

## **BULLET POINTS**

Since 1997, 23 States have adopted some form of “castle doctrine” into their Statutes. The first State to adopt “castle doctrine” was Louisiana. In that year “Ms. Louisiana” had been carjacked and the thieves stole the car she was given for winning the title. People in Louisiana had had enough. The State responded to the people’s outcry against ‘carjackings’ and ‘home invasions’ by creating a law based on the Magna Carta’s and U.S. Constitution’s concepts that “a mans home is his castle” and that the right to defend one’s self is substantive and shall remain inviolate.

In April of 2006 Arizona adopted “castle doctrine” whereby a man no longer has a duty to retreat from his home or his vehicle when being attacked; and no longer is a man required to only use the amount of force being used against him. In short, a man has the right under Arizona law to use deadly physical force against anyone attacking him or his family in his home and/or his vehicle; and pursuant to Arizona law the man cannot lawfully be charged with a crime by the State even if the attacker dies.

**Instead of adhering to this law; Arizona State agents are now on orders to destroy all of the evidence proving there was an attack so the State can charge and arrest people based on the State’s contrived and false theory on the incident.**

In this instant case, the State has created a story and has purposefully destroyed every piece of evidence that disproves their contrived story and/or proves I am innocent.

The State has purposefully destroyed all exculpatory evidence, committed numerous acts of perjury, falsely arrested me and wrongfully imprisoned me several times, and denied me any possibility of receiving a fair trial. In short, I am obviously being framed.

The State refused to allow me to represent my self for over 2 years, and only allowed me to do so after the prosecutor informed the court that the State had finally destroyed the last piece of evidence that proves I am innocent.

The judges have allowed the State to destroy all the exculpatory evidence and to violate every rule concerning pleadings and always rule in favor of the State.

*See: <http://www.researchsociety.org/Cases/CR2008-106594/CR2008-106594.html>*

## Arizona “Castle Doctrine” Laws

### A.R.S. § 13-418. Justification; use of force in defense; definitions

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

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

### A.R.S. § 13-419. Presumption; exceptions; definitions

A. A person is presumed to be acting reasonably for the purposes of sections 13-404 through 13-408 and section 13-418 if the person is acting against another person who unlawfully or forcefully enters or entered the person's residential structure or occupied vehicle, except that the presumption does not apply if: 1. The person against whom physical force or deadly physical force was used has the right to be in or is a lawful resident of the residential structure or occupied vehicle, including an owner, lessee, invitee or titleholder, and an order of protection or injunction against harassment has not been filed against that person. 2. The person against whom the physical force or deadly physical force was used is the parent or grandparent, or has legal custody or guardianship, of a child or grandchild sought to be removed from the residential structure or occupied vehicle.

3. The person who uses physical force or deadly physical force is engaged in an unlawful activity or is using the residential structure or occupied vehicle to further an unlawful activity. 4. The person against whom the physical force or deadly physical force was used is a law enforcement officer who enters or attempts to enter a residential structure or occupied vehicle in the performance of official duties.

For the purposes of these sections: 1. "Residential structure" has the same meaning prescribed in section 13-1501. 2. "Vehicle" means a conveyance of any kind, whether or not motorized, that is designed to transport persons or property.

LEAGAL MEANING: “**A person has no duty to retreat; and is justified; and is presumed to be acting reasonably; in using deadly physical force** against another person if the person reasonably believes himself or another person to be in imminent peril of death or serious physical injury and the person against whom deadly physical force is used was in the process of unlawfully or forcefully entering, or had unlawfully or forcefully entered, a occupied vehicle, or had removed or was attempting to remove another person against the other person's will from the occupied vehicle.”

