

Tort Complaint

NOTARY CERTIFICATION

STATE OF FLORIDA }
 }
COUNTY OF BROWARD }

Sworn to and subscribed by me the undersigned Authority by the Defendant in this cause, who is personally known to me and has taken an oath;
On this 14TH day of NOVEMBER 2007.
USED LIVWIRE INVOLVEMENT CARD AS I.D.


Notary Public Signature



Steven G. Mangerian
MY COMMISSION # DD592300 EXPIRES
September 5, 2010
BONDED THRU TROY FAIR INSURANCE, INC.

Seal

Certificate of Service

I, Hereby certify that a True and correct copy of the Foregoing Tort Complaint against Attorney David P. Rowe, and Attorney Donovan L. Parker, Investigator Clifton Findlay, and seek copies of legal records and Transcript has been furnished via B.S.O. main Jail facility U.S. mail to Respondents David P. Rowe, Esq. 110 E. Broward Blvd., Suite 1700, Fort Lauderdale, Florida. 33301, and Donovan L. Parker, Esq. 99 N.W. 183rd Street, Suite 104, Miami, Fla. 33169 and Clifton Findlay, P.I. 3600 Miramar Park #. 313, Miramar, Fla. 33020
On this 14TH day of NOVEMBER 2007.

Respectfully Submitted:
Lancelot Uriley Armstrong, pro-se.
Lancelot Uriley Armstrong, #. 500408148,
8-3-4-9 P.O. Box 9356,
Fort Lauderdale, Florida. 33310

In The circuit court OF The
17th Judicial circuit In And For
Broward County, Florida.

Civil Division

Lancelot uriley Armstrong,
Plaintiff(s), pro-se.

vs.

Case no.:

David P. Rowe, Esq.

Donovan L. Parker, Esq.

Clifton Findlay, P.I.

Defendants.

Tort Complaint

Comes now the plaintiff, Lancelot u. Armstrong, acting in pro-se. form. and file a Law suit against said defendants seeking compensatory punitive, And declaratory Relief in the form of a Tort Complaint which will Compel liability of defendants for the deliberate abridgement of plaintiff constitutional rights

Jurisdiction in this case is invoked under:
Article (1) Section (7), and Federal Jurisdiction is invoked
under: 42, U.S.C. § 1983, 42, U.S.C. § 1985, 42, U.S.C. § 1986,

LOCATIONS

Plaintiff: in pro-se. form...

Plaintiff is a state prisoner, a ward of the state Department of Corrections which makes him a part of a protected class of persons pursuant to Florida statute 20, 315 specific authority 944.09 which entitles him to be provided with a victimization free environment.

Lancelot uriley Armstrong, pro-se.
Arrest #. 500408148, 8-B-4-9,
P.O. Box 9356,
Fort Lauderdale, Florida. 33310

Defendants:

Defendants are being sued in their individual, and or official capacity for their negligence, and willful abridgement of plaintiff's well established state and Federal Constitutional rights, and pursuant to Florida statute 768.28, Federal Code 42, U.S.C. § 1983, 42, U.S.C. § 1985, 42, U.S.C. § 1986 are strictly liable,

David P. Rowe, Esq.
Attorney At Law
110 E. Broward Blvd., Suite 1700,
Fort Lauderdale, Florida. 33301

Tele. #. (305) 731-0019,

Donovan L. Parker, Esq.

Attorney and Counselor at Law,
99 N.W. 183rd Street, Suite 104,
Miami, Florida. 33169

Tele. #. (305) 655-0239,

Clifton Findlay, P.I.

Private Investigator,
3600 Miramar Park #. 313,
Miramar, Florida. 33020

Tele. #. (954) 868-3482,

ISSUE I

Armstrong is entitled for relief under the Sunshine Law Beyond a Reasonable Doubt as Armstrong shown Good Faith; and any error or creative negligence by counsels, and private investigator illegal hinderance of Armstrong legal preparation.

