26-5968

ORIGINAL

No. _____

FILED
JUL 18 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Michael James Hoffman — PETITIONER
(Your Name)

vs.

Edward Coday, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Ninth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael James Hoffman
(Your Name)

P.O. Box 9600
(Address)

Florence, AZ 85132
(City, State, Zip Code)

520-868-4809 x 342
(Phone Number)

QUESTIONS PRESENTED

1. Is it constitutional for a State to hold any pro se, inmate petitioner (especially indigent) solely accountable for the failures of his State selected, Bar certified ensemble of ineffective attorneys, with their resources, for their "procedurally defaulted" Ineffective Assistance of Counsel claim? Especially for a case with 4 accusers' 8 pretrial accusations (6 Detective DVDs), and 4 new, false violent testimonies (4 Testimony DVDs), sitting at the Public Defender's Office since 2013?

2. Has the State been violating Hoffman's Constitutional Rights to Due Process by denying him access to:
   a) His 67 evidentiary DVDs, here at GEO (including his 2013 testimony DVD) since April 2016?
   b) By deceiving the US District Court of DVD player availability at GEO in June 2017?

3. By failing to hold Hoffman's 2013 COURT ORDERED, open court, video recorded, evidentiary hearing did the State selected, Bar certified Trial Counsel violate his Constitutional Rights to Due Process and, (effective) Counsel (Strickland v. Washington, 1984) by withholding his accusers' first, false accusations (6 Detective DVDs) from the State record to lay the foundation for:
   a) The Sentencing Court's 2014 "plausible deniability" claim?
   b) The US District Court's 2017 "procedurally defaulted IAC" claim?

4. Fully aware of Hoffman's 4 accusers' 8 well documented, false accusations, did State Trial Counsel violate Hoffman's Constitutional Rights to Due Process and (effective) Counsel, by failing to impeach the 4 accusers' 4 newest, escalated false violent accusations (4 Testimony DVDs) by withholding his defense evidence (6 Detective DVDs) from the jury, and the trial record?

5. Is it constitutional for the Courts to continually deny Hoffman's motions to view:
   a) His evidence (6 Detective DVDs); (4 testimony DVDs) at the Public Defender's Office?
   b) His own testimony, here at GEO?

QUESTIONS PRESENTED

6. To secure the 2017 "procedurally defaulted" IAC claim, did State Trial Counsel then violate Hoffman's Constitutional Rights to Due Process and (effective) Counsel by failing to produce his 2014 COURT ORDERED "Entire trial file and transcripts..." to either of Hoffman's 2 ineffective, State selected, Bar certified post conviction attorneys in 2014 and 2015, then the pro se Hoffman in 2016?

A trial file that should have included the conflicting documentation of the 5 responding officers; forensics; the 3 detectives (6 Detective DVDs); and the 4 accusers (4 Testimony DVDs).

7. Did Hoffman's 2 State selected, Bar certified post conviction attorneys, with all of their resources, then violate Hoffman's Constitutional Rights to Due Process and (effective) Counsel, by failing to pursue the 2014 or 2015 COURT ORDERED "Entire trial file and transcripts..." from the Public Defender, in their collective 21 months before PCR Counsel No. 2 would routinely file Hoffman's "Notice of Completion", having done virtually nothing?

8. Finally, was it constitutional for the State PCR Court to permit the State Trial Counsel to withhold Hoffman's 2016 "Entire trial file...", while allowing this indigent, pro se, inmate, petitioner a mere 30 days to accomplish what the 2 State selected, Bar certified PCR attorneys had so routinely failed to do in 21 months?

TABLE OF CONTENTS

OPINIONS/JURISDICTION/PARTIES 1

TABLE OF AUTHORITIES CITED 2

INDEX OF APPENDICES 3-4

U.S. COURT OF APPEALS 5

AFFIDAVIT OF DEFENSE 6

STATEMENT OF THE CASE: .....

- 4 ACCUSERS' 12 FALSE ACCUSATIONS/TESTIMONIES 7
- NEW LEADERSHIP, NEW INFORMATION 8
- RELIEF SOUGHT 9-10
- OPENING STATEMENT 11-12
- GROUNDS (1-21) 13
  - False Indictments 14-20
  - Ineffective Assistance of Counsel 21-29
  - Procedurally Defaulted IAC Claim 30-38

REASONS FOR GRANTING THE PETITION 39-40

CONCLUSION 40

APPENDIX: 41

- SUPPORTING DOCUMENTS 42-55
- SUPPLEMENTAL DOCUMENTS 56-59
- SUPPLEMENTAL DISCOVERY: .....
  - J.S. (2004) 60-66
  - K.P. (2009) 67-72
  - B.T. (2010) 73-83
  - C.P. (2011) 84-90

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari be issued to review the judgment below:

OPINIONS BELOW

The opinion of the United States Court of Appeals appears at Appendix XX to the petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case was: April 23, 2026.

No petition for rehearing was filed in my case: "No further filings will be entertained in this closed case."

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

PARTIES

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

Petitioner : Michael James Hoffman,

Respondent : Edward Coday, Warden

AUTHORITIES CITED

CASES REFERENCED

Martinez v. Ryan	566	U.S. 1	(2012)	7,10
Ramirez v. Ryan	937F	3d 1230, 9th Cir.	(2019)	7
Jones v. Shinn	943F	3d 1211, 9th Cir	(2019)	7
Strickland v. Washington	466	U.S. 668, 887	(1984)	9,11
Waley v. Johnston	316	U.S. 101	(1942)	10
Ake v. Oklahoma	470	U.S. 506, 509, 510	(1995)	11
Allen v. United States	164	U.S. 492, 175 Ct.	(1896)	29
Sawyer v. Whitley	505	U.S. 333	(1972)	29
Jackson v. Virginia	443	U.S. 307, 314	(1979)	29
State v. Tison	129	Ariz. 546, 552, 633, P21	(1981)	29
Harris v. Nelson	394	U.S. 286, 300	(1969)	37
Massaro v. United States	538	U.S. 500	(2003)	37

CONSTITUTIONAL AND STATUTORY PROVISIONS

Fifth Amendment Right to:	Due process; not witness against self.	12
Sixth Amendment Right to:	Counsel; speedy trial; obtain witnesses;	9,10,12
Fourteenth Amendment Right to:	Due process;	12
USCS Sec. 2254 Cases R8	Federal evidentiary hearing;	8
28 USC § 2244 (b1)(b2)	New evidence for State, Federal records.	5
Arizona Criminal Procedure	Rule 32.13	8,9,15,22,23,39
Arizona Criminal Procedure	Rule 33.13	9,15,22,23,39
Arizona Revised Statute	Rule 32.6 (c); 32.7; 32.8	10,32,30,35,40
Arizona Revised Statute	Rule 31.8 (h)	32,33
Arizona Criminal Procedure	Rule 32.4 (c)(h)	35

INDEX OF APPENDICES

SUPPORTING DOCUMENTS

XX (2)	U.S. COURT OF APPEALS	26-294	04/23/2026	5
X (2)	U.S. COURT OF APPEALS	24-7639	03/20/2025	5
A (7)	STATE COURT OF APPEALS	CA-CR-14-0199	01/28/2016	30,33
B	STATE SUPREME COURT	M-16-004	05/19/2016	33
C	STATE SUPREME COURT	CR-16-0079 PR	07/12/2016	34
D	U.S. DISTRICT COURT	CV-16-03598-SPL	12/04/2017	5,37,38

SUPPLEMENTAL DOCUMENTS

U	Deputy Warden Brewer's denial	09/15/2016	28,34,35,38
V	State's mistruth to the U.S. District Court	06/06/2017	34,38
Y	Deputy Warden Dennis' denial	03/17/2025	28,34,36
Z	State Bar discipline, Ms. McEachern	07/15/2015	32

SUPPLEMENTAL DISCOVERY

J1	"Took out a knife, but he didn't threaten her..."	10/25/2004	18,19,24,25
J2	Weapons Employed: No knife listed	10/26/2004	18,24
J3	"Metal folded knife on the dashboard..."	10/26/2004	18,24,25
J4	Forensic: Disproved 2004, 2012, 2013 accusations	06/22/2005	18,25
* J5	"Located Jennifer in the US Army..."	12/14/2012	19,25
* J6	"Waiving around a 5" to 7" long, sharp knife..."	12/14/2012	19,21,25
J7	Discharged for "Pattern of Misconduct"	09/26/2012	22

