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Phoenix, Arizona state
3 Pro Per

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5
6 SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

8 STATE OF ARIZONA,)
Plaintiff,) Case No.: CR-2008-006332-001DT
9 vs.) PETITION TO DISMISS
10 JOHN C. STUART,)
Defendant.)
11)
12)
13 John Stuart, Real Party in)
Interest/Third Party Intervener)
14)

15 Third Party Intervener appears specially and not generally and
16 petitions, in the nature of a motion, having already tendered bond(s)
17 to supersede all previous bonds in the original case, hereby petitions
18 this court to dismiss the charge proffered by plaintiff and captioned
19 as "COUNT 1: PRESENTMENT OF FALSE INSTRUMENT FOR FILING, CLASS 6
20 FELONY (JOHN CHESTER STUART)" on the grounds that the bonds were
21 accepted by the court and the judge signed the order to set aside all
22 previous bonds in case #CR2008-106594-001 DT. Furthermore, let the
23 record reflect that the reasons for tendering said Supersedeas Bond to
24 privately settle the penal sum was due to the following facts:

25 1) The prosecution has never demonstrated that the man known as
John Stuart was not engaged in self defense in accord with the
statutory requirements of both SB 1145 and A.R.S. 13-418 that require
that prosecution FIRST PROVE that the man known as John Stuart was NOT
engaged in self defense, and

2) that both the Maricopa County prosecuting attorney and
Detective Dalton failed to provide exculpatory witness testimony to
the Grand Jury that proves that the man known as John Stuart was
engaged in self defense, and

3) that the Maricopa County prosecuting attorney failed to
turnover the toxicology report of the deceased that allegedly now

1 demonstrates that the deceased was allegedly intoxicated with a blood
2 alcohol content of .19, and

3 4) that judge in case #CR2008-106594-001 DT was not protecting
4 the Rights of the man known as John Stuart by allowing activities
5 reminiscent of a "kangaroo court" to proceed without due process of
6 law and the overwhelming evidence that no crime was committed, and

7 5) that defense counsel had already charged the man known as John
8 Stuart in excess of USD \$100,000 in the first month of defense and had
9 not brought or motioned to bring and hold an evidentiary hearing to
10 establish that the man known as John Stuart was engaged in self
11 defense, thus establishing the fatal flaws in prosecution's case in
12 accord with the statutory requirements of both SB 1145 and A.R.S. 13-
13 418 that require that prosecution FIRST PROVE that the man known as
14 John Stuart was NOT engaged in self defense BEFORE charges could be
15 brought, and

16 6) The Supersedeas Bond was intended to allow the prosecution,
17 this court, judge, STATE OF ARIZONA and STATE OF ARIZONA Risk
18 Management Underwriters a graceful manner of disposing of case #
19 CR2008-106594-001 DT.

20 Also, the named defendant known as JOHN C. STUART, a grantor
21 trust, in accord with the 1997 Statutory Treaty with the United
22 Kingdom through the Social Security Administration with the man known
23 as John Stuart formerly operating as grantor, co-fiduciary and co-
24 beneficiary has been revested. Said trust PERSON had the UNITED STATES
25 ATTORNEY GENERAL operating as trustee in accord with the Trading with
the Enemies Act (1917) pursuant to 50 USC Appx 12, para 4. In accord
with Bl.Comm Vol. 1, Chap. 18, in February 2008, said grantor revoked
legal title from the trustee (USAG) and revested legal and equitable
title back to the grantor. Therefore, said person is now, (only)
existing as a transmitting utility. Therein, all trust res was to be
turned over to the grantor. It was not. Hence, the bonds and their
backing as the USAG was, and still holds the res in question. If,
however, this court will not honor this status, the man known as John
Stuart will be forced to notify FDIC in Dallas, Texas to terminate all
insurance relations therein and make the man known as John Stuart an
uninsurable person.

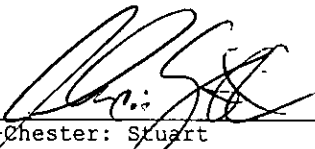
1 The charge in this instant case cannot stand on the grounds that
2 the forms known as 1099OID and 1040v are simply reporting forms for
3 the Supersedeas Bond and the Private Offset Bond tendered to both the
4 charging parties and the United States Secretary of the Treasury, Mr.
5 Paulson, in effort to settle the penal sum of case # CR2008-106594-001
6 DT. There was never an intention to defraud anyone. If the amount in
7 the 1099OID was mixed with the Private Offset Bond, Third party
8 Intervener apologizes. However, that issue is not relevant, as that is
9 an administrative matter for administrative resolution.

10 On the foregoing grounds Third Party Intervener respectfully
11 petitions this court to dismiss the charge in this instant case as
12 said charge is without merit, and appears to be a ploy by the
13 prosecution to force the man John Stuart into pretrial confinement so
14 that he will not be able to peruse remedy and accountability for the
15 many crimes committed against him by the prosecution. Therefore, the
16 county respectfully requests that the Constitution and its
17 County/COUNTY release Third Party Intervener.

18 Furthermore, Third Party Intervener reminds The Parties that with
19 the evidence currently in possession of Third Party Intervener and the
20 court, the murder case is moot as the evidence already demonstrates
21 that the man known as John Stuart was engaged in self defense, the
22 prosecution never held an evidentiary hearing required by SB 1145 and
23 A.R.S. 13-418 and both that case and this case are now considered
24 underwriting issues for future claims and settlement with STATE OF
25 ARIZONA Risk Management.

 Third party Intervener reminds The Parties that said future claim
continues to rise as having to wear an ankle bracelet and current
pretrial confinement violate the Rights of Third Party Intervener. As
one retired judge stated after reviewing the facts in the murder case,
"John, what we have here is not a crime, it is a tragedy."

Respectfully submitted this ____ April, 2008.



John Chester: Stuart
Third Party Intervener, Creditor