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**In The
Supreme Court Of The United States**

Supreme Court, U.S.
FILED

FEB 24 2024

OFFICE OF THE CLERK

Appeal From The Illinois Supreme Court

Case No: 129106

ROGER SHEKAR,

(a/k/a Raj Shekar)

Petitioner/ Applicant/Appellant

v.

**ROBERT BERLIN, KENNETH POPEJOY,
STATE OF ILLINOIS,**

Respondents /Defendants/Appellees.

**EMERGENCY APPLICATION PURSUANT TO SUPREME
COURT RULE 23 (3) TO STAY MANDATE IN LOWER
COURT PENDING FILING and FINAL ORDER ON
PETITION UNDER RULE 13 TO FILE A PETITION FOR
A WRIT OF CERTIORARI**

**Before Associate Justice
Honorable Ketanji Brown Jackson**

(This application is presented before Justice Jackson pursuant to Rule 22.3 due
to irreparable conflict of interest with Circuit Justice Barrett)

Roger Shekar, P.E., MBA; LL.B
c/o Justice Clinic Ltd.
450 Schaumburg Road
Schaumburg, IL 60168-1085

RECEIVED

FEB 29 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PREAMBLE

This application is presented before Justice Jackson as the next junior justice pursuant to Rule 22.3, due to an irreparable conflict of interest with Circuit Justice Barrett from a past petition filed by the Petitioner with Chief Justice John Roberts, Jr. The said petition sought a referral to Senate Judiciary Committee for impeachment of the then circuit judge Barrett at Seventh circuit. Additionally, there is an *En banc* petition due to be filed in D.C. Circuit Court of Appeals by the Petitioner's husband where Justice Barrett is an adversary. (22-5211)

RELIEF SOUGHT

1. Petitioner Roger Shekar respectfully submit this Application requesting to stay the mandate in lower court until a filing and ruling on the Petition for a Writ of Certiorari in this case for good cause shown as detailed in the forthcoming paragraphs.
2. On January 24, 2024, the state court of last resort , the Illinois Supreme court denied 'discretionary consideration' of Petition for Leave to Appeal. ("PLA") **Exhibit A**
3. Pursuant to Rule 13 of the United States Supreme court , the denial of 'discretionary review' of PLA is appealable to the United States Supreme court .
" A petition for a writ of certiorari seeking review of a judgment of a lower state court that is subject to discretionary review by the state court of last resort is timely when it is filed with the Clerk within 90 days after entry of the order denying "discretionary review."
4. There is NO *distinction or discrimination* in Rule 13 to appeal to the United States Supreme court of such discretionally denial by the lower court should be after an opinion or by a one liner denial, and the Rule 13 language is clear irrespective of the manner of denial -
"denying "discretionary review".

5. Petitioner WILL BE APPEALING the denial of Petition For Leave to the United States Supreme Court pursuant to Rule 13 by filing a Petition for Writ of Certiorari.
6. On February 15, 2024 Petitioner filed a motion under United States Supreme court Rule 23 (3) which requires the relief for a stay to be *first sought* in the court below, (in this case the Supreme court of Illinois whose judgement is being appealed) , before seeking the relief before the United States Supreme court.
7. On February 23, 2024 , Illinois Supreme court denied the motion to stay mandate attached as **Exhibit B**.
8. By denying the PLA, the Illinois Supreme court rendered the Constitutional rights and Protection guaranteed to Petitioner/citizen under Fourth Amendment Rights invalid; violated the United States Constitution to the extent of committed *treason*; endorsed violations against the United States Constitution; endorsed violent abuses, criminal behavior by a *rogue* prosecutor with felonious tendencies - respondent Robert Berlin who colluded with a felon in black robe - respondent Kenneth Popejoy to *frame* the Petitioner, *made-up*, *fabricated* a criminal charge as a sheer, raw vendetta and personal retaliation for Petitioner took certain legal recourse against the respondent *rogue* Berlin and escaped and fugitive convict Popejoy. **Attached as Exhibit C** is fugitive felon Popejoy '*rap sheet*' who committed multiple Felony crimes in one single evening including attempted killing of a teenage pedestrian girl while fleeing the crime scene-Exhibit C.
9. A 'mickey mouse commission'- Illinois Courts Commission suspension order let felon Popejoy escape criminal indictments and criminal charges 'thanks' to Popejoy *wife* Berlin, with a *slap on the wrist* on Popejoy whereas any other citizen who committed such crimes would be spending years in prison,

10. The denial of the PLA will also be appealed to the United States Supreme court as unconstitutional , nullity and void due to the impropriety and unqualified participation by a judge Cunningham who has a very severe conflict of interest; had prior knowledge of the conflict of interest, bias, prejudice against this Petitioner.¹
11. The denial of the PLA is also due to Petitioner inability to contribute ONE million dollars for a judicial election to a corrupt jurist sitting in Illinois Supreme court named Elizabeth Rochford to buy justice. (See a Certiorari petition currently pending in this U.S. Supreme court where J.B. Pritzker bought “justice” from Rochford by writing a check for ONE MILLION dollars to Rochford to advance his agenda. *Dan Caulkins et al., Appellees, v. Jay Robert Pritzker*, Illinois Sup.Ct. case 129453)
12. Additionally, when corrupt Rochford was associate judge in Lake county , and in order to get appointed to Appellate court by the then Chief Justice Anne Burke, paid monies to Anne Burke husband Alderman Ed Burke and developed financial ties with Burke . Ed Burke is a convicted felon where a Federal Grand Jury indicted Burke in 2020, Federal Jury convicted Ed Burke on all counts as recently in December 2023 .
- <https://news.wttw.com/2023/12/21/verdict-reached-corruption-trial-former-chicago-ald-ed-burke>

¹ Petitioner filed a complaint with Judicial Inquiry Board in an unrelated matter in First District Appellate court ,Cook county where Judge Cunningham was a panelist of the division which heard this petitioner appeal as appellant. The aforesaid complaint to JIB arose from a probable cause evidence provided to FBI where Cunningham “fixed” the appeal case for a known Appellee. FBI conducted a “cursory” investigation of Cunningham as part of the process to seat a Federal Grand Jury for probable cause indictment. Nevertheless, the Grand Jury was unable to be seated as it was stalled due to one of the key witness, a law clerk of Cunningham invoked the “Fifth”. It is not surprising, as such corruptive judicial behavior is quite common in the Nationally ‘notorious’ corrupt Illinois judiciary and especially Cook county where another First District appellate judge Sheldon Harris abruptly resigned in 2022 to avoid the public hearing of humiliation of impeachment and removal for his attempts to “fix” an appeal for Harris nephew. Another corrupt cook county judge is recently ‘elevated’ to Appellate court by the chief justice Theis as a ‘reward’ for her corruption and felony.

13. The corrupt , power hungry , greedy jurist Elizabeth Rochford *cronies and buddies* who are all convicted Federal felons, serving time in Federal prison, also had close financial ties with “Madigan Machine” . Rochford made her *crony* – Michael Madigan, a property tax lawyer very rich by numerous, frivolous appeals of property taxes as Lake county resident and to make her politically connected *crony* Michael Madigan, who ‘drives the agenda on judicial vacancies’ happy, when he was Illinois House Speaker for decades. Madigan indicted by Federal Grand Jury:

<https://www.justice.gov/usao-ndil/pr/former-illinois-speaker-house-indicted-federal-racketeering-and-bribery-charges#:~:text=CHICAGO%20%E2%80%94%20A%20federal%20grand%20jury,for%20himself%20and%20his%20associates.>

<https://www.justice.gov/usao-ndil/pr/superseding-federal-indictment-against-former-illinois-speaker-house-adds-charge>

<https://illinois.gov/judge-elizabeth-rochford-and-her-ties-to-the-madigan-machine>

14. As stated before , unlike J.B. Pritzker who wrote a check for ONE million dollars to Rochford election to advance “J.B.” agenda and “buy justice,” Petitioner could not contribute ONE million dollars to the corrupt, politically connected and cunning , and power hungry, power greedy jurist Rochford to ‘buy’ a “Yes vote” on PLA , unlike Rochford *cronies* who are all indicted, convicted felons prosecuted by the U.S. Department of Justice.

15. People who have been watching this judicial corrupt jurist Rochford, including this Petitioner, from her years in Lake County as associate judge in early 90s knew what a political con-artist Rochford is , and how she ‘cunningly played her coins’ with political machine to get herself promoted to higher courts, to appellate court by covertly paying monies, be it a convicted Federal felon and chief justice husband Alderman Ed Burke; or a convicted felon and property tax lawyer Madigan whom Rochford made very rich .

16. This United States Supreme Court and law abiding Americans, is now given the ‘tip of the iceberg’ of a corrupt judiciary in Illinois Supreme court, and what kind of judicial scruples, ethics jurist like Rochford possess. “*You know someone by the company they keep.*”
17. Petitioner attaches as **Group Exhibit 1** the entire PLA filed to offer a summary as how this Petitioner is violated by a *rogue prosecutor* and a fugitive felon judge, through prosecutorial misconduct, judicial misconduct; crimes committed under the coward veil of “color of law” for personal vendetta . By denying PLA , such crimes endorsed, attested by Illinois Supreme court , the MOST corrupt judiciary in the Country.
18. Petitioner is DETERMINED TO APPEAL AND FILE A PETITION FOR WRIT OF CERTIORARI and the PLA (Gr.Ex.1) is attached as a ‘prelude’ as to what will be briefed and argued in Certiorari.
19. Petitioner will be draining several thousands of dollars of his *death benefit* which should go to his to his family, by taking loans from his life insurance to retain a counsel in Washington, DC who practices in this high court and to file a Petition for Writ of Certiorari. This is a MORAL fight for Justice; to clear Petitioner family name tarnished, slandered, defamed for generations by a rogue felon prosecutor Robert Berlin.
20. As stated in PLA conclusion paragraph, Gr.Ex.1 , the devastating events and harm inflicted on this Petitioner and his family by the felonious rogue prosecutor Berlin on 8/11/ 2021 is Petitioners 9/11/2001- Petitioner’s 8/11 is his and his family 9/11.
21. Petitioner draining his *death benefits* to his family to file a Petition for Writ of Certiorari , should not go waste, despite granting Certiorari is discretionary. Any *parallel proceedings* in trial court will seriously prejudice, hamper, hinder, and destroy Petitioner’ *case and cause* through a filing a Writ of Certiorari and render Certiorari *moot*.

22. It is of paramount and compelling importance that the mandate set to be issued on February 28, 2024 must be stayed in lower court and /or recalled if issued by the time this application is ruled.
23. Petitioner WILL be appealing to this Supreme court and WILL be filing a Petition for Writ of Certiorari appealing the historic, unprecedented abuses by the rogues and felons-respondent Berlin and Popejoy of the Petitioner's Fourth amendment rights; abuses, violations of due process clause of the Fourteenth Amendment Rights , which are all endorsed by a highly corrupt Illinois Supreme Court which is driven a by politically connected machine.
24. Several statutes and laws under the United States Constitution is held *invalid* by the Illinois court decision, including abuse, and violation and denial of protection guaranteed under Fourth Amendment Rights of the Petitioner against unreasonable *search and seizure* ; violation of 'Due process clause' of the Fourteenth amendment rights of the Petitioner; violation of the Petitioner's Constitutional rights under Title 18 U.S.C. §241,242- by *disenfranchising, denying, invalidating* the Petitioner's Constitutional rights; invalidating the Illinois Public Act P.A. 101-0652.² (refer Gr.Ex. 1 PLA Page 28-29)
25. Petitioner will be seeking review by this United States Supreme Court of this *significantly unique* case and review of historically unprecedented constitutional abuses through filing of a Petition for a Writ of Certiorari Pursuant to Rule 13 of the United States Supreme Court.

