

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MIKEAL GLENN STINE — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR TENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MIKEAL GLENN STINE #55436-098

(Your Name)

U.S. Penitentiary/ADX MAX

P.O. Box 8500

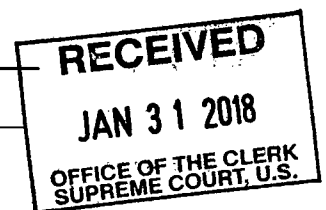
(Address)

Florence, Colorado, 81226-8500

(City, State, Zip Code)

NONE

(Phone Number)



QUESTION(S) PRESENTED

- (1) WAS Defense Counsel ineffective in Four respects (A), failing to Assert Defendants Speedy Trial Rights; (B), failing to Retain Handwriting Expert TO EXamine the Threatening letters and failure To Call favorable witnesses; (C), failing To Cross-EXamine All government witnesses; (D), failing To Allow Defendant To TESTIFY in His own Defense,
- (2). Failure To Appoint Counsel and Investigator for Defendant whom is A elderly 60 Year old indigent inmate That Suffers from (Alzheimer's Disease) A degenerative brain Disease of Progressive mental Deterioration in Which Defendant has reached a State Where ~~he~~ he is Unable To (focus) (Recall Things) and (forgets even short times Ago), And IS incarcerated in The Most Maximum Security Prison of the United STATES Where he Prevented from Gaining The Assistance of fellow inmate.

Did The Above issues Violate Defendants Sixth Amendment Rights and Other Constitutional Rights.

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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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

<u>STINE V. LAPPIN</u> 07-CV-01839-WYD-KLM (2009) Dist. of Colorado.	<u>PAGE (9)</u>
<u>CANNON V. MULLIN</u> 383 F.3d 1152 (10 th Cir. 2004)	<u>PAGE (10)</u>
<u>STICKLAND V. WASHINGTON</u> 466 U.S. 668 (1984).	

STATUTES AND RULES

OTHER SIXTH Amendment

PAGES: (10), (2)

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 (A) 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 _____ 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 appears at Appendix _____ 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 1-2-2018.

☒ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

- (1). The Sixth Amendment Was Violated When Defendants Trial Counsel failed To Subpoena (ANY) Witnesses STATING He Did not have Time and refused To Allow Defendant To Testify in His own Defense.
- (2) Defendants Right To effective ASSISTANCE of Counsel was Violated When Counsel failed To retain or Call Hand Writing Expert To Testify Defendant did not Write The Alleged letters.

STATEMENT OF THE CASE

- (1) Defendant was charged with writing threatening letters 18 USC 115(a)(1)(B) and (b)(4). Defendant never admitted writing the letters and there is no recording of alleged admittance. In fact correctional staff were sitting on defendant where defendant was in strip cell with no property or access to other inmates when letters were wrote and mailed and two correctional officers (Huber) and (Beal) were ready to testify to stated plus range camera shows no mail being picked-up for mailing from defendant's cell.

Further 18 USC 115(a)(1)(B) and (b)(4) requires intent or retaliation and the letters were alleged to have been wrote in retaliation for sanctions in Stine v. LADD No. 07-CV-01839-WJD-KLM After June 2009. . . However the letters were written and mailed before Jan. 10th 2009 wherefore it could not have been a retaliation for the sanctions that had not taken place yet. . . No was intent showed the jury stated only retaliation. . . yet counsel failed to show the sanctions had not yet happen so jury was misled by government.

REASONS FOR GRANTING THE PETITION

- (1). Defendant stands convicted because Defense Counsel STATED because CASE involved U.S. Magistrate Judge THAT He MUST Practice before He WAS NOT Going To Piss The Court off ... To TAKE it UP on APPEAL and Acted deficient below standards of of Strickland v. Washington, 466 U.S. 668 (1984) AS Actual transcripts show.
- (2). Defendants right TO TESTIFY in His own Defense as secured by the United STATES Constitution Sixth Amendment WAS Violated and AS result Defendant WAS convicted because he WAS NOT Allowed TO TESTIFY and Show issues in His Defense. SEE: Casson v. Mullin 383 F.3d, 1152 (10th Cir. 2004).
- (3). This is of NATIONAL importance THAT Courts MUST Allow Defendants TO Give TESTIMONY in Their own Defense, And failure TO do so will always result in reversal of Conviction.
- (4). Defendants Conviction is A Complete Miscarriage of Justice.
- (5). Defendant HAS been Denied transcript from start so He can't Point to Actual PAGES & lines

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Elmi Stone

Date: Jan. 20th 2018

APPENDIX (A)

Appendix (A)