

19-6093

IN THE SUPREME COURT OF THE UNITED STATES
CASE NO.: _____

BARBARA STONE re HELEN STONE

LESA M. MARTINO re ROLAND MARTINO

PETITIONERS

v

STATE OF FLORIDA

Office of the Attorney General

PL-01 The Capitol

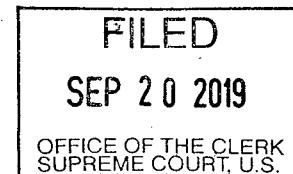
Tallahassee, FL 32399-1050

RONALD DESANTIS, INDIVIDUALLY AND IN HIS CAPACITY AS GOVERNOR
OF THE STATE OF FLORIDA

400 S. Monroe Street

Tallahassee, FL 32399

RESPONDENTS



***EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS¹
AND SUPPORTING MEMORANDUM OF LAW***

FULL EN BANC REVIEW IS SOUGHT

ORIGINAL

¹ Please refer to footnotes attached for all footnote references.

ISSUES:

- I. The facts herein irrefutably demonstrate:
 - A. Willful violation of protected rights under the Constitution to life, liberty, property, and the pursuit of happiness under Amendment I of the Constitution.
 - B. Denial of access to the Courts under Amendment I of the Constitution;
 - C. Denial of right of association under Amendment I of the Constitution;
 - D. Denial of due process under Amendment V and Amendment XIV of the Constitution;
 - E. Illegal seizure of person and property under Amendment IV of the Constitution;
 - F. Cruel and unusual punishment under Amendment VIII and Amendment XIV of the Constitution;
 - G. Violation of Right to Equal Protection under Amendment XIV of the Constitution;
 - H. Abridgement of right to vote under Amendment XIX and Amendment XVI of the Constitution;
 - I. Violation of the Amendment to the American with Disabilities Act of 1990 and amendments
- II. The facts herein irrefutable demonstrate Petitioners are in custody in violation of the Constitution and laws and treaties of the United States, the absence of available State corrective process and that circumstances exist that render such process ineffective to protect the rights of the Petitioners so as to mandate that this Court forthwith issue Writs of Habeas Corpus as a matter of fact, right and law.

Hubert H Humphrey:

“The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in shadows of life, the sick, the needy and the handicapped.”

BACKGROUND AND ISSUES PRESENTED:

- A. This unprecedented case is an urgent wake-up call of the lawless, repressive judicial system in the State of Florida that destroys the lives of American citizens. This case is unquestionably the single-most urgent and important matter of the Century in the U.S mandating the en banc adjudication.
- B. Petitioners are not criminal defendants and are not being held pending any criminal proceeding. Petitioners are Florida citizens and vulnerable adults who have been seized and illegally detained in facilities against their will by persons acting under the auspices of the state of Florida.
- C. Petitioners are WARDS of the state, the state of Florida ² by unlawful detention. Petitioners' locations are unknown and concealed. Petitioners have been unable to obtain relief in any court where the unlawful detention occurred.
- D. Our loved ones, vulnerable American Citizens **are being put to death** and their assets looted by illegal acts and orders of corrupt judges in Florida.
- E. These acts are similar to the Kids for Cash scandal unleashed in Pennsylvania that destroyed thousands of lives for years until Judicial remedy obtained.¹
- F. This Supreme Court hears death row appeals from prisoners yet our most treasured loves ones, vulnerable American adults on whose backs this country was built are being persecuted by the very government itself and must be heard.
- G. It shocks the conscience that Petitioners are forced to file this action to plead herein to save the lives, liberty and property of their loved ones and themselves from unthinkable crimes and retaliation taking place in Florida courts.
- H. This Petition for Habeas Corpus demands urgent and emergency remedy of a massive State of Florida sponsored enterprise depriving a class of American citizens and their families of life, liberty and property.
- I. This Court has a duty under 42 USC 1986 to protect Petitioners from existing; clear and present; and imminent danger and irreparable harm from crimes against humanity; loss of life, liberty and property; that are state sanctioned, and sponsored by all branches of government in the State of Florida.

Petitioner Stone fears her mother has been put to death in vicious retaliation to a prior habeas corpus filed by Petitioner in Florida.

Barbara Stone (“Stone”) in re Helen Stone (“Mrs. Stone”) and Lesa M. Martino (“Martino”) in re Roland Martino (“Mr. Martino”) hereby brings this action against the State of Florida and Governor Ronald DeSantis this 26th day of September, 2019. Stone and Martino are hereafter collectively referred to as “Next Friends” and Mrs. Stone and Mr. Martino are collectively referred to as “Petitioners”

I. EMERGENCY RELIEF MANDATED

1. This is an action for Emergency Writs of Habeas Corpus.
2. Petitioners are not criminal defendants and not held in criminal proceeding.
3. Petitioners are Florida citizens and vulnerable adults who have been seized and illegally detained in facilities against their will by persons acting under the auspices of the state of Florida.
4. Petitioners are WARDs of the state, the state of Florida ²by unlawful detention. ³
5. Petitioners' locations are unknown and concealed.
6. Petitioners have been unable to obtain any relief in any court in the state of Florida where the unlawful detention occurred.
7. Petitioners are in dire life-threatening danger as their health is frail; advanced age; been emergency hospitalized repeatedly for life threatening conditions; have grave health conditions; illegal non-resuscitation(s); illegally detained against their will; grossly retaliated and forcibly removed from their families.
8. Petitioners were seized at their home and transported to secluded facilities against their will.
9. Petitioners are neglected and abused both physically and emotionally, and deprived of the care and protection the State of Florida owes to them in violation of their right to a safe living environment.
10. The state of Florida engages in a policy, pattern, practice or custom of seizing vulnerable adults with financial assets and illegally secluding them in institutions thereby depriving them of their substantive due process rights.
11. Petitioners have been deprived of all due process, civil and human rights.
12. Petitioners' substantive and procedural due process rights are violated under the Fourteenth and Fifth Amendments to the United States Constitution.
13. Petitioners have been deprived of their liberty, privacy and associational rights protected by the First and Fourteenth Amendments.
14. Petitioners have been illegally and cruelly separated from their families.
15. Petitioners' detention is unlawful and contrary to the Constitution.
16. Petitioners have the inalienable right to freedom and liberty. Amendments IV, V and XIV, U.S. Constitution.
17. Respondents have illegally used the authority of Florida law enforcement to carry out their wrongful confinement and detention of Petitioners.
18. In perpetrating this illegal confinement, Respondents are acting as accomplices and accessories to color of law, lowly, Florida courts called "guardian" courts wherein perfectly competent Florida adults are unlawfully deemed "incompetent"

or "incapacitated" by fraudulent collusive parties to capture them into a program Florida terms "guardianship." (the "Florida Sponsored Guardian Ruse").

19. The state of Florida and the Federal government have breached their contractual obligations to Petitioners.
20. The conditions where Petitioners are held are shocking and morally despicable.
21. This court has a duty under 42 U.S.C. 1986 to protect Petitioners from clear, present, life threatening and imminent danger.
22. This court has a duty to protect the Civil and Constitutional rights of Petitioners.
23. This court has a duty to protect the Petitioners from vicious retaliation.
24. There is no other adequate remedy available to Petitioners.
25. The facts which irrefutably demonstrate the existing and irreparable danger and deprivation of Petitioners unalienable, inalienable, Constitutional protected rights ⁴ to life, liberty and property and that they are being retaliated and discriminated, mandate urgent relief.

II. JURISDICTION

26. This Court has jurisdiction to issue a writ of habeas corpus pursuant to:
 - a. Article I Section 9 of the United States Constitution which provides:

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.
 - b. This Court has appellate jurisdiction thus it has original habeas corpus jurisdiction. *Ex parte Bollman* and *Ex parte Swartwort* 8 US 75, 1807.
 - c. 28 U.S. Code § 2241. Power to grant writ
 - (a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.
 - (b) The Supreme Court, any justice thereof, and any circuit judge may decline to entertain an application for a writ of habeas corpus and may transfer the application for hearing and determination to the district court having jurisdiction to entertain it.

NOTICE TO COURT:

- A. As set forth herein, because their unconstitutional incarceration is illegally state sanctioned, with regard to 28 U.S.C. 2241 (b), any transfer to a court in the

state of Florida would impose a death sentence on Petitioners and life endangering retaliation on the Next Friends of Petitioner.

B. This Court is notified that Petitioners have repeated made demands for habeas corpus relief in the state and federal district courts of Florida. Although the right to a writ of habeas corpus is mandatory and guaranteed by the Constitution of Florida, not only has no relief been granted but Petitioners have been gravely retaliated, falsely arrested and their lives put in danger.

Petitioner's mother has been repeatedly and deliberately put in life threatening danger to viciously retaliate against Petitioner and her mother when Petitioner has filed pleading in Florida seeking remedy.

In fact, because of the lawless acts of the Florida Sponsored Guardian Ruse, Petitioner Stone notifies this Court that she fears her mother has been put to death in vicious retaliation to a Petition for Habeas Corpus filed by her in Florida.

d. **28 U.S. Code § 2243. Issuance of writ; return; hearing; decision**

A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.

The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.

When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed.

e. **28 U.S. Code § 2254. State custody; remedies in Federal courts**

(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a

State court only on the ground that he is **in custody in violation of the Constitution or laws or treaties of the United States.**

(b) (1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

(A) the applicant has exhausted the remedies available in the courts of the State; or

(B) (i) there is an absence of available State corrective process; or

(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

Petitioners are in custody in violation of the Constitution and laws and treaties of the United States. There is an absence of available State corrective process and circumstances exist that render such process ineffective to protect the rights of the applicant.

27. This Court not only has jurisdiction to issue a writ of Habeas Corpus, this Court has a legal, moral, ethical and humane duty to grant relief.

