

Case No. 21 7807

IN THE
SUPREME COURT OF THE UNITED STATES

RAFAEL CEZAR DANAM ‘Pro Se’—PETITIONER

Vs.

ARIZONA BOARD OF EDUCATION—RESPONDENT(S)

DIANE DOUGLASS, ET AL

APPLICATION TO CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED
STATES

EXTRAORDINARY WRIT OF MANDAMUS

THE HONORABLE CHIEF JUSTICE JOHN G. ROBERTS, JR.

SUPPLEMENTAL BRIEF

RAFAEL CEZAR DANAM

‘PRO SE’

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STATEMENT

Rafael C. Danam-Appellant, Petitioner, Plaintiff, presents Supplemental Brief pursuant to Supreme Court Rule 15.8 with request for approval for leave of the Court pursuant to Supreme Court Rule 25.7. Additionally, “Judicial Notice” pursuant to Federal Rules of Evidence, Rule 201. “Judicial Notice of Adjudicative Facts” (cf. Arizona Rules of Evidence, Rule 201. “Judicial Notice of Adjudicative Facts;” Nevada Revised Statutes, (“NRS”) 47.130 “Matters of fact.” NRS 47.140. “Matters of law.”) is respectfully submitted to Honorable Chief Justice John G. Roberts, Jr. Defendants violating Criminal Statutes of Arizona Revised Statutes (“A.R.S.”) A.R.S. 13-2702 “Perjury Under Oath”¹ which Perjury is a class 4 felony. Pursuant to A.R.S. § 13-107, Class 4 Felony has a Statute of Limitations of 7-Years, which final “DENIAL” of “Request for Review and Rehearing” to Arizona Board of Education (“ABOE”) as Defendants is dated February 26th, 2018, which 7-years from date of “DENIAL” is February 26th, 2024. Plaintiff, Rafael C. Danam has properly submitted all facts and evidence as exhibits and direct references in Complaint Brief for Writ of Mandamus pursuant to Federal Rules of Evidence.

Appellant has filed Complaint that successfully argues merits of presented clear facts and evidence of “Continuing Violation” “Equitable Tolling” and “Totality of Circumstances Test” in Defendants violations of 42 U.S.C. 1983 of the Supremacy Clause of the United States Constitution (Article VI, Clause 2), U.S. Constitution Amendments 1st (I), 5th (V), 6th (VI), 7th (VII), 8th (VIII) and 14th (XIV); Arizona Constitution Article 2, § 4, 5, 6 and 32; 28 U.S.C. § 1343 based on 42 U.S.C. §1983 and questions of federal constitutional law, 28 U.S.C. §1367

¹ Accessed 06/23/2022 <https://www.azleg.gov/ars/13/02702.htm>

“Supplemental Jurisdiction” Defendants have violated Criminal Statutes of the Arizona Revised Statutes (“A.R.S.”) that further validate authority of pursuits of “Redress of Grievances” and obtaining “Justice” and relief from heinous constitutional violations, Defendants violating A.R.S. § 13-2702 “Perjury Under Oath” Defendants both accepting perjured testimony and furtherance of false validation of perjury committed to official records of *Arizona State Board of Education (AZSBE) vs. Rafael C. Danam*, AZSBE Admin. Case No.: C-2016- 585, *Rafael Cezar Danam vs. Arizona Board of Education*, Maricopa County Superior Court Case No.: LC2018-00093-001, and *Rafael Cezar Danam vs. Arizona Board of Education*, Court of Appeals- Division One Case No.: 1 CA-CV 18-0668; all of which ABOE or AZSBE Administrators as Defendants and Judicial Officers “DENIED” both new evidence and witnesses, in addition to abuse of discretion in denying submitted evidence that voided false testimony.

ARGUMENT

Writ of Mandamus has been sought by Rafael Danam-Appellant, for continued pursuits of “Redress of Grievances” against the ABOE as Defendants for constant denial of petitions and/or continued prohibited violations of fundamental rights of the U.S. Constitution “To prove this, let Facts be submitted” that directly reflect paramount laws of the U.S. Constitution established in the Bill of Rights and the Articles of Confederation that Defendants have violated that the Judicial Officers of the U.S. District Court of Arizona failed to defend and preserve with equality and equity, having appeal authority to Ninth Circuit Court of Appeals providing

numerous cases of Ninth Circuit Review that further substantiate and validate Appellant's Complaint. The following Criminal Statutes of State of Arizona have been violated by Defendants, furthering Statute of Limitations for "Totality of Circumstances Test:"

