

No. 25-6986

FILED
DEC 03 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Larry Walker — PETITIONER
(Your Name)

vs.

Adam Douglas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Larry Walker
(Your Name)

9625 Pierce Rd
(Address)

Freeland, Mi, 48623
(City, State, Zip Code)

(Phone Number)

QUESTION PRESENTED

1.] IS IT NOT EVEN DEBATABLE AMONG REASONABLE JURORS THAT A CRIMINAL DEFENDANT HAS [NO RIGHT] TO MAKE AN INFORMED VALUE JUDGMENT TO ADMIT GUILT TO A LESSER OFFENSE SUPPORTED BY THE EVIDENCE IN HOPES OF AVOIDING A POTENTIAL LIFE SENTENCE AND COUNSEL MAY OVERRIDE THAT OBJECTIVE AND FORCE AN "ALL OR NOTHING" STRATEGY UPON HIS UNWILLING CLIENT THEREBY FOREVER DEPRIVING THE DEFENDANT OF HIS OPPORTUNITY OF BEING CONVICTED AND SENTENCED FOR THE LESSER OFFENSE? RULE # 14.1(a)

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- I believe the question is very debatable under McCoy v. Louisiana, 584 U.S. 414, 417 (2018)

- DESPITE THE CASE AND CONTROVERSY MANDATE the respondent nor THE STATE has ever contested the autonomy claim therefore neither C.O.A on that claim.

- The lower courts nonetheless denied the claim and that it was debatable

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:

iii
of
xi

RELATED CASES

People v. Walker, case# 17-3436-FC

People v. Walker, case# 345294: WL 1046699 (Co.A)

People v. Walker, case# 161347 (SC)

People v. Walker, case# 361307 (Co.A)

People v. Walker, case# 165077 (SC)

TABLE OF CONTENTS

INDEX OF AUTHORITIES	p. vi - vii
OPINIONS BELOW	p. viii
JURISDICTION	p. ix
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	p. x - xi
STATEMENT OF THE CASE	p. 1 - 6
JURISDICTIONAL GROUNDS	p. 6
REASONS FOR GRANTING THE WRIT	p. 6 -
REVIEW STANDARD	p. 6
CONFLICT WITH DECISIONS OF OTHER COURTS	p. - 18
IMPORTANCE OF THE QUESTION PRESENTED	p. 18 - 23
CONCLUSION	p. 23

P. iv. of. xi

INDEX OF APPENDIXES

APPENDIX	A	✓	ITEMS CHECKED OFF ARE INCLUDED
APPENDIX	B	✓	
APPENDIX	C	✓	
APPENDIX	D	✓	
APPENDIX	E		
APPENDIX	F		
APPENDIX	G		
APPENDIX	H		

APPENDIX I ✓
APPENDIX J ✓
APPENDIX K
APPENDIX L
APPENDIX M
APPENDIX N
APPENDIX O
APPENDIX P
APPENDIX Q
APPENDIX R
APPENDIX S
APPENDIX T
APPENDIX U
APPENDIX V
APPENDIX W
APPENDIX X
APPENDIX Y
APPENDIX Z

P V . of . XI

INDEX OF AUTHORITIES

Buck v. Davis, 580 U.S. 100 (2017) p 8, 18

Christian v. Thomas, 982 F.3d 1215 (9th Cir. 2020)
p. 7

Commonwealth v. Miranda, 484 Mass. 799
(2020) p. 9

Crawford v. Mississippi, 2025 U.S. LEXIS
p. 9

Espinoza v. Hutton, 2020 U.S. Dist. LEXIS
13942 p. 9

Kellogg-Roe v. Gerry, 19 F.4th 21 (1st Cir.
2021) p 10

Mathew v. Ishee, 486 F.3d 883 (6th Cir. 2007)
p. 13

McCoy v. Louisiana, 584 U.S. 414 (2018)
p 11-12, 18, 20-23

Miller-El v. Cockrell, 537 U.S. 372 (2003)
p 21-22

Payne v. Tennessee, 501 U.S. 808 (1991)
p 19, 21

Peterson v. Magna Corp 484 Mich. 300
(2009) p 19, 21

People v. Davis, 509 Mich. 52 (2022) p. 22

People v. Fredrickson, 8 Cal. 5th 963
p. 11, 17

P. vi of X.

People v. Poore, 13 Cal 5th 266 (Cal. 2022)

p. 8

People v. Walker, 2020 WL 1046699 p.

