

ORIGINAL

25-6182

Supreme Court, U.S. FILED SEP 17 2003 OFFICE OF THE CLERK
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IN THE
SUPREME COURT OF THE UNITED STATES

Terrance Scott Belcher — PETITIONER
(Your Name)

vs.

Christopher BECKER — 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

Terrance Scott Belcher
(Your Name)

1728 Bluewater Hwy
(Address)

Lansing, MI 48846
(City, State, Zip Code)

616-527-3100
(Phone Number)

QUESTION(S) PRESENTED

Did Asst. Prosecutor Christopher Becker (now chief law officer) Violate Plaintiff Belcher Michigan and United States Constitutional Rights under the Fourteenth Amendment Due Process of Law and Equal Protection of Law in Suppressing Material and Physical Evidence From the Michigan State (Crime) Laboratory and division Protocol on testing (Fingerprints and Biological) Other Related Material, tangible and Physical Evidence From the Police Crime Scene Predicated strictly on Asst. Prosecutor Christopher Becker Lead Detective Richard Lewis' trial testimony without ever given or Failure to turn over a offer of Proof of the Protocol Materiality in a legal Binding document per Mich. Ct. R 6.201 (A) (6) Mandatory disclosure document and (B) Information Known to the Prosecution that constitute, discovery, a clear legal duty and Brady Violation

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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Did Asst. Prosecutor Christopher Becker (now chief law officer) Violate Plaintiff BELCHER Michigan and United States Constitutional Rights Under the Fourteenth Amendment Due Process of Law and Equal Protection of Law in Suppressing Material and Physical Evidence From the Michigan State Crime Laboratory dna division Protocol on testing (Fingerprints and Biological) Other (Related Material, tangible and Physical Evidence From the Police Crime Scene Predicated Strictly on Asst. Prosecutor Christopher Becker lead Detective Richard Lewis' trial testimony without Ever Given or Failure to turn over a offer of Proof of the Protocol Materiality in a legal Binding document per Mich. Ct. R 6.201 (A)(6) Mandatory disclosure "document" and (B) Information Known to the Prosecution that constitute discovery a clear legal duty and Brady Violation 5,6,7,8,9,10-40

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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 _____ 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 A-3 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-1 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 _____.

☐ 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 3-28-25.
A copy of that decision appears at Appendix A-3.

☒ A timely petition for rehearing was thereafter denied on the following date:
6-27-25, and a copy of the order denying rehearing appears at Appendix A-4.

☐ 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 Provisions

U.S. Constitutional Amend. 6 [1791]

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 of Counsel for his defence.

Amend. 7

[1791]

In Suits at Common Law, where the Value in Controversy shall exceed twenty dollars, the Right of trial by jury shall be preserved and no Fact tried by jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the Common Law.

Amend 14.

[1868]

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.

Statement of The Case

See Appendix E where Asst. Prosecutor Christopher BECKER Asked his lead Detective Richard Lewis on pg 55 line 20 Q to pg 56 line 10 A: "No I can't do that." However, Det. Lewis Reasoning for Given Said testimony Under oath 'bout Not testing all relevant items (From the Alleged Crime Scene was due to the Crime Lab Protocol). As He clearly Stated From Asst. Prosecutor BECKER's question on pg 55 line 23 "Could you tell the Jury why you didn't Submit all ten items?" Det. Lewis Reply on line 26 A: "Well the Lab they do the work for us as a Service and they (pg 56 line 1) have certain Protocol that they Follow. Go to line 7 pg 56 "But we're limited by how Many items we can bring in." * Asst. Prosecutor BECKER on pg 56 line 9 Q: "So you Can't just Send everything down? Again, Det. Lewis line 10 A: "No I can't do that!" (June 30, 2009)

With that said, the "Protocol" Material was a set of Rules, System of Rules and Practice to be perform through a set of Standard Policy and Procedural, which tends to prove Facts which establish the point in issue. A legal Record, instrument/document for Verifications to turn over in discovery to Plaintiff and Matter legally Submitted to the jury to support Persuasive Fact by testimony which furnishes Proof. Especially From the lead Detective Lewis who Investigated and Filed action of the Case would've Prompted such Rules or Policy from his research through the Lab to legally Recorded Material for Subject for Inquiry and disclosure.

In the Course of events, Many Problems arise, which at the Beginning could not be guarded against or Foreseen. SEE Appendix E - Pg 60 (line 3 The Court Okay. Detective Lewis? line 4 The defendant = Detective Richard Lewis' Full Report (have not received that. line 6 The court = Is that accurate or inaccurate?

line 7 MR. BECKER = He's got that (Feb 13TH of 2009)

MR. BECKER/his Agent Rich Lewis Suppressions of the Protocol Evidence on Fingerprint and Biological and testing, Prohibition of the use of Evidence (i.e. Exculpatory and/or impeachment evidence) at BELCHER'S trial.

Argument (Issue 1.)

Did Asst. Prosecutor Christopher Becker (now chief law officer) Violate Plaintiff BECKER Michigan and United States Constitutional Rights Under the Fourteenth Amendment Due Process of law and Equal Protection of law in Suppressing Material and physical Evidence From the Michigan State Crime Laboratory dna division Protocol on testing (Fingerprints and Biological) other Related Material, tangible and Physical Evidence From the (Police Crime Scene Predicated Strictly on Asst. Prosecutor Christopher Becker lead Detective Richard Lewis' trial testimony without Ever given or Failure to turn over a offer of Proof From the Protocol Materiality in a Legal Binding document per Mich. ct. R 6.202(A)(6) Mandatory disclosure "document" and (B) Information Known to the Prosecution, that constitute discovery, a clear legal duty and Brady Violations.

Plaintiff Say "Yes"

Appellee Say "No"

Petitioner Case-in-chief

First and Foremost, I truly want to thank the Honorable Supreme Court For Reviewing My Case and in detailed Facts, i truly believe Your Honorable Court will witness the existence of a Conflict between the decision of which review is Sought and a decision of Another Appellate Court on the Same Issue. Respectfully Speaking, An important function of the Supreme Court is to resolve disagreements Among Lower Courts about Specific legal Questions. Another Consideration is the Importance to the Public of the Issue. Public Necessity (i.e. the Petitioner's Jury > to know what's on the Mich. state Police Crime Lab dna division Policy, Procedural or Protocol in lieu of testing Sufficient items of Exculpatory / Impeaching Value Found at a alleged Crime Scene to determine Petitioner's Actual Innocence or Guilt through dna Fingerprints / Biological testg. The public Interest of dna Knowing the truth Matters in deciding a Case involving dna Protocol or Protocol testing of dna items in official Form or declaration, documentation and legal evidence that was withheld From the Petitioner during Mandatory disclosure in Pursuant to Mich. ct. Rules 6.201 (A)(6) and (B) Information Known to the Prosecutor See Appendix B The Petitioner's dna due Process Claim is these officials Prosecutor BECKER, who was the Asst. Prosecutor on the Case in 2008/2009 Prosecuted Petitioner along with his lead investigator Richard Lewis by withholding From the Petitioner the MSP Crime Lab dna division Protocol and Potentially Failure to Follow the proper testing Protocol. Admission

of a testimony 'bout a "Protocol" Report by Det. Rich Lewis without offer of Proof in a "CSC" trial (Violates Petitioner's Sixth Amendment See Appendix E - Crawford v Washington 541 US 36 (3-8-2004) where defendant's Right to Confront Witnesses was Violated when his Wife's statement during interrogation was admitted at trial, although the Marital Privilege precluded HER testimony. Since defendant had no opportunity to Cross-Examine her. In Petitioner's Case, since the Report or Protocol was testimonial, the Analyst who prepared it did not testify, the legal Report or Protocol was not simply a Machine generated device and Substitute Analyst or in this case, Det. Rich Lewis who could not testify 'bout the testing Process without having a legal document in his possession or having taken observation Notes from a Professional Official at the MSP Crime Lab dna division and these Notes would have been a part of his detective's File to hand over to Prosecutor Becker (Asst. Prosecutor Becker at the time of this Withheld information / Material) See 2024 U.S. Dist. Lexis 1825*33 pg 11-13. Also, See Appendix E - Detective Lewis who is an Arm of the Prosecution Failed to turn over or withheld such Vital documents, which is a article of legal Proof did not satisfy defendant or Petitioner's Right to Confrontation per Sixth Amendment. Supra. Crawford 541 US 36. Also Petitioner should be afforded his 7 Amendment Right to Re-Examine these Fact / Evidence in Controversy by jury Trial to be Preserved. Where clearly the Amend. 7 States: ((((

"In Suit at Common law, where the Value in Controversy shall exceed a twenty dollars, the right of trial by jury shall be preserved and no Facts tried by a jury shall be otherwise re-examined in any Court of the United States." SEE pg 3

Petitioner was Excluded from the CSC Kit and Beer Bottle See Appendix C the other related items from the DNA Search Warrant See Appendix C weren't tested Because of the illegitimate testimony at trial by Detective Richard Lewis thru the questioning of MR. BECKER without either official Presenting to the Court, the Petitioner or the Jury a "Proffer".

