

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE RAYNADA JONES - PETITIONER

PROOF OF SERVICE

I, RAYNADA JONES, do swear or declare that on this date, April 5, 2024, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR ORIGINAL WRIT OF HABEAS CORPUS on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

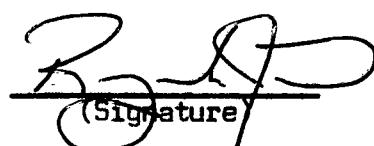
Ms. Dana Nessell / Michigan Attorney General / Attorney for Respondent

P.O. Box 30217

Lansing, Michigan 48909 (517) 335-7021

I declare under penalty of perjury that the following is true and correct.

Executed on April 5, 2024

/s/ 
(Signature)

RECEIVED

APR 15 2024

OFFICE OF THE CLERK
SUPREME COURT U.S.

jurisdiction over the trial of the criminal defendant where the District Court Magistrate's Judge failed to file the proper other and form for the bind-over of the criminal defendant in accordance with Michigan Compiled Law, Michigan Rules of Court, State and Federal Procedure, and Michigan case law requiring it to be done so, removing any subject/personal matter jurisdiction over that of the criminal defendant, not Plaintiff/Petitioner in this action.

The Circuit Court never obtained subject-matter or personal-matter jurisdiction over the trial of the criminal defendant where the Circuit Court was not a court of original jurisdiction over that of the Plaintiff/Petitioner because the Trial Court never properly obtained the subject-matter or personal-matter jurisdiction over the Plaintiff/Petitioner for the failure to have the proper probable cause conference as required by Michigan Court Rule 6.108 that was informally adopted in 2015 yet, formally law and required since 1927 and the failure to hold a probable cause conference in the District Court shows that the Circuit Court lacked subject-matter or personal-matter jurisdiction over the Plaintiff/Petitioner.

The Plaintiff/Petitioner was not convicted on legal process and may bring this habeas action under Michigan law. Mich. Const. Art 1, § 12.

An action for habeas corpus may be brought by a non-duly convicted person and the Petitioner is in fact a non-duly convicted person and this challenge can be made under Michigan Compiled Law 600.4310 because the District Court did not follow their duties to provide the Petitioner with a probable cause conference as required by MCR 6.108 and A Magistrate's return after bind-over as required by Michigan Appellate Case law.

The Circuit Court abused it's power by allowing a judgment of sentence and conviction to stand where it never properly or fully acquired jurisdiction over that of the Petitioner because of the failure to properly hold a probable cause

conference and failure to file a proper, true, legal Magistrate's return after the bind-over and the Writ of Habeas Corpus is available to Grant Relief based upon the question raised by the Petitioner because they are not questions of evidence but are in fact questions of the legal process prior to any evidence being offered-see *In re Stone*, 295 Mich 207, 212; 294 NW 156 (1940).

Habeas Corpus relief is appropriate in this case because the Petitioner has demonstrated that a radical defect has rendered the proceeding and judgment void and the radical defect is where the District Court Judge failed to have a probable cause conference as required since 1927 and failed to file a proper Magistrate's return after bind-over under *People v. Goecka*, 457 Mich 442, 458; 579 NW2d 868 (1998).

The Circuit Court never obtained subject-matter or personal-matter jurisdiction over the trial of the criminal defendant where the Petitioner never stood before a District or Circuit Court Judge, under oath and said the words--I hereby waive personal jurisdiction, and as such, the waiver of personal jurisdiction has not been met, under *People v. Eaton*, 184 Mich. App. 649, 653; 459 NW2d 86 (1990).

This is not an appeal of a criminal conviction and not an appeal of the judgment of sentence, because that was done under the state vs. then Criminal Defendant, this matter is a direct claim, stating that the legal proceedings held in the District Court and the violation of the now Petitioner's 6th and 14th Amendment rights to due process of law, fair District Court proceedings have been violated and resulted in the proceedings that took place prior to the Circuit Court illegal imposition in anyway upon the Petitioner and, as a result, the Circuit Court failure to follow procedures, rules, state and federal law, renders the judgment of sentencing Court as null and void and it must correct this serious deprivation of the Petitioners Constitutionally

protected rights that were required to be afforded to the Petitioner and were not done and order this Habeas Corpus action to be granted in this case at bar.

The Writ of Habeas Corpus is in fact a Civil proceedings which inquires into the authority by which a person is detained, and offers release in the form of unlawful custody--See Supporting case of Trater v. Kent County Sheriff, 104 Mich. App. 32; 304 Nw2d 11 (1981).

The Writ of Habeas Corpus filed before this Honorable Court is not an appeal of a conviction or an appeal of a sentence that was based on any evidence presented in the criminal case of People of the State of Michigan vs The Criminal Defendant--this case is not dealing with evidence of guilt or innocence, this case does not involve the conviction or sentence itself--Therefore, the arguments that the Warden, Prosecutor, or the Michigan Attorney General cannot make is one that states that the Petitioner is attacking the judgment of sentence because that case was filed where the now Petitioner was the defendant in the criminal case brought against him, in fact, that was the State of Michigan v. Plaintiff. And, as such, neither case of Cross v. MDOC or PRICE v. MDOC can be used to say that the Petitioner is attacking a conviction when the only thing that the Petitioner is attacking is the lack of proceedings in the case that renders the judgment void and null, and the failure to follow proper state law, procedures and Court Rules in the District Court Rules in the District Court critical proceedings of ensuring that there was a Magistrate's signed return, Magistrate's return after Bind-Over, Magistrate's form of oath filed in accordance with State Law and Court Rule, and the Probable Cause Conference which takes place immediately after the arrest of the criminal defendant, and the failure of the State to have probable cause conference on prior criminal proceedings which render the legal authority void, lacking and not even existant because of the failure of the District Courts proceedings