

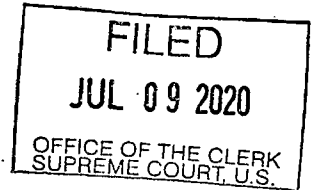
20-5413

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Josiah English III — PETITIONER
(Your Name)

vs.

Hon. Jo Lynn Gentry et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

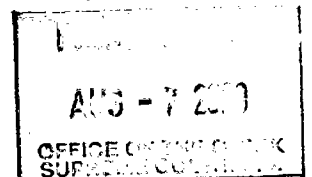
PETITION FOR WRIT OF CERTIORARI

* Table of
Contents is
on page 5.

Josiah English III (Pro Se Petitioner)
(Your Name) Pretrial Detainee # T337357
Maricopa County Jail
3250 W. Lower Buckeye Rd.
(Address)

Phoenix, Arizona 85009
(City, State, Zip Code)

None
(Phone Number)



QUESTION(S) PRESENTED (Four Total)

1 Did the Arizona Supreme Court err by denying Father - Josiah English III's "Petition For Review" and "Request For A Stay of Proceedings", in disregard of the fact that ongoing parallel civil (Juvenile Court) proceedings could "substantially prejudice" Josiah English III's rights in his still pending capital criminal case, pursuant to Federal case law and even their own Arizona case law? (Please see Appendix A - March 2nd 2020 order)

2 Did Hon. Judge Alison S. Bachus act arbitrarily and capriciously, and abuse her discretion by denying Respondent (Father) Josiah English III's "Motion for Stay of Termination of Parent-Child Relationship and Dependency Trial" (filed Pro Se by Father on January 2nd 2018), in her Minute Entry filed in these two Juvenile Cases on February 7th 2018 (please see Appendix E attached), and by depriving him of a hearing in that matter, in violation of Father's right to remain silent until he chooses to testify at a Jury Trial in a criminal court of law, protected under the 5th and 14th Amendments to The U.S. Constitution, and in violation of Father's fundamental liberty interest in having a relationship, association, companionship, and communication with his two biological children, and his right to Due Process of Law and The Equal Protection of The Laws, protected under the 14th Amendment to The U.S. Constitution?

Questions presented (continued from page 2)

[3] Did Hon. Judge Jo Lynn Gentry act arbitrarily and capriciously, and abuse her discretion by denying Respondent (Father) Josiah English III's "Motions To Stay Father's Severance and Dependency Trials" (Filed by Father's Attorney on October 9th 2019), in her rulings filed on October 23rd 2019 (Please see Appendix F attached), and by depriving him of a hearing in that matter, in violation of Father's right to remain silent until he chooses to testify at a Jury Trial in a criminal court of law, protected under the 5th and 14th Amendments to The U.S. Constitution, and in violation of Father's fundamental liberty interest in having a relationship, association, companionship, and communication with his two biological children, and his right to Due Process of Law and The Equal Protection of The Laws, protected under the 14th Amendment to The U.S. Constitution?

[4] Is Hon. Judge Jo Lynn Gentry acting arbitrarily and capriciously, abusing her discretion, and acting in absence or excess of jurisdiction, by proceeding with the combined dependency and severance trial, knowing that neither of the children, M.E. or V.E., have ever been deemed as dependent by any court in over three years and three months (after Arizona DCS's initial Dependency petition was filed on February 3rd 2017) and failing to complete the dependency adjudication hearing in violation of the 90 (ninety) day deadline set under ARIS 8-842(c), and by keeping the children M.E. and V.E. (2)

Questions Presented (continued from page 3)

outside of The United States (in Mexico with their maternal aunt), in violation of Father's fundamental liberty interest in having a relationship, association, companionship, and communication with his two biological children, and his right to Due Process of Law and The Equal Protection of the Laws, protected under the 14th Amendment to The U.S. Constitution? ^{since 4-26-2018}

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] Josiah English III (Pro Se Petitioner)

[2] Hon. Jo Lynn Gentry
(Judge of the Superior Court of the State of Arizona, in and for the county of Maricopa), Respondent Judge

[3] Hon. Alison J. Bachus
(Judge of the Superior Court of the State of Arizona, in and for the county of Maricopa), Respondent Judge

List of parties (continued from page 4)

[4] Arizona Department of Child Safety ()
(Real Party In Interest)

[5] M. E.
(Biological daughter of Josiah English III), Real Party In Interest

[6] V.E.
(Biological Son of Josiah English III), Real Party In Interest

[7] Landy G.
(Maternal Aunt to M.E. and V.E.), Real Party In Interest

The Arizona Supreme Court's 53-2-2020 order does not comport with Federal case law, the 14th Amendment, or even their own Arizona state case decisions.

Please see U.S. v. Mellon Bank, N.A., 545 F.2d 869 (1976)

In Appendix A attached. (Arizona Supreme Court's March 2nd 2020 Order), that Court denied Father's Pro Se "Petition For Review" and Father's request for a stay of the parallel Juvenile court proceedings. The Order states "IT IS ORDERED denying the request for a stay and dismissing the Petition for Review as moot, as petitioner has an adequate remedy by appeal for any error or constitutional infringement occurring in the juvenile proceedings." I respectfully contend that this is not true. If I am compelled to testify in the Juvenile trial (under the threat of having my rights to my two children terminated), forced to expose my defense before I have been taken to trial in my criminal case, and subjected to cross examination by the Arizona Attorney General's Office, my defense in my criminal case will suffer irrevocable prejudice. Also, my children and I face the erroneous and irrevocable loss of our sacred Parent-Child Relationship. The damage will be done, and there is no ^{see Rule 1(a) of the Arizona Rules of Procedure for Special Actions} "equally plain, speedy, and adequate remedy" by direct appeal (other than to stay these Juvenile proceedings) to fix the irreparable damage. ④

TABLE OF CONTENTS

★ This petition For A writ of Certiorari is a total of forty pages.

OPINIONS BELOW pg. 8

JURISDICTION pg. 9

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED pg. 10

pgs. 10 to 39 → STATEMENT OF THE CASE "chronological Timeline" pgs. 15 to 22 "Same Allegations" pgs. 22 to 27 "Negative Inference" pgs. 27 to 29 "Pitting One Constitutional Right Against Another" pgs. 29 to 33
REASONS FOR GRANTING THE WRIT pgs. 39 and 40

CONCLUSION pg. 40

★ Questions Presented → pgs. 1 to 3 ★ List of Parties → pgs. 3 and 4 ★ Table of Authorities Cited → pg. 7 "The State of Arizona has vigorously upheld this Hobson's Choice" → pgs. 33 to 35 "Father's requests for a stay of the parallel juvenile proceedings have been denied or disregarded" → pg. 36
★ Court IS Acting In Absence of Excess of Jurisdiction → pgs. 37 to 39
INDEX TO APPENDICES
→ Pages 1 to 134 attached
★ "Younger Abstention Doctrine" → pg. 40

APPENDIX A → Arizona Supreme Court order filed on 3-2-2020, denying Father's request for a stay of the juvenile proceedings and dismissing Father's petition for review. Pages 1 and 2.

APPENDIX B → Arizona Court of Appeals - Division one order filed on 2-13-2020, declining Special Action Jurisdiction. Pages 3 and 4.

APPENDIX C → Arizona Supreme Court order filed on 2-25-2020, ordering Arizona DCS to file a response to Father's Request For A Stay of the juvenile proceedings. Pages 5 and 6.

