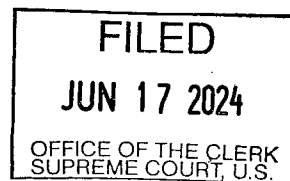


No. 24-5510



IN THE
SUPREME COURT OF THE UNITED STATES

Danwayne Walker — PETITIONER
(Your Name)

vs.

Karen D. McDonald — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Danwayne Rolin Walker Jr.
(Your Name)

1728 West Bluewater Hwy
(Address)

Ionia, MI, 48846
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

The in-court identification was clearly suggested, because the witness was just shown a photo of Mr. Walker months before his preliminary examination.

Mr. Walker never had a proper photo lineup, because he was the only photo shown to the witness, and was never placed in a photo array. Which was an improper line and unconstitutional violation of just showing him singly to a witness.

The State violated Mr. Walker confrontation rights to cross examine the lead detective at trial by not having the lead detective testify at trial. His testimony alone could have changed the outcome of the jury verdict.

Mr. Walker is questioning the credibility of the witness identification and testimony. The witness stated on multiple police reports, she did see anyone, because they both had mask on and it happen too fast.

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:

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

☒ reported at 2024 Mich. Lexis 773*, S.W. 3d 13, 2024; or, WL 1865793
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☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the MICHIGAN COURTS OF APPEALS court appears at Appendix A to the petition and is

☒ reported at 2023 Mich. App. Lexis 5857, 2023; or, WL 5313737
PAGE 1

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was April 29, 24.
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Supreme Court Identification Rules. The holding of an evidentiary hearing, out of the presence of the jury at which the people must show by clear and convincing evidence that the in-court identification had a basis independent of the prior identification procedure is not discretionary with the trial judge; see United States v. Wade 388, 228.

Recognizing that improper lineup is a show up, or showing a single photo of a suspect has been widely condemned; see Stovall v Denno 388 U.S. 293, 302 87 S. Ct. 1967, 18 Ed 2d 1199 (1967).

For easy of reference-

T.T. 1 = Trial transcript Volume 1. 6/7/22

T.T. 2 = Trial transcript Volume 2. 6/9/22

PT = Preliminary transcript 9/8/21

STATEMENT OF THE CASE

C.O.A = Michigan Courts of Appeal 8/17/23

P.R.D = Police Reports Discovery package 9/21/20

This case presents a situation where there is a very real danger of an innocent person being put away in prison for 35 years. Mr. Walker has been singled out throughout this hold investigation. The first incident of singling out Mr. Walker, started with a phone call to Ms. Coleman from the detective Bzeih on 3/22/21 and was asked if she knew anyone by the name of Dwayne Walker, and she replied what do he look like. After that detective Bzeih closed the case. (see P.R.D., p. 18) Ms. Coleman was presented with a single photograph of Mr. Walker on 4/27/21. (see P.T. p. 39) by detective Bzeih, which she did not identify him as the perpetrator. (See P.T. pp. 36-37)

Q: When you looked at the photograph were you able to identify that person as the person that robbed you?

A: No (See P.T. p. 22)

A Suggestive Identification Procedure can arise when a witness is called by the Police and is told that the Police have arrested the right person, when a witness is shown only one person, or when a witness is shown a group of individuals wherein one person the defendant, is uniquely singled out in some way, lead the witness to presume that he or she is the Perpetrator. People v. Kurylczyk 443 Mich 289, 302 505 NW 2d 528 (1993)

Ms. Coleman has been misled by the way the detective has embedded the ideal of Mr. Walker being the Perpetrator. Ms. Coleman has UNCONSCIOUSLY adopted the ideal that the officer has the Person who committed this offense why else would he show her, tell her, or ask her about a suspect without being right. Ms Coleman has no reason not to believe this officer who job is to protect and serve, or has no way of knowing this misleading information has caused a mistaken identity.

Because it indicated to witness that the Police suspected defendant, that by its very Nature it suggests that the Police think they caught the Perpetrator of the crime. United States v. Brownlee 454, F 3d 131.

