These officers committed perjury: Compare audio of phone call with the statements below: **"The dispatcher told the defendant** *[that would be me]* **not to go into the area and not to interfere."** Well, listening to the audio of my phone call to the police on the early morning of 30 April 2003 tells quite a different story: The cops below lied, e.g., perjured, i.e., committed perjury -and then false arrest based on perjury -which, of course, resulted in malicious prosecution -since the State Attorney's Office was REPEATEDLY told that the officers perjured. -LOL-

*PS:* As other documentation shows, these (and other) issues equitably tolled the statutes of limitations on the various crimes committed yes, even as recent as today, Wednesday, 15 Sept. 2010 --*Gordon Wayne Watts, LAKELAND, Fla.*

AFFIDAVIT CONTINUATION

Agency ORI Number FL 0531200

Lakeland Police Departme.

Event Number 03-34691

**IN THE CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FLORIDA**

**PROBABLE CAUSE CONTINUATION**

ON LISTED DATE/TIME, OFC DALLAS & I WERE CONDUCTING SURVEILLANCE ON A W/M SUBJECT WALKING IN A OUT OF CAR DEALERSHIPS AND PARKING LOTS PULLING ON DOOR HANDLES. WE WERE CONDUCTING THE INVESTIGATION OVER THE POLICE RADIO. A WHITE CHEVY MONTE CARLO DROVE BY MY LOCATION AND STOPPED DIRECTLY BESIDE THE SUSPECT. I HEARD THE DEFENDANT YELL SOMETHING TO THE SUSPECT AND THE SUSPECT GOT INTO THE DEFENDANT'S VEHICLE, AND DROVE NORTH ON GARY RD. I WAS INFORMED BY THE DISPATCHER THAT THE DEFENDANT CALLED LAKELAND POLICE DEPT AND TOLD THE DISPATCHER THAT HE WAS LISTENING TO THE TRANSMISSIONS AND WAS GOING TO PICK THE SUSPECT UP. THE DISPATCHER TOLD THE DEFENDANT NOT TO GO IN THE AREA AND NOT TO INTERFERE. I THEN MADE CONTACT WITH THE DEFENDANT IN THE PARKING LOT OF 1815 E MEMORIAL. THE DEFENDANT HAD A WORKING SCANNER IN HIS HAND WHEN HE EXITED THE VEHICLE. THE DEFENDANT STATED "I WAS TAKING HIM OUT OF THE AREA." THE DEFENDANT USED THE SCANNER TO RESPOND FROM HIS RESIDENCE TO THE AREA OF THE ACTIVE POLICE INVESTIGATION AND INTERFERED WITH ONGOING SURVEILLANCE. THE DEFENDANT STATED HE WAS AT HIS RESIDENCE WHEN HE FIRST HEARD OUR TRANSMISSIONS ON HIS SCANNER.

Sworn to and subscribed before me, the undersigned authority, this 30 day of April 2003

Ofc D.H. # 291
~~DEPUTY CLERK/NOTARY PUBLIC~~
LAW ENFORCEMENT OFFICER

Ofc L Yeager #179
AFFIANT

Witness: _____
NAME ADDRESS PHONE

Witness: _____
NAME ADDRESS

LPD 053/05-93

[C2]

MM03-003784

**Charge: Documented PERJURY by several LPD officers**
**Charge: FALSE ARREST based on perjured testimony**
**Charge: Malicious Prosecution, based on perjured testimony**

**PERJURY** – by several police officers is documented:
Claims made by the police:
http://gordonwatts.com/LPD/PerjuredAffidavitsOf2Officers.pdf
http://gordonwaynewatts.com/LPD/PerjuredAffidavitsOf2Officers.pdf

Next, compare these claims with the facts:
http://GordonWatts.com/LPD/30April2003_0311am_GWattsCallToLPD.mp3
http://GordonWayneWatts.com/LPD/30April2003_0311am_GWattsCallToLPD.mp3

It is clear from listening to the audio that the report by the police, claiming that the dispatcher warned me to get out of the area, is false, and thus perjury.

Here's what the the public will say if no one has the 'balls' to confront bad police, who broke the law:
"Momma, when I grow up, I want to be a cop (or judge), so I can break the law & get away with it."

Now, compare this to the law –to see if the cops broke the law – Cite to 2013 stats:

**2013 Florida Statutes**
Title XLVI: CRIMES
Chapter 837: PERJURY
SECTION 012: Perjury when not in an official proceeding.
837.012 Perjury when not in an official proceeding.—
(1) Whoever makes a false statement, which he or she does not believe to be true, under oath, not in an official proceeding, in regard to any material matter shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
(2) Knowledge of the materiality of the statement is not an element of this crime, and the defendant's mistaken belief that his or her statement was not material is not a defense.
History.—s. 2, ch. 1637, 1868; RS 2560; GS 3472; RGS 5341; CGL 7474; s. 997, ch. 71-136; s. 54, ch. 74-383; s. 32, ch. 75-298; s. 205, ch. 91-224; s. 1310, ch. 97-102.
Note.—Former s. 837.01.

**The 2013 Florida Statutes**
Title VII: EVIDENCE
Chapter 92: WITNESSES, RECORDS, AND DOCUMENTS
SECTION 525: Verification of documents; perjury by false written declaration, penalty.

92.525 Verification of documents; perjury by false written declaration, penalty.—
(1) When it is authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:
(a) Under oath or affirmation taken or administered before an officer authorized under s. 92.50 to administer oaths; or
(b) By the signing of the written declaration prescribed in subsection (2).
(2) A written declaration means the following statement: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words "to the best of my knowledge and belief" may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

(3) A person who knowingly makes a false declaration under subsection (2) is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(4) As used in this section:
(a) The term "administrative agency" means any department or agency of the state or any county, municipality, special district, or other political subdivision.
(b) The term "document" means any writing including, without limitation, any form, application, claim, notice, tax return, inventory, affidavit, pleading, or paper.
(c) The requirement that a document be verified means that the document must be signed or executed by a person and that the person must state under oath or affirm that the facts or matters stated or recited in the document are true, or words of that import or effect.
History.—s. 12, ch. 86-201.

**The 2013 Florida Statutes**
Title XLVII: CRIMINAL PROCEDURE AND CORRECTIONS
Chapter 914: WITNESSES; CRIMINAL PROCEEDINGS
SECTION 13: Commitment for perjury.

914.13
Commitment for perjury.—
When a court of record has reason to believe that a witness or party who has been legally sworn and examined or has made an affidavit in a proceeding has committed perjury, the court may immediately commit the person or take a recognizance with sureties for the person's appearance to answer the charge of perjury. Witnesses who are present may be recognized to the proper court, and the state attorney shall be given notice of the proceedings.
History.—s. 15, ch. 1637, 1868; RS 2882; GS 3941; RGS 6043; CGL 8344; s. 106, ch. 70-339; s. 38, ch. 73-334; s. 1525, ch. 97-102.
Note.—Former s. 932.41.

*** Courts and SAO Guilty:** The courts, when they saw the record, had a duty to arrest and charge the cops, according to fs.914.13 above, but if you will examine the record, you will see that, when it "came out in court" that the cops' "perjured" testimony did not square with the facts, both the SAO (State Attorney Office) and the court (Honourable Anne Kaylor, Circuit Judge, presiding) not only refused to go after the law-breaking cops, but she yelled at me for approaching the bench; however, I approached the bench because I was told to do so –it was in response to a request to approach and give some sort of paperwork to the judge. The SAO and The Court aided and abetted the law-breaking Lakeland Police Department. Listening to the court audio of Judge Kaylor's court **(LINK – LINK)**, in particular, makes it clear that she was informed BY ME that I was innocent, and yet still refused to act on behalf of justice. She also was notified that The State continued to turn over evidence in discovery, and yet tried to change the subject to avoid the inconvenient truth. Besides my notice to her, here is a court docket **(LINK – LINK)** that verifies my claims that The State (Lakeland Police and the SAO) both continued to suppress the evidence (audio of my phone call to the police) which showed damning proof that many police officers wrote -and signed -false statements (see above), which constitutes perjury.

