

JAN 23 2023

OFFICE OF THE CLERK

No. 22-7087

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

Michael James Hoffman — PETITIONER  
(Your Name)

vs.

Arizona D.O.C. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael James Hoffman  
(Your Name)

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(Address)

Florence, AZ 85132  
(City, State, Zip Code)

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(Phone Number)

**ORIGINAL**

## QUESTIONS PRESENTED

1. To secure its 2011 and 2012 false indictments, did the State violate Petitioner's Sixth Amendment Right To Counsel and To Due Process, when it circumvented his existing State defense counsel, ensuring free reign to present its newly fabricated accusations, and to conceal entire investigations from both grand juries?
2. To secure the State's 2013 false convictions, did the State Public Defender violate Petitioner's Fifth and Fourteenth Amendment Rights To Due Process, by:
  - a. Vacating Petitioner's pretrial evidentiary hearings?
  - b. Withholding all defense evidence from Petitioner's trial?
  - c. Refusing to impeach blatant State suborned perjury at trial?
  - d. Manipulating defense evidence, to use against his own defendant at trial?
  - e. Trying to force Petitioner to testify against himself?
3. Did the State Public Defender violate Petitioner's Fifth, Sixth, and Fourteenth Amendment Rights To Due Process by investigating its own Rule 32 (The Ineffective Assistance of Counsel) which resulted in "Procedurally Defaulted Claims", ultimately infecting his Habeas Corpus proceedings by:
  - a. Not raising any of Petitioner's specific requests on Appeal or in Rule 32?
  - b. Delivering corrupted transcripts to conceal its misconduct at trial?
  - c. Defying 3 court orders to produce the "entire trial file" in PCR proceedings?
4. To protect the State's 2014 sentence, did the Arizona Department of Corrections violate Petitioner's Fourth Amendment Right To Be Secure in his housing and papers, and his Fifth and Fourteenth Amendment Rights To Due Process by:
  - a. Removing coverup evidence (corrupted transcripts) from his housing?
  - b. Seizing trial evidence (67 DVDs), then lying to the U.S. District Court?
  - c. Intercepting his mail, intended for the U.S. Supreme Court?

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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

The opinion of the United States Court of Appeals appears at Appendix W to the petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case was:  
December 8, 2022.

No petition for rehearing was filed in my case.

"No further filings will be entertained in this closed case."

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254 (1)

All parties appear in the caption of the case on the cover page.

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## RELIEF SOUGHT

Petitioner, Michael James Hoffman, pro se and indigent, respectfully submits his most complete PETITION FOR WRIT OF CERTIORARI since 2018, seeking his fair opportunity to present the compelling evidence of his absolute innocence to the State courts.

The evidence is here at GEO. Although provided by the Maricopa County Attorney's Office, it was withheld by his State Public Defender, during and after the State's choreographed "victory at trial".

Petitioner's "trial penalty" for refusing to sign any State -false guilty- plea agreement.

On March 4, 2014, Petitioner at 55 years old, with no criminal record, was sentenced to 69 years in Arizona Department of Corrections (ADC) for crimes that the State's own Department of Public Safety (DPS) crime labs, had proven to be false indictments.

In April 2016, Petitioner's efforts to bear the FACTS of this epic miscarriage of justice, and its illicit coverup, provided MOTIVE for the State to deploy ADC's Mr. Freeland with its INTENT to protect its Public Defender (trial and appellate), by seizing and withholding Petitioner's trial evidence during his State Post Conviction Relief ruse.

These FACTS were the basis for Petitioner's 2018 original petition for certiorari.

GEO's "Authorized depository for USPS" provided -acting- GEO Warden Freeland with the OPPORTUNITY to protect the Public Defender, ADC, and himself.

Petitioner's 2019 USPS documents prove ADC's EXECUTION of falsifying a USPS document of delivery, and thefts of his 2018 original petition. (Appended at H-N)

On December 8, 2022, this complete petition, comprised of the FACTS in Petitioner's 2018 (stolen) petitions, and his 2019-2021 (stolen appendices) petitions to this Court, was denied by the U.S. Court of Appeals without explanation. (Appended at W)

## EXTRAORDINARY CIRCUMSTANCES

### Plight of the Indigent

In Ake v. Oklahoma, U.S. (1985), the Supreme Court provided:

"When a state brings its judicial power to bear on an indigent defendant in a criminal proceeding, it must take steps to assure that the defendant has a fair opportunity to present his defense... Justice cannot be equal where simply as a result of his poverty, a defendant is denied the opportunity to participate meaningfully in a judicial proceeding in which his liberty is at stake."

Not only does the State of Arizona disregard this monumental case law, it preys on those of us it was written to protect. Because it selects its own "opponent", the State will fund all attorney, court, and jail expenses to ensure conviction and prison revenue. In Arizona, creating and warehousing "sex offenders" can be quite lucrative.

Although Petitioner had provided the detective, and the county jail, with his own attorney's information, he was appointed the State Public Defender.

Then, by inflating Petitioner's 2 unidentified charges into 9 false indictments, he could no longer afford LOYAL counsel, forcing him to the State's own selection of his defense counsel and their performance "versus the State".

In Post-Conviction Relief proceedings, the State selected the Public Defender to investigate its own trial performance "versus the State".

Therefore, with some judicial home working and some timely ADC interference, Petitioner's evidence of his absolute innocence, and the State's illicit coverup, remain concealed here at GEO, safe from all courts, State or Federal.

Should an indigent inmate have the mettle to challenge the State pro se, the State can utilize its prison's conditions of confinement.

## EXTRAORDINARY CIRCUMSTANCES

### Conditions of Confinement

Attorneys have their education, experience, computers, printers, and copiers, with clerks, colleagues or law libraries to consult. . . . And reliable health care,

They can retrieve time tested documents, alter names, and create an entirely new document, then print the necessary copies. Or, just email them.

While pro se inmates must begin at ground zero. With no roadmap or law library for direction or decorum, we are in the dark, fighting to meet our next deadline.

Our learning curve is steep, unforgiving, and full of pitfalls, making it easy for courts to deny or dismiss our rudimentary efforts, based on handy technicalities.

When the pro se inmate is older, impaired, indigent, and, his evidence implicates government officials, the State with no fear of consequences, will utilize its unlimited resources (ethical and otherwise) to exploit his already extraordinary circumstances.

In Petitioner's case, by targeting his indigence, and his failing eyesight.

Assuming he can acquire enough support (pens, paper, and more paper), he must hand-write countless drafts, each page and copy, from his bunk. Often in poor lighting.

To protect the Public Defender, Mr. Freeland, with no fear of consequences, in front of GEO staff and cameras, removed cover up evidence (transcripts) from Petitioner's housing, and withheld his trial file evidence (67 DVDs), already 2 years delinquent.

After the prison refused to investigate itself, the Arizona Supreme Court dodged Petitioner (Appended at B, C), while its neighbor, the U.S. District Court, after dodging an investigation, allowed ADC to lie about it. (Appended at U, V)

Finally, should the indigent, pro se inmate have the mettle and support to approach the U.S. Appellate Courts, he must survive the State's last line of defense:

The prison's legal mail/document copying process.

## EXTRAORDINARY CIRCUMSTANCES

### GEO Legal Mail

The most stressful part of a prose inmate's quest to recover his stolen liberty should not be his access to the courts, GEO by design, provides no internet access or fax options, and under-acting-Warden Freeland, insisted all Petitioner's communications go through mail, which of course, requires the GEO Legal Mail process.

Although GEO claims its Mail Out Department is an "Authorized depository for the U.S. Postal Service", it is merely a process based on blind trust. Even with (free) USPS tracking labels to all inmates, there is no device here at GEO that guarantees an inmate's mail will even reach the "local post office".

