

Hoffman, Michael J. 289019

CACF/GEO Unit

PO Box 9600

Florence, AZ 85132

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL JAMES HOFFMAN,
Petitioner,

v.

ARIZONA DEPARTMENT
OF CORRECTIONS (ADC),
Respondent

CASE No. 21-7045

PETITION FOR REHEARING

RECEIVED

JUL - 6 2022

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

Petitioner, Michael James Hoffman, pro se and indigent, respectfully requests that The Court grant his PETITION FOR REHEARING of his PETITION FOR WRIT OF CERTIORARI, denied by The Court on April 4, 2022 without an explanation.

Petitioner believes that by enduring the extraordinary circumstances placed on him by ADC, which includes the thefts of his U.S. Mail to The Court, he has earned the privilege of a rehearing, and hopefully, his fair opportunity to present the abundant evidence of his absolute innocence, to a court one day.

TABLE OF CONTENTS

Extraordinary Circumstances 1

The Original Petition 2

The Most Recent Petition 5

Circumstances or Retaliation? 6

Conclusion 7

Proof of Service 8

EXTRAORDINARY CIRCUMSTANCES

Pro se inmates must not be held to the same standard as attorneys.

Attorneys have earned their law degrees, experience, computers, copiers, printers, desks, colleagues, or clerks to consult... and health care.

While a pro se inmate trying to recover his own stolen liberty, must handwrite each draft, each petition, and each copy, sitting on his bunk, with the poor lighting in his dormitory.

There are no templates, to follow, or colleagues for advice.

Hopefully, he won't need medical attention.

When a pro se inmate is indigent, older, handicapped, or his evidence implicates government officials, the State, with no fear of consequences, will exploit his extraordinary circumstances to keep his evidence concealed.

Just as it does in pretrial proceedings, the State abuses its unlimited resources (ethical and otherwise) that wear him down and force him to give up, and sign a -false guilty- plea agreement.

Petitioner has demonstrated that he is not your "typical" 63 year old, 140 pound, indigent inmate, with some "typical" case.

Despite his own public defender's bullying tactics, Petitioner did not give up and sign a -false guilty- plea "deal", and he's not going to give up his mission to recover his stolen liberty.

But the most abusive tactics the State will use, its prison officials, to keep him wrongfully convicted, by protecting its government officials. Nothing is off limits.

THE ORIGINAL PETITION

On December 31, 2018, Petitioner placed his petition for a writ of certiorari in GEO's Legal Mail for delivery to the Supreme Court, in Washington, DC,

The 40 page petition itemized the State's epic miscarriage of justice; before, during, and after the State's 2 week choreographed "victory at trial";

- How in 2011, County Attorney No. 1, Danielle Harris, had Petitioner arrested without investigating, held him without bond for 26 months, exhumed 3 disproven cases (2004, 2009, 2010), concealed their investigations, and recorded violent, false statements (2012) to create a 4 victim "Super Case";
- How in 2013, County Attorney No. 2, Angela Andrews, not the Public Defender's due diligence exposed Ms. Harris' false indictments, exonerating Petitioner;
- How Public Defender No. 2, Robert Ditsworth, son of Judge, John Ditsworth, was allowed to sacrifice his defendant's liberty to advance his own agenda with the State, for re-concealing Petitioner's evidence of innocence;
- How in 2013, County Attorney No. 3, Jeanine Sorrentino, paraded 26 State witnesses past Mr. Ditsworth, who refused to cross examine them with Ms. Andrews' evidence, or call any defense witnesses listed;
- How for over 2 weeks, the shocked jury heard from both attorneys, that Petitioner drove around with nylons over his face, wielded a large knife, punched women, and when they tried to call for help, he smashed their phones and dropped them off;

- How after another 2 week's of deliberation, and Judge Granville's order for "a verdict by noon, so the court can keep its holiday schedule", Petitioner was convicted on 14 counts.

In March 2014, Petitioner was sentenced to 69 years in prison.

The Petition also itemized the State's coverup conspiracy;

- How ADC Paralegal, Ms. Ulibarri, had refused to allow GED to make copies, then not return the originals to Petitioner;

- How Mr. Ditsworth's colleagues "investigated", while Judge Ditsworth's colleagues "officiated" his Ineffective Assistance of Counsel proceedings, not only protected the younger Ditsworth, but the County Attorney, and Judge, then provided the State with "Procedurally Defaulted Claims", for its Habeas Corpus defense; and,

- How in 2016, then ADC Prison Official, Mr. Freeland, seized Petitioner's trial evidence (67 DVDs) and his coverup evidence (corrupted transcripts), to protect Mr. Ditsworth and his colleagues at the Public Defender's Office, from their participation in Petitioner's Post-Conviction ruse,

Because Petitioner had already experienced "lost legal mail", he was allowed to use a USPS tracking label, for safe passage to Washington, DC,

In August 2019, despite a USPS delivery document certifying a safe delivery to Washington, DC, The Office's Mr. Higgins was clear:

"Your petition has not arrived here, at the Office."