(1) A.R.S. § 13-2702 "Perjury Under Oath" Defendants in cases *Arizona State Board of Education (AZSBE) vs. Rafael C. Danam*, AZSBE Admin. Case No.: C-2016- 585, *Rafael Cezar Danam vs. Arizona Board of Education*, Maricopa County Superior Court Case No.: LC2018-00093-001, *Rafael Cezar Danam vs. Arizona Board of Education*, Court of Appeals- Division One Case No.: 1 CA-CV 18-0668; have directly and officially applied "perjury" from witness testimony and applied complete text/quotations of perjured testimony to official records of decisions and actions by administrative officers of ABOE, judicial officers of noted cases and official replication of Attorney General Legal Counsel for Defendants. *United States v. Wood*, 39 U.S. 430 (1840); *Brady v. Maryland*, 373 U.S. 83 (1963) "the Supreme Court declared that, regardless of the good faith or bad faith of the prosecution, the suppression of evidence favorable to the accused violates due process where the evidence is material to either guilt or penalty... the Brady decision, the scope of its mandate has been found to include both direct evidence and impeachment evidence that is favorable to the defendant. The duty of disclosure is not limited to evidence in the actual possession of the prosecutor. Rather, it extends to evidence in the possession of each and every member of the prosecution team, which includes investigative and other government agencies. *Kyles v. Whitley*, 514 U.S. 419 (1995); see also *Strickler v. Greene*, 527 U.S. 263, 275 n. 12 (1999). A failure on the part of

the government to disclose favorable evidence requires a new trial, or a new sentencing hearing, if disclosure of the evidence creates a reasonable probability of a different result. As the Supreme Court explained in *Kyles*, “the adjective is important,” and “[t]he question is not whether the defendant would more likely than not have received a different verdict with the evidence, but whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence.” *Kyles*, 514 U.S. at 434. Supreme Court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with “rudimentary demands of justice.” *Mooney v. Holohan*, 294 U.S. 103, 112 (1935). In *Napue v. Illinois*, 360 U.S. 264 (1959), the Supreme Court reiterated that a conviction obtained through use of false testimony, known to be such by representatives of the State, is a denial of due process. The Court further ruled that there is also a denial of due process when the State, though not soliciting false evidence, allows it to go uncorrected when it appears. In cases involving false or misleading testimony, a new trial is required if “the false testimony could . . . in any reasonable likelihood have affected the judgment of the jury . . .” *Napue*, 360 U.S. at 271; *United States v. Dunnigan*, 507 U.S. 87 (1993);

- (2) A.R.S. § 13-1202 “Threatening or Intimidating; Classification” Defendants in case *Rafael Cezar Danam vs. Arizona Board of Education*, U.S. District Court of Arizona Case No.: CV-18-1493-PHX-DGC by representative of State Public Security Officer for ABOE Defendants, directly threatened Plaintiff/Petitioner during peaceful attempt

to serve Complaint and Summons Documents pursuant to Federal Rules of Civil Procedure “Service Process” violating 18 U.S.C. § 1503. Plaintiff filed official Motion to assigned Judicial Officer.

(3) A.R.S. § 13-2402 “Obstructing Governmental Operations; Classification” Defendants in case *Rafael Cezar Danam vs. Arizona Board of Education*, U.S. District Court of Arizona Case No.: CV-18-1493-PHX-DGC by representative of State Public Security Officer for ABOE Defendants, directly prohibited Active United States Air Force Member in civilian capacity to serve Complaint and Summons Documents pursuant to Federal Rules of Civil Procedure “Service Process” further violating 18 U.S.C. § 1503. In addition, Defendants obstructed and prohibited official Court Server of Maricopa County Sheriff’s Department.

(4) A.R.S. § 13-201 “Requirements for Criminal Liability” ABOE as Defendants directly fulfill ALL requirements to be convicted of this crime pursuant to direct citation “The minimum requirement for criminal liability is the performance by a person of conduct which includes a voluntary act or the omission to perform a duty imposed by law which the person is physically capable of performing.” In violating all referenced Criminal Statutes of the State of Arizona in direct connection and correspondence to Defendants 42 U.S.C. 1983 of the Supremacy Clause of the United States Constitution (Article VI, Clause 2), U.S. Constitution Amendments 1st (I), 5th (V), 6th (VI), 7th (VII), 8th (VIII) and 14th (XIV); Arizona Constitution Article 2, § 4, 5, 6 and 32; 28 U.S.C. § 1343 based on 42 U.S.C. §1983 and questions of federal constitutional law, 28 U.S.C. §1367 “Supplemental Jurisdiction” in cases *Rafael*

Cezar Danam vs. Arizona Board of Education, U.S. District Court of Arizona Case No.: CV-18-1493-PHX-DGC, *Rafael Cezar Danam vs. Arizona Board of Education*, U.S. District Court of Arizona Case No. CV-20-02489-PHX-MTL; *Rafael Cezar Danam vs. Arizona Board of Education*, Arizona Supreme Court Case No.: CV-19-0284; *Rafael Cezar Danam vs. Arizona Board of Education*, Petition for Writ of Certiorari from Court of Appeals of Arizona, Division One, SUPREME COURT OF THE UNITED STATES Case No. 20-5831.

- (5) A.R.S. § 13-804 “Restitution for Offense Causing Economic Loss; Fine for Reimbursement of Public Monies...” Defendant Garnett Winders acting in her official capacity as Chief Investigator for ABOE, in direct association to all named Defendants of ABOE, directly caused all losses of employment salaries from State of Arizona Public School and Charter School positions, in addition to those offered by listed schools [to include Clark County School District (“CCSD”) State of Nevada] within context of all Complaints filed in cases *Rafael Cezar Danam vs. Arizona Board of Education*, U.S. District Court of Arizona Case No.: CV-18-1493-PHX-DGC, *Rafael Cezar Danam vs. Arizona Board of Education*, U.S. District Court of Arizona Case No. CV-20-02489-PHX-MTL; [*Rafael Cezar Danam vs. Elaine Kelley*, U.S. District Court of Nevada Case No.: 2:19-CV-01606-JAD-DJA; Defendant Garnett Winders] *Rafael Cezar Danam vs. Arizona Board of Education*, Arizona Supreme Court Case No.: CV-19-0284; [*Rafael Cezar Danam vs. Elaine Kelley*, Supreme Court of the State of Nevada Case No.: 82036; Defendant Garnett Winders]; *Rafael Cezar Danam vs. Arizona Board of Education*, Petition for Writ of Certiorari

