

TO THE UNITED STATES GOVERNMENT AND TO THE GRAND JURIES, PETITE JURIES
c/o THE COMMITTEE ON AND COURTS OF SOVEREIGN CITIZENS
GOVERNMENT REFORM CHARGES WITH THE INVESTIGATION OF
CONGRESSMAN THOMAS M. DAVIS, III A RICO, WHICH FALSELY CHARGED AND
2157 RAYBURN HOUSE OFFICE BUILDING SEIZED THE ASSETS OF THE ABOVE
WASHINGTON, D.C. 20515-6143 JOHNSON FAMILY

RE: Investigation of the Criminal Acts against Warren D. Johnson, Jr., the Johnson Family, PORTOSEL and all their Rightful Property in case nos. 98-08039-CR before Judge Ryskamp and 92-33339-BKC before Judge Friedman in the Southern District of Florida.

COMES NOW, the Undersigned, a citizen of the United States of America, as a matter of right under the First, Ninth and Tenth Amendments to the Constitution for the United States of America, or an outraged foreign citizen, or as a friend of the Court, and hereby interpleads on behalf of Warren. D. Johnson, Jr. (Johnson) for the nullification of any proported indictment and conviction; and, for the payment of damages due Johnson and his family by a Treaty for damages in the aforesaid cases.

We, the Undersigned, find probable cause that a Racketeer Influenced and Corrupt Organization (RICO) and its participants have conducted an unlawful vendetta against Warren D. Johnson, Jr., his family and their "legal persons". We further find that probable cause exists of a cover up of these crimes. Due to the magnitude of the losses, we further demand that a Treaty be established with the Johnson Family as PORTOSEL, a Sovereign principality and its Court, which restores all monies, land, assets, projects, and the future forward value of Ice Ban America, Inc., IBAC, Inc., and its guaranteed bonds for Harbour Funding Partners, Ltd., et al.

☐ Foreign Citizen

Mail to: Jeffrey A. Johnson
PORTOSEL
12118 East Yates Road
Lyndonville, NY 14098

 /S/ Signature Date

Name (Please Print) _____

[Page 1 of 1612 pages from CD-ROM]

DECLARATION OF INDEPENDENCE

WE THE PEOPLE, approximately 230 years ago did indict in the Declaration of Independence of 1776 a corrupt court system, which unjustly robbed We the People and cast them into prison in illegal trials amongst other infamous acts of George III.

Today, a Racketeer Influenced and Corrupt Organization, known as RICO, has been identified and their crimes copiously documented in the records and public filings of Warren D. Johnson, Jr. of PORTOSEL. This RICO has operated illegally under the color of authority and under the color of law, and We the People who can speak up, must do so; (or) those who could speak up will not be able to, after they come for them and their property.

Please sign and fax the **Interpleader Form**, based on the indictments against this RICO, which is before the Congress and the Attorney General of the United States. We the People must now speak up and if proper authorities fail to prosecute this Criminal RICO, then a Common Law Court of We the People must.

PORTOSEL, a sovereign principality was legislatively reorganized as a result of violations of the Johnson family's religious conscience, property rights and rights protected under the Law of Nations. The common law and its court of We the People was established in a root and vine of the rule of law that precede the United States Constitution, but are re-affirmed by it.

Please review the Index herein and referenced documents. This Index lists documents according to the magnitude of the RICO's criminal acts, with the most greivous acts set forth first. The docket of each court case shows the denial, stonewalling and obstruction of Justice by the RICO and its tortfeasors.

I N D E X

Interpleader Form	Page 1
Declaration of Independence	Page 2
Left blank for future reports of actions by the United States Congress, Grand Juries and the President of the United States	Pages 3 to 39
Criminal Complaint to Magistrate Judge in Rochester, New York	Pages 40 to 59
Exhibits to Criminal Complaint	Pages 60 to 99
Attached Exhibits of records filed with the Attorney General of the United States and the Committee on Government Reform of the United States House of Representatives	Pages 100 to 1612 (a/k/a Appendix D)

(This is the very record that the RICO did not want the Supreme Court Judges to see -- it was returned four times. This is also in the two boxes the 11th Circuit did not look at.)

Jeffrey A. Johnson and
Warren D. Johnson, Sr.
East Yates Road
Lyndonville, New York 14098

Honorable Jonathan W. Feldman
United States Magistrate Judge
United States District Court
Western District of New York (2nd Circuit)
2330 U.S. Courthouse
100 State Street
Rochester, New York 14614-1322
716-263-5757

re: Criminal Complaint
of Punishable Conduct
In Violation of the Rule of Law

Dear Judge Feldman:

You will find enclosed my Criminal Complaint against Patrick Scott, Esquire and Soneet Kapila; and those individuals doing business in violation of the Racketeer Influenced and Corrupt Organizations Act (RICO) for investigation by the Grand Jury for violations of the laws of the United States.

This complaint is worthy of the Court's attention to bring these criminals to justice and to uncover this vendetta against the Johnson family members.

Yours truly,

Warren D. Johnson Sr.
Warren D. Johnson, Sr.

Jeff A. Johnson
Jeffrey A. Johnson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
ROCHESTER DIVISION

CASE NO.: _____

UNITED STATES OF AMERICA,

v.

CRIMINAL COMPLAINT

MICHAEL MCBRIDE, PATRICK SCOTT,
CAROLYN BELL, and Other Known
and Unknown Co-conspirators
of a RICO act,

Defendants.

PRESENTED BEFORE: Magistrate Judge Jonathan W. Feldman

**To The Grand Jury Investigating The RICO In The
Western District of New York Who Committed
Criminal Acts Against The Johnson Family,
Its Assets And ICE-BAN.**

In your deliberations for An Indictment against the members and co-conspirators of the above referenced RICO, please consider the probable cause of not only the crimes committed by the RICO, but the nullification of any proported Indictment and conviction of WARREN D. JOHNSON, JR. in criminal case # 98-8039-CR-RYSKAMP.

The criminal acts against Warren D. Johnson, Jr. and his family include the following:

1. Extortion, threats and duress by Patrick Scott and Soneet Kapila in obtaining the lawful assets of the Johnson family members in a 16 February 2001 Treaty agreement on behalf of the RICO.

2. Criminal Acts in this case include Title 18 U.S.C. §§ 2, 4, 21(b), 371, 1001, 1341, 1506, 1621, 1951, and other statutes associated with this criminal enterprise.

3. Altering of the transcription (Dkt. 185) of the official record of the 16 February 2001 Treaty hearing before Judge Ryskamp

as set forth in Appendix A, attached herein and made part of this Complaint.

4. Letter from Angela Morelock, attorney, dated February 21, 2001, whereby attorney James Eisenberg hand wrote a legal opinion showing additional evidence of the true intent of what was put on the record for the hearing in contraction to the Transcript (Dkt. 185) filed by the Court Reporter. See Appendix B, attached herein and made part of this Complaint.

5. The Criminal Complaint of Warren D. Johnson, Sr. signed on the 28th day of September, 2004. See Appendix C, attached herein and made part of this Complaint.

6. The Petition for Rehearing before the Supreme Court of the United States (see Appendix E attached herein) whereby the Supreme Court Justices were denied seeing the evidence set forth in a Criminal Complaint to John Ashcroft, Attorney General of the United States and the Congressional Committee for Government Reform in the United States House of Representatives. See Appendix D, being a CD-ROM that sets forth pages 100 to 1612 and made part of this Complaint.

7. Judicial Notice of the bad faith decision by the Eleventh Circuit Court of Appeals, whereby the entire record of all the criminal acts and wrongful doings against Warren D. Johnson, Jr. and the Johnson family were not reveiled in the motions and filings before the Court, as the docket sheet clearly shows both boxes of case records were in Miami, Florida. See Appendix F including Exhibit A, attached herein and made part of this Complaint.

8. All issues set forth in the "draft" pertaining to the issues for a Civil Complaint to be filed to include the breech of

the 16 February 2001 Treaty. See Appendix G, attached herein and made part of this Complaint.

9. All issues raised in an Affidavit of Warren D. Johnson, Jr. in support of a complaint of violations under the Citizens Protection Act of 1998. See Appendix H, attached herein and made part of this Complaint.

10. The evidence set forth in the attached Appendix D (CD-ROM) clearly shows Mandatory Judicial Notice of undisputed facts and evidence under Federal Rules of Evidence § 201(d) that: (a) the court lacked jurisdiction to try the case against Warren D. Johnson, Jr.; (b) the court lacked jurisdiction to charge Warren D. Johnson, Jr.; and (c) Warren D. Johnson, Jr. and his family members were coerced by his Appellate attorney James Eisenberg, attorney Patrick Scott, and Chapter 7 Bankruptcy Trustee Soneet Kapila, along with Assistant U.S. Attorney Carolyn Bell, into signing an agreement to illegally give away their assets.

Additionally, (d) the government, through Carolyn Bell, committed major prosecutorial misconduct by allowing a vendetta by an F.B.I. Special Agent Michael McBride to take place; (e) Patrick Scott falsely represented himself as being part of the Government's counsel; and (f) Prosecutor Carolyn Bell knew no criminal complaint existed and that the Indictment was not valid because it was not returned before a Magistrate Judge, and there was no concurrence vote by the Grand Jury to indict Warren D. Johnson, Jr.

11. Warren D. Johnson, Jr.'s sentence was imposed in violation of his Fifth, Sixth and Fourteenth Amendment rights, the Due Process Clause, the Indictment Clause, the Trial by Jury Clause,

the Ex Post Facto Law Clause, F.R.Cr.P. Rule 6(c), F.R.Cr.P. Rule 6(f), in addition to prosecutorial misconduct, suppression of evidence, perjured testimony, restraint of witnesses, false evidence known to the Government, thus creating a miscarriage of justice and the sentencing of an innocent man.

12. As Carolyn Bell has shown to have lied in this case and she has shown to be a part of the RICO, it would be unreasonable to expect her and the Government to nullify and dismiss the Indictment and to nullify her previous conspiratorial illegal acts in obtaining an Indictment and a Conviction.

STATEMENT OF THE CASE

I. Procedural History.

On March 24, 1998, Assistant United States Attorney Carolyn Bell filed into the Southern District of Florida a purported valid Indictment from a federal Grand Jury charging WARREN D. JOHNSON, JR. with Bankruptcy fraud, in violation of 18 U.S.C. § 152 (1) (Count One); loan application fraud, in violation of 18 U.S.C. § 1014 (Count Two); and money laundering, in violation of 18 U.S.C. § 1957 (Count Three to Seven). Mr. Johnson pled not guilty and the case proceeded to trial by jury.

On November 24, 1998, the jury returned guilty verdicts against WARREN

D. JOHNSON, JR. on Counts One through Seven. On December 4, 1998, Mr. Johnson filed a motion for judgment of acquittal, or, alternatively, motion for a new trial. On June 23, 1999, Mr. Johnson was sentenced to 97 months of imprisonment and 5-years supervised release. A notice of appeal was filed on July 2, 1999.

On February 16, 2001, a restitution hearing was held and a settlement agreement was signed by Mr. Johnson without prejudice under UCC 1-207, and all other parties were forced into the agreement. On that same date, Mr. Johnson submitted for filing a motion to overturn conviction, for a new trial, and for release, along with an AFFIDAVIT of Jerry P. Linkous dated February 5, 2001 and recorded on February 22, 2001.

On April 4, 2001, a new notice of appeal was filed. On January 17, 2002, the Eleventh Circuit Court of Appeals found no merit to any of the issues raised on appeal by Mr. Johnson's appellant attorney and affirmed the conviction.

On April 19, 2002, Mr. Johnson filed his "combined motion under F.R.E. 201 (d); petition for writ of habeas corpus [under 28 U.S.C. § 2241]; and a criminal complaint under F.R.Cr.P. Rule 3" into the criminal case and this was assigned civil case no. 02-CV-90353-KLR. The initial motion was a 115-page pleading, with 581 pages of Exhibits in support of the Court to take mandatory judicial

notice of the undisputed facts of the case which support Mr. Johnson's innocence and that the charges against him resulted from a vendetta. In the "Government's Answer to Petitioner's Motion to Vacate, Set Aside, Or Correct Sentence Pursuant to Title 28, United States Code, Section 2255" the prosecution did not dispute Mr. Johnson's facts or evidence.

On February 27, 2004, United States Magistrate Judge Patrick White issued his "Report of Magistrate Judge" recommending that the motion to vacate be denied. In his report, Patrick White stated, "Johnson offered nothing to support his allegations that the government destroyed memoranda and other evidence or that it acted improperly . . ." Page 4. "He has not submitted any affidavit or other evidence indicating that the trial testimony was false." Page 8. On March 17, 2004, Judge Ryskamp dismissed Mr. Johnson's Habeas Corpus petition which was appealed and given Appeal no. 04-11684-I.

Both the district court and the Eleventh Circuit Court of Appeals have denied Mr. Johnson's request for a COA. Appendix D - Page 160. Mr. Johnson is currently serving his federal sentence at FCC-Coleman (LOW), a federal correctional institution located in Coleman, Florida. The custodian is BRUCE PEARSON, warden.

II. Facts.

The PSI report states that “according to information provided by Assistant U.S. Attorney Carolyn Bell and Federal Bureau of Investigation (FBI) Special Agent Michael McBride, the instant offense involved the defendant’s failure to disclose liabilities on a loan application to Southeast Bank in 1991 when applying for an extension of a loan, the concealment of assets (particularly interest in Bay Pointe Estates) in a bankruptcy petition in 1992 and the laundering of \$250,000 he received from the sale of the first developed lot in Bay Pointe Estates.”

In actuality there was a vendetta against Mr. Johnson which was started by an F.B.I. Agent’s sister, Corrine B. Calvasina, back in the late 1988 - 1990 period when Mr. Johnson sued her on an “option” contract; however the selective prosecution came as a result Mr. Johnson catching the bondholders (Merrill Lynch, et al. and their attorneys) in criminal acts; and the Prosecution in this case was used, along with FBI Special Agent Michael McBride, to cover-up their crimes.

Purported Concealment of Asset

In March 1988, Mr. Johnson filed suit on his contract with the owners of the property, PMC/FERCAL to purchase 29 acres along the St. Lucie River known as “Bay Pointe Estates” and “Otter’s Run”. That matter was pending until September 1991, at which time Mr. Johnson won the option to purchase the land under

dispute. The purchase had to be made within 30 days of the date of the verdict. Mr. Johnson sold the option to Adam Brown for approximately \$87,000, who in turn, arranged for Dr. Walter Harber to pay \$500,000 to purchase approximately 17 acres of the only valuable "riverfront" land involved.

In October 1992, Mr. Johnson filed personal bankruptcy and disclosed the sale of the land option to the appointed Trustee, Soneet Kapila.

In January 1994, Dr. Walter Harber sold the first lot in Bay Pointe Estates for \$605,000. On March 24, 1994, Dr. Harber paid Jerry Linkous for the principle payment on Lot 11 in Bay Pointe subdivision that had not been paid, but was sold to Dr. Harber under an Agreement for Deed Resolution by \$250,000 check from his Trust account into the Linkous Corporation account.

In turn, on March 25, 1994, Jerry Linkous wired approximately \$250,000 to the account of Warren D. Johnson, Sr. for payment of a well-documented loan, whereby Linkous Corporation put in its road, fill, subdivision improvements and a 10" water main. The amount owed was \$261,250 plus interest to Warren D. Johnson, Sr.

Unrelated to the sale of the lot in Bay Pointe Estates by Dr. Walter Harber, on March 31, 1994, Warren D. Johnson, Sr. wrote a check to Dianne Johnson, wife of Mr. Johnson, for approximately \$125,000 for the advance payment on an

Hungarian patent for Johnson family members under Ice Ban, Inc. (N.Y.), a New York corporation formed in 1994 by Jeffrey Alan Johnson. Mr. Johnson never had any interest or stock ownership in Ice Ban, Inc. (N.Y.).

On May 5, 1994, Warren D. Johnson, Sr. wire transferred to Dianne Johnson, wife of Mr. Johnson, for approximately \$100,000 as an additional payment to complete the purchase of the Hungarian patent for Ice Ban, Inc. (N.Y.). On April 1, 1996, Warren D. Johnson, Sr. wrote a check for approximately \$19,500 to Dianne Johnson for a 1995 GMC van to be used by Jeffrey Alan Johnson.

Adam Brown, Dr. Walter Harber, Warren D. Johnson, Sr., Jerry Linkous, and Dianne Johnson never testified at the trial. Walter Harber was held by the government in seclusion as a witness, but was not called to testify.

Purported Loan Application Renewal Request

In March 1988, Young at Heart, Inc. obtained a land loan from Southeast Bank for \$2,500,000, with personal guarantees from George Janke, Dianne Johnson, and Warren D. Johnson, Jr. Subsequently, Mr. Johnson held title to the land and sold a portion of it to the Preserve at Palm Aire, Ltd. partnership, and paid down the land loan by \$1,900,000 in March of 1990, which left a nursing home site with a \$600,000 first mortgage to Southeast Bank and still having the personal

guarantees from George Janke, Dianne Johnson, and Warren D. Johnson, Jr. In March 1990, the loan was extended to March 1991, with Mr. Johnson placing enough funds into an escrow account with Southeast Bank to pay the interest on the loan through June 1991.

Southeast Bank tried soliciting loan extensions from Mr. Johnson through July 31, 1991 with five requirements to extend the loan. Southeast Bank sent Mr. Johnson a loan commitment request in June 1991 to extend the repayment until the end of the year. After receiving no response to the request, Southeast Bank sent another loan commitment request in July 1991. Warren D. Johnson, Jr. never did extend the loan and allowed Southeast Bank to bid on the property at a foreclosure sale held in approximately September of 1991, with George Janke, Dianne Johnson, and Warren D. Johnson, Jr. guaranteeing the difference between the \$600,000 loan balance and the \$480,000 sale price.

Mr. Johnson and his wife, Dianne, never gave Southeast Bank a joint financial statement during 1991 to extend the land loan and Southeast Bank had rejected a copy of the financial statement dated January 2, 1991 that was never given to the bank by Mr. Johnson in the first place.

The government only produced one witness from the former bank, James Harper a new analyst, who was led by Prosecutor Carolyn Bell into providing

false, misleading, and conflicting testimony. The Bank Officer for the loan was never called to be a witness for the trial.

Filing of Bankruptcy

From March 1990 to around September 1991, Mr. Johnson was fighting the theft of the assets of the Preserve at Palm-Air, Ltd. by a group led by Steven Rofsky and Merrill Lynch, et al. (a/k/a the Bondholders) and their attorneys at the law firm of Holland and Knight. Mr. Johnson ultimately caught Steven Rofsky, Merrill Lynch and their attorneys in numerous criminal acts, which led to the false charges in this case and threats against Mr. Johnson and his family.

The theft of similar assets by the Steven Rofsky group was exposed in the Hallmark Homes case. Steven Rofsky led Merrill Lynch and their attorneys in numerous criminal acts against Mr. Johnson, including the most heinous lie to that court that Warren D. Johnson, Jr. had signed a "Second Amended Guarantee" to the bondholders on the Preserve at Palm-Aire, Ltd. project. Mr. Johnson never sought or obtained a \$28 million bond and was never personally liable to repay the bond. In May 1992, the bondholders sued Mr. Johnson through their attorneys Holland and Knight who gave false statements to the court and won an illegal judgment for \$3.9 million against Warren D. Johnson, Jr. in September of 1992 by falsifying Mr. Johnson's signature page on this "Second Amended Guarantee".

The Eleventh Circuit in relying on Miller-El v. Cockrell at 537 U.S. 336, stated that “deciding whether to issue one neither requires nor permits full consideration of the factual and legal merits of the claims, because ‘the question is the debatability of the underlying constitutional claim, not the resolution of that debate.’ That means a petitioner is not required to demonstrate entitlement to appellate relief in order to be given an opportunity to pursue it.”

Mr. Johnson has presented numerous instances of ineffective assistance of counsel in violation of his Sixth Amendment rights as well as Due Process violations of his Fifth Amendment rights, and further detailed in Appendix D. See section III for details.

- Trial counsel for Mr. Johnson failed to present any witnesses, except for the defendant, that could demonstrate the facts of Mr. Johnson’s innocence. The Southeast Bank Officer was not called to testify about the purported loan extension that never occurred in 1991. Dr. Walter Harber, the owner of the properties at Bay Pointe Estates, was kept from testifying by the prosecution (Carolyn Bell) concerning the sale of the lot that he owned (purchased from Adam Brown) and the payment of \$250,000 on March 24, 1994 to Jerry Linkous for moneys owned him. See Counts 1 and 3 of the Indictment. Subsequently, Mr. Johnson has

presented to the Court sworn statements from Jerry Linkous (02/05/01); Warren D. Johnson, Sr. (03/19/02); and Jeffrey Alan Johnson (03/19/02) that support his innocence. From the sale of the first lot in Bay Pointe Estates, Dr. Harber received \$607,000 for the waterfront parcel and has now personally spent over \$3,000,000 to develop the 17 acres of property.

- Trial counsel for Mr. Johnson failed to object to the Probation Office's determination of purported victim losses of \$5,802,247.70 for the sentencing calculations, when the Indictment made no references of any victim losses of any kind, and none were determined by the jury.

Count One (Bankruptcy Fraud) related to a land option that Mr. Johnson had sold before the land closing on November 1, 1991, and prior to filing bankruptcy in October 1992. The Court sentenced Mr. Johnson to the maximum of 60 months under Title 18 U.S.C. 152 (1).

Count Two (Loan Application Fraud) related to an application for an extension of a loan which was never submitted by Mr. Johnson to extend the bank loan of \$600,000 beyond the March 1, 1991 due date. The Court sentenced Mr. Johnson to 97 months by improperly using bankruptcy debt that was discharged on March 29, 1993 to calculate the sentence under Title 18 U.S.C. 1014.

Counts Three through Seven (Money Laundering) related to a payment of \$250,000 owed by Dr. Walter Harber to Jerry Linkous, who in turn, owed Mr. Johnson's father \$261,250 plus interest, and the Court improperly sentenced Mr. Johnson to 97 months for each count under Title 18 U.S.C. 1957 and Title 18 U.S.C. 152 (1).

- The Court lacked jurisdiction to try the case against Mr. Johnson for the following reasons:

1. No criminal complaint was ever filed against Mr. Johnson, as required under Rule 3 of the Federal Rules of Criminal Procedure and as required and under Title 18 U.S.C. § 3057 for Bankruptcy investigations. It was F.B.I. Special Agent Michael McBride, as part of a "criminal tribunal" resulting from Mr. Johnson suing an F.B.I. Agent's sister, Corrine B, Calvasina, back in late 1988 and winning the suit in September 1991 against PMC/FERCAL; and, being awarded the land option for \$50,000 which Mr. Johnson sold to Adam Brown, which did advance this vendetta to indict Mr. Johnson at all costs, thus violating Mr. Johnson's Sixth Amendment rights.

2. The grand jury never came before and returned the Indictment to a Magistrate Judge, in violation of Rule 6 (f) of the Federal Rules of Criminal Procedure, in order to properly pass jurisdiction to the district court. This violated

Mr. Johnson's Fifth Amendment rights of Due Process and the Indictment Clause. The docket shows the Indictment (Dkt. 1) was filed on March 24, 1998, while the Judge in his Judgment In A Criminal Case absolutely stated that it occurred on March 23, 1998. In reality, the hearing never took place as the transcripts from Magistrate Judge Ann E. Vitunac's courtroom (taken from the tapes) reveal that the grand jury, nor its foreman, presented Mr. Johnson's indictment to the Court. It was only filed into the Clerk's office by the prosecution.

3. The grand jury never completed a concurrence form or showed that 12 or more jurors had voted to indict Mr. Johnson, in violation of Rule 6 (c) of the Federal Rules of Criminal Procedure.

- The Court lacked jurisdiction to charge Mr. Johnson for Bankruptcy Fraud under Title 18 U.S.C. § 152 (1) as this law "did not apply with respect to cases commenced under Title 11 of the United States Code before October 22, 1994." According to the Indictment, the charge commenced from on or about September 26, 1992, and according to the Judgment In A Criminal Case, the "Date Offense Concluded" was March 29, 1993. The Constitution of the United States under Article I, section 9 protects Mr. Johnson from being charged with an ex post facto Law. Thus, Counts Three through Seven would also go away because they were based on Count One (bankruptcy fraud) in violation of Title 18 U.S.C. § 152 (1).

- The jury instructions were defective as it related to Count Two as Judge Ryskamp amended the instructions with a hand written note to the jury during their deliberation by removing the word “knowingly” as an element of the charge and removed any reference to “upon any application, repurchase agreement, commitment, or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor,”

Judge Ryskamp modified the jury instructions with his note of November 23, 1998 stating “In order to convict under Count II, . . . 1) The defendant requested an extension of the loan, either in writing or orally, 2) the defendant willfully made a false statement in furtherance of the request for an extension” and the Judge concluded by stating that “It is not necessary for the government to prove that the request for an extension of the loan was approved by the bank.” This note (Dkt. #85) implied that Mr. Johnson had asked for the Southeast Bank loan to be extended, which he never did; and is supported by the testimony. Count II of purported Indictment clearly stipulates “upon an application for an extension of a loan” and the government turned this into a January 2, 1991 financial statement, which it is not. This financial statement did comply with Title 18 U.S.C. § 1014 in that it did not “overvalue any land, property, . . . ” and set forth the value of the

property at the date of sale and closing in escrow of the Haverhill Court apartments, whereby the mortgages were deducted from the sale price and were correctly reflected in a third mortgage to Mr. Johnson.

Judge Ryskamp failed to instruct the jury that a copy of a financial statement as not being an “application” as defined under Title 18 U.S.C. § 1014; and the bank took no action to extend the loan beyond June 1991, as required by the statute in order to be charged with Bank Loan Fraud. To extend the loan, the bank had five pre-conditions. One of the pre-conditions required: that any loan extension request must be in writing, which was never given by Mr. Johnson. In this case, it was the bank that was soliciting Mr. Johnson and was attempting to influence his actions. Additionally, no joint financial statement, another loan pre-condition, was ever done. It was acknowledged at trial that the bank did not know where the January 2, 1991 financial statement had come from, or who sent it, and it was only a copy.

- Mr. Johnson and his family members were coerced by his Appellate attorney and the Chapter 7 Bankruptcy Trustee into signing an agreement to give away their assets, signed at a Restitution hearing held before Judge Ryskamp on February 16, 2001, and occurring 20 months after sentencing (June 24, 1999) in violation of Title 18 U.S.C. 3664 (d) (5) that states: “determination of the victim’s

losses, not to exceed 90 days after sentencing.” This agreement forced Mr. Johnson and his family members to pay approximately \$1 million to the bondholders (Merrill Lynch, et al.) of family moneys and caused the destruction of billion of dollars of family assets. The only assets that Mr. Johnson owned after his bankruptcy was discharged in 1993 was his personal residence, which was seized and sold for \$170,000 after February 16, 2001.

The Johnson family had invented and received world patents on an anti-corrosive de-icer product to replace rock salt in 1994 under the trade name ICE BAN. In 1996, Mr. Johnson invented additional patents and took Ice Ban America, Inc. public. Mr. Johnson then set up Harbour Funding Partners, Ltd. to provide the collateral for the Grand Turk Harbour (Port o’ Sel) project for 21 Johnson family members and their “legal persons”. The collateral was not to be returned under the “treaty with the British Crown” until 2014. The value was worth billions four years after Bankruptcy proceedings, but became worthless by the actions of Patrick Scott and the Government.

- The government has committed major prosecutorial misconduct by allowing this vendetta by an F.B.I. Special Agent, Michael McBride to take place knowing that there was no concealed assets; that there was no request for a loan extension with Southeast Bank; and that there was no bankruptcy fraud that had

occurred. Attorney Patrick Scott, the private attorney for the assigned Chapter 7 Bankruptcy Trustee (not the United States Trustee), falsely represented himself as being part of the government's counsel and sat next to Prosecutor Carolyn Bell as co-Prosecutor at and during the Restitution Hearing. Carolyn Bell also knew that there existed no criminal complaint against Mr. Johnson and that the purported Indictment was not returned before Magistrate Judge Ann E. Vitunac, as now shown from the courtroom tapes, but was only filed with the Clerk of the Court and having no concurrence form completed by the grand jury.

CONCLUSION

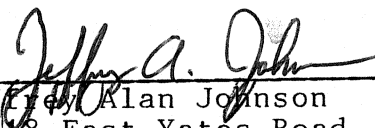
Mr. Johnson has placed substantial evidence onto the record and has provided sufficient proof to support the claims of his actual innocence, of which none have been disputed; and thus "implicating a fundamental miscarriage of justice." See McCleskey v. Zant, 499 U.S. 467, 494 (1991).

These aforestated facts are not only proved by all motions, Affidavits, public records, checks, documents, tax returns, and all evidence on the CD-ROM that is now Appendix D; but, also, they are **undisputed** by Carolyn Bell in her April 15, 2004 INTERROGATORIES FOR CAROLYN BELL, on pages 180 to 196 of Appendix D.

Under penalties of perjury, pursuant to Title 28 U.S.C. § 1746, I, Jeffrey Alan Johnson, do hereby declare and swear that the above stated facts that I have provided and the attached documentation are true, correct, complete and not misleading, according to my personal knowledge concerning same.

DATED: 2/11/05

585-765-2621



Jeffrey Alan Johnson
12108 East Yates Road
Lyndonville, New York 14098

Warren D. Johnson, Jr. (53225-004)
Federal Correctional Complex-Low
P.O. Box 1031 - Unit A-3
Coleman, Florida 33521-1031

February 1, 2005

Jerald J. Reeves
Court Reporters Office
United States District Court
Southern District of Florida
701 Clematis Street, Room 402
West Palm Beach, FL 33401

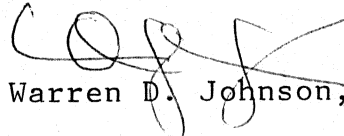
re: Requests for Transcripts of Docket Numbers 185 & 184
in case no. 98-8039-CR-RYSKAMP/ and requested under
case no. 02-80353-CV-KLR since April 5, 2004

Dear Mr. Reeves;

The Transcript of Docket Number 185 by you, Jerald J. Reeves, RPR is fraudulant, with actual statements read into the record omitted. In addition to the ommissions, false, incomplete and fictitious dialog has been added to the record that never transpired.

Please deliver copies to me of all notes, original tapes, shorthand notes, recorder printouts (and certified authentic) immediately, with an oath that all records produced are accurate, complete, and are the total unaltered record, notes, tapes, etc. that were produced of the hearing held on February 16, 2001.

Sincerely,


Warren D. Johnson, Jr.

cc: Clarence Maddox
Clerk of the Court

The law requires that all records are to be kept for a minimum of 10 years. It is important that this information be provided immediately, with no delay to preclude criminal charges against you for altering the Court's records.

Certified Mail # 7000 1670 0011 8577 0367 - to Jerald J. Reeves
Certified Mail # 7000 1670 0011 8577 0343 - to Clarence Maddox

APPENDIX A

**TRANSCRIPTS OF HEARINGS
BEFORE JUDGE RYSKAMP**

Due to the long time and letters to the Court Reporter and later to the Clerk of the Court, which were ignored, I was denied the transcript of the hearings held on 16 February 2001 and on January 25, 2001. I read both of these transcripts for the first time on Monday evening January 17, 2005, being Martin Luther King day.

The 16 February 2001 transcript is an **altered** and forged (cleansed) document and does not reflect the true record of that hearing. Proof is to be established as follows:

1. Attorney Bob Critton sent a fax to Eisenberg (around the 15th of February, 2001) to be read on the record at the 2/16/2001 hearing. Get Critton's copy or his testimony if transcript is complete as to his statement. Eisenberg read it on the record from the fax.
2. Warren D. Johnson, Jr. dictated statement to Eisenberg at jail meeting room just prior to hearing and Eisenberg read it on the record as dictated. It has all been cleansed and taken from the transcript — innocence, Bivens, Federal Tort Claim Act, UCC laws and Ryskamp's agreement that Warren D. Johnson, Jr. could sue under Bivens, FTC law and UCC if he could later prove he was innocent in response to what was dictated to Eisenberg, and he read it onto the record.
3. The transcript has been cleaned of F.B.I. Agent McBride's presence at the hearing, and put in an F.B.I. Agent Brady, throughout by computer. (Pg. 16, Line 2 & Line 14; Pg. 2, Line 8).
4. The transcript also cleansed when Carolyn Bell got out a Code book and read UCC 1-207 into the record, and Patrick Scott took the podium and made a speech ending with "if I understand that [UCC 1-207] correctly and Mr. Johnson even claimed extortion or duress, then I [Scott] could be sued."
5. If the transcript was correct, and we gave away the farm (so to speak), then Eisenberg would not have come to the jail a couple of days later and re-issued the threats to get me to sign a letter removing the "UCC 1-207" wording from above my name and giving me a legal opinion. Eisenberg's legal opinion is totally contrary to altered record.
6. We had a witness at the hearing - Linkous who was in the front row.

Jerry Linkous
8713 Thousand Pines Circle
West Palm Beach, Florida 33411
Phone - 561-792-6150

7. A.U.S.A. Carolyn Bell misled the Court on page 17, lines 5-6 by stating, "Your Honor. I don't believe that he [Jerry Linkous] is a party to this matter ...", when she well knew that he had to sign the 16 February treaty. Carolyn Bell was blocking Linkous from speaking to the Court and presenting his sworn Affidavit to expose the crimes of the RICO. Even though Linkous' Affidavit was filed into court after the hearing, it was ignored by Judge Ryskamp.

WHAT WAS LAUNDERED FROM THE RECORD

Since I sent a letter (see CD-ROM pages 1215 to 1217) to Judge Ryskamp on January 20, 2001 exposing all the threats against Adam Brown and my family, and not knowing if the RICO blocked the letter going to Judge Ryskamp, we put everything on the record in open court on 16 February 2001. The opening statements from Bob Critton and Warren D. Johnson, Jr. were read onto the record by James Eisenberg verbatim — as faxed to him by Bob Critton and dictated to Eisenberg by Warren D. Johnson, Jr. only minutes before the hearing. All has been expunged from the record and modified/deleted from the transcript. These items were specifically that Warren D. Johnson, Jr. was absolutely innocent and the Judge stated on the record that Warren D. Johnson, Jr. has always maintained his innocence. My dictated statement specifically reserved my rights to sue under Bivens, the Federal Tort Claim Act and the Uniform Commercial Code. Judge Ryskamp agreed that I could sue under Bivens, the Federal Tort Claim Act and the UCC laws if I proved my innocence later. Eisenberg stated that the assets transferred under the 16 February 2001 agreement would be gone and damaged under the 16 February 2001 agreement, but we would seek to sue for the monetary value of what the assets would be worth if the crimes against the Johnsons had not been committed. [These items are all laundered and expunged from the beginning of the transcript].

At the end of the transcript, the hearing testimony and statements removed include Carolyn Bell reading from the Code book the law on UCC 1-207 "without prejudice". Patrick Scott took the podium and made his statements about his understanding of A.U.S.A. Bell's reading and concluded, "I could sue him (Scott) if I later claimed extortion or duress." Judge Ryskamp stated that attorney Eisenberg had already put them on notice at the beginning of the hearing that I could sue under Bivens, the Federal Tort Claims Act and the UCC laws; and Ryskamp again agreed I could if I later proved that I was innocent.

The language added to the transcript at the end included all the phony dialogue now put in the record from page 12, line 15 to page 16, line 20 is a fraud on the court.

The language on page 17, lines 17-18 is incorrect and the transcript deleted Eisenberg's statements that Johnson's handwritten motion and Linkous' Affidavit could be filed with this court now or that Mr. Eisenberg could take the Affidavit from Linkous and

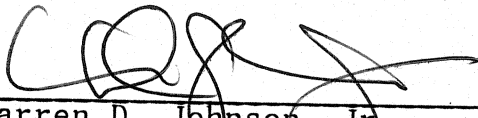
add it to Johnson's motion and file it properly on Monday. Judge Ryskamp told Eisenberg on the record to take Linkous' Affidavit and add it to Johnson's motion and file it with the clerk on Monday, October 19, 2001. Mr. Eisenberg told the court he had now taken Mr. Linkous' Affidavit into his possession and would file it on Monday, February 19, 2001 with the clerk of the Court. [See Docket #163 - Linkous' Affidavit recorded on 02/19/01; and Docket #167 - Minutes of Restitution Hearing recorded on 02/16/01 and contained in the attached Criminal Docket for Case number 98-CR-8039-RYSKAMP].

**ANOTHER FORGED FICTITIOUS TRANSCRIPT
THAT IS A FRAUD ON THE COURT
OF MAGISTRATE JUDGE ANN E. VITUNAC**

When a motion was filed into court challenging the Indictment being brought by the grand jury into the open courtroom of Ann E. Vitunac on March 24, 1998, A.U.S.A. Carolyn Bell produced a "bogus" transcript of a purported hearing in Magistrate Judge Ann E. Vitunac's court on March 24, 1998.

The proof showing that there was no open court hearing is set forth in tapes of the open court hearings from Friday, March 20, 1998 to March 25, 1998. These tapes were sold to Dianne Johnson by the clerk of the Court for \$10 each, and are in the possession of the Johnson family. Dianne Johnson and Jeffrey A. Johnson each listened to all the tapes purchased and put their sworn Affidavits into the record, certifying that no such hearing or record existed of any court hearing whereby jurisdiction was transferred by we the people to any court on any indictment.

The criminal acts of this RICO are presented to the United States Supreme Court under case no. 04-6927, without these latest disclosure of additional facts of fraud.



Warren D. Johnson, Jr.
Reg. #53225-004 A-3 Low
Federal Correctional Complex
P.O. Box 1031
Coleman, Florida 33521-1031

enclosures:

MORELOCK & ASSOCIATES, LLC

Attorneys at Law
519 Pleasant Home Road
Suite A-1
Augusta, Georgia 30907

Angela R. Morelock, Esq.

(706) 210-9917

(706) 210-1541 Facsimile

February 21, 2001

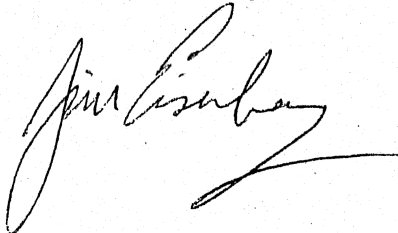
To: Warren Johnson

From: Angela R. Morelock, Esq.

Warren, please go ahead and sign the agreement without any protest or in the alternative, sign the addendum to the agreement without any protest. I feel certain that we can overcome this issue later.

My phone at the office may be working later today. The phone company may have to splice a line in which case my phone should be working by the end of the week.

Warren, I agree with Angela R. Morelock that deleting the language "UCC §1-207 'WITHOUT Prejudice'", will not hinder any civil suites you have based on this case, including the suite against Mr. Bell, Agent McBrick, Kapilla, Scott and McLann because we put on the record you were signing in protest and with the understanding that it would not hinder any appeal, "2255" petition or civil suit.



TCI-10-PG.14

APPENDIX B

**CRIMINAL COMPLAINT
OF PUNISHABLE CONDUCT
IN VIOLATION OF THE RULE OF LAW**

Parties To This Action:

Warren Douglas Johnson, Sr. (Complainant)
East Yates Road
Lyndonville, New York 14098
Phone: 585-765-2786
585-765-2621

Patrick Scott, Esquire (Accused)
111 Southeast 12th Street, Suite B
Fort Lauderdale, Florida 33316

and

Soneet Kapila (Accused)
(Chapter 7 Trustee of Estate of Warren D. Johnson, Jr.)
1000 South Federal Highway, Suite 200
Fort Lauderdale, Florida 33316

and

1 through 100 John Does
1 through 100 Jane Does
1 through 100 John Doe Corporations; doing business in
violation of the Racketeer Influenced and Corrupt
Organizations Act (RICO)

The laws of the sovereign State of New York (Venue & Jurisdiction)

Complaint:

COMES NOW, Warren D. Johnson, Sr., a citizen and resident of the State of New York, and hereby states and alleges his Complaint against Patrick Scott, Esquire as escrow agent and attorney for Soneet Kapila and Soneet Kapila, Chapter 7 Trustee over the estate of Warren D. Johnson, Jr., as follows:

Factual Allegations of Complaint

- 1.0 Patrick Scott, Esquire and Soneet Kapila did unlawfully profit from extortion, threats and duress against myself, Warren D. Johnson, Jr. (hereinafter Johnson, Sr.) and the Johnson, Sr. family members.
- 1.1 Patrick Scott knowingly and intentionally threatened Johnson, Sr. family members with indictment and prisonment if they did not turn over their lawful assets in a 16 February, 2001 agreement (hereinafter Treaty).
- 1.2 Patrick Scott came to Batavia, New York (Genesee County) for the taking of Depositions of Johnson, Sr. and Johnson, Sr. family members prior to February 16, 2001 within the venue and jurisdiction of New York State.
- 1.3 Patrick Scott knowingly and intentionally committed wire fraud in threats and extortion demands sent by e-mail to David Finegold, Johnson family attorney, on or about February 14, 2001. (See Book I - Pages 213 - 214).
- 1.4 Johnson, Sr. filed on or about March 24, 2004 a VERIFIED PETITION FOR MANDATORY JUDICIAL NOTICE OF BREECH OF CONTRACT BY PATRICK SCOTT, ET AL. AND EXTORTION AND DURESS IN OBTAINING THE LAWFUL PROPERTIES OF THE JOHNSON FAMILY MEMBERS IN THE 16 FEBRUARY, 2001 TREATY which has gone undisputed by Patrick Scott and by Soneet Kapila. (See Book II - Pages 359 - 361).
- 1.5 Additional evidence of the extortion and duress was filed on or about March 23, 2004 by Jeffrey Alan Johnson and remains undisputed. (See Book II - Pages 362 - 367).
- 1.6 Failure by Patrick Scott, as escrow agent to restore the property of th Johnson family members, is grand larceny and

the unlawful theft of stock, collateral, property, projects and monies that have now reached claims of \$60 billion U.S. in value.

- 1.7 Unlawful acts by Patrick Scott and Soneet Kapila have destroyed \$41 billion U.S. of ICE-BAN AMERICA, INC. COLLATERAL and a multi-billion dollar U.S. GRAND TURK HARBOUR — PORTOSEL project, under Treaty with the Briish Crown.
- 1.8 A 14-page Complaint has been filed under the European Court of Human Rights in Strasbourg, France exposing the unlawful acts of Patrick Scott, et al. (See Book V - Pages 1336 - 1610).
- 1.9 The Johnson family members, who own over 50 percent of the "legal persons" set forth in the 16 February, 2001 Treaty and the aforesaid 14-page Complaint in 1.8 above are citizens and residents of New York State, which further establishes jurisdiction in New York State.
- 2.0 Warren D. Johnson, Jr. (hereinafter Johnson, Jr.) has been the subject of a vendetta by a RICO as outlined in Book I, Book II, Book III, Book IV, and Book V attached; and F.B.I. Agent Thomas J. Pierce from Buffalo, New York was briefed on the vendetta by Paul R. Johnson in Orleans County, New York.
- 2.1 F.B.I. Agent Thomas J. Pierce's 302 Field Report has been withheld from the Courts, but his investigation in Orleans County, New York sets further grounds for jurisdiction in New York State.
- 2.2 A Criminal Complaint has been filed on or about June 6, 2004 by Johnson, Jr. with John Ashcroft, Attorney General of the United States, which sets forth clear and compelling

evidence of a vendetta by a RICO against Johnson, Jr., which Johnson, Sr. has now incorporated into this Criminal Complaint. (See Book I - Pages 100 - 244).

2.3 The unlawful prosecution and imprisonment of Johnson, Jr. by this RICO is simply a case of kidnapping and false imprisonment.

3.0 Jeffrey A. Johnson has filed a Criminal Complaint with the United States House of Representatives, Committee on Government Reform, chaired by Congressman Thomas M. Davis, III, at 215 Rayburn House Office Building, Washington, D.C. 20515-6143 and hereby incorporated into this Criminal Complaint.

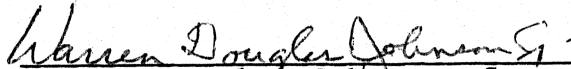
3.1 All appropriate filings by the Johnson family have taken over 70 months and now the evidence must be presented to a Grand Jury for indictment and prosecution of the members of the RICO in order for justice to be served.

Verified

I, Warren Douglas Johnson, Sr., do hereby declare and certify that the above is true and correct to the best of my knowledge, subject to the pains and penalty of perjury, under the laws of the United States of America and the laws of the State of New York, pursuant to Title 28 U.S.C. § 1746.

Executed this 28 day of September, 2004.

Respectfully submitted,


Warren Douglas Johnson, Sr.
East Yates Center Road
Lyndonville, New York 14098

APPENDIX D
(SEE CD-ROM)

JOHNSON
VS.
MERRIL LYNCH & RICO
Pages 100 to 1612

In The
Supreme Court of the United States

In re WARREN DOUGLAS JOHNSON, JR.

and

WARREN D. JOHNSON, JR.,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

On Petition For a Writ of Mandamus
To The United States Court Of Appeals
For The Eleventh Circuit

PETITION FOR REHEARING

Warren Douglas Johnson, Jr.
P.O. Box 1031
Coleman, Florida 33521

Petitioner.

PETITION FOR REHEARING

The Petitioner, WARREN DOUGLAS JOHNSON, JR. (herein Mr. Johnson), respectfully petitions this Honorable Court for a rehearing before a full panel of Justices of the panel decision to not consider Mr. Johnson's Petition for Writ of Mandamus, received and docketed on October 18, 2004 in which Appendix D had been sent under separate cover as noted in the filing, but was returned twice by the Court and not distributed to the panel for their consideration on November 24, 2004.

Petitioner stands on his factual innocence in this case, which is clearly shown by the undisputed evidence contained in Appendix D, and attached herein as part of the record in considering Mr. Johnson's Petition for Writ of Mandamus on Rehearing. Mr. Johnson's Petition should be reheard before the panel because the material facts and law contained in Appendix D have been overlooked in the decision and Mr. Johnson's Fifth and Sixth Amendment rights have been violated. Additionally, the ruling in Blakely v. Washington, 124 S.Ct. 2531 (2004) has clearly shown that Mr. Johnson was improperly sentenced by the District Court. Appendix D provided substantial evidence to the Court of the miscarriage of justice against Mr. Johnson which was knowingly covered up by United States Magistrate Judge Patrick White when he issued his "Report of Magistrate Judge" on February 27, 2004 recommending that the motion by Mr. Johnson to vacate be denied. The issues presented by Mr. Johnson in his Petition for Writ of Mandamus and also contained within his filings into District Court clearly were not addressed by the lower courts.

Based on the evidence, Petitioner has made a substantial showing of the denial of his constitutional rights, and a COA should have been granted to him. Zeigler v. Crosby, 345 F.3d 1300 (11th Cir. 2003). It is my belief, based upon a reasoned and studied judgment, that the panel decision not to grant my Petition for Writ of Mandamus is contrary to the evidence set forth in Appendix D contained herein, which conclusively shows prosecutorial misconduct, suppression of evidence, perjured testimony by Government witnesses, false evidence known to the Government, misapplications of the statutes, resulting from a vendetta against Mr. Johnson by F.B.I. Special Agent Michael McBride and others, thus creating a miscarriage of justice and warranting relief.

Appendix D contains five books of 1512 pages, starting at page 100 and ending at page 1612, which was initially sent to the Supreme Court under separate cover by Patricia Wellspeak on October 13, 2004 and returned by the Supreme Court on October 19, 2004. Appendix D was again sent on November 16, 2004 (after the Petition for Writ of Mandamus shows docketed by the Supreme Court on October 18, 2004); and, again, returned on November 16, 2004 - but this time sent to Warren D. Johnson, Jr. at P.O. Box 1031, Unit A-3, Coleman, Florida 33521-1031 and using the wrong prisoner number of 38297-018 which pertains to DAVID WHITFIELD.

Rule 44(2) of the Rules of the Supreme Court of the United States provides a basis for a Rehearing that the grounds "be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not

previously presented." Petitioner is not introducing a new theory or facts that were not previously presented to the lower courts or raised in the Petition for Writ of Mandamus. Petitioner even wrote the Supreme Court prior to the panel hearing to request a delay until Appendix D had been resent and distributed to the panel.

There are "extraordinary circumstances" that require the court to request a response under Rule 44(3) for a Rehearing.

On October 18, 2004, David Whitfield filed an Affidavit of a Criminal Complaint with the Supreme Court regarding the mishandling of the mail of Petitioner's Petition for Writ of Mandamus and attached a copy of the filing, in case it did not show up timely on the docket.

The concerns regarding Appendix D were set forth in letters sent to the Supreme Court on November 2, 2004; November 17, 2004; and, November 18, 2004. The \$300 check that was sent to the Supreme Court for the filing fees clearly showed Mr. Johnson's prisoner number of 53225-004 as well as being contained in Mr. Whitfield's Affidavit.

There was simply no excuse for Appendix D being returned on two occasions, and not being distributed for the November 24, 2004 conference in this case; and using the wrong prisoner number which further delayed the receipt of the packet until Tuesday November 30, 2004. Appendix D not only sets forth the substantial miscarriage of justice and requisite showing against Petitioner and his family in violation of his Due Process rights, Constitutional rights, and his actual absolute

innocence, but is also the basis for criminal complaints under the following:

- Sarbanes-Oxley Act, which covers fraud against publically traded companies and is intended for those that destroy records, commit securities fraud or fail to report fraud to investors; and,
- False Claims Act, whereby Petitioner in Appendix D is reporting fraud to the Government.

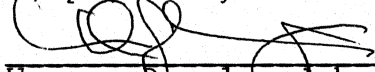
Since Petitioner has only heard that he was denied per a phone conversation between Gail Johnson, for the Clerk of the Supreme Court, and Patricia Wellspeak on November 30, 2004, Petitioner can no more be specific in this Petition for a Rehearing as no denial from the Court has been received by him.

CONCLUSION

Mr. Johnson has placed substantial evidence onto the record and has made the necessary requisite showing to provide that Mr. Johnson's Fifth and Sixth Amendment rights were violated and that he should be granted a certificate of appealability for Appeal No. 04-11684-I.

Based upon the foregoing arguments and authorities, upon the Petition for Writ of Mandamus filed into this Court, and upon the facts and evidence contained in Appendix D, Mr. Johnson respectfully requests this Court to grant the instant Petition for Rehearing and any other relief that this Court deems proper and just, including granting writ of certiorari.

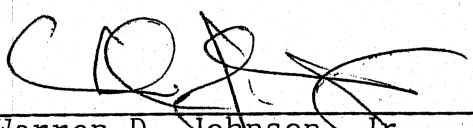
Respectfully submitted,


Warren Douglas Johnson, Jr.

VERIFICATION

I, Warren Douglas Johnson, Jr., hereby certify and swear under penalty of perjury that the foregoing facts and law and those contained in Appendix D are true and correct to the best of my knowledge and understanding.

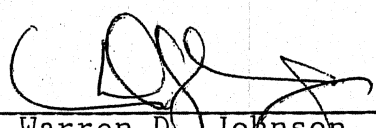
BY:


 Warren D. Johnson, Jr.
 P.O. Box 1031
 Coleman, Florida 33521
CERTIFICATE OF SERVICE *

I, WARREN DOUGLAS JOHNSON, JR., hereby certify that a true and correct copy of the foregoing Petition for Rehearing was served upon opposing counsel:

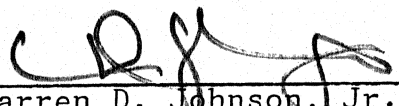
Assistant Solicitor General
 U.S. Department of Justice
 950 Pennsylvania Avenue, N.W., Room 5614
 Washington, D.C. 20530-0001

by placing same in the prison Legal/Special mailbox system at FCC, Coleman-Low with postage prepaid First Class on this 3RD day of December, 2004.


 Warren D. Johnson, Jr.
 Reg. No. 53225-004

* Petition for Rehearing resent to Gail Johnson on December 23RD, 2004.

ATTACHMENTS: Appendix D - 5-Books


 Warren D. Johnson, Jr.

(Note - This Petition for Rehearing contains an Index of Supplemental Appendices and pages SA-1 through SA-15)

November 2, 2004

Mr. William K. Suter, Clerk
Supreme Court of the United States
Office of the Clerk
Washington, D.C. 20543-0001

re: Petition for Writ of Mandamus -
In re Warren Douglas Johnson, Jr.

Dear Mr. Suter:

On October 20, 2004, the Supreme Court received my aforementioned Petition for a Writ of Mandamus sent "Certified Mail" - under article number 7001 1940 0004 7972 4265 - with the Return Receipt stamped "October 20, 2004 - Supreme Court U.S. - Office of the Clerk."

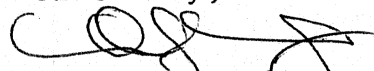
APPENDIX D in support of the Petition, being 5 books of pages 100 to 1612, were however returned to Patricia Wellspeak, 6112 South Bay Road, Cicero, New York 13039 along with a Certified Check to the Supreme Court for the filing fee in the amount of \$300.00; and her AFFIDAVIT in support of the Petition for Writ of Mandamus.

APPENDIX D, the check for the filing fee, and Patricia Wellspeak's AFFIDAVIT were returned to her, postmarked on October 19, 2004, before you received the actual Petition from me - which had been delayed due to unforeseen holding of prison mail. And APPENDIX D is instrumental in the requisite showing for said filing.

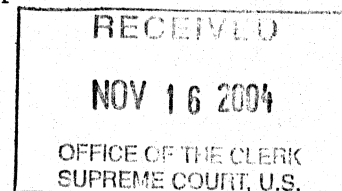
APPENDIX D is currently before the United States Congressional Committee on Government Reform, chaired by Congressman Thomas M. Davis III, at 215 Rayburn House Office Building, Washington, D.C. 20515-6143, and hereby incorporated into this Petition for Writ of Mandamus. The Committee can also supply you with said documents or you could print out a copy on www.CriminalTribunal.com, as it will soon be uploaded onto the website. The U.S. Congressional Committee on Government Reform has reported to Jeffrey Alan Johnson that there are hearings scheduled in approximately four months on the "criminal" acts against myself and my family.

I am sending a duplicate original of this letter to Patricia Wellspeak with instructions to re-send the returned papers and documentation related to this Petition.

Sincerely,



Warren D. Johnson, Jr.
Federal Correctional Complex
Coleman - Low
Post Office Box 1031
Coleman, Florida 33521-1031



cc: Patricia Wellspeak
(Duplicate Original)

December 3, 2004

No. 04-6927
In Re Warren D. Johnson, Jr.
Petition for Writ of Mandamus

Honorable Justice Anthony M. Kennedy
Supreme Court of the United States
United States Supreme Court Building
One First Street, N.E.
Washington, D.C. 20543

re: Petition for Rehearing - No. 04-6927
of denial of Petition for Writ of Mandamus
In re Warren D. Johnson, Jr.

Dear Justice Kennedy:

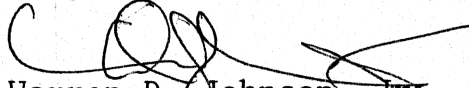
Please find enclosed a copy of my PETITION FOR REHEARING, which has also been sent to Gail Johnson for docketing along with Appendix D which was part of the PETITION FOR WRIT OF MANDAMUS and was not distributed to the panel for their consideration.

I am hopeful that you will have a chance to consider my PETITION FOR REHEARING along with the supporting facts of the case.

I am personally indigent, however I tried to pay the \$300 filing fee and the Court refused to accept the payment.

The heinous crimes against myself, my family, our assets and public companies are the subject of a Congressional investigation and deserve the attention of the Supreme Court.

Respectfully submitted,



Warren D. Johnson, Jr.
Reg. No. 53225-004/Unit A-3
FCC, Coleman-Low
P.O. Box 1031
Coleman, FL 33521-1031

Certified Mail:
7000 0520 0025 5922 0999

December 23, 2004

No. 04-6927
In Re Warren D. Johnson, Jr.
Petition for Writ of Mandamus

Honorable Justice Anthony M. Kennedy
Supreme Court of the United States
United States Supreme Court Building
One First Street, N.E.
Washington, D.C. 20543

re: Petition for Rehearing— No. 04-6927
of denial of Petition for Writ of Mandamus

Resubmission with Certification In re Warren D. Johnson, Jr.

Dear Justice Kennedy:

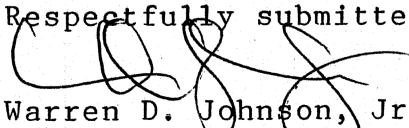
On December 14, 2004, Ms. Gail Johnson returned to me my Petition for Rehearing and asked for resubmission with the required Rule 44 "Certification" statement.

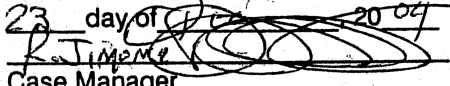
Ms. Johnson's mailing was received by me on December 22, 2004. Again, the wrong Inmate number was on Ms. Johnson's letter to me. She has allowed me to resubmit, however, she states that "Unless the petition is received by this office in corrected form within 15 days of the date of this letter, the petition will not be filed. It again appears that we are being pushed out of time to preclude my evidence to be presented before the Supreme Court. Additionally, the B.O.P. has not made available copy cards for the past two weeks in order to make copies.

This information is to supplement my Petition for Rehearing that was sent to you on December 3, 2004.

I am again hopeful that the Supreme Court will consider my Petition, and the 1500 plus pages of supporting facts and documentation in my case.

Respectfully submitted,


Warren D. Johnson, Jr.
Reg. # 53225-004/Unit A-3
Federal Correctional Complex,
Coleman-Low
P.O. Box 1031
Coleman, FL 33521-1031

FCC Coleman, Florida Sumter County
Subscribed and sworn before me this
23 day of Dec 20 04

Case Manager
Authorized by the Act of July 7, 1955, as
amended, to administer oaths (18 USC § 4004)

enclosures:

ISSUES/QUESTIONS PRESENTED

1. Whether the district court abused its discretion by denying Mr. Johnson's Habeas Corpus petitions/motions without giving a hearing on the merits of the issues and the facts presented thus committing a gross miscarriage of justice?
2. Whether the Eleventh Circuit Court of Appeals abused its discretion in denying Mr. Johnson his "request for COA" without reviewing the overwhelming substantial evidence put forth on the record of the violation of Mr. Johnson's Constitutional rights; and that the government has not disputed the facts that Mr. Johnson's sentence was imposed in violation of the laws of the United States, and that it was imposed in excess of the maximum authorized by law and statute?
3. Whether counsel was ineffective because he failed to present key witnesses associated with the purported charges that would have demonstrated Mr. Johnson's innocence, in violation of Mr. Johnson's Fifth and Sixth Amendment rights, and would show that this was a vendetta against Mr. Johnson by F.B.I. Special Agent Michael McBride and others, including Merrill Lynch and Holland and Knight law firm?
4. Whether trial counsel was ineffective for failing to challenge the Probation Office's erroneous determination of victim losses of \$5,802,247.70 when there were no victim losses contained in the Indictment or found by the jury, and which violated Mr. Johnson's Fifth and Sixth Amendment rights to be sentenced by the Court beyond the "statutory maximums" for each of the eight charges as determined in Blakely by the Supreme Court?
5. Whether counsel was ineffective for failing to challenge that the Court lacked subject matter jurisdiction over Mr. Johnson as there exists no F.R.Cr.P. Rule 3 "Criminal Complaint" and the Government's failure to adhere to Title 18 U.S.C. § 3057, and violated Mr. Johnson's Fifth Amendment rights of Due Process and the laws of the United States?
6. Whether counsel was ineffective by failing to challenge the Court's lack of subject matter jurisdiction over Mr. Johnson for not having a valid Indictment, as determined in Renigar, as there existed no grand jury

“concurrence form” required under F.R.Cr.P. Rule 6 (c) to show that the grand jury voted to indict Mr. Johnson, and that the Indictment was not returned before a Magistrate Judge, in violation of F.R.Cr.P. Rule 6 (f), but was only filed into the Court by the Prosecution, and all in violation of Mr. Johnson’s Fifth and Fourteenth Amendment rights not to be tried?

7. Whether counsel was ineffective because he failed to challenge that Mr. Johnson was improperly charged with Title 18 U.S.C. § 152 (1), a statute which Michael McBride and the government would have known did not exist at the time of the purported crime (09/26/1992 - 03/29/1993), and violated Mr. Johnson’s Constitutional rights under Article I, section 9 of the United States Constitution which prevents the existence of ex post facto laws?
8. Whether counsel was ineffective because he failed to challenge the handwritten jury instructions given to the jury by Judge Ryskamp (relating to Count II - loan application fraud), in which the Court removed two of the essential elements of the purported crime, causing the jury instructions to be defective in violation of Mr. Johnson’s Fifth and Sixth Amendment rights and the laws of the United States?
9. Whether counsel’s erroneous actions and the Court’s abuse of discretion in allowing a restitution hearing to take place 20 months after sentencing, and without presenting any victims, in violation of Title 18 U.S.C. § 3664(d) (5) and the laws of the United States; in which the Chapter 7 Bankruptcy Trustee through his private attorney extorted assets and properties worth billions of dollars and not part of the charges, and violated Mr. Johnson’s Fifth and Sixth Amendment rights?
10. Whether the Prosecution and the government shall be held criminally liable for their role in the prosecutorial misconduct, lies and deceptions, and knowing that Mr. Johnson was innocent of the charges; by placing perjured testimony into Court, false testimonies, and the hiding and destruction of evidence in this case, in violation of the laws of the United States and Mr. Johnson’s First, Fifth, Sixth, Ninth, Tenth, and Fourteenth Amendment rights, and his rights under the Law of Nations?

AFFIDAVIT OF A CRIMINAL COMPLAINT

I, David Whitfield, a citizen of the State of Florida, being duly sworn, swears and deposes the following statements and facts and alleges his complaint as follows:

1. On or about October 1, 2004, Affiant sent a draft of Warren D. Johnson's "Petition for Writ of Mandamus", typed in the Institution's Law Library, for outside scanning, formatting, and printing in 14 point type.
2. On October 11, 2004, a Priority Mail envelope containing three (3) copies of the final printed "Petition for Writ of Mandamus" was sent from the Tampa Airport Post Office to Warren Johnson 53225-004 (A-3); Federal Correctional Facility - Coleman Low; Post Office Box 1031; Coleman, Florida 33521-1031 and shows accepted at 6:11 PM on October 11, 2004 in Tampa, Florida 33630 under "Delivery Confirmation" no. 0303 3430 0000 8505 6895. (See attached **Exhibit A**).
3. On October 13, 2004, a second mailing of the "Petition for Writ of Mandamus" was mailed by First Class mail in a large brown envelope, containing one copy only. (See attached **Exhibit B**).
4. On October 14, 2004, a third mailing of the "Petition for Writ of Mandamus" was mailed to Warren Johnson at the aforementioned address and from a different Post Office location in Tampa at the request of Affiant, as no mail had arrived on the 13th of October, 2004. (See attached **Exhibit C**).
5. On October 13, 2004, a copy of the U.S. Postal Service's "Delivery Confirmation" was also sent to Warren Johnson at the aforementioned address, and it arrived in the "normal" one-day delivery from Tampa. (See attached **Exhibit D**).
6. On October 14, 2004, Warren Johnson filed a Form BP-S148.55 "Complaint" with Unit Manager Ms. Rosa Howard Mumford, U.S. Department of Justice, Federal Bureau of Prisons. (See attached **Exhibit E**).
7. On October 14, 2004, still not having received a copy of the "Petition for Writ of Mandamus" - which had to be in the mail no later than Sunday night (10/17/2004), three (3) more separate envelopes were sent to Warren Johnson at the same address from the Tampa Post Office. Apparently, those involved in the RICO panicked at the prospect of withholding the mail, and six (6) pieces of mail were delivered to Warren Johnson on Friday, October 15, 2004 during the passing out of the mail sometime after 3:30 PM in the unit.
8. Affiant and Warren Johnson did personally deposit the filing of the "Petition for Writ of Mandamus", signed October 15, 2004 by Warren D. Johnson, Jr., in the Legal Mail/Special Mail box at Federal Correctional Complex-Low (Institution's mailbox) at Coleman, Florida by Priority Mail to the Supreme Court of the

United States in Washington, DC. at 9:40 AM on October 16, 2004, since the compound was closed at the time of signing of the filing.

9. Warren Johnson should have received his "Petition for Writ of Mandamus" from Tampa, Florida no later than Wednesday's mail of October 13, 2004. Mr. Johnson has documented four previous occurrences when mailings to him were intentionally delayed to prevent him from timely filing into Court.
10. Please find enclosed a duplicate original of his "Petition for Writ of Mandamus" being sent to the Supreme Court of the United States as of this date, Monday, October 18, 2004.
11. Based on the above, Affiant respectfully requests this Honorable Court be aware of this continued RICO conspiracy against Warren Johnson.

Further, Affiant sayeth naught.

Signed: _____

David Whitfield

Dated: October 18, 2004

In witness thereof:

Christina T. Vilar

Oct 18, 2004

Dated

[Signature]

10-18-2004

Dated

Larry Hyder

10-18-2004

Dated

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 04-11684-I

WARREN D. JOHNSON,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

JUDICIAL NOTICE

COMES NOW Warren D. Johnson, Jr., appearing In Propria Persona and In Sui Juris, who has properly filed numerous affidavits, interrogatories, rules of law, documents and findings, etc., which were duly filed under F.R.E. Rule 201(d) of undisputed facts for Mandatory Judiciary Notice, and all evidence set forth is "undisputed" in the records of all cases against WARREN D. JOHNSON, JR., and copiously documents Warren D. Johnson, Jr.'s innocence as a petitioner/appellant and sovereign citizen; and, as well proves and supports the facts that there was never any jurisdiction over Warren D. Johnson, Jr. in any legitimate criminal case by the UNITED STATES since his birth on October 6, 1942.

Warren D. Johnson, Jr. further requests this Court to take Judicial Notice of the Bad Faith decision issued in this Appeal on July 19, 2004, as follows:

1. The two boxes of the aforementioned evidence was returned to the Federal Court in Miami, Florida on June 14, 2004

APPENDIX F

and recorded on the docket sheet attached as Exhibit "A", which was printed on 07/20/2004, and clearly shows that the two boxes of Evidence could not have been reviewed by Circuit Judges DUBINA and BLACK.


2. Circuit Judges DUBINA and BLACK rendered a decision, which violates their Oath of Office and fiduciary duty as 11th Circuit Court of Appeals Judges, whereby they state "upon reconsideration, Appellant's motion for a certificate of appealability is DENIED because Appellant has failed to make the requisite showing." Judges DUBINA and BLACK further list cases ... Slack v. McDaniels ... United States v. Frady ... United States v. Rowan ..., which are copiously shown in the Evidence in the two boxes to have been misquoted, misused and Warren D. Johnson, Jr.'s evidence and legal arguments (over 1,200 pages) clearly show that the Government's case was a sham.

3. The July 19, 2004 Decision smacks of a cover-up of Criminal wrong doings by a RICO, which includes Michael McBride, Carolyn Bell, Patrick Scott, Soneet Kapila, Holland & Knight, Merrill Lynch, et al.

4. The record in these cases clearly shows that there is no Justice, as set forth by Jerry Spence in a book Justice for None.

Submitted this 22nd day of July, 2004.

Respectfully submitted,



Warren D. Johnson, Jr.
FCC, Coleman - Low
P.O. Box 1031
Coleman, Florida 33521

District Web PACER (v2.4)

[RECENT EVENTS FROM THE DOCKET REPORT FOR CASE: 9:02cv80353]

4/5/04 -- Certified copies of Notice of Appeal, Docket, and Order under appeal to USCA: [29-1] appeal by Warren D. Johnson as to Warren D. Johnson (mr)

4/6/04 30 ORDER DENYING Certificate of Appealability (Signed by Judge Kenneth L. Ryskamp on 4/6/04) [EOD Date: 4/7/04] (mr) [Entry date 04/07/04]

4/12/04 -- NOTICE of Receipt of Notice of Appeal Transmittal Letter from USCA on 4/8/04 as to Warren D. Johnson Re: [29-1] appeal by Warren D. Johnson USCA NUMBER: 04-11684-I (mr)

4/15/04 31 TRANSCRIPT INFORMATION FORM by Warren D. Johnson re: [29-1] appeal by Warren D. Johnson received on 4/16/04 from Court Reporter. (Returned to Court Reporter Coordinator) (nc) [Entry date 04/16/04]

4/23/04 32 USCA appeal fees received as to Warren D. Johnson Re: [29-1] appeal Filing Fee \$ 255.00 Receipt # 900212 (mr) [Entry date 04/26/04]

5/5/04 -- REQUEST from U.S.C.A. dated: 4/29/04 Re: ORIGINAL PAPERS Complied with on: 5/5/04 U.S.C.A. # 04-11684-I (mr)

5/12/04 -- ACKNOWLEDGMENT of receipt by U.S.C.A. of: ORIGINAL PAPERS on 5/7/04; U.S.C.A. # 04-11684-I (mr)

6/14/04 33 ORDER of dismissal from USCA (certified copy) denying [29-1] appeal pursuant to the DENIAL of appellant's motion for a certificate of appealability because appellant has failed to make the requisite showing. USCA #: 04-11684-I USCA Order Date: 6/10/04 (mr) [Entry date 06/15/04]

6/14/04 -- Record on appeal as to Warren D. Johnson returned from U.S. Court of Appeals: [29-1] appeal by Warren D. Johnson consisting of Two boxes. USCA #: 04-11684-I (mr) [Entry date 06/15/04]

7/22/04 34 ORDER (USCA on 7/19/04) NO FURTHER ACTION WILL BE TAKEN IN THIS CASE. [EOD Date: 7/22/04] USCA #04-11684-I (mr)

[END OF DOCKET: 9:02cv80353]

PACER Service Center
Transaction Receipt

07/24/2004 09:47:16

PACER Login: mg0438 Client Code:
Description: docket report Search Criteria: 9:02cv80353
Billable Pages: 1 Cost: 0.07

EXHIBIT A

CIVIL COMPLAINT

Warren D. Johnson, Jr.; Harbour Funding Partners, Ltd.; 21 Johnson Family Members (a/k/a PORTOSEL, a sovereign principality under Apostilles No. 2003-661 filed with Secretary of State, Florida and No. A-116355E filed with Secretary of State, New York)

vs.

Soneet Kapila, Patrick Scott, Merrill Lynch; Prudential Bache; Dryfus; Stein Roe (hereinafter "Bondholders" through their respective Bond funds); and 1 - 100 John Does, 1 - 100 Jane Does, and 1 - 100 John Doe Corporations

Warren D. Johnson, Jr. (hereinafter Johnson, Jr.) did invest hundreds of thousands of dollars in a property known as the Preserve at Palm-Aire, Ltd. in the late 1980's, over several years, and did sell said property, extending an additional credit of approximately \$2.3 million on the sale of said property in 1990.

On or about March 31, 1991, the State of Florida Housing Finance Authority did close a \$28 million tax-free Bond offering to the above-referenced Bondholders, whereby Johnson, Jr. received \$1.9 million in cash to pay Southeast Bank a first mortgage encumbering the property; a 30% limited partnership investment in the project through the Preserve at Palm-Aire, Ltd.; and, a \$1.8 million debenture at 10% interest issued by the Preserve at Palm-Aire, Ltd. and its general partner George Janke as President of Parc-M, Inc., the corporate general partner.

At the completion of construction and opening of the project, with \$600 thousand cash remaining in a reserve fund, substantially funded by Johnson, Jr.'s equity at closing of the sale of the property, Steven Rofsky, an advisor to the Merrill Lynch Apex Fund did seek to take over the project through various nefarious and illegal legal schemes, in a manor similar to the Halmark Homes case filed in Dade County, Florida, of which he was involved,

along with Merrill Lynch and Prudential Bache.

These events set off various litigations which forced Warren D. Johnson, Jr. to file personal bankruptcy on October 2, 1992, in case no. 92-33339-BKC-SHF, and later sue Merrill Lynch; Steven Rofsky; et al. and has now led to a chronological list of criminal and tort activities by defendants against Warren D. Johnson, Jr., his property, and his family as follows:

1. Soneet Kapila, acting as Chapter 7 Trustee, did preside over a 341 Creditor's meeting (on Bankruptcy case Warren D. Johnson, Jr., Debtor) and did later testify at the criminal trial against Johnson, Jr. that he had lost his notes of said meeting and the tape of the 341 Creditor's meeting was lost or destroyed.

2. Soneet Kapila ordered Johnson, Jr. to submit 9 boxes of his records to Kapila, which became the sole property of Kapila; and Johnson, Jr. was ordered by Kapila to give depositions to Bondholders' attorneys Holland & Knight; Ray Loesche; and NationsBank, as trustee of the \$28 million mortgage on the Preserve at Palm-Aire Ltd. property.

3. Soneet Kapila did hire the Law Firm of Tabas and Singerman to represent Kapila at the 1041 Creditor's depositions, whereby Kapila's attorneys took possession of the records and ordered them Bates stamped.

4. Two civil lawsuits were filed against Johnson, Jr. by Holland & Knight representing the Bondholders and Ray Loesche, both of which were withdrawn and won by Johnson, Jr.

5. On December 28, 1992, Ray Loesche sent a fax to Holland & Knight suggesting an illegal scheme, to withdraw from their

civil process, and to charge Johnson, Jr. criminally.

6. Johnson, Jr. caught Merrill Lynch, Steven Rofsky, et al. in numerous criminal acts, which Johnson, Jr. ultimately exposed to the FBI, the Judiciary Committee, and the U.S. House of Representatives, exposing a racketeering Influenced Corrupt Organization (RICO) operating in the Southern District of Florida.

7. Johnson, Jr. was discharged in Bankruptcy court in March 1993 by Federal Bankruptcy Judge Steven H. Friedman, and later purchased the rights to sue Merrill Lynch, Steven Rofsky, et al. for \$5,000 duly paid to Chapter 7 Trustee, Soneet Kapila, whereby 40% of the proceeds of the multi-million dollar lawsuit would go to pay Johnson, Jr.'s legitimate creditors, excluding the Bondholders, who obtained an illegal and fraudulent Judgment against Johnson, Jr. and put him in Bankruptcy in 1992.

8. Kapila then petitioned the Bankruptcy court to recind his sale to Johnson, Jr., and to sell the lawsuit to the trustee for the Bondholders, thus killing the lawsuit and depriving Johnson, Jr. from paying his legitimate creditors, who were now discharged in Bankruptcy.

9. Kapila then took \$25,000 from the Bondholder and never gave one-cent to Johnson, Jr.'s legitimate creditors in the Bankruptcy estate.

10. Unbeknownst to Johnson, Jr., Kapila caused the Bondholders' illegal claim for approximately \$3.9 million to again be filed and accepted by Bankruptcy Judge Steven H. Friedman; and Johnson, Jr. was never notified.

11. Kapila never filed a complaint with the the United States Attorney's office as required under Title 18 U.S.C. § 3057

for Johnson, Jr. to be investigated by a Federal grand jury, and in violation of Rule 3 of the F.R.Cr.P., to be charged and indicted for Bankruptcy Fraud and the additional counts for Money Laundering, the Rico.

12. Kapila testified at the criminal trial (case number 98-8039-CR-RYSKAMP) that he never read Johnson, Jr.'s testimony from the 1041 depositions, and that he could not remember talking to his attorneys, who he had sent to the 1041 depositions.

13. After Johnson, Jr.'s purported criminal trial and conviction, Kapila was again appointed as Chapter 7 Trustee to take Johnson, Jr.'s assets, substantially for the benefit of himself, his attorney and Merrill Lynch, et al., who had an illegal and fraudulent Judgment on a 2nd Amended Guarantee which Johnson, Jr. never signed.

14. Kapila hired Patrick Scott, esquire as his new attorney. Patrick Scott then threatened the Johnson family members in order to take their lawful property, monies and assets under a 16 February 2001 treaty.

15. On March 8, 2001, Patrick Scott acted as escrow agent for the 16 February 2001 treaty (a/k/a Settlement Agreement) did breech said treaty and failed to inform Johnson, Jr. of the breech and failed to disclose to the Court the threats he had made against the Johnson family members and the other signers (parties) to the 16 February 2001 treaty.

16. On July 31, 2002, the legal persons in the Turks and Caicos Islands issued a total of \$41 Billion in Guarantee Bonds to Harbour Funding Partners, Ltd., which are filed and recorded

under the Uniform Commercial CODE (UCC) in the State of Nevada, where Harbour Funding Partners, Ltd. was formed.

17. An investigation of the criminal acts by Kapila, Scott and members of this RICO has been taken up by the United States House of Representatives, Committee on Government Reform.

18. A Complaint was filed by Johnson, Jr. on June 6, 2003 with the European Court of Human Rights, Strausburg, France and three Judges were appointed, but ruled that Johnson, Jr. could not bring his case until he exhausted his remedies in the U.S. Courts first.

19. Patrick Scott admitted his breech on the 16 February 2001 treaty in a hearing before Bankruptcy Judge Steven H. Friedman on March 30, 2004.

20. Judge Friedman has open motions before this Court as of this date that pertain to Patrick Scott's breech of the 16 February 2001 treaty, and has failed to rule in over 7 months.

21. This RICO, including Scott and Kapila, who was called by Federal Judge Kenneth Ryskamp a "U.S. Trustee" numerous times in case number 98-8039-CR-RYSKAMP, became a force majeure and destroyed \$41 billion in collateral, and may have destroyed the Grand Turk Harbour "Port o'Sel" project.

The claim in this case involves public stock of Ice Ban America, Inc. This collateral was transferred by Warren D. Johnson, Jr. to Harbour Funding Partners, Ltd., which was then transferred to legal persons set forth in the 16 February 2001 treaty as collateral for a multi-billion project known as Grand Turk Harbour (a/k/a Port o'Sel Grand Turk Harbour) and was to be constructed by 2014 A.D. under a treaty of 18 March 1998,

with the British Crown. The total value sought is \$41 billion for the destroyed collateral and \$2 billion for Grand Turk Harbour - Port o'Sel, if the treaty with the British Crown can not be restored due to the acts of a force majeure as defined under said treaty with the British Crown.

Additional damages sought for breech of the 16 February 2001 treaty from Kapila, Scott and other co-conspirators of this RICO are as follows:

1. The value in the billions of additional stock for Ice Ban Canada (a/k/a IBAC, Inc.) at a value of one-third (1/3) per share of Ice Ban America, Inc.
2. The value of assets stolen by United States Government witness Mohumud Rashid Bodhanya and the approximately \$5.41 million lawsuit filed in the Supreme Court of the Turks and Caicos Islands, then illegally taken by Kapila and Scott, et al., under the 16 February 2001 treaty.
3. Lawful monies taken from Adam Brown on his lawfully purchased Otter's Run project.
4. Johnson, Jr.'s legal residence and estate home at 511 S.W. Bay Pointe Circle, Palm City, Florida 34990, illegally taken under the 16 February 2001 treaty.
5. Funds deprived Johnson family members, who are licensed real estate professionals, from the buying, selling, and receiving of commissions on the Bay Pointe Estates subdivision in violation of the rule of law.
6. The stress of these criminal and tortious acts that caused Dianne Johnson to divorce her husband of approximately 40 years, whom she dearly loved.

**Affidavit of Warren D. Johnson, Jr.
in Support of a Complaint of Violations
Under the Citizen's Protection Act of 1998**

STATE OF NEW YORK)
) ss.
COUNTY OF ORLEANS)

COMES NOW, Warren D. Johnson, Jr., who hereby brings this Complaint of violations under the Citizen's Protection Act of 1998 to John Ashcroft, Attorney General for the United States Department of Justice, and further states:

1. On February 13, 2002, Warren D. Johnson, Jr. sent a letter to Paul McNulty, Attorney for U.S. Department of Justice, which updated him on the criminal vendatta from 1997 through to February 2002. (See Appendix I).

2. On May 27, 2003, Jeffrey Alan Johnson filed an Affidavit in support of a Criminal Complaint of violations of the Law of Nations to the Congress of the United States to the attention of Thomas M. Davis, III - Committee on Government Reform. (See Appendix II).

3. On May 12, 2004, Warren D. Johnson, Jr. filed a Petition to proceed on Appeal in the Eleventh Circuit - United States Court of Appeals in Atlanta, Georgia, which summarizes the government's misconduct and criminal acts against Warren D. Johnson, Jr. and his family. (See Appendix III and IV).

4. Enclosed with this Affidavit, dated June 6, 2004, and addressed to John Ashcroft, Attorney General for the U.S. Department of Justice, is a memorandum re: Be on Guard for a Continuing Cover-up and Obstruction of Justice by the F.B.I.,

Merrill Lynch, et al. in Case No. 98-8039-CR-RYSKAMP -
U.S. District Court for the Southern District of Florida.
(See Appendix V).

5. In 1999, while teaching the Bible confined in Palm Beach Jail, a black man [Keith Omar Jones - Fed. Id. #54408-004] told Warren D. Johnson, Jr. that his arresting officer was a thief, drug dealer and moneylaunderer. Keith Jones then told Johnson that the Officer [F.B.I. Agent Michael McBride of the Ft. Pierce, Florida office] had underreported Jones' cash by \$16,000 and by two-kilos of cocaine. He also told Johnson that his Aunt [Dot - on his mother's side] is an officer with the Ft. Pierce Police Department and she knows of approximately 8 other men from that area, who were arrested by McBride and their cash and drugs were stolen and underreported by F.B.I. Agent McBride.

6. In 2002, a Jewish man, Raymond Tucker of Jupiter, Florida told Warren D. Johnson that F.B.I. Agent McBride stole several assets from his residence, after McBride arrested him. Tucker has since left FCC, Coleman - Low.

7. On Friday, November 20, 1998, at the close of reading the Jury Instructions, the juror (man) who sat in the front row center seat, did go down three (3) floors of the Palm Beach Federal Courthouse, and got on a payphone. This Juror discussed Johnson's case, told the person he called "that the Judge had just given the case to the Jury and he would have a decision [conviction] in ten minutes." This man was of small frame, balding with red beard and moustache and, at the Voir Dire, he had stated

that he worked for South Florida Water Management. There is a witness known to Warren D. Johnson, Jr., who was at the adjoining payphone and overheard the juror's phone conversation.

8. On June 23, 1999, Judge Kenneth L. Ryskamp stated that he saw all the "Jaguars and expensive cars" that Warren D. Johnson, Jr. and his family drove to the trial and tried to convince Johnson that it was a big mistake and that was why the jury convicted him. [Transcript of June 23, 1999 - page 366]. In fact, Warren D. Johnson, Jr. drove a six (6) year old car with over 100,000 miles on it. It is doubtful that the jurors would remember the car more than the color of it. Johnson did drive a XJS Jaguar convertible (dark green), a white 1997 740 IL BMW, and a white 1998 GMC Hi-Top van; and his wife drove a red 1991 500 SL Mercedes convertible, but none were driven to the trial. The F.B.I. has massive files on each car Johnson drove, and F.B.I. Agent McBride made several trips to the auto dealer [Par Auto], the Motor Vehicles' records department, and even sent agents to the original dealers, who sold the cars to Par Auto.

9. Judge Ryskamp saw pictures of the cars, and made a big point of telling the jurors that he saw the cars. A.U.S.A. Carolyn Bell appeared to be in shock as the Judge made the statement about the expensive cars, and rightly so, since each and every car he referred to had been sold at least two (2) months before the trial, and the Motor Vehicles' records department verifies these facts. The Government's harassment was so great over the luxury cars, that Warren D. Johnson, Jr. and his wife simply sold them months before the trial.

10. Judge Ryskamp's statement clearly proves the fact that the Judge was hand picked and had private meetings with Government officials who showed him the above listed cars (see item 8); and these meetings would have been at least two (2) months before trial.

11. The jurors themselves heard lies from the Prosecution and the Government Agents, and Warren D. Johnson, Jr. was not allowed/permitted to put on his case, except for his limited testimony as the only witness for the defense.

12. Carolyn Bell, A.U.S.A., called Warren D. Johnson, Jr. a liar seventeen (17) times in her Closing arguments, and put on the record a statement taken from a deposition not in evidence, and this statement was the basis for her biggest lie -- that the property on Jupiter Island had become "worth \$20 million" by 1986. She knew from this Deposition the following: (1) the subject property was owned by Johnson's father, Warren D. Johnson, Sr., over six years earlier, and Defendant's father sold the property for less than two-million dollars by 1980; (2) Defendant's father gave a Church one of the nineteen lots; (3) the Church sold the lot for \$250,000; and, (4) Warren D. Johnson, Jr. did not sell these lots for \$20,000,000 and put \$20,000,000 in trust. Carolyn Bell simply based her entire case on lies, mis-statements and colored testimony.

13. The conviction took more than "ten minutes", and in fact, it took two (2) days of deliberations, with a conviction handed down less than 48 hours before Thanksgiving day. This planning by the "criminal tribunal" put the ladies under great stress, either they hold out and forget about cooking and preparing for their Thanksgiving dinner, or let the little man from the

S.F.W.M.D. wear them down to plead "guilty", so they could go cook or prepare for their family meal. They should all be interviewed as to the Judge's statements on the "Jaguars and expensive cars" and as to the lies and false statements that were made about Warren D. Johnson, Jr. in the closing statements of Carolyn Bell, and simply ask "who on the jury fought for conviction?"; or, is justice in America determined by the cars one drives, as stated by Judge Ryskamp, and the lies and misrepresentations made by the Prosecution to get a conviction?

14. This "criminal tribunal" has been exposed, whereby: (1) the FBI Agent McBride is accused as being a thief, drug dealer, and money launderer; (2) the Judge(s) having gross conflicts of interest and corruption; (3) the misconduct of a juror, rising to the level of jury tampering, with the balding and beared S.F.W.M.D. employee being a fraud and Government plant, who could convince the Jury of Carolyn Bell's numerous lies and colored testimony of her witness; and, (4) Carolyn Bell knowingly having an innocent man convicted of charges that he did not commit, in cooperation with Michael McBride.

15. Carolyn Bell well knew that she lied about the following facts in order to get a conviction: (a) the Masterloom carpet was sold to Doug Smith, which was sold with his house; (b) Warren D. Johnson, Jr. was owed over \$250,000 by Dr. Walter Harber for work done by Johnson on four projects of Harber's; (c) Linkous Corporaton was entitled payment for the principal on Lot 11 (Bay Pointe) from Dr. Walter Harber and to be paid for the hook-up to a 10" water main; (d) the F.B.I.'s Agent's sister defrauded Southeast Bank, and documents clearly show that the

water main hook-up was guaranteed prior to Jerry Linkous' cut-off date of 1987; (e) Warren D. Johnson, Jr. never extended any loan agreement with Southeast Bank after 1990, and did not send a copy of his financial statement of January 1, 1991 to Southeast Bank; and, (f) there was no Indictment hearing of Warren D. Johnson, Jr. in Magistrate Judge Ann E. Vitunac's courtroom on March 24, 1998 or on any other date. Carolyn Bell was simply the hatchet person for a "criminal tribunal", who has since covered all the criminal acts committed by the criminal tribunal against Warren D. Johnson, Jr. and his family.

16. Any true investigation and fair finder of the facts can easily confirm the truth to the facts of the above charges. When the world wanted to know what the F.B.I. was doing prior to 9/11, and the Arab terrorists were learning to fly jets at Flight Safety in Vero Beach, Florida, the facts are that F.B.I. Agent McBride was out stealing drugs and money; and, running a vendetta against 23 direct decedents of the original founding families of our country. McBride could have cared less about Arab terrorists 20 miles away, and disgraced our county even more.

17. After the testimony of Government's Witness, Mohamud Rashid Bodhanya, the Reverend Richard Grund demanded that F.B.I. Agent Michael McBride arrest and hold Mohamud Rashid Bodhanya for the theft of \$5.41 million U.S. of assets, which Bodhanya had personally "illegally" stole from "legal persons" owned by 21 Johnson Family members. The Reverend Grund was pushed back by F.B.I. Agent McBride, who assisted Mohamud Rashid Bodhanya to flee the United States, and later to escape the Turks and Caicos

Islands.

18. Mohamud Rashid Bodhanya stole the \$5.41 million U.S. assets and deposited them with AmSouth Bank in Tampa, Florida on behalf of himself and a Florida Insurance Company's account.

AFFIANT FURTHER SAYETH NAUGHT.

I hereby certify and swear under penalty of perjury under the laws of the State of Florida, the laws of the State of New York, and the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

EXECUTED and signed this 6th day of June, 2004.



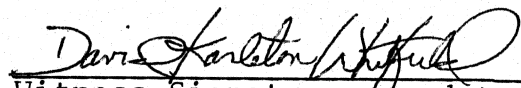
Warren D. Johnson, Jr.
c/o P.O. Box 1031
Coleman, Florida 33521-1031

2/5/2005
RE-SIGNED

Signed in the presence of:

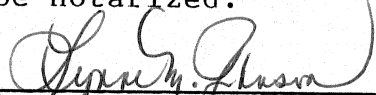

Witness Signature dated

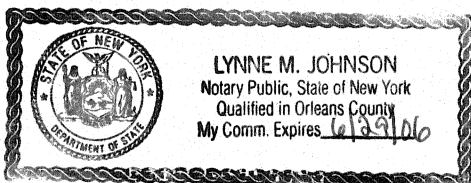
Bret Perry
Print Name


Witness Signature dated

David Whitfield
Print Name

I, Lynne Johnson, the undersigned Notary, do hereby sign, seal, and acknowledge the signature of Warren D. Johnson, Jr., well known to me and attested to me this 11 day of ~~June~~, 2004 Feb, 2005 by telephone that he did sign and mail this document to me to be notarized.

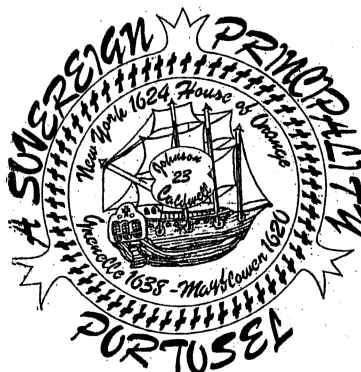

Lynne Johnson, NOTARY PUBLIC



EXHIBITS
TO
RICO COMPLAINT

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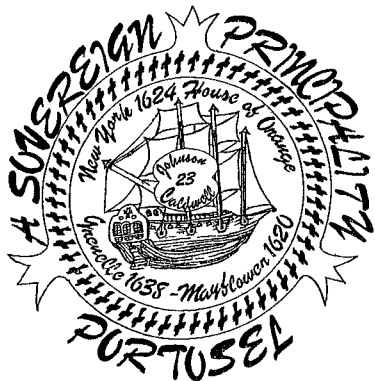
APPENDIX D



RICO COMPLAINT
BOOK I
Pages 100 to 358

COMPLAINT OF PUNISHABLE CONDUCT
BY EMPLOYEES OR
THOSE ACTING UNDER AUTHORITY
OF THE DEPARTMENT OF JUSTICE

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Parties to this Action:

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c/o FCC, Coleman-Low
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Chapter 7 Trustee
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Federal Bureau of Investigations
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Ft. Pierce, Florida

Patrick Scott, Esquire
111 Southeast 12th Street,
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Ft. Lauderdale, Florida 33316

Submitted to:

John Ashcroft, Attorney General
United States Department of
Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

**COMPLAINT OF PUNISHABLE CONDUCT
BY EMPLOYEES OR
THOSE ACTING UNDER AUTHORITY
OF THE DEPARTMENT OF JUSTICE**

COMES NOW, Warren D. Johnson, Jr., and hereby states and alleges his Complaint against Carolyn Bell, Assistant United States Attorney, an employee of the United States Department of Justice and those acting under the Authority of the United States Department of Justice, including Special Agent Michael McBride of the F.B.I. and Soneet Kapila and Patrick Scott.

Under the Citizens Protection Act of 1998, the Attorney General has the authority to hear this Complaint, conduct a

preliminary investigation no later than 30 days after receipt of Complaint, and determine whether the allegations warrant further investigation. If the Attorney General determines that further investigation is warranted, the Attorney General within 90 days further investigate the allegations and then impose an appropriate penalty. The "Misconduct Review Board" shall review all determinations made by the Attorney General.

PARTIES TO THIS COMPLAINT

Carolyn Bell is employed by the United States Department of Justice and is an Assistant United States Attorney (A.U.S.A.) for the Southern District of Florida, responsible for the grand jury investigation and federal criminal trial of Warren D. Johnson, Jr.

Michael McBride is employed by the the Federal Bureau of Investigations (F.B.I.), which was at the time under the United States Department of Justice and now under Homeland Security, and is a Special Agent for the F.B.I. working out of the Ft. Pierce, Florida office, and was assigned as the case agent for the grand jury investigation and federal criminal trial of Warren D. Johnson, Jr.

Soneet Kapila is an independant trustee appointed by the United States Bankruptcy Court for the Southern District of Florida in October 1992 on behalf of the United States Department of Justice, United States Trustees office, as the Chapter 7 Trustee, with fiduciary responsibilities for the estate of Warren D. Johnson, Jr.

Patrick Scott is the retained counsel for Chapter 7 Trustee Soneet Kapila.

FACTUAL ALLEGATIONS

1. The facts and allegations are set forth in a Set of Interrogatories for Carolyn Bell, which remain unanswered, and establish the following violations:

1.1 Johnson's Constitutional Due Process rights were violated by Bell, by prosecuting Johnson in the complete absence of any Criminal Complaint against him.

1.2 Johnson's Constitutional Due Process rights were violated by Bell, in that he was charged with Bankruptcy Fraud, and only the Bankruptcy Judge [Steven H. Friedman] or the Chapter 7 Trustee [Soneet Kapila] could have brought any complaint against Johnson, in accordance with Title 18 U.S.C. § 3057 (Bankruptcy Investigation), which they did not file or initiate.

1.3 Johnson's Constitutional rights were violated by Bell, in that he did not receive a Preliminary Examination as required under Title 18 U.S.C. § 3060 to determine if there was any Probable Cause to believe an offense had been committed.

1.4 Johnson's Constitutional and human rights were violated by Bell, in that the law under which Bell prosecuted Johnson relating to a hidden asset was "ex post fact" law and did not exist at the time of the alleged offense.

1.5 Johnson's Constitutional, human and civil rights were violated by Bell, in that she knew Johnson broke no law and a vendetta existed by a "criminal tribunal", which had been previously reported to the F.B.I.

1.6 Johnson's Constitutional, human and civil rights

were violated by Bell, in that while the F.B.I. was under criminal investigation by the Judiciary Committee of the United States House of Representative, Bell brought Johnson before Magistrate Judge Ann E. Vitunac, the wife of F.B.I. Agent Tony Yankitis, for the Initial Appearance and purported to have a valid Indictment.

1.7 Johnson's Constitutional, human and civil rights were violated by Bell, in that the purported indictment deprived Johnson his property, including his luxury home, which was seized in violation of the state of Florida's Homestead Laws.

1.8 Johnson's Constitutional, human and civil rights were violated by Bell, acting on behalf of a "criminal tribunal" in that the case and the purported indictment were both a "sham" and fraud on the court.

1.9 Johnson's Constitutional, human and civil rights were violated by Bell, in that she well knew there was no hearing before any Magistrate Judge on any valid indictment of Johnson, but proceeded to solicit a fraudulent and fictitious courtroom record to be created, in order to cover Bell's numerous other illegal acts.

1.10 Johnson's Constitutional, human and civil rights were violated by Bell, who along with F.B.I. Agent McBride, did effectively write and provided all the lies in the P.S.I. report submitted by Patricia A. Borah.

1.11 Johnson's Constitutional, human and civil rights were violated by Bell, who lied in said P.S.I. report by stating "Lots [Jupiter Island] were sold for \$20,000,000" and "Defendant

[JOHNSON] put \$20,000,000 in Trust."

1.12 Johnson's Constitutional, human and civil rights were violated by Bell, in the destruction or withholding of numerous F.B.I. (302) field reports that contained the following information:

- (a) Warren D. Johnson, Sr. was owed \$261,250 by Linkous Corporation for a well documented loan, whereby Linkous Corporation put in its road, fill, subdivision improvements and a 10" water main.
- (b) Paul Johnson and Jeffrey Alan Johnson told F.B.I. Agent Thomas J. Pierce [Buffalo, N.Y.] about the vendetta by Corrine B. Calvassina, an F.B.I. Agent's sister.
- (c) Both Jerry Linkous, in person, and Dr. Walter Harber (telephonically) told F.B.I. Agent McBride on or about Monday, September 14, 1998 that the \$250,000 payment to Linkous was the principal payment for Lot 11 - at Bay Pointe, which Linkous had sold to Dr. Harber under an Agreement for Deed.
- (d) The Linkous Corporation "Water Service Agreement" was breeched by Martin County Utilities and that property was approved to hook onto Linkous' 10" water main prior to March 13, 1989 as required by said Agreement for payment to Linkous.
- (e) Martin County Utilities later breeched a "Sewer Service Agreement" with Dr. Walter Harber, and John Polley's testimony was colored by the Government.
- (f) Doug Smith, not Johnson, received a Masterloom carpet

for his dining room, and Johnson owed Masterloom nothing.

(g) Government's witness, Mohamud Rashi Bodhanya did steal \$5.41 million in assets from "legal persons" owned by 21 Johnson Family members and in violation of United States Money Laundering statutes, did deposit the assets in AmSouth Bank, with its Florida branch in Tampa.

1.13 Johnson's Constitutional, human and civil rights were violated by Bell, in that she led a "criminal tribunal" as a "force majeure" as defined by a 18 March 1998 Treaty with the British Crown, and did seize known "collateral" for the Grand Turk Harbour (Port o' sel) project.

1.14 Johnson's Constitutional, human and civil rights were violated by Bell, in that she well knew the "criminal tribunal's" plans to illegally bring a "criminal fraud action" against Johnson — going back to a December 28, 1992 fax from Ray Loesche, and she acted upon it.

1.15 Johnson's Constitutional, human and civil rights were violated by Bell, in that she knowingly produced the following witnesses and either colored their testimony, or induced them to give false and misleading testimony, and all in violation of the Citizens Protection Act of 1998, and other rules of law and statutes:

<u>DATE</u>	<u>NAME OF WITNESS</u>
11/09/98	James Lindsey Stephen Rofsky
11/12/98	James Harper Joseph Fortunato

<u>DATE</u>	<u>NAME OF WITNESS</u>
11/13/98	William Hibel Allen Elkins
11/16/98	Carolyn Baruch Dean Kohl Joseph Baruch
11/17/98	Malka Rahmanan Ray Marshall Soneet Kapila
11/18/98	Michael McBride
11/19/98	Allen Elkins John Polley Frederich Sundheim

2. The facts and allegations set forth below establish the violations by F.B.I. Agent Michael McBride, and include conspiracy in all of the foregoing Constitutional, human and civil rights violations identified against Warren D. Johnson, Jr. and his family:

2.1 McBride ran a vendetta against Warren D. Johnson, Jr. and his family and acted as the private police force for Merrill Lynch, et al. and their attorneys at the law firm of Holland and Knight. Bill McBride ran Holland and Knight for Chesterfield Smith from around 1990 to around 1998, and Michael McBride knew of the \$3 million settlement offer weeks before it was offered to settle the Preserve at Palm-Aire lawsuit. Michael McBride told Lloyd Minear of the \$3 million offer. This offer was made to stop the disclosure of the criminal acts by Merrill Lynch, et al. and their attorneys regarding the false Judgment against Warren D. Johnson, Jr.; the filing of forged documents in the Public Record; and, the filing of false and fictitious statements with the S.E.C. and with Merrill Lynch's public shareholders in the Apex Fund, Inc.

2.2 The record in this criminal case clearly shows that there were "no issues of substance" and at the March 10, 1997 meeting between F.B.I. Agent-in-Charge Arron Sanchez and Warren D. Johnson, Jr., Arron Sanchez stated to Johnson "if there were **no** issues of substance, then McBride was running a vendetta."

2.3 McBride told attorney Richard Lubin of Palm Beach, Florida "that Johnson's stock was going up \$10 million a day, and it was driving him [McBride] crazy."

2.4 From spring to fall of 1997, Dr. Art Lindsley and Warren D. Johnson, Jr. met several times between the President's Prayer Breakfast and the Breakfast with the leader of Israel and discussed the aforesaid referenced vendetta, and debated whether to report it as a religious attack or simply a motive of jealousy.

2.5 The vendetta was reported as being motivated by jealousy and revenge to attorney Paul McNulty and Senator Bill McCollum of the United States House Judiciary Committee, as soon as appointments were arranged.

2.6 McBride had already sent Johnson a message back in 1995 that he would show Johnson that "he [McBride] was the anti-Christ." This report was provided to Dr. Art Lindsley of the C.S. Lewis Foundation in 1997, and later on McBride referred to Johnson's family and Church friends as "the dog and pony show with their Bibles," as they came off the elevator during trial.

2.7 McBride threatened Johnson's son-in-law Adam Brown in 1997, and Johnson called the F.B.I. for the person in charge of South Florida, which led to the meeting with Arron Sanchez on March 10, 1997.

The threats against Adam Brown are undisputed, and McBride did cause great financial loss to Adam Brown as to those threats.

2.8 McBride was present on or about Monday, September 14, 1998, when Jerry Linkous told McBride and Carolyn Bell, in person, that the \$250,000 payment from Dr. Harber was the principal payment on Lot 11 in Bay Pointe subdivision, and McBride destroyed the F.B.I. 302 field report. A similar report was destroyed by McBride regarding a telephonic interview with Dr. Walter Harber on the same day (09/14/1998), and Dr. Harber called Adam Brown and told him that "McBride and Bell were screaming at him [Harber] for telling them the \$250,000 was to pay the principal for Lot 11 in Bay Pointe."

2.9 McBride and Carolyn Bell are part of a "criminal tribunal" operating in South Florida in violation of the Rule of law against sovereign citizens, Warren D. Johnson, Jr. and his family, and this hate crime, based on religion, is not a new issue in the Johnson family history. The examples of extortion, jealousy and greed are merely a by-product of a religious war against Warren D. Johnson and the Johnson family, who are known as Church builders, founders of Nations, and a religious conscience/piety that goes back to the 12th century.

3. The facts and allegations set forth below establish the criminal acts and violations by Chapter 7 Trustee Soneet Kapila and his attorney Patrick Scott, which are copiously documented in the records of district court cases 92-33339-BKC-SHF and 98-08039-CR-RYSKAMP, and include conspiracy in all of the foregoing Constitutional, human and civil rights violations identified against Warren D. Johnson, Jr. and his family:

3.1 Soneet Kapila sold the rights to sue Merrill Lynch, et al. [Bondholders] in 1998 for \$5,000, paid to him and 40% of all **gross proceeds** going to Warren D. Johnson, Jr.'s legitimate creditors. The lawsuit was worth millions and exposed five criminal acts of Merrill Lynch, et al. and their attorneys.

3.2 Soneet Kapila breeched his Contract of March 8, 1999 with Warren D. Johnson, Jr., stopped Johnson's lawsuit against the Bondholders and took a \$25,000 pay-off for himself and his lawyers, without giving one cent to Johnson's legitimate creditors in his Bankruptcy estate.

3.3 By these above actions, Soneet Kapila stopped Johnson from proving that he did not sign a second amended Guarantee and that the Bondholders had an illegal Judgment they obtained by fraud in the amount of over \$3.9 million; the Bondholders breeched an agreement with Johnson's partners and hid the fact that they destroyed the \$28 million tax-free bonds and their collateral for their own corporate gain; they fraudulantly reported the destroyed bonds to be AA rated by Standard and Poors; the Bondholders and their attorneys committed fraud before three (3) courts; and, the deed the Bondholders received from the court in a Foreclosure sale was whited out and fraudulantly recorded in the Tax Public Records of Broward County, Florida.

This was an attempt to hide the evidence that the Bondholders merged the title and interest in a mortgage through foreclosure, thus destroying \$28 million in tax-free Bonds by the State of Florida Housing Authority.

3.4 After Johnson was discharged in Bankruptcy in 1993,

Soneet Kapila did illegally refile the Bondholders' Judgment against Johnson, and never notified him.

3.5 Soneet Kapila, through his attorney Patrick Scott, did threaten Johnson family members with indictments and imprisonment if they would not give up their lawful monies and assets in the signing of a 16 February 2001 Treaty/agreement.

3.6 Soneet Kapila, through his attorney Patrick Scott, did illegally breach their fiduciary duty and failed to return all monies and assets of the Johnson family members on March 8, 2001; and, did illegally pay themselves and the Bondholders [Merrill Lynch, et al.] approximately \$1 million of Johnson family monies and destroyed billions of dollars of assets of the Johnson family, et al.

3.7 The actions of Soneet Kapila and Patrick Scott, when combined with the illegal acts of others in this criminal tribunal, do squarely fall under the Racketeer Influenced and Corrupt Organizations Act (RICO); and, this case exposes a highly organized "criminal enterprise" that operates on extortion, illegal indictments, various assorted criminal acts, under the color of law and the color of authority.

SUMMARY

4.0 Carolyn Bell, F.B.I. Agent Michael McBride, and Chapter 7 Trustee over the bankruptcy estate of Warren D. Johnson, Jr., each working for and with the United States Department of Justice, committed the following:

4.1 Conducted a vendetta and operated a "criminal enterprise" against Warren D. Johnson, Jr. with no F.R.Cr.P. Rule 3 — Criminal Complaint;

4.2 Sought an indictment of Warren D. Johnson, Jr., in the absence of probable cause and never holding a hearing to return the indictment by the Grand Jury;

4.3 Failed to release and destroyed information that would have exonerated Warren D. Johnson, Jr. under a purported lawful indictment;

4.4 Knowingly and intentionally mislead the grand jury and the petite court as to the guilt of Warren D. Johnson, Jr.;

4.5 Knowingly and intentionally mistated and hid evidence against Warren D. Johnson, Jr.;

4.6 Knowingly and intentionally altered and modified evidence against Warren D. Johnson, Jr.;

4.7 Impeded Warren D. Johnson, Jr.'s rights to discovery;

4.8 Improperly disseminated information and client privileges to other parties during the investigations and the court actions;

4.9 Knowingly made threats against Johnson family members that represented extortion and duress, in order to force and intimidate them into giving up their lawful property and monies;

4.10 Engaged in illegal and criminal conduct by violating the RICO laws;

4.11 Protected an F.B.I. Agent's sister, who both Bell and McBride well knew had committed bank fraud;

4.12 Protected Merrill Lynch and their lawyers, who committed criminal acts in violation of numerous rules of law and federal regulations;

4.13 Protected Chapter 7 Trustee, and allowed Soneet Kapila to receive a payoff and breech a contract with Warren D. Johnson, thereby preventing Johnson from exposing the criminal

act of Merrill Lynch and their lawyers; and thus, deprived Warren D. Johnson, Jr. from paying all legitimate creditors on a lawsuit, whereby Merrill Lynch did offer Johnson's partners \$3 million before Johnson's trial;

4.14 Failed to prosecute Chapter 7 Trustee Kapila's attorney [Patrick Scott] for extortion against Adam Brown and the Johnson family on the 16 February 2001 Treaty; and, have allowed the theft of Johnson family assets by Patrick Scott, who on March 8, 2001 breeched the aforesaid referenced 16 February 2001 Treaty;

4.15 Failed to prosecute Mohmud Rashid Bodhanya for the theft of \$5.41 million of Johnson family's "legal persons" assets, which were stolen by Mohmud Rashid Bodhanya and the proceeds then money laundered through AmSouth Bank in Tampa, Florida for a Florida Insurance Company;

4.16 Keeping Warren D. Johnson, Jr. in federal prison for over 66 months, when they well knew that he was an innocent man.

RELIEF SOUGHT

5.0 The Government and the United States Department of Justice will find all the evidence to support the above Factual Allegations in the record and further discovery and must present their findings to a grand jury of We the People, as set forth in: (b) PENALTIES. (7) for criminal prosection.

6.0 Take all necessary steps to set Warren Douglas Johnson, Jr. free from prison and to expunge all charges of criminal conduct against him from the record.

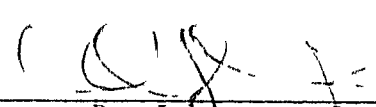
7.0 Work with the Congressional Committee of Thomas M.

Davis, III's for "Government Reform" and seek Justice and to correct the miscarriage of Justice that has been done to Warren Douglas Johnson, Jr.

8.0 Abide by the Rule of law and the Law of Nations, and restore Warren Douglas Johnson, Jr. and his family under the rule of postliminium and all other applicable law and relief available.

I hereby declare under penalty of perjury under the laws of the State of Florida, the laws of the State of New York, and the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

EXECUTED and signed this 6th day of June, 2004.



Warren D. Johnson, Jr.
Reg. No. 53225-004/Unit A-3
Federal Correctional Complex-Low
P.O. Box 1031
Coleman, Florida 33521-1031

**Affidavit of Warren D. Johnson, Jr.
in Support of a Complaint of Violations
Under the Citizen's Protection Act of 1998**

STATE OF NEW YORK)
) ss.
COUNTY OF ORLEANS)

COMES NOW, Warren D. Johnson, Jr., who hereby brings this Complaint of violations under the Citizen's Protection Act of 1998 to John Ashcroft, Attorney General for the United States Department of Justice, and further states:

1. On February 13, 2002, Warren D. Johnson, Jr. sent a letter to Paul McNulty, Attorney for U.S. Department of Justice, which updated him on the criminal vendatta from 1997 through to February 2002. (See Appendix I).

2. On May 27, 2003, Jeffrey Alan Johnson filed an Affidavit in support of a Criminal Complaint of violations of the Law of Nations to the Congress of the United States to the attention of Thomas M. Davis, III - Committee on Government Reform. (See Appendix II).

3. On May 12, 2004, Warren D. Johnson, Jr. filed a Petition to proceed on Appeal in the Eleventh Circuit - United States Court of Appeals in Atlanta, Georgia, which summarizes the government's misconduct and criminal acts against Warren D. Johnson, Jr. and his family. (See Appendix III and IV).

4. Enclosed with this Affidavit, dated June 6, 2004, and addressed to John Ashcroft, Attorney General for the U.S. Department of Justice, is a memorandum re: Be on Guard for a Continuing Cover-up and Obstruction of Justice by the F.B.I.,

Merrill Lynch, et al. in Case No. 98-8039-CR-RYSKAMP -
U.S. District Court for the Southern District of Florida.
(See Appendix V).

5. In 1999, while teaching the Bible confined in Palm Beach Jail, a black man [Keith Omar Jones - Fed. Id. #54408-004] told Warren D. Johnson, Jr. that his arresting officer was a thief, drug dealer and moneylaunderer. Keith Jones then told Johnson that the Officer [F.B.I. Agent Michael McBride of the Ft. Pierce, Florida office] had underreported Jones' cash by \$16,000 and by two-kilos of cocaine. He also told Johnson that his Aunt [Dot - on his mother's side] is an officer with the Ft. Pierce Police Department and she knows of approximately 8 other men from that area, who were arrested by McBride and their cash and drugs were stolen and underreported by F.B.I. Agent McBride.

6. In 2002, a Jewish man, Raymond Tucker of Jupiter, Florida told Warren D. Johnson that F.B.I. Agent McBride stole several assets from his residence, after McBride arrested him. Tucker has since left FCC, Coleman - Low.

7. On Friday, November 20, 1998, at the close of reading the Jury Instructions, the juror (man) who sat in the front row center seat, did go down three (3) floors of the Palm Beach Federal Courthouse, and got on a payphone. This Juror discussed Johnson's case, told the person he called "that the Judge had just given the case to the Jury and he would have a decision [conviction] in ten minutes." This man was of small frame, balding with red beard and moustache and, at the Voir Dire, he had stated

that he worked for South Florida Water Management. There is a witness known to Warren D. Johnson, Jr., who was at the adjoining payphone and overheard the juror's phone conversation.

8. On June 23, 1999, Judge Kenneth L. Ryskamp stated that he saw all the "Jaguars and expensive cars" that Warren D. Johnson, Jr. and his family drove to the trial and tried to convince Johnson that it was a big mistake and that was why the jury convicted him. [Transcript of June 23, 1999 - page 366]. In fact, Warren D. Johnson, Jr. drove a six (6) year old car with over 100,000 miles on it. It is doubtful that the jurors would remember the car more than the color of it. Johnson did drive a XJS Jaguar convertible (dark green), a white 1997 740 IL BMW, and a white 1998 GMC Hi-Top van; and his wife drove a red 1991 500 SL Mercedes convertible, but none were driven to the trial. The F.B.I. has massive files on each car Johnson drove, and F.B.I. Agent McBride made several trips to the auto dealer [Par Auto], the Motor Vehicles' records department, and even sent agents to the original dealers, who sold the cars to Par Auto.

9. Judge Ryskamp saw pictures of the cars, and made a big point of telling the jurors that he saw the cars. A.U.S.A. Carolyn Bell appeared to be in shock as the Judge made the statement about the expensive cars, and rightly so, since each and every car he referred to had been sold at least two (2) months before the trial, and the Motor Vehicles' records department verifies these facts. The Government's harassment was so great over the luxury cars, that Warren D. Johnson, Jr. and his wife simply sold them months before the trial.

10. Judge Ryskamp's statement clearly proves the fact that the Judge was hand picked and had private meetings with Government officials who showed him the above listed cars (see item 8); and these meetings would have been at least two (2) months before trial.

11. The jurors themselves heard lies from the Prosecution and the Government Agents, and Warren D. Johnson, Jr. was not allowed/permited to put on his case, except for his limited testimony as the only witness for the defense.

12. Carolyn Bell, A.U.S.A., called Warren D. Johnson, Jr. a liar seventeen (17) times in her Closing arguments, and put on the record a statement taken from a deposition not in evidence, and this statement was the basis for her biggest lie -- that the property on Jupiter Island had become "worth \$20 million" by 1986. She knew from this Deposition the following: (1) the subject property was owned by Johnson's father, Warren D. Johnson, Sr., over six years earlier, and Defendant's father sold the property for less than two-million dollars by 1980; (2) Defendant's father gave a Church one of the nineteen lots; (3) the Church sold the lot for \$250,000; and, (4) Warren D. Johnson, Jr. did not sell these lots for \$20,000,000 and put \$20,000,000 in trust. Carolyn Bell simply based her entire case on lies, mis-statements and colored testimony.

13. The conviction took more than "ten minutes", and in fact, it took two (2) days of deliberations, with a conviction handed down less than 48 hours before Thanksgiving day. This planning by the "criminal tribunal" put the ladies under great stress, either they hold out and forget about cooking and preparing for their Thanksgiving dinner, or let the little man from the

S.F.W.M.D. wear them down to plead "guilty", so they could go--
cook or prepare for their family meal. They should all be
interviewed as to the Judge's statements on the "Jaguars and
expensive cars" and as to the lies and false statements that
were made about Warren D. Johnson, Jr. in the closing statements
of Carolyn Bell, and simply ask "who on the jury fought for
conviction?"; or, is justice in America determined by the
cars one drives, as stated by Judge Ryskamp, and the lies and
misrepresentations made by the Prosecution to get a conviction?

14. This "criminal tribunal" has been exposed, whereby:
(1) the FBI Agent McBride is accused as being a thief, drug
dealer, and money launderer; (2) the Judge(s) having gross
conflicts of interest and corruption; (3) the misconduct of a
juror, rising to the level of jury tampering, with the balding
and beared S.F.W.M.D. employee being a fraud and Government
plant, who could convince the Jury of Carolyn Bell's numerous
lies and colored testimony of her witness; and, (4) Carolyn
Bell knowingly having an innocent man convicted of charges
that he did not commit, in cooperation with Michael McBride.

15. Carolyn Bell well knew that she lied about the following
facts in order to get a conviction: (a) the Masterloom carpet
was sold to Doug Smith, which was sold with his house; (b) Warren
D. Johnson, Jr. was owed over \$250,000 by Dr. Walter Harber
for work done by Johnson on four projects of Harber's; (c) Linkous
Corporaton was entitled payment for the principal on Lot 11
(Bay Pointe) from Dr. Walter Harber and to be paid for the
hook-up to a 10" water main; (d) the F.B.I.'s Agent's sister
defrauded Southeast Bank, and documents clearly show that the

water main hook-up was guaranteed prior to Jerry Linkous' cut-off date of 1987; (e) Warren D. Johnson, Jr. never extended any loan agreement with Southeast Bank after 1990, and did not send a copy of his financial statement of January 1, 1991 to Southeast Bank; and, (f) there was no Indictment hearing of Warren D. Johnson, Jr. in Magistrate Judge Ann E. Vitunac's courtroom on March 24, 1998 or on any other date. Carolyn Bell was simply the hatchet person for a "criminal tribunal", who has since covered all the criminal acts committed by the criminal tribunal against Warren D. Johnson, Jr. and his family.

16. Any true investigation and fair finder of the facts can easily confirm the truth to the facts of the above charges. When the world wanted to know what the F.B.I. was doing prior to 9/11, and the Arab terrorists were learning to fly jets at Flight Safety in Vero Beach, Florida, the facts are that F.B.I. Agent McBride was out stealing drugs and money; and, running a vendetta against 23 direct decendents of the original founding families of our country. McBride could have cared less about Arab terrorists 20 miles away, and disgraced our county even more.

17. After the testimony of Government's Witness, Mohamud Rashid Bodhanya, the Reverend Richard Grund demanded that F.B.I. Agent Michael McBride arrest and hold Mohamud Rashid Bodhanya for the theft of \$5.41 million U.S. of assets, which Bodhanya had personally "illegally" stole from "legal persons" owned by 21 Johnson Family members. The Reverend Grund was pushed back by F.B.I. Agent McBride, who assisted Mohamud Rashid Bodhayna to flee the United States, and later to escape the Turks and Caicos

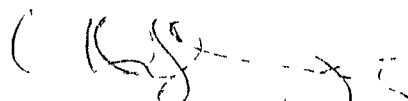
Islands.

18. Mohamud Rashid Bodhanya stole the \$5.41 million U.S. assets and deposited them with AmSouth Bank in Tampa, Florida on behalf of himself and a Florida Insurance Company's account.

AFFIANT FURTHER SAYETH NAUGHT.

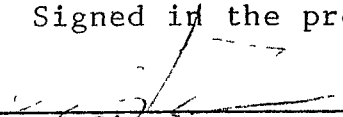
I hereby certify and swear under penalty of perjury under the laws of the State of Florida, the laws of the State of New York, and the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

EXECUTED and signed this 6th day of June, 2004.



Warren D. Johnson, Jr.
c/o P.O. Box 1031
Coleman, Florida 33521-1031

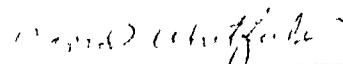
Signed in the presence of:



Witness Signature dated

Bret Perry

Print Name

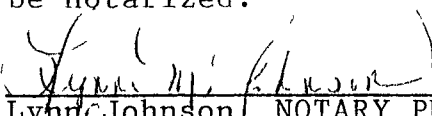


Witness Signature dated

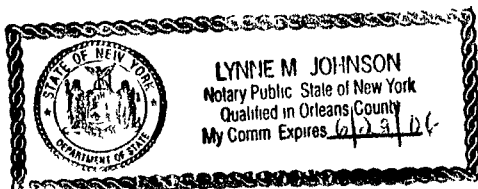
David Whitfield

Print Name

I, Lynne Johnson, the undersigned Notary, do hereby sign, seal, and acknowledge the signature of Warren D. Johnson, Jr., well known to me and attested to me this 5th day of June, 2004 by telephone that he did sign and mail this document to me to be notarized.



Lynne Johnson, NOTARY PUBLIC



February 13, 2002

Paul McNulty, Attorney
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-1000

RE: Investigation of FBI Agent Michael McBride,
Fort Pierce, Florida in Warren D. Johnson, Jr.,
Case No. 98-8039-cr-RYSKAMP

Dear Mr. McNulty,

In 1997 you and Congressman Bill McCollum, head of the U.S. House of Representatives Judiciary Committee, started an investigation of Michael McBride for a vendetta or hate crime against myself. The investigation should now continue as a result of the above indictment and case which is a fraud on the court. During the trial Public Defender Robert Adler told Judge Ryskamp that "... the government is aware, and I believe they made misrepresentations to this jury ..." (P. 1173 L. 3-6 T.T.) Judge Ryskamp responded "If you can establish later on that the government has withheld evidence or misled the Jury, that's a pretty serious accusation and I will deal with that later on." (P. 1179 L. 2-5 T.T.)

During a hearing on January 25, 2001, I spoke before Judge Ryskamp's court for about 40 minutes on this vendetta and the evidence my family had put together against McBride. I am ordering a copy of that transcript for your records. At the end of the hearing Judge Ryskamp ordered an investigation by Leslie Taylor of the Office of Professional Responsibility (O.P.R.) at the address of the U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. By the next day Leslie Taylor told my sister, Patricia Wellspeak, that the two complaints filed - 1/2000 and 9/2000 - had both disappeared and the only thing in the file was records of yourself (Paul McNulty) and Congressman Bill McCollum holding hearings. Since we have a cover-up at the O.P.R., I am now filing a motion with Judge Ryskamp to have you finish the investigation and issue his court a report. Senators Charles Schumer and Orrin Hatch were appointed by Attorney General John Ashcroft to investigate criminal activity of F.B.I. agents and are building a file on this case for hearings. When John Ashcroft was being confirmed as the Attorney General, he assured Congress that he would not be soft on civil rights violations. When Robert Mueller was being confirmed as the new head of the F.B.I., he stated that the F.B.I. had to "... restore the public's trust in the F.B.I., to re-earn the faith and trust of the American people." Senator Charles Grassley said, "This person must be able to sweep out

APPENDIX I

Letter to Paul McNulty, Attorney
February 13, 2002
Page 2

the culture of arrogance and replace it with a culture dedicated to truth and honorable service." (See attached news article - Exhibit V-1).

I was not allowed to represent myself in court in violation of my 6th Amendment Constitutional rights and because Magistrate Judge Ann Vitunic ordered me to get an attorney, I talked to three different attorneys out of respect for the court. At a hearing before Judge Ryskamp, he said that I was the most competent person to stand before his bench to represent himself, but strongly advised against it. He suggested I consider Ted Klein of Miami as co-counsel under the C.J.A. Act and ordered a hearing on the matter before Magistrate Judge Ann Vitunic. At the next hearing before her, her clerk told me "... the Judge had already signed an order declaring me indigent and appointed me the public defender. I never had the hearing on co-counsel. Their local rules state that once an attorney is appointed for you, you can longer speak to the court directly, but must speak to the court through your attorney. Robert Adler told me "... I better be quiet or I would make the Judge mad and she would revoke my bond, thus throwing me in jail. Out of respect for the court I kept quiet.

The case is very simple. I won a Jury trial against Corrine B. Calvassina, an F.B.I. Agent's sister, on a land contract for Bay Pointe Estates and Otters Run subdivisions. Judge Larry Schack awarded specific performance on the contract, but destroyed the future profit in the property (Bay Pointe Estates) by ordering the property sold "as is" without the platting required as a condition of the option contract. The five waterfront lots had a two acre wetlands in the center two lots. And every developer in south Florida knows that you do not buy a waterfront property in Martin County, Florida that is not platted and permitted for development, or you will lose a fortune. The five riverfront lots were under contract to be sold for \$1,220,000 platted and developed. One of the buyers, Dr. Walter Harber, stepped in and tried to plat and develop the property. He will now lose over one million dollars.

I will not bother to restate all the proofs and documents to show the government's case is a fraud on the court, since the enclosed package of documents set forth the evidence that the government's case lacks any issue of substance.

On Count Two, Loan Extension Fraud, the loan was extended in July 1990, and Southeast Bank could not have relied on a financial statement they would get 6 months in the future to extend the loan. The financial statement in question was a copy, and the

Banker (Jim Harper) did not know where it came from. In the past, Southeast Bank requested my financial statement from a George Janke or Frank Ryan. The statement in question was rejected in writing three times, since the bank wanted a joint statement with my wife. I stopped a written request from being sent to the bank and did not extend the loan. In a 2004 deposition taken 1/93, I was presented with two different financial statements on the same date. I believe that the F.B.I. knew who had altered and forged my signature on the second statement. I never received a F.B.I. (302) Field Report on that evidence.

Ravi Zacharias wrote in his book, Can Man Live Without God (1994), "Linguistic trickery and distortion of truth are familiar fare in law courts, bringing about the desired end of an utterly confused Juror." During the trial Judge Ryskamp told the prosecutor 1. "... sounds like a civil case." (P. 237 L. 15-18 T.T.); 2. "I have often wondered what would happen if we tried a civil case with criminal lawyers and I am finding out right now, and it's a distaster ... Both sides seem to be trying to waste as much time asking irrelevant questions. In almost three days, I have heard less than half an hour of relevant testimony in this case." (P. 531 L. 5-11 T.T.) "I under. This Jury is totally lost. You have reams and reams of pages dealing with concepts they don't understand and we have lost sight of the fact that this is supposedly a case about hiding assets from bankruptcy. I haven't heard any of that today. All I am hearing is about a transaction that isn't even in the Indictment. This whole retirement center isn't even mentioned in the Indictment. (P. 531 L. 20-25 T.T.)

At sentencing Judge Ryskamp told me that the big mistake I made here was driving luxury cars. The Jury all drove old cars and that is why I was convicted. I will supply the exact quote, line and page of the trial transcript when I receive it. We are now in the 11th Circuit Court of Appeals and will file a § 2255 Motion for ineffective assistance of counsel if we are unsuccessful in the Court of Appeals. The Appeals attorney did not argue the the issues I set forth in a letter prior to his filing of the brief. We have filed a Motion for Reconsideration with the 11th Circuit Court of Appeals (Attached as Exhibit V-2). Prior to trial, attorney Robert Adler told me he was handling 70 to 90 cases and could only allow me to come to his office on Wednesday morning from 9 AM to noon. He usually arrived at 9:30 AM and could spend 15 to 20 minutes with me. I read files, made notes and was forced to leave his conference room by noon. He did not present any evidence and did not even subpoena Dr. Walter Harbor, the main person in this case regarding counts 1, 3, 4, 5, 6, 7 & 8. Bob Adler only interview Dr. Harbor one time by phone on or about Wednesday, September 9, 1998. When questioned about the

\$250,000 payment to Linkous, Dr. Harber concluded it was the principle payment for a lot he purchased from Linkous under a resolution for an agreement for deed. (See attached motions and complaints for details). Notes of that meeting were recorded by investigator Joe Carmack and Robert Adler. Carmack and Adler also interviewed Jerry Linkous that same morning who said the \$250,000 was to pay for a riverfront lot. (See Linkous Affidavit - Exhibit V-3). FBI Agent Michael McBride and the prosecutor interviewed Linkous and Harber on Monday, September 14, 1998 and they withheld or destroyed the F.B.I. (302) Field Reports. In the cover-up on Ruby Ridge, FBI Agent Keohoe went to Federal prison for 3 years for merely changing a F.B.I. (302) Field Report. Paul Johnson told a FBI Agent from Buffalo, New York all about the vendetta with Corrine B. Calvassina. He took extensive notes, but the F.B.I. (302) Field Report was withheld from me. I have received calls from Denver, Colorado; Miami, Florida and Indiana. I have never seen the F.B.I. (302) Field Reports from any of those interview. Another FBI Agent called Charlie Cangianelli, Dr. Harber's dock and seawall builder. I have never seen that F.B.I. (302) Field Report and Cangianelli has extensive knowledge of this vendetta and the evidence.

Attorney Bob Adler was totally unprepared to put on a case and prove my innocence, but he did know to tell the court, the prosecutor and government were aware they made misrepresentations to the Jury. Bob Adler should have subpoenaed the attorney for Southeast Bank. The attorney stated repeatedly in the foreclosure documents that the last extension for the loan was July 1990. That last loan extension could not have relied on a Financial Statement to be prepared 6 months in the future to make the last loan extension. I am not a C.P.A. and I believe the Financial Statement was correct in laymen terms. I sold the Haverhill Court apartments three days before the statement was prepared and listed the third purchase money mortgage as an asset. The deal was closed in escrow and only fell apart four months after the statement of January 2, 1991 was prepared.


I will be glad to provide overwhelming evidence and documentation as to the government's misconduct. This case is similar to the Los Angeles Police case where the officer shot a person, then lied at his trial to send him to prison. (See Exhibit V-4). It is disturbing to know that this is not an isolated case, because in the James Fowler case before Judge Ryskamp, the FBI Agent threatened to kill and rape Fowler's wife. The same FBI Agent also tried to run Fowler's attorney, Angela Morelock, off the road and kill her. As these matters become thoroughly investigated, it may rival the LAPD scandal. Let us hope that Cassandra Chandler can really eliminate the

Letter to Paul McNulty, Attorney
February 13, 2002
Page 5

"Good Old Boy System." (See Exhibit V-5).

Please supply a copy of all work and keep my sister, Patricia Wellspeak, informed as the investigation progresses. She is in touch with Senator Charles Schumer's investigation, and I am in touch with her on a daily basis.

Yours Respectfully,



Warren D. Johnson, Jr., Pro-Se
53225-004 / A-3 Low
Federal Correctional Complex
P.O. Box 1031
Coleman, Florida 33521-1031

cc: Patrica Wellspeak
6112 South Bay Road
Cicero, New York 13039
315-699-9413 (home)

April 11, 2002

Paul McNulty
United States Attorney
600 East Main Street, Suite 1800
Main Street Center
Richmond, VA 23219

Dear Mr. McNulty;

Please find enclosed a 123 page Combined Motion and Criminal Complaint against F.B.I. Agent Michael McBride, et al, which sets forth overwhelming evidence and documentation as to the criminal acts and Government's misconduct. In my letter of February 13, 2002, I promised to compile this evidence, which includes 23 Exhibits of 572 pages.

I believe these criminal acts will surpass the I.A.P.D. scandal in scope and pain to our great nation and abuse of power. Duplicate copies have been sent to Senator Charles Schumer for his hearings on these criminal acts by the F.B.I., et al.

I thank you for starting this investigation of F.B.I. Agent Michael McBride in 1997 and hope that Attorney General John Ashcroft will allow you to prosecute those involved. I and my family look forward to giving testimony before a Federal Grand Jury and Senator Schumer's Committee.

Yours Truly,



Warren D. Johnson, Jr.
53225-004 (A-3) Low
Federal Correctional Complex - Coleman
P.O. Box 1031
Coleman, FL 33521

May 9, 2002

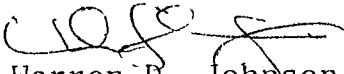
Paul McNulty
United States Attorney
600 East Main Street, Suite 1800
Main Street Center
Richmond, Virginia 23219

Dear Mr. McNulty;

Please find enclosed a 23-page Notice and Verified Petition filed in case no. 92-33339-BKC-SHF, which sets forth violations of my "due process" rights; whereby all previous documents are now Exhibits to this document.

Please label the original Combined Motion ... pages 1 of 7 through 7 and 1 through 59 as Exhibit AA (1 of 2) and the Response to Gov ... pages 60 through 115 as Exhibit AA (2 of 2); also remove the statement by Patricia Wellspeak from the bottom of Exhibit V - pgs. V-16 as it was done in error; and insert a new Index and Exhibit X which is new.

Yours truly,



Warren D. Johnson, Jr.
53225-004 / A-3 (Low)
Federal Correctional Complex
P.O. Box 1031
Coleman, Florida 33521



U.S. Department of Justice

United States Attorney
Eastern District of Virginia

Robert P. McIntosh
Assistant United States Attorney
1800 Main Street Centre
600 East Main Street
Richmond, Virginia 23219

(804) 819 7104
Fax (804) 819 7417

May 31, 2002

Warren D. Johnson, Jr.
53225-004 / A-3
Federal Correctional Complex
P O. Box 1031
Coleman, Florida 33521

Re: In re Warren D. Johnson, Jr.
Bankr. No. 92-33339-BKC-SHF (USBC S.D. Florida)

Dear Mr. Johnson:

This regards your letter dated May 9, 2002 to Paul McNulty, which forwarded a copy of NOTICE OF CONSOLIDATED FILING TO THIS COURT FOR I VERIFIED DECLARATION IN SUPPORT OF THIS COMPLAINT AND MOTION FILED IN OCTOBER 2001, HEREIN AS EXHIBIT V- PAGES V-7 THROUGH V-15; II VERIFIED PETITION FOR REDRESS OF GRIEVANCES; III. VERIFIED PETITION FOR INJUNCTIVE RELIEF, AND IV. VERIFIED PETITION FOR PROSPECTIVE INJUNCTIVE RELIEF, which appears to have been filed in the U S Bankruptcy Court for the Southern District of Florida

I have reviewed your papers and found that there is no action to be taken by this office in the referenced matter. Please be advised that the U S Attorney's Office for the Southern District of Florida is responsible for handling matters on behalf of the United States in cases filed in that district. I understand that Carolyn Bell of that office is responsible for handling this case. All future correspondence or communication should be addressed to her. I see from the certificate of service attached to your papers that you have the necessary information to contact her.

Sincerely yours,

PAUL J. MCNULTY
UNITED STATES ATTORNEY

By Robert P. McIntosh
Assistant United States Attorney

June 5, 2002

Robert P. McIntosh
Assistant United States Attorney
1800 Main Street Center
600 East Main Street
Richmond, Virginia 23219

RE: In re Warren D. Johnson, Jr.-
98-8039-CR-KLR (USDC-SDOF); 92-33339-BKG-SHF (USBC-SDOF)

Dear Mr. McIntosh;

Regarding your letter of May 31, 2002 to me, the documents sent to Paul McNulty named and charged Carolyn Bell, Assistant United States Attorney, with criminal misconduct along with F.B.I. Special Agent Michael McBride, and Patrick Scott, attorney for Chapter 11 Trustee Soneet Kapila, who are identified as tortfeasors and Charged with Extortion and twenty other Criminal acts.

Instead of having Carolyn Bell investigate herself, as you recommend, I believe that the total set of documents should be referred to the Inspector General and John Ashcroft, the Attorney General. And Paul McNulty might like to first read them.

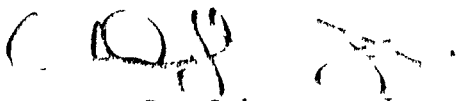
In my letters to Paul McNulty, dated February 13, 2002; April 11, 2002; and May 9, 2002, I brought him up to date on the Investigation that he had started on these tortfeasors in 1997, and I suggested that he might become the Special Prosecutor in the case against McBride, Scott & Bell, et al.

Please find enclosed an e-mail Extortion threat sent by Patrick Scott to Carolyn Bell, which is now entered into the record as Exhibit Y.

I have also enclosed a copy of a letter that I sent to James L. Eisenberg, attorney that outlined Carolyn Bell's blatant misconduct, including the fact that I was indicted in violation of Title 18 U.S.C. § 3057 and 18 U.S.C. § 3060; as well as charged under a Law that did not exist from 1992 to 1993. Please refer to Item #7 in Eisenberg letter and also Items #6, #8 and #9.

We have a cover-up at the O.P.R. and at the Federal Courthouse in West Palm Beach. Please do not become part of the cover-up. I thank you for your response.

Yours truly,


Warren D. Johnson, Jr.
53225-004 / A-3
Federal Correction
Complex, Coleman - Low
P.O. Box 1031
Coleman, Florida 33521

Congressman Thomas M. Davis, III
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

re: Affidavit in Support of Criminal Complaint
in Violations of F.R.Cr.P. Rule 6(f)

Dear Congressman Davis;

The enclosed Affidavit(s) in support of your criminal investigation of Federal Judge Kenneth L. Ryskamp and the criminal enterprise in Palm Beach, Florida clearly shows that Judge Ryskamp and his Magistrate Judge Ann E. Vitunac were well aware that the purported indictment of Warren D. Johnson, Jr. on March 24, 1998 was bogus and was clearly not done in open court and in violation of F.R.Cr.P. Rule 6(f), which is a constitutional violation.

The order by Judge Ryskamp to Carolyn Bell, the Assistant United States Attorney, is a further cover-up of their crimes, and induced her to produce a false and fraudulent record.

When this vendetta by the F.B.I. was put under a criminal investigation by the Judicial Committee of the United States Congress in 1997, Ann E. Vitunac should never have been allowed as the Magistrate Judge, to insure the Due Process, civil and human rights of my brother, since Ann E. Vitunac is married to an F.B.I. Agent Tony Yankitis. This is a clear conflict of interest at best; and, causes a reasonable person to question why all the Federal Rules of Criminal Procedure were not followed; and, why was there no Criminal Complaint to show probable cause. Why was Title 18 U.S.C. § 3060 - preliminary examination overlooked, when the only criminal complaint could only be filed by Federal Judge Friedman or his Chapter 7 trustee in accordance with Title 18 U.S.C. § 3057?

Also, please find enclosed a copy of the Complaint filed with the European Court of Human Rights in Strasburg, France pertaining to the multi-billion dollar theft of collateral and interference with the Grand Turk Harbour Development agreement.

It was Ann E. Victunac who allowed the seizure of Grand Turk Harbour and the collateral "shares" of ICE BAN AMERICA, INC. in this illegal indictment.

Yours truly,

Jeffrey Alan Johnson
PORTOSEL
12118 East Yates Road
Lyndonville, New York 14098

AFFIDAVIT OF JEFFREY JOHNSON IN SUPPORT OF
A CRIMINAL COMPLAINT OF VIOLATIONS
OF THE LAW OF NATIONS
TO THE CONGRESS OF THE UNITED STATES
TO THE ATTENTION OF THOMAS M. DAVIS, III
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515-6143

STATE OF NEW YORK)
) ss.
COUNTY OF ORLEANS)

COMES NOW, Jeffrey Alan Johnson, on behalf of Warren Douglas Johnson, Jr. and his twenty-one family members (herein after referred to as PORTOSEL), who hereby brings this Complaint of enormous magnitude to the Congress of the United States of America under the authority conferred upon Congress by Article 1, § 8, Clause 10 of the Constitution of the United States of 1789 A.D. (the Constitution).

The Complaint alleges **inter alia** numerous violations of the Law of Nations, which hereby **requires** inquiry and investigation on the part of Congress. The charges, which are copiously documented in Exhibits CR-C-1 to CR-C-12 attached; and Exhibits AA (1 & 2); and Exhibits A to Z in criminal case no. 98-8039-CR-RYSKAMP, et al., United States District Court - Southern District of Florida, hereby set forth the following:

1. Federal Judge Kenneth L. Ryskamp has acted with dishonor in the above referenced case; acted in bad faith; and, is guilty of judicial misconduct in a major cover-up for Agents, Employees, Officers and/or Servants of the United States, its Agencies, Subsidiaries and Institutions. Federal Judge Kenneth L. Ryskamp (herein after referred to as Judge Ryskamp) had no Jurisdiction

to try the above referenced case. See Exhibits CRC-C-1; CR-C-2; and CR-C-C-6.

2. All filings were completed with the 11th Circuit Court of Appeals and the case was returned back to Judge Ryskamp in the District Court on March 19, 2002. (See Docket No. 189).

3. Judge Ryskamp has failed to address the threats against Warren D. Johnson, Jr., which threats were recorded in his open Court on May 5, 1998. See Exhibit N - Pages N-25 to N-27.

At the trial in November 1998, Judge Ryskamp was put on Notice that the Government was withholding evidence and misled the Jury. He then stated, "If you can establish later on that the Government has withheld evidence or misled the Jury, that's a pretty serious accusation and I will deal with that later on." (See Exhibit J - Pages J-42; Pg. 1173 Ln. 4-6 & Pg. 1179 Ln. 2-5).

It is now approximately 54 months later since Judge Ryskamp's open commitment, and he has dishonored his contract and agreement by not "dealing with that." See Exhibit J - Pages J-42; and Trial Transcript Page 1173 - Lines 4-6 and Page 1179 - Lines 2-5.

4. On January 25, 2001, Warren D. Johnson, Jr. spoke in open court for approximately 40 minutes before Judge Ryskamp and gave a complete history of the vendetta, turned religious war, by the Government.

Judge Ryskamp stated that he would order Leslie Taylor of the Office of Professional Responsibility (the O.P.R.) to investigate the charges. Judge Ryskamp never signed such an Order or ordered the record of the hearing to be transcribed in these 28 months since the hearing. This is dishonor and bad faith by

Judge Ryskamp. See Exhibit CR-C-7 - Pages 6 to 8 for evidence of the religious war; see Exhibit CR-C-5 for a Chronological List of crimes and events against PORTOSEL.

5. On November 16, 2001, Warren D. Johnson, Jr. filed into Court the PRO-SE MOTION TO REFER THE INVESTIGATION OF FRAUD ON THE COURT, VENDETTA, COVER-UP AND EXTORTION TO THE ATTORNEY GENERAL ... (See Exhibit V) in the above referenced case with Judge Ryskamp. It has now been over one and a half years with no "ruling" by the Court. The Court has acted in bad faith and dishonor. Judge Ryskamp has dishonored two Notices of Ripeness issued to him under Local Rules.

6. On May 8, 2002, a 23-page Verified Petition and Proposed Presentment and Indictment was filed in Court with Judge Ryskamp. (See Exhibit CR-C-9). This verified Petition has not been acted upon by Judge Ryskamp, whereby Justice and Righteousness demands that Charges be brought to a Grand Jury of the People.

7. On August 29, 2002, a 14-page Motion was filed in the Court with Judge Ryskamp. (See Petitioner's Motion to Compel the Congress of the United States of America to Punish the Offences against the Law of Nations - Exhibit CR-C-7). In 9 months Judge Ryskamp has failed to issue an Order, rule on this Motion or address the crimes outlined in said Motion.

8. Judge Ryskamp has ignored numerous motions and petitions and judicial notices, and he has failed to rule or act on any filings for relief since November 16, 2001.

9. A Summary of the crimes against Warren D. Johnson, Jr. and PORTOSEL are contained in a Chronological List found in

Exhibit CR-C-5. The purpose of this Vendetta was to rob PORTOSEL of a multi-billion dollar development and its collateral, and as pay back against Warren D. Johnson, Jr. for exposing the criminal activities of Merrill, Lynch and their lawyers at Holland and Knight. See Exhibit CR-C-12 and Exhibit CR-C-13.

10. Judge Ryskamp allowed an agreement of 16th February 2001 to be executed, after he was placed on notice that it was obtained by extortion. In that agreement the assets of Warren D. Johnson, Jr. and PORTOSEL were illegally taken by Soneet Kapila, who Judge Ryskamp represented as an Agent of the United States. This was a further lie. The 16th February 2001 agreement was not only obtained by extortion, but was actually breached by Soneet Kapila and his attorney Patricia Scott. Judge Ryskamp as failed to act on Motions before his Court to return the property of Warren D. Johnson, Jr. and PORTOSEL.

11. Judge Ryskamp broke the Laws of the Turks & Caicos Islands, a British overseas territory; and, violated the provisions of the U.K. Human Rights Act of 1998. The Justice Department, Bureau of Prisons, have failed to deliver a law book sent by the publisher from the High Court in London, England, which sets forth the complete European convention on Human Rights and was adopted November 9, 1998 in the U.K. Human Rights Act. Blocking the delivery of Warren D. Johnson, Jr.'s lawful property (the Law Book) is a violation of 4th Amendment and the 6th Amendment of the Constitution and the Obstruction of Justice.

Relief Sought

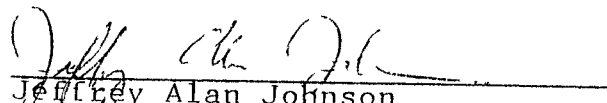
12. The Congress of the United States should forthwith Order Judge Ryskamp to deliver copies of all Motions before his Honorable Court and appear to give testimony as to why he has allowed these crimes against Warren D. Johnson, Jr. and PORTOSEL to go unpunished for 54 months.

13. Congress should also Order Judge Ryskamp to produce the transcript of January 25, 2001 hearing and explain to Congress why he did not issue an Order for the Office of Professional Responsibility to investigate the Charges made by Warren D. Johnson, Jr.

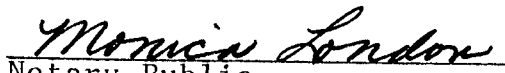
14. Warren D. Johnson, Jr. needs to be set free, as he is innocent of the crimes charged and the Court had no jurisdiction or authority to try case no. 98-8039-CR- RYSKAMP.

Oath

I, Jeffrey Alan Johnson, do hereby declare that I am competent to be a witness, that the facts contained herein are true, correct, complete, and not misleading to the best of my first-hand knowledge under penalty of perjury to the Laws of The United States of America and the Laws of the State of Florida this 27 day of May, 2003.


Jeffrey Alan Johnson
PORTOSEL
12118 East Yates Road
Lydonville, New York 14098
phone 585-765-2621

The foregoing instrument was acknowledge before me this 27th day of May, 2003, by Jeffrey Alan Johnson, who is personally known to me or who produced identification and took the above oath.


Notary Public

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

APPEAL NO.: 04-11684-I -

WARREN D. JOHNSON, JR.,
Petitioner/Appellant,

USDC No. 02 CV 80353-KLR/
98-08039-CR-RYSKAMP

vs.

UNITED STATES OF AMERICA,
Respondent/Appellee.

APPELLANT WARREN D. JOHNSON, JR.'S PETITION
FOR A CERTIFICATE OF APPEALABILITY

COMES NOW, the Appellant, WARREN D. JOHNSON, JR. in the above-entitled numbered cause who files this, his PETITION FOR A CERTIFICATE OF APPEALABILITY, and with good cause and in support thereof states the following:

I. INTRODUCTION.

The Court has been put on notice of a vendetta against the Johnson Family over the last twenty-five (25) years, and criminal case no. 98-08039-CR-RYSKAMP was a direct result of this vendetta; which was even proposed by Ray Loesche in a fax sent to the attorneys of Merrill Lynch, et al., a/k/a the bondholders. See NOTICE OF FILING DOCUMENT ... in this appeal - Appendix C, C:5.

Various letters were sent to the F.B.I. that set forth the vendetta in 1995 and 1997. In 1995, F.B.I. Agent Michael McBride sent Warren D. Johnson, Jr. a message that "he would show him [Johnson] that he [McBride] was the anti-Christ." Threats made

against Warren D. Johnson, Jr. and his family were reported to Congressman Bill McCollum, then Head of the Judiciary Committee, and to Paul McNulty, their Senior Attorney, and Criminal Complaints were filed in 2000 with the Office of Professional Responsibility (O.P.R.). Leslie Taylor of the O.P.R. reported to our family that a cover-up was underway. These facts were reported to the Court in a 45 minute narrative by Warren D. Johnson, Jr. on January 25, 2001. See the complete Transcript of Docket No. 160 in criminal case no. 98-08039-CR-RYSKAMP.

From December 2000 to February 16, 2001, threats were made against the Johnson Family members, who were extorted of their assets by signing the 16 February 2001 Treaty document. This Treaty was subsequently "breached" on March 8, 2001 by attorney Patrick Scott, representing the Chapter 7 Trustee, who should have and has refused to return all the assets/moneys taken from the Johnson Family members. Restitution in this case was illegal. See Docket No. 1 filed in case 02-cv-80353-KLR, more specifically Exhibit V, pages V-1 to V-62.

II. GOVERNMENT'S CASE.

On March 24, 1998, Assistant United States Attorney Carolyn Bell purported to have a valid Indictment from the grand jury against WARREN D. JOHNSON, JR. charging Eight Counts of: Count 1— Bankruptcy Fraud in violation of Title 18 U.S.C. § 152(1); Count 2— Loan Application Fraud in violation of Title 18 U.S.C. § 1014; Counts 3 - 7— Money Laundering in violation of Title 18 U.S.C. § 1957; Count 8— Forfeiture.

On November 24, 1998, WARREN D. JOHNSON, JR. was found guilty by the jury on Counts One to Seven. On December 4, 1998, Petitioner filed a motion for judgment of acquittal, or, alternatively, motion for a new trial. On December 9, 1998, Count 8 of the Indictment was dismissed.

On June 23, 1999, WARREN D. JOHNSON, JR. was sentenced to a term of 97 months imprisonment. This term consisted of sixty (60) months on Count 1 and ninety-seven (97) months on Counts 2 through 7, all counts to run concurrently. The term of imprisonment was to be followed by a term of supervised release of five (5) years. Restitution issue was deferred to Judge Steven H. Friedman to determine the amounts of any claimants that might be owed in Bankruptcy case no. 92-33339-BKC-SHF.

On July 2, 1999, a notice of appeal was filed and was later assigned appellate case no. 99-12231-H.

On February 22, 2001, a restitution hearing was held and a settlement agreement was signed on this date by Warren D. Johnson, Jr., without prejudice under UCC 1-207, and all other parties forced into the agreement.

On March 26, 2001, an Amended Judgment and Commitment Order was entered with the Court further ordering that restitution be paid to those listed on Exhibit 2 of the Amended Judgment and Commitment Order in the amounts and by the terms and manner provided for in the Settlement Agreement and Mutual Release and related documents.

On February 22, 2001, Petitioner, without counsel, filed a motion to overturn conviction, for a new trial, and for release, along with an AFFIDAVIT of Jerry P. Linkous. See Docket No. 163.

On March 27, 2001, the government files a reponse to Petitioner's motion to overturn conviction, for a new trial, and for release.

On April 4, 2001, a new notice of appeal was filed and assigned appellate case no. 01-11840-F and combined with previously assigned 99-12231-H. The court dismissed Warren D. Johnson's motion to overturn conviction, for a new trial, and for release on March 30, 2001 to allow for the Appeals Court for the 11th Circuit to take jurisdiction over the case.

In Johnson's appeal, the following issues were raised, as to: 1. Whether the district court violated Johnson's Sixth Amendment right of self-representation. 2. Whether the district court's evidentiary rulings constitute an abuse of discretion. 3. Whether sufficient evidence was adduced to support Johnson's conviction for loan application fraud (Count 2). 4. Whether the district court abused its discretion in instructing the jury, in response to a request that testimony be read back to it during its deliberations, that it should rely on collective memory.

On January 17, 2002, the Court of Appeals found no merit to any of the issues raised on appeal by Johnson's appellant attorney, and affirmed the convictions in a written but unpublished opinion.

On April 19, 2002, Warren D. Johnson, Jr. files without the representation of counsel a "combined motion under F.R.E. 201(d); petition for writ of habeas corpus [under § 2241]; and a criminal complaint under F.R.Cr.P. Rule 3" into criminal case

no. 98-8039-CR-RYSKAMP. The initial motion is a 115-page pleading, **plus the 581 pages of Exhibits** (Exhibits A through W) in support of the Court to take mandatory judicial notice of the undisputed facts of the case which supports Warren D. Johnson, Jr.'s continued claims of innocence and that the charges against him resulted from a vendetta against him by many persons and entities.

In the "Government's answer to Petitioner's motion to vacate, set aside, or correct sentence pursuant to Title 28, United States Code, section 2255," dated September 26, 2002, A.U.S.A. Bell has not refuted Warren D. Johnson's numerous petitions and filings and, in fact, has admitted by her silence in the recent Interrogatories sent to her on April 15, 2004 that the facts stated in these interrogatories are all true; and, that she has lied to the Court. See — Introduction to the Statement of the Facts, pages 3 to 5, in the BRIEF FOR THE UNITED STATES for Appeal No. 01-11840-F prepared by Guy A. Lewis, Attorney for Appellee, and attached to her answer, contained herein as Exhibit-B. The facts of the case are, as follows:

1. Johnson's conviction was the result of a "criminal Tribunal" with no Criminal Complaint and no accuser that Johnson could confront, and not "a number of real estate transactions." The real estate transactions were lawful and legitimate.

2. Johnson's debt was minimal and the Judgment against him by bondholders led by Merrill Lynch was obtained by the fraud of Merrill Lynch and their attorneys.

3. Johnson made no "false statements to Southeast Bank" and the last extension of the "\$600,000 loan" was March 1990 with prepaid interest through June of 1991.

The financial statement that A.U.S.A. Carolyn Bell said was false was a copy of a January 1, 1991 statement that the bank admitted as not knowing where it came from, and in the past, the bank had sent letters -- directly to Mr. George Janke and Frank Ryan, partners at the Palm-Aire retirement facility, requesting Johnons's financial statements. The loan was never extended after a copy of Johnson's financial statement showed up at the bank, and A.U.S.A. Carolyn Bell attempted to influence government's witness Harper's testimony, a new low-level loans reviewer at Southeast Bank, which in 1991 was being taken over and "closed" by the F.D.I.C. A senior bank officer of the Southeast Bank was soliciting Johnson to extend the loan in a July 31, 1991 offer, with numerous pre-conditions for said extension, including a written request by Johnson for an extension, and approximately \$39,000 in pre-paid interest. Johnson stopped any written loan request at Attorney Frank Ryan's office and the loan was called as soon thereafter as a troubled bank could be expected to foreclose on the loan.

4. Johnson never "sought and obtained" a \$28 million bond" and was never personally liable to repay any \$28 million bond. Johnson later sued the bondholders for falsely claiming that he had signed a "second" amended guarantee for an operating deficit, and, in fact, the signature page on the first amended guarantee was taken from another document and fraudulantly added to the first guarantee of the operating deficit fund. Warren D. Johnson, Jr. has **absolute** proof that he never signed the "second" amended guarantee and believes the bondholders and their attorneys are a part of this "criminal tribunal."

5. Johnson's "option to buy the St. Lucie property" expired November 1, 1991 and Johnson sold the option for over \$86,000 to Adam Brown, his son-in-law, who had sold-over \$11 million in real estate the previous month; is #1 real estate waterfront salesman in Martin County; and, affiliated with Sotheby's, Great Estates and Preferred Properties. Adam Brown paid a \$36,000 plus premium over the \$50,000 awarded by the jury as an alternative to specific performance of the option.

Adam Brown purchased the property for over \$450,000 on November 1, 1991 from Fercal, Inc. and then sold the "riverfront" portion to his client Walter Harber, who had pulled dock permits on these lots years earlier in 1988 under his agreement [Sanchez option contract] along with his partner Jim Lindsey.

There was no profit in the deal, and after 13 years, Dr. Harber has finally sold all the lots. If Johnson had not sold his option on November 1, 1991, then on November 2, 1991 the option was worthless as per that court's order. The approximate \$86,000 plus that Johnson received and the approximate \$450,000 plus that was paid to purchase the "St. Lucie property" is a great sum of money, and not a "sham."

6. The government built its entire case around a document created prior to November 1, 1991 called the "Bay Pointe Estates Land Trust" agreement which was never used. The government now has over twelve (12) years of tax returns filed by Dr. Walter Harber, James Lindsey, and Adam Brown; and the government clearly knows that the land trust agreement was not used. There were no profits, and over 12 years, from 1991 to 2003, these tax returns would show if over \$6 million in lot sales in "St. Lucie

property" and an estimated \$5 million in development costs are reported as individual sales, with Dr. Harber and Jim Lindsey as (individual) sellers or did the voluminous reporting, recording and recordkeeping of a "land trust" happen? Fact is, it didn't happen.

7. Jim Lindsey recently stated that he had always owned Lot #37 in Bay Pointe Estates and that Dr. Harber owned the rest. The issue arose over the pulling of Dock Permits, and this would "recant" Lindsey's testimony at trial or did A.U.S.A. Carolyn Bell knowingly misstate the evidence; misleading the court and attempting to influence, change or color Lindsey's testimony? Lindsey's personal ownership of Lot 37 is on file also with other state and federal agencies, i.e. re: Docks.

8. Johnson had no interest in the "St. Lucie properties" after selling the option to Adam Brown. There was no agreement that Johnson was to receive 50% of any profits. On March 24, 1994, Dr. Harber wired \$250,000 to Linkous Corporation for a debt he owned for the principal payment on Lot 11 - Bay Pointe, and had nothing to do with Warren D. Johnson, Jr. Jerry Linkous was never called as a witness in this case, and a copy of his Affidavit was filed by Johnson into the district court on February 22, 2001.

9. The only "sham" in this case was done by the government which violated the Citizen's Protection Act of 1998 by:

a. seeking the indictment of WARREN D. JOHNSON, JR. in the absence of probable cause, b. failing to release information and records that would have exonerated Johnson, c. intentionally misleading the court as to the guilt of Johnson, d. intentionally and knowingly misstating evidence, e. intentionally and knowingly

altering or misapplying evidence, f. attempting to influence
and color a witness' testimony and evidence, and, g. engaging
in conduct that discredits the Attorney General's office and
the Department of Justice.

10. The truth of Dr. Harber's payment of \$250,000 to Linkous Corporation is set forth in the affidavits of Jerry Linkous, Warren D. Johnson, Sr. and Jeffrey Alan Johnson, along with voluminous records of truth and information undisputed by the government. See Docket No. 190 in criminal case no. 98-08039-CR-RYSKAMP.

III. MAGISTRATE JUDGE PATRICK WHITE'S REPORT.

On February 27, 2004, United States Magistrate Judge Patrick White issued his "Report of magistrate Judge" in case no. 02-80353-CIV-RYSKAMP (98-8039-CR-RYSKAMP) recommending that the motion to vacate be denied. See Docket No. 25 in Habeas Corpus case.

It appears that Patrick White never read Johnson's petitions, motions, and filings relating to this case from April 19, 2002 to the time of his report, as he only relied on and restated Carolyn Bell's selected issues by stating:

"The motion contains a statement of facts which consists of five separate categories. Those categories are discussed in this report as the claims raised by the movant. They are: 1. The government committed misconduct and made misrepresentations. 2. The trial testimony was false. 3. He was subject to extortion relating to the restitution portion of his sentence. 4. The indictment and evidence presented at trial constituted a fraud upon the court. 5. His constitutional rights were violated."

This represented just one portion of Johnson's filing on this case, and Patrick White failed to review all the Exhibits in this case, which included Exhibits A through Z, and also numerous Verified Petitions filed in support of this motion.

If Patrick White had read all the exhibits he would not have made the statement: "Johnson offered nothing to support his allegations that the government destroyed memoranda and other evidence or that it acted improperly..." page 4. "He [Johnson] has not submitted any affidavit or other evidence indicating that the trial testimony was false." page 8.

On a collateral attack, Johnson has every right to challenge his sentence and bring forth evidence that was suppressed by the government. Johnson has, in fact, established the fact that he is actually innocent and that his Constitutional rights were violated during the trial. Johnson cannot be procedurally barred from raising evidence to show that the trial testimony was false, as the evidence cannot be challenged on direct appeal, and as the trial record is considered the facts of the case.

Patrick White made no attempt to address Johnson's first issue that the government committed misconduct and made misrepresentations, except to restate some of Johnson's allegations. At this point, the court must accept all of Johnson's facts and information as true and correct as they have not been disputed by either A.U.S.A. Carolyn Bell or Magistrate Judge Patrick White.

The trial court abused its discretion by denial of "a bill of particulars" and prejudice resulted from not having the requested information at the pre-trial state; and, Johnson was surprised to learn after conviction that:

1. There was no Criminal Complaint filed against him by anyone.
2. Judge Steven H. Friedman and Chapter 7 Trustee Sonetta Kapila did not initiate a complaint against Johnson as required by Title 18 U.S.C. § 3057.
3. There was no hearing

in Magistrate Judge Ann E. Vitunac's court on March 24, 1998 to indict WARREN D. JOHNSON, JR.; and the audio tapes of her courtroom hearings from March 20, 1998 to March 25, 1998 clearly evidenced that no hearing was held. These surprises were the direct result of being denied a Bill of Particulars. To help cover-up the facts and lack of jurisdiction that the court has over Johnson, Patrick White falsely stated in reference to the claim that no valid indictment was filed against the defendant, that "This claim entitles him to no relief, as an indictment was returned against him, and criminal proceedings were properly commenced against him ... as the record is clear that the indictment was returned in open court." There was no indictment returned in court, open or otherwise, and without a quorum of jury members voting on it; all in violation of F.R.Cr.P. Rules 6(c) and 6(f). The Transcript is a bogus document, as Patrick White would know, as Magistrate Hearings are not done with Court Reporters for returning indictments, initial appearances, arraignments, etc. as there are audio tape machines in each of these courtrooms.

This vendetta against Warren D. Johnson, Jr. was started by the F.B.I. Agent's sister, Corrine B. Calvasina, back in the late 1988 - 1990 period, when Johnson sued her on the option contract; however, the selective prosecution came as a result of catching the bondholders and their attorneys in criminal acts, and the prosecution was actually used as a cover-up of their crimes. The trial and barratry that has resulted since a null and void indictment of March 24, 1998 are actually an ongoing "criminal enterprise" in a cover-up.

The unconstitutionally impermissible religious slurs are well documented in this case filed in various petitions and are undisputed. The record in this case provides a vivid picture of a "criminal tribunal". As a picture of a naked Iraqi man on a leash or surrounded by dogs, this picture alone does not fully show the abuse but merely gives credibility to other evidence and sworn testimony.

According to Judge Ryskamp, the evidence sufficient to convict Johnson was: that when leaving "he would see defendant and his family" with "Jaguars and all their expensive cars ...". Perhaps the naked Iraqis tied the leash around their own necks, and forced the dog's jaws around their legs, and the ones who died must have committed suicide. At least one soldier had the courage to get the pictures. This scandal, which will be exposed, along with Merrill Lynch's sterling record since 1990 is God's warning. The proof is in the record.

Amos 6 - verse 12 states "How stupid you are when you turn Justice into poison ...".

Isaiah 32 - verse 7 states "the smooth tricks of evil people will be exposed, including all the lies they use to oppress the poor in the courts."

Quotes are from the Holy Spirit Encounter Bible - 1997 - Creation House Publishers.

IV. REASONS FOR GRANTING THE REQUEST FOR A CERTIFICATE OF APPEALABILITY

The Appellant, WARREN D. JOHNSON, JR., requests this court to grant a certificate of appealability on the following issues/questions that relate to Constitutional claims, jurisdictional claims, and claims of error so fundamental as to have resulted in the complete miscarriage of justice and governmental misconduct:

1. Incompetent Counsel:

— Public Defender Robert Adler committed err and prejudiced Johnson by not subpoenaing Dr. Walter Harber as a witness, when on or about September 9, 1998 in a telephone interview, in the presence of Warren D. Johnson, Jr. and investigator Joe Carmack, Dr. Walter Harber had told Adler that the \$250,000 paid on or about March 23, 1994 was to pay the principal on Lot 11 in the Bay Pointe subdivision.

— Public Defender Robert Adler committed err and prejudiced Johnson by not putting developer Jerry Linkous on the witness stand during the trial, when on or about September 9, 1998 in a morning interview, in the presence of Warren D. Johnson and investigator Joe Carmack, Jerry Linkous told Adler that the \$250,000 paid on or about March 23, 1994 was to pay the principal for Lot 11, which Linkous had previously sold and transferred to Dr. Harber under an agreement for Deed.

2. Prosecutorial Misconduct:

— A.U.S.A. Carolyn Bell passed over the attorneys and executives of Southeast Bank, who were interviewed by the F.B.I. and well known to them, and put on a low-level loan reviewer, James Harper, as their only witness regarding a purported loan extension and falsely stated that he had conversations with

Johnson which never occurred, and was no longer working in the banking field at time of the trial.

— A.U.S.A. Carolyn Bell allowed a **copy** of a financial statement which the bank did not even know where it came from or as to who had sent it be placed into evidence and rise to the level of rudimentary demands of the rules of evidence.

— A.U.S.A. Carolyn Bell improperly kept their key witness Dr. Walter Harber hidden in a windowless room for the first two (2) days of trial only to not put him on before the jury, and without access to a telephone.

— A.U.S.A. Carolyn Bell well knows that Dr. Harber paid a legitimate debt to Jerry Linkous for paying the principal for Lot 11 in the Bay Pointe subdivision; and decided not to place Harber on the witness stand to cover up this fact.

— A.U.S.A. Carolyn Bell knew that Warren D. Johnson, Jr. worked for Dr. Harber from 1994 to 1996 on four projects, and that Johnson had billed Dr. Harber for approximately \$158,750, which still remains unpaid, and deprived Johnson of his Constitutional right to be paid for his labor.

— With the Southeast Bank record clearly showing that Linkous Corporation was owed for a 10" water main [added prior to March 13, 1989] that Dr. Harber had hooked onto, the coloring of John Polley's testimony by A.U.S.A. Carolyn Bell resulted in a miscarriage of justice.

— A.U.S.A. Carolyn Bell clearly colored the witness's testimony and knowingly misled the jury by asking each witness "Did Warren Johnson tell you about the \$250,000 he hid in Adam Brown's name?" which was a lie.

— A.U.S.A. Carolyn Bell clearly prejudiced Johnson and committed Prosecutorial abuse by telling the jury in her closing statement that Johnson "lied" or made statements that were "not true" at least seventeen (17) times.

— A.U.S.A. Carolyn Bell has allowed a bogus transcript of a purported "Return of Indictment Hearing" of March 24, 1998 before Magistrate Judge Ann E. Vitunac be placed in the record, knowing that magistrate hearings are done on tape, to cover up the fact that no such hearing occurred.

— A.U.S.A. Carolyn Bell knowingly "used" perjured testimony and/or false evidence in securing WARREN D. JOHNSON's indictment and conviction.

3. Jurisdictional:

— Public Defender Robert Adler committed err and prejudiced Johnson by failing to challenge that the court lacked jurisdiction over this case because there was no return of indictment hearing that took place to transfer jurisdiction from the Federal grand jury to the district court, in violation of Rule 6(c) and 6(f). The case against WARREN D. JOHNSON, JR. should have been dismissed for lack of a valid "True Bill."

4. Legal:

— Public Defender Robert Adler committed err and prejudiced Johnson by failing to challenge and to point out to the Court that Count 1 Bankruptcy Fraud, purportedly occurred "from on or about September 26, 1992, to on or about March 29, 1993," and occurred before the Amendment of Title 18 U.S.C. § 152. Concealment of assets effective on October 22, 1994 applied to Title 11, Bankruptcy and was not a felony charge before

that time. Defendant should not have been charged "ex post facto" law that was not in existence back in 1993, a constitutional violation.

— The Court improperly conducted a "restitution" hearing against the defendant beyond the 90-days statute of limitations for determining restitution and against Warren D. Johnson's consent.

WARREN D. JOHNSON, JR. was sentenced by Judge Ryskamp on June 23, 1999, and the restitution hearing was on February 22, 2001.

Johnson's trial counsel, Robert Adler, had already been dismissed as of June 23, 1999.

— Public Defender Robert Adler committed err and prejudiced Johnson by failing to object to Judge Ryskamp changing the jury instructions in count 2 in which the Court removed the "knowingly" portion of the statutes for the finding of "guilt."

— Public Defender Robert Adler committed err and prejudiced Johnson by allowing the Court to mis-calculate the money laundering charges along with Count 2, while Counts 3 through 7 only related to Count 1; however, this was done because Count 1 only carried a maximum sentence of 60 months.

The primary issues center around Johnson's innocence and the Prosecutorial misconduct, misrepresentations, and abuses, including perjured testimony, lies and deceptions on the part of the Government. Constitutionally, defendant's rights were violated through the ineffective assistance of counsel and violation of the Equal Protection Clause, the Due Process Clause and the Indictment Clause, just to name a few. This case was a vendetta turned religious war against the Johnson family, and resulted in a complete miscarriage of justice and abuse of power by the government.

The issuance of a certificate of appealability is governed by the principles set forth in Slack v. McDaniel, 529 U.S. 473 (2000). Where the district court denies a § 2255 motion on the merits, "the petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claim debatable or wrong." Slack, 529 U.S. at 484. Where the district court denies a § 2255 motion on procedural grounds, issuance of a certificate of appealability involves an evaluation of both the merits of the procedural ruling and the merits of the underlying claim.

In response to Johnson's Habeas claim, the government did not come forth with any declarations or affidavits from the opposing appellate's counsel. On the contrary, the government simply refused to dispute the facts presented by Johnson, citing that the claims were all baseless and procedurally barred under Fraday doctrine (which was not true) or the relitigation doctrine, and asserted that the numerous claims of government misconduct all lacked merit. The Prosecution has committed fraud on the court.

The newly appointed Magistrate Judge, Patrick White, was specifically assigned to review this case, replacing Magistrate Judge Charlene H. Sorrentino, and being a former prosecutor for 15 years, adopted the government's lies and deceptions without ever reading the filings, affidavits, tax filings, reports, and all of the Exhibits submitted by Johnson, which represented over **1,000 pages of records**. In his Report and Recommendation, Patrick White intentionally misstated Appellant's third issue in the direct appeal, which only related to "Loan Application Fraud",

to now be identified as "3) the evidence did not support his conviction;" in order to say that Johnson was barred from this issue. Please refer to page 2 of White's Report. Another lie by Magistrate Judge Patrick White.

These crimes by the government and its co-conspirators are so aggrevious as to warrant the on-going Federal investigation of Carolyn Bell, Michael McBride, et al., which was started by Congressman Bill McCollum, Head of the Judiciary Committee of the United States Congress, and currently under investigation by Congressman Thomas M. Davis, III's Committee on Government Reform.

Mr. Johnson again respectfully submits this Court should grant the instant motion and issue a certificate of appealability on each of the foregoing habeas/appellate issues, including the government's misconduct and misrepresentations; the trial testimony was false and fraudulent; the subject of extortion and duress; that Carolyn Bell has lied to the Court; that the indictment and evidence presented at trial constituted a fraud upon the court; that the Court lack jurisdiction over Johnson as there was no "valid" indictment; plus many more violations of Johnson's constitutional rights, leading to a complete Miscarriage of Justice and the confinement of an innocent man.

V. CONCLUSION.

WHEREFORE, the Appellant, WARREN D. JOHNSON, JR., requests this Court to grant the instant motion for a Certificate of Appealability based on the foregoing argument and law; and enter an order granting same and any other and further relief and

assistance that this Court deems proper and just.

Respectfully submitted,



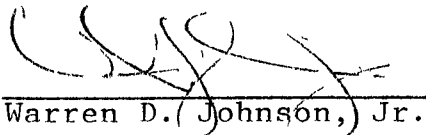
DATED: May 12, 2004

Warren D. Johnson, Jr.
In Propria Persona and In Sui Juris
Reg. No. 53225-004/Unit A-3
Federal Correctional Complex-Low
P.O. Box 1031
Coleman, Florida 33521-1031

CERTIFICATE OF SERVICE

I, Warren D. Johnson, Jr., hereby certify that a true and correct copy of the foregoing Petition, along with a Certificate of Interested Persons and Exhibits, was served on opposing counsel, **ANNE R. SCHULTZ, Chief, Appellate Division, 99 N.E. 4th Street, 5th Floor, Miami, Florida 33132-2111**, by placing same in the prison legal mailbox system - U.S. Postage pre-paid First Class on this the **12th day of May, 2004**.

BY:



Warren D. Johnson, Jr.

DECLARATION

I, Warren D. Johnson, Jr., hereby declare and certify that I am of age and competent to be a witness, that the facts contained herein, including all Exhibits, are true and correct to the best of my first-hand knowledge under the penalty of perjury, pursuant to Title 28 U.S.C. § 1746, under the laws of the United States of America and under the laws of the State of Florida.

Respectfully,



Warren D. Johnson, Jr.

5/12/2004
date 154

**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

I, Warren D. Johnson, Jr., the undersigned certifies that the following is a list of persons and entities who have an interest in the outcome of this case:

Robert Adler

John Ashcroft (United States Attorney General)

Apex Municipal Fund, Inc./Merrill Lynch

Carolyn Baruch

Joseph Baruch

Carolyn Bell

Jerry Bourne

Dawn Bowen

Adam Brown

Robert Critton

Congressman Thomas M. Davis, III

James L. Eisenberg

David Finegold

Hon. Steven H. Friedman

Gary Dytrych & Ryan, P.A.

Dr. Walter Harber

George Janke (possibly in Witness Protection)

Jeffrey Alan Johnson

Warren D. Johnson, Jr.

Appeal No.: 04-11684-I
JOHNSON, JR. v. UNITED STATES

CERTIFICATE OF INTERESTED PERSONS
(Continued)

Warren D. Johnson, Sr.
Hon. Adalberto Jordan
Soneet R. Kapila
Dean Kohl
Guy A. Lewis
Jerry Linkous
Ray Loesche
Ray Marshall
Mike McBride
Bill McCollum (former Congressman)
Paul McNulty
John Polley
Dr. M.G. "Pat" Robertson
Steven Rofsky
David Roth
Steven Rubens
Hon. Kenneth L. Ryskamp
Senator Charles Schumer
Anne R. Schultz
Patrick Scott
Thomas E. Scott
Fredrick Sundheim
Hon. Charlene H. Sorrentino
Turks & Caicos Island Government

Appeal No.: 04-11684-I
JOHNSON, JR. v. UNITED STATES

CERTIFICATE OF INTERESTED PERSONS
(Continued)

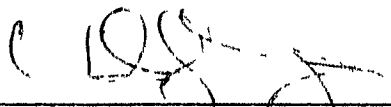
Hon. Ann E. Vitunac

Patricia Ann Wellspeak

Washington Mutual (formerly Great Western Bank)

Hon. Patrick A. White

Burton Wickham

BY:  5 12 2007
Warren D. Johnson, Jr. date
In Propria Persona, Sui Juris

APPENDICES

- EXHIBIT-A ORDER DENYING CERTIFICATE OF APPEALABILITY
by KENNETH L. RYSKAMP on April 6, 2004
- EXHIBIT-B 2. Statement of the Facts. - Introduction -
pages 3,4, and 5 of BRIEF FOR THE UNITED STATES
for Appeal No. 01-11840-F, dated September 26,
2001
- EXHIBIT-C TABLE OF CONTENTS (i) for the "Combined Motion
under F.R.E. Rule 201(d); Petition for a Writ
of Habeas Corpus; and Filing of a Criminal
Complaint ...", docketed as case no. 02-CV-80353
on 04/19/02 as Docket #1 (filed around 04/03/02)
- TABLE OF EXHIBITS - letters A through Z
- EXHIBIT-D Civil Docket for Case: 02-CV-80353
- EXHIBIT-E Criminal Docket for Case: 9:98cr8039-ALL
from 04/01/02 to present

EXHIBIT-A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH

Case No. 02-80353-CIV-RYSKAMP ✓
Case No. 98-8039-CR-RYSKAMP

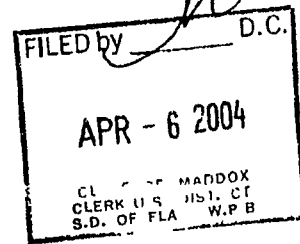
WARREN D. JOHNSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.
/




ORDER DENYING CERTIFICATE OF APPEALABILITY

THIS CAUSE comes upon the Petitioner's Notice of Appeal and Lack of Service by the Court [DE 29], filed March 31, 2004. Petitioner's Notice appears to be a request for a Certificate of Appealability in order to pursue this matter on appeal. To merit a certificate of appealability, Petitioner must show that reasonable jurists would find debatable either 1) the merits of a constitutional claim, or 2) both the merits of an underlying claim and the procedural issues he seeks to raise with respect to the claim. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Petitioner has failed to do so. Accordingly, it is hereby

ORDERED AND ADJUDGED that Petitioner's request for certificate of appealability [DE 29] is DENIED.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 6 day of April, 2004.


KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE

Copies provided
Warren Johnson, pro se
Carolyn Bell, AUSA
Marcos Jimenez, AUSA

EXHIBIT-A

56
mer

EXHIBIT-B

(R3:170).²

The district court accepted the parties' agreement regarding restitution and incorporated it into the judgment and commitment order (R3:173).³

Johnson is presently incarcerated.

2. Statement of the Facts.

Introduction

The events giving rise to Johnson's convictions arose from a number of real estate transactions he undertook over a span of several years in the late 1980's and early to mid-1990's. Johnson spiraled into debt as a result of these transactions and, in an attempt to curb his decline, he made false statements to Southeast Bank about his financial worth in order to gain additional time to pay back a \$600,000 loan, due to mature in early 1991, related to a development project, known as the Retirement Facility at Palm Aire. Specifically, Johnson made material misrepresentations and omissions about his substantial liabilities. The bank, to its detriment, relied upon Johnson's financial statement when it decided not to require the loan's immediate

² Johnson agreed not to appeal the restitution portion of the district court's judgment, regardless of whether his conviction is overturned or modified on appeal (R3:170 at p. 3).

³ Johnson's indictment also contained a forfeiture count (Count 8). The forfeiture is still pending, but will ultimately be dismissed upon final closing of the settlement agreement.

repayment upon maturity (Count 2).

Around the same time in 1991, Johnson was in dire need of further funding for the Palm-Aire facility. He sought and obtained a \$28 million bond issuance to obtain the necessary funding. Notably, in seeking to assure the investors that he had the resources to repay the bond, Johnson represented, as he had in the financial statement he submitted to Southeast Bank, that he had an option to buy 29 acres of property along the St. Lucie river, a property destined for residential development which would later become subdivisions known as Bay Pointe Estates and Otters Run.

Throughout 1991, Johnson's already-precarious financial situation rapidly deteriorated, as a deluge of lawsuits was filed against him by various institutions and individuals to whom he owed substantial amounts of money. In September of 1991, however, Johnson won a lawsuit which allowed him to exercise his option to buy the St. Lucie property. The terms of the court order required him to purchase the property within 30 days. Because Johnson had no funds to do so, he contacted two friends who agreed to purchase the property for \$500,000. Johnson was to receive 50% of any profits realized from the eventual development of the property.

At the time the property was purchased, Johnson faced imminent financial disaster. Clearly anticipating that bankruptcy would be the only answer, as it had been in 1978 when he had filed for bankruptcy amid similar financial difficulties, and

... wanting to risk the loss of his anticipated profits in the St. Lucie property, Johnson concocted a scheme to conceal from his creditors his interest in that property.

To that end, at the end of October of 1991 when the purchase of the St. Lucie property was completed, Johnson surreptitiously transferred his interest in the profits to his son-in-law, Adam Brown. Then, when Johnson filed for bankruptcy in early October of 1992, he falsely claimed that he had no assets available to pay off any of his creditors (Count 1). Johnson's ploy was successful and his debts were fully discharged.

The purported transfer of the St. Lucie property to his son-in-law was a sham. Subsequent profits from the sale of the St. Lucie properties were, in fact, traced directly to Johnson, through a series of wire transfers he orchestrated using third-party bank accounts, all of which were designed to conceal his retained interest in the profits (Count 3-7).

a. The False Statements Submitted to Southeast Bank (Count 2).

In early 1991, Johnson submitted a financial statement, dated January 1991, to Southeast Bank, an FDIC-insured institution (R14:540, 561-62, 576), in which he sought to obtain an extension of time to repay a \$600,000 loan that would mature in

EXHIBIT-C

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and Jeffrey R. Johnson.

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Federal Court; Congressional Hearings; and the Department of
Justice investigating the charges and actions contained within.

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Docket as of December 21, 2002 05:09 am

Web PACER (v2.4)

U.S. District Court
Southern District of Florida (W. Palm Beach)
CIVIL DOCKET FOR CASE #: 02-CV-80353

Johnson v. United States

Filed 04/19/02
Assigned to Judge Kenneth L. Ryskamp
Demand: \$0,000
Nature of Suit: 530
Lead Docket: None
Jurisdiction: US Defendant
Dkt # in USDC SD FL is 98-8039-CR-KLR
Cause 28 2241 Petition for Writ of Habeas Corpus (Federal)

WARRIN D. JOHNSON
plaintiff

Warren D. Johnson
PPP
5322nd-004 A-3
[NTC] [PRO SE]
Federal Correctional Complex
Low Security
PO Box 1031
Coleman, FL 33521-1031

v

UNITED STATES OF AMERICA
defendant

Carolyn Bell
ETS 659-4526
561-820-3711X3042
[COR LD NTC]
United States Attorney's Office
500 South Australian Avenue
Suite 400
West Palm Beach, FL 33401
561-820-8711

DOCKET PROCEEDINGS

DATE # DOCKET ENTRY

4/19/02 1 COMPLAINT/PETITION for writ of habeas corpus 28 USC 2241

EXHIBIT-D

D-1 170

filed; JEP Not Filed; B-6 Magistrate Judge Charlene H Sorrentino (at) [Entry date 04/22/02]

4/19/02 2 Clerk's Order of Magistrate Judge Assignment to Magistrate Charlene H Sorrentino, re: Administrative Order 89-31 and 96-55 of this Court (at) [Entry date 04/22/02]

5/6/02 3 INITIAL ORDER OF INSTRUCTIONS TO PRO SE LITIGANT (Signed by Magistrate Judge Charlene H Sorrentino on 5/6/02) [EOD Date: 5/7/02] (ea) [Entry date 05/07/02]

5/6/02 4 ORDER requiring movant to verify motion to vacate using the form supplied with this Order on or before 6/3/02 (Signed by Magistrate Judge Charlene H Sorrentino on 5/6/02) [EOD Date: 5/7/02] (ea) [Entry date 05/07/02]

5/28/02 5 NOTICE of Filing Exhibit and Request of Docket by Warren D Johnson (at) [Entry date 05/29/02]

6/3/02 6 VERIFICATION OF COMBINED MOTION FILED IN CRIMINAL CASE by Warren D Johnson (at) [Entry date 06/03/02]

6/14/02 7 ORDER TO SHOW CAUSE why this motion should not be granted Response to Order to Show Cause due 8/26/02 (Signed by Magistrate Judge Charlene H. Sorrentino on 6/14/02) [EOD Date: 6/17/02] (ea) [Entry date 06/17/02]

7/29/02 8 NOTICE of Reassignment of Attorney Terminated Added Carolyn Bell (at) [Entry date 07/30/02]

8/20/02 9 MOTION by United States to extend time in which to respond to petitioner's motion to vacate set aside sentence (at) [Entry date 08/21/02]

8/23/02 10 ORDER granting [9-1] motion to extend time in which to respond to petitioner's motion to vacate set aside sentence to 9/26/02 (Signed by Magistrate Judge Charlene H Sorrentino on 8/23/02) [EOD Date: 8/26/02] (gp) [Entry date 08/26/02]

8/29/02 11 OBJECTIONS by Warren D Johnson to [9-1] motion to extend time in which to respond to petitioner's motion to vacate set aside sentence (at) [Entry date 08/30/02]

9/26/02 12 GOVERNMENT'S ANSWER TO PETITIONER'S MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE by United States (Attorney Carolyn Bell) (at) [Entry date 09/27/02]

10/7/02 13 MOTION by Warren D Johnson to strike [12-1] answer response as frivolous, non-responsive, and a fraud on the Court (pa) [Entry date 10/08/02]

10/7/02 -- Motion(s) referred: [13-1] motion to strike [12-1] answer response as frivolous, non-responsive, and a fraud on the Court referred to Magistrate Judge Charlene H. Sorrentino (pa) [Entry date 10/08/02]

10/10/02 14 ORDER Denying [13-1] motion to strike [12-1] answer response as frivolous, non-responsive, and a fraud on the Court (Signed by Magistrate Judge Charlene H Sorrentino on 10/10/02) [EOD Date: 10/11/02] (gp) [Entry date 10/11/02]

10/10/02 15 RESPONSE by Warren D Johnson in opposition to [12-1] answer (pa) [Entry date 10/15/02]

11/8/02 16 ANSWER TO PETITIONER'S SUPPLEMENTAL MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE by United States (at)

11/21/02 17 RESPONSE by Warren D. Johnson in opposition to [16-1] motion response to Supplemental Motion to Vacate (gp) [Entry date 11/22/02]

12/18/02 18 VERIFIED OBJECTION TO GOVERNMENT'S ANSWER TO PETITIONER'S SUPPLEMENTAL MOTION TO VACATE by Warren D. Johnson to [16-1] motion response (a-) [Entry date 12/19/02]

6/20/03 19 REPORT AND RECOMMENDATIONS of Magistrate Judge Patrick A. White that the motion to vacate is DENIED. Signed on: 6/19/03. Case no longer referred. Objections to R and R due by 6/30/03 CCAP (lk) [Entry date 06/23/03]

7/1/03 20 NOTICE of receipt of report of Magistrate Judge by Warren D. Johnson (dg) [Entry date 07/02/03]

7/2/03 21 OBJECTION by United States to [19-1] report and recommendations (at) [Entry date 07/03/03]

7/9/03 22 RESPONSE AND OBJECTION by Warren D. Johnson to [19-1] report and recommendations (at) [Entry date 07/10/03]

7/10/03 23 OBJECTION by Warren D. Johnson to [19-1] report and recommendations (rn) [Entry date 07/11/03]

7/31/03 24 ORDER DECLINING TO AFFIRM MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION: The Court requests that the Magistrate Judge consider whether Petitioner's motion should be granted in light of the fact that Petitioner now concedes his motion is a Section 2255 motion (Signed by Judge Kenneth L. Ryskamp on 7/31/03) [EOD Date: 8/1/03] (pa) [Entry date 08/01/03]

2/27/04 25 REPORT of Magistrate Judge Patrick A. White Signed on: 2/27/04 recommending that the motion to vacate be denied Case no longer referred. Objections to R and R by 3/8/04 CCAP (ea) [Entry date 03/01/04]

3/15/04 26 OBJECTION by Warren D. Johnson to [25-1] report and recommendations (gp) [Entry date 03/16/04]

3/15/04 27 RESPONSE and OBJECTION by Warren D. Johnson to [25-1] report and recommendations (gp) [Entry date 03/16/04]

3/18/04 28 FINAL JUDGMENT MOTION TO VACATE adopting [25-1] report and recommendations denying [1-1] habeas corpus complaint. This case is closed. (Signed by Judge Kenneth L. Ryskamp on 3/17/04) [EOD Date: 3/19/04] CCAP (at) [Entry date 03/19/04]

3/18/04 -- CASE CLOSED. Case and Motions no longer referred to Magistrate. (at) [Entry date 03/19/04]

3/31/04 29 NOTICE OF APPEAL by Warren D. Johnson of [28-1] order EOD Date: 3/19/04; ; Copies to USCA and Counsel of Record. (mr) [Entry date 04/05/04]

4/5/04 -- Certified copies of Notice of Appeal, Docket, and Order under appeal to USCA: [29-1] appeal by Warren D. Johnson as to Warren D. Johnson (mr)

4/6/04 30 ORDER DENYING Certificate of Appealability (Signed by Judge Kenneth L. Ryskamp on 4/6/04) [EOD Date: 4/7/04] (mr) [Entry date 04/07/04]

EXHIBIT-E

4/1/02 190 NOTICE of FILING AFFIDAVITS OF WARREN D. JOHNSON AND JEFFREY JOHNSON by Warren D. Johnson Jr. (at) [Entry date 04/02/02] [Edit date 05/29/02]

5/13/02 191 NOTICE of Correction of Exhibit V-16 Contained In the Filing of Combined Motion Under F.R.E. Rule 201(d) Petition For A Writ of Habeas Corpus by Warren D. Johnson Jr. (at) [Entry date 05/14/02]

6/28/02 192 MOTION by Warren D. Johnson Jr. for clarification of questions to Court (at) [Entry date 06/28/02]

7/1/02 193 NOTICE of Filing Additional Documents To Exhibit X by Warren D. Johnson Jr. (at) [Entry date 07/02/02]

8/21/02 194 NOTICE of Filing Additional Documentation As Exhibit Z in support of Defendant's Previous Filing of Combined Motion by Warren D. Johnson Jr. (at) [Entry date 08/21/02]

8/28/02 195 OBJECTIONS TO GOVERNMENT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION by Warren D. Johnson Jr. (at) [Entry date 08/29/02]

9/5/02 196 NOTICE of Filing Corrections To "Petitioner's Motion To Compel The Congress of the United States of America To Punish The Offences Against The Law of Nations" by Warren D. Johnson Jr. (at) [Entry date 09/06/02]

10/22/02 197 VERIFIED EMERGENCY PETITION WITH MEMORANDUM OF LAW by Warren D. Johnson Jr. to arrest judgment for lack of subject matter jurisdiction (at) [Entry date 10/22/02]

10/24/02 198 ORDER as to Warren D. Johnson Jr. Plaintiff shall file a response to the mentioned motion on or before 11/4/02 (Signed by Judge Kenneth L. Ryskamp on 10/24/02) [EOD Date: 10/24/02] CCAP (at) [Entry date 10/24/02]

10/28/02 199 MOTION by USA as to Warren D. Johnson Jr. to extend time to respond to defendant's pro se petition to arrest judgment for lack of subject matter jurisdiction (at) [Entry date 10/29/02]

10/29/02 200 ORDER as to Warren D. Johnson Jr. granting [199-1] motion to extend time to respond to defendant's pro se petition to arrest judgment for lack of subject matter jurisdiction as to Warren D. Johnson (1) Response to motion reset to 11/18/02 for Warren D. Johnson Jr. for [197-1] motion to arrest judgment for lack of subject matter jurisdiction (Signed by Judge Kenneth L. Ryskamp on 10/29/02) [EOD Date: 10/29/02] CCAP (at) [Entry date 10/29/02]

11/6/02 201 RESPONSE by Warren D. Johnson Jr. to [199-1] motion to extend time to respond to defendant's pro se petition to arrest judgment for lack of subject matter jurisdiction (at) [Entry date 11/07/02]

11/8/02 202 ANSWER TO PETITIONER'S SUPPLEMENTAL MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE by USA as to Warren D. Johnson Jr. (at) [Entry date 11/08/02]

11/12/02 203 EMERGENCY VERIFIED PETITION by Warren D. Johnson Jr. to stay order (at) [Entry date 11/12/02]

District Web PACER (v2.4)

EXHIBIT-E

E-1

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District Web PACER (v2.4)

[RECENT EVENTS FROM THE DOCKET REPORT FOR CASE: 9:98cr08039]

11/18/02 204 RESPONSE by Warren D. Johnson Jr. to GOVERNMENT'S ANSWER
[202-1] opposition response (at) [Entry date 11/19/02]

11/21/02 205 EMERGENCY MOTION by Warren D. Johnson Jr. to extortion,
threats, duress and breach of contract by the US Government
and its agents (at) [Entry date 11/21/02]

2/21/03 206 NOTICE of Filing Additional Documentation as exhibit Z
pages 66 to 71 by Warren D. Johnson Jr. (at)
[Entry date 02/21/03]

3/10/03 207 NOTICE of Filing Additional Documentation as Exhibit B In
Support of Defendant's previous Filing of a combined motion
and judicial notice by Warren D. Johnson Jr. (at)
[Entry date 03/10/03]

3/20/03 208 VERIFIED PETITION by Warren D. Johnson Jr. for mandatory
judicial notice of government's failure to respond to
12/14/02 filing and government to provide a true correct
complete transcript in answer to petitioner's square
challenge to the court's jurisdiction (at)
[Entry date 03/21/03]

3/24/03 209 VERIFIED PETITION by Warren D. Johnson Jr. for mandatory
judicial notice of passage of the human rights act 1998 on
11/9/98 and for mandatory judicial notice that Soneet
Kapila is not an agent of the United States Government (at)
[Entry date 03/25/03]

4/3/03 210 MOTION by Warren D. Johnson Jr. to strike transcript of
purported indictment return hearing, and for Release
defendant for lack of jurisdiction (at)
[Entry date 04/03/03]

6/18/03 211 VERIFIED PETITION by Warren D. Johnson Jr. for proof of
Court's Authority (at) [Entry date 06/18/03]

7/31/03 212 ORDER DECLINING TO AFFIRM MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION: The Court instead requests that the
Magistrate Judge consider whether Petitioner's motion should
be granted in light of the fact that the Petitioner now
concedes his motion is a Section 2255 motion (pa)
[Entry date 08/01/03]

3/18/04 213 FINAL JUDGMENT MOTION TO VACATE as to Warren D. Johnson Jr.
this motion to vacate is denied. (Signed by Judge Kenneth
L. Ryskamp on 3/17/04) [EOD Date: 3/19/04] CCAPI (at)
[Entry date 03/19/04]

[END OF DOCKET: 9:98cr08039-0]

PACER Service Center
Transaction Receipt

04/10/2004 09:24:09

PACER Login: mg0438

Client Code:

<http://pacer.flsd.uscourts.gov/dc/cgi-bin/pacer740.pl>

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UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
ATLANTA, GEORGIA

WARREN D. JOHNSON, JR.,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Case No. 04-11684-I
USDC No. 02 CV 80353-KLR/
98-08039-CR-RYSKAMP

**NOTICE OF FILING DOCUMENTATION TO SUPPORT
APPELLANT'S BRIEF FOR APPEAL OF
JUDGE RYSKAMP'S DENIAL OF PETITIONER'S
REQUEST FOR HABEAS RELIEF AND
THE FILING OF A CRIMINAL COMPLAINT,
ALL NECESSARY TO THIS CASE,
AS THESE ITEMS ARE EITHER MISSING
THROUGH A COVER-UP OR NOT CONTAINED
IN THE DISTRICT COURT RECORDS**

COMES NOW, Warren D. Johnson, Jr., Petitioner, appearing Sui Juris and In Propria Persona, and hereby files into this Court, the following Appendices to support the forthcoming Appellant's Brief:

APPENDIX A

A SET OF INTERROGATORIES FOR CAROLYN BELL, dated April 15, 2004, Re: A 14-Page Complaint filed June 11, 2003 under the European Court of Human Rights, Council of Europe, Strasbourg, France via Priority Mail CP 236307776 US / LY 917115894 US, deposited in the Aforesaid Legal Mail Box by Warren D. Johnson, Jr.

APPENDIX B

A CERTIFICATE OF NON-RESPONSE, dated April 27, 2004, RE: SET OF INTERROGATORIES FOR CAROLYN BELL mailed on April 15, 2004 by Warren D. Johnson, Jr.

APPENDIX C

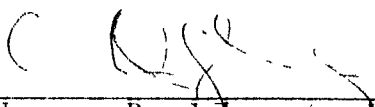
A PETITIONER'S MOTION TO COMPEL THE CONGRESS OF THE UNITED STATES OF AMERICA TO PUNISH THE OFFENCES AGAINST THE LAW OF NATIONS, dated August 29, 2002. [EXHIBIT CR-C-7 of the aforesaid 14-page Complaint filed June 11, 2003 under the European Court of Human Rights ...]

APPENDIX D

A NOTICE OF FILING ADDITIONAL DOCUMENTATION IN SUPPORT OF DEFENDANT'S RECENT FILING OF COMBINED MOTION, dated May 14, 2002, which includes Exhibit X and Notice of Consolidated Filing to this Court [United States Bankruptcy Court] for I. Verified Declaration in Support of this Complaint and Motion Filed in October 2001, Herein as Exhibit V - Pages V-7 through V-15; II. Verified Petition for Redress of Grievance; III. Verified Petition for Injunctive Relief; and IV. Verified Petition for Prospective Injunctive Relief. [EXHIBIT CR-C-9 of the aforesaid 14-page Complaint filed June 11, 2003 under the European Court of Human Rights ...]

It should be noted, the above documents, APPENDIX C and APPENDIX D, were both filed into Case No. 98-08039-CR-RYSKAMP on August 29, 2003 and May 14, 2002 respectively via the United States "Legal Mail" ... but neither documents show as having been filed by the Clerk of the Court and evidenced as not showing on the docket of case no. 98-08039-Cr-RYSKAMP or case no. 02-CV-80353-KLR, which is the subject of Appeal No. 04-11684-I.

Respectfully submitted this 12th day of May, 2004.




Warren D. Johnson, Jr. (53225-004)
Federal Correctional Complex-Low
P.O. Box 1031, Unit A-3
Coleman, Florida 33521-1031

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed by First Class Mail on this 12th day of May, 2004 to the following:

Anne R. Schultz
Chief, Appellate Division
United States Attorney's Office
99 N.E. 4th Street, 5th Floor
Miami, Florida 33132-2111

BY:



Warren D. Johnson, Jr.

APPENDIX IV
OF JUNE 6, 2004
COMPLAIN TO JOHN ASHCROFT

A P P E N D I X A

Warren D. Johnson, Jr.
Case # 04-11684-I

Items A:1 through A:15

Date: April 15, 2004

PETITIONER

Warren D. Johnson, Jr.
c/o P.O. Box 1031
Coleman, Florida 33521

RESPONDENT

Carolyn Bell,
d/b/a Assistant United States Attorney
500 Australian Avenue, Suite 400
West Palm Beach, Florida 33401

Certified Mail No.: 7001 1940 0004 7972 4234

Deposited in the "Legal Mail" box of the U.S. Postal Service
at Coleman-Low, a federal correctional facility, Coleman,
Florida 33521-1031.

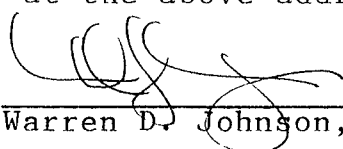
**Re: A 14-Page Complaint filed June 11, 2003 under the European
Court of Human Rights, Council of Europe, Strasbourg, France
via Priority Mail CP 236307776 US / LY 917115894 US, deposited
in the Aforesaid Legal Mail Box by Warren D. Johnson, Jr.**

**The United States copy of this Complaint was delivered to the
Congress of the United States, c/o Congressman Thomas M.
Davis, III, Committee on Government Reform, 2157 Rayburn
House Office Building, Washington, D.C. 20515-6143.**

**SET OF INTERROGATORIES
FOR CAROLYN BELL**

Warren D. Johnson, Jr. hereby requires Carolyn Bell, d/b/a
Assistant United States Attorney, to answer each and every one
of the following interrogatories, separately and fully, in writing
under oath within ten (10) days. Complete all Questions. If you
need additional space to completely answer a question, please
write the information on a separate sheet of paper and attach it
to this Interrogatory herein. Send your completed verified answers
directly to Warren D. Johnson, Jr. at the above address.

BY:


Warren D. Johnson, Jr.

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INTERROGATORIES

Answer each question either Yes or No. If the answer is No, please explain your answer in detail. Add additional sheets, if necessary.

1. It is a fact, is it not, that Judge Steven H. Friedman, assigned to case no. 92-33339-BKC-SHF, in re: WARREN D. JOHNSON, JR., **did not file** a Complaint or present the matter to the grand jury relating to the purported Concealment of Assets of the accused WARREN JOHNSON, as required for a criminal investigation, pursuant to Title 18 U.S.C. § 3057, Bankruptcy Investigation?

Answer: _____

2. It is a fact, is it not, that Soneet Kapila, Chapter 7 Trustee, assigned to case no. 92-33339-BKC-SHF, in re: WARREN D. JOHNSON, JR., **did not file** a Complaint or present the matter to the grand jury relating to the purported Concealment of Assets of the accused WARREN JOHNSON, as required for a criminal investigation, pursuant to Title 18 U.S.C. § 3057, Bankruptcy Investigation?

Answer: _____

3. It is a fact, is it not, that Judge Steven H. Friedman, assigned to case no. 92-33339-BKC-SHF **did not hold** a Preliminary Examination hearing in open court as required under Title 18 U.S.C. § 3060, Preliminary Examination, to determine probable cause to believe if an offense has been committed?

Answer: _____

4. It is a fact, is it not, that Title 18 U.S.C. § 152(1), which is part of Chapter 9: Bankruptcy, **did not exist** as law from September 16, 1992 to March 29, 1993?

Answer: _____

5. It is a fact, is it not, that if there was no Concealment of Assets under Title 18 U.S.C. § 152(1), between September 16, 1992 to March 29, 1993, since the law was "ex post facto" and **did not exist**, then there could be no money laundering?

Answer: _____

6. It is a fact, is it not, that **you were aware** of a September 10, 1993 letter sent to Robert Newman, F.B.I., that exposed a vendetta against Warren D. Johnson, Jr.?

Answer: _____

7. It is a fact, is it not, that **you were aware** of a March 10, 1997 Complaint filed against F.B.I. Agent Michael McBride with Aaron Sanchez of the F.B.I. in that vendetta?

Answer: _____

8. It is a fact, is it not, that the Magistrate Judge Ann E. Vitunac **was married to** F.B.I. Agent Tony Yankitis prior to March 24, 1998?

Answer: _____

9. It is a fact, is it not, that the F.B.I. **was under a Criminal Investigation** for this vendetta against Warren D. Johnson, Jr. on March 24, 1998, by the Judiciary Committee of the United States House of Representatives, headed by Bill McCollum?

Answer: _____

10. It is true, is it not, that Magistrate Judge Ann E. Vitunac's hearings and sessions **are tape recorded** in her Courtroom; and copies of the audio tapes are maintained in the Courthouse?

Answer: _____

11. It is true, is it not, that courtroom audio tapes AEV 98-34 (March 20, 1998); AEV 98-35; AEV 98-36; AEV 98-37; and, AEV-98-38 (March 25, 1998) **are recorded hearings** from March 20, 1998 to March 25, 1998 in Magistrate Judge Anne E. Vitunac's open court sessions?

Answer: _____

12. It is true, is it not, that **no** return of the Indictment Hearing relating to WARREN JOHNSON or criminal case no. 98-08039-CR-KLR **is recorded** on any of the courtroom tapes AEV 98-34; AEV 98-35; AEV 98-36; AEV 98-37; or, AEV 98-38 from March 20, 1998 to March 25, 1998?

Answer: _____

13. It is true, is it not, that **no** return of the Indictment Hearing relating to WARREN JOHNSON **ever took place** before the Court, as required by F.R.C.P. Rule 6(f)?

Answer: _____

14. It is true, is it not, that Magistrate Judge Patrick A. White **was an Assistant United States Attorney** in the SOUTHERN DISTRICT OF FLORIDA (Miami Office) during the time of February 1989 to March 2003?

Answer: _____

15. It is true, is it not, that Magistrate Judge Patrick A. White **replaced** the originally assigned Magistrate Judge and immediately did a "Report and Recommendation" on June 19, 2000 **to deny** Warren Johnson Habeas Corpus relief?

Answer: _____

16. It is a fact, is it not, that on April 19, 2001 — Docket #1 **shows a Complaint/Petition for** a Writ of Habeas Corpus, Title 28 U.S.C. 2241, in case #02-cv-80353 in the UNITED STATES DISTRICT COURT for the SOUTHERN DISTRICT OF FLORIDA?

Answer: _____

17. It is a fact, is it not, that on April 3, 2001, Warren D. Johnson, Jr. filed a Petition for Writ of Habeas Corpus into case #98-8039-CR-RYSKAMP, who **then transferred the case to** Miami, Florida **under the heading:** "Case # 02-cv-80353 ... cause: 28:2241 Petition for Writ of Habeas Corpus (Federal)"?

Answer: _____

18. It is a fact, is it not, that at trial the **Court was told**, "The Government is aware, and I [Robert Adler, Esq.] believe they have made misrepresentations to the Jury ..."?

Answer: _____

19. It is a fact, is it not, that **Judge Ryskamp stated**, "If you [Warren Johnson] can establish later on that the Government has withheld evidence or misled the Jury, that's a pretty serious accusation and I will deal with that later on."?

Answer: _____

20. It is true, is it not, that Warren D. Johnson, Jr. **lists the numerous lies** of Government in Docket No. 22 in case #02-80353-CV-RYSKAMP on pages 11 to 20?

Answer: _____

21. It is true, is it not, that Warren D. Johnson, Jr. **summarizes the said lies** of Government and **requests Affidavits** in Docket No. 26 in case #02-80353-CV-RYSKAMP on pages 1 to 2 as follows:

"2. Further **Deception Committed by the Prosecution** including Request for Affidavit from Carolyn Bell RE: \$20,000,000 Lots Sold by Petitioner and \$20,000,000 in Trust; and Request for Affidavit from Carolyn Bell RE: Solicitation of Perjury from Attorney Fredrick Sundheim by Carolyn Bell; and Request for Affidavit from Carolyn Bell RE: False and Misleading Arguendo by AUSA Carolyn Bell Regarding Bay Pointe Estates Land Trust (Herein Land Trust) Owning Bay Pointe Estates; and Request for Affidavit from Carolyn Bell RE: Violation by Defendant of Title 18, United States Code, Section 152(1); and Request for Affidavit from Carolyn Bell RE: Count 2 - Loan Application Fraud; and Request for Affidavit from Carolyn Bell RE: False and Misleading Arguendo by A.U.S.A. Carolyn Bell Regarding a \$8,000 Masterloom Carpet; and Request for Affidavit from Carolyn Bell RE: Extortion against Petitioner and his Family; Threats against Adam Brown and others; Theft of Property in Violation of Existing Law; And Obstruction of Justice. See pages 12 to 20."?

Answer: _____

22. It is a fact, is it not, that **neither** Magistrate Judge Patrick A. White or Judge Kenneth L. Ryskamp **ordered the Government to produce** any sworn Affidavit to deal with the "Misrepresentations to the Jury ..."; "Withheld Evidence"; and "Misled the Jury"?

Answer: _____

23. It is a fact, is it not, that **neither** of the aforesaid Judges **held a hearing on** the "Misrepresentations to the Jury ..."; "Withheld Evidenc"; and "Misled the Jury" by the Government?

Answer: _____

24. It is a fact, is it not, that the U.S. Probation office, Patricia A. Borah, in the Pre-Sentencing Investigation Report (hereinafter P.S.I.) **stated in Part A.** the Offense — 3. "According to **information provided by** Assistant U.S. Attorney Carolyn Bell and Federal Bureau of Investigation (FBI) Special Agent Michael McBride ..."?

Answer: _____

25. It is true, is it not, that AUSA Carolyn Bell did, in fact, **write in the P.S.I. Report** that said on page 4(4) "After the Bankruptcy settled, the lots were sold for \$20,000,000"; and, on page 20(78) "Defendant placed \$20,000,000 in trust"?

Answer: _____

26. It is a fact, is it not, that Warren D. Johnson, Sr. **filed an Affidavit** on 19th of March, 2002, identified as Exhibit "A" in Docket no. 190, in case #98-8039-CR-RYSKAMP which sets forth his sworn statement **as to his sale** of the aforesaid lots referenced in Question 25 above?

Answer: _____

27. It is a fact, is it not, that the total proceeds referenced from these lot sales in Question 25 **produced a profit** to Warren D. Johnson, Sr. of \$617,771, after charitable gifts to churches?

Answer: _____

28. It is a fact, is it not, that the Affidavit of Warren D. Johnson, Sr. **includes 48 pages** of his contracts, closing statements, contributions of \$250,000 to a church, deeds and tax returns **for the aforesaid referenced lots** in Question 25?

Answer: _____

29. It is a fact, is it not, that Jeffrey Alan Johnson **filed an affidavit** on 19th of March, 2002, identified as Exhibit "B" in Docket No. 190, in case #98-8039-CR-RYSKAMP which sets forth his sworn statement **of the vendetta** as told to F.B.I. Agent Thomas J. Pierce; **threats against** family members; Warren D. Johnson, Sr.'s **loan to** Jerry Linkous; and, a **taped interview** with Dr. Walter Harber?

Answer: _____

30. It is a fact, is it not, that Jerry P. Linkous on 5th of February, 2001 **signed a sworn Affidavit**, identified in Exhibit "B" in Docket No. 190 under pages B-34 and B-35, in case #98-8039-CR-RYSKAMP which sets forth a **Monday morning** (on or about September 14, 1998) meeting held with AUSA Carolyn Bell and F.B.I. Agent McBride?

Answer: _____

31. It is a fact, is it not, that Jerry Linkous in the aforesaid **Affidavit confirms** "that Dr. Harber could have paid Linkous Corporation for the hook-up to a (10) ten-inch water main as per the Water Service agreement in O.R. book 574 page 532."?

Answer: _____

32. It is a fact, is it not, that Jerry Linkous **confirms in the aforesaid Affidavit** that on "Monday Morning", on or around September 14, 1998, Jerry Linkous told AUSA Carolyn Bell and F.B.I. Agent McBride "The \$250,000 that Dr. Walter Harber paid Linkous Corporation on March 23, 1994 was the principal payment for a riverfront lot in Bay Pointe that Dr. Harber **had not previously paid for.**"?

Answer: _____

33. It is a fact, is it not, that Jerry Linkous in the **aforesaid Affidavit confirms** "I [Linkous] have always told the government that Linkous Corporation **owed \$261,250** on a cash bond agreement and **note** to Warren D. Johnson, Sr. Warren D. Johnson, Sr. received over \$700,000.00 from the pay off on that mortgage just weeks before the October 18, 1983 loan of \$261,250 to Linkous Corporation for the Cash Bond Agreement with Martin County."?

Answer: _____

34. It is a fact, is it not, that Jerry Linkous in the **aforesaid Affidavit confirms** "the simple facts are that **Harber owed Linkous Corporation and Linkous owed Warren D. Johnson, Sr.** more than the \$250,000.00 paid March 23, 1994. The Government's case against Warren D. Johnson, Jr. **was a fraud** and they know it."?

Answer: _____

35. It is a fact, is it not, that the Southeast closing documents contained in Exhibit T in these instant cases **confirm** that on or before March 13, 1989, the Flamingo property (a/k/a Harbour Pointe; Otter's Run; and, Bay Pointe Estates) must have "3.6 Evidence of Utilities (a) water" on page T-29; and, "Q. Utilities. Borrower shall supply Southeast Bank with satisfactory evidence that all utilities (public or private) are currently available to subject premises;" and, "letters under seal from utilities currently operating under valid certificates of public necessity shall meet the requirements of this condition."

Answer: _____

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35. (Continued)

36. It is a fact, is it not, that the Southeast Bank loan, identified in aforesaid Question 35 above, **did close on** or about August 11, 1988, and seven (7) months before the March 13, 1989 **cut-off date under** Linkous Corporation's Water Service Agreement in O.R. Book 574 page 532 Martin County records, Martin County, Florida?

Answer: _____

37. It is true, is it not, that Martin County **breeched a contract** with Linkous Corporation on its Water Service Agreement; and, later **breeched a contract** with Dr. Walter Harbor on a Sewer Service Agreement?

Answer: _____

38. It is a fact, is it not, that Southeast Bank's **last loan extension to** Warren D. Johnson, Jr. was the 29th day of March, 1990, as **confirmed in the loan closing documents** in Exhibit S in these instant cases, which required thirteen (13) documents to close?

Answer: _____

39. It is a fact, is it not, that **only a copy** (no original) of a January 1, 1991 financial statement was in the possession of Southeast Bank; and, the bank did not know where it came from?

Answer: _____

40. It is a fact, is it not, that Exhibit S in these instant cases, at page S-28, **clearly shows the prepaid interest** on the subject loan was paid through 06/08/1991 by "Warren D. Johnson, Jr., as TR."?

Answer: _____

41. It is true, is it not, that on July 1, 1991 Southeast Bank was soliciting Mr. Warren D. Johnson, Jr. **to extend the loan** with "a subsequent closing which shall occur no later than July 19, 1991, ..."; and, there were six (6) "Pre-closing conditions:"?

Answer: _____

42. It is true, is it not, that Warren D. Johnson, Jr. was **under no obligation** to accept Southeast Bank's offer of July 1, 1991; and, having any copy of a financial statement did not in fact extend any loan?

Answer: _____

43. It is a fact, is it not, that Southeast Bank immediately **filed a foreclosure** on the subject property as soon after July 19, 1991, as their lawyers could possibly prepare the paperwork?

Answer: _____

44. It is true, is it not, that reports of numerous threats have been made against the family members of Warren D. Johnson, Jr.?

Answer: _____

45. It is a fact, is it not, that **you are aware of** Attorney Patrick Scott **threatening** to have Adam Brown indicted **if he did not** give up Otter's Run lots and money in a 16 February 2001 Treaty?

Answer: _____

46. It is a fact, is it not, that the **lawsuits to be settled** under the 16 February 2001 Treaty were in fact by March 7, 2001 not settled and the **treaty** (agreement) was breeched?

Answer: _____

47. It is a fact, is it not, that the Government allowed Mohmud Rashid Bodhanya to **steal over \$5.415 million** of money and assets from the "legal persons" **owned by** 21 members of Warren D. Johnson, Jr.'s family?

Answer: _____

48. It is a fact, is it not, that the Government used Mohmud Rashid Bodhanya **as a witness against** Warren D. Johnson, Jr.?

Answer: _____

49. It is true, is it not, that Mohmud Rashid Bodhanya transferred the **proceeds of his theft to** AmSouth Bank in Tampa and a Florida Insurance Company under the jurisdiction of the Government?

Answer: _____

50. It is a fact, is it not, that Richard Grund **sued** Mohmud Rashid Bodhanya **in the Supreme Court** of the Turks and Caicos Islands **on behalf of** the "legal Persons" of 21 Johnson family members?

Answer: _____

51. It is a fact, is it not, that **the theft by** Mohmud Rashid Bodhanya was **insured** by Lloyds of London?

Answer: _____

52. It is a fact, is it not, that Richard Grund was threatened if he did not **turn over the lawsuit** against Mohmud Rashid Bodhanya, et al. and the Grand Turk Harbour [a/k/a Porto'sel] project?

Answer: _____

53. It is a fact, is it not, that the United States Government is a **"Force Majeure"** as defined under the 18 March 1998 Treaty **with the British Crown**, regarding the Grand Turk Harbour [a/k/a Porto'sel] project?

Answer: _____

54. It is true, is it not, that the United States Government and Attorney Patrick Scott **did nothing to protect** the aforesaid 18 March 1998 Treaty; the Grand Turk Harbour Project; and, the **prosecution of** Mohmud Rashid Bodhanya?

Answer: _____

55. It is true, is it not, that Attorney Patrick Scott had **a fiduciary duty** and responsibility under the 16 February 2001 Treaty to protect the assets and **return them** to the people who put them up after March 8, 2001?

Answer: _____

56. It is a fact, is it not, that prior to the 16 February 2001 Treaty, you met with Attorney David Finegold and told him you had a **weak case against** Warren D. Johnson, Jr.? In fact, so weak that you **did not call** Dr. Walter Harber, Jerry Linkous, or Southeast Bank's attorney's as Government witnesses?

Answer: _____

Under penalty of perjury, pursuant to Title 28 U.S.C. § 1746, I, Carolyn Bell, do hereby declare and swear that the above stated facts that I have provided and the attached documentation are true, correct, and complete and not misleading.

Carolyn Bell (signature)

Return to: Warren D. Johnson, Jr.
Federal Correctional Complex-Low
P.O. Box 1031 (Unit A-3)
Coleman, Florida 33521-1031

Thank you for completing this Interrogatory.

On Outside of Envelope mark:

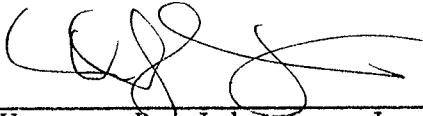
LEGAL MAIL - ONLY TO BE OPENED
IN THE PRESENCE OF THE INMATE

(Envelope Enclosed)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the foregoing Set of Interrogatories for Carolyn Bell have been furnished by First Class Mail this 15th day of April, 2004 to:

Carolyn Bell, Esquire
Assistant United States Attorney
United States Attorney's Office
500 Australian Avenue, Suite 400
West Palm Beach, Florida 33401

BY: 
Warren D. Johnson, Jr.

APPENDIX IV
OF JUNE 6, 2004
COMPLAINT TO JOHN ASHCROFT

A P P E N D I X B

Warren D. Johnson, Jr.
Case # 04-11684-I

Item B:1

CERTIFICATE OF NON-RESPONSE

RE: SET OF INTERROGATORIES FOR CAROLYN BELL
mailed on April 15, 2004 by Warren D. Johnson, Jr.

I, Warren D. Johnson, Jr., herein certify that a SET OF INTERROGATORIES FOR CAROLYN BELL for purposes of Discovery was sent by Warren D. Johnson, Jr. to Carolyn Bell, d/b/a Assistant United States Attorney, via Certified Mail No. 7001 1940 0004 7972 4234, and which was mailed by the above party on April 15, 2004 to 500 Australian Avenue, Suite 400, West Palm Beach, Florida 33401.

Said RESPONSE for SET OF INTERROGATORIES FOR CAROLYN BELL was requested within ten (10) days and was due by April 26, 2004 to Warren D. Johnson, Jr. at c/o P.O. Box 1031, Coleman, Florida 33521.

THEREFORE, I certify that Carolyn Bell is in default and dishonor for refusing or failing to RESPOND to Warren D. Johnson, Jr.'s SET OF INTERROGATORIES FOR CAROLYN BELL within the time stipulated as of this date.

EXECUTED and dated this 27th day of April, 2004.

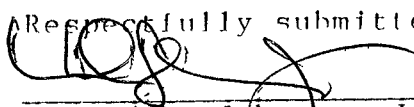
OPPORTUNITY TO CURE

In the event Carolyn Bell's failure to respond is an oversight, mistake or otherwise unintentional, Warren D. Johnson, Jr. grants Carolyn Bell three (3) days from receipt of this Certificate of Non-Response the opportunity to cure, to serve a response to the statements, claims, and inquiries in the SET OF INTERROGATORIES FOR CAROLYN BELL.

Failure to cure will constitute, as an operation of law, the final admission by Carolyn Bell, through tacit procurement to the statements, claims; and answers to inquiries shall be deemed STARE DECISIS.

Based upon Carolyn Bell's default to Warren D. Johnson's SET OF INTERROGATORIES FOR CAROLYN BELL, Carolyn Bell may not argue, controvert, or otherwise protest the findings entered thereby in any subsequent administrative or judicial proceeding.

Respectfully submitted,



Warren D. Johnson, Jr.
c/o FCC, Coleman-Low
P.O. Box 1031 Unit: A-3
Coleman, Florida 33521

Witnessed in the Presence of:

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B:1

APPENDIX IV
OF JUNE 6, 2004
COMPLAINT TO JOHN ASHCROFT

A P P E N D I X C

Warren D. Johnson, Jr.
Case # 04-11684-I

Items C:1 through C:20

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,
Plaintiff,

CASE NO.: 98-8093-CR-RYSKAMP
Magistrate Judge Vitunic

v.


WARREN D. JOHNSON, JR.,
Defendant-Petitioner.

NOTICE OF FILING ADDITIONAL DOCUMENTATION
IN SUPPORT OF DEFENDANT'S RECENT FILING OF COMBINED MOTION

COMES NOW, Petitioner Warren D. Johnson, Jr., pro se,
appearing Sui Juris and In Propria Persona, and hereby files
into Court the following:

1. Exhibit X, containing pages X-1 through X-5, as an
additional Exhibit category contained within the Combined Motion;
2. Notice of Consolidated Filing to this Court [United
States Bankruptcy Court] for I. Verified Declaration in Support
of this Complaint and Motion Filed in October 2001, Herein as
Exhibit V - Pages V-7 through V-15; II. Verified Petition for
Redress of Grievance; III. Verified Petition for Injunctive
Relief; and IV. Verified Petition for Prospective Injunctive
Relief which was filed by the Defendant into case no. 92-33339-
BKC-SHF.

Respectfully submitted,

 5/14/02
Warren D. Johnson, Jr.
53225-004 / A-3
Federal Correctional
Complex, Coleman - Low
P.O. Box 1031
Coleman, Florida 33521

May 14, 2002

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C:1

EXHIBIT X

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 92-33339-BKC-SHF
Chapter 7

IN RE:
WARREN D. JOHNSON, JR.,

Debtor(s). /

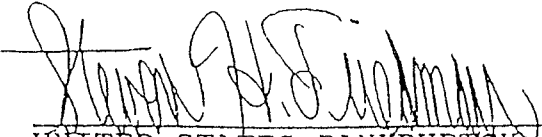
ORDER APPROVING THE SALE OF ASSETS

THIS CAUSE having come before the Court on March 8, 1994 upon the Motion to Approve the Sale of Assets. The Court having reviewed the Motion and otherwise being duly advised in the premises, it is thereupon

ORDERED AND ADJUDGED as follows:

1. The Motion to Approve Sale of Assets is hereby granted.
2. The Debtor has agreed to pay the sum of \$5,000.00 to purchase the lawsuit against Sun Bank as Trustee, Dain Bosworth, the Apex Fund, Southward and Company, Dryfuss Municipal, Steinroe, Steve Rosky, ~~Ray~~, Corrine Calvasina and the many bondholders.
3. The Debtor will pay the sum of \$1,000.00 on or before January 31, 1994 with an additional \$1,000.00 per month to be due on or before the last day of each month for the next consecutive four (4) months.

DONE AND ORDERED in the Southern District of Florida,
this 8th day of March, 1994.


UNITED STATES BANKRUPTCY JUDGE

Copies Furnished:
LESLIE SCOTT OSBORNE, ESQ.
FURR AND COHEN, P.A.
1499 W. PALMETTO PARK ROAD, SUITE 412
BOCA RATON, FL 33486

ATTORNEY OSBORNE IS DIRECTED TO MAIL A CONFORMED COPY OF THIS ORDER IMMEDIATELY UPON RECEIPT TO ALL CREDITORS AND INTERESTED PARTIES

199

X-1

C:2

The Purchase of an indemnity Bond will be required before this check will be replaced or refunded in the event it is lost, misplaced or stolen.



63 1114/670
BRANCH 01

March 31 19 94

SONBET R. KAPILA, TRUSTEE

\$ 5,000.00

SECRET

DOLLARS

AUTHORIZED SIGNATURE

RC #10

NOT NEGOTIABLE

00088904 120670111421 01 0100013101

Marta Singerman, Esq.
Tabas & Singerman
25 South East 2 nd Avenue, Suite 919
Miami, Florida 33131

Les Osbourn
Furr & Cohen, P.A.
Suite 412, 1499 W. Palmetto Park Rd.
Boca Raton, Florida 33486

RE: SPLIT ON REVENUE FROM LAWSUIT AGAINST DAIN BOSWORTH, ET.AL. FOR PAYMENT
OF THE LEGITIMATE CREDITORS OF WARREN D. JOHNSON, JR. CASE 92-3339-BKC-RAM

Dear Marta & Les:

I hereby agree to TWENTY FIVE (25%) of the proceeds in the above referenced lawsuit going to the Estate of my legitimate creditors. As you know, I have pushed to have these matters litigated and have always wanted my creditors to be paid.

As for Marty Alexander's reference to a sale of land to Adam Brown being improper, please find enclosed the following documents:

1. A MEMORANDUM from Janna D. Peters dated December 7, 1992, whereby in item 4., I sold my interest in an option agreement to Adam Brown. The consideration was in excess of \$ 86,000, and greatly exceeded the \$ 50,000 award the Judge gave me in this case no. 88-670 CA Johnson vs. Project Management a/k/a FERCAL, Inc. This was a property that was blocked as to access by Ray Loesche on October 30, 1991, two days prior to closing. SEE ATTACHED EXHIBIT B, Item 5.
2. JOHNSON never owned the property in question. SEE ATTACHED EXHIBIT A. Fercal, Inc. sold the property to Adam Brown on November 1, 1991, for the sum of \$ 475,000.

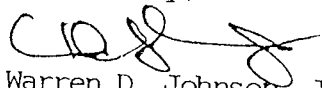
This is another instance of Marty Alexander lying and having improper motives. As you recall Marty Alexander lied to Judge Friedman about my promising his clients a release RE: Settlement Agreement dated January 29, 1993.

Mr. Alexander's real (but Improper) motives are indicated in Ray Loesche's letter dated December 28, 1992 to Martin Alexander, Esq. and attached as EXHIBIT C, whereby in the last paragraph Alexander is solicited to join the Calvasina/ Loesche Vendetta and move on to a Criminal Fraud Action using the F.B.I. Calvasina (a principal in Fercal) had previously threatened Johnson on September 20, 1989 with her brother, Mr. Berthea, who was a high ranking F.B.I. official. Please find attached Johnson's letter to the F.B.I. as Exhibit D.

The above referenced property was offered to the Trustee in my letter of March 10, 1994 and again in Dianne Johnson's letter to you on September 1, 1994. These properties are still available for sale and I have enlosed photographs taken this month. It may be of interest that the clients of Marty Alexander turned down my offer to them to Buy/ Joint Venture or Finance these very properties after I won the lawsuit against Fercal, inc.

I have attached the above referenced letters for your convenience as EXHIBITS E & F. plus four photographs. The project is unfinished and both the developer and the lot owners have hired attorneys to sue Martin County over denial of docks.

Yours truly,



Warren D. Johnson, Jr.
511 S.W. Bay Pointe Circle
Palm City, Florida 34990

X-3

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C:4

Dec.28, 1992

Martin Alexander, Esq.
Holland and Knight
P.O. Box 14070
Fort Lauderdale, FL 33302-4070

Dear Marty,

I would like to see you go into extensive detail at the Jan. 5 interrogation of Warren Johnson regarding the Subaru deal. One way or another, it is a classic case of fraud.

At the Dec. 18th interrogation, he stated that the Subaru deal was thrown out of court in 1987, saying that the court ruled that there never was an existence of an option agreement. Yet, he shows it on his June 12, 1989 financial statement with a valuation of \$3,780,000, and notes to the statement say that it is yet to be settled.

The June 1, 1987 letter from Lyman and Lyman states that it is yet to be settled. It is doubtful that it was heard in 1987, or Lyman would have so mentioned. Maybe a call to Nathan Lyman would give the status of the case. His attached letter gives his phone. If you talk to Nathan Lyman, please try to find out if the case is Warren D. Johnson, Sr. or Jr.

If the case is still pending, it is Bankruptcy Fraud for not listing it. If it was thrown out of court in 1987, showing it on his 1989 financial statement is fraud. The attached financial statement is the one that was submitted to Dain Bosworth with the Bond Underwriting application.

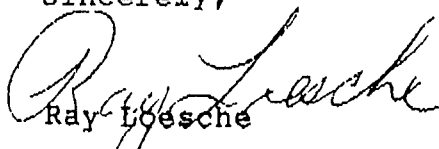
His prior deposition, (copy attached) says it's not his, it's his Fathers, and if so, it is just one more fraud on his financial statement.

Johnson has spoken as late as 1991 that the case is still pending.

I would like to see you go into detail on it as much as possible at the next interrogation, as no matter just what the situation is, it is fraud, and should have bearing on a Bankruptcy Fraud case, or other criminal fraud case. I have been talking with powers that be regarding a criminal fraud action following this bankruptcy case, and would like to have the informatin available for that purpose.

Thank you, and I'll see you Jan. 5.

Sincerely,


Ray Loesche

X-4

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C:5

JULY 2, 1997

FRIDAY- MARCH 28, 1997 (GOOD FRIDAY)- 3 P.M. Meeting between Anthony Ardizzone, Ray Loesche & Warren Johnson, Jr. in front of Bay Pointe Guard House.

1. Johnson offered to buy ^{Loesche} ~~Loesche~~ out of PALM-AIRE DEAL, which Loesche sold to Johnson the next day- March 29, 1997.

2. There was a discussion of catching Corrine Calvasina at the gates of Bay Pointe on 9/10/93 @ 4 P.M. Ray Loesche's immediate reply was " she was going to Joan Orlandi's."

FRIDAY- June 27, 1997- 4 P.M. meeting in Johnson's driveway between Anthony Ardizzone (407-575-4357), Ray Loesche and Warren Johnson, Jr.

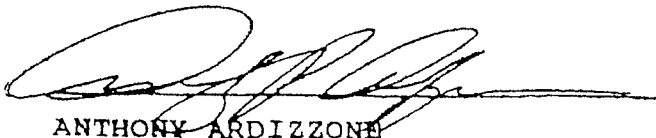
1. Loesche needed a corrective Quit Claim Deed for Johnson sale of Lot 14 Bay Pointe to Loesche.

2. In a discussion of Corrine Calvasina & her brother (Bothea, a retired F.B.I. agent) regarding the vendetta, Loesche said "Corrine Calvasina hadn't seen her brother in 2 years and would not know where to contact him if someone were to ask."

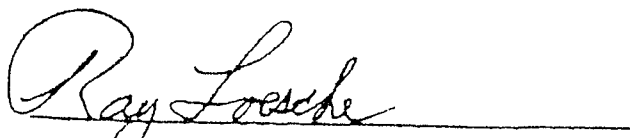
3. In discussing Johnson's 341 creditors meeting, Johnson recalled telling the Trustee- Kapila- about transfers made during the ordinary course of business in the previous year. Kapila asked for two years of tax returns to be sent to him that would show any transfers. Loesche remembered that Johnson reserved the right to sue him.

4. Johnson pointed out to Ray Loesche that at the 341 Creditors Meeting on 11/9/92 when Trustee Kapila asked him about any transfers within previous year, Johnson could not have hid these transfers since
(1) Loesche and Calvasina attempted to block Johnson from access thru Bay Pointe and the sale of his rights to Adam Brown on 11/1/91,
(2) Loesche knew of the Baja Boat transfer to Al Wells for a clearing Debt on Palm-Aire and trade on a BMW to Adam Brown, as well as
(3) the sale of Johnson's interest in Palm-Aire to Minear, who Loesche had previously purchased a lot in Bay Pointe from, and Ray Loesche would absolutely remember if Johnson failed to mention any of these transfers to Trustee Kapila.

5. Ray Loesche also remembered Johnson bringing nine boxes of his files to Gary Freedman, Attorney for Trustee Kapila and Holland & Knight on 12/18/92. These files set forth all transfers by Johnson, and all transfers were fully disclosed by delivery of these files for the 2004 examination.



ANTHONY ARDIZZONE



RAY LOESCHE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 98-8039-CR-RYSKAMP

v.

WARREN D. JOHNSON, JR.,

Defendant, Petitioner.

PETITIONER'S MOTION TO COMPEL THE
CONGRESS OF THE UNITED STATES OF AMERICA
TO PUNISH THE OFFENCES AGAINST THE LAW OF NATIONS

COMES NOW, Warren D. Johnson, Jr., In Propria Persona and In Sui Juris and hereby moves the honorable Court to compel the United States of America to punish offences against the Law of Nations and states the following:

1. The Royal history of the Johnson family is set forth in Exhibits W and Z and which are filed in this case. The religious conscience of the Johnson family is well established in history, with brief excerpts or summaries contained in the aforesaid Exhibits W and Z; and was recorded in the historical records of the Turks and Caicos Islands (hereinafter TCI) in a Letter of Intent, a Development Agreement for the Grand Turk Harbour Project and the religious service that was sponsored and held by the TCI churches on or about September 24, 1997, whereby a recreation of the Ark of the Covenant, Royal priests with ephods and religious garments, did march the project and made nine televised proclamations.

2. The Port O' Sel, Grand Turk Harbour, TCI became a

P O R T O S E L

Page 1 of 14

C:7 204

Principality of Orange Reorganized To Operate Subject to Emir de Vittel's Law of Nations and under the Laws of God; and the Johnson family under the Law of Nations, Section 56, had the right to become a distinct party, due to threats by Federal Agents to destroy the liberties and religion of this Royal family.

3. The Johnson family had the right under the Law of Nations, Chapter XII, Piety and Religions, to pick up their assets and go to where their religious conscience would not be violated, which they did by transferring Ice Ban America, Inc. common stock to nine foreign corporations as collateral for Port O' Sel, Grand Turk Harbour, TCI (hereinafter Port O' Sel).

4. The Johnson family lawfully resisted the tortfeasors (d/b/a United States Attorney, which have been extensively defined and identified in an April 13, 2002 filing of a Rule 3 Criminal Complaint and a 23-page May 8, 2002 Proposed Presentment or Indictment, which is part of a I. Verified Declaration, et al. filed in this case), and henceforth the Johnson family regarded these tortfeasors as usurpers seeking to oppress them, Port O' Sel and their religious conscience.

5. Under the rule of Postliminium, Law of Nations, Section 204, Port O' Sel and the Royal Johnson family must be restored to their former status; return the property to its owners; and by putting things as they were before the enemy became master of them. (See Exhibit Z, Pages Z-1 to Z-18 & Z-58 to Z-64).

6. The evidence of the religious war against the Johnson family members is also set forth on pages 6 to 8 attached hereto and made a part hereof. All Motions filed by Petitioner from

November 16, 2001 through this Motion all support the violations of the Law of Nations, Article 1, Section 8 of the United States Constitution of 1789 A.D.; violations of civil rights, religious rights and Constitutional rights of the Royal Johnson family; and violations of the Federal Rules of Criminal Procedure and the Local Rules of the United States District Court, Southern District of Florida.

WHEREFORE, Petitioner prays the honorable Court to grant the following relief requested in this case:

a. Issue an Order forthwith for the Congress of the United States to define and punish these offences against the Law of Nations.

b. Recind Magistrate Judge Charlene H. Sorrentino's Order of August 23, 2002 for Extension of Time requested by Carolyn Bell "to respond to petitioner's writ for habeas corpus.", and declare all further pleadings by the Government time barred because the Government's request for an Extension of Time was frivolous, made in bad faith with unclean hands and solely for the purpose of delay. The Government sent Petitioner her Motion to Extend the Time on August 20, 2002, in order to get an extension before Petitioner had a chance to respond.

c. Order Patrick Scott, attorney and escrow agent for a 16th of February 2001 Agreement, charged with breach of his fiduciary duty, malpractice and breach of contract for his failure to comply with 1. Consideration, 1.05 of said agreement, which provides "In any event, if all approvals and a preliminary acceptance order in the criminal case are not entered by all Courts prior to March 7, 2001, all documents and funds shall


be released to the parties who provided them, ..."

All approval in the cases previously cited in the 16th of February 2001 Agreement were not entered by all the Courts prior to March 7, 2001 as required under contract law or under the Uniform Commercial Code (U.C.C.).

Since Patrick Scott extorted members of the Royal Johnson family with threats such as on Exhibit Y, Pages Y-1 & Y-2 (Pgs. 9 - 11 attached); and joined a criminal enterprise headed by a division of Merrill Lynch (hereinafter Bondholders) so that Patrick Scott, Soneet Kapila and the Bondholders could be the primary beneficiaries of the 16th of February 2001 Agreement. I pray the Court to rescind the 16th of February Agreement and declare it void ab initio. (See attached April 16, 2001 letter to Eliot Spitzer, Attorney General for the State of New York, re criminal activities of Merrill Lynch, et al. on pages 12 to 14).

d. And Petitioner requests any and all relief that is just and proper that is requested in previously filed Motions and Petitions.

RESPECTFULLY submitted this 29th day of August, 2002.


Warren D. Johnson, Jr.
53225-004 / A-3 Citrus
Federal Correctional
Complex, Coleman - Low
P.O. Box 1031
Coleman, Florida 33521

7001 2510 0004 8723 8659

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
JOHNSON Postage \$ 1.60 53225-004 Certified Fee 2.30 A-3 Return Receipt Fee (Endorsement Required) 1.20 Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$ 5.11	
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PS Form 3800, January 2001 See Reverse for Instructions

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the foregoing Motion was been sent by U.S. first class mail to the following:

Carolyn Bell, Assistant United States Attorney
500 Australian Avenue, Suite 400
West Palm Beach, Florida 33401

Justice Rith Bader Ginsburg
United States Supreme Court
One First Street, N.E.
Washington, D.C. 20543

Patrick Leahy, Chairman
United States Senate Judiciary Committee
433 Russell Senate Office Building
Washington, D.C. 20510

FCC-Coleman-Low Legal Mail
on August 29, 2002

BY: 

Warren D. Johnson, Jr.

**EVIDENCE OF THE RELIGIOUS WAR
AGAINST THE JOHNSON FAMILY MEMBERS**

1. The Government admitted the maximum sought in the Criminal case was \$250,000.

2. Johnson's Judgment against Merrill Lynch, et al. was greater than \$250,000 and covered the maximum sought if Johnson was truly guilty of a crime.

3. F.B.I. Agent McBride's message that he would prove to Johnson that he (McBride) was the ANTI-CHRIST.

4. McBride attacked the Penwood Farms Church project to create a church, build an organic farm to give jobs to, and feed the poor,

5. McBride attacked the Living Waters Church in order to prevent Scott Scheer, a Lutheran ordained Minister from selling Ice Ban America, Inc. stock to pay off the Church mortgage and save the Church from a foreclosure and sale.

6. Scott Scheer is from a family of five Lutheran ministers.

7. Carolyn Bell attempted to throw Scott Scheer out of the Courtroom because he wore a cleric collar.

8. McBride told Bell "here comes the dog and pony show with their Bibles" at trial.

9. Patrick Scott, attorney for Trustee Kapila, did not want the Grand Turk Harbour Project and had no intention of building a religious project, but Carolyn Bell insisted it be taken.

10. Patrick Scott did not want the Johnson family home, that Dianne Johnson was using as a Church, with weekly Church services, but Carolyn Bell demanded it be taken.

11. Carolyn Bell's questions to Government witness Rashid "Reg" Bodhanya, a Muslim, about (1) did he pray with you? and (2) "The Israel of the Gentiles" project reference were probably an attempt to mock God, but in asking these questions, she admitted her extensive knowledge of the Johnson religious conscience.

12. The attack on Warren D. Johnson, Jr. and threats against his family, as well as destroying the lives of baby Daniel and Ashleigh Taylor Brown, make this a hate crime; the destruction of numerous churches, church projects, collateral for church projects, homes and church projects of Burton Wickham and Richard Grund made this a religious war.

13. The over 50 letters from citizens, Churches and Church leaders showed the Judge the deeds of Warren D. Johnson, Jr., that Judge Ryskamp stated he did not doubt that Johnson did all those good deeds. These letter show the history of Johnson's religious conscience.

14. The Government failed to take action against the Criminal acts of approximately \$5 million in stolen money and stock by Rashid "Reg" Bodhanya for AmSouth Bank and Star insurance, yet charged Johnson on a law that did not exist, on a lawful payment Dr. Harber made to Linkous Corporation. Harber and Linkous told McBride and Bell on September 14, 1998 that Harber had not paid the principal of \$250,000 on a riverfront lot sale. The Government obstructed Justice, put on a sham trial, destroyed F.B.I. 302 field reports and convicted an innocent man, in order to destroy the collateral for Churches and Church projects.

15. The Government has no business in a religious war, whereby it uses cruel, in-humane and degrading treatment, as well as torture of children. They operated under the color of law and displayed a gross abuse of Government power. This is no different than Mississippi in 1964, when the KKK hid behind robes, to hide the badges and positions of white supremacists, who were the police and keepers of the rule of law.

16. This religious war started in 1988 as a vendetta, but the end result has been: (a) the attempted destruction of a historic family who previously fought a 30 year religious war in Europe; (b) the destruction of numerous Churches and Church projects; (c) the destruction of collateral for these projects; and (d) the attempted destruction of the Johnson family's religious conscience and historic principality.

17. Carolyn Bell told attorney Richard Lubin, "that they seized Adam Brown's house and land so that they could not afford to hire attorneys to help them or his father-in-law."

18. Carolyn Bell told attorney David Roth, "that she went up seven levels to get permission to break Johnson's attorney-client privilege."

19. One, upon a review of this case de novo, must ask "what is the Government's interest in waging this religious war?"

20. The "religious conscience" and history of the Johnson family is firmly established in all historical records and documents from the 12th century through this current time, with no recorded reason to re-write history (or) destroy a family who founded both New York and Massachusetts, or their current Churches and projects, which are cast in the exact mold of their predecessors.

Based on the evidence, one must ask:

21. Are these calculated acts designed to change the rule of law in this country and thumb their nose at International law, as well as the rights of a historic family under the Law of Nations?

22. Can our Justice Department, Congress and President continue to support the criminal enterprise of McBride, Bell, Scott, Ryskamp and the other tortfeasors, who wish to win this religious war?

23. Since the Johnson family has, since the 12th century, established religious safe havens, fought religious wars and built Churches to the glory of God, then is this not a war against God?

----- Forwarded message -----

From: "David Feingold" <feingoldkam@hotmail.com>
 To: jeffreyjon@juno.com, firefall@bigfoot.com
 Date: Wed, 14 Feb 2001 20:05:08
 Subject: Fwd: Johnson
 Message-ID: <F229eqoMIOGCvqQ7SzE000055cc@hotmail.com>

Dear Jeff and Richard,

Please circulate to the appropriate parties and advise me of your comments

>From: PScott1615@aol.com
 >To: <lloyd@bdsllaw.com>, <jmccann@akerman.com>, <lou_isakoff@usa.net>,
 > <BigJimLaw@aol.com>, <feingoldkam@hotmail.com>,
 ><carolynbell@usdoj.gov>, <BCLCCRITTON@aol.com>, <MLUTTIER@aol.com>
 >Subject: Johnson
 >Date: Wed, 14 Feb 2001 11:04:00 EST
 >
 >
 >I have heard indirectly that Warren Johnson has found a lawyer who he is
 >confident can get his conviction overturned. If he does not sign the
 >settlement agreement and related documents by the commencement of the
 >hearing on Friday, I think there will be no turning back. We will
 >pursue
 >every asset, including Adam Brown and Kelly Brown's home, the Globenet
 >stock, and judgments against every family member who ever made a dollar
 >from selling Ice Ban America stock or IBAC stock. We will seek
 >nondischargeable judgments against several of them for conspiracy to
 >defraud
 >
 >I am e-mailing to each of you a complete set of the current drafts of
 >all
 >documents, so that there will be no confusion over what the documents
 >are
 >Note that the proposed bankruptcy court order approving the settlement,
 >and
 >a list of exhibits to the settlement agreement, are included among the
 >attached files by e-mail
 >
 >The only changes from the previous set that was e-mailed are
 >
 >1) The signature date of all documents have been changed from "January
 >____" to "February ____",
 >
 >2) The references to February 2 and February 9 in the settlement
 >agreement
 >have been changed to March 16, and the reference to March 1 closing
 >deadline has been changed to March 7,
 >

Juno e-mail printed Wed, 15 May 2002 21 08 58 , page 2

>3) We have included a new document to fill an omission in the
assignments
> Adam's interest (and what we allege to be Warren's secret interest)
in
>Bay Pointe Estates was to be assigned to the trustee per 1 12 of the
>settlement agreement, so we now have a separate assignment document for
>that,
>
>4) The proposed order has some stylistic changes as well as some new
>language in 2 and 3, all at the suggestion of Jim McCann or Lou Isakoff
>
>I am including two versions of the settlement agreement which differ
only
>in 1 10, 1 11, and 1 14 (having to do with whether the \$50,000 is put up
>now and later refunded) Either version is acceptable to the trustee,
and
>the Johnson family must choose one I remind you that the trustee is -
not
>amenable the waiving the \$50,000 escrow and paying \$50,000 to the
Johnsons
>or their attorneys
>
>I will have clean copies of all documents at the hearing But once the
>restitution hearing begins, there is no way to settle the case.
>
>
>
>
>
>
>010214pMemAllParties

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Certified Fee	2.10	
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Total Postage & Fees	\$ 4.40	

98-8039-CR-14

Sent To CLERK OF THE COURT
U.S. DISTRICT COURT
Street, Apt. No. or PO Box No. 501 CLEMATIS STREET
City, State, ZIP+4 WEST PALM BEACH, FL 33401

PS Form 3800, January 2001 See Reverse for Instruction

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired
- Print your name and address on the reverse so that we can return the card to you
- Attach this card to the back of the mailpiece, or on the front if space permits

1 Article Addressed to

Clerk of the Court
U.S. District Court
So. District of Florida
701 Clematis Street
West Palm Beach, FL
33401

2 Article Number
(Transfer from service label)

7001 0360 0001 5143 6854

PS Form 3811 August 2001

Domestic Return Receipt

102595 01 M 25C

COMPLETE THIS SECTION ON DELIVERY

A Signature Z. Coyle ☒ Agent ☐ Addressee

B Received by (Printed Name) Coyle C Date of Delivery 5/28

D Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3 Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C O D

4 Restricted Delivery? (Extra Fee) ☐ Yes

April 16, 2002

Eliot Spitzer
Attorney General for the State of New York
120 Broadway
New York, New York 10271

RE: Criminal Activities of Merrill Lynch, et al.

Dear Attorney General Spitzer;

My family of 21 members have been the victims of criminal activities of Merrill Lynch and their Attorneys in a real estate partnership called the Preserve at Palm-Aire, Ltd.; the facts of which should supplement your current investigation into their corrupt practices.

According to C.P.A. Henry Blankeston, this project would have yielded \$424 million positive cash flow over its life, but Stephen Rofsky, advisor to the Merrill Lynch's Apex Fund sought to illegally take over the project and conspired to violate State and Federal Laws as follows:

1. Rofsky brought to our partnership outside management in July 1991, who he later admitted in Depositions on the Hallmark Homes Case he knew were thieves and crooks up to seven months earlier;

2. These thieves and crooks as outside management stole \$1.4 million of the operating funds, funded by my real estate sales, to break a very successful project in order to take it over;

3. Rofsky, Merrill Lynch and its lawyers then gave our partnership a worthless agreement January 29, 1993 in order to allow them to bid in the project and their \$28 million in tax-free Bonds for \$1,000 on February 2, 1993;

4. The lawyers for the Bondholders, which included Merrill Lynch and Prudential Bache, made a legal blunder in the bid and later covered it up by whitening out the true Buyer (NationsBank as Trustee) and recording an altered and forged Deed to Sun Bank, as successor Trustee, in the public records of Broward County, Florida;

5. Merrill Lynch, et al. received a Judgment against me on Guarantees that I never signed for over \$3.7 million, by committing criminal fraud and lying to a Judge. They knew that they switched the signature pages to agreements I never agreed to or signed. They also knew that I never signed a Second Amended Guarantee on or about July 31, 1991 and I can prove it;

Eliot Spitzer
April 16, 2002

6. I was forced into Bankruptcy by their criminal acts on October 2, 1992;

7. I sued Stephen Rofsky, Merrill Lynch, et al. in 1995 and they bribed a U.S. Trustee to kill the lawsuit and to stop me from paying my legitimate creditors;

8. They then came back to the same U.S. Trustee to re-affirm their fraudulent claim, three years after I was discharged by a U.S. Bankruptcy Judge in Chapter 7, and the U.S. Trustee never informed me of the re-affirmation of their claim;

9. Merrill Lynch, Stephen Rofsky and their lawyers, et al. then used the Department of Justice and the F.B.I. for their own private police force in order to charge me with a criminal act that they fabricated, in order to put me in prison, which they accomplished November 24, 1998;

10. Our family was a founding family of America, arriving on the Mayflower in 1620; drafting the first Constitution (the Mayflower Compact was signed by two of my family ancestors); and initiating a national holiday (Thanksgiving). We are also a founding family of Rhode Island and New York State;

11. Senator Charles Schumer has begun an investigation of these charges set forth in the enclosed Rule 3 - Criminal Complaint, since our family members are primarily living in Orleans County, New York State and Sovereign Citizens of the State of New York;

12. After Merrill Lynch and their lawyers destroyed the collateral guaranteeing the \$28 million in tax-free Bonds, they reported the Bonds in their Annual Reports to shareholders and the S.E.C. as AA rated by Standard and Poors and their auditors. This is fraud, since they knew that they destroyed the Bond's collateral as well as the tax-free status.

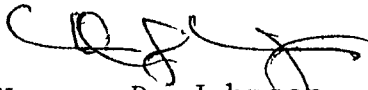
My family and I welcome your investigation into these illegal matters and expect our system of Laws to produce Justice. We have available 572 pages of evidence in 23 Exhibits to support our claims and charges. These exhibits are filed in Federal Court as well as with Senator Charles Schumer's office, who will soon start hearings to expose the criminal activities of Merrill Lynch, Stephen Rofsky, the F.B.I., et al. Their acts are brazen. They think they are above the law, and these firms duped our family and unsuspecting investors out of a fortune. They then targeted our control of two public companies that would have saved America \$50 billion and 1,000 lives annually. These numbers will blow up on them into a scandal of Enron and Arthur Anderson proportions.

Eliot Spitzer
April 16, 2002

Please find enclosed copies of letters of 02/13/2002 to United States Attorney, Paul McNulty, who put these individuals under investigation in 1997 and Senator Charles Schumer's letter of 04/11/2002.

If you wish a complete set of the 23 Exhibits - A to W, please call Jeff or Lynn Johnson, 12118 East Yates Road, Lyndonville, New York 14098 at 716-765-2621.

Yours Truly,



Warren D. Johnson, Jr.
53225-004 / (A-3)
FCC, Coleman - Low
P.O. Box 1031
Coleman, Florida 33521

APPENDIX IV
OF JUNE 6, 2004
COMPLAINT TO JOHN ASHCROFT

A P P E N D I X D

Warren D. Johnson, Jr.
Case # 04-11684-I

Items D:1 through D:24

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

In re:

WARREN D. JOHNSON, JR.,
Debtor.

CASE NO.: 92-33339-BKC-SHF
Chapter 7

- _____/
- I. NOTICE OF CONSOLIDATED FILING TO THIS COURT FOR
VERIFIED DECLARATION IN SUPPORT OF THIS COMPLAINT
AND MOTION FILED IN OCTOBER 2001, HEREIN AS EXHIBIT V -
PAGES V-7 THROUGH V-15;
 - II. VERIFIED PETITION FOR REDRESS OF GRIEVANCES;
 - III. VERIFIED PETITION FOR INJUNCTIVE RELIEF; AND
 - IV. VERIFIED PETITION FOR PROSPECTIVE INJUNCTIVE RELIEF

I, Warren Douglas Johnson, Jr. (Johnson), Affiant herein, Sui Juris and In Propria Persona, declare that I am a Citizen and an inhabitant of Florida, the constitutional Republic, an American Citizen of age and competent to testify with first hand knowledge of the allegations and facts stated herein.

Affiant seeks the protection of the United States, invoking your authority as an Article III Judge under Title 28 U.S.C.

§ 152 Appointment of Bankruptcy Judges which states in part:

"Bankruptcy Judges shall serve as judicial officers of the United States district court established under Article III of the Constitution."

This allows you to adjudicate, and take action on the herein referenced matters under your authority confirmed by Article III, Section 2 of the Constitution for the United States of America of 1789 A.D. as amended and ratified by passage

of the Bill of Rights in 1791 A.D. (the Constitution), which states in pertinent part:

"The judicial Power shall extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; ..."

Affiant further seeks the protection of the United States through the Arrest and Prosecution of those herein named and as of yet unnamed tort-feasors for Conspiracy to commit and the actual commission of the unlawful acts exposed in this Complaint, along with its 709 pages of Exhibits.

I. VERIFIED DECLARATION IN SUPPORT OF THIS COMPLAINT
AND MOTION FILED IN OCTOBER 2001, HEREIN AS EXHIBIT V -
PAGES V-7 THROUGH V-15

Exhibit AA is composed in total of a 7-page Combined Motion filed in District Court, a 3-page Index, and a 115-page Statement of Facts and Supporting Evidence, along with 579 pages labeled Exhibits A to X with a 2-page Table of Exhibits; which copiously document and support the things that I saw and heard, and are the acts which form the basis for the charges alleged herein and are, in the entirety, Affiant's Verified Declaration in Support of this Complaint for the immediate Arrest and Prosecution of the herein named and as of yet unidentified John Does, Jane Does, and John Doe corporations; and these documents are incorporated herein as attachments by reference, printed herein and made a part hereof in their entirety, and identify the following acts and crimes:

1. Affiant argued in District Court to have Bankruptcy expert and attorney Robert Furr of Furr & Cohen, to help Affiant to research and investigate the aforesaid Laws and defenses for the Affiant as standby counsel. Assistant United States Attorney Carolyn Bell interfered with Affiant's attorney-client privilege, knowing that attorney Robert Furr had defeated Adversary case nos. 93-0020-BKC-RAM and 93-0026-BKC-RAM against these very tort-feasors who were in a criminal conspiracy against Affiant. See Exhibit V - Pgs. V-30; Exhibit N - Pgs. N-28; N-36; N-38.

The Court denied on May 12, 1998 Affiant's demand for a Bill of Particulars, which would have exposed the Government's violations of Affiant's due process rights under the Constitution. See Exhibit N - Pgs. N-7; N-11; N-22. N-6; N-21; N-32; and N-33.

2. The Bankruptcy Court was misled by Carolyn Bell and attorney Patrick Scott in the Proposed Settlement Agreement of February 16, 2001. In District Court the transcripts show:

THE COURT: "In other words, the total amount of assets that the Government seeks to seize from this defendant [Johnson] is \$250,000, is that correct?"

MRS BELL: "That's correct, your Honor."

THE COURT: "Do you understand that, Mr. Johnson?"

THE DEFENDANT: "I do."

See Exhibit N - Pgs. N-8.

These tort-feasors should have told the Bankruptcy Court that the agreement was extortion against innocent people who held lawful assets; the limit of the assumed crime was \$250,000; Affiant was denied a writ for a Bill of Particulars; and the Affiant was denied co-counsel by attorney Robert Furr, who was under a Retainer to defend and represent these actions.

3. Affiant alleges that all the parties committed crimes against the People and the peace and dignity of Florida, the People and the peace and dignity of The United States of America, violated the Laws of the United States; and, unless stopped, they will continue in their criminal rampage. These parties named herein have conspired together with each other and agreed to:

A. Create a criminal case where there was no criminal activity or lawful complaint;

B. Create false Evidence to support their charges;

C. Utter and caused to be uttered numerous false and fraudulent statements;

D. Act in concert with each other and unknown parties, and others in such a manner as to create a criminal enterprise in violation of the Federal RICO Act statutes Title 18 U.S.C. Chapter 96;

E. Commit breaches of the peace and dignity of the United States under Title 18 U.S.C. §§ 371, 891, 894, 1001, 654, 875, 241, 242, 2, 3, 4, 1505, 1506, 1510, 1512, 1513, 1621, 1622, 1623, 1951, and 1956;

F. Commit crimes against the Turks and Caicos Islands, an overseas territory of the United Kingdom of Great Britian, its people and their peace and dignity by destroying a multi-billlion dollar project with that country that was a significant part of their economic plan. These henious acts also violated the Law of Nations, Common Law, and natural Law; and

G. Violated Warren D. Johnson, Jr.'s rights under the Constitution of the United States of America of 1789 A.D. as amended and ratified by passage of the Bill of Rights in 1791 A.D. (herein the Constitution):

- a) to secure in his person, papers and effects under the 4th Amendment to the Constitution;

- b) to due process of Law under the 5th Amendment to the Constitution;

- c) to a fair and impartial trial under the 6th Amendment to the Constitution;

- d) by denying equal protection of the Laws under the 14th Amendment to the Constitution; and

- e) by extortion, threats, and intimidation of Warren D. Johnson, Jr.'s family, friends and business associates in violation of the Laws of the United States.

Background Information for the Criminal Complaint

Family History

The Constitution of the United States of America is a cumulation of Law which has its base in the Magna Carta (June 15, 1215) which was the beginning of Common Law; the Mayflower Compact (November 11, 1620) which was the first constitution of self government under God in America and numerous other documents including, but not limited to, the Articles of Confederation of 1781 A.D.

In the Magna Carta, CAP. XXIX, we are guaranteed "we will not deny or defer to any man either Justice or Right." In the Preamble to the Constitution for the United States of America, We the People "establish Justice ..., and secure the Blessings of Liberty to ourselves and our Posterity, ..."

I, Warren Douglas Johnson, Jr. a Citizen of the sovereign State of Florida, along with my family are the posterity of John Alden and Priscilla Mullins (the daughter of William Mullins), who landed at Plymouth Rock, Massachusetts on November 11, 1620; drafted and signed the Mayflower compact and founded a nation based on the values that our nation is fighting for today. They took the road less traveled to create a "Zion in the wilderness," which was re-affirmed by the Maryland Toleration Act of April 21, 1649.

The United States of America was founded on the principles for a free people enunciated in the Law of Nations by Emir de Vattel (1758), which our Nation is subject to; the Law of

Nations was incorporated into our Constitution under Article 1, Section 8, Clause 8, which states "Congress shall have the power ... to establish an uniform rule of naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;" and Clause 10 states "To define and punish Piracies and Felonies committed on the High Seas, and Offenses against the Law of Nations;" (Emphasis added)

Uniform Laws on the Subject of Bankruptcies

Crimes under the Bankruptcy laws are found in Title 11 U.S.C. and are codified under Title 18 U.S.C. at § 3057 - Bankruptcy Investigations and states:

"(a) Any Judge, Receiver or trustee having reasonable grounds for believing that any violation under chapter 9 of this title or other Laws of the United States relating to insolvent Debtors had been committed, or that an investigation should be had in connection therewith, shall report to the appropriate United States Attorney all the facts and circumstances of the case, the names of witnesses and the offenses believed to have been committed. Where one of the officers has made such report, the others need not do so."; and

"(b) The United States Attorney there upon shall inquire into the facts and report thereupon to the Judge, and if it appears probable that any such offense has been committed, shall without delay, present the matter to the Grand Jury, unless upon inquiry and examination he decides that the ends of public Justice do not require investigation or prosecution, in which

case he shall report the facts to the Attorney General for his direction."

When Ray Loesche and Corrine Calvasina filed a complaint with the F.B.I. charging Warren D. Johnson, Jr. with Bankruptcy fraud, it was a violation of Title 18 U.S.C. § 3057 as well as a conspiracy in violation of Title 18 U.S.C. § 371. Only Judge Friedman or Soneet Kapila, as U.S. Trustee and receiver, "shall report to the appropriate United States Attorney all the facts and circumstances of the case, the names of witnesses and the offense or offenses believed to have been committed."

After Warren D. Johnson, Jr.'s discharge of Bankruptcy on March 29, 1993, he personally reopened the Bankruptcy case in order to pursue civil actions against those who caused his bankruptcy and to pay his legitimate creditors. This document is incorporated herein by reference as if printed herein and made a part hereof in its entirety as Exhibit X - Pgs. X-1 to X-3.

During the time the case was reopened in 1994 to 1995, Johnson was entitled to due process of Law under the United States Constitution, Amendment 5, which states "no person ... be deprive of life, liberty or property, without due process of law;" In order for due process to be given to Warren D. Johnson, Jr., Judge Friedman would have to have held a hearing under Title 18 U.S.C. § 3060 - Preliminary Examination which states:

"(a) Except as otherwise provided by this section, a

preliminary examination shall be held within the time set by the Judge or magistrate (b) of this section, to determine whether there is probable cause to believe that an offense has been committed and that the arrested person has committed it."

Instead of following the Law and giving Warren D. Johnson, Jr. "due process", the defendants named in the attached proposed presentment did conspire to violate Warren D. Johnson, Jr.'s civil rights by forming a criminal enterprise to extort lawfully owned property of Warren D. Johnson, Jr., his family, his friends, the Turks and Caicos Islands Government and corporations of that sovereign Nation.

The defendants named herein have conspired together and with each other and have agreed to and did commit acts which constitute the violation of the following provisions of Law: Conspiracy 18 U.S.C. § 371; Extortion or Extortionate 18 U.S.C. §§ 891 and 894; Fraud and False Statements 18 U.S.C. 1001; Officer or Employee of the United States converting Property of Another 18 U.S.C. § 654; Intention to Extort Money or Property from a Foreign Corporation 18 U.S.C. § 875; Civil Rights 18 U.S.C. §§ 241 and 242; Principals of the Crime 18 U.S.C. § 2; Accessory After the Fact 18 U.S.C. § 3; Misprison of Felony 18 U.S.C. § 4; Obstruction of Justice 18 U.S.C. §§ 1505, 1506, 1510, 1512, 1513; Perjury 18 U.S.C. § 1621; Subornation of Perjury 18 U.S.C. § 1622; False Declaration Before Grand Jury or Court 18 U.S.C. § 1623; Interference with Commerce by Threats or Violence 18 U.S.C. § 1951; and Laundering of Monetary Instruments 18 U.S.C. § 1956.

II. VERIFIED PETITION FOR REDRESS OF GRIEVANCES

This instant pleading, and all its exhibits and incorporated documents, constitute a request for the United States to:

A. Arrest and prosecute the tort-feasers for the violations of Warren D. Johnson, Jr.'s Constitutional rights to due process of Law under Title 18 U.S.C. § 3060 Preliminary Examination/Hearing; violations of Law under Title 18 U.S.C. § 3057, whereby an illegal Criminal Complaint was based on a foundation of hostility that was acted upon against Affiant; as well as each and every criminal act hereto for listed and believed to have been committed against Affiant, his family, his business associates, his friends and his Country;

B. A Special Grand Jury to be empaneled for the purpose of hearing testimony and receiving evidence set forth in this Verified Declaration; and

C. A trial by Jury for damages for the benefit of Affiant, Warren D. Johnson, Jr., his family and others so injured by the herein described heinous acts.

D. Arrest and prosecute the officers and directors of Fercal, Inc. (a Florida corporation) along with individual guarantors of the \$1.8 million bank loan with Southeast Bank, whereby they made false statements and committed bank fraud in violation of Title 18 U.S.C. § 1014. (See Exhibit T - Pgs. T-1 to T-33).

Grand Jury Investigation

Warren D. Johnson, Jr. hereby prays the honorable Court will empanel a special Grand Jury to receive the evidence and testimony from Warren D. Johnson, Jr., as set forth in the attached Proposed Presentment, as per the Federal Rules of Criminal Procedure for the United States District Courts, Section III - Indictment and Information, Rule 6 which states:

"The Grand Jury (a) Summoning Grand Juries. (1) generally. The Court shall order one or more grand juries to be summoned at such time as the public interest requires."

It is the obligation and duty of the Court to properly allow the Grand Jury System to consider the evidence against those named in the attached Proposed Presentation under the Law of Nations, natural Law, the United States Constitution, the Law of Necessity and in the interest of Justice.

The Law of Nations states the following: "Nations or sovereign States must be regarded as so many free persons living together in the state of nature. A right is nothing else but the power of doing what is morally possible, that is to say, what is good in itself and conformable to duty, it is clear that right is derived from duty. A society has its own affairs and interests; it deliberates and takes resolutions in common, and it thus becomes a moral person having an understanding and a will peculiar to itself, and susceptible at once of obligations and of rights. And since right is derived from obligation, as we have just remarked, a Nation has the same rights that nature gives to men for the fulfillment of their duties. We must

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therefore apply to nations the rules of the natural Law to discover what are their obligations and their rights; hence the Law of Nations is in its origin merely the Law of Nature applied to Nations. We use the term necessary Law of Nations for that Law which results from applying the Natural Law to Nations. It is necessary, because Nations are absolutely bound to observe it. Natural Law is not subject to change. If there is anything unjust or unlawful in a custom, it is of no force, and indeed every Nation is bound to abandon it, since there can be neither obligation or authorization to violate the Law of Nature."

If the Court does not allow a Grand Jury or Special Grand Jury the right under Natural Law to examine the evidence of these alleged crimes, then the Grand Jury System, as a lawful custom, is of no force and the Nation is bound to abandon it.

What these alleged violations of Law may show, if not addressed, is that those individuals and corporations so named in the Proposed Presentment are above the Law. This would attack our very system of Justice.

International Incident

Under the Charter of the United Nations it states in Chapter I, Article 1:

"(1.) ... in conformity with the principles of Justice and International Law, adjustment or settlement of international disputes ..."

The Turks and Caicos Islands, which is a British overseas territory of the United Kingdom of Great Britain, shall seek

specific performance on the Grand Turk Harbour Development Agreement. The United Kingdom of Great Britain is a permanent member of the Security Council under Article 23 and has the right and obligation to settle disputes under Chapter VI of the Charter of the United Nations.

The conspirators listed in the attached Proposed Presentment did knowingly conspire to steal the lawful collateral that was transferred by Harbour Funding Partners, Ltd. (a Nevada partnership) to guarantee the construction of a multi-billion dollar project, a/k/a Grand Turk Harbour, from Finbar Dempsey, escrow agent for the British Crown and the government of the Turks and Caicos Islands; along with substantial other assets intended for the initial construction of the Grand Turk Harbour project.

Violations of the United States Constitution, the Law of Nations and Common Law by those listed in the attached Proposed Presentment have created an international incident and dispute directly resulting from their criminal activities.

The Law of Nations, Chapter XII, Piety and Religion states: "Piety and religion have an essential influence on the happiness of a Nation ..." "... an enlightened piety in the people is the firmest support of lawful authority ..."

When Michael McBride sent the Affiant a message in 1995, "that when he was done with me, I would know he was the anti-Christ," he violated my civil and Constitutional rights, as well as the Law of Nations. The Law of Nations further states: "First, let us remember that liberty of conscience is derived from the natural Law, and there can be no constraint regarding

it;" "... Citizens have the right to sell their lands, and to withdraw with their families and carry away their goods; for their compact with the society and their subjection to public authority can never operate to the prejudice of their liberty of conscience. If the society does not allow me to do by an indispensable obligation it must permit me to take my leave."; and "... religion is a matter over which no one may give up his liberty."

The Government well knew that the Grand Turk Harbour project was "the Israel of the Gentiles" and that it was formed with a great deal of prayer. (See the Sentencing Transcript relating to Bodhanya's testimony).

Religious Hate Crime

These violations by the conspirators in this case, that form a hate crime based on religion, need to be addressed by the Judiciary Department, however, violations of the Law of Nations and the Turks and Caicos government need to be dealt with by Congress and the International Courts.

The Law of Nations further state: "Religion is of extreme importance for the welfare and the peace of society"; and "Do but drive out the spirit of persecution, punish severely anyone who shall disturb others because of their belief," "... only those who trouble the peace of others are punished."

Carolyn Bell tried to remove pastor Scott Scheer from the courtroom for wearing a cleric collar; Carolyn Bell and Michael McBride referred to the Affiant's friends "as the dog and pony show with their Bibles"; and the anti-Christ slur. How

could the Affiant hope to get Justice and not lose faith in these Judicial officers of the Court?

III. VERIFIED PETITION FOR INJUNCTIVE RELIEF

Affiant prays the Court to hold the tort-feasors in contempt of Court for violating Warren D. Johnson, Jr.'s discharge in Bankruptcy Court granted March 29, 1993 as follows:

A. Multiple threats have been made against Affiant, Warren D. Johnson, Jr., and his family (see Exhibit V - Pgs. V-1 to V-64);

B. A Criminal Complaint against affiant had no basis in Law under the Constitution, the Law of Nations, natural Law or Common Law, and it was a fraud under Commercial Law;

C. Raymond Loesche continued to sue the Affiant for two years after the March 29, 1993 Discharge; formed a criminal conspiracy on December 28, 1992 with the Bondholders through the law firm of Holland and Knight (see Exhibit X - Pgs. X-4); even though he knew that Affiant was innocent of any criminal intent or wrong doing (see Exhibit X - Pgs. X-5);

D. The Bondholders joined the criminal conspiracy by trying to collect a Judgment that they obtained through fraud, knowing that Affiant never signed the 2nd Amended Guarantee on or about July 31, 1991 and they have continually lied to mislead this honorable Court as to the Affiant being liable to them for over \$3.7 million;

E. Warren D. Johnson, Jr. attempted to pay his legitimate creditors through a lawsuit purchased on March 8, 1994, whereby the Affiant's legitimate creditors were to receive twenty-five percent (25%) of the proceeds. The Bondholders misled the Court and U.S. Trustee Soneet Kapila by claiming they were owed over \$3.7 million on a Judgment/and Guarantee that the Affiant never signed and the Bondholders obtained by fraud.

U.S. Trustee Kapila breeched his fiduciary duty by not looking at any of the files within any of the 9 boxes of files delivered to him on December 18, 1992; or by failing to read one word of Warren D. Johnson, Jr.'s Depositions given in December 1992 and January 1993. A case worth millions of dollars, that the Affiant had purchased from the Court on March 8, 1994, was sold for \$25,000 to the very people that had committed the criminal acts charged herein. See Exhibit X - Pgs. X-1 to X-5.

Whereas, the Affiant prays the Court to issue an order to immediately and unconditionally release him from prison as the Sentencing Court (District Court) was without in personam and subject matter jurisdiction to convict Warren D. Johnson, Jr.; and due to the numerous violations of Law, including Constitutional violations of the Affiant's right to due process of Law, divested the Court of any jurisdiction it may have otherwise had.

IV. VERIFIED PETITION FOR PROSPECTIVE INJUNCTIVE RELIEF

Affiant prays the Court to invoke the Doctrine of "Fruit of the Poisonous Tree" against the Tort-feasors.

Affiant prays the Court to have the Special Grand Jury investigate these matters as a Hate Crime based on religion and/or greed, and issue a Restraining Order for Injunctive Relief against F.B.I. Special Agent Michael McBride, attorney Patrick Scott, Rashid "Reg" Bodhanya, et al., and any or all agents d/b/a or acting as United States Attorney from Extortion, Grand Theft, Break-ins, Vindictiveness, Coercion, Government Misconduct, Obstruction of Justice, and the colossal misuse of the F.B.I. agency that turned it into the private Police force of an F.B.I. Agent's sister, major Wall Street firms and the Law firms named in this Vendetta.

Affiant prays the Court to return all moneys and assets illegally taken from the entire Johnson family under the February 16, 2001 Agreement, which was executed under duress and in fact is extortion making the Agreement illegal, by issuing Orders.

Affiant prays the Court to issue an Order to stop any and all future attempts by the F.B.I., or any other Federal Agent, or their officers, employees and servants from ever violating the Law of Nations, Chapter XII, regarding the Affiant sincerely held religious convictions and rights under natural Law, and those of Affiant's family.

Affiant prays the Court to recognized the Johnson Family for who they have affirmed that they are through Exhibit W as

Citizens or Nationals, descended from Huguenots and Pilgrims who have all rights, including religious rights and Common Law rights under natural Law, Common Law, and the Law of Nations which are the Basis for the Constitution; and the Mayflower Compact, which was the first constitution for self government in America, is recognized to be created under God's Law, natural Law and Common Law; the Mayflower Compact's provisions are valid proof of the Johnson family rights since it has never been revoked.

AFFIANT'S REQUESTED RELIEF

Affiant prays the Court to grant the following relief requested in this case:

1. Issue an Order forthwith requesting that Leslie Taylor of the Office of Professional Responsibility investigate these criminal activities as previously Ordered by the District Court.

2. Allow Warren D. Johnson, Jr. to bring his accusations and evidence to an independent Special Grand Jury for the purposes of an independent investigation of all alleged acts.

3. Declare the trial of Warren D. Johnson, Jr. a mistrial and immediately effect his unconditional release from incarceration.

4. Arrest and demand sworn statements from each of the herein named tort-feasors rebutting the allegation made herein, point for point, under penalty of perjury and their full commercial liability, swearing/affirming that their answers/declarations are true, correct, complete and not misleading so help me God.

5. Affiant prays the Court to issue an Order declaring the Agreement of February 16, 2001 VOID AB INITIO, as said order was signed under duress and said order is extortion, whereby Affiant and his family shall move to recover their property, money, legal fees, damages, claims, stocks, corporations, partnership interests, developments, collateral, and any other assets (herein Assets) relevant to this case; or, in the alternative, if any of the above listed assets tied to this case have been damaged in any manner whatsoever and not recoverable, then Affiant, his family, friends, business associates and/or parties to the Agreement of February 16, 2001 shall seek monetary damages in lieu of specific performance for the value in U.S. dollars of the assets lost, transferred or taken (herein Lost Assets). For the lost assets, the value shall be established by replacement cost, highest trading quote, previous published value, appraisal of completed project, positive cash flow over life of the project, or future forward value. The future forward value of the total common stock and shares of Ice Ban America, Inc. and IBAC, Inc. shall be equal to at least one-year savings to the United States of America and to Canada respectfully for each company, divided by the number of shares outstanding at each initial public offering. That value per share shall be multiplied times the number of shares originally held by Affiant, his family, friends and business associates. Where values differ, the highest value shall be taken in each instance.

6. Affiant prays the Court for all other relief the Court finds is just, appropriate and allowed by Law.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: _____

Warren Douglas Johnson, Jr.

As a Private Prosecutor for
the people of the United
States of America,

Plaintiff,

v.

UNITED STATES,
Patrick Scott,
Michael McBride,
Patricia Borah,
Joseph Baruch,
Carolyn Baruch,
Rashid Bodhanya,
Mr. Caron,
Ray Marshall,
Merrill Lynch,
Stephen Rofsky,
Holland & Knight,
Corrine Calvasina,
Ray Loesche,
John Does 1 - 100,
Jane Does 1 - 100,
John Doe Corporations 1 - 100,
In their individual and
D/B/A or Acting as
United States Attorney
character and capacity,

Defendants.

PROPOSED PRESENTMENT
OR INDICTMENT

List of Statutes Violations:

18 U.S.C. §	371
18 U.S.C. §	891
18 U.S.C. §	894
18 U.S.C. §	1001
18 U.S.C. §	654
18 U.S.C. §	875
18 U.S.C. §	241
18 U.S.C. §	242
18 U.S.C. §	2
18 U.S.C. §	3
18 U.S.C. §	4
18 U.S.C. §	1505
18 U.S.C. §	1506
18 U.S.C. §	1510
18 U.S.C. §	1512
18 U.S.C. §	1513
18 U.S.C. §	1622
18 U.S.C. §	1623
18 U.S.C. §	1951
18 U.S.C. §	1956

The Grand Jury charges that:

From on or about June 1, 1987 Corrine Calvasina, the sister of an F.B.I. Agent, did enter into a conspiracy and entered into an agreement to violate Warren D. Johnson, Jr.'s (Johnson, Jr.) Constitutional rights to acquire, own and re-sell lawful

property within the State of Florida; being specifically the riverfront parcel on the St. Lucie river in Martin County, Florida.

In the process of denying Johnson, Jr. his constitutional rights, Calvasina was joined by a Raymond Loesche and David Von Holley of the F.B.I., who threatened, harassed and blocked Johnson, Jr. from the purchase of the subject property on the St. Lucie River. Johnson, Jr. informed the F.B.I. of the Vendetta in letters on or about September 9, 1993 and March 10, 1997; a Complaint was filed with the U.S. House of Representatives' Judiciary Committee in late 1997.

Ray Loesche furthered the conspiracy with the Law firm of Holland & Knight, the brokerage firm of Merrill Lynch, and its advisor Stephen Rofsky (Rofsky) by use of a confidential fax sent on or about December 28, 1992.

At this point the core group of the conspirators furthered the criminal enterprise and continued to violate the following Federal Laws and attracted additional persons as co-conspirators to commit additional acts and crimes against Warren D. Johnson, Jr. and his family members as follows:

1. The criminal complaint against Warren D. Johnson, Jr. was without substance, and violated his constitutional and civil rights, as well as his right to "due process of Law" under the 5th Amendment of the Constitution;

2. Several witnesses for the Government lied in order to mislead the Jury and so compromised the trial Jury that they convicted Warren D. Johnson, Jr. (Johnson, Jr.);

3. A Judgment obtained against Johnson, Jr. by Merrill Lynch d/b/a Apex Municipal Fund, Inc., et al. (Merrill Lynch) was obtained by fraud;

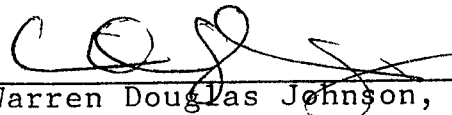
4. Johnson, Jr., his Bankruptcy estate, and his partners were defrauded under an Agreement of January 29, 1993 (Repurchase Agreement), whereby Merrill Lynch destroyed the collateral for \$28 million of Florida Housing Finance Authority tax-free Bonds. NationsBank, as trustee of a \$28 million mortgage on the Preserve at Palm-Aire, Ltd.'s property, did bid on the foreclosure for \$1,000 on or about February 2, 1993 from the Court Clerk of Broward County, Florida. Holland & Knight did white out the name of the Buyer (NationsBank), typed in Sun Bank as successor Trustee and recorded the altered and thus forged Deed into the public records. These acts destroyed the Bonds which were to be delivered under the Repurchase Agreement. In order to collect the aforesaid Judgment, obtained through such fraud, against Johnson, Jr., Merrill Lynch did re-affirm the claim against Johnson, Jr. with U.S. Trustee Soneet Kapila over three-years after Johnson, Jr.'s discharge in Bankruptcy. Trustee Kapila failed to inform Johnson, Jr. of said claim;

5. Vendetta continued with Merrill Lynch further making an unlawful claim against Johnson, Jr. in order to collect Judgment obtained through fraud, and became major claimant of Restitution.

6. As a result of these aforesaid criminal acts, we the Special Grand jury charge the following individuals and corporations:

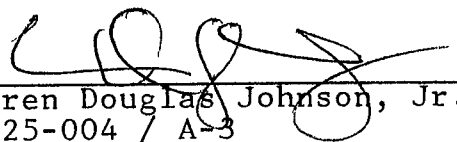
ACKNOWLEDGMENT

I, Warren Douglas Johnson, Jr. hereby acknowledge that I have freely affixed my signature to this 23-page document on this 8 day of May, 2002.


Warren Douglas Johnson, Jr.


OATH

I, Warren Douglas Johnson, Jr. swear under penalty of perjury under the Laws of The United States of America and the Laws of the State of Florida that the above stated facts are true, correct, and not misleading under my full commercial liability this 8 day of May, 2002 according to my first hand knowledge and are made in good faith and with clean hands.


Warren Douglas Johnson, Jr.
53225-004 / A-3
Federal Correctional
Complex, Coleman - Low
P.O. Box 1031
Coleman, Florida 33521

STATE OF FLORIDA)
) ss
COUNTY OF SUMTER)

The foregoing instrument was acknowledged before me this 8 day of May, 2002, by Warren D. Johnson, Jr., who is personally known to me or who produced identification and who took the above stated oath.


Notary Public

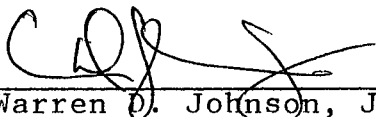
My Commission Expires:



Ricardo Miro, Notary Public
Commission # CC 753139
Expires June 21, 2002
BONDED THRU
ATLANTIC BONDING CO., INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Carolyn Bell, Assistant U.S. Attorney this 14th day of May, 2002.

BY: 
Warren D. Johnson, Jr.

TO: John Ashcroft,
Attorney General

FROM: Warren D. Johnson, Jr.

DATE: JUNE 6, 2004

re: BE ON GUARD FOR A CONTINUING COVER-UP AND
OBSTRUCTION OF JUSTICE BY THE F.B.I.,
MERRILL LYNCH, ET AL. IN CASE NO. 98-8039-CR
RYSKAMP - U.S. DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

Up until early 2002, Senator Charles E. Schumer of the Senate Judiciary Committee worked on Investigating a Federal Rule III Criminal Complaint of April 19, 2002 against F.B.I. Agent Michael McBride, Merrill Lynch, Assistant United States Attorney Carolyn Bell, and the Law Firm of Holland & Knight, which was run by attorney Bill McBride and represented Merrill Lynch.

Since this group has tremendous potential to stop investigations and obstruct justice, I wish to put on the record the twenty current new articles covering the above groups:

News Articles 1 & 2 clearly show that Chesterfield Smith, founder of the Holland & Knight Law Firm, "was mentor and father figure to Democratic gubernatorial candidate Bill McBride" and "he ran with a heady crowd — Supreme Court justices, judges, senators and presidents ..."; and, "In every other row, it seemed, was a state or federal judge, many owing appointments to Smith."

News Articles 3 to 9 outline the Merrill Lynch scandals and, "In the Enron corporate scandal Merrill Lynch & Co. accepted responsibility for the alleged criminal activity of some of its employees ... in exchange for not being prosecuted by the Justice Department."

In News Articles 10 to 15, "Inspector General (Glenn Fine) criticizes FBI disciplinary policy" and "Boston's FBI scandal was disturbing enough: Agents taking bribes, shrugging off gangsters' crimes and shielding informants from police. Now, it has turned almost unthinkable: A retired agent is charged with aiding a mob hit on a reputable businessman."

New Articles 16 to 20 outline "Judicial system misconduct" whereby all the acts of misconduct charged against Assistant United States Attorney Carolyn Bell are set forth in News Article 16

These news articles are both relevant and significant, since the above named persons are operating in an environment where they are above the law and can cover-up their criminal acts as outlined in the Federal Rule III Criminal Complaint - and all the supporting documentation which copiously documents their crimes.

We must take Robert P. McCulloch, President-elect of the National District Attorneys Association (in News Article 20) at face value, when he stated, "In those rare cases in which prosecutors do engage in intentional misconduct, they are punished, up to and including disbarment and imprisonment."; however, be on guard for a continuing cover-up of these criminal acts.

- > Introducing inadmissible or inflammatory evidence.
- > Mischaracterizing evidence or facts.
- > Hiding, destroying or tampering with evidence, case files or court records.
- > Failing to disclose evidence that might exonerate defendants.
- > Threatening, badgering or tampering with witnesses.
- > Making inappropriate comments in front of a jury.
- > Making improper closing arguments.

The political pressure will be great due to the following facts set forth below:

1. Senator Charles Schumer is a personal friend of Janet Reno and campaigned for Bill McBride in the Florida gubernatorial race against Jeb Bush.
2. Chesterfield Smith of Holland and Knight was not only Janet Reno's personal friend, but one of only two attorneys invited by Ms. Reno to the unveiling of her portrait at the Justice Department. Only a dozen people were invited, who were mostly family.
3. Janet Reno's sister, Maggie Hurtchella, was the only person to oppose Bay Pointe Estates on the Martin County, Florida Commission. This project was at the center of the case against Warren D. Johnson, Jr.
4. It may prove out that Mike McBride, Bill McBride and Prosecutor Carolyn Bell were all operating under orders from Janet Reno and Chesterfield Smith.

**AFFIDAVIT OF JEFFREY JOHNSON, A PRIVATE PROSECUTOR,
IN SUPPORT OF A CRIMINAL COMPLAINT AND ACCUSATION
OF A COVER-UP OF PUNISHABLE OFFENSES BY
FEDERAL JUDGES PATRICK A. WHITE AND
KENNETH L. RYSKAMP, ET AL. TO THE CONGRESS
OF THE UNITED STATES TO THE ATTENTION OF
CONGRESSMAN THOMAS M. DAVIS, III
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515-6143**

STATE OF NEW YORK)
) ss.
COUNTY OF ORLEANS)

COMES NOW, Jeffrey Alan Johnson, on behalf of Warren Douglas Johnson, Jr. and his twenty-one family members (herein after referred to as PORTOSEL), who hereby brings this Complaint of enormous magnitude to the Congress of the United States of America under the authority conferred upon Congress by Article 1, § 8, Clause 10 of the Constitution of the United States of 1789 A.D. (the Constitution).

This Complaint being an accusation and formal charge of a cover-up of punishable offenses alleges **inter alia** numerous violations of the Law of Nations, and the laws of the United States, which hereby **requires** inquiry and investigation on the Congress. The charges, which are copiously documented before the Federal District Court of the Southern District of Florida and by this Congressional Committee on Government Reform regarding criminal case no. 98-8039-CR-RYSKAMP, et al.

Whereas, the cover-up of the crimes have now infected the Court system, and the denial of any hearings or investigation continues a gross miscarriage of Justice, along with the crimes set forth in the previous formal charges, Jeffrey Alan Johnson as the undersigned private prosecutor hereby **requires** that

Justice be served and these violations of the rule of law be brought before a Grand Jury, duly impaneled by the Clerk of the Court in a place of competent jurisdiction able to indict said criminals, with the Sheriff summoning a Trial Jury if a "True Bill" is found, and serving process and aiding in the said criminal court; and, Articles of Impeachment be drawn against any Federal Judge or Federal Magistrate Judge, who has denied Warren D. Johnson, Jr., a private prosecutor, the due requirements of the rule of law and its related hearings and inquiry.

Our family, PORTOSEL, a sovereign principality along with its history involving the root and vine of Common Law, hereby **foregives** our enemies, but may present our evidence to a Special Grand Jury in Orleans County, New York for criminal charges, as is our right, but these criminals are truly the problem and the embarrassment of the United States government. We do, however, expect to be fully restored under the rule of Postliminium and paid our damages.

I, Jeffrey Alan Johnson, as a private prosecutor, hereby re-affirms and sets forth the following:

1. Federal Judge Kenneth L. Ryskamp has acted with dishonor in the above referenced cases; acted in bad faith; and, is guilty of judicial misconduct and gross neglect in a major cover-up for Agents, Employees, Officers and/or Servants of the United States, its Agencies, Subsidiaries and Institutions.

Federal Judge Kenneth L. Ryskamp (herein after referred to as Judge Ryskamp) had no Jurisdiction to try the above referenced criminal case against WARREN D. JOHNSON.

2. All filings were completed with the 11th Circuit Court

of Appeals and the case was returned back to Judge Ryskamp in the District Court on March 19, 2002.

3. Judge Ryskamp has completely failed to address the threats against Warren D. Johnson, Jr., which threats were recorded and documented in his open Court on May 5, 1998.

At the trial in November 1998, Judge Ryskamp was put on Notice that the Government was withholding evidence and misled the Jury. Judge Ryskamp then stated, "If you can establish later on that the Government has withheld evidence or misled the Jury, that's a pretty serious accusation and I will deal with that later on."

It is now approximately 67 months later since Judge Ryskamp's open commitment, and he has dishonored his contract and agreement by not "dealing with that."

4. On January 25, 2001, Warren D. Johnson, Jr. spoke in open court for approximately 40 minutes before Judge Ryskamp and gave a complete history of the vendetta, turned religious war, by the government and its employees.

Judge Ryskamp stated that he would order Leslie Taylor of the Office of Professional Responsibility (the O.P.R.) to investigate the charges. Judge Ryskamp never signed such an Order or ordered the record of the hearing to be transcribed in these 41 months since the hearing. This is dishonor and bad faith by Judge Ryskamp.

5. On November 16, 2001, Warren D. Johnson, Jr. filed into Court the PRO-SE MOTION TO REFER THE INVESTIGATION OF FRAUD ON THE COURT, VENDETTA, COVER-UP AND EXTORTION TO THE ATTORNEY GENERAL ... in the above referenced criminal matter before Judge

Ryskamp. It has now been over two and a half years with a moot "ruling" by the Court. The Court has acted in bad faith and dishonor. Judge Ryskamp has dishonored two Notices of Ripeness issued to him under Local Rules of the court.

6. On May 8, 2002, a 23-page Verified Petition and Proposed Presentment and Indictment was filed in Court with Judge Ryskamp. This verified Petition was not acted upon by Judge Ryskamp, whereby Justice and Righteousness demands that the Charges presented to Judge Ryskamp be brought to a Grand Jury of the People.

7. On August 29, 2002, a 14-page Motion was filed in the Court with Judge Ryskamp. In over 23 months, Judge Ryskamp has failed to hold any hearing and ruled that Warren D. Johnson, Jr.'s motion to compel the Congress of the United States of America to punish offenses against the Law of Nations and the laws of the United States were moot, along with other motions before his Court.

8. Judge Kenneth L. Ryskamp hid behind a Report and Recommendation of Magistrate Judge Patrick A. White, a fifteen year Assistant United States Attorney from the Southern District of Florida, who became a Magistrate Judge and immediately put on the civil "habeas corpus" case no. 02-CV-80353-KLR (98-08039-CR) to deny any relief.

9. Magistrate Judge Patrick A. White's Report and Recommendation to Judge Ryskamp is, in itself, a gross cover-up of the lies and deceptions of the Prosecution and such a miscarriage of Justice that any reasonable finder of facts would demand White's immediate impeachment for bad faith, proved by his criminal acts

in the issuing of such an heinous document.

10. The purpose of this Vendetta against Warren D. Johnson, Jr. and his family members was to rob PORTOSEL of a multi-billion dollar development and its collateral, and as a pay back against Warren D. Johnson, Jr. for exposing the criminal activities of Merrill Lynch and their lawyers at Holland and Knight, et al.

11. Judge Ryskamp allowed an agreement of 16th February 2001 to be executed, after he was placed on notice that it was obtained by extortion. In that agreement the assets of Warren D. Johnson, Jr. and PORTOSEL were illegally taken by Soneet Kapila, who Judge Ryskamp misrepresented as an Agent of the United States. The 16th February 2001 agreement was breached by Soneet Kapila and his attorney Patrick Scott.

12. Judge Ryskamp broke the Laws of the Turks & Caicos Islands, a British overseas Territory; and, violated the provisions of the U.K. Human Rights Act of 1998.

Relief Sought

13. The United States House of Representatives should forthwith draw Articles of Impeachment against Judges Kenneth L. Ryskamp and Patrick A. White; and, consider Articles of Impeachment against Magistrate Judge Ann E. Vitunac and Federal Circuit Judge R. Lanier Anderson on the 11th Circuit United States Court of Appeals.

14. The Committee for Government Reform of the United States House of Representatives should forthwith bypass those Agents of the F.B.I. and other government officials who have stonewalled the House of Representative's investigation of these infamous crimes and proceed to a Grand Jury or Special Grand Jury to

present their evidence and ask for an Indictment against any and all persons who have committed criminal acts and broken the law under the Racketeer Influenced and Corrupt Organizations Act (RICO) and any other crimes so outlines, set forth and alleged in numerous motions, filings and documents before this Congressional Committee and in the record.

15. Warren D. Johnson, Jr. needs to be immediately set free, as he is innocent of the crimes charged and the Court had no jurisdiction or authority to try case no. 98-8039-CR-RYSKAMP.

Alternative Relief

16. In the interest of Justice, the Johnson family may prosecute these crimes and illegal acts by taking its evidence to We the People and use the Court set forth under Exhibit "A", lawfully established and available in Orleans County, New York.

17. All monies, assets and projects, et al., illegally held by Patrick Scott, escrow agent under a 16th February 2001 Treaty, are the subject of open motions before the court in case no. 92-33339-BKC-SHF. See attached Exhibit "B".

Further acts by the courts that cover-up additional acts of the miscarriages of Justice need also be addressed, as well as the billions in losses to the Johnson family, PORTOSEL.


18. Losses to the United States of America, through the destruction of Ice Ban America, Inc. are also in the billions of dollars, due to the reckless acts of this alleged RICO, and further illustrated in Exhibit "C" by Readers Digest.

19. Restore Grand Turk Harbour/Port o'sel and its mission.

Oath


I, Jeffrey Alan Johnson, do hereby declare that I am competent to be a witness, that the facts contained herein are true, correct, complete, and not misleading to the best of my first-hand knowledge under penalty of perjury to the laws of the United States of America and to the laws of the State of New York this 12th day of July, 2004.

Respectfully submitted,



Jeffrey Alan Johnson,
Private Prosecutor
12118 East Yates Road
Lydonville, New York 14098
Phone: 585-765-2621

The foregoing instrument was acknowledged before me this 12th day of July, 2004, by Jeffrey Alan Johnson, who is personally known to me or who produced identification and took the above oath.



Notary Public
MICHELE L. HARLING
Notary Public, State of New York
Qualified in Orleans County
NO. DHA6111937
My Commission Expires June 28, 2008

State of New York
County of Orleans ss.
On the 12th day of July in the year 2004 before me, the undersigned, a notary public in and for said state, personally appeared Jeffrey Alan Johnson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted executed the instrument.

Exhibits "A", "B", "C" and "D" attached herein.

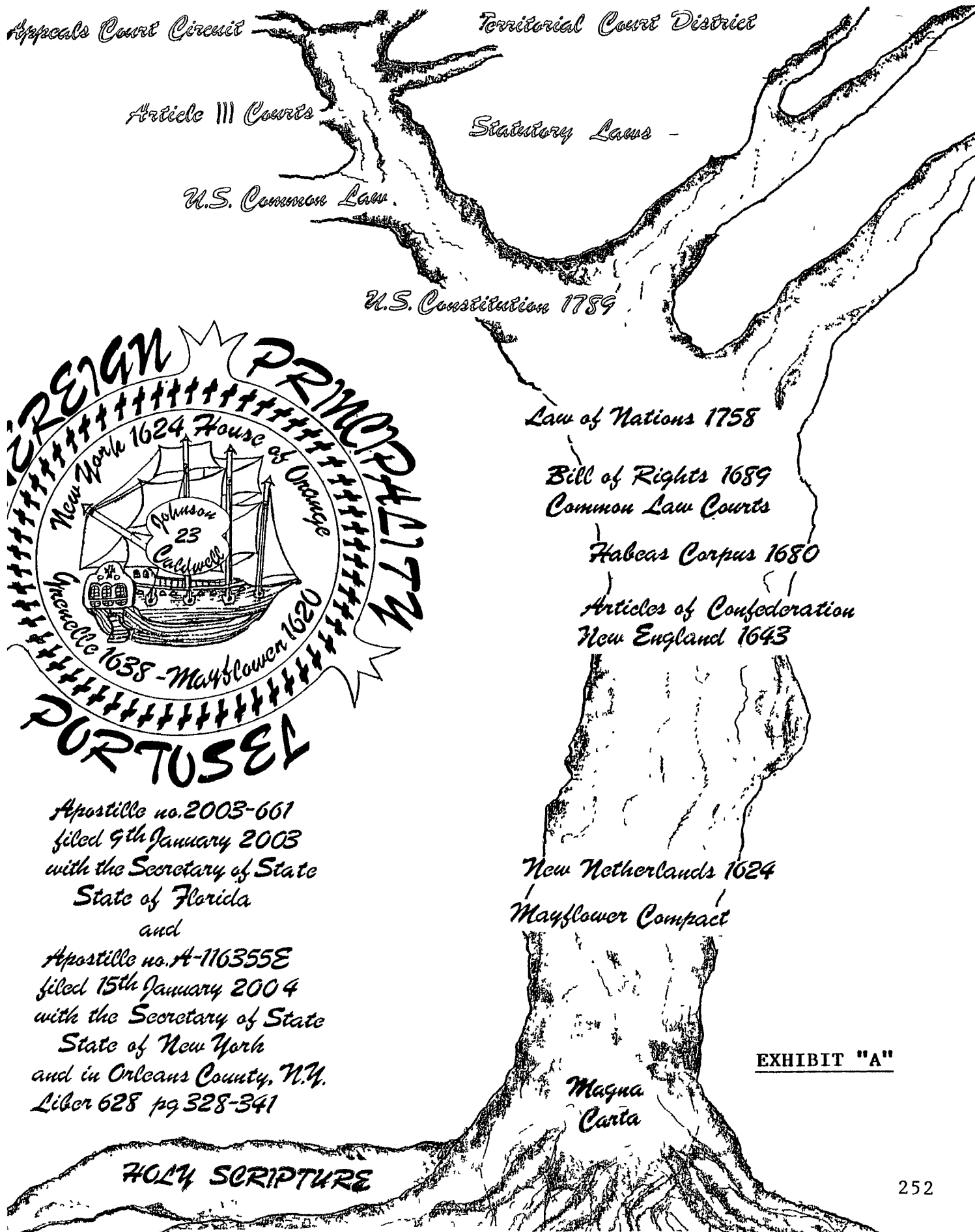


EXHIBIT "A"

Apostille

(Convention de La Haye du 5 Octobre 1961)

1. Country: United States of America

This public document

2. has been signed by **Carol R. Lonnen**

3 acting in the capacity of **County Clerk**

4 bears the seal/stamp of the county of **Orleans**

Certified

5. At Albany, New York 6. the 15th day of January 2004

7. by Special Deputy Secretary of State, State of New York

8. No. A-116355E

9 Seal/Stamp

10. Signature

Howard J Carr

Howard J. Carr

Special Deputy Secretary of State

DECLARATION OF THE COMMON LAW COURT

In Orleans County, New York)
In The United States of) ss. By PORTOSEL, a Sovereign Principality,
America) certified by the Secretary of State,
State of Florida, on the Ninth day of
January, A.D., 2003 with reference I.D.
number 162939.

KNOW ALL BY THESE PRESENTS: That We The People were given by our Constitutional Fathers under the Mayflower Compact on Eleventh of November, 1620 A.D., signed by PORTOSEL's great ancestors John Alden and William Mullens, which provided for later Constitutions; and, in 1776 a common law Constitutional Republic form of Government was declared as a servant government to serve the sovereign master, being The People; and wherefore, the servant government did derive a certain limited authority to legislate congressional acts for the management authority of the Union of States without the surrender of any sovereign rights of the people. The Constitution makes its very clear that the people have surrendered nothing to the servant government, and it is solely a servant of The People.

PORTOSEL's Common Law Court shall authorize grand jury investigations and conduct Common Law Court trials afforded to sovereign American which are directly established by the Constitution.

The Constitution obligates the people with their inherent sovereign right and authority within the Constitution to seek a remedy for redress of grievances; and, to protect unalienable Rights, among these being Life, Liberty and pursuit of Happiness, to protect property rights, with the freedom to live and work without Governmental intrusion — as intended by our Constitutional Father — and for the accountability of all public servants who have violated their "Constitutional Oath".

I. The Constitution Is The Law Of The Land

The general misconception is that any statute passed by legislators bearing the appearance of Law constitutes the Law of the Land. The U.S Constitution 1789 is the supreme Law of the Land, and any statute, to be valid, must be in agreement. It is impossible for a Law, which violates the Constitution, to be valid. This is succinctly stated as follows:

All laws which are repugnant to the Constitution are null and void ”
Marybury v Madison, 5 US (2 Cranch) 137, 174, 176 (1803)

“Where rights secured by the Constitution are involved, there can be no rule making or Legislation which would abrogate them ” Miranda v Arizona, 384 US 436 p 491

“An unconstitutional act is not Law, it confers no rights, it imposes no duties, affords no protection, it creates no office, it is in legal contemplation, as inoperative as though it had never been passed ” Norton v Shelby County, 118 US 425 p 422

“The general rule is that an unconstitutional statute, though having the form and name of Law, is in reality no law, but is wholly void, and ineffective for any purpose, since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it ”
“No one is bound to obey an unconstitutional Law and no courts are bound to enforce it ” 16 Am Jur 2d, Sec 177, Late 2d Sec 256

II. These United States Adopts The Common Law With The Constitution

“The United States adopted the common laws of England with the Constitution ” Calwell v Hill, 176 SE 383 (1934)

It has been more than once evidenced by court acknowledgement in various decisions that the united States of America Constitution is a “Common Law Document”, some of which are as follows

Kepner v U S, 195 US 100, 126
Kent Commentaries, 336
Ex parte Bain, 12 US 1, 7 S Ct 781
Mattox v U S, 156 US 237, 243
U S v Wong Kim Ark, 169 US 649, 18 S Ct 456
Strauss v Strauss, 3 So 2nd 727, 728 (1941)
Wylly v Collins, 9 Ga 223, 237 (1851)

“Law of the Land means the Common Law ” Taylor v Porter, 4 Hill 140, 146

III. The Common Law Is Based On The Bible

Court decisions upholding the fact the united States of America is founded a Christian Common Law Republic are, but not limited to, the following

Updegraph v The Commonwealth, 11 Sergeant & Rowles -- Penn S Ct Rep 400
The People v Ruggles, 8 Johnsons New York Common Law Reports 290, 294, 295
Wylly v Collins, 9 Ga 223, 237
The State v Chandler, 2 Del 553, 555, 556, 557, 558, 561
Bell v The State, 1 Swan (Tenn) 42, 44
Vidal v Grad's Executors, 43 U S 127, 2 How 61, 83
Holy Trinity Church v U S, 143 U S 457, 465 to 471 (1892)
Zorach v Clauson, 343 U S 306, 313 (1952)
McGowan v Maryland, 366 U S 420, 461 (1961)
Chief Justice Joseph Story and the American Constitution, J McCellan, p 139 , Oklahoma University Press (1971) the letter of John Marshall to Jasper Adams on May 9, 1833

Commentaries on the Constitution of the United States, Chief Justice Joseph Story, Vol 1, De Capo Press Reprints, pp 443, 444 (1970)

“By the Common Law and by the Bible, which is the foundation of the Common Law ” Wylly v Collins, 9 Ga 223, 237 (1851)

IV. Congress Declares The Bible Is The Word Of God

CONGRESS DECLARES BIBLE “THE WORD OF GOD”

PUBLIC LAW 97-280 – OCT. 4, 1982

Public Law 97-280 96 STAT. 1211

97th Congress Joint Resolution

Authority and requesting the President to proclaim 1983 as the “Year of the Bible”

Wherein the Bible, the Word of God, has made a unique contribution in shaping the United States as active and blessed nation and people,

Whereas deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation,

Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States,

Whereas many of our great national leader-among them Presidents Washington, Jackson, Lincoln, and Wilson—paid tribute to the surpassing influence of the Bible in our country’s development, as in the words of President Jackson that the Bible is “the rock on which our Republic rests”,

Whereas the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Scriptures in the lives of individuals, families, and societies,

Whereas this Nation now faces great challenges that will test this Nation as it has never been tested before, and

Whereas that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation and a people Now, therefore, be it Resolved by the Senate and House of representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate 1983 as a national “Year of the Bible” in recognition of both the formative influence the Bible has been for our Nation, and our national need to study and apply the teachings of the Holy Scriptures

Approved October 4, 1982

A-4 256

LIBER: 628 PG: 331

V. The Word Of God Establishes Our "Unalienable Rights"

The unanimous Declaration of the thirteen united States of America

When in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitles them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed That whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness

The following direct decendants of the Stadholders of the House of Orange will be the founding Judges of this Court:

Judge Jeffrey Alan Johnson
Judge Paul Richard Johnson
Judge Patricia Ann Wellspeak

All future Judges will be appointed by this Common Law Court as it chooses. This Court will administer righteousness and Justice under the jurisdiction and authority of We the People of the United States, and examine cases wherein We the People have been denied their rights under common law; or, if gross misconduct and/or violations of statutory laws of the United States are uncovered, this Court may intervene if it so chooses, and administer Judgment and adjudication under common law.

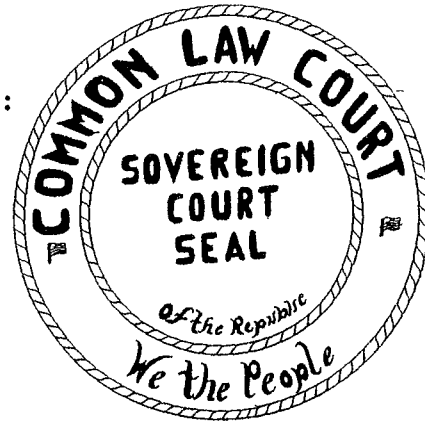
In addition to the aforementioned authority, this Court will adhere to its authority under International Law as codified in the Law of Nations, written by Emir de Vittel in 1758 and referenced in the Supreme Court decision of Choctaw Nation v. United States, 119 U.S. 1 (1886).

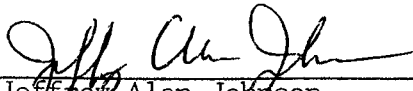
This Declaration of the Common Law Court shall be filed with the country of The United States of America and for the notice of all world governments under the Treaty of de La Haye of 1961 creating an Apostille with the state of the undersigned Notary Public.

Mailing address:

12118 East Yates Road
Lyndonville, New York 14098-4098

Seal:




Jeffrey Alan Johnson

SWORN, SUBSCRIBED and AFFIRMED to before me, a Notary Public, the above Signator, Jeffrey Alan Johnson appeared, identified himself, and affixed his signature hereto, this 8th day of ~~November~~ December, 2003.


Notary Public

My commission expires on:

BRENDA B. DONALD
Notary Public, State of New York
Qualified in Orleans County
No. 01DO6051999
My Commission Expires December 11, 06

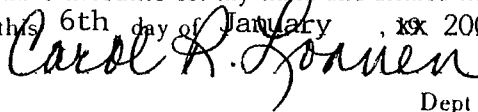
LIBER: 628 PG: 333

State of New York
ORLEANS COUNTY CLERK'S OFFICE
ALBION, N.Y.

(SEAL)

I, CAROL R. LONNEN Clerk of the County of Orleans, of the County Court of said County, and the Supreme Court, both being Courts of Record, having a common seal, DO CERTIFY that BRENDA B. DONALD was at the date of the Certificate of proof or acknowledgment of the annexed instrument in writing a NOTARY PUBLIC in and for the said County, duly authorized to take the same, and to take proof and acknowledgment of deeds to be recorded therein, that I am well acquainted with the handwriting of such person, and verily believe that the signature to said Certificate is genuine, and that the annexed instrument is executed and acknowledged according to the laws of the State of New York.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said County and Courts, this 6th day of January, 2004


Clerk
Dept Clerk

A-6 258



Department of State

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America

This public document

2. has been signed by Ricardo Miro

3. acting in the capacity of Notary Public of Florida

4. bears the seal/stamp of Notary Public, State of Florida

Certified

5. at Tallahassee, Florida

6. the Ninth day of January, A.D., 2003

7. by Secretary of State, State of Florida

8. No. 2003-661

9. Seal/Stamp:

10. Signature:



CR2EO22 (1-03)

LIBER= 628 PG= 334

Ken Detzner

Ken Detzner
Secretary of State

A-7 259

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



MEMBER OF THE FLORIDA CABINET

State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Financing
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

M E M O R A N D U M

To: The Royal Johnson Family
Portosel
12118 East Yates Road
Lyndonville, NY 14098-4098

From: Notary Certification/Apostille Section

Date: January 9, 2003

As requested in a letter dated December 17, 2002, we have certified the following:

<u>Document</u>	<u>Copies</u>	<u>Certificate Type</u>	<u>Name</u>
Notarized document	1	Apostille	Ricardo Miro

This will acknowledge receipt of payment for the cost(s) shown below:

<u>Payment</u>	<u>Amount</u>	<u>Purpose</u>
Check #1572	\$10 00	Certificates

If we can be of further assistance, please let us know.

Enclosures
Reference ID: 162939

LIBER: 628 PG: 335

A-8

**OFFICE OF INTERNATIONAL AFFAIRS
NOTARY COMMISSIONS AND CERTIFICATIONS SECTION**

The Capitol • Room 1902 • Tallahassee, Florida 32399-0250 • (850) 921-5268 or (850)413-9732
FAX (850) 488-2225 • WWW Address <http://www.dos.state.fl.us> • E-Mail. intrel@mail.dos.state.fl.us

260

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America

This public document PORTOSEL - The Royal Johnson Family Declaration of Sovereignty and Treaty with United States

2. has been signed by Ricardo Miro... #DD 094019

3. acting in the capacity of Notary Public of Florida

4. bears the seal/stamp of Notary Public, State of Florida

Certified

5. at Tallahassee, Florida

6. the

7. by Secretary of State, State of Florida

8. No.

9. Seal/Stamp:

10. Signature:



LIBER: 628 PG: 336

Secretary of State

A-9

DSDE 99 (1-99)

This document contains an artificial watermark on REVERSE. Hold at 45°. DO NOT ACCEPT UNLESS VIEWED.

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LIBER: 628 PG: 336

PORTOSEL)	
)	
The Royal Johnson Family)ss.	Declaration of the
)	Sovereignty of the
Joyce Lucille Johnson	)	Principality of Orange
Warren Douglas Johnson, Jr.	)	Reorganized To Operate
Sharon Lynn Johnson Pratt	)	Subject to Emir de
Patricia Ann Johnson Wellspeak	)	Vittel's Law of Nations;
Paul Richard Johnson	)	Nature's Law; and God's
Jeffrey Alan Johnson	)	Law
and Their Heirs in All)	
Future Generations	)	(Hereinafter PORTOSEL)
)	
In Sumter County, Florida	)	re: TESTAMENTARY EXISTANCE
In The United States of	)	OF TREATY BETWEEN PORTOSEL
America	)	AND THE UNITED STATES
)	

KNOW ALL BY THESE PRESENTS: That PORTOSEL, pursuant to the Law of Nations, and history from the 11th century, has established its family heritage with a religious and pious conscience and unalienable rights to reorganized it ancient sovereign principality, which secures the undersigned's legal rights, title and privileges and gives rise to this APOSTILLE of a public document to the United States and to all other sovereign nations and principalities.

The undisputed and recorded history of the Royal Johnson Family - PORTOSEL does far exceed all rights to blood, title and land recognized for Indian tribes as set forth in 41 AM JUR 2d, §§55 to 57; and, is copiously documented in the public records of the United States; United States District Court, Southern District of Florida in case no. 98-8039-CR-RYSKAMP.

The United States is a sovereign and subject only to its own constitution and the Law of Nations. See Supreme Court Case Choctaw Nation v. United States, 119 U.S. 1, 7 S.Ct. 75, 30 L.Ed 306; Hilton v. Guvat, 159 U.S. 163, 16 S.Ct. 139, 40 L.Ed 95 (NY 1895). And PORTOSEL is, in fact, a sovereign and relies on the following:

1. The Holy Bible
2. The Magna Carta of June 15, 1215
3. The Mayflower Compact of November 11, 1620
4. The Law of Nations by Emir de Vittel of 1758 edition
5. The Convention de La Haye du 5 Octobre 1961
6. Vienna Convention 18 April 1961, U.N.T.S. Nos. 7310-7312 vol. 500, pp. 95-239

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7. The Ordinance for the Territory North and West of the River Ohio, 1 Stat. 51 52, July 13, 1787
8. International Organizations Immunities Act, 9 December 1945
9. The Vienna Convention on the Law of Treaties U.N. Doc A/Conf. 39/27 (1969), 63 A.J.I.L. 876 (1969) at Article 2, section 1(a), (b), and (g), and Article II for "limited accession" per TIAS 10072 33 U.S.T. 883, 527 U.N.T.S. 189
10. The Convention on Rights and Duties of States, 49 Stat. 3097, T.S. 881, 165 L.N.T.S. 19, 3 Bevans 145, done at Montevideo, Uruguay on December 26, 1934, @ Art. 2-3 Id. est. "sovereign ecclesiastical State"
11. Convention on the Conflict of Laws Relating to the Form of Testamentary Dispositions, concluded October 5, 1961, #11, et seq., Conflict of Laws (1993)
12. Vienna Convention on Consular Relations and Optional Protocols done at Vienna 24 April 1963, U.N.T.S. Nos. 8638-8640 vol. 596, pp. 262-512
13. Vienna Convention on the Law of Treaties, signed at Vienna 23 May 1969, U.N.T.S., Entry into Force: 27 January 1980

The Royal Johnson Family - PORTOSEL does hereby state that its family members are not 14th Amendment citizens of the District of Columbia but have, in fact, founded and/or ruled over and developed and have been landowners in the area of land known as the state of Massachusetts since 1620; the state of Rhode Island since 1638; and, the New Netherlands which is now known as the state of New York since 1624; and, its ancestors and the current Royal family have been, and in fact are citizens of PORTOSEL inhabiting within the states of New York and Florida.

A contract with the Royal Johnson Family - PORTOSEL is a treaty. The United States has dealt with the Royal Johnson Family - PORTOSEL as a family tribe or band; and Warren D. Johnson, Jr., individually and with power of attorney for each of his brothers and sisters can assert the rights of PORTOSEL. The United States of America has breached its fiduciary contract, capacity and responsibility and has taken advantage of the Royal Johnson Family - PORTOSEL through the vendettas turned religious wars which have been documented and reported to various Federal agencies and departments of the United States over the last thirteen years. Those agencies and departments so notified were the Federal Bureau of Investigation (F.B.I.); the Judiciary Committee of the United States Congress; the Federal courts; the Police; the Judiciary Committee of the United States Senate; the Department of Justice; the Attorney General of the United States; and the Secretary of State of the United States.

As we progress in case no. 98-8039-CR-RYSKAMP and future cases based on future claims under the rule of Postliminium, the Treaty between our two sovereign entities will be forged for all future posterity.

PORTOSEL urges the Congress of the United States to identify and prosecute the violations of the Law of Nations outlined in the aforesaid mentioned case and to use care in order to avoid taking advantage of PORTOSEL; let the United States generously recognize its full obligations to protect the interests of the Royal Johnson Family - PORTOSEL; and to order its enemies to cease and desist all extortion threats, duress, and misusing the Federal courts to oppress PORTOSEL with superior skills of lies and deceits in order to deny the Royal Johnson Family - PORTOSEL justice and continue to violate its religious conscience.

Under 41 AM JUR 2d, § 55, these tactics that continue to occur are illegal in dealing with those whose rights preceded the United States of America of 1789; be it American Indian nations, tribes, bands or PORTOSEL.


The members of the Royal Johnson Family - PORTOSEL, descending from the band of Pilgrims, may in fact be "Diplomatic Agents" or described as "Ambassadors" or "Public Ministers" to the United States on behalf of PORTOSEL, with all rights established in the aforesaid 13 documents listed herein, constitutions, Laws and Treaties; and, any other contract, treaty, document or instrument of Law that does in fact recognize, acknowledge and treat the Royal Johnson family - PORTOSEL with Justice, righteousness and truth.

IN FAITHFUL WITNESS WHEREOF; Joint-Heir-Declarant states the above is true, correct and complete, and not misleading under the Law of the almighty God and His son Jesus Christ; and, under International Law as espoused in the Law of Nations, the Laws of PORTOSEL, and under my unlimited commercial liability, so help me God.

FURTHERMORE; all powers stated herein and the right standing of descendancy and all commitments binding to the Royal Johnson Family - PORTOSEL.


Warren Douglas Johnson, Jr.

SUBSCRIBED and AFFIRMED to before me, a Notary Public in Sumter County, the State of FLORIDA, the above Signator, Warren Douglas Johnson, Jr. appeared, identified himself, and affixed his signature hereto, this 6th day of December, 2002.


Notary Public





STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

RANDY A. DANIELS
SECRETARY OF STATE

Date: 12-11-03

Dear Sir/Madam

We are returning the enclosed documents received in our Albany, New York office on a recent date for authentication

It is the policy of this office to reject documents for the reasons checked off below

☐ Failure to identify country for which enclosed documents will be forwarded to

☐ Failure to include required fee (check or money order) of \$10.00 per document for processing, made payable to the NYS Department of State

☐ Document must be notarized

☒ Document must be certified by the County Clerk.

☐ Document does not contain County Clerk's certificate verifying signature and seal of notary public or notarial equivalents.

☐ Pre-paid envelope, label or postage to return documents, was not included

☐ Document does not originate from New York State

☐ Other ORLEANS 555/589-5334
3 S. Main St
Albion NY 14411

Once the above has been completed, please resubmit to our office for processing
If you have questions, please feel free to contact us at the number listed below

Sincerely,
Miscellaneous Records Bureau
(518) 474-4770

265

A-13

RECEIPT # 84864

DATE 01/06/2004

TIME 02.11P

ISSUED BY. staff

OFFICE OF THE Orleans County Clerk
Albion, NY 14411

ISSUED TO
JEFFREY A. JOHNSON

INST NO	TYPE DOC	BOOK PAGE	TOTAL
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	CERT OF AUTH		
			<u>3 00</u>

CHARGE	.	0 00
CHECK ()	.	0 00
CASH	.	5 00
CHANGE		<u>2 00</u>

THANK YOU! Carol R. Lonnen
Orleans County Clerk

LIBER: 628 PG: 341

4-14

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

In re:

Case No. 92-33339-BKC-SHF

WARREN DOUGLAS JOHNSON, JR.,
Debtor.

CHAPTER 7

_____/

NOTICE OF RE-FILING:
VERIFIED PETITION FOR MANDATORY
JUDICIAL NOTICE OF BREACH OF CONTRACT
BY PATRICK SCOTT, ET AL. AND
EXTORTION AND DURESS IN OBTAINING THE
LAWFUL PROPERTIES OF THE JOHNSON FAMILY MEMBERS
IN THE 16 FEBRUARY, 2001 TREATY
ALONG WITH A NOTICE OF FILING:
A HISTORY OF OUR GREAT ANCESTORS
[THE HOUSE OF ORANGE: John Alden, William Mullins
and Pricilla Mullins OF THE MAYFLOWER COMPACT - 1620;
AND THE HOUSE OF GRENELLE] IN CREATION OF
THE ROOT AND VINE OF THE FOUNDATION OF
THE COMMON LAW COURT FILED UNDER APOSTILLE NO. A-116355E
ATTACHED AS EXHIBIT "A".

COMES NOW, Patricia Ann Wellspeak, appearing Sui Juris
and In Propria Persona, and hereby moves this Honorable Court to
take Judicial Notice of the following facts and information:

1. On or about March 23, 2004, Patricia Ann Wellspeak sent
the Honorable Court the above referenced Verified Petition for
Mandatory Judicial Notice of Breach of Contract by Patrick Scott,
et al. and Extortion and Duress in Obtaining the Lawful Properties
of the Johnson Family Members in the 16 February, 2001 Treaty
via the U.S. mail and is attached to this NOTICE OF RE-FILING ...
as Exhibit "B", and is made a part of this filing.

2. These documents, identified as Exhibit "B", are confirmed
delivered by the Post Office at 10:42Am on March 25, 2004; and,
are not evidenced as recorded in the above case on its Docket
Sheet, as reported over fifteen (15) days later by PACER on

Saturday, April 10, 2004.

3. On or about March 30, 2004, the Honorable Judge Steven H. Friedman did an open hearing in this case, and appeared to lack an understanding of the history of our family in establishing the foundation of the common law court as filed under Apostille No. A-116355 E, as Exhibit "A", and is made a part of this filing, which is further explained as follows:

ROOT AND VINE

On November 11, 1620 - The Mayflower Compact, being the first constitution for self-government, was signed by two of our great grandfathers, John Alden (9th signor) and William Mullins (19th signer). John Alden became Lt. Governor and served under William Bradford for forty years. (See Exhibit Z in case no. 98-8039-CR-RYSKAMP - with pages Z-1 to Z-12 attached herein.

From 1643 to 1684 - The Articles of Confederation of the United States Colonies of New England did set forth the government and jurisdiction for Massachusetts and New England under the Holy Bible as the foundation of law. (See attached Exhibit "C", and is made a part of this filing).

In 1624 - The House of Orange founded New Netherlands a/k/a New York, whereby our great grandmother, Hannake Jan, daughter of the ruler of the Netherlands, was given a land grant in Manhattan and came to the new world.

In 1630 - The House of Orange ruled over the northeast coast of Brazil (Pernambuco) and settled European Jews from the Netherlands.

In 1654 - The House of Orange re-settled European Jews from Brazil to Manhattan, when they were again threatened by Portugal.

In 1677 - William III, Prince of Orange and ruler of the Netherlands did marry Mary Stuart, daughter of James II - King of England; and, in 1689 William and Mary were crowned King and Queen of England.

In 1680 - The Habeas Corpus Act became the law for "securing the liberty of the subject, and for prevention of imprisonment beyond the seas." (See attached Exhibit "D", and is made a part of this filing).

In 1689 - The Bill of Rights, under William and Mary, Prince and Princess of Orange and our great ancestors, did separate the law from the King, thus establishing common law under the nations law courts and developed England's parliamentary system of government. (See attached Exhibit "E", and is made a part of this filing).

In 1693 - King William and Queen Mary founded the College of William and Mary in Williamsburg, Virginia, which was the first college in the new world offering professional training in law.

In 1758 - International law was codefied in the writing of the Law of nations by Emir de Vittel, whereby under §51 an example is set forth, in which the House of Orange had the "uncontestable right" to be recognized as sovereign due to "unlawful undertakings" by a "usurper seeking to oppress them"; and, under §56 an example is set forth, in which the House of Orange in 1688 came to the aid of England and did "put a check on

his [James II] policy, which clearly tended to overthrow the constitution and destroy the liberties and the religion of the people, ..." These are just two examples under International Law for creating a sovereign and religious conscience, and both are our family, the House of Orange. (Refer to Exhibit Z in case no. 98-8039-CR-RYSKAMP, pages Z-60 and Z-61.)

THE BRANCH

In 1787, the United States Constitution grew out of the Root and Vine, listed above, and was signed and adopted in 1789 by "we the People".

"We the People" retained all powers and their God given unalienable rights, except those powers expressly granted to a national government, under the Constitution and the Bill of Rights of 1791; and, "we the People" did limit the power of a national government over sovereign state governments by ratifying the Constitution and the Bill of Rights, except those specifically granted.

The United States Constitution is a "common law" doctrine, as follows:

Sovereignty

"Sovereignty was and is in the people." Glass v. The Sloop Betsey, 3 U.S. 6 (1794); Julliard v. Greenman, 110 U.S. 421 (1882); Yick Wo v. Hopkins and Woo Lee v. Hopkins, 118 U.S. 356 (1886).

"Here in America sovereignty rests in the people." Chisholm v. Georgia, 2 U.S. 419 (1793).

"There is no such thing as a power to inherent sovereignty in the government of the United States. In this country, sovereignty resides in the people and Congress can exercise no power which they [the sovereign People] have not by their Constitution entrusted to it: all else is withheld." Julliard v. Greenman, 110 U.S. 421 (1882).

Substance of Common Law

"Every system of law known to civilized society generated from or had as its component one of three known systems of ethics, static, or Christian. The common law draws its subsistence from the latter, its roots go deep into that system, the Christian concept of right and wrong and justice motivates every rule of equity. It is the guide by which we dissolve domestic frictions, and the rule which all legal controversies are settled." *Strauss v. Strauss*, 3 So. 2nd 727, 727 (1941).

JUSTICE MUST BE SERVED

We are informing other parties of the 16 February 2001 Treaty, that at the March 30, 2004 hearing before Honorable Judge Friedman, Patrick Scott admitted that all lawsuits, as required under 1.05 of the Treaty/agreement, were not settled by March 7, 2001. These facts are undisputed and testified to; however, Patrick Scott did misrepresent and mislead the court that all parties had attorneys, as he said he only talked to attorneys, as Jerry Linkous, Jerry Bourne, Thomas Fisher, The Harvard Fund, Ltd., Merchants Trust, Ltd., Burton Wickham, Warren D. Johnson, Jr., and the Turks and Caicos government were not represented by attorneys and they could not have known about Patrick Scott's breach of the Treaty,

All of the above named parties had interests in development, construction, ownership or spiritual use of the multi-billion dollar project, Grand Turk Harbour a/k/a Port o' sel, which was based on our family's religious conscience; and, set forth in a letter of intent accepted by the Turks and Caicos elected government.

In the hearing on March 30, 2004, Patrick Scott refers to a "church in Caycos Islands" (per transcript), which is a 10 acre cathedral and meditation garden on the site plan, and not to be confused with the "legal persons" under the United Kingdom

Human Rights Act, whose collateral has not yet been returned, as required by any breach of contract/agreement escrow under section 1.05 [16 February 2001 Treaty].

Patrick Scott refers to the common law court of "We the People" as "of their own creation." Mr. Scott needs to review the aforesited history of the Root and Vine and understand that "We the People" are the masters and retained all authority; and, by 1789 did deligate "limited" power to a Federal government, which is the servant of "We the People". Legislative acts, under statutory law and its Courts systems, are subject to "We the People"; and, the rule of law cannot be bent to favor someone who clearly and knowingly breached his fiduciary duty and robbed the citizens and "legal persons" so damaged by his threats and extortion and breach of the agreement escrow.

The Johnson Family is the **victim of threats**, an **illegal prosecution** of Warren D. Johnson, Jr., and the **loss** of a multi-billion dollar Grand Turk Harbour project with its collateral stolen from the "legal persons" of the Turks and Caicos Islands. The Johnson Family had **no interest** whatsoever in being stripped of their lawful assets, except the shear terror of other family members being subjected to the "criminal tribunal" to which McBride, Bell, Merrill Lynch, their attorneys, et al. control; and, "threats of being thrown into prison". Patrick Scott and this "criminal tribunal" will be held accountable.

In stating, "Mr. Johnson himself signed several documents after March 7th ..." [page 11, line 6-7 of transcript (Dkt. 310)], Patrick Scott is again deceiving the Court. The 16 February 2001 Treaty provides for all additional writings, instruments, and

other documents necessary to be executed, and Patrick Scott is in fact misleading the Court and misstating the evidence. Refer to 5.06 of the 16 February 2001 Treaty.

Patrick Scott, per section 1.05, is required to specifically perform by March 7, 2001. This requirement for Specific Performance of agreement escrow under section 1.05 has nothing to do with Chapter 7 Trustee Kapila's sale of assets (or) any additional documents for to be later executed. These assets should have been returned to "the parties who provided them" on or soon after March 8, 2001 as perscribed in the specific requirement of the Treaty. Patrick Scott, as escrow agent, should not have hidden his "breech" and then acted as attorney for Soneet Kapila to go forward with the sale of assets, which after March 7, 2001 were by the Treaty itself clearly the property of "the parties who provided them". Patrick Scott should not try to make the Johnson Family members and "legal persons" under the United Kingdom Human Rights Act [the true victims of **theft**, **threats** and **extortion**], the enablers of the acts of a criminal tribunal. The motives for the acts of this criminal tribunal are simply **greed** and to "cover up" the **criminal acts** of Merrill Lynch, et al. (bondholders), and their **fraud** before this Court. Warren D. Johnson, Jr. never signed the second ammended guarantee; and, the bondholders have committed **fraud** in multiple courts by saying that he did sign the aforesaid guarantee, and by obtaining a Judgment through their fraud.

Judge Friedman was clearly mislead, as shown in his report filed 1st November 2000 with Judge Ryskamp's court. See Dkt. 186.

Under the Citizen's Protection Act of 1998, passed by both the House and Senate of the 105th Congress, A.U.S.A. Carolyn Bell is subject to the following punishable conduct:

1. In the absence of probable cause seek the indictment of any person;
2. Fail promptly to release information that would exonerate a person under indictment;
3. Intentionally mislead a court as to the guilt of any person;
4. Intentionally or knowingly misstate evidence;
5. Intentionally or knowingly alter evidence;
6. Attempt to influence or color a witness' testimony;
10. Engage in conduct that discredits the Department [of Justice].

In a January 25, 2001 hearing before Judge Kenneth L. Ryskamp, the Court had agreed to an investigation of these charges. These charges are being investigated by Congressman Thomas M. Davis, III's Committee on Government Reform and it has been reported back to the Johnson Family that a major Washington, D.C. law firm did file a ten (10) page report of criminal violations against our family; and, hearings are being arranged.

Under (b) PENALTIES. of this act it states that for engaging in punishable conduct the penalties include:

6. suspension from employment; and
7. referral of the allegations, if appropriate, to a grand jury for possible criminal prosecution.

In the 16 February 2001 hearing before Judge Ryskamp, the Court was put on Notice that Warren D. Johnson, Jr. was signing

under "UCC 1-207 Without Prejudice" and he reserved the right to sue under Bivens, the Federal Tort Claim Act and the Uniform Commercial Code. Judge Ryskamp agreed that if Warren D. Johnson, Jr. was innocent as he has always maintained, that he could sue and recover what the assets would have been worth, and Patrick Scott stated that "he [Johnson] could even sue me [Patrick Scott]."

It should be noted that AmJur2d § 33 under TREATIES (74):

"A self-executing treaty is binding upon the federal and state courts. (7)

Footnote 7: Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N.W. 395 (1907); In Re Zalewski Estate, 292 N.Y. 332, 55 N.E. 2d 184, 157 A.L.R. 87 (1944).

Attached herein, as Exhibit "F" and made a part of this filing, are the Interrogatories of Carolyn Bell, which have also been filed with the 11th Circuit Court of Appeals in case no. 04-11684-I.

CONCLUSION

Wherefore, Patrick Scott is clearly in "breach" of the 16th February 2001 Treaty/agreement under section 1.05 Agreement Escrow and the Court is bound by this Treaty under the rule of law to find Patrick Scott in breach, and to take Judicial Notice of this fact and findings.

Respectfully submitted this ____ day of May, 2004.

Patricia Ann Wellspeak

VERIFIED

I, Patricia Ann Wellspeak, do hereby declare and certify that the above is true and correct to the best of my knowledge,

subject to the pains and penalty of perjury, under the laws of the United States of America and the laws of the State of New York, pursuant to Title 28 U.S.C. § 1746. -

Respectfully submitted,

Patrica Ann Wellspeak dated
6112 South Bay Road
Cicero, New York 13039

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing is a true and correct copy of this document and was forwarded by First Class Mail on ____ day of May, 2004 to: LAW OFFICE OF PATRICK SCOTT, Counsel for Trustee, 111 Southeast 12th Street, Suite B, Fort Lauderdale, FL 33316.

BY: _____
Patricia Wellspeak

enclosures:

Exhibit "A"
Exhibit "B"
Exhibit "C"
Exhibit "D"
Exhibit "E"
Exhibit "F"
Exhibit Z - Pages Z-1 through Z-12
Exhibit Z - Pages Z-60 and Z-61

U.S. Bankruptcy Court

Southern District of Florida (Palm Beach)

- Bankruptcy Petition # 92-33339 Date filed 10/2/92
- Assigned to: Judge Steven H. Friedman
- Chapter 7, voluntary, individual, asset

EXHIBIT "B"

* Parties *	* Attorneys *
WARREN DOUGLAS JOHNSON JR. 511 SW Bay Pointe Cir Palm City, FL 34990 SSN: xxx-xx-8545 * Debtor *	Richard L. Freedman, Esq 2101 W Commercial Blvd #5400 Ft. Lauderdale, FL 33309 954-733-1330
SONEET R. KAPILA, Trustee POB 14213 Ft. Lauderdale, FL 33302 * Trustee *	Patrick S. Scott, Esq 111 SE 12 St #B Ft. Lauderdale, FL 33316 954-523-1615

6/7/04	312	Notice of Re-Filing Verified Petition/Motion by Interested Party Patricia Wellspeak For Mandatory Judicial Notice of Breach of Contract By Patrick Scott, et al, and Extortion and Duress In Obtaining The Lawful Properties of the Johnson Family Members In The 16 February, 2001 Treaty Along With A Notice of Filing A History Of Our Great Ancestors (The House Of Orange John Alden, William Mullins and Priscilla Mullins Of The Mayflower Compact - 1620 And The House Of Grenelle) In Creation Of The Root And Vine Of The Foundation Of The Common Law Court Filed Under Apostille No. A-116355E Attached As Exhibit "A" (lt) [EOD 06/07/04] [92-33339]
6/9/04	313	Final Fee Application By Patrick S. Scott for Trustee Soneet R. Kapila For Compensation (Fees \$ 25,689.84, Expenses \$ 1752.62) (lt) [EOD 06/10/04] [92-33339]
6/10/04	314	Notice Of Abandonment by Trustee Soneet R. Kapila To Abandon Property (lt) [EOD 06/10/04] [92-33339]
6/16/04	315	Objection By Debtor Warren Douglas Johnson Jr To [313-1] Application For Compensation (Fees \$ 25,689.84, Expenses \$ 1752.62) by Patrick S. Scott Esq and request for "Criminal Tribunal" in Contempt of Judge Steven H. Friedman's "Discharge of Debtor" on 3/29/93 (lt) [EOD 06/17/04] [92-33339]
6/16/04	315	Motion by Debtor Warren Douglas Johnson Jr To Hold A Criminal Tribunal In Contempt Of Judge Friedman's "Discharge Of Debtor" on March 29, 1993 (lt) [EOD 06/17/04] [92-33339]

Reader's Digest

JULY 2004

And other humongous price tags that don't add up

BY GARY SLEDGE WITH SARAH SAFIR

Repairs, Home, Auto, etc.

From rust to rust. Corrosion eats away \$279 billion annually, the Federal Highway Administration claims.

Bing, bang, boom! Auto accidents cost Americans \$230.6 billion in the year 2000. (And you know your driving hasn't improved since then.)

145

July 29, 2004

Committee on Government Reform
Congressman Thomas M. Davis, III
215 Rayburn House Office Building
Washington, D.C. 20515-6143

re: Investigation of RICO and Cover-up by
Federal Judges in violation of the Rule of Law

Dear Committee on Government Reform:

Please find enclosed the evidence to support that the Federal Judges chosen by law to review over 1200 pages of evidence, findings and legal arguments showing the government's case was a sham, did in fact **never reviewed** any of the evidence from the record of the case, which was left in Miami Courthouse in two boxes from June 14, 2004 to July 22, 2004 -- during the period when the two Circuit Court Judges would have been reviewing the case. This cover-up is outrageous in view of an illegal sentence which is specifically prohibited in the Supreme Court decision of Blakely vs. Washington. (See Exhibit "A").

Attached as Exhibit "B" is the filing of the appropriate Bureau of Prisons' administrative Remedy procedure under Blakely for an illegal sentence, whereby J.J. Clark has violated the rule of law and caused Warren D. Johnson, Jr. to be continued to be held illegally in prison by Warden Bruce Pearson at considerable additional monetary damages.

This Racketeer Influenced and Corrupt Organization has become a great embarrassment to the Justice department as the cover-up continues.

Please present this additional evidence for impeachment and indictment against all additional persons who would violate the Rule of Law, their Oaths of Office and breach their fiduciary duties.

Yours truly,

Patricia Ann Wellspeak
Judge of the Common Law Court
of We the People
6112 South Bay Road
Cicero, New York 13039

District Web PACER (v2.4)

[RECENT EVENTS FROM THE DOCKET REPORT FOR CASE: 9:02cv80353]

4/5/04 -- Certified copies of Notice of Appeal, Docket, and Order under appeal to USCA: [29-1] appeal by Warren D. Johnson as to Warren D. Johnson (mr)

4/6/04 30 ORDER DENYING Certificate of Appealability (Signed by Judge Kenneth L. Ryskamp on 4/6/04) [EOD Date: 4/7/04] (mr) [Entry date 04/07/04]

4/12/04 -- NOTICE of Receipt of Notice of Appeal Transmittal Letter from USCA on 4/8/04as to Warren D. Johnson Re: [29-1] appeal by Warren D. Johnson USCA NUMBER: 04-11684-I (mr)

4/15/04 31 TRANSCRIPT INFORMATION FORM by Warren D. Johnson re: [29-1] appeal by Warren D. Johnson received on 4/16/04 from Court Reporter. (Returned to Court Reporter Coordinator) (nc) [Entry date 04/16/04]

4/23/04 32 USCA appeal fees received as to Warren D. Johnson Re: [29-1] appeal Filing Fee \$ 255.00 Receipt # 900212 (mr) [Entry date 04/26/04]

5/5/04 -- REQUEST from U.S.C.A. dated: 4/29/04 Re: ORIGINAL PAPERS Complied with on: 5/5/04 U.S.C.A. # 04-11684-I (mr)

5/12/04 -- ACKNOWLEDGMENT of receipt by U.S.C.A. of: ORIGINAL PAPERS on 5/7/04; U.S.C.A. # 04-11684-I (mr)

6/14/04 33 ORDER of dismissal from USCA (certified copy) denying [29-1] appeal pursuant to the DENIAL of appellant's motion for a certificate of appealability because appellant has fialed to make the requisite showing. USCA #: 04-11684-I USCA Order Date: 6/10/04 (mr) [Entry date 06/15/04]

6/14/04 -- Record on appeal as to Warren D. Johnson returned from U.S. Court of Appeals: [29-1] appeal by Warren D. Johnson consisting of Two boxes. USCA #: 04-11684-I (mr) [Entry date 06/15/04]

7/22/04 34 ORDER (USCA on 7/19/04) NO FURTHER ACTION WILL BE TAKEN IN THIS CASE. [EOD Date: 7/22/04] USCA #04-11684-I (mr)

[END OF DOCKET: 9:02cv80353]

PACER Service Center
Transaction Receipt

07/24/2004 09:47:16

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Description: docket report Search Criteria: 9:02cv80353
Billable Pages: 1 Cost: 0.07

EXHIBIT A

280

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 04-11684-I

WARREN D. JOHNSON,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

JUDICIAL NOTICE

COMES NOW Warren D. Johnson, Jr., appearing In Propria Persona and In Sui Juris, who has properly filed numerous affidavits, interrogatories, rules of law, documents and findings, etc., which were duly filed under F.R.E. Rule 201(d) of undisputed facts for Mandatory Judiciary Notice, and all evidence set forth is "undisputed" in the records of all cases against WARREN D. JOHNSON, JR., and copiously documents Warren D. Johnson, Jr.'s innocence as a petitioner/appellant and sovereign citizen; and, as well proves and supports the facts that there was never any jurisdiction over Warren D. Johnson, Jr. in any legitimate criminal case by the UNITED STATES since his birth on October 6, 1942.

Warren D. Johnson, Jr. further requests this Court to take Judicial Notice of the Bad Faith decision issued in this Appeal on July 19, 2004, as follows:

1. The two boxes of the aforementioned evidence was returned to the Federal Court in Miami, Florida on June 14, 2004

and recorded on the docket sheet attached as Exhibit "A", which was printed on 07/20/2004, and clearly shows that the two boxes of Evidence could not have been reviewed by Circuit Judges DUBINA and BLACK.

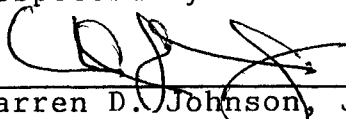
2. Circuit Judges DUBINA and BLACK rendered a decision, which violates their Oath of Office and fiduciary duty as 11th Circuit Court of Appeals Judges, whereby they state "upon reconsideration, Appellant's motion for a certificate of appealability is DENIED because Appellant has failed to make the requisite showing." Judges DUBINA and BLACK further list cases ... Slack v. McDaniels ... United States v. Frady ... United States v. Rowan ..., which are copiously shown in the Evidence in the two boxes to have been misquoted, misused and Warren D. Johnson, Jr.'s evidence and legal arguments (over 1,200 pages) clearly show that the Government's case was a sham.

3. The July 19, 2004 Decision smacks of a cover-up of Criminal wrong doings by a RICO, which includes Michael McBride, Carolyn Bell, Patrick Scott, Soneet Kapila, Holland & Knight, Merrill Lynch, et al.

4. The record in these cases clearly shows that there is no Justice, as set forth by Jerry Spence in a book Justice for None.

Submitted this 22nd day of July, 2004.

Respectfully submitted,



Warren D. Johnson, Jr.
FCC, Coleman - Low
P.O. Box 1031
Coleman, Florida 33521

Proceedings include all events.
9:02cv80353 Johnson v. United States

PAW
CLOSED

6/14/04 33 ORDER of dismissal from USCA (certified copy) denying
[29-1] appeal pursuant to the DENIAL of appellant's motion
for a certificate of appealability because appellant has
failed to make the requisite showing. USCA #: 04-11684-I
USCA Order Date: 6/10/04 (mr) [Entry date 06/15/04]

6/14/04 -- Record on appeal as to Warren D. Johnson returned from U.S.
Court of Appeals: [29-1] appeal by Warren D. Johnson
consisting of Two boxes. USCA #: 04-11684-I (mr)
[Entry date 06/15/04]

[END OF DOCKET: 9:02cv80353]

PACER Service Center
Transaction Receipt

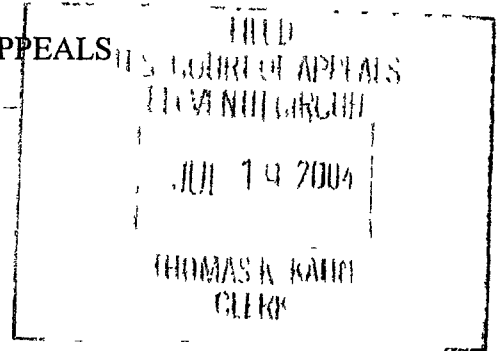
07/20/2004 08:09:42

PACER Login: mg0438 Client Code:
Description: docket report Search Criteria: 9:02cv80353
Billable Pages: 2 Cost: 0.14

Exhibit "A"

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 04-11684-I



WARREN D. JOHNSON,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court for the
Southern District of Florida

Before **DUBINA and BLACK, Circuit Judges.**

BY THE COURT:

Appellant has filed "Appellant's Response to Judge Anderson's Order Denying Motion for COA and Notice to the Court of Filing 'A Motion To Reconsider, Vacate, or Modify An Order' by July 1, 2004," and "Appellant's Reconsideration Motion to Grant 'Motion for COA' Which Was Denied by Judge Anderson Without Full Consideration of the Evidence," which collectively are construed as a motion for reconsideration of this Court's order dated June 10, 2004, denying appellant's motion for a certificate of appealability. Upon reconsideration, appellant's motion for a certificate of appealability is DENIED because appellant has failed to make the requisite showing.

See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 520 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000); United States v. Frady, 456 U.S. 152, 167-68, 102 S. Ct. 1584, 1594, 71 L. Ed.2d 816 (1982); Walker v. Jones, 10 F.3d 1569, 1572 (11th Cir. 1994); United States v. Rowan, 663 F.2d 1034, 1035 (11th Cir. 1981).

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N W
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

For rules and forms visit
www.courtscourts.gov

July 19, 2004

Clarence Maddox
Clerk, U S District Court
701 Clematis St , Room 402
West Palm Beach FL 33401

Appeal Number: 04-11684-I
Case Style Warren D Johnson v USA
District Court Number 02-80353 CV-KLR

The following action has been taken in the referenced case.

The enclosed order has been ENTERED

NO FURTHER ACTION WILL BE TAKEN IN THIS CASE

Sincerely,

THOMAS K KAHN, Clerk

Reply To Pamela Allen (404) 335-6188

Warren D Johnson, Jr (53225-004)
Federal Correctional Complex-Low
P O Box 1031/Unit A-3
Coleman FL 33521

July 19, 2004

Appeal Number: 04-11684-I
Case Style Warren D Johnson v USA
District Court Number 02-80353 CV-KLR

TO Clarence Maddox
CC Warren D Johnson, Jr (53225-004)
CC Anne R Schultz
CC Hon Kenneth L Ryskamp
CC Administrative File

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

APPEAL NO.: 04-11684-I

WARREN D. JOHNSON, JR.,
Petitioner/Appellant,

U.S.D.C. No. 02 CV 80353-KLR/
(98-08039-CR-RYSKAMP)

vs.

UNITED STATES OF AMERICA,
Respondent/Appellee.

**APPELLANT'S RECONSIDERATION MOTION TO GRANT
"MOTION FOR COA" WHICH WAS DENIED
BY JUDGE ANDERSON WITHOUT
FULL CONSIDERATION OF THE EVIDENCE**

COMES NOW Warren D. Johnson, Jr., in propria persona and in sui juris, without counsel, and with good cause moves this Honorable Court to grant "Certificate of Appealability" in order to appeal the denial of his Title 28 U.S.C. § 2255 Petition by District Court Judge Kenneth L. Ryskamp, in order to correct a miscarriage of Justice against Warren D. Johnson, Jr. and to indict Carolyn Bell, A.U.S.A. for her criminal acts in this case.

The Supreme Court in Townsend v. Sain, 372 U.S. 293 (1963) held that the federal judiciary must resolve any dispute material to a claim appropriately raised by a habeas corpus petition and that resolution of factual disputes requires an evidentiary hearing in most cases.

This Reconsideration motion incorporates the facts and

statements presented in his recent filing of "Appellant's Response To Judge Anderson's Order Denying Motion For COA And Notice To The Court Of Filing A Motion To Reconsider, Vacate, or Modify An Order By July 1, 2004."

The undisputed facts presented by Johnson in this case, 668 pages of Exhibits, clearly show that the Jury would have found WARREN D. JOHNSON, JR. innocent of all purported charges and that the government had lied to the jury, and provided perjured testimony to the jury. It is well established that when the government knowingly permitted the introduction of false testimony, reversal of the conviction is virtually automatic. Johnson's Constitutional rights were violated and Magistrate Judge Patrick A. White would not consider the overwhelming evidence because he said that Johnson could not attack his sentence using a § 2255 motion. This has allowed an innocent man to remain in prison unlawfully.

Johnson is again requesting this court to review all of his filings (over 1,200 pages of documents) into United States District Court cases 98-08039-CR-RYSKAMP and 02-CV-80353-KLR since March of 2002 which all relate to his petition for a writ of Habeas Corpus.

Based on the evidence now in the record that has not been disputed under Mandatory Judicial Notice of Federal Rules of Evidence - Rule 201(d), Johnson supports his innocence as follows:

Count 1 - There was a business relationship between Dr. Walter Harber and Jerry Linkous, whereby Dr. Harber bought two waterfront lots from Linkous for \$250,000 each on an agreement

for deed, and the \$250,000 payment by Harber charged under Count 1 was the only principal payment ever made by Dr. Harber to Linkous for Lot 11 in Bay Pointe properties. There was a business relationship between Jerry Linkous and Warren D. Johnson, Sr. (the accused father), whereby Linkous had borrowed \$261,250 from Johnson, Sr. and the \$250,000 payment by Linkous to Johnson, Sr. charged under Count 1 was the only principal payment Linkous ever made to Johnson, Sr. The complete evidence of these transactions were withheld by A.U.S.A. Carolyn Bell, and Dr. Harber, Jerry Linkous and Warren D. Johnson, Sr. never testified before the jury in this trial, so all the testimony and evidence (affidavits) must now be accepted as the facts. Refer to the Affidavits of Warren D. Johnson, Sr., Jeffrey Alan Johnson and Jerry Linkous, which are filed with the Court as Exhibits "A" and "B", Docket #190, in case no. 98-0839-CR-RYSKAMP, and could not possibly allow a reasonable Jury to convict Johnson under Counts 1 and 3 to 7, unless there was a government plant persuading the Jury.

Count 2 - The last bank loan extension, as shown in the foreclosure documents by Southeast Bank, was months before the receipt of any January 1, 1991 copy of a financial statement. This financial statement was only a copy, which the bank admitted that they did not know where it came from or who sent it, and it occurred several months after the last loan extension of March 1990. At the time the interest was pre-paid to June 1991, and the bank was soliciting Johnson to extend the loan as late as July 31, 1991; with several pre-conditions to an extension. Johnson never responded and the loan was foreclosed by Southeast Bank's attorneys within a very few weeks of the bank's last offer and

solicitation to extend any loan to Johnson. No responsible Jury could ever convict Johnson on Count 2, unless again there was a plant on the Jury and without Judge Ryskamp removing the criminal intent element from the jury instructions by a handwritten note to the Jury --- which is in the Court's Exhibits, if the Jury heard the truth and reviewed the evidence, This evidence is now part of Johnson's Exhibits and made part of the record under demand for Judicial Notice (F.R.E. 201) and unrefuted by the government.

Johnson's numerous motions and the "Interrogatories of A.U.S.A. Carolyn Bell" clearly expose her numerous lies, as well as numerous violations of Johnson's civil rights, Constitutional rights, and Due Process rights under law.

Johnson claims the right to be released from this unlawful conviction because the sentence was imposed in violation of the Constitution as well as the laws of the United States, and the court was without jurisdiction to impose such a sentence, and that the sentence was in excess of the maximum authorized and allowed by law, and therefore his sentence should have been vacated, set aside and the indictment dismissed. Unless the court can conclusively show that Johnson is entitled to no relief, the court should have granted a prompt evidentiary hearing thereon, determine the issues and make findings of facts and conclusions of law with respect thereto the issues at hand. There has been such a denial and infringement of Johnson's Constitutional rights to render the court's Judgment vulnerable to collateral attack.

In Ladner v. United States, 358 U.S. 169 (1958), the Supreme Court determined that when there is a necessity for the determination of a factual question concerning the error alleged in the Petition

for relief under § 2255, the petitioner must be given a hearing at which he is entitled to be present.

The Supreme Court said in Machibroda v. United States, 368 U.S. 487 (1962), that a § 2255 petition requires a hearing, because the controverted factual issues were not determined by the motion itself, or by the District Court's files and records concerning the trial, or by the District Court judge's personal knowledge or recollection.

Mr. Alder, trial attorney for Johnson, told the court, "The Government is aware, and I believe they have made misrepresentations to the Jury, ...". Judge Ryskamp stated, "If you can establish later on that the Government has withheld evidence or misled the Jury, that's a pretty serious accusation and I will deal with that later on." See Exhibit J - page J-42 in the civil case. Judge Ryskamp has had over five (5) years and numerous motions in which to deal with A.U.S.A. Carolyn Bell's numerous lies and deception, but instead has covered them up; as have Magistrate Judges Patrick A. White (a former Prosecutor) and Ann E. Vitunac (who is married to an FBI Agent).

The record in the cases clearly shows a vendetta, as reported to the Judiciary Committee of the United States House of Representatives, under former Senator Bill McCollum and attorney Paul McNulty in 1997, and the ensuing cover-up. Today, no reasonable Jury would find Johnson guilty of anything, except for being a victim of a criminal tribunal in violation of a Racketeering Influence Corrupt Organization (RICO).

Federal Judges, A.U.S.A. Carolyn Bell, FBI Agent Michael McBride, Merrill Lynch, et al. and their attorneys [Holland &

Knight -- run by Bill McBride] have woven themselves into the very fabric of a criminal tribunal, with gross miscarriage of Justice and a cover-up of a multitude of crimes against Warren D. Johnson, Jr. and his family. The record, affidavits and all the documents show the absolute innocence of Warren D. Johnson, Jr. and the thefts of Johnson family assets and monies.

In United States v. Beboe, 157 F.3d 1181 (9th Cir. 1998), it states that "actual innocence which permits petitioner to raise claim on motion for postconviction relief that was not raised on direct appeal can be established if the petitioner demonstrates that it is more likely than not that no juror would have convicted him." Actual innocence means factual innocence, and the government has failed to rebut or present any evidence that disputed the evidence presented by Johnson in his 668 pages of Exhibits, and over 1,200 pages of documents and memorandums of law.

The benchmark for judging any claim of ineffective assistance of counsel is whether counsel's conduct or lack thereof so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a "just" result. Johnson is entitled to relief. Carolyn Bell has yet to respond to a "Set of Interrogatories For Carolyn Bell" sent to her by certified mail on April 15, 2004.

The many issues before the court are as follows:

1. Whether counsel for Johnson was ineffective and violated Johnson's Sixth Amendment right to counsel -- which is the right to effective assistance of counsel (McMann v. Richardson, 397 U.S. 759 (1970), in that:

a. Counsel failed to challenge the purported indictment, as the court lacked subject matter jurisdiction over Johnson because there was no Criminal Complaint filed (violation of Rule 3), there was no grand jury concurrence form completed (violation of Rule 6(c)), there was no preliminary hearing held before a Judge, and there was no return of indictment hearing held between the grand jury foreman and a Magistrate Judge (Rule 6(f)) required to pass jurisdiction onto the District Court. The Indictment should have been dismissed.

b. Counsel failed to challenge the indictment, as the law under which WARREN D. JOHNSON was charged in Count 1 did not exist at the time of the purported crime, in violation of the ex post facto clause of the Constitution. Count 1 of the Indictment should have been dismissed.

c. Counsel failed to call any witnesses except for Warren D. Johnson, Jr. to provide evidence that would support Johnson's innocence, and introduced little to no evidence into Court to show Johnson's innocence. Judge Ryskamp said during the trial "I have often wondered what would happen if we tried a civil case with criminal lawyers and I am finding out right now, and it's a disaster." See Exhibit J - page J-42.

d. Counsel failed to object at sentencing that Count 2 was improperly enhanced, using calculations relating to Count 1.

e. Counsel failed to object to the Judge modifying the Jury instructions for Count 2 which removed one of the elements required in the Statute.

f. Counsel failed to object that the Jury did not consent to more than \$250,000 as the purported amount laundered, relating

to Count 1.

g. Counsel allowed the court to amend the Judgment beyond the 90-days required by law to determine the amount of any Restitution. The Restitution hearing was held 19 months after sentencing, in which the Court extorted assets from Warren D. Johnson, Jr.'s family members.

The cognizable facts of this case include:

- This was a vendetta against Warren D. Johnson, Jr. and the Johnson family members, which has now expanded to include A.U.S.A. Carolyn Bell, FBI Agent Michael McBride, Chapter 7 Trustee Soneet Kapila, Attorney Patrick Scott, Magistrate Judges Ann E. Vitunac and Patrick A. White, et al.

- There was never a Criminal Complaint filed against Warren D. Johnson, Jr.

- There was never a Preliminary Hearing held relating to this case.

- There was never an indictment hearing held between a Magistrate Judge and the grand jury.

- There were no assets concealed by Warren D. Johnson, Jr. in the bankruptcy court. Johnson was charged with a ex post facto law for Count 1.

- Johnson never requested a loan extension from Southeast Bank, after March 1990.

- Johnson was charged with Restitution beyond the 90-days allowable by law.

- Johnson was improperly enhanced in Count 2, using calculations from Count 1, and then ran the charges consecutively.

- The Judge enhanced Johnson beyond what the Jury's verdict

had allowed.

- Prosecutor Carolyn Bell called Warren D. Johnson, Jr. a liar 17 times during her closing statements.
- The FBI destroyed 302 Field reports relating to this case.
- Dr. Walter Harber was prevented from testifying at the trial.
- Key witnesses were not called to testify at the trial, including Warren D. Johnson, Sr., Jerry Linkous, Jeffrey A. Johnson, and Walter Harber.
- Numerous witnesses for the government committed perjury and false testimony, including James Harper who never talked to Johnson about extending the bank loan at Southeast Bank.
- There was a plant on the Jury.
- Magistrate Judge refused to look at the evidence or to recommend an evidentiary hearing, indicating that Johnson was not able to re-argue the case.
- A.U.S.A. Carolyn Bell has not disputed any of the evidence placed into the record by Johnson and has refused to answer a set of Interrogatories sent to her by Johnson on April 15, 2004.
- A.U.S.A. Carolyn Bell produced a fraudulent transcript of a purported return of indictment hearing (required under Rule 6(f)) which never occurred.
- A.U.S.A. Carolyn Bell's many lies include a statement in her closing that Johnson had "20,000,000 in Trust," without any evidence admitted to support this lie.
- Within Docket #1 of the Complaint in this civil case no. 02-CV-80353-KLR, from pages 102 to 111, are a review and summary of all the lies shown in the Appellant's Appeal Brief.

CONCLUSION

Johnson is requesting this honorable Court to grant his reconsideration motion in order for this Court to grant his motion for a "certificate of appealability" and allow him justice on his collateral attack of his illegal sentence/conviction.

If the 11th Circuit Court of Appeals wishes to cover-up these crimes, then they will have to rule that the Constitutional issues are without merit and that the indisputable evidence presented was not considered and that prosecutorial misconduct of lies and deceit is the way of the government and the Court system; and that anyone can be charged with a crime they did not commit, with no criminal complaint or jury presentment of the indictment.

It is a complete miscarriage of justice to run a vendetta against Johnson and his family with no complaint filed by Bankruptcy Judge Steven H. Friedman or by Chapter 7 Trustee Soneet Kapila as required by law.

If this request for a "certificate of appealability" is further denied, after reviewing all of the evidence and over 668 pages of Exhibits, then in the interest of Justice there is no other alternative except to appeal these issues of gross miscarriage of Justice to the Supreme Court.

DECLARATION

I, Warren D. Johnson, Jr., being competent to be a witness, do hereby re-affirm each and every document, motion, affidavit, evidence, and exhibit filed in each and every case related to case no. 98-08039-CR-RYSKAMP, and hereby re-state each and every motion, with its supporting memorandums of law accompanied by affidavits, exhibits and evidence to be a part of this reconsideration motion to this honorable court. The Interrogatories of A.U.S.A. Carolyn Bell do, in themselves, prove that a gross miscarriage of

Justice did occur against Johnson, and the posecution and the decisions of the Federal Judges do appear to be a cover-up. The only question that remains is when Justice is eventually served, and the cover-up stops.

I, Warren D. Johnson, Jr. do hereby declare and certify that the facts contained herein are true and correct to the best of my first-hand knowledge under the penalty of perjury, pursuant to Title 28 U.S.C. § 1746, under the laws of the United States of America and under the laws of the State of Florida.

Respectfully submitted this 29th day of June, 2004.

(() () ()

Warren D. Johnson, Jr., In Propria
Persona and In Sui Juris

Reg. No. 53224-004
Federal Correctional Complex-Low
P.O. Box 1031 Unit: A-3
Coleman, Florida 33521-1031

CERTIFICATE OF SERVICE

I, Warren D. Johnson, Jr., hereby certify that a true and correct copy of the foregoing Reconsideration Motion was served on opposing counsel, **ANNE R. SCHULTZ**, Chief, Appellate Division, 99 N.E. 4th Street, 5th Floor, Miami, Florida 33132-2111, by placing same in the prison legal mailbox system-U.S. Postage pre-paid First Class, along with the original and three (3) copies to the United States Court of Appeals for the Eleventh Circuit, on this the 29th day of **May, 2004**, for filing as of this date.

BY:

(() () ()

Warren D. Johnson, Jr.

7003 3110 0002 1644 5452

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

For rules and forms visit
www.ca11.uscourts.gov

June 10, 2004

Clarence Maddox
Clerk, U.S. District Court
701 Clematis St., Room 402
West Palm Beach FL 33401

Appeal Number: 04-11684-I
Case Style: Warren D. Johnson v. USA
District Court Number: 02-80353 CV-KLR
SECONDARY CASE NO: 98-08039 CR-KLR

The enclosed certified copy of this Court's order denying the application for a Certificate of Appealability is issued in lieu of the mandate of this court. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Also enclosed is the record on appeal, which consists of:
Two boxes

Sincerely,

THOMAS K. KAHN, Clerk

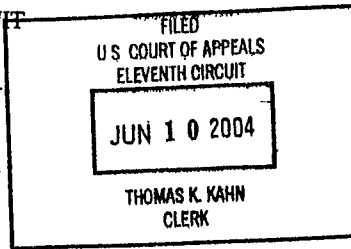
Reply To: Angela Mitchell for Pamela Allen (404) 335-6188

Encl.

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 04-11684-I



WARREN D. JOHNSON,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court for the
Southern District of Florida

ORDER:

"(a) the petitioner stated a valid claim of the denial of a constitutional right, and"

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of an underlying claim and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 520 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000). Because appellant has failed to make the requisite showing, his motion for a certificate of appealability is DENIED.

/s/ R. Lanier Anderson
UNITED STATES CIRCUIT JUDGE

Type or use ball-point pen If attachments are needed, submit four copies One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal

From: Johnson, Jr. Warren D. 53225-004 A-3 FCC, Coleman-Low
LAST NAME, FIRST, MIDDLE INITIAL REG NO UNIT INSTITUTION

Part A—REASON FOR APPEAL Failure by the Warden, BRUCE PEARSON, to grant Warren D. Johnson, Jr.'s remedy, or seek resolution, by July 12, 2004, has resulted in Petitioner's continued false incarceration; causing serious and irreparable harm, and resulting in lawful damages pursuant to Trezevant v. City of Tampa. Coleman's Rejection Notice violates Title 28, Section 40.7(d) of the CFR by failure to provide a "reasoned written response", a "statement" to further review entitlement, and simple directions where to obtain review. The Rejection Notice further violates 28 CFR 40.7(f) by failure to provide "review by a person/entity not under" Coleman's supervision or control. The crimes of a RICO, and current investigation of the same by Congress re: Warren D. Johnson, Jr., his family, PORTOSEL and all their assets are well documented and proven. The damages are in excess of \$60 billion (real damages) and the only thing to be determined is who still wishes to obstruct Justice and "join" the Criminal RICO conspiracy. My attached Affidavit (enclosed herein) sets forth BOP Policy violations. The only true hearing, if required, will be before a Jury of sovereign citizens. The only way to stop the damages from accruing is to "free" Warren D. Johnson, Jr. along with other issues before the U.S. Government, including your assistance in the prosecution of any and all members of the RICO (a/k/a tortfeasors and/or criminal tribunal). This goes beyond just a matter of "sentence computations."

July 24, 2004
DATE

[Signature]
SIGNATURE OF REQUESTER

Part B—RESPONSE

EXHIBIT B 301

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response

ORIGINAL RETURN TO INMATE

CASE NUMBER

Part C—RECEIPT

CASE NUMBER

Return to _____
LAST NAME, FIRST, MIDDLE INITIAL REG NO UNIT INSTITUTION

SUBJECT _____

Affidavit of Warren D. Johnson, Jr.
with Respect for Immediate Release
from Incarceration

State of Florida)
) ss.
County of Sumter)

I, Warren D. Johnson, Jr., hereby declare that I am of age, competent, and able to testify with personal knowledge of the following facts:

1. On July 8, 2004, at around 3:23 PM, affiant delivered a Form BP-09, identified as Request for Administrative Remedy - Emergency Nature to Counselor Vincent Jackson at Housing Unit A-3 -- Federal Correctional Complex, Coleman - LOW located in the city of Coleman, Florida; which required immediate delivery of said Inmate Request to Warden Bruce Pearson or to the Assistant Warden on behalf of the Warden.

2. As noted in the Inmate Request, the damages for false imprisonment under Trezevant v. City of Tampa have long been established and undisputed in U.S.D.C. criminal case 98-08039-CR-RYSKAMP and are set at a minimum of \$25,000 for every 23 minutes of false and illegal imprisonment of Affiant.

3. At around 11:23 AM on July 20, 2004 in aforesaid Housing Unit (A-3), Counselor Vincent Jackson yelled for Affiant and then handed Affiant the return of Affiant's Request for Administrative Remedy - Emergency Nature with a cover letter entitled Rejection Notice - Administrative Remedy which was dated July 14, 2004 from the Administrative Remedy Coordinator - Coleman Low FCI.

4. Affiant read the Rejection Notice and asked Counselor Jackson if he (Jackson) had the authority to release Johnson under the Blakely v. Washington ruling? Counselor Jackson responded by saying, "You (Johnson) don't see my name on anything do you?"

5. Affiant then proceeded to the offices of Ms. Rosa Howard-Mumford (Unit Manager) and Unit Secretary Lisa Potter. Affiant asked Ms. Rosa Howard-Mumford if she had the authority to release Affiant (Johnson) under any "Informal Resolution" - BP-08 and she said "No." Ms. Lisa Potter then informed Affiant (Johnson) that she was in a meeting which discussed Blakely v. Washington, and that Johnson must now submit a BP-10, then a BP-11, and only then would the Court have to rule to free Affiant.

6. The Rejection Notice shows that Counselor Jackson did not immediately act on the BP-09 documents, which he kept from around 3:23 PM July 8, 2004 to July 13, 2004, being 5 days; and sufficient time for any relief in an "informal resolution", which the Unit had no authority to grant.

Affidavit of Warren D. Johnson, Jr.
with Respect for Immediate Release
from Incarceration

7. As of July 25, 2004, the irrevocable damages for Johnson's time are \$21.9 million for 14 days (having allowed a 72 hour reduction); plus \$1,565,217.39 USD for each 24-hours period thereafter until release becomes effective.

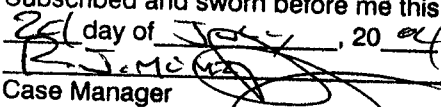
8. The Response is made in Bad Faith by J.J. Clark in that he knew or should have known that a BP-08 was not required and that Counselor Vincent Jackson and/or Ms. Rosa Howard-Mumford could not in fact give any relief in any Informal Resolution procedure, and in fact created violations of Policy against Johnson in the Rejection Notice. The response was without merit and was inappropriate.

FURTHER AFFIANT SAYETH NAUGHT.

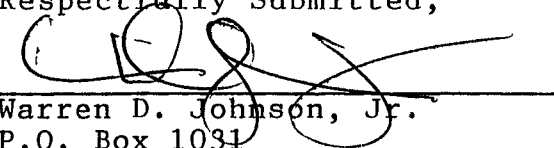
Affiant declares that to the best of his knowledge and best evidence, that the above stated is true, correct, complete, and not misleading, under penalty of perjury under the laws of the United States of America and the laws of the State of Florida, and under his unlimited commercial liability on this 24th day of July, 2004.

Acknowledgment

I, Warren D. Johnson, Jr., hereby declare and acknowledge that I have freely subscribed my signature to this 2-page Affidavit on this 24th day of July, 2004.

FCC Coleman, Florida Sumter County
Subscribed and sworn before me this
24 day of July, 2004

Case Manager
Authorized by the Act of July 7, 1955, as
amended, to administer oaths (18 USC § 4004)

Respectfully Submitted,


Warren D. Johnson, Jr.
P.O. Box 1031
Coleman, Florida 33521-1031

The foregoing Affidavit was sworn and subscribed to before me by Warren D. Johnson, Jr., who personally appeared before me and produced sufficient identification, on this ____ day of July, 2004.

NO NOTARY AVAILABLE AT FCC, COLEMAN-LOW.

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 14, 2004


FROM: ADMINISTRATIVE REMEDY COORDINATOR
COLEMAN LOW FCI

TO : WARREN JOHNSON JR, 53225-004
COLEMAN LOW FCI UNT: A 3/4 QTR: A10-929L
P.O. BOX 1021
COLEMAN, FL 33521

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 342114-F2 ADMINISTRATIVE REMEDY REQUEST
DATE RECEIVED : JULY 13, 2004
SUBJECT 1 : OTHER SENTENCE COMPUTATION
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: YOU DID NOT ATTEMPT INFORMAL RESOLUTION PRIOR TO SUBMISSION
OF ADMINISTRATIVE REMEDY, OR YOU DID NOT PROVIDE THE
NECESSARY EVIDENCE OF YOUR ATTEMPT AT INFORMAL RESOLUTION.

REQUEST FOR ADMINISTRATIVE REMEDY
EMERGENCY NATURE

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse

From: Johnson, Jr. Warren D. 53225-004 A-3 FCC, Coleman-Low
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Warren D. Johnson, Jr. requests the immediate release by the B.O.P. by whatever means necessary from being illegally held -- based on the recent Supreme Court ruling of Blakely v. Washington, which held on June 24, 2004 that "post-trial" sentence enhancements are unconstitutional in violation of the 6th Amendment of the Constitution. Johnson's "base level" of 6 carried a sentence of 0 to 6 months of imprisonment. Johnson has served over 67 months, and is now illegally being held by the Warden, due to unconstitutional enhancements of the sentence -- U.S.S.G. 2F1.1(b) and 3C1.1. Johnson is seeking resolution of this matter by requesting his immediate release from the B.O.P. in accordance with section 524 of Title 28 of the Code of Federal Regulations relating to Administrative Remedies. "Informal resolution" is not appropriate in this case and requires the Warden's immediate attention. Warden's failure to grant Johnson's immediate release from the B.O.P. will subject him and the B.O.P. to damages to the extent permissible by law, as required under the rule of Postliminium. Johnson hereby requests for an "emergency" action in this matter, and has attached herein further his Complaint and his request for relief, along with a copy of the Court's Judgment Order.

July 8, 2004

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

JUL 13 REC

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response

ORIGINAL: RETURN TO INMATE

CASE NUMBER 342114-F1

CASE NUMBER 342114-F1

Part C- RECEIPT

Return to: Johnson, Jr. Warren D. 53225-004 A-3 FCC, Coleman-Low
LAST NAME, FIRST, MIDDLE INITIAL REG NO UNIT INSTITUTION
SUBJECT: Johnson's Immediate Release from Prison 305

DATE



RECIPIENT'S SIGNATURE (STAFF MEMBER)

July 8, 2004

Warren D. Johnson, Jr. (Johnson), prisoner being illegally held at FCC, Coleman-Low does hereby demand his immediate release from custody based on the findings in Supreme Court decision Blakely v. Washington (U.S. 06/24/2004), due to the following:

1. Johnson is absolutely innocent of the charges -- and the evidence has been investigated and confirmed by the Congressional House of Representatives' Committee on Government Reform, chaired by Congressman Thomas M. Davis, III, and with Ann Marie Turner, attorney at said committee - (202) 225-5074.
2. The original pre-sentencing Investigation Report (PSI) by Probation Officer Sheila Tierney called for zero (0) to thirteen months (13); and recommended Johnson be given probation at his Sentencing. This Report was verbally given to Probation Officer John T. Thompson (Port St. Lucie, Florida) by Sheila Tierney, and also given to (Judge) Patricia Ann Wellspeak - (315) 669-9413 prior to January 2, 1999.
3. Tierney's PSI report was withheld, and illegal enhancements and fraud were committed against Johnson by Patricia A. Borah in the PSI report she filed to the court and parties on or before June 23, 1999. Borah's PSI report contained numerous lies and unsubstantiated hearsay remarks -- the most aggravious being that "after the bankruptcy [Johnson's] was settled the lots were sold for \$20,000,000" and "defendant [Johnson] placed \$20,000,000 in trust." Federal Judge Ryskamp kept repeating these lies at Sentencing. The Judge was obsessed with this and other lies in the illegal and fraudulent PSI report.
4. Blakely case holds that "post-trial" sentence enhancements unconstitutional in violation of the 6th Amendment. Johnson's "Base Offense " level was a 6, carrying imprisonment length to a range of 0 to 6 months. PSI report recommended a Total Offense Level of 26. Johnson was sentenced to imprisonment "for a total term of 97 months." See Exhibit A. The illegal and unconstitutional enhancements have caused Johnson to have served over 67 months of incarceration and is now being illegally held at FCC, Coleman-Low.
5. The Court in the Southern District of Florida has been put on Notice that Johnson's compensation for time illegally held in prison is set forth by Trezevant v. City of Tampa, 741 F.2d 336 (1984), and further advised the Bureau of Prisons (BOP) and Warden Bruce Pearson of his pending claims for compensatory damages pursuant to Title 42 U.S.C. 1983 and his pending claims, and an ever increasing liability. The only way to stop the clock from running on these damages is to free Johnson, as he committed no crime.
6. A further Criminal Complaint against government officials was prepared by Johnson and filed June 6, 2004 with Attorney General John Ashcroft under the Citizen's Protection Act of 1998; and Jeffrey Alan Johnson, as private prosecutor, is preparing a Criminal Complaint for the U.S. House of Representatives to draw "Articles of Impeachment" and to present the Committee's evidence to a Grand Jury for indictments against a Racketeer Influenced and Criminal Organization, known as RICO, which includes any and all who acted against Johnson in violation of the Law of Nations and the United States rule of law.

Accordingly, Johnson demands the immediate and unconditional release by Warden Pearson within three (3) days of receipt of this request of being illegally held by the BOP. 306

WARREN D. JOHNSON, JR. 53225-004 Unit A-3
FCC, Coleman-Low P.O. Box 1031 Coleman, FL

United States District Court

Southern District of Florida

WEST PALM DIVISION

UNITED STATES OF AMERICA

V.

WARREN D. JOHNSON, JR.

AMENDED JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 98-8039-CR-RYSKAMP

Counsel For Defendant: James Eisenberg, Esq.

Counsel For The United States: Carolyn Bell, Esq.

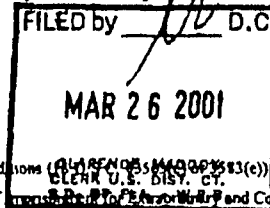
Court Reporter: Criss Bertling

Date of Original Judgment: 6/24/1999
(or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (Fed. R. Crim. P. 35(a))
- ☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b)) 35(b))
- ☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(c))
- ☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- ☐ Modification of Supervision Conditions (18 U.S.C. § 3583(e))
- ☐ Modification of Imposed Term of Imprisonment for Retrospective Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(1))
- ☐ Modification of Imposed Term of Imprisonment for Retrospective Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- ☐ Direct Motion to District Court Pursuant to 28 U.S.C. § 2255
- ☐ 18 U.S.C. § 3559(c)(7), or
- ☒ Modification of Restitution Order (18 U.S.C. § 3664)



THE DEFENDANT:

X Was found guilty on count(s) One through Seven of the Indictment on 11/23/1998 after a plea of not guilty.

Title & Section Number(s)	Nature of Offense	Date Offense Concluded	Count
18 U.S.C. § 152(1)	Bankruptcy Fraud	3/29/1993	1
18 U.S.C. § 1014	Loan Application Fraud	4/17/1991	2
18 U.S.C. § 1957	Money Laundering	4/01/1996	3 - 7

The defendant is sentenced as provided in pages 2 through 6 Of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s)

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.: 054-34-8545

Defendant's Date of Birth: 10/06/42

Defendant's USM Number: 53225-004

Defendant's Residence Address:

511 SW Baypointe Circle
Palm City, FL 34990

Defendant's Mailing Address

511 SW Baypointe Circle
Palm City, FL 34990

3/26/01

Date of Imposition of Judgment

Kenneth L. Ryskamp
Signature of Judicial Officer

KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE

Date.

3/26/01

173
AR

DEFENDANT: JOHNSON, JR., WARREN
CASE NUMBER: 98-8039-CR-RYSKAMP

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 97 months. This term consists of 60 months as to Count One and 97 months as to Counts Two through Seven, all counts to run concurrently. The defendant shall be given credit for time served.

☒ The Court makes the following recommendations to the Bureau of Prisons:

The court recommends the defendant be designated to an institution as close to family as possible

☒ The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.

At _____ A.m / p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

Before 2:00 p.m. on _____

as notified by the United States Marshal

As notified by the Probation or Pretrial Services Office.

RETURN

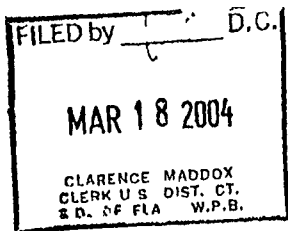
I have executed this judgment as follows:

Defendant delivered on _____ To _____

at _____, with a certified copy of this judgment.

 UNITED STATES MARSHAL

By _____
 Deputy U S. Marshal



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-80353-CIV-RYSKAMP ✓
(98-8039-CR-RYSKAMP)
MAGISTRATE JUDGE P. A. WHITE

WARREN D. JOHNSON,

:

Movant,

:

v.

:

FINAL JUDGMENT
MOTION TO VACATE

UNITED STATES OF AMERICA,

:

Respondent.

:

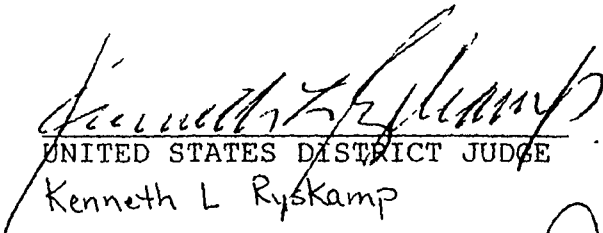
For the reasons stated in the report of the Magistrate Judge
and upon independent review of the file, it is

ORDERED AND ADJUDGED as follows:

1. This motion to vacate is denied.
2. All pending motions not otherwise ruled upon are
dismissed, as moot.
3. This case is closed.

DONE AND ORDERED at West Palm Beach, Florida, this 17 day
of Mar, 2004.

cc: Warren D. Johnson, Pro Se
Carolyn Bell, AUSA


UNITED STATES DISTRICT JUDGE

Kenneth L. Ryskamp

DOCKET 213 (3/18/04)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

In re:
WARREN DOUGLAS JOHNSON, JR.,
Debtor.

CASE NO.: 92-33339-BKC-SHF
Chapter 7

DEBTOR'S OBJECTIONS TO ATTORNEY PATRICK SCOTT'S
FINAL FEE APPLICATION OF TRUSTEE'S COUNSEL
AND
DEBTOR'S MOTION TO HOLD A CRIMINAL TRIBUNAL IN CONTEMPT
OF JUDGE STEVEN H. FRIEDMAN'S "DISCHARGE OF DEBTOR"
ON MARCH 29, 1993 PER DOCKET #24

COMES NOW Warren Douglas Johnson, Jr. (Johnson), and hereby declares and notices to this Court that attorney Patrick Scott has lied to this Honorable Court on numerous occasions; has breeched his fiduciary duties; has threatened Johnson family members with Indictment; has illegally extorted assets and monies of Johnson family members and other "legal persons"; is linked and part of a criminal tribunal; and has now submitted a Fee Application for attorney's time (including staff), after his March 8, 2001 breech of the 16 February 2001 Treaty/agreement with the Johnson family and other associated parties, and Johnson's objections to the payment of this Final Fee Application.

This is a blatant miscarriage of Justice and the evidence of Patrick Scott's (Scott) lies to the Court are as follows:

1. In a October 17, 2001 filing with this Court (Dkt. 230), Page 1 — Scott states, "I dealt only through attorneys ...", which is a lie; and, Scott did deal directly via a letter dated October 28, 1999, with T. Leonard Fisher, Steven Rubens, Burton Wickham and Richard Grund; and, on February 26, 2002 Scott had a telephone conference with "Bud" Wickham; and, on March 4, 2002

had a telephone conference with Adam Brown. [See Scott's Billing records].

2. In a October 17, 2001 filing with this Court (Dkt. 230), re: threats against "Adam Brown" — Scott again lies, and states, "It's not true.", and "I have never made such a threat."

3. In a October 17, 2001 filing with this Court (Dkt. 230), re: the motive to threaten Adam Brown and the Johnson family for restitution that was illegal under the Rule of Law, Scott again lies as to when he told Mr. Feingold he had "A large Bank Loan" and states, "I told anybody about it until April or May."

The facts are that during a 60 day period of time prior to 16 February 2001, four things were linked together in numerous discussions between Debtor and his family members, which were: (a) Stuart A. Young had withdrawn as Special Bankruptcy counsel for non-payment; (b) the high cost of \$1 per minute collect calls from Debtor, that cost the Johnson family members over \$1,000 during the 60 days prior to 16 February 2001 Treaty/agreement; (c) Scott's threats against Adam Brown, which Johnson itemized in a letter to Robert Critton, attorney; and, (d) the motive of Scott for the threats, being his large bank loan and the need to get assets, keep the Debtor from hiring attorneys, or else his fee could not be paid by a bankruptcy estate with no assets. These facts will be further attested to by witnesses at future hearings, either by this Court or by a Congressional Committee; and further substantiated by a letter from Stuart A. Young, telephone records, and witnesses.

Patrick Scott has admitted he breeched the 16 February 2001 Treaty and his statements contained in the transcript of a March 30, 2004 Hearing before this Court.

Further lies made in Court by Scott are as follows:

1. The lawsuits were not settled by March 8, 2001, which was a specific date set forth in the agreement to determine the breech of th 16 February 2001 Treaty, and the Johnson family has the right to their assets and monies, as well as legal fees under a Breech provision as provided in the aforesaid treaty. The fact that M.G. Pat Robertson made any requests is not of interest to the Johnson family and others who signed this agreement, but the theft of their assets and monies is of great concern and violates their civil rights, constitutional rights, and human rights.

2. The April 7, 2004 Court Order Denying Debtor's Verified Petition for Mandatory Judicial Notice of Breach of Contract by Patrick Scott, et al. of Agreement Escrow under 1.05 of the 16 February, 2001 Treaty is fraud on the court, as Scott well knew "the reasons stated on the record", referenced by Scott in the preparation of the order for Judge Friedman [see Scott's Billing records], were in fact a lie.

Johnson has never "appeared by telephone at other hearings" as stated in Court by Judge Friedman, and in fact, Johnson has twice been denied by the Officers of the Department of Justice, Bureau of Prisons from appearing by telephone, once on or about September 30, 2003 and the second time on March 30, 2004. Refer to Johnson's Notice to the Court filed on April 1, 2004, with copy provided to Patrick Scott.

The Court is again on Notice of those who obstructed Johnson's appearance by telephone for the March 30, 2004 hearing.

3. Patrick Scott lied in Court as represented by the March 30, 2004 hearing transcript, when he stated, "I think all were presented by counsel."; and he well knew that was a lie.

4. Patrick Scott misled the Court by stating, "Mr. Johnson himself signed several documents after March 7 ...", and implied that Johnson's obligation under the Treaty in Page 13 -- 5.06, somehow allowed Scott's breach of the Treaty to be excusable, when Page 18 -- 8.02 of the Treaty clearly provides for Attorney's Fees and Expenses "in the event of a Breach ..."; and, litigation could only be brought after Patrick Scott admitted his breach or the breach was discovered by the Johnson family.

5. Patrick Scott has admitted to writing "the e-mail of February 14th", which threatened the assets and monies of the Johnson family.

6. Patrick Scott severely damaged T. Leonard Fisher and Thomas M. Fisher, with false claims and a Judgment after Scott breached the 16 February 2001 Treaty, and had no cause of action against anyone.

7. Patrick Scott has admitted as shown in the transcript of the March 30, 2004 hearing that "all known assets were several steps removed from the Debtor's ownership, ..." and "key parties [legal persons of the Turks and Caicos Islands were] outside the jurisdiction of American authorities ..." See Page 5 of Scott's Final Fee Application of Trustee's Counsel.

Any reasonable person would know that the Johnson family, with its history under the Law of Nations and the Foundation of the Rule of Law, see attached **EXHIBIT "A"**, would never surrender their lawful assets and monies, except under extreme threats

and duress of a criminal tribunal. Under the Rule of Law, restitution was illegal after 90 days from sentencing, and the record clearly shows violations of numerous Statutory laws, as set forth in a "23-Page Brief", which Patrick Scott admitted in Court that "I [Scott] haven't responded to ...".

8. Patrick Scott lied to Atlas Transfer in the transfer of the "collateral" for the Grand Turk Harbour Project — PORTOSEL. Scott represented to the transfer agent that Ice Ban America, Inc. shares (the collateral) were lost, when he well knew that they were held for the government of the Turks and Caicos government by Finbar Dempsey, escrow agent, as a \$2,000,000 guarantee that the harbour would be dug.

On June 6, 2004, a 14 page Complaint was sent to be delivered to John Ashcroft, Attorney General.

Copy of the Complaint is as follows:

**COMPLAINT OF PUNISHABLE CONDUCT
BY EMPLOYEES OR
THOSE ACTING UNDER AUTHORITY
OF THE DEPARTMENT OF JUSTICE**

COMES NOW, Warren D. Johnson, Jr., and hereby states and alleges his Complaint against Carolyn Bell, Assistant United States Attorney, an employee of the United States Department of Justice and those acting under the Authority of the United States Department of Justice, including Special Agent Michael McBride of the F.B.I. and Soneet Kapila and Patrick Scott.

Under the Citizens Protection Act of 1998, the Attorney General has the authority to hear this Complaint, conduct a

preliminary investigation no later than 30 days after receipt of Complaint, and determine whether the allegations warrant further investigation. If the Attorney General determines that further investigation is warranted, the Attorney General within 90 days further investigate the allegations and then impose an appropriate penalty. The "Misconduct Review Board" shall review all determinations made by the Attorney General.

PARTIES TO THIS COMPLAINT

Carolyn Bell is employed by the United States Department of Justice and is an Assistant United States Attorney (A.U.S.A.) for the Southern District of Florida, responsible for the grand jury investigation and federal criminal trial of Warren D. Johnson, Jr.

Michael McBride is employed by the the Federal Bureau of Investigations (F.B.I.), which was at the time under the United States Department of Justice and now under Homeland Security, and is a Special Agent for the F.B.I. working out of the Ft. Pierce, Florida office, and was assigned as the case agent for the grand jury investigation and federal criminal trial of Warren D. Johnson, Jr.

Soneet Kapila is an independant trustee appointed by the United States Bankruptcy Court for the Southern District of Florida in October 1992 on behalf of the United States Department of Justice, United States Trustees office, as the Chapter 7 Trustee, with fiduciary responsibilities for the estate of Warren D. Johnson, Jr.

Patrick Scott is the retained counsel for Chapter 7 Trustee Soneet Kapila.

FACTUAL ALLEGATIONS

1. The facts and allegations are set forth in a Set of Interrogatories for Carolyn Bell, which remain unanswered, and establish the following violations:

1.1 Johnson's Constitutional Due Process rights were violated by Bell, by prosecuting Johnson in the complete absence of any Criminal Complaint against him.

1.2 Johnson's Constitutional Due Process rights were violated by Bell, in that he was charged with Bankruptcy Fraud, and only the Bankruptcy Judge [Steven H. Friedman] or the Chapter 7 Trustee [Soneet Kapila] could have brought any complaint against Johnson, in accordance with Title 18 U.S.C. § 3057 (Bankruptcy Investigation), which they did not file or initiate.

1.3 Johnson's Constitutional rights were violated by Bell, in that he did not receive a Preliminary Examination as required under Title 18 U.S.C. § 3060 to determine if there was any Probable Cause to believe an offense had been committed.

1.4 Johnson's Constitutional and human rights were violated by Bell, in that the law under which Bell prosecuted Johnson relating to a hidden asset was "ex post fact" law and did not exist at the time of the alleged offense.

1.5 Johnson's Constitutional, human and civil rights were violated by Bell, in that she knew Johnson broke no law and a vendetta existed by a "criminal tribunal", which had been previously reported to the F.B.I.

1.6 Johnson's Constitutional, human and civil rights

were violated by Bell, in that while the F.B.I. was under criminal investigation by the Judiciary Committee of the United States House of Representative, Bell brought Johnson before Magistrate Judge Ann E. Vitunac, the wife of F.B.I. Agent Tony Yankitis, for the Initial Appearance and purported to have a valid Indictment.

1.7 Johnson's Constitutional, human and civil rights were violated by Bell, in that the purported indictment deprived Johnson his property, including his luxury home, which was seized in violation of the state of Florida's Homestead Laws.

1.8 Johnson's Constitutional, human and civil rights were violated by Bell, acting on behalf of a "criminal tribunal" in that the case and the purported indictment were both a "sham" and fraud on the court.

1.9 Johnson's Constitutional, human and civil rights were violated by Bell, in that she well knew there was no hearing before any Magistrate Judge on any valid indictment of Johnson, but proceeded to solicit a fraudulent and fictitious courtroom record to be created, in order to cover Bell's numerous other illegal acts.

1.10 Johnson's Constitutional, human and civil rights were violated by Bell, who along with F.B.I. Agent McBride, did effectively write and provided all the lies in the P.S.I. report submitted by Patricia A. Borah.

1.11 Johnson's Constitutional, human and civil rights were violated by Bell, who lied in said P.S.I. report by stating "Lots [Jupiter Island] were sold for \$20,000,000" and "Defendant

[JOHNSON] put \$20,000,000 in Trust."

1.12 Johnson's Constitutional, human and civil rights were violated by Bell, in the destruction or withholding of numerous F.B.I. (302) field reports that contained the following information:

- (a) Warren D. Johnson, Sr. was owed \$261,250 by Linkous Corporation for a well documented loan, whereby Linkous Corporation put in its road, fill, subdivision improvements and a 10" water main.
- (b) Paul Johnson and Jeffrey Alan Johnson told F.B.I. Agent Thomas J. Pierce [Buffalo, N.Y.] about the vendetta by Corrine B. Calvassina, an F.B.I. Agent's sister.
- (c) Both Jerry Linkous, in person, and Dr. Walter Harber (telephonically) told F.B.I. Agent McBride on or about Monday, September 14, 1998 that the \$250,000 payment to Linkous was the principal payment for Lot 11 - at Bay Pointe, which Linkous had sold to Dr. Harber under an Agreement for Deed.
- (d) The Linkous Corporation "Water Service Agreement" was breeched by Martin County Utilities and that property was approved to hook onto Linkous' 10" water main prior to March 13, 1989 as required by said Agreement for payment to Linkous.
- (e) Martin County Utilities later breeched a "Sewer Service Agreement" with Dr. Walter Harber, and John Polley's testimony was colored by the Government.
- (f) Doug Smith, not Johnson, received a Masterloom carpet

for his dining room, and Johnson owed Masterloom nothing.

- (g) Government's witness, Mohamud Rashi Bodhanya did steal \$5.41 million in assets from "legal persons" owned by 21 Johnson Family members and in violation of United States Money Laundering statutes, did deposit the assets in AmSouth Bank, with its Florida branch in Tampa.

1.13 Johnson's Constitutional, human and civil rights were violated by Bell, in that she led a "criminal tribunal" as a "force majeure" as defined by a 18 March 1998 Treaty with the British Crown, and did seize known "collateral" for the Grand Turk Harbour (Port o' sel) project.

1.14 Johnson's Constitutional, human and civil rights were violated by Bell, in that she well knew the "criminal tribunal's" plans to illegally bring a "criminal fraud action" against Johnson — going back to a December 28, 1992 fax from Ray Loesche, and she acted upon it.

1.15 Johnson's Constitutional, human and civil rights were violated by Bell, in that she knowingly produced the following witnesses and either colored their testimony, or induced them to give false and misleading testimony, and all in violation of the Citizens Protection Act of 1998, and other rules of law and statutes:

<u>DATE</u>	<u>NAME OF WITNESS</u>
11/09/98	James Lindsey Stephen Rofsky
11/12/98	James Harper Joseph Fortunato

<u>DATE</u>	<u>NAME OF WITNESS</u>
11/13/98	William Hibel Allen Elkins
11/16/98	Carolyn Baruch Dean Kohl Joseph Baruch
11/17/98	Malka Rahmanan Ray Marshall Soneet Kapila
11/18/98	Michael McBride
11/19/98	Allen Elkins John Polley Frederich Sundheim

2. The facts and allegations set forth below establish the violations by F.B.I. Agent Michael McBride, and include conspiracy in all of the foregoing Constitutional, human and civil rights violations identified against Warren D. Johnson, Jr. and his family:

2.1 McBride ran a vendetta against Warren D. Johnson, Jr. and his family and acted as the private police force for Merrill Lynch, et al. and their attorneys at the law firm of Holland and Knight. Bill McBride ran Holland and Knight for Chesterfield Smith from around 1990 to around 1998, and Michael McBride knew of the \$3 million settlement offer weeks before it was offered to settle the Preserve at Palm-Aire lawsuit. Michael McBride told Lloyd Minear of the \$3 million offer. This offer was made to stop the disclosure of the criminal acts by Merrill Lynch, et al. and their attorneys regarding the false Judgment against Warren D. Johnson, Jr.; the filing of forged documents in the Public Record; and, the filing of false and fictitious statements with the S.E.C. and with Merrill Lynch's public shareholders in the Apex Fund, Inc.

2.2 The record in this criminal case clearly shows that there were "no issues of substance" and at the March 10, 1997 meeting between F.B.I. Agent-in-Charge Arron Sanchez and Warren D. Johnson, Jr., Arron Sanchez stated to Johnson "if there were **no** issues of substance, then McBride was running a vendetta."

2.3 McBride told attorney Richard Lubin of Palm Beach, Florida "that Johnson's stock was going up \$10 million a day, and it was driving him [McBride] crazy."

2.4 From spring to fall of 1997, Dr. Art Lindsley and Warren D. Johnson, Jr. met several times between the President's Prayer Breakfast and the Breakfast with the leader of Israel and discussed the aforesaid referenced vendetta, and debated whether to report it as a religious attack or simply a motive of jealousy.

2.5 The vendetta was reported as being motivated by jealousy and revenge to attorney Paul McNulty and Senator Bill McCollum of the United States House Judiciary Committee, as soon as appointments were arranged.

2.6 McBride had already sent Johnson a message back in 1995 the he would show Johnson that "he [McBride] was the anti-Christ." This report was provided to Dr. Art Lindsley of the C.S. Lewis Foundation in 1997, and later on McBride referred to Johnson's family and Church friends as "the dog and pony show with their Bibles," as they came off the elevator during trial.

2.7 McBride threatened Johnson's son-in-law Adam Brown in 1997, and Johnson called the F.B.I. for the person in charge of South Florida, which led to the meeting with Arron Sanchez on March 10, 1997.

The threats against Adam Brown are undisputed, and McBride did cause great financial loss to Adam Brown as to those threats.

2.8 McBride was present on or about Monday, September 14, 1998, when Jerry Linkous told McBride and Carolyn Bell, in person, that the \$250,000 payment from Dr. Harber was the principal payment on Lot 11 in Bay Pointe subdivision, and McBride destroyed the F.B.I. 302 field report. A similar report was destroyed by McBride regarding a telephonic interview with Dr. Walter Harber on the same day (09/14/1998), and Dr. Harber called Adam Brown and told him that "McBride and Bell were screaming at him [Harber] for telling them the \$250,000 was to pay the principal for Lot 11 in Bay Pointe."

2.9 McBride and Carolyn Bell are part of a "criminal tribunal" operating in South Florida in violation of the Rule of law against sovereign citizens, Warren D. Johnson, Jr. and his family, and this hate crime, based on religion, is not a new issue in the Johnson family history. The examples of extortion, jealousy and greed are merely a by-product of a religious war against Warren D. Johnson and the Johnson family, who are known as Church builders, founders of Nations, and a religious conscience/piety that goes back to the 12th century.

3. The facts and allegations set forth below establish the criminal acts and violations by Chapter 7 Trustee Soneet Kapila and his attorney Patrick Scott, which are copiously documented in the records of district court cases 92-33339-BKC-SHF and 98-08039-CR-RYSKAMP, and include conspiracy in all of the foregoing Constitutional, human and civil rights violations identified against Warren D. Johnson, Jr. and his family:

3.1 Soneet Kapila sold the rights to sue Merrill Lynch, et al. [Bondholders] in 1998 for \$5,000, paid to him and 40% of all **gross proceeds** going to Warren D. Johnson, Jr.'s legitimate creditors. The lawsuit was worth millions and exposed five criminal acts of Merrill Lynch, et al. and their attorneys.

3.2 Soneet Kapila breeched his Contract of March 8, 1999 with Warren D. Johnson, Jr., stopped Johnson's lawsuit against the Bondholders and took a \$25,000 pay-off for himself and his lawyers, without giving one cent to Johnson's legitimate creditors in his Bankruptcy estate.

3.3 By these above actions, Soneet Kapila stopped Johnson from proving that he did not sign a second amended Guarantee and that the Bondholders had an illegal Judgment they obtained by fraud in the amount of over \$3.9 million; the Bondholders breeched an agreement with Johnson's partners and hid the fact that they destroyed the \$28 million tax-free bonds and their collateral for their own corporate gain; they fraudulantly reported the destroyed bonds to be AA rated by Standard and Poors; the Bondholders and their attorneys committed fraud before three (3) courts; and, the deed the Bondholders received from the court in a Foreclosure sale was whited out and fraudulantly recorded in the Tax Public Records of Broward County, Florida.

This was an attempt to hide the evidence that the Bondholders merged the title and interest in a mortgage through foreclosure, thus destroying \$28 million in tax-free Bonds by the State of Florida Housing Authority.

3.4 After Johnson was discharged in Bankruptcy in 1993,

Soneet Kapila did illegally refile the Bondholders' Judgment against Johnson, and never notified him.

3.5 Soneet Kapila, through his attorney Patrick Scott, did threaten Johnson family members with indictments and imprisonment if they would not give up their lawful monies and assets in the signing of a 16 February 2001 Treaty/agreement.

3.6 Soneet Kapila, through his attorney Patrick Scott, did illegally breach their fiduciary duty and failed to return all monies and assets of the Johnson family members on March 8, 2001; and, did illegally pay themselves and the Bondholders [Merrill Lynch, et al.] approximately \$1 million of Johnson family monies and destroyed billions of dollars of assets of the Johnson family, et al.

3.7 The actions of Soneet Kapila and Patrick Scott, when combined with the illegal acts of others in this criminal tribunal, do squarely fall under the Racketeer Influenced and Corrupt Organizations Act (RICO); and, this case exposes a highly organized "criminal enterprise" that operates on extortion, illegal indictments, various assorted criminal acts, under the color of law and the color of authority.

SUMMARY

4.0 Carolyn Bell, F.B.I. Agent Michael McBride, and Chapter 7 Trustee over the bankruptcy estate of Warren D. Johnson, Jr., each working for and with the United States Department of Justice, committed the following:

4.1 Conducted a vendetta and operated a "criminal enterprise" against Warren D. Johnson, Jr. with no F.R.Cr.P. Rule 3 — Criminal Complaint;

4.2 Sought an indictment of Warren D. Johnson, Jr., in the absence of probable cause and never holding a hearing to return the indictment by the Grand Jury;

4.3 Failed to release and destroyed information that would have exonerated Warren D. Johnson, Jr. under a purported lawful indictment;

4.4 Knowingly and intentionally mislead the grand jury and the petite court as to the guilt of Warren D. Johnson, Jr.;

4.5 Knowingly and intentionally mistated and hid evidence against Warren D. Johnson, Jr.;

4.6 Knowingly and intentionally altered and modified evidence against Warren D. Johnson, Jr.;

4.7 Impeded Warren D. Johnson, Jr.'s rights to discovery;

4.8 Improperly disseminated information and client privileges to other parties during the investigations and the court actions;

4.9 Knowingly made threats against Johnson family members that represented extortion and duress, in order to force and intimidate them into giving up their lawful property and monies;

4.10 Engaged in illegal and criminal conduct by violating the RICO laws;

4.11 Protected an F.B.I. Agent's sister, who both Bell and McBride well knew had committed bank fraud;

4.12 Protected Merrill Lynch and their lawyers, who committed criminal acts in violation of numerous rules of law and federal regulations;

4.13 Protected Chapter 7 Trustee, and allowed Soneet Kapila to receive a payoff and breech a contract with Warren D. Johnson, thereby preventing Johnson from exposing the criminal

act of Merrill Lynch and their lawyers; and thus, deprived Warren D. Johnson, Jr. from paying all legitimate creditors on a lawsuit, whereby Merrill Lynch did offer Johnson's partners \$3 million before Johnson's trial;

4.14 Failed to prosecute Chapter 7 Trustee Kapila's attorney [Patrick Scott] for extortion against Adam Brown and the Johnson family on the 16 February 2001 Treaty; and, have allowed the theft of Johnson family assets by Patrick Scott, who on March 8, 2001 breeched the aforesaid referenced 16 February 2001 Treaty;

4.15 Failed to prosecute Mohmud Rashid Bodhanya for the theft of \$5.41 million of Johnson family's "legal persons" assets, which were stolen by Mohmud Rashid Bodhanya and the proceeds then money laundered through AmSouth Bank in Tampa, Florida for a Florida Insurance Company;

4.16 Keeping Warren D. Johnson, Jr. in federal prison for over 66 months, when they well knew that he was an innocent man.

RELIEF SOUGHT

5.0 The Government and the United States Department of Justice will find all the evidence to support the above Factual Allegations in the record and further discovery and must present their findings to a grand jury of We the People, as set forth in: (b) PENALTIES. (7) for criminal prosecution.

6.0 Take all necessary steps to set Warren Douglas Johnson, Jr. free from prison and to expunge all charges of criminal conduct against him from the record.

7.0 Work with the Congressional Committee of Thomas M.

Davis, III's for "Government Reform" and seek Justice and to correct the miscarriage of Justice that has been done to Warren Douglas Johnson, Jr.

8.0 Abide by the Rule of law and the Law of Nations, and restore Warren Douglas Johnson, Jr. and his family under the rule of postliminium and all other applicable law and relief available.

I hereby declare under penalty of perjury under the laws of the State of Florida, the laws of the State of New York, and the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

EXECUTED and signed this 6th day of June, 2004.

Patrick Scott admitted in this case, item 3 - page 2 of Docket #230, that "These facts were never proven at any trial.", when referring to Criminal Case 98-8039-CR-RYSKRAMP against Debtor; and, Debtor has steadfastly maintained his innocence; and, that in fact a "vendetta" existed, by a "criminal tribunal." In previous writings to the Court, Patrick Scott has stated that the case against the Debtor, Warren Douglas Johnson, Jr., was never proved, but he [Scott] did not think the case would be overturned. Such a bold position could only come from assurances by a criminal tribunal that they could in fact cover up their criminal acts and deny Debtor Justice. This cover-up now seems to be born out by the following:

MAGISTRATE JUDGE PATRICK WHITE'S REPORT.

On February 27, 2004, United States Magistrate Judge Patrick White issued his "Report of magistrate Judge" in case no. 02-80353-CIV-RYSKAMP (98-8039-CR-RYSKAMP) recommending that the motion to vacate be denied. See Docket No. 25 in Habeas Corpus case.

It appears that Patrick White never read Johnson's petitions, motions, and filings relating to this case from April 19, 2002 to the time of his report, as he only relied on and restated Carolyn Bell's selected issues by stating:

"The motion contains a statement of facts which consists of five separate categories. Those categories are discussed in this report as the claims raised by the movant. They are: 1. The government committed misconduct and made misrepresentations. 2. The trial testimony was false. 3. He was subject to extortion relating to the restitution portion of his sentence. 4. The indictment and evidence presented at trial constituted a fraud upon the court. 5. His constitutional rights were violated."

This represented just one portion of Johnson's filing on this case, and Patrick White failed to review all the Exhibits in this case, which included Exhibits A through Z, and also numerous Verified Petitions filed in support of this motion.

If Patrick White had read all the exhibits he would not have made the statement: "Johnson offered nothing to support his allegations that the government destroyed memoranda and other evidence or that it acted improperly..." page 4. "He [Johnson] has not submitted any affidavit or other evidence indicating that the trial testimony was false." page 8.

On a collateral attack, Johnson has every right to challenge his sentence and bring forth evidence that was suppressed by the government. Johnson has, in fact, established the fact that he is actually innocent and that his Constitutional rights were violated during the trial. Johnson cannot be procedurally barred from raising evidence to show that the trial testimony was false, as the evidence cannot be challenged on direct appeal, and as the trial record is considered the facts of the case.

Patrick White made no attempt to address Johnson's first issue that the government committed misconduct and made misrepresentations, except to restate some of Johnson's allegations. At this point, the court must accept all of Johnson's facts and information as true and correct as they have not been disputed by either A.U.S.A. Carolyn Bell or Magistrate Judge Patrick White.

The trial court abused its discretion by denial of "a bill of particulars" and prejudice resulted from not having the requested information at the pre-trial state; and, Johnson was surprised to learn after conviction that:

1. There was no Criminal Complaint filed against him by anyone. 2. Judge Steven H. Friedman and Chapter 7 Trustee Sonetta Kapila did not initiate a complaint against Johnson as required by Title 18 U.S.C. § 3057. 3. There was no hearing in Magistrate Judge Ann E. Vitunac's court on March 24, 1998 to indict WARREN D. JOHNSON, JR.; and the audio tapes of her courtroom hearings from March 20, 1998 to March 25, 1998 clearly evidenced that no hearing was held. These surprises were the direct result of being denied a Bill of Particulars. To help cover-up the facts and lack of jurisdiction that the court has over Johnson, Patrick White falsely stated in reference to the claim that no valid indictment was filed against the defendant, that "This claim entitles him to no relief, as an indictment was returned against him, and criminal proceedings were properly commenced against him ... as the record is clear that the indictment was returned in open court." There was no indictment returned in court, open or otherwise, and without a quorum of jury members voting on it; all in violation of

F.R.Cr.P. Rules 6(c) and 6(f). The Transcript is a bogus document, as Patrick White would know, as Magistrate Hearings are not done with Court Reporters for returning indictments, initial appearances, arraignments, etc. as there are audio tape machines in each of these courtrooms.

This vendetta against Warren D. Johnson, Jr. was started by the F.B.I. Agent's sister, Corrine B. Calvasina, back in the late 1988 - 1990 period, when Johnson sued her on the option contract; however, the selective prosecution came as a result of catching the bondholders and their attorneys in criminal acts, and the prosecution was actually used as a cover-up of their crimes. The trial and barratry that has resulted since a null and void indictment of March 24, 1998 are actually an ongoing "criminal enterprise" in a cover-up.

The unconstitutionally impermissible religious slurs are well documented in this case filed in various petitions and are undisputed. The record in this case provides a vivid picture of a "criminal tribunal". As a picture of a naked Iraqi man on a leash or surrounded by dogs, this picture alone does not fully show the abuse but merely gives credibility to other evidence and sworn testimony.

According to Judge Ryskamp, the evidence sufficient to convict Johnson was: that when leaving "he would see defendant and his family" with "Jaguars and all their expensive cars ...". Perhaps the naked Iraqis tied the leash around their own necks, and forced the dog's jaws around their legs, and the ones who died must have committed suicide. At least one soldier had the courage to get the pictures. This scandal, which will be exposed, along with Merrill Lynch's sterling record since 1990 is God's warning. The proof is in the record.

These issues before the Court are neither baseless or moot, but rather the criminal acts of this "criminal tribunal" are so heinous and "incomprehensible" under the Rule of Law, that it will shake the nation. Is not Mr. Scott's admission that this case would have been rejected by many lawyers; and, the fact that he [Scott] with his firm "long been experienced in Bankruptcy proceedings ...", did not only take the case, and commit repeated acts of perjury and other crimes outlined in the 23-page Brief [which Scott admittedly did not respond to], evidence of a criminal tribunal's assurance that they could protect him and cover up these crimes.

RELIEF SOUGHT FROM FEDERAL JUDGE STEVEN H. FRIEDMAN


Warren D. Johnson, Jr. hereby requests of this Court the following relief:

1. Stop all distribution of Bankruptcy estate and deny Patrick Scott's Final Fee Application payment;
2. Order a hearing whereby Warren D. Johnson, Jr., his family and their witnesses may testify and present evidence as to the truth of all issues raised in this motion and as to all motions that are open before this Court;
3. **I pray also that this court** finds that there is probable cause a vendetta was in fact conducted against Warren Douglas Johnson, Jr. and his family and those involved should be indicted;
4. The assets and monies taken should be returned to those who put them up as the result of the breach of the 16 February 2001 Treaty/agreement, or the future forward value of said assets;
5. Hold any tortfeasors or members of a criminal tribunal

in contempt due to the fact of the March 29, 1993 [docket #24]
"Discharge of Debtor" in this case; and,

6. Any other relief deemed appropriate by the Court.

Respectfully submitted,


Warren D. Johnson, Jr. (53225-004)
Federal Correctional Complex-Low
P.O. Box 1031 Unit A-3
Coleman, Florida 33521-1031

CERTIFICATE OF SERVICE


I HEREBY CERTIFY THAT a true and correct copy of the foregoing
Objections and Motion has been forwarded on this 1st day of June,
2004, by first class mail to the following:

Patrick Scott, Esquire
111 Southeast 12th Street, Suite B
Ft. Lauderdale, Florida 33316

Soneet Kapila
Chapter 7 Trustee
1000 South Federal Highway, Suite 200
Ft. Lauderdale, Florida 33316

Denyse Heffner, Esquire
Office of the U.S. Trustee
12th Floor, 51 S.W. 1st Avenue
Miami, Florida 33130

BY:


Warren D. Johnson, Jr.

Appellate Court Circuit

Territorial Court District

Article III Courts

Statutory Laws

U.S. Common Law

U.S. Constitution 1789

Law of Nations 1758

Bill of Rights 1689

Common Law Courts

Habeas Corpus 1680

Articles of Confederation

New England 1643

New Netherlands 1624

Mayflower Compact

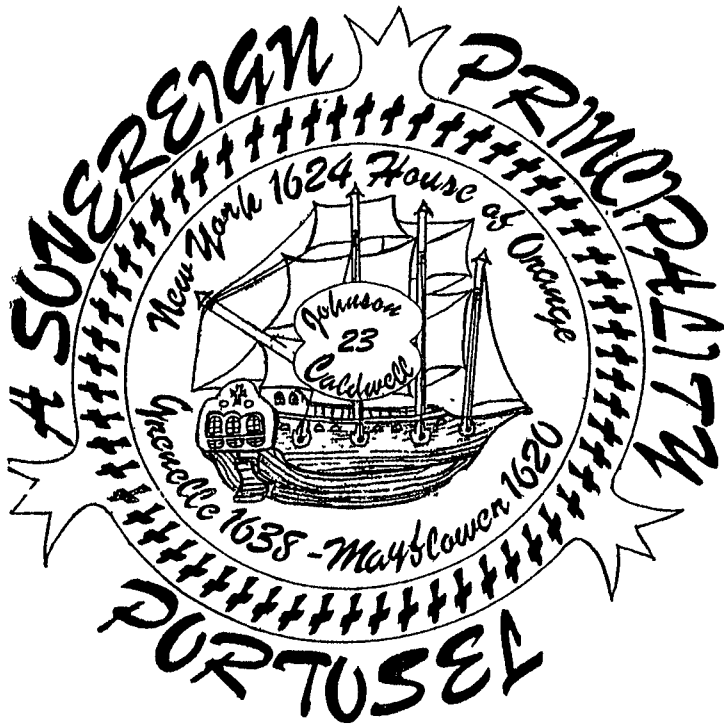
*Magna
Carta*

EXHIBIT A

HOLY SCRIPTURE

333

Foundation of The Rule of Law



*Apostille no.2003-661
filed 9th January 2003
with the Secretary of State
State of Florida
and*

*Apostille no.A-116355E
filed 15th January 2004
with the Secretary of State
State of New York
and in Orleans County, N.Y.
Liber 628 pg 328-341*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WARREN D. JOHNSON, JR.,
Petitioner,

Case No. 02-CV-80353 RYSKAMP
98-CR-8039-RYSKAMP

vs.

UNITED STATES OF AMERICA,
Respondent.

NOTICE OF APPEAL and
Lack of Service by the Court

Warren D. Johnson, Jr., as of March 28, 2004 having been 10 days, has not received from this Honorable Court the issuance of JUDGE RYSKAMP's **Final Judgment** which denied Petitioner's Title 28 U.S.C. § 2255 Motion filing (See civil Dkt. # 1, 2, 5, 6, 11, 13, 15, 17, 18, 22, 23, 26, 27 which includes Exhibits A through Z [668 pages]), made up of Petitions, Judicial Notices, Rule 3 Criminal Complaint, Motions, Objections, and Responses to the Court; and can only rely on the "docket" information on PACER at this time that this purported FINAL JUDGMENT was issued.

This Court has continued to violate Mr. Johnson's 4th, 5th, 6th, 9th, and 10th amendment rights under the United States Constitution in addition to numerous violations of the F.R.Cr.P. including Rules 6(c) and 6(f), without ever having a valid Indictment and lacking jurisdiction over Warren D. Johnson, Jr.

Warren D. Johnson, Jr. hereby timely appeals the Court's March 18, 2004 Order and Final Judgment (Dkt. 28) in order to obtain Justice, continue to expose Carolyn Bell's lies, overcome an illegal and unjust conviction; and, hereby prays for relief in the higher courts of Justice.

Executed and respectfully submitted this 28th day of March,
2004.



Warren D. Johnson, Jr., Sui Juris
and In Propria Persona

Reg. #53225-004/Unit A-3
FCC, Coleman - Low
P.O. Box 1031
Coleman, Florida 33521-1031

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Notice
of Appeal has been forwarded by First Class Mail to the
following:

Carolyn Bell, Esquire
Assistant United States Attorney
500 S. Australian Blvd., Suite 400
West Palm Beach, Florida 33401

Clerk of the Court
United States District Court
Southern District of Florida
301 N. Miami Avenue, Room 150
Miami, Florida 33128-7788

Judge Kenneth L. Ryskamp
United States District Court
Southern District of Florida
701 Clematis Street
West Palm Beach, Florida 33401

Judge Steven H. Friedman
United States Bankruptcy Court
Southern District of Florida
701 Clematis Street
West Palm Beach, Florida 33401

Clerk of the Court
United States Court of Appeals
for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303



BY: Warren D. Johnson, Jr. Date

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-80353-CIV-RYSKAMP
98-08039-CR-RYSKAMP

JUDGE KENNETH L. RYSKAMP

WARREN D. JOHNSON,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

**JOHNSON'S RESPONSE AND OBJECTIONS TO
REPORT OF MAGISTRATE JUDGE
PATRICK A WHITE FILED - FEBRUARY 27, 2004
AND POSTMARKED TO JOHNSON ON MARCH 2, 2004**

COMES NOW Warren Douglas Johnson, Jr., Petitioner, In Propria Persona and In Sui Juris, and hereby responds to this Honorable Court and objects to MAGISTRATE JUDGE P.A. WHITE's Report of Magistrate Judge in good faith, and further states the following:

As part of this case, 02-80353-CIV-RYSKAMP, Petitioner filed on July 3, 2003 PETITIONER'S RESPONSE AND OBJECTIONS TO REPORT AND RECOMMENDATIONS OF MAGISTRATE JUDGE PATRICK A WHITE (Judge White) AS FILED IN CASE NO. 02-80353-CIV - DKT. 19 (hereinafter R & R), which sets forth in Case No. 98-8039-CR-RYSKAMP the foregoing facts and issues:

1. The Court was Without Jurisdiction including a Request for Affidavit from Carolyn Bell RE: Jurisdiction. See pages 1 through 12.

2. Further Deception Committed by the Prosecution including

Request for Affidavit from Carolyn Bell RE: \$20,000,000 Lots Sold by Petitioner and \$20,000,000 in Trust; and Request for Affidavit from Carolyn Bell Re: Solicitation of Perjury from Attorney Fredrick Sundeim by Carolyn Bell; and Request for Affidavit from Carolyn Bell RE: False and Misleading Arguendo by AUSA Carolyn Bell Regarding Bay Pointe Estates Land Trust (Herein Land Trust) Owning Bay Pointe Estates; and Request for Affidavit from Carolyn Bell RE: Violation by Defendant of Title 18, United States Code, Section 152(1); and Request For Affidavit from Carolyn Bell RE: Count 2 - Loan Application Fraud; and Request for Affidavit from Carolyn Bell RE: False and Misleading Arguendo by A.U.S.A. Carolyn Bell Regarding a \$8,000 Masterloom Carpet; and Request for Affidavit from Carolyn Bell RE: Extortion against Petitioner and his Family; Threats against Adam Brown and others; Theft of Property in Violation of Existing Law; And, Obstruction of Justice. See pages 12 through 20.

This filing of Petitioner's Response and Objections, dated July 3, 2003, is attached as Exhibit "A"; contained herein and is made a part of this Petition.

Under Rule 4. Preliminary Consideration by Judge for Section 2255 Proceedings, it clearly states under (b) that, "The motion, together with all the files, records, transcripts, and correspondence relating to the judgment under attack, shall be examined promptly by the judge to who it is assigned." Under Rule 5. Answer; Contents, it states that the government's "answer shall respond to the allegations of the motion."

These federal Rules set a high standard and compels

the Court to look at everything and Rule 6 does provide for discovery. Rule 7 provides for expansion of the Record and the Government to deny their correctness.

From April 19, 2002 through the date of this filing, numerous motions, petitions, affidavits, public records, transcripts and pieces of evidence previously unknown or not available have now been filed with the court in this case, including submission of Exhibits A to Z, which consist of 668 pages. Table of Exhibits A to Z is attached as Exhibit "B"; contained herein and is made a part of this Petition.

Additionally, a 14-page Complaint was filed in the European Court of Human Rights in Strasbourg, France under Article 34 of the Convention. This Complaint consisted of 324 pages of Exhibits (Exhibits TCI-1 to TCI-13 comprising of 213 pages; and Exhibits CR-C-1 to CR-C-12 comprising of 111 pages.)

This Complaint of violations of the U.K. Human Rights Act was also delivered to the Congress of the United States — Committee on Government Reform, Congressman Thomas M. Davis, III, 2157 Rayburn House Office Building, Washington, D.C. 20515-6143. This committee has taken over the investigation of the Criminal Acts against Warren D. Johnson, Jr. by a criminal tribunal, which started in 1988 and continues through the present in case no. 98-8039-CR-RYSKAMP, et al.

It will not be necessary to restate all these Criminal Acts and lies and cover-ups by Carolyn Bell and FBI Agent Michael McBride, et al., since the documents, affidavits, and exhibits are undisputed and speak for themselves; and, discovery is still

continuing. If the government wishes for me to conduct additional discovery for the sake of Justice, then the Court may grant me leave to do so under Title 28 U.S.C. § 2255 Rule 6, however, the Congressional Committee under Congressman Thomas M. Davis, III, has assured our family members that it has scheduled "closed" door hearings to call forth a complete investigation of these illegal acts set forth in all the complaints, motions, petitions, exhibits and evidence in which this Court has been requested to take judicial notice thereof. The Court should request all reports from this congressional committee, especially the Complaint of violations of the U.K. Human Rights Act, along with its 234-pages of Exhibits and any other reports and documents that they may have.

Johnson's primary objections to the Report of Magistrate Judge are as follows:

1. The Report only claims that, "the motion is a 115-page pleading ..." (See page 1).

2. The Report states, "that he [Johnson] lied not only to the jury during trial, but also to a Magistrate Judge and the probation office." (See page 4; second paragraph).

3. The Report states, "he [Johnson] attempts to relitigate the issues ..." (See page 5; third paragraph). "Johnson is essentially attempting to relitigate ..." (See Page 8; first paragraph).

4. The Report states, "the record is clear that the indictment was returned in open court." (See page 6, sixth paragraph).

5. The Magistrate Judge appears to be saying that there was no "unconstitutionally impermissible motive such as race or religion." (See page 7; third paragraph).

REPLY TO MAGISTRATE JUDGE'S STATEMENTS

To the primary objections stated above, Petitioner does hereby answer as follows:

a. Only on July 3, 2003 did Johnson authorize the Court to construe his over **1000-pages** of affidavits, court records, public records, exhibits, tax returns, motions, pleadings and documents submitted in support of his Habeas Corpus, Federal Rules of Evidence 201(d) motion, and Criminal Complaint as a Title 28 U.S.C. § 2255 petition for relief, which far exceeds the 115-pages sited in the Report of Magistrate Judge.

b. The best way for liars like Bell, McBride, et al., to attack Johnson is to repeatedly call Johnson a liar, but they have never even stated any specific lie; and the evidence filed since April 19, 2002 clearly shows that Bell, McBride, et al., are the ones that have lied and Johnson has not.

c. Johnson has every right to expose the lies and cover-ups of Bell and McBride, et al., and make a collateral attack of their lies and of the case. This is not relitigating the case, but merely exposing the truth and evidence of the truth that Johnson has repeatedly told the Court. The motions and petitions before this Court deal with the serious charges of the "withheld evidence" and "misled jury", the aspect of which Judge Kenneth L. Ryskamp promised "I will deal with later on.", as set forth in Exhibit "A" attached on page

11, paragraph 3 taken from the trial transcript. See Exhibit J - page J-42.

d. Perhaps the most damaging lie Carolyn Bell has told the Court is that the indictment was return in Court before a Magistrate and jurisdiction was transferred from "we the People" to the Court on March 24, 1998 at a hearing under Magistrate Judge Ann E. Vitunac. **THERE WAS NO hearing.** Dianne Johnson and Jeffrey Alan Johnson have both reviewed all the the Courtroom audiotapes of Magistrate Judge Ann E. Vitunac's hearings from Tape #: AEV 98-34 on March 20, 1998; AEV 98-35; AEV 98-36; AEV 98-37 on March 24, 1998 and the only tape of hearings on the date of question; and, AEV 98-38 taped on March 25, 1998. Please note the notarized sworn Affidavit of Dianne June Johnson attached as Exhibit "C" and made part of this Petition and the notarized sworn Affidavit of Jeffrey Alan Johnson attached as Exhibit "D" and made part of this Petition. Also, attached as Exhibit "E" and made a part of this Petition, are copies of the envelope, tapes and Dianne Johnson's typed notes. The 03/24 hearings deal with JOHNNY LEON RAKINS 98-6041 criminal; ANTHONY SPENCE 98-6015 criminal; MALCOLM EDWARDS and KENNETH VINCENT / CECIL McCLOUD (**listen to AEV 98-37 tape**). Tape no. AEV 98-38 was March 25, 1998, the day after, which involved Case 98-8038 - JOEL USSERY and then the arraignment of Warren D. Johnson, Jr. in case no. 98-8039-CR-RYSKAMP.

In addition to no Return of Indictment hearing, Carolyn Bell has also failed to show the Grand Jury voted to indict, even on trumped up charges, based on a law that didn't exist on March 24, 1998.

The Court has never had jurisdiction over this case. There was no Indictment hearing, and Carolyn Bell's greatest lie to this Court in this case is exposed.

e. It is an undisputed fact that Mike McBride of the F.B.I. sent me a message in 1995 that, "when he was done with me, he would show me he is the anti-Christ."

Patricia Wellspeak and friends and Church members were called "the dog and pony show with their Bibles" by Bell and McBride as they exited the elevator during Court. This has been well recorded in documents before the Court and an undisputed fact.

Carolyn Bell tried to get a Minister, Scott Scheer, who was not only ordained by the Lutheran Church, but comes from a family of Lutheran ministers, thrown out of the Courtroom because he wore his cleric collar.

The multi-Billion dollar project, Grand Turk Harbour (a.k.a. Porto'sel) was founded on our family's religious conscience. See Exhibit "F" attached herein and made a part of this Petition. Carolyn Bell and Patrick Scott threatened Richard Grund in order to take over this project and destroy it, along with the collateral to build the project. This is the subject of the Complaint filed under the U.K. Human Rights Act, which is before Congressman Thomas M. Davis, III's congressional commission. See Exhibit TCI-10 of the U.K. H.R. Complaint referred herein and made a part of this Petition.

In a highly publicised case, an Officer of the law used the "n" word and racial prejudice was established. The Criminal

tribunal that includes Bell, McBride, Scott, Kapila, et al., has turned their vendetta into a religious war. McBride clearly has identified himself with the anti-Christ since 1995 and our family history since the 12th century is Christian. See Exhibit W and Z filed in this case and undisputed. There is clear unconstitutional, impermissible motive in the acts and statements of Bell, McBride, et al.

The Court must grant Warren D. Johnson, Jr. the relief sought in Exhibit "A", pages 26 to 29, due to undisputed evidence set forth. The government was ordered to "answer" each and every item that Petitioner has presented since April 19, 2002 and the Affidavits of Warren D. Johnson, Sr.; Jeffrey Alan Johnson; Jerry Linkous; are all undisputed. The documents rendered in all the exhibits, and identified on the docket of the Criminal case, provide an complete, accurate, and true picture of the crimes and activities of a Criminal tribunal, and Justice must be served. This Criminal tribunal has knowingly and intentionally put an innocent man in jail, in order to stop Johnson from exposing the criminal acts of Merrill Lynch and their attorneys. The Criminal tribunal seized all of our family assets, and Carolyn Bell told attorney Richard Lubin that it was so that we could not hire attorneys. Their game was to not just seize assets, but to destroy them.

The case was a vendetta and the Court never had Jurisdiction. The Court has failed to look at the facts of this case. Johnson was violated his Fifth Amendment rights to Due Process and the "indictment Clause", along with violations of his rights

under the First, Fourth, Sixth and Ninth Amendments.

Petitioner strongly recommends Magistrate Judge P. A. White to reconsider his recommendation based on all the undisputed facts on the record of this case and the lies made by Carolyn Bell and Patrick Scott, et al. In Gallego v. United States, 174 F.3d 1196 (11th Cir. 1999), the court held that even a bare, unsubstantiated, thoroughly self-serving sworn statement is sufficient to warrant an evidentiary hearing on the matter.

The Eleventh Circuit recognized that "a federal habeas corpus petitioner is entitled to an evidentiary hearing if he alleges facts, which, if proven, would entitle him to relief." Futch v. Dugger, 874 F.2d 1483, 1485 (11th Cir. 1989) (citing Towsend v. Sain, 372 U.S. 293 (1963)).

In reviewing a petition, the court must view the facts in the light most favorable to the petitioner. See, e.g., Virgin Islands v. Weatherwax, 20 F.3d 572, 574 (3rd Cir. 1994). At the very least, Johnson is entitled to an evidentiary hear on his claims and merits of his case.

As a side note, F.B.I. Agent David Van Holley has already come forth to apologize to our family. See Dianne Johnson's memo of July 17, 2003 attached as Exhibit "G" and made a part of this Petition.

WHEREFORE, Petitioner Warren D. Johnson, Jr. prays that this Court grant him an evidentiary hearing, vacate his conviction and sentence, and issue its writ of habeas corpus and release him.

Declaration

I, Warren D. Johnson, Jr., hereby declare and certify that I am of age and competent to be a witness, that the facts contained herein, including all Exhibits, and references made to all items submitted by myself on the Criminal and Civil dockets are true, correct, complete and not misleading to the best of my first-hand knowledge under the penalty of perjury under the laws of the United States of America and under the laws of the State of Florida and my unlimited commercial liability, this 9th day of March, 2003.

Respectfully submitted,



Warren D. Johnson, Jr., In Sui Juris
and In Propria Persona

c/o 53225-004/Unit A-3
Federal Correctional Complex-Low
P.O. Box 1031
Coleman, Florida 33521-1031

CERTIFICATE OF SERVICE

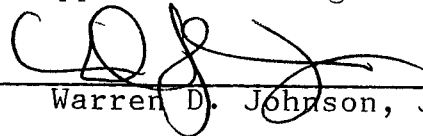
I HEREBY CERTIFY that a true and correct copy of the foregoing Response and Objections to the Magistrate Judge has been provided by prepaid First Class Mail to the following:

Carolyn Bell, AUSA
United States Attorney's Office
500 Australian Avenue, Suite 400
West Palm Beach, Florida 33401

Honorable Judge Kenneth L. Ryskamp
c/o the United States Courthouse
West Palm Beach, Florida

Mailed as of 9th day of March, 2003, under the Mail Box rule, I declare that these filing were dropped in the Legal Mail receptacle at FCC, Coleman-Low.

BY:



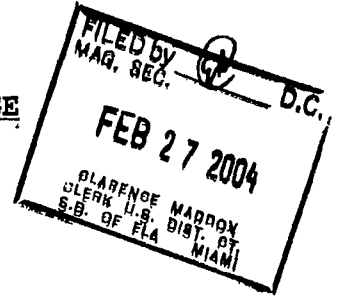
Warren D. Johnson, Jr.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.02-80353-CIV-RYSKAMP
(98-8039-CR-RYSKAMP)
MAGISTRATE JUDGE P. A. WHITE

WARREN D. JOHNSON :
Movant, :
v. :
UNITED STATES OF AMERICA, :
Respondent. :

REPORT OF
MAGISTRATE JUDGE



Warren D. Johnson, a federal prisoner currently confined at the Federal Correctional Facility in Coleman, Florida, has filed a pro se "combined motion under F.R.E. Rule 201(d); petition for writ of habeas corpus; and filing of a criminal complaint under F.R.Cr.P. Rule 3," relating to his conviction and sentence for bankruptcy fraud and related offenses in Case No.98-8039-Cr-Ryskamp.

The motion was construed as a motion to vacate pursuant to 28 U.S.C. §2255, and Johnson objected. He also objected to a subsequent report recommending that the motion be denied because the relief sought was only available pursuant to 28 U.S.C. §2255. The objection to the report was sustained, and the matter was re-referred to the undersigned for a report on the merits of the motion.

The motion is a 115-page pleading in which Johnson does not clearly and specifically delineate any claim. He generally challenges his prosecution and argues that the charges against him resulted from a vendetta against him by many persons and entities,

including the Federal Bureau of Investigations. The motion contains a statement of facts which consists of five separate categories. Those categories are discussed in this report as the claims raised by the movant. They are:

1. The government committed misconduct and made misrepresentations.
2. The trial testimony was false.
3. He was subject to extortion relating to the restitution portion of his sentence.
4. The indictment and evidence presented at trial constituted a fraud upon the court.
5. His constitutional rights were violated.

Johnson was charged with bankruptcy fraud, loan application fraud, and five counts of money laundering of the funds derived from the bankruptcy fraud. (Cr. DE# 1). He proceeded to jury trial, and was found guilty as charged. (Cr. DE# 86). The Court sentenced him to a total term of ninety-seven months imprisonment, followed by five years of supervised release, and ordered him to pay restitution. (Cr. DE# 173). Johnson appealed and raised the following claims: 1) the court committed reversible error when it failed to honor his right to represent himself at trial; 2) the court abused its discretion in allowing the government to present irrelevant evidence; 3) the evidence did not support his conviction; and 4) the court abused its discretion in denying the jury's request to have certain testimony read back during deliberations.

The Court of Appeals found no merit to any of the issues raised on appeal, and affirmed the convictions in a written but

unpublished opinion entered on January 17, 2002. (Cr. DE# 189). This motion to vacate was filed on April 19, 2002. It is timely.

All of Johnson's claims involve substantive allegations of violations of his constitutional rights. The government argues that the claims are procedurally barred, as they could have been but were not raised on direct appeal.

There are three types of issues that a section 2255 motion cannot raise: (1) issues that were raised on direct appeal, absent a showing of changed circumstances; (2) nonconstitutional issues that could have been but were not raised on direct appeal; and (3) constitutional issues that were not raised on direct appeal, unless the section 2255 petitioner demonstrates cause for the procedural default as well as actual prejudice from failure to appeal. Belford v. United States, 975 F.2d 310 (7 Cir. 1992).

In his reply, the movant appears to argue that counsel was ineffective for failing to raise these issues on direct appeal. A claim of ineffective assistance of counsel may constitute cause for failure to previously raise the issue. United States v. Breckenridge, 93 F.3d 132 (4 Cir. 1996). Attorney error, however, does not constitute cause for a procedural default unless it rises to the level of ineffective assistance of counsel under the test enunciated in Strickland v. Washington, 466 U.S. 668 (1984). Murray v. Carrier, 477 U.S. 478, 488 (1986). The Strickland test, of course, requires that 1) counsel's performance was below constitutional standards, and 2) the movant suffered prejudice as a result.

Johnson asserts in his first claim that the government committed various acts of misconduct. Specifically, he alleges that the government 1) presented a plethora of false evidence,

including evidence surrounding the disposition of property on Jupiter Island, an heirloom rug, a loan fraud conviction, and other matters; 2) illegally withheld or destroyed FBI memoranda; 3) failed to investigate and prosecute the sister of an FBI agent and those who covered up her alleged malfeasance; and, 4) acted improperly during an interview of Amy Pratt Thompson.

Johnson disputed the majority of what he characterizes as false evidence when he testified at trial. (Cr. DE# 108 and 109 at 1298-1612). Both the jury and the Court found the government's version of events to be more credible than Johnson's. The jury convicted him as charged, and the Court questioned his credibility, specifically finding that he lied not only to the jury during trial, but also to a Magistrate Judge and the Probation Office. (Cr. DE# 138 at 352, 353). Johnson offers nothing to support his allegations that the government destroyed memoranda and other evidence or that it acted improperly during the interview of Ms. Thompson. There is no merit to the claim, and appellate counsel was not required to raise it on direct appeal.

Moreover, even if the allegations were true, it is not likely that Johnson's convictions would have been vacated had counsel raised the claims on direct appeal. The Court of Appeals found the trial evidence to be "plainly sufficient" to convict Johnson. He was not prejudiced by counsel's failure to raise the claims on direct appeal, as there is no reasonable probability that the result of the appeal would have been different had counsel done so. Counsel's failure to do so was not unreasonable. Appellate counsel did not render ineffective assistance, and Johnson has failed to demonstrate cause or prejudice resulting from his failure to raise the claim on direct appeal. He is procedurally barred from raising the first claim in this postconviction proceeding.

In his second claim, Johnson asserts that he was subject to extortion relating to the restitution portion of his sentence, and further argues that the delay in determining an exact amount of restitution was unlawful. This claim is not cognizable in this \$2255 proceeding.

The plain language of \$2255 provides that a motion to vacate may be filed by a prisoner "claiming the right to be released" from custody. Were it to be determined that the Court's statements at the detention hearing were improper, Johnson would not be entitled to \$2255 relief because the correction of such an error would not result in his release. See Blaik v. United States, 161 F.3d 1341 (11 Cir. 1998) (Section 2255 relief is not available for a federal prisoner who challenges the restitution portion of his sentence.); see also United States v. Segler, 37 F.3d 1131 (5 Cir. 1994) (claim that counsel was ineffective for failing to challenge imposition of fine on appeal was outside scope of postconviction relief statute).

Johnson asserts in his third claim that the indictment and evidence presented at trial constituted a fraud upon the court. Again, he attempts to relitigate the issues decided against him during and after trial and attacks the sufficiency and veracity of the evidence. His claims of actual innocence were rejected by the jury during trial, and by the Court when it denied his various post trial motions (Cr. DE#s 118, 119, 177). The appellate court found that the evidence against him was clearly sufficient to sustain his convictions. Johnson has failed to establish that he is actually innocent, or that his constitutional rights were violated during his trial. He is not entitled to relief on his third claim.

In his fourth claim, Johnson asserts that his constitutional rights were violated for various reasons.

He first argues that his rights were violated when he was not permitted to proceed to trial pro se, with the standby counsel of his choice appointed to assist him. This claim was raised and rejected on appeal, and is procedurally barred from further consideration.

Second, he complains that the Court denied his motion for a bill of particulars. A defendant cannot successfully attack the denial of a bill of particulars unless he demonstrates both that the trial court abused its discretion in denying relief and that surprise or other prejudice resulted from his having been deprived of the requested information at the pre-trial stage. United States v. Rosa, 891 F.2d 1063, 1067 (3 Cir. 1989).

Johnson has not established how he was prejudiced, as the indictment in this case was sufficiently detailed to inform him of the essential facts of the crimes for which he was indicted. He has alleged no surprise for which he was unable to prepare as a result of the denial.

Third, he complains that his constitutional rights were violated by virtue of no criminal complaint having been filed against him. This claim entitles him to no relief, as an indictment was returned against him, and criminal proceedings were properly commenced against him. To the extent that Johnson argues that the Indictment was not returned in open court,¹ he is likewise entitled to no relief, as the record is clear that the indictment was returned in open court. (DE# 16; Ex. A).

¹This claim was mentioned in the original motion and raised again in Johnson's "Pro Se Motion to Arrest Judgment for Lack of Subject Matter Jurisdiction" (DE# 15).

Fourth, Johnson asserts that the case against him, as well as being fraudulent, resulted from selective prosecution. He argues that other people commit crimes and are not prosecuted, and that he was singled out for prosecution because of a personal vendetta of an FBI agent.

Under our system of justice, the decision whether to prosecute for an offense is vested solely in the discretion of the government. Wayte v. United States, 470 U.S. 598 (1985). The only limitations on that discretion are constitutional constraints prohibiting the exercise of such discretion by selective prosecution based on race, religion, or other arbitrary or invidious classification. Id. at 608; United States v. Petit, 841 F.2d 1546, 1554 (11 Cir. 1988). Courts zealously guard this prosecutorial discretion and do not intrude upon it except under the limited circumstances demonstrating unconstitutional motive. United States v. Forney, 9 F.3d 1492, 1501 n.4 (11 Cir. 1993).

Johnson has not made a prima facie showing that he was singled out for prosecution, let alone that any singling out was the result of an unconstitutionally impermissible motive such as race or religion. His argument that the government committed misconduct and a fraud upon the Court was rejected when the District Court denied his motion for new trial, and his recharacterization of that claim as one of selective prosecution fails as well.

Fifth, Johnson complains that the government violated the Federal Rules of Evidence and the best evidence rule by failing to call certain witnesses. Assuming arguendo that Johnson is correct, the evidence against him was more than sufficient to sustain his conviction.

Sixth, Johnson asserts that the testimony of the majority of the government's witnesses was false. Johnson is essentially attempting to relitigate his trial. He has not submitted any affidavit or other evidence indicating that the trial testimony was false. His conclusory assertions are insufficient to warrant habeas corpus relief. See Tejada v. Dugger, 941 F.2d 1551, 1559 (11 Cir. 1991), cert. denied, 502 U.S. 1105 (1992) (a petitioner is not entitled to habeas corpus relief when his claims are merely conclusory allegations unsupported by specifics or in the face of the record are wholly incredible).

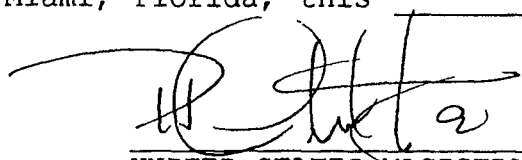
None of the allegations contained in the fourth claim were raised on direct appeal, and none of them have merit. There was no prejudice resulting from counsel's failure to raise the claims on appeal. Thus, Johnson has not overcome the procedural bar resulting from his failure to previously raise the claims. He is not entitled to relief on his fourth claim.

Upon review of the record in this case, the undersigned finds that the movant has failed to demonstrate that his convictions and sentences were obtained in violation of his constitutional rights.

It is therefore recommended that the motion to vacate be denied.

Objections to this report may be filed with the District Judge within ten days of receipt of a copy of the report.

Signed in chambers at Miami, Florida, this 27th day of February, 2004.


UNITED STATES MAGISTRATE JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

In re:

WARREN DOUGLAS JOHNSON, JR.,

CASE NO.: 92-33339-BKC-SHF

Debtor.

_____ /

NOTICE TO THE COURT
That Warren D. Johnson, Jr.
Was Denied Legal Access To This Court
For The March 30, 2004 Hearing

Notice is hereby given that Warren D. Johnson, Jr. (Johnson) was prevented by the staff of the Federal Correctional Complex (Coleman-Low) from contacting Cynthia Klopp at 561-514-4143 by telephone in order to attend via a "conference call" re: Hearing of Tuesday, March 30, 2004 before the Honorable Court.

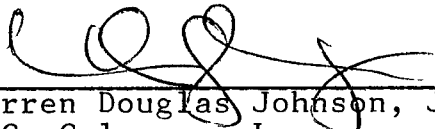
Ms. Rosa Howard-Mumford told Johnson that she would try to get time for a legal call, but put Johnson off until March 29, 2004. Ms. Rosa Howard-Mumford's secretary for the Unit Housing told Johnson repeatedly between March 29, 2004 and March 30, 2004 that Ms. Howard-Mumford was too busy.

At 4:00 P.M. on March 30, 2004 both Ms. Howard-Mumford and secretary Ms. Lisa Potter left for the day and the office for our Unit (A-3) was closed and locked.

Johnson, appearing before this Court In Propria Persona and In Sui Juris, without counsel, pro-se in this case since before February 2001 and pro-se in case no. 98-8039-CR-RYSKAMP since after June 23, 1999, was prevented from being in attendance for the Tuesday, March 30, 2004 Hearing and re-affirms all of his motions currently open and on the record in this court.

WHEREFORE, Johnson requests this Court to take Notice of the facts and that he attempted to be contact with the Court for this herein referenced hearing and associated matters.

Respectfully submitted this 1st day of April, 2004.



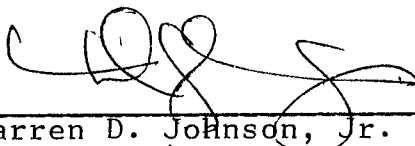
Warren Douglas Johnson, Jr.
FCC, Coleman - Low
P.O. Box 1031 (Unit A-3)
Coleman, Florida 33521-1031

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Notice has been forwarded by First Class Mail, using FCC, Coleman-Low's Legal Mail box outside of R & D, to:

Patrick Scott, Esquire
111 S.E. 12th Street, Suite B
Ft. Lauderdale, Florida 33316

BY:



Warren D. Johnson, Jr. Mailed On
(signature)

April 1, 2004

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

In re

WARREN DOUGLAS JOHNSON, JR.,

Debtor.

Case No. 92-33339-BKC-SHF

Chapter 7

**ORDER DENYING DEBTOR'S VERIFIED PETITION
FOR MANDATORY JUDICIAL NOTICE OF BREACH OF CONTRACT
BY PATRICK SCOTT, ET AL. OF AGREEMENT ESCROW
UNDER 1.05 OF THE 16 FEBRUARY, 2001 TREATY**

This matter came before the court on March 31, 2004, upon the Debtor's Verified Petition for Mandatory Judicial Notice of Breach of Contract by Patrick Scott, Et. Al. of Agreement Escrow Under 1.05 of the 16 February, 2001 Treaty (CP# 301), and having heard argument of counsel, and good cause appearing, it is

ORDERED that the motion is denied for the reasons stated on the record.

ORDERED in the Southern District of Florida on APR - 7 2004.

STEVEN H. FRIEDMAN

Steven H. Friedman
United States Bankruptcy Judge

Copies furnished to:

Patrick S. Scott
Soneet R. Kapila, Trustee
Warren Douglas Johnson, Jr.
Office of the U.S. Trustee

040331pODenying

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

In re:

WARREN DOUGLAS JOHNSON, JR.,
Debtor.

CASE NO.: 92-33339-BKC-SHF
Chapter 7

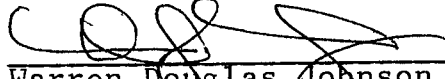
NOTICE OF NON-RESPONSE BY
TRUSTEE'S COUNSEL PATRICK SCOTT
OF CONSOLIDATED FILING TO THIS COURT
(DOCKET 288) BY WARREN D. JOHNSON, JR.

COMES NOW Warren Douglas Johnson, Jr. (Johnson), and hereby declares and notices to this Court that Patrick Scott was served by First Class mail on May 8, 2002, to which he has failed to respond to the following consolidated filing that shows as Docket no. 288, dated May 13, 2002:

NOTICE OF CONSOLIDATED FILING TO THIS COURT FOR:

- I. VERIFIED DECLARATION IN SUPPORT OF THIS COMPLAINT AND MOTION FILED IN OCTOBER 2001, HEREIN AS EXHIBIT V - PAGES V-7 THROUGH V-15;
- II. VERIFIED PETITION FOR REDRESS OF GRIEVANCES;
- III. VERIFIED PETITION FOR INJUNCTIVE RELIEF; AND
- IV. VERIFIED PETITION FOR PROSPECTIVE INJUNCTIVE RELIEF.

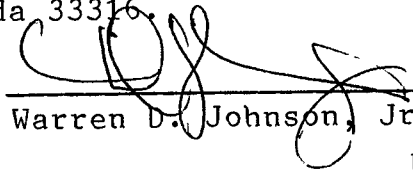
WHEREFORE, Johnson requests this Court to take Judicial Notice of the facts and to take action on the herein referenced matters. Respectfully submitted this 23RD day of March, 2004.


Warren Douglas Johnson, Jr.
FCC, Coleman - Low
P.O. Box 1031
Coleman, Florida 33521-1031

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true and correct copy of this filing has been forwarded to Patrick Scott, Esquire, 111 S.E. 12th Street, Suite B, Ft. Lauderdale, Florida 33316.

BY:


Warren D. Johnson, Jr.

3-23-2004

date 357

Dkt. 307 (3/26/04)

June 6, 2002

Nicole M. Sherwood
Law Clerk to the
Honorable Steven H. Friedman
United States Bankruptcy Court
Southern District of Florida
701 Clematis Street - Chamber 331
West Palm Beach, Florida 33401


Dear Ms. Sherwood,

On May 8, 2002 I sent to the Clerk of the Court a filing that contained I. Verified Declaration in Support of this Complaint and Motion filed in October 2001, herein as Exhibit V - Pages V-7 through V-15; II. Verified Petition for Redress of Grievances; III. Verified Petition for Injunctive Relief; and IV. Verified Petition for Prospective Injunctive Relief to be filed in case no. 92-33339-BKC-SHF with a service copy to Patrick Scott, attorney for Chapter 7 Trustee Soneet Kapila. This document was not sent directly to Judge Friedman.

I was expecting this motion to be filed into the Court and do not understand how this became correspondence to you on May 22, 2002, about 10 days after being received by the Court, as this was not filed as an ex-parte communication.

I would appreciate receiving a complete docket on this Bankruptcy court case. I do appreciate your letter and all your efforts to complete my filings. Please also advise me of the name of Judge Friedman's Judiciary Assistant. Thank you.

Respectfully submitted,


Warren D. Johnson, Jr.
53225-004 / A-3
Federal Correctional
Complex, Coleman - Low
P.O. Box 1031
Coleman, Florida 33521

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
9560 5989 0000 0411 7002	
JOHNSON LAB USE	
Postage	\$.34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.94
Postmark Here	
Sent To NICOLE M. SHERWOOD U.S. DISTRICT COURT - SDOF	
Street, Apt. No.; or PO Box No. 701 CLEMATIS STREET - CH. 331	
City, State, ZIP+ 4 WEST PALM BEACH, FL 33401	
PS Form 3800, January 2001 See Reverse for Instructions	

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CERTIFIED MAIL 6/6/02 # 7001 1140 0000 6385 0958