

Arizona Supreme Court
20-6984
No. CR-20-0223 PR

ARIZONA COURT OF APPEALS - DIVISION ONE
No. 1. CA-CR 15-0122 - Direct Appeal
No. 1. CA-CR 20-0143 PR PC
SUPERIOR COURT OF ARIZONA - MARICOPA COUNTY
CR2014-001312-001 AND CR2013-442655-001
IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

Ralph Esposito

— PETITIONER

(Your Name)

vs.

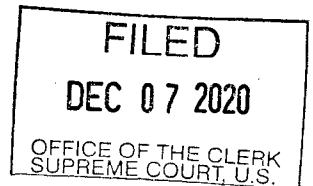
State of Arizona

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ARIZONA SUPREME COURT

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



PETITION FOR WRIT OF CERTIORARI

Ralph F. Esposito

(Your Name)

ARIZONA Dept. of Corrections
TUCSON/complex whetstone/unit
P.O. BOX 24402 10004 S. Wilmet Rd

(Address)

TUCSON, ARIZONA

85734-4402

(City, State, Zip Code)

N/A

(Phone Number)

Questions(s) Presented

Question #1 DID Police LACK Probable Cause thereby Violate the Petitioner Esposito 4th Amendment Rights UNDER the U.S. Constitution During A traffic stop - where Occupant Esposito WAS Seized From the 2003 FORD Expedition without MIRANDA WARNING AND immediately handcuffed by LAW enforcement when NO traffic Violation Occured OR cited NOR was their Any Prior Knowledge stated by Police of A Observed Crime being Committed According to Arresting officer who's testimony in Grand Jury indictment Asserted the traffic stop was A Routine welfare check of the Vehicle which Occupant Esposito was A Occupant of the 2003 Ford Expedition invovle in the Encounter with Police? DID the Prosecutor use Evidence After AN UNConstitutional Search AND Seizure to Charge AND Convict Defendant Esposito ON UNRelated Matter? Under the Exclusionary Rule should All subsequent Evidence be suppressed Resulting in A Reversal?

Question #2(A) DID ExParte Communication between Judge AND Prosecutor ON substantial Matter UNDER Arizona Rules of Supreme Court (Rule 81) without the Presence OF OPPOSING Pro-se Counsel Defendant Esposito Contribute AND Constitute structural Error During trial AND Sentencing Hearing? Were Arguments were Presented ON State of Arizona law Arizona Revised statute 13-1304(B) Combined with Arizona Revised statute 13-705(D) AND Specifically Subsection (M) of the Constitutionality in its Definition AND/OR in the Specific Application Applied to the Defendant Punishment A Violation UNDER the Double Jeopardy Clause of the 5th Amendment of the U.S. Constitution when Esposito WAS sentenced to Consecutive punishments OR Multiple punishment for ONE OR SAME offense that had multiple Counts but occurred Simultaneously AS ONE Act? DID Court ERROR by Depriving 337 Days Jail Credit to be Applied to Defendant's prison term IN Count #3 Kidnapping Due to Misinterpretation of Statute?

Question #2(B)

DID Court Commit Multiple structural Errors including: Denial of Right to self-Representation at trial/sentencing; Improper Amendment of Indictment; Denial of Right to impartial Judge; AND egregious violation of Right to fair trial After A Contemporaneous objections to A motion to Dismiss Original indictment (CR2013-442655-001) without Prejudice - initiated by Prosecutor After Arguments presented were Clear AND obvious that the State of Arizona in A Effort to Reset clock After Exceeding time frames while Defendant was in Custody before being brought to trial Constituted A violation UNDER Arizona Rules of Criminal Procedure Rule 8.2(A)(1) including improperly Amending OR Broadening the indictment UNDER Arizona Rules AND Criminal Procedure Rule 16.6(A) with A very Ambiguous Arizona Revised statute 13-705(B) AND (M) Constituting A violation of the Speedy trial Clause of the Sixth Amendment of the U.S. Constitution? Should this Argued violation of the U.S. Constitution Result in A Reversal?

Question #3 DID the Court Commit A structural ERROR through A Denial of Right to self Representation at trial; AND Egregious violation of Right to fair trial, AND Right to A impartial Judge caused Prejudice by Ordering through A Clear bias for Prosecution that the Pro-se Defendant Esposito began trial within 10 days with NO Preparation time Required UNDER state AND Federal law A 30 DAY Preparation time? Is this A Clear violation of the 30 DAY Preparation Rule UNDER speedy trial Act (1974); AND Arizona Revised statute Annotated (Rule 6.1) Subsection (A) titled - Sufficient time must be Afforded to Counsel to prepare for trial AND Federal Rule (title 18 U.S.C. § 3161(C)(2))? Is this A violation of 30 day Rule UNDER 6th Amendment OF U.S. Constitution - Speedy trial Clause AND 5th AND 14th Amendment of U.S. Constitution UNDER Due Process Clause AND Equal Protection Clause of Rights AND Privileges For All U.S. Citizens/Pro-se Defendants.

Question #4 DID TWO STRUCTURAL ERRORS OCCUR DUE TO A BRADY/DISCOVERY VIOLATION INCLUDING IMPROPER AMENDMENT OF INDICTMENT AND A STRUCTURAL DISCOVERY VIOLATION/ERROR OCCUR WHEN PROSECUTOR SUPPRESSED FAVORABLE EVIDENCE EITHER WILLFULLY OR INADVERTENTLY OF IMPEACHING FACTUAL EVIDENCE WERE A PREJUDICE ENSUED BECAUSE THE PROSECUTOR CALLED WITNESS CRESENCIA SANCHEZ TO TESTIFY BUT NEVER PROVIDED A SIGNED WRITTEN OR ORAL RECORDED STATEMENT OF THE ACCUSATION ON THE DATE OF THE ACCUSED ARREST TO IMPEACH THAT TRIAL WITNESS STATEMENT DURING TESTIMONY? DID STATE OF ARIZONA VIOLATE THE DEFENDANT'S RIGHTS TO DUE PROCESS UNDER THE 5TH AMENDMENT OF THE UNITED STATES CONSTITUTION AND UNDER SPECIFIC [REDACTED] STATE LAW - ARIZONA RULES OF CRIMINAL PROCEDURE 15.1(B) (1) AND RULE 15.7(A)(1)-(7) CONSTITUTING SECTIONS OF SEVERELY LIMITING OR EXCLUDING THAT TRIAL TESTIMONY ALL TOGETHER PUE THE BRADY/DISCOVER VIOLATION?

