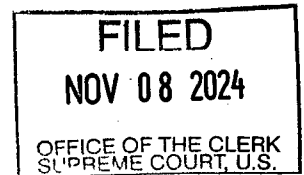


24-6008

ORIGINAL

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

MICHAEL P. CRENSHAW — PETITIONER
(Your Name)

VS.

STATE OF ILLINOIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF ILLINOIS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael P. Crenshaw
(Your Name) I.D.# R06537

2500 Route 99 South
(Address)

Mount Sterling, Illinois 62353-1462
(City, State, Zip Code)

No phone
(Phone Number)

QUESTION(S) PRESENTED

IF, However, the constitution establishes a rule and requires that a rule have retroactive application, then a state's court refusal to give the rule retroactive effect is reviewable by this court?

The next question is: Whether plaintiff may challenge his void order in this court? It is a well-settled principle of law that a void order may be attacked at any time or in any court, either directly or collaterally.

The next question is: Whether due process is implicated in a claim of innocence based upon newly discovered evidence so as to permit the claim to be raised within this court?

The next and last question is: Whether plaintiff could have been found guilty instead of being forced to plead guilty, when the statement given without Miranda warnings given before statement were taken.

Without Miranda warnings given created an involuntary confession resulted in a void judgment - order entered causing guilty plea to be involuntary?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

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

RELATED CASES

Crenshaw-US- PEOPLE Case No. M.D. 015027
filed ON May 29th 2024 Decided ON September 27th 2024

People-US- Crenshaw Case No. M.D. 014133
filed ON in 2018 Decided ON September 25th 2018

People-US- Crenshaw, Michael P. Appeal no. 2-21-0303
filed IN 2021 Decided ON October 25th 2021

Crenshaw-US- Greene Case No. 24-1724
Submitted ON April 29th 2024 Decided ON May 6th 2024

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Griffith-US-Kentucky, 479 U.S. 314, 328, 107 S.Ct. 708
93 L.Ed.2d 649 (1987) page 4

Martin-US-Hunter's Lessee/Wheat, 304 U.S. 340-341 344
4 L.Ed.2d 97 (1816) page 4

Yates-US-Aiken, 484 U.S. 211, 219, 108 S.Ct. 98 L.Ed.2d 546
(1988) page 4

Perry-US-Lynough, 492 U.S. 302, 330, 109 S.Ct. 2934
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Mackey-US-United States, 401 U.S. 667, 692, 91 S.Ct. 1160
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Brown-US-Alex, 344 U.S. 443, 73 S.Ct. 397, 97
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Desist-US-United States, 394 U.S. 244, 261 n.2, 89 S.Ct. 1030,
22 L.Ed.2d 248 (1969) page 5

Herrera, 506 U.S. 435 n.5, 435-37, 113 S.Ct. 878 n.5, 122
L.Ed.2d 239 n.5, 239-40 page 6

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53 L.Ed.2d 287, 287 (1977)

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120 L.Ed.2d 353 (1992) page 6

Jackson - US - Virginia, 443 U.S. 307, 99 S.Ct. 2781
61 L.Ed.2d 560 (1979) page 7

State - US - Wilson, 6 S.W.3d 504 (1998) page 7

Clark - US - State 727 N.E.2d 18 (2000) page 7

Dillion - US - Dillion 187 P.27 page 7

State - US - Swinger, 708 N.E.2d 1033, 125 Ohio App.3d 456
page 7

There are NO STATUTES AND RULES OR OTHER

Petitioner does not understand these

STATUTES AND RULES; AND OTHER?

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix D to the petition and is

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

The opinion of the United States district court appears at Appendix _____ to the petition and is

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

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is SUPREME COURT OF ILLINOIS
HABEAS CORPUS

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished. DON'T KNOW

The opinion of the SUPREME COURT OF ILLINOIS
Late petition for leave to appeal court appears at Appendix B to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished. DON'T KNOW

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 6, 2024.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was September 27, 2024.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

CONSTITUTION AND STATUTORY PROVISIONS INVOLVED

Constitution of the United States of 1787

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

Constitutionalism prescribes a system of government in which the government's power are limited, Government officials, whether elected or not, cannot act against their own constitutions if they see fit. Constitutional law is the highest body of law in the land, which ALL citizens including the government, are subject to.

Amendments 5th and 14th Due process and equal protection of law.

Articles I, Sections 9 & 10 Ex-post-facto laws and impairing contracts.

Constitution of the State of Illinois of 1970.

Article I, Bill of Rights, Section 2, Due process and equal protection of law.

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

Article II, Powers of the state, Section I, Separation of powers principles.

