

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, COUNTY DEPARTMENT  
CRIMINAL DIVISION**

---

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
Respondent,	)	
	)	No. 06 CR 13933.
-vs-	)	
	)	Honorable
<b>JAVON PATTERSON,</b>	)	Timothy C. Evans,
	)	Judge Presiding.
Petitioner.	)	

CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, ILL.

OCT 23 2009

---

**PETITION FOR CERTIFICATE OF INNOCENCE  
PURSUANT TO 735 ILCS 5/2-702**

---

In recognition of both the imperfection of the criminal justice system and the difficulties a former prisoner faces in resuming his life after his conviction is overturned, the Illinois Legislature has enacted 735 ILCS 5/2-702, so that a person whose conviction has been set aside may apply for certification from the Circuit Court that he or she is actually innocent of the underlying crime.

The purpose of this legislation is to enable someone who has been unjustly imprisoned to seek assistance and redress from the State. Of equal importance is the issuance of the certificate itself, declaring that the person is *innocent*. As many exonerees will attest, procurement of such a document is the most significant result of their post-exoneration proceedings, because without it, the world at large may assume that the overturned conviction was well-founded but was set aside on a mere “technicality.”

In crafting 735 ILCS 5/2-702, the Legislature recognized that rarely, if ever, can “innocence” be established with absolute certainty. For that reason, 735 ILCS 5/2-702 provides that a certificate of innocence shall issue when the petitioner can establish innocence by *a preponderance of the evidence*. Such evidence, coupled with the prior reversal or dismissal of

charges through the judicial process, provides more than adequate assurance that only deserving individuals will benefit from the provisions of the new legislation.

Javon Patterson is such a deserving—and innocent—individual. The State charged Mr. Patterson with the felony of armed habitual criminal. The court convicted Mr. Patterson of this felony and sentenced him to six years in the Illinois Department of Corrections as a Class X offender. The Illinois Appellate Court reversed his conviction on May 16, 2008. Mr. Patterson's Appeal Bond was granted on October 2, 2008. This conviction was vacated and all charges were dismissed on March 10, 2009. As set forth in this Petition, a preponderance of the evidence now establishes that Mr. Patterson is innocent of the charge for which he spent a thirty months in prison. Javon Patterson therefore requests that this Court find and certify that he is innocent of the crime of which he was convicted, under the provisions of section 2-702 of the Civil Practice Law.

### **JURISDICTION**

1. This petition for a certificate of innocence is brought pursuant to 735 ILCS 5/2-702, which provides:

(c) In order to present the claim for certificate of innocence of an unjust conviction and imprisonment, the petitioner must attach to his or her petition documentation demonstrating that: (1) he or she has been convicted of one or more felonies by the State of Illinois and subsequently sentenced to a term of imprisonment, and has served all or any part of the sentence; and (2) his or her judgment of conviction was reversed [...], and the indictment or information dismissed [...]; and (3) his or her claim is not time barred by the provisions of subsection (i) of this Section.

(d) The petition shall state facts in sufficient detail to permit the court to find that the petitioner is likely to succeed at trial in proving that the petitioner is innocent of the offenses charged in the indictment or information or his or her acts or omissions charged in the indictment or information did not constitute a felony or misdemeanor against the State of Illinois, and the petitioner did not by his or her own conduct voluntarily cause or bring about his or her conviction. The petition shall be verified by the petitioner.

## **PROCEDURAL HISTORY**

2. The court convicted Javon Patterson as an armed habitual criminal under 720 ILCS 5/24-1.7(a) on November 17, 2006 following a bench trial before the Honorable Luciano Panici under Cook County No. 06 CR 13933 and sentenced him to six years imprisonment in the Illinois Department of Corrections on February 20, 2007. Throughout trial Mr. Patterson's maintained his innocence in that, he was not in possession of a gun at the time of his arrest on April 24, 2006. In fact, Det. Hollis Dorrrough Jr., Ald. Keith Price and Mayor Eric Kellogg, all of Harvey, Illinois, conspired to frame Mr. Patterson of this offense.

3. Javon Patterson successfully pursued a direct appeal to the Illinois Appellate Court. On May 16, 2008 the Illinois Appellate Court reversed Mr. Patterson's conviction, saying that the officers who arrested Mr. Patterson lacked authorization to conduct a pat-down search of Mr. Patterson on the date of his arrest.

4. On May 29, 2008, the Cook County State's Attorney's Office filed a petition for rehearing with the Illinois Appellate Court. On July 30, 2008, the appellate court denied the State's rehearing petition.

5. On September 2, 2008 the State filed a Petition for Leave to Appeal the decision to the Illinois Supreme Court. The State Appellate Defender filed a Motion to Release Patterson from Custody During Pendency of State's Petition for Leave to Appeal on September 10, 2008. The Illinois Supreme Court granted that motion on October 2, 2008. On or about October 21, 2008, Mr. Patterson was released from Menard Correctional Center. The State's Petition for Leave to Appeal to the Illinois Supreme Court was denied on November 26, 2008.

6. On March 10, 2009, Mr. Patterson appeared before the Honorable Douglas J. Simpson who dismissed all charges.

## STATUTE OF LIMITATIONS

7. Javon Patterson is within the limitation period for filing a petition for a certificate of innocence because the dismissal of charges occurred on March 10, 2009, and this Petition is filed within two years of the dismissal. *See* 735 ILCS 5/2-702(i)

## BASIS FOR CERTIFICATE OF INNOCENCE

### *Circumstances of Crime*

8. On or about January 26, 2006, Javon Patterson was living in Calumet City, Illinois. He was approached by a friend, Willie Lloyd III, who told Mr. Patterson that he was working for Det. Hollis Dorrrough Jr. of the Harvey Police Department and that he knew where Det. Dorrrough kept a large quantity of cocaine. He told Mr. Patterson that he intended to steal the cocaine and asked Mr. Patterson to act as a lookout. Mr. Patterson declined, telling his friend that he was on parole and was trying to straighten his life out. He also told Mr. Lloyd that stealing from Det. Dorrrough was extremely dangerous and that he should abandon his plan.