People v. Winsley, 2007 Mich. App. LEXIS 413
p. 16

People v. Yeager, 511 Mich. 478 (2023) p. 17

State v. Horn, 251 So. 3d 1069 (La. 2018)
p. 8-9, 12

State v. Johnson, 2022 OHIO, 2577
Ohio App. LEXIS 2439 p. 16

United States v. Maloid, 71 F. 4th 795 (10th
2023) p. 19-21

United States v. Read, 918 F. 3d 712 (9th
Cir 2019) p. 12

United States v. Recio, 371 F. 3d 1093 (9th Cir
2004) p. 22

United States v. Walters, 151 F. 4th 122 (3rd
Cir. 2025) p. 22

Walker v. Douglas, case # 25-1215

Walker v. King, case # 1:23-cv-782

STATUTE

28 U.S.C. § 2253 p. 11, 13, 21

28 U.S.C. § 2241

28 U.S.C. § 2254

28 U.S.C. § 1621

28 U.S.C. § 1331

p. VII of XI

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix D 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 _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

VIII OF XI

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 8/5/25.

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: 9/10/25: 9/25/25, 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).

CORRECT

For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

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

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

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

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES CONSTITUTION XIVth AMENDMENT

Section # 1 All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and 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 equal protection of the law.

AMENDMENT VI OF THE UNITED STATES CONSTITUTION

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 by witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have assistance of counsel for his defense.

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1st AMENDMENT OF THE UNITED STATES CONSTITUTION

(modified text)

Congress shall make no law abridging the
right of the people to petition the Government
for redress of grievances.

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STATEMENT OF THE CASE

P. 1. of. 23

In this case there is corroborative evidence that I had maintained to defense counsel both preceeding and during trial that my defense objective was to obtain a plea deal for voluntary manslaughter, or to testify and prove my guilt of such at trial. see **APPENDIX# K** at **stm# 11** (citing **APPENDIX# M** **stm# 7**) (defense counsel's motion for extraordinary fees charging me for **HELP PREPARING MY TRIAL TESTIMONY**). At preliminary exam defense counsel asked the state's witness about him knowing that I kept money and drugs on me see **APPENDIX# K** **stm# 13** (citing **APPENDIX# Y** original page# **67-69**) He asked the same witness (Cedric Smith-Cole) whether he saw the victim (Kenneth Curtis) choking me at trial. see **APPENDIX# P** original page# **82**). So this is some corroborative evidence that I had informed defense counsel of my plan to testify, of the assault by strangulation, and attempt robbery perpetrated against me. My statements in open court that I wanted to prove I was telling the truth shows that I was going to testify the same case trial. see **APPENDIX# N** original page# **15, 19** : **APPENDIX# K** **stm# 11-13** (citing **APPENDIX# L** **stm# 6-45**)

PRE-TRIAL PLEA DEAL SOLICITATIONS

Prior to trial I had requested defense counsel to seek a plea deal for voluntary manslaughter but he

declined so I wrote the prosecutor A.P.A. Stephanie Stager myself offering to take a polygraph in exchange for said plea deal. see **APPENDIX # K** Stmt# 14-18 (Citing **APPENDIX # M** Stmt# 64-71) (Citing **APPENDIX # U** (a true copy of the letter I had wrote and mailed Mrs. Stager which she forwarded to defense counsel who then fussed at me about writing her directly). Although she had agreed to conduct the exam through Anthony Stone, she was replaced by a different prosecutor on the case and then Mr. Stone refused to conduct the test. **APPENDIX # K** Stmt# 20:

APPENDIX # M Stmt# 84. Although I had requested my trial attorney to move for manslaughter, he instead only filed a "motion to quash" requesting that I only be tried on Second Degree murder, when that was denied he filed with the state a **DEVIATION LETTER / REQUEST** seeking the state to concur that I only be tried on Second Degree murder. see **APPENDIX #** see **APPENDIX # K** Stmt# 21 (Citing **APPENDIX # M** Stmt# 89, 115). This is some

corroborative evidence that I told defense counsel that I did **NOT** believe my conduct was justified and that my objective was not to walk away scott free. see **APPENDIX # K** Stmt# 23-26 (Citing **APPENDIX # M** Stmt# 123-124, 126, 133, 147) (explaining

that my objective was to prove I was telling the truth and to accept responsibility for manslaughter)

TRIAL DAY #1

P. 3 of 23

At trial I was still trying to take that polygraph test in exchange for the manslaughter plea deal but defense counsel only mentioned the polygraph and the continuance on the record. However, I preserved his trial notes in true copy (his own handwriting) where he had noted "polygraph" and "manslaughter Inst" in response to my inquiries that he moved for that outcome. see **APPENDIX # K** Stmt# 27-28 (Citing **APPENDIX # M** Stmt# 152-155, 264 (Citing **APPENDIX # O** original page# 8-10 (Citing **APPENDIX # W**))). I was persistently telling defense counsel to go for manslaughter and telling him that's all I wanted the first day of trial but he kept telling me that the time to argue my testimony and manslaughter was at another point of trial. see **APPENDIX # K** Stmt# 36, 51 (Citing **APPENDIX # M** Stmt# 165-169) In open court I stated my objective to prove I was the one telling the truth. see **APPENDIX # K** Stmt# 20 (Citing **APPENDIX # N** at [original] page# 13, 19). However, in opening argument defense counsel contradicted my then expected trial testimony by presenting his own theory of the case which largely played off the prosecution's theory and he asked the jury to agree that it would show self-Defense see **APPENDIX # K** Stmt# 130-132 (Citing **APPENDIX # O** original page# 172-174, 198-201)

Defense counsel went with that opening argument because he was still trying to persuade me that there was no need for me to testify. see APPENDIX# K Stm# 58 (APPENDIX# M Stm# 114-122, 178-187

TRIAL DAY# 4

Defense counsel renewed his request via motion for direct verdict that only second degree murder go to the jury. see APPENDIX# V He argued that "its not a verdict of not guilty "we're" asking for "we're" only asking that second Degree murder go to the jury. see APPENDIX# K Stm# 47. He argued reasoning that the evidence supported **HOT BLOOD** rather than premeditation. see APPENDIX# original page# 4-17. I attempted to **ALERT** the State trial court of my **EXCEPTION** to defense counsel arguing that **ONLY** second Degree murder go to the jury because I was trying to explain to the court that I had been requesting defense counsel to argue voluntary manslaughter and consequently I wanted that to go to the jury too on the basis of my comming trial testimony but the court refused to hear from me personally and did not even inquire into the **NATURE** of my concern. The court entered a **PERPETUAL** condition that

I could only speak to the jury not the court
see APPENDIX# L stn# 52-55; APPENDIX# M
stn# 173-177