* Det. Gonzalez's false documentation date to deceive Hoffman. S/B 03/30/2012

INDEX OF APPENDICES

SUPPLEMENTAL DISCOVERY

K1	"Sexually assaulted" at CircleK (35th/Dunlap)	09/22/2009	17,26
* K2	"Sexually assaulted" in driveway (39th/Butler)	12/03/2009	17,24,26
K3	Detective's contact efforts; Hoffman's DNA swabs	12/03/2009	14,17,26,28
K4,5	Forensic: No evidence of a crime, no arrest, no CODIS	02/23/2010	17,26
K6	"Kidnapped and raped" by a man on bicycle, CircleK	09/22/2006	17,22,26
B1	911 Operator: "261'd by B/M, 5'10", 30's..."	12/29/2010	19,23,27,29
B2	Responding Officers: "Assailant, B/M, 5'10", 30-35	12/29/2010	19,23,27,29
B3	Examination Nurse: "Ethnicity, Black"	12/29/2010	19,23,27,29
B4	Detective failed to interview Blasa	12/29/2010	19,29
B5	Detective met with Blasa in County jail	04/02/2012	20
B6	Detective interviewed Blasa - audio (County stripes)	04/05/2012	20,24,27
B7	Detective interviewed Blasa - video (Street clothes)	04/12/2012	20,24,27
B8	Blasa identified, Detective served warrant	07/23/2013	23,27
B9	Forensic: Mr. Tipton, B/M, 5'10", 31 yrs.	09/12/2013	23,27
B10,11	Sample: Counsels' false transcripts	12/03/2013	27
C1	Text: "Hi this is Chrissy..."	09/01/2011	15
C2	"Thought he was going to rape and kill me..."	09/01/2011	16,24
C3	"I only do things with my husband..."	09/01/2011	16,25
C4	Forensic: Hoffman's DNA; 2 years, post-arrest	08/15/2013	16,25
C5	Assaulted her 30 year old, 290 lb. husband	05/11/2011	16,22,24
C6	"Clawing, punching, biting, and headbutting" him	05/11/2011	16,22

* More of Det. Gonzalez's practice of poor documentation... S/B 09/22/2009

THE U.S. COURT OF APPEALS (2024-2026)

In 2024, Hoffman learned from Criminal Legal News of the Second or Successive Petition for Habeas Corpus, and with the new information on GEO's tablets:

On December 19, 2024, Hoffman filed his S.O.S. Petition 1, Case No. 24-7639:
Seeking the federal evidentiary hearing the U.S. District Court had denied him in 2017.

On March 20, 2025 the U.S. Court of Appeals denied the unsupplemented Petition 1:
"The petition as supplemented, raises claims that were presented in a §2254 petition, filed in the U.S. District Court of Arizona (2:16-CV-03598-SPL) decided on December 4, 2017 (Appended at D)
These claims are dismissed. (This court cannot authorize a claim barred by §2241 (b)(1).)
With respect to all remaining claims, the application as supplemented is denied. The Applicant has not made a prima facie showing under 28 USC § 2244 (b)(2)..." (Appended at X)

Although Hoffman's defense evidence was not presented at trial, he does have portions of the 4 responding officers' interviews; forensic documents; the 3 detectives' 4 original, false accusation interviews; and, their more false, more violent, second false accusation interviews.
Accusations, he had seen in 2013, while in Maricopa County jail.

On January 14, 2026, Hoffman filed his S.O.S. Petition 2, Case No. 26-294:
Hoffman "supplemented" Petition 2, with his limited available evidence: The 4 accusers' original (2004, 2009, 2010, 2011) accusations; detectives' second, enhanced (2012) accusations, and a third (2013) that confirmed the 2010 first (not Hoffman) accusation.

On April 23, 2026, the U.S. Court of Appeals denied the supplemented Petition 2
"The applicant has not made a prima facie showing under 28 USC § 2244 (b)(2), and,
(This court cannot authorize a claim barred by § 2244 (b)(1)). (Appended at XX)

AFFIDAVIT OF DEFENSE

I, Michael James Hoffman, do swear that I have never carried a knife (folded or otherwise) or condoms on my person, and have never worn nylons over my face.

These are but 2 of the false accusations/testimonies the State Trial Counsel failed to impeach, or even challenge with Hoffman's available documents and video recorded documentation.

After Trial Counsel failed to produce the COURT ORDERED, "Entire trial file and (accurate) transcripts" to Post Conviction Relief Counsel in 2014 and 2015, or to myself in 2016, I have received neither the 7 State Trial court's videos, nor accurate transcripts of my accusers' or the detectives' 2013 testimonies.

Although my own December 4, 2013 testimony DVD and (7) trial transcript DVDs have been here at GEO since April 2016, the District and State courts have denied me access to my (now 67) DVDs.

Therefore, I swear under the penalty of perjury, that my brief statements bearing on my 2013 trial are to the best of my memory and trial notes I was allowed to bring to prison in 2014.

Respectfully submitted,

Date: _____

STATEMENT OF THE CASE

4 ACCUSERS' 12 FALSE ACCUSATIONS/TESTIMONIES

1. 2004: "Jennifer", claimed she was pulled into a truck, and "forced to perform oral sex", by a man who "Placed a folded knife on the dashboard, but he didn't threaten me..."
   - 2005: Forensic evidence contradicted her false 2004, 2012 claims, and false 2013 testimony.
2. 2012: Claimed she was forced to perform oral sex by a man, "With a sharp (5" to 7") knife..."
* 3. 2013: Testified, now was forced to perform oral sex by a man, "With a large knife held to my head..."

4. 2009: "Kera", claimed she was "Tricked into Michael's truck", and forced to (masturbate) him at a Circle K..."
5. 2009: After the Officer mentioned the store's cameras, she changed her false accusation's location.
   - 2010: Forensic evidence contradicted her false 2009 claims, and disproved her false 2013 testimony.
*6. 2013: Testified, now she too was forced to perform oral sex, the dropped at a Circle K.

7. 2010: "Blasa", told the 911 operator, 2 responding officers, and exam nurse, she was abducted by: chokehold, and sexually assaulted by a specific, 5'10", 30-35 yr. old, black male.
   - 2011: Forensic evidence excluded Hoffman as a contributor to Blasa's "crime area".
8. 2012: From County jail, Blasa changed her assailant to an older, smaller, white male, and was released.
9. 2013: Blasa conceded, the (only) DNA contributor to her "crime area", was an Andrae Jerome Tipton.
   - 2013: Forensic evidence confirmed, Mr. Tipton was the 5'10", 31 yr. old, black male, assailant (2010).
* 10. 2013: Testified, now she did not see her assailant, because "He had nylons covering his face..."

11. 2011: "Christina", claimed in "Mike's truck", he held her head down in his burlap, but was no contact, "I only do things with my husband", and "Thought he was going to kill me..."
    - 2013: Forensic evidence contradicted her false 2011 claim, and her false 2013 testimony.
* 12. 2013: Testified, now "He was punching me", but again, "Was afraid for my life..."

* The only accusations that appear on any court record.

STATEMENT OF THE CASE

NEW LEADERSHIP; NEW INFORMATION

In 2021, under Director Shinn, ADC provided GEO inmates with new tablets, including a "Resource Library" with minimal legal information, particularly under "evidentiary hearing".

In 2024, under Director Thornell, GEO began seeing more legal information on the tablets' new Resource Library. When Hoffman read new Criminal Legal News articles, he discovered new, to GEO, brief information under "evidentiary hearing", for both State and Federal courts on his tablet:

Ariz. Crim. P. 32.13

"(a) The defendant is entitled to a hearing to determine issues of material fact, and has the right to be present and subpoena witnesses for the hearing."

USCS Sec. 2254 Cases R8

"... a hearing in the federal habeas corpus is mandatory. The appropriate standard..."

"... in dispute, the federal court in habeas corpus must hold an evidentiary hearing if the habeas applicant did not receive a full and fair evidentiary hearing in a state court..."

Criminal Legal News then provided these Arizona post-conviction relief examples:

"If the IAC claim was procedurally defaulted due to counsel's error in post conviction proceedings, the post conviction counsel's errors could be cause to excuse the procedural default allowing the federal courts to address the merits of the underlying claim." Martinez v. Ryan (US 2012)

"The US Court of Appeals for the Ninth Circuit reversed and remanded for an evidentiary hearing to permit Ramirez additional evidence to develop his IAC story." Ramirez v. Ryan (9th Cir 2019)

"The District Court excused the default based on post conviction counsel's deficiencies, and after conducting an evidentiary hearing found that Jones' trial counsel was ineffective."

Jones v. Shinn (9th Cir 2019)

STATEMENT OF THE CASE

RELIEF SOUGHT

Petitioner, Michael James Hoffman, pro se and indigent, respectfully seeks the Writ of Certiorari authorizing his claim in the U.S. Court of Appeals, barred by § 2241(b)(1), in order to produce the open court, video recorded evidentiary hearing, per Ariz. Crim. P 32.13 and 33.13, he had been entitled to: but, cancelled by Maricopa County Attorney's Office (MCAO) in March 2012, then dodged by the State Public Defender No. 2, in June 2013.

The County and the State's initial efforts to keep Hoffman's defense evidence from all State records; conceal detectives' and MCAO's manipulation of the 4 accusers' original, false accusations; and, to coerce Hoffman into signing any false guilty, plea agreement.

Had detectives conducted proper investigations, the original facts provided enough evidence for his effective attorney to prove Hoffman's innocence in his (cancelled) March 2012 evidentiary hearing. In April 2012, detectives' video recorded new, false violent accusations, to produce Hoffman's 15 false indictments, then relied on a new State defense counsel, willing to conceal Hoffman's defense evidence before, throughout, and after "trial" (2013) to inflict Hoffman's "Trial Penalty" by violating his: Sixth Amendment right to (effective) counsel. (Strickland v. Washington, 1984)

His petition reveals how Hoffman's second "free" State Defense counsel had prepared Arizona's "Safety Net" by putting Hoffman's future "procedurally defaulted" IAC claim in motion: By dodging Hoffman's June (2013) evidentiary hearing; by withholding all of his defense evidence from the State's choreographed trial (Nov, Dec 2013); and by defying COURT ORDERS (2014-2016) to: "Produce Hoffman's entire trial file..." to 2 State PCR attorneys, and the pro se Hoffman.

