

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF ARIZONA,	)	AZ Supreme Court Case No -
	)	CV-24- 0092-PR
Plaintiff/Appellee,	)	Court of Appeals
	)	Division One
	)	No. 1 CA-CV 24-0188
v.	)	Maricopa County
LEO STOLLER,	)	Superior Court
	)	No. CV2023-01454
Defendant/Appellant.)	

The 2nd Amendment

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Notice of Filing an Application For Extension of Time to File Petitioner's Petition for Writ of Certiorari

ATTENTION: Elena Kagan, Associate Justice

/s/ Leo Stoller MA ED *Pro Se*
1003 Avenida Civrzo
Rio Rico, Az 85648
Email Ldms4@hotmail.com

NOTICE OF FILING

TO: SERVICE LIST

PLEASE TAKE NOTICE that on the **28th day of November 28, 2024** , there was filed with the Clerk of the United States Supreme Court, 1 First Street N.E., Washington, DC, 20543-0001, the attached **1) Notice of filing an Application For Extension of Time to File Petitioner's Petition for Writ of Certiorari**

/s/ Leo Stoller MA ED Pro Se
1003 Avenida Civrzo
Rio Rico, Az 85648
Email Ldms4@hotmail.com

CERTIFICATE OF SERVICE

I certify under the penalty of perjury that the foregoing was served upon the following parties listed on the service list via first class mail on 11/28/24 under penalty of perjury.

/s/ Leo Stoller MA ED Pro Se
1003 Avenida Civrzo
Rio Rico, Az 85648
Email Ldms4@hotmail.com

Method of Service: US Mail

Brock Healthcotte
40 N Central Ave Suite 1800
Phoenix, Arizona 85004

Clerk of the Supreme Court of Arizona
1501 W. Washington
Phoenix, Az 85007

/s/Leo Stoller
P.O. Box 4812
Rio Rico Arizona 60660
520 377 0448
Email: Ldms4@hotmail.com

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IN THE SUPREME COURT OF THE UNITED STATES

		AZ Supreme Court Case No CV-24-0092-PR
STATE OF ARIZONA,	)	Court of Appeals
	)	Division One
Plaintiff/Appellee,	)	No. 1 CA-CV 24-0188
)	
v.	)	Maricopa County
	)	Superior Court
LEO STOLLER,	)	No. CV2023-014542
)	
Defendant/Appellant.)	

ATTENTION: ATTENTION: Elena Kagan, Associate Justice

Second Amendment
To the U. S. Constitution

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

**APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR LEAVE TO FILE
WRIT OF CERTIORARI**

NOW COMES the Petitioner, LEO STOLLER, 78, a disabled person, a protected person, under the American's for Disability Act (ADA) a protected person, under the American's for Disability Act (ADA), a Petitioner requests leave

of Court for a sixty (60) day extension of time to file a Petition for Writ of Certiorari up and until April 5, 2025 and states as follows:

Petitioner moves this Court under Supreme Court Rule 13 (5) for an extension of time to file Petitioner's Petition for Leave to File Writ of Certiorari .

The Arizona Supreme Court denied the Petitioners Request for Leave to Appeal on Nov 11, 2024 (**Appendix 1**) the Arizona Appellate Court First District Orders dated 08/26/22 and 08/20/22 (**Appendix 2**) **dismissed the Petitioner's Appeal**, which were an Appeal of the Arizona State Court Order dated January 3, 2024 (**Appendix 3**).

Introduction

STATEMENT OF CASE

Leo Stoller 78, sui juris, filed an Application to Restore Civil Rights and to Restore Firearms Rights in Arizona State Court.

STATEMENT OF FACTS

The Trial Court Judge Nicholas Saccons issued a final Order which is the subject of this appeal marked as **Appendix 3**.

Judge Nicholas Sanccons found that "The Leo Stoller has met all of the statutory requirements to restore civil rights and to possess or own a firearm (See **Appendix 3**).

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

STATE OF ARIZONA,
Plaintiff
-vs-

Case Number: CV2023-014542

LEO STOLLER
Defendant (First, MI, Last)
Date of Birth: 06/05/1946

**ORDER REGARDING APPLICATION TO
RESTORE CIVIL RIGHTS AND/OR
RIGHT TO POSSESS OR OWN A FIREARM**

Based on the information presented to the Court, THE COURT FINDS: (only those items marked)

The prosecutor has received a copy of the Application to Restore Civil Rights and/or Right to Possess or Own a Firearm.