from Court of Appeals of Arizona, Division One, SUPREME COURT OF THE UNITED STATES Case No. 20-5831. Loss of Grand Canyon University M.A. Elementary Education and Department of Education “Teacher Forgiveness Program” and “Teach Grants” have been negatively affected by Defendant Garnett Winders with direct association to all members of ABOE as Defendants.

- (6) A.R.S. § 13-2802 “Influencing a Witness; Classification” all ABOE Defendants have directly hindered witnesses as former students with parents, due to horrendous violations of “Redress of Grievances” attempts with “DENIALS” of New Witnesses and Evidence pursuits by Appellant/Plaintiff in cases *Arizona State Board of Education (AZSBE) vs. Rafael C. Danam*, AZSBE Admin. Case No.: C-2016- 585, *Rafael Cezar Danam vs. Arizona Board of Education*, Maricopa County Superior Court Case No.: LC2018-00093-001, *Rafael Cezar Danam vs. Arizona Board of Education*, Court of Appeals- Division One Case No.: 1 CA-CV 18-0668, *Rafael Cezar Danam vs. Arizona Board of Education*, Arizona Supreme Court Case No.: CV-19-0284. See *Mattox v. United States*, 156 U.S. 237 (1895); *Brookhart v. Janis* 384 U.S. 1 (1966); *Lee v. Illinois*, 476 U.S. 530 (1986).

- (7) 18 U.S.C. § 666 “Theft or bribery concerning programs receiving Federal funds” ABOE Defendants having directly affected public students who received supplemental Federal funding from the U.S. Department of Education by “fraud” against all public students associated and affected by unconstitutional actions against Plaintiff, Rafael C. Danam. The U.S. Department of Justice defined violations of 18 U.S.C. § 666 “Fraud” as defined by nontechnical standards and is not to be restricted

by any common-law definition of false pretenses. One court has observed, “[t]he law does not define fraud; it needs no definition; it is as old as falsehood and as versatile as human ingenuity.” *Weiss v. United States*, 122 F.2d 675, 681 (5th Cir. 1941), cert. denied, 314 U.S. 687 (1941). The Fourth Circuit, reviewing a conviction under 18 U.S.C. § 2314, also noted that “fraud is a broad term, which includes false representations, dishonesty and deceit.” See *United States v. Grainger*, 701 F.2d 308, 311 (4th Cir. 1983), cert. denied, 461 U.S. 947 (1983).

(8) Arizona State Public Employees requirements of U.S. Constitution Oath:

Judicial Officer: Arizona Constitution, Article 6 Section 26 – “Oath of office” A.R.S. § 38-231. Record of “Oath” A.R.S. § 38-233.

Superintendent of Education: A.R.S. § 38-231 “Loyalty Oath.” Record of “Oath” A.R.S. § 38-233.

Arizona Board of Education Member: A.R.S. § 38-231 “Loyalty Oath.” Record of “Oath” A.R.S. § 38-233.

Administrators and Teachers of Arizona Required U.S. Constitution and Arizona Constitution Certification: A.R.S. § 15-532; Arizona Administrative Code Title 7, Ch. 2.

Arizona State Bar Association: A.R.S. § 38-231 “Loyalty Oath.” Record of “Oath” A.R.S. § 38-233. ARSC 37(b), Oath with the Arizona Loyalty Oath of Office and Rule 32(c)(3); R-16-0029 Rules 31, Rules of the Supreme Court (Oath and Creed) Arizona Supreme Court Rules 33 through 37

ABOE as Defendants have directly hindered numerous negative effects of obtaining and securing employment positions within Public and Charter Schools, in Elementary Teacher positions, that significantly violate right of Appellant/Plaintiff to secure employment that ensures U.S. Currency earnings under authority of 1956, President Dwight D. Eisenhower signing into law the U.S. Bill declaring “In God We Trust” to become the Nation’s official motto. Under this U.S. Legislation, Congress further mandated that the phrase be printed (in capital letters) on

every domination of U.S. paper currency. Furthermore, heinous acts of “obstruction of justice” are present in spectrum of case history that exhibit profound injustices found in *Emmett Till vs. State of Mississippi* in U.S. Department of Justice Civil Rights Department. For these reasons submitted, “SUMMARY JUDGEMENT” by authority of Supreme Court Rule 42; Federal Rules of Civil Procedure Rule 56; A.R.S. §12.821.01 and A.R.S. § 15-203 42(B)(2), A.R.S. § 23-1501 for Relief by Monetary Compensation Damages by ABOE as Defendants in Writ of Mandamus, Claims 1 and 2, Monetary Damages Total of \$506,153.00 [Loss of Wages, and Educational Benefits; Arizona Claim Form and Memorandum submitted; Exhibit “A”].