APPENDIX D → Arizona Supreme Court order filed on 3-10-2020, denying Father's request for a stay of the juvenile proceedings pending this Interlocutory Appeal. Pages 7 and 8.

APPENDIX E → Judge Alison J. Bachus's order filed on 2-7-2018, denying Father's Motion For Stay of the Termination of Parent - Child Relationship and Dependency Trial. Pages 9 to 14.

APPENDIX F → Judge Jo Lynn Gentry's orders denying Father's Motions For a stay of the Severance and Dependency Trials → filed 10-23-2019 and Notice of Hearing for Father's Motion To Remove Judge Gentry For Cause, filed on 4-12-2019. Pages 15 to 17.

Appendix G → "Defendant's Thirteenth Assertion of His Right To A Speedy Trial", filed in the still pending criminal case on 5-5-2020 by Pro Se Defendant Josiah English III. Pages 18 to 23.

Appendix H → Family Court Decree filed on 9-2-2015 evidencing that Josiah English III is the biological Father of Melani English and Victor English, and U.S. Department of State documents showing that Melani and Victor are both U.S. citizens. Pages 24 to 27. ⑤

Index To Appendices (continued from page 5)

Pages 28 to 40

Also, notes
from Daddy
to Melani
and Victor

Appendix I Pictures of Daddy (Josiah English III), Melani English, Victor English, and their sisters K.E. and S.E. in Arizona

Appendix J Melani and Victor's statements from 1-31-2017 to 2-8-2017, and witness statements from 1-31-2017. Pages 41 to 50.

Appendix K Indictment for Josiah English III, filed in the Criminal case on 2-9-2017. Pages 51 to 53.

Appendix L "State's Notice of Intent To Seek Death Penalty" / Filed 7-14-2017 / pages 54 to 57.

Also, a
one-page
letter from
the
Arizona
Attorney
General's
office to
prosec
Father
Josiah
English III,
dated
4-5-2019
(page 67).

Appendix M Arizona DC's "Third Amended Petition For Termination of Parent - Child Relationship", filed on 4-18-2019. Pages 58 to 67.

Appendix N Judge Alison S. Bachus's 4-26-2018 order allowing Maternal Aunt in Mexico to have possession of Melani and Victor. Pages 68 and 69.

Appendix O Statement's fabricated and coached by foster parents / Pages 70 to 86.

Appendix P Pictures of car seats, vehicle, & available light, ^{from phoenix police department} pages 87 to 95.

Appendix Q "State's Supplemental Notice of Disclosure", 4-16-2018 / pages 96 and 97.

Appendix R Judge Bachus's Minute Entry "Negative Inference", ^{filed 3-9-2018} pages 98 to 103.

Appendix S One time false claim of domestic violence in 2014, pages 104 to 108. *

Appendix T Judge Gentry Minute Entry (Same witnesses), ^{filed on 3-17-2020} ^{testifying} pages 109 to 112 (Double sided)

Appendix U Judge Gentry Minute Entry "No Fifth Amendment Right" / ^{filed on 3-8-2019} Pages 113 to 117.

Appendix V "Motion To Stay Father's Severance Trial" / ^{filed on 10-9-2019} pages 118 to 121.

Appendix W Father's "Motion To Stay For Special Action Relief" and Judge Jo Lynn Gentry's order denying the same motion, ^{filed on 11-1-2019} pages 122 to 124.

Appendix X Father's "Motion For Video Visitation" and Father's "Motion To Facilitate Sibling Visitation" (first pg of each) ^{over seven months later} Judge Gentry still has not ruled on either. ^{filed 10-9-2019}

Appendix Z Judge Alison S. Bachus's ^{filed on 5-1-2018} Minute Entry denying Father's renewed request for visitation with the children / pages 127 to 131.

Appendix A-1 Judge Frank Moskowitz's "Capital Case Management Conference" filed in the criminal case on 3-19-2020, affirming the 2-1-2021 trial date. Pages 132 to 134 (*Double sided). ⑥

pages 125
and 126

There is
no
Appendix
Y

Also, same
evidence
being used
in parallel
Juvenile and
Criminal
proceedings

TABLE OF AUTHORITIES CITED

CASES

3rd Circuit

PAGE NUMBER

<u>U.S. v. Mellon Bank, N.A.</u> , 545 F.2d 869 (1976)	→ pg. 4, 22
<u>State v. Ott</u> , 167 Ariz. 420 (1990) (AZ Court of Appeals - Division I)	→ pg. 21, 28
<u>Securities and Exchange Comm'n v. Dresser Industries</u> , 628 F.2d 1368, 1374 (D.C. Circuit / Cert. denied) (1980)	→ pg. 21, 25
<u>Afro-Lecon, Inc. v. U.S.</u> , 820 F.2d 1198 (1987) (U.S. Federal Cir.)	→ pg. 26, 27, 29
<u>Flagler v. Derickson</u> , 134 Ariz. 229, 231, 655 P.2d (1982) (AZ Supreme Ct.)	→ pg. 28
<u>Chavez v. Martinez</u> , May 27, 2003, 538 U.S. 760 123 S.Ct (U.S. Supreme Ct.)	→ pg. 28, 29
<u>Ex Parte Milligan</u> , 4 Wall. 2, 71 U.S., 138, 18 L. Ed. 281 (1866) (U.S. Supreme Ct.)	→ pg. 29
<u>Santosky v. Kramer</u> , 455 U.S. 745 (1982) (U.S. Supreme Court)	→ pg. 31
<u>Stanley v. Illinois</u> , 405 U.S. 645 (1972) (U.S. Supreme Court)	→ pg. 31
<u>Simmons v. United States</u> , 390 U.S. 377, 394, 88 S.Ct. 967 976, 19 L. Ed. 2d 1247 (1968) (U.S. Supreme Court)	→ pg. 32
<u>LeFKowitz v. Cunningham</u> , 431 U.S. 801 (1977) (U.S. Supreme Court)	→ pg. 33
<u>Lawrence T. v. Department of Child Safety</u> , 246 Ariz. 260 (2019), 438 P.3d 259, case # ICA-JV18-0214, (AZ Court of Appeals - Div. 1)	→ pg. 35
<u>Kathryn S. v. Department of Child Safety</u> (2019), WL 1857114, case # ICA-JV18-0412 (filed 4-25-2019) (AZ Court of Appeals - Div. 2)	→ pg. 35
<u>Farett v. California</u> , 422 U.S. 806, 95 S.Ct. 2525 (1975) (U.S. Supreme Court)	→ pg. 38

Statutes And Rules

Arizona Revised Statutes § 8-533(B)(8)(a) and (c)	→ pg. 18
Rule 45 E of the Arizona Rules of Procedure for the Juvenile Court	→ pg. 20
Arizona Revised Statutes § 8-842(c)	→ pg. 37, 38

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 Court of Appeals - Division One court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

Wlm

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 2nd 2020.
A copy of that decision appears at Appendix A.

☐ 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

- 1 5th Amendment to The Constitution of The United States
- 2 14th Amendment to The Constitution of The United States
- 3 Arizona Revised Statute § 8-533 (B)(8)(a) and (c)
(Termination of Parent-Child Relationship)
Petition; who may file; grounds (nine and fifteen months)
time-in-care
- 4 Arizona Revised Statute § 8-842 (C.)
(Dependency Determination and Disposition)
Initial Dependency and Dependency Adjudication Hearings;
Deadlines (ninety days)
- 5 Rule 45 (E.) of the Arizona Rules of Juvenile
Court Procedure (Admissibility of Evidence)

Please see Judge Frank Moskowitz's
Minute Entry filed on 3-19-2020
attached as Appendix A-1.