LIST OF PARTIES

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

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TABLE OF AUTHORITIES CITED

CASES See Attachment #1

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- (Ground #3 Page 1, 2)
- ① STATUTES AND RULES (Pro-se Rights - 30 day Rule to prepare for trial AFTER WAIVER OF COUNSEL)
 See Title 18 U.S.C. § 3161(c)(2) - To provide A defendant with AN Adequate opportunity to prepare, A trial MAY NOT begin earlier than thirty days AFTER defendant 1st Appears through counsel, OR expressly WAIVES counsel AND elects to proceed pro-se unless the defendant consents in writing to AN earlier date for trial. P
 see ARIZONA Revised Statute Annotated - Rule 6.1 - (Rights to Counsel) (A) subsection (A) OR WAIVER OF COUNSEL
- ② Pro-se OR Defendant's Representing self, At reasonable time thereafter, AND sufficiently in Advance of A proceeding to Allow Adequate preparation time For the proceeding OR trial (Ground #3 ← Page 1, 2)
- ③ ARIZONA Revised Statute 13-712(B) Calculation of terms of imprisonment (Ground #2 Pages 2
 All time Actuality spent in custody Pursuant to AN offense until the prisoner is sentenced to imprisonment for such offense shall be credited Against the term of imprisonment. Petitioner's 5th Amendment Right Under Double Jeopardy Clause Violated by Depriving 337 Days Jail Credit Applied to Prison term)

OTHER

- ① Encyclopedia Britannica - Definition of Alzheimer's disease/Dementia Exhibit #2 in Appendix AND page 7 in brief Ground #2
- ② Webster's Dictionary - Definition of Dementia - Ground #2 Page #7
- ③ Grand Jury Indictment NO 606 GJ 454 - CR2014-00312-001 Superior Court of Arizona - Maricopa County Exhibit #1 Page 8 Line #1 IN Appendix
 (Exhibit #1) AND (Exhibit #13) Sole Eyewitness Cresencia Sanchez to Alleged crime has Alzheimer's Disease
 Page #8

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Also 11 MURRAY V CARRIER, 477 U.S. 478, 485 (1986)

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1 Stone v Powell, 428 U.S. 465, (1976)

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2 LAW HORN V ALLEN, 519 F.3d 1272, 1288 (11th cir 2008)

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3 U.S. V HALLS, 40 F.3d 275, 276 (8th cir 1994)

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4 U.S. V Griggs, 498 F.3d 1070, 1081 (9th cir 2007)

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5 U.S. V Arvizu, 534 U.S. 266, 273 (2002)

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6 U.S. V MEYERS, 308 F.3d 251 (9th cir 2002)

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7 Terry v. OHIO, 392 U.S. 1, 20 LEd2d 889, 88 Sct 1868 (1968)

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8 U.S. V JENSON, 462 F.3d 399, 404-06 (5th cir 2006)

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9 U.S. V LYONS, 510 F.3d, 1225, 1235-36 (10th cir 2007)

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10 McNALLY V. U.S., 483 U.S. 350, 97 LEd 2d 292, 107 Sct 2875 (1987)

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11 U.S. V. DIAZ-CASTANEDA, 494 F.3d 1146, 1152-53 (9th cir 2007)

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12 FIA V Bostick, 501 U.S. 429, 435 (1991)

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13 mich V chesler not 486 U.S. 567, 573 (1988)

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14 Brendlin V. CAL, 551 U.S. 249, 256-58 (2007)

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15 Katz v. U.S., 389 U.S. 347, 357, 19 LEd 2d 576, 99 Sct 507 (1967)

→ 15

16 U.S. V BIZIER, 111 F3d 214 (1st cir 1997)

17

17 U.S. V CHANTHASOUXI, 342 F.3d 1271, 1279 (11th cir 2003)

17

18 U.S. V JOHNSON, 584 F.3d 995, 999 (10th cir 2009)

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19 MAPP V OHIO, 367 U.S. 643, 654-55 (1961)

16

20 oliveira V. MAYER, 123 F.3d 642, 645 (2nd cir 1994)

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② <u>Blockburger V U.S.</u> , 284 U.S. 299, 301 (1932)	4, 9
③ <u>U.S. V Guyon</u> , 474 F.3d 114, 118 4th Cir 2006	4
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⑤ <u>Wilson V. Walker</u> , 204 F.3d 33, 37 (2nd Cir 2000)	5

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② <u>U.S. V. Wilson</u> , 614 F.3d 219, 223 (6th cir 2010)	2
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④ <u>U.S. V. Gilchrist</u> , 215 F.3d 333, 339 (3rd cir 2000)	4
⑤ <u>U.S. V. Pacheco</u> , 912 F.2d 297, 305 (9th cir 1990)	4 * Reverse meaning but Helpful
⑥ <u>U.S. V. Taylor</u> , 487 U.S. 326, 343-44 (1988)	4
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⑩ <u>McKaskle V. Wiggins</u> , 465 U.S. 168, 177 N.8 (1984)	7, 13
⑪ <u>Pool V. Superior Court</u> , 139 Ariz 48, 677 P.2d 261, (1984)	9
⑫ <u>McLaughlin V. Fahringer</u> , 150 Ariz 274, 723 P.3d 92 (1986)	9
⑬ <u>U.S. V. Alferahin</u> , 433 F.3d 1148, 1159 (9th cir 2006)	9
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⑲ <u>Blockburger V. U.S.</u> , 284 U.S. 299, 301 (1932)	14
⑳ <u>Pontarelli V. Stone</u> , 978 F.2d 773, 775 (1st cir 1992)	5
㉑ <u>U.S. V. McCray</u> , 437 F.3d 639, 643-44 (7th cir 2006)	6

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② <u>WOODS V. DUGER</u> , 923 F.2d 1454, 1460 (11th cir 1991)	1
③ <u>ARR. V. FULMINANTE</u> , 499 U.S. At 309-10 (1991)	2
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② <u>U.S. V. BAGLEY</u> , 589 F.3d U.S. 667, 682 (1988)	3

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 _____ 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**:

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 ARIZONA Court of Appeals court appears at Appendix A to the petition and is

- ☐ reported at _____; 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 _____.

☐ 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).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 11/13/20.
A copy of that decision appears at Appendix DE.

