



Affidavit to the Human Rights Tribunal International
defenders@humanrightsdefenders.international

Darrell Smith
2225 North 7th Street
Phoenix, AZ 85006
PH# 602-677-0099
Email: soslawncareservice@gmail.com

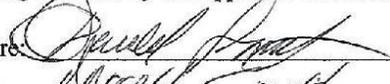
DARRELL SMITH, Complainant/Appellant

I, Darrell Smith, Affiant, being of legal age, qualified and competent to testify to, and having first-hand knowledge of the following facts, do hereby swear that the following facts are true, correct, and not misleading.

This internationally notarized affidavit will outline the multiple violations of my human rights under God and Nature, and Human rights, as well as State, National, and International standards of law.

This certification is being executed by the Applicant on the date set forth below.

APPLICANT:

Signature: 
Print Name: Darrell Smith
Date: 12/30/17

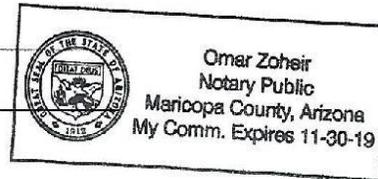
STATE OF ARIZONA,
COUNTY OF MARICOPA,
NATION OF UNITED STATES OF AMERICA

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Darrell Smith, known to me (or proved to me on the basis of satisfactory evidence) to be the person described herein and who executed the forgoing instrument and acknowledged the execution of the within instrument for the purposes therein contained.

Sworn to and subscribed before me, this 30 day of December, 2017

Notary Public: 

My Commission Expires: 11-30-2019



Affidavit from Darrell Smith

I, Darrell Smith, have personal knowledge, experience, history, and documentation of the information presented in this Affidavit.

Darrell Smith was born on **March 1st, 1957**.

Darrell Smith has been in a monogamous relationship with Leanna Smith for more than 18 years.

Darrell Smith was gifted by God with his only female child, Jameelah Andreah Smith, born **April 1st, 2006** from a relationship with Leanna Smith.

Darrell Smith's name is listed on the Birth Certificate for Jameelah Andreah Smith; and Leanna Smith is listed on the Birth Certificate as Mother.

On **May 21st, 2010** Jameelah Smith was removed from her Mother's care and custody. The reason she was removed was the court decided that something "might" happen if Darrell Smith allowed Leanna Smith to have contact with Jameelah Smith

On **June 6, 2010** The Tempe Police Department "Police Report" (#10-094073), found no evidence of physical or sexual abuse.

On **June 14, 2010**, the Family Court awarded Darrell Smith sole custody of Jameelah Andreah Smith Case #FC 2010-003808 Superior Court of Arizona.

On **August 3rd, 2010** Darrell Smith completed a Psychological Evaluation with James Thal, PhD. (Psychologist)

On **August 6th, 2010** James Thal, PhD. (Psychologist) recommended, *"He needs to develop his parenting skills, both in terms of basic knowledge and relative to child management strategies. If he is to be a full time parent, Mr. Smith needs a well-developed repertoire of behavior management skills. He needs to eliminate harshly punitive measures altogether."*
("He" meaning Darrell Smith)

No Parenting Classes or services were ever offered

On **September 9th, 2011** The Arizona Attorney General's Office reviewed the financial records for Darrell Smith located with Wells Fargo Bank. The review went back five (5) years

On **September 20, 2010** - The State of Arizona required Darrell Smith to produce three years of IRS Tax Returns. **Evidence:** 9/20/2010- A.G. Bruce MacArthur Orders 3 years of tax returns on Darrell Smith September Scan 0001

On **October 15th, 2010** Darrell Smith was subjected to a "Paternity Test" (DNA) completed at Lab Corps to confirm that he is the biological father of Jameelah Andreah Smith. He is the biological Father.

On **November 4th, 2010** Sylvia Cotto (Darrell's Attorney) and Bruce MacArthur, (Asst. Attorney General) in E-Mail between Cotto and Bruce MacArthur agreed to provide these Parenting Classes to Darrell Smith as recommended by James Thal Psychological Evaluation of Darrell Smith dated 8/3/2010 and 8/6/2010-Recommendations. These services were never provided to Darrell Smith.