★ Josiah English III's trial is scheduled to commence
in the Criminal Court on February 1st 2021. He
represents himself in that case as well.

★ We started the combined Dependency and Severance
trial in the Juvenile Court on 3-2-2020. We completed the first
four days of the eight day trial. On 3-20-2020 the trial was postponed
indefinitely do to the worldwide Covid-19 Pandemic. There
are currently no dates set for the remaining four days of the trial.

Statement of The Case

In this Juvenile matter, the very loving relationship that I have
with my daughter Melani English (currently age seven years old), and
my son Victor English (currently age six years old) has been treated with
callous disregard by the Arizona Department of Child Safety, the
other attorneys involved, and by the Maricopa County Superior Court Judges
involved. My children (Melani and Victor) and I, their biological Father -
Josiah English III, have been cut off from any communication with each
other for over three years and three months now. Melani and Victor
were placed in a foster home and then sent by Judge Alison Bachus to stay
with their maternal aunt Landy G. in Mexico, where they have been since
April 26th 2018 (over two years ago). Please see Appendix N attached.

Arizona DCS employees have lied to, tricked, stalled, intimidated and ignored all of Father's family members here in The United States who have attempted to get possession of Melani and Victor. The Maricopa County Superior Court Judges have arbitrarily denied all of my numerous requests to have communication with Melani and Victor by telephone, by video, or in person. Arizona DCS, the Guardian Ad Litem Attorney, and the Attorney for maternal aunt, Landy G., have all objected each time that I have requested to have communication with Melani and Victor, and each time that I have requested that Melani and Victor be allowed to have communication with their two biological sisters on their Father's side of the family, their big sister K.E. (now age seventeen), and their little sister S.E. (currently age three years old), here in The U.S.

After three years and three months, Arizona DCS is still attempting to have Melani and Victor deemed as dependent (the statutory dead line is ninety days under ARS 8-842(c)), and to terminate the parent-child relationship between Melani and Victor and their biological Father - Josiah Eglysh III, who loves them so much, before their Father has even been taken to trial in the criminal court to address the criminal allegations that have been levied against him by the state of Arizona. The parallel proceedings in the juvenile court for over the last three years have already caused substantial prejudice to Father's rights in his unresolved (11)

→ Please see the first pages of "Father's Motion For Video Visitation" filed on 10-9-2019, and Father's "Motion To Facilitate Sibling Visitation" filed on 11-1-2019, attached in Appendix X. Still, over seven months later, Juvenile Court Judge Jo Lynn Gentry has disregarded both motions and has failed to issue a ruling on either one. Judge Gentry always promptly answers Arizona DCS's motions though.

criminal case, and compelling Father to testify at the Juvenile trial (under the threat of having his parental rights to Melani and Victor terminated), before he has even been taken to trial in his pending criminal case, will cause prejudice to his rights in the criminal case beyond repair. The state of Arizona is making the same allegations in the parallel Juvenile and criminal cases.

Father represents himself in the above referenced Juvenile matter, and also in his pending criminal case in Maricopa County Arizona (Maricopa County Superior Court case # CR 2017-105183-001). The trial in Josiah English III's criminal case is scheduled to commence on February 1st 2021. In that case, Josiah English III has asserted

his right to a Speedy trial on thirteen separate occasions over the last three years and three months (on the record), and has informed the Judge in his criminal case that he would like to be taken to trial on that day, or released from custody.

I respectfully contend that as the Pro Se Respondent in the two pending Juvenile cases (Dependency - Maricopa County Superior Court case # JD33768) and (Termination of the Parent-Child Relationship - Maricopa County Superior Court case # JS18922), I have been treated with prejudice and hostility by the Maricopa County Superior Court Judges. These Arizona Attorney General's Office (Attorneys for Arizona DCS) and the other Attorneys involved have been having blatant ex parte

please see
"Defendant's
Thirteenth
Assertion of
His Right
To A
Speedy Trial"
Filed on
5-5-2020
in the
criminal
case, attached
as
Appendix G
five pages.

without
me
present

communications with the court, Assistant Arizona Attorney General-Andrea Kawamura has filed numerous documents in the Juvenile cases without providing me with copies. Copies that I did not get until approximately six to ten months later. So I never knew that Attorney Kawamura had even filed these pleadings on behalf of Arizona DCS because Inmate Legal Services refused to provide me with a copy of the docket history of the cases, and when I asked Judge Jo Lynn Gentry if I could have a copy of the docket histories in open court, she told me "No". Access to Juvenile cases in Arizona is restricted from the public so I could not get someone from the outside to print out a copy of the docket history for me. In writing on numerous occasions I requested a copy of the docket histories from the clerk of the court, but they ignored each and every one of my requests, and when I requested for any information about the Juvenile cases over the phone, the clerk of the court told me they would not give me any information or a copy of the docket histories regarding the cases, without a court order, even though I am the Pro Se Respondent - Father in the cases.

On October 22nd 2018 I filed Father's Motion To Dismiss the Dependency and Severance cases with prejudice. Assistant Arizona Attorney General - Andrea Kawamura deceitfully told Judge Gentry that only the exhibits to my motion (13)

to dismiss had been filed, but not the body of my motion. I provided Judge Jo Lynn Gentry proof that this claim was blatantly false by giving her a filed stamped copy (file stamped on the first page) of my motion to dismiss. I had a process server file the motion with the clerk of the court, and he got a file stamped copy of my Motion To Dismiss With Prejudice. I also confirmed with Judge Gentry's Judicial Assistant over the phone that she could see by looking at the docket that my Motion To Dismiss was file stamped on October 22nd 2018, and it was filed in its entirety, including the body of the motion, which are numerous pages hand-written by me, and all of the exhibits attached.

Judge Gentry ignored me and still struck my Motion To Dismiss the Dependency at the request of the Arizona Attorney General's office. Then Judge Gentry refused to rule on my Motion To Dismiss The Severance for over five months, at which time she arbitrarily denied my motion without explanation, and without providing me with a hearing. So Judge Gentry, Assistant Arizona Attorney General - Andrea Kawamura, Guardian Ad Litem - Joseph Ramiro Shanahan, and Maternal Aunt's Attorney - DeeAnn Gillespie Strub, destroyed my Motions to Dismiss the Juvenile Dependency and Severance actions, without explanation, and without providing The Prose Respondent Father with a hearing. I respectfully contend that these Arizona courts have completely disregarded (14)

Federal Case law and The U.S. Constitution, which has resulted in the obliteration of my Constitutional right to a fair trial and due process of law in this Juvenile matter. Even though The U.S. Constitution actually exists, I feel as if the constitutional protections within it, simply do not apply to me, in the eyes of the Arizona Judiciary.

Chronological Timeline

On January 31st 2017 Blanca Gutierrez Calzoncit was shot and killed by an unknown assailant, in the presence of our two children, in the parking lot of her apartment complex in Phoenix, Arizona. Our daughter Melani English was three years old, and our son Victor English was two years old at that time. The first 911 call came in at 5:51 A.M. Witnesses who came out to the parking lot stated that our son Victor was buckled into his car seat, and that our daughter Melani was going "in and out of the car". Detectives from the Phoenix Police Department arrived soon after. Some time during the hour of six A.M. that morning, Phoenix detectives went into Blanca Calzoncit's apartment and found Maricopa County Family Court documents which referenced me,

The next
six pages
are from
Josiah English's
petition for
review that
was filed in
the Arizona
Supreme
Court on

February 21st
2020, case #
CV-20-0048-PR

Josiah English III, as the Father of Melani English and Victor English. Phoenix Detectives got tunnel vision and decided that they were going to plant this murder case on me by any means necessary, which is what they did.

