

## **CRIMINAL COMPLAINT PROBATE / GUARDIAN / FAMILY COURT VICTIMS**

This is a formal CRIMINAL COMPLAINT to Palm Beach County Sheriff Department (We will also have one for Federal Offenses to Loretta Lynch, FBI et al. ) on behalf of multiple victims of Judges, Attorneys and Guardians in the Palm Beach Court system as recently exposed by the Palm Beach Post, News Channel 10 and the Sun Sentinel and others. Despite a shuffling of the deck chairs on the Titanic that was done by the Chief Judge where the main judge involved, Martin Colin, was simply transferred to another division, nothing has happened to help the victims of the abusive court cases that have led to a need for legislative changes to attempt to stop the widespread abuse of the courts in these cases in what appears to be a nationwide problem.

There were reportedly over 100 cases that Judge Colin recused himself from due to the conflicts with his wife, Elizabeth Savitt Colin that were undisclosed to the victims until the Palm Beach Post began its exposé on Colin several years ago but none of the cases have since been investigated by the court or authorities and nothing was done to help the victims as the cases were merely reassigned and in many cases the successor Judge to Colin was Judge David E. French, who according to the PB Post was in cahoots with Colin and his wife in fraudulent billing schemes involving Guardians, Attorneys and Judges to bleed the estates dry and where French did nothing it appears but retaliate on the victims further and continue the scheme.

Victims who attempted to pursue justice through state agencies further were ignored and neglected while their lives were taken over legally by the guardians, their families isolated from them and their assets stolen in a variety of schemes that used the court and court officers to effectuate them.

Other cases of similar abuse and criminal activity in the Family Courts are herein incorporated as well.

### **I. Alleged Criminal Statutes Violated in Florida by Victims**

- a. Elder Abuse - Title XLVI – CRIMES - Chapter 825 - ABUSE, NEGLECT, AND EXPLOITATION OF ELDERLY PERSONS AND DISABLED ADULTS
  - i. 825 ABUSE, NEGLECT, AND EXPLOITATION OF ELDERLY PERSONS AND DISABLED ADULTS
  - ii. 825.102 Abuse, aggravated abuse, and neglect of an elderly person or disabled adult; penalties.
  - iii. 825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
  - iv. <sup>1</sup>744.359 Abuse, neglect, or exploitation by a guardian.—
  - v.
- b. Kidnapping
- c. Murder
- d. Theft of Property
- e. Conversion
- f. False Instruments
- g. Obstruction of Justice
  - i. Abuse of Process

- h. Conspiracy
- i. Chemical Inducement
- j. Fraud on Court
- k. Fraud by Court
- l. Fraudulent Billing

**II. Names and Cases of Individuals Complaining and Court Case Numbers, Judges and Lawyers (full information provided in victim statements attached herein.**

- a. Eliot Ivan Bernstein - Case #'s Estates & Trusts Simon, Shirley and Eliot Children
  - i. 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
    - 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 possession of. In a hearing he hid the fact that he had anything to do with Eliot and Simon's companies, the Iviewit companies and where in fact he was a billing partner for the account. At first hearing based on Alan Rose's objections he sua sponte recused himself, after he had already obtained highly confidential court records of Judge Colin.
    - 4. 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. Has removed Eliot's standing, had Guardians placed on his children, denied him of being a beneficiary despite dispositive documents that clearly name Eliot as a beneficiary and had 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 and yet Judge Phillips despite hearing these confessions while Spallina was under oath as a witness to the validity of the documents and ruled in favor of his 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 more.
  - ii. Lawyers and Fiduciaries (Excluding Federal Patent Cases)

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. Joielette Foglietta, Esq. - Ciklin Lubitz Martens & O’Connell – Asst to O’Connell
10. Benjamin Brown, Esq. - Matwiczyk & 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. 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.
17. Albert Gortz, Esq. – Proskauer Rose – Proskauer will filed in Estate of Simon case by Proskauer, unidentified filer.
18. 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.

iii. Guardians – TBD for Eliot children as Judge Phillips is using Predatory Guardianships to extort Eliot Bernstein family and attempt to cover up the MULTIPLE FRAUDS ON THE COURT for OFFICERS OF THE COURT by denying them due process rights and even attempting to cast blame on Eliot versus taking any action on the Court Officials involved in PROVEN FRAUD ON THE COURT, thus constituting FRAUD BY THE COURT.

