

Clerk Of The Court
7th Judicial Circuit.
101 North Alabama Avenue
Deland Florida 32724
Phone: (386) 736-5915

Gideon Bernhardt
V
JoAnn M. Hodges
John Bonnevier
Volusia County Sheriff's Office
Florida Department of Corrections

CLERK OF THE CIRCUIT
& CLY. COURT VOLUSIA CTY., FL.
C63

25 JUN -5 AM 10:13

FILED

Gideon Bernhardt
1072 Williams Street
Altamonte Springs, Florida 32701-3772
Phone: (321) 280-0361
Email: ledlightstuff2@gmail.com

I want to file a civil lawsuit for three million dollars against the Florida Department of Corrections and the Volusia County Sheriff Office, and former Probation Officer JoAnn M. Hodges for **Negligence**, and **Perjury**. And against former Sheriff's Captain John Bonniver, for **Negligence**, and **Perjury**, And against the Volusia County Sheriff's Office for Kidnapping, false Imprisonment, and wrongful detention for an arrest without a warrant, Florida Statute §787.01.

I want to make a deal with you, you show me the arrest warrant for this case and the story ends, I go home and I wake up in my bed and I believe whatever I want to believe, If you don't show me the arrest warrant for this case then I want you to do your job, and I will show you how deep this rabbit hole goes. Remember all I'm offering you is the truth, nothing more. Come with me.

Element #4: Damages:

The final element of a **negligence** case is "**damages**". This element requires that the court be able to compensate the plaintiff for his or her injury, usually through monetary compensation for expenses such as medical care or property repair. The plaintiff must show that his or her injuries warrant payment accordingly.

The **164 days** that I was incarcerated in the Volusia County jail without lawful authority caused me more Emotional Distress and Damage than you can imagine. My home went into foreclosure, and was sold, all of my furniture along with all of my personal property was all put out on the curb for anyone to take, the LED lighting business that I had started has gone bankrupt, and the inventory is now all gone my credit is gone, everything that I had ever worked for in my entire life is now all **GONE!** And it's now November and getting cold and all I have are the clothes that I was wearing back on July 4th, 2007.

From page 54 of the November 15th, 2007 trial court transcript lines 17, through 25. This is what judge Frank Marriott said. And as far as the officer testified that he saw the guy leaning in the vicinity of the light pole. He may have been interacting with those people, I don't know if he said anything, I don't know if he did anything, I don't know anything. It's just not enough any more than him walking down the street or saying excuse me in the grocery store. If he was alone in a car with a kid, that's different. So I'm going to find the defendant Not Guilty. So now we have established that I am **Not Guilty** so what happened.

Florida State Statutes:

§768.288 Negligence.

§837.02(1), Perjury in Official Proceedings.

§837.06, False Official Statements.

§4151, Perjury in Official Proceedings.

§4152, Perjury by Contradictory Statements.

§4154, Perjury by false written declaration.

§4159, Perjury.

§4168, Statements tending to bolster or weaken credibility.

§787.01, Kidnapping and wrongful detention, false Imprisonment.

The Hodges file:

Complainant: against former Probation Officer JoAnn Hodges of the Department of Corrections, Agency Case number: **862613** Court Case number: **CRC200603849 CFAWS** for Negligence, and Perjury.

Witnesses:

Captain John Bonnevier, 1691 Providence Boulevard Deltona, Florida 32725
(386) 860-7030.

Sergeant Timothy Morgan, 1691 Providence Boulevard Deltona, Florida 32725
(386) 860-7030.

Deputy Keaith Dalton, 1691 Providence Boulevard Deltona, Florida 32725
(386) 860-7030.

Probation Officer JoAnn M. Hodges ID No. 00306. 334 East New York Avenue DeLand, Florida 32724 (386) 740-2693.

Nature of Complaint:

I want to file **Negligence** and **Perjury** charges against former Probation Officer JoAnn Hodges of the Department of Correction, DeLand Florida Probation Office. And former Sheriff's Captain John Bonnevier of the Volusia County Sheriff's Office, I will be able to provide you with the evidence and documents in order to prove my claims. Probation Officer JoAnn Hodges of the Volusia County Probation Office, Captain John Bonnevier, and the Volusia County Sheriff's Office and the Florida Department of Corrections owed a legal duty to the plaintiff Gideon Bernhardt to act in a way that would avoid harm to him.

CAUTION: Whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall be guilty of a misdemeanor of the second degree, pursuant to Florida State Statute §837.06. False official statements.

Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083.

Date and Time of Incident:

Sheriff's Deputy Keith Dalton Charging Affidavit for Disorderly Conduct.

July 4th, 2007 at 9:40 P.M.

Agency case number **07-22835**

Location: Dewey Boster Park, 1200 Saxon Boulevard, Deltona Florida, 32725.

Detail complainant of Probation Officer JoAnn Hodges, for Negligence and Perjury.

Probation Officer JoAnn Hodges Charging Affidavit for Disorderly Conduct.

July 5th, 2007 at 9:45 A.M.

Agency case number **862613**

Court Case number **CRC200603849CFAWS**.

I Gideon Bernhardt, Make this sworn statement under oath and under penalty of perjury, and I declare to the best of my knowledge and belief, that the information presented herein is true, and correct. I make these statements based upon my personal knowledge of this case and belief.

I believe that I have the Probable Cause to be able to file charges against Probation Officer JoAnn Hodges, and the Volusia County Sheriff's Office, for Negligence, Kidnapping and wrongful detention, and False Imprisonment, for the 164 days that I was incarcerated based on the preponderances of the evidence that I will present within here. And for the prosecution of the proceeding. Official Misconduct, Negligence, Kidnapping, Malicious Prosecution, Perjury, and the abuse of judicial process. Providing false information to bolster a case, and the intentional acts performed without justification or excuse, and last but not least, the violation of my 6th and 14th amendments to the Constitution of the United States of America.

Background: Narrative

On the night of July 4th, 2007 I was attending a fireworks display at Dewey Boster park in Deltona Florida along with a thousand other fireworks fans. Where the sky was filled with the sight and sound of the fireworks display. I was shining a green laser light pointer in the direction of the fireworks display, looking like a star wars lightsaber in the smoke filled sky.

I was then approached by Captain John Bonnevier and Sergeant Timothy Morgan, both Officers of the Volusia County Sheriff's Office. At the time I was leaning against a large concrete lamp pole shining a green laser pointer in the direction of the fireworks display, in the smoked filled sky. Captain Bonnevier and Sergeant Morgan both approached me, and secured the laser pointer as evidence and upon the request of the officers, I provided them with my state I.D. driver's license.



Now this is very important. because Capitan Bonnevier and Sergeant Morgan both knew that I was a registered sex offender as soon as I gave him my state I.D., and here is how. Do you see the **943.0435, F.S.** In the lower right hand corner of my state I.D.

This is the State Statute that identifies me as a registered sex offender. Captain Bonnevier then began questioning me, and during the course of the conversation, Captain Bonnevier asked me certain questions. Specifically, if I was a "registered sex offered", to which I acknowledged that I was. Then Captain Bonnevier asked me if I was under conditions of supervision, to which I said that that I was, and then Captain Bonnevier even went as far as to ask me who my P and P officer was and I advised him Tracy Harris. And then the Captain said that's fine. We're going to expand this inquiry a little bit more. I was then taken over to the command post in the park and processed and then given a charging affidavit for Disorderly Conduct State Statute **§877.03** a misdemeanor of the second degree by Volusia County Sheriff's Deputy Keith Dalton along with a Notice to Appear, and then I was escorted out of the park. See the CAD Report.jpg

Captain Bonnevier then began questioning me, and during the course of the conversation, Captain Bonnevier asked me certain questions. Specifically, if I was a "registered sex offered", to which I acknowledged that I was. Then Captain Bonnevier asked me if I was under conditions of supervision, to which I said that that I was, and then Captain Bonnevier even went as far as to ask me who my P and P officer was and I advised him Tracy Harris. And then the Captain said that's fine. We're going to expand this inquiry a little bit more.

I was then taken over to the command post in the park and processed and then given a charging affidavit for Disorderly Conduct State Statute **§877.03** a misdemeanor of the second degree by Volusia County Sheriff's Deputy Keith Dalton along with a Notice to Appear, and then I was escorted out of the park. See the CAD Report.jpg

Florida State Statute §877.03 Definition.

In the State of Florida, Disorderly Conduct, or State Statute §877.03, is defined as someone committing an act that corrupts public morals, outrages public decency, disturbs the peace and quiet of others, starts a fight, or acts in a way that breaches the peace.

Deputy Keith Dalton, cross examination.

From page 43, of the November 15th, 2007 Court transcript lines 10, through 19.

Question, asked by my public defender, Attorney Mr. Joe Quick of Sheriff's Deputy Keith Dalton.

Q. Deputy, how are you?

A. Good, sir. Thank you.

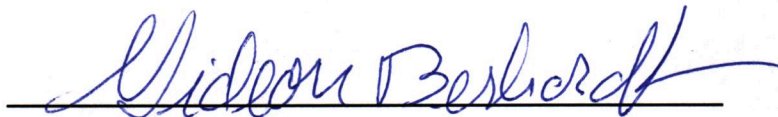
Q. Fine. Thank you. You made this report, correct?

