

LEGISTAR NO.

120898

**In the Circuit Court of the
Eighth Judicial Circuit, in and
for Alachua County, Florida**

James V. Crosby,)
)
 Plaintiff,)
)
 Vs.)
)
 N. FL ICAC Task Force,)
)
 Defendant)

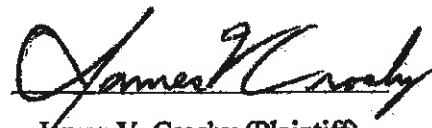
Case No.: 01 2011 CA 004967 K

Notice Of Amended Complaint

NOTICE OF AMENDED COMPLAINT

The Plaintiff is notifying this Court that the complaint on file is now amended. The main change that was made is that the Defendant is now the "City of Gainesville". The amended complaint follows this notice and the Plaintiff would like the Court to serve it on the Defendant. The fee for service has been waived because the Plaintiff has been declared indigent.

Respectfully Submitted,



James V. Crosby (Plaintiff)
2570 Eiffel Cir. E.
Jacksonville FL, 32210

**In the Circuit Court of the
Eighth Judicial Circuit, in and
for Alachua County, Florida**

James V. Crosby,)
)
 Plaintiff,)
)
 Vs.)
)
 City of Gainesville,)
)
 Defendant)

Case No.: 01 2011 CA 004967 K

COMPLAINT

Plaintiff James V. Crosby brings forth the following causes of action and alleges the following:

1. Plaintiff is an individual and resident of Middleburg FL.
2. Defendant is a corporation and at the time of this complaint, a resident of Alachua County, FL.
3. On April 1, 2007, Plaintiff was arrested in an illegal internet sting performed by the Polk County Sheriff's Office (PCSO) in cooperation with (and under the guidance and training of) the Defendant's police department, the Gainesville Police Department (GPD).
4. The GPD is in charge of carrying out the law enforcement duties of the Defendant.
5. The GPD is the host agency of the North Florida Internet Crimes Against Children Task Force (N. FL ICAC) and, therefore, responsible for proper training of the law enforcement agencies involved in pro-active internet sting operations involving child solicitation.
4. The PCSO has openly admitted to being a member of the N. FL ICAC in 2007.
5. The GPD did not take proper precautions to ensure that the PCSO would perform the operation within the requirements of the law and the constitution.

6. The GPD did not train the PCSO on proper investigative techniques when performing internet stings.
7. The GPD has allowed the "Operational and Investigative Standards" produced by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), a division of the Department of Justice (DOJ), governing the internet stings to be violated and allows them to be continually violated just to keep receiving federal grant money.
8. The grant money being given to the GPD for training purposes is being misused and misappropriated because proper training is not occurring.
9. The Defendant has allowed the GPD to enter into an unconstitutional agreement, a memorandum of understanding (MOU), with the DOJ and the OJJDP that incentivizes the creation of crime.
10. The guidelines set forth in the MOU are being violated making the terms of the agreement more unconstitutional.
11. The Defendant has allowed the GPD to enter into this agreement to collect federal grant money meant to incentivize crime and collect tax payers money for the prosecution and incarceration of innocent citizens by labeling them as sex offenders to receive more grant money.
12. The continual disregard for rules, regulations, egregious government conduct, and the constitution has caused the Petitioner to be ultimately convicted on January 4, 2010 due to an involuntary plea as a result of ineffective counsel and the prejudice and lies the Defendant has spread and continues to spread through the media making it impossible to get a fair and impartial jury.

Plaintiff brings forth the following counts and allegations supporting his cause of action:

COUNT 1 – NEGLIGENCE

Business Governance: The guidelines set by the DOJ on internet stings are not being enforced by the GPD. Since the GPD is in charge of training multiple law enforcement agencies, the Defendant has allowed the GPD to spread this problem to other agencies by improperly training them which projects the scope of the problem well beyond the jurisdiction of the Defendant causing them to lose control.

Business Torts: The Defendant has allowed its affiliate the PCSO to be influenced by the news media allowing it to receive payment for video footage of internet stings causing a conflict of interest affecting the preservation of justice and the legislative intent of the child solicitation statutes.

Third Party Indemnification: The Defendant is liable for damages that the Plaintiff incurred as a result of the corporations neglect because the GPD is in charge of a multijurisdictional organization (the N. FL ICAC) funded by the Department of Justice. The GPD was the host agency in charge of the PCSO and has agreed to be liable for damages.

Construction Defect: The Defendant failed to fully understand the effect of letting the GPD be the host agency for the N. FL ICAC. The Defendant is supposed to be in control of the law enforcement duties of the GPD and because of the business arrangement that has been set up the GPD is now in control of them and all of North Florida.

Negligent Security: Defendant did not properly supervise the GPD to ensure law enforcement duties were carried out in their best interest simply because the Defendant wanted the extra grant and tax payer money from labeling innocent people as sex offenders.

COUNT 2 – PROFESSIONAL MALPRACTICE

Other Professional: The Defendant did not perform its duties necessary to ensure the GPD would detect crime and not create it for profit. The GPD also failed to ensure the competence of the PCSO to record all evidence available and needed for the Plaintiff's defense.