Because ADC can manipulate the USPS tracking system, in 2019 ADC falsified Petitioner's delivery document, then prevented him from direct contact (phone) with the Supreme Court, forcing him to GEO's Legal Mail again. (Appended at I)

ADC then intercepted those 2 letters (March 8, May 8) (Appended at K)

To protect USPS from such maneuvers, the Postmaster General sent Petitioner a polite, form, response letter:

"All outgoing mail from an institution does not become United States mail until it is placed in the care of a Postal employee or, deposited into an official Postal Service mail box."

ADC has also used GEO's legal document copying to thwart Petitioner's mail, "Paralegal", Ms. Ulibarri, has not only refused to "allow GEO" to make Petitioner's copies, but has kept his originals, requiring GEO Officers to retrieve them.

This was raised in Habeas Corpus proceedings and occurred through February 2022, when she refused Petitioner a 10cent copy of the Supreme Court's waiver, requiring the assistance of GEO staff to recover his original waiver.

## STATEMENT OF THE CASE

### False Indictments

In 2015, Public Defender, Terry Reid, would begin Petitioner's Rule 31 Appeal:

"An individual accused of a criminal act is guaranteed due process of law, by the Fifth, Sixth, and Fourteenth Amendment of the United States Constitution, and by Article 2, §§ 4 and 24 of the Arizona Constitution."

Yet, on September 20, 2011 at 8:30 am, with no warrant, explanation, or any evidence of any crime, Petitioner was arrested on his way to work,

Glendale Detective, Lawrence Gonzalez isolated Petitioner in a tiny, warm room, all day, no food, water or restroom, while his team violated the Hoffman family's Fourth Amendment Rights by searching their home for a "yellow cloth and cell phone", seized at 8:30 am, then mutilated Petitioner's new truck,

Even after Det. Gonzalez's 5:00 interrogation, there remained no evidence of any crime. Petitioner was then held without bond for the next 26 months, pleading for his Sixth Amendment Right to a speedy trial.

Only after he was indicted, did Petitioner meet his Public Defender,

Public Defender No. 1, Randall Reece, brought the discovery of 2 women who had claimed sexual assault by a "Michael" or "Mike" in his small truck,

Mr. Reece explained, "One had her accusations investigated fully, 2 years ago, while the other, they haven't even begun to investigate."

Det. Gonzalez's Investigation : Glendale No. 9-098465 (6 counts):

On September 22, 2009, "Kera" claimed, at a bus stop "Michael" had tricked her into his truck, drove her to Circle K, where he forced her to [masterbate] him,

But, rather than try to escape or seek help, she took money (from the cupholder), bought more tobacco, and walked home, then later, called the police.

## STATEMENT OF THE CASE

Officer Magley provided Det. Gonzalez with a Michael Hoffman's address before he met with Kera, who then told her second, but not her last, story.

Neither story contained oral sex, violence, or a cell phone.

On October 15, 2009 (after 3 weeks), Det. Gonzalez left his first card on the Hoffman door, and Petitioner left him his first voicemail, that same afternoon.

On November 17, when Det. Gonzalez appeared at Petitioner's office (near Kera's home and the Circle K), Petitioner invoked his rights and directed the detective to his attorney, Mr. Zimmerman, who would not hear from the detective.

On December 3, Det. Gonzalez served SW200969227 for his DNA swabs.

On February 23, 2010, DPS found no suspect DNA, anywhere, on Kera.

\* Neither Hoffman, nor Kera were entered into the CODIS database.

Det. Gonzalez's Investigation: Glendale No. 11-86534 (3 counts):

On September 1, 2011, "Christina", at a bus stop, recognized "Mike from Fry's Market, who has helped me out before", and needed a ride to Kmart. When Mike gave her his number, "To help me get back home", she texted, "Hi this is Crissy".

Christina claimed that Mike, first while driving, then again at the Kmart, sexually assaulted her before dropping her in front of the store. She was adamant there was no consensual sexual contact, "I only do those things with my husband, who is in jail."

Christina also claimed, "I was afraid for my life", but reported no attempts to fight back, seek help, of Mike punching her, or his knocking the phone from her hand.

\* Christina provided Det. Gonzalez with Mike's cell number. To protect herself from her own story, she refused both medical help and a confrontation call to Mike.

However, DPS took oral swabs and circumoral swabs.

\* In 2013, to protect himself, Det. Gonzalez will testify Kera was entered in CODIS, and by manipulating license plate numbers, he connected Mike to Christina.

## STATEMENT OF THE CASE

On September 8, 2011, Glendale PD's database matched "Mike's" 2011 cell number to "Michael's" in Det. Gonzalez's exonerating 2009 investigation.

This began the State's 10 year coverup conspiracy:

On September 20, without any evidence of any crime, Petitioner was arrested.

On September 29, State Prosecutor No. 1, Danielle Harris, with no defense counsel present, simply concealed the 2009 exonerating investigation from the grand jury, and indicted Petitioner on 6 (already disproven) counts for Kera, and on 3 (uninvestigated) counts for Christina.

Fortunately, defense counsel had a plan:

When Petitioner refused to sign Ms. Harris' plea offer, the court set a "Firm Trial Date" (FTD No. 1) for March 19, 2012 and Mr. Reece scheduled an evidentiary hearing for March 16, "To put the 2009 investigation on the record, see any 2011 evidence, and question both accusers", hoping to see some immediate dismissals.

But, Ms. Harris had her own plan: Create a supercase:

On March 16, Ms. Harris told the court, "There could be more charges. We need 60 days to locate the victims."

What Ms. Harris did not tell the court: after locating the "victims", she needed to record completely new statements, concealing crime lab evidence, and add a 6" to 7" knife in 2004, and change the 2010 assailant from black to white.

Det. Johnston's Investigation: Glendale No. 04-135583 (3 counts):

On October 25, 2004, "Jennifer", who had cut school, was lugging her large back to her friend's apartment. A man in a small truck stopped, and pulled her into the cab.

When the man told her to put the backpack in the back, she placed it on the floor of the truck, between her legs.

## STATEMENT OF THE CASE

He drove her to a house, parked in the driveway, and in broad daylight, sexually assaulted her twice "in 10 minutes". She reported no efforts to escape or seek help.

He then drove her to her friend's apartment, and provided his (office) number. Later, when the number was not in service (dialed wrong area code), she called police.

Responding Officer Palomino documented no weapons were used.

Like Kera, when interviewed by the detective, her story changed, and DPS took oral, circumoral, and vaginal swabs, then toxicity tests for her drug history.

In July 2005, when DPS found "at least 3 (non-semen) contributors" to Jennifer's circumoral, but nothing on her oral swabs, Det. Johnston ceased his investigation.

Det. Fernaux's Investigation: Phoenix No. 2010-01906561 (2 counts):

On December 29, 2010 at 1:00 pm, Michael Hoffman, a 52 year old, 150 lb, white man, with white hair, was in his office, 30 feet from his 2 door truck.

Meanwhile, 10 miles away, "Blasa" had called 911, who reported:

Victim 261'd (sexual assault) by B/M, mid 30's, with shaved head.

Officers Brooks and Martinez heard Blasa's detailed story of being abducted by chokehold and thrown into the backseat of a 4 door gray car. While driving, they traded punches until her assailant stopped and got in the backseat.

He performed oral sex on her, then "we had sex until he finished", drove off and fought some more. He stopped, threw her into the street and drove off.

Blasa's description of her assailant was specific, matching her 911 call:

5'10", 200 lbs, 30-35 years, black male with a shaved head and goatee.

Blasa also told exam nurse Karla Cde, his ethnicity was black.

