

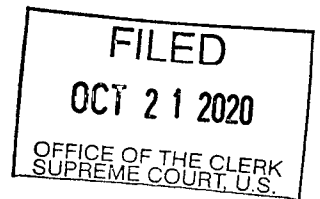
No. 20-6205

IN THE
SUPREME COURT OF THE UNITED STATES

Alfred E. Caraffa — PETITIONER
(Your Name)

vs.

County of Polk, Iowa — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. District Court District of IA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Alfred E. Caraffa
(Your Name)

5150 W. Lower Highway Rd.
(Address)

Polk, IA 52009-4454
(City, State, Zip Code)

MON 6
(Phone Number)

QUESTION(S) PRESENTED

- 1) Fraudulent Court documents with the same District Court Judge's Name, in the same position. Even the initials ARE lined up in the same place (why?)
- 2) NO Authorizational Signatures on U.S. Court of Appeals document dated 7-21-20. (No Judge's Signatures) why?
- 3) twice the Federal district Court changed the Amount of Relief from what I wrote to 9,999,000⁰⁰ dollars. In civil action 2:19-cv-05492-phx-MTL(ESW) (why?)
- (4) why did (the) Judge willett state A "Request for Service be done by A Marshall" pre Rule 4(3) Fed. R. Civ. P. As premature And refuse that motion.

Questions Presented (cont.)

5) Why After the Plaintiff filed under official and individual capacity Did the Federal district Court / State ("the Court suggests Plaintiff use this form (1983) to assist him in coherently presenting his claims to the Court") (See 2019 WL 6841749)

6) Why did the district Court Judge state that The Tempe Police Department was not A party under section of Default Judgments 55(d). ? (See 2020 WL 919168) order 2/25/20

7) Why is the Tempe Police Department not An governmental unit or Law Enforcement Agency of the United States ? (See 2020 WL 919168) order 2/25/20

8) Why does the Federal District Court Judge misquote Bradley V. Fisher U.S. 80 335 (1872) in "Absolute immunity towards Judges and 'corruptly and maliciously' behaviour. See civil action 2:20-cv-00774-PHX-MTL-ESW and Bradley V. Fisher U.S. 80 335 (1872)

Under opinion of the Justices

9) why does the District Court Judge inform the Plaintiff of A Need to show A "policy or custom" and how that relates to the plaintiff's injuries?
See (2020 WL 929168) 2/25/20 order

In 2/25/20 order;

10) Under Section B. Defendant Guajardo "it states "Government-official" defendant" and "official's own individual actions" has....
But the Tempe Police Dept. does not fall under Rule 55(d) Default Judgments. Fed. R. Civ. P.

11) why does the district Court hold defendant Guajardo Accountable for three Counts of the Civil Complaint But not for the Remaining three claims?

12) why is Defendant Guajardo held to Answer for three claims of the complaint but the Tempe Police Dept. and city of Tempe Arizona are not held as

defendants in the liability of the
Claims for officer Gaudard's Actions
while in uniform with the Authority
of the Tempe Police Dept.

13) The Plaintiff filed A Subpoena under
Rule 45 (G) Fed. R. Civ. P. for the
body Camera of officer Gaudard,
1) the Camera footage at Jim's
Bar and Grill on Mill Avenue
in Tempe Arizona, 2) the Police Car
Dash Cam footage 4) the witness of
the City Prosecutor who dismissed
the case on insufficient evidence
to prosecute. Left it as an open
case for further investigation. Not mentioned
in any of the orders.

14) Why was the Motion of Subpoena
under Rule 45 Fed. R. Civ. P. denied
as moot by the District Court Judge?
Not in any of the orders.

15) Why after the district court has AN
Subpoena for the evidence that'll satisfy

The Court is the motion for Default Judgment Rule 55(d) filed with the First Amended Complaint and the 2nd civil complaint involving five Tempe Police Officers still pending in the District Court. Per Judge Willett.

16) Per the U.S. Appeals Court order (If not fraudulent) the civil action is still pending in District Court of Phoenix, Arizona?
Since the document was not authorized by all parties as the U.S. Court of Appeals states.

17) Why four months now after the June 26, 2020 and July 27, 2020 orders by six different Judges in the same civil action; why hasn't the district court gave notice for FRAP.

18) Why after showing a custom Tempe Police Dept. had no violation the

Plaintiff's Constitutional Rights
As well as others is the case still
pending without notice, from District
Court.

29) Why are the similar events of
Oyers v. Tempe Police Dept. and
Caraffa v. Tempe Police Dept. line-up
the same?