ISSUE II

Counsels and private investigator further mislead

complainant which cause plaintiff to brought violation to the Trial Court, Honorable Judge: michael L. Gates, attention which material information on the face of the court record, and otherwise.

ISSUE III

The Trial Court Knowledge of civil rights violation, and arbitrary practice cause the Trial Judge stated He cannot tell The Sheriff how to run his main Jail facility, and Counsels failure to proceed on Civil Remedies.

ISSUE IV

Armstrong's claim that the state, and state's Law enforcement agency Broward Sheriff's employees failure to correct arbitrary policy which cause abrogation of obligation Resulted Counsels and investigator rendered ineffective assistance by failure to compel compliance.

ISSUE V

Armstrong's challenge the negligence and the unethical actions under color of state Law, which allowing cumulative errors and creative abrogation which impairing Armstrong cases.

Statement of Facts

Plaintiff, Lancelot Armstrong, is currently a state prisoner incarcerated at Union Correction Institution under Florida Department of Corrections at all time confined since 1990, until June 4, 2004, Plaintiff was turned over to the custody and care of Broward County, Sheriff's main Jail facility cause Florida Supreme Court mandate Oct. 30, 2003, Re-sentencing Trial before a new Jury.

- 1). Sheriff Ken Jenne, was Broward Sheriff as such, was responsible for all employees and deputies at the main Jail facility.
- 2). Captain R.E. Neely, was the captain at the main Jail while LT. Randy Smith, was Administrative over operations.

~
Captain Randy Smith, is over the main Jail facility, who is employed by B.S.O. Broward Sheriff office,

- 3). Administrative LT. Robert Schlegel, is employed by B.S.O. Broward Sheriff's office, main Jail facility unit. As such, is responsible for all aspects of Security and the daily operations of the main Jail employees, is also responsible for care and welfare of all prisoner and inmates confined

under their Authority.

- 4). Plaintiff has overcome dyslexia to teach himself the rule of procedures, and the Law and has actively participated in the researching and drafting of appellate issues, Additionally, plaintiff was a litigant on a pro-se. basis.
- 5). Plaintiff, is originally from Jamaica, and plaintiff under A.D.A. Disability act. Status is a handicap. Lost 2 1/2 fingers and suffered severe nerve damage.
- 6). The above state's Law enforcement agency is a part of the Broward State Attorney office adverse party, against plaintiff legality issues. which cause creative violation, infringement continuously impair plaintiff preparation to filing meaningful Documents in courts. Resulted,
- 7). Defendants was retained to assisting plaintiff standing up for all aspect of legal rights, And to obtain legal Documents which records reflect on criminal misconduct by the prosecution team.
- 8). Defendant David P. Rowe, esq. was handling few legality issues, such as to reduce / and correcting Broward Sheriff Ken Jenne, And his employees infringement on plaintiff cases, and B.S.O. Contempt of Court by ignored Court orders, Further causation of infringement, violation

of Plaintiff court orders which compelling compliance.

- #9). Defendant David P. Rowe, Hesitation to honor plaintiff legal Requests to get Civil rights Attorneys with the experts to assist plaintiff's pro-se. Civil action against Broward Sheriff Ken Jenne, and his employees infringement which cause Plaintiff legal team to rendered ineffective assistance of Counsel.
- #10). Defendant David P. Rowe, performance was deficient and that this deficient performance was so serious that plaintiff was deprived of a fair re-sentencing trial before a new Jury.
- #11). Defendant David P. Rowe, failure to call several state key star witnesses who could have provided exculpatory evidence which constitutes ineffective assistance of Counsel, and negligence cause through Broward State Attorney office, and state's agency Broward county, Sheriff's office, creative Retaliation by willfully and deliberately violated court orders which further impair petitioner genuine legal representation which was owed to plaintiff's.
- #12). Cause the Testimony on the face of the record in case no.: 90-5417 CF10B, and case no.: 90-13414 CF10B, have cast doubt on the plaintiff's guilt, and how the state star key eye-witnesses omission of statement / and Testimony reflected bias practice which illegally prejudiced the outcome of the Plaintiff re-sentence Trial.
- #13). Defendant David P. Rowe, Failure to secure entry of plaintiff private Investigators in order to adequately aid the preparation to ~~file~~ filing meaningful Documents in courts.

