

MEMORANDUM**Office of the City Attorney**Phone: 334-5011/Fax 334-2229
Box 46**TO:** Mayor and City Commissioners**DATE:** June 25, 2001**FROM:** City Attorney**CONSENT****SUBJECT:** David Andrew Cape v. City of Alachua Police Department, et al.;
United States District Court Case No.: 1:00cv-113 SPM/WW

Recommendation: The City Commission authorize the City Attorney, and or special counsel if insurance coverage is available, to represent the City in the case styled David Andrew Cape v. City of Alachua Police Department, et al.; United States District Court Case No.: 1:00cv-113 SPM/WW.

On or about June 11, 2001, the City received a complaint from David Andrew Cape, acting in a pro se capacity. Mr. Cape sues twelve entities in regard to an arrest or other confinement, including the Gainesville Police Department. It is unclear from the complaint what role, if any, GPD had in that arrest or confinement, but Mr. Cape alleges that he had past encounters with GPD.

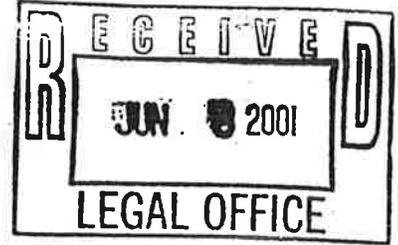
Prepared by:


Elizabeth A. Waratuke,
Litigation Attorney

Submitted by:


Marion J. Rackson,
City Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION



DAVID ANDREW CAPE

VS

CASE NO. 1:00-cv-113 SPM/WW

CITY OF ALACHUA POLICE
DEPARTMENT et. al.

SUMMONS IN A CIVIL ACTION

COPY

TO: (Name and Address of Defendant)

GAINESVILLE POLICE DEPARTMENT

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and
serve upon

PLAINTIFF'S ATTORNEY (name and address)

DAVID CAPE, Pro Se
General Delivery
Saint Louis, Missouri 63166

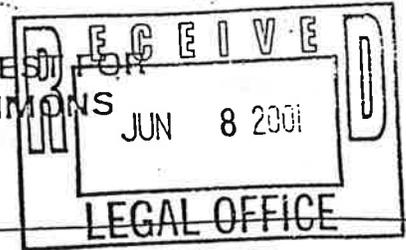
an answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so,
judgment by default will be taken against you for the relief demanded in the complaint.

ROBERT A. MOSSING, CLERK

Deputy Clerk: TiAnn Stark

April 18, 2001
DATE:

NOTICE OF LAWSUIT AND REQUEST FOR
WAIVER OF SERVICE FOR SUMMONS



TO: (A) GAINESVILLE POLICE DEPARTMENT.

as ~~(B)~~ _____ of ~~(C)~~ _____

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed.) A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) NORTHERN District of FLORIDA and has been assigned docket number (E) 1:00-cv-113 SPM/WW.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) thirty days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States.)

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this first day of June, 2001, 1901.

David Andrew Cape

Signature of Plaintiff's Attorney
or Pro Se (Unrepresented) Plaintiff

- A - Name of individual defendant (or name of officer or agent of corporate defendant)
- B - Title, or other relationship of individual to corporate defendant
- C - Name of corporate defendant, if any
- D - District
- E - Docket number of action
- F - Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver (enclosed)

WAIVER OF SERVICE OF SUMMONS

TO: David Andrew Cape General Delivery Saint Louis, Missouri 63166
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, _____, acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of _____,
(CAPTION OF ACTION)
which is case number 1:00-cv-113 SPM/WW in the United States District Court
(DOCKET NUMBER)
for the Northern District of Florida.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after

1 June, Anno Domini 2001
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

(DATE) (SIGNATURE)

Printed/Typed Name: _____

As _____ of _____
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time,

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TO: David Andrew Cape General Delivery Saint Louis, Missouri 63166
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