> Without "The entire trial file and (accurate) transcripts..." a procedurally defaulted IAC claim is imminent. Every State Bar certified defense attorney should know this. Especially for a case with 4 accusers, and their 12 false accusations/testimonies.

STATEMENT OF THE CASE

Therefore, Hoffman is challenging the constitutionality of holding any "non attorney" prose defendant solely accountable for the procedurally defaulted IAC claim, his State selected, Bar certified ensemble of ineffective defense attorneys so routinely produced.

Although the Sixth Amendment right to Counsel, does not apply to post conviction proceedings, if a defendant's "free" State Trial counsel defies the Court's ORDER (ARS 32.6(c), 32.7 and 32.8) to: "Produce defendant's entire trial file..." to the "free" State selected PCR attorneys, or the pro se defendant, the accountability belongs solely to the State Public Defender.

Not his victimized defendant.

Martinez v. Ryan (US 2012); Ramirez v. Ryan (US 2012); Jones v. Shinn (2019)

"Claims based on facts outside the trial record are another recognized exception to procedural default." Waley v. Johnston (1942)

These facts outside the trial record, should have been in Hoffman's trial file:

- 4 Responding officers' complete documentation (2004, 2009, 2010, 2011);
- 3 Detectives' complete documentation (2004, 2009, 2010, 2011, 2012);
- 3 Detective's original interview DVDs (2004, 2009, 2011);
- 2 Detective's enhanced violent interview DVDs (2012); and,
- 4 Complete forensic documentation.

These facts within the trial record, should have been in Hoffman's trial file:

- 4 Accusers' false testimonies;
- 3 Detectives' misleading testimonies;
- 2 Attorneys' initial closing arguments; and,
- 2 Attorneys' second closing arguments.

STATEMENT OF THE CASE

OPENING STATEMENT

On September 20, 2011, Hoffman on the way to his office, was arrested without any explanation, by Glendale PD, held in a tiny room for 9 hours, then interrogated by the detective he had been visited in 2009, and first time told to call his attorney Alan Zimmerman in Phoenix.

When Hoffman told the detective to call Mr. Zimmerman again, he was transported to Maricopa County jail, booked on 2 unidentified "sexual assault" charges and held without bond, and would be for the next 29 months waiting for his Sixth Amendment right to a speedy trial, and sentencing.

Although Hoffman had immediately notified the arresting officers, the detective (twice), and the County jail that he was already represented by Alan Zimmerman in Phoenix, the State quickly and quietly appointed its own Defense counsel.

Being held without bond on sexual assault charges immediately cost Hoffman his job.
Being indicted on 9 counts, would cost Hoffman Mr. Zimmerman's representation, although Mr. Zimmerman would visit Hoffman regularly, often with a friend's advice.

To protect defendants such as Hoffman, the U.S. Supreme Court has provided:
"When a state brings its judicial power to bear on an indigent defendant in a criminal proceeding, it must take steps to assure that the defendant has a fair opportunity to present his defense, and to participate meaningfully in a judicial proceeding in which his liberty is at stake."

Ake v. Oklahoma (1985)

And:
"The United States Supreme Court held that the U.S. Constitution's Sixth Amendment guarantee to the right of counsel, meant that defendants have a right to the 'effective assistance of counsel'".

Strickland v. Washington (1984)

STATEMENT OF THE CASE

In 2015, State Appellate Counsel's Appeal emphasized:

"An individual accused of a criminal act is guaranteed due process of law by the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, and Articles 2 §§ 4 and 24 of the Arizona Constitution.

Yet, on March 4, 2014, Michael James Hoffman, at age 55, with no criminal history was sentenced to 66 years in Arizona Department of Corrections (ADC), for accusations (2004, 2009, 2011) that both of the Constitutions' due process of law would have proven Hoffman's absolute innocence, and for crimes (2010), that IF actually committed, were committed by Mr. Andrae Jerome Tipton, Arizona's "Trial Penalty" for refusing to sign any, false guilty "plea deal".

From a 2023 article in the Arizona Republic newspaper:

"Justice Sonia Sotomayer described Arizona's post conviction process as an 'impediment' to people who want to prove their innocence."

On March 12, with his 14 convictions from the 4 accusers' "unimpeached" testimonies, Hoffman arrived at ADC/GEO already under extraordinary circumstances, that began increasing with ADC's post conviction "impediments" for GEO inmates.

ADC's conditions of confinement for GEO inmates under Director, Ryan:

- Limited legal supplies for the indigent, censored by ADC's "Paralegal" in Phoenix;
- Legal document copying process also censored by ADC's "Paralegal" in Phoenix;
- Legal mail process censored by ADC's "On site Representative" for Phoenix; and,
- Absolutely no legal resources (law library, reference material, tablet, or neutral paralegal).

STATEMENT OF THE CASE

FALSE INDICTMENTS

1. MCAD, with no evidence of any crime, held Hoffman without bond; 14
2. MCAD, with no evidence of any crime, indicted Hoffman on 9 counts; 14
3. MCAD, prevented Hoffman's first, scheduled evidentiary hearing; 17
4. MCAD, fabricated new accusations to indict Hoffman on 15 counts; 19

INEFFECTIVE ASSISTANCE OF COUNSEL

5. New Defense counsel's first effort to manipulate Hoffman; 21
6. MCAD, revealed old State evidence, favorable to the Defense; 22
7. Defense counsel failed to challenge Blasa's second accusation, with her third; 23
8. Defense counsel to hold Hoffman's second, scheduled evidentiary hearing; 23
9. Trial Counsel failed to impeach Christina's second, false accusation/testimony; 24
10. Trial Counsel failed to impeach Jennifer's third, false accusation/testimony; 25
11. Trial Counsel failed to impeach Kera's third, false accusation/testimony; 26
12. Trial Counsel failed to impeach Blasa's fourth, accusation/testimony; 27
13. Trial Counsel failed to support Hoffman's unprepared testimony; 27
14. Sentencing Court went with plausible deniability; 29

PROCEDURALLY DEFAULTED IAC CLAIM

15. Appellate Counsel failed to raise Hoffman's specific requests; 30
16. Trial and Appellate Counsels impeded Hoffman's first, evidentiary opportunity; 30
17. Trial Counsel impeded Hoffman's second, evidentiary opportunity; 32
18. Post Conviction Court impeded Hoffman's third, evidentiary opportunity; 34
19. ADC impeded Hoffman's access to his PCR evidence; 35
20. Trial counsel impeded Hoffman's fourth, evidentiary opportunity; and, 36
21. ADC impeded Hoffman's federal evidentiary opportunity. 37

STATEMENT OF THE CASE

FALSE INDICTMENTS

GROUND 1: MCAO, with no evidence of any crime, held Hoffman without bond:

In October and November 2009, Glendale Detective Lawrence Gonzalez, simply left his business card on the Hoffman's door twice, a voicemail, then visited Hoffman at his office, where he was directed to contact Hoffman's attorney, Alan Zimmerman in Phoenix. Which the detective never did.

In December 2009, Det. Gonzalez served a warrant for Hoffman's DNA. (Appended at K3)

On September 20, 2011, Hoffman was arrested by Glendale PD at 8:30 am. From the backseat of the Police Suburban, he watched a team of "POLICE" T-Shirts swarm his new truck.

By 9:00 am, Hoffman was alone in a tiny room, and denied each request to contact Mr. Zimmerman.

About 11:00 am, Det. Gonzalez served Hoffman's warrant to search his home and vehicle, for the "cloth and cellphone", taken earlier, and, denied each request to contact Mr. Zimmerman.

It was after 6pm before Det. Gonzalez escorted Hoffman upstairs to the "Interview Room".

After another Hoffman request to contact Mr. Zimmerman, Det. Gonzalez stood for the camera; "You are under arrest for the sexual assault at Bethany Home Road on September 1..."

After one team had ransacked his home, another mutilated his new truck with razor knives.

Even after the ransacking, mutilating, and interrogating, still no evidence of any crime

Yet, Hoffman was transported to Maricopa County jail, charged with 2 "unidentified" counts of "sexual assault", and placed in a 2 man, 23 hour lockdown cell, and held without bond.

Hoffman remained there, for the next 29 months, waiting for his "right to a speedy trial".

Ground 2: MCAO, with no evidence of any crime, indicted Hoffman on 9 counts:

Because on September 8, 2011, Glendale PD had matched the cell number "Michael" gave to Detective Gonzalez on October 15, 2009 to the number "Mike" gave to Christina on September 1, 2011.

STATEMENT OF THE CASE

September 29, 2011 · No. CR 2011-149204-001 Prosecutor: Danielle Harris

- 6 counts - Kera (2009) · With due process, no evidence of any crime;
- 3 counts - Christina (2011) · Without due process, no evidence of any crime..

Although Hoffman had clearly informed Det. Gonzalez, then MCAO, during their booking process that he was represented by Mr. Zimmerman, the State assigned its own defense counsel.

With 9 counts, due to the cost, Mr. Zimmerman bowed out, but remained available.

