

24-7201

No.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JAN 22 2025

OFFICE OF THE CLERK

JOHNNIE LEE BROWN III — PETITIONER
(Your Name)

vs.

PEOPLE OF MICHIGAN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

JOHNNIE LEE BROWN III #457740
(Your Name)

141 FIRST STREET
(Address)

COLDWATER, MI 49036
(City, State, Zip Code)

517-278-6942
(Phone Number)

QUESTION(S) PRESENTED

DID THE COURT ERROR
BY RECHARACTERIZING A DECLARATORY
RULING/JUDGMENT TO A SUCCESSIVE MOTION
FOR RELIEF FROM JUDGMENT WITHOUT
NOTIFYING MR. BROWN, III, TO OPPORTUNITY
TO WITHDRAW OR AMEND THE MOTION?

DID MR. BROWN, III, ALONG WITH 37,000 INMATE(S)
HAVE A RIGHT TO A PROBABLE CAUSE CONFERENCE(S)
UNDER MICHIGAN MCL 766.4 AND MCL 6.108?

DID MICHIGAN JUSTICE(S), JUDGE(S),
PROSECUTOR(S) AND ATTORNEY(S),
SECRETLY COVER-UP, LAWS, STATUTE(S)
AND CONSTITUTIONAL RIGHT, THAT 37,000
PRISONER(S) SINCE 1927-2015, NEVER HAD
A PROBABLE CAUSE CONFERENCE(S)?

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 NONE to the petition and is

☒ reported at NONE; 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☒ is unpublished.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 NONE; 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☒ is unpublished.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 _____; or,

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

☒ is unpublished.

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

☐ reported at _____; or,

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

☒ is unpublished.

JURISDICTION

[☒] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was NONE.

[☒] 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: NONE, and a copy of the order denying rehearing appears at Appendix NONE.

[☒] An extension of time to file the petition for a writ of certiorari was granted to and including NONE (date) on NONE (date) in Application No. N A NONE.

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 11-22-27.
A copy of that decision appears at Appendix C.

[☒] A timely petition for rehearing was thereafter denied on the following date: NONE, and a copy of the order denying rehearing appears at Appendix NONE.

[☒] An extension of time to file the petition for a writ of certiorari was granted to and including NONE (date) on NONE (date) in Application No. N A NONE.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL AMENDMENT X-IV

CONSTITUTIONAL AMENDMENT V

MICHIGAN COMPILE LAW 766.4

MICHIGAN COURT RULE 6.108

THE CODE OF CRIMINAL PROCEDURE (EXCEPT)

ACT 175 OF 1927 - MCL SECTION 766.4

STATEMENT OF THE CASE

SEE: ATTACHED PAGE

STATEMENT OF CASE

I Johnnie Lee Brown III, ask the United States Supreme Court not to hold my Petition For A Writ Of Certiorari to the standard of an attorney.

Because I'm at a disadvantage for not having the money to retain an lawyer and I am without the legal skills of an attorney to skillfully argue Constitutional Law(s), Statutes(s), and Court Rule(s).

Furthermore in Michigan our Policy Directive forbids inmate(s) from assisting each other with legal work.

Note: Thus, the use of such assistance has been declared to be Constitutionally protected. 393 U.S. 483

Note: The Prison Legal Writer Program(s) only assist inmate(s) without a High School diploma, unless you are terminally ill or in detention.

However the unequal treatment of parties who are similarly situated. Federal law prohibits Discrimination.

On 3-23-24, I file with the Muskegon County Circuit Court a Petition for Declaratory Ruling/Judgment with my Register of Action, Affidavit, and Exhibit(s) to show where Muskegon County Circuit Court never gave me a Probable Cause Conference and to show that I or my Attorney never Waive the Probable Cause Conference.

On 3-28-24, the Circuit Court file on their Court Docket Journal and therein my Register of Action that I had file a Petition for Declaratory Ruling/Judgment.

On 4-1-24, The Muskegon County Circuit Court, Judge Annette

Rose Smedley, denied my Petition for Declaratory Ruling/Judgment with out reviewing my Controversy or Merits in my Petition for Declaratory Ruling/Judgment.

Judge Smedley, ignored my Rights to a Probable Cause Conference and wrongfully Recharacterize my Petition for Declaratory Ruling/Judgment to a Successive Motion for Relief From Judgment under MCR 6.502(G)(2).

However the Amendment of MCR 6.502 addresses the issue of a Defendant Motion for Relief From Judgment that is style as something other than a Motion For Relief From Judgment, the court is required to Notify the defendant an opportunity to withdraw or amend the Motion (See: Order issue March 24, 2021)

On 4-15-24, I appeal to the Michigan Court of Appeals arguing that Judge Smedley, didn't Notify me and give me an Opportunity to withdraw or amend my pleading before she Recharacterize my Petition For Declaratory Ruling/Judgment to a Successive Motion For Relief From Judgment.