² Illinois law Public Act 101-0652 which the Illinois Supreme court itself affirmed in *Rowe v. Raoul*, 2023 IL 129248, 42 (Ill. 2023) is argued in elaborate details in the Petition For Leave To Appeal, to show the discriminatory , 'pick and choose' jurisprudence of the Illinois Court.

26. In regards to denial of petition for leave to appeal by a State Supreme court , the United States Supreme Court found that Indiana Supreme court violated the Equal Protection laws *Cook v. State*, 219 Ind. 234, 37 N.E.2d 63.
27. In *Cook*, The United States Supreme Court granted the Writ of Certiorari with opinion that the State Supreme court violated equal protection of the law by denying Petition for leave to appeal, for which the State provided no remedy . Also See, *Dowd v. United States ex rel. Cook* 340 U.S. 206; 71 S. Ct. 262 ;180 F.2d 212 ; See also *Cook v. State*, 219 Ind. 234, 37 N.E.2d 63; *State ex rel. Cook v. Wickens*, 222 Ind. 383, 53 N.E.2d 630 ; *State ex rel. Cook v. Howard*, 223 Ind. 694, 64 N.E.2d 25 , 327 U.S. 808.
28. United States Supreme court in relation to Indiana State Supreme court abuses of due process rights under Fourteenth Amendment Rights, and subsequent admission by the Supreme court of Indiana of violation of Equal Protection Clause of the Fourteenth Amendment, wrote “ The State Court’s discriminatory denial of the statutory right of appeal is a violation of the Equal Protection Clause of the Fourteenth Amendment” *Dowd v. United States ex rel. Cook* 340 U.S. 206 .
29. As will be shown in the filing of the Petition for a Writ of Certiorari, the Illinois Supreme Court *discriminated* against this Petitioner in denying the PLA as the corrupt Illinois court applies law based on one’s ‘bank balance.’ “ a discriminatory denial of the right of appeal is a violation of the Equal Protection Clause of the Fourteenth Amendment.” *Cochran v. Kansas*, 316 , U.S. 255
30. The discriminatory jurisprudence and disregard to PLA is also due to the Illinois court’s *inherent bias, prejudice, and conventional disrespect* towards *Pro se* as if *Pro se* petitioner has no right to seek justice, no matter how legally savvy and persuasive arguments made by

Pro se petitioner (Gr.Ex.1)

31. The discriminatory abuses by denying discretionary review of PLA of the politically driven and corrupt Illinois Supreme Court in relation to denial of Petition for leave to appeal, is admonished by a prior opinion by this United States Supreme court in a decision where the United States Supreme court took notice of the abusive ‘pick and choose’ jurisprudence of the Illinois high court in *Griffin v. Illinois*, 351 U.S. 12; 76 S. Ct. 585 and wrote :

" The question presented here is whether Illinois may, inconsistent with the Due Process and Equal Protection Clauses of the Fourteenth Amendment, administer this statute so as to deny adequate appellate review to the poor while granting such review to all others."
Griffin v. Illinois, 351 U.S. 12; 76 S. Ct. 585

32. The appeal in the instant case to the Illinois Supreme Court is triggered by the criminal felony abuses by the rogue prosecutor Berlin and a fugitive felon Popejoy still in the bench in the white supremacist DuPage county judiciary.

33. The Illinois Supreme court by denying PLA, has endorsed felon respondent Berlin crimes ‘clothed’ as prosecutor and gave the dangerous ‘dictator’ thug Berlin a “blank check” that he could arrest anyone at his “*whims and fancy, will and pleasure*” and anyone who comes in his way of his political ambitions, apprehend anyone with no probable cause for anything, like it happens in lawless dictatorship countries. By denying PLA , Illinois court placed a dangerous psychopath , maniacal prosecutor Robert Berlin ‘above the law’

34. The Illinois Supreme court has *paved an extremely dangerous path* by denying the PLA , and *tacitly* sending signals to rogue felon in a low level public office of prosecutor -respondent Berlin (who must be disbarred for felony crimes) that he could get away with ‘murder’ under ‘color of office.’

35. In sum, the Illinois court has committed *treason* on the United States Constitution .

36. Petitioner has an excellent probability of his Petition for Writ of Certiorari be taken for

review and consideration by this highest court on the land, for reason this case being incredibly unique and significant from the history of events, facts; flagrant, malicious, vicious abuses of authority; violation and treason against the United States Constitution as narrated in PLA.

37. This United States Supreme Court has granted certiorari even on lesser significant cases to the instant appeal, where Certiorari is granted repeatedly by the United States Supreme Court:

“Illinois Supreme Court denied leave to appeal, and we granted the petition for certiorari.” 479 U.S. 1063 (1987); “Illinois Supreme Court denied the State's Petition for Leave to Appeal, 125 Ill.2d 572, 537 N.E.2d 816 (1989), and we granted certiorari”, 493 U.S. 932 (1989); *Cohen v. Beneficial Loan Corp.*, 337 U.S. 541, 546 (1949); *Abney v. United States*, 431 U.S. 651 (1977); cf. *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 476-487 (1975), *People v. Johnson*, 2017 IL 120310 (Ill. 2017); “The Supreme Court of Illinois denied leave to appeal, and we granted certiorari.” 440 U.S. 956 (1979). “The Illinois Supreme Court denied discretionary review. App. to Pet. for Cert. 1b. We granted certiorari”, 459 U.S. 986 (1982); “Illinois Supreme Court denied petition for leave to appeal. There followed an appeal to this Court, and we noted probable jurisdiction” 440 U.S. 790; “The Illinois Supreme Court denied a petition for an appeal. We granted certiorari” 351 U.S. 949.

38. Petitioner will be hiring a veteran DC area Civil Rights lawyer who collaborate with Sanford Heisler Sharp, LLP in Washington, DC, a prominent Civil Rights law firm.

CONCLUSION

The Petitioner intended filing of Petition for a Writ of Certiorari is of extreme and paramount importance in that the Laws, Statutes of the United States Constitution are rendered *invalid, null and void* by the *unprecedented* abuses of the Judiciary by the Illinois court which include, among other things, invalidating, disenfranchising, denying the Petitioner's constitutional Fourth Amendment rights; invalidating, disenfranchising, denying Petitioner's 'Due process rights' under the Fourteenth Amendment ; violation of Equal Protection of the law; violation of Equal Access to Justice Act ("EAJA") as summarized in this Application, which will be fully briefed in a Petition for a Writ of Certiorari.

As stated in PLA Conclusion (Gr.Ex.1) , the felony robbery of , and felony attack of Petitioner's Fourth Amendment Rights on **8/11** is Petitioner and his family's **9/11**.

The Petitioner respectfully request this honorable Court to grant this Application and stay/recall mandate in lower court until a disposition and FINAL order on a Petition for Writ of Certiorari which the Petitioner will be filing pursuant to Rule 13.

Respectfully submitted,

By: Roger Shekar
Applicant/ Petitioner/Appellant

February 24, 2024

Roger Shekar, P.E., MBA; LL.B
c/o Justice Clinic
450 Schaumburg Road
Schaumburg, IL 60168-1085



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
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FIRST DISTRICT OFFICE
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Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

January 24, 2024

In re: People State of Illinois, respondent, v. Raj G. Shekar, etc.,
petitioner. Leave to appeal, Appellate Court, Second District.
129106

The Supreme Court today DENIED the Petition for Leave to Appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on 02/28/2024.

O'Brien, J., took no part.

Very truly yours,

A handwritten signature in cursive script that reads "Cynthia A. Grant".

Clerk of the Supreme Court

EXHIBIT "A"



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
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CYNTHIA A. GRANT
Clerk of the Court

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February 23, 2024

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Roger Shekar
C/O Justice Clinic
950 Plum Grove P.O. Box 681085
Schaumburg, IL 60168-1085

In re: People v. Shekar
129106

Today the following order was entered in the captioned case:

Motion by Petitioner, *pro se*, to stay issuance of mandate pursuant to U.S. Supreme Court Rule 23(3) and Rule 13 and Illinois Supreme Court Rule 368(c) pending filing/disposition/final order on petition for writ of certiorari to the U.S. Supreme Court. Denied.

Order entered by Justice Rochford.

Very truly yours,

A handwritten signature in cursive script that reads "Cynthia A. Grant".

Clerk of the Supreme Court

cc: Attorney General of Illinois - Criminal Division
Lisa Anne Hoffman

EXHIBIT "B"

FILED

MAY 09 2012

(No. 10-CC-) Respondent suspended.)

In re CIRCUIT JUDGE KENNETH L. POPEJOY,
of the Circuit Court of the Eighteenth Judicial Circuit, Respondent

Michael J. Kelly
Clerk of the Circuit Court

Order entered May 9, 2012.

Sidley Austin LLP, of Chicago, for Judicial Inquiry Board.
George B. Collins and Theresa M. Gronkiewicz, of Chicago, for Respondent.

Before the COURTS COMMISSION: GARMAN, Chair, APPLETON, FRANKS, GOMORA,
HOOKS, McBRIDE, and WOLFF, commissioners, ALL CONCUR.

ORDER

In a complaint filed on September 24, 2010, the Illinois Judicial Inquiry Board (Board) charged Kenneth L. Popejoy, a circuit judge in the Eighteenth Judicial Circuit, with "conduct that brought the judicial office into disrepute" in violation of the Code of Judicial Conduct, Illinois Supreme Court Rules 61, Canon 1, and 62, Canon 2, which provide as follows:

"An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

(A) A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

In support of the charge, the complaint stated that on June 29, 2010, respondent, while operating his vehicle, struck an unattended parked car and then, with willful and wanton disregard for the safety of persons and property, drove his damaged car from the scene at a high rate of speed, disobeyed multiple stop signs, and caused a 13-year-old girl to move away from the road quickly to avoid being struck by his car.

The Illinois Courts Commission (Commission) has heard not only the testimony presented before it but also has had the benefit of the report of proceedings before the Board. The following facts come from Judge Popejoy's testimony before the Commission and the Board as well as from the undisputed allegations in the Judicial Inquiry Board's Complaint against respondent.

Respondent left the DuPage County courthouse in the late afternoon of June 29, 2010, and, by prearrangement, met Chief Judge Stephen Culliton at a restaurant named The Bank in Wheaton, Illinois. Respondent consumed some portion of a martini at that establishment, leaving at about 4:00 p.m. He drove to Judge Culliton's home in Glen Ellyn, Illinois, where Judge Culliton had driven his

EXHIBIT "C"

car, and then drove with Judge Culliton to the Inasa Country Club to meet several other people Judge Popejoy testified that while at the Inasa Country Club, he had two draft beers, drinking only half of each of them. Judges Popejoy and Culliton then left the country club to drive to a restaurant named Amalfi's (located in Bloomingdale) for dinner where, in addition to appetizers, Judge Popejoy consumed a portion of a glass of red wine.

At approximately 8:00 p.m., Judges Popejoy and Culliton left the restaurant with Judge Popejoy driving Judge Culliton home. Upon leaving the Culliton home, Judge Popejoy proceeded to drive to his home. As he was driving from the Culliton house, he was passing a parked car on his right when his car suddenly veered to the right, striking the parked car. Respondent implied the cause of the accident was that a tire on his vehicle had broken.

