

20-5831

ORIGINAL

No. - \_\_\_\_\_

IN THE

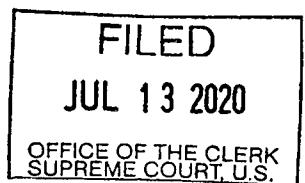
**SUPREME COURT OF THE UNITED STATES**

RAFAEL CEZAR DANAM 'Pro Se'—PETITIONER

Vs.

ARIZONA BOARD OF EDUCATION—RESPONDENT(S)

DIANE DOUGLASS, ET AL



ON PETITION FOR WRIT OF CERTIORARI TO  
COURT OF APPEALS-DIVISION ONE-STATE OF ARIZONA

**PETITION FOR WRIT OF CERTIORARI**

RAFAEL CEZAR DANAM

'PRO SE'

P.O. BOX 336707

NORTH LAS VEGAS, NEVADA 89033

(909) 297-9171 Cellular

Email: [rafaeldanam@gmail.com](mailto:rafaeldanam@gmail.com)

## I. QUESTIONS PRESENTED

---

### Question I

From the founding of the United States of America, the “inalienable” right of “Freedom of Speech” and the right of “Redress of Grievances” has been the foundational pillar of the First Amendment of the U.S. Constitution, where during the tumultuous plight of America’s founding, First President and Commander-in-Chief George Washington proclaimed:

If men are to be precluded from offering their sentiments on a matter which may involve the most serious and alarming consequences that can invite the consideration of mankind, reason is of no use to us; the freedom of speech may be taken away, and dumb and silent we may be led, like sheep to the slaughter.<sup>1</sup>

The “Stare Decisis” of the Supreme Court of the United States has ruled numerous times on the importance and vitality of “Freedom of Speech” and “Redress of Grievances” as a fundamental right of all-American citizens. The rulings and orders from the Appeals Court of Arizona, Superior Court of Arizona-Office of Judicial Hearings of Administrative Decisions and the Arizona Board of Education Administrative Hearing have violated a fundamental right that “Stare Decisis” affirms by authority as “Law of the Land” by the Supreme Court of the United States. Is the inferior, subordinate courts rulings and orders superior to the Supreme Court of the United States? As the great wisdom of the Bard proclaimed, “To be, or not to be? That is the question.”<sup>2</sup>

### Question II

The United States Bill of Rights are the monumental pillars on which the full scope of the U.S. Constitution is founded upon. Numerous Justices of the Supreme Court of the United States have specifically highlighted the paramount importance of the U.S. Bill of Rights. “For the Bill of Rights is the guardian of our society as well as our liberty.”<sup>3</sup> The Arizona Board of Education as both a State and Federal representative of education as authorized by both the U.S. Constitution and State of Arizona Constitution have placed themselves above the law and by injustice violated rights of law against Petitioner violating U.S. Amendments I, V, VI, VIII, XIV. By “Stare Decisis” of the Supreme Court of the United States, is the Arizona Board of Education superior to the Supreme Court of the United States?

“...Any state, any entity, any ideology which fails to recognize the worth, the dignity, the rights of Man...that state is obsolete. A case to be filed under “M” for “Mankind”-in the Twilight Zone.”<sup>4</sup>

---

<sup>1</sup> George Washington, Address to officers of the Army (15 March 1783).

<sup>2</sup> William Shakespeare, “Hamlet” Act III, Scene I

<sup>3</sup> John F. Kennedy, U.S. President “Response to questionnaire in Saturday Review, October 29, 1960”

<sup>4</sup> Rod Serling, “Twilight Zone: ‘The Obsolete Man’” Episode 65, Season 2, June 2, 1961.

## II. LIST OF PARTIES

---

The list of all parties do not appear in the caption of the case on the cover page. A list of all parties in the Matter of RAFAEL CEZAR DANAM vs. ARIZONA BOARD OF EDUCATION to the proceeding in the court whose judgment is the subject of this petition is as follows:

- 1.) Superintendent Diane Douglass
- 2.) Tim Carter, President
- 3.) Lucas J. Narducci, Vice President
- 4.) Dr. Rita H. Cheng, Member
- 5.) Dr. Daniel P. Corr, Member
- 6.) Michelle Kaye, Member
- 7.) Janice Mak, Member
- 8.) Calvin Baker, Member
- 9.) Chuck Schmidt, Member
- 10.) Jared Taylor, Member
- 11.) Patricia Welborn, Member
- 12.) Ms. Prudence Lee, Hearing Officer
- 13.) Dr. Melissa Sadorf, Member PPAC
- 14.) Mr. Jay Cryder, Member PPAC
- 15.) Ms. Bonnie Sneed, Member PPAC
- 16.) Mr. Claudio Coria, Member PPAC
- 17.) Garnett Winders, Chief Investigator
- 18.) David W. Spelich, Investigator III
- 19.) Alicia Williams, Executive Director

Counsels for Respondents Kim Anderson, Kara Klima, Asst. Attorney General

### III. RELATED CASES

---

*Arizona State Board of Education (AZSBE) vs. Rafael C. Danam*, AZSBE Admin. Case No.: C-2016- 585. Order entered October 23, 2017; Appeal rehearing denial order February 26, 2018

*Rafael Cezar Danam vs. Arizona Board of Education*, Maricopa County Superior Court Case No.: LC2018-00093-001. Judgement entered March 2, 2018

*Rafael Cezar Danam vs. Garnett Winders*, Maricopa County Superior Court Case No.: CV 2018-051493. Judgement entered

*Rafael Cezar Danam vs. Arizona Board of Education*, Court of Appeals- Division One Case No.: 1 CA-CV 18-0668. Judgement entered October 31, 2019; Finalized April 23, 2020.

*Rafael Cezar Danam vs. Arizona Board of Education*, Supreme Court Case No.: CV-19-0284. Denial of review entered April 23, 2020.

*Rafael Cezar Danam vs. Arizona Board of Education*, U.S. District Court of Arizona Case No.: CV-18-1493-PHX-DGC. Judgement entered May 30, 2019.

#### **In Conjunction to Violation of V Amendment of U.S. Constitution with Respondents**

*Rafael Cezar Danam vs. Elaine Kelley*, U.S. District Court of Nevada Case No.: 2:19-CV-01606-JAD-DJA. Judgement entered April 14, 2020.