Mr. Higgins did permit Petitioner to mail a replacement petition.

On August 19, 2019, Petitioner placed his replacement copy, and 12 page appendix, with the January 3, 2019 USPS service document in GEO's Legal Mail, for delivery to Mr. Higgins in Washington, DC.

Petitioner and GEO Mail Supervisor, Ms. Hassenzella's investigation provided proof that not only was Mr. Higgins correct, but the USPS document that certified delivery, had been falsified at GEO.

The investigation then documented how neither, the December 2018, nor the August 2019 petitions had even reached "the local post office."

These documents were appended in each subsequent petition.

Because Petitioner believed that after 12 months, The Court would find his petitions to be out of time, he would need to first prove that it had not been within his control (the petitions were removed from USPS) he began to go another direction with his petitions.

It would have been easy at any time, to give up his pursuit of justice.

In the ensuing 26 months, Petitioner will send 7 more petitions to the U.S. Supreme Court, 1 to the Arizona Supreme Court, and 1 to the U.S. Court of Appeals, hoping for any court to acknowledge ADC's thefts of his U.S. mail, its motive, intent, and opportunity to commit the thefts.

Each of these petitions focused more on the prison's continued interference with Petitioner's mail to The Supreme Court in Washington, DC, while the petitions' page count continued to decline.

Part of the decline was GEO's handling of Petitioner's eyesight.

THE MOST RECENT PETITION

On November 3, 2021, Petitioner placed his 20 page petition for a writ of certiorari in GEO's Legal Mail for delivery to Mr. Higgins, at the Office in Washington, DC.

The petition itemized the journeys of his previous petitions to the U.S. Supreme Court, Arizona Supreme Court, and U.S. Court of Appeals:

- How USPS documents proved that ADC had removed Petitioner's first 2 petitions from GEO's "authorized depository from the U.S. Postal Service".
- How GEO had falsified a USPS document to mislead Petitioner, hoping to persuade him to "give up".
- How The Office's Mr. Higgins had returned his next petitions for corrections, for missing appendices, that were with the petitions when they were placed in GEO's Legal Mail; and,
- How the Arizona Supreme Court, and the U.S. Court of Appeals had promptly denied the petitions without explanation.

The Petition was filed on November 3, 2021, docketed on February 8, 2022, to be heard on March 7, and denied on April 4.

CIRCUMSTANCES OR RETALIATION?

Petitioner has worn corrective lenses for over 50 years.

In August, 2018, Dr. Hassenpflug explained, "I cannot prescribe the proper eyeglasses until both cataracts have been removed", and then submitted his first surgery request.

Petitioner wrote his 40 page petitions with cataracts and wrong glasses.

In February 2020 (17 months later), Petitioner's left eye surgery went well, and had been instructed by Dr. Hassenpflug, "Don't wear your glasses after the surgery", while the surgeon suggested, "To read and write, remove the left lense, until after next month's surgery."

Petitioner wrote his remaining petitions with his 1 old lense glasses.

In January ~~2020~~²⁰²² (another 23 months), Petitioner's right eye surgery left him with a scratched cornea, cataract debris, and a painful eye infection. For weeks GEO was diligent, following the surgeon's instructions, as he tried to correct his own batched surgery.

After The Court's Notice and Waiver were submitted to Ms. Ulibarri for copying, GEO ignored the surgeon's instructions to have Petitioner "return to have the infected eye examined in 2 weeks." It took 7 weeks, only after Petitioner involved "Grievance Coordinator", Ms. Mariscal,

Once the Petition was denied, GEO ignored the surgeon's entire instructions, "Antiseptic 4x a day, must examine infected eye in 2 weeks".

Petitioner involved Ms. Mariscal again.

CONCLUSION

Were it not for his empathetic donors (pens, paper, more paper, and now, hand me down 99 cent readers) Petitioner would not have had the necessary resources to petition the U.S. Supreme Court, even once.

Petitioner prays The Court recognizes the extraordinary circumstances he has endured since even before December 2018, when his first petition was stolen from GEO's Legal Mail, and grant his PETITION FOR REHEARING.

Respectfully submitted, this 29th day of April, 2022.

Michael Hoffman

CASE No. 21-7045

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL JAMES HOFFMAN - PETITIONER

vs.

ARIZONA D.O.C. - RESPONDENT

CERTIFICATE OF PETITION

I, Michael James Hoffman, pro se, as required by Supreme Court Rule 44, certify that in the enclosed PETITION FOR REHEARING, the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

This PETITION FOR REHEARING is presented in good faith and not for delay.

Respectfully submitted this 28th day of June, 2022.

Michael Hoffman