P. 5 of 23

MY TRIAL TESTIMONY

Importantly, in my trial testimony I repeatedly [denied] that I was claiming the incident to be a situation in which I had no choice but to act. see APPENDIX# R original page# 88-89
My testimony explained that Cedric and Cutts had assaulted my by strangulation and tried to rob me. Cedric was seen by the jury (on video) explaining how he signaled to Cutts who was behind me and Cutts began approaching me quickly from behind. see APPENDIX# P stn# 218-219. I testified that what really followed that was Cutts grabbing me into a choke hold from behind. Cedric then attempted to reach into my pants pockets but I quickly blocked his hands because I knew I had my gun in my pocket. Cutts was holding on to my neck with his left arm and using his right hand to try to help Cedric pry my hands away from my pocket. Cedric after having had his hand on my pocket with the gun inside, took off running because they could not pry my hands I started yanking my body in a rage, and Cutts

pushed off me running and I pulled out my handgun as I spun around and then fired. I then ran away. see Appendix # K Stmt# 190-192 (citing Appendix # R original page# 52-55 (citing Appendix # S original page# 2))

P. 6 of 23

CLOSING

Defense counsel only argued for the jury to consider self-defense despite him knowing my wishes that he asked them to agree on, and return a verdict of guilt on, voluntary manslaughter. see Appendix # R original page# 135-147

BASIS FOR FEDERAL JURISDICTIONAL GROUNDS

This case raises Federal Constitutional questions which the lower courts had jurisdiction over as does this Court pursuant to 28 U.S.C. § 2241; 2254; 1651; 1331; 2253

REASONS FOR GRANTING THE WRIT

REVIEW STANDARD: A petitioner seeking C.O.A. need show only that reasonable jurors could debate the correctness of the District Courts resolve of his constitutional claims, or agree with me that the claims were wrongly decided Buckv. Davis, 580 U.S. 100, 116 HN#6 (2017) the autonomy claims too were reviewed "de novo". Appendix # A

original page# 4

A] CONFLICT WITH DECISIONS OF OTHER COURTS

The lower courts denial of C.O.A is inconsistent with opinions of other reasonable jurors on the Federal and State levels. The district court acknowledged that my issue was counsel's refusal to admit my guilt to voluntary manslaughter see **APPENDIX# D** at page ID# 2046-2053. I explained that my decision to pursue guilt of manslaughter was to defeat the possibility I could receive a life sentence and the 15 year limitation on my maximum sentence. see **APPENDIX# H** page# 5

p. 7 of 23

Counsel, I submit is generally free to argue that the evidence support any point supported by law or fact as primary or alternative argument. see Christian v. Thomas, 982 F.3d. 1215, 1225 (9th. Cir. 2020). Reasonable jurors agree however, that the potential consequences associated with a defendant's decision whether to admit guilt bars counsel from contradicting that decision see Crawford v. Mississippi, 2025 U.S. LEXIS. 3899, at 14-15.

I made a **VALUE JUDGMENT** that the objective of my defense was simply a conviction of manslaughter. see Page# 1-6 above. In Espinoza v. Matton, 2020 U.S. Dist. LEXIS. 13942, at 168-170 the reasonable juror held that when a defendant seeks a manslaughter verdict the Sixth Amendment entitles him to

(an attorney who will pursue that end goal. Id. Another reasonable juror in People v. Poore, 13 Cal. 5th. 266 (CAL 2022) explained his view (which is the same as mine) that "McCoy's framing the OBJECTIVE OF THE DEFENSE appears to mean the VERDICT the defendant seeks to obtain - guilty of the charged offense, guilty of a lesser offense or innocent," Id., at 311. (CONCURRING OPINION) This being two opinions of reasonable jurors who agree with my interpretation of McCoy's VALUE JUDGMENT/OBJECTIVE OF THE DEFENSE protection, this court could conclude already that C.O.A should have been issued because this court has repeatedly instructed that at C.O.A stage the courts are not to make ultimate decisions on the merits but may inquire only into the debatability of the underlying claim. see Bue v. Davis, 580 U.S. 100, 116 HN# 6. **HOWEVER** in State v. Horn, 251 So.3d 1069 (La. 2018) the court for Louisiana held quote: "the fact that defendant instructed his attorney to admit guilt to a different crime as part of his **DEFENSE OBJECTIVE** did not give