*Rafael Cezar Danam vs. Elaine Kelley*, Supreme Court of the State of Nevada Case No.: PENDING

#### IV. TABLE OF CONTENTS

---

I.	Questions Presented.....	i
II.	List of Parties.....	ii
III.	Related Cases.....	iii
IV.	Table of Contents.....	iv
V.	Table of Authorities.....	v-x
VI.	Opinions Below.....	1
VII.	Jurisdiction.....	2
VIII.	Constitutional and Statutory Provisions Involved.....	3-4
IX.	Statement of the Case.....	5-18
X.	Reasons for Granting Petition.....	19-23
XI.	Conclusion.....	24-25
XII.	Index of Appendices	
a.	Appendix A: Decision of the Appeals Court of Arizona-Division One	
b.	Appendix B: Decision and Orders of Superior Court of Arizona	
c.	Appendix C: Decision and Orders of Arizona Board of Education	
d.	Appendix D: Review of litigation in the U.S. District Court of Arizona	
e.	Appendix E: Request for Review to Arizona Supreme Court	
f.	Appendix F: Arizona Supreme Court Denial Order	
XIII.	Proof of Service	

## V. TABLE OF AUTHORITIES

---

### CASES FEDERAL

#### Supreme Court of the United States (SCOTUS)

##### *Ableman v. Booth,*

62 U.S. 506 (1859).....5

##### *Agency for Int'l Dev. V. All. For Open Soc'y Int'l, Inc.,*

133 S. Ct. 2321, 2327 (2013), 547 U.S. at 61.....5

##### *Ashcroft v. Free Speech Coalition,*

535 U.S. 234 (2002).....5,7

##### *Board of Regents of State Colleges v. Roth,*

408 U.S. 564 (1972).....5

##### *Brown v. Board of Education of Topeka,*

347 U.S. 483 (1954).....5

##### *Caperton v. A.T. Massey Coal Co.,*

556 U.S. 868 (2009).....5

##### *Citizens United v. Federal Election Commission,*

558 U.S. 310 (2010).....5,7

##### *Cohens v. Virginia,*

19 U.S. 264 (1821).....5

##### *Connick, DA in and for The Parish of Orleans, Louisiana v. Myers,*

461 U.S. 138 (1983).....5,7

##### *Delaware v Van Arsdall,*

475 US 673 (1986).....5

##### *Elrod v. Burns,*

427 U.S. 347, 373 (1976).....5,7,9

##### *Emporium Capwell Co. v. Western Addition Community Organization,*

420 U.S. 50 (1975).....21

<i>Ex Parte Young,</i>	
209 U.S. 123, 28 s. ct. 441, 52 l. ed. 714 (1908).....	passim
<i>Givhan v. Western Line Consolidated School District,</i>	
439 U.S. 410 (1979).....	5
<i>Marbury v. Madison,</i>	
5 U.S. 137 (1803).....	passim
<i>Martin v. Hunter's Lessee,</i>	
14 U.S. 304 (1816).....	5
<i>McCray v. Illinois,</i>	
386 U.S. 300, 313–14 (1967).....	5
<i>Moore v. Dempsey,</i>	
261 U.S. 86 (1923).....	5
<i>Patton v State of Mississippi,</i>	
332 U.S. 463 (1947).....	5
<i>Pennsylvania v. Nelson,</i>	
350 U.S. 497 (1956).....	5
<i>Pickering v. Board of Education,</i>	
391 U.S. 563 (1968).....	passim
<i>Strickland v. Washington,</i>	
466 U.S. 668 (1984).....	5
<i>United States v Louisiana (Bush v Orleans Parish School Board),</i>	
364 U.S. 500 (1960).....	5
<i>United States v. Schooner Amistad,</i>	
40 U.S. (15 Pet.) 518 (1841) U.S. Lexis 279.....	9
<i>Washington v. Texas,</i>	
388 U.S. 14 (1967).....	8,18

<i>Wieman v. Updegraff,</i>	
344 U. S. 183 (1952).....	5
<b>2<sup>nd</sup> Circuit U.S. Court</b>	
<i>United States v. Green,</i>	
No. 16-3044 (2d Cir. 2018).....	22
<b>9<sup>th</sup> Circuit U.S. Court</b>	
<i>Estate of Conners v. O'Connor,</i>	
846 F.2d 1205, 1208 (9 <sup>th</sup> Cir.1988).....	5
<i>Fargo v. City of San Juan Bautista,</i>	
857 F.2d 638, 641 (9 <sup>th</sup> Cir.1988).....	5
<i>Grossman v. City of Portland</i>	
33 F.3d 1200, 1208 (9 <sup>th</sup> Cir.1994).....	5
<i>Houghton v. South,</i>	
965 F.2d 1532, 1536 (9 <sup>th</sup> Cir.1992).....	5
<i>Neely v. Feinstein,</i>	
50 F.3d 1502, 1507 (9 <sup>th</sup> Cir. 1995).....	5
<i>Sweaney v. Ada County,</i>	
119 F.3d 1385, 1388 (9 <sup>th</sup> Cir.1997).....	5
*** <i>Emmett Louis Till v. State of Mississippi</i> , Department of Justice 2018	
<b>CASES STATE OF ARIZONA</b>	
<i>Arizona Dep't of Corr. V. State Pers. Bd.,</i>	
202 Ariz. 598, 600; P.3d 1208, 1210 (App. 2002).....	5
<i>Coleman v. City of Mesa,</i>	
230 Ariz. 352, 361 n.5 (2012) .....	5
<i>Indian Oasis Sch. Dist. V. Zambrano,</i>	
526 P.2d 408, 1974 Ariz. App. LEXIS 448, 22 Ariz. App. 201.....	5

<i>Governing Bd. Of Sanders Unified Sch. Dist. No. 18 v. Superior Court,</i>	
1992 Ariz. App. LEXIS 311, 127 Ariz. Adv. Rep. 11, 1992 WL 347154.....	5
<i>Guirey, Srnka Arnold, Architects v. City of Phoenix,</i>	
9 Ariz. App 70, 449 P2d 306 (1969).....	5
<i>Lewis v. Ariz. State Pers. Bd.,</i>	
240 Ariz. 330, 379 P.3d 227, 2016 Ariz. App. LEXIS 166, 742 Ariz. Adv.	
Rep. 14.....	5
<i>Pavlik v. Chinle Unified Sch. Dist. No. 24,</i>	
195 Ariz. 148, 985 P.2d 633, 1999 Ariz. App. LEXIS 31, 290 Ariz. Adv.	
Rep. 42.....	5
<i>Schmitz v. Aston, Aston,</i>	
197 Ariz. 264, 3 P. 3d 1184 (Ariz. App. Div. 2000).....	5
<i>Shelby Sch. V. Ariz. State Bd. Of Educ.,</i>	
192 Ariz. 156, 962 P.2d 230, 1998 Ariz. App. LEXIS 104, 271 Ariz. Adv.	
Rep. 13.....	5
<i>Siglin v. Kayenta Unified Sch. Dist.,</i>	
134 Ariz. 233, 655 P.2d 353, 1982 Ariz. App. LEXIS 571.....	5
<i>State v. Ferrari,</i>	
112 Ariz. 324, 334 (1975).....	5
<i>Tovrea Land and Cattle Company v. Linsenmayer,</i>	
100 Ariz. 107, 412 P2d 47 (1966).....	5
<i>Tucson Sch. Dist. V. Soder,</i>	
437 P.2d 996, 1968 Ariz. App. LEXIS 362, 7 Ariz. App. 244.....	5
<i>Volk v. Hon. Brame/Alvrus, Court of Appeals Division One, Special Appeals Case No. 1 CA-SA 14-0079, August 28, 2014.....</i>	5

