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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,

9 vs.

10 JOHN C. STUART,

Defendant.

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

) Petition to Determine
) Cause for Charge

) to be attached to:
) Petition For Clarification

11
12 John Stuart, Real Party in
13 Interest/Third Party Intervener
14 having all rights

15 Third Party Intervener appears and petitions, in the nature of a
16 motion, especially and not generally, to Determine
17 Cause for Charge in this matter.

18 WHEREAS 1) Pros. Charbel is again maliciously
19 prosecuting RPTI/IPT with no cause; and
20 2) Pros. Charbel, with malice aforethought, purposely
21 with held evidence from the Grand Jury, in this
22 instant matter the order signed by Judge Striente,
23 to obtain a fraudulent indictment; and
24 3) Pros. Charbel has knowingly and with evil intent
25 made false claims to obtain the fraudulent
indictment, said false claims being, without
limitations, Charbel claims:
A) The document was false:

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of
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- i) not knowing the document was not false; and
- ii) if the document was in fact false, Judge Stierle MUST be considered an accessory after the fact for signing the order; and
- iii) said "false forms" are readily available from the IRS website and office; and

B) The document was forged:

- i) yet Charbel was informed by Judge Stierle that he did sign the document; and
- ii) there were no forgeries connected with the document; and

C) Charbel must be falsely claiming "he" meaning RPII/TPI, filed the document;

- i) yet Charbel was informed in open court that RPII/TPI only signed the document; and
- ii) Charbel also knows it was a group of religious leaders, Rabbis and Ministers, who prepared the document; and
- iii) Charbel knows the document was lawfully and properly filed by "officers of the court" known as NOTARY PUBLIC; and

D) Pros. Charbel has conspired with the court to hide her illicit activities by repeatedly sealing and unsealing the documents. This procedure is nothing more than Charbel's attempt, under color of law, to use her authority to prevent other parties from discovering the one piece of evidence

1 That vindicates RPIT/TPI and is conclusive
2 evidence of RPIT/TPI innocence and
3 Charbel's guilt; and

4 s) Charbel is purposely falsely detaining
5 RPIT/TPI to:

6 i) appease the press; and
7 ii) further her career; and
8 iii) prevent RPIT/TPI from obtaining a
9 proper defense as Charbel knows
10 no Attorney in Arizona is competent
11 in Admiralty Jurisdiction.

12 b) Charbel can not provide to the court
13 any injured party and/or contract, thus
14 the charge is neither a TORT nor a
15 COMMERCIAL CRIME and therefore is not
16 a valid charge; and

17 c) the function of the Grand Jury "is to
18 investigate whether there is probable
19 cause to believe that a crime was
20 committed and whether the person under
21 investigation committed the crime." see:
22 State v. Cocorino County Superior Court
23 139 Ariz. 422, 424 & 428 P. 2d 1396, 1398 (1984)

24 i) no crime was committed, excluding Charbel's
25 destruction and/or withholding of evidence; and
ii) the person committing a crime is not
RPIT/TPI but Charbel and such crime is
done under color of law; and

8) Charbel has knowledge that defendants who are indicted by Grand Juries receive less protection than those indicted by Preliminary. Such is the reason Charbel chooses the Grand Jury. It is obvious to any reasonable person Charbel knew the defendant would use the page removed by Charbel from the document to invalidate all of Charbel's claims. Hence it is also obvious Charbel has used the court and her position of authority to unlawfully trick the court into indicting a man she knows is innocent.

9) Pros. Charbel used her ex parte advantage in violation of her oath and requirements of office to undermine the Grand Jury independence, yet the Grand Jury independence MUST remain inviolate or our whole system of justice loses the appearance of impartiality. Absent the appearance of impartiality the court must dismiss the case as demanded by a plurality of S.C.D.T.U.S. precedents. Charbel's use of ex parte to forsake and not protect rights is tantamount to malicious and improper influence, better defined as Prosecutorial misconduct. See *Trebus v. Davis* 189 A112, 621, 624-625, 944 P.2d 1235, 1238-39 (1997); *Crimmins v. Superior*

1 Court, 137 Ariz. 39, 43-44, 668 P.3d 882,
2 886 (1993); ARIZ. R. PRIM. P. 12.1-12.9; and
3 10) Charbel has for the second time in as
4 many months used her ex parte advantage
5 and palpable dominance to commit fraud
6 upon the court by:

- 7 i) committing perjury; and
- 8 ii) suborning perjury; and
- 9 iii) destroying evidence and or hiding evidence; and
- 10 iv) purposely misleading the Grand Jury;

11 Thus, with malice aforethought and under color
12 of law, violating A.R.S. §§ 13-2702-2707, 13-2802,
13 13-2804, 39-423 and U.S.C. 18 § 1623 & § 1512 and
14 42 § 1983, et al.

