ROWMOTO ROGERS #579788
IONIA CORRECTIONAL FACILITY
1576 WEST BLUEWATER HIGHWAY
IONIA, MICHIGAN 48846

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
1 FIRST STREET, NE
WASHINGTON, DC 20543

RE: ROWMOTO ROGERS v MICHIGAN,
USSC CASE NO. **NEW PETITION**

Dear Clerk,

Enclosed please find for filing in your court an Original of the following documents: Motion for Leave to Proceed in Forma Pauperis, with an Affidavit in Support of Forma Pauperis, A Petition for Writ of Certiorari, Declaration of Service, and Accompanying Appendices. Please file them for me. Your help in this matter is appreciated.

SUBMITTED BY: Rowmoto Rogers
ROWMOTO ROGERS #579788
DATE: 8-12-, 2020

Cc: Michigan Attorney General Office
The Solicitor General of the United States

No.

IN THE

SUPREME COURT OF THE UNITED STATES

ROWMOTO ROGERS #579788

Vs.

MICHIGAN

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

ROWMOTO ROGERS #579788
IONIA MAXIMUM CORRECTIONAL FACILITY
1576 W. BLUEWATER HIGHWAY
IONIA, MICHIGAN 48846

QUESTION PRESENTED FOR REVIEW

WHETHER THE PROSECUTOR WAS IMPROPERLY ALLOWED TO VOUCH FOR THE CREDIBILITY OF HIS STAR WITNESS DURING CLOSING ARGUMENTS, DENYING VARIOUS CONSTITUTIONAL RIGHTS.

LIST OF PARTIES INVOLVED PURSUANT TO USSC RULE 12.6

1. ROWMOTO ROGERS #579788 The Petitioner.

2. Michigan Attorney General Dana Nessel the Respondent for the State.

3. The Solicitor General the Respondent for the United States.

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D. People v. Rogers, lv. Den. 488 Mich. 1035, 793 N.W.2d. 236 (Feb. 2, 2011)

CITATION OF OPINIONS BELOW

The Michigan Court of Appeals affirmed petitioner's conviction in People v Rogers, No. 291180, 2010 WL 3062119 at *1 (Mich. Ct. App. Aug. 5, 2010). The Michigan Supreme Court denied petitioner leave to appeal in People v. Rogers, 488 Mich. 1035, 793 N.W.2d. 236 (2010) the United States District Court for the Southern District of Michigan denied petitioner's writ of habeas corpus in Rowmoto Rogers v Palmer, 2019 U.S. Dist. Lexis 50184 on March 26, 2019. Subsequently, the United States Court of Appeals for the Sixth Circuit denied the petitioner's appeal in Rowmoto v Skipper, 2020 U.S. App. Lexis 23441 (6th Cir. July 23, 2020). See appendix A-D.

JURISDICTION

A petition for a Writ of Certiorari to review a judgment in any civil or criminal case entered by a State Court of last resort or Federal Court of Appeals is timely when filed with the Clerk of the USSC within 90-days after entry of the judgment. See USSC R. 13.1. The United States Court of Appeals for the Sixth Circuit denied the Petitioner's Writ of Certiorari in Rowmoto v Skipper, 2020 U.S. App. Lexis 23441 (6th Cir. July 23, 2020). Petitioner is within the 90 days allowed

STATEMENT OF THE CASE

Statement of Proceedings:

Petitioner Rowmoto Rogers was convicted of first degree murder, assault with intent to murder (4 counts), felon in possession of firearm, and felony firearm, in a jury trial in the Wayne County Circuit Court before the Hon. Richard M. Skutt, Case No. 08-009271-02-FC. The trial was jointly held with that of codefendant Tony Hurd. Trial prosecutor was Lawrence S. Talon, and defense counsel was Mark D. Nortley. On March 12, 2009, Petitioner was sentenced to life in prison without possibility of parole, 25-40 years (x4), 2 to 5 years, and 2 years consecutively. The Court of Appeals affirmed August 5, 2010, Case No. 291180, and the Michigan Supreme Court denied leave to appeal February 2, 2011, Case No. 141796.