*Winters v. Ariz. Bd. Of Educ.*,

207 Ariz. 173, 83 P.3d 1114, 2004 Ariz. App. LEXIS 25, 419 Ariz. Adv.

Rep. 25.....5

**CODES AND STATUTES**

Preamble to U.S. Declaration of Independence.....	8
United States Constitution, Article VI, Clause 2.....	passim
U.S. Cont. Amendments I, V, VI, VIII, XIV.....	passim
Federalist 78, 79.....	24
<b>Federal Statutes</b>	
5 U.S.C. § 3331.....	6
28 U.S. Code § 453.....	6
28 U.S.C. § 1654.....	5
28 U.S.C. § 4101.....	5
42 U.S.C. § 1983.....	passim

**State of Arizona**

Arizona Constitution	
Article 2 § 3, 4, 5, 6 and 32.....	6
Article 6 § 26.....	20
State Statutes	
A.R.S. § 12-02.....	6
A.R.S. § 12-120.21.....	6
A.R.S. § 12-541.....	6
A.R.S. § 12-820.02.....	6
A.R.S. § 12-904.....	6
A.R.S. § 12-910(E).....	6

A.R.S. § 12-911 (B).....	6
A.R.S. § 12-913.....	6
A.R.S. § 12-2101.....	6
A.R.S. § 15-203 (A) (20).....	6
A.R.S. § 15-203 41 (B) (2).....	6
A.R.S. § 38-231.....	6
Arizona Administrative Code (ACC) §R7-2-709(B).....	6
Oath of Office, U.S. Commissioned Officers Title 5, United States Code, § 3331.....	23
Oath of Enlistment, U.S. Armed Services, 10 U.S.C. § 502.....	23

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

[X] 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 D to  
the petition and is

[X] reported at U.S. District Court of Arizona-Phoenix; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

[X] 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

[X] reported at Appeals Court of Arizona-Division One ; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

The opinion of the court

appears at Appendix B, C to the petition and is

[X ] reported at Superior Court of Arizona, Arizona Department of Education ; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

## VII. JURISDICTION

---

Petitioner has properly filed in accordance with Supreme Court of the United States Rule 13 §1, 90-days within entry of judgment by Appeals Court of Arizona-Division One on April 23, 2020 which Arizona Supreme Court denied review with expiration of filing date on July 22, 2020. By order of Court Clerk of the Supreme Court corrections to petition are due 60 days from date of August 17, 2020 due October 16, 2020.

[X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case  
is N/A.

[X] 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: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[X] For cases from state courts:

The date on which the highest state court decided my case was April 23, 2020.

A copy of that decision appears at Appendix F.

[X] A timely petition for rehearing was thereafter denied on the following date: April 23, 2020, and a copy of the order denying rehearing, appears at Appendix A.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## VIII. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

---

Preamble to the U.S. Declaration of Independence:

... We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of happiness.— That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed...

U.S. Constitution, Article IV, Section 2, (Sentence 1):

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States...

U.S. Constitution, Article VI:

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.

U.S. First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Fifth Amendment:

... nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law...

U.S. Sixth Amendment:

... the accused shall enjoy the right to a speedy and public trial, by an impartial

jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor...

U.S. Eighth Amendment:

... nor cruel and unusual punishments inflicted.

U.S. Fourteenth Amendment, Section I:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## IX. STATEMENT OF THE CASE

---

From the beginning “ab initio” Petitioner, RAFAEL CEZAR DANAM, as ‘Pro Se’ by 28 U.S.C. § 1654, has suffered numerous violations of U.S. Constitution and Arizona Constitution Laws and Rights that Petitioner presents “a fortiori” of reason for granting of petition for certiorari. Petitioner presents in the “letter and spirit” of Whistleblower Protection Act of 1989, 5 U.S.C. 2302(b)(8)- (9) in jurisdictional agreement with Arizona Employment Protection Act (AEPA) A.R.S. § 23-1501, in violation of 42 U.S.C. 1983 of U.S. Constitution Amendments I, V, VI, VIII, XIV, Preamble of the U.S. Declaration of Independence and U.S. Constitution Article VI; *Pickering v. Board of Education*, 391 U.S. 563 (1968); cf. *Marbury v. Madison*, 5 U.S. 137 (1803), *McCulloch v. Maryland* 17 U.S. 316 (1819), *Worcester v. Georgia* 31 U.S. 515 (1832), *Ableman v. Booth* 62 U.S. 506 (1858), *Pennsylvania v. Nelson* 350 U.S. 497 (1956), *Printz v. United States* 521 U.S. 898 (1997); [Table of Authorities], the foundational right of as a citizen for violations of constitutional rights perpetrated by Respondents. Founding Father, Alexander Hamilton, in the U.S. Federalists Papers, addresses the authority of the Justices of the Supreme Court of the United States in Federalist 78 and 79, to scrutinize abuse and violations of the U.S. Constitution as affirmed by the declaration of JUSTICE HARLAN in *Ex Parte Young*, 28 S. Ct. 441, 209 U.S. 123 (1908) [ 209 U.S. Pages 176-177]:

...If they fail therein, and withhold or deny rights, privileges, or immunities secured by the Constitution and laws of the United States, the party aggrieved may bring the case from the highest court of the State in which the question could be decided to this court for final and conclusive determination. *Robb v. Connolly*, 111 U.S. 624, 637.

This petition for granting certiorari comes from denial of review by the Arizona Supreme Court from the Court of Appeals-Division One, Case No. 1 CA-CV 18-0668 under the jurisdiction of Honorable Judicial Officers; Hon. Kenton D. Jones, Hon. Diane M. Johnsen and Hon. James B. Morse Jr. whom have unanimously “AFFIRMED” Petitioner’s Appeal from Superior Court of Administrative Office of Appeals “ORDER” by Hon. Judge Patricia Ann Starr in LC Case No. LC2018-00093-001 affirming decision and order of the Arizona Board of Education (ABOE) Defendants administrative issuance order in ABOE Case No. C-2016-585 “Revoking Substitute License and Notifying All States and Territories.” Respondents all of whom have obligation to Oath to the U.S. Constitution by authority of 5 U.S.C. § 3331, 28 U.S. Code § 453, and failure to execute standards of A.R.S. § 12-102, A.R.S. § 12-120.21, A.R.S. § 12-541, A.R.S. §12-820.02, … Arizona Administrative Code (ACC) §R7-2-709(B) have failed the foundation of the U.S. Constitution against Petitioner. Petitioner clearly provided inference of “Freedom of Speech” from JUSTICE MARSHALL opinion of SCOTUS on *Pickering v. Board of Education*, 391 U.S. 563(1968) in official correspondence to the Board for Bullhead City Unified School District against original Defendants Martin Muecke-Principal and Benji Hookstra-Asst. Superintendent, whom Respondents contorted the essence of truth arbitrarily against Petitioner for Respondents end means of administrative order affirmed by judicial officers:

The public interest in having free and unhindered debate on matters of public importance --the core value of the Free Speech Clause of the First Amendment -- is so great that it has been held that a State cannot authorize the recovery of damages by a public official for defamatory statements directed at him except when such statements are shown to have been made either with knowledge of their falsity or with reckless disregard for their truth or falsity. *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). It is therefore perfectly clear that, were appellant a member of the general public, the State's power to afford the appellee

Board of Education or its members any legal right to sue him for writing the letter at issue here would be limited by the requirement that the letter be judged by the standard laid down in *New York Times*. This Court has also indicated that statements by public officials on matters of public concern must be accorded First Amendment protection despite the fact that the statements are directed at their nominal superiors.

Furthermore, the “freedom of speech on subjects of public concern” in dissenting opinions of JUSTICE BRENNAN, JUSTICE MARSHALL, JUSTICE BLACKMUN, and JUSTICE STEVENS in *Connick, District Attorney in and for The Parish of Orleans, Louisiana v. Myers* 461 U.S. 138 (1983) provide further inference for cause of the Petitioner expressing public opinions important to parents and public officials within community:

The Court’s decision today inevitably will deter public employees from making critical statements about the manner in which government agencies are operated for fear that doing so will provoke their dismissal. As a result, the public will be deprived of valuable information with which to evaluate the performance of elected officials. Because protecting the dissemination of such information is an essential function of the First Amendment, I dissent.

JUSTICE KENNEDY in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), cf. *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002), emphasized the paramount importance of “Freedom of Speech”

Speech is an essential mechanism of democracy, for it is the means to hold officials accountable to the people. [...] The right of citizens to inquire, to hear, to speak, and to use information to reach consensus is a precondition to enlightened self-government and a necessary means to protect it. [...] By taking the right to speak from some and giving it to others, the Government deprives the disadvantaged person or class of the right to use speech to strive to establish worth, standing, and respect for the speaker’s voice. The Government may not by these means deprive the public of the right and privilege to determine for itself what speech and speakers are worthy of consideration. The First Amendment protects speech and speaker, and the ideas that flow from each.

CHIEF JUSTICE WILLIAM REHNQUIST spoke clearly of the fact that

administrative/judicial error is evident and present in decisions that can significantly affect and harm litigants (Petitioner) in *Herrera v. Collins*, 506 U.S. 390 (1993): “**It is an unalterable fact that our judicial system, like the human beings who administer it, is fallible.**” Petitioner seeks to expose violations of “Due Process” guaranteed by Amendments V, XIV of U.S. Constitution, and Arizona Constitution Article 2 § 4. Respondents issued an administrative order, with affirming order of judicial officers from the Arizona Superior Court and Arizona Court of Appeals Division One that directly violated right to present by Petitioner evidence and witnesses to expose perjury of witness and false evidence against Petitioner, *Washington v. Texas*, 388 U.S. 14 (1967). In *Napue v. Illinois*, 360 U.S. 264 (1959) (“a State may not knowingly use false evidence”) and *United States v. Agurs*, 427 U.S. 97, 104 (1976) (the government’s knowing use of false factual assertions “involve[s] a corruption of the truth seeking function of the” Courts) and *Miller v. Pate*, 386 U.S. 1, 7 (1967) (“the Fourteenth Amendment cannot tolerate a state [court determination; administrative and judicial] obtained by the knowing use of false evidence”) was specifically decided that state court Judges are forbidden from Lying.”

Appendix E, Petition for Review to the Arizona Supreme Court highlights and summarizes all matters of law violations by authority of the U.S. Constitution, “Stare Decisis” of the Supreme Court of the United States (SCOTUS), Arizona Constitution and statutory laws of U.S. Federal and State of Arizona governments. Further, direct inference to Respondents constant violations against Petitioner of the U.S. Constitution and Arizona Constitution represent severe acts of injustices directly disdained of by the U.S. Declaration of Independence, “**In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury...They too have been**

**deaf to the voice of justice..." JUSTICE BRENNAN in *Elrod v. Burns*, 427 U.S. 347 (1976):**

...may not deny a benefit to a person on a basis that infringes his constitutionally protected interests, especially his interest in freedom of speech. For if the government could deny a benefit to a person because of his constitutionally protected speech or associations, his exercise of those freedoms would, in effect, be penalized and inhibited. This would allow the government to 'produce a result which [it] could not command directly.' *Speiser v. Randall*, 357 U. S. 513,357 U. S. 526. Such interference with constitutional rights is impermissible. (408 U.S. at 408 U. S. 597)

A thorough scrutinization of the chronology of this petition will prove severe violations of the U.S. Constitution by Respondents against Petitioner with particular judicial error that has continued the violations of constitutional rights of Petitioner, "Our system presumes that there are certain principles that are more important than the temper of the times. And you must have a judge who is detached, who is independent, who is fair, who is committed only to those principles, and not public pressures of other sort."<sup>5</sup>

In light of *United States v. Schooner Amistad*, 40 U.S. (15 Pet.) 518 (1841) U.S. Lexis 279, whom Sixth President John Quincy Adams argued case before the SCOTUS who argued important facts relevant to this Petition, in that official judicial and administrative orders faltered in erroneous and "unconstitutional" affirmation orders:

...among all the persons concerned in this business, as to have perverted their minds with regard to all the most sacred principles of law and right, on which the liberties of the United States are founded; and a course was pursued, from the beginning to the end, which was not only an outrage upon the persons whose lives and liberties were at stake, but hostile to the power and independence of the judiciary itself.

The "eternal principles of justice" affirmed by CHIEF JUSTICE STORY in *United States*

---

<sup>5</sup> Justice Anthony Kennedy; Interview: Justices Stephen Breyer and Anthony Kennedy (1999-11-23). Retrieved on 2006-11-26. (Interviewed by Bill Moyers for the Frontline documentary "Justice for Sale").

