

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOSAP CRAWFORD PRO SE — PETITIONER
(Your Name)

VS.

Supreme Court Of Illinois ^{"et al"} RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

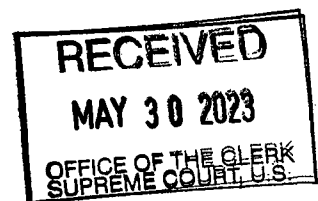
[] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Supreme Court Of Illinois

[] Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Josap Crawford
(Signature)



**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

I, Josap Crawford, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>IDOC/Stipend</u>	\$ <u>13.00</u>	\$ <u></u>	\$ <u>13.00</u>	\$ <u></u>
Total monthly income:	\$ <u>13.00</u>	\$ <u></u>	\$ <u>13.00</u>	\$ <u></u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0
N/A	N/A	N/A	\$ 0

4. How much cash do you and your spouse have? \$ 0
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
N/A	N/A	\$ 0	\$ 0
N/A	N/A	\$ 0	\$ 0
N/A	N/A	\$ 0	\$ 0

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value N/A

☐ Motor Vehicle #2
Year, make & model N/A
Value N/A

☐ Other assets
Description
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

Amount owed to you

Amount owed to your spouse

N/A

\$ 0

\$ 0

N/A

\$ 0

\$ 0

N/A

\$

\$

N/A

\$ 0

\$ 0

7. State the persons who rely on you or your spouse for support.

Name

Relationship

Age

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

You

Your spouse

Rent or home-mortgage payment
(include lot rented for mobile home)

\$ 0

\$ 0

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ 0

\$ 0

Home maintenance (repairs and upkeep)

\$ 0

\$ 0

Food

\$ 0

\$ 0

Clothing

\$ 0

\$ 0

Laundry and dry-cleaning

\$ 0

\$ 0

Medical and dental expenses

\$ 0

\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: _____	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: _____	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): _____	\$ 0	\$ 0
Total monthly expenses:	\$ 0	\$ 0

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

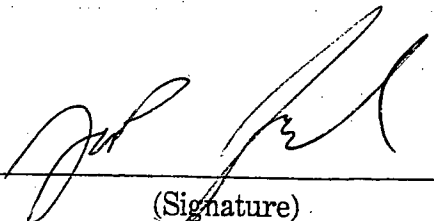
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Besides the money that I recieved from the government stimulus package back in 2021. I have no real source of income to pay the cost of this case, money that's sent from my family helps to sustain.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: MAY 17, , 2023


(Signature)

Date: 2/14/2023

Time: 10:22am

d_list_inmate_trans_statement_composite

Hill Correctional Center Trust Fund

Page 1

Inmate Transaction Statement

REPORT CRITERIA - Date: 08/14/2022 thru End; Inmate: R43274; Active Status Only ? : No; Print Restrictions ? : Yes;
Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print Balance
Errors Only ? : No

