

NO. _____

No. AZSC NO. CR-24-0140

24-7155

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

FILED

FEB 07 2025

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

JOHN FITZGERALD GAYLES — 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

JOHN FITZGERALD GAYLES
(Your Name)

5501 N. LA PALMA RD.
(Address)

ELOY, AZ, 85131
(City, State, Zip Code)

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(Phone Number)

I. QUESTIONS PRESENTED

1) THE QUESTION IS WHETHER THE TRIAL COURT ABUSED ITS DISCRETION WHEN IT ERRONEOUSLY ALLOWED THE STATE OF ARIZONA TO ADMIT TESTIMONIAL STATEMENTS (THAT WAS SUBJECT TO CROSS EXAMINATION THROUGH ITS DECLARANT) AND FRAUDULENT EVIDENCE (FALSELY ALLEGED AS EVIDENCE OF EXCITED UTTERANCE "UNDER FALSE CLAIMS" ALLEGED BY THE PROSECUTOR, TRIAL JUDGE, ³ ARIZONA COURT OF APPEALS JUDGES IN THIS MATTER), UNDER ARIZONA RULES OF EVIDENCE 803(2). (WHEN THE ALLEGED STATEMENTS WERE NOT AN EXCITED UTTERANCE AND NOR AN EXCEPTION "TO THE RULE AGAINST HEARSAY" BY LAW), THEN INTRODUCE THEM AT TRIAL, TO THE JURY, WITHOUT THE PROPER FOUNDATION ESTABLISHED "BY LAW" IN ORDER TO DO SO, AND/OR OVER THE APPELLANT'S OBJECTION?

2) THE QUESTION IS WHETHER THE TRIAL COURT ABUSED ITS DISCRETION WHEN IT ERRONEOUSLY ALLOWED THE STATE OF ARIZONA TO ADMIT ALLEGED VICTIM "1" FEACHER & D TESTIMONIAL STATEMENTS (THAT WAS SUBJECT TO CROSS EXAMINATION THROUGH THEM) AND ALLEGED EVIDENCE OF THEM SAYING THEIR ALLEGED STATEMENTS, THROUGH ARIZONA RULES OF EVIDENCE 804(B)(6) (DUE TO "FALSE & UNSUPPORTED" CLAIMS ALLEGED BY THE PROSECUTOR, A RODNEY LOMZBAO, AND THE TRIAL JUDGE IN THIS MATTER), THEN INTRODUCE THEM AT TRIAL, TO THE JURY, WITHOUT THE PROPER FOUNDATION ESTABLISHED "BY LAW" IN ORDER TO DO SO, AND/OR WITHOUT THERE BEING ANY WRONGDOING (THAT WAS "FALSELY & UNSUPPORTEDLY" ALLEGED TO OF HAD BEEN COMMITTED BY THE PETITIONER (BY THE PROSECUTOR, TRIAL JUDGE, AND ARIZONA COURT OF APPEALS JUDGES)) EVER PRODUCED, THE ENTIRE CASE, AND/OR OVER THE APPELLANT'S OBJECTION?

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. PETITION FOR WRIT OF CERTIORARI

I, JOHN FITZGERALD GAYLES, AN INMATE CURRENTLY INCARCERATED AT THE ARIZONA STATE PRISON COMPLEX CORE CIVIC/LA PALMA IN ELOY, ARIZONA, BY AND THROUGH JOHN FITZGERALD GAYLES, IN FORMA PAUPERIS FOR THE PARTY OF JOHN FITZGERALD GAYLES, RESPECTFULLY PETITIONS THIS COURT FOR A WRIT OF CERTIORARI TO REVIEW THE JUDGMENT OF THE ARIZONA COURT OF APPEALS DIV. 1, IN THIS MATTER

V. OPINION BELOW

THE ERRONEOUS DECISION BY THE ARIZONA COURT OF APPEALS DIVISION 1, DENYING MR. GAYLES' DIRECT APPEAL IS UNPUBLISHED (APPENDIX EXHIBIT-A "ATTACHED") AND THE ARIZONA SUPREME COURT ERRONEOUS DECISION TO DENY MR. GAYLES' PETITION FOR REVIEW ON DECEMBER 5TH, 2024. THAT ORDER IS (APP. EXHB.-B "ATT")

VI. JURISDICTION

MR. GAYLES INVOKES THIS COURT'S JURISDICTION UNDER 28 U.S.C. § 1257, HAVING TIMELY FILED THIS PETITION FOR A WRIT OF CERTIORARI WITHIN THE TIME LIMITS.

VII. CONSTITUTIONAL PROVISION INVOLVED

THE UNITED STATES CONSTITUTION, AMENDMENTS V, VI, AND XIV.

VIII. STATEMENT OF THE CASE

ON 8/30/2021 THE PHOENIX POLICE OFFICERS (JUSTIN LAROSE, JUSTIN HERNANDEZ, THOMAS OVERZET, LAUREN BURKE,¹ FERNANDO GARCIA) WROTE THAT AN ALLEGED INCIDENT WAS ALLEGED TO OF HAD TAKEN PLACE, TO THEM, BY AN ALLEGED VICTIM FEACHER, A, B, C,² D, AND INTO A PHOENIX POLICE REPORT (APP. EXHB. - C ATT.). THEN ON 9/23/2021 THE PETITIONER, WAS APPREHENDED IN THIS MATTER, WHILE ON FOOT & UNARMED, WHILE EXITING AN APARTMENT COMPLEX (6131 N. 27TH AVE.,³), BY PHOENIX POLICE OFFICERS, AND WITHOUT ANY PROBABLE CAUSE TO DO SO. THEN THE PETITIONER WAS TRANSFERRED TO A 620 W. WASHINGTON ST., (PHOENIX POLICE DEPT. HEADQUARTERS), WHERE A MARCHELLE MILLER ATTEMPTED TO CONDUCT AN INTERVIEW WITH THE PETITIONER. AS THE PETITIONER INQUIRED WHY HE WAS BEING DETAINED & REQUESTED FOR AN ATTORNEY FOR ANY FURTHER INTERVIEW. THEN MARCHELLE MILLER INFORMED THE PETITIONER THAT SHE WAS "UNLAWFULLY PLACING THE PETITIONER UNDER ARREST. AS SHE WROTE A FALSE POLICE REPORT SUMMARY OF HER OWN BIAS INTERPRETATION OF THE ALLEGED INTERVIEW (APP. EXHB. - D ATT.). THEN THE PETITIONER WAS CHARGED WITH 4 COUNTS OF ENDANGERMENT (F-6), 1 COUNT AGGRAVATED ASSAULT-SERIOUS PHYSICAL INJURY F3 (NO PROBABLE CAUSE), 1 COUNT DISORDERLY CONDUCT F6, 1 COUNT DISCHARGE FIREARM F6, 1 COUNT ASSAULT-INTENT/INJURY M1, 3 COUNTS AGGRAVATED ASSAULT DEADLY WEAPON F3, AND 1 COUNT POSSESSION OF WEAPON BY PROHIBITED POSSESSOR, ALL FOR THE DATE OF 8/30/2021 ON 9/23/2021, IN A DIRECT COMPLAINT. (CASE NO. PF2021136388001), BY THE STATE OF ARIZONA, AT THE SUPERIOR COURT OF ARIZONA, IN MARICOPA COUNTY, AND THROUGH A COMMISSIONER BINGERT. AS THE PETITIONER WAS ORDERED TO BE DETAINED, IN JAIL, AT AN EXCESSIVE \$50,000 CASH-ONLY BOND WITH CURFEW RESTRICTIONS DUE TO FALSE ACCUSATIONS BY THE STATE OF ARIZONA & UNSUPPORTED FINDINGS BY THE SUPERIOR COURT OF MARICOPA (ALLEGING THAT THE PETITIONER ALLEGEDLY HAD A

¹ I USED A PSEUDONYM TO PROTECT THE ALLEGED VICTIM'S PRIVACY.

HISTORY OF VIOLENCE, DISCHARGED A FIREARM (IN THIS MATTER), IN FRONT OF THE PRESENCE OF A INFANT CHILD (IN THIS MATTER), MULTIPLE VICTIMS (IN THIS MATTER), AND FLED THE SCENE WITH CHILD (IN THIS MATTER) (APP. EXHB.-E "ATT.")

THEN WHILE THE PETITIONER WAS IN CUSTODY, AT THE MARICOPA COUNTY 4TH AVE. JAIL AWAITING A STATUS CONFERENCE FOR 9/29/2021 & A PRELIMINARY HEARING FOR 10/01/2021, THE CASE WAS THEN VACATED, AND DUE TO A LACK OF EVIDENCE. AS THE "FOREMENTIONED" 8/30/2021 POLICE REPORTS, POLICE REPORTS FROM 9/23/2021, AND ALLEGED EVIDENCE... THAT WAS SUBMITTED TO THE MARICOPA COUNTY ATTORNEYS OFFICE "FIRM 00032000", PROSECUTOR "MELISSA CERTO", WHO "FRAUDULENTLY" HAD THE PETITIONER INDICTED ON 9/30/2021. DUE TO "PURTED & UNSUPPORTED" TESTIMONY, BY A PHOENIX POLICE OFFICER, RODNEY LOMIBAO (LEAD DETECTIVE "IN THIS MATTER") (R.T. OF 9/30/2021). THEN TRIAL WAS SET FOR 2/3/2022, WITH AN ABSOLUTE LAST DAY OF 3/4/2022. BY COMMISSIONER RICHARD J. HENZ, AND ON 10/07/2021 (APP. EXHB.-E "ATT."). AFTER LOMIBAO WROTE A POLICE REPORT, ALLEGING THAT ALLEGED VICTIM PEACHER ALLEGEDLY CALLED HZM, AND ALLEGEDLY TOLD HZM THAT "SHE DID NOT WANT TO PROCEED WITH PROSECUTION IN THIS MATTER, AND THAT SHE MADE HER DECISION ON HER OWN WILL, ALLEGEDLY BECAUSE SHE WAS SEDATED ON THE DAY OF 8/30/2021 WHEN HER ALLEGED STATEMENTS WERE ALLEGED, AND IN THIS MATTER (APP. EXHB.-G "ATT."). AS THE PETITIONER INVOKED HIS 5TH & 6TH AMENDMENT RIGHTS 10/06/2021 (APP. EXHB.-H "ATT."). THEN AFTER THE PETITIONER SPEEDY TRIAL RIGHTS & RIGHTS TO SELF REPRESENTATION WERE VIOLATED, A NUMEROUS AMOUNT OF TIMES, & BETWEEN THE DATE OF 3/4/2022 & 7/4/2022. (SEE IOR. 65, 73, 82, 83, 84, 95, R.T. OF 1/20/2022, 3/3/2022, 3/11/2022, 4/29/2022, 5/25/2022, & 6/7/2022 "FOR UNDERSTANDING"). AS THE STATE OF ARIZONA FILED A FRAUDULENT MOTION IN LIMINE TO ADMIT EXCITED UTTERANCE MADE BY VICTIM (UNDER FALSE & UNSUPPORTED CLAIMS) (SEE IOR 95) AND A FRAUDULENT MOTION TO ADMIT VICTIM'S STATEMENTS FOR MEDICAL DIAGNOSIS OR TREAT-

MENT (UNDER FALSE & UNSUPPORTED CLAIMS) (SEE TOR 97).

THEN ON 7/6/2022 A TRIAL CONFERENCE HEARING WAS HELD IN THE COURT ROOM OF A MARICOPA COUNTY SUPERIOR COURT JUDGE MICHAEL KEMP. WHERE THE PETITIONER WAS FINALLY ALLOWED TO PROCEED WITH THE CASE IN PROPER PERSONA, SO THE PETITIONER COULD REPRESENT HIMSELF, AND CONTINUALLY ADDRESS THE FACT THAT THE COURTS HAS/WAS VIOLATING HIS 6TH AMENDMENT SPEEDY TRIAL RIGHT, AND FURTHERMORE (AS THE PETITIONER DID AND FROM A PROPER POSITION), THAT PROMPT THE PROSECUTOR IN THIS MATTER, TO FILE A FRAUDULENT MOTION IN LIMINE "REGARDING" FORFEITURE BY WRONGDOING (UNDER FALSE & UNSUPPORTED CLAIMS) (SEE TOR 111). AS THE PETITIONER THEN ORALLY DENIED THE FALSE CLAIMS & OBJECTED TO THE MOTION. THEN THE TRIAL JUDGE ALLEGED HE WAS GOING TO ALLOW THE PETITIONER TO RESPOND TO THE STATE'S MOTIONS IN LIMINE (SINCE THE PETITIONER "AT THE TIME" COUNSEL DID NOT), AND REGARDING FORFEITURE BY WRONGDOING. AS HE SET TO ADDRESS ANY & ALL OBJECTIONS AND ARGUMENTS ON ALL PENDING MOTIONS ON 8/2/2022 (R.T. OF 7/6/2022). THEN BETWEEN 7/12/2022 & 7/29/2022 THE PETITIONER FILED A NUMEROUS AMOUNT OF SUFFICIENT MOTIONS IN REGARDS TO ADMISSIBILITY OF "ALLEGED" EVIDENCE, MOTIONS TO DISMISS PROSECUTION (TWO OF WHICH THE TRIAL COURT PURPOSELY DECIDED TO DELAY & FILE DURING TRIAL (TOR 161 & 162), A MOTION TO QUASH SEARCH WARRANTS, RESPONSE & OBJECTIONS TO THE STATES MOTIONS, AND ETC... AS THE PROSECUTOR IN THIS MATTER FILED SEVERAL "IRRELEVANT & MALICIOUSLY" FRAUDULENT MOTIONS & RESPONSES (TO THE PETITIONER'S MOTIONS) (SEE TOR 116-151). THEN ON 8/2/2022 A HEARING WAS HELD WHERE THE TRIAL JUDGE THEN BIASLY & PURPOSELY DECIDED TO ERRONEOUSLY DENY ALL THE PETITIONER'S MOTIONS AND GRANT ALL OF THE STATE'S FRAUDULENT MOTIONS, AND/OR OVER THE PETITIONER'S OBJECTIONS DUE TO FALSE & UNSUPPORTED CLAIMS BY THE PROSECUTOR AND THE TRIAL JUDGE'S OWN

YEARS, AND OVER THE PETITIONER PLEADINGS OF INNOCENCE ALLOCATION (R.T. OF 10/26/2022). THEN THE PETITIONER TIMELY APPEALED AS THE PETITIONER'S APPEALS ATTORNEY ONLY CHOSE 2 ISSUES TO ADDRESS WHICH IS THE EXCITED UTTERANCE & FORFEITURE BY WRONGDOING ISSUE. THAT THE ARIZONA COURT OF APPEALS ERRONEOUSLY RULED ON & BASED A ERRONEOUS UNSUPPORTED OPINION/DECISION ON (APP. EXHB.- A "ATT"). AS THE PETITIONER TIMELY FILED A A.R.C.P. RULE. 31.20 MOTION FOR RECONSIDERATION (APP. EXHB.- I "ATT") THAT WAS ERRONEOUSLY DENY. THEN THE PETITIONER TIMELY FILED A PETITION FOR REVIEW TO THE ARIZONA SUPREME COURT (APP. EXHB.- J "ATT"). THAT WAS ALSO ERRONEOUSLY DENIED ON 12/05/2024 (APP. EXHB.- B "ATT").

IX. REASONS FOR GRANTING THE WRIT

I. EXCITED UTTERANCE

TO BEGIN WITH IN ORDER TO ALLEGE THAT AN EXCITED UTTERANCE TOOK PLACE BY AN ALLEGED WITNESS, DUE TO A CRIME COMMITTED BY AN ALLEGED DEFENDANT, AND IN A CRIMINAL PROSECUTION; FIRST IT MUST BE RELEVANT TO THE CASE, BY THE PROSECUTION, PROVING THAT THE DEFENDANT WAS ACTUALLY INVOLVED IN THE CASE, WASN'T ACTING IN SELF DEFENSE OF HIMSELF AND/OR ANOTHER, AND ACTUALLY COMMITTED A/THE CRIME THAT CAUSED THE ALLEGED WITNESS TO MAKE AN/THE EXCITED UTTERANCE. SECONDLY IF THE COURTS ARE GOING TO ALLOW THE PROSECUTION TO PRESENT A LAY/THIRD PARTY WITNESS TO TESTIFY THAT THEY ALLEGEDLY WITNESSED AN ALLEGED WITNESS/PERSON MAKE EXCITED UTTERANCES, DUE TO AN ALLEGED CRIME COMMITTED BY A/THE ALLEGED DEFENDANT, THEN FIRST THE PROSECUTION SHOULD/NEED TO ESTABLISH FOUNDATION, AS TO HOW THE LAY/THIRD PARTY WITNESS CAN TESTIFY TO/MAKE THAT PERCEPTION. FOR THE REASONS THAT ANY PERCEPTION TESTIFIED TO OUTSIDE THE SCOPE OF PERSONAL/FIRSTHAND KNOWLEDGE WOULD BE PREJUDICE TOWARD THE DEFENDANT, BECAUSE THAT MEAN THAT THE LAY WITNESS WOULD EITHER BE TESTIFYING TO AN ALLEGED INCIDENT THAT THEY DID NOT WITNESS, AND/OR AN ALLEGED INCIDENT THATS NOT CORROBORATED BY ANY EYE-WITNESS, AND/OR THAT NOT CORROBORATED BY ANY DIRECT/PHYSICAL EVIDENCE. WHICH LEAVE ONLY 3 OTHER PERCEPTIONS THAT THE LAY WITNESS COULD TESTIFY TO; WHICH IS EITHER 1) WHAT THEY ALLEGEDLY HEARD SOMEBODY SAY TO THEM THAT THE ALLEGED DEFENDANT COMMITTED THE ALLEGED CRIME, WHICH IS HEARSAY, THAT IS NOT ADMISSIBLE IN A COURT OF LAW, WHEN THERE'S NO CORROBORATING TESTIMONY, AND/OR CORROBORATING EVIDENCE (ACCORDING TO ARIZ. § FED. RULE OF EVIDENCE 802), AND/OR 2) A PREJUDICE GUESS OF AN ALLEGED INCIDENT WHICH IS ALSO INADMISSIBLE IN A COURT OF LAW ACCORDING TO ARIZ. § FED. R. EVID. 602) AND/OR 3) A FABRICATED INCIDENT WHICH IS ALSO NOT ADMISSIBLE

ACCORDING TO ARIZ. FED. R. EVID 603).

AN EXCITED UTTERANCE ACCORDING TO FED. R. EVID 803(2) CLEARLY STATES THAT A STATEMENT RELATING TO A STARTLING EVENT OR CONDITION, MADE WHILE THE DECLARANT WAS UNDER THE STRESS OF EXCITEMENT THAT IT CAUSED IS CONSIDERED TO BE AN EXCITED UTTERANCE. AS THE COURTS ALREADY ESTABLISHED IN FEDERAL CASE LAW (1) THE STATEMENT MUST BE "SPONTANEOUS, EXCITED, OR IMPULSIVE RATHER THAN THE PRODUCT OF REFLECTION AND DELIBERATION"; (2) THE EVENT PROMPTING THE EXCITED UTTERANCE MUST BE "STARTLING"; AND (3) THE DECLARANT MUST BE UNDER STRESS OF EXCITEMENT CAUSED BY THE EVENT. U.S. V. ARNOLD 25 M.J. 129, 131 (C.M.A. 1987), THAT RELEVANT TO THE THIRD PRONG OF "EXCITED UTTERANCE" IS THE PHYSICAL AND MENTAL CONDITION OF THE DECLARANT AND "THE LAPSE OF TIME BETWEEN THE STARTLING EVENT AND THE STATEMENT." U.S. V. DONALDSON 58 M.J. 477, 483 (C.A.A.F. 2003), AND HOWEVER IT'S THE TOTALITY OF THE CIRCUMSTANCES, NOT SIMPLY THE LENGTH OF TIME THAT HAS PASSED BETWEEN THE EVENT AND THE STATEMENT, THAT DETERMINE WHETHER A HEARSAY STATEMENT IS AN EXCITED UTTERANCE. U.S. V. BEUFEST, 611 F.3D 783, 817 (11TH CIR. 2020). ALSO THE FEDERAL LAW HELD THAT RULE 803(2) EXCEPTION TO HEARSAY RULE HAS BEEN CONSTRUED TO APPLY ONLY WHEN STATEMENT IS SPONTANEOUS AND NOT PRODUCT OF REFLECTIVE THOUGHT; HALL-MARK OF EXCEPTION IS REQUIREMENT THAT THERE BE EVENT SO STARTLING AS TO SUSPEND THE DECLARANT'S POWERS OF REFLECTION AND PRESUMABLY, POWERS OF FABRICATION AS WELL. U.S. V. KNIFE, 592 F.2D 472 (8TH CIR. 1979).

THE PURPOSE OF FED. R. EVID 803(2) IS TO ALLOW A WITNESS TO TESTIFY TO EXCITED UTTERANCE RELEVANT TO A CRIMINAL PROSECUTION, THAT THEY WITNESSED AN ALLEGED WITNESS MAKE, DURING OR AFTER AN ALLEGED INCIDENT REGARDLESS OF THE DECLARANT AVAILABILITY, AFTER A SUFFICIENT FOUNDATION HAS BEEN ESTABLISHED TO PROVE THAT THE ALLEGED INCIDENT, IS A INCIDENT THAT

ACTUALLY TOOK PLACE AND IS NOT FABRICATED OR HAVE ANY OPPORTUNITY/POSSIBILITIES OF BEING A FABRICATED ALLEGED INCIDENT.

THE STATE OF ARIZONA IS BOUND BY FEDERAL LAW ACCORDING TO THE U.S.C.S. CONSTITUTION ARTICLE VI, CLAUSE 2. SUPREME LAW, AND ACCORDING TO FED. LAW, WHEN IT COMES TO A CRIMINAL PROSECUTION, IN THE STATE OF ARIZONA, THE STATE OF ARIZONA, MUST PRODUCE A CRIMINAL DEFENDANT IN THE MATTER WITH EQUAL PROTECTION OF/TO FEDERAL LAW.

HERE IN THIS CASE THE COURTS OF THE STATE OF ARIZONA, ALLOWED THE JUDGES IN THIS MATTER, TO VIOLATE THE PETITIONER IN THIS MATTER CONSTITUTIONAL RIGHTS UNDER THE U.S.A. & ARIZONA CONSTITUTION, BY VIOLATING ALL FEDERAL LAWS THATS "FORE-MENTIONED" HERE IN THIS ARGUMENT; WHEN THE TRIAL JUDGE ALLOWED THE PROSECUTION IN THIS MATTER TO INTRODUCE HEARSAY STATEMENTS, "AS ALLEGED EXCITED UTTERANCE", WITHOUT THE PROPER/SUFFICIENT FOUNDATION ESTABLISHED TO DO SO, AND AT TRIAL IN THIS MATTER.

A. INSUFFICIENT FOUNDATION

I. STRUCTURAL ERROR

FIRST NOT ONLY WAS THERE NOT ANY EXCITED UTTERANCE INTRODUCED AT TRIAL IN THIS MATTER, AND/OR RELEVANT TO THE MATTER ASSERTED, BUT AT TRIAL THERE WAS NOT ANY DIRECT/PHYSICAL EVIDENCE EVER PRODUCED IN REGARDS TO THE ALLEGED MATTER ASSERTED, AND BY THE STATE OF ARIZONA, THERE WAS NO VIDEO FOOTAGE/RECORDING OF THE MATTER ASSERTED, NO EYE-WITNESS TESTIMONY ALLEGING TO OF HAD WITNESSED THE MATTER ASSERTED, EVER PRODUCED "THE ENTIRE CASE", AND/OR AT TRIAL. THE DED NOT TESTIFY/GIVE ANY VOLUNTARY AND/OR INVOLUNTARY STATEMENTS OF ADMISSON TO THE MATTER ASSERTED, THE ENTIRE CASE, AND/OR AT TRIAL; AND THE LAY WITNESS THAT TESTIFIED, TO WHAT THE "ONLY KNOWN" ALLEGED EYEWITNESSES HAD ALLEGEDLY TOLD THEM, IN AN "OUT OF COURT" INTERVIEW/CONVERSATION DID NOT

TESTIFY THAT ANY OF THE "ONLY KNOWN" ALLEGED EYE-WITNESSES HAD PHYSICALLY IDENTIFIED THE PETITIONER (SUCH AS IN SOME SORT OF PHYSICAL LINE-UP, PHOTO COMPARISON, AND/OR AN EQUIVALENCY ETC...). WHICH CAUSED STRUCTURAL ERROR FOR THE REASONS THAT ALLEGEDLY WHEN THE "ONLY KNOWN" ALLEGED EYE-WITNESSES, ALLEGED THAT A JOHN FITZGERALD GAYLES WAS ALLEGEDLY INVOLVED, THROUGH THEIR "UNSUPPORTED OUT OF COURT" STATEMENTS (THAT WAS NOT CORROBORATED BY ANY EVIDENCE), ALLEGEDLY SAID TO THE LAY WITNESS; THEY "ONLY" ALLEGED THAT A NAME "OF AN ALLEGED JOHN FITZGERALD GAYLES" WAS INVOLVED; "IRRELEVANT" ETC..., ALLEGEDLY THROUGH A MENTALLY DESCRIBED DEPICTION, AND ALLEGEDLY SAID TO THE LAY WITNESSES, THEY NEVER PHYSICALLY IDENTIFIED THE PETITIONER AS BEING THE ALLEGED JOHN FITZGERALD GAYLES, ALLEGEDLY INVOLVED IN THE MATTER ASSERTED, BY THE STATE OF ARIZONA, WHO DID NOT WITNESS THE ALLEGED INCIDENT, AND/OR THE MATTER ASSERTED; AND OF THE ALLEGATIONS, OF THE CHARGES, IN THE COUNTS, OF 1-10, 3, IN THIS MATTER. WHICH CAUSED FUNDAMENTAL ERROR AT TRIAL, FOR REASONS THAT EVERY MATTER ASSERTED INTRODUCED AT TRIAL, REGARDING THE PETITIONER'S INVOLVEMENT IN THE MATTER ASSERTED, AND IF THE PETITIONER COMMITTED THE ALLEGED CRIMES IN THE MATTER ASSERTED OR NOT; WERE EITHER IRRELEVANT, AND/OR AN UNSUPPORTED OPINION BY A LAY WITNESS (WHICH IS A PREJUDICE GUESS THAT'S NOT SUPPORTED BY ANY EVIDENCE (WHICH IS SPECULATION)). THAT THE TRIAL JUDGE ALLOWED THE STATE OF ARIZONA TO INTRODUCE THROUGH THE LAY WITNESSES TESTIMONY, AND IN THIS MATTER (WHICH WAS A VIOLATION OF FED. & ARIZ. R. EVID 702), WHICH IN ALL PREJUDICE THE PETITIONER IN THIS MATTER, BECAUSE DUE TO THE FORE-MENTIONED ERRORS, THE JURY IN THIS MATTER ONLY HAD THE OPTION, TO PREJUDICIALLY BASE THEIR VERDICT OF GUILTY, TOWARDS THE PETITIONER, SOLELY ON SPECULATION, UNSUPPORTED OPINIONS BY THE LAY WITNESSES, AND IRRELEVANT ALLEGED EVIDENCE INTRODUCED THROUGH THE LAY WITNESSES. DUE TO INADMISSIBLE TESTI-

MONEY BY THE LAY WITNESS, BEING USED, BY THE STATE OF ARIZONA, AS A VEHICLE, TO DETERMINE THE PETITIONER'S GUILT, TO WHICH THE LAW UNDER FED. ARIZ. R. EVID. 702 ALREADY HAD ESTABLISHED THAT THE COURTS CAN NOT ALLOW LAY WITNESS TESTIMONY TO BE USED IN THAT MANNER.

