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JUN 18 2007	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

MICHAEL J. MILARO
 Name and Prisoner/Booking Number
M.C.S.O 4th AVE JAIL
 Place of Confinement
201 So. 4th Ave
 Mailing Address
PHOENIX ARIZONA 85003
 City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

MICHAEL J. MILARO)
 (Full Name of Petitioner))
 Petitioner,)
 vs.)
STATE OF ARIZONA)
 (Name of the Director of the Department of)
 Corrections, Jailor or authorized person having)
 custody of Petitioner))
 Respondent,)
 and)
 The Attorney General of the State of AZ.)
 Additional Respondent.)

CASE NO. CV07-01190-PHX-ROS (JRI)
(To be supplied by the Clerk)

PETITION UNDER 28 U.S.C. § 2254
FOR A WRIT OF HABEAS CORPUS
BY A PERSON IN STATE CUSTODY
(NON-DEATH PENALTY)

PETITION

- (a) Name and location of court that entered the judgment of conviction you are challenging: SUPERIOR COURT, STATE OF ARIZONA, COUNTY OF MA
- (b) Criminal docket or case number: CR-2006-169110-001 DT
- Date of judgment of conviction: NONE
- In this case, were you convicted on more than one count or crime? Yes No

9. Did you appeal to the Arizona Supreme Court? Yes No

If yes, answer the following:

(a) Date you filed: _____

(b) Docket or case number: _____

(c) Result: _____

(d) Date of result: _____

(e) Grounds raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

10. Did you file a petition for certiorari in the United States Supreme Court? Yes No

If yes, answer the following:

(a) Date you filed: _____

(b) Docket or case number: _____

(c) Result: _____

(d) Date of result: _____

(e) Grounds raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

11. Other than the direct appeals listed above, have you filed any other petitions, applications or motions concerning this judgment of conviction in any state court? Yes No

If yes, answer the following:

(a) First Petition.

(1) Date you filed: _____

(2) Name of court: _____

(3) Nature of the proceeding (Rule 32, special action or habeas corpus): _____

(4) Docket or case number: _____

(5) Result: _____

(6) Date of result: _____

(7) Grounds raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(b) Second Petition.

(1) Date you filed: _____

(2) Name of court: _____

(3) Nature of the proceeding (Rule 32, special action or habeas corpus): _____

(4) Docket or case number: _____

(5) Result: _____

(6) Date of result: _____

(7) Grounds raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(c) Third Petition.

- (1) Date you filed: _____
- (2) Name of court: _____
- (3) Nature of the proceeding (Rule 32, special action or habeas corpus): _____
- (4) Docket or case number: _____
- (5) Result: _____
- (6) Date of result: _____
- (7) Grounds raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(d) Did you appeal the action taken on your petition, application, or motion to the:

- | | <u>Arizona Court of Appeals:</u> | | <u>Arizona Supreme Court:</u> | |
|----------------------|----------------------------------|--|-------------------------------|--|
| (1) First petition: | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| (2) Second petition: | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| (3) Third petition: | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

(e) If you did not appeal to the Arizona Court of Appeals, explain why you did not: _____

THIS IS A PETITION FOR RELIEF PURSUANT TO
HABEAS CORPUS BASED IN UNITED STATES CONSTITUTIONAL
VIOLATIONS; TO WIT: U.S.C.A. # (SPEEDY TRIAL)

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: UNITED STATES CONSTITUTION AMMENDMENT 6; SPEEDY TRIAL; U.S.C.A 14; DUE PROCESS; U.S.C.A 8TH CRUEL & UNUSUAL PUNISHMENT WITHOUT PROCESS; U.S.C.A 5; DEPRIVED OF LIFE, LIBERTY AND PROPERTY WITHOUT DUE PROCESS OF LAW.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

PETITIONER WAS ARRESTED ON NOV 7, 2006 AND SUBSEQUENTLY CHARGED ON NOV 8, 2006 OF FORGERY AND MISCONDUCT OF WEAPON. PETITIONER HAS BEEN HELD WITHOUT BOND SINCE ARREST. PETITIONER HAS NOT WAIVED HIS RIGHT TO SPEEDY TRIAL NOR AGREED TO ANY WAIVERS OF SUCH, AND THAT HE HAS, TO THE DATE OF THIS WRITING BEEN INCARCERATED SOLELY ON THIS MATTER FOR 231 DAYS, WITHOUT REDRESS OF TRIAL, OR OPPORTUNITY TO CROSS-EXAM WITNESS THUS DEPRIVED OF LIFE, LIBERTY AND PROPERTY FOR MORE THAN 180 DAYS AS PROSCRIBED BY LAW AND CONSTITUTIONAL GUARENTEED RIGHTS TO SPEEDY TRIAL.

(b) Did you present the issue raised in Ground One to the Arizona Court of Appeals? Yes No

(c) If yes, did you present the issue in a:

- Direct appeal
- First petition
- Second petition
- Third petition

(d) If you did not present the issue in Ground One to the Arizona Court of Appeals, explain why: _____

CONSTITUTIONAL GROUNDS, SPEEDY TRIAL

(e) Did you present the issue raised in Ground One to the Arizona Supreme Court? Yes No

Please answer these additional questions about this petition:

13. Have you previously filed any type of petition, application or motion in a federal court regarding the conviction that you challenge in this petition? Yes No

If yes, give the date of filing, the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available: _____

14. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, as to the judgment you are challenging? Yes No

If yes, give the date of filing, the name and location of the court, the docket or case number, the type of proceeding, and the issues raised: _____

15. Do you have any future sentence to serve after you complete the sentence imposed by the judgment you are challenging? Yes No

If yes, answer the following:

(a) Name and location of the court that imposed the sentence to be served in the future:

(b) Date that the other sentence was imposed: _____

(c) Length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition challenging the judgment or sentence to be served in the future? Yes No

16. TIMELINESS OF PETITION: If your judgment of conviction became final more than one year ago, you must explain why the one-year statute of limitations in 28 U.S.C. § 2244(d) does not bar your petition.*

*Section 2244(d) provides in part that:

(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of-

- (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
- (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;
- (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

17. Petitioner asks that the Court grant the following relief: IMMEDIATE RELEASE FROM CUSTODY AND ORDER STATE COURT TO VACATE ALL CHARGES WITH PREJUDICE

or any other relief to which Petitioner may be entitled. (Money damages are not available in habeas corpus cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 06-18-07 (month, day, year).

Michael Boyd Howard
Signature of Petitioner

06-18-07
Date

Signature of attorney, if any