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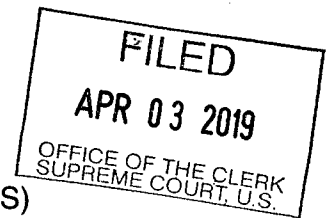
18-9603

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL ANTHONY STEEL — PETITIONER
(Your Name)

vs.

STATE OF ARIZONA — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

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

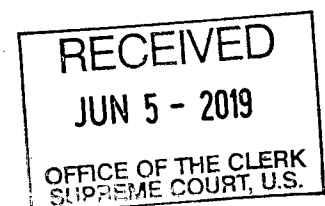
PETITION FOR WRIT OF CERTIORARI

MICHAEL ANTHONY STEEL
(Your Name)

1752 E. Arica Rd
(Address)

Eloy ARIZONA 85131
(City, State, Zip Code)

N/A
(Phone Number)



QUESTIONS PRESENTED

(1) DID THE TRIAL COURT ABUSE IT DISCRETION WITHOUT (Affidavit) when it continued Appellants TRIAL BEYOND THE LIMITS set forth Rule 8.2 Leading case, such that Appellants SPEEDY TRIAL rights Pursuant TO THE 6th Amendment TO THE U.S. CONST TREATIES ART 2 & 24 of the ARIZ CONST were violated?

(2) THE IMPORTANT QUESTION FOR TREATIES FOR THIS COURT TO DECIDE IF Rojas V. Superior Court of MARICOPA COURT 100 ARIZ. 364 (1966) IS THE Leading case UNDER TREATIES ARIZ. CONST PUBLISHED as practice in the STATE OF ARIZONA WHY THE COURT OF Appeals MEMORANDUM DECISION overlooked IN CONFLICT WITH TREATIES LAINS STATE V. Vasko 193 ARIZ. 142 (APP 1998) STATE V. Spreitz 190 ARIZ. 129 (1997) FOR Rule 8.2 Published 2019

(3) ARIZONA RULES OF COURT

Rule 1.2 These rules are intended to provide for the just, speedy determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration, the elimination of unnecessary delay and expense, and to protect the fundamental right of the individual while preserving the public welfare.

LIST OF PARTIES

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

[x] 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:

- * Judge of the Superior Court David Cunanan (Final trial conference)
- * Judge of the Superior Court Sherry K. Stephens (Final trial management)
- * Office of the Attorney General of AZ Joseph T. Maziarz
15 South 15th Ave
Phoenix AZ. 85007
- * Attorney of Record Opening Brief filed: 12/29/17
Lawrence Blieden Bar # 009027
620 W. Jackson St. Suite 4015
Phx AZ. 85003-2423 (602) 506-7711
(Time extension) Granted leave to file Petition for Review
Attorney of Record MIKEL STEINFELD

* MEMORANDUM DECISION

Judge Jennifer M. Perkins delivered the decision of the Court, in which Presiding Judge James P. Beene and Judge Michael J. Brown joined.

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TABLE OF AUTHORITIES CITED

* CASES

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<u>Rejas v. Superior Court of Maricopa County</u> 100 ARIZ. 364, 414, P2d. 740 (1966)	(5)
<u>Berger v. Superior Court</u> , 111 ARIZ. 335, 529, P2d. 686 Dec. 20, 1974)	(9)
<u>STATE v. IKIRT</u> , 160 ARIZ. 113, 770, P2d. 1159, 26, ARIZ. Adv. Rep. 23 (Jan 17, 1989)	(5)
<u>Smith v. Hooley</u> , 89, 5 CT. 575, 393, U.S. 374, 21, LEd. 2d. 607 (1969)	(5)
<u>Societe Internationale v. Rogers</u> , 357, U.S. 197, 78, 5 CT. 1087, 2 LEd. 2d. 1255 1958	(5)
<u>Allstate Insurance Co v. O'Toole</u> , 182 ARIZ. 284 (1995)	(5)
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<u>STATE v. Lloyd</u> , 61 Hawaii 505, 606, P2d. 913 (1980)	
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<u>STATE v. Price</u> 218 ARIZ. 311 4 (App. 2008)	
<u>STATE v. Vasko</u> , 193 ARIZ. 142	(10)
<u>STATE v. Aragon</u> , 221 ARIZ. 88	(10)
<u>STATE v. Spreitz</u> , 190 ARIZ 129 (1997)	(11)

