

18-9592

No. \_\_\_\_\_

Supreme Court, U.S.

FILED

MAY 06 2019

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

GENE T. FAVERS — PETITIONER  
(Your Name)

vs.

PEOPLE OF MICHIGAN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

GENE T. FAVERS #159735  
(Your Name)

141 FIRST STREET

(Address)

COLDWATER, MI 49036

(City, State, Zip Code)

517-278-6942

(Phone Number)

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ORIGINAL

QUESTION(S) PRESENTED

DID MICHIGAN COURTS ERROR  
BY NOT FOLLOWING THE JAIL CREDITS  
STATUTE MCL 769.118 TO APPLY TO A  
LIFE SENTENCE.

## 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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## 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 C 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[] is unpublished.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[] is unpublished.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 C 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[] is unpublished.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 OF APPEALS court 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[] is unpublished.

## 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 2-4-17.  
A copy of that decision appears at Appendix C.

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  
THE FOURTEENTH AMENDMENT(S).

MCL 769.11b

## STATEMENT OF THE CASE

Mr. Favors, points out that his reason(s) for being in the U.S. Supreme Court is very simple: The United States Justice(s) must address can Jail Credits be equally applied to a Life Sentence and is the Statute for Life Sentence(s) based on Equal Justice and sound Constitutional grounds of Equal Protection(s).

This case is based around Michigan Judge(s) who will not address a Michigan Jail Credit Statute MCL 769-11b, which effect many prisoners Before, During, and After the Statute was Enacted. The Michigan Justice(s) and Judges are ignoring and denying Equal Protection Rights for Defendant(s) Sentence to Life in prison.

The same Michigan Statute MCL 769.11b applies to Defendants who are not Sentence to Life in prison. And they are gave Jail Credits applied to their Sentence(s).

However the Michigan Statute MCL 769.11b states that whenever any person has been conviction and has prior to sentencing, served time in jail because he was denied bond or unable to furnish bond, the trial court must specifically grant credit against the sentence for time served in jail. MCL 769.11b.

### HERE THE CASE HISTORY AND FACTS

On 10-22-98, Mr. Favors, was convicted in the Wayne County Circuit Court, following a Jury Trial of Assault to do Great Bodily Harm Less Than Munder, MCL 750.84, Kidnapping MCL 750.349 and First Degree CSC 750.520.

On 10-22-98, Honorable Townsend, sentence Mr. Favors to life in prison for his conviction(s). And 204 Days of Jail Credits were Granted.

Mr. Favons Judgment of sentence gave Mr. Favons 204 days of Jail Credit(s) on the Sentence.

And Michigan Department of Corrections could not and would not give Mr. Favons, his 204 Days of Jail Credits that was granted to him by the Trial Judge; Because the Jail Credits could not be taken off of a Life Sentence; because a Life Sentence do not have any Min. or Max. Release Dates.

Mr. Favons, points out that Michigan Department of Corrections could not add or subtract the Jail Credits off of his Life Sentence, but it could add and subtract Jail Credits off of his non Life Sentence(s).

Mr. Favons, did Petition the Trial Court for them to show Michigan Department of Corrections how to apply the Jail Credits to a Life Sentence.

On 4-19-18, The wayne County Circuit Count Denied Mr. Favons, Motion For Vacating of Sentence and for Resentencing.

The Count said Mr. Favons, Motion was Denied, because Mr. Favons, failed to State a Claim Upon Which Relief can be Granted.

And that Jail Credits has already been applied to each Count in the Judgment of Sentence.

Note: Mr. Favons points out that Jail Credits was not applied to his Life Sentence(s).

On 7-3-18, the State of Michigan Court of Appeals Denied Favons, Delayed Application For Leave to Appeal with the same form letter and reason(s) as they issue to 98% of prisoners Lack of Merit in the Grounds Presented.

On 2-4-19, while Mr. Favons was waiting for Justice Kagan to respond to his Motion the Michigan Supreme Court, Denied Favons Application For Leave to Appeal.

The Michigan Supreme Court gave Mr. Favons the same Form Letter and reason as they gave to 98% of prisoners who seek out Delayed Application For Leave to Appeal and that said Mr. Favons Fail to Persuade and the Question Presented should not be Reviewed.

#### Law(s) In Support(s)

Mr. Favons, points out that it no authority to cite on precedents dealing with Jail Credits being gave to Defendants with a Life Sentence.

An invalid sentence may be set aside and a valid one imposed, subject to the Defendant(s) right to receive credit. MCL 744.10

Failure to Credit a Defendant with time served prior to sentencing is not harmless error, even where Defendant is serving a mandatory non paroleable Life Sentence; Because the length of time served may affect Defendants eligibility for various benefits within the prison system or for Commutation and Programs as well as Lower Levels. People v. Ditta, 157 MA 38 (1987)

Whenever any person is hereafter convicted of any crime within this state and has served any time in jail prior to sentencing because of being denied or unable to finish bond, for the offense of which he is convicted, the trial court in imposing sentence SHALL specifically Grant Credit against the Sentence for such time served in jail prior to sentencing. MCL 769.11b.

Credits is a matter of statute, and thus the statute Must be

read according to its plain language; a defendant is entitled to credits only when incarcerated because of an inability to post bond for the offense for which he or she is ultimately convicted.

The statute is not satisfied by the court's statement that time spent in jail prior to sentencing has been considered in determining the sentence imposed, nor by a simple statement that the defendant has been given credit for such time.

Jail Credits can be reviewed on Appeal despite the absence of objection. See: *people v. Connor*, 209 Mich App 419 (1995)

The principle of fair dealing which impose Judges in passing sentences to take account of the time a defendant was deprived of his Liberty while awaiting trial. See: *Dunn v. United States*, 376 F2d 191

Sentence credit must be given on both the Minimum and Maximum Sentence. *Booker v. Recondre's Judge*, 7 MA 705 (1967)

If the defendant is confined on more than one concurrent sentence, he or she is entitled to credits on all. *People v Panisi*, 46 MA 322 (1973), rev'd on other grds 393 M 31 (1975)

The record must show that a specific grant of credit was made as well as the manner in which it was made. MCL 744.10

## REASONS FOR GRANTING THE PETITION

Mr. Favors, points out that his reason(s) to grant is that this Statute affect many Michigan prisoner(s) under a Life Sentence.

However the Statute MCL 769.11b is ambiguous to Jail Credits to a Life Sentence that do not have a Min. or Max. Out Date(s) Release Date(s).

Non do the Michigan Department of Corrections know how to apply Jail Credits to a Life Sentence(s).

Non has any Michigan Court even address how Jail Credits can be applied to a Life Sentence.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Gene T. Moore #159735

Date: 5-3-19