

No.

23-7603

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

MAY - 9 2024

OFFICE OF THE CLERK

ANTHONY TYRONE BROWN PETITIONER
(Your Name)

vs.

MICHIGAN, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ANTHONY BROWN
(Your Name)

4533 W. Industrial Park Dr
(Address)

Keweenaw, MI 49788
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION PRESENTED

I

The trial Court committed "FRAUD ON THE COURT" when the Court change the trial transcripts of the motion to withdraw as counsel "When Retained" and then mailing Those Transcripts out to each Court and the petitioner Thus; Violating the petitioner's Sixth Amendment due process Right to Counsel of choice "When Retained" also stopping the petitioner from showing that the trial Court fail to Avoid Bias and the Appearance of Impropriety In the motion To withdraw as counsel and Through-out the proceeding Thus; also Violating the petitioner's Fourteenth Amendment due process Right of the Constitution to A Fair trial proceeding, ^{also} When stop the petitioner from stating his Reasons for wanting a New Attorney., It Affected the "Framework" of the petitioner's due process Appeal...

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:

THE MICHIGAN ATTORNEY GENERAL'S OFFICE

G. MENNEN WILLIAMS BLDG 525 W. OTTAWA P.O. Box 30212
LANSING, MI 48909

(GOVERNOR) GRETCHEN WHITMER GEORGE W. ROMMEY
Building 111 S. CAPITOL AVE LANSING, MI 48933

RELATED CASES

- 1) People V. Swilley, 504 mich, 350 Supreme Court of michigan 2019.
- 2) Griffin V. Warden, Noble Corr. Inst., 2016 U.S. Dist LEXIS 36151 EASTERN DIVISION 2016.
- 3) Wilson V. Mintzes, Supra 761 F.2d ²⁷⁵ 280 (CA 6 1985)
UNITED STATES COURT OF APPEAL FOR THE SIXTH CIRCUIT 1985.
- 4) United States V Gonzalez - Lopez, 548 U.S. 140
United States Supreme Court 2006.
- 5) Liljeberg V. Health Servs. Acquisition corp, 486 U.S. 847 (1988)
Extraordinary Circumstance "Entitle"

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

petitioner respectfully pray that a writ of Certiorari issue to
Review the judgment below.

OPINION BELOW

[X] for cases from federal Courts:

The opinion of the United States Court of Appeals appears at Appendix
N-Q to the petition and is No 23-1853 Denied
[] has been designated for publication but is not yet reported; or,

The opinion of the United States district Court appears at Appendix

I to the petition and is 21-CV-12058 Denied
[] has been designated for publication but is not yet reported or

[X] 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 No. 355810
and No. 356177 Denied.
[] has been designated for publication but is not yet reported or

JURISDICTION

IV For Cases from Federal Courts

The date on which the United States Court of Appeal decided my case was February 15, 2023 February 27, 2024 Case No. 23-1853

IV A timely Filed petition for rehearing was denied by the United States Court of Appeal on the following date March 21, 2023

and a copy of the order denying rehearing appear at Appendix 0
On February 27, 2024 the U.S. Court of Appeal Denied a Certificate of Appealability on a Review of A 60(b) motion FRAUD ON THE COURT!
The jurisdiction of this Court invoked under 28 U.S.C § 1254(1).

IV for Cases from State Court

The date on which the highest State Court decided my case was April 28, 2021 post-Conviction A. Copy of that decision appears At Appendix G & H Case No 355810 and 356177

The jurisdiction of this Court is invoked under 28 U.S.C § 1257(a).
U.S. Supreme Court has jurisdiction where petitioner, Brown, has Exhausted all State Remedies as of this date April 28, 2021 date of Court of Appeal of the state of Michigan denial in post-conviction. See Appendix G & H

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PAGES

U.S. Const. amend. V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in a Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. amend. VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses ~~against~~ in his favor, and to have the Assistance of Counsel for his defence.

U.S. Const. amend. XIV § 1

All persons born or naturalized in the United States, and subject to the jurisdictions 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 laws.

STATEMENT OF THE CASE "FRAUD on the COURT"

This Incident Arose from a motion filed on December 12, 2016, by the defendant's trial Attorney Damien C. Woodson in the Third Judicial Circuit Court to disqualify Honorable Paul S. Cosick Pursuant to Mich. Ct. Rule 2.003(c)(1)(e) which states: If a Judge was a partner of a party, Attorney for a party or a member of a law firm representing a party with the proceeding last two years; that Judge should disqualify himself..

Judge Cosick Very Recent Appointment to the Bench from the same Criminal Division of the Michigan State Attorney General's office that was prosecuting the petitioner's case, Judge Cosick Denied that motion, stating that he had No Knowledge of the petitioner's Case. the petitioner's Attorney stated; that a "Slippery Slope" but failed to file a motion with the chief Judge for a Review as Requested. the defense filed a motion for Rape shield, Denied, motion to Recuse Judge, Denied. motion to Stay, Denied. motion for Bond Reduction after pre-trial Services Recommended that the defendant be Released on his own Recognizance, Denied, motion to withdraw as counsel, Denied. on Direct Appeal the defendant Attorney Jonathan B. D. Simon filed a motion to disqualify Judge Pursuant to Mich. Ct. Rule 2.003(c)(1)(b). which states: the Judge, base on objective and Reasonable Peception, has either (A) Serious Risk of Actual bias Impacting the due process Right of a party as enunciated in

Caperton v. Massey, 556 U.S. (2009) or (b) has failed to adhere to the Appearance of Impropriety standard set forth in Canon 2 of the Michigan Code of Judicial Conduct.

The Michigan Court of Appeal stated: this issue was unpreserved and lack merit. On June 26, 2020 the defendant filed a motion to disqualify Judge Pursuant to Mich. Ct. Rule 2.003(B)(1). The defendant also filed a motion/letter requesting for the chief judge to review any decision of the trial court. See Appendix I for proof of mail and letters. On Sept 02, 2020 Judge Cusick denied that motion and Ignored the request for a review with the chief judge and pass judgment on the petitioner 6,500 motion Relief from Judgment, filed on July 14, 2020 and denied on Nov 20, 2020. See Appendix F for that Denial. The petitioner then filed a timely filed claim of Appeal 7.203 with the Michigan Court of Appeal M.C.R 7.203 by Right. Case # 355810 that was denied on April 23, 2021.

