ORIGINAL

No. 25-411

In the
Supreme Court of the United States

John DOE,

Petitioner,

v.

State of ILLINOIS,

Respondent.

On Petition for Writ of Certiorari to the
Appellate Court of Illinois, Second District

PETITION FOR WRIT OF CERTIORARI

[redacted]
Self-Represented Litigant
[redacted]
Highland Park, IL 60035
[redacted]

Public Copy—Sealed Materials Redacted

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I. Questions Presented

Illinois, like many states, offers a statutory scheme for the sealing and expungement of criminal records.[1] The Illinois scheme protects select classes of persons, including those convicted of certain categories of offenses, by way of a "right to expunge an expungeable offense" and a codified interest: "The effect of an order of expungement shall be to restore the person to the status he or she occupied before the arrest, charge, or conviction."[2] However, under this same scheme, Petitioner, despite meeting the statutory requirements for relief and never having been convicted of a crime, is provided no such statutory right to expungement, and has endured a gauntlet of legal and technical obstacles, as well as stigma and harm resulting from state actions, upon seeking to expunge his arrest records.

1. Does the Illinois scheme for the sealing and expungement of criminal records create, confer, or otherwise entail an interest protected under the Fourteenth Amendment?
2. Can Illinois impose anything more than minimal procedures on a petitioner seeking expungement of criminal records when that petitioner meets the statutory requirements for relief and has been adjudged guilty of no crime?

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[1] See Illinois Criminal Identification Act (20 ILCS 2630/) § 5.2

[2] § 5.2(i)(10), (j)(6). Under P.A. 103-1071, effective July 1, 2025, the text of § 5.2(j)(6) appears in § 5.2(j)(8)

Public Copy—Sealed Materials Redacted

II. List of Parties

The true identity of the Petitioner is [redacted].

III. Table of Contents

IV. Table of Authorities

State Cases:

Federal Cases:

Illinois Statutes:

Federal Statutes:

Constitutional Provisions:

Scholarly Citations:

V. Petition for a Writ of Certiorari

Petitioner respectfully petitions this Court for a writ of certiorari to review the judgment of the Appellate Court of Illinois, Second District.

VI. Opinions Below

The opinion of the Appellate Court of Illinois, Second District is *People v. Doe*, 2024 IL App (2d) 230196. That opinion is not yet reported, but is available at 2024 WL 4824542. App. 1a. The Supreme Court of Illinois denied Petitioner discretionary review on April 26, 2025. That order is reported at 256 N.E.3d 988 (Table), 482 Ill.Dec. 24. App. 28a.

VII. Jurisdiction

The Supreme Court of Illinois denied Petitioner's timely petition for leave to appeal on April 26, 2025. Petitioner timely filed with the Clerk this petition for writ of certiorari within 90 days after entry of the order denying discretionary review. This Court has jurisdiction under 28 U.S.C. § 1257(a).

VIII. Constitutional and Statutory Provisions Involved

The Fourteenth Amendment to the United States Constitution provides, in relevant part: "...nor shall any State 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."

Illinois court supervision statute 730 ILCS 5/5-6-3.1(f) provides, in relevant part:

> "Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section... a person may have his record of arrest sealed or expunged as may be provided by law..."

The Illinois Criminal Identification Act (20 ILCS 2630/) [hereinafter the "Act"] § 5.2 provides the state's statutory scheme for expungement, sealing, and immediate sealing. App. 168a.

The Act § 5.2(a)(1) provides definitions, which include, in relevant part:

> "(C) "Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. An

> order of supervision successfully completed by the petitioner is not a conviction...
>
> (E) "Expunge" means to physically destroy the records or return them to the petitioner and to obliterate the petitioner's name from any official index or public record, or both. Nothing in this Act shall require the physical destruction of the circuit court file, but such records relating to arrests or charges, or both, ordered expunged shall be impounded as required by subsections (d)(9)(A)(ii) and (d)(9)(B)(ii)."

The Act § 5.2(b) provides the process for expungement, which includes, in relevant part:

> "(1) A petitioner may petition the circuit court to expunge the records of his or her arrests and charges not initiated by arrest when each arrest or charge not initiated by arrest sought to be expunged resulted in... (iii) an order of supervision and such supervision was successfully completed by the petitioner...
>
> (1.5) When a petitioner seeks to have a record of arrest expunged under this Section, and the offender has been convicted of a criminal offense, the State's Attorney may object to the expungement on the grounds that the records contain specific relevant information aside from the mere fact of the arrest.

