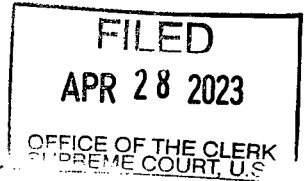


ORIGINAL

No. 22-6905



In The Supreme Court of
The United States

Francisco Nunez Carrillo - Petitioner

VS.

Ryan Thornell, director, Arizona Dept. of
Corrections, et al, - Arizona
Attorney General's

Petition for A writ of Certiorari
To reconsider OR rehear

Arizona Court of Appeals Division one
Last Ruled on Merits of Case.

Francisco Nunez Carrillo
1752 East Arica Road
ELOY, Arizona 85131

(Phone Number)
unknown

I Mr. Francisco Nunez Carrillo, Defendant
assert the following, Grounds

#1. I was denied effective assistance
of Counsel at every critical stage of
the proceeding during my trial and on
Direct appeal.

#2. The state used a Coerced Confession

#3. The state used perjured testimony.

#4. Defendant was placed in jeopardy
twice for the same offense.

#5. Sentence was unlawful or
illegally

#6. Newly discovered evidence Material
Facts exist, that probably would have
changed The judgment or

Sentence.

I Mr. Carrillo Certify stating that the grounds
are limited to intervening Circumstances of
Substantial or Controlling effect or
to other substantial grounds not previously
Presented. I also Certify that the petition for
rehearing is presented in good faith and not
for delay. Certificate this date 6-8-23
(unrepresented by) Counsel. *Fran Nunez Carrillo*

Based on these Grounds, Ineffective assistance of Counsel claim "occured" for 1 Counsel failed to file a Motion to Suppress the Video interrogation "foreeverything", after Detective Thompson made a promise and that i Mr. Carrillo would have to accept the help, which resulted in a self-incriminating Conviction.

Counsel's performance was deficient and that the deficient performance prejudiced me, Counsel also failed to interview witnesses, failed to ensure two witnesses were at trial, he also failed to object to multiplicity indictment. This deficient performance prejudiced me in my Trial.

Newly discovered evidence material facts exist that probably would have changed the Judgment of Sentence during My Trial.

ON Direct Review Counsel claimed he Couldn't find any issues to raise on direct review

The U.S. Constitution's Sixth and Fourteenth Amendments guarantee a defendant who has the right to Counsel in a state proceeding the fundamental right to "effective" assistance of Counsel U.S. Const. amend VI Strickland v. Washington, 466 U.S. 668, 687 (1984)

(Setting forth standard for federal ineffective-assistance of Counsel claims. The Arizona Constitution also guarantees the right to effective Assistance of Counsel Const, art. 11. § 24.

The Anders Procedure is designed to protect indigent defendant's in the event their Counsel find no Meritorious issues on Appeal because, unlike wealthy defendants, indigent defendants cannot afford to seek a second opinion in an effort to find an Attorney to raise issues on their behalf Sixth Amendment Right to Counsel and Fourteenth Amendment Rights to equal protection and Due process Law. Anders is rooted in an indigent defendant's well-established right to effective Assistance of Counsel on his direct Appeal from a Conviction see *Douglas v. California*, 372 U.S. 353, 9 L. Ed. 2d 811, 83 S. Ct. 814 (1963); *Evitts v. Lucey*, 469 U.S. 387, 83 L. Ed. 2d 821, 105 S. Ct. 830 (1985), "Anders, in essence, recognizes a limited exception to the requirement articulated in *Douglas* that indigent defendants receive representation on their first appeal as of right." *Person v. Ohio*, 488 U.S. 75, 83, 102 L. Ed. 2d 300, 109 S. Ct. 346 (1988). Because the fundamental importance of the assistance of Counsel does not cease as the prosecutorial process moves from the trial to the Appellate stage... the presumption of Prejudice must extend as well to the denial of Counsel on Appeal *Person v. Ohio*, 488 U.S. at 88; See also *Rodriguez v. United States*, 395 U.S. at 329.

The Fifth Prohibits Prosecutors from Commenting
ON an individual's Silence where the Silence Amounts
to an effort to Avoid becoming "a witness against
himself." This Court has Specified that "a rule of
evidence" permitting Comment... by Counsel "
in a Criminal Case upon a defendant's failure to
testify "Violates the Fifth Amendment." Griffin
V. California, 380 U.S. 609, 610, n. 2,
613, 85 S. Ct. 1229, 14 L. Ed.

Miranda V. Arizona, 384 U.S. 436, 86 S. Ct.
1602, 16 L. Ed. 2d 694 (1966). Reacted to
Police interrogation. The suspect is to be informed,
Prior to interrogation, that he "has a right to
remain silent. that any statement he does make
may be used as evidence against him. and that he
has a right to the presence of an Attorney,
either retained or Appointed." 384 U.S.
at 444, 86 S. Ct. 1602, 16 L. Ed. 2d 694.

Conclusion

The petition for a writ of Certiorari
should be reheard.

Respectfully submitted

Francisco Nunez Carrillo

6-8-23

Francisco Nunez Carrillo

No. 22-6905

In The Supreme Court of The
United STATES

Francisco Nunez Carrillo - Petitioner
VS.

Ryan Thornell, Director, Arizona Dept. of
Corrections. et al, Arizona Attorney General's
office.

Proof of Service

I, Francisco Nunez Carrillo, do swear or declare
that on this Date 6-8-23, as required by
Supreme Court Rule 29 I have served the
enclosed Motion for leave to proceed in forma
pauperis and petition for rehearing. ON each
Party to the above proceeding or that Party's
Counsel, and on every other person required
to be served, by depositing an envelope
containing the above documents in the
United States Mail properly addressed to
each of them and with first-class postage
prepaid, or by delivery to a third-party Commercial
Carrier for delivery within 3. CALENDAR days.

The Names and addresses of those served as
follows. Arizona Attorney General's office

Michael O'Toole
J.D. NELSON

2005 N. Central AVE
PHX, AZ 85004

Executed 6-8-23
Francisco Nunez Carrillo

**Additional material
from this filing is
available in the
Clerk's Office.**