

No. 25-6656

ORIGINAL

Supreme Court, U.S.
FILED

OCT 10 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

ALLEN MICHAEL SHERILL PETITIONER
(Your Name)

vs.

MICHIGAN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

MICHIGAN COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ALLEN MICHAEL SHERILL
(Your Name)

2500 S. SHERIDAN ROAD
(Address)

MUSKEGON, MI 49444
(City, State, Zip Code)

(231) 773-9200
(Phone Number)

QUESTION(S) PRESENTED

- (1) DID THE TRIAL COURT VIOLATE PETITIONERS 6TH AMENDMENT, WHERE THE TRIAL COURT IMPROPERLY CLOSED THE COURTROOM, REMOVED PETITIONERS MOTHER WITHOUT EXPLICIT CAUSE OR REASON, AND EXCLUDED THE PUBLIC FROM THE COURT, EVEN WHEN PROCEDURE ALLOWED ENTRY.

PETITIONER ANSWERS: 'YES'

TRIAL COURT: 'NO'

COURT OF APPEALS: 'AFFIRMS'

- (2) DID THE TRIAL COURT VIOLATE PETITIONERS 14TH AMENDMENT, WHERE THE TRIAL COURT DENIED A MOTION FOR MISTRIAL AFTER THE JURY WAS SHOWN 'PREJUDICED', 'GROSSOME' PHOTOS, AFTER THE COURT ORDERED THEM 'PREJUDICIAL' AND 'INADMISSABLE'.

PETITIONER ANSWERS: 'YES'

TRIAL COURT: 'NO'

COURT OF APPEALS: 'AFFIRMS'

- (3) WAS DEFENSE COUNSELS PERFORMANCE SO INEFFECTIVE, THAT IT FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS AND THAT THERE IS REASONABLE PROBABILITY THAT, BUT FOR COUNSELS UNPROFESSIONAL ERRORS, THE RESULT OF THE PROCEEDING WOULD BE DIFFERENT.

PETITIONER ANSWERS: 'YES'

TRIAL COURT: 'NO'

COURT OF APPEALS: 'AFFIRMED'

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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☐ is unpublished.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☐ is unpublished.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 to the petition and is PEOPLE v SHERILL

- ☒ reported at MICHIGAN COURT OF APPEALS, 2024 MICH APP 7070; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the MICHIGAN SUPREME COURT court appears at Appendix C to the petition and is

- ☒ reported at PEOPLE v SHERILL 20 N.W. 3d 278 (2025); 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 Sept. 12, 2024.
A copy of that decision appears at Appendix A .

☒ A timely petition for rehearing was thereafter denied on the following date: MAY 16, 2025, and a copy of the order denying rehearing appears at Appendix C .

☒ An extension of time to file the petition for a writ of certiorari was granted to and including AUGUST 28, 2025 (date) on OCTOBER 13, 2025 (date) in Application No. 25 A 229.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES CONSTITUTION 6TH AMENDMENT;
UNITED STATES CONSTITUTION 14TH AMENDMENT;
MICHIGAN CONSTITUTION 1963 ARTICLES I § 20.

STATEMENT OF THE CASE

PETITIONER WAS TRIED AND CONVICTED IN THE WAYNE COUNTY 3RD Circuit Court ON A CHARGE OF INVOLUNTARY MANSLAUGHTER AMONGST OTHER CHARGES. AFTER DELIBERATION ON THE 6TH DAY OF TRIAL PETITIONER MOVED THE TRIAL COURT ON A DIRECTED VERDICT.

PETITIONERS SUBSTANTIAL RIGHT OF A PUBLIC TRIAL WAS DENIED BY THE TRIAL COURT, CAUSING PLAIN ERROR. THEN THE COURT OF APPEALS AFFIRMED PETITIONERS CONVICTION ON THE ASSUMPTION THAT THE COURT WAS STILL SOMEHOW UNDER 'ORDERS' TO HAVE NO ACCESS TO THE COURTHOUSE BECAUSE OF COVID. THEN THE SUPREME COURT DENIED REVIEW BECAUSE THEY FIGURED THE MEREITS WERE NOT REVIEWABLE.

THE DEFENSE COUNSEL PLACED ON THE RECORD A MOTION FOR A MISTRIAL WHEN THE PROSECUTION SHOWED PREJUDICE AND INADMISSABLE PRODS TO JURY. AFTER THE TRIAL COURT ORDERED THEM "VERY PREJUDICIAL AND INADMISSABLE."

