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22-5762

ORIGINAL

IN The Supreme Court Of The United States Of America

FILED
SEP 08 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Jonathan Mattox

v.

State of Arizona

The Supreme Court Of The United States Of America
case#

Supreme Court of Arizona
case# CR-22-0069-PR

Arizona Court Of Appeals
case# CA-CR-21-0408-PRPC

Superior Court of Maricopa County
case# CR-2018-005560-001

Petition For A Writ Of Certiorari

Question Presented For Review

What is the correct interpretation that should be perceived from A.R.S. 28-1383(A)(1)?

The law should be applied the way it is written. It is grammatically obvious that the entire sentence is specifically outlining the fact that a person who acquires a D.U.I. while their license is suspended, only receives an "aggravated D.U.I." if the suspension is "a result of violating A.R.S. 28-1381, A.R.S. 28-1382 or A.R.S. 28-1385".

List of all parties to the proceeding

1) The Supreme Court Of The United States Of America
1 First Street, N.E.
Washington, DC 20543

2) Supreme Court Of Arizona
1501 W. Washington, Suite 402
Phx, AZ 85007

3) Arizona Court Of Appeals
1501 W. Washington Street
Phx, AZ 85007

4) Superior Court Of Maricopa County
201 W. Jefferson Street
Phx, AZ 85003

14.(1)(b)(ii)

Corporate Disclosure Statement As Required By Rule 29.6

There is no parent or publicly held company that owns 10% or more of any stock.

List of all proceedings in State and Federal Trial and Appellate courts
including The Supreme Court Of The United States Of America

1) Proceedings in MARICOPA County Superior Court:

- a) see included "electronic index of record MAR Case # CR-2018-005560-001"
 page

2) Proceedings in ARIZONA Court Of Appeals:

- a) Orders for MARICOPA County Superior Court to "Transmit The Record On Appeal" to the ARIZONA Court Of Appeals (Filed - 9-30-2021 ARIZONA Court Of Appeals Division One [No. 1-CA-CR-21-0408-PRPC])
- b) "States Response to Defendants Petition For Review" (electronically filed by State through "Turbo Court" on October 14th, 2021 Maricopa County Superior Court No. CR-2018-005560-001)
- c) Defendants "Request for Extension of time to file a Reply" filed by Defendant "Notarization date - November 3rd, 2021"
- d) Orders from ARIZONA Court Of Appeals to "Extend the time for Defense to file a reply" (Filed 11-16-2021 ARIZONA Court Of Appeals Division One No. 1-CA-CR-21-0408-PRPC)
- e) Defendants "Reply" to the States Response from the Defendants Petition For Review. filed by Defendant "Notarization date" November 5th, 2021
- f) Decision of The ARIZONA Court Of Appeals on the Defendants Petition For Review from the Maricopa County Superior Court.
 (Filed - 2-10-2022 ARIZONA Court Of Appeals No. 1-CA-CR-21-0408-PRPC)
- g) Defendants "Motion For Reconsideration" filed by Defendant
 "Notarization date February 17th, 2022"

h) "Order Denying Motion For Reconsideration" (Filed-2-24-2022)
ARIZONA Court Of Appeals Division One No. 1-CA-CR-21-0408-PRPC

3) Proceedings in Supreme Court of Arizona for Defendants Petition
For Review from the Arizona Court Of Appeals

a) see included "Appellate case information Arizona Supreme Court-
-CR-22-0069-PR" "page

4) Proceedings in the Supreme Court of The United States Of America

a) Writ Of Certiorari- Currently in progress

14.(1)(d)

Citations of the official and unofficial reports of the opinions and
court orders or administrative agencies orders

1) Supreme Court of The United States Of America : [case[#] _____]

a) currently in progress

2) Supreme Court of Arizona : [CR-22-0069-PR]

a) denial of Petition For Review by the Supreme Court of Arizona - June 13th 2022