15 ii) Prosecutors owe a greater level of responsibility
16 to assure the defendant receives a fair presentation
17 of the evidence. As stated in "Trebis":

18 ... The interests of the prosecutor and the
19 STATE are not limited to indictment but
20 include serving the interests of justice; thus
21 the prosecutor's obligation to make a fair and
22 impartial presentation to the jury has long
23 been recognized.

24 12) Prosecutors have a duty to present "clearly
25 exculpatory" evidence to the Grand Jury; see
State v. Coconino County Superior Court (Mauro)
139 Ariz. 422, 225, 678 P.2d 1386, 1389 (1984)

1 See: Black's Sixth note; Gibson v. State 110 Idaho

1 13) It is no coincidence that the single piece
2 of exculpatory evidence is in fact the primary
3 piece of the incriminating evidence.

4 Charbel is using, yet removed from the
5 court's record and hidden from the Grand
6 Jury. Withholding exculpatory evidence is
7 criminal at the very least, but doing so
8 when not withholding would invalidate
9 the incriminating evidence, and both are
10 part of the same document is beyond
11 heinous and borders treasonous. The
12 consequence of such deceit has led to
13 an obviously innocent man being falsely
14 detained in what is known as one of the
15 worst jails in the country for an indefinite
16 period; and

17 14) Such heinous acts, being aggravated by the
18 fact they are continuous and repetitive, should
19 move this court to act forthwith. Charbel
20 has had RPII/TPI falsely arrested and detained
21 twice, bond raised, called to court numerous
22 times and purposely caused drastic financial
23 damage and irreparable emotional trauma
24 to RPII/TPI; and

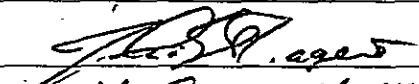
25 15) Pros. Charbel has even conspired with
one known as "Terri B", another officer of
the court, to scare one of RPII/TPI
witnesses out of court during a hearing.

1 as evidenced by "Terri b"'s statements
2 on a blog. Said witness is no longer willing
3 to testify on RPII/TPI's behalf. Witness
4 tampering and/or intimidation is malum in se
5 at best, but when done by an officer
6 of the court, especially a prosecutor it is
7 beyond reprehensible, and

8 1b) A basic requirement for this charge to
9 stand is "proof evident and presumption great",
10 yet the proof, when fully revealed, is evident
11 of RPII/TPI's innocence and the only
12 presumption is that Charbel is greatly
13 corrupt.

14
15 This challenge is proper under AZ Rules of C.P. 12.9,
16 and the Arizona and Federal constitutions, because the
17 prosecutor: 1) with malice, purposely withheld exculpatory
18 evidence to obtain the fraudulent indictment; and 2) has
19 a history of committing perjury and other high crimes
20 to maliciously prosecute and unlawfully detain RPII/TPI, and
21 such behaviors resulted in the STATE'S purposeful denial
22 of substantial procedural right, **MANDATING DISMISSAL**
23 **WITH PREJUDICE** and the **RELEASE OF RPII/TPI**
24 **FORTHWITH.**

25 Therefore RPII/TPI moves this court to dismiss with
prejudice and release RPII/TPI, John Stuart, the man,
forthwith.


John Stuart, the man

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3 SUPERIOR COURT OF THE STATE OF ARIZONA
4 IN AND FOR THE COUNTY OF MARICOPA
5

6 STATE OF ARIZONA,)

Plaintiff,)

7 vs.)

8 JOHN C. STUART,)

Defendant.)

Case No.: CR-2008-106594

ORDER TO SUPERSEDE AND RETIRE ALL
PREVIOUS BONDS

AND

RELEASE REAL PARTY IN
INTEREST/THIRD PARTY INTERVENER

9)
10 John Stuart, Real Party in)
11 Interest/Third Party Intervener)
12

13 The Court having read and considered Real Party in Interest/Third
14 Party Intervener's PETITION TO SUPERSEDE AND RETIRE ALL PREVIOUS BONDS
15 AND RELEASE REAL PARTY IN INTEREST/THIRD PARTY INTERVENER and being
16 fully advised in the premises and good cause appearing therefore;

17 **IT IS HEREBY ORDERED** that Real Party in Interest/Third Party
18 Intervener's bonds shall supersede all other bonds in this case; and

19 **IT IS HEREBY ORDERED** that Real Party in Interest/Third Party
20 Intervener, John-Chester: Stuart, the man, is hereby ordered released
21 from any further liability.

22 DONE IN OPEN COURT this March 24, 2008.

23 
24 Judge
25