

23-5634

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

AUG 18 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Jacob M. Currey — PETITIONER
(Your Name)

vs.

State Of Illinois — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court Of Illinois
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jacob M. Currey
(Your Name)

P.O. Box 112 RT. 53
(Address)

Joliet, IL 60434
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- I. Whether it is permissible for a Circuit Court clerk to reject or timely, pro se, motion to withdraw guilty Pleas, and nullify his right to appeal.
- II. Whether the Petitioner received ineffective assistance of counsel when his Attorney failed to file a motion to withdraw guilty pleas after instructed to do so.
- III. Whether a plea can be knowing and voluntary while the Defendant is under legal disability and intoxicated at the time of entering.
- IV. Whether the 4th Amendment is violated by a search that is then later claimed to be a protective Sweep.
- V. Whether exculpatory evidence seized by the Sheriff's Dept. (Home surveillance footage) can be withheld by the State.
- VI. Whether the State violated the equal protection Clause of the 14th Amendment by covering up and misrepresenting facts to prevent Petitioner protection of the law.
- VII. Whether beating a hard cuffed individual; withholding food, medical attention, and water constitutes coercion when paired with threats to family.

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Strickland v. Washington, 466 U.S. 668 (1984)	
United States v. Brown, 973 F.3d 667, 715 (7 th Cir 2020)	
United States v. Mays, 543 F.3d 603, 607 (7 th Cir. 2010)	
United States v. Fernandez, 205 F.3d 1020, 1025 (7 th Cir 2000)	
Hug. v. United States 164 F.3d 378, 381 (7 th Cir 1999)	
Maryland v. Buie 494 U.S. 325, 327 (1990)	
United States v. McMillian, 786 F.3d 630, 637 (7 th Cir. 2015)	
Brady v. Maryland, 373 U.S. 83	
Courthouse News Service v. Schaefer, 2 F.4th 318	
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STATUTES AND RULES

Mailbox Rule

OTHER Magna Carta

Amendment 4. U.S. Const.
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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 C 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 Second District Appellate court appears at Appendix A 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 May 24, 2023.
A copy of that decision appears at Appendix C.

☒ A timely petition for rehearing was thereafter denied on the following date: August 1, 2023, and a copy of the order denying rehearing appears at Appendix D.

☐ 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).

STATEMENT OF THE CASE

Beginning in 2017 the Petitioner became the subject of several criminal investigations, all of which are to other reasons than the charged criminal acts. Including moving to a county that did not wish to accept people from Toltick, IL, Criminal Inmates fabricating events to pay off debt, as law enforcement retaliating after Petitioner reported the behavior.

From May 2017 - August 2021, the Petitioner demanded a trial, but no trial ever took place. The state slowed proceedings by withholding exculpatory evidence that still to this day has not been produced despite being logged on a warrant return. The Judge Robert Pimer stepped in as a trial was about to commence and prevented another Judge from fulfilling due process (March 21, 2020).

August 16th, 2021 a guilty plea was entered. Counsel spoke for the Petitioner, and when the Petitioner tried to speak he was ignored. (Transcript is incorrect). Petitioner was unable to engage or understand the culpability of the hearing (see).

August 30th, 2021 Petitioner sent a request to the circuit court to withdraw his plea which was rejected and never filed.

September 13th, 2021 Petitioner instructs counsel to withdraw plea and he does not do so.

When this is discovered, the Petitioner informs the 2nd dist appellate court orally to withdraw his plea which is received by the court on October 15, 2021.

I. Clerk Rejecting Pro Se Filings

When a Defendant submits a Pro Se Filing to the Circuit Court Clerk he is at the mercy of the Clerk. The Defendant can only exercise diligence in properly drafting and mailing his pleadings. He has no control over a Clerk's or any other person's actions after submission.

II. Ineffective Assistance

The 6 Amendment of the U.S. Const. states (I am) "to have the assistance of counsel for his defence". The standard for establishing ineffective assistance is Strickland v. Washington, 466 U.S. 668 (1984). Here counsel preformed ~~below~~ an objective standard of reasonableness throughout the case proceedings. Most glaringly not being prepared for trial, manipulating a plea being entered, and then refusing to withdraw the pleas when told to do so. (See Had it not been for counsel's errors I would have received a different outcome.

III. Defective Pleas

Withdrawal of guilty pleas is permissible where the plea was not knowing and voluntary. United States v. Brown, 973 F.3d 667, 715 (7th Cir. 2020). Fair and just reasons included the plea was not made knowingly and voluntarily and ineffective assistance of counsel. United States v. Mays 593 F.3d 603, 607 (7th Cir. 2010), see also United States v. Fernandez, 205 F.3d 1020, 1025 (7th Cir. 2000) Hugi v. United States 164 F.3d 378, 381 (7th Cir. 1999).

