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Arizona Superior Court
to be redirected to
Arizona Supreme Court of Appeals

Petitioner

Arlena Minerva; Willes

Notice of Appeal re:
Case Number:
CR-2019005397-001DT
And petition to dismiss
Dismiss above referenced
Case number with Extreme
Prejudice. Falsified
Testimony on Grand Jury
Indictment And Fraud upon the
Court. Lack of Jurisdiction to try
Above Referenced Case Number.
Lack of Process By The STATE
OF ARIZONA, et al.

Case law :

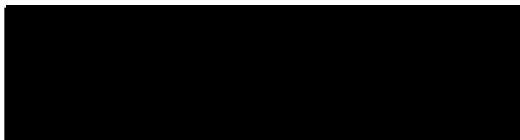
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- *Napue v. Illinois*, 360 U.S. 264 (1959), was a United States Supreme Court case in which the Court held that the knowing use of false testimony by a prosecutor in a criminal case violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution, even if the testimony affects only the credibility of the witness and does not directly relate to the innocence or guilt of the defendant.
 - On Petition for Appealing Judge Geoffrey Fish Decision to bar me from being my own Counsel and to remove his order issued 6/10/2020 in regards to case number for which I objected for the appellant record: CR-2019005397-001DT.
Voiding all orders regarding above referenced case number from Judge Geoffrey Fish for violating his Oath to defend, protect the United States Constitution, his continual Violation of my civil Constitutional rights and for direct discrimination and conflict of interest. For the Record I Arlena Minerva ; Willes will never take a plea for a made up crime. I did not commit . Dismissal of above referenced case number for Lacking Geographic Jurisdiction , prosecutions lack of process, ex parte communications and NO PROBABLE CAUSE OR INTENT to try above referenced case number!

**Under U.S Code 28 U.S. Code § 455 -
Disqualification of justice, judge, or magistrate
judge Judge Geoffrey Fish from Case number :
CR-2019005397-001DT "shall disqualify himself in any
proceeding in which his impartiality might reasonably be
questioned".**

And for an issue to be ordered and issued to The Arizona
Superior court in Maricopa county from The Arizona Supreme
Court for dismissal of the above reference case with extreme
prejudice based on these pertinent facts upon the record . For
fraud upon the court and lack of Jurisdiction matter to try above
referenced case number.

Arlena Minerva; Willes

Petitioner



Petitioner

Respondents:

Judge Geoffrey Fish, Tracey Gleason, Mark White, Robert Swinford, Frankie Grimsen, Laura Anderson , Rick Tosto
FOR THE STATE OF ARIZONA ,et al (all names listed herein
this Appeal).

- Petitioner seeks Appeal on First, fifth , sixth amendment violations to be sought and expedited in the Supreme Court of Appeals, With instructions on further orders by the Supreme Court of Appeals to :Judge Geoffrey Fish, Judge Ronda Fisk , Judge Patrica Starr and Prosecutors : Frankie Grimsman, Robert Swinford and Mark White and fired public defenders Laura Anderson and Rick Tosto Superior Court of Arizona, Maricopa County.

STATEMENT OF THE CASE

- I. On March 16th, 2020 , Judge Geoffrey Fish stated before a court room of witnesses that if I did not like any of his decision's I could appeal his decision, barring me from standing as my own counsel .
- II. On November 20th, 2019, Judge Geoffrey Fish showed collusion between the prosecutor Tracey Gleason, Laura Anderson (Fired Public Pretender), Rick Tosto (Fired Public Pretender) and Judge Fish what was meant to be in secret amongst themselves to push for Rule 11, due to what I filed in the Ninth Circuit Court of Appeals. On March 16th, 2020 he stated he would not be “entertained by a speech” after he had already given me the floor to speak and having ex parte hearings denying me the right to face my accusers as well to work with the prosecution fabricated case against I an innocent mother .
- III. There was no Direct Court Order given by Judge Geoffrey Fish in writing Barring me from exercising my sixth Amendment right from Judge Geoffrey Fish and to this date 6/10/2020 there is no Direct signed and stamped court order barring me from exercising my sixth amendment right .