*v. Schooner Amistad*, affirm the solemn right of the U.S. Constitution which Respondents have directly violated against Petitioner. Petitioner presents Statement of the Case before the SUPREME COURT OF THE UNITED STATES for Writ of Certiorari. The Providence of God has been violated by Respondents, as President John F. Kennedy proclaimed the origins of the rights of mankind, “**the belief that the rights of man come not from the generosity of the state, but from the hand of God.**”<sup>6</sup> For the violations of the U.S. Constitution by Respondents are “ripe” for the supreme authority of the SUPREME COURT OF THE UNITED STATES with full assurance that the “Supreme Judge of the world” will ensure what President Abraham Lincoln proclaimed, “the judgements of the Lord, are true and righteous altogether.”<sup>7</sup> These violations by Respondents against Petitioner are direct violations of the premise and purpose of then Associate Justice Joseph Story’s “Commentaries on the Constitution of the United States” (1833); Book III The Constitution of the United States, which Respondents have failed in their public capacities:

The state governments have no right to assume, that the power is more safe or more useful with them, than with the general government; that they have a higher capacity and a more honest desire to preserve the rights and liberties of the people, than the general government; that there is no danger in trusting them; but that all the peril and all the oppression impend on the other side. The people have not so said, or thought; and they have the exclusive right to judge for themselves on the subject. They avow, that the constitution of the United States was adopted by them, “in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity.” (Book III, 398 § 415)

For these reasons further elaborated from decision of the Arizona Appeals Court Division One should this Writ Certiorari be granted.

---

<sup>6</sup> John F. Kennedy, U.S. President, Inaugural Address, January 20, 1961,

<sup>7</sup> Abraham Lincoln, U.S. President, 2<sup>nd</sup> Inaugural Address, April 10, 1865,

PETITIONER'S STATEMENT FROM APPEALS COURT OF ARIZONA-DIVISION ONE

Section: Facts and Procedural Background, ¶2-11, pgs. 2-5. Filed 10-31-2019;

¶2: According to the record before the Board, Danam obtained a substitute teaching certificate and in August 2016, was working as a long-term substitute fourth-grade teacher at Diamondback Elementary School ("Diamondback") in the Bullhead Elementary School District. Danam did not have a contract for the school year, but rather worked on a "day-by-day basis." A month into the school year, the principal met with Danam outside his classroom and notified him that his substitute teaching assignment was ending and that a fully certified teacher would be returning to the school to replace him. (pg. 2)

---

(1) Petitioner, Rafael Cezar Danam, provided 2-documents as evidence that Principal Martin Muecke directly addressed to 1.) Grand Canyon University-College of Education and 2.) Troops-to-Teachers (TTT)/Defense Activity for Non-Traditional Education Support (DANTES) authorized by Department of Defense (DoD) Vocational Education Program (VolEd); stating my direct and specific position as 4<sup>th</sup> Grade Teacher for record for 2016-2017 Academic Year. These documents were originally submitted to Respondent's Investigation Unit and subsequently not presented during first Professional Practices Advisory Board (PPAC) hearing. In addition, Petitioner provided to Respondents an extensive list of witnesses, of whom not one was ever officially interviewed by Respondents for accuracy of information pertaining to case during hearing and conclusion of administrative process. The Respondents as Arizona Board of Education denied rehearing to review all documents submitted and list of witnesses presented by Petitioner. Hon. Patricia Ann Starr denied request for witness and evidence list for review by Superior Court of Arizona. The Arizona Supreme Court denied review of Arizona

---

Court of Appeals-Division One with request for evidence and witnesses for review.

---

a. Violations of Law by Respondents against Petitioner:

---

- i. V Amendment U.S. Constitution
- ii. Arizona Constitution, Article II, Section 2.1, Section 24, Section 32
- iii. Arizona Revised Statutes (ARS) Title 12, Chapter 13, Articles 1, 2, 6
- iv. Arizona Rules of Civil Procedure, Section VI, Rule 45
- v. Arizona Rules of Evidence, Article VI.
- vi. ACC R7-2-205 "Hearings and Evidence" R7-2-714 "Testimony of Pupils" R7-2-715 "Evidence"

---

(2) Respondents direct violation of "Stare Decisis" in denying Petitioner both evidence and witnesses is directly contrary to *Washington v. Texas*, 388 U.S. 14 (1967), where the SUPREME COURT OF THE UNITED STATES held that the right to obtain and produce "witnesses in his favor" is a right established by XIV Amendment. Clearly all persons within scope of Respondents as direct members of administrative or executive public position and/or judicial have violated the "held" opinion further validating that Respondents as "the State arbitrarily denied petitioner the right to have material testimony for him of a witness concerning events which that witness observed, and thus denied him the right to have compulsory process of obtaining witnesses in his favor."(Pp. 338 U.S. 19-23). Respondents violations of 42 U.S.C. § 1983 in violation against Petitioner by law and statutes of V Amendment U.S. Constitution; Arizona Constitution, Article II, Section 2.1, Section 24, Section 32; Arizona Revised Statutes (ARS) Title 12,

Chapter 13, Articles 1, 2, 6; Arizona Rules of Civil Procedure, Section VI, Rule 45; Arizona Rules of Evidence, Article VI; ACC R7-2-205 "Hearings and Evidence" R7-2-714 "Testimony of Pupils" R7-2-715 "Evidence" is a clear violation of 42 U.S.C. § 1983.

---

¶3: Immediately after the meeting, Danam asked an instructional aide to accompany him back to his classroom and be "a witness"; inside the classroom, Danam told his students "he would no longer be their teacher" and was "being asked to leave." As he spoke to the students, Danam became emotional and told them to "go home and tell your parents what [the principal] and the School Board is doing to me." This upset the students, some of whom became "very distraught" and began crying. The principal eventually arrived, calmed the students and sent Danam home (Pg. 2)

---

(1) Petitioner directly and specifically provided affidavit of former student who testified that I did not make the statement, "go home and tell your parents what [the principal] and the School Board is doing to me." Petitioner confronted this testimony as false and perjured testimony by witness during the PPAC hearing proceedings by Respondents. Petitioner provided list of witnesses from original class that would provide further evidence that statement is absolutely false in addition to "Class Dojo" email sent to all parents summarizing what had occurred with Principal Martin Muecke that was provided as evidence. The records of the ABOE as Respondents, counsel for Respondents from Assistant District Attorneys, judicial officers of the Superior Court and Appeals Court of Arizona-Division One all unanimously provided false and perjured testimony to the case records. This false statement is proven for its fallacy because the fact that Petitioner never contacted the School Board until days after incident occurred

(2) Petitioner both witnessed the severe crying and expressions of sadness throughout the four 4<sup>th</sup> grades classes (approximately 100+ students) and numerous classes outside

---

during break to eventually permeate the entire Diamondback Elementary school (approximately 600+ students), and was directly contacted by numerous assigned parents of 4<sup>th</sup> grade class and numerous parents from Diamondback Elementary School, as well as students directly, that stated that virtually the entire school displayed expressions of crying, depression and remorse from my removal from my class and Diamondback Elementary School. Petitioner also provided affidavits stating the Principal Martin Muecke did not provide consoling to all four classes of 4<sup>th</sup> grade, but actually exhibited frustration and high voice tones of attempting to quiet distraught 4<sup>th</sup> grade students of all classes, that exhibited yelling and opposite of calmness.