The DNA contributors to the inside of her underwear and vaginal swabs, excluded her boyfriend Eric, her other friend Fred, and Petitioner, she claimed would match.

## STATEMENT OF THE CASE

Ms. Harris, with continuance in hand, deployed her detectives:

In March 2012 (month 6), Det. Gonzalez, who took over Jennifer's 2004 case, located her in the U.S. Army. He then flew to N. Carolina to record Jennifer's (in army attire) video of her second, but not her last, story. Not only did she alter her 2004 accusations, but at the prompting of Det. Gonzalez, added a 6" to 7" knife.

Det. Gonzalez will not document this interview until December 2012, disclose it until January 2013, or be viewed by Petitioner until March 2013,

In April 2012 (month 7), Det. Fernaux located Blasa in county jail and cut a deal:

Blasa (in county stripes) audio recorded, "I remember now, he wasn't black, he was white, with white hair..."

Once released, Blasa (in street clothes) video recorded her second, but not her last, story, of a violent abduction and sexual assault by an older, smaller, white man...

On May 10 (month 8), Ms. Harris, with her new, false statements, again concealing Det. Gonzalez's 2009 investigation, and without Mr. Reece or his defendant present to contest, easily indicted Petitioner on 15 counts:

- 9 counts: disproven in 2005 and 2010, before Petitioner's 2011 arrest;
- 4 counts: still, not investigated; and most egregious;
- 2 counts: if committed, were by an entirely different person.

Ms. Harris then left the Bureau.

The State selected Prosecutor No. 2, Angela Andrews to gather evidence that would support Ms. Harris' false indictments, while persuading Petitioner to sign any -false- guilty plea agreement.

However, the more she investigated, the more she exposed Petitioner's evidence.

## STATEMENT OF THE CASE

On July 27, 2012 (month 10), the defense refused to sign any -false guilty- plea agreement, so the court set a new "Firm Trial Date" (FTD No. 2) for November 2012.

The following Monday, Mr. Reece was unceremoniously "retired".

The State selected and motivated its next "opponent":

Public Defender No. 2, Robert Ditsworth, the son of Judge, John Ditsworth, was allowed, even expected to, sacrifice his defendant's liberty, in return for, the advancement of his own agenda with the State.

His objective, knowing his defendant had committed no crimes, was to avoid a costly, careers damaging trial, with any -false guilty- plea agreement.

The new attorneys reset the "Firm Trial Date" (FTD No. 3) to January 31, 2013, and scheduled a routine status conference for November 27, 2012.

Petitioner remained adamant that he would never sign a "deal" for crimes they both agreed were not committed, or were committed by someone else.

Mr. Ditsworth's first ambush of his defendant was a settlement conference:

On November 27 (month 14), when the State offered 1 kidnapping count, Petitioner asked: "Which accuser do you believe was kidnapped, and which 3, were not?"

It was Mr. Ditsworth who interjected, "Kidnapping was when you snuck up on Jennifer with a knife and threw her in your car."

Petitioner corrected his State defense counsel, "First, it was Blasa who was snuck up on, by a large, young, black man. As for Jennifer, there was no knife!"

Next, Judge Reinstein shocked Petitioner, "But the jury won't know that!"

Finally, the State, with Christine Davis, not Ms. Andrews, said it had been in contact with Christina (DOC), Blasa (DOC), and Kera, but was unable to locate their "showcase victim", Jennifer.

Petitioner's request to replace Mr. Ditsworth was adamantly denied by Ms. Frittle.

## STATEMENT OF THE CASE

### Pretrial Misconduct

On Saturday, January 12, 2013 (month 16), Mr. Ditsworth, in another desperate effort to produce a -false guilty-plea agreement, brought -false news- to county jail:

"They found Jennifer in the Army. Det. Gonzalez flew to N. Carolina to interview her. When the jury sees her in military greens, she will have instant credibility, no matter what she testifies to. You need to sign the plea!"

Mr. Ditsworth provided Det. Gonzalez's documentation of their interview in the Army. This discovery was documented on 12/15/2012.

When Petitioner asked, "How did you and Judge Reinstein know about this new knife back in November?", he had no answer and left the jail.

On January 23, with trial to begin on January 31, Mr. Ditsworth informed the court, "Defendant refuses to sign a plea." Neither attorney was ready for trial.

Both attorneys blamed DPS crime labs.

An upset Judge Kreamer reset the "Firm Trial Date" (FTD No. 4) to March 28, and warned both attorneys to be prepared for trial in March.

On March 28, (month 18), Judge Kreamer denied both attorneys' motions to continue the trial.

On April 1, the attorneys tried another settlement conference. Petitioner asked Judge Kreamer, "If I wouldn't sign the 4-12, why would I sign 14-27?"

When voir dire began, a desperate Mr. Ditsworth promptly called the accusers "prostitutes", and Ms. Andrews claimed he "violated the State's rape shield law".

This display was clearly choreographed by the unprepared attorneys.

On April 2 (month 19), a visibly upset Judge Kreamer took a break. When he returned, he remanded the case to Master Calendar Judge Granville.

## STATEMENT OF THE CASE

Meanwhile, in Ms. Andrews' pursuit of evidence to support Ms. Harris' false indictments and her own rebuttal of Mr. Ditsworth's "prostitutes" accusation, she exposed further evidence favorable to the defense:

### 1. Kera had a record of operating at bus stops near the same Circle K:

- \*
  - In Phoenix Investigation No. 2006-61814885, Kera claimed she had been "kidnapped and raped by a man on a bicycle", from the bus stop at the same Circle K; and,
  - Had citations for "loitering" at bus stops, near by.

### 2. Christina had a police record of assaulting her 30 year old, 290 lb husband:

- In Phoenix Investigation No. 2011-047267, Christina had recently assaulted "Robert" by "punching, biting, scratching, and headbutting" him; and,
- Yet with 52 yr old, 150 lb Mike, in a small truck, "afraid for my life", did nothing.

### 3. Jennifer's actual military status demonstrated the State's misconduct:

- On September 26, 2012, Private Schwartz had received a "Bad Conduct Discharge" from the U.S. Army for her "Pattern of Misconduct";
- 2 months before, the State had been unable to locate Jennifer.
- 3 months before, Det. Gonzalez, documented his "December 2012 interview", and
- 4 months before, Mr. Ditsworth, "They found Jennifer in the army."

### 4. Blasq confessed, She knew who her "unidentified" DNA contributor was:

- She informed the State that Andrae Jerome Tipton was one of her DNA contributors to her vaginal swabs, and the inside of her underwear;
- She also provided his contact information.

\* Defense counsel will use this information, against his defendant at trial.

## STATEMENT OF THE CASE

On May 10, 2013 (month 20), Judge Granville scheduled an evidentiary hearing, "to focus on the actual trial, not the rebuttal", and that "the court cannot preclude Mr. Hoffman from testifying at his hearing."

On June 21 (month 21), Judge Granville held the evidentiary hearing behind closed doors, precluding Petitioner from his own hearing. Afterwards, Judge Granville wanted to review the accusers' interviews.

On July 3 (month 22), it was Ms. Andrews who provided the court with 6 DVDs of the 4 original interviews, and Ms. Harris' (2012) scripted interviews that featured Jennifer's new "large knife", and Blasa's new "older, white" assailant.

Judge Granville's ruling on the court's website acknowledged these.

When Ms. Andrews said she was leaving the case, Judge Granville set "Firm Trial Date", (FTD No. 5) for August 28, "No matter who the prosecutor is!"

Then, 22 months after being indicted, the State claimed that Petitioner was 1 of 2, of Christina's 2 (non-spouse) DNA contributors to her 2011 oral swabs. But, because this would destroy Christina's credibility; "I only do things with my husband", and, "I was afraid for my life", again, being favorable to the defense, the jury won't hear this.

