From:	Eliot Ivan Bernstein
To:	Detective Andrew Panzer @ Palm Beach County Sheriff (PanzerA@pbso.org); Captain Carol Gregg @ Palm Beach County Sheriff (greggc@pbso.org)
Cc:	Candice Schwager @ Schwager Law Firm (candiceschwager@icloud.com); Michael Horowitz ~ Partner @ Cadwalader, Wickersham & Taft LLP (michael.horowitz@cwt.com); Michael E. Horowitz ~ Inspector General @ United States Department of Justice (michael.e.horowitz@usdoj.gov); The Honorable Michael E. Horowitz ~ Inspector General @ Department of Justice; The Honorable Shira A. Scheindlin @ United States District Court ~ Southern District of New York (shira_a._scheindlin@NYSD.uscourts.gov); "Andrew Dietz @ Rock-It Cargo USA, Inc. (andyd@rockitcargo.com)"; "CANDICE BERNSTEIN (tourcandy@gmail.com)"; "Caroline Prochotska Rogers Esq. (caroline@cprogers.com)"; "Eliot I. Bernstein (iviewit@iviewit.tv)"; "Marc R. Garber Esq. (marcrgarber@gmail.com)"; "Marc R. Garber Esq. @ Flaster Greenberg P.C. (marc.garber@flastergreenberg.com)"; "Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com)"
Subject:	Bernstein Cases - RE: CASES NO: 13097087 MORAN FORGERY AND FRAUDULENT NOTARIZATION; 13159967 JEWELRY THEFT, 14029489 TESCHER AND SPALLINA ET AL. SUPPLEMENTAL, 12121312 ALLEGED MURDER OF SIMON BERNSTEIN
Date:	Monday, June 29, 2015 5:56:00 AM
Attachments:	20150113 Detective Andrew Panzer Palm Beach County Sheriff Letter regarding cases low.pdf 20150609 FINAL All Writs Mandamus Prohibition and Restraining Order Stay re Martin Colin DisqualificationECF STAMPED COPY.pdf

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Detective Panzer,

After our last several calls it is apparent that the PBSO investigations into the Bernstein case matters has been derailed, stymied and delayed and that instead of investigating these ongoing crimes you have begun doing research on my federal RICO filed and who I copy on emails to you as if this were more important than the crimes reported to your agency. I am not sure why it matters to you at all why I copied Judge Scheindlin on these matters, especially where there are growing correlations between these new crimes committed to my prior RICO filed and those defendants.

First off, in our last conversation we started with the fact that I am trying to report new crimes to you and simultaneously have some of the older crimes reported investigated that have been ongoing for several years. I wanted to know why some of the crimes you have absolute admission of were not yet prosecuted, especially where there is admission by Attorney Robert Spallina, Esq. that he and his partner Donald Tescher, Esq. conspired to alter estate documents and then Spallina actually altered the document as admitted to PBSO and transmitted via mail and wire them as part of an elaborate fraud to various parties. This crime had serious ramifications to beneficiaries of the estate and has cost beneficiaries a loss of monies and further damaged the parties causing almost two years where beneficiaries remain disputed due to the crimes that have failed to be prosecuted. Your claim that since Spallina and Tescher did not send the fraudulent documents to the court made the crime appear not prosecutable is almost unbelievable as you are certainly aware fraud does not have to take place upon a court to be fraud and prosecutable. Spallina's confession to the crime came happened on or about January 2014 and still no arrest has been made since the prior detectives learned of the crime and were then suddenly replaced by you.