* STATUTES AND RULES

28 U.S.C. § 1257 (2)	(3)
ARIZ. REV. STAT. ANN. §§ 13-1711 through 13-1721 (1956) and Supp. 1971) Now §§ 13-4031 to 13-4041	(3)
ARIZ. REV. STAT. ANN. § 12-120-21 Supp 1972)	(3)
Federal Rule of Appellate Pro. 3	(4)
ARIZ. R. CRIM. Pro Rule 350	(4)
Cal. Penal Code § 1239(b) (West 1970)	(4)
ILL. ANN. STAT. § 38; 121-12 (a) Smith-Hurd 1964)	(4)
Ala. Code § 15; 382 (2) (1958)	(4)
ARIZ. R. S. CT. 111	(8)
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ARIZ. R. CRIM. P. 31.23	(9)

* OTHER

<u>AMENDMENT VI</u> (1791)	(8)
<u>ARIZ. CONST. ART 2 § 24</u>	(6)
<u>17 A.R.S. Rule 236</u>	(6)

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 _____ 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 _____ 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 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 ARIZONA SUPREME court appears at Appendix C 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 _____.

☐ 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 March 13, 2019.
A copy of that decision appears at Appendix C.

☐ 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 April 3, 2019 (date) on April 22, 2019 (date) in Application No. ____ A ____.

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

JURISDICTION

The jurisdiction invoked for a blessing from God under 28 U.S.C. § 1257(a)

authority of this court invoke the SIXTH AMENDMENT U.S. CONST.

It should provide a broader, presentation of law that requirements be met and established for all. In the interest of justice set forth,

ARIZ. R. CRIM. P. 31.23 (b)(2)(iv) STATE OF ARIZONA Appellant NOTIFIES this

court that on MARCH 13, 2019 Petition for Review = DENIED filed: A PETITION

FOR WRIT OF CERTIORARI within (15) days in the UNITED STATE SUPREME

COURT and that the UNITED STATES SUPREME COURT gave cause[#]

In accordance with ARIZ. CONST. art. 2 § 24 (1956) Rule 31 implements that right,

ARIZ. REV. STAT. ANN. §§ 13-1711 through 13-1721 (1956) and Supp. 1971) [now §§ 13-4031

to 13-4041] and ARIZ. REV. STAT. ANN. § 12-120.21 Supp 1972) See the ABA, STANDARDS

Relating to criminal appeals (Approved Draft, 1970) and ABA, STANDARDS Relating to

Appellate Review of Sentences Approved Draft (1968)

7
Federal Rule of Appellate Procedure 3 under the 1956 ARIZ. R. CRIM. PRO. Rule 35D,
is similar to Cal. Penal Code. § 1239(b) (West 1970), ILL. ANN. STAT. § 38-121-
12(a) (Smith-Hurd 1964), and Ala. Code § 15-382 (2) (1958).

See also MOTION TO DISMISS Deputy Public Defender NIKOLAS FORNER Bar NO# 029633

2/29/2016 5:05:53 PM Filing ID# 7231862 In part (quote):

" This MOTION is made pursuant to the SIXTH AMENDMENT of the U.S. CONSTITUTION " (unquote)

CONSTITUTIONAL AND STATUTORY INVOLVED

The rights guarantees defendants in criminal prosecution speedy trial rights

The right to appeal in all cases. that right ARS §§ 13-1711 through 13-1721 ^{1956 and}

Supp 1971) [now §§ 13-4031 to 13-4041] and ARS § 12-120-21 Supp 1972) see the ABA

STANDARDS Relating to Criminal Appeals Approved Draft 1970) and ABA, STANDARDS

Relating to Appellate Review of Sentences (Approved Draft 1968).

