

Case no. # _____

In The
Supreme Court of the
United States

Carlton West II,
Petitioner,

v.

Pamela Withrow,
Respondent.

On Petition For An Extraordinary Writ: Habeas Corpus
To The United States Court Of Appeals 6th Circuit

Petition "For An Extraordinary Writ
Writ of "Habeas Corpus"

Carlton West II, Inmate no. #A-237293
Petitioner In Pro Se.

Baraga Correctional Facility
13924 Windage Road

Baraga Michigan 49908
January 22nd 2018; Monday

" Questions Presented "

Question #1.

Was Petitioner Denied Counsel, When Counsel Set Up A Polygraph Test, Left Petitioner Alone At Such Polygraph Test, Then Allowed Statements From Such Test To Be Used Against Petitioner ?

Question #2.

Was Petitioners Conviction Secured With Statements From Such Polygraph Test ?

"List of Parties"

☒ All parties appear in the caption of the case on the cover page.

"Table of Contents"

Opinions Below	1.
Jurisdiction	2.
Constitution-Statutory Provisions Involved	3.
Statement of the case	4.
Reasons For Granting The Writ	9.
Conclusion	18.

"Index To Appendices"

- Appx. A. U.S. Court of Appeals for the 6th Circuit "Order" issued regarding case no # 10-1320 In re: Carlton West II (August 11, 2011; February 28, 2012)
- Appx. B. U.S. District Court for the Western District of Michigan Southern Division "Order" issued regarding case no # 1:98-cv-557 "West II v. Weithrow" (March 19, 2001).
- Appx. C. Supreme Court of Michigan "Order": issued regarding case no. # 93-19579-FC "People v. West II" (July 25, 1997)
- Appx. D. Supreme Court of Michigan "Order" issued regarding case no. # 93-19579-FC "People v. West II" (January 29, 2010)
- Appx. E. Court of Appeals of Michigan "Order" issued regarding case no # 93-19579-FC "People v. West II" (September 17, 1996)
- Appx. F. U.S. District Court for the Western District of Michigan Northern Division Opinion issued regarding case no # 2:13-cv-148 "West II v. John Doe #1 et. al." (November 14, 2013)
- Appx. G. Supreme Court of the United States. order issued regarding case no # 17-5769 "West II v. John Doe #1 et. al" (October 30, 2017)
- Appx. H. Eleventh Judicial Circuit of Florida for Dade County. "Docket Sheet" regarding case no # F 93 03 4520 - Carlton West II (October 12, 1993)
- Appx. I. Flint Journal Newspaper Articles regarding case no # 93-19579-FC "People v. West II" (November 05; 13; 20, 1993; May 18, 1994)

appx. J. Sixty Eight Judicial District Court County of Genesee State of Mich -
igan "Petition and Court Order for Appointed Attorney" regarding case no# 93 -
1852-F4 "People v. West II" (October 23, 1993)

appx. K. Police Report regarding complaint no# 27417-93 Carlton
West II (September 20, 1993)

appx. L. Seventh Judicial Circuit Court County of Genesee, State of Michigan
"Defendants Proposed Jury Instruction" regarding case no# 93-49519-FC
"People v. West II" (April 14, 1994)

appx. M. Constitution and Statutory Provisions Involved

"Table of Authorities"

Cases

Anderson v. Haneland," 103 S.Ct. 276 (1982)	10.
Asisigma v. "Fulminate." 499 U.S. 279 (1991)	14.
Bnam v. U.S." 168 U.S. 532	15.
Brecht v. Abrahamson," 113 S.Ct. 1710 (1993)	13.
Carnley v. Cochran," 369 U.S. 506 (1962)	9.
Columbo v. Connecticut," 367 U.S. 568 (1961)	14.
Erie R.R. Co. v. Thompkins," 304 U.S. 64	10.
Fay v. Noia," 372 U.S. 391 (1963)	9; 10.
Gensien v. Pugh," 420 U.S. 103 (1975)	13.
Hayes v. Washington," 372 U.S. 503 (1963)	13.
Holt v. Utah," 110 U.S. 574 (1884)	13.
Haley v. Ohio," 332 U.S. 596 (1948)	13.
Jackson v. Denno," 378 U.S. 368 (1964)	12.
Johnson v. Zerbst," 304 U.S. 458 (1938)	11.
Kirby v. Illinois," 406 U.S. 682	13.
Malloy v. Hogan," 378 U.S. 1 (1964)	9.
Marsiah v. U.S.," 377 U.S. 201 (1964)	10; 14.
Michigan v. Mosley," 423 U.S. 96 (1975)	14.
Michigan v. Tucker," 94 S.Ct. 2357 (1975)	15.
Miranda v. Arizona," 384 U.S. 436 (1966)	10; 11; 12; 16; 17.
Mobley v. U.S.," 974 F.2. 553 (1997)	11.
Monroe v. Burbine," 475 U.S. 412 (1975)	14.
Murray v. Carrier," 477 U.S. 495	10.
Olmsstead v. U.S.," 227 U.S. 438 (1928)	15.
People v. Anderson (on Remand)," 446 M. 392 (1994)	15.
People v. Schafani," 132 M.A. 268 (1984)	11.
Picard v. Connor," 92 S.Ct. 509 (1971)	10.

