

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Christopher McDaniel — PETITIONER
(Your Name)

vs.

Bonita J. Hoffner — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Christopher McDaniel
(Your Name)

141 First St
(Address)

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

N/A
(Phone Number)

Statement Of Questions Presented

I) Whether Petitioner was denied Due Process Of Law by Prosecution's failure to disclose relevant and material evidence according to the Brady Rule of Disclosure, that was used against Petitioner?

- Petitioner Answers: Yes

II) Did the District Court error in it's findings that the informant did not accuse petitioner of the robberies at hand, as stated petitioner was in fact the accused by the informant by Prosecution in his Motion to protect source of information and Closing Arguments. As well as testified to by Federal Inspector Chris Martin?

Petitioner Answers: Yes

III) Whether Petitioner had ineffective assistance of counsel by failing to make proper objections to hearsay of an informant, motion to "Suppress CI's hearsay testimony since the Judge Refused Confrontation?

Petitioner Answers: Yes

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 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☐ is unpublished.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 A to the petition and is

- ☒ reported at 17-1453; 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☐ is unpublished.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 September 12, 2017.

☒ 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's Confrontation Clause provides a criminal defendant the right to directly encounter adverse witness, the right to cross-examine adverse witness, and the right to be present at any stage of the trial that would enable the defendant to effectively cross-examine adverse witnesses. The admission of hearsay evidence against a criminal defendant may implicate the Confrontation Clause because the defendant is not afforded the opportunity to confront the out of court declarant.

In Crawford v. Washington the Supreme Court made a distinction between testimony and non-testimonial statements. The Court held that the admission of "testimonial" hearsay statements violates the Confrontation Clause unless the declarant is unavailable.

- 2) The 14th Amendment requires Due Process, The Court Rule of Discovery requires that the government disclose evidence favorable to an accused upon request when such evidence is material to guilt or punishment.
- 3) The Sixth Amendment guarantees the right to effective assistance of counsel in criminal prosecutions.

Statements Of The Case

A. Statement of Proceedings

Petitioner was tried in Wayne County Circuit Court before the Honorable Judge David Allen. I was convicted of Armed Robbery, in the robbery of Gregory Bridges. Also Felon in Possession of a Firearm and Felony Firearm IN case # 09-012025. IN the subsequent case # 09-012026, I WAS tried AND convicted of ARMED Robbery, felony FIREARM and a, felon in Possession of a firearm AND WAS sentenced to CONCURRENT sentence of a total of 12 years to 20 for the robberies, 2 years to 7 years, 6 months for possession of firearm AND A consecutive 2 years for felony FIREARM IN Prison

Reason to Grant Review

Rule 10, Considerations Governing Review

ON CERTIORARI.

(B) A state court of last resort has decided

an important federal question in a way that conflicts

with the decision of another state court of last

resort or of a United States court of appeals;

Jurisdiction to grant relief 28 U.S.C. § 1257(a)

Further more the Sixth Circuit Court in direct

contradiction with it's on previous ruling in Cromer

389 F.3d 662 (6th Circuit, 2004), relating to what is a

"testimonial statement", how it directly incriminates enabling confrontation.

The Courts opinion also conflicts with the standards of the confrontation

clause provided in Crawford v. Washington 541 U.S. 36, 124 S.Ct 1105 (2004)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Chris McDaniel

Date: 1-29-18