

**CLERK OF THE SUPERIOR COURT
MARICOPA COUNTY**

Jessica J. Fotinos
General Counsel and Public Information Officer
620 West Jackson Street, DJC/GC
Phoenix, Arizona 85003

602-506-2309
Fax – 602-506-7684

October 19, 2023

Via Certified Mail

Daniel Clayton Wood
17253 N. Rosemont Street
Maricopa, Arizona 85138

Via E-Mail

dcwsparky@protonmail.com

Re: *Case No. CV2023-093987*
Writs of Contempt and Writs of Subpoena Duces Tecum

Mr. Wood,

It has come to my attention that you visited the Office of the Clerk of the Superior Court in Maricopa County (Clerk's Office) yesterday, October 18, 2023, and again today, October 19, 2023, requesting that File Counter staff issue what you presented, and what was described to me, as Writs for Contempt and/or Writs of Subpoena Duces Tecum in Case No. CV2023-093987. File Counter staff has been instructed not to issue these documents, as the Clerk's Office lacks the authority to issue these types of writs. Further, the documents presented failed to comply with the Arizona Rules of Civil Procedure and the Local Rules of Practice for the Maricopa County Superior Court.

Rule 45 of the Arizona Rules of Civil Procedure set forth the requirements for a civil subpoena. The Superior Court's Law Library Resource Center (LLRC) does have standardized forms available for review and use for the issuance of a civil subpoena. As to finding or holding any person or entity in contempt of court, civil, criminal, or otherwise, the Clerk's Office lacks the authority to make a contempt finding. Only a judicial officer can make a finding of contempt of court, and such would be in the form of a court order.

It is my understanding that you informed File Counter staff that by denying issuance of the writs you presented, the Clerk's Office is denying you access to the court, as well as denying you access to file documents in your case. The Clerk's Office is well within its roles and responsibilities to ensure that filings made with the Clerk's Office comply with the Rules of Civil Procedure, as well as any and all Local Rules. Ensuring compliance with the Rules does not constitute a denial of access to the court.

A.R.S. § 12-861 *et seq.* governs the contempt process when the State of Arizona is a party named in a civil action. As stated above, the Clerk's Office lacks the authority to find or hold anyone in contempt. And it is not the responsibility of the Clerk's Office to navigate for you or explain the contempt process.

The Clerk's Office is precluded from providing you with legal advice, so our Office is unable to tell you what documents you would need to file to seek contempt in a civil case, but we encourage you to review the Arizona Revised Statutes, the Arizona Rules of Civil Procedure, and to obtain the advice of an attorney who is authorized to practice law in the State of Arizona.

Regarding the Writ of Subpoena Duces Tecum, with an issuance date of October 4, 2023, a copy of which is enclosed, directed to Jeff Fine, Clerk of the Superior Court in Maricopa County, our Office will be referring such to the Arizona Attorney General's Office (AAGO) requesting that the AAGO seek to have the Subpoena quashed.

Regards,



Jessica J. Fotinos
General Counsel and Public Information Officer
Clerk of the Superior Court for Maricopa County

cc: M. Nimitz, Director, Clerk's Office
V. Culp, Administrator, Clerk's Office
N. Swiss, Manager, Clerk's Office

Case Number: 7-15-4-23-9-14-19

ORIGINAL

CLERK OF THE SUPERIOR COURT
OCT 12 2023 FILED
M. Reyna
M. Reyna, Deputy

Author/Creator: Daniel Clayton Wood

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Superior Court of Arizona,

Maricopa, Arizona

Daniel Clayton Wood, Sui Juris
Joseph Michael Grimm, Sui Juris
Deborah Ann Boehm, Sui Juris
Brian Edward Steiner, Sui Juris
Plaintiff, Sui Juris

vs.

**STATE OF ARIZONA PRESIDENT
OF THE SENATE, WARREN
PETERSEN ET. AL., STATE OF
ARIZONA SPEAKER OF THE
HOUSE, BEN TOMA ET. AL.,**

Defendant

Case No.: CV 2023-093987

**Writ of Subpoena,
Duces Tectum**

ARIZONA RULES OF CIVIL PROCEDURE,
[RULE 45, 84]

Writ of Subpoena Duces Tectum

To:
Maricopa County Superior Court Clerk
Jeff Fine
125 W. Washington Street
Phoenix, AZ 85003

Case Number: 7-15-4-23-9-14-19

For Production of Documentary Evidence or Objects or Inspection of Premises:

YOU ARE ORDERED to produce the following designated documents, electronically or hard copy stored information of the premises at the place, date, and time specified below:

Place, Date and time see below:

Place:

Daniel Clayton Wood
17253 North Rosemont Street
Maricopa, Arizona 85138

ALL PLAINTIFF(S), **Joseph Michael Grimm, Deborah Ann Boehm, Brian Edward Steiner,**
to be given service individually by US Mail. (SEE: Address on file in this Court of Record)

Time and Date: 5 Days from date of receipt on or before midnight.

Documents, Information or Objects:

Notice to Agent is Notice to Principal and Notice to Principal to Notice to Agent

Whereas the third section of the sixth article of the Constitution of the United States requires and mandates that:

“The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be Required as a Qualification To any Office or public Trust under the United States” and;

Whereas “An Act to regulate the Time and Manner of administering certain Oaths” is the first law passed by the United States Congress after the ratification of the Constitution of the United States and incorporated into the “United States Statutes at Large” as 1 Stat. 23. and;

Law:

Chapter I.—An Act to regulate the Time and Manner of administering certain Oaths.

