

APPENDIX A

ORDER DENYING MOTION FOR RECONSIDERATION MICHIGAN SUPREME COURT

**CHARLES WRIGHT,
Plaintiff-Appellant,
v.
MONICA MARIE WRIGHT,
Defendant-Appellee.**

**SC: 167806
COA: 372221
Washtenaw CC: 06-000800-DM**

ORDER

May 22, 2025

On order of the Court, the motion for reconsideration of this Court's January 31, 2025 order is considered, and it is DENIED, because we are not persuaded that reconsideration of our previous order is warranted. MCR 7.311(G).

MICHIGAN SUPREME COURT CERTIFICATION

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 22, 2025

Clerk: /s/ Larry S. Royster

APPENDIX B

ORDER DISMISSING CLAIM OF APPEAL COURT OF APPEALS, STATE OF MICHIGAN

CHARLES WRIGHT

v.

MONICA MARIE WRIGHT

Docket No. 372221
LC No. 06-000800-DM
ORDER

Stephen L. Borrello, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the August 2, 2024 order, which denied reconsideration of a June 14, 2024 order, is not appealable by right. *Nye v. Gable, Nelson, & Murphy*, 169 Mich App 411, 415; 425 NW2d 797 (1988) (an order deciding a motion for reconsideration is not a final order appealable by right).[1] Additionally, the underlying June 14, 2024 order, which denied a postjudgment, amended motion “to correct and supplement the record” is not appealable by right. The June 14, 2024 order does not meet any of the final-order definitions in MCR 7.202(6)(a).

Specifically, the order is not “the first judgment or order that” disposed “of all the claims” and adjudicated “the rights and liabilities of all the parties.” MCR 7.202(6)(a)(i) (emphasis added).

Rather, the parties judgment of divorce, which was signed and entered in October 2007, was the final

judgment pursuant to MCR 7.202(6)(a)(i), and
appellant previously claimed an appeal from that
judgment in Docket No. 281918.

Dismissal of this appeal is without prejudice to the
filing of a late appeal under MCR 7.205(A)(4),
provided such a filing meets all requirements under
the court rules and is not time-barred.

A true copy entered and certified by Jerome W.
Zimmer Jr., Chief Clerk, on August 29, 2024

Chief Judge Pro Tem: /s/ Stephen L. Borrello,

Chief Clerk: /s/ Jerome W. Zimmer Jr.

APPENDIX C

ORDER DENYING PLAINTIFF'S AMENDED MOTION TO CORRECT/SUPPLEMENT THE RECORD

STATE OF MICHIGAN WASHTEENAW COUNTY TRIAL COURT

Charles Wright,
Plaintiff

v

Monica Wright,
Defendant

Case # 06-800-DM
Hon. Darlene A. O'Brien

Charles Wright
Plaintiff In Pro Per
7963 Magnolia Square
Sandy Springs, GA 30350

Monica Wright
Defendant In Pro Per
6623 Yale St., Apt. 62B
Westland, MI 48185

Order Denying Plaintiff's Amended Motion to Correct/Supplement the Record

Ann Arbor, Michigan

Plaintiff, Charles Wright, filed an amended motion to correct/supplement the record on May 24, 2024 and set the matter for hearing with the court on June 12, 2024 via Zoom. Plaintiff's requested relief was that

the parties' Judgment of Divorce, entered October 23, 2007, be modified to "reflect the true facts of the case," and to compensate him "for damages incurred as a result of the false testimony." Proper proof of service to defendant, Monica Wright, for the notice of hearing was not filed.

Per Michigan Court Rule (MCR) 2.612, relief from judgment must be made within a reasonable time and within one year after the judgment, order, or proceeding was entered. The Judgment of Divorce was entered over 16 years ago, making this motion well past the appropriate time frame of one year. Therefore, the motion is DENIED and the hearing on June 12, 2024 is CANCELED.

Further, plaintiff has filed numerous motions on the same topic, as recently as May 22, 2024 and March 27, 2024, which were denied. The file is inundated with plaintiff's motions detailing his perceived grievances regarding past hearings and testimony, and this latest motion is no exception. The motions are harassing to the defendant and the court and plaintiff shall not file future motions on the same issues that have been expressly denied by court order.

IT IS SO ORDERED.

/s/ Darlene O'Brien
June 14, 2024
Hon. Darlene A. O'Brien (P33182)
Trial Court Judge

PROOF OF SERVICE

The undersigned certifies that the above document was served upon the following on 6/14/2024:

X all parties

By: X MiFile

Signature: /s/ Marie E. Matyjaszek P62836

APPENDIX D

JUDICIAL ADMISSION OF EVIDENCE DESTRUCTION

Transcript of Evidentiary Hearing (July 11, 2008)
Transcribed by: Amy Shankleton-Novess (CER 0838)

Date of Transcription: Not Specified (Filed after July 11, 2008)

Excerpt from Transcript of Evidentiary Hearing (July 11, 2008) at 57

COURT: All right. I had the DVDs removed from the Court file and they were destroyed by the court.

APPENDIX E

CONTRADICTORY TESTIMONY BY ATTORNEY STEVEN REED AND EXCLUSION OF EVIDENCE

Transcript Excerpts from Washtenaw County Circuit
Court, Family Division, Hon. Nancy C. Francis

1. Attorney Reed's Initial Position: Evidence is
Unnecessary

Hearing Date: April 20, 2007

Transcribed by: Lisa H. Kuebler, CER 5986

Excerpt from Transcript of Motion Hearing (Apr. 20,
2007) at 13.

MR. REED: He's doing what he can to systematically
destroy this and so all I'm asking for today, I don't
think we need any evidence at all, I don't I think that
we're entitled to the order we got last week. I I don't
think Mr. Wright understands that you're
(indiscernible) deciding what goes on with these
parties, not him. He clearly didn't take you at your
your that you meant it when you said no more
squabbling in front of the kids, no more harassment.
It's escalated and I am extremely concerned that
somebody, one of the parties or one of the kids, is
going to end up getting hurt, whether that hurt is
emotional or physically physical hurt. Thanks,
Judge.

2. Attorney Reed's Denial of Reviewing Evidence

Hearing Date: May 16, 2007

Transcribed by: Amy Shankleton-Novess, CER 0838

Excerpt from Transcript of Bench Trial – Volume I (May 16, 2007) at 153.

MR. REED: Number two, Mr. Hamden looked at the CD and came back and said this is going to take forever, there's multiple things on it. I don't know how he knows that, I don't know if we can pull it up through different files or whatever; I didn't look at it. The fact of the matter is how I prepare for trial or how Mr. Whitfield, is totally irrelevant to the fact that it was filed late. I asked for this stuff when we left the evidentiary hearing a month ago. I don't care frankly whether Mr. McDonald was the attorney of record or Mr. Whitfield was. There was an attorney representing the Plaintiff. There was an order in place. Courts speak through

3. Trial Court's Exclusion of Evidence

Hearing Date: May 16, 2007

Transcribed by: Amy Shankleton-Novess, CER 0838

Excerpt from Transcript of Bench Trial – Volume I (May 16, 2007) at 9.

THE COURT: Well, the problem is that Mr. Reed may find other evidence that is helpful to him on the CDs. And he's saying he hasn't had the chance to review them. I -- Mr. Wright photographed all of this. He ran this -- the --

THE COURT: I'm going to keep the CDs out. I'm going to prevent their entry into evidence because of the delay in turning them over.

