

ORIGINAL

No. 20-5690

FILED

AUG 30 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Darrick Loff

— PETITIONER

(Your Name)

vs.

Arizona/Shinn

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. District Court for the State of Arizona

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

PETITION FOR WRIT OF CERTIORARI

DARRICK LOFF #08672

(Your Name)

A.S.P./Eyman Prison

(Address)

P.O. BOX 4000, Florence, Az. 85132

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

1. Did prior tennant need or have permission to enter or authorize search of appellants' families' property?
2. Was it legal for the arresting officer to accept a personal call from his close friend and conspire to make an arrest for his friend/prior tennant (victim) and testify at trial to convict appellant of drugs for his friend?
3. Why wasn't fingerprints of appellant or DNA samples taken off evidence used to convict petitioner, if arrest time was made from a remote location from evidence.
4. Why was all evidence destroyed before ^{petitioner} even filed his first appeal? Shouldn't trial attorney and appellant attorney requested DNA and or fingerprints before and after trial?
5. Why didn't trial attorney produce property ownership papers when several jurors made questions about true ownership?
6. Why didn't trial counsel either impeach arresting officer for personal ties with the alleged victim or even strike statements falsely made by him of an alleged "confession" after admitting recording equipment was faulty and jurors questioned the validity of confession?
7. Why didn't the state produce ownership documents, as petitioner did?
8. Since the alleged victim stated he recieved pain meds prior to arrest, and the drugs were found in his rental, in his bag with his paperwork, why wasn't he charged with possession by his officer friend??

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:

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STATUTES AND RULES

(E) <u>ARS § 13-3413(D)</u> , <u>13-4240</u> , <u>13-4221</u> (...upon written notice to the defendant, any counsel of record and the victim...)	
<u>ARS Rule 28.2(b)(e)</u>	
<u>Rule 32.1(a)(b)(e)(h)</u>	
<u>28 US C.A. 2254</u> Amend 14, 8, 6, 5, 4	
<u>2254(b)(2)(A)</u>	
<u>2244(d)(1)(D)</u>	
<u>Rule 28.1(g) and (b)</u> (1973 Promulgation) (...subject to modification indefinitely...)	
<u>Rule 28.2(b)(e)</u> (...shall serve a notice of disposal... to any person, and his or her counsel...)	
<u>Fed. R. Gov. 2255 Proc. 11 & 4(a)</u> <u>28 USC § 2253(c)(2)</u>	

OTHER See also, Slack v. U.S. Barefoot v. Estelle

Rule 28.2 Forms 1 and 2, Arizona Legal Forms, Criminal Procedure, ARS § 13-3413(D): (materials that are hazardous, or so voluminous so as to cause storage problems) (Thomson West 2005) (...retention of up to ten pounds of marijuana, and up to one pound each of any other drug substances).

STATEMENT OF THE CASE

This case is about a delinquent tenant and abandonment of property owned by petitioners family. A very small amount of drugs were found in a bag belonging to the alleged victim. Petitioners employer was contracted by the home owner to fix up the place. Petitioners supervisor took pictures showing extent of damage along with property and medications belonging to "victim". Since the arresting officer and "victim" were long time friends, no fingerprints or DNA test were conducted to paraphernalia or other items found.

Petitioners trial ^{attorney} refused to call any witness for him and refused to use pictures of "crime" scene at trial, refused to test items found for fingerprints or DNA. Trial attorney also did not let petitioner speak for his own defense and since I was wearing a shock belt, I was afraid to speak up.

A delayed appeal was granted after a year because trial counsel for petitioner did not file a notice of appeal. US v Crain, 33 F3d 480 (5th Cir 1994)

In petitioners direct appeal he argued sufficiency of evidence and a warrantless search. No relief was granted by the state. Appealant attorney granted by the State for this refused to test items seized for fingerprints or DNA and petitioner was allowed to proceed Pro Se in this.

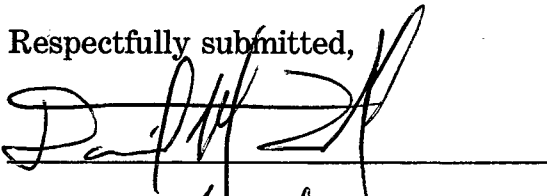
In Rule 32 proceedings, petitioner argued facts proven by ownership documents (see Deed of Trust), statements made at trial by the arresting officer about training in evidence gathering, (no photos, no fingerprints or DNA), drugs found in "victim's" bag with victims name on them, officers friendship with "victim", and alleged "confession" of petitioner made during arrest, although recording equipment in squad car was inoperative. No confession was signed made or attested to by petitioner. Statements made by victim were that he had left bags at the property to be picked up later, (along with pain medications he got from the hospital two days prior to petitioners arrest.) "Victim" stated he was the owner and had a mortgage, (both false statements proven by petitioner). "Victim" also had not paid any rent for a year, and when petitioner asked for 3 months rent to stay in rental, the "victim" moved out of the house a week later and abandoned the property. Petitioner filed Habeas Corpus after trying to request DNA test again. District Court claimed my filings were (only quoting trial transcripts... using supposition and conjecture.) Ownership documents were merely "cumulative." Petitioners Circuit Court petition were within a 60 day limit, and should've been granted review.

Petitioner's principal argument on appeal is that there is no evidence sufficiently supporting any of the State's case, nor is there any evidence that, viewed in context, otherwise supports the inference that petitioner had gained exclusive control over the pills and marijuana existed and, the sale or "offer to sale" and the alleged confession was never recorded and was uncorroborated, and does not show that this petitioner was criminally responsible for any crime, and should have been inadmissible. Based on the evidence adduced at trial, the jury was misinstructed on the law and convicted this petitioner without finding all the elements of a crime beyond a reasonable doubt. This petitioner also wore a "shock belt" at trial and was afraid to talk.

CONCLUSION

The record does not contain sufficient that the petitioner committed the charged crimes and the State used prosecutorial misconduct to do so. Accordingly, this Court should reverse my conviction and set this case for a new trial. The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date:

8/29/20