

Arthur L. Campbell, #185620  
Muskegon Correctional Facility  
2400 S. Sheridan Dr.  
Muskegon, MI 49442  
www.jpaj.com

January 15, 2024

BadJurist.com  
8834 E 34 Rd, #131 MB #44345  
Cadillac, MI 49601

Re: Arthur Lee Campbell v. Michigan Court of Appeals, MSC No. \_\_\_\_\_

Dear BadJurist.com:

I'm hoping BadJurist.com will expose how Michigan Supreme Court clerks are denying me access to the court, by refusing to file my complaint for superintending control as captioned above. My complaint is being rejected even though it complied with the caption and information requirements of Michigan Court Rule (MCR) 1.109(D)(1) and (2), was signed in accordance with MCR 1.109(E), and was accompanied with the \$400 filing fee required under MCR 7.319(C)(1).

The original action for Superintending Control I submitted to the Michigan Supreme Court for adjudication on its merits pursuant MCR 7.306(A) included:

1. Notice of Hearing
2. Complaint for Superintending Control
3. Brief in Support of Complaint for Superintending Control
4. Proof of Service
5. \$400 filing fee

The Complaint challenges the Court of Appeals' (COA) failure to perform clear legal duties regarding my appeal of right. (See Exhibit #1, Complaint for Superintending Control).

Nevertheless, Assistant Supreme Court Clerk Julianne Claydon refused to file my Complaint; confiscated the copies of the Complaint I mailed to the Defendants in the Detroit and Lansing Office of the COA; returned the \$400 filing fee check that accompanied the Complaint I mailed to the Supreme Court; and refused to return the complaints to me. Her undated letter instructed me to have "[A] friend or family member... come to the Hall of Justice to pick up these copies or... send the name and address of a friend or family member whom you want these copies sent," within 21 days. (See Exhibit 2, ClerkClaydon's letter).

~~I will provide complaint if requested.~~

Clerk Claydon rejected my Complaint under the pretext that I filed "[a] timely application for leave to appeal the Court of Appeals' 6/23/1988 Order" denying rehearing of a motion to remand to the trial court for an evidentiary hearing. (See Attachment A of Complaint, COA Docket No. 30, 37, 40).

Pursuant to MCR 8.119(C), "[T]he clerk of the court may only reject documents that do not comply with MCR 1.109(D)(1) and (2), are not signed in accordance with MCR 1.109(E), or are not accompanied by a required filing fee. Otherwise, the documents must be filed on the day they were submitted in accordance with MCR 1.109(G)(3)(i).

In response to a November 24, 2023 reply letter I wrote Assistant Clerk Claydon, Deputy Clerk Julie Clement countered, Supreme Court Clerks are "not bound by MCR 8.119." (See Exhibit #3, Deputy Clerk Clement's December 1, 2023 letter).

Taking issue with me telling Asst. Clerk Clayton that Michigan Court Rules do not confer judicial power on Supreme Court clerks to examine an original action, and make judicial determinations whether the complaint was sufficient to support the relief sought, Deputy Clerk Clement took it upon herself to assess the merit of the three issues raised in my complaint, to wit:

- I. I must be released from prison because the Detroit Office of the COA reversed my convictions in November 1987, based on ineffective assistance of counsel, and returned the record to the trial court;
- II. The Lansing Office of the COA did not have jurisdiction to affirm my convictions in two year later in 1989, because the Detroit Office of the COA reversed my convictions in 1987, and returned the record to the trial court (emphasis added);
- III. The Lansing Office of the COA's one sentence opinion affirming my convictions in 1989, without addressing the 19 issues raised, deprived me of my appeal of right.

In addition to making judicial determinations on the merits of the issues raised in my complaint, Deputy Clerk Clement determined, albeit contrary to MCR 7.306(A), that the Supreme "Court does not have jurisdiction over your complaint for superintending control, MCR 7.305(B)(5)." (See Exhibit #3, Clement's 12/1/2023 letter).

Passing upon the merits of a complaint for superintending control is a judicial act, which cannot be performed by a clerk; neither can the power to perform it be conferred upon clerks to assess the merits of issues raised in a Complaint for Superintending Control. See e.g., Lapeer County Clerk v. Lapeer Circuit Court (In re Lapeer) 469 Mich 146 (2003).