IV.

Search Transformed Into Protective Sweep

The 4th Amendment provides "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures". The home has a heightened protection by the 4th Amendment. Limited circumstances exist to penetrate the barrier of the 4th Amer. A protective sweep defined in Maryland v. Buie 494 U.S. 325, 327 (1990). is one. There must be a reasonable belief of danger United States v. McMillan, 786 F.3d 630, 637 (7th Cir. 2015). In this case dispatch logs show the scene was declared secure. Approx. 15 min later officers enter and search then claim it was a protective sweep.

V.

Concealing Innocence

The Petitioner's Home was equipped with home surveillance both inside and outside his home. The system captures the events leading to his incarceration. The entire system (Cameras, DVR & recordings) was logged and seized by the Baltimore County Sheriff's Dept. The footage told a completely different story than the one Deputies portrayed. As a result the footage was suppressed & withheld. Brady v. Maryland, 373 U.S. 83

VI.

Prosecutorial Misconduct

Throughout the case, investigators and State's Attorneys, exchanged sexual favors to C.I. Allyssa Thompson to destroy evidence and provide knowing false statements. When the evidence was brought to light officials rail roaded the criminal investigation of Thompson. In addition officers were not willing to cross the thin blue line which implicated their fellow officers. The state then dropped 3 bags

In response to counsel filing an Anders brief defendant filed 3 Submissions. The first a 4 page letter stamped Filed and Received July 5 2022, Second a 2 page letter and 1 affidavit Stamped Filed Jul 20 2022 and Received Jul 25 2022, and lastly a 2 page letter Stamped Received Sep 19, 2021. Each letter outlined defendants limited access to legal resources, and his inability to obtain his discovery, CLR, or transcripts. The letters went on to say without the above requested documents he could not adequately address any of the issues mentioned within the letters. In addition he informed the court of his August 30th 2021 filing to the circuit court while incarcerated in the Kendall county Jail. While his request to withdraw pleas and vacate judgment received by Appellate Court clerk October 15th, 2021 and filed by the circuit court October 20th, 2021. Was considered his August 30th 2021 request was not. Furthermore the October 20th, 2021 filing only became the subject matter due to the August 30th 2021 request being unaddressed as well as counsels failure to intervene. Defendant also informed the court that he was having issues with the circuit court Clerk filing his documents. These issues included the clerk filing documents under incorrect cases, returning documents and not filing or returning documents at all. Despite several requests for an investigation or alternate means of submission neither have taken root. Defendant does not

argue improper compliance with 605 (c) by the trial court. He argues under Supreme Court Rule 604 (d) he is required to file within 30 days of sentencing a motion to withdraw his pleas and vacate judgment. He asserts the file date is August 30th, 2021 pursuant to Illinois Supreme Court Rule 373 and People v. Shines, 2015 IL App(1st) 121070 Mailbox rule. The above mentioned rule and precedent provide that the time of mailing shall be deemed the time of filing. While it is still unclear what specifically happens with his August 30th, 2021 filing when it reaches the circuit clerk it is clear that the defendant has no control over what the clerk's actions are. What is also clear is that the defendant filed his motion by the mailbox rule on August 30th, 2021, and that is the only thing he can be certain of at this point. Defendant also argues his August 30th, 2021 motion is part of the record, and is possibly filed under a different case as the clerk has mistakenly done before. Lastly his affidavit filed July 20th, 2022 only became necessary when his August 30th, 2021 filing was not considered. Thus defendant prays his affidavit be considered given the circumstances. It would also be prudent to again mention defendant's limited capacity at the time of entering his pleas, which affected his decision process.

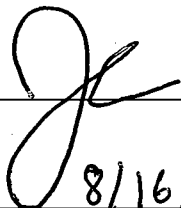
REASONS FOR GRANTING THE PETITION

There is a compelling ^{reason} ~~fact~~ to exercise the Courts Judicial discretion to review these cases for a few reasons. The first being the need to answer an important federal question. As questions 1-7 are presented there is a ~~linked~~ question in how our glorious liberty documents and rights apply. In addition, this case departs so far from the accepted and usual course of judicial proceedings that it calls for this Courts supervisory power. Most glaringly the petitioner was denied due process at every stage of process to the extent the Clerk refused to file his pro se documents to withdraw his plea. Keeping in mind the unethical motivation (Sexual favors) at the involved parties that lead to this behavior and one would find matter inconceivable.

CONCLUSION

- The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 8/16/23