

22-7886 ORIGINAL

No. 23-

SUPREME COURT OF THE UNITED STATES

Ramon Jackson,

Petitioner,

vs.

FILED
MAY 31 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

oral argument
requested

Detroit Mayor Michael E. Duggan, Detroit City
Councilmembers Mary Sheffield, Roy McAllister,
James Tate, Scott Benson, Raquel Lopez,
Andre Spivey, Janee Ayers, Brenda Jones, Gabe
Leland, and Chief Financial Officer David Masseron
Defendant(s),

PETITION FOR WRIT OF CERTIORARI:

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I. Questions Presented

1. Did the defendant(s) violate the plaintiff voting rights which are protected by the Headlee Tax Amendment and Michigan Constitution 1963, Article 9, Section 25-32, along with the Unlimited Tax Election Act of 1979; by issuing Unlimited Obligation Bonds without obtaining voter approval? Yes
2. Did the defendant(s) violate the plaintiff's Due Process Right when they issued Revenue Bonds, Refund Bonds, and Motor Vehicle Transportation Bonds without providing the plaintiff with Due Process Notice guaranteed by the 14th Amendment? Yes
3. When the defendant(s) violated the Home Rule City Act 279 of 1909, The Revenue Bond Act 94 of 1933, section 141.133, The Unlimited Tax Election Act 189, of 1979, and the Michigan Revised Municipal Finance Act of 2001; was the plaintiff denied Equal Protection of the law? Yes
4. Does the opinion of the Michigan Court of Appeals in this case, conflict with this court decision in *Mullane v. Hanover, TR Co.* U.S. 339, 306? Yes

Parties To The Proceedings:

Petitioner Ramon Jackson, Steven Shelton, Ivan Gollman, Joe Griffin, Jamarr Billingslea, Theron Barksdale, Sabrina Green, Terrance Fletcher, Janee Byrd, and Kenny Holloway were the plaintiffs. Respondent(s) Mayor Mike Duggan, Detroit City Council, and Detroit Chief Financial Officer David Masseron were the defendant(s).

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IV. Petition for Writ of Certiorari:

Ramon Jackson, lifelong resident, homeowner and taxpayer from Detroit humbly petitions this Court for a Writ of Certiorari to review the judgement of the Michigan Court of Appeals.

VI. Jurisdiction:

Mr. Jackson's petition for review to the Michigan Supreme Court was denied on March 6, 2023. Mr. Jackson invokes this Court's jurisdiction under 28 U.S.C., 1257, having timely filed this petition for Writ of Certiorari, within 90 days of the Michigan Supreme Court's judgement.

VII. Constitutional Provisions Involved:

United States Constitution, Amendment XIV: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. NO State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

VIII. Opinions Below

There's no published opinion in this case, the opinion rendered by the Michigan Court of Appeals was an unpublished opinion.

IX. Statement of the Case:

Unlimited Tax Obligation Bonds:

Dating back to over 100 years, African Americans as well as other races have fought to secure the right to vote that is guaranteed by the Constitution. Voting doesn't just extend to casting a ballot to elect an official; who runs for election, in your regular election process.

Voting entails much more than regular election voting , voting extends to the right to vote on Referendums, ballot proposals, Initiatives; Bond propositions, Contracts and Public Authorities. The right to vote for Bond proposition, Referendums, Ballot proposals; Contract and Public Authorities are checks and balances, performed on elected officials ;after the elected officials are elected into office.

Voting in Bond propositions, Initiatives, Contracts, Authorities and Referendums are extremely important elections. These elections allows the residents to vote on critical matters which affects their everyday life, i.e. property tax increase, or general taxation.

The defendant(s) have issued approximately \$800 million dollars in Unlimited General Obligation Tax Bonds; without obtaining voter approval. Unlimited Tax Bonds are voter approved Bonds, the very nature of the bond allows the defendant(s) to increase the property tax of residents, who resides in their voting district.

The bonds have a principal and interest payment prior to maturity which approximately doubles the payments.(Unlimited Tax Election Act 189 of 1979, Headlee Tax Amendment, Const 1963, art 9 Sec. 25-32; M.C.L. 141.164).

