

No. **21-6236**

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FIRST JUDICIAL DISTRICT

FILED

OCT 28 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

LB JOSEPH

(Your Name)

— PETITIONER

vs.

PEOPLE OF THE STATE OF ILLINOIS

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF ILLINOIS (127478) 14CR19077(02)

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LB JOSEPH #Y22154

(Your Name)

PONTIAC CORRECTIONAL CENTER, P.O. BOX 99

(Address)

PONTIAC IL 61764

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- ① WAS DEFENDANT GIVEN A FAIR TRIAL?
- ② WAS DEFENDANT FOUND GUILTY BEYOND A REASONABLE DOUBT?
- ③ WAS DEFENDANT DUE PROCESS VIOLATED?
- ④ WAS PERJURED TESTIMONY GIVEN TO COVER UP THE TRUTH?
- ⑤ DEFENDANT SHOULD DEFINITELY GET SOME FORM OF RELIEF? ESPECIALLY AFTER APPLYING CASES THAT WERE FAR MORE SERIOUS THAN HIS IN PETITIONERS FACTS REF PEOPLE V. RIVERA, 2011 IL APP (2d) 091060 (2011) 962 N.E. 2d 53, 356 Ill. DEC. 709, PEOPLE V. HERMAN, 407 Ill. APP. 3d 688 (2011) 945 N.E. 2d 54, 348 Ill. DEC. 747, PEOPLE V. SMITH 185 Ill. 2d 532 (1999) 708 N.E. 2d 365, 236 Ill. DEC. 779 WHO WERE GRANTED SOME FORM OF RELIEF. CONVICTION OVERTURNED, ETC.
- ⑥ THE TRUTH NEVER CHANGES NO MATTER HOW MANY YEARS PASS. BUT LIES ARE CONSTANT AND FOREVER CHANGING. WHY WOULD L.D. (LAMONICA DILLARD) LIES SO MUCH?
- ⑦ WHY DID STATES ATTORNEY VIOLATED BRADY LAW LOOSING POLICE POD CAMERA VIDEO THAT PROVES DEFENDANTS INNOCENCE AND GPR, GENERAL PROGRESS REPORTS THAT PROVE INNOCENCE.
- ⑧ WHY WERE SO MANY AMENDMENTS VIOLATED?
- ⑨ WHY DID STATES VIOLATE SPEEDY TRIAL TERM? AND WHY DIDNT Judge GRANT MOTION TO DISMISS FOR VIOLATION OF SPEEDY TRIAL
- ⑩ ANY CASE THAT VIOLATES MULTIPLE VIOLATIONS OF CONSTITUTIONAL AMENDMENTS DESERVES RELIEF, DOESNT IT?
- ⑪ TRULY DEFENDANT IS INNOCENT (READ L.D.'S PERJURED TESTIMONY AND DEFENDANT LB JOSEPH CLOSING ARGUMENT MULTIPLE TIMES AND THE TRUTH WILL REVEAL ITSELF).

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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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 C 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 _____ 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 _____.

☐ 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 9-29-2021.
A copy of that decision appears at Appendix C.

☒ A timely petition for rehearing was thereafter denied on the following date: 6-30-2021, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

SEE PETITIONERS FACTS AND REPLY BRIEF FOR DEFENDANT

STATEMENT OF THE CASE

DEFENDANT LB JOSEPH WAS WRONGFULLY CONVICTED AND IS TRULY INNOCENT. DEFENDANT WAS NOT ON SCENE AT ALL. FURTHERMORE IN LAW WE REFER TO DOUBLE PROOF RULE, WHERE EVIDENCE AND CLEAR AND CONVINCING TESTIMONY COME IN. THE EVIDENCE WOULD BE FOUR DIFFERENT DNAs AND NO MATCH FOR DEFENDANT LB JOSEPH. AND L.D. (PROSTITUTE LAMONICA DILLARD) PERJURED TESTIMONY SURELY WAS NOT CLEAR AND CONVINCING. NOT TO MENTION MULTIPLE VIOLATIONS OF THE UNITED STATES CONSTITUTION. PLEASE TAKE IN THE FACT OF PERJURED TESTIMONY IS ILLEGAL AND A FELONY ONCE SWORN IN. REF. PEOPLE V. HERMAN, 407 ILL. APP. 3D 688 (2011) IN PETITIONERS FACTS THAT OWEY LIKE L.D. (LAMONICA DILLARD) WAS A CRACK ADDICT, THAT SHE HAD MOTIVE TO LIE, THAT HER TESTIMONY ENTIRELY LACKED CREDIBILITY, AND CONTRARY TO THE TRIAL COURTS FINDING, WAS RIDDLED WITH INCONSISTENCIES AND CONTRADICTIONS AND WAS COMPLETELY UNCORROBORATED. FOR MORE STATEMENT OF THE CASE PLEASE REVIEW PETITIONER FACTS.

