

TITLE PAGE

INSTRUCTIONS: This application is for use in *criminal* appeals only. If you are appealing a Court of Appeals decision involving a civil action, use the form designed for that appeal type. Answer each question completely and add more pages if necessary.

**IN THE MICHIGAN SUPREME COURT
PRO PER CRIMINAL APPLICATION FOR LEAVE TO APPEAL**

I am appealing a Court of Appeals decision that affirmed my conviction(s) and sentence(s) in whole or in part, affirmed the trial court's denial of my motion for relief from judgment, or denied my application for leave to appeal in that court.

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Supreme Court No. _____
(Leave blank)

v

Court of Appeals No. 332500
(See Court of Appeals decision)

Raymond C. Pierson
(Print your name)

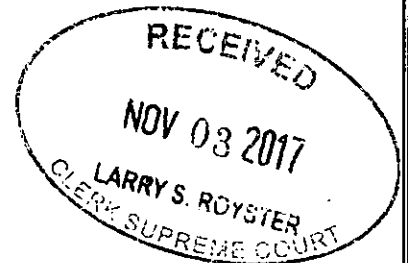
Trial Court No. 10-1241-FH
(See Court of Appeals decision or PSIR)

Defendant-Appellant.

I am currently incarcerated in a Michigan, federal, or other state correctional facility. Yes No

If Yes, provide the name and address of the correctional facility:

Thumb Correctional Facility
(Print name of correctional facility)
3225 John Conley Drive
(Print street address of correctional facility)
Lapeer, MI 48446
(Print city, state and zip code of correctional facility)



FILING DEADLINE: For incarcerated persons, the application will be accepted as timely filed by the Supreme Court if received on or before the 56-day filing deadline or if it bears a date stamp from the correctional facility on or before the filing deadline and (1) the case involves a criminal appeal, (2) you are incarcerated, (3) you are acting without an attorney, and (4) you include a sworn statement identifying the date the papers were given to the correctional facility for mailing to the Court and indicating that first-class postage was prepaid. MCR 7.305(C)(4).

For persons who are not incarcerated, the application must be received by the Supreme Court on or before the 56-day deadline or it will be rejected as untimely. No extensions can be given to the filing deadline.

CRIMINAL PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)

Raymond C. Pierson
(Print your name)

Appellant

Court of Appeals No. 332500

ISSUE II:

A. Write the issue exactly as it was phrased in the Court of Appeals brief.

Defendant's state and federal rights to due process were violated when the court informed the jury of the existence, nature and results of a suppression hearing concerning the admissibility of an alleged statement.

B. The Court should review the Court of Appeals decision on this issue because: (Check all the boxes you think apply to this issue, but you must check at least 1.)

- 1. The issue raises a serious question about the legality of a law passed by the legislature.
- 2. The issue raises a legal principle that is very important to Michigan law.
- 3. The Court of Appeals decision is clearly wrong and will cause material injustice to me.
- 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. Explain why you think the choices you checked in "B" apply to this issue. List any cases and state any facts that you want the Supreme Court to consider even if they were not included in your Court of Appeals brief. If you think the Court of Appeals mixed up any facts about this issue, explain below. If you need more space, you may add more pages.

See Attached Brief.

CRIMINAL PRO PER APPLICATION FOR LEAVE TO APPEAL (cont).

Raymond C. Pierson
(Print your name)

Appellant

Court of Appeals No. 332500

NEW ISSUE INSTRUCTIONS: If you want the Supreme Court to look at errors that were not raised in the Court of Appeals, check **Yes** in the checkbox below and answer parts **A**, **B**, and **C** for each new issue you raise. There are pages provided for 2 new issues. You may include more pages to raise additional new issues. If you do not have new issues, go to the Relief Requested section on page 10.

YES, I want the Supreme Court to consider the additional grounds for relief contained in the following issues. The issues were not raised in my Court of Appeals brief.

