

MICHAEL JEANES, CLERK  
DEP

BY *K. Sullivan*

FILED

08 MAY -1 AM 7:30

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

6 SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 ~~STATE OF ARIZONA,~~

~~Defendant~~

9 vs.

10 JOHN C. STUART, a legal fiction

~~Defendant~~

11 and not existing in nature

12 John Stuart, Real Party in

13 Interest/Third Party Intervener

14 having all rights and is a "natural person", living, breathing, human being that  
can bleed and feel pain as evidenced by the physical torture issued by guards.

15 Third Party Intervener appears and petitions, in the nature of a

16 motion, especially and generally, for a writ of Habeas Corpus and

17 subiiciendum for John Stuart, the man, RPII/TPI

18 who is separate from JOHN C. STUART, Defendant,

19 a legal fiction.

20 WHEREAS, Prosecutors Criminal has, with

21 malice aforethought, 1) maliciously prosecuted

22 JOHN P. STUART on a plurality of occasions; and

23 2) Violated several laws and Arizona and

24 federal constitutional protections for individuals

25 and/or estoppels against government; and

3) caused Stuart, the man, RPII/TPI to be

fakely detained on a plurality of occasions; and

4) caused Stuart, the man, RPII/TPI to be

) Petition for a writ of  
) Case No. CR-2008-006332-001DT

) Habeas Corpus ad  
) subiiciendum

) CR 2008-006332-001

1 tortured, according to the definition of torture  
2 under International law and by the World  
3 Court and Geneva Convention and Nuremberg  
4 decisions; in violation of the Hague Treaty  
5 and International Convention on Human Rights  
6 and 42 U.S.C. § 1983, et al.

7 Types of Torture used at MARICOPA COUNTY  
8 Jail, a private for profit corporation as  
9 noted in Dixon & Bradstreet and the  
10 Arizona Comprehensive Annual Financial  
11 Report:

12 i) sleep deprivation, guards purposely  
13 waking Stuart, the man, at approx 3:00 a.m.  
14 to obtain a "name and signature" under  
15 false pretense; and

16 ii) starvation, jail purposely withheld  
17 food from Stuart, the man, for over  
18 24 hours and when food was given to  
19 Stuart, the man, guards only allowed him  
20 to take two (2) bites; and

21 iii) starvation, International Treaties on  
22 Human Rights require ALL DETAINEES  
23 to be fed three (3) times per day  
24 during waking hours with less than  
25 five (5) hours between each meal; and

iv) unsafe and inhumane conditions, guards  
repetitively and as a normal course  
of business place detainees in

Ⓢ Sheriff Arpaio only allows 2 meals per day.

rooms less than 10 feet by 20 feet and well under 200 square feet for several hours and stand at the windows of said rooms and taunt and laugh at detainees;

a) RPII/TPI on numerous occasions has been placed in said rooms with over fifty (50) other detainees and on two (2) occasions with over seventy (70) other detainees,

\* equating to less than 3 sq ft per man

b) said rooms have a single toilet and normally do not have toilet paper and never has RPII/TPI seen soap or any hygiene products in such rooms.

v) contaminated and polluted conditions,

the duct work through west side 4th Ave soil is contaminated with "mold", possibly "Black Mold" a highly dangerous fungi known to be a health risk and often life threatening; and

5) Inmate Legal Services has unhelpfully refused to supply the repetitively requested documents to RPII/TPI by claiming RPII/TPI was an attorney, a false claim and for I.S.S. can not obtain said documents. The former is evidence of Com. Warden's and Prosecutor Charbel's conspiracy to violate Stuart, the man's

1 human rights. The later is proof positive  
2 of Prof. Charbel's plan to prevent Stuart,  
3 the man, from preparing an adequate defense; and  
4 c) Judge Stienle signed an order releasing  
5 John Stuart, the man, from any further  
6 liability, accordingly the court MUST  
7 ACKNOWLEDGE WHO THEN IS IN  
8 CUSTODY AND WHO HAS BEEN  
9 CHARGED.

10 i) it appears the legal fiction, JOHN P. STUART,  
11 is the one charged, yet John Stuart, the man,  
12 RPII/TPI, is the one in jail; and

13 ii) No one, including without limitations, this court,  
14 Charbel, Vanderburg, Stuart, Thomas and/or  
15 any other natural person knows the whereabouts  
16 of JOHN P. STUART, the fiction.

17  
18 This writ extends to all constitutional  
19 challenges: see Fay v. Noia 372 U.S. 391,  
20 83 S. Ct. 822, 9 L. Ed. 2d 83.

21 This writ is to release a man from unlawful  
22 imprisonment: see People ex rel. Luciano v. Murphy,  
23 160 Misc. 573, 290 N.Y.S. 1011

24 Evidence of prosecutorial misconduct and  
25 an almost complete absence of required  
due process in all cases ~~vs~~ STATE and  
Charbel have brought against JOHN P. STUART  
and/or John Stuart, the man, requires

1 the court to apply: Ex parte Presnell, 58 Okl. Co 50,  
2 49 P. 2d 232.

3 This writ is guaranteed by:

- 4 i) Originally, the first Magna Carta of 1212; and
- 5 ii) Treaty of Paris of 1781; and
- 6 iii) Several International Treaties, including  
7 without limitations, Hague, Human Rights,  
8 United Nations, etc.; and
- 9 iv) United States Constitution Article I § 9; and
- 10 v) Arizona's Constitution Article 2 § 14
- 11 vi) A.S. Article 26 § 13-4121; et seq. 23-47.

12  
13 The existing bond is adequate under statute  
14 and is reasonable to allow RPII/TPI to be  
15 released as previously decided in open court  
16 and in the nature of A.R.S. § 13-4124.

17  
18 Accordingly, John Stewart, the man, has been unlawfully  
19 imprisoned by rogue and possibly insane prosecutor  
20 Charabel who has committed numerous heinous acts of  
21 PROSECUTORIAL MISCONDUCT to purposely deny  
22 John Stewart, the man, due process; and John Stewart,  
23 the man, has been released from any liability  
24 in the matter that JOHN C. STEWART, the fiction,  
25 was charged.

No Accuser has come forward to face John Stewart,  
the man; the STATE can not be the accuser.

1 THEREFORE, this court MUST in the  
2 interest of justice, release John Stuart,  
3 the man as he has no liability in this matter,  
4 was not given proper due process, there is  
5 no accusation in this matter, and John Stuart,  
6 the man, is being held in place of JOHN C. STUART  
7 a fiction, by the rogue Prosecutor Charbel for  
8 personal and illicit gain, by unlawful means,  
9 and for unlawful reasons.

10  
11 §13-4122 Requirements:

12 Place: MARICOPA COUNTY 4th Ave. Jail 3B14  
13 201 S. 4th Ave Phoenix Arizona

14 Detainer: Sheriff Joe Arpaio

15 Causes of Detention: Prosecutor Susie Charbel  
16 A.G. Andrew Thomas  
17 Commissioner Lisa Vanderburg

18 Other Co-conspirators: Det. Dalea, officers of the Phoenix  
19 Police Department, Maricopa County  
20 Deputies and Detention Officers

21 Imprisonment is illegal pursuant to lack of due process,  
22 prosecutorial misconduct, violations of ARS § 13-2702 thru  
23 13-2707, 13-2802 & 2804, 18 USC, & 42 USC § 1983, et al.

24 Pursuant to § 13-4124 John Stuart should be released  
25 forthwith.

*[Signature]*  
John Stuart, the man

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