

IN THE FIFTH
DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT RULING ON BEHALF OF SECOND DISTRICT
PER RECUSAL ORDER OF SUPREME COURT JUSTICE CANADY
CASE NO. 2D-10-774

RANDALL C. TOWNSEND, etc., ET AL)
RESPONDENTS/PLAINTIFFS/APPELLANTS))
)MOTIONS PER
)R.O.C.P. 1.530
Vs.)
)MOTIONS PER
HEATHER M. GRAY, etc., ET AL)R.O.C.P. 1.540(a),(b)
)
APPELLEES)

PER RELATED CASES PER EVIDENCE CODE §90.201

**IN RE: SC2011-41 ORDER OF CHIEF JUDGE CANADY TO
DISQUALIFY 2nd DCA TO ENGAGE THE 5TH DCA (received
12/29/2010)**

**IN RE: SC09-1121 ORDER DISBARRING ATTORNEY HEATHER
M. GRAY (Former Attorney Retained to Appeal ALL Rights of
Townsend ET AL.)**

IN RE: SC09-1910 ORDER FOR STATEWIDE GRAND JURY #19

**IN RE: SC60-95935 TOWNSEND v. BRUCE CHAPIN ET AL.; P.C.A.
5D98-2111**

**IN RE: SC60-95936 TOWNSEND v. DAVID POPPER ET AL.; P.C.A.
5D98-1866**

IN RE: SC60-86918 TOWNSEND v. LANE; P.C.A. 5D94-1913 5th DCA

**IN RE: SC07-1181 TOWNSEND ET AL v. KAREN TOWNSEND ET
AL. 2nd DCA**

**Now consolidated as R.O.C.P 1.530 and 1.540 Action By Proved Frauds:
(Extrinsic, Intrinsic and Fraud to the Courts) by all defendants in
collusion of their criminal enterprises inclusive of: Florida Bar Officers;
judges; attorneys; Law enforcers and “others Doe” including now
former Florida Supreme Court Judges and their “Other Agents” as
Townsend ET AL v. Beck ET AL 02-03812, 13th Circuit consolidated as:
IN RE: 2D10-774 TOWNSEND ET AL. v. HEATHER GRAY ET AL;**

IN RE: 13th Circuit 06-6005 TOWNSEND ET AL. v. HEATHER GRAY ET AL.
IN RE: 13th Circuit 05-0911 TOWNSEND ET AL. v. CHARLES H. SCRUGGS III (Florida Bar # 071911) ET AL
FLORIDA BAR COMPLAINTS- 05-3977; 93-31, 690 and 691 and 692;
Federal Case TOWNSEND ET AL v. BECK ET AL 8:06-CV2050T-30-TGW Tampa (Judge Moody Jr. and 11th Circuit Court of Appeals Admitting Attorney/“Government” Negligent Services)

NOTICE IS GIVEN that Randall Townsend, Individual and GUARDIAN MEMBER in Good Standing Per F.S.§617 since 1993 for FBCCP/CPCS and “others” and himself, as TOWNSEND ETC. ET AL, as RESPONDENT(s)/PLAINTIFFS/APPELLANTS/still victims, as “Government Persons” have been proved doing their “criminal enterprise” prejudiced conspired frauds “Under Color of Law” continues to timely state:

1. On May 6, 2011 per discussions with 5th DCA Clerks Jean and Carol, Appellants Townsend ETC. ET AL stated he believed:
 - A. The 5TH DCA was prejudiced and biased as by having jurisdiction of the Appeal even these same judges and Clerks would have bias and prejudice that the Attorney Heather Gray who was by contract retained by Townsend ET AL to expose the 5th DCA and their Co-Participants violations of law and violations of R.O.C.P. in the malicious prosecution and intentionally negligent representation by Popper/Chapin ET AL (as exposed and confirmed by even judge

Orfinger in rulings as **Robinson** quoting Townsend's proved legal position in **Townsend v.Lane** whom the 5th DCA had been negligent in lawfully controlling and Townsend has always maintained intentionally and willfully conspiring by fraud "Under Color of Law" were still as now proved trying to conspire to "Obstruct Justice" and "Abuse Process" and continue frauds and violations of law against Townsend ET AL;

