

From: GARY NORTINGTON

Date: 5/1/2025 7:45:45 PM

To: Rudy Davis

Attachments: <sup>▫</sup>

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25-168417, MI S CT, END [email 5]:

**\* DECLARATION**

\* I, Gary M. Northington, declare under penalty of perjury that the foregoing, and accompanying Exhibits H, I and J, are true and correct to the best of my knowledge, information and belief.

. . . Respectfully Submitted,

Dated: \_\_\_\_\_

\_\_\_\_\_  
.. Gary M. Northington #193035

**\* RELIEF REQUESTED**

\* FOR 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.

. . . Respectfully Submitted,

Dated: \_\_\_\_\_

\_\_\_\_\_  
.. Gary M. Northington #193035

.. 3510 N. Elm

.. Jackson, MI 49201

.. (517) 780-5000

.. Plaintiff In Pro Per

**\* PROOF OF SERVICE**

\* I, Gary M. Northington, certify that on this day, I served one copy of foregoing APPLICATION with EXHIBITS upon Counsel of Record, Defendants, and the Michigan Court of Appeals, at their respective addresses, as shown by the Record, by first-class U.S. Mail with postage fully prepaid thereon.

Dated: 17 APR 2025\_\_\_\_\_

.. Gary M. Northington

From: GARY NORTHINGTON

Date: 5/1/2025 7:45:46 PM

To: Rudy Davis

Attachments: □

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25-168417, MI S CT, ISSUES 3, 5 to 7, NEW ISSUE I [email 4]:

\* ISSUE III:

\* A. DEFENDANT MDOC GRIEVANCE COORDINATOR COBB VIOLATED HIS CLEAR LEGAL DUTY WHEN HE FALSELY REJECTED GRIEVANCES BY SAYING THERE WAS/IS LACK OF JURISDICTION OVER FALSE HOMICIDE CONVICTION OF MCL "750.316" IN PLAINTIFFS MDOC RECORD WHEN THERE IS NO COURT JUDGMENT OF SENTENCE AGAINST PLAINTIFF FOR ALLEGED VIOLATION OF MCL "750.316" AND THE COURT SHOULD RULE GRIEVANCE PROCEDURE IS DYSFUNCTIONAL UNDER GRIEVANCE COORDINATOR COBB.

\* Northington cannot timely address this issue because his cognitive and physical disability prevents him from doing so.

\* ISSUE V:

\* A. MDOC DEFENDANT RECORDS ADMINISTRATOR CEKANDER AND OTHER MDOC STAFF VIOLATED THEIR CLEAR LEGAL DUTY WHEN THEY REFUSED TO PROVIDE THE DOCUMENT REQUIRED BY MCL 600.4379 THAT STATES PLAINTIFF IS IMPRISONED FOR VIOLATION OF MCL "750.316" WHEN DEFENDANTS SAY SAID DOCUMENT EXISTS AND DEFENDANTS SHOULD PAY PLAINTIFF \$200.00 PER EACH EVENT AND PERSON WHO REFUSED TO PROVIDE SUCH DOCUMENT.

\* Northington cannot timely address this issue because his cognitive and physical disability prevents him from doing so.

\* ISSUE VI:

\* A. DEFENDANT MDOC AND WASHINGTON'S POLICY ON SEXUAL MISCONDUCT CONFLICTS WITH FIRST AND FOURTEENTH AMENDMENTS TO U.S. CONSTITUTION, AND ARTICLE I, SECTIONS 3 AND 17 OF MICHIGAN

CONSTITUTION WHERE IT IS CONTRARY TO MDOC AND WASHINGTON'S POLICY ON GRIEVANCE PROCEDURE WHICH REQUIRES AN ATTEMPT TO RESOLVE AN ISSUE DURING WHICH A PRISONER MUST DESCRIBE THE WRONGFUL SEXUAL ACT DONE TO HIM.

\* Northington cannot timely address this issue because his cognitive and physical disability prevents him from doing so.

\* ISSUE VII:

\* A. DEFENDANT CIRCUIT JUDGE DANIEL S. WHITE REFUSED TO CHANGE PLAINTIFF'S JUDGMENT OF SENTENCE TO INCLUDE PACC CODE AND/OR MDOC STAFF WRONGFULLY REFUSED TO CORRECT PLAINTIFF'S MDOC RECORD TO INCLUDE PACC CODE FOR CONSPIRACY CONVICTION.

