

Case No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

GORDON M. MAYHEW,
Petitioner,

vs.

STATE OF ARIZONA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO:
ARIZONA COURT OF APPEALS, DIVISION 1

PETITION FOR WRIT OF CERTIORARI

Gordon Michael Mayhew
Booking No. T 418713
Lower Buckeye Jail
3250 W. Lower Buckeye Rd.
Phoenix, AZ 85009
Phone: 602-545-6135

QUESTIONS PRESENTED

1. Should not the "Discovery" used against Petitioner from 19-DEC-2013 be "Void," whereupon Glendale Police Officer(s) questioned Petitioner, knowing they were beginning a criminal investigation - even though had no type of warrant in hand, nonetheless, coerced Petitioner to answer questions under duress, without informing Petitioner of his right to not self-incriminate, to be silent, have an attorney present/ or appointed - nor of Petitioner's Miranda Rights?
2. Should not the fruit of the Search Warrant executed against Petitioner on 19-DEC-2013 be inadmissible due to the broad latitude given the searching Officers - also, they located and unloaded my gun found in Master Bedroom's closet, searched entire house, wherein Petitioner believe's "probable cause" VERY QUESTIONABLE due to usage of "sexual exploitation of a minor" for sole purpose of search - an "intent driven" statute by defendant, and the Inventory Sheet of Warrant did not have Warrant Number found anywhere upon it?
3. Was Dept. Child Safety (D.C.S.) justified in removing Petitioner's children (his son from an autistic school), from his custody with no proof of physical or sexual abuse present, absent sufficient probable cause, as State chose to use an "intent driven" statute, where State has burden of proof to show cause?
4. Did State properly instruct/inform Grand Jury that statute Petitioner was charged with was "intent driven" by Defendant, and State had burden of proof any images found MUST be "For the purpose of sexual stimulation of the viewer" - and simple "possession" alone, not cause to indict.
5. When Petitioner filed his Rule 32 Petition for Relief on 10-MAR-2016, against his Public Defender for "ineffective assistance of counsel," should not Petitioner have a valid expectation that the govt complies with the written laws?

- 1 6. Is the State of Arizona justified in abrogation of A.R.S. Rules
2 Crim. Proc. Rule 32.6a, Prosecutor's Response, after the State
3 Failed to timely Respond to Petitioner's Rule 32 Petition for Relief?
- 4 7. Is the State of Arizona justified in abrogation of A.R.S. Rules
5 Crim. Proc. Rule 32.5, Contents of Petition, where upon Judge
6 Mullins Dismissed Petitioner's Rule 32 Petition for Relief, filing
7 Order jurisdictionally out-of-time - wherefore action also violated
8 Petitioner's Right of Due Process - when State failed to return
9 to Petitioner an alleged defective Petition, to be corrected by
10 Petitioner, thereby denying Petitioner's right to a defense?
- 11 8. When a litigant files a "DEFAULT" upon another party for just
12 cause, should not that Default have jurisdiction when that
13 opposing party Failed to comply with the law?
- 14 9. Should not children, have a constitutional right to have the enjoy-
15 ment of being raised by their parent(s), and the government not
16 interfere when that parent has not abused/injured them?
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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:

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IV. Articles and Misc. Citations:

Page "4.", Line 18: Arizona Legislature, Senate Bill 1395

Page "4.", Line 20: Arizona Republic Newspaper Article, published on
08-FEB-2018: "Bill outlines exceptions to rules govern-
ing child removal."

Page "4.", Line 22: Arizona Republic Newspaper Article, published
on 26-JAN-2018: "Appeals court: CPS erred in case
of photos of nude kids."

