

TO THE OFFICES OF THE U.S. MAGISTRATE, U.S. ATTORNEY, AND FEDERAL BUREAU OF INVESTIGATION for presentation to the U.S. Grand Jury, Marshall, Supreme Court, House Judiciary Committee, Senate Judiciary Committee, and President

IN THE JUDICIAL DISTRICT OF THE NORTHERN DISTRICT OF FLORIDA

{Jurisdiction: Common Law & Equity (commercial) {Ref: 18 USC 241 & 242

UNITED STATES OF AMERICA

ex rel.: taken upon information provided by Gary Wayne Beck Relater,

VS.

Bay County Board of Commissioners

George B. Gainer

Mike Thomas

Guy M. Tunnell

William T. Dozier

14th Judicial Court

Brantley S. Clark, Jr

James B. Fenson

Michael C. Overstreet

Shane Vann

Officers of the Court, et. All

Public Defender

Ann Mary Grabner,

Disabilities Rights - Florida

Margaret Beck

David A. Boyer

Florida State Hospital

Margaret Morgan

Michael McCormick, Attorney

Service Team, Forensic "A"

Dr. Torres

Dr. Gregory A. Pritchard

Marie Harness

Dr. Hazel Wood

Valerie Hudley

Bay County Code Enforcement

Jenny McNemar

Scott Hare

Defendants/Obligated Parties / Offenders.

5:16cv293

CRIMINAL COMPLAINT, CERTIFICATION, AND INFORMATION

Reference Cases:

Florida-Bay Cnty 14th Judicial Court

Nos: 11000658CFMA

13001322CA

14005440MMMA

15004000CFMA

16000724CA

16006361MMMA

17000304CA

FILED 09/05/17 09:15 AM 43

The above named Defendants are accused of Conspiracy to Deprive Rights Under Color Of Law, in violation of the U.S. Constitution and laws that they are obligated to support and defend. The undersigned certifies and relates all known information in support of this complaint as follows:

On or about July 16, 2013, through ONGOING, on/at/near the City of PANAMA CITY BEACH, County of BAY, State of FLORIDA, and elsewhere, the above

Initials G.W.B. Date: 9/5/17

named Defendants DID UNLAWFULLY conspire to injure, oppress, threaten, intimidate and otherwise act under color of law to willfully subject the above named Victim to false arrest, false imprisonment, excessive use of force, malicious prosecution, maliciously clouding title, theft of property, wire fraud, mail fraud, threats by mail, and other wrongs specified in this certification. The commission, neglect, and refusal to prevent or aid in preventing the commission of such wrongful acts while having the knowledge and ability to do so, constitutes a deprivation of the free exercise and enjoyment of certain rights, privileges, and immunities secured and protected by the Constitution for The United States of America and laws made in pursuance thereof.

Each and every Defendant identified in the attached certification(s), without excuse or justification in violation of each item number detailed below, **COMMITTED AS FOLLOWS:**

STATEMENT OF THE FACTS

1.) Without any lawful delegation of authority established by a valid "Statement of Officer" and "Sworn Oath of Office" as required by law, the color of law Defendants illegally conducted a commercial seizure of life, liberty and property without articulable probable cause and conspired to and did falsely arrest and falsely imprison Informant and others similarly situated with high bail charges even though Informant gave my verbal non-consent on unwarranted charges. Color of law Defendants also conducted illegal photographing, search and seizure. The officials/officers furthered their unlawful authority by not giving a required Maranda Warning and searching my private home, taking photographs of my fully privacy-fenced yard. Said chain of events began on July 16, 2010. Informant was knowingly, willingly, and deliberately, with malice of forethought and no probable cause, denied his right to unfettered liberty. Many county officials, Judicial Officers from first appearance in jail and continuing, Public Defenders, and prosecuting attorneys have denied Claimant his constitutional protections for both the Constitution for the united States of America and Florida Territory. Such denial constitutes a deprivation of rights. Said deprivation continued, when Informant was not afforded his due process right to a meaningful unfettered Probable Cause Hearing with an interpreter required

under the Americans With Disabilities Act (ADA). "Due process requires a number of safeguards such as... the right to a meaningful unfettered Probable Cause Hearing immediately upon request." Claimant so ordered to be taken to a United States District Court immediately for that hearing to no avail.

