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1 John-Chester: Stuart
2 c/o: 21001 N. Tatum Blvd.,
3 Suite 1360472-1630472
4 Phoenix, Arizona state
5 Pro Per

6 SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 STATE OF ARIZONA,

9 Plaintiff,

10 vs.

11 JOHN C. STUART,

12 Defendant.

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

) Petition to Dismiss for lack
) of Due Process of law and
) Prosecutorial Misconduct
) and
) Demand the Grand jury
) Transcripts.

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

15 Third Party Intervener appears and petitions, in the nature of a
16 motion, specifically and not generally, to Dismiss for

17 lack of Due process of law and Prosecutorial
18 Misconduct and Demand the Prosecutor turn
19 over the grand jury transcripts.

20 WHEREAS this case is the third time in
21 three months Prosecutor Charbel (here after
22 Charbel has MALICIOUSLY PROSECUTED
23 John Stuart, the man (hereafter Stuart) in an
24 attempt to unlawfully imprison Stuart, and
25

1 WHEREAS in this and a previous case

2 Charbel has, with malice aforethought,
3 purposely with held exculpatory evidence
4 from a grand jury to fraudulently obtain
5 an indictment against Stuart; and

6 WHEREAS Charbel has committed perjury
7 to the same; and

8 WHEREAS Charbel has suborned perjury
9 to the same; and

10 WHEREAS Charbel ever with held the
11 medical report and evidence from Stuart after
12 repeated request and even for one (1) week
13 after Charbel gave said report and evidence
14 to the press; and

15 WHEREAS Charbel has MALICIOUSLY
16 WITHHELD the grand jury transcripts from
17 Stuart for a month; and

18 WHEREAS Stuart has been UNLAWFULLY
19 IMPRISONED AND TORTURED FOR A
20 MONTH DUE TO CHARBEL'S PROSECUTORIAL
21 MISCONDUCT AND PERJURY TO A GRAND
22 JURY, telonies in Arizona; and

23 WHEREAS Charbel IS PURPOSELY
24 with holding the grand jury transcripts
25 from Stuart to prevent Stuart from
preparing an adequate defense; and

1 WHEREAS Charbel used her authority under
2 color of law to fraudulently indict Stuart
3 so as to unlawfully cancel Stuart's bond
4 so as to have Stuart unlawfully imprisoned
5 and therefore Charbel could use her
6 position to prevent Stuart from
7 preparing a defense; and

8 also cause Stuart to be tortured by
9 being gassed, starved and caged, see previous
10 Petition dated 5-4-08; and

11 also cause Stuart's fiancée to be financially
12 harmed by losing the more than the ten
13 percent (10%) Stuart's fiancée paid to bond
14 Stuart out on bail; and

15 also attempt to cause Stuart and his
16 fiancée to be financially unable to bail Stuart
17 out again; and

18 WHEREAS Charbel has refused to follow
19 the rules of discovery; and

20 WHEREAS Charbel and the court have
21 also refused to recognize Stuart's
22 constitutionally guaranteed rights

23 pursuant to the FOURTH, FIFTH, SIXTH,
24 NINTH and TENTH, et al. AMENDMENTS,

25 WHEREAS Stuart, a living breathing flesh
and blood man has been unlawfully imprisoned

1 by Charbel in place of JOHN STUART, an
2 legal, a fictional entity; and
3 WHEREAS Charbel and the court has purposely
4 violated several laws and Stewart's human
5 rights by preventing the court from considering
6 Stewart "in propria persona" for the transmitting
7 utility known as JOHN STUART; and
8 WHEREAS Charbel, with the assistance
9 of the court and the county attorneys office,
10 has violated a plethora of Stewart's rights
11 and especially purposely prevented repeated
12 request for DUE PROCESS OF LAW; and
13 WHEREAS it should be obvious to this
14 court Charbel is not acting in the interest
15 of justice but is in fact using Charbel's
16 authority under color of law to garner
17 praise from Charbel's supervisor, county
18 attorney Andrew Thomas, (hereafter Thomas)
19 by purposely violating Stewart's rights,
20 as may be evidenced by Thomas's repeated
21 statements that Thomas and his office
22 would somehow incarcerate Stewart; and
23 WHEREAS it is NEVER IN THE INTEREST
24 OF JUSTICE TO WRONGFULLY IMPRISON
25 AN INNOCENT MAN; and

1 WHEREAS the documents Charbel unlawfully
2 altered and purposely removed the "clearly
3 exculpatory evidence" from the documents
4 shown to the grand jury; and

5 WHEREAS Judge Steink raised himself
6 from this case as Judge Steink (hereafter
7 Steink) is a witness to the aforementioned
8 document yet is attempting to remain the
9 judge "against" Stuart in the other matter
10 although there is an obvious conflict of
11 interest, for how may a man be a witness
12 either for or against another man and also
13 be the judge of the man in another matter;

14 WHEREAS the previous statements are
15 prima facie evidence, and issue of law, that
16 Stuart is being "railroaded" by Charbel
17 and Thomas with judge Steink and the
18 courts assistance; and

19 WHEREAS any further unlawful detention
20 of Stuart and/or the continuous MALICIOUS
21 PROSECUTION of Stuart should be abhorrent
22 to this court and any free society; and

23 WHEREAS the court has the primary obligation
24 to treat Stuart as "innocent until proven
25 guilty" yet has Stuart detained in a place and

1 manner considered unworthy and too horrendous
2 for anyone convicted of even the most heinous
3 crimes; and

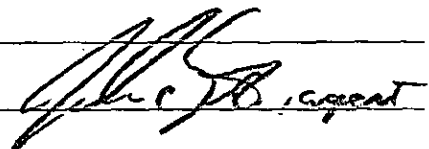
4 WHEREAS the state has not met and
5 cannot meet its requirement of "proof
6 evident and presumption great" to detain
7 Stewart; and

8 WHEREAS the circumstantial evidence
9 is overwhelming that Charbel and Thomas
10 have conspired to use the court to unlawfully
11 imprison and torture Stewart in furtherance
12 of their own careers and to impress people
13 in the press so as to garner publicity; and

14 WHEREAS such behavior of officers of
15 the court and the court's compliance with
16 said officers violates the integrity of
17 the court; and

18 WHEREAS Charbel's actions have already
19 destroyed the integrity and violated the
20 independence of the grand jury.

1 THEREFORE, pursuant to the laws of Arizona,
2 the constitutions of Arizona and the United
3 States this case MUST BE DISMISSED
4 WITH PREJUDICE for the aforementioned
5 reasons and Stewart released from custody
6 forthwith.

22 

23 John Stewart, the man