

No. 19-6919

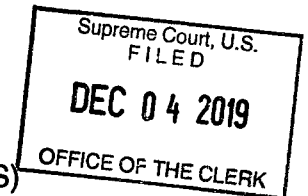
ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL ALLEN CHANNEL Sr. — PETITIONER
(Your Name)

vs.

CHARLES Ryan, 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 CHANNEL Sr.
(Your Name)
A.S.P.C. Tucson Whetstone Unit 1-A 44/E37
1004 South Wilmet Road P.O. Box 24402
(Address)

Tucson, Arizona 85734-4402
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

- "1. Whether Assistant Attorney General, Jana Zinman Violated Chief Judge G. Murray Snow August 21st, 2018 court order Document #14 2:18-CV-01432-PHX-GMS-JB
yes or no?"
- "2. Whether [Petitioner's] Miranda rights were violated [at] time of Arrest" yes or no?"
- "3. Whether [Sergeant] Montoya #6812 conducted an illegal questioning without advising [Petitioner] of Miranda rights" Yes or No?"
- "4. Whether Officer Guilford #8083 violated operations orders 3.13.5.B(1) and operations orders 3.18.3.D (a) (d), as the arresting officer" yes or no?"
- "5. Whether Deputy County Attorney Filed an untimely direct complaint" Yes or No?"
- "6. Whether [Arizona Revised Statute] Rule (a) and 5.1(b), (c) was violated by the State at any time?" Yes or No?"
- "7. Whether the seven elements of Jurisdiction were answered by Commissioner Virginia L. Richter on the Record" Yes or No?"
- "8. Whether [Petitioner] was provided a competent counsel during the first two critical stages of proceedings" Yes or No?"
- "9. Whether there was a conflict of interest by trial judge prior proceeding in the year of 2013" Yes or No?"
- "10. Whether any of [Petitioner's] due process rights of civil rights were violated during any procedure proceedings of the trial process" Yes or No?"
- "11. Whether any of [Petitioner's] Amendments, rights were violated" Yes or No?"
- "12. Whether there was any type of judicial misconduct by the appointed counsel's, County Attorney's, court reporter's, and Judges during the procedure proceedings of CR2013-432357-001 and 1CA-CR17-079RPC" Yes or No?"
- "13. Whether the court of Appeals Division one Judges conducted any type of an improper review or investigation with incomplete trial court files and records of CR2013-432357-001" Yes or No?"
- "14. Whether the seven elements of Jurisdiction that were not proven on the Record be proven on this court's record" Yes or No?"
- "15. Whether Article II Declaration of Rights § 24 and § 30 constitution of Arizona was violated" Yes or No?"
- "16. Whether Form 10, Waiver of Preliminary Hearing is in the record with signature" Yes or No?"
- "17. Whether Title 18 U.S.C.A. § 241 conspiracy against rights will continue in this court" Yes or No?"
- "18. Whether Title 18 U.S.C.A. § 242 deprivation of rights under color of Law will continue 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:

CHARLES RYAN, Attorney General For The State
of Arizona

RELATED CASES

Supreme court of the United States, case #19-6642
Michael Allen Channel SF, V. Ben Tamin Marquez, et al

Supreme court of the United States, case #19-6512
Michael Allen Channel SF, V. John Brinker, et al

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TABLE OF AUTHORITIES CITED

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<u>Drisker v. Cheatham</u> , 75 Ariz 227, 234, 255 P.2d 173, 177 (1953)	3.
<u>Nardi v. Stewart</u> , 354 F.3d 1134 (9th Cir Jan 20, 2004)	3.
<u>Ballistreri v. Pacific Police Dept</u> , 901 F.2d 696, 699 (9th Cir 1988)	3.
<u>U.S. v. Lee</u> , 166 U.S. 196, 220 S.Ct. 249, 261 (1862)	3.
<u>Marbach v. Madison</u> 1 cranch 137 (1803); <u>Van Kelt Hler et al v. Johnson</u> , 57 F.11, 119 (1880)	3.
<u>Elliot v. Peirson</u> , 1 Pet 328-340, 26 U.S. 328 (1808); <u>Joyce v. U.S.</u> 474 F.2d 215.	3.
<u>Rosemond v. Lambert</u> , 469 F.2d 416; <u>LaFara v. Happer</u> , 102 F.2d 188	3.
<u>Chicago v New York</u> , 37 F. Supp 150; <u>Russo v. Utah Power & Light Co</u> 495 F.2d 906, 910	3.
<u>Medical Examiners</u> 94 C.2d 751 211 P.2d 389.	3.

