

**Palm Beach County Sheriff (PBSO) Internal Affairs Complaint and Public Office  
Corruption Case**

**Underlying Cases**

**(i) Medical Examiner Case No. 12-0913; (ii) PBSO Case No. 12121312; (iii) PBSO Case No. 13097087; (iv) PBSO Case No. 14029489; (v) PBSO Case No. 13097087; (vi) PBSO Case No. 13159967; (vii) PBSO Case No. 13CF010745; (viii) PBSO Internal Affairs #1 IA Case IR15263; (ix) PBSO IA Case Initiated August 03, 2015  
(x) PBSO Case No. 16042460**

**Palm Beach County Sheriff Public Integrity Unit Complaint - New Allegations of Criminal  
Misconduct and New Allegations of Internal Corruption of Investigations**

**Eliot Ivan Bernstein - Estates & Trusts Simon & Shirley Bernstein and Eliot Children**

I. ELIOT BERNSTEIN STATEMENT

I, Eliot Ivan Bernstein, am requesting a formal criminal investigation regarding crimes committed against my family in conjunction with and aided and abetted through public office abuse and abuse of process, which have resulted in further criminal acts committed by members of the Palm Beach County Courts and Palm Beach County Sheriff Office, including several judges, attorneys at law, a guardian, detectives and others, all acting in various combinations to deprive my family of our inheritancy, including interests in Intellectual Properties that have a further alleged criminal history that may be directly tied to the current nexus of events. This is not a disciplinary complaint of professional misconduct or a civil case matter but rather a criminal complaint of criminal statute violations, both state and federal, against my family that have caused financial ruin and put my family and others lives in danger of continuing and ongoing crimes and the attempted cover up of the crimes using the machinery of the State of Florida justice system as a weapon, against myself and others attempting to expose the criminal activities of certain judges, lawyers and others involved.

There are several prior related criminal complaints filed by several parties in these matters regarding these factual matters in the underlying cases listed in the heading above and

detailed further herein and I am seeking a full investigation and reinvestigation of each of these cases due to new allegations of official misconduct in the handling of those complaints and new evidence and admission of crimes by certain of the parties named herein. As several of the crimes now alleged implicate PBSO employees I am asking that this case be first reviewed by IA who has an open investigation into these matters and where IA should also consider immediately joining Federal Authorities or completely turning the matters over to Federal authorities where several of the crimes outlined herein are federal, certain of the parties named herein are already under Federal Consent Orders and Federal Investigation and there may be conflicts of interest with PBSO now handling these matters further..

## II. BACKGROUND

In seeking to collect my inheritance from my mother and father's estates and trusts from the courts I have encountered a wall of corruption in efforts to rob my family of our inheritance by the very people and institutions that were designed to protect the transfers and enforce the laws. After my mother died, two of my three sisters and I were to inherit my mother's properties as beneficiaries. Two of my siblings, Ted Bernstein and Pamela Simon were disinherited and considered predeceased for All Purposes of the Shirley and Simon Trusts, including for All Purposes of Dispositions of the Trust Corpuses, along with their lineal descendants. I was never legally notified by the Shirley Estate and Trust representative, Simon Bernstein by his attorneys at law that represented him as fiduciary of my mother's estate and trusts of my family's inheritance when my mother died. When my mother died my father was the Successor Trustee of her Trust and PR of her Estate and his attorneys at law who were recommended to my parents by my brother Ted as they were his close personal friends and business partners, Donald

Tescher, Esq. and Robert Spallina, Esq.<sup>1</sup>, who were contracted to do Simon and Shirley's estate planning on or about 2008. When my mother died Tescher and Spallina were then my father's counsel when he became Trustee and PR of my mother's properties at the time of my mother's death.

A very large part of the Estate of Simon and Shirley Bernstein is a 30% interest in Intellectual Properties that are worth estimated billions of dollars or more and have been alleged and reported as stolen by my former attorneys at law, primarily Proskauer Rose and Foley and Lardner law firms and currently the Intellectual Properties are suspended by the US Patent Office pending ongoing investigations. The offenses involved in the Intellectual Property crimes date back to 1998 and have been reported to several state and federal agencies over the years and through a pattern and practice of public office corruptions several of the complaints both civil and criminal were illegally interfered with and these crimes are now being reviewed by Federal Agencies investigating Public Office Corruption. The IP crimes are alleged to be committed by a number of national law firms that were retained to protect the IP and instead who tried a variety of frauds to steal the inventions, including fraud on the US Patent office, fraud on Iviewit companies shareholders, including seed investors Wayne Huizenga and Crossbow Ventures and more.

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<sup>1</sup> September 28, 2015 SEC Press Release Regarding SPALLINA and TESCHER INSIDER TRADING CHARGES, "SEC Charges Five With Insider Trading, Including Two Attorneys and an Accountant" <http://www.sec.gov/news/pressrelease/2015-213.html>

AND

September 28, 2015 SEC Government Complaint filed against TESCHER and SPALLINA @ <http://www.sec.gov/litigation/complaints/2015/comp-pr2015-213.pdf>

AND

October 01, 2015 SEC Consent Orders Felony Insider Trading SPALLINA signed September 16, 2015 and TESCHER signed June 15, 2014

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/2015%20Spallina%20and%20Tescher%20SEC%20Settlement%20Consent%20Orders%20Insider%20Trading.pdf>

February 24, 2016 Motion for Injunction Federal Court Judge John Robert Blakey

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160224%20FINAL%20ESIGNED%20MOTION%20FOR%20INJUNCTION%20ECF%20STAMPED%20COPY%20COMBINED%20FILING.pdf>

The civil lawsuits and criminal and ethical complaints filed in regards to the IP by myself and others were then directly interfered with by various parties in state and federal government, primarily in New York and Florida and this led to my testifying before the New York Senate Judiciary Committee before now indicted Chairman Senator John Sampson D-NY with other similarly situated victims who all testified of civil court and criminal agency corruptions used to block due process. The crimes were in all the cases committed by lawyers who then used the courts and through cronyism in the legal system were able to interfere in the civil and criminal complaints filed against them. The Chairman of the New York Senate Judiciary Committee, John Sampson, is now a convicted felon and to be sentenced shortly, who stated upon his arrest that he was first threatened and then took bribes to cover up corruption.

With the Judiciary Committee derailed with the end of Sampson, Governor Andrew Cuomo (whom I have several complaints against) started a "Moreland Commission" to investigate public office corruption in New York's court and justice system. When I applied to testify and submitted my case information and was finally slated to testify along with many other victims of Judicial Corruption, the Moreland Commission was improperly and prematurely dissolved by Cuomo, which led to US Attorney Preet Bharara intervening on behalf of the inquiries made by victims and taking the cases to the US Attorney Southern District of New York Offices. After seizing the Moreland Commission's files and records, Bharara made arrests and convictions of two of the "3 Men in a Room" in New York, the most powerful and previously "untouchable" politicians in New York, consisting of the Speaker of the New York State Assembly. Sheldon "Shelly" Silver and Dean George Skelos the Majority Leader of the New York State Senate and considered the 2nd most powerful man in NY. Both men have now been sentenced and touched by the long arm of the law.

Andrew Cuomo is the 3rd man in the room as Governor of New York and recent reports show the US Attorney Bharara and NY AG Eric Schneiderman investigating Cuomo's executive offices and subpoenas have been served on his two right hand men who date back to his father Mario Cuomo's administration. My Intellectual Property cases and the public corruption to stop my due process starts however in Florida and then spreads instantly to New York as the main law firm perpetrators of these crimes had offices in both states and complaints were initially filed against them in New York and Florida with State, Federal Agencies and Ethical Agencies.

The court corruption begins in Florida, in the 15th Judicial with the IP thefts, the same court now involved in the Estate and Trust crimes alleged herein, With certain crimes already proven and prosecuted by the Palm Beach County Sheriff Department and certain other crimes admitted to PBSO by Robert Spallina but not prosecuted as of this time due to intentional interference and collusion between the courts and PBSO detectives that have derailed complaints prior to proper procedural due process. It should be noted that the initial IP court corruption involved the now Chief Judge of the Florida Supreme Court, Jorge Labarga, while at that time he was a civil circuit court judge in the 15th Judicial. I have filed complaints against Labarga in both civil cases and criminal complaints. I continue to pursue Labarga and others in Florida who participated in the IP crimes and the coverup of those crimes who then have since misused the state and federal courts and prosecutorial offices to not only cover up for the past crimes but to further retaliate against me, my family and others helping me. Again, the IP value has been calculated in the tens to hundreds of billions dollars and the law firm Proskauer who is alleged to have stolen it initially has now become directly involved in both the Madoff and Stanford Ponzi schemes.

In the new Florida Probate proceedings Judge Martin Colin stepped in to handle both my mother and father's cases and publically has claimed that Jorge Labarga is his mentor. Colin proceeds to take over the Simon Bernstein probate action from Judge David French improperly, while handling the prior Shirley Bernstein probate action from 2011, where Shirley's Estate was fraudulently closed and then had to be reopened due to fraud and frauds on the court by court appointed fiduciaries and counsel and remains re-opened as of today.

Once the fraud on the court of Martin Colin was discovered and admitted to in court on the record in a September 13, 2013 hearing<sup>2</sup> before Colin and Colin learned of two separate crimes constituting fraud and fraud on HIS court that were committed by different parties acting as Officers of the Court and consisted of forgery, fraudulent notarizations and the fraudulent using of my father Simon Bernstein's identity, Post Mortem, to act as a Fiduciary to Fraudulently close my mother's estate by submitting fraudulent documents to the court on his behalf as a fiduciary while he was dead. Colin, on the record states to Ted Bernstein acting as the estate representative of Shirley at a time he was not yet appointed and the estate was closed fraudulently by his counsel, his counsel Tescher and Spallina and their counsel Mark Manceri, Esq. that he had enough evidence of these two separate and distinct crimes to read them all their Miranda Rights but yet fails to do anything even to this date.

Despite having proven fraud on his court Colin fails to take any corrective actions whatsoever such as removing all parties involved in the fraud from any fiduciary and legal capacities in the cases but he did not and in fact allowed them to remain in the case as if the crimes meant nothing. Of course, the first corrective action would have been his mandatory disqualification as required by Judicial Canons and law, as he was now a material and fact

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<sup>2</sup> September 13, 2013 Hearing Colin  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130913%20TRANSCRIPT%20Emergency%20Hearing%20Colin%20Spallina%20Tescher%20Ted%20Manceri%20ELIOT%20COMMENTS.pdf>

witness to the crimes in his court and his court would have to be investigated impartially and thus every action of Martin Colin from that point forward becomes a fraud upon a fraud upon fraud. Every order, hearing and action of the court was fraudulent forward. The Court also has policies regarding fraud, see “Office of the State Courts Administrator - State Courts System Fraud Policy” <http://www.jud6.org/News/StateCourtsSystemFraudPolicy.pdf> , of which rules Colin was certainly aware of at the time the fraud was discovered and yet fails to comply with a single directive in the reporting of the fraud of his court appointed officers and necessary actions he was required to take. Under Judicial Canons Colin is also required to report the misconduct of any lawyers and again he not only failed to follow these rules but acted to cover up for the officers of his court and his court instead. Colin then directly interfered in criminal investigations with the Palm Beach County Sheriff department to shut down their investigations claiming he would take care of the criminal misconduct in his court by the officers of his court and instead began a carefully orchestrated fraud by the court to further cover up the crimes and continue committing new crimes against my family and using the court as a weapon of retaliation with those involved in the original crimes and to facilitate criminal conversions of estate and trust assets.

A short time after my mother’s death, attorney Robert Spallina and his partner Donald Tescher notified Pamela Simon’s attorney at law that she and her brother Ted were wholly disinherited with their children from both of my parents estates and trusts<sup>3</sup>. It is believed that when one parent died their estate plans became irrevocable together but at this time no Original estate documents have been turned over by Tescher and/or Spallina to validate the authenticity of

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<sup>3</sup>November 28, 2011 Letter from Pam’s Counsel to Simon  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20111128%20Pamela%20Letter%20to%20Simon%20with%20Note%20Date%20January%202012%20regarding%20being%20Disinherited%20Heriaud%20%20Genin%20Ltd.pdf>

the copies provided, despite a court order to produce ALL of their records<sup>4</sup> upon their resignation<sup>5</sup> after admitting they had fraudulently altered my mother Shirley's trust and disseminated it to me and my minor children's counsel Christine C. Yates, Esq. so as to obstruct justice and commit fraud to make it appear that fraudulent dispositions of trust assets already made by Ted and his counsel Spallina and Tescher were legal by changing the beneficiaries with scienter,

Due to this unapproved revealing of this highly sensitive and private information by Spallina to my sister Pam's counsel and then to Pam who conveyed the information to my brother Ted, my father was suddenly faced with the wrath of his two children and their four grandchildren who then isolated my father demanding he make changes to the estate plans or never see them again. They then began what appears a coordinated effort to force my father to attempt to make changes in his estate plan to include them back in. My mother's trust however was factually irrevocable upon her death, with only three beneficiaries, my sister Jill, sister Lisa and myself and our lineal descendants. Ted and Pam and their lineals are considered predeceased for all purposes of the trust and dispositions of the trust.

Ted and Pam then attempted to have all Simon's children participate in this abusive isolation of my father but not under the auspice that they were disinherited, concealing this fact and instead claimed that my father needed to be isolated because my father was first, according to their stories, sleeping with my deceased mother's personal assistant, Rachel Walker and then his companion Maritza Puccio. They alleged these women (Rachel in her 20's and Maritza in

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<sup>4</sup> February 18, 2014 Judge Colin Order for Tescher and Spallina to turn over ALL documents <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140218%20ORDER%20COLIN%20TESCHER%20SPALLINA%20TO%20TURN%20OVER%20ALL%20RECORDS%20PRODUCTION%20ON%20PETITION%20FOR%20DISCHARGE%20TESCHER%20SPALLINA%20Case%20502012CP004391XXXXSB%20SIMON.pdf>

<sup>5</sup> January 14, 2014 Tescher Resignation Letter Upon Admitting Creation of Fraudulent Shirley Trust <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140114%20Tescher%20and%20Spallina%20Resignation%20Letter%20as%20PR%20in%20estates%20of%20Simon%20and%20Shirley.pdf>



her 40's) were gold diggers and were going to steal his assets despite either of them being named in the estate plans. Later Ted, Pam and Rachel would go on to claim that Puccio poisoned and murdered my father and contact the Sheriff's department to begin an investigation<sup>6</sup> and the Palm Beach County Medical Examiner's Office for an autopsy<sup>7</sup> on the day my father died.

Of five children and 10 natural grandchildren, me and my three children did not and would not participate in isolating and abusing my father to try and force him allegedly to stop seeing his companion Puccio or Walker when asked to join in isolating him and I found it to be cruel and unusual elder abuse. My father devastated by the loss of my mother whom he loved til his dying day, also lost 4 children and 7 grandchildren when Ted and Pam discovered their lot and began their assault. When approaching my father about why my brother Ted would not attend a Passover dinner at my home he told me to contact Ted to find out what was going on and I did. Ted responded that his family, other than his wife and children were considered dead to him and he would not participate in family, other than certain functions.<sup>8</sup> At that time I had no idea Ted and Pam had learned without any authorization from my father from Tescher and Spallina that they were cut out and disinherited of both parents estate plans with their children and so it seemed bizarre that Ted would consider his father dead over something as trite as his companion. I tried to bridge the problems between my father and Ted, Pam and their children but

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<sup>6</sup> 9/13/12 Simon Bernstein Sheriff Report - Alleged Murder

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120913%20PBSO%20Sheriff%20Incident%20Report%20Simon%20Poisoned%20and%20Updates%20FOIA%20Request%20Docs%202015.pdf>

<sup>7</sup> 9/13/12 Simon Bernstein Palm Beach County Medical Examiner Michael Bell Autopsy Report

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140310%20Simon%20Bernstein%20Autopsy%20Coroner%20Report%20Heavy%20Metal%20Screen%20received%20in%20July%202014.pdf> ( note that when the heavy metal poison test is done over a year after Simon died, the results come back elevated in Arsenic and others and Simon's age is entered as 113 years old.

<sup>8</sup> April 05, 2012 to April 09, 2012 Letters Eliot and Ted Bernstein re Passover and Ted's Family No Longer Existing

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120405%20to%2020120409%20Ted%20and%20Eliot%20Letters%20Re%20Passover%20and%20Ted%20Family%20does%20not%20exist.pdf>

to no avail but which did lead to my father holding a meeting to discuss possible ways to end the abuse.

On or about May 10, 2013 a teleconference meeting was had with Simon and his estate planners Tescher and Spallina, whom Ted had introduced my father and mother to as he was doing business with them on or about 2006, and my four other siblings and their spouses were all also in attendance. At this meeting it was learned that my father was considering making changes to the estate plans if it was possible and if me and my two sisters would agree as we were the only beneficiaries who would be asked to forfeit our inheritances to our children, in order to try and get benefits to Ted and Pam's children to resolve the problems that were being caused and causing him tremendous stress in exchange for their ending their isolation of him and his girlfriend Puccio.

If Simon was willing to concede to these changes, Ted, Pam, Lisa and Jill would cease their war with their children against Simon and his girlfriend Puccio. This warfare between Ted and Pam was causing Simon tremendous psychological and physiological problems as he had not seen his grandchildren in months and he was already devastated by the loss of my mother whose grave he visited every day until the day he died. Simon was in therapy for these reasons at the time and until his death and was wholly depressed and physically exhausted from the abuses.

Shortly before the May 10 2012 meeting my father called me to inform me that a meeting was going to be taking place regarding the estate plans and he wanted me to record the meeting and was concerned at why I had not received any information on the estate and trusts of my mother by his estate planners Tescher and Spallina since the time of my mother's passing, as I was a one-third beneficiary of her trusts and one-fifth beneficiary of her estate and should have received documents. My father told me the meeting was to consider making some changes his

attorneys Tescher and Spallina and kids were pressuring him to make in order to end problems with his other children causing him stress. My father assured me that nothing would be done until I had all the information of my inheritance and what I would be asked to give up and agree based on knowing all the facts and that either way me and my children would be provided for and if they would inherit I would still maintain control over the corpus and use it to maintain our living expenses etc. off the interest. He later explained that when my mother died me and my two sisters were irrevocably the beneficiaries of both he and my mother's inheritance. He told me to make sure that whatever I did in the meeting on May 10, 2012 I was to demand from Tescher and Spallina that all documents that were due me and my family as beneficiaries of the estate and trusts be turned over to me by Tescher and Spallina for my review before agreeing to anything.

The meeting was held and my father stated he was considering making changes to the estate plans to try and attempt to include Ted and Pam's children but only if Eliot, Lisa and Jill, the beneficiaries of he and my mother's plan would agree to make the grandchildren beneficiaries and skip over all of his children. In other words he asked if Eliot, Jill and Lisa the only benefactors of the trusts would be so kind as to redistribute their inheritances to include Ted and Pam's children only, with their own, yet still excluding Ted and Pam, whose children instead would receive the benefits directly as adults. Ted and Pam wanted back in according to Spallina because the family businesses worth millions of dollars they had already inherited as their fair share of the estates and trusts, businesses worth tens of millions of dollars were now not doing so well under their leadership. It was explained at the meeting that without such changes the isolation of my father from his other grandchildren and other children would continue and their war against Puccio would not stop but these changes if agreed to by me and my two sisters

would stop the assault on my father. Ted and Pam who had nothing to do with the decision agreed this would end the torment.

However, the assault on both my father and his companion Puccio did not stop until the day Simon died, as Simon never made the changes and could not legally make the changes that he and my mother had written in stone and he was not going to be bullied by his children or grandchildren. Months passed and the feud continued and in fact heated up, not only did he continue seeing Puccio and not make changes to the estate plans but when things got so out of hand, several weeks before his passing, he up and left his offices shared with Ted to start a new business with his personal assistant Diana Banks husband Scott Banks in a new line of business. My father recruited me and my wife Candice to work with his new venture and upon meeting him at Scott and his new offices, he was physically dilapidated, his feet were swollen and he was complaining about severe headaches and claimed that he feared my brother Ted. He stated my brother may have stolen money from one of his closet friends and former employee, William Stansbury and that he may have also stolen money from him and he had to get away from Ted. William Stansbury subsequently sued both my father and Ted and their business and while alleging that Ted committed the bad faith acts, sued them together as it was their business and when Simon died Stansbury sued the Estates and Trusts of both my mother and father. Mr. Stansbury in fact was so close with Simon that Simon had named him Personal Representative and Trustee of his estate and trust in the estate plans he consecrated with my mother in 2008.