REASONS FOR GRANTING THE PETITION

ALL LOWER COURTS DECISIONS WERE ERRONEOUS BECAUSE TRULY THE CASE WAS A MALUM EN SE AND A FAISI KRAMEN THAT SPANS FROM FRUITS OF A POISONOUS TREE. THIS FROM VIOLATION OF THE 4TH AMENDMENT UNITED STATES CONSTITUTION TO VIOLATION OF DUE PROCESS, WRONGFULLY CONVICTED NOT FOUND GUILTY BEYOND A REASONABLE DOUBT. DEFENDANT ASK THIS HIGHER COURT TO CORRECT THE ERRORS OF LOWER COURTS. DEFENDANT ASKS THIS HIGHER COURT TO REVIEW AND GRANT THIS PETITION BY READING IT A FEW TIMES. THEN DEFENDANT SEEKS RELIEF IN CONVICTION OVERTURNED, REVERSE AND REMAND, OR NEW TRIAL FOR SO MANY VIOLATIONS. IN LIGHT OF THIS HIGH COURTS DECISION PLEASE REVIEW PEOPLE V. SMITH, 185 ILL. 2D 532 (1999), 708 N.E. 2D 365, 236 ILL. DEC. 779, PEOPLE V. HERMAN 407 ILL. APP. 3D 688 (2011), 945 N.E. 2D 54, 348 ILL. DEC. 747, PEOPLE V. RIVERA 2011 IL APP (2d) 091060 (2011), 962 N.E. 2D 53, 356 ILL. DEC. 709. WHERE THESE CASES WERE GRANTED RELIEF AS SHOULD DEFENDANT LB JOSEPH SHOULD BE GRANTED RELIEF AND GRANT THE PETITION

PETITIONERS FACTS FOR A WRIT OF CERTIORARI

1) MAY IT PLEASE THE COURT DEFENDANT SEEKS THAT THIS COURT JUDGEMENT OVERTURNS, REVERSE AND REMAND, NEW TRIAL BY FULLY EXHAUSTING HIS STATE CLAIMS, REF. O'SULLIVAN V. BOEROKEL 526 U.S. 838 (1999)

2) I WAS ARRESTED ON SEPTEMBER 25 2014 FROM MY HOUSE 2537 N. HAISTED CHICAGO IL 60614 (IN LINCOLN PARK) WITH NO SEARCH WARRANT OR INVESTIGATIVE ALERT. I WAS ALSO INTERROGATED AND NOT READ MIRANDA RIGHTS AND ASKED FOR A LAWYER MULTIPLE TIMES YET I WAS NOT GIVEN ONE. THIS RESULTS IN VIOLATION OF MY CONSTITUTIONAL RIGHTS 4TH AMENDMENT, VIOLATION OF MIRANDA US. ARIZONA, 6TH AMENDMENT. REF. PEOPLE V. DAVIS, 398 ILL. APP. 3d 946 (APP CT. 2010); PEOPLE V. HYLAND; PEOPLE V. WANG SON

3) I SUPENAD POLICE POD CAMERA FOOTAGE TO PROVE NO ONE PULLED A GUN ON A HOOKER. AND GPR REPORTS (GENERAL PROGRESS REPORTS) CAME IN TO PROVE PCR (POLYMERASE CHAIN REACTION) ANALYSIS (SHORT TANDEM REPEAT) REPORTS SHOW NO DNA MATCH FOR ME L.B. JOSEPH. BUT 4 DIFFERENT DNAs EXISTED NOT MINE. THE STATE GOT BUT 3 WEEKS LATER SAID "THEY LOST BOTH GPR AND POLICE POD CAMERA VIDEO" THIS RESULTS IN VIOLATION OF BRADY LAW. MOTIONS WERE MADE FOR DISMISSAL BUT WERE DENIED.