Another Incident Arose from a motion to Withdraw as Counsel held on January 18, 2017 by the defense "filed" where the trial judge

Hon. Paul J. Cusick in the motion to Withdraw as Counsel Stop the defendant from stating his Reasons why he wanted a New Attorney. the Judge acted as if he had a preconcieved Notion as to what the defendant was going to say when he stop the defendant with a malicious Reply. transcripts states that the trial Judge said "you don't have to tell me what she said." However petitioner states; that this is not what was said and the transcripts has been Alter. Requesting and Now is challenging these transcripts Verbatim with Audio and more importantly Video to show the demeanor and tone of the Judge also what was truly said and the order in which they where said., In a 60(b) motion Relief from Judgment, Federal Rule of Civil procedure in the U.S. District Court Eastern District of michigan for "FRAUD on the COURT." the trial Judge was Explaining In the motion to disqualify Judge filed on June 26, 2020 and Denied on Sept 02, 2020 his Reasons for Stopping the defendant in the motion to withdraw as Counsel "when Retained." See Appendix V for that Denial-motion. the Judge stated that he stop the defendant from Arising Self-Incriminating Evidence into open Court, and Exposing

matters of Attorney-client Privilege into open Court. he also stated on page (3) three that there was No Requirement for a Attorney to believe there client is Innocent to effective advocate for them.. In the motion to Withdraw held on 01/18/2017, the Judge stated: If he allow me to obtain another Counsel he doesn't see how that would change the Relationship with my Retained Counsel, he stated that the defendant Seeking Another Attorney was a "Pattern Obviously" and the Attorney General prosecutor Ms potlantis stated it was a "delay tactic." also in the motion to disqualify Judge, Denied on Sept 02, 2020 the trial Judge stated: that the petitioner only wanted to call his 14 witnesses to support his Character, and that his Retained Attorney Stenously tested the prosecution case at trial, also In the motion to Withdraw as Counsel held on 01/18/2017 the trial Judge "Repeatedly" was Imposing and displaying his own personall View's about the petitioner's trial Attorney on how good, well experiance, outstanding and Exceptional Attorney the petitioner had and trying to persuade the petitioner to keep his Retained

Attorney, he even stated that he had "NO DOUBT" that she will be

✓ Exceptional at Trial on January - 2017.

The trial Judge Even allow Evidence of Mich. Comp. Law 768.27a
other List offense, and the Michigan Court of Appeal Explain in
there Decision that it was only Introduce to Show other List
of offense. the trial Judge also Allowed the prosecution to
Introduce and question there witness about a Incident that
the petitioner pushed the Accuser against the wall and the police
where called. the petitioner Filed (2) two Constitutional Amend-
ment Violation 1) Sixth Amendment Right to Counsel of choice "when
Retained." 2) Fourth Amendment due process Right where the trial
Judge Failed to Avoid Bias and the Appearance of Impropriety
mich. Ct. Rule 2.003(c)(1)(b). also the Michigan Court of Appeal
"Went against" there on Rule about MCL 768.27a as they Explain in
People v. Watkins, 490 mich 450. At [x462] - [x464] MCL 750.52d(1)(A).
Because the alleged Accuser had already stated she was 16 years old when
the alleged Incident suppose to have happen. also petitioner has provided
a Colloquy of the motion to Withdraw as Counsel See Appendix II

* Petitioner has also Attached the Decision of the U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN and the U.S. COURT OF APPEAL FOR THE
SIXTH CIRCUIT See Appendix I - N.O.
8

The petitioner has a due process Right to A fair trial undeterred
by the admission of improper Evidence, when the prosecution
introduced the testimony of an alleged Hotel incident in the
city of Southfield, michigan. which is in oakland County,
and Wayne County had Jurisdiction over the Case. In this
Present Case: the trial Abuse its discretion when he failed to
determine which Aspect of the Accuser Statement met the
Requirments of Mich - Comp. Law 768.27a. a list offense.
and the petitioner's trial Attorney failed to properly challenge this
Inadmissible Evidence, that the Court allowed into the proceeding.
the petitioner challenge this provision in his ~~part~~ Appeal Stage.
by using: People V. Watkins, 490 mich 450. At ~~[*462]~~ ~~[*464]~~. Id
states: Footnote: "MCL 750.520d(1)(A). Provides: HN A person is guilty of
^[21W] Criminal Sexual Conduct in the third degree if the person engages
in Sexual penetration with another person... [who] is at least 13
years of Age and under 16 years of Age." as the Court of Appeal
Explained "After E.W. turned 16 years old, the sex Acts described
[***14] would No Longer Constitute a Crime", under this
provision and thus "would Not Constitute a list offense
admissible as other Acts Evidence under M.C.L 768.27a..."

"this Evidence was only Entroduce to prejudice the petitioner and Jury...
the Complainant stated on Record that she was 16, when the Alleged Incident happen (12 page 69).

✓ Here is an on-the-Record Colloquy From the trial transcripts of
the Accuser Devonna Wesley and prosecutor Ms Povilaitis on

Page 69

1 Q Do you remember ~~specifically~~ ^{the last time} something happened?

2 A I can't remember specifically when was the last time. I

3 remember a time prior to that where we went to a hotel

4 room for their anniversary.

5 Q Do you remember how old you were when that happened?

6 A I was almost 17, so 16.

The trial Court allow this Conflicting Evidence to be introduce

by the prosecution. petitioner states; Nothing happen and

all this is wrong as you will see and Read.. Everything

that the prosecution Ask for or Introduce was allowed. the

defense got Nothing as you will see and Read, this was

pro-prosecution for his former ^{Employer;} ~~Employer;~~ the trial Court

fail to be Neutral and Detach., and how Can two Courts have

different opinion about the Same Issue. So the petitioner

states that this Appeal is not just about facts and the parties

involved this is about trust of the American people in the Justice

System and truth. In this Case you will clearly see other cases

and Courts agree with the petitioner about the Same Issues, And

they where granted Relief. Controlling Cases. here is the first Constitution

violation.,

I

Petitioner States that the missing and Altering and
Concealment by mailing out the wrong transcripts
to this Court and the defendant and Every other
Court show's obstruction of Justice 18 U.S.C.S.
§ 1512(e)(1) and 18 U.S.C.S § 1519.

In *Mayer V. Chicago*, 404 U.S. 189, 30 L Ed, 2d 372, 92 S. Ct.
410 (1971). to Argue that the due process Requires that a
defendant be given Reliable records of Sufficient Completness
to permitt proper review of his claim [xxx10] - - - [x15]
Retrial is always Necessar y.

28 U.S.C.S. § 455 Disqualification of Justice, Judge or magistrate
Judge Vacating the declaratory relief Judgment was Available
under the Fed. R. Civ. P. 60(b) because the Judge deprived
respondant of a basis for making a timely motion for a New Trial
and also deprived it of an issue on direct Appeal.