PEOPLE V DAVIS 509 MICH, 52, IN ITS CASE SUMMARY THE FOLLOWING WAS STATED: OVERVIEW - HOLDINGS: [1] THE TRIAL COURT'S CLOSURE OF THE COURTROOM FOR NEARLY THE ENTIRETY OF TRIAL AFTER A SINGLE, BENIGN INTERACTION BETWEEN AN OBSERVER AND A JUROR CONSTITUTED PLAIN ERROR WHERE NO REASONABLE ALTERNATIVES WERE GIVEN OR CONSIDERED, WHERE THE CLOSURE WAS BROADER THAN NECESSARY TO PROTECT THE JURORS IMPARTIALITY AND, NO FACTUAL FINDINGS WERE MADE; [2] BECAUSE THE DEPRIVATION OF DEFENDANTS PUBLIC TRIAL RIGHTS WAS A STRUCTURAL ERROR, IT NECESSARILY AFFECTED DEFENDANTS SUBSTANTIAL RIGHTS; [3] THE FORFEITED STRUCTURAL ERROR PRESUMPTIVELY SATISFIED THE PLAIN ERROR STANDARDS REQUIREMENTS FOR REVERSAL, AND NEITHER THE PROSECUTIONS

ARGUMENTS NOR THE RECORDED EVIDENCE REBUTTED THAT PRESUMPTION. PETITIONERS CASE IS THE EPITOMY OF 'DIRECTLY RELATED'. THIS CASE EXPLAINS THE PLAIN ERROR STANDARDS REQUIREMENT, PETITIONERS CASE MEETS THAT. PEOPLE V DAVIS 569 MICH, 52 EXPLAINS THE DEPRIVATION OF SUBSTANTIAL RIGHTS, PETITIONERS CASE IS A VIOLATION OF HIS SUBSTANTIAL RIGHTS (READ DISSENT). PEOPLE V DAVIS GIVES REASON FOR ITS DECISION BY THE SUPREME COURT TO REMAND BECAUSE DEFENDANTS STRUCTURAL ERROR SATISFIED THE PLAIN ERROR WHICH WAS A 4 PRONG TEST THAT SHOWED THE TRIAL COURT VIOLATED DEFENDANTS SUBSTANTIAL RIGHT TO A FAIR AND PUBLIC TRIAL RENDERING ITS REVERSAL, REMAND BACK TO THE TRIAL COURT FOR A NEW TRIAL. PETITIONERS STRUCTURAL ERROR, WHICH WAS FORFEITED, STILL IT DID, PRESUMPTIVELY SATISFY THE PLAIN ERROR STANDARDS REQUIREMENT BECAUSE THE ERROR WAS PLAIN AND THERE IS NO EXPLICIT FINDING AS TO WHY THE COURT CLOSED ITS DOORS TO SPECTATORS. EVEN AFTER THE CHIEF JUDGE ORDERED THE ALLOWANCE OF ENTRY IN ADMIN. ORDER 2021-7, ADMIN. ORDER 2021-8, ADMIN. ORDER 2021-15. (SEE APPENDIX D). PETITIONERS CASE IS IDENTICAL TO DAVIS. THE TRIAL COURT CLOSED ITS DOORS, REMOVED PETITIONERS MOTHER FROM THE COURTROOM, DID NOT GIVE EXPLANATION OR ALTERNATIVE ON THE RECORD AS TO WHY, DENIED PETITIONERS MOTION TO REMAND TO EXAMINE THE RECORD. TRIAL COURT STILL DENIED IT, PLAINLY NOT AT ALL CARING ABOUT THE PLAIN ERROR OF PETITIONERS SUBSTANTIAL RIGHT TO A PUBLIC TRIAL. THE FACT THAT THERE IS NO RECORD IS IN FACT A VIOLATION OF PETITIONERS SUBSTANTIAL RIGHT TO A PUBLIC TRIAL BECAUSE THE COURT IS REQUIRED TO MAKE FINDINGS ON THE RECORD. THE JUSTICES IN THE MICHIGAN SUPREME COURT CASE PEOPLE V DAVIS

591 MICH 52, WHO REVERSED AND REMANDED HIS CASE ARE THE EXACT SAME JUSTICES WHO DENIED REVIEW ON PETITIONER WHO HAS THE EXACT STRUCTURAL, PLAIN ERROR THAT VIOLATED HIS SUBSTANTIAL 6TH AMENDMENT RIGHT TO A FAIR AND PUBLIC TRIAL. BIAS IS WHY THE SAME JUSTICES IN THE SAME SUPREME COURT OF MICHIGAN DECIDED DIFFERENTLY ON THE SAME STRUCTURAL, PLAIN ERROR, SUBSTANTIAL RIGHTS VIOLATION. THE TRIAL COURT AND ITS PROCEEDINGS, ON THE RECORD, DID, IN FACT, SPEAK ABOUT THAT BIAS. IT ACTED UPON WHEN IT DENIED A MOTION FOR MISTRIAL FOR PETITIONER WHEN THE PROSECUTION SHOWED INADMISSABLE, PREJUDICIAL PHOTOS TO THE JURY AFTER THEY WERE ORDERED PREJUDICIAL AND INADMISSABLE. (SEE TRANSCRIPTS VOL II PG. 59-60; 74-80): ONCE THE MOTION WAS DENIED, THE TRIAL COURT DECLINED TO GIVE PROPER INSTRUCTIONS ON THE INSUFFICIENCY OF EVIDENCE AND THE COURT OF APPEALS STILL AFFIRMED. THE MICHIGAN SUPREME COURT DID, IN FACT, DENY REVIEW.

