

DIMITRI BERNARD ROBINSON

Petitioner

Vs

CASE NO 19-5972

KYM WORTHY

Respondent

Chief Prosecutor for Wayne County

M O T I O N F O R
R E C O N S I D E R A T I O N

FILED
DEC 06 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITIONER DIMITRI BERNARD ROBINSON MOVES THIS HONORABLE COURT TO RECONSIDER ITS NOVEMBER 18th 2019 DECISION TO DENY CERTIORARI REVIEW IN THE ABOVE CAPTIONED MATTER IN SUPPORT OF THIS REQUEST FOR RECONSIDERATION THE PETITIONER STATES THE FOLLOWING

- 1) PETITIONER IS REQUESTING RECONSIDERATION OF (1) ONE CLAIM THAT DETECTIVE OBTAINED A COURT ORDER TO PING MY PHONE WITHOUT PROBABLE CAUSE OR WARRANT FOR MY LOCATION
- 2) THAT THIS HONORABLE COURTS RULING IN CARPENTER Vs UNITED STATES 138 SCT 2206 (2018) HAS SET FORTH THE STANDARD ON WHICH INAPPROPRIATELY OBTAINED CELLPHONE SITE LOCATION INFORMATION (C S L I) VIOLATES A CITIZENS REASONABLE EXPECTATION OF PRIVACY UNDER THE FORTH AMENDMENT TO THE UNITED STATES CONSTITUTION
- 3) THE UNITED STATES APPEAL COURTS HAVE SINCE ADOPTED AND APPLIED THE STANDARD IN CASES SUCH AS UNITED STATES Vs GOLDSTEIN 914 F 3d 200(2019) LEXIS 1939 SOLIDIFYING THIS

HONORABLE COURTS MAJORITY RULING IN CARPENTER 1d

4 THAT THIS PETITIONERS FORTH AMENDMENT RIGHTS TO A REASONABLE EXPECTATION OF PRIVACY WAS VIOLATED IN THE EXACT SAME CONTEXT OUTLINED IN BOTH CARPENTER 138 SCT 2206 AND GOLDSTIEN 914 F 3d 200; QUOTING THE RECENT DECISION IN CARPENTER THAT DEFENDANTS DO IN FACT HAVE A PRIVACY INTEREST IN THEIR C S L I

5) THAT THIS CONSTITUTIONAL CLAIM OF ERROR WAS ADDRESSED AND DENIED IN THE PETITIONERS STATE COURT PROCEEDINGS PRIOR TO THIS HONORABLE COURTS RULINGS IN CARPENTER

6) THAT UPON THE ADVISE OF HIS STATE APPELLATE ATTORNEY HE FILED A PETITION IN THIS COURT FOR CERTIORARI ON THE BASIC OF ITS RECENT RULINGS

7) PETITIONER IS A PRISONER IN THE STATE OF MICHIGAN AND HAS VERY LIMITED RESOURCES AND KNOWLEDGE OF LAW AND WOULD RESPECTFULLY ASK THIS COURT TO CONSIDER HIS REQUEST ON THE MERIT OF HIS CLAIM

8) THIS HONORABLE COURT CAN RETAIN JURISDICTION AND CONSIDERATION OF THE PETITION PURSUANT TO 28 U S C §2254 AND GRANT RECONSIDERATION

9) THAT THE PETITIONERS FORTH AMENDMENT RIGHTS WERE VIOLATED BY THE NAMED RESPONDANT KIMBERLY WORTHY PROSECUTOR FOR WAYNE COUNTY IN THE STATE OF MICHIGAN WHEN SHE WITHOUT PROBABLE CAUSE OBTAINED THE PETITIONERS CELLPHONE SITE LOCATION INFORMATION THEN USED THAT INFORMATION TO LOCATE AND ILLEGALLY ARREST PETITIONER WITHOUT A PROPER WARRANT

CONT

PRAYER FOR RELIEF!

10) THAT THIS HONORABLE COURT RECONSIDER ITS ORDER DENYING
CERTIORARI AND GRANT REVIEW OF HIS PETITION ON THE
CONSTITUTIONAL CLAIM OUTLINED IN PARAGRAPH (1) ONE AND / OR
REMAND THIS MATTER TO THE MICHIGAN STATE COURT OF APPEALS FOR
A RULING IN LIGHT OF CARPENTER Vs UNITED STATES 138
S CT 2206(2018)

RESPECTFULLY SUBMITTED

/s/ Dimitri Robinson

DATED

12/5/19

DIMITRI BERNARD ROBINSON

REG NO#609119

SAGINAW CORRECTIONAL FACILITY(SRF)

9625 PIERCE ROAD

FREELAND MICHIGAN(48623)

V E R I F I C A T I O N

I DEMITRI BERNARD ROBINSON DOES HEREBY SWORN UNDER PENALTY OF PERJURY
THAT ALL THE INFORMATION CONTAINED HEREIN IS TRUE TO THE BEST OF MY
KNOWLEDGE PURSUANT TO MCR 2 114

X/s/ Dimitri Robinson

DEMITRI BERNARD ROBINSON #609119

GROUND'S FOR RELIEF

- 1). THE PETITIONERS PREVIOUSLY FILED A REQUEST TO PRECEED IN FORMA PAUPERIS, WHICH WAS GRANTED ON 9/18/19.
- 2). THE PETITIONERS FOURTH AMENDMENT RIGHTS WERE VIOLATED BY THE RESPONDANT KIMBERLY WORTHY (PROSECUTOR FOR WAYNE COUNTY IN THE STATE OF MICHIGAN WHEN SHE WITHOUT PROBABLE CAUSE OBTAINED THE PETITIONERS CELL PHONE SITE LOCATION AND ILLEGALLY ARREST PETITIONER WITHOUT A PROPER WARRANT.

CERTIFICATION

3). PETITIONER PRESENTS THIS ISSUE GOOD FAITH AND NOT FOR ANY DELAY IN THIS FEDERAL HABEUS FILING UNDER THE AEDPA PURSUANT TO 28 USC 2254 WHICH IS DUE IN JULY OF 2020.