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(DEFENDANT NAME)

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(DATE) _____
(SIGNATURE)

Printed/Typed Name: _____

As _____ of _____
(TITLE) (CORPORATE DEFENDANT)

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A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time,

AMENDED COMPLAINT
CIVIL RIGHTS COMPLAINT FORM
FOR USE IN ACTIONS UNDER 42 U.S.C. § 1983
IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

- 1. DAVID ANDREW CAPE
- 2. _____
- 3. _____

(Enter the full name of each plaintiff, plus inmate number (if applicable). Begin the name of each plaintiff on a new line. The entire name of each party should - be in capital letters. Descriptive terms such as a party's title or job position should be in normal case.)

vs.

CASE NUMBER: 1:00 cv 113-SPMGR
(To be assigned by Clerk)

- 1. CITY OF ALACHUA POLICE DEPARTMENT,
- 2. ALACHUA COUNTY SHERIFF'S DEPARTMENT,
- 3. JUDGE GREEN
- 4. MERIDIAN BEHAVIORAL HEALTHCARE,

(Enter the full name of each defendant in the same manner as above. If additional space is required, use the blank area directly to the right.)

- 5. JUDGE STAN R. MORRIS,
- 6. COMMUNITY BEHAVIORAL SERVICE,
- 7. OFFICE OF PUBLIC DEFENDER
C. RICHARD PARKER
- 8. ALFREDA COWARD
- 9. JUDGE DOWDY,
- 10. MICHAEL AMIEL,
- 11. OFFICE OF THE CLERK OF THE

EIGHTH JUDICIAL CIRCUIT COURT OF THE STATE OF FLORIDA
ANSWER ALL QUESTIONS ON THE FOLLOWING PAGES: 12. GAINESVILLE POLICE DEPARTMENT

I. PLAINTIFFS:

State your full name, inmate number, and full mailing address in the lines below. Include the name of the institution in which you are confined. Do the same for any additional Plaintiffs:

(A) Plaintiff's name: DAVID ANDREW CAPE
Plaintiff's inmate number: _____
Prison or jail: _____
Mailing address: GENERAL DELIVERY
STEELEVILLE, MISSOURI 65565

II. DEFENDANTS:

State the full name of the defendant, official position, mailing address, and place of employment. Do the same for every defendant.

(1) Defendant's name: CITY OF ALACHUA POLICE DEPARTMENT
Official position: _____
Mailing address: ALACHUA, FLORIDA
Employed at: _____

(2) Defendant's name: ALACHUA COUNTY SHERIFF'S DEPARTMENT
Official position: _____
Mailing address: ALACHUA COUNTY, FLORIDA
Employed at: _____

(3) Defendant's name: JUDGE GREEN
Official position: _____
Mailing address: GAINESVILLE, FLORIDA
Employed at: _____

ATTACH ADDITIONAL PAGES HERE TO NAME ADDITIONAL DEFENDANTS

II. CONTINUATION OF DEFENDANTS:

(4) Defendant's name: MERIDIAN BEHAVIORAL HEALTHCARE

Mailing address: ALACHUA COUNTY, FLORIDA

(5) Defendant's name: JUDGE STAN R. MARRIS

Mailing address: GAINESVILLE, FLORIDA

(6) Defendant's name: COMMUNITY BEHAVIORAL SERVICES

Mailing address: GAINESVILLE, FLORIDA

(7) Defendant's name: OFFICE OF PUBLIC DEFENDER C. RICHARD PARKER

Mailing address: GAINESVILLE, FLORIDA

(8) Defendant's name: ALFREDA COWARD

Mailing address: _____

(9) Defendant's name: JUDGE DOWDY

Mailing address: GAINESVILLE, FLORIDA

(10) Defendant's name: MICHAEL AMIEL

Mailing address: GAINESVILLE, FLORIDA

(11) Defendant's name: OFFICE OF THE CLERK OF THE EIGHTH
JUDICIAL CIRCUIT COURT OF THE STATE OF

FLORIDA

Mailing address: GAINESVILLE, FLORIDA

(12) Defendant's name: GAINESVILLE POLICE DEPARTMENT

Mailing address: GAINESVILLE, FLORIDA

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES:

