

FILED

08 MAY -5 AM 10:30

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

6 Be it known, John Stuart, the man, has been and is being tortured,
7 as defined by Black's Law Sixth p. 1490. Said torture has been
8 documented and the court duly informed, yet the court has
9 refused to act in response to save the victim, John Stuart.

SUPERIOR COURT OF THE STATE OF ARIZONA

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 include, without
limitations, court records
and/or documents as
exhibits and/or evidence

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, ① specially and not generally, to include without
17 limitations, court records and/or documents as
18 exhibits and/or evidence.

19 Definitions: Black's 6th / Webster's Unabridged
20 Torture: to inflict pain to BODY or MIND ...;

21 Including: within statute is interpreted as a word
22 of enlargement ... as well as ... limitation;

23 Trick: ... intended to deceive or cheat

24 The previous definitions are intended for
25 clarification for the court and/or jury if
necessary, so as to prevent Prosecutor Charbel,
a person who has recently "tricked" a plurality
of grand juries, by distorting said definitions.

1 The following Exhibits are court documents
2 and as such are part of the courts record.
3 All of the Exhibits were either written
4 and/or read by Prosecutor Charbel and accordingly,
5 Pros. Charbel is fully aware of the intent and
6 contents of each. Thus, the statements
7 contained in said Exhibits are prima facie,
8 irrefutable and thus an issue of law only.
9 Pros. Charbel's purposeful withholding of
10 the information from the grand jury is
11 additional evidence of Pros. Charbel's evil
12 intent to use the grand jury in furtherance
13 of Pros. Charbel's unlawful and Malicious
14 Prosecution of John Stuart to unlawfully
15 imprison and torture John Stuart and to
16 prevent Stuart from preparing an adequate
17 defense.

18 I) Exhibit I:

19 A) "prepared and filed by Rabbi Rice"

20 Prima facie evidence. Pros. Charbel had the
21 requisite knowledge and evidence to conclude
22 Stuart did not prepare and did not file the
23 documents in question, yet Pros. Charbel again
24 lied to the grand jury to fraudulently obtain
25 an indictment against Stuart; and

Pros. Charbel purposefully with malice forethought
withheld "clearly exculpatory" evidence
from the grand jury; and

1 with holding clearly exculpatory evidence
2 is a violation of due process of law
3 and is grounds for dismissal. see:

4 Trebus v. Davis 187 Ariz 621 (1997)

5 *Crimmins v. Superior Court* 137 Ariz 668 (1983)

6 *AZ v. POCOMINO COUNTY* 139 Ariz 478 (1984)

7 *US v. Sanders* 862 F.2d 79 (4th Cir. 1988)

8 *US v. KAHAN* 806 F.2d 18 (2nd Cir. 1986)

9 *Rosario v. Kuhlman* 839 F.2d 918 (2nd Cir. 1988)

10 *US v. Detrich* 865 F.2d 21 (2nd Cir 1988)

11 *US v. Bowen* 421 F.2d 193 (4th Cir 1970)

12 *US v. Locke* 642 F.2d 715 (4th Cir 1981)

13 *US v. Peak* 856 F.2d 825 (7th Cir 1988)

14 *US v. Shearman* 891 F.2d 691 (9th Cir 1989)

15 *US v. Gillespie* 852 F.2d 475 (7th Cir. 1988)

16 and especially: *US v. Einstein*, 731 F.2d 1540

17 (11th Cir. 1984) "the exclusion of evidence regarding
18 reliance upon the advice of an attorney in a currency
19 transaction prosecution caused a reversal"

20 also: *US v. Lueben* 812 F.2d 179, 181 (5th Cir 1987)

21 "we find it difficult to understand why this
22 testimony would not confuse the jury when offered
23 by the government but would confuse the jury
24 when offered by the defendant."

25 also: *Canon v. Cole* 208 Ariz (Ce App 2004); and
B) "was not prepared or filed by Defense Counsel",

This statement is perjurous as the Defense
counsel had recused themselves and the

Defendant and/or Stuart had not contracted

1 with now counsel until after said documents
2 had been filed with the court. Pros. Charbel
3 and Judge Steinko were well aware of
4 such, thus the statement and the striking
5 of the pleadings are prima facie evidence
6 of conspiracy by officers of the court
7 to deny due process of law and other
8 constitutionally guaranteed rights to
9 Sowat, the man, et al; and

10 II) Exhibit 2

11 A) "and all accompanying documents" has the
12 obvious intent of being inclusive of "all"
13 of the documents. No reasonable person
14 could mistakenly believe such a statement
15 meant to purposely exclude the clearly
16 exculpatory evidence of Judge Steinko's
17 signed Order. Such behavior is such a
18 flagrant disregard for the law's requirement
19 of "fair and impartial" and "due process"
20 it is inexcusable and criminal. If Pros.
21 Charbel's intent is to have this court
22 believe that by simply not listing
23 clearly exculpatory evidence the Prosecution
24 is not required to show it to the grand
25 jury then Pros. Charbel must surely
believe the grand jury is strictly an extension
of the Prosecutor's office and not an
independent investigatory body as defined
by law; and