☒ A timely petition for rehearing was thereafter denied on the following date: 11/24/20, and a copy of the order denying rehearing appears at Appendix F.

☐ 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 4th Amendment United States Constitution
The right of the people to be secure in their person, houses, paper, AND effects, ~~Against~~ UNREASONABLE SEARCHES AND SEACHES AND SEIZURES, shall not be violated AND NO WARRANTS shall issue, but upon probable cause, supported by Oath or Affirmation, AND particularly describing the place to be SEARCHED, AND the persons or things to be seized.
 - ② 5th Amendment United States Constitution-Including the Double Jeopardy Clause AND Due Process Clause
 - ③ 6th Amendment United States Constitution
Speed trial Clause AND to be informed of the NATURE AND CAUSE of the Accusation-Discovery Clause AND to have ASSISTANCE OF COUNSEL for his defense AND Compulsory Process for obtaining witnesses in his FAVOR
- ARIZONA STATUTORY LAWS
- ① ARIZONA Revised Statute - 13-705 DANGEROUS CRIME AGAINST CHILDREN - Consecutive Sentence Provision - Subsection (D)(M)
 - ② ARIZONA Revised Statute - 13-1304 KIDNAPPING - Consecutive Sentence - Provision Subsection (B)
 - ③ ARIZONA Revised Statute 13-1303 UNLAWFUL IMPRISONMENT
Not included in Jury Instruction is CONSTITUTION LAW UNDER Double Jeopardy
 - ④ ARIZONA Revised Statute #16(A) ^(Annotated) ARIZONA Rule AND Criminal procedure Rule #8 - Speedy trial Rule - Annotated
 - ⑤ ARIZONA Revised Statute #16(A) ARIZONA Rules AND Criminal procedure Rule #15.1(B)(1) AND 15.7 - Rules of Discovery - Annotated
 - ⑥ ARIZONA Revised Statute 16(A) ANNOTATED - ARIZONA Rules of Criminal procedure Rule #16.6 Dismissal of Prosecution
Subsection (A) Related to purpose of the dismissal is not to avoid the provision UNDER Rule #8 Speedy trial Rule
see Exhibit #18

The Petitioner Ralph Esposito make A General Statement of RELEVANT Facts supported by (DOCUMENTATION) provided through the Discovery Process of References through Exhibits Number 1 - 25 in the Appendix. The Petitioner Ralph Esposito believe His Criminal Case to be A LANDMARK Decision of the Utmost NATIONAL importance because it A matter of Credibility between two people which could be described to A tee AS A he said - she said case UNDER First light. But, ONCE You Peel AWAY the layers its A PANDORA'S BOX ON witness Competency to testify Due to A UNSOUND MIND Caused by Alzheimer's Disease which is the Leading Cause of Demencia OR Legally INSANE. The PANDORA'S BOX Reference COME'S INTO Part because (Civil Court) Absolutely opposes A person From testifying with A UNSOUND mind which the Phrase All CRIMINAL CASES ARE Civil. The state of Arizona whole Prosecution Against Petitioner Ralph Esposito came from AN ACCUSATION of From Cresencia Sanchez, who At Age 69 YRS WAS Diagnosed with Alzheimer's Disease (see Exhibit #1 Grand Jury indictment pg 5 in Appendix) ALSO, Cresencia Sanchez AND her Entire Family who testified in this Criminal Case were illegal immigrants, SPANISH speaking from A UNKNOWN Origin. (See Exhibit #2 Request For Court Interpreter Date 5/19/14). The Petitioner Esposito on Direct Appeal (see Appendix (A) Arizona Court of Appeal Decision Date 11/19/15 Page #7 in Appendix) Argue that Superior Court should of Preclude Cresencia Sanchez testimony because she has Alzheimer's Disease Constituting her Being legal INSANE AND UNDER ARS (Arizona Revised statute 12-2202 Disallows her From testifying. The Arizona Appellate Court Decided that ARS 12-2202 is only For Civil Court Not Criminal Cases. The Petitioner Esposito Made References to the 11th Amendment of the United States Constitution UNDER his interpretation that At Commencement of A Prosecution MAY NOT began ON the Accusation of A person From A UNORIGIN OR Not A U.S. citizen bringing immigration law Against A citizen of United States. The Arguments WAS Rejected by the Arizona Court of Appeals by stating Cresencia Sanchez WAS Able to understand the OATH SO, in the Appellate Court opinion Cresencia Sanchez WAS Credible AND Legally SANE AS A witness. The Petitioner Esposito will simply Reply how can A Judge understand what's going on in Cresencia head AND Court should of deferred on the side of the medical diagnosis AS to be legally INSANE including observation made by PHDs in Medicine. (Refer to Exhibit #2 Encyclopedia Britannica 2 pgs in Appendix) state's Alzheimer's Disease is the most Common Cause of Dementia - Definition in ANY Dictionary Legally INSANE, other symptoms - losses ability to think clearly, forgets names, conversation, becomes lost in familiar places, short and long term memory loss, AND require (constant supervision). The petitioner Ralph Esposito Argued Several More Grounds on Direct Appeal in the Arizona Court Appeals that Occupant Esposito of A 2003 Ford Expedition (performing A welfare check) (Refer to Exhibit #1 Grand Jury indictment No. 592 GU 534 CR 2013-442655-001 Pg 8 Line 13 in Appendix) Violated Esposito 4th Amendment Right without probable cause OR Reasonable Suspicion, searched AND seized Esposito from the 2003 Ford Expedition, Handcuffed Esposito at Gun point thereby terminating his Freedom AND placed into A patrol vehicle without ANY Investigative inquiries OR Prior Knowledge A Crime WAS Committed NOR was there ANY traffic Citation ticketed During the traffic stop. This Ground WAS never Given AN Opinion of ANY sort on Appeal.

The Direct Appeal in the Arizona Court of Appeal WAS AN ANDER'S Review After (Defense) Counsel searched the Entire Record, but found NO Arguable questions of law. However, the Arizona Court of Appeals DID Discover A possible Reversal issue pertaining to A potential sentencing Error were Defendant Esposito served 337 days of preincarceration Credit in County Jail but Court ERRORS AND Credit defendant Esposito 0 zero days to be applied to Prison term. Appellate Court in ANDER'S Review ONLY state's, "there was NO challenge ON Appeal. The normal protocol is to inform Appellate Defense Counsel to Brief the (possible) REVERSAL ERROR - so, Appellant Esposito could be Resentenced to Correct Prison term. (Refer to Exhibit OR Appendix # A Direct Appeal Decision Filed 11/19/15 page 41 Paragraph #8 italicized #4 in Appendix.

