

PLEADING RE: CHARLES LEWIS' REQUEST TO ATTORNEY SANFORD SCHULMAN TO APPEAL JUDGE LILLARD'S FEB. 15, 2019 DECISION TO CERTIFY AN INACCURATE AND INCOMPLETE COURT RECORD, ET. AL.

Case No. 76-005890-01-FC

**The Hon. Judge Qiana Lillard
Third Judicial Circuit Court of Michigan
1401 St. Antoine, Rm. 502
Detroit, MI 48226**

February 22, 2019

Dear Judge Lillard:

My name is Charles Lewis. I am writing you this letter to let you know that I will be asking my lawyer Sanford Schulman to appeal your February 15, 2019 decision to CERTIFY THE FILE, an admittedly inaccurate and incomplete file, to the Michigan Court of Appeals. It is my sincere hope that you will hold this matter in abeyance until the Michigan Court of Appeals addresses the unresolved legal questions.

It is my opinion that your decision to certify an incomplete file violates established US Supreme Court, Michigan Supreme Court and Michigan Court of Appeals precedent. The basis of your opinion has changed from *Newton v Newton*, 166 Mich 421, to MCR 3.607. I studied MCR 3.607 prior to *Victoria Burton-Harris* citing to it. And, I explained to her that she did not have the correct understanding of the rule. There are no criminal cases where MCR 3.607 has been used or cited to address lost criminal case files.

It is also my opinion that some of your decisions also violate the Canons of Judicial Responsibility and rise to the level of misfeasance in office. For example, your decision to reject the current Register of Actions, which clearly shows that you do not have subject matter jurisdiction over this case. The only judge that has subject matter jurisdiction over this case is Judge James Chylinski.

You stated on the record that you are in the line of succession of Judge Deborah Thomas and Judge Edward Ewell, Jr. Both Judge Thomas and Judge Ewell are currently on the bench. So, you can't be in the line of succession of Judges that are currently on the bench.

The Court of Appeals needs to address the subject matter jurisdiction issue before we move forward.

The second example of misfeasance in office is the fact that on October 17, 2012 when Judge Ewell granted my motion for resentencing you were an assistant Wayne County prosecutor.

When Jason Williams appealed to the Michigan Court of Appeals on April 1, 2013, you

were employed as an assistant Wayne County prosecutor.

On August 29, 2013 when the Michigan Court of Appeals reversed judge Edward Ewell Jr, you were employed as an assistant Wayne County Prosecutor. You can't work for the prosecution while the case is pending then ascend to the bench and declare yourself judge over this matter. That is a serious conflict of interest. The Michigan Court of Appeals needs to address this issue before we move forward.

You made a judicial ruling from the bench that judge Maher illegally dismissed the first jury because he thought that the first jury was going to find me not guilty. You acknowledged a serious jurisdictional defect and refused to correct it. The Court of Appeals needs to address this issue before we move forward.

You also refused to address my claim of ACTUAL INNOCENCE. And, my claim of Ineffective Assistance of Counsel. Clearly, you don't keep up with the changes in the law. Refusing to address those issues denied me access to the Court. And, effectively denied me the right to present mitigating evidence at a mitigation hearing. The Michigan Court of Appeals needs to address this issue before we move forward.

The third issue of misfeasance in office was your decision to reject the Court Order dismissing my conviction that was signed by Judge Gershwin A. Drain.

You acknowledged on the record that you had an ex parte conversation with judge Drain about the Court Order dismissing my conviction that you did not place on the record. You also failed to disclose on the record the fact that you worked with judge Gershwin Drain's daughter, Shelly Drain and you have a personal relationship with the Drain family. You may want to read *Dora v Lezinski*, 351 Mich 579 (1958).

And, you allowed me to give sworn unopposed testimony about how I obtained the Court order dismissing my conviction. The Court of Appeals needs to address this issue before we move forward. There is clearly the appearance of impropriety. It looks like you are part of a judicial conspiracy to keep me illegally locked up. The Michigan Court of Appeals needs to address this issue before we move forward.

The fourth example of misfeasance in office is all of the lawyers that you allowed to withdraw from the case, especially retained attorney Victoria Burton-Harris. My mother paid her five thousand dollars and you allowed her to withdraw and keep my family's money.

And, Foley & Lardner represented me all the way from the trial court to the United States Supreme Court. You allowed them to withdraw for no reason. That needs to be addressed by the Court of Appeals before we move forward.

I want to also let you know that when I first got here I was called out by the institutional parole agent, Mrs. Shields. She told me that she was instructed by her boss to place me in the institutional parole re-entry program because I was being sentenced to 40 to 60 years at my next court date (Dec 7, 2018) and would be discharging the day that I got

sentenced.

Mrs. Shields made at least five calls to Schulman while I was in her office. Schulman never answered her phone calls or returned her phone calls. So, she could not get any input from him.

Mrs. Shields called my mother Rosie Lewis and my sister Wendy Lewis and told them that I needed somewhere to go when I got out of prison.

Both my mother Rosie Lewis and my sister Wendy Lewis are living on fixed incomes. My mother Rosie Lewis is retired from Chrysler and my sister Wendy Lewis is retired from the Navy. They scrimped and managed to get an apartment for me in Macomb County.

From there I probably met with an additional twenty people. One lady in particular Cory something came to the prison specifically to meet with me. She was going to get my Medicaid turned on and she was going to help me get state ID and a doctor's appointment. She was also going to get me a job through Michigan Works.

For the first time in my adult life I actually believed that I was finally getting out of prison.

While all of that was going I had adapt to a new prison, a bunkie for the first time in ten years and no job for the first time in ten years. And, a brand new environment.

Signed

A handwritten signature in cursive script that reads "Charles Lewis". The signature is written in black ink and is positioned to the right of the word "Signed".

Charles Lewis #150709
Macomb Correctional Facility

cc: Attorney Sanford Schulman
AP Thomas Dawson