Page "17.", Line 2: "Most Corrupt State in United States", by
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ 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 Arizona Court of Appeals, Division One; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Arizona Supreme Court court appears at Appendix C to the petition and is

- ☒ reported at ORDERED: Petition for Review = DENIED; 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 19-SEP-2017.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: 23-JAN-2018, and a copy of the order denying rehearing appears at Appendix C, in the Arizona Supreme Court.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on MAY 2, 2018 (date) in Application No. ____ A ____ - returned to correct defect - 60 days; U.S. Supreme Ct.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. "Questions Presented"

a. See APPENDIX 1

b. *U.S. v. Tillman*, 963 F.2d 137 (1992) in [1] Criminal Law: Form and sufficiency: Statements made by defendant subsequent to his arrest had to be suppressed because he was not properly given his *Miranda* warnings; defendant was never told that any statements he made could be used against him and that he had right to attorney before, during and after questioning. U.S.C.A. Const. Amend. 5.

c. *Johnson v. U.S.* 520 U.S. 461 (1997), wherein Fundamental/Main Error is applicable in this matter by the Justice System.

d. A.R.S. § 13-4132. Discharge of Prisoner held on process:

¶3 When the process is defective in some matter of substance required by law rendering the process void.

2. "Questions Presented"

a. See APPENDIX 2

b. *U.S. v. Doyle*, 650 F.3d 460 (2011), Headnote [5]: Section A: [5][6]:

"no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

A. "Item 2" became exceedingly broad in latitude, nullifying specificity, violating Petitioner's Right of Privacy at home.

c. *Mapp v. Ohio*, 367 U.S. 403, 654-51, S.Ct. 1684 (1961)

d. *U.S. v. Banks*, 556 F.3d 967 (2009), Headnote [8] Searches and Seizures.

"Specificity required of a search warrant has two aspects;

1 particularity and breadth; ***

2 e. *Andresen v. Maryland*, 427 U.S. 463 (1976); Headnote [14] states:

3 "General search warrants are prohibited by the Fourth Amend-
4 ment. U.S.C.A. Const. Amend. 4.

5 f. *Johnson v. U.S.*, 520 U.S. 461 (1997); Section II, [47][5] states:

6 "We therefore turn to apply here Rule 52(b) as outlined in *Okano*.

7 Under that **1549 test, before an appellate court can correct

8 *467 an error not raised at trial, there must be (1) "error,"

9 (2) that is "plain," and (3) that "affect[s] substantial rights."

10 507 U.S., at 732, 113 S.Ct., at 1776. If all three conditions

11 are met, an appellate court may then exercise its discretion

12 to notice a forfeited error, but only if (4) the error "" "serious-

13 ly affect[s] the fairness, integrity, or public reputation of

14 judicial proceedings." "" /*ibid.* (quoting *United States v. Atkinson*,

15 297 U.S. 157, 160, 56 S.Ct. 391, 392, 80 L.Ed 555 (1936)).

16 3. "Questions Presented." Due to thousands of children being removed

17 from their homes, (mine included), placed into foster care, absent a

18 warrant by D.C.S., the Arizona Legislature is going to require a

19 warrant. Senate Bill 1395 has a deadline of July 1, 2018 to be

20 passed. This is according to an Arizona Republic Newspaper article;

21 February 8, 2018 entitled; "Bill outlines exceptions to rules govern-

22 ing child removal." Another newspaper article; January 26, 2018,

23 entitled; "Appeals court: CPS erred in case of photos of nude kids."

24 In 9th Circuit Court of Appeals; A.J. and Lisa Damarce vs. State

25 of Arizona, Judge Marsha S. Berzon stated;

26 4.

1 "It is essential that the courts scrupulously guard a child's
2 constitutional right to remain at home absent a court
3 order or true exigency." AND "Taking a child from his or
4 her home, family and community constitutes a separate
5 trauma, in and of itself."

6 a. May v. Ryan, --- F. Supp.3d ---, 2017 WL 1152812 (2017), in Section II,
7 B, 1. Sexual Intent Has Always Been Essential to the Crime of
8 Child Molestation... where second ¶ states:

9 "The Model Penal Code included sexual crimes against children
10 within a broader section on sexual assault, which provided for
11 criminalizing certain kinds of "sexual conduct," defined as "any
12 touching of the sexual or other intimate parts of the person
13 for the purpose of arousing or gratifying sexual desire." ALI,
14 Model Penal Code § 213.4 (1962). That language endures to
15 the present. See ALI, Model Penal Code § 213.4 (2015).