On August 14 (month 23), State Prosecutor No. 3, Jeanine Sorentino, dictated to the court, that she would not be ready for trial by August 28.

On September 17 (month 24), DPS confirmed that Andre Jerome Tipton: a 5'10", 31 year old, black male, was the major (only identified) contributor to the inside of Blasa's under wear, and he could not be excluded from her vaginal swabs.

Yet again, being favorable to the defense, the jury won't hear this.

## STATEMENT OF THE CASE

### Choreographed Trial

"Due process of law includes the right to be proven guilty beyond a reasonable doubt of every element of the charged offense."

U.S. v. Gaudin (1985)

Without Mr. Ditsworth's commitment to incriminate his own defendant, there would have been no case(s) to present to any reasonable jury.

On November 20, 2013, Ms. Sorentino's opening argument began: "Mr. Hoffman is a lion in sheep's clothing. Well spoken, but leads a double life as a rapist."

While Mr. Ditsworth's opening argument was brief, nervous, and gave an impression of someone forced to represent a "lion in sheep's clothing".

For the next 2 weeks, the State, with 2 attorneys and its "Case Agent", Det. Gonzalez, paraded 25 prepared witnesses before the shocked jury, while Mr. Ditsworth spent more time reinforcing, than impeaching, the witnesses blatant perjury.

The shocked jury heard how Defendant had: "worn nylons over his face, wielded a large knife, punched women, smashed their phones when they tried to call for help, and were dropped somewhere", without meeting the burden of proof.

### Mr. Ditsworth's cross examination performance "versus the State":

On November 21, to conceal his 2009 investigation, Det. Gonzalez testified, how he had juggled license plate numbers to connect Defendant to Christina. Then, through DNA taken via his 2011 arrest, was able to connect him to Kera's 2009 unsolved case.

Reminder: In 2009, Det. Gonzalez made 2 trips to Hoffman's home, 2 trips to his office, took DNA, and neither Hoffman, nor Kera were entered into CODIS.

## STATEMENT OF THE CASE

The State's first "victim" was Christina, recently released from prison:

On November 20, Ms. Sorrentino told the court, "The State would like to go out of order. Christina was picked up (bench warrant) and we just can't hold her."

This was to be our defense:

- Christina, at a bus stop (no busfare) sought a ride to Kmart;
  - Was familiar with "Mike, who has helped me out before",
  - Mike provided her with his cell number, "To help me out later",
  - Defendant drove miles out of his way to get her to Kmart,
- Concealed her (at least) 2 indiscretions from Det. Gonzalez;
  - Adamant, "I only do things with my husband", and, "afraid for my life",
  - Refused medical attention, and a confrontation call with Mike,
- DPS found 2 non-spouse DNA contributors to her buccal swab;
- Had she been "afraid for my life", she would have defended herself;
  - In 2011 was arrested for assaulting her 290 lb, 30 yr. old husband,
  - Yet, with 150 lb. Mike, was so "afraid", she performed oral sex?

Mr. Ditsworth's cross examination performance "versus the State":

Defense counsel questioned her history of drug abuse and shoplifting, and, "How was Mr. Hoffman's driving in rush hour traffic?"

Despite Defendant's and Paralegal, Ms. Proust's pleading, he refused to question her or DPS on the DPS evidence of her concealed / exposed encounters that day.

The last thing the shocked jury heard:

Defense counsel asked Christina why she didn't call police before they got to Kmart, prompting her newest - false - accusation: "He was punching me and was knocking the phone out of my hands."

## STATEMENT OF THE CASE

Jennifer told her third story, adding an additional -false- element of violence:

On November 25, 2013, Jennifer, flown in from Louisiana, and Ms. Sorentino, began with her: "Honorable, full term service in the U.S. Army, to serve my country."

Then through tears, told her newest story of being kidnapped, large knife to her head, forced to the floorboard (where her large backpack was in 2004), and forced to perform oral sex, before being dropped at some apartments.

This was to be our defense:

- Jennifer and her largeback sought a ride to "Ricki's" apartment;
- Impeach her testimony with the 2004 and 2012 videos;
- Officer Palomino's documentation expressed no weapons used;
- In 2005, DPS and Det. Johnston disproved Jennifer's claims;
  - Semen would have been on oral and circumoral swabs. There was none;
- The phone number given to her (for a job) was Defendant's BofA office;
  - Rapists don't provide their office numbers.
- Question her military career, with the Bad Conduct Discharge document.

Mr. Ditsworth's cross examination performance "versus the State":

Defense counsel questioned Jennifer on her identity theft of her older sister, when Jennifer gave police her sister's name to avoid her own DUI.

This should have gone to her credibility for the defense he withheld.

The last thing the shocked jury heard, and saw:

Defense counsel borrowed the bailiff's chair and placed it between the jury box, and the witness, then reenacted Jennifer's third -false- story of being forced to the floor board, knife to her head, and forced to perform oral sex.

"That's horrible, no further questions."

## STATEMENT OF THE CASE

Kera also told her third story, adding the element of violence:

On November 25, 2013, Kera's entrance was so dramatic, Judge Granville chose to dismiss the jury, "so that Kera can compose herself", Kera's newest rendition created the act of "oral sex", a "smashed cell phone", then dropped at a Circle K.

This was to be our defense:

- Kera, late at night, at a bus stop, no bustare, sought a ride to Circle K;
- Knew Michael from the Circle K, near her home, and Defendant's office.
- Defendant drove miles out of his way to get her to that Circle K;
- Raise Det. Gonzalez's 2009 exonerating investigation;
  - 2 very different stories an hour apart, of [masterbating] not oral sex.
  - 2010 DPS DNA testing proved there was no sexual contact.
- Not her first - false - kidnapping and rape claim, from same Circle K;
- Additional citations for refusing to leave bus stops nearby.

Mr. Ditsworth's cross examination performance "versus the State":

Defense counsel dodged the 2009 investigation, then served Kera the same (scripted) question: "Why didn't you call police before you got to Circle K?" Just like Christina, falsely claimed, "He smashed my cell phone!"

The last thing the shocked jury heard:

Ms. Sorrentino asked (only) Kera: "Is this the worst thing to happen to you?"

Through tears, Kera answered meekly, "Yes".

After receiving permission to introduce Kera's 2006 - false - kidnapping and rape claim, by a man on a bicycle, from a very busy intersection, defense counsel, rather than challenge Kera, provided her the opportunity:

"Being kidnapped by him (pointing to Defendant) was worse than being raped."

## STATEMENT OF THE CASE

Blasa, who had already identified her "assailant", then told her fourth story:

On December 3, 2013, the jury had been told only that Defendant's DNA was found on Blasa, who then testified that she had not seen her assailant, because now:  
"Nylons were covering his face, and he was wearing a baseball cap."

This was to be our defense:

- In December 2010, Blasa described her assailant to 4 different officers;
  - a 5'10", 200 lb, 30-35 yr. old, black male with a shaved head and goatee.
- In 2011, DPS excluded those she claimed were contributors to the crime area;
  - Fred Selgado-Resendez, a personal friend.
  - Eric Padilla, her former boyfriend.
  - Defendant, already indicted on Kera's and Christina's accusations.
- In 2012, from jail, she changed her story completely;
  - April 5, (in jail stripes) audio recorded, "I remember now, he wasn't black..."
  - April 12, (in street clothes) video recorded, "An older, white man..."
- In 2013, Blasa confessed, directing the State to Mr. Tipton:
  - DNA proved Mr. Tipton to be the major (only identified) contributor.
  - Mr. Tipton was the 30-35 yr. old, 5'10", black male Blasa identified in 2010.