NEW ISSUE I:

A. Write the new issue you want the Court to consider:

THE COURT OF APPEALS FAILED TO ADDRESS AND ALLOWED THE PROSECUTOR TO DEFAULT PROCEDURALLY BY FAILING TO COMPLY WITH THE COURTS ORDER TO FILE A RESPONSE AS DIRECTED W MCR 6.509 (D) OR WITHIN THE TIME STATED W MCR 7.212 (A)(2)(a), EFFECTIVELY VIOLATING MCR 2.111 (E)(1).

B. The Court should review this issue because: (Check all the boxes you think apply to this issue, but you must check at least 1.)

- 1. The issue raises a serious question about the legality of a law passed by the legislature.
- 2. The issue raises a legal principle that is very important to Michigan law.
- 3. The Court of Appeals decision is clearly wrong and will cause material injustice to me.
- 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. Explain why you think the choices you checked in "B" apply to this issue. List any cases and citations, laws, or court rules, etc. that support your argument and explain how they apply to this issue. State the facts that support and explain this issue. If any facts were not presented in the Court of Appeals, explain why. You may add more pages.

On May 3, 2016 the prosecutor was given 28 days to file a response to the defendant's allegations set forth in his Application for Leave to Appeal. (See Exhibit A) On August 29, 2016 the Michigan Court of Appeals issued an ORDER that the prosecutor must file an appellee's brief within 56 days because he had previously failed to respond. The prosecutor yet again failed to comply with the Court's ORDER. Thus, by failing to explicitly deny the defendant's allegations constitutes an admission by the prosecution. See *Griggs v Hamilton*, 2013 Mich.App. LEXIS 854. (See Exhibit B)

Under MCR 2.111 (E)(1), whenever a responsive pleading is required, a failure to explicitly deny an allegation constitutes an admission. The defendant's allegations fall within the parameters of MCR 2.111 (E)(1). Thus, the prosecution has conceded their violations of the defendant's rights to due process of law, and defaulted procedurally by failing to comply with the Court's ORDER.

Page 8

STATE OF MICHIGAN
IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appelle,

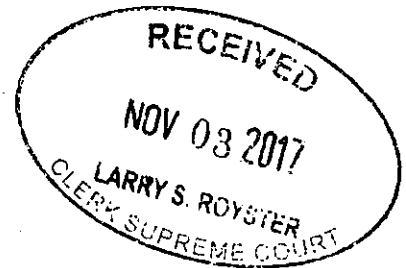
-v-

Supreme Court No. New Case
Court of Appeals No. 332500
Lower Court No. 10-1241-PH

RAYMOND C. PIERSON,
Defendant-Appellant.

Brian L. Mackie
Attorney for Plaintiff
200 N. Main Street, Suite 300
Ann Arbor, MI 48104

Raymond Pierson #370457
Defendant In Pro Per
3225 John Conley Drive
Lapeer, MI 48446



SUMMARY OF APPLICATION FOR LEAVE TO APPEAL

Defendant-Appellant Raymond, was found guilty in a jury trial on January 31, 2012, of First Degree Home Invasion, Felon in Possession of a Firearm, Felony Firearm-Second Offense and Resisting and Obstructing a Police Officer. Defendant-Appellant was sentenced to 120 to 300 months for First Degree Home Invasion, 12 to 60 months for Felon in Possession of a Firearm, 5 years for Felony Firearm-Second Offense and 12 to 60 months for Resisting and Obstructing a Police Officer.

Defendant-Appellant is currently in prison at the Thumb Correctional Facility, 3225 John Conley Drive, Lapeer, Michigan 48446. The Michigan Court of Appeals affirmed Defendant-Appellant's conviction on December 10, 2013.

The Michigan Supreme Court denied leave to appeal on May 27, 2014. Mr. Pierson then filed a Motion For Relief From Judgment pursuant to MCR 6.502 in the Washtenaw County Circuit Court which the Honorable Carol Kohnke denied on September 1, 2015.

Defendant-Appellant next filed an Application For Leave to Appeal in the Michigan Court of Appeals which was granted, limited to the issue raised in Issue II of the application on August 29, 2016 by Presiding Judge Jane M. Beckering. The Michigan Court of Appeals affirmed Defendant-Appellant's conviction on September 12, 2017.