3) Arizona Court Of Appeals : [CA-CR-21-0408-PRPC]

a) decision by the Arizona Court Of Appeals - Feb 10th 2022

b) order denying motion for reconsideration - filed 2-24-2022

4) Superior Court of Maricopa County: [CR-2018-005560-001]

a) Not guilty arraignment sheet 9-21-2018

State of Arizona v. Jonathan Mattox

b) Settlement Conference Transcripts March 27th, 2019

c) Continuance Hearing Transcripts May 1st, 2019

d) Oral Argument Hearing Transcripts June 13th, 2019

e) Sentencing Orders November 19th, 2019

5) Petition For Post Conviction Relief filed with Superior Court of

Maricopa County 2-22-2021 "notarization date 2-17-2021" [CR-2018-005560-001]

a) Judges Ruling Motion For Post Conviction Relief Denied filed 8-27-2021

b) Petition For Review filed with the Arizona Court of Appeals

notarization date 9-20-2021 [CA-CR-21-0408-PRPC]

7) Decision of the Arizona Court of Appeals [No. 1-CA-CR-21-0408-PRPC]

filed 2-10-2022

a) order Denying Motion For Reconsideration filed 2-24-2022

8) Petition For Review filed with the Supreme Court of Arizona

March 11th, 2022 "notarization date" March 4th, 2022" [CR-22-0069-PR]

a) Action by the Supreme Court of Arizona

"Petition For Review Denied" filed June 13th, 2022

A concise statement of the basis for jurisdiction in the Supreme Court of The United States Of America

Defendant Jonathan Mattox was unfairly prosecuted by the Superior Court of Maricopa County. The Defendant filed for Post Conviction Relief however, the Superior Court of Maricopa County is basically exonerated of any and all fault, as long as the issues that the Defense is presenting wouldn't change the outcome of a trial (if the Defendant were to actually receive a fair trial). The Defendant's Petition For Post Conviction Relief was denied by the Superior Court.

The Defendant filed a Petition For Review of the Superior Court of Maricopa County's decision to deny the Defendant's Petition For Post Conviction Relief with the Arizona Court Of Appeals. The Arizona Court Of Appeals ruled that the Superior Court of Maricopa County is relieved of any wrong doing if the issues won't change the outcome of a trial, and ruled on the Defendant's issue with the interpretation of the law in question. The Arizona Court Of Appeals then denied the Defendant's Petition For Review of the Superior Court of Maricopa County's decision to deny the Defendant's Petition For Post Conviction Relief.

The Defense filed a Petition For Review of the decision by the Arizona Court Of Appeals, with the Supreme Court of Arizona. The Supreme Court of Arizona plainly denied the Defense's Petition For Review of the Arizona Court Of Appeals Decision with almost no explanation.

There are no further proceedings for a person to pursue an issue of Post Conviction Relief, once a Petition For Review is denied by the Supreme Court of Arizona. The issue is a question of law that has been ruled on by the Arizona Court Of Appeals, where they applied their own logic that still does not make sense for the issue. The Defendant highly objects

to the Arizona Court of Appeals' logic, and the only method for the defense on this issue is through a Writ of Certiorari with the Supreme Court of The United States Of America, pursuant to the Rules of the Supreme Court Of The United States Of America - Rule 10(a), and Rule 28 of the United States Code Service - Chapter 81-1254(1), 1254(2) and 1257(a).

14.(1)(f)

Constitutional provisions, treaties, statutes, ordinances, and regulations involved in the case, set out verbatim with appropriate citation

- Article VI of The Constitution Of The United States Of America
- Amendment XIV of The Constitution Of The United States Of America
- Rule 10(a) of the Rules of The Supreme Court Of The United States Of America
- Rule 28-Chapter 81-1254(1), 1254(2) and 1257(a) of The United States Code Service
- Article III Section 2 of The Constitution Of The United States Of America
- McPherson V. Blacker 1892
- United States V. South-Eastern Underwriters Association 1944
- Fairbank V. United States 1901, Hatch V. Reardon 1907
- Pollack V. Farmers loan & Trust Co. 1895
- Virginia V. Tennessee 1893

A concise statement of the case setting out the facts material to consideration of the question presented

The issue of the question presented should be fairly simple. The defendant in this case has been unfairly prosecuted by the Maricopa County Superior Court due to an issue with the law that has become obvious they are very aware of.