“STAY” pursuant to Supreme Court Rule 23 should be applied for clear and present violations by ABOE as Defendants in “ALL” direct and indirect causes of discrimination and negative effects from actions and orders issued by ABOE as Defendants and supplemental rulings by all Judicial Officers associated with cases from “Redress of Grievances” by Petitions and Complaints from Appellant/Plaintiff, Rafael C. Danam. Due to national and international controversy present within our U.S. national and the international judicial system, corresponding “STAY” injunction by concurrent jurisdiction is sought by Chief Justice G. Murray Snow of U.S. District Court of Arizona pursuant to Federal Rules of Civil Procedure Rule 62 and Supreme Court of Arizona, Chief Justice Robert M. Brutinel, Vice Chief Justice Ann Timmer, Justice Clint Bolick, Justice John Lopez IV, Justice James Beene, Justice Bill Montgomery, Justice Kathryn Hackett King pursuant to Arizona Supreme Court Rule 8(d) Arizona Rule Civil Procedure 62.

CONCLUSION

In conclusion presented by Petitioner pursuant Rule 29 to the Court Clerk of the SUPREME COURT OF THE UNITED STATES pursuant to Rule 40.1, Petitioner files this Supplemental Brief to Petition for Writ of Mandamus in the Matter of RAFAEL CEZAR DANAM vs. ARIZONA BOARD OF EDUCATION with declaration filing of “Proceedings in Forma Pauperis” Rule 39. Affidavit in Support of Supplemental Brief, I swear or affirm under penalty of perjury that, because of detriment of financial harms directly caused by Defendants as Arizona Board of Education, I believe I am entitled to “Redress of Grievances” authorized by First Amendment, U.S. Constitution. I swear or affirm under penalty of perjury under United States laws that my affidavit declaration statement is true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Respectfully submitted to the
COURT CLERK of the
SUPREME COURT OF THE UNITED STATES to
JOHN G. ROBERTS, JR., CHIEF JUSTICE

This Day of 8th of July 2022 MMXXII



RAFAEL CEZAR DANAM, “Pro Se” Petitioner

CASE NO. 21 7807

IN THE SUPREME COURT OF THE UNITED STATES

RAFAEL CEZAR DANAM 'PRO SE' — PETITIONER

VS.

ARIZONA BOARD OF EDUCATION — RESPONDENT(S)

DIANE DOUGLASS, ET AL

EXTRAORDINARY WRIT OF MANDAMUS

SUPPLEMENTAL BRIEF, SUPREME COURT RULE 15.8

APPENDIX FOR PETITIONER RULE 34.4

Description:

**Appendix A: Revised Notice of Claim Against the State of Arizona (NOC Form)
pursuant to A.R.S. 12-821.01; Supporting Memorandum; Previous Arizona Department of
Administration Risk Management Division**

EXHIBIT A

NOTICE OF CLAIM AGAINST THE STATE OF ARIZONA

Claim must be filed in accordance with A.R.S. §12-821.01

Please type or print legibly.
All blanks MUST be completed.

CLAIMANT INFORMATION

Claimant's Name: RAFAEL C. DANAM
Address: PO BOX 336707 City N LAS VEGAS State NEVADA Zip 89033
Phone #(Home): (909) 297-9171 Work: N/A Date of Birth: 01-08-1971

FACTS

DATE OF OCCURRENCE	TIME OF OCCURRENCE	LOCATION OF OCCURRENCE
<u>FEB 26TH</u> , 20 <u>18</u>	<u>(am/pm)</u>	<u>ARIZONA STATE BOARD OF EM.</u>

Identify the circumstances under which the damages or injuries were sustained, the cause thereof and the nature and extent of the damage and/or injuries. List the State agency if known. You may attach additional pages if necessary.

AZSBE CASE NO. C-2016-585
MARICOPA SUPERIOR COURT CASE NO LC 2018-00093-001
" " CASE NO. CV 2018-051493 *
ARIZONA COURT OF APPEALS, DIVISION ONE CASE NO. 1-CA-CV 18-06
ARIZONA SUPREME COURT CASE NO. CV-19-0284

SEE ATTACHED SUMMARY / SUPPLEMENTAL MEMO
W/ SUPREME COURT LITIGATION

Amount of Claim \$ <u>506,153.00</u>	In order for a claim to be valid, ARS 12-821.01 (A) requires the claimant to include a specific amount for which the claim can be settled. The statute requires the claim be filed with the State of Arizona within 180 days after the cause of action accrues.
Claimant Signature: <u>[Signature]</u>	Date: <u>06-27-2022</u>

Mail or hand deliver to:

Original: Office of the Attorney General
2005 N. Central Avenue
Phoenix, AZ 85004

NOTE: Include all supporting documents (Estimates, Bills, etc.) Please maintain a copy of the completed Notice of Claim and supporting documents for your records.