1 B) "including" one of the most lame and out
2 right in American legal "tricks" used by
3 unscrupulous and immoral Prosecutors to
4 obtain convictions against innocent people,
5 especially used by Prosecutors against
6 "laymen in propria persona." Pros. Charbel
7 is obviously well aware of the definition
8 of "including" as being useful in "excluding"
9 what is not "included" and thus the
10 simple absence of "without limitations"
11 or a similar phrase is prima facie
12 evidence of Pros. Charbel malum in se
13 intent to fraudulently obtain an indictment
14 to wrongfully imprison Stuart; and

15 III) Exhibit 3'

16 A) "JOHN CHESTER STUART" a legal fiction and
17 an intangible item not a physical manifestation
18 and an entity separate from John Stuart, the
19 man. Pros. Charbel is fully aware of the
20 difference between JOHN CHESTER STUART
21 as legal and John Stuart the human being.
22 Pros. Charbel has purposely, with malice
23 aforethought, in violation of Charbel's POND,
24 with evil intent, once again confused the
25 court to unlawfully imprison a man, John
Stuart, for the fraudulent allegation of
crimes committed by JOHN CHESTER STUART,
an entity incapable of anything physical
and not replaceable by John Stuart; and

1 R) "he knew to be false or forged", which neither
2 is correct. The documents in question are
3 not false as they are correct in form and
4 function. If they contain any accounting
5 errors such are administrative in nature
6 and require an administrative remedy. Converting
7 such administrative issue to a crime by
8 using authority is a fraud not done
9 under color of law and more correctly
10 a "Misprison", see US v. Perlstein C.C.A.N.J.,
11 126 F.2d 789, 798; and the refusal of the
12 officers of the court to act against and
13 conceal said fraud makes their contemptuous
14 acts rise to the level of "Misprison of felony"
15 see: Id; and U.S. v. Ciambone, (C.A. Nev., 750
16 F.2d 1416, 1417)

17 Such is a violation 18 U.S.C.A. § 4

18 Charbel's unlawful acts are also violations
19 known as:

20 i) Obstructing Justice 18 USCA § 1501 et seq.)

21 a) Toledo Newspaper Co. v. US 247 US; and

22 b) Black's p. 1077; and

23 c) Model Penal Code § 242.1 et seq.; and

24 ii) Misprison of treason 18 USCA § 2382

25 iii) Withholding of evidence 18 USCA § 1506, 1512

iv) Black's 6th p. 1602

"or to remove records, ... knowing in the
grand jury;

b) Commonwealth v. Russo 177 Pa. Super

1 iv) Suppression of evidence

2 a) Black's Lch p. 1440

3 "IN ROLE THAT SUPPRESSION BY THE
4 PROSECUTION OF MATERIAL EVIDENCE
5 FAVORABLE TO AN ACCUSED ON
6 REQUEST VIOLATES DUE PROCESS."

7 see: U.S. v. Natale (A.N.Y., 526 F.2d 1160, 1170.)

8 iv) Exhibit 4

9 A) see exhibit 1 A explanation; and

10 B) see exhibit 1 B explanation; and

11 C) - listed documents are absent the

12 "clearly exculpatory evidence" proving
13 Pros. Charbel purposely, with malice
14 aforethought, used only a specific portion
15 of the documents to confuse the grand
16 jury and unlawfully used Charbel's
17 authority to conceal all evidence
18 vindicating John Stuart. The MOTION,
19 if done in the interest of justice and
20 not simply a ruse to unlawfully imprison
21 Stuart would have simply listed part
22 (A) "all accompanying documents and not
23 contained (B) and (C). Said MOTION is
24 in itself prima facie evidence of Pros.
25 Charbel's intent as Pros. Charbel must
have gone through the document to remove
the "clearly exculpatory evidence" and write
the MOTION accordingly.

1 v) Exhibit 5

2 Evidence of Prof. Charbel's unsealing and
3 resealing documents which Charbel has done
4 repeatedly. AL Shearer, a Phoenix Police
5 Officer is not educated in Admiralty Law
6 and is by no means capable of forming an
7 educated opinion of the documents. Asking
8 Shearer to give an "expert opinion" on
9 said documents is similar in nature to
10 asking a landscaper to diagnose a neurological
11 disorder. Shearer has no education,
12 foundation and/or experience with such
13 and any claim Shearer may make to the
14 validity of said documents must be signed
15 under penalty of perjury so Shearer may be
16 held criminally responsible for any false
17 statements.

vi) Prosecutor Cherbel has committed and/or assisted in the commission of the following unlawful acts to unlawfully imprison and/or detain and torture John Stuart, the man:

Note: the most frequent tortures at 4 Ave Jail

i) lockdown: unnecessarily keeping prisoners in the cell for 16 hours everyday with no reason even though the day room access was designed for all prisoners to have all day access; and

ii) oxygen deprivation and carbon dioxide poisoning: this is accomplished by locking extremely large numbers of prisoners in a small completely enclosed space for extended periods of time. In a matter of minutes the room fills with CO_2 from the prisoners exhaling and shortly thereafter the prisoners become light headed and cognitive ability soon

diminishes. The prosecution uses this technique to get the temporarily "entranced" prisoners to sign plea agreements.