THIS STRUCTURAL/FUNDAMENTAL ERROR REQUIRE REVERSAL ON ITS OWN, BECAUSE IT INFECTED & AFFECTED THE ENTIRE CONDUCT OF THE TRIAL FROM BEGINNING TO END. JUST LIKE IN NEDER V. U.S., 527 U.S. 8-9, (1986) AND GREER V. U.S., 742 S. CT. 2090, 2200 (2021). THIS ERROR WITHIN ITSELF PREVENTED THE PETITIONER FROM RECEIVING A FAIR TRIAL AND CAUSED THE TRIAL COURT TO VIOLATE THE PETITIONER'S 5TH AMENDMENT RIGHT TO DUE PROCESS & A FAIR TRIAL, WHEN THE COURTS ALLOWED THIS ERROR TO TAKE PLACE, AT TRIAL, AND IN THIS MATTER. DUE TO THIS FUNDAMENTAL ERROR ALL THE TESTIMONY THAT WAS INTRODUCED THROUGH ALL THE WITNESSES, THAT TESTIFIED AT TRIAL, WAS EITHER IRRELEVANT, AND/OR CIRCUMSTANTIAL SPECULATION. THIS ERROR IS ALSO TO BE CONSIDERED AS AN UNPRESERVED ERROR REGARDLESS OF THE PETITIONER'S OBJECTIONS. FOR THE REASON THAT THE ERROR IS SO SERIOUS IT AFFECTED ADDRESSING ANY ERRORS/ISSUES THAT DERIVED OUT OF TRIAL IN THIS MATTER, BECAUSE ADDRESSING, AND/OR ~~QUESTIONS~~ ADDRESSING THIS ERROR IS IRRELEVANT TO THE FACTS OF THE MATTER. FOR THE REASONS THAT CAN'T NO OTHER ERROR/ISSUE BE ADDRESSED IN THE MATTER WITHOUT ADDRESSING THIS FUNDAMENTAL ERROR FIRST, BECAUSE THE ERROR GOES TOWARD THE FOUNDATION OF EACH ISSUE IN THIS MATTER. AS THE STATE OF ARIZONA HAS ALREADY ESTABLISHED THAT THIS TYPE OF FUNDAMENTAL/STRUCTURAL ERROR REQUIRE REVERSAL BY THE APPEAL COURTS AUTOMATICALLY, WHEN DISCOVERED & ADDRESSED BY THE APPEALS COURT. (STATE V. MANN, 188 ARIZ. 220, 231 (1997)), AND WITHOUT REQUIRING THAT A DEFENDANT SHOW PREJUDICE OCCURED (STATE V. RING, 204 ARIZ. 534, 552 ¶ 22 (2003), STATE V. LIZAROI, 234 ARIZ. 507, 505 ¶ 24 (APP. 2014)). AS THE PETITION-

ER, IN THIS MATTER, WAS DEPRIVED OF BASIC PROTECTIONS. WITHOUT WHICH A CRIMINAL TRIAL CANNOT RELIABLY SERVE ITS FUNCTIONS AS A VEHICLE FOR GUILT OR INNOCENCE (JUST LIKE THE DEFENDANTS IN STATE V. HENDERSON, 220 ARIZ. 561, 565, 912 (2005), QUOTING NEDER V. U.S., 527 U.S. 1, 8-9 (1999)), AND DUE TO THE FORE-MENTIONED STRUCTURAL/FUNDAMENTAL ERROR.

FURTHERMORE, DUE TO THE FORE-MENTIONED STRUCTURAL/FUNDAMENTAL ERROR, AND NOT ALLOWING THE PETITIONER TO CONFRONT THE "ONLY KNOWN TO THE MATTER" ALLEGED EYE-WITNESSES AGAINST HIM, WHOM WE'RE THE "ONLY KNOWN TO THE MATTER" ALLEGED DECLARANTS, WHO ALLEGEDLY ASSERTED THE NAME OF A JOHN FITZGERALD GAYLES, AT THE "ALLEGED" SCENE, OF THE ALLEGED INCIDENT, IN THEIR "UNSUPPORTED" ALLEGED OUT OF COURT STATEMENTS, ALLEGEDLY ON 8/30/2021; THE PETITIONER "JOHN FITZGERALD GAYLES" WE'RE NEVER PROVEN TO OF HAD BEEN AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT, DURING THE ALLEGED INCIDENT, IN THE MATTER ASSERTED, OF 8/30/2021, AND AT TRIAL IN THIS MATTER. AS THERE WE'RE NEVER ANY EVIDENCE AND/OR TESTIMONY EVER PRODUCED, PLACING/PROVING THE PETITIONER "JOHN FITZGERALD GAYLES" AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT, DURING THE ALLEGED INCIDENT, IN THE MATTER ASSERTED, OF 8/30/2021, AT TRIAL, IN THIS MATTER, AND AS THE RECORD/TRANSCRIPTS DOES NOT REFLECT.

II. ADMISSIBILITY OF EVIDENCE

SECONDLY, THE IRRELEVANT, TO THE MATTER ASSERTED, UNSUPPORTED ALLEGED "OUT OF COURT" STATEMENTS OF THE "ONLY KNOWN" ALLEGED EYE-WITNESSES (ALLEGED VICTIM FEAGHER, A, B, C, & D), THAT WAS ADMITTED INTO EVIDENCE; AND INTRODUCED, TO THE JURY, AT TRIAL, THROUGH LAY WITNESSES, WHO DID NOT TESTIFY TO WITNESSING ANY OF THE ALLEGED INCIDENT TAKE PLACE; THAT WAS ALLEGED IN THE MATTER ASSERTED, IN THE ALLEGATIONS, ALLEGED BY THE STATE OF ARIZONA, AND AT TRIAL; FOR 1 WAS NEVER PROVEN AT TRIAL TO OF HAD BEEN

ACTUALLY ALLEGED/SAID BY ANY OF THE ALLEGED EYE-WITNESSES (WHICH IS A FUNDAMENTAL ERROR WITHIN ITSELF, BECAUSE THE STATEMENTS THAT WAS INTRODUCED AT TRIAL, THROUGH AUDIO OF ALLEGED EVIDENCE, THAT WAS ALLEGEDLY SUPPORTED BY "ALLEGED CORROBORATING" FOOTAGE OF THE ALLEGED EYE-WITNESSES/ VICTIM FEACHER, A, B, C, & D MOVING THEIR LIPS, THAT WAS INTRODUCED THROUGH LAY WITNESSES, WAS NOT PROVEN TO OF HAD BEEN "ACTUALLY" ALLEGED/SAID BY THE ALLEGED EYE-WITNESSES (WHICH IS ANOTHER FUNDAMENTAL ERROR WITHIN ITSELF, BECAUSE NONE OF THE ALLEGED EYE-WITNESSES IN THIS MATTER ATTENDED TRIAL, AND TESTIFIED/PROVING THAT THEY WERE EVEN THE ALLEGED EYE-WITNESS/ DECLARANT FEACHER, A, B, C, & D; THAT WAS ALLEGED BY THE LAY WITNESSES IN THIS MATTER, TO OF HAD BEEN THE ALLEGED VICTIM FEACHER, A, B, C, & D, ALLEGEDLY SEEN, IN THE ALLEGED FOOTAGE OF THE ALLEGED EVIDENCE; THAT WAS INTRODUCED, THROUGH THE LAY WITNESSES, WHO ALLEGED THAT THE ALLEGED EVIDENCE WAS ALLEGEDLY EVIDENCE OF WHAT AN ALLEGED EYE-WITNESS/DECLARANT/VICTIM FEACHER, A, B, C, & D HAD ALLEGEDLY SAID TO THEM, ALLEGEDLY THROUGH AUDIO; THAT WAS INTRODUCED TO THE JURY, AND AT TRIAL. AS THERE WAS NOT ANY EYE-WITNESSES (TO ANY OF THE MATTERS ASSERTED) PRODUCED AT TRIAL; AS THERE WAS NEVER ANY EVIDENCE PRODUCED, AT TRIAL TO PROVE THAT THE ALLEGED EYE-WITNESSES/VICTIM FEACHER, A, B, C, & D EVEN ACTUALLY EXIST; AND THE ONLY WAY TO PROVE THE AUTHENTICITY OF THE ALLEGED FOOTAGE, OF THE ALLEGED EVIDENCE, FIRST ALLEGED EYE-WITNESSES FEACHER, A, B, C, & D WOULD OF HAD TO BEEN PRODUCED AT TRIAL, ALLOWED TO OF HAD BEEN CROSS-EXAMINED; THEN THROUGH THEIR ADMISSION, TESTIFYING/ALLEGING "THAT THEY ARE THE ALLEGED PEOPLE ON THE FOOTAGE", ALLEGED EYE-WITNESS FEACHER, A, B, C, & D, ALLEGEDLY SPEAKING INTO THE ALLEGED FOOTAGE, CONFIRMING THE AUTHENTICITY OF THEIR PRESENCE & PARTICIPATION INTO THE ALLEGED FOOTAGE, AND THEN SO ON "TO THE LAY WITNESS" FOR FURTHER AFFIRMATION OF THE FOOTAGE IN EVIDENCE.)), AND FOR 2 IF THE ALLEGED

EYE-WITNESSES FEACHER, A, B, C, & D DID SAY/ALLEGED THE ALLEGED "OUT OF COURT" STATEMENTS, THAT WAS ALLEGEDLY INTRODUCED, TO THE JURY, AT TRIAL, AND THROUGH THE LAY WITNESS TESTIMONY; THEY WERE ALL TESTIMONIAL, AND SUBJECTED TO CROSS-EXAMINATION. FOR THE REASON THAT ALL OF THE ALLEGED STATEMENTS, THAT WAS INTRODUCED THROUGH THE LAY WITNESSES "TESTIMONY", ABOUT WHAT ALLEGED EYE-WITNESSES/DECLARANTS FEACHER, A, B, C, & D HAD ALLEGEDLY TOLD THEM, IN THIS MATTER, IN REGARDS TO THE MATTER ASSERTED; WAS ABOUT AN ALLEGED EVENT/INCIDENT, THAT HAD ALLEGEDLY TOOK PLACE, AT THE ALLEGED SCENE, ALLEGEDLY BEFORE THE LAY WITNESSES HAD ARRIVED TO THE ALLEGED SCENE, THAT THE LAY WITNESSES ALLEGEDLY DID NOT WITNESS, TAKE PLACE; AND THAT THERE WAS NOT SUPPORTING EVIDENCE OF EVER PRODUCED AT TRIAL, AND/OR THE ENTIRE CASE; AND WHEN THE LAY WITNESSES TESTIFIED ALLEGEDLY TO WHAT ALLEGED EYE-WITNESSES/DECLARANT FEACHER, A, B, C, & D HAD ALLEGEDLY TOLD THEM, ABOUT AN ALLEGED INCIDENT/MATTER, THAT HAD ALLEGEDLY TOOK PLACE AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT, ALLEGEDLY BEFORE THEY HAD ARRIVED, AND THAT THE LAY WITNESSES DID NOT WITNESS TAKE PLACE, THEY WERE DESCRIBING/TESTIFYING TO HEARSAY (ACCORDING TO FED & ARIZ. R. EVID. 801(C)(1) & (C)(2)). WHICH IS NOT PERMITTED, WITHOUT THE PROPER/SUFFICIENT FOUNDATION ESTABLISHED, FIRST, AT TRIAL, AND ACCORDING TO THE LAW OF FED & ARIZ. R. EVID 802.

AT TRIAL, THE PROPER/SUFFICIENT FOUNDATION WAS NOT ESTABLISHED/PRODUCED, TO LEGALLY/LAWFULLY ALLOW THE LAY WITNESSES TO TESTIFY, USING HEARSAY, AND AS THEY DID (IN EXAMPLE: "THERE WERE NO ALLEGED EYE-WITNESSES/DECLARANTS FEACHER, A, B, C, & D PRODUCED, AT TRIAL, TO TESTIFY TO THE MATTER ASSERTED, AND ESTABLISHING THE FOUNDATION TO THE MATTER ASSERTED; BY CORROBORATING THE HEARSAY OF THE ALLEGED MATTER ASSERTED, THAT WAS INTRODUCED, AT TRIAL, TO THE JURY, THROUGH THE LAY WITNESSES TESTIMONY & IRRELEVANT EVIDENCE TO THE MATTER ASSERTED AS THERE WERE NO EVIDENCE OF THE MATTER ASSERTED PRODUCED AT TRIAL."); AND THERE

RECORD/TRANSCRIPTS DOES NOT REFLECT SUCH FOUNDATION AS TO BEING ESTABLISHED. WHICH MEAN/MAKES ALL OF THE "HEARSAY" STATEMENTS (OF WHAT ALLEGED VICTIM/EYE-WITNESS/DECLARANT FEACHER, A, B, C, & D HAD ALLEGEDLY TOLD THE LAY WITNESSES), THAT WAS INTRODUCED, THROUGH THE LAY WITNESSES, AT TRIAL, INADMISSIBLE, AND ACCORDING TO FED § ARIZ. R. EVID. 802.

B. MISCONDUCT/ABUSE OF DISCRETION

I. PRE-TRIAL RULING

THE TRIAL JUDGE IN THIS MATTER ERRONEOUSLY RULED PRE-TRIAL AND IN REGARDS TO THE FOUNDATION OF THE MATTER, BY ERRONEOUSLY GRANTING THE STATE OF ARIZONA'S "FRAUDULENT" MOTIONS IN LIMINE TO ADMIT "ALLEGED" EXCITED UTTERANCE MADE BY "ALLEGED" VICTIM FEACHER & "ALLEGED" EXCITED UTTERANCE "ALLEGEDLY" MADE BY ALLEGED VICTIM FEACHER, A, & D, "ALLEGEDLY" TO ALLEGED "MATERNAL" GRANDPARENTS; DUE TO THE PROSECUTOR IN THIS MATTER, PURPOSELY LYING TO THE TRIAL JUDGE IN THIS MATTER, BY UNSUPPORTEDLY CLAIMING & FABRICATING A STORY, ALLEGING THAT A GERALD & JAMESELLE FEACHER WERE "ALLEGEDLY" GOING TO TESTIFY, AS OF TO CERTAIN FACTS "OF THE CASE", A CERTAIN WAY, WITHOUT MENTIONING THE FACT THAT CERTAIN "ALLEGED" FACTS OF INTERVENING ACTIONS "ALLEGEDLY" EXIST (THAT MAKES A COMPLETE DIFFERENCE TO THE ISSUE ASSERTED BY THE PROSECUTOR); IN ORDER TO CONFUSE THE TRIAL JUDGE, AS IF THERE WERE EXCITED UTTERANCE MADE BY THE ALLEGED VICTIMS FEACHER, A, & D, IN THIS MATTER, THAT WAS RELEVANT TO THE MATTER ASSERTED; AND AS TO THE MATTER ASSERTED. (R.T. OF 8/2/2022, AT PG. 76, LN. 12 - PG. 79, LN. 19 (ALSO IN APP. EXHB.-K ATTCH.)). AS THE PETITIONER SUBMITTED A WRITTEN OBJECTION "IN A JOINT RESPONSE" (I.O.R. 133 AT PG. 11 (ALSO IN APP. EXHB.-L ATTCH.)) & MADE AN ORAL OBJECTION TO THE MOTIONS (AS THE PETITIONER WAS INFORMING THE TRIAL JUDGE/COURT THAT THE ALLEGED STATEMENTS WAS NOT AN EXCITED UTTERANCE, NOT ADMISSIBLE BY LAW, AND WOULD VIOLATE THE PETITIONER'S 6TH AMENDMENT "CONFRONTATIONAL CLAUSE" RIGHTS "UNDER THE U.S.A. CONSTITUTION; AND INQUIRING "WHO IS GOING TO

TESTIFY TO WITNESSING ANY "ALLEGED" EXCITED UTTERANCE?" (AS THE PROSECUTOR WAS NEVER SPECIFIC AS TO WHO WAS GOING TO TESTIFY THAT THEY HEARD ALLEGED EXCITED UTTERANCE, AND FROM ALLEGED VICTIM FEACHER, A, & D)). WHILE THE PROSECUTOR CHOSE TO ATTEMPT TO CHANGE THE SUBJECT & INTERRUPT THE PETITIONER'S OBJECTIONS, IN ORDER TO ELUDE THE FACT THAT THE PETITIONER WAS OBJECTING & ATTEMPTING TO FULLY ADDRESS THE FACTS OF HER "FALSE & UNSUPPORTED" CLAIMS "AT THE TIME". AND WHILE SHE WAS AVOIDING THE PETITIONER QUESTION "AS FORE-MENTIONED" (DUE TO THE FACTS THAT SHE COULDN'T EXPLAIN TO THE FACTS "OF WHO WERE ALLEGEDLY GOING TO TESTIFY TO "ALLEGEDLY" HEARING EXCITED UTTERANCE MADE BY ALLEGED VICTIM FEACHER, A, & OR D; BECAUSE SHE KNEW THAT SHE HAD LIED TO THE TRIAL JUDGE/COURTS AND PERSONALLY CREATED A FABRICATED SCENARIO "OF WHAT WAS GOING TO BE TESTIFIED TO" IN AN UNSUPPORTED ORDER "AS FORE-MENTIONED"; IN ORDER TO BE ABLE, TO BE ALLOWED, BY THE JUDGE TO PROCEED WITH TRIAL "IN THIS MATTER"; AND BE ABLE TO USE "ALLEGED" STATEMENTS, BY ALLEGED VICTIM FEACHER, A, B, C, & D (WITHOUT THEM TESTIFYING TO THEM, & BEING CROSS-EXAMINED TO THEM); IN FRAUDULENT WAY; SO SHE COULD BE ALLOWED, BY THE TRIAL JUDGE, TO PROCEED TO TRIAL "ON THIS FRIVOLOUS MATTER"; THROUGH "HER" BAD FAITH, IN ATTEMPT TO HIDE "THE FACT THAT SHE FAILED TO MAKE A GOOD FAITH EFFORT," TO DO HER DUE DILIGENCE, IN THE INTEREST OF JUSTICE, AND IN THE ENTIRE CASE.) (R.T. OF 8/2/2022, AT PG. 68, LN. 22 - PG. 86, LN. 18 (ALSO APP. EXHIB-K ATT.)). THAT CAUSED THE TRIAL JUDGE IN THIS MATTER TO FALSELY & UNSUPPORTEDLY RESPOND (DUE TO HIS OWN PREJUDICE BIAS AND PERSONAL INTEREST INTO THE CASE, OF HOW HE "PERSONALLY & STATISTICALLY" BELIEVE "THAT IN 90 PERCENT OF THE CASES THAT HIM & THE PROSECUTOR HAS TRIED, THE ALLEGED VICTIM IN THOSE CASES, RECANTED & CHOSE NOT TO COOPERATE IN THOSE CASES; "ALLEGEDLY" BECAUSE "THEY WAS A GREAT GUY," THEY NEVER TOUCHED THEM, THEY LOVED HIM, AND/OR THEY JUST DIDN'T WANT HIM PROSECUTED". WHICH WAS THE REASON WHY HE DIDN'T WANT TO HONOR

THE PETITIONER'S MOTIONS? THE FACT THAT THE PETITIONER WAS RAISING THE FACTS THAT HIS 6TH AMENDMENT "SPEEDY TRIAL" RIGHTS WERE BEING VIOLATED; THAT THIS CASE WAS SUPPOSED TO OF HAD BEEN DISMISSED, "BY LAW," FOR SEVERAL REASONS; AND THAT THE ALLEGED VICTIM FEACHER WAS MAKING HER OWN CHOICE NOT TO PROCEED WITH PROSECUTION, IN THIS MATTER, ON HER OWN WILL (DUE TO PROSECUTORIAL MISCONDUCT), IN THIS MATTER; AND AS HE EXPLAINED & PORTRAYED "IN DEFENSE OF HIM & THE PROSECUTOR." WHILE THE PETITIONER WAS TRYING TO EXPLAIN, THAT IT WAS NOT HIS FAULT THAT ALLEGED VICTIM FEACHER DID NOT WANT TO PROCEED WITH PROSECUTION (IN THIS MATTER); AND HOW IT WAS THE FAULT OF THE PROSECUTOR; AND EXPLAINING TO THE TRIAL JUDGE THAT HIS PREJUDICE BIAS WAS NOT FACTS IN THIS CASE. (R.T. OF 8/2/2022, AT PG. 32, LN. 5 - PG. 66, LN. 25 (ALSO APP. EXHB. - K "ATT.")). (R.T. OF 8/2/2022, AT PG. 86, LN. 16 - PG. 87, LN. 11 (ALSO APP. EXHB. - K "ATT.")). AS THE PROSECUTOR FURTHER COMMITTED MISCONDUCT BY MAKING FALSE, UNSUPPORTED, & IRRELEVANT ACCUSATIONS TO THE TRIAL COURT / JUDGE; BY ALLEGING "THAT 'ALLEGEDLY' THERE WAS AN 'ALLEGED' ON-GOING EMERGENCY, 'THAT 'ALLEGEDLY' THE PRIMARY PURPOSE OF THE 'ALLEGED' STATEMENTS WAS MADE TO AID IN AN ON-GOING INVESTIGATION, 'ALLEGEDLY' THAT THE PETITIONER 'ALLEGEDLY' FLED THE 'ALLEGED' SCENE, 'ALLEGEDLY' THE PETITIONER WAS 'ALLEGEDLY' BELIEVED TO HAVE AN 'ALLEGED' FIREARM, AND 'ALLEGEDLY' WAS A 'ALLEGED' DANGER 'POSSIBLY' TO THE 'ALLEGED' VICTIMS & THE COMMUNITY. WHILE MISINTERPRETING & IRRELEVANTLY COMPARING AN "UNDESCRIBED" MICHIGAN V. DAVIS, AND IGNORING THE FACT THAT THE PETITIONER WAS REPRESENTING HIMSELF & WHILE ASKING HER "WHO'S COMING TO ALLEGE THOSE 'FALSE & UNSUPPORTED' ACCUSATIONS AT TRIAL?" (AS SHE COULDN'T EXPLAIN & NEVER STATED WHO WAS GOING TO ALLEGED THOSE 'FALSE & UNSUPPORTED' ACCUSATIONS, WHILE TESTIFYING, AND AT TRIAL.). AS THE TRIAL JUDGE WAS BEING BIASED (BY NOT TRYING TO ALLOW THE PETITIONER THE CHANCE TO FULLY ADDRESS THE FACT THAT THE PROSECUTOR WAS MAKING FALSE, UNSUPPORTED, & IRRELEVANT ACCUSATION, IN ORDER TO

ATTEMPT TO CONFUSE & MISLEAD THE TRIAL COURTS/JUDGE, IN-ORDER TO GET THE TRIAL JUDGE TO "BIASLY & PREJUDICIALLY" RULE IN FAVOR OF THE STATE OF ARIZONA, BY "PURPOSELY & KNOWINGLY" GRANTING THE STATE OF ARIZONA "BOGUS" MOTION IN LIMINE TO ADMIT EXCITED UTTERANCE MADE BY VICTIM FEACHER, A, B, C, & D TO MATERNAL GRANDPARENTS, THROUGH FRAUD, UNLAWFULLY, AND ERRONEOUSLY.); AS HE DID NOT WANT TO UNDO HIS ERRONEOUS RULING "DUE TO HIS ABUSE OF DISCRETION" (BY ALLEGING THAT "HE HAD ALREADY MADE HIS RULING SO..." (WHICH MEANT "NO MATTER WHAT FACTS & POINTS THE PETITIONER WAS MAKING; TOWARDS THE FACT; THAT THE PROSECUTOR WAS LYING "ABOUT WHAT "UNKNOWN" PEOPLE WAS "ALLEGEDLY" SUPPOSE TO SHOW TO TRIAL "IN THIS MATTER" & TESTIFY"); AND THE FACT THE HE HAD MADE AN ERRONEOUS RULING BY GRANTING THE STATE OF ARIZONA'S MOTIONS IN LIMINE; HE WAS NOT GOING TO UNDO HIS ERRONEOUS RULING, PURPOSELY, AND KNOWINGLY; AND IN THIS MATTER.)); WITHOUT ANY SUPPORTING EVIDENCE OF ANY EXCITED UTTERANCE EVER PRESENTED, AND OVER THE PETITIONER'S OBJECTIONS; AND AS HE MADE IT CLEAR TO THE PETITIONER & FOR THE RECORD, THAT HE ACKNOWLEDGED, ABUSING HIS DISCRETION, BY "ERRONEOUSLY" GRANTING THE STATE'S "BOGUS" MOTION IN LIMINE "KNOWINGLY & PURPOSELY, OVER THE PETITIONER'S ARGUMENTS & OBJECTIONS, IN ORDER TO AID THE STATE OF ARIZONA WITH "UNLAWFULLY & ILLEGALLY" INTRODUCING TESTIMONIAL "OUT OF COURT" STATEMENTS OF ALLEGED VICTIM FEACHER, A, B, C, & D, AS ALLEGED EXCITED UTTERANCE, UNDER ARIZONA RULES OF EVIDENCE 803(2), BY FRAUD, AND THROUGH HIM, DUE TO HIS "PURPOSELY MADE" ERRONEOUS RULING, AND BECAUSE OF HIS PREJUDICE (WHEN HE CLEARLY STATED "THAT'S WHY IT'S NOT NECESSARY FOR VICTIMS TO TESTIFY IF THERE'S OTHER WAYS FOR THE STATE TO GET IN THE EVIDENCE AND IN THIS CASE THERE ARE OTHER WAYS. (INDICATING THROUGH FRAUD & PROSECUTORIAL MISCONDUCT AND THROUGH HIS PURPOSELY MADE ERRONEOUS RULING, PREJUDICE, & JUDICIAL MISCONDUCT.)) (R.T. OF 8/2/2022, AT PG. 87, LN. 12 - PG. 88, LN. 14 (ALSO APP. EXMB.-K "ATT"))).

THEN AT TRIAL; NO ONE TESTIFIED THAT THEY WITNESSED THE PETITIONER FLED THE/ANY ALLEGED SCENE "AT ANY TIME"; AND/OR EVEN AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT AT THE TIME OF, AND/OR AFTER THE ALLEGED INCIDENT "HAD ALLEGEDLY TOOK PLACE"; NO ONE TESTIFIED THAT THEY WITNESSED THE PETITIONER POSSESS A/ANY FIREARM "AT ANY TIME"; NO ONE TESTIFIED THAT THE PETITIONER WAS A DANGER TO AND/OR POSSIBLE DANGER TO ANY OF THE ALLEGED VICTIMS, AND/OR THE COMMUNITY; AND NO ONE EVEN TESTIFIED THAT THERE WAS EVEN AN ON-GOING EMERGENCY, AND/OR RELEVANT TO THE MATTER ASSERTED.

II. INADMISSIBLE TESTIMONY

A. GERALD & JAMESELLE FEACHER TESTIMONY

AT TRIAL; THE TRIAL JUDGE ERRONEOUSLY ALLOWED THE STATE OF ARIZONA TO USE A GERALD & JAMESELLE FEACHER "INADMISSIBLE, SPECULATING, UNSUPPORTED, & IRRELEVANT" TESTIMONY; AS A FOUNDATION TO INTRODUCE INADMISSIBLE "HEARSAY" STATEMENTS OF, "ALLEGED" TESTIMONIAL STATEMENTS, THAT ALLEGED VICTIMS FEACHER, A, B, C, & D HAD ALLEGEDLY TOLD THE LAY WITNESSES, THAT TESTIFIED "IN REGARDS TO THE MATTER", AND AT TRIAL. AS GERALD & JAMESELLE FEACHER TESTIMONIES WAS NOT ENOUGH TO ESTABLISH THE FOUNDATION, TO INTRODUCE THE "HEARSAY" STATEMENTS OF TESTIMONIAL STATEMENTS ALLEGEDLY MADE BY ALLEGED VICTIM FEACHER, A, B, C, & D, AND AT TRIAL; BECAUSE THEIR TESTIMONIES NEVER ESTABLISHED A PROPER/SUFFICIENT FOUNDATION, FOR AN EXCEPTION TO HEARSAY, AND AS OF TO ALLEGED VICTIM FEACHER, A, B, C, & D "TESTIMONIAL STATEMENTS OF THE MATTER ASSERTED; EVEN THOUGH THEY TESTIFIED THAT THEY ALLEGEDLY, "KNOWN THE PETITIONER TO BE AN "ALLEGED" JOHN FITZGERALD GAYLES, "BELIEVED THAT THEY HAD SEEN THE PETITIONER RESIDING OR AT THE "ALLEGED" ADDRESS ONCE UPON A TIME BEFORE ("UNSPECIFIED WHEN"), "BELIEVED THAT THE PETITIONER WAS THE AL-

EGED FATHER OF ALLEGED VICTIM E, AND OTHER "IRRELEVANT & INADMISSIBLE" ECT. OF SPECULATION TO THE ALLEGED MATTER ASSERTED!"