Presented to Appeals Court overlooked the ABA STANDARDS disclosure requirement

in the ARIZONA practice Rojas v. Superior Court of MARICOPA COUNTY, 100 ARIZ. 864, 414, P2d.

740 ⁽¹⁹⁶⁶⁾ STANDARDS the rule requirement can be found in Smith v. Hoey, 89, S. CT. 575,

393 U.S. 374 21 LEd. 2d. 607 ⁽¹⁹⁶⁹⁾ Rule 8.6 in accord with Societe Internationale v.

Rogers, 357 U.S. 197, 78 S. CT. 1087, 2 LEd. 2d. 1255 ⁽¹⁹⁵⁸⁾ must obtain leave, supported

by AFFIDAVIT holding of ALLSTATE INSURANCE CO. v. D. Toole, 182 ARIZ. 284 ⁽¹⁹⁹⁵⁾ When

the adequacy of the disclosure is contested. The MANIFEST CONSTITUTIONAL ERROR can

overturn CONVICTIONS. STATE v. IKirt, 160 ARIZ. 113, 770, P2d. 1159. 26 ARIZ. Adv. Rep 23 (Jan 17, 1989)

The trial court's ruling violated the SIXTH Amendment right to a speedy trial and Rule 8 ARIZ. R. CRIM. P. The right to speedy trial is procedurally guaranteed to All criminal defendants under the U.S. CONST and Rule 8 ARIZ. R. CRIM. P. speedy trial right is more restrictive of the STATE than the SIXTH AMENDMENT.

The basis of defendant's application for relief by prohibition is the right to a speedy trial as guaranteed by the ARIZ. CONST. Article II, § 24, A.R.S., and Rule 23b of the Rules of Criminal Procedures. 17 A.R.S. Rule 23b In part:

"Unless good cause to the contrary is shown by affidavit" (unquote)

PHOENIX ARIZONA Jan 27, 2016 8:37 AM Final Trial Management Conference
Transcriber Sandra J. Worrell CONTRACT #13010-RFP In part quote:

"The affidavit doesn't contain any of that" (unquote) (pg. 11 Line 1-15)

See also MOTION TO DISMISS Deputy Public Defender NIKOLAS FORNER Bar No. 029633

2/29/2016 5:05:53 PM Filing ID 7231862 In part (quote):

"This motion is made pursuant to the SIXTH Amendment of the U.S. CONSTITUTION" (unquote)

STATEMENT OF THE CASE

Michael Anthony Steel, hereinafter referred to as "Steel" was indicted on September 21, 2015. with: Count(1) Attempt to Commit First Degree Murder, a class(2) felony and dangerous offense; Count(2), Aggravated Assault, a class(3) felony and dangerous offense; Count(3), Aggravated Assault, a class(3) felony and dangerous offense; Count(4), Misconduct Involving Weapons, a class(4) felony. Instrument ~~XXXX~~ The Indictment's caption designated Count(1), (2) and (3) as domestic violence. All four offense in the Indictment occurred on September 12, 2015. Steel pled not guilty on September 29, 2015.

On Count(1) Steel was convicted of the lesser included offense of Attempted Second Degree Murder, a class two felony and he was also found guilty of Counts (2) and (3).

At sentencing, Steel pled guilty to Count(4) Misconduct Involving Weapons stipulating that the sentence for Count(4) run concurrently with the sentences in Counts (1), (2), and (3).

REASONS FOR GRANTING THE WRIT

Judge Jennifer M. Perkins delivered the decision of the Court, in which Presiding Judge James P. Beene and Judge Michael J. Brown joined. In overlooked Law of the case established in Rojas v. Superior Court of MARICOPA, 10D ARIZ. 364, 414, P2d. 740⁽¹⁹⁶⁶⁾

ARIZONA PRACTICE B.6. and ARIZ. R. CRIM. P. 8.2^(a), 8.2^(b), 8.2^(d), 8.3^(a), 8.3^{(b)(2)} or 8.3^{(b)(3)}.

