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Tuesday, October 25, 2005

U.S. House of Representatives
Committee on the Judiciary
2138 Rayburn HOB
Washington, DC 20515

SUBJ: Request for Congressional Investigation into Judicial corruption, Judicial Collusion and Judicial incompetence of the Gwinnett County Georgia Court system.

RE: Case No: 05-D-0999-4 State of Georgia
Case No: 04-H195, Gwinnett County Georgia
Warrant No: 04W-16446, Gwinnett County Georgia
File Number: 2004SO8458, Gwinnett County Solicitor's Office

Dear Congressman Sensenbrenner:

Before I start explaining what goes on in the Gwinnett County Georgia Court system, I want it clearly understood that each and every item discussed here can be proven/documented. I also want it understood that this letter is not the ranting of someone who fears the judicial system. On the contrary, it's the simple facts from someone who has recognized a failing judicial system, which is putting its citizens in legal jeopardy.

Gwinnett County Georgia has a broken legal system that's been operating in the dark for far too long. It's time to shed some light on their unethical and illicit behaviors. Court documents and recordings will be made available to those interested in pursuing this further.

I will begin by listing my accusations against the Gwinnett County Court system, Judge Jennifer Mann, the Gwinnett County Solicitor's Office, Ms. Pamela Britt, J.D. and Mrs. Tami Alvarez. After this I will take each item, by corresponding number, and present the truth in the form of factual statements.

CHARGES/COMPLAINTS

1. Gwinnett County Georgia is criminally and civilly liable by reason of their failure to properly investigate false accusations. This criminal failure has resulted in loss of job, loss of home, loss of profession, and loss of personal reputation. Because of their incompetence thru inaction I am now homeless.

2. Judge Jennifer Mann accepted “ESP” (aka Extra Sensory Perception) testimony during a warrant hearing and based her decision on that very same testimony; thereby showing her incompetence, her ignorance of law, and judicial collusion.
3. The Gwinnett County Solicitor’s Office is criminally and civilly liable by reason of their failure to drop charges against someone when they themselves have stated a case has no merit.
4. The Gwinnett County Court system is civilly liable for posting names on the Gwinnett County Court systems web site prior to a trial or adjudication of false charges.
5. The Gwinnett County Solicitor’s Office is criminally and civilly liable by reason of their failure to schedule a trial date, intentionally denying me my Constitutional right of trial by jury on these false charges.
6. Ms. Pamela Britt, J.D. is ethically and civilly liable by reason of her refusal to meet with her client prior to a warrant hearing in direct violation of the State Bar of Georgia Handbook, Part IV (After January 1, 2001) - Georgia Rules of Professional Conduct, Chapter 1, Rule 1.1.
7. Ms. Pamela Britt, J.D. is ethically and civilly liable for failure to notify, in writing, the Gwinnett County Solicitor’s Office of her “removal” from a case in direct violation of the State Bar of Georgia Handbook, Part IV (After January 1, 2001) - Georgia Rules of Professional Conduct, Chapter 1, Rule 1.16, Paragraph’s (c) & (d).
8. Mrs. Tami Alvarez is criminally and civilly liable by reason of her proven history of swindling people out of money/gifts and then charging them with Stalking and/or Child Abuse when a civil lawsuit is brought against her.
9. Mrs. Tami Alvarez is criminally liable by reason of her “making false statements”, which is a felony in Georgia. In the history of Gwinnett County only one woman has ever been charged or indicted for this crime. That person, of course, was Jennifer Wilbanks (aka the “Runaway Bride”).

CASE FACTS

Item #1

Merriam-Webster defines the word "investigation" as follows: (1) intransitive senses / to make a systematic examination and (2) especially / to conduct an official inquiry.

When one is charged with a crime there is always an “investigation”, the purpose of which is to discover if the claim (aka charge) and/or evidence purported is true. This is common knowledge among reasonably intelligent persons’.