To specify the stage in the case in the court of first instance when this issue was first raised by the defendant was at the settlement conference on March 27th 2019. The defendant asked about the laws and why his paperwork said the charge was an "aggravated D.U.I." due to his license already being suspended from a previous D.U.I. when that was not the case.

The defendant was basically bullied by the court everytime the issue was presented during the trial process. The first attorney ignored the issue and did not provide any documentation to display anything that the defendant asked about. The second attorney was supposed to prepare for trial, however that attorney decided it would be best if the defendant requested a new attorney for trial. The third attorney could not address the issue at all, because by the time that attorney was able to meet with the defendant the final trial management conference had already passed, and according to Arizona law there can be no pre trial motions after the final trial management conference. (Supporting facts and authorities are not necessary for this at this time because none of them matter if they won't change the outcome of a trial)

All of the collateral issues are included in the Defendants Petition For Post Conviction Relief, and the Defendants Petition For Review to the Arizona Court Of Appeals. However, the deciding factor in all of these issues is the question being presented to the Supreme Court of the United States Of America.

A trial would not properly take care of this issue with the interpretation of the law. The judge refused to give any credit to anything the defendant had to say, and proceeding with a trial would have been a waste of time. At this point the defendant had no idea how bad the issue really was. After sitting in county jail for over a year and being mentally trilled with throughout this case, the only route was to plead guilty and hope for the best possible sentence and then file for Post Conviction Relief.

To specify the stage of the case in the Arizona Court of Appeals, the issue has been presented through method of a Petition For Post Conviction Relief that was denied by the Superior Court of Maricopa County, and then brought to the Arizona Court of Appeals by method of a Petition For Review of the decision by the Superior Court of Maricopa County to deny the Defendants Petition For Post Conviction Relief. The Arizona Court Of Appeals did make a decision and address this issue with their own logic, and review of that decision will most definitely be necessary.

The decision is very well presented and the perception of the entire case was very well described by the Arizona Court Of Appeals, however the issue was passed on when they decided to apply their own logic to the law and incorrectly elaborate to support the ideas that the Superior Court of Maricopa County have been practicing.

To specify the stage of the case with the Supreme Court Of Arizona, the Defendant filed a Petition For Review of the decision by the Arizona Court Of Appeals, with the Supreme Court of Arizona and they denied it with minimal explanation. There are no further proceedings to apply once the Supreme Court of Arizona denies a Petition For Review.

This entire issue stems from the behavior of the Superior Court

of Maricopa County that the defendant attempted to address through method of Post Conviction Relief. As unbelievably unjust that the trial process was, the whole outcome of this case is conditioned upon the decision of the Arizona Court of Appeals and the interpretation of the law in question, which review was denied by the Supreme Court of Arizona. The entire law and its interpretation by the state of Arizona doesn't make any sense and this is the question being presented to the Supreme Court Of the United States Of America.

Therefore, the Arizona Court of Appeals and the Supreme Court of Arizona have so far departed from the accepted and usual course of judicial proceedings and have also sanctioned such a departure by the Superior Court of Maricopa County that an exercise of the Supreme Court Of The United States Of America's supervisory powers is profoundly necessary "Rules of the Supreme Court Of The United States Of America - Rule 10(a)". Also pursuant to the Rules of the United States Code Service - Chapter 81 - Rule 28 #1254(1), #1254(2) and #1257(a).

A direct and concise argument amplifying the reasons relied on for allowance of a Writ Of Certiorari

Review of The Arizona Court Of Appeals judgement is sought.
Pursuant to Rule 10(a) of the Rules of the Supreme Court of The United States Of America, and The United States Code Service - Rule 28 - Chapter 81- 1254(1), 1254(2) and 1257(a).