Inmate: R43274 Crawford, Josep

Housing Unit: HIL-R2-A -52

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
Beginning Balance:							3,034.61
08/22/22	Mail Room	15 JPAY	234200	146689229	Anderson, Vernita	30.00	3,064.61
08/22/22	Mail Room	15 JPAY	234200	146737306	Foster, Jessica	70.00	3,134.61
08/23/22	Mail Room	16 GTL	235200	21249381052966	Parrish, Venita	100.00	3,234.61
08/23/22	Point of Sale	60 Commissary	2357182	878141	Commissary	-156.61	3,078.00
08/23/22	Point of Sale	60 Commissary	2357182	878143	Commissary	-3.28	3,074.72
09/02/22	Mail Room	16 GTL	245200	21272152939171	Parrish, Venita	100.00	3,174.72
09/08/22	Payroll	20 Payroll Adjustment	2511164		P/R month of 8 2022	13.00	3,187.72
09/13/22	Mail Room	16 GTL	256200	21272592286500	Parrish, Venita	100.00	3,287.72
09/19/22	Disbursements	81 Legal Postage	2623164	Chk #174810	9/2/2022, Pitney Bow, Inv. Date: 09/02/2022	-2.40	3,285.32
09/19/22	Disbursements	80 Postage	2623164	Chk #174810	9/2/2022, Pitney Bow, Inv. Date: 09/02/2022	-4.00	3,281.32
10/03/22	Point of Sale	60 Commissary	2767182	880058	Commissary	-218.66	3,062.66
10/07/22	Payroll	20 Payroll Adjustment	2801164		P/R month of 9 2022	11.44	3,074.10
10/19/22	Mail Room	16 GTL	292200	21311323183908	Parrish, Venita	100.00	3,174.10
10/26/22	Mail Room	16 GTL	299200	21311651358757	Parrish, Venita	200.00	3,374.10
10/26/22	Disbursements	80 Postage	2993164	Chk #175471	10/12/2022, Pitney B, Inv. Date: 10/12/2022	-4.00	3,370.10
10/26/22	Disbursements	80 Postage	2993164	Chk #175471	10/12/2022, Pitney B, Inv. Date: 10/12/2022	-4.00	3,366.10
10/26/22	Disbursements	81 Legal Postage	2993164	Chk #175471	10/12/2022, Pitney B, Inv. Date: 10/12/2022	-3.60	3,362.50
10/26/22	Disbursements	81 Legal Postage	2993164	Chk #175471	10/12/2022, Pitney B, Inv. Date: 10/12/2022	-3.60	3,358.90
10/26/22	Disbursements	81 Legal Postage	2993164	Chk #175471	10/24/2022, Pitney B, Inv. Date: 10/24/2022	-3.60	3,355.30
10/26/22	Disbursements	80 Postage	2993164	Chk #175471	10/24/2022, Pitney B, Inv. Date: 10/24/2022	-4.00	3,351.30
11/07/22	Payroll	20 Payroll Adjustment	3111164		P/R month of 102022	13.00	3,364.30
11/07/22	Disbursements	84 Library	3113164	Chk #175687	11/4/2022, DOC: 523, Inv. Date: 11/04/2022	-13.40	3,350.90
11/08/22	Point of Sale	60 Commissary	3127176	881958	Commissary	-166.21	3,184.69
11/11/22	Mail Room	10 Western Union - Not Held	315200	7077615338	Crawford, Joe	100.00	3,284.69
11/30/22	Disbursements	81 Legal Postage	3343164	Chk #176007	11/21/2022, Pitney B, Inv. Date: 11/21/2022	-3.60	3,281.09
11/30/22	Disbursements	80 Postage	3343164	Chk #176007	11/21/2022, Pitney B, Inv. Date: 11/21/2022	-4.00	3,277.09
12/05/22	Mail Room	16 GTL	339200	21356581022630	Parrish, Venita	100.00	3,377.09
12/06/22	Mail Room	16 GTL	340200	21356655716132	Parrish, Venita	100.00	3,477.09
12/06/22	Point of Sale	60 Commissary	3407144	883674	Commissary	-154.17	3,322.92
12/13/22	Payroll	20 Payroll Adjustment	3471164		P/R month of 112022	13.00	3,335.92
12/19/22	Mail Room	10 Western Union - Not Held	353200	3668520912	Weathers, Tayshawn	30.00	3,365.92
01/04/23	Mail Room	16 GTL	004200	21404926935204	Parrish, Venita	100.00	3,465.92
01/09/23	Payroll	20 Payroll Adjustment	0091164		P/R month of 122022	13.00	3,478.92
01/10/23	Point of Sale	60 Commissary	0107138	885444	Commissary	-168.26	3,310.66
01/19/23	Mail Room	16 GTL	019200	21405770648997	Parrish, Venita	100.00	3,410.66
01/27/23	Mail Room	16 GTL	027200	21406199323171	Parrish, Venita	100.00	3,510.66
02/07/23	Mail Room	16 GTL	038200	21444611378980	Parrish, Venita	100.00	3,610.66
02/08/23	Payroll	20 Payroll Adjustment	0391164		P/R month of 1 2023	13.00	3,623.66

Date: 2/14/2023

Time: 10:22am

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**Hill Correctional Center
Trust Fund**

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Inmate Transaction Statement

REPORT CRITERIA - Date: 08/14/2022 thru End; Inmate: R43274; Active Status Only ? : No; Print Restrictions ? : Yes;
Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print Balance
Errors Only ? : No

