

23-7318
No.

ORIGINAL

PLENARY JURISDICTION; ET, UBI JUS, IBI REMEDIUM.
IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543

FILED

APR 19 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MICHAEL PATRICK CRENSHAW - PETITIONER

— VS. —

WINNEBAGO COUNTY STATE'S ATTORNEYS INVALIDLY AS
"THE PEOPLE OF THE STATE OF ILLINOIS" - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
SUPREME COURT OF THE STATE OF ILLINOIS

PETITION FOR WRIT OF CERTIORARI

IN NOVO CASU NOVUM REMEDIUM APPONENDUM EST

MICHAEL PATRICK CRENSHAW. I.D.# R06537

WESTERN ILLINOIS CORRECTIONAL CENTER

2500 ROUTE 99 SOUTH

MOUNT STERLING, ILLINOIS 62353-1462

AUDI ALTERAM PARTEM; ET EX FACTO JUS ORITUR; ET
IN DUBIO. PRO LEGE FORI; ET IN DEE NOMINE, AMEN.

QUESTION(S) PRESENTED

Question #2:

Which Due process and equal protection of law is more important, The Constitution of the United States 1786 OR, the Constitution of the state of Illinois of 1970?

Question #2:

Which ex-Post-facto laws and impairing contracts is more important, The Constitution of the United States 1786 OR, the constitution of the state of Illinois of 1970?

Question #3:

Does Petitioner have to raise an IMMINENT Danger of Serious chronic spinal - lower neck pinched nerve physical injury, But for he already suffers from? AN Eighth Amendment violation of Cruel and unusual punishment inflicted.

Question #4:

When can the Winnebago County State's Attorney's operate / act as an Assistant Attorney General, when those two(2) branches of Local government are separate?

Question #5: Is it legal for the Winnebago County State's Attorney's to act as an Executive Officer when in fact They are a Judicial officer, of the Constitution of the state.

QUESTION(S) PRESENTED continues

Question # 6:

Is it a ^{factual} ~~factual~~ innocence, when one can show from an Attorney's Brief that, there were NO direct links between defendant and the physical evidence?

Question # 7:

Would it be legal or illegal for the Circuit County Judge to reject a motion to withdraw a guilty plea, Then some time later, the same Circuit County Judge considered and ruled on a State Habeas Corpus by finding of it being frivolous? Isn't it an abuse of discretion?

Question # 8:

The question is, Can a Winnebago County Special Assistant State's Attorney, while acting as an Executive officer aid the Circuit County's Judge's decision, when the Petitioner uses the correct case law in his argument, to only prejudice the defendant - Petitioner and nothing more?

Question # 9:

When a Circuit County Judge, states on the record that the statement being involuntary because defendant's rights weren't given, before the statement was taken, Doesn't ^{that} constitute the guilty plea to be involuntary too?

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LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ 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:

RELATED CASES

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CASES:

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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 _____; or,
☒ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ 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.

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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 March 26th, 2024.
A copy of that decision appears at Appendix A.

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED. ③

Constitution of the United States of 1789

We the people of the United States, in order to form a more perfect union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Amendment (V)

No person shall be held to answer for a Capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived life, liberty or property, without due process of law; nor shall be deprived privacy property be detained for public use, without just compensation.

Amendment (XIV) section I,

All persons born or naturalized in the United States, and Subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any laws which shall infringe upon the privilege or immunities of citizens of the United States; nor shall be deprive any person ...

... of life, liberty, or property without due process, nor deny to any person ~~without~~ within its jurisdiction of the equal protection of the laws. (9)

Article I, Section 9

the migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year One thousand eight hundred and eight, but a tax or duty may be imposed on each Importation, not exceeding ten dollars for each person.

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or invasion the public Safety may require it.

No Bill of Attainder or ex post facto law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in proportion to the Census or Enumeration herein before directed to be taken.

See 16th Amendment

No Tax or Duty shall be laid on Articles exported from any state.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one state over those of another; nor shall vessels bound to, or from, one state, be obligated to enter, clear, or pay duties in another.

No Money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No title of Nobility shall be granted by the United States: And No person holding any office of Profit or Trust under them, shall, without the consent of the Congress, accept of any present, Emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State. (10)

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED CONT.