16 b. Petitioner was in "possession" of already permanently deleted
17 photos that Glendale Police labeled as "exploitive exhibition", but
18 Petitioner stands upon the fact there was never any "intent" for
19 "sexual stimulation of the viewer", pursuant to A.R.S. 13-3551 5
20 Definitions. Where it is clearly written:

21 5. "Exploitive exhibition" means the actual or simulated exhibition
22 of the genitals or pubic or rectal areas of any person for the
23 purpose of sexual stimulation of the viewer. (underlined for emphasis)

24 4. "Questions Presented."

25 a. See APPENDIX 3. Petitioner filed this motion requesting the

1 Superior Court produce for Petitioner the Grand Jury Transcript so
2 he could examine the proceedings and defend himself in this
3 Court, but the Superior Court has NOT even responded to this
4 motion during Petitioner's incarceration in county jail, which also
5 violates A.R.S. Const. Art. 6 § 21. Superior court, speedy
6 decisions. This constitutional requirement is to answer any
7 motion filed within 60 days. The State of Arizona has failed
8 to comply with their own written laws. This also violates
9 Petitioner's Right of Due Process of Law, pursuant to:

10 b. A.R.S. Const. Art. 2 § 4, U.S.C.A. Const. Amends §§ 5 and 14,
11 because Petitioner is now unable to prove his probable
12 cause argument at the time of this filing. D.

13 c. PETITIONER MOTIONS THIS HONORABLE COURT TO
14 PRESERVE THIS REVIEW-UPON THIS ALONE-IF
15 THIS COURT DOES NOT DESIRE TO GRANT REVIEW.

16 5. "Questions Presented."

17 a. May v. Ryan, --- F. Supp. 3d ---, 2017 WL1152812 (2017), in Westlaw
18 Headnotes [7], [8], [22], [23], [24]; Petitioner suffered prejudicial
19 "tort" injuries due to ineffective assistance of counsel, wherein
20 counsel did not study defense elements of matter and then allowed
21 prosecution to present Petitioner a Plea Bargain Contract, of
22 which Petitioner's counsel led Petitioner to falsely believe he
23 was guilty, relieving prosecutor's office from their burden
24 of proof requirement, by preponderance of the evidence, to
25 prove Petitioner acted with "intent", when he did NOT.

1 This violates one's right to effective counsel, (which also had two
2 appointed Rule 32 attorneys appointed, and neither assisted Petitioner
3 in his case - Petitioner filed State BAR Complaints, and one got
4 2 years probation on her license), and Petitioner's Due Process.

5 b. *State v. Carriger*, 143 Ariz. 142, 692 P.2d 991 (1984) it states:

6 "Rule 32 is to safeguard legal system, but not to be abused."

7 c. *Hill v. Lockhart*, 474 U.S. 52, 57, 106 S.Ct. 366, 370, 88 L.Ed. 2d

8 203 (1985), the Supreme Court determined defendants:

9 "are entitled to the effective assistance of competent counsel
10 during plea negotiations." A

11 d. *Strickland v. Washington*, 466 U.S. 668, 688, 104 S.Ct. 2052, 80

12 L.Ed. 2d 674 (1984), applies to challenges to guilty pleas - test
13 for ineffective assistance of counsel.

14 e. *State v. Rivera*, 207 Ariz. 383, [86 P.3d 963, 422 Ariz. Adv. Rep 5]

15 (2004), where Judge J. Snow held that:

16 ¶ 8 ... because "[n]othing can destroy a government more
17 quickly than its failure to observe its own laws, or
18 worse, its disregard of the charter of its own exist-
19 ence.") see also *United States v. Feltier*, 422 U.S.
20 531, 542, 95 S.Ct. 2313, 45 L.Ed. 2d 374 (1975)...

