

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. 340028
(See Court of Appeals decision)

Dexter Burrell Taylor
(Print your name)

Trial Court No. _____
(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:

Michigan Reformatory (RMI)
(Print name of correctional facility)

1342 W. Main Street
(Print street address of correctional facility)

IONIA MI 48846
(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.)

Dexter Burrell Taylor, Appellant Court of Appeals No. 340028
(Print your name)

INSTRUCTIONS: In the sections below, write out those issues you want to raise in the Supreme Court that were raised in the Court of Appeals in either a brief prepared by your attorney or a supplemental brief that you prepared. To raise new issues, go to page 8.

ISSUES RAISED IN COURT OF APPEALS

ISSUE I:

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

Mr Taylor was denied due Process by the admission of Prior Bad Acts Evidence

- A) The evidence of other acts was not relevant.
- B) The evidence of other acts was not admissible under MRE 404(B)

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.

A majority of this decided that issue by adopting the highly probable standard for preserved, nonconstitutional error. Under this standard, the test is whether it is highly probable that (erroneously Admitted) evidence did contribute to the verdict. In lighth of the strength and weight of the untainted evidence this test effectively creates a presumption that such an error justifies reversal of a conviction unless the prosecutor demonstrate the error was harmless People v. Gearnis 457 Mich 170 People v. Major 407 Mich 394

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

Dexter Burrell Taylor Appellant
(Print your name)

Court of Appeals No. 340028

ISSUE II:

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

Mr Taylor was denied his due Process rights where his conviction is not supported by sufficient evidence of guilt

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.

In determining whether the prosecution has presented sufficient evidence to sustain a conviction, an appellate Court is required to apply the standard that a reviewing court must consider not whether there was any evidence to support the conviction but whether there was sufficient evidence to justify a rational trier of fact in finding guilty beyond a reasonable doubt.

People v- Wolf
440 Mich 508
513-516 489 N.W2d
748 (1992)

People v- Hampton
407 Mich 354, 366
285 N.W 284 (1979)

Jackson v- Virginia
443 U.S 307. 99
S.Ct 2781 61.L
Ed 2d 560
(1979)

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

Dexter Burrell Taylor Appellant
(Print your name)

Court of Appeals No. 340628

ISSUE III:

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

While the minimum sentence is within the sentence guidelines, It is not proportional to the Defendant

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.

Where a given case does not present a combination of Circumstance placing the offender in either the most serious or least threatening class with respect to the particular crime then the trial is not justified in imposing maximum or minimum penalty is unjustifiably imposed in this regard. Contrary to the Legislative scheme the reviewing court must vacate the sentence and remand the case to the trial court for resentencing. The discretion conferred by the legislature does not attend to exercises. There of which violates Legislative Intent, such exercises are therefore an abuse of Discretion

People v Lockridge
498 Mich 358 (2015)

People v Steanhouse
313 Mich App 1 (2015)

US Const Ams V, XIV Mich
Const 1963 Art 4 sec 17

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

Dexter Burrell Taylor Appellant
(Print your name)

Court of Appeals No. 340028

ISSUE IV:

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

The Statutory ban on appellate review of sentences within the sentencing guidelines is a violation of Constitutionally mandated Separation of Powers.

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.

Constitutional and Statutory authority vest appellate courts with the jurisdiction to review all sentencing issues. The jurisdiction to impose a sentence is set forth in Mich Compiled Law 769.1 as follows: A Judge of a court having jurisdiction is authorized and empowered to pronounce judgement against and pass sentence upon a person convicted of an offense in a court held by that Judge. The sentence shall not be in excess of the sentence prescribed by Law. The forerunner to this provision expressly includes justices of the Supreme Court and Judges having jurisdiction over criminal cases among those possessing authority to impose a sentence. The court reads, read M.C.L. 769.1 now to exclude other courts from possessing jurisdiction to impose a sentence where one court has already exercised jurisdiction to convict and sentence a Defendant

People-v-Cole
427 Mich 523 (1983)

The court directed that in the future trial courts should consider (1) the description of the wrong done (2) The protection of society, (3) the potential for reformation of the offender and (4) The deterring of others from committing like offense in imposing a sentence, and that they must state on record what criteria were considered and what reasons supported their decision in order to allow appellate review.

The court affirmed the judgement of the intermediate appellate court as to the defendants convictions ~~dismissing~~ dismissing all alleged errors as being without merit. However the court, reversed prior case law and held it had jurisdiction to review all sentencing issues. Therefore, each case was remanded for reconsideration of defendants sentences in light of the new standards of review by the Intermediate appellate or trial courts

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

_____, Appellant Court of Appeals No. _____
(Print your name)

ISSUE V:

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

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.

RELIEF REQUESTED

9. For the above reasons I request that the Supreme Court grant my application for leave to appeal or order any other relief that it decides I am entitled to receive.