State Defense Counsel No. 1, Randall Reece, brought discovery and a plan to County jail:

"Because in 2009, Kera told 2 different stories an hour apart, and with the lack of forensic evidence, the detective (Gonzalez) closed the case, not even entering you into CODIS.

In 2011, the same detective hasn't begun any investigation.

We'll schedule our investigation, and an investigative evidentiary hearing, to get both on the record, question your accusers, then hear your side of the story." (Ariz. Crim. R 32.13 and 33.13)

Mr. Reece also brought Hoffman's discovery:

On September 1, 2011, Officer Johnson documented Christina's first, of two false accusations:

Glendale Investigation No. 2011-086534 Detective: Lawrence Gonzalez

At about 6:30 pm, at the BHR bus stop (no bus fare), Christina asked Mike, "Who I knew from the Fry's Market", and, "has helped me out before", for a ride to the Kmart on Bell Rd. (8 miles north)

Hoffman agreed to catch her up to the bus, gave her $5.00, and his cell number, to help her find a job, or housing. To verify, she texted, "Hi this is Chrissy." (Appended at C1)

When they reached the bus stop ahead of the bus (her first opportunity to exit), she was crying on the phone with her kids (in Child Protective Services), and refused to exit the truck.

She then became physical (sexually), first to Hoffman, then to herself. Hoffman pulled over by some condos' mail boxes (her second opportunity to exit) but again, she refused to exit the truck.

At Kmart, Christina began more aggressive tactics, seeking "$50.00 for shopping money."

* Christina claimed, "He forced my head into his bare lap, but I did not open my mouth, because I only do things with my husband", and, "Was afraid he was going to kill me..." (Appended at C2, C3)

When Hoffman refused to give her $50.00, she called police while exiting the truck.

Det. Gonzalez video recorded Christina's enhanced (meth fueled), false accusation:

Hoping to protect herself from both, her false accusation and drug use (on probation for), she refused medical help, and a confrontation call to Mike. She then provided a wrong license plate number.

Crime labs took oral and circumal swabs, then did toxicity testing:

- Knowing she would test positive (a violation), admitted to "doing meth" that evening.
- In July, 2013 (22 months) crime labs exposed Christina's false claims. (Appended at C4)

* Had Hoffman attempted any contact, unsolicited by Christina, especially under the influence of the "meth psychosis", she would have more than defended herself against Mike. (Appended at C5, C6, C7)

On September 22, 2009, Officer Magley documented Kera's first, of three false, accusations:

Glendale Investigation No. 2009-098465 Detective: Lawrence Gonzalez

At about 9:30 pm, Hoffman driving home (west) on Glendale ave. recognized Kera walking east. When Kera asked Hoffman for a ride to the Circle K, near her home and Hoffman's office, 6 miles to the east.

Hoffman made a Uturn as Kera waited at the curb, in front of the bus stop on Glendale ave.

Kera opened the passenger door, sat in the truck, and closed the door behind herself.

Kera quickly solicited Hoffman with (oral sex) seeking $40.00. When Hoffman declined and stopped to let her exit (her first opportunity), she refused, "I have a 10:00 curfew."

Continuing on to the Circle K, Kera persisted trying to coax money from Hoffman, by reaching under his golf shorts, while reminding him, "There is an ATM at Circle K..."

STATEMENT OF THE CASE

When Kera asked to stop at someone's house, Hoffman pulled up to the driveway (her second opportunity), she again refused to exit the truck, so Hoffman delivered her to the Circle K, near her home.

Arriving at Circle K, Kera grabbed cash from the cupholder and bought tobacco at the Circle K.

Kera told Off. Magley Hoffman had forced her to [masturbate] him at the Circle K. (Appended at K1)

Off. Magley provided Det. Gonzalez with Hoffman, and his Peoria address that evening.

After Off. Magley mentioned the store's surveillance cameras, Kera altered her false claim:

Det. Gonzalez video recorded Kera's second of three, false accusations:

Kera then claimed, she was forced to [masturbate] Hoffman in someone's driveway. (Appended at K2)

Crime labs took Kera's oral, circumoral, hands, etc. samples, and did toxicity testing.

On November 17, 2009 (56 days), Det. Gonzalez met with Hoffman at his office. (Appended at K3)

On December 3, 2009 (72 days), Det. Gonzalez served SW20096922I7 at his office. (Appended at K3)

In February 2010, crime labs provided Det. Gonzalez with the lab results. (Appended at K4, K5)

Kera tested positive for several illegal drugs, and prescription (mothers) drugs.

FACT: Hoffman was not detained, and neither Hoffman, nor Kera were entered into CODIS

GROUND 3: MCAO, prevented Hoffman's first, scheduled evidentiary hearing:

After Hoffman declined MCAO's false guilty, plea contract, Commissioner Mullineaux scheduled "Firm Trial Date No. 1" for March 19, 2012, with an evidentiary hearing for March 16.

But on March 16, Prosecutor No. 1, Danielle Harris, approached the Court:

"There could be more charges. The State is seeking 60 days to locate the victims."

Because, on March 8 CODIS identified Hoffman as 1 of multiple contributors in 2 closed cases (2004, 2010) although in both, forensic evidence had already excluded Hoffman.

STATEMENT OF THE CASE

On October 25, 2004, Officer Palomino documented Jennifer's first, of three false accusations:

Glendale Investigation No. 2004-135583 Detective: William Johnston

About 1:00pm, Hoffman in his truck, searching for Max's restoraunt (B of A group lunch) saw Jennifer lugging a large backpack. She offered to point out Max's for a ride to her friend's apartment.

Jennifer opened the truck door, set the backpack between her legs, then closed the door herself.

After pointing out Max's, she directed Hoffman to a rundown complex, then to "drive down the alley."

Because Jennifer solicited him for sex, he pulled up to the driveway before the alley (opportunity to exit) to let her out. But, it wasn't her friend's apartments, and wanted, "Money for my time..."

When Hoffman offered to return her to Glendale ave, she directed him to her friend's actual apartment, where they drove through a large, clean complex, right to her friend's door.

Hoffman gave Jennifer the number for B of A's employment, then proceeded to Max's.

Jennifer could have directed the police to Max's.

Although Hoffman has never carried a knife, or condoms, Jennifer's first accusation claimed:

Off. Palomino: "The suspect took out a knife, but he didn't threaten her..." (Appended at J1)

Off. Palomino's "Weapons used": Did not include any knife. (Appended at J2)

Det. Johnston video recorded Jennifer's enhanced, first false accusation:

"He laid a folded knife on the dashboard, made her perform oral sex, took a condom from the glove box and had sex with her, against her will... All in 10 minutes..." (Appended at J1, J3)

Det. Johnston questioned Jennifer about her sexual activity, and drug use on that day.

Crime labs took oral and vaginal swabs, then did toxicity testing.

In 2005, crime labs disproved her (2004, 2012) claims, and (2013) testimony (Appended at J4)

Prosecutor No. 3, Jeanine Sorentino, told the trial court she would get with my fiance, Ronald Skwartz, the lab supervisor for tox, and vaginal swabs. But she did not.

STATEMENT OF THE CASE

The most improper of the detectives (4) investigations begins:

On December 29, 2010 at 1:00 pm, Hoffman, a 5'7", 51 year old, white male, with white hair, was in his office, logged into his company computer, 30 feet from his 2 door Ford Ranger pickup.

Meanwhile, "Blasa", 11 miles away, had called 911, who documented:

Victim 261'd (sexual assault) by B/M, mid 30's, with shaved head. (Appended at B1)

Officers Brooks and Martinez documented Blasa's first, of four accusations:

Phoenix Investigation No. 2010-0190656l Detective: Robert Fernoux

Walking alone, Blasa claimed she was abducted by chokehold and thrown into the backseat of a 4 door car, with specific, gray leather seats. While driving, they were "punching each other", until he stopped the car, got in the backseat, then "We had sex until he finished", leaving his DNA, inside her "crime area".

Blasa's specific description of her assailant, was consistent with her 911 call:

5'10", 200lb, 30-35 year old, black male, with a shaved head and goatee. (Appended at B2)

Blasa told Exam Nurse, Karla Cole, her assailant's ethnicity is "black". (Appended at B3)

Det. Fernaux met with Blasa, yet failed to interview her. (Appended at B4)

GROUND 4: MCAO fabricated new accusations to indict Hoffman on 15 counts:

With its continuance, MCAO deployed detectives to N. Carolina and Maricopa County jail to video record 2 new, false violent accusations that could misdirect a jury from the lack of evidence.

Det. Gonzalez video recorded Jennifer's second of three false accusations:

On March 30, 2012, taking over Det. Johnston's case, Det. Gonzalez located Jennifer in the US Army, and flew to N. Carolina to record her (in army fatigues) new, false violent story. (Appended at J5)

With prompting from Det. Gonzalez, Jennifer then claimed she was abducted, and forced to perform oral sex by a man, "With a large (5" to 7") pointed knife..." (Appended at J6)

Because Det. Gonzalez would not document this interview until December, Hoffman was led to believe he was indicted on Jennifer's original (2004) false accusation (Appended at J1)

STATEMENT OF THE CASE

Det. Fernaux video recorded Blasa's second, of four accusations:

Disregarding the 911 operator's, 2 responding officers', the exam nurse's, and the forensic, evidence, Det. Fernaux also went to the extreme to get a second (already violent) accusation.