The Unlimited Tax Bonds are directly tied to the plaintiff's property tax and the property tax of other residents. The plaintiff home has been in tax foreclosure for the pass 4 years based on inflated property tax by the defendant(s). The defendant(s) issued the following Unlimited Tax Obligation Bonds, during the following years, without voter authorization.

2014.\$289,000,000.

2016. \$275,000,000.

2018. \$255,000,000. (SEE ATTACHMENT A-4)

Proceeds from the 2018, \$255,000,000 Unlimited Tax Bond were used for what is considered the largest land swap in Detroit history, the Stellantis Fiat Chrysler Mack Avenue Expansion. The Defendant(s) used illegal bond proceeds to assemble 215 acres of land in order for Stellantis to complete this project.

Nowhere in Detroit's election history have voters voted to increase their property tax, in order for Stellantis to expand. To add insult to injury, residents adjacent to this expansion are being poisoned with harmful chemicals that permeate directly from Stellantis exposing them to harmful pollutants. Not only is the land swap historical, the proximate of a Big 3 automobile plant that close to residents are unbeknownst.

The residents of Detroit which the plaintiff is one of them, including the residents directly adjacent to the Stellantis expansion, are on the hook to pay back the illegal 2018 Unlimited Tax Bond. The Bond was issued with an 30 year maturity which is appalling, egregious and criminal to say the least. It shocks the conscience that impoverished residents are paying back an illegal 30 year Tax bond and the project served with the bond proceeds are poisoning them at the very same time. (SEE ATTACHMENT B-3)

Not one time did the defendant(s) produced voter authorization for the issuance of Unlimited Tax Bonds listed the years above, nor does an election exist where the above listed bonds were placed on the ballot. The bonds were issued secretly denying the citizens of Detroit their Constitutional right to vote.

The defendant(s) used voter authorization from bonds issued in the year 2004, and 2009 order to circumvent placing the 2018 Unlimited Tax Bond on the ballot. In the year 2004 and 2009, voters of Detroit approve 8 different bond sales during an special election. The City of Detroit, prior to 2014 when the defendant(s) took office, issued portions of each one of the bonds approved from 2004-2009 election, and had a total remaining unissued bond balance of \$286,288,829. (SEE ATTACHMENT C)

The bonds approved by the voters in 2004-2009 were, Prop. E(Schools)Prop. L, (Library), Prop. M(Museum), Prop. N(Neighborhood Improvement, Economic Development Programs) , Prop. S(Public Safety, Prop P.(Public Lighting) Prop R(Recreation). (SEE ATTACHMENT D)

Nowhere in the ballot proposals approved by voters in 2004 and 2009, did the voters approve the historic Fiat Chrysler Land Expansion. Fiat Chrysler is a Private not Public Corporation, public funds should not have been used without first obtaining voter approval.

The Michigan Supreme Court visited this issue in Quaid V. City of Detroit 319. Mich. At an election held April 1928, voters of Detroit had approved the issuance of a public improvement bond to defray cost of construction of sewer lines.

Majority of the original bond approved were issued with the exception of \$8,737,000 dollars. In 1947 the City of Detroit attempted to issue the remaining balance and plaintiff Quaid filed a declaratory ruling. On appeal to the Michigan Supreme Court, two questions were presented to the Court.

1. Is an approval of public improvement bonds, voted by the Detroit electors in 1928, invalidated by failure for 19 years thereafter to issue said bonds?
2. Does a change in the qualifications of electors who may vote on the issuance of public improvement bonds invalidate an approval given before the change?

The defendant(s) In Quaid argument was premised on the project being the same as originally voted for. Second was the cause for delay in issuing the remaining bond proceeds, caused by conditions beyond their control.

The court in Quaid determined that "a mere lapse in time doesn't invalidate the bonds, but depending on circumstances of the case, as to whether or not the circumstances indicate subsisting approval, or indicate abandonment or revocation.

"The Courts are inclined to rule in favor of the defendants if there's a reasonable cause for delay, the objects to be served in the same, and there has been no exceptional change in the physical setup of the community."