> (2) Time frame for filing a petition to expunge... (B) When the arrest or charge not initiated by arrest sought to be expunged resulted in an order of supervision, successfully completed by the petitioner, the following time frames will apply... (ii) Those arrests or charges that resulted in orders of supervision for any other offenses shall not be eligible for expungement until 2 years have passed following the satisfactory termination of the supervision."

Procedure for expungement and sealing under the Act § 5.2(d), in relevant part:

> "(2) Contents of petition. The petition shall be verified and shall contain the petitioner's name, date of birth, current address and, for each arrest or charge not initiated by arrest sought to be sealed or expunged, the case number, the date of arrest (if any), the identity of the arresting authority, and such other information as the court may require...
>
> (6) Entry of order... (B) Unless the State's Attorney or prosecutor, the Illinois State Police, the arresting agency, or the chief legal officer files an objection to the petition to expunge or seal within 60 days from the date of service of the petition, the court shall enter an order granting or denying the petition.

> (9) Implementation of order. (A) Upon entry of an order to expunge... (ii) the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk... and (iii) in response to an inquiry for expunged records, the court, the Illinois State Police, or the agency receiving such inquiry, shall reply as it does in response to inquiries when no records ever existed."

The Act § 5.2(i)(10) (Minor Cannabis Offenses) and (j)(6)[3] (Felony Prostitution Convictions) provides:

> "Effect of Expungement. A person's right to expunge an expungeable offense shall not be limited under this Section. The effect of an order of expungement shall be to restore the person to the status he or she occupied before the arrest, charge, or conviction."

The Act § 13 concerns retention and release of sealed records, and provides, in relevant part:

> "(a) The Illinois State Police shall retain records sealed... or impounded... and shall release them only as authorized by this Act... However, all requests for records that have been expunged, sealed, and impounded and

[3] § 5.2(j)(8) (Effective July 1, 2025)

> the use of those records are subject to the provisions of Section 2-103 of the Illinois Human Rights Act. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Illinois State Police pertaining to that individual.
>
> (b) Notwithstanding the foregoing, all sealed or impounded records are subject to inspection and use by the court and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices.
>
> (c) The sealed or impounded records maintained under subsection (a) are exempt from disclosure under the Freedom of Information Act."

The Illinois Human Rights Act (775 ILCS 5/) § 2-103 concerns arrest records and provides, in relevant part:

> "(A) Unless otherwise authorized by law, it is a civil rights violation for any employer, employment agency or labor organization to inquire into or to use an arrest record... as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment...

> (B) The prohibition against the use of an arrest record... shall not be construed to prohibit an employer, employment agency, or labor organization from obtaining or using other information which indicates that a person actually engaged in the conduct for which he or she was arrested."

IX. Statement of the Case

The facts of this case are clear and straightforward, especially when viewed through the lens of *Nelson v. Colorado*, 581 U.S. 128, 135-39 (2017). Due Process is implicit throughout, Equal Protection is fairly included, and this Court may dispose of the case on such constitutional premises, "reaching the result by a method of analysis readily available to the state court." *Stanley v. Illinois*, 405 U.S. 645, 658 n. 10 (1972).

Petitioner seeks to expunge a dismissed charge of disorderly conduct and a non-prosecuted charge of domestic battery bodily harm. *People v. Doe*, at ¶5. The criminal charges were brought against Petitioner upon allegations of domestic abuse made by Petitioner's former spouse during the pendency of the parties' divorce.[4] App. 157a. It is fairly implied from the record that Petitioner entered his negotiated plea to disorderly conduct, in return

[4] Petitioner filed for divorce on [redacted] and the criminal charges originated from an incident report made by Petitioner's former spouse to local police on April 16, 2019.

for court supervision, in order to mitigate the risks associated with trial and to obviate any tactical advantage, or legal leverage, had over him by his former spouse in the divorce court proceedings, especially as it pertained to the allocation of parenting time and parental responsibilities for the parties' two minor children. App. 127a, 157a.

Petitioner has always maintained his innocence to the allegations of domestic battery, and he has no other criminal history aside from the dismissed disorderly conduct charge. App. 157a. Under Illinois law, an order of supervision successfully completed is not a conviction.[5] Illinois statute 730 ILCS 5/5-6-3.1(f) provides, in relevant part:

> "Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section... a person may have his record of arrest sealed or expunged as may be provided by law..."

