

5/22, 10:37 AM

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Dear Clerk,
*Please file this letter. Thank you, respectfully.
pro se petitioner, Josiah English III
November 21st 2022
November 12th 2022
22 A475

FILED
NOV 14
OFFICE OF THE
SUPREME COURT

MAILED
ORIGIN

To: Ms. Simmons
Clerk of The Supreme Court of The United States
Located at: Washington, D.C. 20543-0001

From: Josiah English III / Pro Se Petitioner / Pretrial Detainee
T337357 in the Maricopa County Jail located at:
3250 W. Lower Buckeye Rd.
Phoenix, Arizona 85009

Regarding: Josiah E. v. Arizona Department of Child Safety, M.E. n.v.E.
Case # CV-22-0054-PR in the Arizona Supreme
Court, Petition For Review denied, order entered on
8-29-2022 (Termination of Parental Rights) / Arizona Court
of Appeals - Division One, Case # 1 CA-JV 20-0400 (Sovereign
Affirmed) / Maricopa County Arizona Superior Court Case
JS18922 (Termination of Parental Rights) / Maricopa County
Arizona Superior Court Case # JD33768 (Dependency)

RECEIVED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Handwritten
5/24
plus
pages of
pages
Petitioner's Application For An Extension of Time To File A Petition
For A Writ of Certiorari

Dear Clerk of The U.S. Supreme Court, I have enclosed the original of
"Petitioner's Application For An Extension of Time To File A Petition For A Writ
of Certiorari", in which I have requested a 60-sixty day extension from the 11-25-
2022 deadline. It is addressed to The Honorable Justice Elena Kagan
Jackson, so I am respectfully asking if you can file it and get it to her as
promptly as possible. I have also enclosed two copies pursuant to Rule 22. Please file
Stamp the face of my original Application, and I am also asking if you can please file Stamp
the one (one) copy of the face page of my Application and please mail it back to me for my
records. Also, I am respectfully asking if you can please file this one page letter as part of
this case, and since I was unable to include a copy of it, I am respectfully asking if you can please
for complimentary file-stamped copy of this letter if you are able to. Thank you, Respectfully, pro se petitioner, Josiah English III

24
Hand-
written
pages,
plus
Appendices
A through
H

*This Application was mailed back to me by the clerk of this court's office on Th. 11-17-2022, so I am now re-filing it with my children's names redacted, as requested by the clerk's office. Respectfully Submitted, Pro Se Petitioner, JIII.

Name: Josiah English III (Pro Se)

Pretrial Detainee # T337357 in the

Maricopa County Jail located at:

3250 W. Lower Buckeye Rd.

Phoenix, AZ 85009

Email: josi202082@yahoo.com

↑
125 pages
Total

In The
Supreme Court of The United States

Josiah E.
(Petitioner)

v.

Arizona Department of Child Safety,
M. E. and V. E.
(Respondents)

Case No. _____

Arizona Supreme Court

No. CV-22-0054-PR

Arizona Court of Appeals - Division 1

No. 1 CA-JV 20-0400

Maricopa County Superior Court

No. JS18922 and JD33768

*Case Regarding Termination of Parental Rights *

Petitioner's Application For An Extension of Time To File
A Petition For A Writ of Certiorari

Elena Kagan

To The Honorable ~~Justice~~ - Justice of The

Supreme Court of The United States,

Comes Now, Josiah English III, Pro Se Petitioner and biological Father
of the children in the above styled cause of action, who files this
application for an extension of time. Petitioner is respectfully requesting
an extension of 60-Sixty days to file his Petition For A Writ of Certiorari.

The Arizona
Supreme
Court denied
Father's
Petition For
Review in
an order
entered on
August 29th
2022. A
copy of that
one page
order is
attached
as Appendix A.

Basis For Jurisdiction

I respectfully assert that jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1257, 28 U.S.C. § 1201(c), and Rule 13.5. of the Rules of The Supreme Court of The United States. Pursuant to these legal authorities, Petitioner is respectfully requesting an extension of 60-Sixty days to file his Petition. For A Writ of Certiorari in this Court.

please see pictures of Addy and the IDs attached as Appendix B

My two children's names have been published in numerous public court filings over the course of the last five and a half years. My children who are the subjects of this petition are my daughter M. E. (Year of birth 2013, currently 9-nine years old) and my son V. E. (Year of birth 2014, currently 8-eight years old).

My daughter M. E. name is not spelled with an 'at' and respectfully III

M. E. and V. E. names have appeared in pleadings filed in the Maricopa County Arizona Superior Court, the Arizona Court of Appeals - Division One, the Arizona Supreme Court, the U.S. District Court - District of Arizona, the U.S. 9th Circuit Court of Appeals, and in this Court, the U.S. Supreme Court. M. E. and V. E. have two biological sisters here in The United States, K. E. (now age 20) and S. E. (now age 6).