4. Attorney Reed's Contradictory Testimony

Hearing Date: December 12, 2007

Transcribed by: Amy Shankleton-Novess, CER 0838
Excerpt from Transcript on Hearing on Defendant's Motion Regarding Child Support and Spousal Support Arrearages and Attorney Fees (December 12, 2007) at 8.

MR. REED: A couple things on the DVDs. Number one, I did not watch all the DVDs that the Plaintiff tried to introduce at trial because you entered that order that he couldn't introduce them.

5. The Defendant's Question and Answer to Control

Hearing Date: May 16, 2007

Transcribed by: Amy Shankleton-Novess, CER 0838

Excerpt from Transcript of Bench Trial – Volume I (May 16, 2007) at 163-164.

QUESTION: One of the issues that you raise with respect to the relationship with Mr. Wright was that he was controlling, isn't that correct?

DEFENDANT: Yes.

APPENDIX F

ADMISSION THAT UNSWORN STATEMENTS WERE USED

Transcript Excerpt from Washtenaw County Circuit Court,

Family Division, Hon. Nancy C. Francis

Hearing Date: May 16, 2007

Transcribed by: Amy Shankleton-Novess, CER 0838

Excerpt from Transcript of Bench Trial – Volume I
(May 16, 2007) at 161–163

MR. WHITFIELD: It goes to veracity at this point,
Your Honor.

MR. REED: first off, it wasn't a statement made
under oath. It was during an informal interview with
the caseworker.

MR. WHITFIELD: I'm sorry. I'm sorry. It doesn't
have to be under oath, Counsel. If it's a statement
that she made, I have a right to question her with
respect to the accuracy of the statement. It goes to
her veracity.

THE COURT: All right. It would take less time for
you to ask this question and get the answer rather
than us just squabble over it.

APPENDIX G

EXCERPTED STATEMENTS FROM OCTOBER 17, 2006 TRANSCRIPT

Transcript of Audio Recording, October 17, 2006, as

Transcribed by Kristen Shankleton (CER6785),
Modern Court Reporting, L.L.C.,
Certified May 12, 2011
(App., infra, 12a–14a)

1. “The big thing messing up our relationship was the fact that I wasn’t listening to the most important things.”

Transcript of Audio Recording (Oct. 17, 2006), at 2
(App., infra, 12a).

2. “I’m sorry, and that’s the only way that I can — I mean, because the big things that you tried to tell me,...”

Id. at 3–4 (App., infra, 13a).

3. “I was too busy being upset with you ... for stuff that I could have prevented if I had listened.”

Id. at 5 (App., infra, 13a–14a).

4. “It’s a — it’s a, just waking up and just seeing all this, just everything, you know, fall around me for stuff that I could have prevented if I had listened,...”

Id. at 5 (App., infra, 14a).

5. “The only thing, that I am not want my children.”

Id. at 5 (App., infra, 14a).

APPENDIX H

PLAINTIFF'S AMENDED MOTION TO CORRECT AND SUPPLEMENT THE RECORD

(May 2, 2024)

STATE OF MICHIGAN IN THE 22ND CIRCUIT
COURT OF WASHTENAW COUNTY FAMILY
DIVISION

CHARLES WRIGHT, Plaintiff,
v.
MONICA M. WRIGHT, Defendant.

Case No. 2006-800-DM
Hon. Darlene A. O'Brien

CHARLES WRIGHT (In pro per)
7963 Magnolia Square,
Sandy Springs, GA 30350
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MONICA M. WRIGHT (In pro per)
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monicawright212@yahoo.com

PLAINTIFF'S AMENDED MOTION TO CORRECT AND SUPPLEMENT THE RECORD

NOW COMES Plaintiff, CHARLES WRIGHT,
pursuant to MCR 2.612, respectfully filing this

Amended Motion to Correct and Supplement the Record and states as follows:

On October 23, 2007, a Judgment of Divorce was entered. The Defendant, Monica M. Wright, provided testimony that was materially false and misleading to the Court. These false statements significantly impacted the proceedings and unjustly influenced the outcome.

“The following award of parenting time is conditioned on the father’s conduct.” (TR. 09/19/2007, p.20.)

Grounds for Motion

1. Defendant informed the Friend of the Court examiner that Plaintiff was controlling toward her. (Report dated 12/18/2006, pp.6–7.) Defendant also misstated her age to the examiner. (Id. At p.4.)
2. In sworn deposition testimony, dated December 12, 2006, Defendant stated: “Other than the fact that, you know, he’s controlling and emotionally abusive.” (p.11.)
3. In her sworn affidavit of April 18, 2007, Defendant made multiple allegations, including that Plaintiff removed a doorknob from a daycare bathroom to control access, purportedly forcing daycare children upstairs to use another restroom.
4. Defendant further stated she felt unsafe and claimed Plaintiff possessed multiple firearms within the marital home, indicating fear of the Plaintiff’s presence.

5. Defendant testified on May 16, 2007 (TR. 05/16/2007, pp.162–163) that Plaintiff was controlling.
6. In more recent proceedings on August 15, 2023, Defendant testified that Plaintiff and Defendant's daughter, Emma M. Wright, jointly owned a 2013 Ford Fusion.
7. In the same August 2023 proceeding, Defendant claimed her spousal support increased due to Plaintiff's conduct (p.52).

Relief Requested

WHEREFORE, Plaintiff Charles Wright respectfully requests this Honorable Court grant permission to:

- A. Correct the record to accurately reflect the facts concerning Plaintiff's conduct and Defendant's testimony;
- B. Modify prior judgments to reflect the true facts of the case; and
- C. Award compensation for damages incurred as a result of false testimony.

Plaintiff stands ready to supply any additional information, clarifications, or evidence required to facilitate prompt resolution.

Verification

“I declare that the statements above are true to the best of my information, knowledge, and belief.” — MCR 2.114(B)(2)(b)

Dated: May 2, 2024

Respectfully submitted,

/s/ Charles Wright

CHARLES WRIGHT

Plaintiff, In Pro Per

7963 Magnolia Square

Sandy Springs, GA 30350

(734) 717-4442

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APPENDIX I

MOTION FOR RECONSIDERATION TO CORRECT AND SUPPLEMENT THE RECORD

**STATE OF MICHIGAN IN THE 22ND CIRCUIT
COURT OF WASHTENAW COUNTY**

FAMILY DIVISION

CHARLES WRIGHT, Plaintiff,

v.

MONICA M. WRIGHT, Defendant.

CHARLES WRIGHT

In pro per

7963 Magnolia Sq

Sandy Springs, GA 30350

(734) 717-4442

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Hon. Darlene A. O'Brien

Case No. 2006-800-DM

MONICA M. WRIGHT

In pro per

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MOTION FOR RECONSIDERATION TO CORRECT AND SUPPLEMENT THE RECORD

NOW COMES the Plaintiff, Charles Wright, by and In Pro Per, and respectfully moves for this Court to reconsider its previous ruling denying the motion to correct and supplement the record based on current and historical crucial evidence on 06/14/2024 as it relates to MCR 2.119(F).[1] In support of this motion, Plaintiff states as follows:

I. Introductions

The Plaintiff seeks to present critical current and historical evidence, particularly concerning Defendant's previous fraudulent activities. This evidence is crucial for establishing a pattern of fraudulent behavior essential to substantiating the Plaintiff's assertions. The prior ruling resulted from a palpable error that has misled both the court and the parties. Correction of this error necessitates a different disposition of the motion. Despite the Defendant's failure to respond to the motion, they have found the time to express gratitude to the Court for denying the Plaintiff's motion in an email.