We see the word “investigation” every day on the evening news. On Feb. 4, 2004 the headlines screamed "FCC chair vows to investigate halftime flash" in response to complaints over the Janet Jackson half-time debacle. More recently, on Sept. 6, 2005, the headlines proclaimed "Bush plans Katrina probe, to seek more funds - Investigation of recover effort promised after situation is stabilized".

But let Gwinnett County become involved in anything of a judicial nature and the term “investigation” seems to have been removed from their vocabulary. Try it out sometime, charge someone with a crime in Gwinnett County. What you’ll discover is a decrepit

attempt to fake justice, political back-scratching, laziness, carelessness, and a complete lack of professionalism.

After being swindled out of over \$10,000.00 I filed a civil lawsuit against a Mrs. Tami Alvarez of Snellville, GA (public record). On the day she received the notice of my civil complaint she filed false stalking charges against me. She has a history of this type of behavior. If a person takes legal action against her, she immediately charges them with stalking or worse (public record).

But the Gwinnet County Court system failed to properly investigate the charge and took the easy (aka lazy) way out and I was jailed for approximately two days. That was more than a year ago and I have yet to be interviewed or contacted by any “investigator”.

Investigation 101 says that the (alleged) investigator is supposed to gather information from all sides before making a determination. The purpose of this is to keep the court system from becoming overloaded, but not in the Gwinnett County Court system. Gwinnett County’s belief is one of you’re guilty until you, the falsely accused/charged, spend all your time, effort, and monies to prove your innocence.

I therefore charge Gwinnett County with violating my civil and Constitutional rights by failing to properly investigate false charges. Their criminal failures have resulted in loss of job and profession, irreparable damage to my reputation, and have made me homeless.

Item #2

My warrant hearing was more pathetic than their ignorance/incompetence of proper investigative techniques.

On the nights that Mrs. Alvarez accused me of stalking I just happened to be at the home of Chief Charles A. Tucker. At the time of these false charges, Tucker was the Chief of Police for the city of Flowery Branch, GA with more than thirty-four years in law enforcement. Present during my visit(s) were his wife and his seventy-plus year old mother. Given this fact I thought the Judge, a Jennifer Mann, would see the charges for what they were – a lie used by Mrs. Alvarez to gain a collateral advantage in my civil case. My trust and faith in the legal system couldn’t have been more misplaced.

After Chief Tucker and I testified, Judge Jennifer Mann began to question Mrs. Alvarez.

At one point Judge Mann asked Mrs. Alvarez “Did you see him following you?” To which Mrs. Alvarez replied, “No. <pause> But I felt it.” Welcome to the wonderful world of Judge Jennifer Mann and ESP testimony (public record).

At no time during the warrant hearing was Mrs. Alvarez able to prove her false claim. But that didn’t stop Judge Mann from calling both me and Chief Tucker liars. She then began to berate me in open court as a criminal and immediately had me taken into custody and illegally incarcerated.

Another odd thing occurred during my hearing. An unidentified Gwinnett County Judge entered the courtroom, in his robe, and stood behind Judge Mann. He never said a word and just stared at me the entire time he stood there. I can only assume that in Gwinnett

County it takes two Judges, for the purpose of intimidation, to hear a warrant case. I was never able to get his name or a reason why he entered the courtroom, in his robes, and stood next to Mann saying nothing.

I therefore charge Judge Jennifer Mann with judicial misconduct, judicial incompetence, and judicial collusion. These charges are based on her inability to meet out justice in an impartial manner, by looking at all the factual evidence, and by her inability to separate herself from her own personal prejudices and political views. She should not only be removed from the bench but disbarred as well. She is a serious danger to the judicial system and the citizens of Gwinnett County and the State of Georgia.

One of the Deputies, in the courtroom during my warrant hearing, told Chief Tucker that Judge Mann had made the statement that she "didn't like it when law enforcement gangs up on their neighbors". What this had to do with my case is beyond the intelligence of any reasonable person. But it does prove that Judge Mann's judicial misconduct and incompetence needs to be investigated. However, not by anyone in the Gwinnett County court system (fraternity). I firmly believe that a serious review of all her cases will prove she has a history of judicial misconduct and collusion.