Plaintiff wish to expound on these variables, Detroit since the initial bonds were approved by voters in 2004 had lost close to 200,000 residents by 2018 to subprime mortgages, tax foreclosure, high crime, and high car insurance rates. By the year 2018, the city had lost more than seven time the electors who approved the original bonds in 2004.

Unlike the scenario in Quaid where the city of Detroit delayed issuing the remaining balance of the bond, in order to become compliant with the statutory debt limit. The defendant(s) in this action issued the 2018 prior approved bond in violation of the 10% debt limit.

The objects to be served were not the same as the residents of Detroit had voted for, resident never voted to approve the Fiat FCA Chrysler Expansion. Every variable that was established in Quaid that would indicate revocation and abandonment, are present in the plaintiff case.

In the Michigan Court of Appeals opinion, the Court admit to the variables for abandonment being present yet ruled the Michigan Supreme Court "did not hold so explicitly" in Quaid..

If the variables are present that Michigan Supreme Court established which would indicate revocation and abandonment, but those variables are not followed, than there's no variables exists now which would indicate abandonment. The decision by the Michigan Court of Appeals disregard the variables established by the Michigan Supreme Court which would indicate abandonment.

Even if the Michigan Supreme Court "did not hold explicitly", the Michigan Supreme Court in Quaid established a guide when determining when it's appropriate to issue prior approved bonds without authorization from the present voters.

Limited Tax Bonds/Refund Bonds/Revenue Bonds/MTFBonds:

Limited Tax Obligation bonds, Refund bonds, Revenue Bonds and Motor Vehicle Highway Fund bonds differ then Unlimited Tax Obligation Bond based on the latter requiring voter approval and residents property tax can be increase unlimited during the duration of a Unlimited Tax Bond.

Limited Tax Bonds, Refund Bonds, Revenue Bonds and MTF Bonds pledge the full faith, credit, or revenue of Municipality and require Notice published in a widely circulated

newspaper, ¼ of a page given the residents right to referendum, or in the case of Refund Bonds, a right to a Public Hearing before issuance.(M.C.L 141.133., M.C.L. 141.2417, M.C.L. 141.2611).

Notice is a Due Process Requirement, in *Karkouklis Inc, v. Dohany* 409 F.3d. 279, 283(6th Circuit), the 6th Circuit determined that “notice reasonably calculated to reach interested parties is the standard now widely accepted ,as the benchmark for resolving questions about the constitutionality of notice procedure”.

The United States Supreme Court In *Mullane v. Central Hanover, TR Co* 339, 306, emphasized the importance of statutory notice. The court stated in Hanover, “ when notice is a person due, process which is a mere gesture is not due process”.

This Court further stated, “ an elementary and fundamental requirement of due process in any proceedings, is to be afforded finality of notice, reasonably calculated, under all the circumstances, to present their objectives.

When a City issues Limited Tax Bonds, Revenue Bonds, Refund Bonds or MTF Bonds ; the City pledges different revenue streams that flows into the City to benefit the livelihood of the residents.

The revenue sources is a derivative of sales tax, wager tax, gas tax, motor vehicle tax, license fees; excise tax, and a host of additional, local, State and Federal tax and fees collected by elected officials. The taxes and fees are meant to be disburse to improve the quality of life for the residents residing in their City, District; town, village or State.

Detroit is a majority black crime ridden, impoverish city. Revenue streams are of grave importance and through the collection of tax revenue, public safety, health, transportation and homelessness is championed. Anytime these revenue streams are misdirected, froze, or placed on liens for the repayment of municipal bonds; the city suffer, and city services are bled of efficiency.

With the exceptions of defendant(s) Spivey, Jones, Tate and Masseron, the remaining defendant(s) each took political office in 2014. Since the defendant(s) took office, the defendant(s) have issued 16 separate municipal bonds.

On January 25, 2023, the City of Detroit Legislative Policy Divisions issued an Report which was provided by law firm Miller & Canfield. The content of the report stated that out of the 16 separate municipal bonds issued by the defendants since 2014, the defendant(s) were only required to issue one Public Notice to the residents of Detroit.(SEE ATTACHMENT E-3)

Attachment E-3 is an index of bonds issued by the defendant(s) since 2014, the index of bonds issued by the defendant(s) and the laws regulating the bonds listed can easily be disapproved by cross referencing Act 175 of 1952.

