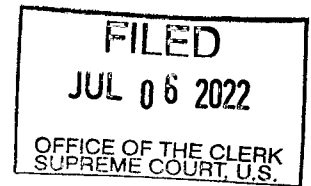


62-5615

ORIGINAL

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

SANTIAGO VILLA — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US COURT OF APPEALS FOR the SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SANTIAGO VILLA
(Your Name)

4735 S Wolcott st
(Address)

Chicago, IL 60609
(City, State, Zip Code)

(773) 837-6083
(Phone Number)

QUESTION(S) PRESENTED

Whether flight from arresting officers alone amounts to reasonable suspicion crime was afoot to support a stop + frisk.

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:

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

People v Hamls, 34 Misc.3d 281, 934 N.Y.S. 2d 639
2011
Illinois v Wardlow, 528 U.S. 119 (2000)

STATUTES AND RULES

720 ILCS 5/24-1 (a) (10)
Title 28 USC 922g

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☒ is unpublished.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☒ is unpublished.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 _____ 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 04/08/2022.

☐ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

- U.S. Const. Am 4
- 720 ILCS 5/24-1(a)(10)
- Title 28 USC 922g

STATEMENT OF THE CASE

Mr. Villa was arrested on 08/18/2018 and charged with 720 ILCS 5/24-1 Unlawful Use of Weapons. The defendant was indicted federally on a Title 28 USC 922g on 3/29/2019. Defendant filed motion to suppress and revised it on numerous court dates. On the motion was finally heard on 2/18/2020 & 2/19/2020. The motion was denied. The Judge gave officers credit to testimony and that because they saw defendant flee when they arrived it warranted a stop and frisks, defendant was sentenced on 11/24/2020 to 3 year supervised release. Defendant filed a timely notice of appeal. The US court of appeals dismissed the appellants brief on April 8, 2022. The court affirmed defendants conviction finding the defendants flight was alone providing reasonable suspicion to stop him under Wilson, 963 F.3d 701, 704 (7th Cir 2020).

REASONS FOR GRANTING THE PETITION

- In Harris, 2011 "supreme court refused to adopt the bright line rule advocated by the state of Illinois authorizing the temporary detention of anyone who flees at the mere sight of police" People v Harris, 2011
- "Headlong flight whenever it occurs is the consummate act of evasion it is not necessarily indicative of wrongdoing" People v Harris, 2011
- "An individual's presence in a 'high crime area' standing alone, is not enough to support a reasonable particularized suspicion of criminal activity" Illinois v Wardlow, 528 U.S. 119 (2000)
- Defendant nonetheless was described to have fled based on officers testimony and because it was in the judge findings that the officers were warranted to stop him defendant was ~~not warranted to stop him~~ not granted his motion. The cases above however support defense arguments and motion should have been granted.

CONCLUSION

For the foregoing reasons...

The petition for a writ of certiorari should be granted.

Respectfully submitted, SANTIAGO VILLA

Santiago Villa

Date: 09/12/2022