

25-5508
No.

ORIGINAL

Supreme Court, U.S.
FILED

APR 27 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

LEIVANTE ADAMS — PETITIONER
(Your Name)

vs.

PEOPLE OF THE STATE OF ILLINOIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

LEIVANTE ADAMS
(Your Name)

2500 ROUTE 99 SOUTH
(Address)

MUNSTER, IN 46353
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

i) At the motion for leave to file a successive post-conviction petition cause-and-prejudice is excused when alleging actual innocence *People v. Ortiz*, 235 Ill.2d 319.

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:

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725 ILCS 5/122-1(f) (West (2024))

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☒ is unpublished.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☒ is unpublished.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 Illinois Supreme Court; or,

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

☐ is unpublished.

The opinion of the First District Appellate Court 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☐ is unpublished.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 January 29th, 1975.
A copy of that decision appears at Appendix 4.

☐ 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

cause-and-prejudice is excused when alleging
actual innocence.

STATEMENT OF THE CASE

In 2005 Petitioner Leivante Adams was convicted of first degree murder of Racine Baker. Multiple witnesses recanted their statement to detectives.

STATEMENT OF THE CASE

In 2005 Petitioner Leivante Adams was convicted of first degree murder of Raama Baker.

At trial Terence Whisby testified that the reason he changed his story and named Petitioner as the murderer was because the officers threatened to charge him with murder if he did not cooperate. The officers also told Whisby that a condition of his release was signing a written statement. Notably Whisby testified that, while he did sign the statement it was written out for him and he did not look over it before signing.

Toni Washington testified that Det. Lenihan and another officer, in exchange for making a statement, promised not to charge her with anything and was also promised that [she] would get a chance to see [her] son again when the detectives came to [her] job. Toni recanted her grand jury testimony.

Kimberly Washington testified that the detectives also threatened to charge Whisby - her boyfriend - if she did not cooperate. According to Kim all of her previously recorded statements were fabricated by the police or based on the fabrication.

Barbara Oliver testified that Det. Lenihan told her, "that the only way they would let Terence go is if she (Terence Whisby's mother) came down to the station. Barbara was allowed to leave with Terence and Kim after she agreed to giving a signed statement a handwritten statement that

was written out for her to sign.

As with Kim, Toni, the officers supplied Barbara with the information that was ultimately attributed to her in the handwritten statement.

According to Barbara, the information in the written statement, as well as her grand jury testimony was provided to her by CPD detectives including Det. Lenihan.

REASONS FOR GRANTING THE PETITION

Because I meet the cause-and-prejudice requirements of the pattern of practice with the detectives on my case.

REASONS TO GRANT PETITION

This Court should grant Petitioner petition because cause-and-prejudice is excused when alleging actual innocence in a motion for leave to file a successive post-conviction petition 725 ILCS 5/122-1(f) (West 2024) *People v. Ortiz*, 235 Ill. 2d 319 (2009). The due process clause of the Illinois Constitution affords post conviction petitioners the right to assert a free-standing claim of actual innocence based on newly discovered evidence *Morgan*, 212 Ill. 2d at 454, 288 Ill. Dec. 166, 817 N.E. 2d 524; *People v. Washington*, 171 Ill. 2d 475, 489, 216 Ill. Dec. 773, 665 N.E. 2d 1330 (1996).

Petitioner supporting evidence is of such conclusive character that it will probably change the result upon retrial *People v. Jackson*, 2021 IL 124818, ¶13 (quoting *People v. Patterson*, 192 Ill. 2d 93, 139 (2000)).

New evidence of a pattern and practice of police misconduct is relevant to Petitioner claim of actual innocence. Similarity is a critical factor to consider when determining whether new evidence of police misconduct in other cases establishes a pattern and practice of certain behavior.

On September 25th, 2024 Presiding Justice Lampkin delivered the judgment of the court. Justice Martin and D.B. Walker concurred in the judgment affirming the judgment of the trial court denying leave for Petitioner to file a successive petition for post conviction relief.

