

BOOK VI

The United States Court

Of Federal Claims

(214 Pages)

The Major Filings

Of Case #06-90C

Judge Charles F. Lettow

2005

In the United States Court of Federal Claims

| | | |
|---------------------------------------|---|---------------------------|
| Warren D. Johnson, Jr. et al. pro se, |) | Case no. 06-90C |
| Plaintiffs |) | (filed February 24, 2006) |
| |) | |
| V. |) | |
| |) | |
| United States, |) | |
| Defendant, |) | Judge- Honorable |
| |) | Charles F. Lettow |
| |) | Presiding |
| |) | |

RULE 5.2 MEMORANDA

[FIRST BRIEF- filed under the Federal Rule of Evidence 201 (d) Mandatory Judicial Notice of Undisputed Facts, along with the admissions against interest in the interrogatories of AUSA Carolyn Bell in APPENDIX ONE]

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Note: The appendix includes the Record before Congress of 1612 pages supplies on a CD-ROM in the Original Complaint, in which the Record includes cases not listed here for the sake of brevity.

(C) SUCCINCT STATEMENT OF THE QUESTIONS INVOLVED

1. Was there any legitimate true bill of indictment against Warren D. Johnson, Jr. on March 24, 1998 by any grand jury under the Rule of Law, transferring jurisdiction from we the people to any court?

2. Were Warren D. Johnson, Jr.'s rights to "due process" of the Rule of Law violated by Assistant United States Attorney Carolyn Bell [hereinafter AUSA Bell] and F.B.I. agent Michael McBride [hereinafter F.B.I. McBride] where there was no criminal complaint ever filed against Johnson and no probable cause for an investigation?

3. Were Warren D. Johnson, Jr.'s Human Rights and Civil Rights further violated when the "fishing expedition" by AUSA Bell and F.B.I. McBride produced no issues of substance?

4. Were Warren D. Johnson, Jr.'s Constitutional Rights violated by charging him "ex post facto" under Title 18 USC 152 (1)?

5. Were Warren D. Johnson, Jr.'s Human Rights and Civil Rights further violated in obstructing justice, whereby AUSA Bell and F.B.I. McBride kept Dr. Walter Harber for two days at the courthouse on November 9th and 10th of 1998, and refused to let him testify on the legitimacy of his \$250,000 payment to Linkous?

6. Were Warren D. Johnson, Jr.'s Human and Civil Rights violated by AUSA Bell and F.B.I. McBride et al., by 1. Destroying the FBI 302 field reports from a meeting on Monday September 14, 1998 with Jerry Linkous and a telephonic conference with Dr. Walter Harber, and 2. Withholding evidence in said FBI 302 field reports, where both Linkous and Harber told AUSA Bell and F.B.I. McBride that "the \$250,000 was the only principal payment to Linkous for Harber's purchase of Bay Pointe Lots (11) and (12)?

7. Were Warren D. Johnson, Jr.'s Human and Civil Rights violated by AUSA Bell and F.B.I. McBride et al. by the known perjured testimony of witnesses for the Government?

8. Were Warren D. Johnson, Jr.'s Human Rights, Civil Rights, and Constitutional Rights violated by knowingly putting an "Absolutely Innocent" man in prison for over seven years, and continuing to keep him in a "**paper prison**" under supervised release for five more years?

9. Were Warren D. Johnson, Jr.'s and the Johnson Family's Human Rights, Civil Rights, and Constitutional Rights violated by threats and duress in obtaining "restitution" twenty months after sentencing on Wednesday June 23, 1999?

[Refer to United States v. Cobbs, 967 F.2d 1555, 1556 (11th Cir. 1992) and United States v. Hooshmand, 931 F.2d 725, 737 (11th Cir. 1991) and re-affirmed by United States v. Myat Maung 267 F.3d 1113 (11th Cir. 2001)]

10. Did attorney Patrick Scott violate the Human Rights, Civil Rights, and Constitutional Rights making threats, including the threat to "**indict Adam Brown**" if the Johnson Family did not turn over their lawful property [**twenty months after sentencing**] in a 16 February 2001 agreement for restitution?

11. Did attorney Patrick Scott and chapter seven Bankruptcy Trustee Soneet Kapila violate the Human Rights, Contract Rights, Constitutional Rights, and Common Law Right of the Johnson Family by breaching the 16 February 2001 agreement on March 8, 1999 and fail to return "All documents and funds (shall be released) to the parties who provided them" as provided by **1. Consideration – paragraph 1.05** of the said agreement?

12. Was the cover-up of the failure to “return all documents and funds ...” on March 8, 1999 by attorney Patrick Scott et al. a violation of the Johnson Family’s Constitutional Rights to property?

13. Does the United States have the right to cover-up the misconduct of those acting as or doing business as United States Attorney, in order to refuse payment of over \$60 billion U.S. in undisputed damages?

14. Is the “stonewalling” of Congressional Hearings by the F.B.I., on the above matters, “Obstruction of Justice” in violation of the Rule of Law?

15. Does the United States Court of Federal Claims wish to honor its Rule 1 to “....ensure that civil litigation is resolved not only fairly, but without undue cost and delay;...?”

16. Does the United States Court of Federal Claims have under its New RCFC 4.1 “...power to punish by fine or imprisonment, at its discretion, such contempt of its authority as persons identified in this memoranda [and the 1612 page Record before Congress], who have violated the Rule of Law?

17. Does the United States Court of Federal Claims have the will to follow the Rule of Law and not yield to the powers and threats of the F.B.I. et al.?

18. Can we hold Robert Muller to his promise in U.S. Senate confirmation hearings that the F.B.I. under his leadership “will open the books” on F.B.I. agents who have broken the Law and “lost the public confidence?”

19. Can we rely on the March 15, 2003 statement of Deputy Attorney General Larry Thompson who said, “it would be unfortunate for our criminal justice system if any individual

or any entity could say that he or she or it was too big or too important, so as it couldn't be indicted."?"

[See Record before Congress- page 779]

(D) A CONCISE STATEMENT OF THE CASE

**• THE COURT LACKED JURISDICTION TO TRY THE CASE NO. 98-8039 CR
RYSKAMP AGAINST WARREN D. JOHNSON, JR. (Herein after 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 for over \$86,000, 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 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 starting with 3/20/98 tape AEV 98-34; AEV 98-35; AEV 98-36; AEV

98-37; and tape AEV 98-38 ending 3/25/98) reveal that neither 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. [See Appendix Two, and Appendix Three on pages 57 to 89]

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 therefore,"

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 were 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 formation and the public offering of Ice Ban America, Inc. took place four years after Bankruptcy proceedings, with a future forward value of billions, but became worthless by the actions of Patrick Scott and the Government after seizure in restitution, 20 months after sentencing..

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 tape AEV 98-37 of March 24, 1998, but was only filed with the Clerk of the Court and having no concurrence form completed by the grand jury.

Stipulation of the Facts

The violations of Warren D. Johnson, Jr.'s Constitutional Rights, Due Process Rights, Human Rights and Breach of Contract in the 16 February 2001 agreement are **Undenied** and **Stipulated to** in AUSA Carolyn Bell's Interrogatories of April 15, 2004 and certified to on April 27, 2004 attached as **APPENDIX ONE-Pages 40 to 56**; and, all the motions, Rules of Law and Damages filed before the United States District Court of Appeals were undenied by the United States; and, a writ of mandamus filed with the Supreme Court of the United States of America was never heard; and, the entire 1612 page record before Congress (APPENDIX D to said writ of mandamus) was never looked at and returned three times to petitioner (Warren D. Johnson, Jr. or his family).

Facts in a Undisputed Time Line

Date:

| | |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4/17/1978 and 7/17/1978 | Warren D. Johnson, Sr. made two land purchases on Jupiter Island and sold out 19 lots in just over one year for \$634,748 profit. Included in the 19 lot sales was Warren D. Johnson, Sr.'s ocean front house on Jupiter Island, on which he held a purchase money mortgage for \$750,352.40 |
| 8/15/1979 | Warren D. Johnson, Jr. donated \$250,000 to full gospel Christian association. |
| 9/17/1983 | Warren D. Johnson, Sr. was paid in full on his purchase money mortgage for \$ 750,352.40 |
| 10/18/1983 | Warren D. Johnson, Sr. loaned Linkous Corporation \$261,250 to put in the Roads, Landscaping, and a 10'' water main to the Bay Pointe Subdivision, with an option to trade the \$261,250 note for lot 5 on the river in Bay Pointe. |

1983 to 1984 Dr. Walter Harber, Dr. Jack Williams, Charlie Cangainelli, Doug Prew et al. were offered resolutions for an agreement for deed to purchase riverfront lots in Bay Pointe, whereby the principal payment of \$250,000 was deferred until after they sold their lot(s).

1/8/1988 Alfredo Sanchez contracted to purchase five riverfront lots in Bay Pointe Estates for \$1,220,000 and agrees to sell two lots to Dr. Walter Harber and his partner.

11/28/1988 Charlie Cangainelli pulled dock permits, for Alfredo Sanchez, Dr. Walter Harber et al. from three Governmental Agencies for Bay Pointe Estates.

9/23/1991 Warren D. Johnson, Jr. won a lawsuit against PMC/FERCAL, Inc. (Case No. 88-670CA) to enforce Sanchez/Harber rights to purchase riverfront lots.

11/1/1991 PMC/FERCAL Inc. sold Bay Pointe Estates subdivision et al. to Dr. Walter Harber's real estate broker (Adam Brown), whereby Dr. Harber took over 100% of the Sanchez contract and purchased Bay Pointe Estates from Adam Brown for \$500,000 for the undeveloped land.

3/23/1994 Dr. Walter Harber paid Linkous Corporation \$250,000 principal on lot 11 in Bay Pointe, after a sale to John Perira for \$550,000. The sale to John Perira was in 1993, and Dr. Harber listed his basis cost at \$250,000 (principal) which he later paid on 3/23/1994, in order to not be a tax cheat. This \$250,000 was the only principal payment Dr. Harber ever made to Linkous Corporation for both lots 11 and 12 in Bay Pointe. All previous payments at approximately \$50,000 per year for five years (1983-1987) were written off Dr. Harber's tax returns as interest (@18%) on the resolution for an agreement for deed.

3/25/1994 Linkous Corporation repaid \$250,000 principal to Warren D. Johnson, Sr. on his original \$261,250 loan from 10/18/1983.

3/31/1994 Warren D. Johnson, Sr. advanced \$125,000 to Dianne Johnson, a broker with Sotheby's Waterfront Properties on the purchase of the Toth Patent for New York State, above the 42nd parallel and Erie, Pennsylvania.

5/5/1994 Warren D. Johnson, Sr. paid the last \$100,000 to Dianne Johnson for the Toth Patent for New York State; and, \$19,500 for a GMC Hi-Top Van for Jeffrey A. Johnson.

1993 to 1996 Warren D. Johnson, Jr. worked on four projects for Dr. Harber and earns over \$250,000, but due to this vendetta, Johnson is never paid for his work.

6/12/2003 Warren D. Johnson, Jr. files a \$41 billion U.S. complaint at the European Court of Human Rights in Strasbourg, France (Published in the Record before Congress pages 1334 to 1612)

6/24/2003 The European Court of Human Rights grants Warren D. Johnson, Jr. case No. 19442/03, but notification in the U.S. mail is interfered with, and Johnson is unaware of his case standing and the form sent by the court to put Mr. Johnson's solicitor in London before the court.

10/28/2004 The European Court of Human Rights closes the Warren D. Johnson, Jr. case due to his unresponsiveness, stemming from the obstruction of Justice in blocking the U.S. mail to Warren D. Johnson, Jr. at Coleman Prison.

12/7/2004 Warren D. Johnson, Jr. is released from a Federal Prison facility to PORTOSEL S.P. and immediately prepares a multi-billion U.S. claim before the United States Court of Federal Claims, case No. 06-90C filed on 1/26/2006

(E) THE ARGUMENT

Many people in prison claim they are innocent, but most are not. Our system of justice is very efficient in locking people up, and if a prosecutor and federal agents wish to lock a citizen up, he is ill prepared to argue the Rule of Law and fight a battle involving complicated legal procedures against experts, speaking words in Latin terms that allow communication in a machine like system, whose very appearance radiates fairness and authority not to be questioned. **What if those in authority decide to abuse their awesome power and put an “absolutely innocent man” in prison?** A petite jury of sovereign citizens would detect no wrong doing, since we were all brought up to believe the police are our friends, FBI agents would never lie and our system of justice is set up to protect the innocent. Would not such actions as putting an “Absolutely Innocent” man in prison be unthinkable to those in a jury, who have been screened to eliminate any with prejudice against the FBI, IRS, the Courts (or) our Government. Until I, Warren D. Johnson, Jr., an “Absolutely Innocent” man become the victory of misconduct, the issues I must now present to the United States Court of Federal Claims were unthinkable to myself and the Johnson Family.

What if the Federal agents were part of a RICO, involving powerful wall street firms, whose motive for the misconduct was to stop the Wall Street firm’s crimes from being exposed and to rob the victims, not so much for the fortune, but to stop him from buying weapons, [bringing legal hired guns to the fight as their dread champion!]

Can our system of Justice survive if these Wall Street firms, their attorneys, FBI agent McBride and AUSA Bell are allowed to operate with **“Absolute Impunity?”**

Should sovereign citizens become alarmed, when the Missouri Supreme Court, Judge Stith asked “are you suggesting” she asked the prosecutor, that “even if we find Mr.

Amrine is **actually innocent, he should be executed?**” to which the prosecutor replied “that’s correct, your honor”? (See New York Times-February 24, 2003 article in Record before Congress pg 778)

The Johnson Family became so alarmed that they sought a safe haven in the Turks & Caicos Islands in 1998, three years after F.B.I. agent Michael McBride sent Warren D. Johnson, Jr. a message that “He (McBride) would show Johnson that he (McBride) was the **Anti-Christ**.” The vendetta against the Johnsons was getting out of hand since Warren D. Johnson, Jr. sued an F.B.I. agent’s sister (Corrine B. Calvasina) and took on Merrill, Lynch et al. and won a second case. As the vendetta got ugly in 1997, Warren D. Johnson, Jr. took his case to Congressman Bill McCollum and attorney Paul McNulty of the United States House of Representatives’ Judiciary Committee, which confronted Lou Freech, Head of the F.B.I. and Michael DeFayo, Head of the O.P.R. for the F.B.I. **Congressman McCollum and attorney Paul McNulty could not stop the vendetta.** F.B.I. agent McBride was backed into a corner and vowed to destroy Warren D. Johnson, Jr. and his family. Warren D. Johnson, Jr. then confronted the highest ranking F.B.I. agent who he could meet with, (Arron Sacnhez in Miami), during which F.B.I. agent Sanchez admitted if “**there were no issues of substance**”, then the F.B.I. agent McBride was running a vendetta.

The evidence of this vendetta is overwhelming and has required the publication of 1612 pages of records before the Congressional Committee on Government Reform [see record on www.criminaltribunal.com]; and, this memoranda **(E) the argument** could not be contained in a mere 40 pages regarding the absolutely total evidence against F.B.I. agent McBride, AUSA Carolyn Bell, attorney Patrick Scott, Trustee Soneet Kapila, Merrill Lynch

et al., and those involved in a cover-up of these heinous crimes, with billions of dollars now lost by the actions of what one must describe as a RICO.

One has only to read the affidavits of Jerry Linkous, Jeffrey A. Johnson, Warren D. Johnson, Sr. et al. to know that the Governments' case was a sham. **(See affidavits in Record before Congress- page 665-777)** The sham case and conviction need only be summed up by **Federal Judge Kenneth Ryskamp's quotes** from the records as follows:

Quote 1 "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." "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 hiding assets from a bankruptcy. I haven't heard any of that today yet. All I am hearing is about a transaction that isn't even involved in the indictment." (See trial transcript page 531- lines 5-7 and 20 to 25- reprinted on page 873 Record before Congress)

Quote 2 "In almost three days, I have heard less than half an hour of relevant testimony in this case." (See trial transcript page 531- lines 10 to 11- reprinted on page 873- Record before Congress)

Quote 3 "This case is going nowhere." (See trial transcript page 532- line 6)

Quote 4 "If you (Johnson) can establish later on that the Government has withheld evidence or misled the jury, that's a pretty serious accusation..." (Trial transcript page 1179, lines 2 to 4- reprinted on page 915- Record before Congress)

Quote 5 “I think one of the greatest errors that was committed during the trial of this case is, the parking lot across the street, when all the jurors left, they would see the defendant and his family get in their Cadillacs and Jaguars an all their expensive cars and leave. If you are going to play this game you ought to play it to the hilt and at least cover up your mode of transportation in coming here. But I would watch as the jurors walked across the street with the defendant and his family and they got into their luxury cars and the jurors got into their cars.” (Sentencing transcript page 366- lines 1 to 12- reprinted on page 983- Record before Congress)

It becomes very obvious to even the non-lawyer layman that a **fraud on the court** was committed, and Warren D. Johnson, Jr. committed no crime, when Dr. Harber pays \$250,000 to a developer (Linkous); who in turn pays the \$250,000 to Warren D. Johnson, Sr.; who in turn buys a patent for the Johnson Family at \$225,000 plus \$19,500 for a GMC van and this could not be a **crime** where **no one** [Harber, Linkous or Jeffrey Johnson] gives testimony at trial against the **accused (Warren D. Johnson, Jr.), who never got the money.**

How can any Justice Department, which is stated to be the “Envy of the World”, **allow any conviction to stand** based on Judge Kenneth L. Ryskamp’s statements about he and the jury being “totally lost” since day one; knowledge of the prosecution “withholding evidence” and “misleading the jury”; and, a conviction based on the defendant having driven “luxury cars”, which the Judge “would watch”? If this Honorable Court (USCFC) now violates its own **rule 1 (regarding fairness, without undue cost and delay)**, would not our system of Justice become the laughing stock of the world?

What the Government did not want the jury to know from Dr. Walter Harber's own lips at trial

1. Dr. Walter Harber (herein after Dr. Harber) purchased two waterfront lots from Linkous Corporation in the Bay Pointe sub- division, Martin County, Florida under a resolution for an agreement for deed that called for payments of a approximately \$50,000 per year for five years from 1982 to 1986, with said interest payments reflected on my federal tax returns and well known to the United States. (See Record before Congress- pages 750-752)
2. Dr. Harber paid Linkous Corporation \$20,000 for docks and a seawall on said lots.
3. Dr. Harber gave one riverfront lot (No. 12) in Bay Pointe to his wife Becky in a divorce.
4. Dr. Harber sold his remaining riverfront lot (No. 11) in Bay Pointe for \$550,000 to John Perira and then paid the principal of \$250,000 to Linkous Corporation on March 23, 1994. This was the only principal ever paid for the purchase of these two lots (11 & 12) and the deeds and dock stamps are recorded in the public records of Martin County.
5. November 28, 1988 Charlie Cangainelli pulled dock permits for Dr. Harber, Jim Lindsey and the Sanchez's for new riverfront lots in Bay Pointe Estates relative to a January 8th, 1988 contract in which they had an interest to purchase these lots.
6. On November 1, 1991 Dr. Harber purchased 100% of the waterfront lots in Bay Pointe Estates, three years after he contracted to purchase these lots with Alfredo Sanchez and pulled his dock permits. The Sanchez brothers declined to participate since the lots were undeveloped and Warren D. Johnson, Jr. could not force the seller Fercal, Inc. to perform their contract obligations, even after Warren D. Johnson, Jr. won a lawsuit against Fercal, Inc. [owned by Ferrari and Calvasina]. Ultimately Dianne Johnson of Sotheby's Waterfront Properties agreed with Alfredo Sanchez, that she would purchase any remaining lots for \$1,450,000 from Dr. Harber and take over Sanchez's obligations. [See Sanchez contract in Record before Congress pages 1054 to 1059]
7. The Bay Pointe Estates Land Trust agreement signed before Dr. Harber's closing was deemed null and void and Dr. Harber became the 100% owner of these lots which was attested to in three recorded documents in the Martin County records on or about January 11, 1994. [See Record before Congress pages 832 to 855]

8. The case No. 98-8039 CR RYSKAMP is a fraud on the court well known to the government, since Warren D. Johnson, Jr. never owned Bay Pointe Estates, and had no interest in the property after November 1, 1991, and was to develop the only valuable lots under a \$1,220,000 contract to the Sanchez/Harber Group purchasers. [See Record before Congress pages 1054 to 1059]
9. Warren D. Johnson, Jr. worked for Dr. Harber on four projects between 1992 through 1995, the said projects being Men's Medical Centers, Quorum, an ostrich breeding operation with Dr. Kanwal in Virginia, as well as assisting Dr. Harber in litigation to gain access to Bay Pointe Estates, whereby Dianne Johnson of Sotheby's Waterfront Properties solved Bay Pointe Estates dock problems and purchased the remaining waterfront lots that Dr. Harber did not want due to environmental problems created by Sheltra and Sons as contractors for the site improvements. [See Record before Congress pages 811- item # 56]
10. The F.B.I. took Dianne Johnson's original note and mortgage for said purchase, along with Dr. Harber's original deed to her so they could not be recorded. This interference cost Dr. Harber millions of dollars and exposed Dr. Harber to expenses he should not have incurred under his development agreement with Martin County.
11. Prior to Warren D. Johnson, Jr.'s trial in case No. 98-8039 CR RYSKAMP Dr. Harber told the government that the \$250,000 payment to Linkous Corporation was a legitimate principal payment that he needed to pay or Dr. Harber would be guilty of tax fraud, since his basis cost was recorded in the public records of Martin County as well as my IRS 1040 tax return. On or about September 14 1998, in a telephonic interview, Carolyn Bell and Michael McBride screamed at Dr. Harber for telling them this \$250,000 was legitimate principal payment and the basis cost of lot 11 on his tax returns. Dr. Harber reported this incident to Adam Brown of Sotheby's Waterfront Properties, Warren D. Johnson, Jr.'s son-in-law, and Dr. Harber's personal real estate agent in Florida.
12. The only trusts ever used on the Bay Pointe Estates project were the Harber/Lindsey family trusts, which purchased lot one in Bay Pointe from the Federal Government; and, after splitting lot one I did add acreage from Bay Pointe Estates to the back of these lots creating estate lots now valued at over four million dollars. Bay Pointe Estates Land Trust was never used. Dr. Harber never filed any documents pertaining to this trust with the IRS or the State of Florida, which would have been required if the trust was used. No financial records or bank accounts were ever created for the Bay Pointe Estates Land Trust. [See Record before Congress pages 856 to 859]
13. The statements in the affidavit of Jerry P. Linkous on pages 746 to 747 of said record before Congress, agree with the debt of these lots for a ten inch water main on page 748 of said record; and, Dr. Harber agreed with Dianne

Johnson's statement of facts on pages 749 to 752 of said record before Congress, which shows the deeds and dock stamps on the two lots Dr. Harber purchased from Linkous Corporation and ultimately on March 23, 1994 Dr. Harber paid the \$250,000 principal on this purchase.

14. Dr. Harber was aware of the access problem to Bay Pointe Estates prior to his closing since Corrine B. Calvasina, an FBI agents sister, did run a vendetta against Warren D. Johnson, Jr. and Bay Pointe Estates as reflected in FBI agent Thomas J. Pierce's 302 field report on pages 754 to 756 of the Record before Congress, and she (Calvasina, a sore loser in the lawsuit between Fercal, Inc. and Warren D. Johnson, Jr.) did threaten Olin Edwards who was clearing Dr. Harber's contract property prior to his closing on November 1, 1991. Calvasina threatened to use her brother (FBI agent Bothea) to get Johnson and they were under investigation in 1997 for this vendetta, by U.S. Congressmen Bill McCollum, the head of the U.S. House of Representative's Judiciary Committee, with attorney Paul McNulty, also investigating this vendetta, however they did not have the power to stop it.
15. Dr. Harber (in a tape recorded conversation) agreed with Jeffrey A. Johnson's affidavit of 25 February 2003 as it pertains to his known business relationship with Linkous Corporation and correctly sets forth the truth. [See pages 771 to 777 of the 1612 page record before Congress]
16. The Government was well aware that Warren D. Johnson, Jr. worked for Dr. Harber as set forth in the report to the court by Patricia A. Borah particularly under item 56 on page 811 of the record before Congress, and Warren D. Johnson, Jr. was entitled to a payment of over \$250,000, which he earned, but never received due to this vendetta.
17. The three agreements in the Martin County record showing Dr. Harber's 100% ownership in Bay Pointe Estates are true and correct as set forth in Exhibit H, pages 832 to 855 of the record before Congress.
18. The deeds filed in the Martin County records to the Harber and Lindsey family trusts are true and correct as set forth on pages 856 to 859 of the record before Congress, and the only trusts used by Dr. Harber.
19. Dr. Walter L. Harber, was available for testimony at Warren D. Johnson, Jr.'s trial on November 9, 1998, held in a small windowless room for two days at the Federal Courthouse in West Palm Beach, Florida, and was told by prosecutor Bell and FBI agent McBride that he would testify; however, after two days Dr. Harber was told by Bell and McBride to leave the courthouse. AUSA Bell and F.B.I. McBride withheld Dr. Harber's testimony in order to convict an innocent man and obstruct justice.

20. The Johnson Family is well respected and known to Dr. Harber since 1975, and he has been a guest of Warren D. Johnson, Sr. at the Johnson Family farms, fishing salmon and brown trout on Johnson's Creek.
21. Dr. Harber was offered an ocean front lot by Warren D. Johnson, Sr. on Jupiter Island, Hobe Sound, Florida for \$90,000 in 1978 and failed to make the closing. Alfredo Sanchez and his friends bought all the lots for sale, and Dr. Harber has faithfully followed the investments of the Johnson Family, always committing to purchase anything they were involved in.
22. Dr. Harber agreed to purchase two waterfront lots in Grand Turk Harbour-port o' sel, and expects to do so when this case receives justice and the Johnson Family is restored under the Rule of Law.
23. **Dr. Harber is fearful of filing an affidavit and Rule 20 (a) claim in case No. 06-90C USCFC due to the threat of retaliation from the United States,** even in violation of the Federal Whistle Blower's Act.
24. The affidavit of Jerry P. Linkous, dated February 2, 2001 confirms Dr. Walter Harber's facts in 1 to 23 above (see Record before Congress pages 746 to 752)

Judge Ryskamp instructed the jury "During the trial you must not discuss the case in any manner among yourselves or with anyone else and you must not permit anyone to discuss it with you or in your presence" [See trial transcript page 10- lines 14 to 16], yet when the case ended, the male juror in the middle of the front row of the jury box, did go to a pay phone, discuss the case and stated "**he would have a decision [conviction] in ten minutes.**" Could he be a plant on the jury in what may prove to be juror misconduct in addition to all the other crimes against Warren D. Johnson, Jr. et al.? The juror in question was balding, short, reddish hair with a beard & moustache, who worked for the South Florida water management district. It took him two days to convince the jury to vote guilty, and could not be based on the luxury cars the judge stated he "would watch", which was impossible, since all the luxury cars driven by Warren D. Johnson, Jr. and Dianne Johnson were sold months before the trial.

Affidavit of Robert Masiello

I, the undersigned, Robert Masiello say the following, which is true correct and complete based upon my knowledge.

My name is Robert Masiello, 1625 SW Meadowview Way, Palm City, Florida 34990, phone 772-286-0229.

I am over 21 years of age and all matters set forth in my business relationship with the Johnson Family, Warren D. Johnson, Jr., and Par Auto, Inc. (a Florida used car whole sale and retail auto brokerage doing over ten million per year in sales) are as follows:

1. I sold luxury Cadillacs to Warren D. Johnson, Sr. of East Yates Road, Lyndonville, New York and obtained title loans from him on luxury cars offered for sale that he purchased from dealers in the North.
2. Warren D. Johnson, Jr. was licensed at the wholesale Palm Beach Auto Sales in West Palm Beach, Florida as a buyer for Par Auto, Inc. in 1997.
3. Par Auto, Inc. purchased a 1997 BMW 740IL serial No. WBAGJ8328VDM04636 that was driven by the Johnson Family.
4. Dianne Johnson purchased a 1992 Mercedes 500 SL serial No. WDBFA66EXNF050159 from a dealer in North Carolina at the request of Dr. Walter Harber.
5. Dianne Johnson purchased a 1997 GMC Van serial No. 16DFG15R5V1007011 which the Johnson Family drove until sold through Par Auto, Inc.
6. Cars No. 2, 3, and 4 above were insured by Colonial Penn Franklin Insurance Company policy No. 832646555 effective date of last policy February 4, 1997 phone No. 800-523-1700 extension 3037 agent Judy Sears.
7. Par Auto Inc. owned a dark green Jaguar XJ convertible in 1997, which was the only Jaguar Par Auto brokered that year.
8. At the criminal trial of Warren D. Johnson, Jr. Par Auto loaned Mr. Johnson a six year old Sedan with 110,000 miles to drive to his trial from November 9, 1998 to November 24, 1998 when he was put in prison before my eyes.

9. I personally attended Mr. Johnson's trial each day and rode with him along with Tom Anderson in the auto he had borrowed.
10. At trial Federal Judge Kenneth Ryskamp stated after three days of testimony that he was lost from day one and so was the jury. He further stated that he hadn't heard any testimony about anything of substance Mr. Johnson was charged with.
11. At trial I heard Judge Ryskamp being told that the FBI agent McBride and the prosecutor Carolyn Bell were withholding information and misleading the jury, which he (Ryskamp) stated, "He would take up later."
12. I witnessed the testimony of Dean Kohl, well known to me as my attorney prior to the trial. Dean Kohl lied to the jury as did another client by the name of Joe Baruch, who stated that he had not committed bankruptcy fraud. I personally know that this was a lie since his attorney Dean Kohl with Joe Baruch came to me in the early 90's and told me Mr. Baruch was going bankrupt. Mr. Baruch was purchasing a auto from an employee named Bob and needed to hide the car from a future bankruptcy judge and I titled the car in my auto brokerage for Mr. Baruch and Dean Kohl his attorney.
13. Prior to Mr. Johnson's trial attorney Dean Kohl threatened me not to tell Mr. Johnson of this hidden asset. During trial I was confronted by attorney Dean Kohl in a Publix market and told he was upset to see me at Johnson's trial and not to testify because Johnson was going down and he (Kohl) was friends with FBI agent McBride.
14. FBI agent McBride came to Par Auto and harassed me and my staff on multiple occasions, even sending the Florida department of vehicles' officials to my office on multiple occasions checking the serial numbers and records of all the cars the Johnson Family members had purchased or were driving and on each visit they had a file an inch thick on these cars. I finally got so sick of their interference I threw them off the lot for harassing us as auto brokers and the Johnsons who had legitimately purchased all the vehicles.
15. I was told at church by an employee of the local department of motor vehicles (Buddy's wife) that FBI agent McBride had spent two days going through their department records and was extremely mad that he could not find anything wrong with the Johnson Family purchases, trades, payment of sales tax or anything else wrong with this family.
16. At Mr. Johnson's sentencing Federal Judge Kenneth Ryskamp told Mr. Johnson the big mistake he made was driving all those luxury cars, which he named and told Mr. Johnson that "He (Judge Ryskamp) **"saw them"** and this is why the jury convicted him." I was appalled at this statement since I personally knew that all the cars Mr. Johnson and his wife Dianne had driven,

listed in items 1 through 5 above had in fact been sold **at least** three months before the trial, meaning the Judge was not only prejudiced by seeing these vehicles, but obviously breached his cannons of ethics in meeting with the prosecution or FBI months before the trial to view the Johnson Family cars.

17. If the Judge actually saw Mr. Johnson driving the Jaguar XJ convertible, colored dark green, it would have to be on only one day that Mr. Johnson actually used the car since it had mechanical problems and was sold off our lot as soon as we got it fixed. Mr. Johnson and I both agreed the Jaguar was a piece of junk that looked pretty but was unreliable in comparison to the BMW, the Mercedes, the GMC Van, or any other car on the front line of our lot.
18. This Federal Judge Ryskamp ordered the Government to seize Par Auto without a hearing and ruled Mr. Johnson owned Par Auto, which is totally untrue, but however his actions and this unfair case caused me to lose a small fortune by causing Par Auto to go out of business, and the loss of purchase rights on our very valuable US 1 property in Stuart, Florida.

FURTHER, AFFIANT SAYETH NAUGHT.

Robert Masiello

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledge before me this day of April 2006 by Robert Masiello, who is personally known to me or who has produced identification and who took and oath/affirmed.

Notary Public

My Commission Expires:

(F) THE CONCLUSION AND RELIEF SOUGHT

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 McCleskev v. Zant 499 U.S. 467, 494 (1991).

1. Warren D. Johnson, Jr.'s **Motion for Clarification of Questions to Court** filed on the 25th day of June 2002 went unanswered by the Court and set forth the misconduct of the United States. (See Record before Congress- pages 520 to 524)
2. The e-mail from Patrick Scott, Attorney on Wed. 14 February 2001 sets forth threats against the Johnson Family, if they do not allow the extortion leading to the 16 February 2001 agreement signed under extortion, threats, and duress, to which the court was noticed under "U.C.C. 1-207" without prejudice".(See Record before Congress- pages 528 to 529)
3. The Court appointed counsel, operating in violation of the local rules of United States District Court, Southern District of Florida (Rule 11.1 (D) Appearance by Attorney) and was ineffective and 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. Warren D. Johnson, Jr. always argued to represent himself, and never signed authorization for court appointed counsel, as required to be signed and filed with the clerk of the court, per local Rule 11.1 (D). Warren D. Johnson, Jr. had no lawful legal counsel before the court, and was not allowed to represent himself as guaranteed by the U.S. Constitution.
4. The Court appointed 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 sham 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. The Court appointed trial 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. The Court appointed trial 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. The Court appointed trial 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. The Court appointed trial 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. The Court appointed trial 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; and, the Chapter 7 Bankruptcy Trustee through his private attorney extorted assets and properties worth billions of dollars, which were not part of the charges and violated Mr. Johnson's Fifth and Sixth Amendment rights.
10. The Prosecution and the government should be held criminally liable for their role in the prosecutorial misconduct, lies and deceptions; and, knowing that Mr. Johnson was innocent of the charges, they did place 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.
11. The district court abused its discretion by demanding Mr. Johnson to reclassify his 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, and the court did not consider all the motions, affidavits and evidence of Mr. Johnson's "Absolute Innocence" before the court.

12. 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.

Mr. Johnson's sentence was imposed in violation of the Constitution and the laws of the United States (violating the Fifth, Sixth and Fourteenth Amendments; the Due Process Clause; the Indictment Clause; the Trial by Jury Clause; and the Ex Post Facto Law Clause under Article I, § 9); it was imposed without jurisdiction (violating the Federal Rules of Criminal Procedure - Rules 6 (c) and 6 (f), the Indictment Clause); it was imposed in excess of maximum authorized by law (violating the Fifth and Sixth Amendments); and subject to collateral attack (actual innocence, prosecutorial misconduct, suppression of evidence, perjured testimony, false evidence known to the government) thus creating a miscarriage of justice and warranting relief. Richards v. United States, 837 F.2d 965, 966 (11th Cir. 1988).

See also DeMarco v. United States, 928 F.2d 1074 (11th Cir. 1991), (knowing use of material perjured testimony); and Humphrey v. United States, 888 F.2d 1546 (11th Cir. 1989), (knowing falsification of material evidence).

Warren D. Johnson, Jr. was denied his Constitutional and due process rights since "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).

In reviewing a petition, the court must view the facts "in light most favorable" to the petitioner.
Government of the Virgin Islands v. Weatherwax, 20 F.3d 572 (3rd Cir. 1994).

13. Restitution twenty (20) months after sentencing was clearly illegal in the 16 February 2001 agreement and the United States well knew that fact; so, the used threats of indictment, extortion and duress to take the lawful property of the Johnson Family members, their projects and assets protected as "Legal Persons" under the European Human Rights Act in the Turks & Caicos Islands, as well as two Nevis Corporations. In addition to these criminal acts, chapter 7 Trustee Soneet Kapila, along with his attorney, Patrick Scott, did breach said agreement specifically by failing to enter "all approvals" "By all Courts" in the "lawsuits" "prior to March 7, 2001", then "all documents and funds shall be released to the parties (Johnson Family Members) provided them,..." As quoted from the 16 February 2001 agreement filed in the Record before Congress- pages 1436 to 1453, with page 1 "lawsuits"; and, page 2-1.05 for breach terms; and, page 18-8.02- legal fees in the event of breach, and attached as **Appendix Four** pages 90 to 98; **Appendix Four** being the docket sheets and certified record of **proof of said breach of contract** in the "lawsuit" of case No. 99-25479 in the Supreme Court of New York for the County of Orleans ("The Pratt Suit"), et al.) **since these cases were settled after March 7, 2001**. The first two pages of the 16 February 2001 agreement are added to Appendix Four, **showing the contract language on page one "lawsuits" and the specific condition to settle all lawsuits (under 1.05) by March 7, 2001 (or) return all assets on March 8, 2001 to the Johnson Family members.**

Mr. Johnson is proceeding here pro se and without the assistance of competent counsel, and requests this Court to exercise its discretion in addressing itself to any legal theory that would bear on the issues raised. See United States v. Dickerson, 166 F.3d 667, 669 (4th Cir. 1999).

Mr. Johnson further requests this Court to liberally construe his Rule 5.2 Memoranda [First Brief] and Relief Sought, in order to do substantial justice. See Harris v. Ostrout 65 F.3d 912, 915 (11th Cir. 1995).

**Affidavit of Jeffrey Alan Johnson
And
Re-Affirmation of Previous Affidavits
And a Criminal Complaint**

State of New York)
) SS.
County of Orleans)

Comes Now, Jeffery Alan Johnson, the undersigned who resides at PORTOSEL S.P., 12118 East Yates Center Road, Lyndonville, New York 14098, phone 585-765-2621; and, being over 21 years of age say the following, which is true, correct and complete based upon my knowledge.

1. I have received all of the tapes of Magistrate Judge Ann E. Vitunac's open court hearings from March 20, 1998 to March 25, 1998 and **No indictment hearing of Warren D. Johnson, Jr. exists** by any grand jury in violation of F.R.Cr.P Rule 6 (f) and I reaffirm my affidavit of 7th day of July, 2003 (Attached as Appendix Two on pages 57 to 66) copiously documenting that tapes AEV-98-34 (3/20/98) to AEV 98-38 (3/25/98) were purchased from the clerk of the court, are authentic and **contain no indictment hearing of Warren D. Johnson, Jr. on 3/24/1998**, or on any of these tapes during this five day period.
2. On March 18, 2006 at 10:50 AM, I reviewed the following copy of a fax dated March 24, 1998 16:08 from Dept Justice WPB page .002 to page .008; page .002 being a summons to David Roth, esquire; and pages .003 to .008 an indictment

stamped by the clerk U.S. District Ct. with the stamp running into the first two lines of copy; and, unsigned by any Foreperson on page .008 with a **totally blank line**. This document was removed from the safe of Warren D. Johnson, Sr. from a legal file originally compiled by Judge Mark Farrell, Warren D. Johnson, Sr.'s attorney, who on April 22, 1998 requested a copy of said indictment from AUSA Carolyn Bell. (Attached as Appendix Three pages 67 to 89- see page 74)

3. On or about June 25, 1999 over 23 defendants on case No 99-3143 BKC-SHF-A United States Bankruptcy Court, Southern District of Florida received a summons and notice... **with a different indictment** attached as Exhibit "I". This indictment is stamped in a different place by the clerk U.S. District Ct. et al at pm 1:22, with different stamp positions for 98-8039 CR-RYSKAMP and Magistrate Jud(GE) Vitunac, but purported to be signed by a foreperson. (Compare Appendix Three page 69 to page 77 to see they are not the same)
4. The jury verdict returned on 11/24/98 shows an indictment that was modified and given to the jury at trial, whereby the signatures of AUSA Carolyn Bell, USA Thomas E. Scott and a foreperson were moved from the end of an 8 count indictment on page 6 to page 4, after count 7, with the page number (4) missing. (Compare Appendix Three- page 82 with page 86)

Due to the fact that the bogus indictment in item #2 above (pages 69 to 74), does not match bogus indictment in item #3 (pages 77 to 82)above; and, bogus indictment #3 (pages 83 to 86) was altered for a petite jury between November 9, 1998 to November 24, 1998; and **no indictment** exists on the March 24, 1998 tape (#AEV-98-37) of the open court hearings of Magistrate Judge Ann E. Vitunac, **there could be no jurisdiction conferred on the United**

**States District Court, Southern District of Florida under the Rule of Law. [APPENDIX
THREE pages 67 to 89 of this Memoranda]**

5. I reaffirm my affidavit filed in the Record before Congress pages 713 to 777 showing a copiously documented legitimate payment of the principal on a note by Jerry Linkous to Warren D. Johnson, Sr.; and, Warren D. Johnson, Sr.'s purchase of the Toth patent for the State of New York, north of the 42nd parallel as confirmed in a 10-KSB filing with the United States Securities and Exchange Commission on pages 14 to 15 dated October 26, 2000 by Dr. M.G. "Pat" Robertson, chairman of Natural Solutions Corporation (formerly Ice Ban America, Inc.) [See product license agreement and related documents in the Record before Congress pages 724 to 745]
6. The license purchased by Warren D. Johnson, Sr. for \$225,000 is unrefuted and previously attested to November 10, 1999 by M.G. "Pat" Robertson on pages 5, "of his annual report for Natural Solution Corporation."
7. The sale of Ice Ban, Inc. with its patents and license agreement on July 24, 1997 yielded 1.3 million shares of Ice Ban America, Inc. which traded at a market value in excess of \$19 million U.S. within six months of the sale, proving the license cost @ \$225,000 was reasonable and legitimate.
8. I reaffirm all other affidavits and criminal complaints filed in the 1612 page Record before Congress, with the documents speaking for themselves.

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 day of April 2006.

Respectfully submitted,

Jeffrey Alan Johnson

PORTOSEL S.P.

12118 East Yates Center Road

Lyndonville, New York 14098

The foregoing instrument was acknowledged before me this day of April, 2006 by Jeffrey Alan Johnson, who is personally known to me or who produced identification and took the above oath.

Notary

My Commission Expires:

Relief Sought

Since we now have in our possession a **bogus indictment one** and the signature of the foreman (of the Grand Jury) **blank** (faxed from the department of Justice on March 24, 1998, with the clerk of the court's seal and time stamp running into the first line of the copy); and, a **bogus indictment two** (with the clerk of the court's seal and time stamp one inch higher and readable) with a signature in the foreman line on page 6 after count 8; and, **an altered bogus indictment two**, with all the signatures moved to page (4) behind count 7, stapled to the jury verdict form, I, Warren D. Johnson, Jr. pray this honorable Court rules that the United States District Court, Southern District of Florida, **never had jurisdiction** over case No 98-8039 CR RYSKAMP, and all judgments in said case are **VOID AB INITIO** (or) the court will need to hold hearings and examine both the grand jury and petite jury under oath to determine the following:

1. Did any Grand Jury ever stand before magistrate Judge Ann E. Vitunac on March 24, 1998 and did twelve members of this Grand Jury vote to indict Warren D. Johnson, Jr.?
2. Which Grand Jury members drafted any indictment against Warren D. Johnson, Jr.?
3. Did those Grand Jurors draft **Bogus indictment one? Bogus Indictment two?** (or) the **altered bogus indictment two?**
4. Which **bogus indictment** (or) **altered bogus indictment** did the petite jury vote on?

5. Did the balding little man from the South Florida water management district (having a reddish beard and moustache) talk the other jury members into a conviction?
6. Does any member of the petite jury remember the cars that Judge Ryskamp stated “would watch”? (or) even the color of any car Mr. Johnson drove to trial?
7. If any member of a Grand Jury states that he or she was in the open court of Magistrate Judge Ann E. Vitunac on March 24, 1998, why was it not on the tape (AEV 98-37) of those open court hearings?
8. Why did a court reporter, Catherine Villwock make up a **bogus transcript** of a purported hearing before Magistrate Judge Ann E. Vitunac which is not on tape AEV 98-37? [See Page 5 of Record before Congress Cover-Up No. One]
9. Why did the United States fail to provide a true, correct and complete “Transcript” in answer to petitioner’s [Warren D. Johnson, Jr.] square challenge to the court’s jurisdiction with incorporated memorandum of Law? [See Record before Congress- pages 415 to 420]

In a cover-up of this vendetta, exposed to the court on January 25, 2001 and again on February 16, 2001, the **transcripts of both hearings have been altered** either by the court reporters (or) by the RICO, so discovery must be ordered by the court to actually establish a true, complete and correct record. Substantial evidence of **crimes in creating these altered forged fictitious records** regarding the January 25, 2001 and February 16, 2001 transcripts exists on pages 14 to 39 of records before Congress, as well as copies of subpoenas No. 353 to 359 duly filed with the clerk of the court on 4/6/05 and listing the description of 50 record

files to be produced for hearings on altered records, bogus indictments and crimes against Warren D. Johnson, Jr. et al. These subpoenas need to be re-issued by the court, unless the criminal case against Warren D. Johnson, Jr. is ruled **VOID AB INITIO**.

The interrogatories of AUSA Carolyn Bell on April 15, 2004 and the certificate of non-response on April 27, 2004 reaffirmed her answers were yes to all questions [Attached is **Appendix One** (pages 40 to 56 of this Memoranda, also, being the Record before Congress- pages 180 to 195] and should be confirmed by the United States Court of Federal Claims **as the truth of the actual facts in this case**, with a declaratory judgment against the United States whereby all charges against Warren D. Johnson, Jr. are ruled **Void Ab Initio**; and award a declaratory judgments against the United States for the specific claim of damages to Warren D. Johnson, Jr., filed on or about April 18, 2006.)

I pray the court to also hold hearings on the evidence that no indictment ever existed by any Grand Jury against Warren D. Johnson, Jr. granting jurisdiction to any court from “We the People,” and give judgment against the United States for violation of Warren D. Johnson, Jr.’s Constitutional, Civil and Human Rights, with a jury trial to value the undeterminable damages in said claim.

I pray the court to order the attorney general of the United States to take all evidence of criminal wrong doing in this 1612 page Record before Congress to a grand jury, regarding misconduct in withholding the testimony and substantial evidence of Dr. Walter Harber, Jerry Linkous, Jeffery A. Johnson et al., showing that there were no issues of substance in any factual case of any crime committed by Warren D. Johnson, Jr. in violation of the laws of the United States.

I pray the court to give judgment against the United States for putting Warren D. Johnson, Jr. on trial for laws “ex post facts,” in violation of Warren D. Johnson, Jr.’s Constitutional, Civil and Human Rights.

I pray the court to give a financial declaratory judgment against the United States for the future forward values of property, stock, time in prison, lawful money, projects and all assets taken or destroyed whereby the values were clearly established under the Federal Rules of Evidence 201(d) Mandatory Judicial Notice as follows:

(1) Under *Trazevvant v. City of Tampa*, 741 F.2d 336 (11th Cir. 1984), Warren D. Johnson, Jr. is entitled to \$25,000 for every 23 minutes from 4 pm. November 24, 1998 until his release from his illegal conviction, which will continue to accrue until all charges against Warren D. Johnson, Jr. are ruled **Void Ab Initio**, and

(2) Under the Federal Rule of Evidence Rule 201 (d) mandatory judicial notice of undisputed facts, the future forward values total \$ 43.04 billion U.S. as per the **Specific Claim** of Warren D. Johnson, Jr. filed on April 18, 2006, followed by a jury trial for **losses of undeterminable value** as listed, irrespective of other Rule 20 (a) permissive Joinder Claims filed; (or), any future Rule 23 class actions authorized by the United States Court of Federal Claims. [The amounts and value of (1) and (2) above are set forth before the United States and **undisputed** in the 1612 pages of records before the United States Courts and the United States Congress, both of which have failed to hold any meaningful hearings on the criminal acts and damages set forth]

I pray the court to order the Attorney General of the United States to take all the evidence of criminal wrong doing against Warren D. Johnson, Jr., [The Johnson Family and the Johnson Family Projects] to hearings before the Congressional Committee on Government

Reform exposing to Congress the criminal acts in this case, with a meaningful prosecution for all violations of the Law of Nations, in crimes against Warren D. Johnson, Jr., the Johnson Family, PORTOSEL S.P., and the Johnson family property, projects, public companies and contracts.

(G) APPENDIX ONE- AUSA Carolyn Bell's Interrogatories admitting the crimes Against Warren D. Johnson, Jr. et al. and recorded before Congress pages 180 to 196)

(Now part of this Memoranda pages 40 to 56)

APPENDIX TWO

Affidavit of Jeffrey Alan Johnson on 7th July 2003 reviewing the official tapes of open court hearings of Magistrate Judge Ann E. Vitunac from March 20, 1998 to March 24, 1998, conclusively proving that no indictment of Warren D. Johnson, Jr. ever happened in her open court. (Now a part of this Memoranda pages 57 to 66)

APPENDIX THREE

Copies of the **two bogus indictment(s)** filed with the clerk of the court USDCSDF on March 24, 1998 by AUSA Carolyn Bell; and, the **altered bogus indictment** given to a petite jury in case No. 98-8039 CR RYSKAMP between November 9, 1998 to November 24, 1998. (Now a part of this Memoranda pages 67 to 89)

APPENDIX FOUR

PROOF OF BREECH OF CONTRACT in the 16 February 2001 AGREEMENT as BREECH occurred when the lawsuits were not settled by March 7, 2001; as Case No. 99-25479 settled 14 days late and Case No. CL 99-3185 settled 7 days late, **BOTH CAUSING BREECH** under **1. Consideration-paragraph 1.05.**

(Now a part of this Memoranda pages 90 to 98)

OATH

I Warren D, Johnson, Jr., hereby declare that I am of age and 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 under the laws of the United States of America, Common Law, and the Law of Nations and my unlimited commercial liability, this the day of April 2006.

Warren D. Johnson, Jr.
PORTOSEL S.P.
11951 East Yates Center Road
Lyndonville, New York 14098
Phone: 585-765-2786

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the forgoing notice of claims was served upon Alberto Gonzales, Attorney General of the United States, 950 Pennsylvania Avenue N.W., Washington D.C. 20530 and Warren D. Johnson, Jr. at PORTOSEL S.P., 11951 East Yates Center Road. Lyndonville New York 14098, by placing same in the U.S. postage mail box First Class, on this the day of April 2006 for filing.

By: _____

Warren D. Johnson, Jr.

APPENDIX ONE

AUSA CAROLYN BELL'S

INTERROGATORIES

ADMITTING THE CRIMES

Against Warren D. Johnson, Jr. et al.

and recorded

before Congress

(pages 180 to 196)

Now part of this Memoranda

pages 40 to 56

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.

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-KL **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 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 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: _____

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 Harber 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. § 174 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.

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.

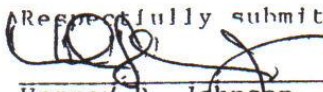
OPPORTUNITY TO CURE

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: 1 : J. J.

APPENDIX TWO

Affidavit of Jeffrey Alan Johnson
on 7th July 2003
reviewing the Official Tapes
of open court hearings
of Magistrate Judge Ann E. Vitunac
from March 20, 1998 to March 25, 1998
conclusively proving
that no Indictment
of Warren D. Johnson, Jr.
ever happened
in her open court
Now a part of this Memoranda
pages 57 to 66

AFFIDAVIT OF
IN VERIFICATION OF THE COURTROOM TAPES
OF MAGISTRATE JUDGE ANN E. VITUNAC'S
OPEN COURT HEARINGS FROM
MARCH 20, 1998 TO MARCH 25, 1998
IN VIOLATION OF F.R.Cr.P. RULE 6(f)
FOR LACK OF AN INDICTMENT HEARING

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

COMES NOW, Jeffrey Alan Johnson, on behalf of Warren Douglas Johnson, Jr. and files this 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, 2157 Rayburn House Office Building, Washington, D.C. 20515-6143, and further states:

1. Audio tapes were ordered on May 21, 2003 from the Clerk of the Court of the United States District Court of the Southern District of Florida as per Exhibit A.

2. The tapes provided were of Magistrate Judge Ann E. Vitunac's open court and, included tape #AEV 98-36; 98-37; and 98-38.

3. I have reviewed all of the above mentioned tapes and and have found there is no indictment hearing of Warren D. Johnson, Jr. in Ann E. Vitunac's open court, according to the official record supplied by the Clerk of the Court for the above referenced dates, and any claim to the contrary

would be fraud upon the Court.

4. Exhibit B clearly shows that tape #AEV 98-37 was recorded on March 24 1998. (Dkt.13 for Case #: 98-CR-6041-ALL).

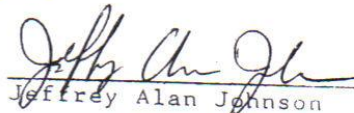
5. Exhibit C clearly shows that tape #AEV 98-38 was recorded on March 25, 1998. (Dkt. 3 for Case #: 98-CR-8038-ALL).

6. Exhibit D clearly shows that tape #AEV 98-38 contained the minutes of a bond hearing held on 3/25/98 and was the only reference to Warren D. Johnson, Jr. on or after 3/24/98 in all the official tapes that I reviewed. (Dkt. 4 for Case #98-CR-8039-ALL).

7. Exhibit E is a letter dated September 23, 2002 to Catherine Wade, Executive Services Administrator for the United States District Court, putting them on notice of the F.R.Cr.P. Rule 6(f) violations as the hearing does not exist for the Return of Indictment hearing in open court on March 24, 1998; and reflected on the docket in Exhibit D.

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 the penalty of perjury to the laws of The United States of America and the Laws of the State of New York, this 7th day of June, 2003.


Jeffrey Alan Johnson

The foregoing instrument was acknowledged before me this 7th day of July, 2003, by Jeffrey Alan Johnson, who is personally known to me or who produced identification and took the above oath.


Notary Public

LISA S. CARPENTER
Notary Public, State of New York
No. 01CA5013050
Qualified in Orleans County
Commission Expires July 15, 2003

Clerk of the Court
United States District Court
Southern District of Florida
701 Clematis Street
West Palm Beach, Florida 33401

EXHIBIT A

re: Audio Tapes of Magistrate Hearings - Ann E. Vitunac 3/24/98

Dear Clerk of the Court:

Please provide me with a copy of all audio tapes held in the official records of your office that would include all hearings held in Magistrate Judge Ann E. Vitunac's open Court on March 24, 1998. I am willing to pay for the cost of the audio tapes which could include tape #: AEV 98-36; 98-37; and 98-38. Please also provide a certified label for each tape provided to me.

Yours truly,

Devin Johnson
May 21, 2003

EXHIBIT B

U.S. District Court Web PACER(v2.4) Docket Report

Page 1 of 5

Docket as of March 17, 1999 8:21 pm

Web PACER (v2.4)

U.S. District Court

Southern District of Florida (W.Palm Beach)

CRIMINAL DOCKET FOR CASE #: 98-CR-8037-ALL

USA v. Brown

Filed: 03/19/98

Other Dkt # 9:98-m -05055

Case Assigned to: Judge Kenneth L. Ryskamp

| | | |
|---------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3/20/98 | 10 | STANDING DISCOVERY ORDER as to Jason C. Brown all motions concerning matters not covered by this order must be filed within 28 days of this order (Signed by Magistrate Ann E. Vitunac on 3/20/98) \ CCAP (kw) [Entry date 03/23/98] |
| 3/20/98 | 11 | Minute of arraignment held on 3/20/98 before Magistrate Ann E. Vitunac as to Jason C. Brown ; Tape #: AEV 98-34-789 (kw) [Entry date 03/23/98] |
| 3/26/98 | 12 | RESPONSE to Standing Discovery Order by USA as to Jason C. Brown (pa) [Entry date 03/27/98] |
| 4/20/98 | 13 | Minute of status/discovery conference held on 4/20/98 before Magistrate Ann E. Vitunac as to Jason C. Brown ; Tape #: AEV 98-51-992 (kw) [Entry date 04/20/98] |
| 4/30/98 | 15 | NOTICE OF TRIAL as to Jason C. Brown: set Jury trial for 9:00 a.m. on 5/11/98 before Judge Kenneth L. Ryskamp, set calendar call for 1:15 p.m. on 5/6/98 for Jason C. Brown |

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

1/27/2003

U.S. District Court
Southern District of Florida (FtLauderdale)
CRIMINAL DOCKET FOR CASE #: 98-CR-6041-ALL
USA v. Rackins

Filed: 03/17/98
Dkt# in other court: None

| | | |
|---------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3/24/98 | 7 | ORDER SETTING STATUS CONFERENCE as to Johnny Leon Rackins Status conference set for 9:30 4/24/98 for Johnny Leon Rackins before Magistrate Ann E. Vitunac (Signed by Magistrate Ann E. Vitunac on 3/24/98) CCAP (kw) [Entry date 03/25/98] |
| 3/24/98 | 8 | STANDING DISCOVERY ORDER as to Johnny Leon Rackins all motions concerning matters not covered by this order must be filed within 28 days of this order (Signed by Magistrate Ann E. Vitunac on 3/24/98) CCAP (kw) [Entry date 03/25/98] |
| 3/24/98 | 9 | ORDER SETTING STATUS CONFERENCE as to Johnny Leon Rackins Status conference set for 9:30 4/24/98 for Johnny Leon Rackins before Magistrate Ann E. Vitunac (Signed by Magistrate Ann E. Vitunac on 3/24/98) CCAP (kw) [Entry date 03/25/98] |
| 3/24/98 | 13 | Minute of status re counsel and arraignment held on 3/24/98 before Magistrate Ann E. Vitunac as to Johnny Leon Rackins ; Tape #: AEV 98-37-72 (kw) [Entry date 03/26/98] |
| 3/24/98 | 20 | ORDER as to Johnny Leon Rackins Appointment of Public Defender (Signed by Magistrate Ann E. Vitunac on 3/24/98) CCAPD (pa) [Entry date 03/27/98] |
| 3/26/98 | 14 | Minute of Detention Hearing held on 3/26/98 before Magistrate Ann E. Vitunac as to Johnny Leon Rackins: Defendant detained. Detention Order to follow. TAPE: AEV98-39-1525 (pa) [Entry date 03/27/98] |
| 3/26/98 | -- | Detention hearing as to Johnny Leon Rackins held (pa) [Entry date 03/27/98] |
| 3/26/98 | 15 | NOTICE of Appearance for Johnny Leon Rackins by Attorney Wilbur V. Chaney (pa) [Entry date 03/27/98] |
| 3/26/98 | 16 | NOTICE of Assignment of Assistant Public Defender for Johnny Leon Rackins . Terminated attorney Wilbur V. Chaney for Johnny Leon Rackins AFPD Dave Lee Brannon assigned. (pa) |

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

EXHIBIT B- Page B-2

U.S. District Court
Southern District of Florida (FtLauderdale)
CRIMINAL DOCKET FOR CASE #: 98-CR-6015-ALL
USA v. McCleod, et al

Filed: 02/17/98
Dkt# in other court: None

| | | |
|---------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3/24/98 | -- | PLEA entered by Anthony Spence . Court accepts plea. NOT GUILTY: Anthony Spence (14) count(s) 1, 2, 7, 9, 12, 8, 10 (kw) [Entry date 03/25/98] |
| 3/24/98 | 144 | ARRAIGNMENT INFORMATION SHEET for Daphne Creary (2) count(s) 1 (kw) [Entry date 03/25/98] |
| 3/24/98 | -- | PLEA entered by Daphne Creary . Court accepts plea. NOT GUILTY: Daphne Creary (2) count(s) 1, 2, 8, 7, 9, 11-12, 6, 8, 10 (kw) [Entry date 03/25/98] |
| 3/24/98 | 145 | STANDING DISCOVERY ORDER as to Daphne Creary, Malcolm Edwards, Kenneth Vinson, Anthony Spence all motions concerning matters not covered by this order must be filed within 28 days of this order (Signed by Magistrate Ann E. Vitunac on 3/24/98) CCAP (kw) [Entry date 03/25/98] |
| 3/24/98 | 146 | NOTICE of Appearance for Daphne Creary by Attorney Charles Garret White (kw) [Entry date 03/25/98] |
| 3/24/98 | 147 | NOTICE of Appearance for Anthony Spence by Attorney John O'Donnell (kw) [Entry date 03/26/98] [Edit date 04/23/98] |
| 3/24/98 | 148 | Minute of arraignment and bond held on 3/24/98 before Magistrate Ann E. Vitunac as to Malcolm Edwards ; Tape #: AEV 98-37-717-2766 (kw) [Entry date 03/26/98] |
| 3/24/98 | 149 | Minute of arraignment and detention hearing held on 3/24/98 before Magistrate Ann E. Vitunac as to Kenneth Vinson ; Tape #: AEV 98-37-828 (kw) [Entry date 03/26/98] |
| 3/24/98 | 150 | Minute of status re counsel held on 3/24/98 before Magistrate Ann E. Vitunac as to Daphne Creary ; Tape #: AEV 98-37-478 (kw) [Entry date 03/26/98] |
| 3/24/98 | 151 | Minute of arraignment held on 3/24/98 before Magistrate Ann E. Vitunac as to Anthony Spence ; Court Reporter Name or Tape #: AEV 98-37-458 (kw) [Entry date 03/26/98] |

<http://pacer.flsd.uscourts.gov/dc/cgi-bin/pacer740.pl> EXHIBIT B- Page B-3

EXHIBIT C

U.S. District Court Web PACER(v2.4) Docket Report

Page 1 of 8

Docket as of May 27, 2000 0:03 am

Web PACER (v2.4)

U.S. District Court

Southern District of Florida (W.Palm Beach)

CRIMINAL DOCKET FOR CASE #: 98-CR-8038-ALL

USA v. Ussery

Filed: 03/24/98

Dkt# in other court: None

Case Assigned to: Judge Daniel T. K. Hurley

U.S. District Court Web PACER(v2.4) Docket Report

Page 3 of 8

| | | |
|---------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3/24/98 | 1 | INDICTMENT as to Joel M. Ussery (1) count(s) 1, 2 (Criminal Category 1) (br) [Entry date 03/24/98] |
| 3/24/98 | -- | Magistrate identification: Magistrate Judge Ann E. Vitunac (br) [Entry date 03/24/98] |
| 3/24/98 | 2 | Arrest WARRANT issued as to Joel M. Ussery Warrant issued by Magistrate Ann E. Vitunac Bail fixed at \$50,000 personal surety (br) [Entry date 03/24/98] |
| 3/25/98 | 3 | Minute of bond, arraignment and initial hearing held on 3/25/98 before Magistrate Ann E. Vitunac as to Joel M. Ussery ; Tape #: AEV 98-38-64 (kw) [Entry date 03/26/98] |
| 3/25/98 | 4 | ARRAIGNMENT INFORMATION SHEET for Joel M. Ussery (1) count(s) 1 (kw) [Entry date 03/26/98] |
| 3/25/98 | -- | PLEA entered by Joel M. Ussery . Court accepts plea. NOT GUILTY: Joel M. Ussery (1) count(s) 1, 2 (kw) [Entry date 03/26/98] |

EXHIBIT D

Docket as of June 1, 2002 9:54 am

Web PACER (v2.3)

U.S. District Court

Southern District of Florida (W.Palm Beach)

CRIMINAL DOCKET FOR CASE #: 98-CR-8039-ALL

USA v. Johnson

Filed: 03/24/98

Dkt# in other court: None

Case Assigned to: Judge Kenneth L. Ryskamp

DOCKET PROCEEDINGS

| DATE | # | DOCKET ENTRY |
|---------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3/24/98 | 1 | INDICTMENT as to Warren D. Johnson (1) count(s) 1, 2, 3-7, 8 (Criminal Category 2) (br) [Entry date 03/24/98] |
| 3/24/98 | -- | Magistrate identification: Magistrate Judge Ann E. Vitunac (br) [Entry date 03/24/98] |
| 3/24/98 | 2 | SUMMONS (ES) issued for Warren D. Johnson Jr. before Magistrate Ann E. Vitunac (br) [Entry date 03/24/98] |
| 3/25/98 | 3 | NOTICE of Temporary Appearance for Warren D. Johnson Jr. by Attorney David Roth (kw) [Entry date 03/26/98] |
| 3/25/98 | 4 | Minute of bond, nebbia and initial hearing held on 3/25/98 before Magistrate Ann E. Vitunac as to Warren D. Johnson Jr.; Court Reporter Name or Tape #: AEV 98-38-493 (kw) [Entry date 03/26/98] |
| 3/25/98 | 6 | ORDER on Initial Appearance as to Warren D. Johnson Jr. Bond set to \$100,000.00 CSB. Arraignment set for 9:30 4/8/98 ; Report re counsel set for 9:30 4/8/98; before Magistrate Ann E. Vitunac, , (Signed by Magistrate Ann E. Vitunac on 3/25/98) CCAP (kw) [Entry date 03/30/98] |

EXHIBIT E

September 23, 2002

Catherine Wade
Executive Services Administrator
United States District Court
Southern District of Florida
301 North Miami Avenue
Miami, Florida 33128-7788

RE: JURISDICTION OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA (OR) LACK THEREOF
DUE TO THE GRAND JURY NOT RETURNING AN INDICTMENT
IN OPEN COURT WHICH LED TO CASE NO. 98-8039-CR-RYSKAMP.

Dear Ms. Wade;

I need to obtain from you a true, correct, and complete transcript of the Return of Indictment Hearing held in open Court with a Magistrate Judge on or around March 24, 1998 creating this case no. 98-8039-CR-RYSKAMP as required under the Federal Rules of Criminal Procedure (F.R.Cr.P.) in Rule 6(f) Finding and Return of Indictment. The Indictment was docketed in this case on March 24, 1998 and the Return of Indictment Hearing would have been before Magistrate Judge Ann Vitunac in her West Palm Beach division Courtroom. In the event that a record of this Hearing does not exist, please notify me of this finding on your letterhead and with your signature.

In the event that you do locate the record, please disclose this to me immediately.

A lack of response within five business days will be construed to mean that the Finding and Return of Indictment was not returned in open court by the Foreperson and a total of twelve (12) members of the Grand Jury as required by Law under F.R.Cr.P. Rule 6(f), which therefore denies Jurisdiction to the District Court.

I look forward to hearing from you.

Best Regards,



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

APPENDIX THREE

copies of the
TWO BOGUS INDICTMENTS
filed with the Clerk of the Court
USDCSDF on March 24, 1998
by AUSA Carolyn Bell
and, the ALTERED BOGUS INDICTMENT
given to a petite jury
in case no.98-8039 CR RYSKAMP
between 11/9/1998- 11/24/1998
Now part of this Memoranda
pages 67 to 89

FD-63 (Rev. 12/85) SUMMONS IN A CRIMINAL CASE

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA
V.

WARREN D. JOHNSON, JR.

SUMMONS IN A CRIMINAL CASE

CASE NUMBER: **CR-RYSKAMP**
98-8039MAGISTRATE JUDGE
VITUNAC

(Name and Address of Defendant)

c/o DAVID ROTH, ESQUIRE
515 NORTH FLAGLER Drive, Suite 325
West Palm Beach, Florida 33401

YOU ARE HEREBY SUMMONED to appear before the United States District Court at the place, date and time set forth below.

Place

United States District Court
701 Clematis Street
West Palm Beach, Florida 33401Room 4TH FLOOR
COURTROOM #3
Date and Time
MARCH 25, 1998
@ 9:30 AM

Caption

To answer a(n)

☒ Indictment☐ Information☐ Complaint☐ Violation Notice☐ Probation Violation PetitionCharging you with a violation of Title 18 United States Code, Section(s) 152, 1014, 1957 and 982

Brief Description of offense: Bankruptcy Fraud, Bank Fraud, Money Laundering & Forfeiture

Signature of Issuing Officer

Carlos Irujo - Clerk of Court
Name and Title of Issuing Officer

Date

March 24, 1998

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

98-8039 CR-RYSKAMP

UNITED STATES OF AMERICA,

Case No.

18 USC 152
18 USC 1014
18 USC 1957
18 USC 982

v.

MAGISTRATE JUDGE

Magistrate Judge VITUNAC

WARREN D. JOHNSON, JR.

Defendant.

INDICTMENT

The Grand Jury charges that:

COUNT 1

BANKRUPTCY FRAUD

From on or about September 26, 1992, to on or about March 29, 1993, at Palm Beach County, in the Southern District of Florida and elsewhere, the defendant,

WARREN D. JOHNSON, JR.

did knowingly and fraudulently conceal and cause to be concealed from creditors and from the United States Trustee certain property belonging to the bankruptcy estate of Warren D.

Johnson, Jr., case no. 92-33339-BKC-RAM, in the United States Bankruptcy Court for the Southern District of Florida, that is, an interest in a parcel of real property along the St. Lucie River in Palm City, Florida, commonly known as Bay Pointe Estates, including an interest in profits from the property pursuant to a trust agreement dated on or about October 31, 1991.

All in violation of Title 18, United States Code, Section 152(1).

COUNT 2

LOAN APPLICATION FRAUD

On or before April 17, 1991, at Broward County, in the Southern District of Florida and elsewhere, the defendant,

WARREN D. JOHNSON, JR.

did knowingly make a false statement or report to Southeast Bank, an institution whose deposits were insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of Southeast Bank, by presenting to Southeast Bank a Statement of Financial Condition dated January 2, 1991, upon an application for an extension of a loan in the amount of approximately \$600,000 related to a property known as the Retirement Facility at Palm-Aire located in Pompano Beach, Florida, on which the defendant claimed total assets of approximately \$13,904,899 and total liabilities of approximately \$1,110,000, which information the defendant then and there well knew was not true and correct; that is, as the defendant then and there well knew, the Statement of Financial Condition failed to disclose certain liabilities, including but not limited to:

1) a liability in the amount of approximately \$557,933 to Great Western Bank, incurred in or about 1986, relating to a loan on an apartment complex;

2) a liability in the amount of approximately \$100,000 to J.J. Dorbel Corporation, incurred in or about 1986, relating to a second mortgage on an apartment complex;

3) a liability in the amount of approximately \$7,175 to First

USA Bank, incurred in or about December, 1990, for credit card
Act. NO. 4417 1221 5744 1339 P.O. Box 8655
charges; and WILMINGTON, DE. 19886

4) a liability in the amount of approximately \$4,295 to
Republic National Bank, incurred in or about December, 1990, for
Act NO. 4071810006541765 P.O. Box 100126, COLUMBIA, S.C. 29202
credit card charges.

All in violation of Title 18, United States Code, Section
1014.

COUNTS 3 - 7

MONEY LAUNDERING

On or about the dates enumerated below as to each Count, at
Palm Beach County, in the Southern District of Florida and
elsewhere, the defendant,

WARREN D. JOHNSON, JR.

did knowingly engage and attempt to engage in monetary transactions
affecting interstate or foreign commerce in criminally derived
property of a value greater than \$10,000 which was derived from
specified unlawful activity, namely bankruptcy fraud, in violation
of Title 18, United States Code, Section 152(1), as more fully
described below:

| <u>COUNT</u> | <u>DATE</u> | <u>FINANCIAL TRANSACTION</u> |
|--------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 | 3/24/94 | A check (no. 2023) from a trust account of the law firm of McCarthy, Summers, Bobko, McKey & Bowen, P.A. in the amount of approximately \$250,000, representing proceeds of the sale of lot 33, Bay Pointe Estates, and deposited into American Bank of Martin County was wire transferred to Admiralty Bank, Palm Beach Gardens, and credited to account no. 0300125887 in the name of Linkous Corporation. |

| <u>COUNT</u> | <u>DATE</u> | <u>FINANCIAL TRANSACTION</u> |
|--------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | 3/25/94 | Approximately \$250,000 from account no. 0300125887 in the name of Linkous Corporation at Admiralty Bank, Palm Beach Gardens, Florida, was wire transferred to M & T Bank, Lyndonville, New York and credited to account no. 7942247340 in the name of Warren Johnson, Sr. |
| 5 | 3/31/94 | A check (no. 4152), dated March 28, 1994, in the amount of approximately \$125,000 from account no. 7942247340 in the name of Warren Johnson, Sr. at M & T Bank, Lyndonville, New York, was used to credit account no. 1002141708 in the name of Dianne Johnson at Riverside Bank, Fort Pierce, Florida in the amount of approximately \$103,600. |
| 6 | 5/5/94 | Approximately \$100,000 from account no. 7942247340 in the name of Warren Johnson, Sr. at M & T Bank, Lyndonville, New York, was wire transferred to Riverside Bank, Fort Pierce, Florida and credited to account no. 1002141708 in the name of Dianne Johnson. |
| 7 | 4/1/96 | A check (no. 4484) in the amount of approximately \$19,500 from account no. 7942247340 in the name of Warren Johnson, Sr. at M & T Bank, Lyndonville, New York, was credited to account no. 1002141708 in the name of Dianne Johnson at Riverside Bank, Fort Pierce, Florida. |

All in violation of Title 18, United States Code, Section 1957.

COUNT 8

FORFEITURE OF PROCEEDS OF BANKRUPTCY FRAUD

The allegations contained in Counts Three through Seven of this Indictment are realleged and incorporated by reference as though fully set forth herein, for the purpose of alleging

forfeiture pursuant to the provisions of Title 18, United States Code Section 982.

As a result of the foregoing offenses, that is violations of Title 18, United States Code, Section 1957, the defendant,

WARREN D. JOHNSON, JR.

shall forfeit to the United States all property, real and personal involved in the aforestated offenses and all property traceable to such property, including, but not limited to, \$250,000 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property which was involved in the aforestated offenses or is traceable to such property.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third person;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982 (b)(1) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property, including but not limited to:

- 1) any interest of any kind in property, real and personal, located at 511 S.W. Bay Pointe Circle, Palm City, Florida;
- 2) any interest of any kind in a parcel of real property along

the St. Lucie River in Palm City, Florida, commonly known as Bay
Pointe Estates, including an interest in profits from the property
pursuant to a trust agreement dated on or about October 31, 1991;

3) any interest of any kind in a property or any entities
related to a property known as the Retirement Facility at Palm-
Aire, located in Pompano Beach, Florida;

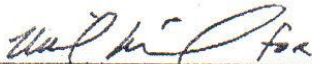
4) any interest of any kind in Ice Ban America, Inc.; and

5) any interest of any kind in a real estate development
commonly known as Grand Turk Harbour, located on Grand Turk Island,
in the Turks and Caicos Islands.

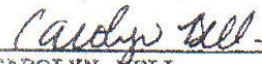
All pursuant to Title 18, United States Code, Section 982.

A TRUE BILL

FOREPERSON



THOMAS E. SCOTT
UNITED STATES ATTORNEY



CAROLYN BELL
ASSISTANT UNITED STATES ATTORNEY

NUMBERS.

UNITED STATES BANKRUPTCY COURT
Southern District of Florida

In re: Warren Douglas Johnson, Jr.,

Case No. 92-33339-BKC-SHF
Chapter 7

Debtor.

99-3143

Soneet R. Kapila, Trustee,

Adversary Proceeding No.:

vs.

BKC-SHF-A

Warren Douglas Johnson, Jr., Adam Brown, Joyce Johnson, Warren Johnson, Sr., Linkous Corporation, Dianne Johnson, Kelly Brown, Jeffrey Johnson, Lynne Johnson, Paul Johnson, Mark Johnson, Patricia Wellspeak, Sharon Pratt, Lawrence Pratt, Harbour Funding Partners, Medical College Fund Ltd., Windmills Plantation Fund, Ltd., Hawk's Nest Plantation Fund, Ltd., Reed International Fund, Ltd., Ryder Securities, Ltd., Marlin Preservation Fund, Ltd., Harvard Fund Limited, Merchant Trust Fund Limited, and Grand Turk Harbour Developments, Ltd.,

Defendants.

SUMMONS AND NOTICE OF PRETRIAL/TRIAL
IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 25 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days.

Address of Clerk: United States Bankruptcy Court, Paul G. Rogers Federal Building, 701 Clematis Street, West Palm Beach, FL

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney: Patrick S. Scott
Law Office of Patrick Scott, One East Broward Blvd., # 1501, Ft. Lauderdale, FL 33301

If you make a motion, your time to answer is governed by FRBP 7012.

☐ YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

| | |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Address United States Bankruptcy Court, Paul G. Rogers Federal Building, 701 Clematis Street, West Palm Beach, FL | Courtroom #: 6 |
| | Date and Time: September 7, 1999 at 10:30 am |

☐ YOU ARE NOTIFIED that a trial of the proceeding commenced by the filing of the complaint will be held during the one-week trial period indicated below at the following time and place.

| | |
|----------------------------------------------------------------------------------------------------------------------|--------------------------|
| Address United States Bankruptcy Court, Paul G. Rogers Federal Building, 701 Clematis Street, West Palm Beach, FL | Courtroom #: |
| | Trial Date: TO BE SET |
| | Time: AT PRETRIAL |

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

6-25-99
Date

KAREN EDDY
Clerk of Court

By:

Deputy Clerk

*THE DEADLINE FOR ANSWERING THE COMPLAINT IN THE CASE HAS BEEN SHORTENED BY THE COURT PURSUANT TO THE PROVISIONS OF FRBP 7012 AND LOCAL RULE 712

UNITED STATES DISTRICT COURT
Southern District of Florida

UNITED STATES OF AMERICA

Plaintiff,

v.

WARREN D. JOHNSON, JR.,

Defendant.

VERDICT

Case Number: 98-8039-CR-RYSKAMP

We, the Jury, find the Defendant, Warren D. Johnson, Jr.,

| | | |
|----------------------------------------------------|-------------------|------------------|
| <input checked="" type="checkbox"/> as to Count 1: | GUILTY <u>Yes</u> | NOT GUILTY _____ |
| <input checked="" type="checkbox"/> as to Count 2: | GUILTY <u>Yes</u> | NOT GUILTY _____ |
| <input checked="" type="checkbox"/> as to Count 3: | GUILTY <u>Yes</u> | NOT GUILTY _____ |
| <input checked="" type="checkbox"/> as to Count 4: | GUILTY <u>Yes</u> | NOT GUILTY _____ |
| <input checked="" type="checkbox"/> as to Count 5: | GUILTY <u>Yes</u> | NOT GUILTY _____ |
| <input checked="" type="checkbox"/> as to Count 6: | GUILTY <u>Yes</u> | NOT GUILTY _____ |
| <input checked="" type="checkbox"/> as to Count 7: | GUILTY <u>Yes</u> | NOT GUILTY _____ |

SO SAY WE ALL.

[Signature]
Foreperson's Signature

1/2-7/98
Date

J. L. - A. J. Johnson
Foreperson Print Name

EXHIBIT I

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

98-8039 CR-RYSKAM

UNITED STATES OF AMERICA,

Case No.

18 USC 152
18 USC 1014
18 USC 1957
18 USC 982

v.

Magistrate Judge

MAGISTRATE JUDGE
VITUSAC

WARREN D. JOHNSON, JR.

Defendant.

INDICATEMENT

The Grand Jury charges that:

COUNT 1

BANKRUPTCY FRAUD

From on or about September 26, 1992, to on or about March 29, 1993, at Palm Beach County, in the Southern District of Florida and elsewhere, the defendant,

WARREN D. JOHNSON, JR.

did knowingly and fraudulently conceal and cause to be concealed from creditors and from the United States Trustee certain property belonging to the bankruptcy estate of Warren D. Johnson, Jr., case no. 92-33339-BKC-RAM, in the United States Bankruptcy Court for the Southern District of Florida, that is, an interest in a parcel of real property along the St. Lucie River in Palm City, Florida, commonly known as Bay Pointe Estates, including an interest in profits from the property pursuant to a trust agreement dated on or about October 31, 1991.

All in violation of Title 18, United States Code, Section 152(1).

COUNT 2LOAN APPLICATION FRAUD

On or before April 17, 1991, at Broward County, in the Southern District of Florida and elsewhere, the defendant,

WARREN D. JOHNSON, JR.

did knowingly make a false statement or report to Southeast Bank, an institution whose deposits were insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of Southeast Bank, by presenting to Southeast Bank a Statement of Financial Condition dated January 2, 1991, upon an application for an extension of a loan in the amount of approximately \$600,000 related to a property known as the Retirement Facility at Palm-Aire located in Pompano Beach, Florida, on which the defendant claimed total assets of approximately \$13,904,899 and total liabilities of approximately \$1,110,000, which information the defendant then and there well knew was not true and correct; that is, as the defendant then and there well knew, the Statement of Financial Condition failed to disclose certain liabilities, including but not limited to:

- 1) a liability in the amount of approximately \$557,933 to Great Western Bank, incurred in or about 1986, relating to a loan on an apartment complex;
- 2) a liability in the amount of approximately \$100,000 to J.J. Dorbel Corporation, incurred in or about 1986, relating to a second mortgage on an apartment complex;
- 3) a liability in the amount of approximately \$7,175 to First

USA Bank, incurred in or about December, 1990, for credit card charges; and

4) a liability in the amount of approximately \$4,295 to Republic National Bank, incurred in or about December, 1990, for credit card charges.

All in violation of Title 18, United States Code, Section 1014.

COUNTS 3 - 7

MONEY LAUNDERING

On or about the dates enumerated below as to each Count, at Palm Beach County, in the Southern District of Florida and elsewhere, the defendant,

WARREN D. JOHNSON, JR.

did knowingly engage and attempt to engage in monetary transactions affecting interstate or foreign commerce in criminally derived property of a value greater than \$10,000 which was derived from specified unlawful activity, namely bankruptcy fraud, in violation of Title 18, United States Code, Section 152(1), as more fully described below:

COUNT

DATE

FINANCIAL TRANSACTION

3

3/24/94

A check (no. 2023) from a trust account of the law firm of McCarthy, Summers, Bobko, McKey & Bowen, P.A. in the amount of approximately \$250,000, representing proceeds of the sale of lot 33, Bay Pointe Estates, and deposited into American Bank of Martin County was wire transferred to Admiralty Bank, Palm Beach Gardens, and credited to account no. 0300125887 in the name of Linkous Corporation.

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| <u>COUNT</u> | <u>DATE</u> | <u>FINANCIAL TRANSACTION</u> |
|--------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | 3/25/94 | Approximately \$250,000 from account no. 0300125887 in the name of Linkous Corporation at Admiralty Bank, Palm Beach Gardens, Florida, was wire transferred to M & T Bank, Lyndonville, New York and credited to account no. 7942247340 in the name of Warren Johnson, Sr. |
| 5 | 3/31/94 | A check (no. 4152), dated March 28, 1994, in the amount of approximately \$125,000 from account no. 7942247340 in the name of Warren Johnson, Sr. at M & T Bank, Lyndonville, New York, was used to credit account no. 1002141708 in the name of Dianne Johnson at Riverside Bank, Fort Pierce, Florida in the amount of approximately \$103,600. |
| 6 | 5/5/94 | Approximately \$100,000 from account no. 7942247340 in the name of Warren Johnson, Sr. at M & T Bank, Lyndonville, New York, was wire transferred to Riverside Bank, Fort Pierce, Florida and credited to account no. 1002141708 in the name of Dianne Johnson. |
| 7 | 4/1/94 | A check (no. 4484) in the amount of approximately \$19,500 from account no. 7942247340 in the name of Warren Johnson, Sr. at M & T Bank, Lyndonville, New York, was credited to account no. 1002141708 in the name of Dianne Johnson at Riverside Bank, Fort Pierce, Florida. |

All in violation of Title 18, United States Code, Section 1957.

COUNT 8

FORFEITURE OF PROCEEDS OF BANKRUPTCY FRAUD

The allegations contained in Counts Three through Seven of this Indictment are realleged and incorporated by reference as though fully set forth herein, for the purpose of alleging

forfeiture pursuant to the provisions of Title 18, United States Code Section 981.

As a result of the foregoing offenses, that is violations of Title 18, United States Code, Section 1957, the defendant,

WARREN D. JOHNSON, JR.

shall forfeit to the United States all property real and personal involved in the aforesaid offenses and all property traceable to such property, including, but not limited to, \$250,000 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property which was involved in the aforesaid offenses or is traceable to such property.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third person;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982 (b)(1) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property, including but not limited to:

- 1) any interest of any kind in property, real and personal, located at 511 S.W. Bay Pointe Circle, Palm City, Florida;
- 2) any interest of any kind in a parcel of real property along

the St. Lucie River in Palm City, Florida, commonly known as Bay Pointe Estates, including an interest in profits from the property pursuant to a trust agreement dated on or about October 31, 1991;

3) any interest of any kind in a property or any entities related to a property known as the Retirement Facility at Palm-Aire, located in Pompano Beach, Florida;

4) any interest of any kind in Ice Ban America, Inc.; and

5) any interest of any kind in a real estate development commonly known as Grand Turk Harbour, located on Grand Turk Island, in the Turks and Caicos Islands.

All pursuant to Title 18, United States Code, Section 982.

A TRUE BILL

Richard D. Latta
FOREPERSON

Thomas E. Scott
THOMAS E. SCOTT
UNITED STATES ATTORNEY

Carolyn Bell
CAROLYN BELL
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

98-8039 CR-RYSKAMP

UNITED STATES OF AMERICA,

Case No.

18 USC 152
18 USC 1014
18 USC 1957
18 USC 982

v.

WARREN D. JOHNSON, JR.

Defendant.

Magistrate Judge

MAGISTRATE JUDGE

VITUNAC

INDICTMENT

The Grand Jury charges that:

COUNT 1

BANKRUPTCY FRAUD

From on or about September 26, 1992, to on or about March 29, 1993, at Palm Beach County, in the Southern District of Florida and elsewhere, the defendant,

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did knowingly and fraudulently conceal and cause to be concealed from creditors and from the United States Trustee certain property belonging to the bankruptcy estate of Warren D. Johnson, Jr., case no. 92-33339-BKC-RAM, in the United States Bankruptcy Court for the Southern District of Florida, that is, an interest in a parcel of real property along the St. Lucie River in Palm City, Florida, commonly known as Bay Pointe Estates, including an interest in profits from the property pursuant to a trust agreement dated on or about October 31, 1991.

All in violation of Title 18, United States Code, Section 152(1).

COUNT 2

LOAN APPLICATION FRAUD

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WARREN D. JOHNSON, JR.

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2) a liability in the amount of approximately \$100,000 to J.J. Dorbel Corporation, incurred in or about 1986, relating to a second mortgage on an apartment complex;

3) a liability in the amount of approximately \$7,175 to First

USA Bank, incurred in or about December, 1990, for credit card charges; and

4) a liability in the amount of approximately \$4,295 to Republic National Bank, incurred in or about December, 1990, for credit card charges.

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COUNTS 3 - 7

MONEY LAUNDERING

On or about the dates enumerated below as to each Count, at Palm Beach County, in the Southern District of Florida and elsewhere, the defendant,

WARREN D. JOHNSON, JR.

did knowingly engage and attempt to engage in monetary transactions affecting interstate or foreign commerce in criminally derived property of a value greater than \$10,000 which was derived from specified unlawful activity, namely bankruptcy fraud, in violation of Title 18, United States Code, Section 152(1), as more fully described below:

| <u>COUNT</u> | <u>DATE</u> | <u>FINANCIAL TRANSACTION</u> |
|--------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 | 3/24/94 | A check (no. 2023) from a trust account of the law firm of McCarthy, Summers, Bobko, McKey & Bowen, P.A. in the amount of approximately \$250,000, representing proceeds of the sale of lot 33, Bay Pointe Estates, and deposited into American Bank of Martin County was wire transferred to Admiralty Bank, Palm Beach Gardens, and credited to account no. 0300125887 in the name of Linkous Corporation. |


3


85

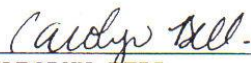
| <u>COUNT</u> | <u>DATE</u> | <u>FINANCIAL TRANSACTION</u> |
|--------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | 3/25/94 | Approximately \$250,000 from account no. 0300125887 in the name of Linkous Corporation at Admiralty Bank, Palm Beach Gardens, Florida, was wire transferred to M & T Bank, Lyndonville, New York and credited to account no. 7942247340 in the name of Warren Johnson, Sr. |
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| 6 | 5/5/94 | Approximately \$100,000 from account no. 7942247340 in the name of Warren Johnson, Sr. at M & T Bank, Lyndonville, New York, was wire transferred to Riverside Bank, Fort Pierce, Florida and credited to account no. 1002141708 in the name of Dianne Johnson. |
| 7 | 4/1/96 | A check (no. 4484) in the amount of approximately \$19,500 from account no. 7942247340 in the name of Warren Johnson, Sr. at M & T Bank, Lyndonville, New York, was credited to account no. 1002141708 in the name of Dianne Johnson at Riverside Bank, Fort Pierce, Florida. |

All in violation of Title 18, United States Code, Section 1957.

A TRUE BILL


FOREPERSON


THOMAS E. SCOTT
UNITED STATES ATTORNEY


CAROLYN BELL
ASSISTANT UNITED STATES ATTORNEY

cda

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FILED BY
CLERK
98 NOV -2 PM 4:05
CLERK U.S. DIST. CT.
S.D. OF FLA. - WPB

UNITED STATES OF AMERICA,

Plaintiff,

v.

WARREN D. JOHNSON, JR.

Defendant.

CASE NO. 98-8039-CR-JUDGE
RYSKAMP

MAGISTRATE JUDGE VITUNAC

MOTION TO BIFURCATE TRIAL AS TO
COUNT 8 (FORFEITURE)

Defendant, Warren D. Johnson, Jr., through undersigned counsel, moves this Court to bifurcate the forfeiture count (Count 8) from the trial as to the substantive counts (Counts 1 through 7), based upon the following:

1. Count 8 of the indictment is a forfeiture count which should be bifurcated from the trial of the substantive charges.

2. The forfeiture count involves complicated evidence and legal issues as to property that is not the subject of the substantive counts. For example, Mr. Johnson's alleged interest in a real estate development located in the Turks and Caicos Islands is not in any way involved in the substantive counts.

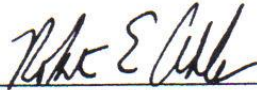
3. Mr. Johnson's interest in other entities will likewise not be relevant to the substantive counts, at least not to the extent that those interests would be explored in a forfeiture proceeding.

4. Mr. Johnson is willing to waive his right to a jury trial as to count 8 of the indictment so that this Court would, in the event of a conviction, receive evidence and make a ruling as to count 8 of the indictment.

5. Bifurcation of this proceeding will avoid jury confusion and the possible waste of judicial resources in that the Court and the jury would spend a considerable amount of time concerning evidence and issues that would relate only to forfeiture and would not be at all relevant in the event there is no conviction, and, thus, no need to decide the forfeiture count.


WHEREFORE, Defendant moves to bifurcate the proceedings as set forth above.

KATHLEEN M. WILLIAMS
FEDERAL PUBLIC DEFENDER

By: 
Robert E. Adler
Assistant
Federal Public Defender
Attorney for Defendant
Florida Bar No. 259942
400 Australian Avenue, Suite 300
West Palm Beach, FL 33401
TEL:(561) 833-6288/FAX:(561) 833-0368

CERTIFICATE OF SERVICE

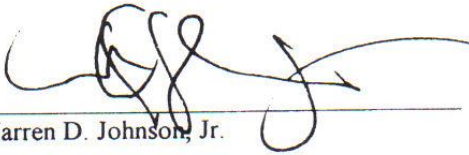
I hereby certify that a true and correct copy of the foregoing was mailed this 2 day of November, 1998, to Assistant United States Attorney Carolyn Bell, 701 Clematis Street, West Palm Beach, FL 33401.


Robert E. Adler

WAIVER OF JURY TRIAL AS TO COUNT 8 (FORFEITURE)

I, Walter D. Johnson, Jr., hereby waive my right to a jury trial as to Count 8 (Forfeiture) of the Indictment.

Dated this 9th day of November, 1998.



Warren D. Johnson, Jr.

APPENDIX FOUR

PROOF OF BREECH OF CONTRACT

in the 16 February 2001 AGREEMENT

as BREECH occurred

when the LAWSUITS were NOT settled

by March 7, 2001

Case no.99-25479 settled 14 days late

Case no.CL 99-3185 settled 7 days late

BOTH CAUSING BREECH

under 1.Consideration-paragraph 1.05

Now a part of this Memoranda

pages 90 to 98

STATE OF NEW YORK
SUPREME COURT COUNTY OF ORLEANS

CHARLOTTE PRATT,

Plaintiff,

v.

ICE BAN AMERICA, INC.,


Defendant.

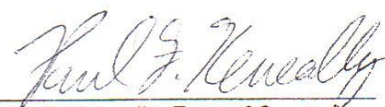
STIPULATION OF
DISCONTINUANCE

Index No.: 99-25479

PLEASE TAKE NOTICE, that the respective attorneys for the parties to this action hereby stipulate that the above-entitled action be and the same hereby is discontinued upon the merits, without costs to either party, and that an Order to that effect may be entered by the Clerk of the Court without further notice.

Dated: March 21, 2001


Charlotte Pratt, Plaintiff
11 Willowbrook Drive
Lyndonville, New York 14098


Paul F. Keneally, Esq., of Counsel
Underberg & Kessler LLP
Attorneys for Defendant
1800 Chase Square
Rochester, New York 14604

STATE OF NEW YORK, COUNTY OF ORLEANS: ss.

I, KAREN LAKE-MAYNARD, Clerk of the County of Orleans of the County Court and of the Supreme Court, both being Courts of Record, thereof, having a common seal DO HEREBY CERTIFY, that I have compared this copy with the original filed, recorded or entered in this office and that the same is a correct transcript thereof and of the whole of said original. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County and Courts on:

(date) 4/10/04
 Clerk by: 
(Facsimile signature used pursuant to Section 903 of County Law)

91

Report Selection Criteria

Case ID: 501999CA003185XXCDAF

Docket Start Date:

Page 1 of 4

Docket Ending Date:

Case Description

Case ID: 501999CA003185XXCDAF

Case Caption: JEFFREY A JOHNSON V NATURAL SOLUTIONS CORPO

Division: AF - LEWIS

Filing Date: Wednesday, March 31st, 1999

Court: CA - CIRCUIT CIVIL

Location: MB - MAIN BRANCH

Jury: N-Non Jury

Type: CD - CONTRACT & DEBT

Status: DO - DISPOSED - OTHER

Related Cases

No related cases were found.

Case Event Schedule

No case events were found.

Case Parties

| Seq # | Assoc | Expn Date | Type | ID | Name | Aliases: | |
|-------|-------|-----------|-----------|----------|-------------------------------------------------------|----------|------|
| 1 | | | JUDGE | AF | LEWIS, JUDGE DIANA | Aliases: | none |
| 2 | | | PLAINTIFF | P1721441 | JOHNSON, JEFFREY A | Aliases: | none |
| 3 | | | DEFENDANT | B0360107 | NATURAL SOLUTIONS CORPORATION FKA ICE BAN AMERICA INC | Aliases: | none |
| 4 | 2 | | ATTORNEY | 0189540 | SHERMAN , ESQ, CRAIG B | Aliases: | none |

http://courtcon.co.palm-beach.fl.us/pls/jiwp/ck_public_qry_doct.cp_dktrpt_docket_report?... 4/25/2005

Docket Entries

Page 2 of 4

| Docket Number | Docket Type | Book and Page No. | Attached To: |
|---------------------|----------------------------------------------------------------------------------------------|-------------------|--------------|
| | 00000 - ADDITIONAL COMMENTS | | |
| Filing Date: | 31-MAR-1999 | | |
| Filing Party: | | | |
| Disposition Amount: | | | |
| Docket Text: | COURT NOTES ***** ACTION STAYED- PENDING ARBITRATION- D.E. 10 **** | | |
| | PE - PENDING | | |
| Filing Date: | 31-MAR-1999 | | |
| Filing Party: | | | |
| Disposition Amount: | | | |
| Docket Text: | CASE STATUS = PE DATE FILED = 03/31/99 | | |
| 1 | CMP - COMPLAINT | | |
| Filing Date: | 31-MAR-1999 | | |
| Filing Party: | | | |
| Disposition Amount: | | | |
| Docket Text: | (COMPLAINT) ; JR.-NOJR/CT-NOCT = N W/ATTACHMENTS | | |
| 2 | CCS - CIVIL COVER SHEET | | |
| Filing Date: | 31-MAR-1999 | | |
| Filing Party: | | | |
| Disposition Amount: | | | |
| Docket Text: | (CIVIL COVER SHEET) | | |
| 3 | RECE - RECEIPT OF | | |
| Filing Date: | 31-MAR-1999 | | |
| Filing Party: | | | |
| Disposition Amount: | | | |
| Docket Text: | (RECEIPT FOR FILING FEE - NEW CASES) ; CHECK RECEIPT NUMBER = 00268603 SHERMAN & FISCHMAN PA | | |
| 4 | SMIS - SUMMONS ISSUED | | |

http://courtcon.co.palm-beach.fl.us/pls/jiwp/ck_public_qry_doct.cp_dktrpt_docket_report?... 4/25/2005

| | | |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Filing Date: | 31-MAR-1999 | Page 3 of 4 |
| Filing Party: | | |
| Disposition Amount: | | |
| Docket Text: | (SUMMONS ISSUED) ; COMPANY NAME IS NATURAL SOLUTIONS CORPORATION FKA ICE COUNTER ; (SUMMONS SERVED) ; DATE SERVED = 04/05/99 RET 04/14/99 | |
| 5 | NOPR - NOTICE OF PRODUCTION | |
| Filing Date: | 26-APR-1999 | |
| Filing Party: | | |
| Disposition Amount: | | |
| Docket Text: | (REQUEST/NOTICE FOR PRODUCTION) OF DEFT | |
| 6 | MOT - MOTION | |
| Filing Date: | 26-APR-1999 | |
| Filing Party: | | |
| Disposition Amount: | | |
| Docket Text: | (MOTION) OF DEFT TO DISMISS COMPLAINT | |
| 7 | NOH - NOTICE OF HEARING | |
| Filing Date: | 26-APR-1999 | |
| Filing Party: | | |
| Disposition Amount: | | |
| Docket Text: | (NOTICE OF HEARING) ; HEARING DATE/TIME = 05/20/99 / 08:45 ABOVE MOTION | |
| 8 | TEXT - SEE DOCUMENT DESCRIPTION | |
| Filing Date: | 20-MAY-1999 | |
| Filing Party: | | |
| Disposition Amount: | | |
| Docket Text: | (WITHDRAWAL) OF DEFT OF REQUEST OF PRODUCTION TO PLTF | |
| 9 | RNOH - RE-NOTICE OF HEARING | |
| Filing Date: | 20-MAY-1999 | |
| Filing Party: | | |
| Disposition Amount: | | |
| Docket Text: | (RE NOTICE OF HEARING) ; HEARING DATE/TIME = 05/20/99 / 08:45 DEFT'S MOTION TO DISMISS | |

http://courtcon.co.palm-beach.fl.us/pls/jiwp/ck_public_qry_doct.cp_dktrpt_docket_report?... 4/25/2005

| | | |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 10 | ORD - ORDER | Page 4 of 4 |
| Filing Date: | 21-MAY-1999 | |
| Filing Party: | | |
| Disposition Amount: | | |
| Docket Text: | (ORDER) GRANTING DEFT'S MOTION TO DISMISS COMPLAINT TO THE EXTENT THAT ACTION IS STAYED PENDING ARBITRATION. DTD 5/20/99 LBROWN | |
| 11 | ORD - ORDER | |
| Filing Date: | 11-APR-2000 | |
| Filing Party: | | |
| Disposition Amount: | | |
| Docket Text: | (ORDER) DIRECTING CLERK TO CLOSE FILE RE:STAY PENDING ARBITRA- TION, D.E. #10. DTD 04/10/00 LBROWN ; (UPDATE/CHANGE OR CORRECT CASE STATUS ONLY) ; MANDATORY DATE = 04/11/00 HGB | |
| | DO - DISPOSED - OTHER | 11 |
| Filing Date: | 11-APR-2000 | |
| Filing Party: | | |
| Disposition Amount: | | |
| Docket Text: | CASE STATUS = DO DATE CHANGED = 04/11/00 | |
| 12 | VOL - VOLUNTARY DISMISSAL | |
| Filing Date: | 14-MAR-2001 | |
| Filing Party: | | |
| Disposition Amount: | | |
| Docket Text: | (VOLUNTARY DISMISSAL) BY PLTF JOHNSON W/PREJUDICE | |

**SETTLEMENT AGREEMENT
AND MUTUAL RELEASE**

This Agreement (the "Agreement") is made this 16th day of February, 2001, by and between NATURAL SOLUTIONS CORPORATION, f/k/a ICE BAN AMERICA, INC., ICE BAN USA, INC., IBAC CORPORATION, THE ESTATE OF GEORGE JANKE, CARMEN SILVA (hereinafter collectively, the "Ice Ban Parties"), and WARREN DOUGLAS JOHNSON, JR., ADAM BROWN, JOYCE JOHNSON, WARREN JOHNSON, SR., DIANNE JOHNSON, KELLY BROWN, JEFFREY JOHNSON, LYNNE JOHNSON, PAUL JOHNSON, MARK JOHNSON, PATRICIA WELLSPEAK, SHARON PRATT, LAWRENCE PRATT, CHARLOTTE PRATT (collectively, the "Johnson Parties"), MEDICAL COLLEGE FUND, LTD., WINDMILLS PLANTATION FUND, LTD., HAWK'S NEST PLANTATION FUND, LTD., REED INTERNATIONAL FUND, LTD., RYDER SECURITIES, LTD., MARLIN PRESERVATION FUND, LTD., HARVARD FUND LIMITED, MERCHANT TRUST FUND LIMITED, GRAND TURK HARBOUR DEVELOPMENTS, LTD. (collectively the "Corporate Parties"), and LINKOUS CORPORATION, GERALD BOURNE, RICHARD GRUND, STEVEN RUBENS, and BURTON WICKHAM (collectively, the "Miscellaneous Parties"), and SONEET R. KAPILA, Trustee in Case No. 92-33339-BKC-SHF, in the United States Bankruptcy Court, Southern District of Florida (the "Trustee"), and is a compromise, settlement, and mutual release whereby the above-mentioned parties hereby extinguish their mutual rights, claims, and obligations arising from their disputes and differences, including without limitation, those differences and disputes brought or which could have been brought in the following cases:

a) Soneet Kapila, Trustee v. Warren D. Johnson, Jr., et. al., Adversary Proceeding No. 99-3143-BKC-SHF-A in the United States Bankruptcy Court, Southern District of Florida ("the Adversary Proceeding");

b) Dianne Johnson, et. al. v. Ice Ban America, Inc., et. al. v. Soneet Kapila, et. al., Case No. 99-8228-CIV-JAL, in the United States District Court, Southern District of Florida ("the District Court Suit");

c) Jeffrey Johnson, et. al. v. Natural Solutions Corp., et. al., Case No. 99-5305 AN, in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida ("the State Court Suit");

d) Jeffrey A. Johnson v. Natural Solutions Corp., American Arbitration Association Case No. 32-160-00173-99, formerly Case No. CL 99-3185, in the Circuit Court in and for Palm Beach County, Florida ("the Arbitration");

e) Pratt v. Ice Ban America, Inc., Case No. 99-25479, in the Supreme Court of New York for the County of Orleans ("the Pratt Suit").

Collectively, these matters shall hereinafter be referred to as "the Lawsuits".

The parties also agree and acknowledge their intent that this Agreement have an impact and effect, as specified within, on the following cases:

- f) In re: Warren D. Johnson, Jr., Case No. 92-33339-BKC-SHF, in the United States Bankruptcy Court, Southern District of Florida (the "Bankruptcy Proceeding"); and
- g) United States v. Warren D. Johnson, Jr., Case No. 98-3089-CR-KLR, in the United States District Court, Southern District of Florida (the "Criminal Case").

Now, therefore, in consideration of the mutual promises herein contained, the parties agree as follows:

1. CONSIDERATION.

1.01. Within two business days of the signing of this Agreement, the parties agree to submit the Agreement for approval in the Lawsuits, and to simultaneously submit the Agreement for approval in the Bankruptcy Proceeding, as a resolution of all claims pending in that proceeding.

1.02. Upon approval of this Agreement in the Lawsuits and in the Bankruptcy Proceeding, the parties will cause the Lawsuits to be dismissed with prejudice to all parties to this Agreement, with all parties to bear their own costs and attorneys' fees.

1.03. All parties will cause all other activity in all of the above cases to immediately cease and all parties will act to extend all pending discovery, hearings, or other deadlines and continue all trials until this Agreement is fully documented, approved, and closed.

1.04. The parties agree that all documents to be executed and funds to be transferred pursuant to this Agreement shall be executed and delivered to the Trustee's counsel office not later than February 16, 2001, or sooner when an earlier date is specifically provided by this agreement. The documents and funds will be deemed held in escrow ("the Agreement Escrow") under the care and custody of the Trustee's Counsel. Nothing shall be released from the Agreement Escrow by or to any parties, including the Trustee, unless and until performance of the events specified in paragraph 1.05, below.

1.05. All funds held in the Agreement Escrow will be held by the Trustee's Counsel in an interest-bearing account. Upon the entry of an order granting the Acceptance Motion in the Criminal Case (as defined and discussed in paragraph 1.33, below), all rights, title, and interest in all documents, properties and funds, including interest, shall revert, wholly and irrevocably, to the Trustee. In the event the Agreement is not approved in the Lawsuits, or in the Bankruptcy Proceeding, or in the event there is no order granting the Acceptance Motion in the Criminal Case, all documents and funds shall be released to the parties who provided them. 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, and any interest accrued on any funds held in the Escrow Agreement shall be paid to the parties who provided the original funds.

Record before Congress page 1453

8. LEGAL FEES AND EXPENSES.

8.01. All expenses involved in the preparation, authorization, execution and delivery of this Agreement, including, without limitation, all fees and expenses of agents, representatives, counsel and accountants, shall be borne solely by the party that shall have incurred the same.

8.02. In the event of a breach of this Agreement, however, the prevailing party in any resulting litigation shall be reimbursed its reasonable attorneys' fees and expenses incurred in such litigation by the party against whom judgment is rendered.

9. CONFIDENTIALITY.

9.01. The parties acknowledge that the terms and existence of this Agreement must be filed with several Courts, but otherwise agree to keep the terms confidential and not disclose information concerning this Agreement or its existence to anyone, except as may otherwise be required by law or regulatory authorities. The Parties also acknowledge that Natural Solutions and IBAC Corporation must disclose material information to regulatory agencies, which may lead to public disclosure. The parties further acknowledge that disclosure of the Agreement must be made to all creditors/victims of the Bankruptcy Proceeding and the Criminal Case, including but not limited to those listed on Exhibit I.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

ICE BAN PARTIES:

Natural Solutions Corp

By

M.G. Robertson, Chairman

Ice Ban U.S.A., Inc.

By

Louis A. Isakoff, President

IBAC Corporation

By

Ray Marshall, President

In the United States Court of Federal Claims

Warren D. Johnson, Jr. et al. pro se,
Plaintiffs

V.

United States,
Defendant.

Case no. 06-90C
(filed February 24, 2006)

Judge- Honorable
Charles F. Lettow
Presiding

Judicial Notice of a \$30,945,860 RCFC 20 (a) Claim; reaffirmation of a 23rd May 2005 CRIMINAL COMPLAINT filed against Merrill Lynch, Soneet Kapila, Patrick Scott, Michael McBride, Carolyn Bell, and Mohamud Rashid Bodhanya et al.; and, reaffirmation of Linkous affidavit of February 2, 2001, all filed in the 1612 page Record before the U.S. Congressional Committee on Government Reform and the USDCSDF as Mandatory Judicial Notice of undisputed facts, F.R.E. 201 (d); and, now the United States Court of Federal Claims in support of the aforementioned \$30,945,860 claim, arising out of criminal misconduct against Jerry P. Linkous and Warren D. Johnson, Jr. et al.

COMES NOW Jerry P. Linkous, appearing In Propria Persona and In Sui Juris and notices this honorable Court of the undersigned's RCFC 20 (a) claim in the amount of \$30,945,860 as follows:

Original Shares

Future Forward Value

1000 Ice Ban America, Inc.

\$ 10,445,860

IBAC, Inc.

10 “ Water Main to service Bay Pointe Estates
Subdivision connection fee lost to this RICO in a
16 February 2001 Settlement Agreement that was
EXTORTION & DURESS and caused said loss of
costs plus interest for now over 23 years at 10%

\$ 500,000


1 % FEE Grand Turk Harbour- port o' sel \$ 20,000,000
UNLIMITED GENERAL CONTRACTOR'S
FEE LOST
Total Claim: \$ 30,945,860

The undersigned now reaffirms the attached **February 2, 2001 AFFIDAVIT** attached as pages 4 and 5; and reaffirms the attached **23 May 2005 CRIMINAL COMPLAINT** pages 6,7,8,9 and 10, both of which are true, complete, correct and undisputed under the F.R.E. 201 (d), as set forth in the U.S.D.C.S.D.F. and the aforementioned U.S. Congressional Committee on Government Reform, pages 746 to 747 and pages 9 to 13 respectively in said record [a/k/a/ CD-ROM; Johnson v. Merrill Lynch or RICO; and www.criminaltribunal.com]

The undersigned's claim, affidavit and criminal complaint speak for themselves and squarely places the truth before this Honorable Court, a truth that the undersigned was never able to deliver to the petite jury in Case No. 98-8039 CR RYSKAMP USDCSDF, since the undersigned was prevented from testifying in said case.

OATH

I Jerry P. Linkous, hereby declare that I am of age and 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 under the laws of the United States of America, Common Law, and the Law of Nations and my unlimited commercial liability, this the 2nd day of MAY, 2006.

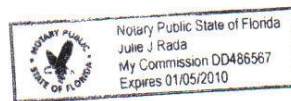


Jerry P. Linkous
8713 Pines Circle West
West Palm Beach, Florida 33411
Phone: 561-792-6150

The foregoing instrument was acknowledged before me this 2 day of May, 2006 by Jerry P. Linkous, who is personally known to me or who produced identification and took the above oath.

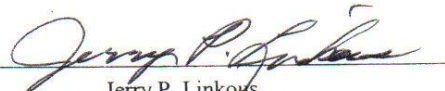
My Commission Expires


Notary



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the forgoing notice of claims was served upon Alberto Gonzales, Attorney General of the United States, 950 Pennsylvania Avenue N.W., Washington D.C. 20530, and Warren D. Johnson, Jr. at PORTOSEL S.P., 11951 East Yates Center Road, Lyndonville, New York 14098, by placing same in the U.S. postage mail box First Class, on this the 2nd day of MAY, 2006 for filing.

By: 
Jerry P. Linkous

Affidavit of Jerry P. Linkous

Date: February 2, 2001

I, the undersigned, Jerry P. Linkous say the following, which is, true and correct and based, upon my knowledge:

My name is Jerry P. Linkous

I am over (21) twenty one years of age, have always owned 100% of Linkous Corporation, and all matters set forth in this affidavit are true and correct and based on my personal knowledge.

The government case against Warren D. Johnson Jr. (Case no. 98-8039CR) is a fraud on the court and the prosecution has withheld information.

On September 16, 1998 I took a new job with Broward County to coordinate the inspection of new schools under construction.

On Monday morning previous to my job, I met with Carolyn Bell and Michael McBride to tell them that "The \$250,000.00 that Dr. Walter Harber paid Linkous Corporation on March 23, 1994 was the principal payment for a river front lot in Bay Pointe that Dr. Harber had not previously paid for."

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. The pay off would have been \$251,200.77 with interest compounded at 10% (as per the attached letter) prorated to March 23, 1994. This hook-up charge is still unpaid, but never the less owed since Martin County breached our agreement.

Dr. Harber purchased Lots 11 and 12 in the Bay Pointe Subdivision from Linkous Corporation under a Resolution for an Agreement for Deed, and paid interest from approximately 1982 to 1986 (see-attached deeds). These deeds were recorded in 1984, but Dr. Harber continued to pay interest on the unpaid principal for up to two additional years. The project ran into a development delay, so interest was suspended after 1987. In 1982 Dr. Harber sold Lot 11 for \$550,000.00 and there after paid the \$250,000.00 principal on March 23, 1994. If Dr. Harber had not paid the principal, it would have been tax fraud on his part.

I have always told the government that Linkous Corporation owed \$261,250.00 on a Cash Bond Agreement and Note to Warren D. Johnson Sr. I built a house for Warren D. Johnson Sr. on Jupiter Island, which he sold. 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 \$261,250.00 to Linkous Corporation for the Cash Bond Agreement with Martin


County. (See Satisfaction of Mortgage-September 17, 1983 recorded in O.R. Book 581 page 1494 Martin County records.)

These facts are clearly documented in the FBI (302) field report by FBI agent Thomas J. Pierce of Buffalo, New York on January 12, 1998, as well as the Government Document Receipt of January 22, 1998 (see attached).

As per agent Pierce's FBI (302) field report, Warren D. Johnson, Sr. had numerous medical conditions relative to cancer and heart. I personally have an in-operable brain tumor and Harber has severe memory loss problems, however these records speak for themselves, along with Harbers tax returns and cancelled checks. The government has always had these records.

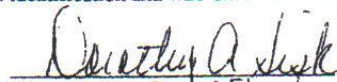
The simple facts are that Harber owed Linkous Corporation and Linkous owed Warren D. Johnson, Sr. more than the \$250,000.00 paid March 23, 1994. The government's case against Warren D. Johnson, Jr. was a fraud and they know it.

Further affiant saith not


Jerry P. Linkous

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 5 day of January 2001.
By Jerry P. Linkous who produced identification and who did swear that the matters set forth
in this affidavit are true and correct


Notary Public - State of Florida



DOROTHY A. SISK
COMMISSION # CC755641
EXPIRES AUG 18, 2002
BONDED THROUGH
ADVANTAGE NOTARY OF FLORIDA

CRIMINAL COMPLAINT AFFIDAVIT

Re: A RICO "enterprise" operating in the State of Florida
and the State of New York with "racketeering activities"
originating and continuing in Tampa, Florida

COMES NOW, Jerry P. Linkous, and hereby states and alleges and files this Complaint against the aforementioned RICO "enterprise" which includes but not limited to Merrill Lynch, Steven Rofsky, the attorneys for Holland & Knight, Soneet Kapila, Patrick Scott, Michael McBride, Carolyn Bell, as well as Mohamud Rashid Bodhanya who conspired to commit criminal acts as defined in Chapter 895 of the Florida Statutes, and further explained in this Complaint.

In 1978, Warren D. Johnson, Sr. of Lyndonville, New York purchased two parcels of oceanfront and intracoastal property on Jupiter Island, Florida and hired Jerry P. Linkous of West Palm Beach, Florida to build him an oceanfront home. See Affidavits of Warren D. Johnson, Sr., Jeffrey Alan Johnson, and Jerry P. Linkous on attached CD-ROM - pages 665 to 778.

Jerry Linkous then borrowed \$261,250 from Warren D. Johnson, Sr. on October 19, 1983 to build a 10" water main and to construct the infrastructure for the Bay Pointe subdivision in Martin County, Florida. Lots 11 and 12 in the Bay Pointe subdivision were sold to Dr. Walter Harber, who purchased them from Linkous as developer and owner. Dr. Harber made his only principal payment on said lots on March 23, 1994 in the amount of \$250,000 to Linkous.

Dr. Walter Harber, James Lindsey, and the Sanchez brothers contracted to buy the adjoining waterfront lots known as Bay Pointe Estates and pulled dock permits in 1988. Due to litigation with Corrine B. Calvasina, an F.B.I. Agent's sister, Dr. Harber did not close on the Bay Pointe Estates lots until November 1, 1991.

From the early 1990's until the present time, a rogue prosecution by Federal prosecutor Carolyn Bell and F.B.I. agent Michael McBride have demonstrated a blatant and disturbing disregard for the rules of law and the legal process, with a sham case brought against Warren D. Johnson, Jr. of Palm City, Florida on or about March 24, 1998. The racketeering activities of this criminal enterprise was solely to rob and steal millions of dollars in assets from the Johnson family members and to conduct criminal activities to stop the exposure of these crimes by this criminal enterprise through perjury, extortion, and tampering with records and evidence. Additionally, these racketeering activities included mail and wire fraud, and money laundering. This colossal injustice inflicted on the Johnson family also caused the loss of hundreds of thousands of dollars to the undersigned, since the rights to collect for my 10" water main (the Bay Pointe extension - Linkous line) were interfered with by this criminal enterprise. The attached CD-ROM (labeled JOHNSON v. MERRILL LYNCH and RICO) sets forth over 1500 pages of documentation, whereby the RICO's cynical inverting and

and distorting of facts makes the victims herein to be the oppressors. In order to maintain public confidence in the rule of law and to deter this RICO's criminal acts of fraud and misrepresentations, the Attorney General of the State of Florida must use its authority to bring these crimes before a Grand Jury to indict, or be negligent of also abusing its authority. The members of this criminal enterprise which comprises this RICO conspiracy need to be indicted and punished for their criminal "racketeering activities" as well as the cover-up of these criminal acts.

A Short History of the RICO Crimes in Tampa, Florida

In Tampa, Florida on or about December 30, 1989, Merrill Lynch bought \$10 million in State of Florida Housing Finance Authority Tax-Free Bonds on a project known as the Preserve at Palm-Aire, Ltd.

Unknown to Warren D. Johnson, Jr., a limited partner, the deal was changed after Johnson, Jr. signed all "closing" documents on December 29, 1989 and his signature pages were switched to documents that Johnson, Jr. had never agreed to. Merrill Lynch and others of this RICO then forced Johnson, Jr. into bankruptcy on October 2, 1992 by fraudulently claiming that Johnson, Jr. signed a Second Amended Guarantee for approximately \$3.9 million and gave mortgages on three additional properties owned by Johnson, Jr.

Johnson, Jr. caught Merrill Lynch and the RICO in other numerous crimes in violation of unenforceable contracts, fraudulent transfers, theft, robbery, money laundering, mail and wire fraud, forgery, threatening letters, extortion, perjury, misuse of public office, offenses by public officers and employees, RICO and offenses related to financial transactions. These crimes and conspiratorial acts are copiously documented in complaints already filed by the Johnson family, as follows:

- Honorable Jonathan W. Feldman
Western District of New York (2nd Circuit)
(See pages 40 to 98 of CD-ROM plus Exhibits)
- The Attorney General of the United States
(See pages 100 to 113 of CD-ROM plus Exhibits)
- The Committee on Government Reform
United States House of Representatives
Chaired by Honorable Congressman Thomas M. Davis, III
2157 Rayburn House Office Building
Washington, D.C. 20515-6143
(See pages 100 to 1612 of CD-ROM - entire CD-ROM sent
to the Committee)
- European Court of Human Rights
Council of Europe
Strasbourg, France
(See pages 1335 to 1612 of CD-ROM)

In spite of the fact that Johnson, Jr. committed no crimes, Merrill Lynch and the RICO enterprise sought to stop Johnson, Jr. from exposing their criminal activities; and Johnson, Jr. was illegally indicted, tried and convicted as the result of the racketeering conduct of this RICO organization. (See pages 1572 to 1574)

After the conviction, Johnson Jr.'s family members were threatened with indictment and family assets were illegally seized by the Court. An agreement of 16 February 2001 was obtained by this criminal enterprise through threats, coercion, and duress, of which Law Enforcement officials and the federal courts were put on notice of these criminal acts. Restitution that was determined over 18 months after sentencing was illegal, and Johnson, Jr. put the federal court on notice that he was totally innocent of the charges and he also reserved the right to sue under Bivens, the Federal Tort Claims Act and the Uniform Commercial Code.

When the transcript of the February 16, 2001 hearing in federal court was sent to Johnson, Jr., after his repeated requests of the court for over a year, it had in fact been altered and modified, and in some parts, portions had been deleted. The undersigned, Jerry P. Linkous, was present at the February 16, 2001 hearing and I can verify that it has been altered. Notification of these alterations of the official record, along with four other transcripts that were altered are now before the United States Congress and the United States Attorney General.

In an April 12, 2005 hearing before federal Bankruptcy Judge Steven H. Friedman, the court-appointed Chapter 7 Trustee's attorney, Patrick Scott, who is also a member of this RICO conspiracy, committed perjury in order to cover-up the following:

1. His threats to indict Adam Brown.
2. His motives for threatening the Johnson family in order to illegally seize the Johnson family assets identified in the 16 February 2001 agreement, for the benefit of himself and the RICO enterprise.
3. His denial and cover-up of the altered transcripts.
4. His breach of the 16 February 2001 agreement on March 8, 2001, the date the agreement had to be finalized.
5. His perjury in representing that all five civil cases associated with the agreement were settled and filed in all courts by the contractually required "drop dead" date of March 7, 2001.
6. His abandonment of the multi-billion dollar Grand Turk Harbour project (Porto'sel) in the Turks and Caicos Islands.
7. His theft of the collateral of the "legal persons" of the 21 Johnson family members, as protected under the European Human Rights Act.
8. His violations of foreign laws, International laws, and the laws of the United States, the states of New York and Florida.

9. His perjury and theft of the 500,000 shares of Ice Ban America, Inc. held by Finbar Dempsey, the escrow agent, pledged for a \$2 million dollar guarantee to the government of the British Crown and the Turks and Caicos government on the Grand Turk Harbour Project.
10. His perjury and protection of Government's trial witness, Mohamud Rashid Bodhanya, a member of this RICO enterprise, in the theft and laundering of \$5.41 million of money and assets of the "legal persons" of the 21 Johnson family members.

Summary

Jurisdiction and prosecution of this criminal case belongs in Tampa, Florida as these crimes continue to protect and cover-up the racketeering activities and the criminal "enterprise" including Mohamud Rashid Bodhanya, who stole and laundered the \$5.41 million of money and assets on behalf of Standard Star Insurance, through AmSouth Bank, both were located in Tampa, Florida.

Over the 15 year history of this RICO, the undersigned, Jerry P. Linkous, has been denied the rights to be the contractor for the Preserve at Palm-Aire, Ltd., in which the undersigned invested both time and money; as well as the contractor for the Grand Turk Harbour project, in which this RICO continues to attempt its acts of destruction; as well as monies owed for the reimbursement for a 10" Bay Pointe water main that was built under agreement with Martin Downs Utilities and the government of Martin County, Florida.

Furthermore, Merrill Lynch is the main player (organization) in this RICO conspiracy to defraud and has a history in the five most infamous "white collar" crimes to be exposed in the United States in the last 10 years.

Merrill Lynch invested in a competitive Electronic Communication Network (ECN) — to the Globe Net Stock Exchange, under contract to Warren D. Johnson, Jr. There was a substantial investment made by the "legal persons" of the Johnson family members that was seized by the members of this RICO enterprise. F.B.I. Special Agent Michael McBride, another member of this RICO, attempted to destabilize the Globe Net Stock Exchange and stop its existence, which would have prevented its merger into Archipelago and the New York Stock Exchange.

Mohamud Rashid Bodhanya attempted to steal control of one-million shares of the Globe Net Stock Exchange that was purchased by the "legal persons" of the Johnson family in the Turks and Caicos Islands, and was protected by McBride.

Merrill Lynch, Steven Rofsky and the lawyers at Holland & Knight did not want their criminal acts exposed; this RICO organization did not want the Grand Turk Harbour to be built; and, Merrill Lynch did not want the Globe Net Stock Exchange to survive.

Each and every member of this criminal "enterprise" had their own interests in the theft of assets and the cover-up of their individual crimes against Johnson family members, and resorted to extortions and threats in obtaining the 16 February 2001 agreement. These RICO members networked and conspired together in this criminal enterprise against the Johnson family members, and other innocent victims (like the undersigned) **IMPUNIBLY**.

The Florida Statutes have adopted any and all criminal conduct defined as "racketeering activity" found under Title 18 U.S.C. section 1961(1) of the federal code. **THE RICO HAS NO IMPUNITY.**

I declare that the above statements are true and correct to the best of my knowledge, under penalty of perjury.

Submitted on this 27th day of May, 2005.

Jerry P. Linkous



8713 Thousand Pines Circle W.
West Palm Beach, Florida 33411
561-792-6150

Attachments: April 13, 2005 Notice to Attorney General and Congressional Committee (re: altered transcripts, with Exhibits 1 to 7); and, Subpoenas and required Evidence Lists to prove RICO's crimes.

In the United States Court of Federal Claims

| | | |
|---------------------------------------|---|---------------------------|
| Warren D. Johnson, Jr. et al. pro se, |) | Case no. 06-90C |
| Plaintiffs |) | (filed February 24, 2006) |
| |) | |
| V. |) | |
| |) | |
| United States, |) | |
| Defendant, |) | Judge- Honorable |
| |) | Charles F. Lettow |
| |) | Presiding |
| |) | |

Reaffirmation of previously filed Judicial Notice of RCFC 20 (a) Claim; a criminal complaint against Michael McBride, Patrick Scott, Carolyn Bell et al. filed on 2/11/05; and, a previously filed affidavit of 19 March, 2002, all filed under the Federal Rules of Evidence (F.R.E.) 201 (d) Mandatory Judicial Notice of Undisputed Facts, with the United States District Court, Southern District of Florida; the United States District Court, Western Division of New York (2nd Circuit); the U.S. Congressional Committee on Government Reform; and, now the United States Court of Federal Claims, all in support of the undersigned's RCFC 20 (a) claim and criminal misconduct against Warren D. Johnson, Jr. & the Johnson Family et al.

COMES NOW Jeffrey Alan Johnson, appearing In Propria Persona and In Sui Juris and notice this Honorable Court that a RCFC 20 (a) claim in the amount of \$12,692,700,965 U.S. was date stamped as received on March 29, 2006 by the office of the clerk; and, said claim is not referenced in this courts order of April 19, 2006, and said claim is undisputed by the United States as to amount and validity under the aforementioned F.R.E. 201 (d), nor have the underlying values upon which the claim is based, ever been disputed under the F.R.E. 201 (d), whereby they have been established since 16 February 2001.

The undersigned now reaffirms its aforementioned **2/11/05 CRIMINAL COMPLAINT** set forth in the 1612 page Record before Congress (A/K/A or referred to as CD-ROM- Johnson v. Merrill Lynch et al- or Johnson v. RICO all being one Record of 1612 pages also filed on

www.criminaltribunal.com) on pages 41 to 59 of said Record, with Appendix(s) A to H on pages 60 to 99.

The undersigned also reaffirms his **19 March 2002 AFFIDAVIT FILED IN** the 1612 page Record before Congress on pages 713 to 717, with exhibits A to K being pages 718 to 778. The evidence set forth in this **19 March 2002 AFFIDAVIT** and the **2/11/05 CRIMINAL COMPLAINT** is true, complete, and correct to the best of the undersigned's knowledge, and also undisputed under the F.R.E. 201 (d), and supports said claim for \$12,692,700,965 U.S. as well as the recently filed rule 5.2 Memoranda [First Brief...] filed on or about April 24, 2006 in the U.S. mail, certified delivery No. EQ330452815U.S.

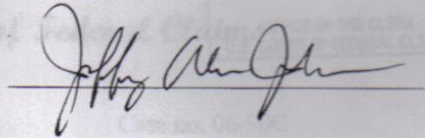
Attached as pages 4 to 6 of this F.R.E. 201 (d) Notice is a duplicate original of the aforementioned undersigned RCFC 20 (a) claim.

A hard copy of the aforementioned **19 MARCH 2002 AFFIDAVIT OF JEFFREY ALAN JOHNSON** is attached on pages 7 to 12 and a hard copy of the **2/11/05 CRIMINAL COMPLAINT** is attached on pages 13 to 32, with all exhibits available on the (CD-ROM) Record before Congress; or, supplied by the undersigned if requested by the Court..

OATH

I, Jeffrey Alan Johnson, hereby declare that I am of age and 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 under the laws of the United States of America, Common Law, and the Law of Nations and my unlimited commercial liability, this the 26th day of April 2006.

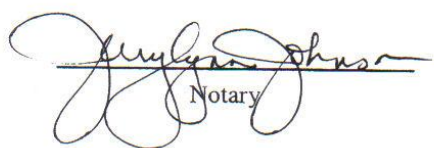
RECEIVED
MAR 29 2006



Jeffrey Alan Johnson
PORTOSEL S.P.
12118 East Yates Center Road
Lyndonville, New York 14098
Phone: 585-765-2621

The foregoing instrument was acknowledged before me this 26th day of April, 2006 by Jeffrey Alan Johnson, who is personally known to me or who produced identification and took the above oath.

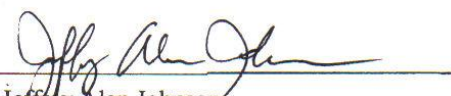
My Commission Expires:


Notary

Jerryfynn Johnson
Notary Public, State of New York
Qualified in Orleans County
Commission Expires April 13, 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the forgoing notice of claims was served upon Alberto Gonzales, Attorney General of the United States, 950 Pennsylvania Avenue N.W., Washington D.C. 20530, and Warren D. Johnson, Jr. at PORTOSEL S.P., 11951 East Yates Center Road, Lyndonville, New York 14098, by placing same in the U.S. postage mail box First Class, on this the 26th day of April, 2006 for filing.

By: 
Jeffrey Alan Johnson

In the United States Court of Federal Claims

| | | |
|---------------------------------------|---|---------------------------|
| Warren D. Johnson, Jr. et al. pro se, |) | Case no. 06-90C |
| Plaintiffs |) | (filed February 24, 2006) |
| |) | |
| V. |) | |
| |) | |
| United States, |) | |
| Defendant, |) | Judge- Honorable |
| |) | Charles F. Lettow |
| |) | Presiding |
| |) | |

Judicial Notice of RCFC 20 (a) Claim

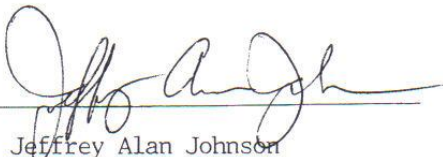
COMES NOW Jeffrey Alan Johnson, appearing In Propria Persona and In Sui Juris and join in this action as plaintiffs, asserting my right to relief jointly, severally or in the alternative in respect of or arising out of the same Constitutional and breach of contract violations with the damage claims as follows:

| <u>Original Shares</u> | | <u>Future Forward Value</u> |
|------------------------|-------------------------------------------------|-------------------------------|
| <u>534,524</u> | Ice Ban America, Inc. | <u>5,583,562,870</u> |
| <u>2,000,000</u> | IBAC, Inc. | <u>6,963,900,000</u> |
| <u>50,000</u> | The Globe Net Stock Exchange | <u>50,000,000</u> |
| | (A/K/A/ Corporate Capital; Archipelago; | |
| | New York Stock Exchange- NYSE Group, Inc.- NYX) | |
| <u>1 of 21</u> | Grand Turk Harbour- port o' sel | <u>95,238,095</u> |
| Total Claim: | | \$ <u>12,692,700,965</u> U.S. |

Warren D. Johnson, Jr., Jeffrey A. Johnson, Warren D. Johnson, Sr., Jerry Linkous, Dianne Johnson, Lloyd Minear et al. have properly filed numerous affidavits, interrogatories, Rules of Law, documents and findings etc., which were duly filed under F.R.E. Rule 201 (d) of undisputable facts for mandatory Judicial Notice, whereby all new evidence before the courts and Congress copiously documents Warren D. Johnson, Jr.'s innocence as a petitioner/appellant and sovereign citizen; and, clearly shows this evidence was formally withheld from a petite jury in case no 98-8039CR Ryskamp, United States District Court in the Southern District of Florida; 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 October 6, 1942. The decisions rendered in the preceding cases against Warren D. Johnson, Jr. smack of a cover-up of criminal wrong doings by a RICO as set forth in the 1,612 pages of records now before certain members of the United States Congress, The United States House of Representatives Congressional Committee on Government Reform, chaired by the Honorable Thomas M. Davis, III (R-VA) and published on <http://www.crimnialtribunal.com>.

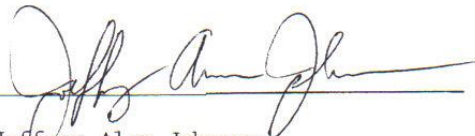
All claims of the future forward value of original shares in the claim are "undisputed" as to value in numerous filings under F.R.E. Rule 201 (d) for mandatory Judicial Notice of undisputed facts in the preceding cases of Warren D. Johnson, Jr.

I Jeffrey Alan Johnson, hereby declare that I am of age and 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 under the laws of the United States of America, Common Law, and the Law of Nations and my unlimited commercial liability, this the 25th day of March 2006.


Jeffrey Alan Johnson
PORTOSEL S.P.
12118 East Yates Road
Lyndonville, New York 14098
phone 585-765-2621

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the forgoing notice of claims was served upon Alberto Gonzales, Attorney General of the United States, 950 Pennsylvania Avenue N.W., Washington D.C. 20530, and Warren D. Johnson, Jr. at PORTOSEL S.P., 11951 East Yates Center Road, Lyndonville, New York 14098, by placing same in the U.S. postage mail box First Class, on this the 25th day of March 2006 for filing.

By: 
Jeffrey Alan Johnson

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
W. PALM BEACH DIVISION

UNITED STATES OF AMERICA

V.

Case No. 98-CR-8039-ALL

WARREN D. JOHNSON, JR.

AFFIDAVIT OF JEFFREY A. JOHNSON

UPON BEING DULY SWORN, I, the undersigned, Jeffrey A. Johnson say the following, which is true and correct, under penalty of perjury, and based upon my knowledge and belief:

My name is Jeffrey A. Johnson, the youngest son of Warren D. Johnson, Sr. I am over (21) twenty-one years of age, founder of Ice Ban, Inc., a New York Corporation, and the original inventor (along with Larry Pratt) of Brewers Condensed Solids (BCS) and Steep Water as non-corrosive de-icing and anti-icing agents. I also commissioned the trademark application of ICE BAN.

1. The government case against Warren D. Johnson, Jr. (above case 98-CR-8039) is a fraud on the court and the prosecution withheld information that was supplied to F.B.I. Agent Thomas J. Pierce of Buffalo, New York in several interviews for F.B.I. (302) field reports.

2. In one interview Pierce took extensive notes of the facts on this vendetta that started when Warren D. Johnson, Jr. sued Corrine B. Calvasina, an F.B.I. Agent's sister who

threatened to get Warren D. Johnson, Jr. through her brother.

3. At the end of 2001, my attorney, David Finegold, told me that prosecutor Carolyn Bell told him her case was "very weak" and attorney Patrick Scott told Finegold that he needed to get the Restitution collected "so he could pay a large bank note" with his legal fee. As the attorney for U.S. Trustee Kapila, Patrick Scott has admitted that he made the statement, but lied to the court as to the timing and threats against Adam Brown.

4. Prior to the Restitution in the forced Settlement Agreement, which our family members were refusing to sign, Patrick Scott threatened to have Adam Brown indicted if the family members don't give up their lawful property.

5. Due to the extreme nature of the threats that were relayed through our attorneys, our entire family gave up the control stock of two public companies. We had lawfully purchased the stock in these companies with our own funds. Both offerings were under a 504(d) stock offering and prospectus, which was filed with the Attorney General of the State of New York.

6. The following is a history of documents and information which the government agents well knew:

- A. Warren Johnson, Sr. purchases a piece of property from J. Lavino and Company on Jupiter Island on December 31, 1977. A "Satisfaction of Mortgage" is recorded in Martin County of Florida records. (See Exhibit A).
- B. On October 18, 1983 Warren Johnson, Sr. loans Linkous Corporation \$261,250.00 for the development of a piece of property that came to be known as Bay Pointe. (See Exhibit B).
- C. In 1984, Dr. Walter Harber along with his wife Becky

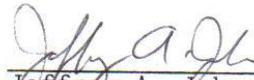
purchased lots 11 and 12 in Bay Pointe from Linkous Corporation under a Resolution of Agreement for Deed. (See Exhibit C). Per the Martin County doc stamps on Exhibit C, each lot was valued at \$250,000.00 for a total of \$500,000.00 owed to Linkous Corporation.

- D. Warren Johnson, Jr. owned an option on an adjacent piece of property to Bay Pointe. Warren Johnson, Jr. was needing money and sold his option on that piece of property to Dr. Walter Harber. Dr. Harber invested over 3 million dollars developing the piece of property that came to be known as Bay Pointe Estates.
- E. In early 1994, Dr. Harber sold a lot in Bay Pointe Estates to Dexter Yeager.
- F. Up to that time in early 1994, Dr. Harber had paid Linkous Corporation money each year on the accrued interest on lots 11 and 12 in Bay Pointe and the interest payments were reflected on Dr. Harber's tax returns. The balance of \$250,000.00 was still owed to Linkous Corporation on the principle for lots 11 and 12.
- G. In March of 1994, Dr. Harber paid off the balance owed to Linkous Corporation for lots 11 and 12 from the proceeds on the lot sold to Dexter Yeager in Bay Pointe Estates. The amount was \$250,000.00.
- H. On March 25, 1994 Linkous Corporation wire transferred to Warren Johnson, Sr.'s bank account \$250,000.00 (see Exhibit D) to pay off the note Warren Johnson, Sr. had been holding since October 18, 1983. (See Exhibit B). Warren Johnson, Sr. forgave Linkous Corp. any accrued interest and accepted the \$250,000.00 as payment in full.
- I. Soon after receiving the \$250,000.00, Warren Johnson, Sr. proceeded to send down a series of checks to Dianne Johnson, Warren Johnson, Jr.'s wife, totaling \$225,000.00. The purpose for Dianne Johnson needing the money was to secure a patent and for test marketing a new road de-icer invented in Hungary by a man named Jenó Toth.
- J. On a Sunday in June of 1994, Jeffrey Johnson (Warren Johnson, Jr.'s younger brother) was telephoned on a conference call with Warren Johnson, Jr. and a Mr. George Janke. The purpose for the call was to solicit Jeffrey Johnson to start a company to be filed in New York State and to test market the Hungarian de-icing product. Jeff Johnson agreed and formed the

- company Ice Ban Incorporated. A product license agreement was signed between Inc Ban Inc. and Ecological Snow Control (Eco Sno) on October 13, 1994. In that license agreement the \$225,000.00 that Warren D. Johnson, Sr. had sent to Dianne, was earmarked as Ice Ban Inc.'s licensing fee. (See Exhibit E, page 3).
- K. On Warren Johnson, Jr. and Dianne Johnson's joint 1994 income tax return the \$225,000.00 that was paid to Dianne for Ice Ban Inc.'s licensing fee was reflected as income on Schedule D of her tax return. (See Exhibit F).
 - L. On July 31, 1997 a company formed by George Janke and Warren Johnson, Jr., called Ice Ban America, bought out Ice Ban Inc. for 1.3 million shares of Ice Ban America. One-hundred thousand shares of the 1.3 million shares were allocated to be placed in the name of Warren D. Johnson, Sr. as repayment for the \$225,000.00 license fee and \$72,470.05 cash debt that was owed by Ice Ban Inc. (See Exhibit G, page 2). (See Exhibit H) along with Ice Ban Inc.'s balance sheet (Exhibit I).
 - M. Everything is further memorialized by Natural Solutions (formally known as Ice Ban America) on a 10-KSB. (See Exhibit J).
 - N. The Affidavit of Jerry P. Linkous, President of Linkous Corporation and his supporting documents clearly states that Dr. Walter Harber owed Linkous Corporation the \$250,000.00 and that the Linkous Corporation owed Warren D. Johnson, Sr. well over \$250,000.00. (See Exhibit K).
 - O. On a taped interview that I have Dr. Harber states that Warren Johnson, Jr. never owned an interest in Bay Pointe Estates and that every transaction of the money from Dr. Harber was a legitimate repayment of debt.
 - P. The \$19,500 paid to Dianne Johnson by Warren Johnson, Sr. was for the purchase of a 1995 GMC hi-top van, which was resold by Jeffrey Johnson to Jim Whipple in Lyndonville, New York.
 - Q. According to Dianne Johnson's bank records, all of the \$225,000.00 was spent by November 1994 by Dianne Johnson and none of the proceeds went into Ice Ban Inc. The government's forensic expert ran a fraud on the court in an exhibit to the Jury that falsely showed that these funds were invested in Ice Ban in 1995 and 1996.

7. The government had to lie in court to show a money trial to Ice Ban so that they could illegally seize the stock. Warren D. Johnson, Jr. informed the Palm Beach Sheriff's Deputies of the extortion and they read, copied and took to the U.S. mail a letter sent to Judge Kenneth Ryskamp on January 20, 2001, telling him of the duress and extortion. A copy of the letter is attached as Exhibit K. It is apparent that the letter was stolen from the file and clerk's office because it is not part of the court record and not shown on the docket sheet of the criminal case.

FURTHER, AFFIANT SAYETH NAUGHT.


Jeffrey A. Johnson
12118 East Yates Rd.
Lyndonville, New York
14098

STATE OF NEW YORK
COUNTY OF ORLEANS

The foregoing instrument was acknowledged before me this 19th day of March, 2002, by Jeffrey A. Johnson, who is personally known to me or who has produced identification and who took an oath/affirmed.


Notary Public

My Commission Expires:



EXHIBITS A to K

FOUND ON

Pages 718 to 778

of the Record

Before Congress

Hard Copies

furnished

upon request

by the Court

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-EI 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 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

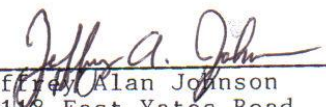
Mr. Johnson has placed substantial evidence onto the record and has provided sufficient proof to support the claims of his actual innocence, of which none have been disputed; and thus "implicating a fundamental miscarriage of justice." See McCleskey v. Zant, 499 U.S. 467, 494 (1991).

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

EXHIBITS TO THE
2/11/05 CRIMINAL COMPLAINT
Pages 60 to 99
of the Record
Before Congress
and
Pages 100 to 1612
(APPENDIX D)

In the United States Court of Federal Claims

| | | |
|---------------------------------------|---|---------------------------|
| Warren D. Johnson, Jr. et al. pro se, |) | Case no. 06-90C |
| Plaintiffs |) | (filed February 24, 2006) |
| |) | |
| V. |) | |
| |) | |
| United States, |) | |
| Defendant, |) | Judge- Honorable |
| |) | Charles F. Lettow |
| |) | Presiding |
| |) | |

Reaffirmation of previously filed Judicial Notice of RCFC 20 (a) Claim; a criminal complaint against Michael McBride, Patrick Scott, Carolyn Bell et al. filed on 9/28/04; and, a previously filed affidavit of 19 March, 2002, all filed under the Federal Rules of Evidence (F.R.E.) 201 (d) Mandatory Judicial Notice of Undisputed Facts, with the United States District Court, Southern District of Florida; the United States District Court, Western Division of New York (2nd Circuit); the U.S. Congressional Committee on Government Reform; and, now the United States Court of Federal Claims, all in support of the undersigned's RCFC 20 (a) claim and criminal misconduct against Warren D. Johnson, Jr. & the Johnson Family et al.

COMES NOW Warren D. Johnson, Sr. appearing In Propria Persona and In Sui Juris and notice this Honorable Court that a RCFC 20 (a) claim in the amount of \$1,329,102,145 U.S. was date stamped as received on March 29, 2006 by the office of the clerk; and, said claim is not referenced in this courts order of April 19, 2006, and said claim is undisputed by the United States as to amount and validity under the aforementioned F.R.E. 201 (d), nor have the underlying values upon which the claim is based, ever been disputed under the F.R.E. 201 (d), whereby they have been established since 16 February 2001.

The undersigned now reaffirms its aforementioned **9/28/04 CRIMINAL COMPLAINT** set forth in the 1612 page Record before Congress (A/K/A or referred to as CD-ROM- Johnson v. Merrill Lynch et al- or Johnson v. RICO all being one Record of 1612 pages also filed on

www.criminaltribunal.com) on pages 65 to 68 of said Record, with Exhibits being the Record before Congress (Books I to V) pages 100 to 1612.

The undersigned also reaffirms his **19 March 2002 AFFIDAVIT FILED IN** the 1612 page Record before Congress on pages 665 to 667, with exhibits A to E being pages 668 to 712. The evidence set forth in this **19 March 2002 AFFIDAVIT** and the **9/28/04 CRIMINAL COMPLAINT** is true, complete, and correct to the best of the undersigned's knowledge, and also undisputed under the F.R.E. 201 (d), and supports said claim for \$1,329,102,145 U.S. as well as the recently filed rule 5.2 Memoranda [First Brief...] filed on or about April 24, 2006 in the U.S. mail, certified delivery No. EQ330452815U.S.

Attached as pages 4 to 6 of this F.R.E. 201 (d) Notice is a duplicate original of the aforementioned undersigned RCFC 20 (a) claim.

Hard copies of the aforementioned of the **9/28/04 CRIMINAL COMPLAINT** and the **19 MARCH 2002 AFFIDAVIT** are attached and filed with the court, as pages 7 to 15.

OATH

I, Warren D. Johnson, Sr., hereby declare that I am of age and 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 under the laws of the United States of America, Common Law, and the Law of Nations and my unlimited commercial liability, this the 26th day of April 2006.

Warren D. Johnson Sr.

Warren D. Johnson, Sr.
PORTOSEL S.P.
11951 East Yates Center Road
Lyndonville, New York 14098
Phone: 585-765-2786

The foregoing instrument was acknowledged before me this 26th day of April, 2006 by Warren D. Johnson, Sr., who is personally known to me or who produced identification and took the above oath.

My Commission Expires: Dec 11, 2006

Brenda B. Donald

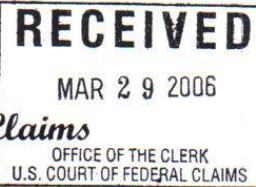
Notary

BRENDA B. DONALD
Notary Public, State of New York
Qualified in Orleans County
No. 01DO6051999
My Commission Expires December 11, 06

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the forgoing notice of claims was served upon Alberto Gonzales, Attorney General of the United States, 950 Pennsylvania Avenue N.W., Washington D.C. 20530, and Warren D. Johnson, Jr. at PORTOSEL S.P., 11951 East Yates Center Road, Lyndonville, New York 14098, by placing same in the U.S. postage mail box First Class, on this the 26th day of April, 2006 for filing.

By: Warren D. Johnson Sr.
Warren D. Johnson, Sr.



In the United States Court of Federal Claims

Warren D. Johnson, Jr. et al. pro se,
Plaintiffs
V.
United States,
Defendant,

Case no. 06-90C
(filed February 24, 2006)

Judge- Honorable
Charles F. Lettow
Presiding

Judicial Notice of RCFC 20 (a) Claim

COMES NOW Warren D. Johnson, Sr. , appearing In Propria Persona and
In Sui Juris and join in this action as plaintiffs, asserting my right to relief jointly, severally or in
the alternative in respect of or arising out of the same Constitutional and breach of contract
violations with the damage claims as follows:

| <u>Original Shares</u> | | <u>Future Forward Value</u> |
|------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <u>105,000</u> | Ice Ban America, Inc. | <u>1,096,815,300</u> |
| <u>25,000</u> | IBAC, Inc. | <u>87,048,750</u> |
| <u>50,000</u> | The Globe Net Stock Exchange (A/K/A/ Corporate Capital; Archipelago; New York Stock Exchange- NYSE Group, Inc.- NYX) | <u>50,000,000</u> |
| <u>1 of 21</u> | Grand Turk Harbour- port o' sel | <u>95,238,095</u> |
| Total Claim: | | \$ <u>1,329,102,145</u> U.S. |

Warren D. Johnson, Jr., Jeffrey A. Johnson, Warren D. Johnson, Sr., Jerry Linkous, Dianne Johnson, Lloyd Minear et al. have properly filed numerous affidavits, interrogatories, Rules of Law, documents and findings etc., which were duly filed under F.R.E. Rule 201 (d) of undisputable facts for mandatory Judicial Notice, whereby all new evidence before the courts and Congress copiously documents Warren D. Johnson, Jr.'s innocence as a petitioner/appellant and sovereign citizen; and, clearly shows this evidence was formally withheld from a petite jury in case no 98-8039CR Ryskamp, United States District Court in the Southern District of Florida; 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 October 6, 1942. The decisions rendered in the preceding cases against Warren D. Johnson, Jr. smack of a cover-up of criminal wrong doings by a RICO as set forth in the 1,612 pages of records now before certain members of the United States Congress, The United States House of Representatives Congressional Committee on Government Reform, chaired by the Honorable Thomas M. Davis, III (R-VA) and published on <http://www.crimnialtribunal.com>.

All claims of the future forward value of original shares in the claim are "undisputed" as to value in numerous filings under F.R.E. Rule 201 (d) for mandatory Judicial Notice of undisputed facts in the preceding cases of Warren D. Johnson, Jr.

I Warren D. Johnson, Sr. , hereby declare that I am of age and 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 under the laws of the United States of America, Common Law, and the Law of Nations and my unlimited commercial liability, this the 24th day of March, 2006.

Warren D. Johnson Sr.

Warren D. Johnson, Sr.
11951 East Yates Road
Lyndonville, New York 14098

phone: 585-765-2786

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the forgoing notice of claims was served upon Alberto Gonzales, Attorney General of the United States, 950 Pennsylvania Avenue N.W., Washington D.C. 20530, and Warren D. Johnson, Jr. at PORTOSEL S.P., 11951 East Yates Center Road, Lyndonville, New York 14098, by placing same in the U.S. postage mail box First Class, on this the 24th day of March, 2006 for filing.

By: Warren D. Johnson Sr.

Warren D. Johnson, Sr.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

UNITED STATES OF AMERICA

V.

Case No. 98-CR-8039-ALL

WARREN D. JOHNSON, JR.
_____ /

AFFIDAVIT OF WARREN D. JOHNSON, SR.

UPON BEING DULY SWORN, I, the undersigned, Warren D. Johnson, Sr. say the following, which is true and correct, under penalty of perjury, and based upon my knowledge and belief:

My name is Warren D. Johnson, Sr. father of Warren D. Johnson, Jr. I am over (21) twenty-one years of age.

I have attached the following documents and tax returns regarding the profits and taxes I paid on property I owned, developed, and sold from December 31, 1977 to present and state the following history:

1. The property was the result of two separate purchases through his real estate broker, Joan B. Thompson. (See Exhibit A). I have known Joan B. Thomson since she was the young wife of my minister, Paul Thomson, in the early 1950's.
2. In the late 1970's, Jerry P. Linkous, who was an unlimited general contractor in the State of Florida, built an oceanfront home for me on Jupiter Island. My sons Paul Johnson, Warren D. Johnson, Jr., and my grandson Mark Johnson, all worked on the construction of the beach house and guesthouse.

3. Please find attached Exhibit "B" which is a letter dated July 10, 1979 to Warren D. Johnson, Sr. on commission as well as closing statements and deeds for five (5) parcels which were split into nineteen (19) lots. Also enclosed is a purchase money note from Warren D. Johnson, Sr. to J. Lavino Company for \$120,000.00 (In exhibit A). All closings were done by my attorney Frank Ryan.

4. On August 15, 1979 I gave a gift of property valued at \$250,000.00 to the Full Gospel Christian Association (see Exhibit C) for copies of appraisal, warranty deed, recording fees, topo, and U.S. Treasury Department certification of 501 © (3) I. D. Number 71-6057425 church status.

5. I, Warren D. Johnson, Sr. also gave \$24,245.00 to help build a new church in Batavia, New York, (see Exhibit D), as shown on my 1978 IRS Tax Return. My total gain for the sale of real estate was \$41,219.00 in 1978; \$187,604.00 in 1979; and \$388,948.00 on the sale of my house in 1980 (see Exhibit E). Pages 1-6 are from my tax return for 1979 and pages 1, 2, and 7 are from my tax return for 1980 (see Exhibit F).

6. On the 17th of September 1983, I, Warren D. Johnson, Sr. signed a satisfaction of mortgage (see Exhibit G) and paid off the balance on a \$750,352.60 purchase money mortgage I held on the sale of my home on Jupiter Island. I then loaned Linkous Corporation \$261,250.00 to fund a cash bond for the construction of the water main and infrastructure for Bay Pointe subdivision and received a note and option to purchase a riverfront lot in Bay Pointe.

7. In 1979 (see page 3 of 1979 tax return - Exhibit "E") Mark and Kelly Johnson were paid \$9,000.00 each for their respective trusts. This is the only payment they received. The prosecution lied to the court and jury claiming that I had hidden 20 million

dollars in trusts for Mark and Kelly Johnson from the Jupiter Island development. The prosecution and the FBI knew they were lying in court because they had all the closing statements, deeds and doc stamps from the Jupiter Island development.

8. In closing I would like to state the following. Before and during my son Warren D. Johnson, Jr.'s trial, I was battling bladder cancer and because of my weakened state I was unable to travel to Florida to testify. If I had testified, I would have been able to expose the FBI and prosecutions fraud on the court against my son. Let the documents speak for themselves. Justice must prevail.

FURTHER, AFFIANT SAYETH NAUGHT,

Warren D. Johnson Sr.

Warren D. Johnson, Sr.
11951 East Yates Center Road
Lyndonville, New York 14098

STATE OF NEW YORK
COUNTY OF ORLEANS

The foregoing instrument was acknowledged before me this 19th day of March, 2002, Warren D. Johnson, Sr. who is personally known to me or who produced identification and took an oath/affirmed.

Lynne M. Johnson
Notary Public

My commission expires:



EXHIBITS A to E
Pages 668 to 712
of the Record
Before Congress
RE: AFFIDAVIT of
WARREN D. JOHNSON, SR.
19th Day of March, 2002

**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 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 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 the 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

EXHIBITS TO
WARREN D. JOHNSON, SR.'S
CRIMINAL COMPLAINT
28th Day of September, 2004
Being Pages 100 to 1612 of
the Record before Congress
BOOKS I to V

In the United States Court of Federal Claims

| | | |
|---------------------------------------|---|---------------------------|
| Warren D. Johnson, Jr. et al. pro se, |) | Case no. 06-90C |
| Plaintiffs |) | (filed February 24, 2006) |
| |) | |
| V. |) | |
| |) | |
| United States, |) | |
| Defendant, |) | Judge- Honorable |
| |) | Charles F. Lettow |
| |) | Presiding |
| |) | |

Judicial Notice of RCFC 20 (a) Claim

COMES NOW RICHARD GRUND, appearing in
 Propria Persona and In Sui Juris and join in this action as plaintiffs, asserting my right to relief
 jointly, severally or in the alternative in respect of or arising out of the same Constitutional and
 breach of contract violations with the damage claims as follows:

Original Shares

Future Forward Value

THE UNDERSIGNED, RICHARD GRUND, was head of FIREFALL STUDIOS (and Production)
 Facilities to be housed in a new \$ 25 Million Set, located on GRAND TURK
 HARBOUR-port o' sel in the TURKS & CAICOS ISLANDS, as part of taking the
 case of a VENDETTA by Merrill Lynch et al. public in a book and movie.
 The set would be provided at nominal costs, with FIREFALL STUDIOS launching
 a public offering yielding a minimum value to Richard Grund of \$ 25 Million.
 Richard Grund was also offered 10% of the SHARED OWNERSHIP PROCEEDS, since
 Mr. Grund brought Chuck Patton into the project, who projected a market
 value of the SHARED OWNERSHIP at \$ 200 Million, yielding a minimum value
 to Richard Grund of \$ 20 Million.

TOTAL CLAIM: \$ 45 MILLION

Warren D. Johnson, Jr., Jeffrey A. Johnson, Warren D. Johnson, Sr., Jerry Linkous, Dianne Johnson, Lloyd Minear et al. have properly filed numerous affidavits, interrogatories, Rules of Law, documents and findings etc., which were duly filed under F.R.E. Rule 201 (d) of undisputable facts for mandatory Judicial Notice, whereby all new evidence before the courts and Congress copiously documents Warren D. Johnson, Jr.'s innocence as a petitioner/appellant and sovereign citizen; and, clearly shows this evidence was formally withheld from a petite jury in case no 98-8039CR Ryskamp, United States District Court in the Southern District of Florida, 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 October 6, 1942. The decisions rendered in the preceding cases against Warren D. Johnson, Jr. smack of a cover-up of criminal wrong doings by a RICO as set forth in the 1,612 pages of records now before certain members of the United States Congress, The United States House of Representatives Congressional Committee on Government Reform, chaired by the Honorable Thomas M. Davis, III (R-VA) and published on <http://www.crimnialtribunal.com>.

All claims of the future forward value of original shares in the claim are "undisputed" as to value in numerous filings under F.R.E. Rule 201 (d) for mandatory Judicial Notice of undisputed facts in the preceding cases of Warren D. Johnson, Jr.

A SWORN AFFIDAVIT IS ATTACHED IN SUPPORT OF THE THREATS AND EXTORTION AGAINST THE UNDERSIGNED, RICHARD GRUND, AND THE JOHNSON FAMILY BY ATTORNEY PATRICK SCOTT AND ASS. UNITED STATES ATTORNEY CAROLYN BELL, IN ORDER TO ILLEGALLY STEAL THE GRAND TURK HARBOUR PROJECT-~~not a~~ sel and THE LAWSUIT AGAINST UNITED STATES WITNESS MOHAMUD RASHID BODHANYA, WHO STOLE \$ 5.41 MILLION OF CASH AND STOCK OF THE "LEGAL PERSONS" OF THE JOHNSON FAMILY.

ATTORNEY OF RECORD CASE
AND CRIMINAL COMPLAINT

I RICHARD GRUND , hereby declare that I am of age and 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 under the laws of the United States of America, Common Law, and the Law of Nations and my unlimited commercial liability, this the 27th day of April 2006.


RICHARD GRUND
7000 Lake Marsha Drive
Orlando, Florida 32819
phone: 407-248-9485

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the forgoing notice of claims was served upon Alberto Gonzales, Attorney General of the United States, 950 Pennsylvania Avenue N.W., Washington D.C. 20530, and Warren D. Johnson, Jr. at PORTOSEL S.P., 11951 East Yates Center Road, Lyndonville, New York 14098, by placing same in the U.S. postage mail box First Class, on this the 27th day of April 2006 for filing.

By: 
RICHARD GRUND

AFFIDAVIT OF RICHARD GRUND

AND CRIMINAL COMPLAINT

STATE OF FLORIDA }
 }
COUNTY OF ORANGE }

COMES NOW, Richard Grund, on behalf of Warren D. Johnson, Jr. and the Johnson Family Members, as well as himself to make these statements of fact to THE UNITED STATES COURT OF FEDERAL CLAIMS in Case no. 06-90 C; and, to file this Rule 3 Complaint under the Federal Rules of Criminal Procedure, for perjury, theft by deception, duress, extortion and theft of property in the Turks & Caicos Islands by those acting as, and doing business as United States Attorney, in violation of the Law of Nations, and the Laws of the United States.

I, Richard Grund, a minister of the Protestant faith, was hired by the Johnson Family to expose a VENDETTA in book and movie, regarding a sham indictment on March 24, 1998, with a complete exposure of illegal acts against the Johnson Family, and F.B.I. Agent Michael McBride's statement that " he (McBride) would show Warren D. Johnson, Jr. that he (McBride) was the ANTI-CHRIST" This Statement violated the religious conscience of Warren D. Johnson, Jr. and the Johnson family under chapter 12- PIETY & RELIGION- in the Law of Nations, which codified International Law. Due to this violation and the other on-going criminal acts against the Johnson family, they moved their assets in Ice Ban America, Inc. to the Turks & Caicos Islands, under a contract with the British Crown to develop GRAND TURK HARBOUR-port o' sel, said contract dated 18 March 1998. [see record before Congress pages 1349 to 1385 ; also posted on www.criminaltribunal.com]

I was introduced to the Johnson family by a christian group in Tallahassee, Florida, who produced the ground breaking ceremony in early May 1998, complete with a replica of the Ark of the Covenant, shofars and historic ancient holy garb, [see record before Congress pages 1386 to 1387] on site at Grand Turk.

During my assignment for the Johnson family, I discovered that Government witness MOHAMUD RASHID BODHANYA was a crook, who stole \$ 5.41 Million U.S. from the Johnson family "LEGAL PERSONS", and was protected in his theft by F.B.I. Agent McBride, AUSA Carolyn Bell, Bankruptcy Trustee Soneet Kapila and his attorney Patrick Scott. A lawsuit was brought on behalf of the "Legal Persons" of the Johnson family on 7 October 1999 in the Supreme Court of the Turks & Caicos Islands, but in the 16 February 2001 Settlement Agreement, I was threatened with **INDICIMENT BY PATRICK SCOTT and AUSA Carolyn Bell**, if I did not turn over this lawsuit to them, so they could protect MOHAMUD RASHID BODHANYA, and cover-up his enormous crimes against the Johnson family. [see record before Congress pages 1389 to 1435 for lawsuit; pages 1436 to 1453 for Settlement Agreement; and, pages 1454 to 1456 for my letters protesting the Extortion, Duress and crimes; pages 1468 to 1469 for Patrick Scott's E-Mail Threats on Wed. 14 Feb. 2001]

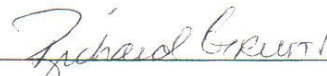
My investigation clearly showed that MOHAMUD RASHID BODHANYA laundered his illegal gains, with the help of F.B.I. Agent McBride et al., through AMSOUTH BANK in Tampa, Florida for (Standard) Star Insurance Company, also of Tampa, Florida. The project (GRAND TURK HARBOUR) was also turned over due to the Threats and extortion, destroying a multi-billion dollar project, since AUSA Bell and Patrick Scott had no intention of building the project. Restitution 90 days after sentencing was illegal by law, so the only way Mr. Scott and AUSA Bell could get

these valuable assets of the "Legal Persons" of the Johnson family, was to resort to illegal threats, duress and extortion. The European Human Rights Act was adopted by the United Kingdom on November 9, 1998, making all the corporations in the Turks & Caicos Islands, the "Legal Persons" of the Johnson family, entitled to all rights of "natural persons", as well as protection under common law, the Law of Nations and protection from the criminal acts described herein.

FURTHER AFFIANT SAYETH NAUGHT:

OATH

I, **Richard Grund**, 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 27th Day of April, 2006.

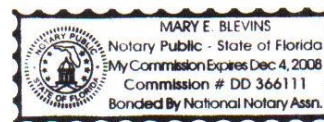


Richard Grund
7000 Lake Marsha Drive
Orlando, Florida 32819
phone: 407-248-9485

The foregoing instrument was acknowledged before me this 27th Day of April, 2006, by Richard Grund, who is personally known to me or who produced identification and took the above oath.


NOTARY PUBLIC

SEAL:



In the United States Court of Federal Claims

| | | |
|---------------------------------------|---|--------------------------|
| Warren D. Johnson, Jr. et al. pro se, |) | Case no. 06-90C |
| Plaintiffs |) | (filed February 24,2006) |
| |) | |
| V. |) | |
| |) | |
| United States, |) | |
| Defendant, |) | Judge- Honorable |
| |) | Charles F. Lettow |
| |) | Presiding |

Judicial Notice of Specific Claim

COMES NOW Warren D. Johnson, Jr. Trustee of a PORTOSEL TRUST, as per authority to create said Trust, filed in the Public Records of Orleans County, .State of New York on April 10, 2006, Liber: 825 Page: 1945 to 1948; attached hereto and made a part hereof on pages 6 to 9; and, asserting the right of Warren Douglas Johnson, Jr. to relief in the above mentioned Case no. 06-90 C for Constitutional, Due Process, Human Rights and Breech of Contract violations, with damages as follows:

1. Loss of the Future Forward Value of 3,425,000 original shares of Ice Ban America, Inc. now represented by FIVE GUARANTEE BONDS from the "Legal Persons" in the Turks & Caicos Islands, who were loaned said shares.

| | |
|-------------------------------------|-------------------------|
| A. RYDER SECURITIES, LTD. | \$ 7.84 Billion |
| B. WINDMILLS PLANTATION FUND, LTD. | \$ 6.53 Billion |
| C. REED INTERNATIONAL FUND, LTD. | \$ 7.84 Billion |
| D. MEDICAL COLLEGE FUND, LTD. | \$ 7.31 Billion |
| E. HAWKS NEST PLANTATION FUND, LTD. | \$ 6.26 Billion |
| TOTAL VALUE OF GUARANTEE BONDS | \$ <u>35.78 Billion</u> |

2. PRISON TIME, with an undisputed value under Trezevant v. the City of Tampa, 741 F.2d 336 (1984) @ \$25,000 for every 23 minutes of time served. TOTAL VALUE TO 4 PM 4/24/06 \$ 4.23 Billion

3. THE GLOBE NET STOCK EXCHANGE (CORPORATE CAPITAL, INC.)

CONTRACT for an undiluted thirty (30%) percent, which
was interfered with by a sham indictment on 3/24/98,
and the 1.53 million shares contracted for has a

TOTAL FUTURE FORWARD VALUE OF \$ 1000 per share undisputed

\$ 1.53 Billion

(or) the current market value of NYX (NYSE Group, Inc.)

@ Nine (9%) percent of 158 million shares in the merger with
Archipelago to acquire the Globe Net Stock Exchange System
on Wednesday- March 8, 2006

4. THE PMMR CORP. (**ORYKTA**) mining CONTRACT for an undiluted
thirty (30%) percent, which was interfered with by the aforementioned sham
indictment on 3/24/98, and the CONTRACT has a FUTURE FORWARD
VALUE established by Bill Minor during the seven years lost of \$ 1 Billion
U.S.

\$ 1.00 Billion

5. **Agreement to purchase** a 50% interest in 8000 acres at Lake Okeechobee, FL

\$.50 Billion

6. THE FOLLOWING LOSSES HAVE AN **UNDETERMINABLE VALUE** IN MONETARY
TERMS AND SAID LOSSES MUST BE VALUED BY A JURY OF SOVEREIGN CITIZENS
AT TRIAL FOR SAID LOSSES AS FOLLOWS:

A. **LOSS** of my wife, Dianne June (Yerkes) Johnson of forty years and the LOSS of
our HOME at 511 S.W. Bay Pointe Circle, Palm City, Florida 34990 in the 16
February 2001 Extortion Agreement.

B. Destruction of the health of our only grandchild, Ashleigh Taylor Brown, by
stress related type one diabetes, as a result of putting her GRAMPIE in prison and
throwing her GRAMMIE out of her home, in which Ashleigh was raised for the first
years of her life.

C. **THREATS** by Patrick Scott to indict Adam Brown if the Johnson Family did not
turn over their lawful assets in an illegal 16 February 2001 Agreement for the
principal benefit of Patrick Scott, Soneet Kapila and Merrill Lynch et al.

D. **EXTORTION THREATS** for and additional \$ 4.8 Million U.S. by Federal Prison Counselor Vincent Jackson, based on forged fictitious documents faxed to Vincent Jackson by the Justice Department in Miami, Florida.

E. **THREATS TO INDICT** Richard Grund if he did not turn over a \$ 5.41 Million (U.S) Lawsuit against a known thief, Mohamud Rashid Bodhanya, who lied for the United States Justice Department against Warren D. Johnson, Jr.

F. **TWO MANSLAUGHTER ATTEMPTS** against Warren D. Johnson, Jr. in Federal Prison at Coleman, Florida and Allenwood, Pennsylvania.

G. **ABUSE** against Warren D. Johnson, Sr., who was suffering from heart and cancer surgery, in depositions by **Patrick Scott** at Batavia, New York, in order to extort lawful assets from the Johnson Family in the 16 February 2001 Agreement.

H. **THE PHYSICAL PAIN AND SUFFERING** by Warren D. Johnson, Jr. who was abused in prison by **Federal Marshall Kelly**, who caused a Hernia and damaged Warren D. Johnson, Jr.'s right hip, right knee and tore the flexor tendon over the right arch.

I. **HIGH BLOOD PRESSURE** that went untreated for four years in prison and the loss of three permanent teeth and a bridge, due to the lack of proper dental care and the refusal by the dental facility to fix a cavity or replace lost fillings, broken by bone chips in the food served at prison.

J. **THREATS AND DURESS** for exposing three criminal acts of Merrill Lynch et al. (As bond holders) in the cases involving the Preserve at Palm-Aire, Ltd. and the Hallmark Homes case.

K. **THREATS AND DURESS** against Warren D. Johnson, Jr.'s neice, Amy Thompson and her infant son, Daniel Thompson.

L. **LOSS of a JUDGMENT** won against Merrill Lynch et al. in the preserve at Palm-Aire, Ltd. case, in the amount of \$500,000.

Warren D. Johnson, Jr., Jeffrey A. Johnson, Warren D. Johnson, Sr., Jerry Linkous, Dianne Johnson, Lloyd Minear et al. have properly filed numerous affidavits, interrogatories, Rules of Law, documents and findings etc., which were duly **filed under F.R.E. Rule 201 (d) for mandatory Judicial Notice of undisputed facts** for, whereby all new evidence before the courts and Congress copiously documents Warren D. Johnson, Jr.'s innocence as a petitioner/appellant and sovereign citizen; and, clearly shows this evidence was formally withheld from a petite jury in case no 98-8039CR Ryskamp, United States District Court in the Southern District of Florida; 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 October 6, 1942. The decisions rendered in the preceding cases against Warren D. Johnson, Jr. smack of a cover-up of criminal wrong doings by a RICO as set forth in the 1,612 pages of records now before certain members of the United States Congress, The United States House of Representatives Congressional Committee on Government Reform, chaired by the Honorable Thomas M. Davis, III (R-VA) and published on the world wide web at <http://www.crimnialtribunal.com>.

All claims of the future forward value of original shares in the claim are "undisputed" as to value in numerous filings under **F.R.E. Rule 201 (d) for mandatory Judicial Notice of undisputed facts** in the preceding cases of Warren D. Johnson, Jr.

I Warren D. Johnson, Jr. as Trustee, hereby declare that I am of age and 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 under the laws of the United States of America, Common Law, and the Law of Nations and my unlimited commercial liability, this the 18th day of April 2006.



Warren D. Johnson, Jr. Trustee of a
PORTOSEL S.P. TRUST for Warren
D. Johnson, Jr. 11951 East Yates Road
Lyndonville, New York 14098 phone:
585-765-2786

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the forgoing notice of claims was served upon Alberto Gonzales, Attorney General of the United States, 950 Pennsylvania Avenue N.W., Washington D.C. 20530 by placing same in the U.S. postage mail box First Class, on this the 18th day of April 2006 for filing.

By: 

Warren D. Johnson, Jr.

Orleans County
Karen Lake Maynard
County Clerk
Albion, New York 14411

Book: 825 Page: 1945

Document Number: 2006- 00042643 Document Type: Miscellaneous Recording
Recorded Date: 04/10/2006

Parties: JOHNSON, JOYCE LUCILLE Pages Charged: 3
NA Pages Scanned: 4
Comment: DECLARATION
Recorded By: PORTOSEL SP

**** Examined and Charged as Follows ****

| | |
|-------------------------|-------|
| Miscellaneous Recording | 34.00 |
| Coversheet | 3.00 |
| Recording Fee: | 37.00 |

**** DO NOT REMOVE ****

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I hereby certify that the within and foregoing was recorded in the Clerk's Office for:

File Information

Document Number: 2006- 00042643
Recorded Date: 04/10/2006 01:54 P
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Mail Back
PORTOSEL SP
EAST YATES ROAD
ATTN WARREN JOHNSON JR
LYNDONVILLE NY 14098-

Liber: 825 PG: 1945
Apr 10, 2006 01:54:57P
INST #: 00042643
ORLEANS COUNTY CLERK
Karen Lake Maynard

Karen Lake Maynard

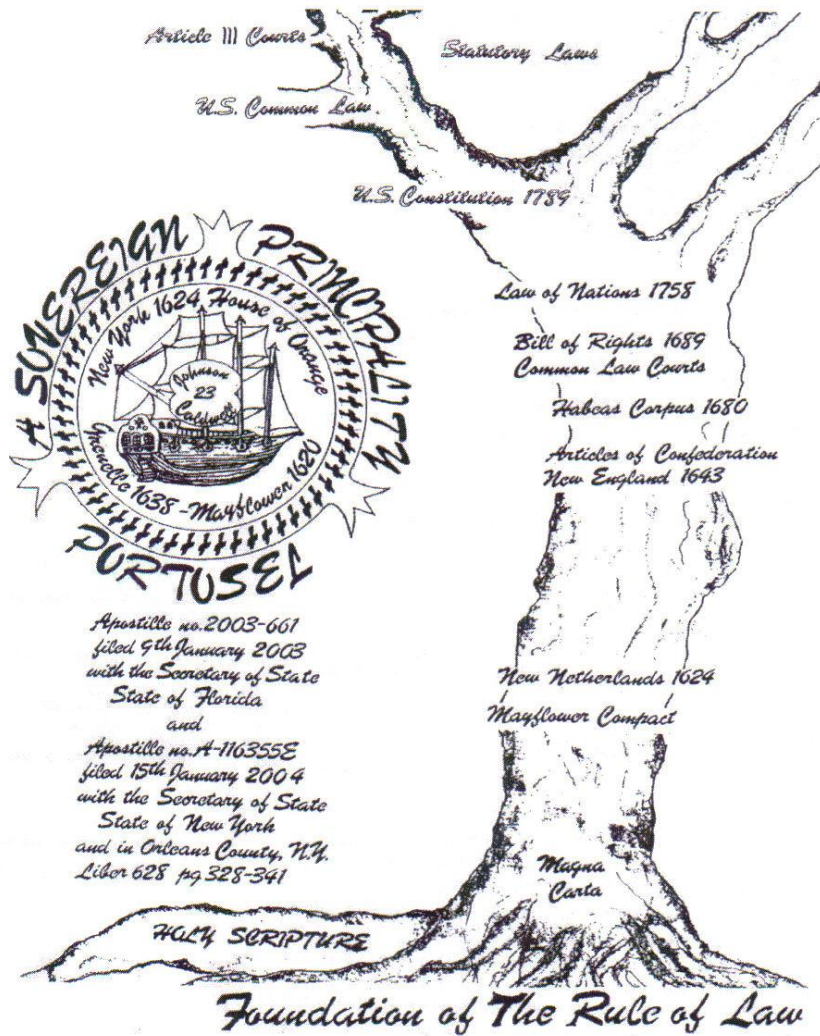
THE TRUSTS (PORTOSEL)

PORTOSEL TRUSTS shall be created under the following terms, conditions and definitions.

PORTOSEL IS A SOVEREIGN PRINCIPALITY, undisputed by the UNITED STATES in numerous filings before the UNITED STATES DISTRICT COURTS and the UNITED STATES CONGRESS through notice and filings contained in a 1612 page record before the UNITED STATES HOUSE of REPRESENTATIVES' COMMITTEE on GOVERNMENT REFORM and uploaded on www.criminaltribunal.com. The record of the re-organization of the Joyce Lucille Johnson ancestral rights to SOVEREIGNTY and the creation of PORTOSEL, THE SOVEREIGN PRINCIPALITY are set forth in in Apostille no. 2003-661 files on the 9th January 2003 with the Secretary of State, State of Florida and Apostille no. A-116355E filed the 15th January 2004 with the Secretary of State, State of New York, and in Orleans County, New York PUBLIC RECORDS, Liber 628 pg 327-341, with said DECLARATIONS permitted under Convention de La Haye du 5 October 1961. THESE DOCUMENTS SPEAK FOR THEMSELVES and are filed under SEAL of the JOHNSON (23) CALDWELL FAMILY, whose story of said creation is set forth in the book "ABSOLUTE IMPUNITY" filed with the Writers' Guild of America, registration no. 1114548 on February 22, 2006 by Warren Douglas Johnson, Jr.

PORTOSEL TRUSTS SHALL be unrecorded trusts having nominal ownership of property and claims arising out of case no. 06-90 C filed in the UNITED STATES COURT of FEDERAL CLAIMS, 717 Madison Place, N.W., Washington, D.C. 20005, with the Honorable Judge Charles F. Lettow presiding, and any other cases following that set forth claims arising out of criminal acts against the royal Johnson family et al. Warren Douglas Johnson, Jr. or any Judge of PORTOSEL's Common Law Court shall be authorized to act as Trustee of PORTOSEL TRUSTS, under the common law and the PORTOSEL Common Law Court, with said TRUSTS initially created for persons who are entitled to file RCRC 20 (a) Claims, but fear the threats and retaliations for filing claims.

LIBER 825 PAGE: 1946



LIBER: 825 PAGE: 1947

Mailing Address:
PORTOSEL S.P.
East Yates Road
Lyndonville, New York 14098



SEAL:

THIS DECLARATION IS FILED UNDER SEAL OF PORTOSEL S.P.

BY:

Warren Douglas Johnson, Jr.

SWORN, SUBSCRIBED and AFFIRMED to before me, a Notary Public, the above Signator, Warren Douglas Johnson, Jr. appeared, identified himself, and affixed his signature hereto, this 10TH Day of April, 2006.

Notary Public

My commission expires on: December 11, 2006

BRENDA B. DONALD
Notary Public, State of New York
Qualified in Orleans County
No. 01DO6051999
My Commission Expires December 11, 06

LIBER: 825 PAGE: 1948

State of New York
ORLEANS COUNTY CLERK'S OFFICE
ALBION, N.Y.

(SEAL)

I, Karen Lake-Maynard 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 10 day of April, 2006

Karen Lake-Maynard Clerk

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
No. 06-90C

(Filed: April 19, 2006)

| | |
|-----------------------------------------------|---|
| WARREN D. JOHNSON, JR, <i>et al., pro se,</i> |) |
| |) |
| Plaintiffs, |) |
| |) |
| v. |) |
| |) |
| UNITED STATES, |) |
| |) |
| Defendant, |) |

ORDER

Pending before the Court are submissions by a number of individuals seeking to be identified as individual party plaintiffs in this case. Each of these submissions purports to be a "Judicial Notice of RCFC 20(a) Claim". The court treats each of these submissions as a motion to be identified as a party plaintiff in this case. The individuals making these filings are as follows:

| <u>Name of Individual</u> | <u>Date Submission Received by Clerk's Office</u> |
|-----------------------------------------------------------------|---------------------------------------------------|
| Lacey Leigh Johnson | March 29, 2006 |
| Clay Paul Johnson | March 29, 2006 |
| Julianne E. Kenward | April 6, 2006 |
| Scott Ball | April 6, 2006 |
| James Caldwell | April 6, 2006 |
| Julianne E. Kenward, as custodian for Christopher W. Kenward | April 6, 2006 |
| Vickie F. Robinson | April 7, 2006 |
| Stephen P. Kilpatrick, Sr. | April 7, 2006 |

| | |
|-----------------------|----------------|
| Michael Ball | April 7, 2006 |
| Donna DaPolito | April 7, 2006 |
| Patricia A. Wellspeak | April 13, 2006 |
| Sharon Lynn Pratt | April 13, 2006 |
| Lloyd O. Minear | April 17, 2006 |

The clerk's office has not yet filed any of these submissions. Each of these submissions is accompanied by a signed and dated certificate of service upon the Attorney General of the United States. The court grants leave for each of these submissions to be filed by the clerk.

The court has caused copies of the filed submissions to be appended to this order. The government is requested to respond by May 15, 2006 as to whether the individuals making each of these submissions should be allowed as party plaintiffs to this case.

It is so ORDERED.


Charles F. Lettow
Judge

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

| | | |
|--------------------------------|---|----------------|
| WARREN D. JOHNSON, JR., et al. |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. No. 06-90C |
| |) | (Judge Lettow) |
| UNITED STATES, |) | |
| |) | |
| Defendant. |) | |

DEFENDANT'S MOTION TO DISMISS

Pursuant to Rule 12(b)(1) of the Rules of the United States Court of Federal Claims, defendant, the United States, respectfully requests that plaintiffs' complaint be dismissed for lack of subject matter jurisdiction.

ARGUMENT

A motion to dismiss should be granted when, accepting the complaint's allegations as true and drawing all inferences in favor of the plaintiff, it is evident that plaintiff is legally entitled to no relief. Celotex Corp. v. Catrett, 477 U.S. 317, 327 (1986); Reynolds v. Army & Air Force Exch. Serv., 846 F.2d 746, 747 (Fed. Cir. 1988). Plaintiff bears the burden of establishing jurisdiction if defendant challenges it. McNutt v. General Motors Acceptance Corp., 298 U.S. 178, 189 (1936). Indeed, the fact that the plaintiff is proceeding *pro se* does not excuse or exempt plaintiff from meeting this Court's jurisdictional requirements. Henke v. United States, 60 F.3d 795, 799 (Fed. Cir. 1995); see Taylor v. United States, 303 F.3d 1357, 1359 (Fed. Cir. 2002).

This is a Court of limited jurisdiction. Bath Iron Works Corp. v. United States, 27 Fed.

Cl. 114, 122 (1992), aff'd, 20 F.3d 1567 (Fed. Cir. 1994). Its authority to grant relief against the United States is limited by the extent to which the United States has waived sovereign immunity. United States v. Testan, 424 U.S. 392, 399 (1976). A waiver of sovereign immunity “cannot be implied and must be unequivocally expressed.” United States v. King, 395 U.S. 1, 4 (1969). The central provision granting consent to suit in this Court is the Tucker Act, 28 U.S.C. § 1491, et seq. Pursuant to this statute, an action in this Court must be “founded either upon the Constitution or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.” 28 U.S.C. § 1491(a)(1). While the Tucker Act provides a general waiver of sovereign immunity, a plaintiff must also identify an independent statute or contract which authorizes the United States to pay money damages to properly invoke this Court’s jurisdiction. See White Mountain Apache Tribe v. United States, 249 F.3d 1364, 1372 (Fed. Cir. 2001) (“The [plaintiff] must also demonstrate that the source of law relied upon can fairly be interpreted as mandating compensation by the federal government for the damages sustained.”) (internal quotation marks omitted).

The rules of this Court contemplate dismissal of a complaint that does not properly invoke subject matter jurisdiction and the requisite waiver of sovereign immunity. RCFC 12(b)(1), 12(h)(3). When challenged by a Rule 12(b)(1) motion to dismiss, a plaintiff bears the burden of proving the soundness of his allegations of jurisdiction, and the Court’s review of “jurisdictional facts” does not convert a motion to dismiss into one for summary judgment. Indium Corporation of America v. Semi-Alloys, Inc., 781 F.2d 879, 884 (Fed. Cir. 1985), cert. denied, 479 U.S. 820 (1986). If the Court finds jurisdiction lacking as a matter of law, dismissal

is required. Thoen v. United States, 765 F.2d 1110, 1116 (Fed. Cir. 1985).

Mr. Johnson, in his various filings with the Court, challenges the validity of his criminal conviction, alleges that the Government has obstructed justice and covered up criminal acts by its agents, and asserts that the Government has illegally taken his “property, papers, and time.” See, e.g., Pl. Comp. 1; Pl. Memo 5-7.¹ Mr. Johnson does not, however, establish any claim that this Court has the power to entertain. Accordingly, the Court should dismiss this case.

Mr. Johnson’s primary concern appears to be his criminal conviction, which he asks the Court to overturn. Even if Mr. Johnson could allege some agreement with the United States regarding his criminal case, this Court’s jurisdiction does not extend to every possible situation where the Government is said to have made an agreement. Kania v. United States, 227 Ct.Cl. 458, 650 F.2d 264, 268, cert. denied, 454 U.S. 895 (1981) (noting that the Tucker Act provides for jurisdiction where the sovereign “steps off the throne and engages in purchase and sale of goods,” etc.) As this Court has noted, activities of the criminal justice system “lie at the heart of sovereign action.” Trudeau v. United States, 68 Fed.Cl. 121, 128 (2005) (citing Silva v. United States, 51 Fed.Cl. 374, 377 (2002)). Thus, this Court lacks the power to review the propriety of Mr. Johnson’s criminal conviction, and Mr. Johnson’s complaint should be dismissed.

To the extent Mr. Johnson alleges damages under some sort of malicious prosecution theory, he sues in the wrong forum. Indeed, “it is well settled that the Court of Federal Claims lacks jurisdiction over any and every kind of tort claim.” Cottrell v. United States, 42 Fed. Cl. 144, 149 (1998) (citing Brown v. United States, 105 F. 3d 621, 623 (Fed. Cir. 1997)). Thus, Mr.

¹ “Pl. Comp. ____” refers to the document entitled “Notice of Claims Against the United States Generally,” filed by Mr. Johnson on January 26, 2006. “Pl. Memo. ____” refers to Mr. Johnson’s “Rule 5.2 Memoranda,” filed on May 1, 2006.

Johnson's complaint should be dismissed.

Mr. Johnson also fails to adequately allege that any "taking" of property occurred here. The Court possesses jurisdiction to entertain monetary claims founded upon the Takings Clause of the United States Constitution, statutes, regulations, or contracts. 28 U.S.C. § 1491(a)(1); United States v. Connolly, 716 F.2d 882, 887 (Fed. Cir. 1983) (First Amendment and Due Process Clause of Fifth Amendment are not money mandating). However, Mr. Johnson has not demonstrated that any actual taking of property occurred, and his complaint should be dismissed.

Additionally, defendant requests that it be relieved of the obligation to (a) respond to the complaint and (b) otherwise engage in case management activities, such as early-meeting of counsel and preparation of a JPSR, as required by the rules of court, pending resolution of this motion for summary dismissal. In the event the Court denies this motion, the Government requests an enlargement of 30 days from the date of the order denying the motion to respond to the complaint and motion and commence case management activities.

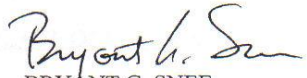
CONCLUSION

For the reasons given above, we respectfully request the Court to dismiss the complaint summarily.

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

David M. Cohen / *BKS*
DAVID M. COHEN
Director



BRYANT G. SNEE
Assistant Director
Commercial Litigation Branch
Civil Division
Department of Justice
Attn: Classification Unit
1100 L Street, N.W., 8th Floor
Washington, D.C. 20530
Tele: (202) 307-0282
Fax: (202) 307-0972

May 11, 2006

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of May, 2006, I caused to be served by United States mail (first class, postage prepaid) copies of defendant's "MOTION TO DISMISS" addressed as follows:

WARREN D. JOHNSON, JR.
11951 East Yates Road
Lyndonville, NY 14098

Rysz Rauh

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

| | | |
|--------------------------------|---|----------------|
| WARREN D. JOHNSON, JR., et al. |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. No. 06-90C |
| |) | (Judge Lettow) |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT'S RESPONSE TO THE COURT'S ORDER
REGARDING ADDITIONAL PARTY PLAINTIFFS**

Pursuant to the Court's order dated April 19, 2006, the United States respectfully responds to the Court's inquiry regarding whether individuals who have submitted documents to the Court related to this case should be treated as party plaintiffs. We request that the Court either: (1) stay consideration of this issue until the Court has resolved our motion to dismiss this case for a lack of jurisdiction; or (2) require plaintiff, Mr. Johnson, to provide the Court with a more definite statement, pursuant to Rule 12(e) of the Rules of the Court of Federal Claims ("RCFC").

These individuals have styled their submissions as "Judicial Notice of RCFC 20(a) Claims." See, e.g., "Judicial Notice of RCFC 20(a) Claim" filed by Scott Ball on April 4, 2006. RCFC 20(a), the Court's "permissive joinder" rule, provides that all "persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action." RCFC 20(a). Permissive joinder, then, requires a two-part test. Franconia Associates v.

United States, 61 Fed.Cl. 335, 336 (2004). First, “a right to relief must be asserted by, or against, each plaintiff or defendant, relating to or arising out of the same transaction or occurrence.” Id. Second, some question of law or fact common to all the parties must arise in the action. Id. To sustain joinder under RCFC 20(a), both of these requirements must be satisfied. Id. (citing 7 Wright, Miller & Kane § 1653, at 403-08).

The “Judicial Notices” submitted by these individuals fail to satisfy either part of the permissive joinder test. First, it is unclear what “right to relief” is claimed. Each individual’s filing contains a statement proclaiming the innocence of the named plaintiff in this case, Walter D. Johnson, Jr., but nothing in the filings indicates how Mr. Johnson’s criminal conviction gives rise to any right to relief by third parties against the United States. Second, no common question of either law or fact is readily apparent from the filings. On their face, the filings indicate common ownership or interests in various entities, but they fail to make clear what common question of law or fact ties them to the Mr. Johnson’s complaint.

Mr. Johnson’s own filings are of no help. As we point out in our motion to dismiss, Mr. Johnson fails to allege sufficient facts in his papers to establish this Court’s jurisdiction. Because Mr. Johnson himself establishes no “right to relief,” neither can the claims of individuals who rely upon Mr. Johnson’s filings.

Accordingly, the Court should decline to consider these individuals’ motions to be identified as party plaintiffs until it has considered and resolved our motion to dismiss this matter. If the Court grants our motion to dismiss, it should also decline to grant these individuals’ motions to become parties to this case.

If the Court declines to grant our motion to dismiss, we request that, pursuant to RCFC

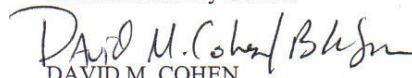
Rule 12(e), the Court require Mr. Johnson to provide the Court with a more definite statement to which we can offer a responsive pleading. RCFC 12(e) requires that we “point out the defects complained of and the details desired.” We ask that either Mr. Johnson or each of the various individuals seeking joinder with this case provide more detail about (a) any right to relief they possess here and (b) any question of law or fact common to all the parties. In particular, we cannot respond to these joinder motions until we understand the relationship of these individuals to Mr. Johnson, and to his complaint.

CONCLUSION

For the reasons given above, we respectfully request the Court decline to consider the pending joinder motions until it has considered our motion to dismiss. If the Court grants our motion to dismiss, it should decline to consider these motions at all. If the Court does not grant our motion to dismiss, we respectfully request that the Court require Mr. Johnson to submit a more definite statement.

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General


DAVID M. COHEN
Director



BRYANT G. SNEE

Assistant Director
Commercial Litigation Branch
Civil Division
Department of Justice
Attn: Classification Unit
1100 L Street, N.W., 8th Floor
Washington, D.C. 20530
Tele: (202) 307-0282
Fax: (202) 307-0972

May 11, 2006

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of May, 2006, I caused to be served by United States mail (first class, postage prepaid) copies of defendant's "NOTICE OF APPEARANCE" addressed as follows:

WARREN D. JOHNSON, JR.
11951 East Yates Road
Lyndonville, NY 14098

Risza

Rule of Law followed by those acting as or doing business as, United States attorney, but due to the illegal nature of defendant's illegitimate acts against plaintiffs, the defendant clearly subjected itself to damages in a case of breach which started with two bogus indictments on March 24, 1998 and climaxed on March 8, 2001 out of a 16 February 2001 restitution agreement. By proceeding with **no jurisdiction** in case No. 98-8039 CR RYSKAMP USDC-SDF, on bogus indictments that falsely charged Warren D. Johnson, Jr. under 18 USC §152(1) which was a "**ex post facto**" count in violation of the United States Constitution of 1789, defendant (vis-a-vis- its agents) clearly acted in a private, non-sovereign capacity, without the protection of sovereign immunity. These actions transcend a sovereign stepping off the throne to engage in a legitimate business transaction. The actions of defendant (vis-à-vis its agents), through lack of jurisdiction by any court over plaintiff, defendant's misrepresentations, fraud, violations of the Rule of Law, most of which are summarized and proven in the Rule 5.2 Memoranda, create an additional waiver of sovereign immunity.

Choctaw Nations v. United States, 119 U.S. 1, 7S Ct. 75, states that "the United States is a sovereign nation, not subject to any municipal laws and limited only by its own Constitution and the Law of Nations"; therefore, in a case where those acting as and doing business as United States attorney, in which they knowingly violate the U.S. Constitution and the Law of Nations, they place the United States and themselves in a non-sovereign capacity. To give further evidence of the United States operating in violation of the Rule of Law in a non-sovereign capacity is the Judge's own statements that Johnson was convicted for driving luxury cars, by a jury that was totally lost since day one, in a civil case tried by two criminal attorneys. A "disaster" according to a Judge,

who had “seen” the luxury cars, **not at trial as the judge stated**, but luxury cars known to have been sold months before the trial. (See Memoranda- First Brief pages 17, 18, 23, 24 & 25) This evidence clearly shows that the United States is placed in a non-sovereign capacity, as opposed to a sovereign capacity in a true legitimate criminal case. Further evidence that the United States acted in a non-sovereign capacity is a restitution agreement over 20 months after sentencing, which was a totally illegal under the Rule of Law, as was the illegal taking of property prohibited under the U.S. Constitution, from innocent third parties, under threats, extortion and duress.

In a similar application of the Rule of Law, attorney **Bill Lerach¹** has sued and won a \$40 billion case against the Enron attorneys (Vinson & Elkins) on behalf of third parties, for acting in a **non lawyer** capacity. **Bill Lerach** is well known for handling multi billion dollar claims, particularly class action lawsuits, and should be the courts first choice as appointed class counsel for the attached motion.

Nothing in aforementioned Case No. 98-8039 CR RYSKAMP resembles a sovereign act, but clearly a gross abuse of power by individuals, who have hijacked the United States Governmental Authority; and, did not the United States itself in 1776, declare an end to similar abuse by King George, based on violations of International Law in the Law of Nations (1758); and seek to “...establish Justice...” over “We the People” in the United States Constitution of 1789.

Violations of the Rule of Law by any Government or its agents create illegal non-sovereign acts, the most published of which is the NAZI Government’s acts against the Jewish people between 1930 top 1945.

Footnote: Local office to the Court

1. Lerach Coughlin Stoia Geller Rudman & Robbins LLP
1100 Connecticut Avenue, N.W., Suite 730, Washington, DC 20036 phone: 202-822-6762

II. Breach of Contract in the 16 February 2001 (Restitution) Agreement between Plaintiffs and Defendant

The Rule 5.2 Memoranda- First Brief and additional affidavits go into great detail regarding the violations of the Rule of Law by defendant in securing the 16 February 2001 Agreement, all adding weight to the evidence of defendant's **non-sovereign** capacity in said contract and the irrefutable evidence of breach of said contract. (See Appendix Four, pages 90 to 98), Affidavits and/or criminal complaints are now on file with the United States Court of Federal Claims as follows:

- 1) By Jeffrey Alan Johnson (32 pages) filed on or about the 26th day of April 2006 by U.S. mail.
- 2) By Warren D. Johnson, Sr. (15 pages) filed on or about the 26th day of April 2006 by U.S. mail.
- 3) By Richard Grund (6 pages) filed on or about the 27th day of April 2006 by U.S. mail.
- 4) By Jerry P. Linkous (10 pages) filed on or about the 2nd day of May 2006 by U.S. mail.
- 5) By Harold Suhr (7 pages) filed on or about the 11th day of May 2006 by U.S. mail.

The Rule 5.2 Memoranda- First Brief with Appendix's One to Four, along with the previously listed affidavits and criminal complaints, are hereby incorporated into this reply in their entirety, to show the illegal non-sovereign acts copiously documented against the Johnson Family, PORTOSEL S.P. and their properties, placing the United States in a contract under the Tucker

Act in a non-sovereign capacity, with jurisdiction squarely placed in the United States Court of Federal Claims.

**III. JOINDER OF CLAIMS, PARTIES AND REMEDIES UNDER RULE 20(a),
BY THOSE DIRECTLY AFFECTED BY THE BREACH OF THE 16 FEBRUARY
2001 AGREEMENT**

All claimants know to plaintiff were either signors of the 16 February 2001 agreement under threats, extortion or duress, named in said agreement, owned stock in public companies affected by said agreement, or worked on projects destroyed by said agreement and the breach of said agreement. All claims for specific money damages do arise out of the same transaction, series of transactions, and occurrence, and the questions of Law presented in the Rule 5.2 Memoranda- First Brief, along with the affidavits and/or criminal complaints of Jeffrey Alan Johnson, Warren D. Johnson, Sr., Richard Grund, Jerry P. Linkous, and Harold Suhr show facts common to all parties are present. Joinder is also proper in claims involving common misrepresentations made directly by AUSA Carolyn Bell, et al. in the name of defendant, where plaintiffs were injured as a result of common strategies and tactics adopted by defendant, including misrepresentations of any indictment, charging plaintiff with a Law "ex post facto" and an illegal 16 February 2001 agreement, which defendant breached.

IV. CONCLUSION

Plaintiff has established jurisdiction in the United States Court of Federal Claims by a preponderance of the evidence and joinder should be granted to promote trial convenience and expedite the final determination of these Rule 20(a) claims in one **Rule 23 class action**

lawsuit, thereby preventing multiple lawsuits. **(See attached motion)** Plaintiffs are not asking this court to overturn a criminal conviction in case No. 98-8039 CR RYSKAMP, since there can be no criminal conviction by a court acting outside the Rule of Law, with **no jurisdiction**. The only thing that defendant can do for plaintiffs is to pay them damages, including damages for an illegal sentence under Trezevant v. The City of Tampa, 741 F.2d 336 (1984), which is item 2. of a **Judicial Notice of Specific Claim** filed (by U.S. Mail on the 18th day of April 2006) for time in prison until case No. 98-8039 CR RYSKAMP is declared void ab initio by defendant (or) a court of competent jurisdiction; and, all other specific claims listed upon which relief can be granted and the Court deems necessary and proper.

OATH

I, Warren D. Johnson, Jr. hereby declare that I am of age and competent to be a witness, that the facts contained here in are true, correct, complete and not misleading to the best of my first hand knowledge under penalty of perjury under the Laws of the United States of America, Common Law, and the Law of Nations and my Unlimited Commercial Liability, this the 23rd day of May, 2006.



Warren D. Johnson, Jr.

PORTOSEL S.P.

11951 East Yates Center Road

Lyndonville, New York 14098

Phone 585-765-2786

Certificate of Service

I hereby certify that a true and complete copy of the foregoing was served upon Bryant G. Snee,
Department of Justice, 1100 L Street, N.W., 8th Floor, Washington, D.C. 20530 by United States
Mail on the 23rd day of May, 2006. (First Class, Postage Paid)

A handwritten signature in black ink, appearing to read "WDJ", is written over a horizontal line.

Warren D. Johnson, Jr.

In the United States Court of Federal Claims

| | | |
|---------------------------------------|---|---------------------------|
| Warren D. Johnson, Jr. et al. pro se, |) | Case no. 06-90C |
| Plaintiffs |) | (filed February 24, 2006) |
| |) | |
| V. |) | |
| |) | |
| United States, |) | |
| Defendant, |) | Judge- Honorable |
| |) | Charles F. Lettow |
| |) | Presiding |
| |) | |

**PLAINTIFFS' MOTION TO CERTIFY Case No. 06-90C
AS A RULE 23 CLASS ACTION AND APPOINT CLASS COUNSEL**

Pursuant to aforesaid Rule 23 of the Rules of the United States Court of Federal Claims, plaintiffs, Warren D. Johnson, Jr. et al., respectively requests that case No. 06-90C be certified by this Honorable Court as a **Rule 23 Class Action and Appoint Class Counsel** as early as practicable and appoint Bill Lerach as class counsel.

Argument

The defendant's motion to dismiss pursuant to Rule 12(B)(1) of the RCFC for "Lack of Jurisdiction" (Administering Justice) "over the subject matter" (Things Considered) should be **denied**, since to do otherwise would violate the issues of substance in the pleadings, answers to interrogatories, affidavits, and the 1612 page Record before Congress, all of which copiously document genuine issues of material facts giving rise to plaintiffs' claims for damages. Rule 1 of the Federal Rules of Civil Procedure (FRCP), "emphasizing that the rules are to be both construed and administered to ensure that civil litigation is resolved not **only fairly**, but without

undue **cost** and **delay**,” can only be achieved by **denying defendant’s motion** and the granting of this motion will move the case forward, with less cost and delay in fairness to the class. To do otherwise would acknowledge that the United States is allowed to knowingly commit crimes through its agents as non sovereign acts and cover the crimes up.

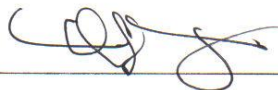
Conclusion

For the reasons given in RCFC 20(a) claims, affidavits, criminal complaints against defendant et al., pleadings, affidavits, the Rule 5.2 Memoranda and the complete Record before Congress with Case Law cited in said documents, we respectively request the Court to grant this motion for a **Rule 23-Class Action** certification and appoint class counsel.

OATH

I, Warren D. Johnson, Jr. herby declare that I am of age and competent to be a witness, that the facts contained here in are true, correct, complete and not misleading to the best of my first hand knowledge under penalty of perjury under the Laws of the United States of America, Common Law, and the Law of Nations and my Unlimited Commercial Liability, this the 23rd day of May, 2006.


Respectively Submitted,



Warren D. Johnson, Jr. et al. pro se (Plaintiffs)
PORTOSEL S.P.
11951 East Yates Center Road
Lyndonville, New York 14098
Phone 585-765-2786

Certificate of Service

I hereby certify that a true and complete copy of the foregoing was served upon Bryant G. Snee,
Department of Justice, 1100 L Street, N.W., 8th Floor, Washington, D.C. 20530 by United States
Mail on the 23rd day of May, 2006. (First Class, Postage Paid)

A handwritten signature in black ink, appearing to read "WDJ", is written over a horizontal line.

Warren D. Johnson, Jr.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
No. 06-90C

(Filed: June 13, 2006)

WARREN D. JOHNSON, JR., *pro se*,
and PORTOSEL, S.P.,

Plaintiffs,

v.

UNITED STATES,

Defendant.

ORDER

On January 26, 2006, Mr. Johnson and PORTOSEL, S.P., filed a complaint with the court seeking \$60 billion in damages for Mr. Johnson's allegedly illegal criminal prosecution and conviction in the Southern District of Florida.¹ Mr. Johnson's contentions of wrongful acts by the government and its agents against Mr. Johnson during the course of his criminal trial include the failure to obtain a "true bill of indictment" against Mr. Johnson, the withholding of evidence from the grand jury, and the "illegal taking and theft of property, papers, and time" from

¹In the caption of his "Notice of Claims," Mr. Johnson also named "the Johnson Family" as plaintiffs and he indicated in the Notice that he was doing so under a power of attorney. Compl. 1, 3. The family members were not identified. That attempted inclusion of additional unnamed plaintiffs is unavailing. As a *pro se* plaintiff, Mr. Johnson may act only on his own behalf. He has no ability to represent individuals who are not members of his immediate family. See Rule 83.1(c)(8) of the Rules of the Court of Federal Claims ("RCFC") ("An individual may represent oneself or a member of one's immediate family as a party before the court. Any other party, however, must be represented by an attorney who is admitted to practice in this court."). For similar reasons, Mr. Johnson may not represent "PORTOSEL, S.P." See *id.* ("A corporation may only be represented by counsel."); *Advanced Systems Tech., Inc. v. United States*, 69 Fed. Cl. 355, 358 (2006). Accordingly, the court will treat the complaint as if it were filed only by Mr. Johnson.

Mr. Johnson also filed an application to proceed *in forma pauperis*. That motion was previously granted in part, to enable the court to consider its jurisdiction to hear Mr. Johnson's claims. See Order of Feb. 24, 2006.

Mr. Johnson. Compl. 1-2. The government responded on May 18, 2006, by filing a motion to dismiss the complaint pursuant to RCFC 12(b) for lack of subject matter jurisdiction. For the reasons stated below, defendant's motion to dismiss is granted.

JURISDICTION

Mr. Johnson bears the burden of proving that the court has jurisdiction to consider his claims. See *McNutt v. General Motors Acceptance Corp. of Ind.*, 298 U.S. 178, 189 (1936). In determining whether jurisdiction exists, federal courts must accept as true the facts alleged in the complaint and draw all reasonable inferences in favor of the plaintiff. See *Henke v. United States*, 60 F.3d 795, 797 (Fed. Cir. 1995). As noted, Mr. Johnson has appeared *pro se* in this action. Although pleadings prepared *pro se* are held to less rigorous standards than pleadings prepared by counsel, *pro se* plaintiffs still must meet the court's jurisdictional requirements. See *Henke*, 60 F.3d at 799. Mr. Johnson's complaint can be construed to allege tort claims and takings claims. The court will analyze each of his potential claims in turn.

The Tucker Act grants the Court of Federal Claims "jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort." 28 U.S.C. § 1491(a)(1). Mr. Johnson alleges wrongful conduct by the government and its agents in the course of discharging their official duties; these are claims sounding in tort. See *McCauley v. United States*, 38 Fed. Cl. 250, 265 (1997), *aff'd*, 152 F.3d 948 (Fed. Cir. 1998) (table). The plain language of the Tucker Act specifies that the court lacks jurisdiction to hear tort claims against the government. *Brown v. United States*, 105 F.3d 621, 623 (Fed. Cir. 1997). Accordingly, the court lacks jurisdiction over the allegations of wrongful acts committed by the government and its agents against Mr. Johnson. Additionally, the Federal Torts Claims Act, 28 U.S.C. § 1346(b)(1), grants federal district courts exclusive jurisdiction over tort claims against the government. See *Wood v. United States*, 961 F.2d 195, 197 (Fed. Cir. 1992). Thus, any claim against the government based on allegedly tortious conduct must be brought in a district court and cannot be heard in this court.

Mr. Johnson's contention of an illegal taking of his personal property also is unavailing even though the court has jurisdiction under the Tucker Act to hear claims based upon the Takings Clause of the Fifth Amendment. See 28 U.S.C. § 1491(a)(1). Conclusory allegations of law without any factual support, even those made by a *pro se* plaintiff, cannot withstand a motion to dismiss. See *Bradley v. Chiron Corp.*, 136 F.3d 1317, 1322 (Fed. Cir. 1998). In the instant case, Mr. Johnson has failed to plead sufficient facts showing an actionable taking of his property by the government. Mr. Johnson asserts that the government illegally took Mr. Johnson's personal property either during the course of his criminal prosecution and conviction or as a penalty associated with his conviction. The law distinguishes between a taking for public use under the government's power of eminent domain, which is civil in nature, and the forfeiture of property under the government's police power, which is criminal in nature. See *Maracalin v.*

United States, 52 Fed. Cl. 736, 742 (2002) (citing *Crocker v. United States*, 37 Fed. Cl. 191, 194, *aff'd*, 125 F.3d 1475 (Fed. Cir. 1997)). The court does not have jurisdiction to review a criminal forfeiture. *Maracalin*, 52 Fed. Cl. at 742. Thus, to the extent that Mr. Johnson contests forfeiture of his property as a criminal penalty, this court does not have jurisdiction to hear the claim. Furthermore, to seek compensation under the Takings Clause in this court, a party must concede that the government's taking was lawful. *See Crocker*, 125 F.3d at 1476 (Fed. Cir. 1997). Mr. Johnson makes no such concession. This court has jurisdiction to award monetary damages for an uncompensated taking, but not to evaluate the propriety of the government's actions in effecting the taking. *Id.*; *see also Florida Rock Indus. v. United States*, 791 F.2d 893, 899 (Fed. Cir. 1986) (citing *Armijo v. United States*, 663 F.2d 90, 93 (Ct. Cl. 1981)). Because Mr. Johnson's argument rests on the alleged illegality of the government's actions, his taking claim falls outside the scope of this court's jurisdiction.

In short, after reviewing Mr. Johnson's claims in the light most favorable to him, the court determines that it lacks jurisdiction over the case and grants the government's motion to dismiss in accord with RCFC 12(b).

JOINDER UNDER RULE 20(a)

Pending before the court are "Judicial Notices of RCFC 20(a) Claims" by a number of individuals seeking to be identified as plaintiffs in this case. The court construes these notices as motions for permissive joinder under RCFC 20(a).² Rule 20(a) provides that "[a]ll persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the

²On March 29, 2006, the court granted leave for notices, treated as motions for joinder as plaintiffs, to be filed by the clerk on behalf of the following persons: Warren D. Johnson, Sr.; Jeffrey A. Johnson, custodian for Christian Johnson; Clancy J. Johnson-Dent; Jeffrey Alan Johnson; Chase Warren Johnson; Paul R. Johnson, custodian for Chelsy Johnson; Joyce Lucille Johnson; and Paul Richard Johnson. Thereafter, on April 19, 2006, the Court granted leave for notices, treated as motions for joinder, to be filed by the clerk on behalf of: Lacey Leigh Johnson; Clay Paul Johnson; Julianne E. Kenward; Scott Ball; James Caldwell; Julianne E. Kenward, as custodian for Christopher W. Kenward; Vickie F. Robinson; Stephen P. Kilpatrick, Sr.; Michael Ball; Donna DaPolito; Patricia A. Wellspeak; Sharon Lynn Pratt; and Lloyd O. Minear.

Similar notices have since been submitted to the clerk by the following persons: Guy Thibodeau; Warren D. Johnson, Jr., as Trustee of a Portosel Trust for Kelly and Adam Brown; Warren D. Johnson, Jr., as Trustee of a Portosel Trust for Harvard Fund Limited; Warren D. Johnson, Jr., as Trustee of a Portosel Trust for Mark Edward Johnson; Warren D. Johnson, Jr., as Trustee of a Portosel Trust for Ashleigh Taylor Brown; Warren D. Johnson, Jr., as Trustee of a Portosel Trust for Merchants Trust Limited; Warren D. Johnson, Jr., as Trustee of a Portosel Trust for Dianne Johnson; Warren D. Johnson, Jr., Trustee of a Portosel Trust; Robert Masiello; William Schwartz; Richard Grund; Roy D. Harriger; Jerry P. Linkous; Doug Uridel; Harold W. Suhr; and Gisele Anderson.

alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action.” RCFC 20(a). Permissive party joinder under Rule 20(a) is governed by two criteria. First, a right to relief must be asserted by, or against, each plaintiff or defendant, relating to or arising out of the same transaction or occurrence. *Franconia Assocs. v. United States*, 61 Fed. Cl. 335, 336 (2004). Second, there must be some question of law or fact common to all the parties in the action. *Id.* Both elements of the test must be satisfied to join plaintiffs in one case under Rule 20(a). *Id.* at 336-37.

In the instant case, the individuals seeking joinder under Rule 20(a) have failed to satisfy either factor of the test. First, none of the “Judicial Notices of RCFC 20(a) Claims” show how Mr. Johnson’s alleged illegal prosecution and conviction gives rise to any third party right to relief. Second, from the filings, there is no indication that any common question of law or fact exists. The Rule 20(a) filings suggest common ownership or interests in several entities but do not explain how common ownership or interest in these entities relate to Mr. Johnson’s complaint. Most importantly, because Mr. Johnson has failed to establish that this court has subject matter jurisdiction over his claims, individuals seeking joinder under Rule 20(a) cannot rely on his filings to show any right to relief arising out of the same transaction or any common question of law or fact. For these reasons, all of the motions for joinder under Rule 20(a) are denied.

CONCLUSION

This court lacks subject matter jurisdiction over the claims put forward by Mr. Johnson. Accordingly, the government’s motion to dismiss is GRANTED. The clerk shall enter judgment accordingly.³ No costs.

It is so ORDERED.


Charles F. Lettow
Judge

³In addition, Mr. Johnson’s “Motion to Certify Case No. 06-90C as a Rule 23 Class Action and Appoint Class Counsel” is DENIED.

The clerk is directed to file the “Judicial Notices of RCFC 20(a) Claims” submitted by sixteen individuals, as identified *supra*, at 3 n.2 (second ¶). Each of the Judicial Notices has been treated as a motion for permissive joinder as a plaintiff pursuant to RCFC 20(a).

The numerous motions for permissive joinder as plaintiffs are DENIED.

In the United States Court of Federal Claims

No. 06-90 C

**WARREN D. JOHNSON, JR., *pro se*
and PORTOSEL, S.P.**

JUDGMENT

v.

THE UNITED STATES

FILED JUN 14 2006

Pursuant to the court's order, filed June 13, 2006,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that the complaint is dismissed for lack of subject matter jurisdiction. No costs.

Brian Bishop
Clerk of Court

June 14, 2006

By:



Deputy Clerk

NOTE: As to appeal, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$455.00.

LIST OF CLAIMS FILED IN THE UNITED STATES COURT OF FEDERAL
CLAIMS- Case No. 06-90 C - REFERENCED BY JUDGE CHARLES F. LETTOW

| | |
|------------------------------------------------------------------------------------------------------------------------------|------------------|
| Gisele Anderson | \$ 3,481,950 |
| Michael Ball | 93,419,892 |
| Scott Ball | 110,258,600 |
| James Caldwell | 156,687,900 |
| Donna DaPolito | 291,146,450 |
| Clancy J. Johnson-Dent | 95,238,095 |
| Richard Grund | 45,000,000 |
| Pastor Roy Harriger of the Ashwood Wesleyan Church | 36,560,510 |
| Chase Warren Johnson | 95,238,095 |
| Clay Paul Johnson | 95,238,095 |
| Jeffrey Alan Johnson | 12,692,700,965 |
| Jeffrey Alan Johnson as Custodian for Christian Johnson | 95,238,095 |
| Joyce Lucille Johnson | 112,647,845 |
| Lacey Leigh Johnson | 199,696,695 |
| Paul Richard Johnson | 3,994,035,404 |
| Paul Richard Johnson as Custodian for Chelsy Johnson | 199,696,695 |
| Warren D. Johnson, Jr. Trustee of a PORTOSEL TRUST - in excess of * damages to be determined by a future jury or negotiation | * 43,000,000,000 |
| Warren D. Johnson, Jr. as Trustee of a PORTOSEL TRUST for Ashleigh Taylor Brown | 95,238,095 |
| Warren D. Johnson, Jr. as Trustee of a PORTOSEL TRUST for Kelly and Adam Brown | 3,949,471,795 |
| Warren D. Johnson, Jr. as Trustee for a PORTOSEL TRUST for the HARVARD FUND LIMITED | 4,701,324,892 |
| Warren D. Johnson, Jr. as Trustee of a PORTOSEL TRUST for Dianne Johnson | 6,496,633,425 |
| Warren D. Johnson, Jr. as Trustee of a PORTOSEL TRUST for Mark Edward Johnson | 544,238,095 |
| Warren D. Johnson, Jr. as Trustee for a PORTOSEL TRUST for MERCHANTS TRUST LIMITED | 4,701,226,734 |
| Warren D. Johnson, Sr. | 1,329,102,145 |

| | |
|----------------------------------------------------------------|---------------|
| Julianne E. Kenward | 97,238,095 |
| Julianne E. Kenward as Custodian for Christopher W. Kenward | 95,238,095 |
| Stephen P. Kilpatrick, Sr. | 104,458,600 |
| Fredrick L. Large | 1,539,022 |
| Jerry P. Linkous | 30,945,860 |
| Robert Masiello | 81,211,200 |
| Lloyd Minear | 345,313,380 |
| Sharon Lynn Pratt | 6,004,619,750 |
| Vickie F. Robinson | 9,401,265 |
| William Schwartz | 10,000,000 |
| Harold W. Suhr | 94,639,030 |
| Guy Thibodeau | 71,157,050 |
| Troy Thibodeau | 3,481,950 |
| Doug Uridel | 43,524,410 |
| Jerry Weaver | 31,337,580 |
| Patricia A. Wellspeak | 5,461,435,030 |

| | |
|---------------------------------------------------------------------------------------------------|---------------|
| RICO, INC. holds a Guarantee Bond for \$ 5.22 Billion to be added in the new claim for damages | 5,220,000,000 |
|---------------------------------------------------------------------------------------------------|---------------|

| | |
|---------------------|--------------------|
| TOTAL CLAIM TO DATE | \$ 100,839,060,784 |
|---------------------|--------------------|

PORT PAYÉ
STRASBOURG CTC
FRANCE



PRIORITAIRE

UNDELIVERABLE
AS ADDRESSED
INCORRECT NAME/
REGISTER NUMBER



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE



PRIORITAIRE

European Court of Human Rights
Cour européenne des Droits de l'Homme
Strasbourg

COUR EUROPEENNE
DES
DROITS DE L'HOMME
CONSEIL DE L'EUROPE
STRASBOURG



EUROPEAN COURT
OF
HUMAN RIGHTS
COUNCIL OF EUROPE
STRASBOURG

Mr Warren D. JOHNSON
Federal Correction Complex
P.O. Box 1031
COLEMAN, FLORIDA 33521-1031
USA

FOURTH SECTION

ECHR-LE11R
JSP/dp

24 June 2003

Application no. 19442/03
JOHNSON v. the United Kingdom

Dear ,


I acknowledge receipt of your application form dated 12 June 2003 with enclosures.

The Court will deal with the case as soon as practicable. It will do so on the basis of the information and documents submitted by you. The proceedings are primarily in writing and you will only be required to appear in person if the Court invites you to do so. You will be informed of any decision taken by the Court.

You should inform me of any change in your address. Furthermore, you should, of your own motion, inform the Court about any further developments regarding the above case, and submit any relevant decisions of the domestic authorities.

If you would like a representative to act for you, you should complete the enclosed form of authority and have it returned by the representative.

Yours faithfully,
For the Registrar


J.S. Phillips
Head of Division

Enc.

-2-

ADRESSE POSTALE / POSTAL ADDRESS
CONSEIL DE L'EUROPE / COUNCIL OF EUROPE
F - 67075 STRASBOURG CEDEX

TELEPHONE
(0)3 88 41 20 18

INTERNET
<http://www.echr.coe.int>

TELECOPIER FAX
(0)3 88 41 27 30

EUROPEAN COURT OF HUMAN RIGHTS

A U T H O R I T Y¹
(Rule 36 of the Rules of Court)

I,

(name and address of applicant)

hereby authorise

(name, address and occupation of representative)

to represent me in the proceedings before the European Court of Human Rights, and
in any subsequent proceedings under the European Convention on Human Rights,
concerning my application introduced under Article 34 of the Convention against

(respondent State)

on
(date of letter of introduction)

(place and date)

(signature of applicant)

I hereby accept the above appointment

(signature of representative)

-3-

**1. This form must be completed and signed by any applicant wishing to be represented
before the Court and by the lawyer or other person appointed.**

COUR EUROPEENNE
DES
DROITS DE L'HOMME

CONSEIL DE L'EUROPE
STRASBOURG

EUROPEAN COURT
OF
HUMAN RIGHTS

COUNCIL OF EUROPE
STRASBOURG

Mr Warren D. JOHNSON
Federal Correction Complex
P.O. Box 1031
COLEMAN, FLORIDA 33521-1031
USA

FOURTH SECTION

ECHR-LE11.0R(CD1)
JSP/dp

28 OCT. 2004

Application no. 19442/03
JOHNSON v. the United Kingdom

Dear Sir,

I write to inform you that on 14 October 2004 the European Court of Human Rights, sitting as a Committee of three judges (V. Strážnická, *President*, R. Maruste and L. Mijović) pursuant to Article 27 of the Convention, decided under Article 28 of the Convention to declare the above application inadmissible because it did not comply with the requirements set out in Articles 34 and 35 of the Convention.

In the light of all the material in its possession, and in so far as the matters complained of were within its competence, the Court found that they did not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

This decision is final and not subject to any appeal to either the Court, including its Grand Chamber, or any other body. You will therefore appreciate that the Registry will be unable to provide any further details about the Committee's deliberations or to conduct further correspondence relating to its decision in this case. You will receive no further documents from the Court concerning this case and, in accordance with the Court's instructions, the file will be destroyed one year after the dispatch of this letter.

The present communication is made pursuant to Rule 53 § 2 of the Rules of Court.

Yours faithfully,
For the Committee



F. Elens-Passos
Deputy Section Registrar

-4-

ADRESSE POSTALE / POSTAL ADDRESS:
CONSEIL DE L'EUROPE / COUNCIL OF EUROPE
F - 67075 STRASBOURG CEDEX

TELEPHONE:
(0)3 88 41 20 18

INTERNET:
<http://www.echr.coe.int>

TELECOPIER / FAX:
(0)3 88 41 20 19

MEMO
3 November 2004

Mr. F. Elens-Passos
Deputy Section Registrar
European Court of Human Rights
F-67075 Strasbourg Cedex
France

re: Application No. 19442/03
Johnson v. the United Kingdom

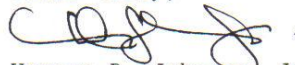
Dear F. Elens-Passos;

Please express my thanks to your Court and to Judges V. Straznicka, R. Maruste and L. Mijovic for reviewing my Application of June 2003. Our family and their Legal Persons are pleased to inform you that hearings and investigations in the matters set forth previously are being addressed by 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. These Articles 34 and 35 - domestic remedies are being exhausted and all documentation will be uploaded on www.CriminalTribunal.com.

Since the alleged violations are continuous and on-going in nature by a Racketeer Influenced Corrupt Organization (RICO) within the United States, we do not know if there is a problem with the United Kingdom as it pertains to our Treaty of 18 March 1998. These matters can be addressed only after our family is paid restitution for acts of the RICO within the United States and the "force majeure" issue is then addressed. Only after that, may the six month rule apply or not apply.

Even though the United States is not a member of the European Convention on Human Rights, the Supreme Court recently sided your convention in a court ruling and we hope to find just satisfaction and a friendly settlement with the United States as provided under the guidance of Articles 38, 39 and 41 of your convention.

Yours truly,



Warren D. Johnson, Jr.
Federal Correction Complex
P.O. Box 1031
Coleman, Florida 33521-1031
USA

MEMO

FEBRUARY 22, 2005

AT APPROX. 9:40 AM I WAS CALLED TO LT. SCOTT'S OFFICE REBOUNDING A PHONE CALL TO PATRICIA WEUSPER (315-699-9413) AT APPROX. 8:38 THIS MORNING, I WAS THREATENED WITH "SITTING IN NO MAN'S LAND" - "DOWN THERE" [SHU] IF THE PRESS SHOWED UP OUTSIDE THE GATES UNANNOUNCED WITHOUT THE WARDEN'S PERMISSION.

THE CONCERN APPARENTLY WAS THE UPCOMING CONGRESSIONAL HEARINGS AND THE CD-ROM OF THE RECORD BEING UPLOADED ON THE INTERNET AND BEING SENT TO BILL MOESLEY OF THE PITTSBURGH POST GAZETTE FOR INVESTIGATION.

I WAS REQUIRED TO GIVE LT. SCOTT A FULL BRIEFING ON MY CASE AND PERIODICALLY UP DATE HIM, AS WELL AS REQUEST PERMISSION FROM THE WARDEN TO SPEAK TO THE MEDIA.



-6- WARREN D. TOWNSEND, JR.

@ 10:55 AM 2/22/2005



Jeffrey A. Johnson
12118 E. Yates Center Road
Lyndonville, NY 14098

U.S. Department of Justice

Office of the Inspector General

Washington, D.C. 20530

October 2, 2002

Jeffrey A. Johnson
12118 E. Yates Center Road
Lyndonville, NY 14098

Dear Mr. Johnson:

The purpose of this letter is to acknowledge receipt of your correspondence dated August 2, 2002. Your correspondence will be reviewed by the staff of the Investigations Division, Office of the Inspector General. If additional information is required for this review, you will be notified.

Sincerely,

Office of the Inspector General
Special Operations Division

Jeffrey A. Johnson
12118 E. Yates Center Rd
Lyndonville, NY 14098
716-765-2621-Home
716-765-9723-Office
716-765-9736-Fax

Office of Inspector General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, D.C. 20530

August 2, 2002

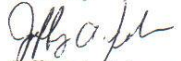
Dear Inspector General Glen A. Fine

About a month ago, I sent you a letter asking for your assistance (See attached) along with a binder containing 24 exhibits marked A-X.

I would greatly appreciate a letter, phone call, or e-mail to jeffrejon@juno.com as to what case number has been assigned to this investigation and the name of the person who will be investigating the criminal acts against myself and my family members.

Thank you for your time.

Sincerely



Jeffrey A. Johnson

June 10, 2002

CIVIL RIGHTS AND CIVIL LIBERTIES COMPLAINT

Filed under the "Inspector General Act of 1978" and Section 1001
of the USA Patriot Act of October 26, 2001.

Filed with: Civil Rights & Civil Liberties Complaints

Office of Inspector General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, D.C. 20530
800-869-4499

Contact Person for the Johnson Family:

Jeffrey A. Johnson
12118 East Yates Center Road
Lyndonville, New York 14098
716-765-2621

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

A complete set of Documentation will be sent under separate cover
from Jeffrey A. Johnson within the next 7 to 10 days.

A Summary of the Complaint is attached.

June 12, 2002

Inspector General Glen A. Fine
United States Department of Justice
950 Pennsylvania Avenue N.W. - Room 4706
Washington, D.C. 20530-1000

RE: Public Corruption, Civil Rights Violations and a
Religious War by a Criminal Enterprise against the
Johnson Family's Religious Conscience

Dear Inspector General:

We are now asking you, as Inspector General, to end this spiral of criminal acts that continue a religious war against the Johnson family, Ice Ban, the Turks and Caicos Government, and the Grand Turk Harbour Project.

The Johnson Family has rights to its religious conscience protected under the Law of Nations, specifically Chapter 12, Piety and Religion, and a plethora of Law up to and including the Religious Freedom Restoration Act (RFRA) of 1993. Our family has been extorted out of assets that had a future forward value of forty-one billion dollars U.S.

We have attempted to seek relief under our legal system as follows:

1. A Complaint was filed with the Judiciary Committee in the U.S. House of Representatives in 1997 with Congressman Bill McCollum and attorney Paul McNulty.
2. A Complaint was filed with the Office of Professional Responsibility (O.P.R.) in January 2000.
3. A second Complaint was filed with the O.P.R. in September 2000.
4. Warren D. Johnson, Jr. gave an oral Statement on the record of a vendetta consisting of Government lies and misconduct before Federal Judge Kenneth Ryskamp in the United States District Court for the Southern District of Florida, West Palm Beach Division, in case number 98-8039-CR-KLR on January 25, 2001.
5. A Rule 3 - Criminal Complaint was filed in the Court on April 13, 2002 into case number 98-8039-CR-KLR.
6. A 23-page 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 Relief was filed May 8, 2002 in case number 92-3339-BKC-SHF and then on May 23, 2002 in case number 98-8039-CR-KLR.

7. As of May 29, 2002 for Clerk of the Court has failed to record and file the Motions timely upon their receipt, or not at all on the docket in case number 98-8039-CR-KLR. See attached printout of Docket.
8. A Motion filed on November 21, 2001 entered as Pro-se Motion to Refer the Investigation of Fraud on the Court, a Vendetta, Cover-up and Extortion to the Attorney General of the United States and the Attorney General of the State of Florida, also to Expand the Authority of Judge Friedman to Address the Issues Raised in the Motion before his Court and attached as Exhibit A has not been ruled upon as of this date.
9. No Order was ever entered by Judge Kenneth Ryskamp ordering Leslie Taylor of the O.P.R. to investigate the Complaints, which Judge Ryskamp told Warren D. Johnson, Jr. at the January 25, 2001 Hearing that he was ordering.
10. In the Indictment for case number 98-8039-CR-KLR Count 1, Title 18 U.S.C. § 152(1) did not exist from September 16, 1992 to March 29, 1993, as charged.

Our lawyers have been threatened, our family has been threatened, our assets have been extorted, our civil rights have been violated and at least 25 Laws were broken by tortfeasors as outlined in the Complaints filed to date. Only the Inspector General and the Judiciary Committee can effectively deal with the cover-up at the O.P.R. and in the United States District Court of the Southern District of Florida. Our nation cannot exist under the rule of Law if Merrill Lynch, the Law firm of Holland & Knight, and attorney Patrick Scott can use the F.B.I. and the Federal Court as its own private Police force and commit RICO acts of extortion under the color of Law.

Please find enclosed the news articles in the USA TODAY (Thursday, May 30, 2002) that sets the new priorities that ranks our case as #4, #5 and #6 in priority with the Justice Department, as articulated by Director Robert Mueller.

Yours Truly,



Jeffrey A. Johnson
12118 East Yates Road
Lyndonville, New York 14098
716-765-2621

-11-

Complaint filed with Inspector General, Glen A. Fine, United States Department of Justice regarding I. Misconduct and Extortion; II. Civil Rights Violations; III. Waste, Fraud and Abuse all in case number 98-8039-CR-RYSKAMP and case number 92-3339-BKC-SHF, for the Southern District of Florida, West Palm Beach Division.

SUMMARY

I. Misconduct

As a result of a vendetta that is now fourteen-years old and started when Warren D. Johnson, Jr. sued an F.B.I. Agent's sister on a land Contract for Bay Pointe Estates, Warren D. Johnson, Jr. was Indicted under a Law that did not exist at the time of the alleged offenses. The Government well knew there were no issues of substance and the Defendant has attempted to expose the Criminal acts of Patrick Scott, attorney for Chapter 7 Trustee Soneet Kapila; Carolyn Bell, Assistant United States Attorney; Michael McBride, F.B.I. Special Agent; et al. (herein tortfeasors) in this sham trial and conviction. There has now been a cover-up at the Office of Professional Responsibility as well as through the Clerk of the District Court in both cases. The Clerk for the Southern District of Florida has held or misfiled motions and pleadings of Warren D. Johnson, Jr. on or about April 19, 2002; May 8, 2002; May 14, 2002; and May 22, 2002 so far as shown by Docket Entries printed off the internet through the U.S. District Court Webpacer Docket Report as of May 29, 2002.

The extortion of Assets under a 16th of February, 2001 agreement is well documented in the exhibits that are attached being a 23-page Notice of Consolidated Filing; Exhibits AA (1 of 2) and AA (2 of 2); and Exhibits A through Y (herein Motions and Exhibits).

II. Civil Rights Violations

Warren D. Johnson, Jr. was denied due process as guaranteed by the United States Constitution under the 6th Amendment and the Federal Rules of Criminal Procedures and Title 18 U.S.C. § 3057 and Title U.S.C. § 3060.

Despite the Jury's verdict at trial the evidence clearly shows

that Warren D. Johnson, Jr. is an innocent man, illegally held in prison, who never had a chance to face his accusers (the F.B.I. Agent's sister, Corrine B. Calvasina, and Ray Loesche). The Criminal trial was a sham since not one person involved in transactions that were assumed to be part of the case and were listed in Counts 3 to 7 ever testified at trial. The Johnson family, as innocent third parties, were extorted out of their lawfully purchased assets in violation of F.R.Cr.P. Rule 32.2, Criminal Forfeiture (b), (c), (d) and Rule 56, Courts and Clerks. These Civil Rights violations are well documented in the Motions and Exhibits.

III. Waste, Fraud and Abuse

This case is a massive abuse of Government power. Those individuals who have stepped forward to help expose these Criminal acts have been threatened or intimidated. These acts are heinous crimes against the Law of Nature, the Law of Nations and our Family's religious conscience. The destruction of the Grand Turk Harbour Project was "the Israel of the Gentiles" project, that was to provide a healing of relations between Christians and Jews going back to injustices of the 14th century in Europe. This project was collateralized by the publically traded stock of Ice Ban America, Inc., which had a future forward value of \$41 billion. The actions of these tortfeasors has also completely destroyed Ice Ban America, Inc. and Ice Ban Canada (IBAC), which has cost America and Canada billions of dollars in lost savings, as well as lives lost in traffic accidents on ice and snow, which could have been prevented. This waste is in violation of the Motor Vehicle Act.

Our President, George W. Bush, believes in basic character and simple basic truths; he has a very interesting sense of Justice and Fairness; and doesn't like a liar (re: Newsweek article April 8, 2002). President Bush will not be pleased if this mess is not soon brought to Justice. Our Family's basic character was forged in the blood lines of the House of Orange; the Mayflower and the Grenelles,

and all rights of blood, title and land. See our Family history in Exhibit W and it will be further supplemented and expanded in Exhibit Z when complete and filed with the Court.

We seek Justice and Restoration.