June 27, 2022 MMXXII (Revised)

Governor Doug Ducey

Office of Governor Doug Ducey
Arizona State Capitol
1700 West Washington
Phoenix, AZ 85007

Superintendent Kathy Hoffman

Office of the Superintendent of Arizona
Arizona Department of Education
1535 West Jefferson Street
Phoenix, Arizona 85007

Submitted To: SUPREME COURT OF THE UNITED STATES, Arizona Supreme Court, U.S. District Court of Arizona, Risk Management, Arizona Department of Administration (ADOA) - Risk Management Division, State of Arizona, 100 North 15th Avenue, Suite 301, Phoenix, AZ 85007

For: Arizona Board of Education, Arizona Department of Education, 1535 W. Jefferson Street, Phoenix, AZ 85007

CC: (1) Office of Attorney General Arizona Mark Brnovich, State Government Division, Education and Health Section, 2005 N. Central Avenue, Phoenix, AZ 85004-1592

SUBJECT: NOTICE OF CLAIM Against Arizona Board of Education, Arizona Department of Education, A.R.S. § 12-821.01

Violation of U.S. Constitutional & Arizona Constitutional Rights, Error in Application of Laws, Defamation of Character

Plaintiff—RAFAEL C. DANAM

Defendant—ARIZONA BOARD OF EDUCATION

AMOUNT: \$ 506,153.00

[Direct Loss of Employment Income and Negative Effects of U.S. Department of Education Grants and Loans]

Ref: *Arizona Board of Education v. Rafael Danam*, Case No. C-2016-585

Legal References: A.R.S. § 12-821, A. R.S. § 41-192(A)(8) for Department of Law Agency Handbook, Chapter 13 LITIGATION AGAINST STATE ENTITIES (Revised 2013); Professional Practices Advisory Committee (PPAC) Handbook 2017

Honorable Governor **Ducey** & Honorable Superintendent Mrs. **Hoffman**,

Recognizing the solemn legal precedence of "Oath" to the U.S. Constitution and Arizona Constitution with reference to The Supremacy Clause of the United States Constitution (Article VI, Clause 2), Arizona Constitution Article 2, § 4, 5,6 and 32, **Arizona Constitution Article 5, § 1, 4**, A.R.S. §

12-1841, § 38-101, in accordance to emphasis and foundation of NOTICE OF CLAIM Against Arizona Board of Education Case No. C-2016-585, this supporting Memorandum to Notice of Claim (NOC) Form pursuant to A.R.S. § 12-821.01 is presented in revised format from previous submissions.

Summary of Notice of Claim: Office of Attorney General Handbook § 13.5.1.1 Contents of the Notice of Claim, pg. 13-20 (Revised 2013)		
NOTICE OF CLAIM Against <u>Arizona Board of Education</u> , Arizona Department of Education A.R.S. § 12-821.01		
(1) <u>Facts to Claim</u> Unconstitutional/Violation of U.S. Constitution & Arizona Constitution A.R.S. § 12-1841 Gross Negligence Dereliction of Duty/Negligence A.R.S. § 12-542 (1) Biased Judgment Malicious Prosecution, Libel (Defamation) A.R.S. § 12-541	(2) <u>Amount of Claim</u> \$506,153.00	(3) <u>Supporting Facts to Claim Summary</u> On Monday, February 26 th , 2018, Plaintiff—RAFAEL C. DANAM attempted to have Motion of Appeal on original determination, action and order by the Arizona Board of Education. Plaintiff presented numerous legal violations of U.S. Constitutional rights with references to U.S. Supreme Court Rulings and Case Law. Plaintiff presented financial and professional damages as consequences to determination, action and order by the Arizona Board of Education.

Introduction & Summary: Facts of Claim Liability

1. In accordance with U.S. Constitution Amendments I (1st) V (5th), VI (6th), and XIV (14th) violation(s) have occurred against Plaintiff by former Arizona Board of Education Members listed in official Writ of Mandamus and all Complaints filed in U.S. District Court of Arizona, Defendant's sustaining determination, action by vote and order to revoke the Substitute Teacher Certificate of Plaintiff in Case C-2016-585. This action has caused numerous direct financial hardships and serious negative consequences with current and future employment in the teaching profession. Consequences of Defendant's action has had direct hindrance to completion of Graduate Program Degree and Certification at Grand Canyon University's College of Education, nullified opportunities with U.S. Department of Education student loans for collegiate degrees/federal programs for teacher loan forgiveness (Public Service Loan Forgiveness (PSLF) Program), in addition to public defamation in the State of Arizona for all public, private and charter school organizations, notification presented to Clark County School District in Las Vegas, Nevada and finally the national database clearing organization National Association of State Directors of Teacher Education and Certification (NASDTEC) which has listing of negative or harmful information under defamation tort law of Arizona in addition to direct violations of U.S. Constitutional & Arizona Constitutional Rights (Arizona Constitution § 2, Articles 4, 5, 6 and 32) against Plaintiff-Rafael C. Danam [The Supremacy Clause of the United States Constitution (Article VI, Clause 2); Arizona Constitution § 3, Article 2; 18 U.S. Code § 241 -

Conspiracy against rights; A.R.S. § 12-1841]. Final violation occurred on Monday, February 26, 2018 at Public Meeting for the Arizona Board of Education.

(a) The Arizona Board of Education is liable for financial damages from multiple cited violations and claim damage on the basis of:

13.3.1 Liability Based on State Law (pg. 13-9)

13.3.2 Liability Based on Federal Law (pg. 13-9)

13.3.2.1 Section 1983 Liability (pg. 13-9)

(b) The Supremacy Clause of the United States Constitution (Article VI, Clause 2), Arizona Constitution Article 2, § 4, 5,6 and 32 nullifies Board Members right to any provisions of immunity despite acting in official capacity as public officers or employees for the Arizona Department of Education due to gross negligence in performance of duties and responsibilities and direct violation of Plaintiff's Bill of Rights and neglect of duties outlined in A.A.C. Board Rule R7-2-709 for Rehearing Request.