Supervising Control is available in a criminal case under MCR 7.306(A)(1) and MCR 3.302 when the Complainant has no legal remedy and demonstrates that the Court has failed to perform a clear legal duty. In re Gunnleley, 2023 Mich App LEXIS 2115. See also, People v. Buntion, 429 Mich 133 (1987). The proceeds is not, properly speaking, an appeal. It is rather a whole new lawsuit, with different parties and different purposes.

The availability of an appeal in an individual case does not preclude the issuance of an order of supervising control where the appeal would not provide adequate relief; a superior court always has jurisdiction to issue an order of supervising control, and the inadequacy of the appeal is not a jurisdictional test but merely a procedural requirement to be met before relief can be granted [by a judge]. See e.g., East Jordan Iron Works v. Workers' Compensation Appeal Bd., 124 Mich App 324 (1983).

I attended, in my November 24, 2023 letter to Assistant Clerk Cladon, that her possession of the copies of the Complainants I sent to the Defendants in the Detroit and Lansing Office of the COA reeks of collusion. But the excuse Deputy Clerk Clement gave, [The Court of Appeals sent its copy of four papers to this office, believing they were intended for the Supreme Court,] evidence a clandestine scheme between the clerks in the COA and the Supreme Court to deprive me of access to the [Supreme] Court. (See Exhibit #3, Deputy Clerk Clement's 12/1/2023 letter.)

Not only does the captions of my complaint and notice of hearing identify the COA as the DEFENDANTS, as required by MCR 7.306(B), but the proof of service indicates that I mailed a copy of the complaint, brief in support, and notice of hearing, in separate envelopes, to both the Detroit and Lansing Office of the COA as Defendants, from Muekeyon Correctional Facility on November 16, 2023. Thus, Deputy Clerk Clement's assertion that the COA received its copy of my complaint were intended for the Supreme Court is incredible. (See Exhibit #3, Deputy Clerk Clement's 12/1/2023 letter.)

Clerks Cladon's and Clement's rejection of my original complaint for supervising control is contrary to the rules of practice and procedure promulgated by the Michigan Supreme Court. MCR 7.306(A) and (B), and MCR 8.119(C).

Clerk Cladon and Clement wouldn't dare reject pleadings submitted electronically, hand delivered, or mailed to the Court by an attorney, or anyone else other than a prisoner! And they most certainly wouldn't take the time to read a pleading filed by an attorney that comes with the MCR before filing it. MCR 1.109(D) and (2); MCR 1.109(E); MCR 7.319(C)(1). Neither would a clerk have the audacity to nonseriously tell an attorney, "YOUR COMPLAINT IS NOT A DOCUMENT," SO IT IS NOT A FILING SUBJECT TO THE LIMIT OF MCR 8.119(C)." (See Exhibit #3, Deputy Clerk Clement's 12/1/2023 letter.)

To add insult to injury, Supreme Court General Counsel Alicia Moon, to whom Deputy Clerk Clement forward my complaint, has intercepted 9 separate letters I wrote on November 24, 2023, to Chief of Staff and Supreme Court Clerk Larry Royster, Chief Justice Elizabeth Clement and the other six Justices of the Supreme Court, and a Complaint requesting an Investigation submitted to State Court Administrator Thomas Boyd on November 28, 2023. The December 20, 2023 letter I received from Moon closes the door on Supreme Court Clerk Royster, State Court Administrator Boyd, "Chief Justice Clement (or any other justice)," examining the administrative methods and systems employed by Assistant Clerk Claydon and Deputy Clerk Clement, MCR 8.101. (See Exhibit #4, General Counsel Moon's 12/20/2023 letter).

Assistant Clerk Claydon, Deputy Clerk Clement, and Supreme Court General Counsel Moon, have implemented rules that are contrary to the Supreme Court's implementation of the Court Rules and procedures under MCR 7.306(A)(1) and MCR 8.119(C), to prevents me from having the Supreme Court examine the record to determine if the COA failed to perform clear legal duties, and if a failure is found, exercise its superintending control over the COA.

