

19-6731  
No. \_\_\_\_\_

Supreme Court, U.S.  
FILED

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IN THE  
SUPREME COURT OF THE UNITED STATES

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TRAVELL NICOLAS-ALFONZO HENRY - PETITIONER

VS.

WILLIS CHAPMAN, WARDEN - RESPONDENT

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On Petition for a Writ of Certiorari from the  
United States Court of Appeals for the Sixth Circuit

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PETITION FOR A WRIT OF CERTIORARI

BY: Travell Nicolas-Alfonzo Henry, #972475  
Petitioner, *in pro per*  
Macomb Correctional Facility  
34625 26 Mile Road  
Lenox Township, MI 48048

**ORIGINAL**

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\* This document was prepared with the assistance of a non-attorney prisoner assigned to the Legal Writer Program with the Michigan Department of Corrections.

**QUESTION(S) PRESENTED**

**I. WAS MR. HENRY'S TRIAL COUNSEL, PATRICK NYENHUS, FAILED TO PROVIDE CONSTITUTIONALLY EFFECTIVE ASSISTANCE OF COUNSEL?**

**A). Counsel was ineffective when he failed to investigate and/or then call Ms. Stewart's husband to testify.**

**B). Counsel was ineffective when he asked the Petitioner to first give a statement to the police without any consideration, and then to testify, which only served to bolster the prosecutor's case and may have led to other evidence which appeared incriminating.**

**LIST OF PARTIES**

[X] All parties appear in the caption of the case on the cover page.

## TABLE OF CONTENTS

TABLE OF AUTHORITIES .....	i
OPINIONS BELOW .....	iii
JURISDICTION .....	iv
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	v
STATEMENT OF THE CASE.....	1
REASONS FOR GRANTING THE WRIT:	
<b>I. MR. HENRY'S TRIAL COUNSEL, PATRICK NYENHUS, FAILED TO PROVIDE CONSTITUTIONALLY EFFECTIVE ASSISTANCE OF COUNSEL.....</b>	<b>9</b>
<b>A). Counsel was ineffective when he failed to investigate and/or then call Ms. Stewart's husband to testify.....</b>	<b>9</b>
<b>B). Counsel was ineffective when he asked the Petitioner to first give a statement to the police without any consideration, and then to testify, which only served to bolster the prosecutor's case and may have led to other evidence which appeared incriminating.....</b>	<b>11</b>
SUMMARY AND RELIEF SOUGHT. ....	14

## **INDEX TO APPENDICES**

Order of the United States Court of Appeals, Sixth Circuit ( <u>August 13, 2019</u> ; # <u>19-1486</u> ) .	<b>APPENDIX A</b>
Order and Judgment of the U.S. Dist. Ct. - E.D. Mich. ( <u>April 17, 2019</u> ; # <u>2:18-cv-13172</u> ).	<b>APPENDIX B</b>
Opinion and Order of the Michigan Supreme Court (May 1, 2018; #156722).....	<b>APPENDIX C</b>
Opinion of the Michigan Court of Appeals (September 19, 2017; #331326).....	<b>APPENDIX D</b>

## **TABLE OF AUTHORITIES**

<b><u>CASES</u></b>	<b><u>PAGE NUMBER</u></b>
Beasley v United States, 491 F.2d 687, 696 (CA 6, 1974) .....	9
Strickland v Washington, 466 U.S. 668, 687 (1984) .....	9, 12
In Re Ayers, 239 Mich. App. 8, 22 (1999) .....	10
People v Adley, 497 Mich. 381, 389 (2015) .....	10
People v Davis, 250 Mich. App. 357, 368 (2006) .....	10
People v LeBlanc, 465 Mich. 575, 579 (2002) .....	8
People v Traktenberg, 493 Mich. 38, 51 (2012) .....	12
People v Pickens, 446 Mich. 298; 521 N.W.2d 797 (1994) .....	9
 <b><u>CONSTITUTIONS, STATUTES, COURT RULES</u></b>	
U.S. Const. Am; Const. 1963, Art. 1, §20 .....	9, 12
MCLA. 750.316(b) .....	1