STATUTES AND RULES <u>ART I Sect 8 cl 9 corruption in courts ignored claimed</u> 1, 4, 5	
<u>Title 18 U.S.C. § 4 MISPRISION OF FELONY</u>	4.
<u>Jurisdictional change of venue FRCP Rule 82</u>	4.
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For the court knowledge Exhibit 3 have 69 Authorities

United State constitution 9.

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OTHER

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 United States 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 to the petition and is

☒ reported at District of Arizona Court; 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 Oct 25, 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 the Record today December 2nd 2019 I signed for My legal Mail From the NINTH circuit court a General Docket and NOV 25 2019 Filed Motion For Request of Status of Motion to hold assistant Attorney General Jara Zinman in contempt of Court ordered August 21, 2018, NOV 15, 2018 [ENTERED 01/23/2019 07:15AM]. I provide a copy under Appendix A. I never was provided a official Paperwork of court Deny case.

☐ 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

Miranda rights; Article III; Fourteenth, Fourth, Sixth, Thirteenth,
Eighth Amendments, Article 1 sect 8, 9 corruption in courts ignored claimed

Constitution of Arizona

Article II Declarations of Rights § 24 § 30

Declaration of Rights § 4 Due Process of Law

STATEMENT OF THE CASE

- #1. November 15, 2018 Assistant Attorney General Jana Zimman Violated August 21, 2018 Court Order Document # 14-218-CV-01432-PHX-GMS-J2B Yes or no?
- #2. July 10th, 2013 At 22:37 Benjamin Marquez #5429 of the Phoenix Police Department arrested Channel Sr. unarmed at 22:45 hrs without Advise Miranda Rights. Yes or no?
- #3. SGT David Montoya #6812 From 22:45 hrs continue to conduct an illegal questioning until 22:55 hrs July 10, 2013 without Advise Channel Sr of Miranda warnings.
- #4. Richard Furman #8068 gave False Sworn testimony August 18, 2015 From Material Filed Supplement Report DR Number 2013-012228061 Misconduct involving weapons [July 11, 2013] Yes or no?
- #5. Officer Todd Guilford #8083 in July 11, 2013 Arrest Report Filed False information Falsely represented himself as the Arresting Officer the Author of Arrest July 10, 2013 at 22:45 hrs. Adviseing Miranda Rights at 23:24 hrs. Yes or no?
- #6. Officer Todd Guilford #8083 under oath gave False testimony August 18th, 2015 Trial by Jury Day 3 as the Arresting Officer. Yes or NO?
- #7. Officer Todd Guilford #8083 Original Public Record Report DR Number: 2013-012228061A Type of Report: Aggravated Assault Filed 2013-07-11 Time: 0428 in Fine Print State his Location at 22:40 hrs July 10, 2013. Yes or no?
- #8. July 15, 2013 at 3:59 pm (untimely) Filed Direct complaint with the Signature R Hays July 18, 2013)
- #9. July 19, 2013 Secret Grand Jury hearing Channel Sr. was without any Counsel See Filing 7-18-2013 Order Filed 7-19-13 4:00pm Notice and order of Administrative Transfer. State Used a unknown Officer as State witness July 19, 2013 Yes or no
- #10. 7/22/2013 Officer Impounding invoice Description, Examination of Physical Evidence, Gun, Holster and Magazine, NO 3 9MM Hollow points or 6 9mm Full Metal Jackets See Officer Richard Furman #8068 July 11, 2013 Filed Supplement Report DR number: 2013-012228061
- #11. 6-Phoenix Police Officer Refuse to grant interviews unless it's a group interview and without it being tape-recorded. See case # 2013-432357-001 Page 3 NO. 52, 53, 54, 55, 56, 57 February Filed Documents. Yes or no?
- #12. Virginia L. Richter committed a Fraudulent Statement on a Court Record Oct 14, 2017. Yes or no?
- #13. Officer Benjamin Marquez #5429 Official Arresting Officer under Arrest Agency AZ007230 Filed 2013-7-10 case # PF 2013-432357-001 was not a witness August 18, 2015 Jury Trial Day 3. Yes or no?
- #14. Arizona Court of Appeals Division one conducted a Fraudulent incomplete Review an investigation into the court Records of trial court File of case CR 2013-432357-001 Yes or no?