On April 2, 2012, Det. Fernaux located, and met Blasa in Maricopa County jail. (Appended at B5)

On April 5, Det. Fernaux returned to County jail, to record Blasa (in jail stripes):

"She now remembers, the suspect as being a white male..." and released. (Appended at B6)

On April 12, Det. Fernaux video recorded Blasa (now in street clothes) claiming she was abducted and sexually assaulted by a man whose description had matched Hoffman's MVD. (Appended at B7)

On May 12, MCAO indicted Hoffman No. CR-2012-007254

- 3 counts (2004) Jennifer - No evidence of any crime;
- 6 counts (2009) Kera - No evidence of any crime;
- 2 counts (2010) Blasa - Clearly not Hoffman;
- 4 counts (2011) Christina. - Still, without due process.

In July 2012, after Hoffman had refused to sign MCAO's newest, false guilty, plea contract... Commissioner Mullineaux set "Firm Trial Date No. 2" in November 2012, and assigned Judge Kreamer.

The following Monday, the State unceremoniously "retired" Mr. Reece.

Defense Counsel No. 2, Robert Ditsworth, son of Maricopa County Judge, John Ditsworth, replaced Mr. Reece, and Prosecutor No. 2, Angela Andrews, replaced Ms. Harris, who had "left the bureau".

Judge Kreamer would then set "Firm Trial Date No. 3" for January 31, 2013, with a status conference in November, for the new attorneys and court to "get up to speed".

However, Hoffman's status conference in Judge Kreamer's court, had become a blindsided, settlement conference in Judge Reinstein's court, "One of my father's old chronies."

STATEMENT OF THE CASE

INEFFECTIVE ASSISTANCE OF COUNSEL

GROUND 5: New Defense Counsel's first effort to manipulate Hoffman:

When MCAO's Christine Davis, there for Ms. Andrews, offered "1 kidnapping and 1 sexual assault", guilty plea contract, Hoffman naively asked, "Which accuser does the State believe was actually kidnapped and sexually assaulted, and which 3 were not?"

It was Hoffman's new Defense Counsel who interjected, "Kidnapping was when you snuck up on Jennifer with a large knife, and threw her into your car!"

Hoffman defended himself, against his new counsel, "First it was Blasa who was snuck up on, and that was by a large, young, black man. Neither Blasa, nor Jennifer said anything about a knife!"

When Hoffman asked Ms. Davis about his accusers, she said, "We've been in contact with Kera, Blasa, and Christina (in DOC), but we've been unable to locate Jennifer."

Then on Saturday, January 12, 2013, only 19 days from "Firm Trial Date No. 3", a desperate defense counsel brought Jennifer's second, false accusation to County jail, to pressure Hoffman into signing MCAO's latest, false guilty, plea contract, with Det. Gonzalez's latest false document:

"They found Jennifer in the US Army! When the jury sees her in military greens, she will have instant credibility, no matter what she testifies too. You need to sign the plea now!"

Then, for the first time, Hoffman read Jennifer's second, false (March 30, 2012) accusation:

"He had a knife out (5" to 7") that was sharp at the end..." (Appended at J6)

When Hoffman noticed Det. Gonzalez's 12/14/2012 date, he asked his new defense counsel:

"How did you know about this new, large knife accusation back in November?"

Defense Counsel then impeded Hoffman's Sixth Amendment Right to a Speedy Trial:

By not being prepared for "FTD No. 3" (January 31) or "FTD No. 4" (March 30), a frustrated Judge Kreamer remanded Hoffman's case to Master Calendar Judge Granville.

STATEMENT OF THE CASE

GROUND 6: MCAO revealed old State evidence, favorable to the defense:

On May 10, 2013, Judge Granville scheduled Hoffman's second evidentiary hearing for June 21: "To focus on the actual trial..." and when Trial Counsel asked, "The Court cannot preclude Mr. Hoffman from testifying at his own hearing," insisted the Judge. (Ariz. Crim. Proc. 32.13 and 33.13)

Before withdrawing from the case, Ms. Andrews provided evidence that included:

1. An Official U.S. Army release document, further exposing Det. Gonzalez's propensity to manipulate State evidence with improper documentation. (Grounds 4, 6);

On September 26, 2012, "Private Jennifer Schwartz" received a "Bad Conduct Discharge" from the US Army for her Pattern of Misconduct: (Appended at J7)

- 2 months prior to Ms. Davis' – "The State is unable to locate Jennifer";
- 3 months prior to Det. Gonzalez's – Documented his (March) Army interview; and,
- 4 months prior to Defense Counsel's – "They found Jennifer in the US Army!"

2. Kera had a record of "working" the bus stops at, or near, the (same) Circle K on 35th and Dunlap:

Phoenix Investigation No. 2006-61814885 Officer: George Ybarra

- On September 22, 2006 at 8:30 pm, Kera had claimed she was kidnapped from the same Circle K bus stop, by a man on a bicycle, then sexually assaulted a half mile away. (Appended at K6)
- Kera also had citations, for loitering, and "refusing to board" at the bus stops.

3. Christina assaulted her 30 year old, 290lb. husband, just before her encounter with Hoffman:

Phoenix Investigation No. 2011-047267 Officer: Scott Waite

- Defended herself, by punching, clawing, head butting, biting Robert. (Appended at C5, 6, 7)
- Investigations, arrests, etc. of Organized Retail Theft, at Walmarts and Kmarts
- The purpose of her trip (with no money) to Kmart that evening.

STATEMENT OF THE CASE

GROUND 7: Defense counsel failed to challenge Blasa's second accusation, with her third:

Despite Hoffman's pleading, Defense counsel refused any Motion to Dismiss Blasa's second, claim of an assailant matching Hoffman's very different description, with new, unchallengable forensic evidence, not only pointing away from Hoffman, but naming and matching her very first specific assailant.

In December 2010, Blasa first claimed to Phoenix PD, her violent accusation and sexual assault was committed by a specific, 5'10", 30-35 yr. old, black male. (Ground 3) (Appended at B1, 2, 3)

In April 2012, (16 months) Blasa, in County jail, "Now remembers..." an older, smaller, white male assailant, and was released from County jail. (Ground 4) (Appended at B6, 7)

In April 2013, (28 months), Blasa conceded, the unidentified Major DNA contributor (only) to her "crime area" was Mr. Andrae Jerome Tipton, and provided his upcoming Municipal Court Date.

However, at the courthouse, Det. Fernaux failed to collect Mr. Tipton's DNA.

In July, (31 months) with another Municipal Court tip from Blasa, a warrant, and the court's cooperation, Det. Fernoux collected Mr. Tipton's DNA sample. (Appended at B8)

In September, (33 months) Phoenix crime labs confirmed, the 31yr. old, 5'10", black male, Andrae Jerome Tipton, was the Major (only identifiable) DNA contributor, to Blasa's "crime area".

3 months before Blasa's fourth, false accusation/testimony. (Ground 12) (Appended at B9)

GROUND 8: Defense counsel failed to hold Hoffman's second, scheduled evidentiary hearing:

On June 21, 2013, after waiting in the court's holding for over an hour, Hoffman entered the courtroom just as both attorneys and Judge Granville, emerged from behind the bench.

Defense counsel claimed, "We held the hearing in Judge's chambers", despite Judge Granville's clear guarantee, "The Court cannot preclude Mr. Hoffman from testifying at his own hearing", and, "Has the right to be present and subpoena witnesses." (Ariz. Crim. Proc. 32.13 and 33.13)

Judge Granville then requested, "The 6 DVDs" of the accusers' interviews.

STATEMENT OF THE CASE

On July 3, 2013, Ms Andrews provided the Court with "The 6 DVDs"; then left the case:

(2004) - Jennifer's first, false accusation; (Appended at J1)
(2012) - Jennifer's second, false accusation (US Army); (Appended at J3)
(2009) - Kera's second, false accusation; (Appended at K2)
(2011) - Christina's first, false accusation; (Appended at C2)
(2012) - Blasa's second (County stripes), audio accusation; and, (Appended at B6)
(2012) - Blasa's second (Street attire), video accusation. (Appended at B7)

The Superior Court posted Judge Granville's findings on its website:
However, shortly after Hoffman's wife and daughter briefed him of the Court's findings over the phone in County jail, the Court removed the document from the website.
The "6 DVDs", although unavailable to Hoffman, should be on the State record.

GROUND 9: Trial Counsel failed to impeach Christina's second, false accusation/testimony:
On November 20, 2013, Christina (in court via bench warrant) testified, that while driving in Phoenix evening rush hour traffic, Hoffman had held her head down in his bare lap, and was "Punching me in the back", before sexually assaulted her, at the Kmart.

Available defense evidence the reasonable jury didn't see or hear:
- Christina, at the bus stop (no bus fare) sought transportation to the Kmart 8 miles north;
  - Hoffman drove 10 miles out of his way home at 6pm, to deliver her to this specific Kmart.
  - Christina was provided with 2 opportunities to exit Hoffman's truck, before Kmart.
- Det. Gonzalez's original (9/2/2011) DVD of Christina's first, false accusation;
- Had Hoffman "punched" her, Christina would have more than defended herself;
  - "Punched, bit, clawed, headbutted", her larger, younger husband (Appended at C5)

STATEMENT OF THE CASE

- Christina tried to conceal her (non spousal) encounters, drug use, and behavior, by:
  - Declined medical assistance, and a "confrontation call with Mike".
  - Adamant there was no sexual contact, "Only do things with my husband..." (Appended at C3)
- Crime labs (2012, 2013) provided disputable forensic evidence (Appended at C4)

The last thing the reasonable jury witnessed:

Mr. Ditsworth asked Christina, "Why didn't you call police before you got to Kmart?"
Christina claimed, more new, false violence: "He was knocking the phone out of my hand!"