Constitution of the U.S. article 6, page 19.Sec. 1. *Be it enacted by the Senate and [House of] Representatives of the United States of America in Congress assembled, That the oath or*

affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, Form of the oath or affirmation to support the Constitution of the United States, to be administered to the members of the Senate and to the members of the House of Representatives. to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The said oath or affirmation shall be administered within three days after the passing of this act, by any one member of the Senate, to the President of the Senate, and by him to all the members and to the secretary; and by the Speaker of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the clerk; and in case of the absence of any member from the service of either House, at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he shall appear to take his seat.

Manner of administering the oath or affirmation to Speaker of the House of Representatives. Sec. 2. *And be it further enacted*, that at the first session of Congress after every general election of Representatives, the oath or affirmation aforesaid, shall be administered by any one member of the House of Representatives to the Speaker; and by him to all the members present, and to the clerk, previous to entering on any other business; and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also administer to each Senator. the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat: and in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be administered to him by any one of the members of the Senate.

To the members of the several State Legislatures, and to all executive and judicial officers of the States. Sec. 3. *And be it further enacted*, That the members of the several State legislatures, at the next sessions of the said legislatures, respectively, and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorized by the law of the State, By whom the oaths or affirmations shall be administered in the several States. in which such office shall be holden, to administer oaths. And the members of the several State legislatures, and all executive and judicial officers of the several States, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the law of the State shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken, shall cause a record or certificate thereof to be made, in the same manner, as, by the law of the State, he or they shall be directed to record or certify the oath of office.

To all officers of the U. States appointed, or to be appointed, before they act. Sec. 4. *And be it further enacted*, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take the same oath or

affirmation, which shall be administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office.

Oath of secretary of the Senate and clerk of the House of Representatives. Sec. 5. *And be it further enacted*, That the secretary of the Senate, and the clerk of the House of Representatives for the time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words following, to wit: "I, A. B. secretary of the Senate, or clerk of the House of Representatives (as the case may be) of the United States of America, do solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities."

Approved, June 1, 1789.

Whereas 1 USC § 112: Statutes at Large; contents; admissibility in evidence; mandates that; "The United States Statutes at Large" shall be legal evidence of laws, ... in all the courts of the United States, the several States, and the Territories and insular possessions of the United States"

Law:

1 U.S. Code § 112 - Statutes at Large; contents; admissibility in evidence

The Archivist of the United States shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all proclamations by the President in the numbered series issued since the date of the adjournment of the regular session of Congress next preceding; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Archivist of the United States issued in compliance with the provision contained in section 106b of this title. In the event of an extra session of Congress, the Archivist of the United States shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

(July 30, 1947, ch. 388, 61 Stat. 636; Sept. 23, 1950, ch. 1001, § 1, 64 Stat. 979; Oct. 31, 1951, ch. 655, § 3, 65 Stat. 710; Pub. L. 98-497, title I, § 107(d), Oct. 19, 1984, 98 Stat. 2291.)

ATTENTION: You are to provide the following Oath herein, in form of a certified copy of the official record or certificate thereof produced after being administered to yourself, prior to discharging any office or duty and accepting any compensation.

Case Number: 7-15-4-23-9-14-19

YOUR APPEARANCE IS NOT REQUIRED if the items ordered to be produced are delivered to the requesting party within the time allowed AND you are not otherwise ordered to appear.

Issued this date: OCT 4 2023 Clerk of The Arizona Superior Court, Maricopa County

SIGNED AND SEALED this date OCT 4 2023 Clerk of The Arizona Superior Court, Maricopa County



By:  **Tim O'Pry Jr.**

Clerk of The Arizona Superior Court, Maricopa

County

Deputy Clerk

JEFF FINE, CLERK

Copies of the foregoing were delivered via hand-delivery and/or delivered electronically and/or delivered via U.S. Mail to the following parties on October 5, 2023:

President of Arizona Senate
Senator Warren Petersen
1700 West Washington Street
Phoenix, Arizona 85007

Arizona Governor's Office
Governor Katie Hobbs
1700 West Washington Street
Phoenix, Arizona 85007

Arizona Speaker of the House
Representative Ben Toma
1700 West Washington Street
Phoenix, Arizona 85007

Arizona Secretary of State
SOS Adrian Fontes
1700 West Washinton Street
Phoenix, Arizona 85007

Case Number: 7-15-4-23-9-14-19

Arizona State Treasurer
State Treasurer Kimberly Yee
1700 West Washington Street
Phoenix, Arizona 85007

Arizona Attorney General Office
Attorney General Kris Mayes
2005 North Central Avenue
Phoenix, Arizona 86007

Brian Bergin, #016375 Bergin,
Frakes, Smalley & Oberholtzer, PLLC
4343 East Camelback Road, Suite 210
Phoenix, Arizona 85018

Anthony R. Napolitano, #034586
Bergin, Frakes, Smalley & Oberholtzer, PLLC
4343 East Camelback Road, Suite 210
Phoenix, Arizona 85018

Chairman Clint Hickman
301 West Jefferson Street
Phoenix, Arizona 85003

Maricopa, Arizona
Recorder's Office Recorder
Stephen Richer
111 South Third Avenue
Phoenix, Arizona 85003

Maricopa County Superior Court Clerk
Jeff Fine
125 W. Washington Street
Phoenix, AZ 85003

Maricopa County Superior Court Judge
Danielle Viola
125 W. Washington Street
Phoenix, AZ 85003

Maricopa County Superior Court Judge
Peter Thompson
125 W. Washington Street
Phoenix, AZ 85003

Maricopa County Superior Court Judge
Rodric Coffey
125 W. Washington Street
Phoenix, AZ 85003

Maricopa County Superior Court Clerk
Judge, Jennifer Ryan-Touhill
125 W. Washington Street
Phoenix, AZ 85003

Arizona Supreme Court Chief Justice
Robert M. Brutinel
1501 W. Washington
Phoenix, Arizona 85007

By 
Daniel Clayton Wood, sui juris