

NOTICE :

Moskal v. United States (89-0964), 498 U.S. 103 (1990):

The United States Supreme Court defines:

“FALSE MAKING”; “FALSELY” ; “FORGERY”

Directly Quoted...

The Court acknowledges, as it must, the doctrine that when a statute employs a term with a specialized legal meaning relevant to the matter at hand, that meaning governs. As Justice Jackson explained for the Court in *Morissette v. United States*, 342 U.S. 246, 263 (1952):

"[W]here Congress borrows terms of art in which are accumulated the legal tradition and meaning of centuries of practice, it presumably knows and adopts the cluster of ideas that were attached to each borrowed word in the body of learning from which it was taken and the meaning its use will convey to the judicial mind unless otherwise instructed. In such a case, absence of contrary direction may be taken as satisfaction with widely accepted definitions, not as departure from them."

Or as Justice Frankfurter more poetically put it: **"[I]f a word is obviously transplanted from another legal source, whether the common law or other legislation, it brings its soil with it."** Frankfurter, *Some Reflections on the Reading of Statutes*, 47 Colum. L. Rev. 527, 537 (1947).

We have such an obvious transplant before us here. Both **Black's Law Dictionary** and **Ballentine's Law Dictionary** contain a definition of the term **"false making."** The former reads as follows:

"False making. An essential element of forgery, where material alteration is not involved. Term has reference to manner in which writing is made or executed rather than to its substance or effect. A falsely made instrument is one that is fictitious, not genuine, or in some material particular something other than it purports to be and without regard to truth or falsity of facts stated therein." Black's Law Dictionary 602 (6th ed.1990).

Ballentine's is to the same effect. See Ballentine's Law Dictionary 486 (2d ed. 1948). "Falsely made" is, in other words, a term laden with meaning in the common law, because it describes an essential element of the crime of forgery. Blackstone defined forgery as **"the fraudulent making or alteration of a writing to the prejudice of another man's right."** 4 W. Blackstone, Commentaries 245 (1769) (emphasis added). The most prominent 19th century American authority on criminal law wrote that **"[f]orgery, at the common law, is the false making or materially altering, with intent to defraud, of any writing which, if genuine, might apparently be of legal efficacy or the foundation of a legal liability."** 2 J. Bishop, Criminal Law 523, p. 288 (5th ed. 1872) (emphasis added). **The distinction between "falsity in execution" (or "false making") and "falsity of content" was well understood on both sides of the Atlantic as marking the boundary between forgery and fraud.**

"The definition of forgery is not, as has been suggested in argument, that every instrument containing false statements fraudulently made is a forgery; but . . . that every instrument which fraudulently purports to be that which it is not is a forgery . . ." *Queen v. Ritson*, L. R. 1 Cr. Cas. Res. 200, 203 (1869)

"The term *falsely*, as applied to making or altering a writing in order to make it forgery, has reference not to the contracts or tenor of the writing, or to the fact stated in the writing . . . but it implies that the paper or writing is false, not genuine, fictitious, not a true writing, without regard to the truth or falsity of the statement it contains." *State v. Young*, 46 N. H. 266, 270 (1865) (emphasis in original).

EXHIBIT

NOTICE
~~Exhibit:~~ **FORGERY & UTTERING**

- I. *What amounts to a Forgery.***
- II. *What is an Uttering.***
- III. *Of the Intent to Defraud.***
- IV. *The Instruments whereof Forgery may be committed, &c.***
- V. *Of Accessories.***
- VI. *Of the Indictment, Venue, &c.***

I. *What amounts to a Forgery.*—The making of any instrument which is the subject of forgery with a fraudulent intent, is of itself a sufficient completion of the offence without uttering or publishing, and consequently before any injury is sustained; for though publication be the medium by which the intent is usually made manifest, it may be proved as satisfactorily by other evidence. 2 *Lord R.* 1469: 1 *Leach*, 173: 2 *New R.* 93.

Not only the fabrication of the whole of a written instrument, but a fraudulent insertion, alteration, or erasure even of a letter, in any material part of a true instrument, giving a new operation to it, is a forgery, although it be afterwards executed by another person ignorant of the deceit. 2 *East*, *P. C. c.* 19. § 4. p. 855. And the fraudulent application of a true signature to a false instrument, for which it was not intended, or *vice versa*, will also be a forgery. *Id. ibid.*

To make a mark to a promissory note, or any other document, in the name of another person, with intent to defraud,

FORGERY, I. II. III. IV.

R. & R. 260. But if there be satisfactory proof of the prisoner's real name, and that the false name has been assumed for concealment, with a view to a fraud of which the forgery is a part; it is for him to prove he used the assumed name before the time he had the fraud in view, even in the absence of proof as to what name he had used for several years before the fraud was perfected. *R. & R. 278.*

II. *What is an Uttering.*—Any disposal or negotiation of a forged instrument to another person with a fraudulent intent, provided the party disposing of it knows it to be forged, is an uttering, which by most of the statutes on the subject is made a substantive offence.

