

No. \_\_\_\_\_

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
TOMMIE LEE  
HENDERSON — PETITIONER  
(Your Name)

VIPTAXI LLC, vs.  
AKA AMERICAN Romy EXPRESS — RESPONDENT(S)  
LLC) ET AL

ON PETITION FOR A WRIT OF CERTIORARI TO

NINTH CIRCUIT COURT OF APPEALS  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

\_\_\_\_\_  
TOMMIE LEE HENDERSON  
(Your Name)

\_\_\_\_\_  
5350 EAST TAYLOR ST #243  
(Address)

\_\_\_\_\_  
PHOENIX, AZ 85008  
(City, State, Zip Code)

\_\_\_\_\_  
480-849-4607  
(Phone Number)

## QUESTION(S) PRESENTED

1. WHETHER THE FEDERAL DISTRICT COURT ERRED IN holding the Petitioner to higher Pleading standard in Count ONE of his Complaint for using the word "mandate" instead of Policy?
2. WHETHER THE DISTRICT COURT ERRED in dismissing claim against Defendant Colson despite clearly established law that a private person acts under color of law in joint action with a state actor?
3. WHETHER THE DISTRICT COURT ERRED in assuming a prosecutor is entitled to absolute immunity even though prosecutor did not have probable cause to bring indictment?
4. WHETHER THE DISTRICT COURT ERRED in dismissing claims against Defendants Maricopa County Attorneys Office and County of Maricopa for vague and conclusory allegations or lack of facts?
5. WHETHER Petitioner's claim for redress is frivolous despite constitutional violations by above mentioned actors that deprived him of 5 years of his life unlawfully.

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

VIP TAXI LLC, d/b/a AMERICAN PONY EXPRESS LLC;  
SHERRI LYNN COLSON, YIGAL COHEN in his official capacity  
Deputy County Attorney, Maricopa County Attorneys Office,  
County of Maricopa.

## TABLE OF CONTENTS

|                                                        |   |
|--------------------------------------------------------|---|
| OPINIONS BELOW.....                                    | 1 |
| JURISDICTION.....                                      |   |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED ..... |   |
| STATEMENT OF THE CASE .....                            |   |
| REASONS FOR GRANTING THE WRIT .....                    |   |
| CONCLUSION.....                                        |   |

## INDEX TO APPENDICES

APPENDIX A *ORDER OF THE NINTH CIRCUIT COURT OF APPEALS;*

APPENDIX B *DECISION OF STATE DISTRICT COURT.*

APPENDIX C *LETTER FROM ATTORNEY RICH.*

APPENDIX D

APPENDIX E

APPENDIX F

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

1. LEATHERMAN v. TARRANT County Narcotics Intelligence and Coordination Unit, 507 U.S. 163 (1993); (6)
2. TOWER v. GIOVAN, 467 U.S. 914, 919-20 (1984) (9)
3. BUCKLEY v. FITZSIMMONS et al., 509 U.S. 259 (1993)
4. DONAHUE v. ARPAIO, 966 F.Supp.2d 1020 at 1057 (2012) (12)
5. City of Canton, Ohio v. HARRIS, 489 U.S. - REASONS 378 (1989) at 388 (3)
6. HAINES v. KERNER, 404 U.S. 519 (1972) - REASONS (4)

### STATUTES AND RULES

1. 28 USC SEC 1331; 42 USC 1983 (9)
2. Rule 8(a)(2) FEDERAL RULE CIVIL PROCEDURE (4)
3. Ethical Rule 3.8(b) SPECIAL RESPONSIBILITIES of a prosecutor (1)
4. 28 USC SEC 2241(e) (14)
5. 28 USC SEC 1915A(b)(1)(2). (REASONS) (1)

### OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was APRIL 13, 2018.

[☒] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

[ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth Amendment, 6th Amendment,  
Fourteenth Amendment, UNITED STATES  
Constitution; 28 USC SEC. 1343 (e)(3), SEC 1331  
42 USC SEC 1983, 28 USCA SEC 2241(e)

## STATEMENT OF THE CASE

THE PETITIONER DROVE FOR THE DEFENDANT VIA TAXI LLC, TO TRANSPORT ADULTS AND CHILDREN TO PRE ARRANGED dates with the Department of Child SERVICES, A STATE RUN AGENCY, SUCH AS CASE WORKER appointments, Therapy and visitations. A FBI CLEARANCE WAS REQUIRED FOR THE POSITION.

