

1 June 16, 2009

2
3 RE: Florida Eighteenth Circuit Court
4 File No. 2008-CP-0509
5 Guardianship, Louise A. Falvo

Angela V. Woodhull
1920 SW 72nd Street
Gainesville, FL 32607-3752
(352) 332-0515

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7
8 State Attorney Norman R. Wolfinger
9 Criminal Justice Center
10 101 Bush Boulevard
11 PO Box 8006
12 Sanford, Florida 32772-8006

13
14 Dear State Attorney Wolfinger:

15
16 I file the attached complaints alleging violations of:

17
18 1) Florida State Constitution Article I, Section 21, and
19 2) 2008 Florida Statute 760.51(1), and
20 3) 2008 Florida Criminal Statute 777.04 (2), and
21 4) 1996-2008 Florida Criminal Statute 876.05 (1);

22
23 and I require investigation of and prosecution for Complaint 1, Counts One through Three; and
24 investigation of Complaint 2, Counts One through Three; both Complaints investigated by grand
25 jury if prudent; regarding:

26
27 **FLORIDA CONSTITUTION ARTICLE I, SECTION 21, Access to courts. –**

28 The courts shall be open to every person for redress of any injury, and justice shall be
29 administered without sale, denial or delay.

30
31 **2008 FLORIDA STATUTE 760.51 Violations of constitutional rights, civil action by the
32 Attorney General; civil penalty. –**

33 (1) Whenever any person, whether or not acting under color of law, interferes by threats,
34 intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the
35 exercise or enjoyment by any other person of rights secured by the State Constitution or laws of
36 this state, the Attorney General may bring a civil or administrative action for damages, and for
37 injunctive or other appropriate relief for violations of the rights secured. Any damages recovered
38 under this section shall accrue to the injured person. The civil action shall be brought in the name
39 of the state and may be brought on behalf of the injured person. The Attorney General is entitled
40 to an award of reasonable attorney's fees and costs if the Department of Legal Affairs prevails in
41 an action brought under this section.

42
43 **2008 FLORIDA CRIMINAL STATUTE 777.04 Attempts, solicitation, and conspiracy. --**

44 (2) A person who solicits another to commit an offense prohibited by law and in the course of
45 such solicitation commands, encourages, hires, or requests another person to engage in specific
46 conduct which would constitute such offense or an attempt to commit such offense commits the
47 offense of criminal solicitation, ranked for purposes of sentencing as provided in subsection (4).

49 **1996 FLORIDA CRIMINAL STATUTE 876.05 Public employees; oath. --**

50 (1) All persons who now or hereafter are employed by or who now or hereafter are on the payroll
51 of the state, or any of its departments and agencies, subdivisions, counties, cities, school boards
52 and districts of the free public school system of the state or counties, or institutions of higher
53 learning, and all candidates for public office, are required to take an oath before any person duly
54 authorized to take acknowledgments of instruments for public record in the state in the following
55 form: I, , a citizen of the State of Florida and of the United States of America, and being
56 employed by or an officer of and a recipient of public funds as such employee or officer, do
57 hereby solemnly swear or affirm that I will support the Constitution of the United States and of
58 the State of Florida.

59 (2) Said oath shall be filed with the records of the governing official or employing governmental
60 agency prior to the approval of any voucher for the payment of salary, expenses, or other
61 compensation.

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88 COMPLAINTS: 4

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98 Supporting Documents Attached: a, c, d, e, f, i, k, n, p

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116 **COMPLAINTS:**

117 **I identify the following person involved in alleged violations of Florida Constitution Article
118 I, Section 21, and 2008 Florida Statute 760.51 (1), and 2008 Florida Criminal Statute 777.04 (2):**

119 RE: Florida Eighteenth Circuit Court
120 File No. 2008-CP-0509
121 Guardianship, Louise A. Falvo

122
123 Rebecca Santoian
124 aka Rebecca Fierle
125 aka Rebecca Fierle Santoian
126 aka Rebecca Dobbins
127 Licensed Professional Guardian
128 9380 S. Magnolia Avenue
129 Ocala, FL 34476
130 (352) 347-9235

131
132 **Complaint 1**

133
134 **Count One:**

135 On or about June 9, 2008, Rebecca Santoian did submit petition to Florida's Eighteenth Circuit
136 Court as part of a legal proceeding, intending to seek immunity from prosecution prior to any act
137 she may commit, subsequently obtaining a court Order on June 11, 2008 in the affirmative to
138 such petition, with such Order granting Rebecca Santoian immunity from all prosecution in
139 regard to her handling certain aspects of a guardianship case referenced above, thereby procuring
140 such immunity to effectively close the courts and to deny and prevent justice to any person by
141 the loss of such person's right of redress in court of any injury resulting from Rebecca Santoian's
142 handling of such aspects, with such effective denial of justice and prevention of redress by any
143 person of any injury in court, so done in violation of Florida's Constitution Article I, Section 21:

144 **Florida Constitution Article I, Section 21. Access to courts.**--The courts shall be open
145 to every person for redress of any injury, and justice shall be administered without sale,
146 denial or delay.