Article V, The Executive, Section 15, Attorney General - Duties.

Article VI, The Judiciary - Judicial, section 19, State's Attorney Selection, Salary.

STATEMENT OF THE CASE

Plaintiff, Michael Patrick Crenshaw, through his due diligence he discovered most recently, that his charges that lead to his illegal conviction and sentencing by means of the Winnebago County states Attorneys using the Constitution of the state of Illinois of 1970, that they are under Oath or Affirmation of Office pursuant to Article XIII, General Provisions Section 3, they are suppose to be under oath to support both the Constitution of the United States and the Constitution of the State of Illinois and that (they) I will faithfully discharge the duties of the office to the best of (their) my Ability.

First question presented is, if, However, the constitution establishes a rule and requires that a rule have retroactive application. Then a state's court refusal to give the rule retroactive effect is reviewable in this Court.?

in Griffith - vs - Kentucky, 479 U.S. 314, 328, 107 S.Ct. 708, 93 L.Ed.2d 649 (1987) (holding that on direct review, a new constitutional rule must be applied retroactively "To All cases State OR Federal.") States may not disregard a controlling Constitutional command in their own courts. See Martin - vs - Hunter's Lessee (Wheat), 304, 340-341, 344, 4 L.Ed.2d 97 (1816); Yates - vs - Aiken, 484 U.S. 211, 219, 108 S.Ct. 534 98 L.Ed.2d 546 (1988) First, courts must give retroactive effect to new substantive rules include "rules forbidding criminal punishment of certain primary conduct" as well as "rules prohibiting a certain category of punishment for a class of defendants because of their status or offense". Perry - vs - Lynaugh, 492 U.S. 302, 330, 109 S.Ct. 2934, 106 L.Ed.2d 256 (1989).

Mackey - vs - United States, 401 U.S. 667, 692, 91 S.Ct. 1160 28 L.Ed.2d 404 (1971) The writ has historically been available

STATEMENT OF THE CASE cont

For attacking convictions on [substantive] Grounds before Brown-US-Allen, 344 U.S. 443, 73 S.Ct 397, 97 L.Ed.2d 969 and after Desist-US-United States, 394 U.S. 244, 26 L.Ed.2d 89 S.Ct. 1030, 22 L.Ed.2d 248 (1969) Justice Harlan, defined substantive Constitutional rules as "Those that place as a matter of Constitutional interpretation, certain kinds of primary, provide individual conduct beyond the power of the Criminal law making authority to proscribe". Schiro-US-Summerlin, 542 U.S. 348, 352 n.4, 124 S.Ct. 2519, 159 L.Ed.2d 442 (2004).

The next question is whether Plaintiff may challenge his Void Order in this Court? It is a well-settled principle of law that a void order may be attacked at any time or in ANY court, either directly or Collaterally. Could not get to the law library to find any Supreme Court cases and did not have the money to pay for such request as an indigent person. There is an exception to the ordinary two-year deadline to petition for relief from final judgment when a petition challenges a void judgment. A voidness challenge to a final judgment based on a lack of personal or subject matter jurisdiction is not subject to any forfeitures such as Res-judicata or other procedural restraints because a judgment entered by a court without jurisdiction may be challenged in perpetuity.

Thus, Plaintiff is allegedly ^{contending} ~~consenting~~ his illegal charges as a result of an illegal conviction and sentence is void based on the trial court stemming from the State's Attorneys lacked of personal and subject matter jurisdiction by acting as an Executive officer, when in fact they are under the judicial branch of the Constitution of the State of Illinois of 1970. And Plaintiff's conviction and sentence is void based on a...

STATEMENT OF THE CASE Cont.

...Facially unconstitutional statute that is void ab initio. Because of the State's Attorneys of Winnebago County violating Article II, Powers of the State, Section I, Separation of powers principles, of the Constitution of the State of Illinois of 1970.

Next is the question, whether due process is implicated in a claim of potential innocence based upon newly discovered evidence not raised by Court appointed Attorney at the time of trial which resulted in a forced guilty plea which Plaintiff discovered through his own due diligence and with this newly discovered evidence would of changed the outcome of this case. The newly discovered evidence is truly persuasive and will aid this court to rule for Plaintiff because it is an Appellate Defenders' brief that clearly will aid to show truly, persuasive demonstrating 'actual innocence' and would change the outcome of this case and making the illegal conviction and sentence unconstitutional. Imprisonment of the innocent would also be so conscience shocking as to trigger an operation of substantive due process. *Herrera*, 506 U.S. at 435 n.5, 435-37, 113 S.Ct. at 878 n.5, 878-79, 122 L.Ed.2d at 239 n.5, 239-40, quoting *Patterson-US-New York*, 432 U.S. 197, 202, 97 S.Ct. 2319, 2322, 53 L.Ed.2d 281, 287 (1977); in terms of procedural due process, this Court could agree to ignore such a claim would result to be fundamentally unfair. *Herrera*, 506 U.S. at 435 n.5, 435-37, 113 S.Ct. at 878 n.5, 878-79, 122 L.Ed.2d at 239 n.5, 239-40; Citing *Medina-US-California*, 505 U.S. 437, 112 S.Ct. 2572, 120 L.Ed.2d 353 (1992)

Next is the question, whether Plaintiff could be found guilty instead of being forced to plead guilty? ...