9. On or about February 14, 2006, approximately three weeks after their initial conversation, Mr. Lloyd returned to Mr. Patterson's house with a backpack. He showed Mr. Patterson a large quantity of cocaine and offered to give Mr. Patterson a kilo if Mr. Patterson would help him cook it into crack cocaine. Mr. Patterson again declined, telling Mr. Lloyd that he wanted no part of the scheme and that he should put the cocaine back before Det. Dorrrough discovered it was missing.

10. On or about March 7, 2006, approximately three weeks after Mr. Lloyd came to Mr. Patterson's house with the stolen cocaine, Det. Dorrrough and Ald. Keith Price came to Mr. Patterson's home. Det. Dorrrough said that he knew Mr. Patterson had his stolen cocaine and that if it wasn't returned by the following Friday, Det. Dorrrough would "put a case" on Mr. Patterson. Mr. Patterson told Det. Dorrrough and Ald. Price that he didn't have the cocaine, but they did not

believe him. They threatened Mr. Patterson and his family and reminded Mr. Patterson if he did not return the cocaine they would “put a case” on him. Mr. Patterson understood Det. Dorrough’s threat to mean that he would be arrested and charged with something he did not do.

11. On or about March 28, 2006, Mr. Patterson went to his Case Management Life Skills Group at Spotlight Reentry Program where his teacher, Mr. Hunt, noticed that he was visibly distracted and upset. Mr. Hunt asked Mr. Patterson to stay and speak with him after class. Mr. Patterson told Mr. Hunt about the conversation between himself and Det. Dorrough and Ald. Price, and stated that he and his family had been threatened if he did not return the cocaine. Mr. Hunt informed Mr. Briggs, his supervisor, of the conversation with Mr. Patterson. Mr. Briggs contacted Mr. Patterson and learned that Mr. Patterson had a deadline to comply with Det. Dorrough’s threat or Mr. Patterson and his family would be in danger of physical harm or arrest. Mr. Briggs encouraged Mr. Patterson to contact his parole agent for his own welfare and the welfare of his family. Both Mr. Briggs and Mr. Hunt made time stamped notes of these conversations in the Spotlight Reentry Center’s case management data system. Mr. Briggs contacted both of Mr. Patterson’s supervising Parole Agents regarding his concern for Mr. Patterson’s safety. Both Mr. Briggs and Mr. Hunt are willing to testify to these events, if called.

12. On March 28, 2006, Mr. Patterson received a call from a parole agent asking him to come in for a meeting. Mr. Patterson met with the parole agent, who contacted the Federal Bureau of Investigation. Mr. Patterson met with two FBI agents, one of whom is Special Agent James P. Roache. After interviewing Mr. Patterson and learning of the threats made to him, the agents asked Mr. Patterson to wear an electronic recording device to capture his conversations with Det. Dorrough and Ald. Price. One of the FBI agents told Mr. Patterson that they had been watching Det. Dorrough and that they knew he had been to Mr. Patterson’s home. Mr. Patterson told Special Agent Roache he was too afraid to wear the device and went home.

12. The next day, the same FBI agents came to Mr. Patterson's home to have him view a photo line-up. Mr. Patterson identified Det. Dorrough's picture. The FBI agents repeated their request for Mr. Patterson to wear an electronic recording device, which he again declined. The FBI agents told Mr. Patterson that they knew Det. Dorrough would "put a case on him" and tried to convince him to cooperate with their investigation. Mr. Patterson's current attorneys Blaine and Stephenson met with Special Agent Roache, and Agent Roache is willing and able to testify to these matters, if called.

13. On April 8, 2006, Willie Lloyd III was found in an alley in the 15700 block of Paulina Avenue. He had been shot in the neck and was pronounced dead at 9:55 pm. This case, classified as a homicide, remains unsolved.

14. On April 24, 2006, Javon Patterson was arrested by Harvey Police Officers Harris and Cook, who took him to the Harvey Police Station. He was placed in an interrogation room, where he was questioned by Det. Dorrough and Mayor Eric Kellogg. Mayor Kellogg and Det. Dorrough informed Patterson that they knew Willie Lloyd stole their cocaine and brought it to Mr. Patterson's home. Det. Dorrough and Mayor Kellogg repeatedly asked him the whereabouts of their cocaine. Mr. Patterson responded that he didn't have their cocaine. Mayor Kellogg said "Nigger, where's my fucking cocaine." Mayor Kellogg then told Mr. Patterson that he had to leave the city of Harvey and never come back. Mayor Kellogg said he would frame Mr. Patterson for murder if he ever returned to Harvey.

15. After Mayor Kellogg left, Det. Dorrough took Mr. Patterson to another room and left for several hours. Mr. Patterson fell asleep and was awoken by another officer coming into the room to tell him he was being charged and taken to the jail at Markham. He later discovered he was being charged as an armed habitual criminal.

16. On August 10, 2006, Det. Hollis Dorrough Jr. was arrested and charged with three

counts of official misconduct, four counts of obstruction of justice, unlawful sale of a firearm to a felon and perjury for removing a handgun from evidence in a 2005 case and returning it to a suspect's father prior to the suspect's trial. The defendant, convicted felon Anthony T. Reynolds, had been arrested for brandishing the handgun in question at another Harvey Police officer. At trial, Det. Dorrrough testified that he removed the handgun from evidence and returned it to the suspect's father at the direction of Mayor Eric Kellogg. On August 13, 2009, a jury convicted Det. Dorrrough of two counts of official misconduct, one count of perjury, and one count of unlawful sale of a firearm. The court sentenced him to 3 years in the Illinois Department of Corrections on September 10, 2009.

