

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 07-22579

Lenard

The attached hand-written
document
has been scanned and is
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SUPPLEMENTAL
PAPER FILE

(Rev. 04/2005) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

UNITED STATES DISTRICT COURT

Southern District of Florida

Case Number: F 05035807Alberic Israel 07-22579**CIV - LENARD****MAGISTRATE JUDGE
WHITE**

(Enter above the full name of the plaintiff or plaintiffs in this action.)

v.

Sheriff ROBERT L. Parker
Detective Joseph Kissel
North Miami Police Department

(Enter above the full name of the defendant or defendants in this action.)

cat / div 1983 DADE
Case # 1:07-cv-22579
Judge Lenard Mag PAW
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A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Instructions for Filing:

This packet includes four copies of the complaint form and two copies of the Application to Proceed without Prepayment of Fees and Affidavit. To start an action you must file an original and one copy of your complaint for the court and one copy for each defendant you name. For example, if you name two defendants, you must file the original and three copies of the complaint (a total of four) with the court. You should also keep an additional copy of the complaint for your own records. All copies of the complaint must be identical to the original.

Your complaint must be legibly handwritten or typewritten. Please do not use pencil to complete these forms. The plaintiff or plaintiffs must sign and swear to the complaint. If you need additional space to answer a question, use an additional blank page.

Your complaint can be brought in this court only if one or more of the named defendants is located within this district. Further, it is necessary for you to file a separate complaint for each claim that you have unless they are all related to the same incident or issue.

There is a filing fee of \$250.00 for this complaint to be filed. If you are unable to pay the filing fee and service costs for this action, you may petition the court to proceed in forma pauperis.

Two blank Applications to Proceed without Prepayment of Fees and Affidavit for this purpose are included in this packet. Both should be completed and filed with your complaint.

In addition, if the Judge directs the U.S. Marshal to serve the summons and complaint to teach defendant, the United States Marshal will require you to pay for the costs of this service.

You will note that you are required to give facts. THIS COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.

When these forms are completed, mail the original and the copies to the Clerk's Office of the United States District Court, Southern District of Florida, 301 North Miami Avenue, Miami, Florida 33128-7788.

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (✓)
- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs: _____

Defendants: _____

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

3. Case Number: _____

4. Name of Judge to whom case was assigned: _____

5. Disposition (for example: Was the case dismissed?; Was it appealed?; Is it still pending?): _____

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

C. Additional Defendants: Joseph Kissel
Detective
North Miami Police department

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places.

Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach an additional blank page if necessary.)

I Was arrested on November 16, 2005 by detective Joseph Kissel he had my 1995 Lexus 4 doors LS400 towed at Parkway hospital to North Miami Police Department In Pound Yard. On November 28, 2005 My Kids Mother Sheila Mesadieu and My sister Kerline Israel Went to get my vehicle and all my Property Belonging to Myself (Alberic, Israel) they were told by detective Joseph Kissel they need a Power attorney signed by Myself (Alberic, Israel) Which they did get on December 9, 2005 they Went back With the Power attorney Who Was sign by Myself and Mrs Davis Counsolor for Miami Dade County de Partment of Correction, They were told detective Joseph Kissel Was not there. January 5, 2006 My Kids Mother sheila Mesadieu and My sister Kerline Israel Went back again, at that time they were told by detective Joseph Kissel my vehicle Was sold. # (1) North Miami Police department sold My 1995 4 doors Lexus LS 400 that the dealer ship Wanted \$ 15,895.00 but I Paid Cash Price for it \$ 11,380.00 Plus sales taxes \$ 682.80 and the dealer fees \$ 800.00. # (2) the Was a Movado Watch Place Inside My armrest in the vehicle, that the aventura ^{mail} Jewelry store Wanted \$ 5,275.00 but I Paid Cash Price for it \$ 3,842.98 Plus sales taxes \$ 230.00. # (3) the Was 4 new tires the Firestone tireshop Wanted \$ 152.00 each but I Paid \$ 127.00 each Plus sales taxes \$ 30.00. # (4) the Was a firearm In the back Chunk of the vehicle Register to My name that the gunshop Wanted \$ 450.00