21 f. Extreme importance has been placed upon a judge, that they
22 take their Oath of Office with all seriousness, representing
23 the interests of victim, as well as Rights of the accused,
24 properly applying the law, without prejudice, pursuant to:

25 g. A.R.S. § 38-231. Oath of Office.

h. A.R.S. Const. Art. 6 § 26. Oath of Office

i. A.R.S. Const. Art. 2 § 32. Constitutional Provisions Mandatory.

j. Arizona Supreme Court, Code of Judicial Conduct, Rule 81; requires:

A. Rule 1.1. Compliance with the Law.

B. Rule 1.2. Promoting Confidence in the Judiciary.

C. Impropriety and Integrity (Found in Preamble)

6. "Questions Presented."

a. A.R.S. Rules Crim. Proc. Rule 32.6a. clearly states:

a. Prosecutor's Response. Forty-five days after the filing of the petition, the state shall file with the court and send to the defendant or counsel for the defendant, a response.

*** On a showing of good cause, the state may be granted a thirty day extension to file a response. Additional extensions shall be granted only upon a showing of extraordinary circumstances.

A. State of Arizona failed to file a Response to Petitioner's Rule 32 Petition for Relief or a Motion For Extension of Time.

b. **THEREFORE**, Petitioner filed a NOTICE OF DEFAULT upon State, pursuant to Rule 32.6b, within 15 days, in a timely manner, as a Reply to State's "non-existent" Response.

c. **THEREFORE**, Petitioner believes the laws are clear, that the State of Arizona clearly lacked statutory jurisdiction to file any kind of Response to Petitioner's Rule 32 Petition for Relief.

d. See APPENDIX F. "MOTION FOR RECONSIDERATION OF

DENIAL OF REVIEW", filed into Arizona Supreme Court, upon learning his Review was denied, filed timely, 31-JAN-2018.
e. See APPENDIX G. "PETITION FOR MOTION FOR RECONSIDERATION IN ARIZONA SUPREME COURT", filed into Arizona Court of Appeals, Div. 1, to preserve his Review Rights, filed 02-FEB-2018.
f. See APPENDIX H. "PETITION FOR CONSTITUTIONAL CHALLENGE OF STATUTE" into Arizona Supreme Court, on 02-FEB-2018.
g. See APPENDIX I. Whereupon, Arizona Supreme Court DENIED Petitioner's above motions.

7. "Questions Presented."

a. Whereupon, State Dismissed Petitioner's Rule 32 proceeding on 91st day after Petition for Relief was filed, was jurisdictionally out-of-time:

b. State v. Bryant, 219 Ariz. 514 (2008) where it states:

¶13 An order is void "if the court entering it lacked jurisdiction: (1) over the subject matter, (2) over the person involved, or (3) to render the particular judgment or order entered." State v. Cramer, 192 Ariz. 150, ¶16, 962 P.2d 224, 227 (App. 1998).

¶14 Subject matter jurisdiction is "the power of a court to hear and determine a controversy." Marks v. LaBerge, 146 Ariz. 12, 15, 703 P.2d 559, 562 (App. 1985).

¶16 "When a sentencing court fails to abide by the mandates of the applicable statute, it has exceeded its jurisdiction." AND "a judgment is void when the court exceeds its jurisdiction."

¶17 it is argued in Vargas-Burgos matter whether the

1 sentencing issue has been forfeited - the court only needed
2 to find the trial court had committed fundamental errors...

3 c. **THEREFORE**, Petitioner believes the trial court's Dismissal
4 of Rule 32 Matter constituted "fundamental error", as
5 Petitioner had also already filed his "NOTICE OF DEFAULT",
6 APPENDIX 4, upon State.