ON OR ABOUT MARCH 1<sup>ST</sup>, 2012 THE PETITIONER WAS ASSIGNED A FARE, A 15 YEAR OLD GIRL. THERE WERE SPECIAL instructions to transport by a female driver. Initially the girl solicited the petitioner in exchange for WARD. THE PETITIONER REFUSED AND DROPPED THE GIRL WITHOUT INCIDENT. THE SPECIAL instructions would prove to be a "CRITICAL ELEMENT" TO THE CASE. ON OR ABOUT MARCH THE 9<sup>TH</sup>, 2012 THE GIRL WAS ASSIGNED AGAIN. SHE AGAIN REQUESTED SEX FROM THE PETITIONER, BUT AFTER BEING REFUSED, SHE TRIED TO SEXUALLY ASSAULT THE PETITIONER WHO WOULD LATER TESTIFY AT A POST CONVICTION HEARING HE FROZE WHILE DRIVING ON THE FREEWAY TOWARDS THE GIRLS GROUP HOME. THE GIRL FILED A COMPLAINT ON THE 2<sup>ND</sup> AT SCHOOL THE DAY AFTER, AND SHE FILED A COMPLAINT ON THE 9<sup>TH</sup> WHICH THE POLICE (PHOENIX) FORWARDED TO THE COUNTY ATTORNEY FOR PROSECUTION.

THE INDICTMENT WAS DISMISSED ORIGINALLY, BUT ON THE 20<sup>TH</sup> OF MARCH THE PETITIONER WAS MANIPULATED, INDUCED TO MAKE STATEMENTS THAT WERE INCOMPLETE AND INACCURATE, BUT PIECE MAILED TOGETHER TO CREATE PROBABLE CAUSE. THE PETITIONER WAS CHARGED WITH KIDNAP AND SEXUAL ASSAULT BASED UPON A STATEMENT THE GIRL MADE THAT I ASKED HER TO COMMIT ORAL SEX AND SHE FELT COMPELLED AS THE DOORS WERE LOCKED AND SHE COULD NOT GET OUT OF THE CAB. THE PETITIONER WAS ASSIGNED, THE NEXT DEFENDANT, SHEARI LYNN COLSON, AS HIS PUBLIC DEFENDER.

THE PETITIONER TOLD COLSON THAT HE THOUGHT THE SPECIAL instructions WERE SIGNIFICANT DURING THEIR INITIAL MEETING IN APRIL OF 2012.

THE PETITIONER NEVER SAW ANY DISCOVERY, NOR DID COLSON INTERVIEW HIM FOR ANY ACCOUNT ON HIS BEHALF AS TO WHAT HAPPENED. EVERY VISIT WAS NOTHING MORE THAN A SOCIAL VISIT.

At no time did Colson discuss with the petitioner any defenses, the relevant law, or consideration for trial, as there was no evidence or consistent statements from the girl it would be reversed at the post conviction hearing. The case was not investigated until 7 months after the petitioner was jailed, Colson told the petitioner in October of 2012 that the fact a female driver was requested was true, but she did NOT know why. The case was assigned to Deputy Prosecutor Yigael Cohen of the Maricopa County Attorney's office. Throughout the process Cohen consistently held he could obtain a conviction, based solely upon the girl's inconsistent statements.

The petitioner was compelled to assent to a plea of 3-5 years which was offered by Cohen and the court, but not fulfilled as he signed for 5 stipulated and Colson never questioned and, in addition, gave the petitioner bad legal advice on the issue of consent, for which the trial court deemed harmful in its post conviction ruling. While in prison the petitioner requested investigator notes, which revealed Colson knew the reason for the female driver; The girl's HISTORY OF FALSE ACCUSATIONS, 7 months prior to the plea agreement.

The petitioner filed a Petition for Rule 32 Relief and despite several issues not resolved before taking the plea, such as a lack of knowledge of defenses, the law supporting the charges, lack of investigation, the Advocate said she found no issues to raise. The petitioner found no less than 5 on his own. The petition was sent back to the Trial Court for a hearing by Judge John Dittsworth. Dittsworth had 20 days statutorily to set a hearing or dismiss so an appeal could be taken. He did nothing and the petitioner spent six months trying to get rid of Dittsworth and succeeded when a complaint was filed with the Commission on Judicial Conduct for which he was censured for not being familiar with the issue of timing. In the meantime the girl had made two more accusations while the petitioner.

