

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Duane Thackrey — PETITIONER
(Your Name)

vs.

People of the State IL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Appellate Court of Illinois Fourth District
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Duane Thackrey
(Your Name)

P.O. Box 99
(Address)

Pontiac, IL 61764
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1.) Is Amending a word in a criminal statute okay when the word that is changed removes the aggravating factor of the crime making the criminal statute make no sense?
- 2.) Is it a major contradiction that under the statute it states that the victim is under the age of 18 but over the age of 13, but the said victim was 11 years old?
- 3.) Is it improperly considered aggravating factor in a sexual abuse case which is family and home related yet the aggravating factor states, "the defendant, ~~by~~ the duties of his office or ~~by~~ his position, was obliged to prevent the particular offense from being committed."?

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LIST OF PARTIES

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

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

- ① Circuit Court of DeKalb County 1th Dist. Illinois
- ② Appellate Court of Illinois Fourth District
- ③ Supreme Court of the State of Illinois

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

720 Illinois Compiled Statutes 5/11 - 1.60 (b) (1) (ii) (West 2012)
730 ILCS 5/5-5-3.2 (4) (2012)

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 _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the Illinois DeKalb County Circuit 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

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

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

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

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was Affirmed.
A copy of that decision appears at Appendix C.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

720 ILCS 5/11-1.60 (b) (1) (ii) : A person commits Aggravated Criminal Sexual Abuse if that person commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and that person uses force (changed Amended to direct force) and the victim is a family member.

730 ILCS 5/5-5-3.2 (4) (2012 West) : the defendant by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice.

STATEMENT OF THE CASE

The usage of these two statutes is unreasonable when compared to the facts of the case as in 720 ILCS 5/11-1.60 (b)(1)(ii) ... if that person commits an act of sexual conduct with a victim who is at least 13..." this alone conflicts with the fact that the victim D.D. was 11 years of age at the last alleged occurrence! All 3 Courts; DeWitt County Circuit Court, Illinois Appellate Court, and the Illinois Supreme Court have failed to notice acknowledge or attempt to correct this clear constitutional violation of due process. Then in the same statute Judge Hugh Finson of DeWitt County Circuit Court allowed States Attorney's Mark Korfiz motion to Amend the word "forced" to "directed" 720 ILCS 5/11-1.60 (b)(1)(ii) : "... That person uses force..." (Aggravated Criminal Sexual Abuse); Amended "... that person uses directed..." this clearly removes the aggravating factor in this statute.

Also under statute 730 ILCS 5/5-5-3.2(4) which was used as an aggravating factor in case 12-CF-95 in which states "... the defendant by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice..." this clearly is referencing a job environment which has nothing whatsoever to do with my case. All 3 courts also missed this major constitutional violation to my right to due process.

REASONS FOR GRANTING THE PETITION

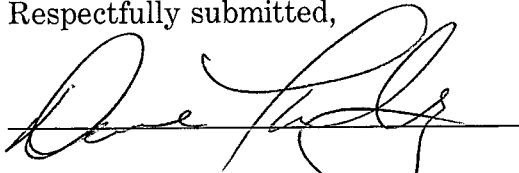
In 3 different ways through 2 statutes my Constitutional right to due process was violated in 3 courts throughout Illinois. This needs either remanded to the lower courts for further review or given a new trial. I pray this Honorable Court can help me correct these issues.

Respectfully,
[Signature]

CONCLUSION

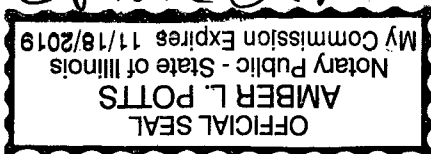
The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 12/5/2017

sp
12/11/17



No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Duane Thackrey — PETITIONER
(Your Name)

VS.

People of the State IL — RESPONDENT(S)

PROOF OF SERVICE

I, Duane Thackrey, do swear or declare that on this date, _____, 20____, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Clerk of the United States Supreme Court, Supreme Court Building, Washington, D.C. 20543

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

Executed on December 5, 2017

12/11/17

Amber L. Potts

[Signature]
(Signature)