iv. Cases

1. # 502012CP004391XXXXSB – Simon Bernstein Estate
2. # 502011CP000653XXXXSB – Shirley Bernstein Estate
3. # 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children
4. # 502014CP003698XXXXSB – Shirley Trust Construction
5. # 502015CP001162XXXXSB – Eliot Bernstein v. Trustee Simon Trust Case  
OLD CASE # 502014CA014637XXXXMB
6. #502015CP002717XXXXNB
7. # 20I2CP004391 IX
8. # TBD – Creditor Claim – Eliot v. Estate of Simon

Florida Appeals – 4<sup>th</sup> DCA

9. 4DCA#: 16-0064
10. 4DCA#: 15-3849
11. 4DCA#: 16-0222

Florida Supreme Court

12. SC16-29
13. SC15-1077

Federal Illinois Case – Judge John Robert Blakey replacing Judge Amy St. Eve

14. Case # 13-cv-03643 - Federal Lawsuit in the US District Court of Eastern Illinois

Related Cases @ US District Court – Judge Shira A. Scheindlin - Southern District NY  
Intellectual Property Cases

15. 07cv09599 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
16. 07cv11196 Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al.
17. 07cv11612 Esposito v The State of New York, et al.,
18. 08cv00526 Capogrosso v New York State Commission on Judicial Conduct, et al.,
19. 08cv02391 McKeown v The State of New York, et al.,
20. 08cv03305 Carvel v The State of New York, et al., and,

21. 08cv4438 Suzanne McCormick v The State of New York, et al.

22. 08 cv 6368 John L. Petrec-Tolino v. The State of New York

v. The Parties have committed and or abetted the following alleged crimes:

1. Alleged by Ted Bernstein and others Murder of Simon Bernstein, ongoing investigation and coroner inquiry, suspect heavy metal report.

2. Theft – Approx. 100 Million Dollars of Property

3. Insurance Fraud – 3 Million

4. Bank Fraud

5. Securities Fraud

6. Real Estate Fraud

7. Mail and Wire Fraud

8. Conversion

9. Fraudulent Billing Schemes

10. Forgery

11. Fraud on the Court – Florida Courts

12. Fraud on the Court – Illinois State and Federal courts

13. Fraud by the Court – Florida Court

14. Extortion

15. Misprision of Felony (ies)

16. Aiding and Abetting

17. Obstruction of Justice

a. PB Sheriff

b. State Attorney

c. Florida Court

18. Child Abuse – Improper Predatory Guardianships for minor children, theft of trust funds and more.

19. Conspiracy

20. Official Misconduct

21. Abuse of Power

22. Color of Law Abuse

23. Criminal Racketeering

24. Money Laundering

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

26. Tampering with court records, transcripts and other records

27. Tampering with evidence

28. Murder/Suicide of buyer of Simon Bernstein homestead Mitchell Huhem

vi. Civil Torts

1.

vii. 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.

- a. Accounting has been done and challenged by multiple parties in my father's 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.
- b. Tom Fields
  - i. Victims
    1. Irving Lincoln Fields (My deceased father, 1919 - 1991)
    2. My children, Heather N. Fields and Katy E. Fields
    3. Myself (Thomas M. Fields)
    4. My wife, Vicki Fields
    5. My sister, Paige Lewis
  - ii. Judges
    1. Probate Court:
      - a. Michael E. Gersten, Circuit Judge (deceased)
      - b. John D. Wessel, Circuit Judge
    2. 4DCA:
      - a. Mark E. Polen,
      - b. Barbara Pariente,
      - c. Robert M. Gross
      - d. Bobby W. Gunther
  - iii. Guardians
    1. None for my father
    2. Arthur G. Wroble (appointed guardian ad litem for my children, ages 3 and 9 at the time my father died)
  - iv. Law Firms
    1. Ryna Mehr (principal perpetrator)
    2. David Riggs (Mehr's law partner and accomplice)
    3. Peter Forman (attorney whom Paige Lewis hired to represent estate when I was removed as PR)
    4. Allan H. Schwartz (attorney whom I hired as PR to represent estate)
    5. Arthur Wroble (guardian ad litem – *supra*)
    6. Ed Shipe (hired by Wroble)
    7. Philip Burlington (appellate specialist hired by Wroble)
    8. An attorney in Colorado whom I cannot identify (hired by Paige Lewis)
  - v. Agencies Sought Relief from
    1. Boca Raton Police
    2. Palm Beach Sheriff
    3. Florida Attorney General
    4. Florida Bar Association
    5. Florida Department of Elder Affairs