THE STATE OF ARIZONA THEN INTRODUCED GERALD FEACHER'S TESTIMONY, THAT ALLEGED VICTIM FEACHER HAD "ALLEGEDLY" CALLED HIM AND ALLEGEDLY ASKED HIM TO COME OVER?" AND ALLEGEDLY "BECAUSE MR. GAYLES (AS "ONLY" GERALD FEACHER ASSERTED, THE PETITIONER, AND "OUT OF PREJUDICE!") WAS TRYING TO LEAVE WITH THE BABY ALLEGED VICTIM E" (AS GERALD FEACHER; NEVER TESTIFIED THAT ALLEGED VICTIM FEACHER EXPLAINED, AND/OR IDENTIFIED, THE PETITIONER "JOHN FITZGERALD GAYLES"; TO BE THE ALLEGED MR. GAYLES, AND/OR "JOHN"; THAT HE PREJUDICALLY ASSERTED, INTO THE MATTER, AND AT TRIAL; NEVER TESTIFIED AS TO WHAT ALLEGED VICTIM FEACHER HAD ALLEGEDLY CALLED HIM TO COME OVER "TO THE ALLEGED ADDRESS OF THE ALLEGED SCENE" FOR; AND NEVER TESTIFIED THAT THE ALLEGED CALL WAS AN "ALLEGED" CRY/CALL FOR HELP!) AND WHILE HE BELIEVED THAT HE HAD HEARD THE PETITIONER'S VOICE IN THE BACKGROUND "ALLEGEDLY" SAYING "AND I'LL KILL ALL YOU MOTHERFUCKERS!" (BUT NEVER TESTIFIED "AS TO" FROM WHAT SOURCE (FOR EXAMPLE: "HE COULD OF HEARD A RADIO, CD, OR ECT..."); AS THE ALLEGED STATEMENTS DOES/DID NOT PHYSICALLY PLACE THE PETITIONER, AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT, AT THE TIME OF THE ALLEGED PHONE CALL, AND/OR DURING THE ALLEGED INCIDENT, AND/OR AT ANY TIME; AS THE ALLEGED ACCUSATION/ STATEMENT WAS IRRESPECTIVE TO ANY OTHER PERSONS STATEMENTS IN THE ENTIRE CASE, AND AS HE DID NOT TESTIFY TO ACTUALLY/PHYSICALLY SEEING/WITNESSING THE PETITIONER PHYSICALLY MAKE/SAY THE ALLEGED STATEMENT!). (R.T OF 8/9/2022 AT PG. 48, LN 21 - PG. 49, LN. 2 (ALSO APP. EXHIB. - M "ATT")). AS THE PETITIONER TRIED TO ADDRESS THE FACT THAT THE TESTIMONY WAS INADMISSIBLE & IMPROPER 'AS OF TO ASSERTING THE PETITIONER INTO THE MATTER ASSERTED!" (BECAUSE HIS ACCUSATION/STATEMENT WAS IRRESPECTIVE TO ANY OF THE ALLEGED EYE-WITNESSES AND NOT SUPPORTED BY ANY EVIDENCE!)

AND THE FACT THAT HE WAS COMMITTING PERJURY WHEN HE ALLEGED THE ALLEGED STATEMENT/ACCUSATION AT TRIAL (BY PROVING THAT HE DID NOT MAKE/SAY THE ACCUSATIONS IN THE ORIGINAL AUTHENTIC EVIDENCE, AS HE "ONLY" ALLEGED, AT THE ALLEGED SCENE, TO OFFICERS, ON 8/30/2021, THAT WAS CAPTURED ON BODY-CAMERA FOOTAGE, THAT WAS EDITED ONTO THE STATES EXHIBIT "38", THAT HE DID NOT WITNESS ANYTHING OTHER THAN A CALL TO COME OVER FROM HIS DAUGHTER, AND THAT'S IT!"; AND AS HE DID NOT MAKE THE ACCUSATION AT THAT TIME). WHILE THE PROSECUTOR WAS ACKNOWLEDGING THAT THE STATEMENT/ACCUSATION WAS INADEQUATE TO ANY OF THE ALLEGED EYE-WITNESSES STATEMENTS, INADEQUATE, IMPROPER "AS SHE ALLEGED THAT SHE BELIEVED THAT THE STATEMENT/ACCUSATION POSSIBLY" DELIVERED ALLEGEDLY FROM HIS PERSONAL KNOWLEDGE, AS AN EXCUSE FOR INTRODUCING THE IMPROPER TESTIMONY, AND AT TRIAL. AS THE TRIAL JUDGE ABUSED HIS DISCRETION; BY NOT ALLOWING THE PETITIONER TO ADDRESS THE FOREMENTIONED FACTS (BY USING THE TOOL AS AN EXCUSE), SO THE PETITIONER COULD ADDRESS THE ISSUES THAT THE STATE USED THE "UNSUPPORTED ALLEGED" STATEMENT "AS A WAY" TO PASSPORT THE PETITIONER INTO THE MATTER ASSERTED, AND DECLARE A MISTRIAL; AND AS HE HELD A STORER, WITHOUT INVOLVING THE PETITIONER "WHOM WAS REPRESENTING HIMSELF" IN "PROPER PERSONA, WHERE HE DENIED THE PETITIONER THE RIGHT TO FURTHER ADDRESS THE ISSUE; WHILE HE ALLOWED THE PETITIONER ADVISORY COUNSEL TO APPROACH, WITHOUT CONSULTING WITH THE PETITIONER "AS A PROPER PERSONA", FIRST, AND GIVE FALSE & MISGUIDING INFORMATION THAT THE PETITIONER WAS ALLEGEDLY TRYING TO IMPEACH GERALD FEACHER BY ALLEGEDLY USING A STATEMENT THAT ALLEGED VICTIM FEACHER MADE"; AND AFTER THE PETITIONER WAS CLEARLY STATING THAT IT WAS A STATEMENT THAT GERALD FEACHER HAD MADE "AS PRE-EXPLAINED"; (R.T. OF 8/9/2022, AT Pg. 71, LN. 17 - Pg. 73, LN. 25 (ALSO APP. EXHIB-M "ATT")). FURTHER-MORE THE TRIAL COURT ERRONEOUSLY ALLOWED THE STATE OF ARIZONA TO INTRODUCE THE "PRE-EXPLAINED" TESTIMONY OF GERALD FEACHER "FORE-MENTION-

ED HERE-IN", AS AN "IMPROPER" WAY TO ATTEMPT TO ESTABLISH A FOUNDATION, AS OF
TO CREATING AN "UNSUPPORTED" IMAGE OF/PLACING THE PETITIONER AT THE ALLEGED
SCENE OF THE ALLEGED INCIDENT, AT THE TIME OF THE ALLEGED PHONE CALL (BY ALLOW-
ING GERALD FEACHER TO "PREJUDICALLY" ASSERT THAT HE "ALLEGEDLY" HEARD THE PETITIONER-
'S VOICE "ALLEGEDLY IN THE BACKGROUND OF AN "ALLEGED" PHONE CALL, THAT ALLEGED VICTIM
FEACHER HAD ALLEGEDLY SUPPOSE TO OF HAD MADE TO HIM, ALLEGEDLY BEFORE GERALD & JAME-
SELLE FEACHER ALLEGEDLY HAD CONTACT WITH ALLEGED VICTIM D ALLEGEDLY THROUGH AN ALLEGED
PHONE CALL, "ALLEGEDLY" WHERE HE HAD ALLEGED TO THEM THAT "JOHN HAD "ALLEGEDLY" SHOT
HIS MOM!", THAT WAS IN ALL UNSUPPORTED, UNCORROBORATED, AND NOT SUPPORTED BY
ANY EVIDENCE!)

THEN THE TRIAL COURT ERRONEOUSLY ALLOWED THE STATE OF ARIZONA TO INTRODUCE
GERALD FEACHER TESTIMONY, THAT AS HE PROCEEDED TO GO TO ALLEGED VICTIM FEACHER ALLE-
GED ADDRESS (THE "ALLEGED" SCENE OF THE "ALLEGED" INCIDENT), HE HAD ALLEGEDLY RECEIVED
AN ALLEGED PHONE CALL FROM ALLEGED VICTIM D (WHICH WAS TESTIFIED TO DIFFERENTLY
BY JAMESSELLE FEACHER, AS SHE ALLEGED "THAT HER & GERALD HAD CALLED ALLEGED VICTIM
D," (WHERE ALLEGED VICTIM D HAD ALLEGEDLY TOLD THEM "THAT "AN ALLEGED" JOHN & "AN
ALLEGED" VICTIM FEACHER "ALLEGEDLY" WE'RE (NOT ARE!) FIGHTING" AND "THAT "THE ALLEG-
ED JOHN ALLEGEDLY SHOT (NOT SHOOTING AND/OR SHOOTING AT) HIS MOM (TO WHICH WAS
IN THE SAME AS GERALD TESTIMONY)) (WHICH IN ALL MAKE A HUGE DIFFERENCE "TOWARDS/
IN REGARDS TO A CALL FOR HELP!", AS SHE TESTIFIED "ALLEGEDLY" THAT HE "ALLEGEDLY" WANT-
ED (NOT NEEDED!) THEM TO COME OVER (FOR AN UNSPECIFIED REASON), AND AS SHE
DID NOT ALLEGE THE ALLEGED CONVERSATION "AS A CRY/CALL FOR HELP!") (R.T. OF
8/9/2022, AT PG. 91, LN. 3 - PG. 93, LN. 8 (ALSO APP EXH. B-M ATT)), WHERE "ALLEGEDLY"
ALLEGED VICTIM D HAD "ALLEGEDLY" TOLD HIM THAT "ALLEGEDLY" MR. GAVLES ALLEGEDLY HAD
JUST SHOT (NOT SHOOTING AND/OR SHOOTING AT) HIS "ALLEGED" MOM!, WITHOUT ANY SUPPORT-
ING EVIDENCE OF THE MATTER ASSERTED AND/OR CORROBORATING TESTIMONY EVER PRODUCE AT TRI-

AL, OVER THE PETITIONER'S OBJECTIONS "TO HEARSAY!", AND WITHOUT THERE EVER BEING ANY PROPER/SUFFICIENT FOUNDATION "OF EVIDENCE AND/OR TESTIMONY ASSERTING THE PETITIONER INTO THE MATTER ASSERTED AND PROVING THE HEARSAY "OF THE MATTER ASSERTED" TO OF HAD BEEN FACT & TRUSTWORTHY" PRODUCED/ESTABLISHED AT TRIAL "IN ORDER FOR GERALD FEACHER TO TESTIFY/MENTION THE "ALLEGED" HEARSAY!" (R.T. OF 8/9/2022, AT PG. 49, LN. 3 - PG. 49, LN. 22 (ALSO APP. EXH. B-M "ATT.")). THEN THE TRIAL COURT ALLOWED GERALD & JAMESELLE TO FURTHER TESTIFY; THAT GERALD FEACHER HAD "ALLEGEDLY" CALLED "9-1-1" EMERGENCY AND ALLEGED THAT HIS DAUGHTER BOY FRIEND HAD JUST SHOT HER" (WHICH WAS IN ALL UNSUPPORTED SPECULATION "ON HIS BEHALF!") AND OTHER IRRELEVANT STATEMENTS "OF SPECULATION" OF WHAT ALLEGEDLY HAPPENED, BEFORE THEY HAD ARRIVED AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT (WHICH WAS IN ALL UNSUPPORTED BY ANY EVIDENCE); WITHOUT THE STATE OF ARIZONA EVER PRODUCING THE PROPER/SUFFICIENT FOUNDATION, TO ESTABLISH INTRODUCING THE "FORE-MENTIONED" STATEMENTS "OF HEARSAY", OF WHAT ALLEGED VICTIM FEACHER & D HAD ALLEGEDLY CALLED AND TOLD GERALD FEACHER, BEFORE HIM & JAMESELLE "ALLEGEDLY" HAD ARRIVED AT THE ALLEGED SCENE, AND OF THE ALLEGED INCIDENT. (R.T. OF 8/9/2022, AT PG. 49, LN. 25 - PG. 50, LN. 22 & PG. 92, LN. 26 - PG. 94, LN. 4, (ALSO APP. EXH. B-M "ATT."))

THEN GERALD & JAMESELLE CLEARLY TESTIFIED THAT THEY "ALLEGEDLY" DID NOT WITNESS THE ALLEGED INCIDENT TAKE PLACE (WHICH MEAN THE ALLEGED INCIDENT THAT WAS ALLEGED TO THEM, "ALLEGEDLY" BY ALLEGED VICTIM FEACHER, A, & D, COULD OF BEEN FABRICATED, AND SINCE THEY DID NOT WITNESS THE ALLEGED INCIDENT TAKE PLACE.); THEY "DIDN'T" TESTIFY AS TO WHAT TIME THE ALLEGED INCIDENT "ACTUALLY" TOOK PLACE (IN EXAMPLE: "FROM THIS TIME, TO THAT TIME, AND/OR FOR THIS MANY MINUTES;") (WHICH MEAN, THE ALLEGED INCIDENT, ALLEGED TO THEM, "ALLEGEDLY" BY ALLEGED VICTIM FEACHER, A, & D; COULD OF HAD TOOK PLACE SOMETIME, BEFORE THE ALLEGED PHONE CALL, "ALLEGEDLY" BETWEEN ALLEGED VICTIM FEACHER & GERALD; SINCE GERALD & JAMESELLE DID NOT TESTIFY, THAT THE ALLEGED INCIDENT WAS TAKING PLACE DURING THE ALLEGED PHONE CALL, THAT

HAD "ALLEGEDLY" TOOK PLACE "ALLEGEDLY" BETWEEN GERALD FEACHER & ALLEGED VICTIM FEACHER, AS THERE WAS NO EVIDENCE PRODUCED IN REGARDS TO IF THE ALLEGED INCIDENT HAD TOOK PLACE DURING THE ALLEGED PHONE CALL, THAT HAD ALLEGEDLY TOOK PLACE, ALLEGEDLY BETWEEN GERALD FEACHER & ALLEGED VICTIM FEACHER; AS THERE WAS NO EVIDENCE PRODUCED THAT ANY OF THE ALLEGED PHONE CALL, ALLEGEDLY BETWEEN GERALD &/OR JAMESELLE AND ALLEGED VICTIM FEACHER &/OR D EVER TOOK PLACE; AND AS GERALD & JAMESELLE "ONLY" TESTIFIED TO THE ALLEGED APPROXIMATE TIME THAT THE ALLEGED PHONE CALLS HAD ALLEGEDLY TOOK PLACE "ALLEGEDLY" BETWEEN THEM AND ALLEGED VICTIM FEACHER & D, AND TO THE ALLEGED APPROXIMATE LENGTH OF TIME IT TOOK THEM TO ARRIVE TO THE ALLEGED SCENE OF THE ALLEGED INCIDENT AFTER THE ALLEGED PHONES CALLS BETWEEN THEM & ALLEGED VICTIM FEACHER & D HAD ALLEGEDLY TOOK PLACE!). THEY ALSO TESTIFIED THAT WHEN THEY "ALLEGEDLY" HAD ARRIVED AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT, THERE WAS ALREADY "ALLEGED" UNEXPLAINED INTERVENING ACTIONS, "ALLEGEDLY" BY ALLEGED VICTIM FEACHER, A, B, C, & D (WITHIN EACH OTHER), AN "UNSPECIFIED" ALLEGED NEIGHBOR, AND OTHER "UNSPECIFIED PEOPLE", THAT WAS "ALLEGEDLY" AT THE ALLEGED SCENE, "ALLEGEDLY" BEFORE & WHEN THEY HAD ARRIVED (WHICH MEAN THAT THERE WERE OTHER "ALLEGED" PEOPLE, WHO COULD OF HAD ARRIVED AND/OR BEEN AT THE ALLEGED SCENE, DURING/AFTER THE ALLEGED INCIDENT, WHO COULD OF HAD COERCED ALLEGED VICTIM FEACHER, A, B, C, &/OR D. ALLEGED "OUT OF COURT" STATEMENTS THAT WAS "ALLEGEDLY" SAID, "ALLEGEDLY" AFTER THE "ALLEGED" INCIDENT, TO GERALD & JAMESELLE FEACHER, PHOENIX POLICE OFFICERS (IN REGARDS TO THE MATTER), FIRE FIGHTERS, E.M.T.'S, AND MEDICAL PERSONEL; AS THE ALLEGED SCENE & THE ALLEGED INCIDENT "IF TRUE!", WOULD OF HAD LOST ITS VALUE "AS OF TO CREDIBILITY/TRUSTWORTHINESS", AS OF TO THE MATTER ASSERTED THROUGH THE "ALLEGED" HEARSAY, OF WHAT GERALD FEACHER TESTIFIED/ALLEGED HE HAD ALLEGEDLY HEARD, "ALLEGEDLY" FROM ALLEGED VICTIM FEACHER OVER THE ALLEGED PHONE.

CALL "OF A MR. GAYLES "ALLEGEDLY" TRYING TO LEAVE WITH AN ALLEGED BABY "ALLEGED VICTIM E" AND OF WHAT GERALD & JAMESELLE TESTIFIED/ALLEGED THAT THEY HAD ALLEGEDLY HEARD, "ALLEGEDLY" FROM ALLEGED VICTIM D OVER THE ALLEGED PHONE CALL "OF AN "ALLEGED" MR. GAYLES HAD ALLEGEDLY SHOT HIS ALLEGED MOM"; BECAUSE THEY DID NOT TESTIFY TO ARRIVING AND SEEING ANY MR. GAYLES FOR 1, AND/OR LEAVING AND/OR TRYING TO LEAVE WITH ANYONE FOR 2, AND/OR SHOOTING AND/OR TRYING TO SHOOT ANYONE FOR 3, AND AS NO EVER ALLEGED/TESTIFIED TO AT TRIAL FOR 4; AND AS THEY "BOTH" TESTIFIED TO "ALLEGEDLY" WITNESSING A COMPLETELY DIFFERENT & UNCORROBORATED SCENE, "AS OF TO WHAT THEY "ALLEGED" ALLEGED VICTIM FEACHER & D HAD ALLEGED TO THEM "ALLEGEDLY" OVER THE ALLEGED PHONE CALL AS FORE-MENTIONED", WHEN THEY HAD "ALLEGEDLY" ARRIVED AT THE SCENE OF THE ALLEGED INCIDENT, AND AT TRIAL! (WHICH FURTHER MEAN THAT THERE WERE PLENTY OF TIME, BETWEEN, FOR ALLEGED VICTIM FEACHER, A, B, C, & D TO REFLECT & CREATE/FABRICATE THEIR ALLEGED STATEMENTS ("ALLEGEDLY" SAID TO GERALD & JAMESELLE FEACHER, PHOENIX POLICE OFFICERS, FIREFIGHTERS, E.M.T.S, AND MEDICAL PERSONEL), BEFORE GERALD & JAMESELLE "ALLEGEDLY HAD ARRIVED", SINCE THERE WAS ENOUGH TIME FOR THE ALLEGED "UNEXPLAINED INTERVENTING ACTION "AS FORE-MENTIONED", THAT "ALLEGEDLY" HAD CHANGED THE ENTIRE SCENARIO & CREDIBILITY AT THE ALLEGED SCENE "AS OF TO THE ALLEGED MATTER ASSERTED, "ALLEGEDLY" BY ALLEGED VICTIM FEACHER & D, "ALLEGEDLY" IN THE ALLEGED STATEMENTS THAT THEY HAD "ALLEGEDLY" MADE TO GERALD & /OR JAMESELLE FEACHER "ALLEGEDLY" OVER AN ALLEGED PHONE CALL "AS FORE-MENTIONED", AND ACCORDING TO GERALD & JAMESELLE FEACHER TESTIMONY "AT TRIAL" (AS THE STATE OF ARIZONA HAD ALREADY ESTABLISHED THE RELIABILITY "AS OF TO HEARSAY STATEMENTS" AND HOW THE STATEMENTS OF HEARSAY UNDER ARIZ. R. EVID. 803 (2) WOULD HAVE TO TEND TO EXPLAIN AN INJURY, OR OFFER MEDICAL HISTORY, OR SYMPTOMS PERTINENT TO A DIAGNOSIS, AND/OR THE STATEMENTS WOULD HAVE TO BE MADE/OCCUR SO CLOSE IN TIME TO THE "ALLEGED" EVENT, THAT THE PERSON SPEAKING THE WORDS WOULD NOT HAVE THE TIME TO FABRICATE

THEIR ALLEGED STATEMENT(S) (IN STATE V. RIVERA, 139 ARIZ. 409, 678 P.2D 1373 (1981), BETTER DESCRIBED IN STATE V. CARR, 254 ARIZ. 468, 743 P.2D 1386 (1987)), WHILE THE DECLARANT/WITNESS IS UNDER STRESS OF EXCITEMENT CAUSED BY THE ALLEGED EVENT OR CONDITION(S), WITHOUT ANY "UNEXPLAINED" INTERVENING ACTION(S), AS TO GUARANTEE THE TRUSTWORTHINESS OF THE ALLEGED STATEMENTS (AS DESCRIBED IN STATE V. ROBINSON, 253 ARIZ. 188, 735 P.2D 798 (1986)))). THEY TESTIFIED THAT THE "UNSPECIFIED" ALLEGED NEIGHBOR WAS ALLEGEDLY ATTENDING TO ALLEGED VICTIM FEACHER LEG (WHILE SPECULATING THAT SHE WAS "ALLEGEDLY" ATTENDING TO AN ALLEGED GUN-SHOT WOUND, THAT SHE WAS "ALLEGEDLY" COVERING, AND BY ALLEGEDLY APPLYING PRESSURE TO IT). THEY NEVER TESTIFIED TO ACTUALLY WITNESSING THE ALLEGED WOUND AND/OR POSITIVELY IDENTIFYING IT TO BE/AS AN "EYE-WITNESSED" GUN-SHOT WOUND. THEY NEVER TESTIFIED TO WITNESSING ANY ACTUAL BLEEDING (WHICH MEAN ALLEGED VICTIM ID COULD OF HAD BEEN LYING/FABRICATED ABOUT HIS "UNSUPPORTED" "ALLEGED" OUT OF COURT" STATEMENTS OF ALLEGED VICTIM FEACHER "ALLEGEDLY" BEING SHOT "ALLEGEDLY" BEFORE GERALD & JAMESUE FEACHER HAD ALLEGEDLY ARRIVED, AND/OR ALLEGED VICTIM FEACHER COULD OF HAD BEEN INJURED AFTER GERALD & JAMESUE "ALLEGEDLY" HAD ARRIVED AT THE ALLEGED SCENE, SOMEHOW, AND/OR BEFORE PHOENIX POLICE OFFICERS ALLEGED/TESTIFIED THAT THEY HAD ARRIVED, AND/OR IF SHE WAS EVER REALLY INJURED...). THEY DIDN'T TESTIFY TO WITNESSING ANY SHELL CASINGS (WHICH MEAN THAT THE 2 ALLEGED SHELL CASINGS, THAT THE PHOENIX POLICE OFFICERS (IN REGARDS TO THE MATTER), ALLEGED THAT THEY HAD FOUND AT THE "ALLEGED" SCENE "ALLEGEDLY" WHEN THEY HAD "ALLEGEDLY" ARRIVED, COULD OF HAD BEEN PLACED AT THE ALLEGED SCENE, AND AFTER GERALD & JAMESUE "ALLEGEDLY" HAD ARRIVED!). THEY TESTIFIED THAT THEY DID NOT WITNESS ANY JOHN FITZGERALD GAYLES PRESENT AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT, AND/OR WITH ANY/AN ALLEGED FIREARM, AT ANY TIME, DURING, AND/OR AFTER THEIR ALLEGED ARRIVAL (WHICH MEAN THAT ALLEGED VICTIM FEACHER ID COULD OF HAD LIED/FABRICATED A STORY, ABOUT AN ALLEGED MR. GAYLES, AND/OR ALLEGED

JOHN, AND/OR ANY ALLEGED MR. GAYLES AND/OR JOHN THAT GERALD & JAMESELLE CHOSE TO SPECULATE/ASSUME, EVER BEING PRESENT DURING THE ALLEGED INCIDENT, AND/OR ECT... AS THERE WERE NEVER ANY EVIDENCE PRODUCED THE ENTIRE CASE, PROVING THAT THE PETITIONER "JOHN FITZGERALD GAYLES", AND/OR ANY MR. GAYLES, AND/OR ANY JOHN, AND/OR SOMEONE PORTRAYING TO BE A MR. GAYLES, JOHN, AND/OR JOHN FITZGERALD GAYLES "OF ANY SORTS", WAS EVER PRESENT AT THE ALLEGED SCENE, DURING THE ALLEGED INCIDENT, AND/OR NOR ANY CORROBORATING TESTIMONY, FROM ANY OF THE "ALLEGED" EYE-WITNESSES, AND/OR EYE-WITNESSES, AND/OR "ANY" WITNESSES....)

WHICH IN ALL "ALLEGEDLY" CAUSED GERALD FEACHER TO "ALLEGEDLY" APPROACH ALLEGED VICTIM A & D AND "ALLEGEDLY" HAVE AN ALLEGED CONVERSATION WITH THEM, WHERE HE "UNSUPPORTEDLY" TESTIFIED THAT ALLEGED VICTIM A "SUPPOSEDLY" HAD "UNSUPPORTEDLY" ALLEGED TO HIM "THAT 'ALLEGEDLY' HE HAD HEARD AN 'ALLEGED' BULLET FLY PAST HIS HEAD," AND ALLEGED VICTIM D "SUPPOSEDLY" HAD "UNSUPPORTEDLY" ALLEGED TO HIM "THAT AN 'ALLEGED' JOHN HAD 'ALLEGEDLY' SHOT HIS ALLEGED 'MOM'!" (WHICH MEAN; "ALLEGEDLY" THAT ALLEGED VICTIMS A & D DID NOT APPROACH GERALD FEACHER, THE "ALLEGED" STATEMENTS WE'RE NOT A CRY FOR HELP, AND THE ALLEGED STATEMENTS WE'RE NOT SPONTANEOUS; AS GERALD DID NOT TESTIFY THAT ALLEGED VICTIM A & D APPROACHED HIM, AND/OR INITIATED THE ALLEGED "UNSUPPORTED" & "UNCORROBORATED" CONVERSATION, AND/OR WITH SAYING THE ALLEGED "UNSUPPORTED" STATEMENTS, FOR 1; "ALLEGEDLY" THE ALLEGED STATEMENTS IS NOT RELIABLE AS AN EXCEPTION TO THE HEARSAY RULE WHEN THEY WE'RE TESTIFIED TO BY GERALD FEACHER, AND WITHOUT THE PROPER/SUFFICIENT FOUNDATION ESTABLISHED "AT TRIAL"; BECAUSE OF (1) THE UNEXPLAINED "ALLEGED" INTERVENING ACTION "AS PRE-EXPLAINED" (AS GERALD FEACHER DID NOT TESTIFY TO WITNESSING THE ALLEGED INCIDENT, NOR A BULLET FLY PASS ALLEGED VICTIM A HEAD; AND NOR ALLEGED VICTIM D MOM GET SHOT) AND (2) THE TIME BETWEEN THE ALLEGED INCIDENT AND ALLEGED VICTIM A & D ALLEGED STATEMENTS ALLEGEDLY SAID TO GERALD FEACHER AT THE ALLEGED SCENE (AS "ALLEGEDLY" THE TIME BETWEEN THE ALLEGED INCIDENT "AS FOR

EMENTIONED" AND "ALLEGEDLY" WHEN GERALD JAMESELLE "ALLEGEDLY" HAD ARRIVED AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT, WAS ENOUGH TIME FOR THE ALLEGED SCENE TO CHANGE "AS PRE-EXPLAINED" (WHICH "FURTHER" MEAN EVEN THOUGH THE TIME OF THE ALLEGED INCIDENT WAS NOT SPECIFIED (OUTSIDE OF THE PROSECUTOR'S "UNSUPPORTED SPECULATION (PRE-TRIAL) "AS PRE-EXPLAINED"), BECAUSE THERE WERE NO TESTIMONY NOR EVIDENCE EVER PRODUCED THE ENTIRE CASE TO SPECIFY THE "ACTUAL/EXACT" TIME OF THE ALLEGED INCIDENT, BUT SINCE THERE WERE ENOUGH TIME FOR THE "UNEXPLAINED" ALLEGED INTERVENING ACTIONS (AS FORE-MENTIONED), THEN THERE WERE PLENTY TIME FOR ALLEGED VICTIM A ID TO REFLECT & CREATE FABRICATED STATEMENTS, "ALLEGEDLY BEFORE GERALD JAMESELLE HAD ALLEGEDLY ARRIVED "AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT", TO ALLEGED TO GERALD FEACHER "ALLEGEDLY" WHEN HE HAD ARRIVED AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT, ALSO (SAME AS LIKE THE "UNSUPPORTED" ALLEGED STATEMENTS, ALLEGEDLY MADE BY ALLEGED VICTIM FEACHER ID, "ALLEGEDLY" OVER AN "UNSUPPORTED" ALLEGED PHONE CALL CONVERSATION, "ALLEGEDLY" WITH GERALD, &/OR JAMESELLE "AS FORE-MENTIONED"), AND ACCORDING TO GERALD JAMESELLE TESTIMONIES), FOR 2; "ALLEGEDLY" THAT THEY WAS DESCRIBING, PAST TENSE OF AN ALLEGED EVENT, "ALLEGEDLY" TO GERALD FEACHER, "ALLEGEDLY" WHO WAS CONDUCTING AN INVESTIGATION (EVEN THOUGH HE TESTIFIED THAT HE WASN'T THERE TO CONDUCT A INVESTIGATION), "ALLEGEDLY" THAT'S ALL HE DID "WAS CONDUCT AN INVESTIGATION!", AND ACCORDING TO HIS TESTIMONY), OF AN ALLEGED INCIDENT, THAT HE ALLEGEDLY DID NOT WITNESS TAKE PLACE, AND ACCORDING TO HZM JAMESELLE TESTIMONIES (WHICH MEAN THAT THE ALLEGED STATEMENTS "IF TRULY SAID BY ALLEGED VICTIM A ID TO GERALD &/OR JAMESELLE FEACHER "IN ALL" (AS GERALD JAMESELLE TESTIFIED TO), WERE CLEARLY PART OF AN INTERROGATION, AND NOT AN EXCITED UTTERANCE (AS THERE WERE NO EVIDENCE, NOR TESTIMONY, EVER PRODUCED "THE ENTIRE CASE", PROVING "THAT AN ALLEGED BULLET FLEW PAST ALLEGED VICTIM A HEAD", AND "THAT A JOHN/MR GAYLES SHOT ALLEGED VICTIM D MOM!") (AS THE COURTS ALREADY ESTABLISHED IN DAVES V. WASHINGTON, 547 U.S 813, 126 S.