Act 175 of 1952 is a Public Act which gives units of government the legal right to borrow money and issue bonds in anticipation of future payments, from the Motor Vehicle Highway Fund.

Section 247.702., of Act 175 of 1952 require a Public Notice issued in a newspaper of general circulation prior to the issuance of a Motor Vehicle Highway Fund Bonds.

Section 247.701 of Act 175 of 1952 clearly states, all bonds issued under this Act must comply with 2001 PA 34, MCL 141.2101. PA 34 of 2001 clearly states, bonds issued under this act cannot be issued without first issuing notice, and right to referendum.

The plaintiff is attaching examples of cities in Michigan who have issued Motor Vehicle Transportation Bond, and published required Due Process Notice, according to Michigan Laws.

(SEE ATTACHMENT F, MTF BOND NOTICE FROM SPRINFIELD MICHIGAN, AND MTF BOND NOTICE FROM LANSING MICHIGAN).

The defendant(s) have failed to provide any case law statute or authority, which exempt the defendants from Publishing a Due Process Notice prior to the issuance of a MTF Bond. The plaintiff is totally baffled behind this assertion by the defendant(s).

This is also a violation of the plaintiff's voting rights, Right to Referendum gives residents the right to collect 10% signatures from the electors, or 15,000 which would compelled defendants to place the bond on the election ballot. This process was ignored and the plaintiff's rights were violated and usurped by the defendant(s). The defendant(s) issued the following MTF, Revenue and Refund Bonds, during the following years without affording the plaintiff right to Due Process Notice.

2014. Approximately \$250,000,000 Revenue Bond/DDA

2016. Approximately \$330,000,000 Refund Bond

2017. Approximately \$125,000,000 MTF Bond and approximately \$300,000,000 Revenue Refund.

2018. Approximately \$500,000,000, and \$175,000,000 Limited Tax Bond/Refund Bond

Out of 16 separate bonds the defendant(s) admit to issuing, the defendants) admit to placing the 2021 Unlimited Tax Bond onto the ballot. The defendant(s) have yet to provide any case law that exempt the remaining Unlimited Tax Obligation Bonds from requiring voter approval.

Unlimited Tax Obligation Bonds are backed by the full faith of the resident's property taxes and resident's property tax can be increased anytime during the duration of the bond. For this specific reason, the law requires Unlimited Tax Bonds to have voter approval prior to issuance.

The defendant(s) also admit that out of the 16 separate bonds issued, they placed one (1) Limited Tax Bond in a widely circulated newspaper given the residents the right to referendum(SEE ATTACHMENT E-3).

On May 3, 2023 Detroit City Council held an hearing with the Budget and Finance Committee, chaired by Detroit Council member Fred Durhal. Present at that hearing was Detroit Corporation Council Conrad Mallett, Miller Canfield Paddock and Stone attorney Jeffrey Arnoff, plaintiff Ramon Jackson and resident Steven Shelton.(SEE ATTACHMENT F).

During the committee hearing, Miller Canfield Counsel Arnoff admitted MTF BONDS, Refund Bonds and Revenue Bonds require lawful public notice before issuance. The revelation by Counsel Arnoff contradicts what was stated in the January 25, 2023 Legislative Policy Report, which stated the bonds doesn't require lawful due process notice.(REVIEW ATTACHMENT E-3)

Based on the contents of this hearing, the defendants admit to issuing bonds which requires notices, yet the defendants admit to not having notices.

Public Authorities/Contracts:

Public Authorities are quasi-governmental entities established by local governments to contract, lease, or sublease with the local governments. Public Authorities are regulated by Michigan Statutes, and various State Public Acts.

Public Act 31 of 1948, MCL.123.951,allows local governments in the state of Michigan to incorporate a Building Authority in order to contract , equip, furnish, own; improve, operate; or maintain any structure owned by that local government.