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149 **Count Two:**

150 On or about June 9, 2008, Rebecca Santoian did submit petition to Florida's Eighteenth Circuit
151 Court as part of a legal proceeding, intending to seek immunity from prosecution prior to any act
152 she may commit, subsequently obtaining a court Order on June 11, 2008 in the affirmative to
153 such petition, with such Order granting Rebecca Santoian immunity from all prosecution in

154 regard to her handling certain aspects of a guardianship case referenced above, thereby
155 attempting to and effectively interfering with any other person's guaranteed right of redress in
156 court of any injury resulting from Rebecca Santoian's handling of such aspects, with such
157 effective denial of justice and prevention of redress by any person of any injury in court being
158 contrary to Florida's Constitution Article I, Section 21; with said Order of immunity procured by
159 Rebecca Santoian, under color of law, to provide known threats of punishments and intimidation
160 by penalties for contempt of court against any person refusing to obey such Order, thereby
161 interfering by threats and intimidation with any person's exercise of their rights secured by the
162 Florida Constitution Article I, Section 21 or laws of the state of Florida as referenced in this
163 complaint's Supplemental, so done in violation of Florida Statute 760.51 (1);

164 760.51 Violations of constitutional rights, civil action by the Attorney General; civil penalty.--

165 (1) Whenever any person, whether or not acting under color of law, interferes by threats,
166 intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion,
167 with the exercise or enjoyment by any other person of rights secured by the State
168 Constitution or laws of this state, the Attorney General may bring a civil or
169 administrative action for damages, and for injunctive or other appropriate relief for
170 violations of the rights secured. Any damages recovered under this section shall accrue to
171 the injured person. The civil action shall be brought in the name of the state and may be
172 brought on behalf of the injured person. The Attorney General is entitled to an award of
173 reasonable attorney's fees and costs if the Department of Legal Affairs prevails in an
174 action brought under this section.

175 (2) Any person who interferes by threats, intimidation, or coercion, or attempts to interfere by
176 threats, intimidation, or coercion, with the exercise or enjoyment by any other person of rights
177 secured by the State Constitution or laws of this state is liable for a civil penalty of not more than
178 \$10,000 for each violation. This penalty may be recovered in any action brought under this section
179 by the Attorney General. A civil penalty so collected shall accrue to the state and shall be
180 deposited as received into the General Revenue Fund unallocated.

181
182 (FS 38.22 Power to punish contempts.--Every court may punish contempts against it whether
183 such contempts be direct, indirect, or constructive, and in any such proceeding the court shall
184 proceed to hear and determine all questions of law and fact.)

185
186 (38.23 Contempts defined.--A refusal to obey any legal order, mandate or decree, made or given
187 by any judge either in term time or in vacation relative to any of the business of said court, after
188 due notice thereof, shall be considered a contempt, and punished accordingly. But nothing said or
189 written, or published, in vacation, to or of any judge, or of any decision made by a judge, shall in
190 any case be construed to be a contempt.)

191
192

193 **Count Three:**

194 On or about June 9, 2008, Rebecca Santoian as client did solicit and hire Anthony M. Nardella,
195 Jr., a Florida attorney (Florida Bar No. 341274; One Landmark Center, Suite 600; 315 East

196 Robinson Street; Orlando, FL 32801; (407) 425-7010), to draft and submit petition to Florida's
197 Eighteenth Circuit Court as part of a legal proceeding, intending to seek immunity from
198 prosecution prior to any act she may commit, subsequently obtaining a court Order on June 11,
199 2008 in the affirmative to such petition, with such Order granting Rebecca Santoian immunity
200 from all prosecution in regard to her handling certain aspects of a guardianship case referenced
201 above, thereby attempting to and effectively interfering with any other person's guaranteed right
202 of redress in court of any injury resulting from Rebecca Santoian's handling of such aspects,
203 with such effective denial of justice and prevention of redress by any person of any injury in
204 court being contrary to Florida's Constitution Article I, Section 21; with said Order of immunity
205 procured by Rebecca Santoian, under color of law, to provide known threats of punishments and
206 intimidation by penalties for contempt of court against any person refusing to obey such Order,
207 thereby interfering by threats and intimidation with any person's exercise of their rights secured
208 by the Florida Constitution Article I, Section 21 or laws of the state of Florida as referenced in
209 this complaint's Supplemental, contrary to Florida Statute 760.51 (1), so done in violation of
210 Florida Criminal Statute 777.04 (2);