17. On December 5, 2008, the FBI raided the offices of the Harvey Police Department after arresting five Harvey Police Officers in late November 2008. The officers were arrested for allegedly providing protection to undercover FBI agents posing as drug dealers. Their cases are currently pending in the United States District Court for the Northern District of Illinois.

18. On August 28, 2009, a former Harvey police deputy marshal and a reserve police officer were arrested on drug charges as part of an FBI investigation into law-enforcement corruption for allegedly running drugs for and selling weapons to a Chicago narcotics dealer.

***Javon Patterson did not possess a firearm on April 24, 2006***

19. On April 24, 2006, just 16 days after the still-unsolved murder of Willie Lloyd III, Harvey police officers arrested Javon Patterson. According to the evidence presented at trial, Mr. Patterson was helping his neighbor, Arlene Atwater, remove packages from her car when he was approached by Officer Harris of the Harvey Police Department. Within minutes, Officer Cook joined Officer Harris. Harris testified that he received a dispatch instructing him to take Javon Patterson into custody in connection with a previous aggravated battery. Officer Cook testified that he received a dispatch instructing him to bring Javon Patterson to the station for questioning

concerning a drive-by shooting. Both officers subsequently acknowledged that Patterson was breaking no laws at the time of his arrest, nor did they have a warrant for his arrest. The officers handcuffed and conducted a pat-down search of Mr. Patterson. Two eyewitnesses testified that the officers recovered only papers and money from Mr. Patterson's pockets. Ms. Atwater testified that she was about three and a half feet away from Patterson, could see Mr. Patterson's pocket from her vantage point, and that the officer went into Patterson's pocket and took out papers and some money. She did not see him remove a gun. The officers testified that they recovered a gun from Mr. Patterson's pocket. The Appellate court found that neither Harris nor Cook observed "any behavior" that would justify the stop or search of Mr. Patterson. The Appellate court reversed Mr. Patterson's conviction and the Cook County State's Attorney's Office dismissed all charges.

### ***Entitlement to a Certificate of Innocence***

22. Javon Patterson did not bring about his conviction by his own conduct. He did not possess a gun on April 24, 2006. One month prior to his arrest, Mr. Patterson met with Mr. Hunt, Mr. Briggs, a parole agent and Special Agent Roache of the FBI and informed them that Det. Dorrough was going to "put a case" on him unless Mr. Patterson returned the cocaine that Willie Lloyd III stole from Dorrough. Special Agent Roache observed Dorrough go to Patterson's home. Special Agent Roache acknowledged that Dorrough would put a case on Mr. Patterson and asked Mr. Patterson to wear an electronic recording device. Ten days after Mr. Patterson's last meeting with Special Agent Roache, Willie Lloyd III was found executed, in a case that remains unsolved. Approximately two weeks after Willie Lloyd's murder, two Harvey police officers approached Mr. Patterson for conflicting reasons, without a warrant, and without probable cause, and then proceeded to handcuff and arrest Mr. Patterson. At the station, neither arresting officer interrogated Mr. Patterson; only Det. Dorrough and Mayor Kellogg interrogated Mr.

Patterson. Two eyewitnesses, one of whom stood less than four feet away from Mr. Patterson at the time of his arrest, testified they did not see the Harvey Police Officers who arrested Mr. Patterson remove a gun from his pocket. Javon Patterson was arrested because Det. Dorrough was following through on his threat to “put a case” on him in an attempt to recover several kilos of stolen cocaine.

23. Based on his original evidence, coupled with new evidence of Det. Dorrough’s conviction for official misconduct, perjury and unlawful sale of a firearm, and ongoing investigations into police corruption at the Harvey Police Department it is quite clear that Javon Patterson “is likely to succeed at trial in proving that [he] is innocent of the offenses charged in the indictment.” *See* 735 ILCS 5/2-702(d). Accordingly, Javon Patterson has met the requirements for issuance of a certificate of innocence in this case.

### **CONCLUSION**

24. Under 735 ILCS 5/2-702, Javon Patterson is entitled to a certificate of innocence. Mr. Patterson has met all of the requirements of the statute:

- a) The court convicted Mr. Patterson of a felony and sentenced him to six years in the Illinois Department of Corrections.
- b) Illinois Appellate Court reversed his conviction on May 16, 2008.
- c) This conviction was vacated and all charges were dismissed on March 10, 2009.
- d) As set forth in this Petition, a preponderance of the evidence now establishes that Mr. Patterson is innocent of the charge for which he spent thirty months in prison.

He respectfully requests that this Court grant Mr. Patterson's petition and issue a certificate of innocence and order the Clerk to send it to the Court of Claims in accordance with the statute. A draft order is submitted with this petition.

Respectfully submitted,

---

Holly N. Blaine  
Attorney for Petitioner

HOLLY N. BLAINE  
ROBERT M. STEPHENSON  
1029 Lake Street, Suite 202  
Oak Park, Illinois 60301  
(708) 434-1267  
(805) 298-5264 (cell)  
October 13, 2008

Exhibits

Exhibit A – Certified Disposition of Case Number 06 CR 13933

Exhibit B – Prisoner data sheet for Javon Patterson

Exhibit C – Appellate Court order for Case Number 1-07-0990

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR1393301

JAVON

PATTERSON

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION with the Clerk of the Circuit Court.

