

23-6893

No.

FILED

DEC 26 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

JACOB A. RUBINI-PETITIONER

VS.

STATE OF ILLINOIS-RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

THE ILLINOIS SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

Jacob A. Rubini R00268
Western IL C.C.
2500 Rt 99 South
Mt. Sterling, IL 62353

Questions Presented

Pro Se Post Conviction Petition

On May 23, 2022, Rubini filed a pro se post conviction petition. (C. 680). In this petition, Rubini raised the following claims:

- (1) the prosecutor violated Rubini's due process rights by blocking Cramer's testimony at the hearing on the Order of Protection (C. 687);
- (2) the prosecutor knowingly used Cramer's perjured testimony to obtain the conviction (C. 688-89);
- (3) the prosecutor knowingly used Officer Finze's false testimony at the grand jury proceeding to obtain an indictment (C. 692-95);
- (4) Cramer was allowed to plead guilty to a misdemeanor for her felony DUI;
- (5) the crow bar and plastic wrap should not have been allowed as evidence where it had no fingerprints and was discovered several hours after the offense (C. 700-01);
- (6) his counsel was ineffective for posting bond on his behalf (C. 702);
- (7) counsel was ineffective for failing to call Annie Solberg as a witness who could establish that Cramer had violated her probation, and that Rubini resided at the condo (C. 702);
- (8) counsel was ineffective for failing to call "our next door neighbor Tom," who could establish that Rubini had a key to the condo and lived there (C. 702);
- (9) counsel was ineffective for failing to obtain recordings of phone calls Cramer made in October 2018, while she was incarcerated (C. 703);
- (10) counsel was ineffective for not allowing Rubini to testify (C. 703);
- (11) counsel was ineffective for not showing their joint

checking account for proof of residence, and a rent receipt signed by Cramer (C. 703);

- (12) counsel was ineffective for not showing a bond ticket from October 2018, showing that Rubini posted bond for Cramer (C. 703).

All Parties Listed

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 judgement is subject of this petition is as follows.

Mr. Kwame Raoul, IL Attorney General

100 W. Randolph St., 12th Floor

Chgo, IL 60601

Eric F. Rinehart, Lake County State's Attorney

18 N. County St., 4th Floor

Waukegan, IL 60085

State's Attorney Appellate Prosecutor

Mr. Edward Randall Penicka

2032 Larkin Avenue

Elgin, IL

Related Cases

18-CF-2693 People v. Rubini Judge George D. Strickland

18-CF-1219 People v. Cramer Judge George D. Strickland

2-22-0320

2-00064-U (2d)

129809 Illinois Supremem Court

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Appendix B: Decision of the State Trial Court

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Appendix C: Decision of IL S.Ct.

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Appendix D: Decision of IL S.Ct. Rehearing

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Appendix E: IL App Ct. Second District--mandate.

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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 judgement below.

OPINIONS BELOW

[] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition..

The opinion of the appellate court 2nd district appears at Appendix A to the petition.

JURISDICTION

For cases from state courts:

The date on which the highest state court decided my case was September 27, 2023. A copy of that decision appears at Appendix C.

[] A timely petition for rehearing was thereafter denied on the following date: October 30, 2023, and a copy of the order denying rehearing appears at Appendix E.

The jurisdiction of this Court is involved under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Sixth and Fourteenth Amendments

Statement of the case

Mr. jacob A. Rubini respectfully request the Supreme Court of the United States Washington, DC 20543

To review and or examine his case for the fundamental constitutional rights, that he was denied.

The issues raised on Mr. Rubini's post-conviction, have shown the knowing use of perjured testimony, obstruction of justice, misconduct, suppression of testimony and or Brady violations. That the Assistant State's Attorney Ms. Girmscheid of Lake County Illinois committed in order to obtain a conviction on 18-CF 2693 People of The State of Illinois v. Jacob A. Rubini.

People v. Jimmerson, 209 Ill.Dec. 738 (1995).

Mr. Rubini has sought relief from a numerous state of Illinois courts. A fair trial is essential to any and all citizens of these Unites States and the great state of Illinois.

The right to a fair trial by a judge and jury of one's peers is the cornerstone of any courtroom.

Mr. Rubini has raised issues of inference and conflict of interest. Is it fair to a individual accused of a crime to have the same Associate judge as his alleged victim does? In her own unrelated felony case'18-CF-1219!

Statement of the case

Is it fair for an Associate Judge to return funds posted for the complaining witness in her felony case 18-CF-1219, by the defendant Jacob A. Rubini in 18-CF-1219-prior to her trial testimony on 18-CF-2693? As well as issue her and resolve 18-CF-1219 with 2 years midemeanor probation. Is this not a violation of 720 ILCS 5/32-4c witnesses; prohibition on accepting payments before judgement or verdict?

Mr. Rubini has raised the issue of conflict and or substitution of Judge in 2 motions of substitution 1. for cause 1. for right. And in his Post-Conviction as well (filed pro se 2022). All denied by the Honorable George D. Strickland. 725 ILCS 5/114-5(d). People v. Jones, 197 Ill.2d 346 (2001) (1) The trial court improperly ruled on a motion for substitution of Judge. Synopsis: Should have transferred motion to another judge.

It is Petitioner's belief that upon review of documents presented in this brief and May 22, 2022 Post-Conviction, your Honors will grant relief to Mr. Jacob A. Rubini.