Petitioner has over 15 years of work experience, and has enjoyed professional success, in a niche area of specialization where any sort of

[5] See Act § 5.2(a)(1)(C) ("An order of supervision successfully completed by the petitioner is not a conviction"

charge appearing in his fingerprint-based background check directly impacts his ability to obtain, and maintain, employment commensurate with his skills and experience. App. 126a, 155a. Petitioner was steadily employed at the time he entered a negotiated plea to disorderly conduct. App 156a. Shortly thereafter, Petitioner's employment was terminated, and he has remained largely unemployed since.[6] App. 154a. Accordingly, Petitioner has an interest in expungement relief.

On November 1, 2022, and upon meeting the statutory requirements for expungement under the Illinois scheme, Petitioner used a state-approved form, providing the information as required by statute, to petition for expungement of his criminal arrest records. *People v. Doe*, at ¶5. No interested party filed a timely objection. In such circumstances, the statutory procedure for expungement and sealing under the Act § 5.2(d)(6)(B) requires:

> "Unless the State's Attorney or prosecutor, the Illinois State Police, the arresting agency, or the chief legal officer files an objection to the petition to expunge or seal within 60 days from the date of service of the petition, the court shall enter an order granting or denying the petition."

[6] Petitioner entered a negotiated plea in return for court supervision on December 3, 2019. Petitioner's employment was terminated on March 11, 2020, and he has been largely unemployed since.

At the initial court hearing on March 16, 2023, the trial court granted Petitioner's motion to strike the State's untimely objection. *People v. Doe*, at ¶6. Petitioner "noted that he had successfully completed the supervision for disorderly conduct and even had the supervision terminated early." *Id*, at ¶7. In other words, Petitioner said precisely what he needed to indicate that he was adjudged guilty of no crime and his order of supervision, successfully completed, was not a conviction. Petitioner also clearly articulated his interest in expungement by stating that his criminal records would impact his ability to seek employment at the same level that he had prior to the arrest. App. 126a.

The trial court stated it was reluctant to grant expungement at that time, because it claimed that upon order of expungement: "There is no record of it ever occurring." *People v. Doe*, at ¶8. On the contrary, under the Illinois scheme, and upon order of expungement: "Nothing in this Act shall require the physical destruction of the circuit court file, but such records relating to arrests or charges, or both, ordered expunged shall be impounded as required", not destroyed. See Act § 5.2(a)(1)(E). Further, the trial court placed upon Petitioner the burden of showing that he was "denied a job" based on the trial court's decision to seal, rather than to expunge. *People v. Doe*, at ¶8.

Petitioner filed a timely motion to reconsider in which he raised Due Process arguments: (1) as no timely objection to the petition was filed, the court

was required to rule based solely on the petition; (2) the court erred in using defendant's negotiated plea as a basis to deny the petition or to otherwise infer guilt; and (3) the court erred in requiring defendant to show good cause for expungement. App. 114a. See also *People v. Doe*, at ¶9. Here, and because he was adjudged guilty of no crime, Petitioner argues that he should not have to prove anything other than that he meets the statutory requirements for expungement. Due Process places the burden of proof on the State if it wishes to deny expungement relief, and in the absence of objection, the trial court is required to rule solely on the basis of the petition. Further, the trial court imposed a burden upon Petitioner that is irrelevant to the relief he seeks. Whether Petitioner can prove that he is factually innocent is beside the point, especially under the clear and unambiguous language of the statute. As a result, the trial court granted Petitioner's motion to reconsider. *People v. Doe*, at ¶10.

Petitioner continued to preserve the issues for review. Petitioner stated: "So as I stated on March 16th, I was under court supervision for disorderly conduct. I successfully completed that supervision. It was actually terminated early." App. 154a. Petitioner continued, "For my line of work, I'm required to submit fingerprints and background checks... I've complied with every statute, everything that's been asked of me, I've done everything that I possibly can, but again, your Honor, I've been unemployed for three years... I have at least another

20 years of employment ahead of me, and I've been specializing in a specific niche area for over 15 years." App 155a. Petitioner reiterated his reliance on *Ackerman v. People*, 2021 IL App (3d) 200169, ¶11, which requires that in the absence of objection to a petition for expungement, "the trial court is required to rule solely on the basis of the petition." Again, the trial court denied Petitioner's request for expungement, claiming among its reasons for sealing insead of expunging Petitioner's criminal records is that expungement "is destroying all the records." App 159a.