211 **777.04 Attempts, solicitation, and conspiracy.--**

212 (2) A person who solicits another to commit an offense prohibited by law and in the
213 course of such solicitation commands, encourages, hires, or requests another person to
214 engage in specific conduct which would constitute such offense or an attempt to commit
215 such offense commits the offense of criminal solicitation, ranked for purposes of
216 sentencing as provided in subsection (4).

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229 I identify the following person involved in alleged violation of Florida Constitution Article

230 **I, Section 21:**

231 RE: Florida Eighteenth Circuit Court

232 File No. 2008-CP-0509

233 Guardianship, Louise A. Falvo

234

235 Nancy F. Alley

236 Judge, Florida Eighteenth Circuit Court

237 (elected November, 1996)

238 Seminole County Court House

239 301 N. Park Avenue

240 Sanford, FL 32771-1292

241 407-665-4211

242

243 **Complaint 2**

244

245 **Count One:**

246 On or about June 11, 2008, Nancy F. Alley, a judge in Florida's Eighteenth Circuit Court did
247 sign a judicial Order as part of a legal proceeding, with such Order granting Rebecca Santoian
248 immunity from all prosecution in regard to her handling certain aspects of a guardianship case
249 referenced above, thereby effectively closing the courts and denying and preventing justice to
250 any person causing the loss of such person's right of redress in court of any injury resulting from
251 Rebecca Santoian's handling of such aspects, with such effective denial of justice and prevention
252 of redress by any person of any injury in court, so done in violation of Florida's Constitution

253 Article I, Section 21:

254 **Florida Constitution Article I, Section 21. Access to courts.**--The courts shall be open
255 to every person for redress of any injury, and justice shall be administered without sale,
256 denial or delay.

257

258

259 **Count Two:**

260 Determine in fact that Nancy F. Alley, being a 1996 candidate for and subsequently elected and
261 re-elected to the public office of Florida Circuit Court and on the payroll of the State of Florida
262 did execute an oath of office as required by Florida Criminal Statute 876.05, to wit:

263 876.05 Public employees; oath. -- (1) All persons who now or hereafter are employed by
264 or who now or hereafter are on the payroll of the state, or any of its departments and
265 agencies, subdivisions, counties, cities, school boards and districts of the free public
266 school system of the state or counties, or institutions of higher learning, and all
267 candidates for public office, are required to take an oath before any person duly

268 authorized to take acknowledgments of instruments for public record in the state in the
269 following form: **I, , a citizen of the State of Florida and of the United States of**
270 **America, and being employed by or an officer of and a recipient of public funds as**
271 **such employee or officer, do hereby solemnly swear or affirm that I will support the**
272 **Constitution of the United States and of the State of Florida.** (bold for emphasis)
273 (2) Said oath shall be filed with the records of the governing official or employing
274 governmental agency prior to the approval of any voucher for the payment of salary,
275 expenses, or other compensation.

276
277 and, that failing to execute such oath shall result in actions required by Florida Criminal Statute
278

279 876.06, to wit:

280
281 876.06 Discharge for refusal to execute. -- If any person required by ss. 876.05-876.10 to
282 take the oath herein provided for fails to execute the same, the governing authority under
283 which such person is employed shall cause said person to be immediately discharged, and
284 his name removed from the payroll, and such person shall not be permitted to receive any
285 payment as an employee or as an officer where he or she was serving.

