

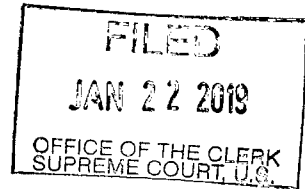
18-9820

ORIGINAL

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES



Jonathon Edick — PETITIONER
(Your Name)

vs.

People of the State of Michigan RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Michigan Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jonathon Edick #410069
(Your Name)

1500 Caberfao Hwy
(Address)

Manistee, MI 49660
(City, State, Zip Code)

n/a
(Phone Number)

QUESTION(S) PRESENTED

- ① Is petitioner entitled to relief where his constitutional rights are/were violated by receiving Ineffective Assistance of counsel at the trial court level?

Prosecution/Lower Courts say "No"

Petitioner says "Yes"

- ② Is petitioner entitled to relief where his constitutional rights are/were violated by Prosecution engaging in highly inappropriate conduct causing petitioner to sustain extreme prejudice at trial court level?

Prosecution/Lower Courts say "No"

Petitioner says "Yes"

- ③ Is petitioner entitled to relief where his constitutional rights are/were violated when the trial court judge abused his discretion in decisions during trial allowing petitioner to be imputed a damaging degree of prejudice?

Prosecution/Lower Courts say "No"

Petitioner says "Yes"

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 _____ 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☐ is unpublished.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☐ is unpublished.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 _____ 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 Michigan Court of Appeals court appears at Appendix A to the petition and is

- ☒ reported at 2018 Mich. App. LEXIS 279; 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 10/30/18.
A copy of that decision appears at Appendix B.

☐ 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

MRE 404

Other acts evidence

MRE 403

undue prejudice

STATEMENT OF THE CASE

Petitioner maintains his innocence from charges filed and prosecuted through the county of Kalamazoo in the state of Michigan. Petitioner was appointed counsel on three occasions during the proceedings to the Jury Trial. First appointed counsel was removed by judge due to inability to move forward (Petitioner's request) Second appointed Counsel withdrew from conflict of interest (Court Appointed Lawyers Request) Third appointed Counsel was constitutionally ineffective in his assistance as counsel. Despite all of petitioner's claims to have received a constitutionally unfair trial the jury still deliberated a bit more than 3 hours reaching a verdict at 4:45 pm on a Friday Afternoon.

Third and final trial counsel was ineffective in his assistance of counsel at a Constitutional level for many reasons. First of all Counsel neglected to conduct any type of investigation into evidence nor conduct interviews with persons whom had evidence pertaining to petitioner's innocence. Petitioner on numerous occasions requested that people be subpoenaed and phone records be subpoenaed that corroborate petitioner's declarations of innocence. Counsel refused to submit evidence that petitioner had provided printed out from text/emails encompassing a two week period before and after the alleged incident day. Counsel lied to petitioner stating that he couldn't use police reports or pretrial transcripts as evidence in the case. Counsel failed to object to use of police report for MRE 404(b) purposes even though prosecution was withholding evidence from that police report from defense and judge. Counsel also failed to request from the prosecution the evidence from that police report submitted as 404(b).

Prosecutor engaged in conduct that enabled petitioner to be prejudiced at such a high level so as to not receive a fundamentally fair trial. The misconduct was with two separate but equally devastating violations. One of which was a Brady Violation, prosecutor had text/emails, and phone call logs which exonerated the petitioner and led prosecution to not seek charges against petitioner. Prosecutor now claimed to Attorney Grievance Commission that emails, texts, phone logs have disappeared. No police report is fundamentally fair to use in a trial if the evidence from the investigation is unpreserved. That takes away the constitutional right to examine the accuser. The second violation

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STATEMENT OF THE CASE (cont.)

that deflated the fundamental fairness of the case at an unconstitutional level was allowing perjured testimony to go uncontested or corrected. These prosecutorial errors were not harmless, they were willing, intentional, and done only with the goal of scoring a conviction.

The fundamental framework of our legal system is innocent until proven guilty. The judge abused his discretion causing the plaintiff to be prejudiced by allowing the jury to hear testimony from a filed police report that the prosecution rejected once it received it. The Honors discretion became abusive when he allowed the testimony from the rejected police report even though it rose way beyond the level of prejudice indicated in MRE 403 unfair prejudice. Not only did the decision to allow the prejudicially unfair testimony be heard but judge ruled again for prosecution that jury can not know that prosecution rejected police report and further put a burden on petitioner to prove his innocence when really the burden of proof is on the prosecution. With scale of justice so heavily tipped against petitioner it is impossible to hold confidence in the verdict. With the way the prosecution set it up the jury merely inferred that petitioner was guilty, however it still took three hours to conclude that.

One may and probably will argue that these are harmless errors; however cumulatively they are devastating. This case is the reason the appellate process was created. I implore you to reverse this tainted conviction due to the manifest injustice the petitioner suffers every waking minute of every waking day.

REASONS FOR GRANTING THE PETITION

For clarity I will itemize the reason and prayerfully ask this court to vacate the sentence due to:

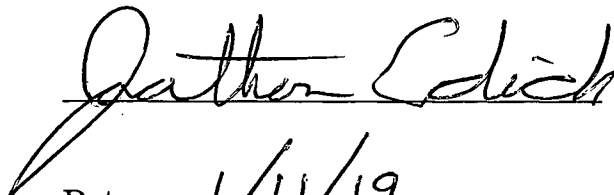
- ① Petitioners sixth amendment was/is violated due to not receiving adequate assistance of counsel.
- ② Petitioners fifth amendment was/is violated from the highly prejudiced prosecutorial misconduct that deprived petitioner of a constitutionally fair trial and denied his due process protections.
- ③ Petitioners fifth amendment was/is also violated from the judges abuse of discretion allowing a police report in trial under the guise of MRE 404(b) although due to never being convicted it was used to paint a character picture of petitioner having a propensity for alleged behavior.
- ④ Petitioner received a manifest injustice.
- ⑤ There were 20+ pages of evidence that exonerated petitioner were never read by the jury, therefore there is no confidence in the fairness of the verdict.
- ⑥ It is impossible to determine the validity of evidence or lack of without conducting an investigation.
- ⑦ Petitioner went into trial having been imputed to him a "presumption of guilt."

The greater majority of what petitioner is claiming through this motion is all pertaining to receiving a constitutionally fundamental trial, which it was not. Please vacate sentence with the powers given you by Almighty God.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Date: 1/11/19