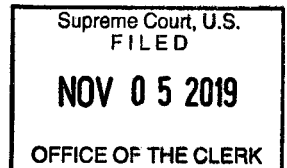


19-6642
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL ALLEN CHANDEL SR. — PETITIONER
(Your Name)



VS.

BENJAMIN MARQUEZ et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

MICHAEL ALLEN CHANDEL SR. #21081054

(Your Name)

A.S.P.C. Tucson whetstone unit 1-A-44/C37

10004 South Wilcox Road P.O. Box 24402

(Address)

Tucson, Arizona 85734-4402

(City, State, Zip Code)

NA

(Phone Number)

QUESTION(S) PRESENTED

- 1.) Whether, False information by an officer or officers can serve as the basis of a claim for a denial of the right to a Fair Trial. "Yes or no"
- 2.) Whether, Officer Marquez, Benjamin #5429, personally appear at the Direct complaint hearing to "Swear" upon the information and signed July 18, 2013.
- 3.) Whether, The State of Arizona and Maricopa County Superior Court Allowed the Fraudulent concealment. (1801) The affirmative suppression of hiding, with the intent to deceive or defraud, of a materially fact or circumstance that one is legally (or, sometime, morally) bound to reveal - Also termed hidden fraud. (See Page 48 Lines 9-21 of August 18th, 2015 Jury Trial Testimony by Officer Todd Guilford #8083.
- 4.) Whether, Miranda was advised At 22:45 hrs July 10th, 2013 by Attesting Officer under the Arresting AGENCY # AZ0072300, Case NO: PF2013432357001 Filed 2013-7-10 by Officer Marquez, Benjamin. SERIAL NUMBER #5429. "Yes or No."
- 5.) Whether, The official Filed Attesting Officer Marquez, Benjamin #5429 Testify under oath August 18th, 2015 Jury Trial as the July 10th, 2013 Arresting Officer for the State or for the Defendant. "Yes or No."
- 6.) Whether, Officer Todd Guilford #8083 lied to the Jury under oath August 18th, 2015 when asked by the State, Did you Arrest Mr. Channel? AND Officer Todd Guilford #8083 ANSWERED I did. Page 38 Lines 6-8 "Yes or No."
- 7.) Whether, Officer(s) Todd Guilford #8083, SGT David Montoya #6812, and Richard Furman #8068 on July 10th, 2013 in Reports / Official paper work Filed July 11th, 2013 Make False Reports or knowingly enter or cause to be entered into any Department book, record, or report any inaccurate or False information "Yes or No."
- 8.) Whether, Officer Todd Guilford #8083, SGT David Montoya #6812, Richard #8068, Sworn employees Truthfulness holds up to the Definition of the Phoenix Police Department Policy of Rules and conduct in the REV. 06/14 RULES AND REGULATIONS Operations order 3.13 A.(1)(2) "Yes or No."
- 9.) Whether, A.R.S. Rule 4.1(b) was violated by the State or court of Maricopa County "Yes or No."

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:

- 1.) BENJAMIN MARQUEZ, Phoenix Police Department (PPD) Officer #5129.
- 2.) TODD GUILFORD, PPD Officer #8083
- 3.) DAVID MONTAÑA, PPD Sergeant #6812
- 4.) RICHARD FURMAN, PPD Detective, #8068