State of Arizona V. Jonathan Mattox

No. 1 CA-CR-21-0408-PRPC

Filed 2-10-2022

Please see defendants "contentions in support of a petition for a Writ Of Certiorari" pursuant to Rule 14.1(h) of the Rules of the Supreme Court of the United States Of America.

IN The Supreme Court Of The United States Of America

Jonathan Mattox

Petition For A Writ Of Certiorari

V.

State of Arizona

Pursuant to Rule 10 (a) of the Rules of the Supreme Court of The United States Of America and Rule 28 of the United States Code Service - Chapter 81-1254(1), and 1254(2) and 1257(a). The Defendant Jonathan Mattox hereby Petitions the Supreme Court of The United States Of America for a Writ Of Certiorari due to the following reasons.

Included is the Decision from the Arizona Court Of Appeals on the Defendants Petition For Post Conviction Relief from the Superior Court Of Maricopa County for the Defendants D.U.I. charges that are in question due to an issue with the interpretation of the State of Arizona D.U.I. statutes.

The Superior Court of Maricopa County has charged and prosecuted the Defendant with an aggravated D.U.I. (class 4 felony) based on the courts standing that the Defendants license was suspended, and the court claims that it doesn't matter 'why' the license was suspended when the D.U.I. occurred. (see included pages from Defendants Petition For Review ^{notarization date - 9-20-2021} [No. 1 CA-CR 21-0408 PRPC] - page 2, line 21- page 3, line 26 "pages 53 and 54 of 85")

The Defendant attempted to clear this matter up during the trial process numerous times only to be denied any consideration of the matter at all (see included pages from settlement conference - March 27,th 2019 [CR-2018-005560-001] - page 22, line 11 - page 24, line 16 and page 13, line 15 - page 14, line 15 "pages 67-69 of 85") and was facetiously presented with an ultimatum for trial condescendingly in a sense that made a trial sound finalously pointless (see included pages from settlement conference - March 27,th 2019 [CR-2018-005560-001] - page 10, line 14 - page 11, line 3 and page 13, line 5 - page 14, line 16 "pages 57-60 of 85") after attempting to find a way to deal with this in the trial court and seeing that a trial was a waste of time, and getting completely shut down anytime there was a mention of the issue with the interpretation of the law in question, there was no other choice than to plead guilty and then pursue the matter through post conviction relief. The Defendant has since been at a loss of justice while dealing with the deciding factor in this case. There are a few other matters that the Defendant has raised for post conviction relief, however apparently none of them matter if they won't effect the outcome of a trial (see included Decision of the Arizona Court Of Appeals [No. 1-CA-CR-21-0408] 2-10-2022 - page 5, paragraph 15 "page 31 of 85") if the Defendant were to have actually had a fair trial process. The entire case weighs on the outcome of what the perception should be when interpreting A.R.S. 28-1383(A)(1) (see included pages from Oral Argument hearing - June 13,th 2019 [CR-2018-005560-001] - page 11, line 14 - page 12, line 18 "pages 80 and 81 of 85")

The decision of the Arizona Court Of Appeals was to apply their own logic to the law in question (see included - Decision of the Arizona Court Of Appeals - 2-10-2022 [No. 1-CA-CR-21-0408] page 6, footnote 3 "page 32 of 85")

There is no other caselaw or decision that has ever been made on this issue by any other court, ever (if there was it would have been cited by one of the Arizona courts before now). The Defendant timely filed for the Arizona Court Of Appeals to reconsider their decision (notarization date 2-17-2022) which they very promptly denied (see included - order denying motion for reconsideration - filed 2-24-2022 [No. 1-CA-CR-21-0408] "page 37 of 85")

The Defendant also Petitioned the Supreme Court of Arizona to review the Decision of the Arizona Court Of Appeals to which they decided to deny with almost no explanation (see included - action by the Supreme Court of Arizona - June 13th, 2022 [CR-22-0069-PR] "page 38 of 85") There is no motion for the Supreme Court of Arizona to reconsider their decision to deny a Petition For Review, and the decision that the Arizona Court Of Appeals made on the issue doesn't make any sense, and there is no further proceedings that can be utilized through the State of Arizona, therefore the Supreme Court of The United States Of America has jurisdiction over the decision made by the Arizona Court Of Appeals, by Writ Of Certiorari (Rules of the Supreme Court of The United States Of America 10(a), and Rule 28 of the United States Code Service - Chapter 81-1254(1), and 1254(2) and 1257(a).

