

MICHAEL K. JEANES, CLERK
BY *F. Jancía* DEP
FILED

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1 JOHN STUART, *Pro per*
10407 W. Trumbull Road
2 Tolleson, Arizona (85353)
Phone # (480) 232-0606
3 <themobinem@aol.com>

4 John Stuart, *Sui Juris*
Authorized Representative
5

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

7 **IN AND FOR THE COUNTY OF MARICOPA**

8 REBECCA BEASLEY, individually as the
9 surviving spouse of ORVILLE THOMAS
10 BEASLEY III, and as personal
Representative of the ESTATE OF
11 ORVILLE THOMAS BEALSEY III; and
12 ORVILLE THOMAS BEASLEY II and
13 ANNA ELIZABETH BEASLEY, husband
and wife, and parents of ORVILLE
14 THOMAS BEASLEY III,

15 Plaintiff,

16 vs.

17 JOHN C. STUART, and JANE DOE
STUART, a married couple; JOHN and
18 JANE DOES 1-V; BLACK & WHITE
19 CORPORATIONS VI-X; and ABC
PARTENRSHIPS XI-XV;

20 Defendants
21
22

Case No. CV2010-050624

**ANSWER AND/OR RESPONSE TO
PLAINTIFF'S MOTION FOR
CLARIFICATION**

SUBMITTED UNDER DURESS AND
VI ET ARMIS AND NOT GRANTING
JURISDICTION

DEFEDANT IS ONLY APPEARING
SPECIALLY AND NOT GENERALLY,
SUBMITTED BY AND THROUGH
SPECIAL APPEARANCE:

WITH ALL RIGHTS RESERVED;

AND NOT GRANTING, NOR

AGREEING TO JURISDICTION OF THIS
COURT IN THIS MATTER.

THE CONSTITUTIONS OF ARIZONA,
AND THE UNITED STATES; AND

ALL TREATIES, ARE HEREBY

'INCORPORATED' INTO THIS

MATTER. THIS MATTER DOES NOT
EXIST "IN THIS STATE."

(Assigned to the Honorable Linda Miles)

23 *In the name of God, with the gaze of Our Lord, JOHN STUART, ens legis, by*

24 and through his Authorized Representative, a separate entity, John Stuart, a **civilian,**

25 Authorized Representative and beneficiary by force of law for JOHN STUART, appearing

26 specially and not generally, *vi et armis*, claiming, exercising and invoking ALL RIGHTS
27
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1 including but not limited to God granted Rights, human Rights, and all Rights guaranteed
2 and protected by the united States Constitution, the Arizona Constitution, and International
3 Treaties.

4
5 Defendant ***in error*** JOHN STUART (Hereafter Defendant) does NOT accept
6 jurisdiction of this Court over this matter. Defendant does NOT consent to jurisdiction of
7 this Court in this matter and ONLY “answers” under duress, and *vi et armis*. Pursuant to
8 numerous SOCUTS decision jurisdiction MUST be proved before any matter can move
9 forward. Defendant omits said cites for now, but reserves the right to enter the cites to
10 prove absence of jurisdiction.
11

12 Defendant; by Law and precedent and in accordance with the Supreme Court of the
13 United States decisions; MAY NOT be held to the same standard as a lawyer and/or
14 attorney; and whose motions, pleadings and all papers may ONLY be judged by their
15 function and never their form.
16

17 *See: Haines v. Kerner; Platsky v. CIA; Anastasoff v. United States; Platsky v.*
18 *C.I.A., 953 f.2d. 25; Anastasoff v. United States, 223 F.3d 898.*

19 **Defendant’s Authorized Representative is a civilian and must be afforded all**
20 **protections by this Court due a civilian answering on behalf of himself and/or an**
21 ***ens legis.***
22

23 **Accordingly, Defendant by and thorough His Authorize Representative, moves**
24 **this Court to advise Defendant of defects in pleadings and procedures, *and the like,***
25 **and allow Defendant time to do the required corrections and not dismiss and/or deny**
26 **said pleadings, *and the like,* unless Defendant fails to correct said pleadings**
27 **accordingly.**
28

1 **I. Defendant is in reality a *defendant in error*, yet is responding,**
2 ***vi et armis*, in an attempt to assist this Court:**

3 1. There are no facts in evidence proving Defendant is a “resident” as defined
4 and required in law. Defendant may be either an *ens legis* OR a “civilian” under ALL
5 laws. It is incumbent on Plaintiff to stipulate which party Plaintiff is suing, by what Right
6 Plaintiff brings this action, and whether Plaintiff is a Fictitious Plaintiff, and attest to
7 whether Plaintiff is the *ens legis* OR the civilian.
8

9 2. This Court MUST dismiss this case with prejudice for: i) lack of jurisdiction
10 over the “person,” as Defendant is not a “person” in the legal sense as Defendant is truly a
11 civilian in all senses; and/or ii) a kidnapper has no right to sue their victim for their victim
12 surviving the kidnapping attempt; and/or iii) failure to join an indispensable party, as
13 Plaintiff has failed to state which entity Plaintiff is suing.
14

