

IN THE
SUPREME COURT FOR THE UNITED STATES
Term _____ 2018

GLYNN L. WELLS
Petitioner,

Case No. 17-8324

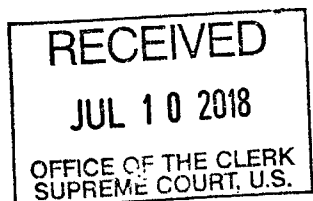
v.
Shirlee Harry, Warden,
Respondent.

COVER
for Petition for Rehearing

Glynn L. WELLS (178200), Petitioner
OAKS Corr. Fac. (ECF II)
1500 Caberfae Hwy
MANISTEE, MI 49660-09200

Aaron D. Lindstrom, Atty for
Respondent Shirlee Harry, Warden
Michigan Dep't of Atty. Gen.
Post Office Box 30212
Lansing, MI 48909

Rule 34.



No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

GLYNN L. WELLS[®] — PETITIONER
(Your Name)

vs.

SHIRLEE HARRY, WARDEN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U. S. COA FOR THE SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI
W/O Prejudice & Recourse

GLYNN L. WELLS[®] (178200)
(Your Name)

1500 Cabertus Hwy. OAKS Corr. Facility
(Address)

Manistee Michigan 49660
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

I. WHETHER PROBABLE CAUSE EXISTED UNDER THE "TOTALITY OF THE CIRCUMSTANCES" TEST ANNOUNCED IN AGUILAR V. TEXAS, 378 U.S. 108; CARPENTER V UNITED STATES, 2018 U.S. 3488 JUNE 22, 2018?

II. WHETHER UNDER THE CIRCUMSTANCES, FAIRNESS REQUIRES THAT THE STATE COME FORWARD WITH ANY EXCULPATORY EVIDENCE IT POSSESSED?

III. WHETHER THE FOURTEENTH AMENDMENT COMPELS THAT IT ONLY APPLIES TO CERTAIN UNITED STATES ~~DEFENDANTS~~ DEFENDANTS?

IV. WHETHER THE SIXTH AMENDMENT COMPELS INITIAL ARRAIGNMENT WITHOUT ATTORNEY REPRESENTATION BE PROCEEDED WITH A CONVICTION?

V. WHETHER THE FIRST, FOURTH, SIXTH, FOURTEENTH AMENDMENT, AND ARTICLE VI-CLAUSE 2 PROHIBITS DEFENDANTS' PETITIONS FROM BEING ADJUDICATED?

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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APPENDIX F

Warrant dated: 7/28/89

Warrant dated: 9/6/89

Complaint dated: 7/28/89

Complaint dated: 9/6/89

MCLA § 15.231 (F.O.P.A. Statute)

Register of Actions dated: 7/28/89

Register of Actions dated: 9/8/89

AFFIDAVIT OF verification

Michi State Police Correspondence w/

Petitioner or DNA request.

TABLE OF AUTHORITIES CITED

CASES

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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 Case No. 17-1476; 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 B to the petition and is

☒ reported at Case No. 17-10065; 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 Nov. 15, 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. *Petitioner was given until 15 days on June 21, 2018. Deadline July 05, 2018.*

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

U.S. Constitution

Amendment I: "Congress shall make no law prohibiting the free exercise... to petition the Government for a redress of a grievance."

Amendment IV: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Amendment VI: "In all criminal prosecutions, the accused shall enjoy the right... to be informed of the nature and cause of the accusations... and to have the assistance of Counsel for his defense."

~~Amendment~~
Article VI: Clause 2 - "This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby; and Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

CON'T CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment XIV: "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 shall 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."

U.S. Statute/LAW

28 U.S.C. § 2254(a): "The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States."

STATEMENT OF THE CASE

This Petitioner, GLYNN L. WELLS, is in custody in violation of the Constitution or laws or treaties of the United States Constitution.

On Feb. 13 2018, this Supreme Court of the United States received Petitioner's Writ of Certiorari.

On April 02, 2018 Petitioner's Writ of Certiorari was docketed as Case No. 17-8324.

On June 04, 2018 this Supreme Court of the United States entered an Order denying Petitioner's Writ of Certiorari without issuing an order vacating Petitioner's sentence and ~~an~~ conviction or summary reversal.

On June 11, 2018 this Petitioner came in receipt of this Court's June 04, 2018 Order.

Petitioner GLYNN L. WELLS seeks a rehearing based on Our United States of America Constitutional Amendments I, IV, VI, XIV, and recently decided by this Court: Carpenter v. United States, Case No. 16-402, 2018 U.S. Lexis 3844.

CONTINUING STATEMENT OF THE CASE

On June 22, 2018 this Supreme Court of the United States decided 5-4 in favor of Carpenter Fourth Amendment Claims, 18 days after denying Petitioner's Fourth Amendment Claim.

Carpenter "argued that the Government seizure of the records violate the Fourth Amendment because they had been obtained without a Warrant supported by "probable cause"."