II. Legal Basis for Reconsideration

1. Benmark v. Steffen, 9 Mich. App. 416 (1968): The Michigan Court of Appeals in Benmark v. Steffen reopened a case upon recognizing that previously undisclosed evidence of the defendant's fraudulent activities was essential in demonstrating

a pattern of deceit. Similarly, in the present case, newly discovered evidence highlights Monica M. Wright's consistent fraudulent conduct, necessitating a reconsideration for a just resolution.

2. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944):

The U.S. Supreme Court's decision in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*[2] underscores the Court's duty to protect against fraud and perjury. It emphasizes the importance of addressing false statements and forged documents to maintain the integrity of judicial proceedings. In this case, the newly uncovered evidence of fraudulent actions by the Defendant threatens this integrity and must be addressed.

III. U.S. Supreme Court Cases on False Testimony

The U.S. Supreme Court has consistently held that uncorrected false testimony violates the due process rights of the accused. Key cases include:

1. *Napue v. Illinois* (1959):

The Court ruled that using false evidence, known to be such by the State, violates the Fourteenth Amendment.[3] Here, failure to correct false testimony regarding the Defendant's fraudulent activities undermines fairness and due process.

2. *Giglio v. United States* (1972):

The principle established in Napue extends to cases where undisclosed promises of leniency to witnesses affect credibility, thus violating due process.[4]

3. Brady v. Maryland (1963):

Though not on false testimony, Brady's rule mandates disclosing evidence favorable to the accused, ensuring due process is upheld.

IV. Importance of Admitting Evidence

Suppression of crucial evidence undermines due process and fair trials, violating legal principles and risking unjust outcomes. It is imperative to admit evidence that substantiates claims and ensures fair adjudication.

- In Michigan, there isn't a specific Michigan Court Rule (MCR) that directly addresses the suppression of evidence in the same way as federal rules or constitutional principles like those found in *Brady v. Maryland*. However, motions for reconsideration and relief from judgments under MCR 2.119(F)(3) and MCR 2.612(C)* can indirectly address issues related to the suppression of evidence if it's shown that such suppression affected the fairness or outcome of the proceedings. These rules allow for reconsideration based on newly discovered evidence or fraud, which could encompass situations where evidence was improperly suppressed.[5]
- Therefore, while there isn't a specific MCR that directly mirrors the federal Brady rule on evidence suppression, Michigan courts generally apply MCR 2.119(F)(3) and MCR 2.612(C)* to address situations where the suppression of evidence has unfairly impacted a party's

rights, ensuring that justice and fairness are upheld in the proceedings.

V. Impartiality and Fairness

The Plaintiff notes that the Court has not addressed any concerns raised by the Plaintiff or his previous attorneys, raising questions about the Court's impartiality. Under 28 U.S.C. § 455(a), judges must avoid bias and the appearance of bias to maintain the integrity of judicial proceedings. Restricting a party's rights based on incomplete evidence risks unfairness and undermines public trust.

VI. Supporting Federal Laws

Federal laws like the 14th Amendment, 18 U.S.C. § 1621, 18 U.S.C. § 1001, 28 U.S.C. §1651(a), and 28 U.S.C. § 144 safeguard due process and judicial integrity, necessitating the admission of evidence crucial to this case.

VII. Michigan Court Rules on Responses to Motions

MCR 2.119 outlines procedures for responding to motions, emphasizing fairness and procedural regularity in court proceedings.

MCR 2.119(F)(3) and MCR 2.612(C) can indirectly address issues related to the suppression of evidence if it's shown that such suppression affected the fairness or outcome of the proceedings. These rules allow for reconsideration based on newly discovered evidence or fraud, which could

encompass situations where evidence was improperly suppressed.

VIII. Relevant Michigan Case Law

Cases like Kiefer v. Kiefer, Johnson v. Johnson, Gillispie v. Bd. of Tenant Affairs, Grimm v. Dep't of Treasury, McNeil v. Caro Community Hospital, and People v. Cress illustrate Michigan courts' treatment of suppressed evidence, emphasizing the need for fairness and accuracy in legal proceedings.

IX. Michigan Case Law Supporting Reconsideration Based on Suppressed or Not Allowed Evidence Due to Fraud

1. People v. Chenault, 495 Mich. 142 (2014)

Summary: In this case, the Michigan Supreme Court held that the prosecution's suppression of evidence favorable to the defendant violated the defendant's due process rights under *Brady v. Maryland**. The court emphasized that evidence is considered material if there is a reasonable probability that its disclosure would have altered the outcome of the proceedings.

Application to Present Case: Plaintiff Charles Wright argues that crucial evidence of Defendant's fraudulent activities was suppressed. Similar to *Chenault**, this evidence is material

and its suppression impacted the fairness of the proceedings. Reconsideration is necessary to ensure due process and a just outcome.

2. People v. Jordan, 275 Mich. App. 659 (2007)

* Summary: The Michigan Court of Appeals ruled that a new trial was warranted where the prosecution failed to disclose exculpatory evidence. The court reiterated that the suppression of such evidence violates the defendant's right to a fair trial and due process.

Application to Present Case: The suppressed evidence of Defendant's fraudulent activities in Plaintiff Charles Wright's case is akin to the exculpatory evidence in Jordan*. The nondisclosure of this crucial information justifies reconsideration to uphold the principles of fairness and justice.

3. People v. Lester, 232 Mich. App. 262 (1998)

* Summary: The Michigan Court of Appeals found that the defendant's due process rights were violated when the prosecution withheld evidence that could have been used to impeach the credibility of a key witness. The court held that the suppression of material evidence requires a new trial.

Application to Present Case: In Plaintiff Charles Wright's case, the historical evidence of Defendant's fraudulent activities, which was not allowed due to suppression, affects the credibility of the Defendant. According to Lester*, this evidence should be reconsidered to ensure a fair trial.

X. Application to Present Case

Plaintiff Charles Wright has uncovered significant new and historical evidence of Defendant's fraudulent activities, which were suppressed during the original ruling. This evidence directly undermines the legitimacy of Plaintiff's claims. Moreover, this discovery highlights a troubling pattern of evidence suppression spanning over 16 years in the case involving both Defendant and Plaintiff. This consistent suppression of evidence created a palpable error in the court, leading to the denial of Plaintiff's motion. Such actions not only undermine the integrity of the judicial process but also constitute a serious violation of due process.

XI. Historical Record of Evidence Suppression

The Court has shown a historical record of suppressing evidence when it comes to the Defendant as it relates to the Plaintiff. This pattern of behavior includes:

- * Previous Motions: In previous legal actions involving the Defendant, similar evidence of fraudulent activities was either suppressed or not allowed, thereby preventing a fair and comprehensive evaluation of the Defendant's conduct.
- * Material Impact: The suppression of this evidence has materially impacted the outcomes of these cases, depriving the Plaintiff of a fair trial and due process.