\* B. THE COURT SHOULD REVIEW THE COURT OF APPEALS DECISION ON THIS ISSUE BECAUSE:

\* (1) THE ISSUE RAISES A SERIOUS QUESTION ABOUT THE LEGALITY OF A LAW PASSED BY THE LEGISLATURE. Sections B(1) of Issues I, II and IV incorporated by reference and fully restated herein.

\* (2) THE ISSUE RAISES A LEGAL PRINCIPLE THAT IS VERY IMPORTANT TO MICHIGAN LAW: No citizen can lawfully be convicted and imprisoned without a jury trial thereon. U.S. Const., Amends. 5, 6, 14; Mich. Const., Art. I, Secs. 14, 16, 17, 19 and 20. The MCL citation for Conspiracy, "MCL 750.157a", is on Northington's JUDGMENT OF SENTENCE. The MDOC's false Record says "MCL 750.316" with no jury trial thereon, and is without a PACC Code; State fraud. MCL 750.248.

\* (3) THE COURT OF APPEALS DECISION IS CLEARLY WRONG, AND IS CAUSING MATERIAL AND MANIFEST INJUSTICE TO ME where the court both refused to exercise Superintending Control over Defendant Judge Smith to correct the JUDGMENT OF SENTENCE (Exhibit A), if needed, or ORDER Defendant CEKANDER to correct MDOC's BASIC INFORMATION SHEET (Exhibit B), if needed. It is typical behavior of bribe-taking judges to GO SILENT when confronted with the corruption of EXHIBIT H. Both Defendant Judge SMITH and the Court of Appeals Judges became silent when confronted with Exhibit H; abusively refusing to elucidate reasons for DENIAL of Petition. Issues II and IV (combined), Sec. (B)(3) incorporated and restated herein.

\* (4) THE DECISION CONFLICTS WITH SUPREME COURT AND COURT OF APPEALS DECISIONS. Cases infer MDOC Records must be "MCL Citation/PACC Code." PEOPLE v KUCHCIAK, 467 Mich 873 (2002); PEOPLE v WARNER, 2014 Mich App LEXIS 1017, \*12-\*13 (03 JUN 2014). Please cite proper format for a Conspiracy to Commit Murder conviction. [5/6]

\* C. THE CHOICES CHECKED IN "B" APPLY TO THIS ISSUE, because Northington eyewitnessed Chief Monroe County PROSECUTOR William D. FREY solicit and take a bribe to conceal a homicide prosecution after the later Prosecution Witness Walter E. Verdun shot a bullet into a man's head (Exhibit H, paragraphs 1-2). Even after the honest Chief Monroe County Judge disqualified Prosecutor Frey and the entire County Judiciary, Frey continued covert involvement in Northington's case. Then, Judge Michael J. Talbot from Detroit was given the case and took a \$4,000.00 bribe from Special Prosecutor Gregory Jones (Exhibit H, paragraph 13). Northington personally spoke to Judge Daniel Sullivan before Sullivan attempted suicide (Exhibit H). Northington requests this Honorable Court to ORDER: (a) Defendant CEKANDER to correct the false MDOC Record; and/or (b) Defendant Judge White to correct Northington's Judgment of Sentence, to end and prevent further Manifest Injustice of the false MURDER conviction, and the falsely manufactured Conspiracy/Solicitation convictions (Exhibits I and J). U.S. Const., Amends. 5, 6, 14; Mich. Const., Art. I, Secs. 14, 16, 17, 19, 20.

\* NEW ISSUE I:

\* A. THE COURT OF APPEALS JUDGES REFUSED TO ELUCIDATE FACTS, LAW BECAUSE THEY ARE UNDULY BIASED. Judge Michael J. TALBOT, whom Northington saw take a \$4000 [6/7] bribe in Northington's criminal case, was Chief Court of Appeals Judge for years; the deciding judges of this case worked for TALBOT. The judges of this case should have certified their disqualification. MCR 2.003.