Respondent did not stop but continued driving 2.8 miles to his home. During the course of that distance, Judge Popejoy testified he had to keep fighting the steering wheel to stay on the road, and, at one point, he veered again to the right almost striking a 13-year-old pedestrian. Yet, he continued to operate the vehicle. Respondent also failed to come to a stop at more than one stop sign on his route home.

Upon reaching his home, Judge Popejoy went upstairs to place his cell phone in the charger as his battery had died prior to his arrival at the country club. He then telephoned Judge Culliton to get the telephone number of his attorney whom he then called, keeping the police, who had arrived at his home, waiting for approximately ten minutes before hanging up and answering the door.

Judge Popejoy ultimately pleaded guilty to reckless driving and independently wrote a letter of apology to the 13-year-old girl, who was nearly hit by him.

Before the Commission, Judge Popejoy testified that he had received a service recall notice for his Jeep automobile but had not responded to the recall notice prior to this incident. Evidence before the Board showed that the damage to his car and the defective steering were repaired by the dealer. However, neither the recall notice nor evidence of the nature or extent of either the malfunction or repairs were offered into evidence by respondent.

It is also noteworthy that before the Commission and in response to Commissioner Hooks' direct question to respondent concerning his consumption of alcohol, respondent testified he consumed approximately a half glass of red wine. While the question was framed with regard to respondent's presence at Amalfi's, the general question that preceded the specific question was "where were you before this incident?" Respondent did not disclose in his testimony before the Commission that he had consumed a martini at The Bank and two partial beers at the Inasa Country Club.

The Commission is less than satisfied with respondent's responses to questions posed before it. While respondent certainly bears no burden of proof in this proceeding, the fact that information concerning the safety recall of his vehicle and the diagnosis of the averred malfunction of his steering

mechanism were all within his control and ability to produce, such production could have resulted in no charges being brought by the Board or no discipline imposed by the Commission.

Respondent has no sound explanation for (1) leaving the scene of an accident involving property damage, (2) failing to stop at stop signs along his route home, or (3) failing to promptly answer the door to the police. It is such conduct that brings the judiciary into disrepute in violation of the canons and the Commission so finds.

SANCTION

We recognize that the offending conduct by him was extra judicial in nature and that at no time did he assert his position as a judge with regard to his resolution of either the detected offenses or the subsequent information filed by the state's attorney. While respondent's conduct on the night of June 29, 2010, was extra judicial in nature, it was unacceptable and an ordinary member of the public likely would have faced a much more severe punishment than respondent received. Moreover, respondent was less than candid in his testimony before the Commission, implying, without introducing readily available proof, that his erratic driving was due to a malfunction of his automobile.

Respondent's self-described state of mind and rationale for not stopping and informing the police following the accident are completely unbelievable and contrary to what one might expect from the average citizen, not to mention a judge and former experienced attorney. Any person who is so surprised, shocked, and panicked by an accident caused by a mechanical defect and who continues to drive a defective car in that state of mind, without getting out of the car to at least look at the damage, and then drives faster rather than slower than the posted speed limit, deserves to be sanctioned. Additionally, to keep the police authorities waiting at respondent's door for ten minutes so that respondent can charge a cell phone and place telephone calls is behavior uncharacteristic of an officer of the court. The public expects and deserves even more responsible behavior from a member of the judiciary. We find that respondent violated Rule 61 by clear and convincing evidence and has admitted violating Rule 62.

We are not persuaded that respondent's statement in mitigation offers any redemption for his misconduct. Respondent's bar poll rating and athletic achievements have nothing to do with his conduct on June 29, 2010. His misunderstanding and obfuscating statements before the Commission are the more appropriate measure of what his punishment should be.

Respondent suspended without compensation for 60 days commencing on May 14, 2012.

<https://www.yumpu.com/en/document/view/15340307/pdf-file-kenneth-popejoy-ruling-daily-herald>

<u>2021L002060</u>	SHEKAR V. KENNETH POPEJOY	FIRST- NAMED DEFENDANT	ACTIVE
<u>2021MR000334</u>	YASEEN ALI -VS- KENNETH L POPEJOY	FIRST- NAMED DEFENDANT	ACTIVE
<u>2010TR097042</u>	VILLAGE OF GLEN ELLYN - VS- KENNETH L POPEJOY	FIRST- NAMED DEFENDANT	**/**/1950
<u>2010TR095362</u>	PEOPLE OF THE STATE OF ILLINOIS -VS- KENNETH L POPEJOY	FIRST- NAMED DEFENDANT	**/**/1950
<u>2010TR002416</u>	CITY OF WHEATON -VS- ROBERT P COWSERT	WITNESS	
<u>2005TR131347</u>	PEOPLE OF THE STATE OF ILLINOIS -VS- KENNETH L POPEJOY	FIRST- NAMED DEFENDANT	**/**/1950
<u>2002TR138175</u>	VILLAGE OF BLOOMINGDALE -VS- KENNETH L POPEJOY	FIRST- NAMED DEFENDANT	**/**/1950
<u>1997TR103012</u>	PEOPLE OF THE STATE OF ILLINOIS -VS- KENNETH L POPEJOY	FIRST- NAMED DEFENDANT	**/**/1950
<u>1997TR090863</u>	PEOPLE OF THE STATE OF ILLINOIS -VS- KENNETH L POPEJOY	FIRST- NAMED DEFENDANT	**/**/1950
<u>1991TR155780</u>	PEOPLE OF THE STATE OF ILLINOIS -VS- KENNETH L POPEJOY	FIRST- NAMED DEFENDANT	**/**/1950
<u>1990TR075421</u>	KENNETH L POPEJOY	FIRST- NAMED DEFENDANT	**/**/1950
<u>1989TR131245</u>	KENNETH L POPEJOY	FIRST- NAMED DEFENDANT	**/**/1950

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **APPLICATION FOR STAY OF MANDATE** was filed the with the Clerk of the Supreme court of the United States via U.S. Mail and served upon the following by First class mail with proper postage affixed and mailed on February 24, 2024, to respondents' counsel of record:

Lisa Hoffman, 503 North County Farm road Wheaton, IL 60178
Illinois Attorney General, Appeals Division, Springfield, Illinois

/s/Rogers Shekar

GROUP EXHIBIT 1

**PETITION FOR LEAVE TO APPEAL FILED IN ILLINOIS
SUPREME COURT WITHOUT APPENDIX DUE TO VOLUMINOUS
FILINGS OF OVER 200 PAGES , but accessible to this Supreme Court
Through Illinois Supreme Court Website in case no: 129106**

PRAYER FOR LEAVE TO APPEAL

The Petition For Leave To Appeal is of Paramount importance to protect the Constitutional rights of the Petitioner as well as of immense public interest.

Petitioner, Mr. Shekar's Fourth Amendment rights are *violated, disenfranchised, invalidated, and denied* by the Appellees/Respondents, who have committed multiple felony crimes against the Illinois Constitution; against the United States Constitution; against the Judiciary; crimes against this Petitioner as further detailed in this Petition.

The facts will lead to and prove that respondent/Appellee daringly, violently, willfully violated the Fourth Amendment Rights against unreasonable search and seizure; made a false arrest without warrant, without probable cause but for personal malice; thereafter *manufactured a warrant* after seven hours of illegal detention of the Petitioner; framed a bogus misdemeanor charge; forged a chronologically out of sequence case number; fabricated a Petition for Adjudication of indirect criminal contempt in violation of Due Process Clause of the Fourteenth Amendment Rights on an unserved, unnoticed "Administrative Order" (ADO). Thereafter, *barred defense* in violation of Sixth Amendment Rights.

Petitioner seeks the following relief :

Petitioner Mr. Shekar respectfully request this Court to invoke its **inherent, supreme and supervisory authority** to **DISMISS** with prejudice the trial court case of the framed charge, the relief asked in Notice of Appeal as one of many items appealed, argued, briefed in Petition For Rehearing.

POINTS RELIED UPON FOR THE SUPREME COURT REVIEW

- Petitioner Fourth Amendment rights violated by the respondent
- Petitioner Sixth Amendment Rights violated by the respondent
- Petitioner Due Process Rights under Fourteenth Amendment violated by the respondent
- Trial court has NO jurisdiction
- Appellate Courtney has jurisdiction to hear all items appealed including dismissal of the framed charge; fabricated case (Appendix 2)

STATEMENT

- On 8/11/2021 around 8.30 A.M., Petitioner Mr. Shekar was to undergo a long scheduled surgery and arrived at the Hospital in “Cook county, Hoffman Estates” around 8.30 A.M.
- When Petitioner exited the car, he was unconstitutionally, illegally apprehended with no warrant, by an unidentified individual in a passenger sedan vehicle, donned in ‘jeans and T-shirt’ who did not even state his name. When demanded to show the warrant he had NOTHING, but said “Chief Judge Popejoy wanted you arrested”
- On 8/11/2021 around 9.30 A.M., Petitioner was taken before a bond court judge where for the first time Petitioner was told as to an alleged violation of an “Amended” ADO, allegedly entered by respondent Popejoy allegedly on 5/20/2021 as to which the Petitioner told the court that he has no knowledge of any other ADO other than the only ADO of 2/26/2021 which has never been violated.

- On 8/11/2021, Petitioner was illegally detained against his will for entire day despite Petitioner wife had been waiting since 10.30 A.M. to post the *excessive* cash bond of \$5000 set by trial court .
- On 8/11/2021, trial court placed *unconstitutional restrictions as bond conditions* which '*creatively barred, enjoined*' any defense in violation of Sixth Amendment Rights; blocked filings by the Petitioner in his defense
- On 8/16/2021, Petitioner filed a Motion for SOJ as of right, and Motion To transfer Venue as 'hostile forum' supported with brief.
- The filings were blocked by respondent Popejoy, trial court Guerin in collusion with respondent Berlin.
- On 9/3/2021, Petitioner filed a Notice of Appeal challenging, and seeking relief, among other things, to quash the false arrest with no warrant, no probable cause; to dismiss the framed charge and the fabricated case
- Respondents Popejoy, Berlin made many attempts to block the filing of Notice of Appeal as well, despite the fact the Notice of Appeal is Appellate jurisdiction; desperately attempted to *beat the clock by running the time out* to file Notice of Appeal which would become due by 9/10/2021, and to 'fabricate a yet another story' that Appeal time barred.
- The aforesaid felony obstruction of justice in a criminal case and attempts to block the appeal by respondent intended for the sole purpose to *incarcerate* the Petitioner after barring, blocking any defense; allowing Petitioner to file Notice of Appeal will not 'serve their evil criminal purpose'. In fact, respondent Berlin made known of his *criminal intentions* in that they wanted to 'detain the Petitioner for 180 days' without

bond, without bond hearing. (Tr.25:5-10; Tr.13:13-15). So, by blocking defense and blocking NOA, the felons Berlin and Popejoy would have completed their felony crimes against the Petitioner/defendant; appeased their perverted, felonious, sadistic evil pleasures of detained the Petitioner for at least 90 days by delaying trial.

Thus, any appeal by the Petitioner thereafter already caused irreparable damages to the Petitioner, would become moot, redundant.