Where a person knowingly delivers a forged note to an innocent agent, for the purpose of its being uttered by him, and he utters it accordingly, this is an uttering by the first party; for wherever an innocent person is employed for a criminal purpose, the employer is responsible for his acts. *2 Leach, 978: 1 N. R. 96: R. & R. 72.* And it seems to be equally held an uttering where the note was given to an accomplice. *R. & M. 166.* And though it has been doubted whether in a case like the last the party ought not to be indicted as an accessory before the fact, and not as a principal; it appears to be the better opinion that he may be charged as the utterer. *1 N. R. 96.* But to indict as a principal, there must be satisfactory proof, either of an actual delivery of the note by him to the accomplice, or else that he was present when the latter uttered it; otherwise he can only be charged as an accessory before the fact. *R. & R. 25: H. 363.* See *post, V.*

The offence of uttering is complete, though the note was delivered by the prisoner to an agent employed to detect him; if the note be delivered to the agent for the purpose of being disposed of as a good one. *2 Leach, 1019: 2 Taunt. 334: R. & R. 154.* So delivering a box containing forged instruments to the party's own servant, that he may take them to an inn to be conveyed by a carrier to a customer in the country, is an uttering. *2 Leach, 1048: 4 Taunt. 300: R. & R. 212.* So likewise the offence of uttering was held complete, where the prisoner delivered a forged bill to another person as a pledge to obtain credit. *R. & R. 86.*

III. *Of the Intent to defraud.*—By all the statutes a fraudulent intent is made an essential ingredient to the crime of forgery. But it is immaterial, whether any person be actually defrauded or not; it is sufficient if he may be thereby prejudiced. *2 East, P. C. 854.* And the intent need not be to defraud any particular person, as a general intent to defraud is sufficient; for if a man wilfully do an act, the probable consequence of which is to defraud, it will, in contemplation of law, constitute a fraudulent intent. *3 T. R. 216. n. (a): R. & R. 291.* And even though the prosecutor believes the prisoner did not intend to defraud him. *R. & R. 169.*

IV. *The Instruments whereof Forgery may be committed, &c.*—Forgery by the common law extends to false and fraudulent making or altering of a deed or writing, whether it be a matter of record, in which seems to be included a parish register; which is punishable by fine, imprisonment, and corporal punishment, at the discretion of the court; or any other writing, deed, or will. *3 Inst. 169: 1 Rol. Abr. 65: 1 Hamk. P. C. c. 70.*

The counterfeiting writings of an inferior nature, as letters, and such like, it hath been said, is not properly forgery; but the deceit is punishable.—However, in the case of John Ward, of Hackney, it was determined that to forge a lease or acquittance for the delivery of goods, although not under seal, was forgery at common law. See *Barn. K. B. 10: Ld. Raym. 737. 1461: 5 Mod. 137: Raym. 81: Stra. 747.* And this case is considered as having now settled the rule that the counterfeiting of any writing with a fraudulent intent, whereby

another may be prejudiced, is forgery at common law. *2 East's P. C. c. 19. § 7.*

The following is a list of the different instruments comprised in the statutes on the subject, with the punishment annexed to each act of forgery. It must be remembered, as already observed, that those offences which are declared capital felonies by acts passed previously to the 11 G. 4. and 1 W. 4. c. 66. are now only punishable with transportation for life, or seven years, or with imprisonment, not exceeding four, or less than two years.

And by 3 and 4 W. 4. c. 44. § 3. persons punishable with transportation for life under the 2 and 3 W. 4. c. 123. may, at the discretion of the court before whom they are convicted, be previously imprisoned with or without hard labour in the common gaol or house of correction, or be confined in the Penitentiary, for a term not exceeding four years, or less than one.

1. *Seals, &c.*—Forging the great seal of the United Kingdom, his Majesty's privy seal, any privy signet of his Majesty, his Majesty's sign manual, the seals of Scotland, the great seal, and privy seal of Ireland, treason; 11 G. 4. and 1 W. 4. c. 66. § 2; transportation for life; 2 and 3 W. 4. c. 123.

2. *Records, &c.*—If any judge or clerk offend by false entering of pleas, or raising of rolls, to the dishonour of any, he is punishable by fine to the king, and shall make satisfaction to the party. 8 Ric. 2. c. 4. Avoiding records; felony. 8 H. 6. c. 12. Forging a memorial or certificate of a registry of lands in Yorkshire or Middlesex, imprisonment for life, forfeiture of lands, &c. 2 and 3 Anne, c. 4. § 19: 5 & 6 Anne, c. 18. § 8: 7 Anne, c. 20. § 15: 8 G. 2. c. 6. § 21. Uttering a false certificate of a previous conviction; felony; transportation, or imprisonment, and whipping. 7 and 8 G. 4. c. 28. § 11. Forging a court roll, or copy of a court roll; felony; transportation; or imprisonment. 11 G. 4. and 1 W. 4. c. 66. § 10. An entry in a register relating to baptism, marriage, or burial; felony; transportation, or imprisonment. 11 G. 4. and 1 W. 4. c. 66. § 20, 21, 22.

