

AARON GUNCHES #145371  
APC-EYMAN/RUNNING  
P.O. Box 3100  
TOLSON, AZ. 85132

## ARIZONA SUPREME COURT

STATE OF ARIZONA,  
APPELLEE,  
VS.  
AARON GUNCHES,  
APPELLANT

AZ SUPREME CRT No. CR-13-0282-AP

MOTION: COMMUNICATION, AND  
PARTICIPATION/Self-REPRESENTATION,  
TRANSFER.

APPELLANT AARON GUNCHES ("GUNCHES") APPROACHES THIS COURT WITH  
**3** ISSUES, SEEKING RELIEF AS A PRO SE LITIGANT. THE ISSUES ARE AS FOLLOWS:

### COMMUNICATION

GUNCHES FILED HIS MOTION: ISSUANCE OF DEATH WARRANT WITH THIS COURT SEEKING TO HAVE HIS LONG-OVERDUE SENTENCE CARRIED-OUT. SINCE THAT INITIAL FILING, THIS COURT HAS FAILED TO NOTIFY GUNCHES OF FILINGS AND THE BRIEFING SCHEDULE IN A ADEQUATE FASHION AND CAUSING UNDUVE HARDSHIP, IN NOT ONLY BEING NOTIFIED OF WHATS REQUIRED, BUT IN HAVING TO FORMULATE AND SUBMIT FILINGS. SEEING NO OTHER OPTION, HE REQUESTED ADVISORY COUNSEL, IN ORDER TO BE KEPT INFORMED. NUMEROUS ISSUES HAVE ARISEN SINCE AND THE PROBLEMS STILL EXIST.

GUNCHES IS A INCARCERATED INMATE AT THE ARIZONA DEPARTMENT OF CORRECTION ("ADC") AND CAN ONLY COMMUNICATE WITH THE COURT AND ADVISORY COUNSEL THROUGH: THE ARCHAIC POSTAL SERVICE, LEGAL CALLS, OR LEGAL VISITS. THE POST OFFICE IS UNREASONABLE BY ITS INCREASINGLY SLOW PACE, FURTHER DELAYING COMMUNICATIONS; SETTING UP LEGAL CALLS ARE COMPLICATED BY THE ADC CO3'S OVERBOOKED SCHEDULING AND FREQUENTLY NOT GIVING ADVISORY COUNSEL PROMPT PLACEMENT; LEGAL VISITS REQUIRE ADVANCED REQUESTS AND CAN ONLY EVENTUALLY BE HELD ON

WEDNESDAYS. ALL THESE OPTIONS FURTHER DELAY GUNCHES' RIGHT TO INTERACT WITH THIS COURT, AS WELL AS ADVISORY COUNSEL. THE COURT HAS NOT BEEN GIVING GUNCHES THEIR NOTICES IN A TIMELY FASHION, AND WITH THE LAST NOTICE BEING PARTICULARLY EGREGIOUS: THIS COURT ON 2-17-23 ORDERED THAT THE ACLU AND ACLUAZ MUST SUBMIT THEIR BRIEF BY 2-21-23, AND THAT GUNCHES MUST RESPOND BY 3PM ON 2-23-23. GUNCHES RECEIVED THIS ORDER BY POST AT 11AM ON 2-23-23, EVEN IF GUNCHES HAD RECEIVED THE ACLU AND ACLUAZ BRIEFS (HE DID NOT), IT WOULD BE IMPOSSIBLE TO RESPOND BY THE COURT'S DEADLINE, JUST 4 HOURS LATER!

TO RESOLVE THIS ISSUE, GUNCHES REQUESTS THIS COURT TO SEND ALL NOTIFICATIONS, ORDERS, FILINGS TO HIS TABLET/"EMESSAGING" THROUGH: "SECURUSTECH.NET/GUNCHES #145371", AS A "ATTACHMENT." THIS METHOD OF COMMUNICATION GIVES HIM THE RIGHT TO RECEIVE NOTIFICATIONS ELECTRONICALLY, A RIGHT ALREADY GIVEN TO ALL THE OTHER PARTICIPATING PARTIES.

### PARTICIPATION (SELF-REPRESENTATION)

GUNCHES ASSERTED HIS CONSTITUTIONALLY PROTECTED RIGHT TO SELF-REPRESENTATION, NOT ONLY TO PURSUE HIS GOALS, BUT, TO ALSO BE THE ONLY VOICE HEARD REGARDING HIS DEFENSE.

