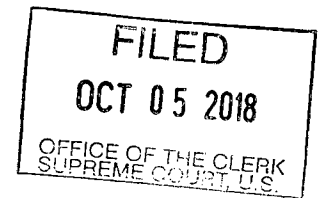


ORIGINAL

18-6961
No.

CR-2011-114400 003



IN THE

SUPREME COURT OF THE UNITED STATES

MICHAEL DEVAUGHN JOHNSON — PETITIONER
(Your Name)

vs.

CHARLES RYAN — RESPONDENT(S)

An Extraordinary Writ of Habeas Corpus
ON PETITION FOR A WRIT OF CERTIORARI TO

ARIZONA COURT OF APPEALS

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

An Extraordinary Writ of Habeas Corpus
PETITION FOR WRIT OF CERTIORARI TO

MICHAEL DEVAUGHN JOHNSON #121923
(Your Name)

ASPC-EYMAN/BROWNING UNIT, P.O. BOX 3400
(Address)

FLORENCE, AZ 85132
(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED

DOES THE SIXTH AMENDMENT DEMAND THE ASSISTANCE
OF COUNSEL FOR A DEFENDANT DURING JURY SELECTION
OR, JURY REDUCTION?

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:

CHARLES RYAN ASPC- DIRECTOR

ARIZONA STATE ATTORNEY GENERAL ..

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IN THE SUPREME COURT
OF THE UNITED STATES

"OPINION'S BELOW"

THIS COURT HAS JURISDICTION UNDER 28 U.S.C. 2241 (C)-(3)

ON 01/22/16, THE SUPERIOR COURT OF ARIZONA IN THE COUNTY OF MARICOPA, DENIED THE PETITIONER'S SIXTH AMENDMENT RIGHT TO COUNSEL CLAIM.

ON 01/26/16, THE COURT DENIED REHEARING.

ON 10/23/17, THE COURT OF APPEAL'S GRANTED REVIEW, BUT DENIED RELIEF

ON 03/16/18, THE PETITIONER'S REQUEST TO FILE A SUCCESSIVE 28 U.S.C. 2254 HABEAS WAS DENIED BY THE NINTH CIRCUIT COURT OF APPEAL'S, (SEE APPENDIX ONE)

THE PETITIONER HAS NOT ATTACHED ANY JUDGMENTS BY THE STATE COURTS BECAUSE OF LOST OF LEGAL DOCUMENTS

BY THE PRISON. UNDER RULE 28 U.S.C. 2249, THE PETITIONER REQUEST SUCH JUDGMENTS FROM THE RESPONDENTS.

CONSTITUTIONAL AND STATUTORY PROVISIONS:

28 U.S.C. 2241 (c) - (3) pg. 1

28 U.S.C. 2254 pg. 1, 5,

28 U.S.C. 2249 pg. 1

SIXTH AMENDMENT pg. 4, 5, 6, 7 - RIGHT TO COUNSEL

ARIZONA CONSTITUTION ARTICLE II SECTION 23 pg. 6 - RIGHT TO 12-PERSON
JURY.

TABLE OF AUTHORITIES CITED

CASES: (UNITED STATES V. CRONIC, 466, U.S. SCT. 1984) PAGE NUMBER: 7

STATUTES AND RULES

RULE 20.1 PG 4,5,

RULE 20.4(A) PG 5

STATEMENT OF THE CASE:

ON 03/30/11, THE PETITIONER WAS INDICTED ON COUNT ONE: POSS. OF DANG. DRUG FOR SALE A CLASS TWO FELONY, COUNT TWO: POSS. OF NARC. DRUG FOR SALE A CLASS TWO FELONY, COUNT THREE AND FOUR: MISCONDUCT WITH A WEAPON, AND COUNT FIVE: POSS. OF MARIJUANA, A CLASS SIX FELONY.

ON 06/26/13, THE PETITIONER WAS FOUND NOT GUILTY FOR COUNTS THREE AND FOUR, BUT GUILTY FOR COUNTS ONE, TWO, AND FIVE.

ON 08/02/13, THE PETITIONER WAS SENTENCE TO 15.75 YRS. FOR COUNT: ONE 15.75 YRS. FOR COUNT: TWO, AND 3.75 YRS. FOR COUNT: FIVE.