REASONS TO GRANT PETITION

Petitioner petition should be reversed for further post-conviction proceedings based on the cause-and-prejudice requirements being met.

"Newly discovered evidence of police coercion may, depending on the individual circumstances of the case, provide cause for permitting the filing of a successive post conviction petition." *People v. Vdourn*, 2023 IL App (1st) 200857, ¶139. Where as here, the claim of prejudice rests on new evidence, the petitioner must show that his supporting evidence is of "such conclusive character that it will probably change the result upon retrial." *People v. Jackson*, 2021 IL 124818, ¶131 (quoting *People v. Patterson*, 192 Ill.2d 93, 139 (2000)).

Evidence of prior police misconduct is admissible to establish a pattern and practice of misconduct where (1) "it involved the same office or officers (2) involved similar methods of abuse and (3) occurred near the time that the defendants allegations occurred." *Martinez*, 2021 IL App (1st) 190490, ¶162.

To establish a claim of actual innocence based on a pattern and practice of misconduct, the evidence of prior police misconduct must be (1) newly discovered, (2) material and not cumulative, and (3) of such conclusive character that it would probably change the result on retrial. See *People v. Coleman*, 2013 IL 113307, ¶196.

REASONS TO GRANT PETITION

Newly discovered evidence is evidence that was discovered after trial and that the petitioner could not have discovered earlier through the exercise of due diligence. Id. Evidence is material if it is relevant and probative of the petitioner's innocence. Id. Noncumulative evidence adds to the information that the fact finder heard at trial. Id. (citing *People v. Mulstad*, 101 Ill.2d 128 (1984)). Lastly, the conclusive character element refers to evidence that, when considered along with the trial evidence, would probably lead to a different result. Id. (citing *People v. Ortiz*, 235 Ill.2d 319, 336-37 (2009)).

"The most important element of an actual innocence claim is the conclusive character of the new evidence." Robinson, 2020 IL 123849, ¶ 47. That being said, probability, not certainty, is the key in considering conclusiveness." Martinez, 2021 IL App (1st) 190490, ¶ 115. Ultimately, the question is whether the evidence and undermines the court's confidence in the judgment of guilt." Robinson, 2020 IL 123849, ¶ 48; see Coleman, 2013 IL 113307, ¶ 97; *People v. Davis*, 2012 IL App (4th) 110305, ¶ ¶ 62-64.

It is undisputed that CPD Detectives Robert Lenihan, Robert Bartik, Dolores Myles, and Sergeant Edward Adams were assigned to Raam Bakera's murder investigation. All of the supporting evidence of prior allegations of misconduct attached to Petitioner Supplement To Motion For Leave To File Successive Petition For Post-Conviction Relief identify these four officers as either perpetrators or silent witnesses of misconduct.

REASONS TO GRANT PETITION

Therefore the allegations involve the same officers. See Martinez, 2021 IL App (1st) 190490 ¶164. The similarities between the allegations of misconduct in Petitioner case and the various cases cited in Petitioner Petition For Leave To Appeal are significant and numerous.

The coercion of witnesses and misleading and false statements are rampant in both Petitioner case and in the cases in which the named detectives have either been found to have engaged in misconduct or set silently by while their fellow officers engaged in misconduct. Petitioner's allegations of misconduct occurred subsequent to his arrest in May 2003. Many of the allegations of misconduct contained in Petitioner's Supplement To Motion For Leave To File Successive Petition For Post-Conviction Relief "occurred near the time of Petitioner's allegations, and while the other allegations may be somewhat remote in time from the occurrence alleged by Petitioner, the evidence [is] a series of incidents that spans several years... demonstrating a pattern and practice of misconduct. See Martinez, 2021 IL App (1st) 181486 ¶163. The following is a list of the documented allegations of misconduct, preceded by the date of occurrence and the alleged offender:

• (1993) Det. Lenihan, People v. Tyrone Howard, 2021 IL App (1st) 162964

• (1993) Det. Lenihan, People v. Wayne Washington, 2020 IL App (1st) 163024

((1994) Det Lenihan, People v. Sean Tyler, 2015 IL App (1st) 123470, TIRC 2011, 094-T

(1997) Det. Lenihan, People v. Antoine Ollie, 333 Ill. App. 3d 971 (2002).