Charging the above named defendant with:

720-5/24-1.7(a)	F X	ARMED HABITUAL CRIMINAL
720-5/24-1.1(a)	F 2	FELON POSS/USE FIREARM PRIOR
720-5/24-1.1(a)	F 2	FELON POSS/USE FIREARM PRIOR
720-5/24-1.6(a) (1)	F 4	AGG UNLAWFUL USE OF WEAPON/VEH
720-5/24-1.6(a) (1)	F 4	AGG UNLAWFUL USE OF WEAPON/VEH
720-5/24-1.6(a) (2)	F 4	AGG UJW/ON PERSON
720-5/24-1.6(a) (2)	F 4	AGG UJW/ON PERSON

The following disposition(s) was/were rendered before the Honorable Judge(s):

06/20/06 IND/INFO-CLK OFFICE-PRES JUDGE 06CR1393301 ID# CR100550705	07/03/06 1701
07/03/06 TRANSFERRED TO SUBURBAN DIST BIEBEL, PAUL JR.	07/03/06 0600
07/03/06 CASE ASSIGNED PANICHI, THOMAS P.	07/03/06 0672
07/03/06 DEFENDANT NOT IN COURT PANICI LUCIANO	00/00/00
07/03/06 NO BAIL PANICI LUCIANO	00/00/00
07/03/06 WARR ORD, WARR ISSUED PANICI LUCIANO	00/00/00
07/03/06 WARRANT OUTSTANDING PANICI LUCIANO	00/00/00
07/11/06 CONTINUANCE BY ORDER OF COURT PANICI LUCIANO	07/24/06 0672
07/24/06 RECALL/EXEC SENT TO POLICE AGY	00/00/00
07/24/06 WARRANT QUASHED PANICI LUCIANO	00/00/00
07/24/06 DEFENDANT IN CUSTODY PANICI LUCIANO	00/00/00
07/24/06 PRISONER DATA SHEET TO ISSUE PANICI LUCIANO	00/00/00

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR1393301

JAVON

PATTERSON

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION		
07/24/06 BAIL AMOUNT SET		\$ 25000
PANICI LUCIANO		
07/24/06 DEFENDANT ARRAIGNED	00/00/00	
PANICI LUCIANO		
07/24/06 PLEA OF NOT GUILTY	00/00/00	
PANICI LUCIANO		
07/24/06 MOTION FOR DISCOVERY	00/00/00 F	1
PANICI LUCIANO		
07/24/06 ADMONISH AS TO TRIAL IN ABSENT	00/00/00	
PANICI LUCIANO		
07/24/06 CONTINUANCE BY AGREEMENT	08/24/06 0672	
PANICI LUCIANO		
08/24/06 DEFENDANT IN CUSTODY	00/00/00	
PANICI LUCIANO		
08/24/06 DISCOVERY ANSWER FILED		2
PANICI LUCIANO		
08/24/06 BAIL AMOUNT SET	00/00/00	\$ 25000
PANICI LUCIANO		
08/24/06 CONTINUANCE BY AGREEMENT	09/21/06 0672	
PANICI LUCIANO		
09/21/06 DEFENDANT ON BOND	00/00/00	
PANICI LUCIANO		
09/21/06 MOTION STATE - CONTINUANCE -MS	10/16/06 0672	
PANICI LUCIANO		
10/16/06 DEFENDANT ON BOND	00/00/00	
PANICI LUCIANO		
10/16/06 MOTION STATE - CONTINUANCE -MS	11/17/06 0672	
PANICI LUCIANO		
11/17/06 DEFENDANT ON BOND	00/00/00	
PANICI LUCIANO		
11/17/06 CONTINUANCE BY AGREEMENT	11/27/06 0672	
PANICI LUCIANO		
11/27/06 BAIL REVOKED	00/00/00	
PANICI LUCIANO		
11/27/06 DEFENDANT IN CUSTODY	00/00/00	
PANICI LUCIANO		
11/27/06 PRISONER DATA SHEET TO ISSUE	00/00/00	
PANICI LUCIANO		

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR1393301

JAVON

PATTERSON

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION	
11/27/06 FINDING OF GUILTY	CALL 00/00/00
PANICI LUCIANO	
11/27/06 PRE-SENT INVEST. ORD, CONTD TO	00/00/00
PANICI LUCIANO	
11/27/06 CONTINUANCE BY ORDER OF COURT	12/18/06 0672
PANICI LUCIANO	
12/18/06 DEFENDANT IN CUSTODY	00/00/00
PANICI LUCIANO	
12/18/06 PRISONER DATA SHEET TO ISSUE	00/00/00
PANICI LUCIANO	
12/18/06 CONTINUANCE BY AGREEMENT	01/23/07 0672
PANICI LUCIANO	
01/23/07 DEFENDANT IN CUSTODY	00/00/00
SIMMONS MICHELE M.	
01/23/07 PRISONER DATA SHEET TO ISSUE	00/00/00
SIMMONS MICHELE M.	
01/23/07 PRE-SENT INVEST. ORD, CONTD TO	02/20/07 0672
SIMMONS MICHELE M.	
01/23/07 CONTINUANCE BY AGREEMENT	02/20/07 0672
SIMMONS MICHELE M.	
02/20/07 DEFENDANT IN CUSTODY	00/00/00
PANICI LUCIANO	
02/20/07 LESSER INCLUDED OFFENSE MERGED	C002 00/00/00
PANICI LUCIANO	
02/20/07 LESSER INCLUDED OFFENSE MERGED	C003 00/00/00
PANICI LUCIANO	
02/20/07 LESSER INCLUDED OFFENSE MERGED	C004 00/00/00
PANICI LUCIANO	
02/20/07 LESSER INCLUDED OFFENSE MERGED	C005 00/00/00
PANICI LUCIANO	
02/20/07 LESSER INCLUDED OFFENSE MERGED	C006 00/00/00
PANICI LUCIANO	
02/20/07 LESSER INCLUDED OFFENSE MERGED	C007 00/00/00
PANICI LUCIANO	
02/20/07 DEF SENTENCED ILLINOIS DOC	C001 00/00/00
85% SENTENCE TO BE SERVED	
8 YRS	
PANICI LUCIANO	