M. E. was 3-three years old and V. E. was 2-two years old.

Biological Mother of the two children was shot and killed by an unknown assailant in the parking lot of her Phoenix, Arizona apartment complex, in the presence of the two children, on the morning of 1-31-2017. Mother was a citizen of the Republic of Mexico. The two children are both citizens of the United States. At that time, Mother and the biological Father of the two children (Petitioner), had been separated for more than two and a half years, and their divorce had been finalized approximately one year and five months prior. Father was born in the United States and is a U.S. Citizen. Via family.

DNA
testing in
Maricopa
County Court
in 2015
proved
that
Joseph
English III
is the
biological
father of
M...
E...
and
V...
E...

Court order, Mother had primary custody of the two children and Father had his parenting time with the children three weekends per month, and two phone calls (20-25 minutes each) per week with the children. Father faithfully exercised his parenting time with the two children. At that time, Father lived in an apartment in Scottsdale, Arizona with his then girlfriend (whom he had been with for almost two years) and their six month old daughter whom they are ^{biological} parents to. Father and his girlfriend had a happy relationship.

On 1-31-2017 Phoenix police detectives quickly got tunnel vision, erroneously accused Father of the homicide, and then arrested Father that evening in the parking lot of his residence on his way to work, without a warrant and without probable cause, less than 12-twelve hours after the first 911 call came in that morning (at 5:51 A.M.). Arizona Department of Child Safety took possession of the two children and placed them with a foster family in Phoenix, Arizona on the night of 1-31-2017. Father was subsequently charged in the Maricopa County Superior Court with one count of murder in the first degree and two counts of endangerment, in case # CR2017-105183-001. Father has represented himself in that criminal case since 2-21-2020.

That case is still pending and trial is currently scheduled to commence on 1-24-2023, but that date may be continued. Father has been continuously detained in a Maricopa County Arizona jail for over 5-five years and 9-nine months now, since February 1st 2017.

Arizona DCS filed a parallel Dependency Petition regarding the two children in the Juvenile Court on 2-3-2017; in Maricopa ^③

in Phoenix
Arizona

Arizona DCS
Plans to adopt
the two
children out
to their
Maternal Aunt
in Mexico so
that Father,
their two
biological sisters
and ~~mother~~
and ~~mother~~
family
members on
their Father's
side of their
family tree
will never
see or speak
to ~~mother~~
or ~~mother~~
ever again.
Arizona DCS
may have
already ~~started~~
started the
adoption process
with Mexico.

Their
final
version.

Country Superior Court case # JD33768. Arizona DCS also filed a parallel petition to terminate Father's parental rights over the two children in the Juvenile Court on 3-14-2017; in Maricopa County Superior Court case # JS18922. The two children were placed with a foster family and stayed with them (together) from 3-31-2017 to 4-26-2018. On 4-26-2018, Juvenile Court Judge Alison S. Bachus, via court order, sent the two children to stay with their Maternal Aunt in Mexico until a final disposition of these juvenile court proceedings. The two U.S. Citizen children have been staying with their Maternal Aunt in Mexico for the last four and a half years. Father has not been allowed to have any communication with his two biological children (with whom he previously had a very strong parent-child bond), for more than 5 years and 9 months now, based entirely on the false accusations that have been made against him in the criminal court.

Arizona DCS and the Maricopa County Juvenile Court made it very clear from the beginning (in 2017), that Father's parental rights over his two biological children were going to be terminated and then his two children were going to be adopted out to their Maternal Aunt in Mexico, by any means necessary. Arizona DCS ultimately filed 3-three different versions of their dependency petition and 4-four different versions of their petition to terminate parental rights in the Maricopa County Juvenile Court. In their Third Amended Severance Petition, Arizona DCS did not claim that Father ever abused, neglected, or abandoned his children as grounds to terminate his parental rights. Rather, the only grounds that Arizona DCS alleged in their petition to forever terminate Father's parental rights, was

Nor has
Arizona
DCS even
provided
any evidence
to the
contrary.

→ that Father's two children had been in DCS's care for longer than 9-nine months and 15-fifteen months because Father was "incarcerated" (detained) in the Maricopa County jail waiting to go to trial to address the accusations in the criminal court. Father is still detained in the Maricopa County jail waiting to go to trial in the criminal court. The statute invoked by Arizona DCS is Arizona Revised Statutes 8-533 (B) 8. (A) and (C). Father unequivocally stated in the Juvenile Court that he has never abused, neglected, or abandoned his children.