3. *Revenue, &c.*—Forging the stamp on linens, calicoes, stuffs; capital felony. 10 Anne, c. 19. § 97: 13 G. 3. c. 56. § 5. See 52 G. 3. c. 142. § 1.—Forging the stamp on cambrics, &c.; capital felony. 4 G. 3. c. 87.—Franks, felony; transportation for seven years. 24 G. 3. c. 27. § 9: 42 G. 3. c. 63. § 14.—Forging registers, certificates, &c. of ages of nominees, or annuitants of annuities secured in the public funds; capital felony. 29 G. 3. c. 41: 48 G. 3. c. 142. § 27: 49 G. 3. c. 64. § 3.—Contracts and certificates for the redemption and sale of the land tax; capital felony. 42 G. 3. c. 116. § 194: 52 G. 3. c. 143. § 6—A hawker's licence; three hundred pounds fine. 50 G. 3. c. 41. § 18. Forging the stamps on parchment, playing cards, almanacks, plate, newspapers, &c.; capital felony. 52 G. 3. c. 143. § 7, 8: 55 G. 3. c. 184. § 7: 55 G. 3. c. 185: 6 G. 4. c. 116. Transposing stamps from plate to other plate, or inferior metal; capital felony. 52 G. 3. c. 143. § 8. Forging debentures or certificates for payment or return of money, required by the statutes relating to the customs or excise; capital felony. 52 G. 3. c. 143. § 10. Forging declarations of return of insurance; felony; transportation for seven years. 54 G. 3. c. 133. § 10. Forging the mark of postage on letters; fine, and imprisonment. 54 G. 3. c. 169. The stamp denoting the duty to have been paid on paper, pasteboard, &c.; fine. 1 G. 4. c. 58. § 13.

4. *Public Securities.*—Forging an entry, &c. in the books of the Bank of England, South Sea Company; felony; death. 11 G. 4. and 1 W. 4. c. 66. § 5. A transfer of stock of the Bank of England, South Sea Company, or any other body corporate, company, or society, now or hereafter to be established, or a power of attorney to transfer it, or transferring it by personating the proprietor; felony; death. 11 G. 4. and 1 W. 4. c. 66. § 6. Forging the names of witnesses to such power of attorney; felony; transportation, or imprisonment. 11 G. 4. and 1 W. 4. c. 66. § 8. Clerks, &c. employed in the Bank of Eng-

U.S. Supreme Court in Murdock v. Pennsylvania, 319 US 105, at 113 (1943):

"A state may not ... impose a charge for the enjoyment of a right granted by the Federal Constitution."

US Supreme Court in Miranda v. Arizona, 384 US 436, 491:

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

US Supreme Court in Lansing v. Smith (1829) 4 Wend. 9,20:

"People of a state are entitled to all rights which formerly belong to the King, by his prerogative."

The People v. Herkimer, 4 Cowen (NY) 345, 348 (1825):

"The people, or sovereign are not bound by general words in statutes, restrictive of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind the King or the people. The people have been ceded all the rights of the King, the former sovereign ... It is a maxim of the common law, that when an act is made for the common good and to prevent injury, the King shall be bound, though not named, but when a statute is general and prerogative right would be divested or taken from the King [or the people] he shall not be bound."

the US Supreme Court in Meyer v. Nebraska, 262 US 390, 399: The term Liberty "... denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of his/her own conscience, the established doctrine is that this liberty may not be interfered with under the guise of protecting public interest, by legislative action which is arbitrary ..."

I, claim that; *"this court errs, if court dismisses, [pro se litigant], without instructions of how the pleadings are deficient and how to repair the pleading ;*

B. Platsky v. CIA, 953 F.2d 25, 26 28 (2nd Cir. 1991)

I, am aware that [Rule 8 (f)] *"the Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits"*.

Maty v. Grasselli Chemical Co., 303 U. S. 197; Conley v. Gibson, 355 U.S. 41, 48 (1957)

"The assertion of federal rights, when plainly and reasonably made¹, are not to be defeated under the name of local practiceⁱⁱ."

Arnold v. Panhandle & S.F. Ry. Co., 353 U.S. 360 (1957)

EXHIBIT



AMANDA MORGAN
Director

**Jefferson County
Department of Human Resources**

1321 Fifth Avenue South
Post Office Box 11926
Birmingham, Alabama 35202-1926
(205) 918-5100



ANGELA MCCLINTOCK
Assistant Director

KIM W. MASHEGO
Assistant Director

November 21, 2008

To Whom It May Concern:

The Jefferson County Department of Human Resources (JCDHR) does hereby state, pursuant to Order of the Family Court of Jefferson County, that JCDHR does not have any Child Abuse and Neglect Reports also known as "CA/N Reports" concerning Mr. Karl Lentz located on the Agency's Central Registry.