15 3. Plaintiff’s Motion for Clarification is moot as Plaintiff has not established
16 jurisdiction in this matter. Once questioned, jurisdiction MUST be established BEFORE
17 this Court proceeds.
18

19 4. Defendant’s original pleading is sufficient to prevent a Judgment by Default
20 as it is Defendant’s SPECIAL APPEARANCE, *vi et armis*.
21

22 5. Plaintiff’s original complaint was absent required elements and therefore the
23 Complaint should be dismissed with prejudiced and Plaintiff enjoined from any further
24 actions against any Defendant in this matter.
25

26 /

27 //

1 6. **Plaintiff has committed the fatal error of not submitting a verified**
2 **complaint with a specific verification, declaration and/or affidavit signed by the**
3 **complainer under penalty of perjury attached in order to join the actual damaged**
4 **/injured party/plaintiff to this Court's jurisdiction.**

6 7. Two of the Plaintiffs, ORVILLE THOMAS BEASLEY II and ANNA
7 ELIZABETH BEASLEY, appear to be absent *de minimus* contracts with the state and
8 therefore lack standing and/or jurisdiction to file against Defendant in this Court.

10 8. It appears Plaintiff's confusion stems from the obvious fact that Plaintiff
11 does not understand this Court was not conceived nor designed to assist "extremely
12 intoxicated" kidnappers such as Plaintiff in this instant matter in further damaging their
13 victim(s).

15 9. Perhaps if Plaintiff understood that common law and statutory duties applied
16 to all civilians to; i) not become "extremely intoxicated" then drive around in traffic
17 risking the lives of innocent people; and ii) not use illicit drugs to the point that it causes
18 them to experience a psychotic break and leave their vehicle to savagely attack innocent
19 people; then Plaintiff would not require "clarification" as to why this Court does not have
20 the jurisdiction required to proceed in this instant matter.

22 10. Plaintiff is once again attacking their victim, known as Defendant in this
23 instant matter and Plaintiff's attempt to use this Court to again attack Defendant is
24 fraudulent at best and criminal at worst.

26 ***Ex dolo malo no oritur action:***

27 *"Out of fraud no action arises; fraud never gives a right of action.*
28 *No court will lend its aid to a man who founds his cause of action*
upon an immoral or illegal act."

1 **II. In an honorable attempt to; i) assist the parties in settling this instant matter;**
2 **and ii) save the body politic valuable resources; and iii) not waste this**
3 **honorable Court's time and money; Defendant attempts to 'clarify' the**
4 **'case' without granting jurisdiction to this Court in this matter by informing**
5 **all parties:**

6 1. Plaintiff, Mrs. Beasley, was "extremely intoxicated" immediately before and
7 during her and her husband's savage assault, kidnapping, and murder attempt on
8 Defendant; and

9 2. Plaintiff, Mrs. Beasley, was committing and/or assisting her husband to
10 commit numerous felonies, including without limitations, kidnapping, assault, attempted
11 murder; and

12 3. Defendant ONLY survived a savage assault, kidnapping, and murder attempt
13 by the two "extremely intoxicated" kidnappers known as the Beasleys; and

14 4. This Court does not, and was not designed to, capture jurisdiction over
15 victims of kidnappers and/or criminals that attempt to murder innocent people; and

16 5. Once jurisdiction is questioned, this Court must prove jurisdiction before
17 proceeding in this and/or any matter; and

18 6. This Court's jurisdiction in this matter is in question; and

19 7. Defendant does not agree and does not accept this Court's jurisdiction in this
20 matter; and

21 8. Defendant has only 'responded' by special appearance, *vi et armis*, and as
22 Defendant has already been a victim of Plaintiff's heinous and *malum in se* acts and is
23 unsure of what tricks, lies, perjury, and/or felonious acts Plaintiff will use to attack
24 Defendant again; and
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1 **9.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
2 BEASLEY, husband and wife, and parents of ORVILLE THOMAS BEASLEY III, should
3 realize that if Plaintiff REBECCA BEASLEY had been concerned with the safety of her
4 husband and the general public and not solely concerned with becoming “extremely
5 intoxicated” then Plaintiff REBECCA BEASLEY would not have caused her husband and
6 their son’s death; and
7

8 **10.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
9 BEASLEY should also realize that if their son had not consumed massive amounts of
10 alcohol, perhaps as many as **fifty “Jack’s and Cokes’** in a four hour period with the
11 assistance of Plaintiff REBECCA BEASLEY, their son would not have died while
12 committing several felonies, including without limitations, assault, kidnapping, and
13 attempted murder of two innocent people; and
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16 **11.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
17 BEASLEY should also realize that if their son had not been addicted to L.S.D., a highly
18 dangerous illicit drug that causes violent and psychotic breaks in its users, their son may
19 not have lead a life that caused him to brag on the internet about beating people up, getting
20 drunk and doing so much L.S.D. that he started thinking he was God; and
21

