

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, January 7, 2014 7:05 PM
To: 'Michael Rachel'; Jean Francis @ Florida - State Attorney (15th Judicial Circuit) (jfrancis@sa15.org); Michael Rachel @ Florida - State Attorney (15th Judicial Circuit) (mrachel@sa15.state.fl.us); Captain Carol Gregg @ Palm Beach County Sheriff (greggc@pbso.org)
Cc: Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Marc R. Garber Esq. (marcrgarber@gmail.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marc.garber@flastergreenberg.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marcrgarber@verizon.net); Andrew R. Dietz @ Rock It Cargo USA; Christine P. Yates ~ Director @ Tripp Scott (CTY@trippscott.com)
Subject: RE: CASE NO. 2013cf010745 - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING
Attachments: 20140106 FINAL SIGNED PRINTED Letter to Captain Carol Gregg Palm Beach County Sheriff Office re Moran Spallina Tescher.pdf; 20131203 FINAL Response to Sheriff.pdf; 20140107 Conflict of Interest Disclosure for Florida State Attorney Jean Francis and Michael Rachel.pdf

Tracking:

Recipient	Read
'Michael Rachel'	
Jean Francis @ Florida - State Attorney (15th Judicial Circuit) (jfrancis@sa15.org)	
Michael Rachel @ Florida - State Attorney (15th Judicial Circuit) (mrachel@sa15.state.fl.us)	
Captain Carol Gregg @ Palm Beach County Sheriff (greggc@pbso.org)	Read: 1/7/2014 8:42 PM
Caroline Prochotska Rogers Esq. (caroline@cprogers.com)	
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Christine P. Yates ~ Director @ Tripp Scott (CTY@trippscott.com)	Read: 1/8/2014 8:40 AM
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Undisclosed List	

Dear Michael Rachel,

Thank you for responding to my inquiries and allowing me an opportunity to explain the problems I have with a rush to prosecution of Moran while ongoing investigations involving her for other crimes are still pending. After speaking with Captain Gregg of PBSO a full review of the Official Report filed by Detective Miller is being investigated and clarified by her and internal affairs. While these actions are ongoing and your investigation was based upon those reports we are asking your offices to hold off prosecution until all of these matters can be cleared. My problem with Jean Francis arose as we could not discuss issues any longer as she refused to listen to my account of what was wrong with the PBSO report and your charges based upon the report and as far as both she and you refused information regarding Moran's involvement in other crimes, which would make the claim that all this was a one off crime by Moran wholly false. This led me to seek to speak to her direct report which was you and to resolve the impasse, which I found her behavior with me strange as I am the Victim in these matters and was just trying to make sure everything was correct and we did not miss the forest from the trees, as I claimed if you prosecute Moran at this stage and which may possibly vindicate others of other crimes by so doing it would be a travesty that could interfere and obstruct my efforts to have the bigger picture crimes investigated against all those other complained of. I have attached two pdf files herein, one sent today to Captain Gregg and one sent to Detective Miller, you and Jean Francis on December 03, 2013 that clearly explain my position and seek clarification from your offices and PBSO regarding these matters and what was exactly investigated etc... The letter to you and Jean clarifies sent weeks ago contains information about what I initially found wrong in the PBSO Report and in the ensuing weeks that no response was tendered by your offices new and damning evidence involving Moran and the Attorneys Spallina and Tescher and others was discovered and criminally complained in state and federal venues. Therefore, to start if you could please address the issues in both Captain Gregg's letter and the letter to your offices in detail and answer all the questions asked of PBSO as if they were also addressed to your offices, this would help understand what exactly your offices have reviewed, what crimes were reviewed, who was investigated and provide a general accounting of the investigation and what crimes specifically are being charged and were investigated. This way we can be clear of what and who was investigated by your offices in detail to each crime as a mountain of evidence was presented involving many crimes to PBSO, including but not limited to those of Moran and all containing solid Prima Facie evidence. It is imperative to know exactly what and who was investigated and what is being dismissed when Moran is prosecuted. Please provide all those details of your investigation involving each of these crimes and the alleged perpetrators contacted or what exactly was done and please inform me in writing if Moran is the only one that was investigated and being charged by your office for the crimes of FORGERY and FRAUDULENT NOTARIZATIONS she has admitted to and therefore none of the other crimes presented to PBSO are being dismissed against any of the many parties complained of by your offices by narrowing in on her crimes only, which are minimal part of the larger series of crimes ongoing. This is very important to me as a victim as I do not want any chance that crimes and alleged suspects are dismissed from crimes alleged against them by closing the case on Moran and vindicating them in the process, more fully defined in my letter to Captain Gregg. Therefore, until all this is rectified please cancel the sentencing hearing proceedings until the ongoing matters are wholly involved to preserve my rights and not let anyone or anything slip through the cracks.

