

OCT 21 2019

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19-7032

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Kevin Dion Gaddis — PETITIONER
(Your Name)

vs.

Michigan Supreme Court RESPONDENT(S)
ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Kevin Dion Gaddis
(Your Name)

N6947 Industrial Park Dr.
(Address)

Munising, MI, 49862-9277
(City, State, Zip Code)

(906) 387-5000
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

"Whether the Plea By the Defendant, tendered to the trial Court was knowing and Voluntary?"

The Lower Courts Answered: Yes

Defendant-Appellant Answered: No

Plaintiff-Appellee Answered: 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:

MI. Attorney General Dana M. Nessel
P.O. Box 30247
LANSING, MI. 48943
C

RELATED CASES

TABLE OF AUTHORITIES CITED

CASES

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MAL 333.7401 (2) (a) (3)	See appendix B, pg 1
MAL 333.7413 (2) (a)	See appendix B, pg 1
MAL 333.7413 (2) (a)	See appendix B, pg 1
MAL 750.227 (B) (a)	See appendix B, pg 1
MAL 750.224 (f)	See appendix B, pg 1
MAL 769.11 - Last (2) two enhance Habitual Offender 3rd	See appendix B, pg 1

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(MRPC)	

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☐ is unpublished.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☐ is unpublished.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 C to the petition and is

- ☒ reported at 2019 Mich Lexis 1473 Supreme Court of Michigan; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Appellate court appears at Appendix A to the petition and is

- ☒ reported at Court of Appeals, state of MI; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. Case # 346796 Jan. 25 of 2019

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 7-29-19.
A copy of that decision appears at Appendix C.

☐ 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).

* Petitioner Gaddis is Filing this Certiorari, a application For Review on the Constitutional Merits AFTER the MI. Supreme Court denied His Motion on the above aforesaid date of July 29, 2019 *

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APPENDIX C Decision of State Supreme Court denying Review
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APPENDIX D Application For leave to Appeal and Brief in support

APPENDIX E motion To withdraw guilty Plea Pursuant to MCR 6.310

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Sixth Amendment to the United States Constitution provides: "In all CRIMINAL prosecutions the accused shall enjoy the Right to a Speedy and Public trial by an impartial jury of the state and district wherein the crime shall have been committed which district shall have been previously ascertained by law and to be informed of the Nature and Cause of the accusation; To be confronted with the witnesses against him; to have Compulsory Process for obtaining witnesses Against him; to have Compulsory Process for obtaining witnesses his Favor and to have the Assistance of Counsel For his defense."

Due Process Clause of The Fourteenth Amendment of The United States Constitution provides: "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."

Since 1940

Supreme Clause - Constitutional Law - The clause of or in Article VI of the U.S. Constitution declaring that the Constitution all laws made in furtherance of the Constitution and all treaties made under the Authority of the United States are the "Supreme Law of the Land" and enjoy legal Superiority over any conflicting provision of a state Constitution or law.

The Constitutional Amendment ratified with the Bill of Rights in 1791 guaranteeing in Criminal Cases all of the above previously stated. And the Right to a "Bill of Particulars" Setting Forth the Procedural Step by step analysis to the origin of Statutory Provisions Herein. *Douglas v. Alabama* 380 U.S. 415 (1965) *Guilty Plea, Coercion.*

Factories: Compulsory meaning = Required, Compelled and Mandated *

STATEMENT OF THE CASE

See an attached Appendix D - EXHIBIT D page 1 to 3.

