

IN THE SUPREME COURT OF FLORIDA

**ELIOT I. BERNSTEIN and** )  
**P. STEPHEN LAMONT** )

**Petitioners** )

**vs.** )

**THE FLORIDA BAR (IN THE MATTER OF** )  
**ATTORNEY COMPLAINTS AGAINST;** )  
**CHRISTOPHER C. WHEELER, FILE NO:** )  
**2003-51 109 (15c); CHRISTOPHER** )  
**C. WHEELER 2, FILE NO: PENDING CASE** )  
**NO. ASSIGNMENT; MATTHEW H. TRIGGS,** )  
**NO: PENDING CASE NO. ASSIGNMENT;** )  
**ERIC M. TURNER, FILE NO: PENDING** )  
**CASE NO. ASSIGNMENT); AND** )  
**COMPLAINTS OF CONFLICTS OF** )  
**INTEREST AND APPEARANCES OF** )  
**IMPROPRIETY WITH THE FOLLOWING** )  
**FLORIDA BAR REPRESENTATIVES;** )  
**MATTHEW H. TRIGGS AS A GRIEVANCE** )  
**COMMITTEE MEMBER AND FORMER** )  
**GRIEVANCE COMMITTEE MEMBER;** )  
**CHRISTOPHER WHEELER AS A** )  
**GRIEVANCE** )  
**COMMITTEE MEMBER AND FORMER** )  
**GRIEVANCE COMMITTEE MEMBER;** )  
**KELLY OVERSTREET JOHNSON AS** )  
**PRESIDENT, KENNETH L. MARVIN AS** )  
**DIRECTOR OF LAWYER REGULATION,** )  
**JOHN ANTHONY BOGGS AS DIRECTOR** )  
**OF LAWYER REGULATION; LORRAINE** )  
**CHRISTINE HOFFMAN AS BAR COUNSEL;** )  
**ERIC MONTEL TURNER AS CHIEF** )  
**BRANCH DISCIPLINE COUNSEL; AND** )  
**JOY A. BARTMON AS CHAIR OF A** )  
**GRIEVANCE COMMITTEE** )

CASE NO: SC04-1078

**Respondents.** )

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**SUPPLEMENT TO  
MOTION FOR: DECLARATORY RELIEF; INTERVENE IN THIRD PARTY  
INVESTIGATIONS OF THE BOCA RATON POLICE DEPARTMENT, THE  
FEDERAL BUREAU OF INVESTIGATION, AND THE SECURITIES AND  
EXCHANGE COMMISSION WITH THE COURT’S OVERSIGHT; AND AN  
EMERGENCY HEARING FOR THE IMMEDIATE PROTECTIVE CUSTODY  
OF ELIOT I. BERNSTEIN, CANDICE M. BERNSTEIN, JOSHUA E. Z.  
BERNSTEIN, JACOB N. A. BERNSTEIN, DANIEL E. A. O. BERNSTEIN, P,  
STEPHEN LAMONT, STEPHEN LAMONT II, AND SOPHIA RANA**

That Eliot I. Bernstein and P. Stephen Lamont (collectively “Petitioners”) hereby supplement the Motion for: Declaratory Relief; Intervene in Third Party Investigations of the Boca Raton Police Department, The Federal Bureau of Investigation, and the Securities and Exchange Commission With the Court’s Oversight; and an Emergency Hearing for the Immediate Protective Custody of Eliot I. Bernstein, Candice M. Bernstein, Joshua E. Z. Bernstein, Jacob N. A. Bernstein, Daniel E. O. A. Bernstein, P. Stephen Lamont, P. Stephen Lamont II and Sophia Rana dated October 7, 2004 (“October 7 Motion”), and state as follows:

1. That on October 7<sup>th</sup> 2004, Petitioners received a voice mail message, Exhibit “A”, from Assistant Chief James Burke (“Assistant Chief Burke”) of the Boca Raton Police Department (“Boca PD”) advising Petitioners of contact names at the United States Securities and Exchange Commission (“SEC”) that were the contacts that were supposed to have received information from the Boca Raton PD and the States Attorney over one year ago and were to have attended a meeting at the Boca PD on October 6<sup>th</sup> 2004 scheduled by Assistant Chief Burke with the FBI and SEC, to assign investigatory duties.
2. That Assistant Chief Burke’s reasons for delivering contact names to Petitioners was to confirm the attendees to be present from the SEC at the meeting at the Boca PD on October 8, 2004 and in regard to those certain written statements submitted by Petitioners

to the Boca PD concerning the misappropriation and conversion of up to One Million Dollars (\$1,000,000) in funds of Iviewit Holdings, Inc. (“Iviewit”) and the misappropriation of intellectual property of Iviewit.