7 d. A.R.S. Rules Crim. Proc. Rule 32.5. Contents of petition states:

8 *** A petition which fails to comply with this rule shall be returned
9 by the court to the defendant for revision with an order speci-
10 fying how the petition fails to comply with the rule. A petition
11 that has been revised to comply with the rule shall be returned
12 by the defendant for refiling within 30 days after defendant's
13 receipt of the non-complying petition. ***

14 e. See APPENDIX 9, as Judge Mullins declares the Petition For
15 Relief defective, then summarily Dismissed it, in violation of:

16 f. Rule 32.5 and Petitioner's Right of Due Process of Law.

17 g. See APPENDIX 10, "NOTICE TO STATE OF ARIZONA OF NO
18 STANDING TO DISMISS RULE 32 MATTER ON 6/10/2016", filed
19 into Superior Court on 12-SEP-2016

20 h. See APPENDIX 11, "MOTION TO DISMISS BASED UPON RULE
21 32 JURISDICTION ISSUES", filed into Superior Court 13-MAR-2017.

22 i. See APPENDIX 12, "ANSWER TO STATE'S RESPONSE FOR RELIEF
23 SOUGHT FROM RULE 32 DEFECTIVE RULING", filed into Superior
24 Court on 03-APR-2017.

25 j. See APPENDIX 13, Judge Viola, Rule 32 Presiding Judge, Filed

1 a Minute Entry/Ruling/Order on 29-MAR-2017, (Page 2), where
2 Petitioner believes Judge Danielle Viola is attempting to abrogate
3 Arizona Statutes—clearly written—violating her Oath of Office;
4 both State and United States Constitution(s), as well as the
5 "supremacy clause", and numerous other "impropriety" issues
6 K. Automatic Feeder Co. v. Tobey, 221 Kan. 17, 21, 558 P.2d 101 (1976), where
7 "A void judgment is one rendered by a court which acted in
8 a manner inconsistent with due Process."

9 I. Ariz. Prac. Trial Handbook For Ariz. Lawyers; § 33:33. Motions for
10 relief from judgment or order — Determining the right to relief
11 from judgment or order — Voidness of the judgment.

12 Westlaw Key Number Digest

13 Judgment Q 346 to 361

14 ¶ The court must grant relief under Ariz. R. Civ. P. 60(b)(4) where
15 the judgment is void. A judgment is deemed void where the
16 court lacked subject-matter jurisdiction, personal jurisdiction,
17 or jurisdiction to render the particular judgment or order
18 entered. (Cockerham v. Zikratch, 127 Ariz. 230, 619 P.2d 739 (1980) and
19 Martin v. Martin, 182 Ariz. 11, 893 P.2d 11 (Ct. App. Div. 1 1994)).

20 ¶ If the court determines the judgment is void, it has no discretion
21 and must vacate the judgment. (Springfield Credit Union v. Johnson,
22 123 Ariz. 319, 599 P.2d 772 (1979) AND Preston v. Denkins, 94
23 Ariz. 214, 382 P.2d 686 (1963) AND Martin v. Martin, supra)

24 nm. APPENDIX 14, "PETITION TO STATE OF ARIZONA FOR A REDRESS
25 OF GRIEVANCES", Filed into Superior Court; 11-APR-2017,

1 but the State of Arizona has failed to file a Response to this
2 Petition — to date — ignoring issues of supreme importance,
3 n. U.S. Sup. Ct. Rule 39.3, 28 U.S.C.A., states:

4 "While making due allowance for any case presented under this Rule
5 by a person appearing pro se, the Clerk will not file any
6 document if it does not comply with the substance of these
7 Rules or is jurisdictionally out of time. (Underlined for emphasis)

8 O. ... as in Petitioner's matter — Petitioner believes the Clerk of
9 Superior Court erred to Petitioner's prejudice, and should
10 have never accepted APPENDIX 9 to be filed, the case
11 should have been vacated and Petitioner receive Relief.

12 8. "Questions Presented."

13 a. Ariz. Rules Civ. Proc.

14 Rule 2. One Form of Action

15 There is one form of action — civil action.

16 b. APPENDIX 4. "NOTICE OF DEFAULT AND DISHONOR", filed into
17 Superior Court on 06-MAY-2016.