69 of 23
defense counsel the authority to admit guilt to the charged offense, nor any of its lesser included offenses. Id., at 1075-1076. There the Louisiana Supreme Court expressly recognized that a defendant (like me in the instant case) had instructed counsel to admit guilt to another offense as part of his **DEFENSE OBJECTIVE**. Id. therefore, Horn, supra appears to share my view as well that: the **VALUE JUDGMENT** or **DEFENSE OBJECTIVE** protected by McCoy is the prerogative [of] the defendant to **ADMIT OR DENY** guilt of **DESIRED OR RELEVANT** offenses. (emphasis added)

Further evidence is found in a case resolved by the Massachusetts Supreme Court in Commonwealth v. Miranda, 484 Mass. 799 (Mass. 2010). In that case the defendant wanted to pursue self-Defense but his lawyer presented a defense which denied that he was even the shooter. The court held that no autonomy violation occurred because the defendant's desired self-Defense theory was not rationally supported by the evidence, and because he and counsel had the same objective, they both sought **OUTRIGHT ACQUITTAL**, but merely disagreed on the best way to achieve that goal. Id., at 822, 823. Neither is true here!!!

As argued below the evidence rationally supported a conviction for voluntary manslaughter. see **APPENDIX# L** Stmt# 55-57. Then Counsel's objective was outright acquittal via self-Defense. see page# 4, 6 above: MCL 780.972(1)(a). In contrast, my objective was **guilt** of manslaughter see page# 1-7 above: MCL 750.321 (M. crim JI 16-9). The lower court explained that counsel could usurp my right to decide my objective because the prospects of success for self-

Defense are better than those for manslaughter **APPENDIX# D** Page ID# 8053. On the contrary in Kellogg-Roe v. Gerry, 19 F.4th. 21, 27 (1st. Cir. 2021) the First circuit observed that the potential **CONSEQUENCES** associated to an insanity plea lead the **NINTH CIRCUIT** to conclude that the defendant has the ultimate authority to decide "**WHETHER OR NOT**" to present an insanity defense. Id. The First circuit's use of the language "**WHETHER OR NOT**" is siminal to the language employed by the McCoy panel itself where it said that the defendant has the sole prerogative not only to insist on maintaining innocence, but may choose the alternative route as well and

P. 10 of 23

FORGO the chance at outright acquittal. see McCoy v.

Louisiana, 584 U.S. 414, 417 (2018); Reep lev.

Frederickson, 8 Cal 5th. 963, 1036 (Cal. 20

(concurring opinion). In my view it matters none that the mercy sought from conceding guilt might come from the legislature's provision of lower sentences for **CONVICTION** of less serious offenses rather than a jury in a capital case.

Consider this scenario: Counsel advises a client to admit guilt to a lesser offense in efforts to avoid a potential life or death sentence. And defendant requests counsel to go forward with the concession strategy. But counsel changes his mind and now believes the best strategy would be to force it **ALL OR NOTHING**. But when counsel informs the defendant, the defendant

PROTESTS and is still intransigently sold on having assistance with availing himself of **HIS** opportunity to admit **HIS** guilt of the lesser offense in hopes of being so convicted and obtaining the **RESULTING** mercy at the sentencing stage...

Over my objections the lower courts characterized counsel's strategy as an **ALL OR NOTHING**. see

APPENDIX # D Page ID# 8064, 8066, 8067-8068. I believe

however [beneficial] the goal of an **ALL OR NOTHING** was, it was "debatably" my sole prerogative to choose another one. see McCoy, at 417; 28 U.S.C. § 2253(c)(2)

p 11 of 23

The lower courts have erroneously distinguished my case from McCoy on the grounds that unlike McCoy I did not seek to maintain zero involvement in the incident whatsoever, see **APPENDIX# A** page# 4. The Sixth Circuit thereby apparently "SPLIT" from the 9th Circuit and Louisiana Supreme Court who both expressively rejected invitations to limit the application of McCoy to solely situations where a defendant had sought to deny any involvement whatsoever in the incident. see United States v. Reed, 918 F.3d 719, 720-721 (9th Cir. 2019); State v. Horn, at 1075

