

No. 23-6893

IN The  
 Supreme Court of the United States  
 Jacob A. Rubini - Petitioner

VS  
 State of Illinois - Respondent

Petition for rehearing on writ of Certiorari, Corrected as requested  
 on letter April 22, 2024.

Petitioner's Grounds for writ of Certiorari are the Lake County States  
 Attorneys office by way of Prosecutorial misconduct, intentionally  
 misled the grand jury and knowingly used false testimony at trial  
 in People v. Rubini 18cf2693.

This Petition for rehearing is Presented in good faith and not for delay  
 On December 12, 2018 officer Jonathan Finze of the Waukegan Police department  
 testified that "Another officer went and checked the back door and found  
 pry marks on the metal frame and the wood door." Grand jury transcript  
 Page 8 line 18-30. Effectively offering hearsay and misleading testimony.  
 At the Grand jury officer Jonathan Finze testified that the back door of the  
 residence belonging to Kathleen Cramer had been damaged. heading one to  
 believe this is his first hand account - and therefore deception.  
 At trial 10/28/2019 18cf2693 officer Jonathan Finze testified (CR-1064).  
 He did not notice any damage to the patio door. Page 91 line 22-24  
 At the Grand jury officer Finze testified a crowbar was found next to  
 the damaged patio door.  
 At trial Mrs. Cramer testified she found the crowbar on the kitchen  
 counter, and brought it to the Police station 6 hrs after the Police  
 left the residence.

No. 23-6893

IN The  
Supreme Court of the United States  
Jacob A. Rubini - Petitioner  
vs.  
State of Illinois - Respondent

Petition for rehearing - (Corrected)

on November 29, 2018 Complainant witness Kathleen Cramer testifies under oath in 2018 OP 2212. That her and defendant Jacob Rubini shared a common dwelling and were in a dating relationship.


on March 01, 2019 During a hearing on independent order of Protection 2018 OP 2212. Mrs. Britta Girmshaid of the Lake County States Attorney's office. Effectively Suppressed any further testimony of shared common Dwelling. Appendix J write of Certanari Hearing 03-01-2019.

on December 12, 2018 Prosecution offered deceptive testimony At the Grand jury, and Perjured testimony At trial on October 28, 2019.

on December 19, 2018 Prosecution failed to disclose order of Protection 2018 OP 2212. on July 2nd Prosecution disclosed 2018 OP 2212 to Avoid Sanctions. But Prosecution failed to disclosed negotiated Plea 1-17-2019, In courtroom 110 George D. Strickland Presiding. In which Mr. Rubini's \$10,000.00 Bond he posted for Mrs. Cramer, was returned to Mrs. Cramer via motion. Prior to her testimony in 18CP2693.

Wherefore Petitioner respectfully request the United States Supreme Court to re-hear case No. 23-6893 Rubini v Illinois AND answer the the question of weather the Prosecution's misconduct in 18CP2693 violated Mr. Jacob A. Rubini's 5th AND 14th Amendment rights to Due Process..

(2)

X   
A00268  
Western Illinois C.C.  
2500 Rt 99 South  
Mt. Sterling Illinois 62353

No. 23-6893  
IN The  
Supreme Court of the United States  
Jacob A. Rubini - Petitioner  
vs.  
State of Illinois - Respondent

Petition for rehearing on writ of certiorari, docketed  
March 05, 2024, by Jacob A. Rubini S.S.N. ~~3008-10~~-8102  
D.O.B. ~~0008~~ 1981.

On December 26, 2023 Mr. Rubini mailed, A Petition for A writ of  
Certiorari, which was received January 19, 2024, and returned  
for corrections.