\* Northington spoke to Vicki RIORDAN about his criminal case and they discussed Vicki's husband and family. Northington recalls Vicki saying they were neighbors during the time of Northington's arrest. That may cause bias.

\* Further, Northington says not (accompanying Exhibit H-J).

From: GARY NORTINGTON

Date: 5/1/2025 7:45:47 PM

To: Rudy Davis

Attachments: □

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25-168417; S CT COVER (17 APR 2025) [email 1]: Dear Rudy: Thanks for your email about "134." etc. I have a document that is 8 pages on paper but 5 emails. If you would rather have this via snail mail, please let me know. Can you put the emails into one document? /s/ Gary M.

. . STATE OF MICHIGAN  
. . IN THE SUPREME COURT

Gary M. Northington,

Plaintiff In Pro Per,  
... Supreme Court No. 168417  
... COA No. 372474  
... Lower Court No. 87-21623  
vs

\* (1) MDOC Records Administrator Christina CEKANDER/Michigan Dept. of Corrections (MDOC),  
\* (2) JCF Grievance Coordinator Troy COBB/MDOC,  
\* (3) UNKNOWN PAROLE BOARD MEMBER/MDOC (who said Northington has "homicide" case),  
\* (4) MDOC FOIA Administrator Andrew PHELPS/MDOC,  
\* (5) MDOC Parole Board Chairman Brian SHIPMAN/  
\* (6) JCF Prison Guard James SIMS-NEELEY/MDOC,  
\* (7) MDOC Director Heidi WASHINGTON/MDOC,  
\* (8) David S. WHITE, Monroe Circuit Judge,  
Defendants, sued in Individual and Official Capacity.

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Gary M. Northington #193035  
Cotton Correctional Facility  
3510 N. Elm  
Jackson, MI 49201  
(517) 780-5000  
email @ JPay.com  
Plaintiff In Pro Per

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H. Steven LANGSCHWAGER (P52380)  
Assistant Attorney-General  
P.O. Box 30217  
Lansing, MI 48909  
(517) 335-3055  
Attorney for Defendants  
-----/

.. PLAINTIFF-APPELLANT'S APPLICATION FOR LEAVE TO APPEAL

From: GARY NORTINGTON

Date: 5/1/2025 7:45:47 PM

To: Rudy Davis

Attachments: ▫

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25-168417, MI S CT, ISSUE 1 [email 2]:

\* CIVIL PRO PER APPLICATION FOR LEAVE TO APPEAL

\* ISSUE I:

\* A. THE MICHIGAN DEPARTMENT OF CORRECTIONS (MDOC) PAROLE BOARD MADE FRAUDULENT ACCUSATION OF HOMICIDE CONVICTION (MCL 750.316) FOR YEARS TO DENY PAROLE CONTRARY TO BOARD'S CLEAR LEGAL DUTY AND SHOULD FORTHWITH GIVE HEARING DE NOVO WITHOUT THE FALSE INFORMATION OR THE COURT SHOULD ORDER NORTINGTON'S IMMEDIATE RELEASE (COA Petition, pp. 8-12, 31-34).

\* B. THE COURT SHOULD REVIEW THE COURT OF APPEALS DECISION ON THIS ISSUE BECAUSE:

\* (1) This ISSUE RAISES SERIOUS QUESTION ABOUT LEGALITY OF Michigan Compiled Law 49.103 to 49.111 allowing the PROSECUTING ATTORNEY'S COORDINATING COUNCIL (PACC) to make an UNLEGISLATED PACC Code FOR CONSPIRACY, but ignored by Defendant CEKANDER (MDOC Records Administrator) (Exhibit A, pp. 3-4) TO MAKE A FALSE MDOC BASIC INFORMATION SHEET accusing Northington of being convicted of violating MCL 750.316 (First Degree Murder) (Exhibit B, p. 3) (Exhibit C, pp. 3-5) by omitting the "-[C]" PACC Code of MDOC Policy (Exhibit A, p. 4). Northington is IMPRISONED FOR ALLEGED CONSPIRACY under MCL 750.157a (Exhibit A, pp. 1-2) (INITIATED BY BRIBE-TAKING Chief County PROSECUTOR William D. Frey AFTER DISQUALIFICATION ORDER). Defendants Parole Board Chairman Brian Shipman and Unknown Parole Board Member abusively use CEKANDER'S FALSE RECORD to unduly accuse Northington of being convicted of "assaultive crime: Resulted in loss of life," which they used to deny Northington release on parole WITHOUT required Fifth, Sixth and Fourteenth Amendment JURY TRIAL on an alleged MCL 750.316 conviction (Exhibit B, pp. 1-2).

