

IN & FOR

COUNTY OF MARICOPA

Superior Court of Arizona / STATE OF ARIZONA

)	Petition to
STATE OF ARIZONA)	Dismiss with Prejudice
Plaintiff,)	or in the Alternative
vs)	Modify Release Conditions
JOHN C. STUART)	as to allow Defendant
Defendant)	& prepare a proper
)	Propria Persona defense
John Stuart)	
Real Party in Interest /)	case # CR2008-006392-001 DT
Third Party Intervener)	

FILED 4:19pm
 APR 15 2008
 MICHAEL K. JEANES, CLERK
 BY [Signature]
 Deputy

John Stuart, the man, has all rights.
 Whereas Prosecutor Charbel has again
 committed malicious prosecution against
 John Stuart RPII/TPI to unlawfully detain
 John Stuart RPII/TPI to prevent him from
 preparing an adequate defense.
 Whereas Prosecutor Charbel has previously
 maliciously prosecuted John Stuart RPII/TPI,
 and previously unlawfully detained John Stuart RPII/TPI
 even after knowing the IRS never requested
 what Charbel requested the court do, in this
 instant case, pull bond, as evidenced by IRS
 letter in case CR2008-106594-001 DT,
 Whereas Prosecutor Charbel has suborned
 perjury and failed to inform a Grand Jury
 of applicable laws, in this instant case 13-418,
 in order to fraudulently obtain a "true bill,"
 in violation of Arizona law; and

Whereas Prosecutor Charbel has purposely withheld exculpatory evidence proving John Smart RPII/TPI's innocence, especially medical examiner and toxicology of the person who attacked John Smart RPII/TPI, and Whereas the previous acts by Prosecutor Charbel are prima facie evidence of her malum in se intent and willingness to commit felonious acts to continue her unlawful and malicious prosecution of an individual she knows is innocent and is only doing such to prevent John Smart RPII/TPI from being able to work on his own defense, and such behavior being even more evil and dangerous when committed under color of law by one designated and sworn to protect the very man she is committing felonious acts against.

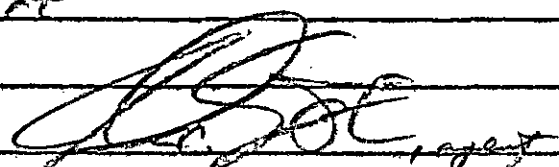
Thus, the following statements must be rebutted in affidavit form signed under penalty of perjury with facts, laws, and/or actual case precedents and not just statements of denial:

Prosecutor Charbel, et al, with malice aforethought, did purposely, with evil intent and acting under color of law did in fact, and accordingly the following claims have not been rebutted and thus stand as fact:

- 1) Cause a letter from the IRS to be misinterpreted as a guise to cause the issuance of a false arrest warrant; and
- 2) Suborn perjury, at the first Grand Jury, by Det. Daleon; and
- 3) Withhold exculpatory and other evidence from the first Grand Jury; and
- 4) Withhold the applicable law, 13-418 and its legislative intent, 5B1145, from the first Grand Jury; and
- 5) Threaten and harass defendant's attorneys by lying to said attorneys and claiming Judge Steale did not sign the document releasing John Stewart, the man, from any further liability; and
- 6) Is in dishonor by using force of arms and acting under color of law to falsely cause a settled matter to appear unsettled; and
- 7) Commit Contempt of Court by using a "sealed document" as an unsealed document; and
- 8) Coerce the court to violate the 72 hour limit on "unsealing" a document; and
- 9) Commit perjury at the Grand Jury by claiming the IRS 1099 OID is invalid; and
- 10) Purposely withhold exculpatory evidence from defendant yet released said evidence to media, in this instant case the medical examiner's and toxicology report; and

- 11) Has assisted another court employee known only as "Terri B" in unlawfully dispersing confidential information to a "group" of people that "want to hang Stuart" and have even scared one of Stuart's witnesses out of court, as stated by "Terri B"; and
- 12) Violated an order by the court prohibiting releasing information about the case and thus Prosecutor Charbel is in contempt.

The previous twelve (12) stand unrebutted and are irrefutable, thus they are prima facie evidence that Prosecutor Charbel, et al are acting under color of law with malicious intent to falsely prosecute and unlawfully detain a man she knows is innocent. Charbel's actions are malum in se and done with scienter; and this court should therefore act according to its duty to provide justice; and dismiss with prejudice this case; and release John Stuart, the man, forthwith directly from this court


Real Party in Interest
Third Party Intervenor