Father represented himself for the majority of the 3-three years and 10-ten months that those proceedings carried on in the Juvenile Court. Father was pro se at the combined dependency and severance trial held in the Juvenile Court in 2020. In the Juvenile Court Father argued that ARS 8-533 (B) 8. (A) and (C) are unconstitutionally vague and overbroad, and are unconstitutional as applied to a pretrial detainee parent who has not yet been taken to trial in the criminal court and is therefore still clothed with the "presumption of innocence" under the 14th Amendment. Please see Estelle v. Williams, 425 U.S. 501 (1976), and Taylor v. Kentucky, 436 U.S. 478 (1978/US Supreme Court) sitting: Only two terms ago, this court observed that the "presumption of innocence, although not articulated in the constitution, is a basic component of a fair trial under our system of criminal justice." Also see Rule 72 of the Arizona Rules of Criminal Procedure: Right to Release (A) (2) Presumption of Innocence "A defendant charged with a crime but not yet convicted is presumed to be innocent."

Father argued that the above listed statutes are unconstitutional when they are used as the sole basis to terminate the parental rights of a pretrial detainee parent, and that they violate

that parent's rights of association and companionship with their biological child that are protected under the 14th Amendment to the U.S. Constitution, and were articulated by this Court in Stanley v. Illinois, 405 U.S. 645 (1972 / U.S. Supreme Court), and Santosky v. Kramer, 455 U.S. 745 (1982 / U.S. Supreme Court). Father argued that the State of Arizona (via the Phoenix Police Department and the prosecutors within the Maricopa County Attorney's office), can not create the grounds for termination of parental rights by arresting Father without a warrant and without probable cause, accuse Father of murder via Grand Jury Indictment, deceive the Grand Jury with perjured testimony to acquire the indictment, secure an oppressive one million dollar cash-only bail-bond to ensure that Father can not afford to pay that amount of money to be released pending his trial, keep Father continuously detained in the county jail until he is taken to trial in the criminal court, and during that time acquire a court order from a Maricopa County Superior Court Judge prohibiting any form of communication between Father and his two children whom they know he loves so much (achieving parental alienation in its most potent form).

Then once Arizona DCS has ensured that Father has been detained in the county jail for longer than 9 and 15 months, they file their petition to forever terminate Father's parental rights over his two children based on the grounds that he is unable to care for his children as a parent who is detained in the county jail waiting to go to trial to address the criminal accusations that were initiated against him by government officials acting "In The Name of The State of Arizona". This is precisely what happened to Father in this case.

ARS 8-533
(b) 8. (a) and
(c)

In the Juvenile Court Father argued that if the criminal charges that are alleged against him get dismissed, or if he is acquitted of those charges at trial, he will then be free to care for his two children M [redacted] E [redacted] and V [redacted] E [redacted] and to continue to raise them with lots of love, share their family history with them, and rewrite them with their big sister K [redacted] E [redacted] (now 20 years old) and their "baby sister" S [redacted] E [redacted] (now 6 years old). K [redacted] and S [redacted] each have different Mothers and they both live here in the United States. Father also argued that because he was merely detained in the county jail, only accused of criminal offenses, not convicted of any of those alleged offenses, and has not even yet been taken to trial to address them, he has only lost temporary custody to his two children to the State of Arizona, and the U.S. Supreme Court has already held in Santosky v. Kramer that a parent does not lose their parental rights over his or her child simply because they have lost temporary custody of their child to the State.

Father quoted Santosky in the Juvenile Court as follows:

Santosky v. Kramer, 455 U.S. 745 (1982 / U.S. Supreme Court) at

** 1395 stating:

"The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State."

Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life."

Affirmation of the severance order would allow the State of Arizona to irrevocably destroy Father's sacred bond that he shares with his two young children, based on circumstances that were created by the State, and without affording Father an opportunity to be exonerated of the criminal accusations that have been made against him in the criminal court.

Father's arguments in the Maricopa County Juvenile Court were disregarded. Father's Parent-Child relationship that he shares with his children M [redacted] and V [redacted] was also treated with disregard. The combined dependency/severance trial was held in two separate halves in 2020 in the Juvenile Court. The first half was held in person, and during the second half Father testified over the phone from the county jail due to health concerns caused by the highly contagious and potentially fatal Covid-19 virus. Several witnesses testified over the telephone and several other witnesses testified via video. Both Arizona DCS and Father (Pro Se at the juvenile trial) filed motions to continue the dependency/severance trial to a time when they could be safely reconvened in person (because of Covid-19). Judge Jo Lynn Gentry denied both motions to continue.

Before
Covid-19
hit
Arizona

In an order filed in the Maricopa County Juvenile Court on 12-2-2020, Judge Jo Lynn Gentry found the children M [redacted] E [redacted] and V [redacted] E [redacted] to be dependent, and she also terminated Father - Josiah English III's parental rights over M [redacted] and V [redacted] in that same court order.