**PERJURY**
It is clear from listening to the audio that the report by the police, claiming that the dispatcher warned me to get out of the area, is false, and thus perjury.

**FALSE ARREST & Malicious prosecution, both based on perjured testimony;**
Since the cops' claims that I had been warned to stay out of a certain area was false, and I had no idea a police investigation was underway, then there was no criminal intent on my part to interfere.

Put another way, testimony upon which the arrest was illegal, and thus the arrest was also illegal. (Even had I

been trying to help some person escape the police (I was not), I was still not breaking the law: I could 'get off on a technicality,' since the Police Scanner was not "installed" in my car. Since the law in 2003 did not prohibit mere transport of a police scanner, such was not illegal at the time of my arrest. Observe:

House Bill No. 1697 amended section 843.16 of Florida Law from: "Unlawful to install radio equipment using assigned frequency of state or law enforcement officers; definitions; exceptions; penalties." to: "Unlawful to install or transport radio equipment using assigned frequency of state or law enforcement officers; definitions; exceptions; penalties." Source: http://laws.flrules.org/2005/164

Honestly I may have had bad judgment to be out late at night in the same section of town where I knew something had happened earlier that night, but had I seen police or knew some police action were going on, I would have done like I always do -and give the police a wide breath. Thus, I was not only NOT breaking the law, I was not even TRYING to break the law -or interfere into police business. PROOF:

(2013 Florida Statutes) 843.167 Unlawful use of police communications; enhanced penalties.—
(1) A person may not:
(a) Intercept any police radio communication by use of a scanner or any other means for the purpose of using that communication to assist in committing a crime or to escape from or avoid detection, arrest, trial, conviction, or punishment in connection with the commission of such crime.

Since it is quite obvious that I was reporting the whereabouts of a suspicious person TO the police and not trying to help him escape FROM the police, it is clear I did not have criminal intent, and thus was NOT criminally liable, and thus should NOT have been prosecuted:

"The term 'mens rea' refers to a guilty mind, a guilty or wrongful purpose, a criminal intent. Both of these terms require that a defendant have some degree of guilty knowledge, or some degree of blameworthiness or culpability, in order to be criminally liable...[internal reference omitted]... Women's Medical Professional Corp. v. Voinovich, 911 F.Supp. 1051, 1081 (S.D.Ohio 1995) (internal quotations and citations omitted), affirmed, 130 F.3d 187 (6th Cir. 1997), certiorari denied, 523 U.S. 1036 (1998)." Source: The Florida Senate, Issue Brief 2011-212 October 2010
http://www.flsenate.gov/UserContent/Session/2011/Publications/InterimReports/pdf/2011-212cj.pdf

## MALICIOUS PROSECUTION

Lastly, since the State **knew** that the arrest was based on perjured testimony, this gives rise to a malicious prosecution tort:

Section 2.01 of the 2013 Florida Statutes declares that the common and statute laws of England which are of a general nature, down to July 4, 1776, are in force in this state. The only exception provided is if the statute or common law is inconsistent with the United States Constitution or laws of the United States or Florida. Since there is an absence of any statutory law on this point of law, it is clear that I may sue for malicious prosecution.

However, the state may NOT counter-sue me for malicious prosecution (even were I guilty). The Florida Supreme Court has held that "the common law of Florida does not allow a state official who has been sued in his official capacity to maintain an action for malicious prosecution." (Cate v. Oldham, 450 So. 2d 224 (Fla. 1984))

Malicious prosecution is considered a personal tort. Tatum Brothers Real Estate & Investment Co. v. Watson, 92 Fla. 278, 109 So. 623 (1926). The gravamen [e.g., the main basis] of the action is injury to character. Tidwell v. Witherspoon, 21 Fla. 359, 360-61 (1885).

