

Where do I even begin and what do I say? Let me begin with some general questions and observations about our justice system today and how it works:

- Justice is defined as: 1) Just conduct, 2) Fairness, 3) Exercise of authority in the maintenance of right, 4) Judicial proceedings, 5) Magistrate, Judge.
- 1-3: uprightness, righteousness, decency, correctness, fair playing, lawfulness, equity
- Yet when you look at my conviction one will wonder where do the just conduct, fairness, decency, fair play, and the maintenance of right come into play?
- How can someone justify a life sentence for an alleged aggravated assault with no injuries and not even a ripped piece of clothing?

These are the main issues and thoughts that fill my life. How does a man go on living and believing in a system that claims to be out for what is right, just, and true? We are living in a society that is supposed to evolve with time and uphold justice, yet we are still lost in a time of corrupt politics, impoverishment, and racial divides.

We lock people up based on the color of their skin, their poverty, and their lack of education. No one can sit there and deny this when our very own president can get away with groping women and brag about it. Our so-called toughest Sheriff in the U.S. Joe Arpaio does not only get away with racial discrimination but gets pardoned for it. Our very own Governor Fife Symington got away with ripping off the State of Arizona and then got pardoned for it. What message does this send about our justice system and who it works for and against? I ask: why is it that we never see an impoverished person get pardoned in any of the states? The reason is because pardons are solely based on politics and if you have no money, you most definitely do not have any political backing. Why would anyone pardon that poor average person that is a nobody? Where is the equal protection of the 14<sup>th</sup> amendment for me? Or is it that it doesn't apply to me the same way it does for them?

So I ask, what is the difference between me and them? The answer is that I don't have their money, political backing and the law differs for me and them. Society is very ignorant to how this works and the system relies on that ignorance because if society truly knew how this legal system worked, it would rock the very foundation of the legal system that it claims to uphold. That is why the moment someone has legal knowledge in a jury trial case they dismiss that juror from the jury for the sole purpose of knowing what "normal" citizens do not know about how the law truly works.

A prime example of this double standard is the fact that I am unable to bond out on appeal, but every single politician, officer of the law, or person with millions to spare is able to bond out pending their appeal. There is no equal protection under the 14<sup>th</sup> amendment for people like you and me.

Let me apply these thoughts to my situation and case:

- Aggravated Assault is defined to have to fulfill two elements:
  1. The assault itself
  2. A weapon involved
- You cannot have aggravated assault with only one element; you must have both as defined by A.R.S statutes.

Yet, with my case nobody even identified me with a weapon. It was all based on a lot of "I guesses", "I assumes", "that is what I was told", and a motion (which is supported by trial transcripts), none of

which constitute the presence of a weapon. The state contends a motion was observed, thus there must have been a weapon. Is that what the legal system is intended for, to rely on “it must be” so it is so? Where is the beyond a reasonable doubt that we all recognize as our legal system?

The key to that exact type of thinking is what created wrongful convictions to begin with and allows them to continue. It takes anywhere from 10+ years from an innocent man’s life to attempt to rectify this injustice, but that innocent man must hear over and over again about how much of a piece of garbage he is, even though it’s not true, even when he has proved that he changed his life and lives his life by giving back and paying it forward with compassion, kindness, understanding, and love. But, whatever needs to be said to keep the conviction and justify how we lock up innocent people, right?

If you were to go with that type of thinking, as the Assistant Attorney on my case Adele Ponce does, then you’d be going with her legal briefs which state that “the witness testified that she had seen a motion”, however what she does not state is that there is another witness who states the same thing but with the opposite hand. With her lack of research a person like Adele Ponce only cherry-picks what parts of the trial transcripts she decides is the best testimony to use in order to continue to keep a wrongful conviction on a man that is innocent and serving his life for it. She disregards the discrepancies and does not care about what the truth is.

Onto a similar line of thinking, Adele Ponce continually states that everyone identifies me with a weapon, yet she fails to state the truth of what was testified to at trial. Mr. E.J. states on the night of the alleged event that he had seen a 3-4 inch blade and then testifies at trial that he never had seen any type of weapon that night but said that’s “what his buddy said”. Then when asked to identify the suspect in the courtroom, he state that “he’s not in the courtroom”. The state proceeded to ask if he knew who the suspect was and he testified “I believe it was a gentleman Navarro”. How does he know my surname if he has never met me or can this be attributed to the prosecutor coaching his witness? How does Adele Ponce continue to state that this witness identified me with a weapon or identified me period? Trial transcripts contradict her legal briefs that continue to hinder my justice. All food for thought.

