

No. **26-5730** **ORIGINAL**

Supreme Court, U.S.
FILED

JUL 13 2026

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

DONELL SIMMONS — PETITIONER
(Your Name)

vs.

RYAN WOODS, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DONELL SIMMONS PRO' SE
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QUESTION(S) PRESENTED

1. WHETHER THE COLLECTIVE KNOWLEDGE DOCTRINE CAN GIVE VALIDATION TO AN ARRESTING OFFICER IN CONDUCTING A WARRANTLESS SEARCH AND ARREST, INSIDE OF A HOME, WITH OUT HAVING ANY CONSENT OR EXIGENT CIRCUMSTANCES TO DO SO?
2. COULD PROBABLE CAUSE STILL BE IMPUTED IF THE OFFICER WHO ISSUED THE "INVESTIGATIVE ALERT" NEVER TESTIFIES IN DOING SO OR WHERE HIS KNOWLEDGE TO ARREST CAME FROM?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

1. Ryan Woods, Warden of Sheridan Correctional Center
(Respondent)
2. Donell Simmons (Petitioner)

RELATED CASES

1. Minnesota v. Robert Darren Olsen, no. 88-1916, Minnesota Supreme Court, Judge entered Apr. 18, 1990
2. United States v. Darnell L. Ellis, no. 06-3137, U.S. Court of Appeals for the Seventh Circuit, Judgement entered Aug. 27, 2007
3. United States v. Richard Walker, no. 24-1522, U.S. Court of Appeals for the Seventh Circuit, Judgment entered July 17, 2025

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-8
REASONS FOR GRANTING THE WRIT	9-17
CONCLUSION.....	18

INDEX TO APPENDICES

APPENDIX A	U.S. Court of Appeals for the Seventh Circuit
APPENDIX B	U.S. District Court, N.D. Illinois, Eastern Division
APPENDIX C	State of Illinois Supreme Court
APPENDIX D	State of Illinois Appellate Court First District
APPENDIX E	State of Illinois Circuit Court of Cook County
APPENDIX F	Affidavits of Cletus Hampton (L) and Donell Simmons (M)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Brecht v. Abrahamson, 507 U.S. 619 (1993)	15, 16
Brown v. Illinois, 422 U.S. 590 (1975)	15
Kimmelman v. Morrison, 447 U.S. 365 (1986)	16
Minnesota v. Carter, 525 U.S. 83, 90 (1998)	4, 13
Minnesota v. Olsen, 495 U.S. 91 (1990)	12
Payton v. New York, 445 U.S. 573 (1990)	10
U.S. v. Ellis, 499 F. 3d 686 (7th Cir. 2007)	14, 15
U.S. v. Nafziger, 974 F. 2d 906 (7th Cir. 1992)	14
U.S. v. Williams, 627 F.3d 247 (7th Cir. 2010)	14
People v. Sutherland, 223 Ill. 2d at 230 (2006)	13

STATUTES AND RULES

28 U.S.C. 2254	7
Supreme Court of the United States, rule 10	9, 15
Supreme Court of the United States, rule 10(a)	14
Supreme Court of the United States, rule 10(b)	13
Supreme Court of the United States, rule 13	8
Supreme Court of the United States, rule 29	19
Supreme Court of the United States, rule 33.1(d)	20
Supreme Court of the United States, rule 33.1(h)	20
28 U.S.C. 1254(1)	2
28 U.S.C. 1257(a)	2
28 U.S.C. 2254(d)	3, 16

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 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 United States district 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.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits 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 _____ 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 28, 2026.

☒ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

1. BOTH the 4th Amendment to the United States Constitution and article 1, section 6, of the Illinois Constitution of 1970 guarantee the right to be free from unreasonable search and seizures, U.S. Const. Amend. 4th; Ill. Const. 1970, art. 1, section 6.
2. Where trial counsel failure to litigate a 4th Amendment claim competently is the principal allegation of ineffective assistance, and proving trial counsel performance was so deficient that counsel was not functioning as guaranteed by the 6th Amendment.
3. The 14 Amendment (14th), guarantees a criminal appellant pursuing a first appeal as of right has certain minimum safeguards necessary to make that appeal as "adequately and effectively" as possible.
4. Unreasonable determination of facts under 28 U.S.C. 2254 (d).