B. And also learned that several documents (**Amicus Brief, Amicus Brief and Motions based on New Evidence** and **APPELLANTS VERIFIED MOTION FOR DISQUALIFICATION OF JUDGES AND MOTIONS FOR RECUSAL**) were not properly retained in this 2nd/5th Appeals Case File that due to this Case having a 2DCA file number the 5th DCA Clerks had not retained the case file properly as the stamped dates on these files confirm. These two **Amicus Briefs** and **Disqualification Motions** were proofs filed as part of this case to show "the connected Government and Others" criminal enterprise as grounds for "impeaching judges by their own words", motives, connective and continuing case facts, prejudice, intentional negligent representation by Florida Bar Members and Agents and frauds by the Appellees and "Others" not yet discovered as proved by the ruling by

Judge Orfinger in case **ROBINSON v. Weiland** 5D05-2380 using the same “just claims” this same Appellant Townsend stated in **TOWNSEND V. LANE** 659 So.2d 720(Fla. 5th DCA 1995) but now reversing himself and “others” and these his co-participants as frauds and intentionally negligent misrepresentations by collusion of Randall Townsend’s former Attorney’s David H. Popper and Bruce Chapin with judges of the Orange County Circuit, 5th DCA, and Florida Supreme Court and Florida Bar Officers and “others” and their agents Even intentionally and unlawfully with Deputies Jeffers, Howlett, Corbin and Smoak ET AL with the knowingly, intentional and willfully conspiring of now disbarred Heather Gray ET AL and still doing criminal acts and violations of Constitutional Rights by Government Persons in violations of Due Process that Townsend hired and Attorney Heather M. Gray per Townsend ET AL’s then Attorney Charles H. Scruggs III ET AL advised to assist him advocate for Townsend’s causes was paid and agreed to advocate for Townsend ET AL.

2. Clerk Jean advised that the **DISQUALIFICATION MOTION** would not be heard until the case file was corrected so the judges had a full chance to know the confirmed facts of this case which per the criminal enterprise

of and by Appellees and “Others” is ongoing since 1988 as Heather Gray and as HEATHER GRAY ET AL agreed was to advocate.

3. On May 10, 2011, Clerk Jean advised that the new copies she had agreed Townsend should resubmit had not arrived. An agreement was made that Townsend would on May 11, 2011, drive from Sarasota Florida to Daytona Beach Florida to inspect and insure the files were corrected to contain all filed records.

4. On May 11, 2011, at the 5TH DCA Clerks Office these disturbing facts were learned:

A. Clerk Jean announced the re-sent Certified mailed two Amicus Briefs and Disqualification Motion had just all arrived that morning but were with the file but not in the security of the file. Both Priority Mail Packets were sent Certified Priority Mail from two different Post Offices on two different days.

B. **Document “A”** as Exhibit Attached herein as proofs of Causes for Appellants to raise R.O.C.P. 1.530 and 1.540 Motions of: mistake(s); Intrinsic Fraud(s); Extrinsic Fraud(s); Fraud(s) On the Court; misrepresentation(s); fraud(s); prejudice(s); negligent misrepresentation(s); and an incomplete case file whereupon these 5th DCA Judges were deciding with the improper case files unable to

make an unprejudiced opinion as these papers contains **an improper heading showing: (1) of an unknown person(s) as “Linda Baumgarner Elledge, et al”;** (2) **“NON FINAL APPEAL FROM THE CIRCUIT COURT FOR BREVARD COUNTY”;** (3) **LISA DAVIDSON, JUDGE;** (4) **unknown Initials and dates of 3/31/11, 3/28/11, 4/1/11 as dates of “Concurring” when it is established the case file is illegally incomplete per the admissions of the Clerks and the dates stamped by the 5TH DCA and 2nd DCA (5) internal notations in the files which show acts to cause fraud(s) and prejudice.**

