

10 MAY 11 AM 10:32

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

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
7 **IN AND FOR THE COUNTY OF MARICOPA**

8 **Case No. CV2010-050624**

**JUDICIAL NOTICE**

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

**SUBMITTED FOR CLAIRIFICATION  
AND IN THE INTEREST OF JUSTICE  
TO ASSIST THIS COURT AND  
PLAINTIFF IN UNDERSTANDING;  
THIS COURT MAY CONSIDER THIS  
AN ANSWER AND/OR RESPONSE TO  
PLAINTIFF'S REPLY IN SUPPORT OF  
MOTION FOR CLARIFICATION  
SUBMITTED UNDER DURESS AND  
VI ET ARMIS AND NOT GRANTING  
JURISDICTION**

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18  
19 vs.

20 JOHN C. STUART, and JANE DOE  
STUART, a married couple; JOHN and  
21 JANE DOES 1-V; BLACK & WHITE  
22 CORPORATIONS VI-X; and ABC  
PARTENRSHIPS XI-XV;  
23 **Defendants**

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."  
(Tort Non-Motor vehicle)  
(Assigned to the Honorable Linda Miles)

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1           ***In the name of God, with the gaze of Our Lord, JOHN STUART, ens legis***, by  
2 and through his Authorized Representative, a separate entity, John Stuart, a **civilian**,  
3 Authorized Representative and beneficiary by force of law for JOHN STUART, appearing  
4 specially and not generally, *vi et armis*, claiming, exercising and invoking ALL RIGHTS  
5 including but not limited to God granted Rights, human Rights, and all Rights guaranteed  
6 and protected by the United States Constitution, the Arizona Constitution, and  
7 International Treaties.

8           Defendant ***in error*** JOHN STUART (Hereafter Defendant) does NOT accept  
9 jurisdiction of this Court over this matter. Defendant does NOT consent to jurisdiction of  
10 this Court in this matter and ONLY “answers” under duress, and *vi et armis*. Pursuant to  
11 numerous SOCUTS decisions, jurisdiction MUST be proved before any matter can move  
12 forward. Defendant omits said cites for now, but reserves the right to enter the cites to  
13 prove absence of jurisdiction.  
14

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

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

22           Defendant’s Authorized Representative is a civilian and must be afforded all  
23 protections by this Court due a civilian answering on behalf of himself and/or an *ens legis*.  
24

25           Defendant reserves the Right to quote Laws, Codes, Statutes, and/or Rules without  
26 stating the ‘number’ of said Laws, Codes, Statutes, and/or Rules as Defendant is a *sui juris*  
27 and not a BAR Licensed attorney. Defendant may quote *stare decisis* when appropriate to  
28 assist this Court.

1 **I. Plaintiff's errors are not harmless:**

2 **A. Plaintiff has not stated adequate grounds for this Court to capture**  
3 **jurisdiction. Plaintiff is ONLY an ASSAILANT and KIDNAPPER of Defendant and**  
4 **was NOT caused any injury by Defendant. Plaintiff's numerous heinous criminal**  
5 **acts, which caused and/or led to the death of Plaintiff's accessory, in the assault and**  
6 **kidnapping of Defendant and Defendant's fiancé, prohibit Plaintiff from claiming an**  
7 **injury was caused by Defendant. This Court should take Judicial Notice that if**  
8 **Plaintiff had not allowed her husband to become 'insanely intoxicated' (B.A.C. of .19**  
9 **and 900ml of alcohol processing inside of his body), ingest steroids and L.S.D on a**  
10 **frequent basis, and drive in a residential area risking the lives of numerous people,**  
11 **then verbally assault, physically assault and attempt to murder and/or kidnap**  
12 **Defendant, Plaintiff would not now be responsible for causing her husband's death,**  
13 **and Plaintiff would not have suffered any of the numerous, life ruining, irreversible**  
14 **injuries over the last twenty seven (27) months.**

