

No. 22-6388

ORIGINAL

In The
Supreme Court of The United States

FILED

DEC 15 2022

OFFICE OF THE CLERK
SUPREME COURT U.S.
Sixth Judicial

Cornelius L. Jones,
Petitioner,

-VS-

People of the State of Illinois,
Respondents

The Circuit Court of the
Circuit, Macon County, Illinois
CASE No. 08-CF-1053
Appellate Court of Illinois, Fourth District
CASE No. 4-20-0520

Supreme Court of Illinois
CASE No. 128369

On Petition FOR A WRIT OF CERTIORARI to
Appellate Court of Illinois, Fourth District

Petition FOR WRIT OF CERTIORARI

Cornelius L. Jones

Cornelius L. Jones

S-08870

Menard Correctional Center

P.O. Box 1000

Menard, IL 62259

88-0388

ORIGINAL

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Question Presented

Whether A defendant's fundamental right to equal protection of the laws was infringed where the 4th District Appellate Courts' construction of a statute contradicts that of Section 3-9005(b) pursuant to People v. Ringland, 2015 IL App(3d) 130523.

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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☐ is unpublished.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☐ is unpublished.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 D 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☒ is unpublished.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 Appellate Court court appears at Appendix B 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☒ is unpublished.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 _____.
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).

Jurisdiction

The judgment of the Appellate Court of Illinois was entered on JANUARY 28, 2022. (APPENDIX A).
Petition for Rehearing was filed on FEBRUARY 7, 2022.
The Appellate Court modified the denial of the petition for Rehearing on FEBRUARY 22, 2022. (APPENDIX B).
A petition for leave to Appeal to the Supreme Court of Illinois was denied on September 28, 2022.

This Petition is being filed within 90 days of the denial of the petition for leave to Appeal. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(A).

Constitutional Provisions Involved

The Fourteenth Amendment to the Constitution of the United States, Section One, provides in pertinent part: "nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Article VI.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the Land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.

Statement Of the Case

This APPEAL ARISES FROM the Circuit Court's denial of Jones' Petition to VACATE judgment under Section 2-1401. Jones' Petition Alleged that his first degree murder conviction should be VACATED pursuant to People v. Ringland, 2015 IL APP (3d) 130523; And, People v. Ringland, 2017 IL 119484.

Petitioner ARGUED that his conviction should be VACATED because he WAS unlawfully stop and subsequently ARRESTED by AN Special Investigator with the Sangamon County State's Attorney's Office, which led to the discovery of FIREARMS and the State CHARGING Jones.

Jones filed the Petition on MAY 12, 2020. On June 25, 2020, the Macon County Circuit Court SUA SPONTE dismissed Jones' Section 2-1401 petition. (APPENDIX: C)

Jones filed notice of APPEAL.

The Office of the State Appellate Defender moved to WITHDRAW its Representation of Jones, contending "An Appeal in this case would be without

ARGUABLE MERIT."

The 4th District Appellate Court granted Jones time to file additional points and authorities.

The State filed a brief asserting this court lacked jurisdiction of Jones' appeal.

The 4th Dist. Appellate Court denied Jones' section-2-1401 petition finding that they lack jurisdiction. (Appendix: A)

Petition for Rehearing was filed and the 4th Dist. Appellate Court modified their original order by conceding they have jurisdiction of Jones' appeal. (Appendix: B)

The 4th Dist. Appellate Court then found that Jones' section 2-1401 petition was untimely and that Special Investigator's actions in Jones' case are distinguishable from the Special Investigator in "Ringland's". (Appendix: B)

Jones filed a Petition for leave to appeal which was denied. (Appendix: D)

Reason For Granting Certiorari

This Court should grant Certiorari to determine whether the Fourth District Appellate Court Contradiction of A Statute pursuant to People v. Ringland, 2015 IL App (3d) 130523; And, People v. Ringland, 2017, IL 119484, denied petitioner's Constitutional guarantee to equal protection of the laws.

Jones filed A 2-1401 Petition Arguing he was unlawfully stopped and arrested by An Special Investigator for the Sangamon County State's Attorney Office.

The 4th Dist. Appellate Court dismissed Jones' 2-1401 Petition finding, inter alia, that the Special Investigator in Jones' case did not independently conduct the traffic stop like the Special Investigator in "Ringland's".

The 4th Dist. Appellate Court did not construe Section 3-9005(b) pursuant to "Ringland's".

Section 3-9005(b) of the Counties Code Provides, in pertinent part: "The State's Attorney of each county shall have authority to appoint one or more special

investigator's to: (1.) serve subpoenas, (2) make return of process and (3) conduct investigations which assist the State's Attorney in the performance of his duties". (Ringland, 2015 At 35; Ringland, 2017 At 14)

The statute is conspicuously devoid of any other function a special investigator may undertake. Thus the plain language of section 3-9005(b) demonstrates that the legislature intended the functions of special investigator to be limited to the 3 functions listed. (Ringland, 2015 At 37; Ringland, 2017 At 14)

The Special Investigator in Jones' case, after hearing a radio transmission of a crime, drove directly to the highway to look for suspects.

