

FILED
DEC 22 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Roberto Cerdá — PETITIONER
(Your Name)

vs.

People of the State of Illinois — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ILLINOIS SUPREME COURT 127376 9/29/21
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Roberto Cerdá
(Your Name)

P.O. Box 1000
(Address)

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

—None—
(Phone Number)

QUESTION(S) PRESENTED

Petitioner respectfully requests this Court to Retire Actively or Void *ab initio* apply Carpenter v. United States 585 U.S.-138 S.C.T. 2206 (2018) here.

Whether the states evidence was insufficient to establish petitioners guilt beyond a reasonable doubt.

Whether the petitioner was deprived of the effective assistance of Counsel where his trial attorney failed to move to Supress CSLI related to his phone.

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

PAGE NUMBER

Carpenter v. United States, 585 U.S.- 138
S. CT. 2206 (2018)

Jackson v. Virginia, 443 U.S. 307, 318-19 (1979)

Strickland v. Washington, 466 U.S. 668, 687-88, 694 (1984)

STATUTES AND RULES

Illinois rules of Evidence 404(b) (effective Jan. 1, 2011)

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[] is unpublished.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[] is unpublished.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-1 to the petition and is

reported at ILLINOIS SUPREME COURT; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the ILLINOIS SUPREME court appears at Appendix A-1 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 9/29/21. A copy of that decision appears at Appendix A-1.

[] 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

Fourth Amendment violation of the United States Constitution.

Sixth Amendment violation of the United States Constitution

STATEMENT OF THE CASE

On June 3, 2021 Appellate Court Affirmed
Petitioners Conviction.

On September 29, 2021 The Illinois Supreme Court
denied Petition For Leave To Appeal.

Reasons For Granting the Petition

Petitioner requests The Supreme Court to review his petition for Writ of Certiorari because The Illinois Supreme Court failed to overturn his case based off newly discovered evidence that changed the Law that was used to obtain information and evidence that was gathered and used to present to his Trial Jury who found him guilty as a result of this evidence that was gathered without a warrent, and in 2018- Carpenter v. United States, 585 U.S. — 138 S.C.T. 2206 (2018) This process was deemed to be a violation of the (Search and Seizure) U.S. Constitutional 4th Amendment right that Petitioner has as a right of law. His Attorney failed to file a Motion to Supress his historical Cell Site location or put up any defense to the state/ law enforcement gathering this personal and private information without a Search Warrent. Had his Attorney represented him effectively and not ineffectively a Motion to Supress would have been filed so that petitioner could have been like Carpenter and filed ~~a motion~~ a petition for Writ of Certiorari which more then likely would have been granted based off this Courts ruling in Carpenter.

Petitioners Case is the same as Carpenter and should be granted the same remedy. The Illinois Supreme Court denied petitioners petition

Reasons For Granting The Petition

Stating that because Carpenter was decided in 2018 after Petitioner was tried he is not entitled to a ruling in his case concerning how Law Enforcement illegally obtained his cell site history without a search warrant, and thus his he can't claim that this evidence was gathered illegally because at that time this was a legal process. The Illinois Supreme Court was wrong in this ruling because as we see in Carpenter, This was not the law, this was just law enforcement doing what they wanted to do in direct violation of the 4th Amendment, which states that a search warrant is required to legally obtain cell site history information. Carpenter. No one had contested these illegal tactics, but once they did and this Court made the ruling that it did, Illinois Supreme Court had an interpretation of what the law is as it pertained to this issue and of the 4th Amendment in itself and so they had a duty to make their ruling of petitioners appeal based on the United States Supreme Court ruling in Carpenter.

Petitioner is requesting that this Court make its ruling from the Carpenter Case Petro Active or Void Ab initio, so that it applies to petitioner

REASONS FOR GRANTING THE PETITION

and he can receive the remedy and resolve this
Miscarriage of justice that has him incarcerated because
evidence and information that was obtained without
a Search Warrant (ILLEGALLY) in Direct violation of
the 4th Amendment was introduced to the jury and
tainted petitioners right to a fair and impartial trial.
Petitioner prays that this court grant his
petition and remand him to the state court for a
~~new~~ New trial with the Effective Assistance
of Counsel for his defense.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ROBERTO CERDA

Date: 02-01-2022

Subscribed and sworn to before me on the

9th day of Feb 20 22

Shelley A. Shevlin
Notary Public

OFFICIAL SEAL
SHELLEY A SHEVLIN,
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 07/29/24