(Eighth ed.) Offer of Proof (Black's Law Dictionary)

Such an offer may include tangible evidence (physical form) or testimony (through questioning and answers) a lawyer's narrative description or an affidavit. Mich R. Evid 603 (2)(2); Fed R. Evid 103(2)(2)

In regards to the testimony of Det. Lewis See Appendix E pg 55 line 25 to pg 56 line 10 Again, the court/the Petitioner in discovery per MCR 6.201(A)(B) nor (B) information known to the Prosecutor was withheld from disclosure along with the jury being able to view the tangible item or evidence. Because a offer of Proof which may also be used to persuade the court to admit the evidence consist of three parts ① the evidence itself ② An explanation of the Purpose for which it is offered (its relevance) and ③ An Argument Supporting Admissibility

Your Honorable Supreme court in a order from March 28, 2025 by the Mich. Supreme Court it is denied Because we are not persuaded that the questions presented should be reviewed by this Court. See Appendix A-3

Also, See Appendix A-4 where the Michigan Supreme Court order of June 27, 2025 denied Motion For Reconsideration of the March 28, 2025 order Because we are not persuaded that reconsideration of our previous order is warranted per MCR 7.311(G)

During the Petitioner jury trial, MR. BECKER / Det. Lewis together offer testimony about the reasons other related vital items from the crime scene and Det. Rich Lewis' Taped interview with Dana Hernandez could not be tested for DNA fingerprints/Biological in nature governing the crime lab Protocol doesn't allow multiple submitted items. Without offer of Proof ① the evidence itself (i.e. the Policy, Procedural or Protocol was presented) ② Nor and

explanations detailing the system of Rules and Regulations in legal purpose for offering the tangible & physical Evidence and its relevancy to the Court, the Petitioner and the Jury. In Fact, these tangible goods were withheld from an Argument Supporting Admissibility. Whereas, in the Summary Judgment Hearing, the Petitioner Requested a "offer of proof" (by the Prosecutor's Lawyer and the Court See Appendix A-1⁽²⁾) H'g Held on June 29, 2023 pg 19 of line 9 to pg 24 of line 18 wherefrom the Petitioner established a presentation of evidence for the Record (But outside the Jury's presence) usu. made after the Judge has sustained an objection to Admissibility of the evidence. So that the Evidence can be preserved on the Record for an Appeal of the Judge's Ruling.

Summary Judgment H'g on June 29, 2023 pg 25 line 4 to pg 29 line 14 See Appendix A-1⁽²⁾ in which needs to be compared to Det. Rich. Lewis' Taped Interview (5-14-08) with Ms. Dana Hermans See Appendix D. For the Record, at the zoom H'g on 6/29/23 pg 22 line 18 to 20, Trial Judge states "But, Mr. Belcher, I don't think the Protocol of the state Police is really actionable. I understand what you're saying. You feel there was a Mandatory disclosure. But I never heard of anybody disclosing what the Protocol is. Whatever the Protocol might be. I assume you're talking about the policy of the state Police."

Eighth ed. Black's Law Dictionary Protocol-1. A summary of a document or treaty.

pg 23 of Summary Judgment (line 1 to 4) "So they are not required to test all the items. That's within the prosecutorial discretion." (Trial ct. remarks.) Nonetheless, they're Required to turn over Vital or Significant documents pertaining to Detective and Prosecutorial File in regards to Witness testimony, depositions, Affidavits or declarations that'll be produce during Sworn oath Before the Court. And the Fact/Evidence

that MR. BECKER / Det. Lewis "open the door" "brought the MSP Crime Lab Protocol without a offer of Proof goes far beyond the Prosecutorial discretion ~~in~~ testing all of the items. On one hand, trial Ct. saying that it was Prosecutorial discretion to test all ten items. On the other hand, trial Ct. saying that the crime Lab Policy or Protocol only allow X Amount items tested, without any Proof, legal Proof, legal instrument or legal documentation to support his ruling.

(See Appendix A-1) Because as the trial Ct. demonstrates on pg 26 of the Summary Judgment - line 16 The court: "I wasn't there for the trial." With that said, the Petitioner can assure the Honorable Supreme Court of the United States Compare Summary Judgment W'g on 6/29/23 pg 26 line 17 to pg 27 line 15 to Appendix C - The Search Warrant (i.e. Return to Search Warrant) and Appendix D - Follow-Up Report - Taped interview from Det. Lewis with MS. Dana HERMAN and you'll witness exactly why these dna items needed to be tested for Exculpatory Value far beyond the trial Ct decisions Not to hold an in-camera Review of these officials' file for the protocol document that they introduce as "illegitimate" Evidence to illustrate their reasons for testing the other imperative items.

A. Petitioner Breakdown of the Taped Interview in DNA Fingerprints / Biological Fashion

- SEE Appendix D.) (1) BEER Bottle - Excluded Petitioner's * SEE App C *
- (2) CSC Kit - Excluded Petitioner's * SEE App C *
- (3) Latex Bottle ^{Allegedly} Forced into Vagina - Untested < Exculpatory Value >
- (4) Disposable Razor - Untested < Exculpatory Value >
- (5) Electrical Razor - Untested these two items allegedly Petitioner handed her and Made Her < MS. HERMAN > use < Exculpatory Value >
- (6) 3 different hangers on Buttocks Untested < Exculpatory Value >
- (7) washcloth to clean her wound < Vagina > Value > (No DNA From MS. HERMAN But DNA from Petitioner's Finger on the green washcloth * 1A)

- ⑧ Tissue with Bloodstains Untested < Exculpatory Value >
- ⑨ Bed Comforter - Black Untested < Exculpatory Value >
- ⑩ Bed Comforter - Tan Untested < Exculpatory Value >

Based on the taped interview with Ms. Herman By Det. Lewis. The physical, Material and Tangible items described would be a "Shoe-in" For DNA Value of Guilt or Actual Innocence and the govt are Sharing With the jury that the Protocol, Policy, Procedural, System of Rules, Set of Rules, guidelines and MSP Crime Lab Charter doesn't allow testing of more than 1 or 2 items from a alleged crime scene. (w/o Proffer!)

Appendix E - pg 56 line 14 A - Based Upon Det. Lewis determination those 2 to 3 items were submitted. However, Based Upon the Newly discovered Evidence/Information by Atty at law Anthony J. Valentine in Sept of 2021, 12 yrs. later "If appears that Upon the Request to the Head of the Lab or his designee that a Detective can Ask that any Evidence that exists in a case can be the subject of Submissions" See Appendix F.

Also, See Appendix F - From Atty at law MR. Valentine Re = MSP Evidence Submissions Policies (i.e. Protocol) He states = I think these official Policies From the Michigan State Police can be attached to Any motion that you intend to file. They are current policies and if the rules were any different during 2008 or 2009 that it would be up to the Prosecutor to show the Court that they were different and would not apply in your case. See *Carusone v Warden N. Cent. Corr. Inst.* 966 F.3d 974 (6th Cir 7-17-20)

See Appendix A-1⁽²⁾ Summary Judgment H'g on 6/28/23 pg 23 line 16 to 22 Speaking to the above aforementioned and Lf the trial ct. in pg 24 line 5 to 9 "doesn't change Anything." When in Fact, it would've change Everything in theory and truth that the jury as well as the Petitioner had a Right to the Protocol where they had have submitted More Valuable items to Petitioner's Exclusionary of Evidence including him.

In the Summary Judgment Hg 6/29/23 pg 24 line 19 to 24:

MR. BECKER demonstrated at trial in his closing Remarks ⁽⁹⁻²⁻⁰⁹⁾ the Petitioner cut his Right Index Finger Twisting hangers to beat Ms. Dana Herman well. It seems like if this was true it would be blood or DNA from the hangers and some type of DNA-Skin Tissue from Ms. Herman (and the Petitioner). Again, these three hangers were withheld from dna testing. Potentially Exculpatory Evidence and/or Impeachment Evidence as the other related Materials based Upon Det. Lewis Taped Interviews with Ms. Herman.

