

FILED

08 APR 18 AM 10:27

1 John-Chester: Stuart  
2 c/o: 21001 N. Tatum Blvd.,  
3 Suite 1360472  
4 Phoenix, Arizona state  
5 Pro Per

6 *written while under unlawful detention without*  
7 *assistance of counsel or anyone else, solely and*  
8 *exclusively by the man, John Stuart, proving he is*  
9 *capable of handling his own affairs.*  
10 SUPERIOR COURT OF THE STATE OF ARIZONA  
11 IN AND FOR THE COUNTY OF MARICOPA

12 STATE OF ARIZONA,

13 Plaintiff,

14 vs.

15 JOHN C. STUART,

16 Defendant.

17 Case No.: CR-2008-006332-001DT

18 *Petition to Dismiss with*

19 *Prejudice for lack of*

20 *Due Process and*

21 *Failure to appear*

22 *fair and impartial and*

23 *Prosecutorial Misconduct*

24 John Stuart, Real Party in  
25 Interest/Third Party Intervener  
*having all rights*

Third Party Intervener appears and petitions, in the nature of a  
motion, *Specifically and not generally, to Petition this*  
*court, in the nature of a motion, to DISMISS*  
*WITH PREJUDICE FOR LACK OF DUE PROCESS*  
*AND FAILURE TO APPEAR FAIR AND IMPARTIAL.*

WHEREAS:

*I. Com. Lisa Vanderburg left her office when she*  
*unlawfully refused RPII/TPI to "handle his*  
*own affairs" thus unlawfully and without merit*  
*declaring a sane man composit dimentia; and*  
*ii) violated RPII/TPI rights by not "reading*  
*the charges into the record" and fraudulently*  
*claiming RPII/TPI is "attorney", which RPII/TPI*  
*does not know of, agreed to "waive said reading"*

1 which stands as prima facie evidence of Com.  
2 Vanderburg and said unknown attorney's conspiracy  
3 to violate RPII/TPI's human rights, under color  
4 of law; and

5 iii) Com. Vanderburg attempted to convert RPII/TPI's  
6 rights into privileges, in violation of numerous  
7 laws and S.C.O.T.U.S. decisions, as a means  
8 to continue the unlawful detention of RPII/TPI  
9 so RPII/TPI will be unable to prepare an  
10 adequate defense, as evidenced by numerous  
11 denials of access to required docs for RPII/TPI  
12 by INMATE LEGAL SERVICES, documents the  
13 court knows proves RPII/TPI, and any involved  
14 legal fictions, are innocent; and

15 iv) Com. Vanderburg, purposely and with malice  
16 forethought, as evidence by her previous decisions,  
17 violated RPII/TPI's due process process right  
18 by not having the one that accused RPII/TPI  
19 of said crime available at court to be "faced"  
20 by RPII/TPI as everyone has the right to "face  
21 their accuser" and thus invalidated the charges  
22 and indictment and caused dismissal with  
23 prejudice of all counts and all charges in all  
24 cases; and

25 v) Com. Vanderburg failed to show RPII/TPI  
any presentment for RPII/TPI to Accept  
or deny, see Acceptance under 3-410 of the  
U.C.C., thus fraudulently and with malice afore-

1 thought, denying the existence of an ACCEPTANCE  
2 BOND and thereby denying the existence of  
3 a Claim, for if there is no BOND there can  
4 not be a claim, which is an unlawful and  
5 heinous attempt to trick RPII/TPI into  
6 being guilty of a crime that was not  
7 committed; and

8 vi) Com. Vanderburg is well aware of 1) BID BOND(S)  
9 ; and b) ACCEPTANCE BOND(S); and c) PERFORMANCE  
10 Bond(s); and d) the like; and 2) the jails ability,  
11 desire, and benefit to prevent a propia persona  
12 man from obtaining required information to properly  
13 defend himself; and 3) the obviously lack of  
14 validity of the charge in this matter; and 4)  
15 that RPII/TPI is not actually "accused"  
16 of any crime; and

17 vii) Com. Vanderburg has dismissed this case  
18 by her acquiescence, see *TWEE v. U.S.*,  
19 by not informing RPII/TPI if this case  
20 is a Tort or a Commercial Crime; if the  
21 former the STATE is required to make known  
22 who the injured party is, the STATE can not be  
23 an injured party, and if the latter the  
24 STATE must prove the existence of, and  
25 provide a copy to RPII/TPI, the contract; and  
II Prosecutor Charbel has committed numerous  
heinous acts under color of law to continuously  
maliciously prosecute a man. Prosecutor Charbel