Defendant-Appellant now files this Application For Leave to Appeals to the Michigan Supreme Court. In support of this Application Mr. Pierson brings the issue raised in the Michigan Court of Appeals from the August 29, 2016 order from Presiding Judge Jane M. Beckering.

ISSUE II

DEFENDANT'S STATE AND FEDERAL RIGHTS TO DUE PROCESS WERE VIOLATED WHEN THE COURT INFORMED THE JURY OF THE EXISTENCE, NATURE AND RESULTS OF A PRE-TRIAL SUPPRESSION HEARING CONCERNING THE ADMISSIBILITY OF AN ALLEGED STATEMENT.

Therefore, Mr. Pierson prays that this Honorable Court grant leave to appeal and reverse his conviction and sentence and remand for a new trial.

Respectfully submitted


Raymond C. Pierson #370457
Defendant In Pro Per

Dated: 11-1-17

STATE OF MICHIGAN
IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appelle,

-v-

Court of Appeals No. 332500
Lower Court No. 10-1241-FH

RAYMOND C. PIERSON,
Defendant-Appellant.

BRIEF IN SUPPORT OF APPLICATION FOR LEAVE
TO APPEAL

BY:



Raymond C. Pierson #370457
Defendant In Pro Per
Thumb Correctional Facility
3225 John Conley Drive
Lapeer, MI 48446

TABLE OF CONTENTS

Index of Authorities..... ii
Statement of Questions Presented..... iii

ARGUMENTS:

ISSUE III..... 1

DEFENDANT'S STATE AND FEDERAL CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW WERE VIOLATED WHEN THE COURT INFORMED THE JURY OF THE EXISTENCE, NATURE AND RESULT OF A PRE-TRIAL SUPPRESSION HEARING CONCERNING THE ADMISSIBILITY OF AN ALLEGED STATEMENT, REQUIRING REVERSAL OF DEFENDANT'S CONVICTION.

INDEX OF AUTHORITIES

Cases

Arizona v. Folminate, 499 U.S. 279; 111 Sct 1246; 113 LEd.2d 320 (1991)..... 2
Bruton v. U.S., 391 U.S. 123, 129; 20 LEd.2d 476; 88 Sct 1620 (1968)..... 2
Fields v. Birkett, 461 Fed. Appx. 454; 2012 U.S. App LEXIS 2663 (6th Cir)..... 3
Fleming v. Metrish, 556 F.3d 520; 2009 U.S. App. LEXIS 3761 (6th Cir)..... 5
In re king 186 Mich. App. 458, 466; 465 NW.2d 1 (1990)..... 1
Lego v. Twomey, 404 U.S. 477; 92 Sct 619; 30 LEd.2d 618 (1972)..... 2
Miranda v. Arizona, 384 U.S. 436; 86 Sct 1602; 16 LEd.2d 694 (1966)..... 4
Nevers v. Killinger, 990 F.Supp. 844; 1997 U.S. Dist. LEXIS 21146..... 4
People v. Gibert, 55 Mich. App. 168; 222 NW.2d 305 (1974)..... 2
People v. Holtzman, 234 Mich. App. 166; 593 NW.2d 617 (1999)..... 3
People v. Lukity, 460 Mich. App. 484; 596 NW.2d 607 (1999)..... 1
People v. Pierson, 2017 Mich. App. LEXIS 1428..... 1
People v. Williams, 46 Mich. App. 165; 207 NW.2d 480 (1973)..... 3
U.S. Redditt, 78 Fed. Appx. 440; 2003 U.S. App. LEXIS 10317..... 3
U.S. v. Young, 470 U.S. 1; 105 Sct 1038; 84 LE.2d 1 (1985)..... 4
Worland v. McGill, 26 Ohio App. 442; 160 N.E. 478 (6th Cir)..... 4

MICHIGAN RULES OF EVIDENCE:

MRE 801(a)..... 3
MRE 1002..... 3

MICHIGAN COURT RULES:

MCR 2.302(B)(3)(c)(i)..... 3

MISCELLANEOUS PROVISIONS:

Michigan Evidence Courtroom Manual (Pg 11)..... 4

STATEMENT OF QUESTION PRESENTED

WERE THE DEFENDANT'S STATE AND FEDERAL RIGHTS TO DUE
PROCESS OF LAW VIOLATED WHEN THE COURT INFORMED
THE JURY OF THE EXISTENCE, NATURE AND RESULT OF A
SUPPRESSION HEARING CONCERNING THE ADMISSIBILITY
OF ALLEGED STATEMENT?