However, readers of this letter are cautioned as follows: This letter does not imply that Mr. Lentz has or has not ever been involved with JCDHR concerning abuse or neglect of his child(ren). Further, this letter does not imply that Mr. Lentz has or has not been a party to Dependency Proceedings in the Jefferson County Family Court concerning abuse or neglect of his child(ren). JCDHR is unable to confirm or deny (in this letter) whether Mr. Lentz has been involved with or has any history with JCDHR concerning abuse or neglect of his child(ren), due to confidentiality laws of the State of Alabama. This letter merely states that Mr. Lentz's name does not appear on the CA/N Central Registry.

Any child welfare agency or Court having jurisdiction over Mr. Lentz and/or his child(ren) who requires information regarding involvement that JCDHR has or has not had with Mr. Lentz concerning abuse or neglect of his child(ren) should contact the Jefferson County Department of Human Resources at (205)918-5100, and request such information in a manner authorized by Federal Law.

Sincerely,

A handwritten signature in cursive script that reads "Kim Mashego".

Kim Mashego
Assistant Director
Child Welfare

NOTICE
ON

EXHIBIT :

**THE DHR's ANSWER TO
MY WISH TO SETTLE THE MATTER ON THE PRIVATE SIDE**

From: Karl L. <kldirectv@yahoo.com>
To: "Long, James E. (DHR)" <James.Long@dhr.alabama.gov>; "Sharon" <sharon.ficquette@dhr.alabama.gov>; angela drees <ANGELA.DREES@YAHOO.COM>; ben spiller <ben.spiller@finance.alabama.gov>; "beth.schaefer@dhr.alabama.gov" <beth.schaefer@dhr.alabama.gov>; billing stephin <sbillingslea@ago.state.al.us>; Brian Huff <huffb@jccal.org>; candice <candice.lanier@dhr.alabama.gov>; cooper shattuck <cooper.shattuck@governor.alabama.gov>; David Schoen <dschoen593@aol.com>; gene sisson <gsisson@ago.state.al.us>; Helen Hoffman <HHoffman@ago.state.al.us>; "james.long@dhr.alabama.gov" <james.long@dhr.alabama.gov>; Janet Owens <jowens@adap.ua.edu>; jerry carpenter <Jerry.Carpenter@finance.alabama.gov>; K L <KLDIRECTV@YAHOO.COM>; karen <rhiannon013@yahoo.com>; "Kim.Huggins@finance.alabama.gov" <Kim.Huggins@finance.alabama.gov>; laura lingle <llingle@ago.state.al.us>; luther <lstrange@ago.state.al.us>; "Marilyn.Tucker@finance.alabama.gov" <Marilyn.Tucker@finance.alabama.gov>; Nancy <nancy.buckner@dhr.alabama.gov>; Robert Bentley <robert.bentley@governor.alabama.gov>; ruthie alexander <ruthie.alexander@governor.alabama.gov>; tim fuhrman <tfuhrman@ago.state.al.us>; v <tjconboy611@hotmail.com>
Sent: Tuesday, September 13, 2011 9:26 AM
Subject: Re: Reason for Failure to respond? "72"

From: "Long, James E. (DHR)" <James.Long@dhr.alabama.gov>
To: Karl L. <kldirectv@yahoo.com>; "Tucker, Marilyn" <Marilyn.Tucker@finance.alabama.gov>; "Huggins, Kim" <Kim.Huggins@finance.alabama.gov>; "Ficquette, Sharon" <Sharon.Ficquette@dhr.alabama.gov>
Sent: Monday, September 12, 2011 6:46 PM
Subject: RE: Reason for Failure to respond? "72"

"DHR does not believe that you have a claim. DHR will not be paying you any money or giving you other relief. If you feel that you have a claim, you should feel free to pursue your complaint in a court of law."

James E. Long
Deputy Attorney General
DHR Legal Office
(334) 242-9330/Attnet 220-9330
Fax (334) 242-0689
james.long@dhr.alabama.gov

"This electronic message contains information that may be legally confidential and/or privileged. If you are not the intended recipient, any disclosure, copying, distribution, or use of this information is prohibited and may be unlawful. If you have received this electronic message in error, please reply immediately to the sender that you have received the message in error, and delete it."



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

LUTHER STRANGE
ATTORNEY GENERAL

801 WASHINGTON AVENUE
P.O. BOX 300152
MONTGOMERY, AL 36130-0152
CEAS 8487300
WWW.AGC.STATE.AL.US

April 13, 2011

VIA EMAIL @ kldirectv@yahoo.com

Mr. Karl Lentz

Dear Mr. Lentz:

I recently began working as the Chief Investigator for the Attorney General's Office. Shortly after receiving your most recent correspondence, I conducted an extensive review of your prior interaction with this office and the State of Alabama. This review included reviewing your prior litigation which was dismissed and a review of the letter this office sent to you on February 17, 2010, advising you of your options to retain legal counsel in this matter. There is no information contained in your most recent correspondence which changes that advice.

I also noticed in the letter dated February 17, 2010, that you had written to this office five times in less than six weeks and you have also contacted this office several times recently. Absent any new information provided by you, this office will not correspond with you anymore.

Sincerely,

A handwritten signature in black ink that reads "Timothy J. Fuhrman".