2.) Defendants in this information have violated the Informants constitutional protections under U.S.A. Constitution:

- a. ART I SECT 1: right of liberty, possessing property, right of privacy;
- b. ART I SECT 2: right of free speech, free expression of thought;
- c. ART I SECT 3: to redress of grievances;
- d. ART I SECT 4: liberty of conscience;
- e. ART I SECT 6: for exercising rights not criminal, forced to pay unproven liability, not yielding as a slave to improper and illegal demands;
- f. ART I SECT 9: Enforced a bill of attainder, pains and penalties
- g. ART I SECT 9: Enforced an ex post facto law, (NO LAW).
- h. ART I SECT 13: ILLEGAL SEIZURE WITHOUT WARRANT — TRESPASS. —
(Seized Complainant's property without warrant or lawful Claim of damages)
- i. ART I SECT 15: Denied speedy trial — DENIED TRIAL
- j. ART I SECT 15: Denied right of meaningful assistance of Counsel/Interpreter
- k. ART I SECT 15: Denied right of reasonable defense
- l. ART I SECT 15: Denied right to confront accuser, injured or damaged party.
- m. ART I SECT 15: Deprived of liberty (freedom, right of work)
- n. ART I SECT 15: Deprived of property without due process of law.
- o. ART I SECT 16: Deprived of right of trial by jury, for undefined wrongs,

- p. ART I SECT 17: Cruel or unusual punishment (being jailed for inability to read and write)
- q. ART I SECT 19: Private property taken for public use without just compensation, conversion and theft of compensation for labor. Issue of slavery.
- r. ART I SECT 23: GRAND JURY, not used. (no crime or wrong has been proven against the complainant affiant for which such felony liability is claimed, and punished for exercise of rights)
- s. ART I SECT 24: Denied right of due process
- t. ART I SECT 24: Denied right of equal protection
- u. ART I SECT 24: Denied speedy trial and public trial
- v. ART I SECT 24: Denied right of defense witnesses
- w. ART I SECT 24: Denied right of effective assistance of Counsel
- x. ART I SECT 24: Denied right of reasonable defense
- y. ART I SECT 24: Denied right to confront accuser, injured or damaged party
- z. ART I SECT 24: Denied right to be free of unreasonable search and seizures (willfully taking of compensation and willfully giving it to another without proper warrant of paperwork proving liability)
- aa. ART I SECT 24: Cruel or unusual punishment (being jailed without cause)
- bb. ART I SECT 26: DELIBERATE, WILLFUL VIOLATION, DENIAL and REJECTION OF MANDATORY AND PROHIBITORY PROVISIONS OF THE CONSTITUTION'S.
- cc. ART II SECT 1: Usurpation of Political power (acting in Conspiracy with the prosecution, outside the lawful adjudication procedure of lawful courts)

dd. ART III SECT 6: Denied right of action in the Courts before acting against the Informant that being found guilty due to his inability to read and write, punished without due process and sentenced to 372 days in state hospital jail Chattahoochee, Florida by Judge Brantley Clark.

3.) Article 16, Section 1(a) states that all elected and appointed officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation:

“I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Florida, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.” the Court in Enloe v. State, 141 Tex.Crim. 602, 150 S.W.2d 1039, 1042 (1941), held that the judge in the case lacked authority to empanel a grand jury by not subscribing to the current oath of office. The Court in Garza v. State, 249 S.W.2d 212, 212 (Tex.Crim.App.1952) held that acts of the trial judge were invalid where the judge subscribed to a so-called old oath of office. Brown v. State, 238 S.W.2d 787, 787 (Tex.Crim.App.1950) held that a special judge, until he takes an oath, has no authority to act. Failure of Defendants to make and record a sworn “Statement of Officer” and a sworn “Oath of Office” in the manner not only prescribed by law but required by law leaves said office “vacant.” Any and all acts by Defendants in regard to Informant were done without lawful delegation of authority under color of law. Such acts, done absent lawful delegation of authority as discussed above, constitute a deprivation of rights done under color of law, and were done simulating legal process and through impersonating an officer. (See U.S.C. Title 46 §843 843.0855 (2) Impersonating and falsely assuming to act as public officer or employee.)