This torture is very similar in effect, pain and terror as a similar form of torture recently made public called "waterboarding." ¹

iii) starvation: prisoners are fed disgusting and often inedible and outdated food and only fed twice per day. Any

1 started by prisoners to eat later is confiscated.
2 The jail and Arpaio has used the torture
3 to increase profits by "allowing" the prisoners
4 to buy "extra food" from Arpaio's store.
5 The constant use of starving prisoners to force
6 them to buy food is heinous and in violation
7 of International Treaties. *2

8 Note: *1 & *2: the acts of "gassing prisoners" and
9 "starving prisoners" were internationally
10 outlawed after WWI and again
11 after the Nuremberg trials after
12 WWII. Gassing and starving of
13 prisoners were Hitler's most used
14 means of Genocide. Hussein was
15 also convicted and hung for gassing
16 civilians.

17 Note on prisoners: the prisoners being tortured are
18 actually civilians by definition
19 as they have neither been tried
20 nor convicted and are therefore
21 not "convicts". A percentage of
22 the enforcers of the torture will
23 be discovered to be innocent and
24 only falsely arrested. Thus, by
25 allowing Arpaio to continue, we have
become a society that tortures
innocent people into false
confessions. "Heil Arpaio?"

1 Pro. Charbel a) has committed perjury on two (2)
2 occasions to two (2) grand juries to fraudulently
3 obtain two (2) indictments against Stuart;
4 b) Suborned perjury at the same; and
5 c) purposely withheld "clearly exculpatory evidence"
6 at same; and
7 d) released autopsy and toxicology reports to the
8 press almost a week before releasing such
9 to Stuart even after repeated request for such
10 by Stuart and counsel; and
11 e) made or assisted in making press releases and
12 statements about Stuart to the media that
13 were false, prejudicial and unfounded; and
14 f) knowingly filed these false charges against
15 Stuart as evidenced by Charbel's Motion
16 being absent the "clearly exculpatory evidence"
17 proving Charbel knew that none of the
18 four (4) elements of ARS 39-161 had been
19 met and therefore there is no crime; and
20 g) Failed to BOND the CLAIM and absent a BOND
21 there can be no CLAIM, absent a CLAIM there can be
22 no CHARGE, absent a CHARGE Stuart is
23 unlawfully imprisoned without charges, known
24 as an act of PIRACY, see 18 USC § 1651; and

* Abbreviated list of laws Pros. Charbel
has violated that Stuart has evidence of:

1) A.R.S. §§ 13-2702 through 2707
13-2802 & 2804

2) INTERNATIONAL CONVENTION ON CIVIL AND
POLITICAL RIGHTS: Articles 18, 26, 27, et al.

3) UNITED STATES CODE:

18 USC §§ 4 & 37 & 112 & 113 & 201 & 371 & 872 &
876 & 911 & 992 & 1201 & 1340 & 1503 &
1503 & 1506 & 1509 & 1512 & 1513 & 1519 &
1581 & 1583 & 1589 & 1590 & 1510 & 1621 &
1622 & 1623 & 1651 & 1658 & 1962 &
2381 through 2381 & 3499, et al.

42 USC § 1983

4) U.S. Constitution Article VI, section 2, and
Amendments 1, 4, 5, 6, 8, 9, 10, 13, 15.

Evidence includes, without limitations,
Charbel's own statements in two (2)
grand juries, several hearings, MOTIONS,
media releases, etc. Said evidence is
either part of the court record and/or
has been recorded publicly and may be
used against Charbel pursuant to Arizona
and federal rules of Criminal Procedure.

Statement to Clarify Petition:

Judge Stearns signed an order, Exhibit 6, releasing John Stuart, the man from any further liability. Said order was part and parcel of a document entered into court as a single document and thus the removal of the ORDER was a felonious act committed by Charbel to destroy the integrity of the evidence. Charbel's removal of a Judge's signed order to trick a grand jury into indicting an innocent man is beyond reprehensible and pursuant to Title 18 of the U.S. Code is treasonous and considered an act of Piracy.

Charbel's criminal actions have had the effect of removing the "NOT" from "NOT GUILTY," as the Judge's signed Order would have convinced the grand jury of the fact the documents were valid, instead of Charbel's perjurious statements deceiving the grand jury into falsely believing the documents were false.

Charbel's trickery and deceit has for the second time in three (3) months caused John Stuart, the man, to be unlawfully imprisoned and repeatedly tortured.