28. Moreover this Court is mandated to grant relief on the following grounds:

- a. **42 U.S. Code § 1986 which requires this Court grant relief** as it is having power to prevent or aid in preventing the commission of wrongs and it is notified that the lives of vulnerable American adults are in danger;
- b. Because drastic, extraordinary and exceptional circumstances warrant the relief requested; appeal is a clearly inadequate remedy; adequate relief cannot be obtained in any other form or from any other court;
- c. This matter is of imperative public importance.

III. NO RELIEF OR REDRESS OF THIS MATTER IS AVAILABLE TO PETITIONERS IN ANY STATE OR FEDERAL COURT IN THE STATE OF FLORIDA OR ANY OTHER STATE.

29. This Petition describes a ruse in the state of Florida wherein vulnerable citizens of Florida with financial assets are illegally seized under the auspices of the state, removed from their home, family and the world, put into seclusion, subjected to life threatening danger and their assets are looted and embezzled under the guise of “guardianship” (the Florida Sponsored Guardian Ruse”).

30. No State or Federal Florida court has jurisdiction over this matter as all state and federal judges throughout the state of Florida have deprived and conspired to

deprive Florida vulnerable adults and their families of their inalienable rights under the Constitution to life, liberty, property and pursuit of happiness under color of state law by engaging or conspiring in the Florida Sponsored Guardian Ruse more fully described herein.

31. The deprivation of rights and criminal activity by Florida state and federal Courts under color of law is state sanctioned, sponsored and protected by:
 - a. All Florida judicial and attorney oversight commissions as they have no independent oversight authority as they are members of the Florida Bar and have no prosecutorial power.
 - b. The Florida executive branch of government who fails to comply with its mandate to enforce the law.
 - c. The Florida legislative branch of government who illegally enable Florida judges who have no independent oversight authority as they are members of the Florida bar and have no prosecutorial power; and
 - d. Florida and federal law enforcement agencies who deliberately mischaracterize criminal acts of judges as "civil" matters, thereby deliberately violating their mandate to uphold and enforce the law and protect the public by illegally exempting judges from being accountable for criminal acts and forcing Plaintiffs to litigate crimes in the very same color of law courts in which the crimes are being committed.
32. Under the First Amendment "*Congress shall make no law ... abridging ... the right of the people ... to petition the government for a redress of grievances.*"
 - a. This clause thus affirms the right to invoke the Judicial Power of the Supreme Court of the United States by petition for redress for violation of First, Fifth, Eighth, Ninth, and Fourteenth Amendments (No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person within its jurisdiction the equal protection of the laws).
 - b. It is oxymoronic that when the state and the federal courts themselves are the perpetrators and violators, there can be no expectation of just, indeed any, relief from these courts.
33. This Supreme Court itself has been a barrier to redress in other courts of this unprecedeted matter of irrefutable danger and urgency as this Court has closed its doors to Plaintiffs pleas for redress against the unconstitutional Florida Sponsored Guardian Ruse as:
 - a. It is reported that the Supreme Court in an in forma pauperis case, grants certiorari in less 1% of cases. Thus the crimes against humanity, genocide,

human trafficking, embezzlement and other atrocities reported herein against vulnerable Florida citizens has ravaged and destroyed Florida families un-redressed for years. Florida family members who have stood up and spoken up, instead of being lauded for their brave efforts to protect their country from Judicial despots have been terrorized and viciously retaliated. These families who up have been alone and defenseless against an empire of judicial evil have united in this matter to seek remedy.

- b. This Supreme Court itself has barred relief to Petitioners having issued unsupportable, illogical, oppressive, harsh rulings such as that of *Rooker-Feldman* which contradict the entire foundation on which America was built, i.e.: the Supremacy Clause
 - i. Under The Constitution Which Guarantees Fundamental Civil Rights. This implausible case deliberately creates an insurmountable hurdle to justice that is self created by this Supreme Court, mandating that American Citizens seek remedy from the Supreme Court when state courts deny their Constitutional rights and due process yet the Supreme Court denies access to all but a minute number of cases and nonetheless remedy is wrongfully precluded in the Federal Courts.
 - ii. Moreover, Federal Courts misuse this convoluted doctrine to wrongfully dismiss many cases in which the *Rooker-Feldman* doctrine does not apply. Far from supporting a legacy establishing the U. S. as a world leader in human rights, this draconian case has destroyed the lives of millions of American citizens whose rights have been suppressed and whose liberty and property has been converted by corrupt color of law Federal courts that are infested on every level and who are waging war with the Constitution and American citizens.
- 34. This Supreme Court has self-created its own barrier to accountability by overriding the legislative function and granting American judges "immunity" from their own corruption also serving to block remedy. The extreme extent of this repugnant, preposterous and unlawful pronouncement is vividly broadcasted in the shameful case of *Stump v. Sparkman* 435 U.S. 349 (1978) where a slightly retarded young girl was ordered to be sterilized without her consent or knowledge and the judge was given immunity.
- 35. **Petitioners are precluded from seeking remedy by the International Criminal Court.** The United States has precluded the ability of Petitioners to seek remedy that is warranted by filing suit with the International Criminal Court by its inhumane failure to ratify membership thereto⁵.

36. No remedy other than habeas corpus would be adequate to prevent the Petitioners continued unlawful detention.
37. Petitioners are unable to obtain relief in any court in the State of Florida where the unlawful detention occurred.

IV. NEXT FRIENDS ARE MORALLY, ETHICALLY AND LEGALLY MANDATED

38. Next Friends are authorized pursuant to the leading case of *Elliott v. Carcieri*, 608 F.3d 77 United States Court of Appeals, First Circuit, June 18, 2010, (the Hon. David H. Souter, Associate Justice (Ret.) of the Supreme Court of the United States, sitting by designation) when the representatives are unauthorized and acting in conflict to Petitioners best interest and care, Fed.Rules Civ.Proc.Rule 17(c), 28 U.S.C.A., Ad Hoc Comm. of Concerned Teachers v. Greenburgh No. 11 Union Free Sch. Dist., 873 F.2d 25, 29 (2d Cir.1989); Melton, 689 F.2d at 285 (stating that Rule 17(c) allows federal courts to appoint a Next Friend or guardian ad litem where there is a conflict of interest between the minor and her general representative).
39. The representatives involved in the matters of Petitioners have obtained their designation by fraud; illegally act as representatives; put Petitioners in life endangering harm; financially, emotionally and physically abusing and exploiting them; violating their fundamental Constitutional, human and civil rights.
40. Next Friends on behalf of Petitioners in *Elliot* alleged that the agency of the state of Rhode Island involved in oversight of minor children deprived them of the care and protection the agency owes to them in violation of the children's right to a safe living environment.
41. Next Friends herein allege that the agencies of the state of Florida involved in the oversight of Petitioners have deprived them of the care and protection the agency owes to them in violation of their right to a safe living environment.
42. The Court in *Elliot* cited the general principle that litigants should be afforded access to courts in pursuit of their constitutional and statutory rights.
43. In the case herein, Petitioners have been deliberately denied access to the court in a calculated deprivation of their constitutional and statutory rights.
44. The Court in *Elliot* found that the minor's best interests are of paramount importance in deciding whether a next friend should be appointed and there was a showing by Next Friends of a "substantial relationship" citing *Whitmore v. Arkansas*, 495 U.S. 149, 110 S.Ct. 1717, 109 L.Ed.2d 135 (1990).

45. Next Friends herein are the blood children or blood parent of Petitioners and have demonstrated their selfless devotion to Petitioners; they are familiar with the litigation, are acting in good faith, are truly dedicated to the best interests of the Petitioners the Next Friends seek to represent, and are motivated by a sincere desire to seek justice on their behalf.
46. As set forth herein, Petitioners cannot file on their own behalf as they have been illegally taken into custody by imposters posing as "representatives"; illegally stripped of their human and constitutional rights; subjected to crimes; and deliberately and unlawfully denied access to the Court.

V. INTRODUCTION

47. Petitioners are educated American citizens who have contributed our support, assets and commitment to enhance our American society and the state of Florida to insure they would serve as a beacon of human rights; insure a legal system that adheres to well reasoned and fundamental laws enumerated in the Constitution; and act as a progressive leader in supporting the right to free speech and the exchange of ideas among its citizens and the world.
48. Instead, we have lived through and watched in horror as the U.S. has evolved from a country of great promise into a repressive, backwater, de facto, illegitimate, color of law government bloated with corrupt judges, legislators, executive officers and government officials.
49. Nowhere are these tactics, tyrannical acts and unlawful abuse of power more evident than in petty, administrative, color of law Florida "guardian" courts that illegally intrude into privacy and invade the sanctity of Florida's families.
50. The State of Florida runs a vast state sanctioned and sponsored enterprise that is well known and widely reported as a human trafficking ring ⁶ of its affluent, vulnerable adult citizens that is coined "guardianship" to profess legitimacy ("Florida Sponsored Guardian Ruse") to loot their assets in petty, lowly, corrupt courts that call themselves "guardian" courts by color of law judges who call themselves "guardian judges" ("Florida Sponsored Color of State Law Guardian Judges") in conspiracy with attorneys, guardians and other state actors ("Florida Sponsored Color of Law Guardian Actors").
51. The collusion and racketeering of judges and attorneys in the Florida Sponsored Guardian Ruse has been widely reported. ⁷
52. As the Supreme Court limits Petitioners to 40 pages, the unconscionable extent of trampling Petitioner's Constitutional rights, state sanctioned deprivation of

rights to which they are subjected and life threatening danger is set forth in the Cover Page of the attached Exhibits.

