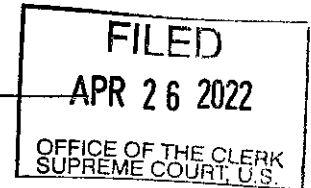


21-7755
No. - - - - -

ORIGINAL

IN THE SUPREME COURT OF THE UNITED
STATES



Eric Ericson,

Petitioner,

vs.

State of Illinois,

Respondent.

On Petition for a Writ of Certiorari to
the Appellate Court of Illinois,
Second District

PETITION FOR A WRIT OF CERTIORARI

ERIC ERICSON
1409 S. 4TH STREET
ST. CHARLES, IL 60174

Question Presented

Must a citizen obey a court ordered injunction that deprives him of his constitutionally protected right to free speech under the First Amendment?

Can the State prosecute, convict, and punish a citizen based on a violation of an erroneous injunction that deprived the citizen of his constitutionally protected right to free speech under the First Amendment?

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Petition for Writ of Certiorari

Petitioner, Eric Ericson, respectfully petitions for a Writ of Certiorari to the Appellate Court of Illinois, Second District.

Opinions Below

The order of the Supreme Court of Illinois denying petitioner's petition for leave to appeal was unpublished and is attached hereto as Appendix C. The judgment of the Appellate Court of Illinois, Second District is unpublished and is attached hereto as Appendix A.

Jurisdiction

The Supreme Court of Illinois denied petitioner's petition for leave to appeal on 26 January 2022, see Appendix C. The jurisdiction of this court is invoked under 28 U.S.C. § 1257 (a).

Constitutional Provisions Involved

United States Constitution, Amendment I:

This case arises out of the Freedom of Speech as protected under the First Amendment to the United States Constitution.

Statement of the Case

In 2017, petitioner posted signs on the property where he lived, directed at the new owner, (An LLC – Limited Liability Corporation) of the property located next door. A non-owner individual, under false pretenses, obtained a SNCO (Stalking/No Contact Order) against the petitioner, that was erroneous for several reasons, but chief among them was that the presiding judge directed petitioner to remove his signs. (Appendix D). All of the signs qualified as pure speech. *Ashcroft v. American Civil Liberties Union*, 535 U.S. 564,573 (2002). None of the signs contained any overt or even implicit, threat of action.

Believing that his first amendment right to free speech was in fact a right and could not be abridged by any court or arm of the government, the signs remained posted.

The State of Illinois charged petitioner with violating the SNCO. Petitioner was tried before a jury presided over by the same judge who has issued the erroneous SNCO. Despite several attempts, pre-trial, during trial, and post-trial to challenge his prosecution on first amendment grounds, petitioner was convicted and punished for violating the SNCO. There were no other factors besides the posted signs remaining, as a basis for the prosecution.

In what can only be described as a convoluted post-trial process, the Illinois Appellate Court, Second District held that “The injunction must be obeyed even though the alleged error concerns a deprivation of constitutional rights”. *People*

v. Ericson, No. 2-19-1055 (summary order issued 5 November 2021) Paragraph 10 (Appendix A).

The Appellate Court has never addressed the violation of petitioner's First Amendment right to free speech by the trial court judge.

Petitioner's motion for leave to appeal to the Illinois Supreme Court was denied 26 January 2022 (Appendix C) and this petition followed.

REASONS FOR GRANTING THE WRIT

Petitioner, like all U.S. citizens, has a right to free speech under the First Amendment. In this case, petitioner posted signs that qualified a pure speech. The appellate court never disputed the fact that the signs were constitutionally protected and as such, could not provide a valid basis upon which to prosecute, convict, and punish petitioner.

Instead, the appellate court searched for any possible avenue to justify its subordinate court's erroneous holding, finally relying on its conclusion that the lower court's "injunction must be obeyed even though the alleged error concerns a deprivation of constitution rights". *People v. Ericson*, No. 2-19-1055 (summary order issued 5 November 2021), paragraph 10 (Appendix A).


If a citizen must prove he has a first amendment right to free speech, every time he chooses to exercise that right, then that right simply does not exist, as the burden to continually prove that right, outweighs his freedom to speak.

The importance of upholding and reaffirming a citizen's right to free speech under the first amendment is necessary for the benefit of all citizens in free society as laid out in the Bill of Rights.

CONCLUSION

The petition for Writ of Certiorari should be granted.

Respectfully Submitted,

Eric Ericson 

ERIC ERICSON

DATED this 26th day of
April 2022