

## "WE'RE GOING TO THE ARIZONA SUPREME COURT"

Tuesday, 27 October 2009

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After spending several weeks re-reading every sentence of Warden's Petition For Special Action, checking every citation, parsing every phrase, looking for some minor flaw they could "hang their hat on" and rationally deny "Warden, the Notorious Mexican Flag Burner" the full protection of the First Amendment which is every American's birthright, the Arizona Appellate Court threw in the towel, said "No Mas," and issued the following statement on October 21, 2009... "The court declines to accept jurisdiction."

"They shouldn't have had their clerks waste so much time," said Warden.

"I had constitutional lawyers go over every inch. It's bullet-proof."

Within the next several weeks, Warden plans to file an appeal to the Arizona Supreme Court.

As Warden sets forth in the "Jurisdictional Statement" of his Petition, the United States Supreme Court and the Arizona Supreme Court have already ruled that Appellate Courts must not deny jurisdiction and avoid substantive rulings on cases presenting serious constitutional issues merely to avoid political embarrassment.

"The Tucson Municipal Court has violated the "Supreme Law of the Land," and issued an order which states I am prohibited from 'speak(ing) within 1,000 feet of any public demonstration.'

"This kind of order is the express practice of a police state. There is no constitutional issue more serious than this."

The Tucson Municipal Court's prohibition of Warden's right to criticize the Open Border policies of local government, by definition, is a violation Warden's rights as set forth by the First Amendment—not because Warden says so, but because the United States Supreme Court has said so in a series of cases, including *New York Times Company v United States* 91 S.Ct. 2140 (1971), which, regarding prior restraint of political speech, in pertinent part states:

"The amendments (Bill of Rights) were offered to curtail and restrict the general powers granted to the Executive, Legislative, and Judicial Branches...(t)he Bill of Rights changed the original Constitution into a new charter under which no branch of government could abridge the people's freedoms of press, speech religion, and assembly." *New York Times* at 2142.

Moreover; regarding constitutional challenges and the Court's discretion to deny Warden a hearing by Special Action: In *Dream Palace v. County of Maricopa*, 384 F.3d 990, 1006-1008 (9th Cir 2004) the Court stated:

"Were this discretion unbounded, the special action would, of course, provide no guarantee of judicial review on the merits. If, on the other hand, the judge's 'discretion' does not include the ability to dismiss a petition where it is the only route by which the petitioner can bring a constitutional challenge, then the mere use of the term 'discretion' will not prevent the review from being constitutionally sufficient."

Dream

Palace

at 1006.

Furthermore; the Ninth Circuit cited Justice Holmes: "(I)t is plain that a State cannot escape its constitutional obligations by the simple device of denying jurisdiction in such cases to Courts otherwise competent."

Dream

Palace

at 1006.

The

U.S.

Supreme Court has stated the law with finality: no branch of government, including the courts, has the jurisdiction to deprive a citizen of the right to criticize government.

The Ninth Circuit has stated the law with finality: the Arizona Courts cannot deprive Warden his right to a hearing by

denying jurisdiction.

And yet, the Tucson Municipal Court and the Arizona Appellate Court has done exactly what the law states they must not do.

Listen up folks: The law belongs to and protects "We the People." It does not belong to "Them" so they may use it as a club to enforce compliance with the dictates of the state.

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Want to do something tangible to Help Warden Protect the First Amendment? Then Call and Write the Chief Justice of the

Arizona

Supreme Court.

Send them a copy of this article in its entirety!

Don't let the

Arizona

High Court "Weasel Out" Call them! Demand they accept jurisdiction.

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