I. ARGUMENT

THE TRIAL COURT ERRORED BY CLOSING ITS DOORS WITHOUT REASON OR FINDINGS ON THE RECORD AND NOT GIVING AN ALTERNATIVE TO VIEW PROCEEDINGS, WHILE THE TRIAL COURT ALLOWED PROSECUTION TO PREJUDICE THE JURY AND NOT ALLOW A MOTION FOR MISTRIAL OR REMAND. THE COURT OF APPEALS UPHOLD AND AFFIRMED CONVICTIONS ON SUBSTANTIAL RIGHTS VIOLATIONS AND THE SUPREME COURT OF MICHIGAN WOULD NOT REVIEW ITS MERITS FOR STRUCTURAL, PLAIN ERROR.

PETITION RESPECTFULLY STATES THE FOLLOWING FACTS:

FACT(1); JURISDICTION

ALLEN MICHAEL SHERILL, PRISON NUMBER 719867, IS NOW RESTRAINED AND IMPRISON OF HIS LIBERTY AT THE EARNEST C. BROOKS CORRECTIONAL FACILITY (CRF) IN THE COUNTY OF MUSKEGON, MICHIGAN. THE PERSON EXERCISING CUSTODIAL AUTHORITY OVER HIM IS WARDEN C. KING.

THE CAUSE OR PRETENSE OF THE RESTRAINT, ACCORDING TO PETITIONERS BEST KNOWLEDGE AND BELIEF IS, DEPRIVATION OF HIS DUE PROCESS OF LAW, VIOLATING THE 14TH AND 6TH AMENDMENTS OF THE UNITED STATES CONSTITUTION WHERE THE CAUSE OF ACTION AGAINST PETITIONER WAS PROCEEDED TO BE UNCONSTITUTIONAL RENDERING HIS JUDGEMENT IN QUESTION.

FACT(2) CONSTITUTIONALITY OF JUDGEMENT;

PETITIONER SEEKS THE PRIVILEGE OF CERTIORARI FOR THE REASONS SET FORTH IN THIS PETITION, WHICH IS NOT LIMITED TO THE FORM OF PROCEEDINGS; THE JUDGMENT SET UPON PETITIONER IS, AND WITHOUT PREJUDICE, UNCONSTITUTIONAL ~~AND~~ FOR THE GROUNDS UPON WHICH JUDGMENT WAS FOUND WAS

IN DISREGARD TO THE CONSTITUTIONS OF OUR STATE, MICHIGAN, IT'S COURT RULES, AND THE CONSTITUTION OF THE UNITED STATES:

A. 6TH AMENDMENT. CRIMINAL PROCEEDINGS

IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY TRIAL AND PUBLIC TRIAL...

THE TRIAL COURT VIOLATED PETITIONER'S RIGHT TO A PUBLIC TRIAL WHERE IT IMPROPERLY CLOSED THE COURTROOM TO THE PUBLIC, REMOVED PETITIONER FROM THE COURTROOM, AND DID NOT GIVE REASON BY WAY OF THE RECORD. IN ORDER "TO JUSTIFY" A COURTROOM CLOSURE, THERE MUST BE AN 'OVERRIDING' INTEREST THAT IS LIKELY TO BE PREJUDICED, THE CLOSURE MUST BE NO BROADER THAN NECESSARY TO PROTECT THAT INTEREST, REASONABLE ALTERNATIVES MUST BE CONSIDERED TO CLOSING A PROCEEDING, AND IT MUST MAKE FINDINGS ADEQUATE TO SUPPORT THE CLOSURE." WALLER, 467 US at 48. BEFORE CLOSING A TRIAL TO THE PUBLIC, A COURT MUST EXPLAIN ON THE RECORD WHAT INTEREST IS SERVED BY CLOSURE AND WHY THAT INTEREST OVERRIDES THE CONSTITUTIONAL RIGHT TO AN OPEN TRIAL.

