Michigan Supreme Court

MSC #160707

People

v

Carl Gregory Washington

Supplemental (Brief Amicus Curiae).*

Supplement to my previously filed (Brief Amicus Curiae) on behalf of the defendant.

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* Photocopies of quoted case-Laws are included inside.

RECEIVED
JUL 06 2020
LARRY S. ROYSTER
CLERK SUPREME COURT

Filed by: Willie Curtis
4269 M-80
Kincheloe, MI 49784

Cite: People V. Washington 2019 Mich App Lexis 5569

Civil Procedure > ... > Jurisdiction > In Rem & Personal Jurisdiction > In Personam Actions

Criminal Law & Procedure > Jurisdiction & Venue > Jurisdiction

Civil Procedure > ... > Jurisdiction > Subject Matter Jurisdiction > Jurisdiction Over Actions

HN7[] In Rem & Personal Jurisdiction, In Personam Actions

Jurisdiction of the subject matter means that the court's authority over a particular incident, transaction, or circumstances that constitutes the subject matter of the case has been activated, as required by procedural law. Similarly, jurisdiction of the parties means more than personal jurisdiction—it means the court's existing legal authority over the parties has been activated in a procedurally proper way, usually service of process. Thus if one expects the big two categories of jurisdiction from law school to be the only categories, there are thousands of references to jurisdiction that would not make any sense at all. But when one perceives that those references pertain to the question of whether the applicable procedural law affords the court a green light to proceed under the circumstances, it becomes evident that an entirely distinct category exists, and although some inconsistency marked its development, in recent decades, the body of procedural law of jurisdiction has become increasingly coherent. All that remains is to formally recognize the existence of procedural jurisdiction as a distinct species, and to eradicate the vestiges of its confusion with subject matter jurisdiction.

- The Michigan Court Of Appeals has recognized a new type of jurisdiction called: "Procedural-Jurisdiction".
- I assert that "Procedural-Jurisdiction" is not newly recognized.
- I assert that the Michigan Supreme Court recognized "Procedural-Jurisdiction", 85 years ago!
- I assert that "Procedural-Jurisdiction" is already recognized by a different name.

(Argument continues, next page)

Caution
As of: June 17, 2020 11:05 PM Z

Jackson City Bank & Trust Co. v. Fredrick

Supreme Court of Michigan

April 5, 1935, Submitted (Calendar No. 38,337) ; May 17, 1935, Decided

Docket No. 79

Reporter
271 Mich. 538 ; 260 N.W. 908 ; 1935 Mich. LEXIS 842

Both of the parties to the divorce proceedings lived in the State of Michigan. Upon the filing of the bill of complaint and the issuance and service of a summons, the trial court acquired jurisdiction of the parties and of the subject-matter of the suit. If the trial court had jurisdiction of the proceedings, of the subject-matter, and of the parties, and proceeded to a final decree, it necessarily had to find all jurisdictional facts present necessary to [***10] sustain the decree.

HN2 [] There is a wide difference between a want of jurisdiction, in which case the court has no power to adjudicate at all, and a mistake in the exercise of undoubted jurisdiction, in which case the action of the trial court is not void although it may be subject to direct attack on appeal. This fundamental distinction runs through all the cases.

When there is a want of jurisdiction over the parties, or the subject-matter, no matter what formalities may have been taken by the trial court, the action thereof is void because of its want of jurisdiction, and consequently its proceedings may be questioned collaterally as well as directly. They are of no more [*545] value than as

See 3 Comp. Laws 1929, § 12723 *et seq.* – REPORTER.

- I assert that "Procedural-Jurisdiction" is also known as: "Jurisdiction-Of-The-Proceedings".
- I assert that the Michigan Supreme Court recognized "Jurisdiction-Of-The-Proceedings", 85 years ago!
- I assert that the Michigan Supreme Court has previously held that a trial-court must acquire "Jurisdiction-Of-The-Proceedings".
- I assert that when a court lacks "Jurisdiction-Of-The-Proceedings, A.K.A "Procedural-Jurisdiction", any action taken by that court is void, because that court lacked "Jurisdiction-Of-The-Proceedings", A.K.A "Procedural-Jurisdiction".

★★★ I assert that defendant Gregory Carl Washington's resentence is still void, because his trial-court lacked "Jurisdiction-Of-The-Proceedings".

The Courts Cannot See The Forest Because The Trees Are In The Way. Lack Of Jurisdiction Of Any Kind Results In A Void Action.