- Petitioner sent an E mail to Law division judge Kleeman that if the criminal obstruction to block the appeal by Trial court Guerin did not cease, Petitioner will file a direct appeal to the Second Direct Appellate court seeking leave to appeal under Rule 315, as well as seek sanctions on Popejoy, Berlin and Guerin for blocking the Appeal. **Appendix 1; Exhibit 1**, E mail to Kleeman by an intervener.
- Five days later since NOA filed on 9/3/2021, the Notice of Appeal file stamped with postdated to 9/8/2021 date, **Appendix 1; C.296-298**
- On 9/28/2022, the Appellate court granted ‘partial relief’ which vacated the unconstitutional restrictions with admonishment that the trial court “abridged the constitution”; also granted timely filed SOJ motion in trial court.
- On 10/18/2022, Petitioner filed Petition For Rehearing seeking *review and supplemental relief* on all items appealed, most importantly to dismiss the trial court case on multiple grounds, including lack of jurisdiction of the trial court on an unserved, unnoticed ADO which is used to *frame and fabricate* the underlying sham, made-up charge by creating a story of “violation”; argued and briefed in PFR that Appellate court has jurisdiction to hear all the matters appealed. (See **Appendix 2**)

- On 10/24/2022 , within FOUR business days, the Appellate court denied the PFR, with no consideration whatsoever; no opinion, no reason given.
- This PLA followed

A. BACKGROUND FACTS / STATEMENT OF FACTS

As grounds for the requested relief, the Petitioner state the facts supported with evidentiary record attached as Appendix.

Plaintiff, Roger Shekar is an American citizen for over 50 years, and is a citizen of Cook County, for over 40 years. Mr. Shekar is a family man, lives with his wife of 30 years, a National Board Certified Teacher in **STEM**, (Science Technology Engineering and Mathematics) and has two children, a son and daughter, both *summa cum laude* postgraduates. Mr. Shekar himself is a well-educated, postgraduate and a *summa cum laude* graduate in Electrical & Electronics engineering; a professional engineer, an MBA and also has a LL.B., a Law degree in Criminal justice. (LL.B is the same degree as retired Federal Judge Richard Posner hold and is an equivalent to J.D.)

B. *Malicious Persecution and Malicious Prosecution "Project" Masterminded By Felons Robert Berlin, Kenneth Popejoy, Candice Adams, Sarah Rose*

In February 2021, Petitioner is *unconstitutionally and creatively shut the doors to the Courthouse* by felon Popejoy in the *disguise of a suasponte* entered ADO of 2/26/2021, to block prosecution of the Petitioner/Plaintiff civil case and to "fix" the case as a 'favor' for the defendants and for undisclosed bribes. "Fixing" cases is not new to corrupt felon Popejoy who fixed a case for defendants sued by this Petitioner in 2008, by dismissing Jury after jury selection completed; *suasponte* converted into Bench trial to clear the path to "fix" the case for his 'buddy' McCluskey. (See **Appendix 3** -complaint filed with U.S. attorney -page 2 and 3)

The *suasponde* unconstitutional ADO of 2/26/2021 made it difficult to prosecute the civil case. Such ADO enjoining the Plaintiff is violation of Petitioner's Constitutional rights, *National Socialist Party v. Skokie* 432 U.S. 43 (1977) • 97 S. Ct. 2205 • 53 L. Ed. 2d 96

Petitioner/Plaintiff sued the felon Popejoy in Cook county in April 2021 as to the unconstitutional 2/26/2021 ADO, and supported the law suit with United States Supreme court authorities that the ADO violated Petitioner's First Amendment Rights and Fourteenth amendment rights to prosecute Plaintiff's claims and to seek damages in a court of law; Felony violation of Title 18 U.S.C. § 241, 242 in disenfranchising, invalidating, denying the Plaintiff's Constitutional rights.

“ If a State seeks to impose a restraint of this kind, it must provide strict procedural safeguards,” *Freedman v. Maryland*, 380 U.S. 51 (1965)

In April 2021, respondent felon Berlin as start of the malicious persecution in collusion with his 'bedfellow' felon Popejoy served an *unsigned subpoena* to Google under a *fake* banner “Grand Jury Investigation”, seeking the Petitioner corporate security company E mail information with NO purpose, no cause whatsoever but for the *sole criminal intent* to falsely project the Petitioner as under some sort of 'criminal investigation.' .The vicious, malicious, frivolous subpoena to Google was *alerted* by Google to the Petitioner and sent the unsigned subpoena to file any objections.

The Google subpoena is just the start and part of a much larger criminal conspiracy to unfold, a “criminal felony project” by the 'shemale' eunuch Berlin and his felon husband Popejoy, who *converted* the *malicious persecution into malicious prosecution* as will be proved in the forthcoming paragraphs, and in the attached **Appendix 3, 4, 5.**

The ulterior criminal intent, criminal motive and goal by the felons Berlin and Popejoy has been to setup, frame the Petitioner with some sort of a made-up, fabricated charge and warrantless arrest in the name of an *alleged violation of a fabricated unserved, unnoticed* "Amended" ADO allegedly entered by fugitive Popejoy on 5/20/2021.

Attached is **Exhibit 1** as to the felon Popejoy who escaped multiple felonies committed on single evening, including close to murdering a teenage girl while *fleeing the crime scene* from Police (like the double murderer O.J.Simpson), after a "hit and run" of another vehicle. (**Exhibit 1** Illinois Court Commission Order of Suspension of fugitive felon Popejoy; rap sheet **Exhibit 2**) No felony charge, resisting arrest not even a misdemeanor charge filed by felon Berlin on his husband felon Popejoy, neither the sheriff thug Mendrick arrested the felon when felon Popejoy crimes happened real time with traffic cameras and people as witness.

In April of 2021, Petitioner added the rogue and coward Berlin as additional defendant in the law suit for malicious persecution, felony harassment, racial profiling, lynching, hazing - everyone of which is a Federal and State crime; tortious interference of Petitioner's business relations with Google through a harassment subpoena.

In connection with law suit filed against felons Berlin and Popejoy, in April 2021 Petitioner/Plaintiff served subpoenas to appear for deposition to Popejoy, Berlin and to many other "henchmen" in the criminal conspiracy, criminal collusion to harm the Petitioner. Thereafter, served Rule to show cause for disobeyed the subpoenas; **sought arrest warrants for failure to appear for RSC hearing, (See Appendix 3)**

Additionally, on **August 5, 2021**, filed a motion for default and judgment on pleadings in the Cook county law suit, (Appendix 3)

C. *Culmination Of Criminal Conspiracy Of Malicious Persecution To Malicious Prosecution –Events of August 11, 2021*

The false arrest on 8/11/2021 without any warrant, without any probable cause even to issue a warrant, is the *culmination* of the felons Popejoy and Berlin “project” of malicious persecution converted into malicious prosecution; crimes committed under “color of office” as retaliatory vendetta to *frame* the Petitioner with a crime, for Petitioner/Plaintiff legal actions against the felons. (Appendix 3)

The statement by Zdan on 8/11/2021, “*Chief Judge Popejoy wanted you arrested*” further *cemented* the malicious prosecution by fugitive felon Popejoy in collusion with his wife Berlin (Petitioner has other material evidence of this “Zdan statement” given to USDOJ and FBI in connection with an ongoing Federal Grand Jury indictment investigation by the Criminal section of the Civil Rights division where Berlin, and fugitive Popejoy, Zdan among few of Fourteen subjects under USDOJ/FBI radar.)

I. EVENTS IN TRIAL COURT

Upon arriving at the courtroom on 8/11/2021, Guerin was on the bench who was already ‘*conferred, colluded, prepped*’ by fugitive felon Popejoy as to his ‘criminal agenda’ and what thug Guerin must do at the hearing.

At the start of the hearing, Guerin refused to ask the bench warming overstaffed sheriff deputy thug to remove the handcuffs; projected the Petitioner as a ‘*hard core*’ criminal making *insinuatory, defamatory, slanderous comments* in a public forum; insulted Petitioner with perverted sadist rhetoric, “we have enough deputies in court room” when Petitioner insisted he wanted the cuffs removed so that he could remove the sunglasses and put his regular glasses on as a “mark of respect to court” (**Tr:3:5-24; Tr.4:5-7;Tr.18:10-15**) Petitioner *quickly realized* this thug Guerin, who after all a co-conspirator and another felon in *black robe*, deserves no respect despite his ‘complimentary comments’ towards the end of the hearing that Petitioner as “*a very intelligent man*” (**Tr.40:19-21**)

Petitioner was told for the first time at the bond hearing as to the fabricated, manufactured indirect criminal contempt with no notice of any Petition for Adjudication of an alleged violation of an unnoticed, unserved “Amended” ADO of 5/20/2021 by fugitive felon Popejoy.

Petitioner explained in great details and made lengthy statements to Guerin on 8/11/21 hearing as to how “all these is a setup” and ‘framed, made-up’ malicious charge ; how the felon Berlin violated the Petitioner’s Fourth Amendment Rights against unreasonable search and seizure, then fabricated a warrant, Petition for Adjudication with a pre-meditated criminal intent and criminal plan by fugitive felon Popejoy who

impregnated his wife Berlin with the evil criminal plan who *delivered* the evil child of *sham indirect contempt charge*. The bogus charge *orchestrated, masterminded* by the two felons, Popejoy and Berlin in collusion with their criminal accomplices and Popejoy 'mistresses', Sarah Rose and Candice Adams. Petitioner made oral motion to quash the fabricated, sham 'petition for adjudication of the 'framed' charge with NO probable cause. Refer Tr.38:21-24;Tr.39:14; Tr.40:12-15;Tr.41:18-24;Tr.42:11-16; Tr. 43:5;Tr.44:1-15, 17;Tr.48:17-20

However, all those pleadings before the *criminal accomplice* Guerin went to *deaf ears and blind eyes* who ignored the oral motion to quash the 'framed' Petition for Adjudication. The Appellate court found Guerin to be biased, discriminatory, "abridged judiciary and the Constitution", and *kicked* Guerin out of the case, disqualified and recused.

Petitioner Mr. Shekar was held against his will for over ten hours despite Petitioner wife has been waiting since 10.30 A.M. to post a cash bond (Tr.42:11-16) A thug working for the sheriff at the 'holding area when asked by the petitioner why the cash bond not processed for hours, responded with *mockery and laugh* that he had instructions from the felon Berlin assistant Murray to hold the petitioner 'till midnight' and *mocked* that they are "allowed to do so to delay the processing of bond even if bond was ready to be posted."

The illegal detention is deliberate, and also later discovered was intended to "cook up the charge" with a different case number, as the case number 21cc13 under which Petitioner was *illegally apprehended and detained*; the case where the Petition for

Adjudication filed, and bond hearing took place, had no warrant and was quashed two days before on 8/9/2021.(C. 11 in 21cc13)

So, the cunning felon Berlin, in collusion with another felon in black robe Michale Reidy *cooked up a case number and cloned, migrated the quashed warrant* and the so called Petition for adjudication to the newly *cooked-up case-21cc12*, after the warrantless arrest made with no probable cause using a case 21cc13 quashed warrant . The felon and ‘marionette’ clown Reidy **entered yet another ‘cooked-up’ warrant on 8/11/2021 and back dated** to ‘manually rubber stamped’ forged date of **8/9/2021** with a chronologically out of sequence case number - 21cc12, whereas 21cc13 has a date of **8/5/2021**. See **Appendix 4 and 5** .The felon Reidy *backdated* the warrant **AFTER FALSE ARREST ALREADY MADE** on 8/11/2021, in order **to match his prior crime of false warrant quashed** on 8/9/2021. So felons Berlin and Reidy made sure the ‘cooked-up, fabricated’ warrant on 8/11/2021 match with quashed warrant in 21cc13 on 8/9/2021. (Tr.6:14-17)

However as the saying goes, **felons will leave trace to catch them**, the criminal crooks Berlin, Reidy forgot to *alter and forge* the case sequence as well which should have any number after 21cc13 filed on 8/5/2021 and a case filed four days later on 8/9/2021 cannot have descending number 21cc12. The forgery of the case 21cc12 is further proved beyond reasonable doubt in **Appendix 4 “Evidence of Forgery of case 21cc12 ”** .