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR1393301

JAVON

PATTERSON

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION			
02/20/07 DEF ADVISED OF RIGHT TO APPEAL	00/00/00		
PANICI LUCIANO			
02/20/07 CREDIT DEFENDANT FOR TIME SERV	00/00/00		
205 DYS			
PANICI LUCIANO			
02/28/07 NOTICE OF APPEAL FILED, TRNSFR	03/02/07	0689	
PRO SE			
03/02/07 MOTION DEFENDANT - NEW TRIAL	00/00/00	F	2
03/02/07 MOTION TO REDUCE SENTENCE	00/00/00	F	2
03/02/07 MOTION TO REDUCE SENTENCE	00/00/00		
LEAVE TO FILE PRO SE APPEAL DENIED			
RILEY, RONALD C.			
03/02/07 TRANSFERRED	03/21/07	0672	
RILEY, RONALD C.			
03/21/07 MOTION TO REDUCE SENTENCE		S	2
DEFT RE-SENTENCED			
PANICI LUCIANO			
03/21/07 MOTION DEFENDANT - NEW TRIAL	00/00/00	D	2
PANICI LUCIANO			
03/21/07 CHANGE PRIORITY STATUS	M	00/00/00	
PANICI LUCIANO			
03/21/07 DEF SENTENCED ILLINOIS DOC	C001	00/00/00	
DEFENDANT RESENTENCED			
6 YRS			
PANICI LUCIANO			
04/03/07 NOTICE OF APPEAL FILED, TRNSFR	00/00/00		
04/10/07 NOTICE OF NOTICE OF APP MAILED	00/00/00		
04/10/07 HEARING DATE ASSIGNED	04/13/07	1701	
04/13/07 ILL STATE APPELLATE DEF APPTD	00/00/00		
BIEBEL, PAUL JR.			
04/13/07 O/C FREE REPT OF PROCD ORD N/C	00/00/00		
BIEBEL, PAUL JR.			
04/03/07 APPELLATE COURT NUMBER ASGND	00/00/00	07-0990	
04/19/07 SPECIAL ORDER	00/00/00		
ORIGINAL NOA AND ORDER SIGNED BY JUDGE BIEBEL MAILED TO ESTER DISTRICT			
05/08/07 COMMON LAW RECORD PREPARED	00/00/00		
ONE VOLUME			

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR1393301

JAVON

PATTERSON

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION		
05/18/07 CLR RECD BY APP COUNSEL	00/00/00	
08/16/07 TRANS PROC REC/FILED CLKS OFF	00/00/00	
ONE VOLUME, ONLY.		
08/21/07 REPORT OF PROCEEDINGS PREPARED	00/00/00	
ONE VOLUME, ONLY.		
08/16/07 TRANS PROC REC/FILED CLKS OFF	00/00/00	
(ONE) VOLUME, ONLY.		
09/10/07 REPRT/PROCDS RECD BY APP ATTRY	00/00/00	
(ONE) VOLUME, ONLY.		
09/24/07 SUPPLEMENTAL CLR PREPARED	00/00/00	
1 VOLUME		
09/09/08 MANDATE FILED	09/18/08	1776
07-0990		
09/16/08 MANDATE FILED	09/24/08	1776
07-0990		
09/18/08 REVIEW COURT REVERSAL-NO REMND	00/00/00	
FLOOD LAWRENCE EDWARD		
09/24/08 MANDATE RECALLED	00/00/00	
09/08/08		
FLOOD LAWRENCE EDWARD		
10/16/08 SPECIAL ORDER		
MOTION TO SET BOND FILED		
10/17/08 TRANSFERRED	10/17/08	0678
CASE TO FOLLOW J/PANICI		
RILEY, RONALD C.		
10/20/08 BAIL AMOUNT SET	00/00/00	\$ 25000
PANICI LUCIANO		
01/15/09 MANDATE FILED	01/28/09	1776
07-0990		
01/28/09 REVIEW COURT REVERSAL-RMD DRTN	00/00/00	
BIEBEL, PAUL JR.		
01/28/09 TRANSFERRED TO SUBURBAN DIST	02/04/09	0672
BIEBEL, PAUL JR.		
01/30/09 MANDATE FILED	01/30/09	0666
MANDATE FILED		
01/30/09 TRANSFERRED	01/30/09	0672
MANDATE SPREAD OF RECORD JUDGEMENT REVERSED		
FLAHERTY BRIAN K		

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 06CR1393301

JAVON

PATTERSON

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

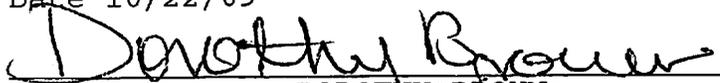
I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION

02/04/09 CONTINUANCE BY ORDER OF COURT	02/06/09 0672
SIMPSON DOUGLAS J	
02/13/09 CASE ADVANCED	02/13/09 0666
MOTION TO ADVANCE TO WRIT DEF. IN FILED	
02/13/09 HEARING DATE ASSIGNED	02/23/09 0672
02/23/09 CONTINUANCE BY ORDER OF COURT	03/10/09 0672
SIMPSON DOUGLAS J	
03/10/09 DEFENDANT ON BOND	00/00/00
SIMPSON DOUGLAS J	
03/10/09 DEF DEMAND FOR TRIAL	00/00/00
SIMPSON DOUGLAS J	
03/10/09 NOLLE PROSEQUI	CALL 00/00/00
SIMPSON DOUGLAS J	

I hereby certify that the foregoing has been entered of record on the above captioned case.

Date 10/22/09

  
 \_\_\_\_\_  
 DOROTHY BROWN  
 CLERK OF THE CIRCUIT COURT OF COOK COUNTY



www.idoc.state.il.us  
 Roger E. Walker Jr., Director  
 Rod R. Blagojevich, Governor

- Agency Links**
- Director
  - IDOC Overview
  - IDOC Annual Report
  - Mission Statement
  - Inmate Search
  - Sex Registrant Search
  - Facilities
  - Visitation Rules
  - IDOC News
  - Reports & Stats
  - Jobs @ IDOC
  - Industries
  - Victim Services
  - Correctional Conferences
  - Wanted Fugitives
  - Attorney FAQ
  - FAQ
  - Contact Us
  - Employee Benefits Information
  - Illinois Department of Juvenile Justice
  - IDOC Home

Inmate Search

Other Inmate Locators  
 Federal Inmate Locator



CHECK TO INCLUDE PHOTO



**K70334 - PATTERSON, JAVON**

Parent Institution: Menard Correctional Center  
 Inmate Status: BOND  
 Location: BOND  
 Discharge Reason:

**State Links**

- News
- Illinois Facts
- Living
- Health & Wellness
- Working
- Visiting
- Learning
- Business
- Public Safety
- Technology
- Government
- Help
- Home
- Search Illinois



**VITALS**

Date of Birth: 06-15-1980  
 Weight: 420 lbs.  
 Hair: Black  
 Sex: Male  
 Height: 6 ft. 00 in.  
 Race: Black  
 Eyes: Brown

**MARKS, SCARS, & TATTOOS**

TATTOO, ARM, RIGHT - REAPER, PANTHER  
 TATTOO, ARM, LEFT - ROSE, HEART  
 TATTOO, CHEST - DOG, REAPER

**ADMISSION / RELEASE / DISCHARGE INFO**

Custody Date: 02/23/2007  
 Projected Parole Date: 09/01/2011  
 Paroled Date: --  
 Tentative Discharge Date:  
 Discharge From Parole: 09/01/2014

**SENTENCING INFORMATION**

MITTIMUS:	06CR1393301
CLASS:	X
COUNT:	1
OFFENSE:	ARMED HABITUAL CRIMINAL
CUSTODY DATE:	07/25/2006
SENTENCE:	6 YEARS 0 MONTHS 0 DAYS
COUNTY:	COOK
SENTENCE DISCHARGED?:	NO
MITTIMUS:	02CR2543801
CLASS:	2
COUNT:	1
OFFENSE:	AGG UNLWFL USE WEAPON/VEH/2ND
CUSTODY DATE:	09/07/2002
SENTENCE:	4 YEARS 0 MONTHS 0 DAYS

Go [Search Tips]



COUNTY:	COOK
SENTENCE DISCHARGED?:	YES
MITTIMUS:	97CR2494701
CLASS:	X
COUNT:	1
OFFENSE:	ARMED ROBBERY
CUSTODY DATE:	07/18/1998
SENTENCE:	6 YEARS 0 MONTHS 0 DAYS
COUNTY:	COOK
SENTENCE DISCHARGED?:	YES

All complaints regarding the accuracy of information contained in these documents should be submitted, in writing, to the Illinois Department of Corrections, P.O. Box 19277, Springfield, IL 62794-9722.

NOTICE

The text of this order may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

*Becker*

SIXTH DIVISION  
May 16, 2008

No. 1-07-0990

---

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

---

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 06 CR 13933
	)	
JAVON PATTERSON,	)	Honorable
	)	Luciano Panici,
Defendant-Appellant.	)	Judge Presiding.

---

O R D E R

Following a bench trial in the circuit court of Cook County, defendant Javon Patterson was found guilty of being an armed habitual criminal, then sentenced as a Class X offender to six years' imprisonment. On appeal, defendant does not contest the sufficiency of the evidence to sustain his conviction, but contends that the trial court erred in denying his motion to quash arrest and suppress evidence.

The record shows that defendant was arrested on April 24, 2006. He was then charged with being an armed habitual criminal, plus unlawful use of a weapon by a felon, and aggravated unlawful use of a weapon. Prior to trial, defendant filed a motion to quash his arrest and suppress evidence claiming that his warrantless arrest and the seizure of a handgun found on his person violated his fourth amendment right to be free from unreasonable searches and seizures.

1-07-0990

At the hearing on the motion, Officer Reginald Harris, a former member of the Harvey Police Department, testified that about noon on April 24, 2006, he was on routine patrol when he received a dispatch instructing him to go to the intersection of 146<sup>th</sup> Street and Clinton Street, and take "Javon Patterson," a heavy set black male, into custody. The dispatch also contained information that defendant was wanted in reference to a previous aggravated battery and cautioned that he might be armed.

When Officer Harris arrived at the designated location, he observed defendant standing on the corner with two women. He acknowledged that defendant was not violating any laws at the time and that he did not have a search or arrest warrant for him.

Officer Harris approached defendant and asked him if he was Javon Patterson. When defendant responded that he was, Officer Harris asked him to place his hands on top of the squad car. At that time, Officer Jonathan Cook arrived on the scene to assist. Due to defendant's large size, Officer Harris had to use two pairs of handcuffs to restrain defendant

After doing so, Officer Harris performed a pat-down search and recovered a small Colt 380 blue steel handgun from defendant's right pants pocket. Officer Harris secured the weapon and then, "because of [defendant's] size," performed two additional pat-down searches to "make sure that [he] didn't miss anything." Officer Harris further testified that Harvey Police

1-07-0990

Department policy required a protective pat-down search of any individual who was going to ride in a squad car.

Officer Cook testified to substantially the same sequence of events as Officer Harris. He stated that the dispatcher directed him to bring defendant into the station in connection with an investigation concerning a drive-by shooting that occurred a couple of days earlier. Officer Cook acknowledged that he did not see defendant violating any laws when he arrived on the scene, and he added that he was standing about four feet away from defendant during the pat-down and saw Officer Harris recover a small handgun from defendant's right pants pocket.

Arlene Atwater, defendant's neighbor, testified that at the time and on the date in question, defendant was helping her remove some packages from her car. While they were so engaged, police officers pulled up, exited their vehicles, and asked defendant his name. After defendant provided it, they informed him that they were conducting an investigation, and twice asked him if he had any weapons. According to Atwater, defendant said "no," but the officers proceeded to pat him down. From her vantage point, about "three people away" from defendant, she observed one of the officers remove some money and paper out of defendant's right pocket, but she did not see the officer remove a handgun. She acknowledged, however, that she was standing on the other side of defendant's right pocket.