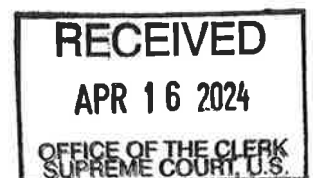
On February 24, 2024 Mr. Rubini mailed Illinois Attorney General  
Corrected Petition of writ of certiorari. USPS Tracking 9488-8090-0027-6131  
0339-34 AND 9488-8090-0027-6131-0339-27.  
On March 05, 2024 Mr. Rubini's Petition was docketed as No. 23,6893

On March 22, 2024 Mr. Rubini received notice to inform opposing counsel  
that they had until April 04, 2024 to respond and or complete waiver.

Mr. Rubini mailed waiver and notice to opposing counsel  
March 24, 2024 via Regular mail.

On April 01, 2024 Mr. Rubini received notice via certified mail.  
That his Petition for writ of certiorari was denied.

Jacob A. Rubini Pro-Se  
Western Illinois C.C.  
2500 Rt 99 South  
Mt. Sterling Illinois 62353



Petition for rehearing on  
Writ of Certiorari  
No. 23-6893

Petitioner first request the reasons of denial order on April 01, 2024  
To date none has been received. Via certified mail preferred. Regular  
mail is 3 weeks behind here at Western C.L.

1. Petitioner Jacob A. Rubini would point out for reconsideration.  
Prosecution knowingly used perjured testimony at the Grand jury  
and trial. Violated Mr. Rubini's right to due process 5th and  
14th Amendment.
2. On December 12, 2018 General no: 18cp2693 DCN# L78165489  
The Grand jury heard testimony from a Wauconda Police officer  
for the purpose of requesting a true bill indictment for the  
Prosecution of People v. Jacob Rubini.
3. That according to Grand jury transcript ofc. Jonathan Finze  
testified that the defendant, by use of a tool, entered into the  
home of Kathleen Cramer, and, additionally, that he found  
pry marks on the sliding screen door of the residence.
4. That According to Grand jury transcript, Jonathan Finze, testified  
that the back door of the residence had been damaged. The  
Afore mentioned testimony is false and, more over that the  
testimony was materially significant information that was  
intentionally false.

Jacob A. Rubini Pro-se  
Western Illinois C.L.  
2500 Rt 99 South  
Mt. Sterling, Illinois 62353

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5. At trial on October 30, 2019 ofc. Jonathan Finze testified: he did not discover a crow bar (R.1038). Finze did not notice any damage to any of the doors. (R.1064).

People v. Oliver, 859 N.E. 2d 38 (2006)  
United States v. Williams 1992  
504 U.S. 36-112 S.Ct. 1735  
United States v. Hogan 712 F.3d 757, 759-62  
(2d Cir 1983).

6. ON July 12, 2019 A.S.A. Girmscheid answered ready for trial AND objected to defendant's motion to continue. Prosecutor answered ready with out tendering "AND AND ALL" inculpatory AND exculpatory evidence that the defense obtained with out the Prosecutor disclosing.

7. The Negotiated Plea deal January 17, 2019 People v. Cramer 18cf 1219 George D. Strickland Presiding WAS never disclosed.

United States v. Bagley 473 U.S. 687 (1985)  
Brady v. Maryland 373 U.S. 83 (1963)

Jacob A. Rubini Pro0268 Pro-Se  
Western Illinois C.C.  
2800 At 99 South  
Mt. Sterling Illinois 62353

STATE OF ILLINOIS )  
 )  
COUNTY OF LAKE )

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,  
LAKE COUNTY ILLINOIS

FILED

DEC 18 2018

Eni. Carney, Assistant  
Circuit Clerk

PEOPLE OF THE STATE OF ILLINOIS )

VS. )

) GENERAL NO:

18CF00002693

JACOB A. RUBINI )

DISCLOSURE TO THE ACCUSED

Now come the People of the State of Illinois by MICHAEL G. NERHEIM, State's Attorney, in and for the County of Lake, State of Illinois, by BRITTA GIRMSCHIED, Assistant State's Attorney, pursuant to Supreme Court Rule 412 disclose the following response to Defendant's motion for pre-trial disclosure:

1. The names of persons whom the State intends, at this time, to call at the time of hearing or trial appear on the attached list of witnesses. To the extent that said witnesses prepared relevant written or recorded statements or memoranda containing substantially verbatim reports of oral statements by them exist, the same are contained in the attached reports which are numbered BNG1 to BNG123.