286
287 **Count Three:**

288 On or about November, 1996, Nancy F. Alley, being a candidate for and subsequently elected
289 and re-elected to the public office of Florida Circuit Court judge did expectedly swear or affirm
290 to support* the Constitution of the United States and of the State of Florida with said oath
291 expectedly filed as required by law, and did, as recited in Complaint 2, Count One above, violate
292 her oath of office by failing to support Florida's Constitution Article I, Section 21, so done in
293 violation of 1996 (-2008) Florida Criminal Statute 876.05 (1):

294
295 The 1996 Florida Criminal Statute recited:

296
297 876.05 Public employees; oath. -- (1) All persons who now or hereafter are employed by
298 or who now or hereafter are on the payroll of the state, or any of its departments and
299 agencies, subdivisions, counties, cities, school boards and districts of the free public
300 school system of the state or counties, or institutions of higher learning, and all
301 candidates for public office, are required to take an oath before any person duly
302 authorized to take acknowledgments of instruments for public record in the state in the
303 following form: **I, , a citizen of the State of Florida and of the United States of**
304 **America, and being employed by or an officer of and a recipient of public funds as**
305 **such employee or officer, do hereby solemnly swear or affirm that I will support the**
306 **Constitution of the United States and of the State of Florida.)** (bold for emphasis)

307
308
309 * Cole v. Richardson, 405 U.S. 676 (1972)

310 "The oath of constitutional support requires an individual assuming public responsibilities to affirm, in entirely familiar and
311 traditional language, that he will endeavor to perform his public duties lawfully." 401 U.S., at 192 .

312 (2) Said oath shall be filed with the records of the governing official or employing
313 governmental agency prior to the approval of any voucher for the payment of salary,
314 expenses, or other compensation.

315
316 (876.06 Discharge for refusal to execute. -- If any person required by ss. 876.05-
317 876.10 to take the oath herein provided for fails to execute the same, the
318 governing authority under which such person is employed shall cause said person
319 to be immediately discharged, and his name removed from the payroll, and such
320 person shall not be permitted to receive any payment as an employee or as an
321 officer where he or she was serving.)

322 (876.07 Oath as prerequisite to qualification for public office. -- Any person
323 seeking to qualify for public office who fails or refuses to file the oath required by
324 this act shall be held to have failed to qualify as a candidate for public office, and
325 the name of such person shall not be printed on the ballot as a qualified
326 candidate.)

327
328 (FOR REFERENCE: 2008 FLORIDA CRIMINAL STATUTE CHAPTER 876)

329 **876.05** Public employees; oath.--

330 (1) All persons who now or hereafter are employed by or who now or hereafter
331 are on the payroll of the state, or any of its departments and agencies,
332 subdivisions, counties, cities, school boards and districts of the free public
333 school system of the state or counties, or institutions of higher learning, and all
334 candidates for public office, *except candidates for federal office*, are required to
335 take an oath before any person duly authorized to take acknowledgments of
336 instruments for public record in the state in the following form: (bold/italic above to
337 indicate change)

338 I, _____, a citizen of the State of Florida and of the United States of America, and
339 being employed by or an officer of _____ and a recipient of public funds as such
340 employee or officer, do hereby solemnly swear or affirm that I will support the
341 Constitution of the United States and of the State of Florida.

342 (2) Said oath shall be filed with the records of the governing official or
343 employing governmental agency prior to the approval of any voucher for the
344 payment of salary, expenses, or other compensation.

345 876.06 Discharge for refusal to execute.--If any person required by ss. 876.05-
346 876.10 to take the oath herein provided for fails to execute the same, the
347 governing authority under which such person is employed shall cause said person
348 to be immediately discharged, and his or her name removed from the payroll, and
349 such person shall not be permitted to receive any payment as an employee or as
350 an officer where he or she was serving.

351 876.07 Oath as prerequisite to qualification for public office.--Any person
352 seeking to qualify for public office who fails or refuses to file the oath required by
353 this act shall be held to have failed to qualify as a candidate for public office, and
354 the name of such person shall not be printed on the ballot as a qualified candidate.

355
356 **End of Complaints;**
357 **Summary follows:**

359 **SUMMARY:**

360 On May 5, 2008 Rebecca Santoian received court appointment as professional guardian for the person
361 and property of Louise A. Falvo.^d On or about June 9, 2008 Rebecca Santoian, together with her hire
362 Anthony Nardella, petitioned Florida's Eighteenth Circuit Court, probate division, for an Order
363 concerning the disposition of cash assets belonging to Louise Falvo. This petition also sought two
364 forms of immunity to her actions as a licensed professional guardian regardless of any decision or
365 direction by the court, by petitioning for: **"23 h) Regardless of the option chosen by the court in**
letters f) and g) above, or otherwise, petitioner respectfully requests that the court's order finds
that the petitioner is neither responsible for nor authorized to attempt to determine the true
intentions of the Ward regarding her estate plan, and absolves her of any responsibility or liability
either now or in the future for carrying out the order of this court."^c (underlined/bold for emphasis)