A. That is correct.

Q. You made the report that I have. Okay. Did anyone other deputy make a report?

A. To my knowledge, **NO**.

Gideon Bernhardt
1072 Williams Street
Altamonte Springs
Florida 32701- 3772
Phone 321-280-0361



Gideon Bernhardt

7th. Judicial Circuit 798 Charging Affidavit

Arrest #

Pg #1 of 1

No Booking Number Here

ARREST ☐ NOTICE TO APPEAR ☒ AFFIDAVIT ☐ C.C. ☐ ADULT ☒ JUVENILE ☐		Court Case Number: Note: No case number	
(OR) FL: 6410100002		Agency Name: Volusia County Sheriff's	
FCIC/NCIC Check? Yes ☒ No ☐ OBTS #		UCR: 7/4/07 Arrest: 2140	
ADDRESS OF ARREST: Denny Boster Park		Arrested By: Det. K. Dalton ID Number: 2363	
DEFENDANT NAME (L.F.M.): BENHARDT, GIDEON		A.K.A.: None Sex: M Race: W	
Age: 59 Driver ID No.:		State: FL Year Expires: 09 S.S. #:	
Height: 5'11" Weight: 187 Hair: Brn Eyes: Grn		P.O.B. (City, State, County): IN.	
Scars, Marks, Tattoos: Scar on Groin L & R side		Business & Occupation: Self Employed Citizenship: Yes ☐ No ☐	
Address - Mailing/Permanent: 1340 CLAYTON DR. (STREET, APT. NUMBER) Deltona FL 32738 (CITY) (STATE) ZIP CODE		RESIDENT PHONE: 407-443-3726 (STATE) ZIP CODE	
Address - Local: 1340 CLAYTON DR. (STREET, APT. NUMBER) Deltona FL 32738 (CITY) (STATE) ZIP CODE		BUSINESS PHONE: 407-443-3726 (STATE) ZIP CODE	
Address - Other (Employer/School): Light Stuff (STREET, APT. NUMBER) 1340 CLAYTON DR. (CITY) (STATE) ZIP CODE		BUSINESS PHONE: 407-443-3726 (STATE) ZIP CODE	
CHARGES			
DOMESTIC VIOLENCE? ☐ YES ☐ NO ☐ Attachments: Affidavit(s) ☐ Statements(s) ☐ NTA Schedule ☐ Report ☐ Traffic Infractions(s) ☐ Total Charges			
#1 Charge: Disorderly Conduct	FEL ☐ MISD ☐ ORD ☐ FS/ORD: 877.03	Citation No.:	Bond: NTA
#2 Charge:	FEL ☐ MISD ☐ ORD ☐ FS/ORD:	Citation No.:	Bond:
#3 Charge:	FEL ☐ MISD ☐ ORD ☐ FS/ORD:	Citation No.:	Bond:
CODE DEFENDANT			
Co-Def #1 Arrested? YES ☐ NO ☐ Fel ☐ MISD ☐ Trd ☐ Ord ☐ NTA ☐		Co-Def #2 Arrested? YES ☐ NO ☐ Fel ☐ MISD ☐ Trd ☐ Ord ☐ NTA ☐	
#1 NAME (L.F.M.):	Race:	Sex:	DOB:
#2 NAME (L.F.M.):	Race:	Sex:	DOB:
NARRATIVE			
The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 04 day of July , 2007 , at approximately 9:42 ☐ a.m. ☒ p.m. at Denny Boster Park within Volusia County, violated the law and did then and there: WAS ARRESTED AT THE FIREWORKS DISPLAY FOR DISORDERLY CONDUCT. THE DEF DURING THE FIREWORKS DISPLAY BEGAN POINTING A HIGH POWER LASER POINTER AT PEOPLE IN THE CROWD TO A POINT THAT THE CROWD BECAME OUTRAGED TO THE POINT OF BEGINNING A VERBAL DISTURBANCE. THE CROWD FLEW DOWN SET. H. MORGAN (VCSO) AND ADVISED HIM OF THE LASER DISTURBANCE. SET. MORGAN THEN WITHHELD THE DEF SHINING THE LASER POINTER FROM PEOPLE'S EYES TO THE HORIZON AND INTO THE AIR. SET. MORGAN THEN APPROACHED THE DEF AND SEIZED THE LASER. THE DEF WAS THEN PLACED UNDER ARREST FOR D.C. INCITING A DISTURBANCE WITH A CROWD AND NTA.			
NOTICE TO APPEAR ☒ MANDATORY APPEARANCE ☐ YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY ☐ FINE AND COSTS AMOUNT: Or Date			
I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.			
SIGNATURE OF DEFENDANT: GIDEON BENHARDT July 4, 2007		SIGNATURE OF JUVENILE PARENT OR CUSTODIAN: Det. K. Dalton 2363	
Relationship to Juvenile:		Relationship to Juvenile:	
Notary Public ☐ Personally Known ☐ Law Enforcement or Corrections Officer ☒ Produced Identification ☐		Name (printed): Det. K. Dalton ID Number: 2363	
Type of Identification:		Inmate Number & Facility:	
OFFICIAL USE ONLY			

PS-0015-0804

WHITE
COURT COPYYELLOW
STATE ATTORNEY'S COPYPINK
LAW ENFORCEMENT COPYGOLD
DEFENDANT'S COPY
<https://drive.google.com/file/d/1Opx4xm1HIDj3Y0CuMANQ4JFPW3mqBamu/view?usp=drivesd>

k

- ☐ Juvenile
- ☐ Elderly Abuse/Exploitation
- ☐ Hate Crime
- ☐ Gang
- ☐ Domestic Violence VOR
- ☐ Endangered/Other

Volusia County Sheriff's Office
Property Report



67	22806
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Incident Number

Page 2 of 2 Pages

STATUTE: 87703
ZONE: 43

Original Report

AS SGT. T. MORGAN LOOKED AROUND HE OBSERVED THE MALE (LATER IDENTIFIED AS GIDEON BERNHARDT D1) SHINNING THE LASER POINTER ON THE GROUND IN FRONT OF PEOPLE. THE GROUP ADVISED THAT BERNHARDT (D1) WAS SHINNING THE LASER ON THE GROUND AND UP ON THEIR BODIES AND THEN OVER THEIR HEADS. THE GROUP ADVISED THE CROWD WAS BECOMING IRATE BECAUSE OF BERNHARDT (D1) ACTIONS.

DEPUTY DALTON ARRIVED AND BERNHARDT (D1) WAS PLACED UNDER ARREST FOR DISORDERLY CONDUCT. THE LASER POINTER WAS SECURED AS EVIDENCE. BERNHARDT (D1) ADVISED DEPUTY DALTON HE HAD A BUSINESS CALLED "LIGHT STUFF" AND LASER POINTERS WERE PART OF HIS BUSINESS.

THE CROWD THEN INFORMED DEPUTIES THAT IT APPEARED BERNHARDT WAS FLIRTING WITH A YOUNG GIRL (HITTING ON HER) ATTEMPTING TO PICK HER UP. THE GROUP ADVISED THE GIRL WAS A JUVENILE.

BERNHARDT (D1) WAS TRANSPORTED TO THE COMMAND POST AND PROCESSED. IT WAS THEN DETERMINED THAT BERNHARDT (D1) WAS A REGISTERED SEX OFFENDER ON PROBATION.

DEPUTY DALTON ASKED BERNHARDT (D1) IF HE WAS ALLOWED IN THE PARK AND HE ADVISED "YES".

BERNHARDT (D1) WAS PROCESSED AND GIVEN A NOTICE TO APPEAR AND ESCORTED OUT OF THE PARK.

Copies To:		Lab Request	
☐ HRS Hotline	Date	Case Status: CLOSED	
☐ CAC	Time	Activity	☐ Arr. Warrant
Spoke With:		Type:	☐ Case Filed
☐ FCIC/NCIC Entry		☐ Victim Advocate	☐ Exceptional/Juv
☐ FCIC/NCIC Cancel	Date	☐ TRIAD	☐ Fefecture
☐ T.T. Bolo	By	☐ S.A. Referral	☐ Reassigned
		☐ Exceptional/Adult	☐ Recovered Prop.
			☐ Search Warrant
Reporting Officer: DEPUTY KEITH DALTON		Reporting Officer (Signature):	I.D. # 2363 Date: 01/05/2007
Approved By: SGT T. MORGAN		Approved By (Signature):	UP # 2363 Date: 01/05/2007

Q. So why did you make the report?

A. That was information that was provided to me by two other law enforcement officers.

Q. Is that standard for eyewitnesses to relate that duty to someone else?

Also see page 44 of the November 15th, 2007 court transcript.

A. During our law enforcement functions, yes it is.

Q. Why?

A. We have duties assigned to certain individuals. They are taking care of the inner workings of the crowd, and I was more an outside security. If there was a problem, then I was called into the area.

Q. So you don't have a clue whether any of this stuff ever happened?

A. I spoke with Captain Bonnevier, spoke with Sgt. Morgan, and they delegated their probable cause to me and their statement as to what happened and everything, and I went ahead and filled out the paperwork.

Q. Let me ask it another way. You're a non-eyewitness to anything that occurred here, correct?

A. That's correct.

Q. So everything you've written down is hearsay, correct?

A. That is correct.

Detailed History for Police Call #P071850970 As of 10/23/2008 08:14:50

Priority:4 Type:15 - Special Detail

Location:DEWEY BOSTER PARK,DLT at 1190 SAXON BLVD,DLT

LocCross:btwn RENTON ST and WILTSHIRE AV

Created:	07/04/2007 15:26:21	DISP9	4148
Entered:	07/04/2007 15:26:21	DISP9	4148
Dispatch:	07/04/2007 15:26:21	DISP9	4148
Enroute:	07/04/2007 15:26:21	DISP9	4148
Onscene:	07/04/2007 15:26:21	DISP9	4148
Closed:	07/05/2007 00:58:35	DISP9	7212

PrimeUnit:1X40 Dispo:INC Type:15 - Special Detail

Agency:VP Darea:04 Zone:43 RD:764

Case #:VP070022835 ☐ Detail

15:26:21 CREATE Location:DEWEY BOSTER PARK,DLT LocDesc:at 1190 SAXON BLVD,DLT LocCross:btwn RENTON ST and WILTSHIRE AV Map:67_A2

15:26:21 ENTRY Type:None-->15 Darea:None-->04 RD:None-->764 TypeDesc:None-->Special Detail Priority:None-->4 Agency:None-->VP

15:26:21 DISPOS 1X40 Location:DEWEY BOSTER PARK,DLT Operator:2459 OperNames:MORGAN,TIMOTHY