The Defendant answer: **Yes**

The Prosecutor answer: **NO**

ISSUE II

DEFENDANT'S STATE AND FEDERAL RIGHTS TO DUE PROCESS WERE VIOLATED DEPRIVING DEFENDANT OF A FAIR TRIAL, WHEN THE COURT INFORMED THE JURY OF THE EXISTENCE, NATURE AND RESULTS OF A PRE-TRIAL SUPPRESSION HEARING CONCERNING THE ADMISSIBILITY OF AN ALLEGED STATEMENT, REQUIRING REVERSAL OF DEFENDANT'S CONVICTION.

STANDARD OF REVIEW

The appropriate standard of review for this issue is clearly erroneous for an abuse of discretion, as the error complained of is one concerning the Court of Appeals general conduct of trial decision. In re King, 186 Mich. App. 458, 466; 465 NW.2d 1 (1990).

THE COURT OF APPEALS DECISION WAS IN ERROR

AND AN ABUSE OF DISCRETION

The Michigan Supreme Court has determined that when it becomes apparent that the reasoning of an opinion is erroneous, it become the duty of the court to correct it. People v. Lukity, 460 Mich. 484; 596 N.W.2d 607 (1999). The Court of Appeals in its September 12th decision states that "the trial court properly instructed the jury that its rulings and conduct were not evidence, that the jury must disregard any opinion it believed the judge might have." See People v. Pierson, 2017 Mich. App. LEXIS 1428. Although this instruction was made it does not take way from the improper impinging upon the province of the jury by supplying the existence, nature and results of the defendant pre-trial Walker Hearing. Nor did the court's instruction stop the defendant from being hindered from meaningfully familiarizing the jury with the circumstances that attended the taking of his alleged statement/confession.

A defendant is free to familiarize a jury with circumstance that attended the taking of his confession, including facts being upon its weight and voluntariness. In like measure, of course, juries are at liberty to

disregard confessions that are insufficiently corroborated or otherwise deemed unworthy of belief. Lego v. Twomey 404 U.S. 477; 92 Sct 619; 30 L.Ed.2d 618 (1972). The defendant's ability to challenge not only the alleged confession, but also the circumstance of it were crippled if not killed altogether by the court when on recross examination, defense counsel attempted to ask the officer about the alleged statement and mentioned the court's comments informing the jury of the existence, nature and result of the defendant's pre-trial hearing the court stated, "You know what, that doesn't matter either. So go head." A properly preserved error that crippled the defendant's ability to challenge a confession cannot, be deemed harmless. People v. Gibert, 55 Mich. App. 168; 222 N.W.2d 305 (1974).

The instruction to the jury by the court did not remedy the damage that was done to the defendant by this error. A confession is like no other evidence. It is probably the most probative and damaging evidence that can be admitted against a defendant. Certainly, confession have profound impact on the jury, so much so that the courts may justifiably doubt its ability to put them out of mind even if told to do so. Bruton v. U.S., 391 U.S. 123, 129; 20 L.Ed.2d 476; 89 Sct 1620 (1968). The naive assumption that prejudicial effects can be overcome by instructions to the jury, all practicing lawyers know to be unmitigated fiction. Ariz v. Folminate, 499 U.S. 279; 111 Sct 1246; 113 L.Ed.2d 302 (1991). Here damage to the defendant was so severe that there exists a justifiable doubt to the jury's ability to put the court's comments out of their mind and heed the instruction given.

In the instant case the proceedings were influenced and the jury prejudiced against the defendant by the court's comments informing the jury of the existence, nature and results of the defendant's pre-trial

hearing. The Court of Appeals in its decision even states that "any further efforts by counsel would have been futile or counterproductive." This action of the court made it highly unlikely that the jury would ever decide that the alleged statement/confession was never made to police, and unfairly discounted the credibility of the defendant's impeachment evidence. See Peopel v. Williams, 46 Mich. App. 165; 207 N.W.2d 480 (1973). Indeed a confession in which the defendant disclose the motive for and means of the crime is so powerful that the jury might rely on it alone in convicting. Fields v. Birkett, 461 Fed. Appx. 454; 2012 U.S. App. LEXIS 2663 (6th Cir.).