370

371 An estate plan, however complicated, is by its very nature a direct reflection of property and an
372 intent by expression of how to protect and preserve that property.¹ The issued immunity Order
373 voids, without foundation in law, the statutory requirement of 2008 Florida Statute 744.361(6)(a),
374 which, as a licensed professional guardian of the property, Rebecca Santoian is responsible for
375 and required to follow; i.e., to protect and preserve the property of the ward, with the estate plan
376 of Louise Falvo reflecting such property:

377 FS 744.361 Powers and duties of guardian.-- (6) A guardian who is given authority over
378 any property of the ward shall: (a) Protect and preserve the property and invest it
379 prudently as provided in chapter 518, apply it as provided in s. 744.397, and account for
380 it faithfully. (underlined for emphasis)

381 There is no legitimate way not to be bound by this law. But Rebecca Santoian attempts, under color
382 of law, to ask for a judicial Order to ignore same, and then asks for a second Order to be held civilly
383 and criminally harmless for such ignorance. Exploitation of a ward's property is a reasonably
384 anticipated next step toward disintegration of an estate once the "protect and preserve" requirement is
385 eliminated, so there is a reasonable assumption that the Florida Legislature intends to protect and
386 preserve a ward's property [FS744.361(6)(a) above], and also intends for an incapacitated person to
387 participate in managing their financial property [FS 744.1012-Legislative Intent].ⁿ

388 ¹ The 2008 Florida Statutes Title XLII ESTATES AND TRUSTS PROBATE CODE: GENERAL PROVISIONS
389 731.201 General definitions.--Subject to additional definitions in subsequent chapters that are applicable to specific chapters or
parts, and unless the context otherwise requires, in this code, in s. 409.9101, and in chapters 736, 738, 739, and 744, the term:
(14) "Estate" means the property of a decedent that is the subject of administration.
(31) "Property" means both real and personal property or any interest in it and anything that may be the subject of ownership.

390 The following Order granting absolution of all liability and responsibility for not attempting to preserve
391 an estate plan of a ward denies Florida's Constitution Article I, Section 21 and FS 744.361(6)(a) without
392 foundation in law, and could be deemed *prima facie* evidence of permission to exploit:

393 On June 11, 2008 Judge Nancy F. Alley of Florida's Eighteenth Circuit Court issued an Order:

394
395 Amended

396 **ORDER ON PETITION FOR ORDER AUTHORIZING LIQUIDATION OF BANK
397 ACCOUNTS WITH VARYING BENEFICIARY DESIGNATIONS, DIRECTING IF
398 NECESSARY THE DESIGNATION OF BENEFICIARIES IN THE DEPOSITORY'S
399 ACCOUNTS AND DETERMINING THE ORDER OF PRIORITY FOR SPENDING
400 MONEY FROM SAID ACCOUNTS FOR THE PAYMENT OF WARD'S EXPENSES,
401 AND ABSOLVING THE GUARDIAN OF ALL RELATED LIABILITY**

402
403 In this Order, Judge Alley granted item number: **“6. REBECCA FIERLE, the Plenary
404 Guardian of the Property and Person of the Ward, is hereby absolved of all liability and
405 responsibility for not attempting to preserve the alleged intentions or estate plan of the
406 Ward, except that records of the accounts at liquidation be maintained for potential
407 distribution should any remain at death.”^a** (underlined/bold for emphasis)

408
409 This immunity Order grants the petitioner's request for immunity, which, conversely, the petitioner
410 is under threat of criminal liability to lawfully perform – (see above) Florida State Statute
411 744.361(6) Powers and Duties Of Guardian, sub.(a) Protect and Preserve the Property.... Rebecca
412 Santoian, with the aid of her attorney knowledgeable in the benefits of such an Order, attempted to
413 gain and successfully acquired the court's umbrella of protection in order to also obtain the
414 valuable and inherent threats of punishments and intimidation by penalties for anyone attempting
415 to violate the provisions of the court's protection. By obtaining such an Order, even under color of
416 law, Rebecca Santoian denies all parties, including those of any civil litigator, professional
417 licensing agency or prosecutor their right to civil and/or criminal prosecution, petition or redress
418 for “all” relevant violations or injury; and compliance to this Order sought and issued (*do not sue
419 civilily or charge criminally*) is knowingly, by the petitioner and the court, enforced by threats of
420 punishments and intimidation by penalties for contempt of court for any person's refusal to obey:

421 FS 38.22 Power to punish contempts.--Every court may punish contempts against it whether such contempts be
422 direct, indirect, or constructive, and in any such proceeding the court shall proceed to hear and determine all
423 questions of law and fact.