15:26:21 -PRIU 1X40

15:26:21 -PREMIS Comment:PPR, GAT

15:27:17 BACKUP 140 UnitID:1X40 Operator:2085 OperNames:BONNEVIER,JOHN

15:27:32 BACKUP 1X41 UnitID:1X40 Operator:7039 OperNames:EISEN,STEVEN

15:27:32 BACKUP 1X93 UnitID:1X40 Operator:2363 OperNames:DALTON,KEITH M

15:27:32 BACKUP 1X43 UnitID:1X40 Operator:7115 OperNames:RAIMUNDO,AUSTIN

15:27:32 BACKUP 1M91 UnitID:1X40 Operator:1590 OperNames:MCDANIEL,RONALD

15:27:32 BACKUP 1M90 UnitID:1X40 Operator:1350 OperNames:WESTFALL,ERIC S

15:27:32 BACKUP 1M42 UnitID:1X40 Operator:1582 OperNames:YACKEL,BRADFORD

15:28:12 BACKUP 1M40 UnitID:1X43 Operator:1413 OperNames:HUGHES,BRODIE

15:28:12 BACKUP 1M18 UnitID:1X43 Operator:1646 OperNames:WHITED,WESLEY

15:28:12 BACKUP 1M41 UnitID:1X43 Operator:2359 OperNames:RAHN,ROBERT

15:29:16 PRMPT 1M18 Comment:Preempted and dispatched to call #P071850976

15:38:54 CLEAR 1M91 Dispo:NR

15:46:17 *BACKOS 1X42 UnitID:1X40 Operator:1636 OperNames:MCDONALD,JOHN

15:47:07 *BACKOS 1X44 UnitID:1X40 Operator:7102 OperNames:BLAIS,AARON

15:50:18 *CLEAR 1X44

15:51:47 OK 1X40 1M40 1M41 1M42 1M90 1X41 1X42 1X43 1X93 140

15:55:30 PRMPT 1X40 Comment:Preempted and dispatched to call #P071851032

16:14:37 *BACKOS 1X44 UnitID:1X41 Operator:7102 OperNames:BLAIS,AARON

16:21:39 BACKUP 1K941 UnitID:1X41 Operator:2252 OperNames:MASCI,VINCENT

16:21:42 OK 1K941

16:27:03 *CLEAR 1X44

16:29:56 *CLEAR 1X42 Dispo:NR

16:42:52 *BACKOS 1X44 UnitID:1X41 Operator:7102 OperNames:BLAIS,AARON

16:42:59 OK 1X44

17:20:25 OK 1M40

17:37:51 *BACKOS 1X92 UnitID:1X93 Operator:1663 OperNames:SCHOEPS,KURT

17:40:50 BACKUP 1X91 UnitID:1M90 Operator:7040 OperNames:FEASTER,LONNIE

17:40:54 OK 1X91

17:41:54 OK 1X92

21:48:20 OK 1X93 Comment:BERNHARDT,GIDEON NMN WM 06 01 48

21:50:24 LOGM 1X93 Message:010707050150020189 Received:07/04/2007 21:49:36 Comment:29P/54 S.700
 ALSO PNP
 21:50:48 MISCN 1X93 Comment:B656 280 48 161 0
 21:53:08 LOGM 1X93 Message:010707050153020226 Received:07/04/2007 21:52:46 Comment:DL VLD
 22:17:51 CASE 1X93 Case#:VP070022835
 22:18:31 MISCN 1X93 Comment:AM 10-15 WILL BE ROR/NTA
 22:30:14 PRMPT 1M42 Comment:Preempted and dispatched to call #P071851875
 22:47:24 CHGLOC 1X43 Location:D4(1200 DELTONA BLVD #42-45),DLT Comment:72464...10-12 JUV
 23:11:01 *CLEAR 1X44 Dispo:NR
 23:17:27 *CLEAR 140
 23:20:59 *CLEAR 1X92 Dispo:NR
 23:22:23 CLEAR 1M90
 23:22:29 CLEAR 1M41
 23:22:32 *CLEAR 1K941
 23:32:56 *CLEAR 1X91
 23:34:58 SCDOFF 1M40
 23:42:00 CLEAR 1M40
 [07/05/2007]
 00:11:12 *MISC 1X43 Comment:AT D4 10-12 S39 72467 ENDING
 00:11:31 ONSCN 1X43
 00:11:33 OK 1X43
 00:15:48 *CLEAR 1X93 Dispo:INC
 00:53:57 CLEAR 1X43
 00:58:35 CLEAR 1X41
 00:58:35 -CLEAR
 00:58:35 CLOSE

ARREST ☒ NOTICE TO APPEAR ☐ AFFIDAVIT ☐ C.C. ☐ ADULT ☒ JUVENILE ☐		Court Case Number: 2006-03849	
(ORI) FL: 06/4/3/1/56		Agency Name: Dept of Corrections	
FCIC/NCIC Check? Yes ☐ No ☐ OBTS # 6402125239		Date Arrested: 7/5/07	
ADDRESS OF ARREST: 334 E. New York Ave, Deland, FL		Arrested By: JoAnn Hodges	
DEFENDANT NAME (L.F.M.): Bernhardt Gideon		ID Number: 00306	
DOB: [REDACTED] Age: 39		Sex: M Race: W	
Height: 5'11" Weight: 180 Hair: Brown Eyes: Brown		P.O.B. (City, State, County): Muncie, Indiana	
Scars, Marks, Tattoos:		Citizenship: Yes ☐ No ☐	
Address - Mailing/Permanent (STREET, APT. NUMBER):		(CITY) (STATE) ZIP CODE RESIDENT PHONE	
Address - Other (Employer/School): 1340 Clayton Dr. Deltona, FL 32725		(CITY) (STATE) ZIP CODE BUSINESS SCHOOL	
CHARGES		DOMESTIC VIOLENCE? YES ☐ NO ☐ Attachments: Affidavit(s) ☐ Statement(s) ☐ NTA Schedule ☐ Report ☐ Traffic Infraction(s) ☐ Total Charges:	
#1 Charge: Violation of Probation	FEL ☒ MISD ☐ ORD ☐ FS/ORD: 948.06	Citation No.:	Bond: None
#2 Charge:	FEL ☐ MISD ☐ ORD ☐ FS/ORD:	Citation No.:	Bond:
#3 Charge:	FEL ☐ MISD ☐ ORD ☐ FS/ORD:	Citation No.:	Bond:
CO-DEFENDANT		Co-Def #1. Arrested? Y ☐ N ☐ Fel ☐ MISD ☐ Traf ☐ Ord ☐ NTA ☐	
#1 NAME (L.F.M.):	Race:	Sex:	DOB:
#2 NAME (L.F.M.):	Race:	Sex:	DOB:
NARRATIVE			
The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 5 day of July, 2007, at approximately 9:45 a.m. ☒ p.m. at 334 E New York Ave, Deland, FL within Volusia County, violated the law and did then and there: Violate the condition #5 which states "you will live without violating the law" in that the subject was arrested on July 1, 2007 at 9:40 PM at Dewey Foster Park Deltona, Florida by Deputy Delton of the Volusia Co Sheriff's office. According to charging affidavit shot when the fireworks display began the subject began pointing a laser pointer at people in the crowd to the point that a verbal disturbance started because the crowd became outraged. The crowd flagged down Sgt Morgan. He witnessed the subject shining the laser point from people trees to their head and into the air. Sgt Morgan approached the subject and secured the laser. The subject was placed under arrest for Disorderly Conduct inciting a Disturbance. The subject is a convicted sex offender where the victim was 14.			
NOTICE TO APPEAR		MANDATORY APPEARANCE ☐ YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR CARD ☒ FINE AND COSTS	
I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I FULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.			
Note: No Signature		SIGNATURE OF JUVENILE PARENT OR CUSTODIAN	
SIGNATURE OF DEFENDANT		RELATIONSHIP TO JUVENILE	
Sworn to and subscribed before me the undersigned this 5th day of July, 2007		I swear/affirm the above statements are correct and true	
Notary Public ☐ Law Enforcement or Corrections Officer ☒ Personally Known ☐ Produced Identification ☐ Type of Identification:		JoAnn Hodges OFFICER'S COMPLAINTANTS SIGNATURE	
OFFICIAL USE ONLY		NAME (PRINTED) JoAnn Hodges ID NUMBER 00306	
		Inmate Number & Facility: 00420284	

WHITE

YELLOW

PINK

GOLD

678643 F 1130

ARREST ☒ NOTICE TO APPEAR ☐ AFFIDAVIT ☐ C.C. ☐ ADULT ☒ JUVENILE ☐		Court Case Number: 2006-03849	
(ORI) FL: 06/4/3/1/5/6		Agency Name: Dept of Corrections	
FCIC/NCIC Check? Yes ☐ No ☐		OBTS # 6402125238	Date Arrested: 7/5/07
ADDRESS OF ARREST: 334 E. New York Ave, Deland, FL		Arrested By: JOANN Hodges	Time of Arrest: 9:45
DEFENDANT NAME (L.F.M.): Bernhardt Gideon		A.K.A.: m	Age: 15
DOB: 5/11/91	Age: 15	Driver's L ID No.: 180	State: FL Year Expires: 5/11/08
Height: 5'11"	Weight: 180	Hair: Brown	Eyes: Brown
Scars, Marks, Tattoos: None		P.O.B. (City, State, County): MUNCIE, INDIANA	Statement: Yes ☐ No ☐
Address - Mailing/Permanent (STREET, APT. NUMBER): 1340 Clayton Dr. Deltone, FL 32725		(CITY): Deltone	(STATE): FL ZIP CODE: 32725
Address - Other (Employer/School): 1340 Clayton Dr. Deltone, FL 32725		(CITY): Deltone	(STATE): FL ZIP CODE: 32725
CHARGES DOMESTIC VIOLENCE? YES ☐ Attachments: Affidavit(s) ☐ Statement(s) ☐ NTA Schedule ☐ Report ☐ Traffic Infraction(s) ☐ Total Charges: None			
#1 Charge: Violation of Probation		FEL ☒ MISD ☐ ORD ☐ FS/ORD: 948.06	Citation No.: None
#2 Charge:		FEL ☐ MISD ☐ ORD ☐ FS/ORD:	Citation No.: None
#3 Charge:		FEL ☐ MISD ☐ ORD ☐ FS/ORD:	Citation No.: None
CO-DEFENDANT Co-Def #1. Arrested? Y ☐ N ☐ Fel ☐ MISD ☐ Tra ☐ Ord ☐ NTA ☐ Co-Def #2. Arrested? Y ☐ N ☐ Fel ☐ MISD ☐ Tra ☐ Ord ☐ NTA ☐			
#1 NAME (L.F.M.):		Race:	Sex:
#2 NAME (L.F.M.):		Race:	Sex:
NARRATIVE The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 5 day of July , 2007 , at approximately 9:45 ☒ a.m. ☐ p.m. at 334 E New York Ave, Deland, FL within Volusia County, violated the law and did then and there: Violate the condition #5 which states "you will live without violating the law" in that the subject was arrested on July 1, 2007 at 9:40 PM at Dewy Foster Park, Deltone, Florida by Deputy Dalton of the Volusia Co Sheriff's Office. According to charging affidavit that when the fireworks display began the subject began pointing a laser pointer at people in the crowd to the point that a verbal disturbance started because the crowd became outraged. The crowd flagged down Sgt Morgan. He witnessed the subject shining the laser pointer from people toes to their head and into the air. Sgt Morgan approached the subject and secured the laser. The subject was placed under arrest for Disorderly Conduct inciting a Disturbance. The subject is a repeated Sex offender where the victim was 14			
NOTICE TO APPEAR MANDATORY APPEARANCE ☐ YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR TICKET ☐ FINE AND COSTS Filed in Open Court			
I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I FULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.			
SIGNATURE OF DEFENDANT: Note: NO Signature		SIGNATURE OF JUVENILE PARENT OR CUSTODIAN: JOANN Hodges	
Date: 7/5/07		RELATIONSHIP TO JUVENILE: Parent	
Sworn to and subscribed before me this 5th day of July , 2007		I swear/affirm the above statements are correct and true	
Notary Public ☐ Law Enforcement or Corrections Officer ☒ Personally Known ☐ Produced Identification ☐ Type of Identification:		OFFICER'S/COMPLAINANT'S SIGNATURE: JOANN Hodges ID NUMBER: 00306	
OFFICIAL USE ONLY		Inmate Number & Facility: 00420284	