Next the Court of Appeals in its decision states that "ample evidence was properly admitted establishing both the content of defendant's statement and the fact that he had not been advised of his "MIRANDA RIGHTS" when he allegedly made it." This assertion is false. No evidence was ever presented of the alleged statement to police, only the officer's assertion.

Michigan Rules of Evidence #1002 provides: To prove the content of a statement, the original is required. Michigan Rules of Evidence #801(a) provides: Statement means a person's oral assertion, written assertion, or now verbal conduct if the person intended it as an assertion. Only written statements that have been signed or otherwise adopted or approved by the person who made them, MCR 2.302(B)(3)(c)(i) qualify as statements. People v. Holtzman, 234 Mich. App. 166; 593 N.W.2d 617 (1999). The Sixth Circuit has held that signed confessions not suppressed, provide evidence of a defendant's guilt. U.S. v. Redditt, 87 Fed. Appx LEXIS 10317 (6th Cir.). Nowhere on the record is there any actual evidence provided of a statement made by the defendant.

The testimony of the officer claiming that the defendant made a statement to him was not corroborated by any evidence. The word "evidence"

as used in charge to jury is broader than the word "testimony" and includes exhibits, while testimony does not include them. Worland v. McGill, 26 Ohio. App. 442; 160 N.E. 478 (6th Cir.). Any inferences made by the prosecution must be warranted by the evidence. U.S. v. Young, 470 U.S. 1; 105 Sct 1038; 84 L.Ed.2d 1 (1985). It is hard to believe that the prosecution would not enter into evidence a confession made by the defendant, to a police officer if there was such a statement available.

The Court of Appeals also confirms the fact that the defendant "had not been advised of his "MIRANDA RIGHTS." A defendant's constitutional rights have been violated if his conviction is based in whole or in part, on an involuntary confession, regardless of its truth or falsity. This is even so if there is ample evidence aside from the confession to support the conviction. Miranda v. Arizona 384 U.S. 436; 86 Sct 1602; 16 L.Ed.2d 692 (1966). Whether his conviction was in federal or state court, the defendant may secure a post-conviction hearing based on the alleged involuntary character of his confession. Miranda, supra. Indeed, the alleged statement/confession should have never been admitted due to the fact that he had not been advised of his Miranda Rights. Miranda, supra.

Error in criminal proceedings is harmless only if there is no reasonable probability that the error may have contributed to the accused's conviction. See Nevers v. Killinges, 990 F.Supp. 844; 1997 U.S. Dist LEXIS 21146 (6th Cir.). Merely finding that the jury reached the right result doesn't mean preserved error is harmless. Mich. Evid. Court Room Manual (Pg 11).

The defendant assert that the comments made by the court to the jury informing them of the existence, nature and results of the defendant's pre-trial hearing had a substantial and injurious effect or influence

in determining the jury's verdict, and therefore not harmless. See Fleming v. Metrish, 556 F.3d 520; 2009 U.S. App. LEXIS 3761 (6th Cir.).

The Court of Appeals decision declaring the error to be harmless was in error and was an abuse of discretion. Therefore the defendant's conviction should be reversed and a new trial granted.

SUMMARY AND RELIEF

WHEREFORE, for the forgoing reasons, Defendant-Appellant moves that this Honorable Court vacate his conviction and sentence, and remand this case for a new trial.

Respectfully submitted,



Defendant-Appellant, In Pro Per
Thumb Corr. Facility
3225 John Conley Dr.
Lapeer, MI 48446

Dated: 11 - 1, 2017

**NOTICE OF FILING APPLICATION
IN THE MICHIGAN SUPREME COURT**

(Mail 1 copy to the Court of Appeals and 1 copy to the trial court)

11-1-17

(Today's Date)

Check the boxes to verify that copies were sent to the Court of Appeals and trial court.