Further, Robert Spallina and Donald Tescher both profited from the crimes despite what they may have claimed and other parties are severely economically damaged from the crime as a result. When I mentioned that I would like to have them arrested you stated that it was not up to me to have them arrested, it was up to you and where I think it is actually up to the State Attorney to determine that and the crime should have been reported to them to determine if prosecution was right. You stated you were not sure what Detective Miller had done prior and thought he might have dismissed arresting them at the time but for unknown reasons. I also informed you that

Spallina and Moran had perjured their statements and stated initially that the six Moran documents that were forged and fraudulently notarized for six separate parties, including Post Mortem for my deceased father, were the only documents they were aware of and yet with Spallina's confession to PBSO that he had altered a Shirley Trust document in January 2013 to alter beneficiaries as part of a continued fraud, we now know those statements were false and he knew all along of other fraud that he committed in conspire with Tescher. This would lead one to believe that Moran should be further prosecuted and investigated regarding her crimes and further prosecuted not only for the crimes she was not charged with initially, like forgery she admitted and any plea she made be stricken as she perjured statements to the Governor Rick Scott's notary division that contradicted her statements to PBSO. Spallina made misrepresentations to PBSO during his initial interview regarding the Moran/Tescher & Spallina PA crimes.

I informed you that some of the new crimes may now involve investigating Judge Martin Colin for possible obstruction of justice and where he is a material and fact witness to several crimes (frauds upon the court) that occurred in his court and must now be investigated as to those crimes that appear to have never been investigated since 9/13/2013 when they were first discovered. You stated you were aware of Colin's recent "recusal" but you should be aware that he was initially requested to disqualify and void ALL of his orders by me and Judge Colin denied the disqualification motion and instead the very next day he recused himself instead. This appears an attempt to not have his orders voided due to the proven and admitted frauds upon his court, including crimes beyond the Moran forgeries and notary frauds that all still remain unprosecuted or investigated by PBSO. Judge Colin after recusing then proceeded to influence the transfer of the cases to a former Proskauer Rose law firm partner, Judge Coates and if you recall I am pursuing Proskauer for theft of my intellectual properties and their alleged involvement in the crimes of the Estates and Trusts of my parents (see attached Supreme Court of Florida Writ.) In fact, while my RICO was dismissed as you astutely noted I am still pursuing Proskauer and others involved in the patent thefts and my patents remain suspended and new information as I stated is leading to a petition to reopen not only my RICO but other actions (including a Florida Court Case that was before Judge Jorge Labarga) and all of the matters before you will be included as additional criminal acts that have occurred relating all this together. You should know that Judge Coates then recused himself Sua Sponte at the first hearing due to his conflicts, yet the transfer and acceptance of the court records to him by Colin may prove to be additional criminal acts. You again stated in our conversation two weeks ago that you were specifically only targeting your investigation to the Oppenheimer trusts for the minor children and that you did not have time or resources to investigate other crimes. When you spoke to my wife Candice you told her that you do not investigate crimes committed by Judges and I am unclear why as the Judicial Qualifications Commission and Florida Bar have no jurisdictional powers to investigate criminal statute violations of judges or anyone else.

When I asked you two weeks ago if I needed to speak again to Captain Carol Gregg to have the other crimes you stated you could not investigate investigated by someone else and resources allocated you became upset and told me that I would be violating the "chain of command" if I did that and I asked if I should go to Internal Affairs, at which time you became more disgruntled and told me even if I went to them it would not do me any good that it would only be sent back to you. To be clear I have already had to go to internal affairs and Captain Gregg regarding the earlier attempts to shut down the investigations without full and formal procedural due process given them due to the

interference of Judge Colin with the prior detectives in efforts to have the cases shut down prematurely and let Judge Colin handle the criminal statute violations, which I stated he could not do and was right, leading to the investigations continuing and leading to the Spallina confession and more. I fear that this influence by Judge Colin may still be interfering with these investigations, especially where PBSO does not think they can investigate criminal acts alleged against judges. When Detectives Miller and Groover were replaced by you we had not finalized anything with them other than the Kimberly Moran arrest, which as I stated will also possibly have to be re-examined because it appears that statements made by her and Spallina and others to authorities may have been false and misleading leading to her light sentence and her evasion of prosecution for multiple counts of forgery and fraudulent notarizations that were failed to be prosecuted at that time based on perjured and false statements of both her and Spallina to PBSO.