4) THE KNOWING USE OF PERJURED TESTIMONY BY STATE AS L.D. COMMITTED PERJURY THIRTY-THREE TIMES UNDER OATH. (PERJURY IS A CLASS 3 FELONY WHICH IS PUNISHABLE BY IMPRISONMENT FOR UP TO 10 YEARS). THE AFRICAN AMERICAN, DRUG ADDICT, HOOKER L.D. WAS NOT COMPETENT TO TESTIFY WITH ABILITY TO TAKE AN OATH AND TELL THE TRUTH. EXAMPLES ARE SAYING THERE WAS AN IMAGINARY GUN THEN LIEING AGAIN SAYING A KNIFE, FROM SAYING EVENTS TRANSPIRED AT MADISON AND LARAMIE AND A PERSON PULLED A GUN OUT, TO LIEING AGAIN ON CROSS EXAMINATION TO SAYING EVENTS TRANSPIRED AT NORTH AVE AND PULASKI AND A PERSON PULLED OUT A KNIFE. FROM SAYING IT HAPPENED AT 12:00AM AFTER SHE LEFT HER COUSINS HOUSE TO LIEING AGAIN ON CROSS EXAMINATION SAYING IT HAPPENED AT 2:00AM AND SHE LEFT HER IMAGINARY FRIEND ANGIE HANS HOUSE. THE TWO HOUR TIME GAP ALONG WITH THE LOCATION CHANGE FROM THE WEST SIDE OF CHICAGO TO

THE NORTH SIDE OF CHICAGO PROVES PERJURY. REF. 725 ILCS 5/115-14 PEOPLE V. MAKIEL 263 ILL. APP 3d 54 (APP. CT. 1994); PEOPLE V. WILLIAMS 147 ILL 2d 173 (1991). PERJURY SPANS AS SHE LIED SAYING

318 ILL. APP. 3d 193 (APP. CT. 2000). "TRICKING JURY INTO THINKING THERE WAS DNA, BUT THERE WAS NO DNA MATCH FOR LB JOSEPH. THIS MEANS PROSECUTORS DESCRIBED EVIDENCE THAT ULTIMATELY NOT PRODUCED AT TRIAL AND ALSO ARGUED MATTERS OUTSIDE THE RECORD AND DURING TRIAL THROUGH OPENING STATEMENT AND CLOSING ARGUMENTS WITH ERRONEOUS STATEMENTS SUCH AS "SHE WAS A TOY", "THIS IS A GAME TO THEM" "WE NEED TO FIND THEM GUILTY" REF ~~PEOPLE V. STRANGE~~ ^{PEOPLE} V. STRANGE 125 ILL. APP. 3d 43 (APP. CT. 1984) THIS IS A PURE VIOLATION THE CONSTITUTIONAL EIGHTH AND FOURTEENTH AMENDMENTS. REF PEOPLE V. MALDONADO, 398 ILL. APP. 3d 401 (APP. CT. 2010); PEOPLE V. TERRY, 312 ILL. APP. 3d 984 (APP. CT. 2000); PEOPLE V. BUNNING, 298 ILL. APP. 3d 725 (APP. CT. 1998). PEOPLE V. FLAX 255 ILL. APP. 3d 103 (APP. CT. 1993).

FINALLY ILLINOIS CASE LAW STATES A GUN "MUST BE BASED ON EVIDENCE AND NOT UPON GUESS, SPECULATION, OR CONJECTURE. REF PEOPLE V. JONES 174 ILL. 2d 427, 430 (1996) LB JOSEPH'S INNOCENCE AND THE 431(CB) ERROR REQUIRES A NEW TRIAL IN PLAIN ERROR. REF SEBBY 2017 IL 119445 THE STATE FAILED TO PROVE THE POSSESSION OF A FIREARM BEYOND A REASONABLE DOUBT WITH L.D.S. PERJURED TESTIMONY. AS WE ALL KNOW THE BURDEN OF PROOF IS ON THE STATE. DUE PROCESS REQUIRES THE STATE TO PROVE EVERY ELEMENT OF AN ALLEGED OFFENSE BEYOND A REASONABLE DOUBT. REF U.S. CONST. AMEND. XIV; ILL CONST. 1970 ART. I §; IN RE WINSHIP 397 U.S. 358, 364 (1970); JACKSON V. VIRGINIA 443 U.S. 307, 316 (1979). THIS ALL RESULTS IN DEFENDANTS VIOLATION OF CONSTITUTIONAL RIGHTS AND DUE PROCESS.

ACCORDINGLY THIS COURT MUST "CAREFULLY CONSIDER THE EVIDENCE AND REVERSE THE JUDGEMENT IF THE EVIDENCE IS NOT SUFFICIENT TO REMOVE ALL REASONABLE DOUBT OF THE DEFENDANTS GUILT AND IS NOT SUFFICIENT TO REMOVE ALL DOUBT OR TO CREATE AN ABIDING CONVICTION THAT HE IS GUILTY OF THE CRIME CHARGED" REF PEOPLE V. ASH, 102 ILL. 2d 485, 493 (1984) THIS ALSO LEADS TO FRUITS OF POISONOUS TREE (FROM ILLEGAL ARREST, THATS VIOLATION OF THE 4TH AMENDMENT TO WRONGFUL CONVICTION THAT VIOLATION DUE PROCESS NOT GETTING A FAIR TRIAL AND PARTIAL TRIAL BY ARTICLE I OF THE UNITED STATES CONSTITUTION). DUE PROCESS ALSO REQUIRES THAT, TO SUSTAIN A CONVICTION OF A CRIMINAL OFFENSE, THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THE EXISTENCE OF EVERY ELEMENT OF THE OFFENSE U.S.C.A. CONST. AMEND. 14.