STATEMENT OF THE CASE

In providing evidentiary evidence that petitioner Donell Simmons should have been granted protection under the 4th, 6th, & 14th Amendment Rights of the U.S. Constitution. Simmons through a supplemental post conviction filed by appointed post conviction counsel on April 16, 2015. Had moved to introduce evidence to the State of Illinois Circuit Court that had included an affidavit from Cletus Hampton (Appendix F (L)), who is a close friend of petitioner and an affidavit of Simmons (Appendix F (M)), both establishing nexus inside the Hampton's residence were Simmons was arrested.

2. On February 21, 2016, in giving reasons of denial, the state circuit court in its interpretation of *Minnesota v. Carter*, 525 U.S. 839 (1998), decided because Simmons was at the Hamptons home to do drugs and waiting for Hampton's mother to escort him home. Then Simmons testimony rebuts the argument that he was an overnight guest at Hampton's home and was therefore (sic) entitled to reasonable expectations of privacy (Appendix E, pg. 17).

3. In relevance to this proceedings, the following facts are adopted from petitioner's

State of Illinois Appellate Court record
(Appendix D):

4. Prior to petitioner's trial. He was charged along with codefendants Labar "Bro-Man" Spann, Martise "Shorty" Nunnery, and Marcus "Black" Ware, a.k.a. John Coleman, with, inter alia, multiple counts of first degree murder and aggravated battery with a firearm. The charges against the petitioner stemmed from the June 4, 2003 shooting that resulted in the death of Rudy "Kato" Rangel Jr. and the injury of Harrison Hall. Following a severed bench trial on June 2, 2008, the petitioner was convicted of first-degree murder at 47 years and a consecutive sentence to 6 years for aggravated battery. Id. at 2.

5. Petitioner filed a motion to quash his arrest and suppress evidence, alleging that police did not have probable cause to arrest him without a warrant. At the hearing, the petitioner presented the testimony of Detective Keith Allen. According to Detective Allen, on November 22, 2003, he went to 4223 W. Wilcox Street with ten members of a gang tactical team. The officers went to the building because they had an "investigative alert" stating that the petitioner was sus-

pected of killing Rangel. Detective Allen was positioned at the rear entrance to the building and, after other officers entered, they opened the rear door for him. Inside, he saw petitioner in handcuffs. And Detective Allen acknowledged that he did not have a search or arrest warrant for the petitioner. Id. at 4.

6. The state circuit court denied the motion alleging that there was almost overwhelming probable cause ***to make their arrest and any evidence derived there from should not be suppressed. Id. at 10.

7. On appeal petitioner contended that he had made a substantial showing that his state appellate counsel was ineffective for failing to challenge the state circuit court's ruling on his motion to quash arrest and suppress evidence where probable cause to arrest him was based solely on an investigative alert and the officer who issued that alert did not testify at the hearing. Id. at 47.

8. The state did not dispute that petitioner was not arrested pursuant a warrant. And Detective Allen admitted he did not see petitioner doing anything unusual or illegal at the time. Id. at 50.

9. Although the state presented Sergeant Daly, petitioner had contended that such testimony by

Daly "offered no evidence that he was connected with the investigative alert". And the investigative alert listed Detective William Ruck as a contact person. Id. at 51.

10. But, yet the State of Illinois presented no testimony from Detective Ruck stating that he issued the investigative alert or was he responsible for petitioner's arrest at the Cletus Hampton's residence.

11. However, in its determination the state appellate court still reached a decision to deny the petitioner's 4th Amendment Rights because of information uncovered as a result of Sergeant Daly investigation, in relation to the June 4, 2003 shooting death of Rangel. Id. at 57.

PETITIONER APPEAL PROCEEDINGS

12. Petitioner sought leave to appeal his probable cause issue to the Illinois Supreme Court, but on May 26, 2021 the Court without hearing petitioner plea for relief denied review. (Appendix C, pg.1).

13. After appealing pro'se through habeas corpus, pursuant to 28 U.S.C. 2254, in relation to petitioner's state court challenge to pro-

bable cause. On August 28, 2024, the U.S. District Court, N.D. Illinois, Eastern Division reached a determination that incorporate the "collective knowledge doctrine" as a means to deny the petitioner probable cause claim (Appendix B, pgs. 4-5).

14. But the District Court ruling was without any evaluation upon whether imputed knowledge granted officers grounds to effectuate an arrest of petitioner in the Hampton's residence.

15. Petitioner would later move to appeal to the United States Court of Appeals For the Seventh Circuit, seeking assistance of the court, so counsel could have properly presented the contention of petitioner challenge to probable cause of his arrest at the Hamptons. But, on April 28, 2026, without granting counsel the Court founded that there was no substantial showing of a denial of constitutional right. (Appendix A).

