

IN THE UNITED STATES DEPARTMENT OF JUSTICE  
950 Pennsylvania Avenue N.W. in WASHINGTON DC 20530-0001  
OFFICES OF THE ATTORNEY GENERAL  
CRIMINAL DIVISION – CIVIL RIGHTS DIVISION

CLERK ID # 2010-0001

**HONORABLE ERIC HOLDER**  
Attorney General,

JOAQUIN DEMORETA-FOLCH  
Petitioner,

*Doj Rec: 1-4-11*

v.

BRANDT WILSON & ASSOCIATES, ET AL.,  
Person(s) charged with Larceny,

*11:00 AM  
Rosenblatt  
Williams  
mag/room*

**UNITED STATES DEPARTMENT OF JUSTICE EMPLOYEES MISCONDUCTS**

**CRIME LARCENY COMPLAINT**

**PETITION TO RETURN OF PROPERTY TO OWNER**

Civil Tribunals:

Case No.: CA07-1567	7 <sup>th</sup> Judicial Circuit Court St. J. County Florida
Case No.: CA10-2221	7 <sup>th</sup> Judicial Circuit Court St. J. County Florida
Case No.: 5D09-3683	5 <sup>th</sup> District Court of Appeal of Florida
Case No.: 5D09-3814	5 <sup>th</sup> District Court of Appeal of Florida
Case No.: SC10-773	Supreme Court of Florida
Case No.: SC10-818	Supreme Court of Florida

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v.

BRANDT WILSON & ASSOCIATES, ET AL.,  
Person(s) charged with Larceny,

DATE: January 4<sup>th</sup>, 2011

**UNITED STATES DEPARTMENT OF JUSTICE EMPLOYEES MISCONDUCTS**  
**CRIME LARCENY COMPLAINT**  
**PETITION TO RETURN OF PROPERTY TO OWNER**

1. PETITIONER, Joaquin DeMoreta-Folch, with all due respect and within the best way to proceed, **OBJECT TO GENERAL LAW VIOLATIONS** by person(s) charged with larceny and says as follow:

THE LAW

2. Florida Statutes Chapter **812.061 Larceny; return of property to owner; procedure. --In every instance** in which any money or motor vehicle **shall have been**

**taken from its rightful owner under circumstances constituting larceny** of such money or motor vehicle and such money or motor vehicle is being held by state, county or municipal officials as evidence, **the rightful owner** of such money or motor vehicle **may obtain the return and possession thereof in the following manner:**

**(1) The rightful owner shall file a petition in the court having criminal jurisdiction describing the money or motor vehicle, the time and manner in which the same was taken from the rightful owner, the value thereof if the same is money or motor vehicle, and that the petitioner is the true and lawful owner thereof. Such petition shall be under oath, sworn to by the petitioner** or, if the petitioner is a corporation, by a duly authorized officer or agent thereof, or by such person other than the petitioner who shall have actual knowledge of the facts alleged in such petition.

**(2) Notice of the filing of such petition and a copy thereof shall be served upon any person charged with the larceny of the money or motor vehicle involved in the same manner and for the same fee as the service of a summons. (4) Copies of the mentioned petition shall be furnished the officer having custody of the property involved and also the prosecuting officer of the court having criminal jurisdiction** and such officers shall be notified of any hearings and proceedings had upon such petition.

**(5) Within 5 days after receipt of service of the notice hereinabove provided or within 10 days after the last publication of the mentioned notice, any person other than the petitioner claiming title or right of possession to the money or motor vehicle involved shall file his or her objections to the granting of such petition.** Such objections shall be under oath of the person making them and shall set forth facts showing that the petitioner is not the rightful owner or not entitled to possession. If the person interposing objections to the petition desires that the question of ownership or right to possession be resolved by a jury, he or she shall make and file a demand for a jury trial at the time of filing his or her objections. **If the objector fails to demand a jury trial at such time he or she shall be deemed to have waived such right.**

**3.** Pursuant Florida Statutes Chapter **817.03 Making false statements to obtain property or credit.** --**Any person who shall make or cause to be made any false statement, in writing,** relating to his or her financial condition, assets or liabilities, or relating to the financial condition, assets or liabilities of any firm or corporation in which such person has a financial interest, or for whom he or she is acting, **with a fraudulent intent of obtaining** credit, goods, money or **other property, and shall by such false statement obtain** credit, goods, money or **other property, shall be guilty of a misdemeanor of the first degree, punishable as provided in S. 775.082 or S. 775.083.**

**4.** The United States Constitution; Article III - The Judicial Branch. Section 2; **Trial by Jury, Original Jurisdiction, Jury Trials.** Ratified in 09/17/1787; **The Trial of all Crimes,** except in Cases of Impeachment, **shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed;** but when not committed within any State, **the Trial shall be at such Place or Places as the Congress may by Law have directed.**

**5.** The United States Constitution; Amendment 6 - **Right to Speedy Trial, Confrontation of Witnesses.** Ratified 12/15/1791. **In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury** of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; **to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.**

**6.** The United States Constitution; Amendment 7 - **Trial by Jury in Civil Cases.** Ratified in 12/15/1791; **In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.**

7. The United States Constitution; Amendment 14 - **Citizenship Rights**. Ratified in 07/09/1868; Section 1; **nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.** Section 5; **The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.**

8. The Florida Constitution; Article I; **Declaration of Rights**; Section 22. **Trial by Jury: The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors; not fewer than six, shall be fixed by law.**

9. TITLE 18, U.S.C., SECTION 242; **Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both;**

#### STATEMENT OF THE FACTS

10. On 08/16/10 Petitioner, Joaquin DeMoreta-Folch Pursuant Florida Statutes Chapter 812.061 LARCENY; RETURN OF PROPERTY TO OWNER; PROCEDURE; intended (1<sup>st</sup> time) to file in the Court Criminal Division 56 the PETITION TO RETURN OF PROPERTY TO OWNER.