GROUND 10: Trial Counsel failed to impeach Jennifer's third, false accusation/testimony:

On November 25, 2013, Jennifer (flown in from Louisiana) testified that Hoffman used a large knife to abduct her, forced her to kneel on the floorboard (where her backpack was in 2004), and with this new, large knife to her head, was forced to perform oral sex, before being dropped at "some apartment complex..."

Available defense evidence the jury didn't see or hear:

- Jennifer had opportunities to exit Hoffman's truck, before her friend's apartment;
- Off. Palomino's (2004): "Took out a knife, but didn't threaten her...": (Appended at J1)
  - Weapons Employed: Did not list any knife. (Appended at J2)
- Det. Johnston's (2004): False "Folded knife on the dashboard..." (On DVD); (Appended at J3)
- Crime labs (2005): Found disputing forensic evidence; (Appended at J4)
- Det. Gonzalez's (2012) new, false, "Sharp (5" to 7") knife..." (On DVD); (Appended at J5)
- Jennifer (Sep. 2012) discharge for "Pattern of Misconduct". (Appended at J6)

Mr. Ditsworth's cross examination:

Dwelled on Jennifer's identity theft of her older sister, to avoid her own charge of driving under the influence of alcohol...

STATEMENT OF THE CASE

The last thing the reasonable jury witnessed:

Mr. Ditsworth, borrowing a court chair, reenacted Jennifer kneeling on the floorboard, with a large knife held to her head, to perform oral sex on the defendant, before being let go.

Mr. Ditsworth's challenge: "That's horrible. No further questions."

GROUND II: Trial Counsel failed to impeach Kera's third, false accusation/testimony:

On November 25, 2013, Kera, with tears, and no fear of consequences, testified that she had been "tricked into Michael's truck", now she too had been forced to perform oral sex on Mr. Hoffman, in 2009 claimed (masturbated) at 2 different locations, before being dropped at a Circle K.

Available defense evidence, the jury did not see or hear:

- Off. Magley (2009): Forced to (masturbate) Hoffman at the Circle K. (Appended at K1)
  - At 9:30pm, Hoffman drove 12 miles out of his way home, to deliver Kera to her Circle K.
  - Kera was provided 2 opportunities to exit Hoffman's truck.
- Det. Gonzalez: Forced to (masturbate) Hoffman in nearby driveway. (on DVD) (Appended at K2)
- Det. Gonzalez: Trips to Hoffman's home and office to secure DNA. (Appended at K3)
- Crime labs (2010): Disproved (2013) testimony, not arrested, not in CODIS (Appended at K4, K5)

The last thing the reasonable jury witnessed:

On cue, Mr. Ditsworth sought and received "Special Permission" to present Kera's (2006), false: "Kidnapped and raped by a man on a bicycle...", from the very same Circle K. (Appended at K6)

Rather than challenge her disproven (2006) "rape", he provided the opportunity for Kera:

"Being kidnapped by him (pointing at Hoffman), was worse than being raped!"

When asked the same question as Christina, "Why didn't you call police before you got to Circle K?"

Kera, who had no phone, provided her, false violent respone: "He smashed my cell phone!"

GROUND 12: Trial counsel failed to impeach Blasa's fourth, accusation/testimony:

On December 3, 2013, Blasa, with no fear of consequences, testified that she did not see who abducted and sexually assaulted her, because now: "He had nylons covering his face!"

Available defense evidence the jury did not see or hear

- December 2010, Blasa described 1 assailant, to atleast 4 officials.
  - 5'10", 30ish, black male, with a shaved head and goatee (Appended at B1, 2, 3)
- April 2012 (County Stripes) audio, "She now remembers, he was white..." (Appended at B6)
  - Det. Fernaux's CD was not played for the court.
- April 2012 (Street clothes) video, "A smaller, older, white male..." (Appended at B7)
  - Det Fernaux's DVD was not played for the court.
- July 2013, Det. Fernaux with warrant, secured Andrae Jerome Tipton's DNA; (Appended at B8)
- September 2013, crime labs confirmed the MAJOR (only identifiable) DNA belonged to:
  - Mr. Tipton, a 5'10", 31 year old, black male. (Appended at B9)

The last thing the reasonable jury witnessed:

Mr. Ditsworth: "What color were the nylons?"

Blasa: "They were tan."

Although Mr. Ditsworth did not raise Blasa's original description of her assailant, (2010) Appellate counsel provided 'false' transcripts, some documenting that he had. (Appended at B10,11)

GROUND 13: Trial Counsel failed to support Hoffman's unprepared testimony:

On December 4, 2013, after the State had paraded its 25 unchallenged witnesses before the, now shocked jury, Mr. Ditsworth called his unprepped Defendant, without presenting any of his defense evidence, to testify what had actually occurred in 2004, 2009, 2010, and 2011.

STATEMENT OF THE CASE

Mr. Ditsworth began by baiting his own defendant:

"Mr. Hoffman, what is your occupation?

An unassuming Hoffman responded, "I'm in collections..."

Then, "When you first met Det. Gonzalez in 2011..."

The jury then watched a nervous, fatigued, unsupported Hoffman try to explain his non-violent encounters as Mr. Ditsworth sat idly by. This DVD has been here, unavailable since 2016.

(Appended at U.Y)

Ms. Sorentino, then attacked Hoffman's credibility:

"Mr. Hoffman, why did you lie to the jury? You haven't worked in years!"

Although Mr. Ditsworth and Judge Granville said nothing, this did not go unnoticed.

Then, she too tried, "Mr. Hoffman in 2011, when you first met Det. Gonzalez..."

This time, Hoffman spoke up, "No, I first met Det. Gonzalez in 2009..." (Appended at K3)

She accosted him each time he tried to raise Det. Gonzalez's (2009 documented) investigation.

But this time, the Court dismissed the jury, "To get to the bottom of this!"

When Ms. Sorentino said, "Judge, in 2009 Det. Gonzalez went to see Hoffman (on 4 occasions), but he invoked his rights...", it was another opportunity for the Defense to put Det. Gonzalez's 2009 (71 day) investigation on the Trial record. But again, Mr. Ditsworth sat idly by.

With the jury still out, Judge Granville admonished Ms. Sorentino for her:

"Trying to prejudice the jury with Defendant's (27 months) incarceration!"

The judge then warned her, "You will not do that again in this court!"

But she did. Only minutes later, when the frustrated Ms. Sorentino failed again to bait Hoffman with another of her false statements and questions, she lost her composure again:

"Like Det. Fernaux said to you in County jail, 'We all know why you're in here!'"

The visibly upset Judge Granville promptly dismissed the jury, again.

When the Court wanted to grant a mistrial for the defense, Mr. Ditsworth vetoed it, and gave a brief closing, presenting no defense evidence, or calling any of Hoffman's listed witnesses.

"No reasonable jury would have found the defendant guilty under applicable state laws..." Sawyer v. Whitley (1972)

On December 19, 2013, after 2 weeks of deliberation, the jury had not reached a verdict.

With the accusers' families in attendance, the Court ordered a "Dynamite charge" Allen v. US (1896), "For a verdict by the end of business today, so the Court can keep its holiday schedule".

Because the jury still had more questions, the Court instructed both attorneys to present a second, 5 minute, closing argument to address the jury's questions.

With the already shocked jury seeing only the 4 testimonies, then Mr. Ditsworth's and Ms. Sorentino's ramblings favoring the prosecution, Hoffman was convicted on 14 of the 15 charges.

GROUND 14: The Sentencing Court went with plausible deniability:

"A conviction based upon a record lacking any relevant evidence of a crucial element of the offense charged, violates due process," Jackson v. Virginia (1979); State v. Tison (1981)

On March 14, Hoffman addressed the Sentencing Court:

How Mr. Ditsworth had failed to present any of Hoffman's available defense evidence throughout his trial, even providing the Sentencing Court with Blasa's original assailant documents, (Appended at B1,2,3,4)

Hoffman then asked the Court about "The 6 DVDs" of the accusers' original accusations, and the detectives' second, false violent accusations, the Court had posted on its website in July 2013, and, the failure to hold Hoffman's COURT ORDERED June 21, evidentiary hearing.

Judge Granville responded: "Quoting Donald Rumsfeld, 'You can't go with what I don't know!'"

The Court then sentenced Hoffman to 77 years in ADC, for Christina's second; Jennifer's third; Kera's third; and Blasa's fourth, unimpeached, false, violent accusation/testimony, fully aware, the Court had seen and documented (on line) 6 of the 8 pre-trial false accusations.