Timothy J. Fuhrman
Chief Investigator

TJF:ldl

EXHIBIT - '41'

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

TROY KING
ATTORNEY GENERAL

800 DENVER AVENUE
MONTGOMERY, AL 36180
(334) 242-7300
WWW.AG.STATE.AL.US

February 17, 2010

VIA EMAIL @ kldirectv@yahoo.com

Mr. Karl Rudolph Lentz

Dear Mr. Lentz:

The Office of the Alabama Attorney General has received your correspondence dated January 27, 2010, January 11, 2010, December 30, 2009, December 16, 2009, and December 15, 2009. Your information was forwarded to the Investigative Division for review.

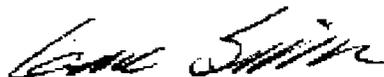
The primary duty of the Attorney General is to serve as legal counsel for Alabama's government agencies, departments and officers. Alabama law prohibits our office from providing private citizens with legal advice, representation or opinions. We can only suggest that you consider discussing your concerns with a private attorney, who can advise you of your legal rights and options and may also provide you with the appropriate legal representation and legal advice you are seeking.

If you do not have a private attorney, you may wish to contact the Alabama State Bar's Lawyer Referral Service toll-free at (800) 392-5660 to obtain a referral. If you feel that you cannot afford legal representation, you may wish to contact your nearest Legal Services regional satellite office so you might discuss your possible eligibility for assistance at one of the following phone numbers:

Montgomery Regional Office — (334) 832-4576
Opelika Regional Office — (334) 749-5075
Mobile Regional Office — (334) 433-6560
Monteville Regional Office — (334) 743-3234
Bentonsville Regional Office — (256) 536-9645
Selma Regional Office — (334) 875-3770
Birmingham Regional Office — (205) 328-3510

Dothan Regional Office — (334) 793-7932
Troy Satellite Office — (334) 566-6100
Gulfshen Regional Office — (256) 543-2434
Anniston Satellite Office — (256) 237-3660
Florence Regional Office — (256) 767-2030
Tuscaloosa Regional Office — (205) 758-7505
Decatur Regional Office — (256) 350-3551

Sincerely,



Gene Sisson
Chief Investigator

GS:ldl

EXHIBIT



I, D. Bruce Patterson, County Clerk of the County of Rockbridge, and as such Clerk of the Circuit Court for the said County, the same being a Court of Record, do hereby certify that

Linda F. Johnson

whose name is signed to the certificate of the proof of acknowledgment of the annexed instrument and thereon written, was at the time of such proof and acknowledgment, a NOTARY PUBLIC, in and for said County, residing therein, duly commissioned and sworn, and authorized by the laws of said State to take acknowledgments and proofs of deeds or conveyances, for land, tenements, or hereditaments in said State, to be recorded therein. And further, that I am well acquainted with the handwriting of such NOTARY PUBLIC and verily believe that the signature to said Certificate of proof or acknowledgment is genuine.

IN TESTIMONY WHEREOF, I hereunto set my hand as Clerk and affix the seal of the said Court, that 28th day of February, 2012, and in the 23rd year of the Commonwealth.

Brian M. Johnson Deputy Clerk

UNRELENTING: NEGLIGENT
NAMED STATE EMPLOYEES,
DAMAGES, WHO MOVED IN S
GOVERNMENT OF THE STAT

THE NEGOTIABLE INSTRUMI
AND PROPER BY: THE LANGI
THE CODE OF ALABAMA 1975
DEEMED JUST AND PROPER.

THIS IS THE FINAL DEMAN
I WILL ACCEPT FOR PAYM
PAYMENT MUST BE SENT V
PAYMENT MUST BE DELIVER

UPON THE DELIVERY OF TH
(1) THE NOTARY WILL SURE
(2) I WILL LAY NO MORE CL
CASE, ON MY BEHALF, AS I WILL

DISHONOR WILL RESULT IN
ALONG WITH THE COMPLAI
DEEMED PROPER AND JUST,

THE PAYMENT IS TO BE SEN
REGISTERED MAIL TO:
KARL LENTZ:

P.O. BOX 440 LEXINGTON, VA.
DRAWN AS HEREBY STATED:

County/City of Rockbridge
Commonwealth/State of VIRGINIA
The foregoing instrument was acknowledge
before me this 5 day of May
2011, by
Karl Lentz
(name of person seeking acknowledgment)

COMMONWEALTH OF VIRGINIA (TTE
MV



STATE S. 10
all rights reserved - 0667

DC-18 (1/50)

166633

MAY 5th 2011

Notary Public
My commission expires 12/31/2011

My Commission Expires Dec 31, 2011

EXHIBIT 'F'