53. The removal of vulnerable adults, a protected class of citizens from their home and family under the guise of a state act is considered “forcible disappearance”⁸ It is a crime against humanity.
54. As a result of this imminent life threatening danger and constitutional violations, a full en banc panel of all judges is sought on an urgent basis.
55. The state of Florida program of “guardianship” is diametrically contrary to and violates the Federal ADA law and the Federal Olmstead Law.
56. In 1990, Congress enacted the landmark Americans with Disabilities Act “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.”⁸
57. In *Olmstead v. L.C.*, 527 U.S. 581 (1999), the Supreme Court held that title II prohibits the unjustified segregation of individuals with disabilities.⁹
58. The Department of Justice (DOJ) has issued a mandate requiring enforcement and compliance with Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*.¹⁰
59. The DOJ mandate specifically references the purpose of the ADA is to assure that individuals with developmental disabilities and their families participate in and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life.¹¹
60. The DOJ also specifically acknowledges the vulnerability of individuals with mental illness and the need for their family members to advocate for them.¹²
61. Instead, the state of Florida uses a barbaric, medieval, illegal concept of “incapacity” to breach, circumvent and violate the “disability” standard promulgated by the Federal ADA and the Olmstead Act.
62. Moreover, a program whereby the assets of its vulnerable adults are extorted from them without providing services to them has elements of peonage;¹⁴ involuntary servitude;¹⁵ forced labor;¹⁶ trafficking;¹⁷ and furtherance of trafficking, peonage, slavery, Involuntary Servitude, or Forced Labor.¹⁸
63. In fact, the crimes perpetrated in the Florida Sponsored Guardian Ruse are doubly heinous as vulnerable adult subjected to the crimes is not being paid from the assets of the person committing the crimes but the vulnerable adult’s own assets are being used to perpetrate the crimes.
64. Florida’s citizens are looted, human trafficked and murdered for simply growing old.

65. These acts fall within the definition of Crimes against Humanity. ¹⁹
66. Next Friends, family members who often spend the rest of their lives searching for information on the disappeared, are also victims.
67. The backwood, wild-west lawlessness running rampant in Florida came to the national stage in the Jeffrey Epstein case whose rape/pedophile/human traffic racket was protected by dysfunction Florida law enforcement for years.
68. It was brought to the public stage in the outrageous case of Rebecca Fierle, one of the most prolific guardians in Florida who humanly owed over 400 vulnerable adults under the guise of "guardian" was found with **NINE DEAD BODIES OF VULNERABLE ADULTS CREMATED IN URNS IN HER OFFICE** ²⁰
69. Ron DeSantis and public officials in the state of Florida have criminally abused the trust of Florida's elderly vulnerable adults, using the huge elder population in Florida ²¹ as a means to conduct a massive organized crime racket.
70. Ron DeSantis, the governor of the State of Florida is responsible to protect the citizens of the state of Florida under the Florida constitution ²² which mandates he shall take care that all laws are faithfully executed.
71. However, Governor Ron DeSantis and public officials in Florida have criminally abused the trust of Florida's elderly vulnerable adults, using its huge elder population as a means to conduct a massive organized crime racket.
72. In a recent television interview about guardianship, when Ron DeSantis was asked what he was going to do about a whopping **ONE HUNDRED AND THIRTY TWO OPEN CASES OF ABUSE BY GUARDIANS** (which is only the tip of the iceberg) including a case where a complete stranger to a vulnerable adult put her in guardianship because the stranger, a real estate broker, thought she sold her own home at a too low price and in another case, where a court-appointed guardian took the wedding ring off an 85-year-old widow's finger, Ron DeSantis' "duh" response was "What troubled me about some of the issues you guys raised was obviously bad things are happening, but there doesn't seem to be anybody held accountable."
73. **The entity responsible is Ron DeSantis and the State of Florida.**
74. Ron DeSantis who has been instrumental in the proliferation of the Florida Sponsored Guardian Ruse is responsible under the Florida Constitution to insure the laws are enforced and instead insures the laws are not enforced.
75. Florida Constitution provides the state attorney with prosecutorial powers ²⁴
76. Without enforcement of the law and preservation of the core values of America's legal system, i.e.: life, liberty, property and the pursuit of happiness, Florida is nothing more than a barbaric government and a third world country.

77. Ashley Moody, the Attorney General of Florida is mandated to protect the public and prosecute violations of law ²⁵ and to protect Florida consumers.
78. Thus, these officials are acting outside the scope of their mandate and responsible for violations of their oath of office and duties.
79. When complaints against the Florida Sponsored Guardian Ruse are filed with the Governor and Attorney General, they willfully and wantonly pretend they are not responsible and deviously divert Petitioners to other agencies who deny responsibility in a dance of deception by all Florida officials.
80. It is the office of the Attorney General who is responsible to enforce the law pursuant to Florida corporate organizational chart ²⁶.
81. Instead, they issue “no action” letters in the face of crimes against humanity.
82. Objection is hereby made to and Petitioners seeks that this court enjoin the use of any public funds to pay for the appointment of any attorney by Florida attorney general to represent, protect and shield any Respondent.
83. Jurisdiction is not recognized of such attorney as:
 - a. It violates the public trust as pursuant to the Florida Constitution, the Attorney General is responsible for protecting Florida consumers from fraud and to investigate and take legal action against violations of Floridians’ civil rights through its Office of Civil Rights;
 - b. It is a criminal conflict of interest for Ashley Moody to protect any Respondent herein as Ashley Moody is responsible to protect the public from organized crime and public corruption and criminally investigate the perpetrators, not represent and protect them.
 - c. The Attorney General is responsible for prosecution of public corruption by appointing a statewide prosecutor of crimes in two or more circuits;
 - d. It constitutes theft of services to use public funds to pay for an attorney in the office of the Florida attorney general to accompany and accomplice public corruption and racketeering.
 - e. Such appointment would also be an accomplice to public corruption; exploitation; ²⁷ to abuse and exploitation of a vulnerable adult in violation of Florida Statute 415.102 ²⁸; a violation of duty to report abuse and exploitation of a vulnerable adult and other federal felony crimes including violation of the Hobbs Act, 18 U.S.C. § 1951;
 - f. Such appointment would violate Florida Bar ethics and legal rules ²⁹ mandating sanctions including disbarment.
84. The Florida Sponsored Guardian Ruse targets our loved ones, defenseless vulnerable adults with financial assets who should be afforded the highest

protection under the ADA; the Olmstead Act; and other Federal and state laws that protect and expand the rights of vulnerable adults ³⁰ and are instead forced into human trafficking under the guise of guardianship.³¹

85. Justice John F. Molloy, the Chief Justice of the Arizona Court of Appeals, who wrote the final Miranda decision for the Arizona Supreme Court became so horrified by the corruption in the judicial and legal profession that he wrote a book to expose it entitled “The Fraternity: Lawyers and Judges in Collusion”. The following are excerpts from the book:

“In those days (1946 when Justice Molloy began practicing law), the judicial system was straightforward and efficient. Decisions were handed down by judges who applied the law as outlined by the Constitution and state legislatures. The focus was on uncovering and determining truth and fact.

Looking back: The law changed dramatically during my years in the profession. For example, when I accepted my first appointment as a Pima County judge in 1957, I saw that lawyers expected me to act more as a referee than a judge. The county court I presided over resembled a gladiator arena, with dueling lawyers jockeying for points and one-upping each other with calculated and ingenuous briefs. By the time I ended my 50-year career as a trial attorney, judge and president of southern Arizona’s largest law firm, I no longer had confidence in the legal fraternity I had participated in and, yes, profited from. I was the ultimate insider, but as I looked back, I felt I had to write a book about serious issues in the legal profession and the implications for clients and society as a whole. *The Fraternity: Lawyers and Judges in Collusion* was 10 years in the making and has become my call to action for legal reform.

Disturbing evolution: Our Constitution intended only elected lawmakers be permitted to create law. Yet judges create their own law based on their opinions and rulings. It’s called case law, and is churned out daily through the rulings of judges. When a judge hands down a ruling and that ruling survives appeal with the next tier of judges, it then becomes case law, or legal precedent. This now happens so consistently we’ve become more subject to the case rulings of judges rather than to laws made by the lawmaking bodies outlined in our Constitution. This case-law system is a constitutional nightmare as it continuously modifies Constitutional intent. The judicial system may begin with enacted laws, but variations that result from a judge’s application of case law all too often change the meaning.

Lawyer domination: When a lawyer puts on a robe and takes the bench, he or she is called a judge. But in reality, when judges look down from the bench they are lawyers looking upon fellow members of their fraternity. In any other area of the free-enterprise system, this would be seen as a conflict of interest. When a lawyer takes an oath as a judge, it merely enhances the ruling class of lawyers and judges.

Bureaucratic design: Today the skill and gamesmanship of lawyers, not the truth, often determine the outcome of a case. Gone are the days when American courts functioned to serve justice simply and swiftly.

Surely it's time to question what has happened to our justice system and to wonder if it is possible to return to a system that truly does protect us from wrongs.”

VI. STATEMENT OF FACTS AS TO PETITIONER HELEN STONE (DADE COUNTY CASE 12-4330)

A. THE GUARDIANSHIP WAS AND IS A FARCE, ILLEGAL AND VOID FROM THE ONSET AS:

- 1. IT WAS ESTABLISHED WITHOUT MEDICAL CAUSE IN VIOLATION
OF THE LAW;**
- 2. THE APPOINTMENT OF THE FRAUDULENT “GUARDIAN” BLAIRE
LAPIDES (“LAPIDES”) WAS THE PRODUCT OF FRAUD AND
PERJURY;**
- 3. THE SETTLEMENT AGREEMENT IS ILLEGAL AND FRAUDULENT**

86. Ironically and sickeningly, Petitioner herself established the guardianship to protect her mother from documented abuse and exploitation by Alan Stone, Mrs. Stone’s son and Petitioner’s sibling who caused Mrs. Stone to be repeatedly admitted to the hospital for suspicious falls and fractures and embezzled \$700,000 of her assets by secret wire transfers and forged checks.

87. A copy of medical, doctor reports and affidavits evidencing unfathomable atrocities committed against Mrs. Stone is attached as an Exhibit.

