

24-6870

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL
FILED
MAR 04 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Christopher Lee Marinakis PETITIONER
(Your Name)

vs.

State of Arizona — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Arizona Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Christopher Lee Marinakis
(Your Name)

ASPC Yuma / Cibola Unit P.O. Box 8909
(Address)

San Luis, AZ 85349
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Was Petitioner denied his Sixth Amendment Right to Counsel?

Can an officer delay access to counsel at the early stages of an impaired drivers investigation if it is both feasible and would not impede the investigation?

Can the Right to Counsel be denied altogether due to a perceived lack of privacy when privacy was never requested?

Why are we unable to state whether or not a seat belt was used?

Whether a toxicologist should be permitted to testify regarding the quantity of drugs found in defendants blood when that evidence cannot establish impairment?

LIST OF PARTIES

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

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

TABLE OF CONTENTS

| | |
|--------------------------------------------------------|---|
| OPINIONS BELOW..... | 1 |
| JURISDICTION..... | |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED | |
| STATEMENT OF THE CASE | |
| REASONS FOR GRANTING THE WRIT | |
| CONCLUSION..... | |

INDEX TO APPENDICES

| | | |
|------------|----------------------------------------------|------------|
| APPENDIX A | Arizona Supreme Court Decision 1 | 12-13-2024 |
| APPENDIX B | Arizona Appellate Court Decision 2 | 01-09-2025 |
| APPENDIX C | Petition for Review in Arizona Supreme Court | |
| APPENDIX D | Appellants Reply Brief | |
| APPENDIX E | | |
| APPENDIX F | | |

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

| | |
|----------------------------------------------------------------|---------------------|
| Kunzler v. Pima County, 154 Ariz. 568 (1987) | 11, 13 |
| Malone v. Moulton, 474 U.S. 159 (1985) | 14 |
| Montano v. Superior Court, 149 Ariz. 385 (1986) | 11 |
| Municipal Court v. Waldron, 157 Ariz. 90 (App. 1988) | 14 |
| State v. Holland, 147 Ariz. 453 | 11 |
| State v. Penney, 229 Ariz. 32 (App. 2012) | 14 |
| State v. Rosengren, 199 Ariz. 112 (App. 2000) | 11 |
| STATUTES AND RULES | |
| State v. Fernan Teran, 253 Ariz. 165 (App. 2022) | 10, 14, 15 |
| State v. Woody, 173 Ariz. 561 (App. 1992) | 16, 17 |
| Ariz. R. Crim. P. C. 1(a) | 11, 13 |
| Ariz. R. Crim. P. 31.21(d)(1)(c) | 16 |
| Ariz. R. Evid. 404(b) | 5, 10 16 |

OTHER

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

For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Appeals court appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.
The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from state courts:

The date on which the highest state court decided my case was 12-13-2024.
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Sixth Amendment Rights of the accused.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor and to have the assistance of Counsel for his defence.

STATEMENT OF THE CASE

I was on the phone after the accident. Pre-Arrest. Post Arrest I asked for counsel 14 times on camera and the police refused. I am entitled to consult with Counsel "as soon as feasible" after arrest, as long as that consultation does not impede an ongoing police investigation. Time is of the essence. I never requested privacy and was able to call many a time, if permitted. One call is all I needed to gather much needed exculpatory evidence. Time coded references are provided for the video body camera footage. The state presented no evidence during the evidentiary hearing that it would not be feasible to allow me a phone call on my cell phone or theirs.

We presented expert testimony from "Buddy Chance" a nuclear physicist, the creator/inventor of ABS (anti lock Brakes), also the quadra link suspension for Ford Motor Company, stating the truck likely jackknifed, causing the truck to swerve beyond my control.

The state moved the Court of Appeals to publish its decision, arguing that it "clarified three separate issues that are of substantial public importance". [States motion for publication at 6 (APP0601) The court denied this motion.

REASONS FOR GRANTING THE PETITION

The fact that I was on the cell phone. Did not relieve the state from allowing me to call a lawyer after my arrest. I did not have the cell phone after my arrest. The police had my cell phone.

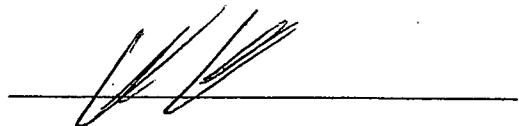
This Court should grant the petition because no Arizona decision controls the question whether officers can delay access to counsel at the early stages of an impaired driving investigation when providing the accused immediate access to his cell phone is both feasible and would not impede the investigation. Ariz. R. Crim. P. 31.21(d)(1)(c).

This Court should grant the petition because there are ~~Conflicting~~ Court of Appeals decisions regarding the admissibility of expert testimony concerning the quantity of drugs in a defendant's system absent any connection to impairment. Ariz. R. Crim. P. 31.21(d)(1)(c).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature consisting of several slanted, intersecting lines, possibly representing a stylized 'J' or a signature.

Date: 03-01-2025