

MICHAELA A. VODEN # 303291

ASPC-YUMA / CIBOLA UNIT

P.O. BOX 8909

SAN LUIS, AZ. 85349

IN PROPRIA PERSONA

ARIZONA SUPERIOR COURT  
GILA COUNTY

STATE OF ARIZONA,  
PLAINTIFF,

VS.

MICHAELA A. VODEN  
PETITIONER.

NO: CR201300569

DEMAND CONSTITUTIONALLY  
REQUIRED DISCLOSURE  
OF CLEARLY EXCULPATORY  
EVIDENCE

(JUDGE G. SCALES)

COMES NOW PETITIONER PROPER, HEREBY DEMANDS DISCLOSURE  
OF CLEARLY EXCULPATORY EVIDENCE OF R. BURNETT'S DEPARTMENT OF  
VETERANS AFFAIRS - VA MENTAL HEALTH AND MEDICAL RECORDS.  
SPECIFICALLY, WHAT PROSECUTOR S. FULLER, JUDGE G. SCALES AND  
DEFENSE ATTORNEY M. BERNAYS KNEW, AND WHEN THEY KNEW IT,  
REGARDING THE VA RECORDS. PURSUANT TO CONSTITUTIONAL RIGHTS  
1ST, 6TH, 14TH USCA. PLEADING IS SUPPORTED BY MEMORANDUM OF POINTS,  
FACTS AND LEGAL AUTHORITIES.

1.

## MEMORANDUM OF POINTS AND LEGAL AUTHORITIES

### I. POINTS AND FACTS:

1 R. BURNETT'S VA MENTAL HEALTH-MEDICAL RECORDS EXISTED PRIOR TO 11-9-13. ON THAT DAY IT IS OBVIOUS R. BURNETT WAS SERIOUSLY ILL, AND COMMON AND LEGAL SENSE DICTATED THAT HIS MEDICAL RECORDS WOULD BE CRUCIAL DOCUMENTS NEEDED TO PROPERLY INVESTIGATE THE CASE.

2 DESPITE PROSECUTOR S. FULLER'S CONSTITUTIONAL AND ETHICAL DUTIES THAT REQUIRES HIM TO DISCLOSE THE VA MENTAL HEALTH RECORDS TO DEFENDANT UNDER BRADY, PROSECUTOR S. FULLER DID NOT TURN OVER THE CLEARLY EXCULPATORY EVIDENCE TO DEFENDANT VODEN. AS OF 1-13-2014, WHEN PROSECUTOR S. FULLER VIEWED BURNETT'S VA RECORDS, HE KNEW HE COULD NOT OBTAIN A CONVICTION AGAINST DEFENDANT VODEN, IF THE MENTAL HEALTH RECORDS OF BURNETT WERE REVEALED TO A JURY. ANY JURY WOULD FIND M. VODEN NOT GUILTY OF ANY AND ALL CHARGES, WHEN THE VA MENTAL HEALTH RECORDS CLEARLY EXPLAIN DEFENDANT M. VODEN WAS COMPLETELY LEGALLY JUSTIFIED IN STOPPING A CRAZY OUT-OF-CONTROL KILLER, FROM KILLING M. VODEN AND HIS WIFE PAT. CLEARLY THE REASON WHY FULLER SUPPRESSED THE EVIDENCE.

3 AS A SO-CALLED EXPERIENCED DEFENSE ATTORNEY, M. BERNAYS WOULD KNOW BURNETT'S VA MENTAL HEALTH-MEDICAL RECORDS WERE MATERIAL AND CLEARLY EXCULPATORY. BERNAYS NEVER TURNED THEM OVER TO HIS CLIENT M. VODEN. BERNAYS HAD TO KNOW THE RECORDS EXISTED, SO HE COMMITTED OGM.

**4.** BERNAYS' ICI PREVENTED HIM FROM CHALLENGING FULLER'S DISCLOSURE. PROOF OF BERNAYS' ICI-IRRECONCILABLE CONFLICT OF INTEREST, IS BERNAYS' OGM-OUTRAGEOUS GOVERNMENT MISCONDUCT OF ASSISTING FULLER AND JUDGE GARY SCALES TO CONVICT AN INNOCENT PERSON M. VODEN, BY CONCEALING CLEARLY EXCULPATORY EVIDENCE THAT BURNETT WAS IRRATIONAL, PARANOID, UNREASONABLE, SUICIDAL, SCHIZOID, PANIC STRICKEN, ANXIOUS, DEPRESSED, OUT-OF-TOUCH-WITH-REALITY, PTSD AND DANGEROUS, FROM THE JURY. ALLOWING IPM-INTENTIONAL PROSECUTORIAL MISCONDUCT AND IJM-INTENTIONAL JUDICIAL MISCONDUCT OF STRUCTURALLY DESTROYING "INFECTING THE ENTIRE TRIAL PROCESS."