The Defendant has met all of the statutory requirements for the application to restore civil rights and to possess or own a firearm.

Arizona State Court Judge Nicholas Saccons GRANTED Leo Stoller's application to restore civil rights and committed clear error and reversible error at the same time, by "excluding the right to possess or own a firearm". (See **Appendix 3**)

IT IS ORDERED:

GRANTING the application to restore the right to possess or own a firearm.

DENYING the application to restore ~~civil rights and~~ right to possess or own a firearm for the following reasons:

The applicant **has not met** all statutory requirements for the application (as noted above).

Other reasons Presently, the defendant is prohibited from possessing a firearm or ammunition pursuant to 18 U.S.C § 922(g)(1). When the Superior Court issues an order restoring the right to possess firearms under state law, the defendant will remain prohibited from possessing firearms or ammunition under Federal law. Because the appropriation bar precludes the restoration of firearms right under 18 U.S.C, § 925 (c), the only avenue by which the defendant might be able to restore federal firearms right is through a presidential pardon.

DATED this 3rd day of January, 2024

Nicholas Saccone

Judicial Officer

Judge Nicholas Saccons was constitutionally wrong when he stated that "when the Superior Court issues an order restoring the right to possess firearms under state law, the defendant will remain prohibited from possessing firearms and ammunition under Federal law. Because the

appropriation bar precludes the restoration of firearms right under 18 USC Section 925(c) , **the only avenue by which the defendant might be able to restore federal firearms right is through a president pardon.**”

The above statement is patently false and unconstitutional.

Leo Stoller moves the Supreme Court to grant Leo Stoller an extension of time of 60 days in order to retain legal counsel.

The US Supreme Court is requested to reverse Judge Nicholas Saccons decision **Appendix 3** and to restore Leo Stoller’s civil right to own a Fire Arms under Arizona State Law, and under the precedent of *Binderup v. Sessions*, from the Third Circuit, of which Pennsylvania is a part. In *Binderup*, the Third Circuit found that minor, non-violent felonies were not sufficient to permanently remove a person’s Second Amendment rights . The case was appealed to the Supreme Court, and the Court refused to hear it. Thus, *Binderup* is binding precedent which is submitted in support of the said Motion for an Extension of Time.

Arizona does have the right to restore Leo Stoller’s civil right to own firearms and ammunition under Arizona State Law.

Effective September 24, 2022, first-time felony offenders in Arizona automatically have their firearm rights restored upon completion of probation or absolute discharge from prison under A.R.S. § 13-907(A), as long as they have paid all imposed restitution.

Leo Stoller has met all the conditions under ARS § 13-907(A) to have his

firearm rights restored under Arizona State Law.(see Appendix 3)

The issue at hand is whether the Petitioner/applicant's right to own or possess firearms can be restored after meeting all statutory requirements under Arizona law. The court has correctly restored the applicant's civil rights (Appendix 3) but erroneously concluded that the restoration of federal firearm rights is contingent upon a presidential pardon. This Motion for an Extension of Time will demonstrate why the denial of firearm rights was improper, unconstitutional, and why the Petitioner/applicant is entitled to an Extension of time of 60 days, in order to retain counsel and to demonstrate to this court that the restoration of Leo Stoller's rights under the relevant legal framework and why this court will want to hear this 2nd amendment case and grant the Petitioner a 60 day extension of time up and until April 6, 2024 to obtain legal counsel.

1. Compliance with State Law Meets Federal Standards

Under **Arizona Revised Statutes (A.R.S.) § 13-910**, a person convicted of a felony may apply to have their civil rights, including firearm rights, restored after completing all terms of their sentence. This includes completing probation, parole, or imprisonment, as well as paying any applicable fines or restitution.

The Petitioner/applicant has fulfilled all these requirements, as confirmed by the court's ruling restoring civil rights (Appendix 3). Arizona law explicitly allows for the restoration of firearm rights under **A.R.S. § 13-905**, which aligns with federal law under **18 U.S.C. § 922(g)** and **18 U.S.C. § 921(a)(20)**. The federal statute defers to state law regarding the restoration of civil rights, provided the restoration does not include express restrictions on firearms. Since Arizona has no such express restrictions for individuals who meet the statutory criteria, the applicant's firearm rights should have been restored under federal law.