COUNT 3 – OTHER

Constitutional Challenge - Statute or Ordinance: The methods used by the GPD, which are the same methods they train other agencies with, while conducting internet stings (as well as after) violate the First (freedom of speech), Fourth (unreasonable search and seizure), Fifth (due process), Sixth (right to effective council), and Fourteenth Amendments (equal protection) to the Constitution.

Discrimination: The GPD is targeting men with no predisposition or intent, creating crime, and using the fact that the men are already looking for sex or willing to talk about it to their advantage by using methods of persuasion, inducement, encouragement, and bribery.

Libel/Slander: The GPD is letting law enforcement agencies under their guidance and training spread lies about how and where on the internet the stings are conducted saying that the stings are performed on minor oriented websites giving the impression of guilt, the illusion that guidelines are followed, and the illusion that the public is in danger of internet predators. The GPD is also letting law enforcement agencies who are supposed to be in its control take the liberty to slander the names of the people arrested by telling blatant lies about them and using their chosen occupation to draw wild conclusions which spread panic and fear making it impossible to get a fair trial.

EXPLANATION OF CLAIM

The Plaintiff was arrested (and ultimately convicted) by the PCSO in an illegal internet sting which was overseen by the GPD that was allegedly conducted to catch child predators. However, the sting was performed in an adult chat room, the Plaintiff was not

looking for a minor to solicit, and he was induced, persuaded, and encouraged to allegedly commit the offenses he was charged with and come to the undercover location. Furthermore, the phone conversations that could have proven his innocence were not recorded just to be able to say that he was lying as to why he showed up at the decoy house. The phone calls could have also proven that he did not believe he was talking to a minor, that he really did not want to show up, and that he was bribed with money just to get him to come. The idea to have a sexual conversation and a meeting with the undercover agent posing as a minor was implanted in his mind because of the adult content in the environment (such as sexual conversations and pornography), the implied consent and persuasion, the implantation, and the known role-playing content in the environment. To make matters worse, the PCSO even lied in an article (which the Defendant was involved in) saying that the sting was conducted on a minor oriented website and that the Plaintiff had previously been arrested for molestation. The Plaintiff has been denied of Due Process as a result of these lies because he was assumed guilty until proven innocent and pertinent evidence was either not collected or destroyed that could have proven his innocence.

The Defendant is held accountable for the pain and suffering that the Plaintiff has had to endure because it was the Defendant's job to ensure the GPD would train law enforcement agencies properly and that the guidelines set by the Department of Justice were followed. Instead, the Defendant let the PCSO have "free reign" on the internet which not only goes against the congressional intent of the statutes on child solicitation but also goes against the legal precedence that has been set. Now that everything has become a three ring circus like everyone wants due to the lack of control by the Defendant and the Department of Justice, the Plaintiff is demanding reform because the statutes were not meant to talk and bribe innocent people into "breaking the law". Furthermore, the statutes were not meant to allow law enforcement to destroy and omit evidence that could prove the innocence of the suspects. The

statutes were enacted to be able to prosecute people (not just men) that are intentionally using the internet to prey upon children and not give law enforcement the opportunity to persuade, convince, induce, and bribe men with money and consensual sex to "break the law" by posing as promiscuous teens who are posing as role-playing adults.

The Plaintiff's life has been ruined over a manufactured "crime" that was thought of and carried out by the Defendant (which is entrapment) and he wants compensation for what has happened in his life as a result of it. His life was ruined over a careless adult chat conducted in the very place it should have been making it within his First Amendment Rights. He was not trying to seduce anyone, the PCSO was just looking for another arrest and were overly eager to get it. The Defendant did not take the proper precautions, did not train the PCSO properly, and allowed it to happen. The only thing the Plaintiff is guilty of is being an easy target because he was suffering from severe depression and was talked and bribed into something that he did not want to do. There is plenty of case law to support the Plaintiff's claim that the sting was illegal that goes all the way to the Supreme Court. Finally, the only reason why the officers said that he believed that this was a minor is because they wanted him to believe it but he didn't and he certainly did not show up to a house to have sex with a stranger. If the Plaintiff really wanted to have sex with a minor he would have went to a playground (or a minor oriented website) and found a real minor and not to an adult chat room where anybody can be whomever he or she wants to be.

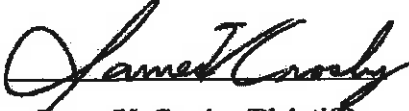
Monetary compensation does not even come close to the pain, suffering, and the tort inflicted on the Plaintiff's family and him over this unfortunate event, this mockery of justice. He will never be able to get back the life that he had. He has lost his friends, family, career, his reputation is permanently damaged, and he is utterly alone. He will forever be haunted by that internet sting and what it has done to him. He will forever be labeled as a pervert even if his appeal is successful. He will leave this life that has been given to him by the Defendant

and this country, since it is on the brink of communism anyway, and never look back. If the Defendant and its affiliates are interested in making money from the destruction of innocent people's lives by violating the constitution and the rules set by the DOJ, then the Defendant will have to pay for that "honor".

DAMAGES

WHEREFORE, Plaintiff seeks compensatory damages in the amount of \$20,000,000.00 (tax free) for the tort that has been inflicted upon him by the Defendant (which resulted from its greed, lies, negligence, and everything listed herein) and its affiliate at the time, the PCSO.

Respectfully Submitted,


James V. Crosby (Plaintiff)
2570 Eiffel Cir. E.
Jacksonville FL, 32210