IV. Reasons for seeking an Appeal on Judge Geoffrey Fish's decisions: To ban me from being my own council and issuing an order violating my first amendment right to freedom of speech , throwing out my court dockets terminating Rick Tosto as council and dismissal of case for prosecutions lack of process and for Detective Christine Britt perjuring herself on the Grand Jury Indictment under the false pretense that I had violated terms and conditions of Release Agreement, which I did not. Please fully review the copy of the release agreement which does not state I am bound to any agreement that I cannot speak my son's name or share the documents that I obtained for myself . Nor was I instructed in the release agreement not to talk about any aspect of the case in regards to my [REDACTED]

- Judge Fish showed His apparent discrimination of me because I am not an officer of the court. His decision to bar me from being my own council stems Solely from that discrimination. So he had to find a loophole to keep me from not only presenting my truth that would clearly exonerate me to the court but to the Jurors also.

- The Juror's as well are being discriminated against from hearing the truth that substantiates the fact that I am innocent. Why does Judge Fish not want the Juror's to hear the truth? He is also discriminating against the court from hearing the truth of my innocence and my question is why?

Judge Fish has not addressed the issue that there was no warrant at the time of my unlawful arrest on July 12th, 2019 nor was I read my Miranda rights as I addressed in my rebuttal I filed against the Grand Jury Indictment Nor the objection that the testimony given by Detective Christine Britt was falsified medical testimony for which that is not officer Britts field of expertise (For which all main issues I have brought before Judge Geoffrey Fish he has refused to address) . He said the excuse as to why I could not be my own council was that I used my [REDACTED] full name on a court document!

The state can use my [REDACTED] full name to shadow cover for the state being a non applicable victim even after the fact that my son [REDACTED] has maintained [REDACTED] position that I have not abused or neglected [REDACTED] in any way. My [REDACTED] is not an it, a thing or to be made without his knowledge ,nor is he to be made a non-applicable victim of the STATE OF ARIZONA .

█████ is my █████ and I am his biological mother who has every right to speak my █████ name, who was egregiously seized from my safe and loving care. I have every right to use my █████ name even more so then the court has a right to use my █████ name █████ no longer a minor. █████ and not to be used as a weapon of retaliation and discrimination by Arizona Superior court against me and certainly not by Judge Geoffrey Fish. Judge Geoffrey Fish's bio record also shows that he had worked for juvenile court in the past so he already was biased in regards to my case before he even saw my face for the first time.

For this cause I am seeking appeal for his decision barring me from being my own counsel : 11/20/2018 , 3/16/2020 and 6/10/2020 from case number: CR-2019005397-001DT to be overturned and dismissed with extreme prejudice due to his gross misconduct presiding in above reference case number and lack of jurisdiction . Not addressing the issues I was arrested without a warrant, my rebuttal to Grand Jury Indictment, Lack of process by the prosecution , Having ex parte hearings without my knowledge, Not addressing my statement regarding falsified Grand jury indictment . Not acknowledging Judge Monica Garfinkels order to stand as my own council . Retaliation for my case in the ninth Circuit and judicial interference with my case in the ninth circuit regarding the return of my █████ █████ back into my Safe and loving care .

Specific Relief Sought:

For All of Judge Fish's decisions to be overturned and Dismissed above referenced case number dismissed with extreme prejudice. I am able (as I have been proven fully competent by passing two state psychological exams), to stand as my own council and as no one knows or understand my case better than I do. He has not given me his oath upon request nor the surety bond number for case upon request . Which leads me to believe the bond is either under seal or there is no sworn oath to defend Our United States Constitution leaving his decision to ban me from being my own counsel or any decision regarding choosing my own counsel as well as his verbal “gag order” in violation and collusion with Four prosecuting attorneys violating my right to due process and freedom of speech: Mark White ,Frankie Grimsman, Robert Swinford and as well as forced power of attorney fired public pretender Rick Tosto has not objected on my behalf or defended me to the best of his sworn ability , his order to ban me as my own council as well as his verbal “gag orders ” violating my first amendment right to freedom of speech as null and void.