The trial court Guerin was fully aware on 8/11/2021 that the so called *exparte* ghost “Amended” ADO of 5/20/2021 if in fact existed , could NOT have been violated when Petitioner has no knowledge of such ADO. Petitioner/Appellant/Defendant told him

that the only ADO Petitioner was aware of was the 2/26/2021 ADO which has NO restrictions to contact the clerk.((Tr.37:18-23) Petitioner moved again to quash the made-up petition for adjudication. **Tr.10:13-14; Tr.11:1-3;Tr.37:18-23**

Moreover, Guerin also knew from case file right in front on his computer, there is no record of **any proof of service in person or certified mail filed with the clerk** by the felons Popejoy, Berlin of the *newly forged* ADO back dated to 5/20/2021; Guerin knew that Petitioner was never served or noticed the “trash and crap petition for adjudication” as a procedural requirement; never cared to ask the felon Berlin ever noticed the Petitioner of the “amended ADO” despite Petitioner made known to Guerin of the UNNOTICED “Amended” ADO. Guerin knew is all “made-up”(Tr.37:18-23)

Despite no *probable cause* exist even to allege any violation or to continue a ‘sham’ bond hearing on a non-existed charge from a non-violation of a non-served alleged ADO, Guerin proceeded with bond hearing after ignored the motion to quash by the Petitioner.**Tr.37:18-23**

Despite *dire financial situation* of Mr. Shekar due to COVID pandemic as informed to the court, it didn’t ‘move the needle’ for the perverted sadist Guerin and on the contrary set a very high bond ten times more than any court in Illinois for an alleged petty offense misdemeanor; on a defendant who has no criminal history unlike fugitive felon Popejoy; on a defendant who has never been even ticketed for any violations unlike fugitive felon Popejoy, a ‘proud owner’ of numerous drunk driving, and maniacal driving, hit and run tickets. See **Exhibit 2**.

In fact, the sadist Guerin denied *personal recognizance* requested by the Petitioner, **Tr.16:15-17**. Guerin set a \$5000 cash bond when he knew no cash bond

required per P.A. 101-0652; and set in violation of Eighth Amendment Rights which prohibits excessive bond, not in line with *alleged* misdemeanor charge. Appellate court admonished Guerin's abuse. Guerin abuse of the law is clear as he made known from his *rhetoric* in DCBA article he is displeased with law and dared to violate the Bond court legislation which abolished cash bond for alleged petty offenses

Despite Petitioner informed Guerin of the procedural violations; despite the fact the petition is maliciously conspired, colluded, solicited, framed and made-up the charge as stated in court on 8/11/2021 hearing; despite stated that felon Berlin and Popejoy are after petitioner 'blood' and the felons are under Federal Grand Jury Investigation, Guerin cared less for justice. **see Exhibits to Appendix 3; Refer Tr.38: 21-24;Tr.39:1;Tr. 40:12-15;Tr.41:18-24;Tr.42:11-16;Tr. 43:5;Tr.44:1-15, 17;Tr.48:17-20)**

The criminal conspiracy, *scam, fakeness* of the Petition for Adjudication and the charge is so obvious and conspicuous as proved in **Appendix 4 "Evidence of Forgery"; Appendix 5 "Triangulation of Evidence"** .

The unserved, unnoticed *ex parte* ADO of 5/20/2021 was alleged "violated" because of an alleged E mail sent to clerk per the 'hearsay' rambling by Berlin without producing the copy to Mr. Shekar in court or to the public defender, neither attached with the Petition, neither part of the record; nor available in record **Tr.27:4-17**

The deliberate suppression from the record of the alleged E mail allegedly sent to felon Popejoy 'mistress' and criminal accomplice Sarah Rose, is to conceal *exculpatory evidence*. Such concealment is *deliberately intended* to protect the felons Zdan and Sarah Rose from perjury and forgery. This is 'cunningly' intended with

criminal intent and ‘made-up’ the alleged contents of the alleged E mail from the Petitioner, which is referred ONLY in the Petition for adjudication.

At the hearing, felon Berlin never could dare to perjure himself in court and arrested for direct criminal contempt, that the alleged Email is related to the alleged unnoticed, unserved ADO 5/20/2021 as felon Berlin knew that petitioner has no knowledge of the 5/20/2021 ADO as he is part of the team to suppress evidence. Popejoy and Berlin blocked any alleged ADO of 5/20/2021 from Petitioner’s knowledge. as that could interfere with their criminal agenda to *frame* the petitioner of the ‘made-up’ violation and the framed charge. Additionally, there was NO objection when Petitioner told the court in support of his motion to quash that Petitioner has NO knowledge of any “amended ADO” and the ONLY ADO Petitioner has knowledge of is the 2/26/2021 ADO, which does not have any restriction to contact the clerk , besides it is a public office, **Tr.27:4-17**

It is laughable in that even if the alleged E mail sent by the Petitioner to a public office of clerk public Email (not to felon Popejoy mistress Sarah Rose private E mail) which per the statement made in open court by assistant felon Murray, Petitioner essentially *quizzing the clerk* as to repeated rejection of civil case filing despite sent to Robert Kleeman in compliance with the 2/26/2021 ADO

Because the felon Popejoy and his wife Roberta Berlin became ‘upset’ that their mistress -felon Sarah Rose address (which is in public record) incorporated in the subpoena for deposition- a discovery process related to a civil case served on defendant “top secret” home address of Sarah Rose, felons Berlin and Popejoy colluded, conspired to *frame a criminal charge*, false arrest to ‘satisfy’ their mistress felon Sarah Rose, else

she would refuse to ‘ sleep’ with the felons.(Tr.23:1-3). WHEREAS the criminal crook Berlin did not arrest his husband fugitive Popejoy; did not file any charge, or prosecuted even one single felony count out of the **multiple felonies** by his husband fugitive Popejoy on Jun 29, 2010 (**Exhibit 1**), but *dared to frame* the Petitioner with a made-up charge, indulged in a daring false arrest. Illinois court commission noticed in its order that this fugitive felon Popejoy gotten away without spending years in prison, when any other public would have been prosecuted for the multiple felonies (Ex. 1)

Additionally, trial court Guerin allowed the abuses and violation of Human rights by the deputies’ who treated Petitioner Mr. Shekar like some sort of *hard core felony criminal* defendant. (Tr.44:13-15,17) The perverted sadist evil maniacs Berlin and fugitive Popejoy and Guerin *arranged this way* to treat the Petitioner to *humiliate*, and quench their pervert and evil sadism; to *gloat* and *appease their sadistic vindictive evil pleasures*. (Tr.40:12-15) Even a hard core killer of Minneapolis Derek Chauvin who murdered a citizen in broad daylight in public street was treated with basic decency, civility and respect, with cuffs removed in bond hearing and every other hearings in a murder case.

Late afternoon of 8/11/2021, felon Berlin assistant husband Murray played ignorant with a “cock and bull” *sham* story as to case number as if they didn’t know in the morning of 8/11/2021 as to what should be the case number, whereas they were able to dispatch thug Zdan to the Medical center on the precise day and time of Mr.Shekars surgery appointment on 8/11/2021

On 8/11/2021 felon Berlin further lied to court that he “attempted” to quash the warrant on 8/9/2021 but not “succeeded” whereas the warrant was already quashed on 21cc13 on 8/9/2021; conceded that the fake quashed warrant was knowingly used as a *bait*, to make the false arrest (**Tr.32:18-24;Rec.at C.11; Tr.33:5-6; Tr.5:6-9**)

Trial court Guerin muffed-up, defended felon Berlin’s false arrest as “scrivener, procedural error”, **Tr.33:5-6** . This crook Guerin or his son if he has one (as eunuchs wont bear child) should be arrested and brought in handcuffs and shackles to Federal court, and FBI and US attorney should call that just “scrivener error” for made an arrest on a quashed warrant days earlier. Despite no **real time warrant existed** as it was quashed on 8/9/2021 **despite no probable cause of any violation**, Guerin ignored motion to quash (**Tr.8:12-14; Tr.10:13-14**); ignored motion for special prosecutor to be appointed for conflict of interest even for bond hearing, **Tr.13:17-24;Tr.14:1-5** . Every item APPEALED.

II . EVENTS IN APPELLATE COURT

Petitioner filed Notice of Appeal as to many abuses by trial court including seeking summary dismissal of the trial case; jurisdictional challenge, in addition to appeal of the bond conditions which barred defense; cash bond; blocked SOJ motion. **Appendix 1-Notice of Appeal**. Appellate court granted partial relief which included removing Guerin from the case; a finding that bond conditions “abridged the constitution”

Subsequently, Petitioner filed a Petition for Rehearing fully briefed where Petitioner asked the Appellate court for supplemental relief seeking to dismiss the lower court fabricated Petition for Adjudication and to dismiss the “made-up, framed charge”; quash the forged, backdated warrant in 21cc12 AFTER false arrest made in 21cc13.

All the above are part of the 'Bill of Particulars in the Notice of Appeal', and hence Appellant allowed to argue and seek the relief (sought such relief even before PFR, even before final disposition through a Petition to dismiss) **Appendix 2**

Petitioner further proved in his PFR seeking supplemental relief, with evidentiary exhibits of the *criminal intent* by the felons Berlin and Popejoy to frame the petitioner and the framed charge is culmination of a criminal conspiracy started in April 2021 as narrated here in Background facts and **Appendix 3, 4 and 5**.

Appellate court denied PFR not on merits, and gave no reason or opinion, and likely on erroneous conclusion of presumed lack of jurisdiction on the items appealed and listed in Notice of Appeal despite Petitioner also argued PFR that Appellate court has jurisdiction. **Appendix 2**

The fake , forged, fabricated *exparte* ADO even assuming existed on 5/20/2021 is maliciously never noticed, served with certificate of service filed with the clerk, as the felons Berlin and Popejoy knew they would not be able to frame the charge if noticed, as they knew there would be no violation, just like no violation by the petitioner of 2/26/2021 ADO (**Tr.37:18-23**)

More importantly, Petitioner stated in PFR, in **affidavits** (C.19-21: 21cc13; C.32-34:21cc12) that the ONLY ADO which the Petitioner aware of is the 2/26/2021 ADO. Other than *hearsay statements* made by the criminal Berlin, no probable cause established, showed no proof of service as to any service of the so called "Amended" ADO of 5/20/2021. For more on this refer **Appendix 4; Appendix 5**

MEMORANDUM OF LAW- PRELIMINARY BRIEF

I. *The Alleged Violation Of “Amended” of May 20,2021 Never Happened As It Is Never Noticed, Never Existed, Despite Any Alleged Violation Of An ADO Does Not Constitute Contempt*

The Fabricated Charge MUST BE DISMISSED

This Supreme Court has held that even any alleged violation of an administrative order is not punishable by contempt of court. *Puterbaugh v. Smith*, 131 Ill. 199, 202 (1890) In re: *Murneigh v. Gainer* 177 Ill. 2d 287 (Ill. 1997); 685 N.E.2d 1357 “This court has held that the violation of an administrative order is not punishable by contempt of court.”

