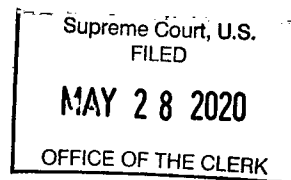


No. 20-5911



IN THE
SUPREME COURT OF THE UNITED STATES

Josh Albritton — PETITIONER
(Your Name)

vs.

Mark Brnovich et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
The United States District Court For The
District of Arizona
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Josh Albritton 239958
(Your Name)
A.S.P.C., Tuc-winchester 1-B-9-B
10002 S Wilmot Rd PO Box 24401
(Address)

Tucson, Arizona 85734-4401
(City, State, Zip Code)

(Phone Number)

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from **federal courts:** *Ninth Circuit 19-17205*

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[✓] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

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[] is unpublished.

[] For cases from **state courts:** *District of Arizona CV-19-499-Tuc
-RCC (PSOT)*

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[✓] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

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[] is unpublished.

1.

(ii)

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Arizona V. Young blood 488 U.S. 51, 1095	(6)
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Miranda V Arizona 384 U.S. 364, 478, 79 (1966)	(xii)
Mc Donald V Chicago 561 U.S. 302 (2010)	
Tenckes V. U.S. 353 U.S. 657 1 Ed 2d 1103 775, ct 1007 (1957)	(7)
Brady V. Maryland 373 U.S. 83, 10 L Ed 2d 215, 83, ct 1194 (1963)	(7)

STATUTES AND RULES

Rules of the Supreme Court of The United States

Rule 10

28 U.S.C. § 1254, 2101 (c)

A.R.S. 13-3102, 13-3101, 13-105, 13-701, 13-703, 13-704, and 13-801 (4)

A.R.S. 13-2412 A (5)

OTHER

Opinions Below

Superior Court of the State of Arizona in and
for the County of Cochise

Case No. CR 201100236

OPINIONS: Guilty on all counts.

Court of Appeals Division Two STATE OF
ARIZONA Case No. 2CA-CR13-0797

OPINIONS: All convictions affirmed.

United States District Court District of Arizona

Case No. 4:18-CV-00119-JR

Case No. 4:19-CV-00227-RCC-LCK

OPINIONS: both Habeas Corpus Petitions
denied as untimely no merits considered.

Case No CV-19-00499-TUC-RCC (PSOT) Dismissed

United States Court of Appeals for the Ninth
Circuit

Case No 19-17434

Case No 19-16311

OPINIONS: Requests for C.O.A. Denied
in both cases no merits considered.

None of these opinions are reported.

~~9 (iv)~~ (v)

Questions Presented

1. Is contract Law Supreme?
2. Can a State government Legislate around Contractual obligations?
3. Is The Constitution of the United States the Supreme Law of the Land?
4. Can a state government interpret case Law to prevent a wrongfully imprisoned Petitioner from having any assistance of Counsel, Discovery, or even basic rights of due process, like a speedy trial, right to face accusers, challenge evidence, be present during trial, to keep and bear arms, or rights against self incrimination?
5. Can a Lower Court Deny relief for failure to exhaust arguments, after denying motion for appointment of Counsel to assist in perfecting arguments?
6. Can a trial Court Judge be allowed to not hear a motion for production of D.N.A. evidence after being ordered by The Arizona Court of Appeals to hear said motion some Two years ago, and then allow the Lead Detective in the case to destroy all of the evidence in the case while appeals were pending?
7. Can the D.P.S. Crime Lab be allowed to refuse to turn over exculpatory D.N.A. test results "even if ordered by a court to do so"?