- * Pattern of Fraud: The newly identified historical evidence demonstrates a consistent pattern of fraudulent behavior by the Defendant, which is crucial for substantiating the Plaintiff's assertions.
- * The evidence presented in the Motion dated 05/23/2024, specifically Exhibits 1-18, documents instances where fraudulent activities were employed in this case.

Two weeks where Mr. McDonald had those CDs in his hand prepared to do exactly what he attempted to do at the hearing introduce them as evidence, but we hadn't seen them. TR.

05/16/2007, p. 6. "Fraud Upon the Court." *Illinois v. Fisher**, 540 U.S. 544, 124 S. Ct. 1200, 157 L. Ed. 2d 1060 (2004). In the course of representing a client, a lawyer shall not knowingly make a false statement of material fact or law to a third person. A lawyer is required to be truthful when dealing with others on a client's behalf but generally has no affirmative duty to inform an opposing party of relevant facts.

* "Well, what I'm saying is that the parties can testify about what they saw and what they did. And that even if I kept the CDs out, they'd be able to bring in information. I don't know that the attorneys want that to happen. It appears to me that it's better to have a CD that shows exactly what happen." TR. 05/16/2007, p. 9.

"A couple things on the DVDs. Number one, I did not watch (all) the DVDs that the Plaintiff tried to introduce at trial (because you) entered that order

that he couldn't introduce them. And so where his answer says these aren't the same DVDs, I don't know. But number one, they clearly are hearsay documents. Number two, in his motion where he attached those DVDs, he came out and said on the record that one of the -- quote, "one of the things that Mrs. Wright testified to was the fact that she'd not discussed with Jenae (sic), the oldest daughter, the witness list" TR.12/13/2007. p. 18. "Fraud Upon the Court." Illinois v. Fisher*, 540 U.S. 544, 124 S. Ct. 1200, 157 L. Ed. 2d 1060 (2004). In the course of representing a client, a lawyer shall not knowingly make a false statement of material fact or law to a third person. A lawyer is required to be truthful when dealing with others on a client's behalf but generally has no affirmative duty to inform an opposing party of relevant facts.

* "...I had the DVDs removed from the Court file and they were destroyed by the court staff. I don't know if Mr. Wright has any further copies of that DVD..."
TR. 07/11/08, p. 57.

XII. Michigan Supreme Court Rulings Supporting Reconsideration Based on Old Evidence

1. People v. Grissom, 492 Mich. 296 (2012)

* Summary: In this case, the Michigan Supreme Court addressed the issue of reconsideration based on the discovery of old evidence that had not been adequately considered in the initial proceedings. The Court held that when old evidence is shown to have significant implications for the case, it should be reconsidered to ensure justice.

Application to Present Case: Plaintiff Charles Wright has identified crucial historical evidence of Defendant's fraudulent activities that was not properly considered in the initial ruling. As in Grissom*, this old evidence must be reconsidered to ensure that all relevant facts are evaluated and justice is served.

2. People v. Rao, 491 Mich. 271 (2012)

Summary: The Michigan Supreme Court in Rao* dealt with a situation where old evidence was re-evaluated, revealing substantial new insights that were not apparent during the initial trial. The Court ruled that if old evidence can provide significant new perspectives, it is grounds for reconsideration.

Application to Present Case: The historical evidence of Defendant's fraudulent activities, while not new, provides substantial new insights into the case. In line with the Rao* decision, this evidence should be reconsidered to ensure a comprehensive and just assessment of the Plaintiff's claims.

3. People v. Armstrong, 490 Mich. 281 (2011)

* Summary: This case involved the reconsideration of old evidence that was initially overlooked or misinterpreted. The Michigan Supreme Court emphasized that old evidence that could change the outcome of the case if properly considered warrants a new review.

Application to Present Case: Plaintiff Charles Wright's motion for reconsideration is supported by

the Armstrong* ruling. The old evidence of Defendant's fraudulent activities, if properly considered, could significantly alter the case's outcome. Therefore, it should be re-evaluated to ensure a fair ruling.

XIII. U.S. Supreme Court Rulings Supporting Reconsideration Based on Suppressed or Not Allowed Evidence Due to Fraud

1. *Brady v. Maryland*, 373 U.S. 83 (1963)

* Summary: In this landmark case, the U.S. Supreme Court held that the prosecution's suppression of evidence favorable to an accused upon request violates due process where the evidence is material to guilt or punishment. The ruling emphasized the importance of disclosing all relevant evidence, particularly when it is exculpatory.

Application to Present Case: Plaintiff Charles Wright's motion for reconsideration is bolstered by the *Brady** decision. The historical evidence of Defendant's fraudulent activities, which was suppressed, is material to the Plaintiff's claims. This evidence must be reconsidered to ensure due process and a fair trial.

2. *Giglio v. United States*, 405 U.S. 150 (1972)

* Summary: The U.S. Supreme Court ruled that the government's failure to disclose material evidence affecting the credibility of a witness violates due process, especially when the evidence is crucial to the defense's case. The Court held that a new trial is

warranted if the suppressed evidence could have affected the outcome.[4]

Application to Present Case: The evidence of Defendant's fraudulent activities, which was not allowed due to fraudulent suppression, impacts the credibility of the Defendant. Following the *Giglio** precedent, this evidence should be reconsidered to ensure that all material information is available for a fair adjudication of the case.

3. *Banks v. Dretke*, 540 U.S. 668 (2004)

*** Summary:** In this case, the U.S. Supreme Court found that the suppression of evidence by the prosecution, which was favorable to the defendant, warranted a new trial. The Court emphasized that the suppression of material evidence undermines the integrity of the judicial process and the fairness of the trial.

Application to Present Case: The historical evidence of Defendant's fraudulent activities, which was suppressed, is material and affects the legitimacy of the Plaintiff's claims. According to the *Banks** ruling, this evidence should be reconsidered to maintain the integrity of the judicial process and ensure a fair outcome.

XIV. Michigan case law supports the consequences of failing to respond to motions and the courts' discretion to grant relief when a motion is unopposed. Here are some relevant cases:

1. American Central Corporation v. Stevens Van Lines, Inc., 103 Mich. App. 507 (1981)

* Summary: The Michigan Court of Appeals upheld a default judgment entered against a party for failing to respond to a motion for summary disposition.

* Holding: The court noted that failing to respond to a motion can be construed as a waiver of opposition to the motion, allowing the court to grant the requested relief.

2. Pillars v. Aztalan Engineering Inc., 89 Mich. App. 401 (1979)

* Summary: In this case, the court granted summary disposition in favor of the defendant because the plaintiff failed to timely respond to the motion.

* Holding: The court emphasized the importance of adhering to procedural rules and deadlines, noting that failure to respond can justify granting the motion unopposed.

3. Huntington National Bank v. Ristich, 292 Mich. App. 376 (2011)

* Summary: The court held that a party's failure to respond to requests for admissions within the time allowed by the court rules resulted in the matters being deemed admitted.

* Holding: This case underscores the principle that failing to respond can lead to significant adverse

consequences, such as admissions being taken as true, which can then support a motion for summary disposition.

4. Krentz v. Miller, Canfield, Paddock and Stone, 486 Mich. 932 (2010)

* Summary: The Michigan Supreme Court affirmed the trial court's grant of summary disposition where the non-moving party failed to file a timely response.