Inmate: R43274 Crawford, Josep

Housing Unit: HIL-R2-A -52

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
02/13/23	Point of Sale	60 Commissary	0447138	887277	Commissary	-174.20	3,449.46

Total Inmate Funds: 3,449.46

Less Funds Held For Orders: .00

Less Funds Restricted: .00

Funds Available: 3,449.46

Total Furloughs: .00

Total Voluntary Restitutions: .00

CERTIFICATE

(TO BE COMPLETED FOR PRISONERS ONLY. THIS IS A STATEMENT BY THE PRISON
AND NOT THE PRISONER)

I hereby certify that the plaintiff or petitioner in this action has the
sum of \$ 3449.46 in his trust fund account at this correctional
center where is confined. I further certify that the plaintiff or
petitioner has the following securities to his credit according to the
records of this institution: NA

Yolanda Nuñez
Authorized Officer

Hill CC
Institution

Account Tech I
Title

2-14-2023
Date

IMPORTANT:

THIS CERTIFICATE MUST BE ACCOMPANIED BY A COPY OF A SIX MONTH LEDGER OF
THE PLAINTIFF'S TRUST FUND ACCOUNT.

No.

IN THE
SUPREME COURT OF THE UNITED STATES

JOSAP CRAWFORD, PETITIONER

vs.

State Of Illinois, Respondent(s)

On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the First District

PETITION FOR A WRIT OF CERTIORARI

Josap Crawford

Pro-Se

Hill Correctional Center

Galesburg, IL 61402

Friend of the Court

List Of Parties

- [] All parties appear in the caption of the case on the cover page.
- [x] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Illinois Appellate Court denying Petitioner's Rehearing

Illinois Supreme Court denying Petitioner's leave to Appeal

I. Question Presented

Petitioner challenge the legality of his arrest and the unconstitutional method in which the C.P.D. use Investigative Alert as a means to by pass the United States Constitution Fourth Amendment, In order to illegally arrest petitioner without having probable cause or a warrant. (see Giordenello v. United States cite as 78 S.Ct. 1245).

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IV. Petition for Writ Of Certiorari

Josap Crawford, an inmate currently incarcerated at Hill Correctional Center in Galesburg, ILLINOIS by and through Joasp Crawford, acting Pro-Se respectfully petition this court for a Writ Of Certiorari to review the judgment of the ILLINOIS Court of Appeals.

V. Opinions Below

The decision by the Illinois Appellate Court denying Mr. Crawford Rehearing Petition was denied on September 26, 2023. That order is attached at Appendix (App.) at 1.

VI. Jurisdiction

Mr. Crawford Petition for leave to Appeal to the ILLINOIS Supreme Court was denied on March 01, 2023. Petitioner invokes this court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the Illinois Supreme Court's Judgment.

VII. Constitutional Provisions Involved

United States Constitution, Amendment IV. Unreasonable Search and Seizure

The right of the people to be secure in their persons, houses, against unreasonable searches and seizure, shall not be violated

and no warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

United States Constitution. Amendment VI. Right to a Speedy Trial

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed. Which district shall have been previously ascertained by law, and to be confronted with the witness against him; to have compulsory process for obtaining witness in his favor, and to have the Assistance of counsel for his defense.

United States Constitution. Amendment XIV. Due Process and Equal Protection

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall States deprive any person of life, liberty, or property, without due

process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Federal Rules Of Criminal Procedure. 18 U.S.C.A.

Criminal rules 3 and 4 provides that an arrest warrant shall be issued only upon a written and sworn complaint (1) Setting forth "essential facts constituting the offense charged," and (2) Showing that there is probable cause to believe that [such] an offense has been committed and that the defendant has committed it ***.

Rule 3; "the complaint is a written statement of the essential facts constituting the offense charged. It shall be made upon Oath before a commissioner or other officer empowered to commit person charged with offenses against the United States".