NOTE: THE COURT WILL NOT ACCEPT THE COMPLAINT FOR FILING UNTIL PLAINTIFF(S) FILL OUT THE FOLLOWING REGARDING EXHAUSTION OF ADMINISTRATIVE REMEDIES. UNDER THE PRISON LITIGATION REFORM ACT OF 1995, 42 U.S.C. § 1997e (AS AMENDED), THIS COMPLAINT IS SUBJECT TO DISMISSAL IF THE CLAIMS PRESENTED HAVE NOT BEEN PROPERLY EXHAUSTED.

A. DOES YOUR COMPLAINT CONCERN EVENTS OCCURRING WITHIN THE FLORIDA DEPARTMENT OF CORRECTIONS?

Yes ()

No (No.)

[If your answer is YES, answer all the questions in this subsection. If your answer is NO, proceed to subsection III B.]

Exhaustion of administrative remedies pursuant to Fla. Admin. Code Chapter 33-29 is required prior to pursuing a civil rights action concerning events occurring within the Florida Department of Corrections. Any required grievances, appeals, and responses must be submitted to the Court to verify exhaustion. Each plaintiff must complete a separate Section III.

EXHAUSTION STEPS REQUIRED:

* Emergency Grievance, Grievance of Reprisal, Grievance of a Sensitive Nature, Medical Grievance, Grievance Concerning Violation of Americans with Disabilities Act (ADA), Medical Grievance, Grievance Involving Admissible Reading Material, Grievance Governed by Fla. Admin. Code Rule 33-11.0065 Incentive Gain Time, Grievance Involving Disciplinary Action.

- a. Formal Grievance to Superintendent or to the Office of Secretary (Form DC1-303)
- b. Appeal to the Office of Secretary (Form DC1-303)

* General Grievance

- a. Informal Grievance (Form DC3-005)
- b. Formal Grievance (Form DC1-303)
- c. Appeal to the Office of Secretary (Form DC1-303)

EXHAUSTION STEPS TAKEN:

1. Emergency Grievance, Grievance of Reprisal, Grievance of a Sensitive Nature, Medical Grievance, Grievance Concerning Violation of Americans with Disabilities Act (ADA), Grievance Involving Admissible Reading Material, Grievance Governed by Fla. Admin. Code Rule 33-11.0065 Incentive Gain Time, Grievance

Involving Disciplinary Action (these are requests for Administrative Remedy or Appeal, by-passing the informal grievance step).

- a. Did you submit your grievance directly to the Superintendent and/or to the Office of Secretary (Form DC1-303)?

Yes()

No()

- b. If so, you must attach a copy of the grievance and response to this complaint form.

- c. Were you denied emergency status or otherwise required to first file an informal grievance?

Yes()

No()

- d. Did you have a disciplinary hearing concerning this matter?

Yes()

No()

- e. If so, you must attach a copy of the disciplinary report and disciplinary committee's findings and decision to this complaint form.

2. Informal Grievance (Request for Interview)

- a. Did you submit an informal grievance (Form DC3-005)?

Yes()

No()

- b. If so, you must attach a copy of the grievance and response to this complaint form.

3. Formal Grievance (Request for Administrative Remedy or Appeal)

- a. Did you submit a formal grievance (Form DC1-303)?

Yes()

No()

- b. If so, you must attach a copy of the grievance and response to this complaint form.

4. Appeal to the Office of the Secretary (Request for Administrative Remedy or Appeal)

- a. Did you submit an appeal to the Office of the

Secretary (Form DC1-303)?

Yes ()

No ()

- b. If so, you must attach a copy of the appeal and response to this complaint form.