20) Why is civil action United States
v. Maricopa County et al. (151 F. Supp. 3d
998) have the same/discrimination
issues except U.S. v. MCSO is Latino's
and Caraffa v. Tempe Police Dept.
is a Transgender.

21) Why does the Tempe Police Department
have a repeat problem with violating
RACE and Sexual orientation of citizens
of the United States of America.

22) Why under the Soon to Ex-chief of the

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Tempe Police Dept. Chief Moir is there
So many issues of Racial and sexual
profiling in/by Tempe Police officers?
(Including the Plaintiff's civil action,
(Per Article in Arizona Republic Newspaper,)

23) Why AFTER the Plaintiff donated for
viewing, to the historical Library of Tempe
Arizona (A 1992 Colon's collection
Baseball card of An player who was on the
1936 N.Y. Yankees; A Hall of Famer and
stated on reverse side Died in Tempe AZ in
1978 in October (I think) A short time
after the Plaintiff is falsely Arrested, with
false detainment/illegal incarceration, ect.
Civil action 2:19-cv-0549d-PHX-MTL-
(ESW) filed with Police Complaint of
disorderly Conduct - Fighting A.R.S.A.
Section 13-2904(A)(I).

24) Why After Almost 72 hours at Arraignment
for Criminal Charge - Case Number "19-J
038379-2" was given AN O/R Bail
as the city prosecutor State "NO police
Report" And next hearing was Nov. 15th
2019.

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25) IN (2019 WL 6841743) Dated 12/16/19
why did Judge M. T. Liburdi state in
#1- "a pro se civil rights Complaint
pursuant to 42 U.S.C. § 1983 (Doc 1)
and Application to Proceed in District
Court without paying fees and cost."
Since the Plaintiff Did Not File 1983
Form Packet at All Before 12/16/19, and
that Judge's order??

26) The Plaintiff was in the Phoenix Federal
Courthouse and Filed the civil action
in person After sitting out front in
their Courtyard at one of the Smoking
Area Tables on a Stone Bench (whitish color)
why does this district Court claim I Filed
A 1983 form for this civil action order?

27) why under IV, Failure to state a claim
A. Defendant Tempe Police Dept. it states
"not A separate entity" And cites cases
for "nonjural entities"
Another Misquote by this district court

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to dismiss A defendant from liability to the official's action (See Exhibit A-1 pg. 2 of 9.)

28) the original complaint by the Arresting officer of Tempe Police Dept. Cited only one single violation of A.R.S.A. why under #3 for Probable cause does the Judge cite Barry V. Fowler, 902 F.2d 770, 773 N.S (9th Cir. 1990) there was only one cited violation not two or more. Used to dismiss defendant Guajardo See Exhibit A-1 page 3.

29) why did the district Court dismiss All the claims As failure to state A claim by Dismissing the defendants. See Exhibit A-1 pg. 2-3 of 9.

30) why did the court last visit the tempe court government website to check on the Criminal case on Oct. 28, 2019. then dismiss the Case on 12/16/19 without checking

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or updating the status of the Criminal case. (See Footnotes Exhibit A-1 pg. 9.

31) (In 2020 WL 919168) the delay in the case was due to incarceration and uncovering the events at Wells Fargo Bank in Phoenix, AZ.
Feb. 14, 2020 Documents 9 and 10.

31A) Defendant Tempe Police officer (Guajardo) under III claims for which an Answer will be required. claims Two, three, and Five. why Not one, four and six?

32) Defendant Guajardo is held to Answer (3) three claims, But Default Judgment under Rule 55(c) Against the United States, its officers and agencies with a list of evidence to satisfy the Court is denied? why?
As in ordered dated 12/16/19 the District Court states on pg. 2 that Defendant Guajardo is An "Government-official defendant".

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34) why is the Motion for Default Judgment under cited Rule 55(c) denied by the district court under 55(a) and 12(e) of Fed. R. Civ. P.?

35) why under Default Judgment or A claim against AN government entity wasn't the Attorney General of Arizona given Notice of A claim again AN Tempe Police officer? As per Rule of official and individual government employees?

36) why if Defendant Guajardo is held to Answer for three claims Are NO hearing been set in this case?

37) why under C-2 Request for Appointment of Counsel, the court cites 28 USC Section 1915(e)(1), And denied Appointment of Counsel when Plaintiff is in forma pauperis.

38) why in 2019 WL 6841743 is the case

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Dismissed for Failure to State A claim.

But in 2020 WL 919168 order ONE Defendant is held to Answer three counts of six?

39) In 2019 WL 6841743 the Plaintiff Sought A total of 450 million dollars in Relief.

