

APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 8 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: MICHAEL JAMES HOFFMAN.

No. 22-70227

MICHAEL JAMES HOFFMAN,

ORDER

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF ARIZONA, PHOENIX,

Respondent,

ARIZONA DEPARTMENT OF
CORRECTIONS,

Real Party in Interest.

Before: TASHIMA, S.R. THOMAS, and CLIFTON, Circuit Judges.

Petitioner has not demonstrated that this case warrants the intervention of
this court by means of the extraordinary remedy of mandamus. *See Bauman v.*

U.S. Dist. Court, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

All pending motions, including the motion to proceed in forma pauperis
attached to the mandamus petition, are denied as moot.

No further filings will be entertained in this closed case.

DENIED.

APPENDIX W

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Appellee*,

v.

MICHAEL JAMES HOFFMAN, *Appellant*.

No. 1 CA-CR 14-0199
FILED 1-28-2016

Appeal from the Superior Court in Maricopa County
No. CR2012-007254-001
The Honorable Warren J. Granville, Judge

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Andrew S. Reilly
Counsel for Appellee

Maricopa County Public Defender's Office, Phoenix
By Terry J. Reid
Counsel for Appellant

APPENDIX A

STATE v. HOFFMAN
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Kenton D. Jones delivered the decision of the Court, in which Judge Peter B. Swann and Judge Samuel A. Thumma joined.

JONES, Judge:

¶1 Michael Hoffman appeals his convictions and sentences for seven counts of sexual assault, four counts of kidnapping, one count of sexual abuse, one count of attempted sexual assault, and one count of public sexual indecency. After searching the entire record, Hoffman's defense counsel has identified no arguable non-frivolous question of law. Therefore, in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), defense counsel asks this Court to search the record for fundamental error. Hoffman filed a supplemental brief *in propria persona*. After reviewing the record, we find no error. Accordingly, Hoffman's convictions and sentences are affirmed.

FACTS¹ AND PROCEDURAL HISTORY

¶2 In May 2012, Hoffman was indicted on seven counts of sexual assault, four counts of kidnapping, two counts of sexual abuse, one count of attempted sexual assault, and one count of public sexual indecency based upon events occurring between October 2004 and September 2011.² At trial,

¹ We view the facts in the light most favorable to sustaining the jury's verdict, with all reasonable inferences resolved against the defendant. *State v. Harm*, 236 Ariz. 402, 404 n.2, ¶ 2 (App. 2015) (quoting *State v. Valencia*, 186 Ariz. 493, 495 (App. 1996)).

² Count one alleged sexual assault of C.P., count two alleged attempted sexual assault of C.P., count three alleged kidnapping of C.P., count four alleged public sexual indecency, counts five and six alleged sexual abuse of K.P., counts seven through nine alleged sexual assault of K.P., counts ten and eleven alleged kidnapping of K.P. and B.T. respectively, count twelve alleged sexual assault of B.T., count thirteen alleged kidnapping of J.S., and counts fourteen and fifteen alleged sexual assault of J.S.

STATE v. HOFFMAN
Decision of the Court

the four victims – J.S., K.P., B.T., and C.P. – testified Hoffman forced them into his vehicle and assaulted them sexually.

¶3 J.S. testified that in October 2004, as a fifteen-year-old, she was walking to her friend's house when a man she later identified as Hoffman pulled his truck in front of her and asked her for directions. Hoffman took her backpack, put it in the truck, and as J.S. was reaching for it, forced her into the truck. Hoffman drove the truck into a neighborhood, parked in a driveway, and began asking J.S. to perform sexual acts on him.

¶4 J.S. testified she asked Hoffman to let her go but was in fear of losing her life and complied with his requests, which included touching and kissing his penis, performing oral sex on her, and vaginal intercourse. Hoffman eventually dropped J.S. off at her friend's house whereupon J.S. attempted to get Hoffman's license plate number and called the police. An investigating police officer checked the license plate number J.S. reported and found it matched a van registered in Tucson not meeting the description J.S. gave of the vehicle. A nurse completed a sexual assault kit which was submitted for DNA testing. The DNA recovered from J.S. was entered into the Combined DNA Index System (CODIS).

¶5 K.P. testified she was at a bus stop in September 2009 when a man she later identified as Hoffman stopped the truck he was driving and told her to get in, and she declined. Two days later, Hoffman again saw her at a bus stop and told her to get in his truck. When she refused, Hoffman exited the truck, grabbed the items K.P. was carrying, and threw them in the truck. K.P. tried to get the items out of the truck when Hoffman got into the driver's seat, but he grabbed K.P.'s arm and accelerated the truck which caused the door to shut while K.P. was attempting to retrieve her things.

¶6 K.P. testified she struggled to "fight him off" but was unsuccessful. Hoffman touched her breasts and genitals and forced her to perform oral sex on him. He eventually dropped K.P. off at a Circle K, where K.P. wrote down his license plate number. She called the police who matched the license plate number with a truck registered to Hoffman. DNA recovered from K.P. was entered into CODIS.

¶7 B.T. testified she was walking to her cousin's house in December 2010 when a man stopped his vehicle near her and offered her a ride. The man forced her into the backseat of the car, and, as she struggled to get out, he hit her in the face with his elbow. After driving for a time, the man got into the backseat and pulled B.T.'s pants down, digitally penetrated her vagina, put his mouth on her genitals, and put his penis in

STATE v. HOFFMAN
Decision of the Court

her vagina. The man let her out of the truck, and B.T. made her way to her cousin's house and called 911. A forensic nurse testified to performing a sexual assault examination on B.T., and the recovered DNA was again entered into CODIS.

¶8 C.P. testified she was at a bus stop in September 2011 when a man who identified himself as Mike and who she later identified as Hoffman stopped and offered her a ride. She had met Hoffman previously and thought he lived in the neighborhood so she accepted the ride. Shortly after C.P. got into Hoffman's truck, he gave C.P. his phone number. While in the truck, C.P.'s son called, and she became emotional because she had not spoken to him for weeks. Hoffman began trying to console her by putting his arm around her, and C.P. immediately pushed him away and asked to be let out of the truck. Hoffman did not stop the truck, and C.P. began struggling with the door to get out but was unable to open it.

¶9 Hoffman forced C.P.'s face into his lap and his exposed penis touched C.P.'s lips. He drove to the back of a Kmart store and started grabbing C.P.'s hair and punching her in the back. While C.P. protested, Hoffman digitally penetrated her vagina and masturbated into a yellow cloth. He let C.P. go at the Kmart, and she immediately called 911. She gave the responding police officer Hoffman's license plate number and his phone number.

¶10 C.P. was taken to an advocacy center for a sexual assault examination, and the nurse conducting the examination testified to finding bruising on C.P.'s back, scratches on her arm, bruising on her labia, a contusion in the vagina, abrasions on her inner thighs, and two injuries to the cervix. The police detective who investigated K.P.'s case was also assigned to C.P.'s case and testified that he recognized Hoffman's name when different combinations of the license plate number provided by C.P. matched with Hoffman's truck. The detective also matched Hoffman to the phone number C.P. was given. The detective put together a photo lineup, and C.P. identified Hoffman as her attacker.

¶11 A DNA sample from Hoffman was entered into CODIS, which matched with DNA evidence recovered in the cases involving B.T., K.P., and J.S. Additionally, individuals from the Department of Public Safety crime laboratory testified that DNA found on all four women was separately analyzed and found to match the DNA sample Hoffman provided.

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Decision of the Court

¶12 Hoffman testified that he and his wife had not been intimate for ten years or more so he sought the services of prostitutes for intimacy. He claimed the four women were prostitutes, and, although they disagreed about money, he never sexually assaulted the women.

¶13 The jury acquitted Hoffman of one count of sexual abuse as to K.P. but found him guilty on all remaining counts. The trial court classified the offenses as non-dangerous and non-repetitive and sentenced Hoffman to the presumptive term of imprisonment on all counts. *See* Ariz. Rev. Stat. (A.R.S.) § 13-702(A), (D).³ He also ordered the sentences on counts one, three, and seven through fifteen run consecutively for a total of sixty-nine years' imprisonment with credit for 896 days of pre-sentence incarceration. He timely appealed, and we have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(1), 13-4031, and -4033(A)(1).

DISCUSSION

¶14 Within his supplemental brief, Hoffman argues the trial transcripts inaccurately reflect what occurred during his testimony, and that an accurate transcript would reveal misconduct by the State. His argument is unavailing. The trial was transcribed and certified by authorized court reporters pursuant to Arizona Rule of Criminal Procedure 31.8(b). "A strong implication attaches to . . . transcripts of testimony that they are accurate and truthful." *State v. Hill*, 88 Ariz. 33, 39 (1960). Because no audio or video of the trial was made part of the record, we must assume that the transcript accurately reflects what transpired during the trial. *Cf. State v. Hudgens*, 102 Ariz. 1, 5 (1967) (assuming proceedings at trial were accurately reflected within the transcript where basis for alleged error was not apparent from review of the record).

¶15 Furthermore, even if the transcripts were inaccurate, Hoffman has not shown how the State's conduct was improper, or that it would have impermissibly tainted the proceeding. *See State v. Hughes*, 193 Ariz. 72, 79 (1998) ("To prevail on a claim of prosecutorial misconduct, a defendant must demonstrate that the prosecutor's misconduct 'so infected the trial with unfairness as to make the resulting conviction a denial of due process.'" (quoting *Donnelly v. DeChristoforo*, 416 U.S. 637, 643 (1974))).

¶16 Having reviewed the entire record for reversible error, we find none. *See Leon*, 104 Ariz. at 300 ("An exhaustive search of the record

³ Absent material changes from the relevant date, we cite a statute's current version.

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Decision of the Court

has failed to produce any prejudicial error.”). Hoffman was convicted and sentenced for committing sexual assault, attempted sexual assault, kidnapping, public sexual indecency, and sexual abuse. A person commits sexual assault by “intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.” A.R.S. § 13-1406(A). A person attempts an offense by “acting with the kind of culpability otherwise required for commission of an offense [and] [i]ntentionally do[ing] or omit[ting] to do anything which, under the circumstances as such person believes them to be, is any step in a course of conduct planned to culminate in commission of an offense.” A.R.S. § 13-1001(A)(2). A person commits public sexual indecency by “intentionally or knowingly engaging in . . . [a]n act of sexual contact, . . . oral sexual contact, . . . [or] sexual intercourse” while “another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act.” A.R.S. § 13-1403(A). A person commits sexual abuse by “intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person.” A.R.S. § 13-1404(A). Finally, as relevant here, a person commits kidnapping by “knowingly restraining another person with the intent to . . . [i]nflict death, physical injury or a sexual offense on the victim . . . or . . . [p]lace the victim . . . in reasonable apprehension of imminent physical injury to the victim.” A.R.S. § 13-1304(A)(3)-(4). Sufficient evidence was presented upon which the jury could determine beyond a reasonable doubt that Hoffman committed the crimes for which he was convicted and sentenced.

¶17 All proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and so far as the record reveals, Hoffman was represented by counsel at all stages of the proceedings and was present at all critical stages. His presence was properly waived by counsel when a jury question was presented during deliberations. See *State v. Rose*, 231 Ariz. 500, 504, ¶¶ 9-10 (2013) (holding a court may rely on counsel’s waiver of a defendant’s right to be present absent “exceptional circumstances that would render ineffective his attorney’s waiver”).

¶18 The jury was properly comprised of twelve jurors, and the record shows no evidence of jury misconduct. See Ariz. Const. art. 2, § 23; A.R.S. § 21-102(A); Ariz. R. Crim. P. 18.1(a). At sentencing, Hoffman was given an opportunity to speak, and the trial court stated on the record the evidence and materials it considered and the factors it found in imposing sentence. Additionally, the sentence imposed was within the statutory limits. See A.R.S. § 13-702(A), (D).

STATE v. HOFFMAN
Decision of the Court

CONCLUSION

¶19 Hoffman's convictions and sentences are affirmed. Defense counsel's obligations pertaining to Hoffman's representation in this appeal are at an end. Defense counsel need do no more than inform Hoffman of the outcome of this appeal and his future options, unless, upon review, counsel finds an issue appropriate for submission to our supreme court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 584-85 (1984).

¶20 Hoffman has thirty days from the date of this decision to proceed, if he wishes, with an *in propria persona* petition for review. See Ariz. R. Crim. P. 31.19(a). Upon the Court's own motion, we also grant Hoffman thirty days from the date of this decision to file an *in propria persona* motion for reconsideration.



Ruth A. Willingham - Clerk of the Court
FILED: ama

SUPREME COURT OF ARIZONA

MICHAEL J HOFFMAN,)	Arizona Supreme Court
)	No. M-16-0004
Petitioner,)	
)	Maricopa County
v.)	Superior Court
)	No. CR2012-007254-001
STATE OF ARIZONA,)	
)	FILED 5/19/2016
Respondent.)	
)	
)	O R D E R

Michael Hoffman has filed a petition asserting that the transcripts of his trial have been altered and are inaccurate. Mr. Hoffman raised this issue in his appeal, and has raised the issue in his petition for review pending before this Court, case number CR-16-0079-PR. Therefore,

IT IS ORDERED that the petition in this matter is dismissed.

DATED this _____ day of May, 2016.

_____/s/_____
Robert M. Brutinel
Duty Justice

TO:

Michael James Hoffman, ADOC 289019, Arizona State Prison, CACF- Geo
Unit

APPENDIX B



SCOTT BALES
CHIEF JUSTICE

JANET JOHNSON
CLERK OF THE COURT

Supreme Court

STATE OF ARIZONA
ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007-3231

TELEPHONE: (602) 452-3396

July 12, 2016

RE: STATE OF ARIZONA v MICHAEL JAMES HOFFMAN

Arizona Supreme Court No. CR-16-0079-PR

Court of Appeals, Division One No. 1 CA-CR 14-0199

Maricopa County Superior Court No. CR2012-007254-001

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on July 12, 2016, in regard to the above-referenced cause:

ORDERED: Petition for Review Arizona Supreme Court = DENIED.

A panel composed of Chief Justice Bales, Justice Timmer, and Justice Bolick participated in the determination of this matter.

Janet Johnson, Clerk

TO:

Joseph T Maziarz

Andrew Reilly

Michael James Hoffman, ADOC 289019, Arizona State Prison,

CACF- Geo Unit

Ruth Willingham

tel

APPENDIX C

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Michael James Hoffman,

10 Petitioner,

11 v.

12 Charles L Ryan, et al.,

13 Respondents.
14

NO. CV-16-03598-PHX-SPL

JUDGMENT IN A CIVIL CASE

15 **Decision by Court.** This action came for consideration before the Court. The
16 issues have been considered and a decision has been rendered.

17 IT IS ORDERED AND ADJUDGED adopting the Report and Recommendation
18 of the Magistrate Judge as the order of this Court. Petitioner's Petition for Writ of
19 Habeas Corpus pursuant to 28 U. S. C. § 2254 is denied and this action is hereby
20 dismissed with prejudice.

21 Brian D. Karth
22 District Court Executive/Clerk of Court

23 December 4, 2017

24 By s/ Linda Patton
25 Deputy Clerk
26
27
28

APPENDIX D

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 3 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MICHAEL JAMES HOFFMAN,

Petitioner-Appellant,

v.

CHARLES L. RYAN, Warden and
ATTORNEY GENERAL FOR THE STATE
OF ARIZONA,

Respondents-Appellees.

No. 18-15085

D.C. No. 2:16-cv-03598-SPL
District of Arizona,
Phoenix

ORDER

Before: SCHROEDER and HURWITZ, Circuit Judges.

The motion for extension of time (Docket Entry No. 9) is granted. Any
motion for reconsideration is due by September 4, 2018.

All remaining outstanding motions and requests are denied.

APPENDIX E

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

OCT 3 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MICHAEL JAMES HOFFMAN,

Petitioner-Appellant,

v.

CHARLES L. RYAN, Warden and
ATTORNEY GENERAL FOR THE STATE
OF ARIZONA,

Respondents-Appellees.

No. 18-15085

D.C. No. 2:16-cv-03598-SPL
District of Arizona,
Phoenix

ORDER

Before: GRABER and M. SMITH, Circuit Judges.

The motion for reconsideration (Docket Entry No. 12) is denied. *See* 9th

Cir. R. 27-10.

No further filings will be entertained in this closed case.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 25 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: MICHAEL JAMES HOFFMAN.

No. 20-70617

MICHAEL JAMES HOFFMAN,

D.C. No. 2:16-cv-03598-SPL
District of Arizona,
Phoenix

Petitioner,

ORDER

v.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA,
PHOENIX,

Respondent,

ARIZONA DEPARTMENT OF
CORRECTIONS,

Real Party in Interest.

Before: TASHIMA, FRIEDLAND, and MILLER, Circuit Judges.

Petitioner has filed a "Petition to Investigate ADC's Thefts of U.S. Mail Matter." We construe the petition as a petition for a writ of mandamus and associated relief. Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See Bauman v. U.S. Dist. Court*, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

Petitioner's motion to proceed in forma pauperis (Docket Entry No. 2) is denied as moot.

No further filings will be accepted in this closed case.

DENIED.



Inmate Property/Contraband/Disposition Tracking

Ilm copy

LOCATION/UNIT ASP-GEO/CACF	DATE (mm/dd/yyyy) 12/31/2018	TIME
INMATE NAME (Last, First M.I.) (Please print) Hoffman, Michael J	ADC NUMBER 289019	PROPERTY SEIZED BY (Last, First M.I.) (Please print) PROPERTY

SEIZED PROPERTY RECEIPT

#	Description	Reason
	10" x 13" Manila Envelope	Legal Mail

The above described contraband was seized from the suspect/inmate when he/she knowingly took said contraband into a correction facility, or was found in possession of said contraband in violation of A.R.S. 13-2505.

CONTRABAND CONTROL/CHAIN OF CUSTODY

Evidence Control Number:				
From	Date (mm/dd/yyyy)	Time	To	Initials
MAIL OUT	12-31-18			
			SEND	
POSTAGE \$ 3.10				
USPS TRACKING # 9114 9023 0722 4169 2773 21 & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.				

PROPERTY RELEASE

INMATE SIGNATURE 	DATE OF NOTIFICATION (mm/dd/yyyy)
CONTRABAND CONTROL NUMBER	NOTIFIED BY (Staff Signature and Badge Number)

- ☐ I wish to donate the property listed above to the Department of Corrections
- ☐ I wish to have the property listed above destroyed by the Department of Corrections
- ☐ **HOLD FOR:** Appeal (This option applies only for publications excluded under Department Order 914, Inmate Mail). Inmate must timely submit Inmate Letter, Form 916-1 to initiate appeal process per Department Order 914, Inmate Mail.

☒ SEND TO:

Name Clerk,
Address Supreme Court of the
United States
Washington D.C. 20543

☐ HOLD FOR:

Name
Address

SIGNATURE OF PERSON PICKING UP PROPERTY	DATE PROPERTY PICKED UP
---	-------------------------

CONTRABAND CONTROL OFFICER (Last, First M.I.) (Please print) Cantrell	BADGE NUMBER 174524	DISPOSAL DATE (mm/dd/yyyy)
DESTRUCTION COMMITTEE MEMBER (Last, First M.I.) (Please print)	BADGE NUMBER	DISPOSAL DATE (mm/dd/yyyy)
DESTRUCTION COMMITTEE MEMBER (Last, First M.I.) (If Inmate unavailable)	BADGE NUMBER	DISPOSAL DATE (mm/dd/yyyy)

Distribution: Original - Property Officer
Copy - Inmate
Copy - CIU/Disciplinary (as needed)

909-6
11/19/17

APPENDIX H

USPS Tracking®**FAQs >** (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**Track Another Package +****Tracking Number:** 9114902307224169277321

Remove X

Expected Delivery on**THURSDAY****3**JANUARY
2019 ⓘ

by

8:00pm ⓘ **Delivered**

January 3, 2019 at 10:34 am

Delivered

WASHINGTON, DC 20543

Get Updates ✓

Feedback

Text & Email Updates**Tracking History****Product Information****See Less** ^

APPENDIX I

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

USPS Tracking®**FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)****Track Another Package +****Tracking Number:** 9114902307224169277321

Remove X

Label Created, not yet in system

A status update is not yet available on your package. It will be available when the shipper provides an update or the package is delivered to USPS. Check back soon.

Sign up for Informed Delivery® (<https://informedelivery.usps.com/box/pages/intro/start.action>) to receive notifications for packages addressed to you.

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

APPENDIX J

ARIZONA DEPARTMENT OF CORRECTIONS

For distribution: Copy of corresponding
Inmate Letter must be attached to this
response.

Inmate Letter Response

Inmate Name (Last, First M.I.) Hoffman, M	ADC Number 289019
Institution/Unit ASP GEO CACF	
From Hassenzella	Location Mail and Property
<p>This is in response to your inmate letter dated 08/14/2019:</p> <p>The information below is what is logged as outgoing legal mail from you to the Supreme Court in Washington, DC. All legal mail logged is delivered to the local post office the same day we receive it.</p> <p>Clerk Supreme Court of the United States Washington, D. C. 20543 R. (12/31/2018)</p> <p>Public Information Office Supreme Court of the United States Washington DC 20543-0001 (3/08/2019)</p> <p>Clerk, Supreme Court of the United States Washington DC 20543 (5/08/2019)</p> <p>Supreme Court of the United States Clerk's Office #1 First N.E Washington DC 20543 STTN: Mr Higgins (8/12/19)</p> <p>End of Response.</p>	

Staff Signature 	Date 08/14/2019
--	--------------------

Computer Electronic Version

Distribution: Original - Central Office Master File
Copy - Inmate
Copy - Institutional File

APPENDIX K

916-2
4/15/04



ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Property/Contraband/Disposition Tracking

LOCATION/UNIT ASP-GEO/CACF	DATE (mm/dd/yyyy) 08/19/2019	TIME
INMATE NAME (Last, First M.I.) (Please print) Hoffman, Michael J.	ADC NUMBER 289019	PROPERTY SEIZED BY (Last, First M.I.) (Please print)

SEIZED PROPERTY RECEIPT

#	Description	Reason
	10" x 13" Manila Envelope	Legal Mail

The above described contraband was seized from the suspect/inmate when he/she knowingly took said contraband into a correctional facility, or was found in possession of said contraband in violation of A.R.S. 13-2505.

CONTRABAND CONTROL/CHAIN OF CUSTODY

Evidence Control Number:				
From	Date (mm/dd/yyyy)	Time	To	Initials
MAIL OUT			SEND	
POSTAGE \$ 2.35	8 19 19		Setto	RA
USPS TRACKING # 9114 9023 0722 4443 9859 11 & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.				

PROPERTY RELEASE

INMATE SIGNATURE 	DATE OF NOTIFICATION (mm/dd/yyyy)
CONTRABAND CONTROL NUMBER	NOTIFIED BY (Staff Signature and Badge Number)

- ☐ I wish to donate the property listed above to the Department of Corrections
- ☐ I wish to have the property listed above destroyed by the Department of Corrections
- ☐ **HOLD FOR: Appeal** (This option applies only for publications excluded under Department Order 914, Inmate Mail). Inmate must timely submit Inmate Letter, Form 916-1 to initiate appeal process per Department Order 914, Inmate Mail.

☒ SEND TO:

Name Mr. Clayton Higgins
Address Scotus, Clerk's Office
#1 First N.E.
Washington DC 20543

☐ HOLD FOR:

Name _____
Address _____

SIGNATURE OF PERSON PICKING UP PROPERTY	DATE PROPERTY PICKED UP
---	-------------------------

CONTRABAND CONTROL OFFICER (Last, First M.I.) (Please print) 	BADGE NUMBER 148523	DISPOSAL DATE (mm/dd/yyyy)
DESTRUCTION COMMITTEE MEMBER (Last, First M.I.) (Please print)	BADGE NUMBER	DISPOSAL DATE (mm/dd/yyyy)
DESTRUCTION COMMITTEE MEMBER (Last, First M.I.) (If Inmate unavailable)	BADGE NUMBER	DISPOSAL DATE (mm/dd/yyyy)

Distribution: Original - Property Officer
Copy - Inmate
Copy - CIU/Disciplinary (as needed)

909-6
11/19/17

APPENDIX L

[FAQs > \(https://www.usps.com/faqs/uspstracking-faqs.htm\)](https://www.usps.com/faqs/uspstracking-faqs.htm)**Track Another Package +****Tracking Number:** 9114902307224443985911

Remove X

Label Created, not yet in system

A status update is not yet available on your package. It will be available when the shipper provides an update or the package is delivered to USPS. Check back soon.

Sign up for Informed Delivery® (<https://informedelivery.usps.com/box/pages/intro/start.action>) to receive notifications for packages addressed to you.

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

APPENDIX M

ARIZONA DEPARTMENT OF CORRECTIONS

For distribution: Copy of corresponding Inmate Letter must be attached to this response.

Inmate Letter Response

920

Inmate Name (Last, First M.I.)
Hoffman, M

ADC Number
289019

Institution/Unit
ASP GEO CACF

From
Hassenzella

Location
Mail and Property

This is in response to your inmate letter dated 10/07/2019:

Our Outgoing Legal Mail log shows the following items sent from you to the respective address on the dates listed:

Supreme Court of the United States Clerk's Office Attention Mr. Clayton Higgins #1 First NE Washington, DC 20543
8/19/2019

The Supreme Court of the United States Clerk's Office #1 First St. NE Washington, DC 20543-001 Attention:
Clayton Higgins 9/30/2019

End of Response.

Staff Signature

Date
10/08/2019

Computer Electronic Version

Distribution: Original - Central Office Master File
Copy - Inmate
Copy - Institutional File

916-2
4/15/04

APPENDIX N



ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Letter

4D47

Requests are limited to one page and one issue. NO ATTACHMENTS PERMITTED. Please print all information.

INMATE NAME (Last, First M.I.) (Please print)	ADC NUMBER	INSTITUTION/UNIT	DATE (mm/dd/yyyy)
Hoffman, Michael J.	289019	CACF / GEO / 4D47	03/30/2021

TO	LOCATION
Mail Out	Mail and Property

State briefly but completely the problem on which you desire assistance. Provide as many details as possible.

Here are 2 (10x13) envelopes to be placed in GEO's Legal Mail for delivery to the Supreme Court in Washington, DC, and to ADC counsel in Phoenix, AZ with their own Inmate Property / Contraband Tracking sheets.

Please assign USPS tracking labels, and send 2 copies each to me with the USPS tracking numbers.

Per your 12/28/2020 note, I understand I will be charged \$.10 per copy.

As always, thank you for your assistance.

Be advised, moving forward, per USPS we will only be adding tracking labels to envelopes that weigh up as a package, if they do not weigh up as a package you will need to pay to send it certified.

Thank you,
Mail and Property

INMATE SIGNATURE	DATE (mm/dd/yyyy)
Hoffman	03/30/2021

Have you addressed this with Department staff? ☐ Yes ☐ No
If yes, give the staff member's name and the date you addressed with them:

APPENDIX R

(Staff Member's Name) (Please print)

(Date addressed)

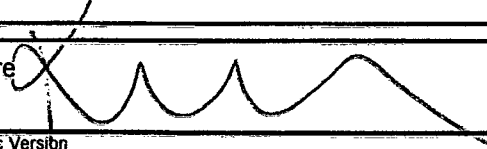
Note: Using profanity, insulting, obscene, or abusive language and/or addressing staff with inappropriate names or making inappropriate remarks in this written correspondence (or verbal communication to staff concerning this correspondence), will not be tolerated and may result in no response to the correspondence and/or discipline pursuant to Department Order 803, Inmate Disciplinary Procedure.

Distribution: Original - Master File
Copy - Inmate

ARIZONA DEPARTMENT OF CORRECTIONS

For distribution: Copy of corresponding Inmate Letter must be attached to this response.