Petitioner filed a pro se Motion for Relief from Judgment in Wayne County Circuit Court, later supplemented by attorney Carl Jordan. The Motion for Relief from Judgment was denied on 5-1-12. The docket does not state the date of filing. [If the date of filing was 3 days before the ruling, or earlier, then the instant Petition for Habeas Corpus is timely]. The Michigan Court of Appeals denied leave to appeal on 1-6-15, Case No. 324777. The Michigan Supreme Court denied leave to appeal on 2-2-16, Case No. 151121. The United States District Court denied Habeas Corpus on 3-26-19, Case No. 16-10424, ECF No. 9, Page ID #1531-1546)

Statement of Facts:

Petitioner's convictions arise from a January 2008 shooting incident in the city of Detroit during which shots were fired into a Jeep Commander occupied by five individuals: Davon Perry, his younger brother Rayvon Perry, and three teenage female passengers, Dominique Spillman, Tiffany Whatley, and Martha Barnett. Martha Barnett died from gunshot wounds to her head and back. None of the occupants

of the Commander were able to identify any of the shooters. The principal evidence against defendants was the testimony of Rayvon Perry.

Dominique Spillman, and Tiffany Whatley were at Martha Barnett's house on January 20, 2008, and around 11:00 pm, the three were going to walk over to Ms. Spillman's house. (T Il, 69, ED ECF Page ID #475). On the way, a Jeep Commander pulled up with two gentlemen sitting inside, (17 year old Ray-von Perry and his 35 year old brother, Davon Perry), who began talking with the girls, and then upon being asked by one, drove the girls up to a gas station, and waited as they went inside the store to purchase a small cigar. (T Il, 70-71, ED ECF Page ID #476477). Upon returning to the Jeep Commander, one of the girls rolled a marijuana blunt using the cigar casing as they drove over to Ms. Spillman's house to check on her baby; after that stop the Jeep then stopped at another store, for Davon Perry to purchase some alcohol. (T 11, 72-75, ED ECF Page ID #478-481). After leaving the liquor store, the Jeep travelled down Wyoming Avenue towards Fenkell and while stopped at a red light, shots were fired at the Jeep Commander. (T 11, 75-76, ED ECF Page ID #481-482).

Before the shooting, at the liquor store, there was a confrontation between Ms. Whatley and a group of Black men outside the store, according to Ms. Spillman. (T 11, 99-102, ED ECF Page ID #505-508). Ms. Whatley denied talking to anyone outside the car while at the liquor store. (T 111, 24, ED ECF Page ID #545). Ms. Whatley did indicate that just before the shooting, a black car had pulled up alongside the Jeep Commander, and the people inside gave a menacing look. (T 111, 26, 39, ED ECF Page ID #547, 560).

Ms. Whatley gave a statement to the police in which she said three men in a black car started shooting at their car. (T Ill, 52 ED ECF Page ID #573).

Rayvon Perry did not see who fired the shots, nor the car from which the shots were fired, only able to hear a car pull off, as he ducked in his seat. (T III, 138 ED ECF Page ID #659). The same was

true for everyone else in the Jeep Commander, they simply could not identify the shooter. (T II, 76; T III, 31, 138; T IV 89, ED ECF Page ID # 482, 552, 659, 841).

It was not until a few months later, after a raid on houses in his neighborhood on Lauder Street, and becoming subject to detention and an investigative subpoena, that Rayvon Perry claimed he heard "Toe" (Petitioner Rogers) that the window of the Taurus was busted out that that he had and codefendant Hurd 'confess' to the shooting. (T III, 147-150, ED ECF Page ID #668-672). He testified that Petitioner told him that Chill Will's "Taurus window was bust out, so he told me how he shot." (T IV, 37 ED ECF Page ID #789). He did not tell anyone about the supposed confession until after police raids on the drug house that he and his friends used. (T III, 155-160, ED ECF Page ID #676-681).

Jarmel Reives testified that petitioner told him "If they shot, I hope they didn't shoot my little dog." (T V, 49, ED ECF Page ID #986). Upon further questioning by the prosecutor, he changed it to defendant saying "I almost shot my little dog." (T V, 70, ED ECF Page ID #1007). He also testified that Defendant said he knew he shot somebody, but did not know who. (T V, 69, ED ECF Page ID #1006). There was no testimony that this spoken-of shooting was the same shooting as took place on Lauder on January 20, 2008.

The raids involved houses on Lauder Street that were taken over and used as a hangout by people in the neighborhood; after the raid, they moved to the house next door to act as the hangout. (T III 187; T IV, 74-76, ED ECF Page ID #708, 826-828).