Michigan Legislature-Section 124.288, of Public Act 233 of 1955 regulate Municipal Governments and Indian Tribes who wish to contract with Public Authorities and the Due Process safeguards that governs the establishment of Public Authorities.

The plaintiff in his right mind can't fathom why a law would be created which gives a local government the legal safeguard to formulate an Public Authority, then contract or lease property from the Public Authority that the local government already owns.

However, the Michigan Legislators passed such a law making this process legal, but the process came with other Rights and Due Process safeguards for residents prior to the creation of such Authorities. These Due Process Rights have been ignored and violated by the defendant(s).

Prior to the creation of any Authority, the local government must published a Notice to the electors of the area to notify them of their wish to formulate the Authority. The Notice must be published in a widely circulated newspaper of general circulation, but this process never was followed by the defendant(s).

Prior to the local government entering into a contract with the authority, the local government must either placed the contract agreement on the election ballot, or publish a Due Process Notice in a widely circulated newspaper given the residents including the plaintiff, a right to referendum.

The process the defendant(s) should have followed in order to formulate and contract with the Detroit Building Authority are connected to the plaintiff's Due Process Rights and plaintiff Right to Vote.

The Right to Referendum allows residents and taxpayers the opportunity to collect enough signatures to obtain a Special Election, that would place the contract on the ballot to be approved by the voters.

The defendant(s) failed to follow any laws regulating Public Authorities and specifically violated the law when they entered into a contract with the Detroit Building Authority, in order to lease from the Building Authority, the City of Detroit Public Health, & Safety Headquarters; contract, (#2832588.8a.11.).

The contract is for a total sum of \$73,000,000 seven-three million dollars paid by the defendant(s), to the Detroit Building Authority. The contract never was placed on the election ballot nor did the defendant(s) publish a Due Process Required Notice given the plaintiff and other residents from Detroit an Right to Referendum. The contract was entered into with disregard to the residents of Detroit Due Process Rights.

Taxpayers funds are being squandered and misused by this particular contract, funds that could otherwise be allotted to address critical issues that face the residents of Detroit. The Public Health, & Safety Facility in question was purchased, rehabbed and renovated by the City in 2010 for a total cost of \$66,000,000 Sixty-Six Million Dollars.

The Defendant(s) allowing the Detroit Building Authority to lease the Public Health, & Safety Headquarters to the City of Detroit for a sum of Seventy-Three Million dollars, is beyond the plaintiff's imagination, which is all the more reason, the law should have been followed. The defendant(s) have illegally formed the following authorities and illegally entered into contract with the following Public Authorities.

1. Greater Detroit Resource Recovery Authority
2. Eight Mile Woodward Corridor Authority

3. Detroit Brownfield Redevelopment Authority
4. Downtown District Authority
5. Local Development Finance Authority
6. Downtown Development Authority
7. Detroit Land Bank Authority
8. Detroit Building Authority
9. Great Lakes Water Authority

Defendant(s) have also issued bonds through the above listed Authorities in violation of residents Due Process Right to Notice.

History

The plaintiff initiated this action in the Third Judicial Circuit Court December 2019. The plaintiff sought declaratory relief in order to determine the rights of the plaintiff and other residents of Detroit.

The case was initially assigned to Judge David A. Groner, then after 11 months without a ruling from Judge Groner, the case was reassigned to Judge Kathleen McCarthy. Judge Kathleen McCarthy up until this time had been a family court judge, presiding over the Family Court Division.

Circuit Court Judge McCarty ruled in favor of the defendant(s) without ever addressing the issues presented to the Court. Judge McCarthy decision was based on inaccurate information that can easily be disproved to this Court.

The Court's decision was based on a defense never raised with any Court; nor raised by the defendant(s) as a defense.

The decision rendered by Judge McCarthy defies all data and information pertaining to the issuance of municipal bonds by the City of Detroit. Again, the defendant(s) never raised a defense that the bonds in question were all refunding bonds that did not require Notice, or Voter Authorization.