Knowing my father was suffering tremendously physically and emotionally from this assault when asked at the meeting if I would agree to this idea to give my inheritance to the grandchildren I stated I would agree to anything my father decided to do but that first I would need to see ALL documents due to me as beneficiary (as my father had directed me to) before I

could waive any rights to anything or make any changes and have it legally reviewed. Spallina and Tescher agreed and stated the documents would be forthcoming. Within a few days I received one document from Tescher and Spallina, a three part document titled “Waiver of Accounting and Portions of Petition For Discharge; Waiver of Service of Petition for Discharge; and **Receipt of Beneficiary** and Consent to Discharge” for my mother’s estate. I promptly returned a signed copy worrying that any delay could cause my father to have further medical complications but **stated on the form in a handwritten disclaimer** and in an email containing a copy of the form without the handwritten message, “Hi Robert ~ attached is the Waiver of Accounting and Portions of Petition For Discharge; Waiver of Service of Petition for Discharge; and Receipt of Beneficiary and Consent to Discharge. As I mentioned in the phone call, I have not seen any of the underlying estate documents or my mother’s will at this point, yet I sign this document after our family call so that my father can be released of his duties as Personal Representative and put whatever matters that were causing him stress to rest. For my trustees I would like the following individuals in the following order to be trustees...”<sup>9</sup> Spallina and Tescher knew as well that many of the underlying claims being made in the Waiver could not in good faith be signed by me as true, as they were not true as I had none of documents or information the form claimed I had and thus could not consent to discharge or declare receipt in good faith, as I had no estate accountings, knowledge of my inheritance, legal fees or bills, etc. Thus, I was merely signing the document until they sent over the documents in order to have my father’s stress instantly cease and put an end to the suffering he was in with his four other

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<sup>9</sup> Copy of Unnotarized and Fraudulently Forged and Notarized Waivers  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20121119%20Eliot%20Notarized%20Waiver%20Forged%20by%20Moran%20and%20Notarized%20Post%20Mortem%20with%20Comments.pdf>

The original Waiver that I signed and sent by US Mail to Spallina and Tescher with my hand written note on it is missing from the Court ordered production, again ALL ORIGINAL DOCUMENTS of my father and mother’s remain missing as Tescher and Spallina failed to turn any of them over despite the Court order to turn them over. All documents produced therefore are copies and at this time cannot be verified against originals to authenticate them.

children and seven grandchildren before it killed him and in good faith that Spallina and Tescher would be forthcoming with the documentation. I could not sign the document and attest to the statements contained therein truthfully without the supporting documents for the document states that I was aware of my inheritance and rights and had accountings and accountings of fees, which I still had not received to this day although legally due them when my mother died on December 08, 2010.

Months passed after the document was signed and when I asked my father what had happened as the anger and rage of my brother and sister and their children did not stop after the May meeting and no further documents had been forthcoming by Tescher and Spallina, he stated that the estate plans could not be changed legally and that he and my mother had made those plans together and would not be changed despite the pressures put on him by Ted, Pam, Lisa and Jill and their children. To me personally the plan did not affect me much if it had been put in place, as my family in either scenario inherited roughly thirty percent of the entire corpus of the trusts and one-fifth the value of the estates and I was to manage my family's inheritance to sustain us as my father and mother had been since 2006 due to our intense situation caused by the attempted murder of my family when our car was bombed and the interest from the principal was to provide for us for many years to come through the Eliot Bernstein Family Trust, the beneficiary of our inheritance in both Simon and Shirley's Trusts and any Amended Trusts.

My father, when discussing my inheritance situation with me had already informed me that due to the situation I was in, involving our Intellectual Properties and my RICO and ANTITRUST lawsuit in the Federal Courts and my ongoing state and federal investigations against primarily attorneys and judges that were involved in the alleged theft of our Intellectual Properties (worth estimated Trillion dollars +) that to protect my family from retaliation against

me, all the assets I was to inherit, several million dollars, including money he owed me of approximately 6 Million dollars for my interest in the family businesses that Pam took as her inheritance, were going to be put in my children's names through an LLC he created for my family only in 2008 and which was all wrapped in trusts for the children that were also funded, including trusts to take care of them through Post Graduate college and he designed all this so that the defendants in my lawsuits who are trying to kill my family could not get through to me personally financially. I would be in control of the monies to use for our family expenses and to keep my family financially sound until the war for the IP was over while protecting the assets by skipping me directly in regard to certain assets, see the Eliot Bernstein Family Trust<sup>10</sup>. So the change to beneficiaries that was proposed was not a big deal to me whichever way my father wanted to go, as it was set up this way prior to any changes in certain regards. The problem with the documents is not the beneficiary changes but rather the alleged insertion of Ted, Tescher and Spallina as fiduciaries, where the language in the documents specifically excludes Ted from any dispositions of the trusts and thus his insertion reeks of further fraudulent activity and the 2012 alleged Amended Trust for my father and new Will done allegedly 48 days prior to his death by Tescher and Spallina and Moran et al. appear again to be improperly notarized and again the originals have never been produced and Ted Bernstein and his counsel Alan Rose claim never to have seen them or demanded them from Tescher and Spallina when they resigned and elected Ted as their successor, despite their resigning after admitting fraud and despite that the very language in the document they authored precludes Ted from acting as a successor and the fact that Ted is considered dead for all purposes the trust.

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<sup>10</sup> Eliot Bernstein Family Trust  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20080520%20Eliot%20Bernstein%20Family%20Trust.pdf>

Keep in mind that my father and mother were panicked over the fact that my family minivan had blown up and was being investigated for several years and other attacks on my family had begun in retaliation for my whistleblowing and criminal complaints filed against the attorneys and judges and others who were involved in the Intellectual Property thefts. These civil and criminal complaints over the IP and the subsequent interference with due process rights in both the civil and criminal cases by the accused judges and attorneys was just heating up with me testifying before the NY Senate Judiciary Committee<sup>11</sup> about public office corruption in the courts to derail my legal rights to my IP and derail my RICO and ANTITRUST case that was legally related to a Whistleblower case of Christine C. Anderson, Esq. in New York under federal judge Hon. Shira A. Scheindlin, Further news reports were exposing that Anderson and the related cases were being targeted by members of the New York Attorney Regulatory system and their wiretaps and 24/7/365 surveillance ordered and more against the victims who were trying to expose the judges and attorneys and the whistleblowers like Anderson. That Anderson's case was intentionally and fraudulently interfered with to deny her and the related cases due process rights and other civil rights violations. These cases and the public office corruptions remain in Federal prosecutors hands under investigation.

My father was doing everything he could to fund my efforts to pursue the rights to our technologies and protect my family. Before Wayne Huizenga invested in the IP providing the seed capital, my father was my original start up partner who owned 30% of the IP and companies

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<sup>11</sup> New York Senate Judiciary Committee Hearings, September 24, 2009 - Second Hearing. Public Hearing: Standing Committee On The Judiciary New York Senate Judiciary Committee John L. Sampson Chairman

SUBJECT: The Appellate Division First Department Departmental Disciplinary Committee, the grievance committees of the various Judicial Districts and the New York State Commission on Judicial Conduct

PURPOSE: This hearing will review the mission, procedures and level of public satisfaction with the Appellate Division First Department Departmental Disciplinary Committee, the grievance committees of the various Judicial Districts as well as the New York State Commission on Judicial Conduct

[https://www.youtube.com/watch?v=7oHKs\\_crYIs](https://www.youtube.com/watch?v=7oHKs_crYIs)



formed around it with me owning 70% for an approximate \$200k investment while the company was in our breakfast nook. On or about 2000 Proskauer Rose law firm, who did the IP work and corporate work for the IP companies then did estate plans for my father and me due to the fact that the stock in the companies and IP values were quickly being ramped up with some estimates in the hundreds of billions for the IP and with investors pouring in the value was already at \$250 Million at the time a massive fraud was discovered involving attorneys stealing the IP.

Huizenga's initial seed was taken at a \$10M valuation and the companies were already poised with Wachovia and Goldman Sachs to go public with a company that would rival Microsoft with the "holy grail" technologies of the digital imaging and video markets that they have since become. Major contracts were signed with Real 3D, Inc. ( owned 70% Lockheed, 10% Intel and 20% SGI), AOLTW/Warner Bros., Sony and many more and the company had a private placement being shopped and overnight we were in a war with our IP counsel who tried to steal the inventions and pursued fraudulent patent applications with the US Patent Office and more, leading to suspension of my IP. There was also a lawsuit filed by Proskauer against fraudulent shell companies that was before Jorge Labarga when he was a 15th Civil Circuit Judge and where the case is alleged to have been thrown through a sophisticated fraud on the court.

My father and mother were also concerned that if I did not win the fight these lawyers and others who stole the IP would kill my family as death threats were levied by a one Brian G. Utley against me and my family that if we exposed the IP thefts he was involved with, along with his attorney friends from Proskauer Rose and Foley & Lardner who were direct parties to the crimes that they would kill me and my family. Utley further stated I should watch my wife and children in FL while I was busy setting up the Los Angeles office. These threats caused me to flee Florida with my wife and children for the first time, overnight with our children and

leaving my mother devastated while she was sick. The decision to move my wife and children was made by my father and several of the board members and investors in the IP companies after learning of the fraudulent activity and threats. The second time we fled Florida back to California was after the car bombing, which was on our way to expose the IP cover up crimes of the Florida and NY courts to the United States Supreme Court.

It should be noted that millions of dollars are owed to me for the family businesses Pam acquired from my father when he became ill and that I helped build for 20 years that Pam took over in a deal gone wrong with my father. Upon buying out the company Pam and her husband David Simon failed to live up to our signed business agreement to pay me and others who I brought in as sales agents nationwide, who had raised the companies hundreds of millions dollars in premium financing and where my group was one of the largest sales producers nationwide for my father's companies. Pam and her husband not only failed to honor my contract but also burned my father and mother on the transfer of the business by failing to pay my father his non-compete contract worth millions of dollars.

When confronted by my father and mother over the breach, Pam and her husband David told my mother and father to sue them if they wanted to collect the millions of dollars the contract was worth. With that comment, my sister, her husband and their lineal descendants were cut out of my parents lives for the most part as of that day and were disinherited entirely in the Will and Trust done in approx 2000 by Proskauer Rose law firm. Pam was never considered to be put back in by either of my parents and Pam and her husband and her child were from then on considered predeceased with my parents financially and for the most part personally and they were only seen once or twice every few years for special occasions and the bad blood remained until my parents deaths.

I left working at the family business when Pam and her husband took over the business, as my father and mother urged me to pursue other ventures and he went in business in his own sales agency apart from Pam and the companies he built. Pam and her husband then sued me for trying to collect the monies owed to me by notifying my clients, the banks and the insurance carriers of their breach of contract with me and the liabilities this could cause to the clients and the companies involved. My father encouraged my filing a counter complaint against Pam and her husband as he was very distraught at the time with both of them over the failed buyout they arranged as they not only reneged on their contract with me which included a 1/2pt lifetime commission on all business written by the businesses, still in effect to this date, as this was in essence my stock for my efforts for life.<sup>12</sup> When it came time for trial my sister Pam urged my mother to force me to drop my counter complaint and my father, due to my mother's ailing health at that time asked that I drop my claims at the time for my mother's health and that it would be my father who would pay me the monies owed for my service and hold them for me safely and if he died those monies would be left to my family in our inheritance as my compensation for my years of service and payment of the value of the contract.

Due to the extraneous circumstances my family was in pursuing the Intellectual Property thefts, my father and mother set up a special company for my children only, Bernstein Family Realty LLC<sup>13</sup> and bought a home through it and the LLC was owned by my children through trusts. The LLC also paid all expenses and income for our family, which was wrapped in three trusts my minor children owned the LLC through equally. This kept income and expenses at

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<sup>12</sup> Eliot and STP Lawsuit and Contract - Pages 69-72

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/2004%2003%2018%20STP%20Counter%20Complaint%20Filed%20Copy.pdf>

<sup>13</sup> Bernstein Family Realty Operating Agreement

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/2008Unknown%20Bernstein%20Family%20Realty%20Operating%20Agreement%20UNDATED.pdf>

\$0.00 for me and everything paid for through this LLC, including fully paid private schools and fully funded college programs for 6 years per child and left any creditors against me with virtually nothing to attach. The expenses ran between 10-20k per month and these expenses were paid through my children's company and gifts made to them by my parents, all made after taxes were paid to our family. Due to the car bombing and RICO lawsuit being published and known worldwide and my virtual 20 hours a day work to protect my family and my IP rights in court for the last 15 years, my ability to seek gainful employment was minimal and my wife as well was limited and thus this funding arrangement which began in 2006 was designed to protect my family's income and assets while my parents were alive and then after they deceased the inheritances were to flow into the Eliot Bernstein Family Trust and other trusts set up for my children which were funded and filed already. Other entities and trusts were formed, including but not limited to, Bernstein Family Investments and Bernstein Family Holdings<sup>14</sup>, which were set up to be held under the beneficiaries trusts and these trusts also provided for continuity of funds to my family upon my parents deaths even if the estates and trusts were held up for any reasons under probate.

Ted was not disinherited until the 2008 plans his business associates and friends Tescher and Spallina did for my parents and where he and Pam were both cut out in these plans and Ted was disinherited because he took family businesses worth millions but for other reasons as well. Ted and Pam had already taken businesses worth millions each as their share of the family wealth in advance of my parents deaths worth millions of dollars and now they were asking their siblings who did not take anything close to these amounts in inheritance to cut them back in and

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<sup>14</sup> Bernstein Family Investments, Bernstein Family Holdings and Bernstein Family Realty Operating Agreements  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Bernstein%20Family%20Realty%20Bernstein%20Family%20Holdings%20Bernstein%20Family%20Investments%20records.pdf>

give their children shares or else they would not stop the torment to our father. Ted and Pam offered nothing in return for this like putting back into the estates the interests in the businesses they took and still held as part of their inheritances in return.

Further, Ted and Pam, while attempting to force Simon to put them back into the trusts, which he could not legally do, instead in the changes he was considering Simon still considered them predeceased and considered only giving any monies to their children directly who were all adults at the time and thus excluding Ted and Pam again. This further appears to have enraged Ted and Pam and fights were raging according to several parties until the time of Simon's death with Ted and Spallina trying to force him to make the changes, as the way it stood Ted and Pam would still receive nothing even if changes were made. Eliot, Jill and Lisa all had minor children and their trusts (the Eliot, Jill and Lisa Family Trusts) provided for them and their children for many years to come and through their children's childhoods and early adult lives.

On the day my father died, September 13, 2012 I still had not received any information or documents regarding my inheritance of my mother's trusts and estate from my father's attorneys Tescher and Spallina. No old documents due beneficiaries in Shirley's estate and trusts had ever been sent over in the five months prior to my father's death since the May 2012 meeting and no new documents with any changes to Simon and/or Shirley's estate and trust plans were ever sent to any party, nor were any confirmations that any changes had taken place been made to any party by my father or his attorneys.

Immediately upon my father's death my brother claimed that **according now to his attorneys**, Tescher and Spallina that he was the Successor PR and Trustee for my mother's estate and trusts as he was oldest living child and that Spallina and Tescher were Co-Trustees and Co-Personal Representatives of my father's estates and trusts. When asked to review the

Wills and Trusts of both of my parents Ted, Tescher and Spallina refused to tender any documents to my family and stated they were not going to be giving me documents despite probate rules and statutes. I immediately protested with them and they became increasingly belligerent and I was eventually forced to retain legal counsel, Christine C. Yates, Esq. of Tripp Scott law firm in Ft. Lauderdale to attempt to secure the documents.

On the day my father died, my brother Ted contacted Palm Beach County Sheriff deputies<sup>15</sup> and the Palm Beach County Medical Examiner<sup>16</sup> to report what he claimed was a possible poisoning of my father by his girlfriend Maritza Puccio and opened a formal criminal complaint and ordered an autopsy. He had made these claims to hospital staff as my father lay dying and someone told the hospital the night before he died that he was being poisoned by Puccio and she was removed from his room as he died and security or the Police were contacted. At the very same time, Rachel Walker had left the hospital and returned to Simon's home and removed a large parcel of estate documents at the moment Simon died and then brought those documents to Ted Bernstein at the hospital.

The sheriff showed up at my father's home the day my father died and interviewed family members and Rachel Walker who claimed that Simon's medicines were being switched on him and he was being given pills by Puccio that were not the pills he thought he was taking or poisoned ones. Again, these claims were started at the hospital by my brother, sisters and Rachel when my father, who had just been cleared by the attending physician and heart specialist of any heart problems or heart attacks that day and the family was told he could have West Nile Virus

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<sup>15</sup> 20120913 Simon Bernstein Alleged Murder Palm Beach County Sheriff Report ordered by Ted Bernstein, MISFILED as a hospital maintenance record check, NOT AN ALLEGED MURDER!  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120913%20PBSO%20Sheriff%20Incident%20Report%20Simon%20Poisoned%20and%20Updates%20FOIA%20Request%20Docs%202015.pdf>

<sup>16</sup> 20120913 Simon Bernstein Alleged Murder Palm Beach County Medical Examiner's Report ordered by Ted Bernstein, failed to run poison screening despite knowing of alleged poisoning of Simon.  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120914%20Autopsy%20Report%20Simon%20Bernstein.pdf>

or some other unknown disease and told to go home and that he was stable. After visiting hours, at approximately 9pm my wife and I returned home and were woken hours later by the hospital informing us that my father was in a “Code Blue” and being revived and we should immediately come to the hospital.

We arrived approximately 10 minutes later to find that Puccio was in the lobby crying and claiming my father was dying and they threw her out of the room after a phone call claiming she was poisoning him. On information and belief, my brother and Walker then made threats to her that she better leave my father’s home where she was living by the time they got over there or else. When arriving at the cardiac care unit my wife and I were initially prohibited by the nurse from entering the ICU as she stated that someone had called in and claimed that Simon was being poisoned and that security and/or the PD were on their way and nobody could go in until they arrived. Finally, after several minutes where I could hear them working on my father we were allowed in and my father appeared dead at that time despite the continued efforts to revive him, he never said a word from the time I arrived until he was pronounced dead. My siblings, Ted, Lisa and Jill and Walker arrived later and wanted me to instantly cease any revival efforts that the hospital staff were making as my father had placed me in charge of his medical decisions earlier the day before. I would not give that order while efforts were underway to revive him until the Dr. finally pronounced him dead officially about a ½ hr-1hr later.

Over the next months, Spallina, Tescher and Ted dodged and refused requests for documents to prove that they were the Personal Representatives and Trustees of the estates and trusts and finally after being forced to hire a law firm to obtain the legally required documents for beneficiaries and after several letters from Yates, they finally complied and produced records owed to my family, yet they sent over only partial documentation. It was learned at about that

time that some of the documents tendered to close my mother's estate appeared to have been fraudulently notarized and forged for six parties on six documents, including a post mortem fraudulently notarized and forged document for my father and one forged for myself. I filed complaints with the Governor Rick Scott's Notary Public Division as the notarizations appeared fraudulent and their office determined that fraudulent notarizations had occurred after investigating the notary Public, a one Kimberly Moran, legal assistant and notary for the law firm Tescher & Spallina, PA and they subsequently referred the case to Palm Beach County Sheriff for criminal prosecution against Moran. I had filed a complaint against Spallina, Tescher, Ted, Manceri and others with the Palm Beach County Sheriff for a multiplicity of crimes that were being discovered at that time in both the estates and trusts of my parents.

Kimberly Moran admitted to the Governor's office to fraudulently notarizing the documents and concealed the fact that she had forged the documents instead claiming to have just added a notary stamp to the un-notarized documents. Later when investigated by PBSO Moran told a different story to the PB Sheriff detectives where she now admitted to not only fraudulently notarizing the documents but actually forging six parties signatures and creating the documents from whole cloth that the law firm Tescher & Spallina PA then submitted to the 15th Judicial Probate Court in my mother's estate. In fact, they were deposited on behalf of my deceased father acting as the PR of the Estate at a time after he was dead by Spallina who failed to notify the court that he was dead and no successor had been appointed by the Court after my father's death, despite my brother's claim that he was successor. The illegal closing of the estate again occurring while my brother was alleged Personal Representative and submitted by his counsel. The documents were deposited however at a time my brother claimed to be successor PR of the estate and thus it was his counsel Tescher & Spallina PA that deposited the documents



on Ted's behalf. Ted, prior to Judge Colin appointing him PR in October of 2013 and granting him Letters was however acting as PR in order to dispose of real property in Shirley's Trust, despite language in that trust that clearly prohibits Ted from making dispositions. In fact, one of the forms he completed for taxes he signed as PR prior to actually having been appointed and at a time after the estate was closed illegally by Tescher and Spallina. These documents were used along with other fraudulently posited documents with the 15th Judicial over a several month period to illegally and improperly close the Estate of my mother, whereby Spallina admitted in a December 15, 2015<sup>17</sup> hearing before Judge Phillips to depositing a series of documents using my deceased father's identity at a time after his death to act as the PR of the Estate and close it and Spallina stating on the record that he had failed to report these crimes to anyone as of the date of the hearing.