WHITE

YELLOW

PINK

GOLD

40

**Narrative 798-B
Supplement**

☒ Arrest
☐ Affidavit
☐ Notice to Appear

☒ Adult
☐ Juvenile

Court Case Number: **2006-03849**

Page **2** of **2**

Defendant Name: Bernhardt, Gideon		Agency Case Number: 862613	
CHARGES		DOMESTIC VIOLENCE: YES ☐	Attachment: Affidavit(s) ☐
		Statement(s) ☐	NTA Schedule ☐
		Report ☐	Traffic Infraction(s) ☐
		Total Charges:	
#	Charge:	FEL ☐ MISD ☐ ORD ☐	PS/ORD: Citation No.: Bond:
#	Charge:	FEL ☐ MISD ☐ ORD ☐	PS/ORD: Citation No.: Bond:
#	Charge:	FEL ☐ MISD ☐ ORD ☐	PS/ORD: Citation No.: Bond:
#	Charge:	FEL ☐ MISD ☐ ORD ☐	PS/ORD: Citation No.: Bond:
#	Charge:	FEL ☐ MISD ☐ ORD ☐	PS/ORD: Citation No.: Bond:

The subject is currently on Probation for Failure of Sex offender to properly Register, a 3rd Felony. He was placed on probation on March 6, 2007 by Judge Clayton for a term of 3 years. A warrantless arrest was conducted for Public Safety.

NO BOND

Sworn to and subscribed before me, the undersigned this _____ day of _____		I swear/affirm the above statements are correct and true.		Notary Public: ☐ Law Enforcement of Corrections Officer ☐ Personally Known ☐ Produced Identification ☐ Type of Identification:
Name: _____		Signature: John Hodges		
Notary Public: ☐ Law Enforcement of Corrections Officer ☐		OFFICER'S/COMPLAINANT'S SIGNATURE John Hodges		
Type of Identification:		ID NUMBER: 00306		

Probation Officer JoAnn Hodges, July 5th 2007 charging affidavit and warrantless arrest.
Case Number: **2006-03849**.

Narrative: On 5 day of July 2007, at approximately 9:45 a.m. at 334 East New York Avenue Deland Florida with in Volusia County, violated the law and did then and their: Violated the condition number 5, which states "You will live without violating the law" the subject was arrested for "Disorderly Conduct" on July 4th 2007 at 9:40 p.m. at Dewey Booster Park, Florida by Deputy Keith Dalton, of the Volusia County Sheriff's Office. "According to the charging affidavit", when the fireworks display began pointing a lit laser pointer at people in the crowd to the point that a verbal disturbance started because the crowd became outraged. The crowd flagged down Sgt. Morgan, he witnessed the subject shining the laser pointer from peoples toes to their head and into the air. Sgt. Morgan approached the subject and secured the laser. The subject was placed under arrest for Disorderly Conduct inciting a disturbance. The subject is a registered sex offender where the victim was 14. The subject is currently on probation for failure of sex offender to properly register, a third degree felony, he was placed on probation on march 6th 2007, by Judge Clayton for a term of 3 years. A warrantless arrest was conducted for public safety. **No Bond**.

Department of Corrections: July 5th Charging Affidavit page 1 of 2.

Violating condition number 5 of the order of probation which states "you will live without violating the law" in that subject "was arrested" for disorderly conduct on July 4th 2007 at Dewey Boster park Deltona, Florida by deputy Dalton of the Volusia County Sheriff's Office. "According to the charging affidavit", when the fireworks display began the subject began pointing a lit laser pointer at people in the crowd to the point that a verbal disturbance started because the crowd became outraged. The crowd flagged down Sgt. Morgan, he witnessed the subject shining the laser pointer from peoples toes to their heads and into the air Sgt. Morgan approached the subject and secured the laser. The subject is a registered sex offender where the victim was 14.

July 5th Charging Affidavit page 2 of 2.

The subject is currently on probation for failure of sex offender to properly register, a third degree felony, he was placed on probation on March 6th 2007 by judge Clayton for a term of 3 years. A warrantless arrest was conducted for public safety. No Bond. Officer Hodges

swear/affirms the above statements are correct and true,

Florida law nowhere authorizes a mere arrest without probable cause.

To see Probation Officer JoAnn Hodges July 5th, 2007 Charging Affidavit, click on the link below.

https://drive.google.com/file/d/1OM0boZ9JMghdEmID4K_RRjb3f4RQN-Y9/view?usp=drivesdk

There is another charging affidavit and it is the July 4th, 2007 charging affidavit that Sheriff's Deputy Keaith Dalton made and it is the one that Officer Hodges distorted and then made out this new charging affidavit. My signature isn't on this charging affidavit because I never saw this. On July 6th, 2007, an affidavit for violation of probation was filed against me for violation of condition number 5 of my probation, to-wit: live and remain at liberty without violating any law, in that the I was arrested on July 5th, 2007 and charged by the Volusia County Probation Office on Count 1, of Disorderly Conduct.

As in this case because on the grounds that the statute (F.S. §949.10, F.S.A.) upon which this information or warrant is based is unconstitutionally void for vagueness and ambiguity in that, it does not apprise me of what crime or what I have to avoid in order to avoid enactment of the penalties of that statute and in that I cannot defend or avoid the prohibitions of the act since a police officer could arrest me without cause and such arrest would constitute a violation of this statute.

which this On July 6th, 2007, an affidavit for violation of probation was filed against me for violation of condition number 5 of my probation, to-wit: live and remain at liberty without violating any law, in that the I was arrested on July 5th, 2007 and charged by Officer JoAnn Hodges of the Volusia County Probation Office on 1, **Count of Disorderly Conduct.**

That section §949.10 is in violation of my Florida and Federal constitutional rights to due process of law in that it does not provide me with an opportunity to be heard within any reasonable period of time and because during the 10-day period mentioned in Section §949.11, I am not allowed to receive any bail until after the hearing F.S. §949.12, F.S.A.).

I want to pointed out that the statute in question has built-in protections in that, inter alia, the statute itself calls for a hearing within ten days from the date of arrest rather than denying a hearing and that this statute is simply an instrument by which I can be brought back to jail and then if not given a hearing within the required time or the arrest is determined to be invalid, and I'm eligible to be released immediately.

Was Officers Hodge's warrantless arrest legal? An arrest made without a warrant; as a common law, an officer was justified in making an arrest without a warrant if the officer reasonably believes that I had committed a misdemeanor in his or her presence or had committed any felony. (I did neither of these).

There is a constitutional preference for an arrest upon a warrant, however, 379 U.S. 89, and the Supreme Court has held that a warrantless arrest will be judged by somewhat of a higher standard of probable cause (See the first appearance action form date 07-06- 2007) than if the same arrest had occurred under the direction of a neutral and detached magistrate. Id. While a warrantless arrest in public places have been upheld, 423 U.S. 411, an arrest in a private residence requires an arrest warrant unless there are extenuating circumstances. 14 Fla. Jur 2d criminal law State Statute 115 part one.

FIRST APPEARANCE ACTION FORM

CASE: CRC0603847CEAWS

STATE OF FLORIDA

VS BERNHARDT, GIDEON

SPN: 00420284 Tutor System

BKG#: WS67B643 CHASING

FIRST APPEARANCE DATE: 07-06-2007

CELL: 01B031

The defendant was advised of his/her rights and furnished a copy of the complaint.

The court has examined the sworn complaint and hereby finds and orders:

DIANE M. MATOUSEK

CLERK OF THE CIRCUIT COURT

VOLUSIA COUNTY, FLORIDA

P.O. BOX 6043

DELAND, FL. 32721-6043

PROBATION STATUS		JUDICIAL RELEASE CONDITIONS	
☒ Defendant Indigent - PD appointed	☐ No contact with victim(s), witness(s), & co-defendant(s) - See separate order		
☐ Defendant not Indigent - to retain counsel	☐ No violent contact with victim(s) - See separate order		
☐	☐ Do not possess firearms/weapons		
☐	☐ Do not consume alcohol / Do not use drugs without a valid prescription		

F/VOP F/T REG SEX OFF (ON VIEW)	STATE ATTORNEY ACTION	
☒ Probable Cause Found	☐ Charge Amended to:	☐ Adjudicated Guilty
☒ PC Under- ☐ Review 72 hours ☐ Review 96 hours	☐ No Information	☐ Withhold Adj. of Guilt
☐ Insufficient PC	PLEA ACTION	
☐ ROR	☐ Guilty Plea	☐ days VCL less ☐ days credit
☐ PTR (Supervised Release - See separate order)	☐ Nolo Plea	☐ Consecutive ☐ Concurrent to:
BOND SET AT \$ <u>None</u>		☐ Fine/Cost: due by:
		☐ Other:

F/VOP F/T REG SEX OFF (ON VIEW)	STATE ATTORNEY ACTION	
☐ Probable Cause Found	☐ Charge Amended to:	☐ Adjudicated Guilty
☐ PC Under- ☐ Review 72 hours ☐ Review 96 hours	☐ No Information	☐ Withhold Adj. of Guilt
☐ Insufficient PC	PLEA ACTION	
☐ ROR	☐ Guilty Plea	☐ days VCL less ☐ days credit
☐ PTR (Supervised Release - See separate order)	☐ Nolo Plea	☐ Consecutive ☐ Concurrent to:
BOND SET AT \$		☐ Fine/Cost: due by:
		☐ Other:

F/VOP F/T REG SEX OFF (ON VIEW)	STATE ATTORNEY ACTION	
☐ Probable Cause Found	☐ Charge Amended to:	☐ Adjudicated Guilty
☐ PC Under- ☐ Review 72 hours ☐ Review 96 hours	☐ No Information	☐ Withhold Adj. of Guilt
☐ Insufficient PC	PLEA ACTION	
☐ ROR	☐ Guilty Plea	☐ days VCL less ☐ days credit
☐ PTR (Supervised Release - See separate order)	☐ Nolo Plea	☐ Consecutive ☐ Concurrent to:
BOND SET AT \$		☐ Fine/Cost: due by:
		☐ Other:

Defendant Address Change/Verification: _____

DIANE M. MATOUSEK, CLERK OF THE CIRCUIT COURT

Filed in Open Court this 06 day of JULY, 2007

[Signature]

DEPUTY CLERK IN ATTENDANCE

Done and Ordered in Volusia County, Florida this 06 day of JULY, 2007

[Signature]

ASSISTANT STATE ATTORNEY

[Signature]

PRESIDING JUDGE KENNEDY

Copy Distribution: Court File (original) — Booking — State Attorney — Defense Attorney/Defendant

This has the correct date and case number but it is not for disorderly conduct, or violation of condition number 5 of my probation, it's for failure to register. F/VOP F/T REG SEX OFF (ON VIEW).