One involved her grandfather. His attorney obtained the girl's journal which had evidence of a statement that was contradictory to what she told police about the petitioner. The attorney forwarded to the Court as newly discovered evidence.

This evidence, despite the other issues raised which supported an overall lack of intelligence of why a plea should have been entered, let alone accepted, and supported (the issues) by clearly established law both on the state and Federal level, would be ultimately the ticket for the Post Conviction Hearing, where to be brief, Olson admitted had she done her job, the petitioner would not have spent 5 years of his life in prison.

The charges would be dropped by Cohen who admitted, 5 years later, in August of 2016, that he had no confidence in obtaining a conviction.

Cohen retiled for a lesser charge of misconduct but ultimately abandoned that as well for lack of probable cause and lack of participation from the prosecutor who was found to be prostituting in Texas. All charges were dismissed in August of 2016. The petitioner was frustrated trying to get his file from the Criminal Attorney to a civil attorney who had a partner interested in helping the petitioner. But because of the file not being received in time for a proper review, the petitioner was forced to prepare and serve his own Notices on

ON THE DEFENDANTS. THE ATTORNEY'S AGAIN INTERVIEWED AND THEN ONE OF THE PARTNERS DECIDED A JURY WOULD NOT AWARD ENOUGH MONEY TO MAKE IT WORTH HIS WHILE; HIS PARTNER WANTED TO PROCEED. THE PETITIONER WAS FORCED TO FILE A COMPLAINT IN FEDERAL COURT TO PRESERVE THE DATE. ANOTHER ATTORNEY WANTED TO ASSIST, BUT BACKED OUT BECAUSE HE SPoke ON BEHALF OF THE MARICOPA PUBLIC DEFENDER'S OFFICE, A POSSIBLE DEFENDANT. THE PETITIONER'S COMPLAINT WAS DISMISSED AND AFTER A CONSULTATION WITH A SELF HELP LAWYER THROUGH A PROGRAM SET UP BY THE COURT, REFILED AND THE 1st AMENDED WAS DISMISSED FOR VIOLATING A LOCAL RULE ON TOO MANY PAGES? THE SECOND AMENDED WAS DISMISSED FOR THE QUESTIONS NOW BEING PRESENTED. AN APPEAL WAS TAKEN TO THE 9th CIRCUIT WHO SUPPORTED THE DISTRICT COURT'S ASSERTION THAT THE PURSUIT OF JUSTICE FOR BEING ILLEGALLY INCARCERATED FOR 5 YEARS FOR VARIOUS CONSTITUTIONAL VIOLATIONS BY STATE ACTORS, PUBLIC OFFICIALS, AND A PUBLIC DEFENDER WAS FRIVOLOUS.

ISSUE: Whether The Federal Court erred by holding the Petitioner to a higher Pleading standard by dismissing Count One in his Complaint for not using the word "policy" in his Allegation against Defendant VIP Taxi.

## Analysis

The Federal Rule of Civil procedure 8(e) (2) states that a pleading which sets forth a claim for relief... shall contain... a short and plain statement of the claim showing the pleader is entitled to relief. This Court has held the rule means what it says. *Leatherman v Tarrant County Narcotics Intelligence and Coordination Unit*, 507 U.S. 163, 168. The rule also says it is not required to set out in "detail" the facts for the basis, all that is required is Notice and grounds.

The Count was dismissed for using the word "mandate" as a Company Representative stated as such during the course of an investigation conducted by the Office of the Legal Advocate while the Petitioner was in prison. It is a policy that is

Supported by a strict mandate to not accept a fare if special instructions cannot be satisfied to transport a client. The Petitioner stated the action was a decision by the company Liaison to put the Petitioner in harms way, yet his complaint was dismissed anyway, despite the "mandate." The 9th Circuit held applying *Leatherman*, that a complaint could withstand a motion to dismiss based upon bare allegations that an officer or state actor conformed to or in this case failed to official policy custom or practice.

So it begs the question, did the petitioner allege enough by using the word mandate and should the count have been dismissed.

Issue. Whether the District Court erred in dismissing Petitioner's claim against the Public Defender who was acting under the color of Law to violate Petitioner's right to go to trial.