In the Maricopa County Juvenile Court and in the criminal court, neither Arizona DCS or the prosecutors from Father's criminal case have produced any evidence that Father allegedly committed "domestic violence" or murder. No Judge in the State of Arizona, in the United States, or anywhere else in the world, has ever made any factual or legally supported finding that Father has allegedly committed an act of "domestic violence" upon anyone. These allegations are not supported by any evidence, and they never have been, and that's because the allegations are NOT true. In early 2022 the Judge in Father's criminal case made a written judicial finding that the prosecutors from the Maricopa County Attorney's office were unable to prove that Father had committed an act of "domestic violence" (an alleged blow on the nose allegation from June of 2014). For more details regarding this issue, please see the History of the Case section of this document and a Synopsis that Father emailed to some Forensic Psychologists in his search for a Child Psychologist to assist him as an expert witness in his criminal case, attached as Appendix C, 5 pages.

→ This was the one and only allegation of "domestic violence".

The Phoenix Police Department and these false and uncorroborated claims to the media, which has resulted in the extreme prejudice that has unjustly attached to Father's name. In the Juvenile Court and in the criminal court, the attorneys from the Arizona Attorney General's office and the prosecutors from the Maricopa County Attorney's office have continuously repeated that Father is charged with "murder" as if the charge is actual "evidence", but it is not, it is merely an accusation, and a false one at that.

On the morning that M [redacted] and V [redacted] Mother was shot and killed by an unknown assailant (on 1-31-2017), M [redacted] and V [redacted] were both forensically interviewed, but neither of them made any significant disclosures. The interviews were audio and video-recorded. M [redacted] (who was three years old at that time), was very quiet, she was whispering and did not say much at all. The most significant statement that V [redacted] made was "Mommy fall". Also, on that night around 7:30 P.M., an investigator from the Arizona office of Child Welfare Investigations reported that while she was transporting M [redacted] and V [redacted] in her vehicle, M [redacted] stated to her "a monster shot Mommy".

This statement was later manipulated by Arizona DCS and the Juvenile Court.

M [redacted] and V [redacted] were placed with a foster family in Phoenix on the night of 1-31-2017. Shockingly, the foster mother - Elva Ramirez and the adult foster sister - Ana Ramirez, approximately two weeks after the shooting, began to falsely claim to a child therapist and to employees from Arizona DCS that M [redacted] and V [redacted] all of a sudden were being "much more vocal", and were allegedly making outrageous statements (that were obviously fabricated), at the ages of two and three years old and then three and four years old, that would place their Father at the crime scene. This was precisely the "evidence" that the Phoenix Police detectives and the prosecutors from the Maricopa County Attorney's office needed to move forward with the murder charge. Phoenix detectives did not have any evidence, so they decided that they were going to make some. Phoenix detectives were unable to place Father at the crime scene (and that is because he was NOT there), so the prosecutors from the Maricopa County Attorney's office decided to exploit the fabricated statements that the

foster mother and sister were claiming that M [redacted] and V [redacted] were suddenly saying, such as: "my Dad shot my Mom and drove away in a black car", and use this as "evidence" to place Father at the crime scene (a key element in a homicide case). Father knew from the time that he read these false statements in 2017, that a crime had been committed. Namely: Tampering With a Witness, under Arizona Revised Statute § 13-2804, which states that it is a felony criminal offense for a person to cause "a witness in any official proceeding" to "Testify falsely". For more details regarding these fabricated claims and the coached statements of the children, please see the Arizona DCJ documents attached as Appendix D, 33-thirty three pages,

Also, the false statements that the foster mother and sister were claiming that M [redacted] and V [redacted] were allegedly making became so outrageous, that Father filed criminal complaints against the foster mother and sister (and other people who are involved) with the Federal Bureau of Investigations (FBI) in March and April of 2020, alleging federal criminal civil rights offenses such as "Deprivation of Rights Under Color of Law" under 18 U.S.C.A. § 242, "Conspiracy Against Rights" under 18 U.S.C.A. § 241, and "Misprision of Felony" under 18 U.S.C.A. § 4. Please see the last page of Appendix D, which is a USPS receipt of mailing to the FBI Phoenix, Arizona field office dated 3-14-2020. It is also highly unethical for a prosecutor to attempt to benefit from the use of false testimony as "evidence" in a murder case. Please ^{see} ER 3.4 (b) of the Arizona Rules of Professional Conduct stating: "A lawyer shall not: falsify evidence, counsel or assist a witness to testify falsely". In open court

in his criminal case on 9-23-2022, on the record and in front of the two prosecutors from the Maricopa County Attorney's office who are assigned to the case, Father told the judge that no prudent District Attorney's office would move forward on a murder charge based on the coached statements of a four year old child. However, the judge disregarded Father's statements and did nothing about it.