The first time Ms. Coleman identified Mr. Walker was when he was in-court sitting in front of the witness box wearing an orange and handcuffed. (See P.T.P. 9) and (T.T. 1, P. 226) and confirmed by the detective who testified at the same hearing, he's wearing an orange jumpsuit. (See P.T.P. 23)

Regardless of how the initial misidentification comes about, the witness thereafter is apt to retain her memory the image of the photograph rather than of the person actually seen reducing the trustworthiness of subsequent lineup or courtroom identification. (See *Simmons v. United States*, 390 U.S. at 383-384)

Not only was Mr. Walker's rights to due-process violated, so was his right to have a fair trial under the Fourteenth Amendment. By only showing a single colored photo, without giving a chance to have a proper lineup or a photo array, or allowing Ms. Coleman to review a single photo before ever identifying anyone, of Mr. Walker.

A Photographic Procedures which emphasize the focus upon a single individual increase the danger of misidentification. By the repeating showing of the picture of an individual for example reinforces the image of the photograph in the mind of the viewer. *Simmons v. United States* 390 U.S. 382-383

In this case this identification was so suggested that, not only can you not correct this error, but it has cause two lives to be effected. One life Ms. Coleman and the other is Mr. Walker, but there's one big difference between the two. One is that Ms. Coleman can replace the things she lost, but Mr. Walker lost his right to freedom for 35 years. And is currently doing time for a crime that not only did he not commit but just like Ms. Coleman statements of facts, and Mr. Walker testimony he also has no knowledge of this crime.

In this case the fact is that Ms. Coleman never said, or talked to officers about identity on multiple occasion, and was then still allowed to come to court take the

the stand and point and say I remember him, because of his eye's. Mr. Walker has nothing special about his eye's and they don't glow in the dark. Now before I break this tainted, and unlawful suggested identification down. And not just how it's impossible to see someone at night thru a mask. And I know she didn't see Mr. Walker, because he was never there. But we still have to consider the fact that she was already shown the colored photo with eye's. Mr. Walker was not giving a chance to be properly identified.

Now the first time Ms. Coleman identified Mr. Walker was when he was in-court, after been shown the single colored photo. This was not only in-court identification violation under the United States Supreme Courts identity Procedures, but was so suggested, and once again only pointing to Mr. Walker. Now Ms. Coleman stated that she remembers Mr. Walker by his eyes why he's sitting in front of the witness box wearing an orange jumpsuit, and handcuffed. (see P.T, P, 9 and T.T. 1. P, 226. And confirmed by the detective who testified at the same hearing he's wearing an orange

Jump suit. (See P.T., P, 23)

Now this was the first time after almost a year apart when she mentioned she remembered eye's. Not only has she had multiple times to report this to officers over time, but she was already showed the Singled colored Photo, and is now looking Mr. Walker in his eye's in the Courtroom face to face. By allowing Ms. Coleman to see the Single Photo before ever identifying anyone, has caused her to believe those eye's in that Photo is of the Person who robbed her that night. This hold investigation was Unlawful, and the Practice for the Purpose of identifiication, and not as Part of a lineup has been widely Condenned. *Stovall v. Denno* 388 U.S. 293

Now Ms. Coleman was asked could she identify the defendant as her attacker.

A: Yes (See TT.1, P, 207)

But at the Scene of the incident, she told the Police that she did not get a good look at the Suspects, because they were both wearing Mask, and everything happen so fast. (See TT.1, P, 220)

The Witness reconciled these inconsistency

by maintaining she remembered his eyes. (See T.T. 1 P, 217) However there is extensive testimony, by Mrs. Coleman to establish the fact that she made no mention of remembering his eyes on several occasions when she was questioned by the Police.

Q: And you didn't tell officer Abdallah this officer that you talked to at the scene, anything about making eye contact with the person who robbed you on the night of September the 21st, when all of this just happen did you?