The Defendant has shown the State of Arizona very clearly the points and authorities supporting the Defendants attempts to clarify the misinterpretation of the law in question to no prevail. The State of Arizona has obviously chosen their standing and are refusing to see the truth of the matter. The Arizona Court Of Appeals instead ruled that there is some kind of "change in syntax" (see included - Decision by the ARIZONA Court Of Appeals

2-10-2022 [No. 1-CA-CR-21-0408] page 6, footnote 3 "page 32 of 85")

According to Merriam Webster the definition of "syntax" is merely - "the way in which words are put together to form phrases, clauses or sentences" (see included photocopies of pages from Merriam Webster's definition of "syntax" "page 47 of 85") So according to the Arizona Court of Appeals' logic, somehow this so-called "syntax" has some kind of supposed change inside of A.R.S. 28-1383(A)(1) to differentiate some supposed "clauses" in the sentence.

Also according to Merriam Webster, a "clause" is "a group of words having its own subject and predicate but forming only part of a compound or complex sentence" or "a separate part of an article or document" (see included photocopies of pages from Merriam Webster's definition of "clause" "page 48 of 85")

The attempts by all of the courts representing the State of Arizona have been to somehow prove that they have been applying this law correctly:

(A.R.S. 28-1383(A)) - "A person is guilty of aggravated driving or actual physical control while under the influence of intoxicating liquor or drugs if the person does any of the following: (1) Commits a violation of A.R.S. 28-1381, A.R.S. 28-1382 or this section (A.R.S. 28-1383) while the persons driver license or privilege to drive is suspended, cancelled, revoked or refused or while a restriction is placed on the persons driver license or privilege to drive as a result of violating A.R.S. 28-1381 or A.R.S. 28-1382 or under A.R.S. 28-1385).

The logic that has been suggested by the Arizona Court of Appeals still does not make sense and is lacking the proper sentence structure. The correct punctuation that would need to be used in order for the states argument to make sense in the context that has been presented, is a "colon or semicolon"

According to Merriam Webster a "colon" is - "a punctuation mark: used esp. to direct attention to following matter (as a list)" also "Introduces a word, clause, or phrase that explains, illustrates, amplifies, or restates what has gone before". Also According to Merriam Webster a "semicolon" is - "a punctuation mark; used esp. to separate major sentence elements" also "Links main clauses not joined by coordinating conjunctions" and "Links main clauses joined by conjunctive adverbs (such as consequently, furthermore, or however)" or "Links clauses which themselves contain commas even when such clauses are joined by coordinating conjunctions" (see included photocopies from Merriam Webster's definition of colon and semicolon, also included photocopies from Merriam Webster's final index "Basic English Punctuation" "pages 49-52 of 85") Without a colon or semicolon to identify two different "clauses" in the sentence, and there being only one subject and predicate, there is no way the sentence could have a so called "change in syntax" or whatever "separation of clauses" that the Arizona Court of Appeals has suggested.

Also, the entire sentence in question, "A.R.S. 28-1383(A)(1)" is defining what an aggravated D.U.I. is, in differentiation to a misdemeanor D.U.I. Within the definition of this aggravated D.U.I. in question, the law states that if a persons license to drive is "suspended, cancelled, revoked or refused or restricted as a result of violating A.R.S. 28-1381, A.R.S. 28-1382 or A.R.S. 28-1385 then it will be aggravated". The courts of the State of Arizona are trying to say that the suspension can be for any reason, verses only applying an aggravated D.U.I. if the suspension was a result from a prior D.U.I. conviction (or serious traffic incident) as is being acknowledged by the Defendant.