CT. 226, 265 L.E.D. 2D 224 (2006) "THAT STATEMENTS OUTSIDE OF POLICE INTERROGATION COULD BE TESTIMONIAL 'ALSO!')", FOR 3; AND WHEN GERALD & JAMESELLE FEACHER "BOTH" TESTIFIED TO "ALLEGEDLY" HEARING THE ALLEGED "OUT OF COURT" STATEMENTS, "ALLEGEDLY" SAID AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT, "ALLEGEDLY" BY ALLEGED VICTIM A & D, AT TRIAL; IT WAS CLEARLY INADMISSIBLE "HEARSAY", AND ACCORDING TO FED. ARIZ. R. OF EVID. "802" (WHICH MEAN THAT THE ALLEGED STATEMENTS, WE'RE/ARE SUBJECT TO CROSS EXAMINATION, BECAUSE THERE WAS NOT A SUFFICIENT/PROPER FOUNDATION OF EVIDENCE AND/OR TESTIMONY ESTABLISHED, AT TRIAL, IN THIS MATTER, TO PROVE THE TRUTHFULNESS OF THE "ALLEGED" MATTER ASSERTED, THROUGH THE ALLEGED STATEMENTS; IN ORDER FOR THE COURTS TO "LAWFULLY & LEGALLY" ALLOW, THE STATE OF ARIZONA, TO INTRODUCE THE ALLEGED STATEMENTS "OF HEARSAY", THROUGH GERALD & JAMESELLE FEACHER TESTIMONY ("AS THEY DID!"); MEANING THAT THE ALLEGED STATEMENTS WE'RE/ARE TESTIMONIAL, BECAUSE THEY WERE "ALLEGEDLY" OFFERED BY ALLEGED VICTIM A & D, "ALLEGEDLY" TO GERALD FEACHER "ALLEGEDLY" TO PROVE THE TRUTH OF THE MATTER ASSERTED, "ALLEGEDLY" WITHOUT ANY EVIDENCE OF THE "ALLEGED" MATTER ASSERTED EVER BEING PRODUCED "TO GERALD & JAMESELLE FEACHER", AND ACCORDING TO GERALD & JAMESELLE FEACHER'S TESTIMONIES!); AND FOR 4!).

THEN GERALD & JAMESELLE FEACHER TESTIFIED HOW THEY "UNSUPPORTEOLY & PREJUDICALLY" BELIEVED ALLEGED VICTIM FEACHER, A & D DEMEANDR, "PROBABLY" WAS, (WHICH WAS "IN ALL" IRRELEVANT), WITHOUT ANY CORROBORATING TESTIMONY "BY ALLEGED VICTIM FEACHER, A & D, AND/OR CORROBORATING EVIDENCE, PRODUCED, AND AT TRIAL" IN THIS MATTER. FURTHERMORE THERE WERE NO EVIDENCE, PRODUCED AT TRIAL, THAT SUPPORTED /CORROBORATED ANY OF GERALD & JAMESELLE FEACHER TESTIMONY. (WHICH MEAN THAT THEY COULD OF FABRICATED THEIR ENTIRE TESTIMONY. ESPECIALLY SINCE THEY DID NOT ALLEGED ANY OF THE STATEMENTS THAT THEY HAD ALLEGED IN THEIR TESTIMONY, AT TRIAL; AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT, ONCE THE PHOENIX POLICE OFFICERS "IN-REGARDS TO THE MATTER", ALLEGEDLY HAD ARRIVED, AT THE ALLEGED

SCENE, OF THE ALLEGED INCIDENT, AND QUESTIONED THEM "BOTH", AND IN ATTEMPT TO INVESTIGATE THE ALLEGED SCENE (AS THEIR EXACT STATEMENTS WAS THAT THEY WERE NOT THERE & THAT THEY DID NOT WITNESS THE "ALLEGED" INCIDENT (AS GERALD "ALONE" ONLY FURTHER ALLEGED TO THE OFFICERS "IN REGARDS TO THE MATTER", THAT "HIS DAUGHTER HAD ALLEGEDLY CALLED HIM TO COME OVER!", "SO THATS "ALLEGEDLY" WITH HIM & JAMESELLE " WAS THERE.")). WHICH WAS A FUNDAMENTAL ERROR WITHIN IN ITSELF, BECAUSE THEY DID NOT ALLEGED ANY OF THE ALLEGED STATEMENTS, THAT THEY HAD ALLEGED IN THEIR TESTIMONY "AT TRIAL"; AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT, TO OFFICERS "IN REGARDS TO THE MATTER", AT THE TIME, OTHER THAN THE "STATEMENTS" AS PRE-EXPLAINED; AND NOT UNTIL AN "ALLEGED" INTERVIEW WAS "ALLEGEDLY" CONDUCTED, ALLEGEDLY BY A PHOENIX POLICE OFFICER (RODNEY LOMBARD), AND "ALLEGEDLY" ON 5/7/2022 (APPROXIMATELY 7 1/2 MONTHS LATER) (WHICH "FURTHER" MEAN THAT THEY HAD PLENTY OF TIME TO REFLECT & FABRICATE "THEIR TESTIMONY/STATEMENTS" AT TRIAL; IN REGARDS TO THE ALLEGED SCENE, THAT THEY HAD ALLEGED/TESTIFIED TO OF HAD WITNESSED, IN REGARDS TO THE "ALLEGED" MATTER OF 8/30/2022, AND IN THIS MATTER (MAKING THEIR TESTIMONIES UNTRUSTWORTHY, BECAUSE AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT, THEY ALLEGED "ONE THING" OF NOT WITNESSING ANY THING, AND AS GERALD "ALONE" ALLEGED TO FURTHER WITNESSING ALLEGED VICTIM FATHER "ALLEGEDLY" ASK HIM TO COME OVER "ONLY!" (AS PRE-EXPLAINED), THEN AT TRIAL THEY TESTIFIED TO "ALLEGEDLY" WITNESSING "MUCH" DIFFERENT, ALL OF A SUDDEN, AND AS THE STATE OF ARIZONA DID NOT TIMELY DISCLOSE THEIR STATEMENT "ALLEGEDLY" MADE IN THE ALLEGED INTERVIEW OF 5/7/2022, UNTIL 7/29/2022 (WHICH WAS 4 DAY BEFORE TRIAL (WHICH IS A FUNDAMENTAL ERROR WITHIN ITSELF, BECAUSE ACCORDING TO FED & ARIZ R. CRIM. PRO. 15.6(C) THE STATE OF ARIZONA WAS SUPPOSE TO OF HAD TIMELY DISCLOSED SUCH INFORMATION, AT LEAST 7 DAYS BEFORE TRIAL, SO THE PETITIONER COULD OF HAD TIMELY PREPARED FOR THE ALLEGED MATTER, AND AT TRIAL.)) (AS IT WAS ALREADY ESTABLISHED IN THE COURTS OF THE STATE

OF ARIZONA THAT TESTIMONY OF SUCH "STATEMENTS" SHOULD BE PRECLUDED, FROM BEING INTRODUCED, AT TRIAL, THROUGH LAY WITNESSES, BECAUSE, THEY WERE NOT MADE AT THE ALLEGED SCENE, AT THE TIME, THAT IT WAS TIME, TO MAKE THE ALLEGED STATEMENTS, IN THE FIRST PLACE, SO THEY COULD BE RECOGNIZED AS TRUST-WORTHY/ADMISSIBLE STATEMENTS, BY LAW, AND AT TRIAL (IN STATE V. STRONG, ARIZ. SEPT. 3, 2024 CASE))))).

FURTHERMORE THE PETITIONER OBJECTED TO THE INADMISSIBLE "HEARSAY" STATEMENTS, THAT WAS INTRODUCED, BY THE STATE OF ARIZONA, THROUGH GERALD & JAMESELLE FEACHER, AT TRIAL, WITHOUT THE PROPER/SUFFICIENT FOUNDATION ESTABLISHED, AS STATED "BY LAW, IN ORDER, TO "LEGALLY" DO SO, AS PRE-EXPLAINED, AND DEMONSTRATED "HERE-IN". AS THE TRIAL JUDGE ABUSED HIS DISCRETION, IN REGARDS TO THE MATTER BY "FURTHER & PURPOSELY" IGNORING & OVERRULING THE PETITIONER'S OBJECTIONS, TO THE INADMISSIBLE "HEARSAY" STATEMENTS, INTRODUCED THROUGH GERALD & JAMESELLE FEACHER TESTIMONY, AT TRIAL, AND BY THE STATE OF ARIZONA.

ALSO GERALD & JAMESELLE FEACHER TESTIFIED THAT ALLEGEDLY THE PHOENIX POLICE OFFICERS "IN REGARDS TO THE MATTER," ALLEGEDLY HAD ARRIVED TO THE ALLEGED SCENE OF THE ALLEGED INCIDENT, AND AFTER THEM (AS THE PHOENIX POLICE OFFICERS "IN REGARDS TO THE MATTER," TESTIFIED THAT THEY HAD "ALLEGEDLY" ARRIVED AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT, AND "ALLEGEDLY" WITNESS SEEING GERALD & JAMESELLE FEACHER PRESENT...).

IN ALL R.T. OF 8/9/2022 AT PG. 50, LN. 23 - PG. 54, LN. 3 & PG. 94, LN. 5 - PG. 97, LN. 2 (ALSO APP. EXH. M "ATT")

THE TRIAL JUDGE ERRONEOUSLY ALLOWED THE STATE OF ARIZONA TO INTRODUCE GERALD & JAMESELLE FEACHER'S "INADMISSIBLE" TESTIMONIES, AS A WAY/FOUNDATION FOR THE PHOENIX POLICE OFFICERS "IN REGARDS TO THE MATTER", TO INTRODUCE "INADMISSIBLE" TESTIMONY & INADMISSIBLE EVIDENCE, OF WHAT ALLEGED VICTIM FEACHER, A, B, C, & D HAD ALLEGEDLY TOLD THEM "AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT," AND AT TRIAL "IN THIS MATTER, WHICH IS ANOTHER

PREJUDICIAL/FUNDAMENTAL ERROR, WITH IN ITSELF, BECAUSE GERALD & JAMESELLE FEACHER'S SPECULATING TESTIMONIES, ATTEMPTING TO ASSERT/INSERT THE PETITIONER INTO THE MATTER ASSERTED "OUT OF PREJUDICE", WITHOUT THE SUFFICIENT/PROPER FOUNDATION ESTABLISHED, AT TRIAL "AS PRE-EXPLAINED", INCLUDING THEIR TESTIMONIES OF THEIR UNSUPPORTED "HEARSAY" STATEMENTS, OF ALLEGED STATEMENTS, ALLEGEDLY SAID BY ALLEGED FEACHER, A, & D, THAT WAS OFFERED, AT TRIAL, TO THE JURY, IN ATTEMPT TO PROVE THE TRUTH OF THE MATTER ASSERTED, WITHOUT THE SUFFICIENT/PROPER FOUNDATION BEING ESTABLISHED, AT TRIAL, AND "AS PRE-EXPLAINED" (WHICH CAUSED THE PETITIONER TO BE IMPROPERLY ASSERTED INTO THE MATTER ASSERTED, BY THE STATE OF ARIZONA, IN THAT THE ALLEGATIONS, OF THE CHARGES, IN ALL OF THE COUNTS, IN THIS MATTER, WITHOUT ALLOWING THE PETITIONER TO FACE/CROSS EXAMINE THE ALLEGED DECLARANTS/EYE-WITNESSES TO THEIR TESTIMONIAL "OUT OF COURT" ALLEGED STATEMENTS (WHICH DEPRIVED THE PETITIONER OF A FAIR TRIAL, BECAUSE THIS FUNDAMENTAL ERROR GOES TOWARD THE FOUNDATION OF THE CASE, BECAUSE DUE TO GERALD & JAMESELLE FEACHER TESTIMONY (R.T. OF 8/9/2022, AT PG. 43, LN. 8 - PG. 59, LN. 25, PG. 83, LN. 14 - PG. 84, LN. 13, PG. 85, LN. 14 - PG. 102, LN. 20), THE TRIAL JUDGE ERRONEOUSLY ALLOWED THE STATE OF ARIZONA TO "FURTHER" INTRODUCE INADMISSIBLE "HEARSAY" STATEMENTS, FRAUDULENT & INADMISSIBLE "EVIDENCE, AND OTHER "IRRELEVANT" TESTIMONY THROUGH OTHER LAY WITNESSES "INADMISSIBLE TESTIMONY."))).

B. PHOENIX POLICE OFFICERS TESTIMONY

WHEN THE PHOENIX POLICE OFFICERS WHO HAD TESTIFIED/ALLEGED TO OF HAD ARRIVED AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT, OF 8/30/2021, AT TRIAL, THEY CLEARLY TESTIFIED, THAT THEY ALL HAD ARRIVED, AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT, TO AN ALLEGED SCENE THAT GERALD & JAMESELLE FEACHER, ALLEGED "UNKNOWN" NEIGHBORS, AND OTHER "UNKNOWN" PEOPLE, HAD "ALLEGEDLY" ALREADY ARRIVED TO AND "ALLEGEDLY" INTERVENED IN; AND AS IT WAS TESTIFIED BY GERALD & JAMES-

ELLE FEACHER THAT THEY HAD "ALLEGEDLY" ALREADY INTERACTED/INTERVIEWED WITH ALLEGED VICTIM FEACHER, A, B, C, & D (ALLEGEDLY "ALONG WITH OTHER "UNSPECIFIED & "UNKNOWN" PEOPLE, WHO WAS ALSO "ALLEGEDLY" STANDING AROUND TALKING, ABOUT "UNKNOWN" CONVERSATIONS, "BEFORE, AND WHEN GERALD & JAMESELLE "ALLEGEDLY" HAD ARRIVED (R.T. OF 8/9/2022, AT PG. 77, LN. 10 - PG. 78, LN. 21 (ALSO APP. EXH-B-M "ATT")), AND ACCORDING TO GERALD & JAMESELLE FEACHER'S TESTIMONIES "AS PRE-EXPLAINED!"). THE "PHOENIX POLICE" OFFICERS, ALL TESTIFIED THAT THEY DID NOT WITNESS THE ALLEGED INCIDENT TAKE PLACE "AT ANY TIME", THAT THEY NEVER WITNESS SEEING ANY JOHN FITZGERALD GAYLES/ THE PETITIONER PRESENT AT THE ALLEGED SCENE OF THE ALLEGED INCIDENT "AT ANY TIME" (IN SPECIFIC "ON 8/30/2022"), AND "ALLEGEDLY" THAT WHEN THEY HAD ARRIVED, THEY HAD TO APPROACH ALLEGED VICTIM FEACHER, A, B, C, & D, AND ASK A QUESTION "OF INQUIRING WHAT HAD "ALLEGEDLY" HAPPENED, AT THE ALLEGED SCENE, AND BEFORE THEY HAD ARRIVED!". THEY NEVER TESTIFIED THAT ANYONE "SPONTANEOUSLY" APPROACHED THEM "WITH ANY STATEMENTS", AND/OR WITH ANY S CALLS/CRYS FOR HELP. THEY NEVER TESTIFIED TO ASSISTING IN ANY ON-GOING EMERGENCY, AND/OR THAT WAS RELEVANT TO THE MATTER ASSERTED "BY THE STATE OF ARIZONA" (OF AN ALLEGED VICTIM FEACHER, BEING "ALLEGEDLY" RECENTLY SHOT, BY THE PETITIONER "JOHN FITZGERALD GAYLES", AND FURTHER NEEDING MEDICAL ATTENTION "AS OF TO AN ALLEGED GUN SHOT WOUND!"); EVEN THOUGH ALLEGED VICTIM FEACHER "ALLEGEDLY" LATER CHOSED/WANTED TO BE TRANSPORTED, TO AN ALLEGED HOSPITAL, TO BE "FURTHER" EVALUATED ("ALLEGEDLY" AFTER AN "UNKNOWN" NEIGHBOR HAD ALREADY TREATED HER ALLEGED WOUND "TO WHERE SHE WASN'T ACTIVELY BLEEDING," FOR 1; THEN AFTER SHE TURNED DOWN JAMESELLE OFFER FOR HELP (R.T. OF 8/9/2022 AT PG. 94, LN. 28 - LN. 25 (ALSO APP. EXH-B-M "ATT")), FOR 2; AND AFTER IT WAS NEVER "PHYSICALLY" ALLEGED BY ANY "EYE-WITNESS/ANYONE" THAT THE PETITIONER "JOHN FITZGERALD GAYLES"; (1) ASSAULTED HER, (2) AND/OR OUTSIDE OF SELF DEFENSE, FOR 3 (

ACCORDING TO ALL "RELEVANT" TESTIMONY TO THE MATTER ASSERTED)). THEY NEVER TESTIFIED TO "ACTUALLY" EYE-WITNESSING ANY INJURIES ON ALLEGED VICTIM FEACHER, AND/OR IDENTIFYING IT TO BE RELEVANT TO THE MATTER ASSERTED (WHICH MEAN THAT NO ONE TESTIFIED, TO ACTUALLY WITNESSING, ALLEGED VICTIM FEACHER ALLEGED WOUND, AND ACTUALLY RECOGNIZING IT TO BE "POSITIVELY" IDENTIFYING IT. "AS A BULLET WOUND," WITNESSED AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT, AND BY THE ALLEGED WITNESS (AS ALL WITNESSES, WHO TESTIFIED, AT TRIAL, TO "ALLEGEDLY" WITNESSING ALLEGED VICTIM FEACHER "ALLEGEDLY" BEING INJURED, "IF YOU NOTICE" ACTUALLY NEVER TESTIFIED TO ACTUALLY WITNESSING THE ALLEGED INJURY, AND/OR IDENTIFYING THE ALLEGED INJURY, TO OR HAD BEEN RECOGNIZED TO THEM "TO BE A BULLET WOUND", AS THEY ALL ADMITTED THAT "ALLEGEDLY" AN ALLEGED "UNKNOWN & UNSPECIFIED" NEIGHBOR WAS "ALLEGEDLY" COMpressing THE ALLEGED WOUND (WHICH MEAN THE ALLEGED INJURY WOULD OR BEEN COVERED FROM THE ALLEGED WITNESS SIGHT." (WHICH MEAN THAT THERE WAS NO WAY FOR THE "ALLEGED" WITNESS, TO ACTUALLY SEE, THE ALLEGED INJURY, AND THAT THEY WERE ASSUMING THAT ALLEGED VICTIM FEACHER WAS "ALLEGEDLY" INJURED, AT THE ALLEGED SCENE, OF THE ALLEGED INCIDENT, AND/OR THEY WERE LYING ABOUT ACTUALLY SEEING THE ALLEGED INJURY, AND COMMITTING PERJURY "AT TRIAL."))) THAT WAS CAUSED BY THE PETITIONER "JOHN FITZGERALD GAYLES", AND/OR "NOR" DUE TO AN AGGRAVATED ASSAULT "BY AN ALLEGED FIREARM", AND/OR ANY ASSAULT!); AND EVEN THOUGH THEY TESTIFIED TO WHAT THEY "PREJUDICIALLY" BELIEVED ALLEGED VICTIM FEACHER, A, B, C, & D DEMEANOR "PROBABLY" WAS (WITHOUT ANY CORROBORATING EVIDENCE AND/OR TESTIMONY "FROM ALLEGED VICTIM FEACHER, A, B, C, & D, PRODUCED, AND AT TRIAL), THAT DOESN'T MAKE ANY OF THEIR "UNSUPPORTED" ALLEGED "OUT OF COURT" STATEMENTS AN EXCITED UTTERANCE, AND/OR THE ALLEGED SCENE "AT ANY TIME", AND/OR ANY SCENE AN EXCITED EVENT, AND/OR RELEVANT TO THE MATTER ASSERTED (AS THE ONLY ALLEGED EVENT/SCENE THAT THEY TESTIFIED TO WIT-

NESSING, "ALLEGEDLY" WAS OF THEM ARRIVING TO THE ALLEGED SCENE OF THE ALLEGED INCIDENT AND WITNESSING ALLEGED VICTIM FEACHER "ALLEGEDLY" SITTING ON THE GROUND IN THE FRONT YARD (AFTER OTHER UNEXPLAINED/UNTESTIFIED TO INTERVENING ACTIONS. "AS PRE-EXPLAINED HERE IN."), AND AS ALLEGED VICTIM A, B, C, D, & AN NUMEROUS AMOUNT OF "UNSPECIFIED" OTHERS WAS "ALLEGEDLY" EITHER JUST STANDING, AND/OR WALKING AROUND "UNEXPLAINEDLY" IN THE FRONT YARD, AND/OR CONVERSATING (THAT IN ALL MAKE A HUGE DIFFERENCE, TOWARDS THE MATTER ASSERTED "BY THE STATE OF ARIZONA" THE TRUSTWORTHINESS OF ALLEGED VICTIM FEACHER, A, B, C, & D ALLEGED "OUT OF COURT" STATEMENTS, THAT WAS INTRODUCED BY THE STATE OF ARIZONA, THROUGH PHOENIX POLICE OFFICERS' TESTIMONY "OF HEARSAY", AS ALLEGED EXCITED UTTERANCE (BY THE PROSECUTOR "MELISSA CERTO" IN THIS MATTER); BECAUSE THE MATTER ASSERTED WAS NEVER ALLEGED/TESTIFIED TO OF HAD BEEN WITNESSED BY ANYONE "AT TRIAL, AND NOR DID ALLEGED VICTIM FEACHER, A, B, C, & D TESTIFY TO/ALLEGED THEIR "OUT OF COURT" STATEMENTS "AT TRIAL")).

FURTHERMORE THE TRIAL JUDGE "ERRONEOUSLY" ALLOWED THE STATE OF ARIZONA TO INTRODUCE THE PHOENIX POLICE OFFICERS TESTIMONY OF "INADMISSIBLE" HEARSAY (IN THE SAME AS GERALD & JAMES ELLIE TESTIMONY), OF WHAT ALLEGED VICTIM FEACHER, A, B, C, & D HAD "ALLEGEDLY" RESPONDED TO THE ALLEGED OFFICERS, "ALLEGEDLY" ABOUT AN ALLEGED INCIDENT, THAT THE OFFICERS DID NOT WITNESS TAKE PLACE, THAT THERE WAS NO "SUPPORTING" EVIDENCE OF "EVER PRODUCED AT TRIAL", AND THAT ALLEGED VICTIM FEACHER, A, B, C, & D DID NOT TESTIFY TO; OVER THE PETITIONERS OBJECTIONS, AND DUE TO AN ABUSE OF DISCRETION. (RT. OF 8/10/2022, AT PG. 39, LN. 24 - PG. 49, LN. 9; PG. 92, LN. 23 - PG. 95, LN. 3; (LAWROSE TESTIMONY); 8/15/2022, AT PG. 19, LN. 15 - PG. 25, LN. 29; PG. 54, LN. 15 - PG. 56, LN. 23 (JUSTIN HERNANDEZ TESTIMONY); 8/15/2022 (CONT.) AT PG. 8, LN. 13 - PG. 14, LN. 7; PG. 25 LN. 15 - PG. 28, LN. 3 (THOMAS OVERZET TESTIMONY); PG. 49, LN. 18 - PG. 50, LN. 20 (LAUREN BURKE TESTIMONY) (ALL ALSO APP. EXHIBIT "ATT")

AS THE TRIAL JUDGE CLEARLY DIRECTED THE PETITIONER'S COUNSEL TO DIRECT

THE PETITIONER "THAT THE PETITIONER'S OBJECTION" TO THE HEARSAY "WAS NOTED FOR APPELLATE PURPOSES AND THAT THE PETITIONER DOES NOT NEED TO FURTHER OBJECT AS OF TO THE "INADMISSIBLE" HEARSAY STATEMENTS "AT TRIAL"; AS THE PETITIONER'S COUNSEL DID AND ALSO FURTHER INFORMING THE PETITIONER THAT THE TRIAL JUDGE ALLEGES THAT THE HEARSAY "OF THE ALLEGED STATEMENTS "ALLEGEDLY" SAID BY ALLEGED VICTIM FEACHER, A, B, C, & D WERE "ALLEGEDLY" AN EXCITED UTTERANCE; WHEN THE COURTS ERRONEOUSLY ALLOWED THE STATE OF ARIZONA TO INTRODUCE; PHOENIX POLICE OFFICER "JUSTIN LAROSE" TESTIMONY OF HEARSAY "OF WHAT ALLEGED VICTIM FEACHER HAD "ALLEGEDLY" TOLD HIM" (ALLEGEDLY ABOUT WHAT "SUPPOSED" TO "OF HAD "ALLEGEDLY" HAPPENED; AT THE ALLEGED SCENE, "ALLEGEDLY" BEFORE THE OFFICERS AND GERALD & JAMESELLE FEACHER HAD "ALLEGEDLY" ARRIVED AT THE ALLEGED SCENE!); WITHOUT THE SUFFICIENT/PROPER FOUNDATION "OF ANY SUPPORTING EVIDENCE, OF THE MATTER ASSERTED THROUGH THE HEARSAY; BEING PRODUCED/ESTABLISHED, AT TRIAL; & IN ORDER TO LAWFULLY & LEGALLY "DO SO; AND OVER THE PETITIONER'S OBJECTIONS. (R.T. OF 8/10/2022, AT PG. 39, LN. 24-PG. 43, LN. 3 (ALSO APP. EXH. - N "ATT"))).

WHICH IN ALL CAUSED THE PETITIONER TO BE PREJUDGED, BECAUSE DUE TO THE IGNORANCE OF THE TRIAL JUDGE "TO THE PETITIONER'S OBJECTIONS", TO "OFFICER" JUSTIN LAROSE HEARSAY STATEMENTS, "ALLEGEDLY" OF ALLEGED VICTIM FEACHER'S "UNSUPPORTED, CONTRADICTING, & IRRESPECTIVE" ALLEGED "OUT OF COURT" STATEMENTS. "AS PRE-EXPLAINED"; THE PETITIONER WAS THEN FORCED TO ALLOW CERTAIN "INADMISSIBLE" HEARSAY, BY JUSTIN LAROSE OF WHAT ALLEGED VICTIM A HAD "ALLEGEDLY" SAID TO HIM, WITHOUT ANY SUPPORTING EVIDENCE OF THE ALLEGED MATTER ASSERTED, THROUGH THE ALLEGED HEARSAY "PRODUCED"; IN ORDER TO ATTEMPT TO PROVE TO THE JURY, THAT THE "ALLEGED" STATEMENTS OF ALLEGED VICTIM FEACHER THAT WAS INTRODUCED THROUGH "INADMISSIBLE" ALLEGED "HEARSAY" STATEMENTS FROM JUSTIN LAROSE, WAS UNSUPPORTED, FALSE, UNCORROBORATING FROM ALLEGED VICTIM A'S "UNSUPPORTED" ALLEGED STATEMENTS; AND THAT ALLEGED VICTIM A WAS DESCRIBING THAT THE "ALLEGED" JOHN FITZGERALD GAYLES WAS DEFENDING HIMSELF (R.T. OF 8/10/2022, AT PG. 46, LN. 20 - PG. 49, LN. 14 (ALSO APP. EXH. - N "ATT")) (SAME AS FOR THE

CERTAIN "INADMISSIBLE" STATEMENTS "OF HEARSAY" INTRODUCED, THROUGH JUSTIN HERNANDEZ "ABOUT WHAT ALLEGED VICTIM D HAD "ALLEGEDLY" TOLD HIM (R.T. OF 8/15/2022, AT PG.19, LN.17- PG.25, LN.19 (ALSO APP. EXHB.-N "ATT")), THROUGH THOMAS OVERZET "ABOUT WHAT ALLEGED VICTIM B HAD "ALLEGEDLY" TOLD HIM (R.T. OF 8/15/2022, AT PG.10, LN.5 - PG.13, LN.23 (ALSO APP. EXHB.-N "ATT")), AND THROUGH LAUREN BURKE "ABOUT WHAT ALLEGED VICTIM C HAD "ALLEGEDLY" TOLD HER (R.T. OF 8/15/2022, AT PG.31, LN.10 - PG.50, LN.16 (ALSO APP. EXHB.-N "ATT")); AND IN ORDER TO FURTHER ESTABLISH FOR THE RECORD THAT NONE OF THE ALLEGED STATEMENTS WERE AN EXCITED UTTERANCE; AND AT TRIAL.