Petitioner timely filed a notice of appeal and subsequently passed these issues to the Appellate Court of Illinois, Second District in his "Appellant Brief'. App 77a. Petitioner's first argument is that the trial court violated the Act § 5.2(d)(6)(B) by holding an expungement hearing in the absence of objection. App 91a. In addition to *Ackerman v. People*, Petitioner cited the Supreme Court of Illinois decision *People v. Howard*, 233 Ill.2d 213 (2009), which states that the Act § 5.2(d)(6)(B) "uses mandatory language in that the trial court 'shall' enter an order." *Id*, at 220. Despite the fact that Petitioner relied upon *People v. Howard* both in the trial court, and on appeal, the appellate court ignored that authority in its opinion. App. 94a. The appellate court called such analysis, which supports ruling solely on the basis of the petition for expungement, "flawed, leading to an absurd result." *People v. Doe*, at ¶22. The appellate court effectively

found that Petitioner comported with the Due Process requirements of the Illinois scheme.[7] *Id*, ¶¶22-23. However, the appellate court required more than these minimal requirements. *Id*, at ¶24.

The appellate court called Petitioner's fifth argument on appeal "convoluted and undeveloped" and gave it no consideration. *Id*, ¶40. Petitioner's fifth argument cites Illinois statute 730 ILCS 5/5-6-3.1(f), which states Petitioner was adjudged guilty of no crime, the cornerstone of his Due Process argument.[8] App. 104a–107a. Here, because the language of the statute is clear and unambiguous, Petitioner saw no need for further authority.[9]

The appellate court vacated the trial court's judgement and remanded Petitioner's cause "for a new hearing or evidentiary hearing on defendant's petition or an amended petition" despite the fact that such an order does not comport with Due Process as required by statutory procedure under the Act § 5.2(d)(6)(B). *People v. Doe*, at ¶45.

The appellate court's November 15, 2024 opinion originally used Petitioner's full name and other identifying details, despite the fact that Petitioner appealed from a May 18, 2023 order in the trial court, where the record was previously sealed

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[7] See Act § 5.2(d)

[8] See Psalm 118:22 ESV ("The stone that the builders rejected has become the cornerstone")

[9] In *Nelson v. Colorado*, this Court agreed: "Absent conviction of a crime, one is presumed innocent." *Id*, at 130. A state "may not presume a person, adjudged guilty of no crime, nonetheless guilty enough" to justify a continuing deprivation. *Id*, at 136.

on March 16, 2023. App. 61a. Paragraph 4 of the order appealed, states: "The Court believes in the interest of justice that the previously granted seal on 3/16/23 will remain intact for protection of the Defendant." App. 29a.

Petitioner filed two separate emergency motions in the appellate court to redact his name and identifying information from the appellate court's published opinion, both of which were granted. App. 60a–76a. However, Petitioner found at least nine websites continued to post an identifying version of the opinion, and despite his reasonable efforts to have the offending content removed, some of these identifying Internet postings remain active. App. 34a, 161a. As a result of State actions, Petitioner reasonably fears that irreparable harm was done to his name and reputation. App. 35a.

Petitioner filed a timely petition for leave to appeal with the Supreme Court of Illinois. App. 31a–59a. The Supreme Court of Illinois denied Petitioner discretionary review on April 26, 2025. App. 28a. This petition followed.

X. Reasons for Granting the Writ

The Appellate Court of Illinois, Second District decided Petitioner's case in a way that conflicts with the decision of this Court in *Nelson v. Colorado*, 581 U.S. 128 (2017). It is an undisputed fact that Petitioner has never been convicted of a crime. It is likewise undisputed that Petitioner meets the

statutory requirements for expungement, and that he used a state-approved form, providing the information as required by statute, to petition for expungement of his criminal arrest records. The State did not file a timely objection prior to trial; nor did it file an opposition brief on appeal. However, the appellate court decided: "Obviously, more than the minimum requirements to be eligible for expungement must be involved." *People v. Doe*, at ¶24. Although *Nelson v. Colorado* addressed the return of monetary exactions upon reversed convictions, its holding must rationally extend to a broader due process principle: A State may not impose anything more than minimal procedures upon a petitioner seeking to reclaim a property or liberty interest after a criminal case has been terminated without a conviction. See *Nelson v. Colorado*, at 135-39.

