset of the interview, Davis was reminded of his miranda rights. sims continued to question Davis about the murders, Davis eventually said, "I'm done Talking". The Detectives subsequently told Davis the Physical evidence proved he committed the murders, Davis maintained that he ran out of the front door before mitchell shot grice.

On february 10, 2014 Detectives interviewed Davis reading miranda warnings at the outset of the interview and Davis stated that he understood them, ultimately, Davis confessed to killing Grice and that mitchell killed Pocklington.

(Additional statement of case p2 of 6)

Following arguments on the motion to suppress, the trial court found that Jermaine Davis was not in custody when he invoked his right to silence on Feb 7, 2014, so all of his statements were admissible. The statements were introduced at trial and the jury convicted Davis of first degree murder and armed robbery. The court sentenced Davis to two mandatory terms of natural life imprisonment on two counts of first degree murder and two consecutive terms of 30 years' imprisonment for two counts armed robbery.

On Direct appeal, Davis argued that the trial court erred when it denied his motion to suppress his statements. Davis argued that ~~the trial~~ he was in custody on February 7 when he invoked his rights to remain silent, and the detectives failed to scrupulously honor his right to cut off questioning.

(Additional statement of case p306)

Davis further asserted on February 8, and that Detective S again failed to honor his right. Davis maintained that his subsequent statements made on February 10, should have been suppressed due to the Miranda violation that occurred on February 7, 8.

The Fourth District appellate court recognized that under *Miranda v. Arizona*, 384 U.S. 436, 444 (1966), if a defendant "indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease". Citing *Miranda v. Arizona*, 384 U.S. at 473-74. The appellate court further recognized that "the admissibility of statements obtained after the person in custody has decided to remain silent depends under *Miranda* on whether his 'right to cut off questioning' was scrupulously honored." "Davis, 2019 IL App (4th) 170431-U, citing *Michigan v. Mosely*, 423 U.S. 96, 104 (1975). The appellate court agreed with Davis that he was in custody for *Miranda* purposes when he invoked his right to remain silent on February 7 interrogation.

(Additional statement of case p4 of 6)

The appellate court further concluded that the detectives failed to scrupulously honor Davis's right to cut off questioning. As such the court see the february 7 and 8th statement should have been suppressed.

The appellate court, however, concluded that the february 10 statements were admissable. The court noted that in *people v. Brownell*, 79 ill. 2d 508, 519 (1980), this court interpreted mosely "to include only the statement obtained as a result of not honoring the defendant's right to cut off questioning. we do not think the court intended that all subsequent statements are to be excluded." (Emphasis in original.). Citing *Brownell*, 79 ill. 2d at 519. The appellate court concluded that because the detectives read Davis his miranda rights at the out set of each interrrigation and the february 10 interrogation occured almost 72 hours after Davis's invocation of his right to remain silent on feb 7 and over 36 hours after any arguable invocation of the same right on february 8,

(Additional statement of case (5 of 6)

The statement made on february 10
were admissiable.

The appellate court denied
Davis's petition for rehearing on
october 25, 2019, Davis submitted a
petition for leave with the supreme court of
Illinois and was denied review on 4-29-20.

(Additional statement of case p.6 of 6)

REASONS FOR GRANTING THE PETITION

Jermaine Davis was in custody and interrogated on Feb 7 and 8, 2014 (and 10th) about the murders and robberies of Grice and Pocklington. People v. Davis, 2019 IL App(4th) 170 431-U. Davis invoked his right to remain silent during the interviews, but police did not scrupulously honor the invocation. People v. Davis, 2019 IL App(4th).
in violation of his constitutional rights, initial invocation of rights to silence) During the February 10, 2014 interrogations Davis confessed to the offenses. People v. Davis, 2019 IL App(4th).

The fourth District Appellate Court agreed that because the Detectives did not "scrupulously honor" Davis's "right to cut off questioning," The February 7 and 8th statement should have been suppressed under Michigan v. Mosley, 423 U.S. 96, 102-03 (1975). *Id.* at 1180-87, 94, Citing Mosley, 423 U.S. ~~at~~ 102-03. The Appellate court however held that the Feb 10, statements were admissible, because in People v. Brownell, 79 Ill. 2d 508, 517 (1980), this court interpreted not honoring the right to cut off questioning." Brownell, 79 Ill. 2d at 519. (Davis respectfully ask this court to review whether Davis's February 10, statement were inadmissible under Mosley. This court to give clarity whether Brownell's reasoning and interpretation of Mosley Applies to this case (at hand) because the defendant in Brownell invoked his right to counsel, not to silence, and the two rights carry different procedural safeguards. Edwards v. Arizona, 451 U.S. 477, 485 (1981). This case exemplifies the confusion in the Appellate courts over when a defendant's subsequent statements are admissible following a violation of a defendant's right to silence, and the stop and violation and go of there right which is similar to the question first mirandize second violation, this case and this state of Illinois needs this review, and Davis respectfully ask this of this court to review this issues,

without this courts review, Illinois police will continue to find ways to infringe and or violate the constitutional rights. Illinois clearly shows its in no hurry to enforce the rulings of the higher courts of this land, obviously by continuing to allow the use of fruoned upon tactics.

CONCLUSION

the police and prosecutors will continue to violate the rights of african Americans, who are only a small percertage of this country.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

germaine Davis

Date: June 13, 2020

The following information was obtained from the records of the [redacted] Department of the Interior, Bureau of Land Management, regarding the [redacted] land grant.

[The rest of the page contains extremely faint, illegible text.]