## **OPINIONS BELOW**

Petitioner respectfully prays that writ of certiorari issue to review the judgment below:

[X] for cases from **federal courts**:

The order of the United States Court of Appeals, 6<sup>th</sup> Circuit, denying a certificate of appealability (August 13, 2019), appears at **APPENDIX A** to the petition and is unpublished

The opinion of the United States District Court - E.D. Mich., denying the motion for equitable tolling and dismissing writ of habeas corpus and denying a certificate of appealability appears as **APPENDIX B** to the petition and is reported at Travell Nicolas-Alfonzo Henry v WILLIS CHAPMAN, 2019 U.S. Dist. LEXIS 65272, Dk. No. 2:18-cv-13172, (E.D. Mich., April 17, 2019).

[X] 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 People v Henry, 910 N.W.2d 288; 501 Mich. 1061; 2018 Mich. LEXIS 770 (May 1, 2018).

The opinion of the Michigan Court of Appeals appears as **APPENDIX D** to the petition and is reported at People v Travell Nicolas-Alfonzo Henry, 2017 Mich. App. LEXIS 1497, (Michigan Court of Appeals, Dk. No. 331326 (September 19, 2017)).

## **JURISDICTION**

Petitioner seeks review of the August 13, 2019, order of the U.S. Court of Appeals for the Sixth Circuit. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).



## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **A. CONSTITUTIONAL PROVISIONS**

**U.S. CONST. AMEND. IV:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**U.S. CONST. AMEND. V:** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**U.S. CONST. AMEND. XIV:** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### **B. STATUTORY PROVISIONS**

**28 U.S.C. 1254(1):** Cases in the courts of appeals may be reviewed by the Supreme Court by Writ of Certiorari granted upon the petition of any party to any civil case, before or after rendition of judgment or decree.

**28 U.S.C. 1915(a)(1):** Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such person possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

## **STATEMENT OF CASE AND BACKGROUND**

This is a United States Constitutional rights action filed by Travell Nicolas-Alfonzo Henry a state prisoner, while being detained in the Michigan Department of Corrections, Macomb Correctional Facility, 34625 26 Mile Road, Lenox Township, Michigan, 48048-3000.

## **SUMMARY OF ARGUMENT**

After a jury trial, Defendant-Petitioner, Travell Nicolas-Alfonzo Henry, was convicted of Felony Murder, M.C.L.A. 750.316b in the Wayne County Circuit Court, in Detroit, Michigan on December 18, 2015 and was sentenced to serve life without parole on January 11, 2016. Defendant-Petitioner Henry filed a timely Motion for Post-judgment relief and requested that the trial court, the Honorable James A. Callahan, hold a Ginther hearing so that Defendant-Petitioner could present evidence in support of his claim of ineffective assistance of counsel. Due to scheduling issues of various types, that hearing was not held until October 21, 2016. The parties briefed the issues and presented oral arguments on November 21, 2016. Judge Callahan ruled from the bench denying the Defendant-Petitioner's motion for a new trial.

## **MATERIAL ISSUE AND RELEVANT FACTS**

This case arose out of an apparent marijuana deal run amok in Detroit, where the Defendant-Petitioner, Mr. Henry, set up the deal with a friend, Mr. Ford, but invited two juveniles along. Mr. Henry continues to assert that those juvenile, who did not know Ford, robbed him and shot him. Defendant-Petitioner took his attorney's advice and spoke to the police, putting himself squarely at the scene, and then testified at trial as well. Since then, one of the others, Allen Thompson, has been convicted of homicide as a juvenile. The other, a cousin of Thompson's named Tyvair MacNeil, remains unchanged.