In addition to what corroborative evidence I could muster showing that I had been continuously requesting defense counsel to pursue a manslaughter conviction see page# 1-7 above, at sentencing counsel himself admitted that I had been accepted criminal responsibility for the incident by pointing to his DEVIATION LETTER where he had solicited a plea deal for Second Degree murder (although it was voluntary manslaughter I had requested him to advocate for). see **APPENDIX# T** page# 29-31 (explaining that the lawyer argued self-Defense but I wanted to plead to manslaughter). Despite my wishes and constant begging counsel to pursue a manslaughter verdict he only argued for self-Defense taking advantage of the judge's refusal to allow me to object

to his strategy. See page# 1-5 above. See

APPENDIX# J at claim# 3 (the record shows

I said "excuse me" "excuse me" and the trial judge ignored my efforts. Then defense counsel asked the judge if he will be gracious enough to hear from me personally and in response the judge **ISSUED** a **PERPETUAL** condition

that he would hear nothing from me and that I am only to speak to the jury (I supplied an affidavit of what I tried to tell the judge))

The lower courts wholly ignores the claim that I tried to alert the court that I had been requesting Haradvala to concede manslaughter and would have said this on the record but for the trial court refusal to hear me.

The lower courts seemingly side step the trial courts disallowance of my complaint by purporting me to have testified that I acted in self-Defense. **APPENDIX# D** Page ID# 8053

—, That notion, however, is absurd. This court may review my testimony "de novo" see Matthews v. Ishee, 486 F.3d 883, 889 (6th. Cir. 2007) (explaining that administrative, or state court, records may be reviewed "de novo") To serve the purpose of denying me relief the lower courts view my testimony "explaining that I was assaulted by strangulation" in isolation and

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reasonable jurors could agree that the lower courts viewing that part of my testimony in isolation from other details - of my testimony and evidence in the case is in violation of law.

First although I testified that I was assaulted (and will pass a polygraph that I was) I never used the words "Self-Defense". See page # 5-6 above. No court who purported me to have testified that I acted in self-defense has pointed to anywhere in state or federal record where testified, or stated that I testified, to have acted in self-defense. See **APPENDIX # D** page ID 2052-2053 **APPENDIX # 1** page # 6-7

On the contrary, I testified that after I was assaulted by strangulation and almost robbed the victim started running away and then I turned around and fired, I expressly testified that I was **EN RAGED** as I was breaking free, and later on cross-examination I **REPEATEDLY DENIED** this to be a claim that I had no other choice but to act.

See page # 5-6 above. This testimony viewed in whole even in isolation does not support self-defense but especially not when viewed in connection with other

P 14. of 23

evidence in the case. First Haradvala (defense
counsel) for reasons known only to him
presented a different version of facts in his
opening argument but even then he himself
admitted that the victim started to run first
then the shot fired! There was no evidence the
victim was actually or apparently armed!

P 15.06.23

see **APPENDIX # K** STM# 179-183 (citing
APPENDIX # O page# 198-201) the prosecution's
star witness testified that the incident
happened a different way but he too
testified that the victim started to run
away before the shot was fired. see

APPENDIX # K STM # 184 : citing **APPENDIX #**
P page# 29-32, 85-87, 97 The medical examiner
testified that the victim was three or more
feet away from the gun when the shot
was fired and that the tract of the gunshot
wound was to the rear side of the neck

see **APPENDIX # K** STM# 185 (citing

APPENDIX # Q page# 17-22). **ALL THE**

EVIDENCE IN THE CASE INCLUDING MY

OWN TESTIMONY ESTABLISHES THAT

THE VICTIM HAD STARTED TO RUN AWAY

BEFORE THE WEAPON WAS FIRED see page# 5-6 above.