- 14). Defendant David P. Rowe, Failure to secure attendance of exculpatory witnesses, And expert witnesses as plaintiff legally requested.
- #.15). Defendant David P. Rowe, esq. denied of plaintiff legal request to file notice of appearance for Attorney Rosemarie Robinson To taken over the lead role to reduce Defendant David P Rowe, esq. Errors and creative forgetfulness at times. "The face of the record in case no.: 90-5417cf10B, which reflect on material facts."
- #.16). Defendant David P. Rowe, Refused to honor plaintiff sought legal request to subpoena all witnesses what plaintiff used march 21-23, 2001, partial evidentiary hearing, to be present and Testify at case no.: 90-5417cf10B Re-sentencing Trial before a new Jury. Resulted Counsel failure to securing witnesses entry to the Courtroom, cause further ineffective assistance of counsels.
- #.17). Defendant David P. Rowe, esq. Denied plaintiff rights to call expert witness prof. Laurie Gunst, DR. at the Re-sentencing proceedings, cause Counsel stated he once handle a civil case on behalf of a former Jamaican Government leader against plaintiff expert witness.
- #.18). plaintiff's advised Defendant such right will be waive when that materialize so the witness can be ready to take the witness stand again to Testify. ~~expert~~
- #.19). Defendant, Deprived plaintiff legal right of a proper legal defense, which plaintiff aid on the preparation of many important witnesses which Defendant hindered. Plaintiff continuously requested copy of the state witness list, which was deny by defendant failure to comply with plaintiff sought

legal requests.

- #.20) Defendant David P. Rowe, Esq. stated his failure to fully comply with plaintiff's sought legal requests, Cause Judge: Michael L. Gates will not go for the cost for interviewing former material witnesses and preparing their entry to Florida in time to testify.
- #.21) Plaintiff reminded Defendant that plaintiff was deemed indigent for cost, which Defendant's failure to obtain Florida Department of Corrections record which reflect on illegal deprivation of legal documents, and transcript to hindered plaintiff litigation in courts.
- #.22) Plaintiff further advised Defendants that said state record shall reflect on names of detective, and assistance attorney general inspector who illegally met with plaintiff, refused to allow access to counsel before speaking on legality issues, which further cause Department of Corrections officers to take away plaintiff exhibits legal documents, and otherwise. Defendant promised to obtain institutional records, on lying when failed to complete firm legal defense, which cause ineffective assistance of counsel.
- #.23) Defendant's failure to unseal state star/key witness statement, and testimony which eye-witness exculpatory statement and testimony reflect on state criminal misconduct and cover-up.
- #.24) Defendant's failure to securing law enforcement officers who know that plaintiff once worked within law enforcement, and worked for other government jobs in Jamaica which officials expert witnesses plaintiff tried to present before the jury.