Mr. Ditsworth's cross examination performance "versus the State":

Defense counsel dwelled on whether Blasa had used marijuana that day. Not only had she admitted, "I smoked weed...", but had tested positive.

Did not raise Blasa's first description, although Ms. Reids transcripts say he did.

The last thing the shocked jury heard was:

Defense counsel: "What color were the nylons?"

Blasa without pause: "They were tan."

## STATEMENT OF THE CASE

Mr. Ditsworth again, ambushed his own defendant:

He assured his defendant, "Once the State rests, we'll prepare, then present our evidence with your testimony of what really happened."

But on December 4, 2013, when the State quickly rested, defense counsel called his unprepared defendant to the stand, and immediately asked, "What is your occupation?" Defendant, surprised, offered, "Collections."

Defense counsel then violated his defendant's Fifth Amendment Right, "Why did you lie to Detective Gonzalez when he first interviewed you in 2011?"

The shocked jury then watched a fatigued, nervous Defendant try to explain what had actually happened in 2004, 2009, 2010 and 2011, as defense counsel withheld the defense evidence, and sat idly by watching his defendant struggle on the stand.

Ms. Sorentino went right after Defendant's credibility:

"Mr. Hoffman, why did you lie to the jury? You haven't worked in over 2 years!" as defense counsel sat and watched.

Although Judge Granville said nothing, this did not go unnoticed.

Then later, "Mr. Hoffman, when you first met Det. Gonzalez in 2011..."

This time, Defendant interrupted, "I first met Det. Gonzalez in 2009..."

But Ms. Sorentino accosted Defendant each time he tried to get the detective's 2009 investigation to the jury. Of course, defense counsel just sat there.

Judge Granville then dismissed the jury, "To get to the bottom of this!"

Ms. Sorentino pleaded, "But judge he's not cooperating!"

When Ms. Sorentino said, "In 2009, he invoked his rights", it was the opportunity for defense counsel to explain why his defendant invoked his rights in 2009, but again he just sat there. The DVD of this is here at GEO.

## STATEMENT OF THE CASE

With the jury still out, Judge Granville admonished Ms. Sorrentino for "trying to prejudice the jury with Defendant's incarceration", and warned her:

"You will not do that again in this court!"

Minutes later, a frustrated Ms. Sorrentino tried to trip up Defendant with yet another false statement. When Defendant would not bite, she said:

"Like Det. Fernaux said to you in county jail, We all know why you're in here!"

Judge Granville dismissed the jury again. When he tried to grant a mistrial for the defense, defense counsel vetoed it, gave a brief, weak closing, then without presenting any evidence, or calling any listed witnesses, rested the defense.

"A conviction based upon a record lacking any relevant evidence of a crucial element of the offense charged, violates due process."

Jackson v. Virginia (1979) and State v. Tison (1981)

After 2 weeks, the jury was given an immediate deadline.

On December 19, 2013, although the jury still had questions, Judge Granville ordered:

"A verdict by end of business, so the court can keep its holiday schedule."

With accuser's families already in attendance, Judge Granville allowed each of the attorneys a 5 minute closing argument to address the jury's remaining questions.

Then, even Mr. Ditsworth's "argument" favored the State, while Ms. Sorrentino's argument was full of rambling false-statements.

"No reasonable jury would have found the defendant guilty under applicable state law." Sawyer v. Whitley, U.S. (1972)

Yet, Defendant was quickly convicted on 14 counts, enabling the court to keep its holiday schedule.

## STATEMENT OF THE CASE

On March 4, 2014, at sentencing, Petitioner addressed the court:

How Mr. Ditsworth's poor representation included refusing to present any of our evidence at trial, then provided the court discovery of Blasa's original assailant.

Defendant asked Judge Granville about the 6 DVDs of the accusers' original statements (2004, 2009, 2010, 2011), Ms. Harris' fabricated (2012) statements he had ruled on in July 2013, and the court's denial of Defendant's evidentiary hearing for which they were intended.

Judge Granville went with plausible deniability:

"Quoting Donald Rumsfeld, 'You can't go with what I don't know.'"

He then sentenced Defendant to 69 years in prison for crimes he saw on DVD, had been fabricated by the State, or if committed, were by another person entirely.

From the ADC/GEO prison:

Still in March 2014, Petitioner filed his Rule 31 for Direct Appeal,

Again, the State selected its own opponent "versus the State":

The State Public Defender would be preparing Petitioner's Appeal.

On May 12, Petitioner challenged the Public Defender, citing a conflict of interest, given the Public Defender's absolute refusals to raise the issues at trial.

This would prove to be prophetic:

On May 15, Supervisor Tennie B. Martin responded, "This office would not represent you in Rule 32, but it does not have any conflict on appeal."

Ms. Martin assigned Terry Reid to prepare the Appeal, who would (covertly) also facilitate the Rule 32 to protect, "Robert, my neighbor down the hall."

## STATEMENT OF THE CASE

### Procedural Defaults

In Habeas Corpus, the State will declare, "HOFFMAN FAILED TO PRESENT AND EXHAUST ANY OF HIS CLAIMS IN THE ARIZONA STATE COURTS, RESULTING IN PROCEDURAL DEFAULTS THAT BAR THIS COURT FROM REVIEWING ANY OF HIS CLAIMS."

The fact is, the ensemble of public defenders: Mr. Ditsworth, Ms. McEachern, Mr. Brown, and doing double duty, Ms. Reid, ignored their oath to the State Bar:

"To support the fair administration of justice, professionalism among lawyers and representation for those unable to afford counsel."

In May 2014, Petitioner filed his Rule 32 for Ineffective Assistance of Counsel:

However, with Mr. Ditsworth's colleagues "investigating", Judge Ditsworth's colleagues "officiating", and some timely ADC interference, Petitioner's evidence, innocence or coverup, will not reach any court; state or federal.

To investigate Mr. Ditsworth's egregious betrayal at trial, the State appointed Janelle McEachern, who worked out of her home, did only Post Conviction Relief work, and whose only "client" was the State Public Defender.

First and foremost: A procedurally adequate Trial Rule 32 claim, cannot even begin without PCR counsel receiving the entire trial file and (accurate) transcripts:

On June 5, 2014, PCR Judge Cohen ordered, "Trial counsel shall produce the entire trial file, including transcripts, to PCR counsel, no later than June 20, 2014,

On June 24, Ms. McEachern's introductory call asked Petitioner, "To dismiss the Rule 32, leave me as counsel, and refile it after the Direct Appeal is affirmed."

Though she never received the trial file, she cashed the State check.

## STATEMENT OF THE CASE

Petitioner's June 30, 2014, letter to Ms. McEachern raised issues with trial counsel:

His list included the ambush of his own defendant's testimony; the withholding of all defense evidence; his refusals to impeach State witnesses; then, requested an update on the "trial file and transcripts due by June 20, 2014."

For months, Ms. McEachern ignored Petitioner's letters and the phone calls or the emails of GED Officer, Mr. Carrillo, to schedule a legal call.

With Mr. Carrillo's documents, Petitioner filed State Bar Complaint No. 14-3372.

On November 3, Ms. Martin assigned Ms. Reid to prepare his Appeal:

Petitioner provided Ms. Reid with the court's vacated evidentiary hearings, with Ms. Sorentino's misconduct during Petitioner's -ambushed testimony- and, Judge Granville's reversal of his mistrial for the defense. While in each conversation Ms. Reid also pleaded for Petitioner to dismiss his Rule 32.

In February 2015, he told Ms. Reid, "Even if I wanted to, I can't reach Ms. McEachern."

The next day, Ms. McEachern called, "I heard you were looking for me", but she had the wrong file, no idea if she even had Petitioner's trial file, and hung up.

Petitioner notified the State Bar of her erratic behavior.

