

## Petition Seeks To Nullify Jesus Christ's Conviction

A petition was filed in Kenya's High Court on August 29, 2007, challenging the constitutionality of the mode of questioning, the evidence, the trial, and the sentencing and punishment of Jesus Christ. The petition's requested relief is a declaration that the proceedings are a "nullity" because "they did not conform to the rule at the material time." The plaintiff is the Friends of Jesus, and the ten defendants include The Republic of Italy and the State of Israel.

The 29-page petition contends that the proceedings Jesus was subjected to were infected with the bias and prejudice of "Judicial Misconduct, Prosecutorial Misconduct, Malicious

Prosecution, Abuse Of Office, Fabrication Of Evidence and Human Rights Abuses and Malicious Prosecution." (§1, p. 11)

If the petition satisfies the threshold procedural and substantive requirements for a constitutional review, it will be referred to a three-judge panel to consider its merits. Kenyan legal analysts have identified that three hurdles for the plaintiff to overcome are establishing the High Court's jurisdiction, that the petition's claims aren't time barred, and that the plaintiff's have standing to bring the action.

The High Court has jurisdiction over human rights issues, so it may be able to consider the petition's claims. The time bar and legal standing hurdles may be more difficult to overcome.

An interesting aspect of the petition is its

contention that both the defendant states of Italy and Israel, "upon attaining Independence has incorporated all the preceding laws that existed in the ROMAN EMPIRE at the time of the Trial in question." (§§11-12, p. 12-13)

The case is being taken very seriously in Kenya, with legal analysts debating the merits of its legal basis, its claims, and its requested relief. The Kenya Civil Liberties Union has joined the proceedings as *amicus curiae*.

The petition is *Friends of Jesus v Tiberius, Emperor of Rome; Pontius Pilate; et al*, Republic of Kenya Constitutional Petition No. 965 of 2007. It is on JD's website at [www.justicedenied.org/cases/fojesus.pdf](http://www.justicedenied.org/cases/fojesus.pdf) Or order "Jesus Petition" for \$5 (stamps OK) from: Justice Denied, PO Box 68911, Seattle, WA 98168.



### Arey cont. from p. 19

thirteen separate locations among the traditional and non-traditional places that should be investigated for recovery of the missing evidence, stating, "a court should not conclude that evidence no longer exists until the State performs a reasonable search for the requested evidence." *Id.*

The Court also ruled on Arey's contention he was entitled to appointment of counsel to litigate his DNA petition. The Court clarified "that although there is no constitutional or statutory right to counsel at the time a petitioner files the petition for DNA testing, a court has the inherent power to appoint counsel at any stage of proceedings until he "receives favorable DNA testing results." *Id.* at ¶ 76.

The decision in Arey's case is published and precedential for all people seeking to use Maryland's post-conviction DNA testing law.

As of late-September 2007, the State is searching for the missing trial evidence, and Arey has not been appointed a lawyer.

#### Evidence of prime suspect disclosed 33 years after Arey's trial

At the time of Arey's arrest in 1973, he was a 24 year-old Caucasian male who had formerly been employed by Shapiro, and two years prior to his Shapiro's murder Arey had lived in one of Shapiro's apartment buildings.

Thirty-three years after Arey's trial, on August 16, 2007, the Baltimore City District Court responded to Arey's request under Maryland's Public Information Act for records about his case. Arey learned for the first time that before he was even arrested, the police had another

suspect they could not locate. That man was Charles Eugene Thornton, a 24 year-old Caucasian male employed by Shapiro until shortly before Shapiro's murder, and who lived in one of Shapiro's apartment buildings.

Days before Shapiro was murdered he had filed sworn felony charges against Thornton for embezzlement, larceny, theft and related charges. The prosecution knew before Arey's arrest that Thornton was a prime suspect because he had a compelling motive: Shapiro was the complaining witness against Thornton, so with him dead the charges against Thornton would be dismissed for want of a witness.

To smear Arey's character and make him appear to have a motive to murder Shapiro, prosecution witness Frank tried to convince Arey's jury that he committed embezzlement, larceny, theft and related charges against Shapiro. Those were the crimes that Shapiro had accused Thornton of committing – not Arey! Also, Frank attributed to Arey a supposed threat against Shapiro, "I'll get you, you dirty ...". The new evidence suggests that Thornton was the most likely person to have uttered that supposed threat.

The prosecution not only prejudiced Arey's defense by failing to disclose the *Brady* evidence of a prime suspect with characteristics virtually identical to Arey, but prejudicially influenced the jury to be more inclined to convict Arey by falsely projecting Thornton's motive and alleged crimes against Shapiro onto Arey.

The prosecution's timely disclosure that Thornton was a prime suspect would have enabled Arey's counsel to investigate and possibly uncover additional evidence implicating Thornton. Although the information the prosecution

failed to disclose about Thornton may have been enough by itself to sway the jurors to have had a reasonable doubt of Arey's guilt, additional investigation into Thornton's background and activities could have only helped influence them to have voted not guilty.

#### Current status

Arey is seeking a new trial and full disclosure of the truth not only to clear his name and be released from prison, but so that the Shapiro family can know the truth about Samuel Shapiro's murder.

The Maryland DOC responded to Arey winning his Court of Appeals case by inexplicably transferring him, so he can be written in care of *Justice:Denied* and it will be forwarded to him. As of early October 2007 he has not been appointed a lawyer, so he welcomes any helpful court cases, legal strategies, or assistance:

Douglas Arey c/o  
Justice Denied  
PO Box 68911  
Seattle, WA 98168

Or email Arey at, [www.prisonmail.org](http://www.prisonmail.org)  
Click "Join a mailbox," and enter: 130196

*Arey v. State*, No. 82, September Term, 2006 (Md. 08/01/2007), is available on Justice Denied's website at, [www.justicedenied.org/cases/arey080107.htm](http://www.justicedenied.org/cases/arey080107.htm) Or order "Arey Opinion 0807" for \$3 (stamps OK) from: Justice Denied; PO Box 68911; Seattle, WA 98168.

#### Endnotes:

1 This account is based on transcripts, court rulings, other case documents, and the personal knowledge of Douglas Scott Arey.  
2 See, Maryland State Prosecutors meeting, Hunt Valley Inn, January 1974, "Statutory Immunity Memorandum of Law," report of then Montgomery County States Attorney (now Judge) Sonner.