SUPPORTING FACT surrounding the motion to withdraw
the missing transcripts Will also show that the petitioner Was Improperly
Denied counsel of choice and the trial court erred in Refusing
the petition to obtain New Counsel See *Holloway V Arkansas*,
435 U.S. 475. trial Counsel Informed the Court the Risk of
Representing conflicting Interest. (Case was Remanded).

In this present Case was the same, counsel Informed
the trial court that there,

was a genuinely a significant breakdown in communication,
and there were some SERIOUS ISSUES in Attorney-client
Relationship. 1. the trial Court Never permitted
the petitioner to address the Court on the Reasons why he
wanted a New Attorney, and Explain why he was unhappy
and dissatisfied. the trial Court Not only stop the petitioner
from stating the Reasons why he wanted to Replace his Attorney
with a Malicious Reply. but also trying to persuade the
petitioner to keep his Attorney, on how good, outstanding and
^{A.B. Exceptional} ~~impeccable~~ of an advocate the defense Attorney is, by Imposing
and displaying his own personal View's Countless of times.,
Arbitrarily Refusing the Request for a New Counsel and proceeding
With the trial. Even after the petitioner disagreed With the Court,
the trial Court Injected Confusion into the proceeding, See motion
to Withdraw Colloquy APPENDIX II. the trial Court Violated the
petitioner Right to Counsel of Choice when Retained under the Sixth
Amendment. the trial Court failed to properly Inquire into the Attorney-
client Relationship. this Sixth Amendment Violation is Not Subject to Harmless

error Review it is a Structural error. "Reversal is Required."

Cites; Griffin V. Warden, Noble Corr. Inst., 2016 U.S. Dist.

Lexis 36151. where the trial Court erred by Refusing to allow Appellant to obtain New Counsel. When Requested. In Violation of Appellant's Sixth Amendment Right, where the defense Counsel also Informed the trial Court that she "believed" Appellant No Longer wanted her representation. cites a portion of the trial transcripts in Volving a Colloquy

At [*7] - [*8]..

also Thus, "If a defendant alleges facts which, if true, would Requir relief, the trial Court must inquire into the "defendant's Complaint" and make the inquiry. part of the Record." Id., quoting State V. Smith 4th Dist. No. 98CA12, 1998 Ohio App. Lexis 6344 (Dec. 29, 1998). Supra, At [*11] - [*12]..

"A denial of the Sixth Amendment Right is a structural error Not Subject to harmless error analysis., Id., At [*14]....

(The Magistrate Judge Recommends that the pititioner for writ of habeas Corpus Conditionally be granted)..

In this present case was the same, the trial court even stated;

In the motion to withdraw to the petitioner, that if he allow

me to retain another counsel he doesn't see how that would

change the position that I'm in with regards to my present
counsel, and also stating that the petitioner doesn't have
to tell him what the Attorney said, in regards to why the
petitioner wanted a new Attorney; "these kind of statements
raises some serious question about the trial court's impartiality."

"Especially" when the court doesn't know what the petitioner was

going to say. see motion to withdraw colloquy on this kind of
conduct by the trial court. this shows that the judge had a

preconceived notion of what the petitioner was going to say

when he stop the petitioner from stating his reasons for wanting

A new Attorney. the petitioner could have said "she told me"

that I had to ask for a continuance, or she wanted of the case,

by forcing the petitioner to proceed to trial with his trial Attorney

where there was clearly a serious breakdown in communication

and the petitioner was dissatisfied with his trial Attorney

this was also a complete breakdown in communication and

Irreconcilable Conflict between Attorney and Client. See: Mickens V.

Taylor, 535 U.S. 162 (2002). LED HN [G] ↑ [G] LED HN [A] ↑ [A] petitioner

argues that Remand instruction in Wood established an

"unambiguous Rule" that where the trial judge neglects a duty

to inquire into a "potential Conflict," that defendant, to obtain reversal of

the judgment, need only show that his lawyer was subject to a

Conflict of Interest, and need not show that the conflict adversely

affected Counsel's Performance. Brief for petitioner at [34]

[*** 12] he relies upon the language [*** 171] in the Remand

instruction directing the [*** 304] trial Court "to grant a

New trial revocation Hearing" if it determines that "an Actual

Conflict of Interest existed." Wood, 450 U.S. At 273. In this

Present Case Clearly Serious Conflict between Attorney and client.

to Not putting the petitioner on the stand, Calling any of his witnesses,

Introducing any of his Evidence, challenging all the Accuser false

and conflicting Statements also Evidence about 50+ false and perjury

Testimony of The Accuser for "Impeachment purposes" and the Erased 30+40

Recording of Agent Fairley "Evidence" and the pink Tip Penis See: Appendix JJ and

The Reason why Alecia Brown started crying - Right to present Substantive evidence"

Failure to Call Witnesses; In Direct Appeal stage - post-Conviction
petitioner challenge this Issue by citing: People v. Williams, 386
Mich 565; 194 NW 2d 337 (1972) where there was a bonafide
Dispute between the client and Counsel about calling alibi witnesses
(the court Reversed the Court of Appeal and Remand for New trial).
the prosecution also stated that the motion to withdraw as counsel was
a "Delay tactic" and the court agreed and stated it was a "pattern
obviously" of hiring Attorneys, because this was the defendants

(4) Attorney but the Record was Very clear there was No Delay tactic.
Even the prosecution stated all three attorney was fired, Quit and
Appointed on the Same day of Plam Exam. So how can the petitioner
Enjoy the Benefits as the prosecution stated.. In UNITED STATES

V. GONZALEZ-LOPEZ 548 U.S. 140. where it was Conceded
that the defendant was Erroneously denied his Right to Counsel
of choice; the Constitutional violation was complete and the
Error was Reversible Since the defendant was Not Required to show
Prejudice from his Actual representation or that the error was harmless.
In this case was the same; once the trial judge stop the petitioner from

stating his Reasons for wanting a New Attorney and was Imposing and
Displaying his own personall View "Leading" the petitioner the violation
was Complete. he Never allow the defendant to Express his dissatisfaction
with his Counsel., Even though his Counsel stated a lot see motion to withdraw.
(the trial Judge is under Obligation to determin dissatisfaction with his
counsel to warrent a substitution. Good Cause to or Justifiable

dissatisfaction with his Counsel to warrant Substitution. Good Cause to

Substitute Counsel includes "A Conflict of Interest," "a Complete Breakdown in Communication," or an "irreconcilable conflict," between

counsel and the client. Wilson V. Mintzes, 761 F2d 275, 280 (CA 6 1985).

the Court must balance a defendant right to Substitute Counsel with the public's interest in the prompt and efficient administration of Justice. Id. In