In 2020 WL 919168 the Plaintiff Sought 455 million dollars against the city of Tempe Arizona (450 million) and 5 million against the Police Dept of Tempe AZ.

In 2019 WL 6841743 to 2020 WL 919168 the relief sought against Defendant Guajardo went down to 299,000⁰⁰ dollars. But the Tempe police and city of Tempe Arizona Are not held AS Defendants why?

40) 2020 WL 919168 is Doc. 13 in this civil action. AS 2020 WL 1659892 is An order on (Document 19) Filed March 27, 2020 where is the orders for Documents 14, 15 16, 17, and 18??

41) The Missing documents Are the Second set of Complaints Filed by the Plaintiff (Doc. 19) motion to Support and Re-open case. was An Arrest by Tempe Police Sgt. Metcalf.

42) One of those Five documents was An motion to vacate the conviction of one day time served As An UnConstitutional Conviction, which was Denied by the district Court.

43) the "Amended two cases" were that Second AMC/Starbucks - trespassing warning and conviction for sitting down across the street on A square cement stone. Inside the grid written out on An Index card by Sgt. Metcalf of the Tempe police Dept. why don't I have An order for those two Amended cases.

44) why did the district Court make An error on the two previously dismissed cases;

When in fact those two cases were
Combined per Docket Sheet in U.S. Court
of Appeals case 20-72782.

45) Why is the Motion under Default Judgment
Rule 55(d), still pending in the district
Court per Magistrate Judge Eileen S.
Willett order where she made the comment
referenced to AS withdrawn. In order
dated 4/3/2020?

46) In order dated 4/23/2020 the minute
entries were not final in this case.
per the U.S. Court of Appeals the civil
action is still an open case. Why hasn't
the district Court sent the Plaintiff
A new Marshall packet? or since the motion
for service by A Marshall was requested and
the reference withdrawn why haven't I
been given notice? (in over 90 days)

47) Why on 4/23/20 Doc. 28 is the Notice
of Appeal to re: 20-16251 by Alfred E.

Caraffa, Now has at least six more Federal court documents Between 4/23/2020 and 6/22/20.

48) In (Doc. 28) Docket text = states "he voluntarily dismissed this Case", which is Another error by the district Court. the Plaintiff dismissed Defendant Guajardo under individual capacity, Not the civil action itself.

49) Per U.S. Court of Appeals that dismissal of Defendant Guajardo was not finalized. So the defendant is not legally been dismissed from the claims, or this civil action.

50) why did the United States Supreme Court return A Notice of Appeal dated by Stamp Received Aug. 26, 2020, under United States Constitutional Amendment 1 redress of government grievances??

51) The first Amended Complaint mentions the reason for the false Arrest ect. the mentioned Baseball Trading card with historitial value to Tempe, AZ. which is A violation of Takings without Compensation, of the U.S. Constitution.

52) why After showing the policy or custom of the municipality to the district Court did the district Court not act on the evidence plainly in this civil action as "A Matter of Law"

53) the Plaintiff showed the policy or custom that resulted in a violation of the Plaintiff's Constitutional rights, Furthermore why Since that policy or custom has been showed in other civil rights violations, As A whole should prove that policy or Custom??

54) why did Maricopa County Jail's ILS Not file A Motion to extention of time Limitation with U.S. Court of Appeal (see Appendix D)

Related Cases

Tucson, 701 P.2d 598, 601 (Ariz Ct. App 1985)

- Slade v. City of Phoenix, 541 P.2d 550, 552 (Ariz. 1975)
- Wallace v. Kato, 549 U.S. 384, 389 (2007)
- Jaegly v. Couch, 439 F.3d 149, 154 (2d Cir. 2006);
- Wells v. Bonner 45, F.3d 90, 95 (5th Cir. 1995); see also Barry v. Fowler 902 F.2d 770, 773 N.S (9th Cir 1990)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992)
- Ferdik 963 F.2d at 1262
- Defenders of Wildlife v. Browner 909 F. Supp 1342, 1351 (D. Ariz, 1995)
- Above the Belt Inc. v. Mel Bohannon Roofing, Inc. 99 F.R.D. 99, 101 (E.D.