① The Arizona Court of Appeals Also discovered issue with the speedy trial CLAUSE (see Appendix (A) pg 4 Paragraph #11 in Appendix) (Page #1)

STATEMENT OF THE CASE Page 3

The Petitioner will Argue to Protections Guaranteed by the United States Constitution did Not Fail. The Failure was A result of Successive Prejudicial bias AND the Cumulative effect of Violation During Pre-trial and trial Proceeding on MY (Esposito) United States Constitutional Due Process Rights by Agents of the Government including Suppression of Discovery of the Sole EYE witness (Cresencia Sanchez) who's Credibility of the Accusation was only Relevant by One Tempe Police Officer Sgt Ricardo Vasquez who was A UN Certified translator of the Spanish speaking Cresencia Sanchez. The important thing to Remember is that Tempe Officer Sgt Ricardo Vasquez NEVER wrote A supplemental Report OR Any other officer interviewed the Sole EYE witness on the Date 9/5/13 that the Occupant Esposito of the 2003 Ford Expedition WAS Arrested. Police never required A signed written statements OR orally Recorded statement by the sole EYE witness (Sanchez) that could be used UNDER Rules of Discovery if Cresencia Sanchez WAS Ever called to testify AS impeaching Evidence for the Defense under Arizona Rules AND Criminal Procedure Rule 15.1(B)(1) AND UNDER Rule 15.7(A) 1-6. (Cresencia Sanchez's) testimony would be precluded. However, this Fact would Go UNKNOWN to the Defendant Esposito until AFTER trial.

The Petitioner Esposito Concentrated his main Defense on A potential 4th amendment violation by Police. So, on the 5th Day of September 2013, the Events which had transpired During A traffic stop by Tempe Police which Occupant Esposito perceived AS A 4th amendment violation Against his Constitutional Rights Caused A immediate Decision not to speak to police because Esposito already perceived he was UNDER Arrest without any miranda warning OR explanation why his Freedom was Restricted, for 30 minutes in A Police Patrol CAR. The NOW Arrested Esposito observed Several officers trying to Control the other Occupant/Driver Cresencia Sanchez who was having UNcontrollable Fits - including hitting her own Self. (Refer to Exhibit #4 Sgt Ricardo Vasquez's deposition Page 4 Line 1-3 in Appendix). Sgt Ricardo Sanchez state's to speaking to Cresencia Sanchez AS A UNcertified Spanish speaking officer. (Refer to Exhibit #4 Page 3 in Appendix) Sgt Ricardo Sanchez state's to NEVER writing A supplement Report of interview of Cresencia Sanchez OR Recording of the Conversation. (Refer to Exhibit #4 Page 4 Line 14 - 22 in Appendix) Sgt Ricardo Vasquez Conversation with Cresencia Sanchez UNauthorized statement that was NEVER endorsed OR signed by Cresencia Sanchez was only written down in other officers Reports AND then Repeated in A Grand Jury indictment of Ralph Esposito AS FACT. Refer to Exhibit #4, page 5 Line 1 in Appendix. Sgt Vasquez state's Cresencia is outside 2003 Ford Expedition on Driver's side trying to Get the child out of the Vehicle but Vehicle Goes in Motion from the Accused Esposito According Deposition statement. (Refer to Exhibit #4 Page 5 Line 13 - 16 in Appendix). Also, see Exhibit #4 Page 6 Line 16 - 22 in Appendix) Next, Sgt Ricardo Sanchez state's AS CAR'S in Motion Cresencia Sanchez, Age 69, with Alzheimers Disease walk Around the Complete 2003 Ford Expedition (SUV) and Reenter Vehicle on Right side of Vehicle because the Accusation state's Esposito WAS the Driver Left side AND child in CAR seat WAS also on Left side behind Drivers seat. (Refer to Exhibit #4 Page 7 Line 1 - 16 in Appendix) Sgt Ricardo Sanchez state's Cresencia Sanchez statement had contradiction About where she was seated AND varied how she got back in CAR after it was in Motion At 69 years of Age with A Unsound mind. (Exhibit #4 Line 7, AND 17-22 in Appendix.)

The Tempe Police After About A 30 minutes while Esposito sat Handcuffed in A patrol Police vehicle WAS pulled out of the CAR AND then WAS Asked Question About the Event that led to the Police Encounter but the Accused Arrested Esposito Refused AND Request to Release him OR let him speak to A lawyer. The Police then stated to Esposito why are your eye watery? After being left in A Police CAR for A 1/2 hour without the CAR Running in A 100° Degree temperatures that day. The Tempe OR Mesa Police Read Esposito his miranda Rights AND Arrested him for ARS 28-1381 Driving of A Motor Vehicle under the influence of Drugs OR Alcohol / 2 counts (Refer to Exhibit #8 Mesa Police Complaint Warrant in Appendix). The Arrested Esposito was Driven to Mesa Police Dept. where A warrant for his Blood was Requested to A Judge by A Mesa Police officer with 20 years of Experience on Force was positive that Esposito the Accused Amvur was under the influence of Drugs OR Alcohol. (Refer to Exhibit #8 Blood sample warrant in Appendix) Several month later Blood sample Result were negative for Drugs OR Alcohol. (Refer to Toxicology Report Exhibits 9 AND 10 in Appendix). Also, Finger print Evidence were negative on Results for Esposito on 5 Latent print Recovered off the steering wheel of the 2003 Ford Expedition off of the AFIS Data Base. However, Cresencia Sanchez AND Family member were All illegal immigrants AND it probable they Are Not on AFIS Data Base AS MY Defense Attorney Presumed which goes back to Credibility of Cresencia Sanchez UNdocumented and NEVER signed written statement OR oral Recording of her Accusation of Esposito AS the Driver of A CAR Jacking. (Refer to Exhibit #4(A) Negative Results of Finger prints of Esposito on steering wheel AND Driver side Door, in Appendix) Refer to Exhibit #4 Request for Interpretation of Family of Cresencia Sanchez - Spanish speaking. Family from UNKNOWN origin - illegal immigrants in Appendix. At Mesa Police Dept Detective ask Ralph Esposito to Answer question he Refused. Mesa Police state, Esposito is being charged with 1 count of theft of means of transportation 2 counts of kidnapping AND 2 counts of D.U.I. on A Mesa Complaint/Warrant. Exhibit #8 in Appendix) Esposito is Driven to Maricopa County Jail. At Arraignment he Receives \$35,000 Dollar BOND AND is held in Custody till his trial 9/5/13 till 6:01 PM - 270 days well over speedy trial Clause of the 6th Amendment of the U.S. Constitution. The Defendant Esposito is Grand Jury Indicted on 9/13/13 Refer to Exhibit #1 Grand Jury Indictment CR 2013-44265-001 in Appendix) Cresencia Sanchez does Not testify but police testify for Cresencia Sanchez by stating Cresencia was outside CAR when Esposito starts Driving off Cresencia jumps in CAR at her own volition but Grand Jury still indicts Esposito of kidnapping (Cresencia Sanchez.)