Claim: Total Cost Summary

2. Libel and defamation damages. Request immediate settlement of **\$506,153.00** (ref. *Deer Valley Unified Sch. Dist. No.97*, 214 Ariz. at 296 ¶ 9, 152 P.3d at 493, pg. 13-20 Office of Attorney General Handbook, 2013; *Knox v. New York City Dept. of Educ*, 85 A.D.3d 439 (N.Y. App. Div. 1st Dept. 2011), which court upheld school psychologist complaint against New York City Department of Education for listing employee on "Ineligible Inquiry List" which negatively affected her opportunity for employment (Journal of Law and Education, Vol. 41, No.1, January 2012, pg. 215; §Faculty & Administration Recent Decisions). Damage of public image by Arizona Board of Education on the merits of: Defendant made, said or wrote a false statement of fact; Statement was communicated to a third party; Statement caused material harm to the Plaintiff; At the time the statement was made, the Defendant knew that the statement was false or acted in reckless disregard for the truth, or was negligent in determining the truth. List of damages include that have resulted in loss of income totaling **\$506,153.00** (Office of Attorney General Handbook, § 13.5.1.1 (2), pg. 13-20 (Revised 2013)):

(1) Reputation impairment (2) Impairment of community standing or future standing

(3) Emotional distress (4) Humiliation (5) Inconvenience (6) Monetary Loss

Monetary Compensation for Future Loss of Employment

*Monetary amounts are rounded to higher amount for simple dollar figures, 7-year period, 10-year period of U.S. military service in U.S. Air Force Reserve.

**Loss of wages and future wages occurred by information dissemination affecting employment with Clark County School District, Las Vegas, Nevada in December 2016. Numerous other employment opportunities were hindered by information within State of Arizona.

Compensation Salary Loss: Published Rate for CCSD 2016-2017 Pay Rate/Scale Certificate with Master Degree \$57,000		
Annual Years: 2018-2024		
6-years (School Years) x \$57,000= \$342,000.00		
Civilian Teacher Damages Total:	\$404,500.00	Exhibits on File
Grand Canyon University Graduate Program	\$20,000.00	
U.S. Department of Education Loans	\$81,653.00	
Total Owed Damages:	<u>\$506,153.00</u>	

Supporting Facts to Claim: Cited Violations, Laws, Case Laws

Defendant	VIOLATIONS of Law, Policy, Right	Case Law
Arizona Board of Education	Supremacy of the U.S. Constitution, Bill of Rights; United States Constitution (Article VI, Clause 2)	<i>Marbury v. Madison</i> , 5 U.S. 137 (1803); <i>Martin v. Hunter's Lessee</i> , 14 U.S. 304 (1816); <i>Cohens v. Virginia</i> , 19 U.S. 264 (1821); <i>Pennsylvania v. Nelson</i> , 350 U.S. 497 (1956); <i>Brown v. Board of Education of Topeka</i> , 347 U.S. 483 (1954),
Arizona Board of Education	U.S. Constitution First Amendment "Freedom of Speech" "Redress Grievances"	<i>Pickering v. Board of Education</i> , 391 U.S. 563 (1968); <i>Board of Regents of State Colleges v. Roth</i> , 408 U.S. 564 (1972); <i>Givhan v. Western Line Consolidated School District</i> , 439 U.S. 410 (1979); <i>Wieman v. Updegraff</i> , 344 U.S. 183 (1952); <i>Shelton v. Tucker</i> , 364 U.S. 479 (1960); <i>Keyishian v. Board of Regents</i> , 385 U.S. 589 (1967); <i>Hartman v. Moore</i> , 547 U.S. 250, 256, 126 S.Ct. 1695, 164 L.Ed.2d 441 (2006).
Arizona Board of Education	U.S. Constitution Fifth, Fourteenth Amendments "Due Process"	<i>Moore v. Dempsey</i> , 261 U.S. 86 (1923);
Arizona Board of Education	U.S. Constitution Sixth Amendment "Impartiality" "Present Relevant Evidence"	<i>Witherspoon v. Illinois</i> , 391 U.S. 510 (1968); <i>McCray v. Illinois</i> , 386 U.S. 300, 313-14 (1967); <i>Pennsylvania v. Ritchie</i> , 480 U.S. 39, 51-54 (1987); <i>Olden v. Kentucky</i> , 488 U.S. 227 (1988) (per curiam);

Historical References to Civil Rights and Veteran Service/Status

3. This official supplement letter for NOTICE OF CLAIM is presented in view of the National Holiday of Dr. Martin Luther King, Jr. (Title 5 U.S. Code, §6103):

"All we say to America is, 'Be true to what you said on paper.' If I lived in China or even Russia, or any totalitarian country, maybe I could understand the denial of certain basic First Amendment privileges, because they hadn't committed themselves to that over there. But somewhere I read of the freedom of assembly. Somewhere I read of the freedom of speech. Somewhere I read of the freedom of the press. Somewhere I read that the greatness of America is the right to protest for right."¹