Arizona Court of Appeals - Division One

Father appealed Judge Jo Lynn Gentry's 12-2-2020 order terminating his parental rights over M [redacted] and V [redacted] in the Arizona Court of Appeals - Division one, case # 1 CA-JV 20-0400. Judge Gentry's order does not make any finding of "parental unfitness."

It merely states that the sole grounds for terminating Father's parental rights are that Father is "incarcerated" (detained) in the County jail waiting to go to trial in the criminal court and is therefore unable to care for his children at this time, and because M [redacted] and V [redacted] have been under Arizona DC's care for longer than 9 months and 15 months (pursuant to ARS 8-533 (B) & (a) and (c)), this qualifies as grounds to forever terminate Father's rights over his two biological children, regardless of whether or not Father later gets acquitted at trial, or if his criminal charges get dismissed and he is released from the Maricopa County jail. In his opening Brief and in his Reply Brief on appeal, Father argued that because Judge Gentry's Severance order does not make any finding of "parental unfitness," the order is constitutionally infirm because it does not comply with this Court's requirement under Santosky v. Kramer, 455 U.S. 745 (1982) (U.S. Supreme Court) and the 14th Amendment, that before a state may irrevocably

terminate the parental rights of a parent, it must prove "parental unfitness" by "clear and convincing evidence." Father argued that Judge Gentry's severance order should be vacated. Father quoted Santosky v. Kramer, stating at *761 "But until the state proves parental unfitness, the child and his parents share a vital interest in preventing erroneous termination of their natural relationship." Father also quoted Stakley v. Illinois, 405 U.S. 645 (1972 / U.S. Supreme Court), stating at *1210: "Hold: 1. Under the due process clause of the Fourteenth Amendment petitioner was entitled to a hearing on his fitness as a parent before his children were taken from him". (b) "Parental unfitness must be established on the basis of individualized proof".

The Arizona Court of Appeals - Division one callously disregarded Santosky v. Kramer, and it even disregarded its own case law and the case law from the Arizona Supreme Court which has upheld the requirement under Santosky that before a state court may terminate the parental rights of a parent, it must make a finding of parental unfitness by clear and convincing evidence. Please see Almas v. Department of Child Safety, 245 Ariz. 146 (2018 / Arizona Supreme Court), stating at paragraph 9:

We now explicitly reiterate that conclusion, which ensures compliance with the due process requirement that a court find, by clear and convincing evidence, parental unfitness when a severance is contested. "See Santosky v. Kramer... Kent K... "If a statutory ground were not synonymous with unfitness, a contested severance based on such ground would be constitutionally infirm."

* On appeal Father also argued that a parent who is merely detained inside of the county jail, waiting to go to trial for address criminal accusations who is still clothed with the "presumption of innocence", and has not been convicted of the criminal charges alleged, is not committing an act of parental unfitness.
↓
On appeal, Father also made all of the arguments that he made in the detention in the county jail
is a circumstance that was created by the state.
There is no way that the parent can remedy the circumstances that cause the child to be in an out-of-home placement.

Maricopa County Juvenile Superior Court regarding the unconstitutionality of ARS 8-533 (B) 8. (a) and (c). In their Memorandum Decision dated 2-10-2022, a three judge panel of the Arizona Court of Appeals - Division one affirmed Judge Jo Lynn Gentry's order terminating Father's parental rights over M [redacted] and W [redacted]. Please see a copy of that Memorandum Decision attached to this document as Appendix E, 10 pages.

Arizona Supreme Court

Father appealed the decision of the Arizona Court of Appeals - Division One in a Petition For Review that was filed in the Arizona Supreme Court, case # CV-22-0054-PR, on 3-14-2022. Please see a copy of Father's Petition For Review attached as Appendix F, 14 pages plus one Appendix page. In his Petition For Review Father made the same arguments regarding the unconstitutionality of ARS 8-533 (B) 8. (a) and (c) that he made in the Arizona Court of Appeals and in the Maricopa County Juvenile Superior Court. Father again argued that because Judge Jo Lynn Gentry's severance order does not make any finding of "parental unfitness" by "clear and convincing evidence", the order is unconstitutional, it suffers fatal error, and therefore must be vacated.

In an order filed on 3-31-2022, the Clerk of the Arizona Supreme Court stated: "IT IS ORDERED that no response to the petition for review is necessary. The Court will consider the petition for review in due course". Please see a copy of that order attached as Appendix G, one page.

Then after a 5 1/2 month wait, in an order entered on 8-29-2022,
The Arizona Supreme Court summarily denied Father's Petition for Review.
Please see a copy of that one page order attached to this
Application as Appendix A.

