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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
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
ANNA ELIZABETH BEASLEY, husband
14 and wife, and parents of ORVILLE
15 THOMAS BEASLEY III,
16 Plaintiff,

17
18
19 vs.

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

Case No. CV2010-050624

JUDICIAL NOTICE

**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**

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)

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, Due Process of
7 Law Rights, and International Treaties, and others.

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

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. INCONTROVERTIBLE MATERIAL FACTS:**

2 The following facts are incontrovertible and MUST be disproved by Plaintiff or this
3 Court shall grant summary judgment in favor of Defendant. If Plaintiff does not rebut with
4 fact and law and specificity each and every statement hereafter then Plaintiff stands in
5 agreement with each un-rebutted statement.
6

7 The legislature has established in law that kidnapers and attempted murderers no
8 longer should be allowed to further harm their victims when their victims are fortunate
9 enough to survive the kidnapping and/or attempted murder. This suit is in directly
10 violation of the intent of the law and must be dismissed with prejudice.

11 **A. Orville Thomas Beasley, Jr:**

12
13 1. Orville Thomas Beasley, Jr., (Hereafter "kidnapper"), kidnapped John Stuart
14 (Hereafter Stuart) and Cynthia Cantrell (Hereafter Cantrell) on or about January 29, 2008,
15 pursuant to, *inter alia*, A.R.S. §13-1304.

16 2. Kidnapper attempted to murder Stuart by repeatedly punching Stuart in the
17 face, strangling Stuart, pulling Stuart out of Stuart's vehicle by Stuart's neck, gouging
18 Stuart's eyes, and grabbing at Stuart's pistol out of Stuart's vehicle's dashboard.

19 3. Kidnapper was extremely intoxicated with a Blood Alcohol Content
20 (B.A.C.) of .19 and an additional 900ml of alcohol mixture inside his body.

21
22 4. Kidnapper's B.A.C., if he did not die during the attempted murder of Stuart,
23 would have been approximately .38 once the alcohol finished processing through his body,
24 according to standard scientific estimates.

25 5. Kidnapper was a frequent L.S.D. "acid" user, as evidenced by his own
26 statements on a band's "blog."
27
28

- 1 6. Kidnapper bragged repeatedly on the internet about beating people up for
2 fun.
3
4 7. Kidnapper had a steroid inhaler in his possession at the time of his death.
5
6 8. Kidnapper was partially inside of Stuart’s vehicle when kidnapper was shot.
7
8 9. Kidnapper screamed at Stuart and Cantrell he was “going to kill you.”
9
10 10. Kidnapper had abnormal strength at the time he kidnapped and attempted to
11 murder Stuart and Cantrell due to his voluntary ingestion of massive amounts of alcohol
12 and illicit and legal drugs.
13
14 11. Kidnapper was attempting to murder Stuart at the time of his death.
15
16 12. Kidnapper would have murdered Stuart and Cantrell if kidnapper had not
17 died during his attempted murder of Stuart.
18
19 13. Kidnapper’s blood covered Stuart’s clothing after kidnapper was shot as
20 kidnapper was inside of Stuart’s vehicle when he was shot.
21
22 14. Kidnapper did use extreme violence to resist a citizen’s arrest for numerous
23 felonies.
24
25 15. Kidnapper did use extreme violence to escape custody of a citizen’s arrest.

21 **B. Rebecca Beasley:**

- 22 16. Plaintiff Rebecca Beasley, (Hereafter “Beasley”), was extremely intoxicated
23 at the time of the incident.
24
25 17. Beasley admitted to Phoenix Police Officers she drank as much as her
26 husband, “kidnapper”, which by scientific estimate would put Beasley’s B.A.C. at
27 approximately .28 at the time of the incident.
28

1 **18.** Several Phoenix Police Officers stated Beasley was “extremely intoxicated”
2 when they spoke to her.

3 **19.** Beasley was far too intoxicated during the incident to be able to remember
4 the incident accurately.

5 **20.** Beasley assisted kidnapper in becoming “extremely intoxicated” and then
6 “driving while intoxicated” by starting their drinking binge at approximately 3:00 pm
7 earlier that day and drank almost continually until 9:00 pm that same day.
8

9 **21.** Beasley made several inconsistent statements to police and media, including
10 without limitations, -when speaking of her husband’s violent outbreaks-“he sees red,” and
11 when speaking of whether they initiated the issue she stated to police they “did not flash
12 the high-beams” yet when speaking to the media she stated they “did flash the high-
13 beams.”

14 **22.** Beasley and kidnapper were in the commission of numerous felonies when
15 kidnapper died.

16 **23.** Beasley’s felonious acts led to the death of kidnapper.
17

18 **24.** If Beasley and kidnapper had not been out driving while highly intoxicated
19 and committing numerous felonies kidnapper would have not committed the acts of
20 kidnapping and attempted murder that led to his death.

21 **25.** Beasley did not inform kidnaper’s life insurance company that kidnapper
22 died during the commission of numerous felonies.
23

24 **C. John Stuart and Cynthia Cantrell:**

25 **26.** Stuart was completely sober and had no illicit drugs in his body at the time
26 of the incident.
27
28

1 27. Stuart does not do any drugs at any time and does not believe in the use of
2 illicit drugs for any reason.