Lets us back up and return to the Search Warrant See Appendix C and let us revisit the Det. Lewis' Taped interview see Appendix D. As you can witness in the Return Search Warrant there is a Article I waited to mention line 4 White electric Cord that Ms. Herman gave testimony to a/c. Wiersman and Sgt. Gregory Griffin and during (Pre-Exam) trial that Petitioner strangled her for 5 minutes with a White electric Cord. Now, Petitioner believe that you, Honorable Supreme Court Jurists, believe, if a Person is being Strangled for 5 minutes or even 1 min. Around their neck he or she would be "Dead". Most importantly, in the Summary Judgment Hg line 22 "So i don't know what Blood on the Hangers or from a Cut, what impact that would have on a Jury?"

If the Petitioner has "bloody Right Index Finger" and his strangling a Person in this case Ms. HERMAN for ANY Amount of minutes, then would be his "dna" Finger Prints / Biological in Nature On the White electrical Cord and a Strong Probability Ms. HERMAN's dna on the White electric Cord. We are talking about "5 minutes of Strangulation Evidence". This would have a Strong Impact on the Jury White electrical Cord was withheld from dna testing.

ALL OF These Potential Exculpatory items and/or Impeachment items based Upon the Determination and Storyline or Tape Interview by Det. Lewis along with Ms. German. Clearly From his (Lewis) Interview as a Seasoned train Criminologist or Detective these omitted Material were based on the information that he had been given at that Point. See Appendix E pg 56 line 14.

But what Det. Lewis / Mr. Becker isn't sharing with the Court, the Petitioner and the Jury doing these "fraudulent testimony" is that He (Lewis) and Becker Unconstitutionally and Unethically Suppressed the "Protocol" Material to justify "not going Before the Head or Designer of the MSP crime Lab" given relevant Reason why additional testing needs to be performed. Because it is Fair to say "A Detective Can Ask that Any Evidence that Exists in a Case Can be ^{THE} Subject of Submission." See Appendix F

They are Current Policies (i.e. Protocol) and if the rules were Any different during 2008 or 2009 that it would Be Up to the Prosecutor to show the Court that they were different and would not apply in your case. SEE Appendix F

Ladies and Gentlemen of the United States Supreme Court the highest Court in the Land, where the Law of the Land dictates Equity and Justice.

At no time, during said Summary Judgment H'g on 6/29/23 did the Prosecutor Nor Prosecutor's Atty HERMAN D. HOFFMAN (Standby) Atty Justin A. Allen, ID EVER Answer the above aforementioned in Any Motion Filed on the Defendant's Behalf Nor did in said H'g on 6/29/23. The truth of the Matter is instead of Trial Ct. doing a judicial inquiry into doubtful Matters, Because by Reasoning we arrive at legal Reasons For such Exploration. The Trial Ct choose to

Draw a Conclusion on pg 20 line 9-10, "Because here on this Mandamus I really can't go back in your trial transcripts or line 11" what was done at the trial."

In Fact, the trial ct. ⁽⁶⁻²⁹⁻²³⁾ could go back into the trial transcripts which is a part of Public Records. And trial ct. could've Requested From the Prosecutor's Atty his File and the detective File in this Case to Probe, who's telling the truth and who's suppressing the truth. The trial ct. could've Asked plainly to the Atty For MR. BECKER "do you have the 2.008-09 MSP crime lab Policies, Practices, Procedures or Protocol?" OR The trial ct. could've said Since the "Protocol" Material is a Standard of Conduct and proscribed Form of the way of doing things, then there is a Standard of Proof-----legal Proof. (i.e. Evidence). Since The trial ct. Argues in pg 21 line 11 to 14 that Immunity is off the table the trial ct. had the judicial Power/Authority to "Sub Poena duces Tecum" these Files of MR. BECKER / MR. LEWIS and do a "In-Camera Review or Inspection. Because it is clearly Self-Evidence" that the "Protocol Material" is a part of Mandatory disclosure MR 6.201(A) and the fact MR. BECKER and MR. LEWIS together knew what questions to ASK And what ANSWER to give.

In pg 21 line 17 to 24. Petitioner begs the difference, that it would've made Substantial difference. As other items, c'd have been DNA / Biological FingerPrinted tested and the Jury w'd have seen Exculpatory / Potential Results and Impeachment Material on the Part of the Petitioner. The Prosecution in a Criminal Case has a Constitutional duty to disclose Material, Exculpatory evidence citing Brady v Maryland 373 U.S. 83, 87, 83 S. Ct 1194 10 L. Ed. 2d 215 (1963) To Established a Brady Violation a Reviewing Court must conclude the evidence at issue was Favorable to the Accused either because it was exculpatory or impeaching; the evidence was suppressed by the State either willfully or Inadvertently; And Prejudice Ensured. Strickler v Greene 517 U.S. 263, 281 119 S. Ct 1936 (1999) The Prosecutor is responsible For Any Favorable evidence known to others Acting on the government's BEHALF in the case including

the Police. *Kyles v Whitley* 514 U.S. 419, 437 131 L. Ed 2d 490, 115 S. Ct 1555. (1995)

Controlling Law

Brady v Maryland 373 US 83 (May 13, 1963)

DA's Office v Osborne 557 US 52 (June 18 2009)

Kyles v Whitley 514 U.S. 419 450 (1996)

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Reed v Goertz 598 U.S. 230, 2023 U.S. LEXIS 1665

Skinner v Switzer 562 U.S. 521, 131 S. Ct 1289 179 L. Ed. 2d 233 (2011)

Strickler v Greenie 527 US 263 (July 17, 1999)

The question we faced today is whether MCL 771.16 DNA testing procedure "offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as Fundamental or transgresses any recognized principle of fairness in operation" such that it is "fundamentally inadequate to vindicate" the right to post-conviction dna testing that it provides. See *Osborne* 557 U.S. at 69, quoting *Medina* 505 U.S. at 446-488. As we have drawn out we conclude that it does the Petitioner BELCHER, therefrom has stated a claim upon which relief could be granted and the trial ct. misapplied BECKER motion to dismiss Summary Judgment per MCR 2.116 (c)(8) stating a failure to state a claim, which I can't grant any relief. See Appendix A-1(a) Summary H'g 6/29/23 pg 29 line 6 to line 21.

In Pursuant to MCL 770.16, the Petitioner in his original Complaint or Mandamus allures to the above aforementioned Policy or MCL 770.16 procedural as well as a handwritten motion to the trial court and prosecutor back in 2008 thru a notarized letter / motion from the County Jail or Kent County Correctional Facility where Petitioner requested DNA items tested from all of the material removed or recovered at the alleged crime scene of 1136 Cooper St. S.E. Grand Rapids, Michigan 49507. * This measure before the court should

have been Respectfully Submitted For the Record in the guidance of Hon. Judge Robert Redford who stated "He's not allowed to Rec'd Ex-parte letter / Motion from the defendant and he would Forward the Instrument to My Atty Steven H. Brunick, (Rubber Stamped)"

Many yrs. later, after due diligent Investigation from the Petitioner, Atty at Law Valentine - Anthony J. Valentine and Private Investigator Scott Lewis See Appendix F that the Biological Material was Collected / Identified during the Investigation of Det. Rich Lewis, An Agent of the Prosecutor of the Petitioner's Case.

At the Summary Judgment Hg on 6/29/23 the trial ct. had the Judicial Power / Authority to Order said items collected during the Investigation to Order appropriate Police Agencies, In this Case GRPD - Grand Rapids Police Department Property Seized / Storage And Search for the Material (Omissions) from the testing of 2008 / 2009 MSP Crime Lab dna divisions. In Pursuant to MCL 670.16 (4) The Court shall Order DNA testing if the Petitioner does all of the following = (a) Presents Prima Facie Proof that the Evidence Sought to be tested is Material to the issue of the Convicted Person's Identity as the Perpetrator of, or Accomplice to, Crime that resulted in the Conviction. See Appendix A-1-(b)

* READ CAREFULLY! *

(b) Establishes all of the following by clear and Convincing Evidence = (i) A sample of Identified Biological Material described in subsection (1) is available for DNA testing (ii) (and (1) Applies to Petitioner's Case.

* See Appendix A-1 * (a)

On Pg 27 of the Summary Judgment - line 16 to 21 = Rebuttal MR. BECKER prosecuted the case he had all of the Constitutional Master to demonstrate what's Right and what's Wrong - To stand down and correct any injuries or prevent injuries from occurring to Petitioner's due process rights - governing in accordance with the 14th Amendment Equal Protection of Law and due process of Law. In comparing trial ct. and the Appellate Courts denial decisions See Appendix A-1, A-2, A-3 and A-4 if the trial court would have took the time to order an in-camera Review OR Inspection

of the "Material Omissions" Surrounding the MSP crime Lab Protocol then the trial ct. would've (Witness that a Key Witness For the Prosecution--- Detective Richard Lewis is testifying with a "Proffer" Submitted to the Accuser (i.e. Violation of Accuser 6th Amend. Right to Confront Any/ ALL Evidence Against him) and the jury Impartially and Fairly (have a Right to View the Proffer based on documentary Evidence. (i.e. Protocol).

The Petitioner, asserts in his Certiorari, that his Injury by refusing or withholding the Crime Laboratory Protocol Testing By the government reasons for failure to test the potential Exculpatory and/or Impeachment Evidence that were Available at the time for the jury to Rec' and witness a finding in their deliberation process. The Petitioner in his Mandamus Redress that Injury by the Prosecutor / Detective legal status of the case in eliminating the State Prosecutor allegedly Unlawful Acts / duties to justify for denying DNA testing through a Unavailable and Withheld Crime Lab Protocol See *Gutierrez v Saenz* 222 L. Ed. 531 where Certiorari were granted By U.S. Supreme ct.

The Petitioner Asserts Before the Honorable United States Supreme Court that the trial Court on 6/29/23 and the COA and the Michigan Supreme Courts (i.e. Court of Appeals July 29, 2024 denied for lack of Merit in the grounds Presented. SEE Appendix A-2) on August 28, 2024 Order - The motion For Reconsideration is DENIED.

SEE Appendix A-3) on March 28, 2025 Order - Michigan Supreme Court Denied July 29, 2024 order of the COA Because we are not Persuaded that the questions Presented should be Reviewed by this court.

Footnote:

*The Michigan Supreme Court Failed to Rule on the Petitioner Aug. 28, 2024 Motion For Reconsideration ORDER *From Court of Appeals

SEE Appendix A-4) The Michigan Supreme Court order on June 27 2025 denied March 28 2025 Motion For Reconsideration Because We are not Persuaded of our previous order is Warranted. MCR 7.311 (G)

First of all, the Michigan Supreme Court ruling on June 27, 2025 denying March 28, 2025 Motion For Reconsideration Because We are not Persuaded of our previous order is Warranted.

Even though the MI. Supreme Court along with all of the lower state court had the Authorization and Judicial writ to subpoena the legal process governing the Petitioner 14th Amendment to Protection of deprivation of accepted legal principles where the Fourteenth Amendment's Mandate that Favorable and Material Evidence in the possession be disclosed to the Petitioner Before trial. See e.g. Kyles 514 U.S. at 422-450-453 115 S.Ct 131 L.Ed. 2d 490; Smith 565 U.S. at 76-77 132 S.Ct 627 181 L.Ed. 2d 571; Lacey 577 U.S. at 392-394 396 S.Ct 1002 194 L.Ed. 2d 78.

B. Kyles Standard

This is established decades ago that evidence is Favorable in the Brady Context if it has "Some Value" in helping the defendant's case. Kyles v Whitley 514 U.S. 419 450 115 S.Ct 1155 131 L.Ed. 2d 490 (1995) We have further explained that there is Value where, for example the Evidence tends to Exculpate the defendant or impeach a witness. With that said, the MI. Supreme court along with the lower ct. erroneously order of denial and does not Warrant Consideration nor Reconsideration of Suppression of The truth is a denial of truth where these lead officials "Concerted Actions" misled the trial ct., the Petitioner and the jury during the 2009 trial. Also, Yrs. later in June 29 2023 through failure to Answer the Plaintiff's interrogatories and give a Sound Answer to Plaintiff's

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Complaint "Where is the 2008-09 MSB Crime Lab and
Divisions Protocol? i.e. Policy, Practice and Procedural? that
Det. Lewis testified to Under oath."

Because Mr. Becker wasn't

granted immunity per MCR 2.116(c)(7) on this issue, due to the
fact the petitioner isn't requesting financial gain or reward. The
petitioner needs for the "Concealment Rule" to be applied and the
suppression of the truth to be revealed. Judge his trial and
every stage of Appellate Review, when the Appellate Courts, esp.
the Michigan Supreme Court Fallacy "Ruling they are not versus
the Michigan Supreme Court" which should've identified the lower
court's finding in what if the protocol was in your favor or in
light favorable to you if innocent overturn your conviction.

No #1 the Protocol "Evidence Inclusive" Showin Substantial and
Compelling Reasons to Impair Det. Lewis' trial testimony. And if all
have shown perjury testimony that's why there isn't any "offer
of legal proof or official document from the government to produce
+ the Petitioner's Compulsory Process Clause Under the 14th Amend. Due
Process of Law - Procedural Due Process - Right to Confront Witness of
Fraudulent Concealment.

No #2 The Bad Faith on the lower of
Lewis Crystal - Also in the MCL 770.16 (6) IF the Court
grants a Petition for DNA testing Under this section the identified
Biological Material and a Biological Sample obtained from the defendant
or petitioner shall be submitted to DNA testing by a laboratory approved by
the Court. If the Court determines that the applicant is indigent,
the cost of DNA testing ordered Under this section shall be
borne by the state. The results of the DNA testing shall be provided
to the Court and to the defendant or petitioner and the Prosecutor's
Attorney.

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Upon Motion by either party, the Court May order that Copies of the testing Protocols, Laboratory Procedures, Laboratory Notes and other Relevant Records Compiled by the Testing Laboratory be Provided to the Court and to All Parties.

This above aforementioned MCL 770.16 (6) clearly Establishes that defendant Convicted of a Felony at trial ON OR AFTER January 2, 2001, who establishes that all of the Following apply May Petition the Circuit Court to Order DNA testing of Biological material identified during the Investigation leading to his or her Conviction and for a New trial Based on the results of that testing:

On March 25 2009, Petitioner's Atty Charles L. Clapp in Pursuant to MCR 6.201 (A) and (B) Mandatory disclosure and Information Known to the Prosecution paragraph (3) *Any Report* of Any Kind produced by or for An Expert Witness whom the Prosecution intends to call at trial.

(5) *Any document, photographs or other Papers that the Prosecution intends to introduce at trial.

(6) A description of and An opportunity to inspect Any tangible physical evidence that the Prosecution intends to introduce at trial (SEE Appendix B)

* (2) Any Police Report concerning the case *

Therefore, the motion was Made by Defense Counsel And Rec'd 3-26-09 For these Inspections / testing to be Made on said items that were withheld from testing by the Prosecution / the Circuit Court - Kent County.

The Protocol is a Report, document, and physical tangible evidence that were used at Petitioner's 2009 trial - By trial testimony (from Det. Rich Lewis.

Also, the Fact the Petitioner never got the opportunity to inspect nor test "dna" Fingerprint / Biological material evidence that MR. BECKER used to introduce the Jury at trial. (SEE Appendix A-1) where in the Summary

disposition. Hg An 6/29/23 pg 14 line 3 to line 12 to support MR. Clapp's Motion and to support Petitioner stating a claim of suppression of the evidence that the trial ct. had full knowledge of the law and facts that the defendant or petitioner requested these other essential items that MR. BECKER should the jury during Petitioner's trial that he was requesting "dna" testing of the material commissions.

In reviewing pg 15 line 10 to 20, the trial ct. had to be fundamentally aware of the MCL 770.16 (in whole) but who doubt the facts (6) Upon Motion by either party before the request for discovery on March 25, 2009 by Atty Clapp was rec'd 3-26-09 by Circuit Court Judge Robert Redford that petitioner was requesting inspection and "dna" testing before trial. And trial ct. in 2023 (14th yrs. later in reading Petitioner's Mandamus" ordering MR. BECKER to do a legal and clearly-duty, act and ethical responsibility in turning over said report or document governing the 2008-09 "Protocol" that MR. BECKER's Agent Rick Lewis, Under oath testify to why he c'd not dna test or submit to the crime lab all of the potential exculpatory and/or impeachment evidence from the crime scene.