16. The petitioner now under Rule 13, timely wish to appear before this Court and seeking a petition for a writ of certiorari, after being denied his 4th, 6th, & 14th Amendment Right as provided by the U.S. Constitution.

REASONS FOR GRANTING THE PETITION

17. The issue here is not only intended to challenge the rulings of the previous courts (appendix A-E), but the issue is of "national importance" that affects the 4th Amendment Constitutional Rights of every United States citizen to be secured in a private or legitimate expectation of privacy. Because of such, petitioner Donell Simmons humbly ask for this Honorable Court to decide "Whether the collective knowledge doctrine can give validation to an arresting officer in conducting a warrantless search and arrest, inside of a home without having any consent or exigent circumstances to do so?"

18. If this Supreme Court determines the collective knowledge doctrine does not provides such validation. Then petitioner humbly ask for this Court to exercise its "supervisory power", under Rule 10, and move to vacate the petitioner conviction. For all of the following reasons:

19. BOTH the 4th Amendment to the United States Constitution and article 1, section 6, of the Illinois Constitution of 1970

guarantee the right to be free from unreasonable searches and seizures. U.S. Const., Amend. 4th; Ill. Const. 1970, art. 1, section 6. The Illinois Supreme Court has interpreted the search-and-seizure provision found in article 1, section 6, of the Illinois Constitution consistently with 4th amendment caselaw from the United States Supreme Court. see Payton v. New York, 445 U.S. 573 (1980). And by doing so it recognized not only is there's the right to be free from unwanted and unreasonable intrusion, but it is chief among the protection of the 4th amendment, and is so closely guarded to the protection of the home. Payton v. New York, 445 U.S. at 585-86.

20. But in relation to petitioner's case the United States Court of Appeals For the Seventh Circuit (appendix A), has seemly agreed with the U.S. District Court (appendix B), in denying petitioner the above constitutional rights to be free from illegal search and seizures.

21. Because the U.S. District Court, in its agreement with the state courts proceedings (appendix C-E), had inferred to

Chicago Police Detective Keith Allen and other arresting officers in having imputed probable cause to arrest the petitioner under the collective knowledge doctrine: "given that both Sgt,Daly and Det.Ruck worked in the same police department (area 4) and on the same investigation, knowledge is presumed to be imputed between them" (appendix B,pgs.4-5).

22. But,however,neither courts evaluated whether the collective knowledge doctrine gave validation to arrest the petitioner on November 22,2003,inside the home of Cletus Hampton,a close friend of the petitioner (review appendix F (L) and (M)).

23. Petitioner contends,detective Allen had testified that,in the middle of the night at 12:30a.m.,him and ten members of a gang tactical team went to 4223 W. Wilcox, enter the building pursuant to an investigative alert ("Detective William Ruck was listed as the contact person of the investigative alert". appendix B,pg.4),but without a search warrant,arrested petitioner Simmons (appendix D, Id.at 4),whom was not doing anything illegal at the time of his arrest (appendix D,Id.at 50).

24. In cases involving a warrantless arrest, as petitioner, this Supreme Court has narrowly tailored the situations under which police officers may make a warrantless entry into a home, where immediate action is necessary and there is no time to secure a warrant. see *Minnesota v. Olsen*, 495 U.S. 91 (1990). In which this Court has recognized exigent circumstances to be: (1) hot pursuit of fleeing felon; (2) preventing the imminent destruction of evidence; (3) preventing a suspect's escape; or (4) danger to officers or others persons inside or outside of the residence. *Olsen*, 495 U.S. at 100.

25. Petitioner contends, he had established in his "supplemental post-conviction petition, filed on April 16, 2025 by appointed post conviction counsel, on how the state presented no evidence that arresting officers had exigent circumstances and nor a consent to enter the Hampton's residence to arrest petitioner, 6 months after the alleged June 4, 2003 shooting offense (review supplemental post-conviction, pages 25-28). In fact, Cletus Hampton emphasizes his close relationship with petitioner, how officers had no consent

to enter his home, but yet officers forced their way into his residence (appendix F (L)).

26. But in an attempt to rebut petitioner evidence (appendix F (L) and (M)), the state circuit court's interpretation of Minnesota v. Carter, 525 U.S. 83, 90 (1998), had presumed only because petitioner was at the Hampton's home to do drugs and wait on Hampton's mother to escort him home, then petitioner was [not] entitled to a reasonable expectations of privacy (appendix E, pg. 17).