## **Evidence Purposefully Destroyed by the State because it proves I am innocent**

- **My clothing:** Det. Dalton refused to confiscate my clothing as ordered by the Warrant because they had the decedent's blood on them. The blood on the clothing proved the decedent was partially inside my vehicle when he died and not several feet away as the State claims. Refusing to do as ordered by a Warrant is a felony. (See page 5; wording copied from Warrant)
- **Samples of my blood and urine:** Det. Dalton refused to confiscate samples of my blood and urine as ordered by the Warrant because the samples would have proven I was sober and do not do drugs. Refusing to do as ordered by a Warrant is a felony.
- **My vehicle:** My vehicle was covered in the decedent's blood. Prosecutor Charbel lied to the court and the defense by claiming the State gave the vehicle to the bank. After hiding the vehicle for 9 months Prosecutor Charbel admitted they had the vehicle the whole time. The State removed the tarp we placed on the vehicle and left the vehicle outside so the rain and sunshine would destroy the blood evidence. It is a felony to withhold and/or destroy evidence. The inside of the vehicle had been wiped clean while in the State's custody.
- **The decedent's chipped tooth:** The State withheld the fact that the decedent's tooth was chipped during the struggle for over 3 years, all the while falsely claiming there was no evidence of a struggle.
- **The holster strap:** The holster strap is still missing. The strap was torn off of the holster, not simply pulled open, which proves there was a struggle for the gun since no one man is strong enough to pull the strap off the holster.
- **The Holster:** The expert witness noticed it was covered in blood when he went to inspect it. The police department took the holster back before it went to the lab. When the holster was given to the lab by the police department the blood had been washed off of the holster.
- **Pictures of the inside of the vehicle:** The gun appears in different places in the pictures and even has rubber gloves with it in at least one of the pictures. The decedent's body was moved several times and there are no pictures of where he was immediately after the incident.
- **Original notes:** Det. Dalton destroyed all of the original notes written by himself and the other officers then entered false notes into the computer system.

## Perjury

- **Perjury to a Grand Jury:** Det. Dalton lied to the Grand Jury by falsely claiming the witnesses did not see the decedent attack me or enter my vehicle. (See Grand Jury transcripts; NOT attached but can be provided)
- **Det. Dalton confessed to perjury:** Det. Dalton later confessed that he committed perjury to the Grand Jury. (See pages 7-8; transcripts from a deposition in a civil case)
- **Perjury to obtain a Warrant:** Pros. Charbel lied to a judge to obtain a Warrant by falsely claiming the I.R.S. had confiscated my bond. (See page 9; I.R.S. letter)
- **Perjury to withhold evidence:** Pros. Charbel lied to the court and the defense by claiming the State had released the vehicle to the bank. Even after Pros. Charbel confessed to her perjury she again attempted to prevent the defense from inspecting the vehicle by claiming the defense had over 3 years to inspect the vehicle. The judge admitted he knew the vehicle had been withheld and the evidence on the vehicle had been altered, yet refused to dismiss the case as required by law.

## False Arrest and False Charges

- **Political Radical:** The State charged me as a “political radical” because I had “anti-government, human rights and religious fanatic material” in my vehicle. The judge dismissed the charges when he saw the evidence; herein listed in order: Certified copy of the United States Constitution, Certified copy of the Declaration of Independence, a King James version of the Bible.
- **I.R.S. issue:** The State had me falsely arrested and wrongfully imprisoned for tax evasion due to a letter from the I.R.S. The I.R.S. never claimed anything the State falsely claimed, and as stated above; the judge released me when he saw the evidence, the letter from the I.R.S. (See page 9; I.R.S. letter)
- **Filing a false document into a public office:** The State charged me for “filing and/or recording a false and/or forged document into a public office.” My attorneys handed the judge’s clerk the documents in open court. Filing a document into court has never been considered a crime. I am the first person in the history of the U.S. ever charged for his attorney handing the court a document. I spent 8 months in jail for this false charge. The judge ordered me released from all liability pursuant to the documents. No one has ever contested the order and it still stands, so how I am even being prosecuted? (See page 10; signed order)