88. A copy of a check forged by Alan Stone is attached as an Exhibit.

89. The court validated Petitioner’s concerns and established the guardianship.

90. However the “guardianship” was illegal and void at the onset as set forth herein.

95. Moreover, “guardianship” is the improper remedy to crimes taking place against a vulnerable adult.
96. The proper remedy was the arrest and incarceration of Alan Stone.
97. However, when Petitioner sought that remedy from law enforcement and courts in Florida, not one of these agencies or courts would follow their mandate and protect Mrs. Stone from documented abuse and financial exploitation.
98. Having no other alternative to protect her mother, Petitioner filed guardianship, never dreaming that it was a treacherous racket of astronomical proportion.
99. Petitioner herself was designated the successor guardian in her mother’s trust.
100. Petitioner was falsely informed by her own attorney that she could not be “guardian” as she lived out of state at the time.
101. This is a fabrication as Petitioner is a family member and so authorized.
102. These acts exemplify the deceit, lies, fraud, perjury and criminal defiance of the law in order to perpetuate the illegal guardian enterprise.
103. Nonetheless, the Florida Sponsored Color of State Law Guardian Judge unlawfully established the guardianship and proceeded as if there was a legitimate guardianship.
104. It is a charade that Petitioner, the daughter and next of kin is not her mother’s caregiver in an alternative to guardianship.
105. Guardianship is not intended or needed when there are loving family members
106. These rights were trampled by the Florida Sponsored Guardian Ruse who illegally removed Stone’s mother’s rights on the basis of an unlawful Settlement Agreement that was coerced as a product of fraud.
107. The Guardianship was illegal, fraudulent and Unconstitutional at the onset as:
 - a. it does not comply with Florida Statute 744.331 (3) (f) as the requirements for determining the need for a guardianship were not met as there was no physical examination (“Invalid Medical Report”). There was no physical examination of Mrs. Stone at the time the guardianship was established, thus the guardianship was void and unlawfully established.
 - b. Lapides got her appointment by fraud without application and by perjury;
 - c. Lapides violated Mrs. Stone’s constitutional and due process rights by not informing the Court of the Invalid Medical Report;
 - d. Lapides instead forcibly captured and detained Mrs. Stone in an unlawful guardianship for her own illegal financial gain.
 - e. There was no guardianship needed for Helen Stone. The guardianship has not provided remedy to Helen Stone – it has been illegally used by Lapides to perpetrate her own illegal financial gain.

108. Lapides falsified a distant “familial” relationship with Mrs. Stone.
109. Lapides has never proven her “familial” relationship. Oddly, she addresses Mrs. Stone as “Cousin Helen” and as “Aunt Helen”, thus she herself has raised suspicion about her relationship. Further, even if such a “relationship” exists, it is so distant as to not be of consequence in order for Lapides to have any priority.
110. Lapides represented to Petitioner at the commencement of the guardianship that she would not be charging because she claimed herself to be a relative.
111. Petitioner repeatedly requested that Lapides prove her “relationship” as a relative. This overriding issue was never investigated by the court.
112. Thus Lapides had no basis for acting as a “guardian” in this illegal guardianship but for the fact she professed to be a relative and would not charge Mrs. Stone.
113. A “court approved” global Settlement Agreement was entered into by Petitioner, Alan Stone, Lapides, Jacqueline Hertz (a professional guardian and the co-guardian now deceased) and their attorney Steven Dolchin, the designated and agreed as attorney for Lapides and Hertz.
114. Petitioner entered into the Settlement Agreement in reliance on the representations therein that the reasons for which Petitioner filed the guardianship would be resolved and that her mother, Mrs. Stone would be protected, physically, mentally, emotionally and financially from abuse and exploitation from Alan Stone and all other parties.
115. Instead, Mrs. Stone’s abuse and exploitation escalated and exploded by Lapides acting in collusion with Alan Stone.
116. Instead, Lapides placed Mrs. Stone in life threatening danger subjecting her to criminal liability under Florida Statutes 744; 415 and 825 and mandating her urgent removal under Probate Rule 5.650 ³²
117. It became quickly and brazenly obvious to any reasonable person that the Settlement Agreement is void and illegal ³³ as:
 - a. the Settlement Agreement was the product of fraud in the inducement as none of the remedies therein were complied with by Lapides;
 - b. the Settlement Agreement was only a tactic to bind Petitioner to an invalid agreement as Lapides NEVER intended to comply with the agreement.
 - c. the Settlement Agreement was a contrived tactic to use the guardianship to recklessly endanger Mrs. Stone to incite litigation whereby Lapides extorts the assets of Mrs. Stone and retaliates against Petitioner.
 - d. It was not even signed in its entirety by Hertz, one of the guardians.
 - e. Helen Stone did not sign it – her rights cannot be removed
 - f. Helen Stone never appeared in court and did not receive due process

- g. Helen Stone was deprived her constitutional rights under the 5th and 14th amendments
- h. Louise Stone, Petitioner's sibling and Mrs. Stone's daughter was not a party, was not represented by counsel and was deprived of her rights.
- i. Lapides failed to provide a trust for Louise Stone in violation of the Settlement Agreement requiring Lapides to establish such a trust.
- j. Lapides violated her fiduciary duty to Louise Stone as she did not apply to this Court to provide an attorney to represent Louise Stone's interests.

118. In criminal violation of Lapides' obligations under the Settlement Agreement, Lapides hired Roy R. Lustig ("Lustig") as her attorney.

119. This directly violates the Settlement Agreement as Lapides was only authorized to hire Steven Dolchin.

120. Moreover, the hiring of Lustig by Lapides was a criminal breach of her fiduciary obligations to Mrs. Stone as Lustig had been adjudicated GUILTY OF FELONY CRIMES by the 3rd DCA in Leo's Gulf Liquors, 802 So 2d 337 including perjury, fraud on the court, repeatedly lying under oath and subverting the court to achieve his own illegal financial gain.³⁴

121. Thus Lustig was by all moral standards, not qualified to act in any capacity in a matter involving a vulnerable adult.

122. The 3rd DCA stated it was referring the matter to the state attorney and the Florida Bar for discipline of Lustig.³⁵

123. The 3rd DCA violated its own mandate that it would refer the matter to the Florida Bar and State Attorney as it did not refer the matter to those agencies, thereby FORESEEABLY leaving the public and Petitioner and Mrs. Stone in danger mandating this Court order a specific and separate remedy criminal investigation of Lustig by the state attorney and the Florida Bar for the felony crimes set forth in the order of the 3rd DCA.

124. Had the 3rd DCA complied with their duty to protect the public and investigated an adjudicated felon, Roy R. Lustig, by law and ethical rules, he would have been disbarred and incarcerated.³⁶

125. Instead, Lustig, an unindicted felon was left loose to prey on the public and under the auspices of the state of Florida and Ron DeSantis has subjected Mrs. Stone to unspeakable horrors as set forth herein.

126. The re-arrest of Jeffrey Epstein whose sickening sex crimes were ignored and whitewashed by the state and federal government, resulting in his ongoing perversions against those most vulnerable and entitled to the greatest

protection is identical to this matter. Moreover, therein, like in this matter, the government officials criminally violated the Crime Victims' Rights Act.³⁷

127. Petitioner has filed repeated complaints with Ron DeSantis and the state of Florida to release Mrs. Stone from captivity all of which are ignored.
128. All parties including judges (especially judges) and the judges herein are mandated reporters of abuse of a vulnerable adult.
129. This Court is morally, ethically and legally mandated to provide relief.
130. Instead of investigating the documented atrocities and exploitation against a vulnerable adult as she is mandated, the Florida Sponsored Corrupt Guardian Judge illegally barred Petitioner and her attorney³⁸ from filing pleadings to prevent the reporting of these crimes.
131. Thus, the Florida Sponsored Corrupt Guardian Judge illegally ordered Petitioner and her counsel to criminally violate the law by ordering them not to report abuse; violating their constitutional rights.
132. The Florida Sponsored Corrupt Guardian Judge actually SANCTIONED Petitioner and her counsel illegally barring them access to the court.
133. The Florida Sponsored Corrupt Guardian Judge deprived Stone of her Constitutional rights by illegally ordering that Stone could not file documents unless she was represented by an attorney other than counsel of her choice.
134. When Petitioner filed a petition signed by three attorneys, the Florida Sponsored Corrupt Guardian Judge continuing her charade denied relief.
135. This is part of a pattern and practice of the Florida Sponsored Guardians Ruse to act as accomplices to the abuse and exploitation of a vulnerable adult.
136. In addition to human trafficking Petitioner's mother, Lustig, using obscene, perverted emails he himself created filed a fraudulent, illegal SLAPP³⁹ lawsuit that is prohibited under Florida law⁴⁰ against Petitioner falsely accusing Petitioner of creating these sickening Obscene Emails that are felony violations of Federal obscenity laws (See Exhibits).
137. An example of one of these depraved Obscene Emails is as follows:

“DADDY with the money I have stolen i develop you to an actress. I tricked helpless people under guardianship and stole money from charities.”

The email goes on to state:

“Erica, that ok when Daddy is in prison you can be a waitress abd (sic) give him money. Actually Daddy will like taking shower parties

in prison so maybe you should start buying soap now and baby powder for his swollen a... when he f... around there!"

138. **These are the color of law state actors under whose control Stone's mother has been subjected.**
139. As these predators like to engage in crimes and keep them secret from the eyes of the world, the filing of illegally SLAPP lawsuits is a pattern and practice they routinely orchestrate against Stone and other family members who are embroiled in the Florida Sponsored Guardian Ruse to illegally restrain their rights of free speech to report and expose these crimes.