The Defendants are without their valid “Oath of Office” and “Statement of Officer” as required by law and are therefore falsely assuming to act as public officers or employees, and have no jurisdiction of any kind over Claimant. In the absence of a sworn “Statement of Officer” and “Sworn Oath of Office” all acts committed by Defendants in regard to Claimant have been made without lawful delegation of authority, and work a deprivation of Claimant’s rights under color of law. Said acts constitute a damage, loss, and injury to Claimant in the form of physical abuse, mental and emotional anguish, worry and concern, time loss from his ministerial activities and energy and money spent attending the illegal hearings. Said damage, loss, and injury to Claimant are real and actual and not just theoretical or hypothetical.

Defendants failure to make and record their valid "Statement of Officer" and "Oath of Office", sworn and notarized and submitted to the Secretary of State of the State or proper public repository of Florida leaves Defendants in the condition of "private persons in their individual capacity", having no status as state officers, and as private persons in their individual capacity, Defendants have absolutely no claim to any form of immunity, qualified or otherwise.

CLAIM

- 4.) In order to maintain an information, it is not necessary to allege or prove that the Defendants intended to deprive Informant of his constitutional protections, or that they acted willfully, purposely, or in pursuance of a conspiracy... It is sufficient to establish that the deprivation of rights or privileges constitutionally protected was the natural consequences of Defendants acting under the color of law, irrespective of whether such consequence was intended. Ethridge v. Rhodes 268 F.Supp. 83; Whirl v. Kern 407 F.2d 781.
- 5.) Oct 10, 2010 Neighbor Claudia Gamin filed a report that Informant trespassed but it was rendered moot by the local police. Much transpired from this incident and Gamin knowing many government officials, especially one in the Code Enforcement Department as a very close personal friend.
- 6.) On or about October 13, 2010, Informants property was inspected by Building Department, then Code Enforcement and then Fire Dept, within the same day due to an informant saying Informant had construction going on (Building Inspector), then rodents (Code Enforcement), then tiki hut as a fire hazard. All gave a "clean bill of health" report.
- 7.) May 13, 2012, This conspiracy took a different turn to CRIMINAL when Informant had five people (false accusers) say Informant came out of his house with an AK47, drop to military position, and put a laser on their chests. This never happened and one of the accusers - Kevin

Carrington(?) - admitted this later and was arrested for giving a false report. They put Informant in jail on that day and the County Code Enforcement came out to his house and put a condemned sticker on Informant's house. This caused Informant the inability to use the home as collateral for Bail Bondsman.

8.) Defendants show a definite pattern of harassment towards the Informant, and, when investigated - a multitude of people who lost their cars, boats, homes and personal property will give rise to a conspiracy with a multitude of government agencies and private businesses (towing companies, real estate, scrap yards...to name a few).

The Statement of the Facts are incorporated into each of the following Counts.

COUNT 1

9.) July 16, 2012 Code Enforcement personally came onto Informants property without a warrant and cut down two 6' high privacy fences and bull-dozed some materials into a pile after seizing much new and good second hand building materials and Informants oil-spill and electric-generation inventions without just compensation.

COUNT 2

10.) November 13, 2012 Bay county Board of Code Enforcement continuing a series of actions. On December 4, 2012, men/women of the Board of Commissioners sent a letter for a hearing scheduled for December 7, 2012 at 3:00 P.M. to Informant threatening action if Informant refused to remove Informant's constitutionally protected signs of protest against what Informant contends is the corrupt actions of local officials and violations of his rights. These men/women engaged in denying me my rights protected under the 1st, 5th, 7th, and 14th Amendments to the U.S. Constitution and Americans With Disabilities Act(ADA).