Wilson V. Mintzes, Supra. 761 F2d at 281-283, the Sixth Circuit

found that the trial judge, after questioning defense Counsel's Competence

and provoking Counsel into Acts inconsistent with his duty of loyalty

to his client, acted unreasonably in failing to Heed the defendant's

Expressions of dissatisfaction. the trial Court asks the defendant twice

if he was Satisfied with his defense Counsel, and he stated that he was

not. Defense Counsel also twice Attempted to withdraw from the case, including

once in the middle of the trial in front of the jury, and the trial judge

Denied his Request both times. (The Sixth Circuit Reversed the Judgment of

the lower Court and Remanded the Case back to the District Court to grant

a writ of habeas Corpus.)... for all these Reason stated, the petitioner Request

that the Sentence and Conviction be Void and petitioner be Immediately

Released and a New trial is had with a different Judge. Violation of VI, Am, Right

const to Counsel of choice when Retained

In this present case; on January 18, 2017 at the motion to withdraw as counsel the trial counsel of the defendant's discussed the concerns she had about the Relationship Between herself and client, but the trial judge treated the motion as a delay tactic and failed to adequately address the Allegations by defense counsel that her client "will not listen to her advise?" and that this was a "Serious Issue" between counsel and client and that "it is genuinely a Significant breakdown in Communication" the defendant states: that his defense counsel stated: that she wasn't going to call any witnesses on his behalf. and defendant was dissatisfied with that decision. stating these witnesses had first hand knowledge and was material to the defense. she also stated: she had No Evidence to present. this also was Not true See Appendix CC to FF She also Refuse to ask the question the defendant wanted her to Ask of, "challenge all the Accuser prior and current statements" also by the prosecution See page GG for some of those questions. So yes this was a very serious dispute with the Attorney an irreconcilable conflict and a genuinely significant breakdown

in communication. Instead of Addressing the Merits of the Defendant's Complaint, the Judge seem more concern about the timing of the Request and more about trying to persuade the defendant to keep his defense Attorney by displaying and Imposing his own personall View's Into the proceeding Petitioner States; due to this FRAUD ON THE COURT, Not Having the Right transcripts It is Impossible to have ANY Kind of fair Hearing or move Forward In any Review Without the truth See Moyer V. Chicago, 404 U.S. 189, 30 L Ed, 2d 372, 92 S. ct. 410 (1971). The motion to withdraw is just some of the Alter and missing transcripts. Retrial is always Necessary-, this can only be shown by Reviewing the D.V.D of Said motion to Show all this Injustice-, Petitioner Request this U.S. Supreme Court Review the D.V.D At the Cost to the petitioner for the D.V.D "IN Lieu" Petitioner has added Evidence, Sworn Statements, Affidavits, Fact About the Framework that made a differents, Father's day Cards, motives of Accuser and Alyssa Wesley Picture's trial transcripts of Agent Fairly, Alecia Brown, and about the poly Graph test see Appendix 3 CC-JJ also Agent Fairly "Evidence," Erased 30 to 40 Recording, ... CASE LAWS APPENDIX V-BB ...

McCoy v. Louisiana, 138 S. Ct. 1500.

Counsel admission of Guilt to the jury Counsel could Not admit his client's guilt of a charged crime over the client's intransigent objection to that admission and Violation of defendant's Sixth Amendment Secured Autonomy constituted Structural error, warranting a New trial, because the Admission blocked the defendant right to make fundamental choice about his own Defense. Reversed and Remanded...

HNT L Ed HNT

[7] If a client declines to participate in his defense, then an Attorney

may permissibly guide the defense pursuant to the strategy

she believes to be in the defendant's best interest. Presented

with express statements of the client's will to maintain

innocence, however, may ~~not~~ [17] not steer the ship the

other way. See Gonzalez, 553 U.S. at 254, 128 S. Ct. 1765, 170

L. Ed. 2d 616. At ~~[1509]~~ - ~~[1510]~~ McCoy 138 S. Ct. 1500, *supra*.

as you have read that none of this happens from the inappropriate comments

at (trial motion to withdraw), to not allowing the defendant to introduce any

of his evidence, to not calling any of his (14) witnesses, and not complying with

client... the trial judge even stated to the jury that they can

"Ignore a Lie". See; Jury Instruction Appendix JJ page 82 Trial Transcripts

due to the missing and Alter transcripts the petitioner's fourteenth Amendment was egregiously Violated by not allowing the petitioner to show that the trial judge fail to Avoid bias and the Appearance of Impropriety In Direct Appeal and in his Habeas Relief. THE SIXTH CIRCUIT HAS STATED THAT FEDERAL HABEAS BASE ON MISSING TRANSCRIPTS WILL NOT ONLY BE GRANTED WHERE THE PETITIONER CAN SHOW "PREJUDICE" see Scott V. ELO, 302 F3d 598, 604 (6th Cir 2002). In this case the "Fraud" Affected the Frameworks. Petitioner Request that this Court Review the trial transcripts Verbatim with audio but more Importantly Video to show the true Nature in which things where said and Done and who said what, also to show the trial Judge Tone and Demeanor. Petitioner states that he gave the trial Court a Chance to Review all the Issues on a 6.500 motion which he also Denied this was done on July 14, 2020 the missing transcripts will also show that the trial Judge Failed to Avoid Bias and the Appearance of Impropriety These Issues is used as persuasion to show the Violation of his Fourteenth Amendment due process Right of the Constitution of the United States, see; Appendix X (for motion for COR Filed in the US COR)

ARGUMENT- Extraordinary Circumstances

In the motion to disqualify trial Judge Paul J. Cosick pursuant Mich. ct. R. 2.003(C)(1)(b) and 2.003(B)(1). the trial court cited Liteky v. United States, 510 U.S. 540. Judge's opinion formed during prior proceedings against Priest did Not amount to partiality requiring recusal. They were Not from an extrajudicial source and did Not display deep-seated favoritism or Antagonism making fair judgment impossible.

✱ "But the petitioner Disagree;" cited "In that Same Case ~~LAW~~ LAW."

Subsection [*** 17] (a), the provision at issue here was an entirely New "Catchall" recusal provision, covering both "interest or relationship" and "bias or prejudice" ground, See Liljeberg v. Health Services Acquisition [*** 1154] Corp., 486 U.S. 847, 100 L. Ed. 2d 855, 108 S. Ct. 2194 (1988) -- But requiring them all to be evaluated on an objective basis, so that what matter is not the reality of bias or prejudice

✱ but its Appearance. HN 41 Quite Simply and quite universally, Recusal was Required whenever "Impartiality might Reasonably be question". At [*** 548].

