

No. 19-5475

ORIGINAL

Supreme Court, U.S.
FILED

JUL 18 2019

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IN THE

SUPREME COURT OF THE UNITED STATES

Tachel v. AZ Governor et al.

Mitch Tachel — PETITIONER
(Your Name)

vs.

AZ Governor et al. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Ninth Circuit Court

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

19-15023

PETITION FOR WRIT OF CERTIORARI

Mitch Tachel

(Your Name)

2020 Golden Gate Dr.

(Address)

Long Beach, IN 46360

(City, State, Zip Code)

(219) 872-1410

(Phone Number)

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Oral Argument Demanded

QUESTION(S) PRESENTED

- 1) Whether the facts alleged have clearly presented Federal Jurisdiction by Constitutional Violations and Diversity Citizenship pursuant 28 USC § 1332 as a US Citizen.
- 2) Whether the Helicopter Video Footage and Police reports clearly show use of excessive and unnecessary Deadly Force as an unreasonable seizure in violation of the US Constitution and IV & XIV Amendments.
- 3) Whether the primary purpose of The Constitutional authority for Policing is Public Safety.
- 4) Whether the VIII & XIV Amendments require release after arrest for non-Capitol allegations?
- 5) Whether a Defendant has a primary Right of Self-Representation and to Disclosure by the State see also *Faratta v. California, US (1975)*
- 6) Whether plaintiff has alleged sufficient facts to "provide the appropriate starting point for the inquiry under § 1983" for Due Process Violations, see *Heck v. Humphrey, 512 US. 477 (1994)*; *Carey v. Piphus, 435 US. 247 (1978)*
- 7) Is AZ Policy to allow either the State or Defendants Counsel against objections by this Defendant to Waive Speedy Trial and Continue Detainment without Due process of Law in violation of The United States Constitution
- 8) Whether Art. VI and the interest of Justice Compell Injunctive relief against a clearly Unlawful prosecution in Bad Faith
- 9) Whether NHTSA records of over 100 innocent bystanders killed every year due to Police Pursuits is acceptable?

LIST OF PARTIES

Case No.

19-15023

☐ 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:

Appellant/Plaintiff Mitch Tazbel

v.

Appellees/Defendants Maricopa County Attorneys Office

Ninth Circuit
19-15023

William . Montgomery, County Attorney
County of Maricopa
Deputy County Attorney, Aaron Harder
AZ Governor, Doug Ducey

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Tison v. Arizona, US (1987) Reckless
Indifference to False Imprisonment is a Crime.
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Heck v. Humphrey, 512 US 477 (1994) Jurisdiction
Carey v. Piphus, 435 US 247 (1978) Jurisdiction
US v. Russell, 411 US 423 (1973) "Closed to trial"
Tennessee v. Garner, 471 US 1 (1985) II Amend. Violation
Graham v. Connor, 490 US 386 (1989) II Amend. Violation
Scott v. Harris, 550 US 372 (2007) See **Epic Dissent**

STATUTES AND RULES

18 USC §1201 Kidnapping
18 USC §241 & 242 Kidnapping, assault, Due Process Violations
18 USCA §3500 Jencks Act States Disclosure obligations
18 USC §1503 Obstruction of Justice
5 USCA §1211 Whistleblower Protection Act
18 USC §3161 Speedy Trial Act
18 USCA §3142 National Bail Reform Act

OTHER

AZ ST §28-622 (Refusal to Stop)
AZ ST §13-410(C) (State Regulations of deadly force)
AZ ST §13-404(B)(2) (states right to resist)
18 USC §2261 Unlawful Stalking by Officer
18 USC §3501 Due Process Delay

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- U.S. v. Russell, 411 U.S. 423 (1973)
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Brown v. Texas, 443 U.S. 47 (1979)
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by Paul G. Chevigny June 17th (1968)
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"The Not-so Speedy Trial Act"
by Shon Hopwood Oct. 1st (2014)
Washington Law Review

"Speedy Trial Schemes and Criminal Justice Delay" May (1972)
by Allen P. Rubin
Cornell Law Review

"Herith Guide to The Constitution: Speedy Trial Clause" by George Thomas
Professor at Rutgers University

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 6 to the petition and is

☒ reported at U.S. Courts Pacific Court Rep.; 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 5 to the petition and is

☒ reported at U.S. Courts Pacific Court Rep.; 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 23rd.

☐ 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).

A State Habeas Corpus Petition, Douglas Ducey and Scott Bales CV2018-009066 was filed 6/19/18. The State Objected to Bail Reduction of 400K.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Additional questions to be asked here 10) is to whether the Arizona Rules of Criminal Procedure are Compliant with Minimum Constitutional Standards, attached hereto as Appendix #3 and 11) whether the State's Interpretation of these Rules Clearly establishes an unlawful prosecution made in Bad Faith. Question 12) is whether the States Failure to Respect Appellants absolute right to Self-Representation and *Farotta v. California*, 46 (1975) to this extent bars any lawful prosecution in itself? In *Farotta*, supra The Court ruled that State appointed, licensed and paid Counsel is not to be "an organ of the State interposed between an unwilling defendant and his right to defend himself personally," and "an assistant, however expert, is still an assistant." The right to Counsel was clearly thought to supplement the primary right of the accused to defend himself. The standards of Due Process, in any state, should not be allowed to fall below that of England under a monarchy before our Declaration of Indep. (1776). Any prosecution is barred by *U.S. v. Russell*, 411 US 423 (1973).