A: No

Q: So the next day on the 22nd of September you received a phone call from a detective Bzeih, and you have spoken with him a number of times, do you remember telling him that you could not give a description of the person that robbed you because it all happen so fast?

A: Yes I told him that yeah (See T.T. 1 PP, 218-221)

Q: Would you agree that in that statement there is no mention whatsoever of his eyes of the individual who perpetrated this crime upon you?

A: No there's not (See T.T. 1, P, 221)

Ms. Coleman also testified that the Person who entered her car, Presumably the one who Put a gun to her head, struck her then got behind the wheel and drove off. Because she said she couldn't even tell what the side Person looked like. The only other Person she describes is brown-skinned, and kind of taller, he was over my car (See PT, pp, 8-9) This is the description she gives at the Preliminary Examination. In Point and fact Mr. Walker is feet 7 inches tall and light skinned. (See OTIS for height and weight and color Photograph.

Ms. Coleman was confused by the way she was interviewed, and questioned after the incident. Her first Police reports, and written Statement can not be overed looked she made Statement saying everything happen to fast, and they where wearing masks. Along with her friend Ms. Tucker stated that they both seen two masked people, not faces. Now after she remembers eyes, she didn't say nothing about the color, shape or how his eyes look. In this case with all the Statement about the identification, it would be safe to say she was told to say she remember's eye's in court.

No matter how it came about it's unlawful, and unforgettable to be able to change the facts that she was showed the single photo before ever identifying anyone, or giving any detail description of a suspect. It's unfair to Mr. Walker for this identification issue to be over looked and it's a crime within it's self to not be corrected. A conviction which rest on a mistaken identification is a gross miscarriage of justice. *Stovall v Denno* 388 U.S. 293

United States Supreme Court Identification Procedures States. In-court identification must be preceded by an evidentiary hearing out of the presence of jury at which the prosecution must show by clear and convincing evidence that the in-court identification has a basis independent of the illegal lineup. *United States v. Wade* 388 U.S. 218

Not only was Mr. Walker rights violated by not having an evidentiary hearing after the in-court identification, but there has still not been any explanation for only showing one colored photograph to Ms. Coleman. Mr. Walker at this time respectfully ask that his unlawful

Conviction of Carjacking be dismissed with Prejudices.

Mr. Walker due-process was Violated by a tainted and suggestive identification Procedure, because he was never giving a fair chance to have a fair trial. Mr. Walker rights to have a proper in person lineup, or and photo array of more than one individual was Violated. By allowing the witness to review a single colored photo of Mr. Walker, before Ms. Coleman was ever able to identify anyone. This photo was shown by the lead detective Bzeih to Ms. Coleman on 4/27/21. (See P.R. 1, P. 18-19 and PT, P. 39)

Photographic Procedures which emphasize the focus upon a single individual increase the danger of misidentification. *Simmons v. United States*, 390 U.S. At 382-83

Furthermore a reasonable D.P.D. officer would be on notice that a single photo identification is problematic, because D.P.D. Policy at the time stated that witness should never be shown only a photograph of the suspect. Citing *Stovall v. Denno* 388 U.S. at 302.

So before Mr. Walker's examination, Ms. Coleman was given the opportunity to know Mr. Walker's Name. (See P.R.D., P, 18) and she the chance to review a single colored Photograph of Mr. Walker, before ever identifying any suspects. (See P.R.D., P, 18-19) Ms. Coleman now testified she remember him, because of his eye's. But did not recognize him just months before in the colored Photograph with his eye's. (See TT 1, PP, 207, 221) and P.T., P, 22). But as to officers Notes, and Knowledge she never mention anything about remembering his eye's. (See TT. 1, P 222) officers are trained and professional individual who job it is to pay attention to detail, and take Notes of everything the eyewitness mention.

Now at trial Ms. Coleman was asked the question.

Q: So you didn't see his face, this man who robbed you, you didn't see his face at all right?

A: No (See T.T. 1, P, 218)

Q: So the detective called you the next day, do you remember telling him that you could not give a description of the person that robbed you, because it all happen so fast?