Constitution of the United States of 1787

Article I, Section 10

No state shall enter into any Treaty, Alliance, or Confederation; grant Letters of marque and Reprisal; coin Money; emit Bills of Credit; make any thing but gold or silver coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the obligation of Contracts, or grant any Title of Nobility.

No state shall, without the Consent of the Congress, lay any Imports or Duties on Imports or exports, except what may absolutely necessary for executing its inspection Laws; and the net produce of all Duties and imposts, laid by any state on Imports or Exports, shall before the use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No state shall, without the consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of war in time of peace, enter into any Agreement or Compact with another state, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article I, Bill of Rights, Section 2, Due process and Equal Protection.

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the law.

Article I, Bill of Rights, Section 16, Ex Post facto laws and impairing contracts.

No ex Post facto law, or impairing the obligation of contracts or making an irrevocable grant of special privileges or immunities, shall be passed.

Article II, Powers of the state, section I, Separation of powers

The legislative, executive and judicial branches are separate.

No branch shall exercise powers properly belonging to another.

Article II- The Executive, Section 15, Attorney General - Duties

The Attorney General shall be the legal officer of the state, and shall have the duties and powers that may be prescribed by law.

Article VI- The Judiciary / Judicial, Section 19, State's Attorneys -

Selection, Salary A State's Attorney shall be elected in each county

in 1972 and every fourth year thereafter for a four year term. One state's

Attorney may be elected to serve two or more ^{counties} ~~counties~~ if the governing

boards of such counties so ^{provide} ~~provide~~ and a majority of the electors of each

county voting on the issue approve. A person shall not be eligible for the office of State's Attorney unless he is a United States citizen and licensed attorney-at-law of the state.

His salary shall be provided by law.

STATEMENT OF THE CASE

Petitioner, Michael Patrick Crenshaw, through his due diligence he discovered recently, by reviewing the Constitution of the state of Illinois, which was Ratified by the PEOPLE ON December 15th 1970, and enforced July 2nd 1971. Petitioner discovered that the Winnebago County State's Attorneys are a Judicial officer of, the local government of the Constitution of the state of Illinois OF 1970. After the Constitutional Convention of April 17th, 1970, and of MAY 28th, 1970 The Constitution of the state of Illinois was THEN RATIFIED BY THE PEOPLE ON December 15th, 1970. Within that Constitutional Convention prior to the Constitution of the state of Illinois of 1970, The Committee discussed and voted to remove parts of the 1870 Constitution of the state of Illinois. The parts that were removed are Article VI, Sections 20 through 33. As that prior Constitution held that pursuant to Section 29 General Provisions: "All judicial officers shall be Commissioned by the governor. All laws relating to courts shall be general, and of uniform ^{operation} operations; and the organization, jurisdiction, powers, proceedings and practice of all courts, of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments and decrees of such courts, severally, shall be uniform." An Addition to, Section 33 read, "All process shall run: IN THE NAME OF THE PEOPLE OF THE STATE OF ILLINOIS; and all prosecutions shall be carried on, " IN THE NAME AND BY THE AUTHORITY OF THE PEOPLE OF THE STATE OF ILLINOIS; and conclude; Against the Peace and dignity of the same. "Population," wherever used in this article, shall be determined by the next preceding census of this state, or of the United States." See Appendix "D" pages 40-44, 4 pages of the 1870 Constitution "Removed."

STATEMENT OF THE CASE continued

Through Petitioner's due diligence he discovered most ^{recently} ~~recently~~ that This issue could not ^{had} ~~have~~ have been discovered from the beginning of this proceedings. Because No Attorney nor State's Attorneys would ever ^{confess} ~~admit~~ to the Constitutional rights that they all are bound by, each and every Judge; State's Attorneys; Special Assistant State's Attorneys; Public Defenders ^{all} ~~are~~ are under Oath to support both Constitutions, The Constitution of the United States, and the Constitution of the state of Illinois of 1970.