* Please see the next page →

History of The Case

AS I previously indicated, the Mother of two of my children (Blanca Gutierrez Calzocit) was shot and killed by an unknown assailant on 1-31-2017. Detective Tyler J. Kipper and the other Phoenix Detectives quickly got tunnel vision, and then without any

evidence connecting me to this homicide, Detective Kipper and

→ the other Phoenix detectives manipulated ARS 13-3905 to "detain" me in approximately 12--twelve hours from the first 911 call (at 5:51 A.M.), the federal courts and in their haste to feed the media this information and make it in this court appear as if the Phoenix police department had legitimately "cleared" case # 19-5557, the case "by taking someone "into custody". I was arrested without a warrant that ARS

13-3905, Detention

For obtaining Evidence of Identifying Physical Characteristics is Unconstitutional

At the time of Blanca's homicide (on 1-31-2017) I was living in my apartment in Scottsdale, Arizona with my girlfriend at that time (Cheyenne) and our six month old daughter (S [redacted] E [redacted]). Cheyenne and I had been together at that point for almost two years and her and I had a happy relationship. I worked a full-time job as a licensed Arizona security guard, and prior to that I worked as a licensed Private Investigator here in Arizona and in the state of Texas for a combined total of more than 5-five years. I have also previously worked as a licensed Process Server for more than 5 years and I operated my own Process Service Company in the State of Texas.

Prior to my relationship with Cheyenne, I was in a relationship with Blanca Calzocit for approximately two and a half years and we had two children together (M [redacted] E [redacted] and W [redacted] E [redacted]). Blanca and I lived in an apartment in Scottsdale, Arizona with our daughter M [redacted], our son V [redacted], and my daughter from a previous relationship (K [redacted] E [redacted]). K [redacted] was approximately 10-ten and 11-eleven years of age at that time (in 2013 and 2014), and by court order I had sole custody of K [redacted]. Blanca and I got married in Arizona.

One time
false
allegation
of
domestic
violence

On 6-15-2014 I asked Blanca to leave my apartment because she was having a sexual relationship with my next door neighbor. Blanca later thought that she might have been pregnant with his baby. On 6-15-2014 Blanca told me "I am your wife" and she told me that she was not going to leave the home, and then she begged me to not make her leave the home. I told Blanca that if she did not leave my apartment I was going to call the police and ask them to make her leave. This was merely a verbal exchange in my car and absolutely no physical confrontation took place. Blanca was a citizen of Mexico and she had a review of her visa status by U.S. Immigration officials coming up sometime in September of that year (2014). This all took place a little more than 8-eight years ago.

After 6-15-2014 I did not reiterate my request for Blanca to leave my apartment, we just simply did not talk about it. Ten days later on 6-25-2014 Blanca and I had a verbal argument around 2:00 A.M. that morning. Then around 2:30 p.m. that day (while I was at my job as a Security Guard), Blanca called the Scottsdale Police Department non-emergency line and falsely claimed that I had allegedly elbowed her in her nose approximately 12-twelve hours earlier. Prior to this no police calls for service had ever been made to our home. Scottsdale Police Officers Michael Hertko and Gene McClanahan responded to the call (at my apartment) and determined that Blanca did not have any injuries to corroborate her "elbow on the nose" claim. The officers therefore concluded that "no crime has been committed". Blanca then left the apartment with our children M and V and left my 11-eleven year old daughter K in the apartment by herself. I was at work and I had no idea that

all of this was happening. Blanca left the apartment with M [redacted] and V [redacted] and went straight up to the Scottsdale city Courthouse and falsely told a judge that I had allegedly elbowed her in the nose (even though a few minutes earlier two Scottsdale police officers had already determined that there was no evidence to corroborate that claim and that "no crime has been committed"). Even with no evidence the Scottsdale city judge still granted Blanca's request for an order of protection, which did not expire for one year.

While I was at work that evening, Wed. 6-25-2014, I received a call from K [redacted] Mother who informed me that Blanca had left my apartment with our babies M [redacted] and V [redacted] and that K [redacted] was at the apartment alone. At this time M [redacted] was a year and four months old and V [redacted] was three months old. I rushed home from work and I arrived at my apartment at approximately 8:30 p.m. that night. I then spoke to Scottsdale Police officers Michael Hertko and Gene Mcclanahan who were standing outside of my apartment. My daughter K [redacted] was inside of my apartment. Officer Hertko quickly told me that I was not under arrest for anything. Officer Hertko told me that Blanca claimed that I allegedly elbowed her in the nose early that morning. I told officer Hertko that this claim was completely false and that I did not assault Blanca in any way, and that we only had a verbal argument. I told officer Hertko that I suspected that Blanca had made this false claim of assault because I asked her to leave my apartment ten days earlier, and for immigration benefits. Officer Hertko told me that Blanca did not have any injuries to corroborate her