Rogers v. Richmond": 81 S.Ct. 735 (1960)	15.
Schneekloth v. Bustamante": 412 U.S. 218	11:14.
Silverthorne Lumber Co. v. U.S.": 251 U.S. 385 (1920)	10.
Spieser v. Randall": 357 U.S. 513 (1958)	15.
U.S. v. Cronie": 466 U.S. 648 (1984)	11:16:17.
U.S. v. Grunewald": 233 F.2d. 556 rev'd 353 U.S. 391 (1957)	9.
U.S. v. Nebel": 856 F.S. 392 (6.cir.1993)	14.
U.S. v. Wade": 388 U.S. 231	11.

"Statutes and Rules"

28 U.S.C. 1651 (a)	Writs - Extraordinary Writs - Habeas Corpus"
28 U.S.C. 2241	Power to Grant Writ"
28 U.S.C. 2242	Application"

"Other"

The Polygraph (Lie Detector) Examination Technique; Truth and Deception by Rosal + Imbau pg. 254 (1966)	11:12.
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The Supreme Court and the Restrictions on Police Interrogations, by Hermann, 25 Ohio L.J. 449, 480 (1964)	9.
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Supreme Court Rule 20 (a. (b. Procedure on a Petition for Extraordinary
Writs; Habeas Corpus

Abbreviations within this Petition are:

p.e.t. pg. — "preliminary exam transcripts page"
t.t. pg. — "trial transcripts page"

"Opinions Below"

The opinion of the United States Court of Appeals appears at appx. A. to the petition and is unpublished "In re Carlton West II" #10-1320 (August 11, 2011)

The opinion of the United States District Court appears at appx. B. to the petition and is reported at "West II v. Withrow" 2001 U.S. Dist. Lexis 3804 (March 19, 2001)

The opinion of the highest state court to review the merits appears at appx. C. to the petition and is reported at People v. West II 455 Mich. 872:568 M.W.2d.87:1997 Mich. Lexis 1659 (July 25, 1997).

The opinion of the highest state court to review the merits appears at appx. D. to the petition and is reported at "People v. West II" 485 Mich. 1079: 777 M.W.2d. 166: 2010 Mich. Lexis 141 (January 29, 2010)

The opinion of the Michigan Court of Appeals appears at appx. E. to the petition and is reported at "People v. West II" Mich. App. Lexis 1809 (September 17, 1996).

The opinion of the Michigan Court of Appeals appears at appx. to the petition and is unpublished "People v. West II". Mich. Ct of Appeals #290929 (June 23, 2009)*1.

"Jurisdiction"

The date on which the United States Court of Appeals decided Petitioners case was August 14, 2011*1.

No petition for rehearing was timely filed in Petitioners case.

The jurisdiction of this court is invoked under 28 U.S.C. 1651 (a) ; 28 U.S.C. 2241 ; 28 U.S.C. 2242

Footnote *1. In the midst of Petitioner appealing his criminal conviction. Petitioner was transferred from one prison to another (April 08, 2010) during such transfer, all of Petitioner's pertinent transcripts, court orders and opinions were destroyed. So Petitioner pursued a civil suit (i.e., Carlton West II v. John Doe #1 et al: see appx. F. pgs. 6; 20-21) all the way to the United States Supreme Court trying to recover his transcripts, court orders and opinions. The U.S. Supreme Court denied cert in that civil suit October 30, 2017 (see appx. G.) Petitioner now, without such transcripts, court orders and opinions, continues appealing his criminal conviction with only the aid of his memory and the few documents that survived transfer. This appeal is being filed within 90 days of this court's October 30, 2017 denial.