## Analysis

Culson was doing everything she could to help the state secure a plea. She withheld discouray, buried the reason for the female driver, failed to advise the petitioner of the relevant law, and agreed with the state that prior sexual conduct was not admissible, despite the obvious exception of prior false allegations to the rape shield. The petitioner had no priors and it was deemed by the expert witness at the post conviction hearing, he had a lot going in his favor had he proceeded to trial. In addition, when the plea was agreed on despite protestations of innocence at the change of plea hearing, for 3-5 years sentencing range, Culson did not raise an argument as to what happened to the offer, but instead, cajoled the petitioner into signing a 5 year stipulated instead of another plea of 4-7, not even discussed but used to scare the petitioner into signing.

Her intentional omissions were calculated to induce the plea

It was also revealed that medical records and mental health records contained a plethora of information including drug use, attempted homicide, and other prior accusations none of which she shared with the petitioner or the 3 different versions of the incident including one where she said the petitioner impregnated her while doing 65 mph on the highway.

In *Towen v Glover*, 467 U.S. 914, 919-20 (1984) this court held state public defenders are not immune from liability with regard to alleged intentional misconduct by virtue of conspiratorial action with state officials to deprive a client of his constitutional rights by securing his conviction. Citing *Dennis v Sparks*, 449 U.S. 24, 27-28 (1980)

The petitioner alleged a breach of duty and breach of fiduciary duty under the statute 28 USC sec 1331 in addition to 42 USC 1983. If nothing else his complaint should have gone forward under the Federal question statute as Colson intentionally kept the petitioner in the dark to assist the state.

THE PETITIONER RECEIVED A LETTER STATING THAT THERE WAS MALPRACTICE BY COLSON AND THE STATE (MICHAEL D RICH LETTER APPENDIX C). HE WAS ADVISED TO USE BOTH STATUTES BY THE SELF HELP LAWYER FOR THE FEDERAL COURT AND USED A MODEL COMPLAINT BUT WAS STILL DENIED HIS DAY IN COURT BY THE DISTRICT COURT, WHICH WAS UPHOLD BY THE 9TH CIRCUIT AS BEING FRIVOLOUS.

ISSUE: Did the District Court err in Dismissing the Court Against Defendant COHEN for Absolute Immunity?

### ANALYSIS

THE COMPLAINING WITNESS TOLD 3 DIFFERENT VERSIONS, EACH ONE MORE BIZARRE THAN THE LAST. SHE HAD A HISTORY OF MENTAL HEALTH ISSUES, DRUG USE AND WAS PUT INTO THE SYSTEM BY HER FATHER BECAUSE HE COULD NOT HANDLE HER. SECOND, COHEN CHOSE TO CHARGE THE PETITIONER WITH KIDNAP BECAUSE HE STATED THAT WAS FAIRLY EASY TO PROVE. HOWEVER, THE BLACK LETTER LAW

in conjunction with the petitioner's duties and the various statements by the girl did not support the statute for kidnapping. The reason Cohen ultimately abandoned the charge 5 years later.

Cohen wanted a conviction for his own personal ego and could not effect it without Colson. He acted outside of his scope to have the petitioner indicted and had no probable cause. Cohen ignored crucial facts that no reasonable attorney would ignore yet still tried to convict the petitioner knowing his case would not stand up in court.

IN *Buckley v Fitzsimmons et al*, 509 U.S. 259, this court held that a prosecutor should not consider himself an advocate for the state before he has anyone arrested... the presence of probable cause does not automatically bring all of a prosecutor's actions under the umbrella of absolute immunity.

Cohen filed for a lesser charge of misconduct and abandoned that as well just to reap some vindication for his actions 5 years later.

He violated ethical rule 3.8(a) of the special responsibilities of a prosecutor.

If the Petitioner Complaint would have gone forward applying this REASONING, Cohen would be ill prepared to prove he had probable cause and then would only be entitled to Qualified immunity.

In *Donahue v Arpaio*, 966 F. Supp 2d 1020 At 1057, the Court stated, citing *Buckley*, A determination of probable cause does not guarantee a prosecutor absolute immunity. Any determination to substantiate probable cause, As in *Arpaio*, would be or should be, determined at the summary phase. The District Court, displaying animus towards pro se litigants basically BAN interference in the matter at hand, by not allowing the Petitioner the opportunity to present his case.