STATEMENT OF THE CASE

PROCEDURALLY DEFAULTED IAC CLAIM

GROUND 15: Appellate Counsel failed to raise Hoffman's specific requests:

On March 17, 2014, Hoffman had applied for his Direct Appeal, with the Superior Court.
On April 4, Mr. Ditsworth's Office notified Hoffman it would be preparing his Direct Appeal.
Hoffman's letter immediately challenged the Office, citing a conflict of interest.
On May 15, Appellate Supervisor, Tennie B. Martin responded:
"This office would not represent you in Rule 32, but it does not have any conflict on appeal."
On May 29, Hoffman then filed his Ineffective Assistance of Counsel claim, under Rule 32.

On November 3 (8 months), Ms. Martin assigned State Appellate Counsel, Terry Reid.
In her introductory call, when Ms. Reid asked Hoffman to dismiss his Rule 32 (6 months in) until her Appeal is affirmed, Hoffman told her, he would not be dismissing his Rule 32.
With Ms. Reid's instructions, Hoffman provided his appellate issues, including:
The Court's failure to hold his June evidentiary hearing; Ms. Sorentino's misconduct during his testimony; and, the Court's failure to grant the mistrial for misconduct issues.

On April 1, 2015, Ms. Reid's Appea ignored all of Hoffman's requests, raising but 1 count for the State to routinely reject, and the Court of Appeals to swiftly affirm. (Appended at A)
When Hoffman challenged her rogue Appeal, she filed an Anders Brief.

GROUND 16: Appellate and Trial counsels, impeded Hoffman's first evidentiary opportunity:

On June 5, PCR Judge Cohen, appointed PCR Counsel No. 1, Janelle McEachern, with an August 4 due date to, "Set an informal conference, or an evidentiary hearing, per ARS 32.6 (c), 32.7 and 32.8" and ORDERED: "Trial counsel and appellate counsel shall produce the entire trial file, and transcripts to PCR counsel, no later than June 20, 2014".

On June 24, 2014, Ms. McEachern's introductory call began by asking Hoffman to dismiss his Rule 32, leave her as counsel, then refile after his Appeal had been affirmed. Hoffman politely declined.
Ms. McEachern had not received Hoffman's trial file and transcripts due on June 20.

Hoffman's letters to Ms. McEachern detailed his Rule 32 requests; including: Trial counsel's failures to impeach any State witnesses, or support Hoffman's testimony, with his abundant defense evidence, and again, sought his status on his trial file and transcripts due on June 20.
Ms. McEachern ignored Hoffman's letters, and the phone calls or emails of GEO Officer Carrillo, who tried to repeatedly schedule a "legal call", for status on his case, or trial file and transcripts.
On November 13, with Officer Carrillo's documents (phone messages or emails) Hoffman filed his State Bar Complaint No. 14-3372, for Ms. McEachern's evasiveness and overall conduct.

On February 5, 2015, Ms. Reid again asked Hoffman to dismiss his Rule 32. Hoffman explained that because of Ms. McEachern's evasiveness and misconduct, "I wouldn't, even if I could reach her..."
The very next morning, Ms. McEachern called GEO, "I heard you were looking for me..." But, she had the wrong file, said "No clue" if she had the Trial File, said, "Call me in a month," and hung up.
Hoffman notified the State Bar of Ms. McEachern's latest, erratic behavior.

On June 16, Hoffman (not PCR counsel) received transcripts from Ms. Reid, that did not reflect what had actually occurred at trial. For example, in Blasa's testimony.

Most glaring were the trancripts of Hoffman's December 4, 2013 unsupported testimony, and Blasa's December 3 testimony, to protect both This Trial counsel, and Prosecutor.
When Hoffman contacted Ms. Reid about the direct appeal, and inaccurate transcripts, she said, "I no longer represent you..." and hung up.
It had not yet occurred to Hoffman, the transcripts were concocted by the Public Defender.

STATEMENT OF THE CASE

Because Hoffman believed an accurate transcript of his December 4 testimony was the most vital for both a fair Appeal and a fair Rule 32 proceeding, Hoffman prioritized correcting Ms. Reid's corrupted transcripts, and began pursuing avenues available to an indigent, pro se inmate, while also pursuing his overdue evidentiary hearing:

Hoffman's first effort to resolve Appellate counsel's false transcripts:

On July 6, 2015, per Rule 31.8 (b), Hoffman asked the Trial Court to compare his December 4, 2013 transcript to the Court's notes (video) of Hoffman's December 4, testimony.

On September 1, the Court Clerk's "Exparte Communication" claimed, "Because the defendant has counsel, the Court cannot accept pro se filings, and has forwarded the file to counsel."

Hoffman learned, on August 17, new PCR Judge Viola had (quietly) replaced Ms. McEachern, who had done nothing in her 14 months as counsel, with a Matthew Brown, whose brief biography / resumé contained no PCR experience, but whose contact address was the Public Defender's office.

All because, on July 15 Ms. McEachern was disciplined by the State Bar, for her: "Poor Office management, chemical dependence, or other behavioral problems." (Appended at Z)

GROUND 17: Trial counsel impeded Hoffman's second, evidentiary hearing:

On August 17, Judge Viola had ORDERED: "Trial counsel shall produce the entire trial file to PCR counsel for review and copying, no later than September 1, 2015. Upon delivery of the file, Janelle McEachern shall file a Notice of Completion." per ARS 32.6 (c), 32.7 and 32.8

On August 28, Hoffman received Mr. Brown's August 26 letter. Hoffman's response letter asked Mr. Brown to forward his July 6 letter to the Court, stressing the importance of resolving Ms. Reid's false transcripts, with brief accounts of Hoffman's 4 accusers' false accusations.

STATEMENT OF THE CASE

On October 7, 2015, Mr. Brown's introductory call (while driving) quickly exposed his Rule 32 deficiencies and (despite Ms. Martin's letter) symptoms of Ms. Reid's manipulation of Hoffman's Rule 32.

"Ms. Reid said that your transcripts really have no bearing on your Rule 32.
So, I won't be forwarding your letter to the court."

More important, he had not received the trial file (due September 1), then claimed that he had all of preceeding counsel's (Ms. McEachern's) paperwork for Rule 32.

Hoffman's second effort to resolve Appellate counsel's false transcripts:

On November 2, again per Rule 31.8 (h), Hoffman motioned the Arizona Court of Appeals to compare Ms. Reid's transcript of the trial court's record of his December 4, 2013 testimony.

On January 28, 2016, the Arizona Court of Appeals dismissed his petition, and included:

"Because no audio or video of the file was made part of the record, we must assume, the transcripts reflect what actually occurred at trial." (Appended at A)

Hoffman's third effort to resolve Appellate counsel's false transcripts:

On January 15, 2016, Hoffman had filed his Petition to Investigate Trial transcripts in his possession, with the Arizona Supreme Court (M-16-004) (Appended at B)

Hoffman's fourth effort to resolve Appellate counsel's false transcripts:

On February 5, after the Court Clerk's Office denied the indigent Hoffman 1 (free) transcript, he wrote to Mr. Brown seeking a paper transcript of his December 4, 2013 testimony, so that he could then compare his false transcript to the actual transcript in Mr. Brown's possession.

On February 8, a defiant and uncooperative Mr. Brown sent a letter falsely claiming:

"The court controls the custody of the file and transcripts. I will review the file."

A file, Mr. Brown never received. From neither Ms. McEachern, nor Ms. Reid.

Hoffman's fifth effort to resolve Appellate counsel's false transcripts:

On February 22, 2016, Hoffman filed his Petition to Review the Court of Appeals' affirming of Ms. Reid's rogue Appeal, and false transcripts in the Arizona Supreme Court (CR-16-0079 PR)

On March 31, Mr. Brown, who received nothing from preceeding counsel (Ms. McEachern), and received his PCR direction from Ms. Reid (again, despite Ms. Martin's letter), who had failed to provide either PCR attorney with Hoffman's trial file, filed a "Notice of Completion":

> "I did not find any colorable claims, and the issues regarding the transcripts are born out by the audio visual record of proceedings", and "have provided Mr. Hoffman with everything preceeding counsel sent me."

On July 12, the Arizona Supreme Court, denied Hoffman's Petition to Review, both Ms. Reid's Appeal and the false transcripts she had sent Hoffman. (Appended at C)

GROUND 18: Post Conviction Court, impeded Hoffman's third, evidentiary opportunity:

On April 1, Hoffman received Mr. Brown's meager 10" x 13" envelope containing no Rule 32 documents (discovery, detectives' DVDs, or accusers' DVDs, etc.), only a few of Appellate counsel's 2015, irrelevant, Rule 31 documents, Hoffman already received in 2015.

However, Mr. Brown's envelope did contain 8 DVDs: 7 marked "transcripts", and 1, identified with a Superior Court label: "Hoffman's testimony 12/04/2013",

DVDs, that after 10 years, the State, still will not let Hoffman view. (Appended at U,V,Y)

On April 6, Hoffman notified PCR Judge Viola, he had not received a fair Rule 32 proceeding, because Trial counsel had defied, yet another of her COURT ORDERS to provide PCR counsel with Hoffman's actual trial file.

A letter that should have come from Ms. McEachern and Mr. Brown, months before.

