

**OPEN LETTER TO THE PEOPLE OF ARIZONA,
ESPECIALLY THOSE IN MARICOPA COUNTY**

June 06, 2011

To: The Honorable Jan Brewer
Governor of Arizona
1700 West Washington
Phoenix, Arizona 85007

To: Rebecca White Berch,
Chief Justice Arizona Supreme Court
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RE: Maricopa County Superior Court Case # CR2008-106594-001

My name is John Stuart, I was born in Phoenix and I have lived in Arizona approximately 45 of my 49 years. I have watched this State go from a “cowboy” state secretly controlled by real estate Barons to a criminal enterprise controlled by a County Sheriff who is known to have ‘mis-placed’ 99.5 million dollars from the people of Maricopa County. Now that Sheriff is attempting to have me murdered by using the courts to garner a false conviction for 2nd degree murder against me for testifying against him in the suit brought against him by the federal government.

In April of 2006 the Arizona legislature wrote, and you Governor Jan Brewer signed into law, Arizona’s version of “castle doctrine;” known as A.R.S. §§ 13-418 and 13-419. No longer in Arizona is a man required to retreat from his home or vehicle when being invaded or “carjacked,” so the new law would claim. Such a statement is devoid of fact since the county prosecutors and police simply destroy ALL evidence of the attack and prosecute innocent people irrespective of the aforementioned laws.

Case in point, the unlawful case against me wherein the county prosecutor Susie Charbel (“Charbel”) and Phoenix Homicide Detective Paul Dalton (“Dalton”) have committed perjury numerous times in open court, to Grand Juries, to other State officials; and destroyed EVERY piece of exculpatory evidence proving incontrovertibly the man that I have been unlawfully charged with murdering had kidnapped me and my then fiancé and died while partially inside of my vehicle while we were attempting to escape said kidnapping in fear for our lives.

A brief history of the law:

Until 1997 in Arizona a man could lawfully protect his property without being charged. Then the law was changed for some heretofore unknown reason and men and women were being imprisoned in this State at an alarming rate for doing nothing more than protecting themselves from being attacked, burglarized and/or raped. Dozens upon dozens of victims of violent crimes were sentenced to long prison terms simply for surviving an attack that left some violent criminal to be judged by God expeditiously.

Crime sky rocketed. The people became weary of crime, the legislatures became embarrassed by the court cases, and the executive branch needed to reduce crime. Castle doctrine was greatly reducing crime in over 20 other states and intelligent people throughout the state decided it was better to have the criminals scared than have innocent citizens locked in their own homes or prisons. A.R.S. §§ 13-419 and 13-419 were born.

A brief history of this case:

On a Tuesday night during “Super Bowl week” of January 2008, Mr. Orville Thomas Beasley, III (“Mr. Beasley”) and his wife decided they would spend the day getting drunk, possibly doing L.S.D. and “partying” in public. In a 6 hour period Mr. Beasley consumed more than a 750 ml bottle of Jack Daniels and was driving with a B.A.C. of .19 and an additional unprocessed 900ml of whisky/Coke mixture in his stomach and bladder. This level of “drunk” is rarely ever experienced absent consequences for any party unfortunate enough to stumble upon a person that obnoxiously drunk. Mr. Beasley had recently stated publicly that he needed to quit doing so much L.S.D. because he was frequently experiencing a psychosis wherein he believed even when he wasn’t consuming L.S.D. he still believed he was God. He also elucidated on his constant desire to beat up people. Obviously, and admittedly, Mr. Beasley had at least a few drug and alcohol induced anti-social personality issues.

That night, myself and my then fiancé decided we would do our civic duty and campaign for a then unknown presidential candidate named ‘Congressmen’ Ron Paul. Unbeknownst to us at the time, Mr. Beasley was in no way a fan of Mr. Ron Paul.

As fate would have it, we wound up stuck in traffic behind Mr. Beasley while he was poorly attempting to navigate on a road that was under construction. For the safety of my fiancé, I passed Mr. Beasley and put as much distance between the obviously inebriated man and our vehicle. A good plan and it would have worked had it not been for Mr. Beasley’s violent tendencies and a ridiculously long light which allowed him to catch up to us. At which point he left his vehicle and jumped partially into ours while screaming he was going to kill us both.