Rule 4 (a); "***If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue to any officer authorized by law to execute it".**

STATEMENT OF THE CASE

Over two centuries ago, Lord Mansfield held common-law principles prohibited warrants that ordered the arrest of unnamed individuals who the officer might conclude were guilty of seditious libel. "it is not fit," said Mansfield, "that the receiving or judging of the information should be left to the officer. The magistrate ought to judge: and should give certain direction to the officer." *Leach v. Three of the King's Messengers*, 19 How.St.Tr. 1001, 1027 (1765)

Lord Mansfield's formulation touches the very heart of the fourth amendment directive: that, where practical, a governmental search and seizure should represent both the efforts of the officer to gather evidence of wrongful acts and the judgment of the magistrate that the collected evidence is sufficient to justify invasion of a citizen's private premises or conversation inherent in the concept of a warrant is its issuance by a "neutral and detached magistrate." *Coolidge v. New Hampshire*, supra, 403 U.S. at 453, 91 S.Ct. at 2031; *Katz v. United States*, supra, 389 U.S. at 356, 88 S.Ct. at 514. The further requirement of "probable cause" instructs the magistrate that baseless searches shall not proceed.

VIII. Statement Of The Case

On December 26, 2000, Altonio Stewart and his son, Charles Stewart, were shot to death in a building on 79th Lalfin in the city of Chicago. Altonio was the building's engineer, Altonio and Charles lived on the building's third floor and sold illegal drugs from their unit. Petitioner was arrested by the C.P.D. some 10 months after the incident happen. On 18Oct.01, the c.p.d. traveled to petitioner place of work in Wheeling Illinois, outside their district for the second time that week, without having cause the c.p.d. was not called to that location for any reason, Petitioner was doing nothing unusual or illegal when arrested by the police.

The c.p.d. first came to Petitioner place of work on 17Oct. and discovered that petitioner had decided to take that day off work. Petitioner was arrested the next day while on company property without probable cause or a valid warrant of any kind. After Petitioner was seized, the c.p.d. began to search his work area.

On 03Feb.01. 8 months before petitioner was arrested the Chicago Police Department issued one of two alerts for the arrest of Petitioner. The first alert was submitted on 03Feb.01. #2001-555, the second alert was submitted six months later on 21Aug.01. #299903799. (see exhibit)

The police made the determination to arrest petitioner after their sole eyewitness Carolyn Cole(AKA Faye) identified a single shooter who acted alone (gunsmoke). In Cole's supplementary report that was taken immediately after the incident happened

nor in her grand jury testimony that was given 13 weeks later on 03 April 01, did she claimed to have seen petitioner in the area at the time of the shooting's. Cole testified to having seen decadent Altonio Stewart talking with a man named "gunsmoke". that they talked while walking to Stewart's apartment and that 5 to 10 minutes later she heard four to six loud shots, Cole looking through her door, saw gunsmoke running immediately from Charle's apartment to the stairs attempting to place an item into his right coat pocket, eventually succeeding as he ran down the stairs. (see exhibits hereto attached, supplementary report, grand jury)

Cole friend whom she claimed to have been with in the hallway when the shooting happened, Angela King told the police that she was with Carolyn Cole, Altonio's fiancée, in Cole's apartment when the shots were fired; King did not mention, as Cole Testified at trial, that following the shots Crawford ran down the stairs shouting, "start the car, start the car". (CPC. 28; R. F10-11, F22). King also did not tell the police that she saw State witness Wille Cameron near the time of the shooting, but Cameron testified that he was in Cole's apartment at the time. (R. JJ11). (See King's Exhibit)

A. Investigative Alert Defined

The current version of the Chicago Police Department's Special Order S04-16, issued on December 18, 2018, defines an investigative

alert as "a notice entered into CHRIS² identifying a specific individual that Bureau of Detective or Bureau of Organized Crime investigative personnel are attempting to locate." Special Order S04-16 § II,A.³ There are two types, "Investigative Alert" identifies an individual wanted in connection with a "specific crime, and while an arrest warrant has not been issued, there is probable cause for an arrest". Id, § II.A.1. "Investigative Alert No Probable Cause to arrest" identifies an individual whom "investigative personnel seek to interview concerning a specific police matter. However, an arrest warrant for that individual has not been issued, and there is no probable cause to arrest that person on the strenght of the investigative alert alone". Id. § II.A.2. (see exhibit)

Petitioner was arrested in 2001, when the previous version of Special Order S04-16, issued in March 2001, was in effect.

² CHRIS stands for the Criminal History Records Information System (CHRIS) Investigative Alert Application System Special Order S04-16 § 1.B (2018).