3 28. Stuart and Cantrell were in fear for their lives from the kidnapping and
4 savage assault by kidnapper.

5 29. Stuart did place kidnapper under citizen's arrest for kidnapper's numerous
6 felonies.

7 30. Stuart's vehicle met the requirements to be considered a "second home" as
8 such was stocked with the necessary "camping equipment" to live in for several days.

9 31. Stuart NEVER left His vehicle during the kidnapping /savage assault/
10 attempted murder being committed against Him.

11 32. Stuart was "performing a political function" for a Presidential candidate
12 when kidnapper kidnaped and attempted to murder Him and Cantrell.

13 33. Cantrell NEVER left the vehicle during the kidnapping and attempted
14 murder.

15 **D. Arizona Law:**

16 34. Arizona law, as revised in April 2006, justifies people in using deadly
17 physical force when they are savagely attacked in their own vehicle.

18 35. Arizona law defines kidnapping in, *inter alia*, A.R.S. § 13-1304:

19 §13-1304. Kidnapping

20 A. **A person commits kidnapping by knowingly restraining another**
21 **person with the intent to:**

22 3. **Inflict death, physical injury** or a sexual offense on the
23 **victim, or to otherwise aid in the commission of a felony; or**

24 4. **Place the victim or a third person in reasonable**
25 **apprehension of imminent physical injury to the victim**
26 **or the third person; or**

27 5. **Interfere with the performance of a governmental or**
28 **political function; or**

1 **6. Seize or exercise control over any airplane, train, bus, ship**
2 **or other vehicle.** (All emphasis added)

3
4 **36.** Arizona law, *inter alia*, A.R.S. §13-418, known as “castle doctrine,” ended
5 the requirement for a man to retreat from an attack on his body while inside his personal
6 vehicle.

7 A.R.S. §13-418. Justification; use of force in defense of residential structure
8 or occupied vehicles; definitions

9 A. Notwithstanding any other provision of this chapter, a person is
10 justified in threatening to use or using physical force or deadly
11 physical force against another person if the person reasonably
12 believes himself or another person to be in imminent peril of death or
13 serious physical injury and the person against whom the physical
14 force or deadly physical force is threatened or used was in the process
15 of unlawfully or forcefully entering, or had unlawfully or forcefully
16 entered, a residential structure or occupied vehicle, or had removed or
17 was attempting to remove another person against the other person's
18 will from the residential structure or occupied vehicle.

19 B. A person has no duty to retreat before threatening or using physical
20 force or deadly physical force pursuant to this section.

21 C. For the purposes of this section:

- 22 1. "Residential structure" has the same meaning prescribed in
23 section 13-1501.
- 24 2. "Vehicle" means a conveyance of any kind, whether or not
25 motorized, that is designed to transport persons or property.

26 **37.** The intent of Arizona law, *inter alia*, A.R.S. §13-419, was to prevent and/or
27 discourage kidnappers and/or attempted murder's co-conspirators to sue their surviving
28 victims.

E. Attorney John C. Doyle, Esq.:

38. Beasley's attorney Doyle, (Hereafter "Doyle"), is well aware Stuart is
financially destitute and there is no hope of obtaining money from Stuart.

39. Doyle is using this frivolous lawsuit to capture money from Beasley that
Beasley garnered from kidnapper's life insurance policy and which Beasley has absolutely
no chance of ever getting back.

1 **40.** Doyle has violated the canons of ethics by commencing a lawsuit there is
2 no possibility of winning and/or recovering in an unethical attempt to deprive Beasley of
3 money.

4 **41.** Doyle knowingly, intelligently and willfully made numerous libelous and
5 slanderous false statements about Stuart to the media in an unlawful and unethical attempt
6 to contaminate the jury pool.

7 **42.** Doyle knowingly, intelligently and willfully falsely accused Stuart of being
8 part of the "Montana Freeman" group in an unlawful and unethical attempt to sway public
9 opinion against Stuart. Stuart has NEVER been a member and/or believer in any such
10 group.

11 **43.** Doyle knowingly, intelligently and willfully falsely accused Stuart of
12 owning numerous "assault weapons" when Stuart owns primarily "cowboy collection" and
13 "hunting firearms" only two (2) of which could possibly be considered "assault weapons"
14 under the law, one of which was purposely made "inoperable" by Stuart. (*See*: Police
15 report on the weapons stating the AR-15 could not be made to fire by police firearms
16 personnel).

17
18 **F. Phoenix Police Department:**

19 **44.** The Phoenix Police investigation against Stuart has been corrupt and biased
20 and Stuart has been deprived of His Civil Rights and Due Process of Law Rights under
21 color of law in an unlawful attempt to classify Beasley as a victim as Beasley and
22 kidnapper had ties to County Attorney Andrew Thomas.

23 **45.** Phoenix Police Homicide Detective Paul Dalton (Hereafter "Dalton")
24 committed numerous felonies to assist in the unlawful prosecution of Stuart.