8. Can a Appellate Court deny relief for failure to prove actual innocence after denying motion to appoint counsel to assist with Discovery, and Denying Subpoena for existing D.N.A. test results?
9. Can a Petitioner be time or procedurally barred from 4th, or 5th Amendment arguments after raising Stone V Powell?
10. Can a prosecutor commit gross prosecutorial misconduct by withholding exculpatory D.N.A. evidence, and then allow all evidence in the case to be destroyed?
11. Can Amy Thorson assistant Attorney General be allowed to alter evidence in a Federal Court case? D.C. No. 4:19-cv-00227-RCC-LCK. District of Arizona, Tucson?
12. Is contract Law Supreme?
13. Is The Constitution of The United States The Supreme Law of The Land?
14. Is The state of Arizona, or it's agents allowed to destroy exculpatory D.N.A. evidence?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- (1) Mark K Brnovich
- (2) Brian M McIntyre
- (3) Nicholas Lamay
- (4) Colin Festa
- (5) John S. Leonardo
- (6) Unknown Psychiatrist x 3
- (7) Sierra Vista Arizona
- (8) Cochise County Arizona
- (9) Pima County Arizona
- (10) James Conlogue
- (11) James Glanville

It should be noted that no monetary damages were sought against any Judges, or prosecutors. Monetary damages under Trezavant V Tampa FL are sought against parties 6, 7, 8, and 9.

In an amount to be determined by this honorable Court, It should be noted that none of the parties objected to the amount sought in the Civil 1983.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was mar 5, 2020.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

28 U.S.C. § 2403(b)

28 U.S.C. § 451

no court has certified to the state Attorney General
The fact that the constitutionality of a statute of the
State of Arizona is being challenged.

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

Constitutional And Statutory Provisions involved

II Amendment Right to Keep and bear Arms.

IV Amendment Right to be secure in their person, houses, no warrants shall issue, but upon probable cause, supported by oath or affirmation.

V Amendment No person 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.

VI Amendment in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, and to have the Assistance of Counsel for his defence.

VIII Amendment no cruel and unusual punishments inflicted.

XI Amendment the Judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or
~~in~~ (VIII) (X)

prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any Foreign State Ratified February, 7, 1795 applies to all members of The British Accreditation Regency.

XIV Amendment All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and 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.

XV Amendment the rights of Citizens of the United States shall not be denied or abridged by the United States or by any State on account of previous condition of servitude.

~~(XIV)~~ (xi)

Arizona Constitution Article II § 3 The United States Constitution is the Supreme Law of the Land.

V Amendment Miranda V Arizona 384 U.S. 364 478, 79 (1966)

II Amendment McDonald V Chicago 561 U.S. 3025 (2010)

Rules of the Supreme Court of the United States

Rule 10 a state Court or a United States Court of Appeals has decided an important question of Federal Law that has not been but should be settled by this Court.

A.R.S. § 13-3102, 13-3101, 13-105, 13-701, 13-703, 13-704, and 13-801

A.R.S. 13-2412 A

STATEMENT OF THE CASE

On March 26, 2011 at about 3:00 AM Leroy Mullins arrived at a private house 2541 Sierra Bermeja Drive Sierra Vista Arizona to steal a motorcycle. Leroy Mullins was not bonded to act as a repo-agent and was not allowed by law to harass any home or home owner before sunrise.

Leroy Mullins injured himself in the process of trying to break into the aforementioned private home by way of the garage.

In a law suit filed after the aforementioned events American Leading Solutions sued in Cochise County Superior Court against Josh Albrighton for an order on writ of Replevin to turn over 2007 BMW R1200 GSA VIN# WB10397072P62116. Josh Albrighton filed his absolute Title into the case proving Josh Albrighton was the right full owner and the case was dismissed.

Once Detectives Nicholas Lamay and Colin Festa from the Sierra Vista Police Department forced their way into the aforementioned private home they found \$40,000.00 Dollars in lawful money, and promptly stole these

monies. They also found several expensive guns which they wanted for them selves.

After arresting Josh Albritton for not providing information that was going to be used against him several conspirators properly named in D.C. NO. 4:18-CV-00119-JR District of Arizona Tucson fabricated eleven felony and one misdemeanor charge.

Three counts of assault, which the D.P.S. crime Lab is now refusing to turn over exculpatory D.N.A. test results that prove Josh Albritton did not commit.

Eight counts of knowingly, possesing a deadly weapon if such person was a prohibited possesor. In violation of Josh Albritton's II, XIV, and XV Amendment Rights.

And one count of refusing to provide a name A.R.S. § 13-2412 A. In violation of Josh Albritton's V Amendment rights against self incrimination.