³ The 2001 and 2018 versions of the directive have been included in the Appendix. Courts have judicially noticed the Chicago Police Department directive, see *People v. Brown*, 2019 IL App (1st) 161204 at ¶40, including S04-16. *Velez v. Atxhison*. 2013 U.S. Dist. LEXIS 124385 at *37.

That version of the Special Order replaced the terms "stop order" with the term "investigative alert"; introduced the CHRIS system; and "inform[ed] members of the availability of investigative alert data via CHRIS and local Hot Desk name checks." Special Order S04-16 § I.A.D.E (2001). It indicates that there are Investigative Alert Probable Cause to Arrest and Investigative Alert No Probable Cause to arrest, and while the definitions of those terms do not appear in the body of the 2001 Special Order, see id., §IV.A1.2 (2001), the definitions had been formulated within the POLICE Department by 2010, see Sanders v. Cruz, 2010 U.S. Dist. LEXIS 76539 (N.D. Ill, 2010) at*8.

For the Probable Cause variety, the police are directed to take the offender into custody, for the No Probable Cause variety, an arrest is not authorized if no other crime was committed. Special Order S04-16 § IV. (2001); § V.(2018).

Any member of the Bureaus of Detective or Organized Crime (or, in 2001, the Bureaus of Investigative Services) with responsibility for follow-up investigative may request an investigative alert via the CHRIS Investigative Alert Application system. The requests are approved or rejected by "supervisors," and are effective immediately Special Order S04-16 § II (2001); § IH (2018).

B. The Investigative Alert Issue Here

The Chicago Police Department's use of an "Investigative Alert". in lieu of a warrant, to effect petitioner arrest was unconstitutional. The failure of the police department to seek a warrant in this "ordinary case", when it would have been feasible to present evidence of probable cause to a neutral and independent court, and to opt instead to rely on its parallel internal "investigative alert" procedure with neither judicial review or approval nor consistency with warrant procedures violates the Fourth & Fourteenth Amendment U.S. Const.

In *United States v. Hensley* (1985) No. 83-1330. This Court acknowledged police authority to stop a person "when the officer has reasonable, articulable suspicion that the person has been, is, or about to be engaged in criminal activity". *Id.*, at 702 (emphasis added). See also *Michigan v. Summer*, 452 U.S. 692, and n.7 (1981). Indeed, *Florida v. Royer* itself suggests that certain seizures are justifiable under the Fourth Amendment even in the absence of probable cause "if there is articulable suspicion that a person has committed or is about to commit a crime." 460 U.S., at 498 (plurality opinion)(emphasis added).

This Court acknowledged if police have a reasonable suspicion, grounded in specific and articulable facts, that a person they encounter was involved in or is wanted in connection with a completed felony, then a terry stop may be made to investigate that suspicion.

However, in this case in which petitioner was arrested in lieu of probable cause or an arrest warrant, In which their sole eyewitness Cole, identified a single shooter who acted alone. The c.p.d. would arrest petitioner some 10 months after the incident happened, petitioner would be subjected to a post line-up identification in which Cole would be the one to view petitioner's line-up, in which Cole identified petitioner as a person that she knew as "blue". Cole viewed "gunsmoke" post line-up as the person coming from Charle's apartment going to the stairs attempting to place an item into his right coat pocket, eventually succeeding as he ran down the stairs. (see post line-up exhibit's)

This practice & policy that the police use to circumvent the Fourth Amendment U.S. Constitution to arrest petitioner without having probable cause or an arrest warrant, because of this practice which not only violated petitioner legal arrest seizure, but this policy violated petitioner Gerstein hearing alone with the evidence used during petitioner trial. Petitioner was subjected by the police to an unconstitution detention--because the extended (70 hours) duration of his detention in light of the warrantless arrest before being brought to a neutral magistrate for a judicial determination of probable cause, Gerstein v. Pugh cite as 95 S.Ct. 854 (1975), warrantless arrests are permitted but persons arrested without a warrant must promptly be brought before a neutral

magistrate for a determination of probable cause.