My Complaint for Superintending Control is being stopped because it exposes corruption in the way the COA mishandled my appeal of right in the 1980s, for which I've been wrongfully imprisoned 37 years after my convictions were overturned.

This corruption should be exposed by Badjurist.com because it will bring public scrutiny to the knavery of clerks of the COA, Assistant Clerk Claydon, and Deputy Clerk Clement and General Counsel Moon, whom are corrupt attorneys, and possibly expose nepotism, if Chief Justice Elizabeth Clement conferred judicial powers on Deputy Clerk Clement. The COA clerks, Assistant Clerk Claydon, Deputy Clerk Clement and General Counsel Moon's misconduct must be exposed to the public; in the same manner Justice Richard Bernstein's criticism of Justice Kyra H. Bolden for hiring former prisoner Pete Martel to be one of her law clerks was exposed to the public.

Wishing you and yours the best in 2024!

Yours in the struggle,



Arthur L. Campbell, #185620

Enclosure

P.O. Box 30052  
Lansing, Michigan 48909



Phone: (517) 373-0120

**Michigan Supreme Court  
Office of the Clerk**

Arthur L. Campbell #185620  
Muskegon Correctional Facility  
2400 S Sheridan Dr  
Muskegon, MI 49442

In Re: *People of Michigan v Arther Lee Campell*, CoA 97808, MSC 88453

This is in response to the Complaint for Superintending Control our office received from you today.

An original complaint for superintending control over a lower court or tribunal may only be filed at the Michigan Supreme Court "when an application for leave to appeal could not have been filed under MCR 7.305 . . . ." (MCR 7.306(A)(1) formerly MCR 7.304 in 1990 enclosed).

Because you filed a timely application for leave to appeal the Court of Appeals' 6/23/1988 Order this is not a situation in which an original complaint for superintending control may be filed here.

I am returning the \$400 check (No. 510182909) because it cannot be filed with the Supreme Court. This Office will hold both copies of the Complaint for Superintending Control send to the Court of Appeals and the Supreme Court for 21 days. A friend or family member may come to the Hall of Justice to pick up these copies or you may send us the name and address of a friend or family member to whom you want these copies sent.

Respectfully,  
Julianne Claydon  
Assistant Clerk

Enclosure

EXHIBIT # 2



## Michigan Supreme Court Office of the Clerk

December 1, 2023

Arthur L. Campbell #185620  
Muskegon Correctional Facility  
2400 S Sheridan Dr  
Muskegon, MI 49442

Re: *People of Michigan v Arther Lee Campell*, CoA 97808, MSC 88453

This is in response to a letter this office received from you yesterday, addressed to the Court's Assistant Clerk. Your concerns are addressed below:

### MCR 8.119(C) re Clerk's authority to reject documents

As you quoted, MCR 8.119(C) states, in part:

The clerk of the court may only reject **documents submitted for filing** that do not comply with MCR 1.109(D)(1) and (2), are not signed in accordance with MCR 1.109(E), or are not accompanied by a required filing fee or a request for fee waiver under MCR 2.002(B), unless already waived or suspended by court order. [Emphasis added.]

This Court Rule does not apply to your complaint, for at least the following reasons.

1. MCR 8.119 "applies to all **records in every trial court.**" (Emphasis added.) The Supreme Court is not a trial court, so this office is not bound by MCR 8.119.
2. Regardless, the papers you sent to this office do not meet the definition of a "record" under MCR 1.109(A)(1) because they were not "filed with the court in accordance with the Michigan Court Rules."
3. MCR 8.119(C) precludes trial-court clerks from rejecting certain "documents submitted for filing."
  - a. MCR 1.09(B) defines "document," in relevant part, as "a **record** produced on paper." (Emphasis added.) Your papers do not meet the definition of "record," so they are also not a "document" under MCR 8.119(C).
  - b. The term "filing" means "[p]leadings and other **documents** and materials filed with the court **as required by these court rules.**" MCR 1.109(C) (emphasis added). Your complaint is not a "document," so it is not a "filing" subject to the limits of MCR 8.119(C).

