

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF  
FLORIDA PANAMA CITY DIVISION

**THEODORE L “TED” WHIDDEN,**

**CASE NO.: 5:19cv80-MCR-MJF**

**Plaintiff,**

**v.**

**LOUIS S. ROBERTS III, in his official  
capacity as Sheriff, Jackson  
County, Florida, and LARRY BIRGE,  
individually,**

**Defendant.**

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**MOTION IN LIMINE FOR TIME TO RESPOND**  
**OBSERVATION OF OBITUARY AS TACTICS OF DEFENSE**

All statements herein are believed true.

Pro Se represented PLAINTIFF a declared indigent, impaired Pro se files this “Motion in Limine for Time to Respond” to recent responses considered frivolous leading to FRAUD by Counsel for Defense. It would be preferred to respond to what appears ongoing criminal fraud in official filings by Defense Counsel, however in the ongoing RICO conspiracy additional disruptions through tactics have occurred to further aggression. At a glance, responses seem baseless/frivolous by Defense. Identifying the frivolity of response as a tactic for appeal should put court on notice of the protracted intentions of accomplices in the RICO scheme.

Counsel for Defense (Tim Warner) has apparently filed responses certifying them as response to Plaintiff’s Amended Complaint alleging the response is that of the Sheriff and Defendant Birge. This appears a lie, in an official filing, thus FRAUD with intent to deceive. This appears rather routine for low integrity legal counsel

as it is practiced. This level of deception is upsetting to a victim being perpetually aggressed by the overlapping RICO schemes of Defense and their agents.

Clearly at a glance the responses are that of Counsel, not of the client. It is a willful deception operating as a Protection Racket as we now see it custom and practice for Sheriff's Risk Fund and counsel appointed by same. At a glance the "Defendants" are alleged to have "no knowledge" of items they have clearly conspired to conceal. Their own records they lack knowledge of, which seems absurd. Fraud has been committed in official filings by Defense Counsel Warner and Yarborough. This is believed common in these circles, but no one calls them on it, and the corruption of process continues as a result.

As a result of corrupt, didactic tactics of primary, secondary, and peripheral elements of the schemes unfolding Pro Se Plaintiff requests time. **As a specific reason for a significant slow down in my response I cite the MURDER 1/6-7/2020 of Andrew Davis Whidden while in custody of Jackson County Sheriff/Jail.** This is an act of intimidation to further a long-standing scheme of extortion, intimidation, and blackmail as part of the RICO/Conspiracy by this Sheriff and his agents. (See Exhibits A, B, C)

For the record, Andrew Davis Whidden of Marianna was taken into custody in theory for a traffic stop January 6, 2020. Whidden was subjected to a host of abuses from 2145 hours 1/6/2020 until morning. In the morning Whidden was shipped to the Jackson County hospital where he died some 12 hours later. While at the hospital Whidden was allowed visitors prior to his death and the victim was said to be virtually unrecognizable. At visitation/funeral again the inflammation and distortion of his face and head made him virtually unrecognizable by friends and family at the viewing.

Exhibits A, B, C are published obituaries listing limited events surrounding the demise of Whidden while in custody. Please note surviving brothers listed as Ted and Ricard Whidden. In reflection we note on numerous occasions Plaintiff was questioned in regards to Andrew including questioning by Defendant Birge which he can attest to unless Defense continues their lying and deceptions.

Mr. Whidden was said to have been taken into custody while in connection/company with a person said to be working as an "Informant". Further the "informant" had drugs planted on them enroute to the jail (a custom and practice scheme by local law enforcement) such that she was charged with "introduction of contraband" upon booking at the jail. (Note: The same scheme was used by Trevor Lee on Abbigail Nunes 4+ years ago wherein Lee put drugs in the girl's purse after detainment, as he searched the purse at the scene, and drugs were found after search.) These schemes are common with these low integrity officers operating as a criminal element (color of law). The informant used to coordinate the Whidden meeting is now under pressure as an accessory to murder for setting up the encounter with Andrew Whidden and law enforcement. Statements of informant are considered unreliable because in order to escape prosecution the informant can/would necessarily need to blame all events on the deceased, and work with corrupt law enforcement to bury their involvement in the murder of Whidden.

