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1 June 16, 2009

2  
3 RE: Florida Eighteenth Circuit Court  
4 File No. 2008-CP-0509  
5 Guardianship, Louise A. Falvo  
6

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).  
48

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

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

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

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**COMPLAINTS:**

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

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

Rebecca Santoian  
aka Rebecca Fierle  
aka Rebecca Fierle Santoian  
aka Rebecca Dobbins  
Licensed Professional Guardian  
9380 S. Magnolia Avenue  
Ocala, FL 34476  
(352) 347-9235

**Complaint 1**

**Count One:**

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

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

**Count Two:**

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

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

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

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

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

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

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

**Count Three:**

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

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

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

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

**I identify the following person involved in alleged violation of Florida Constitution Article I, Section 21:**

RE: Florida Eighteenth Circuit Court  
File No. 2008-CP-0509  
Guardianship, Louise A. Falvo  
Nancy F. Alley  
Judge, Florida Eighteenth Circuit Court  
(elected November, 1996)  
Seminole County Court House  
301 N. Park Avenue  
Sanford, FL 32771-1292  
407-665-4211

**Complaint 2**

**Count One:**

On or about June 11, 2008, Nancy F. Alley, a judge in Florida's Eighteenth Circuit Court did sign a judicial Order as part of a legal proceeding, with such Order granting Rebecca Santoian immunity from all prosecution in regard to her handling certain aspects of a guardianship case referenced above, thereby effectively closing the courts and denying and preventing justice to any person causing the loss of such person's right of redress in court of any injury resulting from Rebecca Santoian's handling of such aspects, with such effective denial of justice and prevention of redress by any person of any injury in court, so done in violation of Florida's Constitution Article I, Section 21:

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

**Count Two:**

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

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

authorized to take acknowledgments of instruments for public record in the state in the following form: **I, , a citizen of the State of Florida and of the United States of America, and being employed by or an officer of and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.** (bold for emphasis)

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

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

876.06, to wit:

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

### Count Three:

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

The 1996 Florida Criminal Statute recited:

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

\* Cole v. Richardson, 405 U.S. 676 (1972)

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



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

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

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

(FOR REFERENCE: 2008 FLORIDA CRIMINAL STATUTE CHAPTER 876)

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

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

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

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

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

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

**End of Complaints;**

**Summary follows:**

**SUMMARY:**

On May 5, 2008 Rebecca Santoian received court appointment as professional guardian for the person and property of Louise A. Falvo.<sup>d</sup> On or about June 9, 2008 Rebecca Santoian, together with her hire Anthony Nardella, petitioned Florida's Eighteenth Circuit Court, probate division, for an Order concerning the disposition of cash assets belonging to Louise Falvo. This petition also sought two forms of immunity to her actions as a licensed professional guardian regardless of any decision or 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."**<sup>c</sup> (underlined/bold for emphasis)

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

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

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

<sup>1</sup> The 2008 Florida Statutes Title XLII ESTATES AND TRUSTS PROBATE CODE: GENERAL PROVISIONS 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.

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

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

Amended

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

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

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

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

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

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

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

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

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

<sup>2</sup> Ab'solve'

Webster Dictionary

1. To set free, or release, as from some obligation, debt, or responsibility, or from the consequences of guilt or such ties as it would be sin or guilt to violate; to pronounce free; as, to absolve a subject from his allegiance; to absolve an offender, which amounts to an acquittal and remission of his punishment.

2. To free from a penalty; to pardon; to remit (a sin); - said of the sin or guilt.

**End of Summary;**

**Supplemental follows:**

**SUPPLEMENTAL:**

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

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

(1) “Exploitation of an elderly person or disabled adult” means: (a) Knowingly, by deception or intimidation, 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; or (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.

(2)(a) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$100,000 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.

(underlined for emphasis)

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

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

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

and Florida State Statute 772 Civil Remedies For Criminal Practices;

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

(Chapter 812 Theft, Robbery, and Related Crimes)

(Chapter 825 Abuse Neglect, and Exploitation Of Elderly Persons and Disabled Adults)

and Florida State Statute 772 Civil Remedies For Criminal Practices;

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

and Florida State Statute 772 Civil Remedies For Criminal Practices;

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

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

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

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

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

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

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

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

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

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

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

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT  
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.<sup>1</sup> 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.

<sup>1</sup>The 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.<sup>2</sup> 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.

<sup>2</sup>The 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. 1<sup>st</sup> 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.)



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

637  
638 8) Judge Nancy F. Alley of Florida's Eighteenth Circuit Court allegedly violated her  
639 oath of office by issuing an Order that does not support the Florida State Constitution  
640 Article I, Section 21, after so swearing or affirming to support the Constitution of the  
641 State of Florida.

642  
643 9) This abuse of our court system to seek pre-protection, especially under color of law, to  
644 absolve one's self of all legitimate liability and responsibility for past/present/future  
645 actions must be stopped and dealt with swiftly and firmly before this practice becomes  
646 more widespread and undermines the rule of law. This simple immunity act has far-  
647 reaching negative consequences and countless applications.

648  
649 Respectfully submitted,

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653 Angela V. Woodhull

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