424 FS 38.23 Contempts defined.--A refusal to obey any legal order, mandate or decree, made or given by any judge
425 either in term time or in vacation relative to any of the business of said court, after due notice thereof, shall be
426 considered a contempt, and punished accordingly. But nothing said or written, or published, in vacation, to or of
427 any judge, or of any decision made by a judge, shall in any case be construed to be a contempt.

429 Louise Falvo died on July 21, 2008; eleven weeks under the guardianship of Rebecca Santoian.ⁱ
430 The Final Report Of Guardian Of The Property, administered by Rebecca Santoian and attorney
431 Anthony Nardella, revealed \$693,332.08^e in beginning cash assets and a final disbursement of
432 remaining cash to the Curator Of The Estate of \$457,237.09;^f a loss of \$236,094.99.

433
434 This court's ruling absolves ² Rebecca Santoian of all liability and responsibility for not
435 adhering to legislated law and intent. Since this Order's signing on June 11, 2008, Rebecca
436 Santoian "transferred" a portion of Louise Falvo's cash assets under this immunity Order on June
437 12, 2008,^k so estoppel sufficiently insulated this ruling from reversal as Rebecca Santoian
438 immediately relied upon and acted under its protection. Immunity from arrest, prosecution and
439 incarceration extinguishes any compelling reason to investigate relevant violations of assets
440 "transfer" involving Rebecca Santoian.

441
442 I am an interested party to Louise Falvo's proceedings.^p I personally fear the real threats of
443 punishments that are the consequences of contempt of court charges. I also find the threats of
444 penalties to be intimidating, compelling me to obey the court's Order that I cannot judicially
445 redress Rebecca Santoian for fear that I be found in contempt of court. By attempting to hold
446 Rebecca Santoian liable and responsible for relevant violations, I would violate her privilege of
447 absolution that she petitioned for and received.

448
449 This immunity Order sought and gained by Rebecca Santoian denies me access to court redress
450 and forever damages my Florida Constitution right under Article I, Section 21 to the redress in
451 court of any relevant violations perpetrated by Rebecca Santoian, which are permanently hidden
452 by the court's Order under a blanket of absolution and immunity. My obedience to the court's
453 Order is assured by threats of punishments and intimidation by penalties for contempt of court,
454 which stops any actions I may desire concerning redress.

455
456 ² **Ab'solve'**
457 Webster Dictionary
458 1. To set free, or release, as from some obligation, debt, or responsibility, or from the consequences of guilt
459 or such ties as it would be sin or guilt to violate; to pronounce free; as, to absolve a subject from his allegiance;
460 to absolve an offender, which amounts to an acquittal and remission of his punishment.
461 2. To free from a penalty; to pardon; to remit (a sin); - said of the sin or guilt.

462 **End of Summary;**
463 **Supplemental follows:**

464 **SUPPLEMENTAL:**

465 Without foundation in Florida state law or Constitution, Rebecca Santoian is "...**hereby**
466 **absolved of all liability and responsibility for not attempting to preserve the alleged**
467 **intentions or estate plan of the Ward, ...**". Rebecca Santoian is thereby not required to
468 "preserve" the property of the Ward's estate plan in any way as required by FS744.361(6)(a)
469 Protect and Preserve the Property.... Rebecca Santoian is then not liable or responsible for any
470 violation of 2008 Florida Criminal Statute Chapter 825.103 Exploitation Of An Elderly Person
471 Or Disabled Adult;

472

473 825.103 Exploitation of an elderly person or disabled adult; penalties.--

474 (1) "Exploitation of an elderly person or disabled adult" means: (a) Knowingly, by
475 deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly
476 person's or disabled adult's funds, assets, or property with the intent to temporarily or
477 permanently deprive the elderly person or disabled adult of the use, benefit, or possession
478 of the funds, assets, or property, or to benefit someone other than the elderly person or
479 disabled adult, by a person who: 1. Stands in a position of trust and confidence with the
480 elderly person or disabled adult; or 2. Has a business relationship with the elderly person
481 or disabled adult; or (b) Obtaining or using, endeavoring to obtain or use, or conspiring
482 with another to obtain or use an elderly person's or disabled adult's funds, assets, or
483 property with the intent to temporarily or permanently deprive the elderly person or
484 disabled adult of the use, benefit, or possession of the funds, assets, or property, or to
485 benefit someone other than the elderly person or disabled adult, by a person who knows
486 or reasonably should know that the elderly person or disabled adult lacks the capacity to
487 consent.