5-10-19

(Date)

Dexter Burrell Taylor

(Sign your name)

Dexter Burrell Taylor

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

Michigan Reformatory

(Print the name of the correctional facility if incarcerated)

1342 W. Main ST

(Print your address or address of the correctional facility)

Ionia mi 48846

After this page, you should attach copies of the trial court and Court of Appeals decisions being appealed and any other required documents, such as the PSIR or transcript of jury instructions (if the PSIR or transcript were not filed with the Court of Appeals).

IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,
v
Dexter Burrell Taylor
(Print your name)
Defendant-Appellant.

Supreme Court No. _____
Court of Appeals No. 346028
(Leave blank)
(See Court of Appeals decision)
Trial Court No. 16-007780-01-FC
(See Court of Appeals brief or PSIR.)

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.

5-10-19
(Date)

Dexter Burrell Taylor
(Sign your name)
Dexter Burrell Taylor 165287
(Print your name and, if incarcerated, MDOC number)

AFFIDAVIT OF INDIGENCY

My name and MDOC number (if incarcerated) are Dexter Burrell Taylor 165287

I am incarcerated at Michigan Reformatory in Ionia Mi 48846
(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 \$ _____ per day.
- 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.

Dexter Burrell Taylor
(Sign your name)

5-10-19
(Today's date)

Dexter Burrell Taylor
(Print your name and, if incarcerated, MDOC number)

Michigan Reformatory
(Print name of correctional facility if incarcerated)

1342 W. Main ST
(Print your address or address of correctional facility)

Ionia Mi 48846

IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,
v
Dexter Burrell Taylor
(Print your name)
Defendant-Appellant.

Supreme Court No. _____
Court of Appeals No. 340028
(Leave blank)
(See Court of Appeals decision)
Trial Court No. 16-007780-01-FC
(See Court of Appeals brief or PSIR)

PROOF OF SERVICE

On 5-10, 2019, 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: _____

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

TO: Wayne County Prosecutor
(Name of county)
1441 ST Antoine
(Street address)
Detroit, MI 48226
(City) (Zip Code)

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

Dexter Burrell Taylor
(Sign your name)

5-10-19
(Today's date)

Dexter Burrell Taylor #65287
(Print your name and, if incarcerated, MDOC number)

Michigan Reformatory (RMI)
(Print name of correctional facility if incarcerated)

1342 W. Main ST
(Print your address or address of correctional facility)

Ionia MI 48846

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

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

S-10-19

(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

Wayne County Circuit Court (Name of Trial Court)
1441 ST Antoine (Trial Court Address)
Detroit MI 48226

PEOPLE OF THE STATE OF MICHIGAN v Dexter Burrell Taylor
(Print your name)

Court of Appeals No. 340028
(You can get this number from the Court of Appeals decision)

Trial Court No. 16-007780-01-FC
(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.

Dexter Burrell Taylor
(Sign your name)

Dexter Burrell Taylor #165287
(Print your name and, if incarcerated, your MDOC number)

Michigan Reformatory (RMI)
(Print name of correctional facility, if applicable)

1342 W. Main ST
(Print your address or address of correctional facility)

Ionia MI 48846

COVER LETTER

(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 Dexter Burrell Taylor
(Print your name)

Supreme Court No. _____ (Leave blank - the Clerk will assign a number for you.)

Court of Appeals No. 340028 (Get this number from the Court of Appeals decision.)

Trial Court No. 16-007780-01-FC (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 _____

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

Dexter B. Taylor
(Sign your name)

Dexter Burrell Taylor #165287
(Print your name and, if incarcerated, MDOC number)

Michigan Reformatory (RMF)
(Print name of correctional facility if incarcerated)

1342 W. Main ST
(Print your address or address of correctional facility)

Ionia MI 48846

Copy sent to:

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.

COVER LETTER

(Date of mailing to the Supreme Court)

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

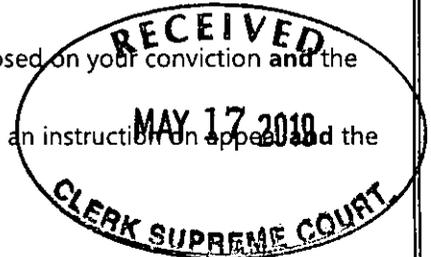
RE: PEOPLE OF THE STATE OF MICHIGAN v Dexter Burrell Taylor
(Print your name)

Supreme Court No. _____ (Leave blank - the Clerk will assign a number for you.)
Court of Appeals No. 340028 (Get this number from the Court of Appeals decision.)
Trial Court No. 16-007780-01-FC (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 _____



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

Dexter B. Taylor
(Sign your name)

Dexter Burrell Taylor #165287
(Print your name and, if incarcerated, MDOC number)

Michigan Reformatory (RMF)
(Print name of correctional facility if incarcerated)

1342 W. Main ST
(Print your address or address of correctional facility)

Ionia MI 48846

Copy sent to:

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.