\* (2) THE ISSUE RAISES A LEGAL PRINCIPLE THAT IS VERY IMPORTANT TO MICHIGAN LAW: No one may be deprived of life, liberty or property without due process of law under Michigan Constitution, Article I, Sections 16, 17, 19, and 20; and under U.S. Constitution, Amendments 5, 6, and 14. All MDOC DEFENDANTS ARE ACCOMPLICES TO a CRIMINAL JUDICIAL CARTEL OF A BRIBE-TAKING MOB DOMINATED TRIAL COURT, and are unduly biased by MDOC'S twisted record (Exhibits H, I, and J) thereof, as said in following subsection (B)(3). Such State actions obtained "UNDER DOMINATION OF

A MOB ARE VOID." SHELLEY v KRAEMER, 334 US 1, 17 (1948).

\* (3) THE COURT OF APPEALS DECISION IS CLEARLY WRONG, IS CAUSING, AND WILL FURTHER CAUSE MATERIAL AND MANIFEST INJUSTICE TO Northington. MDOC Defendants falsely imprison him for alleged violation of MCL 750.316 WITHOUT REQUIRED PUBLIC TRIAL thereon BECAUSE HE IS A RES GESTAE WITNESS, privy TO conversations of, and eyewitness to CHIEF COUNTY PROSECUTOR William D. Frey, Special Prosecutor Gregory Jones, SPECIAL PROSECUTOR James ROSTASH, AND Circuit Court JUDGE MICHAEL J. TALBOT TAKING BRIBES and holding discussions, in violation of Federal and State law, to unduly imprison innocent persons and unduly conceal murders for bribe money paid to them (Exhibit H). Aforesaid MDOC Defendants use said falsely manufactured Conspiracy and Solicitation convictions, of the MOB DOMINATED Southeast Michigan Judicial Cartel that pays and accepts bribes to determine judicial outcomes (Exhibits H, I, and J), as premise for FALSELY accusing Northington of having a MURDER CONVICTION when there is no such conviction, which is compounded by MDOC Defendants not following MDOC Policy of entering PAAC Code "-[C]" for conspiracy (Exhibit A, p. 4), on their BASIC INFORMATION SHEET (Exhibit B, p. 3) to unduly influence the Parole Board with a fraud.

\* (4) THE DECISION CONFLICTS WITH A SUPREME COURT DECISION OR ANOTHER DECISION OF THE COURT OF APPEALS, such as: (a) MARBURY v MADISON, 5 US 137, 180 (1803) ("A law repugnant to the Constitution is void; the courts, as well as other departments, are bound by that instrument."); (b) PEOPLE v NORTHINGTON, Michigan Court of Appeals No. 108315 (1990) (Conspiracy has possible 10-year parole date but not MURDER).

\* C. EXPLAIN WHY YOU THINK CHOICES CHECKED IN "B" APPLY TO THIS ISSUE. LIST ANY CASES AND STATE ANY FACTS YOU WANT THE SUPREME COURT TO CONSIDER, EVEN IF NOT INCLUDED IN YOUR COURT OF APPEALS BRIEF. IF YOU THINK COURT OF APPEALS MIXED UP ANY FACTS ABOUT THIS ISSUE, EXPLAIN BELOW. Accompanying Exhibits H, I, and J. Exhibit H are a summary of Northington's eyewitnessed events to prosecutorial corruption and the Chief Prosecutor's attempts to silence him. Exhibit I describes how a Monroe County Deputy Sheriff twisted Northington's totally innocent acts of year 1986 into a falsified alleged 1987 assault inferring death that never occurred (to help the Deputy's brother gain leniency for raping a minor). Exhibit J lists actual totally innocent 09 JANUARY 1987 events that had nothing to do with a crime by Northington, but were hidden by the prosecutor's office not releasing, in discovery, videotape of the period wherein Michigan falsely accused Northington of of "assaultive crime: Resulted in loss of life," which Parole Board Defendants falsely said was "MCL 750.316" conviction to unduly imprison. BRADY v MARYLAND, 373 US 83 (1963) (Suppression of exculpatory evidence violates due process). The Court of Appeals judges deliberately did not issue OPINION on facts, to likely protect their bribe-taking buddies (ORDER, 07 FEB 2025).