This Practice & Policy of "Investigative Alert" which allowed the police to illegally arrest petitioner prejudice petitioner in his trial. If not for this practice of investigative alert petitioner would have never been subjected to a trial, which allowed prosecutors the opportunity to manufacture evidence in petitioner trial, evidence that the state would use to convict petitioner. Cole some 4 years later would take the stand during petitioner trial as an eyewitness against petitioner, Cole who was pretty consistent in her initial report, and testimony, in which she identified a single shooter who acted alone "gunsmoke" would now take the stand against petitioner and now state to having witness petitioner coming out of Charles's apartment yelling "start the case". Petitioner allege if not for "Investigative Alert" which violated petitioner IV, and XIV, Amendment of the United States Constitution. Petitioner would have not been subjected to a trial that would find petitioner guilty on Cole perjured testimony.

In the estimation of the police-whether due to unfeasibility, inability, or whatever reason-petitioner arrest could not have been reasonably effected without such a systematic delegation mechanism, and hence, it was employed. The police did not engage in continual investigative or remain in continual pursuit of

petitioner over the course of 10 months until Detective DICKERSON, FULLER and LANDADO of the fugitive Apprehension unit went to petitioner place of work, outside their district, the c.p.d. had known where petitioner was employed for some 12 months they would of have been able to locate petitioner if petitioner were suspected of involvement in a past crime, having the ability to briefly stop petitioner, ask questions, or check identification in the absence of probable cause. see *Verry v. Ohio*, 392 U.S. 1.

Hence, if not for the invention of "Investigative Alert", the only realistic recourse for securing the arrest would have been to obtain a warrant.

Presentation to an independent and neutral member of the judicial branch serves as as a safeguard for the citizens. "The arrest warrant procedure serves to insure that the deliberate, impartial judgement of a judicial officer will be interposed between the citizen and the police, to asses the weight and credibilty of the information which the complaining officer adduces as probable cause. To hold that an officer may act in his own unchecked discretion upon information too vague and from too untested a source to permiot a judicial officer to accept it as probable cause for an arrest warrant, would subyert this fundamental policy." *Wong Sun v. United States*, 371 U.S. 471, (1963). The warrant process's "protection consists in

requiring that [probable Cause] inferences be drawn by a neutral and detached magistrate instead of being judged by the officer in the often competitive enterprise of ferreting out crime." Johnson v. United States, 333 U.S. 10, 14 (1948).

Instead of a judge schooled in the law and independent from the police, the investigative alert system uses a "supervisor" within the Police Department. What is more, the directive reveals no expectation of an interactive examination of the information submitted by the approving supervisor, who is required to do more than consult the CHRIS application screen. There is no expectation of true presentment as there is to the judge, who is expected to be inquisitive and interactive, in furtherance of the exercise of the proper judicial role of assessing the sufficiency of the information brought forth.

The United States Supreme Court "underscore[d] the now accepted fact someone independent of the police and prosecution must determine probable cause" in the issuance of warrants in Shadwick v. Tampa, 407 U.S. 345, 348 (1972). Shadwick found that for purposes of the fourth amendment, a warrant could be issued by a judicial-branch court clerk supervised by a municipal court judge for a municipal ordinance, but only because the "requisite detached" was present. The court emphasized. "Whatever else

neutrality and detached might entail, it is clear that they require severance and disengagement from activities of law enforcement." and there must be "no connection with any law enforcement activity or authority which would distort the independent judgment the Fourth Amendment requires." Id. at 350-351. As the Court made clear, in the search warrant context, the Fourth Amendment does not contemplate the executive officers of Government." Whose duty is to enforce, investigate and prosecute the law, "as neutral and disinterested magistrates." United States v. United States District Court, 407 U.S. 297 (1972).

Next, the safeguard that the information presented be sworn to is absent in the investigative alert process. The court's decision whether to issue a warrant "is to be based on information contained in sworn statement or affidavits that are presented to the magistrate." United States v. United States District Court, U.S. 295. With investigative alert, the officer merely enters the request into the computerized system, "utilizing the investigative alert application screen." Special Order S04-16 ¶ II1.A (2018). while the officers who input the request are sworn personnel. A general oath of office cannot take the place of the swearing as to information to be submitted to the magistrate.