2011 IL App (2d) 091060 (2011) 962 N.E.2d 53,356 Ill. DEC. 709 EVIDENCE WAS INSUFFICIENT TO SUPPORT FIRST-DEGREE MURDER CONVICTION. NO PHYSICAL EVIDENCE LINKED DEFENDANT TO OFFENSE. DNA TESTING OF SPERM RECOVERED FROM 11-YEAR-OLD VICTIM'S BODY CONCLUSIVELY ESTABLISHED THAT SPERM WAS FROM ONE MALE PROFILE AND CONCLUSIVELY EXCLUDED DEFENDANT AS ITS SOURCE THEREBY UNDERMINING STATES THEORY THAT DEFENDANT COMMITTED MURDER WHILE PERPETRATING SEXUAL ASSAULT. JAILHOUSE INFORMANTS HAD MOTIVATIONS TO LIE. STATE FAILED TO PROVIDE SUFFICIENT INDEPENDENT EVIDENCE TO CORROBORATE DEFENDANT'S PURPORTED CONFESSION IN WHICH HE PROVIDED DETAILS OF CRIME THAT WERE LIKELY RESULT OF PSYCHOLOGICAL SUGGESTION OR LINGUISTIC MANIPULATION BY INTERROGATING OFFICERS.

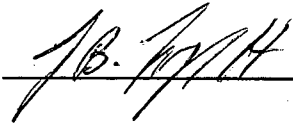
THIS CASE MUCH LIKE MY CASE MAKES THE STATE REQUIRED TO PROVE TWO CONCEPTS TO PROVE AN OFFENSE. FIRST THAT A CRIME ACTUALLY OCCURRED AND IS NOT A LIE OR THE CORPUS DELICTI AND SECOND THAT IT WAS COMMITTED BY THE PERSON CHARGED REF PEOPLE V. EWERT, 211 Ill.2d 192, 202, 285 Ill. DEC. 133, 811 N.E.2d 620 (2004). EVEN WITH A FIRST DEGREE MURDER AND SEXUAL ASSAULT JUDGMENT WAS STILL REVERSED. AS THE SAME SHOULD HAPPEN FOR DEFENDANT LB JOSEPH, AS 14CR19077 WAS NOT AS SERIOUS AS THE RIVERA CASE. MUCH LIKE THE RIVERA CASE THE JURY'S DETERMINATION IS NOT CONCLUSIVE. THUS MY DUE PROCESS WAS VIOLATED BECAUSE DNA DID NOT EXIST MUCH LIKE RIVERA CASE IN MY CASE. YET I WAS WRONGFULLY CONVICTED. DUE PROCESS REQUIRES THAT, TO SUSTAIN A CONVICTION OF A CRIMINAL OFFENSE, THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THE EXISTENCE OF EVERY ELEMENT OF THE OFFENSE U.S. C.A. CONSTITUTIONAL AMENDMENT 14. THE LACK OF A DNA MATCH FOR DEFENDANT REF PEOPLE V. GRANT N.E.3d (2020) IL App (3d) 160756 WHERE DEFENDANT GRANT HAD HIS CONVICTION REVERSED, VACATED GRANT'S CONVICTION AND CAUSE REMANDED. THUS DNA CHANGES THE COURSE OF A CONVICTION.

FINALLY I USE REF. PEOPLE V. HERMAN 407 Ill. App.3d 688 (2011) 945 N.E.2d 54,346 Ill. DEC. 747 WHERE DEFENDANT'S AGGRAVATED CRIMINAL SEXUAL ASSAULT WAS REVERSED DO TO IMPROPER INFERENCE AND MISSTATED EVIDENCE THAT PROVES DEFENDANT WAS NOT FOUND GUILTY BEYOND A REASONABLE DOUBT. APRIL M. OWNEY WAS A KNOWN CRACK ADDICT MUCH LIKE 14CR19077 LAMONICA DILLARD. WHO MUCH LIKE L.D. CHANGED TIMES OF ALLEGED ASSAULT MULTIPLE TIMES. OWNEY GAVE DETAILS OF A GUN

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: OCTOBER 28 2021