

IN THE SUPREME COURT OF THE UNITED STATES  
NO. 19-7150

MARCH 19, 2020

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MICHAEL J. WALTON #347922, PETITIONER

V.

JACK KOWALSKI (WARDEN)

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PETITION FOR A REHEARING

## GROUND'S PRESENTED

I. COUSEL WAS INEFFECTIVE FOR FAILING TO REVEAL INDISPUTABLY ERRORED FALSE TESTIMONY, AND COACHED TESTIMONY SAYING THE SAME ERRORED FALSE TESTIMONY; AND IMPEACH INCONSISTENT STATEMENTS; AND CALL THE OFFICER IN CHARGE OF THIS CASE.

II. THE PROSECUTOR GOT THIS CONVICTION THROUGH THE USE OF INDISPUTABLY ERRORED FALSE TESTIMONY, AND, COACHED TESTIMONY SAYING THE SAME ERRORED FALSE TESTIMONY.

III. APPELLATE COUNSEL WAS INEFFECTIVE FOR FAILING TO RAISE THESE GROUND'S ON DIRECT APPEAL.

## TABLE OF CONTENTS

THE REASON GROUND I. SHOULD BE GRANTED . . . . 2

THE REASON GROUND II. SHOULD BE GRANTED . . . . 3

THE REASON GROUND III. SHOULD BE GRANTED . . . . 4

CONCLUSION . . . . 4

## REASONS GROUND I. SHOULD BE GRANTED

NOTE: I CAN ONLY PROVE SOME OF THE TESTIMONY IN COURT TO BE INDISPUTABLY FALSE AND COACHED, AND ONLY PART OF THE POLICE REPORT TO BE INDISPUTABLY FALSE... ALTHOUGH THE ENTIRE STORY IS FALSE AND FABRICATED BECAUSE I DID NOT SHOOT MY WIFE.

SEE WRIT OF CERTIORARY AND APPENDIXES WHERE EVERYTHING IS SHOWN AND EXPLAINED. AND I HAVE ALL THE PROVING TRANSCRIPTS IF YOU WILL ALLOW ME THE CHANCE TO SHOW THEM TO YOU.

THIS CASE WAS BASED ON CREDIBILITY.

GROUND I. SHOULD BE GRANTED BECAUSE THIS CONVICTION WAS OBTAINED BY THE USE OF, NO. 1.: KNOWN FACTUAL FALSE ERRORED STATEMENTS ON THE POLICE REPORT - GIVEN BY THE PETITIONER'S WIFE, AND THE POLICE REPORT ITSELF HAD A DATING ERROR OF THE SECOND INTERVIEW, (MISSING DATE) WHICH HELPED THE WITNESS'S FALSE STORY TO BE BELIEVED IN COURT.

NO. 2.: THE WITNESS COMES TO THE PRELIMINARY AND TRIAL COURTS AND GIVE THE SAME KNOWN FACTUAL FALSE ERRORED TESTIMONY THAT WAS GIVEN TO THE POLICE WHEN MAKING THE POLICE REPORT.

NO. 3.: AND, INDISPUTABLY PROVEN, THE WITNESS COACHED OUR 9 YEAR OLD DAUGHTER MITIA BECAUSE SHE SAYS THE EXACT SAME ERROR OF KNOWN FACTUAL FALSE TESTIMONY, THAT WOULD BE IMPOSSIBLE FOR HER TO KNOW IF IT WASN'T TOLD TO HER - TO SAY ... AS IN LINDSTADT V. KEANE, 239 F.3D 191, WHERE IT WAS PROVEN THAT LINDSTADT'S WIFE COACHED THEIR DAUGHTER TO TESTIFY AGAINST HER DAD, BECAUSE BOTH OF THEIR STORIES HAD THE SAME ONE YEAR DATING ERROR. - AND AS IN PEOPLES V. LAFLER, 734 F.3D 503, INVOLVING FAILING TO IMPEACH TWO OF THE WITNESSES THAT NOT ONLY LIED, BUT TOLD THE SAME LIE. - AND FAILED TO CALL AND CROSS-EXAMINE THE POLICE OFFICER WHO TOOK THE POLICE REPORT, BY WHO'S TESTIMONY WOULD HAVE SHOWN THAT BOTH WITNESSES HAD GIVEN FALSE TESTIMONY. (THESE CASES ARE IDENTICAL TO THIS CASE, AND ARE IN DIRECT CONFLICT WITH THE LOWER FEDERAL COURT'S DECISIONS.)

NO. 4.: IT HAS BEEN PROVEN THAT THE WITNESS LIED IN TRIAL TO COVER UP THE ACTUAL TRUTH IN THE HOSPITAL REPORT OF THE REAL STORY OF WHAT REALLY HAPPENED TO HER, THAT WAS ALREADY TOLD TO THE HOSPITAL (ON THE 10<sup>TH</sup>) FIVE DAYS BEFORE THE MOTIVE HAPPENED THAT MADE HER FABRICATE THE FALSE STORY TO THE POLICE IN THE POLICE

REPORT ON THE 14<sup>TH</sup> AND THE 18<sup>TH</sup> - A TOTAL OF NINE DAYS LATER. (THE 18<sup>TH</sup> WAS THE MISSING DATE (ERROR) IN THE POLICE REPORT. SEE POLICE REPORTS AND HOSPITAL REPORTS, APPENDIXES D AND E IN THE WRIT OF CERTIORARY.) AND THE WITNESS SLIPPED UP HER TONGUE IN THE PRELIMINARY AND SAID, "SHE WENT TO THE STORE" - AS STATED IN THE HOSPITAL REPORT, (AS OPPOSED TO HER SAYING THE INCIDENT HAPPENED "IN THE HOUSE" BY THE PETITIONER.)

NO. 5.: THERE WERE NUMEROUS SIGNIFICANT INCONSISTENT STATEMENTS FROM THE WITNESS, AND THE CHILDREN'S TESTIMONY (OUR 7 YR. OLD ALSO) SHOWING (IN ADDITION) STRONG PROBABLE FABRICATION AND MORE COACHING. - AS IN HARRISON V. TEGELS, 216 F. SUPP. 3D 956, AS THE COURT STATES: "THERE WERE NUMEROUS SIGNIFICANT INCONSISTENT STATEMENTS MADE ABOUT ALMOST EVERY ASPECT OF THE ALLEGED (CRIME), AND WERE NOT SIMPLY TO MINUTE DETAILS THAT COULD BE DISMISSED ~~EASILY~~ EASILY BY THE JURY AS MISSTATEMENTS OR THE RESULT OF A DIMINISHED MEMORY." THE HARRISON <sup>CASE</sup> IS JUST AS EXTRAORDINARY AS THIS, AND IS ALSO IN DIRECT CONFLICT WITH THE LOWER COURTS' DECISIONS IN THIS CASE.

## REASONS GROUND II. SHOULD BE GRANTED.

GROUND II. SHOULD BE GRANTED BECAUSE, NO. 1.: THIS CONVICTION WAS OBTAINED THROUGH THE USE OF FALSE STATEMENTS AND TESTIMONY.

NO. 2.: THE PROSECUTOR KNEW OF THE MISSING 18<sup>TH</sup>'S DATE ERROR IN THE POLICE REPORT, AND THAT IT HELPED HIS WITNESS'S FALSE STORY BE BELIEVED BY THE JUDGE. (BENCH TRIAL)

NO. 3.: THE PROSECUTOR KNEW OF THE INDISPUTABLE FACTUAL FALSE ERRORED STATEMENT OF HIS WITNESS ON THE POLICE REPORT, AND THAT HIS WITNESS GAVE THE SAME FACTUAL FALSE ERRORED TESTIMONY IN BOTH THE PRELIMINARY AND TRIAL COURTS.

NO. 4.: THE PROSECUTOR KNEW THAT THE 9 YR. OLD DAUGHTER OF HIS WITNESS TOLD THE EXACT SAME FACTUAL FALSE ERRORED TESTIMONY IN TRIAL THAT HIS WITNESS (THE MOM) SAID, THAT WOULD BE IMPOSSIBLE FOR HER TO KNOW IF IT WASN'T TOLD TO HER TO SAY. AND THE JUDGE BELIEVED THAT THE WITNESS WAS CORROBORATED BY HER 9 YR. OLD DAUGHTER'S TESTIMONY, WHO WAS COACHED TO SAY IT.

REASON GROUND III, SHOULD BE GRANTED

GROUND III. SHOULD BE GRANTED BECAUSE THE APPELLATE COUNSEL WAS INEFFECTIVE FOR FAILING TO RAISE GROUNDS I. AND II. ON DIRECT APPEAL.

CONCLUSION

BECAUSE THE GROUNDS ARE FACTUAL TRUTH, AND THAT THE IDENTICLE SUPPORTING CASES ARE IN DIRECT CONFLICT WITH THE DECISIONS OF THE 6<sup>TH</sup> CIRCUIT AND DISTRICT COURTS IN THIS CASE, IT SHOWS THAT THE PETITIONER'S 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT RIGHTS ARE IN VIOLATION. THEREFORE, I ASK THIS COURT TO UNDO THIS VIOLATION, AND GRANT THIS PETITION FOR REHEARING FOR WRIT OF CERTIORARY.

THANK YOU SO MUCH.

SINCERELY

Michael J. Walton

PETITIONER IN PRO PER.

SUPREME COURT OF THE UNITED STATES

CERTIFICATION OF PETITIONER

THIS PETITION FOR REHEARING IS RESTRICTED TO THE GROUNDS SPECIFIED, AND IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY.

DATED: MARCH 19, 2020

SIGNATURE OF PETITIONER,

Michael J. Walton

SUPREME COURT OF THE UNITED STATES

MICHAEL J. WALTON, PETITIONER

V.

NO. 19-7150

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PROOF OF SERVICE

THE UNDERSIGNED AVER AND SAYS THAT ON MARCH , 2020, HE  
MAILED BY U.S. MAIL, ONE FULL AND COMPLETE COPY OF THE PETITIONER'S  
PETITION FOR REHEARING, AND THIS CERTIFICATE OF PROOF OF  
SERVICE UPON THE FOLLOWING:

THE SOLICITOR GENERAL OF THE UNITED STATES  
ROOM 5616, DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA AVE.  
N.W. WASHINGTON, DC 20530-0001

I DECLARE THAT THE STATEMENT ABOVE IS TRUE.

DATED: MARCH 19, 2020

Michael J. Walton

MICHAEL J. WALTON #347922  
KINROSS CORRECTIONAL FACILITY  
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