COUNT 3

11.) On January 3, 2013, the Bay County Board of Code Enforcement filed a purported "Statement of Violation and Request for Hearing" contending that Defendant was liable for "uncorrected violations" of the Code Enforcement Board rules, Chapter 7, Article II. These men/women again engaged in denying Informant his rights protected under the 1st, 5th, 7th, and 14th Amendments to the U.S. Constitution and Americans With Disabilities Act(ADA).

COUNT 4

12.) Deprivation of Claimant's right to due process of law also occurred when the Code Enforcement Board held a hearing on February 7, 2013 at 3:00 p.m. The Chairman of the Code Enforcement Board predictably ignored the legal principals of Defendant's constitutional rights in favor of his own subordinate's determination that Defendant's constitutional rights are inferior to the Board of Code Enforcement when it submitted "Recommended Enforcement and Penalties" to be levied against the Informant. These men/women again engaged in denying Informant his rights protected under the 1st, 5th, 7th, and 14th Amendments to the U.S. Constitution and Americans With Disabilities Act(ADA).

COUNT 5

13.) The Defendants were only concerned with injustice and unfairness to be administrated to the Claimant through their acts, words and deeds in violation of due process of law and equal protection under the law, which greatly prejudiced the Claimant concerning his right to exercise his constitutionally protected rights.

COUNT 6

14.) Deprivation of Claimant's right to due process of law also occurred again when the Board of Code Enforcement held another hearing on May 2, 2013, alleging the same violations as it did in its first hearing, again orchestrated by the Chairman, who was both the

referee (Judge) and the “quarterback” of the Plaintiff! These men/women again engaged in denying Informant his rights protected under the 1st, 5th, 7th, and 14th Amendments to the U.S. Constitution and Americans With Disabilities Act (ADA).

COUNT 7

15.) On July 2, 2013, the Code Enforcement Board created its own self-serving “Second Order on Statement of Noncompliance” generated through its own Code Enforcement Officers, setting its own arbitrary “fees” and “fines” for “cleaning” the enclosed private yard in the amount of Two Thousand Seven Hundred Fifty and no/ 100 (\$2,750.00) Dollars on or before August 8, 2013. An “Order” was then entered on July 2, 2013 by the Board of County Commissioners chairman, George B. Gainer, who also happens to “hold court” in the very same building as the Plaintiff, the Board of Code Enforcement. The “Order” made the assertion that Informant’s constitutional right of protesting what Informant contends is the corruption of the Board of Commissioners constitutes “a nuisance on the property”. The county then placed a lien on the property title clouding the title for the cleanup costs unlawfully charges.

Simulating Legal Process. (Florida Statutes Title 46 Chapter 843, 843.0855):

(1)(a) A person commits an offense under color of law if the person uses “legal process” for the purpose of exercising jurisdiction or representing a claim against a person for the purpose of directing a person to appear before a court or tribunal (3) knowing or having reason to know the contents of any such documents or proceedings or the basis for any action to be fraudulent.

COUNT 8

16.) On July 17, 2013, Code Enforcement Board filed another action against Informant contending various code violations as part of the continued harassment of Informant for speaking out at each Commissioner’s meeting, hoping to finally be heard, but persistently and systematically ignoring Informant. Then, Code Enforcement Board created a “lien” against

Defendant's property to ensure additional threat and intimidation against this man who clearly could not fight back with powerful attorneys and large sums of money. The Summons states unequivocally on the first line that Informant was given twenty (20) days from the 17th day of July to file a written response.

COUNT 9

17.) August 8, 2013, Defendants brought a private contractor to violate Informants property and did as much damage as possible in the continuing effort to harass, intimate and destroy Informant for his speaking out against the corruption of the Bay County Board of Commissioners, Bay County Code Enforcement and how they treated him and mocked him to be publicly ridiculed.