15  
16 **This frivolous case is adding to the numerous injuries suffered by Defendant as**  
17 **a result of Plaintiff REBECCA BEASLEY's felonious actions in this matter.**

18 **B. It is well known in American jurisprudence that a kidnapper is the one held**  
19 **accountable for the actions of those he kidnaps (See: Felony Murder Rule). It is also well**  
20 **known in American jurisprudence that every man has the Right and duty to do what is**  
21 **necessary to not be kidnapped and/or escape once kidnapped. It is also well known in**  
22 **American jurisprudence that a man is unlimited in his Right and duty to protect His**  
23 **wife/fiancé from being murdered by a drunken, drug crazed, maniac. As far back, in**  
24 **American jurisprudence, as the Amistad case of 1841, the Courts have considered that a**  
25 **man can do what is necessary to stop people from kidnapping and/or murdering Him**  
26 **and/or His family.**  
27  
28

1           *See: 40 U.S. 518 (1841), United States v. The Libellants and Claimants of the*  
2           *Schooner Amistad, her Tackle, Apparel and Furniture, together with her Cargo,*  
3           *and the Africans mentioned in the Several Libels and Claim.*

4           C.       Arizona's version of "castle doctrine" (See: inter alia, A.R.S. § 13-418, 419,  
5           and 420), were made Law in Arizona to prohibit the very acts of frivolous litigation in  
6           furtherance of crime that Plaintiff is committing by again attacking Defendant, Stuart is  
7           the victim of Plaintiff's accessory's drunken, drug induced rage.

8           D.       Plaintiff has failed to enter any affidavit and/or verification declared under  
9           penalty of perjury and therefore Plaintiff's pleadings MUST be stricken from this Court's  
10          record and this Court MUST dismiss this case with prejudice.

11          E.       Plaintiffs have failed to deny and/or rebut the allegations in Defendant's  
12          AFFIDAVIT and therefore, by Plaintiffs' purposeful *tacit acquiescence*, Plaintiffs, are  
13          knowingly, intelligently, and willfully in agreement with Defendant's allegations, claims  
14          and/or stipulations.

15                   *See: U.S. v. Tweel, 550 F. 2d. 297, 299, 300 (1977)*

16                   "Silence can only be equated with fraud when there is a legal and moral duty to  
17                   speak or when an inquiry left unanswered would be intentionally misleading. We  
18                   cannot condone this shocking conduct... If that is the case we hope our message is  
19                   clear. This sort of deception will not be tolerated and if this is routine it should be  
20                   corrected immediately."

21                   *See also: Morrison v. Coddington, 662 P. 2d. 155, 135 Ariz. 480(1983).*

22                   "Fraud and deceit may arise from silence where there is a duty to speak the truth, as  
23                   well as from speaking an untruth."

24                   *See also: Rubinstein v. Collins, 20 F.3d 160, 1990*

25                   "Knowing failure to disclose material information necessary to prevent statement  
26                   from being misleading, or making representation despite knowledge that it has no  
27                   reasonable basis in fact, are actionable as fraud under law."

28          Pursuant to A.R.Civ.P. Rules 8(b) and 11(b) all allegations and/or claims and/or  
stipulations made by Defendant MUST be accepted as by Plaintiffs and as true by this

1 Court unless said allegations and/or claims and/or stipulations are rebutted by Plaintiff.  
2 Any and all such avowries and/or averments presented by Plaintiff must be *et hoc paratus*  
3 *est verificare* and done under penalty of perjury.

4 **II. Plaintiff and Plaintiff's attorney's fraud upon this Court is cause to**  
5 **dismiss this case with prejudice:**  
6

7 A. Plaintiff has made various contradictory statements concerning the incident  
8 she and her husband caused that led to the death of her husband; accordingly, since ONLY  
9 one of the statements made by Plaintiff can be true and ALL others MUST be lies,  
10 Plaintiff has committed fraud and perjury by inconsistent statements.