Refund Bonds according to Michigan law, requires a Published Notice in a well circulated newspaper, given residents a right to a Public Hearing.(SEE ATTACHMENT G, EXAMPLES OF CITIES WHO ISSUED NOTICE FOR REFUNDING BONDS, INCLUDING CITY OF DETROIT IN THE PAST).

Refund Bonds are a very delicate instruments which the law have specific requirements before issuance. In order for a bond to be considered a refund bond, the new principal and interest must be lower or a covenant lifted which is why Notice and Public Hearing is important before issuance.(Sec.611. of the 2001 Michigan Revised Municipal Finance Act)

After the plaintiff received the Judge McCarthy of the Third Circuit Court one paragraph opinion, the plaintiff filed a timely appeal with the Michigan Court of Appeals February 4, 2022. Following the plaintiff timely appeal , two of the Judges who would be a part of the plaintiff Court of Appeals panel were appointed by the Governor Gretchen Whitmer.

During plaintiff oral argument in the Michigan Court of Appeals, the Court of Appeals panel questioned the defendants lack of Due Process Notice, yet the Michigan Court of Appeals ruled Due Process Notices were unimportant.

The question presented to the Michigan Court of Appeals, "can the Bigger Vs. Pontiac 390 Mich. 1, time bar apply if the plaintiff wasn't provide Statutory Due Process Notice, or voter authorization before issuing the Tax Bonds?

The plaintiff of course answer was No, and the plaintiff is confident that this court would agree.

Bigger Vs. Pontiac 390, Mich.1 is the leading Michigan case governing residents rights to sue after municipal bonds are issued and sold on the open market.

In 1973 the residents of Pontiac voted in a special election to approved the sale of a municipal bond, to defray cost to build a stadium. After the voters approved the bond sale, the bond was advertised; then sold on the open market, resident Bigger sued the City of Pontiac following the bond sale.

The Court ruled in Bigger that after the bonds were advertised and sold on the open market; residents were prohibited from suing. The Bigger doctrine never addressed Bonds that were issued without Due Process Notice, and Voter Authorization.

The Bigger doctrine was revisited in Sessa v. Macomb 220 Mich. App.279, 23 years later. In Sessa, Macomb officials issued a \$16,000,000 dollars bond to defray cost of building the Macomb Justice Center.

The court sided with officials from Macomb premised on the fact the Macomb elected officials had published a Due Process Notice, before issuing the bond. The Due Process Notice was published in the Macomb Daily given the residents of Macomb their Due Process right to notice.

The plaintiff was before the Michigan Court of Appeals premised on the fact that the municipal bonds were issued without Due Process Notice and without voter approval. The Michigan Court of Appeals never answered the questions presented to the Court, does the time bar apply to the challenge of bonds, if the voter authorization wasn't obtained, or notice for right to referendum weren't issued.

STATUTORY DEBT LIMIT:

Michigan Compiled Law 117.4a of the Michigan Home Rule City Act place a 10% debt limit on most long term bonds and a 20% debt limit on Financial Recovery Bonds. The Statutory debt limit was put onto place to create checks and balances, in order to prevent officials from issuing excess debt that would burden residents.

There's no such thing as Government money, or Government burden; it's the taxpayers money and the tax payers burden. Any funding used or abused by our various Government entities, are funding which stem from a tax each of us pay to the various different Governments entities..

The proceeds collected from the tax revenue are used to pay back the tax bonds; which is why Legislators in Michigan and other states established regulations such as debt limits. The

defendant(s) violated the debt limit when they issued 15 municipal bonds. This law like all the other bond laws violated in this situation, were usurped and ignored by the defendant(s).

In 2014 the defendant(s) issued \$1.28 billion dollars in Municipal Bonds in violation of the Michigan 10% debt limit. In 2014, the City of Detroit had approximately \$7,812,080,813 dollars in Assessed Value and \$8.8.billion dollars in debt placing the City of Detroit far above the Constitutional debt limit.(SEE ATTACHMENT H.)