B. DOES YOUR COMPLAINT CONCERN EVENTS OCCURRING WITHIN A COUNTY JAIL?

Yes (Yes)

No ()

If your answer is YES, answer the following questions.

1. Is there a grievance procedure at your institution or jail?

Yes (Yes)

No ()

2. Did you present the facts relating to your complaint in the prison grievance procedure?

Yes (Yes)

No ()

3. If your answer is YES:

- a. What steps did you take? *The current plaintiff wrote grievances and requested changes.*
- b. What were the results? *The situation did not improve as much as the current plaintiff wanted it to improve.*

4. If your answer is NO, explain why not:

IV. PREVIOUS LAWSUITS

NOTE: UNDER THE PRISON LITIGATION REFORM ACT OF 1995, 28 U.S.C. § 1915 (AS AMENDED), NO PRISONER SHALL BRING A CIVIL ACTION OR APPEAL A JUDGMENT IN A CIVIL ACTION UNDER 28 U.S.C. § 1915 IF THE PRISONER HAS, ON 3 OR MORE PRIOR OCCASIONS, WHILE INCARCERATED OR DETAINED IN ANY FACILITY, BROUGHT AN ACTION OR APPEAL IN A COURT OF THE UNITED STATES THAT WAS DISMISSED ON THE GROUNDS THAT IT IS FRIVOLOUS, MALICIOUS, OR FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, UNLESS THE PRISONER IS UNDER IMMINENT DANGER OF SERIOUS PHYSICAL INJURY. THEREFORE, IT IS EXTREMELY IMPORTANT THAT THIS SECTION BE COMPLETED IN THE MOST TRUTHFUL AND COMPLETE MANNER POSSIBLE. FAILURE TO GIVE COMPLETE AND TRUTHFUL INFORMATION ABOUT PRIOR CASES CAN RESULT IN THE DISMISSAL OF THIS ACTION.

- A. Have you initiated other actions in state court dealing with the same or similar facts or issues as involved in this action? Yes () No (NA)

B. Have you initiated other actions in federal court dealing with the same or similar facts or issues as involved in this action? Yes () No (X)

C. If your answer to either (A) or (B) is YES, describe each action in the space provided below. If there is more than one action, describe all additional actions on a separate piece of paper, using the same format as below.

(1) Parties to previous action:

Plaintiff(s):

Defendant(s):

(2) Court (if federal court, name the district; if state court, name the county):

(3) Docket Number:

(4) Name of Judge:

(5) Briefly describe the facts and basis of the action:

(6) Disposition (Was the case dismissed? If so, why? Did you appeal? What result?):

(7) Approximate filing date:

(8) Approximate disposition date:

D. Have you initiated other actions (other than those listed in (A) or (B)) in state or federal court relating to the fact or manner of your imprisonment or the conditions of your imprisonment? Yes () No (X)

E. If your answer to (D) is YES, describe each action in the spaces below. Attach additional pages if necessary.

(1) Court (if federal court, name the district; if state, name the county):

(2) Docket Number:

(3) Parties to the previous action

(a) Plaintiff(s):

(b) Defendant(s):

(4) Basis of action:

(5) Is it still pending? Yes () No ()

V. STATEMENT OF FACTS:

Using numbered paragraphs, state as briefly as possible the FACTS of your case. Describe how each defendant was involved and what each did or did not do to give rise to your claim. Include the names of persons involved, dates, times, and places. State exactly what happened. DO NOT make any legal arguments or cite any cases or statutes. You may make copies of these pages and attach additional sheets of paper if needed:

1. During the morning of 26 June, 1999, the current plaintiff noticed an unexpected pursuit of the vehicle which he was using while he was driving northward on Interstate Highway 75 between Gainesville and Lake City in the state of Florida. Eventually, because of the pursuit, damage was done to the vehicle, which the current plaintiff was driving and he received some a minor injury. Also, some possessions of the current plaintiff were damaged.

