

FLORIDA GRANDMOTHER CONVICTED OF JAIL MINISTRY CRIME
May Get Life Sentence for Helping Prisoners Exercise Constitutional Rights.
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Judge Lee Hayworth addressed the crowd of more than 30 spectators in the Desoto County courtroom. He demanded order and silence from the observers, many of whom had traveled far in support of Arcadia resident Nancy Grant. This, the fourth and final day of the trial, might raise tensions, so Hayworth warned everyone he would brook no disturbances, not even murmurs or untoward facial expressions.

He had good reason for concern. Grant, a grandmother of four children, ages 4 to 7, stood trial for 19 criminal counts of unlicensed practice of law. She could get 95 years in prison if the jury found her guilty. The 20 members of *We the People of Florida* there in her support would not like a guilty verdict. Hayworth seemed to know the jury of five women and one man would find her guilty.

Sheriff Arrests Nancy Grant for Unauthorized Practice of Law

Grant's troubles started 29 June 2006 when Sheriff's deputies arrested her during one of her routine visits to the Desoto County jail. Assistant State Attorney Donald Hartery had charged her with 28 violations of Florida Statue 454.23, Unauthorized Practice of Law, or "UPL," which states:

454.23 Penalties.--Any person not licensed or otherwise authorized to practice law in this state who practices law in this state or holds himself or herself out to the public as qualified to practice law in this state, or who willfully pretends to be, or willfully takes or uses any name, title, addition, or description implying that he or she is qualified, or recognized by law as qualified, to practice law in this state, commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

UPL constitutes a third degree felony with a penalty of up to 5 years in prison.

A Confusion of Jurisdiction and Authority

According to Grant, the people of Florida obsoleted the statue by revising the Florida Constitution in 1968. She said the Florida Bar uses the statue to threaten or intimidate Citizens who help friends, family, and others with legal problems. The Florida Legislature recently helped the Bar by converting the UPL penalty from a misdemeanor to a felony. The law thereby gives the Florida Bar a monopoly in rendering legal assistance, forcing people to buy expensive legal counsel from attorneys in order to have a chance at winning cases.

Grant said she believes she has become the State of Florida's first victim of the felonized statute.

The Florida Legislature created the Board of Law Examiners in 1925 to regulate the practice of law by attorneys. In 1949 the Supreme Court absorbed the Florida Bar as its official arm. The 1968 Florida Constitution gave the Supreme Court authority over the practice of law:

Article V. Section 15. Attorneys; admission and discipline.--The supreme court shall have exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted. ”

However, neither Chapter 454 of Florida Statutes nor the Constitution actually define the term “practice of law,” so people have to guess at what that means. Furthermore, according to Grant, the Florida Legislature has no authority under the Constitution to regulate the practice of law or to punish UPL. Therefore only the Supreme Court may hear UPL complaints, and it may act only by granting civil injunctive relief.

Grant explained that the Florida Bar, which provided the case law upon which the state based its case, has no authority to define “practice of law” or “unauthorized practice of law,” and that only the Florida Legislature has that authority. She illustrated her point by explaining that the United States Department of Justice and the Federal Trade Commission threatened to enjoin the Massachusetts Bar in 2004 if they attempted to define UPL.

Grant Learns that Government Officials Violate Speedy Trial Laws

Grant’s jail ministry started in 2000 after the Sheriff arrested one of her sons. While visiting her son in the Desoto County Jail, Nancy learned about numerous prisoners, including immigrants, who had suffered imprisonment for years without so much as a single hearing, much less a trial. Grant knew that the Florida Constitution guarantees the accused a speedy trial as well as other rights:

U.S. Constitution. Amendment VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Florida Constitution. Article I. Section 16. Rights of accused and of victims.--

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation, and shall be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person,

by counsel or both, and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in that area shall be sufficient; but before pleading the accused may elect in which of those counties the trial will take place. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

(b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

Florida laws and rules comply with the Constitutions as follows:

1. Florida Statue 918.015 requires a speedy trial;
2. Florida Rule of Judicial Administration 2.250 (a)(1)(A) requires trial courts to dispose of felony cases within 180 days after arrest;
3. Florida Rule of Criminal Procedure 3.191 requires a trial without demand within 175 days, and it specifies that “A Defendant not brought to trial within the specified time period, on motion of Defendant or the court, shall be forever discharged from the crime.”

Grant Begins Her Jail Ministry by Telling Prisoners Their Rights

Grant believed that the State Attorney fell woefully short of their legal obligations. So, she began her ministry by visiting the jail and telling the inmates about their rights under the Constitutions and laws.

A paralegal friend had prepared a generic emergency motion form for release based on the speedy trial requirements. The memorandum of law included in the motion cited numerous court rulings requiring release of prisoners for lack of a speedy trial.

According to testimony of witnesses in her trial, she gave copies of the motion to inmates and explained how to fill it out. She established a non-profit corporation, the Florida Pro Se Bar, Inc., to help inmates understand their rights and to encourage *pro se* (do-it-yourself) litigation. Letters poured in from jail prisoners asking for help. The Florida Pro Se Bar, under Grant's leadership, sent them motion forms, encouraged them to file the motions, and encouraged them to fire their attorneys for lack of effective assistance of counsel.