2. BNG1-BNG6: Indictments

BNG7-BNG29: Wauconda Police Reports 180369387

BNG30-BNG37: Radio Traffic reports and Call for service reports

— BNG38: Handwritten statement of Kathleen Cramer dated 11/25/2018

— BNG39: Handwritten statement of Kathleen Cramer dated 11/23/2018

BNG40: Handwritten statement of Dean Stewart

BNG41-BNG44: Complaint for Search Warrant and Search Warrant

BNG45-BNG48: Forfeiture paperwork

BNG49-BNG55: Dispatch notes

BNG56-BNG82: LEADS of the defendant

BNG83-BNG87: Wauconda Police Department evidence case items

BNG88-BNG90: Photos of victim

BNG91-BNG95: Arrest cards

BNG96-BNG118: Photos

BNG119: Miranda warnings

BNG120: Permission to Search

BNG121: Non traffic complaints

BNG122-BNG123: Domestic Violence Risk Assessment Form

\* Never disclosed  
plea deal 1.17.2019  
Did not disclose

\* 2018 op 2212 Till July 2019

3. Grand Jury minutes, if any, will be furnished through Supplemental Discovery.

4. Written statements of the accused, or co-defendant, if any, recorded statements of the accused, or co-defendant, if any, and the substance or oral statements of the accused or the co-defendant, if any, are contained in the attachments hereto. The witnesses to the making of written or oral statements of the accused are included in the attached list of witnesses.

5. Books, papers, documents, photographs or tangible objects which the State intends to use at hearing or trial or which were obtained from or belong to the accused, may be examined at the State's Attorney's Office upon reasonable notice during business hours.

6. The People are not aware of any record of prior criminal convictions which may be used for impeachment of persons whom the People intend to call as witnesses at hearing or trial.

7. DVD 1: Interview of Defendant #1

DVD 2: Photos of apartment and victim

DVD 3: Squad Video 117 #1

(4)

Didn't disclose op 2212 mt. Sterling Illinois  
November 29, 2018 62353 pro-se

Rehearing  
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Jacob A. Rubini R00268  
Western Illinois C.C.  
2500 Rt 99 South

DVD 4: Squad Video 117 ~ & follow interview with neighbors

DVD 5: Photos of injury victim #1

DVD 6: Search warrant photos

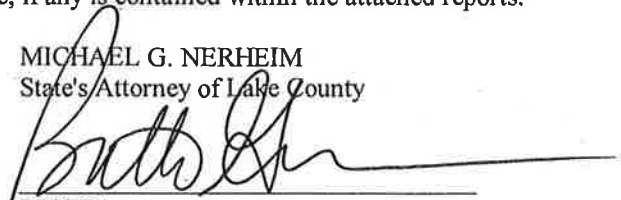
DVD 7: Photos of victim and defendant

DVD 8: Photos of victim injury #2

DVD 9: Interview of defendant #2

8. Material or information within the possession or control of the People tending to negate the guilt of defendant as to the offenses charged or tending to reduce his punishment, therefore, if any is contained within the attached reports.

MICHAEL G. NERHEIM  
State's Attorney of Lake County

  
BRITTA GIRMSCHIED  
Assistant State's Attorney

Rehearing  
No. 23-6893

(5)

Jacob A. Rubini Roozbe Pro-se  
Western Illinois C.C.  
2500 Rt 99 South  
Mt. Sterling, Illinois 62353

1 A No, just the living room door was checked.

2 Q Just the front door?

3 A The living room in the back and the front  
4 door.

5 Q Okay. The living room door would have  
6 been the patio door?

7 A Yes.

8 Q All right. And when you checked, was it  
9 locked, also?

10 A I'm sorry. The patio door?

11 Q Yes.

12 A Yes.

13 Q Did you try to open up the door?

14 A Kathleen did.

15 Q Kathleen did?

16 A Yes.

17 Q And did the door open?

18 A No.

19 Q When she tried to open up the door, were  
20 you there?

21 A Yes.

22 Q Did you see any type of damage to that  
23 door?

24 A No.





# Wauconda Police Department Supplement Report # 1

CASE # 129809



Report Date: 11/26/2018

Sgt. Burke

Reporting Officer: BURKE

Badge: 195

Approval By: BURKE

Badge: 195

Summary:

On 11/25/18 at the start of my shift, days, I was advised of an incident that occurred in the early mornings hours that needed additional follow-up. Det. Robertson and ofc. Ringham explained that a female subject was the victim of a battery and attempted sexual assault, and that the offender, Jacob Rubini was currently in custody. The victim, \_\_\_\_\_ was in the PD lobby providing a written statement and I was asked to assist in taking photo's of her injuries. I was also advised by Ofc. Ringham to recheck her unit as he stated that when \_\_\_\_\_ came to the PD for her written statement she brought with her a small pry bar, which was wrapped in plastic wrap. She told Ofc. Ringham that it was found on her kitchen counter next to her sink.

At this time I went into the lobby and spoke with \_\_\_\_\_ and immediately noticed bruising on her face, particularly on the left side of her head/face area. I was able to take digital photographs of her injuries after he finished her written statement. I then drove \_\_\_\_\_ back to her unit and checked for signs of forced entry. I immediately observed heavy pry marks on the back patio door along the outer metal frame. These pry marks were consistent along the lock mechanism with entry being forced into the unit. The marks appeared to be fresh in nature and consistent with the sized pry bar recovered by the victim. Digital photos were taken of these marks along with the back patio area. I was then directed to her bedroom and asked her where the assault took place.

I then noticed two large pictures above her bed that were crooked.

\_\_\_\_\_ also broken during the attack and a pillow on the floor with what appeared to be blood on it. More photographs were taken of these items prior to leaving her unit, see attached. Ofc. Jacobson and I also canvassed the complex lot and grounds for any other items that may have been taken from her unit.

\_\_\_\_\_ at Finding nothing, we cleared the scene and returned to the PD.

Once back at the station Det. Robertson asked if I could make contact with the neighbor/witness of \_\_\_\_\_ who called 911 to report the incident. \_\_\_\_\_ ran to his unit, Dean Stewart, \_\_\_\_\_, once she was able to get free of Jacob. I then returned to the complex and met with Dean and provided him a written statement form which he completed and returned on 11/26/18 at approximately 1pm.

After talking to Dean I went back to \_\_\_\_\_ I had discussed the idea of having her go to the hospital to have a check up and her injuries assessed by a doctor with Det. Robertson. I talked to \_\_\_\_\_ who agreed to go with her daughter to get checked out. I then returned to the PD and once back, I took a \_\_\_\_\_ all from the \_\_\_\_\_ The incident was explained and they advised that

\_\_\_\_\_ 10 They would however do a complete exam and document her injuries. They just asked that a subpoena be sent for the medical records.

Nothing further at this time, end report.

END OF SUPPLEMENT REPORT 1

(4)  
Exhibit 2

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Rubini v. Illinois

Printed Date: 07/27/2023



# Northeastern Illinois Regional Crime Laboratory

## Fingerprint Report



1000 Butterfield Road, Suite 1009, Vernon Hills, IL 60061

Phone: (847) 362-0676 Fax: (847) 362-0712

Board President  
Clint Herdegen

Executive Director  
Philip T. Kinsey



Chief David Wermes  
Wauconda Police Department  
311 South Main Street  
Wauconda, IL 60084

**Subject:** Home Invasion Investigation

**Agency Case #:** 180369387

**Case Officer:** McClain

**Submission Date:** 11/29/2018

**Laboratory Case #:** 18-4675

**Laboratory Report #:** 1

**Report Date:** 1/11/2019

**Case Names:** Rubini, Jacob Jr  
Cramer, Kathleen

The following evidence was submitted in a sealed condition:

**ITEM 01** Exhibit 01 - one silver in color small pry bar (processed as received)  
(001)  
**ITEM 02** Exhibit 01 - one submitted latent lift  
(010)  
**ITEM 03** Exhibit 01 - one submitted latent lift  
(011)

### RESULTS

The above listed evidence was examined for latent impressions.

★ However, no suitable friction ridge detail was observed and/or developed.

**ITEM 04** Not opened, not examined.  
(012)

**ITEM 05** Not opened, not examined.  
(019)

The results portion of this report contains scientific judgments and interpretations rendered by the forensic scientist whose signature appears on the report.

★ Just received  
April 04, 2024 ★  
(S)

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Rubini v. Illinois

### RELATIONSHIP CODE

The Petitioner/ Abused Person stands in relationship to the Respondents (check **all** that apply):

X	RELATIONSHIP	X	RELATIONSHIP	X	RELATIONSHIP
<input type="checkbox"/>	Spouse (SE)	<input type="checkbox"/>	Parent (PA)	<input type="checkbox"/>	Grandparent (GP)
<input type="checkbox"/>	Ex (former) Spouse (XS)	<input type="checkbox"/>	Sibling (brother/sister) (SB)	<input type="checkbox"/>	In-Law (IL)
<input checked="" type="checkbox"/>	Boyfriend/Girlfriend (Dating Relationship) (BG)	<input type="checkbox"/>	Step-child (SC)	<input type="checkbox"/>	Person with Disability (PD)
<input type="checkbox"/>	Child in common (parties not married) (CC)	<input type="checkbox"/>	Step-sibling (SS)	<input type="checkbox"/>	Person responsible for High Risk Adult (PR)
<input checked="" type="checkbox"/>	Shared / common dwelling (CS)	<input type="checkbox"/>	Step-parent (SP)	<input type="checkbox"/>	Personal Assistant or Caregiver to Person with Disability (PC)
<input type="checkbox"/>	Child (CH)	<input type="checkbox"/>	Grandchild (GC)	<input type="checkbox"/>	Other Related by Blood or Marriage (OF)

### FINDINGS [General]

The Court, having reviewed the verified petition and having examined the petitioner under oath or affirmation, finds that:

- ☒ Venue is proper (750 ILCS 60/209)
- ☒ The Respondent has abused the Petitioner and/or the child(ren) so identified on Part C of this order and/or the protected person(s) listed on page 1 of this order (750 ILCS 60/214 (a)).
- ☐ The abused person(s) is/are unable to bring this Petition on his/her own behalf due to age, health, disability, or inaccessibility (750 ILCS 60/214 (a)).
- ☐ The Petition has been filed on behalf of a high-risk adult with disabilities who has been abused, neglected, or exploited by a family or household member.
- ☐ An Order of Protection has previously been entered in the instant proceeding or in another proceeding in which any party, or a child of any party, or both, has/have been designated as either a respondent or a protected person (750 ILCS 60/223.1).

**IT IS ORDERED** the following remedies that are checked apply in this case.

### PART A. REMEDIES INVOLVING PERSONAL PROTECTION

- ☒ 1. **(R01) (Police Enforced)** With respect to all protected persons, Respondent is prohibited from committing the following acts of abuse or threats of abuse (check all that apply):
  - ☒ Harassment, interference with personal liberty, physical abuse, or stalking.
  - ☐ Intimidation of a dependent.
  - ☐ Willful deprivation.
  - ☐ Neglect.
  - ☐ Exploitation.
- ☒ 2. **(R03) (Police Enforced) Stay Away**
  - ☒ a. Residence
    - ☒ Respondent is ordered to stay at least 500 feet away from residence of the petitioner and/or protected person(s) located at 460 N MAIN ST, UNIT N101, WAUCONDA, IL, 60084

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Rubini v. Illinois

- ☒ 3. (R17) That the Respondent be further ordered and enjoined as follows:

NO PHYSICAL, NO WRITTEN, NO VERBAL, NO THIRD PARTY, AND NO SOCIAL MEDIA CONTACT

WHEREFORE, Petitioner moves the Court to grant the relief requested in this petition.

### VERIFICATION

Under the penalties of perjury as provided by law pursuant to section 1-109 of the code of civil procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

*K Cramer*

Signature of Petitioner

#### Attorney for Petitioner

Name: KATHLEEN S CRAMER

Attorney Number: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Address: 460 N MAIN ST, UNIT N101

City/State/Zip: WAUCONDA IL 60084

Telephone Number: 847-341-3476

Fax: \_\_\_\_\_

ARDC: \_\_\_\_\_

### DEFINITION OF TERMS USED IN THIS PETITION

1. **Abuse:** "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child(ren) by a parent or person in loco parentis.

2. **Domestic Violence:** "Domestic Violence" means abuse as defined in paragraph one.

3. **Exploitation:** "Exploitation" means the illegal, including tortuous, use of a high risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.

4. **Family or Household Members:** Include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

5. **Harassment:** "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, would cause a reasonable person emotional distress, and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

- a. creating a disturbance at petitioner's place of employment or school;

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Rubini v. Illinois

- ☐ (R18) The Circuit Clerk shall serve this order on the following wireless telephone provider(s) to transfer all financial responsibilities and the right to use the phone number(s) listed below to the petitioner.

Name of the wireless service provider	Name of the account holder on the plan	US State in which the phone is registered	Billing telephone number of the account holder	The telephone number to be transferred

- ☒ (R17) Respondent is further ordered and enjoined as follows:

NO PHYSICAL, NO WRITTEN, NO VERBAL, NO THIRD PARTY, AND NO SOCIAL MEDIA CONTACT

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**PART E. RULINGS PURSUANT TO 750 ILCS 60/221 (A) (2) and (b) (2)**

The relief request in paragraph(s) \_\_\_\_\_ of the Petition is/are

☐ Denied

☐ Reserved

because the balance of hardships does not support the granting of the remedy, and the granting of the remedy will result in hardship to Respondent that would substantially outweigh the hardship to the Petitioner from the denial of the remedy, or because

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THE EMERGENCY ORDER WAS ISSUED ON:

Date 11/29/2018

Time 11:26 AM \_\_\_\_\_ am/ pm

\_\_\_\_\_

  
JUDGE DANIEL JASICA

TRAN#: IPO24584521126101065

(8)

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Rubini v. Illinois

I hereby certify that this is a true and correct copy of the original order on file with the court.



(Seal of the Clerk of Circuit Court)

*Eric Cartwright Weinstein*

Clerk Of Circuit Court of  
Lake County, Illinois

Date: 11/29/2018

### NOTICE TO RESPONDENT

You may petition the court, in accordance with Section 224 of the Act to re-open the order, if you did not receive actual prior notice of the hearing in accordance with Section 211 of the Act, alleging that you have a meritorious defense to the order or that the order, or any of its remedies, was not authorized by the act.

cc: ☐ Petitioner ☐ Respondent(via Sheriff) ☐ Counsel of Record ☐ Sheriff ☐ Advocate ☐ Jail  
☐ States Attorney

### DEFINITION OF TERMS USED IN THIS PETITION

1. **Abuse:** "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child(ren) by a parent or person *in loco parentis*.

2. **Domestic Violence:** "Domestic Violence" means abuse as defined in paragraph one.

3. **Exploitation:** "Exploitation" means the illegal, including tortuous, use of a high risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.

4. **Family or Household Members:** Include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

5. **Harassment:** "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, would cause a reasonable person emotional distress, and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

a. creating a disturbance at petitioner's place of employment or school;

(9)

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Rubini v. Illinois

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF LAKE )

IN THE CIRCUIT COURT OF THE NINETEENTH  
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

FILED

AUG 14 2019

Ena. Court. Clerk  
CIRCUIT CLERK

PEOPLE OF THE STATE OF ILLINOIS )  
 )  
vs. ) Gen. No. 18 CF 2693  
 )  
JACOB RUBINI )

**SUPPLEMENTAL BRIEF IN SUPPORT OF MEMORANDUM AT LAW TO DISMISS  
CRIMINAL CHARGES**

NOW comes Defendant, **Jacob Rubini**, by and through his attorney Robert P. Ritacca, and in accordance to *Brady v. Maryland*, 373 U.S. 83 (1963), hereby moves this Honorable Court to Dismiss the Criminal Charges and hereby submits supplemental brief in support of Memorandum at Law hereby states the following:

I. **AUTHORITY:**

To warrant dismissal of an indictment based on prosecutorial misconduct, a defendant must show that the prosecutor deliberately or intentionally misled the grand jury, knowingly used perjured or false testimony, or presented other deceptive or inaccurate evidence, such that a jury would be preventing from returning a meaningful indictment. *People v. Divencenzo*, 183 Ill. 2d 239, 257-58 (1998). Here, in support of dismissal of an indictment the defense is not alleging misconduct in securing a true bill. Instead, Defense is challenging prejudicial denial of due process. *People v. Lawson*, 67 Ill. 2d 449, (1977). The denial of due process must be unequivocally clear, and prejudice must be substantial and actual. *Oliver*, 368 Ill. App. 3d at 694-95. In reviewing allegations of prosecutorial misconduct, the court must consider arguments of both the prosecutor and the defense in their entirety and place the allegations of improper comments in context. *People v. Thompson*, 2014 Il. App. 122921-U.

In this case, the allegations of prosecutorial misconduct are included in Defendant's "Memorandum at Law". Here, in support of the allegations Defense submits the attachments in supported of the below beneath facts:

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(6)

Jacob A. Rubini R00268 Pro-se  
Western Illinois C.C.  
2500 Rt 99 South  
Mt. Sterling, Illinois 62353

## II. DEFENSE FILING:

1. That Attorney, Robert P. Ritacca, filed "*Appearance*" on June 25, 2019.
2. On July 12th, 2019, Defense filed "*Motion to Continue*".
3. On July 26th, 2019, Defense filed "*Motion to Allow the Assistant State's Attorney as a Witness For the Defendant*" hereby Defense withdraws this motion.
4. On July 30th, 2019, Defense filed "*Motion for Substitution of Judge*".
5. On July 31st, 2019, Defense filed "*Motion for Discovery and Sanction for Failure to Tender*".
6. On August 7th, 2019, Defense filed "*Memorandum at Law to Dismiss Criminal Charges*".
7. On August 14th, 2019, Defense now files a Supplemental Brief in support of "*Memorandum at Law to Dismiss Criminal Charges*" & "*Substitution of Judge*".
8. That Defense now submits Supplemental Brief in support of: "*Memorandum at Law to Dismiss Criminal Charges*" and "*Motion to for Substitution of Judge*".

## III. DEFENSE EXHIBITS IN SUPPORT OF MEMORANDUM

1. On March 1, 2019, Britta Girmscheid is on the record in the attached transcript before Honorable Judge Johnson in case (18OP2212). (EXHIBIT 1)
2. On March 5, 2019, Britta Girmscheid requested before Honorable Judge Fix and Public Defender, Facklam, Motion to consolidate (18OP2212) and (18CF2693). (EXHIBIT 2)
3. On March 5, 2019, upon reviewing the Transcript states "But this right now is being brought ex parte by the State". (EXHIBIT 2).
4. On July 2, 2019, Britta Girmscheid emailed attorney Ritacca; 1) full LEADS and CHNMQ for Kathleen Cramer; 2) Copy of the verified petition for order of protection in (18 OP 2212); 3) Laboratory results. (EXHIBIT 4).
5. The (18OP2212) filed on November 29, 2018, contains narrative from victim, Kathleen Cramer. (EXHIBIT 5).
6. On July 3, 2019, Britta Girmscheid emailed attorney Ritacca; 1) car title; 2) PNC; 3) Scram; 4) tax and bills. (EXHIBIT 6).
7. On July 10, 2019, attorney Ritacca sent through email to Britta Girmscheid an email indicating defense will not answer ready for trial on the July 12, 2019, scheduled case management on July 11, 2019. (EXHIBIT 7).

