

ORIGINAL

Supreme Court, U.S.
FILED

SEP 10 2020

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No. 20-5716

IN THE
SUPREME COURT OF THE UNITED STATES

MR. JAMES NORMAN ZIEGENFUSS JR. III

(PETITIONER)

VS.

PRO-TEM JUDGE ANTHONY MACKEY,

COURT OF APPEALS, STATE OF ARIZONA,

JUDGE LAWRENCE F. WINTHROP,

COURT OF APPEALS, STATE OF ARIZONA, ET AL.,

(RESPONDENT JUDGES)

ARIZONA STATE SUPREME COURT

" PETITION FOR WRIT OF CERTIORARI "

(OPENING BRIEF)

MR. JAMES NORMAN ZIEGENFUSS JR. III

136479 A.D.O.C. ATTORNEY OF RECORD

ARIZONA STATE PRISON COMPLEX ELOY

RED ROCK CORRECTIONAL CENTER VC-01-LOWER

1752 EAST ARICA ROAD

ELOY, ARIZONA 85131

IN THE
SUPREME COURT OF THE UNITED STATES
QUESTIONS PRESENTED

1. WHETHER IT IS UNCONSTITUTIONAL, FOR THE
RESPONDENT JUDGES, PRO-TEM JUDGE ANTHONY MACKAY, JUDGE
LAWRENCE F. WINTHROP, COURT OF APPEALS, STATE OF
ARIZONA, TO "ALLOW" MS. JANELLE MCENHERRY,
COURT APPOINTED APPELLATE COUNSEL, TO "USURP" CONTROL
OVER LEGAL ISSUES; PERSONAL LEGAL DECISIONS,
CONCERNING THE OBJECTIVES OF THE REPRESENTATION,
THAT ARE WITHIN THE PETITIONER'S SOLE-PREROGATIVE,
WHILE ON DIRECT APPEAL (U.S.C.A. SIXTH AMENDMENT)

2. WHETHER IT IS UNCONSTITUTIONAL, FOR THE RESPONDENT
JUDGES, PRO-TEM JUDGE ANTHONY MACKAY, JUDGE LAWRENCE F.
WINTHROP, TO KNOWINGLY, FAIL TO EXERCISE DISCRETION, THEY
HAVE A DUTY TO EXERCISE, OR PERFORM REQUIRED BY LAW, THEN TO
PROCEED WITHOUT, OR IN EXCESS OF JURISDICTION, OR LEGAL AUTHORITY
WHICH IS "ARBITRARY AND CAPRICIOUS, OR AN ABUSE OF DISCRETION"
SUFFICIENT TO WARRANT A CONSTITUTIONAL VIOLATION, WHILE ON
DIRECT APPEAL, WITH REGARD TO QUESTION NUMBER ONE,
(U.S.C.A. SIXTH AMENDMENT, U.S.C.A. FOURTEENTH AMENDMENT.)

IN THE
SUPREME COURT OF THE UNITED STATES
LIST OF PARTIES

1. ALL PARTIES APPEAR IN THE CAPTION OF THE
CASE ON THE COVER PAGE.

BY: ~~MR. JAMES NORMAN ZIEGENFUS JR.~~ 9/25/1965
MR. JAMES NORMAN ZIEGENFUS JR.
136479 A.D.O.C. ATTORNEY OF RECORD
ARIZONA STATE PRISON Complex E704
RED ROCK CORRECTIONAL CENTER UC-01-10000
1752 EAST ARICA ROAD
E704 ARIZONA 85131
(iii)

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THIS DOCUMENT IS RESPECTFULLY SUBMITTED
THIS 9TH DAY OF SEPTEMBER IN THE YEAR
OF OUR LORD 2020.

BY: MR. JAMES NORMAN ZIEGENFUSS JR.
MR. JAMES NORMAN ZIEGENFUSS JR.
13649 A.D.O.C. ATTORNEY OF RECORD
ARIZONA STATE PRISON COMPLEX ELOY
RED ROCK CORRECTIONAL CENTER VC-61-Low
1752 EAST ARICA ROAD
ELOY, ARIZONA 85131 (iiii)

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IN THE
SUPREME COURT OF THE UNITED STATES
CERTIFICATION OF COMPLIANCE

10 I, MR. JAMES NORMAN ZIEGENFUS, JR., III, 136479
11 A.D.U.C., ATTORNEY AT LAW HEREBY STATES, THAT
12 THIS DOCUMENT SUBMITTED TO THE UNITED STATES
13 SUPREME COURT, IS A "UNWRITTEN DOCUMENT," AND
14 CONTAINS 38* PAGES, EXCLUDING ATTACHMENTS, APPENDICES,
15 AND EXHIBITS.

17 Respectfully Submitted this 9th DAY OF September
18 IN THE YEAR of our Lord 2020.

B43

MR. JAMES W. RICHARDS JR. IS
136479 A.D.O.C. "ATTORNEY OF RECORD"
ARIZONA STATE PRISON COMPLEX #104
RED ROCK CORRECTIONAL CENTER VILLAGE
1752 EAST ARIZONA ROAD
#104, ARIZONA 85131

(/ / / / / / / / / / / / / /)

IN THE
SUPREME COURT OF THE UNITED STATES
CERTIFICATION PROOF OF SERVICE

I, MR. JAMES NORMAN LIEBENTHAL, JR., A.D.O.C.
136429, ATTORNEY OF RECORD DO SWEAR, OR DECLARE
THAT ON THIS DAY 9TH OF SEPTEMBER,
IN THE YEAR OF OUR LORD 2020, AS REQUIRED BY
SUPREME COURT RULE 29 I HAVE SERVED THE
ENCLOSED "PETITION FOR A WRIT OF HABEAS CORPUS"
ON EACH PARTY TO THE ABOVE PROCEEDING, OR THAT
PARTY'S COUNSEL, AND ON EVERY OTHER PERSON REQUIRED
TO BE SERVED, BY DEPOSITING AN ENVELOPE CONTAINING
THE ABOVE DOCUMENTS, WITH A.D.O.C. LITIGATION MAIL, IN THE
UNITED STATES MAIL, PROPERLY ADDRESSED TO EACH OF
THEM, AND WITH FIRST CLASS "POSTAGE" PREPAID, OR
BY DELIVERY TO A THIRD-PARTY COMMERCIAL CARRIER
FOR DELIVERY WITHIN 3 CALENDAR DAYS.

THE NAMES, AND ADDRESSES OF THOSE ARE AS
FOLLOWS;

1
2
3 IN THE
4
5 SUPREME COURT OF THE UNITED STATES
6
7 CERTIFICATION PROOF OF SERVICE
8

9 1. OFFICE OF THE CLERK
10 SUPREME COURT OF THE UNITED STATES
11 1 FIRST STREET, NE.
12 WASHINGTON DC. 20543
13

14 2. SUPREME COURT JUSTICE
15 SUPREME COURT OF THE UNITED STATES
16 1 FIRST STREET, NE.
17 WASHINGTON, DC. 20543
18

19 3. MR. JAMES NORMAN ZIEGENFUS JR. III
20 "136479 A.D.O.C. 'ATTORNEY OF KELLER'"
21 ARIZONA STATE PRISON Complex Eloy,
22 RED ROCK CORRECTIONAL CENTER VCO-10000
23 1752 EAST ARIZONA ROAD
24 ELOY, ARIZONA 85131
25
26
27
28

IN THE
SUPREME COURT OF THE UNITED STATES
CERTIFICATION PROOF OF SERVICE

3. MR. MARK BRNOVICH
ARIZONA STATES ATTORNEY GENERAL
ARIZONA STATES ATTORNEY'S GENERAL OFFICE
2005 NORTH CENTRAL AVE
PHOENIX, ARIZONA 85016

4. PRO - REM JUDGE ANTHONY MARKEY
COURT OF APPEALS, STATE OF ARIZONA
DIVISION ONE
STATE COURT BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007

5. JUDGE LAURENCE F. WINTERS
COURT OF APPEALS, STATE OF ARIZONA
DIVISION ONE
STATE COURT BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007

IN THE
SUPREME COURT OF THE UNITED STATES
CERTIFICATION PROOF OF SERVICE

RESPECTFULLY SUBMITTED, IN ACCORDANCE TO 28 U.S.C. § 1746,
28 U.S.C. § 2403(b), AS REQUIRED BY 28 U.S.C. § 457, TO THE
SUPREME COURT OF THE UNITED STATES.

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING IS TRUE, AND CORRECT.

EXECUTED ON THIS 9TH DAY OF September, in
THE YEAR OF OUR Lord 2020.

BY: MR. JAMES NORDEN FLEETMAN JR.
MR. JAMES NORDEN FLEETMAN JR.
136429 "A.R.O.C. ATTORNEY AT LAW"
ARIZONA STATE PRISON Complex EBY
RED ROCK CORRECTIONAL CENTER VC-CF Lower
1752 EAST ARIZONA ROAD
ELOY, ARIZONA 85131

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

PETITIONER, MR. JAMES NORMAN ZIEGENFUSS, JR., III,
136479 A.D.O.C., RESPECTFULLY PRAYS THAT A WRIT OF
CERTIORARI ISSUE TO MAKE, OR REVIEW A JUDGMENT,
OR FAILURE TO MAKE A JUDGMENT, OR ACCEPT JURISDICTION
BY THE ARIZONA STATE SUPREME COURT, IN REGARD TO A
SPECIAL-ACTION 19-20-0035, DATED, AUGUST 26, 2020.
(COURT ORDER LOCATED ATTACHMENT 3-A) (8-26-2020)
THE "SPECIAL-ACTION" SUBMITTED TO THE ARIZONA SUPREME COURT
19-20-0035, CONCERNS A VIOLATION TO MY FEDERALLY CONSTITUTIONALLY
PROTECTED "FUNDAMENTAL RIGHT TO SELF-REPRESENTATION," BY THE
COURT OF APPEALS, STATE OF ARIZONA, PRO-TEM JUDGE ANTHONY
MACKEY, PRESIDING JUDGE LAWRENCE F. WHITNEY, WHILE ON
DIRECT APPEAL, ALLOWED "A COURT APPOINTED APPELLATE
COUNSEL," MS. JANELLE MCENCHERY TO "USURP CONTROL" OVER
"LEGAL ISSUES," "PERSONAL LEGAL DECISIONS," CONCERNING THE
OBJECTIVES OF THE REPRESENTATION, THAT ARE WITHIN
THE PETITIONER'S SOLE-PREROGATIVE, WHICH CLEARLY
VIOLATES MY U.S.C.A. SIXTH AMENDMENT MAKING A
CONSTITUTIONAL VIOLATION COMPLETE.