In People v Washington 2019 Mich App Lexis 5569, the court said that defendant-Washington's issue falls under a new category called "Procedural Jurisdiction". Procedural-Jurisdiction is nonsense because all jurisdiction, even Subject-Matter-Jurisdiction, is established through procedural-process-of-law. Thus, there is no new category called "Procedural Jurisdiction" because all categories of jurisdiction are technically "Procedural" in nature.

Further, there are only (3) categories of Jurisdiction:

(1) Subject-Matter-Jurisdiction,

(2) Jurisdiction-Over-The-Parties,

(3) Personal-Jurisdiction.

And when a court lacks "Subject-Matter-Jurisdiction", lacks "Personal-Jurisdiction", or, lacks "Jurisdiction-Over-The-Parties", any action taken by that court is void because of its lack of jurisdiction.

The Michigan Supreme Court held:

"When there is a want of jurisdiction over the parties, or the subject-matter, no matter what formalities may have been taken by the trial court, the action thereof is void because of its want of jurisdiction". (Jackson City Bank Trust v. Fredrick 271 Mich 538).

A Court's Lack Of "Procedural-Jurisdiction" Still Results In A Void Action.

Even if defendant-Washington's resentencing-defect does fall under the category of "Procedural-Jurisdiction", his resentencing is still void because the trial-court lacked "Procedural-Jurisdiction". The Michigan Supreme Court has already said that when a court lacks "Procedural-Jurisdiction", any action taken by that court is void because of its lack of "Procedural-Jurisdiction".

The Michigan Supreme Court held:

"If the trial court had jurisdiction of the proceedings, [A.K.A. Procedural-Jurisdiction], and proceeded to a final decree, it necessarily had to find all jurisdictional facts present necessary to sustain the decree". (Jackson City Bank Trust v. Fredrick 271 Mich 538)

Defendant-Washington's Trial Court Lacked Jurisdiction-Over-The-Parties.

This court is wrongly focused on Subject-Matter-Jurisdiction. This Court Should really focus on Jurisdiction-Over-The-Parties.

The appellate-court had Jurisdiction over defendant-Washington as a party. Although the appellate-court had Jurisdiction over defendant-Washington as a party, the trial-court still resentenced defendant-Washington. Since the appellate-court retained its Jurisdiction-Over-The-Parties, it is clear that the trial-court could not also simultaneously acquire Jurisdiction-Over-The-Parties. Thus, the trial-court lacked Jurisdiction over defendant-Washington as a party, so it did not have the authority to resentence defendant-Washington. (Id.)

Conclusion.

Defendant-Washington's resentencing is void because his trial-court lacked jurisdiction, period!

Relief.

*1. Grant Mr. Washington his requested relief.

*2. Search for, and find case: People v Curtis MSC#161410.

*3. Decide the case, People v Curtis MSC*161410, along side this case, People v Washington 2020 Mich Lexis 862. Both cases have the exact same issues! MCR 7.216 (A)(2).

Proof Of Service.

I mailed this to the (Prosecutor) and (Court) on: June 25, 2020.

Willie Curtis

4269 M-80
Kincheloe, MI 49784

Order

Michigan Supreme Court
Lansing, Michigan

Bridget M. McCormack,
Chief Justice

David F. Viviano,
Chief Justice Pro Tem

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

June 12, 2020

160707(103)

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

GREGORY CARL WASHINGTON,
Defendant-Appellant.

SC: 160707
COA: 336050
Wayne CC: 04-004270-FC

On order of the Chief Justice, the motion of Willie Curtis to file a brief amicus curiae is GRANTED. The amicus brief submitted on June 1, 2020, is accepted for filing.

- I, Willie Curtis, have been granted permission to file a "Brief Amicus Curiae" for People v. Washington SC# 160707.

- Both cases, People v. Curtis SC# 161410, and People v. Washington SC# 160707, have the exact same issues! MCR 7.211(E)(2)(a). MCR 7.216(A)(2).

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.

June 12, 2020

Clerk

TO: Court Clerk

RE: Supplemental (Brief Amicus Curiae).
New Filing.

People v. Washington MSC #160707

Dear Clerk,

See, June 12th 2020, Court-order, MSC # 160707.

Please file enclosed:

#1. Supplemental (Brief Amicus Curiae).

RECEIVED
JUL 06 2020
LARRY S. ROYSTER
CLERK SUPREME COURT

I do not trust the (M.D.O.C)!
→ Please mail to me a letter of confirmation.

Mail your response letter to: Willie Curtis
4269 M-80
Kincheloe, MI 49784

Thank You.

Willie Curtis