Evidence was recovered from the raids on Lauder Street including several guns that were tested against the bullets removed from the deceased, and although the groove marks were consistent with a gun that was found, he could not say with any confidence whether it was that gun that fired the fatal shots. (T V, 75-80, 118, ED ECF Page ID #1012-1017, 1054). Prints were lifted from a AK-47 and compared with Defendant Rogers, and upon comparison Defendant Rogers' prints did not match the prints found. (T V, 8, 12, ED ECF Page ID #945, 949).

The record was supplemented through the motion to include the verified amended PPO complaints demonstrating an ongoing effort by Davon and Rayvon Perry and their mother to take over Lauder Street and the affidavit of Anita Stafford.

REASONS FOR GRANTING THE PETITION

The Petitioner respectfully requests based upon the grounds hereafter, this Honorable Court GRANT the within writ and reverse the judgment of the court below. The Petition for a Writ of Certiorari should be granted as Petitioner was denied his Federal Constitutional Rights.

GROUND ONE

STANDARD OF REVIEW

Federal statute *28 U.S.C. §2254(d)* sets forth the standard to be used by a Habeas Corpus. court in reviewing state court rulings:

> (d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim--
> (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
> (2) resulted in a decision that was based on
> an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

Terry Williams v. Taylor, 529 U.S. 362; 120 S.Ct. 1495; 146 L.Ed.2d 389 (2000) sets forth the standard to be used in determining whether a decision is "contrary to" federal law:

> "The simplest and first definition of "contrary to" as a phrase is "in conflict with" Webster's Ninth New Collegiate Dictionary 285 (1983). In this sense, we think the phrase surely capacious enough to include a finding that the state-court "decision" is simply "erroneous" or wrong.
>
> In sum, the statute directs federal courts to attend to every state-court judgment with utmost care, but it does not require them to defer to the opinion of every

> reasonable state-court judge on the content of federal law. If, after carefully weighing all the reasons for accepting a state court's judgment, a federal court is convinced that a prisoner's custody—or, as in this case, his sentence of death—violates the Constitution, that independent judgment should prevail.

ARGUMENT

THE PROSECUTOR WAS IMPROPERLY ALLOWED TO VOUCH FOR THE CREDIBILITY OF HIS STAR WITNESS DURING CLOSING ARGUMENTS, DENYING VARIOUS CONSTITUTIONAL RIGHTS.

The district court described the circumstances of this case as follows (Doc. 9, Page ID #1536-1537):

> Were the Court reviewing this issue de novo, it would be hard pressed to find that this was not improper vouching. And even applying AEDPA deference, the Michigan Court of Appeals' conclusion that these statements were not improper and therefore did not render Rogers' trial fundamentally unfair is at the outer bounds of reasonable. The prosecutor invited the jury to view Perry as a hero—and an honest one at that. And the prosecutor baldly stated that Perry was telling the truth. The theme of Perry's heroics pervaded the closing argument. And these statements are made all the more problematic because the evidence against Rogers was strongly dependent on Perry's testimony.
>
> So while the Court does not condone the prosecutor's conduct in this case, the Court cannot find that the state court unreasonably applied Supreme Court precedent in dismissing this claim.

Obviously, it is the last sentence quoted that is the subject of the appeal. It is our position that it is unreasonable to find that the prosecutorial conduct here does not violate United States Supreme Court precedent, and that the District Court ruling does not comply with the law of this Circuit as expressed in *Hodge v. Hurley*, 426 F.3d 368 (6th Cir. 2005).

The only evidence that links petitioner to the crime is the testimony of Rayvon Perry, who testified that Petitioner and Tony Hurd admitted to doing the shooting at the car, which injured Mr. Perry and killed Ms. Barnett.

In closing argument, the prosecutor informed the jury that he knew Rayvon Perry was telling the truth, and that Mr. Perry should be considered a hero because he "snitched." See T VI, 14-15, ED ECF Page ID ##1092-1093:

> Rayvon Perry is the reluctant hero in this case. He's the reluctant hero because he came forward and told the truth about what he knew. It is on his shoulders that the case rests. . . . Why is Rayvon Perry a hero? Well, he is going against the grain.
>
> We live in a society where -- from the time that we are young, we are taught that it is bad to be a tattle tail. We all know from our own experiences that it's not easy to tell on other people. It makes us uncomfortable particularly when it is with people we know. We also know and you heard from the witnesses as well, that we live in a culture that has made it mad it's become the word "snitch." Snitch is something negative. If you're a snitch, you're a bad person. 'Don't tell the police. Don't tell the government, Keep it to youself.' Rayvon Perry went against that grain not easily, not willingly, reluctantly but he did so nonetheless.
>
> Rayvon Perry told the truth against people that he knew . . . and he did it against tremendous pressure... He had every reason in the world not to tell the police and not to tell you that Rowmoto Rogers and Tony Hurd admitted being the shooter and the driver in this particular case, but he told the truth.