"In this case," The trial Judge stated in his Order Denying motion to disqualify itself that he properly interrupted the defendant from exposing matters of the Attorney-client privilege of Confidentiality and prevented the defendant from airing possible self-incriminating information on the record in open court.

The Judge should have been ²² Aware of the Circumstance Creating the Appearance of impropriety.

Extraordinary Circumstance Entitle.

Although the basis for this Appeal is the (2) two Constitutional Violation

(1) the denial of the Right to have Counsel of choice "when Retained" VI Am.

And the failure to Avoid bias and the Appearance of Impropreity XIV Am.

due process Right to a fair trial and proceeding; the petitioner also filed

a Rule 60(b) motion Relief from judgment, but also as part of these

two Const Violation the petitioner Requested In the U.S. District

EASTERN court also the U.S. Court of Appeal for the Sixth circuit

that the Review or hearing of the motion to withdraw trial transcripts

be challenge Verbatim with Audio and Video be done "In Lieu" with

the present of petitioner and Appointed Counsel but there were no

such hearing or Denial of that Request. This hearing would not only

show that the transcripts were After and missing but also the Tone

and Demeanor also choice of words made by the Trial Judge

When he stop the defendant from stating his Reasons for wanting a

New Attorney and Explain how the Rule 60(b) motion for

FRAUD ON THE COURT was prejudice to the defendant.,

Petitioner states by forcing the defendant to go to trial with his

Attorney who clearly wanted off the Case and the petitioner was

dissatisfied with his Retained Attorney who did not ask

the question of the Accuser that she made to her sibling, stating
"HE DID NOT DO ANYTHING TO ME IF HE DID HE WOULD BE DEAD"
see; sworn statement by the Accuser's sister Naomi West and
her mother "Alecia Brown". also question that needed to be Ask
when the Accuser's mother was on the stand as a witness for the
prosecution stated that she stop Believing the Accuser when she
described her husband penis wrong, she also stated "THAT THERE
WAS OTHER STUFF AS WELL". NOW THE JURY NEED TO KNOW
what other stuff would make you stop believing your child, but
No one Ask that question that would also made a difference in the
Jury Eyes See Appendix JJ for those trial transcripts also see
Appendix FF for witnesses who where Ready to testify. to the
comments made by the defendant's Attorney in the motion to withdraw
and forcing the defendant to keep his Attorney was Very prejudice to the
Petitioner and his Case and any proceeding going forward, the FRAUD
ON THE COURT violated the petitioner's U.S. Const XIV Am. due
Process to a fair proceeding/hearing. See Klapprott V. UNITED STATES
355 U.S. 601, entered United States Court of Appeal Third Circuit
Denied without a hearing denied a Reasonable opportunity to defend
the charges against him Case was Reversed

In this Case the defendant Requested that a Review of the motion
to withdraw be held In Lieu with petitioner and Counsel present
In this Case the Trial Judge Ignored the Request to seek
A Review with the Chief Judge on the motion to disqualify Judge
under Mich. Ct. Rule 2.003(B)(1) and 2.003(C)(1)(b) and pass
judgment on the petitioner's 6.502 motion for Relief from Judgment
see proof of that Request and Letter Appendix I petitioner
that the Fraud was not only prejudice, but with all the Evidence
and witnesses testimony that a Reasonable Jurists would find
these Issues Including "FRAUD ON THE COURT DEBATABLE"
and a Different outcome of Not guilty was Very Highly ^{as probability} ~~probable~~
on all counts, and that the District Improperly denied the Rule
60(b) motion and these Issues show's a Substantial showing
of the denial of the Constitutional Right 28 U.S.C. § 2253(C)(2)
and that a (COA) also Rule 60(b) motion should be granted.

All this Evidence show's that the trial Judge was Pro-Prosecution for his Ex
partner's of the Attorney General's office and Abuse of Discretion,
by Displaying and Imposing his own personal View's Into the motion to
withdraw see on the Record Colloquy Appendix II also see people
v. Swilley, 504 Mich, 350 (2019). HN 1 ↑ The question whether a Judge
conduct has denied a defendant a fair trial is a question of Constitutional
Law At [x370] - Improper Strategie advise [x373]. a / 50
384 HN 124 Judicial Intervention
25

HN 12 Judicial Intervention in trial, Interrogation of witness in the context of witness questioning, A Judge is not tasked with making points or arguments; that Responsibility is Reserved for the litigants. A Judge is Not Entitled to test the Validity of a party's claim or defense. A Judge is permitted to Ask question of a witness, but when the Judge chooses to do so, the Judge Assumes the great Responsibility of Asking question in Accordance with the Law. Mich. Rule. Evid. 614(b); former Code of Judicial Authority; - At [*384].

In this present case; In the order Denying motion to disqualify Judge - the trial Judge; In the motion to Withdraw as Counsel. Stated; that He Asked the defendant if he understood that his Retained Attorney was a very good Attorney for cases like his and the defendant agreed. Here is an on-the-Record "Colloquy" of those statements. Starting at Page 9 #23 of the motion to withdraw as Counsel.

23. The Court: all Right. and so you understand
24 that the Attorney that you have Retained, you have
25 Retained for the last two months will be an effective

9

1 advocate for you at trial. Do you disagree with that?
2 The defendant: yes

10

the Judge was telling the defendant about how good, very experienced, effective Advocate, outstanding and a ^{an Exceptional} ~~Impeccable~~ Attorney he had, trying to persuade the defendant to keep his Attorney. Instead of Addressing the merits of the Complaint. the defendant clearly disagreed with the Court. but the Judge kept on Imposing and displaying his own personal view's about the defendant's Trial Attorney.

to present any of the petitioner's Evidence, and Ask the question that the petitioner Requested that Surely would have made a difference in the outcome!! So we know that statement by the trial Court is not true..

Besides: If the Attorney Refusal to Comply with the client Reasonable Wish to Raise A particular Claim Breaches the Agency Relationship between Attorney and client, thereby making it unreasonable to impose upon the client the consequences of the Attorney procedural default...

* In-Cottenham V. Jamrog, 248 Fed. Appx. 625. the Court Held that the inmate claims were not procedurally defaulted because his pro sec motion and letter to the state Appellate Court, stating his problems with his Retained Counsel and his inability to raise issues of his choosing, inmate was effectively Denied his Six Amendment Right to Counsel and the Right to present Appellate issues of his choosing. - the Court Reversed the district Court judgment denying the inmate petition and Remanded with instruction to grant a conditional writ of habeas Corpus. - also the U.S. Const VI, Am. Provides: A criminally Accused the Right to effective Assistance of Counsel. when that Right is Violated it is A clearly Breach of establish Federal Law and Precedent...