25 **46.** Dalton knowingly, intelligently and willfully violated the COMMAND of a
26 lawfully issued WARRANT in furtherance of the malicious prosecution of Stuart:
27
28

1 a. Warrant required confiscation of Stuart's clothing, yet Dalton refused
2 as said clothing was covered in kidnapper's blood and would prove
3 conclusively kidnapper was inside Stuart's vehicle at the time of the
4 kidnapping attempted murder and as such would have prevented the
5 prosecution of Stuart.

6 b. Warrant required confiscation of a sample of Stuart's blood, yet
7 Dalton refused, as such would have proved conclusively Stuart was sober at
8 the time of the incident.

9 47. Dalton lied to two (2) grand juries by knowingly, intelligently and willfully
10 mis-quoting witness statements, converting exculpatory witness statements into
11 inculpatory and false statements.

12 48. Dalton knowingly, intelligently and willfully destroyed ALL police officer's
13 original notes and entered altered notes into the Phoenix Police Departments computer
14 system, converting exculpatory witness statements into inculpatory and false statements.

15 **II. PURSUANT TO THE APPROPRIATE MAXIMS OF LAW**
16 **AND IN ACCORDANCE WITH THE PREVIOUS STATEMENTS**
17 **THIS COURT MUST DISMISS THIS CASE WITH PREJUDICE.**

- 18 1. Plaintiff is a known drunkard.
- 19 2. Plaintiff is a known liar.
- 20 3. Plaintiff's attorney is a known liar.
- 21 4. Plaintiff is a known kidnapper and/or co-conspirator to a kidnapping.
- 22 5. Plaintiff is a known co-conspirator to attempted murder.

23 **II. DUE PROCESS OF LAW IS PURSUANT TO MAXIMS OF LAW**

24 Defendant invokes Due Process of Law in this case. Accordingly, this Court must
25 adhere to the Maxims of Law as required by the definition of Due Process of Law. All
26 maxims of law, whether listed or not are hereby invoked in this case.

27 This Court MUST dismiss this suit as this suit has been brought by a known liar
28 and drunkard that assisted another drunkard in attempting to murder their kidnap victim.
This Court has no jurisdiction to assist kidnappers and/or people that attempt to murder
innocent people.

1 Plaintiff and Plaintiff's attorney are known liars and have lied to the Phoenix
2 Police, the court, the media, and others and have proven conclusively their words mean
3 nothing. This Court shall not listen to Plaintiff as Plaintiff has already proven herself to be
4 a liar, a drunkard and caused the death of her own husband by assisting in the kidnapping
5 and murder attempt by her drunken and drug raging husband of an innocent man.

6 **See: Black's Law Sixth Edition, page 500.**

7 **Due process of law.** Law in its regular course of administration through courts of
8 justice. Due process of law in each particular case means **such an exercise of the**
9 **powers of the government as the settled maxims of law permit and sanction,**
10 **and under such safeguards for the protection of individual rights as those**
11 **maxims prescribe for the class of cases to which the one in question belongs.** A
12 course of legal proceedings according to those rules and principles which have been
13 established in our systems of jurisprudence for the enforcement and protection of
14 private rights. To give such proceedings any validity, there must be a tribunal com-
15 petent by its constitution—that is, by the law of its creation—to pass upon the
16 subject-matter of the suit; and, if that involves merely a determination of the
17 personal liability of the defendant, he must be brought within its jurisdiction by
18 service of process within the state, or his voluntary appearance. *Pennoyer v. Neff,*
19 *95 U.S. 733, 24 L.Ed. 565.*

20 **If any question of fact or liability be conclusively presumed against him, this is**
21 **not due process of law.**

22 **Aside from all else, "due process" means fundamental fairness and substantial**
23 **justice.** *Vaughn v. State, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883.*

24 **III MAXIMS OF LAW IN THEIR ACCEPTED ENGLISH VERSION**

25 These, and all maxims of law, are hereby invoked in this case and shall be the
26 law for this case and the ruling factor for all decisions in this case.

27 **A. Plaintiff has lied to police, the media, and others:**

- 28 1. Perjured witnesses should be punished for perjury and for the crimes they falsely
accuse against him.
2. Punishment is due if the words of an oath be false.
3. **If one falsely accuses another of a crime, the punishment due to that crime**
should be inflicted upon the perjured informer. [Deuteronomy 19:18]
4. An infamous person is repelled or prevented from taking an oath.
5. Once a fraud, always a fraud.
6. Out of fraud no action arises.

- 1 7. It is a fraud to conceal a fraud.
- 2 8. Gross negligence is equivalent to fraud.
- 3 9. Suppression of the truth is equivalent to the expression of what is false.
- 4 10. False in one (particular), false in all.
- 5 11. Deliberate falsehood in one matter will be imputed to related matters.
- 6 12. He who alleges contradictory things is not to be listened to.

7
8 **B. Plaintiff and her husband attacked Defendant with the intent to kidnap and/or murder Defendant:**

- 9 1. The instigator of a crime is worse than he who perpetrates it.
- 10 2. They who consent to an act, and they who do it, shall be visited with equal
- 11 punishment.
- 12 3. He who is once bad, is presumed to be always so in the same degree.
- 13 4. He who is once criminal is presumed to be always criminal in the same kind or
- 14 way.
- 15 5. He who does not forbid a crime while he may, sanctions it.
- 16 6. Gross negligence is held equivalent to intentional wrong.
- 17 7. He who suffers a damage by his own fault, has no right to complain.
- 18 8. He who does not prevent what he can, seems to commit the thing.
- 19 9. He who does not prevent what he can prevent, is viewed as assenting.
- 20 10. He who does not forbid what he can forbid, seems to assent.
- 21 11. He who does not forbid, when he might forbid, commands.
- 22 12. He who does not repel a wrong when he can, induces it.