18 A. Examine all the Case Law under "AUTHORITIES", cited on Pages
19 4 and 5; a-g. This entire filing, beginning at end of Page 3,
20 citing the MAXIMS OF LAW is extremely relevant.

21 c. APPENDIX 5. "APPLICATION FOR ENTRY OF DEFAULT", filed into
22 Superior Court on 25-APR-2017, continued Petitioner's effort
23 to obtain Relief.

24 d. APPENDIX 6. "MOTION FOR DEFAULT JUDGMENT ON
25 PLEADINGS", filed into Superior Court on 09-MAY-2017

1 e. APPENDIX 7. "DEFAULT JUDGMENT", filed into Superior
2 Court on 06-JUN-2017.

3 A. Plaintiff attempted, pursuant to Fed. R. Civ. Proc. Rule 55,
4 to have Clerk of Superior Court, Michael K. Seanes file the
5 Default, but he refused, ignoring Federal Code.

6 f. APPENDIX 8. Minute Entry/Ruling/Order. T.

7 A. The Superior Court finally Ruled on the Default filings, but
8 as previously, was not filed in a timely manner, as per Rule 55,
9 within 7 days, (Page 3 of 4 - 1st paragraph). Petitioner believes
10 State is Fully in Default, judgment was "void."

11 9. "Questions Presented."

12 a. U.S.C.A. Const. Amend. 14. "No citizen" (including children) shall be deprived
13 of life, liberty or property, (both children had their computers seized and never
14 returned) and their liberty to enjoy their custodial parent, they have
15 been deprived thereof - as well as Petitioner being continually
16 deprived of parenting and denied ability to protect both his
17 children from abuse; when DCS placed them both back with
18 mother, when a Superior Court Family Court judge previously
19 had ruled "that" parent was "unfit", FC2002-006348,
20 Ruling 08-APR-2008. Three year later, DCS removed them.

21 b. Then D.C.S. placed them with their abusive half-brother, of
22 which Christopher Scott Eden, in 2008, was arrested for
23 "Sexual Assault" against my daughter. Christopher is ADHD,
24 Bi-Polar and Manic, but DCS approved the foster home.
25 Petitioner motioned Superior Court judge for an Order
26

1 of Protection immediately upon learning of new placement
2 by DCS - but was Denied. My son was physically
3 abused by him, DCS worker believed my son's story, and he
4 ran away. My daughter was on doses of anxiety medi-
5 cation, as soon as I showed same DCS worker the
6 "sexual assault" police report and Superior Court
7 custody ruling, she was finally removed from foster
8 home.

9 c. Both my children remain as orphans, while their innocent
10 father is in jail, again, 4 years, 4 months later! Being
11 daily deprived of his fatherly love and instruction to grow
12 up to be a good citizen of this country and for God.

13 d. Declaration of Independence, 1776.

14 A. My children, inclusive of Petitioner, have been denied
15 and deprived of certain "rights", as preamble states:

16 "...We hold these truths to be self-evident, that
17 all men are created equal; that they are endowed
18 by their Creator with certain unalienable rights;
19 that among these are Life, Liberty, and the
20 pursuit of Happiness; ***"

21 B. Petitioner believes the government's task is to protect
22 their citizen's God given unalienable rights, not to
23 deprive them of these "natural rights", by Creator.

STATEMENT OF THE CASE

Petitioner was denied Due Process at his Discovery, Search Warrant execution, has never been read a Miranda Warning, but is on his third lengthy incarceration.

Petitioner believes, and upon obtaining Grand Jury Transcript will learn required elements of accused "intent driven" elements were NOT disclosed to Grand Jury, so their decision was based upon intentionally limited disclosure of facts, and it should be voided.

Petitioner asks this honorable Court to keep this case active until he can file the Grand Jury Transcript as evidence into this matter — in the interests of justice.