Charbel's actions are malum in se and done with malice, aforethought, as evidenced by Charbel's own statements, actions and the fact Charbel has in three (3) months committed acts against Stuart three (3) times.

1 It appears that there is no end to the unlawful
2 acts and evil intentions of Charbel. Charbel
3 has continuously and relentlessly used her
4 authority to unlawfully harass and
5 Maliciously Prosecute a man Charbel knows,
6 by the evidence Charbel hid from the grand jury,
7 "has no liability" in said matter and is
8 therefore not to be pursued by Charbel.

9 The unlawfully imprisonment of Stuart
10 by Charbel is in a facility, operated similarly
11 to a third world torture chamber. Civilians
12 that have not been convicted, or even tried,
13 are constantly "locked down" for more than
14 sixteen (16) hours per day, purposely starved,
15 and even "gased", almost into unconsciousness,
16 on a regular basis. 4th Ave jail is not by
17 any definition a jail, it is an insult to
18 the constitution and everything this
19 country stands for.

20 Charbel is obviously well aware of the
21 conditions of the 4th Ave jail and is
22 therefore an accessory to the acts of
23 torture committed at the jail against
24 Stuart.

25 John Stuart, the man, hereby charges Charbel
with Piracy, treason and acts of torture, and
Commands this court to convene a grand jury
to indict Charbel accordingly.

1 WHEREFORE, this court has been given this
2 and numerous other Petitions attesting to the
3 heinous and malicious acts of Pios Charbel
4 and her boss, county attorney Andrew Thomas.
5 It should be quite clear to the court that
6 Charbel and Thomas have no intention of
7 following the law and/or allowing the required
8 due process of law to protect Stuart's God
9 given rights. C.A. Thomas has numerous BAR
10 complaints and a history of usurping laws and
11 trampling people's rights. Thomas is obviously
12 having Charbel persecute Stuart so Thomas
13 can receive some positive press to counter
14 the negative press Thomas received from
15 another fraudulent indictment against
16 innocent people from the "New Times"
17 newspaper. see Exhibit 7.

18 John Stuart has been unlawfully imprisoned
19 for approximately one month with no end in
20 site. Stuart endures daily torture that even
21 a convicted and guilty man should not be
22 subjected to. Such being worse in Stuart's
23 case as Stuart knows he is innocent. It
24 is obvious the court and Charbel are also
25 aware of Stuart's innocence as neither
would have violated "due process" so egregiously
if there was any actual evidence of guilt.

The court's lack of action in this
matter makes it culpable for the torture

1 of Stuart, and criminally and civilly liable
2 for any and all physical and/or psychological
3 injury to Stuart. Although there is no amount
4 of money that could compensate Stuart
5 for what he has wrongfully had to endure,
6 the courts have decided the amount to be
7 approximately \$1.75 million per day see:

8 a) TREZEVANT v. CITY OF TAMPA 741 F.2d 336 (11th Cir.
9 1984) Motorist illegally held for 23 minutes
10 on a traffic charge was awarded \$25,000 in
11 damages; and

12 b) SAUNDERS v. ENGLISH 950 F.2d 1036 (6th Cir. 1992)
13 false arrest, illegal detention and malicious
14 prosecution are recognized as causes of action
15 under 42 USC § 1983; sets foundation for
16 \$75,000/hour or \$1.8 million per day

17
18 Stuart has been unlawfully imprisoned and
19 tortured since April 9, 2008 almost 30 days,
20 amount to damages owed to Stuart by Thomas,
21 Charbel, Arizona, et al at approximately
22 \$50 million. It is doubtful that Thomas and/or
23 Charbel's surety Bonds will cover the full
24 amount and accordingly they are personally
25 liable for the remainder. Forms for settlement
are being issued to the ARIZONA OFFICE OF
RISK MANAGEMENT and may be added/added
to include other officers of the court.

1 It is extremely important to Stuart to settle
2 and close this matter forthwith so Stuart
3 may be released from his unlawful imprisonment
4 and returned to his family, who are obviously
5 also suffering, and may have additional issues
6 of TORT against the offenders.

7
8 THEREFORE, in the interest of justice
9 this court must immediately release
10 Stuart and settle and close this matter.

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25
John Stuart, owner

5-3-08

Page 17
of
27

Exhibit I

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
03/28/2008 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-106594-001 DT

03/26/2008

HON. ROLAND J. STEINLE

CLERK OF THE COURT
L. Rubalcaba
Deputy

STATE OF ARIZONA

SUSIE CHARBEL

v.

JOHN C STUART (001)

DAVID M CANTOR

VICTIM SERVICES DIV-CA-CCC

STATUS CONFERENCE

8:58 a.m. This is the time set for a Status Conference.

State's Attorney:	Susie Charbel
Defendant's Attorney:	David Cantor
Defendant:	Present
Court Reporter:	Kristen Brown

The State indicates that they have complied with their disclosure to Defense Counsel.