Notes

See the evidence which I reproduce on the victim's website (infra), beginning with the 46-page transcript of the deposition of Dennis Steinmetz, the doctor who ordered the morphine drip for my father just hours before he died. This transcript begins at <http://tvfields.com/SteinmetzDepo/FrameSet001.htm> ; specific details at singled out in the brief summary of the doctor's testimony at <http://tvfields.com/SteinmetzDepo/FrameSet000.htm>

vi. Courts Involved

1. Circuit Court Of The Fifteenth Judicial Circuit In And For Palm Beach County, Florida Probate Division (Delray Beach)
2. In The District Court Of Appeal Of The State Of Florida Fourth District (4DCA)
3. Supreme Court of Florida

vii. Criminal Acts Alleged

1. Theft of Property
2. Fraud
3. Fraud on Court
4. Fraud by Court
5. Conspiracy (Judges, Attorneys and Guardians)
6. Fraudulent Billing Scheme
7. Obstruction
  - a. False Records
8. PERJURY by the Defendant and others on her behalf
9. Many acts of FRAUD by numerous individuals, especially attorneys, to commit theft, get away with theft, and/or cover up theft, including
  - a. Repeated misrepresentation of the interests of wards, my daughters (by attorney-guardians Wroble and Shipe)
  - b. Fraudulent misrepresentation of my father's life insurance policy by attorney Peter Forman (as evidenced by a court record and letters which Forman exchanged with Wroble and the insurance company)
  - c. Acts of fraud by the bar association in its response to bar complaints (and its misrepresentation of the integrity of the bar complaint process)
  - d. Several "frauds upon the court" by attorneys (and Judge Gersten) to prevent me from participating in the proceedings, most significantly the VIOLATION OF FLORIDA STATUTE 90.616(2), which governs the exclusion of witnesses from proceedings
  - e. Fraudulent (if that's the right word for it) conduct of mediation. For example, Forman failed to comply with a court order which required each party to submit to the mediator a summary of the issues being mediated prior to the mediation that was ordered for 10/21/1994. I complied with this order, as did Wroble. Forman didn't, and when I complained of this to the mediator, Forman claimed that he did not

need to comply with the order. Neither Wroble nor the mediator reported this to the court ...

- f. ABUSE OF PROCESS (if there is such a crime)
- g. EXTORTION (I am referring here specifically to Art Wroble's refusal to distribute funds to me, as stipulated by a settlement agreement that he was largely responsible for forcing upon me. In particular, when I complained of this in person to Judge Wessel, Wroble told Wessel that he withheld those funds to "leverage" them in order to push me to accept his other demands regarding the appointment of a corporate co-trustee ... there is no written record of this exchange with Judge Wessel, but it is borne out by the timing of the distribution of these funds)

10.

viii. Summary of Crimes Committed

- 1. Est Total Amount of Damages other than Legal to Victim \$75,000 (value of property stolen from victim's estate that was the subject of the initial claim)
- 2. \$10,000 lost in unwarranted purchase and subsequent sale of Snyder Oil stock by Paige Lewis
- 3. + unaccounted for life insurance policy benefitting Katy Fields
- 4. + significant other damages resulting from mishandling of case
- 5. Est Amount of Legal Bills Victim \$100,000+ from victim's estate
- 6. Est Amount of Guardian Fees \$10,000+
- 7.

