

No. _____

19-6168

IN THE
SUPREME COURT OF THE UNITED STATES

Edward Robinson — PETITIONER
(Your Name)

vs.

ORIGINAL

DEWAYNE BURTON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED
SEP 13 2018
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

PETITION FOR WRIT OF CERTIORARI

Edward Robinson
(Your Name) United States Court of Appeals
FOR THE SIXTH CIRCUIT

100 East Fifth Street, Room 540
(Address)

Cincinnati, Ohio 45202-3188
(City, State, Zip Code)

(513) 564-7000
(Phone Number)

RECEIVED
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SUPREME COURT, U.S.

(1#) Petitioner was denied his right to confrontation and due process through improper presentation of argument, and misconduct of

(2#) Petitioner was denied his right to a direct appeal

QUESTION(S) PRESENTED

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:

RELATED CASES

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OTHER

REGARDING THE QUESTIONS ON THIS PAGE, I'M NOT SURE I UNDERSTAND WHAT YOU ARE ASKING FOR, OR HOW TO ANSWER THEM. IF YOU COULD GIVE ME FURTHER INSTRUCTIONS OR ELABORATE ON WHAT I NEED TO DO, I WOULD BE VERY GRATEFUL.

"Table of Authorities Cited"

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 A 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 is unpublished.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 B to the petition and is

reported at 2018 U.S. Dist. Lexis 195672; 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[] is unpublished.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 895 N.W.2d 176 2017 Lexis 1029; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the Lower Michigan Supreme court appears at Appendix C to the petition and is

reported at 895 N.W.2d 176 2017 Lexis 1029; 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 July 15, 2019.

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 July 15, 2019. A copy of that decision appears at Appendix A.

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

- 1- The Trial Court's Refusal To Grant Relief Was An Abuse OF DISCRETION where The Defendant-APPELLANT Set-forth GROUNDS FOR RELIEF under case-Law AND The 6.500 Chapter of The Court Rules Because MR. ROBINSON Was DENIED HIS STATE AND FEDERAL CONSTITUTIONAL RIGHT TO CONFRONTATION, DUE PROCESS OF LAW AND A FAIR TRIAL - GUARANTEED HIM THROUGH THE SIXTH AND FOURTEENTH AMENDMENTS AND CONST. 1963, ART §§ 17,20 = THROUGH IMPROPER ARGUMENT OF THE PROSECUTOR.
- 2- The Trial Court's Refusal to Grant Relief Was An Abuse of DISCRETION where The Defendant-APPELLANT Set-forth GROUNDS FOR RELIEF under case-Law AND The 6.500 Chapter of The Court Rules Because MR. ROBINSON Was DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL THROUGH COUNSEL'S FAILURE TO OBJECT AND /OR SEEK A CURATIVE INSTRUCTION TO BOTH INTERJECTED, INADMISSIBLE AND HIGHLY PRESUBICIAL HEARSAY, AND IMPROPER ARGUMENT OF THE PROSECUTOR.
- 3- Petitioner Was DENIED HIS FUNDAMENTAL DUE PROCESS PROTECTIONS when HE WAS DENIED HIS APPEAL AS OF RIGHT AND INSTEAD RELEGATED TO 6.500 MOTION - THE FIRST BEING BY RIGHT AND THE SECOND BY GRACE - IN VIOLATION OF BENOTT V. BOCK, AND WHICH MANDATES A NEW APPEAL AS OF RIGHT UNDER MCR 6.428

STATEMENT OF THE CASE

Mr. Robinson was convicted by jury of having committed the offences of second-degree criminal sexual conduct (CSC2) MCL 750.520c (two counts) and first-degree criminal sexual conduct (CSC1) MCL 750.520 (one count) (Trial Transcript (TT) 03/06/2014, verdict p.60) Mr. Robinson was thereafter sentenced by Circuit Judge James A. Callahan to prison for terms of twenty-five to forty years for the CSC1 convictions, to be served concurrently with terms of ten to twenty-two and one-half years for the CSC2 convictions (sentence Transcript (ST) 03/27/2014, pg 11-12) The twenty-five year minimum for the CSC1 was mandated by statute, for the complaining witness was under thirteen years of age.

M.C.L. 750.520b (a)(b).

Petitioner's case stems from CSC1 allegations relative to events that took place on April 17, 2012 at a dwelling in the City of Detroit, commonly known as 18348 Cathedral Street. Petitioner was a long-time friend of the victim's family, the victim was a 9-year old girl whom Petitioner had baby-sat on numerous occasions up to this point in time. There had never been any allegation of sexual misconduct against Petitioner by anyone. Petitioner denied that any sexual misconduct ever took place and continues to assert his innocence to this day. A jury convicted Petitioner and Petition was subsequently sentenced to prison. Not having any legal assistance, Petitioner did not request appellate counsel in a timely manner, which is why appellate counsel filed a 6.500 motion [redacted] instead of an appeal as of right.