STATE OF ARIZONA; MARICOPA COUNTY SUPERIOR COURT; ARIZONA DEPARTMENT OF CORRECTIONS; CHARLES L. RYAN; ATTORNEY GENERAL OF THE STATE OF ARIZONA; MARK BRNOVICH, Attorney General; MARICOPA COUNTY ATTORNEY'S OFFICE; WILLIAM G. MONTGOMERY; PHOENIX CITY HALL REVIEW BOARD; PHOENIX POLICE DEPARTMENT LABORATORY SERVICES BUREAU; SEAM CONNER; PHOENIX POLICE DEPARTMENT; JERI WILLIAMS; ADAM HARNESS; BRANDON YODER; JOE WENNES; JOHN COLLINS; PAULA T.G. VEACH; JOSEPH KREAMER; M. SCOTT MCCOY; ROLAND J. STEINLE; VIRGINIA L. RICHTER; PAMELA SUE GATES; WOODBURN; ANTHONY MACKEY; LAWRENCE F. WINTHROP; JENNIFER CAMPBELL; PAUL J. MCMURDIE; KENTON D. JONES; FRED COLE; DANIELLE J. VIOLA; KATHRYN MCCORMICK; MICHAEL BAKER; JOHN BRINKER; DENISE MICHELLE O'ROURKE; EDWIN ASHTON; DIANE MELOCHE; ROBERT E. PRATHER; MARTY LIEBERMAN; CHAD D. GARNER; CORWIN A. TOWNSEND; KYLE TRAVIS GREEN; TENNIE B. MARTIN; JOHN WILLIAM MCBEE; ARTEL I. WORTH; JESSICA SALEM SABO; APRIL P. ELLIOTT; DENNIS DALE CARPENTER, JR.; ANDREW T. LEFEVRE; CEDRIC MARTIN HOPKINS; RENEE A. MOBLEY; BETTY E. ULIBBART; JOSEPH THOMAS MAZIARZ; JANA MICHELLE ZINMAN; PAMELA J. LININS.

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APPENDIX B	<u>U.S. District Court DISTRICT OF ARIZONA Notice of Electronic Filing</u> <u>Entered on 4/15/2019 at 9:25 AM MST and Filed on 4/15/2019. Document Number 22, 23</u>
APPENDIX C	<u>UNITED STATES District Court DISTRICT OF ARIZONA Notice of Electronic Filing</u> <u>Entered on 8/20/2018 at 2:20 PM MST and Filed on 8/20/2018. Case NO. 2018-CV-01461-GMS-JDB</u> <u>Document Number 10.</u>
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APPENDIX E	<u>U.S. District Court DISTRICT OF ARIZONA Notice of Electronic Filing Entered on</u> <u>2/19/2019 at 7:44 AM MST and Filed on 2/19/2019. Case Number: 2018-CV-01461-DWL-CDB</u> <u>Document Number 219.</u>
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TABLE OF AUTHORITIES CITED

*There is 28 case laws used

CASES	ARIZONA V. JACKSON, 208 Ariz. 56, 90 P.3d 793	PAGE NUMBER 15.
	DAGIER, 473 U.S. at 682	2.
	BARGER V. UNITED STATES, 295 U.S. 78, 88 (1935)	2.
	BRADY V. MARYLAND, 573 U.S. at 87	2.
	GOMEZ V. CITY OF NEW YORK - F. Supp. 3d - 9-9-14-CV-2621, 2016 WL 259,1883, at *3 (E.D. N.Y. May 25, 2016)	4, 9.
	BUTE V. ECONOMY, 438 U.S. 478, 98 S.Ct. 2894 (1978)	11.
	GORMAN V. CITY OF PHOENIX, 152 Ariz. 179, 182, 731 P.2d 74, 77 (1987)	15
	Einboden V. Martin, 70 Ariz. 245, 219, P.2d 330	16
	Ex Parte Watkins, 120 CAL. APP. 2d 586, 261 P.2d 786	16
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Title 18 U.S.C. § 4 Misprision of Felony	12.
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Title 18 U.S.C. § 242 Deprivation of rights under color of Law	13.
Title 18 U.S.C. § 301, Statements or entries generally (a) (1) (2) (3)	13.
Title 18 U.S.C. § 3002, Possession of False Papers to defraud the United States	13.
Title 18 U.S.C. § 3060 (a) Depriving the Defendant of his due process and in direct violation of the Sixth and Fourteenth Amendments	15.
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A.R.S. § 13-2311. Fraudulent Scheme and Practices; willful concealment	2.
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OTHER

UNIFORM COMMERCIAL CODE ART. § 1-206 Presumptions	1.
UCC § 1-201 (b) (10). Fine Print	7.
UCC § 5-102. DEFINITION (a) (7) "Good Faith" Means honesty in fact in the conduct of transaction concerned	22.
Rules AND REGULATIONS / PHOENIX POLICE DEPARTMENT REV. 06/14 Operations Orders 3.13 B. Fraud / Reports / Official Paperwork (1)	20.
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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 NINTH CIRCUIT COURT.; 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,C,D,E to the petition and is

☒ reported at DISTRICT OF ARIZONA.; 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 SEP 19, 2019.