SEVERAL SPECIAL-ACTIONS ON THE SAME SUBJECT HAVE
BEEN SUBMITTED TO THE COURT OF APPEALS, STATE OF ARIZONA,
SOME OF WHICH MAY HAVE BEEN "LOST" OR "NEVER ARRIVED"
IN THE MAIL. AGAIN NO JURISDICTION WAS ALLEGED TO PROVIDE
A CLEAR CONCISE RULING... IN EITHER THE COURT OF APPEALS,
STATE OF ARIZONA, OR THE SUPREME COURT OF ARIZONA CONCERNING
THE SUBJECT OF "AUTONOMY" IN ISSUE, NOR THE "CHOICE OF
COUNSEL BEING STRUCTURAL" AS STATED IN UNITED STATES V.
GONZALEZ-LOPEZ, 548 U.S. 140, 150 (2006) "CHOICE OF
COUNSEL IS STRUCTURAL." BECAUSE THE PETITIONER'S "AUTONOMY,"
NOT COUNSEL'S COMPETENCE IS IN ISSUE, WE DO NOT APPLY
OUR INEFFECTIVE-ASSISTANCE-OF-COUNSEL JURISPRUDENCE,
STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984), OR UNITED
STATES V. CROMBIE, 466 U.S. 648 (1984) TO THE PETITIONER'S CLAIM.
SEE McKASKLE, 465 U.S. AT 177, N.B. "HARMLESS-ERROR
ANALYSIS IS INAPPLICABLE TO DEPRIVATIONS OF THE SELF-
REPRESENTATION RIGHT, BECAUSE "THE RIGHT IS EITHER "RESERVED"
OR DENIED"; ITS DEPRIVATION CANNOT BE HARMLESS." WHICH
NOW, COMES TO THE SUPREME COURT OF THE UNITED STATES
TO PETITION THIS COURT FOR A WRIT OF CERTIORARI, TO
BE GRANTED, CONCERNING A "DIRECT CONSTITUTIONAL VIOLATION,"
THE STATE OF ARIZONA, SEEMS TO NOT HEAR... OR WANT
TO LEGALLY ADDRESS... OR "IGNORES".

JURISDICTION OF THIS COURT IS INVOKED UNDER,
28 U.S.C. § 1257 (A). (SPECIAL-ACTION)

(PAGE 2)

JURISDICTIONAL STATEMENT

WATARS V. Superior Court of Maricopa County, 113
ARIZ. 498 (1976) 557 P.2D 1055. "A Special Action
REQUESTS EXTRAORDINARY RELIEF WHICH IS USUALLY
GRANTED ONLY WHERE JUSTICE CANNOT BE SATISFACTORILY
OBTAINED BY OTHER MEANS, A.R.S. § 12-2101, 17A A.R.S.
SPECIAL ACTIONS RULES OF PROCEDURE, RULES 1, 3.
SEE, LOUIS A. V. BAYHAM-LESSELY, JR. EX REL. COUNTY OF
MARICOPA, 197 ARIZ. 451 (2002) 4 P.3D 944, 316 ARIZ.
ADV. REP. 65; SPECIAL ACTION JURISDICTION IS PROPER WHEN
THE PARTY HAS NO PLAIN, ADEQUATE OR SPEEDY REMEDY
BY APPEAL, AND JUSTICE CANNOT BE OBTAINED BY
OTHER MEANS. A.R.S. § 12-120.21, SUBD. A, PAR 4.
SEE, PUTER V. VANDERPOOL, 225 ARIZ. 495 (2010) 240 P.3D
240 P.3D 1257, 592 ARIZ. ADV. REP. 33, "SPECIAL ACTION
JURISDICTION IS WARRANTED IF THE ISSUES RAISED INVOLVE
QUESTIONS OF LAW RELATING TO THE INTERPRETATION, AND
APPLICATION OF PROCEDURAL RULES, AND ARE OF STATEWIDE
IMPORTANCE TO THE JUDICIARY AND THE LITIGANTS WHO
COME BEFORE IT ON CRIMINAL MATTERS..." WHEN A
TRIAL JUDGE COMMITS AN ERROR OF LAW, "THE JUDGE ABUSES"
HIS DISCRETION, "AS ONE OF THE BASES FOR GRANTING"
SPECIAL ACTION.

JURISDICTIONAL STATEMENT

DEAN V. Superior Court, 84 ARIZ. 104, 324 P.2D 764 (1958)

A SPECIAL ACTION IS AN APPROPRIATE VEHICLE FOR REVIEW OF THE LOWER COURT DECISION, SEE STATE EX REL. RUMELY V.

Superior Court, 172 ARIZ. 109, 11,834 P.2D, 832, 834

(APP. 1992) WHERE THERE IS A LACK OF ONE LAW ON THE

ISSUE TO BE ADDRESSED AND THE MATTER IS ONE OF

"STATEWIDE IMPORTANCE" SPECIAL ACTION JURISDICTION IS

ESSENTIAL; DUQUETTE V. Superior Court 161 ARIZ. 269, 271, 778

P.2D 634, 636 (APP. 1989) ARIZ. (CA) RULES OF PROCEDURE

FOR SPECIAL ACTIONS, SPECIAL ACTION JURISDICTION IS ALSO APPROPRIATE

WHERE THE ISSUE IS OF "FIRST IMPRESSION" FOR CASES

INVOLVING PURELY LEGAL QUESTIONS, OR FOR ISSUES THAT ARE

LIKELY TO ARISE AGAIN (SEE A. SUPRA. 1411) ITS ARE

CONSTITUTIONAL IN ARIZONA, ARIZ. CONST. ART. 6 § 5, 18,

A.R.S. § 12-109(A). SEE WEST PUMP EQUIPMENT CO. V.

GLEN ALDEN Corp., 93 ARIZ. 361, 380 P.2D 1011 (1963),

A.R.S. § 12-2001 TO 12-2007, SEE, N.Y. CIV. PRAC.

LAW AND RULES § 7801 "A SPECIAL ACTION MAY

MERGE THE THREE REMEDIES (MCKINNEY'S 1963);

COLO. R. CIV. PRAC. 106 (1964), ARIZONA PRACTICE TO

MANDAMUS, MORRISON V. SINKER, 100 ARIZ. 211, 412 P.2D

708 (1966), PROHIBITION, CARUSO V. Superior Court, 100 ARIZ.

167, 412 P.2D 463 (1966) AND CERTIORARI, GENDA V.

Superior Court, 103 ARIZ. 240, 439 P.2D 811 (1968)

JURISDICTIONAL STATEMENT

ARIZONA CONSTITUTION ARTICLE 6 § 5 (1)(3)(4); STATE OF
 ARIZONA CONSTITUTION ARTICLE 6 § 9, SECTION 9: THE JURISDICTION,
 POWERS, DUTIES, AND COMPOSITION OF ANY INTERMEDIATE
 APPELLATE COURT SHALL BE PROVIDED BY LAW. A
 SPECIAL ACTION REQUEST EXTRAORDINARY RELIEF WHICH IS
 USUALLY GRANTED ONLY WHERE JUSTICE "CANNOT" BE
 SATISFACTORILY OBTAINED BY OTHER MEANS - A.R.S. § 12-2101,
 17(A) A.R.S. SPECIAL ACTION RULES OF PROCEDURE RULE 1, 3,
 DENIAL OF THOSE CONSTITUTIONALLY PROTECTED RIGHTS HAVE
 MADE "SPECIAL ACTION" APPROPRIATE SEE. A.R.S. § 12-2021 - A.R.S. § 12-2029, SEE MORRISON V.
 STANFORD, 100 ARIZ. 211, 402 P.2D 708 1966; § 38, 431.03
 (PUBLIC OFFICERS) WAS A LEGAL DUTY TO PERFORM A MINISTERIAL
 ACT, HAVING NO DISCRETION IN ITS PERFORMANCE "MANDAMUS" WILL
 COMPEL HIM TO ACT, LESLER SUPR. AT 42. SEE, E.G. TOUREA V.
 SUPERIOR COURT, 101 ARIZ. 295, 449 P.2D 79 (1966); SOUTHWEST
 FOREST INDUSTRIES, INC. V. SULLIVAN, 100 ARIZ. 336, 414 P.2D
 157 (1966) "THE WRIT IS RESTRICTED TO THE PERFORMANCE OF
 THE DUTY WHICH IS DEMANDDED, OBRIEN V. SUPERIOR COURT,
 102 ARIZ. 570, 435 P.2D (1967) THE WRIT OF MANDAMUS,
 THE SUPREME COURT IS GRANTED THE POWER TO ISSUE THE
 WRIT BY ARIZ. CONST. ART. 6 § 5 (1), AS AMENDED, AND
 SUPERIOR COURT BY ARIZ. CONST. ART. 6 § 18, AS AMENDED;
 APPELLATE JURISDICTION ARIZ. CONST. ART. 6 § 5 (4), AS AMENDED
 COURT OF APPEALS A.R.S. § 12-120.21

JURISDICTIONAL STATEMENT

U.S. Supreme Court Jurisdiction "WRIT OF
CERTIORARI" JURISDICTION FROM "STATE COURTS"

CAN BE INVOKED UNDER 28 U.S.C. § 1257 (A) &
CASES FROM FEDERAL COURTS JURISDICTION IS INVOKED
UNDER 28 U.S.C. § 1254 (1); AND 28 U.S.C. § 2254
WRIT OF HABEAS CORPUS OR § 2255.

Respectfully Submitted This 9th DAY OF September

IN THE YEAR OF OUR Lord 2020.

BY:

Mr. James M. Liegey, Jr., III

MR. JAMES MORRIS LIEGEY, JR., III

136479 A.D.O.C. ATTORNEY OF RECORD

ARIZONA STATE PRISON Complex E204

Red Rock Correctional Center VI-01-LOWA

1752 EAST ARIZA ROAD

E204, ARIZONA 85181

STATEMENT OF THE ISSUES

"PRO-TEM JUDGE ANTHONY MAKEY" AND JUDGE LAWRENCE F. WINTUKOP (C.O. A.) STATE OF ARIZONA WILL BE REFERRED TO AS "RESPONDENT JUDGES", UNLESS OTHERWISE SPECIFIED, THROUGHOUT THIS DOCUMENT, OF SPECIAL ACTION...

1. WHETHER THE "RESPONDENT JUDGES" HAVE FAILED TO EXERCISE DISCRETION, INWHICH THE "RESPONDENT JUDGES" HAVE A DUTY TO EXERCISE, OR TO PERFORM A DUTY REQUIRED BY LAW, AS TO INWHICH THE "RESPONDENT JUDGES" HAVE NO DISCRETION; OR

2. WHETHER "RESPONDENT JUDGES" HAVE PROCEEDED, OR IS THREATENING TO PROCEED ULTRA, OR IN "EXCESS" OF JURISDICTION, OR LEGAL AUTHORITY; OR

3. WHETHER A "DETERMINATION" WAS ARBITRARY AND CAPRICIOUS, OR AN ABUSE OF DISCRETION, AND IF SO, WHETHER RESPONDENT JUDGES MADE ERROR IN ABUSE OF DISCRETION LISTED IN (1) (2) (3) ABOVE SUFFICIENT TO WARRANT THE RELIEF REQUESTED.