See Channel Sr Briefs to the Courts of Arizona
Appendix A.

REASONS FOR GRANTING THE PETITION

- #1. Fraudulent Concealment, Long-established Supreme court precedent holds that the Law Requires the prosecution to disclose exculpatory and impeachment material, whether or not the defendant requests any such evidence. *Brady v. Maryland* 373 U.S. 83, 83 S.Ct. 1194 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); *United States v. Agurs*, 427 U.S. 97, 107, 96 S.Ct. 2392, 49 L.Ed.2d 342 (1976); *Strickler v. Green*, 527 U.S. 263, 280 119 S.Ct. 1936, 44 L.Ed.2d 286 (1999)
- #2. *Milke v. Ryan*, 711 F.3d 998 (9th Cir. 2013) Chief Judge Kazinski ordered the clerk of the court to send copies of the opinion to the United States Attorney for the District of Arizona and to the Assistant United States Attorney General of the Civil Rights Division, for possible investigation into whether detectives conduct, and that of his Supervisors and other State and local officials, amounts to a pattern of violating the Federally protected rights of Arizona residents. Both, Maricopa County Attorney's Office and Phoenix Police Department were agencies involved in the Fraudulent Concealment of the detective's misconduct.
- #3. The Similarities of the Present case are uncanny. Twenty-nine years after Milke was first convicted in 1990, evidence of serious wrongdoing continues with those exact same agencies now the courts and the Attorney General Office of the State. Apparently, Fraud is the State's business. Deception is the State's business. Obstruction of Justice is the State's business. A complete and total reckless disregard for Fundamental Fairness as required by the U.S. Constitution, the Supreme Law of the Land, is the State's business. Fraudulent Concealment gains credence that the State's order of business is the affirmative suppression from hiding, with the intent to deceive and defraud of material facts and circumstances legally bound to reveal. correct?
- #4. Common Sense dictates that reason and logic are defied in the Present issue, with sufficient constitutional magnitude, the record speaks for itself. Knowingly engaged in Malice, the State's

Complete and total Reckless disregard For the Law. The Respondents are actually saying.. Constitutional Law is "irrelevant" Substantive Fundamental Rights are "irrelevant"

#5. Based on the Facts Presented in My Filings, and controlling legal authorities, Michael Allen Channel Sr. has established by an overwhelming preponderance of court Filings of evidence, that the Arizona administration of Justice, judicial legal system are clearly in extreme violation of fundamental principles of constitutional, Statutory, administrative, and Precedential case Laws, at both State and Federal levels!

#6. They Just didn't Abuse the criminal Justice system or their abuse of Process and trial court's abuse of discretion, They abuse their power and all authority Unlawfully! The evidence procured and presented completely undermines and totally destroys the State and its case.

See APPENDIX A Documentations.

CONCLUSION

Fact of the matter is no one has given a Answer to any of My grounds in my Rule 32 Post-conviction Relief or any of My Appellant Opening Briefs, Filed in the Arizona Supreme Court or the District Court of Arizona. Art 1 Sect 8cl9 corruption in courts ignored.

The petition for a writ of certiorari should be granted. Michael Allen Channel Sr. has not Mislead the courts or try to confuse the Judges or the Clerks From the Truth or the Facts that his constitution Rights and civil Rights were Violated!!

Respectfully submitted,

Michael Allen Channel Sr.,

Date: December 4, 2019