

COVER LETTER

12-2-20
(Put Today's Date)

Clerk
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909



RE: People v KING
here.)
Supreme Court No. 159442
Court of Appeals No. 346559
Trial Court No. 2017-0895 FH

(Print or type the name you were convicted under here.)
(Leave blank - the Clerk will assign a number for you.)
(Get this number from the Court of Appeals decision.)
(Get this number from Court of Appeals brief or Presentence Investigation Report.)

Dear Clerk:

Enclosed please find the original of the pleadings checked below. (Put a check mark by the items you are sending.) I am indigent and can not provide seven copies. Please file them.

- Affidavit of Indigency/Proof of Service
- (Delayed) Pro Per Application for Leave to Appeal
- Court of Appeals Decision (You must enclose a copy of the Court of Appeals decision.)
- Court of Appeals Brief (This is not necessary, but it is a good idea.)
- Supplemental Court of Appeals Brief (This is not necessary, but it is a good idea.)
- Other _____

Thank you.

Sincerely,

Frank King
(Sign your name here.)

FRANK KING
(Print or type your name here.)

121929
(Print or type your prisoner number here.)

3100 COOPER STREET
(Print or type your address here.)

JACKSON, Michigan 49201
(Print or type your City, State, and Zip Code here.)

Copy sent to: MACOMB County Prosecutor
(Fill in the county where you were convicted.)

INSTRUCTIONS

1. You will need 2 copies and the original of this letter and the pleadings listed above.
2. Mail the original of this letter and all the pleadings listed above to the Supreme Court Court Clerk.
3. Mail 1 copy of letter and pleadings to the prosecutor in the county where you were convicted.
4. Keep 1 copy of letter and pleadings for your file.

IN THE SUPREME COURT FOR THE STATE OF MICHIGAN

PEOPLE OF THE STATE OF MICHIGAN,

Supreme Court No.

Plaintiff-Appellee,

Court of Appeals No. 346559
(Leave blank.)
(From Court of Appeals)

v
FRANK KING

decision.)

Trial Court No. 2017-0000895-FH

(Print the name you were convicted under on this line.)
Report.)

(See Court of Appeals brief or Presentence Investigation Report.)

Defendant-Appellant.

INSTRUCTIONS: Answer each question. Add more pages if you need more space. You MUST send a copy of the Court of Appeals decision. Your application must be RECEIVED by the Supreme Court no more than 56 days from the date stamped on the Court of Appeals decision.

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL

- 1. I was found guilty on (Date of Plea or Verdict) _____
- 2. I was convicted of (Name of offense) HOME INVASION 1st

3. I had a guilty plea; no contest plea; jury trial; trial by judge. (Mark one that applies.)

4. I was sentenced by Judge JOSEPH TOIA on JUNE 21st, 2018
(Print or type name of judge) (Print or type date you were sentenced)

in the MACOMB County Circuit Court to 6 years _____ months
(Name of county where you were sentenced; put Recorder's Court for crimes in Detroit) (Print or type minimum sentence here)

to 20 years _____ months, and _____ years _____ months to _____ years _____ months.
(maximum sentence) (minimum sentence) (maximum sentence)

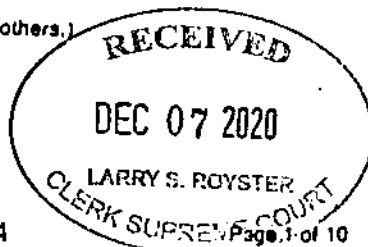
I am in prison at the COOPER STREET CORRECTIONAL JACKSON, Michigan.
(Print or type name of prison) (Print or type city where prison is located.)

5. The Court of Appeals affirmed my conviction on OCTOBER 15, 2020 in
(Print or type date stamped on Court of Appeals decision)
in case number 346559. A copy of that decision is attached.
(Print or type number on Court of Appeals decision)

- 6. This application is filed on time. (Check if filing within 21 days of date on Court of Appeals decision.)
- This application is filed late. (Check if filing more than 21 days but within 56 days of Court of Appeals decision.)

This application is late because: (Check all the reasons that apply. You can add others.)

- I had to find help.
- I could not get postage and supplies to file this application.