## Unlawful Rulings by the Court to assist the State in framing me

- **A.R.Crim.P. Rule 6.3:** In November of 2008 the court ruled that all attorneys MUST enter a notice of appearance as required by Rule 6.3 or the court would not allow the attorney to speak in court to prevent an attorney from assisting me in being bonded out. Then in July of 2010 the court violated its own ruling to prevent the case from being dismissed even though the law required the dismissal, because the public defender I refused to accept did not and would not enter a notice of appearance. Therefore; a judge unlawfully violated a ruling for the case to continue the case. The judge's act of contradicting the previous ruling is a crime and proves conclusively that I cannot receive a fair trial.
- **Rule 16.1:** The State had failed to timely 'Respond' to a motion, so the judge ordered that the State MUST enter its response "no later than July 12, 2010." The State *entered* their response on July 13, 2010, which is "later" than July 12, 2010, yet the judge still ruled in favor of the State's Response. The State still files their Responses untimely and the judges still always rule in favor of the State.
- **United States v. Basurto, 497 F.2d 781 (9th Cir. 1974):** The 9<sup>th</sup> Circuit ruling in *Basurto* requires that all cases based on an indictment obtained through perjurious statements to a Grand Jury MUST be dismissed. The court has evidence and a confession that the detective lied to the Grand Jury and the judge has unlawfully refused to dismiss this case as required by the *Basurto* decision.
- **Brady v. Maryland, 373 U.S. 83, 83 S. Ct. (1963):** The *Brady* decision is one of the most well known and important cases in jurisprudence. The courts are obliged under *Brady* to dismiss cases when the State is caught purposefully destroying even a single piece of evidence that may prove a defendant is innocent. In this instant case, the **State has confessed to purposefully destroying several pieces of evidence**, each of which would prove I am innocent. In fact, the State has purposefully destroyed EVERY piece of evidence that proves I am innocent. The decision was expanded in *Giglio v. United States*, 405 U.S. 150 (1972) to include cases where a defendant cannot prove the destruction of exculpatory evidence was not purposeful.
- **Self representation:** The court unlawfully refused to allow me to represent myself for over 2 year, in violation of the state and federal constitutions. The court finally agreed to allow me to represent myself after, and only after, the prosecutor assured the judge that the State's agents had finally destroyed all of the evidence that proves I am innocent. Once the judge knew for sure the evidence had been destroyed and I had no physical way of proving my innocence he ordered that I may represent myself.

## Warrant

Phoenix Police Department Search Warrant #SW2008-000552, authored on January 30, 2008 by Detective B. Korus #6597 and signed by the Honorable Jerry Bernstein of the Maricopa County Superior Court

The warrant states:

“You are therefore **commanded**...(See 11, 12 and 13 below)...to make search of the above named or described person(s)...and if you find the same or any part thereof, **to retain such in your custody or in the custody of the Phoenix Police Department**, as provided by Arizona Revised Statute 13-3920. Warrant #:SW2008-000552 (Bate Stamp 000169).

**11) THE CLOTHING WORN BY JOHN C. STUART**

**12) A URINE SAMPLE OF JOHN C. STUART**

**13) A BLOOD SAMPLE OF JOHN C. STUART”**

(Emphasis added)

Black’s Law Sixth Edition, page 267:

**Command.** An order, imperative direction, or behest. To direct, with authority. Power to dominate and control.

### **A.R.S. § 13-3920. Retention of property**

All property or things taken on a warrant shall be retained in the custody of the seizing officer or agency which he represents, **subject to the order of the court in which the warrant was issued**, or any other court in which such property or things is sought to be used as evidence.

### **A.R.S. § 13-2809. Tampering with physical evidence; classification**

A. A person commits tampering with physical evidence if, with intent that it be used, introduced, rejected or unavailable in an official proceeding which is then pending or which such person knows is about to be instituted, such person:

1. Destroys, mutilates, alters, **conceals** or removes physical evidence **with the intent to impair its verity or availability**; or
2. Knowingly makes, produces or offers any false physical evidence; or
3. Prevents the production of physical evidence by an act of force, intimidation or deception against any person.

B. Inadmissibility of the evidence in question is not a defense.

C. Tampering with physical evidence is a class 6 felony.

## Other relevant Arizona Laws

*Note: I was performing a political function, hanging presidential campaign banners, when the decedent kidnapped and attempted to murder me and my then fiancé inside of my own vehicle. The State has already confiscated the evidence establishing this fact.*

### **A.R.S. § 13-1304. Kidnapping; classification; consecutive sentence**

A person commits kidnapping by knowingly restraining another person with the intent to:

1. Hold the victim for ransom, as a shield or hostage; or
2. Hold the victim for involuntary servitude; or
3. **Inflict death, physical injury** or a sexual offense on the victim, **or to otherwise aid in the commission of a felony**; or
4. **Place the victim or a third person in reasonable apprehension of imminent physical injury to the victim or the third person**; or
5. **Interfere with the performance of a governmental or political function**; or
6. **Seize or exercise control over any airplane, train, bus, ship or other vehicle.**

### **A.R.S. § 13-2705. Perjury by inconsistent statements**

When a person has made inconsistent statements under oath, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single charge alleging in the alternative that one or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.