The liberty interest to work is at the "very essence of the personal freedom and opportunity" secured by the Fourteenth Amendment. *The Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 588-89 (1972).[10] "Employment can play a meaningful role in reducing recidivism for Illinoisans with a criminal record... One way to assist these citizens in obtaining employment is to have their criminal records cleared through the process of expungement

[10] Quoting *Truax v. Raich*, 239 U.S. 33, 41 (1915)

and sealing."[11] Accordingly, the Illinois legislature codified the purpose of expungement: "to restore the person to the status he or she occupied before the arrest, charge, or conviction."[12]

For certain classes of persons, who may have been convicted of crimes, Illinois treats expungement as a statutory right.[13] However, for other persons, like the Petitioner, who have successfully completed court supervision, and who have, under the law, been adjudged guilty of no crime, Illinois treats expungement as a discretionary privilege.[14] There exists no rational basis for Illinois to provide expungement as a right for select persons, who may have been convicted of certain offenses, when other persons without criminal convictions, who should reasonably be presumed innocent, are denied such right. When "a State has accorded bedrock procedural rights to some, but not to all similarly situated", such a scheme is "inescapably contrary to the Equal Protection Clause". *Stanley v. Illinois*, 405 U.S. 645, 658 n. 10 (1972). In any event, this Court long ago "rejected the wooden distinction between 'rights' and 'privileges' that once seemed to govern the applicability of procedural due process rights... [and] has required due process protection for deprivations of liberty beyond the sort of formal

[11] See Andrew M. Weaver, *Survey of Illinois Law: Section 5.2 of the Criminal Identification Act: The Expungement and Sealing of Illinois Criminal Records*, 43 S. Ill. U. L.J. 889, 889-90 (2019)
[12] Supra, note 2
[13] Supra, note 2
[14] See *People v. Doe*, at ¶24

constraints imposed by the criminal process." *Board of Regents v. Roth*, at 571-72.

Furthermore, there is a crucial distinction between being deprived of a liberty interest one has, versus being denied a conditional liberty that one desires. See *Greenholtz v. Inmates of Nebraska Penal Complex*, 442 U.S. 1, 9 (1979). Here, Petitioner had obtained a vested liberty interest in the form of sealing relief granted by the trial court, and his criminal records were impounded. Notwithstanding, the appellate court publicly disclosed, in the original version of its opinion, which it made readily available on the Internet, Petitioner's full name and other identifying details in connection with his arrest for criminal allegations of domestic battery. Almost immediately, artificial intelligence tools and automation scripts republished Petitioner's personal information on various websites.[15] Subsequently, the Illinois State Bar Association misapprehended the facts of this case by publishing a misleading statement on its official website that Petitioner sought to expunge "criminal records relating to a negotiated guilty plea for domestic battery"[16], when in fact Petitioner pled only to disorderly conduct, in return for court supervision, and has always maintained his innocence to, and otherwise disputed, the allegations of domestic battery made against him. Despite Petitioner's reasonable efforts to have

[15] See App. 60a; 65a; 161a
[16] See App. 163a

the offending content removed, some of these identifying Internet postings remain active, and content associating Petitioner to criminal records is among the top Internet search results for Petitioner's name.[17] As a result, Petitioner's liberty interest in "being free to move about, live and work at his chosen vocation without the burden of an unjustified label of infamy" has been implicated. *Waite v. Civil Service Commission*, 241 S.E.2d 164, 167 (1977).