In a plot twist an "informant" operating as a go between passing information between JCSO and Plaintiff contacted Plaintiff after 1844 hours, 1/6/2020 requesting a meeting to discuss feedback/message being passed from operatives at JCSO/Defendants. The message simply said, "Waffle House, 740am". It is always odd when an "informant" sets a day, date, time, location. I agreed to meet. While enroute I was intercepted by law enforcement and ticketed on a frivolous ticket (part of the ongoing harassment which has become routine for 4+ years). The ticket appears to have already been disposed of with potentially no evidence, nor intent to pursue. The communications of that morning are/were extremely irregular, yet allowing the informant to hem me up at an "eyes-on" meeting face to face for 1 hour 20 minutes. During which time Andrew Whidden was fighting for his life in another "informant" based meeting orchestrated by Defense. It is anticipated the meeting I was in was "framed" by a phone call at the beginning and closed with texts to/from 850-381-1624 advising the informant that Andrew was in distress/duress. My meeting closed irregularly as a result of messages around about 0900 hours.

The "informants" appear to have been working on the same timeline/scheme potentially by the same or related persons to orchestrate two meetings

concurrently. The majority of my meeting was discussion with “informant” as to levels of “training” for self defense culminating with informant point blank asking how difficult it would be for him to “take” me in a struggle. It was highly irregular as the informant was merely fishing to see how hard it would be to intimidate Plaintiff. In some circles it would appear a bit of a “Boo-Game”. At and leading to the same time another Whidden was being physically abused by the same network of people.

The informant in my meeting was advised of RICO conspiracy and likely was aware by the time the meeting ended that all involved may be accessory to Murder in the death of Andrew Whidden.

Review of the legal “rap sheet” for Whidden demonstrates that in a time this young man was trying to get his life back on track he was harassed by frivolous traffic issues at times when they were squeezing him for information on Plaintiff.

Note specifically, Andrew Whidden and myself (Plaintiff) were both picked up on frivolous stops within 10-15 days of filing of the Section 768.02 Notice of Intent to litigate letter sent to JCSO. Further review of records demonstrates JCSO aggresses everyone who files Notice of Intent to litigate, making this level of intimidation/harassment appear Custom and Practice, RICO. (Rolling into Christmas 2018 a great number of people with 768 Notices against JCSO were picked up, including Andrew Whidden.)

Further it can be noted Andrew Whidden was often aggressed at junctures when this case was transitioning for any reason.....Ironically, Plaintiff in this case has/was also aggressed by agencies in transition periods. The harassment/aggression is/was so bad that Plaintiff made contact with clerk in his own/home county to reach out to officials to slow the aggression. Outreach to the Sheriff in writing has been denied for a very, very long time (2 years?), but advising that they may all now be accessories to Murder One seems to have brought a few people to their senses.

The managed aggression by Washington County Sheriff has been noted as listed in the Rule 26 Disclosure(s) by Plaintiff, yet WCSO aggressions are such that they

are self-supporting for a conspiracy to RICO case to follow this case. Most definitely the criminal aggression connects, but is sufficient to stand alone. As noted in my "Expansion of Time" filing the same day Andrew Whidden was murdered I advise of potentially TEN subsequent litigation opportunities. Now that JCSO has committed MURDER in their part of the scheme it seems WCSO and officials have begun to come to their senses, including requesting meeting to arrive at a truce which in part seems reasonable.

The death/aggression of Andrew Davis Whidden is criminal as with any criminal enterprise and deserves investigation. The material mishandling of Whidden at the jail needs to be investigated by outside authorities, keeping in mind that foundationally THIS CASE starts with criminal operations from jail/jail personnel at JCSO. Note specifically Lt Jeremy Tolbert of JCSO/Jail initiated the original recorded threats of JCSO which have been long term concealed (and are still being concealed) by defendants/defense and their accomplices (State Attorney and Public Defenders). We will be seeking to expand the accessory to murder to all with an interest in the ongoing conspiracy to RICO.