PETITIONER DID, IN FACT, IN MOTION TO REMAND ON THIS ISSUE TO FURTHER DEVELOP

THE RECORD. WHEN THE TRIAL COURT BLATANTLY, WILLFULLY REMOVED PETITIONERS MOTHER FROM PROCEEDINGS THAT SHE WAS ALREADY SITTING IN ON WITHOUT INTERRUPTION, WITHOUT EXPLANATION AND, WITH NO EXPLICIT FINDING AS TO WHY THEY, THE TRIAL JUDGE AND PROSECUTOR, DID SO, IT WAS IGNORED BY THE COURT OF APPEALS AND SAID "CONSEQUENTLY, THE TESTIMONY OF PETITIONERS MOTHER WOULD NOT AFFECT THE RESULT OF THE ISSUE." PETITIONER DISAGREES. BY AN EXPANSION OF THE RECORD BY PETITIONERS MOTHER, IT WOULD HAVE MADE THE TRIAL COURT EXPRESS EXPLICITLY WHY THE COURTROOM HAD BEEN CLOSED. THE COURT OF APPEALS KNEW THAT THE TRIAL COURT DID NOT, EXPLICITLY MAKE FINDINGS ON THE RECORD TO SUPPORT ITS CLOSURE, HOWEVER, STILL ALLOWED THE TRIAL COURT TO VIOLATE THE 6TH AMENDMENT OF PETITIONER. THIS ACT DOES IN FACT AMOUNT TO PLAIN ERROR AFFECTING PETITIONERS SUBSTANTIAL RIGHTS TO AN OPEN TRIAL BECAUSE NOW THIS ERROR HAS INDEED SERIOUSLY AFFECTED THE FAIRNESS, INTEGRITY, OR PUBLIC REPUTATION OF JUDICIAL PROCEEDINGS INDEPENDENT OF THE PETITIONERS INNOCENCE. THE COURT OF APPEALS WOULD HAVE YOU BELIEVE THAT, IT IS BECAUSE PETITIONER DID NOT TIMELY ASSERT HIS RIGHT TO A PUBLIC TRIAL THAT HE FORFEITED THE ISSUE. WITHIN THE CONFINES OF THE 6TH AMENDMENT,

THE RIGHT TO EFFECTIVE COUNSEL IS APPARENT
ALSO, PETITIONER IS NOT LEARNED AT LAW, NOR
AT THE PROCEDURAL PREDICATE WHEN IT CONCERNS
THE APPLICATION OF LAW, HIS DEFENSE COUNSEL,
HOWEVER, IS, AND DID KNOW OF THE VIOLATION.
NOW, WHETHER OR NOT THE TRIAL DEFENSE COUNSEL
USED THIS PRESERVATION AS A WITHOLDING ON
PURPOSE IS NOT FOR THE PETITIONER TO DETERMINE.
IT IS NOT MANDATORY THAT YOU PRESERVE A RIGHT
IN AN OBJECTION IN ORDER FOR YOU TO BE GRANTED
RELIEF FROM THE PLAIN ERROR AND VIOLATIONS.
NO MATTER WHAT THE COURT OF APPEALS MAY ASSUME,
THE RECORD REFLECTS A DERELICTION OF DUTY, BEING
THAT THERE IS NO RECORD TO THE EXPLICIT FINDINGS
OF THE TRIAL COURT, REMOVING PETITIONERS MOTHER,
AS SHE WAS THE ONLY ONE PRESENT, AND CLOSING
ITS DOORS, NOT ALLOWING PUBLIC ACCESS. FOR THIS
THE TRIAL COURT ERRORED AND THE INTEGRITY AND
FAIRNESS OR PUBLIC REPUTATION OF THE JUDICIAL SYSTEM
IS NOW UNDER SCRUTINY. THE COURT OF APPEALS DID,
IN FACT, ADVOCATE THIS PLAIN ERROR.

B. 6TH AMENDMENT; CRIMINAL PROCEEDINGS CAN'T
... AND TO HAVE ASSISTANCE OF COUNSEL FOR HIS DEFENSE.

IN ORDER TO ESTABLISH THAT PETITIONERS DEFENSE
COUNSEL WAS INEFFECTIVE, A DEFENDANT MUST SHOW

(1) THAT THE LAWYERS PERFORMANCE WAS DEFICIENT, "I.E., THAT "IT FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS," People v Jordan, 275 MICH APP... AND (2) THAT HE WAS PREJUDICED BY HIS LAWYER'S PERFORMANCE, I.E., BUT FOR HIS LAWYER'S 'DEFICIENT PERFORMANCE, THERE IS REASONABLE PROBABILITY THAT THE OUTCOME WOULD HAVE BEEN DIFFERENT," People v TRAKTENBERG, 493 MICH 38 A REASONABLE PROBABILITY IS "A PROBABILITY TO UNDERMINE CONFIDENCE IN THE OUTCOME."