In a September 13, 2013 hearing<sup>18</sup> before Judge Colin, upon admitting to the fraud of Moran and the fraud of Tescher and Spallina positing documents illegally with the court to close my mother's estate with my dad as PR at a time months after he was dead, Judge Colin stated to Ted, Spallina, Tescher and Manceri twice that he had enough evidence at that time to read them all their Miranda warnings for two separate and distinct crimes, one for creating and depositing the fraudulent documents with court and the second for closing the estate with a dead person. Spallina when questioned by Colin and then PBSO in 2013 claimed that he knew of no other crimes than Moran's fraud and forgeries, yet it was learned months later by a confession of Spallina to PBSO detectives on or about January 2014 that at the time he stated he knew of no

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<sup>17</sup> December 15, 2015 Hearing Phillips  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing%20ELIOT%20COMMENTS.pdf>

<sup>18</sup> September 13, 2013 Hearing Colin  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130913%20TRANSCRIPT%20Emergency%20Hearing%20Colin%20Spallina%20Tescher%20Ted%20Manceri%20ELIOT%20COMMENTS.pdf>

other crimes committed in the September 2013 hearing, he knew at that time that he had personally forged and fraudulently created a fraudulent trust for my mother and sent it to my minor children's counsel in January 2013 as part of yet another elaborate fraud. Again, more perjury and fraud on the court and PBSO.

I contacted the Palm Beach County Sheriff's Office and reported several other alleged crimes as they were being discovered regarding the estate and trust matters and gave the officers thousands of pages of documentation proving each of the alleged crimes (which documentation was not included in a recent FOIA production from PBSO with other relevant case data) primarily committed by Ted, Tescher, Manceri, Pankauski, Rose and Spallina. Instead of putting all the cases under one case, PBSO officer Miller continued to open new cases making it hard to keep track of the totality of the crimes and more difficult to track. I was therefore forced to file additional affirmed and signed formal complaints with PBSO and was directed by detectives to contact the Jacksonville, IL police and the Boca Raton PD for new crimes discovered. However, both the Jacksonville, IL PD and the Boca PD then questioned why PBSO had sent me to file complaints with them while PBSO was conducting investigations already and both referred me back to PBSO stating they should handle the cases and call them if necessary. In one instance of insurance fraud claims and fraud on a federal court in Illinois, after reviewing the materials he asked why the FBI had not been contacted by PBSO as it involves multiple felony federal crimes and gave me a number to report the crimes to the FBI. When I contacted PBSO and asked if they had contacted the FBI regarding the federal crimes they told me they would get back to me and they were looking for whom to contact. I am unaware at this time after review of the FOIA documents sent to me if the PBSO ever contacted the Federal Authorities to report the insurance

fraud, interstate mail and wire fraud, fraud on a federal court and bank/trust co. fraud they were in possession of evidence regarding or if they concealed and destroyed this information.

The crimes alleged were all based on the fact that the dispositive documents appeared to have been fraudulently altered not only to change the beneficiaries but more egregiously to give Ted, Tescher and Spallina dominion and control of the estates and trusts by inserting themselves as the fiduciaries into the documents and then acting as counsel to themselves as fiduciaries. Once they illegally seized dominion and control, they immediately locked down the 7020 Lions Head Lane home and Aragon ocean front condominium owned by the Shirley Bernstein trust (the beneficiaries myself and sisters Jill and Lisa) and precluded my family from re-entering the properties ever again and began a series of criminal acts to convert and steal the properties from the trusts and estates. Ted was then used to make dispositions of real and personal properties despite clear language in the trust that states that Ted is predeceased for ALL purposes of dispositions of the trust and therefore, despite whether he was named as Trustee, he would be unable to make any dispositions himself, which would include selling or distributing any assets whatsoever. This language in the trust makes Ted's being named a fiduciary appear contradictory and further raises the brow as to if this COPY of the Shirley Trust that has been produced by Tescher and Spallina is an actual bona fide copy of the MISSING, SUPPRESSED OR DESTROYED ORIGINAL DOCUMENT. Ted Bernstein and his counsel Alan B. Rose, Esq. have stated on the record and in deposition that they have never seen or possessed the original document that was court ordered to be produced by Spallina and Tescher who failed to do so.

They seized all records, assets and personal properties, refusing to release any documents to beneficiaries (SEE EXHIBIT TS REFUSING DOCS) or even let them into the properties,

initially claiming it was a crime scene that needed to be protected, as the Sheriff had left after taking the initial report of alleged Murder on the day my father died, claiming they would come back later to investigate as they did not want to disturb the family on the day my father died, yet it was later learned they never came back. In fact, the Sheriff had conducted the interviews outside my father's home on the lawn and refused to enter the home to take any evidence that might have been needed, which appeared very strange but our family was in crisis as my father had died only hours before. It was later discovered when I tried to gain access to the PBSO report on 9/13/2012 incident at my father's home and no incidence of officers responding to an alleged murder could be found. The reason the incident could not be found was that it had been booked by PBSO as a hospital maintenance record check at the hospitals address, instead of an alleged murder where Sheriff deputies were dispatched to my father's home, making it difficult for the records department to find the alleged Murder complaint filed by Ted Bernstein with the aid of his lawyers on 9/13/2012.

That the initial complaint I made with the PBSO was regarding multiple crimes being committed in addition to the Moran documents, including fraudulent documents used to close the estate that did not involve the Moran forgeries but detective Ryan Miller wanted to first focus in only on the Waivers that Moran had fraudulently notarized and not the other thousands of page and hundreds of other documents submitted which evidenced far more serious criminal acts. Moran upon investigation by PBSO changed her sworn story from that given to the Governor's office and admitted that not only did she affix a fraudulent notarization to six documents for six separate parties but had forged the six parties signatures, including my deceased father's signature and my own and then sent the Waivers from the law firm to the court of Colin. That Moran was then convicted for only one count of fraudulent notarization despite protest to both

the Sheriff and DA offices that this was a failure to prosecute the forgeries and other fraudulent notarizations, PBSO after learning of her contradictory statements then failed to prosecute Moran for her perjured statements to PBSO and the Governor's office. It is believed that Moran forged my signature to replace the original Waiver document sent by me via US Mail to Tescher and Spallina with my hand written disclaimer on it that appears different than the email copy of the document sent to them which did not have my handwritten addendum on it, again the original is missing with ALL other original documents at this time despite the court order to produce ALL records.

Once Moran was convicted of felony fraudulent notarization, Detectives Miller and Detective Groover contacted my wife and I and told us that the investigation of ALL other matters were over, they closed the case as they had spoken with Judge Colin's chambers and were instructed to drop their criminal investigations of the fraud, the fraud on the court and beneficiaries and other crimes. They claimed that Judge Colin was taking over the criminal investigations of his court appointed officers and fiduciaries from that point forward and would be handling any of the other criminal matters. I immediately informed them that this seemed bizarre that a **civil** circuit judge was going to investigate criminal misconduct of the officers and fiduciaries he appointed and going to take over investigations of other non related parties to the court crimes alleged in the complaints with PBSO. These parties are alleged to have committed criminal acts outside Colin's jurisdiction as they are not court appointed, ie JP Morgan, Legacy Bank, Heritage Union Life and others, who were committing crimes directly using his court and where Colin was at minimum a material and fact witness to the criminal acts and at worst he could be a central suspect in aiding and abetting or even directly involved in the crimes that were occurring in his court., I therefore demanded the cases be reopened by PBSO. THESE

CONFLICTS AND THE DIRECT INVOLVEMENT OF COLIN MAKE HIS HANDLING OF THE CASES FURTHER OUTRAGEOUS, ILLEGAL, UNETHICAL AND ALL OUTSIDE THE COLOR OF LAW.

The Sheriff Department should take note that according to the Palm Beach Post Series by John Pacenti it was learned that Colin was forced to recuse off over a hundred cases due to undisclosed conflicts with his wife Elizabeth “Betsy” Savitt Colin and Judge French. It appears that while recusing from cases Colin failed to notify parties of the reason for his recusals, as is evidenced in another FL criminal complaint filed with your offices by a one Kenneth Obatson aka Skender Hoti, where Colin recused several days after his wife had been found robbing the Hoti family home. The Hoti’s did not know that Elizabeth Savitt Colin was married to the Judge Colin who had issued a PREDATORY GUARDIANSHIP on Skender’s mother that led to her being kidnapped across state lines, only to later be returned when the PREDATORY GUARDIANSHIP was overturned. Savitt Colin was found working with the Guardian’s counsel Sheri Hazeltine at robbing the Hoti family’s home after Judge Colin issued the order and were confronted by Sheriff deputies who demanded they put the stolen properties back in the home or face arrest. Savitt Colin told officers to contact her powerful Judge husband who would allow them to steal off with the properties. The Sheriff demanded she produce a Writ of Possession or face arrest if they did not return the items. The Hoti’s did not connect the dots of the conflict initially because Savitt Colin only went by the name Savitt and so it was not readily apparent to the Hoti’s that she was married to the Judge handling their case. Colin then days later without explanation Sua Sponte recused himself and concealed the true reason of his conflict, which would have led to his mandatory disqualification, the voiding of his illegal orders and reporting his and his wife's misconduct to all the proper state authorities. This is very

similar misconduct in my case where Colin refused to take proper steps when his direct involvement acted to obstruct justice and cover up crimes he is directly implicated in.

I expressed to the PBSO officers that Colin's name was on documents we were alleging were fraudulent, that his court was the scene of the crime and that they should be investigating him as a witness and possible suspect, as well as, all members of his court who had any involvement and seizing the court and the fiduciaries records to now validate if there were other forged documents submitted to the court and others and more. The failure to take action to secure the records from Tescher & Spallina, PA, the Court and Ted by Colin, the court and PBSO appears a coordinated effort to hide this information from the victims of the court crimes and to hide how and who produced the documents to the court, and this failure to secure evidence is yet another misstep in the investigation that has aided and abetted the original crimes cover up and in so doing created a new series of public office crimes that must now be investigated.

Martin Colin was required by Judicial Canons and law to step down and voluntarily disqualify himself upon knowing that he was a material and fact witness to the frauds that occurred in his court by his court appointed officers and fiduciaries and especially that he too was directly implicated and involved in the fraud on the court, whether with scienter or not could only be determined through questioning of Colin and his staff. More egregiously and in violation of law Colin then failed his duties to report the crimes to the proper ethical, criminal and court authorities and instead, Colin remained in the case illegally and each action forward thus OUTSIDE THE COLOR OF LAW. Colin denied repeated requests for his mandatory and voluntary disqualification and continued acting illegally with a mass of conflicts to criminally obstruct justice and refused to comply with the rules regarding disqualification, ruling again and

again on motions to recuse himself. Colin then began to block efforts both civilly and criminally to investigate the crimes, interrogate the criminals and preserve the evidence of the crime scenes, including he and Judge French's courts. Colin failed to preserve all court records regarding the fraudulent documents and activities he was aware of and further failed to preserve all evidence from the court appointed counsel and fiduciaries who committed the frauds. Colin failed to obtain depositions and failed to demand those involved to Show Cause to the court regarding the frauds committed and failed ALL of the courts own internal procedures for Fraud on the Court,<sup>19</sup> Colin also failed the Judicial Canons he is sworn to uphold by failing to notify anyone at all about the crimes in his court committed by his court appointed officers and fiduciaries and failed to contact criminal authorities to notify them of the felony crimes and criminals involved in state and federal crimes in his court and these failures aided and abetted the criminals through Misprision of Felony, Fraud BY the court, False and Fraudulent Process and more.

Again, Colin left the court appointed counsel and fiduciaries who committed the frauds in place without immediately removing them and sanctioning them upon their admissions to criminal acts and instead allowed them to begin a pattern and practice of extortion and retaliation against my family in efforts to shut down the exposure of his court and court appointed officials, Colin further allowed them to rob the estates and trusts using the court system as the host for the probate and trust crimes committed to steal and convert the assets from the true and proper beneficiaries. From Colin's opening veiled salvo of having enough evidence in the first hearing to read Miranda's to his officers and the fiduciaries upon discovery of fraud, Colin instead began a dereliction of duties that defied all rules and statutes pertaining to fraud in and on the court and fraud on the beneficiaries. Colin carefully and knowingly with intent evaded procedural law to

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<sup>19</sup> September 27, 2012 State of Florida Office of the State Courts Administrator Memorandum re "State Courts System Fraud Policy"  
<http://www.jud6.org/News/StateCourtsSystemFraudPolicy.pdf>



correct the fraud and began using the court as a weapon to deny me and my family of our due process rights and criminally obstructed justice at every step as the record reflects. Every single action of Colin's from the point of his failure to voluntarily mandatorily disqualify himself was with the intent to criminally OBSTRUCT JUSTICE and thus every transaction, distribution, order, hearing, ruling, etc. was a new separate and distinct fraud being committed by Colin and his court appointed attorneys and fiduciaries.

Colin also failed to report the criminal misconduct of his court appointed officers and fiduciaries to the proper criminal tribunals and authorities and instead began a coordinated effort to harm and extort my family while selling off assets of the estates and trusts with the fiduciaries and counsel involved in the initial frauds on his court. In fact, Colin after learning of the fraud committed by the Tescher and Spallina law firm, allowed Tescher and Spallina to continue as fiduciaries in the cases until they finally resigned months later and only when Spallina admitted to PBSO investigators that he had committed fraud and forgery of a Shirley trust. Even after learning of this new fraud Colin failed again to notify the proper tribunals and criminal authorities of the criminal misconduct of the officers of his court and court appointed fiduciaries and instead again acted to conceal and cover up their crimes. That Colin intentionally blocked me as Pro Se litigant from my due process rights repeatedly throughout ALL of the FRAUDULENT SHAM HEARINGS AND PROCEEDINGS he held and issued VOID AND FRAUDULENT ORDERS to commit various other crimes to rob estate assets and to protect and cover up for himself, his court appointed officers and fiduciaries and all done with scienter.

Both judges Colin and Phillips have direct knowledge of stolen Tangible Personal Properties and have issued orders in efforts to cover up the stolen goods, again both failing to report the stolen items and fraud on the court that has occurred by Ted and Alan Rose who stated

assets of Shirley's Condominium were transferred to the 7020 Lions Head Lane home when it was sold illegally. False records were submitted to the court in regard to the TPP stating it had been moved from my mother's condominium to my father's home when it was fraudulently sold by Ted Bernstein acting as the "Trustee" of the Shirley Bernstein Trust, wherein by the very language in the trust document Ted Bernstein is considered predeceased "**for purposes of the dispositions made under this Trust**, my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM"), and their respective lineal descendants shall be deemed to have predeceased the survivor of my spouse and me..." This language thereby precludes Ted from making dispositions such as sales of real property under the trust, despite whether he is the alleged Trustee of the Trust. Further, upon a re-inventory of the assets ordered by Judge Colin it was found that ALL of the items from the Condominium had been stolen off with and were no longer at the Lions Head home. I contacted Det Panzer to attend the re-inventory but he refused to attend on behalf of PBSO who have an active and ongoing investigation into the stolen items as already listed herein. Certain Personal Properties from Simon's home were also reported stolen from the properties from an original inventory and remain missing as of today.

Both judges Colin and Phillips have direct knowledge that Ted Bernstein is not validly serving Trustee of the Simon Trust whereby the court was notified by Attorneys at Law Peter Feaman, Esq.<sup>20</sup> and Brian O'Connell, Esq.<sup>21</sup> that Ted is not qualified by the very language of the trust and that Ted and Alan were acting in conflict of interest in the Il Federal Insurance Litigation. Further, these letters and others showing PBSO Ted was a fraudulently acting as a

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<sup>20</sup> August 29, 2014 Peter Feaman Letter to Successor Personal Representative Brian O'Connell  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140829%20Feaman%20Stansbury%20Letter%20to%20Brian%20O'Connell.pdf>

<sup>21</sup> February 17 2015 O'Connell Court Pleading Affirmative Defense that Ted is NOT a validly serving Trustee  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150217%20Answer%20%20Affirmative%20Defenses%20O'Connell%20States%20Ted%20is%20NOT%20VALID%20TRUSTEE.pdf>

Trustee were sent to Detective Panzer who refused to make them part of the record and where they do not appear in the FOIA information disseminated. While both Colin and Phillips were both made aware of these claims that Ted was operating fraudulently and should be removed, these pleas from licensed attorneys and myself and the creditor William Stansbury were wholly ignored and efforts to litigate the matter of Ted's removal were derailed, thus him in place despite clear violations of law and probate rules and statutes so that he could further conceal and cover up for his close friends Tescher and Spallina and continue the fraud on, by and with the court system to aid and abet and then protect the criminals.

Colin then Ordered that all legal pleadings had to be approved by him first before filing for all parties. I went to file a Lis Pendens on the Saint Andrews home to protect my family's interest and get it approved by Colin before filing (which did not seem legal for him to do) and Colin instead of ruling on it in court took it to chambers and sat on it for several months with no ruling or approval to file the Lis Pendens. My wife, Candice was then alerted through a Zillow alert that the home was being sold with no notice to beneficiaries of the sale or notice to any party with interests in the Estates and Trusts, the transaction intentionally concealed by Alan Rose and Ted Bernstein.

Upon learning that the house was listed as sold, I filed the Lis Pendens and Judge Colin was forced to hold hearings regarding the sale. In those hearings Judge Colin then proceeded to act further outside the color of law in attempting to silence me from contacting the buyer to notify them of the litigation and Lis Pendens, even issuing orders threatening me with contempt and jail if I contacted the buyer. Colin stated the transaction was arms length in his Order but the buyer was not even known to the beneficiaries and thus could not be arms length. Again, Ted cannot make dispositions of Shirley's Trust and this sale again was a disposition being made

fraudulently. Colin heard testimony from the realtor, Nestler Polletto that the buyer was not informed of the contentious litigation nor the Lis Pendens and Colin precluded anyone from notifying the buyer and did nothing to force the seller to comply with disclosure laws. Colin despite seeing the house being sold at fire sale price and without proper disclosure to the buyer, in fact, secreted information from the buyer, issued an Order to allow Ted, who again is considered predeceased for all purposes of the Shirley Trust to sell the house.

This fraudulent home sale led to me file for Colin's disqualification for a third or fourth time but this time based on not only the proven frauds on the court that mandated his disqualification but now for FRAUD BY THE COURT, exposing that Colin covered up and continued the frauds with the improper sale of the home with unauthorized parties. One day after denying my disqualification motion, Colin Sua Sponte recused from the cases, very similar to the over 130+ cases he disqualified from when the Palm Beach Post initially disclosed his conflicts with his wife as a guardian and Judge Colin that they were failing to disclose to litigants. Colin with no explanation for his recusal chose this path versus disqualification in effort to keep his illegal void Orders in place versus having them stricken through disqualification. Colin then Obstructed Justice and interfered with the transfer of the cases Post Recusal and made an inappropriate transfer of the cases to Proskauer Rose former partner and Iviewit billing partner, Judge Coates. This transferred the files of the court and records to a conflicted judge who recused after first hearing on his own Sua Sponte. Coates was a former partner in Proskauer and Proskauer was a counter defendant in my counter-complaint in the Shirley Trust Construction case and Oppenheimer children's trust cases. Coates also stated in the hearing that he had nothing to do with me and my father's technology companies that are also tied into the estate and trusts, which was untrue as he was a billing partner.

Coates then transferred the cases to Phillips who then holds entirely sham hearings to remove my due process rights and shut down my ability to expose the crimes of Colin and Coates courts. Phillips learns of new FELONY crimes admitted by Spallina under oath in a December 15, 2015 validity hearing and fails to report the criminal misconduct to proper tribunals and law enforcement and thereby further aids and abets the criminal conspiracy.

Phillips issues illegal VOID orders to OBSTRUCT JUSTICE and deny due process and procedural rights to my family. Phillips uses his court as Weapon to silence my whistleblowing efforts including my being quoted on the front page of the Palm Beach Post about the Predatory Guardianships that Post is writing about and the Elder Cleansing alleged by several of the victims of these predatory court cases exposed regarding Colin and Judge French and also mentioning attorneys directly involved in my cases, including John J. Pankauski and Brian O'Connell. Phillips to silence both me and my children's rights then holds illegal PREDATORY Guardianship hearings in the Shirley Trust case and the Oppenheimer case both improperly filed with the court so as to exclude them from being docketed as GA (Guardian Ad Litem) cases, which are then automatically recorded by court mandated audio taping. With the hearings held illegally and without record, Phillips then issues illegal and void guardianship orders. On a follow up call to Phillips Judicial Assistant I was told when asking why there was no recording that the case was improperly booked as an evidentiary hearing and when asked by me if Phillips should have known what type of hearing he was holding and the rules regulating such hearings, she stated that Phillips should know as he was the Chief Judge of the GAL program in Palm Beach.