Violation of Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Darrel Smith was tortured, treated cruelly, and degraded as a human being. His daughter was taken from him without a warrant, without cause, and without evidence. To have your daughter taken without a word is true torture. Then to subsequently find out your 4 year old daughter is being sexually and physically abused in foster care is the definition of cruelty. The ultimate inhumanity shown to Darrell Smith is the, not knowing if his precious daughter is alive or dead?

Arizona Revised Statute Title 13. Criminal Code

Chapter 38. Miscellaneous Article 8. Search Warrant Sec 13-3912. Grounds for issuance

A search warrant may be issued upon any of the following grounds:

- 1. When the property to be seized was stolen or embezzled.*
- 2. When the property or things to be seized were used as a means of committing a public offense.*
- 3. When the property or things to be seized are in the possession of a person having the intent to use them as a means of committing a public offense or in possession of another to whom he may have delivered it for the purpose of concealing it or preventing it being discovered.*
- 4. When property or things to be seized consist of any item or constitute any evidence which tends to show that a particular public offense has been committed, or tends to show that a particular person has committed the public offense.*
- 5. When the property is to be searched and inspected by an appropriate official in the interest of the public health, safety or welfare as part of an inspection program authorized by law.*
- 6. When the person sought is the subject of an outstanding arrest warrant.*

Violation of Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARS 8-456 (C)(1) "Make a prompt and thorough investigation"

Amanda Torres (CPS Investigator) and Laura Pederson (CPS Investigator) did not make "any" investigation of the CPS Report made regarding Jameelah Andreah Smith. The report was taken immediately as factual without evidence of Who? What? When? and Where?

Arizona Revised Statute Sec 14-1310. Oath or affirmation on filed documents

Except as otherwise specifically provided in this title or by rule, each document filed with the court or furnished to an interested person under this title including applications, petitions,

demands for notice, claims, inventories and accounts shall be deemed to include an oath, affirmation or statement to the effect that its representations are true as far as the person executing or filing it knows or is informed. Each document filed with the court or furnished to an interested person under this title is material and may subject the person executing or filing such document to penalties relating to perjury and subornation of perjury.

Arizona Assistant Attorney General, Bruce MacArthur, submitted the Case Report and a Medical Report provided by Brenda Bursch PhD. to the juvenile court. He knew these documents would be misconstrued as evidence of Jameelah Andrea Smith's biological mother, Leanna Smith, as having mental illnesses. Brenda Bursch PhD. shrewdly knew from years of these types of reports that they would be taken by courts as irrefutable evidence of a mental illness.

Date: 07-04-2007 Case Style: Connie and James Roska v. Shirley Morrison, et al. Case Number: 1:99-CV-112-DAK

ARS 12-541 "Malicious prosecution" and in violation of Arizona Rules of Professional Conduct ER 3.3 (a) (3)

"A lawyer shall not knowingly offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take remedial measures, including, disclosure to the court;" ER 8.4 (c) "engage in conduct involving dishonesty, fraud, deceit, or misrepresentation (d) "engage in conduct that is prejudicial to the administration of justice;" (f) "knowingly assist a judge or judicial officer in conduct that is a violation of applicable Code of Judicial Conduct or other law."

- Arizona Assistant Attorney General, Bruce MacArthur knew the Case Report by Brenda Bursch PhD. was not a true or complete report of the medical conditions in the case
- Arizona Assistant Attorney General, Bruce MacArthur knew the Case Report by Brenda Bursch PhD. was not a true or complete report confirming the biological Mother's fictitious seven mental illnesses
- Arizona Assistant Attorney General, Bruce MacArthur knew that Brenda Bursch PhD. was not qualified to give opinions and testimony about medical conditions, medications, validity of medical procedures, medical records, or diagnosing medical "Psychiatric" conditions as she was **only** a "Psychologist".