During her visits to the jail Grant discovered that many illegal immigrants languish there. She explained that state officials in Florida's 12th judicial circuit have established a system for warehousing prisoners until they get around to processing them. She also said the system uses deception and coercion to deprive the prisoners of their rights.

1. Officials assign public defenders to prisoners who cannot afford attorneys.
2. The public defender requests a continuance from the court without informing the client prisoner that the action effectively forfeits the right to a speedy trial.
3. Prisoners sit in jail for months waiting for something to happen, during which time the public defenders never contact them.
4. The Assistant State Attorney negotiates a plea bargain with the prisoner, and convinces the prisoner to take the deal or face many years in jail or worse, sometimes 40 to 150 years.
5. Prisoners then sit in jail for years, convicted without a hearing or trial, most with no awareness that state officials tricked them into throwing away their rights.

According to Grant most judicial circuits in Florida have the same system in place. "I know that many people in jail have committed crimes and deserve punishment," Grant said. "But some good citizens sit in jail as victims of circumstance and have done nothing wrong. That is why the state should timely inform prisoners of their rights and give them the full protections of the Constitutions. Those protections should not stop at the jail house door," she added.

Prisoners Threatened, Beaten, and Denied Rights

When asked to cite some specific cases of rights deprivations, Grant provided several, including the following.

Grant offered religious comfort and information about due process rights to Mexican immigrant Gregory Tijerina while he sat in Desoto County jail. Tijerina testified in court that 12th Circuit Judge James S. Parker threatened him with 150 years in prison if he did not immediately take a 10 -year plea deal. According to Grant, Tijerina suffered a cut, a beating, and a concussion in jail because he spoke out about the illegal aliens detained illegally in the jail. Tijerina told Grant that he received no medical care in jail for his injuries. Grant said she saw dried blood on a letter Tijerina wrote to her in desperation from jail after the beating, imploring her to help him.

Grant said a Sarasota SWAT team beat and kicked Bobo Horace Hudson, an alleged crack user, because he insisted he wanted to handle his case himself as a *pro se* litigant after Judge Parker told him to stop the *pro se* b---s---. After the beating, he went before Judge Parker and agreed not to litigate on his own behalf, but to use a public defender instead.

Grant Interested in Government and Justice

Grant took interest in the government and justice because of the difficulties her sons had in the county jail. Deciding to help correct the problems, she ran for

state representative in 2000, for governor as a write-in candidate in 2002, and for county judge in 2004. She said she learned from her experiences that the three branches should give government a system of checks and balances, but that the system does not work in Florida.

Grant explained that attorneys work in all three branches, and since all have membership in a private organization known as the Florida Bar, and the Bar forms an official arm of the Supreme Court (the judicial branch), attorneys in the executive and legislative branch thereby violate the principle of separation of powers. According to Grant, the judiciary has a monopoly on government, in violation of both the US and Florida Constitutions.

US Constitution Article IV Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Florida Constitution Article II Section 3. Branches of government. The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

Grant concluded that a person cannot get a fair trial when the prosecutor, judge, and defending attorney all belong to the Florida Bar, which she considers a “good old boy's network” whose members protect one another under the broad leadership of the Supreme Court.

Grant explained her motive to help solve the problem: “The public receives no value for their money when they hire attorneys to represent them in criminal courts. I wanted prisoners to have access to the courts, and I wanted to encourage *pro se* litigation.” Grant said people have the right of access to courts and justice.

Florida Constitution Article I Section 21. Access to courts.--The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Grant decided to encourage people to fire their attorneys, learn the law, and handle their own cases. That and her first hand knowledge of the dilemma of prisoners who waste their lives in wrongful incarceration led Grant to form the Florida Pro Se Bar, Inc. She said she had realized that the organization provided an avenue for prisoners in the state of Florida to access the courts that were being held for years without a hearing or trial and encouraged self representation before the court.

Attorney Files Complaints Against Grant

Grant said that shortly after founding her organization attorney Susan Germann Wright filed a complaint against her because two of Wright's clients requested assistance from the Florida Pro Se Bar, claiming Wright had abandoned them. One of Wright's clients stated in court testimony that his mother wanted back the money she had paid Wright because Wright did nothing to help him. Representatives of the State Attorney's office and Sheriff's department both stated in court that anyone who teaches civil rights, as in the Bill of Rights, commits unlicensed practice of law, a third degree felony carrying a five year prison sentence.

Grant considers the circumstances surrounding Wright, Hartery, and Desoto County Sheriff's Department Lieutenant Kurt Mays, the lead investigator in Grant's case a bit strange. As one would expect, Wright defends clients in the Desoto County Courthouse. However, she maintains no physical address with the Florida Bar, and a call to 411 will not yield a phone number in Wright's name. When Grant attempted to find an address in order to serve Wright with a deposition notice, Mays failed to provide an address for Wright.