23 **C. Plaintiff's drunkenness and criminal activity that led to and caused the death**
24 **of her husband prohibits Plaintiff from now using the law to further her**
25 **assault on Defendant:**

- 25 1. An outlaw is, as it were, put out of the protection of the law.
- 26 2. Vainly does he who offends against the law, seek the help of the law.
- 27 3. **Drunkenness inflames and produces every crime.**
- 28 4. Drunkenness both aggravates and reveals every crime.

- 1 5. He who sins when drunk shall be punished when sober.
- 2 6. A right cannot arise from a wrong.
- 3 7. He ought not to be heard who advances a proposition contrary to the rules of law.

4 **D. Plaintiff is attempting to prove a lie:**

- 5 1. The Burden of Proof lies on him who asserts the fact -not on him who denies it.
- 6 2. Suppression of the truth is equivalent to the expression of what is false.
- 7 3. The law punishes falsehood.

8 **E. Plaintiff's attorney lied to the media to contaminate the jury pool:**

- 9 1. Perjured witnesses should be punished for perjury and for the crimes they falsely
- 10 accuse against him.
- 11 2. Punishment is due if the words of an oath be false.
- 12 3. **If one falsely accuses another of a crime, the punishment due to that crime**
- 13 **should be inflicted upon the perjured informer.** [Deuteronomy 19:18]
- 14 4. Once a fraud, always a fraud.
- 15 5. Out of fraud no action arises.
- 16 6. It is a fraud to conceal a fraud.
- 17 7. Gross negligence is equivalent to fraud.
- 18 8. The law punishes falsehood.
- 19 9. **Concealment of the truth is (equivalent to) a statement of what is false.**
- 20 10. Suppression of fact, which should be disclosed, is the same in effect as willful
- 21 misrepresentation.

22 **F. Defendant never left His vehicle and kidnapper was shot while partially inside**

23 **of Defendant's vehicle:**

- 24 1. Every home is a castle; though the winds of heaven blow through it, officers of the
- 25 state cannot enter.
- 26 2. An act does not make a man a criminal, unless his intention be criminal.

27 **G. Defendant has the God given and constitutionally protected Right to survive a**

28 **kidnapping and murder attempt:**

1
2 1. He who uses his legal rights harms no one.

3 2. **The execution of law does no injury.**

4 3. We may do what is allowed by law.

5 **H. Arizona Revised Statute § 13-418 justifies using force to prevent being murdered while in one vehicle:**

6 1. No one is punished unless for some wrong act or fault.

7 2. We may do what is allowed by law.

8 3. In a doubtful case, that is the construction of the law which the words indicate.

9 4. The reason of the law is the soul of the law.

10 5. No one is considered as committing damages, unless he is doing what he has no
11 right to do.

12 6. He who uses his legal rights, harms no one.

13 **I. This Court does not have jurisdiction to assist a kidnapper/attempted murder**
14 **in furtherance of her crimes:**

15 1. An act of the court shall oppress no one.

16 **J. The Holy Scriptures and America's Organic Law demands all people to**
17 **protect themselves and others, and prevent criminals from committing heinous**
18 **acts, especially the type of acts being committed by Plaintiff and her husband**
19 **when she caused the death of her husband:**

20 1. **That which is against Divine Law is repugnant to society and is void.**

21 2. "If a thief is caught breaking in and is struck so that he dies, the defender is not
22 guilty of bloodshed; Exodus 22:2

23 3. We may do what is allowed by law.

24 **K. This Court is duty bound to dismiss this case with prejudice for the lies**
25 **Plaintiff has told and the fact this Court does not have jurisdiction to assist a**
26 **kidnapper/attempted murderer:**

27 1. The government is to be subject to the law, for the law makes government.

28 2. The law is not to be violated by those in government.

3. It is the duty of a good judge to remove the cause of litigation. [Acts 18:12-16]

4. The end of litigation is justice.

1 **L. This Court is reliant on maxims of law to establish the justness of a suit:**

- 2 1. A maxim is so called because its dignity is chiefest, and its authority most certain,
3 and because universally approved of all.
- 4 2. All law has either been derived from the consent of the people, established by
5 necessity, confirmed by custom, or of Divine Providence.
- 6 3. Nothing is so becoming to authority [God] as to live according to the law [of God].
- 7 4. He acts prudently who obeys the commands of the Law. [Ecclesiastes 12:13]
- 8 5. Law is the safest helmet; under the shield of the law no one is deceived. [Ephesians
9 6:13-17, 1 Thessalonians 5:8]
- 10 6. An argument drawn from authority [scripture] is the strongest in law.
- 11 7. In default of the law, the maxim rules.