Application For leave to Appeal and Brief in Support

* Oral Argument Requested *

Rebuttal statement of The Case

In the instant Case, the Petitioner through Counsel Established that the Defense Strategy was to Examine the Vehicle < physical Evidence > to tangibly Establish whether the Significant Quantity of Cocaine < physical Evidence > could be Secreted Under the steering column. This was the Defense strategy to the People of state of Michigan and Nonetheless, the Prosecution Called the Vehicle to be Seized from the Grand Rapids Police Department Storage or Evidentiary Storage with the wisdom, Knowledge and Prosecutorial Understanding, that this Key Piece of Evidence from the Defense Strategy NEEDED to be Examine and tested. Therefore, the Marshalling of Sound documentation < Material Evidence > i.e. GRPD inventory-lookbook and safeguarding the physical Evidence as order by the Prosecutorial Protocol/Policy, Practice and Procedural to Safeguard Item or Items from a Search (Lawyer and Strong Probability of a Future decarum. per MRE/FIRE 803.42) Business Records. In any event, The government had the legal binding Authority to Secure the above aforementioned Vehicle i.e. 2008 Yukon. In the Course of Executing the Search Lawyranut the Police retrieve the Set of Keys for the 2008 Yukon in the Parking lot at the above stated residence 498424 miles Road N.W. Apt 3D in the city of Walker, County of Kent-state of Michigan FINDING NOTHING. The Vehicle was then Moved by Law Enforcement to a Security Area for more thorough Search under better lighting conditions and allegedly Recovered 456 grams of Cocaine during the Search. a Second time.

ATTN: No Surveillance Camera Footage or Partial car-cam Footage in this alleged Secure Area to view the Second Shakedown of the Search.

REASONS FOR GRANTING THE PETITION

Respectfully Submitting before your Honorable Supreme Court of the United States of America is the Case of Kevin Dion Gaddis vs. Michigan Supreme Court "et al" In which, Mr. Gaddis is being held Against his Constitutional Rights governed under the Sixth Amendment Due Process of the Sixth Amendment of the U.S. Constitution. The Constitutional Amendment Ratified with the Bill of Rights in 1791 ~~guaranteeing~~ in Criminal Cases the Right to a Speedy / Public trial by Jury, the right to be Confirmed of the Nature of the Accusation, the Right to Confront Witnesses, the Right to Counsel witness to be obtained in Favor of Defendant's Compulsory Process (Brady v Maryland 372 US 83 — 1963). The Suppression of Evidence Favorable to an Accused is itself Sufficient to Amount to a denial of Due Process. Whereupon, Request Violates due Process where the evidence is Material either to guilt or to Punishment irrespective of the good Faith or Bad Faith of the Prosecution. In the instant Case, the Prosecutor committed perjury testimony to the trial Court in Substantial Material injustice about the physical Evidence in Mr. Gaddis' Case. Mooney v Holohan 294 U.S. 103 112 — When the Prosecutor Knew doing the Petitioner's initial Discovery that was Filed Oct 6, 2017 See as Appendix B EXHIBIT B in which the trial Court finally agreed to let the Petitioner inspect or Examine the vital piece of Exculpatory Evidence the Vehicle that was GRPD evidentiary Storage for Safeguarding per Prosecutorial - Protocol MRE / FRE 803(6) Business Records i.e. log Book, inventory item or items Retrieved from a official Search Warrant only to Find - out On June 11, 2018, the day of trial the Prosecutor of this instant Case places a phonecall to Petitioner's Attorney to state "we cannot see nor view the vehicle for inspection, where the alleged Drugs was Found. The Prosecutor Reason was" Because the Police released it to the lein Halder 6 Months ago. The trial Judge said "the Vehicle is gone never to Return we have pictures, which may not be the best in the world" But in the Nature of things that's what we would of Had if we went to trial. See as Appendix B EXHIBIT B pg #10 line 2 to 13. Therefrom, Petitioner was denied his Procedural due Process under the 6th Amendment the Right to Cross-Examine and inspect Any / ALL Physical, Material and / or Tangible Evidence Against Him from the Adversarial. As in Adverse Evidence and / or Adverse Witness. The Michigan Constitution Art 1 § 17 - 6th Amendment of Mich. Const. and the U.S. Const. the right to Confront the Physical, Material and Tangible Evidence in Pursuant to the Confrontation Clause of United States Supreme Court Precedent CRAWFORD v Washington (2004)

And the MI. Constitution Art 1 § 20 - Due Process Clause
of the Fourteenth Amendment of The U.S. Constitution:

Sec 1. Citizens of the United States. 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 Law).