A: Yes I told him that they were wearing masks right these two guys?

A: Yeah. (See TT. 1, PP 219-220)

Mr. Walker has the rights to due-Process under the Fourteenth Amendment. His rights was Violated by not only by shown a single Colored Photograph and not being properly Placed in a Photo array lineup. Mr. Walker Never had a Chance to have a fair trial, because of the improper lineup an unlawful identification Procedure, that was suggestive, and unfair to Mr. Walker's identification Process. Once again he was not giving a fair chance at having a fair trial, or to be properly identified by the witness.

The Police and the State of Michigan had many opportunity to give Mr. Walker a proper lineup, before the detective had showed Ms. Coleman the one Colored Photo, and before the in-court identification happen. These actions can not go unnoticed, because science say.

There is no difference between showing the suspect to the witness, and showing a photograph to the witness, Citing Williams' identification Parades (1955) Crim L. Rev 525-529.

Mr. Walker would like to point out that he is a stranger to Ms. Coleman, and was not

the person who committed this crime. And at trial Ms. Coleman testified that at this point everybody is a suspect. (See TT. 1, P. 230) along with testifying that she was drinking a couple of cups right before the offense from a liter of vodka at the Park. (See TT. 1, PP. 240-241) This would make it very hard to remember anything just like she mentioned to the officer at the time of the event.

It is widely accepted by courts Psychologists and commentators that the identification of strangers is proverbially untrustworthy. That there have been an overwhelming number of false convictions stemming from uninformed reliance on eyewitness misidentification. *United States v. Brownlee* 454 F.3d 131

Wearing an orange jumpsuit, and handcuffs in the courtroom, along with being the only defendant in the witness box. Has presented the ideal of looking guilty to Ms. Coleman. (See TT. 1, PP. 225-226)

Improper suggestion may arise when a witness is shown a photograph of only one person, because the witness is tempted to presume that

the photograph is of the assailant. Showing a witness a single photograph is considered to be one of the most suggestive photographic identification procedures. *People v Woolfolk* 304 Mich app 450, 457; 848 NW 2d 169 (2014)

Ms. Coleman has been misled by the way the detective has embedded the idea of Mr. Walker being the perpetrator. Ms. Coleman has unconsciously adopted the idea that the officer has the person who committed this offense. Why else would he show her, tell her, or ask her about a suspect without being right. Ms. Coleman has no reason not to believe this officer. Who job is to protect and serve, or has no way of knowing this misleading information has caused a mistaken identity.

Mr. Walker's rights to due-process guaranteed under the Fourteenth Amendment protection has been violated by only showing one colored photograph. That's was tainted, and clearly suggested to the witness that the perpetrator is Mr. Walker the person in the photo.

Because it indicated to witness that the police suspected defendant, that by it's very nature

it suggests that the Police think they caught the perpetrator of the crime. *United v. Brownlee* 454 F.3d 131

By Mr. Walker not having the common knowledge of the law and by not simply demonstrating plain error, that a long should not affect the defendant's substantial right. Mr. Walker do not have a law degree, and just because he do not know how to object, or preserve an issue for the record. That should not allow the trial courts to take advantage of the defendant rights. Mr. Walker respectfully ask that the United States Supreme courts grant and overturn his unlawful conviction do to the facts stated above, and below.

Pointing out the elements of an improper lineup, and pointing out important statements. *Cornwell v. Bradshaw* 559 F, 3d 398

- ① The witness opportunity to view the criminal at the time of the crime? Ms. Coleman States that she didn't get a good look at the suspects, because everything happened so fast, and they were both wearing masks. (see TT.1. PP, 219-220) She was also showed a single photo on 4/27/01 before she ever identify any suspect. (see P.R.) PP 18-19)

(2) The Witness degree of Attention? MS. Coleman stated that she had a few drinks at the Park before the incident. (See TT. 1, PP, 240-241) She also was having a conversation. Q: How are you having this conversation? A: Through the window, Passenger, rolled down with the music up a little bit, it was crowded so I felt comfortable. I mean I do it all the time, I leave my door open and stuff like that. (See TT. 1 PP, 200-202) Also eating Chinese food, and talking to her friend through a window. Shows her degree of attention.