STATEMENT OF THE ISSUES

4. WHETHER RESPONDENT JUDGES, "VIOLATED" PETITIONER'S
CONSTITUTIONALLY PROTECTED AUTONOMY, RIGHT TO SELF-
REPRESENTATION, DUE-PROCESS OF LAW, EQUAL PROTECTION
UNDER THE LAW, WHILE UNDER COLOR OF LAW, TO CAUSE
DEPRIVATIONS TO THIS PETITIONER'S U.S. C.A. SIXTH, AND
FOURTEENTH AMDT.

5. WHETHER RESPONDENT JUDGES "VIOLATED" THE PETITIONER'S
CONSTITUTIONALLY PROTECTED AUTONOMY, RIGHT TO SELF REPRESENTATION,
WHEN THE RESPONDENT JUDGES "ALLOWED" MS. JANELLE
MCLEACHER - COURT APPOINTED APPETITE COUNSEL, TO "USURP"
CONTROL OVER LEGAL ISSUES, PERSONAL LEGAL DECISIONS,
SUCH AS CHOICE OF COUNSEL, THAT ARE WITHIN THE
PETITIONER'S SOLE-PREROGATIVE, AFTER THE PETITIONER
TERMINATED MS. JANELLE MCLEACHER'S - AGENCY, WHILE
ON DIRECT APPEAL, AND PRIOR TO ANY OPENING BRIEF
DUE-DATE.

6. WHETHER RESPONDENT JUDGES - COMMITTED A - NON JUDICIAL
ACT OR FUNCTION, RESULTING IN A - LACK OF JURISDICTION,
WHEN THE RESPONDENT JUDGES "ALLOWED" MS. JANELLE MCLEACHER,
COURT APPOINTED COUNSEL, TO "USURP" CONTROL OVER - LEGAL ISSUES,
PERSONAL LEGAL DECISIONS THAT ARE WITHIN THE PETITIONER'S
SOLE-PREROGATIVE AFTER HER AGENCY WAS TERMINATED.

STATEMENT OF THE ISSUES

7. WHETHER REQUIREMENT JUDGES FAILED TO ACCESS, COURT
APPOINTED COUNSEL MS. JANELLE MEERKWA, ATTORNEY AT LAW
VIOLATIONS OF 42 E.R. 1.2 (A), AND A.B.A. MODEL RULE OF
PROFESSIONAL CONDUCT 1.2 (A), AND COMMITTED INTENTIONAL
JUDICIAL MISCONDUCT (I.J.M.), WHICH THE "REQUIREMENT JUDGES"
ALLOWED MS. JANELLE MEERKWA, COURT APPOINTED COUNSEL, TO
USURP CONTROL OVER LEGAL ISSUES, PERSONAL-LEGAL DECISIONS
such as CHOICE OF COUNSEL WHILE ON DIRECT APPEAL, THAT
ARE WITHIN THE PETITIONER'S SOLE PREROGATIVE, AFTER
HER AGENCY HAD TERMINATED BY THE PETITIONER, WHILE ON
DIRECT APPEAL, BUT WELL BEFORE ANY DUE DATE OF
THE OPENING APPELLATE BRIEF. COURT ADMISSIONS OF HER
OFFICE...

8. WHETHER THE "REQUIREMENT JUDGES" VIOLATED THEIR "OATHS"
OR AFFIRMATIONS OF OFFICE IN ACCORDANCE TO U.S.C.A.
SIXTH AND CLASE 3rd ARIZONA STATE CONSTITUTION ARTICLE 2 § 7;
ARIZONA STATE CONSTITUTION ARTICLE 4 § 38.231
SUBSECTION (C), AND COMMITTED A DEPRIVATION OF RIGHT UNDER
CHOICE OF LAW, IN ACCORDANCE TO 18 U.S.C. § 241, 18 U.S.C. § 242;
18 U.S.C. § 245 42 U.S.C. § 1983, WHICH THE "REQUIREMENT JUDGES"
ALLOWED MS. JANELLE MEERKWA, COURT APPOINTED COUNSEL, TO
USURP CONTROL OVER LEGAL ISSUES, PERSONAL-LEGAL DECISIONS
THAT ARE WITHIN THE PETITIONER'S SOLE PREROGATIVE
WHILE ON "DIRECT APPEAL"...

STATEMENT OF THE ISSUES

9. WHETHER RESPONDENT JUDGES "VIOLATED THE PETITIONER'S
CONSTITUTIONALLY PROTECTED 'SECURE AGENCY' WHICH
THE 'RESPONDENT JUDGES' ALLOWED" MS. JANELE MCQUEEN
COURT APPOINTED COUNSEL, TO USURP COUNSEL, OVER LEGAL
ISSUES, - PERSONAL LEGAL DECISIONS, SUCH AS THE PETITIONER'S
CONSTITUTIONALLY PROTECTED RIGHT TO SELF REPRESENTATION, CHOICE
OF COUNSEL, WHILE ON DIRECT APPEAL, THAT ARE
WITHIN THE PETITIONER'S 'SELF-PREROGATIVE', AFTER THE
PETITIONER TERMINATED MS. JANELE MCQUEEN'S "AGENCY"
BUT BEFORE THE APPELLATE OPENING BRIEF DE-DUE,
WHICH MAKES THE CONSTITUTIONAL VIOLATION COMPLETE, U.S.C.A.
SIXTH AMOT., AND FEDERAL AMOT. ('DUE-PROCESS OF LAW',
EQUAL PROTECTION UNDER THE LAW...)
SEE. RANKIN V. HOWARD, 635 F.2D 844, 848-849
9TH CIR (1980); VEGA V. JOHNSON, 149 F.3D 354 (5TH
CIR 1998); U.S. V. TREFF, 924 F.2D 977 (10TH CIR 1991);
FARRELL V. CALIFORNIA, 422 U.S. 806, 45, 1ED. 2D. 562
95 S.Ct. 2525 (1975); SPARE V. RICKMAN, 148, 412
489, 715 P.2D 752 (1986); LORRABEE V. BARTLET, 970
F.Supp. 102 (N.D. N.Y. 1997).

STATEMENT OF THE FACTS

NOVEMBER 9 2017, PETITIONER FILED A "MOTION TO WITHDRAW,"
MS. JANELLE McEACHERN, COURT APPOINTED APPELLATE COUNSEL, AND TO
"INVOKe" PETITIONER'S AUTONOMY RIGHT TO SELF-REPRESENTATION,
WHILE ON DIRECT APPEAL, WELL BEFORE ANY APPELLATE OPENING
BRIEF DUE-DATE SET BY THE (C.O.A.). NOVEMBER 17, 2017
THE "MOTION TO WITHDRAW" MS. JANELLE McEACHERN, COURT APPOINTED
COUNSEL WAS PLACED ON RECORD. THE C.O.A., STATE OF ARIZONA,
PRO-TEM JUDGE ANTHONY MACKEY DENIED "THAT" MOTION" ON
NOVEMBER 27, 2017. ON NOVEMBER 30TH, 2017, PETITIONER FILED
"A DENIAL OF RIGHTS UNDER COLOR OF LAW," AGAINST PRO-TEM
JUDGE ANTHONY MACKEY, FOR THE DENIAL OF MY CONSTITUTIONALLY
PROTECTED SECURED AUTONOMY RIGHT TO "SELF-REPRESENTATION"
WHILE ON DIRECT APPEAL. ON DECEMBER 4TH 2017, PETITIONER
FILED "A DENIAL OF RIGHTS UNDER COLOR OF LAW" WITH REGARDS
TO MS. JANELLE McEACHERN, COURT APPOINTED COUNSEL, FOR
REFUSAL "TO WITHDRAW FROM 1-CA-CR-17-0181; CR-2015-
136002-001 WHILE ON DIRECT APPEAL, FOR THE FOLLOWING
REASON THAT, WHEN PRO-TEM JUDGE ANTHONY MACKEY, C.O.A.,
STATE OF ARIZONA, ALLOWED, "MS. JANELLE McEACHERN, COURT APPOINTED
APPELLATE COUNSEL, TO "USURP" CONTROL OVER LEGAL ISSUES,"
PERSONAL LEGAL DECISIONS, THAT ARE WITHIN THE
PETITIONER'S SOLE-PREROGATIVE, THIS ACTION VIOLATED
THE PETITIONER'S U.S.C.A. SIXTH AMDT.-SECURED AUTONOMY
RIGHT TO SELF REPRESENTATION, WHILE ON DIRECT APPEAL.
MAKING THE "CONSTITUTIONAL VIOLATION COMPLETE."

STATEMENT OF THE FACTS

BY MS. JAHILLE MCLEACH, COURT APPOINTED COUNSEL, "NOT"
PRESENTING PETITIONER'S LEGAL ISSUES, AS SHE WAS INSTRUCTED, TO
PRESENT, ALONG WITH "NOT" WITHDRAWING FROM:
1CA-CR-17-0181; CR205136002-001, DELIBERATELY-BLOCKED
THE PETITIONER'S CONSTITUTIONALLY PROTECTED SECURED AUTONOMY RIGHT
TO SELF-REPRESENTATION WHILE ON DIRECT APPEAL, FOR PETITIONER
TO PRESENT HIS OWN LEGAL ISSUES, THAT MS. MCLEACH, COURT
APPOINTED COUNSEL WOULD NOT PRESENT, AFTER SHE WAS INSTRUCTED TO
DO SO "WELL PRIOR" TO FILING FOR HER WITHDRAWAL, AND
BECAUSE OF THIS ACTION, OR INACTION "BLOCKED" THE PETITIONER'S
LEGAL ISSUES FROM BEING PLACED ON RECORD, WHICH ALSO "DEPRIVED"
THE PETITIONER OF A FULL, FAIR, IMPARTIAL HEARING, AND FULL,
FAIR, IMPARTIAL ADMINISTRATION OF JUSTICE. CONSEQUENTLY,
THE ACTION OR INACTION OF PRO-TEM JUDGE ANTHONY MARKEY,
C.O.A., STATE OF ARIZONA VIOLATED THIS PETITIONER'S
CONSTITUTIONALLY PROTECTED SECURED AUTONOMY RIGHT TO SELF-REPRESENTATION,
ALSO BEING THE PETITIONER'S "CHOICE OF COUNSEL", CONCERNING THE
OBJECTIVES OF REPRESENTATION, MAKING THE U.S.C.A. CIVIL
AMTOS CONSTITUTIONAL VIOLATION COMPLETE.

- ON DECEMBER 8TH PETITIONER FILED A MOTION FOR
RECONSIDERATION TO AGAIN WITHDRAW MS. MCLEACH, COURT
APPOINTED COUNSEL, AND ONCE AGAIN APPOINT THE PETITIONER
AS COUNSEL OF RECORD WHILE ON DIRECT APPEAL

STATEMENT OF THE FACTS

IN 1-CA-CR-17-0181; CR-2015136002-001, ON DECEMBER 12, 2017
PRESIDING JUDGE LAWRENCE F. WINTHROP, C.O.A., STATE OF
ARIZONA, AGAIN "DENIED" THIS "MOTION FOR RECONSIDERATION," FOR
THE SECOND CONSECUTIVE TIME, THIS PETITIONER'S CONSTITUTIONALLY
PROTECTED "SECURED AUTONOMY RIGHT TO SELF-REPRESENTATION" WAS
CLEARLY DENIED ON RECORD WITH THE C.O.A., STATE OF
ARIZONA IN 1-CA-CR-17-0181; CR 2015136002-001.