### **A.R.S. § 13-2702. Perjury; classification**

A person commits perjury by making either:

1. A false sworn statement in regard to a material issue, believing it to be false.
2. A false unsworn declaration, certificate, verification or statement in regard to a material issue that the person subscribes as true under penalty of perjury, believing it to be false.

### **A.R.S. § 13-2703. False swearing; classification**

A. A person commits false swearing by making a false sworn statement, believing it to be false.

### **A.R.S. § 13-2706. Limitation on defenses**

A. It is no defense to a prosecution under this chapter that:

1. The statement was inadmissible under the rules of evidence; or
2. The oath or affirmation was taken or administered in an irregular manner; or
3. The defendant mistakenly believed the false statement to be immaterial.

**Deposition: CV2010-050624: Beasley vs. Stuart: pages 136-137:**

*Q. Did you testify about what the witnesses had told you?*

*A. ... I'm sure I did.*

*Q. Do you believe that the information that you gave to the Grand jury to obtain charges against Mr. Stuart was accurate?*

*A. Yes.*

*Q. Complete?*

*A. Yes.*

*Q. Did you report to the Grand jury that there was a witness that testified that at the time or immediately preceding the shooting, Mr. Beasley was reaching into Mr. Stuart's vehicle and through the envelope of the - of the FJ Cruiser?*

*A. I believe I did, yes.*

*Q. Did you report to the Grand jury that there was a witness who testified that Mr. Beasley was choking Mr. Stuart or hitting Mr. Stuart at one time?*

*A. I believe I did, yes.*

*Q. Would you agree with me that those are -- those are facts that are important for the Grand jury to have in determining whether or not the shooting was justifiable?*

*A. That is correct, yes.*

**Dalton actually told the Grand Jury none of the witnesses claimed they saw the decedent attack me.**

All of the above answers by Dalton are blatant lies as evidenced by the Grand Jury transcripts. Dalton's perjurious statements to the second Grand Jury led to the indictment of Defendant.

Furthermore; the first indictment was remanded back to the Grand Jury because Dalton and Charbel were caught lying to the Grand Jurors. The second indictment was not remanded because the judge determined **"..they will just lie again..."**

Page 134

1 The -- Mr. Beasley coming out of his  
 2 vehicle approaching Mr. Stuart, it's -- it's both  
 3 their faults. You see what I'm saying?  
 4 It's not just -- it's just a -- and let  
 5 me throw something back at you, if I'm allowed to,  
 6 but I'm going to, is at what point does a fistfight  
 7 become a murder? You see where I'm going with that?  
 8 If I -- we -- you call my wife a bad  
 9 word and for some reason I'm mad and I go out and  
 10 confront you, and then exact situation, unarmed,  
 11 does a fistfight determine my death?  
 12 Does the justification of -- of deadly  
 13 physical force -- this is what it comes down to.  
 14 Does a fistfight come -- if that, comes down to the  
 15 use of deadly physical force? I think that's  
 16 what -- the question that has to be answered. So --  
 17 and in my opinion, no.  
 18 And does both of them arguing with each  
 19 other and causing -- did Mr. Beasley think that this  
 20 confrontation was going to end in his death?  
 21 Absolutely not, because he would have most likely  
 22 have -- a reasonable person would have stayed in his  
 23 vehicle if he knew Mr. Stuart had a gun.  
 24 So it's yes to your question, no to  
 25 your question. So it's kind of -- you know, is it