So the District Courts reasoning that defense counsel was justified in **REFUSING** my requests to pursue a **VERDICT** of guilt on manslaughter on the grounds of it being seemingly inconsistent with counsel's self-Defense agenda overlooks the fact that he had **NO BUSINESS** trying to pursue a self Defense claim anyways (especially not over my objection). See **APPENDIX # D** page ID# 8053

p 16 of 23

Consider that the Michigan Court of Appeals itself held that a self-Defense claim did not exist on state-law under the facts of this case.

See **APPENDIX # X** page# 9 they held the same in PEOPLE V. KENNEDY, 1997 Mich. App. LEXIS. 481

(Court properly refused to issue a self-Defense instruction where victim was shot while running away). See Peoples. Winsley, 2007 Mich. App. LEXIS. 413, at 6-7 (same). Reported Decisions

from the Ohio Court of Appeals also consistently have held that courts properly refused to issue instructions on self-Defense where the victim

was unarmed and shot while running away. See

State v. Johnson, 2022 Ohio 2577; 2022 Ohio. App.

LEXIS. 2439; Peoples. Mitchell, 2023 Ohio. 3543

2023 Ohio. App LEXIS. 3433 **THE DEFENSE WAS**

THEREFORE A [SHAM] USED TO RAILROAD ME.

If a jury instruction is not rationally supported by the evidence it's less likely a jury will adopt that option. In any event, I never used the phrase Self-Defense and the same circumstances that gives rise to a genuine self-Defense claim can give rise to a heat of passion manslaughter claim. see People v. Yeager, 511 Mich. 478, 491-492 (2023). Both the Michigan Court of Appeals and the District court admitted that a rational view of the evidence supported manslaughter in this case. see **APPENDIX# X** page# 2-3: **APPENDIX# D**: Page ID# 8066. The court would be hard pressed to conclude that they could be referring to any evidence which do so **BUT MY TESTIMONY**. Id. too. district court noticed that this case boiled down to a credibility contest. Id. My testimony in no way contradict my corroborative evidence and claims that both preceding and during trial I was requesting defense counsel to request the jury to return a **VERDICT** of manslaughter.

P. 17 of 23

CONCLUSION

In People v. Frederickson, 8 Cal 5th 963, 1036 another justice (in addition to all of those cited above) explained that it is the defendant's

prerogative to admit guilt in hopes of gaining mercy at the sentencing stage. Id (concurring opinion). This, on the basis of all of the above-cited opinions of reasonable jurors from Federal Circuit, District, U.S. and State Supreme Court(s), reasonable jurors could clearly agree with me or debate whether McCoy protects the right to have counsel not breach agency and abide by defendant's decision to admit or deny guilt to desired or relevant offenses supported by the evidence. See Buck v. Davis, 580 U.S. 100, 116 MN#6 (explaining that courts should have only asked whether the issue was debatable)

p. 18 of 33

IMPORTANCE OF THE QUESTION

This is a Fundamental question which implicates the very **STRUCTURE** (and arguably **JURISDICTION**) of the trial process or judge presiding. See McCoy v. Louisiana, 584 U.S. 414, 427 (2018). The statute 28 U.S.C. § 2253 (c)(2) is primary authority and it provides a **NATIONAL RIGHT** of Habeas Petitioners to access the Appellate courts upon a showing that reasonable jurors could debate the

correctness of the District Courts resolve of his constitutional claims. Id. Implicit in **STARE DECISIS**

DECISIS is the common-law immunity of persons, citizens etc from **ARBITRARY DISCRETION** being exercised against them by the courts. see

Peterson v. Magna Corp 484 Mich. 300, 314-315

(2009) the Supreme Court has long held that Stare decisis contribute to the actual and perceived integrity of the judicial process. see Payner.

p 19 of 23

Tennessee, 501 U.S. 808, 827 (1991). Vertical

Stare Decisis requires that lower courts are bound by U.S Supreme Court decisions. see