The order reflects that DNA tests proved that I am the biological Father of Melani English and Victor English. Blanca and I had been separated since June 25th 2014 for 2 and 1/2 years. I filed to divorce Blanca in Maricopa County on July 7th 2014. Our divorce was finalized in the Family Court's order of Paternity and Dissolution of Marriage filed in Maricopa County Superior Court Number FC2014-093711 on September 2nd 2015.

★ At the time that Blanca was shot and Killed on January 31st 2017, I had been with my girlfriend for almost two years. We lived in my apartment in Scottsdale, Arizona with our six month old daughter ^{S.E. know age three} [REDACTED] (Melani English and Victor English's biological baby sister). Melani and Victor also have a biological big sister on their Father's side of the family named ^{K.E. know age seventeen} [REDACTED], who lives in another state with her Mother. Their baby sister ^{S.E.} [REDACTED] now lives in another state with her mother.

See ~~Exhibit~~
Appendix H
attached, two pages, and also attached are Melani and Victor U.S. citizenship documents from The U.S. Department of States four pages.

★ Arizona Department of Child Safety took possession of my daughter Melani English and my son Victor English on January 31st 2017. Arizona DCJ and the Juvenile Court have cut me off from any communications or visitations with Melani and Victor for over three years ~~and~~ ^{and} three months now. By order of the Family Court, I had my parenting time with Melani and Victor three weekends every month ⁽¹⁶⁾ in the summertime Spring Break and on holidays. ~~16~~

I also called Melani and Victor twice per week over the phone. ME
Melani and Victor had a very close relationship and parent-child bond (please
see pictures of Daddy and the kids attached as ~~Exhibit~~ **Appendix I**.
fourteen pages

* On the morning of January 31st 2017, my children Melani English and Victor English were forensically interviewed by Forensic Interviewer Joy Lucero. My son Victor was two years old and my daughter Melani was three years old. In her report, Joy Lucero stated:

"Summary of the interview with Melani English: Melani made no disclosure. She answered a few neutral questions and nothing else. No further details were forthcoming at this time."

With regard to my son Victor, Jay Lucero stated:

"Summary of the interview with Victor English:
Victor said his mommy fell and made no other disclosure. No further details were forthcoming at this time."

at this time."

(Please see Joy Lucero's reports ^{and other witness accounts} attached as ~~Exhibit 1~~ Appendix J _{fourteen pages})

* On the evening of January 31st ^{at approx. 7:30 p.m.} 2017, Julie Favila, ^{fourteen} who works as an Investigator for Arizona office of Child Welfare Investigations, was transporting Melani and Victor in her vehicle. In her report from January 31st 2017, Julie Favila stated that my three year old daughter Melani English said "A monster shot mommy".

★ On February 3rd 2017, Arizona DCS filed their initial Dependency Petition with regard to Melani and Victor.

~~* On February 9th 2017, Phoenix Detective Tyler J. Kipper,
and Maricopa County Prosecutors Robert Beardsky III. (X) (D)~~

case # CR2017-105183-001

★ I was indicted by a Maricopa County Grand Jury on February 9th 2017, alleging murder in the first degree and two counts of endangerment (see copy of Indictment attached as ~~Exhibit F~~ **Appendix K**, 3 pages).

★ On March 14th 2017 Arizona DCS filed their petition to terminate the relationship between me and my two children Melani English and Victor English.

★ On July 14th 2017, the State of Arizona (the Maricopa County Attorney's office) noticed their intent to seek the death penalty in my criminal case (see a copy of that ⁴ page notice attached as ~~Exhibit F~~ along with a copy of the docket history from my criminal case). **Appendix L**

★ On April 18th 2019, the State of Arizona (Arizona Department of Child Safety and the Arizona Attorney General's office) filed "DCS' Third Amended Petition For Termination of Parent-Child Relationship", in which DCS intends to sever my parental rights to Melani and Victor based on the fact that I have been ^{circumstances that the State created} detained in the Maricopa County Jail for more than nine and fifteen months, and have been unable to care for Melani and Victor, pursuant to ARS 8-533 (B)(8)(a) and (c). See a copy of DCS' petition attached as ^{Appendix M} ~~Exhibit G~~ **Appendix M**, 9 pages, and a 1 page letter from the Arizona Attorney General's office.

★ On April 26th 2018 Judge Alison Bachus entered an order, sending my children Melani English and Victor English to stay with (18) their Maternal Aunt ~~XXXXXXXXXX~~ in Mexico, until the (X)

final disposition of these dependency and Severance proceedings (see the ^{1 page} order attached as Exhibit II)

12-7-2017 order also attached
→ one page

Appendix N

★ Between four months and one year after Blanca Calzoncit was shot and Killed, the foster parents Elva L. Ramirez and Ana Ramirez coached my children Melani and Victor to repeatedly say "my dad shot my mom". Victor was three years old and Melani was four years old at that time. Melani nor Victor ever ^{see attachments → Appendix J} made any statements like that to any of the witnesses from the apartment complex on the morning that their Mother was shot and Killed (January 31st 2017), or to the interviewer Joy Lucero who did their forensic interviews that morning. Victor was two years old and Melani was three years old when their Mother Blanca Calzoncit was shot and Killed. As I have stated numerous times over the last three years, I did NOT shoot Blanca Calzoncit, nor Kill Blanca Calzoncit, and I was NOT even at the scene of the homicide, and I have cell phone evidence and other evidence to prove it. Therefore, Melani and Victor would never have any reason to say anything like "my dad shot my mom". Melani and Victor kept repeating this because adults were coaching them to say it. Melani and Victor were repeating "my dad shot my mom" so much in July of 2017 (six months after their Mother was shot and Killed), that their daycare workers (19) called Arizona DCS and told DCS that they did X

not know how to respond to it. The foster parents were also feeding fake statements (that Melani and Victor never made) to Arizona DCS and the child psychologist, who were then feeding these fake statements to the Juvenile Judge in this case. For instance, the foster parents claim that my son Victor (at the age of two years old) said "I want to kill my dad". And claiming that Melani and Victor at the ages of two and three years old were saying "I want to find my dad so I can shoot him". Eight months after Blanca Catzoncit was shot and killed, Arizona DCS produced a video in which one can clearly see that my daughter Melani English (at the age of four years old) was coached to say "my daddy shoot my mommy with a gun" and to make additional statements that match the crime scene photos. Arizona DCS also claiming that at the ages of two and three years old, Melani and Victor said "my dad shot my mom and drove away in a black car". They intend to influence the Judge at the final trial with these outrageously fabricated statements Via Rule 45 E of the Arizona Rules of Procedure for the Juvenile Court. DCS has used these fake statements to keep me separated from Melani and Victor for ^{over} three years, and to keep them separated from their two biological sisters and all of their family members on their Father's side of their family tree ^{here in the U.S.} ^{over} for ^{over} three years. DCS intends to use these fabricated statements to terminate my rights to Melani and Victor. The Maricopa County Attorney's office intends to use these fabricated statements to convict me for an alleged murder and then ask a jury ²⁰ X

to sentence me to death; an act of Attempted murder (the unlawful killing of another human being with malice aforethought). See copies of some of these fabricated statements attached as ^{Appendix O} ~~Exhibit I~~ ^{seventeen pages}. Also see pictures of Melani and Victor's car seats and Phoenix Police Department available light ^{Appendix P} ~~photos~~ ^{nine photos} attached as ~~Exhibit J~~. After viewing these photos, any reasonable person can clearly see that these statements are fake, Melani and Victor never made these statements, and the "my dad shot my mom" and other statements were coached by the foster parents and whomever else was participating in this felony witness tampering. Argument: In my Petition For Special Action I

