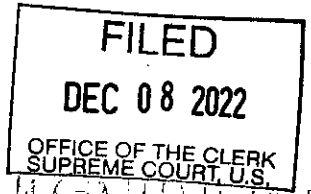


22-6368

No.

IN THE
SUPREME COURT OF THE UNITED STATES



Christopher J. Cox, Petitioner

v.

State Of Illinois, Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF
ILLINOIS

PETITION FOR A WRIT OF CERTIORARI

CHRISTOPHER J. COX

Register Number S03715

Kewanee Life Skills Re-Entry Center

2021 Kentville Road

Kewanee, Illinois. 61443

QUESTIONS PRESENTED

1. Whether a defendant's procedural due process rights under the Fourteenth Amendment have been violated when he was denied his right to a fair trial in state circuit court following a post trial motion hearing where State withheld exculpatory photo evidence and knowingly entered fabricated photo evidence into trial record. Blindsiding jurors with false evidence, false witnesses.

2. Whether a county state's attorney can use a circuit judges initials DWS and enter a false finding of great bodily harm into a docket sheet after the sentencing hearing had concluded absent a jury's findings and the defendant not being present in open court to hear the increase in statutory sentence range be held liable under 42 U.S.C. 1983?

3. Whether a defendant's IV, VIII, XIV Amendments liberty interest to be free from detention was violated when his conviction was obtained in violation of state law. The law was clearly establish at the time of Petitioner's detention so as to deny qualified immunity to the local state's attorney.

Question Presented for Review

Whether Petitioner was denied his rights under U.S.Const.4th Amendment,8th Amendment,14th Amendment. When his due process rights were violated as well as his right to a fair trial.

The following questions are presented.

1. Did the Illinois Supreme Court err in denying Petition For Leave To Appeal given that the Petitioner was denied his right to a fair trial?

List of Parties to Proceeding

All parties appear in the caption of the case on the cover page

Corporate Disclosure Statement

1. Disclose relationships of plaintiff to institutions involved in petition.
2. Disclose relationships of defendant to institutions involved in petition.

Table of Authorities

Cases

United States v. Albury, 415 F.3d 782, 788(7thCir. 2005

Medina-Mora, 796 F.3d 698

Stone v. Alaska, 647 F.2d 582,586

Brady v. Maryland, 373 U.S. 83

TABLE OF CONTENTS

Parties to Proceeding.....	Page 1
Corporate Disclosure.....	Page 2
Table of Authorities.....	Page 3
Table of Contents.....	Page 4
Citations of Opinions.....	Page 5
Basis of Jurisdiction.....	Page 5
Constitutional Provisions.....	Page 6
Statement of Case.....	Page 7
Reasons for Granting.....	Page 8
Questions Presented.....	Page 9
Conclusion.....	Page 10
Certificate of Compliance.....	Page 11
Certificate of Service.....	Page 12
Appendix.....	Page 13

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

The opinion of the Highest state court to review the merits appears at Exhibit A, (see Appendix) to the petition and is unpublished.

JURISDICTION

On September 28, 2022 the Illinois Supreme Court entered judgment denying Leave To Appeal and issued it's mandate on November 2, 2022. The jurisdiction of this court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL PROVISIONS

U.S. Const. Amend. IV.....passim

U.S. Const. Amend. VIII.....passim

U.S. Const. Amend. XIV.....passim

STATEMENT OF CASE

Petitioner, Christopher J. Cox, was convicted following a jury trial on July 28, 2005 of unlawful restraint (2 counts), aggravated fleeing and eluding (1 count), domestic battery (1 count), armed violence (1 count) and disorderly conduct (1 count). On motion by the State, the Court vacated Petitioner's aggravated unlawful restraint as a lesser-included offense of armed violence. The Court sentenced Petitioner to serve concurrent prison sentences of three years for unlawful restraint and aggravated fleeing and eluding, 364 days for domestic battery, 30 days for disorderly conduct, and a consecutive sentence of twenty-two years for armed violence. The Court also ordered that petitioner receive day-for-day credit on all sentences except for the sentence of armed violence, for which he would have to serve 85% of his sentence. Petitioner appealed, his Appellate Defender arguing, inter alia, that the trial court lacked the authority to order him to serve his armed violence sentence at 85% because it failed to make an on the record finding that the petitioner had caused great bodily harm to the victim. Another panel of the Appellate Court rejected that argument and accepted the State's Attorney's Appellate Prosecutors argument that the sentencing court entered his finding of great bodily harm into a docket sheet after the sentencing hearing had concluded in the absence of jury findings and defendant.

People v. Cox No. 5-06-0033 (2007).

REASONS FOR GRANTING THE PETITION

In order to prevail on a claim against a municipality under 42 U.S.C. § 1983 based on acts of a public official, a plaintiff is required to prove: (1) actions taken under color of law; (2) deprivation of a constitutional or statutory right; (3) causation; (4) damages; and (5) that an official policy of the municipality caused the constitutional injury. *Monell v. New York City Dep't of Soc. Servs.*, 436 U.S. 658, (1978). Here, the panel decided an important question of constitutional law seemingly left open in *Manuel v. City of Joliet*, 137 S.Ct. 911 (2017), *Baker v. McCollan*, 443 U.S. 137 (1979), and *Gerstein v. Pugh*, 420 U.S. 103, 108 (1975): whether the denial of right to fair trial on state law grounds is in accordance with state rules of criminal procedure under the Fourteenth Amendment and State Constitution.

The Court's intervention is necessary to resolve a miscarriage of justice and the integrity of the Illinois Judicial System warrants review.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

Christopher J. Cox /s/

Christopher J. Cox #503715

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