The ADO also attempts to encroach, infringe, trespass the judiciary branch.

“violation of a court order issued in an **administrative capacity does not constitute contempt of court.**” 1991 Ill. Att’y Gen. Op. 233, 240; *City of Dayton v. Strausbaugh*, 10 Ohio Misc.2d 29, 31, 462 N.E.2d 462, 465 (1984) (holding that contempt power may not be used to enforce court orders issued in administrative capacity.)

As such, even as devil’s advocate, one has to assume the unnoticed, unserved 5/20/2021 ADO ever existed, any alleged violation of such unnoticed, unserved ADO is not a contempt per this court precedent authority.

This court is informed in this regard even the 2/26/2021 ADO was never served, noticed. It was not until Plaintiff in the civil case Mr. Shekar quizzed as to the filings in the Civil case returned in March of 2021, the 2/26/2021 ADO was E mailed by the clerk **after a month.** See Appendix 1, Notice of Appeal; C. 365

As further proved in “**Triangulation of evidence**” **Appendix 5** and **Evidence of Forgery, Appendix 4**, respondent felons went into great lengths in their consorted, coordinated effort and *manufactured* the crime and *framed* the Petitioner, the trial case **MUST BE DISMISSED** .

**II. *Petition For Adjudication Is Nullity And Void;
The Fabricated Charge MUST BE DISMISSED For
Violation Fourth Amendment Rights,
Violation Of Due Process Clause Of The Fourteenth Amendment***

The trial court violated the Due Process Rights and the Fourth Amendment Rights of the Petitioner. “*Seizing and transporting* (the petitioner) without probable cause is in violation of the Fourth Amendment rights”, See *Dunaway v. New York* 442 U.S. 200 (1979) • 99 S. Ct. 2248; *Cf. Davis v. Mississippi*, 394 U.S. 721; *Brown v. Illinois*, 422 U.S. 590. (Tr.8:12-13; Tr.11:2-3; Tr.6.14-17)

As narrated in the Statement of Facts, the warrantless arrest made with no probable cause on 8/11/2021 using a quashed warrant in case 21cc13 on 8/9/2021. This will prove on 8/11/2021 at 8.30 A.M., there **existed NO warrant in real time**. The warrant and case 21cc13 did not exist during *sham bond hearing* of 8/11/2021. (Tr.6:14-17)

In fact, the warrant is manufactured , fabricated sometime late afternoon of 8/11/2021 after made the false arrest many hours before, cloned to a *pseudo* case number 21cc12 which is *out of sequence chronologically*. **See Appendix 4**

“ Due process required adequate notice of the charge. The trial court violated Despenza's right to due process by failing to provide the required notice. We vacate the contempt order.” *People v. Despenza*, Court of Appeals of Illinois, First District Sep 30, 2021 No. 1-19-0718 (Ill. App. Ct. 2021)

Betts, 200 Ill. App. 3d at 58 ; *People v. Budzynski*, 333 Ill. App. 3d 433, 439 (2002). *Betts* made it absolutely clear **the right to personal service.** (Tr.6:15-23;Tr.8:12-13; Tr.11:2-3)

Notice of the hearing and a copy of the Petition shall be served and returned in the manner as provided in Supreme Court Rule 105(b); If Notice is made by regular U.S. Mail, proof of Notice shall be made a part of the record. Notice by personal service shall be served not less than seven days prior to the hearing, and Notice by U.S. Mail shall be mailed not less than ten days prior to the hearing. In addition to the time, date and place of hearing, the Notice shall include the following words in bold type: “YOUR FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN YOUR ARREST.” If the Respondent fails to appear after due Notice, or if the Court has reason to believe the Respondent will not appear in response to the Notice, the Court may issue a bench warrant for the Respondent’s arrest. When a warrant issues, the Court shall set bail as authorized in criminal cases. The amount of bail shall be indicated on the Order of Attachment¹

Best v. Taylor Machine Works Best v. Taylor Machine Works , 179 Ill. 2d 367 (Ill. 1997)

Petitioner due process rights violated; the proceedings of 8/11/2021 are unconstitutional, illegal, a framed, made-up criminal act by felon Berlin and fugitive felon Popejoy.

¹ Even after a proper service of a citation, and after properly noticed and served the Petition and if an accused failed to appear for a hearing, it is still a discretion of a morally conscious judge to contemplate to the necessity of any bodily attachment of a defendant who has done no crimes. Here, the felons Berlin and Popejoy after *willfully burnt the Constitution; burnt due process clause; burnt Fourth Amendment rights* went straight to **the throat** of the Petitioner.

“ Due process requires that in Indirect criminal contempt, the **accused be accorded notice**”, *Johnson v. Mississippi*, 403 U.S.212, 215, 29 L.Ed.2d 423, 426, 91 S.Ct. 1778, 1780; *In re Oliver* (1948), 333 U.S. 257, 275-76, 92 L.Ed. 682, 695, 68 S.Ct. 499, 509.) The accused contemnor has "the constitutional right to know the nature of the charge against him, to have it definitely and specifically set forth by **citation** (**NOT by apprehension/warrantless arrest**) and to be accorded an opportunity to answer and to introduce evidence in his own defense." *Marcisz v. Marcisz* (1976), 65 Ill.2d 206, 208-09

There can be no willful violation of an ADO which Petitioner has no knowledge of: “In an indirect criminal contempt proceeding, the State must prove **the existence of a court order, and a willful violation of that order**” *People v. Covington*, 395 Ill. App. 3d 996, 1008 (2009). Besides, ADO is not a court order, not punishable by contempt, *Puterbaugh v. Smith*, Supra; *Murneigh v. Gainer*, Supra;

Petitioner Mr. Shekar has Due process rights **to be noticed of any actions are enjoined before even alleging a violation.** The unserved, unnoticed alleged ADO fabricated with 5/20/2021 date is an *alter ego* of *injunction* and cannot support a contempt finding. “**an injunction order cannot support a finding of contempt** unless it sets forth with certainty, clarity and conciseness precisely what actions are enjoined” (if noticed and served), *O’Leary v. Allphin*, 64 Ill.2d 500, 513–14, 1 Ill.Dec. 363, 356 N.E.2d 551 (1976). See also *People v. Wilcox*, 5 Ill.2d 222, 228, 125 N.E.2d 453 (1955) (“[T]he mandate of the court must be clear before disobedience can subject a person to punishment.”).

Furthermore, to allege any violation of an injunction, it must be a *Court order* by a judge in a case proceeding, and ADO is not a court order; neither Popejoy is assigned judge to any civil case proceeding. *Puterbaugh v. Smith*, Supra; *Murneigh v. Gainer*, Supra. Petitioner civil case which was before Judge Schwartz. (See Appendix 1, C.325-326)

The United States Supreme court noted in its opinion in *International Longshoremen's Ass'n, Local 1291 v. Philadelphia Marine Trade Ass'n*, 389 U.S. 64, 76, 88 S.Ct. 201, 19 L.Ed.2d 236 (1967), “[t]he most **fundamental postulates of our legal order forbid the imposition of a penalty** for disobeying a command that **defies comprehension.**”

“ The rights afforded to criminal defendants in an indirect criminal contempt include the right to **know the nature of those Petition/charges by personal service** “ (service NOT by false arrest.) *Betts*, Supra; *People v. Budzynski*, Supra; Also See, *Windy City Limousine Company LLC v. Milazzo*, 2018 IL App (1st) 162827, which in pertinent part says, “A person charged with indirect criminal contempt is entitled to constitutional protections and **procedural rights** to that of a criminal defendant which includes among other things, **personal service or by certified mail.**”

The case 21cc13 under which the *sham* Petition for adjudication and the false arrest made had a quashed warrant two days before on 8/9/2021; the bond set in non-existent case 21cc13, the charge, the Petition for Adjudication and later forged backdated with different case number 21cc12 is **nullity and void.**²

² Despite Guerin’s ignorance of his statement on 8/11/2021 an indirect criminal contempt even assuming all due process rights and procedural requirements followed, is entitled to Jury Trial. “[a] defendant in an indirect criminal contempt proceeding is entitled to a jury trial, *City of Rockford v. Suski*, 307 Ill. App. 3d 233, 247 (1999). 9 1-17-1583 .

The Appellate court acknowledged in its opinion order of 9/28/2022, any warrant existed was quashed on 8/9/2021. Despite this fact in record, Guerin kept the 'dead case' and proceeded with bond hearing of a non-existent case 21cc13, which was used as a 'bait' to indulge in false arrest; to illegally transport the Petitioner and to detain the Petitioner for several hours in violation due process clause of the Fourteenth Amendment. *Manuel v. City of Joliet*, Supra; *Dunaway v. New York*, Supra. Cf. *Davis v. Mississippi*, Supra; *Brown v. Illinois*, Supra .

The felons Berlin, Popejoy *worked in the shadow, exparte made up and forged* an ADO with 5/20/2021 date, deliberately intended to keep the Petitioner *ignorant and incognito* of the forged ADO, in order to pre-empt any motion to quash by the Petitioner of any Petition for Adjudication of any alleged violation. *People v. McDonald*, 314 Ill. 548; *People v. Pomeroy*, 405 Ill. 175; *People v. Whitlow*, 357 Ill. 34. Also see Affidavit C.19-21 (Record ID210910_0906); C.32-34 (Record ID 211028_0937)

Just on mens rea alone these felons - Popejoy, Berlin, Reidy, Guerin, Adams, Sarah Rose, Murray, Scaliatine, Zdan, Mendrick **could be indicted, convicted.**

“ *The public interest in the integrity and competence of the judicial process requires that courts and judges not be shielded from 'wholesome exposure.'* *People v. Goss*, 10 Ill. 2d 533, 544 (1957). To that end, the United States Supreme Court has declared that “freedom of speech and freedom of the press should not be impaired through the exercise of a court's contempt power.”³ *People v. Hathaway*, 27 Ill. 2d 615, 618 (1963); *Craig v. Harney*, 331 U.S. 367, 373 (1947).

³ The retaliation by the felons Popejoy and Berlin for sued the felons in Cook county-the right to sue the felons is protected under free speech, First Amendment Rights

United States Supreme Court also noted as to abuses of public office using contempt power for personal vendetta from emotionally charged crooks for exposure of their public wrongdoings as narrated throughout this Petition and wrote:

“contemptuous conduct, strikes at the most vulnerable qualities of a judge's **temperament.**” *Duncan v. Louisiana*, 391 U.S., at 155. “Thus, ‘the first amendment forbids the punishment by contempt for comment on pending cases in the absence of a showing that the utterances created a “clear and present danger” to the administration of justice.’” *Hathaway*, 27 Ill. 2d at 618. ⁴

United States Supreme Court held that a prosecutor's “false statements are not entitled to absolute immunity.” *Buckley*, 509 U.S. at 277, 113 S.Ct. 2606. 42 U.S.C. The Petition for Adjudication of a fabricated charge with perjured statements by Zdan with unsupported facts and with no probable cause is malicious prosecution. The perjured affidavit by felon Zdan does not establish probable cause. (C.9; Unfiled affidavit C.20 in 21cc12; also refer to Appendix 4 and 5)

“affidavit is inadequate to sustain a determination of probable cause for issuance of the warrant under *Aguilar v. Texas*, 378 U.S. 108, and *Spinelli v. United States*, 393 U.S. 410.” *Illinois v. Gates* 462 U.S. 213 (1983), 103 S. Ct. 2317.