FURTHER MORE ALL OF THE ALLEGED STATEMENTS "OF HEARSAY" THAT WAS INTRODUCED THROUGH THE PHOENIX POLICE OFFICERS "OF WHAT ALLEGED VICTIM FEACHER, A, B, C, & D HAD "ALLEGEDLY" TOLD THEM" (ABOUT AN ALLEGED INCIDENT THAT THEY DID NOT WITNESS TAKE PLACE, AND THAT WAS NOT SUPPORTED BY ANY EVIDENCE "AS FORE-MENTIONED"); WAS ONLY SUPPORTED BY ALLEGED EVIDENCE OF ALLEGED VICTIM FEACHER, A, B, & D "UNSUPPORTEDLY" ALLEGING THEIR "ALLEGED" OUT-OF-COURT STATEMENTS TO THE PHOENIX POLICE OFFICERS; THAT WAS "ALLEGEDLY" CAPTURED ON BODY CAMERA FOOTAGE AND "ALLEGEDLY" INTRODUCED AT TRIAL; AND WITHOUT ANY SUPPORTING EVIDENCE OF THE MATTER ASSERTED THROUGH ANY OF THEIR ALLEGED EVIDENCE INTRODUCED, AT TRIAL, AND/OR THE ENTIRE CASE.

III. THE "ALLEGED" EVIDENCE

THE ALLEGED EVIDENCE THAT WAS INTRODUCED AT TRIAL, THROUGH THE "FORE-MENTIONED" PHOENIX POLICE OFFICERS "AS ALLEGED "ACTUAL" EVIDENCE OF THEIR "ALLEGED" ENCOUNTERS WITH ALLEGED VICTIM FEACHER, A, B, & D; THAT WAS "FRAUDULENTLY & UNLAWFULLY" SUBMITTED INTO EVIDENCE "IN THIS MATTER", AS ALLEGED EVIDENCE OF EXCITED UTTERANCE "UNDER ARIZONA RULES OF EVIDENCE 803(2)", BY THE PROSECUTOR IN THIS MATTER "MELISSA CERTO" (DUE TO FALSE & UNSUPPORTED CLAIMS) AS PRE-EXPLAINED HEREIN"); THAT WAS ERRONEOUSLY ALLOWED BY THE TRIAL JUDGE; FOR 1) WAS NOT SUBMITTED IN ITS ORIGINAL FORM, AND FROM ITS ORIGINAL SOURCE; FOR 2) WAS STAMPERED FROM

ITS ORIGINAL FORM, AND "MALICIOUSLY" EDITED INTO "BIASLY & PERSONALLY" SELECTED PORTIONS "OF STATEMENTS" AND PLACE UNTO A COMPACT DISC, BY THE PROSECUTOR "MELISSA CERTO" IN THIS MATTER; THAT SHE PURPOSELY INTRODUCED TO THE JURY, AT TRIAL, IN PERSONALLY SELECTED PORTIONS, WITH THE CLEAR PURPOSE TO ATTEMPT PROVE THE MATTER ASSERTED "BY THE STATE OF ARIZONA"; THROUGH THE TAMPERED "ALLEGED" EVIDENCE & THE "FORE-MENTIONED" PHOENIX POLICE OFFICERS "DECEPTIVE & PERJURED" TESTIMONY "FALSELY" ALLEGING THAT THE "ALLEGED" EVIDENCE IS "ALLEGED" EVIDENCE OF THEIR ACTUAL ENCOUNTER WITH ALLEGED VICTIM FEACHER, A, B, & D, "ON 8/30/2022"; AND AS IT WERE NOT (WHICH IS A FUNDAMENTAL ERROR WITHIN ITSELF, BECAUSE ACCORDING TO THE LAW OF FED. & ARIZ. R. PROF'L CONDUCT R. 3.4 (B), THE PROSECUTOR IN THIS MATTER, AND/OR IN ANY MATTER, CAN NOT TAMPER WITH EVIDENCE, AND INTRODUCED/USE THE TAMPERED "ALLEGED" EVIDENCE "AT TRIAL", IN ORDER TO AID A WITNESS IN GIVING PERJURED TESTIMONY TO THE COURTS/JURY, ABOUT WHAT THE ALLEGED EVIDENCE IS, IN ORDER TO AID A "WRONGFUL" CONVICTION AGAINST A CRIMINAL DEFENDANT, AND/OR TO HAVE A "CRIMINAL" DEFENDANT "WRONGFULLY" CONVICTED "DUE TO THE TAMPERED EVIDENCE", AND/OR BECAUSE A WITNESS PERJURED TESTIMONY TO THE TAMPERED ALLEGED EVIDENCE; AND AS IT DID "IN THIS MATTER"), FOR 3) WAS "ONLY" EVIDENCE, OF CERTAIN PORTIONS, OF "THE FORE-MENTIONED" PHOENIX POLICE OFFICERS "ALLEGED" CONTACT WITH ALLEGED VICTIM FEACHER, A, B, & D; AFTER THE UNEXPLAINED/UNTESTIFIED TO "INTERVENING" ACTIONS "AS TESTIFIED TO BY GERALD & JAMESELLE FEACHER" (AS PRE-EXPLAINED); AND BEFORE & AFTER THE ALLEGED OFFICERS "ALLEGEDLY" SEPERATED THEM FROM EACH OTHER & OTHERS (AS THE FORE-MENTIONED OFFICERS TESTIFIED); ALLEGED VICTIM FEACHER'S, A'S, B'S, AND/OR D'S; UNSUPPORTED "OUT OF COURT" STATEMENTS, ABOUT WHAT HAD "ALLEGEDLY" HAPPENED AT THE ALLEGED SCENE, "ALLEGEDLY" BEFORE "THE FORE-MENTIONED" OFFICERS, AND GERALD & JAMESELLE FEACHER HAD ARRIVED, AND/OR ALLEGED VICTIM FEACHER, A, B, & D ATTEMPT-

ING TO EXPLAIN WHO AN ALLEGED JOHN FITZGERALD GAYLES IS AND WHAT KIND OF
'ALLEGED' VEHICLE HE HAD 'ALLEGEDLY' DEPARTED THE ALLEGED SCENE IN, 'ALLEGED-
LY' BEFORE THE 'UNEXPLAINED' INTERVENING ACTIONS, GERALD & JAMESELLE FEACHERS
ALLEGED 'ARRIVAL, AND THE 'FORE-MENTIONED' PHOENIX POLICE OFFICERS ARRIVAL 'TO THE
ALLEGED SCENE (WHICH IS A FUNDAMENTAL ERROR WITHIN ITSELF, BECAUSE THE AL-
LEGED EVIDENCE WAS 'ONLY' TESTIFIED TO OF HAD BEEN 'ONLY' EVIDENCE OF ALLEGED
VICTIM FEACHER, A, B, & D ALLEGING TESTIMONIAL 'OUT OF COURT' STATEMENTS THAT WAS
IN ALL SUBJECTED TO CROSS EXAMINATION, & AT TRIAL 'IN THIS MATTER (WHICH MEAN
THAT THE ALLEGED STATEMENTS OF ALLEGED VICTIM FEACHER, A, B, AND/OR D FROM
THE ALLEGED EVIDENCE, THAT WAS TESTIFIED TO BEING 'ALLEGEDLY' HEARD/WIT-
NESSED BY JUSTIN LAROSE, JUSTIN HERNANDEZ, THOMAS OVERZET, & ROONEY LOMI-
BAO WAS CLEARLY 'HEARSAY' STATEMENTS, THAT WAS INADMISSIBLE, WHEN THERE
WE'RE NO EVIDENCE INTRODUCE 'AT TRIAL', SUPPORTING THE MATTER ASSERTED, IN/
THROUGH THE 'HEARSAY' STATEMENTS, OF ALLEGED VICTIM FEACHER, A, B, C, & D, AND/
OR NO CORROBORATING TESTIMONY FROM ALLEGED VICTIM FEACHER, A, B, C, & D, AND/
OR ANY WITNESS TO PROVE THAT THE MATTERS ASSERTED, IN/THROUGH THE 'HE-
ARSAY STATEMENTS, OF ALLEGED VICTIM FEACHER, A, B, & D 'ALLEGED' STATEMENTS TO
BE FACT & TRUE)); FOR 4) WAS 'ONLY' 'ALLEGED' EVIDENCE OF VICTIM FEACHER,
A, B, & D, ALLEGING THAT AN ALLEGED JOHN FITZGERALD GAYLES, 'ALLEGEDLY' WAS
DEFENDING HIMSELF AND HIS CHILD, 'ALLEGEDLY' AFTER ALLEGED VICTIM FEACHER.
ALLEGEDLY' CALLED AN UNKNOWN AMOUNT OF 'UNSPECIFIED' PEOPLE TO THE 'ALLEGED'
SCENE, FOR 'UNKNOWN & UNSPECIFIED' REASONS, 'ALLEGEDLY' TRIED TO STOP THE ALLEGED
JOHN FITZGERALD GAYLES FROM LEAVING THE ALLEGED SCENE WITH THE ALLEGED
CHILD 'THAT THEY 'ALLEGEDLY' 'SHARE IN COMMON' (ALLEGED VICTIM E), 'ALLEGEDLY'
BY PULLING HIS HAIR & BITING HIS ARM, 'ALLEGEDLY' WHILE HE WAS ONLY TRYING
TO LEAVE THE ESCALATING 'ALLEGED' SITUATION, 'ALLEGEDLY' THAT CAUSED AN ALL-

EGED PHYSICAL FIGHT BETWEEN ALLEGED VICTIM FEACHER & THE ALLEGED JOHN FITZ-
GERALD GAYLES, "ALLEGEDLY" WHERE SHE HITS HIM, "ALLEGEDLY" WHERE HE HITS HER,
"ALLEGEDLY" AS ALLEGED VICTIM A, B, & C HAD ARRIVED TO SEE THE ALLEGED ACT-
ERATION, "ALLEGEDLY" THAT CAUSED ALLEGED VICTIM TO ARRIVE & PUNCH THE ALLEGED
JOHN FITZGERALD GAYLES IN THE EYE "ALLEGEDLY" ONLY 1 TIME, "ALLEGEDLY" BECAUSE
ALLEGED VICTIM FEACHER IS HIS ALLEGED MOTHER"; "ALLEGEDLY" AFTER ALLEGED VICTIM FEA-
CHER WENT THROUGH THE ALLEGED JOHN FITZGERALD GAYLES "ALLEGED" PHONE AND ACCUSED HIM
OF "ALLEGEDLY" CHEATING "VIA PHONE MESSAGES", AND "ALLEGEDLY" TELLING HIM TO LEAVE THE
ALLEGED HOME THAT THEY "ALLEGEDLY" RESIDE TOGETHER AT; AND "IN ALL" ALLEGEDLY THAT C
HAD TAKEN PLACE "ALLEGEDLY" BEFORE THE "UNTESTIFIED TO / UNEXPLAINED" INTERVEN-
ING ACTIONS, GERALD & JAMESELLE ARRIVAL, AND THE "FORE-MENTIONED" PHOENIX POLICE
OFFICERS "AS FORE-MENTIONED", (AS THE ALLEGED STATEMENTS OF ALLEGED VICTIM FEA-
CHER, A, B, & D PORTRAY IN THE ALLEGED EVIDENCE (THAT THE "FOREMENTIONED" PHOE-
NIX POLICE OFFICER TESTIFIED TO ON CROSS EXAMINATION (RIT. OF 8/10/2022, AT
PG. 65, LN. 11 - PG. 92, LN. 19 "LAROSE TESTIMONY" & R.T. OF 8/15/2022, AT PG. 32, LN. 23 - PG.
54, LN. 17 "HERNANDEZ TESTIMONY" (ALSO APP EXHB.-N "ATT")) (WHILE BOTH WERE GIVING
BIAS & PERJURED TESTIMONY)), WHEN THEY ADMITTED TO AUTHORIZING "BIAS & FALSE" POLICE
REPORTS (APP. EXHB.-C "ATT"), THAT WAS SUBMITTED TO THE PROSECUTION "AS LAROSE
TESTIFIED TO" (R.T. OF 8/20/2022, AT PG. 76, LN. 6 - LN. 20) AND OTHERS..., THAT THE
PROSECUTOR "STRICTLY" USED AT THE GRAND JURY INDICTMENT "HEARING" IN THIS MA-
TTER (PLUS THOMAS OVERZET "INCOMPLETE" POLICE REPORT & FERNANDO GARCIA "BIAS & FALSE"
POLICE REPORT, AND WITH OTHER "IRRELEVANT & SPECULATING" ALLEGED EVIDENCE), THROUGH RODNEY
LOMBZAO PERJURED TESTIMONY, IN ORDER TO HAVE THE PETITIONER FRAUDULENTLY INDICTED
& CHARGED, WITH THE ALLEGED CRIMES, IN THE ALLEGATIONS, OF THE COUNTS, IN THIS MATTER,
BY THE STATE OF ARIZONA, DUE TO THE FALSE, FRIVOLOUS, & UNSUPPORTED CLAIMS WITHIN THE
FORE-MENTIONED "POLICE REPORTS, AND A LACK OF DUE DILIGENCE "BY THE PROSECUTION")"

INTO THE ALLEGED MATTER)); FOR 5) WAS NOT EVIDENCE OF EXCITED UTTERANCE (AS "FALSELY" ALLEGED BY THE PROSECUTOR (AS PRE-EXPLAINED)) AND/OR THAT WAS RELEVANT TO THE ALLEGED MATTER ASSERTED "BY THE STATE OF ARIZONA" (IN THE ALLEGATIONS, OF THE CHARGES, IN THE COUNTS, AND IN THIS "ALLEGED" MATTER); AND FOR 6) WAS OBJECTED TO BY THE PETITIONER "FOR ALL THE "FORE-MENTIONED" REASONS" (PRE-TRIAL "AS PRE-EXPLAINED" AND AT TRIAL (R.T. OF 8/10/2022, AT PG. 50, LN. 25 - PG. 51, LN. 13), THAT WAS IN ALL OVERRULED BY THE TRIAL JUDGE, THAT CAUSED THE PETITIONER TO NOT OBJECT TO CERTAIN OTHER "ALLEGED" EVIDENCE OF "INADMISSIBLE" HEARSAY THAT WAS FALSELY ALLEGED TO OF HAD BEEN ALLEGED EVIDENCE OF ALLEGED EXCITED UTTERANCE (UNDER FALSE CLAIMS) "AS PRE EXPLAINED" SO THE PETITIONER CAN ATTEMPT TO PROVE FOR THE RECORD THAT THE ALLEGED EVIDENCE WAS NOT EVIDENCE OF EXCITED UTTERANCE, AS THE PROSECUTOR ALLEGED IT WAS / SUBMITTED IT TO THE COURTS AS, AND THAT THE TRIAL JUDGE WAS ABUSING HIS DISCRETION BY ALLOWING INADMISSIBLE "HEARSAY" STATEMENTS BY LAROSE; THE FIRST ALLEGED EVIDENCE OF "UNSUPPORTED" ALLEGED "TESTIMONIAL" STATEMENTS OF ALLEGED VICTIM KACHNER, THAT WAS "INADMISSIBLE" IN COURT & BY LAW", AND THAT WAS INTRODUCED BY THE STATE OF ARIZONA, AT TRIAL, & TO THE JURY (WHICH IN ALL PREJUDICE THE PETITIONER) (R.T. OF 8/10/2022, AT PG. 52, LN. 3 "LAROSE "ALLEGED" BODY CAM FOOTAGE" - 8/25/2022 AT PG. 15, LN. 25 "OVERLET "ALLEGED" BODY CAM FOOTAGE" (AS THE PETITIONER FURTHER OBJECTED TO THE MOST CRUCIAL & RELEVANT INADMISSIBLE ALLEGED EVIDENCE, OF "UNSUPPORTED" ALLEGED "TESTIMONIAL" STATEMENTS OF THE ALLEGED VICTIMS/EYEWITNESS (THAT THE STATE OF ARIZONA "ACTUALLY" CREATED ITS "FALSE & UNSUPPORTED" ALLEGATIONS FROM...), AND TO FURTHER PROVE THAT THE TRIAL JUDGE WAS BEING BIAS AND THAT HE WAS GOING TO ALLOW THE ALLEGED EVIDENCE REGARDLESS OF THE PETITIONER'S OBJECTIONS BEING TIMELY & PROPER (AS THEY WAS) OR NOT").

FURTHERMORE THE PRIMARY/ONLY PURPOSE THAT THE PROSECUTOR INTRODUCED THE ALLEGED EVIDENCE, AT TRIAL, TO THE JURY, AND THROUGH THE LAY WITNESSES (LAROSE, HERNANDEZ,

OVERZET, & LOMZBAD); WAS TO ATTEMPT TO PROVE THE MATTER ASSERTED "BY THE STATE OF ARIZONA"; THAT ALLEGED VICTIM FEACHER, A, B, & D GAVE "TESTIMONIAL" STATEMENTS TO THE ALLEGED OFFICERS ("ALLEGEDLY" WHO WAS CONDUCT A INTERVIEW WITH THEM IN ASK & ANSWER FORMAT", ABOUT AN ALLEGED "PAST" INCIDENT THAT THE ALLEGED OFFICERS DID NOT WITNESS TAKE PLACE); AND TO ATTEMPT TO PROVE THE TRUTH OF THE MATTER ASSERTED "BY THE STATE OF ARIZONA, THROUGH ALLEGED VICTIM FEACHER, A, B, & D UNSUPPORTED ALLEGED STATEMENTS, THAT WAS INTRODUCED THROUGH THE LAY WITNESSES "AS FOREMENTIONED", AS HEARSAY, AT TRIAL, WITHOUT THE PROPER FOUNDATION OF ALLEGED VICTIM FEACHER, A, B, & D TESTIFYING TO THE ALLEGED STATEMENTS, AND PROVING THEM TO OF HAVE BEEN TRUSTWORTHY "STATEMENTS" THROUGH EXAMINATION(S), AND/OR THROUGH EVIDENCE, AND OVER THE PETITIONER'S OBJECTIONS. AS THE STATE OF ARIZONA HAD ALREADY ESTABLISHED, THAT THE COURTS OF ARIZONA CAN NOT ALLOW THE PLAINTIFF PARTY, IN ITS COURTS, AND IN A CRIMINAL MATTER; TO OFFER "SUCH" EVIDENCE OF HEARSAY, AND/OR "ALLEGED" HEARSAY "IN THIS MANOR", AND/OR "ANY MANOR", TO PROVE THE TRUTH OF THE MATTER ASSERTED "AS IT DID IN THIS MATTER!"; IN THE LAW OF ARIZONA R. EVID 802 "QUOTING FEDERAL R. EVID 802".

THE PURPOSE OF THE "ALLEGED" EVIDENCE WAS NOT TO PROVE THAT ALLEGED VICTIM FEACHER, A, B, AND/OR D WAS EXPLAINING ANY ALLEGED INJURY, AND/OR OFFERING ANY STATEMENTS OF MEDICAL HISTORY, AND/OR STATEMENTS OF SYMPTOMS PERTINENT TO A DIAGNOSIS; NOR DID THE "ALLEGED" STATEMENTS OCCUR CLOSE IN TIME TO THE ALLEGED EVENT/INCIDENT; WHILE THE ALLEGED WITNESSES (ALLEGED VICTIM FEACHER, A, B, & D) WAS UNDER STRESS OF ANY EXCITEMENT CAUSED BY THE ALLEGED EVENT/INCIDENT, AND/OR ALLEGED CONDITIONS, WITHOUT INTERVENING ACTIONS, SO AS TO GUARANTEE THEIR TRUSTWORTHINESS (SAME AS DESCRIBED IN STATE V. ROBINSON, 153 ARIZ. 188, 735 P.2D 798 (ARIZ. CT. APP. 1986)). AS THERE WASN'T AN ALLEGED VICTIM A, IN FEAR FOR HIS LIFE, AND/OR IN A BACKWARD HEADING FROM "POSSIBLY" BEING SHOT BY AN ALLEGE JOHN

FITZGERALD GAYLES; AND/OR BY ANYONE; AND/OR A ALLEGE VICTIM D, IN FEAR FOR HIS LIFE, AND/OR ON THE SIDE OF THE ALLEGED HOUSE, AND/OR ENDANGER OF "POSSIBLY" BEING SHOT BY AN ALLEGED JOHN FITZGERALD GAYLES, AND/OR BY ANYONE; AND/OR A ALLEGED VICTIM B, IN FEAR FOR HIS LIFE, AND/OR RUNNING "IN AN UNKNOWN DIRECTION", AND/OR ENDANGER OF "POSSIBLY" BEING SHOT BY AN ALLEGED JOHN FITZGERALD GAYLES, AND/OR BY ANYONE. ("ALLEGEDLY" AS A, B, I/OR D ALLEGED IN THEIR "UNSUPPORTED" ALLEGED "OUT OF COURT" STATEMENTS, THAT WAS INTRODUCED THROUGH THE "ALLEGED" EVIDENCE "ALLEGEDLY", AND AT TRIAL); AS LOROSE, HERNANDEZ, I OVERSET TESTIFIED THAT THEY HAD ALLEGEDLY FOUND/INITIATED "FIRST PHYSICAL" CONTACT WITH THEM WHILE THEY WERE ALL "SOMEHOW" JUST STANDING AROUND IN THE FRONT YARD (AFTER ALL THE "UNEXPLAINED/UNTESTIFIED TO" INTERVENING ACTIONS, GERALD I JAMESELLE FEACHER "ALLEGED" INTERVENING ACTIONS, AND WHILE THERE WERE NO JOHN FITZGERALD GAYLES PRESENT, AND/OR ANYONE WITH A FIREARM PRESENT "OTHER THAN THEMSELVES") (AS THE ALLEGED EVIDENCE PORTRAY/SHOW (AFTER GERALD I JAMESELLE FEACHER TESTIFIED THAT THEY FOUND/INITIATED "FIRST PHYSICAL" CONTACT WITH "ONLY" ALLEGED VICTIM A I D, AND WHILE THEY WERE "SOMEHOW" UNEXPLAINEDLY STANDING IN THE FRONT YARD ALSO; (AFTER "UNEXPLAINED"(UNTESTIFIED TO) INTERVENING ACTIONS, AND WHILE THERE WERE NO JOHN FITZGERALD GAYLES PRESENT, AND/OR ANYONE WITH A FIREARM PRESENT (ACCORDING TO GERALD I JAMESELLE FEACHER TESTIMONY))). THERE WASN'T A ALLEGED VICTIM FEACHER, IN THE FRONT YARD FIGHTING, WITH, AND/OR BEING ASSAULTED BY, AND/OR BEING SHOT AT BY, AND/OR RECENTLY SHOT (AND/OR WHILE BLEEDING FROM THE/AN ALLEGE BULLET WOUND) BY, A ALLEGE JOHN FITZGERALD GAYLES, AND/OR BY ANYONE ("ALLEGEDLY" AS HER, ALLEGED VICTIM A, B, I/OR D "ALLEGED" IN THEIR "UNSUPPORTED" ALLEGED "OUT OF COURT" STATEMENTS, THAT WAS INTRODUCED THROUGH THE ALLEGED EVIDENCE "ALLEGEDLY", AND AT TRIAL); AS LAROSE TESTIFIED THAT HE HAD FOUND/INITIAT-

ED "FIRST PHYSICAL" CONTACT WITH ALLEGED VICTIM FEACHER "ALLEGEDLY" WHILE SHE WAS "ALLEGEDLY" SITTING UP IN THE ALLEGED FRONT YARD (AFTER ALL THE "UNEXPLAINED/UNTESTIFIED TO INTERVENING ACTIONS, GERALD & JAMESELLE FEACHER INTERVENING ACTIONS, WHILE THERE WERE NO JOHN FITZGERALD GAYLES PRESENT, AND/OR ANYONE WITH A FIREARM PRESENT "OTHER THAN LAROSE", AND WHILE HE WAS SPECULATING THAT THE UNSPECIFIED "UNKNOWN "ALLEGED" NEIGHBOR, WAS "PROBABLY" ATTENDING TO/HAD ATTENDED TO AN "ALLEGED" WOUND; "ALLEGEDLY" ON ALLEGED VICTIM FEACHER THIGH (AS HE DID NOT TESTIFY TO ACTUALLY EYE-WITNESSING THE ALLEGED WOUND, AND/OR IDENTIFYING IT AS BEING AN ACTUAL WOUND "CAUSED BY AN ALLEGED BULLET," AND/OR RELEVANT TO THE MATTER ASSERTED!)) (AS THE ALLEGED EVIDENCE PORTRAY/SHOW (AFTER GERALD & JAMESELLE FEACHER TESTIFIED THAT THEY ALLEGEDLY FOUND/INITIATED "FIRST PHYSICAL" CONTACT, "ALLEGEDLY" WITH ALLEGED VICTIM FEACHER, "ALLEGEDLY" WHILE SHE WAS EITHER SITTING AND/OR LAYING IN THE FRONT YARD "ALSO"; AFTER UNEXPLAINED (UNTESTIFIED TO) INTERVENING ACTIONS, AND WHILE THERE WERE NO JOHN FITZGERALD GAYLES PRESENT, AND/OR ANYONE WITH A FIREARM PRESENT (ACCORDING TO GERALD & JAMESELLE "UNSUPPORTED" TESTIMONY))).

FURTHERMORE "ALLEGEDLY" EVERY ALLEGED STATEMENT ALLEGED BY ALLEGED VICTIM FEACHER, A, B, & D IN THE ALLEGED EVIDENCE AND/OR "IN THE ENTIRE CASE", WERE CLEARLY & SURELY A PRODUCT OF A POLICE INTERROGATION (ACCORDING TO THE ALLEGED EVIDENCE, THE "FORE-MENTIONED" OFFICERS "RELEVANT TO THE ALLEGED MATTER ASSERTED" (LAROSE, HERNANDEZ, OVERZET, & LOMZBAO) TESTIMONIES, AND GERALD & JAMESELLE FEACHER TESTIMONIES). TO WHICH THE COURTS OF THE STATE OF ARIZONA HAS ALREADY ESTABLISHED/DECIDED THAT SUCH STATEMENTS ARE NOT SUBJECT TO THE "EXCITED UTTERANCE" HEARSAY EXCEPTION (IN STATE V. PARKS 211 ARIZ. 29, 216 P.3D 632 (AZ. CT. APP. 2005)).

THERE WERE NEVER ANY EVIDENCE OF AN ON GOING EMERGENCY INTRODUCED THROUGH ANY OF THE ALLEGED EVIDENCE, AND AT TRIAL, AND/OR THAT WAS PROVEN TO OF HAD BEEN REL-

EVANT TO THE "ALLEGED" MATTER ASSERTED. THERE WERE NO TESTIMONY OF AN ON-GO-
ING EMERGENCY, INTRODUCED AT TRIAL, BY ANY WITNESS, AND/OR THAT WAS PROVEN TO
OF HAD BEEN RELEVANT TO THE "ALLEGED" MATTER ASSERTED, AND NONE OF ALLEGED
VICTIM FEACHER, A, B, & D "ALLEGED" STATEMENTS, "ALLEGEDLY" MADE/SAID IN THE ALLEGED EVI-
DENCE, WERE MADE/SAID TO ASSIST ANYONE WITH AN ON-GOING EMERGENCY; AND EVEN THOUGH
IT'S ALLEGED/TESTIFIED TO BY LAROSE THAT ALLEGED VICTIM FEACHER "AL-
LEGEDLY" CHOSE TO BE TRANSPORTED TO AN ALLEGED HOSPITAL "ALLEGEDLY" AFTER
THEIR ALLEGED INTERVIEW. (AS THE ALLEGED EVIDENCE PORTRAY/SHOW); THAT DOES NOT
MAKE ANY OF HER "UNSUPPORTED" ALLEGED "OUT OF COURT" STATEMENTS, NOR ANY OTHER
OF THE ALLEGED VICTIMS "UNSUPPORTED" ALLEGED "OUT OF COURT" STATEMENTS, THAT WAS
"ALLEGEDLY" SAID TO THE ALLEGED "FORE-MENTIONED" OFFICERS (ACCORDING TO THEIR TE-
STIMONY) AND INTRODUCED THROUGH THE ALLEGED EVIDENCE "ALLEGEDLY", A "EXCITED
UTTERANCE, AND/OR AN EXCEPTION TO "ANY" OF THE HEARSAY RULE (AS IT WASN'T
NOTHING ALLEGED/TESTIFIED LIFE THREATENING, IT WASN'T ALLEGED/TESTIFIED TO THAT
SHE WAS ACTIVELY BLEEDING, AND IT WASN'T ALLEGED/TESTIFIED TO OF HAD BEEN
LIKE THE SITUATION OF A DYING DECLARANT)."

THERE WERE NO EVIDENCE OF "ANY" EXCITED UTTERANCE PRODUCED, AT TRIAL, AND/
OR THE ENTIRE CASE, AND/OR "ANY" TESTIMONY PRODUCED, AT TRIAL, AND/OR THE
ENTIRE CASE, ALLEGING ANY EXCITED UTTERANCE, AND AS THERE WERE NEVER ANY EXC-
ITED UTTERANCE PRODUCED AT TRIAL.