B. STONE'S MOTHER, HELEN STONE HAS AND IS BEING SUBJECTED TO CRIMES AGAINST HUMANITY

140. Because Petitioner Stone is limited to 40 pages by the Supreme Court rules, it is impossible to describe all of the deprivations of Constitutional rights, retaliation and discrimination herein, thus examples are shown and a more complete description is shown in Exhibits.
141. Mrs. Stone has repeatedly been brought to the brink of death and has been emergency hospitalized at least 20 times with life threatening conditions where she almost died from malnutrition, dehydration, failure to thrive, pneumonia, open sores, bruises, suspicious fractures, fungus, infection in her lungs and bladder and wasting away with a 40 pound weight loss.
142. These emergency hospitalizations are done secretly with depraved indifference for the life of Mrs. Stone.
143. Petitioner's mother has suffered repeated bouts of pneumonia.
144. For 20 years prior to guardianship, Petitioner's mother was never hospitalized.
145. Prior to the guardianship, Petitioner's mother never suffered pneumonia
146. An independent medical report of Dr. Jeffrey Bomze reveals shocking abuse, bruises, physical wounds, altered "mental status" which is likely the sign of drugging and an intentional omission to test for drugs.
147. Mrs. Stone was placed in a feeding tube without medical need and only because she was deprived food and lost 40 lbs. Lapides failed to require a doctor perform necessary tests to determine the need for such an extreme procedure.
148. The implantation of an unnecessary and unwanted feeding tube is a battery and Elder Abuse under Florida Statutes, the Federal Elder Justice Act and under international treaties against torture to which the US subscribes.

149. Implantation of a feeding tube without need or consent, depriving taste, and swallowing is a form of torture as is isolation from friends and family.
150. Reports compare forced feeding to water-boarding used to torture war criminals. ⁴¹
151. Lapides files fraudulent guardian reports under penalties of perjury that misstate Mrs. Stone's condition and care and evidence Mrs. Stone is being illegally chemically restrained with illegal psychotropic drugs that carry black box warnings against their use by elder adults.
152. Mrs. Stone is drugged, isolated, languishing in a facility that is substandard.
153. Lapides and Lustig represented under penalties of perjury in a guardian report that Mrs. Stone was fine when in fact she was in the hospital at the time of the report, having been admitted by emergency twice during that week for life threatening conditions.
154. When Petitioner notified the court of this criminal activity at the onset of the guardianship, she was illegally barred from filing documents.
155. When Petitioner's counsel notified the court of criminal activity, he was illegally barred from filing documents and illegally sanctioned with Petitioner.
156. Instead of enjoying her retirement years and using her assets to enjoy herself, Lapides has viciously deprived Mrs. Stone of all human, humane and Constitutional rights; subjected her to abhorrent abuse and exploitation; violated her protected rights under the Federal ADA law to be integrated into the community; and to be afforded the highest protection of law.
157. Lapides deprived Mrs. Stone of all mobility by subjecting her to dangerous, life-threatening psychotropic drugs with FDA black box warning against use by the elderly and depriving Mrs. Stone of even basic activities of daily living such as eating, drinking, or toileting by the surgical insertion of a feeding tube and placing her in diapers to keep her in a medical guardianship that they induced.
158. Illegal psychotropic drugging being administered in violation of Fl Stat 394 is known to mimic the symptoms of dementia or exacerbate minor symptoms to create the appearance of more severe impairment.
159. Mrs. Stone has been kept in a facility against her will and in violation of Florida Statutes that requires legal procedures ⁴² be following prior to placing a vulnerable adult in an institution.
160. Petitioner's mother has been subjected to an illegal "Do Not Resuscitate" order.
161. Petitioner's mother is Jewish and this violates her religious beliefs.
162. If any one of these atrocities occurred to a dog, the perpetrator would be immediately arrested.

C. STONE'S MOTHER, HELEN STONE HAS BEEN SUBJECTED TO FINANCIAL EMBEZZLEMENT, EXTORTION AND EXPLOITATION

163. There was no agreement between Lapides and Petitioner or Mrs. Stone to pay for her services. Lapides never intended to appear in this matter in the capacity as a so called "family member". She has used this guardianship as a well oiled billing machine.
164. Further, any such "relationship" does not benefit Mrs. Stone to provide her with any intended benefits of being cared for by a family member.
165. Petitioner's mother's home has been sold from under her and the proceeds stolen by the Florida Sponsored Guardian Ruse.
166. Petitioner's mother's life savings of almost \$2,000,000 has been embezzled.
167. The invoices are unconstitutionally and illegally sealed.
168. Yet Mrs. Stone has been unfed; captive in secret in a deplorable facility that violates the building code; left in her own urine and feces; plugged in a medically unnecessary feeding tube; laced with illegal psychotropic, counter-indicated medication containing black-box warnings against their use by elder adults; subjected to a non-resuscitation order that violates her religious beliefs; kept incoherent and warehoused for death; barred from seeing her daughter and her rabbi, forcible removed from her home that was sold from under her.
169. Petitioner is the only person involved in this matter who has acted without compensation and demanded her mother best interests be attended; her mother be afforded her legal rights, and right to integration into the community; and to be as independent as possible. Not only has Petitioner not sought funds from her mother, but has expended her own assets to this end.
170. As a condition of the Settlement Agreement and overriding reason for Stone to sign it, Lapides was required to provide Petitioner an accounting of the assets extorted by Alan Stone and Mrs. Stone's medical records.
171. Lapides failed to provide the financial accounting and medical records.
172. Lapides violated the settlement agreement by failing to marshal the funds in the sum of \$700,000 that were embezzled and return them to Mrs. Stone.
173. Lapides orchestrates devious "scenarios to engage in staged litigation in violation of Federal and State law to extort legal and guardian fees.
174. Mrs. Stone has received no benefit from any of these pretend "services." ⁴³
175. These fees are primarily related to attacks by Lustig and Lapides against Petitioner and have nothing whatsoever to do with Mrs. Stone.

176. These attacks were also orchestrated to cause Petitioner's illegal arrest for removing her mother from life threatening danger shown by medical reports.
177. These attacks are a pretense to file ceaseless lawsuits against Petitioner for slander when Petitioner exercises her right to free speech.
178. In addition to illegally billing Mrs. Stone for their own unlawful fees, Lapides and Lustig illegally charge Mrs. Stone for an army of attorneys they hire to sue Petitioner or respond to litigation filed by Petitioner and for their cronies to testify as "experts" to fraudulent justify their illegal fees.

**D. STONE'S MOTHER, HELEN STONE HAS AND IS BEING
SUBJECTED TO DEPRAVED, CRUEL MENTAL ANQUISH AND
EMOTIONAL DISTRESS IN VIOLATION OF THE CONSTITUTION**

179. Lapides deviously caused and exacerbates extraordinary tumult between Petitioner, Lapides and Mrs. Stone to orchestrate fees, clearly evidencing Lapides is not acting as an independent third party.
180. Florida Statutes 744.309(3) provides for the removal of a guardian if not a family member and removal is in the best interest of the ward.
181. Florida case law and Florida Statutes 744 require utilizing the least restrictive alternatives to address the needs of an incapacitated person ⁴⁴ and the incapacitated person be reserved the right to make decisions.
182. It states an order appointing a guardian must be consistent with the incapacitated person's welfare and safety, be the least restrictive appropriate alternative, and must reserve to the incapacitated person the right to make decisions in all matters commensurate with the person's ability to do so.

**E. LAPIDES VIOLATES (ALBEIT VOID) COURT ORDERS; FEDERAL
AND STATE LAW; BREACHES FIDUCIARY DUTY; ABUSES HER
POWER; ACTS IN CONFLICTS OF INTEREST**

183. As the Supreme Court limits Petitioners to 40 pages, examples of these violations of rights are set forth in the Cover Page of the Exhibits. (To that end, Petitioners have filed this Petition and at the request of the court, revised it at the request of the court, and have been subjected to delay).

F. VICIOUS RETALIATION AGAINST PETITIONER STONE

184. Not only do Lapides and Lustig have the highest fiduciary duty to Petitioner's mother, they have a fiduciary duty to Petitioner.
185. Petitioner, Helen Stone's own daughter, has suffered from unconscionable acts of harassment, retaliation and vicious attacks, including her wrongful arrest, in this guardianship that Petitioner herself established to protect her mother causing Petitioner to suffer severe mental anguish and emotional distress.
186. Lapides and Lustig have fabricated all sorts of far-fetched crimes against Petitioner. They have relentlessly sued Petitioner in other courts.
187. Petitioner Stone's story has been reported nationally with the result that she and her mother are even more viciously abused in this shameful Florida Sponsored Guardian Ruse.⁴⁵
188. As obvious by the invoices, the attacks on Petitioner in guardian and other courts are a vast illegal source of income to them from Mrs. Stone's assets.
189. Reference should be made to article in this link⁴⁶ describing Petitioner's ludicrous arrest for feeding her mother who was starved and emaciated by Lapides and her ruse to cause Petitioner's unlawful arrest.

G. LAPIDES, LUSTIG AND FLORIDA SPONSORED GUARDIAN JUDGE FAIL TO ACT IN THE BEST INTEREST OF PETITIONER'S MOTHER

190. The overriding principals of guardianship are a guardian must act in the best interest of those whom they attend; a guardian is a fiduciary and must act in good faith. Florida Statute § 744.474(20) provides for removal of a guardian upon a showing it is in the best interest of Mrs. Stone. Florida Statutes 744, 361, (4) provides that a guardian may not act in a manner that is contrary to the ward's best interests under the circumstances.
191. There is no benefit to and Mrs. Stone has been denied due process and deprived of her Constitutional rights whereby she is :
 - a. unlawfully held in a wrongful guardianship.
 - b. Subjected to crimes against humanity
 - c. forcibly disappeared
 - d. kept in seclusion in a secret location and where her last known whereabouts was a vile nursing facility that violates the Florida building code.
 - e. repeatedly emergency hospitalized as a result of depraved indifference to her life and reckless endangerment.