- #25). Defendant David P. Rowe, Esq. failure to obtain copy of position of the Testimony Transcript where Court reporter read back before the Jury reflected on a lot of their errors and which made part of the Record contrary to what was said. "See: case no.: 90-5417CF10B The face of the record Re-sentencing Trial, etc."
- #26). Plaintiff filed ineffective assistance of Counsel's based on the above cause, and otherwise which resulted Judge: Michael L. Gates deny the motion after a partial Nelson hearing June 14, 2007, without order an inquiry within the level of impair plaintiff from a competent legal defense.
- #27). Defendant David P. Rowe, Esq. failure to get the Civil Attorneys with the experts to assist plaintiff against Broward Sheriff's Office Criminal action which cause further hinderance of plaintiff pro-se. case no.: 05-018672(11), and hindered from legal research and preparation of Criminal case no.: 90-13414CF10B, Appeal Habeas Corpus case no.: 4D07-2677 and 4D07-3246, and Appellate case no.: SC07-1717.
- #28). Defendant action and inaction further allow Sheriff Ken Jenne, and his employees to continue infringed on plaintiff Due process rights, and access to the courts under the color of Law.
- #29). Defendant David P. Rowe, Esq. failure to investigate or allow experts private investigators to presenting a prima facie showing to rebuttal of flaws evidences from the record which witnesses would allow plaintiff's the right to properly confront and cross-examine state star/key witnesses on his own behalf.
- #30). Defendant David P. Rowe, Esq. Failure to written legal letter to obtain bona fide documents from former private investigator WCS P.I. Ben Capobianco Director. Which material record was needed to prepare Re-sentencing Trial before the new Jury. See: exhibit

- 31). Defendant David P. Rowe, esq. ignored and sought legal request, and hired Clifton Findlay, private investigator who was ill-equipped to investigate Broward Sheriff Ken Jenne, and B.S.O. Main Jail employees at the facility, who chose to violate plaintiff legal rights, on continuous hindered due process access to court. Such as violation of court orders which compel compliance, see: exhibit
- 32). Each time Broward Sheriff's main Jail officials illegally block plaintiff from meet with his legal team, retaliative acts causation of denied entry of private investigators to prepare a proper defense, and to return documents and given a written up date report, Failure to comply.
- 33). Defendant Donovan L. Parker, esq. Failure to meet with plaintiff with out lead Counsel David P. Rowe, in order to obtain meaningful documents, and follow-up on areas where lead Counsel refused to proceed on.
- 34). Donovan L. Parker, esq. Refusal to written a legal letter to securing documents from former legal team.
- 35). Counsel's failure to meet with B.S.O. main Jail Captain Randy Smith, and Administrative LT. Robert Schlegel to compelling compliance, which cause plaintiff to forced the issues of obtained additional court orders to reduce and try correcting creative violation of legal obligation,
- 36). Counsel was first retained to investigate and order the correction of injustice against plaintiff life. which counsel lying to plaintiff allowed ineffective assistance to continue on, which further cause prejudicial errors, and allow indifference to basic needs, and inadequate medical treatment, lack of law library access per B.S.O. Sgt. D. Williams, Sgt. Foust, LT. Cummins, and LT. Vonissi, and X.O. LT. Robert Schlegel, and Captain Randy Smith, Former Sheriff Ken Jenne, and this legal counsel's abuses indifference treatment and retaliative programs which handicapped

Plaintiff, Further abrogation of obligation. Cause counsel Failure To get the appreciate officers to serve the witnesses Subpoena to People which was willing to Testify before the new Jury Trial.

37). Defendants hesitate to listen and act on plaintiff sought legal Requests cause hinderance of exculpatory witnesses whose testimony would have corroborated Plaintiff facts, on if counsels had intended to subpoena the witnesses, The fairness and reliability of the proceedings would not have been undermined;

Plaintiff was entitled to a new Trial, U.S.C.A. Const. Amend. 6.

38). lack of Funding, is no excuss for counsel to ineffective assistance which limited ~~Defendant~~ ^{Plaintiff} defense which errors created a sense of incompetent in few legal procedure areas that Honorable Judge: Michael L. Gates, and state Attorney Michael J. Satz, have to assisted to correct Defendant David P. Rowe, Esq.

Counsels rendered ineffective assistance of failure to securing and preparing witnesses which the Plaintiff stated shall be present.

39). Defendant David P. Rowe, Esq. waited untill the last minute in the Courtroom to calling few witnesses, after lying to Plaintiff at times

40). Counsel David P. Rowe, stated He did not call any witness in order to securing the Sandwich to speak after the state, which is contrary to a re-sentencing penalty phase.