United States v. Maloid, 71 F.4th: 795, 808 HN# 14 (10th. Cir. 2023). When courts fail to adhere to

Stare Decisis for whatever reason it reflect poorly, and is a stain, on the actual and perceived integrity of the judiciary. see

Payner, supra. This is why it is generally

necessary for higher courts to step in when

a lower court parts from precedent. If federal law is not uniformly applied on Federal, Circuit

District, U.S and State Supreme Court levels than the

entire judiciary appears unsettled on matters of

national law. The supreme court should step in

when a Federal Circuit court does what was done in this case. That is, it commits **ERROR**, and then erroneously reject two more invitations to correct that error. see **APPENDIX# B** and **C**. The court stated both times that after careful consideration it found no error. *Id.* So the sixth circuit's erroneous disposition of the petition for C.O. A on the autonomy claims in

APPENDIX# J claim# **3** **APPENDIX# A**, page# **3-4** is **NOT** inadvertent error, it is one that after careful consideration, the sixth circuit believes to be in accord with law (which is problematic). see **APPENDIX# C** Because vertical Stare Decisis requires the sixth circuit to follow supreme court precedent (see Malloy, supra) the sixth circuit misinterpretation of the **SCOPE** of McCoy and resulting unreasonable application thereof are highly likely to **RECUR** because the court believes its actions to be lawful and required under Stare Decisis. Malloy, supra. Consequently, I submit that the importance of the issue expands well beyond the interests of the immediate parties to this case. Future petitioners [will] be told that their lawyer may usurp their **RIGHT** to decide whether

p. 21 of 23

to admit guilt in hopes of avoiding a potential life or death sentence without even debatably violating the defendant's Sixth Amendment Autonomy. The Sixth Circuits misunderstanding of the scope of McCoy has lead to its Misapplication of 28 U.S.C. § 2253(c)(2) and Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). see APPENDIX A page # 3 (the Sixth Circuit purported to be applying these authorities.) Consequently, the Circuits erroneous interpretation of McCoy has had a **SNOW BALLING** effect and thereby caused another departure from Stare Decisis and primary authority resulting in the circuit's perpetual misapplication of the C.O.A Standard. The high court has continuously cautioned that courts are to ask only whether the underlying claim is debatable see Miller-El, at 337 HN# 10. If the lower courts are not properly applying this Standard than the C.O.A process under 28 U.S.C. § 2253(c)(2) appears arbitrary and thereby undermines **PUBLIC CONFIDENCE** see Payne, supra; Maloid, supra

Compounding the importance of the issue

too is the fact that **STRUCTURAL ERRORS** themselves undermine the fairness, integrity, and public reputation of the judicial processes. see People v. Davis, 509 Mich. 52, 75-76 (2022) (quoting United States v. Recio, 371 F.3d. 1093, 1103 n.7 (9th. Cir. 2004)) therefore, the likelihood that the error of the lower courts in this case in denying C.O.A will **RECUR** involving claims of this magnitude in addition to the stare Decisis concerns, I submit, is **INTOLLERABLE**. And equally intollerable is the citizens of Michigan, Kentucky, Tennessee, and Ohio being told that they dont even debatably have the same McCoy protections as citizens in the ten states that make up the Ninth Circuit, Louisiana and Massachusetts. I point out that the third circuit reads McCoy even more broader than we do: them giving the client sole prerogative on whether to concede substantive [elements]. see United States v. Walters, 151 F 4th. 122, 130 Fnt#7 (3rd. Cir. 2025) Thus, the sixth circuits extremely limited view of McCoy's protection is, as the district courts opinion, clearly debatatable. Miller-EL, supra.

RELIEF REQUESTED

I move this high court to issue certiorari and grant C.O.A for the underlying question to be judicially answered

RESPECTFULLY SUBMITTED

Ken Walker

P.22 of 23

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Key Walker

Date: 12/3/25