Arizona Revised Statutes §19-206 - Coercion or other unlawful acts; classification

A. A person who knowingly induces or compels any other person, either directly or indirectly or by menace or threat that he will or may be injured in his business, or discharged from employment, or that he will not be employed, to sign or subscribe, or to refrain from signing or subscribing, his name to a recall petition, or, after signing or subscribing his name, to have his name taken therefrom, is guilty of a class 1 misdemeanor.

Arizona Assistant Attorney General, Bruce MacArthur coerced and coached Brenda Bursch, Tammy Hamilton-MacAlpine, and Amanda Torres to testify knowingly that their testimony and documents were false, incomplete, unqualified, and misleading to the court.

In fact, he knew that so well that he purposely withheld evidence from the court to use at a later date to “impeach” Leanna Smith on the witness stand.

**A.R.S. Rules of Civil Procedure, Rule 26.1 Formerly cited as AZ ST RCP Rule 26(b)
Rule 26.1. Prompt Disclosure of Information**

(a) Duty to Disclose; Disclosure Categories. Within the times set forth in Rule 26.1(d) or in a Scheduling Order or Case Management Order

The Judge in this case, Margaret Mahoney, made decisions based on false and misleading testimony and “reports”. Judge Margaret Mahoney made findings based on suspicion and innuendo. Judge Margaret Mahoney affirmed evidence far outside her capacity to decide medical testimony and its validity. Judge Margaret Mahoney blindly and recklessly accepted testimony far outside the scope of witnesses’ ability to form opinions about. For example, permitting Brenda Bursch, a mere Psychologist, to counter/rebut medical testimony over Eli Newberger M.D. from the Harvard Medical School and a world renowned child abuse expert and physician was clearly wrong and improper.

In her rash decision to dispose of the Smith Case, Judge Margaret Mahoney failed in her responsibility for “due diligence” in finding of facts. In her Statutory Basis for Termination she states:

“2. Mental Illness – A.R.S. § 8-533(B)(3)

To terminate parental rights under A.R.S. § 8-533(B)(3), this Court must find that: (1) Mother has a history of mental illness; (2) Mother is unable to discharge parental responsibilities because of the mental illness; and (3) there are reasonable grounds to believe that the condition will continue for a prolonged and indeterminate period.

Raymond F. v. Ariz. Dep’t of Econ. Sec., 224 Ariz. 373, 377 ¶15, 231 P.3d 377, 381 ¶ 15 (App. 2010).1”

The failure of her “due diligence” to recognize that not one single witness confirmed a single mental illness during the years of litigation corrupted this entire case from the beginning. Judge Margret Mahoney ignored the testimony and evidence of significantly more **qualified** individuals that testified that they saw “**NO**” mental illness’ attributable to Leanna Smith.

With respect to the first element, the Court must find that the mental illness has persisted over a long period and is lingering. The mental illness need not be constant to be considered chronic. Raymond F., 224 Ariz. at 377 ¶16, 231 P.3d at 381 ¶ 16.

And since there is “**NO**” mental illness in existence; how can it be constant and chronic?

The termination of Darrell Smith’s parental rights regarding his daughter Jameelah Andrea Smith arise from the from the false accusations of Chaunell Roberson stating Darrell Smith physically and/or sexually abused her and are completely unsubstantiated. In fact the four necessary elements for even making a CPS Report.

1. There is no accusations as to **where** these events happened
2. There is no accusations to **when** these events happened,
3. There is no description of exactly **what** actually happened,

4. There is only a single finger pointing to Darrell Smith as the **who**

Chaunell Roberson was never put on the witness stand or deposed; only interviewed by Judge Dawn Bergin in her chambers accompanied by the same Marina Greco sanctioned by the Arizona Board of Behavioral Health for inappropriate conduct with a female minor. Nearly the same age as Chaunell Roberson.