☐ 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

THE Foundation of Law	1.
Article II Section 4	1, 14.
Article I SECT 8 CL 9 corruption in courts ignored claimed	1, 14.
AMENDMENT V. Deprived of Liberty without due Process of Law	1, 10, 14, 15.
AMENDMENT V. NO indictment by Grand Jury	1, 14.
AMENDMENT IX. USURPATION OF Authority not Delegated	1, 14.
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AMENDMENT 14	15.

ARIZONA State Constitution

VI Section (26)	13.
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STATEMENT OF THE CASE

FACTS 1.) July 10th, 2013 at 22:45 hrs, Officer Benjamin Marquez #5419 Arrested Michael Allen Channel Sr. For being an Prohibited Possessor In Front of Channel Sr. Apartment #138, UNArmed, of Advise Channel Sr. of any Miranda Warnings, doing Officer Todd Guilford #8083, investigation July 10th, 2013 at 22:40 hrs on the Northeast corner of complex in the Parking Lot with a Possible victim. SEE Final Release Questionnaire case no. PF2013432357001, Date: 2013-07-10, Arrest AGENCY # AZ0072300.

FACTS 2.) PHOENIX POLICE DEPARTMENT REPORT. Original Page 1 DR Number: 201301222806. Report Date: 20130711 Time: 0023. Type of Report: Misconduct involving weapons. Date/Time of occurrence: WED 071013 22:37 Reporting Officer(s): TODD GUILFORD #8083. Page 2 of Report. Rights ADVISED: YES Time: 23:24 Officer: 8083.

FACTS 3.) PHOENIX POLICE DEPARTMENT REPORT. SUPPLEMENT Page 1 DR Number: 201301222806.1 Report Date: 20130711 Time: 0057. Type of Report: Misconduct involving weapons. Date/Time of occurrence: WED 071013 22:37 Reporting Officer(s): RICHARD FURMAN #8068. Description: 3.9MM Hollow Points and 6.9MM Full Metal Jackets. See Paragraph 1 Line 1, on 7/10/2013 At APPROX 22:37 hours Line 2, Upon ARRIVAL I STOOD By Apartment #138 while Officers conducted their investigation. Paragraph 2 Line 1, At 22:55 hours Line 2, Prior to entering the Apartment, Line 3 to Search For the Gun I was informed by SGT MONTANA #6812, Line 4 That the Arrested SUBJECT TOLD him, Line 5, I ENTERED APARTMENT.

FACTS 4.) * PHOENIX POLICE DEPARTMENT REPORT * RECORD * ORIGINAL Page 1 Number: 201301222806 A. Report DATE: 20130711 Time: 0428 Type of Report: AGGRAVATED ASSAULT. DATE/Time of occurrence: TUE 070913 2300. REPORTING OFFICER(S): TODD GUILFORD #8083. Page 2 Paragraph 1 Line 1 on 071013 at 22:40 hours. Paragraph 2 Line 1, upon our ARRIVAL, Lines 9, I was NOTIFIED by the Dispatcher that a possible, Line 10, victim of an AGGRAVATED ASSAULT was waiting At the Northeast corner of the complex in the Parking Lot. Paragraph 3 Line 1, I went to contact the possible victim. AT WHICH TIME, I LOCATED. Page 4 Paragraph Lines 1-3. Paragraph 5 Lines 1-3. MIRANDA WARNINGS ADVISED at 23:24 hours.

FACTS 5.) PHOENIX POLICE DEPARTMENT REPORT. SUPPLEMENT Page Number 1 DR: 201301222806.2 Report DATE: 20130711 Time: 0529 Type of Report: Misconduct involving weapons. Date/Time of occurrence: WED 071013 22:37, Reporting Officer(s) TODD GUILFORD #8083 committed Fraud. This Report is the AGGRAVATED ASSAULT Report Public Record Original Report word for word, but the Type of Report and Date/Time of occurrence From TUE 070913 to WED 071013. "Fraud?"