A.R.S. §13-3553 A2 is an "intent driven" statute, where the defendant must have "intent" of sexual exploitation. A.R.S. §13-3551 5 has clear verbiage this is an "intent" driven statute. See: State v. Gates, 182 Ariz. 459 (1994).

The Prosecution, by using threats, duress, coercion, false promises, Plea Agreement non-disclosure, can now win their case, without having to prove their "burden of proof". As Plea Agreements are recognized under contract law in: Puckett v. U.S. 556 U.S. 129 (2009), in Westlaw Headnotes [1] and [2]. Now I know I'm innocent.

A father can have a nude-type photo of his daughter with NO sexual intent present. I know, I NEVER crossed the line to where I got "sexually excited". All photos charged with had also been permanently deleted, because no reason existed to keep.

REASONS FOR GRANTING THIS PETITION

1. I stand by my innocence in this matter.
 2. State of Arizona are ignoring clearly written statutes, and are no longer following their Oath to the Constitution of Arizona or Constitution of United States. Judges are NOT part of the Arizona Legislature to create law, but are limited to interpretation and application of law and must act towards defendants in a non-prejudicial manner.
 3. State of Arizona does NOT have immunity to ignore or apply only certain law/statutes. ARS, Rules Crim. Proc. Rule 32.5 and Rule 32.6, Petitioner believes were clearly violated by State of Arizona, creating violations of Due Process.
 4. As in U.S. Sup.Ct. Rule 10(a), Petitioner believes the actions of Superior Court, Court of Appeals, Div. 1, Arizona Supreme Court(s) in Arizona, Maricopa County "has so far departed from the accepted and usual course of judicial proceedings" "as to call for an exercise of this Court's supervisory power."
- Although Petitioner is not an expert in law, and has filed many defective motions, he believes the "SOLE PURPOSE FOR THE EXISTENCE OF A JUSTICE SYSTEM IS TO PUNISH THE GUILTY AND SET THE INNOCENT FREE". When the justice system fails to comply with this concept, it easily becomes an "Injustice System", that operates here in this State, with no apparent oversight.

1 5. Petitioner believes this case is of national importance, as
2 Harvard, through the Safra Law Center in 2014, gave
3 the title of "MOST CORRUPT STATE" to Arizona. I've
4 spoke to many inmates, they are unfairly treated, and I
5 know men (including myself) who fight for justice themselves,
6 because a Public Defender will not, and they don't have
7 money to hire expensive attorney — so they become yet
8 another casualty of injustice in this State.

9 6. Because this Court represents the interest of the President
10 of the United States, and Donald Trump is trying to
11 remove corruption, this case should receive special atten-
12 tion. When a States Justice system and Probation Officers
13 clearly despise the laws they are sworn to uphold, those
14 Officers of the Court have become REPUGNANT not
15 only to the Judicial Branch, but to the Constitution.

16 7. When innocent children (mine), are removed from the home of
17 their loving father by D.C.S., and placed into a destructive
18 and abusive environment — more than once, the very dept.
19 called upon to "protect" these children, are causing exten-
20 sively more harm than if they had remained where they
21 were. The trauma of my autistic son alone, should get
22 the attention of this Court. Abused in both foster homes,
23 when his father, Petitioner is not even allowed to talk or
24 see him, yet no charges exist concerning him. See also
25 APPENDIX Z, of a little background about me.

1 8. Petitioner is an Honorably Discharged Disabled American Veteran,
2 and expects the Country he served, just as he upheld the
3 Constitution of the United States upon his Oath, fully EXPECTS
4 this Country, this Court, because he is innocent, to grant
5 him Relief, because Relief is past due his person, and his
6 children deserve to have their loving father restored.

7 9. It is REPUGNANT to the very core of the justice system to
8 keep an innocent man, (this Petitioner included), incarcerated
9 for a crime he did not commit, then charge him with pro-
10 bation violations that are "technical violations" - NOT in
11 violation of any law or statute, as I'm on a 6-month
12 sentence. (This included Petitioner being assaulted by a
13 probation officer, for my 1st technical violation).