“Error” in legal terms has multiple definitions and they consist of:

- **Error:** “After the jury has rendered its verdict, an erroneous ruling on a legal issue (an error of law) occurring during the trial is subject to review by appellate court [...](an error of fact) may be reversed by the trial court on the ground that the verdict was against the weight of the evidence, or by an appellate court on the more limited grounds that the jury could not have reasonably found the facts it did.
- **Plain error:** rule requiring an appellate court to reverse a conviction and award a new trial when an obvious error in the trial proceedings, which was not objected to during the trial court, affected the defendant’s fundamental right to a fair trial. **For example, where unduly damaging evidence is introduced to which no objection is made and the trial judge fails to give an instruction to the jury limiting its consideration of that evidence [...]**
- **Harmless error:** an error which is not sufficiently prejudicial to an appellant or does not affect his substantial rights [...] The prosecution has the burden of proving “beyond a reasonable doubt” that the error did not contribute to the verdict obtained.
- **Reversible error:** error substantially affecting appellant’s legal right and obligation. Which if uncorrected, would result in a miscarriage of justice and which justifies reversing a judgment

in the court below even if the error was not objected to in the lower court [...]” (James and Hazard, Civil procedure, 3<sup>rd</sup> ed. 1995).

How could anyone claim there could be any type of harmless error in any type of criminal case, especially in a case where a person is serving a life sentence? The constitution holds life and liberty as an absolute right, so any type of error that continues to support a loss of life or liberty isn't a harmless error but rather a miscarriage of justice. Thus a plain error.

So with the bare minimum of what you just read about my case, which category of error would you place my case into? I have yet to even begin to tell you about how the judge denied specific evidence that the jury requested during deliberation that was introduced into evidence as exhibits during trial. Nor have I even begun to explain about how each and every one of the state's witnesses stated different accounts of the night of the so-called events. But in accordance with the law and the way appeals work it's only a matter of finding a clerical error during trial procedures and it is no longer about whether I am innocent or guilty. Once convicted, it is not possible to appeal on grounds of innocence. But then again, it was never about my innocence or guilt. I was given a life sentence not because of this alleged crime or any type of injuries I incurred, but rather because of my past that was over 15 years old at the time of this fabricated incident. But it makes no difference to the legal system, because they got their conviction, after all they do not care about the innocent people they lock up, because if they did then they'd be too soft on crime, right? As County Attorney Andrew Thomas proved, all that matters are the conviction rates, which is why trials went up by 200% under his tainted term. My conviction was conducted under Andrew Thomas who instituted a zero tolerance on ex-convicts, but history showed who the real criminal was when he was stripped of his title of County Attorney and his law license. Yet, this is just another politician that has never set foot in a jail or prison to serve a sentence for the guilty verdicts obtained in his case(s). And we still claim there is an equal protection under the law. You can commit any type of crime these people have committed and see if you get their pardons or releases, but I would not recommend it because you'll be sitting here with me, seeking justice that was denied to you as well.

Let me close this before I continue to dissect this tainted legal system and continue to vent my everyday frustrations of being in a life of hell and continually trying to figure out what's real, true, right, good, and pure. But before I do let me say this in closing: I do see a need for law and order, as well as a need for justice, but what I don't see a need for, or a reason to claim that justice is pure, is when everyone claims they are out for justice, yet they ignore and bypass all of us that are truly innocent, just because it is not worth the story, money, or political gain. How about correcting and giving back peoples' lives that we/they are deprived of for nothing.

So I close with a plea, please, someone that truly believes in the justice I seek, grant me a chance to show the world the justice that has been denied to me and help rectify it. I don't and never have asked for anything other than my justice, life and future back. I do not want anyone's money, nor do I seek, want, or expect any type of financial gain for this true miscarriage of justice. Because this isn't about money but rather about a man's life, freedom, future and love that was ripped from him.

Thank you with all of my heart for any and all attention or time you have taken to help in assisting me in finding or at least bringing to light the justice we seek. May God shine brightly on you and all your loved ones, as he also blesses you with being the truly wonderful and beautiful people that you are.