Phillips in efforts to silence me and extort me further also goes against three years of prior "law of the case" and determines in improper and criminally orchestrated hearings that I,

Eliot Bernstein am not a beneficiary of the Estates and Trusts of Simon and Shirley Bernstein. This was determined without any hearing for Trust Construction held and despite my being named a beneficiary in the Simon and Shirley Estate and Trusts. Further, Phillips in deranged anger as stories were unfolding about Judge Colin and Judge French issues orders that I have no standing in the Estate and Trust cases despite clear evidence that I have standing in multiple capacities in the cases. Phillips since the first hearing has orchestrated that me and my wife be silenced and has repeatedly threatened and extorted us with contempt and jail claims in order to silence us and making false record. Phillips using the court to bully and extort us, professing repeatedly in the first hearing his “love” of Judge Colin and his friendships with opposing counsel and dislike for both me and my wife. Phillips further prejudices the cases and obstructs justice and conceal the frauds further by stating he will not hear anything on Colin’s prior orders or actions.

That Phillips then issued slanderous and defamatory Orders to try and injure my family and friends reputations through the misuse of his court and the court processes and make it appear that our family was somehow the bad guy in the cases not those who committed fraud and fraud on the court, including his close friends and bedfellows, Tescher, Spallina and Colin. Phillips has even gone so far as signing orders attempting to vindicate Ted of being a participant of the frauds committed by Spallina and Tescher when no such hearing into Ted’s participation in the fraud has ever been held, in fact the order issued after a validity hearing that Phillips shut down any lines of questioning regarding the frauds claiming he would only hear Validity issues.

That Phillips completed the sale of my father’s home, despite my civil protests of the criminality of the proceedings before Colin and that to continue them would constitute aiding and abetting and further fraud on the court. Shortly after the sale I was notified by William

Stansbury, the creditor to the Estates and Trusts that the home had been sold to a Lions Head Land Trust LLC. Shortly after learning of the name of the LLC, a consultant that works with me and business partner, Kevin Richard Hall, discovered that the LLC appeared to be fraudulently registered and the incorporator of the LLC claimed when contacted that she had no knowledge of the transaction and nothing to do with the LLC and gave recorded statements with permission to both Kevin and myself regarding her claims that this was yet another fraud. The LLC was confirmed by the Florida Dept of State to have not been registered properly at the time of the transaction as well. The incorporator then had contact with a one Laurence Pino, an attorney involved in the Lions Head Land Trust LLC and informed him that her name and identity were not proper on the LLC as she had never authorized or had information that her name was being used in this capacity. Shortly thereafter, Pino met with Mitchell and Deborah Huhem who were the purchasers of the home through the Lions Head Land Trust LLC and Mitch drove with his wife to Orlando to see him.

Shortly after returning from Orlando and presumably learning of the allegations of fraud being made by the incorporator Mitch Huhem was found dead in the Lions Head Home with his head apparently blown off with a shotgun according to PBSO reports.

That several days later on \_\_\_\_\_, I notified Federal Judge John Robert Blakey in a hearing and in pleading before the Federal Court that the home sale appeared fraudulent and exposed the information further, not knowing at the time of Huhem's death, however both Alan Rose and Ted Bernstein were aware at that time, as the PBSO reports into the Huhem case show Ted was supposed to be meeting with Huhem on the day he died and Ted was at the home shortly after the body was discovered. When asked by Judge Blakey the status of the FL cases neither Ted nor his counsel informed the court of the death or the information

regarding the fraudulent LLC being exposed. Shortly after the Blakey hearing on the same day in a hearing in FL I notified Judge John Phillips that there appeared to be fraud in the home sale he and Colin orchestrated through the court but was denied any rights to speak. That what appears very strange is that counsel for the Estate and Ted acting as an alleged fiduciary in the Trusts failed in either hearing to notify the Judges that there had been discovered a dead body in the home of the recent purchaser, Mitch Huhem, a close friend of Donald Trump.

That the PB Sheriff Detective Panzer is further complained of for knowingly attempting to cover up multiple crimes he was aware of and closing the case with false and misleading information placed in the record and certain crimes not investigated at all, A deja vu similar to what happened on the first improper closing of the PBSO cases when Colin interfered directly in the investigations with Detectives Miller and Groover. In fact, Det Panzer met with Attorney at Law Alan B. Rose, Esq. according to the PBSO report and was informed that Rose had taken multiple trust documents from the Estate of Simon Bernstein that appeared to resolve certain documents alleged to be fraudulent in the Oppenheimer cases with my minor children, which Panzer was investigating. Rose under oath as a witness in a hearing before Judge Phillips, on \_\_\_\_\_ Date, stated that he removed property from the Estate however he had no Writ of Possession and therefore committed theft from the Simon Bernstein Estate of alleged highly relevant trust documents he just happened to find in a drawer. Brian O'Connell is the Personal Representative of the Estate of Simon Bernstein and thus Rose had no legal authority to remove such items. At a re-inventorying ordered by Judge Colin, O'Connell was to have taken possession and removed all documents in the home and accounted for them and what is further disturbing is that immediately after Simon died, efforts were allegedly made by Tescher, Spallina, Ted and others to search Simon's home and offices thoroughly looking for any estate



documents, as they could not produce a trust that sued parties in the Illinois Insurance litigation. Sworn affidavits were provided by several parties to the Federal Court stating they had searched the properties high and low and could not find any other trust documents. Under oath Rose replied that he was an officer of the court and thus entitled to remove properties without any court order from an Estate that he is not a fiduciary or counsel over, which is a false claim to the court.

Rose according to the PBSO report then proceeded to go through some ritualistic unsealing of the documents with Detective Panzer, who then failed to secure the original documents Rose had illegally removed from the premises, despite several of the documents being essential to allegations of fraud he was investigating against Oppenheimer Trust Company/Stanford Trust (involved in Stanford Ponzi)/JP Morgan Chase, Spallina, Tescher, Rose, Ted and Steven Lessne (formerly of GrayRobinson and now Gunster Yoakley) and others. In fact, Panzer was meeting with a one, Traci Kratish, who was alleged to be the trustee of the children's Oppenheimer Trust when the trusts were formed but where Kratish stated that she did not work for my father's companies until after the trusts were formed and she did not recall being trustee until much later after Allen Stanford was arrested in a Ponzi scheme and had to resign as the original trustee. The documents Rose allegedly found and removed illegally from the premises also alleged to be signed copies of the documents, as the documents tendered to the court by Oppenheimer's Lessne were not all properly signed and Daniel Bernstein's trust was missing signature pages entirely and Rose magically finds copies of the trusts the day before Panzer is scheduled to meet with Kratish.

Detective Panzer then misstated in his report the nature of testimony of a one Traci Kratish that contradicts statements made by Kratish to both myself and William Stansbury and

presumably were intentionally misquoted and misreported by Panzer. Panzer also made several false claims in closing out the reports of various other issues but did state at the time he was closing the cases that I wanted to add specific new crimes discovered and include the judges involved in the cases as actual participants in the criminal acts taking place who were using the court as the vehicle to commit the crimes.

That with the Palm Beach Post series “Guardianship a Broken Trust” by reporter John Pacenti exposing corruption in the Palm Beach County 15th Judicial Circuit involving Judge Colin and Judge French, the level of retaliation against me and other victims of their crimes that the Post series exposed, I feel a great level of danger for me and my family, as the investigations by PBSO have been stymied, delayed, interfered with and corrupted. We feel no state level protections can be afforded our family and other victims of these civil court frauds and thus seek to have an internal affairs audit of all of the cases involved in these matters that reaches out to Federal authorities who are already investigating certain of the parties, as witnessed by the arrest of Spallina and Tescher by the SEC leading to their signed consent orders, including Spallina admitting to and being prosecuted for criminal misconduct. I am requesting that PBSO IA invoke a Federal Monitor over the Sheriff and 15th Judicial Court judges to assure that no prejudice is further infused in these matters and to cease any collusion that may be ongoing to subterfuge my complaints between PBSO officers and court officials involved and we call for an honest investigation of all of the matters herein that are criminal statute violations, not civil, not ethical violations but violations of Florida Criminal Statutes and Federal Criminal Statutes.

My wife and I and other concerned parties are fearful of the retaliation of these public officers mentioned herein against our family to stop our whistleblowing and exposing of the systemic corruption in both the courts of Florida and the criminal investigatory entities named

herein. As already mentioned herein, retaliation by Court officials in the Florida court cases listed herein where fraud has been proven and fraud upon the court proven, are doing everything they can to cover up the crimes and simultaneously deny my family due process rights and further use the courts in effort to gain Predatory Guardianship on our children and attempt to have me and my wife jailed for trumped up charges of contempt, etc. With my father's sudden and unexpected death and a heavy metal test that indicates elevated levels of several heavy metals, the violent death of the buyer of my father's home shortly after taking possession of the home, the prior bombing of my family's vehicle, several reported death threats against my family and other harrassments of my family over 15 years regarding me and my father's stolen Intellectual Properties, we are seeking immediate response to these issues and how they will be handled by your offices to protect our family.

The victims of the these crimes are Eliot Bernstein, Candice Bernstein, Joshua Ennio Zander Bernstein, Jacob Noah Archie Bernstein, Daniel Elisjha Abe Ottomo Bernstein, William Stansbury, Walter Sahm, Maritza Puccio, Scott and Diana Banks and others.

### III. LIST OF CRIMINAL COMPLAINTS

A. Palm Beach County Medical Examiner - Autopsy Ordered by Ted Bernstein for alleged poisoning of his father.

1. Case No. 12-0913 - Alleged by Ted Stuart Bernstein murder of his father Simon

Bernstein      Palm Beach County Medical Examiner - Michael D. Bell, MD      Filed  
by Ted Bernstein September 13, 2012 the day Simon died Original Autopsy did not  
check for Poison and case had to be reopened for a Heavy Metal Poison Test, which  
came back with elevated levels of Arsenic, Cadmium and others yet report is for 113  
year old man. Dr. Michael Bell, MD Case was closed improperly. Ted Bernstein and

Pamela Simon stated the autopsy was done by a private firm in Miami but Corner reports contradict these statements and show the body was transported directly to Palm Beach Medical Examiner's office on the day Simon died and the autopsy was done by them. When contacted over a year after Simon's death for a copy of the report it was learned no heavy metal poison test had been done despite allegations by Ted Bernstein that his father may have been poisoned on the day he died and the reason an autopsy was ordered in the first place. The handling of the case was done by Ted Bernstein, Pamela Simon and Ted's attorneys at law who Ted claimed knew people who could get the investigations handled expedited through their connections at PBSO and the medical examiner.

B. Palm Beach Sheriff and Boca Raton PD

1. Case No. 12121312 - Alleged Murder of Simon Bernstein filed by Ted Stuart Bernstein

Palm Beach County Sheriff Filed by Ted Bernstein on September 13, 2012 the day Simon died Case was never investigated fully, witnesses and suspect never fully investigated. O/S VINCENT HAUGH #8826 and SGT. CASTELLI Case was closed improperly and mis-docketed as Hospital Maintenance Medical Records Check. The alleged suspect was never contacted, the family was never contacted after the original interviews on the day Simon died done outside his home. Officers had stated they would be coming back to inspect the home for evidence and take further statements but never did. The handling of the case was done by Ted Bernstein, Pamela Simon and Ted's attorneys at law who Ted claimed knew people who could get the investigations handled.

2. Case No. 13097087 - Palm Beach County Sheriff Multiple Financial Crimes, Fraud, Forgery, Theft of Assets and more 07/15/13 Palm Beach County Sheriff Palm Beach County Sheriff Filed by Eliot Bernstein July 2015 Case was never investigated fully, witnesses and suspect never fully investigated. Led to the arrest of Notary Public & Legal Assistant Kimberly Moran of the Law firm Tescher & Spallina PA Deputy Brian Longsworth #7657; Detective Ryan Miller #7704 ; Sergeant David Groover; Detective Andrew Panzer #6685 Case was closed improperly with the arrest and conviction of Kimberly Moran for fraudulent notarizations and Moran admitted to forging six signatures for six separate parties including Post Mortem forgery for Simon Bernstein. The case was then wholly shut down when Detective Ryan Miller claimed he had spoken to Judge Martin Colin who had instructed him to shut the down the criminal investigations of the attorneys at law, fiduciaries and others involved in other alleged crimes and that he would handle those in his Court. Note that Judge Colin had no right to interfere. Note that Judge Colin had stated twice in a September 13, 2013 hearing that he had enough evidence to read attorneys at law Robert Spallina, Esq., Donald R. Tescher, Esq. (who was absent at the hearing), Mark Manceri, Esq. and Ted Bernstein their Miranda Rights as he discovered and had admission of forged and fraudulent documents submitted to the Court and the use of Simon Bernstein while Dead to close the Estate of his deceased wife Shirley Bernstein in a macabre fraud that altered documents and used a deceased person as Personal Representative/Executor to close an estate in efforts to commit financial fraud and document fraud in order to rob the estates and trusts of Simon and Shirley Bernstein. It should be noted that Ted Bernstein and Pamela Simon who did business with attorneys Tescher and Spallina were wholly cut

out the estate plans with their lineal descendants of both Simon and Shirley Bernstein.

That with his counsel who later resigned after admitting to fraudulently altering estate

documents and transmitting them via mail and wire to perpetrate a fraud on

beneficiaries. The case was petitioned to Captain Carol Gregg and Internal Affairs to be

reopened and a subsequent report was then opened.

3. Case No. TBD - Palm Beach County Sheriff's Internal Affairs & Captain Carol Gregg

4. Case No. TBD - Palm Beach County Sheriff's Internal Affairs - Sergeant Gendreau

Filed by Eliot Bernstein January 7, 2014

Case was opened and

determined that Detective Miller and Groover were to begin investigating the multiple

Felony criminal acts contained with the Moran case and a Supplemental Report was

opened involving a multitude of crimes.

5. Case No. 14029489 - Palm Beach County Sheriff Supplemental Financial Crimes

Palm Beach County Sheriff Filed by Detective Ryan Miller et al. New Case

opened as supplement to the Moran case after Captain Carol Gregg and Internal Affairs

had crimes that were not investigated in the prior complaint that led to the arrest of

Kimberly Moran investigated prior to the premature closing of the case at Colin's

insistence.

6. Case No. 13097087 - Multiple Financial Crimes, Fraud, Forgery, Theft of Assets and

more filed 07/15/13 Palm Beach County Sheriff was petitioned to Captain Carol Gregg

and Internal Affairs to be reopened and a subsequent report was then opened.

7. Case No. 13159967 - 12/23/13 Palm Beach County SheriffPalm Beach County Sheriff

Theft Report Palm Beach County Sheriff 12/23/2013 Detective Miller directed

Eliot Bernstein to file a separate report for Theft of Personal Properties and more.

D/S RAINERI 5189 Case is still pending and has not been investigated

8. Case No. 13CF010745 - Palm Beach County Sheriff Arrest of Kimberly Moran

Kimberly Moran Criminal Complaint. Kimberly Moran was sentenced for fraudulent notarizations and admitted to altering 6 parties documents, forging their names, including Post Mortem forgeries for Simon Bernstein.

9. IA Case IR15263 - Palm Beach County Sheriff's Internal Affairs Palm Beach County

FL - Attempt to shut down investigations days after filing in an unsigned letter without any due process rights, no contact with victim, no input from victim, no review of victim or new information, etc. Crimes not prosecuted although proven and more.

10. Case #2014-015-141 - Boca Raton, Police Dept Boca PD Boca Raton, Police

Dept 11/1/2014 Officer Cortez. The case was opened as Det Miller of PB Sheriff referred this matter to Boca PD and yet upon meeting with Detectives they determined that PB Sheriff should handle the complaint and turned it back over to PBSO.

11. Case No. - 2013008568 - Boca Raton, Police Dept Boca Raton PD - Fraudulent

Documents Boca Raton, Police Dept 2013 Officer Cortez

C. Jacksonville Illinois Insurance Fraud

1. Case #2014000865 - Jacksonville IL PD Jacksonville IL - Insurance Fraud and more

Jacksonville IL PD 14-Jan-14 Detective Miller directed Eliot Bernstein to file a separate report for this Insurance / Bank Fraud - Detective Scott Erthal, Detective Miller of PB Sheriff was given evidence relating to insurance fraud, bank fraud, interstate mail and wire fraud. Miller stated since the fraudulent documents were sent from Boca Raton Attorneys at Law Robert Spallina, Esq. & Donald Tescher, Esq. to

Jacksonville IL PBSO had no jurisdiction. When complaint was then filed with Jacksonville PD it was determined that PB Sheriff who had an ongoing investigation should be the people contacting Jacksonville and complaint was referred back to PB Sheriff as Jacksonville stated that they had jurisdiction and that it should most likely be reported to FBI as it involved Federal Crimes. Complainant returned to Palm Beach County Sheriff where Detectives Miller and Panzer were to notify FBI and get complainant agent to work on the Federal Crimes alleged.

D. Governor Rick Scott - Notary Public Division

1. Case No. KIMBERLY MORAN -Governor Rick Scott Notary Public Division

Governor Rick Scott Notary Public - Kimberly Moran - Fraudulent and Forged Notary Documents submitted to Courts Governor Rick Scott Notary Public Division  
19-Jun-13 Arrest for Fraudulent Notarization and Admitted 6 counts of Forgery and Fraudulent Notarization but only got charged with 1 Count of Fraudulent Notarization Despite admission of forging 6 documents for 6 separate people, including Simon Bernstein POST MORTEM, she was only sentenced on one count of fraudulent notarization and stated, along with her employer Robert Spallina, Esq. to investigators that it was a one off thing and there was nothing more. However Spallina in January 2014 admitted to PB SHERiff Investigators that he fraudulently altered a trust document of Shirley Bernstein POST MORTEM and disseminated it via wire and mail and caused a fraud on the beneficiaries and their counsel.

2. Case No. LINDSAY BAXLEY AKA LINDSAY GILES - Governor Rick Scott Notary Public Division Governor Rick Scott Notary Public - Lindsay Baxley aka Lindsay Giles Fraudulent and Forged Notary Documents submitted to Courts Governor Rick



Scott Notary Public Division 29-Oct-13      Sanctioned by Dept      PB Sheriff has failed to investigate the documents, including a Will and Trust alleged to be done by Simon Bernstein approx 40 days prior to death. The documents fail to identify if Simon was there on the day of signing and the witnesses Moran and Spallina have already admitted to felony crimes.

3. Case # 201009030002 - FL Governor / Florida AG / Florida Grand Jury #19 Florida Grand Jury Chief Inspector General Bill McCollum Florida Attorney General / Charlie Crist & William Shepherd, Statewide Prosecutor      Aug-10      Bill McCollum also referred us to contact Florida Gov. Charlie Crist. Letter sent to Crist to begin formal investigations and add Iviewit to the 19th Florida Grand Jury on Public Office Corruption. Crist opened IG case Chief Inspector General Case # 201009030002 then closed it to refer it to William Shepherd, Statewide Prosecutor

E. Federal

1. FBI #1
2. FBI #2

IV. LIST OF ACCUSED PARTIES and WITNESSES

A. Judges (Excluding Federal Patent Cases):

1. Martin Colin – Recused one day after denying a Petition for his disqualification for charges of Fraud on the Court and Fraud by the Court. Then Post Recusal improperly steered cases to Judge Coates and ultimately Judge Phillips in order to continue to cover up the fraud on his court, fraud by his court and fraud by the fiduciaries and attorneys involved.

2. Judge David E. French – Was Simon Bernstein Estate Judge who improperly transferred his case to Judge Colin without proper hearings by both judges.
3. Judge Howard Coates – Improperly accepted cases on transfer from Colin, did not disclose that he was a former partner at Proskauer Rose who is a Counter Defendant in the Estate and Trust cases he took over as presiding judge on. In an initial hearing he hid the fact that he had anything to do with my and Simon's technology companies and denied any involvement in the Iviewit companies and where in fact he was a billing partner for the account. At the first hearing based on Alan Rose's objections to his continuing to handle the case Judge Coates Sua Sponte recused himself, after he had already obtained highly confidential court records of Judge Colin.
4. Judge John Phillips – May have brain damage from a bicycle accident or this is an excuse for his over the top and outside the color of law actions since taking over the cases from Judge Coates. Phillips has removed my standing in my civil cases, had a Predatory Guardianship placed on my children, denied me of being a beneficiary despite dispositive documents that clearly name me as a beneficiary and had estate and trusts documents validated by Spallina who admitted in his court that he had fraudulently created trust documents, he had filed fraudulent documents with the court in the cases, he had closed the Estate of Shirley Bernstein Fraudulently, he had mailed fraudulent documents to Eliot's minor children's counsel and is under SEC Consent. Yet, Judge Phillips despite hearing these confessions of felony criminal misconduct that Spallina claimed he had not notified authorities of while under oath in a December 15, 2015 hearing as a witness to the validity of the documents and Phillips even after learning of these newly revealed crimes ruled in favor of Spallina's testimony. Judge Phillips has

failed to report these criminal admissions of a Court Appointed Officer to the proper authorities and instead has only retaliated harder on Eliot and his family and this dereliction of duty constitutes Misprision of Felony, Aiding and Abetting and Obstruction of Justice and more.