12 **L. Defendant could not have survived the attack by Plaintiff and Plaintiff's fellow**
13 **kidnapper/murderer due to Plaintiff's fellow kidnapper/murderer's abnormal**
14 **strength caused by the alcohol and illicit drugs voluntarily ingested by**
15 **Plaintiff's fellow kidnapper/murderer:**

- 14 1. The law does not seek to compel a man to do that which he cannot possibly
15 perform.
- 16 2. The law requires nothing impossible.
- 17 3. The law compels no one to do anything which is useless or impossible.
- 18 4. No one is bound to do what is impossible
- 19 5. Impossibility excuses the law.
- 20 6. No prescription runs against a person unable to act.

21 **M. It would be unjust for this Court to assist the kidnapper/murderer from**
22 **causing additional harm to kidnapper/murderer's victim:**

- 22 1. The law shall not, through the medium of its executive capacity, work a wrong.
- 23 2. The law does wrong to no one.
- 24 3. An act of the law wrongs no man.
- 25 4. The law never works an injury, or does him a wrong.
- 26 5. The construction of law works not an injury.
- 27 6. No one shall take advantage of his own wrong.
- 28 7. No man ought to derive any benefit of his own wrong.

- 1 8. No one ought to gain by another's loss.
- 2 9. No one ought to enrich himself at the expense of others.
- 3 10. No one can improve his condition by a crime.

4 **N. This Court should ONLY allow the truth and ONLY rule by reason based on**
5 **truth:**

- 6 1. Nothing against reason is lawful.
- 7 2. Nothing against reason is lawful.
- 8 3. The law never suffers anything contrary to truth.
- 9 4. Law is the dictate of reason.
- 10 5. Law is established for the benefit of man. [Mark 2:27]
- 11 6. The reason of the law is the soul of the law.
- 12 7. The reason ceasing, the law itself ceases.
- 13 8. When the reason, which is the soul of a law, ceases to exist, the law itself should
14 lose its operative effect.
- 15 9. If you depart from the law you will wander without a guide and everything will be
16 in a state of uncertainty to every one. [Joshua 1:8]
- 17 10. Nothing unjust is presumed in law.

18 **IV. IN DIRECT POINT BY POINT RESPONSE TO DEFENDANT'S RESPONSE**

- 19 1. **Defendant has insufficient knowledge to form a belief.**
- 20 2. **Denied.** Defendant has "specially appeared" to assist this Court in settling
21 the matter unlawfully commenced by a kidnapper in furtherance of harming said
22 kidnappers victim.

24 **B. [DEFENDANT'S] MEMORANDUM OF POINTS AND AUTHORITIES**

25 **I. INTRODUCTION**

- 26
- 27 3. **Denied.** Defendant's explanations are sound and abundantly clear. Plaintiff's
28 suit should be dismissed as it is repugnant to the constitution for this Court to allow a

1 kidnapper to sue her victim based solely on the fact she caused the death of her fellow
2 kidnapper by attempting to commit the kidnapping while both kidnappers were far to
3 inebriated to think or act clearly. Defendant is neither submitting to this Court's
4 jurisdiction nor requesting this Court to do anything that the law does not REQUIRE this
5 Court to do. The order was supplied with the documents to further assist this Court.
6 Defendant's statements are logical and are evidenced by facts known to the court.
7 Accordingly, this Court should dismiss Plaintiff's Complaint with prejudice.

8
9 **II. FACTUAL BACKGROUND**

10 **4. Denied.** Plaintiff has knowingly, intelligently and willfully obfuscated
11 material facts and material issues by only supplying to this Court part of the record.

12 **5. Denied.** Plaintiff has not clearly stated whether Plaintiff served JOHN
13 STUART or John Stuart, and/or whether Plaintiff believes there is a difference between
14 the parties.

15 **6. Denied.** Defendant may or may not be a resident depending on the legal
16 definitions of Arizona, the court, an *ens legis*, and/or whether Plaintiff is attempting to
17 claim there is no difference between the land mass known as Arizona, the corporate entity
18 known as Arizona, the government agency known as Arizona, etc. Plaintiff MUST
19 stipulate and admit on and for the record which entities Plaintiff speaks of. Until Plaintiff
20 makes it clear which entities and/or parties are involved there has been no ratification of
21 commencement. Plaintiff is therefore required to complete the ratification of
22 commencement before continuing this assault on Defendant in furtherance of Plaintiff's
23 previous crimes against Defendant. Plaintiff obviously does not understand Defendant's
24 use of the words in Defendant's other matters and thus all of Plaintiff's presumption
25 and/or assumptions are hereby denied and therefore must be proven by Plaintiff.
26
27
28

1 7. **Denied.** Defendant's actual "home" is in Heaven and Defendant is truly just
2 passing through this state and traveling on the land. As this Court well knows, ARIZONA
3 is an *ens legis* and Defendant is a flesh and blood, natural, living man, not a fiction. It is a
4 functional impossibility for a real entity and a fictional entity to "deal" with each other
5 outside of fiction. Plaintiff is attempting to mix the fiction with the real which is
6 impossible. Defendant has merely attempted to assist this Court in resolving this Court's
7 issues to save the public from wasting valuable resources in this frivolous suit. Plaintiff is
8 attempting to further her numerous crimes against Defendant since her kidnapping and
9 murder attempt on Defendant failed.