VIOLATIONS OF SPEEDY TRIAL. The Revocation Hearing: \$949.11

Any person whose parole or probation agreement is revoked pursuant to §949.10 shall be given a hearing pursuant to §947.23 or §948.06. The hearing shall be held within ten days from the date of such arrest, the provisions of §947.23 or §948.06 notwithstanding. Failure of the commission or the court to hold the hearing within ten days from the date of arrest shall cause the immediate release of such person from incarceration on the temporary revocation.

This hearing must be the basis for more than determining probable cause; it must lead to a final evaluation of any contested relevant facts and consideration of whether the facts as determined warrant revocation. The parolee must have an opportunity to be heard and to show, if he can, that he did not violate the conditions, or, if he did, that circumstances in mitigation suggest the violation does not warrant revocation. The revocation hearing must be tendered within a

reasonable time after the parolee is taken into custody. A lapse of two months, as the State suggests occurs in some cases, would not appear to be unreasonable.

At my November 15th, 2007 hearing my public defender Mr. Joe Quick asked Captain Bonnevier, Question "When was Mr. Bernhardt's misdemeanor trial for disorderly conduct? I'm assuming you were called as a witness for that trial, were you not?" The Captain said "We've never had a trial for it. There's been no trial so far. Nothing."

Mr. Quick: Ask Sargent Morgan, Question "What was the result, if you know, of the misdemeanor trial for Mr. Bernhardt on the disorderly conduct?" Sgt. Morgan said, "I don't know." Mr. Quick said "I don't have anything further Judge. Thank you.

Note: I'm innocent until proven guilty in a court of law, if there's been no trial then I'm **not guilty** of Disorderly Conduct.

The revocation process is set in motion when an **arrest warrant** is issued; for such purposes, an arrest warrant is not "issued" until a judge signs the warrant and the warrant is delivered to the proper executive officer for execution. Thus, the determinative event for the purposes of commencing the probation revocation process is the delivery of the arrest warrant to the sheriff for execution, and the date that the affidavit alleging a violation of probation or community control is filed is legally irrelevant for determining whether the revocation proceeding has been commenced on a timely basis.

1. When was the alleged crime committed? On July 4th 2007.
2. When did the statute of limitations start to run?
3. What is the applicable Statute of Limitations?
4. When did the applicable Statute of Limitations expire?
5. When did the prosecution commence? On November 15th, 2007.

When was the Information filed?

When was the capias issued?

When was the capias executed?

Was the delay in executing the capias unreasonable?

So who arrested me? Probation Officer JoAnn Hodges said that she did on a warrantless arrest on July 5th, 2007 for Disorderly Conduct. At my November 15th, 2007 hearing Captain Bonnevier said that he did, see page 13, of the court transcript. Lines 1 through line 4.

Captain Bonnevier It was determined at that time that his behavior was such that it warranted the physical arrest. Question: Did you place him under arrest at that time? **Yes.**

What was the date that the charges were filed? And who filed the charges.

What was the date of the execution of the arrest warrant?

What was the date that the arrest warrant was served?

What is the arrest warranty number?

And what is the judge's name?

And the date.

An arrest warrant shall be deemed to be issued by a judge at the time the judge affixes the judge's signature or electronic signature to the warrant. As used in this section, the term "electronic signature" has the same meaning as provided in s.933.40.

History.—s.2, ch. 19554, 1939; CGL 1940 Supp. 8663(2); s.5, ch. 70-339; s.1452, ch. 97-102; s.1, ch. 99-169; s.19, ch. 2004-11; s.1, ch. 2013-247.

Perjury, State Statute §4159:

Crime law §4159. An essential element of the crime of perjury, as distinguished from the giving of a false report or statement is that the testimony in question must have been given by a person to whom a lawful oath has been administered solemnly by an officer duly authorized to administer it. The key issue here is that Captain John Bonnevier of the Volusia County Sheriff's Office lied, while under oath. While giving sworn testimony in open court, before Judge Marriott. The lies are documented in the November 15th, 2007 trial court transcript.

Background:

At my November 15th, 2007 hearing for violations of probation the states three witnesses were called to testify Captain John Bonnevier, Sergeant Timothy Morgan, and Sheriff's Deputy Keith Dalton, were all called and their testimony taken.

Probation Officer JoAnn Hodges was not on the witness list and did not testify.

On the night of July 4th, 2007 the plaintiff Gideon Bernhardt was attending a fireworks display at Dewey Boster park in Deltona Florida along with a thousand other fireworks fans. Where the sky was filled with the sight and sound of the fireworks display. The plaintiff was shining a green laser light pointer in the direction of the fireworks display, looking like a star wars lightsaber in the smoke filled sky.

The plaintiff was then approached by Captain John Bonnevier and Sergeant Timothy Morgan, both Officers of the Volusia County Sheriff's Office. At the time the plaintiff was leaning against a large concrete lamp pole shining a green laser pointer in the direction of the fireworks display, in the smoked filled sky.

Captain Bonnevier and Sergeant Morgan both approached the plaintiff, and secured the laser pointer as evidence and upon the request of the officers, the plaintiff provided them with his state I.D. driver's license, now this is very important. Because Capitan Bonnevier knew that I was a registered sex offender as soon as I gave him my state I.D., and here is how. Do you see the **943.0435**, F.S. In the lower right hand corner of my state I.D. This is the State Statute that identifies me as a registered sex offender.

Captain Bonnevier then began questioning the plaintiff, who at the time was on probation, during the course of the conversation, Captain Bonnevier asked the plaintiff certain things. Specifically, if he was a "registered sex offered", to which the plaintiff acknowledged that he was. Then Captain Bonnevier asked the plaintiff if he was under conditions of supervision, to which the plaintiff said that he was, and then Captain Bonnevier even went as far as to ask the plaintiff who his P and P officer was, and the plaintiff advised him Tracy Harris. And then the Captain said that's fine. We're going to expand this inquiry a little bit more.

I was then given a charging affidavit for Disorderly Conduct State Statute §877.03 a misdemeanor of the second degree by Volusia County Sheriff's Deputy Keith Dalton along with a Notice to Appear, and then I was escorted out of the park.

Question asked of Sergeant Timothy Morgan of the Deltona Sheriff's Office by my public defender. Attorney Mr. Joe Quick.

Q. Sergeant Morgan, Do you know any of the officers of the City, not the police officers, but elected officers, like the mayor or whoever they are?

A. Oh, yeah. I know counsel people and stuff like that.

Q. Okay, who are the counsel people? Do you know who they are?

A. Well, I know one that's an ex-council member Santiago.

Q. Okay. He was there in that group, right? In which – he was in the crowd, yes?

A. "No, not that I know of".

Q. In the crowd of people who were complaining?

Q. Do you recall **David Santiago** being in the group of people who complained about Mr. Bernhardt?

A. No, I do not know people who complained about Mr. Bernhardt?

Q. Mr. Bernhardt's placed under arrest by whom?

A. Both myself and Capt. Bonnevier.

Okay.

Q. Then what occurs?

A. He was taken away.

Q. Okay. Mr. Bernhardt is placed under arrest. Do you and the captain escort him somewhere?

A. Yes. He goes to the command post.

Q. Okay. You and the captain escort Mr. Bernhardt to the command post?

A. Not me and the captain.

Q. I'm sorry? That's where Deputy Dalton comes in.

Crime law §4168, Statements tending to Bolster or Weaken credibility.

Chapter 837 Section .02 Perjury in Official Proceedings Note 15: (14 False Statements in general) Fields v. State; 94 Fla 490, 114 So. 317 (1927)

An alleged false statement will support a charge of perjury if it is actually material to any proper matter of inquiry and is calculated to bolster the support of the witness on a material point or to support or attack the credibility of another witness, regardless of whether or not the effort is successful.

From page 22, of the November 15th, 2007 court transcript lines 9 through 25,
Question asked of Captain Bonnevier by my public defender. Attorney Mr. Joe Quick.

Question. Captain, Are you able to tell us the name of anyone in the crowd?

A. Yes.

Q. Other than Mr. Bernhardt?

A. **Yes**.

Q. Who else?

A. Commissioner **David Santiago**, City of Deltona, City Commission.

Also see page 34 line 2 of the November 15th, 2007 court transcript.

Q. He was in the crowd?

A. Yes, he was.

Q. He was in the crowd who complained about it.

A. As a matter of fact, he was. And he came up to me after Mr. Bernhardt got carted off and said, "I'm glad you took an action on that because I was looking for you because I was going to tell you about him". **Perjury.**

Q. So would the commissioner be able to assist us as to whether or not Mr. Bernhardt had any unsupervised contact with the child?

A. You're going to have to ask the commissioner.

Q. But he was part of the group who was there?

A. **Yes.** (a note: at this time **David Santiago**, is not on the wintenns list).

This is page 14 of the court transcript. Lines 12, through line 24. Of Captain Bonnevier, Perjury.

A. It appeared to be two children, and they were later just briefly spoken with.

Q. By?

A. By me.

Q. Can you tell the Court of your conversation?

A. When Mr. Burnhardt is taken away from the area, they're still standing there. And I go up to them. And it's a young lady and a small boy. And I said, "That fellow is a registered sex offender." And the young lady says, "Yeah, he was creeping me out. He was creepy." And I said, "So why wouldn't you go tell a deputy?" And she said, "Well, I was just trying to get my brother and just get away from him."

And how did Captain Bonnevier know that I was a registered sex offender?

Q. Okay. Deputy Dalton?

A. Yes.

Q. Escorts Mr. Bernhardt over to the command post?

A. Yes, they take in a golf cart and drive him over there.

Q. Okay, now I thought the state attorney had asked you something about Mr. Bernhardt being a registered sex offender?

A. "That was found out at the command post".

This is page 40 of the court transcript. Lines 1 through line 7.

Q. Found out at the command post?

A. Yes.

Q. How do you know that?

Q. NCIC.

A. Yes.

Q. How do you know it was determined at the command post?

A. Because it's in the report and I read the report.

So which Officer is telling you the truth? And how would you know unless you were there?

Well you could start with the witness list, and see that David Santiago, their number one witness, isn't even not on it.

From page 14, of the November 15th, 2007 court transcript lines 11 through 24, Question, asked by **Ms. Heath's Trigonos, Esquire**. Assistant State Attorney, for the State of Florida, of Captain Bonnevier.