NOTICE

Nature of persons

DEFENDANTS / RESPONDENTS/ STATE ACTORS /PUBLIC SERVANTS / Δ s

- 1) *"It has long been established that the actions of state officers and agents are attributable to the state"¹;*
- 2) The Δ s are state actors²;
- 3) The Δ s are, "art and part", to the crimes found within 'JU-2001-51832' ;
- 4) The Δ s³ , committed wrongful⁴ acts, and/or; negligent acts, and/or; acts of omission, against I, the aggrieved party ;
- 5) These state actors⁵ have moved their state's "administrative hearing officers" , throughout the years, in the creation of numerous void court orders;
- 6) The state actors failed to notify the proper authorities, and/or the courts, and/or the victims, of the wrongful, and/or; negligent acts, and/or; acts of omission being committed⁶ in the name of the state;
- 7) The 'state actors' violated the law [Alabama⁷ and federal⁸], by failing to speak, once having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority;
- 8) A 'state actor', commits and may be prosecuted of the crime of, "misprision of felony"⁹, as it is generally only applied against persons placed in a special position of authority or responsibility, who stand idly by and are active in the concealment of a known felony ; by failing to report the illegal, and/or; unlawful acts;

CC

MEMBERS OF THE LEGAL SOCIETY

- 9) The initial group of (24) defendants, are members of the legal society¹⁰: advocates; attorneys¹¹; barristers; counselors; guardian ad litem; lawyers; public defenders¹²;

Canon Code Rule 3.3: Candor Toward The Tribunal; The advocate(s) is [are] to display *candor toward the tribunal* in that a lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

- (A). Michael Nunnelly, an attorney for the 'DHR', in his:
- (1). official capacity, and/or;
 - (2). individual capacity ;
- (B). Troy King, as an attorney, within the office of the attorney general
- (1). official capacity, and/or;
 - (2). and individual capacity ;
- (C). Luther Strange, as an attorney, within the office of the attorney general
- (1). official capacity, and/or;
 - (2). and individual capacity ;
- (D). Sandra Johnson: an assistant state attorney General, and, in her:
- (1). official capacity, and/or ;
 - (2). individual capacity ;
- (E). Jonathon Schlenker: an assistant state attorney General, in his:
- (1). official capacity, and/or;
 - (2). individual capacity ;
- (F). The Law Firm of BOYD, FERNAMBUCQ, VINCENT & DUNN, P.C.,
- (1). Private actors are liable for their complicity and thereby deemed as 'state actors'¹³ ;
- (G). Brian Huff, an attorney, in his:
- (1). official capacity and/or;
 - (2). individual capacity;

- (H). Tim Smith, an attorney, in his:
 - (1). official capacity and/or;
 - (2). individual capacity;

- (I). Jason Bonner, an attorney, in his:
 - (1). official capacity and/or;
 - (2). individual capacity;

- (J). Tom Conboy, an attorney from the public defenders office in his:
 - (1). official capacity and/or;
 - (2). individual capacity;

- (K). Douglas A Dellaccio Jr from the public defenders office, in his:
 - (1). official capacity and/or;
 - (2). individual capacity;

- (L). Mary Kaye Laumer, from the public defenders office in her:
 - (1). official capacity and/or;
 - (2). individual capacity;

- (M). Kaye L. Cason, from the public defenders office in her:
 - (1). official capacity and/or;
 - (2). individual capacity;

- (N). Mari Morrison:
 - (1). official capacity and/or;
 - (2). individual capacity;

- (O). Sandra Eugene Gregory, a GAL, of the LEGAL AID SOCIETY: in her:
 - (1). official capacity, and/or;
 - (2). individual capacity ;;

- (P). Julie Marks, a GAL, of the LEGAL AID SOCIETY: in her:
 - (1). official capacity, and/or;
 - (2). individual capacity ;

- (Q). Celia Lapidus Nadler, a GAL, of the LEGAL AID SOCIETY: in her:
 - (1). official capacity, and/or;
 - (2). individual capacity ;

- (R). Susan Sharpe, a GAL, of the LEGAL AID SOCIETY: in her:
 - (1). official capacity, and/or;
 - (2). individual capacity ;

- (S). Sonny Reagan (a nice man, but also complicit) a legal advisor for Gov. Bob Riley
 - (1). official capacity, and/or;
 - (2). individual capacity ;

- (T). Diane Dunning an attorney for the 'DHR', in her:
 - (1). official capacity, and/or;
 - (2). individual capacity ;

- (U). Sharon Ficquette, an attorney for the 'DHR', in her:
 - (1). official capacity, and/or;
 - (2). individual capacity ;

- (V). Jerry Carpenter, an attorney from RISK management, in his;
 - (1). official capacity, and/or;
 - (2). individual capacity ;

- (W). Cooper Shattuck, a legal advisor for the governor, in his ;
 - (1). official capacity, and/or;
 - (2). individual capacity ;

**THE DEPARTMENT OF HUMAN RESOURCES :
OFFICIALS, and/or SUPERVISORS, and/or “MERIT” EMPLOYEES;**

- 10) These next twenty-five (25) Δ 's represent, the DHR: officials, and/or supervisors, and/or “merit” employees;

A government agent is entitled to immunity unless his act is “so obviously wrong, in the light of pre-existing law, that only a plainly incompetent officer or one who was knowingly violating the law would have done such a thing.”