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BUT I Paid Cash Price for it \$ 335.00 Plus taxes \$ 18.90. # (5)
The Was a Emblem Sign of Lexus attached In the front bumper of
My Vehicle that the dealership Wanted \$ 495.00 Plus sales taxes \$
24.00. Some time in June 2006 My lawyer Jeffrey E. Feiler
Address 7685 SW 104th st Miami Florida 33156 Tel (305) 670-7700
Filed a Motion to Return Property in the Eleventh Judicial Circuit Court
of Miami dade County, to honorable Judge Orlando Prescott that Was
Granted. My lawyer Went to get My vehicle, he Was told by
North Miami ^{police} department, My vehicle had been sold.

- 1- My vehicle total Cost \$ 12,862.80 .
- 2- My Watch total Cost \$ 4,073.38 .
- 3- My 4 tires total Cost \$ 538.00 .
- 4- My Firearm total Cost \$ 353.90 .
- 5- My EMBLEM total Cost \$ 519.00 .

The grand total for My vehicle and all My Property are Cost
\$ 18,347.08

V. Relief

State briefly exactly what you want the court to do so for you. Make no legal arguments. Cite no cases or statutes.

I Want this honorable court to order Sheriff ROBERT L. Parker
Detective Joseph Kissel and North Miami Police Department
In Pound Yard to Pay Myself (alberic Israel) for MY vehicle
and all MY Property that was in ^{the} vehicle, that Comes to a total
of \$ 18,347.08.

I am Indigent now / Cannot Pay for the Filing fees on
This action

Signed this 10 day of September, 20 07.

Alberic Israel 1758911
Century Correctional Institution
400 Tedder Road
Century Florida 32535
alberic Israel

(Signature of plaintiff or plaintiffs)

I declare under penalty of perjury that the foregoing is true and correct. Executed on 19 SEPTEMBER 2007

Israel alberic
(Signature of plaintiff)

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT IN AND FOR MIAMI
DADE COUNTY, FLORIDA

CRIMINAL CASE NO: F05035807

JUDGE: ORLANDO PRESCOTT

STATE OF FLORIDA,
Plaintiff,

vs.

ALBERIC ISRAEL /
Defendant, in forma pro se

WRIT OF REPLEVIN

COMES NOW, ALBERIC ISRAEL, Defendant, pro se, and respectfully requests that this Honorable Court grant the above Writ of Replevin for the following reasons:

1. This is an action to recover possession of personal property in dade County, Florida.
2. The description of the property is as follows:
A 1995 4DRS LEXUS LS400. I BOUGHT IT NOV 03, 2005 IN MARGATE for \$ 11,380.00
INSIDE THE ARMRESTING THERE WAS A MOVADO WATCH I BOUGHT AT ADVENTURA
MALL OCTOBER 19, 2005 for \$ 3,842.98 Cents. IN THE CHUNK OF THE
VEHICLE THERE WAS A REGISTERED GUN A 357 CALIBER Magnum cost \$ 335.00
3. To Defendant's best knowledge, information and belief, the value of the property is \$ 15,557.98.
4. The property is wrongfully detained by the NORTH MIAMI POLICE
DEPARTMENT, located at 700 NE 125 ST.
5. Defendant respectfully requests that this Court order DETECTIVE
JOSEPH KESSEL to return his property and items listed above.
6. Defendant had \$ N/A in his possession at the time of his arrest.

WHEREFORE, Defendant demands judgment for his possession of the property.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was mailed this 21
day of NOVEMBER, 2006.

TO:

Dade County State Attorney's Office
1351 N.W. 12th Street
Miami, Florida 33125

and: (if applicable) Attorney of Record: JEFFREY E. FEILER
7685 SW 104 STREET
SUITE 200
(305) 670-7700

and: (if applicable) Public Defender:

N/A

Israel alberic
Defendant, pro se
METRO-WEST DETENTION CENTER
13850 N.W. 41st Street
Miami, Florida 33178