10 **III. LEGAL ANALYSIS**

11
12 A. 8. **Denied.** Plaintiff's use of incorrect cites is evidence Plaintiff is
13 attempting to confuse this Court. Any contacts Defendant has with the forum state is
14 denied as they are ONLY through threat, duress and coercion. Plaintiff has not enumerated
15 which ARIZONA Plaintiff is using as the ties that bind Defendant. Plaintiff must state on
16 and for the record is Plaintiff using, ARIZONA, Arizona, the state of Arizona, ARIZONA
17 STATE, or some other such entity. It is unclear if Plaintiff is using the *ens legis*, the land
18 mass, the constitutional entity, the corporate entity, the federal franchise, and/or the
19 country.

20
21 9. **Denied.** Defendant has no duty to establish something that does not exist. It
22 is fundamentally impossible to prove something does not exist. Since jurisdiction does not
23 exist in this matter without "force of arms" then the claimed jurisdiction is lacking in
24 substance.

25 10. **Denied.** There is no evidence Defendant has "lived in Arizona." Arizona in
26 this case is a land mass and one simply cannot live "in a land mass." It is possible one may
27 travel on a land mass, but such does not grant jurisdiction. If Plaintiff is claiming
28 Defendant has lived in a corporate fiction known as Arizona then Plaintiff's claims are

1 facially impossible as something real cannot live in something fictional. Plaintiff's
2 perjurous claim contains facts not in evidence and MUST be dismissed for Plaintiff's
3 crime. Plaintiff's perjurous statement of material facts and material issues by stating;
4 "Defendant caused the death of Mr. Beasley" is more than adequate to dismiss Plaintiff's
5 claim. Defendant did not in fact cause Mr. Beasley's death. Plaintiff and Mr. Beasley's
6 felonious acts of being "extremely intoxicated" while driving then kidnapping and
7 attempting to murder Defendant are the sole cause of Mr. Beasley's death. Plaintiff's false
8 claim that Defendant shot Mr. Beasley is another perjurous statement. There are NO facts
9 in evidence in any case that evidences Defendant shot Mr. Beasley. In fact, the evidence is
10 quite clear that Mr. Beasley was attempting to murder Defendant after kidnapping
11 Defendant and Mr. Beasley caused himself to be shot while attempting to murder
12 Defendant. Again, Defendant's contacts with Arizona are not voluntary and are disclaimed
13 *vi et armis*. Accordingly, Plaintiff's repetitive lies and perjurous acts causes Plaintiff's
14 Complaint to frivolous and thus should be dismissed with prejudice.

15
16 **B. 11. Denied.** Plaintiff has failed to state a claim that allows kidnapers and
17 murderers to further harm their victims and/or garner support form the court for their
18 crimes. There is no relief this Court can lawfully grant to a kidnapper and/or attempted
19 murderer. Plaintiff's failure to state a claim upon which relief can be granted is cause for
20 this Court to dismiss this case with prejudice.

21 **12. Denied.** Defendant cannot by law be considered responsible for any of the
22 allegations claimed by Plaintiff. Plaintiff is the sole cause of Plaintiff's co-conspirators
23 death. If Plaintiff had not caused her co-conspirator to reach a B.A.C. of .19 and allow him
24 to commit numerous felonies, Plaintiff would have not caused Mr. Beasley's death.
25 Defendant had nothing to do with Mr. Beasley becoming drunk, taking L.S.D., and
26 steroids. Defendant had nothing to do with Mr. Beasley driving while extremely
27 intoxicated. Defendant had nothing to do with Mr. Beasley kidnapping Defendant other
28 than Defendant being the victim of the kidnapping. Plaintiff is the ONLY one liable for

1 Mr. Beasley's death. Defendant is ONLY liable for Defendant and Defendant's fiancé's
2 rightful life and survival. If Defendant had not survived Plaintiff's kidnapping and
3 attempted murder, Plaintiff would certainly be tried for the murder and kidnapping of
4 Defendant and Defendant's fiancé. Defendant has repetitively stated the basis for
5 Defendant's claim, and will once again: there is no law that allows someone who kidnaps
6 and attempts to murder someone else sue their victim if their victim survives and their
7 fellow kidnapper/attempted murderer does not. There are laws that do allow the Sate to
8 charge the kidnapper with the death of their fellow kidnapper; these laws are known as the
9 felony murder rule.

10
11 **C. 13. Agreed.** Such is a material fact as to why this case is frivolous.
12 "Doing justice" can NEVER mean allowing a kidnapper's co-conspirator to further harm
13 the victim by using the judicial system as just another weapon.

14 **14. Denied.** There is no law and/or rule requiring Defendant to list other parties.
15 If Plaintiff's attorney is too incompetent to know the other parties then Plaintiff's attorney
16 should not have filed the suit. There are no facts in evidence in this Court and/or any other
17 court attesting that Defendant caused the death of Plaintiff's co-conspirator. Plaintiff's
18 claims are facially invalid, ergo, the suit is frivolous. Additionally, Plaintiff is well aware
19 there are other parties and Plaintiff's suit is *prima facie* evidence Plaintiff is unlawfully
20 using a civil action to affect a criminal action.