Ringland found: "that the State's Attorney's common law duty to investigate suspected illegal activity is limited to circumstances where other law enforcement agencies inadequately deal with such investigations or where a law enforcement agency ask the State's Attorney for assistance". (Ringland, 2017 At 25, 33, 35.)

The investigations the special investigator may conduct under the statute are limited to those

CRIMES THAT HAVE ALREADY COME TO THE ATTENTION OF THE STATE'S ATTORNEY. SUCH A READING WOULD PLACE THE SPECIAL INVESTIGATOR'S TRAFFIC STOP SQUARELY OUTSIDE THE SCOPE OF SECTION 3-9005(b). (Ringland, 2015 AT 38, 42.)

Thus, to be valid, the instant traffic stop, by themselves, must constitute investigations that assist a State's Attorney in the performance of his or her duties. (Ringland, 2017 AT 15.)

The Special Investigator in Jones' case was not performing neither of the 3 functions established by section 3-9005(b) when he conducted the traffic stop and arrest of Jones.

People v. Ringland, 2015 IL APP (3d) 130523; found that the conduct of the Special Investigator exceeded the scope of section 3-9005(b), rendering the traffic stops and arrest unlawful. (Ringland, 2015 AT 34.)

Where statutes are enacted after judicial opinions are published, it must be presumed that the legislature acted with knowledge of the prevailing case law. (Burrell v. Southern Truss, 176 Ill. 2d 171, 176, 223 Ill. Dec. 457, 679 N.E. 2d 1230 (1997))

The 4th Dist. Appellate Court contradicts

Section 3-9005(b) pursuant to "Ringland's", finding that Special Investigators have Authority to conduct traffic stops and make arrests. (Appendix: B)

The 4th Dist. Appellate Court erred where they denied Jones' 2-1401 petition finding that the special investigator's actions were statutorily permitted when he conducted the traffic stop and arrest of Jones.

The 4th Dist. Appellate Court appears to suggest that because the special investigator called for assistance in the stop he conducted that that authorizes his actions. (Appendix: B)

The 4th Dist. disregards that the "Ringland" courts found that the conduct of the special investigator exceeded the scope of section 3-9005(b). Although the special investigator had a legitimate police officer with him as he conducted the traffic stops and arrests. (Ringland, 2015 at 17, 18, 21, 24.)

The "Ringland" courts established in construing section 3-9005(b) that special investigator's ~~aren't~~ are not police. (Ringland, 2015 at 42; Ringland, 2017 at 32.)

The 4th Dist. Appellate court did not construe

Section 3-9005(b) according to the legislature's intent. The primary objective in construing a statute is to ascertain and give effect to the intent of the legislature.

The most reliable indicator of legislative intent is the language of the statute, given its plain and ordinary meaning. A court must view the statutes as a whole, construing words and phrases in light of other relevant statutory provisions and not in isolation. Each word, clause and sentence of a statute must be given a reasonable meaning, if possible, and should not be ~~rendered~~ rendered superfluous. The court may consider the reason for the law, the problems sought to be remedied, the purposes to be achieved, and the consequences of construing the statute one way or another. Also, a court presumes that the General Assembly did not intend to create absurd, inconvenient, or unjust results. (People v. Perez, 2014 IL 115907, 9, 385 Ill. Dec. 41, 18 N.E. 3d 41; People v. ~~Hunter~~ Hunter, 2013 IL 114100, 13, 369 Ill. Dec. 549, 986 N.E. 2d 1185)

The ultimate issue before the 4th Dist. Appellate Court was: Whether the Special Investigator exceeded the scope of Section 3-9005(b), and/or whether the Special Investigator's actions were statutorily permitted?

The historical facts are admitted or established.

the rule of law is undisputed, and the issue is whether the facts satisfy the (relevant) statutory (or constitutional) standard, or put it another way, whether the rule of law as applied to the established facts is or is not violated. (Pullman-Standard v. Swint, 456 U.S. 273, 289, n. 19, 102 S.Ct. 1781, 1791, n. 19, 72 L.E. 2d 66 (1982))

The 4th Dist. Appellate Court minimizes the importance of Jones' constitutional right to equal protection of the laws by misconstruing section 3-9005(b) pursuant to Ringland.

The 4th Dist. Appellate Court's decision infringed Jones' constitutional guarantee to the equal protection of the laws and conflicts with the legislature's intent of a statute in a majority of jurisdictions in this country.

Jones Request's certiorari because the 4th Dist. Appellate Court did not construe section 3-9005(b) according to the ~~the~~ legislature's intent and/or pursuant to "Ringland's", denying Jones of his Due Process Protection, as required by the 14th Amendment, which is why the United States Supreme Court should grant certiorari.

State of Illinois }
County of Randolph } SS

Verification By Certification

Under Penalties of Perjury As Provided by LAW
PURSUANT to section 1-109 of the Code of Civil
Procedure, I certify that the statements set forth
in the foregoing Petition for Writ of CERTIORARI
ARE TRUE AND CORRECT except AS to MATTERS therein
stated to be on information and belief and to such
MATTERS I CERTIFY AS AFORESAID THAT I VERILY
believe the same to be true.

Dated: 12-12-22

/s/ Cornelius L. Jones
Cornelius L. Jones