- DECEMBER 19, 2017, PETITIONER AGAIN FILED A "DENIAL OF
RIGHTS UNDER COLOR OF LAW, WITH REGARD TO PRESIDING
JUDGE LAWRENCE F. WINTHROP, C.O.A., STATE OF ARIZONA,
RULING ON THE "MOTION FOR RECONSIDERATION," AND "ONCE AGAIN"
ALLOWING, MRS. JANELLE MCENHERY, COURT APPOINTED COUNSEL, TO
"USURP" CONTROL OVER LEGAL ISSUES; PERSONAL LEGAL DECISIONS,
SUCH AS THE PETITIONER'S CONSTITUTIONALLY PROTECTED "SECURED
AUTONOMY RIGHT TO SELF-REPRESENTATION, WHILE ON DIRECT
APPEAL, WHICH IS WITHIN THE PETITIONER'S "SOLE-PREROGATIVE
CONCERNING THE "OBJECTIVES OF REPRESENTATION" WHILE ON DIRECT
APPEAL, ONCE AGAIN MAKING A U.S.C.A. SIXTH AMT.
VIOLATION COMPLETE, FOR THE SECOND CONSECUTIVE TIME...

- DECEMBER 23, 2017, PETITIONER, MAILED A LETTER TO
MRS. JANELLE MCENHERY, COURT APPOINTED COUNSEL, SPECIFICALLY
STATING "YOU HAVE NO-AUTHORIZATION TO FILE ANY LEGAL
DOCUMENT IN CASE 1-CA-CR-17-0181; IN MY CASE
WINTHROP EVER"

STATEMENT OF THE FACTS

IT GOES ON TO STATE - "YOU WILL NOT FILE ANY ANDERS - BRIEF ON MY BEHALF WHATSOEVER." AGAIN MS. JANELLE MCENULTY, COURT APPOINTED COUNSEL, "DELIBERATELY CHOSE TO IGNORE MY DIRECT INSTRUCTIONS, LETTER ALSO STATES, "YOUR SERVICES HAVE BEEN TERMINATED." THE LETTER IS POST-DATED "DECEMBER 28, 2017," AS RECORDED IN A.D.O.C. LEGAL MEETINGS, "WELL BEFORE THE APPELLATE OPENING BRIEF DUE-DATE. THESE ACTIONS, OR INACTION'S" CAN BE REVIEWED IN A "RESPONSE" FROM THE "ARIZONA STATE BAR FILE" # 18-2753, DATED SEPTEMBER 24, 2018. CHALLENGING THE C.O.A., STATE OF ARIZONA, ALONG WITH MS. JANELLE MCENULTY, ATTORNEY AT LAW - COURT APPOINTED APPELLATE COUNSEL SEE. WEBSITE WWW.AZ.BAR.ORG. FILE # 18-2753. JUDICIAL COMPLAINTS WERE ALSO FILED WITH REGARD TO C.O.A., ACTIONS OR INACTION'S OF THE "RESPONDENT" JUDGES WITH THE "COMMISSION ON JUDICIAL CONDUCT, STATE OF ARIZONA, WHO FAILED TO ASSESS - ANY SANCTIONS, OR "JUDICIAL" MISCONDUCT, "IN THIS CASE OF ACTION", 1-0A-0L-17-001; CA2015136002-001, BUT INSTEAD CONTINUED TO "ALLOW" AND "ENABLE" THE "RESPONDENT JUDGES" TO VIOLATE THIS PETITIONER'S CONSTITUTIONALLY PROTECTED SECURED AUTONOMY RIGHT TO SELF-REPRESENTATION WHILE ON DIRECT APPEAL. THE SAME CAN BE SAID ABOUT THE ARIZONA STATE BAR ASSOCIATION, WHO DID NOT SANCTION MS. JANELLE MCENULTY, ATTORNEY AT LAW, FOR "DELIBERATELY" VIOLATING THIS PETITIONER'S CONSTITUTIONALLY PROTECTED SECURED AUTONOMY RIGHT TO SELF-REPRESENTATION. U.S.C.A. SIXTH AMT. CHOICE OF COUNSEL IS STRUCTURAL. A.B.A. MODEL RULE PROF. 1.2 (A)

STATEMENT OF THE FACTS

THE ACTION TAKEN BY THE REQUEST JUDGES, MR. JANELLE McENUEEN, ATTORNEY AT LAW, Commission on Judicial Conduct, AND ARIZONA STATE BAR ASSOCIATION, PASSES THE LINE OF "TOLERABLE IMPERFECTION," INTO THE FIELD OF FUNDAMENTAL UNFAIRNESS, DESPITE THE PETITIONER'S INSTRUCTION, MS. JANELLE McENUEEN, COURT APPOINTED APPELLATE COUNSEL, ON JANUARY 10, 2018 "CONTINUED" TO FILE AN ANDERS-BRIEF, WITH HER OWN BEST INTEREST IN MIND - A.R.C.P. RULE 6.7 (C)(3) "WHICH IS WHY SHE WOULD NOT WITHDRAW," WHICH "BLOCKED" AND "USURPED" CONTROL OVER LEGAL ISSUES; PERSONAL LEGAL DECISIONS - INCLUDING THE OBJECTIVES OF THE REPRESENTATION, THAT ARE WITHIN THE PETITIONER'S SOLE-PREROGATIVE, CAUSING A U.S.C.A. SIXTH AMEND. CONSTITUTIONAL VIOLATION. "WHEN THE REQUEST JUDGES 'ALLOWED' MS. JANELLE McENUEEN, COURT APPOINTED COUNSEL, TO USURP CONTROL OVER LEGAL ISSUES; PERSONAL LEGAL DECISIONS, INCLUDING THE OBJECTIVES OF REPRESENTATION, THAT ARE WITHIN THE PETITIONER'S SOLE-PREROGATIVE, THE U.S.C.A. SIXTH AMEND. CONSTITUTIONALLY PROTECTED SECURED AUTONOMY RIGHT WAS COMPLETELY AND VIOLATED. WHEN THE REQUEST JUDGES 'CONTINUED' TO PROCEED, DESPITE THIS ACTION, WITH THE APPELLATE PROCEDURE THIS 'DENIED' THE PETITIONER A FULL, FAIR, IMPARTIAL HEARING, AND THE FULL, FAIR, IMPARTIAL ADMINISTRATION OF JUSTICE, RESULTING IN U.S.C.A. SIXTH, AND U.S.C.A. FOURTEENTH AMEND. CONSTITUTIONAL VIOLATION.

STATEMENT OF THE FACTS

ON JANUARY 10TH 2018, PRO-TEM JUDGE ANTHONY MAREY ISSUED A COURT ORDER STATING: "IT IS ORDERED GRANTING THE MOTION OF APPELLATE COUNSEL TO ALLOW APPELLANT TO FILE A SUPPLEMENTAL BRIEF IN PROPER PERSONA... AS OF JANUARY 10, 2018, MS. JANILE MCKENZIE, COURT APPOINTED COUNSEL HAD ALL-READY FILED THE ANSWER-BRIEF THAT THE COURT HAD ACCEPTED PRIOR TO THIS COURT ORDER, WHICH AS A DIRECT RESULT, DENIED THIS PETITIONER A FULL, FAIR, IMPARTIAL HEARING, AND THE FULL, FAIR, IMPARTIAL ADMINISTRATION OF JUSTICE, INCLUDING WITH A DIRECT APPEAL OPPOSED TO A SUPPLEMENTAL BRIEF, WHICH ALSO-BLOCKED AN APPELLATE RECORD FROM BEING MADE FOR USE IN THE FEDERAL COURTS, IN THIS CASE OF ACTION. THIS IS A COMPLETE VIOLATION OF MY FEDERAL, CONSTITUTIONALLY PROTECTED AUTONOMY RIGHT TO SELF-REPRESENTATION, DUE-PROCESS OF LAW, EQUAL PROTECTION UNDER THE LAW, WHILE UNDER COLOR OF LAW, BY PRO-TEM JUDGE ANTHONY MAREY.

→ ON MARCH 5TH 2018, PETITIONER FILED A "MOTION" WITHIN, AND PURSUANT TO THE JANUARY 10, 2018 COURT ORDER IN "PROPRIA-PERSONA", ON MARCH 05, 2018 PRO-TEM JUDGE ANTHONY MAREY THE STATED, IN A "NEW COURT ORDER": "THE COURT HAS RECEIVED MOTIONS FROM THE APPELLANT FILED IN "PROPRIA-PERSONA", A REVIEW OF THE RECORD INDICATES THAT THE APPELLANT IS REPRESENTED BY COUNSEL ON APPEAL,

STATEMENT OF THE FACTS

APPELLANT HAS NO RIGHT TO HYBRID REPRESENTATION

STATE V. DIXON, 226 ARIZ. 545, 553 P. 39, 496 P.2D 1174,

1182 (2011), APPELLANT MAY NOT FILE MOTIONS ON HIS OWN

BEHALF, WHILE HE IS REPRESENTED BY COUNSEL, THEREFORE IT

IS ORDERED "DENYING" MOTIONS... THIS COURT ORDER PROVIDED

ON MARCH 05, 2016, BY PRO-TEN JUDGE ANTHONY MALEY, CHIEF OF

APPEALS, STATE OF ARIZONA "CONTRADICTS" HIS COURT ORDER

PROVIDED ON JANUARY 10TH 2016. THIS COURT ORDER "DENIED"

THIS PETITIONER'S CONSTITUTIONALLY PROTECTED SECURED AUTONOMY RIGHT TO

SELF-REPRESENTATION, FOR THE "THIRD TIME" WHILE ON DIRECT

APPEAL. THE REVEREND JUDGES NEVER "APPLIED" UNITED

STATES V. GONZALEZ-LOPEZ, 548 U.S. 146, 150 (2006)

"CHOICE OF COUNSEL IS STRUCTURAL," STATE V. RICKMAN, 148 ARIZ.

499, 715, P.2D, 752 (1986) "THE RIGHT TO REPRESENT ONESELF IS A

CONSTITUTIONAL RIGHT," U.S. V. TREF, 924 F.2D 877 "10TH CIR 1991,"

"A CRIMINAL DEFENDANT HAS A 'STRUCTURE,' AND CONSTITUTIONAL RIGHT"

TO REPRESENT HIMSELF, VEGA U. JENNISON, 149 F.3D 354 (5TH CIR, 1998)

DEFENDANT HAS A SIXTH AMENDMENT RIGHT TO FILE A PRO-SE

APPELLATE BRIEF ON DIRECT APPEAL, FIDRETH V. CALIFORNIA, 422 U.S.