14 10. The Courts of Arizona has reduced this honorable citizen
15 to a homeless veteran, and my last probation officer
16 refused to allow me to move out of my vehicle, and
17 then violated my probation - with numerous statements
18 of perjury upon her report to the Court. Justice?

19
20 Proverbs 17:15 (NASB)

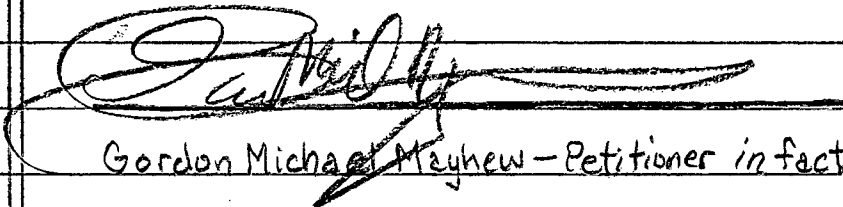
21 He who justifies the wicked and he who
22 condemns the righteous,

23 Both of them alike are an abomination to
24 the LORD.

1 CONCLUSION

2
3 Petitioner, Gordon Michael Mayhew, submits this Petition
4 for Writ of Certiorari to a Detention Officer of this
5 jail, for Filing with the United States Supreme Court
6 on this 18th day of April, 2018.

7
8 I, Gordon Michael Mayhew, declare under penalty of perjury that
9 the foregoing statements are true and correct.

10 
11
12 Gordon Michael Mayhew - Petitioner in fact

13
14 This petition for a writ of certiorari should be granted to the
15 Petitioner in the interests of Justice

16
17 Petitioner, pro se litigant, requests this Court overlook deficiencies
18 and not only grant this writ - but to also grant Relief.

CONCLUSION - RESUBMITTED

Petitioner, Pro Se, prays this Court overlook deficiencies herein, considers and grants this writ, and grants RELIEF, in the interests of justice, due to the manifest injustice, by and through intentional tort trespass of laws, that equated to Fundamental Plain Error, with judges that disregard their sacred Oath of Office through malfeasance and *ultra vires*, with a continuing pattern of violations of Due Process of Law - and even Color of Law - continuing to prejudicially injure this innocent Disabled American Veteran, destroying his life, his children's life; as now they are unnecessary orphans, denying all contact and their right to be loved and nurtured by their loving father for the last 53 months - which is REPUGNANT, not only to the United States Constitution - but goes to the very cornerstone of what our justice system was built thereupon, and what this Court represents to We The People.

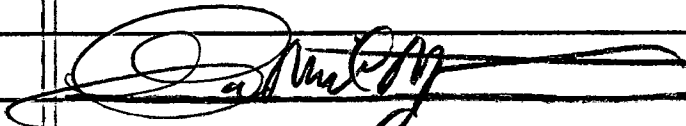
These actions by the Respondent has had such far reaching violations, they DEMAND, in the interests of justice, be settled by this Court, since Petitioner has been unable to obtain ANY fair and equitable Rulings, pursuant to the written statutes/laws of State of Arizona and Federal Code.

When Petitioner made some single parenting mistakes, instead of Respondent helping this citizen, destroyed his already fractured family, at the lead of D.C.S. Petitioner's children have/still are, suffering GRIEVIOUS TRAUMA by the Respondent's actions, that were completely avoidable.

Petitioner is NOT, NEVER has been, NEVER will be a pedophile - which is how he was sentenced and treated by Respondent. Petitioner does NOT possess a criminal mentality, prays this Court, without any additional delays, may grant Petitioner RELIEF, by overturning his conviction by Respondent.

I, Gordon Michael Mayhew, Petitioner, declare under penalty of perjury that the foregoing statements are true and correct, to my knowledge, so help me God.

Respectfully resubmitted this 18th day of May, 2018

A handwritten signature in black ink, appearing to read 'Gordon Michael Mayhew', written over a horizontal line.

Gordon Michael Mayhew - Petitioner in fact