Trial began on December 14, 2015. The jury voir dire process consumed a good part of the first day. (JT 12/14/15, p. 1-102). The jury was instructed and opening statements made. (JT 12/14/16, p. 103-137). The first witness, Jonetta Stewart, told the jury that she was at home on Promenade Street on the evening of the shooting, August 23, 2015. She was upstairs when she heard gunshots. She looked out and saw a Dodge charger in the street. She saw two black, slim men. One took a black bag with red or orange writing out of the car. She called 911. Ms. Stewart said she could identify the call because she recognized her husband's voice on the call. (JT 12/14/15, p. 140-144). She also said her husband told her that "he seen two guys running through the back and I ran back there to see what he was talking about". Her husband, for some reason, never spoke to the police about what he saw. (JT 12/14/16, p. 148)

Nathan Johnson, a Detroit Police evidence technician, testified that when he arrived at the scene there was a black Charger and several police units. The victim was in the driver's seat covered with a blue sheet from the EMS unit. He searched for evidence and found two shell casings, a bullet, and a cell phone on the victim's lap. (JT 12/14/15, p. 160-172). Anderson-Cobb testified that she processed the victim's Charger for forensic evidence, and took many photos.

Detroit Police Officer Eugene Fitzhugh went to the Job Corps facility on August 25, 2015. He collected evidence from Defendant-Petitioner Travell Henry's room there, including some marijuana, baggies, and a scale, a black backpack with a red stripe, an entirely black duffel, a pink backpack and a SpongeBob backpack. These items were swabbed for evidence. (JT 12/14/16, p. 177-185). Officer Patrick Lane also went to Job Corps and searched for evidence in Mr. Henry's room, including clothing similar to the

suspect's and bags. (JT 12/15/15, p. 100-).

The next day trial continued with testimony from Bandy Hill,<sup>1</sup> who testified that she gave Defendant-Petitioner Henry and another man a ride on August 23, 2015 at about 8pm after Mr. Henry first messaged her on facebook and then called her. She went to his house, but he wasn't there, and she called the number he gave her again and she went to a nearby location and picked him up. (JT 12/15/15, p. 12). She had her daughter with her in a car seat in the back. The second man got into the back while Travell got in the front. She spoke with him about gas money; Travell reportedly said he only had two dollars. She ended up using her own debit card for gas. Her car had a donut spare tire, so they took the long way not the highway, and she dropped them at Job Corps. She overheard the men talking about a person who was not much older than them, but other than that she did not hear the conversation, except they both were worried about the police following her. (JT 12/15/15, p. 17-18). Both men got out and hoped the fence at Job Corps. She said that the unknown person with Mr. Henry tried to give Travell the backpack, and that she believed something that "green" was in there that "should not have been" in her car. (JT 12/15/15, p. 26). Ms. Hill is pretty sure she would recognize the second man if she were shown his picture, but the police had not shown her any pictures. (JT 12/15/15, p. 26) Ms. Hill could not recall their clothing, but the man in the back had an afro, while Mr. Henry wore braids.

Detective Cheryl Peoples collected evidence during the post-mortem. (JT 12/15/15, p. 38). James Lozano, a pathology resident, conducted the post-mortem, and testified that the victim died due to gunshot wounds. (JT 12/15/15, p. 40-50).

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<sup>1</sup> It is unclear from the record, but Ms. Hill's identity and value as a witness was made known to law enforcement because of Mr. Henry's statement given 9/22/15. Ms. Hill gave a statement on 12/1/15.

Michael McGinnis analyzed the phone records in this case and testified the target number for Defendant-Petitioner Travell Henry shows that the phone “associated” with him seems to have made a call to the phone associated with the victim, Ronald Ford III, on the day of the shooting, and also called Allen Thompson and Tyvair Wilkins. Mr. Henry’s phone was near the scene of the shooting around the time of the shooting, and then it was back at Job Corps later on. (JT 12/15/15, p. 85-89).

The security operations manager at Job Corps, Mike Kibel, told the jury that when Defendant-Petitioner Henry lived there, the center was “converting” to a closed campus. He did give access to surveillance camera footage to the police who were investigating this matter. Defendant-Petitioner Henry was seen on camera leaving and returning to the Center, but not by the front door, and they did not sign out as would be proper. (JT 12/15/15, p. 120-142).

Laura Manzella, the officer in charge, testified that she examined Ronald Ford’s phone, which was not locked. His phone and Defendant-Petitioner Henry’s name in the call log. There were text messages to Mr. Henry that appear to relate to a marijuana sale. (JT 12/15/15, p. 181). Allan Thomason did make two inconsistent statements, and he was brought in for questioning, but was released because he was a minor. (JT 12/15/15, p. 186). Tyveair Wilkins was also investigated but not charged, as he is also a minor. (JT 12/15/15, p. 187). Manzella also agreed she never tried to talk to Jonetta Stewart’s husband.

On the third day of trial, there was brief testimony from the father of the victim (Ronald Ford Jr.) just to identify items that were in Mr. Ford’s possession. The Prosecution rested. Defense counsel (Mr. Nyenhuis) moved for a directed verdict:

Mr. Nyenhuis: "I don't think they've proven premeditation."

The Court: "how can you say that?"

Mr. Nyenhuis: "no one has identified Mr. Henry as being the one who shot the person."

The Court: "that doesn't . . . go to the premeditation aspect."

(JT 12/16/15, p. 15)

Now, after Mr. Nyenhuis noted that no testimony actually put Mr. Henry at the shooting, Mr. Henry took the stand to testify in his own defense. He had been friends with Ronald Ford II for 2 years since they worked together at Marshall's (JT 12/16/15, p. 21). They did things together, he went to Mr. Ford's apartment, drove with him when Mr. Ford picked up his daughter. Mr. Henry was living at Job Corps in August of 2015 when one of the other residents, Allen Thompson, asked him about buying marijuana and Mr. Henry said he knew where he could get some. (JT 12/16/15, p. 28). He called Ron, and texted him. Mr. Henry said since he was not a minor, he was allowed to leave Job Corps but Thompson was not, that is why they jumped the fence. They took a bus to Dickerson and East Warren. They were set to meet Allan's brother, Tyveair Wilkens, who was the customer and supposedly had money to buy the marijuana, on Dickerson. Mr. Henry let Ron know where they were. They walked over to Tyveair's house, which they had some trouble finding. They began cooking some food in the kitchen and smoking marijuana. Then Tyveair arrived. Mr. Henry received a call from Ron, and it was on the speakerphone. Normally, Ron would pick Mr. Henry up in his red car, but Ron said he would be in a black charger. Ron then called again, it was time for Tyveair to meet him.

Mr. Henry called Mr. Ford and told him that the customer would be on the front porch on Promenade. Mr. Henry then heard a car revving, and when he walked down the street towards the meeting place, he saw Tyveair in the backseat of the charger pulling a backpack out and holding a gun. Tyveair ran off and jumped a couple fences. Mr. Henry ran to the charger and opened the door and checked Mr. Ford's pulse. He saw a woman watching him and was frightened so he ran off in the same direction as Tyveair. (JT 12/16/15, p. 49). Allen ran up to the car and pulled out a Ziploc bag in a black cloth. They ran back to the house they had been eating at and the door was locked, Tyveair, inside, let them in. (JT 12/16/15, p. 53). Tyveair pointed his gun at Mr. Henry and told him to go down to the basement. Tyveair shared some of the marijuana with Mr. Thompson. Tyveair and Allen changed their clothes. Mr. Henry said he tried to record what was happening on his phone, but Tyveair told him to turn it off and Allen took the phone away. (JT 12/16/15, p. 64). Using Allen's phone, Mr. Henry tried to call his mother to come get him but he could not get through. Then, also using Allen's phone, Defendant-Petitioner Henry messaged Brandy Hill. (JT 12/16/15, p. 66). Brandy picked up Thompson and Defendant-Petitioner Henry.

Back at Job Corps, Allan put his own camouflage shorts he had been wearing in Mr. Henry's drawer. Allan put the marijuana and the pink bag in Defendant-Petitioner Henry's locker. On cross exam, the prosecutor asked Defendant-Petitioner Henry about other messages on his phone which indicate that Mr. Henry was involved in other drug sales, including cocaine, and knew of street gangs. (JT 12/16/15, p. 105).

Closing arguments were given. The jury was instructed. They asked for a repeat of the aiding and abetting instruction, and then returned a verdict of guilty of felony murder

on December 18, 2015. Mr. Henry was sentenced to serve life without parole on January 11, 2016.

On October 21, 2017 a *Ginther* hearing was held pursuant to M.C.R. 7.208B. During that hearing process, it became clear that Allan Thompson had been tried for this crime just months before, in late 2016, and was convicted of 2<sup>nd</sup> degree murder.<sup>2</sup> Undersigned counsel requested that the trial court produce transcripts from Mr. Thompson's trials for Defendant-Petitioner's review, these transcripts were made available.

At the *Ginther* hearing, Mr. Henry testified that prior to trial, his attorney (Patrick Nyenhuis) brought him a piece of paper, which Mr. Henry signed, that was "an agreement to speak with a detective". (Ginther Hearing "GH" 10/21/16, p. 15). The prosecutor asked Mr. Henry to tell the Court what he told his attorney about what happened. Over an objection, Mr. Henry began to tell his story again, the same as he had at trial. He said "I was the middle man, ma'ma, exchanging a drug deal as doing an exchange." Although Mr. Henry did not see the shooting, he believes that Tyveair Wilkins did fire the shots, and then ran off. Mr. Henry observed Allen Thompson reach into the back of the victim's car and take the marijuana. (GH, p. 18). Mr. Henry explained that Jonetta Stewart may have called 911, but she did not see the shooting. She did look out her window and she saw the car and young men by the car (she could not identify any of the men either). Her husband, however, apparently saw the shooting or at least had a good look at the crime scene, and he may well have been able to identify the perpetrators, and his voice is heard in the background on the 911 call telling Jonetta Stewart what to say, and yet the People

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<sup>2</sup> Interestingly, during the Thompson trial it was revealed that Tyveair Wilkins, whose name came to police attention because of Mr. Henry's statement to the police, was arrested and the Officer in Charge, Officer Manzetta, simply released him back to his parents without any charges being filed.



and the Defense chose to ignore him.

Defense counsel (Nyenhuis) also testified. He agreed that Jonetta Stewart's husband might have been helpful to the defense but he didn't know because he never interviewed him. Mr. Nyenhuis said the husband might have hurt the defense. He also said "I don't think anyone was able to get a hold of him". (GH, p. 33). Mr. Nyenhuis said that he told Mr. Henry that he should not give a statement to the police until they received a "proffer letter". (GH, p. 35). However, Mr. Nyenhuis agreed that he helped set up interviews between Mr. Henry and the FBI gang unit, and that in fact, all of Mr. Henry's statements were made prior to any kind of "proffer" and obviously without any kind of plea agreement or consideration.

The parties briefed the issues and argued them on November 21, 2016. Judge Callahan found that there was no ineffective assistance of counsel. (Hearing Transcript, "HT" 11/21/16).

## **REASONS FOR GRANTING THE WRIT**

### **GROUND I**

#### **MR. HENRY'S TRIAL COUNSEL, PATRICK NYENHUS, FAILED TO PROVIDE CONSTITUTIONALLY EFFECTIVE ASSISTANCE OF COUNSEL.**

**A). Counsel was ineffective when he failed to investigate and/or then call Ms. Stewart's husband to testify.**

**B). Counsel was ineffective when he asked the Petitioner to first give a statement to the police without any consideration, and then to testify, which only served to bolster the prosecutor's case and may have led to other evidence which appeared incriminating.**

A trial court must ensure that certain minimum safeguards are enforced so that a criminal defendant is afforded a fair and impartial criminal proceeding. Among those safeguards is the right to "adequate and effective" ["court-appointed"] counsel critical to protecting the constitutional rights of the defendant. U.S. Const. Am. XIV; Mich. Const. 1963, art.1, sec. 17.