Defense Counsel states that they have not received the Grand Jury Transcripts.

LET THE RECORD REFLECT the Court has received a Memorandum in Support of Petition to Supersede and Retire all previous Bonds and Release Real Property in Interest/Third Party Intervener prepared and filed by Rabbi Rice. (A)

The Court finds that the Memorandum was not prepared or filed by Defense Counsel; the Court will strike the pleadings. (B)

LET THE RECORD REFLECT the Memorandum and its attachments have been sealed.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-106594-001 DT

03/26/2008

IT IS ORDERED affirming the Status Conference set for April 25, 2008 at 8:30 a.m. in this division, before Judge Steinle.

LAST DAY REMAINS: 08/18/2008.

IT IS ORDERED affirming the defendant's prior release orders.

9:04 a.m. Matter concludes.

Exhibit 2

Susie Charbel
Deputy County Attorney
Bar ID #: 018270
MCAO Firm #: 00032000
301 West Jefferson, Suite 400
Phoenix, AZ 85003
Telephone: 602 506-5780
Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,)	
)	
Plaintiff,)	
vs.)	
)	
JOHN CHESTER STUART,)	NO. CR 2008-106594-001-DT
)	
Defendant.)	ORDER
)	
)	(Assigned to Honorable
)	Roland Stein, Saj06)
)	

IT IS HEREBY ORDERED that document titled PETITION TO SUPERCEDE BOND AND RETIRE ALL PREVIOUS BONDS AND RELEASE REAL PAERTY IN INTEREST/THIRD PARTY INTERVENER and all accompanying ^(A) documents, including: ^(B) SUPERSEDEAS BOND, IRS 1040V IRS 1099-OID FORMS, NOTARY'S CERTIFICATE OF SERVICE, AND PRIVATE CORRESPONDENCE: DECLARATION OF INTENT AND METHOD OF

AUTHENTICATION be unsealed.

Date this 9th day of April, 2008.

The Honorable Roland Steinle
Judge of the Superior Court

Exhibit 3

MICHAEL K. JEANES, CLERK
BY *D. Markling* DEP
FILED

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

08 APR -8 PM 3: 53

Susie Charbel
Deputy County Attorney
Bar Id #: 018270
301 West Jefferson, 4th Floor
Phoenix, AZ 85003
Telephone: (602) 508-5780
MCAO Firm #: 00032000
Attorney for Plaintiff

DR 200800003 - Maricopa County Attorney's Office
CA2008014058

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

JOHN CHESTER STUART,

Defendant.

CR 2008 - 0 0 6 3 3 2 - 0 0 1 DT

442 GJ 400

INDICTMENT

COUNT 1:

PRESENTMENT OF FALSE INSTRUMENT
FOR FILING, A CLASS 6 FELONY
(JOHN CHESTER STUART)

The Grand Jurors of Maricopa County, Arizona, accuse JOHN CHESTER STUART, on this 8th day of April, 2008, charging that in Maricopa County, Arizona:

COUNT 1:

JOHN CHESTER STUART, on or about the 26th day of March, 2008, acknowledged, certified, notarized, procured, or offered to be filed, registered, or recorded in the Maricopa County Superior Court, a public office in this state, IRS form 10-40 V & IRS form 1099-OID, an instrument he knew to be false or forged, which, if genuine, could be filed, registered, or recorded under any law of this state or the United States, or in compliance with established procedure, in violation of A.R.S. §§ 39-161, 13-701, 13-702, 13-702.01, and 13-801.

A True Bill
("A True Bill")

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

Date: April 08, 2008

sc /s/ Susie Charbel
/s/ SUSIE CHARBEL
DEPUTY COUNTY ATTORNEY

Stephanie Lowell
STEPHANIE LOWELL
FOREPERSON OF THE GRAND JURY
Rec A Robison

SC:ar/AO

COURT INFORMATION SHEET (CIS)

County Attorney Case Number: CA2008014058

Filing ID Number: CA2008014058-1

STATE v. JOHN CHESTER STUART

Defendant's Last Known Address: 3540 East Expedition
Phoenix, AZ 85050

Defendant's Employer: UNKNOWN

Defendant's Attorney: Public Defender

DEFENDANT'S DESCRIPTION:

Race: W Sex: M Hair: BLN Eyes: BLU Hgt: 510
Wgt: 150 DOB: 6/21/1962 Soc Sec #: 526514960

Old LEJIS #: UNKNOWN FBI #: 771033VC0 SID #: 19813452
JMS Booking #: P382300 JMS LEJIS #: UNKNOWN

FILING STATUS:

Grand Jury Indictment

Court #: _____ Filing Court: SUPERIOR COURT
Date Complaint Filed: _____

Grand Jury #: 442 GJ 400 Service Type: WARRANT
Date Indictment Filed: 4/8/2008

Superior Court #: _____ (Court Use Only)

CR 2008 - 006332 - 001 DT

Adult/Statutory Juv/Juv Transfer
(Circle Appropriate Choice)

ATTORNEY: SUSIE CHARBEL Bar ID: 018270 Location: DOWNTOWN

PRELIMINARY HEARING/GRAND JURY CHARGES:

**COUNT 1: PRESENTMENT OF FALSE INSTRUMENT FOR FILING, A CLASS 6 FELONY
(JOHN CHESTER STUART)**

Count	ARS	ARS Literal	Date of Crime
1	39-161	Grand Jury Hearing	3/28/2008

DEPARTMENTAL REPORTS:

DR 200800003 - Maricopa County Attorney's Office

EXTRADITE: AO

Michael K. Jeanes, Clerk of Court
*** Filed ***
April 8, 2008 5:00PM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-006332-001 DT

04/08/2008

COMMISSIONER STEVEN K. HOLDING

CLERK OF THE COURT
M. Martinez
Deputy

IN THE MATTER OF THE

442ND COUNTY GRAND JURY

JANA L. SORENSON

SUSIE CHARBEL

TRUE BILL / ISSUE WARRANT

Present are the above-named Deputy County Attorney's and 9 members of the 442nd Maricopa County Grand Jury.

Court Reporter, Lisa Vitoff, is present.

Rex Robison, Alternate Foreman, presents to the Court Indictment 442 GJ 400, a True Bill.

IT IS ORDERED assigning this cause a criminal number.

IT IS FURTHER ORDERED that a Warrant issue for the arrest of the Defendant to be delivered by the Clerk to the Sheriff.

The Court finds, pursuant to Article II, Section 22 of the Arizona State Constitution, that the Defendant is not eligible for release on bond because the proof is evident or the presumption great that these offenses were committed while the Defendant was on release status for another pending felony matter. Therefore the Defendant is nonbondable.

IT IS FURTHER ORDERED that this remain secret until the arrest of the Defendant.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-006332-001 DT

04/08/2008

COMMISSIONER STEVEN K. HOLDING

CLERK OF THE COURT
M. Martinez
Deputy

IN THE MATTER OF THE

442ND COUNTY GRAND JURY

JANA L. SORENSON

SUSIE CHARBEL

TRUE BILL / ISSUE WARRANT

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IT IS FURTHER ORDERED that this remain secret until the arrest of the Defendant.

FILED
4/19/08 9:20 AM
MICHAEL K. JEANES, Clerk
By A. Bigby
Deputy

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

Susie Charbel
Deputy County Attorney
Bar id #: 018270
301 West Jefferson, 4th Floor
Phoenix, AZ 85003
Telephone: (602) 506-5780
MCAO Firm #: 00032000
Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
Plaintiff,

vs.

JOHN CHESTER STUART,
Defendant.

CR 2008 - 0 06 332 - 0 0 1 DT

442 GJ 400

WARRANT FOR ARREST

TO ALL PEACE OFFICERS OF THE STATE OF ARIZONA:

An Indictment has been filed in this Court against the above-named defendant charging that in Maricopa County, Arizona, on or about the 26th day of March, 2008, the crime of COUNT 1: PRESENTMENT OF FALSE INSTRUMENT FOR FILING, A CLASS 6 FELONY (JOHN CHESTER STUART), has been committed.

The Court has found probable cause, upon oath or affirmation, to believe that such offense was committed and that the defendant committed it, and reason to believe that the defendant will not appear in response to a summons, or that a warrant is otherwise appropriate.

YOU ARE THEREFORE COMMANDED to arrest the defendant and bring said defendant before this Court to answer the charges. If this Court is unavailable, or if the arrest is made in another county, you shall take the defendant before the nearest or most accessible magistrate. You may release defendant if said defendant posts a secured appearance bond in the amount of NON-BONDABLE DOLLARS (\$).

Given under my hand and seal on this 8th day of April, 2008, at the direction of the Court.

By S. Holly
Judge of the Superior Court

MICHAEL K. JEANES
CLERK OF THE SUPERIOR COURT
[Signature]
Deputy Clerk

DEFENDANT'S DESCRIPTION:

DOB: 6/21/1962 Race: W Sex: M Hgt: 510
Wgt: 150 Hair: BLN Eyes: BLU
Defendant's Address: 3540 East Expedition
Phoenix, AZ 85060

DR No.: DR 200800003 - Maricopa County Attorney's Office

MCSO No: _____ PPD No.: _____

CERTIFICATE OF EXECUTION

I certify that I arrested _____ at _____ a.m./p.m.
on _____ and presented him/her before Judge _____ at

Agency

Deputy Sheriff, Officer

ORDER OF COMMITMENT

_____, having been brought before me at _____
a.m./p.m. on _____ is committed to the custody of the Sheriff of Maricopa County,
Arizona, to be detained until he/she complies with the conditions of release order of this date, or any amendment or
modification thereof.