The petitioner was deprived of a substantive defense by
trial Counsel's Negligent Acts and omission before and at
trial. Namely trial Counsel was grossly Ineffective for
failing to call any of the petitioner's (14) witnesses who
had first hand knowledge of this alleged crime, and
by failing to introduce any of the petitioner's Evidence,
and by failing to challenge all the prosecution and Accuser
Lies at the critical stage of these proceeding. also by
failing to comply with the petitioner's Request to Ask certain
question of the prosecution witnesses. to-wit.,
trial Counsel failure to bring all these Issues that was Requested to
the Court and Jury Attention was detrimental to the petitioner's
defense, had the Court and more importantly the Jury known that these
Exsisted the outcome at trial would resulted in a different likelihood
of Actual Innocent thereby Violating his Right to a fair trial by her
Ineffectiveness the trial Counsel Failure to Investigate and substantiate
the primary defense and allow the petitioner to make some choices in his
defense was Not a strategic decision it was a fundamental abdication of
duty to conduct a complete investigation and Restricted her ability to make
Reason professional judgment. --; People V. Grant 470 Mich 477 (2004).

The defendant also States: Impartial Decision-maker; A defendant is Entitled to a hearing before an impartial fact-finder that is one who's mind is not already made up and who can give you a fair hearing. - the "Altering" of the transcripts and

In the questioning of the defendant and making Statements about his trial Attorney on how good, ^{As. Exceptional} ~~Impeccable~~, outstanding of an Attorney and trying to persuade him to keep his Attorney - these question Created the Appearance of Bias against the Defendant. See People V. Stevens, 498 mich 162 (2015) States: Entitled to New trial because the Judge exceeded the Scope of Permissive Judicial questioning and Created the Appearance of Bias against defendant -

IN THE MOTION TO WITHDRAW AS COUNSEL

when the trial Judge stop the defendant from stating the Reason why he wanted a New Attorney. that the Attorney told the defendant she taught he was guilty because he didn't take the pollyGraph. Proves only one thing "Personal prejudice". in his own words the trial Judge express a preconceived Notion. In his Reasons for stopping the defendant. Stating: the defendant was prevented from airing possible self-incriminating information on the Record in open Court. because he knew what the defendant was going to say. - people V. Gibson, 90 mich. App. 792, 796 (1979).

for all these Reasons stated in this "Petition". the defendant Request that the Conviction be Vacated and Sentence Void, and defendant be Immediately Released from Custody Subject to Retrial within (90) Ninety days. and be Remand to a New trial with a different Judge. -

REASONS FOR GRANTING THE PETITION

first:

The primary concern of the Supreme Court is not to correct error in lower court decision, but to decide cases presenting issues of importance beyond the particular facts and parties involved.

Important Consideration for accepting a case for review include the existence of a conflict between the decision of which review is sought and a decision of another Appellate Court on the same issue.

An Important function of the Supreme Court is to resolve disagreements among lower court about specific legal questions. Another is the importance to the public of the issue...

The petitioner will show in this present case the particular facts and parties involved present issues of utmost importance and is also beyond facts and parties involved. and will show 100% where the conflict was reverse in another court on the same issue, "Even some" by the same court on the same issue. also will show 100% misconduct by the trial court in question on so many levels

Extraordinary Circumstance See page 19, 23, 24, 25 of this
petition ---

The petitioner will show that this case is such imperative

Public Importance as to justify deviation from normal

Appellate practice and to require immediate determination
in this Court See 28 U.S.C. § 2101(e). Judgment rendered

from the U.S. Court of Appeal "Sixth Circuit".

First: Petitioner will show PERSUASIVE AUTHORITY cases and

BINDING AUTHORITY,

A) PERSUASIVE AUTHORITY;

Precedent that is not binding on a Court but nonetheless
is instructive because it involves a legal question that is
identical or similar to the one before the Court.

B) BINDING AUTHORITY;

Law that a Judge must follow.

FRAUD ON THE COURT

The petitioner has been stating since his Direct Appeal to Now that

In the motion to Withdraw as Counsel "When retained" that the trial Judge

stop the petitioner/defendant with a Malicious Reply and with his

Judicial Authority Tone and Demeanor Cause emotional harm to the

defendant when the defendant was just Ask to Explain why he wanted

a New Attorney, the Judge Never allow the defendant to state

anything after he stop the defendant, just Asking and trying to lead

the defendant by Imposing and Displaying his own personal View's Into the proceeding this was Very Prejudice to the petitioner's Case then and Now., It is impossible to move forward In any proceeding or have a fair decision from any Court due to the missing and Altering of the trial transcripts Not just in the motion to Withdraw.

Point I

THE SIXTH CIRCUIT HAS STATED THAT FEDERAL HABEAS RELIEF BASE ON A MISSING TRANSCRIPTS WILL NOT ONLY BE GRANTED WHERE THE PETITIONER CAN SHOW "PREJUDICE" SEE Scott V Elg, 302 F.3d 598, 604 (6th Cir 2002) (Citing Bransford V. Brown, 806 F.2d 83, 86 6th Cir 1986),,

Petitioner Also States that the missing and altering and Concealment by "mailing out" "MAILING OUT" The wrong transcripts to this court and the defendant and Every other Court Show's Obstruction of Justice 18 U.S.C.S § 1512(c)(1) and 18 U.S.C.S § 1519

In Mayer V. Chicago, 404 U.S. 189, 30 L Ed, 2d 372, 92 S. Ct. 410 (1971),

to Argue that due process Requires that a defendant be given Reliable record of Sufficient Completness to permitt proper review of his claim [xxx10] - - - - [xx15] retrial is

always Necessery., Petitioner Ask this Court to Review the D.V.D audio and Video To Show all that the defendant/petitioner claim is true.. Petitioner has a Constitutional Right to present Evidence on his behalf., Even at the Cost of the D.V.D to the petitioner . . . Facts that Effected the Framework See Appendix X

Point II

THE TRIAL COURT FAILURE TO AVOID BIAS AND THE APPEARANCE OF IMRROPRIETY BY COMMITTING A NUMBER OF ACTS CONTRARY TO THE LAW AND RULES THAT VIOLATED THE PETITIONER'S CONSTITUTIONAL

RIGHTS PROVIDED BY THE UNITED STATES. - XIV AMENDMENT
DUE PROCESS AND VI AMENDMENT RIGHT TO COUNSEL OF CHOICE
"When Retained". WHICH IS THE BASIS FOR THIS APPEAL..