IV. APPEAL

WHICH IN ALL WAS ADDRESSED TO THE APPEAL COURTS, BY THE PETITIONER APP-
EALS COUNSEL "SHERI LORITANO" ON A SMALLER MORE SUMMARIZED SCALE, ³IN AN OPEN-
ING BRIEF. "DUE TO THE WORD LIMIT SET TO FILE AN OPENING BRIEF"; THAT WAS RESPOND-
ED TO BY THE RESPONDANTS PARTY APPEALS COUNSEL E. GONZALEZ, WHO AUTHORED A FRAUDUL-
ENT RESPONSE, FALSELY CLAIMING THAT THE RECORD "ALLEGEDLY" SUPPORTED EVIDENCE

OF EXCITED UTTERANCE, AND WITH A "FALSE & UNSUPPORTED" DEMONSTRATION "INCLUDED"; AND AS THE ARIZONA COURT OF APPEALS JUSTICES "IN THIS MATTER, THEN VIEWED THIS ISSUE IN LIGHT MOST FAVORABLE OF/TO THE PROSECUTION, & SUSTAINING THE CONVICTION, INSTEAD OF IN THE LIGHT MOST FAVORABLE OF/TO THE LAW & STANDARD OF THE APPELLANT; AS THE ARIZONA COURT OF APPEALS JUSTICES "IN THIS MATTER", CREATED THEIR OWN "FALSE & UNSUPPORTED" NARRATIVE/INTERPRETATION, OF ALLEGED EVENTS & FACTS, IN THEIR DISCUSSION, AND ERRONEOUSLY DECIDED NOT TO FULLY ADDRESS THE FACTS 'OF THE ISSUE OF EXCITED UTTERANCE'; IN THIS MATTER, "ALLEGEDLY" DUE TO THE "FRAUDULENT FORFEITURE "BY WRONGDOING"; IN THIS MATTER (ARIZONA COURT OF APPEALS DIV. 1 "DECISION" IN THIS MATTER PG. 4, ¶ 14 - PG. 7, ¶ 25 (ALSO APP. EXHB-A "ATT")), AND "ERRONEOUSLY" CONCLUDED & DECIDED TO DENY REMANDING THE CASE "DUE TO THE ERROR OF THE ISSUE & AN ABUSE OF DISCRETION "BY THE TRIAL JUDGE" (AS PRE-EXPLAINED & DEMONSTRATED HERE-IN) (PG. 8, ¶ 31 (ALSO APP. EXHB-A "ATT"))).

THEN THE PETITIONER TIMELY FILED A MOTION FOR RECONSIDERATION, THOROUGHLY EXPLAINING THE "FORE-MENTIONED & PRE-EXPLAINED" FACTS "HERE-IN", AND EXPLAINING & DEMONSTRATING TO THE ARIZONA COURT OF APPEALS THAT IT IS IMPOSSIBLE "FOR THE APPEALS COURT" TO FIND THAT THE RECORD SUPPORT "ALLEGED" EVIDENCE OF EXCITED UTTERANCE, AND/OR RELEVANT TO THE CASE, AND/OR THE MATTER ASSERTED, DUE TO ALL THE "SAME FORE-MENTIONED & PRE-EXPLAINED" FUNDAMENTAL ERRORS "HERE-IN", AND/OR REGARDLESS OF WHAT THE PETITIONER OBJECTED TO, AND/OR FILED "AT TRIAL", AND/OR PRE-TRIAL, AND/OR POST-TRIAL (SEE APPELLANTS MOTION FOR RECONSIDERATION (ALSO APP. EXHB.-I "ATT")). THAT WAS "IN ALL" ALSO "ERRONEOUSLY" DENIED BY THE ARIZONA COURT OF APPEALS "DIV. 1"; DUE TO A FURTHER ABUSE OF DISCRETION, "BY NOT FIXING & CHANGING ITS "FALSE & UNSUPPORTED" OPINIONS & "ERRONEOUS" DECISION, REVIEWING THE ISSUE/CASE "DE NOVO", AND REMANDING THE CASE FOR FURTHER INSTRUCTIONS, "ACCORDING TO THE LAW. (SEE APP. EXHB.-O "ATT")

THEN THE PETITIONER "TIMELY" FILED A PETITION FOR REVIEW IN THE ARIZONA SUPREME COURT (SEE APP. EXHB.-J "ATT"); FOR THE REASONS, THAT DUE TO THE ARIZONA COURT OF APPEALS REFUSING TO RECOGNIZE ITS ERROR "AUTHORING A 'FALSE & UNSUPPORTED NARRATIVE IN ITS OPINION' TO THIS MATTER"; THAT THE RECORD "ALLEGEDLY" SUPPORT FINDINGS OF "ALLEGED" EXCITED UTTERANCE, THAT THERE WASN'T AN ABUSE OF DISCRETION BY THE TRIAL JUDGE "IN REGARDS" TO THE MATTER, "ALLEGEDLY" BECAUSE OF A "FRAUDULENT" FORFEITURE "BY WRONGDOING" (THAT HAD NOTHING TO DO WITH THE FACT THAT THERE WAS NOT ANY EXCITED UTTERANCE IN THE ENTIRE CASE, AND/OR RELEVANT TO THE MATTER ASSERTED, AND/OR THAT THE RECORD SUPPORT ANY FINDINGS OF!), SO THE JUSTICES DECIDED NOT TO FULLY ADDRESS THE ISSUES OF THE "ALLEGED" EXCITED UTTERANCES "UNDER FALSE CLAIMS". (WHICH THEN MADE THE ISSUE "AN ISSUE" OF FIRST IMPRESSION & STATEWIDE IMPORTANCE, BECAUSE, FOR 1) DON'T NO ARIZONA DECISION CONTROL THE POINT "OF LAW" IN QUESTION, AS THE ARIZONA COURT OF APPEALS INCORRECTLY "DECIDED ON IMPORTANT ISSUES OF LAW" IN THIS MATTER, AND AS THERE ARE ALREADY CONFLICTING DECISIONS MADE BY THE ARIZONA COURT OF APPEALS "IN OTHER CASES" SUCH AS IN "STATE V. PARKS, 211 ARIZ. 19, (AZ. APP. CT. 2005)" & ECT., "AS FORE-MENTIONED & PRE-EXPLAINED" HERE-IN; AND FOR 2) THE DECISION OF THE ARIZONA SUPREME COURT SHOULD OF HAD BEEN QUALIFIED, IN ORDER TO DIRECT THE ARIZONA COURT OF APPEALS TO REVIEW THE ISSUE "DE NOVO", IN LIGHT OF THE LAW, CORRECT ITS "UNSUPPORTED" OPINION & "ERRONEOUS" DECISION, AND REVERSE & REMAND THE CASE "FOR FURTHER INSTRUCTIONS" ACCORDING TO THE LAW... WHICH "IN ALL" WAS DENIED REVIEW BY THE ARIZONA SUPREME COURT ON DEC. 5TH, 2024 "AS AN ABUSE OF DISCRETION BY THE ARIZONA SUPREME COURT JUSTICES."

II. FORFEITURE BY WRONGDOING

THE ARIZONA RULES OF EVIDENCE 804 (B) (6) CLEARLY STATES THAT A STATEMENT OFFERED AGAINST A PARTY THAT WRONGFULLY CAUSED - OR ACQUIESED IN WRONGFULLY CAUSING - THE DECLARANT TO BE PHYSICALLY UNAVAILABLE AS A WITNESS, AT A/THE HEARING, AND/OR TRIAL, AND WITH THE INTENT TO DO SO, ARE STATEMENTS THAT ARE AN EXCEPTION TO THE HEARSAY RULE, AND UNDER THIS RULE (QUOTING FEDERAL RULES OF EVIDENCE 804 (B) (6)).

FOR 1) TO TRULY DETERMINE THAT AN ALLEGED DECLARANT IS UNAVAILABLE FOR A HEARING AND/OR TRIAL, THE BURDEN OF PROOF IS ON THE PLAINTIFF PARTY TO PROVE THAT THE ALLEGED DECLARANT IS "PHYSICALLY" UNAVAILABLE FOR THE HEARING, AND/OR TRIAL, BY PERFORMING IT'S DUE DILIGENCE AND MAKING A GOOD FAITH EFFORT, THAT IS SATISFYING "ACCORDING TO THE LAW", IN ATTEMPT TO PROCURE THE ALLEGED DECLARANT FOR THE HEARING, AND/OR TRIAL (LIKE IN BARBER V. PAGE, 390 U.S. 719, 724-25, 88 S. CT. 1318, 1322 (1968)), BY SUBPOENING THE DECLARANT "AS REQUIRED BY LAW" (ACCORDING TO THE ARIZONA R. CRIM. PRO., QUOTING FEDERAL R. CRIM. PRO.); FOR 2) IN ORDER TO TRULY DETERMINE THAT A DEFENDANT "ALLEGEDLY" MADE AN ALLEGED WITNESS/DECLARANT/VICTIM "PHYSICALLY" UNAVAILABLE FOR A HEARING, AND/OR TRIAL, THE PLAINTIFF PARTY WOULD "FIRST" HAVE TO PROVE THAT THE/A DEFENDANT "PHYSICALLY" POSSESSED SOME SORT OF PHYSICAL AND/OR MENTAL CONTROL OVER THE ALLEGED WITNESS... THAT "PHYSICALLY" PREVENTED THE ALLEGED WITNESS... FROM ATTENDING/PARTICIPATING AT THE HEARING, AND/OR TRIAL (SUCH AS KIDNAP, MURDERED, INJURED, AND/OR UNLAWFULLY IMPRISONED (HELD WITHOUT FREE WILL) (WHICH IS THE ONLY WAY, FOR A DEFENDANT TO "PHYSICALLY" MAKE A WITNESS... "PHYSICALLY" UNAVAILABLE FOR A HEARING, AND/OR TRIAL) AND/OR COMMIT A PHYSICAL ACT (SUCH AS THREATS, BRIBERY, INTIMIDATION, AND/OR MANIPULATION (ACTING AS THE WITNESS... COUNCIL IN THE MATTER "DIRECTING THE

WITNESS NOT TO ATTEND THE HEARING AND/OR TRIAL")) THAT CAUSES A/THE WITNESS NOT TO ATTEND THE HEARING, AND/OR TRIAL ("TO WHICH" THE ONLY WAY FOR THE COURTS TO DETERMINE SO, THE WITNESS WILL NEED TO BE PRESENTED AND TESTIFY THAT THE "FORE-MENTIONED" ACT(S) "SOMEHOW" CAUSED THE WITNESS TO "PHYSICALLY" BE UNAVAILABLE FOR THE HEARING, AND/OR TRIAL, AND PROVE THAT THE "FORE-MENTIONED" ACT(S) "ALLEGEDLY" CAUSED BY THE/A DEFENDANT, ACTUALLY "MENTALLY" CAUSED THE WITNESS... TO BE "PHYSICALLY" UNAVAILABLE FOR THE HEARING, AND/OR TRIAL ("TO WHICH" THE WITNESS WOULD "FIRST" HAVE TO PROVE THAT THE "FORE-MENTIONED" ACT "PHYSICALLY" PREVENTED THEM" FROM "PHYSICALLY" CONTACTING THE PROPER AUTHORITIES (POLICE "ESCORT" AND/OR WITNESS PROTECTION PROGRAM) AND/OR BEING AIDED/ESCORTED TO/IN ATTENDING THE HEARING, AND/OR TRIAL, AND "SECONDLY" THAT THE DEFENDANT ACTED "MENTALLY" AND "PREVENTED" THEM FROM "ALLEGEDLY" NOT "PHYSICALLY" ATTENDING TRIAL "THROUGH THE "FORE-MENTIONED" ACT(S) (WHICH MEAN THAT THERE WOULD NEED TO BE A TESTIFYING WITNESS, TO ALLEGED EVIDENCE (SUCH AS THEIR LIE DETECTOR RESULTS, AND/OR SOME OTHER SORT OF "EQUIVALENT" "PHYSICAL" PROOF, AND/OR GREATER (SUCH AS "CORROBORATING ADMISSION" FROM THE DEFENDANT THAT'S UNQUESTIONABLE AND/OR ECT...)), PROVING THAT THE DEFENDANT CAUSED THE WITNESS, TO BE "PHYSICALLY" UNAVAILABLE FOR THE HEARING, AND/OR TRIAL, AND DUE TO THE "FORE-MENTIONED" ACT(S)), AFTER THE HEARING, AND/OR TRIAL, BEFORE THE/A JUDGE CAN MAKE THE DETERMINATION THAT THE/A DEFENDANT "ALLEGEDLY" MADE A WITNESS... UNAVAILABLE FOR THE HEARING, AND/OR TRIAL, DUE TO THE "FORE-MENTIONED" ACT(S), AND BEFORE THE COURTS CAN ALLOW THE PLAINTIFF PARTY TO SUBMIT THE "ALLEGED" WITNESS.. STATEMENTS "UNDER ARIZ. R. EVID. 804 (B)(6)", AND/OR INTRODUCE THE "ALLEGED STATEMENTS AT TRIAL "UNDER ARIZ. R. EVID. 804 (B)(6), AND/OR TO THE FACT FINDER), AND/OR ENGAGE IN ANOTHER "PERSON'S" ACT(S) (SUCH AS DIRECTING ANOTHER TO COMMITTING THE "FORE-MENTIONED" ACTS TOWARDS/AGAINST THE/A WITNESS AND ACCOMP-

LISH MAKING THE/A WITNESS... BEING UNAVAILABLE FOR THE/A HEARING, AND/OR TRIAL THROUGH DIRECTING ANOTHER, TO COMMITTING THE "FORE-MENTIONED" ACTS.); AND FOR 3) TO DETERMINE THAT THE/A DEFENDANT "ACTUALLY" PHYSICALLY PREVENTED THE/A WITNESS... FROM PHYSICALLY ATTENDING THE/A HEARING, AND/OR TRIAL AS A WITNESS AND WITH THE INTENT TO DO SO, THE PLAINTIFF PARTY WOULD "FIRST" HAVE TO PROVE THAT THE/A WITNESS, IS/WAS A WITNESS OF VALUE TO THE ALLEGED HEARING, AND/OR TRIAL (AS TO INSURE/PROVE "ANY" RELEVANCY), THEN "SECONDLY" THE PLAINTIFF PARTY WOULD HAVE TO PROVE THAT THE ALLEGED DEFENDANT "PURPOSELY" COMMITTED THE ALLEGED ACT(S) THAT'S "FORE-MENTIONED" IN POINT (2) "HERE-IN", WITH THE INTENT FOR THE ALLEGED FORE-MENTIONED ACT(S) "IN POINT (2)"; AND WHEN THE OPPOSING PARTY OBJECTS & RAISES THE FACT THAT THE COURT "ERRONEOUSLY" ALLOWED THE PLAINTIFF PARTY TO ADMIT THE ALLEGED STATEMENTS "UNDER ARIZ. R. EVID 804 (B)(6)", WITHOUT PROVING "ANY", AND/OR ALL "3" OF THE "FOREMENTIONED" FACTORS, AND/OR OVER THE OPPOSING PARTY'S OBJECTION, "IT IS TO BE CONSIDERED AN ABUSE OF, AND BY THE COURT.

FUTHERMORE THE PURPOSE OF ALLOWING "TESTIMONIAL" STATEMENTS, AT TRIAL, UNDER ARIZ. R. EVID. 804 (B)(6), IS TO ALLOW THE PLAINTIFF PARTY AN OPPORTUNITY TO PRESENT RELEVANT TESTIMONY/STATEMENTS OF THE ALLEGED DECLARANT, THAT IS RELEVANT TO "ALLEGED" EVIDENCE THAT PROVE THE TRUTH OF THE MATTER ASSERTED, AND IF NEEDED; BECAUSE THE DEFENDANT "OF THE OPPOSING PARTY" HAD A PRIOR OPPORTUNITY TO CROSS-EXAMINE THE ALLEGED DECLARANT, BEFORE THE DEFENDANT COMMITTED THE ACT(S) FORE-MENTIONED IN POINT 2; "PURPOSELY" FORFEITING THEIR OPPORTUNITY TO CONFRONT, & CROSS-EXAMINE THE DECLARANTS "ALLEGED" STATEMENT(S), AND IF THEY HAVE TO; BUT NOT TO INTRODUCE THE TESTIMONIAL "ALLEGED" STATEMENTS "ALLEGED" BY THE DECLARANT "UNDER" ARIZ. R. EVID. 804 (B)(6) TO ATTEMPT TO PROVE THE MATTER ASSERTED, WITHOUT SUFFICIENT EVID.

DENCE TO ESTABLISH & PROVE THE TRUTH OF THE MATTER ASSERTED, AND/OR WITHOUT THE PROPER TESTIMONY "ALREADY" ESTABLISHED, PROVING THE TRUTH OF THE MATTER ASSERTED ("OUT OF ALL FAIRNESS!"). FOR THE REASONS THAT REGARDLESS OF STATEMENTS BEING INTRODUCED UNDER ARIZ. R. EVID 804(B)(6); IF THERE IS NO EVIDENCE PRESENTED, AND/OR THAT IS RELEVANT TO THE "ALLEGED" HEARING AND/OR TRIAL, PROVING THE TRUTH OF THE MATTER ASSERTED; BUT "ONLY" ASSERTIVE "ALLEGED" STATEMENTS ADMITTED UNDER ARIZ. R. EVID 804(B)(6), WITHOUT ANY SUPPORTING EVIDENCE, PROVING THAT THE MATTER ASSERTED "IN THE INTRODUCED ASSERTIVE STATEMENTS" IS TRUE, & FACT; THEN THE OPPOSING PARTY IS STILL PREJUDICED BY THE ALLEGED STATEMENTS ADMITTED "UNDER ARIZ. R. EVID. 804(B)(6), REGARDLESS OF THE FORFEITURE OF CONFRONTATIONAL RIGHTS, BECAUSE WITHOUT THE SUFFICIENT EVIDENCE ESTABLISHED "PROVING THE TRUTH OF THE MATTER," THE FACT FINDER: ITS "ONLY" GIVEN THE OPPORTUNITY TO CONVICT THE OPPOSING PARTY TO THE ASSERTIVE STATEMENTS WITHOUT ANY SUPPORTING EVIDENCE PROVING THAT THE MATTER IS FACT, PLACING THE OPPOSING PARTY IN AN UNFAIR TRIAL, AS THE UNTESTED EVIDENCE OF UNCROSS EXAMINED STATEMENTS COULD STILL BE FABRICATED; AND WHEN THE OPPOSING PARTY OBJECT & RAISES THE FACT THAT THE COURTS "ERRONEOUSLY" ALLOWED THE PLAINTIFF PARTY TO ADMIT/INTRODUCE THE ASSERTIVE TESTIMONIAL STATEMENTS UNDER ARIZ. R. EVID. 804(B)(6) TO THE FACT FINDER WITHOUT ESTABLISHING THE SUFFICIENT/PROPER FOUNDATION OF EVIDENCE, AND/OR TESTIMONY PROVING THE TRUTH OF THE MATTER ASSERTED BY THE "ASSERTIVE" "ALLEGED" STATEMENTS, INTRODUCED TO THE FACT FINDER "UNDER ARIZ R. EVID. 804(B)(6)," TO BE FACT & TRUE, AND/OR OVER THE OPPOSING PARTY'S OBJECTIONS, IT IS TO BE CONSIDERED AN ABUSE OF DISCRETION; AND AS THE COURTS & JUDGES TO THE MATTER IS SUPPOSE TO PROVIDE THE OPPOSING PARTY WITH THE SAME EQUAL PROTECTION OF FEDERAL LAWS AS TO THIS ISSUE... (SAME AS PRE-EXPLAINED IN THE

ARGUMENT OF EXCITED UTTERANCE "IN THIS MATTER"); BUT UNFORTUNATELY AS TO THIS ISSUE "IN THIS MATTER", THE COURTS & JUDGES DID NOT, AND AS WELL,

AS HERE IN THIS CASE THE COURTS OF THE STATE OF ARIZONA, ALLOWED THE JUDGES IN THIS MATTER TO VIOLATE THE DEFENDANT "IN THIS MATTER" CONSTITUTIONAL RIGHTS UNDER THE U.S.A. & ARIZONA CONSTITUTION, BY VIOLATING THE FEDERAL CONSTITUTIONAL PROVISION, STATUTE, RULES, & LAWS "AS FORE-MENTIONED" HERE-IN "THIS ARGUMENT", WHEN THE TRIAL JUDGE, ERRONEOUSLY ALLOWED THE PROSECUTOR "IN THIS MATTER", TO INTRODUCE TESTIMONIAL "HEARSAY" STATEMENTS, & INADMISSIBLE EVIDENCE, THROUGH LAY WITNESSES, UNDER ARIZ. R. EVID. 804 (B)(6), AT TRIAL, TO THE JURY "IN THIS MATTER", WITHOUT THE PROPER/SUFFICIENT FOUNDATION ESTABLISHED AT THE TRIAL "IN THIS MATTER" IN ORDER TO BE ABLE TO LEGALLY DO SO, AND OVER THE PETITIONER'S OBJECTIONS, AND DUE TO "FALSE & UNSUPPORTED" CLAIMS BY THE PROSECUTOR.

A. EVIDENTIARY HEARING

I. TESTIMONIES

A. JOHN BYRD TESTIMONY

AFTER "FIRST" A PHOENIX POLICE OFFICER JOHN BYRD CLEARLY TESTIFIED, THAT FOR THE COURT DATE OF 6/7/2022 HE WAS TASKED WITH SERVING ALLEGED VICTIM FEACHER, A, B, C, & D (DUCE TECUM) A SUBPOENA, BUT WAS UNSUCCESSFUL "DUE TO HIS LACK OF GOOD FAITH EFFORT & DUE DILIGENCE. AS HE ALLEGED THAT HE "ONLY" WENT TO ALLEGED VICTIM FEACHER ADDRESS "ALLEGEDLY" 1 TIME ("ALLEGEDLY" AFTER JUST SITTING OUTSIDE OF THE ALLEGED ADDRESS, FOR THE WEEK OF 5/22/2022 - 5/28/2022, "ALLEGEDLY" AT CERTAIN DIFFERENT "UNSPECIFIED" TIMES, "ALLEGEDLY" BETWEEN THE HOURS OF 8:00 A.M. - 4:00 P.M.), AND "ALLEGEDLY" SERVED A SUBPOENA ON THE DOOR OF THE ALLEGED ADDRESS (WHICH IS NOT A PROPER WAY TO SERVE A SUBPOENA ACCORDING TO THE

LAW (LIKE STATED IN BARBER V. PAGE, 390 U.S. 719, 88 S. CT. 1318 (1968)) AND ACCORDING TO THE A.R.S. 13-4072 "SERVICE OF SUBPOENA", QUOTING THE U.S.C.S. FED R. CIV. PROC. 45 "SUBPOENA"), "ALLEGEDLY" BECAUSE HE GREW IMPATIENT WITH "ALLEGEDLY" WAITING "OUTSIDE OF ALLEGED VICTIM FEACHER ALLEGED ADDRESS" AND "ALLEGEDLY" TRYING TO "HAND" DELIVER HER THE "ALLEGED" SUBPOENA, AND "ALLEGEDLY" DURING ALLEGED VICTIM FEACHERS WORK HOURS "ALSO!"

THEN HE TESTIFIED THAT HE WAS THEN RE-TASKED TO SERVE ALLEGED VICTIM FEACHER, A, B, C, & D (DUCE TECUM) A SUBPOENA FOR A RESET/NEW TRIAL DATE OF 7/4/2022, BUT WAS ALSO UNSUCCESSFUL THAT TIME AS HE ALLEGED THAT HE ONLY TRIED TO SERVE THE "ALLEGED" SUBPOENAS "ALLEGEDLY" VIA PHONE "BY ALLEGEDLY TRYING TO CONTACT ALLEGED VICTIM FEACHER, "ALLEGEDLY" THROUGH TEXTING HER "ALLEGED" PHONE NUMBER, "ALLEGEDLY" THROUGH HER ALLEGED EMPLOYER, AND "ALLEGEDLY" THROUGH HER "ALLEGED" FAMILY MEMBERS" (WHICH "IN ALL" IS ALSO NOT A PROPER WAY TO SERVE A SUBPOENA...), THAT WAS "IN ALL" UNSUPPORTED.

FURTHERMORE; EVEN THOUGH HIS EXCUSE WAS "THAT HE "PREJUDICALLY & PERSONALLY" BELIEVED, THAT ALLEGED VICTIM FEACHER WAS "PROBABLY" TRYING TO AVOID SERVICE "OF BEING SERVED A SUBPOENA", AND BY HIM"; AS "A REASON" WHY HE BELIEVE HE WAS UNSUCCESSFUL IN SERVING HER A SUBPOENA; HE NEVER TESTIFIED THAT HE WAS UNSUCCESSFUL IN SERVING ALLEGED VICTIM FEACHER, AND/OR ANYONE SUBPOENAS, DUE TO ANY REASONS OF THE PETITIONER, AND/OR ANY WRONGDOING "ALLEGEDLY" CAUSED BY THE PETITIONER; AND AS HE CLEARLY TESTIFIED THAT HE DIDN'T GIVE THE PETITIONER ANY NOTIFICATIONS OF WHEN & WHERE HE WAS GOING TO SERVE ANY OF THE ALLEGED VICTIMS SUBPOENAS (R.T. OF 8/3/2022, AT PG. 11, LN. 3- PG. 29, LN. 5 (APP. EXHB. - P. "ATT")) (ACCORDING TO HIS TESTIMONY)

B. RODNEY LOMIBAO TESTIMONY

THEN A RODNEY LOMIBAO TESTIFIED THAT HE "ALLEGEDLY" REVIEWED ALLEGED

PHONE CALLS, THAT WAS ALLEGED TO HIM TO OF HAD "ALLEGEDLY" BEEN PHONE CALLS OF ALLEGED PHONE CONVERSATIONS "ALLEGEDLY" BETWEEN THE PETITIONER & ALLEGED VICTIM FEACHER. AS HE WAS ALSO QUESTIONED/ASKED "IN GENERAL" DID "THE PETITIONER" JOHN FITZGERALD GAYLES COMMIT ANY ACTS OF WRONGDOING, AND/OR WITNESS TAMPERING, AND/OR INFLUENCING "ALLEGED VICTIM FEACHER" THROUGH THE ALLEGED PHONE CALLS THAT HE HAD "ALLEGEDLY" REVIEWED; AS ALL HIS RESPONSES WERE A CLEAR "NO!," NOT IN THE ONES HE REVIEWED!" (WHILE TRYING TO BE DECEPTIVE. AS HE WAS THE ONLY TESTIFYING WITNESS TO ANY OF THE "ALLEGED" PHONE CALLS IN REGARDS TO THE MATTER). ALSO THE PETITIONER CLEARLY ASKED HIM "DID THE PETITIONER INFLUENCE ALLEGED VICTIM FEACHER'S PARTICIPATION IN THE MATTER?" AS HE "CLEARLY" RESPONDED "I DON'T HAVE A ANSWER FOR THAT!" (SIMPLY FOR THE FACT THAT IT WOULD TAKE ALLEGED VICTIM FEACHER TO MAKE THAT "ALLEGED" ACCUSATION FOR HIM, TO BE ABLE TO AFFIRM & ALLEGE SO, AND AS HE DID NOT TESTIFY THAT SHE DID) (R.T. OF 8/3/2022, AT PG. 72, LN. 17 - PG. 82, LN. 20 (ALSO APP. EXHIB. P "ATT"))

AFTER & BEFORE HE GAVE OTHER "IRRELEVANT & PERJURED" TESTIMONY, "OF WHAT HE PERSONALLY & PREJUDICALLY BELIEVE (THE PETITIONER MAY OF HAD "PROBABLY" INSINUATED TO ALLEGED VICTIM FEACHER (WITHOUT EVIDENCE)), TO "ALLEGED JAIL RECORDED" PHONE CALL CONVERSATIONS, "ALLEGEDLY" THAT WAS BETWEEN THE PETITIONER & ALLEGED VICTIM FEACHER (THAT WAS TAMPERED & MALICIOUSLY EDITED BY THE PROSECUTOR "IN ANTICIPATION FOR THE HEARING, TO BE TESTIFIED TO "BY LOMBARD", BUT WAS NOT PRESENTED FOR THE RECORD, AND AT THE EVIDENTIARY HEARING) (R.T. OF 8/3/2022, AT PG. 29, LN. 16 - PG. 57, LN. 2 & PG. 83, LN. 2 - PG. 88, LN. 17 (ALSO APP. EXHIB. P "ATT"))

FURTHERMORE, LOMBARD DID NOT PROVE THAT ANY PHONE CALLS HAD ALLEGEDLY TOOK PLACE BETWEEN THE PETITIONER & ANY OF THE ALLEGED VICTIMS/WITNESS "IN THIS MATTER", HE NEVER TESTIFIED THAT THE PETITIONER "MADE ANY OF THE ALLEGED VICTIMS/WITNESSES "IN

THIS MATTER "PHYSICALLY" UNAVAILABLE FOR TRIAL "IN ANY WAY"; AND AS HE CLEARLY TESTIFIED THAT HIS "PREJUDICIAL" INSINUATIONS "THAT WASN'T SUPPORTED BY ANY EVIDENCE"; "ALLEGEDLY" DERIVED OUT OF A TWO-WAY CONVERSATION "OF WHAT DUE PROCESS IS"; "ALLEGEDLY" BETWEEN ALLEGED VICTIM TEACHER & THE PETITIONER (WHICH IN ALL DOESN'T CONSTITUTE WRONGDOING) (ACCORDING TO HIS TESTIMONY).