11 *See: Inter alia, A.R.S. § 13-2705 Perjury by inconsistent statements.*

12 *See also: Maxim of Law: Ex dolo malo non oritur actio.*

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

14 *See: Nudd v. Burrows, 91 U.S 426.*

15 "Fraud destroys the validity of everything into which it enters,"

16 *See also: Boyce v. Grundy, 3 Pet. 210*

16 "Fraud vitiates everything"

17 *See also: U.S. v. Throckmorton, 98 US 61*

18 "Fraud vitiates the most solemn contracts, documents and even judgments."

19 B. Inconsistent statements are *prima facie* evidence of the fraud being  
20 committed by Plaintiffs and Plaintiffs' attorney on this Court and are chargeable crimes  
21 under Arizona law.

22 *See: Perjury by inconsistent statements, fraud, obstruction of justice, etc.*

24 **III. Plaintiff's attorney must withdraw:**  
25

26 A. Plaintiff's attorney has made numerous fraudulent and perjurious public  
27 statements in furtherance of concealing Plaintiff's criminal activity.  
28

1           **B.**     Plaintiff's attorney has made numerous fraudulent and perjurous public  
2 statements about Defendant in an attempt to corrupt the jury pool; and has destroyed  
3 Defendant's family, life, love, happiness, finances, relationships, reputation; and to cause  
4 Defendant to be unlawfully incarcerated.

5                   *See: Arizona Rules of Supreme Court Rule 42, Professional Conduct.*  
6

7     **IV.    This honorable Court was not created to assist kidnappers:**

8           **A.** This Court does not have jurisdiction over this matter as this Court was created  
9 in the 'furtherance of justice' and MUST be convened ONLY 'in the interest of justice'  
10 and NEVER convened to assist a kidnapper to further harm their victim, the Defendant in  
11 this instant case, therefore this Court does not have jurisdiction in this matter.  
12

13                   *See: U.S. v. Anderson, 60 F.Supp. 649 (D.C.Wash. 1945)*

14                   "Jurisdiction of court may be challenged at any stage of the proceeding, and also  
15 may be challenged after conviction and execution of judgment by way of writ of  
habeas corpus."

16                   *See also: Miranda v. Arizona 384 U.S. 436 (1966)*

17                   *See also: Hagans v Lavine 415 U. S. 533*

18                   "The law requires proof of jurisdiction to appear on the record of the administrative  
agency and all administrative proceedings."

19                   *See also: Norman v. Zieber, 3 Or at 202-03*

20                   "if the record does not show upon its face the facts necessary to give jurisdiction,  
they will be presumed not to have existed."

21           **B.**     Defendant has no contract with Plaintiff.

22                   *See: Alexander v.Bothsworth, 1915.*

23                   "Party cannot be bound by contract that he has not made or authorized. Free  
24 consent is an indispensable element in making valid contracts."

25                   *See also: CRUDEN vs. NEALE, 2 N.C. 338 2 S.E. 70*

26                   "The state citizen is immune from any and all government attacks and procedure,  
absent contract."

27                   *See also Dred Scott vs. Sanford, 60 U.S. (19 How.)*  
28

1 "or as the Supreme Court has stated clearly, "...every man is independent of all  
2 laws, except those prescribed by nature. He is not bound by any institutions formed  
3 by his fellowmen without his consent."

4 *See also: Brady v. U.S., 397 U.S. 742, 748,(1970)*

5 "Waivers of Constitutional Rights, not only must they be voluntary, they must be  
6 knowingly intelligent acts done with sufficient awareness."

7 C. Defendant was and is ONLY a victim of; Plaintiff REBECCA BEASLEY  
8 and her accomplices kidnapping and assault; and Plaintiffs' attorney's libel and slander.

9 **V. In direct response to Plaintiff's Reply:**

10 **A. Paragraphs:**

11 1. **Defendant has insufficient knowledge to base a belief.**

12 2. **Denied.** Defendant did Reply and/or Answer Plaintiff.

13 3. **Denied.** Plaintiff is a BAR Licensed attorney and has the requisite  
14 knowledge to respond appropriately to Defendant's Affidavit.  
15

16  
17 **WHEREFORE,** Defendant moves this Court to dismiss with prejudice ALL of  
18 Plaintiff's claims and Order Plaintiff to compensate Defendant accordingly for the damage  
19 Plaintiff has done to Defendant's Life, Liberty, and His Pursuit of Happiness;  
20

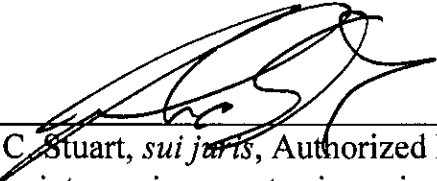
21 1. For damages in an amount to compensate Defendant and the other parties  
22 harmed by Plaintiff and Plaintiff's attorney fairly for the perjurous and  
23 fraudulent accusations and slanderous statements made by Plaintiff and  
24 Plaintiff's attorney, and the losses suffered by Defendant and those that have  
25 helped Defendant;

26 2. General damages in an amount to be determined;  
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3. Punitive damage in an amount deemed just and reasonable against Plaintiff and/or Plaintiff's attorney as alleged herein;
4. That the cost of this action be assessed against Plaintiff and/or Plaintiff's attorney and in favor of Defendant and the parties that have assisted Defendant to survive this fraudulent and felonious assault on Defendant's life, liberty, security, and happiness
5. Any other further relief that this Court deems just and proper.

RESPECTFULLY SUBMITTED: This 11th day of May, in the year, of our Lord, 2010.

BY:  ], agent  
John C. Stuart, *sui juris*, Authorized Representative,  
*Tertius interveniens, rectus in curia*, for:  
JOHN STUART, *ens legis, in propria persona*



1 **CERTIFICATE OF SERVICE**

2  
3 Defendant delivered/mailed copies of the foregoing  
4 to the Plaintiff this 11th day of May, 2010:

5 1. **JUDICIAL NOTICE SUBMITTED FOR CLAIRIFICATION AND IN THE**  
6 **INTEREST OF JUSTICE TO ASSIST THIS COURT AND PLAINTIFF IN**  
7 **UNDERSTANDING; THIS COURT MAY CONSIDER THIS AN ANSWER**  
8 **AND/OR RESPONSE TO PLAINTIFF'S REPLY IN SUPPORT OF**  
9 **MOTION FOR CLARIFICATION**  
10 **8 pages**

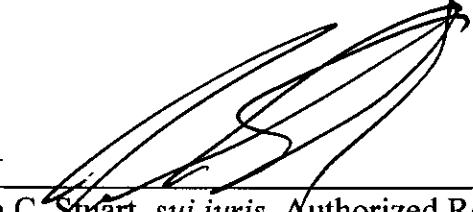
11 2. **ORDER**  
12 **1 page**

13 **COPY** of the foregoing delivered  
14 this 11th day of May, 2010 to:

15 Honorable Linda Miles  
16 Maricopa County Superior Court  
17 18038 E. Union Hills Dr.  
18 Phoenix, Arizona 85003

19 **COPY** of the foregoing delivered/mailed  
20 this 11th day of May, 2010 to:

21 **DOYLE LAW GROUP**  
22 5010 East Shea Blvd., Suite A-106  
23 Scottsdale, AZ 85254  
24 John C. Doyle, Esq. (010602)  
25 Jonathon L Sullivan, Esq. (026619)

26  
27  
28  
By:  ], agent  
John C. Stuart, *sui juris*, Authorized Representative,  
*Tertius Interveniens, rectus in curia*, for:  
JOHN STUART, *ens legis, in propria persona*