Magistrate

Title

SC:ar/AO

OFFICER Wallace # 5607
AGENCY PHX
DATE 4-9-08 TIME 0748
COPY TELEFAXED

Exhibit 4

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
Isabel Osuna
Filing ID 175622
04/09/2008 12:24:56 PM

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

Susie Charbel
Deputy County Attorney
Bar ID #: 018270
MCAO Firm #: 00032000
301 West Jefferson, Suite 400
Phoenix, AZ 85003
Telephone: 602 506-5780
Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,)	
)	
Plaintiff,)	
vs.)	
)	
JOHN CHESTER STUART,)	NO. CR 2008-106594-001-DT
)	
Defendant.)	MOTION TO UNSEAL DOCUMENTS
)	
)	(Assigned to the Honorable
)	Roland Steinle, Saj06)
)	

The State of Arizona, by and through undersigned counsel moves the Court to unseal the documents filed by the defendant on March 26, 2008, said documents titled PETITION TO SUPERCEDE BOND AND RETIRE ALL PREVIOUS BONDS AND RELEASE REAL PAERTY IN INTEREST/THIRD PARTY INTERVENER and all accompanying documents, ^(A) ^(B) including: (C) SUPERSEDEAS BOND, IRS 1040V IRS 1099-OID FORMS, NOTARY'S CERTIFICATE OF SERVICE, AND PRIVATE CORRESPONDENCE: DECLARATION OF INTENT AND METHOD OF AUTHENTICATION. The reason for this request is that the defendant was indicted by a Maricopa County Grand Jury

on April 8th, 2008 on the charge of Presentment of a false instrument for filing, notably, the above listed documents.

Respectfully submitted this 9th day of April , 2008.

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

BY: /s/ Susie Charbel
/s/ Susie Charbel
Deputy County Attorney

Copy mailed\delivered
April 9, 2008,
to:

The Honorable Roland Steinle, Saj06
Judge of the Superior Court

David Cantor
Attorney at Law
2141 E. Broadway Rd., Suite 220
Tempe, Arizona 85282-1705

BY: /s/Susie Charbel
/s/ Susie Charbel
Deputy County Attorney

Exhibit 5

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
04/14/2008 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-106594-001 DT

03/31/2008

HON. ROLAND J. STEINLE

CLERK OF THE COURT
L. Rubalcaba
Deputy

STATE OF ARIZONA

SUSIE CHARBEL

v.

JOHN C STUART (001)

DAVID M CANTOR

ORDER ENTERED BY THE COURT

Upon the Court's own Motion,

IT IS ORDERED unsealing the documents sealed on March 26, 2008, so that Al Shearer could conduct a review.

IT IS FURTHER ORDERED resealing the documents as follows: Petition to Supersede and Retire all Previous Bonds and Release. Real Party in Interest/Third Party Intervener; 1099-01D Form; 1040-V Form; Declaration of Intent and Method of Authentication; Bond Order for Supersedeas Bond.

Exhibit 6

John Stuart has certified copy & such has been recorded publicly

SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,

Plaintiff,

vs.

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

John Stuart, Real Party in Interest/Third Party Intervener

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

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

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

DONE IN OPEN COURT this March 24, 2008.

[Signature]
Judge

Exhibit 7

THE ARIZONA REPUBLIC
May 1, 2008

:: NEWS online print edition

azcentral.com
ARIZONA'S HOME PAGE

Amid uproar, county attorney drops charges against 'New Times'

Robert Anglen

The Arizona Republic
Oct. 20, 2007 12:00 AM

A criminal case against *Phoenix New Times* fell apart Friday amid a crush of public outrage and admissions that a special county prosecutor made serious mistakes.

Maricopa County Attorney Andrew Thomas dismissed all charges against the free weekly newspaper less than 24 hours after two *New Times* owners were arrested for publishing details of a grand-jury subpoena that demanded the Internet records of any person who had visited the newspaper's Web site since 2004.

Thomas' announcement came just hours after the State Bar Association confirmed that it had received multiple complaints and had launched an internal investigation into Thomas and special prosecutor Dennis Wilenchik for their actions in the *New Times* case and an unrelated one.

Thomas, who looked contrite and atypically uncomfortable as he faced cameras in a news conference, said he had no prior knowledge of the arrests or the demands set forth in the subpoena that his office sought.

"It has become clear to me that this investigation has gone in a direction that I would not have authorized," Thomas said, adding that he holds the First Amendment in great esteem and that it needs to be upheld.

"There have been serious missteps in this matter," he said. "I am announcing that Mr. Wilenchik will no longer serve as special prosecutor."

The mea culpa was a gigantic victory for *New Times*, which for three years has battled the County Attorney's Office over charges that reporters and editors broke the law when they published online the home address of Maricopa County Sheriff Joe Arpaio.