2. Unconstitutional misinterpretation of the Federal Law on Firearms Restoration

It is clear in the record before this court that the trial court incorrectly concluded that a presidential pardon is the sole mechanism to restore federal firearm rights (**Applicant 3**). This interpretation overlooks the plain language of **18 U.S.C. § 921(a)(20)**, which states:

"Any conviction which has been expunged, set aside, or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for the purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms."

Here, the Petitioner/applicant's civil rights have been restored (**Appendix 3**), and Arizona law does not impose an express prohibition on firearm possession. Therefore, under the federal

framework, the Petitioner/applicant's federal firearm rights are restored without the need for a presidential pardon.

3. Federalism and State Sovereignty in Rights Restoration

The Supremacy Clause (Article VI of the U.S. Constitution) establishes the primacy of federal law, but it also requires deference to state determinations on civil rights restoration in cases involving convictions. In *Caron v. United States*, 524 U.S. 308 (1998), the U.S. Supreme Court recognized that state law governs the restoration of civil rights, including firearm rights. The court's ruling (**Appendix 3**) denying the restoration of firearm rights improperly encroaches on Arizona's authority to determine the scope of civil rights restoration for its residents and was clear constitutional error, which this court is called upon to correct.

4. Practical Implications and Equity

Denying the Petitioner/ applicant's firearm rights (**Appendix 3**) after Leo Stoller have complied fully with Arizona law undermines the purpose of civil rights restoration, which is to reintegrate individuals into society as law-abiding citizens. This denial creates an arbitrary distinction between similarly situated individuals and penalizes Leo Stoller, the applicant, despite his demonstrated rehabilitation and compliance with legal requirements.

Conclusion

Leo Stoller has demonstrated that his appeal has US Supreme Court merit. The trial court's decision to restore civil rights (**Appendix 3**) but deny firearm rights based on the mistaken belief that a presidential pardon is required is unconstitutional and legally unsound and reversible constitutional error, which this court is called UPON TO CORRECT. Arizona law permits the restoration of firearm rights after meeting statutory requirements ARS § 13-907(A) , and federal law defers to state determinations in such cases. The applicant respectfully requests the court that this court grant Leo Stoller a 60 day Extension to file his Petition for writ of certiorari and to retain legal counsel up and until April 5, 2025

WHEREFORE, Petitioner is thus requesting a 60 day extension of time, to obtain counsel in order to file a Writ of Certiorari up and until April 5, 2025 to obtain legal counsel. What ever other relief that the court deems fit and proper.

Respectfully submitted,

/s/Leo Stoller MA ED Pro Se
1003 Avenida Civrzo
Rio Rico, Az 85648
Email Ldms4@hotmail.com

VERIFICATION

Under penalties as provided by law under Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief, and as much matters, the undersigned certifies as aforesaid that I verify believe the same to be true, and the attached documents are true and correct copies of the originals.

/s/Leo Stoller 11-28-24

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CV-24-

AZ Supreme Court Case No

0092-PR

STATE OF ARIZONA,	)	Court of Appeals
	)	Division One
Plaintiff/Appellee,	)	No. 1 CA-CV 24-0188
)	
v.	)	Maricopa County
	)	Superior Court
LEO STOLLER,	)	No. CV2023-01454
)	
Defendant/Appellant.)	

ORDER

This Matter coming to be heard on Petitioner's Application to File an Extension of time to file a Writ of Certiorari. The Court being fully advised in the premises.

IT IS HERE BY ORDERED:

Petitioners Application for Leave to file a 60 day extension up and until April 5, 2023 is GRANTED/DENIED.

ENTERED:

APPENDIX 1



Supreme Court

STATE OF ARIZONA

ANN A. SCOTT TIMMER
Chief Justice

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

TRACIE K. LINDEMAN
Clerk of the Court

November 6, 2024

RE: STATE v STOLLER

Arizona Supreme Court No. CV-24-0092-PR
Court of Appeals, Division One No. 1 CA-CV 24-0188
Maricopa County Superior Court No. CV2023-014542

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on November 6, 2024, in regard to the above-referenced cause:

ORDERED: Motion for a Stay of Rule 31.21 Petition for Review = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

A panel composed of Vice Chief Justice Lopez, Justice Brutinel, Justice Bolick and Justice Beene participated in the determination of this matter.