STATE OF ARIZONA THE PETITIONER ESPOSITO BELIEVES CREDIBILITY IS THE MAIN DECIDING FACTOR IN THIS
PAGE #4 APPEAL THE PETITIONER RALPH ESPOSITO HAS FELT THIS WAS A CASE OF HE SAID -
SHE SAID BUT IN THIS PARTICULAR CASE THE ACCUSED WAS ADVISED NOT TO SPEAK FOR
TESTIFY - BY HIS DEFENSE COUNSEL WHILE SHE (CRESENCIA SANCHEZ WAS SQUAWKING LIKE BIRD WITH TWO
CONFLICTING STATEMENT. THE FIRST STATEMENT CAME MINUTES AFTER THE TRAFFIC STOP ^{ENCOUNTER} ^{ENCOUNTER}
WITH POLICE. CRESENCIA SANCHEZ TELLS POLICE SHE WAS OUTSIDE THE VEHICLE WHEN THE ACCUSED JUMPED
IN AND ATTEMPTED TO DRIVE OFF BUT CRESENCIA SANCHEZ DASHES TO THE PASSENGER SIDE AND SIT DOWN NEXT
TO ESPOSITO IN THE PASSENGER'S SEAT. CRESENCIA SANCHEZ ^{ALTERS} ^{TRIAL} HER TESTIMONY ^{FROM} STATEMENT PROVIDED
BY POLICE IN THE GRAND JURY INDICTMENT. THE TRIAL TESTIMONY IN SUPERIOR COURT OF ARIZONA
MARICOPA STATE ESPOSITO 1 CA CR 15-0122 DATED JUNE 9, 2014 PG 47 LINE 12 - 18) IN APPENDIX
EXHIBIT #25) CRESENCIA SANCHEZ TELL JURY SHE WAS IN THE VEHICLE THE WHOLE TIME WHEN ESPOSITO ENTERS AND DRIVES
OFF.
THE RELEVANCE OF THIS FACT CONSTITUTES FUNDAMENTAL ERROR NEVER CONSIDERED
HARMLESS AND NOT SUBJECT TO HARMLESS ERROR ~~AND~~ REVIEW UNDER IMPROPER AMENDMENT OF
INDICTMENT CONSTITUTES REVERSIBLE ERROR WHERE GOVERNMENT PROVED ESSENTIAL ELEMENT OF CRIME
ON FACTS NOT ALLEGED IN THE INDICTMENT. THE PETITIONER (PRESENTED) THIS CLAIM AND ANOTHER
CLAIM OF FUNDAMENTAL ERROR TO ALL APPELLATE COURT OF A DISCOVERY VIOLATION UNDER THE JENCKS ACT
AND ARIZONA RULES AND CRIMINAL PROCEDURE RULE 15.1(B)(1) WERE CRESENCIA SANCHEZ NEVER GAVE A
INITIAL ~~AND~~ WRITTEN SIGNED STATEMENT OR ORAL RECORDING TO POLICE ON THE DATE 9/5/13 OF THE ACCUSATION
REQUIRED BY ARIZONA AND FEDERAL LAW AS POSSIBLE IMPEACHING EVIDENCE OR DISCOVERY TO THE DEFENSE OR
UNDER ARIZONA RULES AND CRIMINAL PROCEDURE 15.7 CRESENCIA SANCHEZ ~~TRIAL~~ TESTIMONY MUST BE
SANCTIONED OR PROCLUDED. THE SUPERIOR COURT OF ARIZONA COMMITTED STRUCTURAL ERROR THROUGH A BRADY VIOLATION
FOR ALLOWING CRESENCIA SANCHEZ TO TESTIFY AND CHANGING HER INITIAL STATEMENT WITHOUT PROVIDING
THAT DISCOVERY WHICH WAS EITHER INADVERTENTLY OR WILLFULLY WITHHELD BY THE STATE OF ARIZONA.
THE IMPORTANCE OF THESE FACTS IS THE PETITIONER HAS NEVER RECEIVED A FULL AND FAIR OPPORTUNITY
TO PRESENT THOSE FUNDAMENTAL ERRORS WITH AN OPINION FROM ANY OF THE STATE OF ARIZONA APPELLATE
COURTS INCLUDING THE CLAIM THAT TEMPE POLICE WITHOUT ANY PROBABLE CAUSE OR REASONABLE
SUSPICION UNDER THE 4TH AMENDMENT OF U.S. CONSTITUTION VIOLATED ESPOSITO RIGHTS BY SEIZING HIM
WITHOUT MIRANDA WARNING AND RESTRICTED HIS FREEDOM. THEN, CHARGED HIM WITH A UNWARRANTED
DRIVING UNDER THE INFLUENCE OF DRUGS OR ALCOHOL WHICH TOXICOLOGY REPORT PROVED NEGATIVE. ALSO
CONSTITUTING UNDER THE EXCLUSIONARY RULE ALL SUBSEQUENT EVIDENCE RECOVERED AFTER ILLEGAL SEARCH
AND SEIZURE MUST BE SUPPRESSED. FURTHER MORE, THE DEFENDANT ESPOSITO REQUESTED THAT
HIS DEFENSE ATTORNEY VALERIE WALKER FROM THE PUBLIC DEFENDERS OFFICE MOTION FOR
SUPPRESSION HEARING DUE TO TWO RECENT DEFECTS IN THE PROSECUTOR'S CRIMINAL CASE
AGAINST THE DEFENDANT ESPOSITO RESULTED IN A FAVORABLE LIGHT IN THE DEFENDANT'S FAVOR.
THE TOXICOLOGY RESULT OF THE BLOOD SAMPLE THROUGH A WARRANT BY A JUDGE WAS NEGATIVE
FOR DRUGS AND ALCOHOL WHICH RESULTED IN TWO ACQUITTALS OR PROPOSED CHARGES THAT LED
TO THE ACCUSED ESPOSITO UNWARRANTED ARREST THROUGH IRREGULAR AND ILLEGAL PRACTICE BY
POLICE IN THE OPINION AND KNOW PROVEN VIOLATION OF THE 4TH AMENDMENT BECAUSE POLICE ARRESTED
ESPOSITO ONLY FOR DRIVING UNDER THE INFLUENCE, BUT LATER AT THE MESA POLICE STATION DID THEY INCLUDE
MORE CHARGES. DURING PRETRIAL PERIODS DEFENDANT ESPOSITO MADE SEVERAL REQUEST FOR A
MOTION TO SUPPRESS HEARING, BUT HIS DEFENSE ATTORNEY VALERIE WALKER STATES IN WRITING A MOTION FOR
REQUEST. FINALLY, DEFENSE ATTORNEY WALKER IN AN AFFIDAVIT STATES IN WRITING A MOTION FOR
A SUPPRESSION OF EVIDENCE HEARING WHICH IS COMPLETELY FALSE AND CONSTITUTES A TOTALLY
STEALING THE 2003 FORD EXPEDITION WHICH THE LOWER STATE APPELLATE COURTS REJECTED MY
INEFFECTIVE INSISTANCE OF COUNSEL WHICH THE PETITIONER ESPOSITO WAS DEPRIVED A FULL AND FAIR
CLAIMS WITHOUT ANY OPINION. THE PETITIONER ESPOSITO WAS DEPRIVED A FULL AND FAIR
HIS OWN DEFENSE ATTORNEY. (REFER TO EXHIBIT #11 PAGE 2 QUESTION #4 IN APPENDIX.)
(SEE EXHIBIT #11 PAGE 5) THE PETITIONER ESPOSITO AND HIS DEFENSE ATTORNEY ENTERED A SETTLEMENT CONFERENCE STATEV.
PAGES 442655-001 DATED 2/28/14 WERE A PLEA OFFER OF A ONE YEAR PRISON TERM WAS OFFERED (PG 5). AND ABAS
JUDGE STEINLE TELLS THE DEFENDANT ON PG 9 LINE 10-25, "WHAT THE PROBLEM OR ISSUE OF WHAT'S BEEN OFFERED,
WHY IS IT SO DIFFICULT TO SEE -- THAT YOU'RE NOT GOING TO WIN AT TRIAL." ENQUOTE PETITIONER BELIEVE THE
JUDGE WAS BIAS AND THAT STATEMENT WAS THE FIRST OF MANY RULING THAT BIAS THE DEFENDANT AND CONSTITUTED
A VIOLATION OF HIS DUE PROCESS RIGHTS UNDER 5TH AND 14TH AMENDMENT OF EQUAL PROTECTION OF THE LAW.
CASE AND POINT, THE PETITIONER ESPOSITO REALIZED THE PROSECUTOR HAD EXCEEDED TIME FRAMES OF 150 -
DAY 5 PAGES 442655-001 BEFORE BEING BROUGHT TO TRIAL UNDER ARIZONA RULE AND CRIMINAL PROCEDURE RULE 8 AND
UNDER THE SPEEDY TRIAL CLAUSE OF THE U.S. CONSTITUTION. THE PROSECUTOR REINDICTED THE DEFENDANT
ESPOSITO ON 3/13/14 NO 606 GO CR 2014-001312-001. THE CRIMINAL CASE OF THE GRAND JURY INDICTMENT
MIMICRED THE ORIGINAL INDICTMENT EXCEPT FOR COUNT #3 KIDNAPPING THE PROSECUTOR REINDICTED THE DEFENDANT
HARSHER STATUTE ARS 13-705 WHICH CONVICED INCLUDED A MANDATORY MINIMUM SENTENCE OF 10 YEARS IN
PRISON. THE STATE OF ARIZONA FILED A MOTION TO DISMISS WITH PREJUDICE (THE DEFENSE OBJECTED FOR)
ON SEVERAL GROUNDS - 1ST SPEEDY TRIAL RULE HAD BEEN EXCEEDED AND BROADEN AN INDICTMENT BY ADDING
A MUCH HARSHER STATUTE 13-705 (DCAC) WAS A VIOLATION OF ARIZONA RULE AND CRIMINAL PROCEDURE RULE 16.6(A),
ALSO A DISCOVERY VIOLATION OF CRESENCIA SANCHEZ INITIAL STATEMENT WAS NOT PART OF DISCOVERY AS SOLE BY EVIDENCE
WHO MADE THE ACCUSATION THAT LED TO ESPOSITO ARREST (RULE 15.1(B)(1) AND 15.1. AND POLICE
AND PROSECUTOR LACK PROBABLE CAUSE DURING TRAFFIC STOP WITH
AMENDMENT VIOLATION.