B. Lawyers, Fiduciaries (Excluding Federal RICO & ANTITRUST Cases) and other parties involved in the criminal acts alleged herein.

1. Donald Tescher, Esq. – Tescher & Spallina PA (Under Consent with SEC for Insider Trading, Law Firm forged documents and fraudulently notarized documents to court and others)
2. Robert Spallina, Esq. - Tescher & Spallina PA (Under Consent with SEC for Insider Trading pled guilty to Criminal Misconduct in separate case, in this case Law Firm Tescher & Spallina forged documents and fraudulently notarized documents to court and others, Admitted Fraudulently Creating Post Mortem Trust for Shirley Bernstein and sent to counsel for minor children, Admitted Closing Estate of Shirley Bernstein using identity of Deceased Personal Representative/Executor Simon Bernstein, Admitted Mail Fraud in 12/15/15 Hearing Before Judge John Phillips and more)
3. Alan Rose, Esq. - Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A.
4. Steven Lessne, Esq. - GrayRobinson, P.A. & Gunster, Yoakley & Stewart, P.A.
5. John Pankauski, Esq. - Pankauski Law Firm PLLC – Resigned citing Irreconcilable Differences with Ted Bernstein
6. Mark Manceri, Esq. - Mark R. Manceri, P.A. – Resigned as Ted counsel
7. Jon Swergold, Esq. – Greenberg Traurig – Resigned as Ted counsel

8. Brian O'Connell, Esq. - Ciklin Lubitz Martens & O'Connell ( Boose partner convicted went to prison) – Replaced Curator Benjamin Brown.
9. Joielle Foglietta, Esq. - Ciklin Lubitz Martens & O'Connell – Asst to O'Connell
10. Benjamin Brown, Esq. - Matwiczuk & Brown, LLP – Curator hired to replace Tescher and Spallina when they resigned due to fraud.
11. John Morrissey, Esq. - John P. Morrissey, P.A. – Ted and Pamela Simon alleged children counsel.
12. Adam Simon, Esq. - The Simon Law Firm – Ted Bernstein counsel Illinois Federal Insurance Case
13. David Simon, Esq. - The Simon Law Firm– Ted Bernstein counsel Illinois Federal Insurance Case
14. John Stamos, Esq. - Stamos & Trucco LLP – Represents O'Connell and Estate of Simon in Federal Illinois Insurance action
15. Kevin Horan, Esq. - Stamos & Trucco LLP – Represents O'Connell and Estate of Simon in Federal Illinois Insurance action
16. Albert Gortz, Esq. – Proskauer Rose – Proskauer will filed in Estate of Simon case by Proskauer, unidentified filer.
17. Gerald Lewin, CPA - Simon and family CPA
18. Janet Craig, Oppenheimer
19. Hunt Worth, Oppenheimer
20. Ted Bernstein – Alleged Fiduciary in Shirley Bernstein Estate and Trusts and Simon Bernstein Trust. Ted's counsel as fiduciary Tescher & Spallina PA, who also acted as Simon's Estate and Trust co-fiduciaries were involved in fraud, forgery and more

already proven in these matters. When Tescher and Spallina resigned amidst the fraud charges, Ted then subsequently retained teams of lawyers to defend him against multiple charges that he was directly involved in the crimes of his attorneys and benefited directly from their crimes.

21. Kimberly Moran, Legal Assistant Notary Public - Convicted for fraudulent notarization, admitted to six forged documents for six separate parties including Post Mortem Simon Bernstein.

22. Lindsay Baxley - Executed improper notarizations for Will and Amended Trust of Simon Bernstein days before he died. Governor office notary division confirms improper notarizations.

C. PBSO Officers and PB Medical Examiner involved in criminal acts alleged herein.

1. PB Sheriff Office Detective Ryan Miller
2. PB Sheriff Office Detective Andrew Panzer
3. PB Sheriff's Office Captain Carol Gregg
4. PB Medical Examiner – Michael Bell

D. Guardians –

1. Former Judge Diana Lewis, Esq. acting illegally as Guardian for Eliot's 3 children as Judge Phillips issued a Predatory Guardianships through sham hearings to extort Eliot Bernstein family and attempt to cover up the MULTIPLE FRAUDS ON THE COURT for OFFICERS OF THE COURT by denying the minor children and Eliot due process rights and attempt to alter the records in the case.

- a) The Guardianship was gained through a lawsuit that named a non-existent trust as Defendants in which minor children were alleged to be beneficiaries of the non-

existent trust and I was alleged to be Trustee and any and all Orders issued in the lawsuit are void as there no proper or just jurisdiction over any of the Eliot Bernstein family parties.

- b) Recently Alan Rose has admitted in writing<sup>22</sup> that he sued trusts that do not exist today and that despite suing me as Trustee now claims I am not trustee of the trusts he claims do not exist, this constitutes false process, obstruction, fraud on the court, fraud on me and my children and more.

#### E. Others

1. Rachel Walker - last person with Simon and Shirley Bernstein when they were found to be dying in very sudden and quick deaths. Personal assistant to Shirley and Simon Bernstein who gave false and misleading statements to PBSO. Utilized Simon bank and credit card accounts Post Mortem. Accused Maritza Puccio of murdering Simon Bernstein with Ted Bernstein.
2. Astride Limouzin - Signed documents that were fraudulent 15th Judicial Assistant Colin, see Ex Parte Memo
3. Legacy Bank - Bank fraud, Simon's accounts, including Bernstein Family Realty account used Post Mortem by Walker and Spallina and Tescher. No accountings.
4. Heritage Union Life Insurance Company - Missing Insurance Policy equals insurance fraud. Missing trust that Robert Spallina claimed to be "Trustee" of and that Ted Bernstein later sued as Trustee of in Il Fed Court. Spallina also corresponded with Heritage as the Trustee of LaSalle National Trust NA, the primary beneficiary in an

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<sup>22</sup> March 08, 2016 Alan B. Rose, Esq. Letter Stating Shirley Trust Construction Lawsuit trusts sued do not exist and Eliot who was sued as Trustee of the trusts is not trustee. False Process  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160308%20Alan%20Rose%20Mrachek%20Letter%20Regarding%20No%20Trusts%20for%20Josh%20Jake%20and%20Danny%20under%20Simon%20Trust.pdf>

elaborate insurance fraud to claim the death benefit and have it paid to his law firm, which was declined. Spallina filed a death benefit claim while knowing his client Ted had alleged murder of Simon and failed to notify carrier of such.

5. Wilmington Trust Co. - Missing documentation and approximately \$3,000,000.00 dollar account Simon had weeks before his death. Stansbury as Trust Protector has no information on the Trust being terminated and claims to have never seen a document in the Tescher and Spallina production he was supposed to have received from Wilmington.
6. Oppenheimer Trust Co. - Bank Fraud, Trust Company Fraud, Exploitation of Minors, Theft, Fraud on Court, Document Forgery and Fraud, Securities Fraud
7. JP Morgan Chase - Missing account information, theft, securities fraud.
8. Pamela Simon - Insurance Fraud, Theft of Property
9. Lisa Friedstein - Insurance Fraud, Theft of Property
10. Jill Iantoni - Insurance Fraud, Theft of Property
11. John Poletto - Real Estate Disclosure Fraud, Fraud
12. Mark Nestler - Real Estate Disclosure Fraud, Fraud

F. Witnesses

1. Diana Banks - corporate assistant to Simon Bernstein
2. Scott Banks - business partner of Simon Bernstein was married to Diana Banks
3. Walter Sahm - business partner of Simon Bernstein. Never contacted by PBSO despite having pertinent information regarding properties of Eliot Bernstein children and crimes being effectuated to try and force foreclosure of their home.

4. William Stansbury - business partner of Simon and Ted Bernstein. Creditor to Estate of Simon Bernstein regarding alleged theft of commissions by Ted and his companies. Has valuable information regarding Simon and Shirley Bernstein, was never contacted by PBSO.
5. Maritza Puccio - Simon's girlfriend who Ted and Pamela Simon allege may have murdered their father, along with Rachel Walker to Delray Hospital, PBSO and Coroner. Never contacted by PBSO despite it being alleged she was poisoning Simon Bernstein and despite her having valuable information regarding the circumstances surrounding Simon's death.
6. Samuel Kaplan - Simon Bernstein friend from childhood.
7. Richard Naclerio - Simon and Shirley Bernstein friend for 30+ years
8. Patricia Fitzmaurice - Simon psychotherapist
9. Steven Greenwald, Esq. - Simon Attorney, Alleged Trustee of Oppenheimer Trusts, never contacted by PBSO.
10. Peter Feaman, Esq. - Peter M. Feaman, P.A. – Represents William Stansbury Creditor to Estate and Trusts of Simon and Shirley Bernstein. Referred Curator Benjamin Brown and Personal Representative/Executor Brian O'Connell.
11. Christopher Prindle - Employee at Stanford Trust Company (infamous Ponzi), transferred to Oppenheimer and then JP Morgan involved in moving Simon accounts.
12. Peter Montalbano - Employee at Stanford Trust Company (infamous Ponzi), transferred to Oppenheimer and then JP Morgan involved in moving Simon accounts.
13. Traci Kratish, Esq. CPA, Ernst Young - Simon in house counsel. States Oppenheimer trusts were done with her signature and name at a time before she worked with Simon



Bernstein. States she was not Trustee of the initial trusts and replaced Stanford, this contradicts documents and statements submitted to court by Oppenheimer and Lessne.

14. Leilani Ochoada - Alleged incorporator of Lions Head Land Trust, the alleged buyer of Simon's home. States she had nothing to do with the Lions Head Land Trust company or incorporating it and her name was misused fraudulently by a one attorney at law Laurence Pino, close friend of Mitchell Huhem and alleged to be a benefactor of the estate of Mitch Huhem.
15. Sheri Goldman, rented office space from Ted Bernstein, daughter employed by Ted and Sheri was arrested on or about June 2013 for a second time for illegal injections of drugs. See Ted Bernstein statement to press in video.

<http://www.wptv.com/news/region-s-palm-beach-county/boca-raton/boca-woman-arrested-after-police-say-she-offered-botox-and-told-people-she-was-a-nurse#ixzz2aZYFuLYt>

And

<http://www.wptv.com/news/region-s-palm-beach-county/boca-raton/boca-woman-arrested-after-police-say-she-offered-botox-and-told-people-she-was-a-nurse#Woman%20accused%20of%20offering%20botox%20injections>

**G. Civil Court Cases Involved in Criminal Frauds and Frauds on the Court and Frauds by the Court**

Florida 15th Judicial

1. 502012CP004391XXXXSB – Simon Bernstein Estate
2. 502011CP000653XXXXSB – Shirley Bernstein Estate
3. 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children
  - a) 502010CP003123XXXXSB - Minor Trust
  - b) 502010CP003125XXXXSB - Minor Trust
  - c) 502010CP003128XXXXSB - Minor Trust
4. 502014CP003698XXXXSB – Shirley Trust Construction
5. 502015CP001162XXXXSB – Eliot Bernstein v. Trustee Simon Trust Case OLD CASE  
# 502014CA014637XXXXMB
6. 502015CP002717XXXXNB
7. 20I2CP004391 IX

8. Case # 50-2010-CP-003128-XXXX-SB – Joshua Bernstein alleged 2010 Trust Case Colin
  9. Case # 50-2010-CP-003125-XXXX-SB - – Jacob Jake Bernstein alleged 2010 Trust Case Colin
  10. Case # 50-2010-CP-003123-XXXX-SB– Daniel Danny Bernstein alleged 2010 Trust Case Colin
  11. TBD – Creditor Claim – Eliot v. Estate of Simon
  12. Case # CA 01-04671 AB Proskauer Rose v Iviewit - – Judge Jorge Labarga
  13. Case # 502015CP002717XXXX STP Pam & David Simon v Eliot Bernstein
- Florida Appeals – 4<sup>th</sup> DCA

14. 4DCA#: 16-0064
  15. 4DCA#: 15-3849
  16. 4DCA#: 16-0222
- Florida Supreme Court

17. SC16-29
  18. SC15-1077
  19. SC04-1078 - Eliot Bernstein v. The Florida Bar et al.
- Federal Illinois Case – Judge John Robert Blakey replacing Judge Amy St. Eve
20. 13-cv-03643

H. **Other** Civil cases related to same nexus of events

NY FEDERAL COURT AND ANDERSON RELATED CASES

1. 07cv09599 (*S.D.N.Y.*) Anderson v The State of New York, et al. - WHISTLEBLOWER LAWSUIT which other cases have been marked legally “related” to by Fed. Judge Shira A. Scheindlin
  2. 07cv11196 Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al.
  3. 07cv11612 Esposito v The State of New York, et al.,
  4. 08cv00526 Capogrosso v New York State Commission on Judicial Conduct, et al.,
  5. 08cv02391 McKeown v The State of New York, et al.,
  6. 08cv03305 Carvel v The State of New York, et al., and,
  7. 08cv4438 Suzanne McCormick v The State of New York, et al.
  8. 08 cv 6368 John L. Petrec-Tolino v. The State of New York
- US BK Court Southern District of Florida

9. 01-33407-BKC-SHF - - Intel (RYJO = Real3D Inc. Intel+Lockheed+SGI) Brian Utley, Raymond Hersh and Michael Reale file involuntary bankruptcy against Iviewit.com LLC
- USDC Oregon

10. 3:11-CV-00057-HZ OBSIDIAN FINANCE GROUP, LLC ET AL. V. COX

USDC Eastern District Washington, Spokane

11. 2012MC00017 OBSIDIAN FINANCE GROUP LLC AND KEVIN D PADRICK VS  
CRYSTAL COX CASE NUMBER:

USDC Nevada

12. 2:12-CV-02040-GMN-PAL - RANDAZZA ET AL V. COX, BERNSTEIN ET AL.,  
CASE NO.

13. RICO CASE NO. 2:13-CV-00297-JCM-VCF CHANGED TO 2:13-CV-00297 JCM  
(NJK) CHANGED TO 2:13-CV-00297 MMD-VCF COX VS. RANDAZZA, ET AL. –  
NEVADA

V. ALLEGED CRIMES COMMITTED - On information and belief The Parties have committed  
and or abetted the following alleged crimes in various criminal conspiratorial combinations:

A. 18 U.S. Code Chapter 96 - RACKETEER INFLUENCED AND CORRUPT

ORGANIZATIONS / Florida Statute 895 RICO - CHAPTER 895 OFFENSES

CONCERNING RACKETEERING AND ILLEGAL DEBTS & FEDERAL RICO - From

various unknown dates, and continuing thereafter up to and including July 08, 2010, and

continuing thereafter up to and including today's date of \_\_\_\_\_ and

continuing thereafter, in the state of Florida and elsewhere within the jurisdiction of the 15th

Judicial Circuit Court in and for Palm Beach County, FL, the suspects listed herein together

with others known and unknown being persons employed by or associated with Palm Beach

County Probate and Civil Circuit Court, an enterprise which engaged in, and the activities of

which affected interstate and foreign commerce, did at various times unlawfully, willfully

and knowingly combine, conspire and agree with each other to violate 18 U.S.C. Sections

1962 and Florida Statute 895, by participating, directly and indirectly, in the conduct of the

affairs of that enterprise through a pattern of racketeering activity involving a mass of

predicate acts within the meaning of 18 U.S.C. 1961-1968, in particular §1961(1) in

violation of 18 U.S.C. §1962(c) & (d) to wit:

1. 18 U.S.C. §§1341, 1343, & 1346 - Conspiracy to deprive citizens of Florida and other litigants of the honest services of elected officials;
2. 18 U.S.C. §1341 - Property Mail Fraud;
3. 18 U.S.C. §§1341 & 1346 - Honest Services Mail Fraud;
4. 18 U.S.C. §1343 - Property Wire Fraud;
5. 18 U.S.C. §§1343 & 1346 - Honest Services Wire Fraud;
6. 18 U.S.C. § 371 - Conspiracy;
7. 18 U.S.C. §1346 - Honest Services;
8. 18 USC §641 - Criminal Conversion;
9. 18 USC §1621 - Perjury;
10. 18 U.S.C. § 1028 - Identity theft;
11. 18 U.S.C. §§ 1831-1839 - Economic espionage;
12. 26 U.S.C. §§ 7201, 7203, 7206(1), et seq. - Tax evasion, false returns, and failure to file;
13. 18 U.S.C. § 201, et seq - Federal corruption statutes;
14. 18 U.S.C. § 656, et seq. - Embezzlement and misapplication of bank funds;
15. 18 U.S.C. § 1344, et seq. - Bank fraud;
16. Fraud on an Institutional Trust Company – LaSalle National Trust Company, NA;
17. The 1933 and 1934 Acts - Federal securities laws;
18. 18 USC §4 - Misprision of Felony;
19. 19 U.S.C. § 1348 - Securities fraud;
20. 18 U.S.C. § 1341 - Mail fraud;
21. 18 U.S.C. § 1343 - Wire fraud;
22. 18 U.S.C. § 1001 - False statements;
23. 18 USC 1001 - Lying to the fed government and courts system;
24. Violation of the 5th and 14th Amendment to the Constitution's Due Process Clause that Obstructs Justice;
25. 18 U.S.C. §§402, 1001, (overlap with 18 U.S.C. §§1503, 1505, 1512, 1621. 1622 & 1623; perjury, subornation of perjury, and false declarations) - Tampering with a federal judicial proceeding by false affidavit;
26. Tampering with Florida state judicial proceedings.
27. 18 U.S.C. §371 - Obstruction of Justice and conspiracy to obstruct Justice, --conspiracy to injure or intimidate any citizen on account of his or her exercise or possibility of exercise of Federal right (overlap with 18 U.S.C. §§1503, 1510, 1512, and 1513);
28. 18 U.S.C. §1622, may also be an 18 U.S.C. §1503 omnibus clause offense - Suborning perjury;
29. Spoliation: Destruction or concealment of evidence or attempts to do so, 18 U.S.C. §1512(c) conspiracy (18 U.S.C. §1512(k))
30. 18 U.S.C. §2511 (§§2510-22), as amended by the Electronic Communications Privacy Act (ECPA)(Pub. L. 99-508; 10/21/86) Title III of the Omnibus Crime Control and Safe Streets Act of 1968, (Pub. L. 90-351; 6/19/68), also known as the "Wiretap Act" - Illegal Wiretapping;
31. Conspiracy to commit securities, mail, wire and banking fraud;
32. 18 U.S.C. §1028(a)(7) - Identity Theft;
33. 18 USC §§1348/1349 - False Instruments used to trade in Securities
34. 15 U.S.C. §78aa and 15 U.S.C. §§78j(b) and Rule 10b-5 promulgated thereunder (17 C.F.R. § 240.10b-5) - Securities Fraud;

35. 18 U.S.C. §1344 - False Instruments used to commit Banking Fraud;
36. 18 U.S.C. §§1341, 1343 & 1346 - Property and Honest Services Mail and Wire Fraud
37. False Instruments used to commit Sections
38. False Instruments used to commit 18 U.S.C. §1951 Hobbs Act Extortion
39. 18 U.S.C. §1951(b)(2) and 2 - False Instruments used to commit Extortion
40. 18. U.S.C. §371 - Aiding and abetting (all actors. all counts);
41. Conspiring to promote, conceal and protect the above acts from discovery, investigation and prosecution from legitimate governmental interests.
42. FL Title XLVI Chapter 782 Homicide 782.04 Murder.-- MURDER SIMON BERNSTEIN;
43. FL Title XLVI Chapter 782 Homicide 782.04 Murder.-- POSSIBLE MURDER/SUICIDE MITCHELL HUHEM;
44. FL Title XLVI Chapter 782 Homicide 782.04 Murder.-- Possible Murder Shirley Bernstein;
45. Title XLVI Crimes Chapter 782 Homicide Chapter 782.051 - Attempted felony murder.- - ATTEMPTED MURDER Eliot Bernstein family via a car bombing incident.
46. 18 USCS §1951(b)(2) - Hobbs Act Extortion;
47. State Law Theft - Florida Penal Codes;
48. Texas Penal Codes §§32.45, theft 31.02, 31.03 - Misapplication of fiduciary in excess of \$200,000;
49. Texas Penal Code §16.02 - Illegal Wiretapping;
50. Fraud;
  - a) Fraud on Florida Courts;
  - b) Fraud by Florida Courts;
  - c) Fraud on US Federal Court - Illinois Blakey;
  - d) Fraud on Beneficiaries;
  - e) Fraudulent Tax Document filed by Ted in Shirley Estate case for Condominium Sale;
51. Personal Property Theft;
52. Chapter 812 - relating to theft, robbery, and related crimes;
53. Securities Fraud;
54. Bank Fraud;
55. Insurance Fraud;
56. Creditor Fraud;
57. Mortgage Fraud;
58. Perjury;
59. Conspiracy;
60. RICO - Title XLVI CRIMES Chapter 895 OFFENSES CONCERNING RACKETEERING AND ILLEGAL DEBTS;
61. Extortion - The fiduciaries and court have tried innumerable times to force my family to take improper and illegal distributions and give implied consent or else face further delays in receiving any documents, records, accountings, etc. in attempts to win by starving my family and children through interference with our inheritancy;
62. Insurance Fraud - Involving Interstate Mail and Wire Fraud and Fraud on a US Federal Court, insurance company and institutional trust company;
63. Mail Fraud - Multiple instances for various of the crimes committed.
64. Wire Fraud - Multiple instances for various of the crimes committed.