Chaunell Roberson met privately for lunch with Arizona Assistant Attorney General Bruce MacArthur to speak about her testimony to occur in juvenile court very soon. Within 24 hours of the suspiciously private meeting between a mentally fragile 16 year old female and a prosecuting older male attorney on the case; she was hospitalized for weeks for psychiatric stabilization for being a Danger to Self (DTS) and medication stabilization. (Suicidal Ideations)

In the foster home the door had to be removed from Chaunell Roberson's because of some secretive activity between Chaunell and Jameelah Andrea Smith

Chaunell Roberson has never faced Darrell Smith since she was taken.

Brenda Bursch PhD. testified/submitted her "Report" far outside her area of expertise:

Statement Regarding Brenda Bursch Eligibility as an Expert Witness

"Another general issue I have in this case is the question of why licensed psychologists are opining about the presence or absence of MSBP/FDBP in a case involving alleged medical abuse of a child. Standard 2.01 of the Ethical Principles of Psychologists and Code of Conduct (Boundaries of Competence) states: a Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience."

- Eric G. Mart, Ph.D., ABPP "Report" (March 28, 2011) Page 2

Statement Regarding Brenda Bursch Eligibility as an Expert Witness

"I am not aware that Drs. Menendez or Bursch have any medical, nursing or other specialized training which would allow them to opine on the presence or absence of MSBP/FDBP in a case primarily involving allegations of medical abuse. If they have decided that specific medical problems do or do not exist, this would seem to be an example of psychological professionals operating outside of their areas of expertise, and if they are relying on the concerns raised by appropriately licensed medical professionals, then their conclusions would seem to be a form of vouching that Ms. Roberson is the kind of person who would engage in such abuse. While such a determination would be the province of the trier of fact, it should be noted that in my experience courts are quite resistant to the admission of this type of testimony. For example, in a case involving allegations of child sexual abuse, it would be very unusual for a court to allow a psychologist to testify that it is unlikely that a father engaged in sexual abuse of his children because his psychological profile does not match that of an abuser, or that an individual is likely to have robbed a bank because he has an antisocial personality disorder."

- Eric G. Mart, Ph.D., ABPP "Report" (March 28, 2011)

Statement Regarding Brenda Bursch Eligibility as an Expert Witness

“This brings me to specific concerns I have regarding the psychological evaluations performed by Drs. Menendez and Bursch. I will consider Dr. Menendez’s report, dated 11/19/08 first. In addition to the report, I was provided with the raw data from her evaluation. Dr. Menendez administered the MMPI-2 to Ms. Roberson. She describes the administration of the test as producing a valid profile. However, a review of the profile indicates that Ms. Roberson obtained a T-score of 83 on the L scale, which is a measure of defensiveness. The MMPI-2 manual characterizes this elevation as very high and notes that profiles with this type of elevation are “probably invalid.” The Bender-Gestalt was also administered, as were projective drawings and a parenting questionnaire that contains a section of incomplete sentences. It should be noted that none of the tests administered has been shown in the scholarly literature to have any association with a diagnosis of MSBP/FDBP. As a consequence, it is not clear how the results of Dr. Menendez’s assessment led to a diagnosis of “R/O Munchausen by Proxy Disorder.” The New Hampshire Supreme Court, in the case of State v. Cressy, noted that there must be a logical nexus between the data relied on by the expert and conclusions that the expert draws. In reviewing Dr. Menendez’s report and data, I cannot see how the material she generated in her assessment can logically lead to a conclusion, even tentatively, that Ms. Roberson may have MSBP. One possibility is that Dr. Menendez simply relied upon information provided by the child protective workers in the case, in which case her report provides no new information to the court.”

- Eric G. Mart, Ph.D., ABPP “Report” (March 28, 2011)

Statement Regarding Brenda Bursch Eligibility as an Expert Witness

“With regard to Dr. Bursch’s report, I would reiterate my concerns regarding the appropriateness of a psychologist making determinations about a child’s medical treatment. A review of medical records by mental health professionals may be necessary in an assessment of this type to provide context. However, offering opinions regarding such issues as the origin of the air in Chaunell’s shunt, the likely cause of her comas, whether diagnostic procedures were justified, and whether some of Chaunell’s health problems were iatrogenic appears to me to be clearly beyond the competence of non-medical mental health professionals.”