BECAUSE THE JURY WAS SHOWN A 3 HOUR LONG VIDEO RECORDING OF PLAINTIFFS INTERVIEW WITH POLICE, TRIAL COUNSEL ASSUMED THE BEST STRATEGY FOR PLAINTIFF WAS PETITIONER WAS NOT TO OBJECT TO THE POLICES' CONFESSIONS, THAT IMPUGNED PETITIONERS CREDIBILITY, AND USE PETITIONERS' CONSISTENCY IN HIS STATEMENTS, HIS NOT "LAUNDERING UP" AND, HIS VERSION OF EVENTS THAT STAYED CONSISTENT AS A DEFENSE. A STRATEGY THAT DOES NOT SUCCEED DOES NOT RENDER ITS USE INEFFECTIVE ASSISTANCE OF COUNSEL. THAT MUCH IS CLEAR. HOWEVER, DEFENSE COUNSEL'S STRATEGY DOES NOT HAVE RESTRAINT ONLY TO TRIAL. AS A MATTER OF CONSTITUTIONALITY, A COUNSEL'S ASSISTANCE, VIA HIS PERFORMANCE BEGINS UPON RETAINMENT OR APPOINTMENT. BE AS IT MAY, THERE ARE TWO (2) INSTANCES WHERE THE STANDARD OF PERFORMANCE FROM DEFENSE COUNSEL FELL SO FAR BELOW THE

'STANDARD OF REASONABLENESS' THAT IT PREJUDICED THE DEFENDANT TO THE POINT THE DEFICIENCY OF PERFORMANCE MOST CERTAINLY WOULD HAVE PROBABLY HAD A DIFFERENT OUTCOME IN THE VERDICT.

THE TWO (2) INSTANCES ARE AS FOLLOWS:

1. THE MOMENT THE DEFENSE COUNSEL WAS AWARE OF THE COURT'S BLATANT CONSTITUTIONAL VIOLATION, BY REMOVING PETITIONER'S MOTHER FROM THE COURTROOM WITH~~OUT~~ OUT CAUSE AND NO RECORD. (BACK DOOR DEALS.)

2. THE MOMENT HE REQUESTED JURY INSTRUCTIONS ON A ~~NAME~~ LESSER INCLUDED OFFENSE, INVOLUNTARY MANKLAUGHTER, WHEN DEFENSE COUNSEL KNEW THE COURT ERRORED AND VIOLATED CONSTITUTIONAL LAWS AND THE RIGHT BY PETITIONER, TO HAVE A FAIR TRIAL, WHEN THE COURT DENIED A MOTION FOR A MISTRIAL, WHEN THE PROSECUTION SHOWED PHOTOS AS EXHIBITS WHEN THEY WERE ORDERED PREJUDICED TO THE DEFENDANT AND ~~AND~~ INADMISSABLE.

FOR THESE INSTANCES AFOREMENTIONED THE PETITIONER ASK FOR THE REVIEW HE IS ASKING. THIS IS CLEAR INEFFECTIVE ASSISTANCE OF COUNSEL.

DEFENSE COUNSEL LETS THEM KICK MY MOTHER OUT OF COURT, NOW NOBODY SEES THEM, ALLOWED THE COURT TO PROCEED WITHOUT AN ADDRESS ON THE MOTION FOR A MISTRIAL, LETS THE COURT DENY IT

AND, LAST BUT NOT LEAST, ASK FOR A JURY TO HAVE INSTRUCTIONS ON, INVOLUNTARY MANSLAUGHTER TO GIVE THE PEOPLE "JUSTICE", BUT WE KNOW DIFFERENT. NOW THERE IS NO WAY FOR A REASONABLE PERSON, A STUDIED MAN AT LAW THAT CAN REFUTE PETITIONERS CLAIM, FOR THE ONE REASON, THE COURT HAD NO RECORD OF EXPLICITLY CLOSING THE COURTROOM TO THE PUBLIC, NOW, THE PLAIN ERROR IS CLEAR, WE HAVE NO CHOICE TO SEE THE ERRORS THAT RESULTED IN THE CONVICTION OF AN ACTUALLY INNOCENT PERSON AND, NOT OR, THE ERROR SERIOUSLY AFFECTED THE FAIRNESS, INTEGRITY, OR PUBLIC REPUTATION OF JUDICIAL PROCEEDINGS INDEPENDENT OF THE DEFENDANTS INNOCENCE. DEFENSE COUNSEL'S STRATEGY WAS NOT SUCCESSFUL, NOT BECAUSE THE STRATEGY WAS FALLIBLE, BUT, BECAUSE DEFENSE COUNSEL WAS SO INTENT ON 'PLEASING' THE PEOPLE, HE NEGLECTED HIS DUTY TO DEFEND. THERE WAS NO PLAUSIBLE REASON WHY DEFENSE ASKED FOR A LESSER INCLUDED OFFENSE, THAT PROSECUTION NEVER INQUIRED ABOUT AMONGST THEMSELVES, NOR DID DEFENSE COUNSEL DISCUSS THIS STRATEGY WITH HIS CLIENT. NO MATTER HOW 'DEFENSE COUNSEL FEELS', HE DEFENDS IN THE BEST INTEREST OF HIS CLIENT, THE MAN OR WOMAN WHO IS BOUND TO PROTECT FROM MALICE, INJUSTICE, THROUGH THE EQUAL PROTECTION CLAUSE OF THE CONSTITUTION OF THE

UNITED STATES.