Grant filed a motion to compel the state to give her the address. Hartery responded with the address of 130 South Monroe in Arcadia. Grant said she visited the address and found a storage facility and unoccupied office there. Grant learned that Wright had leased the office after the motion to compel. Grant paid the Sheriff's Department \$20 to serve Wright the deposition subpoena. Hartery told Grant that Wright had received the subpoena in the mail. In the end, Wright showed up for her deposition in which she admitted receiving the subpoena in the mail. Grant still has possession of the original subpoena.

"It's all a cover-up and obstruction," Grant said. "Hartery and Mays lied and conspired to prevent me from learning Wright's physical address. All the subpoenas say 'Susan Wright in care of Lt. Mays, Desoto County Sheriff's Office.'"

Nancy Grant's Trial and Conviction

Judge Hayworth conducted Grant's trial over a period of four days, beginning Monday, 20 August 2007. A week before the trial Grant elected to obtain an attorney's help because it seemed her only chance to avoid a conviction in what she believed would work like a kangaroo court, with her conviction planned in advance.

Prior to the trial Hayworth told Grant he would not allow her a First Amendment (freedom of speech) defense, would not allow her to talk to the jury about the law or its meaning, and would not allow her witnesses enabling her to prove merit for her behavior by virtue of the alleged misdeeds of public officials such as their denial of right to a speedy trial. Prosecutor Hartery proposed jury instructions that defined the "practice of law" using court rulings in civil cases.

Hayworth made it clear that he intended to get the trial completely finished before the following Monday, even if he had to conduct it on the weekend.

Grant's attorney objected several times during the trial to preserve the opportunity to file an appeal. Hayworth insisted on interrogation of Grant's witnesses with the jury out of the court room so he could rule on whether they gave admissible testimony, and he disallowed most of them. Grant took the witness stand and gave her testimony. She seemed to tell a compelling story in answer to her attorney's questions, and she seemed adroit at resisting the badgering of the prosecutor during cross examination.

The attorneys finished their closing arguments near 5 PM on Friday. The Jury returned their verdict that evening: guilty on all 19 counts. Hayworth said he would withhold adjudication until 25 September 2007.

Grant: State Officials Lawless Conspirators

Grant said that the Assistant State Attorney Cliff Ramey tried to pressure Judge Hayworth to set a trial date of 30 October 2007 in order to rush her to judgment four months after her arrest so as to prevent her from making adequate preparation of her defense. Ramey said in court that he had already sent out 50 subpoenas. Ignoring Ramey's protestations, Judge Hayworth set a trial date of 5 March 2007. When that date arrived, Grant had adequately prepared for the trial, at great expense. In the associated pre-trial conference, Judge Hayworth changed the trial date 20 August, but refused to sign an actual order for the trial.

Grant said the Sheriff arrested her three times for the same indictment – 29 June 2006, 5 March 2007, and 17 May, 2007 – and that the State Attorney contrived the arrests in order to re-trigger the 6-month speedy trial clock. Grant said she believes Judges Bennet, Parker, Hayworth, and Hall, State Attorney Earl Moreland, Assistant State Attorneys Ramey and Hartery, and Sheriff's Department Lieutenant Mays conspired to harass her and deprive her of her due process rights, all in an effort to disrupt her defense preparations and force her conviction.

"They just do what they want, regardless of the rules of court." Grant said, referring to the judges, the State Attorney, and their minions. "They have thrown all the rules of court out the door. It's complete lawlessness."

Reflections by Court Observers

Court observer Bill Trudelle of the *We the People of Florida* claimed the officers of the court committed numerous violations of Grant's right during the conduct of the trial, and that she did not receive a fair trial.

Many of the court observers present during the trial wrote affidavits of the crimes the officers of the court committed during conduct of the trial, and presented them to Grant's attorney for possible filing of criminal complaints.

Court observer Bob Hurt of *We the People of Florida* said Grant had to choose between obeying the numerous oaths she swore to support the Constitutions of the US and Florida, and heeding an ambiguous and therefore unconstitutional law that punishes the unlicensed practice of law. "Facing such a choice, one must always support the Constitution," Hurt said.

Post-Trial and Nancy Grant's Future

After the trial, Grant said she plans to appeal the case. She said that if she ends up doing jail time, she will continue to minister to the prisoners the best she can.

Grant claimed that she has broken no law, and certainly has not practiced law without a license. She said she helped others receive justice and respect for their rights, and she has a clear conscience.

Grant stated that she has contacted Department of Justice Chief of Criminal Civil Rights Division head Mark Kappelhoff in Washington, D.C. to request his assistance in making the Florida Bar stop trying to define UPL, as he did in Massachusetts. Grant said that she has communicated with NATO's press department, the International Court of Justice, Judicial Watch, and the American Civil Liberties Union. She awaits their callbacks.

Grant also awaits her sentencing, scheduled for 25 September 2007 in Florida's 12th Judicial Circuit Courthouse in Arcadia. Citizen group We the People of Florida will continue to encourage its base of approximately 6,000 Citizens to support Nancy Grant and others like her⁴ who obey their loyalty oaths to the Constitutions, and to denounce all activities by public officials that keep people incarcerated in violation of their speedy trial rights.

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