Michigan Court of Appeals

Clerk's Office
Hall of Justice
P.O. Box 30022
Lansing, MI 48909

Washtenaw County Trial Court (Name of Trial Court)

101 E. Huron (Trial Court Address)

P.O. Box 8645

Ann Arbor, MI 48107

PEOPLE OF THE STATE OF MICHIGAN v Raymond C. Pierson

(Print your name)

Court of Appeals No. 332500

(You can get this number from the Court of Appeals decision)

Trial Court No. 10-1241-FH

(You can get this number from the Court of Appeals decision or the PSIR)

Dear Clerk:

On this date I have filed an application for leave to appeal with the Michigan Supreme Court in the above-captioned matter.

Raymond C. Pierson

(Sign your name)

Raymond C. Pierson # 370457

(Print your name and, if incarcerated, your MDOC number)

Thumb Correctional Facility

(Print name of correctional facility, if applicable)

3225 John Cowley Drive

(Print your address or address of correctional facility)

Lapeer, MI 48446



IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Supreme Court No. _____
(Leave blank)

Court of Appeals No. 332500
(See Court of Appeals decision)

v
Raymond C. Pierson
(Print your name)

Trial Court No. 10-1241-FJ
(See Court of Appeals brief or PSIR.)

Defendant-Appellant.

MOTION TO WAIVE FEES

For the reasons stated in the affidavit of indigency below, I request that this Court GRANT a waiver pursuant to MCR 7.319(C) of all fees required for filing the attached pleading because I am indigent and the provisions of MCL 600.2963 requiring prisoners to pay filing fees do not apply to appeals from a decision involving a criminal conviction.

November 1, 2017
(Date)

Raymond C. Pierson
(Sign your name)
Raymond C. Pierson # 370457
(Print your name and, if incarcerated, MDOC number)

AFFIDAVIT OF INDIGENCY

My name and MDOC number (if incarcerated) are Raymond C. Pierson # 370457

I am incarcerated at Thumb Correctional Facility in Lapeer Michigan 48446
(Name of correctional facility) (City, state and zip code)

I attest that I cannot pay the filing fee. (Check the boxes that apply to you.)

- My only source of income is from my prison job and I make \$ _____
- I have no income.
- I have no assets that can be converted to cash.
- The Court of Appeals waived my fees in that court.



I declare that the statements above are true to the best of my knowledge, information and belief.

Raymond C. Pierson
(Sign your name)

November 1, 2017
(Today's date)

Raymond C. Pierson # 370457
(Print your name and, if incarcerated, MDOC number)

Thumb Correctional Facility
(Print name of correctional facility if incarcerated)

3225 John Conley Drive
(Print your address or address of correctional facility)

Lapeer, MI 48446

IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

Raymond C. Pierson

(Print your name)

Defendant-Appellant.

Supreme Court No. _____

(Leave blank)

Court of Appeals No. 332500

(See Court of Appeals decision)

Trial Court No. 10-1241-FH

(See Court of Appeals brief or PSIR)

PROOF OF SERVICE

On November 1, 2017, I mailed by U.S. mail 1 copy of the documents checked below:

- Application for Leave to Appeal
- Copy of Trial Court decision being appealed
- Copy of Court of Appeals decision being appealed
- PSIR (required **only** if you are raising an issue related to the sentence imposed on your conviction **and** the PSIR was not previously filed with the Court of Appeals)
- Transcript of jury instructions (required **only** if you are raising an issue related to a jury instruction at trial **and** the transcript was not previously filed with the Court of Appeals)
- Motion to Waive Fees / Affidavit of Indigency
- Proof of Service
- Other: Brief in support of Application for Leave to Appeal

You do not have to provide any briefs or other documents filed in the trial court or Court of Appeals

TO: Brian L. Muckie County Prosecutor

(Name of county)

200 N. Main Street, suite 300

(Street address)

Ann Arbor

(City)

MI 48104

(Zip Code)



I declare that the statements above are true to the best of my knowledge, information and belief.

