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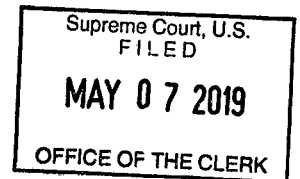
UNITED STATES SUPREME COURT

JUAN AURELIO SANCHEZ
Petitioner

VS

STATE OF ARIZONA
Respondent

ORIGINAL



PETITION FOR CERTIORARI

JUAN Aurelio Sanchez
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QUESTION PRESENTED

Can Arizona Courts refuse to afford relief for fraud upon the court that is deeply embedded in the Arizona Judicial System.

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Proof of Service

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② Hazel-Atlas Glass Co v Hartford
322 US 238 (1948)

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① Demianuk v Petrovscz
10 F3d 338 6th Cir 93

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③ Richard v Jefferson
County 517 US 793 (1996)

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JURISDICTION

The Arizona Supreme Court issued its decision March 13, 2019 [EXA]

The decision of the Arizona Court of Appeals entered November 6, 2018 is
[EXB]

STATEMENT OF THE CASE

Defendant's girlfriend died after her throat cut. Defendant told police that his girlfriend (victim) had threatened to ~~commit~~ suicide and took her own life because she was afraid of going back to prison. This court precluded admission of Defendant's statement on grounds of hearsay, and pursuant to Arizona Rule of Evidence 403. A jury subsequently found Defendant guilty of second-degree murder, a class 1 dangerous felony. The Court found Defendant had a prior felony conviction. On November 23, 2010, the court entered judgment and sentenced Defendant to a 22-year term of imprisonment. This sentence runs concurrently with his sentence in CR 2009-130052-001. On direct appeal, the Arizona Court of Appeals affirmed the conviction and sentence, issuing its order and mandate on January 17, 2013. State v. Sanchez, 1 CA-CR 10-1002 (App. June 14, 2012) (mem. filed). Defendant's previous post conviction proceedings were unsuccessful. In the first proceeding counsel had argued that counsel was ineffective for failing to raise the Arizona Rule of Evidence 803(3) hearsay exception and related constitutional arguments under the due process, compulsory process, and confrontation clauses of the Sixth Amendment.

REASONS FOR GRANTING THE PETITION

ARIZONA'S justice system has a systemic problem with judicially sanctioned fraud upon the court by government counsel.

This is discussed extensively in an Inexplicable Deforming Volume One ISBN: 9781947170100✓ and volume Three ISBN: 9781947170124✓ (Supershot Book 2018).

A claim for fraud upon the Court HAZEL-Atlas CLASS Cox Hartford 322 U.S. 238 (1945) is only barred if there has been a prior fraud upon the court resolution. Here the trial court failed to comport with the process requirements given prior judgment preclusive effect, Richard v. Jefferson County 517 U.S. 793, 800-01 (1996).

It summarily dismissed the notice as stated in Demianuk v. Petrovsky 10 F-3D 338, 352-53 (6th Cir. 1993) (quoting Moore's Federal Practice 60-33 setting aside a judgment for Brady violations).

"Fraud upon the court should embrace only that species of fraud which does or attempts to subvert the integrity of the court itself, or is a fraud perpetrated by officers of the court so the judicial machinery basic of adjudging cases that are presented for adjudication and relief should be denied in the absence of such conduct. My notice satisfied criteria.

✓

The second proceeding concerned ineffective assistance of pro counsel. Defendant petitioned for review of the dismissal of the second proceeding, but the Arizona Court of Appeals denied relief, issuing the order and mandate on December 7, 2017. State v. Sanchez 1 CA-CR 15-0573 PRPC LADD June 20, 2017 (mem. filed).

Conclusion

CERTIORARI Should be granted and an evidentiary hearing ordered.

Respectfully Submitted

~~Juan Sanchez~~
Juan Aurelio Sanchez