What Petitioner has discovered through his due diligence is that The State's Attorneys; and Special Assistant State's Attorneys have been operating - acting as an Executive Officer under the Executive branch of the local government. When in fact, per the Constitution of the state of Illinois of 1970, The Winnebago County State's Attorneys; and the Special Assistant State's Attorney are under the Judicial branch of the local government of The Constitution of the state of Illinois of 1970, see Article II - Powers of the state, Section I, Separation of Powers, "The legislative, Executive and Judicial branches ARE SEPARATE. No branch shall exercise powers properly belonging to another." AND see Article II - The Executive, Section 15, Attorney General - Duties (Emphasis on "Duties") "The Attorney General shall be the legal officer of the state, and shall have the duties and powers that may be prescribed by law."

When the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures. see Morton - VS - Ruiz, 415 U.S. 199, 235, 94 S.Ct. 1055 (1974)

A systemic injury may result not so much from the conduct of any single individual, but from the interactive behavior of several government officials.

Petitioner truly believes that the Winnebago County State's Attorneys caused irreparable harm with their deliberate indifferent-indifference to petitioner's protected constitutional rights, Not only Violating 5 U.S.C § 553 (b)(1) "interpretative rules" but to Violate the Constitution of the state of Illinois of 1970, Article II, Section I; Article ~~II~~ - The Executive, Section 15, Attorney General - Duties, as a result of Winnebago County State's Attorneys conduct by being personally willful and wantonly involved in petitioner's indictment and illegally prosecution for violating the separation of powers principles. Against their own procedural and substantive laws pursuant to 15 ILCS 205/4 Attorney General Duties Formerly cited as Ill. St. Ch. 149 (4), Now listed - cited under the Illinois Compiled Statutes (ILCS) 15 ILCS 205/4 Fourteenth, reads, "To Attend, present evidence to, and prosecute indictments returned by each statewide Grand Jury," And under 55 ILCS 5/3-9005 at 8, "To assist the Attorney General whenever it may be necessary, and ~~with~~ ^{in cases} of appeals from the county to the Supreme court, to which it is the duty of the Attorney General to attend." The section goes on. No matter what the legislative / legislation may write for the state's Attorneys to follow, The most important rule they must follow is the Constitution of the state of Illinois of 1970. To follow what the legislative - legislation writes is contrary to, involved an unreasonable application of, clearly established constitutional rights, Not under the Constitution of the state of Illinois of 1970, Article I, Bill of Rights, Section II, Due process; and To the Fifth 5th and Fourteenth 14th Amendments of the Constitution of the United States, Also for Violating Article I, Bill of Rights, Section 10, Ex post facto laws and impairing contracts, No ex post facto law, or impairing the obligation of...

see Contracts or making an irrevocable grant of special privileges or immunities shall be passed, that is under the Constitution of the State of Illinois of 1970. For The Constitution of the United States is concerned, Article I, Section 9 § 10 reads different see attached here ~~Appendix~~ Constitutional and Statutory provisions involved.

And an addition to, The fact is, the law is well-established since 1970, the true question has also been stated "whether a reasonable officer could have believed (his-her actions) to be lawful, in light most favorable to petitioner, show that constitutional rights were violated, and in light of clearly established law and the information the defendants possessed".

See Harlow-v-S. Fitzgerald, 457 U.S. 800, 817-18, 102 S.Ct. 2727 (1982); Davis-v-Scherer, 468 U.S. 183, 195-97, 104 S.Ct. 3012 (1984). (holding that an officials clear violation(s) of a state administrative regulation does not overcome qualified immunity). By the Winnebago County State's Attorneys acting as an Executive officer of the Executive branch, when in fact the state's Attorneys are of the Judicial branch with only Judicial powers not to operate - act under an Executive branch as an Executive officer would be considered to "Shock the conscience", in turn would be considered a due process violation. See Ruckel-v-California, 342 U.S. 165, 72 S.Ct. 205, 96 L.Ed. 183 (1952). There is no clearcut analysis to determine what constitutes "conscience-shocking" conduct; the question is whether the conduct is "Too close to the rack and screw". As for concerns over the finality of judgments, these are of the little consequences as a practical matter because penal statutes (and constitutional violations) are rarely found facially invalid and, when they are, Petitioners have every incentive to raise the defect at the earliest possible, practical moment.