**STANDARD OF REVIEW:** The Michigan substantive standard of review for ineffective assistance of counsel is the same as the federal standard articulated in *Strickland v Washington*, 466 U.S. 668; 104 S. Ct. 2052; 80 L. Ed. 2d 674 (1984) Cause and Prejudice. *People v Pickens*, 446 Mich. 298; 521 N.W.2d 797 (1994) and *Beasley v United States*, 491 F.2d 687, 696 (CA 6, 1974).

#### **Argument:**

**A). Counsel was ineffective when he failed to investigate and/or then call Ms. Stewart's husband to testify.**

Defense counsel (Mr. Nyenhuis) did not attempt to interview any witnesses to determine whether or not they might have valuable information. (except for Defendant-Petitioner himself), Mr. Nyenhuis could have sought out Jonetta Stewart's husband rather than just relying on the prosecution's unsubstantiated assertions that he did not know anything- assertions which fly in the face of actual evidence, revealing his voice on the 911 call. Jonetta Stewart testified

that she went to the window because her husband had seen something, and that he directed her to call 911. If her husband had testified, he may have been able to state that he saw a man who was **NOT** the Defendant-Petitioner shoot Mr. Ford. Similarly, he might have been able to state that the person who took the bag of drugs out of the back of the car was **NOT** Defendant-Petitioner Henry.

The failure to call witnesses or to present other evidence can constitute ineffective assistance of counsel only when it deprives the defendant of a substantial defense. A substantial defense is one that might have made a difference in the outcome of the trial. *In re Ayers*, 239 Mich. App. 8, 22 (1999).

Counsel's failure to interview a potential witness, in this case, a true res gestae witness, constitutes ineffective assistance of counsel. Indeed, the Michigan Supreme Court in *People v Ackley*, 497 Mich. 381, 389 (2015), reversed a conviction for failure to investigate and call a witness. To succeed on a claim of ineffective assistance of counsel the claimant must succeed not only in persuading the court that the grievance passes the *Strickland v Washington*, 466 U.S. 668 (1984) standard, but also the presumption that the challenged actions were sound trial strategy. "Decisions regarding what evidence to present and whether to call or question witnesses are presumed to be matters of trial strategy, and the court will not substitute its judgment for that of counsel regarding matters of trial strategy." *People v Davis*, 250 Mich. App. 357, 368 (2006).

We do not know the prosecution's motives for **NOT** placing the husband, a res gestae witness, on their witness list. Jonetta Stewart herself was relatively easy to locate, apparently. A competent defense attorney would have notice that the husband was a missing witness, and demanded that he deserved an interview. Defense counsel Nyenhuis' excuse that the husband may have provide damaging information was purely speculative. If he would have provided such

damaging information, the prosecution surely would have had him testify. A new trial is necessary.

**B). Counsel was ineffective when he asked the Petitioner to first give a statement to the police without any consideration, and then to testify, which only served to bolster the prosecutor's case and may have led to other evidence which appeared incriminating.**

Mr. Henry, first and foremost, testified and explained to the court that although he admits he was involved in setting up a drug deal with the victim Mr. Ford and two other perpetrators, that Mr. Ford was his friend and that the *other* perpetrators, Mr. Wilkins and Mr. Thompson, chose to rob and murder Mr. Ford. Mr. Henry also explained that he told Mr. Nyenhuis he was not the shooter. Mr. Henry had a natural inclination to tell his story to show that he was not guilty and was exceptionally remorseful. Mr. Nyenhuis apparently told Mr. Henry to waive his right to remain silent and to meet with law enforcement and make a statement.