K [redacted] was 11-eleven years old.

was a security guard

"above on the nose" claim, and that Blanca refused any medical attention. Officer Hertko told me that Blanca told him "numerous times that her injuries are emotional" (which indicates that her injuries were never physical). Officer McClanahan told me that Blanca told him that I yelled at her, and that he then explained to Blanca that is not a crime. Officer Hertko told me that Blanca claimed that she "might be pregnant". I then told Officer Hertko that there is no way that the baby could be mine because I had not had sex with Blanca in several months because I suspected that she was having sexual relations with another man. I told officer Hertko that when I asked Blanca to leave my apartment, she threatened to take M [redacted] and W [redacted] to Mexico and that I would "never see them again".

The officers' supervising Sergeant arrived on the scene that night. Officers Hertko, McClanahan, and their Sergeant all told me that night that they have determined that "no crime has been committed". I was never arrested, charged, nor prosecuted for any alleged criminal offense in that matter. In the last 8-
eight years in my family court and juvenile court matters, Scottsdale Police officers - Michael Hertko has testified under oath to these facts in the Maricopa County Superior Courts on 4-four separate occasions.

Family Court

Less than two weeks later, on 7-7-2014 I filed for a divorce (ProSe) against Blanca in Maricopa County Superior Court Cause # FC 2014-093711. The divorce was finalized via a final decree that was filed on 9-2-2015. Blanca was the custodial parent and I had my court

ordered parenting time with M [redacted] and V [redacted] 3-three weekends every month, on holidays, Father's Day, and in the summertime. I faithfully exercised my parenting time with M [redacted] and V [redacted] and they loved to come to Daddy's house and play with their "baby sister" S [redacted]. I was also able to call and speak to M [redacted] and V [redacted] even the phone two times per week via the Court order, and I did call and speak to them two times during the week. Blanca and I did the drop off and pick ups of M [redacted] and V [redacted] at many different public places in Scottsdale and Phoenix Arizona such as: police stations, public libraries, Wal-Mart, Fry's grocery store, McDonald's, Jack N The Box, and public bus stops and bus stations. I audio and video-recorded the drop off and pick ups of M [redacted] and V [redacted] to protect myself from false allegations. Sometimes I would bring my then girlfriends Cheyenne and our daughter Scarlett to drop off and pick up M [redacted] and V [redacted].

~~Phoenix detectives manipulated the detention order under Aes 13-3905 to force the Defendant to interview with them.~~

~~On 1-31-2017 Phoenix detective Tyler J. Kipper #08151 was the lead detective on this case. The current lead detective for this case is Phoenix detective Michelle Cervantes #08436.~~

~~On the day of the alleged homicide associated with this case, Detective Kipper acquired an "order" for obtaining identifying~~

~~Evidence" from Maricopa County Superior Court Judge Eartha K.~~

~~Washington. It was time stamped at 2:16 P.M. Please see a copy of~~

~~that 3-three pages order attached to this motion as **EXHIBIT B**. The number assigned to the order is 2017-001052. The Maricopa County~~

~~Attorney beta-stamp page numbers are 001788, 001789, and 001790.~~

Reasons Why An Extension Should Be Granted

I respectfully contend that an extension of time to file my Petition For A Writ of Certiorari in this Court should be granted for the following reasons:

I currently represent myself in my criminal case (Maricopa County Arizona Superior Court case # CR 2017-105183-001) and I am preparing for trial to commence in that case on 1-24-2023. I have been Pro Se in that case for approximately 2- two years and 8- eight months now, since 2-21-2020. Please see a copy of the docket history for that case attached as Appendix H, 21 pages. In addition to this case and my criminal case, I am also still managing other Civil Rights and Civil cases in which I also represent myself that have been pending within the last 5 years and 9 months that I have been detained in this Maricopa County jail.

Practical detainees have no access to computers or typewriters in the Maricopa County jail so I must write all of my court pleadings by hand in pencil. This is a very slow, primitive, and cumbersome process. Initially I was going to write my own Pro Se Petition For A Writ of Certiorari, but there are so many legal issues and so much case law to address, that it seemed almost overwhelming for me to write it in pencil and get it filed in this Court by the ¹¹⁻²⁵⁻²⁰²² ~~11-25-2022~~ deadline, while at the same time preparing to go to trial in my criminal case in January 2023 and also managing my other Pro Se cases.