1. For the immediate termination of all of Judge Geoffrey Fish orders regarding Case Number: CR-2019005397-001DT and dismissal (With Extreme Prejudice) of referenced case number for his gross misconduct committing fraud and swindle upon the court and lack process by prosecution and lack of Jurisdiction to even try above referenced case .
2. That all manner of discrimination and retaliation against I the petitioner cease and desist immediately and that Judge Geoffrey Fish orders are revoked regarding Case Number: CR-2019005397-001DT violating my civil and constitutional rights in colluding exparte with the prosecution : Tracey Gleason, Frankie Grimsman , Robert Swinford and Mark White and fired public defenders : Laura Anderson and Rick Tosto to inflict punitive retaliation and further harm and trauma upon my [REDACTED] [REDACTED] and to I as well for which I have documented proof and evidence of this fact.
3. That order issued on 6/10/2020 lifted as my first amendment right is not up to debate whether or not my right to freedom of speech should be abridged by any government or state official to speak freely about what has been put on the public record .

4. I, Arlena Minerva; Willes am also requesting damages for the direct violations of my 1st, 4th, 6th, 8th and 14th constitutional rights and to hold Geoffrey Fish , Tracey Gleason ,Frankie Grimsman, Robert Swinford, Mark White , Laura Anderson and Rick Tosto or any public defender they should hire against my consent individually in their professional capacity as well as their private capacity responsible for inflicting harsh punitive retaliation and for punitive damages done in regards to this retaliation for seeking to inflict harm on me by ordering a Rule 11 and conspiring with the lower court in severing my parental rights and in conspiring to interfere with my case in the Ninth Circuit Court of Appeals and blatant Judicial interference with CV-19-00068-PHX-JJT(JFM). Which led to me being unlawfully incarcerated twice for the same charges twice . For which case number: CR-2019005397-001DT should be dismissed with extreme prejudice.

- That the due compensation to I the Plaintiff for punitive damages are against the bond amount regarding case number : CR-2019005397-001DT and against their asset amount to hold them each liable for their acts of discrimination and retaliation and egregious harm against me and my [REDACTED] without probable cause .

- In truth, Judge Geoffrey Fish has denied since day one of him presiding , my right to be my own council when I had already been deemed competent to stand on my own behalf by Judge Monica Garfinkel and also I, the petitioner right to due process under the fifth amendment and the right to a speedy trial under the sixth amendment and denying me the right to stand as my own council from the very beginning.
- I have raised my Constitutional claim into the state court that my 5th , 6th right to a speedy trial were denied, ignored and violated (why has it been over 609 days since I was first apprehended to have a trial now when it by law is required to bring a complex case to trial within 270 days)? be considered null and void in regards to case: CR-2019005397-001DT and be issued as null and void. On March 16th, 2020 Judge Geoffrey Fish berated me during the whole proceeding and taunted me saying if I did not like his decisions then I could file an Appeal so now I have enough evidence of his misconduct to file an Appeal regarding this matter of his bias toward me and his gross violations of my first fourth ,fifth, sixth and eighth amendment rights .
- Even after giving me the floor to speak on March 16th, 2020 , he yelled at me and ordered me not to speak another word and that he again warned me not to speak another

word. (Threatening me with contempt), in front of other court witnesses that were present.

- Judge Geoffrey Fish in direct suppression of my exculpatory evidence is clear of his intention to discriminate and retaliate against me. He has suppressed the fact I was arrested without a warrant nor was I briefed or read my miranda rights as well as violated my right to be my own council as well as violated my right to freedom of speech threatening to arrest me on June 10th, 2020 if I posted anything regarding my [REDACTED] even a posting a photo of my [REDACTED] he said would be grounds of violating release conditions : please review release conditions. He also stated that “ you have already been in Jail twice and that we would not want you to be sitting in jail again would we?”

Why the cruel harsh unusual punishment I suffered over two months being unlawfully incarcerated in Estrella Jail, if the issue was not about my competency and wasting state resources to aid the prosecution in their retaliation against me ? Plain and simple discrimination and retaliation. (which I passed both forced evaluations with flying colors).

(Please fully review the video of the Court proceeding dating March 16th, 2020). Also please review Release from both false arrests stating I was arrested under the same exact charges and not for contempt of court or for rule 11).