---

a. Violations of Law by Respondents against Petitioner: *United States v. Dunnigan*,

507 U.S. 87 (1993). "testifying under oath or affirmation violates this section if she gives false testimony concerning a material matter with the willful intent to provide false testimony, rather than as a result of confusion, mistake, or faulty memory."

---

i. 18 U.S. Code § 1621

ii. A.R.S. § 13-2702

iii. Arizona Rules of Evidence R-20-0029

---

¶5: Danam also mailed a lengthy compilation of documents to the superintendent, with copies to the school board, other school administrators, parents, the Board, the mayor of Bullhead City and other municipal officials. The packet of documents purported to seek "Authorized & Sanctioned Board Review for Wrongful Termination" and to constitute "Official Notice of Pending Litigation & Preparation for Civil Proceedings, Notification of Multiple Federal & State Laws, Statutes and Regulations Violations." One page of the packet was directed to the principal and assistant superintendent. In it, Danam asserted that the "current circumstances" were the "direct consequence of" actions by the principal and assistant superintendent and asserted, "Whoever sows injustice reaps calamity," "Be assured that exact and precise justice will be manifested," and "You will not escape the consequences." Another document he later faxed to the school read

"Justice, Vindication & Vengeance" and "Vengeance is MINE, I will repay." This last document prompted the principal to obtain an injunction against workplace harassment against Danam. (Pg. 3)

---

(1) Petitioner presented this document 09/23/2016 after initial incident to the BCESD Board and followed up with revised document 09/24/2016 after incident on 09/21/2016. This document is a detailed summary of all pertinent facts, information and references presented to BCESD Board, Superintendent Riley Frei, Bullhead City Mayor Tom Brady, Parents and Teachers/Staff. This document also proves perjury and false statement made by witness against me, Ms. Laura Kapusta, as I directly and specifically addressed only adult persons from conflicts arising between myself Petitioner and Principal-Martin Muecke (original Defendant) to Parents directly and not my Students. This document was and is in direct compliance with right of "Freedom of Speech" and "Redress of Grievances" in First Amendment of Constitution, in addition to Arizona Constitution Article 2, Section 6, as well as Arizona Education Association's Freedom of Speech for School Employees (2016), as well as the U.S. Declaration of Independence. The injunction order was meant as temporary by Magistrate Peter Psareas while awaiting outcome of ABOE as Respondents, which original Respondent/Defendant Principal Martin Muecke falsely filed violation complaint which the City Attorney's Office validated was a false filing against Petitioner.

(2) Specific to the communication titled "Authorized & Sanctioned Board Review for Wrongful Termination" and to constitute "Official Notice of Pending Litigation & Preparation for Civil Proceedings, Notification of Multiple Federal & State Laws, Statutes and Regulations Violations."; this communication has numerous American

---

---

historical references to the U.S. Constitution and American history as chronicled in the U.S. Library of Congress. In addition, the antiquity writing defiance of Martin Luther and the American defiance of Dr. Martin Luther King, Jr. are specific inferences and references to the “spirit and letter” of communication which is authorized and sanctioned under First Amendment of the U.S. Constitution. *Pickering v. Board of Education*, 391 U.S. 563 (1968), in particular in “Freedom of Speech” to “Redress Grievances.”

---

a. Violations of Law by Respondents against Petitioner: *Pickering v. Board of Education*, 391 U.S. 563 (1968) “Appellant's statements which were false likewise concerned issues then currently the subject of public attention and were neither shown nor could be presumed to have interfered with appellant's performance of his teaching duties or the schools' general operation. They were thus entitled to the same protection as if they had been made by a member of the general public, and, absent proof that those false statements were knowingly or recklessly made, did not justify the Board in dismissing appellant from public employment. *New York Times Co. v. Sullivan*, 376 U. S. 254 (1964). Pp. 391 U. S. 570-575.

---

i. First Amendment U.S. Constitution

ii. Arizona Constitution, Article 2 Section 6

---

¶8 The Board's Professional Practices Advisory Committee ("Committee") conducted a hearing on the Board's complaint. In the hearing, Danam was permitted to testify, call and cross-examine witnesses and offer documents in evidence. After the hearing, the Committee concluded Danam

engaged in three types of unprofessional conduct: (1) he failed to "make reasonable efforts to [protect] pupils from conditions harmful to learning, health, or safety," Arizona Administrative Code ("A.A.C.") R7-2-1308(A)(1); (2) he "[f]alsif[ied] or misrepresent[ed] documents, records, or facts related to professional qualifications or educational history or character," A.A.C. R7-2-1308(B)(6); and (3) he "[e]ngag[ed] in conduct which would discredit the teaching profession," A.A.C. R7-2-1308(B)(15).<sup>1</sup> The Committee recommended the Board discipline Danam by revoking his teaching certificates and informing "all states and territories" of the revocation.

¶9 The Board adopted the Committee's findings of fact with minor changes, adopted the Committee's conclusions of law, and ordered Danam's teaching certificates revoked and that other states and territories be notified of the revocation. Danam filed a motion for rehearing; the Board denied it, concluding he failed to establish any grounds for a rehearing as required by A.A.C. R7-2-709(B).

¶10 Danam filed a notice of appeal to the superior court, then, 55 days later, filed in that court a "Motion for New Evidence and Witnesses for Judicial Review of Administrative Decision." The superior court treated Danam's filing as a motion for an evidentiary hearing and denied it.

¶11 The superior court then affirmed the Board's decision. It concluded (1) the Board did not violate Danam's right to due process or his right to free speech, (2) the Board's decision was not arbitrary, capricious or an abuse of discretion, (3) substantial evidence supported the Board's decision and (4) the Board properly denied Danam's motion for rehearing. (Pg. 4)

---

(1) Petitioner presented in original procedure of Professional Practices Advisory Committee (PPAC) two key documents as evidence verifying and validating Petitioner was contracted for 2016-2017 by Principal Martin Muecke. In addition, a list of witnesses of (76) witnesses for original Respondent's Board meeting PPAC in their official capacity whom had (6) witnesses for Respondents, with one witness committing perjury. Key witnesses would validate cause of Petitioner with overwhelming preponderance of evidence against original Defendants/Respondents Principal Martin Muecke and Asst. Superintendent only Benji Hookstra. Petitioner filed to Respondents as ABOE in their official capacity a Rehearing Request with (113) witnesses. Basic fundamental standards of U.S. Department of Education's Common Core Standards in math utilizing the skill of number comparison indicates clear ignorance of Respondents in comparing their (6) witnesses to Petitioner's (113)

witnesses. Petitioner properly filed “Motion for New Evidence and Witnesses” to both the Superior Court of Arizona and finally the Arizona Supreme Court, which both were denied, and Petitioner provided in “Appellant’s Brief” to Arizona Court of Appeals-Division One clearly presenting errors of the Respondents as ABOE in their official capacity and error of lower court in Superior Court of Arizona in failing to review and scrutinize evidence and witnesses thus violating “Stare Decisis” of the SCOTUS in *Washington v. Texas*, 388 U.S. 14 (1967).