(1997) Det. Lenihan, People v. King Garland, 2014 IL App (1st) 123016-U

(1998) Det. Adams, People v. Tolliver, 347 Ill. App. 3d 203 (2004)

(1999) Det. Bartik, People v. Rory Cook, 352 Ill. App. 3d 108 (2004)

(1999) Det. Bartik, People v. Ray Willis, 215 Ill. 2d 517 (2005)

(2000) Det. Lenihan and Bartik, People v. Anteletto Jones 2017 IL App (1st) 123371

(2000) Det. Lenihan Mike Parnell v. Robert Lenihan, et al, 03 - CV-5316

(2000) Det Bartik, Xavier Walker v. City of Chicago, et al, 1:20-CV-07209 (2000 Arrest); Walker v. City of Chicago et al, No. 20-CV-7209, 2021 WL 4086770 (N.D. Ill. Sept. 8, 2021; TIRC 2011.146-W

(2000) Det Bartik, Larry Scott v. City of Chicago 724 F. Supp. 2d 917 (N.D. Ill. 2010).

((2001) Det. Lenihan and Bartik Donny McGee v. City Of Chicago, et al, No. 04 CV 6352, 2008 WL 11517151, at *1 (N.D. Ill. Jan 23, 2008); 2012 IL App (1st) 111084

(2001) Det. Bartik, Danny Lanza v. City of Chicago et al, 1'08-CV-05103. Danny Lanza v. City Of Chicago No. 08 C 5103, 2009 WL 1543680 N.D. Ill. June 2, 2009 (Exh. Q and R).

(2001) Det. Bartik, Peoples v. Kevin Jackson, 2018 IL App (1st) 171773, as modified on denial of reh'g (Mar. 29, 2019), aff'd 2021 IL 124818

((2002) Det. Myles, Maurice Patterson v. City Of Chicago et al, 14-CV-7052

(2003) Det. Bartik John Fulton v. Bartik et al, 1'20-CV-03118. Fulton v. Bartik, No. 20 C 3118, 2021 WL 2712060, (N.D. Ill. July 1, 2021) (Exh. S and T)

(2003) Det. Bartik, Anthony Mitchell v. Bartik et al, 1'20-CV-03119 (2003 Arrest)

(2003) Det. Bartik Lee Murphy v. Atchison, No. 12 C 3106, 2013 WL 4495652, at *1 (N.D. Ill. Aug. 19, 2013) (2003 Arrest)

((2005) Det. Bartik, Nicole Harris v. City Of Chicago et al, 14-CV-04391, Harris v. City Of Chicago, No. 14 C 4391, 2017 WL 3193585 (N.D. Ill. July 27, 2017); Harris v. City Of Chicago, No. 14 C 4391, 2018 WL 2183992 (N.D. Ill. May 11, 2018)

((2011), Det. Adams, Tameeka Isby v. City Of Chicago et al, 11-cv-7068.

The appellate court in Martinez recognized a similar series of instances as admissible to show a pattern and practice of misconduct. The exact same can be said for Petitioner's petition and attached documentation. Nearly all these instances occurred in the 90s and early 2000's, near the time that the above named detectives investigated Raama Baker's murder in 2003, which "would clearly be admissible in Petitioner's case to show a pattern and practice of misconduct." See Id.

CONCLUSION

(Petitioner Leivante Adams April 27th, 2025

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lewante Adams

Date: April 27th, 2024