Lassiter v. Ala. A & M Univ., 28 F.3d 1146, 1149 (11th Cir.1994)

- (A). Robert Bentley, 53rd Governor of Alabama, as the *chairman* of the board of the 'DHR', in his:
- (1). official capacity, and/or;
 - (2). individual capacity;
- (B). Bob Riley, 52nd Governor of Alabama, as the *chairman* of the board of the 'DHR', in his:
- (1). official capacity, and/or;
 - (2). individual capacity;
- (C). Don Seligmann, 51st Governor of Alabama, as the *chairman* of the board of the 'DHR', in his:
- (1). official capacity, and/or;
 - (2). Individual capacity;
- (D). Page Walley: as the Commissioner of the 'DHR' , in his:
- (1). official capacity, and/or;
 - (2). individual capacity;
- (E). Nancy Bruckner: as the Commissioner of the 'DHR' , in her:
- (1). official capacity, and/or;
 - (2). individual capacity;
- (F). Trish Muscolino; Interim Director, DHR, in her:
- (1). official capacity, and/or;
 - (2). individual capacity;

- (G). Angela Tanveer: Asst. Director, DHR, in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (H). Kim Mashego: Asst. Director, DHR, in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (I). Barbara Galloway: Asst. Director, DHR, in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (J). Tenisha Felton: Supervisor, a DHR, Supervisor, in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (K). Deirdre March: original Caseworker, of the DHR, in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (L). Lisa Brown: Caseworker, DHR, in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (M). Anita Scott-Smith: a DHR, Supervisor, in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (N). Karen Bazinet: Caseworker, DHR, in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (O). Tracie Curry: Caseworker, DHR, in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (P). Terry Beasley: Caseworker, DHR, in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (Q). Beth Schaefer: of the investigation division at the State Headquarters Of Alabama Department Of Human Resources - Montgomery, AL. in her:
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (R). Theresa Monmo, a "DHR" supervisor, in her;
 - (1). official capacity, and/or;
 - (2). individual capacity;

- (S). Judy Mavery, 'DHR' Supervisor, in her :
 - (1). Official capacity, and/or
 - (2). Individual capacity

- (T). Amanda Wright, 'DHR' director, in her:
 - (1). Official capacity, and/or
 - (2). Individual capacity;

- (U). Maryann Owens, a 'DHR' supervisor, in her:
 - (1). Official capacity, and/or
 - (2). individual capacity;

- (V). Carolyn Lapsley, a 'DHR' supervisor, in her:
 - (1). Official capacity, and/or
 - (2). Individual capacity

- (W). Cheryl Haladay, a 'DHR' Supervisor, in her:
 - (1). Official capacity, and/or
 - (2). Individual capacity

- (X). Terri Reid, a 'DHR' Supervisor, in her:
 - (1). Official capacity, and/or
 - (2). Individual capacity

CIVIL ADMINISTRATIVE HEARING OFFICERS / JUDGES

- 11) These next eight (8), Δ 's, are civil administrative hearing officers, and/or; judges, and are, liable for damages¹⁴; if and/or when they violate their oaths of office and/or; ***criminal punishment is available for a state judge who violates Civil Rights***¹⁵.
- (A). William Hereford, as a civil administrative hearing officer, in his:
 - (1). Official capacity, and/or;
 - (2). individual capacity

 - (B). William Vowell, as a civil administrative hearing officer, in his:
 - (1). Official capacity, and/or;
 - (2). individual capacity ;

 - (C). Sandra Storm, as the judge of the 'Jefferson County Family Court' in her:
 - (1). Official capacity, and/or;
 - (2). individual capacity;

 - (D). Brian Huff, as the judge of the 'Jefferson County Family Court' , in his:
 - (1). Official capacity, and/or;
 - (2). individual capacity;

 - (E). Andre Sparks, as a civil administrative hearing officer in his:
 - (1). Official capacity, and/or;
 - (2). individual capacity ;

 - (F). Bahakel, as a civil administrative hearing officer in his/her (I never "seen", this hearing officer but its name is on a court order):
 - (1). Official capacity, and/or;
 - (2). individual capacity ;

 - (G). Barclay, as a civil administrative hearing officer in his/her(I never "seen", this hearing officer but its name is on a court order):
 - (1). Official capacity, and/or;
 - (2). individual capacity ;

 - (H). William Owings, as a civil administrative hearing officer, in his:
 - (1). Official capacity, and/or;
 - (2). individual capacity ;

**AGENTS of:
THE OFFICE OF THE ATTORNEY GENERAL, and
THE ALABAMA BUREAU OF INVESTIGATION;**

- 12) These next Three (3), Δ 's , refused to inform the courts , and/or the victims of their knowledge of the crimes;
- (A). Timothy J. Firhrman, chief investigator of state of alabama's office of the attorney general in his:
 - (1). official capacity, and/or;
 - (2). individual capacity;

 - (B). Howard 'Gene' Sissons, chief investigator of state of alabama's office of the attorney general in his:
 - (1). official capacity, and/or;
 - (2). individual capacity;

 - (C). Lieutenant Sartain, of The Alabama Bureau of Investigation, in his:
 - (1). official capacity, and/or;
 - (2). individual capacity;¹⁶

EXHIBIT 'F'

¹ **POINDEXTER v GREENHOW, treasurer 114 US 270, 291 (1885)** "The distinction between the government of a state and the state itself is important, The state itself is an ideal person, intangible, invisible, immutable".