Judge Mann knew, or should have known, that under the Supreme Law of the Land:

"Courts are the mere instruments of the law, and can will nothing. When they are said to exercise a discretion, it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed by law, and, when that is discerned, it is the duty of the court to follow it. Judicial power is never exercised for the purpose of giving effect to the will of the judge; always for the purpose of giving effect to the will of the legislature; or, in other words, to the will of the law." *Littleton v. Berbling*, 468 F.2d 389, 412 (7th Cir. 1972), citing *Osborn v. Bank of the United States*, 9 Wheat (22 U.S.) 738, 866, 6 L.Ed 204 (1824); *U.S. v. Simpson*, 927 F.2d 1088, 1090 (9th Cir. 1991).

Item #3

Item #1 (above) already covers the fact that Gwinnett County has yet to discover what the term "investigation" means, so there's no need to cover the same topic again.

What I do find amazing is that someone in the Gwinnett County Solicitor's Office actually told my Attorney, Mr. Daniel V. Klump, (678) 990-3250, that Judge Mann made a mistake and the case should have never been sent to the Solicitor's Office.

When a member of the Gwinnett County Solicitor's Office makes such a statement to the Attorney of a falsely accused man and then refuses to correct the error we now have the basis for criminal intent and malicious prosecution. What I mean by this is the refusal of an Officer of the Court to correct their errors. This is criminal because it means that an Office of the Court is willing to make statements they know are untrue during the prosecution of the innocent. Officers of the Court also know that under Georgia Law "making false statements" is a felony. The simple fact that they are willing to incarcerate someone, whom they've already admitted should have never been prosecuted, shows their intent to "make false statements" thereby destroying the lives and reputation of their citizens.

Therefore, the Gwinnett County Solicitor's Office is criminally and civilly liable by reason of their failure to properly investigate false accusations and their refusal to drop charges when they themselves have stated a case has no merit.

Item #4

The Gwinnett County Court System arbitrarily displays the name of anyone involved in ANY type of court case on their web site. While this may not seem, at first glance, to be a problem just try and pass a background check for employment if you're falsely accused in Gwinnett County.

Even though I've shown in Item #3 that the Gwinnett County Solicitor's Office admitted to my Attorney that I should have never been charged and that Judge Jennifer Mann erred, my name remains on their web page with the stigma of "Stalking" and "Family Violence".

In the past year I've applied for no less than 300 jobs, including one sweeping floors in a warehouse. However, all I've managed to do in that year is collect one email stating I've been "blacklisted" and other letters stating I did not pass a criminal background check. Since I have no criminal record, I have no doubt whatsoever that this is a direct result of my name being displayed on the Gwinnett County Courts website.

This is what happens when you have an incompetent Judge who accepts ESP as testimony and doesn't base her decision on rule-of-law teamed up with a Solicitor's Office that refuses to correct their mistakes. This shows their willingness to cover for each other and purposely commit Judicial Collusion.

Based on these facts, Gwinnett County is criminally and civilly liable by reason of their failure to correct their mistake and remove my name from their web site. Their failure has caused me irreparable personal and professional damage.

Item #5

I have repeatedly tried to get a court date scheduled in order to clear my good name and present evidence that Gwinnett County has failed to discover because of their refusal to properly "investigate" these false charges.

It's been a little over one year since my life, my livelihood, and my reputation was destroyed by the incompetence, judicial misconduct, and judicial collusion of Gwinnett County and Judge Jennifer Mann.

In order to clear my good name I sent two letters to Mr. Gerald H. Blaney, Jr, Gwinnett County Solicitor's Office. One on Monday, January 3rd, 2005 and the second on December 16th, 2005, demanding I be accused of these false charges and given a court date. In the letter I stated, "This will allow me the opportunity to exercise my Constitutional right of trial by jury and submit evidence proving my innocence."

