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DOCUMENT EXAMINATION
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November 23, 2017

VIA EMAIL TO:

Star Moffatt

@ StarMoffatt@gmail.com

RE: *Loyalty Oath of Office of the Honorable William J. O'Neil*

My file reference: 170800-A

Dear Ms. Moffatt

I am issuing this report at your request.

A. THE COMMISSION.

You asked that I examine a document titled "Oath of Office," the first two lines of text of which read: "I, William J. O'Neil, do solemnly swear (or affirm)...." A copy of this document is attached hereto as **Exhibit A**. You also asked me to compare **Exhibit A** to **Exhibits B** and **C**, two other Oaths of Office. All three exhibits are described in greater detail in the next section, Section B.

B. THE DOCUMENTS EXAMINED.

The following are descriptive observations for **Exhibits A, B** and **C**. Of emphasis is a comparative examination identifying features the latter two exhibits have in common which are lacking in the first of the three exhibits. It was represented to me that **Exhibit F**, discussed infra, memorializes how a copy of **Exhibit A** was obtained, while copies of **Exhibits B** and **C** were directly derived from copies obtained from the office of Arizona Secretary of State.

EXHIBIT A has no handwritten material nor is there any data as to either the occasion or cause for the Oath of Office except the second to last subordinate clause states "the Office of Presiding Disciplinary Judge." No other person but Honorable O'Neil and Honorable Rebecca White Berch, solely as administering the oath, are mentioned. **Exhibit A** has the stylistic characteristics of neither a form nor a format

*(From Marcel B. Matley to Star Moffatt, re Loyalty Oath of Office by Honorable William J. O'Neil.
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for a standardized document. The type is all capital letters in sans serif font of a uniform size. The text is of a single sentence broken into seven subordinate clauses which are centered down the page. The document is undated as well as unsigned by either Honorable O'Neil or Honorable Berch..

Exhibit B is a copy of Notice of Appointment of Arthur John Pelander III to judge of Arizona Supreme Court along with his Loyalty Oath of Office. **Exhibit C** is a copy of Notice of Appointment of Robert M. Brutinel to judge of Arizona Supreme Court along with his Loyalty Oath of Office. **Exhibits B** and **C** share the following characteristics:

- a) The Notice of Appointment is in the upper portion of the document and the Loyalty Oath of Office in the lower portion.
- b) The appointing officer, Governor Janice K. Brewer, is represented as having signed the Notice of Appointment, which is addressed to the Secretary of State.
- c) The two exhibits have the indications of a standardized form with a standardized format.
- d) The font is sans serif but varied in size according to function, mainly as to headings or designation of a signatory.
- e) In the Lower portion, Loyalty Oath of Office, the appointee, a notary public, and the Secretary of State are all represented as having signed the document. The date and time of notarization are handwritten.
- f) There are two texts that serve as statements of purpose for the document. The first is the Notice of Appointment and the second the Loyalty Oath of Office which the appointee is represented as having signed. Each is transcribed as a paragraph in standard format, not broken up in any way.

Except for use of a sans serif font, the term "Oath of Office," the naming of the office into which the appointee is entering, and the representation that Honorable Berch administered the oath, **Exhibit A** lacks all the features that I listed as common to **Exhibits B** and **C**.

C. CONCLUSION.

EXHIBIT D, attached hereto and of eight pages, is a copy of my current curriculum vitae setting forth my background as an examiner of documents and handwriting that qualifies me to undertake the comparative examination requested of me. My

*(From Marcel B. Matley to Star Moffatt, re Loyalty Oath of Office by Honorable William J. O'Neil.
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curriculum vitae also lists all my professional publications.

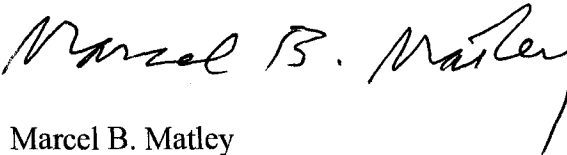
EXHIBIT E, attached hereto and of two pages, is a list of my testimonies for the past four years.

EXHIBIT F, attached hereto and of two pages, reproduces a series of emails that give the genesis of the copy of Honorable O'Neil's Oath of Office from which **Exhibit A** was ultimately derived.

This report was prepared as a partially pro bono task for an agreed fee of \$250.

If called upon to do so, I would testify under oath in a legal proceeding that all the statements and representations made herein are true and accurate to the best of my knowledge and belief, and I would be prepared to demonstrate and explain the cogent reasons for the opinions expressed herein. If court testimony is required, I would prepare appropriate court exhibits by which to illustrate and explain my observations, opinions and reasons.

Sincerely,

A handwritten signature in black ink that reads "Marcel B. Matley". The signature is written in a cursive, flowing style.

Marcel B. Matley

LIST OF EXHIBITS

- A. Oath of Office, Honorable William J. O'Neil.
- B. Notice of Appointment and Loyalty Oath of Office, Honorable Arthur John Plander III.
- C. Notice of Appointment and Loyalty Oath of Office, Honorable Robert M. Brutinel.
- D. Current curriculum vitae of Marcel B. Matley, of eight pages, with list of professional publications.
- E. List of testimonies of Marcel B. Matley as an examiner of documents and handwriting for the last four years, of two pages.
- F. Series of emails showing the genesis of the copy of **Exhibit A** used as an exhibit herein.

COVER SHEET

EXHIBIT A

OATH OF OFFICE

**I, WILLIAM J. O'NEIL, DO SOLEMNLY SWEAR
(OR AFFIRM)**

**THAT I WILL SUPPORT THE CONSTITUTION OF THE
UNITED STATES**

**AND THE CONSTITUTION AND LAWS OF THE STATE
OF ARIZONA;**

**THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE
TO THE SAME,**

**AND DEFEND THEM AGAINST ALL ENEMIES,
FOREIGN AND DOMESTIC,**

**AND THAT I WILL FAITHFULLY AND IMPARTIALLY
DISCHARGE THE DUTIES OF THE OFFICE OF
PRESIDING DISCIPLINARY JUDGE**

**ACCORDING TO THE BEST OF MY ABILITY,
SO HELP ME GOD (OR SO I DO AFFIRM).**



Administered: January 11, 2011
By: The Hon. Rebecca White Berch
Chief Justice, Supreme Court of Arizona

COVER SHEET

EXHIBIT B



NOTICE OF APPOINTMENT

TO THE SECRETARY OF STATE:

This is to notify you that under the provisions of Arizona Constitution Article VI, Section 37 I have, this 28th day of July, 2009, appointed Arthur John Pelander III to be a judge of the Arizona Supreme Court at a salary as provided by law. This appointment is to begin the 5th day of September, 2009 and expire in accordance with AZ Constitution Article VI, Section 4.

Janice K. Brewer
Appointing Official Governor

LOYALTY OATH OF OFFICE

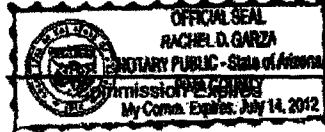
(Please read A.R.S. § 38-231 on reverse side of this form)

I, A. John Pelander do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona; that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of my office according to the best of my ability, so help me God (or so I do affirm).

A. John Pelander

Signature of Officer or Employee

SUBSCRIBED AND SWORN to before me this 14th day of August, 2009.



Rachel D. Garza
Notary Public

Filed in the Office of the Secretary of State this 18th day of August, 2009 at

4:30 p.m.

Kellie Blumett

Secretary of State