Petitioner is clearing it up and closing as soon as possible, With much respect to the Honorable Justices Petitioner in closing,

Being that the Winnebago County State's Attorneys' clear cut conduct deliberately willful and wantonly indicted and prosecuted acted without any Constitutional Authority, That resulted in Them lacking personal and subject matter jurisdiction over the defendant (then) Petitioner (now), that being the case Winnebago County State's Attorneys lacked jurisdiction to indict and prosecute petitioner, and the court never acquired jurisdiction to punish under that Constitutional violation(s). By the Winnebago County State's Attorneys acting as an Executive officer caused the Petitioner to be indicted; prosecuted; and sentenced under a facially unconstitutional statute.

An unconstitutional law is void, and is no law at all". See *Ex parte Siebold*, 100 U.S. at 376-77 (1879), Thus, "an offense created by it is not a crime". And the conviction resulted from such, is not merely erroneous, but is illegal and void. See *Ex parte Royall*, 117 U.S. 241-248, 6 S.Ct. 734, 29 L.Ed. 868 (1886). Using *Montgomery vs Louisiana*, 577 U.S. 190, 136 S.Ct. 718, 193 L.Ed.2d 599 (2016); *Class vs United States*, 583 U.S. -, 138 S.Ct. 798, 200 L.Ed.2d 37 (2018); involved a guilty plea, the same underlying principles applies. Defendants convicted under a facially unconstitutional statute may challenge the conviction at anytime, even after a guilty plea, because the state or government had no power to impose the conviction to begin with. That being the case, as it is, a conviction must be treated by the courts as if it did not exist, and it cannot be used for any purpose under any circumstances. These, Thus, is the line of Authority by which the present case is governed by a *Quod per recordum probatum non debet esse negatum*.
AND VOID FOR WANT OF JURISDICTION

REASONS FOR GRANTING THE PETITION

Petitioner, Michael Patrick Crenshaw, prays in good faith, that this Honorable Court, may it Please the Justices to grant this Petition for A Writ of Certiorari on the grounds of Illinois State Courts Exceeded their personal and subject matter jurisdiction and the result of such irreparable harm, created an "Extraordinary Circumstances" result from the Winnebago County State's Attorney's personal Willful and Wantonly involvement to Enlist and prosecute an A ^{Factual} ~~Factual~~ innocent person and caused this individual to suffer from imminent danger of serious physical spinal / lower neck-pinched nerve injury. And this Honorable Court should consider that Petitioner with over twenty-four (24) years in on a crime he did not ^{commit} AND has not been able to express his ^{AND} Factual innocence due to not being an Attorney nor having one, one to actually argue the facts of the case, instead of worrying about how to get paid for doing nothing. Petitioner has a few things to say in the Court's own language, if he may?

Quod per recordum probatum non debet esse negatum; et in dubio, pro lege fori, et Quod initio non valet, tractu ^{an} temporis non valet, et Argumentum ab inconvenienti plurimum valet in lege, et Boni iudicis est iudicium sine dilatione Mandare executionem, et in favorem vitae, libertatis, et innocentiae omnia praesumuntur, et lastly Ex Facto jus oritur.

AND VOID FOR WANT IN DEE NOMINE, AMER.

OF JURISDICTION.

Constitution of the
United States

Monday
September 17th, 1789

We the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America,

Amendment (V) (5)

No person shall be held to answer for a ^{Capital} ~~Capital~~, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he compelled in any criminal case to be a witness against himself, nor be deprived life, liberty or property, without due process of law; nor shall private property be ^{be taken?} ~~detained~~ for public use, without just compensation.

Amendment VII (8)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment XIV (14)

section(1) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any laws which shall infringe the privilege or immunities of citizens of the United States; nor shall ^{be to?} ~~take~~ deprive ^{Person} any ~~life~~ of life, liberty, or property without due process, nor deny ~~any~~ any person within its jurisdiction of the equal protection of the laws.

Constitution of the United States of 1789

Article I, section 9, The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year One thousand eight hundred and eight, but a tax or duty may be imposed on each Importation, not exceeding ten dollars for each person.

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or invasion the public safety may require it.

No Bill of Attainder or ex post facto law shall be passed.

No Capitation, or other direct Tax shall be laid, unless in proportion to the Census or Enumeration herein before directed to be taken. See 16th Amendment.