See also (T VI, 37-38, ED ECF Page ID #1115-1116):

> He's a reluctant hero. He didn't want to be here, but he told you truthfully what happened.

As the Supreme Court ruled in *Berger v. United States*, 295 U.S. 78; 55 S.Ct. 629; 79 L Ed 1314 (1935), a lawyer representing the government is more than just a lawyer; he is a representative of the sovereign, "Consequently, improper suggestions, insinuations, and, especially, assertions of personal knowledge are apt to carry much weight against the accused when they should properly carry none." "Assertions of personal knowledge" by the prosecutor are unconstitutional. This alone makes a finding of no constitutional to be unreasonable.

Also on point is *United States v. Young*, 470 U.S. 1, 17-19 (1985), where the Court held that it is patently improper for a prosecutor to express a personal belief that a particular witness is being truthful, or knowledge that the witness is being truthful.

In *United States v. Smith*, 500 F.2d 293 (6th Cir. 1975), the Court stated:

> "the duty not to derogate from a fair and impartial criminal procedure rests, in the first instance, upon the shoulders of the prosecutors, the representatives of our government."

In the quest to win, the prosecutor crossed the line. We submit that the prosecutor's argument violated the rule of *Eberhardt v. Bordenkircher*, 605 F.2d 275, 278 (6th Cir. 1979), holding that a prosecutor has a "duty to avoid unfair and misleading argument," and that the state courts acted unreasonably by finding otherwise. A conviction should be reversed where prejudicial and improper argument by the prosecutor has the effect of denying the defendant a fair trial. *United States v. McLain*, 823 F.2d 1457 (11th Cir. 1987); *Bruno v. Rushen*, 721 F.2d 1193 (9th Cir. 1983). As the Sixth Circuit has noted, *United States v. Carter*, 236 F.3d 777, 786-786, (6th Cir. 2001):

> "see also *United States v. Solivan*, 937 F.2d 1146, 1150 (6th Cir. 1991) (Because jurors are likely to "place great confidence in the faithful execution of the obligations of a prosecuting attorney, improper insinuations or suggestions [by the prosecutor] are apt to carry [great] weight against a defendant" and therefore are more likely to mislead a jury); *United States v. Smith*, 500 F.2d 293, 295 (6th Cir. 1974)."

In this case there are two main constitutional problems with the prosecution argument. First, the prosecutor repeatedly asserted that Rayvon Perry testified truthfully. It it is patently improper for a prosecutor to express a personal belief that a particular witness is being truthful, or knowledge that the witness is being truthful. *United States v. Young, supra.*

The prosecutor was not a witness in the case subject to cross-examination. He was not present during the shooting, nor was he present to hear any out of court statements by petitioner. This violated the right of confrontation; see *Crawford v. Washington*, 541 US 36; 124 S Ct 1354 (2004). The prosecutor

did not know that Perry was testifying truthfully or otherwise. By telling the jury he really did know, he added the prestige of his office to the determination of credibility, without having to be questioned about how he "knows" Perry testified truthfully.

It violates due process for the prosecutor to convey to the jury the message that the prosecutor knows the truth and is assuring its revelation. *United States v. Roberts*, 618 F.2d 530 (9th Cir. 1980); *US Const. Amend. XIV*. As the Court noted in Roberts:

> "We need not belabor the well-established principle that the prosecutor has a special obligation to avoid "improper suggestions, insinuations, and especially assertions of personal knowledge." *Berger v. United States*, 295 U.S. 78, 88, 55 S.Ct. 629, 633, 79 L.Ed. 1314 (1935).
>
> Vouching for a government witness in closing argument has often been held to be plain error, reviewable even though no objection was raised."
> In similar circumstances, the Supreme Court concluded "prejudice to the cause of the accused is so highly probable that we are not justified in assuming its nonexistence." *Berger v. United States*, 295 U.S. at 89, 55 S.Ct. at 633.
>
> The prosecutor may not tell the jury that the government has confirmed a witness's credibility before using him. *Gradsky v. United States, supra*. He should be no more able to indicate that the government has taken steps to compel the witness to be truthful. Both of these arguments involve improper vouching because they invite the jury to rely on the government's assessment that the witness is testifying truthfully. "