" Constitution and Statutory Provisions Involved "

Article 1 Section 9: Habeas Corpus clause

Amendment 5: Privilege Against Self Incrimination clause

Amendment 6: Right to Assistance of Counsel clause

Amendment 14: Due Process clause

"Constitutional and Statutory Provisions Involved"

Article 1. Section 9.

The migration or importation of such persons as any states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another, nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, without the consent of the congress, accept any present, emolument, office or title, of any kind whatever, from any King, Prince or foreign state.

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Amendment 5.

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 the 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.

Amendment 6.

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 witnesses against him: to have compulsory process for obtaining witnesses in his favor, and to have the (assistance) assistance of counsel for his defence.

Amendment 14. Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State 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"

① Petitioner was read his miranda rights (4) four times prior to his November 04, 1993 encounter with Flint police polygraphist Sgt. James Harris at a polygraph test.

② Petitioner was read his miranda rights (2) two times by Miami police on October 12, 1993: once upon initial arrest and once again by these same Miami police, when they got Petitioner to their police station (appx. H).

③ Petitioner was then read his miranda rights (2) two times by Flint police on October 22, 1993: once upon initial arrest and once again by these same Flint police when they got Petitioner to their police station (appx. I).

④ Petitioner then formally requested counsel via signing a "Petition and Order for Court Appointed Attorney" form on October 23, 1993 (appx. J).

⑤ Petitioner never waived these rights, nor gave any statements at any of these above encounters with police.

⑥ It was only after Petitioner could not be picked out of a line-up (p.e.t. pg. 6) that Petitioner's counsel suggested and set up a polygraph test between Flint police polygraphist Sgt. James Harris for purpose of clearing Petitioner of murder charges (appx. K. pgs. 3:13:15).

⑦ Petitioner, without the assistance of counsel, was then given a polygraph test on November 04, 1993. by Flint police polygraphist Sgt. James Harris (p.e.t. pg. 112).

⑧ Then, when the prosecutor could not establish it's case against Petitioner, because their witness refused to testify (appx. L) the prosecutor used Petitioner's polygraph statement from the pg. 4.

November 04, 1993 test, to establish it's case (p.e.t. pg. 109.)

(9) Petitioner's counsel neither objected to the use of the polygraph statement, nor did he make it known to the court that the statement was from the results of a polygraph test (p.e.t. pg. 110)

(10) The prosecutor then introduced Flint police polygraphist Sgt. James Harris as a witness, to whom Petitioner supposedly waived his rights to, the rights to have counsel present. and then voluntarily gave a statement to on November 04, 1993 (p.e.t. pg. 111-115)

(11) After Petitioner's polygraph statement was introduced via Flint police polygraphist Sgt. James Harris, the prosecutor then used such statement to prove it's case against Petitioner via their witness (i.e. "he said you did it" so their witness said "Petitioner did it") (appx. L.: p.e.t. pg. 120-127: t. t. pg. 59-65)

(12) Petitioner's counsel then tried to cover up his ineffectiveness of allowing the above violations to occur by submitting the jury instruction "defendants statement as evidence against defendant". but the judge removed such instruction (appx. L.: t. t. pg. 604-605). Petitioner was then found guilty of the murder of Steven Becker on April 15, 1994 (appx. J.)

(13) Petitioner's appellate counsel then using only Petitioner's trial transcripts, drafted and prepared Petitioner's initial appeal, raising the strongest issues he could, based on the information he had at the time (i.e., "The prosecutor shifted the burden of proof in his opening statement." instead of "The prosecutor used Petitioner's polygraph statement against Petitioner").

(14) Petitioner appealed such issues, which were denied at every step of the way, all the way to the federal district court (appx. B: C: E)

15. Petitioner, then, acting pro se, returned to the trial court raising the issues now being raised, in one form or another, i.e.,

16. Trial Court: March 11, 2008: Motion For Relief From Judgment:
"argument #2. ineffective assistance of counsel: failure to adversarial test: conflict of interest."