606, 45 L.ED. 2D, 562 95 S.Ct. 2525 (1975) "SIXTH AMENDMENT"

RIGHT TO REPRESENT ONESELF IN A CRIMINAL PROCEEDING, STATE V.

SHERICK, 98 ARIZ. 46, 52 402 P.2D 1, 5 (1965) - STATE COURT

"BOUND" BY DECISIONS OF UNITED STATES SUPREME COURT

INTERPRETING FEDERAL CONSTITUTION,

STATEMENT OF THE FACTS

STATE V. SMYERS, 2017 ARIZ. 314, 4.4.16 P.3D 370, 374 4.4
(2004) "THE COURTS OF THIS STATE ARE BOUND BY THE DECISIONS
OF THE ARIZONA SUPREME COURT AND DO NOT HAVE THE
AUTHORITY TO MODIFY OR DISREGARD ITS RULINGS." THE
RESPONDENT JUDGES, MS. JAVELLE MCLEOD, ATTORNEY AT LAW,
VIOLATED MY FEDERALLY GUARANTEED PROTECTED RIGHTS: "SPECIAL ACTION"
RIGHT TO SELF-REPRESENTATION; DUE PROCESS OF LAW; EQUAL
PROTECTION UNDER THE LAW, WHILE UNDER CUR OF LAW...
A DIRECT U.S.C.A. SIGN AMT.; AND U.S.C.A. FIDELITY OATH.
VIOLATION... A COMPLETE ABUSE OF DISCRETION, ABUSE OF JUDICIAL ACT,
OR FUNCTION, RESULTING IN A "LACK OF JURISDICTION"...
SEE: CANONS ON JUDICIAL CONDUCT "ARTICLE 6", A.B.A. MODEL
RULE OF PROFESSIONAL CONDUCT, 1.2 (a) (2016).
- SEVERAL TIMES THIS PETITIONER SUBMITTED "SPECIAL ACTION" TO
THE COURT OF APPEALS, STATE OF ARIZONA, WHO DENIED JURISDICTION, OR
LOST OR MISPLACED A SPECIAL ACTION, SEVERAL TIMES THIS
PETITIONER SUBMITTED SPECIAL ACTION TO THE ARIZONA STATE
SUPREME COURT WHO DID NOT "ACCEPT JURISDICTION"
TO RULE ON THESE SUBJECTS... "AUTONOMY IS IN ISSUE"
- WITH MY LIFE AND LIBERTY AT STAKE, THIS
DOCUMENT MUST NEED TO BE HEARD AND RULED ON.
SEE: ATTACHMENTS... CANONS... EXHIBITS...

(- "STRUCTURAL ERROR")

LAW AND ARGUMENT

POINT 1, THE PETITIONER HAS A CONSTITUTIONALLY PROTECTED
"SECURED AUTONOMY" RIGHT TO "SELF-REPRESENTATION," CONTAINED
WITHIN THE U.S.C.A. SIXTH AMENDMENT, ALONG WITH A CONSTITUTIONALLY
PROTECTED RIGHT TO DUE PROCESS OF LAW, CIVIL PROCEDURE
UNDER THE LAW, CONTAINED WITHIN THE U.S.C.A. FURTHER
AMENDMENT TO THE UNITED STATES CONSTITUTION OF AMERICA, WHILE ON
DIRECT APPEAL, OF ANY CRIMINAL COURT PROCEEDINGS... SEE.
VEGA V. JOHNSON, 149 F.3D 354 (5TH CIR 1998) "DEFENDANT HAS
A SIXTH AMENDMENT RIGHT TO FILE A PRO SE' APPELLATE BRIEF
ON DIRECT APPEAL."; U.S. V. TREF, 924 F.2D 977 (10TH CIR
1991) A CRIMINAL DEFENDANT HAS A STATUTORY "AND
CONSTITUTIONAL RIGHT TO REPRESENT HIMSELF," FARETTA V.
CALIFORNIA, 422 U.S. 806, 45 L.ED. 2D, 562 95 S.Ct. 2525
(1975) "SIXTH AMENDMENT RIGHT TO REPRESENT ONESELF IN A
CRIMINAL PROCEEDING," STATE V. RICKMAN, 148, 1112, 499
765, P.2D, 752 (1986) "THE RIGHT TO REPRESENT ONESELF
IS A CONSTITUTIONAL RIGHT," SEE, LARABEE V. BRYANT, 970
F. Supp. 1021 (M.D.N.Y. 1997) "THE TRIAL COURT DENIAL OF
DEFENDANT'S MOTION TO PROCEED WITH PRO SE' REPRESENTATION
MADE ONE WEEK BEFORE TRIAL CONSTITUTED A "DENIAL" OF
DEFENDANT'S SIXTH AMENDMENT RIGHT TO SELF REPRESENTATION"
"THE COURT CANNOT ALLOW "A COURT APPOINTED ATTORNEY TO USURP"
CONTROL OVER LEGAL ISSUES, PERSONAL LEGAL DECISIONS TO ASSERT
THE PETITIONER'S "SECURED AUTONOMY RIGHT TO SELF-REPRESENTATION,
THAT IS WITHIN THE PETITIONER'S STE PROPRIO,ATIVE", (PAGE 19)

LAW AND ARGUMENT

Point 2 THE SIXTH AMENDMENT GUARANTEES TO EACH CRIMINAL DEFENDANT "THE ASSISTANCE OF COUNSEL FOR HIS DEFENCE." AT COMMON LAW SELF-REPRESENTATION WAS THE NORM. SEE, FARETTA V. CALIFORNIA, 422 U.S. 806, 823 (1975) (CITING) I.E. POLLOCK, & F. MAITLAND, THE HISTORY OF ENGLISH LAW 211 (2D. ED. 1909). AS THE LAWS OF ENGLAND AND THE AMERICAN COLONIES DEVELOPED, PROVIDING FOR A RIGHT TO COUNSEL IN CRIMINAL CASES, SELF-REPRESENTATION REMAINED COMMON AND THE RIGHT TO PROCEED WITHOUT COUNSEL WAS RECOGNIZED. FARETTA 422 U.S. AT 824-828. EVEN NOW, WHEN MOST DEFENDANTS CHOOSE TO BE REPRESENTED BY COUNSEL, SEE, E.G. GOLDSCHMIDT, & STEINER, PATTERNS AND TRENDS IN FEDERAL PRO SE DEFENSE, 1996-2011: AN EXPLORATORY STUDY, 8 FED. CTS. L. REV. 81, 91 (2015) (0.2% OF FEDERAL FELONY DEFENDANTS PROCEEDED PRO SE), AN ACCUSED MAY INSIST UPON REPRESENTING HERSELF - HOWEVER, COUNTER PRODUCTIVE THAT COURSE MAY BE, SEE, FARETTA, 422 U.S. AT 834. AS THIS COURT EXPLAINED, "THE RIGHT TO DEFEND IS PERSONAL," AND A DEFENDANT'S CHOICE IN EXERCISING THAT RIGHT "MUST BE GUARDED OUT OF THAT RESPECT FOR THE INDIVIDUAL WHICH IS THE LIFE BLOOD OF THE LAW."

LAW AND ARGUMENT

Ibid. (Quoting Illinois v. Allen, 397 U.S. 337, 350-351 (1970); see. McKaskle v. Wiggins, 465 U.S. 168, 176-177 (1984) ("THE RIGHT TO APPEAR PRO SE EXISTS TO AFFIRM THE DIGNITY AND AUTONOMY OF THE ACCUSED.") THE CHOICE IS NOT ALL OR NOTHING: TO GAIN ASSISTANCE, A DEFENDANT NEED NOT SURRENDER WHOLLY ENTIRELY TO COUNSEL, FOR THE SIXTH AMENDMENT, IN GRANTING TO THE ACCUSED PERSONALLY THE RIGHT TO MAKE HIS DEFENSE, "SPEAKS OF THE ASSISTANCE, AND AN ASSISTANT, HOWEVER EXPERT, IS STILL AN ASSISTANT," FARETTA, 422 U.S. AT 819-820; SEE. BARNETT CO. V. DE PASQUALE, 433 U.S. 368, 382 N.10 (1979) (THE SIXTH AMENDMENT CONTEMPLATES A NORM IN WHICH THE ACCUSED, AND NOT A LAWYER, IS MASTER OF HIS OWN DEFENSE."). TRIAL MANAGEMENT IS THE LAWYER'S PROVINCE: COUNSEL PROVIDES HIS OR HER ASSISTANCE BY MAKING DECISIONS SUCH AS WHAT ARGUMENTS TO PURSUE, WHAT EVIDENTIARY OBJECTIONS TO RAISE, AND WHAT AGREEMENTS TO CONCLUDE REGARDING THE ADMISSION OF EVIDENCE. RODRIGUEZ V. UNITED STATES, 553 U.S. 242, 248 (2008), (INTERNAL QUOTATION MARKS AND CITATIONS OMITTED). SOME DECISIONS, HOWEVER, ARE RESERVED FOR THE CLIENT - NOTABLY, WHETHER TO PLEAD GUILTY, WAIVE THE RIGHT TO A JURY TRIAL, TESTIFY IN ONE'S OWN BENEFIT, AND FORGO AN APPEAL. SEE JONES V. BARNES, 463 U.S. 745, 751 (1983).

LAW AND ARGUMENT

IT IS FOR THE DEFENDANT TO MAKE THE VALUE JUDGMENT WHETHER "TO TAKE A MINUSCULE CHANCE OF NOT BEING CONVICTED AND SPENDING A LIFE IN ... PRISON" - HASHIMOTO, RESURRECTING AUTONOMY? THE CRIMINAL DEFENDANT'S RIGHT TO CONTROL THE CASE, 90 B.U.L. REV. 1147, 1178 (2010) (FOR SOME DEFENDANTS, THE POSSIBILITY OF AN ACQUITTAL, EVEN IF REMOTE, MAY BE MORE VALUABLE THAN THE DIFFERENCE BETWEEN A LIFE AND DEATH SENTENCE."); C.F. JAE LEE V. UNITED STATES, 582 U.S. _____, (2017) (SLIP OP., AT 12) (RECOGNIZING THAT A DEFENDANT MIGHT REJECT A PLEA AND PREFER "TAKING A CHANCE AT TRIAL" DESPITE "ALMOST CERTAIN CONVICTION (EMPHASIS DELETED)", WITH A CLIENT EXPRESSLY ASSERTS THAT THE OBJECTIVE OF "HIS DEFENSE" IS TO MAINTAIN INNOCENCE OF THE CHARGED CRIMINAL ACTS, HIS LAWYER MUST ABIDE BY THAT OBJECTIVE AND MAY NOT QUERRY IT BY CONCERNING GUILT, U.S. CONST. AMOT. 6 (EMPHASIS ADDED); SEE: A.B.A. MODEL RULE OF PROFESSIONAL CONDUCT 1.2(b) (2016) (A "LAWYER SHALL ABIDE BY A CLIENT'S DECISIONS CONCERNING THE OBJECTIVE OF THE REPRESENTATION"). PRESERVING FOR THE DEFENDANT THE ABILITY TO DECIDE WHETHER TO MAINTAIN HIS INNOCENCE SHOULD NOT DISPLACE COURTS, OR THE COURTS, RESERVING TRIAL MANAGEMENT RULES.