C. 14TH AMENDMENT RIGHTS OF CITIZENS;

... 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.

DUE PROCESS CLAUSE FORBIDS A STATE (AND ITS LOCAL GOVERNMENTS) TO ACT IN ANY UNFAIR WAY OR ARBITRARY WAY; THE EQUAL PROTECTION CLAUSE FORBIDS A STATE (AND ITS LOCAL GOVERNMENT) TO DISCRIMINATE AGAINST, DRAW UNREASONABLE DISTINCTIONS BETWEEN, PERSONS.

PETITIONER HAS SUFFERED TREMENDOUSLY. HAVING TO DEAL WITH THE ARBITRARY AND UNFAIR TREATMENT THE COURTS OF MICHIGAN ARE DOING IS ENOUGH TO MAKE ANY ONE ACT OUT. PETITIONER HAS AND IS A VICTIM OF THE JUDICIAL SYSTEMS BIAS AS THE TRIAL COURT DECIDED TO ALLOW THE JURY TO BECOME PREJUDICED ABOUT HIM BY WILLFULLY DENYING A MOTION FOR MISTRIAL WHEN THE PEOPLE PURPOSEFULLY SHOWED INADMISSABLE PHOTOS RIGHT AFTER THE JUDGE DEEMED THEM "VERY PREJUDICIAL." THE TRIAL COURT EXPLAINED THAT IT DENIED PETITIONERS MOTION BECAUSE "IT

WAS A TWO OR THREE SECOND ERROR AND I DON'T HAVE ANY REASON TO BELIEVE IT WAS DELIBERATE. BUT INADVERTENTLY STILL IT HAS AN IMPACT, BUT IT WAS A VERY, VERY BRIEF IMPACT." LET'S LOOK AT THIS STATEMENT FROM THE TRIAL COURT FOR JUST A SECOND:

(1) THE REASON THE PHOTOS WERE ORDERED INADMISSABLE IN THE FIRST PLACE WAS BECAUSE THE COURT HAD AN OPPORTUNITY TO REVIEW THEM BEFOREHAND AND HE ORDERED THEM PREJUDICIAL BECAUSE THE GIBBESONE AND GORE OF THE PHOTOS COULD POTENTIALLY "TAINT HIS PRESUMPTION OF INNOCENCE."

(2) THE PEOPLE DID SO RIGHT AFTER THE ORDER.

(3) THE JURY CONFIRMED THAT THEY ALL SAW THE PHOTOS AND WERE LOOKING IN HORROR.

(4) IN THE AFOREMENTIONED STATEMENT BY THE COURT, IT ACKNOWLEDGED AND CONFIRMED THE PREJUDICE THE JURY HAD CONJURED.

SO THE QUESTION IS, WHY DID THE COURT DENY PETITIONER'S MOTION FOR A MISTRIAL. BECAUSE NO ONE WAS THERE BUT INEFFECTIVE COUNSEL. THE TRIAL COURT ABUSED ITS DISCRETION. ABUSE OF DISCRETION OCCURS WHEN THE TRIAL COURT CHOOSES AN

OUTCOME THAT FALLS OUTSIDE THE RANGE OF PRINCIPLED OUTCOMES, PEOPLE V MARCH, 499 MICH 389 2016.

A. PRINCIPLE - A FUNDAMENTAL RULE OR DOCTRINE, FROM WHICH OTHER RULES MAY BE DEVELOPED.

(DEFINITION FROM BLACKSTONE PARALEGAL STUDIES GLOSSARY).

THE CONSTITUTION OF THE UNITED STATES IS THE PRINCIPLE LAW. THE LAW THAT GUARANTEES, DUE PROCESS AND EQUAL PROTECTION. HOWEVER, BOTH OF THESE CLAUSES WERE VIOLATED BY THE COURT AND AFFIRMED BY SUPERIOR COURTS. THE BIAS IN PETITIONERS CASE IS APPARENT, NO ONE SHOULD HAVE TO GO THROUGH ANY OF THAT, BUT, THE JUDICIAL SYSTEM IS NOT CREATED SO OPINIONS CAN RULE THE LAND, IT WAS CREATED SO JUSTICE CAN BE MET FOR ALL, EVEN THE ACCUSED. THE COURT HAD NO WAY OF KNOWING THE DEGREE OF "IMPACT" THOSE PREJUDICED PHOTOS HAD ON THE DEFENDANT, (JURY) AND BECAUSE HE HAD NO WAY OF KNOWING, THE COURT SHOULD HAVE PROTECTED PETITIONER BY WAY OF THE DUE PROCESS AND EQUAL PROTECTION CLAUSE. IF THEY HAD DONE SO AS THEY SHOULD HAVE, FROM THE BEGINNING, IT IS QUITE POSSIBLE ~~THE~~ PETITIONER WOULD NOT BE ASKING FOR A CERTIORARI. A MOTION