In 2016 the defendant(s) again issued another series of bonds in the amount of approximately \$700,000,000 dollars in violation of the Michigan 10% debt limit. In 2016 the City of Detroit had an Assessed Value of approximately \$6,951,844,582 dollars, but had a debt obligation of \$4 billion dollars placing the City over 50% of the legal debt capacity.(SEE ATTACHMENT I)

In 2018 the City of Detroit had approximately \$7,331,464,244 dollars in Assessed Value, but \$4.6. billion in debt placing the City over 50% of the legal debt capacity.(SEE ATTACHMENT J)

In 2021 the City of Detroit had an Assessed Value of \$10,944,512,305 dollars, but approximately \$5.5. billion dollars in debt, and increased of close to \$600,000,000 dollars from the last fiscal year, placing the City of Detroit at close to over 50% of its legal debt capacity.(SEE ATTACHMENT K)

The Added Assessed Value Equivalent listed in M.C.L. 117.4a9, will give the City approximately an extra \$10,000,000 dollars, added to the Assessed Value each fiscal year, which will not change the fact, that each year the defendant(s) was in violation of the Statutory debt limit.

MCL 117.4a9. of the Home Rule City Act gives local government units the option to divide the Cities Millage Rate for the fiscal year, by the four listed revenue streams identified in MCL 117.4a9. Detroit in fiscal 2020, had a millage rate of \$69.6, which represents over \$69.00 each person would pay, for each thousand dollar their property is worth.(SEE ATTACHMENT L)

The law is clear and specific, MCL 117.4a9 allow local governments to divide their millage rate by four fiscal revenue streams, to arrive at what is known as the Assessed Value Equivalent. The defendant(s) was disingenuous when the defendant(s) performed the calculations rearranging the millage to a fraction of the millage, which is expressed as (.0696).

Once \$69.6 is changed into the fraction .0696, then the fraction doesn't represent the same number, it's a fraction of the number. Performing the calculation adjusting the millage to a fraction enhance the solution to the division a hundred fold, therefore artificially boosting the debt limit in order to place more burden on the residents.

The defendant(s) have yet to offer any legal statute, case citation, first, or secondary source, that gives them the legal justification to rearrange the millage into a fraction of the millage, when performing the calculation in MCL 117.4a9

During the Michigan Court of Appeals proceedings the plaintiff produced evidence that the defendants had violated the 10% debt limit, but this fact was obviously ignored by the Courts. The defendant(s) mislead the court to believe that the city of Detroit had \$733,000,000 dollars in bond debt which reputable sources proves otherwise.

The plaintiff provided evidence that the City of Detroit had over \$2.2. billion dollars in bonded debt which is far above the number produced by the defendant(s). The Michigan Court of Appeals in their opinion ruled that the plaintiff failed to list what debt was exempt, so therefore the court were unable to determine the actual bond debt that City of Detroit incurred.

The plaintiff pled that none of the debt met the criteria of exemption mentioned in the MCL 117. 4a9. That is an defense for the defendant(s) to raise, not the plaintiff. The plaintiff provided documentation that the City of Detroit had \$2.2.billion dollars in bond debt which 99% of the bonds issued doesn't fall under exemption.

The Court of Appeals assumption that any of the debt is exempt, is beyond the plaintiff's scope. The Court of Appeals erred in stating the plaintiff should raise a defense against the document the plaintiff provided.

All municipal bonds require some form of Notice to the Public. The defendant(s) never raised the argument that the bonds issued were excluded from the debt calculation, the Michigan Court of Appeals raised this issue for the defense.

X. Reason For Granting The Writ:

- A. Until the plaintiff case, there's no empirical, historical, or textual cases where the Due Process Statutory Required Notice was unimportant when a Court rendered a decision where Due Process was into question..
Due process is the cornerstone of the 14th Amendment, if Due Process are ignored, then plaintiff rights are surrendered.

In *Mullane v. Central Hanover*, U.S. 339,306, this Court clearly established the importance of Due Process Required Notices. The Michigan Court of Appeals ruling conflicts with all State, Federal and United States Supreme Court rulings. This Court can restore that protection the 14th Amendment was established to provide.

Every element of the 14th Amendment that protect the rights of CITIZENS were ignored in plaintiff case.

