

No. 2A-5795

ORIGINAL

Supreme Court, U.S.  
FILED

JUL 01 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Kevin White JR — PETITIONER  
(Your Name)

vs.

State of Michigan RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Kevin White JR  
(Your Name)

320 North Hubbard St  
(Address)

St Louis MI 48880  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

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QUESTION(S) PRESENTED

Did the trial court abuse its discretion under People v McBurrows when it failed to dismiss this case for improper venue where the undisputed Evidence ~~of~~ indicated that to the extent there was any Evidence of a crime by this Defendant - Appellant such had to have occurred and been completed entirely in Macomb County and yet the matter was charged in Livingston County and the record lacks any Evidence that defendant - Appellant knew that any of the other parties had within 24 hours of the alleged delivery moved to Livingston County

## 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:

Kevin White JR STF prison

William Vaillencourt  
Livingston County Prosecutor  
Attorney for the People  
210 S Highlander Way  
Howell, MI 48843  
(517) 546-1850

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	6

## INDEX TO APPENDICES

APPENDIX A Plaintiff's Mich Supreme Court Brief

APPENDIX B People v White, 2019 Mich App Lexis 5442 (9-12-20);

APPENDIX C " " 505 Mich 1022 (4-17-20)

APPENDIX D " " 2020 Mich App Lexis 6025833 (9-20-20)

APPENDIX E " " 2022 Mich Lexis 602 (1-20-20)

APPENDIX F

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Anderson V Bessemer City, 470 US 564 (1985)	22, 23, 24

People V McBurrows 504 Michigan 308; 934 Passim  
NW 2d 748 (2019)

Burrage v. United States, 517 US 204 (2014)

Incorporated by reference is the attached Plaintiff's Mich  
Sup. Court Brief (App B) and the Trial Court Pre-Sec Motion to Dismiss  
Filed June 2022.

### STATUTES AND RULES

MCL 333.7105(1) FRCP 52(a)

MCL 333.7214(a)(iv)

MCL 333.7214(b)

MCL 333.7401

MCL 750.317a

MCL 762.5

MCL 762.8

MCL 767.38

### OTHER

4th & 14th Amendment

Incorporated by reference is Appendix A  
(Plaintiff's Mich. Supreme Court Brief).

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 B1D to the petition and is

- reported at 2020 Mich App Lexis 5033; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the Mich Sup. Court court appears at Appendix C1E to the petition and is  
 reported at 2022 Mich Lexis 602 (4-3-22); 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 4-3-22.  
A copy of that decision appears at Appendix E.

A timely petition for rehearing was thereafter denied on the following date: was not filed, 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 not granted (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

FRCp 52(a); Statutory interpretation of  
repose (no crime under the state statute for a  
crime in Livingston County) re: venue.

This violated the Petitioner's 4th and  
14th Amendment and Procedural Due Process. See  
Burrage, 517 US 204 (2001).

Incorporated by reference are the Plaintiff's  
Mich. Supreme Court Brief and his prior Motion to  
Dismiss filed in the Trial Court on June 2022.

STATEMENT OF THE CASE

This case alleged the sale of drugs in Macomb County and a death in Livingston County with a seven different drugs without a link to the petitioner.

They could not determine what caused the death and there was no evidence linking the petitioner to that death. See *Burrage*, 571 U.S. 204 (2014).

There were no crimes the petitioner did in the Trial Courts evidence and the venue was not proper in Livingston County. See *McBurnows*, ~~504~~ 504 Mich 308 (2019)

REASONS FOR GRANTING THE PETITION

An injustice is taking place in this case.

Petitioner has been in prison for almost 3 years on a crime he did not commit.

This case violates the ruling in Burridge 57145 204 (2014) and the doctrine of repose. See App A and Motion to Dismiss filed in Trial Court June 2022

There was no evidence that supported a binder from an alleged drug sale in Macomb County in the County of Livingston.

In addition, there was seven different drugs in the person who died in Livingston County - nothing linking the ~~Petitioner~~ <sup>Defendant</sup> to any crimes in that county. Incorporated by reference the Motion to Dismiss filed pro se in June 2022 along with Barrage v United States,

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kevin White

Date: 6-30-22