* Holding: The court highlighted that non-compliance with court rules and deadlines can result in the court ruling in favor of the moving party due to the lack of opposition.

These cases collectively support the notion that failure to respond to motions can lead to the court granting the requested relief by default, and they demonstrate the courts' emphasis on the procedural rules and timely responses in litigation.

WHEREFORE, Plaintiff, CHARLES WRIGHT respectfully requests for the reasons stated above, Plaintiff Charles Wright respectfully requests for this Court to reconsider its prior ruling denying the correction and supplementation of the record. The Plaintiff has demonstrated that the court's decision involved palpable errors, overlooked critical new and old evidence, and failed to correct factual mistakes, all of which necessitate a different disposition.

Furthermore, there is a historical record of evidence suppression in this case involving the Defendant as it relates to fraud and perjury. This pattern of

suppression undermines the integrity of the judicial process and violates the Plaintiff's due process rights. The new and crucial historical evidence of the Defendant's fraudulent activities is indispensable for establishing a pattern of fraudulent behavior essential to substantiating the Plaintiff's assertions.

The Michigan Supreme Court has consistently expressed its strong stance against fraud and perjury, recognizing the severe damage these acts cause to the judicial process and the integrity of the legal system.

While a judge has the authority to render decisions and address conduct within their courtroom, it is generally considered inappropriate for a judge to include personal grievances or allegations of harassment by a party within a formal judicial decision. Judicial decisions should remain focused on the legal and factual issues relevant to the case at hand, ensuring impartiality and maintaining the decorum of the judiciary.

Given the significant implications of this suppressed evidence on the legitimacy of Plaintiff's claims and the necessity of ensuring a fair and just outcome, the Court is urged to carefully review the Motion for Reconsideration. A thorough reconsideration of all pertinent evidence is vital to uphold the principles of fairness, justice, and due process.

VERIFICATION

“I declare that the statements above are true to the best of my information, knowledge and belief.”
MCR 2.114(B)(2)(b).

Dated: June 28, 2024

/s/ Charles Wright
CHARLES WRIGHT,

Plaintiff Respectfully Submitted,

CHARLES WRIGHT
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APPENDIX J

MOTION FOR RECONSIDERATION OF ORDER DISMISSING CLAIM OF APPEAL

(September 19, 2024)

STATE OF MICHIGAN IN THE COURT OF APPEALS

**CHARLES WRIGHT,
Plaintiff-Appellant,**

v.

**MONICA M. WRIGHT,
Defendant-Appellee.**

Court of Appeals No. 372221
22nd Circuit Court No. 06-000800-DM

ORAL ARGUMENT: REQUESTED

PLAINTIFF-APPELLANT'S MOTION FOR RECONSIDERATION OF ORDER DISMISSING CLAIM OF APPEAL

Charles Wright
Plaintiff-Appellant
In propria persona
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STATEMENT OF JURISDICTION

The Michigan Court of Appeals has jurisdiction to hear this Motion for Reconsideration under MCR 7.215(I), which grants the Court the authority to reconsider its prior decisions where fraud, newly discovered evidence, or other exceptional circumstances affecting substantial rights are present.[1] Additionally, MCR 2.612(C)(1)(c) provides that a party may be relieved from a final judgment based on fraud, misrepresentation, or misconduct of an adverse party, which applies here due to the demonstrated fraud upon the court and suppression of exculpatory evidence.[2] Furthermore, MCR 7.205(A)(4) authorizes the Court to review an appeal where there is evidence of fraud or substantial errors that have affected the outcome of the case, allowing the Court to prevent a miscarriage of justice.

STATEMENT OF QUESTIONS INVOLVED

1. Whether the Michigan Court of Appeals should reconsider its Order dated August 29, 2024, under MCR 7.215(I) and MCR 2.612(C) when there is clear evidence of fraud upon the court by Attorney Steven A. Reed, who made contradictory statements and suppressed exculpatory evidence, impacting the fairness of the trial.
2. Whether the suppression and destruction of exculpatory evidence by Judge Nancy C. Francis (Wheeler), in violation of MCR 2.302(B)(1) and *Brady v. Maryland*, 373 U.S. 83 (1963), constituted a

violation of Plaintiff-Appellant's due process rights under the Fourteenth Amendment, necessitating reconsideration by this Court.[3]

3. Whether the failure of the trial court to consider Defendant Monica M. Wright's recorded admission of responsibility and apology, which contradicts her court testimony, violated

Plaintiff-Appellant's due process rights and substantially impacted the outcome of the case, justifying reconsideration.

4. Whether the judicial misconduct and bias demonstrated by Judge Darlene A. O'Brien, including repeated labeling of Plaintiff-Appellant as a harasser without full consideration of the evidence, warrant reconsideration of the Court's decision to dismiss the appeal.

5. Whether the presence of fraud, judicial bias, and suppression of evidence in this case require this Court, in the interest of justice, to reconsider its previous decision in accordance with MCR7.205(A)(4) and relevant constitutional principles.

STATEMENT OF FACT

1. Background of the Case

Plaintiff-Appellant Charles Wright and Defendant-Appellee Monica M. Wright were involved in a divorce and custody dispute in Washtenaw County, Michigan, under Case No. 06-000800-DM. The proceedings were compromised by legal errors, including the suppression of exculpatory evidence,

fraud by Defendant-Appellee's attorney, and judicial misconduct, depriving Plaintiff-Appellant of a fair trial.

2. Attorney Steven A. Reed's Contradictory Statements and Evidence Suppression

Attorney Steven A. Reed, representing Defendant-Appellee, committed fraud by making contradictory statements about his review of exculpatory DVDs. On April 20, 2007, Reed claimed, "I don't think we need any evidence at all... I think we're entitled to the order we got last week"

(TR. 04/20/2007, p. 18). However, on May 16, 2007, he denied even reviewing the DVDs (TR. 05/16/2007, p. 12). By December 13, 2007, Reed admitted he had reviewed the DVDs but blamed the court for preventing their introduction (TR. 12/13/2007, p. 18). Reed's contradictory statements were intended to mislead the court and block exculpatory evidence, impacting the trial's outcome.

3. Suppression and Destruction of Exculpatory Evidence by Judge Nancy C. Francis (Wheeler)

On July 11, 2008, Judge Nancy C. Francis (Wheeler) admitted to ordering the destruction of DVDs containing exculpatory evidence submitted by Plaintiff-Appellant, stating, "I had the DVDs removed from the Court file, and they were destroyed by the court staff" (TR. 07/11/2008, p. 57). This violated MCR 2.302(B)(1), which mandates the preservation of all relevant evidence, and constitutes obstruction of justice under 18 U.S.C. § 1503. The destroyed DVDs would have contradicted Defendant-

Appellee's allegations and supported Plaintiff-Appellant's defense.

4. Defendant Monica M. Wright's Admission of Responsibility and Apology

In an October 17, 2006, recorded conversation, Defendant-Appellee Monica M. Wright admitted responsibility for the breakdown of the relationship and apologized, stating: "I'm sorry for everything that I've done to hurt you. I know it's been really hard, and I feel awful about it" (TR.

10/17/2006, p. 6). She further acknowledged that her behavior played a significant role in the relationship's deterioration: "The big thing messing up our relationship was the fact that I wasn't listening to the most important things" (TR.

10/17/2006, p. 2).