Va 1983) AS cited in order 4/3/20

- Kong Enters., Inc. V. Estate of Bishop 229 F3d 877,890 (9th Cir. 2000) as cited order 4/3/20
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Caraffa v. Tempe Police Dept (2020 WL 919268) at count six
ie - cites Liburdi - (A MLB player who had the same name Michael T. Liburdi. Like the Judge in this case. (A colon's collection (Sporting News) baseball card, commonly known AS 'Mob cards' cuz they show Federal prisoners in the 20's, 30's, 40's in NON MLB teams. there is A(5) Five Card series of Connie Mac - looks like Vincent Price 1992 colon's collection Baseball cards.
- Caraffa V. Tempe Police Dept (2020 WL 1659892) at *2

- Caraffa V. Taco Bell 2019 WL 5717365
11/5/2019
- Caraffa V. United States 2020 WL
4260507 (7/24/2020)
- Caraffa V. United States 2020 WL
2745406 (5/27/2020)
- Caraffa V. Arizona 2020 WL 2768694
(5/27/2020) re 11. Statutory Screening
of Prisoner Complaints
- Caraffa V. Arizona CV-20-00598-
PHX-MTL (ESW)
- Caraffa V. Maricopa County Sheriff's
Office 2020 WL 1032876 (3/3/2020)
Sec A. Defendants MCSO.....
as non-jural entity.
- Maricopa County Sheriff's Office
V. Maricopa County Law Enforcement
Officers Merit System Commission
2018 WL 6380733 (Dec. 6, 2018)

- Maricopa County Sheriff's Office V. Greer 2010 WL 1779349 (May 4, 2020)
- Maricopa County V. Motor Coach Industries, Inc. 2022 WL

LIST OF PARTIES

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

~~X~~ 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:

- 2) the city of Tempe Arizona
- 3) Tempe Police officer Guajardo
- (4)(8) Four Tempe Police officers males #1 to #4
- 9) A Female Tempe Police officer
- 10) Tempe police Sgt. Metcalf

RELATED CASES

- Wilson v. Yavapai County, 2012 WL 1067959 (D. Ariz. 2012)
- Gotbaum v. City of Phoenix, 617 F. Supp. 2d 878, 886 (D. Ariz. 2008); see Brailard, 232 P. 3d at 1269.
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Rizzo v. Goode 423 U.S. 362, 371-72, 377 (1976)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Donahoe v. Arpaio, 869 F. Supp. 2d 1020, 1064 (D. Ariz. 2012) quoting Reams v. City of
See page 17 to 20

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APPENDIX B	Decision of District court of Phoenix Arizona 7 pgs.
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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

- 1) Due process of Law under US Constitution
- 2) Federal Rule Civil Procedure 45 Rule
- 3) US Constitutional Law Amendment 7
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- 5) Fraudulent court documents - Signatures of Judge's.
- 6) District Court Failure to Notice pre FRAP.
- 7) Fraud by District Court of Arizona

OTHER

- 8) Filing unconstitutional police reports with
No chance of A conviction.
- 9) Right to Jury trial and prosecutorial rights
under U. S. Constitution in criminal cases

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

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

☒ reported at Appendix A Pg. 3 of 11; 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 B to the petition and is

☒ reported at Enclosed As Appendix B; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

☒ For cases from **state courts**:

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

☒ reported at Enclosed Exhibit B1 Pg. 9; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 7/21/20

☐ 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: 7/21/20, and a copy of the order denying rehearing appears at Appendix _____.

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

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 11/15/2019
A copy of that decision appears at Appendix B.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) U.S. Constitutional Amendment 1 - Right to redress government grievances. ^{See} Appendix A/C
- 2) U.S. Constitutional Amendment 5. Due process ^{See} Appendix A/C/B
- 3) U.S. Constitutional Amendment 7 - civil trials ^{See} Appendix A/B/C
- 4) U.S. Constitutional Amendment 14 - citizenship ^{See} Appendix A
- 5) U.S. Constitutional Amendment 14 - Due process ^{See} Appendix A/C
- 6) U.S. Constitutional Amendment 14 - Equal protection of Law. ^{See} Appendix A/C
- 7) U.S.C.A. to False Arrest, False imprisonment, False detainment, ect. Appendix B
- 8) under Fraudulent documents ^{See} Appendix A

STATEMENT OF THE CASE

- Williams V. Tempe Police Dept. 2018 WL 4184911
- Sandoval V. Tempe Police Dept. 2015 WL 3916994
- Caraffa V. Tempe Police Dept. 2020 WL 929168
- Dyer V. Tempe Police Dept. 2010 WL 4511009
- Caraffa V. United States 2020 WL 2319930
- Caraffa V. Tempe Police Dept. 2020 WL 5423087 (June 26, 2020)
- Ashcroft V. Iqbal 129 S.Ct. 1937 (2009)
- Castillo V. City of Tempe 2010 WL 4511009 (Oct. 29, 2010)
- Caraffa V. Maricopa County Sheriff's Office 2020 WL 5810188 (9/3/2020)
- Caraffa V. Arizona 2020 WL 5627995 (8/28/2020)
- Caraffa V. CHS 2020 WL 619677 2/19/2020
- Caraffa V. Maricopa County Sheriff's Office 2020 WL 1508673 (3/30/2020)

See Attached pg. 17 to 20

REASONS FOR GRANTING THE PETITION

The district court of Phoenix Arizona,
Made An Error and File the civil action
under 1983 Section. then told the Plaintiff
it was for him to coherently present the
claims, Failed to update the information
in original order from Oct. 28, 2019. Before
Dismissing the action on 12/16/19.
After the Plaintiff was in custody for
An Habeas Corpus case with lack of due
process, No state hearings in 7 months
No U.S. Court of Appeal hearing in 4 months.
In the U.S. Supreme Court now.
twice the district Court changed the
Relief Sought by the Plaintiff.
the District Court made An Error in
claiming the Plaintiff dismissed the case.
In document 27 at 28. when the fact was
the Plaintiff Tried to dismiss An Defendant
the only defendant, not the case.
IN U.S. Court of Appeals for the
Ninth circuit order it states that the
See Additional page 27 to 25

Reason for Granting Petition

Motion to dismiss that Defendant was not finalized, there the case is still open and All Defendant Are still in this case.

Under U.S. Constitutional Law Amendment VII - civil trials, the Amount exceeds (20) twenty dollars therefore the right to a Jury trial is preserved.

The Tempe Police officer Defendant Guajardo has not been to trial yet, therefore AS An open Case Trial is pending.

After the order by U.S. Appeals Court for the 9th circuit, the District Court has failed to give notice of Remand per FRAP.

The United States Court of Appeals had up to 28 days to hear each motion filed. Instead issued the Remand Back to District Court Because the case had not been properly closed.

Now on September 18th 2020
this case is reassigned open
under another Number and civil
action 20-16182 is the lead
case for all the cases filed.

Based on Facts of Evidence
as subject matter at Law. The
Facts are plain and clear in
this civil action.

The District Court denied motions
under Rule 55(d) Default Judgment
under Rule 55(a) and Rule 12(a)
which neither are Rule 55(d).

Rule 12(a) is for Defense
Attorneys to Bring up in A
Defense in An civil action. Not
for the Judge to present A Defense
to the civil action.

Furthermore, the District Court
Judge has used misleading case
citing to dismiss defendants
based on false claims. Not on
the Factual Admissible Evidence
in this civil action.

The Plaintiff gave An Subpoena with A list of evidence that the district Court denied to view as admissible evidence in this civil action.

Once the Plaintiff Complied with the policy or custom and how it was related to the Plaintiff injuries of A Lack of Due process and unconstitutional Arrests.

In the Arizona Republic news - paper An Article About Tempe Police Chief Moir Shows Tempe Police have An unwritten policy to harrass and violate people's they deem as outsiders or Just do not like.

The list of evidence included the Prosecutor in the case in Tempe Municipal Court.

After Filing the Civil action under Constitutional rights as an American, the Phoenix Police Dept. Followed up with harrassment and Retaliation issued Unconstitutional

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Municipal court charges of
Trespassing. That the Municipal
Court have not held hearing for
since Jan. 2nd, 2020.

Three open Criminal Charges
Filed last year by Phoenix Police
Dept. with no court hearing in
almost one year. See Cam. FF. V.
Tara Bell 2:19-00053-15- Page
MTL 12341.

That trespassing charges issued
one day after the District Court
Docket this civil action against
Tempe Police Dept.

Less than one week later,
Phoenix Police Sgt. McCreath
issued an Trespassing 1 degree
warning - for being in an Restricted
Fenced in Area (the Public Bathroom
at Fry's Foodstore shared with a
Starbucks inside the store)

Then issued an M3 Trespassing
For Stepping onto the Public Side-
walk in front of the Fry's Foodstore
to cross the street to the talking
stick Resort. Both charges are

Almost one year old and still open charges in Phoenix Municipal Court house.

Also with 4th Criminal Trespassing Charge from CVS and the criminal charge from Taco Bell cantina.

All those criminal charges filed by the Phoenix Police Department. The Plaintiff has been deprived her day in Court to present evidence on her own behalf. To be heard by the Court, the right to Speedy trial or any trial. All have been violated.

This Petition should be granted by the Court for All the Above reasons as well as the total Lack of respect for American citizens Constitutional Rights. By Law Enforcement who took an Oath to Above All uphold and defend the United States Constitution.

Furthermore MCSO ILS has violated the Process of Law by not filed documents submitted for the Court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Alfred Carayon Jr.

Date: Oct. 8th, 2020