STATEMENT OF THE CASE continued

Due to Plaintiff's due diligence he discovered recently discovered due to his Appointed ^{Counselor} ~~Counselor~~ did not properly investigate into any of his clients' issues he aided the State to prosecute his clients. By not investigating for a Warrant for an Arrest; if his client had his Miranda warnings give prior to confessing, and by the means to ask for Counselor or an Attorney before being questioned and never received any plus the State lacked physical evidence to be insufficient to prove this Plaintiff-Defendant then, guilty beyond a reasonable doubt, citing Jackson-US-Virginia, 443 U.S. 307 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979) No Miranda warnings given created an involuntary confession even while requested for Counselor or an Attorney and never received any. In order for these illegal charges and resulted in an illegal conviction and sentencing to be vacated and expunged from his Criminal record, based on Newly discovered evidence and ineffective assistance of Counsel and prosecutorial misconduct; Judicial bias; Exceeded jurisdiction, or they were obtained through a State or Federal Constitutionally deficient procedure. No valid conviction can occur if the charging instrument(s) is void. See State-US-Wilson, 6 S.W.3d 504 (1998) including a judgment entered Order when the Court lacked jurisdiction is void. See Clark-US-State, 1727 N.E.2d 18, (2000) Thus, where a judicial tribunal has no jurisdiction of the Subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term. See Dillion-US-Dillion, 187 P.27, That a conviction and its sentence as a result of the illegal conviction is void ab initio. See State-US-Swinger, 708 N.E.2d 1033, 125 Ohio App.3d 456, This illegal conviction and its sentence is void for a want of jurisdiction.

REASON FOR GRANTING PETITION

Through Plaintiff's due diligence and his inability to argue law in the legal terms and being that Plaintiff is not and could not obtain legal assistance, His petitioning the courts to have his entitled relief granted has been unsuccessful of course the lower state courts are ^{aware} ~~aware~~ of their conduct towards Plaintiff- defendant.

Per Petitioner must show that this Writ will be in aid of the court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the court's discretionary powers, and that adequate relief cannot be obtained in ^{only} ~~any~~ or from any other court. For ~~this to deny or consider~~ For this court to deny or not consider this Plaintiff's issues will result in a fundamental miscarriage of justice.

Through Plaintiff's trials through the lower courts this petitioner has exhausted all other available ~~from~~ remedies in the state courts and has been denied even through the Habeas Corpus ~~is~~ only received the same outcome as this Honorable Court has done in the past.

to not to consider will result in a ~~AA~~ fundamental miscarriage of justice does this Honorable Court really want that on their ~~CON~~ CONSCIENCE?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael P. Crenshaw
I.D.# R065374
UCC 1-109; 1-308; and 1-207
Date: November 5th, 2024

STATE OF ILLINOIS
SS
COUNTY OF BROWN

- AFFIDAVIT -

I, MICHAEL P. CRENSHAW, being first duly sworn under Oath
deposes and says that he is the framer of the
foregoing Petition and that he has read the documents
by him subscribed to the facts stated therein are
true; correct; and accurate to the best of my knowledge
and belief. SO HELP ME GOD; IN DEI NOMINE, Amen.

Signed on this
5th November
~~5th~~ day of ~~January~~, 2024.

Michael P. Crenshaw
I.D.#
Michael P. Crenshaw R06537
Plaintiff- Pro se

Pursuant to 28 U.S.C. § 1746, 18 U.S.C. § 1621, 735 ILCS 5/1-109
of the Code of Civil Procedure, I declare and affirm under
penalty of perjury, that I am the named party in the
above Petition, that I have read the above documents, and
that the information contained therein is All true; correct;
and accurate to the best of my knowledge and belief,
SO HELP ME GOD; IN DEI NOMINE, Amen.

Signed on this
5th November
~~5th~~ day of ~~January~~, 2024.

Michael P. Crenshaw
I.D.#
Michael P. Crenshaw R06537
Plaintiff- Pro se 8