- f. subjected to a battery by having her stomach cut open without her knowledge or consent to implant a medically unnecessary feeding tube when she was perfectly capable of eating herself but was not given food and suffered a 40 pound weight loss.
- g. subjected to reckless endangerment and depraved indifference to her life;
- h. warehoused for death;
- i. feared sexually molested;
- j. human trafficked;
- k. cruelly and intentionally given the impression that she has been abandoned by her daughter Petitioner Stone, not have any concept that all her daughter does all day long is attempt to free her from the human trafficking, indentured slavery enterprise in which she has been captured;
- l. her life savings embezzled;
- m. forcibly removed from her home and have it sold from under her and the assets embezzled by her abusers;
- n. isolated from the entire world and from her daughter who she has pleaded to see and from her family rabbi.
- o. mercilessly drugged with illegal psychotropic drugs.
- p. embezzled of her entire life savings, her home, her family heirlooms, her jewelry, her personal property, her car and all of her other assets
- q. caged, isolated, removed from all eyes of the outside world; mercilessly drugged with psychotropic drugs that are illegal and carry black box warnings, denied medical attention such that she suffers bedsores, open raw flesh wounds, extended stomach caused by chemical restraints and denial of exercise, suffering 4 bouts of pneumonia.

192. This fraudulent guardianship that is a farce on its face has destroyed the lives of Mrs. Stone and Petitioner Stone, her daughter and closest blood relative.

H. ILLEGAL VOID ORDERS AND FRAUD

193. This guardianship was illegal at the onset as it violated the Florida Statute requiring a physical examination of Mrs. Stone set forth herein.

194. Therefore, the order forcing Mrs. Stone into guardianship and all subsequent orders are illegal.

195. In addition to being void on their face, these orders are void as they are the product of an illegal, simulated color of law proceeding that is the product of extrajudicial crimes.

196. The predecessor Florida Sponsored Color of State Law Guardian Judge to the current one issued a string of illegal void orders that orchestrated this illegal guardianship that are attached as an Exhibit.
197. Petitioner filed a Petition to remove Lapides ("Removal Petition 1") with the current Florida Sponsored Color of State Law Guardian Judge stating irrefutable evidence that Lapides violated the Constitution and other laws ⁴⁷ and placed Mrs. Stone in imminent harm and risk of death under Florida Statutes 744, 825 and 415(a) providing criminal liability mandating and requiring Lapides urgent removal.
198. Rather than granting Removal Petition 1, as mandated by her fiduciary duty to Mrs. Stone ⁴⁸, and in violation of 42 U.S.C 1986 ⁴⁹, the Florida Sponsored Corrupt Guardian Judge, unlawfully under color of state law denied it and issued "sanctions" against Petitioner and her attorney (see Exhibits).
199. The ludicrous "sanctions" order was an illegal gag order.
200. Not only did the ludicrous "sanctions" order illegally bar Petitioner from filing pleadings but it also illegally barred her attorney, Morburger, from filing pleadings unless filed with an additional counsel, not Morburger.
201. This absurdity is highlighted by the fact that Morburger has a Harvard Law degree and Princeton undergraduate degree with over 50 years of experience and law licensed in 4 states.
202. The unlawful issuance of "sanctions" was done at an ex parte hearing without notice to Petitioner or her counsel. ⁵⁰
203. In fact, Petitioner and counsel were deliberately blocked from the hearing as Petitioner and counsel had filed a Motion to Disqualify the probate court judge and the unlawful order issuing "sanctions" was not only determined on an ex parte basis but was issued while the disqualification Motion was pending.
204. Petitioner filed a later Petition to remove Lapides as plenary guardian ("Removal Petition 2") setting forth irrefutable evidence and law that the unlawful order appointing Lapides as plenary guardian was void, violated basic due process, issued without jurisdiction and in violation of Florida law.
205. That Removal Petition 2 was also unlawfully denied (see Exhibits) by the Florida Sponsored Corrupt Guardian Judge in violation of due process and in collusion with illegal acts of Florida Sponsored Corrupt Guardian State Actors.
206. In another twisted depraved act that exemplifies the Florida Sponsored Guardian Ruse, the Florida Sponsored Corrupt Guardian Judge denied Removal Petition 2 by citing the ban on filing imposed by those sanctions.

207. As a result, in denial of due process, Petitioner is illegally barred from filing papers in the guardianship even with the assistance of counsel to raise and have heard the reasons why Lapides was never properly appointed to act as plenary guardian and why Lustig's retention violated an agreement.
208. As a result of the illegal guardianship court ruling, Petitioner is being denied the right to counsel, the right to petition the courts to be heard, the rights to protect her mother's health, life, and finances from destruction by Lapides. ⁵¹
209. Therefore, the hearing Petitioner's Removal Petition 1 violated due process and the ruling of the probate court judge at that hearing is void.
210. As set forth in Irrefutable Removal Petition 2, the unlawful order appointing Lapides as plenary guardian was void, violated basic due process, issued without jurisdiction; in violation of Florida law and by fraud on the court.
211. The Irrefutable Removal Petition 2 was not preceded by any motion or application and it did not provide notice and opportunity to be heard. ⁵²
212. The unlawful order appointing Lapides as plenary guardian also violated Florida probate rule 5.590 which provides as follows:.
"The application for appointment shall be filed and served a reasonable time before the hearing on the appointment of a guardian."
213. Further, under to Florida probate rule 5.560, the application must be verified, i.e. sworn to under penalties of perjury; it shall make certain disclosures, including the proposed guardian's relationship to the purported incapacitated person and confirm the education requirements have been satisfied.
214. No application was filed or served on Petitioner; there was no hearing on the appointment and Petitioner was never provided a copy of the order unlawfully appointing Lapides as plenary guardian.
215. It is a fundamental deprivation of rights to be placed in a plenary guardianship and accordingly by law this is a decision that must be made by considering the judgment of the family members. ⁵³
216. Exhibits referenced are attached.

**VII. STATEMENT OF FACTS AS TO PETITIONER ROLAND
THOMAS MARTINO
HILLSBOROUGH COUNTY, FLORIDA CASE NO.: 16CP3532**

**A. FRAUDULENT GUARDIANSHIP THAT VIOLATED MR. MARTINO'S
CONSTITUTIONAL RIGHTS**

217. Roland Martino is an elderly vulnerable adult, who is required to be afforded the highest protections under state and federal law.
218. Lesa Martino petitioned for a guardianship for her father, Roland Thomas Martino in December 2016, to protect him from financial exploitation by his daughter, Lena Fussell. Fussell placed proceeds in her name as sole beneficiary with his Morgan Stanley account, although the will states 1/3 to each child.
219. Roland Martino has been secluded from all oversight by the outside world due to manipulative, self-serving tactics by Traci Samuel Hudson, For-profit professional guardian.
220. Martino is deprived of social interaction with family and friends, including his beloved dog Romeo, and his entire life savings has been extorted.
221. There is no benefit to Roland Martino for Traci Samuel Hudson to be the guardian. The only benefit is to financially benefit Hudson.
222. Judges Catherine Catlin, Wesley Tibbals and Lawrence Lefler have breached their fiduciary duties by “rubberstamping” orders to pay the fraudulent bills to the guardian and her attorneys.
223. Martino is overmedicated, isolated, and deteriorating in a substandard facility.
224. Martino began spiraling down physically and mentally immediately with the onset of Traci Samuel Hudson’s guardianship.
225. In 80 years prior to guardianship, Martino had only been hospitalized for a minor hernia and TURP procedure.
226. Martino went from a walker to a being restrained in a wheelchair instantly.
227. Martino had a stroke and speech impaired.
228. Roland Martino has been sensory deprived with absence of eyeglasses and hearing aids.
229. Samuel ignored symptoms of shortness of breath February 21-23, 2018 complaints by Lesa Martino. Martino took her father to the Tampa General Hospital Brandon emergency room to save her father.
230. March 13, 2018: Roland had bruises all over his abdomen and no one would tell Lesa what happened.
231. Traci Samuel would not allow the staff to discuss anything about her father’s medical condition which is alarming and overreaching with abuse of powers
232. Hudson punished Lesa Martino and denied visitation to her father.
233. Because Petitioner Martino is limited to 40 pages by the Supreme Court rules, this is representative of the unconstitutional acts and deprivation of rights.
234. Judges Catherine Catlin, Wesley Tibbals and Lawrence Lefler have breached their fiduciary duties by “rubberstamping” orders to pay fraudulent bills to the

guardians and their attorneys. LESA MARTINO, petitioned for a guardianship for her father, to protect him from financial exploitation by his daughter, Lena Fussell. Now, the guardian and the attorneys are financially exploiting.

235. Guardianship is not intended or needed when there are loving family members. It is a charade that Lesa Martino, the daughter and next of kin is not her father's caregiver in an alternative to guardianship. Lesa Martino became a registered guardian on February 8, 2018.
236. Lesa Martino, a Doctor of Pharmacy graduate of the University of Florida, recognizing her father being overmedicated with signs of altered "mental status" and instability which is likely the sign of drugging. Colombo and Hudson deny Martino to overlook the care of her father although she is well qualified as a health professional including a Consultant Pharmacist license specializing in long term care patients and their medication regimen.
237. Lesa Martino has the following cases filed due to the vexatious guardian, Traci Samuel:

Second District Court of Appeals with 19-2DCA-533 Fraud upon the court by attorney Ha Thu Dao Esq. for guardian Traci Samuel and James Eggert Esq. for guardian Carol Colombo making Lesa Martino an "uninterested party" to prevent any objections to the fraudulent billing, 19-2DCA-3165 Fraud upon the court by the guardian, Traci Samuel Hudson, 19-2DCA-29 Fraud upon the court with a fraudulent judgment case by the guardian Traci Samuel and her unethical attorney, Matthew Weidner Esq., 19-2DCA-2314 Denial of visitation and unconstitutional gag orders by the guardians, 19-2DCA-1727 Fraud upon the court with a fraudulent restraining order that was withdrawn by Traci Samuel and her unethical attorney, Ha Thu Dao Esq.
238. At the only supervised visit, April 30, 2018, Lesa Martino was alarmed at her father's condition with drooling, zombie like and incoherent. Martino notified Department of Children and Families who instructed Lesa to call the Hillsborough county sheriff office and meet with an officer at Tampa Lakes Health and Rehabilitation. Lesa explained to officer that her father needed to go to the hospital immediately for medical evaluation. The officer called Traci Samuel and she denied medical attention and fabricated that the drooling was due to dentures. ROLAND MARTINO DOES NOT HAVE DENTURES!
239. Florida Statutes 843.21: Depriving crime victim of medical care.—A person who takes custody of or exercises control over a person he or she knows to be injured as a result of criminal activity and deprives that person of medical

care with the intent to avoid, delay, hinder, or obstruct any investigation of the criminal activity contributing to the injury commits:

- (1) If the victim's medical condition worsens as a result of the deprivation of medical care, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (2) If deprivation of medical care contributes or results in the death of the victim, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

247. Throughout the guardianship, Roland Martino's life, health, safety and financial well-being has been recklessly endangered by Traci Samuel Hudson as evidenced and documented by medical and hospital records.