On April 26, 2016, Judge Viola responded:

"Mr. Brown and Mr. Ditsworth shall produce defendant's trial file, including all transcripts in counsels' possession, no later than May 11, 2016." ARS 32.6 (c), 32.7 and 32.8

Judge Viola's ORDER, then gave the indigent, pro se defendant, with no legal background, or resources, an unconscienable 45 days to do what the 2 State selected, Bar certified PCR attorneys, with all of their resources, had failed to do in over 21 months:

"Defendant shall file his petition no later than June 26, 2016. No further extensions will be granted without a showing of extraordinary circumstances." Ariz. Crim. P32.4 (c)(b)

GROUND 19: ADC impeded Hoffman's access to his PCR evidence:

Because GEO is a treatment facility, there have been DVD players in each classroom, visitation, and our chapel, since before Hoffman arrived in 2014.

Hoffman's sixth effort to resolve Appellate counsel's false transcripts:

GEO Program Officer, Ms. Francisco informed Hoffman, "The prisons (ADC) allow inmates to access the prisons' DVD players to view funerals, weddings, and any DVD evidence."

On April 11, 2016, Ms. Francisco helped Hoffman prepare, then delivered, his request to GEO's new Deputy Warden Brewer, "To view my trial evidence on DVD."

On April 15, ADC responded by sending Prison Officials, Mr. Freeland and Lt. Deepe to GEO, to question Hoffman at his bunk, in front of 60+ inmates, and GEO surveillance cameras.

DW Brewer's same day response, offered no explanation:

"Please advise your attorney to send hard copy transcripts, as we are unavailable to accommodate your request..." (Appended at U)

Reminder: On February 8, PCR attorney, Mr. Brown had already denied Hoffman a "hard copy" in his fourth effort to resolve Appellate counsel's false transcripts. (Ground 17)

STATEMENT OF THE CASE

With ADC's "No Hoffman DVD access" rule, Trial counsel could send more DVD evidence. After 10 years, a rule still in effect at GEO. (Appended at Y)

GROUND 20: Trial counsel impeded Hoffman's fourth, evidentiary opportunity:

On May 12, 2016, GEO received Trial counsel's 35 pound box of left over chaos.

At first glance, the banker's box resembled what could "constitute the trial file" of a defendant with 4 "victims"; their 12 collective false accusations/testimonies; and a 4 week trial that had produced 14 wrongful convictions.

A full banker's box that should have gone to Ms. McEachern in June 2014, then forwarded to Mr. Brown in August 2015, and on to the pro se Hoffman in 2016.

But that's not what happened...

Once GEO's Mail and Property department had inspected the box for "Legal Mail contraband" (maps, photographs, DVDs, etc.) there were but 24 days (less, when factoring in ADC's censoring of GEO's document copying) until Judge Viola's unconscienable due date.

Hoffman's inspection of the remaining trial file, revealed just enough, scraped together, left over discovery, interoffice emails, and scribble notes to fill a banker's box.

And finally, with the State's new "No Hoffman DVD access" rule, Trial counsel sent 59 more "inaccessible" DVDs, which did not include the detectives' 6 interview DVDs (Ground 8), any accuser testimony DVDs (Grounds 9-12), or any "hard copy" transcripts.

Hardly what should "constitute the trial file" of a defendant with 4 accusers, their 12 accusation/testimonies, and 26 State witnesses.

STATEMENT OF THE CASE

GROUND 21: ADC impeded Hoffman's federal evidentiary opportunity:

"The Supreme Court ruled that IAC claims are best raised in Habeas Corpus proceedings rather than direct appeal, and the failure to raise them on appeal does not particularly default their claims." Massaro v. U.S. (2005)

On October 17, 2016, Hoffman filed his Petition for Habeas Corpus (2:16-03598-SPL)

To succeed in habeas corpus, Hoffman would need access to all of his evidence: complete detectives' reports, with DVDs, accusers' trial DVDs, and his 67 DVDs already here at GEO.

"It is the duty of the court to provide the necessary facilities and procedures for an adequate inquiry..." Harris v. Nelson (1969)

On October 31, Hoffman filed his MOTION to Appoint Investigator, intending to recover and review his evidence, to prepare for his anticipated federal evidentiary hearing.

On December 13, Hoffman filed his MOTION to Appoint Counsel.

On April 12, 2017, the District Court DENIED Hoffman's Motion to Appoint Investigator, and his Motion to Appoint Counsel, along with other motions of his.

On May 1, Hoffman filed his Motion to Grant Access to his DVDs, already here at GEO.

On May 22, the State's 44 page, Answer to Petition containing 197 redundant references to case laws, using hyperbole such as, "vigorous cross examination by defense counsel", and, "Petitioner presented claims that are cognizable and should be denied", claiming:

"HOFFMAN FAILED TO PRESENT AND EXHAUST ANY OF HIS CLAIMS IN THE ARIZONA STATE COURTS, RESULTING IN PROCEDURAL DEFAULTS THAT BAR THIS COURT FROM REVIEWING ANY OF HIS CLAIMS."

STATEMENT OF THE CASE

On May 30, 2017, lacking any cause to deny Hoffman Access to his DVDs, the District Court solicited the State to deny Hoffman access to his evidence (67 DVDs) already here at GEO.

On June 6, the State, with no fear of consequences, simply lied to the District Court:

"Deputy Warden Brewer informed Hoffman that she was unable to accommodate his request, because the facility does not have any DVD players." (Appended at V)

On June 29, Hoffman's REPLY to the State's Response not only listed GEO's 8 available DVD players, but provided the District Court with DW Brewer's April 15, 2016 actual response:

"Please advise your attorney to send hard copy transcripts as we are unable to accommodate your request..." (Appended at U)

On July 31, Hoffman, unaware of USCS Sec. 2254 Cases R8, filed his Motion for Evidentiary Hearing, hoping the District Court would then release his 67 DVDs evidence, so that he could review, prepare and get his evidence on the federal court record.

On August 1, the District Court promptly DENIED Hoffman's MOTION for Evidentiary Hearing.

On December 4, 2017, the District Court DENIED Hoffman's Habeas Corpus, with prejudice:

"The dismissal is justified by a plain procedural bar, and reasonable jurists would not find the ruling debatable;" and,

"Petitioner's Motion to Grant Access to DVDs is moot." (Appended at D)

REASONS FOR GRANTING THE PETITION

1. The Ninth Circuit Court of Appeals: "Cannot authorize a claim barred by § 2241 (b)(1)..."
   Hoffman is praying The Supreme Court will authorize his claims. (Appended at X, XX)

2. The District Court: "Procedural defaults that bar this court from reviewing his claims..."
   Hoffman is praying The Supreme Court will review his claims. (Appended at D)

3. Hoffman has supplemented his petition offering his limited, accessible evidence as his effort "To make a prima facie showing" of:
   The 5 responding officers'; 3 detectives'; with lab's documents, not found on any State court record, even after the 4 accusers' and 3 detectives' unimpeached, false testimonies.

4. Hoffman seeks to hold The Public Defenders accountable for:
   a) Their "free" ineffective trial representation that produces a "Trial Penalty" for innocent defendants who refuse to sign any false guilty plea contract, that protects only the prosecutors, and their detectives from their improper investigations, and conviction tactics.
   b) Their "free" ineffective post conviction representation, that without receiving the necessary components to file a proper IAC claim, file a "Notice of Completion" having done nothing, but produce a "procedurally defaulted" IAC claim, for their "client".

5. Defense counsels must hold a pre trial evidentiary hearing (Ariz. Crim. Proc. 32.13 and 33.13)
   a) In 2012, had State Defense Counsel No. 1 been permitted to conduct Hoffman's first COURT ORDERED evidentiary hearing, he would have exposed and recorded, the first detective's (2009, 2011) improper investigations, MCAO's false indictments (2011, 9 counts), and Hoffman's absolute innocence.
   b) In 2013, had State Defense Counsel No. 2 properly conducted Hoffman's second, COURT ORDERED evidentiary hearing, he would have exposed and recorded the 2 detectives' improper investigations (2004, 2009-2012), MCAO's false indictments (2012, 15 counts), and Hoffman's absolute innocence.

REASONS FOR GRANTING THE PETITION

6. In post conviction proceedings, the State PCR court will hold an informal conference or, an evidentiary hearing, for evidence evaluation. (ARS 32.6(c) and 32.8)

Necessary for the Court to review and record the pretrial (2004, 2013) and trial (2013) evidence to determine if PCR attorneys have the necessary materials to conduct a proper IAC investigation.

7. Trial counsel is to produce the COURT ORDERED, "Entire trial file and (accurate) transcripts..." for both, the evidentiary hearing, and for PCR counsel to prepare a proper IAC "at trial" claim.

Of course, there was no evidentiary hearing, and State Trial counsel failed to produce Hoffman's "Entire Trial file and transcripts..." for PCR counsel in 2014 and 2015, or the pro se Hoffman in 2016, fully aware of what facts he had left off the State courts' records.

Although neither State PCR counsel made any effort to obtain the "Entire trial file or transcripts...", State PCR Counsel No. 2, filed his "Notice of Completion" having done nothing, but provide the State Courts, and U.S. District Court, with "Hoffman's "procedurally defaulted" IAC claim.

CONCLUSION

The petition for certiorari should be granted, allowing Hoffman to properly present his evidence, including his 4 accusers' first 8 false accusations' documentation and DVDs, then 4 unimpeached 4 false testimonies' DVDs, for a court to make a constitutionally adequate ruling.

Respectfully submitted,

Michael Hoffman

Date: September 4, 2026