When the trial court of the 6/29/23 and the trial ct. of 6/29/09 c'd rule the court may order that copies of the testing protocols; laboratory procedures, laboratory rules and other relevant records compiled by the testing laboratory be provided to the court and to all parties. * See App. A-1(b). Also, MCL 770.16 (6)

Respectfully speaking,

This would mean that all of the Appellate Courts had this exculpatory information/evidence in between 2008 May 15 to 6/29/23 Summary Judgment Ruling. In addition, it would mean that the Appellate Courts including the MI. Supreme Court when they carry out their "miscarriage of justice" in agreeing they aren't persuaded Footnote =

See also MCL 770.16 (2) (a) (b) . . . * Take a carefully look at (c) *

These officials Violated BELCHER, the Petitioner 14th Amendment Right to due Process of Law by Refusing to Provide For the "DNA" testing he See Appendix B. In the Exact Analogy in Skinner v Switzer 562 U.S. 521 131 S.Ct 1289 179 L.Ed.2d 233 (2011) Unconstitutionally Prevented him From obtaining Such testing < Article 64 motion > < Art. 64.03(a)(2)(B) the court held that a Texas Prisoner could File a due Process Claim under 1983 Against a Prosecutor where the Prisoner alleged that the Prosecutor's Refusal to turn over Evidence deprived him of his Liberty Interests in Utilizing State Procedures to obtain reversal of his Convictions or to obtain a Pardon or Reductions of his Sentence (Quinting Gutierrez v Saenz 222 L. Ed 2d 531 (6-26-25))

In Reed v Goertz 598 U.S. 230, 2023 U.S. LEXIS 1665, in which the Court revived another Texas inmate's effort to SEEK DNA Evidence that he Contended would Exonerate him. The Petitioner in this Case is Asserting the Same legal Process and Good-ural that the alleged Material Items or Weapon Use would Exoner-ate Petitioner thru dna Fingerprints / Biological testing. Like Reed, where this court decided on Analogous Facts that Another Texas Prisoner had Standing to Sue the local Prosecutor who denied him Access to DNA testing. Id at 234. 143 S.Ct 955 215 L. Ed 2d 218. But Simply, Reed held a Federal Ct. order declaring "that Texas Post-conviction and testing Procedural Violate due Process could redress the Prisoner's claimed injury by eliminating the state Prosecutor's reliance on Article 64 as a Reason for denying DNA testing. Ibid. See Texas Code Criminal Proc. Ann. Art. 64.01 < Version 2018 The same is true here and the Ct. therefore Reverse.

In Individual or Individuals Convicted of Crimes in state Court "have a liberty interest in demonstrating their Innocence with New Evidence Under state law." District Attorneys Office For Third Judicial Dist v Osborne 557 U.S. 52 68, 129 S.Ct 2308. 174 L. Ed 2d 38. For that Reason, a State-created Right to Post-Conviction Procedures can Sometimes Create Rights to other Procedures essential to Realizing the State-created Right.

Footnote=

To grant a motion For DNA testing under Tex. Code Crim. Proc. Ann art 64 the State court must also find Among other things that the evidence is in Condition Making DNA testing Possible and that identity was or is an issue in the Case. THE SAME AS MCL 770.16 < 1 > < 2 > < 3 > < 4 > < 5 > < 6 > < 7 > < 8 > < 9 > < 10 > < 11 > < 12 >

Office v Osborne 557 U.S. 57, 62 129 S.Ct. 2308 174 L.Ed.2d 38, 47
2009 > We have stated before "that DNA testing can provide
powerful new evidence unlike anything known before." Given
the "persuasiveness" of such evidence in the eyes of the jury
it is important that it be presented in a fair and reliable manner.

In this case, the trial of on 6/29/23 demonstrates Mr. Becker was

not the elected official in 2008-09 at the time it happened. Nonetheless,

Mr. Becker was the Prosecutor that Prosecuted the Plaintiff BECKER along with

Det. Lewis. Plaintiff Investigations. Mr. Becker had willingly had intentions

to allow these "ill-wills" to Foster out of control. In which, he knew was

a violation of his oath of the Prosecution Office, Mich. and U.S. Constitution

as well as infringing on Plaintiff BECKER 14th Amend. due process of law. The

trial of states "That even if I accept your argument as being in the light most

Favorable to you "I don't think it affects, the Jury outcome at all. Okay,

as it stands today." It seems that you litigated most of those issues' head

Failure to test other items not going to the "protocol". That apparently was

Uncovered by the Attorney you had in 2021.

The Atty. Anthony J. Valantine was able to come up with the hidden fact

or withheld evidence that the protocol from the Misdemeanor lab where

Det. Lewis Reasoning for Not testing the other essential items in question.

But on or after January 8, 2021 a Plaintiff can petition the court

for testing something that Plaintiff's lawyer Charles L. Clapp did on March

25 2009 with Prosecutor Becker Professional Knowledge. Therefore,

it wasn't a legal Reason to justify Failure to grant further DNA testing for the

officer.

Trial of on 6/29/23 states: So it would seem to me that if you

have this new information you wanted to present, it should be presented

in another 6500 Request not a writ of mandamus. All right? I can't

order the Prosecutor to give something that they don't have. In all

due respect the trial of has the Authority to do a in camera insp-

ection MCR 6.201 (c) (2) (b) Prohibited Discovery by Plaintiff but not

the trial of to determine if these documents protocol material is in the

Prosecutor's file and/or Detective's file.

As clearly stated in *Salazar-Limon v City of Houston*
581 U.S. 946 (4-24-17) A "Judge's Function" (in evaluating a
Motion For Summary Judgment is not "to Weight the evidence
and determine the truth of the Matter but to determine whet-
-her there is a Genuine issue For trial." *Anderson v Liberty*
Lobby Inc. 477 U.S. 242 249 106 S.Ct 2505 91 L.Ed. 2d 202 (1986) (See
also, *First Nat'l Bank of Ariz v Cities Service Co.* 391 US 253, 289, 88
S.Ct 1575 20 L.Ed. 2d 569 (1968) (The question of Summary Judgment
is whether a Jury should "Resolve the Parties differing Versions of the
truth at trial.") In doing so, the Court must "View the Facts and draw
reasonable inference." in the light most favorable to the Party opposing the
Motions." *Scott v Harris* 550 U.S. 372, 378 127 S.Ct 1769 167 L.Ed. 2d 686 (2007)
Quoting United States v Debold Inc. 369 U.S. 654, 658 82 S.Ct 993. 8. L.Ed. 2d 176
(1962) (per Curiam)

In this case, the Petitioner's Civil Rights and Constitution-
-al Rights were Substantially-Prejudice and Materially-Injury when
MR. BECKER willingly, knowingly, intentionally, Constitutionally and in ex-
-cusable Neglect to Withhold Material goods from the Petitioner causing
a irreparable harm to the fairness of Petitioner 14th Amend. Due Process
of Law and Equal Protection of Law to be fundamentally safeguarded
from the obstruction of Justice on the Part of MR. BECKER (who was
Asst. Prosecutor at the time (Nonetheless) has risen to Chief Law Officer
Since his Wrongdoing.

In Buckley v Fitzsimmons 509 US 259
June 24 1993 Prosecutors Accused of Violating a Murder's Susp-
-ect's Civil Rights by fabricating Evidence and Making False state-
-ments did not have Absolute Immunity from liability.

Prosecutor BECKER
Professionally And Ethically disregarded Petitioner's Constitutionality to Be
Free from discriminatory Practice and Performance in depriving the Petitioner
From Mandatory disclosure of official and legal documents relating to the
trial testimony of his Lead Detective Rich Lewis and Govt's DNA
Case-in-Chief dealing Strictly with the Testing Protocol of Physical,
Material and tangible Evidence Found at the alleged Crime Scene.
In *Maryland v King* 567 U.S. 1301 (July 30, 2012) Stay was warranted
at Judgment reversing Defendant's convictions for Rape based on DNA evidence
collected AFTER Prior Arrest for Assault Under State's DNA Convictions Act Since

Certiorari would likely be granted to Resolve Split of Authority
Concerning Constitutionality there was reasonable Prospect of
Reversal and State Suffered Irreparable Harm. Also, see Texas
Code Crim. Proc. Art 64.01 et seq. That law allows the Convicting court to
order DNA testing if the Movant meets certain requirements. The trial court
granted Woods' Uncontested Motion to have three items for DNA evidence.
(See Woods v Patton 130 F. 4TH 516 < 5TH Cir. Ct. of Appeals (3-7-25))

MR. BECKER, during the Pre-stages of the Summary Judgment had a
thorough opportunity to legally open his Prosecutorial and Detective files
and flat out show the Protocol Material in his defense that it was
"turned over to the Petitioner many yrs. ago and that Petitioner is creating a
"Perfunctory" lie or better yet in a case such as this one if the Material
did exist back in 2008-09 it seems as if the Prosecutor BECKER would
have been more than enough to want to share the 2008-09 Protocol
and to be able to substantiate what his lead Detective will be testify-
ing to with Authenticate Paperwork OR legal Binding document to
share in discovery with Petitioner and the Petitioner's Jury as a
"Proffer" before the trial of MR. BECKER, to this day has done neither
one. This obstructs the Petitioner in substantiating a claim, in which
a Jury could weigh the Suppressions of the truth vs. Falsifying Evidence.

In Miller v Pate 386 U.S. 1 - A Prisoner was granted release OR
a retrial of a Murder charge. Because the Prosecutor deliberately MisRe-
presented the truth and a state Criminal Conviction that was obt-
ained By the Knowing use of False evidence could not be tolerated.