IX. REASONS FOR GRANTING THE PETITION

To resolve the conflict between the lower Courts as to the Constitutionality of Investigative Alert, this Court should clarify the purpose of the Fourth Amendment that applies when law enforcement make an arrest.

The Illinois Appellate Court ruled that the use of investigative alert to make warrantless arrest violates the Illinois Constitution. (see People v. Bass, 2019 IL App (1st) 160640).

A number of other panels of the Appellate Court disagreed with Bass's conclusion that investigative alert were unconstitutional see People v. Braswell, 2019 IL App (1st) 172810.

The Illinois Supreme Court however, vacated that part of the opinion in order to avoid the issue, which Illinois Supreme Court Justice Neville noted, "allows this allegedly unconstitutional conduct to continue". (see Bass Supreme Court order hereto attached)

The Illinois Supreme Court recently considered the issue in State Of Illinois, v. Germal Dossie, 2023 127412, but failed to come to a decision because two judges had to abstain. That left five votes, of those five, they were unable to come up with an opinion that could get four votes. (see Dossie order hereto attached)

This case presents this court with an opportunity to clarify an illegal arrest in the face of law enforcement actions that

violates the Fourth & Fourteenth Amendment to the United States Constitution. Absent intervention by this court, Illinois Courts will work to undermine the carefully-crafted procedural safeguards that this court has spent the past 100 years developing.

X. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court issue a Writ Of Certiorari to review the judgment of the lower courts and the constitutionality surrounding the Practice & policy dealing with "Investigative Alert".

Respectfully Submitted

Josiah Crawford
Josiah Crawford

R43274

ILLINOIS RIVER Correctional Center
Canton, Illinois 61520

VII. Index of Appendices

- Appendix A Decision of State Court of Appeals
- Appendix B Decision of State Supreme Court denying leave to Appeal
- Appendix C Cole's grand jury Statement/Cole's supplementary report
- Appendix D King's supplementary report
- Appendix E Special Order S04-16
- Appendix F Petitioner's Investigative Alert/48 hours violation
- Appendix G Bass's Supreme Court Opinion
- Appendix H Dossie's Supreme Court Opinion
- Appendix I Petitioner's Post line-up report

Appendix A

Count orders

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT-

THE PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff-Appellee,

v.

JOSEP CRAWFORD,

Defendant-Appellant.

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No. 1-21-0518

ORDER

This cause having come on for hearing on the petition of the defendant, Josep Crawford, for rehearing of this court's Summary Order entered on August 12, 2022, affirming the circuit court's order denying him leave to file a successive postconviction petition; and the court being advised in the premises:

IT IS HEREBY ORDERED THAT the petition of the defendant, Josep Crawford, for rehearing of this court's Summary Order entered on August 12, 2022, is DENIED.

ENTER:

ORDER ENTERED

SEP 26 2022

APPELLATE COURT FIRST DISTRICT

Matthew W. Delort
Justice

Robert E. Hoffman
Justice

Matthew E. Connors
Justice

No. 1-21-0518
Order filed August 12, 2022

Fifth Division

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee, RA)	Cook County.
)	
v.)	No. 01 CR 27406
)	
JOSEP CRAWFORD,)	Honorable
)	Thomas J. Hennelly,
Defendant-Appellant. PA)	Judge, presiding.

JUSTICE HOFFMAN delivered the judgment of the court.
Presiding Justice Delort and Justice Connors concurred in the judgment.

SUMMARY ORDER

¶ 1 Defendant Josep Crawford appeals from an order of the circuit court of Cook County denying his *pro se* motion for leave to file a second successive petition for relief under the Post-Conviction Hearing Act (Act) (725 ILCS 5/122-1 *et seq.* (West 2020)).

¶ 2 Following a 2005 bench trial, defendant was convicted of two counts of first degree murder under a theory of accountability and sentenced to a mandatory term of life imprisonment. On direct appeal, this court affirmed that judgment. *People v. Crawford*, No. 1-05-1759 (2007) (unpublished order under Supreme Court Rule 23).

¶ 3 In November 2008, defendant filed his initial *pro se* postconviction petition under the Act which the circuit court summarily dismissed. On appeal, this court affirmed the dismissal. *People v. Crawford*, No. 1-09-0203 (2011) (unpublished order under Supreme Court Rule 23).