With regard to this witness tampering, I filed a criminal complaint (against numerous people involved with the FBI Phoenix Field Office) (sent by U.S. mail with a tracking number) received on 3-16-2020, alleging Civil Rights Violations, obstruction of Justice, Misprision of Felony, and Fraudulent International Adoptions.

argued that this matter meets all of the factors of a case from their Court: State v. Ott, 167 Ariz. 420 (1990) (Arizona Court of Appeals - Division One), and that because the parallel ^{civil} Juvenile proceedings would substantially prejudice my rights in my criminal case, the Juvenile proceedings should be stayed until the final resolution of my criminal case. State v. Ott, at IV. stating: "If parallel proceedings would substantially prejudice the defendant's rights, however, the court should stay the civil proceedings." Securities and Exchange Comm'n v. Dresser Industries, 628 F.2d 1368, 1374 (D.C. Cir) cert. denied, 449 U.S. 973, 101 S. Ct. 529, 66 L. Ed. 2d 289 (1980). "In deciding whether to grant a stay, the court should consider a number of factors, including whether the civil and criminal proceedings involve the same matter, whether resolution of the criminal case would "moot, clarify, or otherwise affect various contentions in the civil case," and whether the possibility exists that a party might "exploit civil discovery for the advancement of his criminal (21) X

case." "substantial matters of the same nature"
United States v. Mellon Bank, 545 F.2d 869, 873
(3d. Cir. 1976). Additional circumstances weighing in favor
of a stay include "malicious prosecution... agency bad
faith, malicious government tactics, and other special
circumstances". The same allegations are being made in these
two Juvenile cases and in my criminal case. In my criminal case
indictment (see Appendix K attached), and in Arizona DCS' dependency
and severance petitions (see severance petition attached as Appendix M), the
State of Arizona (via the Maricopa County Attorney's Office in the criminal
case) and (via the Arizona Attorney General's office in the Juvenile
cases) is making the same accusation that Josiah English III
allegedly shot and killed Blanca Gutierrez Calzoncit. Also,
the same allegation of "domestic violence" is being made in
the criminal case and in the Juvenile cases, based on the one
time false accusation that Josiah English III allegedly
"elbowed" Blanca Calzoncit in her nose on June 25th 2014,
(allegedly twelve hours prior to her making the report).

Same
Allegations

The same
evidence is
being used
in the
parallel
Juvenile
and Criminal
cases. See
page 3 of
Appendix U
attached.

See
Appendix S
attached,
five pages.

The State
of Arizona
is also
making
an allegation
of
"domestic
violence"
by making
the homicide
allegation
in both of
the parallel
Juvenile
and Criminal
court
proceedings.

Scottsdale police officers Michael Hertko, Gene McClanahan,
and their supervisor (a male Sergeant), all responded to the
call that day and told me that "no crime has been committed."
Officer ^{Michael Hertko} wrote the following language in his report: "Gutierrez
explained that her nose was not injured as she touched it and
further explained that she had no other physical injuries. I did
not observe any injuries to her and her clothing was orderly
and clean. Gutierrez stated numerous times that her injuries
were "emotional"..." See Appendix J

(22)

Since that time (almost six years ago) Officer Michael Hertko has testified to this three times in the Maricopa County Superior Court. In the Family Court on 12-16-2014 and 7-31-2015 (see Appendix J), and recently in these Juvenile Court cases on March 5th 2020. Officer Michael Hertko has already testified at the combined dependency and severance trial (which still is not complete), and I have already subpoenaed him to testify as a witness in my criminal case that is scheduled to commence on February 1st 2021. With regard to this false accusation, I was never arrested + or charged with anything. I have had to defend against this same false accusation for almost six years now. Attorneys and Judges in Maricopa County Arizona continue to repeat this accusation against me, even though it has no truth to it, and it was unsubstantiated and refuted by three Scottsdale Police officers.

Please see
page 3 of
Judge
Jo Lynn
Gentry's
Minute
Entry
filed on
3-17-2020,
attached
under

Appendix T

Just about
three months
prior, Erin Otis
was a Maricopa
County Superior
Court Judge
working in the
Capital Case
Division. Now
she is the first
chair prosecuting
attorney in
my still
pending
capital case
in the
Criminal Court.

The lead Detective in my currently pending Criminal case (Phoenix Detective Michelle Cervantes) also testified at the Juvenile trial on March 5th 2020, to the same matters that she will be testifying to in my criminal case that is scheduled to commence on February 1st 2021 (Please see page 3 of Judge Jo Lynn Gentry's Minute Entry attached as Appendix T). Also, Maricopa County Prosecutors - Erin Otis (female first chair) and Christopher Sammons (male second chair), in my currently pending Criminal case, were both sitting in the audience (the entire time) at the dependency (23)

The Maricopa County Attorney's Office has been having their prosecutors, investigators and Phoenix police detectives "sit in" at my Juvenile proceedings to see what they can "use" for my ongoing criminal case. See Appendix A attached.

and severance trial in this Juvenile matter on Monday March 2nd 2020 and on Thursday March 5th 2020, and they were both taking notes. There are still four days left for the Juvenile dependency and Severance trial, which was postponed until further notice because of the highly contagious and deadly world-wide pandemic (COVID-19), that has recently affected The United States and many other countries. The first four days were March 2nd through March 5th 2020. Also, Phoenix Detective Sergio Dominguez (from my criminal case) was sitting in the audience at a hearing in these two Juvenile cases (surreptitiously), on March 1st 2018, and he was taking notes while Juvenile Judge Alison S. Bachus compelled me to state in open court what testimony that I planned to elicit ^{see page 3 of Appendix R attached} from each one of the witnesses on my witness list (I represented myself at that hearing). I am calling most of the same witnesses that I am calling from the Juvenile cases, in my criminal case as well.

I told Judge Bachus in open court at that hearing on March 1st 2018 that it was inappropriate for me to be forced to expose my defense in the criminal case, but she just ignored me. Scottsdale Police Officer Gene McClanahan and several witnesses from the apartment complex where Blanca Calzoncit was shot and killed are all on my witness list in these two Juvenile cases, and my witness list in my criminal case. (24)

Our U.S. Circuit Courts have opined that circumstances such as these warrant a stay of the parallel civil proceedings until the final resolution of the ongoing criminal case. Please see Securities and Exchange Commission v. Dresser Industries, Inc., 628 F.2d 1368 (1980) (United States Court of Appeals, District of Columbia Circuit).

"Other than where there is specific evidence of agency bad faith or malicious governmental tactics, the strongest case for deferring civil proceedings until after completion of criminal proceedings is where a party under indictment for a serious offense is required to defend a civil or administrative action involving the same matter."

please see
Indictment
under
Appendix K

"The officers in Kordel argued that the use of the civil discovery process to compel answers to interrogatories that could be used to build the government's case in a parallel criminal proceeding "reflected such unfairness and want of consideration for justice" as to require reversal."