Page 135

1 his fault? Yeah. He came out of the car, and he's  
 2 now dead. Is it Stuart's fault? Yes. He shot an  
 3 unarmed man. So where do we go from here? You  
 4 know, it's ...  
 5 BY MR. LEWIS:  
 6 Q. Fair enough.  
 7 Now, how many times have you arrested  
 8 Mr. Stuart?  
 9 A. The Phoenix Police Department or me, myself?  
 10 Q. Let's talk about you yourself first, and  
 11 then we'll go a little broader.  
 12 A. Once, and then I want to say he was  
 13 re-arrested maybe. I want to say two more times  
 14 maybe. I'm not sure. At least one other -- one  
 15 more time after that. I don't remember if it was  
 16 one or two more times after that.  
 17 Q. Now, why did you -- you originally arrested  
 18 Mr. Stuart in charges with Mr. Beasley's death;  
 19 correct?  
 20 A. Yes.  
 21 Q. And you continued to conduct an  
 22 investigation.  
 23 Did you make recommendations to anyone at  
 24 the County Attorney's Office regarding charges?  
 25 A. No, I don't do the recommendations. It's --

Page 136

1 you know -- well, per se, whatever I book him on, I  
 2 think it was -- it might have been -- I actually  
 3 don't remember what I booked him on. It may have  
 4 been second degree murder off the top of my head.  
 5 And then we -- it's up to the County Attorney's  
 6 Office to determine what charges they want. So then  
 7 you go to the grand jury and -- and get that done,  
 8 so ...  
 9 Q. So what -- did you participate in the  
 10 processes that related to the grand jury?  
 11 A. Of course I did, yes.  
 12 Q. Okay. And did you testify in front of the  
 13 grand jury?  
 14 A. Yes, I did.  
 15 Q. Did you testify about what the witness  
 16 statements had told you, what the witnesses told  
 17 you?  
 18 A. I'm going to rely on the transcription of  
 19 the grand jury if you have them. I don't have them  
 20 in front of me, but I'm sure I did.  
 21 Q. Okay. Have you gone back to review that?  
 22 A. No, I have not.  
 23 Q. Do you believe that the information that you  
 24 gave to the grand jury to obtain charges against  
 25 Mr. Stuart was accurate?

Page 137

1 A. Yes.  
 2 Q. Complete?  
 3 A. Yes.  
 4 Q. Did you report to the grand jury that there  
 5 was a witness that testified that at the time or  
 6 immediately preceding the shooting, Mr. Beasley was  
 7 reaching into Mr. Stuart's vehicle and through the  
 8 envelope of the -- of the FJ Cruiser?  
 9 A. I believe I did, yes.  
 10 Q. Did you report to the grand jury that there  
 11 was a witness who testified that Mr. Beasley was  
 12 choking Mr. Stuart or hitting Mr. Stuart at one  
 13 time?  
 14 A. I believe I did, yes.  
 15 Q. Would you agree with me that those are --  
 16 those are facts that are important for the grand  
 17 jury to have in determining whether or not the  
 18 shooting was justifiable?  
 19 A. That is correct, yes.  
 20 MR. SULLIVAN: Objection to the extent  
 21 it calls for a legal conclusion.  
 22 BY MR. LEWIS:  
 23 Q. Did you testify in front of the grand  
 24 jury -- as you recall sitting here today, did you  
 25 testify in front of the grand jury about your

CR 2008-106594-001 DT



DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
WASHINGTON, DC 20224

MICHAEL K. JEANES, CLERK  
BY *S. Keiron* DEP  
FILED

08 FEB -7 PM 2: 36

SMALL BUSINESS / SELF-EMPLOYED DIVISION

Date: February 07, 2008

Maricopa County Court  
Attn: Clerk of Court  
201 W Jefferson  
Phoenix, AZ 85003

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Dear Maricopa County Clerk:

This levy is in regards to Maricopa County Superior Court vs John C Stuart, Case #CR-2008-106594. The levy attaches to the \$46,000 cash bond which was a condition of Mr. Stuart's release. The Internal Revenue Service does not expect the funds to be disbursed to the Service until the Court determines the bond should be released to the Service.

If you have any questions or need more information, please contact me at the address or the telephone number listed below:

Internal Revenue Service  
40 W Baseline, Ste 212  
M/S 5102 TEM  
Tempe, AZ 85283

Phone#: 602-207-8266  
Fax#: 602-207-8010

Sincerely,

A handwritten signature in cursive script that reads "D. Vahe".

D. Vahe  
Revenue Officer  
Employee ID#: 86-18008

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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.

*Robert J. Hulse*  
Judge