Q. You said "them," can you tell us anything more?

A. When Mr. Bernhardt is taken away from the area, they're still standing there. And I go up to them. And it's a young lady and a small boy. And I said, "that fellow is a "registered sex offender".

How could he say this? Now remember from page 12 of the November 15th, 2007 court transcript lines 17 through 25, Captain Bonnevier testified in open court that he only found out that I was a sex offender at the command post.

And the young lady says, "Yeah, he was creeping me out. He was creepy." And I said, "So why wouldn't you go tell a deputy?" And she said, "Well, I was just trying to get my brother and just get away from him".

Q. Okay.

From page 22, of the November 15th, 2007 court transcript lines 3 through 8, Question, asked by my public defender, Attorney Mr. Joe Quick.

Q. Captain, what was the name of the person who told you that Mr. Bernhardt had unsupervised contact with a child?

A. That would be me "**I made that conclusion**".

Q. Captain, did anyone tell you in the crowd that Mr. Bernhardt had unsupervised contact with a child?

A. **No.**

It was then he **concluded** Bernhardt was trying to make contact with a "young lady" he saw near a light pole that Bernhardt was leaning on. The "young lady," whose name or age Captain Bonnevier did not know, said that Bernhardt made her feel "creepy."

There are no names, there's no age, there's no victim, there's no witnesses.

Upon questioning by Joe Quick, Bernhardt's public defender, Bonnevier said he "**made that conclusion**" that Bernhardt was speaking to the girl but admitted he did not see the conversation take place.

In ordering Bernhardt cleared, Judge Marriott said seeing people near the light pole he was leaning on was not enough because Bonnevier was unable to see whether Bernhardt was engaged in a conversation.

Catch 22:

Considerations: A showing of probable cause does not require certainty on the part of the law officer. The prosecution only needs to show that there was a sufficient likelihood, which is more than simple suspicion, but not quite at the level of evidence that would justify a conviction. The determination of probable cause is objective. Probable cause must be proven not by the law officer's subjective beliefs, or **conclusion** but by actual evidence that supports those beliefs. There are no names, there's no age, there's no victim, there's no witnesses.

Perjury, State Statute §4159:

Crime law §4159. An essential element of the crime of perjury, as distinguished from the giving of a false report or statement is that the testimony in question must have been given by a person to whom a lawful oath has been administered solemnly by an officer duly authorized to administer it. The key issue here is that Captain John Bonnevier of the Volusia County Sheriff's Office lied, while under oath. While giving sworn testimony in open court, before Judge Marriott. The lies are documented in the November 15th, 2007 trial court transcript.

And now this brings up the burning question of the Statute of Limitations, Is there a statute of limitations for **Negligence**, and **Perjury**? While under oath.

Statute of Limitations, how long does the State have to file charges against its citizens? The Statute of Limitations puts a time limit on the State's ability to "start" the process of pressing charges, and this starting point usually comes down to two dates: (1) the date an **information** is filed, and (2) the date the **warrant** is served on a defendant. When a statute of limitation issue is raised, the burden is on the State to diligently attempt to serve their warrant within the time periods set forth in the statute of limitations (Section 775.15 for all crimes but theft, theft statute found in 812.035(1) Florida Statutes). Once the prosecution has filed charging papers, they have met their first burden under the Statute of Limitations. It is the second burden that is typically the subject matter of a Motion to Dismiss based upon the statute of limitations.

HOW LONG DOES THE STATE HAVE TO EXECUTE THE WARRANT?

Remember, when the State files its charging document within the time periods listed above, these charges can still be dismissed under the statute of limitations if the State fails to execute the warrant in a timely manner. So, the timely execution of an arrest warrant is typically the most important question. And, to answer this question, the courts will examine whether or not the state's delay in finding a defendant was reasonable. Whether or not it was reasonable depends on many factors,

Statute of limitation clock starts:

The revocation process is set in motion when an **arrest warrant** is issued; for such purposes, an arrest warrant is not "issued" until a judge signs the warrant and the warrant is delivered to the proper executive officer for execution. Thus, the determinative event for purposes of commencing the probation revocation process is the delivery of the arrest warrant to the sheriff for execution, and the date that the affidavit alleging a violation of probation or community control is filed is legally irrelevant for determining whether the revocation proceeding has been commenced on a timely basis. As of this date I still have not found a **warrant** for my arrest.

A necessary condition precedent to a conclusion that the process of revocation has been set in motion is a finding that an arrest warrant has been issued; the fact that an affidavit has been signed is, by itself, insufficient to support such a conclusion. I argue that there is no evidence in the record that the **arrest warrant** was issued before my probationary term expired. I believe that the resolution of this disagreement is found in *Dubbs v. Lehman*, 100 Fla. 799, 130 So. 36 (1930).

The supreme court said that a prosecution does not commence for statute of limitations purposes until an **arrest warrant** is issued. More importantly for purposes of this suite is, the court said, further, that "[t]he issuance of a warrant consists of the execution of the warrant by the committing magistrate and the placing of the warrant in the hands of a proper executive officer for execution." Id. at 804, 130 So. 2d 295, 298 (Fla. Dist. Ct. App. 1997) approved, 717 So. 2d 524 (Fla. 1998)

For the purposes of civil action for false imprisonment, valid issued **arrest warrants** are duties that law enforcement and the government entities associated with them owe to the general public and not any individual person.. 2d 34(Fla. Dist.) C-T. App. 5th Dist (2006).

Elements of a Negligence Claim.

In order to win a negligence case, the plaintiff (the person injured) must prove the following four elements to show that the defendant (the person allegedly at fault) acted negligently:

Negligence: is a legal theory that must be proved before you can hold a person or company legally responsible for the harm you suffered. Proving negligence is required in most claims from accidents or injuries, such as car accidents or "slip and fall" cases. **Negligence** claims must prove four things in court: 1.Duty, 2.Breach, 3.Causation, and 4.Damages/harm.

Duty - The defendant owed a legal duty to the plaintiff under the circumstances;

Breach - The defendant breached that legal duty by acting or failing to act in a certain way.
Causation It was the defendant's actions (or inaction) that actually caused the plaintiff's injury.

Element #1: Duty.

When assessing a negligence claim, the first step is to look to see whether or not the defendant owed the plaintiff a legal duty of care. In some circumstances, the relationship between the plaintiff and defendant might create a legal duty for instance, a doctor owes a patient a legal duty to provide him or her with competent medical care. Or, the defendant may owe the plaintiff a legal duty to act with reasonable care in a certain situation, as is the case when one is expected to operate a motor vehicle safely and with a certain level of due care. I want to file **Negligence** and **Perjury** charges against Probation Officer JoAnn M. Hodges of the Florida Department of Corrections and Captain John Bonniver of the Volusia County Sheriff's Office for charging me with a probation violation and crime where there wasn't any victim.

Florida State Statutes:

§768.288 Negligence.

§837.02(1), Perjury in Official Proceedings.

§837.06, False Official Statements.

§4151, Perjury in Official Proceedings.

§4152, Perjury by Contradictory Statements.

§4154, Perjury by false written declaration.

§4159, Perjury.

§4168, Statements tending to bolster or weaken credibility.
§787.01, Kidnapping and wrongful detention, False Imprisonment.

Element #2: Breach of Duty.

Next, the court will look to see whether the defendant breached this or her duty by doing (or not doing something) that a "reasonably prudent person" would do under similar circumstances. The term "reasonably prudent person" refers to a legal standard that represents how the average person would responsibly act in a certain situation. Stated simply, the defendant likely will be found negligent if the average person, knowing what the defendant knew at the time, would have known that someone might have been injured as a result of his or her actions, and would have acted differently than the defendant did in that situation.

July 5 Charging Affidavit.pdf pages 1 and 2.

July 5, Probation Violation Report.pdf

July 6, Affidavit Violation of Probation.pdf

Addendum to Violation Report July 5.pdf

And the Amended Violation of Probation.

Recusal Order.jpg

Copy of Sex Offender released from jail.pdf

CAD Report Detailed History of Police Call.pdf

CAD Report.jpg

https://drive.google.com/file/d/1K_ZeZZrPGoZAo8gsyambBschg45n_cpr/view?usp=drivesdk

Element #3: Causation.

The third element requires that the plaintiff show that the defendant's **negligence** actually caused his or her injury. Sure, someone might be acting negligently, but the plaintiff can only recover if this negligence somehow causes the injury.

For example, it wouldn't be fair to sue someone who was negligently texting and driving for a totally unrelated fender bender that happened just across the street, just because the texting driver was negligent.

Another aspect of this element looks at whether the defendant could reasonably have foreseen that his or her actions might cause an injury. If the defendant's actions somehow caused the plaintiff injury through a random, unexpected act of nature, the injury would most likely be deemed unforeseeable, and the defendant will not likely be found liable. For the purposes of civil action for false imprisonment, valid issued **arrest warrants** are duties that law enforcement and the government entities associated with them owe to the general public and not any individual person.. 2d 34(Fla. Dist.) C-T. App. 5th Dist (2006).

The revocation hearing must be tendered within a reasonable time after the parolee is taken into custody. A lapse of two months, as the State suggests occurs in some cases, would not appear to be unreasonable.

At my November 15th, 2007 hearing for violations of probation my public defender Mr. Joe Quick asked Captain Bonnevier, Question "When was Mr. Bernhardt's misdemeanor trial for

disorderly conduct? I'm assuming you were called as a witness for that trial, were you not?" The Captain said "We've never had a trial for it. There's been no trial so far, **Nothing.**"

Mr. Quick: Ask Sargent Morgan, "What was the result, if you know, of the misdemeanor trial for Mr. Bernhardt on the disorderly conduct?" Sgt. Morgan said, "I don't know."

Mr. Quick said "I don't have anything further Judge. Thank you."

Element #4: Damages.

The final element of a **negligence** case is "**damages**". This element requires that the court be able to compensate the plaintiff for his or her injury, usually through monetary compensation for expenses such as medical care or property repair. The plaintiff must show that his or her injuries warrant payment accordingly.

The 164 days that I was incarcerated in the Volusia County jail without lawful authority caused me more Emotional Distress and Damage than you can imagine. My home went into foreclosure, all of my furniture along with all of my personal property was all put out on the curb for anyone to take. The LED lighting business that I had started along with all of the inventory is now all gone. My credit is gone, everything that I had ever worked for in my entire life is now all **GONE!** And it's now November and getting cold and all I have are the clothes that I was wearing back on July 4th, 2007.

My Deltona Home video of my house .

https://drive.google.com/file/d/183j-3tEFyBD6cDaSj_Uua127k5LF64II/view?usp=drivesdk

Use the Xplayer to view this video .