11. On 08/16/10 person(s) charged with larceny breached the law (Florida Statutes Chapter 812.061) by filing the above mentioned PETITION TO RETURN OF PROPERTY TO OWNER as other civil division **case number CA10-2221**. This is barred by the Florida Statutes Chapter 812.061

12. On 08/24/10 at 9:17 AM, Petitioner, Joaquin DeMoreta-Folch Pursuant Florida Statutes Chapter 812.061 LARCENY; RETURN OF PROPERTY TO

OWNER; PROCEDURE; (2<sup>nd</sup> time) filed in the office of the Chief Deputy St. Johns County Clerk of Court and delivered to the state attorney for further proceedings, the sworn Petition to Return of Property to owner (See Petition to Return of Property to Owner. ¶¶ 1, and 4. **CLERK ID # 2010-0001**, filed on 08/24/10)

**13.** August 29<sup>th</sup>, 2010 was the last day any filing could be made by any **sworn objection** to the above-mentioned sworn Petition to Return of Property to Owner.

**14.** On August 29<sup>th</sup>, 2010 not one party charged with larceny filed a sworn objection claiming title or right of possession to the involved real state property.

**15.** On August 31<sup>st</sup>, 2010 at 3:03pm, Florida attorney and Administrative Judge in the Honorable 7th Judicial District Court of Florida, Honorable John M. Alexander (bar number 487260) filed for the **CLERK ID # 2010-0001** the **FRAUDULENT and UNCONSTITUTIONAL ORDER STRIKING AND DISMISSING CRIMINAL COMPLAINT with Prejudice;** (See OR 3356 PG 1809-1811; and CLERK ID # 2010-0001. This is a Fraudulent and Unconstitutional Order filed two days after the deadline.

**16.** On August 31<sup>st</sup>, 2010, Florida attorney and Administrative Judge Honorable John M. Alexander (bar number 487260) made multiple false statements, in writing, in the **ORDER STRIKING AND DISMISSING CRIMINAL COMPLAINT and by such false statements obtained the “Subject Property” for the Person(s) charged with larceny. It is unconstitutional Pursuant Florida Statutes Chapter 817.03: Making false statement to obtain property or credit. This if found** guilty is a misdemeanor of the first degree, punishable as provided in S. 775.082 or S. 775.083.

**17.** On August 31<sup>st</sup>, 2010, Florida attorney and Administrative Judge Honorable John M. Alexander (bar number 487260) fraudulently **ORDERS STRIKING AND DISMISSING CRIMINAL COMPLAINT** invalids and contradicts our United

States Constitution Article III, Section II, and Amendments # 6; # 7; # 14; and also, the Florida Constitution. Article I; Section 22.

18. On February 3, 2009 Honorable Eric H. Holder, Jr. swore in as the 82nd Attorney General of the United States. President Barack Obama announced his intention to nominate Mr. Holder on December 1, 2008.

19. On April 20, 2009 Honorable Lanny A. Breuer was confirmed as Assistant Attorney General for the UNITED STATES DEPARTMENT OF JUSTICE Criminal Division's.

20. Honorable Lanny A. Breuer specialized in white-collar criminal, larceny and complex civil litigation.

21. Honorable Thomas E. Perez was confirmed as Assistant Attorney General for the UNITED STATES DEPARTMENT OF JUSTICE Civil Rights Division; and says as follow: "The Civil Rights Division must address both. We will use all of the tools in our arsenal **to enforce the laws of the land so that everyone has access to equal justice**, and the opportunity to reach for the American Dream."

22. The United States Supreme Court stated that "**when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution and he is in that case stripped of his official or representative character and is subjected in his person, to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States.**" See Scheuer vs. Rhodes, 416 U.S. 232, 94 S.Ct. 1683 (1974). <http://supreme.justia.com/us/416/232/index.html>

23. The United States Supreme Court stated "**no state legislative or executive or judicial officer can war against the Constitution without violating his undertaking to support it.**" Cooper v. Aaron, 358 U.S. 1, 78 S.Ct 1401 (1958). <http://supreme.justia.com/us/358/1/index.html>.

WHEREFORE: Petitioner, Joaquin DeMoreta-Folch respectfully suggest to the US DEPARTMENT OF JUSTICE in Washington DC; Criminal Division's; Civil Rights Division; to enforce the Supreme Law of the Land, so that everyone has access to equal justice; **the US DOJ in a speedy, separate, and public trial, by an impartial JURY TRIAL, shall prosecuted each Person(s) charged with Larceny in the PETITION TO RETURN OF PROPERTY TO THE OWNER; CLERK ID # 2010-0001** (for the "Subject Real State Property") so that everyone could receive the same rights and services to which are entitled in compliance with the Supreme Law of the Land.

Submitted respectfully, this 4<sup>th</sup> day of January 2011



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JOAQUÍN DE MORETA-FOLCH

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# VERIFICATIONS

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

BEFORE ME personally appeared, JOAQUIN M DE MORETA-FOLCH who, being by me first duly sworn and identified in accordance with Florida law, deposes and says:

1. My name is Joaquin M. De Moreta-Folch, Petitioner herein.
2. I have carefully read the foregoing **United States Department of Justice Employees Misconducts; Crime Larceny Complaint**; and each of the facts alleged therein is true and correct of my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
JOAQUIN M DE MORETA-FOLCH

SWORN TO and subscribed in my presence, in the County and State last aforesaid, this 3 day of January, 2011.

  
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NOTARY PUBLIC, State of  
Florida  
My Commission Expires:  
(SEAL)