No Tax or Duty shall be laid on Articles exported from any State. No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be ^{Obligated} obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in consequence of Appropriations made by law; and a regular statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time. No Title of Nobility shall be granted by the United States: And no person holding any office of Profit or Trust under them, shall, without the consent of the Congress, accept of any present, Emolument, office, or Title, of any kind whatever, from any kind, Prince, or foreign State.

Constitution of the United States

Article I, Section 10, No state shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin money; emit Bills of credit; make any Thing but gold or silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto law, or Law impairing the Obligation of ^{Contracts} Congress, or grant any Title of Nobility.

No state shall, without the Consent of the Congress, lay any Imposts or Duties on Imports, or Exports, except what may absolutely necessary for executing its inspection Laws; and the net Produce of all Duties and ^{Imposts} ~~Imports~~ laid by any state on imports or Exports, shall be for the use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No state shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or ships of War in time of Peace, enter into any Agreement or Compact with another state, or ^{with} ~~with~~ a foreign Power, or engage in war, unless actually invaded, or in such imminent Danger as will not admit of delay.

PRE-CONCLUSION

Where a statute, such as Article II, Powers of the state, Section I, Separation of powers principles of The Constitution of the state of Illinois of 1970. And differently not under The 1870 Constitution which is non-existent. Courts support - Suppose to have a duty not only to declare such a legislative act void, but also to correct the wrongs wrought through such an act. And if the Constitutional infirmity of a statute forming the basis for a criminal conviction is put in an issue during a proceeding, that is pending before a court, The Court now has an independent duty to vacate the void judgment and may do so sua sponte. *Montgomery - vs - Louisiana*, 577 U.S. 190, 136 S.Ct. at 732, holds that the conclusion in *Ex parte Siebold*, 100 U.S. 371, 376, 25 C.Ed. 717 (1879) applies to state collateral review proceedings, "assuming the claim is properly presented in the case". Which Petitioner has clearly shown this limitation is an important one. IN Illinois (are suppose to anyway) applies the principle of finality of judgments rigorously in both civil and criminal cases. The Supreme Court of Illinois only recognizes those remedies clearly embedded in their own statutes and common law. And, They still do not comply with or apply the law as required by law. Under the specific facts in *Montgomery* (as the same goes for case at hand) the defendant has had a state collateral remedy, which was clearly properly presented see defendants - Petitioner's State Habeas Corpus which is being Appealed to the Supreme Court of the United States. See *United States - vs - Mayfield*, 810 F.2d 943, 945-46, (10th Cir. 1987) (affirming conviction where predicated felony conviction may have been void under state law...

... For lack of jurisdiction); United States -vs- Chambers, 922 F.2d 228, 238-40, (5th Cir. 1991) (up holding conviction where predicate felony was subject to nullification on collateral attack).

A judgment rendered by a court without personal jurisdiction over a defendant is void. It is a nullity. See Sramek -vs- Sramek, 17 Kan. App.2d 573, 576-77, 840 P.2d 553 (1992).

A "systemic injury" may result not so much from the conduct of any single individual, but from the interactive behavior ~~ban~~ of several government officials' each of them may be "acting" in good faith (citation omitted). See Owen -vs- City of Independence, 445 U.S. 622, 652, 100 S.Ct. 1398 (1980). When the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures. See Morton -vs- Ruiz, 445 U.S. 199, 235, 94 S.Ct. 1055 (1974). And under these "Extraordinary Circumstances", A reliance on advice of counsel or a State statute can constitute an extraordinary Circumstances making actions objectively reasonable even if they violated established law. See Rosta -vs- Peterson, 328 F.3d 1230, 1251 (10th Cir. 2003). The question has also been stated as "whether a reasonable officer could have believed (his/her action(s)) to be lawful, in light most favorable to the petitioner, show that the officials' conduct violated petitioner's clearly established Constitutional rights. See Pearson -vs- Callahan, —, U.S. —, 129 S.Ct. 808, 815-16, 172 (Ed. 2009); Davis -vs- Scherer, 468 U.S. 183, 195-97, 104 S.Ct. 3012 (1984) (holding that an official's clear violation of a state administrative regulation does not overcome qualified immunity). Jones -vs- Wilhelm, 425 F.3d 455, 461 (7th Cir. 2003) (requiring actual knowledge of relevant facts to overcome immunity in all cases would allow state actor(s) to "trample" on the Constitutional rights of citizens by maintaining willful ignorance.