(3) The accuracy of the Witness Prior description of the Criminal? Description giving on the night of. 2/B males approximately in their early 20's. Suspect (1) Thin build about 6'2 200 L.B.S L.S.W a blue gray North face jacket black pants black shoes, and face covering. Suspect (2) Thin build about 5'8 to 5'9 180 L.B.S L.S.W a gray sweatshirt black pants black shoes and wearing a face covering. (See P.R.D., P, 10) for description details there was never no mention about seeing any suspect's eye's. (See TT. 1, P, 218) To point out that Mr. Walker age at the time of the incident was 32 and weighted about

150 Pounds and is 5 feet tall 7 inches (See DTIS for Mr. Walker age, height and weight.)

(4) The witness level of certainty at the time of the identification?

Ms. Coleman never gave any details of any suspects into after she was shown one single colored photograph of Mr. Walker on 4/27/21 about seven months later and stated she didn't recognize the individual in the photo. (See

TT. 1, PP. 234-235) The first time Ms. Coleman identified Mr. Walker was in-court when he was the only person in the courtroom in handcuffs wearing an orange jumpsuit (See TT. 1, PP. 226)

Q: And he had handcuffs on too correct

A: Yes

Q: Now did you see any other person in the courtroom that day who was wearing that kind of attire, jail clothes handcuffed.

A: No (See TT. 1 P. 226)

(5) The length of the time between the crime and the identification?

On 9/8/21 was the first time Ms. Coleman identified Mr. Walker, which was almost a year later when she walks in to the court

and identify Mr. Walker by his eyes. Why he's the only one in the courtroom handcuffed, and wearing an orange jumpsuit looking at him in his eyes (See 77.1, P. 226) But about five months before that she was showed one colored photograph and didn't identify Mr. Walker as the perpetrator. (See 77.1, P. 226)

The single most important factor leading to wrongful conviction in the United States is eye witness misidentification. And mistaken identification are responsible for more wrongful conviction than all other cases combined. United States v. Brownlee 454 F.3d 131, 142, 145.

Mr. Walker was falsely accused, and never had the chance to be properly identified by Ms. Coleman, not only is the credibility of the witness unreliable, but her memory has also been tainted by the multiple misleading questioning by officers to make her change the way the event occurred. With the facts stated above and the officers testimony, written reports, and statements. The witness testimony is incredible and creates a real danger than an innocent man was falsely convicted. At this time Mr. Walker respectfully

ask that the United States Supreme Courts
reverse, and dismiss his conviction of
Carjacking with Prejudice.

Mr. Walker (6) Amendment rights for Confrontation clause was violated by not being able to cross-examine the lead detective Bzeih at trial. Detective Bzeih called Ms. Coleman stated she didn't know anyone by that Name this case was close by this detective.

To never have a chance to cross-examine these statements was unfair and so damaging to the point of no repair. (See P.R.D P. 18) This detective also has shown only one colored photo to Ms. Coleman on 4/27/21 in the safety of her on house. (See P.R.D. PP 18-19 and TT. 1, PP, 205-206)

Mr. Walker was denied the right to conduct cross-examination, and the right to have a fair trial. Mr. Walker United States Constitution Under the (6) Amendment, and the Fourteenth Amendment was taken away. When this detective could have influenced, and changed the outcome of the jury's verdict. By testifying to the fact that Ms. Coleman never identified anyone, or give any details of any suspects. This detective has talked to Ms. Coleman on multiple

Occasion, he's aware of the fact that MS. Coleman never identified anyone. This information of the identity was never presented to the jury, and has caused an unlawful conviction of an innocent man to be founded guilty by a jury