Some Binding Authority and Some Persuasive Authority

A) The trial judge allowed Evidence of "other List offense" Michigan.
Comp. LAW 768.27a but in Direct Appeal the Michigan
Court of Appeal Explain why this was ~~not~~ allowed in people
V. Watkins, 490 Mich 450 under Mich. Comp. LAW. 750-520(1)(R)
Also Abuse of Discretion, Pro-prosecution See Appendix Y-p20440 for
the michigan Court of Appeal Ruling and how they Explain this LAW.
and the page of the trial transcript of the Accuser Explaining that she was
16, years of Age.. FAIL TO Determine which Aspects of D.W Testimony met the
Requirement of MCL 768.27a.. POINT III also see Appendix "A" Page 9"

THE TRIAL COURT ABUSED IT DISCRETION WHEN THE TRIAL JUDGE
IGNORED THE REQUEST TO SEEK A REVIEW FROM THE CHIEF
JUDGE OF THE MOTION TO DISQ. OR RECUSE HIMSELF MICH.
CT. Rule 2.003 B1 AND ADDED (C)(1)(e) ALSO 2.003(C)(1)(b)
AND PASS JUDGMENT ON THE DEFENDANT'S 6.500 MOTION FOR
RELIEF FROM JUDGMENT SEE APPENDIX I FOR PROOF
OF SERVICE AND THE LETTER OF REQUEST ALSO MOTION TO DISQUALIFY
WHICH ALSO EFFECTED THE FRAMEWORK IN POST-CONVICTION AND
NOW..

POINT IV

IN THE MOTION TO DISQUALIFY JUDGE DENIED ON SEPT 02, 2020
THE JUDGE STATED THAT HE PROPERLY INTERRUPTED THE DEFENDANT
FROM EXPOSING MATTERS OF THE ATTORNEY-CLIENT PRIVILEGE, AND WAS

PREVENTED FROM AIRING POSSIBLE SELF-INCRIMINATING INFORMATION INTO OPEN COURT.

The petitioner states; The trial judge had a "preconceived Notion" about what the petitioner was going to say. It was impossible for the Court to know what the petitioner was going to say unless he already knew. There were a host of things the petitioner could have said. Like she told me that I had to ask for a continuance or she told me she wanted off my case "Reversible" people v Gibson, 90 Mich App 792, 796 (1997)...

POINT V

THE TRIAL JUDGE ALLOWED FALSE TESTIMONY TO BE INTRODUCED INTO COURT THAT THE DEFENDANT PUSH THE ACCUSER AGAINST THE WALL AND THE POLICE WHERE CALL THIS WAS UNCONTROVERTED TESTIMONY
Reversible Error

See on the Record Colloquy Solicit lies from witness who disagreed with prosecution., Appendix GG people v. Smith, 498 Mich, 466 (2015)

POINT VI

THE TRIAL COURT STATED THAT THE DEFENDANT ONLY WANTED TO CALL ~~HIS~~ (14) WITNESSES TO SUPPORT HIS CHARACTER IN THE MOTION TO DISQUALIFY JUDGE. DEFENDANT HAS A RIGHT TO CALL WITNESSES. SEE COLLOQUY OF REASONS WHY THEY SHOULD TESTIFY. ACCUSER UNDER OATH APPENDIX HH AND WITNESS LIST WHO WERE READY TO TESTIFY APPENDIX FF...

POINT VII

RAPE SHIELD; DENIED AFTER ACCUSER STATED THAT SHE HAD SEX WITH THE DEFENDANT EVERY OTHER DAY, WHERE THE ACCUSER HAD MANY S.T.D.s, AND THE ACCUSER MOTHER STATED THAT SHE HAD SEX ALL THE TIME WITH HER HUSBAND AND THEY NEVER HAD ANY S.T.D.s

POINT VIII

MOTION TO RECUSE JUDGE DENIED, RAPE SHIELD DENIED,
MOTION TO STAY DENIED, MOTION TO WITHDRAW AS COUNSEL
DENIED, PRETRIAL SERVICES RECOMMENDED THAT THE
DEFENDANT BE RELEASED ON HIS OWN RECOGNIZANCE, SEE
REGISTER OF ACTION. EVERY THING THAT THE DEFENSE
REQUESTED WAS DENIED, EVERY THING THAT THE PROSECUTION
REQUESTED WAS GRANTED. THIS WAS PRO-PROSECUTION,
FAILURE TO BE NETURAL AND DETACHED

POINT IX

TRIAL WAS IMPOSING AND DISPLAYING HIS OWN PERSONAL
VIEW'S INTO THE MOTION TO WITHDRAW AS COUNSEL ABOUT
HOW GOOD, OUTSTANDING AND EXCEPTIONAL OF ATTORNEY
HE HAD A JUDGE IS NOT TASKED WITH MAKING POINTS OR
ARGUMENTS. SEE PEOPLE V SWILLEY, 504 NICH 350
(2019) IMPROPER STRATEGIC ADVISE APPENDIX 2-P114
HE EVEN STATED THAT SHE WOULD BE EXCEPTIONAL AT TRIAL AND
HE HAD NO DOUBT SEE MOTION TO WITHDRAW AS COUNSEL COLLOQUY

APPENDIX II

POINT X

GRAFFIN V. Warden, Noble Corr, Inst, 2016 U.S. DIST. LEXIS 36151
WHERE THE TRIAL COURT ERRED BY REFUSING TO ALLOW APPELLANT TO
OBTAIN NEW COUNSEL, COUNSEL INFORMED THE TRIAL COURT THAT
SHE BELIEVED APPELLANT NO LONGER WANTED HER REPRESENTATION
CITES A PORTION OF THE TRIAL TRANSCRIPTS IN VOLVING A COLLOQUY
AT [X 7] - [X 8].. ALSO THUS, "If a defendant alleges facts
which, if true, would require relief, the trial court must inquire

into the defendant's Complaint and make the inquiry part of the Record" *Id.*, quoting *State v. Smith* 4th Dist. No. 98 CA 12, 1998 Ohio App. Lexis 63421 (Dec 29, 1998). *Supra*, At [x11] - [x12]... See APPENDIX A-A | P 1-7 of the Actual Case of Griffin v. Warden, Noble Corr. Inst., 2016 U.S. Dist. Lexis 36151

POINT XI

DEFENDANT ATTORNEY STATED IN THE MOTION TO WITHDRAW THAT ~~IT~~ WAS A GENUINELY A SIGNIFICANT BREAKDOWN IN COMMUNICATION AND THERE WERE SOME SERIOUS ISSUES IN ATTORNEY-CLIENT RELATIONSHIP SEE COLLOQUY THAT MOTION IN APPENDIX II AND THE COURT NEVER ALLOWED THE DEFENDANT TO EXPLAIN ~~AS~~ ^{his} DISSATISFACTION WITH HIS ATTORNEY, A COMPLETE BREAKDOWN IN COMMUNICATION AN IRRECONCILABLE CONFLICT BETWEEN ATTORNEY AND CLIENT

SEE *Mickens v. Taylor*, 535 U.S. 162 (2002) WAS THE SAME.