COUNT 10

18.) September 24, 2013, Code Enforcement Officer McNemar used self-help to trespass onto Informant's property and take down and remove Informant's signs of protest against the corruption of the County officials.

COUNT 11

19.) On or about August 28, 2013, Code Enforcement Officer McNemar sent a letter to Informant contending that Informant's exercise of his First Amendment Constitutional Right to speak out against the government—and specifically the corruption of the Bay County Board of Commissioners—was “a violation” of the local ordinance and had to be taken down and removed. Informant naturally refused.

COUNT 12

20.) October 10, 2013, a similar series of events again unfolded with Code Enforcement Officer using the brute force of her position to trespass on Informant's property and remove his signs of protest.

COUNT 14

21.) October 15, 2013, a similar series of events again unfolded with Code Enforcement Officer using the brute force of her position to trespass on Informant's property and remove his signs of protest. Informant called police and had Code Enforcement return all signs.

COUNT 15

22.) October 21, 2013, Code Enforcement Officer McNemar went to the property and confirmed that Informant had removed some of the signs, but not all of the signs.

COUNT 16

23.) The following day, Code Enforcement Officer McNemar delivered a notice for another Code Enforcement hearing to be held on November 7, 2013.

COUNT 17

24.) October 29, 2013, Code Enforcement Officer McNemar again approached Informant's property, apparently for the purpose of taking pictures of Informant's constitutionally protected right to protest the corrupt actions of the local government.

COUNT 18

25.) On October 29, 2013, started another wave of attacks against Informant as evidenced by the Affidavit of Code Enforcement Officer McNemar (see attached DVD Media).

COUNT 19

26.) October 31, 2013, Code Enforcement Officer McNemar hand delivered a Notice of Hearing to Informant to appear before "the Bay County Code Enforcement Board" on November 7, 2013. At the hearing, the scheme to trespass against Defendant/Respondent's property was publicly disclosed.

COUNT 20

27.) November 7, 2013, the Code Enforcement Board created its own self-serving "Second Order on Statement of Noncompliance" generated through its own Code Enforcement Officers and by use of the police power of the county against a single citizen who dare stood up against the corruption. At the hearing, the Court inter alia, gave Informant five (5) days to comply with the removal of the constitutionally protected signs of protest against the Code Enforcement Board.

COUNT 21

28.) December 4, 2013 at 1:30 p.m. the Defendants made a Second Motion for Emergency Hearing and Second Motion for Temporary Injunction.

EVIDENCE/EXHIBITS

29.) Evidence/Exhibits that back these COUNTS up is attached here to via. Electronic Media DVD disk to conserve paper filing and is sworn to be true, accurate, complete and not misleading and most is confirmed within the counties records in the courts and commission hearings recordings.

CONCLUSION

30.) Therefore, due to the severe harassment, intimidation and illegal overt acts against the Informant, he has endured and suffered great harm in expenditure of vast amounts of his professional time, in much loss of financial gain, loss of business opportunity, loss of reputation, loss of liberty and property, loss of due process of law and equal protection of the law outside of a legitimate government interest, which was/is totally unwarranted.

48.) Additionally, the overt wrongful acts or counts in the Claim are all in the context of bad faith and harassment, outside of any state interests. The state cannot authorize its officers to

violate federal law (due process and equal protection rights), thus such officers are stripped of their official or representative capacity or character. Duke Energy Trading and Marketing, L.L.C. v. Davis, 267 F. 3d 1042 (9th Cir. 2001). Federal law rights were violated by the Defendants in this instant Claim. The Federal Court must intervene and forward this to the appropriate U.S. Prosecutor. Therefore, the Defendants stand as individuals-only before this court.

VERIFICATION

This Affiant acknowledges that the foregoing and attached Electronic Media DVD is true, correct and certain, materially complete, relevant and not misleading on this 05 day of

September in the year of our Lord 2017 at Bay County, Florida.

Gary W Beck
Gary Wayne Beck
2601 Beech Street
Panama City Beach, Florida [32408]

Public Notary:

Kenyon R. Gandy

Seal:

