

April 13, 2007

2203 Halsted Rd.
Rockford, IL 61103

Juleann Hornyak
Clerk of the Supreme Court of Illinois
Supreme Court Building
Springfield, IL 62701

Delivered by: Certified U.S. Mail No. 7003 1010 0001 1137 5608

IN RE: The Notice of Appeal timely filed, by Clarence L. Vance on March 13, 2007, in the identified Criminal Cases, pursuant to Supreme Court Rule 603, as a matter of right, and in the form specified by Supreme Court Rule 606(d), as amended September 1, 2006.

Dear Clerk of the Illinois Supreme Court:

Your **Notice** of March 23, 2007, although explicitly noting the subject criminal charges, stated categorically that the subject Notice of Appeal " . . . will not be filed and docketed in the Supreme Court for want of compliance with **Supreme Court Rule 303(b)(3)**, amended July 27, 2006, effective September 1, 2006" (Emphasis added).

By a March 26, 2007 mailing, I attempted to amend said Notice of Appeal by adding a paragraph setting forth that the Trial Court has made **NO** "*Findings of Unconstitutionality*" (New Rule 18) in those noted criminal cases. I also enclosed my "DOCKETING STATEMENT (Criminal)", dated March 26, 2007, and a check for the \$25.00 docketing fee in that mailing.

All documents which I enclosed in said March 26, 2007 mailing were returned with your **Notice** of March 29, 2007, which, excepting the date, is identical to your March 23, 2007 **Notice**, that again so stated categorically that the subject Notice of Appeal " . . . will not be filed and docketed in the Supreme Court for want of compliance with **Supreme Court Rule 303(b)(3)**, amended July 27, 2006, effective September 1, 2006" (Emphasis added).

In my April 5, 2007 letter, I specifically stated that your:

" . . . statement(s) appears to be an inadvertence in that Supreme Court Rule 303, as per the copy included with your March 29, 2007 Notice, applies exclusively to "Appeals from Final Judgments of the Circuit Court in Civil Cases" (Emphasis added). As is demonstrably set forth by the subject Notice of Appeal, said appeal is a Criminal Appeal."

In light of your repeated insistence that my Notice of Appeal in those noted criminal cases comply with Supreme Court Rule 303, I asked also the following in my said April 5, 2007 letter:

*On what basis does the subject Criminal Appeal require ". . . compliance with Supreme Court Rule 303(b)(3)"? Is there any respect in which Supreme Court Rule 303 is pertinent to the subject Criminal Appeal? - **OR** - Does, in fact, said **Notice** dated March 23, 2007 and March 29, 2007, respectively, comprise an inadvertence?*

Nevertheless, your return letter of April 10, 2007 fails entire to address the pertinence, as you alleged repeatedly, of Supreme Court Rule 303 to the subject Criminal Appeal, as was specifically requested by my April 5, 2007 letter.

In response, you then ignored entire the very issue by which you twice rejected my Criminal Appeal and, contrariwise, said April 10, 2007 letter states categorically that **NOW** the subject "*notice of appeal will not be filed and docketed in the Supreme Court for want of compliance with Supreme Court Rule 603*".

Question: Is some explanation in order?

Supreme Court Rule 603, as reiterated entire in your April 10, 2007 letter, explicitly states, in pertinent part, that "*Appeals in criminal cases in which a statute of the United States . . . has been held invalid . . . shall lie directly to the Supreme Court as a matter of right. . .*"

The subject Notice of Appeal states in pertinent part, to wit:

". . . The validity of said United States Statute, supported by the Rooker-Feldman doctrine of the U. S. Supreme Court, is drawn in question, and said Federal Statute is effectively held invalid, by the December 1, 2006 Order."

Said Notice of Appeal was timely filed as explicitly provided for by said pertinent portion of Supreme Court Rule 603 and as provided for by Supreme Court Rule 606(a) and, as filed with the Clerk of the Trial Court, does satisfy all pertinent requirements established by Supreme Court Rule 606(d), as amended effective September 1, 2006.

In what respect is said Notice of Appeal **NOW** in "*want of compliance with Supreme Court Rule 603*"? - **OR** - Does, in fact, said April 10, 2007 letter comprise yet another inadvertence?

Does said letter, in fact, demonstrate an exercise of judicial discretion in which a judicial determination has been made, although presumptuously, by the administrative "*clerk of the reviewing court*", as to whether the 28 U.S.C. 1257 "*. . . statute of the United States . . . has been held invalid*" (Supreme Court Rule 603) by the Order appealed from? If said letter is premised on such a determination, by what authority does said clerk exercise such discretion?

Supreme Court Rule 606(f) states in pertinent part to wit:

*"Upon receipt of the copy of the notice of appeal transmitted to the reviewing court pursuant to paragraph (a) of this rule . . . the clerk of the reviewing court **SHALL** enter the appeal upon the docket."* (Emphasis added).

It is my understanding that Supreme Court Rule 606(f) deprives your Office of the judicial discretion to make a determination as to whether the subject ". . . *statute of the United States . . . has been held invalid*" by the Trial Court Order appealed from.

In keeping therewith, I am enclosing the returned copy of my timely filed Notice of Appeal which accompanied your March 23, 2007 **Notice** and your April 10, 2007 letter. I am also enclosing my returned "DOCKETING STATEMENT (Criminal)", which includes an AFFIDAVIT OF SERVICE, and my returned check to cover the \$25.00 docketing fee, each of which accompanied your March 29, 2007 **Notice** and your April 10, 2007 letter.

It is my understanding that it is your obligation and your duty to docket the subject appeal, forthwith, as explicitly required by Supreme Court Rule 606(f). If my understandings are incorrect, please respond timely and provide information to correct those understandings, otherwise, please docket said appeal as so required.

Respectfully submitted,

Clarence L. Vance

CLV

cc: Lisa Madigan
Paul A. Logli
Justice Robert R. Thomas

Enclosures:

Copy of Notice of Appeal filed March 13, 2007
Copy of December 1, 2006 Order appealed from
Copy of March 23, 2007 **Notice**
DOCKETING STATEMENT (Criminal), dated March 26, 2007
Check No. 9991 for the \$25.00 docketing fee
Copy of March 29, 2007 **Notice**
Copy of April 5, 2007 letter
Copy of April 10, 2007 letter