17. Trial Court: March 10, 2009: Habeas Corpus To Bring Prisoner To Testify:

"argument #2. there was radical defects in the jurisdiction of the court in which defendant's conviction and sentence was obtained in. when defendant was denied the right to have the assistance of counsel for his defence, violative of Gideon v. Wainwright."

18. Michigan Court of Appeals: March 10, 2009: Application For Leave To Appeal:

"argument #2. post miranda rights. defendant was denied counsel at a critical stage of the adversarial criminal proceedings"

19. Michigan Court of Appeals: July 13, 2009: Motion For Reconsideration:

"argument #2. I did properly allege a jurisdictional defect: argument #3. my 6th amendment claim represents - if established - a jurisdictional defect."

20. Supreme Court of Michigan: August 20, 2009: Application For Leave To Appeal:

"argument #2. issue #1. post miranda rights. defendant was denied counsel at a critical stage of the adversarial proceedings. violative of the 5th and 6th amendment."

(21) U.S. Court of Appeals for the 6th Circuit: October 25, 2010: Second Successive Habeas Corpus:

"argument #2. and #3. violations of amendment 5: 9: and 14 of the U.S. Constitution: The People of the State of Michigan misconstrued and re-worded Petitioner's polygraph statement: Petitioner was told by his attorney "the only way to get released from the Genesee County jail would be to take a polygraph test": argument # 4. Petitioner has established his initial burden that his conviction was obtained without proper waiver of counsel and in violation of his constitutional rights!"

and once again. just as with the issues Petitioner's appellate counsel raised in Petitioner's initial appeal, these issues to, were denied at every step of the way by both State and federal appellate systems because of some technicality or another. i.e.

(22) Trial Court: March 19, 2008: Response To Motion For Relief From Judgement:

"this court is not persuaded that defendant was denied effective assistance of counsel in trial or on appeal..... one of the policy reasons behind this form of relief is to avoid taxing judicial resources..... it's clear to this court that to provide defendant relief would severely tax judicial resources!"

(23) Trial Court: March 19, 2009: Response To Habeas Corpus To Bring Prisoner To Testify:

"regardless of the title attached to defendant's motion. it must be treated as if this is defendant's 2nd motion for relief from judgement..... this court notes that Defendant does not make any claim of new evidence or a retroactive change in law..... this court is convinced that defendant fails to meet the requirements for a 2nd motion for relief from judgement!"

(24.) Michigan Court of Appeals: June 23, 2009: Response To Application For Leave To Appeal:

"defendant has failed to meet the burden of establishing entitlement to relief."

(25.) Michigan Court of Appeals: July 21, 2009: Response To Motion For Reconsideration:

"your motion for reconsideration is being returned to you because it is untimely"

(26.) Supreme Court of Michigan: January 29, 2010: Response To Application For Leave To Appeal:

"defendant has failed to meet the burden of establishing entitlement to relief". (see appx. D. and Footnote *1).

(27.) Petitioner's initial habeas corpus motion raised only the issues which Petitioner's appellate counsel drafted and prepared. So Petitioner filed a second successive habeas corpus motion raising the issues now being raised. This second successive motion was denied because Petitioner did not argue factual innocence (appx. A.).

(28.) For these reasons, because of these exceptional circumstances. Petitioner comes to this court for the great writ. because adequate relief cannot be obtained in any other form, from any other court.

"Reasons For Granting The Writ"

The National Importance Of Having This Court To Decide The Questions Involved.

29. Habeas corpus cuts through all forms and goes to the very tissue of the structure, it comes from outside, not in subordination to the proceedings, and although every structure may have been preserved, comes the inquiry whether they have been [nothing] more than empty shells "Fay v. Noia," 372 U.S. 391 (1963)

30. The 5th amendment right against self incrimination is a hallmark of our democracy "U.S. v. Gurneard," 233 F.2d. 556. 579:581-582 (Frank. J. dissenting) rev'd. 353 U.S. 391 (1957) The constitutional foundation underlying the 5th amendment privilege is the respect a government — State or federal — must accord to the dignity and integrity of its citizens. The 5th amendment privilege is fulfilled only when the person is guaranteed the right to remain silent unless he chooses to speak in the unfettered exercise of his own will "Mallory v. Hogan," 378 U.S. 1. 8 (1964).