On April 1, 2015, Ms. Reid's Appeal performance "versus the State":

Ignoring her own Direct Appeal's opening guarantee, she violated Petitioner's: Fifth and Fourteenth Amendment rights, and Arizona's Article 2, 66 4 and 24 rights to due process of law, by quietly filing her rogue appeal that ignored Petitioner's issues, raising but 1 insignificant conviction, for the State to swiftly dismiss.

On June 16, to protect her colleague and her own rogue appeal, Ms. Reid sent trial transcripts that did not reflect what had actually occurred at trial.

Most concerning, information given only to Ms. McEachern, was used to reconstruct Petitioner's -ambushed testimony- transcript.

## STATEMENT OF THE CASE

Although still advisory counsel, Ms. Reid stated, "I no longer represent you and must recommend you raise these issues in the court of appeals."

Petitioner began his own investigation of the corrupted transcripts:

On July 6, 2015, per ARS Rule 31.8 (b), Petitioner raised the corrupted transcripts with the trial court; specifying the discrepancies for Judge Granville to compare to the court's notes of his December 4, 2013 testimony, unaware that the entire trial had been video recorded.

"It is the duty of the court to provide the necessary facilities and procedures for an adequate inquiry." Harris v. Nelson, U.S. (1969)

The clerks provided more plausible deniability for Judge Granville:

On July 10, B. Navarro's EX PARTE MINUTE ENTRY returned Petitioner's letter, who copied the State and returned the original request the next day.

On September 1, the clerk's office notified Petitioner, "Your request was not presented to Judge Granville, but forwarded to new (unnamed) counsel."

After more investigating, Petitioner exposed:

On August 17, new PCR Judge Vida, had quietly replaced Ms. McEachern (who had done nothing in 13 months) with a Matthew Brown and ordered:

"Trial counsel shall produce defendant's entire trial file to PCR counsel for review and copying no later than September 1, 2015. Upon delivery of the file, Janelle McEachern shall file a Notice of Completion, which shall contain an itemized list of what constituted the trial file."

Neither Ms. McEachern, nor Mr. Brown ever received any trial file paper from trial counsel, Mr. Ditsworth, who yet again had been allowed to violate Petitioner's Fifth and Fourteenth Amendment rights to due process of law.

## STATEMENT OF THE CASE

What prompted this quiet change, was on July 15, 2015, Ms. McEachern had been disciplined by the State Bar in Petitioner's claim no. 14-3372, for her "poor office management, chemical dependency, or other behavioral problems."

This explained Ms. McEachern's conduct and failure to produce.

Then, according to Northern Arizona Innocence Project, Mr. Brown's office address was the Public Defender's Office, and his BIO showed no PCR experience.

Like Ms. McEachern, Mr. Brown took direction from Ms. Reid:

Again, contrary to Ms. Martin's May 15, 2014 letter, Ms. Reid facilitated Petitioner's Rule 32, directing Mr. Brown, often acting as previous trial counsel or PCR counsel, in order to protect her colleague, Mr. Ditsworth.

On October 7, 2015, Mr. Brown's only call exposed his lack of PCR experience, and his blind loyalty to the Public Defender he was to investigate: "Ms. Reid said that the transcripts were accurate, and they really have no bearing on your Rule 32, so I will not be forwarding your letter (the court sent him) to Judge Granville."

Petitioner next took his corrupted transcripts to the Arizona Court of Appeals:

On November 2, again per ARS Rule 31.8(h), and Ms. Reid's recommendation, Petitioner asked the Court of Appeals to review her rogue appeal that ignored Petitioner's issues to raise on appeal, and to investigate Ms. Reid's corrupted transcripts, with his letter to Judge Granville detailing the December 4, 2013 discrepancies.

Petitioner next took his corrupted transcripts to the Arizona Supreme Court:

On January 15, 2016, Petitioner filed his Petition to Investigate the Trial Transcripts in his possession, delivered by Ms. Reid on June 16, 2015, with his July 6, 2015 letter to Judge Granville, detailing the December 4, 2013 discrepancies.

## STATEMENT OF THE CASE

On January 28, 2016, the Arizona Court of Appeals affirmed Petitioner's convictions based on the suborned perjury of State witnesses at trial in Ms. Reid's rogue appeal, and side-stepped Petitioner's transcript controversy brief: "Because no audio or video of the trial was made part of the record, we must assume that the transcripts reflect what actually transpired at trial. (Appended at A)

This video will arrive at GEO in April 2016, and remain concealed by ADC,

Petitioner's first effort to resolve the corrupted transcripts issue himself:

On February 5, Petitioner's letter simply asked Mr. Brown for a paper copy of his December 4, 2013 -ambushed testimony- transcript to compare with his own,

On February 8, a defiant, uncooperative, Mr. Brown claimed, "The court controls the custody of the file and transcripts. I will review the file,"

Petitioner returned to the Arizona Supreme Court:

On February 22, Petitioner filed his Petition to Review: Ms. Reid's rogue appeal, her delivery of the corrupted transcripts, and chronicled the State's motive, intent, and opportunities to protect its Public Defender from Mr. Ditsworth's and Ms. Reid's violations of his constitutional rights to due process of law.

Mr. Brown's Rule 32 performance "versus the State:

On March 30, Mr. Brown, who received no trial file, or forwarded requests, having done nothing in 8 months as PCR counsel, filed his "Notice of Completion";

"I did not find any colorable claims, and the issues raised regarding the transcripts are born out by the audio visual record of proceedings", and, "have provided Mr. Hoffman with everything preceeding counsel sent me.

Because "preceeding counsel" was McEachern who also received no trial file, Ms. Reid, had again, exploited Mr. Brown's inexperience and desperation.

## STATEMENT OF THE CASE

Fortuitously, Mr. Brown provided Petitioner with the "Smoking DVD".

On April 1, 2016, Petitioner received Mr. Brown's envelope containing no Rule 32 paper, (discovery or paper transcripts), only Ms. Reid's 2015 Direct Appeal paper.

This, was the very "conflict of interest" Petitioner presented to Ms. Martin in 2015.

However, Mr. Brown's manila envelope contained 8 DVDs: 7 labeled "transcripts", and 1 with a Superior Court label: "Hoffman's testimony".

On April 6, Petitioner notified PCR Judge, Vida that he had not received a fair Rule 32, because Mr. Ditsworth refused to provide either PCR counsel with the "trial file" and transcripts, that she herself had ordered on August 17, 2015.

Therefore, Petitioner had not received a trial file or transcripts himself, but instead a meager envelope of Ms. Reid's Direct Appeal paperwork.

Petitioner's second effort to resolve the corrupted transcripts himself:

Because GEO is considered a treatment facility, there are multiple DVD players in each classroom (General Education and Sex Offender), and 1 each in visitation, and our chapel, available for inmates to view weddings, funerals, evidence etc.

GEO Officer, Ms. Francisco, "The prison allows inmates to view their DVD evidence, We can make arrangements through Deputy Warden Brewer."

On April 11, Ms. Francisco delivered Petitioner's request to Ms. Brewer, with his explanation, "to view his trial DVDs."

Petitioner got the State's attention, so they sent him a message:

On April 15, ADC deployed 2 large, surly men, Mr. Freeland and Lieutenant Deepe, out to GEO Florence to question a little old man at his bunk.

Mr. Freeland: "Why do you think you need to see your DVDs?"

Petitioner: "To compare them to my transcripts."

## STATEMENT OF THE CASE

Ms. Brewer's April 15, 2016 response followed Mr. Freeland's direction:

"Please advise your attorney to send hard copy transcripts, as we are unable to accommodate your request." (Appended at U)

This ofcourse, had already been attempted on February 5.