I am litigating in the interest of preserving the most beautiful relationship that has ever existed under GOD'S canopy of heaven To Wit: The Parent - Child Relationship. I have therefore

come to realize that due to the most critical nature of this petition, it would be much more effectively submitted by an Attorney who has experience litigating in this Honorable U.S. Supreme Court. I would not feel so much pressure with an experienced Attorney handling the petition. I have reached out to several Attorneys, but thus far no Attorney has agreed to represent me in this case Pro Bono. I would like to have more time and opportunity to acquire representation by counsel in this matter, which is why I am respectfully requesting an extension of 60-Sixty days. I also anticipate some difficult days ahead because I know that many law firms start shutting down around the Thanksgiving and Christmas holidays. For these reasons an extension of time would be greatly appreciated.

[2] I hope to achieve a very important precedent in this case, and I am in dire need of an Attorney to lead the fight in doing so. No state (like Arizona), with impunity, should have the freedom to cause the grounds for termination of parental rights based on their state statute that does not comport with the commands of our U.S. constitution, then forever terminate a parent's parental rights over his or her children, and then adopt that parent's biological U.S. Citizen children to people in another country via an illegal international adoption.

No parent should have to suffer the extreme amount of anxiety that I have endured, from being completely cut off from any communication with their children that they love so much, for almost 6 years, and then have their parental rights terminated simply because they are detained in the county jail waiting to go to trial in a criminal case in which state and federal law says that parent is presumed to be innocent of the accusations, and then be told that

→ Over the years, Arizona Department of Child Safety has successfully terminated the parental rights of many, many pretrial detainees who are sitting in the County Jail waiting to go to trial in the Criminal Court.

→ Your U.S. Citizen Children are going to be adopted out to some people in a different country, and that even if the parent is later exonerated of the criminal charges at trial or the criminal case gets dismissed and the parent is released from custody, that parent will never have any legal right to see or speak to his or her child again, because at one point in time they were in the County Jail waiting to go to trial.

In my petition for a writ of certiorari I respectfully intend to ask this court to set a bright-line precedent with regards to the substantive grounds for termination of parental rights concerning pretrial detainees parents. I respectfully contend that such a precedent will protect parents and children in the state of Arizona and all across the United States and its territories from this form of malicious attack and destruction of the parent-child relationship. I respectfully contend that these are issues of nationwide importance and that certiorari would be warranted.

Request For Relief

For these reasons, Petitioner is respectfully asking The Honorable Justice ~~_____~~ ^{Elena Kagan} to grant him an extension of 60-SIXTY days from the ~~11-25-2022~~ ¹¹⁻²⁵⁻²⁰²² deadline to file his petition for a writ of certiorari in this Honorable Supreme Court of The United States, or an extension of time that this Honorable Justice deems to be fair and just.

Requested With The Utmost of Respect and Sincerity,
Pro Se Petitioner, Josiah English III
Executed in Maricopa County Arizona on ~~11-21-2022~~
11-21-2022

Appendix A
1 page



Supreme Court

STATE OF ARIZONA

ROBERT BRUTINEL
Chief Justice

ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007
TELEPHONE: (602) 452-3396

TRACIE K. LINDEMAN
Clerk of the Court

August 29, 2022

RE: **JOSIAH E. v DCS/M.E., V.E.**
Arizona Supreme Court No. CV-22-0054-PR
Court of Appeals, Division One No. 1 CA-JV 20-0400
Maricopa County Superior Court No. JS18922
Maricopa County Superior Court No. JD33768

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on August 26, 2022, in regard to the above-referenced cause:

ORDERED: Petition for Review = DENIED.

Chief Justice Brutinel and Justice Montgomery did not participate in the determination of this matter.

Tracie K. Lindeman, Clerk

TO:
Josiah Adam English III, T337357, Maricopa County Jail, Lower
Buckeye
Autumn Spritzer
Joseph C Ramiro-Shanahan
Amy M Wood
ga

Certificate of Service

I hereby certify that the original of "petitioner's Application For An Extension of Time To File A Petition For A Writ of Certiorari" was ^{re-filed} filed with the clerk of the U.S. Supreme Court on ~~11-21-2022~~ ¹¹⁻²¹⁻²⁰²² via U.S. mail, and a copy of this document will be sent (via U.S. mail) to the following people:

III Assistant Arizona Attorney General - Autumn L. Spritzer (Attorney for Arizona Department of Child Safety) at: 4211 S. Santa Rita Avenue #101 Tucson, Arizona 85714

IV Joseph Ramiro - Shanahan (Attorney Ad Litem) at: 5800 East Tromps Road, Suite 109 Scottsdale, Arizona 85251

^{Under penalty of perjury}
I declare that the contents of these documents are true and correct to the best of my knowledge.

Respectfully Submitted,

Prose Petitioner,

Josiah English III



~~11-21-2022~~ 11-21-2022

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