31. The right to have counsel present during any interrogation is indispensable to the protection of the 5th amendment privilege. thus, the need for counsel to protect the 5th amendment privilege comprehends not merely a right to consult with counsel prior to questioning but also to have counsel present during any questioning.

32. In "Carnley v. Cochran," 396 U.S. 506. 513 (1962) the court stated "it is well settled that where the assistance of counsel is a constitutional requisite, the right to be furnished counsel does not depend on a request, this proposition applies with equal force in the context of providing counsel to protect an accused 5th amendment privilege in the face of interrogation. See Herman," The Supreme Court and The Restrictions On Police Interrogations," 25 Ohio St. L.J. 449. 480 (1964)

(33) To allow the admission of evidence obtained from Petitioners in violation of the 6th amendment rights invites abuse by law enforcement personnel.... and risk evisceration of the 6th amendment right recognized in "Messiah v. U.S.," 377 U.S. 201.206 (1964).

(34) If the violations of Petitioners constitutional rights cannot be made right through the well established rules respecting derivative evidence, there's a critical danger that Petitioner's rights will be rendered as nothing more than mere words Silverthorne Lumber Co. v. U.S., 251 U.S. 385.392 (1920).

No Lower Court Has Ever Decided or Answered The Questions Involved

(35) All constitutional questions are always open "Erie R.R. Co. v. Thompkins," 304 U.S. 64. The lower courts were provided with a full and fair opportunity to decide and answer these questions "Anderson v. Hareless," 103 S.Ct. 276 (1982) quoting "Piccard v. Conner," 92 S.Ct. 509 (1971).

(36) All of these courts refused to decide or answer these questions because of some technicality or another, as illustrated above (see also appx. A. and D.) However, Petitioners remedy in federal courts remains unimpaired. "Fay v. Noia," supra.

(37) In "Miranda v. Arizona," 384 U.S. 436 (1966) The court said "the constitution does not require specific codes or procedures for protecting the privilege against self incrimination during custodial interrogation..... The 5th amendment is so fundamental to our system of constitutional rule. and the experience of giving an adequate warning as to the availability of the privilege so simple." "this Court will not pause to inquire in individual cases to find out" whether the defendant was aware of his rights without a warning being given."

38. As the court instructed in "Carrier", 477 U.S. 495-496 "in cases such as Petitioners, the principles of 'comity and finality' that inform the concepts of 'cause and prejudice' must yield to the imperative of correcting a fundamentally unjust incarceration" "Mebley v. U.S.", 974 F.2d 553 (1997)

39. This court has always set high standards of proof for the waiver of constitutional rights "Johnson v. Zerbst", 304 U.S. 458 (1938). This strict standard applies equally to an alleged waiver of the right to counsel, whether at trial or at a critical stage of pretrial proceedings "Schneckloth v. Bustamonte", 412 U.S. 218, 238-240 "U.S. v. Wade", 388 U.S. 237.

40. A statement obtained from a defendant during custodial interrogation is admissible only if the state carries its heavy burden of establishing that a defendant has executed a valid waiver of the privilege against self incrimination and the right to counsel. "Miranda", supra. This burden is rightly on the shoulders of the State of Michigan. The Relevant Decisions Of This Court Says These Questions Should Be Answered As Follows

41. Petitioner's case is essentially controlled by (3) three cases and (1) one treatise. i.e. "Miranda v. Arizona", supra. "U.S. v. Cronie", 466 U.S. 648 (1984) "People v. Delafani", 132 M.A. 268 (1984) and "The Polygraph (Lie Detector) Technique and Truth and Deception" by Reid and Inbau @ pg. 254 (1966).

42. In an almost identical scenario as the defendant in "Delafani", Petitioner's attorney scheduled a polygraph test with the state police. also. like defendant in "Delafani", Petitioner was unaccompanied, without the assistance of counsel, and left alone with the state police.

As the court said in "Cronie", 466 U.S. 660, n. 25 (cases cited) i.e., "the court has uniformly found constitution error without any showing of prejudice when counsel was either totally absent or prevented from assisting the accused."

pg. 11.

during a critical stage of the proceedings!"

(A3) Unlike, defendant in "Sclafani"; Petitioner's counsel never admitted this fact, nor has there been a hearing to address this fact. As the court said in "Jackson v. Denno," 378 U.S. 368 (1964) i.e., "a hearing in a state criminal trial court is required prior to the admission of an inculpatory out-of-court statement by defendant, such right is neither lost by failure to assert such claim at trial or on direct appeal!"