By making GEO's DVD players inaccessible to Petitioner, Mr. Freeland cleared the way for the Public Defender to appease Judge Viola's next "ORDER".

Another example of the State's abuse of its judicial power:

On April 26, rather than hold Mr. Ditsworth accountable for defying 2 court orders (1 order, being her own), or his violations of due process, she ordered:

"Mr. Brown (who had received no trial file) and Mr. Ditsworth shall produce defendant's trial file, including all transcripts in counsel's possession, no later than May 11, 2016."

Then Judge Viola's order allowed this indigent, pro se defendant a mere 30 days to do what 2 State selected PCR attorneys (with all of their resources) could not do in 21 months as PCR counsel for their defendant.

"Defendant shall file his petition no later than June 10, 2016. No further extensions will be granted without a showing of extraordinary circumstances. Ariz. Crim. P. 32.4 (c)(b)."

The Public Defender sent a 35 pound box of leftover chaos:

On May 12, GEO Mail received a banker's box packed full of paper: old, redundant scribble notes, emails, and useless discovery, but no "hard copy transcripts."

Worse yet, the box was missing the most important discovery.

With DVDs now inaccessible to Petitioner, the box contained another 59 DVDs.

Once GEO cleared, and Petitioner reviewed the chaos, there were but 20 days (less for copying, IF, ADC allowed) until Judge Viola's State biased deadline.

## STATEMENT OF THE CASE

On May 14, 2016, Petitioner's letter asked the Arizona Supreme Court for status on his 2 petitions, and for their Rules and Regulations.

On May 17, "The Supreme Court does not provide the Arizona Rules of the Court for litigants. Perhaps a third party is willing to assist you."

On May 19, the Supreme Court dismissed the Petition to Investigate the Transcripts because the request was also in his Petition for Review, (Appended at B)

Petitioner's third effort to resolve the corrupted transcripts himself:

Still wanting Ms. Reid's reconstructed December 4, 2013 -ambushed testimony-transcript compared to the Trial Court's "Smoking DVD", Petitioner sought local, outside help.

Having been denied representation by the Innocence Projects in New York, Phoenix, and Flagstaff, he turned to the University of Arizona in Tucson.

On May 20, having already submitted his application, Petitioner's letter to Director, Vanessa Buch, asked her office to compare his transcript, to his DVD, and to document any discrepancies for the Arizona Supreme Court.

When Ms. Buch did not respond, Petitioner assumed she had ignored his request.

However, knowing what we know now, it may not have left GEO.

The State sent Petitioner another message:

On June 17, at about 9:00 am, Petitioner's dorm (64 inmates) was sequestered to the basketball court, while officers performed a bunk search.

Also at about 9:00 am, Mr. Freeland appeared at GEO.

Fortunately, his arrogance led to recklessness. Rather than discreetly go to Petitioner's dorm, he stood at center court.

Once acknowledged by Petitioner and those who witnessed his visit back on April 15, this same group watched Mr. Freeland go directly to their vacated dorm and leave within minutes. Again, all on GEO surveillance cameras.

## STATEMENT OF THE CASE

When Petitioner returned to his housing, he went straight to his file boxes. His tattered, marked up -ambushed testimony- transcript had been replaced by a crisp, new transcript, that better resembled what transpired on December 4, 2013.

Petitioner immediately involved Program Officers, Ms. Francisco and Mr. Mazon, who were both present during the dorm search. According to Ms. Francisco, only an investigation by reviewing the surveillance cameras, will reveal what did happen, and again, she helped prepare, then deliver the request.

On June 24, 2016, Mr. Mazon's letter, would not deny the theft:

"Per captain dennis inmates are not allowed to see the cameras due to security.

At this time there is no evidence to support your claim."

Ms. Francisco advised, "You'll need a court order,"

On July 12, Petitioner got the attention of the Arizona Supreme Court:

Petitioner's motion to the Supreme Court tried to raise ADC's newest violations of due process (theft of transcripts and seizure of trial DVDs) committed by Mr. Freeland in the remaining petition.

The Supreme Court immediately dismissed the Petition. Unlike his earlier petition, the court provided no explanation. (Appended at C)

When Petitioner reached out to DOJ Phoenix, U.S. Attorney, Elizabeth Strange directed him to FBI Phoenix, who also did not respond.

Again, knowing what we know now, it too may not have left GEO.

Having exhausted those options available, Petitioner began his Habeas Corpus, believing the U.S. District Court would appoint counsel and hold the evidentiary hearing he has coveted since 2011.

## STATEMENT OF THE CASE

### U.S. District Court

"Dismissal with prejudice of a procedurally barred habeas corpus claim is generally proper, absent a miscarriage of justice, which will excuse the defendant."

Reed v. Ross (1985)

On October 15, 2016, Petitioner filed his Petition for Habeas Corpus, and Forma Pauperis, raising the facts in the State's miscarriage of justice; from Ms. Harris' 2011 -false-indictments, to Mr. Ditsworth's 2013 egregious betrayal at trial.

The Petition also raised the facts of the State's coverup conspiracy, from Mr. Ditsworth's blatant violations of court orders "to produce the entire trial file" to Mr. Freeland's documented seizure of his trial evidence and his video recorded theft of Ms. Reid's corrupted transcripts from Petitioner's housing.

On October 31 (Doc. 3), Petitioner filed his Motion to Investigate Petitioner's Transcripts, hoping to prepare for an evidentiary hearing.

On December 13 (Doc. 4), Petitioner filed his Motion to Appoint Counsel, due to his lack of resources; document copying, supplies, legal knowledge etc.

### More ADC Interference:

On January 3, 2017 (Doc. 5), the District Court ordered Petitioner to submit (another) Application for Forma Pauperis, on the district court's form, within 30 days.

ADC's "Paralegal, Ms. Ulibarri, to hinder his Application, not only denied Petitioner's copies, but falsely claimed, "You must submit an ADC banking history form," which could take weeks, then kept Petitioner's original documents.

And again, it was Ms. Francisco who stepped in, retrieved her signed originals and made Petitioner's copies herself so that Petitioner could meet the court's deadline.

## STATEMENT OF THE CASE

"It is the duty of the court to provide the necessary facilities and procedures for an adequate inquiry..." Harris v. Nelson (1969)

On May 1, 2017 (Docs. 16, 17), Petitioner filed his Motion to View Surveillance Video of Mr. Freeland's theft of transcripts and his Motion to View his DVD trial evidence, still hoping to receive an evidentiary hearing.

On May 22 (Doc. 18), the State's 44 page, template Answer to the Petition began just as Ms. Reid's rogue appeal, with the suborned perjury, then continued with hyperbole such as "vigorous cross examination by defense counsel", containing 197 (inaccessible) case law references, ultimately claiming that Petitioner had, "presented claims that are not cognizable and should be denied", and:

"HOFFMAN FAILED TO PRESENT AND EXHAUST ANY OF HIS CLAIMS IN THE ARIZONA STATE COURTS, RESULTING IN PROCEDURAL DEFAULTS THAT BAR THIS COURT FROM REVIEWING ANY OF HIS CLAIMS."

On May 23 (Doc. 19), the "discretion of the district court" kept the video evidence of Mr. Freeland's theft of Ms. Reid's corrupted transcripts concealed here at GEO.

On May 30 (Doc. 21), lacking the cause to deny Petitioner access to his own trial file evidence (67 DVDs), the district court solicited the State, who responded:

On June 6, (Doc. 22), with no fear of consequences, the State simply lied:

"Deputy Warden Brewer informed Hoffman that she was unable to accommodate his request because the facility does not have any DVD players." (Appended at V)

On June 29 (Doc. 25), Petitioner notified the District Court of the State's blatant misconduct (perjury), listing each of GEO's DVD players, and of course, that both Ms. Brewer and Mr. Freeland are very aware of this fact.