Historical note of U.S. Military Persons who have died representing the sacrificial red in the United States American Flag is 658,210.² In addition to the recognition of personal U.S. Veteran service in a combat campaign OIF-GWOT 2008-2009, in accordance to Title 10 U.S. Code Department of Defense, surviving hostile/severe hazard to life environment reference to surviving improved explosive device (IED) attack and chemical, biological, radiological and nuclear (CBRN) attack during active duty service 2008-2009 in Iraq (DD214; 2008 August 19-2009 September 21; declassified information). In addition, as U.S. Department of the Army service member volunteered in U.S. Army Funeral Honor Guard Details (National Defense Authorization Act/U.S. Armed Forces) of over 300 U.S. Armed Forces service members from WWI thru OIF-GWOT at U.S. National Cemetery, Riverside, California. As 16th President Abraham Lincoln exclaimed recognition of service to U.S. Armed Forces personnel should be paramount and assurance of constitutional rights provided without hindrances of equality and equity:

"Honor to the soldier and sailor everywhere, who bravely bears his country's cause. Honor, also, to the citizen who cares for his brother in the field and serves, as he best can, the same cause-- honor to him, only less than to him, who braves, for the common good, the storms of heaven and the storms of battle."³

"Ladies and Gentlemen: I appear to say but a word. This extraordinary war in which we are engaged falls heavily upon all classes of people, but the most heavily upon the soldier. For it has been said, all that a man hath will he give for his life; and while all contribute of their substance the soldier puts his life at

¹ Martin Luther King, Jr. from "I've Been To The Mountain Top," April 3, 1968. The Dr. Martin Luther King, Jr. National Historic Site, Museum and Library. Retrieved on 01/16/2018 from <https://www.nps.gov/malu/index.htm>

² Department of Defense, Combat Casualties. Retrieved on 01/25/2018 from https://en.wikipedia.org/wiki/United_States_military_casualties_of_war

³ Abraham Lincoln, December 2, 1863 letter to George Opdyke. U.S. Library of Congress

stake, and often yields it up in his country's cause. The highest merit, then is due to the soldier."⁴

4. Providential reference to equality and equity of Justice: "Acquitting the guilty and condemning the innocent, the LORD detests them both" (Proverbs 17:15 NIV). "Do not deny justice to your poor people in their lawsuits. Have nothing to do with a false charge and do not put an innocent or honest person to death, for I will not acquit the guilty" (Exodus 23: 6-7 NIV)

5. Conclusion. Purpose of this official letter in supplement for NOTICE OF CLAIM Form is to ensure essence of Bill of Rights established in the U.S. Constitution are protected and upheld for U.S. citizen and veteran, Rafael C. Danam. Numerous temporary financial hardships have occurred that have subsequently affected financial provisions for my daughter, three canines, the final burial arrangements of my mother and general deterrence of financial obligations. The amount of **\$506,153.00** is both justified and warranted given the scope of evidence and direct citations to the U.S. Constitution and Arizona Constitution. The violations of constitutional rights by Arizona Board of Education has hindered the basic universal right and privilege of an American Citizen "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of happiness."⁵ Completion of proper documents have been submitted to the ALL Courts of Jurisdiction for the purpose of exoneration of all cited violations by the Arizona Board of Education that have caused significant damages to Plaintiff by public humiliation and financial loss, "It is the individual who has acted or tried to act who will not only force a decision but also have a hand in shaping it." –Justice Sandra Day O'Connor⁶

⁴ Abraham Lincoln, March 18, 1864 Remarks at Sanitary Fair, Washington, D.C. U.S. Library of Congress

⁵ Declaration of Independence, Congress, July 4, 1776. U.S. Library of Congress

⁶ Sandra Day O'Connor, The Majesty of the Law: Reflections of a Supreme Court Justice. Random House 2003 ISBN-13: 978-0375509254

SUBJECT: NOTICE OF CLAIM Against Arizona Board of Education, Arizona Department of Education,
A.R.S. § 12-821.01

Respectfully submitted to Governor of Arizona, Superintendent of Arizona, Office of the Attorney
General of Arizona, Risk Management ADOA.

For: Defendant—Arizona Board of Education

June 27, 2022

Sincerely,



RAFAEL C. DANAM

~~A.R.S. Title 12— Courts and Civil Proceedings; Chapter 13; Article 3: Oath and Affirmation; §12-2221~~

~~"I declare in the County of Maricopa, State of Arizona under penalty of perjury that the foregoing is true
and correct. Executed on _____ (date).~~

~~Affidavit of _____ Signature~~

~~NOTARY PUBLIC _____ Signature~~

~~§12-2221(B) The oath or affirmation may be administered by any judge, clerk or deputy clerk of any
court of record, justice of the peace, notary public, referee or commissioner of a court of record.~~

Attachments:

Attachment 1: NOC Form

SUPREME COURT OF THE UNITED STATES

RAFAEL CEZAR DANAM

v.