21 For this fatal error, this case MUST be dismissed with prejudice.
22

23 **15. Agreed.** This Court may proceed in actions where it has jurisdiction, yet this
24 Court may not proceed where it cannot prove its jurisdiction. NO COURT HAS
25 JURISDICTION TO ASSIST A KIDNAPPER IN HARMING THE KIDNAPPERS
26 VICTIM. Plaintiff's fatal error of entering in any affidavits and/or statements made under
27 penalty of perjury are Plaintiff's and Plaintiff's attorney admission this case is frivolous
28 and Plaintiff is lying. Absent said required documents is more than sufficient grounds for

1 this Court to dismiss this frivolous suit with prejudice and therefore this Court shall
2 dismiss this suit with prejudice.

3
4 **16. Denied.** Plaintiff has no common law right to further harm her kidnapping
5 victim. Common law prohibits the use of courts to further harm kidnapper's victims. Rules
6 12(b)(1 and 2), as all other Rules, require that the court only be used in furtherance of
7 justice and never in furtherance of crime. The material fact and issue that Plaintiff is using
8 this Court in furtherance of Plaintiff's criminal acts is sufficient cause for this Court to
9 dismiss the case with prejudice. As written on the front of the new court building, a quote
10 from Alexander Hamilton: "the first duty of society is justice," it does not say the first
11 duty is to assist kidnappers.

12 **IV. 17. Denied.** Plaintiff has failed to prove *in rem* and/or *in personum*
13 jurisdiction. Plaintiff's attorney's statements are baseless and lacking in the requisite
14 evidence and/or attestation to said statements. This Court does not "steal" jurisdiction
15 based on lies by an attorney, it must "capture" jurisdiction based on facts and evidence.
16 Neither of which has been supplied or sufficiently pled by Plaintiff.

17
18 Plaintiff's attorney's statements are all inadmissible hearsay and must be stricken
19 from this Court's record. Plaintiff has refused to enter any statements under penalty of
20 Perjury as Plaintiff and Plaintiff's attorney are well aware ALL of Plaintiff's claims and/or
21 statements are lies.

22 **V. IN FURTHERANCE OF PLAINTIFF'S DENIAL OF JURISDICTION**
23 **AND DENIAL OF PLAINTIFF'S CLAIMS:**

24 **A.** Attorney's statements mean nothing in this court and should be
25 stricken from the record. If Plaintiff has something to say, Plaintiff is required by law to
26 state such in an affidavit signed under penalty of perjury, and if Plaintiff does so and
27 Defendant proves said statements are perjurious, then Plaintiff shall be held liable for
28 contempt and criminal acts.

1 **B. Maxims of Law:**

- 2 1. Truth is expressed in the Form of an Affidavit
3 2. An un-rebutted Affidavit stands as Truth in the Matter.

4 **C. *Juris prudence concerning Plaintiff's attorney's statements.***

5 "Manifestly, [such statements] cannot be properly considered by us in the
6 disposition of [a] case." United States v. Lovasco (06/09/77) 431 U.S. 783, 97 S.
7 Ct. 2044, 52 L. Ed. 2d 752.

8 "Under no possible view, however, of the findings we are considering can they be
9 held to constitute a compliance with the statute, since they merely embody
10 conflicting statements of counsel concerning the facts as they suppose them to be
11 and their appreciation of the law which they deem applicable, there being,
12 therefore, no attempt whatever to state the ultimate facts by a consideration of
13 which we would be able to conclude whether or not the judgment was warranted."
14 Gonzales v. Buist. (04/01/12) 224 U.S. 126, 56 L. Ed. 693, 32 S. Ct. 463.

15 "No instruction was asked, but, as we have said, the judge told the jury that they
16 were to regard only the evidence admitted by him, not statements of counsel", Holt
17 v. United States, (10/31/10) 218 U.S. 245, 54 L. Ed. 1021, 31 S. Ct. 2,

18 "The prosecutor is not a witness; and he should not be permitted to add to the
19 record either by subtle or gross improprieties. Those who have experienced the full
20 thrust of the power of government when leveled against them know that the only
21 protection the citizen has is in the requirement for a fair trial." Donnelly v.
22 Dechristoforo, 1974.SCT.41709 ¶ 56; 416 U.S. 637 (1974) Mr. Justice Douglas,
23 dissenting.

24 "Care has been taken, however, in summoning witnesses to testify, to call no man
25 whose character or whose word could be successfully impeached by any methods
26 known to the law. And it is remarkable, we submit, that in a case of this magnitude,
27 with every means and resource at their command, the complainants, after years of
28 effort and search in near and in the most remote paths, and in every collateral by-
29 way, now rest the charges of conspiracy and of gullibility against these witnesses,
30 only upon the bare statements of counsel. The lives of all the witnesses are clean,
31 their characters for truth and veracity un-assailed, and the evidence of any attempt
32 to influence the memory or the impressions of any man called, cannot be
33 successfully pointed out in this record." Telephone Cases. Dolbear v. American
34 Bell Telephone Company, Molecular Telephone Company v. American Bell
35 Telephone Company. American Bell Telephone Company v.. Molecular Telephone
36 Company, Clay Commercial Telephone Company v. American Bell Telephone
37 Company, People's Telephone Company v. American Bell Telephone Company,
38 Overland Telephone Company v. American Bell Telephone Company,. (PART

1 TWO OF THREE) (03/19/88) 126 U.S. 1, 31 L. Ed. 863, 8 S. Ct. 778.

2 "Statements of counsel in brief or in argument are not sufficient for motion to
3 dismiss or for summary judgment," *Trinsey v. Pagliaro*, D. C. Pa. 1964, 229 F.
4 Supp. 647.