2. Between the dates of 26 June, 1999, and 3 September, 1999, in custody of the ALACHUA COUNTY SHERIFF'S DEPARTMENT, the current plaintiff had some horrible experiences. He was struck by a man in uniform at the Alachua County Detention Center. He had difficulty obtaining a transfer from an inappropriate location within the detention center. Access to legal resource materials was denied to him until after he had agreed to allow a lawyer to assist him. The staff of the detention center was sometimes disrespectful of him and of his requests. Specifically, nutritional and medical needs were not well-met.

V. CONTINUATION OF STATEMENT OF FACTS (1):

Continuation of 2. Sometimes some members of the staff spoke to him in offensive manners and there was behavior which was annoying and, in the opinion of the current plaintiff, tormenting. One member of the staff said to the current plaintiff that he was not ever going to get out of where he was, sometimes he was confined in with restricted privileges in a cell when, in the opinion of the current plaintiff, such confinement was unreasonable. There seemed to be difficulty related to attempts by the mother and father of the current plaintiff to obtain his release and to send things property to him. Also, communication via telephone was not reliable. After the current plaintiff was released from the detention center, he had some difficult encounters with a man who the current plaintiff believes was a bailiff and whose surname, apparently, was, approximately, Amorson. He hindered attempts by the current plaintiff to submit requests to judges, to use the legal resources materials of the library of the Alachua County Courthouse, and to communicate with the staff of the Office of the Clerk of the Circuit Court. Once, he threatened the current plaintiff by stating, that approximately, that the current plaintiff would go

V. CONTINUATION OF STATEMENT OF FACTS (2):

Continuation of 2. to jail if he returned to the courthouse. Eventually, the apparent bailiff ordered the current plaintiff to go and, apparently, obtained an order from a judge which restricted ~~his access~~ the current plaintiff's access to the courthouse.

3. The current plaintiff believes that JUDGE GREEN had an influence which enabled ALFRED COWARD and the OFFICE OF PUBLIC DEFENDER C. RICHARD PARKER to have a greater role in the case than the current plaintiff desired it to be.

4. During the time when the current plaintiff was detained, a woman, who seemed to him to be an employee of MERIDIAN BEHAVIORAL HEALTH-CARE and whose name he believed was Nancy Duke, neglected to attend to his needs by seeming to ignore what the current plaintiff considers to have been an obvious case of misassignment or of misinterpretation of his condition. The current plaintiff attempted frequently to improve his situation in the aspects of placement within the facility, access to legal resource materials, and alleviation of ~~other~~ discomforts; Nancy Duke was not available to him many times when he wanted assistance and when he ought reasonably, he thought, to have been able to expect her to be available to him. The

V. CONTINUATION OF STATEMENT OF FACTS (3):

Continuation of 4: Current plaintiff remembers that Ms. Duke was not available sometimes when he thought that he might possibly discuss some problem or problems or when an officer or Ms. Duke, herself, told him that she would be available to him. The current plaintiff recalls that contrary to his expectations, she stated once, approximately, that there was not anything that the current plaintiff could do to expedite an improvement of the situation in which he found himself to be.

5. JUDGE MORRIS seemed to show more respect to ALFREDA COWARD than he did to the current plaintiff during court proceedings. JUDGE MORRIS persisted in ordering mental health evaluations beyond what the current plaintiff believes was necessary. Also, JUDGE MORRIS seemed reluctant to allow the current plaintiff to have ALFREDA COWARD removed from the proceedings. JUDGE MORRIS was not always present at court appearances, which, the current plaintiff believes, caused the case to proceed more slowly and more tortuously than it might have done. The current plaintiff perceived that JUDGE MORRIS seemed biased against him and his efforts to defend himself. At least once, JUDGE MORRIS denied

V. CONTINUATION OF STATEMENT OF FACTS (A):

Continuation of 5. having a copy of a motion which the current plaintiff had written to him or to the court. Eventually, the current plaintiff signed a settlement agreement so he would be able to avoid a conviction and more time in detention.