In summary, when a court does not have jurisdiction over a matter, papers submitted to that court are not *records* and are not *documents submitted for filing*. So MCR 8.119(C) would not apply even if MCR 8.119(C) did apply to the Supreme Court Clerk's Office.

EXHIBIT #3

### **Supreme Court jurisdiction over complaints for superintending control**

The Supreme Court has the discretion – not an obligation – to “exercise superintending control over a lower court or tribunal (see MCR 7.306).” MCR 7.303(B)(5).

But under MCR 7.306(A)(1), the Supreme Court may exercise that superintending control over a lower court (like the Court of Appeals) only “when an application for leave to appeal could not have been filed under MCR 7.305.” Each of the issues raised in your complaint for superintending control could have been raised in an application for leave to appeal:

- In Issue I, you state that the Court of Appeals reversed your conviction in November 1987, so the Court of Appeals should order the trial court to release you from prison. Your papers did not include a copy of that decision, and we were not able to locate it. If you do have a Court of Appeals decision that reversed your conviction, and if there are no other convictions requiring your continued incarceration, your recourse is to raise the matter initially in the trial court, and then with the Court of Appeals. You may then appeal that Court of Appeals decision. MCR 7.305(B)(5).
- In Issues II and III, you state that the Court of Appeals did not have jurisdiction over your 1989 appeal, and you also raise issues with the brevity of the Court of Appeals’ order. Aside from the obvious issue of challenging jurisdiction in a case filed in the Court of Appeals *on your behalf*, you could have raised the issues in the application for leave to appeal that you filed from that case. Moreover, you could have raised the issue in the other applications you have filed in this Court since then.

Because you have had numerous opportunities to raise these issues in applications for leave to appeal – and have, in fact, filed multiple applications for leave to appeal, this Court does not have jurisdiction over your complaint for superintending control. MCR 7.305(B)(5).

### **Authority of the Clerk’s Office to determine whether jurisdiction exists**

In your letter, you state that this Office – specifically the Assistant Clerk – does not have authority to determine whether the Court has jurisdiction over a matter. In fact, this Court lacks the authority to *accept* any case in which the Court does not have jurisdiction.

### **Failure to return your papers & our possession of the Court of Appeals’ copy**

The Michigan Department of Corrections has made the Court aware of significant problems with contraband being sent to the prisons through court or other mail purporting to be legal mail. Those concerns have led this office to adopt a policy of not returning rejected papers to prison facilities. We are glad to hold them for a reasonable amount of time and to mail or give them to someone you designate, who can then mail or deliver them to you.

The Court of Appeals sent its copy of your papers to this office, believing they were intended for the Supreme Court. We will forward that copy to the courts’ general counsel, as service of an attempt to file a complaint against the Court of Appeals.

Respectfully,  
Julie Clement, Deputy Clerk



## Michigan Supreme Court

Michigan Hall of Justice  
P.O. Box 30048  
Lansing, Michigan 48909

Alicia Moon  
General Counsel

December 20, 2023

Mr. Arthur L. Campbell, #185620  
Muskegon Correctional Facility  
2400 S. Sheridan Drive  
Muskegon, MI 49442

Dear Mr. Campbell:

I am in receipt of your correspondence sent to Chief Justice Elizabeth Clement, dated November 24, 2023. Due to the nature of the correspondence, it was forwarded to my attention.

Thank you, in advance, for understanding that the Code of Judicial Conduct does not allow Chief Justice Clement (or any other justice) to comment on matters that may come before the Supreme Court. She cannot consider communications made outside the presence of the parties concerning a proceeding. Additionally, the Code of Judicial Conduct does not allow Chief Justice Clement to engage in the practice of law or serve as a party's advocate.

In sum, the Code of Judicial Conduct does not allow Chief Justice Clement to provide the assistance you are currently seeking.

Sincerely,

A handwritten signature in black ink that reads "Alicia Moon".

Alicia Moon  
General Counsel

EXHIBIT #4

Michigan Supreme Court  
State Court Administrative Office  
P.O. Box 30048  
Lansing, Michigan 48909

OGC

3-238B (A)

Mr. Arthur L. Campbell, #185620  
Muskegon Correctional Facility  
2400 S. Sheridan Drive  
Muskegon, MI 49442

✓ ID mail