ISSUE. Whether the Court ERRED by dismissing the Count against the County Attorney AND County by REASONING it cannot be liable for "A" tortfeasor

## ANALYSIS

I will address the Maricopa County Attorney's Office first. The office has a well documented history of misconduct and the petitioner has been victimized on those occasions by its agents. Agents in each case sought and obtained indictments for prosecution when the facts did not warrant such and did not, or were not even remotely within the legislative intent. Capital cases are overturned at a 40% rate, and I am one of the few who was lucky enough to be able to speak for myself, to be heard.

The petitioner alleged a practice and pattern for which he has personally experienced at the hands of two agents of the County Attorney's Office.

Next the elected judges who violated the petitioner's due process and statutory rights. In a settlement conference in July 2012, Judge Peter C. Rheinstein used coercive tactics with threats of a sentence that did not exist; Judge David B. Gass offered on behalf of the state a plea of 3-5 years for acceptance, but did not

hold the state to that promise, let alone mention it; Judge John Dittsworth violated the Petitioners Due Process and Statutory Rights by violating the Suspension Clause on the Petitioners writ 1 SEC 9 C1.2 by sitting on the Petition, not acknowledging motions for Constitutional compliance or responding.

It was not until a complaint was filed with the Commission on Judicial Conduct, six months after the statutory deadline for him to act, did he recuse himself.

He was censured for not being timely. Dittsworth violated the Petitioners Due Process with the specific intent to keep the petitioner in prison, despite statutory law and the purpose of the writ, not excluding overwhelming evidence an innocent man was imprisoned.

The county's criminal justice system is for the most part a venue to generate revenue for the courts, jail, and Department of Corrections and in desperate need of overhaul.

So it begs the question, if agents of the County Attorney's Office, Public Officials, as to the judges violated the Petitioners Constitutional and Statutory Rights, can it be said that the

County cannot be liable, for the  
practice and pattern, of the systemic and  
maladministration of the laws in its  
jurisdiction by its agents and officials?

## REASONS FOR GRANTING THE PETITION

THE REASONS FOR GRANTING THE PETITION ARE BECAUSE THE DISTRICT COURT HAS MADE A DECISION WITH REGARD TO THE RULING ON THE PETITIONER'S COMPLAINT, THAT IS IN CONTRAVENTION OF CLEARLY ESTABLISHED LAW FROM THIS COURT. IN THE COURT AGAINST VIP TAXI, LLC. THE PETITIONER PLEADED ENOUGH TO PUT THEM ON NOTICE AND HIS COMPLAINT WAS HELD TO A HIGHER STANDARD TO KEEP THE PETITIONER OUT OF COURT.

THE PETITIONER'S COMPLAINTS (ORIGINAL AND FIRST AMENDED) WERE SCREENED ALSO UNDER THE PRISON LITIGATION REFORM ACT, WHEN HE WAS NOT A PRISONER AT THE TIME, A YEAR LATER. THE FIRST AMENDED COMPLAINT WAS DISMISSED NOT FOR LACK OF CONTENT, BUT FOR TOO MANY PAGES? THE SECOND FOR THE REASONS STATED ABOVE. IT DISMISSED THE COURT AGAINST THE PUBLIC DEFENDER DESPITE THIS COURT'S HOLDING IN TOWNE. SECOND IF THE PETITIONER DID NOT ALLEGE A VIOLATION UNDER THE COLOR OF LAW, THE FEDERAL QUESTION STATUTE, 28 USC. 1331, SHOULD HAVE BEEN ENOUGH TO GO FORWARD ON THE 14TH AMENDMENT VIOLATIONS UNDER THE BREACH OF DUTIES AND FIDUCIARY BREACH AND SUBSEQUENT MALPRACTICE.

AS TO THE PROSECUTOR AND THE FALSE IMPRISONMENT ALLEGATIONS, OR MALICIOUS PROSECUTION, THE DISMISSAL WAS QUESTIONABLE AS TO WHETHER HE WAS ACTING WITHIN THE SCOPE OR OUTSIDE. THIS COURT HELD IN BUCKLEY THAT A PROSECUTOR SHOULD NOT CONSIDER HIMSELF AN ADVOCATE FOR THE STATE UNLESS HE HAS PROBABLE CAUSE. THE FACT THAT HE ABANDONED THE CASE TWICE SUPPORTS A LACK THEREOF.

COHEN DID NOT INTERVIEW A CRITICAL WITNESS, THE GINK CASEWORKER UNTIL APRIL OF 2013, A YEAR AFTER THE PETITIONER WAS ARRESTED.