LAW AND ARGUMENT

AUTONOMY TO DECIDE THAT THE OBJECTIVE OF THE DEFENSE IS TO ASSESS INNOCENCE BELONGS IN THE LATTER CATEGORY. JUST AS A DEFENDANT MAY STENOGRAPHICALLY REFUSE TO PLEAD GUILTY IN THE FACE OF OVERWHELMING EVIDENCE AGAINST HER, OR REJECT THE ASSISTANCE OF LEGAL COUNSEL DESPITE THE DEFENDANT'S OWN INEXPERIENCE AND LACK OF PROFESSIONAL QUALIFICATIONS, SO MAY SHE INSIST ON MAINTAINING HER INNOCENCE AT THE GUILT PHASE OF A CAPITAL TRIAL. THESE ARE NOT STRATEGIC CHOICES ABOUT HOW BEST TO ACHIEVE A CLIENT'S OBJECTIVES; THEY ARE CHOICES ABOUT WHAT THE CLIENT'S OBJECTIVES IN FACT ARE. SEE WHEAT V. MASSACHUSETTS, 522 U.S. —, — (2017) (SLIP OP., 176) (2017) (SELF REPRESENTATION WILL OFTEN INCREASE THE LIKELIHOOD OF AN UNFAVORABLE OUTCOME BUT "IS BASED ON THE FUNDAMENTAL LEGAL PRINCIPLE THAT A DEFENDANT "MUST" BE "ALLOWED" TO MAKE HIS OWN CHOICES ABOUT THE PROPER WAY TO "PROTECT HIS OWN LIBERTY."); MARTINEZ V. COURT OF APPEAL OF CAL., FOURTH APPELLATE DIST., 528 U.S. 152, 165 (2000) ("OUR SYSTEM OF LAWS GENERALLY PRESUME THAT THE CRIMINAL DEFENDANT, AFTER BEING FULLY INFORMED, KNOWS HIS OWN BEST INTERESTS AND DOES NOT NEED THEM DILATED BY THE STATE.") SEE 3 W. LAFAYETTE J. ISRAEL N. KING & O. KELL CRIMINAL PRACTICE § 11-6(C), PAGE 935 (4TH ED. 2015) A LAWYER IS NOT PLACED IN A PROFESSIONALLY ETHICAL POSITION WHEN HE IS RELUCTANTLY REQUIRED TO GO TO TRIAL IN A MURDER CASE, SINCE THAT DECISION IS CLEARLY ATTRIBUTED TO HIS CLIENT (PAGE 23)

LAW AND ARGUMENT

SEE, People V BERGERUD, 223, P.3D, 686, 691 (C.O. 2010) "ALTHOUGH
DEFENSE COUNSEL IS FREE TO DEVELOP DEFENSE THEORIES BASED ON
REASONABLE ASSESSMENTS OF THE EVIDENCE AS GUIDED BY HER
PROFESSIONAL JUDGMENT, SHE CANNOT "USURP" THOSE FUNDAMENTAL
CHOICES GIVEN DIRECTLY TO "CRIMINAL DEFENDANTS, BY THE UNITED
STATES, AND COLORADO CONSTITUTIONS. SEE, COOKE, 977 A.2D AT 814;
CARTER, 270 KAN., AT 429, 14, P.3D AT 1141 "THESE WERE NOT
STRATEGIC DISPUTES ABOUT WHETHER TO COMBINE AN ELEMENT OF
A CHARGED OFFENSE, THEY WERE INTRACTABLE DISAGREEMENTS
ABOUT THE FUNDAMENTAL OBJECTIVE OF THE DEFENDANTS
REPRESENTATION." SEE, GONZALEZ, 553 U.S. AT 249 "NUMEROUS CHOICES
AFFECTING CONDUCT OF THE TRIAL DO NOT REQUIRE CLIENT CONSENT,
INCLUDING THE OBJECTIONS TO MAKE, WITNESSES TO CALL, AND THE
ARGUMENT IN ADVANCE, COUNSEL IN ANY CASE, MUST STILL DEVELOP
A TRIAL STRATEGY, AND DISCUSS IT WITH HER CLIENT, WHEN PRESENTED
WITH EXPRESS STATEMENTS OF THE CLIENT WILL TO MAINTAIN
INNOCENCE, HOWEVER, COUNSEL MAY NOT SEEK THE SHIP THE OTHER
WAY." GONZALEZ, 553 U.S. AT 254, "ACTION TAKEN BY COUNSEL OVER HIS
CLIENTS OBJECTION... HAS THE EFFECT OF RENDERING COUNSEL'S AGENCY
NULL WITH RESPECT TO THE ACTION IN QUESTION. ∴ COURTS CANNOT "ALLOW"
A COURT APPOINTED ATTORNEY, AS IN THE PRESENT CASE, TO "USURP"
CONTROL OVER ETHICAL ISSUES, PERSONAL LEGAL DECISIONS, SUCH AS THE
OBJECTIVES OF REPRESENTATION, THAT ARE WITHIN THE CLIENTS, OR
PETITIONER'S SOLE PREROGATIVE. SECURE ADVANCING RIGHT TO SELF-
REPRESENTATION - RESERVED FOR THE CLIENT CATEGORY... -

LAW AND ARGUMENT

POINT 3. BECAUSE THE PETITIONER'S AUTONOMY, NOT COUNSEL
COMPETENCE IS IN ISSUE, WE DO NOT APPLY OUR
INEFFECTIVE - ASSISTANCE - OF - COUNSEL JURISPRUDENCE.

STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984), OR UNITED
STATES V. CRONIN, 466 U.S. 648 (1984) TO THE
PETITIONER'S CLAIM TO GAIN REDRESS FOR ATTORNEY ERROR,
A PETITIONER ORDINARILY MUST SHOW PREJUDICE, SEE
STRICKLAND, 466 U.S. AT 692. HERE HOWEVER, THE
VIOLATION OF THE PETITIONER'S AUTONOMY RIGHT WAS
COMPLETE WHEN THE COURT "ALLOWED" COUNSEL TO "USURP"
CONTROL OF AN ISSUE AND PERSONAL LEGAL DECISION, WITHIN
THE PETITIONER'S SOLE PREROGATIVE.

- VIOLATION OF THE PETITIONER'S "SIXTH AMENDMENT SECURED"
AUTONOMY RANKS AS ERROR OF THE KIND SUPREME COURT
DECISIONS HAVE CALLED "STRUCTURAL"; UNDER PRESENT,
SUCH AN ERROR IS NOT SUBJECT TO HARMLESS-ERROR REVIEW.

SEE MCKINNEY, 465 U.S. AT 177, N.B. "HARMLESS-ERROR
ANALYSIS IS INAPPLICABLE TO DEPRIVATIONS OF THE
SELF-REPRESENTATION RIGHT, BECAUSE "THE RIGHT IS EITHER
REFUSED OR DENIED"; ITS DEPRIVATION CANNOT BE
HARMLESS"; UNITED STATES V. LINDLER LEE, 548 U.S. 140
150 (2006) "OFFENSE OF COUNSEL IS STRUCTURAL", WATER V.
GEORGIA, 467 U.S. 39, 49-50 (1984) "PUBLIC TRIAL IS
STRUCTURAL

LAW AND ARGUMENT

"STRUCTURAL ERROR" AFFECTS THE "FRAMEWORK" IN WHICH THE TRIAL PROCEEDS, AS DISTINGUISHED FROM A "LAPSE" OR "FLAW" IN THE TRIAL PROCESS ITSELF. ARIZONA V. FULMINANTE, 499 U.S. 279, 310 (1991). AN "ERROR" MAY BE RANKED "STRUCTURAL," AS THE SUPREME COURT HAS EXPLAINED, "IF THE RIGHT AT ISSUE IS NOT DESIGNED TO PROTECT THE DEFENDANT FROM ERRONEOUS CONVICTION, BUT INSTEAD PROTECTS SOME OTHER INTEREST" SUCH AS "THE FUNDAMENTAL LEGAL PRINCIPLE THAT A DEFENDANT MUST BE ALLOWED TO MAKE HIS OWN CHOICES ABOUT THE PROPER WAY TO PROTECT HIS OWN LIBERTY." WEAVER, 502 U.S. AT ____ (CITING FOREMAN, 422 U.S. AT 834.). AN "ERROR" MIGHT ALSO COUNT AS "STRUCTURAL" WHEN ITS "EFFECTS" ARE TOO HARD TO MEASURE, AS IS TRUE OF THE RIGHT TO "COUNSEL OF CHOICE," OR WHERE THE ERROR WILL INEVITABLY "SIGNAL FUNDAMENTAL UNFAIRNESS." (CITING GONZALEZ-LOPEZ, 548 U.S. AT 149, N.Y. AND SULLIVAN V. LOUISIANA, 508 U.S. 275, 279 (1993)). IN THE PRESENT CASE, COURT APPOINTED COUNSEL'S REFUSAL TO WITHDRAW, OVER THE CLIENTS EXPRESS OBJECTION IS IN FACT ERROR IS "STRUCTURAL" IN KIND. SEE COKE, 977 A.2D AT 849 ("COUNSEL OVERRIDE NEGATED COKE'S DECISIONS REGARDING HIS CONSTITUTIONAL RIGHTS AND CREATED A 'STRUCTURAL DEFECT' IN THE PROCEEDINGS AS A WHOLE.")

LAW AND ARGUMENT

SUCH A REFUSAL TO WITHDRAW ON DIRECT APPEAL, ALONG WITH THE COURT OF APPEALS, STATE OF ARIZONA - ALLOWING COURT APPOINTED COUNSEL, MS. JANELE McIVER, TO "USURP" CONTROL OVER LEGAL ISSUES, PERSONAL LEGAL DECISIONS, BLOCKED THE PETITIONER'S AUTONOMY RIGHT TO SELF REPRESENTATION, AND PETITIONER'S RIGHT TO MAKE FUNDAMENTAL CHOICES ABOUT HIS OWN DEFENSE, THE EFFECTS OF SUCH ACTION, OR INACTION, WOULD BE IMMENSURABLE, BECAUSE THE COURTS, WOULD BE SWAYED BY THE COURT APPOINTED COUNSEL'S "ANNOUS BRIEF" FILING, STATING SHE COULD FIND NO COLORABLE CLAIM, WORTHY ON DIRECT APPEAL, WHEN SHE WOULD NOT "PRESENT" HIS LEGAL ISSUES, NOR EVEN "ACKNOWLEDGE HIS LEGAL ISSUES" TO BE PRESENTED ON DIRECT APPEAL, BECAUSE SHE WOULD NOT WITHDRAW, NOT ONLY VIOLATED THE PETITIONER'S CONSTITUTIONALLY PROTECTED AUTONOMY RIGHT TO SELF REPRESENTATION, DUE PROCESS OF LAW, EQUAL PROTECTION UNDER THE LAW, BUT ALSO - PREJUDICE HIS DIRECT APPEAL, WHICH WAS DENIED - A FULL, FAIR, IMPARTIAL HEARING, AND THE FULL, FAIR, IMPARTIAL ADMINISTRATION OF JUSTICE ON DIRECT APPEAL, BASED UPON MISINFORMATION BY COURT APPOINTED COUNSEL OF RECORD, WHO TAUNTED THE ENTIRE APPELLATE PROCESS... SHE BLOCKED LEGAL ISSUES FROM BEING PRESENTED WORTHY ON DIRECT APPEAL, "COURT APPEALS" ALLOWED HER TO DO SO...

LAW AND ARGUMENT

SEE STATE V. SMYERS, 207 ARIZ. 314, 11.4.86 P.3D 370,
374 N.4 (2004) "THE COURTS OF THIS STATE ARE "BOUND"
BY THE DECISIONS OF THE ARIZONA SUPREME COURT AND DO
NOT HAVE THE "AUTHORITY TO MODIFY" OR "DISREGARD"
ITS RULINGS,"; STATE V. SMERRICK, 98 ARIZ. 46, 52, 402
P.2D 1,5 (1965) "STATE COURTS "BOUND" BY DECISIONS
OF "UNITED STATES SUPREME COURT INTERPRETING FEDERAL
CONSTITUTION". THE STATE OF ARIZONA IS "BOUND" BY
THEIR OWN CASELAW TO FOLLOW," GONZALEZ, 553 U.S. AT
254 "ACTION TAKEN BY COUNSEL OVER HIS CLIENTS OBJECTION...
HAS THE EFFECT OF "REVOKING COUNSEL AGENCY" WITH RESPECT TO
THE ACTION IN QUESTION," SEE, Q.9. MCKASKLE, 465, U.S., AT
177, N.8 "HARMLESS ERROR ANALYSIS IS INAPPLICABLE TO
DEPRIVATIONS OF THE SELF-REPRESENTATION RIGHT, BECAUSE THE
RIGHT IS EITHER "REPEALED" OR "DENIED"; ITS DEPRIVATION
CANNOT BE HARMLESS," SEE, UNITED STATES V. GONZALEZ-LOPEZ,
548 U.S. 140, 150 (2006) "CHOICE OF COUNSEL IS "STRUCTURAL" *
SEE FAREHAM, 422 U.S., AT 634 "THE FUNDAMENTAL LEGAL
PRINCIPLE THAT A DEFENDANT MUST BE "ALLOWED" TO MAKE
HIS OWN CHOICES ABOUT THE PROPER WAY TO PLEAD HIS
OWN LIBERTY,"... SEE, RANKIN V. HOWARD, 633 F.2D
844-849 "INDEED, WHEN THE LIMITS OF LEGITIMATE
AUTHORITY ARE WHOLLY ABANDONED, THE JUDGES ACT MAY
CEASE TO BE JUDICIAL,

LAW AND ARGUMENT

(CITE PAGES 848-849) "WHEN A JUDGE STRUCTURES A CONTROVERSY

SUCH THAT ONE SIDE IS NECESSARILY PRECLUDED FROM
PRESENTING ANY EVIDENCE CONCERNING THE DECISION TO BE MADE
THE COURTS ACTIONS PROPERLY CAN BE VIEWED AS "JURISDICTIONAL
ERROR" RATHER THAN "MERE ERROR" IN THE EXERCISE OF POWER".
(9TH CIR. 1980),

IN THE PRESENT CASE; WHEN THE "RESPONDENT JUDGES" "ALLOWED"
A COURT APPOINTED ATTORNEY, MRS. JANELLE MERKLEIN ON DIRECT APPEAL
TO USURP "CONTROL OVER LEGAL ISSUES; PERSONAL LEGAL DECISIONS;
SUCH AS THE PETITIONER'S CONSTITUTIONALLY PROTECTED "SECURED AUTONOMY
RIGHT TO SELF-REPRESENTATION" IMMEDIATE ON DIRECT APPEAL, WHICH IS
WITHIN THE PETITIONER'S SELF-PREOGATIVE, A CONSTITUTIONAL
VIOLATION WAS COMMITTED, AND COMPLETE, SEE U.S.C.A. § 1442 AMOT.
- DENIAL OF CONSTITUTIONAL AND CIVIL RIGHTS ARE NOT A
JUDICIAL FUNCTION, AND CONFLICTS WITH ANY DEFINITION OF
A JUDICIAL FUNCTION. SEE (CANON CODE OF JUDICIAL CONDUCT) THERE IS
CASE LAW WHERE BOTH APPELLATE COURTS AND SUPREME COURTS DID
HOLD "JUDGES ACCOUNTABLE" FOR THEIR "KNOWING" AND
"WILLING" ACTIONS FALL OUTSIDE THE BOUNDARIES OF THEIR
JOB DESCRIPTION, - WHEN THE "RESPONDENT JUDGES"
DENIED "THIS PETITIONER'S CONSTITUTIONALLY PROTECTED "SECURED
AUTONOMY RIGHT TO SELF-REPRESENTATION, IMMEDIATE ON
DIRECT APPEAL.

LAW AND ARGUMENT

THIS WAS A CLEAR Knowing AND Willing ACT BY THE
"RESPONDENT JUDGES," NOT ONLY TO DEPRIVE THIS
PETITIONER HIS "Constitutionally Protected Secured Autonomy,"
BUT THIS ACTION FELL OUTSIDE THE BOUNDARIES, AND
GUIDELINES OF THEIR POST, RESULTING, IN AN "ABUSE OF
DISCRETION," ABUSE OF THE CONTEMPT OF POWER,
COMMUNICATING IMPROPERLY HAVING ONLY ONE-SIDE TO A
PROCEEDING, CONFLICT OF INTEREST, A COMPLETE NON-
JUDICIAL ACT OR FUNCTION, THIS FAILURE TO FOLLOW
GUIDELINES OF THEIR POST "MAKES" THE "RESPONDENT
JUDGES ACTION" NO-LONGER A JUDICIAL ACT, BUT
AN INDIVIDUAL ACT, AS THE ACT, REPRESENTS THEIR
OWN "PREJUDICES" AND GOALS, THIS ALSO "ESTABLISHES"
RULING IN A MANNER THAT IS, "PREVENTING AND HINDERING"
THE PETITIONER FROM RECEIVING FULL, FAIR, IMPARTIAL
HEARINGS, AND THE FULL, FAIR, IMPARTIAL ADMINISTRATION
OF JUSTICE, ENCLOSED IN THE ATTACHMENTS IS EVIDENCE OF
COURT ORDERS, WHICH IS EVIDENCE WHICH WOULD LEAD
A REASONABLE-PERSON TO BELIEVE HE WAS "PREVENTED"
AND "HINDERED" FROM "RECEIVING" A FULL, FAIR, IMPARTIAL
HEARING, AND THE FULL, FAIR, IMPARTIAL ADMINISTRATION
OF JUSTICE, "RESPONDENT JUDGES" ACTED ULTRA-VIRES
BEYOND THEIR LEGAL JURISDICTION, SEE, KALB V. LUCE, 291
AM. 841, 234, WISC. 509, POLLARD V. ALLEN, 466 U.S. 522
(1983).

LAW AND ARGUMENT

SEE SCHUEER V. RHODES, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) STATED "WHEN A STATE OFFICER ACTS UNDER A STATE LAW IN A MANNER VIOLATIVE OF THE FEDERAL CONSTITUTION, HE COMES INTO CONFLICT WITH THE SUPERIOR AUTHORITY OF THAT CONSTITUTION, AND HE IS IN THAT CASE STRIPPED OF HIS OFFICIAL OR REPRESENTATIVE CHARACTER" AND IS SUBJECTED IN HIS PERSON TO THE CONSEQUENCES OF HIS INDIVIDUAL CONDUCT. THE STATE HAS NO POWER TO IMPART TO HIM ANY IMMUNITY FROM RESPONSIBILITY TO THE SUPREME AUTHORITY OF THE UNITED STATES. BY LAW A JUDGE IS A STATE OFFICER. THE JUDGE THEN ACTS NOT AS A JUDGE, BUT AS A PRIVATE INDIVIDUAL. SEE YATES V. Village of WATFORD ESTATES, ILLINOIS, 209 F.Supp. 757 (N.D. ILL. 1962) "NOT EVERY ACTION BY A JUDGE IS IN EXERCISE OF HIS JUDICIAL FUNCTION... IT IS NOT A JUDICIAL FUNCTION FOR A JUDGE TO COMMIT AN 'INTENTIONAL TORT' EVEN THOUGH THE 'TORT' OCCURS IN THE COURTHOUSE." WHEN A JUDGE ACTS AS A TRESPASSER OF THE LAW, WHEN A JUDGE DOES NOT FOLLOW THE LAW, THE JUDGE LOSES SUBSTANTIAL JURISDICTION, AND THE JUDGE'S ORDERS ARE VOID, OF NO LEGAL FORCE OR EFFECT. SEE, U.S.C.A. CONST. ART. VI CL. 2) SUPREME LAW OF THE LAND...

LAW AND ARGUMENT

"THIS CONSTITUTION, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF; AND ALL TREATIES MADE, OR WHICH SHALL BE MADE, UNDER THE AUTHORITY OF THE UNITED STATES, SHALL BE THE SUPREME LAW OF THE LAND;" AND THE JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, ANY THING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING. SEE U.S.L.A. ART. VI CL. 3 OATH OF OFFICE, "THE SENATORS AND REPRESENTATIVES BEFORE MENTIONED, AND THE MEMBERS OF THE SEVERAL STATE LEGISLATURES," AND ALL EXECUTIVE AND JUDICIAL OFFICERS, BOTH OF THE UNITED STATES, AND OF THE SEVERAL STATES, SHALL BE BOUND BY OATH OR AFFIRMATION TO SUPPORT THIS CONSTITUTION... SEE A.R.S. CONST. ART. 2 § 3 SECTION 3.(A) "THE CONSTITUTION OF THE UNITED STATES IS THE SUPREME LAW OF THE LAND TO WHICH ANY GOVERNMENT, STATE AND FEDERAL IS SUBJECT." SEE STATE V. BAYERS, 207 ARIZ. 314, 4.4, 86 P.3D 370, 374 M.4 (2004) "THE COURTS OF THIS STATE ARE BOUND BY THE DECISIONS OF THE ARIZONA SUPREME COURT AND DO NOT HAVE THE AUTHORITY TO MODIFY OR DISREGARD ITS RULINGS." STATE V. SHERILL, 98 ARIZ. 46, 52, 402 P.2D. 1, 5 (1965) "STATE COURTS BOUND BY DECISIONS OF UNITED STATES SUPREME COURT" INTERPRETING FEDERAL CONSTITUTION, SEE A.R.B. CONST. ARTICLE 4 § 38, 231... OATH OR AFFIRMATION OF OFFICE...