- Eric G. Mart, Ph.D., ABPP “Report” (March 28, 2011)

Statement Regarding Brenda Bursch Eligibility as an Expert Witness

“Neither the analysis of medical records nor the yield of psychological studies in the reports by psychologists Menendez and Bursch support a diagnosis of Munchausen Syndrome by Proxy. They include elaborate speculation about what Leanna Smith might have done and assert diagnoses (e.g. Asperger’s Syndrome, Delusional Disorder, persecutory type) that might propel her to commit neglect, abuse, or factitious illness behavior. On the basis my review of the entire record, my many conversations with Ms. Smith, my corroboration of the medical history and key events in her, her children’s, and her family’s lives with multiple, independent sources of information, I have had no reason to doubt the accuracy of her words. The allegations she has made about departures from the standard of care in Chaunell’s medical treatment appear to me to be sound, not deriving from any paranoid personality disorder. Neither does her supple, thoughtful, and socially appropriate manner, conversational style, and easy relationship with her

partner, Darrell Smith, suggest any artifact of such a pervasive developmental disorder such as Asperger's Syndrome." Statement of Dr. Eli H. Newberger M.D.

- Eli H. Newberger, M.D. "Report" (March 24, 2011)

Arizona Revised Statutes

Title 12. Courts and Civil Proceedings

Chapter 13. EVIDENCE

Article 1. Competency of Witnesses

Sec 12-2203. Admissibility of expert opinion testimony

- A. In a civil or criminal action, only a qualified witness may offer expert opinion testimony regarding scientific, technical or other specialized knowledge and the testimony is admissible if the court determines that all of the following apply:
1. The witness is qualified to offer an opinion as an expert on the subject matter based on knowledge, skill, experience, training or education.
 2. The opinion will assist the trier of fact in understanding the evidence or determining a fact in issue.
 3. The opinion is based on sufficient facts and data.
 4. The opinion is the product of reliable principles and methods.
 5. The witness reliably applies the principles and methods to the facts of the case.
- B. The court shall consider the following factors, if applicable, in determining whether the expert testimony is admissible pursuant to subsection A:
1. Whether the expert opinion and its basis have been or can be tested.
 2. Whether the expert opinion and its basis have been subjected to peer reviewed publications.
 3. The known or potential rate of error of the expert opinion and its basis.
 4. The degree to which the expert opinion and its basis are generally accepted in the scientific community.

Arizona Revised Statute §12-2604 Expert witness qualifications; medical malpractice actions

- A. In an action alleging medical malpractice, a person shall not give expert testimony on the appropriate standard of practice or care unless the person is licensed as a health professional in this state or another state and the person meets the following criteria:
1. If the party against whom or on whose behalf the testimony is offered is or claims to be a specialist, specializes at the time of the occurrence that is the basis for the action in the same specialty or claimed specialty as the party against whom or on whose behalf the testimony is offered. If the party against whom or on whose behalf the testimony is offered is or claims to be a specialist who is board certified, the expert witness shall be a specialist who is board certified in that specialty or claimed specialty.
 2. During the year immediately preceding the occurrence giving rise to the lawsuit, devoted a majority of the person's professional time to either or both of the following:
 - (a) The active clinical practice of the same health profession as the defendant and, if the defendant is or claims to be a specialist, in the same specialty or claimed specialty.

- (b) The instruction of students in an accredited health professional school or accredited residency or clinical research program in the same health profession as the defendant and, if the defendant is or claims to be a specialist, in an accredited health professional school or accredited residency or clinical research program in the same specialty or claimed specialty.
3. If the defendant is a general practitioner, the witness has devoted a majority of the witness's professional time in the year preceding the occurrence giving rise to the lawsuit to either or both of the following:
 - (a) Active clinical practice as a general practitioner.
 - (b) Instruction of students in an accredited health professional school or accredited residency or clinical research program in the same health profession as the defendant.

Violation of Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Darrel Smith was denied a fair and public hearing. The entire case was held behind closed doors and sealed from any accountability or oversight. Over “**1,700 critical audio recordings**” of the events were sealed and never allowed to be used by the juvenile court. Exculpatory evidence was sealed, destroyed or ignored.