⁴ In discussing the 'clear and present danger' test, the Indiana Court of Appeals observed that '[s]o long as critics [of court] confine their criticism to facts and base them upon the decisions of the court, they commit no contempt “no **matter how severe the criticism** may be..” *Skolnick v. State*, 388 N.E.2d 1156 (Ind. App. 1979). Suing the felons Popejoy and Berlin in a court of law as legal recourse; citing a Public disciplinary and sanction order by the JIB, Illinois Courts Commission (ICC), Supreme court, are all “confined to facts decision by the Court” -here JIB and ICC.

“ In a malicious-prosecution action, the existence of probable cause is determined by looking to what the defendants knew when a criminal complaint was issued and not at an earlier time ”. *Gauger v. Hendle*, 2011 IL App (2d) 100316, ¶ 112, 352 Ill. Dec. 447, 954 N.E.2d 307.

“ Liability in a malicious-prosecution case extends to **all persons** who played a **significant role in causing the prosecution** of the plaintiff.” *Rodgers v. Peoples Gas, Light & Coke Co.*, 315 Ill.App.3d 340, 348, 248 Ill.Dec.160, 733 N.E.2d 835 (2000).

“ **malicious prosecution is defined as the actuation of a prosecution for an improper motive** ”, *Rodgers*, 315 Ill.App.3d at 349, 248 Ill.Dec. 160, 733 N.E.2d 835.

Malice is inferred from a lack of probable cause where there is no credible evidence that refutes that inference. *Gauger*, 2011 IL App (2d) 100316, ¶ 122, 352 Ill. Dec. 447, 954 N.E.2d 3. An **improper motive** for a prosecution, like in this instant case, is any reason “other than to bring the party to justice” *Rodgers*, *Supra*. Here, there is nothing the Petitioner need to be “brought to justice”. On the contrary, the felon Roberta Berlin must be brought to justice for felony malicious crimes, framed profiled malicious prosecution; and his husband fugitive felon Kenneth Popejoy must be brought to justice for Felony crimes including **attempted manslaughter of a teen age girl** while the drunken criminal crook Popejoy was fleeing the crime scene after a *hit and run* on June 29, 2010 (Ex.1) **The fugitive felon Popejoy should have been arrested, booked and prosecuted under Federal criminal law as well under 18 U.S.C. § 1112 in addition to booked and arrested under 720 ILCS 5/9-3 for class 3 Felony** and slammed into prison for at least FIVE years in that count alone, in addition to multiple, other felonies-hit and run, drunk driving, felling the crime scene, on June 29, 2010

For all the foregoing reasons and supported with authorities, the Trial court
Petition for Adjudication and the charge case **MUST BE DISMISSED**.

**III. No Jurisdiction In Trial Court Over The Petitioner
On The Fabricated Petition For Adjudication
And The Lower Court Fabricated Charge And The Case
MUST BE DISMISSED**

As narrated in BACKGROUND FACTS the fabricated Petition for
Adjudication and the charge of the alleged violation of the *ex parte* 5/20/2021 ADO never
SERVED, NOTICED on the Petitioner/Appellant, and record reflects that fact. Henceforth,
the sham, fabricated, forged ADO and the framed Petition For Adjudication *laddered*
above it and the charge has **NO JURISDICTION over the PETITIONER**.

“ The contempt proceedings here were *fatally flawed* because the State did not personally
serve defendant to obtain jurisdiction” *People v. Budzynski*, Supra; *Betts*, Supra;
Goleash, 311 Ill.App.3d at 956–57, 244 Ill.Dec. 598, 726 N.E.2d 194;
People v. Despenza, Supra.

This supreme court decided in the cases *Haines v. People*, 97 Ill.161;
People v. Emmerson, 294 id. 219, *State v. Ajster*, 318 id. 230, *Loomis v. Hodson*, 224 id.
147, and *Sweeney v. Chicago Telephone Co.* 212 id. 475 and many, many more, that
where property rights or personal liberty is involved, independent of statutory or
constitutional provisions, the writ of error lies from this court by force of the common law.

“ The terms "law of the land" and "due process of law" are synonymous, and
extend to every proceeding which may deprive a person of liberty or property, whether
the process be judicial or administrative or executive in its nature”.

People v. Strassheim, 242 Ill. 359,

“We have had to reverse many cases coming from the criminal court for similar unprofessional conduct of the prosecutors there, and we have very recently indicated that we will not hesitate to reverse judgments so obtained and that we place the responsibility for such reversals where it rightly belongs, -upon the prosecutors who **habitually and continually engage in such conduct and the courts who permit the same**. The trial judges of the criminal court have the same powers and **duties to prevent such misconduct by proceedings for contempt**. *People v. Taylor* 101 Ill. 2d 377 (Ill. 1984) (finding due process violation even in denying the motion for a change of venue sought due to prejudice, bias; this Petitioner also had filed a change of venue which was blocked by felons Berlin and Popejoy)

For all the foregoing reasons and supported with authorities, the Trial court Petition for Adjudication and the charge case **MUST BE DISMISSED for lack of jurisdiction.**

IV. Violation of Public Act 101-0652

**Pursuant to House Bill 3653 - Public Act 101-0652 – SAFE-T Act
“Safety, Accountability, Fairness and Equity – Today”.**

In January of 2021, Illinois Legislature passed the House Bill 3653 and made into Law, **Public Act 101-0652**. The law remained effective since 1/1/2021 through 12/30/2022⁵. The Class 3 Felony violations **P.A.101-0652** and other abuses by respondent Berlin happened on 8/11/2021 when the law remained in full force.

⁵ The law was placed in abeyance on **12/31/2022**, but became effective again since 9/18/2023, *Rowe v. Raoul*, 2023 IL 129248, 42 (Ill. 2023).

The Public Act 101-0652 in pertinent part:

- a) **Allow for Citations in lieu of Arrests:** Law enforcement officials will now have to issue **citations** in lieu of arrest for people accused of “traffic and criminal misdemeanor offenses.
- b) **Abolished cash bail bond** money bail by passing HB 3653 SFA2 into law.
- c) **Makes law enforcement misconduct a Class 3 felony.** Amends the Criminal Code of 2012, stating a law enforcement officer commits misconduct when he or she **misrepresents facts, withholds knowledge, fails to comply with the officer-worn body camera act, or commits any other act with the intent to avoid culpability or liability for himself or another.**

In willful, deliberate violation of the Act, on 8/11/2021 respondent rogue Berlin dispatched felon Zdan to a non-jurisdictional Cook county to make a *false arrest* of the Petitioner.

Nevertheless, pursuant to P.A.101-0652, the alleged Petition for Adjudication is an unnoticed citation if at all anything and the appellate court has jurisdiction to hear contempt citation. *Sakosko v. Memorial Hospital* (1988), 167 Ill. App.3d 842, 848, 522 N.E.2d 273. “**contempt citation and \$10 fine vacated**” .

For all the foregoing reasons and supported with authorities, the Trial court Petition for Adjudication and the charge case **MUST BE DISMISSED.**

V. *Doctrine of Separation Of Power*

The Illinois Constitution provides that the legislative, executive, and judicial branches of government are separate and that no branch shall “exercise powers properly belonging to another.” *See* Ill. Const.1970, art. II, § 1.

The separation of powers doctrine serves to ensure that each of the three branches of government retains its “own sphere of authority, free from *undue encroachment* by the other branches.” See, *City of Waukegan v. Pollution Control Board*, 57 Ill.2d 170, 175, 311 N.E.2d 146 (1974); *Kaufman, Litwin and Feinstein v. Edgar*, 301 Ill. App. 3d 826, 704 N.E.2d 756 (1998); *People ex rel. Hansen v. Phelan*, 158 Ill.2d 445, 451, 634 N.E.2d 739 (1994)

It is clear from the circumstantial and hard evidence argued here and supported from record and in Appendix 4 and 5; from the statement made by Zdan on 8/11/2021 that “chief Judge Popejoy wanted you arrested”, the fugitive felon Popejoy ‘*criminally trespassed* into other branches’, colluded with his wife Roberta Berlin to *frame the sham, bogus, made-up charge and warrantless arrest*. Thus felon Popejoy criminally trespassed into other branches of the Government in violation of the Illinois Constitution, *City of Waukegan v. Pollution Control Board* Supra; *Kaufman, Litwin and Feinstein v. Edgar*, Supra; *People ex rel. Hansen v. Phelan*, Supra.

Additionally, felons Popejoy and Berlin illegally, unconstitutionally detained the Petitioner for ten hours with no probable cause, and until the felons *fabricated a warrant* and framed a charge. See *Manuel v. City of Joliet*, 137 S. Ct. 911 (2017)

Moreover, despite Popejoy “Administrative Act” not punishable by contempt, even as a judicial act **initiated** by a Judge related to a case proceeding dismissed. “**contempt citation initiated** by Judge dismissed.” *People v. Perez*, 18 N.E.3d 981 (Ill. App. Ct. 2014) “ indirect criminal contempt **should not be adjudicated in a summary proceeding initiated by the judge**” - Reversed.

For all the foregoing reasons and supported with authorities, the Trial court Petition for Adjudication and the charge case **MUST BE DISMISSED**.

VI. *Double Jeopardy*

As stated throughout this Petition, the facts and the record is clear that the Petitioner is wrongfully charged and subjected to a humiliating warrantless and false arrest from a quashed warrant in case 21cc13. The record is clear in that the *framed, forged, manufactured* 21cc12 is an *alter ego* of 21cc13. The sequence number and chronology is self-evident of forgery and fabrication. This is proved with RECORD evidence in **Appendix 4 and 5**.

Doctrine of Double Jeopardy clause of the Fifth Amendment prohibits successive prosecutions for the same alleged criminal act". The fabricated charge in 21cc13 is *deemed dismissed*, its alter ego 21cc12 **must be DISMISSED**. See *Blockburger v. United States*, 284 U.S. 299, 304 (1932).

In *Illinois v. Vitale*, 447 U.S. 410 (1980), the United States Supreme Court wrote: " that even if two successive prosecutions were not barred by the *Blockburger test*, the *second prosecution would be barred* if the prosecution sought to establish an *essential element* of the second crime same as first offense. Today we adopt the suggestion set forth in *Vitale*. We hold that the Double Jeopardy Clause bars a subsequent prosecution" The Double Jeopardy Clause states: "[N]or shall any person be subject for the same offense to be twice put in jeopardy of life or limb." It is enforceable against the States through the Fourteenth Amendment. *Benton v. Maryland*, 395 U.S. 784, 794

(1969). *Fugate v. New Mexico*, 470 U.S. 904 (1985) *Thigpen v. Roberts*, 468 U.S. 27 (1984)

As the 21cc13 is deemed dismissed by virtue of false arrest on a quashed warrant., the *cloned* 21cc12 , an *alter ego* of 21cc13 is barred from prosecution.