248. Traci Samuel Hudson, along with attorneys Terrence Deeb, Ha Thu Dao, Matthew Weidner, Jeffrey Albinson has orchestrated this matter into a medically induced guardianship to cause, create and manufacture problems in order to financially exploit.

249. Lesa Martino has been viciously attacked and retaliated due to the exposure of the corruption of the guardianship.

250. Traci Samuel Hudson, along with her attorney, Ha Thud Dao Esq. orchestrates devious "scenarios" to engage in staged and frivolous litigation in violation of Fla. Stat. § 57.105 so she can manufacture excessive legal and guardian fees.

251. These fees are primarily related to attacks by Traci Samuel Hudson and Ha Thu Dao Esq. and Matthew Weidner Esq. against Lesa Martino to orchestrate fees and have nothing whatsoever to do with Roland Martino. These attacks were also orchestrated as a pretense to file ceaseless lawsuits against Lesa Martino for defamation when she exercises her right to free speech under the U.S. Constitution Amendment I.

252. Dao, Eggert, Colombo and Hudson have/are human trafficking Roland Martino, keeping him by forcible disappearance from the eyes of the outside world in undisclosed locations and keeping their fraudulent bills "sealed" in order to perpetrate an embezzlement racket in collusion with Judges.

253. These illegal bills include extorting Martino's assets at obscene rates for the criminal matter they have orchestrated against Lesa Martino and their fraudulent lawsuits against her.

254. Ha Thu Dao Esq. and Traci Samuel Hudson are illegally charging Roland Martino for conniving a "indirect criminal contempt" against Lesa Martino to extort fees in violation of Florida Statutes 92.142 and 744. Florida statute.

255. In another sly tactic, attorney Dao has the audacity to bill \$300 per hour for matters she charges to Roland Martino based on attacks she orchestrates against his daughter, having nothing to do with Roland and certainly not benefiting him. Dao recycles research and legal analysis in billing Martino and other wards under Traci Samuel Hudson in Hillsborough and Pinellas counties.
256. Traci Samuel Hudson at one point had two attorneys, Dao and Matthew Weidner Esq. charging Roland Martino for representing Hudson in the guardianship at the same time. Double billing the Ward is illegal.
257. Yet, Roland is kept in a substandard facility deteriorating from abuse and negligence with evidence of untimely incontinence care sitting in urine for hours and certified nursing assistants keeping him up all night with the television on for their pleasure, negligently violating his proper sleep and hygiene.

B ILLEGAL VOID ORDERS; FRAUD BY THE COURT; DEPRIVATION OF RIGHTS UNDER CRIMINAL LAW 18 USC 242;

258. The illegal void orders in the matter of Roland Martino are Exhibits.

C. TRACI SAMUEL HUDSON, TERENCE DEEB AND HA THU DAO'S INTERESTS ARE ADVERSE TO THOSE OF ROLAND MARTINO.

259. Traci Samuel and attorneys, Deeb, Dao and Weidner have used their role in Roland's guardianship to engage in ceaseless, deceptive litigation and to retaliate against Martino by suing her in matters which Roland is not even a party, charging Roland for attorney fees. Obviously, this is not in the best interest of Roland; it is only in the best interest of Samuel and her attorneys.
260. It is estimated that Traci Samuel, Carol Colombo, James Eggert, Terrence Deeb, Ha Thu Dao and Matthew Weidner have charged Roland Martino over \$400,000 for fictitious, illusory, self-created problems as shown by fraudulent bills that have concocted to extort Roland for ceaseless staged litigation that certainly does not benefit him.
261. The sole purpose of this guardianship is to empty Roland Martino's bank account and assets.
262. Attached are Exhibits documenting the abuse, exploitation and other crimes set forth herein and illegal void orders.

VIII. RELIEF REQUESTED

262. This Court is mandated to urgently issue a writ of Habeas Corpus to protect Petitioners and remove them immediately from their unlawful and illegal detention and urgently remand them to the custody of their family.

IX. ARGUMENTS AND MEMORANDUM OF LAW

A. PETITIONERS HAVE THE RIGHT TO HABEAS CORPUS AS A MATTER OF LAW AND FACT

263. Petitioners are considered "wards of the state of the state of Florida". The state is under a special duty to protect them and their property as a class incapable of protecting themselves. (State ex rel. Deeb v. Fabisinski, 111 Fla. 454, 152 So. 207, 156 So. 261). See also *American Sur. Co. of New York v. Andrews*, 12 So.2d 599 (Fla. 1943) held that the guardian of the property is subject to a competent investment standard and is prohibited against self-dealing and that in a guardianship the ward is a "ward of the state." *Ex parte Hansen*, 120 Fla. 333 (1935) 162 So. 715

264. Courts must scrupulously oversee the handling of the affairs of incompetent persons under their jurisdiction and err on the side of over-supervising rather than indifference. See *In re Guardianship of Lawrence v. Norris*, 563 So. 2d 195 (Fla. 1st DCA 1990); *Allen v. City of St. Augustine*, 500 So. 2d 206 (Fla. 1st DCA 1986), *rev. denied*, 504 So. 2d 766 (Fla. 1987).

265. It has been found that a writ of habeas corpus, when issued and a return made thereon, is an adequate and appropriate process upon which the judge can, and should, when properly asked to do so by an appropriate application before the court, inquire into the propriety, as well as legality, of continuing an existing guardianship of an alleged insane person, even though his estate and person have been undertaken to be dealt with by a guardianship order of a county judge properly made and entered in the first instance.

266. It is thus all the more mandated and necessary where, as here, the guardianship orders are illegal on their face and the Petitioners are being subjected to life threatening danger and venal exploitation.

267. Petitioners are unable to obtain relief in Florida courts where illegally detained.

268. The Next Friends herein are "interested parties" under the law. Clearly when there is a conflict of interest between a ward and a purported "guardian" only a person other than the guardian can protect the ward's interest in such a case. *Sun Bank and Trust Co. v. Jones*, 645 So. 2d 1008 (Fla. Dist. Ct. App. 1994)

269. The writ of habeas corpus is so important in connection with constitutional liberty that a motion to dismiss it or quash it is not permitted. See Crooms v. Schad, 51 Fla. 168, 40 So. 497. (1906). As Trawick states:

... The respondent cannot move to quash the order or to dismiss the petition. . . . This is the only civil proceeding in which the legal sufficiency of a pleading cannot be directly attacked or in which the parties are not limited to the issues raised in the pleadings. Trawick, Fla. Prac. & Proc., Sect. 36-6 (2003).

270. Writs of habeas corpus do not require a petition that states a cause of action. Trawick, Fla. Prac. & Proc. Forms, Sect. 4-208.6 (2004). See also, Langston v. Lundsford, 122 Fla. 813, 165 So. 898 (1936); Brown v. State, 358 So.2d 16 (Fla. 1978). Trawick, Fla. Prac. & Proc. Chap 36 (2003).

271. The Court has broad power to protect the ward and their property. Ripoll v. Comprehensive Personal Care Services, Inc., 963 So. 2d 789 (Fla. 3d DCA 2007).

272. Next Friends are not only authorized but their appearance is mandatory as they are mandated reporters.

B. PETITIONERS ARE BEING DEPRIVED AND DENIED THEIR HUMAN AND CONSTITUTIONAL RIGHTS

273. The public is imputed to know the law yet those in the Florida Sponsored Guardian Ruse hold themselves above the law. ⁵⁴

274. At a time when our loved ones, America's older and retired affluent vulnerable adults, should be enjoying their retirement years and their family, safe in the guarantee of their inherent inalienable rights by the American government, instead, they are deliberately deprived of their inalienable rights to life, liberty, property and pursuit of happiness under the Constitution ⁵⁵ under color of state law and their lives and the lives of their family members have been shattered asunder, plundered, and destroyed.

275. Petitioners seek redress for violation of First, Fifth, Eighth, Ninth, and Fourteenth Amendments by the state of Florida (No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person within its jurisdiction the equal protection of the laws).

**C. RESPONDENTS HAVE FAILED TO PROTECT PETITIONERS
UNDER 42 U.S.C. § 1986; AND DEPRIVED PETITIONERS UNDER
COLOR OF STATE LAW UNDER 42 U.S.C. § 1983**

276. U.S. Const. amend. XIV, § 1 provides no state shall "deprive any person of life, liberty, or property, without due process of law." A violation of procedural due process occurs where the state fails to provide due process in the deprivation of a protected liberty interest. *McKinney v. Pate*, 20 F.3d 1550, 1557 (11th Cir. 1994) (en banc). On the other hand, a violation of substantive due process occurs where an individual's fundamental rights, those "implicit in the concept of ordered liberty," are infringed—no matter the fairness of the procedure. *Id.* at 1556.

277. The U.S. Supreme Court, in *Scheuer v. Rhodes*, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." [Emphasis supplied in original]."

278. When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it." *State v. Sutton*, Minn. 147 65 NW 262 30 LRA 630 AM ST 459.

279. The government itself commissioned "studies" to "track" and "collect data" about the abuses committed against vulnerable adults in guardianship.

280. These "studies" have been done routinely for years by the U.S. Government Accountability Office ("GAO") on guardianship, the latest in Nov. 2016. 72

281. The GAO study found vulnerable American adults in guardianships all over the country were subjected to horrific atrocities - physical and sexual abuse, bug infested living conditions and languishing in filth and the assets of vulnerable American adults in guardianship were stolen.