Mr. Nyenhuis testified that he thought it was a good idea to have Mr. Henry make a statement to the police in hopes of some kind of plea-bargaining. Similarly, Mr. Nyenhuis did not attempt to interview any witnesses to determine whether or not they might have valuable information, (except for Mr. Henry himself). Mr. Nyenhuis could have sought out Jonetta Stewart's husband rather than just relying on the prosecution's assertions that he did not know anything.

In short, Mr. Nyenhuis did not investigate this matter and was ineffective. He did not properly advise his client as to the pitfalls of consulting with law enforcement. An effective trial attorney would never have allowed his client to give a statement to the police which implicated other perpetrators as a "strategy" move without something in return. His actions reveal naïveté, and inability to properly represent a client with first-degree murder and facing a life sentence without parole.

Under the United States and Michigan Constitutions, U.S. Const., Am. VI; Mich. Const. 1963, Art. 1, §20, the guaranteed right to counsel encompasses the right to the effective assistance of counsel. A determination of the effective assistance of counsel must be in accordance with the standards set forth in *Strickland v Washington*, 466 U.S. 668 (1975). The defendant must identify the specific acts or omissions of counsel, which he alleges were not the result of “reasonable professional judgment,” and must show that counsel’s performance was “deficient.” *Id.* at 2066. To establish this, a defendant must show that counsel “made errors so serious that counsel must not be functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment.” *Id.* at 2064. The defendant must also show that this deficient performance prejudice the defense.

By allowing Mr. Henry’s conviction to stand and by not granting a New Trial, the court is condoning the behavior of trial attorneys such as Mr. Nyenhuis who do not represent clients in a way consistent with the constitution. Convictions that result from trials where the defendant had ineffective, unconstitutional counsel are inherently suspect and inherent. To be constitutionally effective, counsel’s performance must meet an “objective standard of reasonableness.” *People v Trakhtenberg*, 493 Mich. at 51. In showing this standard has not been met, “a defendant must overcome the strong presumption that counsel’s performance was born from a sound trial strategy.” *Id.* at 52, citing *Strickland v Washington*, *supra*. The strategy, however, in fact must be sound, and counsel’s decisions as to it objectively reasonable; “a court cannot insulate the review of counsel’s performance by calling it trial strategy.”

This Court should look at Mr. Nyenhuis’ performance objectively. What exactly did he do to defend his client? Nothing.

Mr. Nyenhuis was a pawn for the prosecution- he sent his client in for an interview (See

Defendant-Petitioner's Statement, attached). Without the Defendant-Petitioner's own statement, Brandy Hill may never have been found. Although her testimony is not damning, it is damaging as it puts Mr. Henry, who had just witnessed a friend's murder, in a bad light. This case had a variety of different types of evidence, cell phone, surveillance camera footage, etc.- and yet at its heart remained the question: Who shot Mr. Ford?

If the shooter was not the Defendant-Petitioner, was he an aider and abettor? Clearly the jury found he was an aider and abettor, as they did not convict him of the weapons charges, and they asked for the court to clarify the aiding and abetting instruction. The jury must have been relying at least in part on the testimony of Mr. Henry himself. If Mr. Henry set up a marijuana deal, which he apparently had done many times before, acting as a middleman, he had no idea that the purchasers, known gang members, would act independently, robbing the victim and shooting him rather than pay for the marijuana.

If Mr. Henry never spoke to law enforcement, they might not have been able to convict Allen Thompson. They would never have known about many of the details, some of which were supplied by Brandy Hill. Defendant-Petitioner would have been acquitted. The jury was already uncertain, as the text messages do not reveal someone who is planning a robbery or a murder-only a drug sale. A new trial is required.

**RELIEF SOUGHT:**

**WHEREFORE**, Defendant-Petitioner submits that he has presented the Court with compelling reasons for consideration and ask that the Court grant certiorari, further Petitioner ask that the Court reverse his convictions and remand this matter to the state court with appropriate instructions.

Respectfully submitted,

Date: November 3, 2019

Henry  
**Travell Nicolas-Alfonzo Henry, #972475**  
Defendant-Petitioner, *in pro per*