The *Doctrine Of Double Jeopardy* must be applied and the 21cc12 *alter ego* of 21cc13 **MUST BE DISMISSED.** *Benton v. Maryland*, *Supra.*, *Illinois v. Vitale*, *Supra.*

In fact, respondent stated court on 8/11/2021 they would be dismissing the 21cc13-
Tr.32:22-23

VII. *Additional Arguments In Support Of Dismissal Of The Trial Case*

*Criminal Intent Behind The Fabrication Of Contempt Citation;
Framed Charge; Malicious Prosecution*

April -August 11, 2021 Events in Cook county Law suit
REFER APPENDIX 3

**VIII. *Federal and State Criminal Laws violation Under Electronic Privacy Act
By Felons Roberta Berlin, Fugitive Felon Kenneth Popejoy To
Fabricate and Frame The Charge***

Criminal violations of Federal Wire Tapping Act 47 U.S.C. § 605 and Anti-Piracy Act; Criminal violations of Electronic Communications Privacy Act of 1986, 100 Stat. 1848, Title III which prohibit the interception of "electronic" as well as oral and wire communications

It is clear that felon Berlin in collusion with fugitive Popejoy committed crimes by warrantless wiretap with blessings from chief felon Popejoy. *Mitchell v. Forsyth* 472 U.S. 511 (1985) 105 S. Ct. 2806 (U.S. Attorney General has no immunity from *warrantless wiretap*)

The *wiretap* is evident from the fact that felon Berlin husband, criminal thug David Zdan appeared ‘*out of the blue*’ precisely at 8.30 A.M. on 8/11/2021 at the Medical center as Zdan bugged the Petitioner’s phone for some time, including an “appointment reminder” from Petitioner doctor’s office on 8/10/2021.

Cybercrimes, illegal wiretapping is evident; probable cause to indict the felons Kenneth Popejoy, Robert Berlin, David Zdan underway by the Criminal section of the Civil Rights Division of USDOJ.

IX. *Ineffective Assistance of Counsel And Legal Malpractice*
By The Appellate Defender Thomas Lilien

Throughout the Appeal, Lilien kept himself *incognito and incommunicado* with the client- Petitioner/Appellant; never met even once with client.

Additionally, as a remarkable arrogance, abuse, indifference, negligence in legal care, malpractice, violation of fiduciary duty, Lilien never read any E mails until after several weeks and months, even when subject marked as “Time Sensitive” “IMPORTANT” “Urgent”.

The outrageous *malpractice conduct* of Lilien is so severe, Lilien never even discussed the opening brief despite multiple E mail requests sent by the client/Appellant/Petitioner for a personal meeting to go over very important items in the Notice of Appeal which must be **included and argued in brief**.

Petitioner filed Petitions to terminate Lilien and appoint outside counsel, supported with brief, authorities from U.S. Supreme court, this Supreme court, with

Exhibits of E mail "Read" receipt by Lilien, read after months, after damages already inflicted on Petitioner/client.

As an *icing* on the cake of Lilien malpractice, abuse, violation of fiduciary duty, negligence in legal care, Lilien filed the brief without ever discussed anything as to the brief, and filed one month in advance, in the dark of the night to keep Petitioner/Appellant deliberately *oblivious and unaware* of his filing.

In fact, Lilien worked for the respondent Berlin and his assistant Lisa Hoffman. From day one, Lilien committed malpractice by telling the Petitioner/Appellant that appeal would be dismissed for lack of jurisdiction, and attempted to walk away and skirt his responsibility as Appellate Defender. Petitioner sent E mail to Lilien on day one as to his lack of knowledge as to Appellate jurisdiction on the Pro se filed Appeal; his ignorance Supreme court rules, and Appellate court agreed, by denying g motion to dismiss the appeal, TWICE, by deceptively sneaking in for second time in response brief.

The petitioner sent a draft reply brief exposing appellee lies, manipulation, twisting the facts and Lilien 'sat on it'. It was not until reported to the Chairman of the Appellate defenders, Lilien filed a *skeleton* reply brief with few pages at the 'last minute' on the due date for reply brief, after placing the Petitioner in enormous duress, stress and after satisfied his *sadistic* pleasures.

After the final order of Appellate court granting partial relief, Appellant asked Lilien to file a Petition For Rehearing seeking "Supplemental relief" on all items appealed in the Notice of Appeal, which Lilien deliberately ignored in opening brief. After the 9/28/2022 order, Lilien stated his appointment as appellate defender was over.

Petitioner /Appellant filed a timely Rule 367 Petition for Rehearing with brief , as *Pro Se*, within 21 days, seeking supplemental relief on all the items appealed including dismissal of the trial case; dismissal for trial court lack of jurisdiction, et. Appellant clearly stated in PFR that per Lilien, his appointment of appellate defender terminated as of the final order of 9/28/2022. Appellate court denied PFR with NO opinion.

CONCLUSION

The Events of 8/11 Is Petitioner's 9/11

The Framed Bogus Made-up Charge and the Petition For Adjudication Must Be Dismissed As A Matter Of Simple Justice

Petitioner, a law abiding American citizen, with no criminal history of any kind in his life, is a family man from a very highly reputed, sophisticated, traditionally religious family, a hereditary and genealogy with traditional ritualistic, scholastic values. Petitioner hailed from a very highly intellectual sect, where one of his relatives sits in D.C.Circuit court of Appeals as Chief Judge, and who was in 'top 3' of list of Supreme court nominees during Obama Presidency to fill Scalia seat.

The abuses by respondent felons has inflicted a permanent emotional, traumatic scar on this Petitioner, his family and children for generations to come. The criminal crooks and felons Robert Berlin and fugitive felon Kemeth Popejoy and his mistresses Sarah Rose, Candie Admas, the venomous scorpion evils *clothed* as "judge, prosecutor, clerk" and their criminal accomplices and 'henchmen', have etched as a permanent derogatory and defamatory *shame and scar* on the Petitioner his family and children for generations to come

The defamation, criminalization of the Petitioner from the events on 8/11 is Petitioner's 9/11

What happened in the instant case is a RICO crime of *criminal conspiracy and collusion, a consorted, coordinated criminal act* and a despicable, unprecedented, daring *judicial, prosecutorial lynching, hazing, profiling, staging, framing* the Petitioner with a bogus, sham criminal charge by a rogue criminal felon *clothed in coward veil* as "prosecutor" who in collusion with his husband, another rogue

fugitive felon named Kenneth Popejoy *clothed in coward veil* as a judicial thug in *black robe*. Both these felons colluded, conspired with felon Popejoy mistresses, felons and accomplices Sarah Rose, Candice Adams, Michael Reidy, Daniel Guerin, Bernard Murray, David Zdan, James Scaliatine, Sheriff thug James Mendrick, aiding, abetting *to frame, fabricate* a charge, and indulged in a *systemic, systematic* Felony RICO crimes; Felony Constitutional crimes.

The malicious charge is a “joint venture” and RICO crimes by “partners in crime” amongst felons Berlin, Popejoy, Rose, Adams, Reidy, Guerin and sheriff thugs. See **Appendix 3,4,5**

Here is a rogue thug and felon Roberta Berlin, who **cared less** to charge his husband, **a fugitive felon Kenneth Popejoy of numerous FELONY crimes from June 29, 2010**, not even a misdemeanor, but the criminal thug Berlin dared to make a false arrest without warrant, with no probable cause framed, manufactured a criminal charge to satisfy their *mistress* Sarah Rose, to satisfy their judicial and prosecutorial *thuggish ego* and *unprecedented arrogance*. The drunken maniac, alcoholic and womanizer with no morale, no scruples a/k/a fugitive felon Kenneth Popejoy and his wife a blood thirsty crazy dog with face of a sick hyena, Roberta Berlin must be EUTHANIZED by the Government like they do with crazy scavenging dogs posing an *endangerment to the safety* of the citizens and the community.

The tragic events of 8/11/2021 which inflicted an emotional scar on Petitioner and his family caused by the maniacal, dangerous blood thirsty hounds Popejoy and Berlin could never be ERASED.

The abuses by respondent felons, has inflicted and etched a permanent emotional and traumatic UNERASABLE scar on this Petitioner, his family and children for generations to come .

The tragic events on 8/11 is Petitioner's, his Family's and Childrens' 9/11

PRAYER FOR RELIEF

This Petition For Leave To Appeal should be granted for numerous compelling reasons as argued in this “Preliminary Brief”.

This Petition should be granted for numerous compelling reasons as argued in this “Preliminary Brief.”

The Petition is *one of a kind* which appears ‘*once in a blue moon*’ as a ‘*twilight zone case.*’

Petitioner request this Court to also consider **Finality Doctrine** to dismiss the trial case “[T]he requirement of finality is to be given a practical rather than a technical construction.”; *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 170 n.9 (1974) “[I]t is impossible to devise a formula to resolve all marginal cases coming within what might well be called the ‘twilight zone’ of finality.” For example, an order that does not end the litigation on the merits may nevertheless be appealable under § 1291 if it satisfies the collateral order doctrine or is certified under Fed. R. Civ. P. 54(b). (Petitioner citing Federal cases as a persuasive argument)

Under the **Collateral Order Doctrine**, a litigant may appeal from a “narrow class of decisions that do not terminate the litigation, but must, in the interest of achieving a *healthy legal system*, nonetheless **be treated as final.**” *Digital Equip. Corp. v. Desktop Direct, Inc.*, 511 U.S. 863, 867 (1994) *Mohawk Indus., Inc. v. Carpenter*, No. 08-678, S. Ct., 2009 WL 4573276 (Dec. 8 2009)

This Supreme Court by granting this Petition, would set a *long standing precedence* for many centuries to come and will be *etched, cited* for generation of appeal cases alike sending a *fervent signal* that judicial and prosecutorial abuses will not be tolerated; will send a *strong signal* to abusive jurists and felons clothed as ‘prosecutor’ and ‘judge’ that they are not **ABOVE THE LAW and MUST BE HELD ACCOUNTABLE FOR FELONY ABUSES OF AUTHORITY**. A rogue state attorney in Georgia, an *alter ego* of felon Berlin, is serving time in prison; a rogue Cook county judge, an *alter ego* of felon Popejoy served SIX years in Federal prison. See **Appendix 6**.

Petitioner respectfully request this Honorable High Court the following relief:

- ***Summary Dismissal With prejudice of the Trial court case finding*** that trial court abused, violated Petitioner’s Fourth Amendment rights against *unreasonable search and seizure*; warrantless arrest and charge with no probable cause.
- ***Summary Dismissal With prejudice of the Trial court case*** on the grounds of flagrant, deliberate breach and violation of due process rights, willful failure to follow procedural laws; find that the Petition for Adjudication and the charge dismissed for violation of the notice and procedural requirements proved with facts and supported arguments made in this Petition
- ***Summary Dismissal With prejudice of the Trial court case*** finding that the Trial court divested of jurisdiction; deprived, denied of jurisdiction for failure to notice/serve the underlying alleged “Amended” May 20, 2021 which is used to fabricate the charge and frame the petitioner;

Alternatively,

- Direct/order the Appellate court is not deprived of jurisdiction to consider the Appeal on merits for full prosecution of the Appeal including briefs and oral arguments on all the items appealed as allowed for appellate review (Appendix 2)
Eskandani v. Phillips 61 Ill. 2d 183 (Ill. 1975) 334 N.E.2d 146 (PLA granted when Appellate court wrongfully declined jurisdiction)

By: /s/Roger Shekar
Petitioner/Appellant

November 22, 2023

Roger Shekar
Justice Clinic
950 Plumgrove;
P.O,Box 681085
Schaumburg, Il 60168-1085

VERIFICATION BY CERTIFICATION

Under penalties, as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I affirm that the statements set forth in this instrument, “ **PETITION FOR LEAVE TO APPEAL** ” , are true and correct to the best of my knowledge, information, and belief.

By: /s/Roger Shekar
Petitioner/Appellant