65. Conspiracy;
66. FL Section 777.03 - relating to commission of crimes by accessories after the fact;
67. FL Chapter 815 - relating to computer-related crimes. The loss and destruction of Simon Bernstein's computer business and personal records;
68. FL Chapter 817 - relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes;
69. FL Chapter 825 - relating to abuse, neglect, or exploitation of an elderly person or disabled adult;
70. FL Chapter 831 - relating to forgery and counterfeiting;
71. FL Section 836.05 - relating to extortion;
72. FL Chapter 837, relating to perjury;
73. FL Chapter 838 - relating to bribery and misuse of public office;
74. FL Chapter 843 - relating to obstruction of justice;
75. FL Chapter 896 - relating to offenses related to financial transactions;
76. FL Sections 914.22 and 914.23 - relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant;
77. FL Sections 918.12 and 918.13 - relating to tampering with jurors and evidence;
78. 18 U.S.C. s. 1961(1) - Any conduct defined as "racketeering activity";
79. FL - Title XLVI CRIMES - Chapter 817 - FRAUDULENT PRACTICES;
80. FL 817.02 - Obtaining property by false personation;
81. FL 817.03 - Making false statement to obtain property or credit;
82. FL 817.155 - Matters within jurisdiction of Department of State; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations;
83. FL 817.16 - False reports, etc., by officers of banks, trust companies, etc., with intent to defraud;  
FL 817.234 - False and fraudulent insurance claims;
84. FL 817.2341 - False or misleading statements or supporting documents; penalty;
85. FL 817.38 - Simulated process;
86. FL 817.49 - False reports of commission of crimes; penalty;
  - a) FL False CPS report filed
  - b) False Arrest
87. FL 817.535 - Unlawful filing of false documents or records against real or personal property;  
Virtually all documents and records in probate and trust cases are fraudulent and used to illegally obtain real and personal property.
88. FL 817.562 - Fraud involving a security interest;
89. FL 817.568 Criminal use of personal identification information;  
Spallina and Tescher deposit documents as if they are Simon Bernstein
90. FL 817.569 - Criminal use of a public record or public records information; providing false information;
91. FL Title XLVI CRIMES Chapter 777 PRINCIPAL; ACCESSORY; ATTEMPT;  
SOLICITATION; CONSPIRACY;
92. FL 777.011 - Principal in first degree;
93. FL 777.04 - Attempts, solicitation, and conspiracy;
94. FL 777.03 - Accessory after the fact;

95. FL Title XLVI – CRIMES - Chapter 812 THEFT, ROBBERY, AND RELATED CRIMES;
96. FL 812.014 - Theft;
97. FL 812.019 - Dealing in stolen property;
98. FL Title XLVI CRIMES Chapter 831 FORGERY AND COUNTERFEITING;
99. FL 831.01 - Forgery;
100. FL 831.02 - Uttering forged instruments;
101. FL Title XLVI CRIMES Chapter 837 PERJURY (18 USC §1621);
102. FL 837.02 - Perjury in official proceedings;
103. FL 837.021 - Perjury by contradictory statements;
104. FL 837.05 - False reports to law enforcement authorities;
105. FL 837.06 - False official statements;
106. Fla. Stat. §837.02) (18 USC §1621) - Perjury;
107. FL Title XLVI CRIMES Chapter 838 BRIBERY; MISUSE OF PUBLIC OFFICE 838.022 - Official misconduct;
108. FL Title XLVI CRIMES Chapter 839 OFFENSES BY PUBLIC OFFICERS AND EMPLOYEES;
109. FL 839.13 - Falsifying records;
110. Fla. Stat. §838.015 - OFFENSES BY PUBLIC OFFICERS AND EMPLOYEES;
111. FL §838.015 CC §838.016 - Corruptly giving, offering, or promising to any public servant a bribe.
112. FL Title XLVI CRIMES Chapter 843 OBSTRUCTING JUSTICE;
113. FL 843.0855 - Criminal actions under color of law or through use of simulated legal process.
114. FL 843.03 - Obstruction by disguised person;
115. FL Title X PUBLIC OFFICERS, EMPLOYEES, AND RECORDS Chapter 112 PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS
116. FL 112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief;
117. FL Title XLVI CRIMES Chapter 825 ABUSE, NEGLECT, AND EXPLOITATION OF ELDERLY PERSONS AND DISABLED ADULTS;
118. FL 825.102 Abuse, aggravated abuse, and neglect of an elderly person or disabled adult;
119. FL 825.103 Exploitation of an elderly person or disabled adult;
120. FL Title XLVI CRIMES Chapter 836 DEFAMATION; LIBEL; THREATENING LETTERS AND SIMILAR OFFENSES
121. FL 836.04 Defamation.
122. FL 836.05 - Threats; extortion;
123. FL 836.10 Written threats to kill or do bodily injury;
124. FL Title XLVI CRIMES Chapter 877 MISCELLANEOUS CRIMES;
125. FL 877.01 - Instigation of litigation; penalty;
126. FL TITLE XLII - ESTATES AND TRUSTS Ch.731-739 - Multiple Violations of Virtually Entire Code;
127. Breach of Fiduciary Duties, Fraud, etc.;
128. Theft – Approx. 100 Million Dollars of Property;
129. Insurance Fraud – 3 Million +;
130. Real Estate Fraud;

131. FL §812.014) (18 USC §641) CRIMINAL CONVERSION;
132. FRAUDULENT BILLING SCHEMES (Lawyers and Guardians) (People v. Ogborn, 887 P. 2d 21, Colorado Supreme Court (1994), The Florida Bar v. Ross, 140 So. 3d 518, Florida Supreme Court (2014))
133. Fraudulent Billing Schemes – Court cases in Florida;
134. FL Title VI - CIVIL PRACTICE AND PROCEDURE- Chapter 57 - COURT COSTS;
135. FL 57.105 Attorney's fee; sanctions for raising unsupported claims or defenses; exceptions; service of motions; damages for delay of litigation.—
136. FL Title VII EVIDENCE Chapter 92 WITNESSES, RECORDS, AND DOCUMENTS;
137. FL 92.525 Verification of documents; perjury by false written declaration, penalty; Forgery – Multiple instances
138. FL Aiding and Abetting - Judge Colin, Judge French, Judge Coates, Judge Phillips, Alan B. Rose, Esq., Ted Bernstein, Robert Spallina, Donald Tescher, John Pankauski, Mark Manceri et al.  
Obstruction of Justice PB Sheriff  
State Attorney  
Florida Court  
Judge Colin, Judge French, Judge Coates, Judge Phillips, Alan B. Rose, Esq., Ted Bernstein, Robert Spallina, Donald Tescher, John Pankauski, Mark Manceri et al.
139. FL Child Abuse;  
Fraudulent Guardianship / Human Trafficking of Minor Children in Predatory Guardianship issued through false process  
Improper GAL hearings by Phillips  
Improper Guardianship on Adult  
Improper Guardianship via suit through a trust that does not exist according to Alan B. Rose, Esq.  
Diana Lewis accepts guardianship for two minors and one adult, where adult did not have proper hearing and minors did not under GAL rules.  
Diana Lewis took guardianship under a trust that does not exist.
140. Color of Law Abuse
141. Criminal Racketeering
142. Money Laundering
143. Tampering with court records, transcripts and other records
144. Tampering with evidence
145. Fraudulent Notarization
146. Bank Fraud / Credit Card Fraud  
Post mortem use of cards and accounts
147. Extortion  
Already filed in PBSO reports but uninvestigated at this time
148. Breaches of Fiduciary Duties to enable criminal acts
- 149.
150. The above enumerated RICO Suspects did unlawfully, willfully, and knowingly combine, conspire, and agree with each other and with other persons known and



unknown to violate 18 U.S.C. §1962(c) as described herein, in violation of 18 U.S.C. §1962(d).

- a) In connection with the acts and omissions alleged the RICO Suspects directly or indirectly, used the means and instrumentalities of interstate commerce, including, but not limited to, the internet, the mails, interstate PSN wire and cellular telephone communications, and the facilities of the national securities exchange.
- b) Upon information and belief, the RICO Suspects knew that they were engaged in a conspiracy to commit the predicate acts, and they knew that the predicate acts were part of such racketeering activity, and that the participation and agreement of each of them was necessary to facilitate the commission of this pattern of racketeering activity.
- c) Upon information and belief, the RICO Suspects agreed to conduct or participate, directly or indirectly, in the conduct, management, or operation of the Enterprise's affairs through a pattern of racketeering activity in violation of 18 U.S. C. § 1962.
- d) Each RICO Suspect knew about and agreed to facilitate the Enterprise's scheme to obtain property illegally from the Eliot Bernstein family.
- e) It was part of the conspiracy that the RICO Suspects and their co-conspirators would commit a pattern of racketeering activity in the conduct of the affairs of the Enterprise, including the predicate acts of racketeering hereinafter set forth.
- f) It was part of the racketeering conspiracy that through the use of estate plan instruments the suspects named herein, acting in concert both individually and severally, would and did intercept assets intended for the heirs of estates that pass

- through West Palm Beach Probate Court, an enterprise, which engaged in, and the activities of which affected interstate and foreign commerce.
- g) It was part of the racketeering conspiracy that through the use of trust instruments defendants, acting in concert, both individually and severally, would and did intercept assets intended for beneficiaries of trusts that pass through the West Palm Beach Probate and Civil Court, an enterprise, which engaged in, and the activities of which affected interstate and foreign commerce.
  - h) It was part of the racketeering conspiracy that “trust and estate plan attorneys” would use the “Doctrine of Privity” to shield their part in the pattern of racketeering activity from possible culpability or any liability to the intended victims of the inheritance expectancy interception scheme.
  - i) It was part of the racketeering conspiracy that attorneys participating in the scheme and artifice to deprive would use the Texas Attorney Immunity Doctrine to shield their part in the pattern of racketeering activity from possible culpability or any liability to the intended victims of the inheritance expectancy interception scheme.
  - j) It was part of the racketeering conspiracy that judges participating in the scheme and artifice to deprive would use the doctrines of Judicial, Qualified and Absolute Immunity to shield their participation in the pattern of racketeering activity from possible culpability or any liability to the intended victims of the inheritance expectancy interception scheme.
  - k) It was part of the racketeering conspiracy that through the use of Guardianship actions predatorily the RICO Suspects, acting in concert, both individually and severally, would and did use the West Palm Beach County Probate and Civil Court,

an enterprise, which engaged in, and the activities of which affected interstate and foreign commerce, to judicially kidnap and rob minor children and other affluent and vulnerable citizens of their freedom, dignity, fundamental human and civil rights and lifelong accumulated wealth thus also robbing their heirs and beneficiaries of familiar relations and inheritance expectancies.

- l) It was part of the racketeering conspiracy that the RICO suspects would commit violations of constitutionally protected rights under the guise of a statutory scheme designed to protect the public interest.
- m) It was a part of the racketeering conspiracy that each conspirator would participate in the commission of at least two acts of racketeering activity in the conduct of the affairs of the enterprise.
- n) It was also a part of the racketeering conspiracy that defendants, acting in concert, both individually and severally, including with members of the Palm Beach County Sheriff Department would and did promote, conceal, and otherwise protect the purposes of the racketeering activity from possible criminal investigation and prosecution as hereinafter more fully appears.
- o) From an unknown date and continuing thereafter up to and including the specific events complained of herein, the RICO Suspect, with persons both known and unknown to the Eliot Bernstein family, individually and severally, conspire to participate and did participate in an organized criminal consortium for the purpose of actively redirecting trust, estate and other third party wealth into the state probate courts where, a cabal of filthy lucre piranha operate to involuntarily redirect that third party wealth to their own unjust enrichment.

- p) It was a purpose of the racketeering activity that the RICO Suspects, acting in concert, both individually and severally, would and did loot privately owned assets against the will of the victims, family members and friends through the use of predatory guardianship of minors and exploitation of minors involving the West Palm Beach County Probate Courts.
- q) It was a purpose for the racketeering activity that trust and estate plan attorneys and guardian acting in concert with other attorneys and with persons both known and unknown would and did exploit minors of our society for the purpose of syphoning off the assets of our youngest and most vulnerable citizens through the aforementioned schemes and artifices as exemplified herein and elsewhere in the public domain and as hereinafter more fully appears.
- r) The purpose for the racketeering activity was to facilitate the looting of wealth, also known as Involuntary Redistribution of Assets (IRA) from its rightful owners for the unjust enrichment of attorneys, guardians, judges and other legal professionals operating out of state probate courts including but not limited to West Palm Beach County Probate and their co-conspirators.
- s) The specific quid pro quo method of profit sharing is unknown but appears to include political aspiration, judicial favors, campaign contributions, bribes and kickbacks, cronyism and Good Ole Boy networking.
- t) The conclusion that there is a reciprocal stream-of-benefits necessarily flows from the facts of the in concert illegal activities of the co-conspirators as exemplified and established herein.

### **Means and Methods of the Racketeering Conspiracy**

- u) It was a part of the racketeering conspiracy that a modern day criminal cabal through a network of probate lawyers, judges, court appointed administrators, guardians, Palm Beach County Medical Examiners and Palm Beach County Sheriff officers would use county courtrooms relying upon the judicially created and judicially enlarged doctrine of absolute judicial immunity, the Texas Attorney Immunity Doctrine, the Doctrine of Privity and the Probate Exception to federal diversity jurisdiction as a license to steal money and other liquid assets and to involuntarily liquidate their victims real property for their own unjust self-enrichment.
- v) This looting has been given the appearance of legitimacy under the Florida Probate and Trust Codes and the Health and Welfare label of “guardianship protection” stealing not only assets but the due process rights, liberty and human dignity of their victims.
- w) It was a part of the conspiracy that Defendants would and did use the West Palm Beach County Probate Courts and the offices of Judges to deprive the citizens of Florida and others, of their right to the honest services of elected officials, while promoting, concealing, and otherwise protecting the purposes of the racketeering activity from possible criminal investigation and prosecution.
- x) It was part of the racketeering conspiracy that the RICO Suspects would and did use the various probate instruments and legal artifice and that acting in concert, both individually and severally, the RICO Suspects would and did siphon off assets rightfully belonging to others.
- y) It was part of the racketeering conspiracy that the various probate instruments would be and were designed to facilitate falsifications and alterations and that the enterprise

participants would be selectively blind to the obvious inconsistencies, avoiding any questions of forgery or fraud appearing in the public record.

- z) It was part of the racketeering conspiracy that the RICO Suspects acting individually and in concert would and did use the West Palm Beach County Probate Courts and the offices of Judges to trap litigant victims, including minor children, in an endless cycle of delay and expense with scienter until the victims were forced to settle for the least injustice in order to walk away with even a meager proportion of what rightfully belongs to them. Any attempts by litigants at exposing the fraud were met with retaliation that used the court as weapon against them, threatening contempt and jail to anyone voicing concerns of their schemes.
- aa) It was part of the racketeering conspiracy that RICO Suspects acting individually and in concert would obtain and did attempt to obtain improper dominion and control over the property of the Eliot Bernstein family and others, attempting to obtain consent induced by the wrongful use of actual and threatened force, violence and fear of economic harm and harm to their rights in property.
- bb) It was part of the racketeering conspiracy that unscrupulous attorneys who market trust and estate plans instruments promising to provide asset protection, minimize taxes and avoid probate, acting individually and in concert would engage in the redirection of family trusts into the hands of the “Probate Cabal” by undermining those products when the clients, in this case Simon and Shirley Bernstein were deceased, including through proven Post Mortem Forgeries, Post Mortem Notarization Frauds and Post Mortem Frauds generally and by generating conflicts

amongst the beneficiaries thus delivering their clients wealth to the exact evil that victims were guaranteed protection from, their trusted attorneys at law.

cc) It was part of the racketeering conspiracy that the RICO Suspects, for their own unjust self-enrichment, acting individually and in concert would use the West Palm Beach County Probate Court and the Federal Northern District of Illinois Court and the appearance of legitimacy that attaches to public offices and officers to manipulate and game the legal process in ways that deprived them before the court, of rights guaranteed and protected by state and federal constitutions.

dd) It was part of the racketeering conspiracy that the RICO Suspects, for their own unjust self-enrichment, acting individually and in concert would use the West Palm Beach County Probate Court and the Federal Northern District of Illinois Court and the appearance of legitimacy that attaches to public offices and officers to manipulate the legal process, under color of law, in ways that deprived citizens, who came before the court, of rights guaranteed and protected by our state and federal constitutions. In the matter from which these RICO claims arise, “Curtis v Brunsting”, both the estate instruments and the inter vivos family trust agreements were the vehicles used by defendant enterprise acolytes to foster and maintain the estate and trust looting probate litigation that Decedents were promised the trust would but did not provide protection from because of the actions of the very people who had promised the Simon and Shirley Bernstein their products and services would provide protection from.

ee) The RICO Suspects, in concert, have maintained the litigation and are holding the Simon and Shirley Bernstein trusts, including the missing or destroyed original trust

- and estate documents hostage in efforts to force a settlement agreement that will include the attorney's fees getting paid from the trust corpus in direct opposition to the Grantors express intentions and attempt to form an implied consent defense.
- ff) When, as in the case in point, the beneficiaries are at the precipice of legal victory, in this case with proven frauds that should have ceased the corruption, the enterprise steps in to redirect the outcome away from the public record
- gg) to a mediation/ADR bait and switch in which the outcome is predetermined by the personal interests of enterprise acolytes and not by law.
- hh) In pursuit of that plan beneficiaries are being forced to mediation with defendants who have no intention of honoring any legal or moral obligations and have illegally gained guardianship in some instances to further silence rights, through false process suits against entities that do not legally exist.
- ii) It is also part of the conspiracy that the true purpose of mediation is to convert the controversy from breach of the trust agreement and the filing and drafting of false instruments, into discussions regarding
- jj) breach of a mediated settlement agreement which, like the family trust agreement and remand agreement is certain to also not be honored by the acolytes.
- kk) In pursuit of that plan beneficiaries are being forced to mediation or illegally represented at mediation with defendants who have no intention of honoring any legal or moral obligations and the secondary purpose for a "settlement agreement" is to divert discussion away from
- ll) breach of the trust agreement to breach of a mediated settlement agreement.



mm) In this way enterprise acolytes maximize the take while preventing the dirt from floating to the surface of the public record, and promoting, concealing, and otherwise protecting the purposes of the racketeering activity from possible criminal investigation and prosecution.

nn) The controversy is over on the pleadings and Plaintiff Curtis prevails as a matter of law but the lawyers and judges will not allow any resolution that does not have the lawyers walking away with the lion's share of the family inheritance nor any solution that allows the facts to be compiled on the public record.

oo) Candace Freed is neatly sequestered in the District Court so that she will never be confronted by a legitimate plaintiff and there is no executor occupying the office. There is no Docket control order for trial date in summary judgment motions were swept off the table on the very last day in which summary judgment motions were to be heard and the summary judgment motion hearing became a hearing on a motion for protective order regarding illegal wiretap recordings.

pp) Based upon personal knowledge and upon information and belief Plaintiffs allege that:

qq) The above enumerated "RICO Suspects" unlawfully, knowingly and willfully combined, conspired, confederated and agreed together and with others to violate 18 U.S.C. §1962(c) as described herein, in violation of 18 U.S.C. § 1962(d)

rr) Upon information and belief, Each RICO Suspect knew about and agreed to facilitate the Enterprise's scheme to obtain property from the Eliot Bernstein Family and others, and to participate, directly or indirectly, in the conduct, management, or operation of

the Enterprise's affairs through a pattern of racketeering activity in violation of 18 U.S.C. §1962( c).