Id at Nique v Illinois 360 US 264 269

By the state's Failure to Preserve the Key Physical Evidence and to provide timely discovery per MCR 6.201(1)(b) that's in conjunction with the state Law provided in the MI. Const. Art 1 § 20 due Process of the Fourteenth Amendment of the U.S. Constitution shows a Unreasonable application of the state Law by the office of the Court and His Agent of the Govt.

See Appendix B EXHIBIT B pg 6 line 4 to pg 7 line 5

with that said, the Prosecution's Failure to provide evidence Favorable to the Accused. Pyle Kansas 317 U.S. 213, 215, 216
quoting Brady v Maryland 373 US 83, 83 S. Ct 4194 10 L. Ed 2d 215
1963 Also the Prosecution tied to the Court ON May 8, 2018
during a Plea deal that's Now Self-evidence was a "Coercion"
bargaining. For the Material Fact, embodied in the Plea deal transcript
See As Appendix B EXHIBIT B a little over a Month Before
Petitioner's jury trial and Law Enforcement the Acting Agent or
Criminologist (For the case has intelligent knowledge that for Key
piece of Physical Evidence the Vehicle isn't No longer in Police
custody. The Exact custody or chain of custody that the
chain of Evidence was Retrieve from through a Official
Drug Search / Seizure Mandate and yet you the court doesn't
Notified the opposition, the Defense Nor do you Atone to the
trial Court that you HAVE Undermined the Protocol of your
office in her Professional Capacity (Mich Rules of Professional
Conduct § 8.4. Professional Misconduct. In Addition, to stone-
walling the judicial process in her true integrity sense.

A. PLEA DEAL TRANSCRIPT

✓ SEE Appendix B - EXHIBIT B ✓

On May 8, 2018

Rebuttal Reasons For Granting The Petition

Rebuttal pg#11-line 4 to line 25

pg#12 in whole

pg#13 line 14 to line 16 - There was coerced or coercion

based Upon the Fact, the Underlying Facts withheld by the Gov't that Exculpatory Evidence From a physical Nature in Material/Tangible was destroyed lost or Professionally Mishandle in this case, that trigger Petitioner into taking a plea deal Surrounding the Fact the Gov't purposedly, intentionally, Willingly and Corruptly Knew that the Above aforesaid Evidence wasn't going to be Available For testing Nor inspection. Wherefrom, the defense or his atty wasn't going to be Professionally be able to properly prepare a defense prior to this Ruling on the MERITS that these New Revelations came to light at the Exact time of Petitioner trial proceeding that garner a Fair / Impartial trial. Respectfully, this subject Matter impeded Petitioner's Constitutional Right to Adequately CROSS-Examine the GRPD Policy/Procedural in Safeguarding Physical Evidence Retrieved From a alleged CRIME Scene in lieu with a OFFICIAL Prosecution to Safekeep and Preserve the integrity of a lawful Prosecutions and Petitioner's defense. Per MCR 6.201 & 6.202 AS ALSO, the Valid Right to Secure the testimony of the Gov't's witness i.e. Agent of the Gov't < the Detective > why w'd you allow a Key Piece of Evidence to be Re-moved thru and/or From Your occupational Authority, when you were the Inspector in the case. In doing so, you the (lead Detective) Violated Dep't-mental rules, regulations, Practice, Policy and Provisions in Protecting a Evidentiary Measure to shield Any wrongdoing that Eventually led to Petitioner violation in the 14TH Amendment Equal Protection of Law and due Process in Harmony with Art 1 '20 of the MI. Constitution and the U.S. Constitution Consonant with the Prosecution Committing Misconduct while cloth in Color of Authority. Per Brady Violation. The Sufficient legal Basis in all likelihood there Wasn't a Constitutional Free-choice of the Petitioner to Make a Wise and Conscience choice or decision

in these Consolidated Cases that impugned his Right to Know-
ingly, intelligently and Willingly to Observe Right From
Wrong AFTER learning of the Imprudent deceit in the Role
of the Government to "Stonewall" the physical Evidence
that was clearly Established From the Defendant's Counsel
in the initial Discovery Request on Oct 6, 2017, in border
details. See as Appendix E- EXHIBIT E and Appendix E etc.