1 knows is innocent, RPII/TPI, and is furthering her  
2 unlawful acts by falsely detaining RPII/TPI  
3 to prevent him from being able to properly defend  
4 himself. Pros. Charbel's unlawful acts include  
5 without limitations: i) lying to a Grand Jury, for  
6 the second time in less than 2 months to indict  
7 the same man, by purposely and with malice  
8 aforethought leaving out the ORDER signed  
9 by Judge Sternle, said document was in the  
10 middle of the documents and must have been  
11 manually and purposely removed by Charbel,  
12 proving the documents Charbel claims are  
13 fraudulent are real; and - note:

14 a) such a heinous crime committed by a court  
15 officer is tantamount to treason and is  
16 grounds for immediate arrest of Charbel; and  
17 b) said crime has caused immeasurable damage  
18 to an innocent man; and

19 c) the court's failure to release RPII/TPI  
20 has caused them to be liable for Charbel,  
21 Vanderburg, et al. crimes; and

22 ii) Pros. Charbel did NOT BOND HER CLAIM,  
23 thus there is no claim, hence there is no crime,  
24 hence there is no case, hence RPII/TPI is  
25 a victim of kidnapping, a capital offence allowing  
for the death penalty, of Pros. Charbel, Con.  
Vanderburg, et al.; and

iii) Pros. Charbel has committed prior bad acts

1 of perjury, suborning perjury, evidence tampering,  
2 etc., in previous attempts to falsely detain  
3 and fraudulently convict RPII/TPI; and  
4 iv) Pros Charbel in a blatant attempt and thus  
5 prima facie evidence of her evil intent, malum  
6 in se, did release medical examiner and  
7 toxicology reports to the press almost one  
8 week before releasing said information to  
9 defense even after several previous requests  
10 by defense for such records. This with holding  
11 of such important exculpatory evidence was  
12 Pros Charbel's attempt to prevent the defense  
13 from supplying said information for a  
14 Grand Jury remand petition which is  
15 prima facie evidence of PROSECUTORIAL  
16 MISCONDUCT, in Charbel's case just  
17 standard operating procedure; and  
18 v) Pros. Charbel's numerous criminally heinous acts  
19 are prima facie evidence she knows RPII/TPI  
20 is innocent in this case and all the others she  
21 is fraudulently pursuing against RPII/TPI. Pros.  
22 Charbel's heinous acts are so numerous and  
23 continuous as to make a reasonable man believe  
24 she is personally attempting to use her authority  
25 and act under color of law to personally profit  
from the kidnapping and torture of RPII/TPI; and  
vi) Prima facie evidence exist for the following  
criminal acts, et al, of Pros. Charbel:

You must supply Forms 24, 25, 25A BY April 21, 2008 or you will be in Dishonor and MUST Remove RPII/TPI From your Property per U.R.C.

a) perjury; and b) suborning perjury; and c) withholding exculpatory evidence from the grand jury; and d) purposely removing evidence from a sealed document; and e) causing false detention; and f) kidnapping; and g) accessory to torture; and h) human rights violations; and i) committing felonious acts under color of law; et al; see §

A.R.S. §§ 13-2702 through 13-2707, 13-2802, 13-2804, 34-423; and USC 42 § 1983 and 18 § 1623 and § 1512, and

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: Articles 18, 26, 27; et al.

III The Maricopa County Jail is complicit in the crimes against RPII/TPI due to

- 1) failure to release RPII/TPI even after being informed RPII/TPI is innocent; and
- 2) repeated denial to supply RPII/TPI with copies of; a) BID BOND; and b) PERMANENT BOND, and c) PAYMENT BOND; et al;

General Services Administration part of General Accounting Office under the Comptroller General, Form numbers 24, 25 and 25A respectively; for case number: CR2008-006332.

3) Absent the presentation of said forms, RPII/TPI MUST BE REMOVED FROM COUNTY and/or STATE and/or FEDERAL property

(You have only 72 hours from this notice to cooperate or you are in dishonor and Must Remove RPII/TPI)

John Stuart, RPII/TPI