"**The government is an agent**, and, within the sphere of the agency, a perfect representative; but outside of that, **it is a lawless usurpation**. The constitution of the state is the limit of the authority of its government, **and Both government and state are Subject** to the supremacy of the constitution of the United States, and of the laws made in pursuance thereof "

² Ex parte Virginia, 100 U.S. 339 (1880). Similarly, the acts of a state governor are state actions, Cooper v. Aaron, 358 U.S. 1, 16 - 17 (1958); Sterling v. Constantin, 287 U.S. 378, 393 (1932), as are the acts of prosecuting attorneys, Mooney v. Holohan, 294 U.S. 103, 112, 113 (1935), and law enforcement officials. Griffin v. Maryland, 378 U.S. 130 (1964); Monroe v. Pape, 365 U.S. 167 (1961); Screws v. United States, 325 U.S. 91 (1945). One need not be an employee of the State to act "under color of" state law; he may merely participate in an act with state officers. United States v. Price, 383 U.S. 787 (1966).

³ C.J.S. 15A § 87 'Color of Law' – immunity – "The requisite state action under deprivation of rights [section 1983] can be present even if a conspirator who is a state actor is immune from the suit. See Panayotides v. Rabenold, 35 F. Supp. 2d 411, 419 (E.D. Pa. 1999) (internal citations omitted), *aff'd*, 210 F.3d 358 (3d Cir. 2000).

Thus a private person who conspires with state official acting under color of law may be held liable for damages for participating in a Conspiracy "regardless" of whether the state officials are themselves immune from suit as in : Kadivar v. Stone, 804 F.2d 635, 637 (11th Cir.1986)

⁴ "A public official is a fiduciary toward the public... and if he deliberately conceals material information from them he is guilty of fraud..."
McNally v. U.S., 483 U.S. 350, 371-372, Quoting U.S. v Holzer, 816 F.2d. 304, 307

⁵ "Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth..."
Morrison v. Coddington, 662 P. 2d. 155, 135 Ariz. 480 (1983):

⁶ "Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth..."
Morrison v. Coddington, 662 P. 2d. 155, 135 Ariz. 480 (1983)

⁷ Ala. Code 1975: 13A-2-24(3): A person shall not be legally accountable for behavior of another constituting a criminal offense if: "...Prior to the commission of the offense [S] he voluntarily terminated his [her] effort to promote or assist its commission and either gave timely and adequate warning to law enforcement authorities, or to the intended victim, or wholly deprived his complicity of its effectiveness in the commission of the offense."

⁸ Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both

⁹ U.S. Codes Title 18 § 4

¹⁰ "Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law."~ Owen v. Independence, 100 S.C.T. 1398, 445 US 622

¹¹ A Private person [attorneys] acts "under color of" state law when engaged in a conspiracy with state officials to deprive another of federal rights ~ Dennis v. Sparks, 449 U.S. 24 . 919-920 (1980); Brown v. Johnston, 675 F. Supp. 287 (W.D. Pa. 1987)

¹² Public defender are not immune from liability [under 1983] for intentional misconduct by virtue of alleged conspiratorial action with state officials that deprives their client of federal rights ~ Tower v. Glover, 467 U.S. 914, 915 (1984);

¹³ Dennis v Sparks (1980): Concerned the liability of private actors who conspire w/ state officials to deprive the plaintiffs of constitutional rights. To be found to act under color of state law, it is enough that the D be a willful participant in joint action w/ the state or its agents.

¹⁴ N.B. Ex part Virginia, a judge was criminally punished for not allowing blacks on a jury, My Claim is these hearing officers allowed the state's attorneys and 'DHR', to kidnap a newborn from his mother/father from a state hospital's **maternity ward** , and for the next eight years, I [we, the parents] **asked; requested; begged; pleaded; ordered ; demanded, and/or CRIED, (while the 'state actors' LAUGHED, at us, the in the pressence of the parents, in court) innumerable** times to these hearing officers to "make" the state produce the contract, the hearing officers never made the state's "officers of the court" produce the contract , instead these hearing officers generated approximately thirty (30) court orders (civil administrative tribunal hearing decisions) based upon a **contract that did not exist**, and at all times were complicit with the other 'state actors', in making a profit, by submitting false claims of federal welfare funds (Social Security act § 472 and US Code Title 42 §§ 671; 672, for their "boss", *the government of the state of Alabama*'

¹⁵ *In addressing Ex parte Virginia, 100 U.S. 339 (1880), which upheld criminal punishment of a state judge who violated the Civil Rights Act of 1875.*

¹⁶ "Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law."~ Owen v. Independence, 100 S.C.T. 1398, 445 US 622

Attached is a court order, as per Deputy Attorney General, Jerry Carpenter's, "bad-faith" counter-offer, that the 'GENERAL LIABILITY TRUST FUND' , would ONLY settle the matter, when court ordered to do so...

That being said... here is the court order: