

Court

Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL JAMES HOFFMAN,
Petitioner,

CASE No. 22-7087

v.

U.S. DISTRICT COURT FOR
THE DISTRICT OF ARIZONA

PETITION FOR REHEARING
PER RULE 44

Petitioner, Michael James Hoffman, prose and indigent, respectfully submits his
PETITION FOR REHEARING to the Supreme Court's Justice Sotomayer.

On June 2, 2023, Petitioner received the Supreme Court's Notice of Denial, dated
May 30, 2023, denying his PETITION FOR A WRIT OF CERTIORARI.

Petitioner continues to seek his fair opportunity to present the indisputable
evidence of his complete innocence to an Arizona court.

Introducing additional information, Petitioner prays the Supreme Court will
remand his case to the U.S. District Court, with assistance of counsel, for the
evidentiary hearing he has coveted since 2011.

ORIGINAL

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SEXUAL ASSAULT

Second only to murder, this is the worst crime someone can commit.

If, the crime was actually committed.

Petitioner bore the stigma that comes with being wrongly accused of kidnapping and sexual assault. This alone can create the image of a predator, stalking, then violently kidnapping and sexually assaulting his weaker prey.

So, that's what the County Attorney went to work on.

Petitioner became the true victim, in his own case.

THE EVIDENCE

The discovery proves how Maricopa County Attorney, William Montgomery, with no fear of consequences, sponsored the wrongful arrest and fabrication of his 15 count indictment by creating a "violent serial rapist."

Then, after his and the Public Defender's choreographed victory at "trial", how Mr. Montgomery relied on Arizona's Post-Conviction Relief process to protect each government official from his work.

NO FEAR OF CONSEQUENCES

In September 2011, Mr. Montgomery's office (MCAO) knew it could not indict, much less convict Petitioner, with the truth.

By concealing the detective's exonerations, Petitioner, after his arrest on 2 unidentified charges, was indicted on 9 counts of kidnapping and sexual assault.

When Prosecutor No. 1, Danielle Harris, provided Public Defender No. 1, Randy Reece with the (2009, 2011) discovery, he scheduled an evidentiary hearing, "To get the detective's investigations on the record and question the 2 accusers."

Mr. Reece explained, "They (MCAO) have a history of talking accusers into new statements, in lieu of filing charges against them, for their false claims."

In March 2012, when Petitioner refused to sign any -false guilty- plea offer, MCAO exhumed 2 closed, disproven cases (2004, 2010), then sponored detectives' expensive, scripted, and video recorded new statements to add a -false element- of violence to create Mr. Montgomery's new: 4 victim, 15 count, Super Case.

Ms. Harris provided not only the original 2004 and 2010 investigations, but the detectives' new (2012) discovery, that had added a new (2004) large knife, and changed the (2010) assailant's age, race, and size that indicted Petitioner.

Ms. Harris then "left the Bureau".

In July 2012, when Petitioner, waiting for his overdue evidentiary hearing, refused to sign any -false guilty- plea deal, Mr. Reece was "retired".

Public Defender No. 2, Robert Ditsworth, son of Maricopa County, Judge Ditsworth, was appointed to get a plea deal signed, by any means necessary.

In July 2013, Prosecutor No. 2, Angela Andrews, provided the trial court with DVDs of detectives' original (2004, 2009, 2010, 2011) exonerating statements, and the (2012) scripted statements for Petitioner's long overdue evidentiary hearing.

To keep Petitioner's evidence concealed, Judge Granville held Petitioner's hearing "in limine", while Petitioner waited in a holding cell. After posting the court's findings on its website, Petitioner's wife read them to him over the phone in jail.

ANDRE JEROME TIPTON

Also in 2013, the 2010 accuser, hoping to avoid testifying at trial, confessed, and named her assailant, then provided his whereabouts for DNA testing.

Even after DNA confirmed that Mr. Tipton was indeed her assailant, he was never questioned. Assuming of course, that she was actually kidnapped and sexually assaulted, Petitioner was convicted for Mr. Tipton's violent crimes.

TRIAL AND SENTENCING

Judge's findings gave Petitioner and his family optimism for a fair trial.

Within days the document was removed from the court's website, and though he requested repeatedly, Petitioner has never seen this document.

Ms. Andrews was then removed from the case.

Before jury selection, Mr. Montgomery had waived a carrot for Mr. Ditsworth.

On November 18, 2013, Prosecutor No. 3, Jeanine Sorrentino, and Mr. Ditsworth, openly discussed his interview with a County Attorney's Office.

When Petitioner confronted him, he said it was for Pima County.

Despite Petitioner's and "Second Chair", Paralegal Amy Praust's, early pleadings to cross examine and raise specific evidence, Mr. Ditsworth had either ignored or, he refused to present any defense evidence (DNA, original statements, DVDs...).

After, in his holding cell, Petitioner was cautioned by Detention Officer Quiroz: "Judge Granville said, 'to quit directing your attorney, or I will hold him in contempt'".

Ms. Praust was then removed as our Second Chair.

At sentencing, Petitioner's post-conviction relief process began:

Judge Granville sidestepped Petitioner's questions about seeing the DVDs (6), Mr. Ditsworth's representation, the hidden evidentiary hearing, and the posting of his findings on the court's website, by feigning plausible deniability;

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

After sentencing, Petitioner's son, witnessed, and will testify that, "out in the hall, your attorney walked to the prosecutors and said, 'Well, I guess I'm a bad attorney. Who's ready for lunch?'"

POST CONVICTION RELIEF

Petitioner recently read in the Arizona Republic:

"Justice Sonia Sotomayer described Arizona's post-conviction relief process as an 'impediment' to people who want to prove their innocence."

This suggests that the Supreme Court often encounters Arizona's process designed to hinder PCR attorneys, and cripple inmates' prose efforts.

A process developed over the years that enables city detectives, county attorneys, and state public defenders free reign to convict with false evidence, and with no fear of consequences.

A process so perverse that PCR judges appoint the Public Defender's Office to facilitate and investigate its own "Ineffective Assistance of Counsel at Trial" proceedings and to ignore their "court orders" to produce the entire trial file evidence.

The article then quoted post-conviction attorney John Mills:

"Its important for death penalty cases of course, but its arguably even more important for non-capital cases where the right to post-conviction and resources to conduct post-conviction are greatly diminished."

This of course, is from an attorney who has those resources (paper, document copying, law library, and most important, unimpeded access to the U.S. Postal Service) that we inmates do not, raised in Petitioner's "Extraordinary Circumstances."

Based on my 9 years of battling Arizona's post-conviction relief process, it is increasingly clear that the only court that Arizona fears any consequences from, is the U.S. Supreme Court.

Now, more than ever, not the Arizona Supreme Court.

SUPREME IMPEDIMENT

Petitioner recently read an excerpt from Phoenix New Times magazine:

"The story of how Bill Montgomery, Maricopa County's former hardline, controversial, top prosecutor, ended up on the Arizona Supreme Court is a rather undemocratic one."

Governor Doug Ducey made some deft political moves and appointed him to the powerful court under intense scrutiny - and loud opposition - in 2019."

Some might see this as Arizona's protection from Mr. Montgomery's work.

On December 31, 2018, Petitioner's first petition for certiorari never reached our local post office, and ADC has interfered with his mail to this day.

ADC has even been caught (twice) intercepting documents for its own counsel.

On March 28, 2023, Petitioner received the Court's Notice and Waiver. He avoided another ADC (21-7045) refusal to make copies and to return his originals.

On March 29, he placed the originals in GEO's Legal Mail, addressed to Mr. Reilly.

Not only were the envelopes intercepted, but GEO's March 29 registry was "deleted".

CONCLUSION

Petitioner prays that the Supreme Court appreciates the impediments that we inmates must face with Arizona's post-conviction relief process in trying to prove their innocence, and grant his petition for rehearing.

Respectfully submitted, this 23rd day of June, 2023.

Michael Hobbman

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CERTIFICATE OF PETITION

I, Michael James Hoffman, pro se, as required by Supreme Court Rule 44, certify that in the enclosed PETITION FOR REHEARING, the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

This PETITION FOR REHEARING is presented in good faith and not for delay.

Respectfully submitted this 23rd day of June, 2023

Michael Hoffman