The suppression of these admissions violated Plaintiff-Appellant's due process rights under the Fourteenth Amendment, as they would have materially affected the outcome of the case.

5. Judicial Misconduct and Bias by Judge Darlene A. O'Brien

Judge Darlene A. O'Brien consistently exhibited bias against Plaintiff-Appellant, labeling him as a harasser without fully reviewing all the evidence. During the April 20, 2007 hearing, Attorney Reed made inflammatory statements about Plaintiff-Appellant, asserting, "I don't think we need any evidence at all... He's doing what he can to systematically destroy this" (TR. 04/20/2007, p.18).

This reinforced a biased narrative that unfairly prejudiced Plaintiff-Appellant, denying him a fair trial.

This statement opened the door for Plaintiff-Appellant to present evidence, including Defendant-Appellee's admissions and the suppressed DVDs, regarding the actual cause of turmoil. However, the court's failure to consider this rebuttal evidence violated Plaintiff-Appellant's right to due process under the Fourteenth Amendment and led to an unfair trial.

LEGAL ARGUMENT

I. Fraud Upon the Court Warrants Relief Under MCR 2.612©

Attorney Steven A. Reed's fraudulent actions and contradictory statements necessitate reconsideration of the Court's decision. MCR 2.612(C)(1)(c) allows relief from a judgment when fraud, misrepresentation, or misconduct by an adverse party is present. Fraud upon the court involves intentional acts that corrupt the judicial process, preventing impartial justice.

* Contradictory Statements: Reed's conflicting statements about reviewing exculpatory DVDs constitute fraud. On May 16, 2007, Reed denied reviewing the evidence (TR. 05/16/2007, p. 12), then admitted on December 13, 2007, that he reviewed the DVDs but blamed the court for not allowing their introduction (TR. 12/13/2007, p. 18). This deliberate

deception misled the court, depriving Plaintiff-Appellant of the right to present critical evidence. Legal Precedent: In *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), the U.S. Supreme Court ruled courts must vacate judgments obtained through fraud to protect judicial integrity. [4] Similarly, *Demjanjuk v. Petrovsky**, 10 F.3d 338, 348 (6th Cir. 1993), emphasized that fraud upon the court includes actions by attorneys that deliberately mislead the court.

Reed's actions violated Plaintiff-Appellant's right to a fair trial, justifying reconsideration under MCR 2.612(C)(1)(c).

II. Suppression and Destruction of Exculpatory Evidence Violates Due Process

Judge Nancy C. Francis (Wheeler)'s suppression and destruction of exculpatory evidence clearly violated Plaintiff-Appellant's due process rights under the Fourteenth Amendment.

Suppression of Evidence: In *Brady v. Maryland*, 373 U.S. 83 (1963), the U.S. Supreme Court held that suppressing evidence favorable to the defense violates due process if the evidence is material.[5] MCR 2.302(B)(1)* similarly mandates preservation of relevant evidence. Judge Francis's order to destroy the DVDs (TR. 07/11/2008, p. 57) violates this principle and constitutes obstruction of justice under 18 U.S.C. § 1503.

Material Impact: The destroyed DVDs contained exculpatory evidence contradicting key allegations by Defendant-Appellee Monica M. Wright. This evidence was crucial to Plaintiff-Appellant's defense, and its suppression denied him a fair trial, violating Brady*.

This deliberate suppression of evidence violated Plaintiff-Appellant's due process rights and justifies relief under MCR 2.612(C)(1)(c).

III. Judicial Bias and Misconduct Undermined Trial Fairness

Judicial bias by Judge Darlene A. O'Brien denied Plaintiff-Appellant an impartial trial. Courts must ensure judges remain free from actual or apparent bias.

Bias in the Proceedings: Judge O'Brien labeled Plaintiff-Appellant a harasser without considering all available evidence. During the April 20, 2007 hearing, Attorney Reed's inflammatory statements were accepted without review, allowing the false narrative of Plaintiff-Appellant being the source of turmoil to persist (TR. 04/20/2007, p. 18). In *Caperton v. A.T. Massey Coal Co., Inc.**, 556 U.S. 868 (2009), the U.S. Supreme Court ruled due process is violated when bias risks undermining trial fairness.

[6]

* **Impact on Trial Fairness:** Judge O'Brien's bias distorted the court's view of evidence, leading to rulings based on incomplete and unfair assessments

of Plaintiff-Appellant's conduct. The Fourteenth Amendment guarantees a fair, unbiased trial. Judge O'Brien's actions, combined with Reed's misconduct, denied Plaintiff-Appellant his constitutional right to due process.

IV. Failure to Swear in Defendant-Appellee Violates Michigan Law and Due Process

Judge Nancy C. Francis (Wheeler) tried to allow the Defendant-Appellee to testify unsworn during the April 18, 2012 hearing, violating Mich. Comp. Laws § 600.1432(1), which mandates all witnesses be sworn. [7]

* Violation of Law: Michigan law requires all testimony to be given under oath. Allowing unsworn testimony undermines its legitimacy and deprived Plaintiff-Appellant of challenging Defendant-Appellee's credibility.

V. Defendant-Appellee's Admissions and Apology Were Suppressed

Defendant-Appellee Monica M. Wright's recorded admission and apology from October 17, 2006, were suppressed and not considered by the trial court.

Defendant-Appellee admitted responsibility for the breakdown of the relationship and expressed regret for her actions (TR.10/17/2006, p. 6).

Impact on Case: These admissions would have significantly influenced the trial's outcome. Under MCR 2.612(C)(1)(f)*, a court may grant relief from a

judgment if new evidence would have altered the outcome.

VI. The Court Opened the Door to Exculpatory Evidence

During the August 14, 2023, hearing, Defendant-Appellee referenced Plaintiff-Appellant's past behavior and turmoil during the divorce, stating that the order increased from \$200 to \$500 per month due to the turmoil (TR. 08/14/2023, p. 37). This opened the door for Plaintiff-Appellant to introduce rebuttal evidence, including exculpatory DVDs and Defendant-Appellee's admissions.

Doctrine of Opening the Door: Under *People v. Lukity**, 460 Mich 484, 498; 596 NW2d 607 (1999), once a party introduces a topic, the opposing party is permitted to introduce related evidence.[8] The court's failure to consider this rebuttal evidence violated the doctrine, preventing full consideration of the facts.

STANDARD OF REVIEW

1. **Fraud Upon the Court:** Reviewed de novo because it affects the integrity of the judicial process. MCR 2.612(C)(1)(c) allows courts to grant relief when fraud impacts the judgment.
2. **Suppression of Evidence:** Reviewed de novo due to its constitutional implications under the Fourteenth Amendment. *Brady v. Maryland*, 373 U.S. 83 (1963), states suppression of exculpatory evidence violates due process if it affects the outcome.

3. Judicial Bias and Misconduct: Reviewed de novo, as bias can violate due process and result in an unfair trial. *Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868 (2009), governs judicial bias and its effect on fairness.

4. Application of the Doctrine of "Opening the Door": Reviewed de novo. In *People v. Lukity*, 460 Mich 484, 498; 596 NW2d 607 (1999), the court held that once a party introduces a subject, the opposing party is entitled to introduce related evidence to rebut or clarify the issue.