Petitioner GLYNN L. WELLS v. State of ARIZ. Warden Case No. 17-8324 also states: that the Government seizure of WELLS private body violate the Fourth Amendment because he had been seized, charged and arraigned without a warrant and complaint supported by "probable cause". See attached Petitioner's Appendix F, 1-2, Warrant and complaints.

"The Fourth Amendment protects the right of the people" "and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by Oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized,""

This Supreme Court of the United States should ~~reverse~~ grant this rehearing, ~~vacate~~ Petitioner's WELLS sentence and conviction or reverse for summary reversal disposition because this Petitioner is in custody in violation of the U.S. Const. or laws or treaties of the U.S. of America; See U.S. Const. Article VI - Clause 2.

CON'T STATEMENT OF THE CASE

II.

A.

The U.S. COA for the Sixth Cir and Michigan's Federal Dist. Eastern Dist of Michigan Courts decision denying Petitioner GILYNN L. WELLS's request for an evidentiary hearing or remand for the state court to produce suppressed exculpatory DNA evidence CONFLICTS WITH OTHER U.S. COA's, i.e., Thomas v. Goldsmith, 979 F.2d 746, 749-50 (9th Cir.) (note: In Thomas v. Goldsmith, the U.S. COA remanded him back to the State Court for them to produce the DNA); Goddwin v. Johnson, 132 F.2d 162, 178 (5th Cir.); Savory v. Lyons, 469 F.2d 667 (7th Cir.); Osborne v. Dist. Attorney's Office, 521 F.3d 1118, 1119-20 (9th Cir. COA); and, Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963); U.S. Const. Article VI - Clause 2.

This Supreme Court of the United States resolves disputes and conflicts of U.S. COA decisions that conflict with other U.S. COA's and this Court.

The Rules of The Supreme Court of the United States Rule 10. Considerations Governing Review in Certiorari indicate

CON'T STATEMENT OF THE CASE

the character of the reasons this Court considers:

"(a) a United States Court of Appeals has entered a decision in Conflict with the decision of another United State Court of Appeals on the same important matter."

B.

The State of Michigan has a Freedom of Information (F.O.I.A.) statute being MCL § 15.231 in CONFLICT with the U.S. Const. Amend 1 that denies indigent defendants/prisoners access to vital exculpatory DNA evidence, while incarcerated, which denied Petitioner to prove his innocence.

This U.S. Supreme Court prohibits this Act in Ake v. Oklahoma, 470 U.S. 68 HN4. - As a matter of due process Petitioners' retain the right to "petition the Government for redress of grievance. U.S. Const. Amend. 1. See also U.S. Const. Amend. XIV; and attached Appendix F, MCL § 15.231; U.S. Const. Article VI - Clause 2.

This Supreme Court in the matter of fundamental fairness grant this rehearing Order the State Court to produce the DNA requested, i.e., Rape kit, test results that weren't provide to Petitioner before, during or after trial, because this Petitioner is in

CONT STATEMENT OF THE CASE

custody in violation of the U.S. Const. or laws or treaties of the United States of America.

III.

The State of Michigan Courts either vacated, or reversed and remanded other Defendants' Case(s) that are similar situated to Petitioner, on the same issue(s) raised, but refused to grant Petitioner relief, because of the nature of the crimes he's serving or he's black or length of sentence of incarceration.

The Fourteenth Amendment "Sec. 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 shall 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."

CON'T STATEMENT OF THE CASE

This Supreme Court of the United States should grant this rehearing request, issue a Disposition, Summary reversal and remand with explicit instruction(s) for the lower courts must follow.

IV.

The State of Michigan routinely deny Defendants' attorney representation at 'critical stages' of the proceedings.

At neither of Petitioner GLYNN L. WELLS initial arraignments was he represented by an attorney. In fact, the court didn't call for an attorney to represent Petitioner until three (3) days after he was arraigned. See attached Appendix F, "Register of Actions" dated 7/28/89 and 9/8/89.

According to the SIXTH Amendment in its relevant part: "In all criminal prosecutions, the accused shall enjoy the right to be informed of the nature and cause of the accusation, and to the assistance of Counsel for his defense."

This Supreme Court of the United States should Grant Petitioner GLYNN L. WELLS request for rehearing, vacate his sentence and conviction or issue a Disposition, reversal and remand with explicit instruction for the lower courts, vacate Petitioner's sentence and conviction because he is in custody in violation of the Constitution or laws or treaties of the United States of America. U.S. Const. Article VI-Clause 2.

C ON'T STATEMENT OF THE CASE

V.

According ~~to~~, but not limited to, 28 U.S.C. § 2254(a), Compels that the Federal Courts ~~and~~ shall entertain Petitioners' Writ of Habeas Corpus when s/he is in custody in violation of the Constitution or laws or treaties of the United States.

Petitioner is in custody in violation of the Constitution or laws or treaties of the United States.

