

**Autobiography  
of a**

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**Targeted-  
Individual**

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**By Danielle Hendricks-Garcia**

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“It is private incident which portrays the real man; it is the habits of domestic life which are the true touchstone both of greatness and the weakness of humanity. The common maxim, that no man is a hero to those with whom he is familiar, indicates the universal concurrence of all ages in this truth...(p. 85).”<sup>1</sup>

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<sup>1</sup> Alison, Archibald. (1844). *History of Europe: From the Commencement of the French Revolution in 1789, to the Restoration of the Bourbons in 1815*. Volume IV. New York: Harper & Brothers.

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## Introduction

Most people are more than just a collection of events or things that happen to them, but a collection of ideas. My purpose in writing this is to convey those ideas but also to give people the opportunity to reflect on my life and my experiences. When such ideas and experiences are political in nature, I have found the collection of stories from other people very useful in understanding my own life and experiences. So, if the reader finds that they have similar experiences, hopefully reading this will make things easier and aid in the development of one's broader understandings which can lead to better decisions.

In a nutshell, this book is about organized, criminal, and just simply wrong, targeting, orchestrated through the collective force of people and apparatus of government. Targeting, simply put, is a disintegration scheme. When used collectively against countries and people of those countries by foreign powers the word subversion is applied. When the targeting is against individuals or smaller, individual/minority groups within the same country, the word disintegration would be appropriate. This is when those in power view certain groups, certain individuals as their enemies real or imagined. This is certainly a more personal book and perhaps, also, more detailed in some ways than my last book "*Disintegration and the New World Order*" and is an extension of that book.

What I am doing is reflecting back on my life from what I have learned to date about the larger disintegration scheme and Network. But in this reflection, I am well aware that every unpleasant, unwelcomed event that happened is not always part of a larger scheme. I want to clarify that so people have some confidence that I have anchored my comments on appropriate things in an appropriate way and I am not just floating off too far into the philosophical ether.

There was a time when I did not know of 'any' Network and lived in the illusion presented. Imagine being surrounded by a Network of individuals and not being aware or told, as most children aren't, that such a Network exists. Its existence alone presents potential danger let alone the actual activities in manipulating the larger social environment and the lives of



individual people for their good and benefit or for their demise. Though there were clues and a trail of crumbs and experiences throughout my life, it wasn't until around 2008 or 2009 that I actually realized that I was a victim of a larger scheme and I found on the Internet the book of Mark Rich, "*The Hidden Evil*," that acquainted with my first understandings of this scheme. His book helped me to understand there was something going on, but I didn't accept his conclusions completely and, starting out, very skeptical of everything even the idea of Fusion Centers, though, actual documentation from the government could be found on the Internet. His terminology and references to some New World Order I had problems with and found that I had a lot to learn and a lot to investigate so I hit the books trying to make sense of it all and I am always learning. Books are never complete. They captures brief moments in time of any author's knowledge. There is always more to know and we are always having to learn. We are never complete as people.

It is this extreme crime that I have been a victim of, that has determined the course of my life and disintegrated my life. It has denied me all rights, security, family, denied me any existence, victimized me in the most horrific and public way, scapegoated me as if I was some villain (by criminals), that has made my ordinary life so unordinary and a story worth telling and a lesson worth learning from as it is intertwined with so much.

Time is always of the essence being a target, and book writing is a lengthy endeavor which I have always had to rush through, though, I try to be as detailed as possible. Going off the top of my head, I can't remember to touch on everything. I quote materials because the authors have been useful in providing great insight. I present small quotes, but their entire works have so much more to offer.

# Chapter One

Targeting takes on different meanings to different people, as there are different experiences and different tactics used by different people against others. Targeting, simply put, means a singling out of an individual or even group of individuals for some specific purpose. Targeting, in some form or fashion happens to a lot of people at some point and is not unique. Any individual can be targeted, and though the term is usually associated with criminal, insidious, unwelcoming things, people can be targeted for favorable and beneficial treatment that they desire, but usually, such a term is not connected with favorable treatment. Being that targeting is done through hidden means through a series of associated Networks, it is pretended that it is Providential, the work of a god when, in all actuality, it is simply the actions of people. I believe Mark Rich put in his book that people are goaded to suppose that their misfortunes are simply bad luck or disfavor with the gods and, of course there is the converse, their fortunes are also the favor of the gods. John D. Rockefeller has been quoted as saying: "God gave me my money (p. xi)." <sup>1</sup> This is common adage from billionaires and common people alike. But, it is common sense, that no Supreme force in the universe created money. Money is a construct out of the mind, imagination, schemes of people and thus granted by people as a privilege.

Though I have mentioned that targeting is nothing rare, not all targeting is the same. The targeting that I am presenting in this book is very unique and, I don't believe, there is any other true written materials related to it I do, however, believe there are other past victims who have never been able to understand or document the crimes that have happened to them. There are no other victims, thus no other similar stories, of the kind of targeting I am experiencing in my own time. Targeting ranges on a continuum of mild to severe. For example, one can get entangled in one aspect of the larger disintegration agenda, the drug trade, as user or dealer but one still retains rights, associations, family etc. That is not the targeting I am discussing.

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<sup>1</sup> Lundberg, Ferdinand. (1937). *America's 60 Families*. New York: The Vanguard Press.

The targeting I am referring to in this book is political targeting that is organized, orchestrated and protected by apparatus of government and that works through a Network of people in various positions and that have various different socio-economic, educational backgrounds. When I say 'political,' I do not lay claim that I am targeted for my own political beliefs. I am targeted because of others political beliefs.

This targeting scheme has acquired many different names and has often been referred to based on one of the tactics that it uses, gang stalking. During my lifetime I maintained a website called Organized Mobbing. Mark Rich called it "organized stalking." There are many books of people who, at this time, were fairly well known, such as Michael Ruppert, Roger Stone and David Kay Johnston, who have made comments related to the tactics though never formally suggesting an organized, government sponsored program. The name, Roger Stone, is quite unique because he is well connected in government and political players and well connected with the current president Donald Trump. Another woman of titled importance, as she held a government position is, Catherine Austin Fitts, has made similar statements that Michael Ruppert, Roger Stone, David Kay Johnston and many others have made. I am not familiar with any books she has written, but she has made comments stating that she was poisoned, harassed and financially attacked. Roger Stone has come out and said that he was poisoned, though I must admit, I am skeptical about his claims and the lack of legal pursuit over them when, for him, that is a possibility. When you hear such stories, it is necessary to remain skeptical and question all actions, responses and inactions and whether or not they conform to the actions any normal person would do.

Stone, describing the experience of women who reportedly had some sort of sexual encounters with former President Bill Clinton, in an attempt to silence them, said that his wife, Hillary, was able through some Network (obviously not her personally), to have their pets killed, tires slashed, windshields smashed, bullets left on front seat of their cars, harassing phones, and that she "ran a terror campaign" against them. Mike Ruppert in his book, "*Crossing the Rubicon*" spoke of similar experiences. I won't go into depth related to any of this and in my last book, I explained that, though certainly much of this is probably true, there are people who are

knowledgeable about these crimes and the only means they have to discuss them is through a falsified victimhood for the conspiracy 'industry.'

David Kay Johnston wrote an article with *LA Observed*, April 16, 2010, titled, "*Daryl Gates' Real Legacy.*" Some excerpts from this article:

"Locally, people of interest had their homes, offices and cars burglarized. Some were tailed, sometimes quite openly to intimidate them, to make sure they knew they were being watched."

"There were undercover officers assigned to sleep with women to gather political information that went to Gates..."

"I had my cars broken into seven times...All were smooth jobs—no broken windows or pry marks. All of these burglaries had a common feature: every scrap of paper was taken, including twin 70 pound trunks of Grantsmanship Center training manuals...What was never taken was the money...I left a gold ring too. Strange, the burglar who cleans out a car's papers, leaving only registration, insurance card, coins and a gold ring."

None of these people would ever say and have never used publicly the term used on the Internet, "gang stalking" or imply at all that there was a larger government program, as far as my knowledge. They speak of the tactics in isolation, purposefully compartmentalized to hide truth, but not program (very important to know), and perhaps, even associate those tactics with political figures, Hillary Clinton or various policing agencies, but that is as far as they go to compartmentalize, not themselves, but the minds of the masses. They don't want the masses to know too much, be too educated. Seldom do they even speak of the 'Network' that would be used to accomplish these things, that is carefully glossed over, never questioned by interviewers, left to the knowledge of any listening individual or their imagination. The outside world of people is contrived, constructed, and illusory by craft. The more you know, the more you are able to pierce through the illusions, the designs and see the ugly faces behind the benevolent, holy masks.

Truthfully, there are many people, a massive amount of seemingly 'important' people connected to government, who have made similar complaints and taken a similar attitude. Some, especially in the case of Roger Stone, whom I know to be part of this Network and yet claiming to be victimized by it, well, it makes their stories very bizarre and their motives questionable. But, victim or no victim, I certainly benefit from the discussion and the knowledge of the tactics are 100 percent accurate even if motivations are not admirable. We are all speaking the same language in some capacity.

Though this program is well known even by the most simple, I do not believe, is fully understood, and, I will say, most simple people don't care to understand it either.

"It is by gradual and latent steps that the destruction of virtue, whether in the individual or in the community, begins. The first advances of sin are clothed in the garb of liberality and philanthropy; the colours it then assume are the homage which vice pays to virtue. If the evil unveiled itself at the beginning—if the storm which is to uproot society discovered as it rose all its horrors, there are few who would not shrink from its contact. But its first appearance is so attractive that few are sensible of its real nature; and, strange to say, the most hardened egotism in the end derives its chief strength in the outset from the generous affections. By degrees, "habit gives the passions strength, while the absence of glaring guilt seemingly justifies them; and, unawakened by remorse, the sinner proceeds in his course till he waxes bold in guilt, and becomes ripe for ruin. We are imperceptibly betrayed; from one licentious attachment, one criminal passion led on to another, till all self-government is lost, and we are hurried to destruction (p. 418)." <sup>2</sup>

But on average, the way the European social organization operates and how these functionings are accepted, is that people are loyal to hidden hands and Networks that privilege them in varying degrees or hopes of privilege. It is more than: 'not biting the hand that feeds you,' but an almost maniacal and ritualistic embracement of power, for which can be inferred, that people understand very clearly there is a hand that feeds them, privileges them, past their own. But, to maintain the illusion contradicting

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<sup>2</sup> Alison, Archibald. (1844). *History of Europe: From the Commencement of the French Revolution in 1789, to the Restoration of the Bourbons in 1815*. Volume IV. New York: Harper & Brothers.

this truth, as with all truths about European social functioning, various distortions, deceptions, false understandings are socially maintained by the larger population to maintain a contentment, a false perception of themselves, society and, more importantly Europeans. In these loyalties to money, people are expected to maintain the deceptions, hide the crimes (mainly from the children and targets), cloak the truth and, over time, what they are forced to conceal, is becoming sicker and sicker, but no matter, it doesn't exist. If most people were to see the truth, the world as it is really lived and all of what really goes on in it, they would realize these Europeans and their odious system is nothing to follow or maintain. That causes a problem for their geopolitical schemes.

Napoleon was quoted as saying: "you should conceal the tyrant: no man admits his wickedness either to others or himself (p. 293)." <sup>3</sup> So, people hide behind their individual masks to keep up social appearances, while the larger social dysfunctionings are also masked and concealed leaving the only reality, nature itself. Those who are allowed the most privilege, to maintain their bliss, are taught to justify their advantages in various ways that validates their belief of preeminence (protected, projected by the larger social construction) and scowl at all contradictions. The world is good to me and if it is not good for you who cares. Such an outlook, obviously, advances evil and, perhaps, circles back around with attrition later. Disintegration, doesn't exist, therefore it is not one of the bases for certain advantages or disadvantages. Hidden hands, don't exist, therefore is not the basis for any advantages and are crimes are kept at a individual level or compartment. To expound on this, let me use the drug industry. It is common knowledge, by now, that various governmental agencies are involved in the drug trade, and yet, the arrests and vilification is affixed to the street level. When one says government agencies and workers, it infers also, controllers of government. So, there are a group of powers who bring in the drugs, maintain the laws that they are not subject to, control the policing agencies also involved in the drugs, and that impact certain groups of people within any country and, yet, it is only the bottom levels that are criminalized and inflicted with the loss of rights. Being that there are so

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<sup>3</sup> Alison, Archibald. (1845). *History of Europe: From the Commencement of the French Revolution in 1789, to the Restoration of the Bourbons in 1815*. Volume I. New York: Harper & Brothers.

many disintegration schemes or tactics, this reasoning can be applied in many different ways.

These tactics are nothing new, they go far back in history. You can find them in many historical materials on library shelves. Frank Donner, in his book "*The Age of Surveillance*," provides a lot of additional tactics. Books related to Cointelpro and the East German Stasi speak of these tactics and even of programs, and yet, today, this is all dismissed as fictional and so much so, that the aforementioned people haven't moved to the point of using the word 'program.'

I will, however. I have no information related to the official name, obviously, because officially, it doesn't exist and by saying it exists, the powers and the population in support of it, will say that I (or anyone else) am crazy, to protect the crime and further its use and possibilities. In protecting the crime, the people protect themselves and attempts to inhibit perceptions that would be drawn about them. If the program exists, they are criminals and many kinds criminal occurrences would be laid at their doorsteps.

I wouldn't be surprised, if I talked to any one of the previously mentioned people, that they, too, would call me crazy, despite all of the things they have said. And why? Well, because I am a 'real' target and that's just what they do to people like me. It is required for complete isolation, alienation and atomization to have no validation. I will say, I communicated with David Kay Johnston, who did return my email in 2010, and did not call me schizophrenic. That doesn't mean he wouldn't.

I use the term 'disintegration' as you'll find it in many historical books. It is also a loose translation of *Zersetzung*, which is the end result of any targeted individual's life, and it encapsulates in one term 'all' of the tactics under one umbrella. The term 'gang stalking' or 'organized stalking' or even my website name, 'organized mobbing,' refer to an element of a program that 'sometimes' does stalking and reduces the program to one tactic and that can leave to misunderstandings.

What are the tactics? There's a laundry list. Harassment or any form of 'excessive attention' (eg. from experience, going into Kroger and five other

customers walk by but the employee ignores them, but chases me around the store with continual 'hellos' [even after being called every nasty thing in the book]. 'Hello' is benign, but motivations are not and any unwelcomed attention is a bother. Someone could knock on your door every day with smiles and flowers, but the bother is you don't want their knock, their smiles or their flowers.

Surveillance; communication to make target aware they are being 'watched'; harassing phone calls from individuals, business and government or fake harassing deliveries; opening of mail; noise campaigns; street theatre; surreptitious entries into ones car (and damage and vandalism of), home or storage facility; rumors and smear campaigns; poisoning or drugging; denial of housing, employment, medical care; complete denial of all rights and legal actions against 'any' criminal activity that the target is subjected to; a target's family turns on them and becomes involved with the targeting; staged events; gas lighting; harassing letters from government; physical assault; direct threats and intimidation; continual rudeness directed at target; food tampering such as soaked in grease before given or a double cheeseburger with no cheese (something screwed up about any service, even car repair, must happen); denial of service; harassment from websites or shows frequented by the target. If target frequents a newspaper online, an article can be planted where title reflects, as I have found, some email communication; or, in another case, a purchase I made, during a gardening period, where I bought tobacco seeds and the *Infowars* hosts mentions, tobacco seeds to buy from his online store. I don't believe they sell. Such items have never been mentioned before and are rather taboo as advertisements. As a viewer, you may simply think—odd and not make much of it because it is not a message for you. Many other similar kinds of behavior came from that website and I just simply added them to my *Youtube* collection to make people aware, and presenting the evidence. What this speaks of is active, real time surveillance, that's all. If you desire to inspire "paranoia," (as they believe) as you'll read in various government documents related to these activities, you must do so in a 'personal way' by parroting, perhaps, private conversations or correspondence, or, in some cases, your online activities. To make people feel that they are being "watched," they must know that their privacy had been intruded upon. You know someone went through your diary because



they quoted something right out of it. New technological tools bring new tactics of tyranny to the criminals in power and those who support them. Disintegration programs cannot operate or be effective without an extensive amount of people engaging in the crimes and protecting it. And this goes on day after day and year after year, until the target is dead.

I have run all over the world seeking a safe place to run to and there is no place on this earth, no place that does not implement this crime, which is why, in the larger scheme of things, this activity is also associated with the global agenda of the New World Order. The New World Order is very real. It is historically documented as to its broader aims, leaving out the detailed horrors such as my experiences and has been in place for a long time. It really began in late 15<sup>th</sup> century with European global colonization and has only increased and coordinated its terror.

Recognizing this crime and understanding these tactics 'is' very beneficial to any target as it is empowering. Knowing the full truth of the program, having knowledge that you are completely denied all rights, can make no use of the courts/police/lawyers/healthcare, and that there is no place to run in the world, helps you make decisions as to how you will respond to your own targeting. The knowledge of other people's experiences helps you with your own and reduces mistakes and expectations. There's a degree of comfort with that, surely, as you learn of a kindred spirit that existed in space and time as you have.

But, recognizing the tactics also means that you recognize the tactics and that you do creates other issues associated with recognition. You become sensitized, and too much is made of that by Mark Rich, but there is some truth to it. What you once blew off as individual ill behavior, you know say, it's part of the program, and yes, it's true, but sometimes people behave badly as well. These crimes affect the whole social fabric and the demeanor of all the people. So, the ill behavior of people alone does not establish one as a target in the way that I am suggesting. It is a totality of the experiences, all together, and as a target you've got to find some way of managing it.

Frank Donner says, in his book, "*The Age of Surveillance.*" The perpetrator has rights and is protected, but the target has none and all perpetrators know this. No target can use the law against any perpetrator or is afforded

any protection from the law. Donner affirms this truth, but rather incorrectly: “At the same time, they renew the perception that judicial proceedings not only deny protection against intelligence abuses but block an understanding of the true role of intelligence in American statecraft. Intelligence activities that involve an abuse of power or an invasion of constitutional protections of individual victims, are, in theory, subject to judicial restraint. But such relief has, in practice, been rarely forthcoming. To begin with, the clandestine character of intelligence operations, the difficulty of identifying the source of a claimed abuse, handicaps the pursuit of a judicial remedy. And the ambiguity of the injury suffered by the target, contrasts with the importance of the interests (the security of the nation itself) asserted in defense of the challenged conduct, increases a complainant’s burden. Moreover, even when such obstacles are surmounted, the successful outcome of a particular lawsuit is powerless to reduce the intimidating impact of surveillance programs: judicial remedies are typically limited to individuals and, in any event, delayed until long after the conduct complained of. As Professor Jerold Auerbach has put it, the operation may (p. xviii) ultimately succeed—that is, the charges of rights violations may be vindicated—but the patient dies (p. xviii-xix).”<sup>4</sup>

As I have said previously, there are different forms of targeting and Donner is referring to programs that are open and well established and against people targeted that are well protected. This is a tremendous difference not to miss. There are people who are involved in various political associations: unions, political front groups etc. and such people are, perhaps, targeted. They have FBI files and they can contact the FBI and obtain such files and thus an acknowledgement of their targeting. They ‘can’, in some rare instances, make use of the law, courts and legal agencies such as the ACLU. This is one aspect and the publicly acceptable form of targeting, but this is not my targeting or the targeting people typically refer to as “gang stalking” or that Mark Rich is referring to in his book.

Frank Donner’s book has a lot of detailed information but he provides a very misleading understanding of government surveillance programs in order to, in truth, protect it. He protects the acceptable, brainwashed

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<sup>4</sup> Donner, Frank J. (1981). *The Age of Surveillance: The Aims and Methods of America’s Political Intelligence System*. New York: Vintage Books.

definition of government and limits his investigation of surveillance to certain eras and leaves out truth of its motives. These are a few problems among many. Donner was once a director of the ACLU, for which we now know, and I can say concretely, that the ACLU is directly tied into the criminal powers of government and has little true concern over the civil rights of all people. They protect the rights of certain people who are involved in their own agendas. The ACLU and various other groups, present and sustain the false illusion of justice or justice can be obtained. That there are so many of such organizations, soothes the mind of people, assures them falsely that justice is always vigilant, for people unknowledgeable about the world. And that is understandable for people who live shallowly and only see the surface. If you were visiting from another planet, and reviewed the history books, the phone book, you'd say: "justice must be well managed." Well, that's the illusion, that's the surface impression you're suppose to get, but behind the door of the smiling, friendly face, testifying that all is fine, is a man with gun pointed to the head.

Mark Rich, in his book, "*The Hidden Evil*," says as to the purpose of targeting and the overall disintegration program:

"Organized Vigilante Stalking is an occult form of terrorism/mind-control used against an individual, in a malicious attempt to reduce the quality of a person's life so they will have a nervous breakdown, become incarcerated/institutionalized, experience constant mental, emotional or physical pain, become homeless, &/or commit suicide. It is done using well-orchestrated accusations, lies, rumors, bogus investigations, setups, framings, intimidation, overt or covert threats, vandalism, thefts, sabotage, torture, humiliation, emotional terror, DEWs, & general harassment. It is a ganging up by members of the community who follow an organizer & participate in a systematic, & ritualistic persecution of an individual. Organized Stalking is a destructive criminal program built on deception that exists to serve the intentions of a few who are aware of its true agenda (pdf. 4)." <sup>5</sup>

That is partially true in relation to 'confinement,' but these criminals have no use or need to maintain any target in confinement which is why they're poisoned. The overall objective is murder. This open government sponsored murder program that is protected by all people and is no different, as I

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<sup>5</sup> Rich, Mark M. (2013). *The Hidden Evil*. Malden, MA: Lulu.com. This quote actually comes from his 2006 formerly online material under the same title.

describe in my first book, than open, government sponsored, church and court protected slavery of the African. The only difference is the negroes have found a new position as torturer or overseer. In truth, the civil rights movement was about negroes inclusion into the crimes of the European, as can be seen, they have no true concern or interest over the concept of civil rights or freedom. It was driven by materials not principles. Race may be a characteristic of how one is selected as a target, but the project of targeting is not bound to one racial group. All racial groups engage in targeting. And like slavery, they all know that it is criminal and just simply wrong.

Is targeting 'ritualistic'? Yes, to some degree it is and it would have to be in order to maintain such silence as well as motivate the masses of people to perform the actions that they do per profession or jobless and no profession. Targeting is very strange, bizarre, and unusual in its torture, so in that way, I would agree, that it is ritualistic with a cult like following. People are celebratory, proud to be perpetrators of this crime and feel special to be engaged in the activities they are engaged in. There are many books discussing secret societies, some more accurate than others, but let me provide this quote:

"...and those who, like these unhappy young men, belong to secret societies, having for their object to overturn Government by murder, and sudden unforeseen outbreaks, veiled in their origin in studious obscurity. It is the very essence of such secret societies to be veiled in the deepest darkness, and to accomplish their objects by assassination, fire-raising, and treason. Every man who enters into them surrenders his conscience and freedom of action to an unseen and unknown authority, whose mandates he is bound instantly to obey, be they what they may. He is never to hesitate to plunge a dagger in the heart of his king, his father, his wife, his benefactor, or his son, if the orders of this unseen authority require him to do so. Such institutions convert the society which they regulate into a disciplined band of bravoos, ready to murder any man, burn any house, fire any arsenal, or commit any other atrocious act that may be enjoined (p. 382)." <sup>6</sup>

This is a power, as we see, that no god would ever entertain and, yet, a class of people have this power because the power of money is more persuasive, more meaningful to people than Nature, Creation, or their own

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<sup>6</sup> Alison, Archibald. (1859). *History of Europe From the Fall of Napoleon in 1815 to the Accession of Louis Napoleon in 1852*. Vol. I. New York: Harper & Brothers.

autonomy or freedom. People do not fear god nor do they truly believe that there is any god to fear. People believe and fear other people, those who control the money. That is the only god they believe in and worship if you were to circumvent their words and examine only their deeds. The rest is mere façade.

Certainly, we are all aware that secret societies maintain bizarre rituals to scare initiates. I am not suggesting that the masses of the world or country have engaged in some sort of universal secret ritual of initiation, though that would not surprise me. What I am suggesting is that the characteristics of secret societies, the passions, determinations, strict allegiances, silence, the willing to do anything and follow authority/command without thought or question, is exactly the same as this 'perp Network.' Or, as I've mentioned, what the people do en mass to maintain the social illusion. What also makes it ritualistic is its repetitiveness or standardization. Each person parrots the same formulated responses as another as if coached and, I know as fact, there is some coaching each one does to the next.

Targeting is not a secret, it is just not officially recognized as part of the social milieu. It is not like Galileo (following the myth), a non-conforming idea, that people must learn to 'adjust' to, because it is 'different,' where one is called crazy, but it is something people know that exists and deny its existence. "I know that the earth is round, but I will lie and say that it isn't because—this man over here controls the money and is paying me and I want privilege." As with secret societies, the masses follow the direction of hidden powers without question, it is as if the society at large was a part of one secret society against one target.

To understand targeting and, thus, my story, it is necessary to understand this phenomena and this Network. To elaborate on this more I have to appeal to cultural references that can easily be reviewed by any reader. They are useful because non-fiction books cannot fully provide the visual reference or essence one needs to appreciate what is being said or the idea I am trying to convey to someone honestly unfamiliar. Fiction is not truth, but some truth and elevation can be ascertained from fiction. There are many materials or popular cultural references that exhibit some aspects of targeting and the Network.

The 1967 British t.v. show, *The Prisoner*, quintessentially establishes the experience of any target or, in truth, exemplifies the social mirage that we all exist in. The village is simply called Your Village and the people in the village carry out their lives masquerading normalcy not only to each other, but any new arrival. Nothing is wrong, all is happy and normal, no problem exists and if you believe so, something is wrong with you not them. The motto of the villagers is: 'A Silent Tongue Makes a Happy Life.' No one questions and everyone lives a shallow existence. They are incapable of leaving and most do not desire to. They are continually under surveillance and they have no distinctive features that could establish or would classify themselves as free, thinking, feeling, self-empowered, individual human beings with a value of right and wrong. Their existence is artificial and contrived and built on a blueprint like any building. If anyone from the outside were to come upon the village and walk around, all would be perceived as normal: friendly faces, smiles, normal day to day activities, restaurants, companions, children, gardening, employment, but what creates incongruity not only for the purpose of television plot, but in real life, is the new prisoner or, in my case, the new target. How else would anyone peering into the Village be able to assess the true circumstances, the tensions, the surreptitious power, the hidden oppression without becoming acquainted with the story of any individual in opposition. Alison states: "...different nations and tribes have separate feelings, descent, and interests; they are severed from each other by recollections, habits, institutions; vast ranges of mountains, in Greece, Macedonia, and Asia Minor, part of them; roads, or even bridges, there are none, to enable the different inhabitants of this varied realm to communicate with each other, ascertain their common wrongs, or enter into any common designs for their liberation (p. 9)." <sup>7</sup>

Unlike the past, today we have the ability to communicate with each other, share wrongs, injustices, and inform each other about organized criminal activities being done by those in power and those who support them, and that the media, the educational system, the whole apparatus and community fabric, conceal. But like the Village in *The Prisoner*, even with all

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<sup>7</sup> Alison, Archibald. (1854). *History of Europe From the Fall of Napoleon in 1815 to the Accession of Louis Napoleon in 1852*. Vol. III. Edinburgh and London: William Blackwood and Sons.

the exposure, nothing exists, the illusion is never fully disturbed or if disturbed never acknowledging openly this disturbance, because people just ignore and have grown comfortable with the crimes and the secrecy. And if the shouting gets too loud, there are organized henchmen with a specified function of just snatching people off the streets, locking them away, and annihilating them because people do not desire their illusions disturbed by truth or have their mental states disquieted by any value judgments made from the way they conduct their lives or have their true circumstances thrown in their face. The prisoner, Number 6, runs around asking who is in control, why there is no proper map, why no one asks questions and why no one is concerned as he is about the state of things and finds, the whole population protecting the racket, accepting the racket, and part of it. This is a racket that abducts, annihilates and surreptitiously drugs and all is normal and fine and no one to complain to: to complain would establish a violation or injustice.

Children are born into the social illusion lied to by their own parents, community, and never having any contrasting thought or figure to establish a problem. Similar to Orwell's book *1984*, if you've been born into a condition, for example, where there is no church, no religion, and no such communication, no words, it is impossible to conceive the idea of a god. You haven't the language for it because it doesn't exist and there is no possibility to develop the idea without the language, as with many other things. This is fiction being used to tell the truth of our reality. We are born into a world controlled by and influenced by Europeans having no capacity to develop an alternative vision or existence, losing our natural ways for the artificial and becoming accustomed to our own slavery. As I stated in my first book, people believe they are free because they are brainwashed to believe so: "...proceeding thus on the maxim of Augustus, that men will willingly submit to the reality of slavery, provided they are deluded by the language of freedom (p. 271)." <sup>8</sup> Nothing new under the sun and this adage is still used by the powers today.

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<sup>8</sup> Alison, Archibald. (1856). *History of Europe From the Fall of Napoleon in 1815 to the Accession of Louis Napoleon in 1852*. Vol. V. Edinburgh and London: William Blackwood and Sons.

What is abnormal is ordained to be normal, as long as the masses agree to support the abnormal as normal. It is possible to go through one's life never hearing of, seeing, experiencing this Network unless, by chance, as a perpetrator or target or discovering someone's story. I lived much of my life surround by this secret Network, never knowing of its existence until attacked by it. I am sure there are others just like me, mainly children, but those numbers are getting fewer and fewer. As children are used in this targeted program, children are not exempt from the knowledge of this program and that is good, as that is where the victims lie. My desire is to have this knowledge available to everyone and since children are targeted, it is only appropriate that all children, not just some children, are aware.

I make parallels to fiction because there are similarities of experience and with the larger philosophical ideas being illustrated not because they are exactly duplicative. It would be impossible to have such duplication without it being written by a target or someone who is completely knowledgeable of this crime and, as I've said, there is less than a handful of people who have written any materials, let alone fiction related to it because the vast majority of the people support the lie that the program doesn't exist. So I find parallels where I can to elucidate any points and to make them come alive in the mind.

I do not have any certified reason as to why I was targeted, no letter, no memo came in the mail saying I am on a list as a social scapegoat and enemy of those in power. So aspects that are harder to understand, such as hidden Networks, social illusions, the hidden evil against targeted individuals and the reasons for it, can never be narrowed down to one reason by the target themselves, but knowledge and stories that circulate can certainly be made use of to aid in that understanding. Some people will say that people are targeted for their politics and, for some, that may be true. Children, as a fact, are being targeted by this Network and children do not have their own political ideas. Now, certainly those who do the targeting have political ideas, but not the children whom they target. Thus, politics alone does not substantiate the reason for the targeting.

Another story I find interesting is written by Ursula Le Guin, "The Ones Who Walked Away From Omelas." It is a story about a people who had perfect lives, happy lives:



“How describe the citizens of Omelas? They were not simple folk you see, though they were happy. But we do not say the words of cheer much any more. All smiles have become archaic. Given descriptions such as this one tends to make certain assumptions. Given a description such as this one tends to look next for the King, mounted on a splendid stallion and surrounded by his noble knights, or perhaps in a golden litter borne by great-muscled slave. But there was no king. They did not use swords, or keep slaves. They were no barbarians. I do not know the rules and laws of their society, but I suspect that they were singularly few. As they did without monarchy and slavery, so they also got on without the stock exchange, the advertisement, the secret police, and the bomb. Yet I repeat that these were not simple folk, not dulcet shepherds, noble savages, bland utopians. They were not less complex than us. The trouble is that we have a bad habit, encouraging by pendants and sophisticates, of considering happiness as something rather stupid. Only pain is intellectual, only evil interesting. This is the treason of the artist: a refusal to admit the banality of evil and the terrible boredom of pain. If you can't lick 'em, join 'em. If it hurts, repeat it. But to praise despair is to condemn delight, to embrace violence is to lose hold of everything else. We have almost lost hold; we can no longer describe a happy man, nor make any celebration of joy. How can I tell you about the people of Omelas? They were not naïve and happy children—though their children were, in fact, happy. They were mature, intelligent, passionate adults whose lives were not wretched...Omelas (p. 472) sounds in my words like a city in a fairytale, long ago and far away, once upon a time. Perhaps it would be best if you imagined it as your own fancy bids, assuming it will rise to the occasion, for certainly I cannot suit you all. For instance, how about technology? I think that there would be no cars or helicopters in and above the streets; this follows from the fact that the people of Omelas are happy people. Happiness is based on a just discrimination of what is necessary, what is neither necessary nor destructive, and what is destructive (p. 472-473).”<sup>9</sup>

Le Guin constructs some of the elements any society would require to have 'happy' people. No secret police, stock exchange, no monarchy, no slaves and no need for weapons, thus no fear and contrasts this with our own lives that cannot conceive of such a reality, though, some of such elements, existed, in fact, at one time. So distant is the memory, so falsified the history, so Pollyannaish the conception of freedom and the equal right to human dignity. Any intelligent people know, as Le Guin suggests, what is

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<sup>9</sup> Le Guin, Ursula. (1977). *The Ones Who Walked Away From Omelas*. The Hugo Winners. Volume 3. Garden City, NY: Doubleday.

necessary and unnecessary to maintain freedom, and thus happiness and arrange society to match those values. Things can progress, as needed, to increase comfort and welfare, but never to supplant what is natural and right for what is destructive and degrading; as technology advances human rights pushed aside with spurious justifications.

No story can be so perfect? Well, Le Guin seems to both agree and disagree with that assessment. Every story requires some sort of conflict or there is just no story. “In the basement under one of the beautiful buildings...In the room a child is sitting...Perhaps it was born defective, or perhaps it has become imbecile through fear, malnutrition, and neglect...The door is always locked; and nobody will come. The door is always locked, and nobody ever comes, except that sometimes—the child has no understanding of time or interval—sometimes the door rattles terribly and opens, and a person, or several people are there. One of them may come in and kick the child to make it stand up...It is so thin there are no calves to its legs; its belly protrudes; it lives on a half-bowl of cornmeal and grease a day. It is naked. Its buttocks and thighs are a mass of festered sores, as it sits in its own excrement continually (p. 475).”<sup>10</sup> “They all know it is there, all the people of Omelas. Some of them have come to see it, others are content merely to know it is there. Some of them understand why, and some do not, but they all understand that their happiness, the beauty of their city, the tenderness of their friendship, the health of their children, the wisdom of their scholars, the skill of their makers, even the abundance of their harvest and the kindly weathers of their skies, depend wholly on this child’s abominable misery (p. 476).”<sup>11</sup>

There are many people who will turn this short story, that is concentrated with so much meaning, into a objurgation of so-called capitalism, seeing things in purely economic terms as that can be derived from the wording. But, as with all things, the reader themselves, in all intellectual honesty, must excogitate the meaning relying on the text itself. And, as always, the more you know, the more accurate your analysis will be. The author leaves their intention in the wording, but that meaning can always be made more

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<sup>10</sup> Le Guin, Ursula. (1977). *The Ones Who Walked Away From Omelas*. The Hugo Winners. Volume 3. Garden City, NY: Doubleday.

<sup>11</sup> Ibid.

precise. I say this because, many propaganda outlets and paid critical analysis, attempts to intervene with the reader and in a didactic way, fix the meaning to their political intention. It happens all the time in this manufactured reality. People are always there, paid to tell you how something is to be understood, concluded, interpreted and anything different is wrong. Being able to fix people's conclusions, thus their perceptions, is a form of power.

I am not drawing conclusions, positively, from the story, but I am creating a parallel between my life as a target and this story. Le Guin states, in an interview, that she was probing the concept of the scapegoat which distinctively resembles my life as a target. In fact, if you look at the reasons for this child to be scapegoated...“their happiness, their beauty, their friendships, their wisdom, their harvest, their kindly weather”—these things are adscititious and do not justify the circumstances of the child. Being that it was a short story or, perhaps, Le Guin wasn't interesting in probing to deep to convey too much truth and has left open the questions: Who was the child's parents? Who selected this child? How many other children in the past? How are they selected and by whom? How long do such children live? What happens when they die? How are they replaced? And many other questions. Le Guin uses the language of social issues and organization thus such ideas can be inferred. This story is arising from something, some personal discomfort, like *The Prisoner*, and yet, she is afraid and too uncomfortable to be too open as it perhaps reveals too much of herself.

“Pride is the last weakness which can be conquered in the human heart. When either individuals or nations have undergone a great calamity, the first thing they think of is to find some individual or party on whom it can be laid; they will turn any way rather than ascribe it to its real cause—their own follies or sins. Great as may be the weight of external evils, it is as nothing to the sting of the secret mental reproach of having induced them. A scapegoat is invariably sought for to bear the burden of the sins of the nation, and take away the last and bitterest drop in the cup of misery, the consciousness of having deserved it (p. 52).”<sup>12</sup>

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<sup>12</sup> Alison, Archibald. (1859). *History of Europe From the Fall of Napoleon in 1815 to the Accession of Louis Napoleon in 1852*. Vol. I. New York: Harper & Brothers.

Returning back to the idea of targeting being “ritualistic,” there are certainly parallels and scapegoating is akin to human sacrifice (it is a murder program). One is denied all rights, all of what is necessary for a proper existence, and sympathy and the world resembles an open air prison. As with any scapegoat, there is no reasonable justification for the torture being inflicted (target isn’t provided one), past the personal deficiencies and social dysfunctions of the masses—that someone must suffer for their own glorification. If justifications are articulated, they never make any sense, are inconsistent and/or fabricated because the people know they make no sense and thus are constantly changing. There is no need to justify what does not exist. In truth, just as with secret societies, the people don’t care to ask questions, don’t require justifications, they simply just perform the actions as required and it is justification enough that the person is deemed a target. People are empowered by targeting as with all forms of torture and degradation. It is purely a product of European thought and their social organization. No social organization should be forced upon others especially when it is this unhealthy and debilitating.

In *The Prisoner*, as with Le Guin’s story, everything is abundant and easy. There is no want or poverty. One suffers because one is not fully committed to the artificial. I have said that it parallel’s our own existence and, yet, what is missing? Certainly, there is crime: abduction, drugging, conspiracy, experimentation, surveillance, if, indeed, anyone still views as a crime and all of it made rather humorous and light—what is odious and grotesque. What is missing is the dirtier, seedier, sexualized transgressions and the consequences that result. In the world #6 came from, and is fighting to return to, there is, ironically, the same illusions, contrivances, but which isn’t devoid of all of these terrible things; and one can question why fight to return to what is essentially the same—and the illusion of freedom.

And, of course, “*The Ones Who Walked Away From Omelas*” has dirty secrets and out of their ‘decency’ they inform the young, yet, we know not the details. Are the children made aware of the supposed justifications for this sacrifice or simply left to blame themselves? In relation to the real world, no one walks away as there is no place to walk away to and there is no open protest against. Orwell said in *1984* ‘the purpose of torture is torture.’ It is just that senseless and sadistic.

Who comprises the Network? Everyone, from prince to pauper. Teachers, doctors, lawyers, judges, policing agencies, clergy, children, parents, neighbors, everyone a target could possibly come into contact with in the social environment.

How long has this Network been in existence? I don't know. I would guess, the dawn of European collective social existence and illegitimate power.

This is such a vast scheme with so many pieces, complications and moving parts, it is hard for any mind to deal with it in its entirety. There is so much to know and history to acquire, so it must be broken down into smaller digestible chunks, making it very difficult to reconstruct without misplacing a screw or two, so people must acquire a lot of information by themselves.

What is the overall objective of power? The larger scheme? The world agenda? In simple terms—control. We are all pieces or single stitches or threads to a larger design. All of the people who exist today, all of the people who have existed in the past and all of the people who will be called into existence are part of the universal fabric and participate in the universal tale of great importance. The problem is, that importance is defined and directed by other people, not our free, individual selves. Our meaning, and purpose or lack thereof, is determined by other people who have taken it upon themselves to direct the whole collective mass and to where? That is always obscure, if mentioned at all. Some will say progress for the sake of itself (and what is that progress?), and a progress designed to chew up and spit out. But what is progress but comfort and felicity. The European conception of progress is for only a few to enjoy. If it were for all, the social design would be different; all would be educated to advance comfort and felicity and there would be no need for disintegration crimes. So we are progressing to where and for whose benefit?

All illegitimate power is driven by fear, the fear of the loss of power. It is through power, control, oppression, repression that the powers maintain their special comforts, special protections evulsed from the collective actions and achievements (or demise) of others. This power is hereditary, it never dies, it is never disintegrated, it is never forced to compete and thus protected from extinction.

To understand targeting you must understand power. You must understand the larger social structure and its history.

From its early beginnings, illegitimate powers have maintained themselves through open force upon the masses who were collectivized and enslaved to support the tyrants. People needed a purpose, so those in power have constructed one for them. Power needs a purpose and hides its lusts behind the Hegelian geist. Alison says: "...forced labour of slaves is thus essential, for thousands of years, to the existence and progress of the species, so, in the circumstances in which it is required, it is the greatest possible blessing even to those whom in ignorance we pity for being subject to its severities (p. 414)." <sup>13</sup> Typical European thinking, individuals are human chattel sacrificed to an elusive, fugacious universal manifested by changing hereditary powers. They needed slaves because of their economic system and right and wrong be damned and this will never change. Civilization is not behavior, or something naturalistic, but artificial, strictly material and the furtherance of control and collectivity. Slaves should be fulfilled by the happiness of the masters:

"Thus, the Frenchman, contented, though with an illusion, laughed, danced, and indulged all the gaiety of his national character, in circumstances under which his insular neighbours would have thought the slightest token of patience dishonourable and degrading. The distress or privation which the French plebeian suffered in his own person, was made up to him in imagination by his interest in the national glory. Was a citizen of Paris postponed in rank to the lowest military officer, he consoled himself by reading the victories of the French arms in the Gazette; and was he unduly and unequally taxed to support the expense of the crown, still the public feasts which were given, and the palaces which were built, were to him a source of compensation. He looked on at the Caroussel, he admired the splendor of Versailles, and enjoyed a reflected share of their splendor, in recollecting that they displayed the magnificence of his country. This state of things, however illusory, seemed, while the illusion lasted, to realize the wishes of those legislators, who have endeavoured to form a general fund of national happiness, from which each individual is to draw his personal share of enjoyment. If the monarch enjoyed the display of his own grace and agility, while he hunted,

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<sup>13</sup> Alison, Archibald. (1856). *History of Europe From the Fall of Napoleon in 1815 to the Accession of Louis Napoleon in 1852*. Vol. V. Edinburgh and London: William Blackwood and Sons.

or rode at the ring, the spectators had their share of pleasure in witnessing it...(p. 7).”<sup>14</sup>

The same celebrityism exists today. The lives of the celebrity are more valuable to the people, more esteemed than their own lives or the lives of their children, and that value is determined by money and privilege. Rather than time spent on themselves, the time is spent on celebrities.

Disintegration is used by those power to artificially manufacture social inequities, social stratification and maintain the hierarchy. Inequity is also sustained for the purpose of attrition and disunity of the people who may, by chance, wake up to the freedom granted to them by Nature.

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<sup>14</sup> Scott, Sir Walter. (1871). *Life of Napoleon Buonaparte*. Edinburgh: Adam and Charles Black.

## Chapter Two

In reflecting on my life, I have tried to keep it focused on what would be more universally 'useful' to a reader or prospective target. That I was born in Rochester, NY on July 30, 1970 and who my family was, I don't think is very interesting and so I gloss over what I deem to be unimportant. I grew up, I suppose, as what would be considered normal. I learned, as a child, irrespective of race, that fathers beat their mothers, treated their step children harshly, mothers were nasty to their children and beat them and I was no isolated case in that regard. I grew up rural and surrounded by family. My maternal great-grandfather, Lincoln Jackson, had the fortune of buying almost 100 acres of land for a little over \$5000 and gave away land to his requesting children, to build houses.

I was born out of wedlock to a teenage mother. The family had succumbed to many different varieties of the religion. I still remain, today, unimpressed with any of them. The elderly family were hard working, simple, poorly educated, naïve, southern in their hospitality and the women more disposed to superstition. No one in my family is honest. The lines of the women on the maternal side, with the exception of my father's family where it is all sides, have a Cherokee or other Indian ancestry. The men from my mother's family were descendants of African slaves. My mother's family spoke the Gullah language. My paternal name is Hendricks. No family of any importance. One uncle, Jon Hendricks, became mildly popular in jazz. On the surface of things as only a child can see, normal, bland beginnings until my entry into teenage years. I was athletic. Enjoyed reading ancient history, but had little time for it. As a child, I often had books snatched out of my hand by my father. I disliked school or the schools I attended, and all of nonsense being taught, and the people I was trapped with. I was happy with my own ways, which were much more productive as they still are. I learned nothing in college that I find useful today or that hasn't been debunked by others. I got a B.S. in English from SUNY Brockport, went on to study Library Science at Clark Atlanta and San Jose State, but never completed and planned to live my life with average income from stable labor to advance the lives of my two children and my artistic inclinations.



The more pertinent aspects of my life are the targeting, false imprisonment and denial of rights and even property by the Will of my father's mother and that is my focus.

While, as I've said, the hidden Network has existed all around me prior to my birth, it disclosed itself openly somewhere between 1994-1995. These are rough estimates as it is difficult to pinpoint, in hindsight, about something I was unaware of and the pinpointing is done with the recollection of enough incidents that I believe it would be appropriate to tag the spot. I don't believe that is when targeting began, but that is when it came openly apparent that something was wrong. When you don't have the knowledge of these programs, which is why I write, you are not capable of understanding or reacting appropriately to what you are experiencing and, one becomes beset with self-doubt, one believes one is cracking up, as everyone around you tells you that is the case, if you seek conversation related to any emotion or insecurity. It is impossible not to be emotionally impacted by the tactics associated with this disintegration program. All of what I noticed or experienced from the beginning I honestly don't remember fully and never wrote it down. It is hard to know inappropriate emotional responses or what is tactic. But let's not get hung up there. I do remember continuous verbal attacks and just nastiness at college, SUNY Brockport, (in the prime of my poetic interests) which I had never excessively experienced in prior years. There were small things, mainly from one or so students my first semester and I was use to dealing with Europeans having been around them all my life and having to deal with their racism. Racism is just a fact of life in the European social design, and the story is overcoming it and all children need positive instruction and encouragement to overcome it. I had none of that, but reading stories aids in that instruction as one instructs oneself. Knowledge brings confidence and self-mastery and I had been reading and personally studying philosophy since my early college days at Monroe Community College. Philosophy was mentioned to me by an English professor, but my parents had a small library, for which, one of the philosophy books had the statute of "The Thinker" by Auguste Rodin and learned of Socrates and Plato, none of which was useful in public schools. As a child that is who I desired to be, the thinker.

Being a single parent of two children, coming from a poor background and just surrounded by bad people, I had only myself and that is isolating but I was hopefully; very shortly, I thought, I will be done with college and on my career path. Money, occupation, I believed, led to the kind of people I desired to associate with. Just a few years left.

Being on public assistance, it allowed me to absorb a lot of information quickly. My first A.A.S. was in Photography and Television and, English was completely unfamiliar to me, but I was able to progress from C's to A's, spending summers and breaks intensively reading. And, suddenly English became clear. I was able to meld together English and Philosophy to my benefit and everything just clicked. I was in a rush. I went from in the trying to hide in the back of the room, to people asking me my thoughts.

My economic state was my own knowledge. It was nothing that I shared with anyone and I do recall constant negative attacks from my lack of employment by people (which lead to my grievances to others) who worked and went to school (as if they should know!), and thus, weren't as advanced as I was. These attacks weren't invisible to others, in fact, I remember, one student coming up to me and saying how he appreciated something I wrote as he read new meaning in it all the time. It was something different. I don't know how the topic was hit, but he mentioned to me that experiences in class were founded on jealousy and in my mind, jealous of what? The nastiness wasn't of one person, it was a gang up from a class. They went as far as researching, the Internet was coming into being, to see if my materials were stolen from some place else. It couldn't possibly be that I had original thought.

The attacks led to dissatisfaction and depression with my life and the biggest sufferers were my children whom I began to resent as the fault slowed down life. This I resent dearly and I wish I could run into that same trash today. I will tell you, all was fine with my life until these experiences from that semester. Memories of riding bicycles with my daughter on her own bike and my son in a baby seat in the back of mine, are wonderful memories for us both. It was picturesque. My daughter actually respected me and listened. Nothing unusual, just a normal single parent family, at this point, seeking out of poverty. Perhaps, I was a little too isolated and a

combination of disliking the people of yesteryear, as I, perhaps, outgrew or I changed. I got rid of a lot of people and, well, they were the kind of people to get rid of and too busy to click in with anyone new. There was a social worker who I had been friendly with over the years who knew my father's family and informed me of rumors I did not know in relation to drug dealing. I can't say anything suspect. Perhaps the only suspect is that it was someone who took great interest in me, but I never thought anything peculiar of it at the time. All seemed normal and friendly. He was educated. He wife went to Harvard. The only thing I remember as I spiraled downward, is him saying, don't mention anything to anyone about what I was experiencing. It was something I heard later on in years while working at Genesee Hospital or Viahealth and I found my tires routinely slashed prior to going to work. I was befriended by one of the maintenance men who gave me the same warning, adding, if you make anything of it, they'll call you crazy. Very odd thing to say and made no sense to me. It was as if everyone around me was nuts. It was driving me nuts and through all kinds of emotional turmoil because I just didn't understand. If someone is slashing my tires, what's that got to do with me being crazy?

However, this impression was begot, during those times, I believed, I was being watched and was very uncomfortable. I ended up dropping out of college and putting my son up for adoption and heading to Boston with my daughter. This was around 1995, I believe. Upon arrival in Boston we lived in my car until we could find a shelter. I call this my crack up period or, manufactured crack up period. Upon arrival in Boston, very strange, as I drove around I would get negroes waving at me continuously as if they knew me. It is not common practice in the culture of United States to wave at people you do not know from cars or on the street. What I thought were private conversations were reiterated to me, a common tactic to make one feel one is being watched. Perhaps some good advice I hadn't taken early on, don't communicate such feelings as it lead to my daughter being put into foster care and the terrible ordeal of having to get her out of that mess. The foster people treated her badly, manipulated her, instigate her bad behavior in an attempt to put her on drugs. The foster parents stole money and materials from her. The other children abused her and I had supervised visits. I eventually was working two jobs and ideal employee. I quit and returned to Rochester, NY to finish school. This was around 1997. I

had an extended family still alive to aid me. I found employment working through temporary agencies and worked to support myself and daughter. Saved money to hire a lawyer to aid in getting my son returned as the conditions of his placement were improper by law. The courts disallowed this.

I have nothing abnormal to say my employment with various companies through the temporary agencies. I was a regular employee, unsuccessful in advancement and just stuck as temporary labor. Nothing unusual. I wasn't treated badly but still kind of isolated and I simply took that as some sort of cultural shift. Everyone was suspect of everyone else at this time I found. People didn't like to share information with anyone, as they viewed everyone as a competitor. It was not the Rochester, NY I grew up in. It was dull and controlled and there was just something off. I felt like I was in a new city. I knew no one. No familiar faces. People I once knew were gone and moved away to Florida or wherever. I never ran into anyone I knew from the past. In some sense, good for me. My family, strangely was distant though. My great-grandparents, around this time, in the grave or nursing home. That was my main support and what brought the family together. We'd all run into each other there but, I think, at this time I didn't run into anyone.

My first stable employment, or I thought it would be, was with Viahealth where I was a regular, non-temporary employee. I wanted something stable and with benefits. The pay was \$9.00 per hour. I worked as a clerk in the laboratory, basically verifying insurance and registering patients. It was the first employment where I was mobbing out of the workplace and disparately treated. I will tell you, I had no concept of workplace mobbing. I think I had heard such a thing while working at the Boston Public Library (Copley), but never experienced. Some conversation, god knows how I got involved in, where I had people instructing me that people going 'postal' at the post office, (perhaps there was an incident in the news), was actually people being driven out of employment. Where all the employees teamed up against one employee to drive them out of the workplace. Something they don't teach you in school. It doesn't exist.

But this is what happened to me at Viahealth. There were constant snide remarks, isolation in the workplace, my work was being sabotaged, the workplace became so hostile that I quit. Very hard to do as a single parent, but what I was going through for \$9.00 an hour wasn't worth it. I believe that my tire slashings, that were occurring at this time, were attempts to manufacture reasons for firing—manufacturing lateness to work or missed days. Events from work impacting my personal, home life. That's a reach that became a pattern. The manager Jackie Noble told me that she would always give me a good reference.

I went back to the temporary agency and always seeking better, higher paying employment. I didn't have my degree at this time, but was continuously working toward it. Next employment, no problem and \$.50 more in pay. It kept a roof over the head. At this time we lived in the suburbs, Greece, NY. But as tragedies must follow one after the other, there was an event at the apartment complex while I was at work. One of the apartment buildings caught fire. It was arson. There was some suspicion that children were involved and later it was wrongfully blamed on them. My daughter was among the three. Obviously the police and fire department were called to investigate and, they lied in their report. That was the final decision. The children were an easy scapegoat though there was some uncertainty, and what I mean, whether or not they would simply blame them and get away with it. One of the parents was in tears insisting that if they weren't sure don't accuse them because it would be a scar to carry around. Well, shortly after this matter, I went to inspect things for myself. One of the children had a lighter as her parents smoked. A Turkish girl who brought down the Koran and they had burnt some paper on the concrete floor. My daughter had a can of water and poured water on the paper and all was finished and they went away to play some place else. Keep in mind, water and concrete floor. Ashes of what looked like a small piece of paper were still there. Concrete doesn't burn and there was no sign of burning. That's is the only place they were and that is not where the fire was started. It was started in a 'locked' storage area where the residents who had access to the area, had to pay to have access to the area and all the area be enclosed by wood and wire. In order to start a fire in this enclosed area, one would have to purposefully light something flammable from underneath the wiring. This was an arsonist and not the children. But,

these departments found it convenient to blame the children. I viewed it, at that time, as just a bad event. Today I view more maliciously and the children were blamed to come after me.

We were all thrown out of the apartments, or so I was told. I saw myself as the only one moving. All of the parents clammed up at this time. None would speak to each other and the children no longer interacted any more. I moved in with family until I got situated.

I later obtained a new job with the 911 Call Center as a dispatcher trainee—more money. While employed there, those very same apartments were set fire to again, in a very short time period. It was arson. I don't think they ever caught the person. I was, after that event, charged with neglect as the department of social services came to the apartment finding my daughter alone. She was 10 just shy of eleventh birthday and thus they could legally attach the charge. No other parent was charged, perhaps all other parents were home when their children got out of school. I had thought they all worked. I don't know. That was a mess and wrongful. The initial judge on the case, through regular court, said openly, 'I see what you're trying to do and I will tell you I will not let this fly.' The attorney representing me didn't properly explain dropping the case with prejudice or without prejudice and I ended up accepting some deal from the misunderstood and bad advice. She said case would end and as long as there were no other issues. Well, it was not correct. What they couldn't do in regular court they did through some administrative court controlled by the department of social services. In this court, I was not afforded representation and had to pay for my own attorney. The attorney lost and during the hearing said, "You can't legally do that." What all they couldn't do I don't know. Later, upon leaving together from the hearing, he repeated the same thing to me. "That was wrong and they couldn't legally do that." Shortly after he died.

While working for the 911 Center, this became the second position that I was mobbed out of employment. What was different is, that this was the first time I was actually trained in these tactics by the union. I was naïve about the world and didn't know that unions don't offer protection and do so with very few people. If you find yourself in such a predicament, there is very little protection and, truth is, unbeknownst to me, I was being targeted

for sure, and targets have no rights. So, much of what I say, legally, is seen through that lens. As a target I have no rights, but at that time didn't know that and questioned why educate people to know such tactics in the workplace if you didn't care to enforce the law when such things occurred.

The workplace mobbing was slow in occurrence. I was told by all management the motto is you don't complain which contradicted the union and they knew that. My cousin worked there as a 911 operator, but we never spoke but once. According to his brother, whom I ran into at my grandmother's nursing home, he was enduring similar things. They were trying to push him out. I don't know, I saw nothing really. Openly I could see no racial tension, but there were complaints. For me, all was normal up to a certain point. The next move was hostility, snide remarks, attitude, exclusion. Class would be over and I would leave and the rest of the people remained. I did complain to the union, obviously, as I desired to preserve my employment, which was being attacked, as the money was needed. A waste of time. I was set up to fail and failed by one question which had been inculcated in my head to remember, but it was the wrong answer. I was told I didn't answer that question right. That had happened to me before in the 9th grade in Earth Science. The exact same thing.

I was fired right at Christmas. While receiving unemployment, I went and got my degree and headed to Georgia where my mother lived to attend graduate school. Nothing too eventful. I didn't get along with my mother, in fact, never did. My father in later years said, 'she has always been shady.'

I didn't like Clark Atlanta, so much I left. I got good grades but, for the money, the social environment wasn't worth it. I transferred to San Jose State University and packed up and headed to California. Here, the targeting really took its shape, and I could see there some kind of program. Something unusual which I couldn't define, but I felt it clear.

It took time to find a shelter as no shelter would take us. The first shelter that did, was run by a very wicked negro woman who openly, aggressively, had it out for me. She constantly would fabricate stories, fabricate lies and held me to a different standard than others. We received, unlike others, no permanent housing assistance which was something all these shelters

excluded us from even when mildly friendly. We were kept unstable as there were forces that desired that. It remains to this day and has been devastating to my daughter and myself. Everything with this shelter was bizarre. The guests strange, secretive. When they served food, they would leave on the table and literally flies would be all over the food and the residents didn't care and ate it. I refused to allow my daughter or myself to eat the food and that became just another reason for the woman to harass me. It was as if I thought myself better and said that I had an 'air' about me. I didn't know what she was talking about. If flies are in the food you don't eat and that is 'normal.'

We left, never turned back. I believe later the place was shut down from some infractions and we went to another shelter called Innvision. We got along fairly well. I was not targeted for special attention, but we weren't granted any attention at all. The residents were secretive and that made me suspicious and I was unable to interact with them, even in the special program they had for working people. They would all interact with each other and if I walked up, the conversations would stop, the people had empty gazes and then all would scatter. Innvision ran a job fair and within 3 weeks of being in California I landed a job with Kaiser Permanente in their call center. The starting salary didn't afford appropriate housing, but I found a room and attended San Jose and worked.

Nothing, outstandingly eventful I can say at the Kaiser call center, but I was unhappy. The people weren't friendly, in fact, it was openly stated that this was the environment and I was seeking friends at this time. Most of my problems were at San Jose State. In fact, my very first meeting, as all people had to meet with the chair of the Library Science department, the chair told me flat out, we didn't and don't want you here. Never had anything been said to be so openly. I didn't know what to say I just sat with astonishment. I didn't complain and, in truth, felt ashamed for being hate for no reason. I blamed myself. I felt like I was just hated everywhere and for years. All of the decent people in my family were dead. I had my daughter and she hated me for instability and because everyone else did. The chair went on to tell me that the only reason I was accepted into the school was because of their transfer policy, but they could control, and did, whether I was provisional or not. Being provisional means that you can't get any grade less



than a solid B. She advise me to leave the school and leave California. Go some place else! Like it was her school and her state. The woman was a foreigner from Ireland.

Well, I had a hard time with the students, but I got by. And, didn't matter to me, I was in a rush. I had learned something over all these disappointing years and I wasn't much for fighting the powers, but getting around them. Other students had problems with her, as well, I must be honest. Some openly told me that they recorded, documented, filed and saved all correspondence because she would lie about everything. I didn't experience any problems or outwards problems with the teachers just the students. I had problem with one class which organized itself as groups and for anyone being targeted, that is not good. In groups you get mobbed and this was orchestrated openly. But, I thought myself so clever to get around any obstacle and, well, I still had the energy for it. The stickler was over what I couldn't control. The teachers thought themselves clever to have a message board for people to participate in. It was not mandatory but, in truth actually was, as it was counted towards your grade. It was presented as extra points and I always take extra points being a professional student. The teachers were from Indiana and teaching for one semester for whatever reason. I missed 'one' message posting, the first one, because it was done late and it timed out as I was posting. I posted routinely after that, making sure I never missed a point. While in group, oddly enough, people asked me routinely why I didn't post. I said that I did and only missed the first one explaining the situation. In fact, after that comment by the Asia girl, I went back and checked the posts only to find it there. All I can say is it was strange. I didn't have the foresight to document my postings or print off to maintain records of what I had done.

The group members began to complain secretly behind my back telling the teachers I wasn't participating which was a lie. I was always at group, met at the people's house, in constant communication, I did more than pull my own weight was so organized I had to keep them organized, but I do not squander time. I don't know anyone who would ever honestly knock my work ethic. I think you can read my books and review the bibliography and gather that. All the project grades were fine and the final one, which they had set up for failure, was fine. I did on my own and got by. What they

caught me on was this, posting to the board. I was told that I missed 2 and not one. I objected. I was given a B- which was below B and got me kicked out. I told the story to many students who told me they got a D in a class and were forced to repeat classes but they weren't provisional as I was. And that ended Library Science and the hope for stable, permanent, and a well paying career. I attended, after that, mainly community colleges, as they were affordable. Picking up welding, auto mechanics, more computer skills. I was mainly interested in trades. I had no problems in these classes until I took an auto mechanics class in Los Angeles where I was openly discriminated against by the teachers and targeted by students.

While living in Northern California, I mainly just worked. We moved from San Jose to outside Oakland for more racial diversity than what San Jose offered, but that just lead to more problems. I commuted to San Jose every day. I later transferred to the Kaiser San Rafael location and that is when my job was threatened with workplace mobbing. In fact, it was oddly mentioned to me by another employee not to leave as it could, perhaps, lead to my termination.

I went through all of the same treatment. A stereotypical mobbing situation. This was the first time I actually looked up and learned the 'term' workplace mobbing, which, of course, doesn't exist and usually is termed workplace bully and almost never discussed in the media. I read all kinds of literature and watched all kinds of videos. I even attempted to interact with man who created some sort of organization, all a waste. I realized how phony these organizations really were. There were constant, and manufactured complaints of things I didn't even do and places where I never was. I was assaulted. A co-worker lifted up a huge stack of files, asked me to retrieve one of the files underneath what she had lifted, and as I attempted to assist her, she dropped the whole stack on my hand. That was change. The workplace mobbing always occurred at jobs that were permanent and could pay the rent and increased with severity as there was an increase in pay.

The union was of no use, but one union representative was more assistive than the other and mainly, I gather, out of her own curiosity. She took a genuine interest in what I said. She asked questions. She appeared

adversarial to the supervisor, Vanessa Giovanni, and stated openly that she honestly wanted to know who was telling the truth. Well, she was satisfied. She learned that I was, but that didn't save my position. I had documented evidence and that didn't matter. I spoke with an attorney even who said he was informing me on how best to establish a case for what I was going through. I did that and not one attorney, would take the case, not even him. Kaiser San Rafael was the first job prostitution was circulating around me in little remarks, noticeable as I recall, but for me just bizarre.

Unemployed we moved to Los Angeles. Back in shelters. Back to the same harassment which was mostly done by negroes in these organizations. Unemployment provided another room for a time. I was unable to find employment and suggested to my daughter, perhaps, rather than endure all of this, she should move in with my mother in Atlanta, as it was leading to tensions and frustrations. She blamed me, not understanding and not caring to understand and I couldn't convince her to have sympathy for me, even when she saw the injustices with her own eyes. She moved there and I was left to suffer living in the car. I eventually found a temporary employment and, at this point, I was even having problems there.

The first permanent job was with a post-production studio called Company 3. The pay was terrible, but I didn't mind the work. I couldn't afford housing on the salary but received benefits. Of course, the main benefit one should be concerned with is salary. If the job doesn't pay the rent, that is no benefit to the worker.

Things started fine and suddenly changed. Strange things at this jobs. The original founder, Stephan, I guess sold the company, but still remained working there. Rumors circulated about him to the point where I was intimidated and thought it would be best to keep my nose down and avoid him. There were free snacks and sandwiches. One of the rumors, as I never heard, was that he accused someone of putting drugs in his food and the workers in the vault, where I worked, began suggesting that he might be fired. Very strange. Ignore and stay out of the way, I thought. One day, the person who did the cooking for him, asked us, in the vault, if we wanted any sandwiches made by her. We all said great. I ate my sandwich and had a rush like I was drunk. I kept my mouth shut. On one hand worried about

losing the job and on the other hand of rushing to the hospital to be tested and I thought, how do I explain this to a hospital? Well, other employment came around. A part time position in my favorite place, the Santa Monica Library. I didn't experience any problems with the workers or with the public. But I could never get hired permanently. I was always skipped over for new employees. I applied for a similar position in Berkeley, in fact, developed a short time friendship with a fellow test taker. I had the second highest score and wasn't offered even an interview and was told, a high score meant nothing as they could pick anyone down the line. I didn't see the point in forcing people to take tests if that was the case. I had a second part time job at drug store in Brentwood.

While homeless, a very nice Armenia social worker, said since I had a degree that I should put in an application with DPSS and I did and eventually I was hired there. I hoped things would be different actually working for the government. There was a union too. I was determined not to get tripped up with any tests and didn't. The instructor, however, smudged grades for other people, but, whatever. I only cared about my own job.

Over this time, I believe while working for Company 3, my daughter returned from Atlanta because she couldn't get along with my mother whom she said was cutting up vitamins that she refused to take and putting them in her food. That was too far and it was a worse situation. She returned to live in my car and had to finish high school that way. Cars are a small space, she was angry and had every right to be, but it wasn't my fault. She moved into a shelter for teenagers. I attempted to get housing assistance from a place called Beyond Shelter and all of the negro employees denied me assistance. I complain as much as I could and somehow caught the attention of this very nice, younger European woman. She said she would help me and openly told me no one else would. She reunited the family in one of their shelters and I was fast tracked to Section 8 for the first time. I was astonished and looked around at all the aid that people really got and what we had been denied over the years. Wow! From here I quit the drug store and eventually Santa Monica library for DPSS. As soon as I got housing assistance, DPSS called. I didn't think much of the timing.

Things started mildly normal and then changed. I won a workplace gift lottery that they said was rigged. I pretended to be just smart enough to do the work and never stand out. But I was a target and one openly questioned right in front of me when it would begin. The first thing that hit me was what happened at Company 3. Cake was passed around and I suddenly flushed with a feeling being drunk. This time, however, I didn't fully eat and later, don't think me cruel, asked my daughter to eat and tell me what she thought. She felt the same, suddenly tired. What do you do? Well, don't accept any food for sure. I was powerless, what could I do? Who could I turn to? No one. These things scar you personally.

The workplace mobbing started and was vicious in a short time. The mobbing just wasn't in the workplace, but out of it. It wasn't because of the workplace, primarily, but that's just the ordeal of the program. I was actually openly harassed on the street, by police, at my apartment, while I had one. My car window was smashed, at one point with a union book placed on the seat after I had returned it to the owner. My car was repeatedly broken into. At work, the oil drained out of my car. I was locked in stairwells. Sabotage of my work and then, once again, this whisper of prostitute that I had no idea where it was coming from. It was happening in and out of work and by some male associate I was seeing.

It was so apparent that and I ended up hiring a private investigator, 3 of them actually and all of them just robbed me of my money. I wanted information of who this person was I was seeing, this Kenyan, that perhaps, would clue me into something more I didn't know. I got nothing. The California consumers board, for one of them, actually got some of my money returned to me. One of them Brown Investigations, actually tried to set me up. He charged me very little money, but that he charged me a fee at all was a problem, because he knew had no intention of doing what I was requesting (one of which was serving an order of protection. I had learned that everything about this Kenyan was a lie even where he lived). He came to my house at night for an interview. I woke at 4am in the morning and was actually expecting him to postpone but he didn't. I was in a normal t-shirt and shorts preparing for bed. When I complained to the agency, he said that I was strange and dressed inappropriately. During this meeting he

said he had already done some research on the man and provided me with a document which provided me the man's social security number. I was blacked out as it showed in the search, only partially, in certain places but visible where you could obtain the number. I knew instantly it was a set up. Apparently, this fool thought I would be so stupid as to look up the social security number at my job and get fired. I put the paper somewhere and actually forgot I had it and only later looked up, perhaps a year later, upon leaving the job, to see if valid on the Internet and it was. It was actually illegal for him to provide the social security number.

Around this time I discovered Mark Rich's book and fell into the conspiracy theory world a little, but disbelieving most of it and, about this time too, I think it was becoming more main stream. I might have run into the Infowars on Youtube, but never paid too much attention as I still shied away from things looked weird, but I eventually found that too. I saw the Zapruder film for the first time and realized Oswald didn't do it and that was a lie. I think the first conspiracies people become acquainted with is the JFK assassination and it is downhill from there. I opened up and took in a lot of weirdness and none of it added up or satisfied me. From Mark Rich, I learned the term gang stalking and started researching that. I finally found something that matched my experiences but almost everything online was false, misrepresented or crazy. I wanted to set the record straight because what they were doing with this program was wrong.

These criminals have thrown every tactic at me. I wrote the United Nations some years later and they rejected the petition and said there is just no way all these things could happen to one person. Right. There are plenty of books available, for free, that provide insight into the fraudulent UN.

I knew that I would be quitting DPSS, so to get out of debt quick, I lived in my car. That brought more harassment from the police at every turn. I even had a group of police cars box me in while driving. I had helicopters following me around at one point. I discovered an 'organization' for targeted people and found it was just run by perpetrators. One of the representatives I met, after some persistence, from the organization, actually asked me, if I had gotten experiences from helicopters. I said no, thought her strange and up until that time I hadn't had such experiences. I did much later remember one incident in North Hollywood, as my daughter

and I were asleep in the car. A helicopter hovered overhead with a ladder hanging out of it. I woke my daughter up as it was just one more crazy thing in this nutty country. She was unimpressed and went back to sleep angry that I woke her.

I created my website (with t-shirt and bumper stickers for awareness) and told my story online that wasn't helpful either. I couldn't enter a store without someone entering my car and leaving a trail, such as a smashed lighter on the seat, to show they had illegally entered. I got out debt and left to Atlanta as I decided to leave the country. I was denied unemployment for quitting. I quit without providing a 2 week notice and immediately after getting out of debt. If I had given a 2 week notice, I knew that they would have destroyed my car before leaving, putting me in predicament of having quit and a destroyed car. As far as the prostitution rumor, well, how such a thing could circulate from so many years ago I do not know. It was something that happened to me, for a short while, by a very terrible man as a child of around 16 and got away and never looked back. In fact, as I mentioned, in Rochester, NY I ran into no one I knew and recognized no faces. But suddenly, in my late 30s, in employment over 3000 miles away this surfaces, really? For some entertaining purpose of harassing me out of employment.

## Chapter Three

I left California for Georgia. My daughter remained in California for employment purposes. I moved to Atlanta as my mother was going through a divorce, loss of employment, was losing her home, but enjoyed expressing, with all this, openly, that she was part of the targeting crime. “I am one of them,” she said directly with fiendish glee.

I had previously read on several targeting themed web sites and, perhaps, even in Mark Rich’s book, the memory of exactly where is evanescent, but it was stated that this targeting scheme continues in ‘all NATO’ affiliated countries, meaning, all European controlled countries. Well, this is true, but, in actuality, it is all countries around the world. This is a deception or simply a misconception. Obviously with the Internet as instant communication, the world has shrunk to a marble. When one studies Russia, one learns of this program. When one studies China, one learns of this program. Why would anyone believe that Russia and China or Iran would be places to escape, I don’t know. But, at the time, I wasn’t aware of this. Most of the information I had about targeting had come from these conspiracy websites and conspiracy books and I didn’t trust the information fully. I knew what I experienced, that an actual program existed, but I had no historical basis for it. That would come later. The so called targets that were celebritized on the Internet and particular talk shows that discussed the topic, and were connected to so called targeting organizations, I did realize were a fraud. I just didn’t understand why they were lying.

I left for Sweden in the middle of winter around December 2010 and remained in Sweden until about May of 2011 when my request for asylum was rejected and I was deported back to the United States. I was disappointed that the circumstances in Sweden were exactly the same as the United States, but being that they were, I was happy to leave. This was hinted to me openly by a woman who offered legal advice to foreigners, in the backroom, of what could be described of as a second hand store, similar to Goodwill. She said to me directly, “You notice that this is the same as what you left, perhaps, bothered less directly from the police or at least I do hope.” I affirmed her comment. No legal organization was useful to me in Sweden, no lawyer. In fact, I went to an immigration lawyer in



Sweden and was shouted out of the office for going there. He saw me and shouted for me to get out.

Shortly after being in Sweden and submitting to immigration authorities and being placed, I realized that the strange occurrences that I had been experiencing with my body were, in fact, extrinsic and not internal. My food was being tampered with. This started in California from restaurants. I would eat and bleed vaginally or eat and blood vessels pop in my eye or my hand and toes would curl. Now, around this time, perhaps even at this present moment they still remain, stories of people, people being interviewed by local news, of supposed targets saying that their houses were broken into and that the food within their own homes was poisoned or drugged. I have no evidence of this happening to me in my own home, but you never know. I had returned back to my apartment on several occasions in Fullerton, CA, finding the door unlocked when I know that I had locked it. People at work would never accept any food that I brought in to work after a time. Such stories and such terrorism you'd think there would be a lot of attention from government and legal organizations, but there was nothing. Such stories you don't desire to push aside or compartmentalize, but integrate into the larger story as you question things. Thousands upon thousands of people across the planet say they are 'victims' of targeting and, yet, none of them can be contacted and none of them have come together for action. This is illogical and that means there is something wrong with the stories that they are presenting. That doesn't mean, however, that what they are drawing attention to isn't true.

As I later discovered, there was some chemical that was placed in things that I consumed that could and would initiate menstruation to a hemorrhaging degree. I could bleed nonstop. I had suspected but, as always, in beginning, questioned those suspicions and to my own detriment. Finding my way to the first placed housed in Sweden, I stopped for pizza and immediately began bleeding after eating with no biological basis. Curious, I thought. The same thing had happened when returning to Georgia and living with my mother for a short time. Leaving things on the stove to cook, unsuspectingly eating and bleeding for no biological reason. But still never putting two and two together fully.

I was housed, as you'd suspect, with all people from the Middle East, Kurds in this case who were part of the targeting program, in the small town of Soderhamn. I first noticed that when I would leave, on couple of occasions and return, I would find my once locked suitcase unlocked. Once, by chance, is interpreted as possible error, the second, of course, is not, but nothing of high importance was in there and nothing taken. It was more of a psychological move to increase suspicion, tension, and insecurity. Later, instigations of arguments, false accusations, racial antagonism and continuous harassment mainly from one of them who shared the same room. No one really gives their real name, but she stated she was from Iran. Perhaps, you'd pick up the real name if overheard any interactions from immigration. Things began normal, we shared wine the first or second day. I felt uncomfortable because I was housed with a group of people my country was bombing and doing terrible things to, but later realized that Kurds had certain privileges and, thus, certain exceptions from United States policies. Nonetheless, during wine, I felt need to express that I am not my government and I disagreed with their actions. I emphasized, I was a victim of the government, for which, I could easily ascertain, those whom I was housed with were victims of no injustice. They were running from nothing but lack of opportunity.

Later, a case that contained all my important identification, cash money, credit cards, immigration documents, went missing and, after extensive worry and door knocking complaints to the residents, it suddenly appeared in hand. I had no idea where it was, but the person who found it, my roommate, did. I had, on several occasions, left this fanny pack, in the bathroom and this was the first time I was never able to recover it from where I typically forgot it and the only place I ever took it off. Prior to much of this commotion or the rising action leading to this denouement, I sat at a table with another one of the Kurds who was also there, looking so innocent, negating all my suspicions; I got up from the table, leaving my orange juice for the bathroom, returning and drinking and as standard with this chemical I was getting at that time, within an hour began bleeding with no biological basis. In fact, I had just stopped after a long and suffering time and that is how I knew it was purposefully instigated. The chemical creates severe pain with bleeding which even 800 mg of Ibuprofen could not fully

relieve. In Sweden, it is possible to purchase pills over the counter at that milligram.

It is only in the movies where evil is visually ugly and deformed.

My complaints to the police came of nothing as I felt that some of the money had been taken. Of course, behind quietly, the residents could go to immigration and complain and, surely I was the problem and, of course, my complaints to them fell on deaf ears. But I was moved, and closer to the actual village of Soderhamn than where I was, but not close enough to where public transportation wasn't required. At this new location people are denied a free bus pass. It was a better move and the housing was better housing. I was placed with families. A Russian woman and her son shared a room. Another room had an Ethiopian family and I had a room with a Somalian Muslim never at home until she wanted to be a problem. Same targeting, as they were informed that I was a target, however that is done. Few spoke good enough English to communicate (fine by me, no words), but over one of the sockets I used in the kitchen, one day, was a religious message written in English. Apparently, they had been informed that I was irreligious, having my own views, a non-Muslim and non-Christian, and, as needing something to harass me about and create antagonism, this was used. Any trait is used, not even so much that the people care about religion or race or any attribute, characteristics are used just as something to be a bother about because they need something. They are given certain information, either real or manufactured to carry on their campaigns of harassment or whatever activity they are doing to a target. Things are never fully accurate and the crimes that each perp does or the crimes done by those in this program to the target, are never spread around. This is something to understand. To learn of the crimes done by those in the operation, one has to hear it from the target directly and few have been able to talk. Certainly some of the activities are whispered, just as I've mentioned, I learned from a segment on the local news, found on Youtube, of surreptitious druggings, illegal entries etc. No one advertises themselves as perpetrators. People who break into cars, homes and do workplace mobbing do not know each other, for the most part. Some in the Network break into cars, others poison, others do workplace mobbing and few can pin a crime to the face.

The first actions in this new place were similar as the last situation. I would return to find my suitcase unlocked and later my battery charger taken but later returned after about a week. No this was no mistake on my part. Later more aggressive actions and instigations and manufactured complaints. Any irksome problem done by some unknown person, was placed at my door of being the culprit. Having grown accustomed to these crimes and injustices, I can calmly hit as I am hit. Perps are not acclimated to verbal truth let alone other responses. They are use to special privilege and security from it. The Russian took it upon herself to create a pecking order for which she was the head. I, as an American, believe in equality, and, unlike most Africans, I am not deferential to white skin color. I don't give a damn.

Sweden is a cold. The people (most people, not all) are cold as the place. I chose the Sweden from examining a website that provided their stated philosophical beliefs, which is far from accurate. Many other countries in Europe such as France, I learned, were reported as having severe human rights abuses. So, if you're like me, running away from persecution, you don't want to be in a place where you'd be running to more persecution. Common sense. France, and many other European nations, Sweden was not on that list, perhaps incorrectly, maintains a fast track deportation for citizens of the United States. For many others, asylum seeking is a long process. They are provided lawyers, courts and legal assistance and the people of the United States are not. This is really the deceptiveness that is pervasively pushed throughout the world and serves as the basis of the ICC, United Nations, and various other world courts and world organizations: the European are enlightened people who do no crimes, do no persecutions, do no injustices and thus, are put in an exemplary position of being able to judge all others. In order to rule the world, you've got to implant the impression of superiority and, thus, in a unique position to judge and have people follow you. And this impression is accepted which is why no other country in the world has a competing or corresponding legal apparatus to judge Europeans, so they are held to no standard. Look at this world, look at the social disease, the environment, the break-down of families and people, the terror that speaks of the European mentality and shows they are superior to no one. In fact, to maintain these false

impressions they require brainwashing, cover-ups, pay offs, lies, illusions, dumbing down—even murder.

The average European, I have found to be petty and disposed to the nickel and diming of others. It is just a European trait, but, as with all traits, has been culturally adopted by others. They have similar brainwashing. They do not fully put in the effort to acquire an understanding of their social organization. They obtain information, like most Americans or most people of the world, from celebrity sources and propagandistic venues.

I saw no open cultural antipathy, or problems you may see in the news. Displeasure it is subtle and sometimes establishes itself by what is ignored, who is given a pass and who is held to standard. Passivity to the offensive behavior of the foreigners from Africa and the Middle East by ordinary people, would be less tolerated in the United States and there is little expectation the people should conform to the Swedish standard of conduct and thus little correction. And, what happens, is one person follows the other, which can be seen from foreigners who come to the United States, they take it upon themselves to do whatever they want and disrespect is exasperated and so is the reaction to it. The foreigners have an expectation or a commanding principle of entitlement. Deference must be provided to them, but they are required to show none to others.

I entered Sweden by way of Denmark, as I thought I could ‘cover my tracks’ as Russian Yuri Bezmenov had defected. I booked a flight to one destination, got off the plane in Denmark, never carrying on, to hide the intentions of my travel. Never realizing, at that time, the very search of how to arrange this could be easily monitored. The transportation hub workers couldn’t direct me to the bus and so I took the train into Stockholm and that altered my plan some. I don’t know where all of this energy came from, perhaps hope.

On the train, having crossed over into Sweden, an individual got on the train and over time flagged my suspicions. I felt watched. Shortly after, a group of three people, two women and one male, all in plain clothes confronted me, flashing a badge I couldn’t see, calling themselves some sort of authority and demanded my passport documents, full travel

information, details of where I would be staying, and rummaged through my bag. Tired from travel, unfamiliar with the ways, I presented what they requested, but quickly, before they got off the train, realized the deception I had fallen for.

I was in Stockholm a very short time before seeking asylum and sent to Marsta. The first man who interviewed me told me that this was not the first time, though it is rare, that an American has presented themselves as asylum seekers and that we are always denied. "Do you want to waste your time?" he asked. I said, "Yes." The detention centers warehouse people like homeless shelters in the United States. There are cots and many people to a room all of different origins and smells. They are cunning like bad children, with schemes glimmering in the eyes, for those whom they've pegged as suckers or easy prey. Better housing assignments come later and where one will be sent to is the preoccupation at this interval and when people cross lines and speak. "Where are they putting you?" Immigration workers are a mix of foreigners and Swedes and, certainly, after being accepted by the immigration process, becoming one of these workers is an ambition. It is good pay, good hours and lots of time off. The larger detentions centers, as they accommodate so many people, are not very clean but they are not jails either. One is not treated as a criminal and trapped behind barbed wire as in some European countries. It was a very emotional period of time for me as I reflected on all that had transpired to date.

The villages are very cute. Unlike in the United States, you do not see homeless people. Misery is personal and quiet as targeting and discrimination. I was befriended, by one person, not very innocently, as I was later to realize, a young man from London. Early on, I enjoyed and looked forward to his company and later did everything to avoid. It was not possible to know any other people. There was one friendly Nigerian lady but she was crazy. If not for anonymous Middle Eastern people when lost or needing to get to an immigration appointment, I would never have found my way. The immigration process is that impersonal and requiring many buses and trains and the only expense provided is the train ticket. The directions are also in English but when deported, and the reasons for which,

are provided only in the Swedish language. I was advised to type in the long document into Google translate if I wanted to know.

When I was deported back to the United States and I stayed for a brief while in Washington, DC, before I made reservations to head to Costa Rica. The thought of being in this country was repulsive. It was just too soon, too disappointing to be back: I wasn't ready. I stayed shortly in San Jose before heading to the area of Corcovado National Park which is accessible only by privately chartered plane. It is a beautiful country as this world is a very beautiful world when you can enjoy it. My desire was to just take in a little joy of nature. To have a little beauty from all of the suffering. I saw little of the country. There are no proper hotel accommodations that were nice and clean in this remote area. The place where I stayed was operated by an American, but very dirty and served food to guests that flies had been on. Very unacceptable for the price. I put a bad review online, complaining of that and that my pen was stolen from my room. He saw and offered to reduce the price if I removed the complaint and I did. The animals were beautiful and exotic. I love birds and monkeys. Most of the people suspicious and not friendly, past one I met who said he was a farmer and was on the plane with me was very friendly, normal. Americans are, for some reason, viewed as people to mistreat and rip off. I didn't feel comfortable and by way of Panama I headed to Cuba as a potential place of asylum.

Upon arriving in Cuba I was held for extended scrutiny. One of my computers was held by the authorities, for which, I was given a receipt which I always kept with me, never leaving even in the hotel as the high probability it would be "missing." I rented a car and found hotel accommodation hard to find. I did have a round trip ticket and was simply inspecting things. I was trapped in the car for a while before running into someone who told me of residential home that rented rooms. I stayed for a short while before finding the Melia Cohiba where I could get use of the Internet. I felt completely uncomfortable in Cohiba and everywhere there was just this thick mistrust and malaise and I thus absorbed what I found in my surroundings. Cohiba is close to Havana city center, but not close enough. I parked the car but, because of all the loss of blood, not understanding I was anemic (Sweden informed me my lab tests were

normal), I was unable to walk so I hired a bicycle tour person. He was very friendly and very useful to me and from him I was able to see Cuba and have some mild enjoyment. If not for him I would have never seen all of the wonderful sights. His English was as bad as my Spanish but we got by. Rather than his bicycle, we drove around in the rented car. Since I could not find the car company I had planned to use which I believe was owned by a French company, I ended up paying more and getting less. Eventually I exited Cohiba to travel to Cienfuegos and Bahia de Cochinos. Fortunately, I was able to obtain a room upon return, but I think at one point, out of need I had to return back to the private home. What I remember out of the way at Cohiba is buying an Internet card unlimited for a 24 hour period at one point, and renewing as necessary and later being told such 24 hour a day purchases never existed and by the hour only and I was crazy for thinking otherwise. At the hotel the exchange of money was possible so I didn't have to venture to the bank. Coming from Europe I had Euros and was able to obtain a better conversion rate because the US dollar, at that time, was devalued. Cuba has (or had) two different money systems and two different menus or more depending how they perceived you. In relation to menus, one priced for the people they desire to rip off and then another one with lesser prices and surely another one for the people who use a different money system altogether. Foreigners use CUC's throughout the island. The CUC is almost on a one to one basis in Cuba with the Euro and valued higher than the dollar. The pricing was easier to understand than it was in Sweden as it was more familiar. Several thousands of dollars in Krona meaning nothing in terms of purchasing power. Several million in Costa Rican money is the same thing. It is funny being presented with a million dollars in currency.

Cuba is a very vibrant place unlike Sweden. You can notice the people alive at all times day and night. I wasn't there for entertainment though. The housing is terrible for the people. The friendly guide took me to see a very miserable place in Cuba. It was all rubbles and, surely, in some way, the people were responsible for paying for it. Not everyone lives in under such miserable circumstances and I can only imagine why some have were offered better than others. At this time, was still stuck with the scholastic definition and understanding of so-called Socialism. Upon seeing this misery, I knew instantly, that would be me and worse. Only some time



later, I found interview of G. Edward Griffin and Anthony Bryant. Until this point I had the liberal, PBS version of Cuba. In the remote areas in Costa Rica, the housing was worse, perhaps, freer because remote, but surely they pay for nothing. The people literally lived in makeshift, corrugated metal boxes and are fortunate to have them too. In truth, many people in the United States live worse. I've seen people in Los Angeles, looking dead on the pavement and their faces burnt orange by the sun and with no beautiful toucans, parrots to look at. They had no forest for which to run to and hide their misery and left huddled under dumpsters and all the germs.

In the travel book, it states clearly, that if one gets sick on the island of Cuba, as a foreigner, you will be denied the right to leave until you settle your bill. A far contrast to the United States who privilege foreigners over their own indigenous people. The United States is a colonized country, controlled by foreigners who privilege foreigners. The lives of Cubans are typical: Internet, cell phones, Mercedes cars and old cars, washing machines, electronic stores, satellite dish tv. If one doesn't have satellite tv, as I found in the rooming house, one gets only the island programs and not things like Russia Today or outside news. So you feel like you're in a complete state of ignorance and even the dilapidated buildings of tourist attractions presented in the shows are masked over with some sort of television trick.

I felt unnoticed, for the most part, past the hotel. Cuba is very diverse with people from all over the world (India, China, Middle East) and has its own China town. The media in the United States and around the world doesn't justly represent Cuba. In some cases, it is more free and, perhaps, in ways I had not openly seen, less. Things, like even targeting, can be easily masked.

There are a lot of idle people and young people who would prefer not to be. As I found in South Africa, there are multitudes of walking people which speaks of economic oppression and makes people very conniving. Upon returning to Havana, what I realized later was a security guard and not police, as he fell asleep in my car, flashed a badge and demanded a ride, who I later kicked out of the car. In other people's cultures and with the reputation Cuba has, you follow badge flashes and uniforms. But, he fell asleep, I realized I was duped again, and I kicked him out. Get out! I don't

like deception and that is the way of Latin American culture to a greater degree than South Africa. But in each place, life is cheap and no higher principles. Africans have more principles in comparison.

Toward the end, I stayed in the hotel. Settled the car which kept breaking down with flat tires while travelling. Cuba doesn't have the infrastructure of many gas stations. You can use the bathroom, for free, unlike Sweden, but you must have your own toilet paper and soap as none available. I stayed at the hotel for the joyous time of leaving the island and returning to the less miserable United States. I saw it as less miserable now. But where? I was homeless. I had been around the world and not liked it, past its wonderful natural beauty. People equals misery everywhere.

At the Cuban airport, there were rooms designated to smokers which almost no one followed. Unlike in the United States, no Gestapo enforcing the rule with sniffing dogs and handcuffs. All of which was to be found upon my return even at bus stations in NYC. At the window, I presented my receipt to the clerk to obtain my computer. I was told that I will have to come back at a certain time. I put the receipt in my back pocket and waited for that time. Curiously, there was a group of people behind me that hung around rather close for a time. At the certain hour, I went back to the window to present my receipt and found that it was missing. It was a brand new computer I had gotten delivered while in Sweden. I was told that the computer would not be returned unless I had the receipt and no identification mattered. If I didn't like it, I had to take it up with another authoritative figure in another location. I was forced to cancel and reschedule my flight at a cost to do just that. While waiting to communicate with this figure I had to sleep in the bus terminal and then outside the building. To get to this building required a bus. I complained vehemently about this as I viewed taking of my computer as theft and that's what it was. The authority gave the permission for me to obtain the computer. I had to pay to receive my own computer and took the remaining money I had in my pocket. To have memory of my visit, I had to convert money while waiting to leave. As going to Cuba, at that time was illegal, I took care as I could not to have any markings on passport or souvenirs. I regret now because no one cared and I returned with ease. In fact, it wouldn't surprise me that responsible US government officials knew I was there. So no t-

shirts to give away, but hidden money in mysterious places. All unnecessary.

I made a few stops along the way and was openly targeted in every city and harassed by the police. How the information of who I am and where I was walking down the street is communicated I do not know. I decided upon settling in Burlington, Vermont. The city is small and its reputation is misrepresented. It became clear that the whole city was a part of this targeting Network. I was made miserable every second of the day. There is a large immigrant population. The targeting was so explicit and open I was able to record and document it with ease. No one else has established proof and simply tell stories which can be refuted. Nonetheless, even with evidence targeting is refuted. Shortly after arriving, a blood test determined I was short of blood and eventually accepted 3 pints to keep going. At this point, I exhibited great control over my food as I did in my later stay in Sweden and not sure how I would have any further problems. These chemicals, as I've found, leave the body over a many month time and to maintain heavy bleeding, one has to constantly receive them. Once in my own housing and having complete control over my environment, my body went back to normal and I returned to health.

As typical, I was targeted in the only homeless shelter in Burlington—COTS. Harassed continuously in and around the city no matter where I was I was recognized. My locker was illegally entered and I returned finding the key lock unlocked. Later I realized the pearl necklace my father gave me at 16 was stolen but other things remained as the staff stood by the locker. I was hit with all kinds of racial language and negative attitudes and manufactured conflicts and lies by the staff. They would literally just make things up. There was one set of rules for me and another set of rules for others. Others were moved into housing faster. I made complaints of discrimination, as I had done with DPSS and other jobs and the complaints were ignored. While staying in Burlington I petitioned UN and that was rejected. People came and went and I remained.

I used COTS only for sleeping avoiding all else. They exhibited great control over people's food. People were "served" food rather than say, scooped to people in a line. So, it was impossible for me to eat there. The only other

place homeless people can go is the public library and I had plenty of time to read and learn. I devoted my entire days reading history, studying surveillance and programs like *Cointelpro* and *Zersetzung*. Most of the information was formulaic, misleading, simply scratched the surface and, thus, inadequate. As Burlington has an abundance of foreigners, foreigners were used in the harassment, as with all places. It was impossible to complain to the library staff and if I did, I was simply told if you don't like it leave here. Complaints could be put against me, however. It was disliked that I recorded the crimes happening to me and put them on the Internet. I was called into a meeting with one of the supervisors at COTS and asked not to record the people who were residents of COTS, in public places such as the library or on the street. I said, I am a victim of crime and I will record all of the criminality that I endure that takes place on the street. Later, an incident was manufactured and something unexpected, as I didn't know possible; one of the perpetrators at COTS made a false complaint that I was harassing her. That's what perps do, deny, deny and counter accuse. They accused you of the crimes they do. Sounds closely to what you'd find from anyone involved with 'intelligence agencies' and what they are taught. It has all trickled down. I didn't even know the person. My daily routine was shelter to library, when it was open. Holidays were brutal. Without evidence, without any discussion from me, an order of protection was issued by the courts and I was later given a court appearance. I tried to communicate with the courts before hand, as I had no place to stay but on the street and open harassment on the street. The case was later dropped and was initiated only as a design to have me out of the shelter. I didn't understand, at that time, the courts are just another part of the targeting operation.

Just around this time, I learned that my father's mother was ill and in the hospital and I decided to head to Georgia, pick up my car at my mother's house, and go see her. My car would give me shelter as I had only the street and no help. I registered the car before hand and headed to Augusta, GA only to be told by my father that he had taken Bernice Hendricks, his mother, off life support before I arrived. I asked him to not do that. He said he had to because he couldn't afford her medical bills. He stated 'he' was paying. While travelling to Georgia on the bus, I was harassed all the way

there by bus drivers and people who said they were returning from military operations in the Middle East.

Returning to Vermont, COTS Shelter refused all housing assistance. Early on, shortly after arriving, I applied for disability and that became my income. I stupidly went through an attorney and during the first interview with them, it was suggested, as if they knew something I didn't and beforehand, that it would probably be approved without them. Obviously, you can't rely on anything that comes out of the mouth of any perp criminal and I never do, though sometimes correct. In this case, it was and the law offices took a great deal of money for doing nothing. A pattern that would continue to this day with all interactions with anyone in the legal community who operates within the targeting sphere.

COTS was the only 'shelter,' but an organization called Pathways to Housing existed for housing placement and I went to them. Their scope was limited to the 'supposed' mentally ill and I found them more mentally ill than the people they served. People left to the streets are left to die and quickly and this is the open secret, though it is never honestly expressed that way. Convicted child molesters are even privileged to housing as I was later to learn in California and surely, other places. I believe that it was Aleksandr Solzhenitsyn who stated something similar in his book Gulag Archipelago, that the experiences of the common criminal were far better, and they were loathed least, than anyone persecuted for political reasons. There is a lot of money spent social welfare programs, salaries and educating people to these professions and always mismanaged, corrupted and never well spent. Trillions of dollars missing from the government and Pentagon bureaucracy, and no one cares but, blame the poor and the scapegoated. Privileged people are presented with housing and much of that privilege going to foreigners. A quiet genocide of Americans. There is actually easier and more humane ways of killing people off, but people feel the need to hide behind artifices and masks and pretend they aren't doing what they are actually doing.

I lived in my car almost a year before being allowed housing. Harassed, then, by the police and followed around by the larger community, apparently unemployed. Placement in housing didn't seclude me in

anyway, as I would receive continual banging on the door by the police. One time, the banging was so hard, that it set off the alarm in my car from the vibration. I hadn't called them so I never answered the door. If I called the police to make a complaint, the excuse was, they accidentally went to the wrong house over and over. My car became an obsession for illegal entries and vandalism. I enjoyed feeding the squirrels granola bars and, one day found the wrappers underneath my hood. All of these damages I had to pay for.

I was threatened by a large crowd of people which included my neighbors shouting racial names and threats of violence against me and my car through the window. I was attacked by a knife by one of them later and, began my first interaction with the legal system. As with all perps, after I reported to the police, but first to those who provided the placement, all that I accused her of, I was accused of and ended up in court with an assault charge. Targets have no right to self-defense and have no use of the law against anyone for any reason. I was given two attorneys, Straum and Jasdeep Pannu, who were both, what I call perp attorneys, but the court system, in this case, perhaps, as it seemed, tried to keep up the appearances of working. Later, I discovered, that the person plead guilty, and even after this they attempted to get me to 'confess' and also plead guilty. Mind you, one is the assaulter and one is the assaultee. The charges were eventually dropped. My attacker had a criminal past and served no time from the guilty plea and the legal system taught her nothing. She was moved by Pathways to another location and within a month was stalking me at her former residence, as was the habit for former residents at COTS, one in particular, Elissa. Saturating the Internet with all of the documentation did nothing. My persecution, didn't exist.

If, by chance to let in air, I left the door open to the apartment for a few minutes, perps would walk through the door. If I left clothes out or sneakers to dry from washing, they would steal them. Pathways employees, found it entertaining to illegally enter the house while there and I had no legal recourse. Eventually I did move as it was safer, I thought, in case of conflict, to have my possessions closer to family. My son was attending college in Georgia and living with my mother and having difficulty as well. He expressed some trepidation and would never eat and, restricted himself

when he did to eggs around my mother. I don't know if he truly believed this or was just saying this.

All of my family, including my children, are mixed up with this crime against me. But, from his adoption, I have not mentioned my son's return. While perambulating the world, my daughter contacted me stating that she had contacted him while I was in Sweden. Our first conversation was upon my return and short stay in Washington, D.C. We had a small talk when I was in Costa Rica. While in Vermont and living in the car, I drove to Rochester, NY to meet him as a full grown young man just about to graduate high school. This was probably around 2013. Things hadn't gone as I envisioned. I interacted with some relatives that I hadn't seen in years and no one had comment of anything. It was a nice façade.

## Chapter Four

I moved to McDonough, Georgia in 2014 and my son was just miserable towards me and even more so, as the relationship wasn't over the phone anymore. As with all places, same harassment, but was less severe because I was more occluded and, thus, was targeted mainly by the police when I drove. It wasn't my apartment, as was the case in Vermont, so I the police wouldn't be banging on the door or illegal entries. My car was still broken into, however, with things actually stolen. The police would manufacture any reason to stop me while driving, such as my brake lights weren't functioning and then, say, 'ops, after I stopped you realized they are operational and my mistake, but show me your papers.' They were constantly around and menacing me: flashing lights, giving nasty looks, turning siren on and would literally wait outside for me to leave. There was a garage and I was able to use that on occasion. Such things decrease access to my vehicle, thus damage. While living at my grandmother's, I slept in car at night even in the winter.

My mother didn't go as crazy until we moved, apparently needing the extra hands and was mildly cordial until that time, and then flew into a full blown perp assault with constant aggression. I was tired, at this point of living watching my back. One early instance, she convinced me of taking a few drops of iodine, as Fukushima was still in the news and a matter of discussion. I took the iodine and her way of playing mind games was to say, chuckling, 'that I poisoned myself.' I didn't believe that I had and recognized as just a mind game, but no normal, 'non-perped out' person would say such a thing or even joke like that. But later, I mistakenly left vodka exposed and once exposed, well, I stay away from it and did for several weeks, but eventually drank some and that 'was' menaced with something. Again, during this time, she was fairly cordial and often stood up for me when my son behaved improperly. It was the old good cop, bad cop routine, is how I see it. The effects drinking the vodka became 'most' apparent while in jail: the hemorrhaging and severe pain. While living in my apartment and in control of everything, I had nursed my body back to health. No hemorrhaging and rarely did I even go to the doctor and blood tests were normal as they were in Augusta when I later moved there. My son, during this time, while moving, almost ran me over with a truck. I saw my life flash



before my eyes for a second time. He thought it was a funny and said he wanted to see my facial expression. A slight error and I would have been cut in half like in the movie *The Omen*.

I was charged with assault 2/6/2014 for a conflict between myself and my mother. I refused to speak with the police. While changing clothes I was monitored by two women from the Gwinnett County Police Department and one of the women held a video camera (the other directed and supervised) and said that she had to videotape me not only changing clothes, but video record my whole nude body, spinning around to show every detail. What happened to this tape I do not know. It was illegal and done for purposes of humiliation, I suppose, as with everything else. The attorney, later, when we met, care not for anything related to the case from arrest, or the assault event itself—asked no questions.

When taken to the Gwinnett County jail I was asked various questions such as if I was on drugs or alcohol. I said no and they took it upon themselves to take drug and alcohol tests. I answered all the questions except the question as to how many pregnancies I had. I, very plainly, refused to answer. Well, that was considered an affront to their power (foreign negro woman) and I was sent to the mental health ward and the officers down there loved to laugh about how concerned they were about people's mental health. I was told by the women officers that I was sent there because I refused to answer their questions—so as punishment. The fact that I had no recognizable rights still hadn't completely sunk in all the years of experiencing this crime. The true criminals, the inmates, were targeting perpetrators used by prison staff (the other criminals), who enjoyed relishing in the fact they had rights and I didn't. Their attorneys were great and protected their rights and too bad for me. In this ward I was stripped of all clothing and put in a green covering of some kind or what they call the 'turtle suit.' I was denied showers for several weeks because they were so concerned about people's mental and physical health. Out of mental lapses, the people in the ward began mimicking the hyena laugh—"right you're concerned about our mental health...hee, hee." I was not only denied showers, but any personal hygiene such as brushing teeth or combing hair. I was denied an arraignment within the specified time and, suddenly, on a 'Saturday' the attorney that was assigned to me along with a negro judge,

came to my cell in the mental health area of the jail, to perform an arraignment. All others were taken to speak with their attorneys and to court. The attorney refused to speak with and made some strange whistle as you would if you were calling someone cuckoo and walked away with the judge, laughing. He was setting up circumstances of complaint, again, I thought I had rights. I never ate any of the food that was handed to me as I knew would be tampered with. As a target, you are not told you are a target and you are never told directly that you have no rights that will be respected. Rights exist on paper only and what the perpetrators do, is show you that you've got none and this was mildly told to me by an attorney later (and that the courts would give me problems), when at Georgia Regional and calling every attorney in the phone book seeking help and none would help. One attorney told me, related to the Writ of Habeas, to pursue, since I had plenty of time and because it would be irksome to various people because, "I was suppose to realize by now the circumstances." It will come of nothing, but have fun being a bother. Better attorneys will talk mildly directly toward you, the worst attorneys lie about the law and act as if all is normal or blame you. When these attorneys act liked they knew me as a target, it was obviously very bizarre and upsetting. Today I won't even bother with attorneys any more they're so corrupt.

Eventually I was allowed to go to general population where I was targeted by those who I shared a cell with, I expected as much. Like with every place else, they would manufacture some lies to run to the guard about and the guards would take them seriously. If I made a complaint about something real, I was told that's life in jail: deal with it. One of the inmates ran to the guard and told her that wasn't eating and I said that was not true and that this became a topic at all was very strange at the time. One doesn't often understand setups. As long as the food was open and general, I ate what I desired and when I felt like it. It is not normal for inmates to go running to jail staff to complain or snitch about something so petty and, for which, would have nothing to do with them. These are criminals, one of them in jail for armed robbery. If something is designated for me, I will not eat it. That is not the case in general population and the food is not designated and that, for them, was the problem for which they desired to solve. The guards believed the inmates, as they would (it was coordinated with jail staff) and called some nasty negro woman from Corizon mental health and I

refused to speak with her. The guard felt I was being disrespectful and I was sent to IMAX (solitary confinement...from that set up) and just kept there, going through no process, and, looking back now, was therefore for non-disciplinary reasons. IMAX is for people who were fighting or pulled out some sort of shank, however that is done in jail. They didn't watch the inmates, they only watched me. In fact, one inmate was left to die as a result of neglect. The obsession is always the target by all.

I didn't eat any of the food while held in IMAX because I knew it would be tampered with. I refused to speak with anyone related to the mental health division and, shortly after, I was bailed by my mother. I was brought to the courtroom two times. The first court date my attorney, David Whitman, was not present and another attorney took his place. The second time my attorney was present and was the first time that I got to speak with him. He provided me a piece of paper which had some information (name and PO Box address...he never maintained any physical office) on it for which he literally threw in my face, and during the course of our very short talk as he insinuated I was guilty, without even asking to hear the story. I, however, had some questions for him: was he familiar with Cointelpro, targeting, and he refused to answer. My guess is that was not versed in these things from a legal standpoint, only as a perpetrator. At that hearing I requested that I be provided with another attorney citing 'interpersonal difficulties' and was denied. The judge literally laughed when I said, 'interpersonal reasons,' and also told me that David Whitman was a good and very expensive attorney and that I should stick with him and that my reason was not valid. I had used 'interpersonal' difficulties with the first attorney in Vermont I was given, Straum, who also had no physical address either and, she backed up that comment to the judge and was removed. Whitman disagreed with being removed. It is best not to go into detail, I thought, at that time, but I didn't have the legal language to use, such as an attorney working against my interests. It is universally accepted and wrongfully so, that attorneys work to advance and protect the interests of their clients. Perhaps with some, but for targets that is 'never' the case. There are many documented cases in history of this fact.

After being bailed, I went to stay in Augusta with my father, as I was unable to return to my mother's house via the judge's order of protection, and

eventually ended up at the empty home of my grandmother, Bernice Hendricks, and it was at that time, I discovered I was in her will. Upon discovering, I began to initiate probate pro se. Later my father offered to get an attorney ('to get handled right') and the first attorney on the case was Maioriello, a former probate judge. Nothing was happening, at that time, with the assault case, denying me a quick and speedy trial, for almost a year and during that time, the attorney refused to speak with me. However, I followed his instructions, which were to write down the facts of the case which he presented to the judge, breaking confidentiality. During that year I focused on probate, though it was curious that the attorney asked no questions and refused to speak with me—and had no actual physical office to visit to where I could just show up. My mother found a website listing some address and found that he was not there. The Georgia State Bar had no address beyond the P.O. Box.

Bernice's house was left a mess. No one was cutting the grass or doing anything. Cat feces left on rugs from her, then dead, cat. I was told by my father that Bernice's John Deere ride lawn mower was stolen. I later learned that she had other lawn mowers that were stolen (by relatives), and, in fact, most of the expensive items were stolen from the house. My father said he took her 357 Magnum, diamond wedding ring, large screen tv, 2010 Ford Mustang and many other things. People were allowed, by the executrix, to take whatever they wanted. No one expected for me to learn that I was in the Will.

So, I took it upon myself to take care of the houses, for which there were two houses connected with the estate: Bernice's house and the house of her sister Lucy. Bernice was never able to probate the Will of Lucy because of the money she was stealing. There was also another, about, 60 acres of land connected to the estate that was originally the land of the Bernice's mother. In fact, all of it was her land, at one point, and when she died, was parceled out by her children and put under the now defunct corporation of Boston Johnson Holding.

Maioriello was hired and because my father paid him the money, Maioriello believed it would be appropriate to take him as a client as well and not just me. My father completely lied to Maioriello about the circumstances of

Bernice's Will and so he added him as a client rather innocently. This was to become a problem later when I discovered that \$1588 a month that was being deposited and stolen from a joint account of Bernice maintained with her sister Lucy Burke and being stolen by my father. It became a conflict of interest and I hadn't recognized that and what Maioriello should have done was resign from the case, but he remained only to screw me over and protect my father and Chawaka, as all my attorneys did.

I had to appeal the case to the Georgia Court of Appeals, from Judge Padgett's wrongful decision and lost attempting to remove the executrix Chawaka Bell from the case. Maiorello, in attempting to sabotage my appeal, didn't order the proceedings to be transcribed and wouldn't have provided the bank statement to the judge if I hadn't openly insisted while in court. Not submitting to the judge would have denied me the ability to present it on my appeal. But this didn't make a difference anyway as the Court of Appeals is corrupt as well.

Eventually I hired, on my own, another attorney James Weston from Trotter Jones. I told him my issues with Maioriello and he assured me that he would never do what he had done. Stupidly, I believed him, though he showed me openly, he too, was a perp attorney. He remained on the case from 2014 to 2017 before I dismissed him for doing absolutely nothing. He refused to subpoena bank records, or request an accounting, make any criminal charges related to theft, refused to even discuss the law or my rights (under the knowledge I had none), refused to take any legal action whatsoever and I paid him diligently and all he did was 'steal' my money. This had become a trend for many decades. Previously attorneys would always manufacture some excuse in relation to my cases: not having enough money was an issue (I also rightly didn't trust them, paying for nothing, when took cases on contingency basis), no evidence for case, and, if you recall, evidence eventually surmounted (couldn't use that as excuse)—I had evidence and, now, with the Probate matter, I had and put forth the money; I paid big time and they lost all plausible deniability because I also had more knowledge. They can't just come out and tell the truth, (you don't have rights we are bound to respect, you're a target and if we take your case we will rob you of your money and do nothing to aid you) and must put on an act and for this show, it is the target that loses the

dough. They didn't have any more tricks up the sleeves or lies to use. And this, obviously, aided my adversaries. Jamie Weston did return some of the money, upon my terminating him as the attorney,—over \$5000 of it. He should have taken no money, as he earned nothing and should have never taken the case as he knew he would do nothing and would refuse to follow the law. My legal expenses, related to the estate, went over \$10,000 and my only income was social security. I received no food stamps and lived on a tight budget. Some attorney's later that I called, as more 'let's pretend', said that they anticipated the total expenses of handling all the land (not just Bernice's house) and actions from \$10,000 to \$20,000 and require almost that entire amount as down payment. In truth, they would have behaved the same, but the phony idea that they wanted to impress upon me was that I just had the unfortunate luck of hiring bad attorneys and, they were just honest and great, but I hadn't the money. This is just how these devils work.

One must keep in mind, these people have to maintain an illusion not only of themselves but the larger social illusion and pretend to have some sort of plausible deniability for their actions. And the worse attorneys are the ones who take the case, as they are the ones most connected to this crime and take the target's money knowing they will not handle the case appropriately. They take the case to cause damage and harm. They know the target has no use of the law, they can't say that openly and must put on a charade for which the target can see through, but they've got to put it on anyway.

Let me provide some background to Bernice. While she was living, I was never told that I was in her will. Both of my parents knew and both refused to tell me and neither provided a phone number or address. I was completely occluded from her while alive. When living in Augusta, I went to speak with her brother's wife who told me, that Bernice would have loved to have me around because she was left all alone "with no one to help her." She left both of her children nothing. My father, who hit the lottery, \$1000 a week for life, refused to help her or even cut the grass, I was told. She felt that my father was completely controlled by the devil. She had a mild anger, knowing the scheme and telling me some of it, related to Jerry Johnson and the land cabal. She was annoyed and expressed displeasure,

questioning: how I got to move into the house that I partially owned. I could mildly see that she knew I was targeted, but she was old and sickly and I simply feigned politeness. Upon leaving, her daughter offered me a glass of tap water to be hospitable. I, obviously, found her displeasure related to the Will, very disagreeable, curious and abnormal. Why would anyone be concerned with possessions and someone's Will that had nothing to do with them? But that's the way it was and is the case with most conspiracies.

Bernice was surrounded, and I don't know if she knew this, by people who coveted what she had and died under 'mysterious circumstances.' She was "in and out" of a coma and, as I said before, was eventually taken off life support by who...my father who wanted the car and the money (other materials), along with his lottery winnings. Jerry and his wife and others, wanted the land and have been the land cabal or land mafia, as I call them, working to accumulate each piece to themselves. When Lucy, Bernice's sister, was sick, Jerry's wife went rummaging through her things looking for her will, which I found in Rochester, New York. I knew Lucy more than I knew Bernice because we went to her house every Thanksgiving and Christmas when young. She took more of an interest in my father and his family because she raised him and there are many pictures with the two of them together when he was a baby. I was later to find out, that Jerry's wife found Bernice on floor of her home and, she stated, she took her to her house where she ended up in a coma. This is important not to miss. It was in everyone's interests, except mine, that Bernice pass away and never be returned to health. It, obviously, would have been in my interest to have Bernice healthy and living. Chawaka is part of the land mafia, and I was not. She was tied into it because of her father who was close to Jerry and this scheme over the years, apparently, Bernice wasn't able to figure this out. Most people, including me, disliked my father as they viewed him as wicked, and he was, so the land cabal didn't associate with him, just Audley (Lee), Chawaka's father. When Bernice died, she requested that she be given a Christian burial, well, no one cared to respect that either and cremated her. They absconded with all she had, most of them non-beneficiaries, and threw her into the ovens to show their gratitude.

Bernice didn't know her grandchildren very well either and wasn't a very friendly person or the grandmotherly type. She didn't know that Chawaka's maiden name was not Hendricks, but Clark. Her father is not related to the Hendricks' and was never adopted and some how just took the name by some mishap. He has a different father than James Hendricks Sr. James Sr. was very cordial with Audley and even preferred interacting with him over his own son, whom he never visited. I, however, did speak with him when he lived in the area. He was a Navy veteran of WWII as was Lucy's husband, Carl Way Burke.

During this time, and prior to initial court date, I called Social Security to terminate the money being deposited and Maioriello advised me not to and my daughter did as well, and I later realize that I should have said nothing because Social Security had no concern over the theft of the money because 'I' was connected with this case. I believed exposure of this theft, as she was complicit, would get Chawaka removed and I was wrong. At this time, I wasn't fully aware that the court systems were completely corrupt and worked to protect this targeting crime. I should have left the money running and make it Chawaka's responsibility to manage or not manage, as she would have.

My father, just blew excess money and refused to even buy a lawn mower or aid in any repairs, so I had to fund from my only income, social security. He later viewed starting probate as a mistake and began getting harassment and, thus, began harassing me. Chawaka's attorneys would sent spoof letters and relatives would call the Bernice's cell phone, as he had that too, asking to speak with Bernice when they knew she was dead (wasn't happening prior to initiating probate). Keeping the money was of prime importance as well as keeping the car. If such money had been stolen from anyone else's family, people would have been charged. This was all public information that I put on my website at the time, and yet, daily people to go jail for petty theft—stealing candy bars from grocery stores. There was a police officer, I read in the news, sent to prison for taking \$20k from some police fund. A probate clerk, in Georgia, was recently charged with theft and jailed for a lesser amount because she said she had a gambling habit. And not one person has any animosity and there is no uproar about the disparate treatment by the legal system. People would



rather go to jail and suffering disparate treatment than expose this crime. This is very abnormal.

Lucy Burke died in 1992. It was an unfortunate thing that Bernice had been wrongfully taking money, but there are worse evils and some of which I have mentioned in this book. My suffering, in no way, would be compensated, in fact, I was stripped of property. Bernice died in April, 2012 and from 1992 to 2014, Social Security had thought Lucy was alive and kept depositing the money. When Bernice died in 2012, the money was being taken by my father, who, along with the rest of the cabal, colluding to leave me out of the Will. At one point, according to my father, they were going to challenge the will, declaring Bernice incompetent to take the land too. It was more convenient that way for all of them. Each of them had distinct interests and wanted something.

From speaking with Sun Trust bank, I was told that someone (my father's ex-girlfriend) called up the bank impersonating Lucy to obtain a new bank card because when Bernice died, the bank automatically cancelled her card because they were informed of her death. There was some sort of death notification connected with the account. Oddly enough, they never questioned the checks being forged in the name of Bernice, by my father, despite the fact that they were aware of her death.

Around January 20, 2015, there was finally a court date and this became the first time I was to see David Whitman outside of jail. He refused talk with me prior to entering the courtroom though I had many questions. He said, "we'll talk in here" meaning the courtroom. The first court date he submitted a motion to the judge to have me submit to a psychological evaluation and I openly refused and I had no knowledge of my rights and he refused to explain anything related to my rights. In fact, he refused to speak with me at all. There was a prearranged scheme he was following and communication with me had nothing to do with it. From the first time we met in jail, he had been establishing a pattern of behavior that was contrary to law and proper conduct to generate suspicion and my complaints and this was paving the way to this psychological evaluation which was the first step to my false imprisonment in Georgia Regional Hospital. The long trail of evidence I had collected over the years meant nothing. Whitman didn't

give a damn about speaking with me related to the facts of the charge or what lead to it. He was a perp attorney working for the interests of some other body and that was not mine. These are all things that I had to learn over time. From day one, they ran a kangaroo court.

Because I didn't know that I had a right to refuse the psychological evaluation, finding out on the Internet only later, I wrongfully submitted to it. I requested from my attorney, as well as Judge Kathryn Schrader, the judge on the case, for an independent psychologist that I would even pay for myself and was ignored by both. That is a violation of due process along with everything else. I recorded and put on the Internet a conversation I attempted to have with David Whitman, trying to discuss my rights, and all he did was shout at me, and hung up the phone. The truth does not protect any target.

On February 2, 2015, I met with Patricia O'Connell of Georgia Regional Hospital, which is a government facility and maintained an audio recording of this meeting and put on the Internet. She wrongfully asked me questions related to the case and in her final report completely lied saying that I had an alcohol problem when I told her 'I didn't drink' when she asked me. That I didn't drink alcohol was a lie, but a good lie to tell, as it exposed her as a liar in her report (a criminal act) and invalidated it. Knowing these kinds of people, I did not desire to have alcohol blown out of proportion. I do not have an alcohol problem (not related to the assault charge), but simply saying you drink manufactures one. She, of course, declared me incompetent as all expected. In such situations, it is best not even to submit to meeting with these people because the conclusion is predetermined. They are not and cannot be swayed with evidence. Evidence doesn't matter, they do what they want. Such people, with predetermined conclusions, are not even allowed to perform psychological evaluations by law. The conclusions of 'incompetency' were anticipated by those associated with the case, which is why I was denied a private psychologists even though it is very difficult finding one which is not a part of this Network. There are psychologists who have exposed 'targeting' but they are not found in the real world and they do not lend their aid to assisting people. They can only be found on the Internet so therefore useless. Keep

in mind, also, who controls the licensing—those who control the government.

Patricia O'Connell's report was not challenged by my attorney who didn't speak with me related to the report. When he spoke, he spoke about me to the judge and never with me. So the report was never scrutinized which never happens in any proper proceeding and Patricia O'Connell was never cross examined or scrutinized come the next court date in March 4, 2015. In fact, competency hearings require a full, proper hearing with jury. During this March, 2015 hearing, based on this false report, Judge Schrader made an attempt to have me taken into custody. I want to emphasize that I was out on bail since end of February or early March, 2014. My mother posted the bail. I later paid her back half of it from savings. I emphasize that point because when I was snatched off the street September 28, 2015 and thrown into the jail, and I brought a Section 1983 lawsuit, the United States Court of Appeals Eleventh Circuit completely making up their own story and facts, said that I was being detained still, which means I was never bailed, going from jail to Georgia Regional, back to jail and then back to Georgia Regional and this is not true. The conclusions from the Court of Appeals, their opinion, were completely fabricated to hide the truth and justify their wrongful judgment. Their opinions are maintained as record and sometimes that record is falsified. The paper trail, sometimes, doesn't match correctly the events and the masses of people never learn the truth. The complaints are never read and never recorded. So, if someone were to look back on a case from a decision, they would have a completely inaccurate understanding of what transpired. No judge is going to record that 'they' violated the law, and so they misrepresent the case in paper to support their wrongful decision. No one will know because they trust the judges and have been indoctrinated to view the legal system in a certain way. I have published my case in the appendix.

So, during the March 4, 2015 hearing, Schrader attempts to do what she eventually did on September 28, 2015 and my attorney, David Whitman, who aided in establishing these circumstances, said that he would not allow me to be wrongfully taken into custody because I had broken no law. Keep in mind, I don't read minds and I don't know what will happen as they do. I was kept in the dark and learned the schemes only by falling victim to

them. I expected a normal process and had no idea how to handle this kangaroo court. From finding out, as she apparently didn't know, that David Whitman would not allow me to be thrown in jail without charge, she eventually conceded to allowing me to change the attorney. Whitman said that if I needed to go to Georgia Regional for a 'return to competency,' I could drive there myself, Schrader said, "that's not how these things go." Remember, being out on bail I drove to Georgia Regional in Atlanta from Augusta, Georgia. He was a bad attorney, but I should have kept this attorney. As a target, I am constructively denied 'all' legal representation and I have no enforceable rights. I didn't accept that at this time. I had been requesting a different attorney, the judge finding Whitman to be a problem, was now eager to grant me one. This was a different judge than the first judge I had from the first hearing. I was allowed a second evaluation if I got rid of David Whitman. Whether I drove to Georgia Regional or was just snatched and put there, it still would have been false imprisonment because they ran a kangaroo process. Competency hearings are essentially mini-trials that have to follow due process. There is evidence, scrutiny and there is a right to trial by jury. All of this was denied to me.

March 24, 2015 I met with Jim Wallace who is another psychologist in this Network. There is no symbol, no sign, no phonebook listing that provides a list of safe people. In most of history, people wore colors or had some sort of symbol like the swastika to denote their political affiliation. During the French Revolution people wore tri-colored, white, black or green, yellow cockades to denote their political side. Today politics is kept hidden and appears, on the surface, that there are no political sides or conflicts. There is a politic, a Network that is secret and on the surface all appears normal. Upon meeting with Mr. Wallace, he inappropriately began asking me about the case. David Whitman refused to define a scope because he had no intention of protecting my rights. Good attorneys would be present during these interviews and he was not. The facts of the case were Jim Wallace's first question and I refused to discuss that and he threw me out of his office immediately, returning my money. I was there for a determination of competency and the facts of the case have nothing to do with that determination. Because I could not discuss targeting, I could not discuss the facts of the case and this infringed on my freedom of speech, my right to self-defense and my right to tell the truth. It is not possible to discuss the

charge of assault without discussing targeting as they are intertwined. The purpose of the legal process (as they like to say) is to obtain the truth and to do so fairly; again, this was denied to me as the truth would have exposed them as being criminals.

I found another psychologist, Paul Walters, still a part of this Network. I met with him on a few occasions. I believe the first meeting was March 27, 2015. At this time, I had also been assigned another attorney, Deborah R. Fluker, a negro woman. Walter's also wrongly asked the facts of the case, but if I wanted a second opinion and not the first evaluation to stick, as he said I appeared competent to him, I had to succumb to this injustice.

Out of these same circumstances, I was also forced into a computer examination which he knew was biased. It is easy for any intelligent person to know the intention of the question and I was told by him to answer at least a few of the questions imperfectly or it would effect or skew, the computer evaluation. He told me that I had nothing to fear from this test as it didn't form his impression and was just a formality. So, if a questioned asked something like, "Do you feel someone is watching you?" Well, if put that directly, of course, you say no. We all know what a question like that is implying and what impression would be drawn. Some were more milder and following Paul Walter's instructions, stupidly, letting down my guard and trusting, I didn't answer all the questions as I would have, skewing maybe two of the very mildly put questions. The computer was modeled after the perfect world as if no crime, no conspiracies existed and that was fine, as it is possible to beat any test. I, however, was instructed not to model myself as the perfect person in this made up perfect world answering all the questions perfectly. Looking back, I believe, even if I had answered every question perfectly, disregarding him, he would have manufactured the results that he wanted (I just made that easy for him) and, in fact, the two measly questions I skewed, probably didn't effect the results as he stated.

Walters told me after the second interview, that I seemed competent to him and said that's what he would write. Well, after speaking with Deborah Fluker, apparently, he began to change. I was suppose to obtain a copy of the report before it was submitted and he did not do that, as he said he

would. He said that he would allow me to review the document to verify that all the information was correct before providing it to the courts. He submitted his evaluation without giving me a copy and I obtained a copy only after repeated attempts. The report contained many misrepresentations but did conclude that I was competent. He said that he did not directly put it in those terms because it was the judge's prerogative to determine competency, but he said, that is what he meant or his impression. From his assessment, the judge determined me competent. In truth, competency is not determined by a judge, it is determined by a jury. I found out later, that Fluker allowed for the judge to determine competency which would be against my interests. The judge's determination of competency did not close that chapter.

March 11, 2015 was the first phone call with voice message left from Fluker. I returned her call, recorded it, and she asked me what kinds of problems I was having with David Whitman. I refused to speak with her related to any problems that I was having with David Whitman as that was a separate matter. She assured me that the problems that I had with Whitman will be continued with her. Later from the documentation (obtaining case records for 1983 suit), I found that before speaking with me, she submitted an NGRI plea, not even knowing that I was afforded a second opinion and was already meeting with Paul Walters. That is illegal to do that.

During this time and up until the date of September 28, 2015, to delay the case (I thought the case would be delayed and dropped) trial dates were set and then cancelled. Calendar calls were repeatedly made to accomplish nothing. I was forced to drive repeatedly from Augusta to Atlanta for nothing. Fluker refused to speak with me related to the case and then would lie and say that I refused to speak with her. I was blamed for all the crimes she was doing. One court appearance she told the judge that she didn't desire to remain on the case and I should have let her go, but I got tired of changing attorneys and realized one was no better than the next. Every attorney was a part of this Network and protected it and was against my interests. I told the judge that she should remain, another mistake. Fluker did nothing but lie, and my presumption is that there is a list of attorneys used in these kangaroo proceedings as they are most accepting of

them. No good, decent, honest attorney will accept any legal matter from me or legally aid me in any way. Obviously, good attorneys take the cases and follow the law fully. But in my situation, as a target, the good attorneys are the ones who will not accept the case. They won't get involved in the crime and they won't steal your money. Only bad attorneys or perpetrator attorneys will take my case or be assigned to my case. And there is no one to complain to. The courts are not there to protect targets.

On April 17, 2015, there was another calendar call hearing that I attended. According to the courts and Fluker, they had not received the report of Paul Walters and I was under the impression that he had provided. Fluker, in court, asked to put forth a call to Walter's office and during this recess, instead of calling the office of Paul Walters, she called my phone which was shut off for court purposes and left a message for him on 'my' phone. At this time, my phone number remained the same from Vermont and was not an Augusta or even a Georgia number. Paul Walter's phone number is an Augusta, Georgia number. So, she knew that she was calling my number and when we returned to court she lied and said that she had been in contact with Paul Walters's office. I believe, at this time, that they had the report and were simply using these appearances as a means to arrest me from some manufactured "no-show." Perhaps my car would break down, perhaps I was unable to make it to court, and thus, lead to my arrest. But none of this happened for them and they were forced to violate the law directly themselves. It was no problem, because there would be no consequence, the whole system, the whole Network would protect them. And, getting out the truth wouldn't matter as the whole population is criminal in support of this crime of targeting and they just pretend nothing exists.

September 28, 2015 was another scheduled 'trial date.' A trial date, for which, as others before, had no jury selection process prior to it. All I could do was show up. All of the court staff attempted to make this kangaroo court crime appear normal. It was strange that the courts maintained no court records for this dated. It was not listed on their website and, as with other people, I could not call the clerks office to confirm the scheduled date. It was not found. It had been prearranged that on this date that I would be falsely imprisoned. It was coordinated with the DA Acuff, Deborah

Fluker, the Gwinnett County Jail and the judge. This was attempted on March 4, 2015, as I mentioned before. Fluker began, as always, telling lies to the judge that I refused to speak with her and that the report of Paul Walters should not be viewed as determining my competency. I was caught off guard. She had mentioned none of this to me. The judge, using a predetermined pretext, interjected and said to me, "if you roll your eyes again I will hold you in contempt of court." I said, honestly, "I did not roll my eyes." The judge said, "I find you in contempt of court" and I was taken to jail and charged with contempt of court. I was able to call my mother to have her obtain my possessions and keys to drive my car (which she said wouldn't start) to her house. I tried to present proof on my behalf that was on my computer related to our conversations, but the judge wanted to hear no evidence. She had a criminal scheme and she was working her criminal scheme. Following behind that charge of contempt of court was an order to have me sent to Georgia Regional for "return to competency."

To understand a lot of these things the reader must have some understanding of the law and in the appendix of the book I will provide all of the evidence, my legal complaints (which provide statutes), and various decisions. I do know that it is very hard to be particular about such things in relation to other people, except when you are student of law. People don't have time and don't have time to care and evil wins under these circumstances. Contempt of court, like any other criminal charge, requires due process. It requires a hearing on the matter (in front of another judge) especially when the judge becomes embroiled in the case. It is a 'second' criminal charge that requires all the same steps afforded any other criminal charge and this was denied me. I was snatched off the streets and thrown into the jail, where I, again, was harassed, targeted and poisoned. Many lawyers I talked to lied about the law. A few told more truth, but would lie on some point. One attorney, when I did open up about the kangaroo hearing, said, yes, "welcome to my world" that happens. He "said" he would take the case for a crazy amount of money, and, in truth he would not have and, like every attorney associated with probate, would have robbed me of money, putting on the act that I could pay and obtain service. These cases are taken pro bono or on a contingency basis because of the extreme injustice, and a lot of money is rewarded. As with the probate matter, any time an attorney requests a ridiculous amount of money, their



aim is to manufacture some justification, probable deniability for not taking the case. Trotter Jones is a highly respected law firm and has taken probate cases found in the news and took a \$1000 retainer. I actually provided more, but that was the requested retainer.

I was not afforded any legal documentation while in jail. I could not look up the law related to contempt of court. One of the mental health workers of Corizon, a private corporation who works in the jail, provided me some minor legal information which supported the fact that I was being held illegally. I did not have the law related to the contempt of court charge. Deborah Fluker refused to assist me while in jail at all. No one in my family would aid me with an attorney whom I would pay even with my own money. This is important to note. There was one attorney I found in the phone book, a Nigerian who did come and see me and said that he would charge an affordable fee to end the 'whole' case (assault & contempt). No one would pay him with my own money as they desired my false imprisonment. Whether or not he would have actually done what he said, I don't know and I doubt that he would after all these experiences I've had. He said, during the interview, that private attorneys are better than public defenders who sell their clients out, not true and that private attorneys don't steal people's money, also false. I had mentioned the theft of the money by attorneys on my website, [organizedmobbing.com](http://organizedmobbing.com), and that he made mention of that point, for me, meant he would have just robbed me. But, at that time, I would have trusted the words to find out, meaning, I would have allowed myself to be robbed—let the incident happen to determine the truth. I don't do that any more. Just recently, there was a case in San Francisco of an accidental shooting by an illegal immigrant, Garcia Zarate, where the 'public defender' was highly successful in defense of his client. His client, was not like me, a target.

No attorney in their right mind, would knowing leave any one in false imprisonment and that he wouldn't take the case without the money, and that shows that he was a bad attorney. He affirmed that this was false imprisonment. Because I didn't pay, he didn't take the case. I kept trying and told my daughter to hire this man and she wouldn't do it and instead connected me with a Luis Virguez who was \$100 cheaper. Virguez took \$1,000 deposit and left me in jail. He told me that he would return the

money because he didn't do anything on the case but later refused. He screwed me over. He lied about the law. Lied about what he could and couldn't do. There was a larger scheme, and a larger power, who was in control of this case determining that I remained in false imprisonment. No one would interrupt that plan. In fact, there was a woman in the shadows, always watching, same woman, just observing and never saying anything every court hearing. Sometimes she sat in some darkened doorway behind the judge. Virguez was probably truthful when stating that he hadn't enough experience to handle the case because there was so much high level corruption. He said the DA, my attorneys (who he said should be disbarred), the judge, the jail and all others involved. He said that he would try to contact the ACLU for me, but never did. No one in my family would contact or assist me in any way. Virguez suggested that I work, in some way, to push myself along from the jail to Georgia Regional. At this time, I was being held in solitary confinement because I again accused of not eating every meal, and being meticulously being watched by the guards and, when they did that, I stopped eating all together. It was a pretext to put me in solitary confinement to control my food. Every attorney was indifferent. Again, while in general population and could select the food, I did eat what I desired and when I desired.

I kept my hunger strike to myself, though prison staff and inmates suspected I was flushing the food down the toilet and I could overhear them whispering to each other. Every person in jail is rat to a target. I ate one small piece of something when first put in solitary confinement and was hemorrhaging blood again after I had normalized myself while staying a Bernice's house. University hospital performed blood tests which were all normal—no anemia from loss of blood.

After the guard had me sent back to be 'evaluated' for not eating every meal, I thought I was being sent back to general population, but was literally pushed in that solitary confinement cell—"you go in here." There were conflicting stories to establish why. One of the people told me that it was reported that I 'banged' on a table when meeting with the mental health worker from Corizon. Let's review this. I didn't have to, and shouldn't have spoken with these workers knowing how dirty they were. I was under no obligation to speak with them related to anything to get out

of this evaluation area and I wrongly did. I walked over to this African woman, calmly sat, answered a few questions, I said I was being held in false imprisonment and I walked calmly back to the room. I was not escorted by the guard. No guard said anything to me, and, in fact, everything is recorded on camera. It is useful if you've an attorney and you've got legal rights. I returned back to a room that contained 5 or more people. Later this story was changed and I was told that there was no report of any banging on the table and that I was being held for refusing to speak with mental health workers and as long as I refused to speak with them, well, I would remain in solitary confinement, which is against the law. They knew that the law didn't apply to me and they could do whatever they desired and did. Complaints in jail were useless and always ignored. I could see that they had some scheme and because of that I stayed away from them completely. I was harassed and psychologically terrorized by these people. I was kept in solitary confinement without any due process almost the whole time while I was in Gwinnett County jail (from 9/28/2015 to 11/27/2015). I was kept in the most restrictive part called IMAX before being sent to the medical division for the hunger strike (back to the 'turtle suit'). I was denied the Writ of Habeas Corpus, for which, only Congress can suspend. Denied all access to pens and paper and denied access to legal literature. When sent to the medical unit, I was again, stripped of clothes and denied the ability to take a shower, comb hair, brush teeth, blood from menstruation would be left on the floor for many days. I think they only cleaned the cell once.

In the IMAX part of the jail, the inmates handled the food and passed it out and they were aware that the food given to me was poisoned. They aren't so bright so they established a system of marking my container differently so that they could distinguish what was to be given to me. There would be different markings, some subtle and some not so subtle. One tray that they gave me had a picture of an 'eye' for IMAX, rather than the wording and I guess they thought I was so stupid and I wouldn't notice. I simply flushed all food down the toilet and no one really cared. I later wrote in a complaint that mentioned that I was on a hunger strike and this moved me to a medical unit and put me on suicide watch. Suddenly there were different manipulations in order to coax me into eating, so that I could remain in jail and I still refused. I told the medical director from the

company of Corizon, that I was being illegally held and he said he made this point aware to all the necessary people and they were well aware of this. He said that I should eat and just accept that the 'system' doesn't work for everyone. This was a foreign doctor from India. At some point, I was taken to Gwinnett Medical Center to have blood tests because they were unable to draw my blood (dehydration) and found that my potassium was low. On November 27, 2015 I was transferred to Georgia Regional Hospital. I started off in a different wing before being transferred to the forensic unit. While in the Gwinnett County jail I later learned that on November 19, 2015 Judge Schrader dismissed the contempt of court charge and put in the order for them to hold me on no charge. The desire was to extend my jail stay for perhaps years before sending to Georgia Regional. The 'return to competency' doesn't take effect until I am actually received by Georgia Regional.

On December 3, 2015, I was transferred to the forensic unit of Georgia Regional where the targeting continued. Some of the names of the workers on this unit, the most horrific ones: Jordan Griggs, social worker; Human Rights Advocate, Jarrett Jacobs; Nigerian Charge Nurse, Joseph Ocholu; HST, Josephine Estick; HST, Cole; HST, Traylor Eaton; HST, Rafael Smith; HST, Fischer; HST Evette Munroe; HST, Marie Francis; HST, Freeman; FST, Chioma Emenalo; HST, Tamika Ward; HST Chris Daniels; FST, Freeman. The two psychiatrists in control of the unit were Dr. Bashir and Dr. Rahman. These are the main people involved in the continued targeting as workers on this unit. There are a few others and some made it difficult to obtain their names as any criminal would. They do this to obstruct any court cases that might be initiated. In my case, they had no fear of the law but would still refuse to provide their names. To obtain the name of the person in control of the hospital, Dr. Li, I had to call another organization because Georgia Regional, down to the Human Rights Advocate denied me that information. They refused to provide me with the address to send my Writ of Habeas Corpus. Again, this is to obstruct any legal actions where people can say I knew nothing—even though already protected. They weren't concerned over the law or its consequences, but the illusion and that 'I' adopted and truly believed their lies and fraud. I told them all along that I would be writing books.

The transfer to Georgia Regional provided me with free access to a phone to search for legal assistance. It provided me with paper, pens, envelopes and possibility to receive mail, which was denied to me in jail. Georgia Regional refused to provide any legal information that I could use to initiate the Writ of Habeas Corpus. My mother was provided a tiny bit of mostly useless information. She was not trying to assist me being “one of them.” I would request one thing and she would bring the exact opposite, said she couldn’t find anything on the Internet, and I had to work with what little she did provide—mainly cases of Arabs held in Guantanamo and who are actually treated better as they have rights that are recognized. It is better to be an Arab so-called terrorist, than a targeted native American. Later they denied her the ability to come see me at all, something she was able to do while I was in jail.

Georgia Regional staff refused to provide information related to the law to interfere with the Writ of Habeas Corpus. Later they would deny me pens and I would use markers and then denied me markers because as HST Freeman stated openly, “the purpose was to deny me the ability to write.” The unwritten writing “policy” when I entered the unit was one thing and when they saw that I was initiating a Writ of Habeas Corpus repeatedly changed the policy and directed the policy only toward me. I suspected that secretly other people would be allowed pens, at different times, by the staff at their request, and later found with my own eyes that was the case. Apparently, it was suggested to them to use the pen in their rooms and out of sight, later they just openly allowed others the pen and restricted me and used to instigate arguments. The most violent or ill behaved people in this unit were given pens at any time. These kinds of activities instigating arguments, I later read, after getting out of Georgia Regional, such things are common and well documented in the medical literature by those who have worked in this profession or have investigated it. Some of the people on the unit, like myself, were competent and were sent there, perhaps, as a way to feed the system or expunge their charges. In other words, rather than charge them criminally they would keep them there some times for a few weeks and dismiss the charge. People who are incompetent are not only incapable of speech, they are incapable of writing, which is why there was so little competition for things like pens and paper. They don’t have the ability to write. That doesn’t mean that they are completely devoid of

intelligence or thought, as I was to find out by losing to Dresia in chess. I always found that peculiar. Most incompetent people believe themselves to be competent, that is true or at least they openly profess that but, perhaps, believing internally something different. Dresia, was different and knew that he was incompetent and openly said it. He recognized he had a speech problem, but he could think—though his thinking was criminal. Those who were fully incompetent were of no threat to me as they are too incompetent to engage in any targeting, for the most part. Those who were competent, like Mattie Williams, could be and were used by the staff in their targeting to instigate arguments and hopefully fights. Instigating a fight, I were to realize later, could be used as excuse that I was a “danger to society.” It is certainly inappropriate and illegal to engage in this kind of behavior, but this is what they were allowed to do and they’ve been doing it for years. The legal community (as they’ve openly told me) knows what Georgia Regional does, how the facility is run (or not properly run) and they don’t care and give these people a lot of money to support their crime.

The human rights advocate who does no patient advocacy and simply gets a paycheck, refused to provide copies, refused notary public services, which were required by the courts. The courts procedures are really unconstitutional because they inhibit people, like myself, from accessing them. My rights are protected by the Constitution, but their procedures are not. They are not capable of handling situations where people are snatched off the streets and thrown into prisons like during the French Revolution (*lettres de cachet*). Procedurally, they are incapable of handling, let alone mentally, because they are shaped around the idea that such things don’t happen and, thus, no proper procedure exists when it does. If you are falsely imprisoned, denied pens, paper—and if by chance you come across of a pen, paper to make aware of your situation, it is impossible to follow a “format”. What you can do, at most, is write a letter and it is up to them to inquire and review the record, if one exists. It is akin to kidnapping. So I hired an attorney named Joe Brown with the money I had left in my bank account. Brown was hired to simply make copies and submit the Writ of Habeas to the US District Courts. My Writ was submitted December 29, 2015. The courts denied the Writ of Habeas saying that I had to “exhaust” the state courts first, so I had to start that process again with the courts in Dekalb County, Georgia. I learned some of the court procedures from

handling my probate matter and my bankruptcy. This was helpful. It eventually lead to a hearing in front of Judge Seeliger on April 26, 2016. I believe that there was some issue later with this date and was rescheduled. When presented in front of Seeliger, he presented a circular argument with my Writ of Habeas case saying that I couldn't challenge the case in the courts because I was deemed in competent—so I could never go before the courts because of that. Now, remember, I didn't have any access to legal information to challenge. I, of course, know that it not the case. It's basically saying, that these criminals, because of the authority of their position, can call anyone incompetent, put it on a piece of paper, lock them away and the person can never make use of the courts to challenge what has been done to them because of what the criminals put on the paper and that's not right by law or reasoning. There was also no investigation to examine the documents holding me, and what had led to the false imprisonment, as that would have exposed the crime. He didn't desire to do that. But that's what he said. Later, from following up to get his written decision, to appeal and run through these state courts (or try to), he reversed that decision and another court date was established. I was later told by an attorney who works for the courts, that on the next court date I would have been released if Gwinnett County hadn't done so.

Prior to this Dekalb County court date, Gwinnett began to move. I was unlawfully detained from the start and unlawfully held past the required 3 months 'return to competency.' While at Georgia Regional I was able to call every attorney in the phone book and they all refused to assist me and even lied about the law. Deborah Fluker made no effort to see or speak with me at Georgia Regional or while in jail. I was provided with another negro attorney, Angela Dillon, who made little effort to do anything. She was another perp attorney. She came to Georgia Regional once and didn't ask any information related to the case and only said that Georgia Regional made some request related to forced medication. But that request is a process and requires a motion and they would have to submit that, as it is separate from the Gwinnett County case, to Dekalb County and that was not done. She did ask me a couple of questions related to the 'weirdness' of the process. She asked me, when was the first time that I saw David Whitman? I said that he came on a Saturday with a negro judge for some preliminary hearing. She said that was very abnormal. Well, tell me

something I don't know, I thought. I wasn't sure what she was going to do. Every other attorney told me directly and what I also learned from reading other cases, that even state appointed attorneys or whomever is assigned to my legal matter, as part of that case, are responsible for handling all civil, human and constitutional rights violations and immediately Dillon refused. Nothing I could do. These attorney's lie and take advantage of what you don't know. I am not a trained attorney and, like most people, we turn to professionals in such cases expecting them follow the law and conduct themselves in accordance with their professional rules. What can you do when they don't? What can you do when every attorney is part of the criminal Network protecting the crime of targeting? Nothing.

On May 13, 2016, there was a court hearing in Gwinnett County and I never stepped foot in the courtroom and was just left in the cell for hours. I was told that they were dropping the case—what they should have done from the beginning; what my attorneys should have requested with a motion but never did. The jail did not return me back to Georgia Regional and, instead, transferred me from the courts to the Gwinnett County jail, again, held me in jail with no charge and did not even document that I was in jail. The initial charge was assault and I never violated the terms of the bail. The next charge was 'contempt of court' which was dismissed on 11/19/2015. I was held from 5/13/2015 to 5/17/2016 in jail going through all of the harassment from officers and the hubris of them being able to get away with whatever they wanted. The inmates were again used to instigate confrontations just more aggressively. There was also a kangaroo court hearing in Gwinnett on 5/17/2016 where my mother participated in the hearing, my attorney did no cross examination and made no useful efforts, and where a Dr. Deepti Vats and Dr. Nicole Fier were called to testify that I remained incompetent and tell all other kinds of lies, but I wasn't a "threat." The case was dropped on 5/17/2016.

Some of the additional targeting that was done at Georgia Regional that I haven't mentioned. There was retaliation for making complaints which would involved changing the policy, such as when one's room door would be open. So, if the rooms normally opened at 2pm, make a complaint and they won't open until later, to cause stress. Another example is, the restricting access to the bathroom that was generated from a complaint.



On several occasions, I had made it known that I was using the toilet from a knock at the door. After I shouted, “occupied” or even if the water was heard running, staff would open the bathroom door exposing me and designed for agitation and humiliation. This would lead to a complaint and they would change the bathroom policy.

The women were not provided with equal facilities such as showers and multi-stalled bathrooms as the men were, and had access to only one closeted bathroom which could be locked, so they did. It remained open until I generated the complaint after staff had entered the bathroom repeatedly while I was in there. After the complaint, each woman was forced to ask staff to open the door. This allowed staff to be generous to others and hostile to me. Staff was allowed to manipulate anything and everything to instigate complaints and target me. They would openly joke and say, “that’s what happens to targets,” using the word—targeting. I couldn’t watch television or read newspaper. Letters from court were disappeared. I wouldn’t get the proper medical attention if there was a problem such as an infection of my eye from the dirty facility. They would manipulate tip sheets which provided snacks. I had to fight to obtain a diet where I could obtain fresh fruit and they wouldn’t provide. For patients used in targeting such as Mattie Williams, special privileges were afforded in all aforementioned areas.

The staff instigated confrontations between Mattie Williams and a Korean woman named Kim who was repeatedly punched in the face as the staff wanted to see a fight. I overheard two staff members saying that the marks down Kim’s back were due to Williams and still she was afforded all kinds of privileges. There were no consequences for these actions and Kim was too incompetent to be able to complain and told me that she didn’t even complain to her mother. The staff members were so incompetent to proper conduct, that ‘they’ even pushed the poor lady. The whole area, with exception of the individual rooms, have cameras.

Openly nurses, and I saw on several occasions, not really digesting the thought at first, could be seen putting substances in patient’s food, typically before some member of the next group was to enter. They would do it openly while one group was in the eating area and anyone with eyes could

see. It was so open, that any reasonable person would believe that there was a 'reasonable' explanation. One would think that such crimes would take place in secret—they would take the food in a private area and put things in it and return, unnoticed. But this was open. They took advantage of the fact that most of the people around them were oblivious and incompetent, thus not caring or noticing what happened around them. And if you were competent, they took advantage of the fact that you didn't care about the next person and that they didn't care about you—as you ate. As the food was controlled by name, my food was slipped harmful substances that caused bleeding, (realizing I tried to eat less) just seemed a different variety than given in the past or less of it. I was bleeding more days than I wasn't.

On 1/3/2016 I saw Nurse John doing just that and, though I had seen before and didn't digest the thought, that day it hit me. It was by chance, that day, that I walked by the window, the lunch room was empty and watched her take someone's food tray, pour some substance in it, use a wooden popsicle stick to stir it and put the tray back. The food is assigned and that makes it dangerous to the patient for such things. This is nothing new. It is well documented that such things happen and despite all of the court cases and attention, it is still happening. On this day I could determine whose food it was because it was distinguished, on a tan plate and not in any the containers that the rest of the people get. So I narrowed it down to patients Talley and Cain and went to speak with them both never revealing what I saw because they would run to staff and that would be used against me. The information I provided would 'not' help them while in Georgia Regional or legally with their attorneys. I found out that Talley and Cain both were the patients of Dr. Rahman. I asked both how they got their medication, was it through some special circumstance such as food, to their knowledge or did they, like everyone else, stand in line to obtain it. Both told me that they stood in line to obtain medication and was curious as to why I was asking such questions. Cain was under the illusion, as he told me directly, that he believed the doctors were great and were there to be helpful. The exact impression the criminals desire their victims to have. All staff was aware that substances were being surreptitiously put in food and were silent about it. I put in a complaint to the Georgia Advocacy Center and they didn't care, in fact, they said they never received the letter. There's a lot of

people who get a lot of money to do nothing and to put on a show that they do 'something', you'll even see some cases in the news to boost their image or the pretense that they are active in combating injustice. It is all just a façade as with everything else in this society. And, these people in these facilities know this, and they feel protected in their crimes and the abuse goes on.

After being set free, I started the Section 1983 lawsuit processes and all of the people put on notice, can be seen in the documentation. More details related to my experience can be found in the complaint. If the reader reviews, pay attention to every word to get a clear idea of the decisions and there are other miscellaneous documents in the appendix that can be helpful to those unfamiliar with some parts of the law. As one attorney told me while being held at Georgia Regional, "the courts will give you a hard time," I tested it and they did. They wrongfully rejected the complaint and misrepresented it to match their wrongful decision. I contacted the FBI "Color of Law" unit and they never responded to the letter. No defendant in the lawsuit was forced to respond to my complaint as the courts protected them from that. The US District Court actually worked to inhibit my appeal. There may be more violations than I know, as I am not an attorney. No attorney would handle the case. If you look online, you'll see most attorneys take these cases on a contingency basis as they recoup money from settlements. Many attorneys put their successful suits right on their websites. Cases less horrific than mine, but had some similarities, had million dollar settlements and, of course, punishments.

## Chapter Five

After getting rid of Attorney Jamie Weston of Trotter Jones, who was handling the probate matter, and after Trump won in 2017, I hired another attorney, Wendell Johnston of Johnston and Smith LLP. It was very difficult finding an attorney who would handle the case. No one would take it. I left Weston on the case until I found a replacement, just in case I wasn't able to find one. I hired Wendell Johnston 2/14/2017 using the remaining money returned to me by Mr. Weston, \$5300. From this period of time 2/14/2017 through 11/14/2017, I paid a total of \$8300 to Johnston before he just dropped the case after taking all the money. When I hired him I told him I was seeking a litigation attorney, he was one. I told him the facts of the case and the bias of Judge Padgett and preferably he should get the case removed to Superior Court and decisions from Padgett would have to be appealed. He knew all of this before taking the case. He said he was agreeable to all I was requesting.

This is not just a typical Probate matter, but a criminal matter as well and he refused to handle that appropriately. He conned me into believing that he was this really sharp, aggressive attorney. When meeting him he said really odd things and had odd mannerisms, as most perp attorneys do. He said to me repetitively, "We want the land sold." I said to myself, who is "we" as "we" is not a beneficiary in the Will of Bernice Hendricks. He was telling me he was a bad attorney, but I was stuck with him. No other attorney would take the case, he had taken my money and I had terminated Jamie Weston. My presumption was, anyway, at that time, that all would have to be sold, though I was trying to negotiate that either Chawaka or Matthew take a house and I would take a house. Chawaka lived in New York, but stated later her intention was to move to Georgia, but 'not' live in Appling.

Trotter, when informing him that he would be replaced, suddenly suggested having a "status hearing" after all these years. That was the most brilliant thing he could come up with. No other person would have their probate matter handled like this and the Bar wouldn't allow such professional misconduct. But, from seeking redress on this and other matters, I learned the Bar protected these attorneys, so I didn't bother

contacting them regarding Weston and Johnston. I did put forth a complaint against Maioriello and David Whitman. From calling around and interacting with all these attorneys, everyone in the phonebook, it became apparent that I was known by name in some instances, by face in others, and perhaps, gossip amongst each other, known by the facts of this case or all three. If they didn't know me by name, off hand, it was like they had a list that they could review, as they would change from the initial phone call to later conversations or no conversation—no returned call. Some people knew my name from the start and some people could figure out after I started talking about the case.

While I was in false imprisonment and just snatched off the streets, my possessions were left at Bernice's house and I was denied access to them and Chawaka refused to give them to me and Weston would do nothing. He told me to go to the police and make a report and I did. The police refused to handle matter and referred me back to my attorney. They said if the attorney isn't handling properly, maybe you need to get another attorney. My son mentioned the same thing. After Trump won, I did get a new attorney. So, I was ping ponged from the police to my attorney and from my attorney to the police, to frustrate me. It is similar what happens in politics—Democrats to Republicans and ping-pong back forth between Congress and White House or various government agencies as everyone desires to blame everyone else, accept no responsibility and hope the people don't know who is responsible to blame because too dumbed-down or too tired.

Weston wasn't doing the right thing from the time I hired him. As I said, I requested the bank records to be subpoenaed and an inquiry and subpoena of all other bank records and he refused to do that. He refused to go into court for an accounting or take any court action after being on the case 2 years. Johnston's petition did request an accounting, but the wasted hearing held on 10/4/2017, and Judge Padgett refused to address that matter. Later I learn, after my father had illegally converted Bernice's car, Chawaka took the car from him, without going through any legal action to obtain it, and converted it again. She simply took the car because my father could take no legal action being also a criminal. The deal that she had was, that as long as my father kept his mouth shut over the Will, he could take

the car and she would say nothing. She said in the court that she was only concerned with the “land.” It was good that he was making his hands dirty with the theft of the money, paying the bills—slowly, to keep her actions at bay, so that she wouldn’t have to and obtained the house free and clear without any expense.

Conversion done by the executor is double the value and, legally should be removed. It is illegal for an executor to be acting in their own self-interests, scheming and stealing. But no attorney would take any action and protected her interests and not mine. She ‘stated’ that she sold the car and neither of my attorneys requested any documentation and nor did the judge. The judge took her for her word and that was good enough. Nothing to substantiate it was required. For anyone else this would be inappropriate. Much of the activities being done on this case, were out of the jurisdiction of the Probate courts (conversion, conspiracy, theft of money in bank accounts). Again, prior to the court date on 10/4/2017, my attorney did not make any motion or make any effort to obtain or subpoena any necessary documents to substantiate the case or the story of Chawaka. When I shut off the social security money there was over \$8,000 remaining in the account. Chawaka presented a story as to what she did with the money, but submitted no proof. She openly lied in court along with her attorney. My attorney asked few pertinent questions, subpoenaed no documents, the judge accepted her word as truth. She presented some sketchy documents, it was shown by my attorney that she had commingled money, and that the money couldn’t be followed and, once again, Judge Padgett let her remain as executor. This is the legal process that is suppose to be fair and unbiased, quietly assisting and privileging one person’s interests over another. And, when this happens, if you’ve got rights, recourse is expensive. If you have no rights, you’re screwed out of everything as I was.

Chawaka said that she sold the car...she “said” she sold it. Statements submitted to the court (some provided in appendix), show that she converted it, or at least at one time. She provided a bank statement showing that \$10,000 was deposited 10/21/2015. She stated that she told the car to Car Max 7/16/2016 for \$10,089 and provided no statement for this amount. It shows only a \$10,000 deposit on 10/21/2015 and that was

not from Car Max. Now, legally she was suppose to take all money from all sales and use it to advance the probate matter and the selling of the properties, but she did not. She manufactured expenses taking the bulk of this supposed sale and gave it to herself and said that she made 'disbursement' payments to the other beneficiary, Matthew, in the amount of \$1,400. On the first page of her expenses document, she states that she was waiting to disburse something close \$1400 to me after I signed a contract relieving her of all crimes associated with the car. I refused to do that initially and later sent email to Johnston saying, I would let that go too, eventually, for the larger interests of the house. Shortly after, I received a letter from Johnston saying he was dropping the case. Johnston would do nothing related to any of these matters. Nothing! But he provided a bill, of course, to substantiate the \$8300—all his 'hard' work. He did nothing but submit a petition (couple pages long) and show up for a kangaroo hearing. No attorney submitted any motion to the court to force Chawaka to petition the courts before the sale of anything to prevent further malfeasance and inequity. Again, no attorney would handle the case like this for anyone else.

Over \$10,000 paid and I couldn't get one attorney to provide me with necessary and accurate documentation about anything of significance. They were protecting Chawaka. On 10/23/2015 Bernice's 2010 Mustang was towed, according to her bank records, from my father's house. Mind you, \$10,000 was deposited before the car was even taken, as if a buyer known before the car was towed, if you judge by the records submitted. Other documentation states that she sold it almost a year later. She claims to have stored it for a year, put insurance on it, paid the taxes (meaning conversion), rekeyed the car etc. before selling it and this entitled her to the majority of the proceeds to the supposed sale. Well, legally it doesn't work like that normally. You're crimes are not charged to anyone but yourself and you lose out on expenses and commissions for doing crimes, unless you're screwing over a target.

October 31, 2017, Judge Padgett issued her final order on the matter and lied in her order as did the US District Court of Appeals. She said that Chawaka submitted documents, perhaps a few, but the money couldn't be followed and didn't support or substantiate anything of consequence. She

submitted a few bank statements that mainly only showed her entertainment and eating habits. Padgett said that Chawaka paid all of the expenses from her own pocket, which is untrue. Chawaka stated in court, that she used the remaining bank money to pay off the Sun Trust loan on the house. Which could be true, but she provided no documentation and my attorney requested none and made no effort to subpoena if denied. In fact, he never discussed anything related to the case of importance. He knew when he took the case he was intending to screw me over as all these attorneys do. Chawaka said the remaining money in the Sun Trust account was used to pay off the car loan (after paying house loan—\$6K) and from my understanding and the past information I have seen, that Bernice would take out a loan on the house to buy a car, so the loan on the house was the car and not an additional loan.

While living at Bernice's house, the loan on the house came to the address, but never did any bill for any car loan. I don't have all the documentation because the attorney's did nothing but steal my money and protect her. Judge Padgett put in her order that Chawaka provided disbursements related to the Mustang and that was a lie. It wasn't a mistake, it was a lie. This is a sharp judge, but a corrupt one and my attorney made a mistake in his petition and she caught it and mentioned his error in court to him. His petition was a piece of crap and mentioned nothing meaningful about the case and was just a couple pages long, which didn't take long to write. He made no effort to determine if the lien was taken off the house and based his petition mainly on that.

This is how I was stripped out of inheritance and property by the criminals in control and position within the legal system. Bernice's Will was 'share and share alike' and not one person, not the judge nor any of the attorneys gave a damn about the Will of Bernice, which is against the law (four corners of document to follow). All attorneys refused to take the case and Johnston took all my money doing nothing. The only income I received to pay for all of this was disability income. To Chawaka, everything belong to her and the legal system supported that and now it does. I muddled the scheme, but could not stop it. The Will of Bernice deposited with the court and, probate initiated, for which, as a loophole in the law allows, after a



number of years, the person to take everything without notification to anyone.

I just want to mention, as well, related to this, that Georgia has a Republican governor and Judge Padgett and Judge Schrader are both Republicans. It doesn't have anything to do with political parties. All these judges were elected, as was Seeliger. The president, for much of my targeting, was Obama, a Democrat. I have been targeted under both Democratic presidents and Republican presidents.

In relation to the Will of Bernice, my family took joy in all injustices. My own father desired to have me excluded from the Will, siding with Chawaka, even after she took the car from him. No one is concerned over any stolen money or any of the crimes that have happened to me.

It is a common signature of Cointelpro, as I've mentioned, for various government agencies to be used to harass, or target certain people. My most recent addition of this came from Vermont, which can be found in the appendix. While in Vermont, I initiated and completed my own bankruptcy and initiated court proceedings to expunge the student loans. Being denied all rights, being denied the right to employment, being a victim of the most infandous crimes, it is obviously wrong for me to be held responsible for these loans. Dealing with the US District Attorney, we agreed on a permanent disability discharge rather than going through the courts. Being homeless, that worked well for me and the loan was discharged. Later, Vermont, viewing the student loan as 'income' to me, which it is not, sent a letter saying they were taxing me on the loan cancellation amount, which I believe they said was, \$41,000. Tax law related to this I don't know, and to make a determination as to the legality of this would require attorneys and court proceedings. All of this is a waste of time and effort for me. I never worked in Vermont (stopped working 2010) to tax, never owned property in Vermont to tax and never had a business in Vermont to tax. But, to this point, you've read my story and have an idea of what is actually being done. It is an uncompleted story while I am alive.

## Epilogue

So, after leafing through some aspects of my experiences, I wonder what the reader would be pondering as to the motives of the targeting. Surveillance, spies, calumnies, false accusations, denunciations are pervasive and habitual to Europeans and their social existence, which has now been expanded throughout the world. These designs have often been used for self-interested purposes such as the dispossession of others and confiscation of their property. To justify carnage and massacres to various native people's throughout the world or even to themselves, it took little more than calling them cannibals as a mask for the more truer motivation of dispossession. I certain have considered this, but I don't believe that was the prime motivation, in my case, though the land cabal had been scheming for years—since a child. Of course, it is always desirable to kill two birds with one stone and there is never just 'one' motivation. I think it is more befitting to believe that the targeting was done at a very early stage in my life, irrespective of any hereditary interests, and one criminal conspiracies worked for the benefit of another, fortuitously. The controlling interests of one plot, aided the interests of another.

So, I said, the targeting began early in my life and does this suggest something more infandous such as, the hot topic of the day, child sex schemes, which is part of the larger crime of disintegration. I have listened to a few stories, read some materials and always through the lens of what is happening today and my own personal experiences and I have found that there isn't enough information to arrive at any conclusion. I don't fully trust the information nor the people providing it. Now, that doesn't mean that I believe there is no veracity to the claims, I simply question some of the people, the supposed victims and their motivations. I know, as fact, people make false claims and, surely, there are many books that have specified some of them, related to many conspiracies of today from September 11 to Sandy Hook and many other mass shootings or contrived terror plots. False victims have also arisen from other 'true' government crimes such as MKULTRA and, even targeting, which I discussed more in my first book. The elaborateness of these schemes, the cover-ups, and the dissembling of the fake victims is astounding. Yet, at the same time, it is quite confounding that those who have written on these topics, being part of another scheme

of telling some truth and some fiction, to maintain the agnotological state of people, purposefully misrepresent some aspects of any story they are writing about. It is very difficult to trust what is true and what isn't for anyone seeking the truth. There is a consistent characteristic of so-called "conspiracy theorist" writers or any popular conspiracy person of any day, they have often been in the military and often associated with military intelligence—and various other secret societies pronounced openly or not. Familiarizing yourself with these people and activities, it is easy to spot and classify them, but there are other things that one is left just to speculate on because there is no industry on the "fake conspiracy theorist" industry or debunking the debunkers. No one desires to draw attention to things that "don't exist." These circles are also self-validating and are found quoting and supporting each other to establish the perception of truth. Many, such as Ted Gunderson, come right out of the Federal Bureau of Investigation to make claims much more authoritative and, I am not saying such people lie about everything. But, I do question their motivations and why? Well, I know a lot about the tactics and machinery from experience with it and I have never heard from any of them as they are a tight, self-validating clique. Ted Gunderson spoke on targeting before dying, and yet, never in any honest or pronounced way, nor has he ever been found to contact any real target such as myself. This is not something to excuse and overlook.

Do I believe, many of the claims of child abductions (perhaps even perpetrated, protected by government), child sacrifices, sex rings and many other seedier activities? Nothing surprises me with these people and it is very possible and people live very isolated, bubbled, self-concerned lives so it is possible to miss what is happening right in front of you. If you accept the axiom that children are abducted, well, the next thought is for what? And, with such mass surveillance, a whole society of "watching" perpetrators, how is it possible that such crimes can be allowed to occur. Such questioning is very logical and, in order to impede such reasoning, people undermine the premise it is based on: there is no mass surveillance Network, no mass Network of 'perpetrators' or, aka, American Stasi, there is no targeting, because if there were, each person in society would have to contend with these questions. So, through mass self-deception and contrived social illusions, these truths are swept under the rug and no matter how high the rug is elevated, nothing exists. And why? Masks. In order to be in control, lead others, control others, order the entire

existence of others, you must appear knowledgeable and superior to those ordering. But, as I've said, just look at what Europeans have done to this beautiful world and I tell you, without any remorse and simply just for the lusts for power.

Europeans believe: "Every society or association, whether of insects, animals, or men, is based on a surrender of individual function (p. 4)." <sup>15</sup> The purpose of all human beings is no longer determined by themselves, but dictated by powers, as one mass collective unit with varying articulated purposes. Let's take the proffered notion that the purpose of people, as determined by powers, is to "reach the stars." We don't even know if that's possible, and if it is not, and we, by chance, are unable to get off this planet due to some obstruction, would that provide the motivation of powers to lie and deceive people as to this truth? If the purpose is to "reach the stars" wouldn't it be more feasible to educate the whole planet, share knowledge, materials and allow for the contribution of all people in pursuit of this goal? All people would and could be educated as scientists or to contribute, in a salubrious way, to that progress, isn't that right? The social organization reflects not only the mental reasoning, but is reflective of the furnished purpose. Rather than enlightenment, people are presented with degradation. The social organization is opposite to all epitomized rationalizations and the causes for the social ills have been indoctrinated into the people and victims as coincidental. I would say less of an indoctrination and more of a willful acceptance of a doctrine, for which to profess to others while knowing untrue. We have heard soldiers say: "We are here for your freedoms," knowing it is a complete lie, not caring, but that is the mantra they are told to recite. It is a gas-lighting technique and ubiquitously used by masses and powers because they are so—clever and this, of course, will get us all 'to the stars.' We, of course, need to spread evil everywhere in the universe and we need another planet to destroy.

Let me just squeeze in a few quotes from a very disturbing book.

"Colby and his wife, Sally Shelton Colby, a United States ambassador under President Jimmy Carter, were at that very moment warning me to get away from

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<sup>15</sup> Wilson, R. McNair. (1934). *Monarchy or Money Power*. London: Eyre and Spottiswoode Ltd.

the Franklin child abuse investigations, Larry King, and anybody else linked with Franklin... “What you have to understand, John, is that sometimes there (p. ix) are forces and events too big, too powerful, with so much at stake for other people or institutions, that you cannot do anything about them, no matter how evil or wrong they are and no matter how dedicated or sincere you are or how much evidence you have (p. ix-x).”<sup>16</sup>

“The problem here is that our institutions of government have been corrupted. If there is a cover-up and I now absolutely believe there is, even though originally I thought this whole Franklin story had to be a fantasy-then that cover-up can only take place with the cooperation and even the active assistance of some of our key institutions of government, from the courts to the cops, from the highest politicians, to the media representatives, to the wealthiest business leaders of our community and country (p. x).”<sup>17</sup>

“The Douglas County grand jury said it “spent the most time” and “the majority of our fact finding and deliberative effort,” on refuting the videotaped testimony assembled by Gary Caradori. It concluded, “There is no doubt after reviewing all relevant evidence, that the story of sexual abuse, drugs, prostitution, and judicial bribery presented in the legislative videotapes is a carefully crafted hoax, scripted by a person or persons with considerable knowledge of the people and institutions of Omaha, including personal relationships and shortcomings (p. 111).”<sup>18</sup>

This book was written in 1996 and, it isn’t until this present day, that I have heard people publicly state: “we are living in a post-fact society.” No matter how concrete and material any evidence which authenticates any crimes by those in power, it doesn’t exist. But, it is not just the highest powers, it is the masses, a mass Network of persons supporting the powers. No man can be a king nor remain a king on his own, but remains in such a position because he is supported and I will leave it to the reader to answer: why any group of people would support any execrable crime.

The state of affairs just described have been going on for centuries with increasing odiousness. Do I believe this Franklin story? I question it stridently and, I am more apt to believe the last quote, from what I have witnesses: “carefully constructed hoax” or operation with fake victims.

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<sup>16</sup> De Camp, John W. (1996). *The Franklin Cover-Up*. Lincoln, NE: AWT.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

Though I do believe some of it, I don't believe the proffered victims. It could be that such operations exist in some fashion, and, at the same time, people within this 'Network' are knowledgeable of its existence and also operate blackmail rings. Those who control the operations, also control the blackmail. All political parties make use of these operations—real or not in relation to the claims, for their own political advantage. Sometimes, just an accusation drives someone out of position. There are different Networks for different purposes and loyal to different powers.

In the movie *The Godfather*, a young prostitute is used and killed for the intended purpose of entrapping a senator. I am sure that few have ever thought much about the story of the young woman used. Young women or adolescent children are preferred for appeal. Typically they are weak, uneducated, of low self-esteem, or in precarious circumstances. Very insidious people, mainly men, enter their lives with some menacing purpose, for which they fall for. These schemes are as premeditated as the victims they target and these men have been trained into such activities by others. There is nothing coincidental about any of it. People do not wake up as prostitutes or pimps, but become them and this is the typical procedure still being used. Sometimes people are targeted, in such circumstances, for perverted reasons and simply to replenishing the dying, aging stock and sometimes there are larger schemes, aforementioned. Who is available for selection and targeting? Well, I've mentioned 'Network' consistently throughout this book, it is there around people and children always. Imagine everyone, every child being sized up and dossieried by this Network—some for their good others for their demise.

Another fundamental characteristic of the European belief system is culling and that requires detailing which of the herd is best to thin, like cattle. That is certainly one motivation of the drug industry, war industry, sex industry. In truth, European social organization is one huge mass collective industrial complex where everything and everyone, including children are commodities (pimped out as military murders and sex objects to name a few, by parents and society) and, just as people accept the fake money system and ignore its damage, as long as their lives are not personally effected, so is true for all other evils. When such people are no longer of use are they killed to hide shame? That's certainly plausible. Would the

wives of men be accepting of such things? Certainly, as well, we have read about the “Bimbo squad” of Hillary Clinton. Right and wrong is always subjective: what is right and wrong for me is the only concern, and what is wrong for others is not a consideration. Money and lifestyle are usually at the top of the list to maintain and image can be protected with lies and illusions; this is the main concern regardless of gender.

Another part of the deception, as with everything, is to maintain the appearance of coincidence, that nothing is planned or scheme and, thus, the victim has no one to blame but themselves. One may appear as impromptu to a targeted individual, may very well be contrived and orchestrated. Such tactics can be found in any material related to surveillances and intelligence techniques. It is simply a matter of expression or how it is used and against whom. Men and women are used as operatives; formerly connected or loosely connected with various agencies and sleep with targeted subjects to obtain information or for any other miscellaneous agenda. Rings are established under names such as ‘escort’ businesses that serve many different functions and stock must always be replenished to keep the racket going. So, it is not that such things don’t happen and or are completely implausible, it is the full story, who is telling the story and for what purposes. People can also go in and out of rackets being used as objects and blackmail.

Teen children, I know, as a fact, are targeted and those most used as seducers for menacing purposes are negro men, in the United States. It is celebrated openly in entertainment. Do the police and courts protect? Yes. The first line of defense is always the police and prosecutors and, for the most part, such things never end up in court, I am certain. Yes, for appearances, you will hear in the media at opportune times, all kinds of sweeps—real or manufactured, who knows. Such “sweeps,” truthfully, should never even be needed. Those in power, apparently, believe more in appearances of decency than the experience itself, as dirt is hidden and all people discredited.

The best time to compromise someone’s life is when they are young, irresponsible, and conforming to adult authority and it is when they are most uncertain, rebellious, and changing. In some ways, these are early

childhood blackmailing operations and the material used propitiously. These operations are amorphous and take on many shapes and forms dependent on the person. The children of targets are targeted.

To me, Creation is a machine and not a thought and that explains the evil in the world. There is no intervening god, no watching god, and no punishing god. It is a machine, working thoughtlessly from a bad design, for which, it does not have the intelligence to scrap and reconstruct in a better way, as any mind would. It is unfeeling and simply is and does. I use the word machine, for the lack of a better word to describe this 'natural' process that takes place without being aware of itself, its consequences, self-analysis, and introspection. Such conditions can lead to freedom or consequence, good or evil. We are free to determine our own existence within the confines of the natural order, but are restricted from shaping our own destiny, and purpose by the wickedness of other people—driven by fear of death, conceit, and lusts for control. People are brainwashed to the Truth and true Reality. Under such power, false religion is manufactured unconcerned with any Natural Cosmology or Truth, but political power, material gain—resembling European secret societies of allegiances and privileges—a protection racket from potential threats—nothing harmonious and decent. It even devours its own followers in its cannibalistic frenzy, hubris and lusts. It is an unnatural bond and unnatural alliance driven by fear as any European would create.

People determine the world in which they live and how it will be shaped to suit themselves. This world, as you see, is shaped from certain minds, to suit certain purposes or certain agendas. It is a people and agenda so odious that it requires brainwashing, deception, illusion, murder, genocide, obfuscation, disintegration, terror/intimidation, paid/privileged Networks of protection, to hide. To stomach, one must be oblivious to its full operations—self deceit.



# APPENDIX

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# **SECTION 1983 LAWSUIT**



No. 16-17460-DD

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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**Danielle Garcia,**

*Plaintiff - Appellant,*

vs.

**Dr. Charles Li**, of Georgia Regional Hospital in his  
Official and individual capacity;  
**R.L. Butch Conway**, Gwinnett County Sheriff,  
in his official and individual capacity ;  
**Judge Kathryn Schrader**, in her official and  
individual capacity; **Corizon Health, Inc.**;  
**David Whitman, Angela Brown Dillon**  
and **Debra Fluker**,

*Defendants - Appellee.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

**JUDGE AMY TOTENBERG**

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**APPELLANT'S OPENING BRIEF & APPENDIX**

Danielle Garcia

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Pro Se

**CERTIFICATE OF INTERESTED PARTIES**  
Danielle Garcia v. Dr. Charles Li, Et. Al., Case No.

Pursuant to Fed. R. App. P. 26.1 and 11<sup>th</sup> Circuit Rule 26.1-1, Appellant Danielle Garcia furnishes a complete list of the following:

1. Chris Carr, State Attorney General.
2. R.L. Butch Conway, Gwinnett County Sheriff, defendant.
3. Corizon Health, Inc., defendant.
4. Angela Brown Dillon, LLC, defendant.
5. Deborah R. Fluker, defendant.
6. Dr. Charles Li, Director of Georgia Regional Hospital, defendant.
7. Judge Kathryn Schrader, Gwinnett County Superior Court, defendant.
8. Judge Amy Totenberg, District Court Judge.
9. David Whitman, P.C., defendant.

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### Cases

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*Cary v. Phipps*, 435 U.S. 247, 253 (1978).  
*Conley v. Gibson*, 355 U.S. 41, 45-46 (1957)  
*General Oil Co. v. Crain*, 209 U.S. 211 (1908)  
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*In Re Sawyer*, 124 U.S. 200 (1888).  
*Pierson v. Ray*, 386 U.S. 547 (1967)  
*Savoie v. Martin*, 673 F.3d 488, 495-96 (6<sup>th</sup> Cir. 2012)  
*United States v. Lee*, 106 U.S. 196, 220 (1882).  
*Wagenmann v. Adams*, 829 F.2d 196, 209-10 (1<sup>st</sup> Cir. 1987)

### Statutes

28 U.S.C. §2201  
42 U.S.C. §1983



### STATEMENT OF JURISDICTION

This was an action for Declaratory and Injunctive Relief wherein the U.S. District Court had original jurisdiction pursuant to 28 U.S.C. §1331, §1343(a)(3), §2201-2202, and §1367(a). This is an appeal from a final judgment of the United States District Court of the Northern District of Georgia, entered on November 30, 2016. Accordingly, this court has jurisdiction pursuant 28 U.S.C. §1291. The notice of appeal timely filed 12/3/2016.

### ISSUES PRESENTED FOR REVIEW

42 U.S.C. §1983 creates liability for any “person who, under color of any statute, ordinance, regulation, custom, or usage, of any State” deprives or causes any person within the jurisdiction of the United States to be deprived of “any right, privilege, or immunities secured by the Constitution and [federal] laws...” Section 1983 is an important legal tool to redress constitutional violations done not only by government officials under the color of law, but private individuals. It has been an effective tool in cases such as *Wagenmann v. Adams*, 829 F.2d 196, 209-10 (1<sup>st</sup> Cir. 1987)(finding section 1983 liability where a private individual worked with state actors to have the plaintiff falsely imprisoned in both police station and the psychiatric ward of a state hospital). With similarity of cases there should be consistent justice. In *Pierson v. Ray*, 386 U.S. 547 (1967), Justice Douglas states that all people are subject to 42 U.S.C 1983 and “to most, ‘every person’ would

mean every person, not every person...” except some, no matter what their position. Constitutional rights violated of the plaintiff: 1<sup>st</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 14th and Suspension Clause Art. 1, Sec. 9, Cl. 2. Plaintiff subject to false imprisonment in violation of 25 CFR §11.404, gender discrimination and conspiracy. Case is to determine if judge wrongfully dismissed the case without proper, careful, concerned adjudication based on 28 U.S.C. §1915(e)(2). What is, also, to be determined is whether the constitution remains an appreciated standard and if the plaintiff will be afforded equal protection under the law by the courts.

#### **STANDARD OF REVIEW**

Dismissals for failure to state a claim are reviewed de novo, viewing the facts in the light most favorable to plaintiff. *Barnes v. Harris*, 783 F.3d 1185, 1191-92 (10<sup>th</sup> Cir. 2015).

#### **STATEMENT OF FACTS**

This case arises from a 2/6/2014 charge of aggravated assault in Gwinnett County for which plaintiff was bailed several weeks after. No attorney from the commencement of the case to the end ever spoke with plaintiff related to the ‘facts’ of the case. For almost a year nothing was done leading to quick and speedy trial violations. There were several wasted calendar call court dates and rescheduled trial dates used to delay the process, also creating violations.

9/28/2015 plaintiff showed for a scheduled court date for which she was told was the beginning of 'trial' for which 3 weeks had been cleared. There had been no jury selection procedures for this so-called trial nor any other trial date previously cancelled. Plaintiff did not waive her right to a jury nor was she asked by the judge or her appointed counsel to waive right to jury related to any matter. Plaintiff was not informed by her attorney, Debra Fluker, that she would be making the statements she made on that day and that she would be entering an NGRI plea. Later investigation was found that on 3/11/2015 [See Doc. 1, Exhibit A] this NGRI plea was submitted to the courts with Fluker never speaking to her client and when psychologist had declared plaintiff competent.

On 9/28/2015, Debra Fluker began making false statements to Judge Schrader suggesting that plaintiff refused to speak with her related to the case. Plaintiff denied the refusal to communicate with Fluker, offered evidence (email, recorded phone conversations) that was on her person and was not allowed to present this evidence. Based on a manufactured pretext, Judge Schrader declared plaintiff in contempt of court on the accusation of rolling her eyes 'once.' Around 10am plaintiff was taken into custody. Returning to the court room, plaintiff found that Ms. Fluker had submitted an NGRI plea [See Doc. 1, Exhibit B] which allowed the judge to determine competency from the bench which was against plaintiff's interests and never speaking to plaintiff.

The judge, based on lies accepted as valid truth (without evidence, but word alone) told by Debra Fluker, declared plaintiff incompetent, reversing her conclusion of competency previously made, all in violation of due process. From 9/28/2015-11/27/2015, plaintiff was held in Gwinnett County jail on the charge of criminal contempt of court [See Doc. 1, Exhibit C] and denied the right to be presented in front of a judge not party to the case, denied legal representation for the charge, denied bail and right to jury. Fluker during this time did nothing to assist plaintiff or communicate with her and, according to another attorney, Virguez, stated plaintiff was 'not' charged with contempt of court at all [See Doc. 1, Exhibit D].

Following behind that charge of contempt of court was an order to be sent to Georgia Regional for a 90 return to competency [See Doc. 1, Exhibit E]. However, if not for a hunger strike initiated in jail which sent plaintiff prematurely to GA Regional on 11/27/2015, she would have remained in jail for undetermined time. 11/19/2015 the judge issued an order [See Doc. 1, Exhibit F], unbeknownst to plaintiff at that time, dismissing the charge of contempt of court and ordering the jail to hold plaintiff without articulating any law or with any charge. While in jail (and Georgia Regional) plaintiff suffered psychological abuse and additional constitutional violations. Plaintiff was held almost the whole time in solitary confinement for fabricated reasons (both Feb. 2014 and Sept. 2015 confinements)

that kept changing but mostly articulated for refusing to speak with jail mental health workers. Because of wrongful, vindictive classifications, plaintiff was denied access to the legal library, pens, paper, hygiene products (such as comb) and held 24 hours in her cell. The denial of legal library, pens, paper suspended plaintiff's ability to do a Writ of Habeas Corpus. The jail, as with Georgia Regional, has no form or procedure for those held in false imprisonment.

What was successfully done 9/28/2015 was attempted March 4, 2015 where there was an apparent competency hearing for which plaintiff was left uninformed about by David Whitman related to the nature and implication of the proceedings. There was no special jury and competency was left to be determined by the bench. The judge, based off competency evaluation by Georgia Regional that was unscrutinized (Judge Schrader expressed no concern over lack of defense done by plaintiff's attorneys) and filled with false statements, desired to have plaintiff taken into custody and sent to Georgia Regional for a 90 return to competency. The attorney at that time, David Whitman, suggested that the judge hadn't the power to take plaintiff into custody as she had broken no laws and could drive herself to Georgia Regional. Seeing that there was a small obstacle for detention that judge allowed a second evaluation. David Whitman saw no problem in having plaintiff unlawfully detained at Georgia Regional and the denial of due process which would land her there.

There were two evaluations that were done 1) Georgia Regional 2) Paul Walters a private psychologist obtained by plaintiff. The motion for competency was done by plaintiff's attorney David Whitman and was wrongfully done, done without any attempt to communicate with plaintiff/discussion or review of any evidence regarding any questionable claim. He simply submitted a motion for a competency evaluation and without any proper grounds. Upon discovering of this on the day of the first hearing almost a year later (1/20/2015, while in court), plaintiff refused to take the competency evaluation and questioned her constitutional rights related to the process and was simply shouted at by attorney Whitman who hung up the phone or just ignored her and walked away. Upon accepting the evaluation, she requested to have the initial evaluation done by a private psychologist and not Georgia Regional and was ignored thus denied by both David Whitman and the judge: there was a desire for the conclusion of incompetency that Georgia Regional would provide and that would 'backdoor' plaintiff into the insane asylum. It was predetermined that the case would never go through the courts. The attorney submitted the motion, refused to discuss anything with plaintiff, refused to scrutinize the evaluation despite false statements it contained (which were recorded), be present during evaluation, define scope of the evaluation, provided attorney/client privileged information to others, and lied about the law. The conclusion of incompetency was both expected and desired by David

Whitman, Judge Schrader and DA, Matt Acuff. The second evaluation, though also littered with misrepresentations, but properly concluded plaintiff to be competent and based off that report, Judge Schrader declared plaintiff competent and the case progressed with that understanding until the events of 9/28/2015.

To run kangaroo proceedings without objection, to accomplish the goal of backdooring plaintiff into the mental hospital, and falsely imprisoning plaintiff in jail required a conspiracy amongst the necessary parties who were intent on evading the proper legal process. Much of the documentation/evidence plaintiff had accumulated (held on computer hard drives) was lost as this unexpected event caused her to lose her home and all her possessions.

Unbeknownst to plaintiff, upon reviewing some of the recordings later, Debra Fluker had been setting up events with many false statements that were made during various court dates. She would lie to the judge and say that plaintiff was refusing to speak with her, she would manufacture conflicts and continuously wear plaintiff down by putting her on the defensive. She would refuse to speak with plaintiff prior to any hearing and would act contemptuously when plaintiff requested to speak with her. Plaintiff was frequently told to represent herself “as this is what people do in these situations” though she had the right to be represented.

That the plaintiff would be bailed for the charge of assault was perhaps not expected by Corizon Health workers (and others defendants) who were hounding plaintiff to communicate with them and put her in solitary confinement (first confinement) as they had the desire to declare plaintiff incompetent. The full understanding of their use of solitary confinement during the second imprisonment is difficult to comprehend past malice. But plaintiff was told by one of their workers that they were preparing something for Judge Schrader and DA. Plaintiff was not informed of the details. Conversations between Corizon workers and sheriffs and between the sheriffs related to the plaintiff were done right out in the open in the presence of the plaintiff. One of the Corizon workers plaintiff did speak to (a short remark) while held in Imax (a disciplinary unit) for improper, non-disciplinary reasons, when talking to the Sheriff said, “did you understand anything that she just said? I didn’t understand anything she just said” as if plaintiff wasn’t speaking English and was speaking gibberish like someone incompetent incapable of communicating. Plaintiff had spoken with this Corizon mental health worker only slightly longer, answering a few questions as plaintiff had questions, and he said, during that first interaction, that plaintiff sounded fine and he had nothing negative to say. Their next communication was more brief and his demeanor changed. Speaking to Corizon is an option. Plaintiff was hounded and penalized for not speaking with them. Corizon mental health workers would routinely lie,



manufacture events that did not happen and purposefully twist statements or completely manufactured statements for insidious ends. Plaintiff was told that she could not get out of solitary confinement until she spoke with them. Eager to get out of solitary confinement, on a couple occasions the plaintiff did speak with Corizon mental health workers who would simply use the opportunity to inflict emotional distress and lie. During the hunger strike, the director of the medical unit stated that all were informed of the false imprisonment, that the hunger strike was interfering with 'their' agenda (that they did have a scheme) and that plaintiff should accept that the system doesn't work for everyone and the hunger strike was considered to be self-harm (the plaintiff was at fault).

Georgia Regional employees did similar things. Arguments were instigated (and used later against plaintiff) and tensions created with inconsistent behaviors and rules. There were rules for others and special rules for plaintiff in relation to any normal activity. Upon initiating a Writ of Habeas Corpus, the rules related to the use of the pen were changed without warning and while writing. For the purposes of impeding the Writ plaintiff was denied copies, notary public, pen and any legal information which could be easily provided by any social worker. When commenting on the change (pen policy) plaintiff was met that there was no 'change,' that the policy had always been the same and suggesting any idea that a change occurred was all in the plaintiff's mind. Later as the story changed,

Supervisor Chioma Emenalo gloated and saying, 'yes the policy changed yesterday and if we want to change it again tomorrow we will.' It was a display of power. Chioma wanted to emphasize his uncontrolled power in the face of plaintiff's powerlessness. The staff displayed with pride a god-like unaccountability. Complaints were ignored, a complaint written to Dr. Li, as medical director (sent 1/25/2016) was ignored and there was retaliation for making complaints. For the purposes of harassment and embarrassment, 'staff' would open the bathroom door for others to use knowing plaintiff was in there. Plaintiff would leave the water running while in the bathroom so it was well understood it was occupied. It is impossible to enter the bathroom while someone is in there without a key. A complaint about that by plaintiff brought a change to the bathroom policy. The women, who did not have equitable bathroom facilities like the men, were no longer able to leave the door in a closed but unlocked manner as a courtesy for the next person to easily enter, but had to ask staff every time to unlock the door. This allowed the staff to open the door for others and ignore plaintiff to be nasty. The men's bathroom was never locked and was a multi-toilet bathroom with showers. The women had a single bathroom and no showers that was left locked after a complaint by plaintiff. Plaintiff's complaint related to the bathroom was a problem with staff not patients.

All incidents that plaintiff reported were purposefully misconstrued by

Georgia Regional employees and in court, 5/17/2016, used to call plaintiff insane and to substantiate their false diagnosis which were never challenged by the representing attorney Angela Dillon. Dillon never spoke with plaintiff related to case or things going on in Georgia Regional. She never advised plaintiff as to her rights under the law, never made any kind of defense, and never informed as to the full events on 5/17/2016 or advised that plaintiff make statements for the record. There are some things that plaintiff saw happen to other people and things that happened to herself that she can't even discuss even though they are captured on video. Though there was an air of fear and intimidation for others, the behavior that caused fear and intimidation was more directed and extreme for plaintiff. Plaintiff reported chest pains and was ignored and denied the ability to lay down at the same time another simply said she didn't feel well and staff opened door without communication with even nurse. Other medical issues were ignored or made difficult to obtain attention while others received attention without effort.

5/13/2016 was another hearing, for which, plaintiff was told by the attorney Angela Dillon at a following previous hearing, would lead to her release. Plaintiff never attended the hearing and was left from 7:30am to 2:30pm in a holding cell except for the short duration she was allowed to speak with attorney Dillon. From the court plaintiff was transferred to Gwinnett County jail with no order issued by the judge, plaintiff was not booked and once again held under no law or charge

(plaintiff was on bail for the assault charge 2/2014 and violated no law and criminal contempt of court dismissed) until 5/17/2016 where there was another kangaroo hearing and where the charges were dismissed while plaintiff waited in jail until the evening. Plaintiff was formerly dismissed by Georgia Regional 5/18/2016. She arrived at Georgia Regional 11/27/2015 due to hunger strike and was transferred to the forensic unit 12/3/2015.

### **ARGUMENT**

The District Court judge's decision shows complete disregard for the law, surpassing any normal abuse of discretion. The purpose of Section 1983, "was to deter public officials from using the badge of their authority to violate personal constitutional rights and to provide compensation and other relief to victims of constitutional deprivations when that deterrence failed." *See Cary v. Piphus*, 435 U.S. 247, 253 (1978). The District Court's decision to dismiss case was, essentially, to use her discretion to protect criminals and, no such a legal standard or representative is worthy of anyone's respect. 'If a judge does not fully comply with the constitution, then his orders are void, he is without jurisdiction, and he has engaged in an act or acts of treason.' *See In Re Sawyer*, 124 U.S. 200 (1888). "[T]he constitution is an expression of a contract between government and citizens; that its provisions must be obeyed; that none, particularly those entrusted to govern, are above its laws; that this nations suffers grievously when these concepts

are subverted, and any subversion of that document must be prevented at all costs lest the entire document and its precepts be destroyed.” See *United States v. Lee*, 106 U.S. 196, 220 (1882). A complaint can only be dismissed if plaintiff could not prove any set of facts which would entitle him to relief. See *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957). 28 U.S.C. §2201 allows for declaratory judgments.

Declaratory judgments offer a unique mechanism to remedy ongoing violations of statutory or constitutional provisions. *General Oil Co. v. Crain*, 209 U.S. 211 (1908) (“certain suits for declaratory or injunctive relief against state officers must be permitted if the constitution is to remain the supreme law of the land”). *Green v. Mansour*, 474 U.S. 64, 73 (1985) states that declaratory relief is proper when there are ongoing or threatened violations of federal law. Plaintiff, being a target, is subjected to ongoing constitutional violations and potentially by the same actors in this suit. A declaratory judgment finding defendants’ acts unconstitutional is necessary as a means to protect constitutional rights. In the Sixth Circuit, “the two principal criteria guiding the policy in favor of rendering declaratory judgments are (1) when the judgment will serve a useful purpose in clarifying and settling the legal relations in issue, and (2) when it will terminate and afford relief from the uncertainty, insecurity, and controversy giving rise to the proceeding.” *Savoie v. Martin*, 673 F.3d 488, 495-96 (6<sup>th</sup> Cir. 2012) (quoting *Grand Trunk W.R. Co. v. Consol. Rail Corp.*, 746 F.2d 323, 326 (6<sup>th</sup> Cir. 1984)). Both criteria for rendering a

declaratory judgment are established here. Plaintiff, also, has ongoing, adverse effects because uncontested, illegal kangaroo proceedings have been asserted as proper and valid when they were not. A declaratory judgment would assist with rectifying and invalidating what should be properly invalidated and there is no other means by which to invalidate the crimes that have happened. The plaintiff has reported these crimes to the FBI Color of Law unit and was ignored. The declaring of plaintiff as incompetent, leaving the records open to public and not declaring the occurrence improper and invalid, has an impact on voting rights as well as other legal/constitutional rights, creating additional social malignments. The judge, interfering with the proper functioning and fairness of the law and interferes with potential default judgment.

#### CONCLUSION

Plaintiff requests that the court reverse the district court's dismissal and that case be remanded back to the district court for further adjudication consistent with this court's findings.

Date: 1/3/17



Respectfully Submitted,  
Danielle Garcia  
Pro Se

**CERTIFICATE OF COMPLIANCE**

Pursuant to Fed. R. App. P. 32(a)(7)(C), appellant certifies that the foregoing Opening Brief complies with the applicable type-volume limitations of Fed. R. App. P. 32(a)(7)(B). Brief contains less than 13,000 words and prepared in proportionally spaced typeface using MS Word Times New Roman, 14-point font.

Date: 1/3/17  
Barca

**No. 16-17460-DD**

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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Danielle Garcia v. Dr. Charles Li, et. al.

On Appeal from the United States District Court,  
Northern District of Georgia  
Case No. 1:16-cv-03333-AT

**APPENDIX**



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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Danielle Garcia, )  
Petitioner, )  
vs. )  
Dr. Charles Li, of )  
Georgia Regional Hospital in his )  
Official and individual capacity; )  
R.L. Butch Conway, Gwinnett )  
County Sheriff, in his official and )  
individual capacity; Judge Kathryn )  
Schrader, in her official and )  
individual capacity; Corizon Health, )  
Inc.; David Whitman, Angela )  
Brown Dillon and Debra Fluker, )  
Defendant. )  
\_\_\_\_\_ )

Case No.:  
**1:16-CV-3333**

Complaint for Declaratory and  
Injunctive Relief.

**Demand for Jury Trial**

**COMPLAINT**

COMES NOW Plaintiff, Danielle Garcia, who alleges as follows:

**I. JURISDICTION AND VENUE**

1. Plaintiff brings this civil action pursuant 42 U.S.C. § 1983 for Constitutional violations and acts occurring under the color of law with the intent and purpose of depriving Plaintiff of rights secured by the Constitution and laws of the United States. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331 and 28 U.S.C. § 1343(a)(3). Plaintiff invokes supplemental

jurisdiction, pursuant to 28 U.S.C. § 1367(a), over any and all state constitutional and state law claims that are so related to the claims within the original jurisdiction of this court that they form part of the same case or controversy. Venue is proper under 28 U.S.C. § 1391(b)(2) because the events giving rise occurred in Georgia. This Court is authorized to grant declaratory and injunctive relief pursuant 28 U.S.C § 2201 – 2202 and F.R.C.P. Rules 57 and 65. Injunctive relief under § 1983 may be available against individual judicial officers. *See* Supreme Court of Va. v. Consumers Union, 446 U.S. 719 (1980).

## II. PARTIES

### A. Plaintiff:

2. Danielle Garcia resident of Georgia.

### B. Defendants:

3. **Dr. Charles Li**: Director of Georgia Regional Hospital.

4. **Sheriff R.L. Butch Conway**: Oversees the Gwinnett County Jail.

5. **Judge Kathryn Schrader**: Gwinnett County Superior Judge.

6. **Corizon Health**: Private health contractor for Gwinnett County Jail.

7. **David Whitman**: 1<sup>st</sup> public defender.

8. **Debra Fluker**: 2<sup>nd</sup> public defender.

9. **Angela Brown Dillon**: 3<sup>rd</sup> public defender.

10. State of Georgia (“State”), is a state government. The State has statutorily created, and is legally responsible for, Gwinnett County Jail and Sheriffs, Georgia Regional Hospital of Atlanta, and Gwinnett County Superior Courts.

### **III. PRESUIT REQUIEMENTS**

11. Plaintiff has satisfied the pre-suit requirements according to O.C.G.A. § 50-21-26(a)(1)(2). Via certified mail an ante litem notice has been submitted to defendants with return receipt requested for Charlotte Nash, Gwinnett County Board of Commissioners and Candy Kidd, Director of Risk Management Division of the Department of Administrative Services on 6/2/2016. The defendants have not responded within 90 days. A copy of the complaint has been submitted with a copy of ante litem notice and receipts [See Exhibit G].

### **IV. STATEMENT OF FACTS**

12. This case arises from a 2/6/2014 charge of aggravated assault in Gwinnett County for which plaintiff was bailed several weeks after. No attorney from the commencement of the case to the end ever spoke with plaintiff related to the ‘facts’ of the case. For almost a year nothing was done leading to quick and speedy trial issues. There were several wasted calendar call court dates and rescheduled trial dates used to delay the process.

13. 9/28/2015 plaintiff showed for a scheduled court date for which she was told was the beginning of 'trial' for which 3 weeks had been cleared. There had been no jury selection procedures for this so-called trial nor any other trial date previously cancelled. Plaintiff did not waive her right to a jury nor was she asked by the judge or her appointed counsel to waive right to jury related to any matter. Plaintiff was not informed by her attorney, Debra Fluker, that she would be making the statements she made on that day and that she would be entering an NGRI plea. Later investigation was found that on 3/11/2015 this NGRI plea [See Exhibit A] was submitted to the courts with Fluker never speaking to her client.

14. On 9/28/2015, Debra Fluker began making false statements to Judge Schrader suggesting that plaintiff refused to speak with her related to the case. Plaintiff denied the refusal to communicate with Fluker, offered evidence (email, recorded phone conversations) that was on her person and was not allowed to present this evidence. Based on a manufactured pretext, Judge Schrader declared plaintiff in contempt of court on the accusation of rolling her eyes 'once.' Around 10am plaintiff was taken into custody. Returning to the court room, plaintiff found that Ms. Fluker had submitted an NGRI plea which allowed the judge to determine competency from the bench which was against plaintiff's interests [See Exhibit B].

15. The judge, based on lies accepted as valid truth (without evidence, but word alone) told by Debra Fluker, declared plaintiff incompetent, reversing her

conclusion of competency previously made. From 9/28/2015-11/27/2015, plaintiff was held in Gwinnett County jail on the charge of criminal contempt of court [See Exhibit C] and denied the right to be presented in front of a judge not party to the case, denied legal representation for the charge, denied bail and right to jury. Fluker during this time did nothing to assist plaintiff or communicate with her and, according to another attorney, Virquez, stated plaintiff was 'not' charged with contempt of court at all. [See Exhibit D] .

16. Following behind that charge of contempt of court was an order to be sent to Georgia Regional for a 90 return to competency [See Exhibit E]. However, if not for a hunger strike initiated in jail which sent plaintiff prematurely to GA Regional on 11/27/2015, she would have remained in jail for undetermined time. 11/19/2015 the judge issued an order, unbeknownst to plaintiff at that time, dismissing the charge of contempt of court [See Exhibit F] and ordering the jail to hold plaintiff without articulating any law or with any charge. While in jail (and Georgia Regional) plaintiff suffered psychological abuse and additional constitutional violations. Plaintiff was held almost the whole time in solitary confinement for fabricated reasons (both Feb. 2014 and Sept. 2015 confinements) that kept changing but mostly articulated for refusing to speak with jail mental health workers. Because of wrongful, vindictive classifications, plaintiff was denied access to the legal library, pens, paper, hygiene products (such as comb)

and held 24 hours in her cell. The denial of legal library, pens, paper suspended plaintiff's ability to do a Writ of Habeas Corpus. The jail, as with Georgia Regional, has no form or procedure for those held in false imprisonment.

17. What was successfully done 9/28/2015 was attempted March 4, 2015 where there was an apparent competency hearing for which plaintiff was left uninformed about by David Whitman related to the nature and implication of the proceedings. There was no special jury and competency was left to be determined by the bench. The judge, based off competency evaluation by Georgia Regional that was unscrutinized (Judge Schrader expressed no concern over lack of defense done by plaintiff's attorneys) and filled with false statements, desired to have plaintiff taken into custody and sent to Georgia Regional for a 90 return to competency. The attorney at that time, David Whitman, suggested that the judge hadn't the power to take plaintiff into custody as she had broken no laws and could drive herself to Georgia Regional. Seeing that there was a small obstacle for detention that judge allowed a second evaluation. David Whitman saw no problem in having plaintiff unlawfully detained at Georgia Regional and the denial of due process which would land her there.

18. There were two evaluations that were done 1) Georgia Regional 2) Paul Walters a private psychologist obtained by plaintiff. The motion for competency was done by plaintiff's attorney David Whitman and was wrongfully done, done

without any attempt to communicate with plaintiff/discussion or review of any evidence regarding any questionable claim. He simply submitted a motion for a competency evaluation and without any proper grounds. Upon discovering of this on the day of the first hearing almost a year later (1/20/2015, while in court), plaintiff refused to take the competency evaluation and questioned her constitutional rights related to the process and was simply shouted at by attorney Whitman who hung up the phone or just ignored her and walked away. Upon accepting the evaluation, she requested to have the initial evaluation done by a private psychologist and not Georgia Regional and was ignored thus denied by both David Whitman and the judge: there was a desire for the conclusion of incompetency that Georgia Regional would provide and that would 'backdoor' plaintiff into the insane asylum. It was predetermined that the case would never go through the courts. The attorney submitted the motion, refused to discuss anything with plaintiff, refused to scrutinize the evaluation despite false statements it contained (which were recorded), be present during evaluation, define scope of the evaluation, provided attorney/client privileged information to others, and lied about the law. The conclusion of incompetency was both expected and desired by David Whitman, Judge Schrader and DA, Matt Acuff. The second evaluation, though also littered with misrepresentations, but properly concluded plaintiff to be competent



and based off that report, Judge Schrader declared plaintiff competent and the case progressed with that understanding until the events of 9/28/2015.

19. To run kangaroo proceedings without objection, to accomplish the goal of backdooring plaintiff into the mental hospital, and falsely imprisoning plaintiff in jail required a conspiracy amongst the necessary parties who were intent on evading the proper legal process. Much of the documentation/evidence plaintiff had accumulated (held on computer hard drives) was lost as this unexpected event caused her to lose her home and all her possessions.

20. Unbeknownst to plaintiff, upon reviewing some of the recordings later, Debra Fluker had been setting up events with many false statements that were made during various court dates. She would lie to the judge and say that plaintiff was refusing to speak with her, she would manufacture conflicts and continuously wear plaintiff down by putting her on the defensive. She would refuse to speak with plaintiff prior to any hearing and would act contemptuously when plaintiff requested to speak with her. Plaintiff was frequently told to represent herself "as this is what people do in these situations" though she had the right to be represented.

21. That the plaintiff would be bailed for the charge of assault was perhaps not expected by Corizon Health workers (and others defendants) who were hounding plaintiff to communicate with them and put her in solitary confinement

(first confinement) as they had the desire to declare plaintiff incompetent. The full understanding of their use of solitary confinement during the second imprisonment is difficult to comprehend past malice. But plaintiff was told by one of their workers that they were preparing something for Judge Schrader and DA. Plaintiff was not informed of the details. Conversations between Corizon workers and sheriffs and between the sheriffs related to the plaintiff were done right out in the open in the presence of the plaintiff. One of the Corizon workers plaintiff did speak to (a short remark) while held in Imax (a disciplinary unit) for improper, non-disciplinary reasons, when talking to the Sheriff said, “did you understand anything that she just said? I didn’t understand anything she just said” as if plaintiff wasn’t speaking English and was speaking gibberish like someone incompetent incapable of communicating. Plaintiff had spoken with this Corizon mental health worker only slightly longer, answering a few questions as plaintiff had questions, and he said, during that first interaction, that plaintiff sounded fine and he had nothing negative to say. Their next communication was more brief and his demeanor changed. Speaking to Corizon is an option. Plaintiff was hounded and penalized for not speaking with them. Corizon mental health workers would routinely lie, manufacture events that did not happen and purposefully twist statements or completely manufactured statements for insidious ends. Plaintiff was told that she could not get out of solitary confinement until she spoke with them. Eager to get

out of solitary confinement, on a couple occasions the plaintiff did speak with Corizon mental health workers who would simply use the opportunity to inflict emotional distress and lie. During the hunger strike, the director of the medical unit stated that all were informed of the false imprisonment, that the hunger strike was interfering with 'their' agenda (that they did have a scheme) and that plaintiff should accept that the system doesn't work for everyone and the hunger strike was considered to be self-harm (the plaintiff was at fault).

22. Georgia Regional employees did similar things. Arguments were instigated (and used later against plaintiff) and tensions created with inconsistent behaviors and rules. There were rules for others and special rules for plaintiff in relation to any normal activity. Upon initiating a Writ of Habeas Corpus, the rules related to the use of the pen were changed without warning and while writing. For the purposes of impeding the Writ plaintiff was denied copies, notary public, pen and any legal information which could be easily provided by any social worker. When commenting on the change (pen policy) plaintiff was met that there was no 'change,' that the policy had always been the same and suggesting any idea that a change occurred was all in the plaintiff's mind. Later as the story changed, Supervisor Chioma Emenalo gloated and saying, 'yes the policy changed yesterday and if we want to change it again tomorrow we will.' It was a display of power. Chioma wanted to emphasize his uncontrolled power in the face of plaintiff's

powerlessness. The staff displayed with pride a god-like unaccountability. Complaints were ignored, a complaint written to Dr. Li, as medical director (sent 1/25/2016) was ignored and there was retaliation for making complaints. For the purposes of harassment and embarrassment, 'staff' would open the bathroom door for others to use knowing plaintiff was in there. Plaintiff would leave the water running while in the bathroom so it was well understood it was occupied. It is impossible to enter the bathroom while someone is in there without a key. A complaint about that by plaintiff brought a change to the bathroom policy. The women, who did not have equitable bathroom facilities like the men, were no longer able to leave the door in a closed but unlocked manner as a courtesy for the next person to easily enter, but had to ask staff every time to unlock the door. This allowed the staff to open the door for others and ignore plaintiff to be nasty. The men's bathroom was never locked and was a multi-toilet bathroom with showers. The women had a single bathroom and no showers that was left locked after a complaint by plaintiff. Plaintiff's complaint related to the bathroom was a problem with staff not patients.

23. All incidents that plaintiff reported were purposefully misconstrued by Georgia Regional employees and in court, 5/17/2016, used to call plaintiff insane and to substantiate their false diagnosis which were never challenged by the representing attorney Angela Dillon. Dillon never spoke with plaintiff related to

case or things going on in Georgia Regional. She never advised plaintiff as to her rights under the law, never made any kind of defense, and never informed as to the full events on 5/17/2016 or advised that plaintiff make statements for the record. There are some things that plaintiff saw happen to other people and things that happened to herself that she can't even discuss even though they are captured on video. Though there was an air of fear and intimidation for others, the behavior that caused fear and intimidation was more directed and extreme for plaintiff. Plaintiff reported chest pains and was ignored and denied the ability to lay down at the same time another simply said she didn't feel well and staff opened door without communication with even nurse. Other medical issues were ignored or made difficult to obtain attention while others received attention without effort.

24. 5/13/2016 was another hearing, for which, plaintiff was told by the attorney Angela Dillon at a following previous hearing, would lead to her release. Plaintiff never attended the hearing and was left from 7:30am to 2:30pm in a holding cell except for the short duration she was allowed to speak with attorney Dillon. From the court plaintiff was transferred to Gwinnett County jail with no order issued by the judge, plaintiff was not booked and once again held under no law or charge (plaintiff was on bail for the assault charge 2/2014 and violated no law and criminal contempt of court dismissed) until 5/17/2016 where there was another kangaroo hearing and where the charges were dismissed while plaintiff

waited in jail until the evening. Plaintiff was formerly dismissed by Georgia Regional 5/18/2016. She arrived at Georgia Regional 11/27/2015 due to hunger strike and was transferred to the forensic unit 12/3/2015.

## **V. CAUSE OF ACTION**

### **COUNT ONE FIRST AMENDMENT: FREE SPEECH CLAUSE (42 U.S.C. § 1983) (All Defendants)**

25. Plaintiff hereby incorporates by reference all above stated paragraphs.

26. Defendants, while acting under color of law, willfully, wantonly and callously violated the clearly established right to freedom of speech which caused damage to plaintiff.

27. All defendants attempted to chill and suppress the freedom of speech with a mix of different tactics: 1) intimidation, fear, retaliation 2) fake medical diagnoses and classification/stigma 3) manufacturing of statements and events 4) purposeful misrepresentation of statements and events 5) wrongful confinement and false imprisonment. From the behavior of all the defendants, the plaintiff became circumspect in relation to her speech. The roots of this case lie a well documented targeting program often called today the New Cointelpro which officially does not exist. Those who do write about, discuss, articulate, document this program are slandered, attacked, marginalized as schizophrenics, crazies and

conspiracy theorists. Experience has positively shown, that any brush with any of the social institutions is detrimental. Plaintiff learned from experience that she had no rights that anyone would defend.

**COUNT TWO  
AMENDMENT VI  
(42 U.S.C. §1983)**

28. Plaintiff hereby incorporates by reference all above stated paragraphs.

29. This violation is held against Judge, David Whitman, Debra Fluker and Angela Dillon. Defendants, while acting under color of law, willfully, wantonly and callously violated the clearly established right which caused damage to plaintiff.

**A. Quick and Speedy Trial**

30. 2/2014 was the charge of assault and the first court hearing after release took place 1/20/2015. There had been no communication with anyone not even the attorney, David Whitman. Calendar calls that accomplished nothing, status hearings and cancelled calendar dates, along with inaction was used to prolong proceedings over a period of years.

**B. Right to Assistance of Counsel**

31. In *Strickland v. Washington*, 466 U.S. 688 (1984) the Court states:  
“...the right to counsel is the right to the effective assistance of counsel”;  
“Representation of a criminal defendant entail’s basic duties. Counsel’s function is

to assist the defendant, and hence counsel owes the client a duty of loyalty, a duty to avoid conflicts of interest. From counsel's function as assistant to the defendant derive the overarching duty to advocate the defendant's cause and the mere particular duties to consult with the defendant on important decisions and to keep the defendant informed of important developments in the course of the prosecution. Counsel also has a duty to bring to bear such skill and knowledge as will render the trial a reliable adversarial testing process"; "That a person who happens to be a lawyer is present at trial along side the accused, however, is not enough to satisfy the constitutional command. The 6<sup>th</sup> Amendment recognizes the right to the assistance of counsel because it envisions counsel's playing a role that is critical to the ability of the adversarial system to produce just results"; counsel has duty to "...investigate each line [of defense] before making a strategic choice about which lines to rely on at trial." Plaintiff was constructively denied legal representation by the State of Georgia and Gwinnett County. Counsel did not work to aid plaintiff but conspired to undermine and harm plaintiff.

### **C. Confrontation Clause**

32. This violation is held against Judge Schrader, Debra Fluker, and R.L. Butch Conway. The right to confront Judge Schrader related to the wrongful charge of criminal contempt of court and to provide evidence and witnesses in her defense was denied to plaintiff. The jail sheriffs and its mental health workers,



informed along the way of plaintiff's false imprisonment, made no effort to report and correct the matter to establish a preliminary court hearing.

**COUNT THREE  
AMENDMENT VII: RIGHT TO JURY  
(42 U.S.C. § 1983)**

33. Plaintiff hereby incorporates by reference all above stated paragraphs.

34. This violation is held against Judge Schrader, David Whitman and Debra Fluker. Defendants, while acting under color of law, willfully, wantonly and callously violated the clearly established right which caused damage to plaintiff.

35. O.C.G.A. 17-7-130 provides the issue of mental competency to be determined by a special jury (denial of this right has become a standard procedure for Gwinnett Superior Court and various other courts) and plaintiff was denied this right on two occasions (March 4, 2015 and September 28, 2015).

**COUNT FOUR  
AMENDMENT VIII  
(42 U.S.C. § 1983)**

36. Plaintiff hereby incorporates by reference all above stated paragraphs.

37. Defendants, while acting under color of law, willfully, wantonly and callously violated the clearly established right which caused damage to plaintiff.

**A. Excessive Bail**

38. For the charge of contempt of court plaintiff was denied bail. This violation is held against Judge Schrader.

### **B. Cruel and Unusual Punishment (All Defendants)**

39. Judge Schrader, David Whitman, Debra Fluker, based on the personal presumption of guilt rather than innocence, conspired, evaded the law, and made wrongful use of the social systems and their positions to inflict punishment outside of the law on plaintiff who was further victimized (with the expectation that plaintiff would be victimized) upon contact with each institution (jail and mental health hospital). These defendants flagrantly flaunted their power in an attempt to cause permanent life changing, emotional and psychological damage for the simple fact that they could with impunity and they were doing what was expected to be done to political targets. These defendants intended to stigmatize plaintiff as crazy, incompetent and dangerous. Truth, justice, evidence was undesirable and unnecessary and all proceedings were one sided against plaintiff.

40. Corizon Health mental health workers with the intent to cause suffering and demoralization, were involved in making false statements, conspiring, inflicting of emotional distress with manipulative psychological tactics, punitive isolation based on made up classifications, and negligence. False classifications of Corizon lead to the deprivation of normal human contact, environmental and sensory stimulation, physical exercise, denial of access to the legal library, the ability to maintain proper hygiene, loss of dignity, loss of visitations/meaningful activity and a denial of a normal jail experience.

41. R.L. Butch Conway hiding behind jail deputies, mental health workers allowed for abuse and false imprisonment of the plaintiff that took place on two occasions while in the jail he was in charge of. While at Georgia Regional, plaintiff filed a Writ of Habeas Corpus in the U.S. District Courts in Atlanta for which he was a respondent and yet on 5/13/2016 – 5/17/2016 plaintiff was once again falsely imprisoned in his jail and endured more abuse.

42. Dr. Charles Li, hiding behind Georgia Regional staff, allowed for the abuse and continued abuse of plaintiff. Plaintiff was subjected to psychological abuse/manipulation, disparate treatment, embarrassment/stigma, manufactured incidents, false statements, harassment, arbitrary rules, retaliation, false medical diagnosis, fear, neglect of physical health care, denial of normal experience and discrimination (sex and a class of one). Dr. Li was a party in the Writ of Habeas Corpus submitted 12/2015. All Georgia Regional staff treated plaintiff as a target should expect to be treated. Their abuse was never abuse, injustice was never injustice, but plaintiff's mental illness.

**COUNT FIVE  
AMENDMENT XIV  
(42 U.S.C. § 1983)  
(All Defendants)**

43. Plaintiff hereby incorporates by reference all above stated paragraphs.

44. Defendants, while acting under color of law, willfully, wantonly and callously violated the clearly established right which caused damage to plaintiff.

### **A. Equal Protection**

45. The constitution states that no State shall "...deny to any person within its jurisdiction the equal protection of the laws." All defendants were obligated to make proper use of the law, procedures, regulations, institutional policies, professional standards and afford the same protections that are afforded to other citizens and human beings to the plaintiff and they refused. Elements of such aforementioned things are prevalent in some cases but rarely do such things occur to one person. Denial of equal protection is the germ for all other violations sprout. It is a state of existence that the plaintiff still endures and has been enduring for over 20 years. In *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000), the Supreme Court states: "Our cases have recognized successful equal protection claims brought by a "class of one," where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment." As a target the plaintiff represents a class of one.

### **B. Due Process Violation**

46. Plaintiff hereby incorporates by reference all above stated paragraphs.

47. False statements; false imprisonment (plaintiff held in jail longer than those convicted of contempt of court); false charges (criminal contempt of court); improper court proceedings; constructive denial of legal representation; conspiracy

to deprive plaintiff of constitutional rights; denial of independent, private mental health professional to be first competency evaluation; suppression of favorable evidence; lack of meaningful defense and arguments; denial of right to be presented in front of a judge not party to the case for the charge of criminal contempt of court; denial of legal representation for the charge of contempt of court; improper contempt of court order can be attributed to Judge Schrader, David Whitman, Angela Dillon, and Debra Fluker.

48. Corizon health and R.L. Butch Conway: indefinite solitary confinement (atypical hardship) without due process. R.L. Butch Conway allowed for false imprisonment in his jail on two occasions. The first occasion upon an order written by Schrader that was clearly inappropriate and made no use of any safety net procedures related to false imprisonment of inmates who've received a charge but were not provided a court date for the charge. 5/13/2016 there was no order or charge holding plaintiff in jail and she was never booked. Dr. Li was responsible for continued false imprisonment at Georgia Regional, false statements in court and reports made by his staff submitted to the court. Rather than being returned to Georgia Regional after court on 5/13/2016, he allowed plaintiff to be held in Gwinnett County jail without any proper documentation from Georgia Regional, and no charge and no questions.

**COUNT SIX**  
**False Imprisonment**  
**(42 U.S.C. § 1983)**

49. Plaintiff hereby incorporates by reference all above stated paragraphs.

50. The actions were willful, intentional and callous and violated a clearly established right which caused damage to plaintiff. This violation is held against Judge Schrader, Debra Fluker, Dr. Li, R.L. Butch Conway and Angela Dillon.

51. Plaintiff was held in false imprisonment from 9/28/15 – 5/17/16.

O.C.G.A. § 50-21-23 waives immunity for the torts of state officers and employees acting within the scope of their employment for false imprisonment and O.C.G.A. § 50-21-24 exempts State from liability of false imprisonment. 25 CFR § 11.404 provides that false imprisonment is a misdemeanor crime. The tort for which actions for damages lie is O.C.G.A. § 51-7-20 (“...the unlawful detention of the person...for any length of time, whereby such person is deprived of his personal liberty.”).

**COUNT SEVEN**  
**CONSPIRACY**  
**(42 U.S.C. § 1983)**  
**(Against All Defendants)**

52. Plaintiff hereby incorporates by reference all above stated paragraphs.

53. Defendants, while acting under color of law, willfully, wantonly and callously violated the clearly established right which cause damage to plaintiff.

54. The defendants were in implicit and/or explicit an agreement amongst themselves to deprive plaintiff of constitutional rights and to punish outside proper legal procedures.

**COUNT EIGHT**  
**NEGLIGENCE/FAILURE TO PREVENT VIOLATIONS**  
**(42 U.S.C. § 1983)**  
**(Against All Defendants)**

55. Plaintiff hereby incorporates by reference all above stated paragraphs.

56. Defendants had personal knowledge of the events described herein. Defendants, while acting under color of law, willfully, wantonly and callously violated the clearly established right which caused damage to plaintiff.

57. In the manner described above, as these constitutional violations were taking place, the defendants stood by without intervening to prevent the misconduct.

**COUNT NINE**  
**SUSPENSION CLAUSE: ART. 1, SECT. 9, CL. 2**

58. Plaintiff hereby incorporates by reference all above stated paragraphs.

59. This violation is held against R.L Butch Conway, Dr. Charles Li and Corizon Health who were acting under color of law and willfully, wantonly, callously violated the clearly established right which caused damage to plaintiff.

60. The Suspension Clause of the constitution states, "the privilege of the writ of habeas corpus shall not be suspended." The Writ of Habeas Corpus was

completely suspended while the plaintiff was in Gwinnett County jail because of wrongful solitary confinement. Georgia Regional worked to interfere (and for a period of time suspended process) with the process of the Writ of Habeas with denial of pen and other aforementioned actions.

**COUNT TEN  
GENDER DISCRIMINATION  
(42 U.S.C. § 2000a)**

61. Plaintiff hereby incorporates by reference all above stated paragraphs.

62. Defendant, while acting under color of law, willfully, wantonly and callously violated the clearly established right which caused damage to plaintiff.

63. This violation is held against Dr. Charles Li who, acting through his employees, implemented a verbal policy and/or practice which denied plaintiff and other women full and equal enjoyment of the bathroom facilities. Female patients, unlike the male patients, had a single toilet bathroom that was kept locked, no separate shower facilities and had to request that staff unlock the bathroom for each use. This allowed the Georgia Regional staff to show their bias and disparate treatment that inflicted distress. Plaintiff would ask for the bathroom door to be opened and would be completely ignored.

**VI. RELIEF**

WHEREFORE, on all Counts One through Ten, the Plaintiff respectfully requests that this Court grant the following relief:



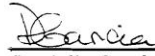
A. A declaratory judgment pursuant to 42 U.S.C. § 1983 finding that the Defendants' acts, policies, practices, and customs at issue are unconstitutional and violated Georgia and federal law;

B. A permanent injunction enjoining Defendants from continuing to enforce or implement the unconstitutional policies, acts, practices, and customs;

C. Order the expungement of arrest and mental records;

D. Grant such other relief as this Court deems just and proper.

Respectfully Submitted,



---

Danielle Garcia  
Pro Se

Dated: 9/6/2016

EXHIBIT A

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS

DANIELLE SIMONE GARCIA

\*  
\*  
\*  
\*

• CASE NO 14-B-04855-3

MICHAEL ALEXANDER CLERK

14123010101  
CLERK DEPTOR CC  
GWINNETT COUNTY  
15 MAR 11 PM 4 06

**SPECIAL PLEA OF NOT GUILTY BY REASON OF INSANITY**

COMES NOW, the Defendant, by and through the undersigned counsel, and enters a Special Plea of Not Guilty by Reason of Insanity by showing this Court as follows

1

The Defendant was indicted in the above-styled case for one count of aggravated assault allegedly occurring on or about February 6, 2014 in Gwinnett County, Georgia

2

This Court ordered a psychiatric evaluation of the Defendant in an Order dated January 13, 2015 seeking guidance on the issues of the Defendant's competency to stand trial and criminal responsibility

3

In a written evaluation by Patricia O'Connell, Ph D dated February 3, 2015, it was determined that the Defendant exhibited symptoms of a psychotic disorder during the evaluation including undue suspiciousness and illogical thinking

4

The written evaluation states that the Defendant's delusional and illogical thoughts prevented her from exhibiting competency skills. The Defendant was unable to rationally discuss the incident described in police reports. The Defendant exhibited undue suspiciousness about her attorney.

5

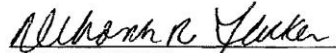
Dr. O'Connell concluded that the Defendant was not competent to stand trial at the time of the evaluation.

6

The Defendant hereby demands a civil bench trial on the issue of the Defendant's competency to stand trial in this matter pursuant to O.C.G.A. 17-7-130 (b)(2).

This the 11th day of March, 2015.

Respectfully submitted,



DEBORAH R. FLUKER  
ATTORNEY FOR DEFENDANT  
GA BAR NO. 512515

THE FLUKER LAW FIRM, P.C.  
DEBORAH R. FLUKER, ESQ.  
175 LANGLEY DRIVE, SUITE D-3  
LAWRENCEVILLE, GA 30046  
(770) 339-1818 (TELEPHONE)  
(770) 682-3002 (FACSIMILE)

EXHIBIT B

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

VS

DANIELLE SIMONE GARCIA

\*  
• CASE NO 14-B-04855-3  
\*  
\*  
\*

FILED BY OFFICE  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA  
2015 SEP 28 AM 11 07  
RICHARD ALEXANDER, CLERK

SPECIAL PLEA OF NOT GUILTY BY REASON OF INSANITY

COMES NOW, the Defendant, by and through the undersigned counsel, and enters a Special Plea of Not Guilty by Reason of Insanity by showing this Court as follows

1

The Defendant was indicted in the above-styled case for one count of aggravated assault allegedly occurring on or about February 6, 2014 in Gwinnett County, Georgia

2

This Court ordered a psychiatric evaluation of the Defendant in an Order dated January 13, 2015 seeking guidance on the issues of the Defendant's competency to stand trial and criminal responsibility

3

In a written evaluation by Patricia O'Connell, Ph D dated February 3, 2015, it was determined that the Defendant exhibited symptoms of a psychotic disorder during the evaluation including undue suspiciousness and illogical thinking

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The written evaluation states that the Defendant's delusional and illogical thoughts prevented her from exhibiting competency skills. The Defendant was unable to rationally discuss the incident described in police reports. The Defendant exhibited undue suspiciousness about her attorney.

5

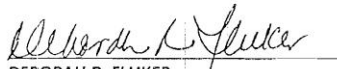
Dr. O'Connell concluded that the Defendant was not competent to stand trial at the time of the evaluation.

6

The Defendant hereby demands a civil bench trial on the issue of the Defendant's competency to stand trial in this matter pursuant to O.C.G.A. 17-7-130 (b)(2).

This the 28th day of SEPTEMBER, 2015.

Respectfully submitted,



DEBORAH R. FLUKER  
ATTORNEY FOR DEFENDANT  
GA BAR NO. 512515

THE FLUKER LAW FIRM, P.C.  
DEBORAH R. FLUKER, ESQ.  
175 LANGLEY DRIVE, SUITE D-3  
LAWRENCEVILLE, GA 30046  
(678) 964-4466 (TELEPHONE)  
(770) 682-3002 (FACSIMILE)

EXHIBIT C



FILED IN OFFICE  
JERK SUPERIOR COURT  
GWINNETT COUNTY, GA  
13 SEP 28 PM 4 29  
FARO ALEXANDER, CLERK

IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

v

DANIELLE SIMONE GARCIA

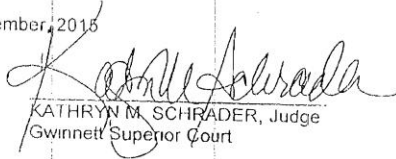
Defendant

Criminal Case Number 14-B-4855-3

ORDER

The Court finds the Defendant in contempt and held in custody until further Order of  
the Court

SO ORDERED this 28<sup>th</sup> day of September, 2015

  
KATHRYN M. SCHRADER, Judge  
Gwinnett Superior Court

Copies to  
Deborah Fluker, Attorney for Defendant  
Gwinnett County District Attorney's Office

EXHIBIT D

SV

SESSOMS VIRGUEZ

ATTORNEYS AT LAW

4 January 2015

Ms. Danielle Garcia

RE: Termination of Legal Representation

Dear Ms. Garcia,

This letter is in reference to the telephonic conversation we had on December 28, 2015. As discussed on said date, we are no longer representing you in your current case with the Superior Court of Gwinnett County. I was hired by your daughter, Ms. Burton, on October 30, 2015 to investigate the reason why you were being detained in the Gwinnett County Detention Center. Ms. Burton did not know why you were detained and I agreed to investigate the nature of the arrest stemming from your arraignment date. I quoted your daughter \$2,000.00 for your case. I charged \$1,000.00 to investigate the nature of the arrest and \$1,000.00 if we could do a motion to request a bond hearing on your case.

I came and initially visited you at Gwinnett County Detention Center on November 3, 2015. During that consultation you explained to me your case and that you were detained for a contempt order. We obtained a copy of your file from the Gwinnett County Clerk's office and found a Order on Plea of Mental Incompetency to Stand Trial filed on September 28, 2015. I then called Ms. Deborah Fluker, your previous defense attorney, on November 4, 2015. Ms. Fluker confirmed to me that you were not detained for a contempt order and were detained due to the Order in Plea of Mental Incompetency to Stand Trial. The order was signed by the Honorable Judge Schrader on September 28, 2015. I called your mother, Ms. Julie Gibbs, and let her know why we could not file a bond motion on your case.

I came to visit you on November 9, 2015 and explained to you the reasons that we could not file for a bond hearing. I gave you copy of the order signed by Judge Schrader during my visit. I explained to you that due to this particular order that you were going to be moved to Georgia Regional Center to be evaluated.

Due to the reasons stated above, we were not able to file a bond motion on your case and the representation on your case has been terminated. I did not charge you the remaining \$1,000.00 since we were not able to file the bond motion. Attached you

will find a copy of your file. If you have any questions you can contact me at 404.315.7222. Thank you for your attention on this matter.

Regards,



Luis A. Virquez, Esq.

Enclosures

EXHIBIT E

STATE OF GEORGIA

STATE OF GEORGIA

vs

Case No 14-B-04855-3

DANIELLE SIMONE GARCIA

ORDER IN PLEA OF MENTAL  
INCOMPETENCY TO STAND TRIAL

FILED IN OFFICE  
CLERK SUPERIOR COURT  
GWINNETT COUNTY GA  
2015 SEP 28 PM 4:29  
ICHARU ALEXANDER, CLERK

The defendant in the above styled case has been evaluated by a forensic psychiatrist employed by the Department of Behavioral Health and Developmental Disabilities. The forensic psychiatrist, after an extensive evaluation of the defendant, has determined that the defendant has exhibited symptoms of a psychotic disorder for approximately four years. The forensic psychiatrist further found that the defendant's delusional and illogical thoughts prevented her from exhibiting competency skills and that she was unable to rationally discuss the incident described in police reports. The defendant was found to exhibit undue suspiciousness about her attorney and at the time of the evaluation was found incompetent to stand trial.

Wherefore, the Court finds that the defendant be deemed incompetent to stand trial at this time and that the defendant be placed into the custody of the Department of Behavioral Health and Developmental Disabilities pursuant to O C G A 17-7-130.

After consideration of all the medical evidence and the psychiatric findings, the Court finds the defendant incompetent to stand trial.

Now therefore, the Court hereby **ORDERS** that the defendant be confined in a State Facility for the mentally ill and that within ninety (90) days after the Department of Behavioral Health and Developmental Disabilities has received custody of the defendant, the defendant shall be evaluated and a diagnosis made as to whether the defendant is then competent to stand trial or whether there is a substantial probability that the defendant will at some future time obtain mental competency to stand trial in the above styled case.

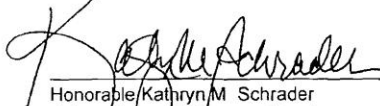
applicable in this case. This Court will make the determination concerning civil commitment should such a decision become necessary. The Court will rule on this issue as it arises following the ninety (90) day evaluation period by the Department of Behavioral Health and Developmental Disabilities.

It is further ORDERED that the Department of Behavioral Health and Developmental Disabilities should report their findings and the reasons therefore to this Court.

It is the further ORDER of this Court that the Sheriff of Gwinnett County shall transport and deliver said defendant to the State Hospital for the mentally ill to be selected by the Department of Behavioral Health and Developmental Disabilities along with two copies of this Order.

The Court further ORDERS that the defendant be confined and treatment rendered in accordance with O.C.G.A. 17-7-130.

SO ORDERED, this 20<sup>th</sup> day of SEPTEMBER, 2015

  
\_\_\_\_\_  
Honorable Kathryn M. Schrader  
Judge, Gwinnett Superior Court

cc Matt Acuff Assistant District Attorney  
Deborah R. Fluker Attorney For Defendant  
Gwinnett County Sheriff's Office

EXHIBIT F



IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

vs

CASE NO 14-B-4855-3

DANIELLE SIMONE GARCIA

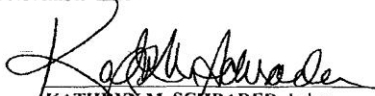
FILED IN OFFICE  
CLERK SUPERIOR COURT  
GWINNETT COUNTY GA  
2015 NOV 19 PM 4 42  
RICHARD ALEXANDER CLERK

ORDER DISMISSING CONTEMPT

The Defendant in the above-styled case having come before this Court on September 28 2015 and having been held in contempt by Order of the Court on said date IT IS HEREBY ORDERED that said Order be dismissed

IT IS FURTHER ORDERED that Defendant be held in custody until such time as she is transported to the Department of Behavioral Health and Developmental Disabilities

SO ORDERED this 19<sup>th</sup> day of November 2015

  
KATHRYN M. SCHRADER, Judge  
Gwinnett County Superior Court

cc District Attorney's Office  
Deborah Fluker Attorney for Defendant

EXHIBIT G

Danielle Garcia

May 27, 2016

**By Certified Mail**

Dr. Charles Li  
Georgia Regional Hospital  
3073 Panthersville Rd.  
Bldg. 1  
Decatur, GA 30034

Gwinnett County Sheriff  
R.L. Butch Conway  
2900 University Parkway  
Lawrenceville, GA 30046

Chairman, Gwinnett County Board  
of Commissioners  
Charlotte Nash  
75 Langley Drive  
Lawrenceville, GA 30046

Gwinnett County Superior Court  
Judge Kathryn Schrader  
75 Langley Drive  
Lawrenceville, GA 30046

Candy Kidd, Director of Risk Management  
Division of the Department of Administrative Services  
200 Piedmont Avenue, S.E.  
Suite 1804, West Tower  
Atlanta, Georgia 30334-9010

David Whitman  
P.O. Box 1183  
Lawrenceville, GA 30046

Debra Fluker  
175 Langley Drive  
Lawrenceville, GA 30046

Angela Brown Dillon  
2024 Beaver Ruin Rd  
Norcross, GA 30071

Corizon Health Legal Dept  
103 Powell Court  
Brentwood, TN 37027  
(800) 729-0069

Director of Mental Health Services  
Corizon Health at Gwinnett County Jail  
2900 University Parkway  
Lawrenceville, GA 30046

RE: Claimant: Danielle Garcia  
Claimant's Date of Birth: July 30, 1970  
Date of Incidents: 2/5/2014 – 5/18/2016  
Location of Incident: Gwinnett County Superior Court,  
Gwinnett County Jail  
Georgia Regional Hospital Atlanta  
Employees: Judge Kathryn Schrader  
R.L. Butch Conway  
Dr. Charles Li

David Whitman  
Angela Brown Dillon  
Debra Fluker  
Corizon Health

**Ante Litem Notice of Claim**

Dear Risk Manager of State of Georgia, Chairman of Gwinnett County Board of Commissioners, Dr. Charles Li, R.L. Butch Conway, Judge Schrader, Debra Fluker, Angela Dillon, David Whitman and Corizon Health:

This ante litem notice of a claim is provided pursuant O.C.G.A. § 50-21-26 (for State entities) and O.C.G.A. § 36-11-1 (for Gwinnett County) and any other applicable provisions of law.

February 5, 2014 was charge aggravated assault. I was held in solitary confinement wrongfully at Gwinnett County jail for refusing to speak with mental health workers prior to being bailed and was intentionally subjected to emotional distress by guards and mental health workers. After bail no action was taken on the case for almost 1 year creating quick and speedy trial issues. The appointed attorney David Whitman made no effort to return calls, communicate in any way or in writing. Without attempting to communicate with me or review any evidence related to my claims, Whitman motioned court, wrongfully, for a competency evaluation. Whitman refused to communicate, advise me related to rights or any matters at all related to the case. There was no verbal communication related to the facts of the case and only a written response was provided per his request which was shared with Georgia Regional, Judge, DA in violation of confidentiality rules associated with his legal profession. He made no motion to dismiss the case of assault based on insufficient evidence or other reasoning, he made no effort in defense at all and colluded with Judge, DA, and Georgia Regional to backdoor me into the insane asylum. Upon accepting the competency evaluation, I requested to have a private psychologist perform and was ignored, thus denied, by both judge and Whitman in violation of due process. The results of the Georgia Regional determining wrongfully, incompetency, were both expected and desired. Georgia Regional's psychologist, Patricia O'Connell, provided the necessary false statements (the piece of paper) and wrongful conclusions needed to unlawfully detain me. A private psychologist would have determined me competent as was done by Dr. Paul Walters after being allowed a second opinion. Whitman never scrutinized the report or the statements of Patricia O'Connell, never defined a scope to limit her questioning and actions and intimidated me into improperly answering all questions, was not present during evaluation, made no effort to defend my interests and rights and refused to speak with me related to the accuracy of the report which was simply just accepted as truth. These are violations of Amendment VI of Constitution and the ineffectiveness of all Gwinnett County appointed counsel rose to the level of a constructive denial of legal representation. I was never afforded a proper hearing related to competency and not afforded the right to a special jury in violation of Constitution and Georgia law. After new appointed counsel, Debra Fluker, and the second opinion by Paul Walters, the judge declared me competent and the case proceeded on that basis. Various calendar calls and rescheduled trial dates were again used to delay action.

9/28/2015 I was told by Debra Fluker, confirmed by the clerk of the judge, that this was the beginning of trial for which no jury had been selected. I had not at any time waived the right to jury nor was the request to waive presented to me by the judge or Fluker. I was, since the beginning, subjected to kangaroo proceedings where due processes were ignored, evidence and getting to the truth was not desired, personal opinions and politics clouded and the desire to maliciously inflict harm outside of the law based on the presumption of guilt rather than innocence. Apparently, legally, there was no case but that did not stop these participants from acting under the color of law and denying me Equal Protection under the law as afforded all others. 9/28/2015 the judge charged me wrongfully with criminal contempt of court, a law I did not violate. I was accused of rolling my eyes once. It was simply a manufactured pretext to snatch me off the streets and throw me into the jail. This was attempted previous 3/4/2015 but Whitman stated that the judge hadn't the power and I could drive myself to Georgia Regional. The failure to provide special juries and the skipping of other due processes protections seems to be consistent habit for Gwinnett County. I was held on the charge of contempt of court in Gwinnett County jail from 9/28/2015-11/27/2015. I was denied the right to be presented in front of another judge as Schrader had become embroiled in matter. I was denied legal representation and denied bail and simply held in jail. Fluker lied to Attorney Luis Virguez and said that I was not charged with contempt of court at all and during that whole time in jail made no effort to speak with me, defend my rights, or make any kind of defense at all. Following behind the false charge of contempt of court was an order to be sent to Georgia Regional for a 90 Return to Competency. The judge declared me 'incompetent' based on false statements made by attorney Debra Fluker who said that I refused to speak with her related to the case. I told the judge that is not true and offered to provide evidence in emails and recorded conversations. The judge refused to hear as she had another agenda in mind. Collusion by the judge, DA and my attorneys allowed this events to be achieved as I had no assistance from anyone. Fluker, against my interests, from her Special Plea, allowed competency to be determined from the bench denying me the right to jury which could have interfered with their objective. The Order written by the judge does not conform to the proper legal standard and leaves out even the reason or action for the charge of contempt of court. This information can only be had from transcripts, for which, despite repeated requests, are not made available. 11/19/2015 the judge dismissed the charge of contempt of court and maintained in that order that I should still be held in jail and was held in jail on no charge whatsoever. 11/27/2015 I was transferred to Georgia Regional based on a hunger strike. While in jail the second time I was once again put in solitary confinement almost the whole time for refusing to speak with mental health workers or whatever reason they decided to make up which was continuously changing. I was, again, subjected to intentional infliction of emotional distress. The Writ of Habeas Corpus was illegally suspended as these institutions acted as petty tyrants and there is no form or procedure for those unlawfully being detained and because of wrongful classifications, I was denied access to the legal library.

While at Georgia Regional hospital I was subjected to intentional infliction of emotional distress and psychological abuse by the staff and all complaints ignored. Upon initiating a Writ of Habeas with the US District Courts, the staff arbitrarily restricted pen use, whimsically changed the unwritten pen policy 2-3 times in a week, denied me the use of pen to impede my ability to do a Writ of Habeas. I was told by staff in a sing song way "for every action there is a reaction." Georgia Regional denied to provide statutes, denied notary public, denied copies also to impede successful attempts at a writ. Emotional distress was inflicted daily. While at Georgia

Regional the assigned attorney, Debra Fluker, made no effort to communicate with me at all. Later, another attorney, Angela Dillon, was assigned and she only spoke with me once and limited the short discussion to Georgia Regional's desire to force medicate me. She had no desire to listen to anything else or advise me on my rights and found none of the events that occurred to date of her appointment problematic. 5/13/2016, upon being transferred to court for a hearing, I was held from 7:30am to 2:30pm in the holding cell and never presented to the court. For only a brief minute I spoke with Angela Dillon. On 5/13/2016, I was once again transferred to Gwinnett County jail and held til 5/17/2016 on no charge (additional false imprisonment). 5/17/2016 I was subjected to another hearing for which the attorney presented no meaningful argument, false statements made and put on court record, no communication with me by the attorney as to what would occur, no defense was made by the attorney to protect my rights under the law. 5/18/2016 Georgia Regional issued a discharge as the case was dismissed 5/17/2016.

Additional violation of Georgia Regional is discrimination based on gender. Georgia Regional fails to provide equal bathroom/shower facilities for women and to purposefully increase frustration and patient/staff conflicts, locks the women's bathroom to where the women, unlike the men (whose bathroom was left unlocked and open at all times), must routinely ask staff to open the door. Staff, to be nasty and retaliatory (to myself), will more often than not ignore requests to open the bathroom and complain verbally and through expressions at having to open the bathroom door. Women have the right to equal bathroom/shower facilities and equal access to these facilities similar to the men and not having to ask a staff member to open the bathroom door upon need.

There are still lingering adverse consequences and damages that I suffer from in relation to all these illegal acts. Because of the wrongfully determination of incompetency I am occluded from carrying on certain legal affairs and business and denied the right to vote. The intentional infliction of emotional distress is irreparable and done with the full knowledge that I suffered from Post-Traumatic Stress because of workplace mobbing. I've lost property and income. Seeking 42 U.S.C. Section 1983 claim against Judge Kathryn Schrader of Gwinnett Superior Court, Dr. Charles Li of Georgia Regional Hospital, R.L. Butch Conway overseer of Gwinnett County jail and sheriffs and Corizon Health at Gwinnett County Jail. Also included are the attorneys David Whitman, Debra Fluker, Angela Dillon who are employed by the State of Georgia as public defenders and shared a nexus, joint connection with these public officials in these unlawful activities aforementioned. The suit is in the amount of \$150 million dollars collectively against state or \$25 million individually.

#### **Notice of the Claim**

You are hereby notified of the claim against these people in their official and individual capacities.

Sincerely,



Danielle Garcia

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DANIELLE GARCIA,

Plaintiff,

v.

DR. CHARLES LI, *et al.*,

Defendants.

CIVIL ACTION

NO. 1:16-cv-03333-AT

**MAGISTRATE JUDGE'S FINAL REPORT,  
RECOMMENDATION, AND ORDER**

Plaintiff Danielle Garcia ("Garcia"), proceeding *pro se*, seeks to file her complaint against Dr. Charles Li ("Dr. Li"), Director of Georgia Regional Hospital; Gwinnett County Sheriff R.L. Butch Conway ("Sheriff Conway"); Gwinnett County Superior Court Judge Kathryn Schrader ("Judge Schrader"); Corizon Health, Inc. ("Corizon"); David Whitman ("Whitman"); Angela Brown Dillon ("Dillon"); and Debra Fluker ("Fluker"),<sup>1</sup> collectively referred to as "defendants," without prepayment of fees and costs or security therefor pursuant to 28 U.S.C. § 1915(a). [Doc. 1].<sup>2</sup> After consideration by the Court of the affidavit of indigency, it is

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<sup>1</sup> Dillon, Fluker, and Whitman were public defenders who represented Garcia at various times during the prosecution of the criminal case at issue in this action.

<sup>2</sup> The document and page numbers in citations to the record refer to the documents and pages listed in the Adobe file reader linked to this Court's electronic filing database, CM/ECF.

ORDERED that Garcia's request to proceed *in forma pauperis* be GRANTED pursuant to 28 U.S.C. § 1915(a). However, the Court must also determine whether Garcia's complaint is frivolous and, if so, must dismiss it without prejudice. See 28 U.S.C. § 1915(e)(2); Neitzke v. Williams, 490 U.S. 319, 324 (1989). Because Garcia's allegations fail to state a claim upon which relief may be granted in federal court, it is RECOMMENDED that Garcia's complaint, [Doc. 1-1], be DISMISSED WITHOUT PREJUDICE as frivolous.

#### I. FACTUAL BACKGROUND

Garcia was arrested on a charge of aggravated assault on February 6, 2014.<sup>3</sup> [Doc. 1-1 at 3 ¶ 12]. Garcia alleges that she did not receive bail until "several weeks after" and that "[f]or almost a year nothing was done" due to "several wasted calendar call court dates and rescheduled trial dates used to delay the process." [Id.]. In January 2015, Whitman, Garcia's public defender at that time, submitted a motion for a competency evaluation "without any attempt to communicate with [Garcia]." [Id. at 7 ¶ 18]. Garcia "refused to take the competency evaluation and questioned her constitutional rights related to the process," and according to Garcia, Whitman shouted at her and walked away. [Id.]. Garcia then agreed to the evaluation, though she requested it be done by a private psychologist, which was

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<sup>3</sup> Unless otherwise indicated, the facts are taken from Garcia's complaint, and do not constitute findings of fact by the Court.



ultimately “ignored.” [Id.]. The evaluation was performed at Georgia Regional Hospital and resulted in a finding that Garcia was not competent to stand trial. [Id.]; see also [Doc. 1-4 at 3]. However, a second evaluation was performed, and it resulted in Judge Schrader finding that Garcia was competent to stand trial. [Doc. 1-1 at 7-8 ¶ 18].

Garcia’s trial was set to begin on September 28, 2015, and although she “did not waive her right to a jury nor was she asked by the judge or her appointed counsel to waive her right to [a] jury,” no jury was selected. [Id. at 5 ¶ 13]. Garcia alleges that Fluker, her public defender at the time, made allegedly “false statements to Judge Schrader suggesting that [Garcia] refused to speak with her related to the case,” and Judge Schrader held Garcia “in contempt of court on the accusation of rolling her eyes once.” [Id. at 4 ¶ 14, 8 ¶ 20 (internal marks omitted)]; see also [Doc. 1-5 at 2]. After Garcia was taken into custody, a special plea of not guilty by reason of insanity was entered by Fluker, which Garcia alleges “was against [her] interests.” [Doc. 1-1 at 4 ¶ 14]; see also [Doc. 1-4 at 2-4]. On the same day, Judge Schrader also declared Garcia incompetent to stand trial.<sup>4</sup> [Doc. 1-1 at 4 ¶ 15; Doc. 1-6 at 2].

Judge Schrader ordered Garcia to be evaluated at Georgia Regional Hospital. [Doc. 1-1 at 5 ¶ 16; Doc. 1-7 at 2-3]. On November 19, 2015, Judge Schrader issued

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<sup>4</sup> Garcia asserts that “[t]here was no special jury and competency was left to be determined by the bench.” [Doc. 1-1 at 6 ¶ 17].

an order dismissing the previous order holding Garcia in contempt and ordering that Garcia be held until she was transferred to Georgia Regional Hospital for evaluation. [Doc. 1-1 at 5 ¶ 16; Doc. 1-8 at 2]. On November 27, 2015, Garcia initiated a “hunger strike” and was “prematurely” sent to Georgia Regional Hospital. [Doc. 1-1 at 5 ¶ 16]. Garcia claims that she was held from September 28, 2015, until November 27, 2015, in the Gwinnett County Detention Center for “criminal contempt of court,” [*id.* at 5 ¶ 15], but a letter from counsel obtained by Garcia’s daughter indicates that she was “not detained for a contempt order [but] [was] detained due to the Order in Plea of Mental Incompetency to Stand Trial,” [Doc. 1-6 at 2]; *see also* [Doc. 1-7 at 2-3].

Garcia claims that, while she was at the Gwinnett County Detention Center and Georgia Regional Hospital, she was “held almost the whole time in solitary confinement for fabricated reasons” and that she was “denied access to the legal library, pens, paper, hygiene products (such as [a] comb) and held 24 hours in her cell.” [Doc. 1-1 at 5-6 ¶ 16]. At the Gwinnett County Detention Center, Corizon workers “hound[ed] [her] to communicate with them and put her in solitary confinement . . . as they had the desire to declare [her] incompetent.” [*Id.* at 8-9 ¶ 21]. She “was told that she could not get out of solitary confinement until she spoke with [the Corizon mental health workers].” [*Id.* at 9 ¶ 21]. When she did speak with

them, she alleges the “Corizon mental health workers [] would simply use the opportunity to inflict emotional distress and lie.” [Id. at 10 ¶ 21].

Garcia alleges that she encountered “similar things” at Georgia Regional Hospital. [Id. at 10 ¶ 22]. In particular, she claims that there were “special rules for [her],” and that “the rules related to the use of [] pens[] were changed without warning” for the purpose of impeding a writ of habeas corpus. [Id.]. Garcia asserts that a written complaint she sent to Dr. Li, the medical director of Georgia Regional Hospital, was ignored, and that she was retaliated against for making complaints as hospital staff would open the bathroom door when she was using it. [Id. at 11 ¶ 22]. After she complained, the single bathroom for women was “left locked” while the “men’s bathroom was never locked and was a multi-toilet bathroom.” [Id.].

Dillon, Garcia’s public defender at that time, informed her that a hearing, which “would lead to her release,” would be held on May 13, 2016, but Garcia did not attend the hearing and “was left from 7:30am to 2:30pm in a holding cell except for a short duration [in which] she was allowed to speak with [] Dillon.” [Id. at 12 ¶ 24]. On May 17, 2016, another hearing was held, at which the incidents at Georgia Regional Hospital were used to “call [her] insane” and were not challenged by Dillon. [Id. at 11 ¶ 23, 12 ¶ 24]. Garcia alleges that the charges were dismissed at

this hearing, and she “was formerly [sic] dismissed by Georgia Regional [Hospital on] 5/18/2016.” [Id. at 12-13 ¶ 24].

On September 6, 2016, Garcia filed this action alleging various claims pursuant to 42 U.S.C. § 1983 (“§ 1983”), as well as claims for violation of her right of access to the courts and gender discrimination. See [Doc. 1-1]. Garcia seeks a declaratory judgment pursuant to § 1983 finding defendants’ acts, policies, practices, and customs at issue are unconstitutional and violated Georgia and federal law; a permanent injunction enjoining defendants from continuing to enforce or implement the unconstitutional policies, acts, practices, and customs; an order expunging her arrest and mental health records; and any other relief this Court deems proper. [Id. at 24].

## II. STANDARD

Under 28 U.S.C. § 1915(e)(2), “the court shall dismiss [an *in forma pauperis*] case at any time if the court determines that . . . the action or appeal-- (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” The United States Supreme Court in Neitzke explained the rationale for *sua sponte* dismissal as follows:

[A] litigant whose filing fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain from

filing frivolous, malicious, or repetitive lawsuits. To prevent such abusive or captious litigation, § 1915(d) authorizes federal courts to dismiss a claim filed *in forma pauperis* “if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious.” Dismissals on these grounds are often made *sua sponte* prior to the issuance of process, so as to spare prospective defendants the inconvenience and expense of answering such complaints.

490 U.S. at 324 (citing 28 U.S.C. § 1915(d); Franklin v. Murphy, 745 F.2d 1221, 1226 (9th Cir. 1984)). A complaint is frivolous if “it lacks an arguable basis either in law or in fact,” *id.* at 325, or “if the ‘plaintiff’s realistic chances of ultimate success are slight,” Clark v. State of Ga. Pardons & Paroles Bd., 915 F.2d 636, 639 (11th Cir. 1990) (quoting Moreland v. Wharton, 899 F.2d 1168, 1170 (11th Cir. 1990) (per curiam)). A claim is frivolous when it appears from the face of the complaint that the factual allegations are “clearly baseless” or that the legal theories are “indisputably meritless.” Nietzke, 490 U.S. at 327; Bilal v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001) (citation omitted). “‘Fantastic’ or ‘delusional’ allegations are examples of clearly baseless allegations.” Riley v. Goodblatt, No. 6:09-cv-646-Orl-28GJK, 2009 WL 1531012, at \*4 (M.D. Fla. May 29, 2009), adopted at \*1 (citation omitted). “Unsupported conclusory factual allegations also may be ‘clearly baseless.’” *Id.* at \*5. However, because Garcia is proceeding *pro se*, her “pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed.” Boxer X v. Harris, 437 F.3d 1107, 1110

(11th Cir. 2006) (citation and internal marks omitted). “This leniency, however, does not require or allow courts to rewrite an otherwise deficient pleading in order to sustain an action.” Thomas v. Pentagon Fed. Credit Union, 393 F. App’x 635, 637 (11th Cir. 2010) (per curiam) (unpublished) (citation omitted).

### III. DISCUSSION

#### A. Garcia’s § 1983 Claims

Garcia brings various § 1983 claims against Whitman, Dillon, and Fluker, who are identified in the complaint as her public defenders. See [Doc. 1-1]. In particular, she alleges that they violated her First Amendment right to free speech by “attemp[ing] to chill and suppress . . . [her] speech with a mix of different tactics”; her Six Amendment rights to a quick and speedy trial, to assistance of counsel, and to confront the witnesses against her; her Seventh Amendment right to a jury; her Eight Amendment right against cruel and unusual punishment by evading the law and inflicting punishment outside of the law; her right to equal protection and due process of law under the Fourteenth Amendment; and they conspired to deprive her of and were negligent in preventing the violation of her constitutional rights. [Doc. 1-1 at 13-22 ¶¶ 25-57]. Garcia further alleges that due to the actions of her public defenders, she was “held in false imprisonment from 9/28/15 – 5/17/16.” [Id. at 21 ¶¶ 49-51].

However, “a public defender does not act under color of state law when performing a lawyer’s traditional functions as counsel to a defendant in a criminal proceeding.” Polk Cty. v. Dodson, 454 U.S. 312, 325 (1981) (footnote omitted); see also Larry v. Mercer, No. CV 415-038, 2015 WL 1815523, at \*1 (S.D. Ga. Apr. 21, 2015), adopted by 2015 WL 2140975, at \*1 (S.D. Ga. May 8, 2015) (citation omitted). “Because [Garcia’s] claim[s] relate[] to [Whitman, Dillon, and Fluker’s] performance as [her] public defender[s], [they] may not be held liable under . . . § 1983.” Roundtree v. Davis, No. 1:13-cv-2975-WSD, 2014 WL 129554, at \*2 (N.D. Ga. Jan. 14, 2014). Thus, Garcia fails to state any claim for relief against Whitman, Dillon, and Fluker, and they should be dismissed from this action. See Love v. Camp, No. 1:14-cv-2865-WSD, 2015 WL 4537875, at \*5 (N.D. Ga. July 27, 2015), adopted at \*4 (recommending dismissal for failure to state a claim as to plaintiff’s public defender because she did not act under color of state law).

Garcia also alleges similar claims under § 1983 against Dr. Li and Sheriff Conway. See [Doc. 1-1]. Specifically, she claims that both Dr. Li and Sheriff Conway violated the First Amendment by suppressing her speech; the Eight Amendment by allowing deputies, mental health workers, and hospital staff to abuse and falsely imprison her; and the Fourteenth Amendment by holding her and placing her in solitary confinement without due process. [Id. at 13-14 ¶¶ 25-27; 16-21 ¶¶ 36-48].

Garcia further alleges that Sheriff Conway violated her Sixth Amendment “right to confront Judge Schrader related to the wrongful charge of criminal contempt of court and to provide evidence and witnesses in her defense.” [*Id.* at 15 ¶ 32]. She also claims that Dr. Li and Sheriff Conway conspired to violate her constitutional rights, were negligent in preventing violations, and falsely imprisoned her. [*Id.* at 21-22 ¶¶ 49-57].

Pursuant to § 1983, a plaintiff may pursue relief for possible violations of her constitutional rights only against the specific individuals who committed acts that allegedly violated those rights. *See Hafer v. Melo*, 502 U.S. 21, 27 (1991); *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 71 n.10 (1989). Garcia fails to state a plausible claim under § 1983 against Dr. Li or Sheriff Conway because she makes no specific factual allegations against either defendant, *see Douglas v. Yates*, 535 F.3d 1316, 1322 (11th Cir. 2008) (alterations in original) (citation omitted) (“[A] complaint will be held defective . . . if [it] fails to connect the defendant with the alleged wrong.”), and respondeat superior is an insufficient basis for § 1983 liability, *Cottone v. Jenne*, 326 F.3d 1352, 1360 (11th Cir. 2003) (citations omitted). Thus, Garcia has failed to state a claim under § 1983 against Dr. Li and Sheriff Conway.

Garcia next brings claims under § 1983 against Corizon, a private health contractor for the Gwinnett County Detention Center, for violating the First



Amendment, Eight Amendment, and Fourteenth Amendment and for conspiring to violate her constitutional rights and being negligent in preventing such violations. See [Doc. 1-1]. However, Garcia likewise fails to state a claim against Corizon because she has not alleged any facts to show that a policy, custom, or practice of Corizon caused her injury. See Craig v. Floyd Cty., 643 F.3d 1306, 1311 (11th Cir. 2011) (In order to state a claim under § 1983 against a private entity that contracts with the county to provide medical services to jail inmates, plaintiff must allege facts to show that the private entity had a custom or practice that was the moving force behind the alleged constitutional violation.); Buckner v. Toro, 116 F.3d 450, 452-53 (11th Cir. 1997) (per curiam). Thus, Garcia's § 1983 claims against Corizon are due to be dismissed.

Garcia also alleges several § 1983 claims against Judge Schrader. See [Doc. 1-1]. She complains that Judge Schrader wrongly held her in contempt of court and determined that she was not competent to stand trial. See [id.]. The Court cannot grant Garcia the injunction she seeks because "in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable." 42 U.S.C. § 1983; Esensoy v. McMillan, No. 06-12580, 2007 WL 257342, at \*1, n.5 (11th Cir. Jan. 31, 2007) (per curiam) (unpublished)

(noting that judicial immunity protects a state court judge from a § 1983 plaintiff's requests for injunctive relief); see also Waterfield v. Law, 546 F. App'x 841, 843 (11th Cir. 2013) (per curiam) (unpublished) (holding that prisoner's request for injunctive relief directing state court judges to discharge him from liability from his conviction and sentence was not cognizable in § 1983 action and noting that challenges to the validity of his conviction and confinement must be brought in a habeas petition).<sup>5</sup>

Furthermore, "[w]hile [§ 1983] creates a civil cause of action against public officials for violating a person's constitutional rights, that cause of action is constrained by the jurisdictional principles of *Rooker-Feldman*." Young v. Murphy, 90 F.3d 1225, 1230 (7th Cir. 1996) (citation omitted). Under the Rooker-Feldman doctrine, federal district courts lack jurisdiction over an action "brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005); see also D.C. Ct. of Appeals v. Feldman, 460 U.S. 462, 482 (1983); Rooker v. Fid. Trust Co., 263 U.S. 413, 415-16 (1923). Indeed, "[t]he essence of the

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<sup>5</sup> Although it does not appear from Garcia's complaint that she is seeking monetary damages, see [Doc. 1-1], to the extent she does claim damages against Judge Schrader based on the performance of her duties as a judge, such claims are barred by judicial immunity. See Mireles v. Waco, 502 U.S. 9, 9 (1991) (per curiam) (citations omitted) ("[G]enerally, a judge is immune from a suit for money damages.").

*Rooker-Feldman* doctrine is that ‘a United States District Court has no authority to review final judgments of a state court in judicial proceedings’” and that “[r]eview of such judgments may be had only in [the United States Supreme Court].” Narey v. Dean, 32 F.3d 1521, 1524 (11th Cir. 1994) (last alteration in original) (quoting Feldman, 460 U.S. at 482). Because Garcia “seeks intervention in the prior state court proceedings, this Court is jurisdictionally barred by the *Rooker-Feldman* doctrine on past determinations,” Hayden v. Vance, CASE NO. 2:15-cv-469-WKW, 2016 WL 4157362, at \*8 (M.D. Ala. June 28, 2016), adopted by 2016 WL 4180971, at \*1 (M.D. Ala. Aug. 4, 2016), and although it appears from Garcia’s complaint that the charges against her were dismissed, see [Doc. 1-1 at 12 ¶ 24], to the extent any of the state court proceedings are still ongoing, the Court “refrains to intervene in the contempt [and competency] proceedings pursuant to the *Younger* abstention doctrine,”<sup>6</sup> Hayden, 2016 WL 4157362, at \*8. Accordingly, the “[C]ourt lacks jurisdiction to consider declaratory and injunctive relief claims against [Judge Schrader],” Alan v. Dekker ex rel. Second Judicial Circuit, Leon Cty., No. 4:07-CV-485-SPM, 2008 WL 4525110, at \*4-5 (N.D. Fla. Sept. 30, 2008), adopted at \*2 (finding *Rooker-Feldman*

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<sup>6</sup> “In *Younger*, the Supreme Court established that federal courts ‘should not act, and particularly should not act to restrain a criminal prosecution, when the moving party has an adequate remedy at law and will not suffer irreparable injury if denied equitable relief.’” Stevens v. Unknown, Civil Action No. 1:09-CV-0199-TWT, 2009 WL 563660, at \*2 (N.D. Ga. Mar. 3, 2009) (citation omitted).

doctrine precluded the court from reviewing plaintiff's claims to overturn judicial rulings), and Garcia's claims against Judge Schrader are due to be dismissed.

**B. Garcia's Remaining Claims**

In Count Nine of her complaint, Garcia alleges a claim against Sheriff Conway, Dr. Li, and Corizon for violation of the Suspension Clause. [Doc. 1-1 at 22-23 ¶¶ 58-60]. It appears that Garcia is arguing that these defendants violated her constitutional right of access to the courts. See [id.]. Garcia alleges she was denied a "legal library, pens, [and] paper[, which] suspended [her] ability to do a Writ of Habeas Corpus." [Id. at 6 ¶ 16, 22-23 ¶ 60]. She further alleges the "Writ of Habeas Corpus was completely suspended while [she] was in Gwinnett County [Detention Center] because of wrongful solitary confinement." [Id. at 22-23 ¶ 60].

"The deprivation of materials necessary to filing or prosecuting a direct appeal or collateral attack on a criminal conviction may impinge on a prisoner's fundamental constitutional right of access to the courts." Hill v. Georgia, Civil Action No. 2:10-CV-0242-RWS, 2011 WL 1670913, at \*2 (N.D. Ga. May 3, 2011) (citing Lewis v. Casey, 518 U.S. 343, 350-55 (1996)). "[T]o have standing to seek relief under this constitutional right to access the courts, a plaintiff must show 'actual injury,'" which is "met by 'demonstrat[ing] that a nonfrivolous legal claim ha[s] been frustrated or . . . impeded.'" Miller v. Donald, 132 F. App'x 270, 272 (11th Cir. 2005)

(per curiam) (unpublished) (second, third, and fourth alterations in original) (quoting Jackson v. State Bd. of Pardons & Paroles, 331 F.3d 790, 797 (11th Cir. 2003)). “The plaintiff must provide evidence of such deterrence, such as a denial or dismissal of a direct appeal, habeas petition, or civil rights case that results from actions of [the defendants],” and “[m]ere allegations of denial of access to a law library is inadequate.” Montgomery v. Fondren, No. 2:12-CV-2455-RBP-JEO, 2013 WL 5636679, at \*3 (N.D. Ala. Oct. 15, 2013), adopted at \*1 (citing Sabers v. Delano, 100 F.3d 82, 84 (8th Cir. 1996) (per curiam)). “Because [Garcia] acknowledges that [s]he [was] represented by counsel in [her] [] state criminal proceedings and has not alleged that [d]efendants’ refusal to allow [her] access to the law library[ and pens and paper] has prevented [her] from filing or pursuing any other non-frivolous claims, [s]he has not shown actual injury.” Moore v. Kimbrough, Civil Action No. 1:10-CV-2676-TWT, 2010 WL 4484177, at \*2 (N.D. Ga. Oct. 29, 2010); see also Montgomery, 2013 WL 5636679, at \*2 (citations omitted) (“An inmate represented by an attorney, for example, does not also have the right to have access to a law library.”). Thus, Count Nine of Garcia’s complaint is due to be dismissed.

Finally, Garcia alleges that she was discriminated against on the basis of her gender by Dr. Li, acting through his employees, while at Georgia Regional Hospital, in violation of 42 U.S.C. § 2000a. [Doc. 1-1 at 23 ¶¶ 61-63]. Title II of the Civil Rights

Act provides that “[a]ll persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation . . . without discrimination or segregation on the ground of race, color, religion, or national origin.” 42 U.S.C. § 2000a(a). “Title II does not prohibit discrimination on the basis of . . . gender.” Grant v. Alperovich, 993 F. Supp. 2d 1356, 1363 (W.D. Wash. 2014). As Garcia has only alleged discrimination based on gender, her claim is due to be dismissed.

#### IV. CONCLUSION

For the foregoing reasons, Garcia’s request to proceed *in forma pauperis* is **GRANTED**, but it is **RECOMMENDED** that this case be **DISMISSED WITHOUT PREJUDICE** as frivolous.

The Clerk is **DIRECTED** to terminate this reference.

**IT IS SO ORDERED** and **RECOMMENDED**, this 3rd day of October, 2016.

  
RUSSELL G. VINEYARD  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Danielle Garcia, )  
Petitioner, ) Case No.: 1: 16-CV- 3333  
vs. )  
Dr. Charles Li, of )  
Georgia Regional Hospital in his )  
Official and individual capacity; )  
R.L. Butch Conway, Gwinnett )  
County Sheriff, in his official and )  
individual capacity; Judge Kathryn )  
Schrader, in her official and )  
individual capacity; Corizon Health, )  
Inc.; David Whitman, Angela )  
Brown Dillon and Debra Fluker, )  
Defendant. )  
\_\_\_\_\_ )

**RESPONSE TO MAGISTRATES RECOMMENDATION TO DISMISS  
AND MEMORANDUM IN SUPPORT**

Plaintiff submits response to Magistrates recommendation to dismiss and Memorandum in support. In opposition to recommendation Plaintiff states as follows:

**I. STANDARD OF REVIEW**

When considering whether a complaint states a claim for which relief may be granted, courts must assume the truth of all well-plead facts and give the plaintiff the benefit of all reasonable inferences therefrom. *Ocasio-Hernandez v.*

*Fortuno-Burset*, 640 F.3d 1, 12 (1<sup>st</sup> Cir. 2011). The complaint needs to state “enough facts to state a claim to relief that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Rule 8(a): a pleading must contain “a short and plain statement of the claim” and “which may include relief in the alternative or different types...” Complaints serve as “fair notice” to defendants. *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957).

## II. ARGUMENTS AND AUTHORITIES

The magistrate wrongfully bases his claim for dismissal suggesting that Plaintiff “fail[ed] to state a claim upon which relief may be granted in federal court (See page 2).” On page 12 he goes on to state the suit is barred because of *Rooker-Feldman*. Page 7 Magistrate acknowledges “pleading are...to be liberally construed” but missed “interpret them to raise the strongest arguments that they suggest.” *Burgos v. Hopkins*, 14 F.3d 787, 790 (2d Cir. 1994); and that the court is required to accept “as true all well-pleaded allegations” [*Angelasto v. Prudential-Bache Sec., Inc.*, 764 F.2d 939, 944 (3d Cir. 1985)]...not as “fantastic” or “delusional” as quoted on page 7. Any suggestion that the claims are “baseless,” as cited on page 7, is contrary to how the complaint is to be view, as true. Any suggestion that the suit can’t be won is erroneous, wrong, and prejudicial when there is sufficient evidence and the courts also have the power to provide counsel pursuant 28 U.S. C. §1915(e) to make sure justice prevails. The plaintiff has



special circumstances being targeted and being completely denied equal protection under the law. The constitutional guarantee of 'equal protection of the laws' means that no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or other classes in like circumstances in their lives, liberty, property, and in their pursuit of happiness. *Dorsey v. Solomon*, D.C. Md., 435 F. Supp. 725, 733.

The judge mentions (page 4 and exhibit D in pleading) the letter from counsel related to a conversation that he had with Debra Fluker documenting her 'lie' to the attorney that plaintiff was not charged with contempt of court (false means to justify her in action while plaintiff wrongfully imprisoned) for which Schrader's order and dismissal of charge were also provided as evidence of the charge as well as her other crimes. This exemplifies the behavior of all the defendants throughout the case. Evidence was suppressed as evidence was not desired and deemed meaningless to a 'kangaroo court.' Contrary to law, plaintiff was constructively 'denied' legal representation and equal protection under the law and there is much to be said that the plaintiff is bringing this suit herself as 'no' attorney in the state would take the case as they would for others. The defendants were intent on violating the law and doing harm: truth, evidence, facts didn't matter. The damage done and the rights of the plaintiff meant nothing as they

believed they could get away with the crimes because no attorney would ever assist and thus no consequence.

“A public defender does not act under color of law when performing a lawyer’s traditional functions as counsel to a defendant in a criminal pleading,” the judge citing *Polk Cty.* (page 9) to undermine the basis of a claim against the attorneys applying erroneous legal analysis. The problem lies in the language itself “traditional functions” as counsel. As it states in pleading, it is not the ‘traditional function’ of an attorney to act as an adversary to his client for other interests and conspire to violate the client’s constitutional rights. The exhibits show prima facie false imprisonment and violation of federal and state laws. This could only be accomplished with the willful failure of counsel. The plaintiff has the guaranteed right to “effective assistance of counsel.” *United States v. Cronin*, 466 U.S. 648 (1984); *Strickland v. Washington*, 466 U.S. 688 (1984). The attorneys were engaged in ‘state action’ were joint participants to the conspiracy, had a ‘meeting of the minds’ and were not acting as adversaries to the state. *In Lugar v. Edmonson Oil Co.*, 457 U.S. 922 (1982) the Supreme Court defines state actors as “state officials” or one who “has acted together with a state official” or one whose “conduct is otherwise chargeable to the state.” Perhaps few cases such as plaintiff’s reach the court but such activities are not unknown and very similar to the *Wagenmann v. Adams* case.

In relation to the claims against Dr. Charles Li and Sheriff R.L. Butch Conway, the magistrate misses much of the complaint and the gravity of its significance. Citing *Douglas v. Yates*, page 10, he, again, erroneously concludes no specific factual allegations were stated. Complaints were generated in jail [spurring the medical director only to communicate with plaintiff, not jail staff, Corizon staff who ignored false imprisonment placing in solitary confinement] and while at GA Regional related to false imprisonment and constitutional violations. On page 10 of the complaint, the medical director for Corizon stated that all interests in the jail 'had been informed' of false imprisonment and that plaintiff's hunger strike was inconsistent with their scheme and that she should accept that the "system doesn't work for everyone." Complaints had been issued directly to Dr. Charles Li who was also made aware of the situation from the Writ of Habeas Corpus submitted to the District Courts December 2015. *Bisbal-Ramos v. City of Mayaguez*, 467 F.3d 16, 28 (1<sup>st</sup> Cir. 2006), absent participation...supervisors can be liable if subordinate committed constitutional violations and supervisor action or inaction "affirmatively linked"...constituted encouragement, condonation, gross negligence amounting to deliberate indifference; *Osborne v. McMasters*, 40 Minn. 103, 41 N.W. 543 (1889) ("Negligence is the breach of legal duty. It is immaterial whether the duty is imposed by the rule of common law requiring the exercise of ordinary care not to injure another, or is imposed by statute designed for the

protection of others. In either case, the failure to perform the duty constitutes negligence, and renders the party liable for injuries resulting from it.”) In this case indifference amounts to complicity in crime, constitutional violations and harm and lengthy false imprisonment. As plaintiff explained in petition, even after complaints and legal action (Habeas in Dekalb County) from the initial false imprisonment 9/28/2015, was again held in Gwinnet County jail 5/13/2016-5/17/16 without charge of any kind and from the documentation, without an order from the judge. She was just thrown in jail. The petition states clear the violations. The law recognizes that a supervisor can act through others, setting in motion a series of acts by the subordinates that the supervisor knows, or reasonably should know, would cause subordinates to violate plaintiff’s rights. Acquiescence does not require a statement of assent, out loud: acquiescence can occur through silent acceptance. Dr. Li and Sheriff Conway were ‘state actors’ and willful participants to the constitutional violations. “...circumstantial evidence that the appellant was a ‘conspicuous target’ could alone create an issue of fact on discriminatory animus.” *Padilla-García v. Guillermo Rodríguez*, 212 F.3d 69, 75 (1st Cir.2000).

The Corizon Health claim was too undermined by magistrate stating on page 11 that “plaintiff must allege facts to show that the private entity had a custom or practice that was the moving force behind the alleged constitutional violations.” Plaintiff stated clearly in the complaint that Corizon employees were ‘directly

responsible' for the cruel and unusual punishment inflicted, violation of freedom of speech, denial of due process and solitary confinement, suspension of writ of habeas corpus. Corizon, as a company, is responsible for the behavior of its employees. Solitary confinement is an "atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life" triggering due process. *Sandin v. Conner*, 515 U.S. at 484. The plaintiff, as a target, was not allowed have a 'normal' jail experience and, in fact, should have never been in jail to begin with. The complaint clearly states a pattern establishing a 'custom' in relation to plaintiff and the experiences of plaintiff, "sustain the inference that there is a policy or a practice". *Soto v. Flores*, 103 F. 3d 1056, 1066 (1<sup>st</sup> Cir. 1997). In 2014, the plaintiff clearly states on page 5, that she was put in solitary confinement (Imax which is a disciplinary unit) for the same spurious reasons and denial of due process. That such a custom of action directed at one person and not 'all' other inmates (or is written policy) is antithetical to the *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000) and the idea of "a class of one." Conspiracies are not written policies. Corizon Health, surely, has policies related to how to conduct solitary confinement, rules of conduct, and wrongful imprisonment in relation to a jail setting and how to respond, as any jail would have, and that can be determined in discovery. It is also established law for which Corizon's legal staff can not claim it knows nothing about.

Claims against Judge Schrader were undermine, as the magistrate saw it, by the *Rooker-Feldman* doctrine primarily. Injunctive relief can be obtained by other defendants. *General Oil Co. v. Crain*, 209 U.S. 211 (1908): “certain suits for declaratory or injunctive relief against state officers must be permitted if the constitution is to remain the supreme law of the land.” The Constitution is “the supreme law of the land” (Article VI, Section 2). The magistrates reasoning attempts to suggest that the federal courts have no power to instruct the lower courts to follow the law which violates the Supremacy Clause. *Rooker-Feldman* doesn’t apply as this case has never been adjudicated in state court. *Rooker-Feldman* applies to cases “adjudicated by a state court,” *Goodman v. Sipos*, 259 F.3d 1327, 1333 (11th Cir.2001). There has been no judgment and even if there were “fraud, deception, accident, or mistake” are exceptions to *Rooker-Feldman*. See *Sun Valley Foods Co. v. Detroit Marine Terminals, Inc.* 801 F. 2d 186, 189 (6<sup>th</sup> Cir. 1985).

Judge Schrader issued an order that did not comply with the law and had no right to issue, she lacked jurisdiction, passed judgment on a case she had no right to pass judgment on and in circumstances which no law was violated. She simply had the desire to falsely imprison plaintiff and punish outside of the law. 42 U. S. C. § 1983 provides a cause of action against “[e]very person who, under color of any statute . . . of any State . . . subjects, or causes to be subjected, any citizen . . .

to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws . . . ." The purpose of § 1983 is to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such deterrence fails. *Carey v. Phipps*, 435 U.S. 247, 254-257 (1978). "The judge acts not as a judge, but as a private individual (in his person), when a judge acts as a trespasser of the law. When a judge does not follow law, the judge loses subject matter jurisdiction and the judge's orders are not voidable, but void, and of no legal force or effect." *Scheuer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974). Federal courts may entertain a collateral attack on a state court judgment that is void whenever the Court that rendered it lacked jurisdiction over the subject, the person or acted in a manner inconsistent with due process of law and *Rooker-Feldman* is no bar. *Johnson v. Rodriques*, 226 F.3d 1103, 1107 (10th Cir. 2004).

42 U.S.C. § 1983 authorizes a claim for relief against "every person" acting under the color of law who violates an individual's federally protected/constitutional rights. "The constitution of the United States was made for the whole people of the union and is equally binding upon all the courts and all citizens." *United States Farmer's & Mechanics' Bank of Pa. v. Smith*, 19 U.S. 131 (1821). The court has the duty to insure that the full meaning and intention of the Founding Fathers expressed in the constitution are faithfully observed by both

citizens and government. “Where the intention of words and phrases used in constitution is clear, there is no room for construction and no excuse of interpolation.” *U.S. v. Sprague*, 282 U.S. 716 (1931). Any judge who does not comply with his oath to the constitution of the United States wars against that constitution and engages in violations of the supreme law of the land. The judge is engaged in acts of treason. *Cooper v. Aaron*, 258 U.S. 1, 78 S. Ct. 1401 (1958); *Re Sawyer*, 124 U.S. 200 (1888).

The Supreme Court has stated that there are two elements of a § 1983 claim: the plaintiff must allege (1) a deprivation of a federal right and (2) that the person who deprived him of that right acted under the color of state law. *Gomez v. Toledo*, 446 U.S. 635, 640 (1980); *West v. Atkins*, 487 U.S. 42, 48 (1988). The plaintiff has met this standard. The United States Supreme Court has also established three specific standards which plaintiffs must satisfy in order to have standing to sue. “It is now well settle that ‘the irreducible constitutional minimum of standing contains three elements. First, the plaintiff must have suffered an “injury in fact”—an invasion of a legally protected interests which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a casual connection between the injury and the conduct complained of... Third, it must be likely, as opposed to merely speculative, that the injury will be redressed




by a favorable decision.” See *United States v. Hays*, 514 U.S. 1002 (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992)).

### III. CONCLUSION

Plaintiff requests this court deny the magistrates recommendation to dismiss. The violations are serious, justice must prevail or the crimes and violations will continue. What good is the Constitution, the laws, the legal system if it refuses to granted proper justice when egregious crimes are done?

Respectfully submitted,



Danielle Garcia  
Pro Se

Date: 10/2/16

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DANIELLE GARCIA,  
Plaintiff,  
vs.  
DR. CHARLES LI, et al..  
Defendants.

CIVIL ACTION FILE  
NO. 1:16-cv-3333-AT

**JUDGMENT**

This action having come before the court, the Honorable Amy Totenberg, United States District Judge on the Magistrate Judge's report and recommendation, and the Court having adopted the same, it is

**Ordered and Adjudged** that the Plaintiff's action is **DISMISSED** without prejudice.

Dated at Atlanta, Georgia, this 30<sup>th</sup> day of November, 2016.

JAMES N. HATTEN  
CLERK OF COURT

By: s/Jill Ayers  
Deputy Clerk

Prepared, File, and Entered  
in the Clerk's Office  
November 30, 2016  
James N. Hatten  
Clerk of Court

By: s/Jill Ayers  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DANIELLE GARCIA,	:	
	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DR. CHARLES LI, <i>et al.</i> ,	:	CIVIL ACTION NO.
	:	1:16-cv-3333-AT
	:	
Defendants.	:	

**ORDER**

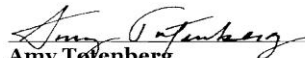
This matter is before the Court on the Magistrate Judge’s Report and Recommendation (“R&R”) [Doc. 4] recommending that Plaintiff’s claims brought pursuant to 42 U.S.C. § 1983 be dismissed for failure to state a claim. Plaintiff has filed Objections [Doc. 7] to the Magistrate Judge’s R&R.

Under 28 U.S.C. § 636(b)(1), the Court reviews the Magistrate Judge’s R&R for clear error if no objections are filed to the report. 28 U.S.C. § 636(b)(1). If a party files objections, however, the district court must determine de novo any part of the Magistrate Judge’s disposition that is the subject of a proper objection. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b).

The Court has considered Plaintiff’s Objections and reviewed the R&R de novo. Having conducted a careful review of the Magistrate Judge’s Report and Recommendation and Plaintiff’s Objections thereto, the Court agrees that

Plaintiff's claims are subject to dismissal pursuant to 28 U.S.C. § 1915(e)(2). Accordingly, the Court **OVERRULES** Plaintiff's Objections, **ADOPTS** the Magistrate Judge's Report and Recommendation [Doc. 4] as the opinion of this Court, and **DISMISSES WITHOUT PREJUDICE** Plaintiff's claims.

**IT IS SO ORDERED** this 29th day of November, 2016.

  
Amy Tøgenberg  
United States District Judge

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 16-17460  
Non-Argument Calendar

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D.C. Docket No. 1:16-cv-03333-AT

DANIELLE GARCIA,

Plaintiff-Appellant,

versus

DR. CHARLES LI,  
of Georgia Regional Hospital in his  
official and individual capacity,  
R.L. (BUTCH) CONWAY,  
Gwinnett County Sheriff, in his  
official and individual capacity,  
JUDGE KATHRYN SCHRADER,  
in her official and individual capacity,  
CORIZON HEALTH, INC.,  
DAVID WHITMAN, et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Georgia

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(May 22, 2017)

Before ED CARNES, Chief Judge, HULL and MARCUS, Circuit Judges.

PER CURIAM:

Danielle Garcia, proceeding pro se, sued Judge Kathryn Schrader, a Gwinnett County Superior Court Judge; R.L. Butch Conway, the Gwinnett County Sheriff; Dr. Charles Li, the Director of Georgia Regional Hospital; Corizon Health, Inc.; and public defenders David Whitman, Debra Fluker, and Angela Brown Dillon, for violations of the Constitution and federal law. The district court dismissed her complaint under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief can be granted. This is Garcia's appeal.

I.

Garcia's claims arose from state criminal proceedings, over which Judge Schrader presided, involving Garcia's prosecution for aggravated assault.<sup>1</sup> At a hearing on that charge, Garcia's first public defender, Whitman, submitted a motion for a competency evaluation, though he did not have Garcia's permission to do so. Garcia eventually agreed to the evaluation, and Judge Schrader ordered that she be evaluated at Georgia Regional Hospital, where Dr. Li was the hospital director. Based on the hospital's evaluations, Judge Schrader found Garcia competent to stand trial.

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<sup>1</sup> "A district court's sua sponte dismissal for failure to state a claim under § 1915(e)(2)(B)(ii) is reviewed de novo, viewing the allegations in the complaint as true." Hughes v. Lott, 350 F.3d 1157, 1159-60 (11th Cir. 2003). The following facts are taken from Garcia's allegations in her complaint.

At some point before Garcia's trial was scheduled to begin, Fluker replaced Whitman as Garcia's public defender. On the first day of trial, Fluker, without consulting Garcia, entered a plea of not guilty by reason of insanity. And on that day Judge Schrader held Garcia in contempt for rolling her eyes and ordered that she be detained at Gwinnett County Detention Center. While there, Garcia was evaluated by employees of Corizon, a private contractor that provided medical services to county inmates. After three months at the detention center, Garcia went on a hunger strike and was transferred back to Georgia Regional Hospital for another competency evaluation. Garcia's allegations do not make clear what the results of that evaluation were or whether they were the basis for the later dismissal of the assault charge.

While at both the county detention center and the hospital, Corizon and hospital employees denied Garcia access to the legal library, pens, and paper, they fabricated reasons to place her in solitary confinement, and they harassed her. She later received a new public defender, Dillon, who represented her at a hearing held to determine her competency to stand trial. At that hearing Dillon failed to challenge the evidence showing that Garcia was not competent to stand trial, but the judge dismissed the assault charge against her and she was released from Georgia Regional Hospital. Garcia then filed this lawsuit against Judge Schrader, Dr. Li, Sheriff Conway, Corizon, Whitman, Fluker, and Dillon.

II.

Garcia asserted § 1983 claims against Judge Schrader for various alleged constitutional violations. It appears that Garcia, in effect, sought an order declaring unconstitutional, and expunging, Judge Schrader's contempt order and her order finding Garcia mentally incompetent to stand trial.

The Rooker-Feldman doctrine bars the district court, as well as this Court, from providing that relief. The doctrine, which arose from Rooker v. Fidelity Trust Co., 263 U.S. 413, 44 S. Ct. 149 (1923), and District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 103 S. Ct. 1303 (1983), "is a jurisdictional rule that precludes the lower federal courts from reviewing state court judgments." Alvarez v. Att'y Gen. for Fla., 679 F.3d 1257, 1262 (11th Cir. 2012). It is limited to those cases "brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." Id. (quotation marks omitted). The claims Garcia, who lost in state court as to her competency to stand trial, asserts against Judge Schrader involve injuries caused by state court orders rendered before Garcia filed this federal lawsuit, and to rule on the merits of those claims would require that the district court review those orders. For that reason, the Rooker-Feldman doctrine applies and the district court and this Court lack jurisdiction to hear Garcia's claims against Judge Schrader.



Garcia asserted § 1983 claims against Dr. Li for various constitutional violations.<sup>2</sup> Her only factual allegations relating to Dr. Li are that he ignored a grievance that Garcia wrote to him in January 2016 and that she had filed a federal habeas corpus proceeding involving him in December 2015. Garcia's allegations do not indicate what she complained of in her grievance to Dr. Li or what she complained of in her federal habeas proceeding involving him. Instead, her claims against Dr. Li appear to be based on the alleged unconstitutional actions of unnamed hospital employees.

"It is well established in this Circuit that supervisory officials are not liable under § 1983 for the unconstitutional acts of their subordinates on the basis of respondeat superior or vicarious liability." Cottone v. Jenne, 326 F.3d 1352, 1360 (11th Cir. 2003) (quotation marks omitted). "Instead, supervisory liability under § 1983 occurs either when the supervisor personally participates in the alleged unconstitutional conduct or when there is a causal connection between the actions of a supervising official and the alleged constitutional deprivation." Id. Garcia failed to allege any facts showing (1) that Dr. Li personally participated in the allegedly unconstitutional conduct or (2) a causal connection, such as a widespread

---

<sup>2</sup> Garcia also asserted a claim of gender discrimination under 42 U.S.C. § 2000a against Dr. Li. Section 2000a, however, prohibits discrimination on the basis of "race, color, religion, or national origin." 42 U.S.C. § 2000a(a). That provision does not prohibit discrimination on the basis of gender.

history of abuse, between Dr. Li's actions and the alleged constitutional violations. As a result, she failed to state a claim against Dr. Li.

Garcia asserted various § 1983 claims against Sheriff Conway, who was in charge of the Gwinnett County Detention Center. As with her allegations about Dr. Li, Garcia has failed to allege any facts showing either that Sheriff Conway personally participated in any purportedly unconstitutional conduct or any other sufficient causal connection between his actions and her injuries. Her allegations failed to state a claim against Sheriff Conway.

Garcia asserted § 1983 claims against Corizon. “[W]hen a private entity . . . contracts with a county to provide medical services to inmates, it performs a function traditionally within the exclusive prerogative of the state and becomes the functional equivalent of the municipality under section 1983.” Craig v. Floyd County, 643 F.3d 1306, 1310 (11th Cir. 2011) (second alteration in original) (quotation marks omitted). “A municipal governing body may be held liable for acts or policies of individuals to whom it delegated final decisionmaking authority in a particular area.” Holloman ex rel. Holloman v. Harland, 370 F.3d 1252, 1291 (11th Cir. 2004). And “[a] member or employee of a governing body is a final policy maker only if his decisions have legal effect without further action by the governing body and if the governing body lacks the power to reverse the member or employee’s decision.” Id. (citations omitted).

The only allegation that concerns a potential policy maker at Corizon is Garcia's allegation that the director of the medical unit told her that "all were informed" that Garcia believed she was being falsely imprisoned and the director told Garcia that her hunger strike was considered to be a form of self-harm. That allegation is not enough to state a claim that Corizon itself falsely imprisoned Garcia or otherwise violated Garcia's civil rights. And Garcia's allegations about actions taken by Corizon's employees do not demonstrate that Corizon had a policy or practice that would render it liable for its employees' alleged constitutional violations.

Finally, Garcia asserted § 1983 claims against Whitman, Fluker, and Dillon, the public defenders who represented her during her criminal proceedings. "[A] public defender does not act under color of state law when performing a lawyer's traditional functions as counsel to a defendant in a criminal proceeding."<sup>3</sup> Polk County v. Dodson, 454 U.S. 312, 325, 102 S. Ct. 445, 453 (1981). Because Garcia's allegations against Whitman, Fluker, and Dillon concern their actions

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<sup>3</sup> A public defender can be held liable under § 1983 "if he conspired with someone who did act under color of state law." Wahl v. Melver, 773 F.2d 1169, 1173 (11th Cir. 1985). Garcia did assert a conspiracy claim against all of the defendants, including her public defenders, and in that claim she alleged that "[t]he defendants were in [an] implicit and/or explicit . . . agreement amongst themselves to deprive [her] of constitutional rights." Her complaint, however, offered no facts showing a conspiracy, and under Federal Rule of Civil Procedure 8, "[a] pleading that offers 'labels and conclusions' or 'a formulaic recitation of the elements of a cause of action will not do.'" Ashcroft v. Iqbal, 556 U.S. 662, 678, 129 S. Ct. 1937, 1949 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 127 S. Ct. 1955, 1965 (2007)).

taken to carry out the traditional functions as her counsel, the complaint failed to state a claim against them.

Garcia's complaint failed to state any claim on which relief may be granted. For that reason, the district court did not err in dismissing the complaint under § 1915(e)(2)(B)(ii).

**AFFIRMED.**

IN THE SUPERIOR COURT OF DeKALB COUNTY  
STATE OF GEORGIA

FILED

2016 APR 19 AM 11:28

CLERK OF SUPERIOR COURT  
DEKALB COUNTY GA

DANIELLE GARCIA, )

vs. )

DR. CHARLES LEE, GEORGIA )  
REGIONAL HOSPITAL; R.L. BUTCH )  
CONWAY, GWINNETT COUNTY )  
SHERIFF, )

Respondents. )

Case No.: 16 CU 4719 -3

WRIT OF HABEAS CORPUS

TO: Dr. Charles Lee  
Regional Hospital Administrator  
Georgia Regional Hospital / Atlanta  
3073 Panthersville Road  
Decatur, GA 30034

You are hereby commanded to produce the body of **Danielle Garcia**, alleged to be illegally detained by you, together with the cause of detention, before me, on the **26<sup>th</sup> day of April, 2016**, at 9:30 o'clock a.m., in Courtroom 7A, Judicial Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, GA 30030, then and there to be disposed of as the law directs.

SO ORDERED, this 19 day of April, 2016.



CLARENCE F. SEELIGER, Judge  
DeKalb County Superior Court  
Stone Mountain Judicial Circuit

cc: Danielle Garcia, Petitioner  
Dr. Charles Lee, Georgia Regional Hospital

# PROBATE



LAST WILL AND TESTAMENT

OF

BERNICE J. HENDRICKS

June 27, 2008

Prepared by:

James M. Thomas, Attorney At Law  
217 Davis Road, Suite B  
Augusta, Ga. 30907

(706) 650-5914

GEORGIA, COLUMBIA COUNTY

FILED IN OFFICE, THIS 7th

DAY OF August 20 12

Alicia W. Padgett  
JUDGE PROBATE COURT





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PAGE 2 OF THE LAST WILL AND TESTAMENT OF

BERNICE J. HENDRICKS

as may be fair and equitable under the circumstances and without order of or report to any court:

A. To sell, exchange or otherwise dispose of any property at public or private sale, for cash or on terms, without the necessity of court approval or advertisement; and also to make leases or grant options to buy for terms extending beyond the period of administration or the duration of any trust;

B. To rent, sell, invest and reinvest in any stocks, bonds, securities or other property, real or personal, which is deemed proper, necessary or expedient without any responsibility for the exercise of this discretion except that of using ordinary care and without being confined to what are known as legal investments for executors, trustees or other fiduciaries;

C. To renew any indebtedness, as well as borrow money, and to secure the same by mortgaging, pledging and/or conveying any property;

D. To compromise, adjust or settle any claim or demand by or against the estate and to rescind or modify any contract affecting the estate;

E. To make any division or distribution required hereunder in cash or in kind or both and the composition and value of the shares as so determined shall be final and binding;

F. To continue my interest in any business or enterprise, to incorporate any such business and to hold as an investment or to become a partner, general or special, in any business which my Executor deems advisable for the benefit of the estate or to take any other action with respect to any such business, interest, partnership or corporation and my Executor shall not be personally liable to third persons for any claim, debt or demand, of whatsoever nature, incurred by or in the operation thereof, nor liable for any depreciation or loss incurred in the continued operation of said business, provided the management is chosen with reasonable care;

G. To serve without making and filing inventory and appraisalment, without filing any annual or other returns or reports to any court and without giving bond, but an annual statement shall be furnished to each income beneficiary of any trust;

H. To continue to hold as trustee the share of a beneficiary who is less than 21 years of age with all of the powers, privileges and immunities herein granted to my Executor until such person attains the age of 21 years and during the interim to use income and corpus as deemed necessary for the support, education, maintenance, comfort and welfare of such person;

I. To distribute income of all or part of the share of a minor directly to the minor,

*Bernice J. Hendricks*

*[Signature]* *SMW*

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**PAGE 3 OF THE LAST WILL AND TESTAMENT OF  
BERNICE J. HENDRICKS**

or to an adult relative of the minor for the benefit of the minor or to a testamentary guardian of the person of the minor if one has been appointed or to a legal guardian of the minor if one has qualified and the receipt of such person shall discharge my fiduciary insofar as such payment or distribution is concerned; and

J. To distribute income or all or part of the share of a beneficiary who is less than 21 years of age directly to such person.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my seal to this my Last Will and Testament this 27 day of June, 2008.

Bernice J. Hendricks (SEAL)  
Bernice J. Hendricks - Testatrix

The foregoing instrument consisting of 2 pages besides this was subscribed, sealed, published and declared by the above named Testatrix as and for her Last Will and Testament in the presence of each of us, the undersigned, who, at her request, and in her presence, and in the presence of each other, who believe in said Testatrix to be of sound mind and disposing memory, have hereunto subscribed our names as attesting witnesses on this 27th day of June, 2008.

WITNESSES:

ADDRESSES:

James M. Thomas  
James M. Thomas

217 Davis Road, Suite B  
Augusta, Georgia 30907

Susan M. Walters  
Susan M. Walters

217 Davis Road, Suite B  
Augusta, Georgia 30907

SUNTRUST BANK  
 PO BOX 305183  
 NASHVILLE TN 37230-5183

Page 1 of 2  
 63/B11/0175/0 /12  
 0000511090508  
 07/21/2014  
 0000



Account Statement

|||||

LUCY JOHNSON BURKE  
 OR B J HENDRICKS  
 5585 ROSEMONT DR  
 APPLING GA 30802-9467

Questions? Please call  
 1-800-786-8787

LOOKING FOR WAYS TO PAY FOR COLLEGE? SUNTRUST BANK HAS THE SOLUTION. IF GRANTS, SCHOLARSHIPS AND FEDERAL LOANS AREN'T ENOUGH, THE CUSTOM CHOICE LOAN CAN FILL THE GAP FOR UNDERGRADUATE & GRADUATE STUDENTS. TAKE ADVANTAGE OF OUR SUMMER SAVINGS EVENT FROM 6/1/14 - 7/31/14! VISIT SUNTRUSTEDUCATION.COM/SAVINGS TODAY.

Account Summary	Account Type	Account Number	Statement Period
	EVERYDAY CHECKING	0000511090508	06/19/2014 - 07/21/2014

Description	Amount	Description	Amount
Beginning Balance	\$8,161.88	Average Balance	\$8,660.42
Deposits/Credits	\$1,588.00	Average Collected Balance	\$8,660.42
Checks	\$436.14	Number of Days in Statement Period	33
Withdrawals/Debits	\$1,181.26		
Ending Balance	\$8,132.48		

Deposits/Credits	Date	Amount	Description
	07/03	1,588.00	ELECTRONIC/ACH CREDIT SSA TREAS 310 XXSOC SEC *****5840A SSA
Deposits/Credits: 1		Total Items Deposited: 0	

Checks	Check Number	Amount	Date Paid	Check Number	Amount	Date Paid	Check Number	Amount	Date Paid
	2539	436.14	07/17						
Checks: 1									

Withdrawals/Debits	Date Paid	Amount	Description	Date Paid	Amount
	06/24	149.25	ELECTRONIC/ACH DEBIT STATE FARM RO 27 PYMT	2202	
	07/07	19.99	ELECTRONIC/ACH DEBIT AMERICA ON LINE SERVICE	2916277	
	07/15	895.17	ELECTRONIC/ACH DEBIT STATE FARM RO 27 PYMT	2538	
	07/17	95.85	ELECTRONIC/ACH DEBIT GEORGIA POWER GPC ARC	2540	
Withdrawals/Debits: 4					

Balance Activity History	Date	Balance	Collected Balance	Date	Balance	Collected Balance
	06/19	8,161.88	8,161.88	07/07	9,559.64	9,559.64
	06/24	8,012.63	8,012.63	07/15	8,664.47	8,664.47
	07/03	9,600.63	9,600.63	07/17	8,132.48	8,132.48

JBD/kr/68-435

## WARRANTY DEED

THIS INDENTURE, made and entered into this 10th day of July, 19 73 between

-----BOSTON-JOHNSON HOLDING COMPANY-----  
called party of the first part, which expression shall include the plural as well as the singular, and heirs, legal representatives successors and assigns, where the context so requires or admits and

-----LUCY BURKE-----  
in hand well and truly paid by the said party of the second part, which expression shall include the plural as well as the singular, and heirs, legal representatives, successors and assigns, where the context so requires or admits.

### W I T N E S S E T H :

That the said party of the first part for and in consideration of the sum of \_\_\_\_\_

#### TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

in hand well and truly paid by the said party of the second part, the receipt and adequacy of which are hereby acknowledged has bargained, granted, sold, aliened, conveyed, and confirmed, and by these presents does bargain, grant, sell, alien, convey and confirm unto the said party of the second part, the property hereinafter described, to-wit:

All that lot, tract or parcel of land, situate, lying and being in the 135th District, G. M., Columbia County, Georgia, containing 5.0 acres and known and designated as Tract "E" on a plat prepared by R. L. Herrington, Jr., dated November 1, 1969, and revised March 14, 1973. Said property is bounded on the West by Old Petersburg Road or Rose Mount Road a distance of 418.37 feet; on the North by Johnson Drive a distance of 565.0 feet; on the East by Tract "F" of said plat a distance of 381.94 feet; and on the South by Tract "F" of said plat a distance of 209.53 feet, also on the South by property now or formerly of Lampkin a distance of 335.47 feet, all as shown on the aforementioned plat.

Also as part of this conveyance is an easement for the purpose of ingress and egress over that portion of land shown on the aforementioned plat as Johnson Drive, having a 50 foot right-of-way.

GEORGIA, COLUMBIA COUNTY.

FILED AND RECORDED 10 A.M. 8-27-73  
DEED BOOK 144 PAGE 341-342

G. B. POLLARD, JR., CLERK

*Clerk's Note: See Plat Book 4, Page 37.*

### WARRANTY DEED

THIS INDENTURE, made and entered into this 2nd day of July, 1973 between ALPHONSO KENT, WILSON JOHNSON, ROOSEVELT JOHNSON, LUCY BURKE, BERNICE HENDRICKS AND FRANK JOHNSON -----

called party of the first part, which expression shall include the plural as well as the singular, and heirs, legal representatives, successors and assigns, where the context so requires or admits and -----

-----BOSTON-JOHNSON HOLDING COMPANY-----

called party of the second part, which expression shall include the plural as well as the singular, and heirs, legal representatives, successors and assigns, where the context so requires or admits.

#### W I T N E S S E T H :

That the said party of the first part for and in consideration of the sum of -----

#### TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

in hand well and truly paid by the said party of the second part, the receipt and adequacy of which are hereby acknowledged has bargained, granted, sold, aliened, conveyed, and confirmed, and by these presents does bargain, grant, sell, alien, convey and confirm unto the said party of the second part, the property hereinafter described, to-wit:

All those lots, tracts or parcels of land, situate, lying and being in the 135th District, G. M., Columbia County, Georgia, lying on the East side of Old Petersburg Road or Rose Mount Road between Evans, Georgia, and Pollards Corner, more particularly shown on a plat prepared by R. L. Herrington, Jr., dated November 1, 1969, and revised March 14, 1973, as Tract "A" containing 59.21 acres, and Tract "B" containing 17.13 acres, and Tracts C, D, E, F, and G, each containing 5.0 acres respectively, and that portion of land shown on said plat as Johnson Drive, having a 50 foot right-of-way. Said property being bounded on the North by the lands now or formerly of Smith; on the East by the Klookee Creek; on the South by the lands now or formerly of J. L. Cox; and on the West by the lands now or formerly of Lampkin and by the Old Petersburg Road or the Rose Mount Road. Reference is made to said plat for a more accurate description as to the metes, bounds and dimensions of the property herein conveyed. Said plat being recorded simultaneously herewith.

*CLERK'S NOTE: SEE PLAT BOOK 4, PAGE 37.*

GEORGIA, COLUMBIA COUNTY.  
FILED AND RECORDED 10 A.M. 8-27-73  
DEED BOOK 144 PAGE 329-330.  
G. B. POLLARD, JR., CLERK

Together with all and singular the rights, ways, easements, members, privileges and appurtenances to the said property, being, belonging, or in anyway appertaining, and the rents, revenues, issues and profits thereof and of every part thereof.

To Have and To Hold said property, and all and singular said rights and privileges, unto the said party of the second part, in fee simple forever.

(Continued on the reverse side)

375  
679

JBD/kr/68-435

### WARRANTY DEED

THIS INDENTURE, made and entered into this 10th day of July, 1973, between

BOSTON-JOHNSON HOLDING COMPANY  
called party of the first part, which expression shall include the plural as well as the singular, and heirs, legal representatives, successors and assigns, where the context so requires or admits and

BERNICE HENDRICKS  
called party of the second part, which expression shall include the plural as well as the singular, and heirs, legal representatives, successors and assigns, where the context so requires or admits.

W I T N E S S E T H :

That the said party of the first part for and in consideration of the sum of \_\_\_\_\_

TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION  
in hand well and truly paid by the said party of the second part, the receipt and adequacy of which are hereby acknowledged has bargained, granted, sold, aliened, conveyed, and confirmed, and by these presents does bargain, grant, sell, alien, convey and confirm unto the said party of the second part, the property hereinafter described, to-wit:

All that lot, tract or parcel of land, situate, lying and being in the 135th District, G. M., Columbia County, Georgia, containing 5.0 acres and being known and designated as Tract "F" on a plat prepared by R. L. Herrington, Jr., dated November 1, 1969. Said property fronts a distance of 600.0 feet on the West side of Johnson Drive and a distance of 238.50 feet on the South side of Johnson Drive. Said property is bounded on the North and East by Johnson Drive; on the South by Tract "G" of said plat; on the West by Tract "E" of said plat and property now or formerly of Lampkin, all as shown on the aforementioned plat, to which reference is made for a more accurate description as to the metes, bounds and dimensions of property herein conveyed.

Also as part of this conveyance is an easement for the purpose of ingress and egress across that portion of land shown on the aforementioned plat as Johnson Drive, having a 50 foot right-of-way.

GEORGIA, COLUMBIA COUNTY.

FILED AND RECORDED 9 A.M. 8-22-73  
Deed BOOK 144 PAGE 335-336  
G. B. POLLARD, JR., CLERK

*Clerk's note: See Plat Book 4, Page 27.*

Together with all and singular the rights, ways, easements, members, privileges and appurtenances to the said property, being, belonging, or in anyway appertaining, and the rents, reversions, issues and profits thereof and of every part thereof.

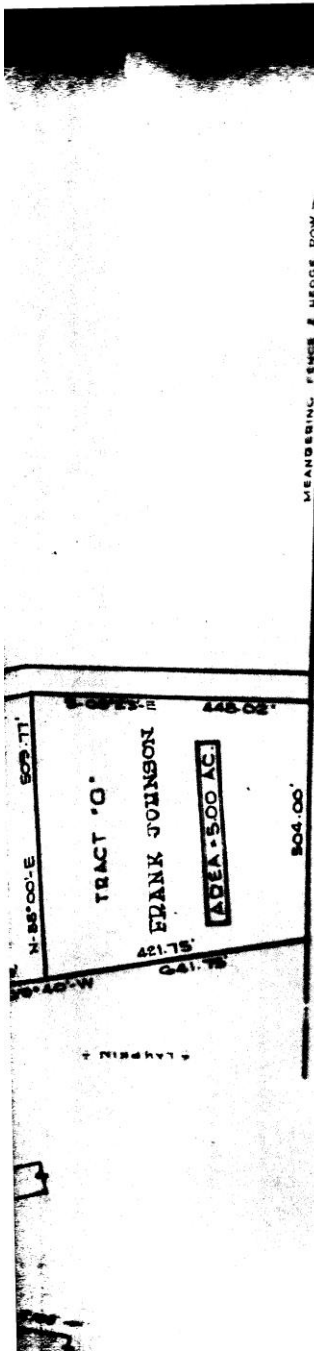
To Have and To Hold said property, and all and singular said rights and privileges, unto the said party of the second part, in fee simple forever.

(Continued on the reverse side)

335







MEASURING FENCE & HEDGE ROW  
 N-85°54'-W 1428.50'

PLAT CABINET AAA  
 SLIDE 27 NO. 1

PLAT  
 for

**THE ESTATE OF CARRIE JOHNSON**

PROPERTY LOCATED BETWEEN SVANS & POLLARDS CORNER, IN THE  
 1887 C. M. D.

**COLUMBIA CO., GEORGIA**

NOV. 1 1969  
 REV. 3-14-75 (TRACTS A, J, S, AND)

**Expenses for Estate account**

Date	Deposit	Check Number	Name on Check	Check amount	Memo
7/16/2016	\$10,089.00				Sale of 2010 Mustang to Car Max
7/16/2016	\$89.00				Insurance refund -Funds still In account
7/28/2016		101	Chawaka Bell	\$5,593.57	all expense for 2010 Mustang (Insurance Payments, New Key Made, Towing Fees, Storage Fees, Car Taxes, Car Note Payments)
11/30/2016		102	Juanita Hendricks	\$1,468.81	Matthew Hendricks distribution from sale of 2010 Mustang Car
12/15/2016		EFT	Columbia County	\$1,093.49	Used wrong account to pay 5585 Rosemont Taxes Bernice Hendricks
12/15/2016		EFT	Columbia County	\$1,656.29	Used wrong account to pay 5584 Rosemont Taxes Lucy Burke
12/22/2016	\$1,656.29	EFT	Estate Account		Transferred funds back into the Estate account from my error from Lines of Credit account
12/22/2016	\$1,093.49	EFT	Estate Account		Transferred funds back into the Estate account from my error from Lines of Credit account
3/18/2017		103	Danielle Hendricks	\$1,468.81	Danielle Hendricks distribution from sale of 2010 Mustang Car/ I need Danielle to sign the Receipt to send her Distribution for this check
3/18/2017		104	Chawaka Bell	1\$,468.81	Chawaka Bell distribution from sale of 2010 Mustang Car
					Check for Danielle has not been mailed to Tray waiting on response from lawyer If I can send with her signing :
					Each beneficiary to sign a Receipt and Release prior to receiving any funds
					Receipt and Release confirms receipt of the amount that they are inheriting and releases you and the estate from any and all liability or future claims that they might have had

004194



Canandaigua National Bank & Trust

72 South Main Street  
Canandaigua, NY 14424-1999

Address Service Requested

PAGE 1



NO IRS

004194 0.6500 AT 0.416 TR00020

CTRY Chawaka L. Bell  
Shawn L. Bell Sr  
Rochester NY 14624-4970

FINANCIAL SUMMARY AS OF 10-23-15		
xxxxxxxx4378	Traditional	\$ 9,004.11

Coming Soon. CNBankerRewards, rewarding you for your everyday spending. Visit CNBank.com/Rewards.

**Traditional**

ACCOUNT: xxxxxxxx4378

STATEMENT PERIOD FROM 09-26-15 THROUGH 10-23-15

STARTING BALANCE		91.65
DEPOSITS	+	10,000.00
CHECKS & WITHDRAWALS	-	1,087.54
MAINTENANCE FEES	-	.00
ENDING BALANCE	=	9,004.11

**DAILY BALANCE/TRANSACTIONS**

DATE	DESCRIPTION	WITHDRAWALS	DEPOSITS	BALANCE
09-26	Starting Balance			91.65
10-21	Deposit GEORGIA BUSINESS-LEGAL FEES		10,000.00	10,091.65
10-22	Point Of Sale Withdrawal AMERICAN DALLAS TXUS	358.20		9,733.45
10-22	Point Of Sale Withdrawal AMERICAN DALLAS TXUS	358.20		9,375.25
10-22	Point Of Sale Withdrawal TRAVEL INSURANCE PO080072 96021 VAUS	51.12		9,324.13
10-22	Point Of Sale Withdrawal AMERICAN DALLAS TXUS	35.01		9,289.12
10-22	Point Of Sale Withdrawal AMERICAN DALLAS TXUS	35.01		9,254.11
10-23	Point Of Sale Withdrawal AMERICAN ROCHESTER NYUS	50.00		9,204.11

CTRY-002-004194-001-001-151026 004194 S04  
14624497009

Customer Service Center:  
(585) 394-4260  
(800) 724-2621

CNBank.com | Member FDIC



**DAILY BALANCE/TRANSACTIONS (cont.)**

DATE	DESCRIPTION	WITHDRAWALS	DEPOSITS	BALANCE
10-23	Point Of Sale Withdrawal SQ *RANDYS TOWING EVANS GAUS	150.00		9,054.11
10-23	Point Of Sale Withdrawal MONTERREY #57 EVANS GAUS	50.00		9,004.11

**ATM/POS TRANSACTIONS**

DATE	DESCRIPTION	AMOUNT
10-22	Point Of Sale Withdrawal AMERICAN DALLAS TXUS	358.20
10-22	Point Of Sale Withdrawal AMERICAN DALLAS TXUS	358.20
10-22	Point Of Sale Withdrawal TRAVEL INSURANCE PO0800729 6021 VAUS	51.12
10-22	Point Of Sale Withdrawal AMERICAN DALLAS TXUS	35.01
10-22	Point Of Sale Withdrawal AMERICAN DALLAS TXUS	35.01
10-23	Point Of Sale Withdrawal AMERICAN ROCHEST ER NYUS	50.00
10-23	Point Of Sale Withdrawal SQ *RANDYS TOWING EVANS GAUS	150.00
10-23	Point Of Sale Withdrawal MONTERREY #57 EVANS GAUS	50.00

**SUMMARY OF OVERDRAFT (OD), INSUFFICIENT (NSF), AND UNCOLLECTED FUNDS (UCF) FEES**

DESCRIPTION OF FEES	TOTAL FOR THIS PERIOD	TOTAL YEAR-TO-DATE
TOTAL OVERDRAFT FEES (OD, NSF, UCF ITEMS PAID)	.00	.00
TOTAL RETURNED ITEM FEES (NSF ITEMS NOT PAID)	.00	.00

CTNY-002-004194-001-151026 004194 S04

IN THE PROBATE COURT OF COLUMBIA COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF BERNICE J.                    )  
      HENDRICKS, Deceased                    )     ESTATE NO: 2014-0223 AND 2012-1036

**PETITION FOR ACCOUNTING AND REMOVAL OF EXECUTRIX**

NOW COMES Petitioner, Danielle Garcia, who states as follows:

1.

Petitioner is an heir and legatee to the Estate and has standing to bring this action.

2.

The Executrix, Chauwaka Bell, is subject to the jurisdiction of this Court and may be served through certified mail to her last known address, 9 Yankee Court, Rochester, New York 14624.

3.

The Probate Court of Columbia County has subject matter jurisdiction over this dispute.

4.

The Last Will and Testament of the said Bernice J. Hendricks has been probated in solemn form by this Honorable Court and Letters Testamentary were issued to Chauwaka Bell on August 23, 2014.

5.

Said estate remains in administration despite the passage of approximately 2½ years since the appointment of Executrix.

6.

The said Chauwaka Bell has mismanaged said estate to the detriment of the Petitioner.

7.

The Executrix has failed to exercise due diligence in the performance of her fiduciary duties. As a result, the property of the Estate is falling into disrepair and diminishing in value. The Estate owns property known as 5584 Rosemont Drive, Appling, Georgia that is subject to an outstanding Security Deed. This creditor has filed a Notice of Claim against the Estate on November 17, 2014 in the amount of \$18,005.60. (See Exhibit "A"). Upon information, no effort has been made to satisfy this claim by sale of the encumbered property. Upon information, the Estate also holds an interest in property known as 5585 Rosemont in Appling, Georgia.

8.

By virtue of the foregoing, Chauwaka Bell should be removed as Executrix and be caused to pay all costs of this action, together with the attorney's fees of the Petitioner.

WHEREFORE, Petitioner prays as follows:

- A. That the Court enter an order requiring the said Chauwaka Bell to answer the allegations contained herein;
- B. That this Court remove Chauwaka Bell as personal representative of the estate;  
and
- C. That this Court order an accounting of all income and disbursements made during the Executrix's service in office; and

D. That this Court grant such other relief deemed appropriate under the circumstances.

---

WENDELL E. JOHNSTON, JR.  
Georgia Bar No. 397005  
Attorney for Petitioner

OF COUNSEL:  
JOHNSTON & SMITH, LLP  
P.O. BOX 211509  
AUGUSTA, GA 30917-1509  
Telephone: 706-860-1952  
Facsimile: 706-855-0994  
E-Mail: [wendell@johnstonsmithlaw.com](mailto:wendell@johnstonsmithlaw.com)

CLAIM AGAINST ESTATE OF

STATE OF GEORGIA  
COUNTY OF COLUMBIA

BERNICE J HENDRICKS  
DECEASED

DOD: 04/19/2012  
SSN: XXX-XX-1045

SunTrust Bank: 50508944100801446  
CREDITOR

CREDITOR  
ADDRESS: P.O. Box 305180  
Mail Code 7669, Attn: Laurie Drake  
Nashville, TN 37230-9906

DATE CLAIM DUE: 11/18/2014

Unpaid Balance: \$18,005.60

Quantity Items and Nature of Claim Amt. of Claim Credits:

See attached instrument copy and/or itemized statement  
For questions, call Amber Gardner at 866-441-0998, option 4.

Comes Laurie Drake, Assistant Vice President of SunTrust Bank who being duly sworn, makes oath that the attached claim is a correct, just and valid obligation of the estate of, BERNICE J HENDRICKS, neither the claimant nor any other person on its behalf has received payment thereof, in whole or in part, except such as is credited thereon and that no security therefore has been received except as therein stated.

SunTrust Bank  
By: Laurie Drake  
Laurie Drake, Assistant Vice President

Sworn to and subscribed before me,  
this 4<sup>th</sup> day of November, 20 14.

CHRISTOPHER C. PADGETT  
Notary Public



My Commission Expires: 6-21-16  
Form - P - 11  
DAVIDSON COUNTY

We hereby acknowledge receipt of your claim and will place it in the file. This court is not responsible for the collection of any claims.

Alice W. Padgett  
Columbia County Probate Judge



IN THE PROBATE COURT OF COLUMBIA COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF ) ESTATE NO. 2017-0109  
 )  
BERNICE J. HENDRICKS, )  
DECEASED )

FINAL ORDER

It being shown to the Court in the matter of the petition for Accounting and Removal of Executrix;

Said Petition was filed on February 23, 2017. A Response was filed on March 17, 2017. A hearing was held on October 4, 2017. CHAWAKA BELL was represented by counsel, Troy A. Lanier, and DANIELLE GARCIA was represented by Wendell E. Johnston, Jr.

The Petition alleges that CHAWAKA BELL has mismanaged the estate by not satisfying the mortgage on the property owned by the estate. Testimony presented showed that Executor, CHAWAKA BELL, has paid all expenses of the Estate out of personal funds, including said mortgage. In addition, Executor has sold the 2010 Mustang owned by the Estate and disbursed the funds between the three (3) beneficiaries.

Testimony was presented that Ms. Bell wanted to buy the property from the Estate in order to keep it in the family. However, she further testified that she realized that was not possible, so she is pursuing the sale of the property. There was testimony from a real estate agent and information provided from the County regarding problems that must be addressed in order to sale this property.

The parties conducted discovery which included copies of bank statements and other financial information. Ms. Bell testified that the only funds that came into the estate was from the sale of the vehicle, which she had disbursed between the three (3) beneficiaries.

The Court finds that although it has been a little over two (2) years since Ms. Bell was appointed Executor, it does not find grounds for removal of Ms. Bell as Executor.

Therefore, the Petition for Accounting and Removal of Executor is hereby DENIED.

SO ORDERED this 31st day of October, 2017.

GEORGIA, COLUMBIA COUNTY  
FILED IN OFFICE THIS 31  
DAY OF OCTOBER 2017  
Kirsty Hancey  
JUDGE, PROBATE COURT

*Alice W. Padgett*  
ALICE W. PADGETT  
Probate Judge



CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the within and foregoing  
FINAL ORDER upon the parties as follows:

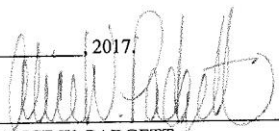
Mr. Wendell E. Johnston, Jr.  
Johnston & Smith, LLP  
Post Office Box 211509  
Augusta, Georgia 30917-1509

Mr. Troy Lanier  
Post Office Box 2426  
Augusta, Georgia 30903

by placing in the U.S. mail.

This 31<sup>st</sup> day of October, 2017.

GEORGIA, COLUMBIA COUNTY  
FILED IN OFFICE, THIS 31  
DAY OF Oct 20 17  
Misty Manley  
JUDGE, PROBATE COURT

  
\_\_\_\_\_  
ALICE W. PADGETT  
Judge, Probate Court

**THIRD DIVISION  
ELLINGTON, P. J.,  
DILLARD and MCFADDEN, JJ.**

**NOTICE:** Motions for reconsideration must be *physically received* in our clerk's office within ten days of the date of decision to be deemed timely filed.  
<http://www.gaappeals.us/rules/>

**May 22, 2015**

**NOT TO BE OFFICIALLY  
REPORTED**

**In the Court of Appeals of Georgia**

A15A0407. IN RE ESTATE OF HENDRICKS.

DILLARD, Judge.

In this case, the following circumstances exist and are dispositive of the appeal:

- (1) The evidence supports the judgment;
- (2) No reversible error of law appears, and an opinion would have no precedential value;
- (3) The judgment of the court below adequately explains the decision; and
- (4) The issues are controlled adversely to the appellant for the reasons and authority given in the appellee's brief.

The judgment of the court below therefore is affirmed in accordance with Court of Appeals Rule 36.

*Judgment affirmed. Ellington, P. J., and McFadden, J., concur.*

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IN THE COURT OF APPEALS  
STATE OF GEORGIA

IN RE ESTATE OF )  
Bernice J. Hendricks, Deceased )  
Danielle Garcia, )  
Appellant-Petitioner, )  
v. )  
Chawaka Bell, )  
Appellee. )

---

Docket No.: A15A0407

**BRIEF OF APPELLANT**

Danielle Garcia  
5585 Rosemont Drive  
Appling, Georgia 30802  
802-683-1138  
Appellant In Pro Per

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**STANDARD FOR REVIEW**

When a question of law is at issue, as here, the Courts owe[s] no deference to the trial court’s ruling and applies the “plain legal error” standard of review. *Suarez v. Halbert*, 246 Ga. App. 822, 824, 534 S.E.2d 733 (2000); *Glover v. Ware*, 236 Ga.App. 40, 45(3), 510 S.E.2d 895 (1999); *Smith v. Carter*, 305 Ga. App. 479, 481, 699 S.E.2d 796, 797 (2010). Moreover, “[w]here it is apparent that a trial court’s judgment rests on an erroneous legal theory, an appellate court cannot affirm. *Gwinnett County v. Davis*, 268 Ga. 653, 655, 492 S.E.2d 523 (1997).

Questions of law are subject to *de novo* review. “[E]rroneous applications of law to undisputed facts, as well as decisions based on erroneous theories of law, are subject to the *de novo* standard of review.” *The Home Depot v. McCreary*, 306 Ga. App. 805, 809 (703 S.E.2d 392) (2010).

**STATEMENT OF FACTS**

Danielle Garcia, appellant, Petitioned to Probate Will in Solemn Form and For Letters of Administration with Will Annexed on March 20, 2014 [R-18-22]. Chawaka Bell, named executrix, Petitioned to Probate Will in

1 Solemn Form on April 16, 2014 [R- 32-38]. Caveat was filed with each  
2 petition [Danielle Garcia, R-28-31 and Chawaka Bell, R-39-41] . An Order  
3 granting Chawaka Bell executrix was issued August 21, 2014 [R-42-44]  
4

5 According to O.C.G.A. §53-6-70 (2010), “if executor fails to offer the  
6 will for probate for an unreasonable time or does not qualify...he shall be  
7 deemed to have renounced his right as executor.” Chawaka Bell failed to  
8 initiate probate in timely and reasonable manner as directed by the Will of  
9 Bernice Hendricks and Georgia law. She only submitted a petition after one  
10 had been initiated by the appellant.  
11

12 Later, after Petitioning, it was discovered by Danielle Garcia that  
13 fraud and theft of monies in various bank accounts has occurred, along with  
14 theft of various materials in the house. The houses and property have been  
15 laid to waste because of lack of initiating probate and negligence of  
16 Chawaka Bell, who has been allowed by the court to remain executrix of the  
17 will. She also colluded to leave Danielle Garcia out of the will.  
18

19 The sum of \$1588 was continually deposited in a Joint Account of  
20 Lucy Burke and Bernice Hendricks [Volume 1, T-48, Exhibit 1]. This  
21 money was the Social Security money of Lucy Burke who had been dead  
22

1 since January 4, 1992. After Bernice died, this money was then taken by  
2 Bernice's son, James Hendricks and used to pay various bill related to the  
3 estate, along with personal use. Many family members, with the exception of  
4 Danielle Garcia, knew this money was being used (from their statements) by  
5 Bernice while alive and was taken thereafter by James Hendricks. The  
6 money was no 'mystery' to anyone closely related to Bernice Hendricks.  
7 Chawaka Bell was aware of this money, allowed James Hendricks to take  
8 the money and pay bills and use as he chose. There are various other  
9 accounts that Bernice had that are in question and potentially wrongfully  
10 liquidated. Chawaka Bell has certainly been complicit in fraud, allowance of  
11 theft and at minimum willfully negligent, but complicit being more accurate.  
12 Her complicity is demonstrated in the negligence.  
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17 She mentioned in court that in 2012 she made an attempt to pay the  
18 taxes on one of the properties and presented receipts to the judge [Volume  
19 1, T- 47]. Though there was a 'show' of receipts, that does not mean that  
20 James Hendricks did not reimburse her from the money he was taking out of  
21 the account. She stated that she has not paid taxes for 2013 [Volume 1, T-  
22 47] and why not? Because she knew they were being paid by James  
23  
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1 Hendricks and from that account that he had wrongful access to as well as  
2 money being put into account that was illegal. She made no attempts at all to  
3 pay the line of equity loan [Volume 1, T-52, Exhibit 3] connected with the  
4 estate of Bernice, again, because she was aware that it was being paid by  
5 James Hendricks from the account connected with the estate and not just  
6 simple negligence. I believe that Chawaka Bells actions related to the  
7 payment of the 2012 taxes was just a ruse to be used.  
8

9  
10 Chawaka has allowed people to loot the home of Bernice. Relatives  
11 have taken things and James Hendricks have taken things and has made  
12 claims that Bernice's car is his car. The expenses for the car are paid from  
13 the joint account of Bernice Hendricks and Lucy Burke [Volume 1, T-48,  
14 Exhibit 1] all the way down to the gas and full insurance found on various  
15 recent bank statements. So fraud, theft, mismanagement, negligence has  
16 already occurred with the Estate of Bernice Hendricks in relation to  
17 Chawaka as named executrix. The consequence has been that, Danielle  
18 Garcia, as a beneficiary is not receiving her equitable share, possible further  
19 damage in relation to the property for which the loss is incalculable at this  
20 time.  
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1                   Conspiracy to leave Danielle Garcia out of Will. When James  
2                   Hendricks took Bernice Hendricks off life support, he mentioned to Danielle  
3                   Garcia that he went in before others to take various papers and effects of  
4                   Bernice which included a copy of the will, so others couldn't take it. Later  
5                   the story began to change. Upon arrival in Georgia when Bernice died,  
6                   James told Danielle Garcia that he did not have a copy of the will and didn't  
7                   know what was in it and, "we'll let you know whether or not you are to be  
8                   included in the will." Those were the exact words and I do want to  
9                   emphasize "we", implying a colluding among various people associated with  
10                  Bernice's will. Danielle Garcia was never notified over the two years about  
11                  the will, property, being listed as a beneficiary meanwhile decisions were  
12                  made related to the property secretly and fraud. In March 2014, a copy of the  
13                  will [R- 23-27] was obtained by appellant and from there initiated probate  
14                  proceedings.

15                   Chawaka Bell states that she requested the information from the  
16                   parents of Danielle Garcia and they wouldn't provide and, for which, the  
17                   parents denied that occurred. She made no attempt to use other resources,  
18                   such as the Internet, to obtain whatever information she was lacking. When  
19

1 Danielle Garcia initiated probate, Chawaka was asked to provide her address  
2 and she 'refused to provide' in order to impede probate. The petitioner,  
3 Danielle Garcia, was able to use the Internet and obtain the address of  
4 Chawaka and follow through with probate. Danielle Garcia's parents are  
5 involved in the cover up of the money and targeting of Danielle Garcia;  
6 however, neither has any interests in Chawaka Bell in taking all of land for  
7 herself and would not at any time refuse to provide Chawaka Bell with  
8 address and phone number, which actually is conveniently available on  
9 Internet. James Hendricks, Danielle Garcia's father, hit the lottery (along  
10 with pension and social security) and is not in need of money. The \$1588  
11 was a nice supplement but not a desperate need. He has a desire to take the  
12 car and perhaps, as it seems, there was a deal made between him and  
13 Chawaka which is why the car remains with him today, still after 2 years.  
14 James Hendricks said to Danielle Garcia shortly after initiating probate that  
15 he began getting calls to Bernice cell phone which he had, which shows as  
16 Verizon on the banking statements as it was a continual charge to the  
17 account until stopped by Danielle Garcia, and these were calls from relatives  
18 saying "hello" to Bernice (if message left) or requesting her by phone,  
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1 Hendricks requested in her will [R-23-27, R-24] that the executrix be  
2 “exercised in such a reasonable manner as may be fair and equitable” and  
3 that has not be done. Bernice Hendricks in her will also requested a  
4 Christian burial which she was not given, she was cremated. Cremated when  
5 \$1588 per month (continually deposited) was available to pay for proper  
6 burial and funeral expenses by her sons who took over responsibility for her  
7 cremation. Her son, James Hendricks, again, hit the lottery and certainly had  
8 money to pay for a dignified burial, yet they took the money and ran. The  
9 \$1588 per month in a Joint Sun Trust Account [Volume I, T-48, Exhibit 1]  
10 was the money of Bernice’s sister, Lucy Burke who died January 4, 1992.  
11 Social Security was not aware that she was died and the money was  
12 deposited for 22 years. So there is approximately \$250-300K missing in  
13 materials and money. In Bernice’s house, which again has been looted by  
14 other relatives, there isn’t even a leather jacket. Nothing of high monetary  
15 value that shows there was such money in her possession, and the condition  
16 of the house is poor. Chawaka Bell, as executrix, would be able to cover her  
17 tracks in relation to crimes that have happened. She has shown that she  
18 cannot be trusted to be fair or honest in her dealings. Danielle Garcia upon  
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1           discovering the theft of money from the open account and social security,  
2           contacted the bank and social security to stop. The bank informed Ms.  
3           Garcia that not only was money being taken wrongfully but that someone  
4           called into the bank misrepresenting themselves as Lucy Burke in order to  
5           obtain another card [this bank conversation is recorded]. Another card was  
6           necessary because the bank had a “death watch” on the account which  
7           cancelled the card of Bernice. The bank knew Bernice had retired (yet  
8           allowed for checks to be forged in her name). The person misrepresented  
9           themselves as Lucy Burke but put the card name in Bernice’s name, to  
10          obtain another bank card. My assumption that the person taking on the  
11          identity of Lucy Burke would be James’ former girlfriend, the very person  
12          who he says will write a note stating that Bernice gave him her car. Checks  
13          were forged with Bernice’s name to pay bills and purchase personal items  
14          [Volume 1, T-48, Exhibit 1]. People have the right to leave their property to  
15          whom they choose to leave it to and such decisions may anger people, but  
16          they doesn’t give them the right to disregard the wishes of the testator. But  
17          that is what has been done and the attitude is we want it, we took it, now see  
18          if you can stop us and the judge of probate went along.

1           Certainly there was collusion against Danielle Garcia but these parties  
2 also worked against each other. As Chawaka Bell was stalling probate,  
3 James Hendricks stated to Danielle Garcia that he was plotting to take the  
4 Lucy's house by adverse possession and put the bills in his name residing  
5 elsewhere. Initially James Hendricks was in support of Danielle Garcia's  
6 petition, after the discovery of the fraud and shortly after initiating probate,  
7 he worked against the petition of Danielle Garcia and started a campaign of  
8 harassment directed toward Danielle Garcia, for which police action was  
9 taken. This campaign of harassment is still in effect by other relatives and  
10 there are threats such as "be safe" comments.  
11

12           Again, these crimes will go uncorrected and continue if Chawaka  
13 remains as executrix. Chawaka is has shown herself to be dishonest,  
14 incapable of managing things (still to date has not paid loan, reported stolen  
15 money and her status as executrix to Sun Bank...Danielle Garcia was forced  
16 to do this), incapable of concern for the interests of others, has breached  
17 fiduciary duty and has created severe equity issues and issues of fraud with  
18 the account which have affected the property to where Danielle Garcia as a  
19 beneficiary will obtain less than should have because of her actions and the  
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1 actions she allowed others. Over the two years of inaction the houses  
2 remained in complete disrepair, there was no cleaning up after the dead, the  
3 grass remained uncut, cat feces and urine and litter was all over the house of  
4 Bernice. The house was littered with bugs and trees where growing though  
5 the siding into the house itself. High priced items such as John Deere riding  
6 tractor have been stolen. The additional house connected to the estate, Lucy  
7 Burke's was left in same disrepair when could have been repaired and used  
8 in more profitable way. Much of the repairs and maintenance has been  
9 continually done by Danielle Garcia who has taken residence to protect  
10 remaining interests. Chawaka Bell does not live in Georgia.

11  
12 The two estates apart of Bernice Hendricks estate are the house of  
13 Bernice Hendricks and the house of Lucy Burke. Bernice Hendricks never  
14 probate the will of her sister, Lucy Burke and was given 'power of attorney'  
15 before she died. After she died, Bernice maintained the property, rented on  
16 occasion, paid all taxes and was commonly understood that she was  
17 essentially the owner of the property since no other person took  
18 responsibility and based on the power of attorney provided to Bernice and  
19 statements of Lucy Burke prior to death. This case has rose to the Appeal  
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1 Courts for various reasons and one being bad legal representation acquired  
2 by Danielle Garcia. Attorney Maioriello took both Danielle Garcia and  
3 James Hendricks as clients, Hendricks in support of Danielle Garcia. Upon  
4 the discovering of the fraud, Maioriello had a conflict of interest but didn't  
5 share that. He followed through with the motions of representing possibly for  
6 not wanting to return the money paid by James Hendricks. Fraud was found  
7 after Maioriello was hired, it was mentioned to him and provided Sun Trust  
8 Statements to him, but he didn't handle appropriately. In fact, he even  
9 suggested that I allow James Hendricks to just keep taking the money and  
10 also said he didn't want to mention in court on the day of court. Later  
11 Danielle Garcia discovered that he failed to subpoena the bank statements  
12 before the hearing. He purposefully and improperly misrepresented Danielle  
13 Garcia and set up the case for failure, protecting those who did the fraud. If  
14 Maioriello had a conflict of interests, that should have been stated the  
15 moment Danielle Garcia told him about the fraud and he should have  
16 withdrawn then, but he didn't. He pretended to represent Danielle Garcia as  
17 if was concerned for her interests and then "threw her under the bus."  
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Meanwhile, Chawaka Bell, who was complicit in the fraud, has been



1 allowed to remain as executrix and no check (full power) as to what she can  
2 do. Danielle Garcia is not able to protect her own interests in relation the  
3 estate of Bernice.  
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5 **PART TWO**

6 **ENUMERATION OF ERRORS**

- 7
- 8 1. The Probate Court of Columbia County erred in its Order dated August  
9 21, 2014 [R-42-44] in allowing Chawaka Bell to remain as executrix  
10 disregarded law O.C.G.A § 53-6-70 (2010) states: “if executor fails to  
11 offer will for probate for an unreasonable time or does not qualify within  
12 time specified he shall be deemed to have renounced his right as  
13 executor.  
14
  - 15 2. The court erred also disregarded law O.C.G.A § 53-7-55 (Revocation of  
16 letters... “whenever it appears to the probate court that good cause may  
17 exist...” ) and O.C.G.A § 53-7-54 ... (breach of fiduciary is grounds for  
18 to appoint another personal representative and removal of the current  
19 personal representative . Proof of such good cause was established with  
20 the Sun Trust Bank Statement [Volume 1, T-48, Exhibit 1]. It can be  
21 found in the record that the judge was made aware of the condition of the  
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houses [Volume 1, T-49-51, Exhibit 2], the theft of materials, and money, Chawaka had taken no responsibility in payment of any tax expenses for 2013 [Volume 1, T- 47] or any expenses (and if probate not initiated, no payment of taxes for 2014 nor payment of loan) showing that she was aware they were being handled already by James Hendricks. The court completely disregarded this.

3. The Court erred disregarding O.C.G.A. §15-9-86-1(a) "... party served must file with the court his or her response to the petition within ten days after personal service of the notice upon him or her, or 13 days after mailing if served by mail, and that if no responses are filed the petition will be granted without a hearing." (c) "Failure of a party served as provided in subsection (a) or (b)... shall constitute a waiver of the right of such a party to object to the petition..." The caveat of Chawaka Bell [R-39-41] was not filled in appropriate time and should have not been accepted.

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**PART THREE**

**ARGUMENT AND CITATION OF AUTHORITY**

1. O.C.G.A § 53-6-70 (2010) states: “if executor fails to offer will for probate for an unreasonable time or does not qualify within time specified he shall be deemed to have renounced his right as executor. After two years, Chawaka Bell has just recently initiated probate and only when compelled to by Danielle Garcia’s request for Will in Solemn Form and for Letters of Administration with Will Annexed and suddenly she has found the means to obtain two attorneys. This is not a “reasonable” amount of time and should disqualify her just for that reason. To initiate probate, it is not necessary to have the addresses of beneficiaries and with some due diligence, such information could have been found on the Internet where address and current phone number are listed. Danielle Garcia maintains a webpage with phone number listed. She could have put in some effort to find this information and the attorneys could have assisted her. This is not a valid reason nor valid by law for not initiating probate. The judge cited no law to support her decision.

1           2.     Fraud, breach of fiduciary duties, theft, mismanagement and  
2 negligence has already occurred on the case (since so long being  
3 probated) and Chawaka has been complicit with that. The laws O.C.G.A  
4 § 53-7-55 related to Revocation of letters... “whenever it appears to the  
5 probate court that good cause may exist...” and O.C.G.A § 53-7-54,  
6 breach of fiduciary duty, were sufficient grounds to have Chawaka  
7 removed as executrix along with the documented proof of the Sun Trust  
8 account statement [Volume 1, T-48, Exhibit I]. Chawaka stated that she  
9 did not make any attempt to pay for the taxes [T-47] or any other related  
10 bills and expenses related to the property for 2013 because she was aware  
11 they were being paid for by James Hendricks who was criminally taking  
12 money and forging checks from the account of Bernice. Irrespective of  
13 where the money came from, there was enough money accumulated over  
14 the two years to completely paid the loan on the house of Bernice  
15 Hendricks if the money was used properly. There are many layers of  
16 impropriety. Even though the money may have been put in there wrong,  
17 it is still a beneficiary account , for which, Sun Trust states some of this  
18 money because it is theft to the account would be returned to the account  
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1 when executor comes into bank and makes motion toward charges. To  
2 date Chawaka Bell has not initiated any actions with Sun Trust related to  
3 theft of money and having bank return stolen money to account or  
4 contacted Sun Trust to handle loan and to state that she is the executrix of  
5 the estate.  
6

7  
8 *Lokey v. Lokey*, 30 S.E.2d 569 (Ga. Ct. App. 1950), “[E]ven if the jury  
9 found some derelictions of the administrator to be “minor matters” they  
10 might regard them as presaging more serious infractions, and having  
11 found such violations of law might, in their discretion, remove the  
12 administrator.” Evidence has already been submitted documenting the  
13 fraud [Volume 1, T-48, Exhibit 1], mismanagement [Volume 1, T-49-  
14 51, Exhibit 2], breach of fiduciary duties, and negligence and perhaps  
15 more to be found with a new administrator of the will.  
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19 *Sam's Wholesale Club v. Riley*, 241 Ga.App. 693-694, 527 S.E.2d  
20 293 (1999)... “[i]f a personal representative ... commits a breach of  
21 fiduciary duty ..., a beneficiary of a testate estate ... shall have a cause of  
22 action: (1) To recover damages;... (4) To compel the redress of a breach  
23 of fiduciary duty by payment of money or otherwise; (5) To appoint  
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1 another personal representative ...; (6) To remove the personal  
2 representative ...; and (7) To reduce or deny compensation to the personal  
3 representative or temporary administrator.” All damages have yet to be  
4 fully calculable at this stage. Allowing Chawaka Bell to remain as  
5 executrix and sole personal representative to the Estate of Bernice will  
6 cause further damage and would be a miscarriage of justice.  
7

- 8
- 9 3. O.C.G.A. §15-9-86.1(a)(c) clearly states that a caveat must be filed  
10 within 13 days or the party loses right to object to the petition. Chawaka  
11 Bell’s caveat [R-39-41] was not filed within those 13 days, dated April  
12 15, 2014. The Certificate of Service of the Clerk was dated March 27,  
13 2014 [See Exhibit A]. It was incorrect for the judge to allow the caveat.  
14 Not only have the courts given allowances for untimeliness in probating  
15 the will, special allowances for fraud, mismanagement, negligence,  
16 breach of fiduciary duty, conspiracy, but an untimely caveat. Though it  
17 was requested by Appellant for the probate courts to send “all” records  
18 with exception of exhibits of Chawaka Bell, some records were excluded  
19 including the “Certificate of Service.” A motion to supplement the record  
20 was made October 3, 2014 but a decision has not been received prior to  
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1 brief being mailed and a further motion for 'leave to file supplemental  
2 brief' along with a supplemental brief will be made to support this point.

3  
4 **CONCLUSION**

5 In conclusion, it is requested that Chawaka Bell be completely  
6 removed as executrix, at this time, along with petition to probate the will and  
7 that Danielle Garcia should be executrix in support of her petition to probate  
8 will in solemn form with will annex. If the court finds this in appropriate  
9 than a court appointed administrator be placed after the removal of Chawaka  
10 Bell. This case has been well-planned and thought out over time by  
11 Chawaka and other family members. Bernice was left, in her old age, alone  
12 with houses she, because of advanced age, could not care for. Though she  
13 had a son, James Hendricks nearby and other relatives, she had to pay distant  
14 relatives or neighbors to cut grass with her own lawn mower. Danielle  
15 Garcia, though experiencing targeting and other COINTELPRO criminal  
16 activity, was kept isolated from Bernice though she could have and would  
17 have assisted her. Bernice had two open homes and Danielle Garcia for a lot  
18 of the time because of these criminal activities, was homeless and  
19 overburdened with manufactured events severe and out of the ordinary.  
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There was undue influence in relation to the will but it is not a claim that is being pushed, only the bare facts of fraud, negligence, mismanagement, breach of fiduciary duties and failure to abide by will of Bernice Hendricks which is of the highest importance. The events described show the lack of concern these relatives had for Bernice Hendricks. Instead of Christian burial, Bernice was cremated. Houses left in disarray and other sneaky criminal behavior... some allowed by others to steal money and take high priced expenses as pay off, while others just wait and design schemes to steal all the land.

Respectfully submitted, this \_\_\_\_ day of October, 2014.

---

Danielle Garcia  
Appellant in Pro Per  
5585 Rosemont Drive  
Appling, GA 30802  
802-638-1138



# MISCELLANEOUS

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DROITS DE L'HOMME  
HAUT-COMMISSARIAT



UNITED NATIONS  
HUMAN RIGHTS  
OFFICE OF THE HIGH COMMISSIONER

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REFERENCE: Communication dated 04/01/2013

4 November 2013

Dear Madam,

We acknowledge receipt of your communication dated 4 January 2013. After careful consideration of its contents, we regret having to inform you that the Office of the High Commissioner for Human Rights is not in a position to assist in the matter you raise, for the reasons indicated on the back of this letter.

It may be useful to recall that the objective and scope of the complaint procedure is to address communications referring to consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances based on the admissibility criteria set forth in the Human Rights Council resolution 5/1 of 18 June 2007 (paragraphs 85 to 87).

For additional information about the complaint procedure of the Human Rights Council, please consult our website:  
<http://ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCComplaintProcedureIndex.aspx>

Yours sincerely,

The Secretariat of the Complaint Procedure  
of the Human Rights Council

Danielle Garcia

**Reasons for inadmissibility of communications**

- 1. Your communication does not address consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms.
- 2. Your communication does not provide sufficient factual description of alleged violations, including the rights which are alleged to be violated.
- 3. Your communication is exclusively based on reports disseminated by mass media.
- 4. Your communication is manifestly politically motivated.
- 5. Your communication is being dealt by/referred to:
  - A special procedure\*
  - A treaty body\*
  - Other United Nations complaints procedure in the field of human rights\*
  - Other Regional complaints procedure in the field of human rights
- 6. Domestic judicial/administrative remedies do not appear to have been exhausted, and it has not been substantiated that the application of domestic remedies would be unreasonably prolonged or that the remedies would be otherwise ineffective.
- 7. Your communication is manifestly ill-founded.
- 8. The Complaint Procedure cannot generally examine disputes between private individuals or alleged violations of human rights that have been committed by non-state actors.

**N.B. Please note that any communication or further correspondence should be provided in a UN official language: Arabic, Chinese, English, French, Russian or Spanish.**

\* Your communication or additional information has been transmitted to the appropriate UN body.



by [Jennifer Friedman](#), Forensic Science Coordinator, [Los Angeles County Public Defender](#)

on Friday, December 27, 2013

The United States Supreme Court in [Kansas v. Cheever](#) reaffirmed the rule set forth in [Buchanan v. Kentucky](#) that the government does not violate a defendant's Fifth or Sixth Amendment rights by offering testimony from a court ordered psychiatric evaluation to rebut a mental state defense offered by a defendant at trial.

The Court explicitly failed to address a number of important issues including the scope of this evaluation and consequent rebuttal testimony. Additionally, the propriety of such an evaluation and its scope in the first instance was not addressed in Cheever. Numerous states have enacted statutes governing government initiated mental status evaluations of criminal defendants pretrial. However, the existence of these statutes and their corresponding case law does not mean that these statutes pass constitutional muster.

While *Kansas v. Cheever* does not explicitly describe the constitutional limits of government initiated evaluations, Justice Sotomayor very clearly stated that court-ordered psychiatric evaluations are admissible "only for a limited rebuttal purpose" and nothing suggests, for example, that a defendant "opens the door to admission of psychiatric evidence on future dangerousness by raising an insanity defense at the guilt stage of the trial."

We must be vigilant in protecting our clients from unnecessary and unconstitutional government initiated mental status evaluations. If the government notices or requests a psychiatric or psychological evaluation of your client, you, as counsel must request a hearing in which to litigate the propriety and scope of that evaluation. Your goal should be to prevent the evaluation from occurring but if it is to occur to limit its scope as much as possible. There are surely situations where it would be unconstitutional for the court to order an evaluation at all, for example if the defense does not intend to offer a mental state defense or when it can be shown that the prosecution is simply on a fishing expedition or the evaluation is to serve as a surrogate interrogation when your client has previously invoked his right to remain silent. It would also be inappropriate for a court to permit a mental health evaluator to conduct an evaluation when it is clear that he or she is partial and/or predisposed to come to a particular conclusion. [Maldonado](#) 53 Cal.4th 1112 (2012).

Furthermore, there may be situations where it is appropriate for the defendant to refuse to participate in a court ordered mental status evaluation. Such a decision is dependent on the nature of the particular order by the court and the rules of your jurisdiction. The United States Supreme Court has yet to decide whether statements obtained during such an evaluation may be used to impeach a defendant who testifies but who does not offer a mental state defense at trial. During the hearing on the scope of the evaluation the court should rule on the timing of the evaluation and its scope including the proper subjects of inquiry, improper subjects of inquiry, and what tests, if any may be administered. For example, it may be inappropriate for the evaluator to ask any offense-specific questions when conducting a sanity evaluation [Traywicks v. Oklahoma](#), 927 P.2d 1062 (Okla.Crim.App.1996) *where the court held he State needs the mental health evidence to rebut the insanity defense, and it seems logical that raising that defense waives the defendant's right to silence as to those mental health issues. However, evidence of the crime itself is a distinct and different question from the issue of mental illness. Accordingly, the defendant retains the right to assert his Fifth Amendment privilege as to the details of the crime. Of course, the defendant could waive his privilege to remain silent as to the details of the crime, but that waiver would have to be done knowingly and voluntarily after the administration of Miranda warnings., conduct personality testing when the only issue in the case is defendant's drug use* [United States v. Taylor](#), 320 F.Supp.2d 790 (N.D. Ind. 2004) (See also [Centeno v. Superior Court](#), 117 Cal.App.4th 30, 11 Cal. Rptr.3d 533 (2004), *where the court held that a defendant who tenders his mental condition as an issue waives his Fifth Amendment right against self-incrimination to the extent necessary to permit a proper examination of that condition, "[o]therwise, there is a danger that defendants will be improperly subjected to mental examinations beyond the scope of the precise issue they have*

file:///C:/Users/Danielle/Documents/law/mental%20evalu...%20National%20Association%20for%20Public%20Defense.htm (2 of 4)/6/1/2017 6:18:43 PM

tendered and their resulting waiver of constitutional rights." or offer a diagnosis of anti-social personality disorder when the defense intends only to offer evidence that the defendant has borderline intellectual deficits. [U.S. v. Williams](#), 731 F.Supp.2d 1012 (D. Hawaii 2010), See [U.S. v. Johnson](#), 383 F.Supp.2d 1145 (N.D.Iowa,2005) for a comprehensive discussion of state and federal law on the scope of government initiated mental status evaluations. The court must determine whether the evaluation may occur pretrial or whether to defer ruling until the defense actually presents the mental state evidence in trial. It is becoming increasingly common for courts to order these evaluations pretrial. Therefore counsel must be prepared to litigate these issues significantly before trial commences.

The scope of rebuttal will be governed by the information obtained during the evaluation conducted by the government appointed expert and by the evidence of mental state you intend to offer at trial. Consequently, it is very important to formulate a specific referral question that narrowly focused and addresses only the issue relevant to your case. Any testing conducted by this evaluator should also be strictly limited to those tests necessary to answer the referral question.

Specific areas of inquiry or tests proposed by government experts may be beyond the scope of the defense proposed testimony. Counsel may also object to certain proposed tests on the grounds that the test has not been proved to be generally reliable or alternatively not reliable for the purpose being used in your case. [Daubert v. Merrell Dow Pharmaceuticals, Inc.](#), 509 U.S. 579, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993). The requested order should be explicit and comprehensive so that it covers any issue that might arise during the evaluation. [Commonwealth v. Baldwin](#), 426 Mass. 105, 686 N. E.2d 1001, 1005 (1997)

You may request the court order the evaluator to permit you to be present during the evaluation. Typically this must be done in a fashion that does not compromise the evaluation. As an alternative, you might request the evaluation be recorded. [United States v. Byers](#), 740 F.2d 1104, 1172 (D.C. Cir.1984)

In addition to litigating the scope of the evaluation, it is important to litigate who will be given access to the results of the evaluation and when. In federal court taint team lawyers are routinely employed to protect privileged information from dissemination to prosecutors involved in the prosecution and presentation of evidence at trial. Taint team lawyers are lawyers who are not involved in the trial of the case but tasked only with litigating issues surrounding the mental status evaluations. Another alternative to a taint team is for the report prepared by the government expert to be provided only to the court and defense counsel until such time as the defense presents its mental state evidence in trial. This may or may not be practical depending upon the scheduling of the case and whether there will be planned breaks taken during the trial or between the various phases of a trial.

If the prosecution is given access to the report pretrial, it is very important to ensure the government does not use any information obtained in connection with the evaluation to discover or present evidence against your client at trial. [Gibbs v. Frank](#) 387 F.3d 268, 274 (3rd Cir. 2004) In other words, counsel must object and request a hearing if the prosecution offers evidence that was obtained as a fruit of the government initiated mental status evaluation. Counsel should insist the court hold a hearing to determine the source of such evidence if this type of violation is suspected. In conclusion, while the prosecution may offer evidence of a government initiated mental status evaluation to rebut defense mental state testimony, the scope of such an evaluation must be strictly limited. It is counsel's duty and obligation to litigate issues surrounding the evaluation and if the court orders an evaluation, it is your obligation to ensure that your client's 5th and 6th Amendments rights are not violated.

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## UNJUSTIFIED PSYCHIATRIC COMMITMENT in the U.S.A.

by Lawrence Stevens, J.D.

In 1992, U.S. Representative Patricia Schroeder of Colorado held hearings investigating the practices of psychiatric hospitals in the United States. Rep. Schroeder summarized her committee's findings as follows: "Our investigation has found that thousands of adolescents, children, and adults have been hospitalized for psychiatric treatment they didn't need; that hospitals hire bounty hunters to kidnap patients with mental health insurance; that patients are kept against their will until their insurance benefits run out; that psychiatrists are being pressured by the hospitals to increase profit; that hospitals 'infiltrate' schools by paying kickbacks to school counselors who deliver students; that bonuses are paid to hospital employees, including psychiatrists, for keeping the hospital beds filled; and that military dependents are being targeted for their generous mental health benefits. I could go on, but you get the picture" (quoted in: Lynn Payer, *Disease-Mongers: How Doctors, Drug Companies, and Insurers Are Making You Feel Sick*, John Wiley & Sons, Inc., 1992, pp. 234-235).

A headline on the front page of the July 6, 1986 Oakland, California Tribune reads: "Adolescents are packing private mental hospitals. But do most of them belong there?" The newspaper article says: "...mental patients advocates say many adolescents in private hospitals are not seriously mentally ill, but merely rebellious. By holding the adolescents, who often dislike hospitalization, advocates say private hospitals reap profits and please parents. ... Some county mental health officials and psychiatrists at private hospitals acknowledge there are hospitalized adolescents who, ideally, shouldn't be there. ... 'It distresses me to see kids in these facilities; it distresses me to see the profits going on,' Jay Mahler, of Patients Rights Advocacy and Training, said two weeks ago at a Concord Public forum. 'It's a hot business,' Tim Goolsby, a Contra Costa County Probation Department adolescent placement supervisor, later agreed. 'If your kids like sex, drugs, and rock'n'roll, that's the place to put them. I'm not sure insurance companies know what's going on, but they're being ripped off.'

Goolsby estimated 80 percent of adolescents in Contra Costa private psychiatric hospitals are not mentally ill... University of Southern California sociologists Patricia Guttridge and Carol Warren say these adolescents have

been transformed from delinquents to emotionally disturbed children. After studying 1,119 adolescents in four Los Angeles-area psychiatric hospitals, they found that less than a fifth were admitted for serious mental illnesses" (Susan Stern, *The Tribune* (Oakland, California), Sunday, July 6, 1986, p. A-1 & A-2).

In the February 1988 *Stanford Law Journal* Lois A. Weithorn, Ph. D., a former University of Virginia psychology professor, said "adolescent admission rates to psychiatric units of private hospitals have jumped dramatically, increasing over four-fold between 1980 and 1984. ... I contend that the rising rates of psychiatric admission of children and adolescents reflect an increasing use of hospitalization to manage a population for whom such intervention is typically inappropriate: 'troublesome' youth who do not suffer from severe mental disorders" (40 *Stanford Law Review* 773 at 773-774).

Psychiatric and psychological "diagnosis" is arbitrary and unreliable. Furthermore, the supposed experts responsible for these "diagnoses" are usually biased in favor of commitment because of their personal economic concerns or their affiliation with the psychiatric "hospital" where the "patient" is or will be confined. Psychiatric "hospitals", like all businesses, need customers. In the case of psychiatric "hospitals", they need patients. They not only want patients, they *need* them to stay in business. Similarly, individual psychiatrists and psychologists need patients to make money and earn a living. A magazine article published in 1992 criticizing the trend towards locking up troublesome teenagers alleged that teenagers are locked up in psychiatric hospitals today more than in the past because "busy parents are less willing to deal with their behavior and because inpatient psychiatric business represents a profitable market in the health-care field."

The result has been an increase in the number of psychiatric hospitals in recent years, "from 220 in 1984 to 341 in 1988". This increase in the number of psychiatric hospitals has resulted in keen competition between hospitals and psychiatrists for patients. "Keeping all those psychiatric beds filled is critical, and administrators are aggressively ensuring that they will be. Hard-sell TV, radio, and magazine ads (up to tenfold in the past few years, according to Metz) are ubiquitous ... Some facilities even resort to paying employees and others bonuses of \$500 to \$1,000 per referral. ... Rebellious teenagers used to be grounded. Now they're being committed. Increasingly, parents are locking up their unruly kids in the psychiatric wards of private hospitals for engaging in what many therapists call normal adolescent behavior. Adolescent psychiatric admissions have gone up 250 or 400 percent since 1980, reports Holly Metz in *The Progressive* (Dec. 1991), but it's not because teens are suddenly so much crazier than they were a decade ago. Indeed, the Children's Defense Fund suggests that at least 40 percent of these juvenile admissions are inappropriate, while a

Family Therapy Networker (July/Aug. 1990) youth expert puts that figure at 75 percent" (Lynette Lamb, "Kids in the Cuckoo's Nest Why are we locking up America's troublesome teens?", *Utne Reader*, March/April pp. 38, 40).

In her book *And They Call It Help - The Psychiatric Policing of America's Children*, published in 1993, Louise Armstrong laments "the 65 percent of kids in private, for-profit psych hospitals who simply do not need to be there but are given severe-sounding labels nonetheless" (Addison-Wesley Pub. Co., p. 167 - italics in original).

Unjustified involuntary commitment to psychiatric hospitals has become so blatant *Reader's Digest* published an article in the July 1992 issue exposing the unethical practice:

"Similar storm clouds are appearing over the mental - health field.

Alarmed by exploding costs, insurance companies began scrutinizing payments more carefully - and ultimately trimmed the average patient's length of hospital stay. As a result, 'private hospitals that once made a great deal of money are now desperate for patients,' says Dr. Alan Stone, former president of the American Psychiatric Association.

"That desperation has opened the door for fraud. Among the alleged abuses: patients abducted by 'bounty hunters'; others hospitalized against their will until their insurance runs out; diagnoses and treatments tailored to maximize insurance reimbursement; kickbacks for recruiting patients; unnecessary treatments; gross overbilling.

"The most infamous charges were leveled in Texas. On April 4, 1991, two private security agents showed up at the Harrell family home in Live Oak to pick up Jeremy Harrell, 14, and admit him on suspicion of drug abuse to Colonial Hills Hospital, a private psychiatric facility in San Antonio.

"Family members believed the agents to be law-enforcement officers. If Jeremy didn't cooperate, the agents said, they could obtain a warrant and have him detained for 28 days. 'They acted just like the Gestapo,' the boy's grandmother - and legal guardian - later told a Texas state senate committee.

"According to that testimony, Jeremy was denied any contact with his family for six days and released only after a state senator [Frank Tejada, now in Congress] intervened. State officials discovered the boy had been ordered detained by a staff doctor after his disturbed younger brother lied about Jeremy's supposed drug use. The guards who brought him in worked for a private firm paid by Colonial Hills for each patient delivered. ...

"Soon after the ordeal, the Harrells got a bill for Jeremy's six-day stay, a stunning \$11,000. The hospital's owner denied any wrongdoing.

"The Harrell case led to those Texas senate hearings, which in turn brought to light other allegations of fraud and abuse involving some 12



other Texas facilities and at least three other national hospital chains. Similar charges have been made against hospitals in New Jersey, Florida, Alabama and Louisiana; three federal agencies have opened investigations, and more than a dozen states have probes under way" (Gordon Witkin, "Beware These Health Scams", *Reader's Digest*, July 1992, p. 142 at 144-146).

In 1991 or 1992 an administrator at a psychiatric "hospital" told me competition between psychiatric hospitals is what she called "cut throat". Combine this intense competition with America's poorly written involuntary commitment laws and judges who refuse to impose protection from unwarranted commitment that bona-fide due process requires, and the result is a lot of people being deprived of liberty and suffering psychiatric stigma unjustifiably. In the field of so-called mental health where large amounts of money can be made, in large part because of health insurance, and where there is a competitive environment where there are too few psychiatric "patients" to fill psychiatric beds, self-interest biases the supposed psychiatric or psychological experts in favor of a "diagnosis" which justifies commitment, including involuntary commitment where necessary. As Harvard Law professor Alan M. Dershowitz has said, psychiatry "is not a scientific discipline" ("Clash of Testimony in Hinkley Trial Has Psychiatrists Worried Over Image", *The New York Times* May 24, 1982, p. 11). The opinion of many legislators and judges that impartiality, objectivity, and scientific expertise of mental health professionals makes the kind of due process needed elsewhere unnecessary in psychiatric commitment is mistaken.

As was noted in the above quoted *Reader's Digest* article, much of this unjustified involuntary psychiatric commitment of normal and law-abiding people to the prisons called psychiatric hospitals is motivated by the financial needs of psychiatric hospitals and the people who work in them. Although it has been reaching newspaper headlines in only the last several years, unwarranted psychiatric commitment has been going on for over a century, including in the USA where freedom is supposedly a cherished value and where human rights are supposedly respected. Recent inventions such as health care insurance have made the abuses more frequent, but the willingness of mental health "professionals" to violate the sacred right of each law-abiding person to liberty isn't new.

What is most needed is recognition that there is no such thing as "mental illness". That alone undermines the justification for most involuntarily imposed so-called psychiatric care. Rather than being a bona-fide illness, the mental "illness" label is *value judgment* about a person's behavior. But as long as incarceration for so-called mental illness continues, those accused of it should be given the same rights as defendants in criminal cases. America's established history of unwarranted psychiatric

commitment shows this protection is necessary. These rights include trial by jury, a procedure for assuring the defendant or so-called proposed patient has been advised of when and how to invoke his or her right to jury trial, an absolute prohibition of incommunicado confinement (particularly during the pre-trial period), the right to confront and cross-examine opposing witnesses, the right to call one's own witnesses, conviction or commitment only if there is proof beyond a reasonable doubt, freedom from double-jeopardy, and assistance of legal counsel. The prohibition of incommunicado confinement must be absolute, because if psychiatrists are permitted by law to hold prisoners ("patients") incommunicado in "emergencies", that power will often be used routinely (without emergency). Another safeguard prisoners of psychiatry need is protection from being mentally disabled by forcibly administered psychiatric drugs or electric shock treatment prior to their day in court. Of all these due-process rights, the right to jury trial and the right to not be mentally disabled by psychiatric drugs or electric shock treatment prior to one's day in court are unquestionably the most important. Many states have provided a right to jury trial in psychiatric commitment cases by statute, but many have not; and judges often refuse to grant it as a constitutional right. Judges are as capable as psychiatrists of deciding what to do with people accused of mental illness, but few will even attempt to do so and will instead approve a psychiatrist's request for commitment without even the slightest attempt at real judicial review. The importance of the right to jury trial is illustrated by the remark of a court clerk who told me, in the judge's presence, that the judge felt if he didn't follow the doctor's recommendation regarding commitment, "the Court would be practicing medicine without a license."

This illogical statement, which the judge seemed to agree with (indicated by his silence as he listened to his clerk say this and by his conduct in court) reveals the extent to which judges have abdicated their responsibility in this area to psychiatrists. The invalidity and unreliability of psychiatric "diagnosis", often complicated by the psychiatrist's financial stake in getting the so-called patient committed, combined with the immutable reluctance of most judges to use their own independent judgment, makes a jury absolutely essential for a fair trial in psychiatric commitment cases. This is truly a case of "NO JURY - NO JUSTICE".

Far from anything idealistic like law or concern for human rights, the primary forces curtailing unnecessary involuntary psychiatric "hospitalization" in the USA have been insurance companies motivated not by idealism but by monetary concerns. As Tim Goolsby remarked in 1986 (above), "they [the health insurance companies] [a]re being ripped off."

Eventually the health insurance companies became aware of the needless psychiatric treatment they were paying for. According to a front-page article in the August 3, 1992 issue of *Investor's Business Daily*: "Last

Thursday...eight major insurance companies sued NME [National Medical Enterprises] for alleged fraud involving hundreds of millions of dollars in psychiatric hospital claims. Their complaint, filed in federal court in Washington, accused the company of a 'massive' scheme to admit and treat thousands of patients regardless of their need for care. ...some institutions were paying 'bounty fees' for patient referrals or misdiagnosing patients to get maximum reimbursement" (Christine Shenot, "Bleeder at National Medical Insurers Cry Of 'Fraud' Reopened A Big Wound", *Investor's Business Daily*, Monday, August 3, 1992, p. 1). *Time* magazine later reported NME settled the case for a record \$300 million (April 25, 1994, p. 24). An article about a similar suit filed in Dallas, Texas appeared in the September 15, 1992 issue of *New York Newsday*, saying: "Two of the country's largest insurance companies filed suit yesterday against a national chain of private psychiatric and substance abuse hospitals, charging it with illegally admitting patients who did not need treatment and then not releasing them until their insurance benefits ran out" Michael Unger, "Hospitals Called Cheats Insurers say health-care chain pulled off nationwide scam", *New York Newsday*, Thursday, September 15, 1992, Business section, page 33).

Insurance fraud involving psychiatrists treating people who do not want or need treatment illustrates a more serious underlying problem that still has not been adequately addressed: Loss of liberty based on the opinions of psychiatrists rather than on unlawful conduct by the accused has no place in a nation that claims to respect the rights of each individual.

THE AUTHOR, Lawrence Stevens, is a lawyer whose practice has included representing psychiatric "patients". His pamphlets are not copyrighted. You are invited to make copies for those who you feel will benefit.

### **2000 UPDATE**

"The confusing aspect about this is that many adolescents are irritable, aggressive, and impulsive because they are upset about their life circumstances. In recent years some of these teenagers have found their way into psychiatric hospitals, labeled with the diagnosis of bipolar disorder and placed on medications. Some psychiatric hospitals made a practice of admitting adolescents in distress, using the diagnosis of bipolar disorder inappropriately in order to increase their billing to insurance companies. This practice was so widespread that the federal government finally intervened, charging the hospitals with fraud and assessing fines of millions of dollars. Many of these children did not have bipolar disorder at all, but were acting inappropriately because of stresses in their families, with their



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**Department of Taxes**  
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Agency of Administration

00480

Dec 6, 2017

DANIELLE S GARCIA

Letter ID: L0116487168  
 Taxpayer ID: XXX-XX

2-8197

**STATEMENT OF ACCOUNT**

This Statement of Account provides a detailed listing of the tax, interest, penalties, and payments on your account for the tax periods with outstanding balances. You may receive a separate Statement of Account for the tax types not shown. Please examine statement meanings and any enclosures carefully for important additional information about your accounts. Note the "Due Now" and "Balance" owed may differ. For a detailed explanation on how to read your Statement of Account, please refer to the website: <http://tax.vermont.gov/business-and-corp/taxes-and-your-bus/understanding-tax-bills>. If you have questions concerning this Statement of Account, please contact the Compliance Division at (802) 828-2518.

Balance:

Minimum Owed:

**Consolidated Amount Past Due**

Tax	Penalty	Interest	Other	Credit	Balance	Due Now
\$2,084.00	\$571.00	\$540.20	\$0.00	\$0.00	\$3,195.20	\$3,195.20
					\$3,195.20	\$3,195.20

Please refer to the reverse side for how to pay your bill.

802-828-2865

Cut here and send only the coupon below. Help us save time and your tax dollars.

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**Payment Voucher**

Dec 6, 2017

Letter ID: L0116487168

DANIELLE S GARCIA

Media Number: 12211663369

Amount Due: \$3,195.20

Amount Enclosed:



\* 1 4 9 1 5 1 1 0 0 \*

You may pay electronically through the myVTax access portal at [www.myvtax.vermont.gov](http://www.myvtax.vermont.gov)