41). Counsel denial of important material evidences causation of ineffective assistance of counsel for failure to comply with his Client bona fide legal requests.

42). State Key-witnesses stated that B.S.O. beat and threaten them to made false statements and Testify against Plaintiff life, Counsel Refusal to investigate and take a Sworn - statement before the proceedings inside the Courtroom.

CAUSE OF ACTION

(First cause of action)

That the Plaintiff Lancelot v. Armstrong, sue said defendants for their wanton, and willful abridgement of his well established state constitutional rights, in that their actions, and inactions as stated in paragraphs (1) thru. (42), of the statement of material facts did violate Plaintiff's very well established rights to be free from cruel and unusual punishment pursuant to Florida Statute § 20.315 specific Authority § 944.09 which also stipulates that the Plaintiff is of a protected class of persons to be provided with a victimization free environment based upon said actions and or inactions of the defendants, a Tort complaint, filed pursuant to Florida Statute § 768.28 (9)(a) will compel their liability.

Additional Violations:

(Second cause of action)

That the Plaintiff Lancelot v. Armstrong, is suing said defendants for their wanton and willful abridgement of his well established Federal Constitutional Rights. in that their actions; and inactions as stated in paragraphs (1) thru. (42). of the statement of facts did violate Plaintiff's very well established right to be free from cruel and unusual punishment pursuant to the 8th/Eighth Amendment to the

United States Constitution, which prohibits any government official from subjecting plaintiff to cruel and unusual punishment.

Based upon said actions and or inactions of the defendants a Tort Complaint invoking the state courts Federal Jurisdiction pursuant to: 42, U.S.C. § 1983, 42, U.S.C. § 1985, 42, U.S.C. § 1986,

Additional Violations:

Declaratory Relief Sought:

The Plaintiff Lancelot U. Armstrong, pray that this Honorable Court declare that the actions, and or inactions of said defendants as listed in paragraphs (1) Thru. (42). did violate the plaintiff well established State and Federal Constitutional rights, as cited in his cause of action.

compensatory Damages Sought:

The Plaintiff Lancelot u. Armstrong, Respectfully Requests this Honorable Court to order each said defendant to pay this Plaintiff Award Compensatory damages in the following amount: One Hundred thousand Dollars \$100,000⁰⁰ jointly and severally against defendants individually for negligence, and emotional and physical pain and suffering.

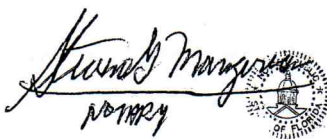
Punitive Damages in the following amounts:

- 1). \$20,000 each against defendants David P. Rowe, Esq.;
- 2). \$10,000 against defendant Donovan L. Parker, Esq.;
- 3). \$20,000 against defendant, Clifton Findlay, private Investigator,

said as stipulated in the Florida Rule of Court-state Grant such order relief as it may appear that Plaintiff is entitled.

Plaintiff seek the following relief:

- I. Trial by jury on each and every count and allegation set forth herein.
- II. Injunctive relief in the form of enjoining order which:
 - a). Order defendant to provide Plaintiff with a full legible print copy of re-sentencing trial notes, reports, and
 - b). issue an order to defendants to provide a copy of Plaintiff Transcript Record in case no.: 90-5417cf10B, and case no.: 90-13414cf10B, on this 14th day of November 2007.


NOTARY

Steven G. Mangerian
MY COMMISSION # DD592300 EXPIRES
September 5, 2010
BONDED THRU TROY FARM INSURANCE, INC.

Respectfully Submitted:
Lancelot Armstrong, pro-se. Affiant.
Lancelot Wiley Armstrong, #. 500408148,
-B-4-9, P.O. BOX 9356,
Fort Lauderdale, Florida. 33310

I Here by declare under penalty of perjury that the foregoing statement of material facts contained herein are true and correct, to the best of my personal knowledge. Signed this 14th day of November 2007.
By: Lancelot Armstrong,