II. MISCONDUCT / ABUSE OF DISCRETION

A. EVIDENCE

AS THE PETITIONER 'FIRST' REQUESTED THAT THE TRIAL JUDGE ORDER THE PLAINTIFF PARTY TO PLAY THE ALLEGED EVIDENCE "THAT THE PROSECUTOR WERE ALLEGING WAS "ALLEGED" EVIDENCE OF "ALLEGED" WRONGDOING / WITNESS TAMPERING FOR THE RECORD", BECAUSE THE PROSECUTOR EDITED THE ALLEGED PHONE CALLS, THAT HAD "ALLEGEDLY" TOOK PLACE, BETWEEN ALLEGED VICTIM TEACHER & THE PETITIONER, INTO CLIPS, IN ORDER TO MAKE IT SEEM AS IF THE PETITIONER WAS TRYING TO INFLUENCE ALLEGED VICTIM TEACHER'S PARTICIPATION "IN THE MATTER" (AFTER THE PROSECUTOR SUBMITTED THE TAMPERED EVIDENCE / CLIPS TO THE PETITIONER'S ADVISORY COUNSEL (WHO PRESENTED THE CLIPS FOR THE PETITIONER BEFORE THE HEARING), AS ADMITTED BY THE PROSECUTOR.) AS THE TRIAL JUDGE NOTED THE OBJECT- TO THE ALLEGED EVIDENCE (R.T. OF 8/3/2022, AT PG. 9, LN. 1 - PG. 10, LN. 3 (ALSO APP. EXH. - P "ATT"), BUT STILL IGNORED THE PETITIONER'S REQUEST WHEN HE "ERRONEOUSLY" ALLOWED THE PROSECUTOR TO SUBMIT THE TAMPERED EVIDENCE AS ALLEGED EVIDENCE OF WRONGDOING / WITNESS TAMPERING, THROUGH RODNEY LOMBARD "PERJURED, IRRELEVANT, & DECEPTIVE" TESTIMONY (ON DIRECT EXAMINATION) AND WITHOUT PRESENTING THE ALLEGED EVIDENCE FOR THE RECORD, AND/OR WITHOUT ALLOWING THE PETITIONER TO REBUT TO THE FRAUDULENT EVIDENCE, AND AS THE TRIAL JUDGE ALLEGED THAT HE HAD "ALLEGEDLY" HAD LISTEN TO THE TAMPERED EVIDENCE EX-PARTE COMMUNICATIONS AND "ALLEGEDLY" OFF THE

RECORD "WITHOUT THE PRESENCE OF COUNSEL AND/OR PERMISSION/CONSENT/ ACKNOWLEDGEMENT OF BOTH COUNSEL", AS HE "ALLEGEDLY" INCOMPETENTLY THOUGHT THE "TAMPERED 'ALLEGED' EVIDENCE HAD ALREADY BEEN PLAYED IN THE TRIAL COURT ? FOR THE RECORD "ALLEGEDLY" (BUT IT WASN'T) (R.T. OF 8/3/2022 AT PG. 45, LN. 3 - PG. 46, LN. 5 (ALSO APP. EXHB. - P "ATT")) FURTHERMORE WASN'T NONE OF THE "ALLEGED" EVIDENCE "EVIDENCE OF ANY WRONGDOING, WITNESS TAMPERING, AND/OR INFLUENCING A WITNESS" BY THE PETITIONER, AND/OR ANYONE (SEE STATES EXHIBIT "19" (ALSO REFERENCED IN APP. EXHB. - Q "ATT"))

FURTHERMORE, THE "TAMPERED 'ALLEGED' EVIDENCE THAT WAS SUBMITTED TO THE COURTS THAT WAS ALLEGED TO OF HAD BEEN EVIDENCE OF WRONGDOING/ WITNESS TAMPERING, BY THE PROSECUTOR ? TRIAL JUDGE", WAS CREATED BY THE PROSECUTOR WHO PERSONALLY SELECTED CONVERSATIONS, FROM ALLEGED WHOLE "ORIGINAL" PHONE CALLS, EDITED INTO PERSONALLY SELECTED WORDS, PLACED TOGETHER ON TO A COMPACT DISC BY THE PROSECUTOR "OUT OF MALICE", AND WITH THE FRAUDULENT INTENT OF BEING USED AS "ALLEGED" EVIDENCE OF ALLEGED WRONGDOING/ WITNESS TAMPERING; AND AS THE ALLEGED EVIDENCE WAS INTRODUCED/ EXPOSED, AT TRIAL, ? FOR THE RECORD "THROUGH LOMIBAO 'PERTURBED ? IRRELEVANT' TESTIMONY, BY THE PROSECUTOR, AND OVER THE PETITIONER'S OBJECTION (BEFORE THE PETITIONER WAS "PRACTICALLY" FORCED INTO CROSS-EXAMINING LOMIBAO, AT TRIAL, AND AS TO THE "SAME" ISSUE "FOR TRYING TO GIVE "DECEPTIVE ? UNSUPPORTED" TESTIMONY TO THE TAMPERED EVIDENCE (AS HE WAS "CONTINUOUSLY" BEING AIDED ? DIRECTED TO DO SO, BY THE PROSECUTOR, ? TO THE FALSE EVIDENCE); WHERE LOMIBAO EVEN FURTHER DENIED TO OF HAD WITNESS THE PETITIONER COMMIT "ANY" ACTS OF WRONGDOING, WITNESS TAMPERING, AND/OR INFLUENCING A WITNESS (R.T. OF 8/22/2022, AT PG. 45, LN. 4 - PG. 60, LN. 9 ? PG. 98, LN. 2 - PG. 104, LN. 14 (ALSO APP. EXHB. - R "ATT"))).

B. EVIDENTIARY "HEARING" RULING

THEN THE TRIAL JUDGE ALLEGED "A HEAP OF" UNSUPPORTED, FALSE, AND/OR IRRELEVANT ACCUSATIONS, AS TO WHY HE "ERRONEOUSLY" GRANTED THE STATE'S "BOGUS" MOTION "FOR FORFEITURE BY WRONGDOING" AND WITHOUT "ANY" EVIDENCE "OF WRONGDOING" AND/OR "ANY" TESTIMONY "ALLEGING WRONGDOING", EVER PRESENTED AT THE EVIDENTIARY HEARING, AND/OR THE ENTIRE CASE (AS THERE WE'RE NEVER ANY EVIDENCE PRESENTED PROVING THAT THE PETITIONER MADE ALLEGED VICTIM AND/OR D "PHYSICALLY" UNAVAILABLE FOR TRIAL, AND/OR TESTIMONY ALLEGING THAT THE PETITIONER MADE VICTIM FEACHER AND/OR D "PHYSICALLY" UNAVAILABLE FOR TRIAL, AND AS IT WAS NEVER TESTIFIED TO THAT THE PETITIONER "EVEN" ACTUALLY DIRECTED/TOLO AND/OR "PHYSICALLY" ASKED ALLEGED VICTIM FEACHER AND/OR D, NOT TO SHOW TO TRIAL AND/OR AVOID BEING SUBPOENAED/SUMMONSED FOR TRIAL.)

FURTHERMORE THE JUDGE BASED HIS "ERRONEOUS" RULING "BIASLY & CLEARLY" ON LOMBARD'S DIRECT & REDIRECT TESTIMONY "OF WHAT HE "PERSONALLY" SUMMARIZED, THE TAMPERED "ALLEGED" EVIDENCE INTO, DUE TO HIS OWN PREJUDICE BELIEFS "IN ANTICIPATION FOR THE HEARING", (WHICH WAS AN "UNSUPPORTED" OPINION AND NOT FACTS (AS THE TRIAL JUDGE MADE THAT CLEAR FOR THE RECORD (R.T. OF 8/3/2022, AT PG. 45, LN. 9 - LN. 11 (ALSO APP. EXHIB. - P "ATT")))), AND "ALLEGEDLY" HIS EX-PARTE COMMUNICATION WITH THE TAMPERED "ALLEGED" EVIDENCE (ACCORDING TO THE RECORD & HIS RULING). AS HE "CLEARLY & PURPOSELY" IGNORED LOMBARD'S CROSS-EXAMINATION TESTIMONY; WHEN HE UNSUPPORTEDLY ALLEGED THAT THE "IMPLICATION" WAS DON'T SHOW TO TRIAL & THE CHARGES WILL BE DROPPED. (WHILE MISINTERPRETING THE TAMPERED "ALLEGED" EVIDENCE & LOMBARD'S TESTIMONY) AND WHEN HE "UNSUPPORTEDLY" ACCUSED THE PETITIONER OF COMMITTING "ALLEGED" WRONGDOING AND IN THE FORM OF WITNESS

TAMPERING (WHICH WAS NOT PROVEN, BECAUSE WITNESS TAMPERING CLEARLY STATES THAT A PERSON COMMITS TAMPERING WITH A WITNESS, IF THE PERSON KNOWINGLY COMMUNICATE, DIRECTLY OR INDIRECTLY, WITH A WITNESS IN ANY OFFICIAL PROCEEDING OR A PERSON HE BELIEVES MAY BE CALLED AS A WITNESS AND CAUSE THEM TO DO ANY OF THE FOLLOWING, 1) UNLAWFULLY WITHHOLD ANY TESTIMONY, 2) TESTIFY FALSELY, 3) ABSENT HIMSELF FROM ANY OFFICIAL PROCEEDING TO WHICH HE HAS BEEN LEGALLY SUMMONED, AND/OR 4) EVADE A SUMMONS OR SUBPOENA; AND THE ONLY WAY TO PROVE IF THE PETITIONER COMMITTED ANY ACTS OF WITNESS TAMPERING AND/OR THAT CAUSED ALLEGED VICTIM FEACHER NOT TO BE SUBPOENAED; AND/OR NOT TO ATTEND TRIAL "IN THIS MATTER"; THERE WOULD HAVE TO BE AN ALLEGED VICTIM FEACHER PRESENTED "FOR THE EVIDENTIARY HEARING", IN THE TRIAL COURT "IN THIS MATTER", TO TESTIFY THAT THE PETITIONER "ALLEGEDLY" COMMITTED AN ACT OF WITNESS TAMPERING, THAT HAD ALLEGEDLY MADE HER "PHYSICALLY" UNAVAILABLE FOR TRIAL (SUCH AS KIDNAPED HER; INJURED HER; UNLAWFULLY IMPRISONED HER AND/OR ACTED "AS HER ATTORNEY" DIRECTING HER TO NOT ATTEND TRIAL AND/OR GET SUBPOENAED" (WHICH WOULD/COULD BE THE ONLY REASONS THAT THE PETITIONER COULD OF HAD MADE HER "PHYSICALLY" UNAVAILABLE FOR TRIAL "IF SHE WERE ALIVE & AVAILABLE TO TESTIFY FOR THE EVIDENTIARY HEARING")) AND/OR WITH EVIDENCE "PROVING" SO...; AND/OR A WITNESS PRESENTED "FOR THE EVIDENTIARY HEARING" IN THE TRIAL COURT "IN THIS MATTER", TO TESTIFY THAT THE PETITIONER "ALLEGEDLY" COMMITTED AN ACT OF WITNESS TAMPERING, THAT HAD "ALLEGEDLY" CAUSED ALLEGED VICTIM FEACHER TO BE "PHYSICALLY" UNAVAILABLE FOR TRIAL (SUCH AS MURDERED HER, KIDNAPED HER, INJURED HER, UNLAWFULLY IMPRISONED HER, AND/OR ACTED AS HER ATTORNEY "DIRECTING HER TO NOT ATTEND TRIAL AND/OR GET SUBPOENAED" (WHICH WOULD/COULD BE THE ONLY REASONS THAT THE PETITIONER COULD OF HAD MADE ALLEGED VICTIM FEACHER "PHYSICALLY" UNAVAILABLE FOR TRIAL "IN

GENERAL" (JUST LIKE IN THE SCENARIO OF EVERY OTHER CASE, THAT WRONGDOING BY WITNESS TAMPERING WAS ALLEGED IN, AND SUCCESSFULLY PROVEN), AND/OR WITH EVIDENCE "PROVING SO..."), AS HE USED A "FALSE" COMPARISON TO THE STATE V. FRANKLIN CASE (WHERE THE ALLEGED VICTIM WAS SUBORNADO, BUT CHOOSE NOT TO SHOW TO TRIAL "ON HER OWN FREE WILL", ALLEGEDLY "AFTER SHE HAD AN ALLEGED PHONE CONVERSATION WITH THE DEFENDANT IN THAT CASE, WHO HAD ALLEGEDLY ASKED /TOLD HER "SPECIFICALLY" TO GO TO HER BROTHER HOUSE (WHILE TRIAL WAS BEING CONDUCTED "IN THAT CASE"), AND AFTER SHE WAS SUBORNADO FOR TRIAL "IN THAT MATTER... FURTHER, WRONGDOING WAS NOT PROVEN IN THAT CASE "EITHER, AS THE FOREMENTIONED "FACTORS "HEREIN" WAS NOT PRESENTED, AND PROVEN IN THAT CASE "EITHER, BUT THE DEFENDANT "IN THAT MATTER, WAS "SOMEHOW" UNSUCCESSFUL ON APPEAL AND JUST SETTLED FOR THE ARIZONA COURTS ERRONEOUS DECISIONS, BUT HERE IN THIS CASE THE ALLEGED VICTIM WAS NEVER SUBORNADO, NO ONE NEVER TESTIFIED THAT SHE KNEW WHEN TRIAL WAS, NO ONE NEVER TESTIFIED THAT THE PETITIONER DIRECTED HER TO DO ANYTHING BUT COOPERATE/CONTACT THE DETECTIVE + PROSECUTOR "IN THIS MATTER, IN REGARDS TO HER CONCERNS "ABOUT THE MATTER", AND THE "ONLY" FACTORS SEMBLAR "TO FRANKLIN", WAS THAT IT WAS TESTIFIED, THAT THE PETITIONER MADE CALLS TO THE ALLEGED VICTIM "FROM JAIL", WHILE THE ALLEGED VICTIM WAS OUT IN SOCIETY, AND WITH FREE WILL, A DETECTIVE TESTIFIED AS TO WHY THEY UNSUPPORTABLE, PREJUDICEDLY, PERSONALLY BELIEVED THE ALLEGED VICTIMS DIDN'T SHOW TO THE TRIAL HEARING (WHICH WEREN'T PROVEN TO OF HAD BEEN FACTS), AND A TRIAL JUDGE MADE AN "ERRONEOUS" DECISION 6-RANTING "THE STATE OF ARIZONA" RULES OF EVIDENCE 804 (B)(6) MOTION "DUE TO THEIR OWN PREJUDICE & UNSUPPORTED "IRRELEVANT" TESTIMONY WITHOUT ANY SUPPORTING EVIDENCE), AND AS HE CLEARLY CONTRADICTED HIS "UNSUPPORTED" ACCUSATION THAT HE FIND ALLEGED VICTIM FEARS UNWILLINGNESS TO COOPERATE WAS BECAUSE OF THE

CONTACTS OF THE DEFENDANT. AFTER HE ALLEGED THAT "UNLESS THERE'S SOME SURPRISE... HE DIDN'T BELIEVE" ALLEGED VICTIM FEACHER WAS NOT GOING TO TESTIFY IN THIS CASE (WHICH MEAN THAT THERE WE'RE STILL A POSSIBILITY THAT ALLEGED VICTIM FEACHER COULD SHOW UP, TO TRIAL, AND AT THE TIME OF HIS RULING; AND THAT HE HAD KNOWLEDGE, THAT HE WAS MAKING A "PREJUDICE & UNSURE" RULING "BY UNSUPPORTEDLY BLAMING THE PETITIONER, BUT DID SO ANY WAY DO TO HIS OWN "PERSONAL" PREJUDICE, BIAS "IN FAVOR OF THE PROSECUTOR, AND INTEREST INTO THE CASE, AND JUST BECAUSE HE HAD THE POWER TO "ERRONEOUSLY" DO SO,).

FURTHERMORE HE ALLEGED HE BASED HIS RULING OFF OF THE FACT, THAT HE PERSONALLY BELIEVED THAT THE PETITIONER "ALLEGEDLY" MADE ALLEGED VICTIM FEACHER "PHYSICALLY" UNAVAILABLE FOR TRIAL, "ALLEGEDLY" BECAUSE THE PETITIONER USED HIS WORDS, IN A CONVERSATION, FROM ALLEGED PHONE CALLS, "ALLEGEDLY" BETWEEN THE PETITIONER & ALLEGED VICTIM FEACHER, THAT HAD "ALLEGEDLY" TOOK PLACE WHILE THE PETITIONER WE'RE INCARCERATED "IN JAIL" AND ALLEGED VICTIM FEACHER WE'RE IN SOCIETY "WITH FREE WILL"; WHICH IS "PHYSICALLY" IMPOSSIBLE "IN ALL R.T. OF 8/3/2022 AT PG. 113, LN. 1 - PG. 115, LN. 25 (ALSO APP. EXHIB. - P "ATT").

C. OBJECTIONS

FURTHERMORE THE PETITIONER OBJECTED TO THE ACCUSATIONS OF THE PROSECUTOR AND THE RULING OF THE TRIAL JUDGE (R.T. OF 8/3/2022 AT PG. 112 LN. 19 - LN. 25 (ALSO APP. EXHIB. - P "ATT")) AND FURTHER ADDRESSED THE FACTS THAT THE TRIAL JUDGE MADE THE ERRONEOUS DECISION TO THE MATTER IN SEVERAL MOTIONS SEE IOR 170, 212, 213, 230, & 244 (ALSO REFERENCED IN APP. EXHIB. - S "ATT")) & ORAL MOTIONS ("PASSIM" FROM 8/4/2022 - 10/26/2022) ALSO RAISING THE FACT THAT HE DID NOT CONSIDER "ANY" OF THE 4 FACTORS THAT WAS USED IN GILES V. CALIFORNIA EITHER (R.T. OF 8/4/2022 AT PG. 8-9. (ALSO APP. EXHIB. - T "ATT")). BUT OVERALL

B. POST-RULING

WAS STILL "ERRONEOUSLY" IGNORED & DENIED DUE TO AN ABUSE OF THE TRIAL JUDGE'S DISCRETION "AS HE ACKNOWLEDGED" (R.T. OF 8/17/2022 AT PG. 167 & 168 (APP. EXHIB. U "ATT"))

I. PREJUDICE

FURTHERMORE THE STATEMENTS OF ALLEGED VICTIM FEACHER & D THAT WAS ADMITTED AND INTRODUCED THROUGH ARIZONA R. EVID. 804 (B)(6), PREJUDGED THE PETITIONER WHEN THEY WERE; (1) INTRODUCED AT TRIAL, WITHOUT EVER ALLOWING PETITIONER TO CROSS EXAMINE ALLEGED VICTIM FEACHER AND/OR D TO THE ALLEGED STATEMENTS, WHICH CAUSED THE PETITIONER'S 6TH AMENDMENT "CONFRONTATION-AL CLAUSE" RIGHTS UNDER THE U.S.A. CONSTITUTION "QUOTED BY ARIZONA CONSTITUTION ARTICLE 2 § 24" TO BE VIOLATED, WHICH CAUSED THE PETITIONER TO BE PLACED INTO AN UNFAIR TRIAL; THAT CAUSED THE PETITIONER'S 5TH AMENDMENT "DUE PROCESS" RIGHTS UNDER THE U.S.A. CONSTITUTION "QUOTED BY THE ARIZONA CONSTITUTION ARTICLE 2 § 4" TO BE VIOLATED; AND BY THE TRIAL COURT; AND (2) INTRODUCED AT TRIAL, WITHOUT THE PROPER FOUNDATION OF EVIDENCE AND/OR TESTIMONY PRESENTED/ESTABLISHED, PROVING THAT THE MATTER ASSERTED, THAT WAS "ALLEGED" IN THEIR "ALLEGED" OUT OF COURT STATEMENTS "THAT WAS INTRODUCED THROUGH ARIZ. 804 (B)(6)", TO BE FACT, & TRUTH, BECAUSE THE PROSECUTION'S ONLY PURPOSE FOR INTRODUCING THE ALLEGED STATEMENTS OF ALLEGED VICTIM FEACHER & D, AT TRIAL, AND THROUGH ARIZ. R. EVID. 804 (B)(6); WAS "TO ATTEMPT" TO PROVE THE MATTER ASSERTED (BY THE STATE OF ARIZONA), THROUGH ALLEGED VICTIM FEACHER & D "UNSUPPORTED" ALLEGED STATEMENTS, "ALLEGEDLY" SAID BY THEM IN THE ALLEGED EVIDENCE, THAT WAS INTRODUCED "TO THE JURY", WITHOUT SUPPORTING EVIDENCE PRODUCED; PROVING THE MATTER ASSERTED "THROUGH THEIR "UNSUPPORTED" ALLEGED OUT OF COURT" STATEMENTS", THAT WAS INTRODUCED THROUGH ARIZ. R. EVID 804 (B)(6), AND/OR WITHOUT THEM TESTIFYING TO THE "ALLEGED" EVIDENCE OF THEIR ALLEGED STATEMENTS, WHICH WERE TESTIMONIAL & "STILL" SUBJECT TO CROSS EXAMIN-

ATZON, AT TRIAL, AND REGARDLESS OF THEM BEING ADMITTED UNDER ARIZ. R. EVID. 804 (B)(6) "AS OF TO RELEVANCY!"; AND TO AZD FERNANDO GARCIA WITH TESTIFYING FALSELY, AT TRIAL, BECAUSE HE WROTE/AUTHORED A FALSE POLICE REPORT "ALSO" (SEE APP. EXHB.-C "A11", THAT AZDED IT THE PETITIONER BEING "UNLAWFULLY" APPREHENDED, ARRESTED, & INDICTED "IN THIS MATTER" OUT OF PREJUDICE "AS WELL, AND AS HE TESTIFIED TO & ADMITTED. THAT "IN ALL" WAS OBJECTED TO BY THE PETITIONER...

IN ALL R.T. OF 8/15/2022, AT PG. 51, LN. 7 - PG. 91 LN. 3 "FERNANDO GARCIA TESTIMONY" (ALSO APP. EXHB.-N "A11").

II. ALLEGED VICTIM PEACHER'S AFFIDAVIT

I FURTHERMORE, WHEN ALLEGED VICTIM PEACHER HAND DELIVERED THE "FORE-MENTIONED" AFFIDAVIT & MOTION TO DISMISS PROSECUTION TO THE TRIAL COURTS PERSONALLY "HERSELF"; AND ON/AT HER OWN "FREE" WILL; CLEARLY STATING THAT SHE MADE HER OWN DECISIONS NOT TO PARTICIPATE, ON HER OWN "FREE" WILL, DUE TO ISSUES SHE WAS HAVING WITH THE PROSECUTOR "IN THIS MATTER" TRYING TO FORCE HER TO AID IN A MALICIOUS PROSECUTION, WHICH HAD NOTHING TO DO WITH THE PETITIONER, AND/OR "ANY" WRONGDOING "AS FALSELY ALLEGED BY THE PROSECUTOR & TRIAL JUDGE IN THIS MATTER", AND AS SHE EXPLAINED (SEE I.D.R. 226 (ALSO APP. EXHB.-N "A11")) THE TRIAL JUDGE & THE PROSECUTOR WERE BOTH SUPPOSE TO ACKNOWLEDGE THEIR ERRORS, AS THE TRIAL COURT WAS SUPPOSE TO VACATE THE CONVICTION & SENTENCE ON A MOTION OF HIS OWN (ACCORDING TO ARIZONA R. CRIM. PRO. RULE 24.2 (E)(2)), AND AS THE STATE OF ARIZONA/PROSECUTOR "IN THIS MATTER" WAS SUPPOSE TO FILE A MOTION TO VACATE JUDGMENT (ALSO ACCORDING TO ARIZONA R. CRIM. PRO. RULE 24.2 (E)(2)); BECAUSE ONCE ALLEGED VICTIM PEACHER FILED THE AFFIDAVIT & MOTION, IT FURTHER AFFIRMED, THAT WHEN THE COURTS "ERRONEOUSLY" ALLOWED THE STATE OF ARIZONA TO USE EVIDENCE & TESTIMONY "THAT CONTRIBUTED TO THE PETITIONER'S CONVICTION", UNDER/THROUGH THE ARIZ. R. EVID 804 (B)(6) APPLICATION; THE COURTS ERRON-

EROUALLY ALLOWED THE STATE OF ARIZONA TO HAVE THE PETITIONER CONVICTED, AND DUE TO THE "ERRONEOUS" APPLICATION "OF THE LAW."

(WHICH FURTHER PROVE THAT A JUDGE IN ANY CASE/COURT SHOULD NEVER MAKE A PREJUDICE "ASSUMPTION" & "UNSUPPORTED" RULING, THAT SOMEONE "ALLEGEDLY" MADE A WITNESS "PHYSICALLY" UNAVAILABLE FOR A HEARING, AND/OR TRIAL, OUTSIDE OF THE FORE-MENTIONED FACTORS STATED HERE-IN AND IN GILES V. CALIFORNIA, 554 U.S. 357 (2008); BECAUSE THE ALLEGED WITNESS/DECLARANT THAT WAS "UNSUPPORTEDLY" ALLEGED & RULED TO OR HAD BEEN "PHYSICALLY" UNAVAILABLE FOR THE "ALLEGED" HEARING, AND/OR TRIAL "WITHOUT ANY SUPPORTING EVIDENCE PRESENTED", AND "ALLEGEDLY" DUE TO THE ALLEGED DEFENDANT "IN THE CASE"; AND/OR SOMEONE ON THE WITNESS/DECLARANTS BEHALF; CAN ALWAYS COME-FORWARDTH; AND STATE THAT THE ALLEGED VICTIM MADE THEIR OWN DECISION NOT TO "PHYSICALLY" PARTICIPATE WITH PROSECUTION AND/OR SHOW TO TRIAL "ON THEIR OWN "FREE" WILL"; AND AS THE ALLEGED VICTIM DIED IN THIS CASE, THAT THE COURTS AND THE STATE MUST/WOULD HAVE TO, RESPECT & HONOR "ACCORDING TO THE VICTIMS RIGHTS", WITH AND/OR WITHOUT ANY SUPPORTING EVIDENCE "TO PROVE WHAT "OTHER" REASON WHY THE ALLEGED WITNESS/DECLARANT DID NOT ATTEND THE HEARING, AND/OR TRIAL, AND/OR DID NOT GET SUBPOENAED "FOR THE ALLEGED HEARING, AND/OR TRIAL"; FOR THE REASON THAT WHEN A WITNESS/DECLARANT HAS THEIR OWN "FREE" WILL OF "PHYSICALLY" MOVING & THINKING THEY CLEARLY HAVE THE CHOICE OF MAKING THEIR OWN "PHYSICAL" DECISIONS, AND NOR DO ANY COURT, AND/OR JUDGE, AND/OR STATE, AND/OR PROSECUTOR, AND/OR ECT... HAVE THE DISCRETION/AUTHORITY TO "PERSONALLY" DIRECT & "PREJUDICALLY" DETERMINE WHY THE WITNESS/DECLARANT DID NOT ATTEND THE ALLEGED HEARING, AND/OR TRIAL "OUTSIDE OF WHAT THE ALLEGED WITNESS/DECLARANT CLEARLY ALLEGED (ALSO ACCORDING TO VICTIMS RIGHTS))

FURTHERMORE NO ONE TESTIFIED TO BEING A MIND READER, PSYCHIC, FORSEER, AND

/OR A PREDICTOR, AND ALLEGING/TESTIFYING THAT THEY "PHYSICALLY" WITNESS THE PETITIONER COMMIT ANY ACTS OF WRONGDOING "THAT CAUSED ALLEGED VICTIM FEACHER TO BE UNAVAILABLE FOR TRIAL, AND/OR NOT TO GET SUBPOENAED "IN ANY WAY". AS THE TRIAL JUDGE CLEARLY BASED HIS RULING OFF OF "UNSUPPORTED" SPECULATION; AND DUE TO THE PROSECUTOR'S FRAUDULENT MOTION IN LEMENE "REGARDING FORFEITURE BY WRONGDOING" (SEE I.O.R. 111 (ALSO APP. EXHIB. - W ATT")); THE PROSECUTOR'S ORAL "UNSUPPORTED ACCUSATIONS, "FALSELY" ACCUSING THE PETITIONER OF WITNESS TAMPERING; "UNSUPPORTEDLY" ACCUSING THE PETITIONER OF INFLUENCING ALLEGED VICTIM FEACHER, AND "WITHOUT ANY SUPPORTING EVIDENCE, AND LOMBRAO'S TESTIMONY OF "UNSUPPORTED" SPECULATION.