He was unsuccessful in his attempt to murder us, but pursuant to Arizona law A.R.S. § 13-1304 his actions constitute ‘kidnapping’ as he did seize control of our vehicle through a violent attack.

One should note that Mrs. Beasley is by no means innocent in this matter. She assisted her husband in getting obnoxiously drunk and allowed him to drive, putting the general public in extreme danger. This, while knowing factually that her husband had drug, alcohol and violence issues. Basically, she knowingly released a monster into the public with no regard for the safety of others. She also assisted her husband in his unprovoked attack upon us and/or our vehicle.

All of these facts are known to the State’s agents; and the State’s agents know that pursuant to Arizona law I cannot be charged for Mr. Beasley’s death due to the fact he attacked us in our vehicle. So, what do the State’s agents do? They file charges irrespective of the facts, then destroy all of the evidence proving the facts; and lie to the Grand Jury to obtain an indictment.

The courts record contains Dalton’s and Charbel’s confessions to: committing perjury to obtain the indictment; and destroying evidence to continue the case. American *jurisprudence* requires that indictments obtained through perjury MUST be vacated; and cases dismissed wherein the State has destroyed evidence. But Maricopa County Superior Courts only adhere to rules and laws that further prosecutions and not to laws that bar prosecutions. Our county’s courts are infamous throughout this country for corruptness.

This case was actually dismissed over 3 years ago, but Charbel did something never even attempted by any prosecutor in the history of this State and/or this country. When my attorneys gave the court the order signed by a judge releasing me from all liability in this case, Charbel lied to a Grand Jury and said the document was false and that I filed the document into a public office. She used her perjury to obtain another indictment against me and had my wrongfully imprisoned for 8 months. She did this to cause me to go broke and destroy my life so I could not afford a private attorney. Charbel's criminal act destroyed me financially and cost me my marriage and my reputation.

It is known by people that earn their living through work in law that when a prosecutor knows someone is innocent they concentrate on destroying that person's life so as to wear the person out financially, physically, psychologically and emotionally so the person cannot continue to fight.

It is also known that when the State meticulously maintains evidence it is because the State's agents know the person is guilty; and when the State's agents purposefully destroy, lose, or fail to recover evidence it is because the State's agents know the person is innocent and the story the State will use to falsely convict the person won't be accepted by a jury if the jury is allowed to see said evidence.

In this case the State has gone as far as to remove the tarp my attorneys placed on my truck while in the police impound yard to protect the blood evidence on and in the truck. Charbel lied to the court and us by falsely claiming that the State gave the truck away. After 9 months Charbel finally admitted she had hidden the truck the whole time and when we finally were allowed to inspect the truck it had been washed inside and out. The simple fact Charbel knowingly and purposefully concealed the truck for 9 months is all that is required by law to dismiss this case.

In an utter violation of Due Process and an insult to the court and humanity as a whole, Charbel then attempted to prevent me from testing the vehicle by claiming in open court I had over 3 years to test it and should no longer be allowed access to the vehicle. Again, this was after Charbel had confessed to unlawfully hiding the vehicle for 9 months, during which time the tarp was removed and the vehicle was washed.

Charbel also withheld from the defense the fact Mr. Beasley's tooth was chipped during his assault on myself, and then committed perjury in open court by falsely claiming the defense was informed of the tooth during a deposition 3 years earlier. No such deposition occurred and I ONLY discovered the tooth was chipped because the medical examiner was deposed in another matter.

Dalton refused to confiscate my clothing the night of the incident because the clothing was covered in Mr. Beasley's blood which would prove incontrovertibly Mr. Beasley was partially inside my vehicle and above me when he died.

Dalton also has lost the holster strap that was torn off of the holster during the attack.

Some heretofore unknown party has washed the blood off of the holster that was discovered by the defense's expert before the police sent the holster to the lab for testing.