ARIZONA BOARD OF EDUCATION, DIANE DOUGLASS, ET AL

PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS

SUPPLEMENTAL BRIEF

DECLARATION OF SERVICE

1. Revised from Clerk of the Supreme Court, Scott S. Harris, Memorandum(s), SUPPLEMENTAL BRIEF to approved MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* is submitted. In accordance with Supreme Court Rule 22, in application of Supreme Court Rules, 14, 20, 24, 29.5 Petitioner as Applicant has filed initial "Petition for Extraordinary Writ of Mandamus" to Honorable Chief Justice John G. Roberts, Jr. By direction and guidance of the Office of the Court Clerk, Mr. Scott S. Harris, and Claude Alde, Clerk, Petitioner, dated January 25, 2022, is officially presenting "Declaration of Service" and transmission of "SUPPLEMENTAL BRIEF" in support of "Brief for Petition for Extraordinary Writ of Mandamus" and Supporting Documents and Enclosures by Electronic file(s) in accordance with Appellate Procedures for United States District Court Case Management/Electronic Case Files (CM/ECF), Federal Rules of Civil Procedure Rules, 58 and 79, CM/ECF Rules 1, 8, and 9; and United States Postal Service ("USPS") Priority Mail. Attachment of Clerk of the Supreme Court, Scott S. Harris by Deputy Clerk Jeffrey Atkins is submitted to Respondents via Counsel for Respondent(s), Mark Brnovich, Arizona Attorney General.

2. Supreme Court Rules 24 (1)(b) and 35.5 the list of all parties does not appear in the caption of the case on the cover page. A list of all parties in the Matter of RAFAEL CEZAR DANAM vs. ARIZONA BOARD OF EDUCATION to the proceeding in the court whose judgment is the subject of this application and petition is as follows as Defendants to Appellant as Application Rafael Cezar Danam:

- 1.) Diane Douglass, Superintendent (Former)
- 2.) Tim Carter, President
- 3.) Lucas J. Narducci, Vice President



- 4.) Dr. Rita H. Cheng, Member
- 5.) Dr. Daniel P. Corr, Member
- 6.) Michelle Kaye, Member
- 7.) Janice Mak, Member
- 8.) Calvin Baker, Member
- 9.) Chuck Schmidt, Member
- 10.) Jared Taylor, Member
- 11.) Patricia Welborn, Member
- 12.) Ms. Prudence Lee, Hearing Officer
- 13.) Dr. Melissa Sadorf, Member Professional Practices Advisory Committee ("PPAC")
- 14.) Mr. Jay Cryder, Member PPAC
- 15.) Ms. Bonnie Sneed, Member PPAC
- 16.) Mr. Claudio Coria, Member PPAC
- 17.) Garnett Winders, Chief Investigator
- 18.) David W. Spelich, Investigator III
- 19.) Alicia Williams, Executive Director

Bullhead Elementary School District No. 15, Colorado River Schools

A.) Martin Muecke, Principal B.) Benji Hookstra, Assistant Superintendent

3. Parties of Interest and/or Party Listed for Direct Relief by Chief Justice:

(1) U.S. DISTRICT COURT OF ARIZONA

(2) ARIZONA SUPREME COURT

A.) Office of Attorney General State of Arizona, Attorney General Mark Brnovich by Email and USPS Mail. Office of the Attorney General Phoenix Office 2005 N Central Ave Phoenix, AZ 85004-2926.

B.) Office of the Governor State of Arizona, Governor Doug Ducey by Email. Office of the Governor, Executive Tower-West Wing, 1700 W Washington St, Phoenix, AZ 85007.

C.) Office of the Superintendent State of Arizona, Superintendent Kathy Hoffman by Email. Arizona Department of Education, 1535 W Jefferson St, Phoenix, AZ 85007.

D.) Office of the President of Senate State of Arizona, Senator Karen Fann by Email. Arizona State Senate, 1700 W Washington St, Phoenix, AZ 85007.

E.) Office of the Speaker of the House Arizona House of Representatives, Congressman Rusty Bowers by Email. Arizona House of Representatives, 1700 W Washington St, Phoenix, AZ 85007.

F.) Office of Superintendent Bullhead City Elementary School District/Colorado River Schools, Superintendent Dr. Carolyn Stewart by Email. Colorado River Schools, 1004 Hancock Rd #100, Bullhead City, AZ 86442.

G.) Office of Superintendent of Heritage Charter School, Superintendent Jackie Trujillo by Email. Heritage Charter School, 6805 N. 125th Ave., Glendale, AZ 85307.

H.) Office of Executive Board of Trustees and Board of Directors for College of Education Grand Canyon University, President Brian Mueller, by Email. Grand Canyon University Board of Trustees, 3300 West Camelback Road - Phoenix, AZ 85017.

(I) United States Department of Education, by Email. U.S. Department of Education Office for Civil Rights, Lyndon Baines Johnson Department of Education Bldg., 400 Maryland Avenue, SW Washington, DC 20202-1100

(J) National Association of State Directors of Teacher Education and Certification ("NASDTEC") by Email. 1629 K Street NW, Suite 300, Washington, DC 20006

4. This DECLARATION is in accordance with Rule 29.5 submitted by ECF Email from Petitioner, Rafael Cezar Danam, to Counsel for Defendants and Secondary Parties of Interest and mailed to Scott S. Harris, Clerk of the Supreme Court of the United States by USPS Certified Mail No. **7021-1970-0000-6757-9531** 04/26/2022.

Submitted this day 8th, of July 2022, MMXXII

Respectfully,

/s/ RAFAEL CEZAR DANAM

RAFAEL CEZAR DANAM, Pro Se, Applicant/Petitioner to the
SUPREME COURT OF THE UNITED STATES

Court Clerk of Supreme Court USPS Priority Mail