After the Settlement Conference a 5 Year Plea offer to the Defendant Esposito Expired AND Judge Steinfeld's Ruling that Esposito should take the plea offer. "State of the Defendant, 'You Will Not Win At Trial.' The Defendant had Concerns About the Judge prejudicing Future proceeding OR motions due to his bias statement during the settlement Conference. The Defendant Esposito Complained to his Attorney About motioning For A recusal of Judge Steinfeld. The Defense Attorney ignored my concerns AND push me to take the plea offer. The Defendant Esposito Reasserted his innocents to Defense Attorney Valerie Walker just as the Defendant Explained to Pretrial Judge Steinfeld. The Defendant Esposito was highly Aggravated with Extreme Anxiety After Exceeding time Frame before being brought to trial while being in custody over the 150 Day time period set by Arizona Rules AND Criminal Procedure Rule 8 - the speedy trial Rule AND Explained this to his Defense Attorney that As Pretrial Detainee, Defendant Esposito life was in danger because of his charges of kidnapping AND he was brutally Assaulted with a head injury AND Concussion that was causing mental challenges in his judgement to understand each follow the issues of each proceeding AND the Failure of Defense Counsel to motion for a suppression hearing was constantly on my mind. Defense Counsel Valerie Walker became upset with the Defendant for not taking the plea offer of 5 Year AND see Explained the Prosecutor was a close friend of hers AND she convinced him to offer that plea offer. The Defendant Esposito felt a conflict of interest with his Defense Attorney who seemed to be a plea offer specialist AND may have not had experience in calling witnesses in a motion to suppress evidence type hearing that had a high possibility of success in favor of the Defendant Esposito AND his liberty. Defense Attorney told the Defendant Esposito a motion to suppress would be frivolous.