---

(2) The entire record of case, scope of each proceeding during hearings reveal direct violations of 42 U.S.C. § 1983 in violation of “Freedom of Speech” and “Redress of Grievances” addressed in *Pickering v. Board of Education*, 391 U.S. 563 (1968) [First Amendment]; right to “Obtain Witnesses” in *Washington v. Texas*, 388 U.S. 14 (1967) [Sixth Amendment]; right of “Due Process” in *Marbury v. Madison* (February 24, 1803); *Plessy v. Ferguson* (18 May 1896) [Fifth and Fourteenth Amendments].

---

a. Violations of Law by Respondents against Petitioner:

---

- i. First Amendment of U.S. Constitution
- ii. Fifth Amendment of U.S. Constitution
- iii. Sixth Amendment of U.S. Constitution
- iv. Fourteenth Amendment of U.S. Constitution
- v. Arizona Constitution, Article 2 Section 3
- vi. Arizona Constitution, Article 2, Section 4
- vii. Arizona Constitution, Article 2, Section 6
- viii. Arizona Constitution, Article 2. Section 13, & 32

---

## X. REASONS FOR GRANTING THE PETITION

---

Presented to the Honorable JUSTICES of the SUPREME COURT OF THE UNITED STATES, this petition for Writ of Certiorari should be granted not only for the violations of the U.S. Constitution against the Petitioner, but even greater the vindication by Petitioner of the pursuit of justice for the injustices suffered by former children, whom were former students of Petitioner. Petitioner's former students were intimately familiar with my direct pedagogy that reflected the beautiful imaginations of Walt Disney, Dr. Seuss aka Theodor Seuss Geisel, Charles Schulz and Stan Lee, all of whom were also U.S. Veterans of WWI and WWII, like Petitioner a U.S. Combat Veteran, of which Walt Disney stated about good and evil, "Most things are good, and they are the strongest things; but there are evil things too, and you are not doing a child a favor by trying to shield him from reality. The important thing is to teach a child that good can always triumph over evil..."<sup>8</sup> JUSTICE O'CONNOR furthermore emphasizes the importance of judicial review when constitutional violations are evident by those appointed by public trust as officials in executive, administrative or judicial authority:

Apparently a great many people have forgotten that the framers of our Constitution went to such great effort to create an independent judicial branch that would not be subject to retaliation by either the executive branch or the legislative branch because of some decision made by those judges.... The framers of the Constitution were so clear in the federalist papers and elsewhere that they felt an independent judiciary was critical to the success of the nation.<sup>9</sup>

Petitioner has endured the blundering violations of the U.S. Constitution by public officials identified as Respondents that are meant to uphold the U.S. Constitution by duty and

---

<sup>8</sup> Walt Disney. *Deeds Rather Than Words* (1963)

<sup>9</sup> Sandra Day O'Connor. *Biography*. Accessed 08/23/2019 <https://www.biography.com/law-figure/sandra-dayoconnor>

virtue of official public “Oath” authorized by Arizona Constitution, Article 6, Section 26, A.R.S. § 38-231. The Respondents actions clearly depict the definition of a “Kangaroo Court” defined as: a mock court in which the principles of law and justice are disregarded or perverted; a court characterized by irresponsible, unauthorized, or irregular status or procedures; ignores recognized standards of law or justice, a court held by a legitimate judicial authority which intentionally disregards the court's legal or ethical obligations. “Stare Decisis” of the SUPREME COURT OF THE UNITED STATES has certainly been violated by Respondents against Petitioner <sup>10</sup>[ Supremacy Clause of the Constitution of the United States (Article VI, Clause 2)]

Furthermore, “Stare Decisis” in *Jackson v. Metropolitan Edison Co*, 419 U.S. 345 (1974) provides support of constitutional violation against Appellant with inference to opinion delivered by JUSTICE REHNQUIST:

Supreme Court found that the prohibitions of the Fourteenth Amendment “have reference to actions of the political body denominated by a State, by whatever instruments or in whatever modes that action may be taken. A State acts by its legislative, its executive, or its judicial authorities. It can act in no other way. The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty, without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State.

The presence of bias, gross negligence, abhorrent partiality is evident in all aspects of litigation with Repondents administrative decision and affirmation order by judicial officers, in seeking to hinder the truth presented by Petitioner, as JUSTICE KENNEDY exclaimed in his

---

<sup>10</sup> Stare Decisis. Cornell Law Library. Accessed 08/17/2020 [https://www.law.cornell.edu/wex/stare\\_decisis](https://www.law.cornell.edu/wex/stare_decisis)

opinion, in *United States v. Alvarez*, 567 U.S. 709 (2012), Part IV , “Only a weak society needs government protection or intervention before it pursues its resolve to preserve the truth. Truth needs neither handcuffs nor a badge for its vindication” Petitioner presented a preponderance of evidence and references to law and case law that exonerated Petitioner, establishing standard of judicial review in favor of reversal of order and administrative decision by authority of established review standard that “**the court “shall” affirm the agency action unless the court concludes that the action is not supported by substantial evidence, is contrary to law, is arbitrary and capricious, or is an abuse of discretion.**” A.R.S. § 12-910(E).

Petitioner has sought Review by the Arizona Supreme Court, which was denied. The SUPREME COURT OF THE UNITED STATES is the final authority in ensuring the rights of the U.S. Constitution are not violated by authority of Article III, Section 1 “The judicial Power of the United States, shall be vested in one supreme Court...” JUSTICE MARSHALL opinion in *Emporium Capwell Co. v. Western Addition Community Organization*, 420 U.S. 50 (1975) provides analysis of arbitrary actions also committed in violation of the U.S. Constitution by Respondents that Petitioner seeks “Redress of Grievances” to the SUPREME COURT OF THE UNITED STATES. In *Ex Parte Young*, 209 U.S. 123 (1908), opinion stated, in reference to violation of the U.S. Constitution not by unconstitutional statute but violations of constitutional statutes by Respondents:

The attempt of a State officer to enforce an unconstitutional statute is a proceeding without authority of, and does not affect, the State in its sovereign or governmental capacity, and is an illegal act, and the officer is stripped of his official character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to its officer immunity from responsibility to the supreme authority of the United States. (Page 209 U. S. 125)