For more than sixteen months I've repeatedly asked my attorney to request a trial date from the Gwinnet County Solicitor's Office to clear my good name. These requests have fallen on deaf ears and as of the date of this letter I still don't have a trial date.

What's the problem Mr. Blaney? Why don't I have a trial date? Why are you refusing me my Constitutional rights?

Less than 3% of persons criminally indicted now get a trial. The threat of lengthy pre-trial detention and asset forfeiture force many innocent people to plead guilty. In some cases, such as mine, it completely destroys their life and results in making the falsely accused homeless.

Again the Gwinnett County Judiciary shows themselves as a danger to the community and our freedoms by denying the residents of Georgia their Constitutional rights.

Consequently, I charge Mr. Gerald H. Blaney, Jr. and the Gwinnett County Solicitor's Office with denying me my Constitutional right of trial by jury on these false charges by their refusal to set a definite trial date.

Item #6

At the time these false charges were brought against me, October 9th, 2004, I was under contract to Diebold Systems preparing to support the Presidential election for 2004. Immediately following my false imprisonment on October 20th, 2004 I lost my job because of these false charges.

Since I was now unemployed I thought I'd exercise my rights and request a court appointed attorney – what a monumental mistake on my part. I was assigned a Ms. Pamela Britt, J.D., (770) 822-4455.

Over the next eight days I repeatedly called Ms Britt trying to discuss the case with her and schedule a face-to-face meeting. I wanted to turn over evidence showing that these charges were unfounded, without merit, and a ploy by Mrs. Alvarez to gain a collateral advantage in a civil case. Without exception, each time I tried to schedule a meeting with Ms. Britt to turn over documents and discuss the case, she told me “that's not necessary”.

The day of my warrant hearing was the first time Ms. Britt and I met face-to-face. This meeting lasted less than two minutes. Because she had repeatedly refused to meet with me before my hearing I took it upon myself to prepare a list of questions for her to ask Mrs. Alvarez. I'm glad I did. Ms. Britt showed up with no questions, no documents, not even a copy of the false charges. She was utterly and completely unprepared.

The State Bar of Georgia Handbook, Part IV (After January 1, 2001) - Georgia Rules of Professional Conduct, Chapter 1, Rule 1.1 - Competence states, “A lawyer shall provide competent representation to a client. Competent representation as used in this Rule means that a lawyer shall not handle a matter which the lawyer knows or should know to be beyond the lawyer's level of competence without associating another lawyer who the original lawyer reasonably believes to be competent to handle the matter in question. Competence requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

Therefore, Ms. Pamela Britt is ethically and civilly liable by reason of her refusal to meet with her client prior to a warrant hearing. As stated in the last sentence of the previous paragraph, Ms. Britt did not make any “preparation reasonably necessary for the representation”. The direct result of her failure to properly prepare was my false imprisonment.

Note: In the State of Georgia there’s an organization called the “Georgia Public Defender Standards Council”. This organization sets “standards” for public defenders (see <http://www.gidc.com/cpdsystem-standards-main.htm>). It doesn’t surprise me at all that Gwinnett County decided to “opted out” of this program (see http://www.gidc.com/cpdsystem-office_locations.htm). Another fine example that Gwinnett County Georgia doesn’t want to have to deal with any type of “standards”.

Item #7

While we were still in the courtroom I asked my court appointed attorney, Ms. Pamela Britt, to file an appeal on Judge Jennifer Mann’s unethical and legally bankrupt decision. Ms. Britt then stated to me, “We can talk about it later”. More than a year has elapsed and “later” has never occurred.

After posting a \$5,400.00 cash bond and being released from my illegal detention, I tried repeatedly to contact Ms. Britt. After almost two months I finally received a reply in which she stated “I was only your attorney for the warrant hearing and I no longer represent you”. This was a surprise to me, especially considering the fact that the Gwinnett County Solicitors office still showed her as being assigned to my case over six months later. Without exception, each time I called the Solicitors Office to try to discuss my case I was told to “contact my attorney” and each time I was told that “a Pamela Britt” was my attorney.

My question to Ms. Britt is simple; why were you still listed as my attorney by the Gwinnett County Solicitors Office some six months later? Why, by your failures, did you allow me to believe that you were still representing my interests after I was released? Why didn’t you tell me you were only representing me during the warrant hearing, while we were still in the courtroom, when I ask you to appeal Judge Mann’s legal and morally corrupt decision?

You apparently haven’t read or don’t care about the State Bar of Georgia Handbook, Part IV (After January 1, 2001) - Georgia Rules of Professional Conduct, Chapter 1, Rule 1.16 - Declining or Terminating Representation, paragraph (c), which states, “When a lawyer withdraws it shall be done in compliance with applicable laws and rules. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.”

To my knowledge you were “ordered to do so by a tribunal” when a Gwinnett County Judge assigned you to my case. I have a copy of the order if you’d like to see it.

Nor have you read or do you care about the State Bar of Georgia Handbook, Part IV (After January 1, 2001) - Georgia Rules of Professional Conduct, Chapter 1, Rule 1.16 - Declining or Terminating Representation, paragraph (d), which states, "Upon termination

of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned."

Why didn't you follow this rule and give me "reasonable notice" or allow me "time for employment of other counsel"? Was it oversight, incompetence, or something more sinister that guided your decision?

It is my belief that Ms. Britt conspired with Judge Jennifer Mann and purposely decided not to file the necessary paperwork, showing she no longer represented me, with the sole intent of blocking any legal recourse I might have against Gwinnett County and Judge Jennifer Mann.

I therefore charge that Ms. Pamela Britt is ethically and civilly liable for failure to notify me and the Gwinnett County Solicitor's Office of the fact that she had decided she would no longer represent me. Her intentional failure may have completely destroyed any legal recourse I have against Gwinnett County and their corrupt regime.

Item #8

Mrs. Tami Alvarez has a proven history of swindling people out of money/gifts and then charging them with Stalking, and in one case Child Sexual Abuse, when any type of legal action is taken against her (public record).

As I described in Item's #1 and #3 above, all this information is available to the Gwinnett County Solicitors Office and the Gwinnett County Police. That is, of course, if they actually performed "investigations" and didn't allow an ex-neighbor/ex-stripper to use the legal system to destroy the lives of good and honest people.

A review of Mrs. Alvarez' phone records will show incoming phone calls from a "Joe" living in Virginia. I was physically present when Mrs. Alvarez and "Joe" were talking about Mrs. Alvarez moving to Virginia and cohabitating. I was also present when "Joe" stated to Mrs. Alvarez, that he would get her vehicle "serviced" and have "new tires installed" so it would be safe for her to drive to Virginia. But a mere three weeks later, Mrs. Alvarez refused to take any incoming calls from "Joe". This was after he spent thousands of dollars on her and her children. "Joe" was yet another victim of Mrs. Alvarez.

A review of Mrs. Alvarez' phone records will also show that her home phone number, at the time of these false charges, wasn't listed to Mrs. Alvarez but belonged to a Mr. Hector Rodriguez. She used this number for several months before it was disconnected for non-payment. Was this man also a victim of Mrs. Alvarez prior to "Joe"?

In one case Mrs. Alvarez accused her ex-husband, Mr. Edgar J. Alvarez, (678) 226-2426, of Child Sexual Abuse (public record) after he tried to enforce a Court Order allowing him visitation with his children. The result of these charges was a court ordered evaluation of Mrs. Alvarez, her ex-husband, and their children. While I'm somewhat familiar with this case, I believe its better that those interested in pursuing the truth contact Mr. Alvarez directly. These false charges have destroyed his reputation and

nearly bankrupted him when he tried to regain his reputation and good name in the Gwinnett County Court system. So, with the assistance of Gwinnett County, Mrs. Alvarez claimed another victim.

These are statements of truth and fact. If the Gwinnett County Solicitors Office bothered at all they could easily verify what's been described here and more. However, they are sadly not interested in justice but only the perception of justice.

So here we have someone, with the assistance of the Gwinnett County Judiciary, who is criminally responsible for swindling an unknown number of people out of money and civilly libel for destroying the lives and reputation of multiple individuals. She has been successful because Gwinnett County has consciously made a decision to help her in her criminal activities.

Item #9

As stated in Item #8, Mrs. Alvarez has a history of illegal behavior. She has repeatedly made false statements in open court; she has arbitrarily changed the spelling of her first name from "Tammy" to "Tami"; she has rented furniture using her ex-husbands name (without his prior knowledge or permission) resulting in her ex-husband receiving phone calls from the rental company looking for payment.

Why is it that Gwinnett County refuses to properly investigate these matters and charge Mrs. Alvarez with "making false statements"? What are they afraid of?

As stated previously, in the history of Gwinnett County only one woman has ever been charged or indicted for this crime. That person, of course, was Jennifer Wilbanks (aka the "Runaway Bride"). I firmly believe that had Ms. Wilbanks not received national attention for her crime that Gwinnett County would have ignored her as well. This does not speak well to those who place their trust in the Gwinnett County judicial system.

Consequently, Mrs. Tami Alvarez is criminally liable by reason of "making false statements", which is a felony in Georgia.

CONCLUSIONS

There is a political crisis right now. It is the result of governments becoming gorged with power and running amok with the undisciplined exercise of power. In the case of Gwinnett County they have chosen to use this power to destroy the lives of innocent people rather than to protect them.

What legacy do we want to leave for our children and grandchildren? Is it a corrupt, incompetent and broken legal system that has used its powers over the years to destroy many innocent lives? Or do we want to leave them with one where each individual is innocent until proven guilty and justice is meted out by fair, impartial, and qualified people.

Prior to January 1st, 2001 the State Bar of Georgia contained a Canon of Ethics. It was so important prior to 2001 that it was the first thing listed as "Chapter 1 – Code of Professional Responsibility Preamble". It stated, "In this State, where the stability of

courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of this State and of the Republic, of which it is a member, to a great extent, depends upon our maintenance of justice pure and unsullied. It cannot be so maintained unless the conduct and motives of the members of our profession are such as to merit approval of all just men”.

After January 1st, 2001 the Canon of Ethics was completely and utterly removed. There is no longer a Canon of Ethics for the judiciary in Georgia. Want proof? Just try and find one on the State Bar of Georgia web site at <http://www.gabar.org/handbook>. The only reference you’ll see is where the Canon of Ethics was removed. I guess the Georgia Bar didn’t think that judicial ethics was important anymore; but considering that the Bar is nothing more than attorneys policing themselves, aka the foxes guarding the hen house, I suppose we shouldn’t be surprised that they would remove ethics from their profession.

There needs to be a serious review and overhaul of the Gwinnett County Judicial system by an unbiased citizen review board. After all they’re supposed to look after the legal needs of the citizens of Georgia but as shown here they are seriously lacking. Unless this broken system is fixed, the Gwinnett County Judiciary will continue to destroy innocent lives with no concern or regard as to the consequences of their actions/inactions.

If a serious review is not forthcoming I can only recommend to those who want to use the court system for their illicit and illegal behavior that you move to Gwinnett County Georgia. They’ll be glad to assist you by simply doing nothing and incarcerating innocent people.

On February 3rd, 2006 the U.S. Secretary of Defense, Donald Rumsfeld, was speaking publicly about President Chavez in Venezuela. During his statement he said, "We also saw corruption in that part of the world. And corruption is something that is corrosive of democracy." He might just as well have been speaking about the Gwinnett County Court system.

Sincerely,

A handwritten signature in black ink that reads "I. C. Kuehn". The signature is written in a cursive style with a long horizontal line extending to the right.

Irvin C. Kuehn