FOR A MISTRIAL MUST BE GRANTED BY A COURT WHEN AN ERROR THAT IS PREJUDICIAL IMPAIRS HIS ABILITY TO GET A FAIR TRIAL AND WHEN THE PRINCIPLED EFFECT OF THE ERROR CAN NOT BE REMOVED. WHEN THE JURY TELLS YOU, "WE ALL SAW IT" "WE WERE IN HORROR", THAT IS PREJUDICIAL. A MOTION FOR A MISTRIAL BE GRANTED, REMOVE THE PHOTOS THAT WERE ORDERED TO BE REMOVED, PICK ANOTHER JURY. NOW, THE PETITIONERS CONVICTION SHOULD BE OVERTURNED DUE TO THIS ERROR. A TRIAL IS NOT FAIR WHEN THE JURY HAS BEEN MADE TO BE PREJUDICE AGAINST A DEFENDENT, AND THE COURTS HAVE FAILED TO PROTECT THE ACCUSED, THROUGH ITS PRINCIPLED LAW, THE CONSTITUTION OF THE UNITED STATES AND THE MICHIGAN CONSTITUTION OF 1963. THE MICHIGAN SUPREME COURT SAID THE FOLLOWING AND RULED AS SUCH, "PHOTOGRAPHS THAT ARE MERELY CALCULATED TO AROUSE THE SYMPATHIES OR PREJUDICES OF THE JURY ARE PROPERLY EXCLUDED, PARTICULARLY IF THEY ARE NOT SUBSTANTIALLY NECESSARY OR INSTRUCTIVE TO SHOW MATERIAL FACTS OR CONDITIONS. IF PHOTOGRAPHS WHICH DISCLOSE THE GRIEVIOUS ASPECTS OF AN ACCIDENT OR A CRIME ARE NOT PERTINENT, RELEVANT, COMPETENT, OR MATERIAL ON ANY ISSUE IN THE CASE AND SERVES THE PURPOSE SOLELY OF INFLAMING THE MINDS OF THE JURORS AND PREJUDICING THEM AGAINST THE ACCUSED, THEY SHOULD NOT BE ENTERED INTO EVIDENCE."

PEOPLE V EDDINGTON, 387 MICH 551, 562 1972, CITING

29 AM JUR 2d, EVIDENCE, §787, PG. 860-61

CONCLUSIONS:

REVIEW ON A WRIT OF CERTIORARI IS NOT A MATTER OF RIGHT, BUT OF JUDICIAL DISCRETION, WHICH WILL ONLY BE GRANTED FOR COMPELLING REASONS. THE CHARACTER OF THOSE REASONS THAT THIS COURT CONSIDERS A REVIEW IS NEITHER CONTROLLING NOR FULLY MEASURED IN THE COURT'S DISCRETION SO, PETITIONER PRESENTS COMPELLING REASONS THAT MEASURE THE NECESSARY DEGREE OF CONSIDERATION TO GRANT A WRIT OF CERTIORARI. PETITIONER URGES THIS COURT TO REVIEW A STATE COURT OF LAST RESORT DECISION ON AN IMPORTANT QUESTION OF FEDERAL LAW THAT HAS BEEN SETTLED BY THIS COURT BUT DISREGARDED IN STATE COURTS OF MICHIGAN THAT CONFLICTS WITH RELEVANT DECISIONS OF THIS COURT. LET US REITERATE THESE QUESTIONS ONCE AGAIN TO EVIDENCE THE UNJUST MALICE AND MISCARriage OF JUSTICE DONE TO PETITIONER IN THE MICHIGAN STATE COURTS:

QUESTION 1: DID THE TRIAL COURT VIOLATE PETITIONERS SUBSTANTIAL 6TH AMENDMENT RIGHT TO A PUBLIC TRIAL? THE 6TH AMENDMENT DOES, IN FACT, GUARANTEE THAT A DEFENDANT SHALL ENJOY THE RIGHT TO A PUBLIC TRIAL. VIOLATIONS OF THE RIGHT TO A PUBLIC TRIAL IS A STRUCTURAL ERROR, AND IF PRESERVED THROUGH OBJECTION AT TRIAL AND RAISED ON DIRECT APPEAL, A DEFENDANT WILL BE GENERALLY 'ENTITLED' TO 'AUTOMATIC REVERSAL' REGARDLESS OF ACTUAL EFFECT ON THE OUTCOME. WEINER V MASSACHUSETTES,

587 US 286 (2017). PETITIONER, IN FACT, DID RAISE THE ISSUE ON DIRECT APPEAL, HOWEVER, PETITIONERS COUNSEL DID NOT OBJECT AT THE TRIAL LEVEL. DEFENSE COUNSEL'S FAILURE TO OBJECT TO THE COURTROOM CLOSURE, WHEN DEFENSE COUNSEL WATCHED AND COOPERATED WITH THE COURT AND PROSECUTION TO "KICK" PETITIONERS MOTHER OUT, GIVE NO EXPLANATION WITH EXPLICIT FINDINGS ON THE RECORD, DOES, IN FACT CONSTITUTE INEFFECTIVE ASSISTANCE OF COUNSEL. JOHNSON V SHERRY, 586 F3d 439 (CA6, 2009).