Raymond C. Pierson

(Sign your name)

November 1, 2017

(Today's date)

Raymond C. Pierson # 370457

(Print your name and, if incarcerated, MDOC number)

Thumb Correctional Facility

(Print name of correctional facility if incarcerated)

3225 John Cowley Drive

(Print your address or address of correctional facility)

Lapeer, MI 48446

STATE OF MICHIGAN
IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appelle,

-v-

Supreme Court No. New Case
Court of Appeals No. 332500
Lower Court No. 10-1241-PH

RAYMOND C. PIERSON,
Defendant-Appellant.

STATE OF MICHIGAN)
)SS:
County of Michigan)




PROOF OF SERVICE

I, Raymond C. Pierson, Being sworn, say on November 1, 2017, I served a copy of Appellant's Application for Leave to Appeal; Brief in Support of Application for Leave to Appeal; Proof of Service to:

Brian L. Mackie (P25745)
Attorney for Plaintiff
200 N. Main Street, suite 300
Ann Arbor, MI 48104

By placing a copy of same in a sealed envelope with first-class postage fully prepaid addressed and deposited in the United States mail.

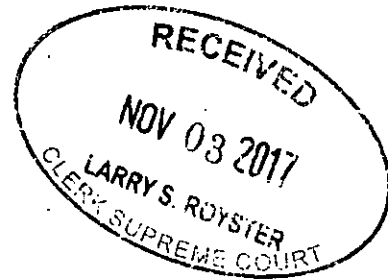
Dated: November 1, 2017


Raymond C. Pierson #370457
Defendant In Pro Per

Thumb Correctional Facility
3225 John Conley Drive
Lapeer, MI 48446

November
~~October~~ 1, 2017

Clerk of the Court
Michigan Supreme Court
Hall of Justice
P.O. Box 30052
Lansing, MI 48909



RE: PEOPLE v. RAYMOND C. PIERSON
Court of Appeals No. 332500
Circuit Court No. 10-1241-FH

Dear Clerk:

Enclosed for filing in your Court, please find the original and two copies of the following: Defendant's Pro Per Application for Leave to Appeal, Defendant's Brief in Support of Defendant's Application for Leave to Appeal and Proof of Service. Please file in your usual manner. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Raymond C. Pierson".

Raymond C. Pierson Bey #370457
Defendant In Pro Per

COVER LETTER

11-1-17

(Date of mailing to the Supreme Court)

Clerk's Office
Michigan Supreme Court
Hall of Justice
P.O. Box 30052
Lansing, MI 48909



RE: PEOPLE OF THE STATE OF MICHIGAN v Raymond C. Pierson
(Print your name)

Supreme Court No. (Leave blank - the Clerk will assign a number for you.)
Court of Appeals No. 332500 (Get this number from the Court of Appeals decision.)
Trial Court No. 10-1241-FH (Get this number from Court of Appeals brief or the PSIR.)

Dear Clerk:

Enclosed please find the originals of the documents checked below. (Put a check mark in the boxes of the documents you are sending.) I am indigent and cannot provide four copies.

- Application for Leave to Appeal
Copy of Trial Court decision
Copy of Court of Appeals decision
PSIR (required only if you raise an issue related to the sentence imposed on your conviction and the PSIR was not previously filed with the Court of Appeals)
Transcript of jury instructions (required only if you are challenging an instruction on appeal and the transcript was not previously filed with the Court of Appeals)
Motion to Waive Fees / Affidavit of Indigency
Proof of Service
Other Brief in support of Application for Leave to Appeal

You do not have to provide any briefs or other documents filed in the trial court or Court of Appeals

Raymond C. Pierson
(Sign your name)

Raymond C. Pierson # 370457
(Print your name and, if incarcerated, MDOC number)

Thumb Correctional Facility
(Print name of correctional facility if incarcerated)

3225 John Conley Drive
(Print your address or address of correctional facility)

Lapeer, MI 48446

Copy sent to: Brian L. Mackie

INSTRUCTIONS

- 1. You will need 2 copies and the originals of this letter and the pleadings listed above.
2. Mail the originals of this letter and the pleadings to the Supreme Court Clerk.
3. Mail 1 copy of this letter and the pleadings to the prosecutor.
4. Keep 1 copy of this letter and the pleadings for your file.