IN AID OF THE COURTS APPELLATE JURISDICTION:

THIS COURT HAS ESTABLISHED CERTAIN PROCEEDINGS THAT IT HAS DETERMINED A "CRITICAL STAGE" THAT THE SIXTH AMENDMENT DEMAND THE ASSISTANCE OF COUNSEL.

THERE IS NO CASE LAW ON POINT FROM THIS COURT THAT HAS ESTABLISHED THAT JURY SELECTION, NORE JURY REDUCTION BEING A "CRITICAL STAGE" OF TRIAL THAT THE SIXTH AMENDMENT DEMANDS THE RIGHT TO COUNSEL'S ASSISTANCE.

ESTABLISHED CASE LAW FROM THIS COURT MAKING JURY SELECTION AND JURY REDUCTION A PROCEEDING THAT IS A "CRITICAL STAGE" WILL BE IN AID OF THE COURTS APPELLATE JURISDICTION, AND WILL AID IN PROTECTING AN ACCUSED RIGHTS UNDER THE SIXTH AMENDMENT.

EXCEPTIONAL CIRCUMSTANCES:
A SELECTED JURY IN A CRIMINAL OR CIVIL TRIAL IS THE "FRAME WORK"
AND THE "BODY" OF THE TRIAL.

EXCEPTIONAL CIRCUMSTANCES IN THIS PETITION WARRANTS THE EXERCISE
OF THIS COURTS DISCRETIONARY POWERS TO PROTECT AN ACCUSED
OF RIGHTS DEMANDED BY THE SIXTH AMENDMENT.

PURSUANT TO RULE 20.1

BECAUSE THIS COURT HAS NOT ESTABLISHED THAT JURY ALTERNING
BEING A 'CRITICAL STAGE', ADEQUATE RELIEF THERE FOR, CANNOT
BE OBTAINED IN ANY OTHER COURT.

PURSUANT TO RULE 20.4(A),

THE PETITIONER WAS DENIED BY THE NINTH CIRCUIT COURT OF
APPEALS TO FILE A SUCCESSIVE 28 U.S.C. 2254 HABEAS CORPUS
IN THE DISTRICT COURT.

VIOLATION OF THE PETITIONER'S SIXTH AMENDMENT RIGHTS:

ON 04/08/13, A 12-PERSON JURY WAS SELECTED TO HEAR THE PETITIONER'S CASE WITH THE AID OF HIS TRIAL COUNSEL.

ON THE TENTH DAY OF THE TRIAL, THE PETITIONER'S TRIAL COUNSEL WAS NOT PRESENT FOR THE TRIAL.

THE PETITIONER REQUESTED A CONTINUENCE OF THE TRIAL UNTIL HE CAN BE ASSISTED BY HIS COUNSEL, THE COURT DENIED THE REQUEST.

THE COURT THEN REDUCE THE PETITIONER'S SELECTED 12-PERSON TO ONLY NINE, IN THE ABSENCE OF THE PETITIONER'S TRIAL COUNSEL.

THE PETITIONER THEN PERSONALLY OBJECTED, BUT THE COURT RULED THAT JURY REDUCTION WAS NOT A "CRITICAL STAGE" LISTED BY THE UNITED STATES SUPREME COURT.

PURSUANT TO THE ARIZONA CONSTITUTION ARTICLE II SECTION 23, THE PETITIONER WAS AFFORDED HIS RIGHT TO A 12-PERSON JURY, THEN LOST THIS RIGHT WITHOUT THE AID OF COUNSEL.

REASON FOR GRANTING THE PETITION:

(IN UNITED STATES V. CRONIO, 466 U.S. 648, 659, 104 S. CT 1984)
THIS COURT HELD THAT A "CRITICAL STAGE" IS ONE WHERE
AN ACCUSED RIGHTS OR "LOST OR PRESERVED", AND
PREJUDICE IS PRESUMED IF COUNSEL IS ABSENT DURING
A "CRITICAL STAGE".

CONCLUSION:

THE PETITIONER PRAYS THAT THIS COURT FIND THAT IT
IS OF PUBLIC IMPORTANCE THE REDUCTION OF AN
ACCUSED TRY BE ESTABLISHED AS A "CRITICAL STAGE"
THAT THE SIXTH AMENDMENT DEMANDS THE ASSISTANCE
OF COUNSEL, AND GRANT RELIEF.

RESPECTFULLY SUBMITTED THIS 3RD DAY OF OCT 2018

PETITIONER

DATE
10/03/18