Warranty deed to my home click on the link below.

<https://drive.google.com/file/d/1Po-XL5DsAsw5eggRW7IC2WcjlI8o0FOU/view?usp=drivesdk>

House information: Copy of this warranty deed.jpg

VA Loan page 1.jpg and VA Loan page 15.jpg

Closing.jpg

Checks front.jpg

House front.jpg

House rear.jpg

Copy of Sex Offender released from jail.pdf

CAD Report Detailed History of Police Call.pdf

Living in the woods.pdf

February 15, 2008 News paper stores.pdf

My prayer for relief.

You do not survive simply because you're the strongest, or the most intelligent, you survive because you want to. Some will perish and die. While others will just fall in line, there are always exceptions, though the question is, who do you choose to be.

I'm not seeking retribution against these officers for what they did, that isn't going to solve the problem, and I don't want to see these officers going to jail. For I forgive those that trespass

against me. What I'm seeking is compensation for a wrong that has been done to me by the State and legal system,

I want to be compensated for the loss of my home and property. What I want to do is to get off of the street and start a new life in a new home. If this involves the filing of a lawsuit against these officers and against The Florida Department of Corrections and the Volusia County Sheriff's Office, then this is what I will do.

3 Gideon's Civic Suite

So who arrested me? Probation Officer JoAnn Hodges said that she did on a warrantless arrest on July 5th, 2007 for Disorderly Conduct. At my November 15th, 2007 hearing Captain Bonnevier said that he did, see page 13, of the court transcript. Lines 1 through line 4. Captain Bonnevier It was determined at that time that his behavior was such that it warranted the physical arrest. Question: Did you place him under arrest at that time? **Yes.**

See VIOLATIONS OF SPEEDY TRIAL. The Revocation Hearing: §949.11

At my November 15th, 2007 hearing my public defender Mr. Joe Quick asked Captain Bonnevier, Question "When was Mr. Bernhardt's misdemeanor trial for disorderly conduct? I'm assuming you were called as a witness for that trial, were you not?" The Captain said "We've never had a trial for it. There's been no trial so far, **Nothing.**"

Mr. Quick: Ask Sargent Morgan, Question "What was the result, if you know, of the misdemeanor trial for Mr. Bernhardt on the disorderly conduct?" Sgt. Morgan said, "I don't know." Mr. Quick said "I don't have anything further Judge. Thank you.

Note: I'm innocent until proven guilty in a court of law, if there's been no trial then I'm not guilty of Disorderly Conduct.

The Hodges file 2.0

<https://docs.google.com/document/d/1jkVaPDLBGwAf8cx6DpKI6gt1NRs9ZJXLZzyv3NDJdcg/edit?usp=drivesdk>

Bonnivner 2.0

https://docs.google.com/document/d/1yNmeR6w06o46cgwH2edyhmS1kOX3AY89gT6K_xhmSAY/edit?usp=drivesdk



Local

SECTION C

FRIDAY
NOVEMBER 16, 2007

THE NEWS-JOURNAL

WEST VOLUSIA EDITION: NEWS FROM YOUR COMMUNITY AND YOUR STATE

★★

Sex offender released from jail

By PATRICIO G. BALONA
STAFF WRITER

DELAND — A Deltona sex offender who sat in jail for more than 120 days on charges of disorderly conduct and unsupervised contact with a minor went home a free man Thursday.

Gideon Bernhardt, 59, was not disorderly when he annoyingly shined his laser pen light at people during a July 4 fireworks display at the Dewey Boster

'Being a pain in the neck' not disorderly conduct, judge says

Park in Deltona, Circuit Judge Frank Marriott ruled. Therefore, Bernhardt did not violate his sex offender probation, Marriott said.

"Disorderly conduct involves more than just being a pain in the neck or a jerk. It's not as if the guy was drunk and scream-

ing and (yelling obscenities at people)," Marriott said.

Bernhardt was convicted in Seminole County and sentenced to probation and community control in 1998 on charges he committed a lewd and lascivious assault act on a 14-year-old girl in 1996, court records show.

In March, he was convicted in Volusia County for failing to register as a sex offender and sentenced to three years' probation.

This occurred while city officials, working with the Sheriff's Office, prosecuted several sex offenders in Deltona for violating the city's 2006 ordinance barring them from living within

SEE OFFENDER, PAGE 6C

patricio.balona@news-jrnl.com



Gideon Bernhardt was released from jail.

RELATED STORY

A man accused twice of felony sex-related crimes was acquitted. He could have faced 10 years in prison.

PAGE 3C

DELAND — A Deltona sex offender who sat in jail for more than 120 days on charges of disorderly conduct and unsupervised contact with a minor went home a free man Thursday.

Gideon Bernhardt, 59, was not disorderly when he annoyingly shined his laser pen light at people during a July 4 fireworks display at the Dewey Boster Park in Deltona, Circuit Judge Frank Marriott ruled. Therefore, Bernhardt did not violate his sex offender probation, Marriott said.

"Disorderly conduct involves more than just being a pain in the neck or a jerk. It's not as if the guy was drunk and screaming and (yelling obscenities at people)," Marriott said.

Bernhardt was convicted in Seminole County and sentenced to probation and community control in 1998 on charges he committed a lewd and lascivious assault act on a 14-year-old girl in 1996, court records show.

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OFFENDER

CONTINUED FROM PAGE 1C

2,500 feet of schools, parks, bus stops and other locations where children gather.

Volusia County sheriff's deputies arrested Bernhardt on July 4 after seeing him shine a green laser light at people who claimed he was causing a disturbance, sheriff's Capt. John Bonnevier testified Thursday.

Bernhardt was taken to the Sheriff's District 2 Office in Deltona where deputies learned he was a sex offender, Bonnevier said.

It was then he concluded that Bernhardt was trying to make contact with a "young lady" he saw near a light pole Bernhardt was leaning on. The "young lady," whose name or age Bonnevier did not know, said Bernhardt made her feel "creepy," Bonnevier said.

A narrative report of the charge stated that a crowd at the park told deputies Bernhardt was apparently flirting with a young girl.

Upon questioning by Joe Quick, Bernhardt's public defender, Bonnevier said he "made that conclusion" that Bernhardt was speaking to the girl, but admitted he did not see the conversation take place.

In ordering Bernhardt cleared, Marriott said Bonnevier was unable to see whether Bernhardt was engaged in conversation.

Family and friends said sheriff's deputies targeted Bernhardt after finding out he was a sex offender and were set on sending him to jail for five years. They were trying to pin trumped-up charges on Bernhardt so he would be convicted of violating his probation as a sex offender, said his sister Susie Rouis.

Sheriff's spokesman Gary Davidson said deputies filed charges that seemed "most appropriate at the time. But the disposition of the charges is left up to the judicial system."

Prosecutor Heatha Trigones declined comment on the case after the hearing. Quick said the ruling puts Bernhardt back on probation and his record will show that he never violated it.

But the 120-plus days in jail caused Bernhardt more damage than can be described, his neighbor Melba Sampson said. His house went into foreclosure and was sold, his furniture put out of the house and the LED Laser light business Bernhardt started has gone bankrupt, Sampson said. Despite that, Sampson said she is happy Bernhardt is free.

"I am so relieved I am going right to jail right now and bring him home," Sampson said.



Sheriff's Office

Volusia County

Ben F. Johnson, Sheriff

INCIDENT INFORMATION:

Case Number 07-22835 and CAD Call #P071850970

Incident Type

Subject

Date / Time

Location

☒ X

PLEASE RETURN this form with your payment of **\$ 4.95** to the
Volusia County Sheriff's Office Central Records Section
P.O. Box 569, Deland, FL 32721-0569

Please do not hesitate to contact the Central Records Section for further assistance.

This is everything we have concerning this case. As you can see by the report Mr. Bernhardt was not taken to the D-4 office in Deltona. The report states he was taken to the command post and processed. The CAD call will show the approximate time of contact as will the report.

Mail/Call/In Lobby/Pickup/Fax/EMail

Sincerely,

Ben F. Johnson

Sheriff/ Director of Public Safety

By:

A handwritten signature in dark ink, appearing to read "B. Johnson", written over a horizontal line.

Central Records Section

Name: Ms. Susan Rouis
Address: 1072 Williams St
Altamonte Springs, FL
Zip Code: 32701
Telephone No:

Records Section:

Date: 4/28/2009
Time: 10:52
DID: 7129

A. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SETTLEMENT STATEMENT

B-D-R TITLE CORPORATION

2845 Enterprise Road Suite 104A

De Bary, Florida 32713

B. TYPE OF LOAN

1. ☐ FHA 2. ☐ FMHA 3. ☐ CONV. UNINS.

4. ☒ VA 5. ☐ CONV. INS.

6. FILE NUMBER: 5299-HV 7. LOAN NUMBER: 101681

8. MORTGAGE INS. CASE NO.: 17-17-6-1237084

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. NAME OF BORROWER: Gideon Bernhardt,
ADDRESS OF BORROWER: 1340 Clayton Drive, Deltona, Florida 32725

E. NAME OF SELLER: Jennifer J. Sittnick f/k/a Jennifer S. Broyles, Christopher D. Broyles,
ADDRESS OF SELLER:

F. NAME OF LENDER: Fidelity Funding Mortgage Corp
ADDRESS OF LENDER: 2600 Maitland Center Parkway #130
Maitland, FL 32751

G. PROPERTY LOCATION: Lot 3, Block 256, Deltona Lakes, Unit 7
1340 Clayton Drive
Deltona, Florida 32725

H. SETTLEMENT AGENT: B-D-R TITLE CORPORATION
PLACE OF SETTLEMENT: 2845 Enterprise Road Suite 104A
De Bary, Florida 32713

I. SETTLEMENT DATE: November 15, 2000

Closing

J. SUMMARY OF BORROWER'S TRANSACTION

100. GROSS AMOUNT DUE FROM BORROWER:

101. Contract sales price	91,900.00
102. Personal property	
103. Settlement charges to borrower: (from line 1400)	2,277.93

104.
105.

ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE:

106. City/town taxes	to	
107. County taxes	11/15/00 to 1/1/01	100.06
108. Assessments	to	
109. Non Advalorem	11/15/00 to 10/1/01	115.83
110.		
111.		
112.		

120. GROSS AMOUNT DUE FROM BORROWER: 94,393.82

200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:

201. Deposit or earnest money	1,000.00
202. Principal amount of new loan(s)	93,738.00
203. Existing loan(s) taken subject to	
204.	
205.	
206.	
207.	
208.	
209.	