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Cramer on the (OP) hearing and then four days later attempting to consolidate the (OP) and the (CF) demonstrates Girmscheids intention to disallow any civil hearing from commencing without her representation. Thus, upon review its obvious she was intentionally and deliberately trying to prevent testimony, and although her consolidation motion was denied she was successful because Cramer never testified on March 5, 2019, because of the statute Girmscheid brought to Johnson's intention. (EXHIBIT 1) (EXHIBIT 2)(EXHIBIT 4).

The Prosecution tendered discovery on July 2nd, 2019. The discovery included Kathleen Cramer's (SCRAM) report. Thus, Girmscheid rightfully tendered evidence that may be exculpatory or used for impeachment. However, upon review the Defense believes the negotiated plea along with that (SCRAM) report is relevant because Kramer was charged with a Felony DUI and allowed a plea of a misdemeanor. Although she has multiple SCRAM violations. Thus, the Defense raises the "inference" of truthful testimony in exchange for a negotiated plea. Nevertheless, the transcript of the January 17, 2019, sentencing in courtroom T-110 does not exist. (EXHIBIT 5) (EXHIBIT 6) (EXHIBIT 13).

Girmscheid answered ready for trial on July 12<sup>th</sup> and objected to Defendants Motion to Continue. Prosecutor answered ready without tendering "any and all" inculpatory and exculpatory evidence that the Defense obtained without the Prosecutor Disclosing. (EXHIBIT 8-12) (EXHIBIT 13) (EXHIBIT 15) (EXHIBIT 17) (EXHIBIT 18).

V. CONCLUSION:

WHEREFORE, Defense hereby requests the Court to review the Memorandum at Law to Dismiss Criminal Charges and in support of the Memorandum review this supplemental brief and award remedy to dismiss criminal indictment on grounds of Brady Violation alleged in Memorandum at Law.

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(8)

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DECLARATION UNDER PENALTY OF PERJURY

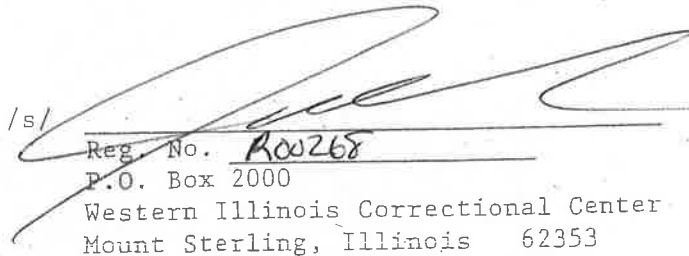
I, Jacob Rubini, pro se, declare under penalty of perjury that I am the maker of the foregoing pleading/document, and that I have read the contents thereof, and the information contained therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters I also declare as aforesaid that I verily believe the same to be true.  
735 ILCS 5/1-109.

Signed this 30 day of April, 2024.

/s/ 

VERIFICATION OF CERTIFICATION

The undersigned, being first duly sworn upon his oath under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, certifies that the proper number of copies of the foregoing pleading/document have been mailed to the Clerk of the Court and to [Opposing Parties] and/or [Opposing Counsel] of record in this cause, by placing said copies, with First Class Postage paid, in the United States Mail at the Western Illinois Correctional Center, Mount Sterling, Illinois 62353, on this 30 day of April, 2024. This certification is made under the penalty of perjury pursuant to 735 ILCS 5/1-109.

/s/   
Reg. No. K00268  
P.O. Box 2000  
Western Illinois Correctional Center  
Mount Sterling, Illinois 62353

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Kwame Raoul Illinois  
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Chicago, Illinois 60603

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