PETITIONERS FAILURE TO OBJECT TO THE IMPROPERLY CLOSED COURTROOM DOES NOT, IN FACT, FORECLOSE FUTURE RELIEF FOR THE ERROR DUE TO THE FACT THAT DEFENSE COUNSEL WAS INEFFECTIVE BECAUSE HE WAS THE ONE WHO TOLD THE JUDGE AND PROSECUTOR PETITIONERS MOTHERS' NAME WAS ON THE LIST FOR ENTRY. (SEE AFFIDAVIT FROM PETITIONERS MOTHER). SO WE SEEK ACCOUNTABILITY. THE TRIAL COURT REPEATEDLY STATED HOW HE "FEEL" ABOUT THE CASE AND THE CONTENTS WITHIN. TRIAL COURT HAD NO VESTED INTEREST EXCEPT HOW HE FEELS, WHICH IS BIAS, BIAS LEADS TO ERROR SUCH AS CLOSING THE COURTROOM, REMOVING PETITIONERS MOTHER WITHOUT CAUSE OR ALTERNATIVES ON THE RECORD.

QUESTION 2: DID THE TRIAL COURT VIOLATE PETITIONERS 14th AMENDMENT? THE CONSTITUTIONS OF THE UNITED STATES AND MICHIGAN ARE PRINCIPLED LAW THAT HELPS BALANCE THE ESTABLISHMENT OF FAIRNESS. WHEN THOSE PRINCIPLES ARE VIOLATED, IGNORED OR, ARBITRATED, THEN, WHY BOTHER IF THE PRINCIPLES SET DO NOT GRANT THE PROTECTION GUARANTEED BY THEM. THE TRIAL COURT DID, IN FACT, VIOLATE DUE PROCESS AND THE EQUAL PROTECTION OF THE LAWS BY DENYING

A MOTION FOR A MISTRIAL AFTER THE PROSECUTION SHOWED THE JURY PREJUDICES AND INADMISSABLE PHOTOS. THE TRIAL COURT ALSO DID NOT GIVE PROPER INSTRUCTIONS ON THE SUFFICIENCY OF EVIDENCE AFTER THE JURY TOLD THE COURT, "WE ALL SAW THE PHOTOS, WE WERE IN HORROR." (SEE TRANSCRIPTS VOL II PG. 59-60; 79-84). DUE PROCESS OF LAW, THE EQUAL PROTECTION UNDER THE LAWS NOTIFIES ITS CITIZENS OF THE RIGHTS PROTECTED BY THEM AND GUARANTEES ITS PROTECTION. WHAT IS JUSTICE IF JUSTICE CAN NOT STAND ON FUNDAMENTAL TRUTH BY WAY OF PRINCIPLED LAW? IT IS NOTHING. WHEN WE ARE FACED WITH CONTENT OF A TRAUMATIC CASE SUCH AS THIS ONE, THE STANDARDS SET BY THE CONSTITUTIONS SHOULD BE MORE VALUED THAN THE PRECEDENCE SET BY OPINIONS AND FAVORS. THE STATE COURTS CLOSED DOORS, THEY FORGOT TO PROTECT EVEN THE ACCUSED. IN ORDER TO GET JUSTICE WE MUST BE FAIR AND IMPARTIAL, OUR CONSTITUTIONS DO THAT BECAUSE OF THE GUARANTEE OF THEIR PROTECTION. THE TRIAL COURT CLOSED ITS DOORS TO THE PUBLIC WITHOUT EXPLICIT FINDINGS ON THE RECORD, THE TRIAL COURT ALLOWED INADMISSABLE PHOTOS TO PREJUDICE THE JURY AND DENIED PETITIONERS MOTION FOR MISTRIAL WHEN DEFENSE COUNSEL ASKED FOR ONE AND, DID NOT INSTRUCT THE JURY ON PROPER INSTRUCTIONS TO SHOW HOW TO USE THE CONSTITUTION. THE COURT OF APPEALS AND SUPREME COURTS OF MICHIGAN DID, IN FACT AFFIRM OR DENY REVIEW THE CLEAR, PLAIN ERRORS OF THE TRIAL COURT. FOR THOSE REASONS AFOREMENTIONED, A WRIT OF CERTIORARI SHOULD BE GRANTED.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Allen Speer

Date: 10/10/25