

No. \_\_\_\_\_

22-6958

IN THE

SUPREME COURT OF THE UNITED STATES

Thomas Powers

(Your Name)

PETITIONER

VS.

Dan Doll et al

RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Illinois Supreme Court

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Thomas Powers

(Your Name)

17019 County Farm Road

(Address)

Rushville Illinois 62681

(City, State, Zip Code)

217-322-3204 10AM to 11AM (C/T)

(Phone Number)

Friday

Supreme Court, U.S.  
FILED

DEC 27 2022

OFFICE OF THE CLERK

RECEIVED

JAN - 5 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.



### QUESTION(S) PRESENTED

WHETHER PETITIONER THOMAS POWERS WHO HAS BEEN PENDING A CIVIL DETAINEE SINCE JUNE 26, 2012 PENDING A CIVIL COMMITMENT HEARING IS INNOCENT UNTIL PROVEN GUILTY.

WHETHER A PRE-TRIAL DETAINEE CAN FILE A LEGAL MALPRACTICE CLAIM ON THE ATTORNEYS FOR THEIR PART IN A TEN YEAR DELAY TO OBTAIN A CIVIL COMMITMENT HEARING UNDER ILLINOIS' SEXUAL VIOLENT PERSON ACT 725 ILCS ILCS 207/1 et seq. (Guarantees Sixth Amendment Rights (speedy trial **Barker vs. Wingo** 407 US 532, 92 Sct. 2182)). THIS LEGAL MALPRACTICE CLAIM IS BASED ON DEFENDANTS DOLL AND RUBIN SYSTEMATIC BREAKDOWN OF THEIR PUBLIC DEFENDER'S OFFICE CAUSED THIS DELAY. AT LEAST THE MAJORITY, OF IT.

WHY THE ILLINOIS SUPREME COURT DID NOT CORRECT THIS DISPUTE OF THE ILLINOIS APPELLATE SECOND DISTRICT COURT STATING "THE APPELLANT (THOMAS POWERS) HAS BEEN ADJUDICATED AS A SEXUAL VIOLENT PERSON" WHEN HE HAS NOT?



## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[x] 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:

1. David Doll 400 West State Street Rockford, Illinois 61101
2. Jacob Rubin 400 West State Street Rockford, Illinois 61101
3. WINNEBAGO PUBLIC DEFENDERS OFFICE 400 WEST STATE ST. ROCKFORD, IL. 61101



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## TABLE OF AUTHORITIES CITED

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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 A to the petition and is

- ☐ reported at September 28, 2022/Mandate 11/2/22; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the Appellate Court/Second Dist. Illinois court appears at Appendix B to the petition and is

- ☐ reported at March 17, 2022 (St. Patrick's Day); 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 Sept 28, 2022/Mandate  
A copy of that decision appears at Appendix A. 11/2/22

☐ 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).





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### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. The Sixth Amendment right to access the court
2. The fifth Amendment right the Petitioner is ~~innocent~~ until proven guilty.





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### STATEMENT OF THE CASE

Petitioner Thomas Powers has been pending a civil commitment hearing since June 26, 2012. Based on the Defendants David Doll and Jacob Rubin ineffectiveness of counsel and the systematic breakdown of the Winnebago Public Defender's office. Petitioner Thomas Powers is entitled to compensation, in a full measure for all the harms Petitioner has suffered in this.



## REASONS FOR GRANTING THE PETITION

Petitioner is entitled to compensation for the Defendants ineffective counsel. THE APPELLATE COURT'S DECISION OVERRULED ALL OF THE TRIAL COURT'S DECISIONS YET STATED THE PLAINTIFF/APPELLANT COULD NOT FILE A LEGAL MALPRACTICE CLAIM BECAUSE THE PLAINTIFF THOMAS POWERS WAS CIVILLY COMMITTED AND WOULD HAVE TO OVERTURN HIS CIVILLY COMMITMENT CASE BEFORE FILING A "LEGAL MALPRACTICE CLAIM". PETITIONER THOMAS POWERS IS NOT CIVILLY COMMITTED AND HAS BEEN PENDING A CIVIL COMMITMENT HEARING SINCE JUNE 26, 2012. THIS ISSUE WAS BROUGHT FORTH IN THIS LEGAL MALPRACTICE CLAIM CAUSED BY THE DEFENDANTS AND THEIR SYSTEMATIC BREAKDOWN OF GETTING THE PETITIONER PLAINTIFF TO A COMMITMENT HEARING. THIS IS TRULY A MISCARRIAGE OF JUSTICE WHETHER PETITIONER COULD FILE A LEGAL MALPRACTICE CASE, IF PETITIONER WAS COMMITTED (GUILTY) PETITIONER COULD NOT UNLESS THE PETITIONER INVALIDATED THE COMMITMENT BUT IF NOT COMMITTED (INNOCENT) PETITIONER MUST BE ABLE TO FILE A LEGAL MALPRACTICE CLAIM. WHY DIDN'T THE ILLINOIS SUPREME COURT STATE "PLAINTIFF IS INNOCENT UNTIL PROVEN GUILTY".



CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Thomas D. Pave

Date: 12/25/22