SHE MUST HAVE TOLD HIM AS TO THE PRIOR ACCUSATIONS, IF HE DID NOT ALREADY KNOW, WHICH WOULD HAVE NEGATED THE CHARGES, YET HE PROCEEDED ANYWAY, NOT HAVING SUFFICIENT EVIDENCE TO SUPPORT AN INDICTMENT, LET ALONE A CONVICTION, WHICH HE WOULD NOT HAVE OBTAINED WITHOUT THE PUBLIC DEFENDERS ASSISTANCE.

THE PETITIONER'S ALLEGATIONS AGAINST THE COUNTY ATTORNEY'S OFFICE. HE ALLEGED A NEED FOR MORE TRAINING SUPPORTED BY FACTS THAT THERE IS A PRACTICE AND PATTERN OF THE MALADMINISTRATION OF THE LAWS AND LEGISLATIVE INTENT AND THAT THE PETITIONER WAS VICTIMIZED TWICE.

IN City of Canton, Ohio v HARRIS, 489 U.S. 378, 4388 (1989) this court held that a 1983 "is actionable where the failure to train amounts to a deliberate indifference to the rights of the persons they come in contact with." Citing Monell v New York City Dept. of Social Services, 436 U.S. 658 (1978.)

Again the petitioner was victimized twice each time with a prosecutor abandoning a charge when challenged. In light of the history of Maricopa County's history of rushing to indict, without adequate evidence or an application of the statutes with the facts, the petitioner's case has merit.

The County of Maricopa allegations that they are liable for the lack of training and the judges who presided over his hearings and violated his statutory and constitutional rights were reduced to what the District Court called a single Tort Feason.

The petitioner named 3 Judges, just in the case at hand. In a earlier case the petitioner witnessed 25 people's constitutional rights violated in one hearing.

The Municipal Court engaged in offering a plea of NO CONTEST OR guilty, in exchange for immediate RELEASE from the brutal conditions of the Maricopa County Jail, EVEN though NO TERMS of a plea were EVER discussed AND you ARE NOT AWARE of the stipulations UNTIL AFTER ENTERING the PLEA.

IN HAINES V KERNER, 404 U.S. 519 (1972) this court stated that a Plaintiff's AND SE Complaint for CIVIL RIGHTS VIOLATIONS should not be dismissed unless it appears he can prove NO SET of facts in support of his claim which would entitle him to RELIEF. The petitioner has documentation to support each claim, text and attorney witnesses to testify to his allegations at hand.

IN TOWNSEND V SAIN, 372 U.S. 293, AT 312 this court stated that the detention that violates the fundamental liberties, it is intolerable.

All parties took deliberate actions to put the petitioner in harms way and committed intentional acts to convict him

Despite overwhelming evidence to the contrary. His employer knowingly failed him; His public Defender conspired to convict him to assist the state and admitted, had she done her job, the Petitioner would not have done prison time; Judges violated his statutory and constitutional rights prior to his plea and the sentencing judge seeing evidence of innocence tried to keep him silent by not doing his sworn duty, to uphold the constitution.

In the interest of transparency, his first complaint was rushed to prison the date because of attorneys who accepted his case, but backed out because of their potential conflict of interest. The second for pages, and the last because of rationale in contravention of this court's precedents and for the reasons stated the petitioner prays this court grants his writ.

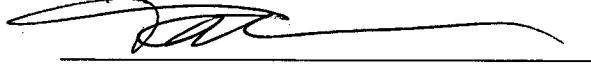
AS A FOOTNOTE, AN ACTION WAS BROUGHT AGAINST VARIOUS PUBLIC ENTITIES ON BEHALF OF LESLIE MERRITT JR, THEN KNOWN AS THE FREEWAY SHOOTER IN MARICOPA COUNTY AS CHARGES WERE DISPROVED BY FORENSICS AND CELL PHONE RECORDS. MERRITT SPENT 7 MONTHS IN THE COUNTY JAIL.

THE PETITIONER SUFFERED FOR 5 YEARS IN CUSTODY TAKING SEVERAL ANTI DEPRESSANT KNOWN FOR SLEEP DISORDER AND ANXIETY. IF JUSTICE IS BLIND, AND NOT DETERMINED BY WHO CAN AFFORD IT, THEN THE PETITIONER PRAYS HIS DAY WILL COME AS WELL

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

*Tommy Henderson*  
  
\_\_\_\_\_

Date: July 9th, 2018