The trial ct of 6/29/23 clearly stated "I can't ask the Prosecutor,
to turn over something that they don't have."

Noteworthy: This is a trial ct. Disposition w/o during a thorough
In-Camera Review OR Inspections MCR 6.201(c)(2)(b), (c).

In Smith v Phillips 455 US 209 < 1-25-82> Suppressions of Requested evidence
"Violates due Process where the evidence is Material either to Guilt OR
to punishment, irrespective of the good Faith or Bad Faith of the Prose-
cution." Id at 87. Applying this standard the Court found the Undisclosed
Admission to be relevant to Punishment and thus ordered that the defendant.

Be resentenced. See the Admission.

In SKINNER, Because this

Case was resolved on a Motion to dismiss For Failure to state a claim the Question Below was "not whether Skinner will 'Ultimately Prevail' on his Procedural due Process claim See Scheuler v Rhodes (416 U.S. 232 236 44 S.Ct 1683 40 L.Ed 2d 247 90 (1974)) but whether his Complaint was sufficient to cross the Federal Court's threshold. See Swier-Rkiewicz v Serena N.A. 534 U.S. 506 514 122 S.Ct 992 152 L.Ed 2d 1 (2002) SKINNER's Complaint is Not a Model of the Careful drafter's Art but HN³ LED HN [3] [3] Under the Federal Rules of Civil Procedure a Complaint need not pin Plaintiff's claim For Relief to a precise legal theory - Rule 8 (a) (2) Federal Rules of Civil Procedure, generally requires only a Plausible "Short and Plain" statement of the Plaintiff's claim, Not an Exposition of his legal Argument See S.C. Wright & A. Miller, Federal Practice and Procedure 1219 pp. 233-238. (3rd ed. 2004 and Supp 2010)

This is the legal Reason as well in Perkins v City of W. Covind 113 Fed. 1004 (9th Circuit Court of Appeals) May 9, 1992 - The Ct. reversed Summary Judgment in Favor of Appellee City, Concluding that its Policy Violated due Process of Law by Failing to Notify Appellants 'about How they c'd retrieve their Seized Property.

The Same Analogy Applies to the point of Comparison Petitioner BELCHER Summary Judgment in Favor of Appellee Christopher BECKER Concluding that the MSP Crime Lab and division's Protocol Policy Violated through BECKER Wrongdoing in office by failing to Secure Material in discovery and Notifying Petitioner's Atty 'about "How Many items the lab test from a Crime Scene And/or "How Many Can Be Submitted in Relevancy to the case per MCL 770.16 (in whole) And MCR 6.201 (a) Mandatory disclosure and (b) Information Known to the Prosecution. These items or Property "Contraband" was Seized during a Criminal Investigation for Prosecution Based Upon Det. Lewis determination (from the Storyline He (Det. Lewis) Rec'd from MS. Dana HERMAN. With that said, Petitioner request to test the Physical-Tangible items for "Proffer" and Cross-Examination was "Stone-walled" by BECKER / Lewis demonstrating in Pre-trial H'g. on Feb. 13th 2009 that the Defense has all of Det. Rich Lewis Full Report. When BECKER Knew HE

Was committing fraud upon the court and a breach of trust
Further Trial Judge James Robert Redford clearly Ask the question
"Detective Lewis?" The Plaintiff Z Becker & Detective
Richard Lewis's full report have not
Received that.

SEE Appendix E
The Court = Is that Accurate or Inaccurate ?
MR. BECKER = He's got that.

Note = MR. BECKER on "line 19-20" but I'm prepared to go to trial and
were fully prepared.

Notwithstanding, at the time, with then Petitioner
Ex-lawyer Steven Brynwick that the BECKER was committing MAF.
easance in office of Prosecution and Unjust performance before
the Honorable Judge James Robert Redford Courtroom. MR. BECKER was
fully prepared for trial because he withheld key documents about the MSP
Crime Lab Protocol that would suffice why other key pieces of evid-
ence would be maliciously concealed from testing. (Feb 13th 2009)

True, MR. Brynwick did not Constitutionally object to anything that was
said because he was being "Handcuffed" by MR. BECKER. Plus, this
was a "Conflict of interest" because me! This was a Breakdown in line
of communications between Petitioner and Mr. Brynwick, therefore, MR.
Brynwick was being discharge of his duties as the Petitioner lawyer.

The trial of the Petitioner nor his Ex-lawyer knew that Becker & Lewis
had acted in concert to conceal & suppress key document relating
to the testing protocol and the lack of testing (viable items). (MR 6.2011)

(A)(6): mcy 770.16 (6) etc. The Concession was made in the
context of this proceedings in which Petitioner argued that a competent
Attorney "Wd have Constitutionally objected to lack of admissibility of the DNA
evidence and a number of grounds including Det. Lewis' case qualifications
- chain of custody problems and failure to follow the proper testing
protocol and might have successfully - DNA testing evidence
altogether and would have formed the testing of related items concealed.

Footnote:

Post-Conviction DNA testing in Michigan MCL 770.16
Leading case:

People v Brown
6. N.W.3d 386
2024 Mich Lexis 996)

A. Due Process of Law 14th Amend. of the U.S. Const.

Notwithstanding the provision in the Maryland Constitution that the Jury in a Criminal Case are the Judges of Law as well as of Fact, under Maryland Law it is the Courts and not the Jury that ~~make~~ passes on the admissibility of evidence pertinent to the issue of innocence or guilt of the accused.

① Pyle v Kansas 319 U.S. 213, 215-216 ✓
② Maconey v Helman 294 U.S. 103, 112 ✓
- assure by a Prosecutor Violates due Process. Suppression of Evidence Favorable

Accounting Principles

The Principles of Moroney v Holohan is not Punishment of Society, for murderers
at a Prosecutor but Advindance of an Unfair trial to the Accused, Society
wins not only when the guilty are convicted but when criminals trials
are fair. Our system of the Administration of Justice suffers when
Any Accused is treated Unfair.

A Prosecution that withholds Evidence on demand of An Accused which, if Made Available would tend to Exculpate him or Reduce the Penalty helps shape a trial that Bears Heavily on the defendant.

D. Equal Protection clause of the 14th Amendment.

Sec. 1 Citizens of the United States All Person born or Naturalized in the United States and Subject to the Jurisdiction thereof are citizens of the United States and of the State, where they reside No State shall Make or Enforce Any Law which shall abridge the Privilege 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 Law.

E. Strickler v Greenlee 527 US 263 (7-17-99)

Although Exculpatory evidence was not disclosed and was cause for Failing to timely raise Brady claim Habeas Corpus was denied. Petitioner c'd n't show Possibility his Conviction or Sentence w'd have been different

The Prosecution is responsible for Any Favorable Evidence Known to the other Acting on the governments Behalf in the Case including the Police. Kyles v Whitley 514 US 419, 437 131 L. Ed. 2d 490 115 S. Ct 1555 (1995)

Detective Richard Lewis was a Agent of Prosecutor BECKER. through his Brutality And hidden Facts/ documents he aided/ abetted Prosecutor BECKER Wanton Prosecutions of Petitioner.

Thus the Commonwealth i.e. the People through its Prosecutor is charged with Knowledge of the "Statzfas" Materials For purposes of Brady
Brady v Maryland 373 US 83 (1963)

1. 3 Prongs or Components of a Brady Violation

There are (3) three Components of a true Brady Violation = (1) The Evidence at issue. Must Be Favorable to the Accused. (2) either Because it is Exculpatory or Because it is Impairing (3) that Evidence must have been Suppressed by the state either willfully or Inadvertently and Prejudice must

ENSUED.

2. Prosecutor BECKER / DET. Lewis Prejudicial EFFECTS on Withholding Evidence

Petitioner SUFFICES to Establish the Impairing character of the undisclosed documents there is no doubt or dispute about the fact that they were known to the state but not disclosed to trial counsel. It is the third Competent-where Petitioner has established the prejudice necessary to satisfy the "Materiality" inquiry-----which was a Prejudice Materiality.

Because the three Factors explain why trial counsel didn't advance this claim. The procedural documents were suppressed by the Commonwealth; the Prosecutor maintained an "open file policy" and the trial counsel were not aware of the factual basis for the claim. The first and second factors i.e. non-disclosure and open-file policy > are both fairly characterized as conduct attributable to the state that impeded trial counsel's access to the factual basis for making a Brady claim. As we explained in Murray v. Curries 477 U.S. 478, 486, 90 L. Ed. 2d 367, 106 S. Ct 2639 (1986) it is just such factors that ordinarily establish the existence of cause for a procedural default.

The presumption well established by "traditional and experience" that prosecutors have fully discharged their official duties "United States v. Mizzanotte 513 U.S. 196 200 130 L. Ed. 2d 697 115 S. Ct 797 (1995)" is inconsistent with the novel suggestion that conscientious defense counsel have a procedural obligation to assert constitutional error on the basis of mere suspicion that some prosecutorial misstep may have occurred.

Under Brady an inadvertent nondisclosure has the same impact on the fairness of the proceedings as "deliberate concealment" if the suppressed evidence results in constitutional errors it is because of the character of the evidence and not the character of the prosecutor. Agurs 427 U.S. at 110.

A. The Facts / DNA Evidence > Withheld.

Petitioner BELCHER was excluded from the CSC Kit / BEER Bottle
SEE Appendix A (Back of Return to Search Warrant)

RETURN to SEARCH WARRANT

① The Lotions, was alleged to have been forced into Mrs. HERMAN's Vagina by a "cut" bleeding Right index finger < Right Hand >

The Latex Bottle w'd show No Blood / No Sperm / Seme
(Exculpatory Explanation - Untested!)

(2) (Three) wire hangers (1) Untwisted to Prosecutor's Account
this is how Petitioner Cut Right index finger. There would show
DNA on the hanger Plus, Two other Hangers Allegedly Use
to Beat Ms. HERMAN these Hangers would've (DNA) residue
from skin tissue of Ms. HERMAN. Including Petitioner and finger-
prints. (Exculpatory Explanation - (Untested!))

(3) Electric Cord / White / Allegedly Use to Strangled Ms. HERMAN
5 min by Petitioner and finger prints from a cut Right index
finger from allegedly Untwisting a Hanger. "DNA" would be
highly reveal on a "White" Electric Cord. (Exculpatory Explana-
tion - (Untested!))

(4) Petitioner allegedly Made Ms. HERMAN shave her Pubic Hair - DNA w'd
reveal (Exculpatory Explanation) Untested!

(5) Tissue w/ Bloodstain / (Untested!) * These items handed By Petr
allegedly *

(6) Petitioner allegedly Made Ms. HERMAN shave Pubic Hair with a
Electrical Razor / (Untested!) * " " " By Petr's alleged
no DNA test (Exculpatory
Explanation) *

(7) Tan Comforter / (Untested!)

(8) Black Comforter / (Untested!)

Read Carefully = Green Washcloth
WAS BELCHER DNA on it.

However, Ms. HERMAN clearly stated
Petr BELCHER gave her a green washcloth to clean and launder
that occur from "cut" shaving. No DNA from Ms. HERMAN.
(Exculpatory Explanation in Full Effect)

(9) Petitioner reasonably relied on the Prosecutor's open File
policy as Fulfilling the prosecutor's duty to disclose such
Evidence. and not hide Behind a Protocol without Proffer.
SEE Carusone v Warden N. Cent. Corr. Inst. 966 F.3d 474

(1A) The Commonwealth & People of the State of Michigan
Confirmed Petitioner's Reliance <Faith> on the open File Policy
by asserting during Pre-trial H'g on Feb 13th 2009 and C
during trial June 29, 2009 to July 2, 2009 per MCR 6.201
(A) Mandatory disclosure and Information Known to
the Prosecution in Asserting during ALL Proceedings that
Petitioner had Already Rec'd ALL Information & Material from Det. Lewis'
Full Report. This statement was made by Prosecutor BECKER to the
trial ct. SEE Appendix E

(14) That, however, is not the standard that Petitioner may satisfy in
order to obtain Relief. Petitioner must convince the Court that
"there is a Reasonable Probability that the result of the trial would have been
different if the 'Suppressed Protocol' document had been disclosed and
show that Det. Lewis did have submitted the essential other items to the crime lab
for and fingerprinting/Biological Testing or in the context of Atty at Law Anthony J.
Valentine letter of Sept of 2001. Placing the Burden of Proof on the Prosecution
to 'Proffer' different. SEE Appendix F

* Now, the defendant-Appellee Christopher BECKER would've
to show & Prove in good character of Evidence using the
2008-09 Protocol of MSP crime Lab-DNA division is not Persuaded
Evidence.*

The *Adjective is Important.* Because Procedural due Process of law
is the Practice of the Court and is law of the Court. The Petitioner Procedural
Right is the question to safeguard ALL/ANY Form of deprivation. And to Pro-
tect his due Process of law is to Prevent Any Procedural Defect. That is relevant
to the manner of Proceedings.

The question is not whether the Petitioner would
more likely than not have Rec'd a different Verdict with the Evidence, But
whether with the or in its absence He Rec'd a fair trial, Understand
as a trial resulting in a Verdict Worthy of Confidence <Reliance>
314 U.S. at 434. By Prosecutor BECKER lying to the trial ct on Feb
13th of 2009 Pre-trial H'g that "He got that." referring to Det. Lewis' Full
Report Knowingly, intentionally, Constitutionally, Ethically and Professionally He's
CC CC 33

Misleading the Court and the Petitioner in "Underhand dealing" Lie. Fraud & Ultimately leading the Petitioner's Jury in a State of Shock "had these items favorable Evidence to the Defense been Submitted to them along with the 2008-09 Protocol Material saying something in Favor of the Petitioner & it Reasonably be taken to put the whole case in such a different light as to Undermine Confidence in the Verdict." Id at 435,

The trial ct. Judge, Honorable Judge ^{JAMES} Robert Reford illustrated in his Jury Instructions (with the Approval of Prosecutor BECKER and Atty Charles L. Clapp

MERE PRESENCE INSUFFICIENT (Verbatim.)

Even if the defendant knew that the alleged crime was planned or was being committed the mere fact that he was present when it was committed is not enough to prove that he assisted in committing it. (July 2, 2009) * Jury Instruction *
SEE Appendix G

II.

The point is that by evaluating the strength of only Party's Evidence with No legal Conclusion can be reached (regarding the strength of Contrary evidence offered by the other side) Lie. Petitioner in this Case to Rebut or Cast doubt > Because the rule applied by the State Supreme Court did not Heed this Point, the rule is "arbitrary" in the sense that it does not rationally serve the end that discovery Rule and other similar third Party Rules were designed to further NOR has the State identified any other legitimate end to finding these legal documents or legal Binding Instruments that rule serves. It follows that the rule applied in this by the State Supreme Court Violated a Criminal Defendant's Right to have a meaningful opportunity to test items for DNA/Biological Exculpatory Results. And

Present a Complete defense, When they Fundamentally Should have been Persuaded. See *Holmes v South Carolina* 547 U.S. 319 (May 03, 2006) Where Certiorari was granted Cause Excluding evidence of a trial party guilty in a Criminal trial Based on the Strength of the Prosecution's Case w/ little or No Evidence or No Examinations of the credibility of the Prosecution's Witness or Witnesses the Reliability of its evidence Violated a Criminal defendant's Sixth Amendment and Fourteenth Amendment rights to have a Meaningful opportunity to Present a defense.

Because Petitioner was unaware of the "Protocol" defense at the Prosecution's reasons for not completely dna testing the other related items of Material Value. Potentially Exculpatory Value to the Petitioner. The earlier Request by Petitioner AFTER the Feb 13 2009 Hg, and March 25, 2009 Atty appointed Charles E. Clapp in place of Atty Steven W. Bruwick filed a Motion for discovery Request the opportunity to In-Spect and/or test all of the items in the case See Appendix B And the Prosecutor BECKER withheld or fail to Acknowledge Clapp's Constitutional Request for a clear and legal Violation of this [BECKER] job Ethics and Responsibilities. (Later, See 4-Prong test for writ of Mandamus)

Footnote:

See related to this case Caselaw in Support (MI Supreme court)

Prosecutor withholding test and/or Examination of dna items from the alleged crime scene. Cite. For Exculpatory evidence and/or impeachment evidence.)

Brady Violation

SEE Also

Will v Lumpkin
2024 U.S. Dist Lexis
61959 (4-4-24)

Suppression of documents and other etc.

- ① *People v Christian* 510 Mich 52 (7-27-22)
- ② *People v Carlsom* 492 Mich 296 (7-31-12)
- ③ *People v Standway* 446 Mich 643 (8-29-94)
- ④ *People v Cress* 468 Mich 618 (6-18-2017) (2013) > The (4) Four Prong test:

Are grounds for a New trial if it satisfies the Four part test set Forth in *Cress*. ① The Evidence itself, ② the Newly discovered evidence was not cul-
laminative ③ the party c'd n't using Reasonable diligence have discovered and produced the evidence at trial. And ④ The New Evidence make

a different result probable on Retrial. (People v Johnson 451 Mich 115 118 N. 6. N.W. 2d 637 (1996) MCR 6.508 (D); See also People v Johnson 502 Mich 541 (7-23-18).

In writ of Mandamus, to obtain a writ of Mandamus a Plaintiff ① must show a clear legal right to performance of the specific duty sought ② the defendant has a clear legal duty to perform ③ the act is ministerial ④ no other adequate legal or equitable remedy exists that might achieve the same results (See Johnson v Bd. of State Canvassers, 509 Mich 1015 (6-3-22);

Mr. BECKER, the defendant, in this case, has clearly and legally violated the first three (3) prongs of the Mandamus Order --- the 4th prong has been violated because without the adequate support, fair and adequate considerations of said evidence that equal to the need in an equitable remedy by validation of proof from the court judicially demanding the files of Prosecutor BECKER (Det. Lewis' in-camera for starter) then proceed with the 2008-09 MSP crime lab protocol enclosed in these files. If not, arguing that said party of the govt lied or withheld adequate evidence from the petitioner and lastly with these revelations a legal obligation going forward in pursuit of MCP 770.16 (in whole) of dual testing items for the results --- Exculpating Petitioner --- News, we can produce before the trial at in pursuit of (MCL 770.16(8) and MCR 6.505(A) Evidentiary Ho placing these officials under oath and on record. But it has to become a Judicial Demand by trial at what's call "Subpoena duces Tecum", a Judicial Mandate to produce document and if not the weight of evidence will go to the petitioner. And it will show why they (govt) didn't produce a "Proffer" during pre-trial stages of discovery of the protocol and misled the trial at and petitioner on Feb 13th of 2009 and misled the petitioner and his jury during Det. Lewis' trial transcript or testimony clearly stating the "Protocol" a legal document of guidelines, official Record, a legally binding document of a standard of Rule, Regulations and practice towards performance --- a legal contract. obviously the Protocol of 2008-09 said differently or the govt couldn't produce it in disclosure MCR 6.204(1) Mandatory disclosure and (B) Information known to the Prosecution. Per Brady v Maryland 373 US 83 (1963)

At ALL of the state Proceedings, Petitioner was withheld from above Judicial Recourse.

Writ of Mandamus, granted. In re United States 586 US 963 (11-2-18) Mandamus (may issue when ① no other adequate means exist to attain the Relief the party desires.

② the Party's Right to Issuance of a Writ is clear and indisputable and ③ the Writ is Appropriate Under the Circumstances ibid. Quoting *Cheney v United States Dist. Court For D.C.* 542 U.S. 367 380-81 124 S. Ct. 1987. The MI Supreme Court wasn't Persuaded by MR. BECKER clearly and Indisputably Violating a legal and clear Right of Petitioner to Rec Mandatory disclosure of said documents (i.e. Protocol Material) per MCR 6.201 (A)(6) and a description of and an opportunity to Inspect Any tangible Physical evidence that the Party (the writ) may introduce at trial. Including Any document, photograph or other paper with copies to be Provided. See Request. SEE Appendix B. Atty clapp March 25 2009 Motion

Again, all of the MI, state courts including MI Supreme Court who on March 28, 2025 clearly stated: "Because we Are Not" Persuaded that the questions Presented should be Review by this Ct.

MR. BECKER, had a clearly legal Right to Performance of the Specific duty Sought (i.e. mandatory disclosure Not discretionary function) ② MR. BECKER ^{had} clear legal duty to Perform Ministerial duty and Give the Petitioner the description of and an opportunity to Inspect Any tangible Evidence that HE (BECKER) was going to Use at trial. Petitioner was Withheld from Inspecting And testing "CRIME Scene Items". ④ Petitioner in Previous pg 36 of Motion gave a Substantial and Compelling Reason in MCR 6.502 (G)(2) Successive Motion (2) A defendant may File a Second or Subsequent motion For Relief based on a Retroactive Change in Law that occurred AFTER the First Motion For Relief From Judgment was Filed or a claim of New Evidence that was not discovered Before the First Such Motion was Filed. The clerk Shall refer a Successive Motion to the Judge to Whom the Case is Assigned For a determination whether the Motion is within one of the Exceptions.

(3) For purposes of Subrule (G)(2) "New Evidence" includes New Scientific evidence. This includes but is not limited, to shifts in Science entailing changes:

- (a) in a Field of Scientific Knowledge including shifts in Scientific Consensus;
- (b) in a testifying Expert's own Scientific Knowledge and opinions; OR
- (c) in a Scientific Method on which the relevant Scientific evidence at Factnote: trial was Based.

The relevant and withheld items of Potential Exculpatory Value was Suppressed by alleged MSP crime lab Protocol Policy. 37 (Continue)

Ladies and Gentlemen of the U.S. Supreme Court at Every stage of the Appellate Review Including a Request For Counsel in the First initial Stage of MCR 6.500 without placing Any Sound-Motion detailing Issues or Arguments, Case-law and Relief the Hon. Judge James Robert Redford misconstrue the Pet'r Request for Counsel as a thorough and Complete Motion For Relief From Judgment Respectfully by statute Law the Motion was Insufficient and should have been Return as^{an} Return of Insufficient Motion per MCR 6.502 4D.

In addition, to a Motion For relief From Judgment per MCR 6.502 (6)(1) and (6)(2) = In a testifying Experts own Scientific Knowledge and opinions. Joel Schultz (Head of the MSP-dna division) withheld a "Proffer" document about the Crime Lab Protocol in Any Pre-trial discovery nor during Trial testimony. Also, during Pre-trial Mr. Becker Rec'd by Tom Flowers dna Fingerprint Expert and Glenn Moore dna specialist they w'd be testifying at Trial neither of these Officials testified at Pet'r's Jury trial. Along with Det. Lewis never saw the Petitioner's defense Progress Notes SEE 2024 U.S. Dist Lexis (825) 33 Nor Official Reports about the Protocol that the Pet'r is aware of. Again, they be in the Files of Mr. Becker / Mr. Lewis being withheld From Mr. Becker. SEE Brady, Brady v Maryland (1963).

Respectfully, Pet'r Pray that he has satisfied and set out with Particularity why the Relief Sought is not Available in Any other Court. See Ex Parte Peru 318 U.S. 578 585 65 S. 793 8 L. Ed. 604 (1943) also See Rule 20.3. Including Supreme Ct Rule 20.1 where Pet'r seeks Extraordinary writ Must show that Adequate Relief cannot be obtained in Any other Form or From Any other Court. Mr. Becker at No time through his Atty Herman D. Hoffman has attempted to Produce or turn over the MSP crime lab dna division Protocol to show good cause to the Previous Courts in Any Form of his duties and Acts being Honorable to the Court. He swore to Uphold in the Kent County Prosecutor's Office. The fact the "Protocol" document along with the withheld opportunity to Examine and test the essential other items By Mr. Clapp's March 25 2009 Motion For Discovery Among other Procedural due Process Violations per Brady v Maryland (1963).

The Prejudice rulings in the state's Courts that Pet'r has rec'd is Unreasonably, Fundamentally and detrimentally Unconstitutional. with that said, U.S. Constitution and Federal Constitutional Law is in Controlling Authority and Law in support of these Lower Ct. predecisive decisions that has only cause inherent injury after injury to Pet'r's Constitutional Right in Accordance with the 14th Amend. Due Process of Law / Equal Protection of Law, to be Free From Prosecutorial damage that at this Judicial stage the Precedent of Controlling Authority and Law is what Pet'r Constitutional Right needs in being Judicial antecedent and authoritative principle of Law.

And the Power, the Const. - itutional Power from the highest Court of the Law and the Land will be Exercised only where a question of Public Importance is involved or where the question is of such a Nature that is a Peculiarly appropriate that such Action by this Honorable Court should be taken. Respectfully, it is of Public Importance that the Action of the govt taken w/in its appropriate Sphere be Promptly Respected to tell the truth rather than suppress the truth is Suppression of truthful evidence, "when the trial Ct. on 6/29/23 Forbidden Prosecutor Christopher Becker Immunity the Pet'r soundly believe the Law of Persuasive Contr-olling Caselaw is Cemented in Exercising U.S. Supreme Ct. to Issue the writ Fortnite =

Cont.) that were withheld From Petitioner in discovery Request per MCR 6.201 (A)(G). A Official document. From a state Agency (and Prosecution Office of Kent County

Which would entitled him to a New trial based Upon the Scientific results From these Excluded dna testing and the Withheld of Key documents From MR. BECKER / MR. LEWIS along with not previously dna testing of Potential Exculpatory Physical-Tangible Evidence. being thoroughly EXAMINE and tested. in which was Suppressed by MR. BECKER (17+ yrs. Ago (A Brady Violation.) Brady v Maryland (1963)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Terrance Scott Belcher

Date: August 17, 2025