See also *Hodge v. Hurley*, 426 F.3d 368 (6th Cir. 2005):

> It is patently improper for a prosecutor either to comment on the credibility of a witness or to express a personal belief that a particular witness is lying. *United States v. Young*, 470 U.S. 1, 17-19 (1985); *Berger*, 295 U.S. at 86-88 (citing prosecutor's statements suggesting that he had personal knowledge that a witness was not being truthful as one example of egregious prosecutorial misconduct); see also *Bates v. Bell*, 402 F.3d 635, 646 (6th Cir. 2005) ("To be certain, prosecutors can argue the record, highlight the inconsistencies or inadequacies of the defense, and forcefully assert reasonable inferences from the evidence. But, they cannot put forth their opinions as to credibility of a witness, guilt of a defendant, or appropriateness of capital punishment.")

As the Court held in *People v. McKinney*, 410 Mich. 413 (1982):

> "it is axiomatic that the credibility of a witness is always a 'fact that is of consequence to the determination of the action.

The state court rulings are also unreasonable because they do not even conform to state law rulings on the subject. In *People v. Erb,* 48 Mich. App. 622 (1973), the Michigan Court of Appeals held that for a prosecutor to vouch for the credibility of a witness is to give unsworn testimony and is impermissible. The court reasoned that:

> "statements made by the prosecutor which attest to or vouch for the credibility of certain witnesses are very cautiously reviewed. To hold otherwise would be to ignore the impact of such statements upon a jury, which is heavily influenced by prosecutorial comments; **when such comments relate to the credibility of a witness**, which is the exclusive province of the jury, **prejudice to the defendant readily follows.**" [emphasis added]

As the United States Supreme Court explained in *Young*, "such comments can convey the impression that evidence not presented, but known to the prosecutor, supports the charges against the defendant and can thus jeopardize the defendant's right to be tried solely on the basis of the evidence presented to the jury. . . the prosecutor's opinion carries with it the imprimatur of the Government and may induce the jury to trust the Government's judgment rather than its own view of the evidence."

The prosecutor also violated due process by his argument that urged the jurors to solve societal problems rather than to employ the standard that the prosecution has the burden of proof to prove guilt beyond a reasonable doubt. In doing so, the prosecutor argued that it took courage and heroism to dare to testify against Petitioner Rogers.

"The prosecutor should not use arguments calculated to inflame the passions or prejudices of the jury," *People v. Whalen*, 390 Mich. 672 (1973), citing to *United States v. Young, supra.*

In this case, the prosecutor argued that for Perry to testify against Petitioner took bravery and made him a hero. In other words, testifying against Petitioner Rogers was declared to be a dangerous act, and that to defy this took tremendous courage. This argument inserted things into the testimony that simply are not there. There was no testimony that Petitioner had ever committed any dangerous action

against someone who said things against him. There was no testimony that Petitioner posed a danger to witnesses, but that did not stop the prosecutor in closing from testifying without cross-examination that a person who would testify against Rogers was risking death. [Note also that nothing happened to Rayvon Perry as a result of this supposed risk-taking, which took place 9 years ago, further demonstrating the falsity of the prosecutor's argument].

A defendant so vicious that people do not dare to speak against him is someone who needs to be locked up to protect the community. Unfortunately, the only evidence Mr. Rogers was such a person was in the inventions of the prosecutor, spoken to the jury.

If it can be argued that it takes courage to testify against Mr. Rogers, it can be argued against any defendant, which makes it an unconstitutional argument. *Taylor v. Kentucky*, 436 US 478; 98 S Ct 1930; 56 L Ed 2d 468 (1978). An argument that could be made equally against any defendat amounts to a presumption of guilt, because the mere fact that any defendant is charged is taken to mean it takes courage to testify against him, which means the jury should find him guilty because of the need to stop this terrorism against witnesses, which in this case appears only in the testimony- argument of the prosecutor.