Also review the court proceeding of November 20th, 2019, when Judge Geoffrey Fish and my fired public defender plot with the prosecutor Tracey Gleason to order a Rule 11 out of Retaliation against me. On March 16th, 2020 he admits that he ordered a Rule 11 out of retaliation because the issue was never a matter regarding my competency but out of clear cut retaliation and discrimination due to what I had filed into the Ninth Circuit Court of Appeals.

I petitioned the Ninth District Court of Appeals for relief because they do not exercise the right of Carte Blanche Immunity as Superior Court Judges are appointed by the Governor of the State. I filed to seek relief and justice yet was retaliated against by the State as well as Judge Geoffrey Fish for seeking relief for my [REDACTED] and myself.

This exposes the willful intent of Judge Geoffrey Fish's decision to bar me from being my own council and to issue an order on me in direct violation of my First Amendment right: CR-2019005397-001DT ~for his punitive conduct and acts of discrimination and retaliation against me and for this cause

should all of his decisions be appealed and overturned regarding Case Number :

CR-2019005397-001DT and referenced case dismissed with extreme prejudice.

- In regards to Date 1/13/2021 a third Continuance was filed ex parte knowing I would object to the Continuance seeing the prosecution has well exceeded the 270 day time frame for a “complex case” by default I win and by default because I do not consent and object to them having ex parte hearings without my knowledge behind my back as they have been doing all along and all false fabricated charges and lies regarding above referenced case number to be dismissed with extreme prejudice .
- The matter to even try the above referenced case number is out of the courts jurisdiction seeing the originating police report was in Phoenix , Arizona the investigation should have been pursued in Phoenix not Glendale Arizona .
- Judge Geoffrey Fish’s role in aiding the prosecution in their retaliation against me should not be taken lightly nor should it be tolerated regarding Case# CR-2019005397-001DT any further.

CONCLUSION:

Judge Geoffrey Fish with proven documentation and evidence willfully ,intentionally and punitively denied me as a defendant my 1st, 4th,5th, 6th and 8th amendment right and in those violations has interfered with my appeals in the Ninth Circuit openly in his courtroom on November 20th, 2019. Also he denied his punitive conduct of ordering a Rule 11 on 11/20/2019 by stating on March 16th, 2020 that it was never a matter of my competency as well with colluding with prosecution behind my back to have ex parte hearings behind my back knowing I would object to the prosecution's continuances :

Judge Fish has not properly ensured that my rights would be honored as I am innocent until proven guilty. Instead he has since day one, presiding in my case and has violated my rights, one by one behind closed doors ex parte in his courtroom with ex parte with prosecutors Tracey Gleason , Frankie Grimsman , Robert Swinford and Forced power of attorney Rick Tosto when I have been found fully competent by Dr. Camilla Hernandez to handle my own legal affairs . Furthermore, exhausting the state taxpayer's resources and dollars in dealing out harsh egregious punitive retaliation and harm against I, the petitioner for no just or probable Cause.

- Criminal Court Judge Geoffrey Fish throughout the court proceeding of March 16th, 2020, willfully and with malice and intent (even knowing I had passed both psychological evaluations as being fully competent), did not acknowledge that fact . Openly for the record in court he said it was never a matter about my competency. Then why did he collude with the prosecutor Tracey Gleason and my fired public pretender Laura Anderson to order a Rule 11? He said it was not about my competency and that I violated court protocol because I am not an attorney , I am only a loving mother fighting lawfully and legally for my [REDACTED] [REDACTED] return.
- It is a well known fact that not only public defenders work with the prosecutors but that all public defenders are paid from the same pot as the prosecutor and Judge presiding. Now I ask you: how would I get the Justice I am seeking under these dire circumstances?
- For this cause , all of Judge Geoffrey Fish's orders (any verbal or written regarding Case# CR-2019005397-001DT should be Considered null and void and dismissed with extreme prejudice for Lack of process and geographic jurisdiction matter to try above referenced case number and for fraud and swindle.

- For this cause am I seeking relief and Justice that long has been overdue my [REDACTED] and I and therefore I the petitioner move this court to enter an order for this court to dismiss above referenced case number with extreme prejudice and for our voices to be finally heard . May God's righteousness , truth and Mercy prevail .

Respectfully Submitted on this day

March 22nd, 2021

Arlena Minerva Willes Arlena Minerva;
Willes