The common law required a showing of special damage before the action for malicious prosecution could lie.

The policy behind this determination was an Englishman's right to petition his fellow citizens for redress of grievances against individuals generally. Parker v. Langley, 93 Eng. Rep. 293, 294-97 (K.B. 1714). In Parker v. Langley the court stated:

The applying in a civil action to a Court of Justice for satisfaction or redress has been so much favoured, that no action has ever been allowed against a *226 plaintiff for such suit singly and directly, on pretence of its being false and malicious.
Id. at 294.

The fact that pre-revolutionary judges based their disfavor of malicious prosecution on the right to petition generally is of dispositive significance in this proceeding. The right to petition government specifically, for redress of grievances against government, was separately and expressly protected by Parliament. By statute, except for the crimes of riot and unlawful assembly, no other criminal sanction and no form of action could ever be imposed or brought because of a previous petition to the government for redress of a grievance against any part of government. See 1 W. Blackstone, Commentaries 138-39. The right to petition was so important a part of the constitutional scheme that the royal charters of each of the American colonies guaranteed this right. R. Bailey, Popular Influence Upon Public Policy: Petitioning in Eighteenth-Century Virginia 13 (1979). So strongly protected was the exercise of this right that judges in colonial times were reprimanded and fined for inquiring into the contents of petitions against government and for rejecting those they deemed to be false. Id. At 39-41.

**95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:**
(3) WITHIN FOUR YEARS.—
(o) An action for assault, battery, **false arrest, malicious prosecution,** malicious interference, false imprisonment, or any other intentional tort, except as provided in subsections (4), (5), and (7).

Malicious prosecution is a common law intentional tort, while like the tort of abuse of process, its elements include intentionally instituting and pursuing a legal action that is brought without probable cause and dismissed in favor of the victim of the malicious prosecution.

("In contrast to the statute of limitations which is applicable at law, the equitable doctrine of laches is not based solely on the passage of time.") (citing Wiggins v. Lykes Bros., 97 So.2d 273 (Fla. 1957); Tower v. Moskowitz, 262 So.2d 276 (Fla.3d DCA), cert. denied, 268 So.2d 906 (Fla. 1972)).

“There are six elements that must be established in order to prove malicious prosecution:
1) the commencement of a judicial proceeding;
2) its legal causation by the present defendant against the plaintiff;
3) its bona fide termination in favor of the plaintiff;
4) the absence of probable cause for the prosecution;
5) malice;
6) damages.”

(DORF v. USHER, 514 So.2d 68 (1987))

False arrest is “the unlawful restraint of a person against that person’s will.” Willingham v. City of Orlando, 929 So. 2d 43, 48 (Fla. 5th DCA 2006). Probable cause is an affirmative defense to a false arrest claim. Mailly v. Jenne, 867 So. 2d 1250, 1251 (Fla. 4th DCA 2004); Jackson v. Navarro, 665 So. 2d 340, 342 (Fla. 4th DCA 1995). Probable cause exists when the circumstances are sufficient to cause a reasonably cautious person to believe that the person accused is guilty of the offense charged. Mailly, 867 So. 2d at 1251; Fla. Game & Freshwater Fish Comm’n v. Dockery, 676 So. 2d 471, 474 (Fla. 1st DCA 1996). Probable cause must be judged by the facts that existed at the time of the arrest, not evidence subsequently learned or provided to the

prosecution.

The cops knew I was not trying to help a suspect flee and elude –and, they also knew that I was not intentionally trying to interfere in an investigation (they admitted that they were hiding from plain sight, and thus I did not know that I was "in the area" of their investigation). So, their arrest was not based on probably cause, based on the acts that existed at the time of the arrest.

The court, with the benefit of hindsight, knew this even moreso, and so they are even more guilty of malicious prosecution.