Once the conspirators in this case became

aware that Josh Albritton was the true owner of the aforementioned BMW, and was preserving his constitutional Rights Josh Albritton was placed in solitary confinement prevented from speaking to any counsel in violation of his VI, and VIII Amendment rights.

The state then took some two years to take the matter to trial in violation of Josh Albritton's VI Amendment Rights.

None of these facts are in dispute in the aforementioned District Court Case 4:18-cv-00119-JR, CV-19-499-Tuc-RCC (PSOT)

The only counter argument against these facts is that Josh Albritton is time barred from filing the Habeas under the P.R.L.A. .

This act is clearly an attempt by The STATE of ARIZONA to Legislate around their contractual obligations in the contract known as The Constitution of The United States of America

Reasons For Granting The Petition

There is a conflict in the ninth circuit which recently ruled in a reported case involving lawyers for immigrant children that "States can not Legislate around contractual obligations." The Ninth Circuit went on to state that "civilization itself hinges on the reasonable belief that a party entering into a contract will be able to enforce the terms of the contract on the other parties in the contract."

In the denials of request for certificate of appealability [App At ~~912~~ ⁹¹²] The Ninth Circuit allowed The State of Arizona to Legislate around contractual obligations under the contract known as "The Constitution of the United States of America".

Josh Albritton timely and repeatedly preserved his Constitutional Rights specifically II, V, VI, and VIII Amendment Rights and sufficiently proved the unconstitutionality of A.R.S. § 13-3102, 13-3101, 13-105, 13-701, 13-703, 13-704, and 13-801 which violate the II Amendment.

And A.R.S. § 13-2412 A which violates the V Amendment

The ^{Circuit} ~~District~~ Court did not consider the merits of this appeal and allowed the State of Arizona to Legislate around its contractual obligations in the contract known as the Constitution of the United States, by first allowing the creation and enforcement of prohibited possessor Laws, and failing to provide a name Law, and time bars in P.L.R.A., and A.D.P.A. which were used to time bar Josh Albritton from winning his constitutional arguments in his District Court Habeas.

The state of Arizona has created and is enforcing Laws which violate constitutionally protected rights to keep and bear arms, to a speedy trial, and rights against selfincrimination, and has tried to Legislate around Josh Albritton's Habeas Corpus arguments.

Our founding fathers created and ratified the (Bill of Rights) December 15, 1791 to protect U.S. citizens from abuse of power's ongoing in England at the time.

Specifically to prevent a U.S. citizen from being arrested for not providing a name, charged and convicted of Eight counts of constructive prohibited possession, Thrown into solitary confinement, beaten, tortured, and forcibly drugged for years without a speedy trial, sentenced to eighty years in prison for three class 6 felonies which combined were sentenced to less than a year. The two from Pima County have now been set-aside, and a motion to vacate is pending on the remaining conviction.

Josh Albritton has not been allowed to speak to any court appointed Counsel, and has been denied any assistance of Counsel in his appellate efforts to secure the withheld D.N.A. test results. All in violation of his VI Amendment rights.

In Arizona v. Youngblood 488 U.S. (1988) The Supreme Court ruled that States can not destroy D.N.A. evidence that is exculpatory to the defense.

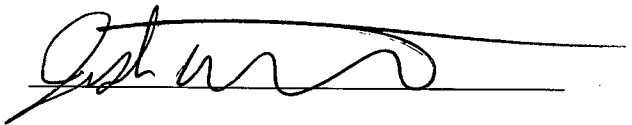
Finally, Contract Law is supreme and the Constitution of the United States is the Supreme Law of the Land.

Under *Brady v. Maryland* 373 U.S. 83, 102. Ed 2d 215, 83, Ct 1194 (1963), *Arizona v. Youngblood* 488 U.S. 51, 1095 Ct 333, 102 L Ed 281 (1988), and *Jencks v. U.S.* 353 U.S. 657 1 Ed 2d 1103 77 S. Ct 1007 (1957) The State cannot be allowed to destroy exculpatory D.V.A. evidence and violate Josh Albrighton's constitutionally protected rights. (see attached evidence.)

CONCLUSION

The State of Arizona through the parties named in this petition have gone rogue and must be ordered to operate within The Constitution of The United States
The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 05/26/ 2020