Petitioner avers that this fact alone contravenes the mandates of *Albert v. Michigan*, 545 U.S. 605, 623-624, 125 S.Ct. 2582, 2594, 162 L. Ed. 2d 522 (2005) because at no time did Petitioner ever waive his right to appellate counsel, which is why Petitioner raises this at this point in time.

REASONS FOR GRANTING THE PETITION

IN SUPPORT OF PETITIONER REQUEST FOR THE NEED OF AN EVIDENTIARY HEARING
IN CONJUNCTION WITH THIS ACTION. PETITIONER IS INCARCERATED NOT SCHOoled IN THE
LAW. AND IS NOT CAPABLE OF RESEARCHING AND BRIEFING HIS ARGUMENTS.

PETITIONER FURTHER SUBMITS THAT AS OUTLINED AND ARGUED THROUGHOUT
THIS ACTION, THERE ARE LAYERS OF UNDERLYING ISSUES THAT ARE COMPLEX AND ISSUES
THAT REQUIRE THE ASSISTANCE OF COUNSEL TO PERFECT.

DUe TO mY INCARCERATION AND LIMITED EDUCATION AS IT RELATED TO THE LAW I AM
UNABLE TO PERFORM ANY INVESTIGATION AND GARNER ADDITIONAL
FACTS TO SUPPORT THE SERIOUS ALLEGATION INVOLVING ~~THIS~~ ACTION
(SELLERS v. UNITED STATES, SUPRA, MARTIN v. FREAKE, 650 F.2d 885, 889 (7th Cir. 1981))

AS SUCH, PETITIONER RESPECTFULLY REQUESTS THAT THIS HONORABLE COURT
WILL GIVE SERIOUS CONSIDERATION OF THESE ISSUES,
AND PROSECUTORIAL MISCONDUCT.

PROSECUTOR'S EGREGIOUSLY IMPROPER CLOSING ARGUMENT WAS UNREASONABLE. AND DEFENDANT
WAS PREJUDICED THAT LACK OF PHYSICAL EVIDENCE MADE THIS A CLOSE CASES DEFENDANT ON
THE JURY'S DETERMINATION OF WHO WAS MORE CREDIBLE THE STATE COURT'S DECISION THAT
EVEN ABSENT ANY POSSIBLE PROSECUTORIAL MISCONDUCT THE JURY WOULD HAVE FOUND
DEFENDANT GUILTY WAS AN UNREASONABLE APPLICATION OF (STRICKLAND v. WASHINGTON)
(466 US (1984))

THE PROSECUTOR'S DUTY SHOW THE WHOLE TRANSACTION WHETHER ITS TENDENCY IS TO SHOW
GUILT OR INNOCENCE INCLUDING EVIDENCE WHICH IS ATTAINABLE (THROUGH INVESTIGATION)
HURD v. PEOPLE 25 MICH 405 (1872) SUPERSEDED BY STATE M.C.L. 767.404
PROSECUTOR FAILURE TO PRODUCE EVIDENCE IN SUPPORT OF OPENING STATEMENT (PEOPLE v. WOLVERTON 277
MICH APP 728 (1997)).

Trial Counsel was INEFFECTIVE (PEOPLE v. DOWG 105296 MICH APP 186 (2012)) COUNSEL'S FAILURE TO
OBJECT TO CLEAR PROSECUTOR MISCONDUCT WHEN PROSECUTOR VOCHED FOR THE
CREDIBILITY OF THE WITNESS AT TRIAL SAYING THAT THE WITNESS WAS TELLING THE
TRUTH THE PROSECUTOR REPEATEDLY COMMENTED ON THE CREDIBILITY OF THE WITNESSES
THAT AMOUNTED TO INEFFECTIVE ASSISTANCE OF COUNSEL
(WASHINGTON v. HOFBAUER 288 F.3d 689 (CA6, 2000)).

MY REASONS FOR GRANTING THE PETITION

(BECAUSE JURY FOUND DEFENDANT GUILTY BASED ON THE CREDIBILITY OF THE PROSECUTOR'S
OFFICE, NOT THE ELEMENTS OF THE OFFENSE, WHICH IS PERJUDICE
(PEOPLE v. CRAWFORD MICH APP 344, 354; 467 N.W.2d 818 (1991))

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Edward Robinsons

Date: 9 - 19