If a witness had testified that he had important evidence of petitioner's guilt, but had been afraid to come forward with it, that witness could have been cross-examined. With the only witness to this being the prosecutor, there could be no cross-examination. Petitioner could not cross-examine the witness who was deterred from testifying by threats no such witness was ever identified in any testimony, and the only "witness" was the prosecutor, declaring things as fact that he simply invented.

In this case, the remarks had a tendency to make the jury believe that there was an extra reason for finding petitioner guilty: that there were witnesses with knowledge of Petitioner's guilt but who were afraid or intimidated into keeping silent about it, and that only a "hero" like Mr. Perry can overcome this clear and present danger.

"Predictions about the effect of an acquittal on lawlessness in the community also go beyond the scope of the issues in the trial and are to be avoided. *ABA Standards for Criminal Justice, Standard 3-5.8* (commentary at page 109, 3rd ed., 1993).

As the Court noted in *Kincade v. Sparkman*, 175 F.3d 444 (6th Cir. 1999): "The remarks were made deliberately. Any prosecutor should know that he has stepped far over the line when he makes this type of closing argument." The very point of the argument was to make up for the evidentiary weaknesses in the case, that is, that no witness saw Petitioner commit the crime, and that there is no physical evidence tying Petitioner to the crime.

A conviction should be reversed where prejudicial and improper argument by the prosecutor has the effect of denying the defendant a fundamentally fair trial. *McAdoo v. Elo*, 365 F.3d 487, 494 (6th Cir. 2004), cert. denied, 543 U.S. 892, 125 S.Ct. 168, 160 L.Ed.2d 156 (2004). Because "It is patently improper for a prosecutor either to comment on the credibility of a witness or to express a personal belief that a particular witness is lying," *Hodge v. Hurley, supra*, and because of the importance of witness Rayvon Perry's testimony to supply the evidence that petitioner was involved in the shooting, the error cannot reasonably be considered harmless.

"Improper vouching occurs when a jury could reasonably believe that a prosecutor was indicating a personal belief in a witness' credibility." *Taylor v. United States*, 985 F.2d 844, 846 (6th Cir. 1993).

In rejecting the issue, the District Court did not issue a finding of harmless error (as the state court did not), but in finding it was reasonable to find no constitutional violation, cited two factors. First, "But the prosecutor's statements were contextualized by stating that Perry "had every reason in the world" to not go to the police because he and Rogers were from the same neighborhood and had a close relationship. (ECF No. 5-8, Page ID.1094-1095.)" (Page ID #1537).

We submit that if the constitutional protections announced by the United States Supreme Court are to have any meaning, the presence of a proper argument does not eliminate the unconstitutionality of improper arguments.

The second reason cited by the District Court to find no constitutional violation was "the trial judge instructed the jury that "[t]he lawyer's statement and arguments are not evidence" and that it is the jury's job "and nobody else's" to decide the facts of the case, including "whether [the jury] believe[s] what each of the witnesses said." (ECF No. 5-8, Page ID.1143, 1145.)"

We submit that the presence of this instruction, a standard jury instruction given in all cases, does not make constitutional the unconstitutional. If this instruction is held to nullify the constitutional protections clearly announced by the United States Supreme Court, then those constitutional protections no longer exist.

This court should grant this request for Certiorari or issue an order granting Habeas Corpus relief requiring a new trial at which the jury can decide on whether witness Perry is being truthful, without being assured by the prosecutor that he knows Perry is telling the truth, that everyone else is afraid of Petitioner, and that the fact that testimony is given against a defendant is ipso facto evidence that the testimony was true, because it takes courage to dare to testify against Petitioner.

RELIEF REQUESTED

WHEREFORE, Petitioner-Appellant Rowmoto A. Rogers moves this Honorable Court to GRANT his Petition for Certiorari or issue an Order granting Habeas Corpus relief requiring a new trial, and/or new appeal, or complete relief unless the State vacates the conviction and holds a new trial within a specified time, and issue a Writ of Habeas Corpus freeing Petitioner from his unconstitutional confinement.

CONCLUSION

For the above reasons Mr. Rogers requests that this Honorable Court grant his Petition for a Writ of Certiorari reverse the Sixth Circuit's decision or allow the parties to submit briefs on the merits of the Sixth Circuit's decision.

DECLARATION OF SERVICE

The petitioner certifies under 28 USC 1746 that a copy of this document was served to all parties by U.S. Mail.

SUBMITTED BY:

Rowmoto Rogers

ROWMOTO ROGERS #579788

DATED: 8-12-, 2020