6. Psychologists of COMMUNITY BEHAVIORAL SERVICES pressed for information and caused the current plaintiff to feel that negative reports would ensue if certain information was not provided. At least one of the typed reports contained an error or errors which caused the current plaintiff to feel downgraded. The current plaintiff believes that the reports were sometimes exaggerative or anticipatory, perhaps even prescriptive.

7. The current plaintiff believes that ALFREDA COWARD was an employee of the OFFICE OF PUBLIC DEFENDER C. RICHARD PARKER. The current plaintiff was concerned that about the possibility of a lack of autonomy in the relationship between that institution and the judicial system of the State of FLORIDA.

V. CONTINUATION OF STATEMENT OF FACTS (5):

8. The current plaintiff informed ALFREDA COWARD of the fact that he read while he was in the detention center. The current plaintiff believes that ALFREDA COWARD ought to have known that he was not mentally incompetent. Nevertheless, even much later, ALFREDA COWARD requested or recommended that mental health evaluations of the current plaintiff be performed or ordered. During the time soon after the release of the current plaintiff, ALFREDA COWARD acted or threatened to act in ways contrary to the desires of the current plaintiff, in regard to the preparation of the defense. ALFREDA COWARD would not withdraw from the defense counsel, nor would she acknowledge outright that she had not properly been appointed to assist the current plaintiff because he was not, in fact, indigent and had not completed documents described in the order for her appointment.

9. The current plaintiff has seen an order bearing the signature of a judge with the surname, approximately, DOWDY. That order effectively restricted the access by the current plaintiff to the facilities of the courthouse and affected the progress of the defense.

V. CONTINUATION OF STATEMENT OF FACTS (6):

Continuation of 9. The settlement of the case occurred during the month of March of the year 2,000, so the order would have been issued before that time but after the third day of the month of September of the previous year. The current plaintiff asserts that there is a possibility that that order was prematurely issued.

10. As had some others done during the progress of the case, MICHAEL ANTEL pressed for information from the current plaintiff in ways that were displeasing to him. More information was provided than the current plaintiff would like to have provided, and the result of the evaluation was not satisfactory to the current plaintiff.

11. The current plaintiff includes the OFFICE OF THE CLERK OF THE EIGHTH JUDICIAL CIRCUIT COURT OF THE STATE OF FLORIDA; because motions to the court were delivered at that office.

V. CONTINUATION OF STATEMENT OF FACTS (7):

12. The current plaintiff includes the GAINESVILLE POLICE DEPARTMENT because he believes that ~~then~~ the events which occurred and which form the basis of this case might possibly be have been related to the encounters which the current plaintiff has had with other official governmental entities, especially police departments.

VI. STATEMENT OF CLAIM:

State as briefly as possible what rights under the Constitution, laws, or treaties of the United States you claim have been violated. Be specific. Number each separate claim, and relate each claim to the facts in the complaint. If the claims are not related to the same basic incident or issue, they must be addressed in a separate civil rights complaint.

1. Amendment IV to the Constitution of the United States of America.
CITY OF ALACHUA POLICE DEPARTMENT:
~~ALACHUA COUNTY SHERIFF'S DEPARTMENT~~ Lack of probable cause.
ALACHUA COUNTY SHERIFFS DEPARTMENT: Classification into mental healthcare unit.
JUDGE GREEN: Classification as indigent.
MERIDIAN BEHAVIORAL HEALTHCARE: Participation in screening process and failure to assist with transfer.
JUDGE MORRIS: Failure to correct errors made by the precedingly listed ~~defendants~~ defendants.
COMMUNITY BEHAVIORAL SERVICES: Participation in interrogation,
OFFICE OF PUBLIC DEFENDER
C. RICHARD PARKER;
ALFREDA COWARD: Participation in preliminary gathering of information against wishes of the current plaintiff.
JUDGE DOWDY: Premature judgment of risk.
MICHAEL AMIEL: Participation in interrogation.