Mr. Walker was never told he would not have the right to cross-examine the lead detective in his case at trial. This issue was not stated on the record by the prosecutor, which was a violation of prosecutor misconduct to make aware to the jury that the lead detective was not testifying. Mr. Walker had no knowledge of this, and is not allowed to call witness to testifying. Mr. Walker had no knowledge of this, and is not allowed to call witness to testify for the prosecution. This issue is not just in plain error, but is very harmful and for the courts to correct and reverse this case based on a mistrial

Mr. Walker has once again been robbed of his rights to due-process protection under the Fourteenth Amendment. This constitutional violation protects the rights of the innocent, and is for the courts to correct plain error for issues that was preserved for the record with the courts of

appeal. The information collected in the Police reports, by the detective, and the testimony at the Preliminary examination when he took the stand, should have been heard by the jury at trial to give Mr. Walker a fair trial.

The fact that this detective have closed this investigation twice. His reports alone could have persuaded the jury, and changed the outcome of the trial verdict. (See P.R.D for Statement of facts, Pages 15, 18-19 and MS. Coleman Witness Written Statement Page 22) This detective should have been made available, and Mr. Walker should have been made aware that he was not testifying. It's not only unfair to Mr. Walker, but it's unfair to justice that the truth wasn't heard no matter how it's justified the issue is that it's still a violation and would have changed the outcome of the verdict.

Mr. Walker believes that in his case, if this detective BZieh which is a Police officer and the lead detective on the case. Would have taken the stand under oath, and tells the jury that he has closed this investigation not once but twice, and that Mr. Walker

Was never identified, by the single photo he showed to Ms. Coleman. And she never mentioned to him anything about seen anyone's eye's on the day of the incident. Mr. Walker believes that the jury would have believed this detective testimony who job it is to serve, and protect for the community, there's no doubt in his mind that these statements alone would have impacted the trial's outcome.

Mr. Walker is currently incarcerated and is an indigent inmate with limited resources, and limited access to the law library. Mr. Walker is his own representative. Mr. Walker is making this clear to the courts that he don't have a law degree. But would hope not to be penalized by this court for not using proper format or not properly demonstrating plain error. As the lower courts has penalized Mr. Walker for not demonstrating plain error. For not knowing how to object to in-court identification, or how to preserve an issue for the record.

Mr. Walker would like for the courts to note that it's very harsh, and unusual punishment to impose a 35 year sentence, upon an innocent person.

It becomes a real danger if the Courts allow an unlawful conviction to stand, when the trial Courts has stated it's Plain error. Because Mr. Walker didn't know how to demonstrate Plain error no matter how the error came about. If there's any error the Courts still has the right to correct the error. If this error keep going on uncorrected this will cause an innocence men to be sentenced to the rest of his life. Mr. Walker don't have natural life but 35 years is life to Mr. Walker.

Mr. Walker preserved this issue for the record in his Standard 4 brief to the Courts of appeals. This constitution violation has caused an innocence men to be incarcerated by not allowing the truth to be heard at trial. Cases like *Pennsylvania v. Ritchie* 480 U.S. 39, 51 and *Delaware v. Fensterer* 474 U.S. 15, 18-19 has been reversed. Mr. Walker respectively ask at this time ask that the United States to reverse, and dismiss his conviction of carjacking with prejudice.

Interstate Compact agreement on Detainees. Mr. Walker was on a interstate Compact agreement on detainee's. Which is a L.A.D that was signed at Stillwater Correctional facility in the State of Minnesota around May 3, 2021 Mr. Walker request for the right to have a Speedy trial was violated after the November 18th 2021 date had pasted. This issue was Placed on the record at the Pretrial date on 10/27/21. This is a Violation of L.A.D MCH 780.601, Article III (a) of the L.A.D and the (6) Amendment Constitution rights to a Speedy trial.