C. **Document “B”** as Exhibit Attached herein as proofs of Causes for Appealants to raise R.O.C.P 1.530 and 1.540 Motions of: mistake(s); Intrinsic Fraud(s); Extrinsic Fraud(s); Fraud(s) On the Court; “Obstruction of Justice”; “Undue Process”; “Extortion”; “Tampering with witnesses including minors and elderly”; misrepresentation(s); fraud(s); prejudice(s); negligent misrepresentation(s); and an incomplete case file whereupon these 5th DCA Judges were deciding with the improper case files unable to make an unprejudiced opinion as these papers contains the writings as “Denial” or the like with what appears to be three sets of initials and dates of 5/3/11, 5/5/11, and

5/9/11 all of which are prior to the May 11, 2001 admission of the Clerks that the Appeals file was not completed based on their lost documents until the morning of 5/11/2011 just prior to the arrival of Townsend to inspect their admitted errors.

5. Clerks Jean and Carol advised as their excuse that when they sent the filed documents back to the 2nd DCA or forwarded the Amicus Briefs to the Florida Supreme Court that for their file they only retained the top cover sheet as dated in the 5th DCA Copy of the file.
6. Townsend even on 5/11/2011 had to “argue” to the Clerk Jean as she tried again to exclude documents that a “neutral” judge must consider the point not to exclude the two Amicus Briefs exposing “FACTS” per the rulings of these related cases by the Florida Supreme Court again and still as in this case as these documents go to prove “Motive”, “Bias”, “Prejudice”, “Singularity” and “Proofs of Color of Law and Civil Rights violations” that Appellees and “Others Doe” unknown Co-Participants continue to do to “Unconstitutionally Impede” Townsend ET AL “whistle blow” the violations of “Government Persons and Others” have done because the connected conspiracy by Popper/Chapin/5th DCA “Others DOE” ET AL to assist and “Impede” with Jeffers ET AL these protected Religious Contract Rights of F.S.§617 “Persons”.

7. As of May 15, 2011, the Fifth DCA has shown no filings since 4/27/2011 on the on-line docket posted for this case yet a Verified Motion for Disqualification and Motion For Recusal and Notice of Appeals have been filed as confirmed on May 11, 2011.

WHEREAS PER THE RULES OF LAW and CASE LAWS even by these same “judges” in **ROBINSON** *id.* **admitting their own “judicial errors” as part of their criminal enterprise** the Statue Of Limitations has still not expired on any named Defendant or “Others Doe” not yet exposed because even as one example, Judge Orfinger ruled in **ROBINSON** *id.* “Discovery” has been “Unlawfully Impeded” by judicial “errors” since “Government Persons” as Popper/Chapin/Jeffers ET AL are enjoined as these “partially allowed records exposed” since about 1988 to continue to use their clients funds and “Government Funds” also as Tax Payers funds by frauds as “Government” to “Impede” Constitutional and Contract Rights these for whom Townsend speaks advocates as a “Whistle Blower” per F.S.§617 per Florida Constitution Article I. Section 3. Judge Orfinger is per his Rulings now expected to be called as a “Witness” for Appellants per his admissions ruling in **ROBINSON** that prior judges violated Townsend as Townsend told this 5th DCA court since these first related Appeals were filed against Lane ET AL. These same Co-Conspirators and Co-Participants

are connected to the violations of Law as admitted by Judge Crenshaw and Attorney Denny in September 2006 in the transcript showing their collusion to conceal “truthful evidence” and not grant Discovery (Even of FBCCP/CPCS Records which when produced will show use of Church Members designated funds instead used by the “Sect ET AL” as Jeffers/Beck/Powell/Leatherman ET AL for “unreported bribes” and payments to with Gibbs/Grant/Denny and “others” ET AL, within the same week of the **ROBINSON** 9/1/2006 ruling and with showing these connected facts per the Crenshaw allowed filing of the Amended Complaint Townsend filed August 10, 2006 (Crenshaw appointed by Defendants Bush and Crist ET AL have motives of prejudice and bias as confirmed by Judge Canady) in related case 02-03812 as attorneys (Scruggs/Gray/Denny/Rolfes/Grant/Gibbs and “others”) retained by or for the FBCCP Church/School “Not for Profit” Corporation as for Townsend ET AL had a duty to protect F.S.§617 “Persons” as Clients. By Attorney Gibbs/Jeffers(Deputies/Government Law Enforcers) ET AL “obstructing” Townsend and other members by Popper/Gibbs/Jeffers ET AL conspired frauds to produce false records and false Under Color of Law legal advise and even violate Townsend’s Right to per his FBCCP Membership Contract and Duties Address his co-members per the FBCCP Contract these “Law