In accordance with legal Provision, AN 6-8-18, Petitioner
Goddis withdraw Guilty Plea per MCR 6.310 appellate Counsel
Set Forth the legal Foundation to ENSURE the interest of justice
without Substantial Prejudice to all of the Above & Forementioned
Malfeasance by the Prosecutor's Conduct targeting Petitioner
Fundamental Rights.

The MICH COURT Rules 6.310 (B) a defendant
has the burden to Establish Fair and just reason For withdrawal
of the Plea

(B)(1) There's No Absolute Right For a defendant to With-
draw a "Guilty" Plea AFTER the trial Court Accepts
it. People v Elobey 215 Mich App 472, 474 (1996)

However, MCR 6.310 (B)(1) provide For Circumstance where a plea may be
withdrawn AFTER Acceptance by the trial Court But Before Sentencing. "If
the defendant's motion is based on An ERROR in the plea proceeding,
the court must permit the defendant to withdraw the plea if it would
be Required by Subrule (c) where the defendant can establish that
the Plea was the Product of Fraud, Duress or Coercion this may satisfy
the Requirements of MCR 6.310. See Appendix D- EXHIBIT D

Note: On Jan 25, 2019, Court of Appeal Presiding Judge Hon. Lynthia
Diane Stephens w'd grant the delayed application For leave To Appeal
Petitioner Respectfully ask this Honorable Court of the United States Supreme to
Request Hon. Stephens' oral transcripts "to View Her Important Findings."
SEE As Appendix A- EXHIBIT A

Footnote

Fair = Affording No undue Advantage;
Just = According to the law

Duress = Nothing is so contrary to consent
as Force & Gil Fear.

Fraud - deceitful Practice

Coercion - Force is inimical to the
LAW.

Nevertheless, Petitioner was prejudiced by his Attorney

waiting until the day of trial to view the physical evidence
therewith, she never truly got or had the opportunity from
the legal service to develop a sound defense. Strickland

v Washington 466 US — (1984) Along with the fact, she

trial counsel > oppressing me into taking the prosecutor deal
if you will, plea deal by stating "Mr. Gandy, you should plea"

only because as your counsel, I don't feel comfortable going

to trial now especially due to these ill circumstances, I convinced

view, inspect, Nor test the physical evidence that was your "or

embittered our Defense. Brady v Maryland 373 US 83 5 of 1194.

SO L. Ed 2d 215 (1963) The essential ingredient of a Brady claim

Due to the material fact the prosecutor withheld evidence and the

trial judge on the record stating a "said commentary" but

the judicial discrimination led by prosecutor inhibited Actions.

See As Appendix B-EXHIBIT B #10 line 2 to 13, Petitioner

Compulsory Right to test/inspect the physical evidence, in whole

and anything short of that is a procedural Due Process and Equal

Protection of law by Brady will be consist with a irregularity

in the MCR 6.201(A2)/(B2) Discovery Requirements; (MRE 83.22)

Business Records in Connection with the Sixth Amendment Due Process

of Brady Materiality and the 17th Amendment of the Due Process

Clause interfered to the Equal Protection Clause to be treated fairly

impairment in every stage of judicial Economy. This infringement

the Govt has lost the Above stated Constitutional Rights of

said Petitioner who never had the legal chance to confront

the physical evidence that was going to use Against him.