VI. CONTINUATION OF STATEMENT OF CLAIM (1);

2. Amendment V to the Constitution of the United States of America.
All defendants;
Deprivation of liberty and property
without due process of law.

3. Amendment VI to the Constitution of the United States of America
JUDGE GREEN;
JUDGE MORRIS;

Speedy trial was not granted.
Indigency and mental treatment
incompetency aspersions caused
delays.

4. OFFICE OF PUBLIC
DEFENDER CA RICHARD
PARKER,
ALFREDA COWARD,
JUDGE MORRIS;

Assistance of counsel was con-
trary to the direction and
desire of the current plaintiff

4. Amendment VIII to the Constitution of the United States of America.
ALACHUA COUNTY SHERIFF'S &
DEPARTMENT,
MERIDIAN BEHAVIORAL
HEALTHCARE:

Cruel and unusual punishment:
Abusive personnel, difficult procedures,
misclassification, failure to reclassify,
neglect of nutritional and medical needs,
& and safety issues. In relation to
difficult procedures, especially transfer,
property, release.

VI. CONTINUATION OF STATEMENT OF CLAIM (2):

Continuation of 4.

~~CITY of A~~ CITY OF ALACHUA
POLICE DEPARTMENT,
GAINESVILLE POLICE DEPARTMENT:

JUDGE GREEN:

JUDGE MORRIS:

COMMUNITY BEHAVIORAL
SERVICES,
OFFICE OF PUBLIC DEFENDER
C. RICHARD PARKER,
ALFREDA COWARD:

OFFICE OF THE CLERK OF
THE EIGHTH JUDICIAL
CIRCUIT COURT OF THE
STATE OF FLORIDA:

Possible failure to apply
the law uniformly, related
to encounters with other
official governmental entities.
Indigency classification.
Failure to protect the detainees,
the current plaintiff, from
degradation.

Participation in the degradation
of the current plaintiff.

Possible participation in the
degradation of the current
plaintiff.

VI. CONTINUATION OF STATEMENT OF CLAIM (3):

5. Amendments XI and XIII to the Constitution of the United States of America.

The current plaintiff believes that the arrest and events which occurred afterward may have been irregular, perhaps contrived, so that he would be a participant in a flow of events ~~with~~ which were not those in which he would necessarily have chosen to participate had he not been arrested.

6. Amendment ~~E~~ XIV to the Constitution of the United States of America, Section 9 of Article I and Section 2 of Article IV of the Constitution of the United States of America.

The current plaintiff suspects that there may be a meaningful relation, correspondence, correlation, or other interaction between certain of his experiences which were freely chosen and in which he was a willing participant and certain other experiences, of which he those which occurred near to ~~#~~ and after the time when he was arrested are a part, in which he was not a wholly willing and consenting participant and in which he would not have chosen to participate if he had been offered a choice, experiences in which individuals whom the current plaintiff assumes were employees of official governmental agency entities also participated.

VII. RELIEF REQUESTED:

State briefly what relief you seek from this court. Do not make any legal arguments or cite any cases. You may, if you wish, cite statutes which authorize the relief requested, but need not do so.

~~The~~ The current plaintiff requests that the United States District Court for the Northern District of Florida consider evidence which may be available and consider whether action against the defendants might possibly be appropriate. The plaintiff would consider accepting a transfer of a reasonable amount of money from some or ~~all of the~~ from all of the defendants.

VIII. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS OF FACT, INCLUDING ALL CONTINUATION PAGES, ARE TRUE AND CORRECT.

Signed this 30th day of November, 2, 000., 19 .

David Andrew Cape

(Signature(s) of Plaintiff(s))