- I am not experienced or educated in the law.
- I did not receive my decision from my attorney in time.
- Other. Explain _____

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

FRANK KING

Defendant-Appellant

CA No. 346559

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

GROUND S - ISSUES RAISED IN COURT OF APPEALS

7. I want the Court to consider the issues as raised in my Court of Appeals brief and the additional information below.

ISSUE I:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

Whether

MR. KING'S WAIVER OF HIS SIXTH AMENDMENT RIGHT TO COUNSEL
WAS CONSTITUTIONALLY INVALID

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

- 1. The issue raises a serious question about the legality of a law passed by the legislature.
- 2. The issue raises a legal principle which is very important to Michigan law.
- 3. The Court of Appeals decision is clearly wrong and will cause an important 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 that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

The COA decision is inconsistent with AND totally ignores the requirements of MCR 6.005(E) which is an integral part of the waiver of the right to counsel, and of which Appellate Counsel made a fulsome and meritorious argument in his appellate brief to the COA in defendant's behalf. Mr. King did not receive the benefit of the provision outlined in MCR 6.005(E) which specifically requires being advised by the court at the beginning of proceedings, subsequent to the initial waiver, of the continuing right to be represented by counsel.

PEOPLE V. DENNANY 445 Mich. 412-416 (1994)

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

_____ Defendant-Appellant

CA No. _____

NEW ISSUE II:

A. (State the new issue you want the Court to consider.) _____

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

1. The issue raises a serious question about the legality of a law passed by the legislature.

2. The issue raises a legal principle which is very important to Michigan law.

C. (Explain why you think that your choices in B above apply to this issue in your case. List any cases and citations, laws, or court rules, etc. which support your argument. Explain how they apply to this issue. State the facts which support and explain this issue. If these facts were not presented in court, explain why. You can add more pages.)

RELIEF REQUESTED

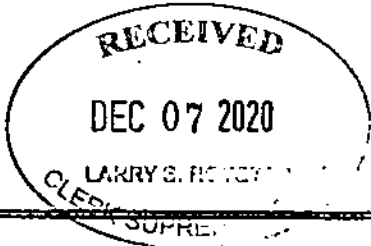
9. For the above reasons I request that this Court GRANT leave to appeal, APPOINT a lawyer to represent me, and GRANT any other relief it decides I am entitled to receive.

12-2-2020
(Date)

FRANK KING-121929
(Print your name and number here.)

Frank King
(Sign your name here.)

3100 COOPER STREET, JACKSON, MI 49201
(Print your address here.)



IN THE SUPREME COURT FOR THE STATE OF MICHIGAN

PEOPLE OF THE STATE OF MICHIGAN,

Supreme Court No. _____
(Leave blank.)

Plaintiff-Appellee,

Court of Appeals No. 346559
(From Court of Appeals decision.)

v FRANK KING
(Print the name you were convicted under on this line.)

Trial Court No. 2017-0895-FH
(See Court of Appeals brief or Presentence Investigation Report.)

Defendant-Appellant.

AFFIDAVIT OF INDIGENCY

1. My name is FRANK KING. I am in prison at COOPER STREET CORRECTION
(Type or print your name here.) (Name of prison)
JACKSON Michigan. My prison number is 121929. My income and assets are:
(City where prison is located.) (Your prison number.) (Check the ones that apply to you.)

- My only source of income is from my prison job.
- I have no income.
- I have no assets.
- I can not pay the filing fees for the attached application.

I ask this Court to waive the filing fee in this matter.

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

12-2-2020
(Date)

Frank King
(Sign your name here.)
FRANK KING
(Print your name here.)

PROOF OF SERVICE

On 12-2-2020, 200 __, I mailed by U.S. mail one copy of the documents checked below: (Put a check mark by the ones you mailed.)

- Affidavit of Indigency and Proof of Service
- (Delayed) Pro Per Application for Leave to Appeal with a copy of Court of Appeals Decision
- Court of Appeals Brief
- Supplemental Court of Appeals Brief

TO: MACOMB County Prosecutor, ONE SOUTH MAIN at
(Name or county where you were sentenced.) (Address)
Mt. CLEMENS, MI 48043
(City) (Zip Code)

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

12-2-2020
(Date)

Frank King
(Sign your name here.)
FRANK KING
(Print your name here.)