Suddenly, the Defendant Esposito was advised after the plea offer expired that the prosecutor Enpaneled a new Grand Jury in a proceeding before the 606th Maricopa Grand Jury NO 606 GJ 454 CR 2014-001312-001 DATE March 13, 2014 All counts mirrored the original Grand Jury indictment. The Defendant Esposito asked his Defense Counsel Valerie Walker what was the purpose of a new Grand Jury indictment by the Prosecutor. Defense Attorney Explained the Prosecutor's Attempt to Reset the clock of the speedy trial clause of the United State Constitution but in this case the Prosecutor was also attempting to add OR Broaden the indictment with a much Harsher statute 13-705 IN COUNT #3 kidnapping which is a violation of Arizona Rules of Criminal Procedure Rule 16.6. The Defense Attorney advised her client Esposito that a Judge will take into consideration AND a high likelihood a Judge would rule in the Defendant Esposito favor. The Defense Attorney felt reasonable sure of herself. So, on March 17, 2014 during Pretrial Conference with Judge Steinfeld the Prosecutor motioned to dismiss current indictment without prejudice, the Defense objected to Dismiss indictment with prejudice due to the speedy trial Rule 8, Discovery violation, AND Broadening the indictment with a much Harsher statute 13-705 after Exceeding time Frame to bring the Defendant Esposito to trial. After Argument were presented Judge Steinfeld made his decision without doing a full Accounting of Exceeded time Frame which is required by Arizona Rule AND Criminal Procedure Rule 8.2 (A)(1) AND Rule 16.6 (A). On the March 17, 2014 Pretrial Conference the Defendant had been in custody for 193 days from the Sept 5, 2013 Arrest Date. The Arizona Rules AND Criminal Procedure Rule 8.2 (A)(1) specifically require a defendant be brought to trial within 150 days.

Judge Roland Steinfeld ruled on 3/17/14 on a motion to dismiss without prejudice over objection AND Arguments of merit favoring the Defense by specific Rules which the Judge again ignored the full Accounting of the case under the speedy trial Rule AND allowed the Prosecutor to Reset the clock forever while the Defendant Esposito suffered in custody a violation 6th Amendment of the Constitution which has been Appealed in the state Appellate Courts without any opinion AND has been presented as a question in this writ Certiorari. The Petitioner Esposito repeatedly warned his Defense Counsel of Judge Steinfeld prior conduct AND was Appalled by the Early statement at the settlement Conference which his Attorney had a obligation to have Judge Steinfeld Recuse himself through a motion to change Judge upon Request was rejected AND ignored. Arizona Rules a Criminal Procedure Rule 10.2 (A). Defense Attorney Valerie Walker again states in a Affidavit in a Exhibit #11 of the Appendix Question #6 that a change of Judge was not warranted under the Rules, which is untrue Arizona allows changes in Judge's one time without cause. The Petitioner Esposito states that was the straw that broke the camels back. Defense Attorney Valerie Walker of the Public Defender Office was removed as Counsel of Record. On March 24, 2014 Judge Steinfeld replaced Defense Counsel Valerie Walker After a Arizona Bar Complaint was submitted earlier in the year. Legal Defender Matthew Leather was Defense Counsel of Record on March 31, 2014. However, Defense Counsel Matthew Leather was a complete Constructive Denial of Counsel. The Defendant Esposito never received a visit while in custody for 3 months. The trial date was set for March 31st it was MAY 22, 2014 when Defendant became so furious at a Pretrial Conference that Esposito waived Counsel AND elected to Represent himself. The Request was Granted at the Pretrial Conference (see Exhibit #23 Pretrial Conference CR2014-001312-001 DATE 5/22/14). However, Esposito was only Granted 10 days to prepare for trial. AS A pro-se defendant which is a violation of the 6th Amendment of Pro-se rights must be given 30 days to prepare for trial.

Under the Sixth Amendment of the U.S. Constitution the Court (Judge Roland Steinle) had a heightened obligation to assist the pro-se defendant Esposito. Under the speedy trial Act safeguards against post-accusation delays - A trial may not begin earlier than thirty days after the defendant Esposito first appears through counsel or expressly waives counsel and elect to proceed pro-se. A pretrial conference dated May 22, 2014 Esposito waived counsel. Superior Court of Arizona Judge Steinle orders / or coerces defendant to take a June 2, 2014 trial date but it was not consented to in writing.

The Petitioner Eposito Presented A Question in his Writ of Certiorari that WAS submitted in the Lower State Appellate Courts without Giving ANY OPINIONS on that Ground for Relief. Question #3 Did Court commit a structural ERROR by Denial of Right

Did Court Commit A structural ERROR by Denial of Right To self Representation by A violation of the Speedy trial clause of the 6th Amendment by Depriving Pro-se Defendant A 30 Day time period to prepare A Defense After Waiving Counsel and elects to proceed Pro-se? The Petitioner, Esposito never Received A full and fair opportunity to Motion for A suppression Hearing Due to the speedy trial violation AND A summary Judgement on the 4th Amendment violate proceeded by the Defendant Esposito, with only "10 Days to prepare for trial".

by the Defendant Esposito, with only 10 days to prepare for trial.
The Petitioner Esposito a pro-se Defendant went to trial on June 2, 2011
picked a jury, Prosecution called their witness, in Closing Argument by the
Prosecutor led to a possible mistrial for Prosecutorial Misconduct. However,
Pro-se Defendant Argued in a ground in his Writ of Certiorari which no
opinion was given in the Lower Appellate ^{court} which the Petitioner Esposito Describes
as a LANDMARK Decision AND of NATIONAL importance when Trial Judge ~~RE~~
Deprives Pro-se Defendants Esposito Right to self Representation to Argue points of
law at Bench Conferences without his presence then Advisory Counsel CAN Repeat the
the Argument to the Defendant ~~as~~ stated without hearing the Verbatim Argument Presented.
~~as~~ The Petitioner Argued this Ground in the Lower Appellate Court AND NOW IN
this Writ of Certiorari Constituting structural ERROR by Denial of Self Representation
At trial through Ex parte Communication because Advisory Counsel had no Authority
to Argue points of law in place of Pro-se Defendant presence, ~~he~~ ^{must be able} to control all content
for Esposito liberty interest. (Refer to Appendix-A - Direct Appeal P.S. Paragraph 14-16 in Appendix)
Petitioner ^{was} ~~the~~ ^{prejudice} ~~the~~ Petitioner Esposito Argued the Prosecutor Misconduct Deprived
the Defendant of a mistrial ~~caused~~ ^{by} ~~Ex parte~~ ^{Ex parte} Communication, Allowed the trial Judge
to avoid giving a Curative instruction ^{in jury} ~~after~~ ^{the} Pro-se Defendant waived a mistrial
because Esposito had no idea what was said in complete contents at the bench
conference without his presence. The Petitioner Argued another issue of Ex parte
communication when the Judge continued at sentencing to hold side bars without the Pro-se
Esposito concerning a Double Jeopardy Ground an ARS 13-705(D)(M)
should be interpreted through Arguments that