However, the Petitioner was Abused by the Adverser Evidence and

it happened automatically by the Adverser Party in total Violation

of state Law and Constitution Law as well as Crawford

v WASHINGTON 541 US 58 (2004) cf. Davis v Alaska — — — — —

B. Sentencing Transcripts

on June 12, 2018

See As Appendix B-EXHIBIT B

Rebuttal Reason For Granting Petition / Next pg. >

Continue - pg 3 line 19 to pg 4 line 12 = Petitioner's Rebuttal
"The Prosecutor was 'Stonewalled the Defense'."

pg 5 line 1 to line 11 - Petitioner's Rebuttal "Def.
plea wasn't Voluntary and Knowing Under the Circumstances the
Prosecutor and His Agent of the govt (Detective) intelligently Handbaggd
the Court, the defense and it there had Been a jury trial and which
MR. Gaddis Preferred from the testing/ Examining of the Vehicle Among
other things w'd Have led the jury into Believing that testing for
Show (and Cause to Produce or Process or Else the physical Evidence
w'd Reasonably been in the Defense Favor. Nonetheless the Petitioner
was Hoodwinked into legal duress, Mortification and Placed in a judicial
wheelchair. AFTER the Defense Follow the rules or Decorum of the law.
Yet, it was the Prosecution, the govt, who Acted out of Conformity.
With inside Malice intent. These Constitutional Violations barred MR.
Gaddis From Rec'g a Fair and impartial H'g < Brady Violation > infra.

Prosecutorial Misconduct - < Brady Claim >

pg 5 line 12 to line 23 (Supra.) } The Physicality of the
pg 6 line 1 to pg 7 line 5 } Vehicle For all the
pg 9 line 16 to pg 10 line 1 } Facts in Reference etc.
(SEE Appendix B - EXHIBIT B)

Whereas a "Bill of Particular" should have been Produced to the
Defendant detailing the elements of the physical Evidence and it's
true location, date time and initial Signature of the Safekeeping and
Retain of Official Hold in possession of the Vehicle the physical Evidence to
the Authenticate documentation in-coming Property (i.e. Evidence) and Outgoing
Property and who Authorizes the Future legal Services etc. per MCR 2.118(F)

Notwithstanding, the Fact the trial court after all of the inserted Post-
Trial or better yet Pre-trial Hearing stated "IF I took the Plea, He < The
Judge > would Sentence me < the Petitioner > to the middle of the guide-
lines. Therefore the Petitioner > I was Forced out of duress and

and "Coercion" Plea of guilty withdrawal of Plea Coercion.

Rebuttal-Standard of Review Reasons For Granting The Petition

Boykin v Alabama 395 U.S. 238 89 S. Ct. —, — (1969)

On Review, the court followed the logic of the United States Supreme Court in Boykin =

A Defendant who enters a guilty Plea Simultaneously waives Several Constitutional Rights including his privilege Against Compulsory Self-Incrimination his Right to trial by jury and his Right to Confront his Accusers. For this waiver to be valid under the Due Process clause it must be An intentional Relinquishment or Abandonment of a Known Right or Privilege. Consequently if a defendant's guilty plea is Not equally Voluntary and Knowing, it has been obtained in Violation of Due Process and therefore Void.

Consequently, if a defendant's guilty Plea is Not equally Voluntary and Knowing it has been obtained in Violation of due Process and is therefore Void. Moreover, Because a guilty Plea is An Admission of all the elements of a Formal Criminal Charge, it cannot be truly Voluntary unless the defendant Possesses an Understanding of the Law in relations to the Facts.

FACTS:

guilty Plea Coercion in the above case law applies to Mr. Gaddis' case in the same standard must be applied to determine whether a guilty Plea is Voluntarily made. Ignorance, incomprehension, Coercion, terror, inducement, subtle or Blatant, threats might be a Perfect Cover-up of Unconstitutionality. The question of an effective waiver of a Federal Constitutional Right in a Proceeding is of course governed By Federal Standards. Douglas v Alabama 380 U.S. 415, 422 (quoting Boykin).

II. FACTS.

These Holdings Suggest that if equally convincing allegations were made in a Petition For Certiorari on direct Review the Petitioner might in Some Circumstances be entitled to have a judgment of Affirmance Vacated and the case Remanded For a state Hearing on Voluntariness. Cf Jackson v Denno 378 U.S. 368, 393-394 (1964)

Notes: However, As has been Noted this Petitioner makes No Allegation of Actual involuntariness. As Does Mr. Gaddis. See As Appendix E "EXHIBIT E"

E. The Jackson Rule

a defendant in a CRIMINAL Case Has a Constitutional Right at Some Stage in the Proceedings to object to the use of an allegedly involuntary Confession and to Have a Fair Hearing and a Reliable determination on the Issue of Voluntariness a determination uninfluenced by the truth or Falsity of the Confession.

Rewinding back to the opinion of The MI. Supreme Court Motions to Withdraw Plea - The preferable and correct procedure rather than Appealing from the Acceptable of a Plea of Guilty Should Be to Raise the Questions by Motion to Vacate the Sentence and withdraw the plea where the Error alleged while going to the jurisdiction is a Simple Matter of law or Procedure easily considered and determined on the Record by the trial judge. A Such Collateral attack has the Advantage of giving the trial judge the opportunity to consider whether or not his prior and complained of Action was correct or not; And if Not to take Necessary steps to correct it; An Appellate Court wd Recd the Case similar to a trial Case AFTER the trial Ct. had Ruled on a Specific Exception with Adversary Arguments.

IF Necessary and Such Collateral Attack at the trial Court level wd Have the Additional benefit of being brought before the Original trial Court w/o the delay and Expense of Preparing An Appellate Record etc. Id at People v Jaworski 381 MICH 21 < March 9, 1972 >

F. Rebuttal Discussions Reasons For granting This Petition

In this Certiorari, MR. Gaddis Contends that Bowkin Requires on the Record statement that He Separately informed of and individually waived Each of the following: <1> The Right to trial By jury Duncan v Louisiana 391 US 145 <2> The Right to Confront one's Accusers, Pointer v Texas 380 US 400 and His Right against Self-incrimination under the 14th Amendment. Malloy v Hogan 388 US 1 <3> The Record contains Specific questions by the trial Court and Answered by the Defendant demonstrating that these alleged Requirements were well met Regarding the all three Constitutional Rights. However, with the underlying Facts that the trial Court knew that Prosecution Had Violated His Professional duties / Responsibilities per Brady v Maryland 373 US 83 <1963> and yet from a judicial comment the trial Ct. Bush off the Misconduct By Egregiously stating "We certainly were going to drive the car into the courtroom." People v Swadick 288 Mich App 609, 628 <2010> See as Appendix B - EXHIBIT B pg 10 thru to page 15. With that said, Under these Circumstances of Accepting MR. Gaddis guilty Plea was without doubt under these Circumstances - onces of the Case constituted "Reversible ERROR", Because the

the Record i.e. See Appendix B-EXHIBIT B pg 4 thru 8 line 1 to pg 10 line 1, does Not disclose that the Petitioner Voluntarily and Understandingly entered his plea of Guilty. Id at Boykin, page 243-244. (Plea transcripts)

G. Finality Reasons For granting This Petition

The Petitioner contends that Pursuant to Brady Violation and Among others He has Established By a Preponderance of the Material AFFIDAVIT under Sworn oath to the Court and the physical Evidence attached that Petitioner was under the influence of the Prosecutorial duress and fraud upon the Court, Petitioner's Constitutional Right and to the Commandment that something was going to take place governing the vital piece of Evidence when in fact the Prosecutor knew, in all out malice it was a "Flat-out" lie. The Prosecutor manifested this miscarriage of justice on the Record See Appendix B, E and F as MATERIAL AFFIDAVITS Against the Gov't's Deceit and Corruption.

For these Reasons, the Petitioner Respectfully Request that This Honorable Court grant Certiorari and Remand this case to the trial court ordering that Petitioner has demonstrated that his withdrawal of his Plea is in the interest of justice. Lastly, the Conflicting Law between the state appellate Court and the Highest state appellate Court (Michigan Supreme Court) of which Review was Sought and a decision of Another appellate Court on the same issue. That only the U.S. Supreme Court is in the judicial and Constitutional Capacity to Resolve the Constitutional disagreement among lower Courts about specific legal questions Presented by this Petitioner.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kevin Gaudin

Date: October 8TH of 2019