5 "Factual statements or documents appearing only in briefs shall not be deemed to
6 be a part of the record in the case, unless specifically permitted by the Court" –
Oklahoma Court Rules and Procedure, Federal local rule 7.1(h).

7 *Trinsey v Pagliaro* D.C.Pa. 1964, 229 F. Supp. 647. "Statements of counsel in brief
8 or in argument are not facts before the court and are therefore insufficient for a
9 motion to dismiss or for summary judgment."

10 "Where there are no depositions, admissions, or affidavits the court has no facts to
11 rely on for a summary determination." *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F.
Supp. 647.

12 *Frunzar v. Allied Property and Casualty Ins. Co.* (Iowa 1996)† 548 N.W.2d 880
13 Professional statements of litigants attorney are treated as affidavits, and attorney
14 making statements may be cross-examined regarding substance of statement.

15 *Porter v. Porter* (N.D. 1979) 274 N.W.2d 235 ñ The practice of an attorney filing
16 an affidavit on behalf of his client asserting the status of that client is not approved,
17 inasmuch as not only does the affidavit become hearsay, but it places the attorney
in a position of witness thus compromising his role as advocate.

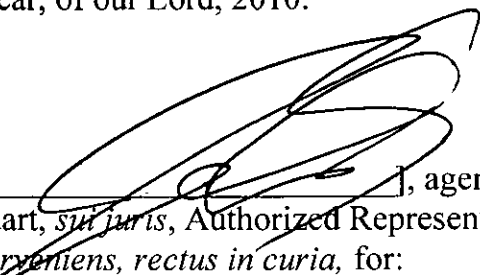
18 *Deyo v. Detroit Creamery Co* (Mich 1932) 241 N.W.2d 244 Statutes forbidding
19 administering of oath by attorney's in cases in which they may be engaged applies
20 to affidavits as well.

21
22 **WHEREFORE**, Defendant moves this Court to dismiss with prejudice ALL of
23 Plaintiff's claims and Order Plaintiff to compensate Defendant accordingly for the damage
24 Plaintiff has done to Defendant's Life, Liberty, and His Pursuit of Happiness;

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

2. General damages in an amount to be determined; and
3. Punitive damage in an amount deemed just and reasonable against Plaintiff and/or Plaintiff's attorney as alleged herein; and
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; and
5. Any other further relief that this Court deems just and proper.

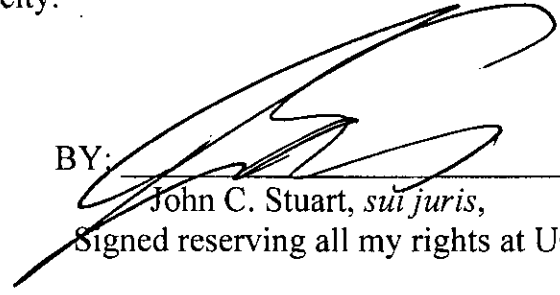
DATED: This 4th day of June, in the year, of our Lord, 2010.

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

VERIFIED STATEMENT

The undersigned Affiant, John C. Stuart, *sui juris*, a man, and a civilian, hereinafter "Affiant", does solemnly declare and state as follows:

1. Affiant is competent to state the matters set forth herein.
2. Affiant has knowledge of the facts stated herein.
3. All the facts herein are true, correct and complete, not misleading, to the best of Affiant's knowledge and belief, and admissible as evidence, and if called upon as a witness, Affiant will testify to their veracity.

BY:  _____, agent
John C. Stuart, *sui juris*,
Signed reserving all my rights at UCC 1-308

1 **CERTIFICATE OF SERVICE**

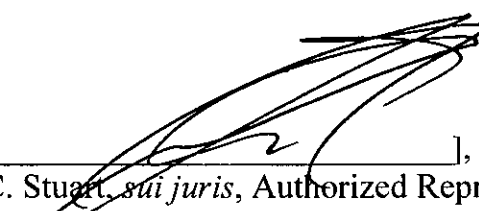
2
3 Defendant delivered/mailed copies of the foregoing
4 to the Plaintiff this 4th day of June, 2010:

5
6 **COPY** of the foregoing delivered
7 this 4th day of June, 2010 to:

8 Honorable Linda Miles
9 Maricopa County Superior Court
10 18038 E. Union Hills Dr.
Phoenix, Arizona 85003

11 **COPY** of the foregoing delivered/mailed
12 this 4th day of June, 2010 to:

13 **DOYLE LAW GROUP**
14 5010 East Shea Blvd., Suite A-106
15 Scottsdale, AZ 85254
16 John C. Doyle, Esq. (010602)
Jonathon L Sullivan, Esq. (026619)

17
18 By:  [], agent
19 John C. Stuart, *sui juris*, Authorized Representative,
20 *Tertius interveniens, rectus in curia*, for:
JOHN STUART, *ens legis, in propria persona*