(A4) Instead, Petitioner's counsel chose not to inject the polygraph issue into the case to show that Petitioner had been coerced via his advice, but allowed the prosecutor to employ the tactic described in The Polygraph (Lie Detector) Technique: Truth and Deception, supra. i.e.,

"in laying the foundation for the admissibility of a statement obtained before during or after a polygraph examination.... The procedure to be followed is to introduce the examiner.... as a witness.... and through him, lay the foundation for the admissibility of the statement by merely proving it's voluntary character (i.e., the absence of any threats, force, or objectionable promises) and all of this without any mention of the fact that a polygraph had been used!"

(A5) Petitioner's abdication of the constitutional privilege — the choice on his part to speak to the police — was not made knowingly or competently, not because of the failure to apprise Petitioner of his rights, but because of the advice from Petitioner's counsel that "the polygraph won't be used against you..... it will be just to satisfy the prosecutor", hence, the compelling factor which led to the in-custody interrogation (evidence that Petitioner was tricked and cajoled into a waiver) "Miranda" supra.

(A6) Once at the polygraph test, Petitioner was told by Flint police polygraphist Sgt. James Harris "your signing of the Miranda"
pg. 12.

rights card is a prerequisite to the polygraph test," hence, the compelling atmosphere of the in-custody interrogation. (evidence that Petitioner was tricked and cajoled into a waiver) "Miranda," supra.

(47.) Petitioner's statement was obtained under circumstances that does not meet constitutional standards for protection of the 5th amendment privilege. Just because Flint police polygraphist Sgt. James Harris testified that Petitioner signed a Miranda rights card (p.e.t. pg. 112), does not approach the knowing and intelligent waiver required to relinquish constitutional rights. cf. "Hoyes v. Washington," 373 U.S. 503, 512-513 (1963); "Haley v. Ohio," 332 U.S. 596, 601 (1948) (opinion Douglas, J.).

(48.) The admissibility of a statement in the face of a claim that it was obtained in violation of defendant's constitutional rights is an issue, the resolution of which, has long since been undertaken by this court. see "Holt v. Utah," 110 U.S. 574 (1884).

(49.) Whatever it may mean, the right to counsel guaranteed by the 6th and 14th amendment means at least, that a person is entitled to the help of a lawyer at or after the time that judicial proceedings have been initiated against him, whether by way of formal charges, [preliminary hearing] indictment, information or arraignment "Kirby v. Illinois," 406 U.S. 682.

(50.) The court held that a preliminary hearing is a critical stage of criminal prosecution "Christie v. Pugh," 420 U.S. 103 (1975). Deprivation of counsel is a archetype of a structural defect. the court most recently stated in a habeas case. "the existence of a structural defect—deprivation of counsel for example—requires automatic reversal of the conviction because they infect the entire trial process." "Brecht v. Abrahamson," 113 S.Ct. 1710 (1993).

(51.) The core of the 6th amendment right is a trial right but the
pg. 13.

right covers pretrial investigations to ensure that police manipulation does not deprive the defendant of effective representation by counsel at the only stage when legal advice would help him Massiah v. U.S., supra.

(52) The court has recognized that "waiver" inquiry focuses more on the lawyer's role during such questioning rather than the particular constitutional guarantee that gives rise to the right to counsel at that proceeding. see "Moran v. Burbine";

(53) In "Arizona v. Fulminante", 499 U.S. 279 (1991) The court said "the ultimate test remains that which has been the only clearly established test in Anglo American courts for two hundred years, the test of voluntariness was the statement the product of an essentially free and unconstrained choice by its maker? if it was, if he has willed to make a statement, it may be used against him. if it was not, if his will has been overborne and his capacity for self determination critically impaired, the use of his statement offends due process "Columbo v. Connecticut", 367 U.S. 568. 602 (1961) quoting "Schneckloth v. Bustamonte", supra.

The Importance Of Petitioner's Case, Not Only For Petitioner, But To Others Similarly Situated

(54) The court now holds that when an accused has invoked his right to have counsel present during custodial interrogation, a valid waiver of the right cannot be established by showing only that the accused responded to further police initiated custodial interrogation. even if the accused has been [read] advised of his rights "Michigan v. Mosely", 423 U.S. 96 (1975).