Dalton and/or Charbel have:

1. Committed a total of at least forty (40) known felonies to unlawfully continue this malicious prosecution:
(See: A.R.S. §§ 13-2407, 13-2409, 13-2702, 13-2703, 13-2705, 13-2804, 13-2809; 13-3920, 13-3001, *et seq*, 13-3902, 21-422, 21-3920, 39-161, and others, several repeatedly)
2. Violated a least nine (9) precedents that require this case be dismissed; See; *United States v. Basurto*, 497 F.2d 781 (9th Cir. 1974); *Giglio v. United States*, 405 U.S. 150 (1972); *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. (1963); *United States v. Agurs*, 427 U.S. 97S, Ct. (1976); *United States v. Bagley*, 473 U.S. 667 S. Ct. (1985); *Kyles v. Whitley*, 514 U.S. 419 S.CL (1995); *United States v. Cuffie*, 80 F.3d 514, Ct. of Appeals (DC Cir. 1996); *United States v. Alzate*, 47 F. 3d 1103 Ct of Appeals (11th Cir. 1995); *U.S. v. Endicott*, C.A.Wash., 803 F.2d 506, 514.
3. Deprived Defendant of at least sixteen (16) State and/or Federal Constitutional protections of substantive rights;
4. Violated a least nine (9) Rules of the Arizona Rules of Evidence;
5. Violated numerous Canons of Ethics and/or Codes of Professional Conduct;
6. Destroyed and/or otherwise prevented discovery of at least ten (10) pieces of incontrovertible exculpatory evidence;
(See: My clothing; samples of my blood and urine; the blood on the holster; the blood on my vehicle; medical expert testimony of my injuries; Mr. Beasley's hair samples; Mr. Beasley's stomach and bladder contents; the holster strap; original notes of witness statements, and others.)
7. Violated the legislative intent of at least three (3) Arizona laws protecting people from being maliciously or otherwise falsely prosecuted;
(See: A.R.S. §§ 13-418, 13-419 and 13-1304)
8. Committed perjury to have me falsely arrested and wrongfully imprisoned;
9. Attempted to coerce other State agents into committing perjury using their authority under color of State law.
10. Committed perjury, and confessed to said acts of perjury, to 2 Grand Juries.
11. Charbel, with the assistance of judges, has attempted to coerce Pre-trial Services employees into writing false affidavits claiming I violated the Pre-trial Services agreement to have me wrongfully imprisoned again.
12. Charbel attempted to have me charged as a "political radical" and/or "terrorist for being in possession of *anti-government, human rights and religious fanatic material*; the judge released me when he discovered those documents were: certified copies from the National Archives of: the Declaration of Independence, the United Constitution and the King James version of the Bible, which were issued to me for attending a class on American and Torah Law.

An abridged list of exculpatory evidence purposefully destroyed by Dalton and/or Charbel and/or others unknown to the defense:

Autoptic and/or demonstrative exculpatory evidence now missing:

1. Blood on the exterior of the vehicle; and
2. Blood on the inside of the vehicle; and
3. GSR on the inside of the vehicle; and
4. My clothing; and
5. My blood sample; and
6. My urine sample; and
7. Medical evidence of my injuries; and
8. The holster strap; and
9. The blood on the holster; and
10. The alcohol content of the liquid in Mr. Beasley's stomach and bladder; and
11. Mr. Beasley's hair samples; and
12. The original unaltered police officer's notes; and
13. The original unaltered notes of witness statements; and
14. Evidence of Charbel's perjurious statements to Judge Baca; and
15. Evidence of Charbel's perjurious statements to Pre-trial Services employees; and
16. Evidence of Charbel's perjurious statements to defense team's former paralegal.

This preceding is not intended to be a complete list of all the perjurious statements made by; and evidence destroyed by, failed to be recovered by, lost and/or concealed by Charbel, Dalton, other State agents but are more than sufficient to establish a *prima facie* case that the State's agents are conspiring to frame me by destroying evidence and/or committing perjury. Accordingly, this case must by law be dismissed pursuant to the decisions in: *Basurto, Giglio, Brady, Agurs, Bagley, Kyles v. Whitley, Cuffie, Alzate, Endicott, Id., supra*, and others.

**Pleadings can be read online at:
<http://www.researchsociety.org/Cases/Court-Cases.html>**

ARIZONA RULES OF CRIMINAL PROCEDURES

In its zeal to advocate for the State and the prosecutor, the Maricopa County Superior Court judges have violated several Arizona Rules of Criminal Procedures to assist the State in obtaining a wrongful conviction against me. *See A.R.Crim.P. Rule 1.2*

2.5 years ago a judge ruled that A.R.Crim.P. Rule 6.3 (“A.R.Crim.P.”) shall be adhered to so as to prevent me from being released on bond. A year later another judge ruled against that ruling and ordered that Rule 6.3 shall not be adhered to eviscerate the requirement that the case be dismissed for the State’s attorney’s failures.

The current judge has been presented *prima facie* evidence Dalton confessed to committing perjury to the Grand Juries, which requires the case to be remanded and/or dismissed. *See Basurto, Id. supra*, and others.

The current judge has been presented *prima facie* evidence Charbel confessed to purposefully concealing and destroying *prima facie* incontrovertible exculpatory evidence establishing factually that I am innocent and/or justified, requiring this case be dismissed with prejudice. *See Giglio Brady Agurs, Bagley, Kyles v. Whitley, Cuffie, Alzate, Endicott*, all *Id., supra*, and others.

The current judge has unlawfully allowed the State to respond untimely without any basis in law and then unlawfully ruled in favor of those untimely responses. Untimely responses are **PRECLUDED** pursuant to A.R.Crim.P. Rules 16.1 and/or 35.

The current judge unlawfully granted the State an extension to file response and the State filed responses that could have not taken more than a few minutes to write. The motion for the extension and the response were completely absent of reasons and laws and did not meet the A.R.Crim.P. Rules requirements and must by law be stricken from the court’s record. In fact, the motion for extension was inclusive of numerous perjurious statements in violation of A.R.Crim.P. Rules and Ethics Standards. Yet the current judge ruled in favor of the State. The judge’s ruling is *prima facie* evidence the judge is conspiring with the State’s other agents to garner a fraudulent conviction against me.

A previous judge has threatened me with false imprisonment under a fraudulent contempt of court charged if I asserted my right to represent myself and did not accept the State issued public defender who was nothing more than the prosecutor’s assistant intent on assisting the State in convicting me as evidence by the fact he did almost nothing in the 7 months he ‘represented’ me against my will.

The current judge refused to allow me to represent myself and/or assist my attorney UNTIL Charbel informed him that the truck and holster had been washed and all of the exculpatory evidence removed.

An attorney was arrested in open court for the heinous crime of being in the gallery and witnessing how corrupt the judge's ruling was in my case. That attorney was intimidated by the State's agents to the point that he "doesn't remember being at the hearing." There are several witnesses will attest to said attorney being there and his statements made after being released from custody. He did make it known that he would lose his license to practice law if he witnessed for me as to crimes he saw the court commit; and/or the threats against him.

Now that ALL of the evidence that proves I am innocent has been destroyed by the criminal acts of Charbel, Dalton and unknown others, the court has decided to allow me to assert my right to represent myself without being imprisoned for such.

Now that the court has purposefully destroyed me financially I can have any attorney I can afford!

Charbel and Dalton, by and through corrupt judges and the biased court has prejudiced me to the point it is functionally impossible for me to receive a fair trial and establish any reasonable doubt in the mind of jurors, and/or prove my innocence.

Any learned legal professional would consider this case one of the most corrupt cases in Arizona and perhaps U.S. history.

The foregoing lists incontrovertible facts proving conclusively the State's agents know I am innocent and have purposefully destroyed the evidence proving I am innocent so as to garner a wrongful conviction against me and have me imprisoned so they can effectuate my murder without being held accountable and a stop me from further testifying against the Sheriff. I hereby reserve my right to present this letter and/or responses thereto to any party, including without limitations, any jury and/or juror, any media, the public, etc. This letter is hereby protected and may not be plagiarized and may only be used in its entirety, but may be so used by any party and/or disturbed by any party in an effort to educate the public and/or body politic and/or for as a safety warning for any and all members of said body politic in any State.

I, John C. Stuart, do solemnly affirm I believe every statement in this letter is true and factual to the best of my knowledge and information. I state on and for the record as a laymen with a great amount of legal and court experience and as a man that comes from a family with Phoenix Police Officers that the State agents criminal acts prove incontrovertibly they know I am innocent; and they are doing what they normally do when they decide and/or are ordered to convict a man they know is innocent.

Sincerely, *and affirmed,*

By /s/ John C. Stuart, *without prejudice*

ARIZONA LAW

13-418. Justification; use of force in defense of residential structure or occupied vehicles;

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.

C. For the purposes of this section:

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.

13-419. Presumption; exceptions;

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.

B. For the purposes of this section:

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.

13-1304. Kidnapping; classification;

A. 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.

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