Enforcers” have in conspired collusion per Rule 1.530 illegally violated Florida Statutes and our Florida Constitution and our U.S. Constitution. These case files and “other” papers show proofs collusion.

PER **KAISNER V. KOLB** 543 So2d 732, 1989 Fla. SCT 2682, all “Government Persons” and “others” knew or have been lawfully informed by Townsend of the “Risk” since 1988 or before or after of their violations of law, negligent care, unlawful detention and frauds and are liable for damages Townsend Appellants have and are still suffering from their same collusion, extortion and “daily threats” by the “Government persons malitia” having illegally by frauds invaded and took our property, homes, business, Churches and “Christian Private School” and our kids to conceal truthful evidence as this 5th DCA ET AL continues to do from citizen victims as now Respondents/Plaintiffs/Appellants/Citizens who per their Contracts have rights to “be safe” and “not be impeded” by “Government” per F.S.§768.28.

These Townsend ET AL case files since 1987 and before must be included as Evidence showing “collusion and frauds” to violate a “Religious” Protected Group per **FIRST FREE WILL BAP. CH. OF BLOUNTSTOWN, INC. v. FRANKLIN, ET AL.** 4 So2d 390, 148 Fla. 277, stating:

“When membership was accepted therein, they submitted themselves to the ecclesiastical jurisdiction of the church...The law appears to be

settled that in the absence of showing of fraud, collusion or arbitrariness on the part of the church authorities having jurisdiction of the controversy, the courts will not interfere.”

At FBCCP/CPCS the “ecclesiastical jurisdiction” duty rested in the “whole vote of the membership” and Nominations Committee Motions to the membership of which Townsend in or about 1994 began his “Dutiful” investigation of frauds by FBCCP Business Administrators at the directive of the membership and sought the assistance of Deputies and CLA Gibbs to perform their contracted legal duties and FBCCP membership contract duties. The “Frauds and Collusion” by these “Law Enforcers ET AL” is still continuing even after these same “Law Enforcers ET AL” have themselves “arrested”, “terminated” (Hillsborough County Attorney and Administrator Pat Bean for the same reasons as Nasworthy at FBCCP) and “sought relief” against many of these now same defendants who still are part of the “**Kolb**” id. detainment keeping Townsend and Townsend ET AL from his FBCCP Duties, kids, family, business and Constitutional and Contract Rights.

Therefore per the law these Courts and or “Others” of “law enforcers” or “Others” cannot continue the violations against the “FREE WILL” Members. Discovery of our FBCCP Business and “other” records must be produced and a “lawful judge” must not impede the FBCCP Contract Rights of the LAWFUL Membership and a “lawful judge” must “make whole”

these Townsend ET AL victims for whom Townsend hereby still speaks
since the “unlawful acts” by Lane ET AL caused damages since about 1987.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Certified Mail to Judge Canady of the Florida Supreme Court 500 S. Duval St. Tallahassee, FL 32399-1925 and by U.S. Certified Mail to the 5th DCA at 300 South Beach Street, Daytona Beach, Florida 32114 and U.S. Mail to Heather Gray 10011 Cannon Drive, Riverview Florida 33578 and to the Capital Tallahassee Offices of Governor Rick Scott PL-05 and Attorney General Pam Bondi PL-01, The Capital Tallahassee, Florida, 32399 this May 15, , 2011.

Randall C. Townsend, Pro Se F.S.
Respectfully Submitted as for all Appellants by,
Randall C. Townsend, Pro Se, Per F.S.§617
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