(55) The appropriate remedy for a 5th amendment violation is generally suppression of the evidence, dismissal of the indictment where continuing prejudice from the constitutional violation

can not be remedied by suppression of the evidence" U.S. v. Nebel, 856 F.2. 392 (M.D. Tenn. 6 Cir. 1993)

(56) The remedy for a 6th amendment violation of the right to counsel is suppression of the evidence obtained in violation of the right People v. Anderson (on remand) 446 Mich. 392 (1994). These issues deal with principles of justice so rooted in the traditions and conscience of our people that such principles are fundamental Speiser v. Randall, 375 U.S. 513 (1958).

(57) The court analysis has always been animated by the view that ours is an accusatorial system, not an inquisitorial one Rogers v. Richmond, 81 S.Ct. 735, 739 (1960) and that accordingly, tactics for eliciting inculpatory statements must fall within the broad constitutional boundaries imposed by the 14th amendment guarantee of fundamental fairness.

(58) A statement obtained by compulsion must be excluded Brom v. U.S., 168 U.S. 532. in a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously, our government is the potent, the omnipresent teacher, for good or for ill, it teaches the whole people by its example, crime is contagious, if the government becomes a lawbreaker, it breeds contempt for the law, it invites everyman to become a law unto himself, it invites anarchy Olmstead v. U.S., 227 U.S. 438, 485 (1928)

(59) People who are in jail because of a states use of unconstitutionally derived evidence are entitled to a new trial with the safeguards of the constitution, without regard to when the constitutional violation occurred, when the trial occurred, or when the conviction became final Michigan v. Tucker, 94 S.Ct. 2357, 2375 (1974) (Justice Douglas dissenting)

(60) The issues Petitioner present are of constitutional dimensions and must be determined by the courts, judicial solutions to problems of constitutional dimensions have evolved, decade after decade, as the courts have found means to do so. That was the courts responsibility when "Escobedo," was before it. and it is the courts responsibility today, where rights secured by the constitution are inviolated, there can be no rule making or legislation which would abrogate them "Miranda," supra.

Both, the State Courts and the United States Court of Appeals Refused to Decide An Important Federal Question In A Way That Conflicts With Relevant Decisions Of This Court

(61) As illustrated above appx. H. and I. proves Petitioner was arrested and misandized numerous times before November 04, 1993, i.e., (23) twenty three days before, by Miami police. (13) thirteen days before by Flint police (Sgt. Alvern Lock and Thomas Korabik) before supposedly giving a statement to Flint police polygraphist Sgt. James Harris.

(62) appx. J. proves Petitioner requested the appointment of counsel (12) twelve days before supposedly giving a statement to Flint police polygraphist Sgt. James Harris, thus, a "totality of the surrounding circumstances" analysis must be perform "U.S. v. Cronin," supra, to fill in the blanks created by the incommunicado interrogation "Miranda," supra.

(63) appx. K. proves Flint police Sgt James Harris was the polygraphist on Petitioners case; appx. L. proves Petitioners counsel tried to have the judge instruct the jury on "defendants statement as evidence against defendant"; and appx. I. proves the Prosecutor could not prove it's case without the testimony of their witness, who only testified after being confronted with Petitioners poly-

graph statement, thus, the burden of demonstrating constitutional violations has been carried "U.S. v. Cronin"; supra.

(b4) Any statement taken after Petitioner invoked the privilege upon his initial arrest(s) and formally requesting counsel cannot be anything other than the product of compulsion "Miranda"; supra.

(b5) The state contention that Petitioner gave a statement on 11/04/93 after Petitioner formally requested counsel on 10/23/1993 (see p.) is not consistent with any notion of a voluntary relinquishment of the privilege "Miranda"; supra.

(b6) Pursuant to 28 U.S.C. 1746: I declare under penalty of perjury that the foregoing is true and correct. Executed on January 22, 2018: Mumby

Carlton West II,
Inmate no. # A-237293

"Conclusion"

67. The petition for writ of habeas corpus should be granted,
Thank you for your time, Respectfully,
Donlon West II,

Inmate no. #A-237293

Baraga Correctional Facility

13924 Wadaga Road

Baraga, Michigan 49908

January 22nd, 2018: Monday

**Additional material
from this filing is
available in the
Clerk's Office.**