Under the “continuing violation” rule, Petitioner has properly be presented in numerous litigation complaints in the U.S. District Court of Arizona, U.S. District Court of Nevada (Defendant Elaine Kelley), with appeals to the Supreme Court of the State of Arizona being denied, and application to the Supreme Court of the State of Nevada (Defendant Elaine Kelley), on actions constituting a continuing practice that started prior to the limitations period for violations of Defamation. Respondents have directly caused loss of completion and graduation of Petitioner at Grand Canyon University’s College of Education M.A. Elementary Education Program. Respondents have constantly wrongly applied notification to former employer of Heritage Charter School resulting in termination of employment in December 2017. In addition, Respondents notified the Clark County School District (CCSD) in Nevada causing loss of employment opportunity with CCSD. Respondents contacted Somerset Aliante Charter School, Las Vegas, Nevada causing wrongful and unconstitutional termination of employment in August 2019 by Principal Elaine Kelley. *United States v. Green*, No. 16-3044 (2d Cir. 2018). As explained by the Fourth Circuit,

In general, to establish a continuing violation[,] the plaintiff must establish that the unconstitutional or illegal act was a fixed and continuing practice.” *Nat'l Adver. Co. v. City of Raleigh*, 947 F.2d 1158, 1166 (4th Cir.1991). In other words, if the plaintiff can show that the illegal act did not occur just once, but rather “in a series of separate acts[,] and if the same alleged violation was committed at the time of each act, then the limitations period begins anew with each violation.” Id. at 1167 (internal quotation marks omitted). But continual unlawful acts are distinguishable from the continuing ill effects of an original violation because the latter do not constitute a continuing violation. Id. at 1166.

The Respondents collective actions and orders are a direct reference to opinion of the SUPREME COURT OF THE UNITED STATES in *Ex Parte Young*, 209 U.S. 123 (1908 ), “on

account of any violation thereof, for the reason that the said acts and orders were and each of them was violative of the Constitution of the United States." (Page 209 U. S. 131). For this reason, encompassing the entirety of referenced cases as "Stare Decisis" of the SUPREME COURT OF THE UNITED STATES this Certiorari should be granted by the JUSTICES of the SUPREME COURT OF THE UNITED STATES for Respondents violation of Supremacy Clause of the Constitution of the United States (Article VI, Clause 2).

What is paramount is the "Ultimate Sacrifice" of U.S. Armed Forces Men and Women whom in their commitment to the U.S. Constitution and their respective duty to their Oath of Office, U.S. Commissioned Officers Title 5, United States Code, § 3331 and/or Oath of Enlistment, U.S. Armed Services, 10 U.S.C. § 502 have given the "Ultimate Sacrifice" whom Petitioner has personally buried during Honor Guard Memorial Burial Ceremonies. U.S. President Abraham Lincoln proclaimed, "Honor to the soldier and sailor everywhere, who bravely bears his country's cause... honor to him, ... who braves, for the common good, the storms of heaven and the storms of battle."<sup>11</sup> As a U.S. Soldier and Airman I have committed to my oath with the utmost commitment and diligence as President Abraham Lincoln exclaimed, "Soldiers: I am exceedingly obliged to you for this mark of respect. It is said that we have the best Government the world ever knew, and I am glad to meet you, the supporters of that Government. To you who render the hardest work in its support should be given the greatest credit. Others who are connected with it, and who occupy high positions, their duties can be dispensed with, but we cannot get along without your aid."<sup>12</sup>

23.

---

<sup>11</sup> President Abraham Lincoln; December 2, 1863 letter to George Opdyke and others

<sup>12</sup> President Abraham Lincoln; October 24, 1864 speech to 189th New York Volunteers

## XI. CONCLUSION

---

Petitioner, Rafael C. Danam, PRAYS, “The power of prayer is still the greatest ever known in this endless eternal universe”<sup>13</sup> Petition for Writ of Certiorari be granted with judicial courage Alexander Hamilton stated in Federalist No. 78, that those entrusted as the Highest Judicial Office ascribed to the SUPREME COURT OF THE UNITED STATES will correct judicial error of judgement from lower state courts, “...it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the [C]onstitution, where legislative invasions of it had been instigated by the major voice of the community.” Furthermore, Petitioner knowing the “Supreme Judge of the World” ascribed in the U.S. Declaration of Independence has providence of authority as ascribed in the U.S. Library of Congress national treasure of records of Founding Fathers First President George Washington, First Vice President John Q. Adams, First Secretary of the Treasury Alexander Hamilton, First Chief Justice John Jay, Benjamin Franklin and Dr. Benjamin Rush, Petitioner confides in the JUSTICES of the SUPREME COURT OF THE UNITED STATES that justice will be executed, as Attorney General Robert Kennedy emphasized, “The glory of justice and the majesty of law are created not just by the Constitution - nor by the courts - nor by the officers of the law - nor by the lawyers - but by the men and women who constitute our society - who are the protectors of the law as they are themselves protected by the law.”<sup>14</sup> In the comedy and drama humor of “Mr. Smith Goes to Washington”<sup>15</sup> where Jimmy Stewart as Jefferson Smith says, “There's no

---

<sup>13</sup> Stan Lee, “The Avengers” The Watcher, Issue #14, Marvel Comics

<sup>14</sup> Robert F. Kennedy, U.S. Attorney General, Address at Law Day Ceremonies of the Virginia State Bar, Tuesday, May 1, 1962.

<sup>15</sup> Frank Capra, “Mr. Smith Goes to Washington” October 17, 1939.

compromise with truth... There's no place out there for graft, or greed, or lies, or compromise with human liberties." I, the Petitioner seeks to "right the unrightable wrong"<sup>16</sup> and seeks the granting for Writ of Certiorari by the SUPREME COURT OF THE UNITED STATES, in the spirit and letter of JUSTICE O'CONNOR, "It is the individual who has acted or tried to act who will not only force a decision but also have a hand in shaping it."<sup>17</sup>

Petitioner, Rafael Cezar Danam, prays granting for Writ of Certiorari.

Respectfully Submitted to the Honorable Justices  
of the SUPREME COURT OF THE UNITED STATES,  
JOHN G. ROBERTS, CHIEF JUSTICE  
CLARENCE THOMAS, ASSOCIATE JUSTICE  
RUTH BADER GINSBURG, ASSOCIATE JUSTICE  
STEPHEN G. BREYER, ASSOCIATE JUSTICE  
SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE  
SONIA SOTOMAYOR, ASSOCIATE JUSTICE  
ELENA KAGAN, ASSOCIATE JUSTICE  
NEIL M. GORSUCH, ASSOCIATE JUSTICE  
BRETT M. KAVANAUGH, ASSOCIATE JUSTICE

Signed, 13<sup>th</sup> of July 2020 (MMXX)

RAFAEL CEZAR DANAM, Petitioner 'Pro Se'

25.

---

<sup>16</sup> Jack Jones, "The Impossible Dream (The Quest)" April 1966.

<sup>17</sup> O'Connor, Sandra Day, *The Majesty of the Law: Reflections of a Supreme Court Justice*. Random House 2003 ISBN-13: 978-0375509254