Tracie K. Lindeman, Clerk

TO:

Leo Stoller
Brock J. Heathcotte
Amy M. Wood
eg



DIVISION ONE

FILED: 05/06/2024

AMY M. WOOD,

CLERK

BY: AGFV

IN THE
COURT OF APPEALS

STATE OF ARIZONA

DIVISION ONE

STATE OF ARIZONA,)
) Court of Appeals
) Division One
 Plaintiff/Appellee,) No. 1 CA-CV 24-0188
)
 v.) Maricopa County
) Superior Court
 LEO STOLLER,) No. CV2023-014542
)
)
 Defendant/Appellant.)
)

ORDER RE: MOTION FOR RECONSIDERATION

The court considered Leo Stoller's April 25, 2024 motion for reconsideration of the court's April 4, 2024 order dismissing this appeal.

Under Rule 22(c), Arizona Rule of Civil Appellate Procedure, a motion for reconsideration must be filed within 15 days of a decision. Stoller's motion for reconsideration is untimely because Stoller filed it 21-days after the court's dismissal order.

IT THEREFORE IS ORDERED denying the motion for reconsideration.

_____/s/_____
David B. Gass, Chief Judge

A copy of the foregoing
was sent to:

Brock J Heathcotte
Leo Stoller



IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

DIVISION ONE
FILED: 04/04/2024
AMY M. WOOD,
CLERK
BY: MAT

STATE OF ARIZONA,)
) Court of Appeals
) Division One
 Plaintiff/Appellee,) No. 1 CA-CV 24-0188
)
 v.) Maricopa County
) Superior Court
 LEO STOLLER,) No. CV2023-014542
)
 Defendant/Appellant.)
)

ORDER DISMISSING APPEAL

The court has reviewed the record pursuant to its duty to determine whether it has jurisdiction over this appeal. See *Sorensen v. Farmers Ins. Co.*, 191 Ariz. 464, 465 (App. 1997).]

Appellant filed a notice of appeal on February 16, 2024, from an order entered on January 3, 2024. A notice of appeal must be filed no later than 30 days after entry of the judgment or order being appealed unless a party filed a timely motion that extended the time to appeal. ARCAP 9(a), (e). Because no time-extending motion was filed, the notice of appeal is untimely. Therefore,

IT IS ORDERED dismissing this appeal.

_____/s/_____
Melina Brill, Judge Pro Tempore

A copy of the foregoing
was sent to:

Brock J Heathcotte
Leo Stoller
Hon Nicholas Saccone

APPENDIX 3

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

STATE OF ARIZONA,
Plaintiff

-vs-

LEO STOLLER

Defendant (First, MI, Last)

Date of Birth: 06/05/1946

Case Number: CV2023-014542

**ORDER REGARDING APPLICATION TO
RESTORE CIVIL RIGHTS AND/OR
RIGHT TO POSSESS OR OWN A FIREARM**

Based on the information presented to the Court, THE COURT FINDS: (only those items marked)

The prosecutor has received a copy of the Application to Restore Civil Rights and/or Right to Possess or Own a Firearm.

- The Defendant **has met** all of the statutory requirements for the application to restore civil rights and to possess or own a firearm.
- The Defendant **has not met** all of the statutory requirements for the application to possess or own a firearm including:
 - The Defendant was convicted of a **dangerous** offense as defined in A.R.S. § 13-704.
 - The Defendant was convicted of a **serious** offense as defined in A.R.S. § 13-706 and **less than ten years** have passed from the date of discharge from probation or prison.
 - The Defendant was convicted of any other felony offense and **less than two years** have passed from the date of discharge from probation or prison.

IT IS ORDERED:

- GRANTING** the application to restore civil rights and right to possess or own a firearm.
- GRANTING** the application to restore civil rights excluding the right to possess or own a firearm.

IT IS ORDERED:

- GRANTING** the application to restore the right to possess or own a firearm.
- DENYING** the application to restore ~~civil rights and~~ right to possess or own a firearm for the following reasons:
- The applicant **has not met all** statutory requirements for the application (as noted above).
- Other reasons Presently, the defendant is prohibited from possessing a firearm or ammunition pursuant to 18 U.S.C § 922(g)(1). When the Superior Court issues an order restoring the right to possess firearms under state law, the defendant will remain prohibited from possessing firearms or ammunition under Federal law. Because the appropriation bar precludes the restoration of firearms right under 18 U.S.C. § 925 (c), the only avenue by which the defendant might be able to restore federal firearms right is through a presidential pardon.

DATED this 3rd day of January, 2024.

Nicholas Saccone

Judicial Officer