RELIEF REQUESTED

WHEREFORE, Plaintiff-Appellant Charles Wright respectfully requests that this Honorable Court grant the following relief:

1. Reconsideration of the August 29, 2024, Order Dismissing the Appeal: Plaintiff-Appellant asks the Court to reconsider its order dismissing the appeal due to substantial errors, including fraud, suppression of evidence, judicial bias, and procedural violations, which deprived Plaintiff-Appellant of a fair trial. Reconsideration is warranted under MCR 2.612(C) and MCR7.215(I) to correct this injustice.

Signature Charles Wright
September 19, 2024

APPENDIX K

MOTION FOR RECONSIDERATION FOR APPLICATION FOR LEAVE TO APPEAL (February 20, 2025)

STATE OF MICHIGAN IN THE SUPREME COURT

**CHARLES WRIGHT,
Plaintiff-Appellant, Pro Se
v.
MONICA MARIE WRIGHT,
Defendant-Appellee. Pro Se**

**Twenty-Second Circuit Court No. 06-000800-DM
Court of Appeals No. 372221
No. 167806**

PLAINTIFF-APPELLANT'S MOTION FOR RECONSIDERATION FOR APPLICATION LEAVE TO APPEAL

**Filed Under
MCR 2.119(F) and MCR 7.311(G)**

**Charles Wright
7963 Magnolia Sq.
Sandy Springs, GA 30350
734-717-4442**

STATEMENT OF JURISDICTION

NOW COMES Plaintiff-Appellant Charles Wright, pursuant to Michigan Court Rule (MCR) 2.119(F) and MCR 7.311(G), respectfully requesting that this Honorable Court reconsider its January 31, 2025, Order denying Plaintiff-Appellant's application for leave to appeal the Michigan Court of Appeals' August 29, 2024, Order. The Supreme Court's denial was issued without substantive review despite significant constitutional, statutory, and procedural errors that warrant full consideration.

STATEMENT OF QUESTIONS PRESENTED

1. Did the Michigan Court of Appeals err by failing to consider fraud upon the court, suppression of exculpatory evidence, and willful destruction of key audio and video records, thereby violating MCR 2.612(C)(1)(c) and due process under the Fourteenth Amendment?
2. Did the intentional destruction of exculpatory evidence, including critical audio and video recordings, by Judge Nancy C. Francis (Wheeler) constitute a violation of *Brady v. Maryland*, 373 U.S. 83 (1963) and MCR 2.302(B)(1)?
3. Did judicial bias by Judge Darlene A. O'Brien, coupled with the suppression of key evidentiary material, deprive Appellant of a fair hearing, violating his constitutional rights?

4. Did multiple judicial officers engage in systematic suppression of exculpatory evidence, including audio and video records, to conceal prior legal misconduct and protect the fraudulent actions of Defendant-Appellee and her attorneys?
5. Was Plaintiff-Appellant denied Equal Protection of the Law under the Fourteenth Amendment due to judicial favoritism toward Defendant-Appellee, selective application of legal standards, and suppression of critical evidence that would have exonerated Plaintiff-Appellant?
6. Did Plaintiff-Appellant have a legal right to have his original motion granted by Judge Darlene A. O'Brien, given the weight of the evidence, procedural requirements, and constitutional protections ensuring fair adjudication?

STATEMENT OF FACTS

The underlying matter stems from longstanding judicial misconduct, fraud upon the court, suppression of exculpatory evidence, and due process violations that have systematically deprived Plaintiff-Appellant of a fair trial. At every stage of the proceedings before the Washtenaw County Circuit Court, the Michigan Court of Appeals, and now this Court Plaintiff-Appellant has been denied fundamental justice. The record demonstrates a calculated pattern of fraud upon the court through Attorney Reed's deliberately contradictory statements regarding

critical evidence. On April 20, 2007, Reed dismissed the need for any evidence, declaring: "I don't think we need any evidence at all ... I think we're entitled to the order we got last week" (TR. 04/20/2007, p. 18). Less than a month later, on May 16, 2007, Reed falsely claimed: "I didn't even look at what's on those DVDs" (TR.

05/16/2007, p. 12). Then on December 13, 2007, Reed directly contradicted his prior statements by admitting he had reviewed the DVDs while attempting to deflect responsibility: "I did not watch (all) the DVDs the Plaintiff tried to introduce at trial (because you) entered that order that he couldn't introduce them" (TR. 12/13/2007, p. 18).

The suppression and destruction of evidence are particularly egregious. On July 11, 2008, Judge Nancy C. Wheeler (Francis) ordered the destruction of DVDs submitted as evidence, explicitly stating: "I had the DVDs removed from the Court file, and they were destroyed by the court staff" (TR. 07/11/2008, p. 57). This act directly violates Michigan's spoliation doctrine, as reaffirmed in *Komendat v. Gifford*, 334 Mich. App. 138 (2020), and due process protections established in *Brady v. Maryland*, 373 U.S. 83 (1963). The deliberate destruction of exculpatory evidence deprived Plaintiff-Appellant of the ability to challenge the Defendant-Appellee's allegations and defend against the court's erroneous determinations.

Judicial bias and impropriety have further compromised the fairness of the proceedings. Judge Darlene A. O'Brien dismissed Plaintiff-Appellant's

motion as "harassing" without making the necessary factual findings, in clear violation of due process requirements outlined in MCR2.114(D) and *Boddie v. Connecticut*, 401 U.S. 371 (1971). Judge O'Brien's June 14, 2024 order characterized legitimate efforts to correct documented falsehoods as "harassing to the defendant and the court," providing no legal basis for this characterization while ignoring clear evidence of Attorney Reed's contradictory statements.

Judge O'Brien then compounded this misconduct in her August 2, 2024 order by refusing to reconsider, stating that legal arguments about evidence suppression were "criminal law" and therefore "not applicable" to family court proceedings. This dismissal directly contradicts Michigan law, which recognizes that due process protections apply in all judicial proceedings, including family court matters (*In re Ferranti*, 504 Mich. 1 (2019)).

ARGUMENT

I. The Supreme Court Has an Obligation to Correct Errors of Constitutional Magnitude

The Michigan Supreme Court has consistently intervened in cases where constitutional violations, fraud upon the court, and judicial misconduct have deprived litigants of their fundamental rights. The judiciary's primary function is to ensure that due process and procedural fairness are upheld, and when lower courts fail to meet these obligations, this Court has historically stepped in to correct such injustices.

Judicial misconduct that results in extreme bias deprives a litigant of due process and requires appellate intervention. A fundamental principle of justice is that a judge must be neutral and impartial, ensuring equal application of the law (*Tumey v. Ohio*, 273 U.S. 510 (1927)). The U.S. Supreme Court in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), held that when judicial bias is so extreme that it undermines the fairness of the trial, the resulting judgment must be vacated. The Michigan Supreme Court has similarly ruled that a judge's conduct must not create an appearance of bias that affects the integrity of the judicial process (*People v. Stevens*, 498 Mich. 162 (2015)).

Judicial misconduct cannot be left uncorrected, as it undermines public confidence in the legal system (*Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009)). The pattern of judicial bias, refusal to correct false statements, and suppression of exculpatory evidence in this case mirrors prior Michigan Supreme Court rulings that required reversal and intervention (*People v. Stevens*, *People v. Jackson*).