\* Appellant's very great grandfather, LORD Robert NORTHINGTON, exclaimed: "The ... question is, in effect, whether delay will purge a fraud? ... Every delay adds to its injustice and multiplies its oppression. In our own court, Mr. Justice Story has said: [I]t would seem that the

length of time during which the fraud had been successfully concealed and practised, is rather an aggravation of the offense, and calls more loudly upon a court of equity to give ample and decisive relief." *BADGER v BADGER*, 69 US 87, 92 (1865). This Honorable Court should forthwith grant Appellant relief from aforesaid Parole Board fraud and rule the PACC Code is unconstitutional.

From: GARY NORTHINGTON

Date: 5/1/2025 7:45:47 PM

To: Rudy Davis

Attachments: <sup>▫</sup>

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25-168417, MI S CT, ISSUES 2 & 4 [email 3]:

\* ISSUES II & IV (combined):

\*A. [II] MDOC DEFENDANTS CEKANDER, ET AL, VIOLATED CLEAR LEGAL DUTY WHEN PUTTING FALSE CONVICTION IN PLAINTIFF'S RECORD ALLEGING VIOLATION OF MCL "750.316" WITHOUT JUDGMENT OF SENTENCE THEREON AND BY NOT FOLLOWING MDOC'S OWN POLICY OF PUTTING PACC CODE "-[C]" INDICATING CONSPIRACY AND SHOULD CORRECT FALSE RECORD (COA Petition, pp. 10-12, 34-35), and [IV], CEKANDER VIOLATED HIS CLEAR LEGAL DUTY WHEN REFUSING TO CORRECT FALSE INFORMATION IN PLAINTIFF'S MDOC RECORD WHICH FALSELY SAY PLAINTIFF IS CONVICTED OF HOMICIDE UNDER MCL "750.316" (pp. 17-18, 37-38).

\* B. THE COURT SHOULD REVIEW THE COURT OF APPEALS DECISION ON THIS ISSUE BECAUSE:

\* (1) THE ISSUE RAISES A SERIOUS QUESTION ABOUT THE LEGALITY OF A LAW PASSED BY THE LEGISLATURE. This ISSUE RAISES SERIOUS QUESTION ABOUT LEGALITY OF Michigan Compiled Law 49.103 to 49.111 under which unlegislated PACC Codes are made that affect legislated convictions in the MDOC. These Statutes are unconstitutionally vague because "PERSONS of common intelligence MUST GUESS AT [THEIR] MEANING AND DIFFER AS TO [their] APPLICATION, PEOPLE v POSNER, 79 Mich App 63, 71 (1977), when enforcing its UNLEGISLATED PACC CODES on trial courts and the MDOC thereby CHANGING LEGISLATED CRIMINAL CODES. In making PACC Codes, the Prosecutor's Council unduly USURPED FUNCTION OF the MICHIGAN LEGISLATURE, and defined its own jurisdiction CONTRARY TO constitutional SEPARATION OF POWERS. Mich. Const., Art. III, Sec. 2. Defendant CEKANDER (MDOC Records Administrator) unduly USED CONFUSION caused by this unduly vague statute TO MISUSE the PACC CODE and falsely enter a First Degree Murder (MCL 750.316) conviction in Northington's MDOC Records WITHOUT TRIAL thereon (Issue II), THEN REFUSED TO CORRECT IT to Conspiracy to Commit Murder (MCL 750.157a-[C] or MCL 750.157a,



750.316-[C]) (Issue IV). Defendant CEKANDER has thereby illegally CHANGED Northington's PAROLABLE OFFENSE of Conspiracy TO a NONPAROLABLE Murder WITHOUT TRIAL thereon.