- ss) The RICO Defendants knew that they were engaged in a conspiracy to commit the predicate acts, and they knew that the predicate acts were part of such racketeering activity, and that the participation and agreement of each of them was necessary to allow the commission of this pattern of racketeering activity and the cover ups. This conduct constitutes a conspiracy to violate 18 U.S.C. § 1962(c), in violation of 18 U.S.C. §1962(d).
- tt) The above named RICO Defendants conducted or participated, directly or indirectly, in the conduct, management, or operation of the Enterprise's affairs through a "pattern of racketeering activity" within the meaning of 18 U.S.C. § 1961 (5) and in violation of 18 U.S.C. § 1962(c) & (d), to wit:

**B. MURDER SIMON BERNSTEIN - Title XLVI Chapter 782 Homicide 782.04 Murder.--**

- a) Alleged by Ted Bernstein to Palm Beach County Sheriff and Palm Beach County Medical Examiner on September 13, 2012 the day his father died. Whereby Ted, Rachel Walker and others also notified the hospital, PBSO and PBME of a possible poisoning by Simon's girlfriend, Martiza Puccio.
- b) Coroner Report on Heavy Metal came back with a suspect heavy metal report with elevated Arsenic, Cadmium and other heavy metals on an alleged 113 year old Simon Bernstein..
- c) Investigation mislabeled by PBSO as Hospital Maintenance Record Check and not possible alleged Murder.

- d) Fraud, forgery, fraud on court, fraud on beneficiaries, mail and wire fraud, insurance fraud and more found post Mortem.

## 2. POSSIBLE MURDER/SUICIDE MITCHELL HUHEM ~ Title XLVI Chapter 782

### Homicide 782.04 Murder.--

- a) Ongoing investigation of death of a one Mitchell Huhem by Palm Beach Sheriff.  
Huhem the purchaser of Simon Bernstein's home after allegations in Civil Court of Fraud on the Court, Fraud on the Beneficiaries and other criminal acts relating directly to the sale of the home.
- b) Discovery of an alleged fraudulently set up shell company to purchase the home.
- c) Discovery of alleged identity fraud by the incorporator of the shell company that the home was sold to.
- d) Huhem alleged to be meeting with Ted Bernstein prior to being reported missing..
- e) Lis Pendens blocked by Colin and Disclosure to buyer of Litigation prohibited by Colin and constituting Obstruction of Justice.
- f) Colin sells house and other assets not knowing if Ted Bernstein is a validly serving trustee or if documents are valid and allows Ted to continue to act as Trustee despite Ted's counsel as Fiduciary in the Shirley Estate and Trust having admitted to fraudulently altering and forging documents in multiple instances that benefited their client Ted.
  - (1) Brian O'Connell files pleading stating to court that Ted Bernstein is not a validly serving Trustee of the Simon Bernstein Trust.
  - (2) Peter Feaman, Esq. writes letter of misconduct of Ted Bernstein and Alan B. Rose.

- (3) Tescher and Spallina upon resignation as Co-Trustees and Co-PR's after admissions of fraud to PBSO, illegally appointed their client Ted as successor on the way out door, despite language in document they wrote that prohibits him from being a successor.
- (4) No formal notices of Successorship take place under statutes.
- (5) With Colin's blessings Ted continues fraud and cover ups for his close personal friends, business associates and bedfellows, Donald Tescher and Robert Spallina. Tescher and Spallina who have both signed consents with the SEC for Insider Trading.
- (6) Colin allows Ted to continue to fail to account or produce records.
- (7) Colin fails to turn over court files to victims of the fraud on his court that is proven and admitted in multiple instances.

3. Possible Murder Shirley Bernstein - Title XLVI Chapter 782 Homicide 782.04

Murder.--

- a) A series of events and certain documents involved in the fraudulent activities may extend back as early as 2010 when Shirley died. Shirley died suddenly and violently within minutes from the time she became violently ill and coughing up blood to her death.

4. ATTEMPTED MURDER - Title XLVI Crimes Chapter 782 Homicide Chapter

782.051 Attempted felony murder.--

- a) Eliot Bernstein family via a car bombing incident. If the prior crimes alleged against certain similar parties tie into the current events in the Probate cases then the theft of the intellectual properties and Eliot's exposing the parties who stole them, primarily

lawyers, law firms, judges and certain state employees et al. then this crime which has never been properly investigated should also be considered part of the crimes currently and several of the parties are directly implicated in both series of crimes.

5. State Law Theft - Florida Penal Codes and Hobbs Act Extortion 18 USCS §1951(b)(2)
6. Misapplication of fiduciary in excess of \$200,000 Texas Penal Codes §§32.45, theft 31.02, 31.03
7. Illegal Wiretapping in violation of Texas Penal Code §16.02
8. FRAUD
  - a) Fraud on Florida Courts
  - b) Fraud by Florida Courts
  - c) Fraud on US Federal Court - Illinois Blakey
  - d) Fraud on Beneficiaries
  - e) Fraudulent Tax Document filed by Ted in Shirley Estate case for Condominium Sale
9. PERSONAL PROPERTY THEFTS
  - a) Chapter 812, relating to theft, robbery, and related crimes.
  - b)
10. SECURITIES FRAUD
11. BANK FRAUD
12. INSURANCE FRAUD
13. CREDITOR FRAUD
14. MORTGAGE FRAUD
15. PERJURY
16. CONSPIRACY

17. RICO - Title XLVI CRIMES Chapter 895 OFFENSES CONCERNING  
RACKETEERING AND ILLEGAL DEBTS

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0800-0899/0895/0895.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0895/0895.html)

- a) EXTORTION - The fiduciaries and court have tried innumerable times to force my family to take improper and illegal distributions and give implied consent or else face further delays in receiving any documents, records, accountings, etc. in attempts to win by starving my family and children through interference with our inheritancy.
- b) POSSIBLE MURDER - See above
- c) INSURANCE FRAUD - Involving Interstate Mail and Wire Fraud and Fraud on a US Federal Court, insurance company and institutional trust company.
- d) MAIL FRAUD - Multiple instances for various of the crimes committed.
- e) WIRE FRAUD - Multiple instances for various of the crimes committed.
- f) CONSPIRACY
- g) Section 777.03, relating to commission of crimes by accessories after the fact.
- h) Chapter 815, relating to computer-related crimes. The loss and destruction of Simon Bernstein's computer business and personal records.
- i) Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
- j) Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.
- k) Chapter 831, relating to forgery and counterfeiting.
- l) Section 836.05, relating to extortion.

- m) Chapter 837, relating to perjury.
- n) Chapter 838, relating to bribery and misuse of public office.
- o) Chapter 843, relating to obstruction of justice.
- p) Chapter 896, relating to offenses related to financial transactions.
- q) Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.
- r) Sections 918.12 and 918.13, relating to tampering with jurors and evidence.
- s) Any conduct defined as “racketeering activity” under 18 U.S.C. s. 1961(1).

18. The 2015 Florida Statutes - Title XLVI CRIMES - Chapter 817 - FRAUDULENT PRACTICES

- a) 817.02 Obtaining property by false personation.
  - (1) Ted, Spallina and Tescher make false personation as Fiduciaries and Attorneys at Law to seize Dominion and Control of Estates and Trusts, submit multiple fraudulent, forged, fraudulently notarized documents to court and others.
  - (2) Ted Bernstein as Trustee in Simon Bernstein Trust knowingly acts as Trustee while not named as a Trustee and where his former attorneys and business associates, Tescher and Spallina, who Ted introduced to the Bernstein family then resigned as Co-Trustees and Co-Personal Representatives after their law firm was CAUGHT in multiple and separate and distinct crimes, by multiple parties including fraudulent notarizations and then in an illegal post resignation transfer of trusteeship upon resignation claim to have made Ted the successor.
  - (a) Language in the Simon trust precludes Ted from being a successor.

- (3) Ted Bernstein as Trustee in Il Fed Litigation. Ted impersonates himself as Trustee of an alleged trust that at this time does not exist and where Ted claims never to have seen or possessed such trust but files a lawsuit alleging to be a trustee of the trust in Federal and State of Illinois courts, in order to convert a life insurance policy to himself and his other siblings, excluding myself.
- (4) Whether Ted Bernstein is declared a Trustee under the estate documents of Simon and Shirley, when the ORIGINALS can be forensically analyzed by a validly serving Trustee, there is specific language in both Simon and Shirley's Trusts that specifically exclude Ted from doing anything that state that Ted shall be considered "predeceased" for All Purposes and for Purposes of Dispositions under the trusts of Simon and Shirley. Therefore, any dispositions, including but not limited to, sales, transfers, distributions, etc. of assets would be prohibited and thus all such type activities already done by Ted knowing this were done fraudulently and with scienter.
- (5) Robert Spallina impersonates Trust officer of LaSalle National Trust, NA in seeking fraudulent insurance claim and has months of correspondence with them as such, prior to filing a knowingly fraudulent insurance claim.
- (6) Robert Spallina impersonates himself as Trustee of a trust he claims never to have seen in seeking a Death Benefit Claim for an alleged 2-3 Million Dollar insurance policy and is denied the claim by carrier for being unable to produce a valid legal trust document that is a named beneficiary.
- (7) That neither Ted nor Spallina notify the insurance carrier upon applying for the death benefit claim that Ted had alleged that Simon was poisoned and that there



were ongoing investigations and a coroner report pending. Spallina submits a non final death certificate initially.

(8) Ted Bernstein signs a Florida Tax Form as PR of Shirley Estate at a time he was not appointed PR and the Estate of Shirley had been illegally closed already by Donald Tescher and Robert Spallina with Simon the last serving PR at a time after his death and Ted having no Letters of Administration at that time.

(9) Tescher and Spallina closed Shirley's estate by depositing a series of fraudulent documents over several months filed on behalf of a deceased Simon Bernstein as a living PR. Spallina admits to these crimes before Judge John Phillips in a 12/15/15 hearing.

(10) Alan Rose & Ted Bernstein Deed to Saint Andrews Home. Ted Bernstein impersonates a validly serving trustee with authority to make dispositions despite clear language that precludes Ted from making dispositions of any kind.

b) 817.03 Making false statement to obtain property or credit.

(1) Ted, Spallina, Tescher, Rose, Manceri, Pankauski and Morrissey make false statements to court to obtain Simon and Shirley Bernstein Estate and Trust properties and convert them to improper parties through a variety of artifices to defraud.

(2) Ted Bernstein improper trustee considered PREDECEASED FOR ALL PURPOSES OF TRUST AND DISPOSITIONS OF TRUST in both Simon and Shirley Trusts makes dispositions by making false statements and making dispositions and distribution of trusts based on these knowingly improper actions.

- (3) Spallina and Tescher and Ted to obtain various properties commit fraud on banks and credit card companies and make false statements.
  - (4) Spallina makes false statements to insurance carrier misrepresents himself as Officer of Lasalle National Trust, NA (the primary beneficiary allegedly in Simon's Insurance Policy, also misrepresents himself as an alleged contingent beneficiary, the "1995 Simon Bernstein Irrevocable Insurance Trust" knowingly signing a death benefit claim as Trustee of a nonexistent trust that he claims never to have seen or been involved with and is fully cognizant of its nonexistence, yet attempts to collect a multimillion dollar policy by claiming he is Trustee.
  - (5) Alan Rose to convert various properties including Saint Andrews home, Personal Property that is stolen and reported stolen to PBSO in an open investigation makes numerous false statements and files fraudulent court papers knowingly to commit crimes and cover up others. Rose knows his client cannot make dispositions of the trust yet continues to allow this, as did Ted's predecessor counsel Spallina and Tescher.
- c) 817.155 Matters within jurisdiction of Department of State; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.
- (1) False statements filed in incorporating Lions Head Land Trust the alleged trust that purchases Simon Bernstein home on behalf of Mitch Huhem by Ted Bernstein, Alan Rose and others.

d) 817.16 False reports, etc., by officers of banks, trust companies, etc., with intent to defraud.

(1) Oppenheimer Trust Co fraud on children's trusts, operated trusts on unsigned trust documents. Documents alleged to be fraudulent and investigation derailed by Detective Andrew Panzer.

(2) Submitted Fraudulent Court documents to court regarding successor trusteeship.

(3) JP Morgan IRA account fraud, missing documents.

(4) JP Morgan missing transfers of funds from Oppenheimer for Simon accounts.

(5) Donald Sanders, false statements affidavit regarding Insurance Policy.

e) 817.234 False and fraudulent insurance claims.

(1) Robert Spallina files fraudulent insurance claim of trust he claims to have never seen or possessed, claim is denied by carrier for failure to prove that he was a beneficiary.

(a) Fails to notify carrier at time of filing that Ted Bernstein his client had alleged that his father Simon Bernstein was murdered and ordered an autopsy and an investigation by PBSO and submits initially an incomplete death certificate with his claim.

(2) Ted Bernstein then fraudulently sues Heritage Union Life / Jackson National Life now suddenly acting as Trustee of the trust that Spallina tried to make a claim for the policy under, the non-existent trust they both claim on the record to have never possessed or seen, for breach of contract in Il state court to try and claim benefits by then suing the carrier for not paying the Spallina denied claim. The the state case was moved by carrier Heritage Union Life / Jackson National

Life to Il Federal Court and Ted sues as Trustee at a time he was aware that the trust was alleged lost and nobody knew who the trustee or beneficiaries were and that a court order would be necessary to determine such.

- (3) Ted at time he filed the lawsuits was fully cognizant that he was not the Trustee of the trust as he was aware that it was alleged “lost” and that a court order would be required by the carrier, determining who if anyone was to be Trustee of a trust that did not legally exist at the time nor does an executed binding legally valid trust exist today, yet Ted filed claiming to be a validly serving Trustee. Ted sued with four of his siblings as Plaintiffs with alleged interest in the lost trust and left me, Eliot Bernstein out of the Plaintiffs so as to hide the lawsuit from me in efforts to get the claims paid to themselves.

f) 817.2341 False or misleading statements or supporting documents; penalty.

- (1) The entire record of the Florida Estate and Trust cases are full of false and misleading statements and supporting documents, in fact despite court order to turn over ALL records and properties to successor PR, Benjamin Brown, Esq. (deceased), Spallina and Tescher turned over 7202 pages of COPIES ONLY, no original documents were produced in violation of the court order and further Obstructed Justice.
- (2) All records produced by Spallina and Tescher and Alan Rose to PBSO are copies of alleged document that are now missing entirely and thus all documents may be fraudulent and attempts to cover up for crimes already exposed to PBSO over the last 4 years. An example would be the sudden finding of documents by Alan Rose in 2015, after exhaustive searches were

claimed to have been done by the fiduciaries for missing documents that just coincidentally are found as Detective Panzer is investigating them and Traci Kratish regarding missing signatures and other document defects and where the Rose found documents attempt to introduce new records into the investigation in attempts to cover over the prior crimes, with new documents. Alan Rose stole the documents according to his claims, admitting under oath that he had no Writ of Possession to take them from the Simon Bernstein Estate as he was not a fiduciary or counsel to the fiduciary of the PR of the Estate.

- (3) PBSO should have seized all records of Spallina and Tescher and the 15th Judicial when they discovered that multiple frauds on the court and beneficiaries had occurred by officers and fiduciaries of the court and instead have allowed a continuous stream of new documents to enter the records that appear efforts to cover up and conceal crimes already exposed.

g) 817.38 Simulated process.

- (1) Alan Rose / Ted Bernstein - Falsely Suing Knowingly non existent entities to gain properties, guardianships etc. in the Shirley Bernstein Trust Construction case.

- (a) Entire Court proceedings and hearings are steeped in fraud, fraud on the court and fraud by the court in which false and fraudulent pleadings were made and fraudulent orders issued.

- (2) Once Fraud on Court was discovered Judge Martin Colin should have recused himself instantly when it was learned that his name and his staff's names were

on documents filed with court and therefore they would be material and fact witnesses.

- (3) Colin should have recused also because crimes were committed by his court appointed fiduciaries and officers of the court, Tescher and Spallina who were acting as Co-Trustees and Co-PR's of Estate and Trust of Simon Bernstein and where they also simultaneously were acting as Ted Bernstein's counsel in Shirley Bernstein's Estate and Trust.
- (4) Colin or successor judge should have then reset cases, reported the criminal misconduct of Tescher and Spallina and their employees as required by professional conduct codes and law and removed all parties involved in Frauds.
- (5) Colin at Sept 13, 2013 states to Ted Bernstein and his counsel, Tescher, Spallina and Mark Manceri that he had enough evidence of TWO Separate Frauds on the court, one committed by Kimberly Moran and one committed by Robert Spallina et al. and fails to take action to report these felony frauds or take corrective action and leaves in place Tescher, Spallina, Ted et al. who then continue frauds and use court to attempt to cover up crimes being reported to PBSO and other state and federal investigatory agencies and state and federal courts. Finally after stating in the Sept 13, 2013 hearing that he knew of no other crimes then that committed by his employee Moran and continuing as a Co-Trustee/Co-PR Spallina and Tescher filed continuous false statements and pleadings to court, including defamatory and harassing and extortive filings with court, then admitted in January 2014 to PBSO Sheriff Detectives that he

had created a Fraudulent Shirley Trust on or about December of 2013 and sent it to the attorney, Christine Yates, Esq. for Eliot Bernstein's minor children.

h) 817.49 False reports of commission of crimes; penalty.

(1) False CPS report filed

i) 817.535 Unlawful filing of false documents or records against real or personal property.

(1) Virtually all documents and records in probate and trust cases are fraudulent and used to illegally obtain real and personal property.

j) 817.562 Fraud involving a security interest.

(1) JP Morgan Security Accounts

(2) JP Morgan IRA

(3) Oppenheimer Security Accounts

(4) Stanford Trust Security Accounts

(5) Wilmington Trust

(6) Pension Plan fraud John Hancock

(7)

k) 817.568 Criminal use of personal identification information.

(1) Spallina and Tescher deposit documents as if they are Simon Bernstein

l) 817.569 Criminal use of a public record or public records information; providing false information; penalties.

(1)

19. The 2015 Florida Statutes Title XLVI CRIMES Chapter 777 PRINCIPAL;  
ACCESSORY; ATTEMPT; SOLICITATION; CONSPIRACY

a) 777.011 Principal in first degree.—

(1)

b) 777.04 Attempts, solicitation, and conspiracy.—

(1)

c) 777.03 Accessory after the fact.—

(1)

20. The 2015 Florida Statutes Title XLVI – CRIMES - Chapter 812 THEFT, ROBBERY,  
AND RELATED CRIMES

a) 812.014 Theft.—

(1) Shirley Bernstein Personal Property

(2) Simon Bernstein Personal Property

(3) Shirley Bernstein Trust Properties

(4) Simon Bernstein Trust Properties

(5) Joshua, Jacob and Daniel Bernstein Trust Properties

(6) Eliot Bernstein Family Trust Properties

b) 812.019 Dealing in stolen property.—

(1) Ted Bernstein, Alan Rose, Robert Spallina, Brian O’Connell, Martin Colin,

John L. Phillips, John Pankauski and Mark Manceri regarding Personal  
Properties of Simon and Shirley Bernstein.

(2) Theft of Personal Property from Estate of Shirley and Simon.

(3) Alan Rose theft of records from Property.

(4) Spallina and Tescher theft of all US mail of Simon and all original records of  
Simon and Shirley.



(5) Theft of Simon business records and computer data.

21. Title XLVI CRIMES Chapter 831 FORGERY AND COUNTERFEITING

a) 831.01 Forgery

(1) Documents by Moran, Baxley

(2) Virtually entire record can be assumed forged as there are no originals to compare despite court order to turn over ALL documents by Judge Martin Colin to Tescher and Spallina upon their resignation after admitting fraudulently altering Shirley Trust.

b) 831.02 Uttering forged instruments.

(1) See above

22. Title XLVI CRIMES Chapter 837 PERJURY (18 USC §1621)

a) 837.02 Perjury in official proceedings.—

(1) Moran

(2) Spallina

(3) Manceri

(4) Ted

(5) Rose - 4th DCA submits altered US Federal Judge Order.

b) 837.021 Perjury by contradictory statements.—

(1) Spallina

(2) Moran

(3) Ted Bernstein

c) 837.05 False reports to law enforcement authorities.—

(1) Moran

(2) Spallina

(3) Ted

(4) Rose

d) 837.06 False official statements.

(1)

e) PERJURY (Fla. Stat. §837.02) (18 USC §1621) The crime of perjury is committed when a person: 1. Appears before a person authorized to administer oaths or affirmations; 2. Makes an oath, by swearing or affirming to speak the truth; 3. And, while under oath, makes a false statement regarding a material matter; 4. That the person did not believe was true when it was made.

(1)

## 23. Title XLVI CRIMES Chapter 838 BRIBERY; MISUSE OF PUBLIC OFFICE

a) 838.022 Official misconduct.—

(1) It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause harm to another, to:

(a) Falsify, or cause another person to falsify, any official record or official document;

(b) Conceal, cover up, destroy, mutilate, or alter any official record or official document or cause another person to perform such an act; or

(c) Obstruct, delay, or prevent the communication of information relating to the commission of a felony that directly involves or affects the public agency or public entity served by the public servant.