THE DEFENDANT ALSO STATES THAT TO NOT CALL ANY OF HIS (4) WITNESSES, INTRODUCE ANY OF HIS EVIDENCE, ASK THE ACCUSER THE QUESTION THAT WOULD SURELY CAUSE DOUBT IN THE JURY EYES. SEE APPENDIX CC to HH FOR THAT EVIDENCE AND APPENDIX DD OF SWORN STATEMENTS BY NADIA WEST AND ALEXIA BROWN APPENDIX FOR WITNESS LIST FF.

POINT XII

UNITED STATES V. GONZALEZ-LOPEZ, 548 U.S. 140
THE UNITED STATES SUPREME COURT HELD THAT ONCE THE DENIAL OF DEFENDANT'S RIGHT TO CHOSEN COUNSEL WAS ESTABLISHED, THE VIOLATION OF DEFENDANT'S RIGHT TO COUNSEL WAS COMPLETE AND NO SHOWING OF PREJUDICE WAS REQUIRED... SEE APPENDIX BB pag 1 & 2 of Case

POINT XIII

THE PETITIONER'S TRIAL ATTORNEY CLEARLY WAIVED
THE ATTORNEY-CLIENT PRIVILEGE BY DISCLOSING
THE STATEMENT EXPRESS MADE IN THE MOTION
TO WITHDRAW AS COUNSEL TO THE TRIAL JUDGE
PAGE NUMBER SEVEN SENTENCE ONE.

she stated that the information she obtain --- she can't
in good faith put the defendant on the stand, but
because this fact is expressed broadly the Trial
and Appellate Court may remain unpersuaded,
unwilling to accept the implied Assertion that
the defendant Attorney Acts Amounted to disclosure---
See APPENDIX JJ Affidavit 2 pages of Reasons of what she said to the defendant.

POINT XIV

THE TRIAL JUDGE'S AGGRESSIVE BEHAVIOR, TONE AND
DEMEANOR WHEN STOPPING THE PETITIONER
FROM STATING HIS REASONS FOR WANTING A NEW
ATTORNEY ARE SUFFICIENT EVIDENCE OF NOT ONLY
PRO-PROSECUTION, ABUSE OF DISCRETION, BIAS, AND
FAILURE TO AVOID BIAS AND THE APPEARANCE OF IMPROPRIETY
ALSO VIOLATION OF DUE PROCESS RIGHT TO A FAIR PROCEEDING
XIV AM. CONST U.S.

POINT XV

A) LAST BUT NOT LEAST;

WHEN IT COMES TO THE 50+ LIES, FALSE AND PERJURY
TESTIMONY ALSO CONFLICTING STATEMENTS MADE
I GIVE YOU ONE, (1) ONE THAT WAS PRESENTED
TO THE DEFENDANT'S TRIAL ATTORNEYS, THE
^{A.B.} ~~PROSECUTOR~~^U AND THE PROSECUTION.

"I do not have a pink tip penis," I ask my Trial Attorney
Cliff Woodard to take a picture but he stated NO, we
will go by Hearsay, Ms Woodson my Trial Attorney
did not take a picture Nor did the prosecution. Ms Woodson
did however ask Agent Fairley the Investigator for the Attorney
General did she take a Photographs to Corroborate the
Accuse statement, She stated "Not at all" See APPENDIX ~~JJ~~
P 28-29 of Actual trial transcripts RE CROSS Exam of
Agent Fairley, the defendant "Wife the mother of the Accuser"
state on page 223 of her testimony stated 11) "Answer" I
started not believing her when she described his penis to me.
I started crying because I'm like okay, now, I don't know
who to believe See page 223 and 227 In Appendix JJ of Alicia
Testimony. This also Explains about why my Request for the
30 to 40 Recording of Evidence was accidentally Eased of
Agent Fairley. all Lies, Lies, Lies! See that Report Appendix JJ

"The trial Judge Abuse its discretion when he allow this prosecutorial Misconduct"

In *people v. Smith*, 498 mich. 466 (2015). At [*476] - [*477]
A defendant has a due process right under U.S. Const, Am XIV. To insure due process the prosecution has a duty, A Affirmative duty to correct false testimony. the Responsibility does not cease to apply merely because the false testimony goes only to the Credibility of the witness. Nor is the blameworthiness of the prosecutor relevant. Rather, while not every Contradiction is material and the prosecution Need Not correct every instance of mistaken or inaccurate testimony, it is the effect of a prosecutor's failure to correct false testimony that is the crucial inquiry for due process purpose. A New Trial is Required if the uncorrected false testimony could in any reasonable likelihood have affected the Judgment of the Jury. See *Napue v. Illinois*, 360 U.S. 264. (1959).

also the states key witness gave false testimony, which the state Relied upon and failed to correct. *People v. Wise*, 425 mich. 448.

In this present case the states key witness gave a "plethora" of false and prejured testimony. and the state failed to correct and used to

obtain a tainted Conviction - failure to correct false testimony -

Reversal is only warranted if "there is a Reasonable likelihood that the false impression resulting from the prosecutor's exploitation of the testimony affected the Judgment of the Jury.

Failure to correct the Alleged Victim's false testimony Violated the defendant's Right to due process and Denied him a fair trial provided by the XIV Amendment.

Relief Sought

In CONCLUSION: The petition for writ of Certiorari should be granted "I pray". due to this "Fraud on the Court"

The petitioner humbly Request that the Viewing of the DVD be done "In Lieu" with petitioner and Appointed Counsel present and that it be Done Verbatim with the trial transcripts audio and video of the motion to withdraw as Counsel petitioner also states that because of this Fraud on the Court that he be Immediately Released from Custody and that the U.S.

marshal office Come and ESCORT him out of harm's

way also due to this Fraud the petitioner states that he

believe that this Situation has "PERILS (13(c)) ^{"A.B."} ~~False~~ Cause

<perils of Litigation>, after all the things that you have

Read and Seen, the Fraud affecting the Frameworks where

it is Impossible to move Forward in any proceeding and

the proceeding be fair, all the Violations of the trial Judge

Inadmissible Evidence, Pro-prosecution, failure to be Neutral and Detached

Imposing and Displaying his own personal Views, Abuse of discretion, Violation

of the two(2) Constitutional Rights. petitioner Request that

this Conviction and sentence be Void and a New Trial is held within (90)

days with a different Judge 40

Atty Ben
DATE MAY 27, 2024