\* (2) THE ISSUE RAISES A LEGAL PRINCIPLE THAT IS VERY IMPORTANT TO MICHIGAN LAW. The statutory code of Conspiracy is "MCL 750.157a" as stated in MDOC's BASIC INFORMATION REPORT issued on 28 MARCH 1988 and the trial court judgment of sentence issued on 28 JANUARY 1991 when no PACC Code then existed (Exhibit A, pp. 1-2). Law available to Northington says the Supreme Court used "MCL 750.157a, 750.316" and "MCL 750.316-[C]" on later sentencing documents (COA Petition, p. 11), around 2014. The PACC made an unlegislated rule to put PACC Codes on such documents which MDOC enforced by policy (Exhibit A, p. 4). Defendant CEKANDER's subordinate said, "MDOC enters the PACC Code [on the BASIC INFORMATION SHEET] when only the PACC enhancement code is on the JOS" (Judgment of Sentence) (Exhibit C, p. 2). Neither "MCL 750.316," "-[C]," nor any combination thereof are on Northington's Judgement of Sentence. However, Defendant CEKANDER saw fit to enter a statutory MCL 750.316 (First Degree Murder) on Northington's MDOC BASIC INFORMATION SHEET (Exhibit B, p. 3) but not a "-[C]" of MDOC Policy (Exhibit A, p. 4) for Conspiracy which changed Northington's conviction to MCL 750.316 (First Degree Murder) without Sixth Amendment jury trial thereon contrary to U.S. Constitution.

\* (3) THE COURT OF APPEALS DECISION IS CLEARLY WRONG AND WILL CAUSE MATERIAL AND MANIFEST INJUSTICE TO ME when it refused to provide an OPINION that elucidates facts and law but only said "DENIED", contrary to law and Michigan Court Rules which say: "In an action tried without a jury," MCR 2.504(B)(2), and judgment on merits "the court shall make findings as provided in MCR 2.517." MCR 2.504(B)(2). On summary judgment, if the court "does not dispose the entire action or grant all relief demanded, the action must proceed to final judgment." MCR 2.116(J)(1). Under MCR 2.517, "in all actions tried without a jury" on "equity actions and claims for extraordinary writs, which are normally tried without a jury ..., the court must make findings of fact and conclusions of law without regard to whether they had been requested by the parties." MCRP 2.517.3, p. 920, fn. 3 (citing *Nicpan v Nicpan*, 9 Mich App 373 (1968); *Zawisa v Zawisa* 61 Mich App 1 (1975)) (Rehearing Brief, 19 FEB 2025). Supreme law on such DENIAL says: Due process requires "findings, in such detail and exactness as the nature of the case permits, of subsidiary facts on which the ultimate conclusion of fairness can rationally be predicated." *KELLEY v EVERGLADES DRAINAGE DIST.*, 319 US 415, 418-419 (1943). Such failure to elucidate facts and law for a final judgment on issues of the Complaint for extraordinary relief requires reversal of the denial of Complaint. MCRP, p. 920 at footnote 3.

\* (4) THE DECISION CONFLICTS WITH A SUPREME COURT DECISION OR ANOTHER DECISION OF THE COURT OF APPEALS. The COURT OF APPEALS decision conflicts with the following: "Petition for Habeas Corpus, though not available because Petitioner had not served maximum sentence, would under circumstances be treated as petition for mandamus, and under facts would be issued against parole board requiring acceptance of jurisdiction over Petitioner for possible parole in accordance with law." *PETITION OF CAREY*, 372 Mich 380, 381-382 (1964); *MORALES v MDOC PAROLE*

BOARD, 260 Mich App 29 (2003).

\* C. EXPLAIN WHY YOU THINK THE CHOICES CHECKED IN "B" APPLY TO THIS ISSUE. LIST ANY CASES AND STATE ANY FACTS YOU WANT THE SUPREME COURT TO CONSIDER, EVEN IF THEY WERE NOT INCLUDED IN YOUR COURT OF APPEALS BRIEF. Paragraph C of Issue I incorporated by reference and fully restated herein. Plaintiff previous 3 State Mandamus and a Superintending Control Petition always gave facts and law for Judgment. The Court of Appeals judgment was a POLITICAL ACT to hide corruption described in Exhibit H, by an associate(s) thereof (Facebook, X, YouTube). See NEW ISSUE I.