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- CONCLUSION -

Petitioner, Michael Patrick Crenshaw, respectfully prays in good faith that this Honorable Court per the ^{Great} ~~State~~ Justices to Grant this petition for a writ of certiorari should be GRANTED respectfully void for a want of jurisdiction and in violation of a facially unconstitutional statute, which the Winnebago County State's Attorneys acted, performed, practiced their policies or Custom Norms, in violation of due process and equal protection of law; of the 5th and 14th Amendments rights; and under Article I, Sections 9 & 10 Ex post facto law and impairing contracts and making an irrevocable grant of "Special privileges" to gain immunity laws shall not be passed, Illinois Constitution, Article I, Bill of Rights, Section 16, and pursuant to The Constitution of the United States of 1789

Respectfully Submitted,

Michael P. Crenshaw I.D.# R06537

PRAYER FOR RELIEF

Per Supreme Court of Illinois' own laws under the Specific Facts in *Montgomery - vs Louisiana*, 577 U.S. 190, 136 S.Ct 718 (2016). In accordance with long-established precedent, The Court held in *Montgomery*, 577 U.S. 190, 136 S.Ct. 718, that where, as here, a conviction is based on an unconstitutional law, when the Winnebago County State's Attorneys acted as an Executive Officer to indict and prosecute, when in fact, pursuant to Article II, Powers of the State, Section I, Separation of powers principles of The Constitution of the State of Illinois of 1970, see attached hereto APPENDIX "F". A conviction based on an unconstitutional law, that or this, conviction is not merely erroneous but is illegal and void and cannot be the legal cause of punishment. Id. at -, 136 S.Ct. at 730. Indeed, for a state to enforce a proscription or penalty barred by the Constitution would be unlawful. And it is the defendant, in this case petitioner who bears the responsibility for vacating his illegal conviction premised on a facially invalid statute. But it is, manifestly unfair and unjust to hold defendants-petitioner, exclusively responsible for vacating his void conviction. This unfair and unjust approach places an onerous burden on lay defendant-petitioner, one that is least equipped to undertake such an erroneous burden because his lack of legal skills and does not know how to navigate the legal system. And with a fourth grade level The Basic Adult Education Test "T.A.B.E Test". He lacks the Education to fully understand the true procedure of The legal system. And for the Courts Requiring a defendant-petitioner to obtain official vacatur of a void conviction before engaging in constitutionally...

PRAYER FOR RELIEF Continues

... Protected conduct offends all sense of due process, where, as here, a statute is violative of Constitutional guarantees, Per the rules of law are concerned, The Courts have a duty Not only to declare such legislative act(s) Void. In this instant or an instance, Winnebago County State's Attorneys acted outside their jurisdiction Exceeded their jurisdiction to indict and prosecute defendant - petitioner. When they are Not an Executive Officer The Constitution of the state of Illinois of 1970, established the law by The PEOPLE on December 15th 1970, and became enforced July 2nd 1971. The Winnebago County State's Attorneys and Assistant State's Attorneys are All under Oath to Support both Constitutions, The Constitution of the United States; and The Constitution of the state of Illinois. See Article XIII - General Provisions, Section 3, Oath or Affirmation of Office of the Constitution of the state of Illinois of 1970, attached hereto APPENDIX "F". The Courts Not only have a duty to declare such illegal acts void, but also to correct the wrongs wrought through such an act(s) by holding their decisions retroactive.

The United States Supreme Court, This Court SCOTUS has identified two(2) basic paths for analyzing the consequences of a Constitutionally deficient criminal conviction. Which path does a court must follow depends, in the first instance, on the reason the conviction is invalid? In this instance, Winnebago County State's Attorneys and Assistance State's Attorneys following orders or The Office's' policy or what they are used to doing is Not an excuse. The Constitution of the State of Illinois of 1970, clearly states "NO branch shall exercise powers properly belonging to another" NO branch means NO branch, NO ONE...