(2) For the purposes of this section:

- (a) The term “public servant” does not include a candidate who does not otherwise qualify as a public servant.
- (b) An official record or official document includes only public records.
- (2) That the following public servants in the 15th Judicial Circuit had corrupt intent to obtain benefit for persons and cause harm to others: Judge Martin Colin, Judge David French, Judge John Phillips. All judges have allowed official records and documents
- (3) That the following public servants in the PBSO had corrupt intent to obtain benefit for another person and cause harm to others: Det Ryan Miller, Det David Groover, Det Andrew Panzer and Captain Carol Gregg.
- (4) That the following Officers of the Court, Court Appointed Fiduciaries and Court Appointed Guardians in the 15th Judicial had corrupt intent to obtain benefit for another person and cause harm to others: Ted Bernstein, Robert Spallina, Donald Tescher, Mark Manceri, John Pankauski, John Morrissey, Alan B. Rose and Diana Lewis.

24. Title XLVI CRIMES Chapter 839 OFFENSES BY PUBLIC OFFICERS AND EMPLOYEES

a) 839.13 Falsifying records.—

(1)

25. OFFENSES BY PUBLIC OFFICERS AND EMPLOYEES (Fla. Stat. §838.015) (This is copied from <http://www.ncsl.org/research/ethics/50-state-chart-criminal-penalties-for-public-corr.aspx> and extensively covers the laws in all 50 states) FLORIDA:

- a) §838.015 CC §838.016 Corruptly giving, offering, or promising to any public servant a bribe Corruptly requesting, soliciting, accepting, or agreeing to accept any unauthorized pecuniary or other benefit by public CC Felony of the second degree  
Max . imprisonment 15 years; max. fine \$15,000

(1)

## 26. Title XLVI CRIMES Chapter 843 OBSTRUCTING JUSTICE

- a) 843.0855 Criminal actions under color of law or through use of simulated legal process.

(3) Any person who simulates legal process, including, but not limited to, actions affecting title to real estate or personal property, indictments, subpoenas, warrants, injunctions, liens, orders, judgments, or any legal documents or proceedings, knowing or having reason to know the contents of any such documents or proceedings or the basis for any action to be fraudulent, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who falsely under color of law attempts in any way to influence, intimidate, or hinder a public officer or law enforcement officer in the discharge of his or her official duties by means of, but not limited to, threats of or actual physical abuse or harassment, or through the use of simulated legal process, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

- (1) The entire civil cases have been a series of criminal actions which are aided and abetted under the color of law through simulated legal process. Violations of civil procedural codes are rampant and not enforced as part of a conspiratorial

fraud on the court by Officers, Fiduciaries and Guardians and Fraud by the Court by the court Officials involved including using the machinery of the court to commit crimes and to also attempt to cover up other crimes. These acts Obstruct Justice and Deny Due Process and Procedure rights with criminal intent.

- (2) Judge Colin issued Orders that were void due to his mandatory disqualification by Judicial Canon and law once he knew that he was a material and fact witness to the crimes that occurred in his court by his court appointed attorneys at law and fiduciaries. Therefore, every order was issued to further cover up or aid and abet criminal acts.
- (3) Judge Colin interfered with PBSO investigations by contacting the officers of PBSO and telling them to close their investigations of the crimes that occurred in his court and that he would handle them instead and this led to the complaints being derailed the first time and forcing them to be reopened. Colin has no jurisdiction to investigate criminal acts of any parties.
- (4) Alan Rose has sued parties that he has admitted do not and do not today exist in the Shirley Trust construction case he filed. Alan Rose sued a trust that he knowingly knew did not exist as part of an elaborate fraud to attempt to make illegal prior distributions appear legal and make new distributions through the illegal scheme to improper parties.
  - (a) That Guardians were placed on our children through this lawsuit that sued the children through a trust that does not exist.

(b) A Guardianship hearing was held without being filed as a GAL case and a guardian was placed on an adult with no due process and two minors. This Predatory Guardianship also represents child abuse through abusive process.

(5) Judge Colin and Judge Phillips issued orders to sell real estate properties (Condo and Home) knowing the transactions and the parties making the transactions were illegally acting.

(6) Judge Colin and Judge Phillips issued orders to sell and transfer Personal Properties despite knowing that there were stolen properties already and attempted to further cover up for the crimes committed through simulated legal process.

(7) That through simulated legal process a car of Joshua Bernstein, a minor at the time was identified to be Joshua's Birthday gift from his Grandfather Simon days before he died, was told to the court to be Simon's car (although not listed on any Simon inventory and despite birthday cards congratulating Joshua on his gift by Ted and his siblings who then claimed it was Simon's to the court. This vehicle was used to try and extort us to take improper distributions and thereby give implied consent to the illegal distributions of Shirley's trust taken by Ted and his siblings and remains stolen property as the trust purports to still have a claim to the vehicle as recently as 2016.

(8) That through simulated legal process attempts are being made to steal the home of my children and includes now the aiding and abetting of this scheme by Guardian Diana Lewis now in conspire with Judge Phillips, Ted Bernstein and Alan Rose.

(9) That through simulated legal process a Predatory Guardian Diana Lewis was placed on our children by Judge John Phillips, including an adult child who was treated knowingly as a minor to evade a proper guardianship hearing for him and this predatory guardianship is being used to extort our family and further abscond with assets through aiding and abetting the criminals involved and further legal process simulation and fraud on the court and fraud by the court.

(10) That through a series of FRAUDULENT AND VOID ILLEGALLY GAINED ORDERS, Judge Phillips has attempted to rob my family of our inheritance, shut down our whistleblowing efforts and commit further crimes and cover ups of prior court orchestrated crimes unimpeded by me by issuing illegally gained orders to wholly deny my legal rights, claim that I am not a beneficiary of my parents estates and trusts despite clear language that I am and remove my standing and ability to file papers, counter complaints, etc. in my defense and the defense of my minor children. The judge held hearings and precluded counsel from coming into the hearings on behalf of minor children, leaving them without counsel and their interests not being represented.

(11)

b) 843.03 Obstruction by disguised person.

(1) That Robert Spallina and Donald Tescher deposited documents with a court of law on behalf of their deceased client Simon Bernstein to close the estate of Shirley Bernstein in order to commit further crimes.

27. Title X PUBLIC OFFICERS, EMPLOYEES, AND RECORDS Chapter 112

PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS

112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.—

(1) SHORT TITLE.—Sections 112.3187-112.31895 may be cited as the “**Whistle-blower’s Act.**”

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public’s health, safety, or welfare. **It is further the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee.**

28. Title XLVI CRIMES Chapter 825 ABUSE, NEGLECT, AND EXPLOITATION OF ELDERLY PERSONS AND DISABLED ADULTS

a) 825.102 Abuse, aggravated abuse, and neglect of an elderly person or disabled adult;

(1) That Ted Bernstein and Pamela Simon led an orchestrated effort to isolate their father from his grandchildren after learning they had been disinherited as Robert Spallina, with no authorization from Simon Bernstein in the record told Pamela Simon’s attorney that her and brother were disinherited from the estate plans of their parents with their lineal descendants.

(2) That Ted Bernstein and Pamela Simon led an orchestrated effort to force Simon to make changes to his and his deceased wife's estate plans to include them and



their children back in or else face total isolation from his grandchildren. Pamela and Ted told everyone to isolate their father claiming it was because they feared first Rachel Walker and then Maritza Puccio would steal from the estates and trusts and concealing the fact that they knew they had been disinherited and that this appeared their motivation in abusing Simon.

b) 825.103 Exploitation of an elderly person or disabled adult;

- (1) That Ted Bernstein and Pamela Simon exploited Simon Bernstein in efforts to force him to make changes to he and his wife's plans that were irrevocable upon the death of one of them or else never see his grandchildren again.
- (2) That Ted Bernstein went to therapy with Simon Bernstein with Patricia Fitzmaurice, Simon's analyst and where Ted Bernstein expressed his rage at being cut out of the family inheritance with his entire family.
- (3) That Simon Bernstein was fearful of Ted Bernstein and shortly before his death he left the offices he and Ted shared to work at a new business with his secretary / personal assistant Diana Banks husband Scott Banks new company they formed. Upon calling me and my wife to the new office Simon stated he was leaving business with Ted as he was afraid of Ted and thought Ted had stolen monies from a prior employee, Stansbury and himself.

29. Title XLVI CRIMES Chapter 836 DEFAMATION; LIBEL; THREATENING  
LETTERS AND SIMILAR OFFENSES

a) 836.04 Defamation.

- (1) Ted Bernstein, Alan Rose, Mark Manceri - Slanderous and false statements about Eliot Bernstein and Candice Bernstein.

(2)

b) 836.05 Threats; extortion

(1) .

c) 836.10 Written threats to kill or do bodily injury;

(1) Ted Bernstein letter to Eliot that describes using force and aggression against Eliot and firing John Pankauski if he does not want to engage Eliot in this manner.

(2) Judge Colin attempts to cover up letter and rule that Ted did not intend to threaten and states it is attorney client privileged although no lawyer was sent the email by a client.

### 30. Title XLVI CRIMES Chapter 877 MISCELLANEOUS CRIMES

a) 877.01 Instigation of litigation; penalty.—

(1) Whoever gives, promises, offers or conspires to give, promise, or offer, to anyone any bribe, money, goods, presents, reward, or any valuable thing whatsoever with the intent and purpose of stirring up strife and litigation; or with intent and purpose of assisting, seeking out, influencing, or advising the accused, sick, injured, uninformed, or others to bring suit or seek professional legal services or advice, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Whoever, in any way, solicits, receives or accepts or agrees to receive or accept, or who conspires to receive or accept, any bribe, money, goods, presents, reward, or any valuable thing whatsoever, or any promise, contract, or agreement whatsoever, with the intent and purpose of stirring up strife and litigation; or with the intent or purpose of seeking out, influencing, assisting, or advising the accused, sick, injured, uninformed, or

others to bring suit, or seek professional legal services, counsel, or advice, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(1)

31. TITLE XLII - ESTATES AND TRUSTS Ch.731-739 - Multiple Violations of Virtually Entire Code -

a) Breach of Fiduciary Duties, Fraud, etc.

(1)

32. Theft – Approx. 100 Million Dollars of Property

(1)

33. Insurance Fraud – 3 Million +

(1)

34. Real Estate Fraud

(1)

35. CRIMINAL CONVERSION (Fla Stat. §812.014) (18 USC §641) – Multiple instances in the Estates and Trusts of Simon and Shirley Bernstein

(1)

36. FRAUDULENT BILLING SCHEMES (Lawyers and Guardians) (People v. Ogborn, 887 P. 2d 21, Colorado Supreme Court (1994), The Florida Bar v. Ross, 140 So. 3d 518, Florida Supreme Court (2014))

(1)

b) Fraudulent Billing Schemes – Court cases in Florida

(1)

37. The 2015 Florida Statutes

Title VI - CIVIL PRACTICE AND PROCEDURE- Chapter 57 - COURT COSTS

57.105 Attorney's fee; sanctions for raising unsupported claims or defenses; exceptions; service of motions; damages for delay of litigation.—

38. The 2015 Florida Statutes Title VII EVIDENCE Chapter 92 WITNESSES,  
RECORDS, AND DOCUMENTS

92.525 Verification of documents; perjury by false written declaration, penalty.—

39. Forgery – Multiple instances

- a) All documents produced by TS are copies only in violation of Court Order, making all Estate and Trust documents suspect of Fraud and all records turned over suspect

(1)

- b) Moran was not prosecuted for six counts of admitted forgery claiming fraud and forgery was one off event at time but there were other documents and frauds later admitted to by law firm and with her name on other documents and she perjured her statements to Governor Notary Office and PBSO

(1)

40. Aiding and Abetting - Judge Colin, Judge French, Judge Coates, Judge Phillips, Alan B.

Rose, Esq., Ted Bernstein, Robert Spallina, Donald Tescher, John Pankauski, Mark Manceri et al.

(1)

41. Obstruction of Justice

- a) PB Sheriff

(1)

b) State Attorney

(1)

c) Florida Court

(1)

d) Judge Colin, Judge French, Judge Coates, Judge Phillips, Alan B. Rose, Esq., Ted Bernstein, Robert Spallina, Donald Tescher, John Pankauski, Mark Manceri et al.

(1)

#### 42. Child Abuse –

a) Fraudulent Guardianship / Human Trafficking of Minor Children in Predatory

Guardianship issued through false process

(1) Improper GAL hearings by Phillips

(2) Improper Guardianship on Adult

(3) Improper Guardianship via suit through a trust that does not exist according to Alan B. Rose, Esq.

(4) Diana Lewis accepts guardianship for two minors and one adult, where adult did not have proper hearing and minors did not under GAL rules.

(5) Diana Lewis took guardianship under a trust that does not exist.

#### 43. Color of Law Abuse

(1)

#### 44. Criminal Racketeering

(1)

#### 45. Money Laundering

(1)

46. Tampering with court records, transcripts and other records

(1)

47. Tampering with evidence

(1)

48. Fraudulent Notarization

(1)

49. Bank Fraud / Credit Card Fraud

a) Post mortem use of cards and accounts

(1)

50. Extortion

a) Already filed in PBSO reports but uninvestigated at this time

(1)

51. Breaches of Fiduciary Duties to enable criminal acts

(1)

## C. Federal Crimes

1. RICO - 18 U.S.C. § 1961 : US Code - Section 1961 - 1968

2.

3. Conspiracy (18 U.S.C. § 371): A combination or agreement to accomplish an unlawful purpose, or to use illegal means in accomplishing a lawful purpose. The purpose need not be accomplished in full. Conspirators can be individuals or corporate entities.

4. (Honest Services) 18 U.S.C. §1346

5. CRIMINAL CONVERSION (18 USC §641) – Multiple instances in the Estates and Trusts of Simon and Shirley Bernstein and Insurance Policy

(1)

6. PERJURY (18 USC §1621) The crime of perjury is committed when a person: 1.

Appears before a person authorized to administer oaths or affirmations; 2. Makes an oath, by swearing or affirming to speak the truth; 3. And, while under oath, makes a false statement regarding a material matter; 4. That the person did not believe was true when it was made.

(1)

7. PERJURY (18 USC §1621) The crime of perjury is committed when a person: 1.

Appears before a person authorized to administer oaths or affirmations; 2. Makes an oath, by swearing or affirming to speak the truth; 3. And, while under oath, makes a false statement regarding a material matter; 4. That the person did not believe was true when it was made.

(1)

8. Identity theft (18 U.S.C. § 1028): Makes identity theft a federal crime including stiff penalties (up to 30 years in prison and fines of up to \$250,000).

(1)

9. Economic espionage (18 U.S.C. §§ 1831-1839): Criminalizes the theft of trade secrets and other proprietary information. Theft Intellectual Properties Simon owned 30% interest in.

(1)

10. Tax evasion, false returns, and failure to file (26 U.S.C. §§ 7201, 7203, 7206(1), et seq.):

Violations of the tax code. - No signed returns in estate files of Simon and Shirley

(1)

11. Federal corruption statutes (18 U.S.C. § 201, et seq.): Chapter 11 of this portion of the code contains 19 separate provisions, describing a variety of conflicts of interest and corrupt conduct involving public officials that includes bribery, illegal gratuities and misuse of office.

(1)

12. Embezzlement and misapplication of bank funds (18 U.S.C. § 656, et seq.): Covers the illegal confiscation and misuse of funds in federally regulated institutions.

(1)

13. Bank fraud (18 U.S.C. § 1344, et seq.): Prohibits any “scheme or artifice” used to defraud a federally chartered or insured bank.

(1)

14. Fraud on an Institutional Trust Company – LaSalle National Trust Company, NA

(1)

15. Federal securities laws (The 1933 and 1934 Acts): Prohibit false statements and malfeasances of duty in securities transactions. Securities Fraud – Wilmington Trust, Stanford Trust Company, Stanford Bank, Oppenheimer Bank, Oppenheimer Trust Company, JP Morgan

(1)

16. MISPRISION OF A FELONY (18 USC §4)

- a) Misprision of Felony (ies) – Judge Colin, Judge French, Judge Coates, Judge Phillips, Alan B. Rose, Esq., Ted Bernstein, Robert Spallina, Donald Tescher, John Pankauski, Mark Manceri et al.



(1)

17. Securities fraud (19 U.S.C. § 1348): Makes frauds involving registered securities a federal crime.

(1)

18. Mail fraud (18 U.S.C. § 1341): Prohibits any “scheme or artifice to defraud” that uses or involves any authorized depository for mail.

(1)

19. Wire fraud (18 U.S.C. § 1343): Prohibits using wire, radio, or television communication during an interstate commerce fraud.

(1)

20. False statements (18 U.S.C. § 1001): Prohibits false or fraudulent statements made to the government. Fraud on the Court – Illinois State and Federal courts

(1)

21. Lying to the fed government and courts system 18 USC 1001

(1)

22. VIOLATION OF THE 5th and 14th AMENDMENT TO THE CONSTITUTION'S DUE PROCESS CLAUSE THAT OBSTRUCTS JUSTICE

(1)

D. Damages – Estimated 100 Million Dollars +

1. No complete accountings have been provided in violation of Florida Probate Statutes and Civil Statutes for the Estates and Trusts in 5 years in my mother Shirley Bernstein's Trust and Estate and 3 years in my father's trust.

2. Accounting has been done and challenged by multiple parties in Simon estate and trusts and further evidence of fraud is alleged regarding the faux accountings done thus far as they all start Post Mortem and are missing years of accounting.
3. Missing records of interests in Intellectual Properties worth an estimated billions of dollars.

VI.

VII. The following is a list of alleged criminal statute violations of Florida Code of Criminal Statutes.

1. Title XLVI – CRIMES - Chapter 839 - OFFENSES BY PUBLIC OFFICERS AND EMPLOYEES - 839.13 Falsifying records.— 839.13 Falsifying records.—

a) Law

(1) Except as provided in subsection (2), if any judge, justice, mayor, alderman, clerk, sheriff, coroner, or other public officer, or employee or agent of or contractor with a public agency, or any person whatsoever, shall steal, embezzle, alter, corruptly withdraw, falsify or avoid any record, process, charter, gift, grant, conveyance, or contract, or any paper filed in any judicial proceeding in any court of this state, or shall knowingly and willfully take off, discharge or conceal any issue, forfeited recognizance, or other forfeiture, or other paper above mentioned, or shall forge, deface, or falsify any document or instrument recorded, or filed in any court, or any registry, acknowledgment, or certificate, or shall

fraudulently alter, deface, or falsify any minutes, documents, books, or any proceedings whatever of or belonging to any public office within this state; or if any person shall cause or procure any of the offenses aforesaid to be committed, or be in anywise concerned therein, the person so offending shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) Any person who knowingly falsifies, alters, destroys, defaces, overwrites, removes, or discards an official record relating to an individual in the care and custody of a state agency, which act has the potential to detrimentally affect the health, safety, or welfare of that individual, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term “care and custody” includes, but is not limited to, a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415.

#### B. Statement

1. Judges Colin, French and Phillips, in conspire with the PB County Coroner Michael Bell and Sheriff officers Miller and Panzer and other public officers, including but not limited to attorneys at law, Spallina, Tescher, Rose, Manceri, Pankauski, O’Connell and Manceri acting as Officers of the Court and Ted Bernstein, Robert Spallina and Donald Tescher as Fiduciaries have stolen, embezzled, altered, falsified records (multiple perhaps thousands) and avoided records and papers filed in multiple judicial proceedings

in courts of this state and have knowingly and willfully taken off, discharged and concealed multiple issues and have forged, defaced and falsified documents and instruments recorded and filed in court and fraudulently altered, defaced and falsified documents, books, and proceedings whatever of or belonging to any public office within this state and caused and procured the offenses aforesaid to be committed and are therefore guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. The parties knowingly falsified, altered, destroyed, defaced, overwrote, removed, and discarded official records relating to individuals (including minor children) in the care and custody of a state agency and which act has detrimentally affected the health, safety and welfare of these victim individuals and therefore the parties alleged herein have conspired and committed a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. For the purposes of this paragraph, the term “care and custody” includes, but is not limited to, a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415.

4. [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0800-0899/0839/Sections/0839.13.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0839/Sections/0839.13.html)

C. Title XLVI – CRIMES - Chapter 777 - PRINCIPAL; ACCESSORY; ATTEMPT; SOLICITATION; CONSPIRACY 777.011

1. Law

Principal in first degree.—Whoever commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures such offense to be committed, and such offense is committed or is attempted to be committed, is a principal in the first degree and may be charged, convicted, and punished as such, whether he or she is or is not actually or constructively present at the commission of such offense.

History.—s. 1, ch. 57-310; s. 11, ch. 74-383; s. 1194, ch. 97-102.

Note.—Former s. 776.011.

## 2. Statement

That the parties ( NAME PARTIES ) committed criminal offenses against the state, felony and misdemeanor and aided, abetted, counseled, hired and procured such offense to be committed and such offenses were committed and some attempted to be committed and therefore they are a principal in the first degree and may be charged, convicted, and punished as such, whether he or she is or is not actually or constructively present at the commission of such offense.

3. [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0700-0799/0777/Sections/0777.011.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0777/Sections/0777.011.html)

D.