"The noncriminal proceeding, if not deferred, might undermine the party's Fifth Amendment privilege against self-incrimination... expose the basis of the defense to the prosecution in advance of criminal trial, or otherwise prejudice the case."

"... in practice the IRS holds all civil action in abeyance until the criminal proceeding is completed"

Also see Afro-Lecon, Inc. v. U.S., 820 F.2d 1198 (1987)
(United States Court of Appeals, Federal Circuit)

"We agree with the court's assessment in Dresser that parallel proceedings may result in the abuse of discovery."

"It has long been the practice to "freeze" civil proceedings when a criminal prosecution involving the same facts is warming up or under way."

"The "freeze" we think is not for the protection of the employee only, but also rises out of a sense that deferrable civil proceedings constitute improper interference with the criminal proceedings if they churn over the same evidentiary material."

"Verbal statements, however, made by the defendants, the court noted, could not be used against the defendants because of the improper tactics employed by the prosecution. The district court noted: Suppression is merited not only by equity and good conscience but also by the salutary aspect of impressing upon the prosecution that such overreaching is not compatible with even handed justice which, rather than achieving convictions, should be a prosecutor's goal."

"This court is not approbatory of the prosecution's utilization of the ploy of having a criminal investigator "sit in" on and participate in a non-criminal conference or interview when criminal prosecution was, as here, eminently predictable (26)

and without advising the "target" of the investigator's role and purpose."

Negative Inference

Juvenile Court Judges Alison Bachus and Jo Lynn Gentry both told me (in open court), that if I do not testify at the dependency and severance trial, the court could take that as a "negative inference" and my parental rights to Melani and Victor could be terminated. They both also told me that if I do testify, any thing I say in court could be used against me in my criminal case. Please see page 3 of Judge Bachus's Minute Entry ^{filed on 3-9-2018} attached as Appendix R, stating: "The Court advises the Father of his right to remain silent and not testify in this matter. Father is also advised that the Court may draw a negative inference from the choice to not testify in this matter. The court further advises Father that this is a civil action and that, based upon the allegations in the petition, it is possible criminal charges could be filed and any statements or testimony given will be recorded by the court reporter or digital audio recording system and could be used against him in criminal proceedings."

Judge Jo Lynn Gentry took it a step further by telling me in open court that I have "No Fifth Amendment right in juvenile court". Please see page 4 of Judge Gentry's Minute Entry filed on 3-8-2019, attached as Appendix U, stating: "LET THE RECORD REFLECT that Father is requesting to testify in the narrative. The Court advises Father that he will be subject to cross examination in (27)." in (27).

to cross-examination and there is no Fifth Amendment right in juvenile court. If Father refuses to answer questions from the Department and chooses to assert his Fifth Amendment right, the Court may draw a negative inference in civil court proceedings."

I respectfully contend to the contrary, that I still have a constitutional right to remain silent during parallel civil proceedings (in Juvenile Court), and even Arizona case law says the same. Please see State v. Ott, 167 Ariz. 420 (1990) (Arizona Court of Appeals - Division One), stating:

"The state first argues that the privilege against self-incrimination applies only to criminal cases. We categorically reject that argument. Although the language of the fifth amendment refers only to criminal cases, the privilege against self-incrimination unequivocally applies to civil proceedings as well."

Also see Flagler v. Derickson, 134 Ariz. 229, 231, 655 P.2d 349, 351 (1982) (Arizona Supreme Court), stating:

"The claimant may invoke the privilege against self-incrimination if he apprehends a real and appreciable risk of prosecution."

Also, please see from this court, Chavez v. Martinez, May 27, 2003, 538 U.S. 760 123 S.Ct (Supreme Court of The United States) (Recognizing that the "Fifth Amendment privilege against compulsory self-incrimination can be asserted (28)

in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.")

I intend
to testify
at the
juvenile
trial to
salvage
my relation-
ship with
my two
biological
children.

I respectfully contend that the State of Arizona's intent to compel me to testify in these Juvenile cases before I have even been taken to trial in my currently pending criminal case, is being usurped as a "fishing expedition" and a tool of discovery to see what the ^{the state} Maricopa County Attorney's office (the prosecution) can "use" in the still pending criminal case that they have levied against me (Josiah English III). Please see Afro-Lecon, Inc. v. U.S., 820 F.2d 1198 (1987) (Federal Circuit Court of Appeals), stating: "the broad scope of civil discovery may present to... the prosecution an irresistible temptation to use that discovery to one's advantage in the criminal case."

Pitting one
constitutional
right against
another

Juvenile Court Judge Jo Lynn Gentry is forcing me to choose between my constitutional right to have a relationship, association, companionship, and communication with my two biological children (Melani and Victor), and my constitutional right to remain silent until I choose to testify at my trial in the criminal court (protected under the 5th and 14th Amendments to The U.S. Constitution). I respectfully contend that I have the right to enjoy both of my constitutional rights, and that this court has consistently upheld this legal principle. Please see Ex Parte Milligan, 4 Wall. 2, 71 U.S. 138, 18 L. Ed. 281 (1866) (U.S. Supreme Court) "The Constitution applies at all times, and under all circumstances." (29)

I love my children (Melani and Victor) very much and I highly value the biological Parent-Child bond that I share with them. I have explained to Judge Jo Lynn Gentry on numerous occasions (in writing and in open court), that as a parent in a termination of the Parent-Child relationship proceeding, I am entitled to heightened Due Process protections under the 14th Amendment. My contentions have been continuously disregarded. I have also explained to Judge Jo Lynn Gentry that these termination of parental rights proceedings are unconstitutional because the State of Arizona has created their statutory grounds to terminate my parental rights to my two children by falsely accusing me of criminal offenses, and then detaining me in the county jail for more than nine months and fifteen months, and then using my pretrial detention as grounds to forever separate me from my two biological children, before I have even been taken to trial in the criminal case. This argument too was completely disregarded by the Juvenile Court.

The State of Arizona is saying that even if my criminal case later gets dismissed, or I am found not guilty by a jury after trial, and my parental rights to Melani and Victor have already been terminated based on me being unable to care for them for more than nine months and fifteen months of pretrial detention in the county jail, then too bad because I have no more parental rights over them and their Maternal family members in Mexico are free to (30)

adopt Melani and Victor and to change their names, and to make sure that they never get to see or speak to their biological Father Josiah English III, their two biological sisters on their Father's side (K.E. and S.E.), or any of their relatives on their Father's side of their family tree here in The United States, ever again. This court has previously ruled that a parent does not lose his or her parental rights to their child or children simply because they have lost temporary custody of their child to the State. Please see Santosky v. Kramer, 455 U.S. 745 (1982) (Supreme Court of The United States), stating:

"The fundamental liberty interest of natural parents in the care, custody, and management of their child is protected by the Fourteenth Amendment and does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. A parental rights termination proceeding interferes with that fundamental liberty interest. When the State moves to destroy weakened familial bonds, it must provide the parents with fundamentally fair procedures." Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life. If anything persons faced with forced dissolution of their parental rights have a more critical need for procedural protections than do those resisting state intervention into ongoing family affairs."

→ Also see Stanley v. Illinois, 405 U.S. 645 (1972) (Supreme Court of The United States)

"Parental unfitness must be established on the basis of individualized proof." "The private interest here, that a man in the children he has sired and raised, undeniably warrants deference and, absent a powerful countervailing interest, protection."

