

22-5495

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

AUG 18 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Miguel Thomas — PETITIONER
(Your Name)

vs.

Allison L. Freed — 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

Miguel Thomas
(Your Name)
G. Robert Cotton Facility
3500 N. Elm RD
(Address)

Jackson MI 49201
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Was the Michigan Supreme Court decision denying petitioner delayed Application For Leave to Appeal on the Merits of an Affidavit of Attorney John Pryski attesting to there being a Brady Violation. The Michigan Supreme Court decision is Contrary to clearly establish Federal Law under Brady v. Maryland, 373 U.S. 83 (1963)

The Michigan Supreme Court was supposed to remand the case back to the Michigan Court of Appeals with instruction for the Michigan Court of Appeal to vacate its May 13, 2021 Opinion an order at page 8 footnote 8 see Attached Affidavit of Attorney John Pryski at paragraph 8

Was petitioner entitled to a remand under People v Ginter 390 Mich 436 (1973) to make a testimonial record to establish the state ~~releg~~ failed to disclose Exculpatory Brady Material to Attorney John Pryski. See Attached Affidavit of John Pryski

Was the Michigan Supreme Court decision denying petitioner Delay Application for leave to Appeal contrary to there own establish law in People v Ginter, 390 Mich 436 (1973) petitioner was denied due process to make a testimonial record from attorney John Pryski.

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:

Respondant Allison L. Freed

RELATED CASES

Brady v Maryland 373 U.S. 83 (1963)

People v Ginter 390 Mich 436 (1973)

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in Affidavit

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Louise Ellie Johnson April 20, 2021

APPENDIX D Affidavit of Attorney John Pryskei
June 17 2021

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2021

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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

MCR 7.211(E)
28 USC § 1257 (a)

OTHER

N/A

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 A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Michigan Court of Appeals court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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 May 31 2022.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This involves a clear due process violation
under Federal Law Brady v. Maryland 373 US 83
(1963)

STATEMENT OF THE CASE

The Facts of the case were written up by Attorney Louise Ellie Johnson in her response to investigation dated April 20, 2021 SEE Attached pages 1-4. The critical Newly Discovered suppressed Evidence consist of Unredacted portion of Dash Cam Video Evidence page 3. This suppressed Exculpatory Dash Cam Video Evidence show that the Michigan Court of Appeals errored when they ruled May 13, 2021 in there Order that the prosecution turned this Dash Cam Evidence over to trial Counsel. Id at page 8 footnote 8 of the Court of Appeal decision Attach as Exhibit B. The Court of Appeals Opinion is Contrary to trial counsel John pryski Affidavit.

REASONS FOR GRANTING THE PETITION

The Michigan ~~Court of Appeals~~ ^{Supreme Court} decision is contrary to clearly establish Federal Law under Brady v. Maryland 373 US 83 (1963). The Affidavit of Attorney John Pryski clearly establish that the state withheld Exculpatory Dash Cam Video Evidence that no reasonable juror would have found petitioner guilty had the state fulfilled its Brady obligation. It would be a fundamental miscarriage of justice if this court does not grant certiorari an order this matter back to Michigan Supreme Court to vacate its May 31 2022 order with instruction for Michigan Supreme Court to remand back to Michigan Court of Appeals with instruction for the Michigan Court of Appeal ~~March 13, 2021~~ ^{March 13, 2021} erroneous opinion. an with instruction for the Court of Appeals to remand the case back to trial for a Evidentary Hearing on the Merits of Affidavit of Attorney John Pryski

Petitioner prays this Honorable Court
grant his petition for Certiorari and order
this case for Evidentiary Hearing

Respectfully.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Macquel Thomas

Date: 8-¹⁷~~18~~-22