**5.** BASED UPON ALL OF THE ABOVE AND ALL THE FACTS AND STATED CIRCUMSTANCES FILED IN THE RECORD OVER THE LAST YEAR AND HALF (18) MONTHS. ALSO, ALL DISCOVERIES BY AN INNOCENT AND DILIGENT MICHAEL A. VODEN, ITS CLEAR JUDGE GARY SCALES, PROSECUTOR SHAWN FULLER, DEFENSE ATTORNEY MICHAEL BERNAYS, ALL COMMUNICATED BETWEEN EACH OTHER ABOUT R. BURNETT'S VA MENTAL HEALTH-MEDICAL RECORDS. JUDGES ARE REQUIRED TO KEEP TRACK OF WHETHER EACH SIDE IS READY TO START TRIAL. THEREFORE, JUDGE G. SCALES, PROSECUTOR S. FULLER AND DEF. ATT. M. BERNAYS NEED TO DISCLOSE WHAT THEY KNEW AND WHEN THEY KNEW IT, RE: VA MENTAL HEALTH-MEDICAL RECORDS OF R. BURNETT'S MENTAL ILLNESSES.

## II. LEGAL AUTHORITIES:

1. PROSECUTOR FULLER KNEW R. BURNETT WAS CRAZY AND OUT-OF-CONTROL, AND HIS VA MENTAL HEALTH-MEDICAL RECORDS PROVE IT. THEREFORE, PROSECUTOR FULLER DID NOT LIKE THESE FACTS SINCE "ANY EVIDENCE THAT WOULD TEND TO CALL THE GOVERNMENT'S CASE INTO DOUBT IS FAVORABLE FOR BRADY PURPOSES." PROSECUTOR FULLER VIOLATED BRADY BY INTENTIONALLY CONCEALING R. BURNETT'S VA RECORDS, AS AN IMPROPER METHOD DESIGNED SOLELY TO OBTAIN A CONVICTION, TO AVOID AN ACQUITTAL IF THE VA RECORDS WERE REVEALED TO THE JURY, FATAL UNFAIR PREJUDICE IS PROVEN "WHEN THE GOVERNMENT'S EVIDENTIARY SUPPRESSION UNDERMINES CONFIDENCE IN THE OUTCOME OF THE TRIAL." MIKE V. RYAN, 711 F.3d 998, 1012-1019 (9TH CIR. 2013); BRADY V. MARYLAND, 373 U.S. 83, 87 (1963); KYLES V. WHITLEY, 514 U.S. 419, 434-439 (1995). PROSECUTOR FULLER WORKED CLOSELY, ILLEGALLY, UNCONSTITUTIONALLY WITH DEFENSE ATTORNEY M. BERNAYS TO DENY M. VODEN "A MEANINGFUL OPPORTUNITY TO PRESENT A COMPLETE DEFENSE." CRANE V. KENTUCKY, 476 U.S. 683, 690 (1986).

2. PROSECUTOR FULLER'S MISCONDUCT THAT PERMEATES THE PROCESS AND INTENTIONALLY DESTROYS THE ABILITY OF THE TRIBUNAL TO REACH A FAIR VERDICT MUST NECESSARILY BE REMEDIED, TO DISMISS THE CONVICTION AGAINST MICHAEL A. VODEN WITH PREJUDICE. STATE V. MINNITT, 203 ARIZ. 431, 437-440 (2002).

## CONCLUSION

IPM - INTENTIONAL PROSECUTOR MISCONDUCT BY S. FULLER OF "IGNORING THE FACTS AND RELYING ON PREJUDICE. IT WAS A DISHONEST WAY TO REPRESENT THE STATE, AND IT WAS ESPECIALLY DISHONEST WHERE THE EVIDENCE OF [R. BURNETT'S] INSANITY WAS SUBSTANTIAL, AND WHERE THE STATE HAD NO EVIDENCE THAT [M. VODEN] HAD FABRICATED A [JUSTIFICATION] DEFENSE." STATE V. HUGHES, 193 ARIZ. 72, 86-88 (1998); STATE V. JORGENSEN, 198 ARIZ. 390, 391-393 (2000). "WE CONDEMNED THIS 'WIN-BY-ANY-MEANS STRATEGY' TO WIN THE CASE AND PREVENT AN ACQUITTAL." *Id.* "THE DOUBLE JEOPARDY CLAUSE BARS RETRIAL FOLLOWING IPM DESIGNED TO SECURE A CONVICTION THROUGH THE CONCEALMENT OF EXCULPATORY EVIDENCE." COMMONWEALTH V. SMITH, 532 Pa. 177, 180-181, 615 A.2d 321, 322-23 (1992). JORGENSEN, SUPRA 392. DISCLOSE WHAT YOU KNEW AND WHEN YOU KNEW IT. RESPECTFULLY SUBMITTED THIS 20<sup>th</sup> DAY OF APRIL, 2018.

Michael A. Voden

MICHAEL A. VODEN, PRO PER

ORIGINAL FILED ON APRIL 20<sup>th</sup> 2018, TO:

CLERK OF SUPERIOR COURT OF GILA CO.

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JUDGES G. SCALES / GOVERNOR D. DUCEY / Chief Justice

GILA CO. PROSECUTOR / A.G. M. BRNOVICH / L. Hammond

PROSECUTOR SHAWN FULLER, ASST. AG / WEBSITE / Vanessa Bush