The purpose of expungement is defeated when a publicly disclosed appellate record, made readily available on the Internet, forever ties the Petitioner to the arrest.[18] Under the Illinois Human Rights Act § 2-103, it is a civil rights violation for any unauthorized employer to use a person's arrest record as a basis to refuse to hire, unless the employer obtained knowledge of the arrest using "other information", like an appellate record that is publicly available on the Internet.[19] Petitioner must now endure the continuing stigma resulting from actions of the State, and as a collateral consequence, his future employment prospects are greatly diminished: in his chosen occupation, or in any other

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[17] See https://www.google.com/search?q=[redacted] (Last accessed June 23, 2025) [https://perma.cc/[redacted]

[18] See *Ex parte N.R.L.*, 654 S.W.3d 605, 607 n.2 (Texas 5th Dist. 2022); *State v. C.P.H.*, 707 N.W.2d 699, 705 (Minnesota App. 2006). See also the Act § 13 ("all requests for records that have been expunged, sealed, and impounded and the use of those records are subject to the provisions of Section 2-103 of the Illinois Human Rights Act")

[19] See Illinois Human Rights Act (775 ILCS 5/) § 2-103.

endeavor. Unfortunately for Petitioner, and others similarly situated, it is easier to obtain a gun[20] than a job under the Illinois scheme for expungement and sealing relief.

While at the federal level, there currently exists very limited authority for expungement, that has not always been the case. Prior to being repealed by the Sentencing Reform Act of 1984[21], the Federal Youth Corrections Act (FYCA) § 5021[22] provided for expungement of set-aside convictions for youthful ex-offenders. The federal decisions on expungement under the FYCA § 5021 remain highly persuasive and prescient, and should be revisited by this Court.[23] The clear conclusion at that time was that the "retention of arrest records serves no legitimate government purpose where a non-public record of the conviction record is maintained." *U.S. v. Doe*, 496 F.Supp. 650, 654 (1980).

Under the Illinois scheme, and upon entry of an order to expunge, "the records of the circuit court clerk shall be impounded until further order of the court upon good cause shown." Act § 5.2(d)(9)(A)(ii). Furthermore, "all sealed or impounded records are subject to inspection and use by the court and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out

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[20] See App. 167a
[21] Effective November 1, 1987
[22] 18 U.S.C. § 5021 (Repealed)
[23] See *Doe v. Webster*, 606 F.2d 1226 (1979); *U.S. v. Doe*, 496 F.Supp. 650 (1980)

the duties of their offices." Act § 13(b). Therefore, the Illinois scheme flunks the three-part test of *Matthews v. Eldridge* as employed by this Court in *Nelson v. Colorado,* because it serves no countervailing purpose, and the State meanwhile perpetuates a continuing liberty deprivation on its citizens.[24] Here, it is insufficient for Illinois to remand Petitioner's cause "for a new hearing or evidentiary hearing on defendant's petition or an amended petition" years after he first sought and petitioned for expungement relief. *People v. Doe*, ¶45. "Surely, in the case before us, if there is delay between the doing and undoing petitioner suffers from the deprivation" of his liberty interest in the interim. *Stanley v. Illinois*, at 647. As a result, and owing to the animus shown towards Petitioner, for no other reason than he was arrested based on allegations of domestic battery, Petitioner continues to be unemployed.

To be clear, expungement is a national issue. According to the FBI, over 87 million persons have a record in its Next Generation Identification (NGI) system's criminal fingerprint repository as of May 2025.[25] Further, "the collateral consequences of a criminal conviction are growing more severe and pervasive due to the explosion in the creation,

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[24] See *Nelson v. Colorado*, at 135, citing *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)

[25] See https://le.fbi.gov/file-repository/ngi-fact-sheet.pdf (Last accessed June 23, 2025) [https://perma.cc/FY4K-6M9X]

retention, and dissemination of criminal records."[26] Thus, if the legal concept of ripeness is analogous to picking fruit, then expungement of criminal arrest records is well beyond ripe. However, what the market goer may discard as undesirable or rotten, and unworthy of consideration, this Court must not ignore. Let us not forget: Constitutional "liberty" and "property" are broad and majestic terms, purposely left to gather meaning from experience, relating to the whole domain of social and economic fact, and for this reason, the statesmen who founded this Nation knew too well that only a stagnant society remains unchanged. *Board of Regents v. Roth*, at 571. Accordingly, it would be insufficient for this Court to stop short of anything less than a full consideration of whether the expungement of criminal arrest records, especially for persons adjudged guilty of no crime, entails an interest worthy of protection under the Fourteenth Amendment.

[26] See *State v. M.D.T.*, 831 N.W.2d 276, 302 (Minnesota 2013) (Anderson, P., dissenting)

XI. Conclusion

Therefore, the petition for a writ of certiorari should be granted.

Respectfully submitted,

[redacted]
Self-Represented Litigant
[redacted]
Highland Park, IL 60035
[redacted]
[redacted]

June 24, 2025