Relief requested

1. Be granted 2nd stage Post-Conviction relief and have an attorney appointed to amend his Post-Conviction Petition.
2. Grant Mr. Rubini a different Associate Judge to hear any arguments presented from this day forward.
3. Grant a new trial or hearing, as to the A.S.A. use of perjury and obstruction.

People v. Munz, 2021 IL App 180873

Analysis: Paragraph 12 Headnote 2

Under the Act, the defendant files a post-conviction petition in the court where his or her original proceeding was held, Mendez, 402 Ill.App.3d at 98. At the first stage of post-conviction proceedings, the circuit court must determine whether the petition is frivolous or patently without merit. The defendant need only present a limited amount of detail, and the allegations are to be liberally construed and taken as true (People v. Edwards, 197 Ill.2d 239, 244, 757 N.E.2d 442, 258 Ill.Dec. 753 (2001)), so long as they are not affirmatively rebutted by the record (People v. Gorow, 388 Ill.App.3d 524, 526, 903 N.E.2d 770, 328 Ill. Dec. 110 (2009)). At this stage, the petition need not set forth the claim in its entirety or include legal arguments or citations to legal authority. People v. Edwards, 197 Ill.2d 239, 244, 757 N.E.2d 442, 258 Ill.Dec. 753 (2001). The threshold that a post conviction petition must meet to survive the first stage of review is low because most post conviction petitions are drafted by pro-se petitioners. People v. Knapp, 2020 IL 124992, ¶ 44. At the first stage, the circuit court reviews the defendant's petition independently, without input from the parties. People v. Lucianq 2013 IL App(2d) 110792, ¶ 83, 988 N.E.2d 943, 370 Ill.Dec. 587. Mr. Jacob A. Rubini was never appointed 2nd stage on his post conviction George D. Strickland dismissed it **even though**. The claims raised were supported by the

record and his own district's order of protection.

Opinion: People v. Munz, 2018 IL App(2d) 160159-U, ¶ 3 Background:

(3) evidence of a civil no-contact order obtained by the victim was properly admitted because it was relevant to show defendant's continuing and escalating conduct, even after he was served with a no contact order.

2018-OP-2212 filed November 29, 2018 5 days after Mr. Rubini was charged with home invasion on 460 N. Main St. Unit N-101 Wauconda, IL 60084 shows Ms. Kathleen Cramer's own words and description of the events she believes happened on November 25, 2018 at 1:40am.

1. That her and Mr. Rubini were in a dating relationship and sharing a common dwelling!

2. That she believes Jacob broke into my sliding glass patio door with a tire wrench!

3. Jacob had been at his house where my daughter lives all afternoon and evening drinking and smoking pot! Leading one to believe that Mr. Rubini was with Ms. Cramer that morning

4. I asked Jacob if Jackie, my daughter, was ok! Ms. Cramer's first question to Mr. Rubini is not how did you get in or let go of me. Ms. Cramer goes on to describe the events as she believes in 2018-OP-2212 description of incident.

Once A.S.A. Girmscheid is aware of independent hearing underway on March 01, 2019. She does her best to obstruct and suppress any

more statements from Ms. Cramer. 720 ILCS 5/31-1 et seq. Inference
725 5/114-11 and 725 5/114-12.

A.S.A. Girmscheid is now aware of 2018-OP-2212 and all its content.
At trial on October 2019 People v. Rubini, 18-CF-2693 Ms. Cramer
testifies to a new narrative of the events that happen that night.
A narrative that fits A.S.A. Girmscheid's needs in order to obtain
a conviction.

1. That Mr. Rubini was kicked out of the condo 1.5 weeks prior to
November 25, 2018.

2. That Mr. Rubini ~~broke in~~ through the sliding glass patio door
and Ms. Cramer's first question is now; How did you get in?

3. Ms. Cramer goes on at trial to give new details of the savage
and brutal attack (emphasis added) she is now advised to say.

720 ILCS 5/32-3 subornation of perjury:

"A person commits subornation of perjury when he or she
Knowingly procures or includes another to make a statement
in violation of section 32-2 which the person knows to be
false." (Class 4 felony).

Reasons for granting the petition

The reasons why the Supreme Court of the United States should review this case by writ of certiorari is the importance to the public of these issues:

The law of the constitution prohibits a prosecutor from knowingly using perjured testimony to obtain a conviction, obstruction and misconduct.

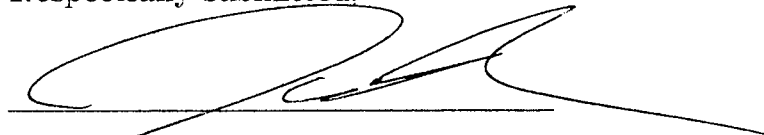
Without a judgement condemning these actions by the U.S. Supreme Court the public would view this as common practice, as well as the state's attorney offices throughout Illinois and abroad.

The law of the constitution provides the right to a fair trial. Without judgement condemning these actions of conflict where the associate judge presided over both completely different felony cases and even returned this Petitioner's funds to the complaining witness in his case (prior to trial) would be seen as common practice in Illinois.

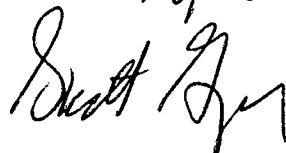
CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to be "Scott Gregory", written over a horizontal line.

Date: 12.18.2023

SUBSCRIBED & FORWARDED
DEC 18, 2023
A handwritten signature in black ink, appearing to be "Scott Gregory", written below the date.

SCOTT GREGORY
OFFICIAL SEAL
Notary Public - State of Illinois
Commission Expires Jul 15, 2025