c. Kyle MacNeney - 561-339-1475 Email: kmacneney@comcast.net

i. Victims

- 1. Violet K. LeSuer and Kyle MacNeney

ii. Court Cases

- 1. 15TH JUDICIAL CIRCUIT PALM BEACH COUNTY
- 2. Case Numbers - 502005GA000063XXXXMB
- 3. Case Type – GUARDIANSHIP

iii. Judges

- 1. KAREN MARTIN (RETIRED)
- 2. JACK COOK (RETIRED)
- 3. DIANA LEWIS

iv. Attorneys

- 1. FREEMAN BARNER (DECEASED)
- 2. CIKLIN LUBITZ & O'CONNELL (Boose partner convicted went to prison)

v. Guardian

- 1. CATHOLIC CHARITIES DIOCESE OF PALM BEACH
- 2. Division of Clerk of PB County General Accounting Office - Guardianship Investigative Unit – Anthony Palmieri, Investigative Auditor

vi. Florida State Agencies Contacted

1. FBI Miami - No response
2. Palm Beach County State's Attorney – No response
3. Palm Beach County Guardianship Investigative Unit.
  - a. Audit---nothing done.
4. Florida Department of Elder Affairs – Nothing Done

vii. Criminal Acts Alleged

1. Conspiracy – Guardians, Judges and Attorneys
2. Theft of Property, Home and Securities
3. Fraudulent Billing Scheme
4. Abuse of Process
5. Fraudulent Mortgage Application
6. Fraud on the Court
7. Fraud by the Court
8. False Imprisonment to Gain Predatory Guardianship
9. Guardianship Hearings not Recorded as legally required.

viii. Damages

1. Est Amount of Legal Bills to Victim: \$15,000
2. Est Amount of Legal Bills billed by Abusers: \$100,000.00
3. Est Amount of Guardian Fees: \$25,000.00
4. Total Amount of Damages other than Legal/Guardian Fees to Victim: \$1,500,000.00
5. Value of Real Estate Taken: \$800,000.00 and lost income from 3 dock rentals

d. Julia Gonzalez  
e. Skender & Beba Hoti  
f. Angela V. Woodhull Ph. D.  
g. Jason Halle  
h. Mario Jimenez  
i. Glenda Martinez  
j. Bob Bruce  
k. Roseanna Miller  
l. Robert Sarhan  
m. Dr. Sam Sugar  
n. Kathleen Higgenbotham  
o. Tammy Risaliti  
p. Barbara/Helen Stone  
q. Cindy Swanick

III.

We will be going to FOIA this complaint and each individual complaint hereunder at the end of this investigation for publication for purposes of protecting the rights of the complainants who filed

herein statements and to ensure the Sheriff department did not ignore any of the criminal activities complained about.

INDIVIDUAL COMPLAINT (See Form for Elder Abuse if your case involves Elder Abuse)

I, Eliot Ivan Bernstein, make the following sworn statement on information and belief.

The following parties are complained about:

1. Donald Tescher, Esq. – Tescher & Spallina PA – Attorneys & Fiduciaries
2. Robert Spallina, Esq. - Tescher & Spallina PA – Attorneys & Fiduciaries
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
6. Mark Manceri, Esq. - Mark R. Manceri, P.A.
7. Jon Swergold, Esq. – Greenberg Traurig
8. Brian O’Connell, Esq. - Ciklin Lubitz Martens & O’Connell
9. Joielle Foglietta, Esq. - Ciklin Lubitz Martens & O’Connell
10. Benjamin Brown, Esq. - Matwiczyk & Brown, LLP
11. John Morrissey, Esq. - John P. Morrissey, P.A.
12. Adam Simon, Esq. - The Simon Law Firm
13. David Simon, Esq. - The Simon Law Firm
14. John Stamos, Esq. - Stamos & Trucco LLP
15. Kevin Horan, Esq. - Stamos & Trucco LLP
16. Peter Feaman, Esq. - Peter M. Feaman, P.A.
17. Albert Gortz, Esq. – Proskauer Rose
18. Ted S. Bernstein, Fiduciary
19. Pamela Simon
20. PB Sheriff Office Detective Ryan Miller
21. PB Sheriff Office Detective Andrew Panzer
22. PB Sheriff Office Captain Carol Gregg
23. PB Medical Examiner – Michael Bell
24. Rachel Walker

Witnesses

Available upon request

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
    - i. (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, 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

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)(a) The parties knowingly falsified, altered, destroyed, defaced, overwritten, 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.

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.