282. The GAO reports nonchalantly state that courts failed to adequately screen guardians, appointing individuals with criminal convictions or significant financial problems to manage high- dollar estates; courts failed to oversee guardians once appointed, allowing the abuse of vulnerable seniors and their assets to continue and courts and federal agencies did not communicate effectively or at all with each other about abusive guardians.

283. Even after identifying and exposing hundreds of cases of physical abuse, neglect and financial exploitation by guardians in 45 states and the District of Columbia, the Respondents did nothing.

284. Therefore, while Petitioners were desperately seeking remedy in the state of Florida unbeknownst to them, all efforts to obtain remedy were futile as the Florida Sponsored Guardian Ruse is state sanctioned and sponsored.

285. The Respondents have a policy, practice, or custom of neglecting to prevent 42 U.S.C.A. § 1985 ⁵⁶ violations by its agents or employees.

286. The Respondents through the enforcement of an official policy, practice, custom or decision of a final policy maker, conspire in and failed to prevent a conspiracy to deprive Petitioners of their Constitutional Rights.

287. 42 U.S.C. § 1983 provides: Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress . . .

288. Petitioners are denied Constitutional protections and their inalienable rights:

AMENDMENT I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. The United States Supreme Court held in NAACP v. Alabama (1958) that freedom of association is an essential part of freedom of speech because, in many cases, people can engage in effective speech only when they join with others.

AMENDMENT V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT 14: Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law

which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws

PRIVACY PROTECTION: The Constitution provides a second type of privacy protection. This protection is not explicit, since no clause in the Constitution refers expressly to privacy. But the courts have repeatedly recognized that the Constitution does expressly protect certain *aspects of privacy* under the Bill of Rights. These include a right to privacy of belief as guaranteed under the First Amendment and a right to privacy within our homes as guaranteed under the Third Amendment. But perhaps the most concrete of the privacy rights suggested by the Bill of Rights are those covered by the Fourth Amendment—the right to be secure in our persons and property against unreasonable searches and seizures.

The Fourth Amendment, specifies that "no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The amendment's first clause spoke to a more general "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The belief that "every man's home is his castle" was firmly entrenched in British law.

In *Katz v. United States*, the Court concluded the Fourth Amendment protects people, not just places; the amendment's intent was not just to protect homes and property from government's unreasonable encroachment, but also people and the privacy that they have come to expect in certain places and situations.

289. The Florida Color of Law Judges operate a color of law court to embezzle and convert the assets of the Petitioners in violation of 18 U.S.C. § 641 ⁵⁷, 18 U.S.C. § 645 ⁵⁸ and 18 U.S.C. § 654 ⁵⁹ by colluding in and issuing void, illegal orders to make it appear a legitimate proceeding is taking place.
290. The Respondents conspire in the Florida Sponsored Guardian Ruse in violation of Petitioners equal rights under 42 U.S. Code § 1961 ⁶⁰.
291. The Respondents are maliciously retaliating against and intimidating Petitioners for exposing and opposing their corrupt color of law activities.
292. The Respondents are violating 42 U.S.C. § 12203 ⁶¹
293. The Respondents are enabling and operating a Florida Sanctioned Guardian Racket in violation of 18 U.S. Code § 373. ⁶²

294. Instead of being viciously attacked and assaulted by the judicial system, Petitioners should be respected and lauded for their efforts to persist against virulent retaliation, that Florida judges adhere to their mandate to protect the human rights of Florida citizens which are core values of America's legal system and the only thing that distinguishes America from fascist, communist, third world countries and Nuremberg law under the Third Reich.

D. DISCRIMINATION AND RETALIATION IN VIOLATION OF THE AMERICANS WITH DISABILITIES ACT AND AMENDMENT

295. The DOJ was delegated the authority by Congress to promulgate regulations implementing the Americans with Disabilities Act of 1990 as amended ("ADA") under 42 U.S.C.A. § 12134(a). The DOJ's regulations provide "all programs, services, and regulatory activities relating to law enforcement, public safety, and the administration of justice, including courts and correctional institutions, are governed by the ADA". 28 C.F.R. § 35.190(b)(6).

296. Title II of the ADA prohibits the exclusion of persons with disabilities from participating in, or denying the benefits of, the goods services, programs and activities of the entity or otherwise discriminating against persons on the basis of disability. 42 U.S.C.A. § 12132.

297. The Petitioners are disabled persons as defined by 42 U.S.C.A. § 12131(1).

298. Because of their disability, Respondents have whether individually, collectively, jointly and in concert among all or select few, in violation of Title II of 42 U.S.C. § 12101 et seq. the ADA and the First, Fifth and Fourteenth Amendments of the U.S. Constitution:

a. have in bad faith, assumed roles adversarial to Petitioners' rights, privileges and immunities and depriving Petitioners of in violation of 42 USC Sections 1981, 1983 and 1985, free exercise of the First Amendment right to petition for redress and associate freely with those of their choosing, the Fourth Amendment right to privacy and to be secure in their person and free from unreasonable search and seizures, fifth and fourteenth Amendment rights to due process of law and equal protection under the law and rights of familiar unity and Ninth Amendment right to privacy and persona autonomy in Petitioners' rights to choose freely in pursuit of their own happiness, dignity and self- determination.

b. intentionally and with deliberate indifference, excluded Petitioners completely appearing at and or participating in any and all proceeding

and likewise exclude Petitioners from participation in any and all decision-making which effect the course of their life and the ultimate disposition and control of her assets

- c. denied and deprived Petitioners adequate healthcare and access to the public accommodations of healthcare services sufficient to address Petitioners special needs relating to their disability which included among other things, adequate assessment and therapeutic treatment sufficiently goal oriented toward restoration and rehabilitation.
- d. denied and deprived Petitioners:
 - i. All meaningful and equal access to the courts and to the services, programs and activities of the Florida State Court including without limitation equal access to a meaning review and appeal process;
 - ii. Any reasonable accommodation, notwithstanding such accommodations have been provided to others under the same circumstances, thus evidencing discrimination and retaliation.

299. Because of Petitioners' disability and in violation of 28 C.F.R. §35.130(d) the public entity, the Florida Probate Courts and its agent appointed guardians have failed and refused to provide and administer their services to Petitioners in the most integrated setting appropriate to the needs of Petitioners;

300. Contrary to the mandates of 28 C.F.R. § 35.130(d), because of Petitioners disability and in violation of 42 U.S.C. § 12132, *see also* 28 C.F.R. Part 35 Subpart B – General Requirements, 28 C.F.R. § 35.149, the public entity, the Florida Probate Courts and its appointed agent guardians have, by providing their services programs and activities in the most oppressive and restrictive environment, rendered inaccessible and unusable to Petitioners the facilities of the public entity, the Florida Probate Courts and excluded Petitioners from participation in and denied the benefit of the services programs and activities.

301. As the direct and proximate result of these acts of discrimination, Petitioners cannot receive a fair, unbiased and prejudice-free process in Florida.

E. PETITIONERS ARE SUBJECTED TO CRIMES AND CRIMES AGAINST HUMANITY

302. The acts herein violate Federal, State and Human laws.

303. The acts go far beyond even the standards of aggravated abuse in Florida Statutes 744, 411 and 825. These acts evidence cruel and inhumane treatment

⁶³; indifference to risk ⁶⁴; deliberate indifference and deliberate difference ⁶⁵; and gross neglect ⁶⁶ of vulnerable older adult shocking to the conscience ⁶⁷

304. These acts are atrocities against and violate international human rights declarations, the United Nations Declaration of Human Rights, Crimes against Humanity under the Hague Convention ⁶⁸ the United National Universal Declaration of Human Rights ⁶⁹ and the United Nations Committee on the Rights of Persons with Disabilities ⁷⁰ and the Americans with Disabilities Act

**F. PETITIONERS ARE BEING ILLEGALLY DETAINED BY
ILLEGAL VOID ORDERS**

305. These illegal, void orders that are issued by color of law judges in the Florida Color of State Law Guardian Courts violate the law and deliberately and wantonly destroy the lives of Florida's vulnerable adults and their families.

306. They are acts of public corruption by public officials and known to the F.B.I. to be violations of the Hobbs Act and other Federal crimes.

307. These orders are illegal as a product of "fraud" and "fraud on (or by) the court.

308. No court has the lawful authority to validate a void order. U.S.v. Throckmorton, 98 U.S.61,25 L.Ed. 93 (1878); Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 64 S.Ct. 997 (1943); Root Refining Co. v. Universal Oil Products Co.,169 F.2d 514 (1948); In re Garcia, 109 B.R. 335 (N.D. Illinois, 1989); Schwarz v. Schwarz, 27 Ill.2d 140, 188 N.E.2d 673 (1963); Dunham v. Dunham, 162 Ill. 614 (1896); Skelly Oil v. Universal Oil Products Co., 338 Ill.App.79, 87 (1st Dist. 1949).

X. EN BANC PANEL IS SOUGHT

309. Petitioners seek an en banc panel to hear this extraordinary suit.

XI. RELIEF REQUESTED

310. This Court is mandated to urgently issue a writ of Habeas Corpus to protect Petitioners and remove and release them immediately from their unlawful and illegal detention and urgently remand them to the custody of their family.

Cc: Media and other interested parties

The undersigned certifies the statements made in the Emergency Petition for Habeas Corpus are true and correct to the best of my knowledge and belief

Barbara Stone

Barbara Stone

STATE OF FLORIDA)
COUNTY OF DADE)

On this 26th day of September, 2019, before me a notary public, the undersigned officer, personally appeared Barbara Stone, known to me or who has produced _____ (type of information) as identification to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained. In witness hereof, I hereunto set my hand and official seal.

Notary Public

(Signature of person taking acknowledgment) Laurie Santa Cruz

(Name typed, printed or stamped)

SEAL

Laurie Santa Cruz