3. That, directly after receiving those contact names, Petitioners telephoned the most senior person involved, a one William Riley (850) 410-9805, of the SEC’s Tallahassee office, that according to the message left by Burke that Mr. Riley was supposed to have received information from Doreen Mosemer (305) 982-6301 regarding the investigation.

4. That Mr. Riley, after reviewing a database of cases shared with the West Palm Beach, Ft. Lauderdale, and Miami branches of the SEC finds no case in the names of either Petitioners, Iviewit, or any matter pertaining thereto delivered by the Boca PD or the unidentified States Attorney referenced in the October 7 Motion. Mr. Riley further stated that he was never informed of any meeting at the Boca PD and had no information regarding such meeting.

5. That subsequent to the call with Riley, Petitioner was contacted by Doreen Mosemer whom stated that she knew nothing of the matter and that she was never informed of a meeting at the Boca PD and literally had no idea what Petitioner was talking about concerning such scheduled meeting.

6. That these series of events leave Petitioner further convinced that the Boca PD was not truthful when calling Petitioner to schedule a meeting and that the intent may have been far more devious than stated to Petitioner by Assistant Chief Burke and further confirms that the information being given to Petitioner was inaccurate and false. Most disturbing is that Burke had claimed to have contacted the SEC and assured attendance originally and that subsequently upon questioning the story became more and more

convoluted giving one the impression that the Boca PD had arranged such meeting to intimidate Petitioner into not filing with Chief Scott a formal internal affairs investigation request. That combined with the false statement that Chief Scott was personally involved and oversight to such meeting and Petitioner case and then Chief Scott's denial of such involvement or any knowledge of Petitioner's case, that this presents clear and present danger that until such information is clarified and investigated fully, that Petitioner's lives may in fact be in danger if the objective was to cover up for misdeeds by the Boca PD and others.

7. Finally, Petitioner has received no return call from Special Agent Stephen Lucchesi at the Federal Bureau of Investigation regarding his participation or involvement in such meeting supposedly arranged and for over one week all calls and faxes have been ignored. This may present even more disturbing problems. It is presumed at this point by Petitioner that the conspirators named in the complaint from various powerful law firms and other powerful corporate concerns so named in the conspiracy, may in fact have bribed or positioned to estoppel due process at other state and federal agencies through devious means such as is alleged regarding the conflicts of interest and appearance of impropriety at two state bar associations now being reviewed in the Florida Supreme Court and the New York Supreme Court Appellate Division: Second Department. That if similar events have occurred at Federal and State investigatory agencies to block due process, and if these events are close to being uncovered, that the immediacy for state ordered protective custody of Petitioner's is evident.

Wherefore, Petitioners reiterate their request that this Court: (i) enter an order granting a motion for declaratory relief from the Boca PD and Flechaus as to their

investigations of the subject matter of the written statements, their review with an unidentified District Attorney, and their joint submission to the Miami office of the SEC, and declaratory relief from the FBI as to their submission of their report to the United States attorney for the Southern District of Florida; (ii) enter an order granting a motion for the Court's intervention in the investigations of the Boca PD, the SEC, if any, and the FBI; and (iii) enter an order granting a motion for an emergency hearing for immediate protective custody Eliot I. Bernstein, Candice M. Bernstein, Joshua E. Z. Bernstein, Jacob N. A. Bernstein, Daniel E. A. O. Bernstein, P. Stephen Lamont, and P. Stephen Lamont II, and such further relief that the Court deems appropriate.

EXHIBIT "A"

**MESSAGE ASSISTANT CHIEF OF POLICE JIM BURKE LEFT ON VOICE**

**MAIL ON OCTOBER 7<sup>TH</sup> 2004**

"Eliot Assistant Chief Jim Burke with Boca Raton Police Department I stated I would provide you phone numbers for the people at the SEC who have the information on your case. The first individual is Doreen Mosemer 305 982 6301 I believe she forwarded your investigation up to Tallahassee to a William Riley his number is 850 410 9805 that's the SEC's representatives um that's all I can find you for I tried to set up meeting again the SEC contact numbers, you should have the FBI contact numbers and you have our contact numbers, good luck."

This 8<sup>th</sup> day of October 2004.

Attorney for Petitioners

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P. Stephen Lamont

Signed for P. Stephen Lamont by Eliot I. Bernstein his  
attorney-in-fact.