As you know, I am involved in a series of Public Office Corruption cases nationwide, a RICO and ANTITRUST lawsuit that is about to be reactivated based on new evidence of Obstruction of Justice by Public Official, which also involve a car bombing attempted murder of my family and more. In this regard I would like a statement from both you and Jean Francis that you have no conflicts with me and have had no conversations with any party involved in those matters as many of them are law firms, Attorneys at Law and other officials in Florida. Please also provide me with a full resume for you and Jean so I can determine if there any possible conflicts listing all employment both public and private. I have attached a conflict of interest disclosure statement for your review and signature, if you are unable to sign a copy please turn these matters over immediately to your direct report for his/her review and signing before making any other determinations in these matters. However, if we you intend on delaying the proceeding against Moran please contact me promptly as the hearing I believe is on January 10, 2014 and if cancelled we can move forward together on these matters to make sure all the crimes alleged are either investigated or dismissed after due process and procedure are followed according to law.

If you have any questions or need additional information or would like a separate letter than the ones enclosed, please let me know, I am just under the gun here and thought your offices could address the similar issues asked of PBSO so that we can all get on the same page.

Thank you,

Eliot Bernstein

From: Michael Rachel [mailto:Mrachel@sa15.org]

Sent: Monday, January 6, 2014 6:12 PM

To: iviewit@iviewit.tv

Subject: FW: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Mr. Bernstein, I received another phone message from you today. I was in trial and will be for most of the week. Please tell me 1)What is your impasse with the assigned prosecutor, Jean Francis?, and 2) tell me why you believe Ms. Moran, who is charged with a felony, is not charged appropriately?

Please explain this to me concisely and succinctly in a response email. My understanding from Ms. Francis is that she had spent long periods of time on the telephone explaining the charges to you, but that you prefer to argue continually. Therefore, please send me that concise response.

Assistant State Attorney Michael Rachel
Chief of White Collar Crime Unit
State Attorney's Office, 15th Judicial Circuit
401 N. Dixie Highway, West Palm Beach, FL 33401
Ph: 561.355.7352 | Fax: 561.355.7302 | Email: mrachel@sa15.org

From: Michael Rachel

Sent: Thursday, January 02, 2014 12:34 PM

To: 'Eliot Ivan Bernstein'

Subject: RE: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

I have received only one of your messages. Please then tell me in email format, succinctly and to the point, what your impasse with Ms. Francis is about.

Assistant State Attorney Michael Rachel
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From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]

Sent: Thursday, January 02, 2014 11:05 AM

To: Michael Rachel

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.

Subject: RE: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

I have asked to speak to her supervisor as Jean and I seem to have hit an impasse that must be resolved with her supervisor which she stated was you. I left 3 separate messages. Eliot

From: Michael Rachel [mailto:Mrachel@sa15.org]

Sent: Thursday, January 2, 2014 10:04 AM

To: Eliot Ivan Bernstein

Subject: RE: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Mr. Bernstein,

I have just returned from leave and found only one telephone call from you to me on this case. Again, this case is assigned to Assistant State Attorney Jean Francis, who is out until Monday January 6th, you can call and speak to her then. The next court date is January 10th, 2014, next Friday, so there is plenty of time for you to speak with her.

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From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

Sent: Tuesday, December 31, 2013 1:45 PM

To: Michael Rachel

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.

Subject: RE: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Dear Mr. Rachel,