ADJUSTMENTS FOR ITEMS UNPAID BY SELLER:

210. City/town taxes to

K. SUMMARY OF SELLER'S TRANSACTION

400. GROSS AMOUNT DUE TO SELLER:

401. Contract sales price	91,900.00
402. Personal property	
403.	

404.
405.

ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE:

406. City/town taxes	to	
407. County taxes	11/15/00 to 1/1/01	100.06
408. Assessments	to	
409. Non Advalorem	11/15/00 to 10/1/01	115.83
410.		
411.		
412.		

420. GROSS AMOUNT DUE TO SELLER: 92,115.89

500. REDUCTIONS IN AMOUNT DUE TO SELLER:

501. Excess deposit (see instructions)	
502. Settlement charges to seller (line 1400)	11,242.42
503. Existing loan(s) taken subject to	
504. Payoff of first mortgage loan	70,512.68
505. Payoff of second mortgage loan	
506.	
507.	
508.	
509.	

ADJUSTMENTS FOR ITEMS UNPAID BY SELLER:

510. City/town taxes to

This Warranty Deed

Made this 15th day of November A.D. 2000
by Jennifer J. Sittnick f/k/a Jennifer S.
Broyles, a single person and
Christopher D. Broyles, a single person

hereinafter called the grantor, to
Gideon Bernhardt, a single person

whose post office address is:
1340 Clayton Drive
Deltona,, Florida 32725

hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ 10.00
and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia
County, Florida, viz:

Lot 3, Block 256, Deltona Lakes, Unit 7, according to the plat
thereof as recorded in Map Book 25, Pages 149 through 162,
inclusive of the Public Records of Volusia County, Florida.

**SUBJECT TO covenants, restrictions, easements of record and taxes for
the current year.**

Parcel Identification Number: 8130-07-19-0030

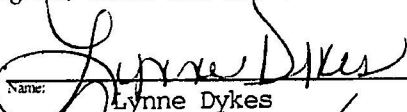
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

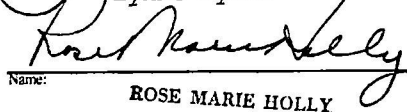
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2000

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

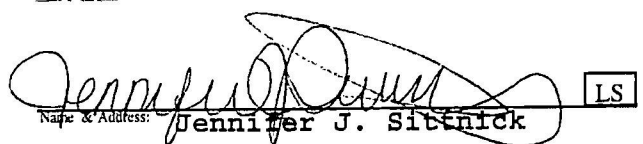
Signed, sealed and delivered in our presence:


Name: Lynne Dykes


Name: ROSE MARIE HOLLY

Name: _____

Name: _____


Name & Address: Jennifer J. Sittnick LS


Name & Address: Christopher D. Broyles LS

Name & Address: _____ LS

Name & Address: _____ LS

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 15th day of November, 2000, by

Jennifer J. Sittnick f/k/a Jennifer S. Broyles, a single person and
Christopher D. Broyles, a single person
who is personally known to me or who has produced as identification.

FL DRIVERS LICENSE

11/21/2000 11:34
Doc stamps 643.30
(Transfer Amt \$ 91900)
Instrument # 2000-212298
Book: 4615
Page: 2380
Diane M. Matousek
Volusia County, Clerk of Court

Chief Deputy
BRIAN HENDERSON

OFFICE
(386) 736-5961



VOLUSIA SHERIFF'S OFFICE

123 WEST INDIANA AVE • P.O. BOX 569 • DELAND, FLORIDA 32721-0569
(386) 822-5074 (FAX) • WWW.VOLUSIASHERIFF.ORG

December 13, 2022

Mr. Gideon Bernhardt
1072 Williams St.
Altamonte Springs, FL 32701

Dear Mr. Bernhardt,

The Internal Affairs Unit received your complaint on December 5, 2022, case number CC 22-041. Sergeant Gordon made contact with you in reference to this complaint and it was determined that this incident was previously investigated in 2010. Furthermore, the employee in question is no longer employed by the Volusia Sheriff's Office. Your original complaint was determined to be unfounded. Due to the original disposition and the separation status of the employee, this investigation will be classified as **unfounded**.

You may be assured this department does not condone violations of state law nor the rules and regulations of the department. Members of this department have become very aware that they are under public scrutiny at all times and at any time a complaint is received, an investigation will be initiated.

Thank you for bringing this matter to our attention. We desire to provide the best possible law enforcement services and are appreciative when given the opportunity to clarify such matters.

The Internal Affairs Unit is responsible for recording; registering and controlling all alleged or suspected misconduct complaints against the agency and its employees. Should you have any additional information please contact the Internal Affairs Unit at 386-736-5961 ext. 12120.

Sincerely,

A handwritten signature in black ink, appearing to be "BH", followed by a horizontal line.

Brian Henderson
Chief Deputy

BH/sh
041L0129.22



VOLUSIA SHERIFF'S OFFICE

Citizen's Complaint

Information and Instructions for Completing

COMPLAINANT

Name: Print first name, middle initial, and last name. *Gideon Bernhardt*

Date of Birth: Enter month/day/year. (Example: 03/14/1975) [REDACTED]

Sex: Enter Male or Female. *male*

Residence Address: Enter the complainant's residential address. *2072 Williams Street Altamonte Springs 32711*

Phone: Enter the complainant's home or cellular phone number. *321 280 0361*

Business Address: Enter the complainant's business or work address.

Phone: Enter the complainant's work phone number.

VSO PERSONNEL INVOLVED

Name: Enter the name of the involved VSO member. *Captain John Bondviger*

I.D. Number: Enter the VSO member's work I.D. number. *JOANN Hodges 00306*

WITNESSES

Name: Print the witness' name.

Phone: Enter a phone number for the witness.

Address: Enter an address for the witness.

Should there be more than two (2) witnesses, add the additional witness information into the complaint details section.

COMPLAINT

Nature of Complaint: The complainant's own words stating what the complaint is. *Negligency, Perjury*

Date and Time of Incident: Enter the date and time the incident occurred. *July 4, 2007 9:40 PM*

Location: Print the street number, street name, and city where the incident occurred. *Dewey Foster Park*

COMPLAINT DETAILS

A complete description of the incident to include all witnesses. A continuation form is available to assist the complainant or supervisor in providing complete detail of the complaint. *See Attachment Paper work*

ADVISEMENT AND COMPLAINANT'S SIGNATURE

The following text is found on each page of the complaint to advise the complainant:

A person who knowingly makes a false declaration in this verified citizen complaint is guilty of the crime of perjury by false written declaration, a felony of the third degree, per Section 92.525(3), Fla. Stat. Also, whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall be guilty of a misdemeanor of the second degree, per 837.06 Fla. Stat. Pursuant to section 112.532(3), Fla. Stat., if a person filing a complaint against a deputy knew the charges to be false at the time of filing the complaint, the falsely accused deputy has the right to pursue civil damages against you, the complainant.

Under penalty of perjury, I declare that I have read the foregoing verified citizen complaint and that the facts stated in it are true.

The complainant must sign each page of the complaint before a notary public or law enforcement officer and have the complaint notarized.

INFORMATION

Minors filing a complaint must be accompanied by a parent or guardian, who must also sign the complaint.

Barring extenuating circumstances, the complaint's investigation will be completed within forty-five (45) days.

The complainant will be notified in writing of the investigative findings.

-End of Information and Instructions-



VOLUSIA SHERIFF'S OFFICE
Citizen's Complaint

Case #: _____

COMPLAINANT:

Name Gideon Bernhardt Date of Birth [REDACTED] Sex Male
Residence Address 1072 Williams Street Altamonte Sp. Phone 321 280 0361
Business Address 32701 Phone _____

VSO PERSONNEL INVOLVED:

Name John Bonneviger I.D. Number _____
Name Sergeant Morgan I.D. Number _____

WITNESSES:

Name _____ Phone _____
Address _____
Name _____ Phone _____
Address _____

Additional witness information to be entered in the complaint details section on page two (2).

COMPLAINT:

Nature of Complaint Negligence and Perjury
Date and Time of Incident July 4, 2017 9:40 pm
Location Dewey Boston Park

A person who knowingly makes a false declaration in this verified citizen complaint is guilty of the crime of perjury by false written declaration, a felony of the third degree, per Section 92.525(3), Fla. Stat. Also, whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall be guilty of a misdemeanor of the second degree, per 837.06 Fla. Stat. Pursuant to section 112.532(3), Fla. Stat., if a person filing a complaint against a deputy knew the charges to be false at the time of filing the complaint, the falsely accused deputy has the right to pursue civil damages against you, the complainant.

Under penalty of perjury, I declare that I have read the foregoing verified citizen complaint and that the facts stated in it are true.

Gideon Bernhardt
(Complainant's Signature)

STATE OF FLORIDA
COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of ☒ Physical presence or ☐ Online notarization,

this 18 day of MARCH, 2025, by DIS CLARK #9747
Affiant's Name

Signature of (Circle One: Notary Public State of Florida or Law Enforcement Officer)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known OR Produced Identification

DRIVER LICENSE
(Type of Identification Produced)



VOLUSIA SHERIFF'S OFFICE
Citizen's Complaint

COMPLAINT DETAILS

I want to file Negligency and Perjury charges against
a Captain John Bounsvier at the Volusia County Sheriff's
Office and also Probation Officer Joann Hodges at the
Department of Corrections for case number
CR00603849 CRAWLS
Charges
768.288 Negligency
837.02(1) Perjury in official proceedings
837.06 False official statements.
4151, Perjury in official proceedings
4152, Perjury by contradictory statements
4154, Perjury by false written declaration
4159, Perjury
4163, Statements tending to bolster or weaken credibility
757.01 Kidnapping and wrongful detention, false imprisonment

A person who knowingly makes a false declaration in this verified citizen complaint is guilty of the crime of perjury by false written declaration, a felony of the third degree, per Section 92.525(3), Fla. Stat. Also, whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall be guilty of a misdemeanor of the second degree, per 837.06 Fla. Stat. Pursuant to section 112.532(3), Fla. Stat., if a person filing a complaint against a deputy knew the charges to be false at the time of filing the complaint, the falsely accused deputy has the right to pursue civil damages against you, the complainant.

Under penalty of perjury, I declare that I have read the foregoing verified citizen complaint and that the facts stated in it are true.

Sidlon Bernhardt

(Complainant's Signature)

STATE OF FLORIDA
COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of ☒ Physical presence or ☐ Online notarization,

this 18 day of MARCH, 2025, by D/S CLARK 9747

Affiant's Name

Signature of (Circle One: Notary Public-State of Florida or Law Enforcement Officer)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known ☐ OR ☒ Produced Identification

DRIVER LICENSE

(Type of Identification Produced)

Supervisor _____ ID# _____ Date and Time _____