"This really is a win for the Constitution," said Michael Lacey, executive editor of Village Voice Media, which owns *Phoenix New Times* and several other papers across the country. He also said it was a victory for readers, who won "the right to read whatever they want without government interference."

On Thursday night, Lacey and *New Times* owner Jim Larkin were arrested on charges that they broke the law by publishing details of the subpoena in Thursday's paper.

Lacey and Larkin acknowledged in their cover story that they risked prosecution but said the issues were too

important to keep from the public.

The two said the subpoena was part of an investigation orchestrated to get back at reporters and the critical stories they wrote about Arpaio, Thomas' political ally.

Public backlash over the arrests and the subpoena was immediate and overwhelming Friday, with conservatives and liberals saying Thomas had made an assault on free speech.

"There is only one place for friends of freedom to stand at this moment: shoulder to shoulder with the *New Times*," the conservative Goldwater Institute wrote in defense of the alternative newspaper.

The case, which has cost taxpayers undisclosed thousands of dollars, dragged on for years. It started when *New Times* launched an investigation of Arpaio's real-estate holdings in 2004.

The story alleged the sheriff abused a law that allows peace officers to keep their addresses from being made public. It said Arpaio used the law to hide nearly \$1 million in cash real-estate transactions while leaving his actual home address on public rolls.

Thomas said Friday that he still believes *New Times* committed a crime by publishing Arpaio's home address.

"It was inappropriate. It was wrong. It was arguably illegal," Thomas said.

After Thomas dropped the case, Arpaio simply said, "I'm the victim." He declined further comment.

Sheriff's spokesman Capt. Paul Chagolla said, "From the beginning, the behavior and activity that the *New Times* engaged in victimized the sheriff and his spouse. To this day, they're still victims and still being victimized."

Because of Thomas' contentious relationship with *New Times*, which has repeatedly criticized his office, Thomas turned the case over to the Pinal County Attorney's Office for prosecution in 2004. The case was returned after two years of inaction.

To avoid a conflict of interest, Thomas selected Wilenchik to act as a special prosecutor and continue the investigation.

Wilenchik is a private Phoenix attorney for whom Thomas worked before taking office in 2004. Since then, Thomas has often hired Wilenchik as a contract attorney for the county and appointed him as Arpaio's exclusive attorney. Maricopa County has paid Wilenchik's firm \$1.9 million since May 2005, county records show.

Thomas said Friday that because of Wilenchik's "missteps" in the *New Times* case, he will no longer be used for criminal prosecutions. Those missteps include the decision to make arrests and the subpoena, which demanded years of reporter and editor notes on several stories and records involving the Internet habits of every visitor to the *New Times* Web site in three years.

Thomas, however, defended Wilenchik as a good attorney. He said Wilenchik could still be used in civil cases and his firm will remain on a list of outside attorneys used by the county.

State Bar of Arizona

But Wilenchik and Thomas are now the subjects of legal and ethical complaints with the State Bar of Arizona.

The Bar, which has oversight of Arizona attorneys, can revoke a lawyer's license to practice law if it finds evidence of wrongdoing.

Arizona State Bar President Daniel McAuliffe confirmed Friday that his office has received multiple complaints against the two.

The Bar has also launched its own internal investigation into a campaign that Thomas and Wilenchik launched against Maricopa Superior Court judges, which led to an unprecedented request that all 93 judges in Maricopa County be replaced by judges from other counties.

Wilenchik and Thomas contend judges are mishandling cases involving illegal immigrants and accused the court's assistant presiding criminal judge, Timothy Ryan, of bias.

Thomas' motions to dismiss Ryan and other judges were denied.

Bar complaints have also been filed against Wilenchik in the *New Times* case, alleging that he violated ethical rules by enlisting a political operative to broker a private and inappropriate meeting with Superior Court presiding Judge Anna Baca, who has oversight of the grand jury.

At his news conference Friday, Thomas denied any ethical violations and accused the state Bar of engaging in rumor-mill behavior that he called disgraceful.

"What they have done is they have attempted to smear me and this office for speaking out and criticizing judges who have been issuing rulings that, in my honest opinion as a prosecutor, endanger public safety," Thomas said.

But Thomas hasn't been scoring a lot of points with the public. Newspaper Web sites experienced a crush of e-mails, message board postings and blogs ranting against his office's actions in the *New Times* case.

The Attorney's Office was also vilified by civil-rights and journalism organizations, which described the arrests and the subpoena as an abuse of power.

"This is the type of action that should bring everyone, Democrats, Republicans, conservatives and liberals together," *Arizona Republic* reader and Thomas supporter Bob Haran wrote on the *The Republic* Web site.

"This attack on freedom of the press must end immediately, if not every freedom-loving American in Maricopa County must help fight to preserve a free press by organizing a recall of Thomas and Arpaio for abuse of power and malicious prosecution."

Republic reporters Judi Villa and Yvonne Wingett contributed to this article.

Reach the reporter at robert.anglen@arizonarepublic.com or 602-444-8694

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