I am still awaiting a call back from your offices to the messages I have left and also was waiting for a response to the letter I sent on December 03, 2013 detailing errors in the investigative report of the PBSO that you based your charges against Ms. Moran on and the fact that I believe you will be charging her with an incorrect crime that she may not have committed. I have spoken to Detective Miller and that has led to a call to Lieutenant McDermott to discuss the errors in his report, as he has stated he will not respond in writing to my letter and only in a face to face meeting can he discuss his investigation that I have been unable to make due to extraneous circumstances over the last several weeks, I am trying to work something out shortly with his Lieutenant. Detective Miller also told me that I needed to speak with you about changing the charges to more appropriately ones to fit the crimes committed and noted in his report. I have responded to the new evidence of new and different crimes than those of Moran but that are related to the same nexus of events and filed a criminal complaint last week with PBSO regarding theft of assets and a federal court regarding an insurance fraud, all enabled by Moran's documents in part. Moran is also alleged now to have committed perjury and making false statement in official proceedings, including her perjured statements under oath to Governor Rick Scott's Notary Public division that contradict her statements made in official investigation with PBSO and finally her third claim through her attorney before Judge Colin that contradict her other two statements made in an Evidentiary Hearing on October 28, 2013 regarding Moran's FORGING and FRAUDULENTLY NOTARIZING documents for six separate people, including her FORGERY on a document done POST MORTEM for my father and subsequently filed with the Court as part of a larger Fraud on the Court. When I spoke to Detective Miller today, he thought he had filed Forgery charges with your offices and when we reviewed the PBSO report we found that he did not recommend her for charges of Forgery. The error may have in part resulted from his reports statement that Moran "traced" the signatures and when I asked him today why he did not use "forged" the signatures, the more proper legal term, he stated any good prosecutor would know that is what tracing means. He also stated your offices may have further changed the charges to that of a fraudulent notarization instead of his recommended charges and I would need to speak with your offices regarding those changes and if they are appropriate to the actual crime committed against me and my deceased father. These are factually very important issues to address prior to sentencing and so if you can please give me a time or two that you can spend an hour on the phone to review my information with me that would be great.

Also, do you have a case report number for Moran with your offices?

Happy Holidays, Eliot

Eliot I. Bernstein
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From: Michael Rachel [<mailto:Mrachel@sa15.org>]
Sent: Tuesday, December 3, 2013 1:27 PM
To: Eliot Ivan Bernstein
Cc: Jean Francis; Miller, Ryan W. (MillerR@pbso.org)
Subject: RE: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Mr. Bernstein,

I am the prosecutor who filed the case against Ms. Moran. I based my decision on the facts and investigation presented by the Palm Beach Sheriff's Office. The case was subsequently assigned to Jean Francis. If you have additional facts, you should report them to the Palm Beach County Sheriff's Office as they are the investigating agency.

You make many allegations and claims in your email below. As to the one that says "I have left several messages for Michael Rachel to call me back" – I can say that is not true. I received a message through my secretary, yesterday, that you tried to reach me after your one hour telephone call with Jean Francis – that is the only one. I was about to call you back, when I received this email from you.

That being said, please address your future claims of newly found evidence to PBSO. Thank you.

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From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Tuesday, December 03, 2013 11:06 AM
To: Michael Rachel; Jean Francis
Cc: Detective Ryan Miller #7704 ~ Special Investigations Division / Financial Crimes Unit @ Palm Beach County Sheriff's Office; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA
Subject: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Dear Jean,

I was just informed yesterday by your office that you have a hearing scheduled to charge Kimberly Moran tomorrow and I did not get a time and place as of this time. After speaking with you I expressed concerns that the wrong charges may be filed and that new evidence shows perjury in the official statements you are relying on for prosecution of Moran, which leads to a need for further investigation, not immediate prosecution. I have attached a draft letter I was sending to the Sheriff's office regarding the new crimes and misstatements in the Sheriff's arrest report that must be clarified and corrected so that Moran is charged with the exact crimes she committed and confessed to. I asked Det. Miller to have your offices call several weeks ago and he stated you would call me as you needed me and so I was awaiting a time to discuss the case with your offices for the first time and expose the new evidence and crimes alleged. I did not expect the call to be two days before the sentencing hearing and this leaves me rushing to get you this information that I was working on for Detective Miller and your offices. Due to this short notice of the hearing and the need to assess if she is being charged according to all the new evidence, I would like to have the hearing postponed until after we can meet to discuss these new issues. The new evidence shows both Moran and her employer have also perjured themselves in statements made in official proceedings to several different agencies and indicate far more serious crimes than those confessed to already. I have left several messages for Michael Rachel to call me back but I wanted you and him to have this document attached so that we may discuss it more in detail when he calls back and come to a decision regarding the hearing and the charges being filed and if they should be modified after further investigation. As a victim I feel that I deserve a chance to explain these matters before the prosecution of Moran for what I believe is the wrong crime as I will explain further when we speak why the crime being prosecuted for may in fact not be the crime admitted and confessed to. Since I have not been given ample time to review these new evidences and crimes with your offices or the Sheriff's office matters that directly affect me and my family I ask that we not rush to prosecution. The document enclosed is a draft and due to our limited time I am sending it hurriedly without some of the exhibits installed yet and I will get you those as I finish them, if you would like any of the missing documents referenced in advance of that time please feel free to send me a request and I will email them over.

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