LAW AND ARGUMENT

BECAUSE, THE PETITIONERS' AUTONOMY, NOT COUNSEL COMPETENCE,
IS IN ISSUE, WE DO NOT APPLY OUR INEFFECTIVE -
ASSISTANCE - OF - COUNSEL JURISPRUDENCE, SPRINGLAND V.

WASHINGTON, 466 U.S. 668 (1984), OR UNITED STATES V.
CRANE, 466 U.S. 648 (1984), TO THE PETITIONERS CLAIM!

THE VIOLATION OF THE PETITIONERS' CONSTITUTIONALLY
PROTECTED AUTONOMY RIGHT WAS COMPLETE UNDER THE
COURT OF APPEALS, SOME OF ARIZONA - ALLOWED, A
COURT APPOINTED ATTORNEY, MS JANELLE MC KENZIE,
TO USURP CONTROL OF AN LEGAL ISSUE, AND
PERSONAL LEGAL DECISIONS WITHIN PETITIONERS

SOLE - PREROGATIVE. VIOLATION OF THE PETITIONERS' SIXTH
AMENDMENT SECURED AUTONOMY RATHER AS ERROR OF THE
KIND SUPREME COURT DECISIONS HAVE CALLED "STRUCTURAL";
UNDER PRESENT, SUCH AN ERROR, IS NOT SUBJECT TO

HARMLESS ERROR REVIEW. SEE. MC KASKIE, 465 U.S., AT
177, U.S. "HARMLESS - ERROR ANALYSIS IS INAPPLICABLE
TO "DEPRIVATIONS" OF THE SELF-REPRESENTATION RIGHT,
BECAUSE, THE RIGHT IS EITHER REPORTED OR DENIED";

IT'S DEPRIVATION CANNOT BE HARMLESS, UNITED STATES V.
CONZALEZ-LINEL, 548 U.S. 140, 150 (2006)

"CHOICE OF COUNSEL STRUCTURAL," SEE STATE V.

PRICKMAN, 148 ARIZ 499, 715 P.2D 752 (1986); FARETA
V. CALIFORNIA, 422 U.S. 806, 45 L.ED. 2D. 562 95 S.Ct.
2525 (1975). (PAGE 33)

LAW AND ARGUMENT

U.S. V. TREFT, 924 F.2D 979 (10th Cir. 1991);

VEGA V. JOHNSON, 149 F.3D 354 (5th Cir. 1998)

SEE LARRANCE V. BARILETT, 970 F.Supp. 102 (N.D.N.Y. 1997)

RANKIN V. HOWARD, 633 F.2D 844, pages 848-849

(9th Cir. 1980); IN RE MINSUP, 397 U.S. 358, 90 S.Ct.

1068, 25 L.ED. 2D 368 (1970); JACKSON V. VIRGINIA, 443

U.S. 307, 315, 99 S.Ct. 2701, 61 L.ED. 2D 560 (1979);

SEE CROCKER V. CALIFORNIA; 357 U.S. 433 2 L.ED. 2D

1448, 78 S.Ct. 1287 (1958) "AN ACCUSED HAS A RIGHT

TO SECURE COUNSEL OF HIS OWN CHOICE". SEE U.S.

V. BOJGERAIN, 1ST F.3D 1183 (10th Cir. 1998) "THE

AMERICAN BAR ASSOCIATION'S STANDARDS IS A GUIDE IN

DETERMINING REASONABLE PROFESSIONAL FEE"; SEE A.B.A.

MODEL RULE OF PROFESSIONAL CONDUCT 1.2(A) (2016) "A

LAWYER SHALL ABIDE BY A CLIENT'S DECISIONS CONCERNING

THE OBJECTIVES OF THE REPRESENTATION". UNITED STATES V.

GONZALEZ-LOPEZ, 548 U.S. 140, 150 (2006) "CHOICE OF

COUNSEL IS STRUCTURAL". SEE NOLAN V. STATE OF

ALABAMA, 294 U.S. 58, 55 S.Ct. 579, 79 L.ED. 1074

COURT MUST MAKE THEIR OWN EXAMINATION OF THE

RECORD". SEE DELAWARE V. VAN ARSDALL 475, U.S. 673,

681 (1986) 2D. (1264-65). SEE I.F. POLLACK & F.

MAITLAND, THE HISTORY OF ENGLISH LAW 211 (2D ED.

1909).

CONCLUSION

• WHEN THE RESPONDENT JUDGES - ALLOWED "COURT
APPOINTED COUNSEL, MS. JANELLE McENERY, USRP"
CONTROL OVER LEGAL ISSUES; PERSONAL LEGAL DECISIONS,
SUCH AS THE PETITIONER'S CONSTITUTIONALLY PROTECTED SECURED
AUTONOMY RIGHT TO SELF-REPRESENTATION; - CHOICE OF
COUNSEL, WHICH ARE WITHIN THE PETITIONER'S
SOLE-PREROGATIVE, A CONSTITUTIONAL VIOLATION WAS
COMPLETE WHILE ON DIRECT APPEAL, WHICH AS A
DIRECT RESULT, PREVENT THE RESPONDENT JUDGES, "FINED
TO EXERCISE DISCRETION, WHICH THE RESPONDENT JUDGES"
HAVE A DUTY TO EXERCISE, AND TO PERFORM A DUTY
REQUIRED BY LAW, THEN "CONTINUED" TO PROCEED
WITHIN OR IN EXCESS JURISDICTION, OR "LEGAL AUTHORITY"
WITH A DETERMINATION WHICH WAS "ARBITRARY" AND
"CAPRICIOUS", OR AN "ABUSE OF DISCRETION SUFFICIENT TO
WARRANT THE RELIEF REQUESTED. Subsequently,
ALSO RESULTING IN A "LACK OF JURISDICTION" A
"NON-JUDICIAL ACT OR FUNCTION" ... THE RESPONDENT
JUDGES VIOLATED THIS PETITIONER'S CONSTITUTIONALLY
PROTECTED AUTONOMY RIGHT TO SELF-REPRESENTATION; DE-
PROCESS OF LAW, EQUAL PROTECTION UNDER THE LAW,
WHILE UNDER COLOR OF LAW. AS CONTAINED IN
18 U.S.C. § 241; 18 U.S.C. § 242; 18 U.S.C. § 245
42 U.S.C. § 1983.

CONCLUSION

THE RESPONDENT JUDGES ALSO VIOLATED THEIR "OATH"
OR "AFFIRMATION OF OFFICE" TO A STATE AND
FEDERAL CONSTITUTION THEY ARE SWORN TO UPHOLD.
SEE U.S. CONST. ART. 4 § 38-231 "OATH OF OFFICE"
RESULTING IN A NON JUDICIAL ACT OR FUNCTION,
"INTENTIONAL JUDICIAL MISCONDUCT" ARTICLE 6, (I.J.M.)

ADDITIONALLY, MR. JANELLE MC CRAWLEY VIOLATED HER
"OATH OF ADMISSURE" TO A STATE AND FEDERAL
CONSTITUTION SHE IS ALSO SWORN TO UPHOLD. 18 U.S.C. § 241
CONVICTED "MISCONDUCT" IS A VIOLATION TO 42 E.R. 8.4, E.R.
1.2(A); A.B.A. MODEL RULE OF PROFESSIONAL CONDUCT
1.2(A) (2016), 42 E.R. 1.16(D) ...

MR. JANELLE MC CRAWLEY, ATTORNEY AT LAW, TAID IN FACT
VIOLATE MY FEDERALLY CONSTITUTIONALLY PROTECTED "SECURED"
AUTONOMY RIGHT TO "SELF-REPRESENTATION", "DE-PRIVES OF"
LAW, EQUAL PROTECTION UNDER THE LAW, WHILE
UNDER COLOR OF LAW. IT CONSTITUTES VIOLATION 18 U.S.C. § 241,
18 U.S.C. § 242, 18 U.S.C. § 245, 42 U.S.C. § 1983

CONCLUSION

INHERENT MS. JAVELLE MCLEOD, ATTORNEY AT LAW,
USURPED CONTROL OVER LEGAL ISSUES, PERSONAL LEGAL
DECISIONS, VIOLATING THE PETITIONER'S - SUE - PREROGATIVE,
THE CONSTITUTIONAL VIOLATION WAS COMPLETE, AMONG WITH
THE 42 U.S.C. RULES OF PROFESSIONAL CONDUCT VIOLATIONS
BEING COMMITTED AND A.B.A. MODEL RULE OF
PROFESSIONAL CONDUCT 1.2d (A) (2016).

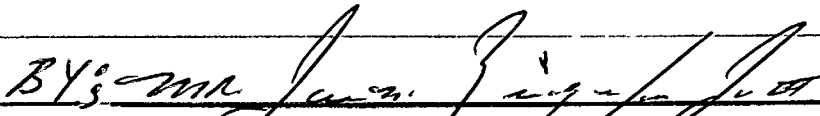
- HERE REQUEST TO THE (LAW ARGUMENT); REQUEST TO
GRANT THE RELIEF REQUEST, STATEMENT OF FACTS, STATEMENT OF
THE ISSUES, AND CONCLUSIONS, AND "ACCORDING TO LAW"
AMONG WITH ATTACHMENTS... THIS PETITIONER SHOULD BE
RELEASED FROM CUSTODY FOR CONSTITUTIONAL VIOLATIONS...

REQUEST FOR RELIEF

WHEREFORE, BASED UPON THE "CONSTITUTIONAL QUESTIONS,"
STATEMENT OF THE ISSUES, STATEMENT OF THE FACTS, LAW AND
ARGUMENT (REASONS TO GRANT THE PETITION), CONCLUSION, SUPPORTING
ATTACHMENTS, AND CASELAW "PROVING CONSTITUTIONAL
DEPRIVATIONS BY LAW, THIS PETITIONER,"

- MR. JAMES NORMAN ZIEGENFUSS, JR. IEB, 136479 A.D.O.C.
MOVES THIS COURT FOR A "REVERSAL AND DISCHARGE"
OF CR2015136002-001; 1-CA-CR-17-001; 1-CA-CR-19-0615 P.R.P.C.
WITH AN IMMEDIATE COURT ORDER FOR A "RELEASE"
FROM "LEGAL AUTHORITIES," ARIZONA STATE DEPARTMENT OF
CORRECTIONS, DUE TO STATE AND "FEDERAL" CONSTITUTIONAL
VIOLATIONS, DEPRIVATIONS, AND "STRUCTURAL ERROR."
(CHOICE OF COUNSEL IS STRUCTURAL) (U.S.C.A. SIXTH AMENDMENT.)

Respectfully Submitted THIS 9TH DAY OF September
in the Year of our Lord 2020.

BY: 
MR. JAMES NORMAN ZIEGENFUSS, JR. III
136479 A.D.O.C. ATTORNEY OF RECORD
ARIZONA STATE PRISON COMPLEX ELOY
RED ROCK CORRECTIONAL CENTER UC-01-LOWER
1752 EAST ARICA ROAD
ELOY, ARIZONA 85131