Under the Arizona State Statute A.R.S. 13-114 (3) a person is afforded the right to confront witnesses against them, in a criminal case.

Darrell Smith has never been able to face his only accuser Chaunell Roberson. She has made these false allegation because the CPS employees, attorneys, therapists, experts, and clinicians have told her I do not care about her or want to see her. (Lies)

Arizona Revised Statutes, Rules of Criminal Procedure, Rules of Evidence

Rule 1004. Admissibility of Other Evidence of Contents

The original is not required, and other evidence of the contents of a writing, recording, or photograph is admissible if— (1) Originals lost or destroyed. All originals are lost or have been destroyed, unless the proponent lost or destroyed them in bad faith; or (2) Original not obtainable. No original can be obtained by any available judicial process or procedure; or (3) Original in possession of opponent. At a time when an original was under the control of the party against whom offered, the party was put on notice, by the pleadings or otherwise, that the contents would be a subject of proof at the hearing, and the party does not produce the original at the hearing; or (4) Collateral matters. The writing, recording, or photograph is not closely related to a controlling issue

Violation of Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Darrell Smith was subjected to interference to his privacy when his tax returns were acquired, when his IRS Tax returns were acquired, when he was forced to submit to a paternity testing when no issue regarding his being the Father of Jameelah Andrea Smith existed. Darrell Smith suffered attacks upon his honour even when everyone involved knew that he was a man of the highest standards of honesty, integrity, and his lifelong religious convictions of a Christian. He is forever casted as an abuser of children when there is no evidence whatsoever to even consider him as such a thing – he is listed in a Central Registry and will forever carry that brand and “association” that he does not want to be a part of or involved with in any manner. (Forced)

Violation of Article 16.

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Darrell Smith had a right to protection of his family by society and the State. His natural and fundamental right to have a family was arbitrarily removed under suspicious and false allegations, and possibilities. Tammy Hamilton-MacAlpine and Brenda Bursch PhD committed perjury under oath and allowed their testimony and documents go uncorrected into the record.

Unexplainably, Judge Margret Mahoney allowed this perjury in her courtroom? Either incompetence or corruption seem to be the only possible answers to the question, Why? Why did she not read and comprehend the “Report” submitted by Brenda Bursch PhD. in these court proceedings?

Arizona Revised Statutes - Revised Statutes §13-2702 Perjury; classification

- A. *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.*
- B. *Perjury is a class 4 felony.*

Violation of Article 17.

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Child Protective Services gave Darrell Smith the choice of dissolving his 18+ year monogamous relationship with Leanna Smith or lose Jameelah Andrea Smith forever as his daughter. As long as Darrell Smith would not “associate” with Leanna Smith he could be reunited with his

daughter. This action was not arbitrary as it was purposeful and offered under duress, but it is as wrong as any denial of a right can be.

Arizona Revised Statutes §19-206 - Coercion or other unlawful acts; classification

- A. *A person who knowingly induces or compels any other person, either directly or indirectly or by menace or threat that he will or may be injured in his business, or discharged from employment, or that he will not be employed, to sign or subscribe, or to refrain from signing or subscribing, his name to a recall petition, or, after signing or subscribing his name, to have his name taken therefrom, is guilty of a class 1 misdemeanor.*

Violation of Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Darrell Smith's right to freely associate with others, Leanna Smith and Jameelah Andrea Smith, was attacked, hindered, and eventually denied.

Darrell Smith clearly was compelled to belong to a Central Registry for child abuse of which, he wants no association with or a part of as an association.

Arizona Revised Statutes §19-206 - Coercion or other unlawful acts; classification

- A. *A person who knowingly induces or compels any other person, either directly or indirectly or by menace or threat that he will or may be injured in his business, or discharged from employment, or that he will not be employed, to sign or subscribe, or to refrain from signing or subscribing, his name to a recall petition, or, after signing or subscribing his name, to have his name taken therefrom, is guilty of a class 1 misdemeanor.*