Mr. Walker case was going on during Covid 19, but that still doesn't justify going 7 months past his request for a Speedy trial. When the Oakland County courtrooms was open for trial, businesses, and the public was back open. Mr. Walker attorney failed to file a motion for dismissal on his behalf after he was made aware of this issue. This Violation is a Constitutional one and is for the United States Supreme Court to rule on and correct.

The Sixth Amendment provides that in all

Criminal Prosecutions the accused shall enjoy the right to a Speedy and Public trial by an Impartial Jury, U.S. Const. Amend (6) U.S. Const. art (3) 2. Cl. 3.

In a claim for violation so the (6) amendment and the Speedy trial act alleging that the district courts indefinite suspension of jury trials violated defendant's Constitutional right to a Public and Speedy trial the indictment was dismissed with Prejudice, because the courts make decision to continue the Policy with little or No regard for the Constitutional right to a Public and Speedy trial in a State Court was Possible and all essential Service Providers and business had remained open and their employees continued to work. The courts Constitutional Violation was also Not merely technical Nor isolated and unwitting, but was each time it was reconsidered to suspend the Constitutional rights of defendant and every defendant unwilling to waive time. United States v. Hennings 513 F. Supp 3d. 1193

Mr. Walker rights was violated by Not

meeting the Constitutional law of the (6) Amendment for his request for a speedy trial. The lower courts had months to prepare for trial, and still violated the interstate Compact agreement rules on detainees. This Constitution violation is for the higher courts to correct, and dismiss. There has still been no explanation for why Mr. Walker's trial was delayed. This is a dismissible issue of the charge carjacking. At this time Mr. Walker respectfully ask for his charge be dismissed.

REASONS FOR GRANTING THE PETITION

Mr. Walker case is like no other cases, and should become the example for how not to investigate, or question a witness on a criminal case.

In the way the lead detective Bzieh has questioned the only witness, and victim of a crime has caused memory confusion. This detective have called the witness on multiple occasions, he has also show her only one single colored photo of Mr. Walker. This detective has chosen to go overbroad, and beyond with sharing information about a suspect he was ever giving any details, or descriptions of any suspect from the witness.

This was a mishandling, and misuse of power and was the improper way to investigate a case. This misuse of information has caused memory damage, and alter the way the incident happen that night. Before the misleading information³¹ Ms. Coleman had no knowledge

Of what, or who attacked her, because the wrong person was convicted. This detective has embedded the idea that Mr. Walker was her attacker, by him not explaining that he doesn't know what happened either. He made her to believe the information he was telling her about Walker, was a fact and not just mere suspicion. So the way he was questioning her lead her to misinterpret what he was saying.

The way the detective have misled the witness, was so damaging to the point that the state didn't even call him to testify in a case that he was the lead investigator. The fact that the state didn't allow him to testify was not just a violation and unconstitutional. But the state understood that if he would have told the jury the truth about his investigation under oath. This should not be only a mistrial, but the courts have no way to redo all the errors and damage they caused to Mr. Walker in his injustice. He was robbed of having a probable cause hearing, an evidentiary hearing after the in-court identification he was placed in an improper photo lineup by only showing one photo. Along with the fact that he was never properly identified, and he didn't have a chance to cross examine the lead detective at trial.

The Michigan courts of appeals has disagree with these issues, but has also acknowledged theirs an identity issue and has chosen not to appeal. Not only was there an issue with identity, but this case has many United States Constitutional violations, no one should have to be incarcerated for improper investigation, and crime where they have insufficient evidence. The state prosecuted Mr. Walker without excluding any other suspects, because Mr. Walker had a criminal record, and they had no other leads, and has chosen to single Mr. Walker out. Michigan is causing mass incarceration, by preying on poor people, and that lacks the knowledge of the law. The Michigan court system is making innocent people plea guilty or go to trial, and if you lose they are giving you futuristic outdates just for saving your innocence. This a problem with the courts that needs to be addressed before people lose countless years of there life. I hope my case can help stop the next misidentification, and reinforce new guidelines that detectives, prosecutors and the lower courts should follow.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dawayne Rolin Walker

Date: August 12, 2024