- c. [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)
- 2. Title XLVI – CRIMES - Chapter 777 - PRINCIPAL; ACCESSORY; ATTEMPT; SOLICITATION; CONSPIRACY 777.011
  - a. Law
    - i. 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.
  - b. Statement
    - i. 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.
- c. [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)
- 3. False Instruments
- 4. Forgery – Multiple Documents and Parties
- 5. Fraudulent Notarization
- 6. Securities Fraud
- 7. Insurance Fraud
- 8. Alleged Murder of Simon Bernstein – Reported by Ted Bernstein, Rachel Walker, Pam Simon, claiming Maritza Puccio, Simon’s companion had poisoned him.
  - a. Investigation mislabeled by PBSO as Hospital Maintenance Record Check.
  - b. Coroner report shows elevated heavy metals on 113 yr old Simon?
- 9. Alleged Suicide/Murder – Mitch Huhem purchaser of Simon home via Probate Fraudulent Sale
- 10. Bank Fraud
- 11. Extortion
- 12. Child Abuse
  - a. False Guardianship
  - b. Theft of Inheritance
- 13. Conspiracy
  - a. Players
- 14. Perjury

15. False Statements Official Proceedings
16. Misprision of Felony
17. Obstruction of Justice
18. Public Office Violations

#### OTHER VICTIM INDIVIDUAL STATEMENTS

Tom Fields

Kyle MacNeney

Julia Gonzalez

Skender & Beba Hoti

Angela V. Woodhull Ph. D.

Jason Halle

Mario Jimenez

Glenda Martinez

Bob Bruce

Roseanna Miller

Robert Sarhan

Dr. Sam Sugar

Kathleen Higgenbotham

Tammy Risaliti

Barbara/Helen Stone

Cindy Swanick

Elder Abuse Criminal Complaint Form

**REPORT OF CRIMINAL JUDICIAL AND GUARDIAN ABUSE OF A WARD**

Today's Date:

Name of Ward:

Named Judge:

Circuit

Guardian:

Name

Address

City

State

Zip

Telephone

Guardianship Case Number:

Guardian Attorney:

Name

Address

City

State

Zip

Telephone

This report is filed under Florida Statute 415.103 and seeks to initiate an immediate criminal investigation as there is a reasonable cause to suspect that a vulnerable adult has been or is being criminally abused, neglected, or/and financially exploited.

I request that a Sheriff's officer, familiar and well trained in financial abuse of elderly and Wards be immediately assigned to this case. I request that the officer guarantee that he/she has never taken a referral fee or other monetary or other inducement from the Guardian in question or from his associates or from Attorneys and/or the Judge in question and will not in this matter.

You may not release my identity, without my prior written consent, to any person other than employees of the department responsible for protective services or the appropriate state attorney.

I request that a copy of this report be made available to me as soon as the initial investigation is completed.

#### CRIMINAL JUDICIAL ABUSE ALLEGATIONS

It is my belief that the Judge in this case has committed crimes which demand an investigation and prosecution. Judges can be investigated for criminal activity. This is not a civil matter.

#### 19. Title XLVI – CRIMES - Chapter 839 - OFFENSES BY PUBLIC OFFICERS AND EMPLOYEES - 839.13

Falsifying records.— 839.13 Falsifying records.—

a. Law

i. (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.

#### CRIMINAL GUARDIANSHIP ABUSE ALLEGATIONS

It is further my belief that the Ward is being criminally abused, neglected and financially exploited by the Court appointed Guardian who is misusing power and not acting in the best interests of the Ward. Those crimes include:

#### **1744.359 Abuse, neglect, or exploitation by a guardian.—**

- (1) A guardian may not abuse, neglect, or exploit a ward.
- (2) A guardian has committed exploitation when the guardian:
  - (a) Commits fraud in obtaining appointment as a guardian;
  - (b) Abuses his or her powers; or
  - (c) Wastes, embezzles, or intentionally mismanages the assets of the ward.

- (3) A person who believes that a guardian is abusing, neglecting, or exploiting a ward shall report the incident to the central abuse hotline of the Department of Children and Families.
- (4) This section shall be interpreted in conformity with s. 825.103.

**825.103 Exploitation of an elderly person or disabled adult; penalties.—**

- (1) "Exploitation of an elderly person or disabled adult" means:
  - (a) Knowingly obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:
    1. Stands in a position of trust and confidence with the elderly person or disabled adult; or
    2. Has a business relationship with the elderly person or disabled adult;
  - (b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent;
  - (c) Breach of a fiduciary duty to an elderly person or disabled adult by the person's guardian, trustee who is an individual, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property. An unauthorized appropriation under this paragraph occurs when the elderly person or disabled adult does not receive the reasonably equivalent financial value in goods or services, or when the fiduciary violates any of these duties:
    1. For agents appointed under chapter 709:
      - a. Committing fraud in obtaining their appointments;
      - b. Abusing their powers;
      - c. Wasting, embezzling, or intentionally mismanaging the assets of the principal or beneficiary; or
      - d. Acting contrary to the principal's sole benefit or best interest; or
    2. For guardians and trustees who are individuals and who are appointed under chapter 736 or chapter 744:
      - a. Committing fraud in obtaining their appointments;
      - b. Abusing their powers; or
      - c. Wasting, embezzling, or intentionally mismanaging the assets of the ward or beneficiary of the trust;
    - (d) Misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult from an account in which the elderly person or disabled adult placed the funds, owned the funds, and was the sole contributor or payee of the funds before the misappropriation, misuse, or unauthorized transfer. This paragraph only applies to the following types of accounts:
      1. Personal accounts;
      2. Joint accounts created with the intent that only the elderly person or disabled adult enjoys all rights, interests, and claims to moneys deposited into such account; or
      3. Convenience accounts created in accordance with s. 655.80; or
    - (e) Intentionally or negligently failing to effectively use an elderly person's or disabled adult's income and assets for the necessities required for that person's support and maintenance, by a caregiver or a person who stands in a position of trust and confidence with the elderly person or disabled adult.
  - (2) Any inter vivos transfer of money or property valued in excess of \$10,000 at the time of the transfer, whether in a single transaction or multiple transactions, by a person age 65 or older to a nonrelative whom the transferor knew for fewer than 2 years before the first transfer and for which the transferor did not receive the reasonably equivalent financial value in goods or services creates a permissive presumption that the transfer was the result of exploitation.
    - (a) This subsection applies regardless of whether the transfer or transfers are denoted by the parties as a gift or loan, except that it does not apply to a valid loan evidenced in writing that

includes definite repayment dates. However, if repayment of any such loan is in default, in whole or in part, for more than 65 days, the presumption of this subsection applies.

(b) This subsection does not apply to:

1. Persons who are in the business of making loans.
2. Bona fide charitable donations to nonprofit organizations that qualify for tax exempt status under the Internal Revenue Code.

(c) In a criminal case to which this subsection applies, if the trial is by jury, jurors shall be instructed that they may, but are not required to, draw an inference of exploitation upon proof beyond a reasonable doubt of the facts listed in this subsection. The presumption of this subsection imposes no burden of proof on the defendant.

(3)(a) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$50,000 or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$10,000 or more, but less than \$50,000, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at less than \$10,000, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) If a person is charged with financial exploitation of an elderly person or disabled adult that involves the taking of or loss of property valued at more than \$5,000 and property belonging to a victim is seized from the defendant pursuant to a search warrant, the court shall hold an evidentiary hearing and determine, by a preponderance of the evidence, whether the defendant unlawfully obtained the victim's property. If the court finds that the property was unlawfully obtained, the court may order it returned to the victim for restitution purposes before trial on the charge. This determination is inadmissible in evidence at trial on the charge and does not give rise to any inference that the defendant has committed an offense under this section.

#### Legal Abuse:

Timely or no notice of an emergency temporary guardianship was not provided.

The statutorily required Bond for the Guardian was not obtained or presented.

The Guardian committed fraud and perjury which the Judge ignored

The Court refused to consider a less drastic and invasive intervention other than

Guardianship as required by Florida Statute 744.

The Court refused to hear evidence of capacity from outside experts.

The Ward's advance directives and health care power of attorney, properly executed by the Ward prior to any question of incapacity, were bypassed and the guardian did nothing to present or support them in court.

There was never a mandated hearing on advance directives or Baker Act within 72 hours.

The Probate Judge has failed to properly monitor, supervise or discipline the Guardian.

- Court documents, including transcripts, have been altered.
- Attorneys' hourly rates are excessive, double billed and fraudulent but approved by the Judge
- Attorney bills charge exorbitant Senior Attorney rates for simple legal services which could easily be and may have been performed by paralegals.

**Allegations of Criminal Guardian Abuse:**

The boxes checked indicate the abuses alleged which demand investigation.

- The Ward has been cruelly isolated from family, neighbors and friends.
- The Ward has been removed from her residence and into a facility where she is in danger and her needs unmet.
- Guardian threatened Ward of consequences of resistance.
- The Ward has been held in chemical restraints with handler drugs which place the Ward into a zombie-like state.
- The guardian is withholding vital medical treatment and instead overdosing with potentially lethal doses of drugs. Including: narcotics, tranquilizers, sedatives, atypical antipsychotic medication, which are contraindicated in the treatment of the elderly.
- This/These medication(s) is/are hastening the Ward's demise.
- The Ward has been made unable to eat or drink and has had a feeding tube inserted.
- The Ward is not receiving adequate nutrition and is becoming emaciated.
- The ward has gained excessive weight to an improper starchy salty fatty diet.
- The Ward's general condition is deteriorating rapidly.
- The Ward is not receiving proper treatment or medical care for her condition(s).
- The Ward is being denied needed medical services including: skilled nurses, oxygen, medical equipment, nursing assistants, aides, physical therapy .
- The Ward is being denied emotional support and counseling.
- The Ward has been denied much needed dental care and cannot eat properly as a result.
- The Guardian has transferred the Ward's care from long time family Physicians to unfamiliar less qualified providers and institutions which are directly and greatly profiting from their association with and referrals from the guardian and their ability to improperly bill and overbill Medicare and other programs.
- The Ward is prevented from practicing religion of choice or attending services.

- The Ward is prohibited from leaving her place of residence.
- The Ward shows observable signs of overt physical abuse and injury that only occurred in her current place or residence.
- Ward has been kept with people who are violent and have mental health issues.
- Ward has been attacked by patients and/or residents with mental health issues who room with or near them or by staff members.
- Guardian hires abusive neglectful health care workers to take care of Ward.
- Ward has been restrained with straps to wheelchair and bed.
- Ward is not allowed to have visitors without supervision from guardian personnel.
- Guardian does not timely notify family members of hospitalization.
- Guardian does not timely notify family members of serious health issues.
- Guardian will not respond to phone calls or emails about Ward's condition forcing family to expend funds to hire a lawyer to speak with the Guardian's lawyer.
- Guardian has induced or created stay away orders as retaliation against family.
- The guardian has threatened to retaliate against anyone who complains.
- Ward has been improperly and cruelly placed in lockdown unit without hearings.
- Ward has been placed in Hospice despite Advance Directives not to be.
- Other:
  - Neglect:
    - The Guardian is unconcerned about the Ward's deteriorating condition.
    - The Guardian refuses to communicate with family members .
    - The Guardian only very rarely visits the Ward and cannot know her condition.
    - The Guardian has instructed others to prevent any contact with loved ones.
    - The Guardian has removed all forms of support and assistance from the Ward.
    - The Ward has been denied access to her beloved pet.
    - The Ward is treated without dignity or respect.
    - The Ward is not properly cleaned or bathed or groomed.
    - The Ward's nails and toenails are left untrimmed.

- The Ward is limited or prohibited from receiving or making phone calls or receiving mail.
- The Ward is not provided proper clean clothing or is left only in a flimsy gown all day.
- The Ward is not mentally stimulated and is exposed to unending television as her only contact with the world.
- Ward eats with hands: not given assistance with eating or drinking or is too weak to reach food.
- Ward is intentionally left dehydrated to avoid changing diapers.
- Ward sits in feces without changing for hours.
- Ward is not given nutritional supplements for bone loss or protein deficiency.
- Ward is seldom or not allowed to go outside for sunshine thus sickening her bones.
- Ward is not provided speech therapy or physical therapy after stroke.
- Ward is not provided with mental stimulation through activities.
- Ward has little or no contact with the outside world; held captive.
- Ward has developed bedsores for the first time.
- other

Financial Abuse and Exploitation:

- The Guardian is diverting and hoarding all assets and income to assure her fees and Attorney's will be paid in full while denying Ward the use and benefit of Ward's own assets.
- The Guardian has failed to timely pay legitimate bills of the Ward.
- The Guardian refuses to reimburse family for legitimate expenses for the Ward.
- The Guardian does not provide adequate funds for the welfare of the Ward.
- The Guardian is ignoring the Will of the ward and estate by invading assets for her own gain which were intended to be passed down intergenerationally.
- The Ward is being denied basic services including much needed
  - physical therapy
  - rehabilitation
  - emotional support and counselling
  - proper medical care
- Instead, the Guardian is assuring that the Ward will end up penurious and on the public dole as a result of her fiduciary failure and diversion of assets to pay her fees and her Attorney's fees

