

25-7596

No. _____

ORIGINAL

FILED

MAY 26 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Salvatore E. Cocchiola Jr — PETITIONER
(Your Name)

vs.

State of Arizona — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Salvatore E. Cocchiola Jr
(Your Name)

1225 E. Highland AVE
(Address)

PHOENIX, ARIZONA 85014
(City, State, Zip Code)

702-467-2290
(Phone Number)

QUESTION(S) PRESENTED

Whether the Fourteenth Amendment Due Process Clause permits a state court to sustain a probation revocation or continued liberty restriction where the principal factual basis for revocation was later corrected as erroneous on appeal, and the only remaining alleged violation was a state, ~~isolated~~ non positive missed drug test that probation testimony showed would not have been sufficient by itself to bring the probationer back to court.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

PETITIONER:

Salvatore Edward Cocchiola Jr

RESPONDENT:

State of Arizona

RELATED CASES

State of Arizona v. Salvatore Edward Cocchiola Jr...
Moricono County Superior Court Case No. CR2016-002319

State of Arizona v. Salvatore Edward Cocchiola Jr...
Arizona Court of Appeals, 2 CA CR 2024-0234

State of Arizona v. Salvatore Edward Cocchiola Jr...
Arizona Supreme Court, CR-25-0301-PR

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TABLE OF AUTHORITIES

FEDERAL AUTHORITIES

Cases

Black v. Romano, 471 U.S. 606 (1985)

Probation revocation; due process in revocation proceedings.

Gagnon v. Scarpelli, 411 U.S. 778 (1973)

Probation revocation; due-process protections apply to probationers.

Morrissey v. Brewer, 408 U.S. 471 (1972)

Parole revocation; conditional liberty cannot be revoked without due process.

Constitutional Provision

U.S. Const. amend. XIV

Due Process Clause.

Statutes and Rules

28 U.S.C. § 1257(a)

U.S. Supreme Court jurisdiction to review final state-court judgments involving federal questions.

Sup. Ct. R. 13

Time for filing petition for writ of certiorari.

Sup. Ct. R. 14

Content of petition for writ of certiorari.

Print note: This page is formatted as a federal-authorities insert only. Keep any already-completed Arizona authorities separate or place them before/after this insert as needed.

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from **federal courts**:

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

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

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

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

☒ For cases from **state courts**:

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

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

The opinion of the ARIZON SUPREME COURT court appears at Appendix A to the petition and is

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

JURISDICTION

☐ For cases from **federal courts**:

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

☐ No petition for rehearing was timely filed in my case.

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

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was FEBRUARY 26, 2026.
A copy of that decision appears at Appendix A_____.

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

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A_____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE FOURTEENTH AMENDMENT TO THE UNITED STATES
CONSTITUTION PROVIDES, IN RELEVANT PART:

"No State shall... DEPRIVE ANY PERSON OF LIFE,
LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS LAW!"

28 U.S.C. § 1257 (a) PROVIDES THIS COURT
JURISDICTION TO REVIEW FINAL JUDGMENTS
RENDERED BY THE HIGHEST COURT OF ~~THE~~ THE
STATE WHERE A FEDERAL QUESTION IS
PRESENTED.

STATEMENT OF THE CASE

Petitioner Salvatore Edward Cocchiola, Jr. was on probation in Arizona. During probation, Petitioner successfully sought modification of his probation conditions relating to drug testing. On April 27, 2022, Petitioner filed a petition to modify probation seeking removal of the drug-testing obligation. The court later entered an order dated January 10, 2023, and filed January 17, 2023, deleting or removing the substance testing condition.

The same probation officer who supported or gave approval for that modification later relied on drug testing as part of the violation allegations. That chronology is important because it shows how stale, confused, and unreliable the drug-testing issue had become by the time of the revocation proceeding. The revocation proceeding focused heavily on allegations involving treatment at Mountain Valley and an alleged recording-related incident. At the April 10, 2024 revocation hearing, the State also relied on alleged missed drug tests. The drug-testing allegation involved no positive drug tests, was old by the time it was raised, and was heavily mitigated by numerous negative tests. Probation testimony showed Petitioner had approximately fifty-one negative tests, no positive drug tests, and had not been drug tested since approximately January 2023. Probation also acknowledged that the missed drug-test allegation alone was not the reason Petitioner was brought back to court.

The trial court nevertheless sustained the violation and continued restrictions on Petitioner's liberty. The ruling relied on the factual premise that Petitioner had admitted recording therapy sessions or group treatment. On appeal, the Arizona Court of Appeals corrected that factual premise as erroneous, but affirmed the revocation as corrected.

Petitioner sought review in the Arizona Supreme Court. The Arizona Supreme Court denied review on February 26, 2026. This petition presents a federal due-process question: whether a probation revocation or continued liberty restriction may stand when the principal factual basis for revocation was later corrected as erroneous, and the only remaining allegation was a stale, non-positive missed drug-test allegation that had already been undermined by the prior modification of probation, numerous negative tests, no positive tests, and probation testimony showing that the missed-test issue was not independently sufficient to bring Petitioner back to court.

REASONS FOR GRANTING THE PETITION

This case presents an important due-process issue concerning probation revocation proceedings. A probationer's liberty may not be restricted based on a materially mistaken factual premise. Due process requires reliable fact-finding before the State may revoke probation or continue a significant restraint on liberty.

Here, the principal factual basis for the revocation was later corrected as erroneous by the Arizona Court of Appeals. The remaining allegation was not a new crime, not a positive drug test, and not a current public safety violation. It was a stale missed-test allegation, mitigated by numerous negative tests and probation testimony showing that the drug-testing issue alone was not the reason Petitioner was brought back to court.

The Arizona courts allowed the revocation or continued liberty restriction to stand even after correcting the key factual premise that had carried the violation. That creates a serious due-process problem. A corrected appellate record should not preserve the same liberty restriction when the corrected facts materially weaken the basis for revocation. This Court has recognized that probationers and parolees retain due-process protections in revocation proceedings. See *Morrissey v. Brewer*, 408 U.S. 471 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778 (1973); *Black v. Romano*, 471 U.S. 606 (1985). Those protections have little force if a revocation can stand after the central factual premise is corrected as erroneous and the remaining allegation would not independently justify the same result.

The consequences are not merely theoretical. The violation finding placed a mark on Petitioner's otherwise successful probationary record and may be used against him in future proceedings, supervision decisions, credibility assessments, risk evaluations, treatment decisions, or other collateral settings. If the revocation or violation finding rested on a materially erroneous premise, due process requires correction so the finding is not carried forward and used as if it were reliable. A stale, non-positive missed-test allegation should not remain as a permanent adverse mark where the principal factual basis for revocation was corrected as wrong and the drug-testing issue itself had already been undermined by the prior modification order, numerous negative tests, and probation testimony showing it was not independently sufficient.

Review is warranted because this case concerns the minimum reliability required before the State may continue a restraint on liberty. Petitioner does not ask this Court to reweigh ordinary state-law facts. He asks whether due process permits a revocation judgment to survive after the central factual foundation was corrected as wrong, leaving only a stale, non-positive, heavily mitigated missed-test allegation.

FOR THE FOREGOING REASONS, THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED IN THE ALTERNATIVE, THE COURT SHOULD VACATE THE JUDGMENT BELOW AND REMAND FOR RECONSIDERATION UNDER THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Signature Edward Cochran Jr
PETITIONER PRO SE

Date: 5-26-26