PRAYER FOR RELIEF CONTINUES

ID CERTUM EST QUOD CERTUM REDDI POTEST, SED ID
MAGIS CERTUM EST QUOD DE SEMETIPSO EST CERTUM.

... Underlying offense and could not have been convicted of that offense had the Constitutionally mandated standards had been followed. The general rule is that New rules of procedures do not apply retroactively and therefore have no effect on prior convictions. The Retroactive effect is given only in a small set of cases where the decision by which the conviction was rendered unconstitutional announced, a watershed rule of criminal procedure implicating the fundamental fairness and accuracy of the proceeding. see *Schiro - vs - Summerlin*, 542 U.S. 348, 351-52, 124 S.Ct. 2519, 159 L.Ed2d 442 (2004). Even in cases where such a watershed rule is involved, however, there are circumstances in which the conviction obtained in violation of that rule may still be given recognition and effect in a later criminal prosecution. That is, if the state Constitution allows it. In respect to the United States Supreme Courts Justices, This conviction is violative of Constitutional guarantees. Under Article II, Powers of the state, Section I, Separation of powers principles. "The legislative, Execution and Judicial branches are Separate. NO branch shall exercise powers properly belonging to another." And Under Article II - The Executive Section 15, Attorney General - Duties, "The Attorney General shall be the legal officer of the state, and shall have the duties and powers that may be prescribed by law." ...

Under the old 1870 Constitution of the State of Illinois

attached hereto APPENDIX "D" page 33 and 34, sections 29

and 33, Section 29 General Provisions, All judicial officers

shall be commissioned by the governor. All laws relating to

courts shall be general, and of uniform operation, and the

organization, jurisdiction, powers, proceedings and practice of

all courts, of the same class or grade, so far as regulated by

law, and the force and effect of the process, judgments and

degrees of such courts, severally, shall be uniform. "Now

Section 33, Is stated, All process shall run: IN THE NAME

OF THE PEOPLE OF THE STATE OF ILLINOIS, and all prosecutions

shall be carried on: IN THE NAME AND BY THE AUTHORITY OF

THE PEOPLE OF THE STATE OF ILLINOIS, and conclude, Against

the peace and dignity of the same. "Population" wherever used

in this article, shall be determined by the next preceding

census of this State, or of the United States.

Giebel - v - Sylvester, 244 F.3d 1182, 1189 (9th Cir. 2001) (holding

that "even if there is no closely analogous case law,

a right can be closely established on the basis of "Common Sense."

To conclude otherwise would undercut the Constitution's substantive

guarantees. When a court is confronted with a law repugnant

to the Constitution, what the court must do "is simply to ignore it"

and decide the case disregarding the unconstitutional law.

(Emphasis omitted and in Originals see Reynoldsville Casket Co. - v -

Hyde, 514 U.S. 749, 760, 115 S.Ct. 1745, 131 L.Ed.2d 820 (1995) quoting

Maybury - v - Madison, 5 U.S. (1 Cranch) 137, 178 2 U.S. 260 (1803).

STATE OF ILLINOIS

SS

COUNTY OF BROWN

- AFFIDAVIT -

I, Petitioner, Michael Patrick Crenshaw, being first duly sworn under Oath, he deposes and says, to State, that he is the Framor of said Writ of Certiorari, and has read the foregoing action and this Affidavit, and under Declaration under penalty of perjury, by him subscribed to the facts stated therein are true; correct; and accurate to the best of my knowledge and belief
SO HELP ME GOD; IN DEI NOMINE Amen

ALL RIGHTS RESERVED

Date: April 12th, 2024.

Respectfully submitted,

Michael P. Crenshaw ID# R06537

Petitioner.

DECLARATION UNDER PENALTY OF PERJURY

I, Petitioner, Michael Patrick Crenshaw, pursuant to 28 U.S.C §1746, 18 U.S.C. §1621 I declare and affirm under penalty of perjury, that everything contained herein is True; correct; and accurate to the best of my knowledge and belief. I do also declare and affirm that the matter at hand is not taken either frivolously, maliciously, or to harass the court in any way shape or form, none whatsoever and respectfully believes that the foregoing matter is taken in good faith. SO HELP ME GOD, IN DEI NOMINE,
Amen, ALL RIGHTS RESERVED. Michael P. Crenshaw ID# R06537