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TO THE COBB COUNTY SHERIFF'S DEPARTMENT
REPORT OF CRIMINAL HUMAN, ELDER, AND CIVIL RIGHTS ABUSES OF DAVID
NAPIER CUNNINGHAM

This report is being filed in the Sheriff's Department in Cobb County, Georgia and the Sheriff's Department in Escambia County, Florida and seeks to initiate an immediate criminal investigation as there is a reasonable cause to suspect that a vulnerable adult, David Napier Cunningham, is being criminally abused, isolated, neglected, drugged, and/or financially exploited by Guardian, J. Alan Kohr of Pensacola, Florida. David Cunningham is sixty-four years old. He has mild to moderate memory loss and an excellent long-term memory. Attention deficit disorder runs in his DNA; he is very intelligent, especially endowed with a Mathematical mind. He is fully cognizant of his surroundings and of the alarming situation he's in—for almost two years, he has been controlled by J. Alan Kohr and detained against his will at Peregrine's Landing/ Peachtree Creek/Emeritus/ 4375 Beech Haven Trail SE, Smyrna, Georgia 30339.

I request a Sheriff's officer, familiar with and well-trained in detecting emotional, financial, civil, elder, and human rights abuses of Wards to 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 and will not in this matter.

You may not release my identity, without my prior written consent. I fear for my own life as well.

It should be noted that, over the past two years, I have reached out to both Adult Protective Services and the State Ombudsman. Investigations were conducted but the agencies/ individuals found nothing "unusual".

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

CRIMINAL JUDICIAL ELDER ABUSE ALLEGATIONS

It is my belief that the Judges, Attorneys at Law, and Guardian J Alan Kohr in this case have committed crimes that demand an investigation and prosecution. Judges can be investigated for criminal activity. This is not a civil matter. The following list of abuses of David Napier Cunningham are believed to have been committed when he was usurped of his rights via ultimately unconstitutional Guardianship proceedings in which he was not allowed to have a presence in court. Instead, he was represented by a court-appointed counsel, Jason Wadell; with no voice and no

opportunity for self-defense, the Court decided that David Napier Cunningham is “totally incapacitated”. He was immediately stripped of all of his civil rights and made a “Ward” of the Court.

Before David Cunningham's detainment for almost 2 years at Peregrine's Landing/Peachtree Creek in Smyrna, Georgia, he was a vibrant, hard-working gentleman who looking forward to the best years of his life. Instead, he is languishing at Peachtree Creek, being drugged against his will while his estate is being systematically plundered by J. Alan Kohr. As of this date, August 14, 2015, Kohr has financially exploited David Cunningham of \$500,000.

The breeches of law discussed herein were committed by officers of the court; thus, both fraud and fraud-upon-the-court are alleged. There is no statute of limitation in either Georgia or Florida for fraud-upon-the-court. Following are a list of statutes put together by non-official parties that we believe have been violated in the commission of crimes against David Napier Cunningham:

Legal Abuse

1. An illegal predatory guardianship was obtained by J. Alan Kohr in the fall of 2014. In less than 20 minutes, David Cunningham declared “totally incapacitated” and was stripped of all of his civil rights and made a Ward of the Court. He we anything but “totally incapacitated”.
2. David Napier Cunningham, a then healthy, happy, vibrant sixty-two year old man was conscribed to a Cobb County assisted living facility, Peregrine's Landing (now called Peachtree Creek)at 4375 Beech Haven Trail SE Atlanta, GA 30339 where he has been detained against his will since September 2014—almost two years. Kohr has visited David twice in whole term of his Guardianship. However he has plundered \$500,000 of David Cunningham's estate with no end in sight.
3. The transfer laws under UAGPPGA were not recognized in either the state of Florida or the state of Georgia at the time of Kohr's filing for Petition of Guardian and Conservator of David Napier Cunningham. Thus the Guardianship was never enforceable.
4. The Court refused to consider a less drastic and invasive intervention other than Guardianship as required by both Florida and Georgia Guardianship laws.
5. A respected neurologist, Mark Harris, MD, (Comprehensive Neurology Specialists), and Geriatric Internist, Luis Navas MD, and Internest, David Lemay MD each determined that David was of sound mind. Lemay and Navas concluded that David's cognitive issues relate to the genetic properties of Attention Deficit Disorder (ADD). Harris' report indicates the early onset mild dementia. Even though the request was made to have the neurological reports entered, the court refused to hear this evidence. Instead , the Court declared that David Napier Cunningham was “totally incapacitated”. At age 62, he was stripped of all of his civil rights and made a Ward of the Court. The Ward was not then and is not now remotely “totally incapacitated”. He has, however been heavily drugged against his will; one of the drugs being administered to him is non-FDA-approved.
6. The Probate Judges, Honorable T. Michael Jones, and Honorable Thomas E. Johnson failed to properly monitor, supervise, or discipline the guardians and attorneys.

7. Attorney bills charge exorbitant Senior Attorney rates for simple legal services which could easily be and may be performed by paralegals.
8. A surcharge was imposed on David and Elizabeth Cunningham for their own jointly-owned property, the sale of which was mutually agreed upon and the proceeds were used to sustain the livelihood of both Elizabeth and David Cunningham as they worked to extricate themselves from the guardianship nightmare.
9. At depositions and hearings, participation by multiple attorney's from Guardian attorney's law firm took place unnecessarily, resulting in excessive, unrestrained fees to/from the estate.
10. The judges, attorneys, and Guardian Kohr colluded with one side of a family in conflict to abet the legal abuse.
11. Guardian, J. Alan Kohr, Judge Jones, Judge Johnson, and attorneys Belinda De Kozan, Jason Wadell, and Kathryn White of Pensacola Law have repeatedly staged retaliatory litigation to increase their revenue at the expense of the estate and family.
12. Guardian J. Alan Kohr and Judge Dickey colluded on a “restricted visitation order” in which Elizabeth Cunningham and all of David Cunningham's close friends were forbidden to visit, nurture, and take care of David in his loneliness. This court-order, however, was never properly signed and none of the “restricted visitors” were given notice of service.

II Allegations of Criminal Guardian Abuse

1. Ward is cruelly isolated from family, friends, neighbors, even relatives of other residents at Peregrine Landing.
2. Under both Georgia and Florida law, in every guardianship, the ward has the right to a qualified guardian who acts in the best interest of the Ward. At no time did Guardian J. Alan Kohr act in the best interest of the Ward. (See Emails Exhibit I) On the contrary, Guardian Kohr was wholly motivated by on his own self enrichment at the grave expense of the Ward.
3. Under Georgia and Florida law, a guardian must be reasonably accessible to the Ward. Guardian Kohr lives in Pensacola, Florida, 5 hours away from Peregrine's Landing/Peachtree Creek in Smyrna, GA where he placed the Ward. Guardian Kohr has visited the Ward only 2 times in two years.
4. Ward, who is 64 years old and who is by no stretch of the imagination “totally incapacitated” and who is suffering from mild, possibly wholly preventative dementia, is made to live in a facility whose only peer company are persons with advanced Alzheimer's. Isolation is Elder Abuse.
5. Ward has the right to communicate freely and privately with persons other than the Guardian except as otherwise ordered by a court of competent jurisdiction.” Kohr has obtained an “order of restricted visitation.” The order is invalid and denied on the grounds

of both improper jurisdiction and guardianship laws in Florida and Georgia.

6. Individually, or through the ward's representative or legal counsel, ward has the right to bring an action relating to the guardianship, including the right to file a petition alleging that the ward is being unjustly denied a right or privilege granted by Georgia law, and including the right to bring an action to modify or terminate the guardianship pursuant to Georgia law. Ward should bring an action on the grounds that Guardian Kohr is violating the law regarding at a minimum:
 - A. The least restrictive form of guardianship assistance, taking into consideration the ward's functional limitations, personal needs, and preferences; and
 - B. Guardian Kohr, in fact, used threats of consequences of resistance to every single one David's true and genuine friends and loved ones.
 - C. David Cunningham, who is far from "totally incapacitated, is being drugged against his will.
 - D. Guardian has breeched his fiduciary duty to the tune of \$500,000.

(On the page below are Guardianship Laws in Georgia)

GUARDIANSHIP LAWS GEORGIA

Under Georgia law, in every guardianship, the ward has the right to: (1) A qualified guardian who acts in the best interest of the ward; (2) A guardian who is reasonably accessible to the ward; (3) Have the ward's property utilized to provide adequately for the ward's support, care, education, health, and welfare; (4) Communicate freely and privately with persons other than the guardian, except as otherwise ordered by a court of competent jurisdiction; (5) Individually, or through the ward's representative or legal counsel, bring an action relating to the guardianship, including the right to file a petition alleging that the ward is being unjustly denied a right or privilege granted by Georgia law, and including the right to bring an action to modify or terminate the guardianship pursuant to Georgia law; (6) The least restrictive form of guardianship assistance, taking into consideration the ward's functional limitations, personal needs, and preferences; and (7) Be restored to capacity at the earliest possible time. Under Georgia law, a guardian shall: (1) Respect the rights and dignity of the ward; (2) Become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know of the ward's capacities, limitations, needs, opportunities, and physical and mental health; (3) If necessary, petition to have a conservator appointed; (4) Endeavor to cooperate with the conservator, if any; (5) Take reasonable care of the ward's personal effects; (6) Arrange for the support, care, education, health, and welfare of the ward, considering the ward's needs and available resources; (7) Expend money of the ward that has been received by the guardian for the ward's current needs for support, care, education, health, and welfare; (8) Conserve for the ward's future needs any excess money of the ward received by the guardian; provided, however, that if a conservator has been appointed for the ward, the guardian shall pay to the conservator, at least quarterly, excess money to be conserved for the ward's future needs; (9) Within 60 days after appointment and within 60 days after each anniversary date of appointment, file with the Court and provide to the ward and to the conservator, if any, a Personal Status Report concerning the ward, which shall include: (A) A description of the ward's general condition, changes since the last report, and needs; (B) All addresses of the ward during the reporting period and the living arrangements of the ward for all addresses; (C) A description of the amount and expenditure of any funds that were received by the guardian; and (D) Recommendations for any alteration in the guardianship order; (10) Promptly notify the Court of any change in the ward's condition that in the opinion of the guardian might require modification or termination of the guardianship; (11) Promptly notify the Court of any conflict of interest between the ward and the guardian when the conflict arises or becomes known to the guardian and take any action as is required by Georgia law; and (12) Keep the Court informed of the guardian's and the ward's current addresses and telephone numbers.