

David Watson
807 N. LaJolla Blvd
Goodyear, AZ 85338

an attorney;
Prosecutor: David Watson

Wrong Doers
Jan Doe
Britany Pinaire

FILED	FORGED
RECEIVED	COPY
JAN 29 2018	
CLERK U S DISTRICT COURT	
DISTRICT OF ARIZONA	
BY <u>OCV</u>	DEPUTY

1906-PHX-JJT

Federal questions:

1. Can a case worker withhold Exculpatory Evidence when doing a dependency petition that's used to remove children?
2. Are parents constitutional rights violated when a social worker obtains a court order through ~~omission~~ omission?
3. Does the Constitution guarantee the right to be free from the withholding of Exculpatory Evidence in a judicial proceeding?

1-29-18
Date

David Watson
David Watson

CV-17-01906-PHX [signature]

Affidavit

Here comes now Affiant, David Watson presenting as Evidence the following facts. On February 27th, 2017, the woman, Brittany Pinaire, in a telephone conversation (with David Watson) revealed that she knew of evidence held by one of her partners, Mike Ives but Brittany failed to include the Exculpatory evidence while pursuing a petition from a court. Brittany also admitted that an affidavit was presented to the police by David Watson that she had knowledge of. Brittany filed the petition for removal of the Affiant's Biological Property while withholding known evidence. At approx 15:32 of the minute mark, on a recorded phone call between David Watson and Brittany Pinaire, she admitted that she knew Mike Ives had paperwork given to him (by David and Brandi Watson). Brittany then continues and reveals the fact that Mike told her about the Evidence but that she didn't attempt to gain possession. Brittany also explained on the recorded conversation that it would not have mattered in her decision in filing the petition.

[Due process is obstructed when social workers commit fraud on the courts.

Authority: N Mariana Islands v. Bowie (9th Cir. 2001) 243 F.3d 1109, 1125.]

[A parent has a clearly established right not to be subjected to deception in the presentation of evidence perpetrated by a child protective services worker in

Juvenile Dependency proceedings.

Authority: Marshall v. County of San Diego (2015) 238 Cal.App.4th 1095, 1097.

The Constitution requires that government officials not misrepresent the facts in order to obtain the removal of a child from his parent(s).

Authority: Brokaw v. Mercer County (7th Cir. 2000) 235 F.3d 1000, 1020.]

[A parent's constitutional rights are violated when a social worker obtains a court order through "distortion, misrepresentation and[/or] omission."

Authority: Malik v. Arapahoe Cnty. Dep 't of Soc. Servs. (10th Cir. 1999) 191 F.3d 13069 1316.

A social worker cannot reasonably believe that he or she is acting lawfully in making false statements to the juvenile court.

Authority: Marshall v. County of San Diego (2015) 238 Cal. App. 4th 1095, 1113]

[Juvenile proceedings, based on misrepresentation and omission, do not constitute notice and an opportunity to be heard.

Authority: Malik v. Arapahoe Cnty. Dep't of Soc. Sen's. (10th Cir. 1999) 191 F.3d 1306, 1315]

[The Constitution guarantees the right to be free from the presentation of false, perjured, and/or fabricated evidence, and the withholding of known EXCULPATORY EVIDENCE, by government officials during judicial proceedings.

Authority: Napue v. Illinois (1959) 360 U.S. 264, 269; Pyle v. Kansas (1942) 317 U.S. 213, 216; Mooney v. Holohan (1935) 294 U.S. 103 1 112; Greene v. Camreta (9th Cir. 2009) 588 F.3d 1011, 1034-1035, vacated in part by Camreta v. Greene (2011)131 S.Ct. 2020, 2036; Devereaux v. Abbey (9th Cir. 2001) 263 F.3d 1070, 1074-1075.

To support a § 1983 cause of action based on a claim of deception upon judicial officers by a social worker, the plaintiff must show that the social worker deliberately or in RECKLESS DISREGARD of the truth, made false statements or omitted EXCULPATORY EVIDENCE that was MATERIAL to the findings of the juvenile court.

Authority: Greene v. Camreta (9th Cir. 2009) 588 F.3d 1011, 1035, vacated in part by Camreta v. Greene (2011)131 S.Ct. 2020, 2036.

Plaintiff need only prove Defendants knew, or reasonably should have known, their allegations were false; it is not necessary to further prove the Defendants made the allegations with the specific intent to deceive the court.

Authority: United States v. Reilly (2d Cir. 1996) 76 F.3d 1271, 1280; Franks v.

Delaware (1978) 438 U.S. 154, 155-156.

RECKLESS DISREGARD means: A conscious indifference or blindness to the consequences of his or her actions.¹ This does not require an awareness of the risk of harm of his or her actions. 2A person who acts with conscious indifference to the consequences simply does not care what happens. 3

Authority:

1. DISREGARD, Black's Law Dictionary (10th ed. 2014); United States v. Burnette (9th Cir. 1988) 1988 U.S. App. LEXIS 21860, *5
2. See, e.g., Ammons v. State Dep't of Soc. & Health Servs. (9th Cir. 2011) 648 F.3d 1020, 1029 n.7.
3. People v. Olivas(1985) 172 Cal.App.3d 984, 988.

RECKLESS DISREGARD for the truth may be inferred when a social worker knows that important factual information exists, but omits the information.

Authority: Chism v. Wash. State (9th Cir. 2011) 661 F.3d 380, 388; United States v. Reilly (2d Cir. 1996) 76 F.3d 1271, 1280.

A social workers acts with a RECKLESS DISREGARD for the truth when omissions and false statements contained in a document were all facts that were within that social worker's personal knowledge.

Authority: Chism v. Washington (9th Cir. 2011) 661 F.3d 380, 388 ("The most commonsense evidence that the officers acted with at least a reckless disregard for the truth is that the omissions and false statements contained in the affidavit were all facts that were within [the officers] personal knowledge.").

The fact that false statements and omissions all bolstered the government's case for removal and detention of the child, suggests that the social worker's

conduct was intentional or reckless - and not the product of mere negligence.

Authority: Chism v. Wash. State (9th Cir. 2011) 661 F.3d 380, 388 ["A reasonable factfinder could also find that the officers acted recklessly or intentionally because the false statements and omissions contained in the affidavit all bolster the case for probable cause, which suggests that the mistakes were not the product of mere negligence."].

An Affidavit un rebutted stands as Truth.

affidavit uncontested un rebutted un answered [United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982 1982]

"Allegations in affidavit in support of motion must be considered as true in absence of counter-affidavit." [Group v Finletter, 108 F. Supp. 327 Federal case of Group v Finletter, 108 F. Supp. 327]

"Indeed, no more than affidavits is necessary to make the prima facie case." [United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982]

AFFIDAVIT. A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath. Cox v. Stern, 170 Ill. 442, 48 N.E. 906, 62 Am.St.Rep. 385; Hays v. Loomis, 84 Ill. 18. A statement or declaration reduced to writing, and sworn to or affirmed before some officer who has authority to administer an oath or affirmation. Shelton v. Berry, 19 Tex. 154, 70 Am.Dec. 326, and In re Breidt, 84 N.J.Eq. 222, 94 A. 214, 216.

affidavit uncontested un rebutted un answered - [United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982 1982] "Indeed, no more than affidavits is necessary to make the prima facie case." [United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982]

affidavit uncontested un rebutted un answered Morris v National Cash Register, 44 S.W. 2d 433 Morris v National Cash Register, 44 S.W. 2d 433, clearly states at point #4 that "uncontested allegations in affidavit must be accepted as true."

affidavit uncontested un rebutted un answered Morris vs. NCR, 44 SW2d 433 Morris v National Cash Register, 44 SW2d 433: "An Affidavit if not contested in a timely manner is considered undisputed facts as a matter of law."

Non Rebutted Affidavits are "Prima Facie Evidence in the Case,-- "United States vs. Kis, 658 F.2d, 526, 536-337 (7th Cir. 1981);

"Indeed, no more than (Affidavits) is necessary to make the Prima Facie Case." -- Cert Denied, 50 U.S. L.W. 2169; S.Ct. March 22, 1982.

"Uncontested Affidavit taken as true in support of Summary Judgment." -- Seitzer v. Seitzer, 80 Cal. Rptr. 688

"Uncontested Affidavit taken as true in Opposition of Summary Judgment." -- Melorich Builders v. The SUPERIOR COURT of San Bernardino County (Serbia) 207 Cal.Rptr. 47 (Cal.App.4 Dist. 1984)

"Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . . We cannot condone this shocking behavior... This sort of deception will not be tolerated and if this is routine it should be corrected immediately." -- U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

Verification

I hereby declare, certify and state, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC section 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information and belief. Executed in Goodyear, Arizona

this 17 day of January 2018.

David J. Watson

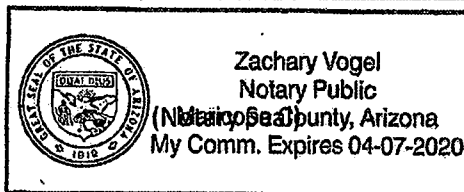
David Watson

Notary

On this 17 day of JANUARY, 2018; before me Zachary Vogel, the subscriber, affiant, personally appeared to me know to be the living man described in and who executed the foregoing instrument and sworn before me that he executed the same of his free will act and deed.

[Signature]
Notary

My Commission Expires: 04/07/2020



State of Arizona

Department of State



UNITED STATES OF AMERICA

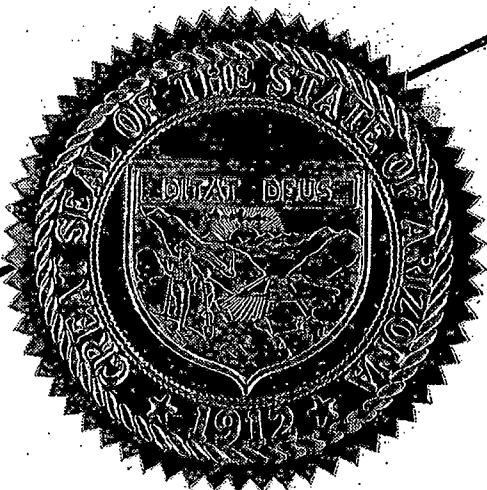
STATE OF ARIZONA

I, Michele Reagan, Arizona Secretary of State, do hereby certify that a digital search of the notary database, on January 18, 2018, reveals that: Zachary Vogel, is commissioned as an Arizona Notary Public for the following terms and in the counties listed below, for the State of Arizona.

Commissions

Begin Date	End Date	County	Status
04/08/2016	04/07/2020	Maricopa	

This certificate only certifies the commissioned status of the above mentioned Notary Public. Attaching this certificate to any other document does not constitute certification of that document. -----



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Arizona. Done at the Capitol in Phoenix, on this day, January 18, 2018

Michele Reagan

Michele Reagan
Secretary of State

Ref #: 99775837

ECV-17-001906-PHX-JJT

Affidavit

Comes now Affiant, David Watson presenting as Evidence the following claim:

I, man: David claim trespass upon my property, (see exhibit A, B, C, D). This trespass is made by way of theft. Any man or woman who denies that my claim is true must present an affidavit, under the penalty of perjury, sworn with an oath or affirmation. Included in any affidavit must be a claim of lawful right to my property.

An Affidavit unrebutted stands as Truth.

affidavit uncontested unrebutted unanswered [United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982 1982]

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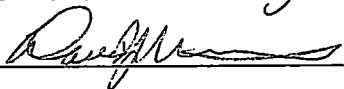
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"Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . . We cannot condone this shocking behavior... This sort of deception will not be tolerated and if this is routine it should be corrected immediately." -- U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

Verification

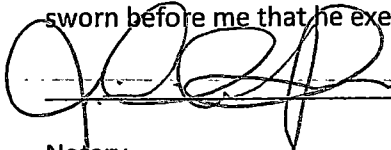
I hereby declare, certify and state, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC section 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information and belief. Executed in Goodyear, Arizona this 25th day of January, 2018.



David Watson

Notary

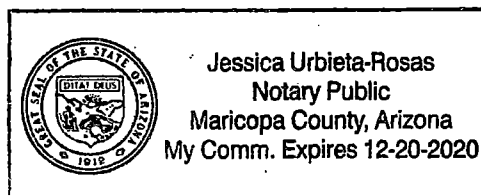
On this 15 day of January, 2018; before me David Watson, the subscriber, affiant, personally appeared to me know to be the living man described in and who executed the foregoing instrument and sworn before me that he executed the same of his free will act and deed.



Notary

My Commission Expires: 12/20/2020

(Notary Seal)



State of Arizona

Department of State



UNITED STATES OF AMERICA

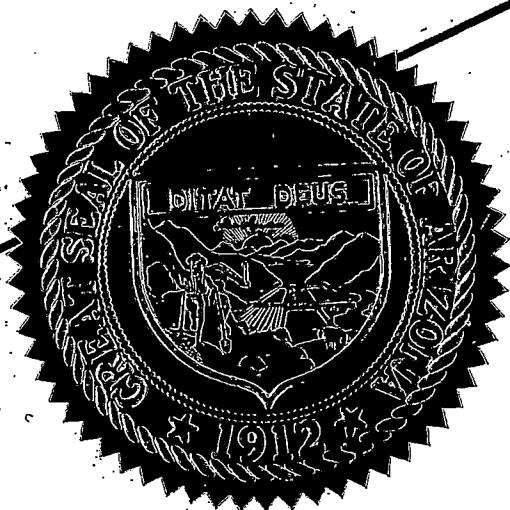
STATE OF ARIZONA

I, Michele Reagan, Arizona Secretary of State, do hereby certify that a digital search of the notary database, on January 25, 2018, reveals that: Jessica Urbieto-rosas, is commissioned as an Arizona Notary Public for the following terms and in the counties listed below, for the State of Arizona.

Commissions

Begin Date	End Date	County	Status
12/21/2016	12/20/2020	Maricopa	

This certificate only certifies the commissioned status of the above mentioned Notary Public. Attaching this certificate to any other document does not constitute certification of that document.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Arizona. Done at the Capitol in Phoenix, on this day, January 25, 2018

Michele Reagan

Michele Reagan
Secretary of State

Ref #: 99868810

EXHIBIT A



Exhibit D

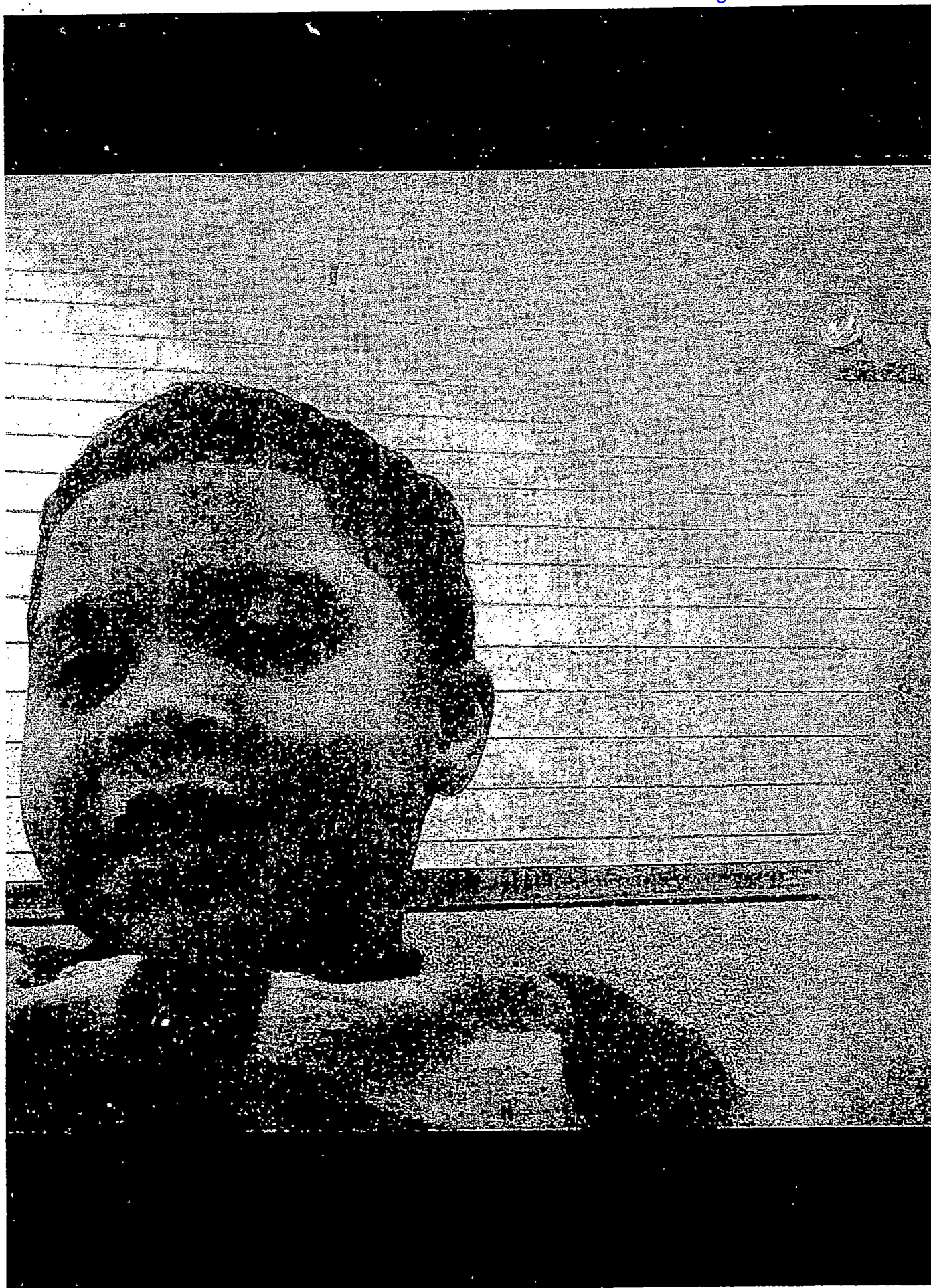
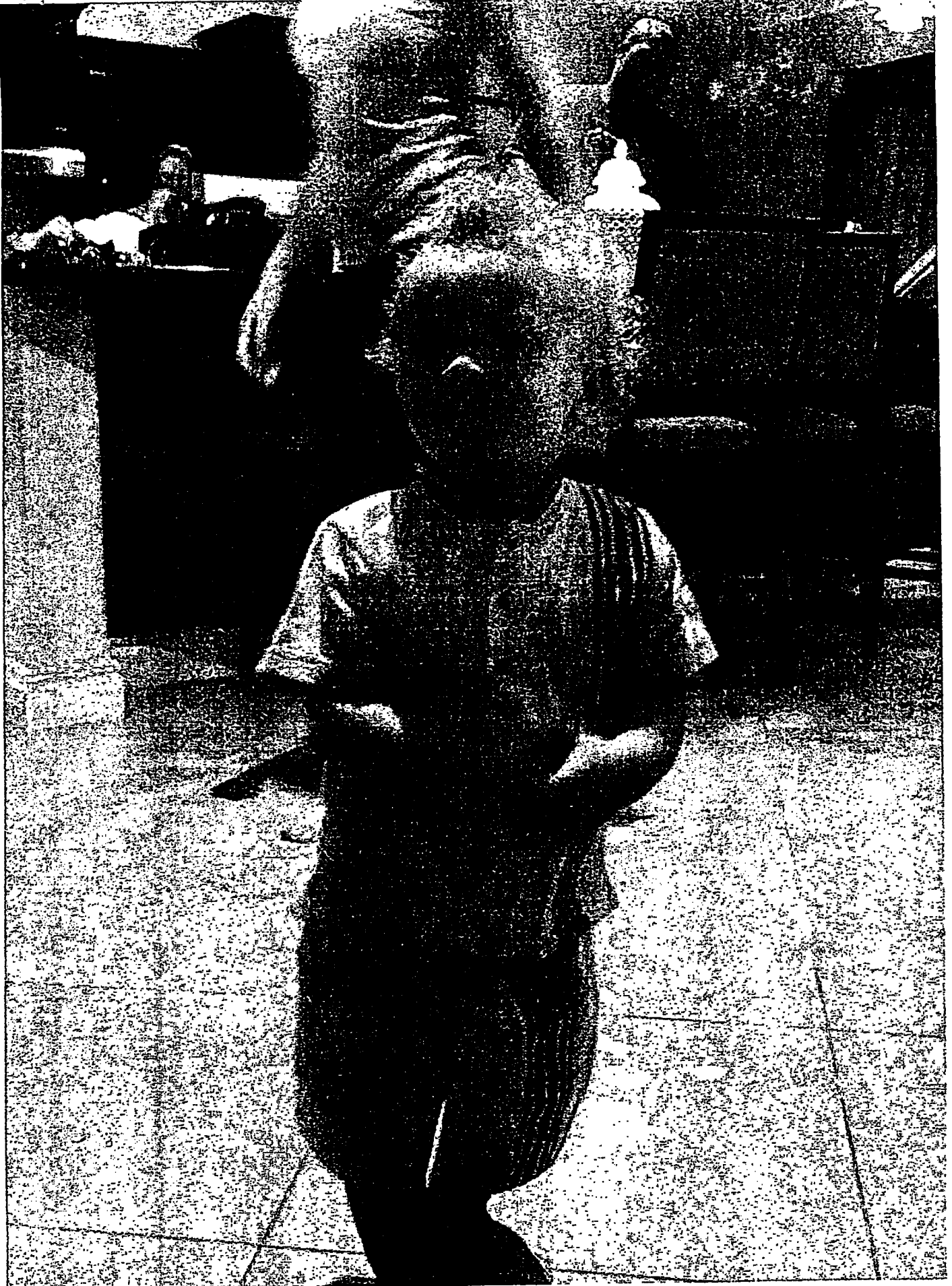


Exhibit C



Exhibit 1



97hbf7

[CV-17-001906-PHX-JJT]



00:06:47

00:30:11



Full



Pop-up

[CV-17-01906-PHX-JJT]

I, Stephen E. Garner, D.O. AZ license #005107, this day 23 January 2017 at 10:00 PM examined:

Josiah Watson age 4, David Watson age 6, and Jazmin Watson age 3. The encounter was videotaped by Halbert Griffin.

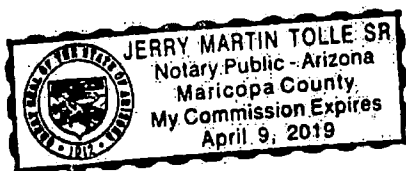
I saw no evidence of physical or emotional abuse or neglect.

I have had direct contact and observation of the above children from their birth to the present on a regular basis at church functions and have never seen evidence of abuse or neglect.

Stephen E. Garner

Stephen E. Garner, D.O.

Halbert Griffin
Halbert Griffin



[Signature] 1/23/17