

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

**19-6168**

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_

Edward Robinson — PETITIONER  
(Your Name)

vs.

DEWAYNE BURTON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ORIGINAL

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 45202-3988  
(City, State, Zip Code)

(513) 564-7000  
(Phone Number)

RECEIVED  
SEP 24 2019  
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SUPREME COURT, U.S.

**QUESTION(S) PRESENTED**

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

(2#) Petitioner was denied the effective assistance of counsel at trial and (3#) Petitioner was denied his right to a direct appeal.

## 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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## TABLE OF AUTHORITIES CITED

CASES

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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.

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"

STATUTES AND RULES

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 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☒ is unpublished.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☐ is unpublished.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 P.2d; 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: July 15, 2019, and a copy of the order denying rehearing appears at Appendix A.

☐ 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 Prejudicial 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 Bein By Right And The Second By Grace - In Violation Of Benoit 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 Transcripts (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. MCL 750.520b (2)(b).

Petitioner's case stems from CSC A 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 Petitioner 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 C.Soo motion ~~instead of an appeal as of right~~. Petitioner avers that this fact alone contravenes the mandates of *Halbert v. Michigan*, 545 U.S. 605, 623-624, 125 S.Ct. 2582, 2594, 162 L. ed. 2d 552 (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 And 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 relates 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, Maclin v. Freake, 659 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.

Prosecutors egregiously improper closing argument was unreasonable. And defendant was prejudiced that lack of physical evidence made this a close case. 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 prosecutors 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

Prosecutorial failure to produce evidence in support of opening statement (People v. Wolverton 277 Mich App 726 (1997)).

Trial counsel was ineffective (People v. Douglas 296 Mich App 186 (2012)) Counsel's failure to object to clear prosecutorial misconduct when prosecutor vouched for the credibility of the witness at trial saying that the witness was telling the truth. The prosecutor repeatedly commend 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 prosecutors office, not the elements of the offense which is prejudice (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 Robinson

Date: 9 - -19