FURTHERMORE THE TRIAL JUDGE & THE PROSECUTOR DID NOT TESTIFY AND IF THEY HAD ANY PERSONAL KNOWLEDGE "AS OF TO THE PETITIONER COMMITTING ANY" ACTS "OF WRONGDOING" THAT CAUSED ALLEGED VICTIM FEACHER NOT TO TESTIFY "THEN THEY SHOULD OF HAD RECUSED THEMSELVES "IN THIS MATTER", AND/OR TESTIFIED TO THAT (ACCORDING TO THE LAW...). AS NO ONE EVER TESTIFIED THAT THE PETITIONER COMMITTED "ANY" ACTS OF WRONGDOING "IN THIS MATTER", WHAT SO EVER, AND ALLEGED VICTIM FEACHER DID NOT ALLEGE "ANY" WRONGDOING BY THE PETITIONER IN HER AFFIDAVIT. AS SHE ACTUALLY PUT HER BLAME "OF NOT PARTICIPATING" ON THE PROSECUTION, AS THE EVIDENCE SHOWS, THAT WAS SUBMITTED TO THE TRIAL COURTS. THAT THE TRIAL JUDGE DECIDED TO IGNORE & NOT FULLY ADDRESS AFTER HE MADE HIS ERRONEOUS RULING (R.T. OF 8/15/2022, AT PG. 5, LN. 23 - PG. 8, LN. 6 (ALSO APP. EXHIB. - N ATT"))).

FURTHERMORE THE TRIAL JUDGE FAILED TO REALIZE THAT THE LAW IS: THAT THE BURDEN OF PROOF; WAS ON THE PROSECUTION "IN THIS MATTER TO PROVE THAT THE PETITIONER COMMITTED AN ACT "OF WRONGDOING", THAT CAUSED ALLEGED VICTIM FEACHER TO "PHYSICALLY" BE UNAVAILABLE FOR TRIAL; AND/OR TO BE SUBPOENAED; AND IN THIS MATTER; NOT FOR THE PETITIONER TO HAVE TO PROVE HOW HE DIDN'T COMMIT "ANY" ALLEGED

ACTS "OF WRONGDOING," THAT "ALLEGEDLY" CAUSED ALLEGED VICTIM FEACHER TO "ALLEGEDLY" BE "PHYSICALLY" UNAVAILABLE FOR TRIAL, AND/OR TO OF BEEN SUBPOENAED "IN THIS MATTER, ON APPEAL, AFTER THE TRIAL JUDGE PURPOSELY ? KNOWINGLY MADE AN ERRONEOUS RULING BY "PREJUDICALLY ? UNSUPPORTEDLY" ACCUSING THE PETITIONER OF "ALLEGEDLY" COMMITTING ACTS "OF ALLEGED WRONGDOING" THAT "ALLEGEDLY" CAUSED ALLEGED VICTIM FEACHER TO BE "PHYSICALLY" UNAVAILABLE FOR TRIAL, AND/OR TO OF HAD BEEN SUBPOENAED...

III. ALLEGED VICTIM D

THERE WAS NEVER ANY "ALLEGED" CONDUCT TOWARDS ALLEGED VICTIM D EVER ADDRESSED, AND/OR PRESENTED, AS THE TRIAL JUDGE "ALSO" "ERRONEOUSLY" ALLOWED THE STATE OF ARIZONA TO ADMIT ALLEGED VICTIM D "ALLEGED" OUT OF COURT STATEMENTS UNDER ARIZ. R. EVID. 804 (B)(6)" AND INTRODUCE THEM TO THE JURY, AND AT TRIAL "ALSO". THAT ALSO CAUSED THE PETITIONER 6TH ? 5TH AMENDMENT RIGHT TO BE VIOLATED. FURTHER THE TRIAL JUDGE ALLEGED THAT THE ALLEGED STATEMENTS WERE ALSO ADMITTED UNDER ARIZ. R. EVID 803(2) "ALLEGEDLY" FOR APPELLATE PURPOSES, (R.T. OF 8/3/2022 AT PG. 116 LN. 7-13 (ALSO APP EXMB: P "ATT?")), AND WHEN THEY WERE NOT EVEN AN EXCITED UTTERANCE EITHER (ACCORDING TO THE LAW) "AS PRE-EXPLAINED HERE-IN". FURTHERMORE THE COURTS ALREADY HELD THAT THE/A TRIAL COURT, CANNOT BAN A/THE DEFENDANT, FROM CROSS-EXAMINING "SUCH" WITNESSES, TO "SUCH" STATEMENTS, AND IN "SUCH" A MANNER "AS IT DID, IN REGARDS TO THIS ISSUE, ? IN THIS MATTER (SEE AGAVO V. JOHNSON, 2023 U.S. APP CASE, LEXIS 191 (9TH CIR. APP CT. 2023)).

IV. APPEAL

WHICH "IN ALL" WAS ADDRESSED TO THE ARIZONA COURT OF APPEALS "IN THE SAME AS THE EXCITED UTTERANCE ISSUE", AS THE ARIZONA COURT OF APPEALS JUSTICES IN THIS MATTER, "ALSO" VIEWED THIS ISSUE IN THE LIGHT MOST FAVORABLE OF/TO

THE PROSECUTION, § SUSTAINING THE CONVICTION; INSTEAD OF IN THE LIGHT MOST FAVORABLE OF/TO THE LAW § STANDARD OF THE APPELLANT; AS THE ARIZONA COURT OF APPEALS JUSTICES "IN THIS MATTER", CREATED THEIR OWN "FALSE § UNSUPPORTED" NARRATIVE/INTERPRETATION, OF ALLEGED FACTS, IN THEIR DISCUSSION; ALSO "UNSUPPORTEDLY" ACCUSING THE PETITIONER OF "ALLEGED" WITNESS TAMPERING, THAT "ALLEGEDLY" ADMONISHED ALLEGED VICTIM FEACHER, NOT TO SHOW TO TRIAL, "ALLEGEDLY" SO THE CHARGES AGAINST THE PETITIONER "ALLEGEDLY" COULD BE DROPPED, THAT "ALLEGEDLY" CAUSED HER "ALLEGED" UNWILLINGNESS TO COOPERATE; AND "UNSUPPORTEDLY" ALLEGING THAT THE RECORD SUPPORTS THE ALLEGED FINDINGS (ARIZONA COURT OF APPEAL DIV. 1 "DECISION" IN THIS MATTER, PG. 7, ¶ 29 - PG. 8, ¶ 30 (ALSO APP. EXHB.-A "ATT")), AND "ERRONEOUSLY" CONCLUDED § DECIDED TO DENY REMANDING THE CASE "DUE TO THE ERROR OF THE ISSUE § AN ABUSE OF DISCRETION" BY THE TRIAL JUDGE" (AS PRE-EXPLAINED § DEMONSTRATED HERE-IN) (PG. 8, ¶ 31 (ALSO APP. EXHB.-A "ATT"))

THEN THE PETITIONER TIMELY FILED A MOTION FOR RECONSIDERATION, THOROUGHLY EXPLAINING THE "FORE-MENTIONED § PRE-EXPLAINED" FACTS "HERE-IN", AND EXPLAINING § DEMONSTRATING TO THE ARIZONA COURT OF APPEALS, THAT IT IS IMPOSSIBLE "FOR THE APPEALS COURT" TO FIND THAT THE RECORD SUPPORT "ALLEGED" EVIDENCE OF WRONGDOING, "ALLEGEDLY" COMMITTED BY THE PETITIONER, AND/OR THAT CAUSED ALLEGED VICTIM FEACHER, AND/OR D TO BE "PHYSICALLY" UNAVAILABLE FOR TRIAL, AND/OR TO OF HAD BEEN SUBPOENAED "FOR TRIAL"; AND "IN THIS MATTER" (DUE TO ALL THE "SAME FORE-MENTIONED § PRE-EXPLAINED" FACTS "HERE-IN"), AND/OR REGARDLESS OF WHAT THE PETITIONER OBJECTED TO, AND/OR FILED "AT TRIAL", AND/OR EVIDENTIARY, AND/OR PRE-TRIAL, AND/OR POST-TRIAL (SEE APPELLANT'S MOTION FOR RECONSIDERATION (ALSO APP. EXHB.-I "ATT")), THAT WAS "IN ALL" ALSO ERRONEOUSLY DENIED BY THE ARIZONA COURT OF APPEALS "DIV. 2"; DUE TO A FURTHER ABUSE OF DISCRETION, BY NOT FIXING § CHANGING IT'S "FALSE § UNSUPPORTED OPINT-

DNS & "ERRONEOUS" DECISION, REVIEWING THE ISSUE/CASE "DE NOVO", AND REMANDING THE CASE FOR NEW TRIAL AND FOR FURTHER INSTRUCTIONS... "ACCORDING TO THE LAW (SEE APP. EXHIB.-O "ATT")

THEN THE PETITIONER "TIMELY" FILED A PETITION FOR REVIEW IN THE ARIZONA SUPREME COURT (SEE APP. EXHIB.-J "ATT"); FOR THE "SAME FORE-MENTIONED" REASONS "PRE-EXPLAINED" HERE-IN (WHICH THEN MADE THE ISSUE "AN ISSUE" OF FIRST IMPRESSION & STATEWIDE IMPORTANCE, BECAUSE; FOR 1) DON'T NO ARIZONA DECISION CONTROL THE POINT OF "LAW, COMMON SENSE, & REALITY" IN QUESTION, AS THE ARIZONA COURT OF APPEALS "INCORRECTLY" DECIDED ON IMPORTANT ISSUES OF LAW "IN THIS MATTER", AND AS THERE ARE ALREADY CONFLICTING DECISIONS MADE BY THE U.S. SUPREME COURT "IN OTHER CASES" SUCH AS IN "GILES V. CALIFORNIA, 554 U.S. 357 (2008), DAVIS V. WASHINGTON, CRAWFORD V. WASHINGTON, & ECT... AND FOR 2) THE DECISION OF THE ARIZONA SUPREME COURT SHOULD OF HAD BEEN QUALIFIED, IN ORDER TO DIRECT THE ARIZONA COURT OF APPEALS TO REVIEW THE ISSUE "DE NOVO", IN THE LIGHT OF THE LAW, CORRECT ITS "UNSUPPORTED" OPINION & "ERRONEOUS" DECISION, AND REVERSE & REMAND THE CASE "FOR FURTHER INSTRUCTIONS" ACCORDING TO THE LAW... WHICH "IN ALL" WAS DENIED REVIEW BY THE ARIZONA SUPREME COURT ON DEC. 5TH, 2024 "AS AN ABUSE OF DISCRETION BY THE ARIZONA SUPREME COURT JUSTICES".

III. SUMMARY/FINAL ARGUMENT

IN GENERAL, TESTIMONIAL EVIDENCE FROM A DECLARANT WHO DOES NOT APPEAR AT TRIAL MAY BE ADMITTED "ONLY" WHEN THE DECLARANT IS UNAVAILABLE AND THE DEFENDANT HAS HAD PRIOR OPPORTUNITY TO CROSS EXAMINE THE DECLARANT. CRAWFORD V. WASHINGTON, 541 U.S. 36, 68-69 (2004); STATE V. FORDE, 233 ARIZ. 543, 564 (2014). A STATEMENT FALLS WITHIN THE CONFRONTATION CLAUSE IF ITS PRIMARY PURPOSE IS TESTIMONIAL. OHIO V. CLARK, 576 U.S. 237 (2015). TESTIMONY MEANS A SOLEMN DECLARATION OR AFFIRMATION MADE FOR THE PURPOSE OF ESTABLISHING OR PROVING SOME FACTS. CRAWFORD V. WASHINGTON, 541 U.S. AT 51. STATEMENTS ARE TESTIMONIAL WHEN THE PRIMARY PURPOSE IS TO ESTABLISH OR PROVE SOME PAST EVENTS POTENTIALLY RELEVANT TO A LATER CRIMINAL PROSECUTION. DAVIS V. WASHINGTON, 547 U.S. 813 (2006) ("SUCH AS ALLEGED VICTIM FEACHER, A, B, C, & D ALLEGED STATEMENTS "AS FORE-MENTIONED & PRE-EXPLAINED" HERE-IN.").

THE ADMISSION OF EVIDENCE UNDER ARIZ. R. EVID. 803(2) CAN ALSO VIOLATE THE DEFENDANT'S CONFRONTATION CLAUSE RIGHTS, WHEN THE TRIAL COURT FAILS TO CONSIDER RELEVANT FACTORS THAT SHOULD OF HAD BEEN GIVEN SIGNIFICANT WEIGHT IN DETERMINING THE ADMISSIBILITY OF THE EVIDENCE. STATE V. THOMPSON, 139 ARIZ. 409 (1984). EVIDENCE UNDER ARIZ. R. EVID. 803(2) ARE SUPPOSE TO BE AN EXCITED UTTERANCE AND NOT SUPPOSE TO BE TESTIMONIAL STATEMENTS. STATE V. PARKS, 211 ARIZ. 19 (APP. 2005). STATEMENTS THAT ARE AN EXCITED UTTERANCE, IS TO BE CONSIDERED AN EXCEPTION TO THE "HEARSAY" RULE, AND ARE NON-TESTIMONIAL; AS STATEMENTS THAT ARE TESTIMONIAL, THAT ARE INTRODUCED, AT TRIAL, TO THE FACT FINDER, THROUGH EVIDENCE & LAY WITNESS(S) UNDER ARIZ. R. EVID. 803(2), WITHOUT ALLOWING THE DEFENDANT THE OPPORTUNITY TO CROSS-EXAMINE THE DECLARANT TO THEIR ALLEGED STATEMENTS IS TO BE CONSIDERED AS "INADMISSIBLE" HEARSAY "UNDER ARIZ. R. EVID.

801(C)(1) & (C)(2), AND IS NOT AN EXCEPTION TO THE "HEARSAY" RULE (ACCORDING TO THE RULE AGAINST HEARSAY "ARIZ. R. EVID. 802")

AN ABUSE OF DISCRETION OCCURS, WHEN THE COURTS ALLOW THE PLAINTIFF TO INTRODUCE TESTIMONIAL STATEMENTS, THAT IS INADMISSIBLE "HEARSAY" (ACCORDING TO ARIZ. R. EVID 802), UNDER ARIZ. R. EVID. 803(2), AS A "PRIMARY" PURPOSE TO ATTEMPT TO PROVE THE TRUTH OF THE MATTER ASSERTED "IN THE MATTER, AND/OR OVER THE DEFENDANTS OBJECTIONS (WHICH IS TO BE CONSIDERED CLEAR ERROR!". STATE V. WHITNEY, 159 ARIZ. 476 (1989). AN ABUSE OF DISCRETION REGARDING THE ISSUE OF EXCITED UTTERANCE CAN BE CONSIDERED HARMLESS ERROR, WHEN IT DOES NOT EFFECT THE OUTCOME OF THE TRIAL, AND/OR CONVICTION. STATE V. ROBINSON 153 ARIZ. 191, 735 P.2D 801 (1987). AS AN APPELLATE COURT WILL NOT REVERSE A TRIAL COURTS RULING "UNDER EXCITED UTTERANCE EXCEPTION" ABSENT A CLEAR ABUSE OF DISCRETION. ALSO STATE V. WHITNEY, 159 ARIZ. 476 (1989). IT ALSO WILL NOT REVERSE A CONVICTION REGARDING THE ISSUE OF EXCITED UTTERANCE, UNLESS IT WAS HARMFUL, BY EFFECTING THE TRIAL, AND CONVICTION. STATE V. CHARO, 156 ARIZ. 561, 754 P.2D 288 (1988). THE ISSUE OF EXCITED UTTERANCE COULD BECOME SIGNIFICANTLY HARMFUL, WHEN IT IS THE PRIMARY/ CHIEF REASON IN-REGARDS TO THE DEFENDANTS CONVICTION. STATE V. MAVS, 210 ARIZ. 452, 112 P.3D 39, 453 (APP. CT. 2005) ("SAME AS IT WAS IN THIS CASE AND ON A WIDER SCALE!"), AND WHEN THAT OCCURS THE CONVICTION MUST BE REVERSED & REMANDED FOR NEW TRIAL FOR THAT ISSUE. ALSO STATE V. CHARO, 156 ARIZ. 561, 754 P.2D 288 (1988) (SAME AS THIS CASE SHOULD/MUST BE "DUE TO THE ISSUE!" AND "IN ALL" SAME AS FOR THE TESTIMONIAL STATEMENTS & EVIDENCE, THAT WAS INTRODUCED THROUGH THE ARIZ. R. EVID. 804(B)(6) "THROUGH FRAUD" ISSUE (AS PRE-EXPLAINED), AND IN THIS

MATTER.

FURTHERMORE "IN THIS MATTER" THE PETITIONER FILED A MOTION FOR NEW TRIAL, IN REGARDS TO THE MATTERS (SEE I.O.R. 208 (ALSO APP. EXHB-X "ATT")), THAT WAS ALSO "ERRONEOUSLY" DENIED "BY THE TRIAL JUDGE", AND DUE TO AN ABUSE OF DISCRETION, BUT "ANY WAY" UNFORTUNATELY DOUBLE JEOPARDY APPLIES IN THIS CASE "TO THE MATTER", AND REGARDLESS OF THE "ALLEGED" ISSUES; DUE TO ALL THE "FORE-MENTIONED" FUNDAMENTAL ERRORS "AS PRE-EXPLAINED" HERE-IN; AND THE FACT THAT THERE WERE NEVER ANY EVIDENCE PRODUCED AT TRIAL, THAT WOULD OF HAD MADE A "REASONABLE" PERSON/MIND CONCLUDE THAT THE PETITIONER IS/WAS GUILTY, AND BEYOND A REASONABLE DOUBT (JUST LIKE IN STATE V. BALDENEGRO, 188 ARIZ. 10, 932 P.2D 275 (1996) AND ECT...); AND FOR AS THERE WERE NO SUBSTANTIAL EVIDENCE PRODUCED TO WARRANT A CONVICTION, TO WHICH CAUSED THE PETITIONER TO FILE A ARIZONA R.T. CRIM. PRO. RULE 20 MOTION FOR ACQUITTAL "ON ALL COUNTS" IN REGARDS TO THE MATTERS", ORALLY THAT WAS "IN ALL" "ERRONEOUSLY" DENIED, AND BY THE TRIAL JUDGE "AS A FURTHER ABUSE OF DISCRETION" (R.T. OF 8/22/2022, AT PG. 139, LN. 14 - PG. 143, LN. 23 (ALSO APP. EXHB-R "ATT")); BEFORE THE PROSECUTOR "MALICIOUSLY" DIRECTED THE JURY TO "UNSUPPORTEDLY" FIND THE PETITIONER TO BE GUILTY "IN THIS MATTER", DUE TO HER "FALSE & UNSUPPORTED CLOSING ARGUMENT "FALSELY & UNSUPPORTEDLY" ASSERTING THE PETITIONER INTO THE MATTER ASSERTED, AND ACCUSING THE PETITIONER OF "ALLEGEDLY" COMMITTING THE ALLEGED CRIMES IN THIS MATTER; AFTER THE STATE DID NOT PROVE "ANY" ELEMENTS OF ITS CASE (R.T. OF 8/23/2022, AT PG. 21, LN. 1 - PG. 41, LN. 19 (ALSO APP. EXHB-Y "ATT")); AND THAT CAUSED THE PETITIONER TO FILE A ARIZ. R. CRIM. PRO. RULE 20 "WRITTEN" MOTION FOR ACQUITTAL "AFTER THE VERDICT" (THROUGHLY EXPLAINING

THE "SAME FORE-MENTIONED & PRE-EXPLAINED" FACTS "HERE-IN"), THAT WAS SUPPOSED TO OF HAD BEEN GRANTED (ACCORDING TO THE LAW STATED IN STATE V. TUBBS, 155 ARIZ. 533, 747 P.2D 1232, (AZ. CT. APP. 1987), AND JUST LIKE THE "RULE 20" MOTIONS IN STATE V. BALDENEGRO, 188 ARIZ. 20, 932 P.2D 275, 229 (1996) & STATE V. WEST, 226 ARIZ. 599, 250 P.3D 1288, 608 (2011) (SEE I.O.R. 213 (ALSO: APP. EXMB.-Z "ATT")) THAT WAS ALSO ERRONEOUSLY DENIED "BY THE TRIAL JUDGE!"

FURTHERMORE AS AN ALLEGED VICTIM OF A CRIME HAS THE RIGHT TO BE HEARD & TREATED WITH FAIRNESS, RESPECT, & DIGNITY AND TO BE FREE FROM INTIMIDATION, HARASSMENT, OR ABUSE THROUGHOUT THE CRIMINAL JUSTICE PROCESS (AZ. CONST. ART. 2 § 2.1; SEE ALSO ARIZ. CRIM. P. 39(B)(2)). THE VICTIM'S BILL OF RIGHTS WERE ENACTED TO "PROVIDE CRIME VICTIMS WITH 'BASIC RIGHTS OF RESPECT, PROTECTION, PARTICIPATION, AND HEALING OF THEIR ORDEALS' ("STATE V. HAMILTON, 249 ARIZ. 303, 306 (APP. 2020); QUOTING CHAMPLIN V. SARGEANT, 192 ARIZ. 372, 375 (1998)).

AS IN THIS CASE THE STATE OF ARIZONA SEEMED TO OF HAD FORGOT.

OVER ALL THE STATE OF ARIZONA DISREGARDED THE FACTS THAT ALLEGED VICTIM FEACHER HAS RIGHTS AND HAD/HAS THE CHOICE, TO CHOOSE NOT TO "PHYSICALLY" PARTICIPATE, WITH PROSECUTION "IN THIS MATTER" (TO WHICH, WAS A MALICIOUS, FRIVOLOUS, & DECEITFUL "ONE"), AND ON HER OWN "FREE" WILL, BUT DUE TO THAT ISSUE THE STATE OF ARIZONA CANNOT MAKE "PREJUDICIAL & UNSUPPORTED" ACCUSATIONS THAT THE PETITIONER "ALLEGEDLY" TOLD ALLEGED VICTIM FEACHER "NOT TO SHOW TO TRIAL AND THE CHARGES WILL BE DROPPED", WITHOUT ANY SUPPORTING EVIDENCE; AND THEN FORFEIT HIS RIGHTS TO FACE ALLEGED VICTIM FEACHER & D ("AS THEY DID!"), BECAUSE THEY WANTED TO HAVE A BLAME AS TO "WHY ALLEGED VICTIM FEACHER DID NOT GET SUBPOENAED, AND/OR ATTEND TRIAL "IN THIS MATTER", BY "PREJUDICIALLY & UNSUPPORTEDLY" ALLEGING THAT ALLEGED WORDS "ALLEGEDLY" SAID BY THE PETITIONER "ALLEGEDLY" TO ALLEGED VICTIM FEACHER, "ALLEGEDLY" CAUSED "ALLEGED

VICTIM FEACHER TO BE "PHYSICALLY" UNAVAILABLE FOR TRIAL, AND WITHOUT ANY SUPPORTING EVIDENCE/PROOF.

X. CONCLUSION

WITH ALL BEING STATED HERE-IN, I THE PETITIONER, JOHN FITZGERALD GAVIES RESPECTFULLY REQUEST THAT THIS HONORABLE SUPREME COURT USE ITS COMMON SENSE IN THE LIGHT OF REALITY & "ALL" FAIRNESS AND REVIEW THIS PETITION IN LIGHT OF THE LAW, AS BOTH OF THE ISSUES "ADDRESSED" HERE-IN, ARE OF NATION-WIDE IMPORTANCE, FOR THE REASONS THAT SINCE THE LAW "TO BOTH" HAS NOT BEEN FULLY ESTABLISHED, THE "LOWER" STATE COURTS FEEL AS IF THEY HAVE FOUND A LOOP HOLE IN THE RULES "THERE OF", SO THEY CAN BE ABLE TO "UNLAWFULLY" ALLOW A PLAINTIFF PARTY TO ADMIT & INTRODUCE "TO THE FACT FINDER", ALLEGED EVIDENCE & TESTIMONY "THROUGH FRAUD", WHEN THEY CAN NOT PRODUCE THE "ALLEGED" DECLARANT FOR TRIAL; BY "PURPOSELY & UNLAWFULLY" VIOLATING THE PETITIONER'S 6TH AMENDMENT "CONFRONTATIONAL CLAUSE" RIGHTS, AND "FALSELY" PUTTING THE BLAME ON THE PETITIONER "DUE TO THE LACK OF DUE DILIGENCE & A GOOD FAITH EFFORT BY THE PLAINTIFF PARTY (PROCURING THE ALLEGED DECLARANT FOR TRIAL) AND THE "PERSONAL" INTEREST "INTO THE MATTER" BY A TRIAL JUDGE", AND/OR BY ALLOWING A PROSECUTION TO ALLEGE "FALSE & UNSUPPORTED" STATEMENTS "A CERTAIN WAY" AND "SOME" IN A "COMPLETELY" DIFFERENT ORDER "PRE-TRIAL"; ABOUT "UNSUPPORTED" ALLEGED STATEMENTS, THAT ARE SUPPOSE TO BE TESTIFIED "AT TRIAL AND IN A CERTAIN WAY", AND/OR WITHOUT PRESENTING ANY EVIDENCE, AND/OR TESTIMONY, "THERE OF" PRE-TRIAL, IN ORDER TO GET CERTAIN "UNSUPPORTED" STATEMENTS "FRAUDULENTLY" ADMITTED "FOR TRIAL" & PRESENTED "AT TRIAL", UNDER "ALLEGED RULES, LAWS, & STATEMENTS THAT THEY ARE NOT", OVER THE PETITIONER'S OBJECTIONS, AND DUE TO THE "PERSONAL" INTEREST "INTO THE MATTER" & ABUSE OF DISCRETION "BY A TRIAL JUDGE" (AS THEY DID IN THIS MATTER). AS A OPINION FROM THIS COURT IS NEEDED "IN THIS MATTER", AND FOR BOTH ISSUES

"ADDRESSED" HERE-IN. AS THIS CASE WOULD FINALLY GIVE THE COURTS A CHANCE TO ADDRESS THE "UNLAWFUL" LOOP HOLES & FULLY ESTABLISH THE LAW. "AS OF TO HOW THE RULE SHOULD/SHOULDN'T BE USED, IN "BOTH" OF THESE ISSUES, "ONCE AND FOR ALL", AND SO THE "FORE-MENTIONED & PRE-EXPLAINED" ERRORS HERE-IN DOESN'T HAPPEN ANY FURTHER.

FURTHERMORE I PRAY THAT THIS HONORABLE SUPREME COURT REVERSE & REMAND THIS CASE BACK TO THE "LOWER" COURTS FOR NEW TRIAL, AND/OR WITH FURTHER INSTRUCTIONS WITH FURTHER INSTRUCTIONS TO GRANT THE PETITIONER'S ACQUITTAL ON ALL CHARGES, AND/OR ETC... "ACCORDING TO THE LAW"; AS DUE TO THESE "2 PRIMARY" ISSUES, THAT THE PROSECUTION USED TO THEIR ADVANTAGE, AND IN ORDER TO ATTEMPT TO COVER "OTHER" ERRORS AND ISSUES "OF SPEEDY TRIAL VIOLATIONS, BOGUS & FRAUDULENT" COMPLEX CASE "DESIGNATION", "FRAUDULENT" INDICTMENT, FALSE POLICE REPORTS "WRITTEN BY POLICE OFFICERS, A LACK OF GOOD FAITH EFFORT "BY THE STATE" TO PROCURE THE ALLEGED VICTIMS "FOR TRIAL", A "MASS" AMOUNT OF "MISCONDUCT & LACK OF GOOD FAITH EFFORT & DUE DILIGENCE" COMMITTED BY THE PROSECUTOR & "MOST OF" THE STATE OFFICIALS "IN THIS MATTER", AND AN ABUSE OF DISCRETION "BY "EVERY" PRE-TRIAL JUDGE & THE TRIAL JUDGE" IN THIS MATTER "AS OF TO EVERY RULING" OF THIS MATTER"; THAT CAUSED THE PETITIONER TO BE "WRONGFULLY" CONVICTED & "ILLEGALLY" SENTENCED. AND HIS 6TH, 5TH, & 14TH AMENDMENT RIGHTS "UNDER THE U.S.A. CONSTITUTION" TO BE VIOLATED. AS THE PETITIONER'S RIGHT TO CONFRONT THE WITNESSES AGAINST HIM, RIGHT TO A "FAIR & SPEEDY" TRIAL, AND RIGHT TO EQUAL PROTECTION "IN THIS MATTER" WERE COMPROMISED.

RESPECTFULLY SUBMITTED ON THIS 10TH DAY OF APRIL, 2025.

JOHN F. GAYLES
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