27. Petitioner ask that this Supreme Court move to reject the state courts finding of facts under Rule 10 (b), because unlike in Minnesota v. Carter whom was reported by an confidential informant; observed by officers through a window in the commission of a felony; apprehended as Carter had left the residence; and Carter had no personal connection with the residence or nor its occupants. But the petitioner, on the other hand, had a "legitimate expectation of privacy" and a "subjective expectation of privacy" when he was arrested at the Hampton's. see People v. Sutherland, 223 Ill.2d at 230 (2006). In which was fully expressed by petitioner and Hamptons (appendix F (L) and (M)), and the petitioner has maintained that that there was no evidence HOW arresting officers knew to search and arrest for the

petitioner at the Hampton's residence
(review habeas corpus Pet. Mem. of law
Dkt.17 at 35-39 and Pet. Rely at 9-10).

28. The U.S. District Court in denying petitioner's relief had recognized the three requirements of the collective knowledge doctrine: (1) the officer taking the action must act in objective reliance on the information received;(2) the officer providing the information or the agency for which he works must have facts supporting the level of suspicion required;and (3) the stop must be no more intrusive than would have been permissible for the officer requesting it. see United v. Williams,627 F.3d 247, 252 (7th Cir. 2010) see also United States v. Nafzger,974 F.2d 906,911 (7th Cir.1992) (appendix B,pgs. 4-5).

29. But in making a determination of what knowledge constituted a arrest of petitioner at the Hampton's residence. The court simply resided with imputed knowledge between Stg. Daly and Det. Ruck (appendix B,pg.5). In which, under Rule 10 (a) has come into total contrast to this Court's decision in United States v. Ellis,499 F.3d 686 (7th Cir. 2007). ("initial officer's knowledge for purpose of establishing

exigent circumstances can not be bolstered by additional information that was never communicated by other officers). Whereupon, in petitioner case, the state court records "never" reflected that Sergeant Daly or Detective Ruck had any knowledge of the petitioner's location; nor presence on the scene of the arrest; and nor directed any officers to search and arrest the Hampton's home because exigent circumstances had existed. Therefore this Court should move to reject the U.S. District Court's finding of facts.

30. Then for all of the stated above reasons this Court should find that there was no probable cause to arrest petitioner Donell Simmons at the Hampton's residence and move to exercise its "supervisory power" under Rule 10, in grant an evidentiary hearing on petitioner's nexus to the Hampton's home where he was arrested at.

31. Because the state court reason to convict petitioner was generally based upon a confession and lineup identifications (appendix D, Id. at 19-21), which all stemmed as "poisonous fruit" from petitioner's unlawful arrest. *Brown v. Illinois*, 422 U.S. 590 (1975) ("granting the suppression of confession because of warrantless arrest"). Then by such cause had a substantial and injuries effect upon the petitioner's verdict. see *Brecht v.*

Abrahamson, 507 U.S. 619, 641-2, 113
S. Ct. 1710, 123 L. Ed. 353 (1993).

32. This Court should also agree that petitioner has proven his habeas corpus petition had presented a "unreasonable determination of facts" and his state appellate counsel had denied him effective assistance. see *Kimmelman v. Morrison*, 447 U.S. 365, 106 S. Ct. 2574, 91 L. Ed 2d 305 (1986) ("ineffective of counsel for failing to present 4th Amendment claim"). And move to have the United States Court of Appeals For the Seventh Circuit order the U.S. District Court to conduct a evidentiary hearing on the nexus of petitioner's relationship to the Hampton's residence. Where a determination can be held on whether petitioner had a legitimate or subjective expectation of privacy and whether exigent circumstances had existed at the time of petitioner's arrest.

33. FINALLY, in the means of justice and 4th amendment rights of the constitution, both U.S. Constitution and State of Illinois Constitution. There is a "national importance" here in petitioner's case that does not just affect him, but many more cases being allowed by the State of Illinois allowance for the City of Chicago to exercise usage of "investigative alert" in apprehending suspects without search

or arrest warrants and nor by exigent circumstances. So because of the impediment upon the constitutional rights stated by petitioner Donell Simmons, then this writ of certiorari calls for this Honorable Supreme Court to exercise its "SUPERVISORY POWER" to correct this error.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Donell Sim

Date: July 13, 2026