because Esposito had no communication with his presence. The conference without his presence. At sentencing to hold side bars which constituted whether the statute should be interpreted through arguments that the punishment for a dangerous crime against children should run consecutive or concurrently to the other counts which the jury found Esposito guilty. The ambiguous statute 13-705 specifically subsection (M) must of been very hard to interpret by the judge because the prosecutor had to explain his interpretation several times but the pro-se defendant was not present to argue. On appeal the petitioner argued in a ground that the court misinterpreted the statute 13-705(M) by sentencing the defendant to consecutive sentence for a offense that all counts happened simultaneously as same transaction and occurrence and a violation of the 15th amendment of U.S Constitution under the double jeopardy clause (multiple punishments for same offense which was a upward departure of the presentence recommendation report that was recommended). All counts run concurrent. The statute 13-705(M) reads in Exhibit 1(B) "When a person is convicted of two counts of dangerous crime against children all other counts shall run ~~consecutively~~ consecutively". The petitioner was convicted of 1 count of dangerous crimes against children. The petitioner Esposito argues the state of Arizona law ARS 13-705(M) is unconstitutional and in the interest of justice this is a landmark decision for Arizona citizens and of national importance after many state continuously violate the double jeopardy clause as stated in a decision by the U.S supreme court in the Ohio v. Johnson case.

REASONS FOR GRANTING THE PETITION

The Petitioner RALPH F. ESPOSITO is Constitutionally Challenging Two State of Arizona Statute's that their interpretation ~~may be~~ ^{MAY BE} in Violation of the United States Constitution AND the Application Applied by the Sentencing ~~Court~~ ^{COURT} (violated) the Petitioner's 5th Amendment Right UNDER the Double Jeopardy Clause by providing Multiple punishments for ONE offense. Upon the Authority Given to United States Citizens UNDER to 1st Amendment of the United States Constitution that Congress shall make NO LAW abridging the freedom to petition the Government For Redress of Grievances. Furthermore, the State of Arizona legislature has A obligation Not to legislate laws Around the United State's Constitution with Very Ambiguous laws meant to Confuse AND MAY be interpreted that A "defendant" OR person MAY be subject for same offence to be twice put in jeopardy of life OR limb, through Consecutive sentences AND Denial of Pre Incarceration Credit being Applied to prison term.

The Constitution of the State of Arizona - Article 2 - Declaration of Rights Subsection § 3 - Recognizes ANY decision HAND down by the United State's Supreme Court AS the Supreme LAW of the LAND. The Jurisdiction Granted to the United States Supreme Court is defined by Article III of the United State's Constitution AND by 28 U.S.C. § 1251-1258. Needless to say, the Supreme Court of the United States IS NOT bound by ANY other Court's Rulings. Usually, but NOT Always, OUR highest Court Adhere's to its prior Rulings. The Practice is Know AS the rule of "Stare decisis" meaning stands by prior case laws AND/OR Rulings. The Petitioner Esposito only Found favorable Rulings Against the state of Arizona legislation ARS 13-1304 AND ARS 13-705(O)(M) AS to be UNCONSTITUTIONAL through its interpretation by Arizona Courts of these two very Ambiguous laws.

IN ACCORDANCE WITH 28 U.S.C § 1257, when you APPEAL A Case in which A state statute is being challenged AS A violation of the Federal Constitution, it termed AN APPEAL. You Are entitled to present A Constitutional Question to the United State's Supreme Court even though your state's highest Court will NOT hear the Case. However, IN ORDER to present this question to the United States Supreme Court, you must first Apply for A review in your state. Review of state court decision is MANDATED UNDER 28 U.S.C. § 1257, AND in order for the Supreme Court to hear A state Court decision, it must present Some question of Federal LAW. The United States Supreme Court is obligated to hear this type of Appeal AND Provide A opinion to finally settle the Constitutional ERROR.

(Critical Factor for Granting this Petition) (Arizona Revised Statute) (thru)

Specifically, the Appellant challenged the (Constitutionality of this) Conviction AND Sentence of All 3 counts of the offense. IN the Arizona Court of Appeal - Division ONE (Opinion) IN Direct Appeal - State of Arizona v Ralph Esposito NO1 CA-CR 15-0120 Dated 11/19/15 IN (Appendix-A) page 4 Paragraph #8 Italicized IN A memorandum Decision IN A ANDERS Review - the Appellate Court Discovered A defect After Appellant Esposito challenged the Constitutionality of his sentence. The Court stated, "Although the record suggests the the Proper presentence incarceration Credit may have been less than 337 days, there is no Challenge on Appeal that the Credit he was given was excessive, in other words under Double Jeopardy Defendant Esposito was being subject for same offense to be twice put in jeopardy for time he Already served in County Jail was NOT credit to (prison) term because of the UNCONSTITUTIONAL ARS 13-1304 - Kidnapping Deprives Defendants of time Already served. The Arizona Supreme Court Granted A Review but Denied Relief.

The Arizona Court of Appeals had A obligation to the Appellant Esposito under the Anders Review to order the Appellants Attorney who filed A Anders brief stating there were NO valid issue After the Appellant told him specifically of the issue IN Esposito supplemental brief. Since, the Appellate Court found Arguable issue, it's required by the Appellate Court to impose sanction OR Require the Appellate Attorney to brief the Arguable issue found by the Arizona Court of Appeals. The Petitioner Esposito was NEVER Granted this option AND in the interest of Justice Request the United State's (Supreme) Review for Constitutional (Court) Reversible Errors on this matter.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ralph Frank Esposito

Date: _____