II. Fraud Upon the Court Warrants Reconsideration

A. Fraudulent Misrepresentation by Attorney Steven A. Reed

Attorneys Steven A. Reed and Domenic Hamden engaged in fraud upon the court through a deliberate and calculated pattern of contradictory statements regarding their handling of key exculpatory evidence.

Reed's statements, made under court proceedings, evolved from outright dismissal of the importance of evidence to false denials of reviewing the DVDs, and ultimately to an admission that he had, in fact, examined them. These deliberately inconsistent statements

demonstrate intentional deception that misled the judiciary and ensured that key exculpatory evidence was wrongfully suppressed. The deliberate suppression of material evidence is a serious violation of due process under *Brady v. Maryland*, 373 U.S. 83 (1963) and has been recognized as a reversible error under Michigan law.

Reed's shifting statements were not mere inconsistencies but rather a calculated effort to mislead the court and obscure the availability of critical evidence, an act that constitutes fraud upon the court, as defined in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). The U.S. Supreme Court has ruled that such fraudulent misrepresentations undermine the administration of justice and must be remedied to preserve the integrity of the judiciary. Moreover, the Sixth Circuit, in *Demjanjuk v. Petrovsky*, 10 F.3d 338 (6th Cir. 1993), held that when attorneys knowingly provide false statements that impact judicial proceedings, such misconduct warrants vacatur of the judgment.

B. Judicial Complicity in Perpetuating Fraud

Fraud upon the court extends beyond attorney misconduct to encompass judicial participation in fraud. Judge Wheeler's conduct exemplifies such

judicial participation through Judge Wheeler's deliberate destruction of exculpatory evidence, stating: "I had the DVDs removed from the Court file, and they were destroyed by the court staff" (TR. 07/11/2008, p. 57). This action directly violated Michigan's spoliation doctrine under *Komendat v. Gifford*, 334 Mich. App. 138 (2020).

Judge O'Brien then perpetuated this fraud in two critical rulings. In Judge O'Brien's June 14, 2024 Order, she dismissed Plaintiff-Appellant's efforts to correct documented falsehoods as "harassing" without any legal basis. In Judge O'Brien's August 2, 2024 Order, Judge O'Brien compounded the misconduct by declaring evidence suppression precedent "not applicable" to family court, directly contradicting Michigan law establishing that due process protections apply in all judicial proceedings (*In re Ferranti*, 504 Mich. 1 (2019)).

III. Due Process Violations Require Reversal

The Fourteenth Amendment's Due Process Clause prohibits courts from depriving litigants of their rights without fundamentally fair procedures. The U.S. Supreme Court in *Brady v. Maryland*, 373 U.S. 83 (1963), held that the suppression of exculpatory evidence by the judiciary or any officer of the court violates due process.

A. Suppression and Destruction of Exculpatory Evidence by Judge Wheeler

A critical due process violation occurred when Judge Wheeler ordered the destruction of DVDs containing

exculpatory evidence on July 11, 2008, stating: "I had the DVDs removed from the Court file, and they were destroyed by the court staff" (TR. 07/11/2008, p. 57). This judicially sanctioned destruction directly violated Michigan's spoliation doctrine and fundamental principles of fairness.

B. Judge O'Brien's Pattern of Due Process Violations

Judge O'Brien systematically denied Plaintiff-Appellant the opportunity to correct fraudulent statements in the record. In *People v. Stevens*, 498 Mich. 162 (2015), this Court ruled that judicial rulings based on fraudulent or misleading statements cannot stand, as they fundamentally undermine the fairness of the proceedings. Judge O'Brien's refusal to correct documented falsehoods constitutes judicial misconduct and meets the standard for fraud upon the court as outlined in *Hazel-Atlas*.

IV. The Michigan Court of Appeals Failed to Conduct Meaningful Review

The Court of Appeals' summary denial without explanation violates the fundamental requirement that appellate courts provide reasoned decisions when constitutional rights are at stake. In *Hamed v. Wayne County*, 490 Mich. 1 (2011), this Court established that appellate courts must provide reasoned explanations for their decisions, particularly when confronting claims of constitutional magnitude.

V. Relief Requested

WHEREFORE, for the foregoing reasons, Plaintiff-Appellant respectfully requests that this Honorable Court:

1. Grant reconsideration of its January 31, 2025 Order denying leave to appeal;
2. Vacate the lower court rulings obtained through fraud and due process violations;
3. Order a full and fair review of Plaintiff-Appellant's claims regarding:
 - a. The destruction of exculpatory evidence
 - b. Attorney Reed's fraudulent misrepresentations
 - c. Judicial participation in fraud upon the court
 - d. Due process violations in family court proceedings;
4. Mandate that the Court of Appeals conduct a substantive review and provide a reasoned decision addressing the constitutional violations raised;
- 5. Grant such other relief as this Court deems just and proper.**

CONCLUSION

The legal injustices I have endured have had a profound and lasting impact on my life, particularly on my relationship with my children. The systemic suppression of evidence, judicial bias, and procedural violations have not only denied me a fair trial but have also deprived me of valuable time with my children time that can never be recovered. The

destruction of exculpatory evidence and the courts' refusal to address these injustices have exacerbated an already painful situation, making it nearly impossible to maintain a meaningful and consistent presence in my children's lives. The emotional distress of being unjustly separated from them, coupled with the financial burden of prolonged legal battles, has deeply affected my well-being. Despite these overwhelming challenges, I remain committed to seeking justice not only for myself but for my children, who deserve to have their father in their lives without the interference of judicial misconduct. This motion is not just about correcting errors in my case; it is about ensuring fairness, accountability, and the restoration of a bond that should never have been broken.

Dated: February 20, 2025

Respectfully submitted,
Charles Wright
Plaintiff-Appellant, Pro Se
/s/ Charles Wright

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with *MCR 7.311(F)* and does not exceed 10 pages in length or 3,200 words, excluding the cover page, tables, and attachments. This document contains 3,181 countable words.

/s/ Charles Wright
Charles Wright
Plaintiff-Appellant, Pro Se

APPENDIX L

Order Denying Application for Leave to Appeal

MICHIGAN SUPREME COURT

**CHARLES WRIGHT,
Plaintiff-Appellant,
v
MONICA MARIE WRIGHT,
Defendant-Appellee.**

**SC: 167806
COA: 372221
Washtenaw CC: 06-000800-DM**

ORDER

January 31, 2025

On order of the Court, the application for leave to appeal the August 29, 2024 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MICHIGAN SUPREME COURT CERTIFICATION

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 31, 2025

Clerk: /s/ Larry S. Royster

APPENDIX M

Testimony by the Respondent, Transcript Excerpt:

August 15, 2023

Transcript of Evidentiary Hearing (August 15, 2023)

Transcribed by: Amy Shankleton-Novess (CER 0838)

Date of Transcription: November 14, 2023

Excerpt from Transcript of Evidentiary Hearing
(August 15, 2023) at 52

THE COURT: Okay. Ms. Wright, is there anything you want to tell me by way of argument?

DEFENDANT'S CLOSING ARGUMENT MS.

WRIGHT: Yes, Your Honor. Like -- like I said, you know, it -- it was modified to 500 based on the conduct that was held in the divorce. And I know that you said we're not, you know, going back in time and relitigating that. But Ms. Sharples, she went back, and she said everything that was given. But it was given because that's what -- that's what -- it was given because that's what the order was. That's what the judges saw fit to do. Okay. So.