22 **12.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
23 BEASLEY should also realize that if their son had not mixed unfathomable amounts of
24 alcohol with L.S.D. and steroids their son may have been able to control and/or avoid his
25 violent and savage rages; and
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1 **13.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
2 BEASLEY should also realize that their son attempted to murder an innocent man and his
3 fiancé and now Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
4 BEASLEY actions are in some ways just an attempt to complete their son's failed attempt;
5 and
6

7 **14.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
8 BEASLEY should also realize that Plaintiff REBECCA BEASLEY has not informed them
9 of the whole truth of what she and her husband did that night to the two innocent people
10 that were out "performing a political function" for the betterment of their society, the body
11 politic and other people in general; and
12

13 **15.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
14 BEASLEY should also realize that their attorney has told several lies to the media and
15 most likely to them concerning the events of that evening and what type of man Defendant
16 is; and
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18 **16.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
19 BEASLEY should also realize that they are in the company of liars, kidnappers, and
20 attempted murders, and one of the worst types of people; perjurous lawyers; and
21

22 **17.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
23 BEASLEY should also realize that if their son had not died that evening he would likely
24 have murdered at least two innocent people and possibly several more due to his
25 intoxicated, drug induced, psychotic, murderous state; and
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1 **18.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
2 BEASLEY should also realize that Plaintiff REBECCA BEASLEY acted with “implied
3 malice” by her “wanton disregard” for the general public’s safety by allowing her
4 husband, a man she knew had drug, alcohol, and violent rage issues, to become “extremely
5 intoxicated” and aim a 2000 pound weapon at Arizona’s body politic absent cause; and
6

7 **19.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
8 BEASLEY should also realize that Plaintiff REBECCA BEASLEY has already profited
9 greatly from her criminal acts against Defendant and Arizona’s body politic through her
10 husband’s life insurance policy which may have been paid by the insurance under the
11 felonious and false pretense presented by Plaintiff REBECCA BEASLEY; and
12

13 **20.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
14 BEASLEY should also realize that Plaintiff REBECCA BEASLEY’s actions are defined
15 in Arizona, Federal and International Law as kidnapping, and it is extremely rare and
16 untypical that a person that has committed the heinous acts Plaintiff REBECCA
17 BEASLEY committed is not charged accordingly; and
18

19 **21.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
20 BEASLEY should also realize that Plaintiff REBECCA BEASLEY may still be charged
21 for her heinous crimes once the appropriate authorities finish their investigations; and
22

23 **22.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
24 BEASLEY should also realize that this case shall be used in furtherance of discovery of
25 Plaintiff REBECCA BEASLEY’s numerous crimes; and
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1 **23.** Plaintiffs ORVILLE THOMAS BEASLEY II and ANNA ELIZABETH
2 BEASLEY should also realize that they are now assisting the very person that caused the
3 death of their son; and

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5 **24.** This Court should take JUDICIAL NOTICE that Plaintiff REBECCA
6 BEASLEY did in fact commit the heinous act of kidnapping as defined in Arizona law
7 when she and her husband interfered with Defendant while Defendant was performing a
8 political function; and

9
10 **25.** This Court should take JUDICIAL NOTICE that Plaintiff REBECCA
11 BEASLEY did in fact commit the heinous act of kidnapping as defined in Arizona law
12 when she and her husband took control of Defendant's vehicle; and

13
14 **26.** This Court should take JUDICIAL NOTICE that Plaintiff REBECCA
15 BEASLEY did in fact commit the heinous act of kidnapping as defined in Arizona law
16 when she and her husband attempted to murder Defendant and/or Defendant's fiancé while
17 Defendant and Defendant's fiancé were in their own personal vehicle; and

18
19 **27.** This Court should take JUDICIAL NOTICE that there is no stare decisis in
20 American jurisprudence that allows a kidnapper, whether convicted or not, to sue their
21 victim for surviving the crime; and

22 **28.** This Court should take JUDICIAL NOTICE that Plaintiff's attorney, with
23 malice aforethought and in violation of Rules of Ethics, told numerous lies to the media
24 about Defendant in a criminal attempt to corrupt the jury pool; and

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26 **28.** This Court should take JUDICIAL NOTICE that Plaintiff's attorney
27 will be called as a witness against his own client, Plaintiffs in this matter.
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CERTIFICATE OF SERVICE

Defendant delivered/mailed copies of the foregoing
to the Plaintiff this 22nd day of April, 2010:

**1. ANSWER AND/OR RESPONSE TO PLAINTIFF'S MOTION FOR
CLARIFICATION, Case No. CV2010-050624**

10 pages

COPY of the foregoing delivered
this 22nd day of April, 2010 to:

Honorable Linda Miles
Maricopa County Superior Court
18380 N. 40th Street
Phoenix, AZ. 85032

COPY of the foregoing delivered/mailed
this 22nd day of April, 2010 to:

DOYLE LAW GROUP
5010 East Shea Blvd., Suite A-106
Scottsdale, AZ 85254
John C. Doyle, Esq. (010602)
Jonathon L Sullivan, Esq. (026619)

By: [], agent