[ ] Assets are being rapidly downspent to the benefit of the Guardian and her associates and in particular are being hoarded for the purpose of paying outrageous Guardian's bills and excessive improper legal bills from the Guardian's Attorneys and others, leaving the Ward bereft of a lifetime's accumulation of assets and destitute.

[ ] Assets are being sold off to associates of the Guardian at far below market value and then resold at great profit to the Guardian and her associates—these are overt acts of felonious self-dealing.

[ ] Guardian is not properly filing tax returns for Ward.

[ ] Guardian has not timely paid or collected real estate taxes/assessments/rent properly on the Ward's property.

[ ] Guardian has failed to honor agreed upon lease agreements.

[ ] Guardian is collecting her fees as a tax exempt entity, but denying Ward the deductions she would be entitled to on Ward's returns—IRS fraud.

[ ] Failure to pay Ward's income taxes properly has resulted in liens against Ward's property, depleting the estate further.

[ ] Guardian has failed as a fiduciary to properly invest assets resulting in great losses to the estate.

[ ] Guardian has failed to maintain/repair ward's property, greatly decreasing its value.

[ ] Guardian has seized valuable property and will not reveal its whereabouts.

[ ] Guardian has caused to be created appraisals of real and personal property that vastly underestimate value of said property.

[ ] Guardian has failed to provide receipts for outlays of funds.

[ ] Guardian overbills and provides services at far above reasonable charges.

[ ] Guardian hires and pays their family members to care for Ward.

[ ] Guardian allows trust to be depleted.

[ ] Guardian demands money from family members to buy back family heirlooms.

[ ] Guardian will not replace worn items of clothing or shoes for the Ward.

[ ] Guardian makes false entries to inflate monthly expenditures of the Ward.

[ ] Guardian spends money on items that do not benefit the Ward and denies basic needs.

[ ] Guardian improperly disposes of Ward's personal property and furniture.

[ ] Guardian refuses to properly safeguard valuables.

[ ] Guardian does not have or refuses to divulge an accurate inventory of property.

[ ] Ward's assets have gone missing or never inventoried.

[ ] Guardian seized funds from Banks without court order.

[ ] Guardian has interfered with medical care plans including discharge plans to prolong lock down stays and hide the Ward from family.

[ ] Guardian or her associates have stolen jewelry and other valuables.

[ ] Other:

Diversion of SSA and VA benefits:

[ ] The guardian has been/is diverting social security benefits for her own profit and not for the wellbeing of the ward.

[ ] The guardian has denied the ward, who is a Veteran, both financial pension payments and medical support and assistance available to him at no charge by the VA

Legal Abuse

[ ] At depositions and hearings participation by multiple attorneys from Guardian's. Attorney's law firm took place repeatedly and unnecessarily resulting in excessive unrestrained fees to/from the estate.

[ ] Guardian colluded with one side of family dispute to abet the legal abuse.

[ ] Guardian failed to properly use mediation to avoid litigation.

[ ] Guardian abused mediation process since those discussions are privileged.

[ ] Guardian hid misdeeds under guise of privacy issues.

[ ] Guardian blackmailed family members into signing releases.

[ ] The Guardian and her Attorney have repeatedly staged retaliatory litigation to increase their revenue at the expense of the estate and family.

[ ] Guardian threatened family members that any complaints about the Guardianship would lead to their never seeing their loved one again.

[ ] Other

For these reasons, the ward is in need of emergency intervention by Law Enforcement as the guardian is committing overt felonious elder abuse by repeatedly abusing power and not acting in the best interests of the ward whose well-being and best interests she has failed to protect in violation of numerous sections of Florida Statute 744 and others.

I ask that this report in its entirety be reported to the State's Attorney for action

I ask that actions be taken that lead to the arrest and conviction of the Guardian as per statute.

Signed and Affirmed – Sworn under penalty of perjury ,etc.

Date

NOTARIZED