1-07-0990

Latonya Patterson, defendant's sister, testified that she was cleaning her car when she saw police approach defendant across the street. Patterson also testified that she did not see the officers recover a handgun from defendant.

No other evidence was presented at the suppression hearing relating to the source of, or factual basis for, the dispatch concerning the aggravated battery or drive-by shooting transmitted by the Harvey police department to Officers Harris and Cook. At the close of evidence, the State filed a motion for a directed finding and the court entertained arguments from opposing counsel. Thereafter, the trial court noted that there were two "diametrically opposed stories as to the search," and by its decision to deny defendant's motion, accepted the version of events offered by the police officers.

At trial, the parties stipulated to the testimony of Officer Cook, Ms. Atwater, and Ms. Patterson. They also stipulated to Officer Harris' testimony to the point where he recovered the handgun from defendant, subject to cross-examination. Officer Harris further testified that after he recovered the gun he inventoried it at the station, sealed it, and placed it in the evidence vault. The State then introduced certified copies of defendant's two prior felony convictions of armed robbery and aggravated unlawful use of a weapon.

On this evidence, the trial court found defendant guilty of

1-07-0990

all charges. At the sentencing hearing that followed, arguments were presented in aggravation and mitigation. In announcing its sentencing decision, the court noted defendant's long criminal history, then merged the charges of unlawful use of a weapon by a felon and aggravated unlawful use of a weapon into the armed habitual criminal charge, and sentenced him to eight years' imprisonment.

Defendant then filed a motion for a new trial, an amended motion for a new trial, and a motion to reconsider. At the hearing on the motions, defendant argued that the trial court erred in denying his pretrial motion to suppress evidence and that his sentence was excessive. The circuit court denied defendant's motions for a new trial, noting that the officers' testimony was unimpeached, and granted his motion to reconsider, reducing his sentence to six years' imprisonment.

In this appeal from that judgment, defendant contends that the trial court erred in denying his motion to quash arrest and suppress evidence. He claims that police lacked any legal basis upon which to search and seize him where the evidence showed that they had no search or arrest warrant, where he was not engaged in any obvious illegal activity, and was being sought solely to voluntarily assist police in an investigation of a past crime. The State responds that the trial court properly denied defendant's motion where the evidence shows that the officers

1-07-0990

conducted a proper Terry stop (Terry v. Ohio, 392 U.S. 1, 20 L. Ed. 2d 889, 88 S. Ct. 1868 (1968)), which led to the seizure of a weapon and his lawful arrest.

In reviewing an order denying defendant's motion to quash arrest and suppress evidence, mixed questions of law and fact are presented. People v. Pitman, 211 Ill. 2d 502, 512 (2004). Factual findings made by the trial court will be upheld on review unless they are against the manifest weight of the evidence. Pitman, 211 Ill. 2d at 512. The reviewing court, however, remains free to assess the facts in relation to the issues presented and may draw its own conclusions in deciding what relief, if any, should be granted. Pitman, 211 Ill. 2d at 512. Accordingly, we review *de novo* the ultimate question of whether the evidence should be suppressed. Pitman, 211 Ill. 2d at 512.

A defendant who files a motion to quash arrest and suppress evidence must make a *prima facie* case that the evidence was obtained by an illegal search or seizure. People v. Gipson, 203 Ill. 2d 298, 306-07 (2003). If defendant satisfies this burden, then the State must present evidence to counter the defendant's *prima facie* case. Gipson, 203 Ill. 2d at 307. The ultimate burden of proof, however, remains with defendant. Gipson, 203 Ill. 2d at 307.

Here, the facts are undisputed that, when the officers arrived, defendant was standing on the corner of 146<sup>th</sup> Street and

1-07-0990

Clinton Street. According to the officers' testimony, defendant was not violating any laws at the time and they did not have a search or arrest warrant. Officer Harris testified that, after asking defendant his name, he handcuffed defendant and patted him down. Accordingly, defendant made a *prima facie* case by showing that a search and seizure occurred without a warrant, and, thus, the burden shifted to the State to provide evidence establishing the validity of the search and seizure. Gipson, 203 Ill. 2d at 307.

The fourth amendment to the United States Constitution guarantees the right of the people to be free against unreasonable searches and seizures. People v. Gherna, 203 Ill. 2d 165, 176 (2003). The Illinois supreme court has recognized three tiers of police-citizen encounters that do not constitute an unreasonable seizure, including the tier at issue here, a temporary investigative stop conducted under the standards set forth in Terry. Gherna, 203 Ill. 2d at 176-77.

To lawfully conduct a brief investigative or Terry stop, an officer must have reasonable suspicion, supported by specific and articulable facts, that a person is committing, has committed, or is about to commit a crime. People v. James, 365 Ill. App. 3d 847, 851 (2006). This aspect of Terry has been codified in section 107-14 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/107-14 (West 2004)). People v. Austin, 365 Ill. App.

1-07-0990

3d 496, 503 (2006). The determination of whether a police officer had the requisite reasonable suspicion is based on the totality of the circumstances. Austin, 365 Ill. App. 3d at 504.

The record here shows that Officers Harris and Cook were directed by police dispatch to the designated location to find and take into custody the named defendant, who was described as a heavy-set, black male, who was wanted in connection with a previous criminal offense. The officers were also advised that defendant could be armed.

The United State Supreme Court in United State v. Hensley, 469 U.S. 221, 232, 83 L. Ed. 2d 604, 105 S. Ct. 675, 682 (1985), examined the legality of a Terry stop to investigate a past crime and concluded, in part, that evidence uncovered as a result of the stop is inadmissible if the officer who issued the dispatch lacked reasonable suspicion to make the stop. Hensley thus requires a finding that a police dispatch be based upon reasonable suspicion if a stop initiated in reliance upon the dispatch is to be justified under the fourth amendment.