Municipal Bonds date back close to 200 years, most schools, roads, hospitals, railroads, stadiums and arenas were built with the issuance of Municipal bonds. More often than not, these bonds are issued without the knowledge and the approval of the voters.

In the 1870's, State and local governments started to run roughshod with the issuance of bonds and this forced Legislators in different States to regulate the issuance of bonds through the passage of various bond laws.

Michigan in 1909 passed the Home Rule City Act which placed a debt limitation on municipal borrowing. In 1933, the Legislators again passed the Revenue Bond Act 94 mandating Due Process Notice before the issuance of Revenue Bonds.

In 1978 the Michigan legislators passed the Headlee Tax Amendment which require voter authorization before the issuance of bonds, which will increase the taxes on the residents. Then in 1979, the Michigan Legislators passed The Unlimited Tax Election Act 89 which this act, specifically required voter authorization before the issuance of Unlimited Tax Bonds. In 2001, the Michigan legislators again passed the Revised Municipal Finance Act in order to safeguard citizens' rights during municipal financial transactions.

All the laws enacted by the Michigan legislators to protect the resident's rights when issuing bonds, failed to protect the residents of Detroit. If the established laws would have protected the residents, the plaintiff would not be before this Court.

Since 2005 the impoverished residents of Detroit have lost over 100,000 properties due to tax foreclosure. A lot of the foreclosures were contrived and maliciously motivated; based on inflated property tax and inflated property assessments. A lot of these tax foreclosures are directly linked to illegal municipal bond issued by elected officials.

- B. Another critical reason why this court should grant Certiorari, in order to Expand, and reinforce the voting rights on ballot proposition, referendums, initiatives, contracts, authorities, and bond proposals.

Voting Rights are often a right that is nationally expressed and understood going back the last Century. Voter suppression and voting disenfranchisement is nationally monitored and the violation is nationally syndicated.

Bond Proposal, Referendums, Ballot initiatives are not held to the same standard, the same light and the same respect. The right to vote on Bond Initiatives, Referendums and Contracts should be held to the same standard and respected in the same light as voting in candidate elections.

Bond elections, Referendums and Initiatives are just as important. Candidate election place the candidate into office, but Ballot Proposal, Initiatives, Referendums, Bond Proposition, Contracts, and Authorities gives residents a voice to vote on critical matters which affects day to day life.

There's millions of citizens throughout this Country that doesn't vote in candidate election, but vote in elections for Proposition and Referendums.

These elections gives residents the right to vote on issues which affects your everyday life, examples such as taxation on real and personal property.

This case presents an opportunity to expand and clarify the rights extended to voting and to reinforce the fundamental components of the 14th Amendment. Since this case was initiated, defendant(s) former City Councilmembers Andre Spivey, and Gabe Leland both have been convicted of public corruption, resigned from City Council and have been sentenced. Defendant(s) Councilmembers Janee Ayers and Scott Benson are both under federal probe for public corruption.

Defendant David Masseron has since left working as the Chief Financial Officer for the City of Detroit. Defendant David Masseron was hired in Detroit by defendant Michael Duggan after working as Bond Counsel during the Flint Water Crisis.

As Bond Counsel for the KWA Water Authority in Genesee County, defendant Masseron was directly connected with the fraudulent consent order which helped ignite the illegal funding that initiated the Flint Water Crisis. These acts ultimately led to the poisoning of the impoverished residents of Flint.

Absent intervention by this Court, the Michigan Court of Appeals unpublished opinion will undermine all components carefully crafted in the 14th Amendment. The Court opinion would also disregard the importance of voting rights relating to Bond proposals, Ballot Initiatives, Referendums, Contracts, and Authorities.

XI. Conclusion:

African Americans have a storied history dealing with voting rights and housing rights in this Country. Plaintiff's home along with thousands more homes are in jeopardy of being lost based on contrived tax foreclosures, based on illegal tax bonds. Thousands have lost their properties due to contrived foreclosure perpetrated by the defendants and thousands more will lose their homes without the Court intervention. The plaintiff ask that the Court grants Certiorari and oral argument in a speedy time frame, thank you!!

Dated this 20th day of May 27, 2023.



Respectfully submitted,
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