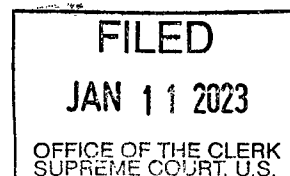


22-6612
No. 22-1437

ORIGINAL

2:20-cv-12165



IN THE
SUPREME COURT OF THE UNITED STATES

Teri Benard Johnson — PETITIONER
(Your Name)

vs.

Randee Rewerts — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Teri Benard Johnson
(Your Name)

LEF 2500 S. Sheridan Rd.
(Address)

Muskegon Heights, MI 49444
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Did the trial Court violate Johnson's right to a public trial by removing spectators from the courtroom?
Petitioner "yes"

If the State presents insufficient evidence of assault with intent to do great bodily harm less than murder does the lower Court (COA) have the duty to grant Defendant issue of appeal? Defendant "yes"

Did the prosecutor knowingly introduce perjured testimony?
Defendant "yes"

Did the trial Court violate Johnson's right to be present on 2 occasions? Defendant "yes"

Did the trial Court deny Johnson's right to present a defense by excluding the first written statement of a witness?
Defendant "yes"

Was Johnson denied a fair trial and impartial jury by introducing evidence of his prior convictions? Defendant "yes"

Did the trial Court abuse its discretion + deny Johnson a fair trial by making improper remarks and questioning key witnesses?
Defendant "yes"

Was Johnson's trial counsel ineffective for failure to raise an issue and did Defendant's ineffective issue have merit?
Defendant "yes"

Did the lower Court Abuse its Discretion by denying
defendants Amended claims (1-5) After the
defendants 2254 petition was accepted as timely
due to the prison mailbox rule?

Defendant "yes"

Did the Lower Court Abuse its Discretion when
it ASSUMED that witnesses for the defense were
let back into the courtroom which violated
the defendants right to a public trial and was
not partial due to this assumption?

Defendant "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:

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
People vs. Muhammad 2015 Mich App	
People vs. Brown, NO 327734,	
2016 WL 699194 at *1-2 (Mich. Ct. App. Nov. 29, 2016)	
People vs. Anderson 532 N.W. 2d 918 (Mich. Ct. App. 1995)	
Slack vs. McDannel, 529 U.S. 473, 484 (2000).	
Miller-El v. Cochrell, 537 U.S. 322, 327	
Gannett Co. v. DeLasquale, 443 U.S. 388, 390 (1979)	
Waller v. Georgia, 467 U.S. 39, 45 (1984).	
Drummond v. Houk, 797 F.3d 400, 402 (6th Cir. 2015)	
Myler v. Felix 548 U.S. 644, 650 (2005).	

STATUTES AND RULES

28 U.S.C. 2254
 Fed R App P. 22(b)
 28 U.S.C. § 2244(D)
 MEL 750.224F

OTHER

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 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 United States district court appears at Appendix B to the petition and is

☐ reported at People v Brown NO 327734 2016 WL 6992194; 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 _____ to the petition and is

☐ reported at NO. 155168 and 155836; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 11-2-2022

☐ 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: 11-2-22, 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 10-11-18.
A copy of that decision appears at Appendix D.

☐ A timely petition for rehearing was thereafter denied on the following date: 12-1-2021, 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

US. Const. Amend 4, 5, 6, and 14
MCL. 763.2
MCL 769.13(2)

STATEMENT OF THE CASE

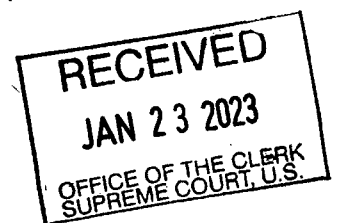
On July 29, 2020 defendant Johnson moved the U.S. District Court to grant his motion for habeas review. The Warden Argued Johnson's petition violated the statute of limitations by four days. The District court ruled that due to the prison mail box rule, Johnson's habeas petition was timely filed on the last day of the statute of limitations. On 12-1-2021, Johnson Amended his petition adding what are now claims 2-5. The Warden Argued that Johnson's new claims should be denied because they were filed after the statute of limitations had run and were not entitled to statutory or equitable tolling. After Johnson replied, the district court ^{personally} held claims 2-5 barred by the statute of limitations and that Jurists of reason would not debate the procedural ruling on the merits of the defendant's Amended claims.

REASONS FOR GRANTING THE PETITION

On Appellate review the court remanded the lower Courts dismissal and gave the defendant an extension of time to Amend his petition and petitioners new claims should not have been denied as time barred.

The Felony information in this case includes the Habitual offender notice, due to the fact that statutory notice provision of MCL 769.13⁽¹⁾(2) was violated by the prosecution, who failed to provide the petitioner with a 21 day notice of the habitual notice, petitioner was improperly sentenced as an habitual offender.

The Court of Appeals erroneously dismissed petitioners Amendment ~~claim~~ right to a public trial and Due Process of law when it removed petitioners witnesses from the Court and assumed that they had been allowed back into the court room making the closure in Johnsons trial Full. Please see Appendix B, where Johnsons witnesses provided affidavits that they were ~~denied~~ ~~the~~ ~~court~~ ~~room~~ kicked out of the Court room for unfounded reasons and were not let back in. In addition, The court also abused its discretion by stating on the record that "Witness Demand Davis" informed the trial court that he felt intimidated by defendant's supporters among the courtroom spectators" and that "he was fearful because people he believed were associated with defendants were parking outside his house, calling him and following him", These statements were not made to the court by this witness, nor was there any evidence that Johnsons mother, brother or sister (who were all removed from trial) were harassing witness Demand Davis in any form.



The Appellate court erroneously rules that defendant Johnson received a notice that he was being charged as an habitual^{4th} offender, when in fact the prosecutor failed to provide Johnson with a timely notice.

Please see People vs Muhammad 2015 Mich App where the prosecutor had conceded that it did not timely serve the habitual offender notice under MCL 769.13, and that this error is not

harmless error. In the instant case the prosecutor stated on file that he served Johnson with a habitual^{4th} offender notice on Dec. 15, 2014, Defendant Johnson was not arrested until December 31st of 2014, and arraigned on January 23rd of 2015, making it impossible for the prosecutor to ~~have~~ provided the defendant with an habitual offender notice before he was arrested, which mandates a dismissal of the habitual^{4th} offender notice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature, possibly reading "J. R.", is written over a horizontal line.

Date: _____