Using "potent sanctions" to compel me to testify at the Juvenile trial, subject me to cross examination by the Arizona Attorney General's Office, and expose my defense in the criminal case, will "substantially prejudice" my rights in my still pending criminal case. I respectfully contend that under State and Federal law I have the "presumption of innocence" and I have the right to remain silent if I so choose under the 5th and 14th Amendments. I have merely been accused of criminal offenses and I have not been to trial to address these accusations in a criminal court of law, and I have not been convicted of any of the accusations. I also have the right to have a relationship, association, companionship, and communication with my two biological children (Melani and Victor), whom I love very dearly, that is protected under the 14th Amendment. As a U.S. citizen I should never be forced to choose between which constitutional right that I wish to enjoy. I should always have the freedom to enjoy and invoke all of my constitutional rights at all times. I should not be forced by the government to choose between my sacred relationship that I have with my two biological children, or my right to remain silent until I am afforded a Jury Trial to address the criminal case (still pending against me) in a criminal court of law. The love that I have for my children should not be used as a weapon to force me to testify at the Juvenile trial and expose my defense, under the threat of being eternally sundered from my dearest Melani and Victor. Please see Simmons v. United States, 390 U.S. 377, 394, 88 S.Ct. 967, 976, 19 L.Ed. 2d 1247 (1968) "Procedures should not require a party to surrender one constitutional right in order to (32)

assert another one". Also see LeFKowitz v. Cunningham, 431 U.S. 801 (1977) (Supreme Court of The United States) "Thus, when a State compels testimony by threatening to inflict potent sanctions unless the constitutional privilege is surrendered, that testimony is obtained in violation of the Fifth Amendment and cannot be used against the declarant in a subsequent criminal prosecution". "Similarly, our cases have established that a State may not impose substantial penalties because a witness elects to exercise his Fifth Amendment right..." "... is coercive for yet another reason: It requires appellee to forfeit one constitutionally protected right as the price for exercising another".

The State
of Arizona
has
vigorously
upheld
this
Hobson's
Choice

On February 12th 2020 I filed my Pro Se Petition For Special Action (Interlocutory Appeal), in the Arizona Court of Appeals - Division One, asking that court to stay these parallel Juvenile proceedings until after the final resolution of my still pending Criminal case. That court declined jurisdiction the very next day on February 13th 2020 (Please see that two page order attached as Appendix B). On February 21st 2020, I filed my Pro Se Petition For Review in the Arizona Supreme Court (Case# CV-20-0048-PR), in which I also requested that court to stay these parallel Juvenile proceedings until after the final resolution of my still pending criminal case. On March 2nd 2020 (the same day that the Juvenile trial started) the Arizona Supreme Court denied my request to stay the Juvenile cases, without even considering whether the continuation of the Juvenile proceedings would "substantially prejudice" my rights in my still pending Criminal case. Please see that two page order attached as Appendix A. (33)

Also in the Arizona Supreme Court, I filed a separate "Request For Stay of Proceedings" (that did not get filed until March 9th 2020 because I had to send it to the Clerk First Class through the mail), asking that Court to stay these Juvenile proceedings until the final outcome of this Interlocutory Appeal. That Court denied my request the next day on March 10th 2020. Please see that two page order attached as Appendix D. The State of Arizona has vigorously upheld their Hobson's Choice to force a pretrial detainee parent to testify in the Juvenile Court before that parent has been taken to trial in a criminal court of law, under the threat of having their parental rights to their child or children terminated. This conduct was demonstrated by the Arizona Attorney General's office in their "Department of Child Safety's Response To Petitioner's Request For Stay" that was filed in the Arizona Supreme Court (case # CV-20-0048-PR), on February 27th 2020. That was Arizona DCS's response to my request for a stay of proceedings in this Interlocutory Appeal. On page 8 of that response (second paragraph) Assistant Arizona Attorney General Autumn L. Spritzer, stated:

"Here, petitioner is faced with a choice: he may either assert his Fifth-Amendment right and forgo testifying in the termination trial, risking that Respondent will draw an adverse inference from his silence; or, he may testify in the termination trial and risk that his statements will be used against him in his pending criminal proceedings".

This statement alone clearly demonstrates the blatant disregard that the State of Arizona harbors towards a pretrial detainee parent's constitutional right to have a relationship, association, companionship, and communication with his or her child or children, and his or her right to remain silent until that parent decides to testify at their trial in a criminal court of law, and most importantly, a child's constitutional right to have a relationship with his or her biological parent. Below are just two recent cases in which the Arizona Court of Appeals - Division 2 upheld the termination of parental rights (for two different parents) based on the amount of time that they were detained in the county jail, "the severity of pending criminal charges," and before the parent was ever taken to trial in the criminal court. The Father below still had his parental rights to his child terminated, even though his criminal charges were dismissed. Please see Lawrence T. v. Department of Child Safety, 246 Ariz. 260 (2019), 438 P.3d 259 (Case #1CA-JV18-0214). (Father's rights to his child were terminated based partly on fifteen months time-in-care, even though his criminal charges were dismissed). Kathryn J. v. Department of Child Safety (2019), WL 1857114, Case #1CA-JV18-0412 (filed 4-25-2019) (Mother's rights to her child were terminated while she was detained in the county jail, before she was ever taken to trial in her criminal case).

Father's requests for a stay of the parallel juvenile proceedings have been denied or disregarded.

In these dependency and severance Juvenile cases, on January 2nd 2018, I^{Ex Pro Se} filed "Josiah English III's Motion For Stay of Termination of Parent-Child Relationship and Dependency Trial". In her Minute Entry filed on February 7th 2018 (see attached as Appendix E), Juvenile Judge Alison S. Bachus denied my request for a stay of the Juvenile proceedings until the final resolution of the still pending Criminal case. Part of what Judge Bachus stated on page 3 of that document is: "Father moves this Court to stay both his dependency and severance trials until his criminal matter has concluded". "No statute or case law requires that the Court await the resolution of Father's criminal case, and the outcome of the juvenile matter is not dependent upon the criminal case". On October 9th 2019 (in these Juvenile cases), I had an Attorney at that time, and my Attorney filed motions to stay Father's Severance and Dependency Trials. Please see "Motion To Stay Father's Severance Trial" attached as Appendix V. Without any explanation, Judge Jo Lynn Gentry denied both motions in her court orders filed on October 23rd 2019, by simply stating "IT IS ORDERED denying the Motion". Please see these two orders attached as Appendix F. On November 1st 2019 my Attorney in the Juvenile matter filed a Motion To Stay the Severance proceeding. Pending Special Action Relief from the Arizona Court of Appeals (Interbutory Appeal). ^{see the first page attached as Appendix W} Without any explanation, Judge Jo Lynn Gentry denied the motion in her November 7th 2019 Minute Entry (that was filed on November 20th 2019), by simply stating: "IT IS ORDERED denying the motion". See two pages of that order attached as Appendix W. (36)

In these dependency and severance cases, on March 2nd 2020, I filed a Request For A Stay of Proceedings until the final outcome of this Interlocutory Appeal. In open court Judge Jo Lynn Gentry told me that she would "look at it" and then rule on it. Still today, (almost three months later), Judge Gentry has disregarded that request for a stay and has never issued a ruling on it.

Court Is
Acting In
Absence
or Excess
of
Jurisdiction,
-Question
#4, page 2
of this
petition.

