Mr. Mack Tiggart, #147662
Chippewa Corr. Facility
West M-80
Kincheloe, MI 49784
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May 3,2013

RECEIVED
MAY - 6 2013
CORBIN R. DAVIS
CLERK SUPREME COURT

Spreme Court Clerk
P.O. Box 30052
Lansing, MI 48909

RE: Comments on Proposed Reconsideration Motion
ADM File No. 2013-12

Dear Clerk:

The proposed standard that is currently used by the Michigan Court of Appeals (MCOA); MCR 7.215(I)(I) to decide motions for reconsideration is working just fine. "You know the old saying if its not broken don't fix it.

Now, let me elaborate a little bit more. From my understanding the new amendment would be, for an individavl, person, or an inmate suce as myself etc., to tell the MSC something new or different, don't rehash what's already out on the table.

To tell the MSC something new or different would open-up pandora's box. The first panle of MSC judges that reviewed a person's brief/motion might have mised something, over looked something,didn't agree on something etc., The recondsideration motion is designed to go before a different panel of judges, and broaden the understanding of the issues that's before them.

For instant, in the case of **People v Nathan Emmanuel Jacobs _____Mich____ (#142519 10-19-11)**; on his behalf three (3) SADO Attorneys, Kim McGinns, Marilena David-Martin, and Jonathan Sacks, filed a brief on newly discovered evidence in the MSC for the defendant, and it was denied. Thereafter, the attorneys filed a motion for reconsideration and seek relief, and granting the defendant a new trail. See **(Appendix Attached)**.

As in the pending case of **People v Mack Tiggart, Court of Appeals No. #314815** is requesting that the COA remand the case back down to the lower court for an Daubert Hearing because of the facts stated below:

(A) A Detroit Police Chemist Technican listed in his report evidence property tag **#715-400 as pellets.** The firearms Examiner listed in his report evidence property tag **#715-400 as a yellow plastic 20 gauge shot cup.** While Dr. Kanluen, testified at trial that evidence property tag **#715-400 was a "BULLET". WHAT RELEVANT THSI BILLET HAD TO DO WITH THE CASE IN WHICH THE EVIDENCE INVOLED WAS A SHOTGUN AND SHOTGUN SHELLS.**

(B) The **"BULLET"** WAS ADMITTED INTO EVIDENCE AS People's Proposed Exhibit **#4 Evidence Property Tag #715-400. The "BULLET"** was never turned over to firearms expert to give a testimony opinion as to what the parameters, trajectory, striation marks, land/griives and /or rifling ore what make it was or what type of handgun it was designed for; such as a .25, .38, 9mm .357 pistol.

(C) A 12 gauge shotgun was admitted into evidence, the alleged weapon used was a 20 gaugen shotgun, The 20 gaugen shotgun **was** never recovered. The **"BULLET"** and the **12GAUGE SHOTGUN** is not listed in any of the evidence property sheets, not is there a property recipt for thes items. Whithout the supporting documentation for thes items the chain of custody is broken and the integrity of the evidence is compromised.

(D) The firearms expert testified that **"ULTMATELY!** he **DETEMINE THAT ONE GUN FIRED ALL THREE (3) 20 GAUGE SHOTGUN SHELLS.** Based on the conclusions of the February 18, 2009 Report for the National Academy of Sciences, such a conclusion is beyond the capabilities of forensic examination. **(T.T. pg. 685).**

(E) The firearms's expert further testified that it's possible to fire a **10 or 20 GAUGE SHOTGUN SHELL** from a **12 GAUGE SHOTGUN.** **(T.T. pg. 692).**

Should this case go to the MSC and I have to file a motion for reconsideration I would not want to tell the MSC something new or something different.

'So let's not openup "Pandora's Box!!!!

Thank you for your time, and candid consideration in this matter and I anxiously await your reply.

Sincerely,

Mack Tiggart

Mack Tiggart
Between A Rock And A Hard Place

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MT/mtf

Michigan Supreme Court: Selected Leave Granted Summary

PRETRIAL PROCEEDINGS AND MOTIONS
-- Closure/Public Access

People v. Joseph Lashawn Vaughn
___ Mich. ___ (#142627, 10-19-11)
SADO – RANDY DAVIDSON

The Supreme Court granted leave to appeal to the defendant on the following issues: (1) whether the defendant was denied his right to a public trial where the Wayne Circuit Court excluded persons other than jurors from the courtroom during the jury voir dire, (2) whether the defendant, by failing to object, forfeited or waived any error resulting from the exclusion of the public from the courtroom and, if so, whether trial counsel was ineffective in failing to object; (3) whether the denial of the right to a public trial is a forfeitable structural error; and (4) whether the defendant is entitled to a new trial. The Court of Appeals held that the trial court's decision to close the courtroom to the public during voir dire was not structural error that automatically required a new trial, that the failure to timely assert the right to a public trial foreclosed relief, and that trial counsel was not ineffective in failing to object to the closure.

Michigan Supreme Court: Selected Order Summaries

SEARCH AND SEIZURE
-- Good Faith Exception

People v. Michael William Mungo
___ Mich. ___ (#141160, 09-23-11)
SADO - BRANDY ROBINSON
SADO - KIM MCGINNIS

This case was held in abeyance pending the U.S. Supreme Court's decision in *Davis v. United States* and the case having been decided, 131 S Ct 2419 [when the police conduct a search in objectively reasonable reliance on binding appellate precedent, the exclusionary rule does not apply], the case was remanded to the Court of Appeals for reconsideration. The Court of Appeals held that the retroactivity doctrine required that *Gant* be applied to this case, that the search violated the Fourth Amendment and was unconstitutional, and that the evidence obtained as a result of the unconstitutional search should be suppressed.

SENTENCING AND PUNISHMENT
-- Lifetime Monitoring

People v. Aimee Louise Sword
___ Mich. ___ (#301169, 09-26-11)
In Pro Per

In lieu of granting leave to appeal, the Michigan Supreme Court remanded the case to the Court of Appeals for consideration as on leave granted of the question of whether lifetime monitoring was authorized where the complainant was 14 years old.

SENTENCING AND PUNISHMENT
-- Guidelines -- Departure Reasons

People v. Brent Roy Harrington
___ Mich. ___ (#142958, 09-28-11)
SADO - GAIL RODWAN

In lieu of granting leave to appeal, the Michigan Supreme Court remanded the case to the trial court to articulate why the level of departure imposed was warranted or to resentence defendant. The circuit court gave a substantial and compelling reason for departing from the guidelines but failed to articulate any rationale to justify imposition of the longest possible minimum sentence.

POST-TRIAL MOTIONS AND APPEALS
-- New Trial -- Newly Discovered Evidence

People v. Nathan Emmanuel Jacobs
___ Mich. ___ (#142519, 10-19-11)
SADO - KIM MCGINNIS
SADO - MARILENA DAVID-MARTIN
SADO - JONATHAN SACKS

The Supreme Court granted the defendant's motion for reconsideration and, in light of the parties' stipulation that the defendant is entitled to a new trial, vacated the judgment of the Court of Appeals and remanded to the Wayne Circuit Court for a new trial. The original theory of the prosecution was that one gun was used to shoot the victim. Detroit Crime Lab analysis found the bullet fragments too damaged for proper analysis, but the SADO crime unit discovered that an independent forensic laboratory had analyzed the same firearms evidence as part of the Detroit Crime Lab audit and this analysis found that the victim was shot with two weapons. This new evidence could not be squared with either the prosecution's theory of the case or the testimony of the main eyewitnesses at trial, one of whom actually had a pistol on the day of the shooting.