¶ 4 In May 2015, defendant filed a *pro se* motion for leave to file a successive postconviction petition under the Act. The circuit court found defendant failed to satisfy the cause and prejudice test and denied him leave to file the successive petition. On appeal, this court allowed the Office of the State Appellate Defender to withdraw as counsel pursuant to *Pennsylvania v. Finley*, 481 U.S. 551 (1987), and affirmed the circuit court's judgment. *People v. Crawford*, No. 1-15-2873 (2017) (unpublished summary order under Supreme Court Rule 23(c)).

¶ 5 On March 13, 2020, defendant filed the instant *pro se* motion for leave to file a second successive postconviction petition under the Act, together with a petition. Therein, defendant alleges his arrest was unconstitutional because it was pursuant to an investigative alert and the police did not have an arrest warrant or probable cause to arrest him. Defendant claims the State and trial court, therefore, lacked personal jurisdiction to prosecute, convict, and sentence him.

¶ 6 Defendant also alleges the trial court denied him his right to a fair trial because: (1) it allowed the prosecution to proceed based on an unconstitutional arrest; (2) it allowed the State to present inadmissible evidence where the record did not indicate an electronic recording was made of defendant's custodial interrogation; (3) it allowed the State to present inadmissible hearsay statements that were contained in police reports; (4) the police did not record their interview with defendant's wife; and (5) the court should have accepted defendant's plea of innocence as true because the State failed to present "concrete evidence" to counter his statement.

¶ 7 In addition, defendant alleges the State failed to prove him guilty beyond a reasonable doubt. Specifically, he claims the State failed to prove he was “personally present” at the crime scene when the shooting occurred.

¶ 8 Defendant asserts he has cause for raising his allegations in a successive postconviction petition because they arise from this court’s holding in *People v. Bass*, 2019 IL App (1st) 160640, which was decided on July 25, 2019, after his prior petitions were filed. Defendant asks the court to release him from prison, suppress all fruits of the unconstitutional arrest, and bar any further prosecution of him with prejudice. Defendant attached to his petition several pages of police supplemental reports related to his case.

¶ 9 The circuit court found that all the allegations in defendant’s motion and postconviction petition were frivolous and patently without merit and denied him leave to file the successive petition.

¶ 10 The Office of the State Appellate Defender, which was appointed to represent defendant on appeal, has filed a motion for leave to withdraw based on counsel’s conclusion that an appeal in this cause would be without arguable merit. The motion was made pursuant to *Finley* and is accompanied by a memorandum in which counsel states there are no issues of arguable merit for appeal.

¶ 11 Copies of counsel’s motion and memorandum were sent to defendant and he was advised that he might submit any points in support of his appeal. Defendant has filed two *pro se* responses. In each of them, defendant argues that he raised a meritorious claim that his arrest pursuant to an investigative alert was unconstitutional. He also argues that a witness, Aaron Gray, who identified defendant in a lineup, was not present when the shooting occurred, and that the sole eyewitness to

No. 1-21-0518

the shooting, Carolyn Cole, identified a man named "Gunsmoke" (codefendant Anthony Lake) as the sole shooter who acted alone. Defendant asks this court to deny counsel's motion to withdraw so that the issue of the constitutionality of investigative alerts can be addressed by the court.

¶ 12 We have carefully reviewed the record in this case, counsel's memorandum, and defendant's *pro se* responses and have found no issues of arguable merit to be asserted on appeal. We therefore grant the motion of the State Appellate Defender for leave to withdraw as counsel and affirm the judgment of the circuit court of Cook County. This order is entered in accordance with Supreme Court Rule 23(c)(2) (eff. Jan. 1, 2021).

¶ 13 Affirmed.

EXhibit - B

B - Supreme Court denying
leave to appeal



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721
(217) 782-2035

Josep Crawford
Reg. No. R-43274
Hill Correctional Center
P.O. Box 1700
Galesburg IL 61402

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

January 25, 2023

In re: People State of Illinois, respondent, v. Josep Crawford, petitioner.
Leave to appeal, Appellate Court, First District.
129046

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 03/01/2023.

Very truly yours,

Cynthia A. Grant

Clerk of the Supreme Court

**Additional material
from this filing is
available in the
Clerk's Office.**