This Supreme Court of the United States should Grant Petitioner request for rehearing, vacate his sentence and conviction or issue an order for Disposition: reversal and remand to the lower courts with explicit instruction, release GLENN WELLS private body from the Michigan Department of Corrections (MDOC) and expunging his prison records and files effectively immediately U.S. Const. Article VI - Clause 2.

REASONS FOR GRANTING THE PETITION

Because: This Supreme Court of the United States recently decided 5-4 in Carpenter v. United States, 2018 U.S. 3844, Case No. 16-402 Fourth Amendment "probable cause" claim, on June 22, 2018 18 days after denying Petitioner GLYNN L. WELLS Fourth Amendment "probable cause" claim.

Because: Chief Justice Roberts, delivered the Opinion of the Court, in which Justice Ginsburg, Justice Breyer, Justice Sotomayor and Justice Kagan joined in Carpenter v. United States and stated: "HN2 The Fourth Amendment protects people."

Because: This Supreme Court of the United States resolves CONFLICTS; Opinion and orders between U.S. COA on the same important matter. U.S. Rule 10. See also U.S. Const. Amend. 1. U.S. Const. Article VI-Clause 2.

Because: U.S. Const. XIV protects, citizens, privileges and immunities; due process; equal protections; appointment of representation; U.S. Const. Article VI-Clause 2.

CON'T REASONS FOR GRANTING THE PETITION

Because: "in all criminal prosecutions, the accused shall enjoy the right... to be informed of the nature and cause of the accusation... and to the assistance of counsel for his defense."

Because: In ILLINOIS v. Gates, 462 U.S. 213, June 8, 1983 this Supreme Court of the United States stated: "Our certiorari jurisdiction over decisions from state ~~and~~ courts derives from 28 U.S.C. § 1257, which provides that ~~HN1 [final] by the highest court of a~~ judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows... where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of... the United States."

Because: the State of Michigan took and takes advantage of Defendants' in criminal prosecution and these problems continue to recur which warrants this Court's attention.

Because: In Bridgers v. Texas, 532 U.S. 1034, (2001) this Supreme Court of the United States stated: "(statement of Breyer, J., joined by Stevens and Souter, J.J., respecting denial of certiorari.)" "(Because this Court may deny certiorari for many reasons, our denial express no view about the merits of petitioners' claim... I write to make this point explicit. That is to say, if the problem to be a recurring one, I believe that it may well warrant this Court's attention.")"

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

W/O Prejudice & Recourse

Glynn L. WELLS

timely submitted

Date: July 01, 2018

No. 17-8324

IN THE
SUPREME COURT OF THE UNITED STATES

GLYNN L. WELLS — PETITIONER
(Your Name)

VS.

SHIRLEE HARRY, WILSON — RESPONDENT(S)

PROOF OF SERVICE

I, GLYNN L. WELLS, do swear or declare that on this date, July 03, 2018, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Aaron D. Lindstrom, State Attorney General for Respondent,
Michigan Department of Attorney General
Post Office Box 30212, Lansing, MI 48909

I declare under penalty of perjury that the foregoing is true and correct.

Timely
Executed on July 02 03, 2018

W/O Prejudice & Recourse
GLYNN L. WELLS
(Signature)

Petitioner has raised a question regarding the STATE OF MICHIGAN F.O.I. A STATUTE. So Petitioner believes he must make this reference to 28 U.S.C. § 2403(c)?
— Pg 15 of 15 —

IN THE SUPREME COURT
FOR THE UNITED STATES

GLYNN L. WELLS,
Petitioner,

Case No. 17-8324

v.

SHIRDEE HARRY, WARDEN
Respondent.

CERTIFICATION

Petitioner GLYNN L. WELLS, declares under the penalty of perjury pursuant to 28 U.S.C. § 1746 that:

1. The five (5) grounds presented in the attached Petition for Rehearing questions presented, statement of the case and reasons for granting are made in good faith and not for delay.

Petitioner was seized without a warrant and complaint supported by probable cause.

Petitioner has been denied to obtain DNA, rape kit test results to prove his innocence.

Petitioner raised these above and herein claims in the Michigan Courts, but received no relief. However, the Michigan Courts granted relief for other similarly Defendants.

Petitioner wasn't represented by counsel at his arraignment. This allowed the seizure of Petitioner to be arraigned without a warrant and complaint supported by probable cause to proceed.

Petitioner is in custody in violation of the Constitution, or laws or treaties of the United States.

Petitioner certify that the grounds are limited to intervening circumstances of substantial.

Petitioner GLYNN L. WELLS certify this petition for rehearing and its grounds for relief.

Petitioner also certify that the petition for rehearing is presented in good faith and not for delay.

Petitioner GLYNN L. WELLS, declare under the penalty of perjury, pursuant to the provisions in 28 U.S.C. § 1746, that the above and herein stated are true and correct and not meant to mislead anyone.

Respectfully submitted.

GLYNN L. WELLS (178200) 7/02/18
OAKS CORP, FAC.
1500 Caberfare Hwy
MANISTEE, MI 49660-9200

Pg 2 of 2
Certification

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