IN RECENT PROCEEDINGS, THE ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE/"AACJ", PIMA COUNTY PUBLIC DEFENDER/"PCPD", AMERICAN CIVIL LIBERTIES UNION/"ACLU", AMERICAN CIVIL LIBERTIES UNION/"ACLUAZ", FEDERAL PUBLIC DEFENDERS OFFICE/"FPD", ALL TOOK PART. THESE ORGANIZATIONS ARE NOT ATTACHED TO GUNCHES' CASE, THEY HAVE NO ROLE BY GUNCHES' CHOICE, DUE TO THEIR AGENCIES BEING CONTRARY TO GUNCHES' PERSONAL GOALS. THEIR PARTICIPATION EFFECTIVELY NULLIFYS HIS RIGHT TO SELF-REPRESENTATION, WHICH SIMPLY CANNOT BE ALLOWED.

GIUNCHES PREVIOUSLY APPROACHED THE FPD INFORMING THEM THEY WERE NOT TO PARTICIPATE IN HIS CASE WITHOUT HIS CONSENT, FPD STATED THEY WOULD NOT (EX.#1 AND EX.#2) YET, THEY LIED, AS THEIR RECENT BRIEF PROVES.

GIUNCHES REQUESTS THIS COURT TO STRIKE FROM THE RECORD THE BRIEFS FILED BY: THE FPD, PCPD, ACLU, ACLUAZ, AND ANCIJ, AS WELL AS ANY OF THEIR FUTURE ATTEMPTS AT PARTICIPATION ON HIS CASE. ANYTHING LESS WOULD VIOLATE GIUNCHES' RIGHT TO SELF-REPRESENTATION.

### TRANSFER

CONTRARY TO POPULAR BELIEF, GIUNCHES HAS NOT CHANGED HIS "MIND" AND STILL WANTS HIS DP SENTENCE CARRIED-OUT. HE "GIFT WRAPPED" HIS CASE TO INSURE THAT WOULD HAPPEN, YET, HE HAS BEEN DENIED HIS RIGHT TO BE SENTENCED. THE LAWS OF ARIZONA HAVE BEEN IGNORED AND THE JUSTICE SYSTEM IS BROKEN, AT LEAST IN ARIZONA. THE PROOF OF THAT IS GIUNCHES' CASE: HE PLED GUILTY, REFUSED A LIFE SENTENCE, WAIVED ALL APPEALS, AND "VOLUNTEERED" TO HAVE HIS DP SENTENCE CARRIED-OUT, YET, HE HAS BEEN DENIED.

GIUNCHES REQUESTS THIS COURT TO TRANSFER HIM TO THE STATE OF TEXAS, WHERE THE LAW IS STILL FOLLOWED AND INMATES CAN STILL GET THEIR SENTENCES CARRIED OUT.

RESPECTFULLY SUBMITTED, MARCH 8, 2023.

Giunches

Sept 17

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Ex #1

Hello Mr Birch

Thank you for your recent response, regarding the LV. You said you couldn't schedule 9/5? Well, a slot was scheduled that day for me with you and 2 other people from FPD, but was later told it was cancelled. So, I'll see you in Oct.

Also, I really need you to write me back with a response regarding my directive of, "I do not give consent to nor authorize any filings to the Court regarding my case by the Federal Public Defenders Office, or the Ay Capital Representation Project." I need a Yes or No on if the FPD will abide by my wishes, so, please write me back ASAP. with a response.

Thank you,

Amches

Ex #2

Office of the  
**FEDERAL PUBLIC DEFENDER**  
for the District of Arizona  
**Capital Habeas Unit**

**Jon M. Sands**  
Federal Public Defender

**direct line:** 602-382-2816  
**email:** dale\_baich@fd.org

September 19, 2018

Rec: 9-24-18

Aaron Gunches, #145371  
ASPC – Florence – Central Unit  
P.O. Box 8500  
Florence, AZ 85132

Dear Aaron,

I received your letter dated September 17. I am looking forward to our visit.

~~No filings will be made in the federal court by the Office of the Federal Public Defender without your consent. I cannot speak for the Arizona Capital Representation Project.~~

Until October 3, take good care.

Sincerely,



Dale A. Baich, Supervisor  
Capital Habeas Unit

DAB/jw