488 (2)(a) If the funds, assets, or property involved in the exploitation of the elderly person
489 or disabled adult is valued at \$100,000 or more, the offender commits a felony of the first
490 degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

491 (underlined for emphasis)

492

493 Further, the immunity Order sought and gained by Rebecca Santoian denies all parties, including
494 those of any civil litigator or prosecutor, their rights to prosecution, petition or redress that would
495 routinely and expectedly be available under 2008 Florida Statute Chapter 772 Civil Remedies For
496 Criminal Practices;

497

498 772.104 Civil cause of action.-- (1) Any person who proves by clear and convincing
499 evidence that he or she has been injured by reason of any violation of the provisions of s.
500 772.103 shall have a cause of action for threefold the actual damages sustained and, in
501 any such action, is entitled to minimum damages in the amount of \$200, and reasonable
502 attorney's fees and court costs in the trial and appellate courts.

503

504 (772.103 Prohibited activities.--It is unlawful for any person: (1) Who has with criminal intent
505 received any proceeds derived, directly or indirectly, from a pattern of criminal activity or through
506 the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such
507 proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title
508 to, or any right, interest, or equity in, real property or in the establishment or operation of any
509 enterprise. (4) To conspire or endeavor to violate any of the provisions of subsection (1),
510 subsection (2), or subsection (3).)

511 and Florida State Statute 772 Civil Remedies For Criminal Practices;

514 772.11 Civil remedy for theft or exploitation.-- (1) Any person who proves by clear and
515 convincing evidence that he or she has been injured in any fashion by reason of any
516 violation of ss. 812.012-812.037 or s. 825.103(1) has a cause of action for threefold the
517 actual damages sustained and, in any such action, is entitled to minimum damages in the
518 amount of \$200, and reasonable attorney's fees and court costs in the trial and appellate
519 courts.... (4) The death of an elderly or disabled person does not cause the court to lose
520 jurisdiction of any claim for relief for theft or exploitation when the victim of the theft or
521 exploitation is an elderly or disabled person. (underlined for emphasis)

522
523 (Chapter 812 Theft, Robbery, and Related Crimes)
524 (Chapter 825 Abuse Neglect, and Exploitation Of Elderly Persons and Disabled Adults)

525 and Florida State Statute 772 Civil Remedies For Criminal Practices;

528 772.17 Limitation of actions.--Notwithstanding any other provision of law, a civil action
529 or proceeding under this chapter may be commenced at any time within 5 years after the
530 conduct in violation of a provision of this act terminates or the cause of action accrues. If
531 a criminal prosecution or civil action or other proceeding is brought or intervened in by the
532 state or by the United States to punish, prevent, or restrain any criminal activity or criminal
533 conduct which forms the basis for a civil action under this chapter, the running of the
534 period of limitations prescribed by this section shall be suspended during the pendency of
535 such prosecution, action, or proceeding and for 2 years following its termination.

536 and Florida State Statute 772 Civil Remedies For Criminal Practices;

539 772.18 Cumulative remedy.--The application of one civil remedy under this chapter does
540 not preclude the application of any other remedy, civil or criminal, under this chapter or
541 any other provision of law. Civil remedies under this act are supplemental, and not
542 mutually exclusive.

543 and Florida State Statute Chapter 27 State Attorneys - Duties Before Court;

546 27.02 Duties before court.-- (1) The state attorney shall appear in the circuit and county
547 courts within his or her judicial circuit and prosecute or defend on behalf of the state all
548 suits, applications, or motions, civil or criminal, in which the state is a party, except as
549 provided in chapters 39, 984, and 985. The intake procedures of chapters 39, 984, and
550 985 shall apply as provided therein. The state attorney shall appear in the circuit and
551 county courts within his or her judicial circuit for the purpose of prosecuting violations of

552 special laws and county or municipal ordinances punishable by incarceration if the
553 prosecution is ancillary to a state prosecution or if the state attorney has contracted with
554 the county or municipality for reimbursement for services rendered in accordance with s.
555 27.34(1).

556
557 I further request that the investigation be considered upon, but not limited to, the following:

559
560 1) Petitioning for and obtaining pre-crime immunity from all civil and criminal liability by
561 any civilian before a wrongful act is accomplished appears unprecedented within judicial
562 circles. If petitioners are allowed to benefit from pre-crime immunity and orders of
563 absolution, then rule of law and guarantee to constitutional redress becomes worthless.
564 This Guardian is not petitioning for judicial immunity as an officer of the court, but instead,
565 for personal protection and gain.

566
567 2) For any prosecutor or civil litigator to be held at bay by first having to overcome pre-
568 crime immunity and orders of absolution, prevents prosecution and creates a malicious
569 obstacle to redress of wrong-doing.

570
571 3) This immunity Order prevents civil proceeding(s) against any guardian guaranteed for
572 3 years by FL Statute 744.531 Order Of Discharge, which states in pertinent part; "The
573 discharge shall operate as a release from the duties of the guardianship and as a bar to any
574 action against the guardian or the guardian's surety unless the action is commenced
575 within 3 years after the date of the order." (underlined for emphasis)

576
577 4) A grant of immunity from criminal prosecution of a person is retained by a
578 prosecutor. In return, the recipient provides something of value to the giver. Immunity
579 initiates an expected payback, and possession of this immunity by circumventing a
580 prosecutor takes away a prosecutor's options of criminal redress.

581
582 5) Rebecca (Fierle) Santoian has history of legal conflict that may motivate her to seek
583 immunities:

584
585 [Wehrheim v. Golden Pond Assisted Living Facility,
586 905 So. 2d 1002, 2005 WL 1537488 (Fla. App. 5 Dist. 2005).]

587
588 IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT
589 JANUARY TERM 2005 Case No. 5D04-2724

GARY M. WEHRHEIM, ET AL.,
Appellants,
v.
GOLDEN POND ASSISTED LIVING FACILITY,
Appellee.

Facts and Procedural History

The decedent, Dorothy Wehrheim, died while residing at Golden Pond Assisted Living Facility. While Dorothy was a resident of Golden Pond, Rebecca Fierle, a geriatric care manager, was contacted by the administrator of Golden Pond to assist Dorothy with arranging her personal affairs.¹ After meeting with Fierle, Dorothy executed a contract and a power of attorney authorizing Fierle to act on her behalf regarding her personal affairs. Fierle reviewed Dorothy's previous will, suggested to Dorothy that she leave her estate to a charity, and made arrangements for the preparation of a new will. Once the will was prepared, Fierle brought it to Golden Pond, where Dorothy signed it on July 23, 2002. This will names Golden Pond as the primary beneficiary of Dorothy's estate and Rebecca Fierle as personal representative.

¹The Wehrheims assert in their initial brief that “Rebecca Fierle’s line of work is elder care, consisting of acting as a professional guardian, geriatric care through use of power of attorney and health care surrogate instruments, and the probate of decedent’s estate. She networks with people in the elder care business (nursing homes, assisted living facilities, etc.) and obtains referrals from contacts in the industry.”

The Wehrheims are Dorothy's children. While Dorothy had executed wills in 1998, 1999, and 2000, none of these prior wills named her children as beneficiaries.² The children filed a petition for administration and a petition to deny admission of the 2002 will to probate on the grounds that it was the product of undue influence and executed by the decedent without testamentary capacity.

²The 1998 will did name one child as a contingent beneficiary.

6) Denying access to the courts can be as complicated as the Florida Legislature creating the below unconstitutional requirement of bond before filing, (Psychiatric Associates vs. Edward A. Siegel, 567 So.2d 52 (Fla. 1st DCA 1990) and 610 So. 2d 419; December 3, 1992) or as uncomplicated as in this case – attempting to gain and successfully denying total access.

(1987 Florida Statute 395.011 (10) (b): As a condition of any applicant bringing any action against any person or entity that initiated, participated in, was a witness in, or conducted any review as authorized by this section and before any responsive pleading is due, the applicant shall post a bond or other security, as set by the court having jurisdiction of the action, in an amount sufficient to pay the costs and attorney's fees.)

7) By filing these complaints as such, I desire to specifically charge the alleged violation of Florida's Constitution Article I, Section 21 and related laws. I am not here addressing any potential improper acts done by the petitioner under the cover of immunity, nor am I here addressing any appeal to a judicial order.

8) Judge Nancy F. Alley of Florida's Eighteenth Circuit Court allegedly violated her oath of office by issuing an Order that does not support the Florida State Constitution Article I, Section 21, after so swearing or affirming to support the Constitution of the State of Florida.

9) This abuse of our court system to seek pre-protection, especially under color of law, to absolve one's self of all legitimate liability and responsibility for past/present/future actions must be stopped and dealt with swiftly and firmly before this practice becomes more widespread and undermines the rule of law. This simple immunity act has far-reaching negative consequences and countless applications.

Respectfully submitted,

Angela V. Woodhull

Certified/Return Receipt U.S. Mail
Attachments: Documents a,c,d,e,f,i, k, n, p
Complaint on CD