STATEMENT OF THE CASE

This is about saving hundreds of lives Every Year in perpetuity by Unilateral Condemnation of the Use of Deadly Force for Non-Dangerous Misdemeanor allegations and False arrest without Probable Cause, See *Wainwright v. City of New Orleans*, 481 (1968). The National Highway Traffic Association records show almost one in Four killed in police pursuits are innocent bystanders accumulatively to over one hundred people a year. Over 13,000 have lost their lives in unnecessary pursuits since the NHTSA records began in 1978 Most of which were bystanders or non Capital offenders, see *Natseway v. City of Tempe*, 184 Ariz. 374 (1995); *City of Scottsdale v. Kokaska*, 17 Ariz. App. 120 (1972). This is entirely unacceptable, see the beacon of pragmatic sense by Stevens in *Scott v. Harris*, 550 (2007). A False arrest may be considered a Capital offense under 18 USC § 241 & 242; see *Screws v. U.S.*, (1945). "One has an undoubted right to resist an unlawful arrest" see *U.S. v. Di Re*, 332 U.S. 581 (1948). Tim Allen stated officers planted Cocaine on him and a refusal to comply with a "lawful" traffic stop appears to be a Class two Misdemeanor see AZ ST § 28-622 with a maximum of three months sentence if convicted by jury Trial.

The "Reasonable-Suspicion" doctrine should be overruled with the exception of public transit!

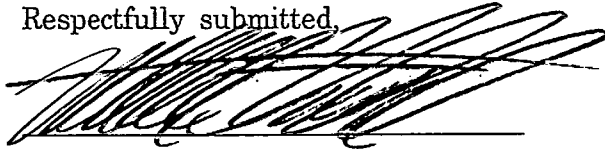
REASONS FOR GRANTING THE PETITION

At the time of this unconstitutional attempted traffic stop Appellant was making a film in pre-production at ASU Film & Media production program regarding state criminal justice systems and prosecutions for violations of due process. Appellant also received a Film Award in May of 2017 for a political film titled Interviewing the Inauguration Protestors and the Basis of Their Opinions from The Los Angeles Film Awards. The film was expected to be influential and may have been controversial among law enforcement suggesting police be fired after a single false arrest or capital charged for an unlawful arrest made in bad faith by using politicians, campaigns and lobby groups. An illegal traffic stop is a more serious crime than a refusal to comply, see *Screws v. US*, 325 US 91 (1945) which ruled on a Congressional predecessor to 18 USC § 241 & 242. Appellant would not risk an unlawful arrest for a kilo of marijuana where there were no witnesses and Appellant did not know there was a helicopter above. Appellant has since been detained only by extensive violations of due process including the state's failure to commence a preliminary hearing despite Ariz. R. Crim. P. Rule 5.1 stating a prelim may only be waived upon written consent by the defendant, his counsel and the deputy county attorney. The record is completely absent of any legitimate legal or factual arguments, motions for bail reduction or suppression hearings per Rule 16.2 which require a preponderance of evidence by the state that the arrest or other evidence was not obtained unconstitutionally, see *Mapp v. Ohio*, US (1961). Counsel has also failed to challenge the indictment (Rule 12.9 or motion for dismissal Rule 16.9(b) for a legally insufficient complaint. The state

and Counsel has failed to provide to provide any Supplemental Disclosure pursuant Rule 15.1, Ariz. R. Crim. P. Rule 8, 22nd Claims 14 error that Speedy Trial begins after arraignment which is arbitrarily scheduled and not at time of arrest as Supreme Court rulings require. The police reports included here as an exhibit show major false allegations were made so "Tabel struck one of the unmarked police vehicles with emergency lights which had two State Troopers and pushed it aside with his vehicle." and that Appellant "struck the rear of a white passenger vehicle that was stopped in the left turn lane." Detainment is only by excessive bail and excess of Speedy Trial jurisdiction in violation of U.S. Court order *Lopez-Valenzuela v. Appaio*, 770 F.2d 772 (2014). Filed against the County Attorney William Montgomery, Maricopa County and the current Sheriff's Forerunner which orders pretrial detainment be compliant with 18 USC § 3142 and 18 USC § 3161 which regulate Speedy trial and Release Conditions, see *Ex parte Young*, 209 U.S. 123 (1908) where the Maricopa State Attorney General was convicted of Contempt of Court, see *Screws v. U.S.*, 325 U.S. 91 (1945) where all state employees are liable for any Constitutional violations, see also *U.S. v. Brewster*, 408 U.S. 501 (1972), Appellant has established jurisdiction and Art. VI U.S. Constitution: Compells equitable, Declaratory and injunctive relief ASA 12.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date:

July 14th 2019