When disposition to be by opinion. Call attention to a rule of law which appears

to have been generally overlooked ^{APPENDIX (B).} PETITIONER'S PETITION FOR REVIEW

Pursuant to ARIZ. R. S. CT. III Publication of opinions of the Supreme Court and Court of Appeals; DEpublication. set forth, in rule 8.2 ARIZ. R. CRIM. P such that appellants speedy trial rights violated;

AMENDMENT VI [791]

IN all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the STATE and DISTRICT wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Pursuant to Rule 31.24 of the ARIZ. R. CRIM. P. MICHAEL ANTHONY STEEL, appellant, STATE

OF ARIZONA appELLEe advises this Court that the following MEMORANDUM DECISIONS

APPENDIX (A) decided issues identical to, or similar to, issues pending in this case:

Court of Appeals DIVISION ONE NO. 1CA-CR-16-0545

ARIZONA Supreme Court NO. CR-18-0407-PR

Maricopa County Superior Court NO. CR2015143D15-001

NOTICE OF MEMORANDUM DECISIONS (Received April 10, 2019) Office of the Clerk

SUPREME COURT U.S. in compliance with X. OPINIONS overlooked Law of the case established in Rojas v. Superior Court of Maricopa, 100 ARIZ. 364, 414, P2d. 740

(1966) for persuasive value, but only if it was issued on or after January 1, 2015;

no opinion adequately addresses the issue before the court; and the citation is not

to a depublished opinion or a depublished portion of an opinion, set forth, within (15) days.

REASON FOR GRANTING THE PETITION legal procedures without the requirements in conflict with the decision of another U.S. court of appeals

on the same important matter; Berger v. Superior Court 111 ARIZ. 335, 529, P2d. 686 (Dec 20, 1974)

STANDARD OF REVIEW Rule 8.2 IS IN ARIZONA as followed

Rojas v. Superior Court of Maricopa County, 100 ARIZ. 364, 414, P2d. 740 (1966)

and "not" STATE v. Vasko, 193 ARIZ. 142, ¶ 8 (App 1998) STATE v. Aragon, 221 ARIZ.

88, ¶ 4 (App. 2009) As cited for the standard of Review Opening Brief

pg. (16) (17).

The Petitioner Petition FOR REVIEW rule of established course of judicial proceedings departure by a lower court, as to call for an exercise of this Court's supervisory power already established in this court found in Smith

v. Hoey 89 S. CT. 575, 393 U.S. 374, 21 LEd. 2d. 607 (1969) Rule 8.6 in accord

with Societe Internationale V. Rogers, 357 U.S. 197, 78 S. CT. 1087, 2 LEd. 2d.

1255 (1958). See also STATE v. Boyer 106 ARIZ. 32, 470, P2d. 439 (1970)

A Petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.

Whether the decision of the court that decided the case at hand is in conflict with the decisions of another appellate court similarly situated; Important question(s)

- (1) DID THE TRIAL COURT ABUSE IT DISCRETION WITHOUT (Affidavit) when it continued Appellants TRIAL Beyond THE Limits set forth Rule 8.2. Leading case ARIZ. R. CRIM. P. such that Appellants speedy trial rights Pursuant to the 6th Amendment to THE U.S. CONST and treaties ART. 2 § 24 of the ARIZ. CONST were violated?
- (2) THE IMPORTANT QUESTION FOR TRIALIES FOR THIS COURT TO DECIDE IS "IF" Rojas v. Superior Court of Maricopa County, 100 ARIZ. 364 (1986) IS THE Leading case under ARIZ. R. CRIM. P. 8 Published as practice IN THE STATE OF ARIZONA WHY THE COURT OF APPEALS MEMORANDUM DECISION overlooked in conflict STATE v. Vasko, 193 ARIZ. 142 (1998) STATE v. Spreitz, 190 ARIZ. 129 (1997) For Rule 8.2 Published 2019.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Anthony Ste

Date: May 29, 2019