From: Eliot Ivan Bernstein
To: "Michael Rachel"
Cc: Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. (marcrgarber@gmail.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marc.garber@flastergreenberg.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marcrgarber@verizon.net)
Subject: RE: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING
Date: Thursday, January 2, 2014 11:05:00 AM

I have asked to speak to her supervisor as Jean and I seem to have hit an impasse that must be resolved with her supervisor which she stated was you. I left 3 separate messages. Eliot

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From: Michael Rachel [mailto:Mrachel@sa15.org]
Sent: Thursday, January 2, 2014 10:04 AM
To: Eliot Ivan Bernstein
Subject: RE: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Mr. Bernstein,
I have just returned from leave and found only one telephone call from you to me on this case. Again, this case is assigned to Assistant State Attorney Jean Francis, who is out until Monday January 6th, you can call and speak to her then. The next court date is January 10th, 2014, next Friday, so there is plenty of time for you to speak with her.

Assistant State Attorney Michael Rachel
Chief of White Collar Crime Unit
State Attorney's Office, 15th Judicial Circuit
401 N. Dixie Highway, West Palm Beach, FL 33401
Ph: 561.355.7352 | Fax: 561.355.7302 | Email: **mrachel@sa15.org**

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, December 31, 2013 1:45 PM
To: Michael Rachel
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Dear Mr. Rachel,

I am still awaiting a call back from your offices to the messages I have left and also was waiting for a response to the letter I sent on December 03, 2013 detailing errors in the investigative report of the PBSO that you based your charges against Ms. Moran on and the fact that I believe you will be charging her with an incorrect crime that she may not have committed. I have spoken to Detective Miller and that has led to a call to Lieutenant McDermott to discuss the errors in his report, as he has stated he will not respond in writing to my letter and only in a face to face meeting can he discuss his investigation that I have been unable to make due to extraneous circumstances over the last several weeks, I am trying to work something out shortly with his Lieutenant. Detective Miller also told me that I needed to speak with you about changing the charges to more appropriately

ones to fit the crimes committed and noted in his report. I have responded to the new evidence of new and different crimes than those of Moran but that are related to the same nexus of events and filed a criminal complaint last week with PBSO regarding theft of assets and a federal court regarding an insurance fraud, all enabled by Moran's documents in part. Moran is also alleged now to have committed perjury and making false statement in official proceedings, including her perjured statements under oath to Governor Rick Scott's Notary Public division that contradict her statements made in official investigation with PBSO and finally her third claim through her attorney before Judge Colin that contradict her other two statements made in an Evidentiary Hearing on October 28, 2013 regarding Moran's FORGING and FRAUDULENTLY NOTARIZING documents for six separate people, including her FORGERY on a document done POST MORTEM for my father and subsequently filed with the Court as part of a larger Fraud on the Court. When I spoke to Detective Miller today, he thought he had filed Forgery charges with your offices and when we reviewed the PBSO report we found that he did not recommend her for charges of Forgery. The error may have in part resulted from his reports statement that Moran "traced" the signatures and when I asked him today why he did not use "forged" the signatures, the more proper legal term, he stated any good prosecutor would know that is what tracing means. He also stated your offices may have further changed the charges to that of a fraudulent notarization instead of his recommended charges and I would need to speak with your offices regarding those changes and if they are appropriate to the actual crime committed against me and my deceased father. These are factually very important issues to address prior to sentencing and so if you can please give me a time or two that you can spend an hour on the phone to review my information with me that would be great.

Also, do you have a case report number for Moran with your offices?

Happy Holidays, Eliot

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From: Michael Rachel [mailto:Mrachel@sa15.org]
Sent: Tuesday, December 3, 2013 1:27 PM
To: Eliot Ivan Bernstein
Cc: Jean Francis; Miller, Ryan W. (MillerR@pbso.org)
Subject: RE: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Mr. Bernstein,

I am the prosecutor who filed the case against Ms. Moran. I based my decision on the facts and investigation presented by the Palm Beach Sheriff's Office. The case was subsequently assigned to Jean Francis. If you have additional facts, you should report them to the Palm Beach County Sheriff's Office as they are the investigating agency.

You make many allegations and claims in your email below. As to the one that says "I have left several messages for Michael Rachel to call me back" – I can say that is not true. I received a message through my secretary, yesterday, that you tried to reach me after your one hour telephone call with Jean Francis – that is the only one. I was about to call you back, when I received this email from you.

That being said, please address your future claims of newly found evidence to PBSO. Thank you.

Assistant State Attorney Michael Rachel
Chief of White Collar Crime Unit
State Attorney's Office, 15th Judicial Circuit
401 N. Dixie Highway, West Palm Beach, FL 33401
Ph: 561.355.7352 | Fax: 561.355.7302 | Email: **mrachel@sa15.org**

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, December 03, 2013 11:06 AM
To: Michael Rachel; Jean Francis
Cc: Detective Ryan Miller #7704 ~ Special Investigations Division / Financial Crimes Unit @ Palm Beach County Sheriff's Office; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA
Subject: CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Dear Jean,

I was just informed yesterday by your office that you have a hearing scheduled to charge Kimberly Moran tomorrow and I did not get a time and place as of this time. After speaking with you I expressed concerns that the wrong charges may be filed and that new evidence shows perjury in the official statements you are relying on for prosecution of Moran, which leads to a need for further investigation, not immediate prosecution. I have attached a draft letter I was sending to the Sheriff's office regarding the new crimes and misstatements in the Sheriff's arrest report that must be clarified and corrected so that Moran is charged with the exact crimes she committed and confessed to. I asked Det. Miller to have your offices call several weeks ago and he stated you would call me as you needed me and so I was awaiting a time to discuss the case with your offices for the first time and expose the new evidence and crimes alleged. I did not expect the call to be two days before the sentencing hearing and this leaves me rushing to get you this information that I was working on for Detective Miller and your offices. Due to this short notice of the hearing and the need to assess if she is being charged according to all the new evidence, I would like to have the hearing postponed until after we can meet to discuss these new issues. The new evidence shows both Moran and her employer have also perjured themselves in statements made in official proceedings to several different agencies and indicate far more serious crimes than those confessed to already. I have left several messages for Michael Rachel to call me back but I wanted you and him to have this document attached so that we may discuss it more in detail when he calls back and come to a decision regarding the hearing and the charges being filed and if they should be modified after further investigation. As a victim I feel that I deserve a chance to explain these matters before the prosecution of Moran for what I believe is the wrong crime as I will explain further when we speak why the crime being prosecuted for may in fact not be the crime admitted and confessed to. Since I have not been given ample time to review these new evidences and crimes with your offices or the Sheriff's office matters that directly affect me and my family I ask that we not rush to prosecution. The document enclosed is a draft and due to our limited time I am sending it hurriedly without some of the exhibits installed yet and I will get you those as I finish them, if you would like any of the missing documents referenced in advance of that time please feel free to send me a request and I will email them over.

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