

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

Case No.: 4D07-2677

L.T. Case No.: 90-13414 CF 10 B

LANCELOT U. ARMSTRONG,

Appellant/Petitioner,

vs.

STATE OF FLORIDA,

Appellee/Respondent.

**GENERAL AFFIDAVIT IN SUPPORT OF
TEMPORARY RESTRAINING ORDER**

STATE OF FLORIDA)
) ss
COUNTY OF BROWARD)

This injunction and restraining order seeks relief under 42 U.S.C. §1983. This Honorable Court has jurisdiction over the plaintiff's claims of violation of State and Federal Constitutional Rights under 42. U.S.C. §§1331(a) and 1343. "The court has supplemental jurisdiction over the plaintiff's state law tort claims under 28. U.S.C. §1367.

1. The plaintiff, Lancelot Armstrong, pro-se, was a state prisoner and incarcerated at B.S.O. main jail since June 4, 2004, awaiting re-sentencing before a new jury.
2. Defendant, Ken Jenne, Broward County Sheriff, and his B.S.O. staff's continuous indifference resulted in negligent infliction of emotional distress, and deprivation of due process.
3. Concerns illegal interference, double jeopardy punishment and retaliatory schemes under color of state law. See: memoranda of law!

Pinterkton Rule. Pinkerton v. United States, 328 U.S. 640, 66 S. Ct. 1180 (1946).

4. Florida Rule of Judicial Administration 2.071(b) allows for telephonic and teleconferencing communication equipment to be utilized “for a motion hearing, pre-trial conference, or a status conference”.
5. The unjustified blocking of the free legal telephone, which is deemed as said pro-se phone, hindered plaintiff’s ability to properly investigate and locate additional facts and interview to receive identify of B.S.O. main jail, officials ordered further retaliatory hindrance from properly preparing said proceeding.
6. This case will require considerable discovery concerning a high level of impediment presently conflicting B.S.O. staff obligation to aid and assist a plaintiff in filing meaningful documents in courts. See: Younger v. Gilmore, 404 U.S. 15, 92 S. Ct. 250, 30 L.Ed. 2d 142 (1970), 416 U.S., at 421, 94 S. Ct. At 1815.
7. The fact that B.S.O. officials, and deputies abridge and creatively impair plaintiff’s, by acting under the color of law. Plaintiff’s respectfully seeks this Honorable Court to sanction such continuous misconduct which causes deprivation of constitutional rights, supervisor’s orders at times, perpetrate unlawful and unethical misconduct.
8. Broward County, B.S.O.’s staff prejudiced scheme to ignore appeal court ruling of vacated death sentence, in retaliation administrative punishment failure to correct problems in plaintiff’s grievances to Captain E. K. Neely, attention. And classification respond stated that Plaintiff death sentence was the reason for impeding meaningful legal access to law library means to researching and preparation for court. Plaintiff complaint to Judge Michael L. Gates, resulted per court order compelling compliance caused further violation on contempt of court. **See: Ex. A,**

9. Said official block access to legal books, which is indifference since other inmates and prisoners were allowed proper legal access. B.S.O. staff actions in conflict to obligation and the Sunshine Law B.S.O. main jail records, and the fact of court records on case #: 90-5417 cf 10 B, and #: 90-13414 cf 10 B, shall reflect on each and every creative violation of laws. **See: Ex. B,**
10. Motion to protect fundamental constitutional rights, injunctive relief sought, general affidavit has material facts and exhibits in support hereof.
11. Fact that Sgt. D. Williams ordered deputies not to accommodate plaintiff's legal requests and otherwise, cause plaintiff, Lancelot Armstrong, to suffer irreparable injury, regarding plaintiff's health, and cases which is contrary to legal obligation, since indifference practice is in conflict with the State of Florida Sunshine Law, and violation of state, and the U.S. Constitutional laws. There is continuous abrogation cause Captain Randy Smith, Administrative R. Schlegel, and Sgt. Foust, failure to correct problems which in violation of plaintiff rights.

ARGUMENT POINT I

The plaintiff, Lancelot Armstrong, pro-se affiant is threatened with irreparable harm. The plaintiff alleges that B.S.O. main jail administrative staff, and their deputies denied authorized legal access to utilize electronic communication to aid and assist preparation of said legal forum and otherwise - which is contrary to B.S.O. obligation and courts instruction. Such conduct by B.S.O. staff caused creative impediment of plaintiff's legal due process rights. B.S.O. officials actions are a clear violation of the Eighth Amendment. *Estelle v. Gamble*, 429 U.S. 97, 105, 97 S. Ct. 285 (1976) as a matter of law, the continuing deprivation of constitutional rights constitutes irreparable harm. See: *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673 (1976), and in *Newsom v. Norris*, 888 F. 2d 378 (6th Cir. 1989); *Mitchell v. Cuomo*, 748 F. 2d 804, 806 (2d Cir. 1984); *Phillips v. Michigan Dept. of Correction*, 731 F. Supp. 792, 801 (W.D. Mich. 1990), *aff d*, 932 F. 2d 969 (6th Cir. 1991).

The failure of B.S.O. staff to respect all aspects of constitutional law, and international laws failure to carry out official orders is unconstitutional. See, e.g., Aswegan v. Bruhl, 965 F. 2d 676, 677-78 (8th Cir. 1992) continuous violation; Hill v. Marshall, 962 F. 2d 1209, 1213-14 (6th Cir. 1992), Washington v. Dugger, 860 F. 2d 1018, 1021 (11th Cir. 1988), Lafaut v. Smith, 834 F. 2d 389, 393-394 (4th Cir. 1987). *There is violation of and consular rights. See: the following fact which super the law of the land.

RELIEF SOUGHT

The granting of plaintiff's relief will serve in the public interest because it is B.S.O.'s obligation to obey all aspects of law. Duran v. Anaya, 642 F. Supp. 510, 527 (D.N.M. 1986), See also Llewelyn v. Oakland County Prosecutor's Office, 402 F. Supp. 1379, 1393 (E.D. Mich. 1975).

Plaintiff's warranted free legal phone calls, and law library research material access and correct the breach of obligation and order criminal investigation within the bias and arbitrary practice against plaintiff's guaranteed law rights under the law.

Respectfully submitted:

Lancelot Armstrong,
Lancelot Uriley Armstrong, pro-se
Affiant, Arrest #500408148
8-B-4-9
P.O. Box 9356
Fort Lauderdale, FL 33310

SWORN AND SUBSCRIBED before me this 9th day October,
2007.

Identification provided (✓)
Inmate movement card as I.D.

Vince Marciano
NOTARY PUBLIC



NOTARY CERTIFICATION

BEFORE ME the undersigned authority, personally appeared Lancelot U. Armstrong, acting in pro-se form, who first been duly sworn, says that the fact set forth in this Petition RE: *General Affidavit Temporary Restraining Order* are true and correct.



Lancelot Armstrong, #500408148,
LANCELOT U. ARMSTRONG, Pro-Se
Affiant

SWORN AND SUBSCRIBED to before me this 9th day of October, 2007.

Identification Provided ()
Inmate Movement Card As I.D.

Vince Marciano

Notary Public

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition RE: *General Affidavit in support of Temporary Restraining Order* has been furnished via B.S.O. main jail institutional/U.S. mail to Respondent Attorney General, West Palm Beach, Department of Legal Affairs; and The Office of the State Attorney, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, FL 33301;

and Honorable
Consulate General of Jamaica, 842 Ingraham Building, 25 S.E. 2nd Street, Miami, FL 33131; and Hon. _____ Minister, Ministry of Foreign Affair and Foreign Trade, 21 Dominica Drive, Kingston 5, Jamaica W.I.; and Office of the Prime Minister, 1 Devon Road, P.O. Box 272, Kingston 6, Jamaica W.I.; and

Prime Minister's support unit; and _____ Most Honorable Prime Minister on this 9th day of October, 2007.

By: *Lancelot Armstrong, Pro-Se*
Lancelot Uriley Armstrong
Petitioner, Pro-Se Affiant
B.S.O. Arrest #: 500408148
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