I respectfully contend that Judge Jo Lynn Gentry and the Juvenile Court are acting in absence or excess of jurisdiction over my children Melani and Victor, by proceeding with the combined dependency and severance trial, knowing that neither of the children (Melani or Victor), have ever been deemed as dependent by any court in over three years and three months now, in violation of the 90 (Ninety) day deadline set under ARS 8-842 (c). ARS 8-842(c) states: "the dependency adjudication hearing shall be completed within ninety days after service of the dependency petition". Arizona Department of Child Safety's ^{initial} dependency petition regarding Melani and Victor was filed in the Maricopa County Superior Court on February 3rd 2017, and I (Father - Josiah English III) was served with a copy of that petition in open court on that same day. Still, over three years and three months later, the dependency adjudication hearing in this matter has not been completed, and we are still waiting to schedule the last four days of the combined dependency and severance trial (as of May 30th 2020). Approximately one year and nine months of that time can be (37)

He never
once called
my
competency
to stand
trial into
question.

attributed to competency hearings in my criminal case which were carried out with absolutely no merit, because there was never any legitimate cause for the criminal court Judge to call my competency to represent myself in the criminal case into question (which is why he ordered me to undergo competency proceedings). The criminal court Judge sent my case to the competency (Rule 11) Court, without ever giving me the Colloquy to determine if my decision to represent myself in the criminal court was being made "Knowingly, intelligently, and Voluntarily" and if I "understand the dangers and disadvantages of self-representation," pursuant to Faretta v. California, 422 U.S. 806, 95 S.Ct. 2525 (1975) (Supreme Court of The United States). On April 26th 2018, Juvenile Court Judge Alison S. Bachus ordered that these dependency and severance proceedings would be stayed until the results of the competency proceedings in my criminal case were made available. Please see page 5 of Judge Alison S. Bachus' Minute Entry filed on May 18th 2018, attached as Appendix Z. A Commissioner deemed me to be "competent to stand trial" in January of 2020, and then I was finally given the Faretta Colloquy and allowed to represent myself in my criminal case on February 21st 2020. I contend that this is not an "extraordinary case", and there is no "good cause," to continue these dependency and severance proceedings, and Arizona DC's dependency and severance petitions should be dismissed with prejudice. I also contend that Judge Jo Lynn Gentry and the Juvenile Court are acting "in absence or excess of jurisdiction" over my children Melani and Victor because Judge Alison S. Bachus sent Melani and Victor to (38)

stay outside of The United States (with their Maternal Aunt in Mexico), pending the resolution of this Juvenile matter, on April 26th 2018. I have seen no law which authorizes the Maricopa County Superior Court to send anyone's child to stay in a different country outside of The United States pending Juvenile matters, particularly when that child has never even been deemed as dependent by any court. I respectfully contend that the Maricopa County Superior Court lost jurisdiction over my two children Melani and Victor when it allowed them to go stay in the country of Mexico, and thus Arizona DCS's dependency and severance petitions should be dismissed with prejudice. This deprivation of my association with my children violates the 14th Amendment. When Judge Jo Lynn Gentry, Assistant Arizona Attorney General Andrea Kawamura (Attorney for Arizona DCS), and the other attorneys speak to me ^{in court} and about this case, they speak as if my parental rights over my children Melani English and Victor English, are going to be terminated, before I am taken to trial in the criminal court, no matter what the laws say and no matter what I file in court, and that there is absolutely nothing that I can do to stop this malicious destruction of the Parent - Child Relationship. These termination proceedings serve no purpose, other than to rend my heart.

Reasons For
Granting
The Writ

I am respectfully requesting this Honorable Supreme Court of The United States to grant this Petition For A Writ of Certiorari, because: ① It addresses issues of first impression and of nationwide importance ② Important issues of law have been (39)

* Signed on this 30th day of May 2020 in Maricopa County Arizona,
With the utmost of respect, Pro Se Petitioner, Josiah English III JIII.

Proof of Service

↓
Officials in this Maricopa County Jail will not make any photocopies of documents for the pro se detainees. Therefore I am unable to serve any photocopies of these documents on the other parties. I do not even have a photocopy for myself. I am sending this original petition to the clerk in the mail. If my petition gets docketed, I promise to promptly send notice of these filings to the other parties via U.S. mail.
Respectfully,
Josiah English III

Younger Abstention Doctrine

See Middlesex Cty. Ethics Comm. V. Garden State Bar Ass'n, 457 U.S. 423, 435, 102 S. Ct. 2515, 73 L. Ed. 2d 116 (1982) (U.S. Supreme Court)

Filed on May 14, 2020

incorrectly decided in the Arizona courts. ③ So Arizona DCs can no longer maliciously terminate a pretrial detainee parent's parental rights based on the amount of time they have been detained in the county jail and "the severity of pending criminal charges," before that parent has even been taken to trial in the parallel criminal case. ④ To stop any further erosion of 5th and 14th Amendment protections of a pretrial detainee parent's right to remain silent in his or her still pending criminal case ⑤ To prevent irrevocable prejudice to a pretrial detainee parent's constitutional rights in his or her still pending criminal case ⑥ To stop the compelled testimony of a pretrial detainee parent before they have been taken to trial in their parallel criminal case. ⑦ To uphold and protect a pretrial Defendant's "presumption of innocence." ⑧ To prevent the erroneous and irreparable loss of the sacred relationship between a biological parent and his or her child or children. ⑨ To allow Federal intervention to enforce nationwide compliance with our U.S. Constitution. ⑩ To stifle the "deprivation of liberty without due process of law" in the state of Arizona (14th Amendment). ⑪ To preserve a citizen's "Equal Protection of The Law" under the 14th Amendment. ⑫ Numerous Federal cases support a stay of the parallel Juvenile quasi-criminal proceedings in this matter.

I respectfully argue that Younger Abstention should not be invoked in this matter because: ① I have exhausted state remedies (the interest of comity) ② Extraordinary circumstances exist, To Wit: My two children and I are facing the erroneous and irreparable loss of our sacred Parent-Child Relationship, my compelled testimony will cause irrevocable prejudice to my rights in my criminal case, Arizona has proceeded with these Juvenile cases in bad faith. Conclusion

petitioner respectfully asks this Court to grant this Writ stay the Juvenile proceedings until the final resolution ④ of petitioner's still pending criminal case, and dismiss the dependency and severance actions with prejudice for lack of jurisdiction. Respectfully submitted, Josiah English III JIII.

No. _____

In The
Supreme Court of The United States

Josiah English III - Petitioner

vs.

Hon. Jo Lynn Gentry, et al. - Respondents

On Petition For A Writ of Certiorari To:
Arizona Supreme Court

Josiah English III (Pro Se Petitioner)

Pretrial Detainee # T337357 in the
Maricopa County Jail located at:

3250 W. Lower Buckeye Rd.

Phoenix, Arizona 85009

Declaration of Inmate Filing

I am a pretrial detainee confined in the Maricopa County Arizona Jail. Today, May 30th 2020, I am depositing my "Petition For A Writ of Certiorari" in the institution's internal mail system. First-class postage is being prepaid by me. I declare under penalty of perjury that the foregoing is true and correct (see 28 U.S.C. §1746; 18 U.S.C. §1621). Respectfully Submitted, Pro Se Petitioner, Josiah English III *J.E.*
Signed on this 30th day of May, 2020 in Maricopa County Arizona.