In fact, on March 26, 2015, Judge Colin in the second to last hearing he held stated,

> THE COURT: I'm not -- look, nothing is easy
> 18 here. It's not going to get easier until we can
> 19 get hearings where I can start to knock off some
> 20 of the issues, which is what I have been saying
> 21 now like a broken record.
> 22 At some point, either Eliot is going to be
> 23 sustained on his positions or he's going to be
> 24 overruled, but one way or the other, we can put
> 25 some of this stuff to rest. The problem is we're
> 1 doing all of this business with some of the metes [matters]
> 2 of the case still up in the air where I haven't
> 3 been able to adjudicate; the claims that Ted
> 4 should be removed; the claims that there's
> 5 wrongdoing beyond Spallina and Tescher, the trust
> 6 is not valid. I mean, give me a chance to rule on
> 7 that, because once I rule on that, then the matter
> 8 is over with on those and you'll know one way or
> 9 the other what to do.
> 10 Do you understand what I'm saying? I think
> 11 we have hearing time coming up. Let's use that,
> 12 you know, prioritize hearings on this case. So as
> 13 soon as we can, I'll give it to you.

Where Judge Colin is referring to the wrong doings going beyond Tescher and Spallina he is apparently referring to the alleged crimes we thought were being investigated by your offices but appear not to be according to you. As for his statements regarding if the trusts are valid and other documents were fraudulent, again this is all part of the ongoing investigation that you inherited from Miller and Groover but now claim you are not going back to the crimes they were investigating at this time and instead focusing your investigation on the Oppenheimer crimes, which is not what we understood when you came on board, as we were told you were taking over the whole case and all the matters they were investigating, as well as, any new crimes discovered, especially those

discovered when Spallina and Tescher were forced to turn over their records by court order and many new crimes were discovered. Now all this seems to have fallen through the cracks and you appear to evade investigating them without reason for over a year now.

In December of 2014 my wife Candice and I met with you and provided you with information that there were trusts for our children that had severe problems with them indicating further fraud and gave you witnesses to contact regarding the alleged crimes. You stated you would get right on it and it is now six months later and you have failed to even begin or according to our last conversation just began. You claimed in our conversation several months ago that you could not meet Traci Kratish because it was tax season and I am unsure how six months has qualified as tax season. I was shocked to learn in our conversation two weeks ago that Traci had come to see you several weeks ago and you put her off stating you working on getting documents from others that would be more complete and failed to take her statements, as she is at risk, like others, who are trying to have these crimes exposed and prosecuted. In our last conversation you stated you finally had contacted Traci and her lawyer and this is almost seven months after I initially reported that crime. What is equally disturbing is that when you stated in December you were going to focus on the Oppenheimer crimes you stated you would get back to me in a few weeks to intake all the new crimes that we had discovered and it has been seven months and I am still unable to have you intake those crimes and begin investigations regarding all of them as of this week. The attached letter to you dated January 13, 2015 has additional information regarding the status of the matters we discussed.

I then contacted you on or about the week of March 23, 2015 to invite you to attend a court ordered re-inventorying of properties that I have alleged stolen taking place on March 27, 2015 at my father's home in regard to complaint 13159967 filed with PBSO regarding theft of properties by Spallina, Tescher, Ted, Rose and others. I explained that we had discovered that even more items were missing and that Judge Colin was forced to order a RE-inventorying regarding items that were told to the court to be at my father's home and which were alleged by Mr. Stansbury and myself to not be there. I invited you to the home to take part in the re-inventorying to determine if further theft had occurred and you refused to go or send an officer to the scene to determine if items had been stolen. It now appears that all of the items that were told to the court to have been transferred to the home from my mother's condominium were stolen and Mr. Rose's statements to the court were false and misleading and again this is matter for criminal investigation as yet another fraud on the court and as grand theft but again you tried to dodge the issue and told me again that I would have to go to the Boca Raton PD to report this as it was out of your jurisdiction. You may have forgotten that you told me to go to Boca PD several months ago when I first reported the matter to you and I went to the Boca PD and they asked why your agency was not investigating and stated that I had to go back to PBSO and have you investigate the matter. They stated they had contacted PBSO and it was in your jurisdiction and if you wanted their involvement you could call them and explain. Again, months have passed and again the other week you tried to again defer the matters to Boca PD claiming you do not have jurisdiction and even claimed you were not aware of the theft claims despite there being a formal filed complaint with PBSO that you have been aware of since we met and that was directed to be filed by Detectives Miller and Groover initially.