REASONS FOR GRANTING THE PETITION

- #1.) July 10th, 2013 at 22:45 hrs Officer Benjamin Marquez #5429 Violated Chancellors, Miranda Rights. By Not Advising Miranda. PF2013432357001 Arrest Agency #A2002300.
- #2.) Officer Benjamin Marquez #5429 was not apart of the Direct Complaint hearing to Swear or give a Signature July 18th, 2013 as the Complainant.
- #3.) Officer Benjamin Marquez #5429 the Official Filed and Logged Arresting Officer was not apart of the August 18th, 2015 State witnesses to testify as the Arresting Officer July 10th, 2013.
- #4.) Officer Benjamin Marquez #5429 Did not File Arrest Report, Incident Report (IRS).
- #5.) SGT DAVID MONTAÑA #6812 conducted a illegal Questioning without Advising Miranda warnings from time of Arrest At 22:45 hrs by Officer Benjamin Marquez #5429, to time 22:55 hrs. Time Officer Richard Furman #8068 was informed by SGT MONTAÑA #6812 That the ARRESTED SUBJECT told him the Gun was sitting on the back of the couch under a STUFFED ANIMAL IN A BLACK HOLSTER. SEE: SUPPLEMENT DR Number: 2013012228061 Report 20130711 Time 0057. DATE/Time of Occurrence: WED 07/10/13 2237 by Officer(s) Richard Furman #8068. Paragraphs: Line 1-5. Line 3-5 STATE in Fine Print.
- #6.) August 18th, 2015 Day 3 Jury Trial SGT DAVID MONTAÑA #6812 under oath ADMIT-TANCE; that gave Acknowledgment SGT DAVID MONTAÑA #6812. Asked by Townsend defense Counsel Page 15 Line 5 22-25, Page 16 Lines 1-4. That he conducted a illegal Questioning without Advising Miranda warnings to The Arrested Subject, Time of Arrest 22:45 hrs July 10th, 2013.
- #7.) Officer Richard Furman Filed SUPPLEMENT REPORT AND August 18th, 2015 Day 3 Jury Trial Testimony are Different. August 18th, 2015 Detective Furman #8068 under oath in Page 28 Lines 4-10. Line 5-8. This Detective is in Fine Print under oath on the Record State we actually went in, looked around a little bit, but I didn't want to start digging through the apartment because there was a lot of STUFF in there. Line 9-10. AFTER probably two or three minutes of being in there. Detective Richard Furman #8068 under Swore oath gave that testimony to the Jury.
- #8.) July 11, 2013 Time: 0057 Supplement Report #2013012228061 Page 1 Type of Report Misconduct involving weapons. Date/Time of Occurrence: WED 07/10/13 2237. Reporting Officer(s) Richard Furman 8068 unit: 42J.

continue →

Paragraph 1 Line 1 on 07/10/2013 At APPROX 22:37. Paragraph 2 Line 1 At APPROX 22:55
Paragraph 2 Line 2. PRIOR TO ENTERING THE APARTMENT TO SEARCH FOR THE
GUN. I WAS INFORMED BY SGT MONTAÑA #6812 THAT THE ARRESTED
SUBJECT. Line 3-4, Line 5-6 I ENTERED THE APARTMENT.

9.) THE PROVIDED PHOENIX Police Department Report ORIGINAL DR number: 201301222806
Report Date: 20130711 Time: 0023 Type of Report: MISCONDUCT involving weapons. Date/Time of
Occurrence: WED 071013 2237 Reporting Officer(s): TODD GUILFORD #8083 UNIT: 42J
ARREST Report of July 10th 2013 at 22:45 hrs. This Officer is not the Official Arresting
Officer under Arrest Agency #A20072300 Filed July 10th 2013.

10.) OFFICER TODD GUILFORD #8083 committed Fraud by Altering Original Public*
Phoenix Police Department Report *Record* number 201301222806 A Report DATE 20130711 0428
Type of Report: AGGRAVATED ASSAULT DATE/Time of Occurrence: TUE 070913 2300 TO
SUPPLEMENT number 2013012228062 Report Date: 20130711 Time: 0529 Type of Report:
Misconduct involving weapons Date/Time of Occurrence: WED 071013 22:37. word for
word!!

CONCLUSION

Based on the Foregoing Documents, provided are legal Merits that are violations
of the Constitution and civil Rights that this Honorable Court must not
over look and Deny Michael Allen Channel Sr. Justice! Justice is long Do!

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Allen Channel Sr.

Date: November 7th 2019