Inmate Letter Response

Inmate Name (Last, First M.I.) HOFFMAN	ADC Number 289019
Institution/Unit ASP GEO CACRF	
From CIENFUEGOS	Location Mail and Property
<p>This is in response to your inmate letter dated 04/22/2021. You are inquiring about mail/postage/tracking. If you want "evidence" that your mail "reached the local post office", all you have to do is send your mail certified for the cost of \$3.45. You usually send mail as indigent, so you will need a separate/individual money disbursement for that as certified mail will not be covered under your indigent status.</p> <p>APPENDIX S</p>	
Staff Signature 	Date 05/05/2021

Computer Electronic Version

Distribution: Original - Central Office Master File
Copy - Inmate
Copy - Institutional File

rec'd by courier
05/11/2021

916-2
4/15/04

SUPREME COURT OF ARIZONA

MICHAEL JAMES HOFFMAN,

Petitioner,

v.

ARIZONA DEPARTMENT OF
CORRECTIONS,

Respondent.

) Arizona Supreme Court
) No. M-21-0050
)
) Maricopa County
) Superior Court
) No. CR2012-007254-001

) FILED: 08/19/2021
)

O R D E R

Michael Hoffman has filed a Petition for Writ of Mandamus asserting that prison employees have purposefully interfered with his outgoing mail to the federal courts. Petitioner fails to state a sufficient reason for seeking special action relief initially in this Court instead of the superior court. See Rule 7(b), Rules of Procedure for Special Actions. Therefore,

IT IS ORDERED that the request for appointment of counsel is denied and the Petition for Writ of Mandamus is dismissed.

DATED this 19TH day of August, 2021.

/s/

KATHRYN H. KING
Duty Justice

TO:

Michael James Hoffman, ADOC 289019, Arizona State Prison, CACF- Geo
Unit

APPENDIX T

ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Letter Response

For distribution: Copy of corresponding
Inmate Letter must be attached to this
response.

Inmate Name (Last, First M.I.)

Hoffman, Michael J

ADC Number

289019

Institution/Unit

ASP-GEO/ Central Arizona Correctional Facility 4D 08

From

Deputy Warden Brewer

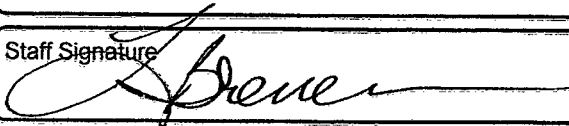
Location

Administration

I am in receipt of your letter requesting to view DVD's sent to you from your attorney. Please advise your attorney to send hard copy transcripts as we are unable to accommodate your request.

End of Response

Staff Signature



Date

04/15/2016

Distribution: Original - Master Record File
Copy - Inmate

916-2
5/14/12

APPENDIX U

1 MARK BRNOVICH
2 ATTORNEY GENERAL
(FIRM STATE BAR NO. 14000)

3 ANDREW S. REILLY
4 ASSISTANT ATTORNEY GENERAL
CAPITAL LITIGATION SECTION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007-2997
5 TELEPHONE: (602) 542-4686
CADocket@azag.gov
6 (STATE BAR NUMBER 029138)

7 ATTORNEYS FOR RESPONDENTS

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF ARIZONA**

10 Michael James Hoffman,
11 Petitioner,
12 -VS-
13 Charles L. Ryan, et al.,
14 Respondents.

CV 16-03598-PHX-SPL (JFM)

**RESPONSE TO
PETITIONER'S MOTION TO
ALLOW PETITIONER
ACCESS TO EACH DVD IN
HIS TRIAL FILE**

15
16 On April 29, 2017, Petitioner, Michael James Hoffman, filed a "Motion to
17 Allow Petitioner Access to Each DVD in his Trial File." (Document ["Doc."] 17.)
18 In the motion, Hoffman states that he possesses a number of DVDs that may have
19 evidentiary value, but he does not have access to equipment to view the DVDs.
20 (*Id.*) On May 30, 2017, this Court ordered Respondents to file a response to
21 Hoffman's motion. (Doc. 21.)

22 Respondents contacted a representative from the Arizona Department of
23 Corrections, who confirmed that Hoffman submitted a request to view DVDs. The
24 representative further confirmed that Deputy Warden Brewer promptly responded
25 to the request. Deputy Warden Brewer informed Hoffman that she was unable to
26 accommodate his request because the facility does not have any DVD players.
27 Deputy Warden Brewer, however, advised Hoffman that he could request, receive,
28 and retain any document that may be on the DVDs from his attorney.

APPENDIX V