I contacted you again on or about April 13, 2015 and informed you that I had been contacted by my

attorney at law, Candice Schwager, Esq. of Texas and she had warned my family that we were in imminent danger and to contact state and federal authorities to seek protection. Again, you did not even contact me back to find out what was going on or take a statement and this is where I began to draw a line regarding your failed investigations into all of these matters, starting with the PBSO report Case #12121312 filed on the day my father died that my brother Ted instigated that alleged that my father may have been murdered by poisoning and the fact that it was booked by PBSO as a hospital record check, which despite being told several times that PBSO was changing the case docketing, this still has not been rectified and corrected as promised and where the person accused was never even questioned by PBSO. I have also stated that there may be new information from the coroner and other information that may cause this case to not only be corrected in how it was booked but reopened as a possible murder and as of this date you have refused to take that information as well or deal with it. In fact, when I brought that up you made comments that my dad was old and going to die anyway and probably ate too much high fat chicken soup being Jewish and these comments were beyond offensive and heartless. I lost great respect for you upon hearing those claims, you even stated that he had 90+ percent blockage in two arteries, as if you were a medical examiner and where those arteries were bypassed many years ago and irrelevant. I told you that the Doctor in charge of my father at the hospital on the day he died emphatically told us the night he died that his heart was fine and he did not have a heart attack that day at all and thought it was an infectious disease that was causing his body to rapidly melt down and it may have been West Nile or some unknown disease. I further told you my father had been seen within the year before his death one of the leading heart surgeons in New York who had worked on former President Bill Clinton and that he had a clean bill of health regarding his heart, in fact the Dr. told him it looked good for another 10+ years.

You stated in our last two conversation that you thought that all of these matters should be investigated by Federal Agents and then offered me a good luck getting someone federally to investigate the matters and I wondered why if you thought all along as you said that this was for federal authorities you have not contacted them and turned the matters over to them yourself for investigation. As you are aware, when we first met, we talked about the insurance matters involving Spallina, Tescher, Ted and Alan Rose and others that involve allegations of interstate mail and wire fraud, insurance fraud, fraud on a federal court and more, both you and Detective Miller were going to contact federal agents and get us a name to contact and/or get them involved. The Oppenheimer crimes alleged similarly have interstate mail and wire fraud as well as fraud against my children charged and this too may be better suited for Federal investigators as discussed. Keep in mind that the insurance fraud alleged to have been committed by Spallina and reported to PBSO was originally delayed after PBSO investigators, including you, told us you did not have jurisdiction to investigate that matter and sent us to the Jacksonville Illinois PD department to investigate the insurance fraud as the fraudulent document was sent by Tescher and Spallina to an insurance company in IL. Where the Jacksonville PD were then astonished that PBSO had referred me to call them while you had an active investigation going into these same matters and were further confused why your offices did not contact them directly if you thought they needed to be called. Again, I feel that your team has stymied and delayed investigation with intent and still have failed to contact federal authorities on matters that you were initially involved in regarding the same nexus of events that you know are federal in nature. In fact, what PBSO has done is try and isolate crimes as if they were unrelated, force repeated reporting to other agencies of several of the crimes to

evade investigating them and where all those agencies wonder why you are having me do this and then they are turning me back to PBSO for investigation and yet the matters still are refused investigation by you.

As I stated last week when we spoke I do not think you should proceed any further in these matters until I speak with Captain Gregg and possibly Internal Affairs as I feel you are trying to improperly influence and close the matters before investigating fully all the matters before you. I have attached the letter I previously sent regarding my problems with your investigation and I just do not think since January anything has really changed and all the while crimes continue to be committed and wholly ignored further endangering my family. Also, if you can please reply if PBSO has contacted the Florida Bar, the Judicial Qualifications Commission, Chief Justice Jorge Labarga, Judge Martin Colin or Judge David French regarding any of the matters we have brought for investigation and if so when and with whom. Please make this letter and all attachments part of the record of my cases filed.

Thank you,

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