This court, like Hensley, has concluded that while a police officer may rely on information received through police communication channels to justify an investigatory stop, the collective knowledge of the law enforcement agency requesting such action must be viewed to determine whether sufficient facts existed warranting a stop. Village of Gurnee v. Gross, 174 Ill.

1-07-0990

App. 3d 66, 69 (1988). Similarly, we have also found that, although an officer may rely on a dispatch to make an arrest without knowledge of the facts that established probable cause, the State must demonstrate that the officer who directed the dispatch to be issued possessed sufficient facts to establish probable cause to make the arrest. People v. Crane, 244 Ill. App. 3d 721, 724-25 (1993).

Here, the record contains no evidence of a dispatch issued on the basis of reasonable suspicion. Neither Officer Harris or Cook personally observed, independent of the dispatch, any behavior that would justify the stop. The dispatcher was not called to testify at the suppression hearing and the record is silent as to the source of the information that led to the police dispatch. Without that information this court cannot conclude that the dispatch was based upon reasonable suspicion and that police were justified in making the stop. Accordingly, we find that neither Terry nor section 107-14 of the Code authorized Officer Harris to stop and pat-down defendant. Thus, the trial court's decision to deny defendant's motion to suppress was against the manifest weight of the evidence, and, consequently, we reverse the judgment of conviction. People v. Cox, 295 Ill. App. 3d 666, 676 (1998).

For the reasons stated we reverse the judgment of the circuit court.

1-07-0990

Reversed.

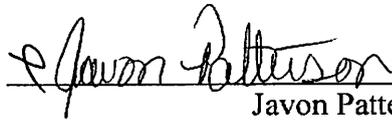
JOSEPH GORDON, J., with McBRIDE, P.J., and McNULTY, J., concurring.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, COUNTY  
DEPARTMENT CRIMINAL DIVISION

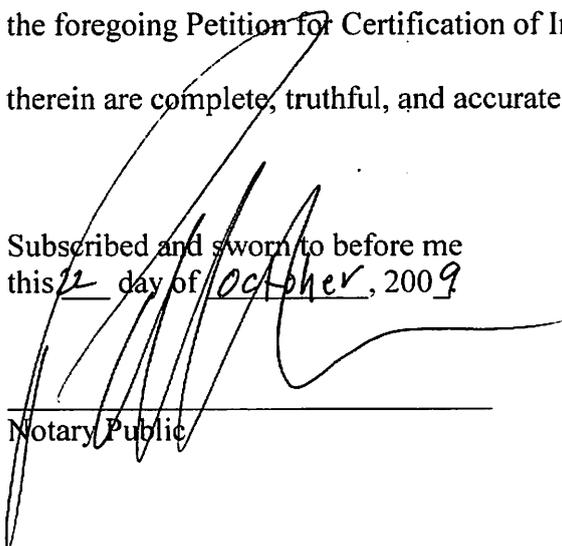
PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Respondent, )  
) No. 06 CR 13933.  
-vs- )  
) Honorable  
JAVON PATTERSON, ) Timothy C. Evans,  
) Judge Presiding.  
Petitioner. )

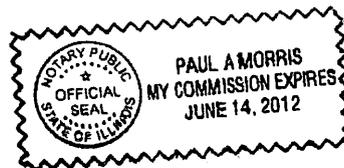
VERIFICATION AND CONSENT

I, Javon Patterson, declare under penalty of perjury that I consent to the filing of the foregoing Petition for Certification of Innocence and that all of the assertions made therein are complete, truthful, and accurate.

  
\_\_\_\_\_  
Javon Patterson, affiant

Subscribed and sworn to before me  
this 12 day of October, 2009

  
\_\_\_\_\_  
Notary Public



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
CRIMINAL DIVISION

The People of the State of Illinois

v.

Patterson, Javon

Defendant/Petitioner



No. 06 CR 13933

ORDER GRANTING CERTIFICATE OF INNOCENCE

This cause comes before the Court on the Defendant/Petitioner's Petition for Certificate of Innocence pursuant to 735 ILCS 5/2-702. The Court being fully advised FINDS by a preponderance of evidence that:

- 1. The Defendant/Petitioner was convicted of one or more than one felonies by the State of Illinois and subsequently sentenced to a term of imprisonment, and has served all or any part of the sentence;
- 2.  The Defendant/Petitioner's judgment or conviction was reversed or vacated, and the indictment or information dismissed or,  a new trial was ordered and either s/he was found not guilty at the new trial or s/he was not retried and the indictment and information is dismissed; or  the statute, or application thereof, on which the indictment or information was based violated the Constitution of the United States or the State of Illinois;
- 3.  After September 22, 2008, the Defendant/Petitioner's indictment or information was dismissed or s/he was acquitted, and Petition was filed within 2 years of the dismissal of the indictment or information or acquittal, or  before September 22, 2008, the Defendant/Petitioner's indictment or information was dismissed or s/he was acquitted, and the Petition was filed within 2 years of September 22, 2008;
- 4.  The Defendant/Petitioner is innocent of the offenses charged in the indictment or information, or his/her acts or omissions charged in the indictment or information did not constitute a felony or misdemeanor against the State; and
- 5. The Defendant/Petitioner did not by his/her own conduct voluntarily cause or bring about his/her conviction.

IT IS THEREFORE ORDERED as follows:

- 1. That the Petition for Certificate of Innocence is GRANTED.
- 2. That the Clerk of the Circuit Court shall transmit a copy of the certificate of innocence to the Clerk of the Court of Claims, together with the Defendant/Petitioner's current address as indicated on the Petition.

ENTERED:

Dated: \_\_\_\_\_,

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Judge's No.