I cited the Amendment of Michigan Court Rules 6.502(G)(1) for Recharacterizing Motions styled as something other than a Motion For Relief From Judgment.

On 7-17-24, I receive an Order from Michigan Court of Appeal stating in Capital Letters DENIED, because we are not persuaded that the question presented should be reviewed by this court.

However to convince them I must persuade them and I presented reasonable arguments, supported with evidence.

On 11-22-24 I received an Order from Michigan Supreme Court and in capital letters saying denied, because we are not persuaded that the question presented should be reviewed by this court.

However the arguments I presented was that the Supreme Court Amending Michigan Court Rules 6.502, concerning Procedure Right to a Probable Cause Conference.

I now point out to the United States Supreme Court Justices that my disputes was persuasively clear by my Affidavits, Register of Action and Exhibits showing that I never had a Probable Cause Conference and I on my Attorney never Waive my Right to a Probable Cause Conference.

Again I was persuasively clear showing that Judge Smedley, wrongfully Recharacterize my Petition For Declaratory Ruling/Judgment to a Successive Motion For Relief From Judgment.
(See: MCR 6.502(G)(1))

Note: Judge Smedly, ignored the Michigan Supreme Court Ruling that if she was going to Recharacterize my Petition for Declaratory Ruling/Judgment she was require by Court Rules to Notify me and give me an Opportunity to Withdraw or Amend my Petition.
Again see Order issue March 24, 2021.

Again I points out that me and 37,000 Michigan inmates have been mislead by our Court(s) Justice(s), Judge(s), Prosecutor(s) and Attorney(s) and our Right(s) to a Probable Cause Conference have been secretly cover up by Official(s).
See: Dennick Lee Cardello-Smith -against- cathy M. Gannett, et al. Case No. 22-009954-CZ

Note: The Michigan Justices, Judges, Prosecutors, and Attorneys will not address inmates Motions, Affidavits, and Register of Actions as Evidence showing we never had a Probable Cause Conference.

I don't believe I need to be a Rocket Scientist to persuade the United States Supreme Court Justice(s) that I never had a Probable Cause Conference and Judge Smedley, wrongfully Recharacterize my Petition for Declaratory Ruling/Judgment to a Successive Motion for Relief From Judgment.

Furthermore to back up my Statements the law state(s):
The Code of Criminal procedure (Excerpt) Act 175 of 1927
MCL Section 766.4 Probable Cause Conference and Preliminary Examination; Dates; Scope; Waiver; Acceptance of Plea Agreement; Scheduling and Commencement of Preliminary Examination; Testimony of Victim; Definition; Codefendant Examination by Magistrate.

Sec. 4.

(1) Except as provided in section 4 of Chapter XIIA of the Probate Code of 1939, 1939 PA 288, MCL 712A. 4, The Magistrate before whom any person is arraigned on a charge of having committed a felony Shall set a Date for a Probable Cause Conference to be held not less than 7 Days or More than 14 Days after the Date of the Arraignment, and a Date for a Preliminary Examination of the Probable Cause Conference and Preliminary Examination SHALL be set at the time of Arraignment.

Michigan Court Rule: MCR 6.108. The Probable Cause Conference (A) Right to a Probable Cause Conference. The State and the Defendant are entitle to a Probable Cause Conference unless Waived by both parties.

If the Probable Cause Conference is Waived, the Parties will be conducting a Preliminary Examination, Waiving the Examination, or entering a Plea.

The amendment of MCR 6.502 address the issue of a Courts Recharacterization of a Defendant's Motion For Relief From Judgment that is Styled as something other than a Motion For Relief From Judgment.

The Court is required to Notify the Defendant of its intent to Recharacterize the Motion and allow the Defendant an Opportunity to Withdraw or Amend the Motion.

Again I points out that the Circuit Court Register of Action can be used as Evidence to show that I never had a Probable Cause Conference:

See: *People v Lehman*, 2023 Mich. App. Lexis 1205 a Defendant can satisfy his burden in one of two ways:

(1). Present "Prima Facie proof...Such as a docket entry showing absence of counsel or transcript evidencing the same or (2) present evidence that he requested such records.

Defendant argue that the Register of action are a "Prima Facie evidence, because document didn't show it. See *People v Zinn*, 217 Mich. App. 340(1996) *People v. Carpenticia*, 446 Mich 19

In the Case of *People v. Hull*, 2022 Mich. App. Lexis 643 (2023), the Register of Actions was enter by the court as evidence on testimony regarding the ROA of defendant Brandy violations.

Register of Action is filed with the court record as legal document. See also *Boone v. Davids*, 2022 US Dist. Lexis 106140 (2022)

REASONS FOR GRANTING THE PETITION

SEE ATTACHED PAGE

REASON FOR GRANTING THE WRIT

Again I must point out to the United States Supreme Court that the Probable Cause Conference affected 37,000 Michigan Inmates and their Families, and Communities.

Furthermore I must point out that No Michigan Court, Justices, Judges, Prosecutors, or Attorneys is going to place a Rope around their necks, because they all are guilty of Secretly hiding and covering-up the Probable Cause Conference since 1927-2015.

Again it No Michigan Case Laws cited since 1927-2015 dealing with Michigan Inmates not having a Probable Cause Conference.
See: MCL 766.4

I was prejudice along with 37,000 inmates by our Justices, Judges, Prosecutors, and Attorney with Conspiracies, Fraud Upon The Courts as well as a Miscarriage of Justice, where our Probable Cause Conference had been Secretly cover-up and additionally I have a Brady Claims.

Again as of today there are enormous number of Michigan inmates who have file Motions and Petition for Declaratory Ruling/Judgment and the Court(s) will not answer or even place them in on their Docket Journal or Register of Actions.

Again I and many similar situated inmates was denied our United States Constitution and State Constitution to our Due Process Rights:

A phrase which was first expressly introduced into American jurisprudence in the fifth Amendment to the Constitution which provides that "nor [shall any person] be deprived of life, liberty, or property, without Due Process of the law.

This provision is applicable only to the action of the Federal

Government. 7 Pet. 243 (1833). The phrase was made applicable to the states with the adoption of the Fourteenth Amendment, Section 1, which states that "Nor shall any State deprive any person of life, liberty, or property, without Due Process of Law."

The phrase does not have a fixed meaning but expands with jurisprudential attitude of fundamental fairness.

302 U.S. 319. The legal substance of the phrase is divided into the area of substantive due process, and procedural due process.

The Constitution Safeguard of SUBSTANTIVE DUE PROCESS require that all legislation be in furtherance of a legitimate governmental objective.

Since the late 1930s, the Supreme Court has generally limited judicial review on the basis of "substantive due process" to determine whether the law is rationally related to a legitimate goal.

Only where legislation restricts what the Court characterizes as "fundamental rights" will the Court allow stricter scrutiny. Such rights include first amendment, voting, and sexual privacy rights (410 U.S. 113). STRICT SCRUTINY involves determining whether the law is necessary to further a compelling governmental interest.

The original content of the phrase was a PROCEDURAL DUE PROCESS protection, i.e., in guaranteeing procedural fairness where the government would deprive one of his property or liberty.

This require that notice and the right to deprivation. 237 U.S. 309. The enumeration of those procedure required by due process must be afforded a person is influenced by the extent

to which he may be "condemned" to suffer grievous loss... and depends upon whether the [person's] interest in avoiding that loss outweighs the governmental interest in summary adjudication.

Accordingly ... consideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the government function involved as well as of the private interest that has been affected by governmental action. 397 U.S. 254, 262-263.

In recent years, the bulk of problems in determining the scope of procedural due process has involved the characterization of property.

The due process clause of the Fourteenth Amendment has been used as the vehicle for the application of most of the substantive and procedural rights in the Bill of Rights to state action.

Due Process of law does not have a fixed meaning. As the constitution itself it adjusts with changing jurisprudential value. Said Justice Frankfurter: "The requirement of due process is not a fair-weather or timid assurance. It must be respected in periods of claim and in times of trouble; it protects aliens as well as citizens.

But due process, unlike some legal rules, is not technical conception with a fixed content unrelated to time, place and circumstances.

Expressing as it does in its ultimate analysis respect enforced by law for that feeling of just treatment which has been evolved through centuries of Anglo-American constitutional history and civilization, due process cannot be imprisoned within the treacherous limits of any

formula. representing a profound attitude of fairness between man and man, and more particularly between the individual and government, due process is compounded of history, reason, the past course of decisions, and stout confidence in the strength of the democratic faith which we process.

Due process is not a yard stick....It is a delicate process of adjustment inescapably involving the exercise of judgment by those whom the Constitution entrusted with the unfolding of the process." 341 U.S. 123, 162-163.

Based on cover-up of No Probable Cause Conference, No Court Transcript(s), and No Court Records, it was impossible to discover procedures to a Probable cause Conference.

My Due Process Rights was denied because I couldn't Appeal the or file my Motion For Relief From Judgment concerning I never had a Probable Cause Conference.

I points out that justice calls for a Evidentiary Hearing to establish a Court Record for a Probable Cause Conference according to a Mandate Right to a Probable Cause Conference.
See: MCR 6.108

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Johnnie L. Brown

Date:

1 - 21 - 25