The whole point the Defendant is trying to make with this issue with the law within the definition of the aggravated D.U.I. in question, is that a person had to appear before a judge to receive their punishment, and have the judge tell them they cannot drive for however long, or until they complete whatever process, otherwise such and such will happen. This is precisely what gives the situation an aggravating factor, because they are directly disregarding a judge's orders from a serious traffic violation.

The situation is way less severe if a person gets their license suspended from regular civil traffic citations where they simply receive a notice in the mail saying that their license has been suspended for whatever reason, as is the case here with the Defendant having had his license suspended for having too many points on his driving record from normal civil traffic citations.

Furthermore, there are many reasons a person's "misdemeanor D.U.I." can become an "aggravated D.U.I." For instance a person can receive an aggravated D.U.I. if they violate D.U.I. laws while they have children under the age of 15 in the vehicle. Shockingly, that is only a class 6 felony, even the Superior Court judge in this case puts on record that it doesn't quite fit together that having children in your vehicle while impaired is only a class 6 felony, as opposed to being impaired with a suspended license from normal civil citations having a class 4 felony punishment (see included pages from settlement conference - March 27, 2019 [CR-2018-005560-00] - page 21, line 14 - page 23, line 5 "pages 66-68 of 85") That obviously doesn't make any sense. It would make sense however if the law were being applied correctly (as it is written) that a D.U.I. is aggravated only if the "suspension,

cancellation, revocation, refusal or restriction were a result of violating A.R.S. 28-1381, A.R.S. 28-1382 or A.R.S. 28-1385", where the person has to appear before a judge to receive their punishment. That is the plain language of the law, and that is how the law makes the most sense. The law does not say "for any reason" it does specifically say "as a result of".

The Defendant has stated in the Petition for Review that the Arizona Court Of Appeals chose to develop their own logic for, and the Defendant reiterates again here, that if the goal of the legislation on A.R.S. 28-1383 (A)(1) were indeed meant to have separate meanings with this so called "change in syntax" to separate two different ideas in the sentence, then it would say that specifically, instead of there being any kind of question or discussion at all over what the interpretation should be, and there would be a separate sentence to outline what qualifies as these so called, "restrictions that are or aren't due to violating A.R.S. 28-1381, A.R.S. 28-1382 or A.R.S. 28-1385", rather than this definition of an aggravated D.U.I. being of any kind of issue. It wouldn't be open for interpretation.

In fact, for example A.R.S. 28-1383(A)(4) actually precisely points out that if a persons license is "restricted" (with an interlock device) and they commit a violation of D.U.I. laws, then it will be an aggravated D.U.I. The legislation is specifically explaining what the "restriction" of having an interlock device and violating D.U.I. laws will result in. It is very clear and there is no room for misunderstanding. The actual fact that this is listed only one sentence away from the sentence in question is solitary proof that the point the Defendant has been trying to get the State of Arizona to see is in favor of the

Defendant immensely. The Defendants point is that the whole sentence in question shows everything contained within the sentence. The sentence ends at the period. There is only one period. If the Arizona Court of Appeals' Decision were plausible, (that is, if the so called "restrictions" being applied, are the only aspect that is supposed to be "as a result of a D.U.I." and that part of the sentence is supposedly supposed to be separate from the rest of the sentence) then the points, and syntax, and clauses would all be very clear and precise, as is very clearly described in the details of A.R.S. 28-1383(A)(4) (see included A.R.S. Statutes "page 46 of 85") and of course, not to mention every other law that has been carefully written for all of society to follow.

The Constitution of The United States Of America "Article III section 2" says: "The judicial power of the United States shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; - to all cases affecting ambassadors, other public ministers and consuls; - to all cases of admiralty and maritime jurisdiction; - to controversies to which the United States shall be a party; - to controversies between two or more states; - between a state and citizens of another state; - between citizens of different states ("revised"); - between citizens of the same state claiming lands under grants of different states, and between a state, or citizens thereof, and foreign states, citizens or subjects. / In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all other cases beforementioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make".