## STATEMENT OF THE CASE

Petitioner reminded the District Court, this began with Mr. Ditsworth's 3 violations of court dates to produce "the entire trial file with transcripts", concluding:

"Petitioner respectfully requests that this Court, order GEO to allow him to view each DVD in his trial file in order to prepare for an evidentiary hearing."

On July 31 (Doc. 29), Petitioner filed his Petition for an Evidentiary Hearing, with Counsel, still pleading for his "opportunity to present his defense."

On August 1 (Doc. 30), the District Court denied this Petition without explanation.

On September 14 (Doc. 32), the Magistrate Judge's Report and Recommendation to dismiss the petition, refused to rule on Petitioner's Motion to Access his DVDs, or on ADC's blatant lie to the District Court,

On December 4 (Doc. 31), the Habeas Corpus was denied. (Appended at D)

### The U.S. Court of Appeals

On December 29, 2017, Petitioner filed his Petition for Certificate of Appealability.

On April 15, 2018 (Doc. 5), Petitioner filed his Petition to Investigate ADC's Obstructions of Justice in habeas ground 18 (seized trial file evidence) and in ground 19 (stolen cover up evidence), then raised the District Court's refusal to hold ADC accountable for lying to the District Court,

On June 20 (Doc. 6), in his effort to show evidence of his complete innocence, Petitioner filed his Petition to Investigate the Obstructions of Justice in ground 15 (Blasa's evolving assailant) and ADC's Interference with his copying issues.

## STATEMENT OF THE CASE

On June 7, 2018 (Doc. 7), like the Arizona Supreme Court, the U.S. Court of Appeals dodged ADC's foul play, and denied the petition, (Appended at E)

On August 3 (Doc. 9), Petitioner was granted an extension of time to file his motion for reconsideration, due September 4, 2018,

On September 1 (Doc. 11), Petitioner placed his Motion for Reconsideration in the GEO Legal Mail, but the petition was not delivered until September 11,

On October 3 (Doc. 12), the Motion for Reconsideration was denied,

(Appended at F)

### The U.S. Supreme Court

December 31, 2018, Petitioner No. 1, For Writ of Certiorari:

Under GEO Warden Freeland, the petition, appendices, pauperis and service were placed in GEO Legal Mail, for delivery to the Supreme Court in Washington, DC,

Officer Cantrell assigned her USPS tracking document, (Appended at H)

January 10, 2019, Ms. Cantrell provided her USPS delivery document,

"Served on Washington, DC: January 3, 10:34 am."

(Appended at I)

August 8, Officer Quinonez after 8 months of denying, she could allow Petitioner's call to the Supreme Court, With the USPS delivery document in hand, she argued with the Clerk's Office, "the court received the petition on January 3."

Mr. Higgins was clear: "There is no record of receiving any GEO Mail", then he allowed Petitioner to send a replacement petition to his attention at the Office of the Clerk.

August 13, Supervisor Hossenzella's investigation and USPS document confirmed Mr. Higgins' statement: "Your parcel was not scanned by the post office."

"Label created (by GEO), not yet in (USPS) system."

(Appended at J)

## STATEMENT OF THE CASE

August 14, 2019, Ms. Hassenzella's official response:

"The items from you to the Supreme Court in Washington, DC, placed in the prison legal mail on: 12/31/18, 03/08/19, 05/08/19 and 08/12/19 were delivered to the local post office on the same day we receive it." (Appended at K)

Quoting procedure... Because, GEO Legal Mail was reviewed by an ADC clerk, (across the hall from Warden Freeland), then, sent to the "local post office."

August 19, Petition No. 2, For Writ of Certiorari:

The replacement petition, appendices, and forma pauperis, were placed in GEO Legal Mail.

Ms. Hassenzella assigned her USPS tracking label, (Appended at L)

August 28, Ms. Hassenzella's USPS document showed: not scanned by post office:

"Label created (by GEO), not yet in (USPS) system." (Appended at M)

October 8, Ms. Hassenzella's second official response:

"Our outgoing legal mail shows letters to Mr. Higgins on 08/19..." (Appended at N)

December 27, 2019, Petition No. 3, To Investigate ADC's Mail Tampering:

On January 21, 2020, the petition was returned for Article III issues.

March 25, 2020, the U.S. Court of Appeals considered the Petition to Investigate ADC's Mail Tampering to be a petition for mandamus, and denied the petition, referencing inaccessible case law. (Appended at G)

September 30, Petition No. 4, For Writ of Mandamus:

On October 9, Mr. Higgins returned the petition for various issues, then directed Petitioner back to a writ of certiorari, providing more Supreme Court forms.

December 28, 2020, Petition No. 5, For Writ of Certiorari:

On February 16, 2021, Mr. Higgins returned the petition for "not containing the lower court opinion(s)" that were appended when placed in GEO Legal Mail.

## STATEMENT OF THE CASE

It had been foolish to believe, after intercepting 2 entire petitions, that Mr. Freeland would allow Petitioner safe passage through GEO Legal Mail.

March 30, 2021, Petition No. 6, For Writ of Certiorari:

April 12, the petition was returned, "per 28 USC 1254 and 1257", and again for missing opinion(s) that were appended when placed in GEO Legal Mail.

On May 5, GEO/ADC exploited Petitioner's indigence to bar him (specifically) from any further use of (free) USPS tracking labels, (Appended at R, S)

Given this, ADC's 2019 thefts of entire petitions, and that recent appendices did not reach Washington, DC, Petitioner quietly mailed Petition No. 6 out of state.

May 19, Petition No. 7, For Writ of Certiorari, bypassed GEO Legal Mail:

June 16, based on the appendices: "The petition is out of time." Though discouraging, this was a huge victory. Petitioner's appendices had finally reached Washington, DC,

With Mr. Freeland's departure, Petitioner returned to GEO Legal Mail:

August 19, the petition for mandamus, including all of Petitioner's appendices were swiftly denied by the Arizona Supreme Court. (Appended at T)

September 30, Petition No. 8, For Writ of Certiorari:

October 17, the petition was returned for Petitioner's State court oversights.

November 3, Petition No. 9, For Writ of Certiorari was filed (case no. 21-7045).

September 9, 2022, Petition No. 10, For Rehearing was denied.

December 8, 2022, the U.S. Court of Appeals denied Petitioner's complete petition, for mandamus, without explanation citing inaccessible case law. (Appended at W)

## REASONS FOR GRANTING THE WRIT

1. Detectives, attorneys, prison officials, and especially judges, do not take such risks, unless there is incriminating evidence that must remain concealed.
2. To bear the evidence for the State court(s) to see, just how:
  - a. City and County Officials (2011-2012), by concealing entire investigations and suborning false-statements (on DVD) secured 15 false-indictments.
  - b. The State Public Defender (2012-2013), by withholding the defense evidence from the trial court, rewarded these government officials with 14 wrongful convictions.
  - c. The State Public Defender (2014-2016), by investigating its own trial performance, concealed its egregious betrayal from the State, and District courts.
  - d. The Arizona Department of Corrections (2016-2021), by stealing Petitioner's trial evidence, and mail to this Court, protected these guilty government officials.
3. Petitioner has exhausted all avenues available to him, and allowed by ADC:
  - a. Without an enforceable COURT ORDER, Petitioner's evidence will remain concealed either here at GEO, or with government officials.
  - b. Simple tasks such as document copying, will continue to be met with resistance.

## CONCLUSION

Petitioner prays that the Court issue a writ of certiorari, so that he may finally receive his "fair opportunity to present his defense ..."

Ake v. Oklahoma, U.S. (1985)

Respectfully submitted this 16th day of February 2023

Michael Hobbsman