Of interesting note, Andrew Davis Whidden appears to have been murdered in care of JCSO/Jail (1/7/2020) about 8 days after Court accepted my "Amended Complaint" for Conspiracy to RICO (12/30/2019).....In that document, Plaintiff declares JCSO a "criminal enterprise" similar to the declaration by the FBI in 1984 of the Key West PD in a criminal racketeering scheme. (Oddly, Plaintiff was targeted for a frivolous/unlawful ticketing thru an orchestrated meeting of the same persons.)

Of interest further is communications shared between Defendants/Plaintiff regarding notification of Criminal Operations which was ignored by law enforcement side of this equation. This is in part evidenced by Email dated 12/11/2019 to JCSO advising of criminal activity. Of course, it was them conducting (and ignoring) the activity.

The death of Andrew Davis Whidden "flags" a number of issues previously overlooked in this case, discovery and pursuits. The death of Mr Whidden and the attendance at events, exploration of new perspectives of the RICO and the re-

alignment of person issues/assets and maneuvers to find safety have brought about distraction/disruption for Plaintiff.

The death of Andrew Davis Whidden opens opportunities for a host of third party intervenor claims/approaches as a host of third parties may be in danger from this ongoing criminal enterprise cited as JCSO and their agents.

It appears there was an attempt to convey a message to Plaintiff by the MURDER of Andrew Davis Whidden by Defendants/Agents of Defense. It should send a message to this Court that bias/corruption pervades ALL aspects of judicial process in this region, and it appears ALL are involved in a protection racket, lest these low integrity, ignorant officials would be stopped. I again request Federal oversight to stop the ongoing aggression locally.

Be it known the FDLE (Florida Department of Law Enforcement) is operating criminally. They too are operating as a Protection Racket to cover schemes by local law enforcement AND have a deep seated root in this original case, noting Donnie Branch (executive officer at JCSO) comes from FDLE and was instrumental in instructing, orchestrating and manipulating the frauds/concealments and RICO activity that gave birth and sustained this case. It would take a complete idiot/moron to fail to recognize the FDLE manipulation and role in these Protection Schemes. (As another example, The Zachary Wester cover-ups are clearly designed to "miss" the management/officers in a related criminal operation by the same entity, JCSO.) FDLE is a criminal accomplice/accessory to JCSO activities. They will cover, conceal and tamper information as necessary to facilitate the crimes of JCSO. (As another example the Jeff Edenfield data manipulation conspiracy by FDLE proves FDLE criminal operatives as co-conspirators with Donnie Branch, JCSO and others.) FDLE can/will be named as running a Protection Racket in numerous ongoing RICO conspiracies if this continues. (As yet another example the FDLE schemes concerning Harry Bell, Holmes County Tax Collector, connects the Donnie Branch targeting and criminal schemes. This has been reported to FDLE yet they continue to cover rather than address this criminal enterprise. As such they are part of the RICO and running protection/oversight.)

As we drill down further the “Sheriff’s Risk Fund” funds and covers schemes by this Sheriff and others as a matter of “business” practice. The Sheriff’s Risk Fund is a Protection Racket in this case and all cases referred to in this filing. Their funding of Defense and ongoing agitation of schemes initiated under Color of Law are suspect. Steve Casey at Sheriff’s Association has been and should continue to be placed on notice for the criminal protection racket run by his organization.

The State of Florida (including Florida Senate) have been placed on Notice for their continued operation of cover schemes Under Color of Law for these criminal operatives. As such in February 2019 the entire Florida Senate was notified by the undersigned, yet the unlawful aggression without controls are allowed to continue.

The death of Andrew Davis Whidden and the other listed schemes and relationships are quite simple to see. This has forced Plaintiff to take a step back in the mind-dizzying set of events which demonstrate the Federal Court is being used as an accomplice/protection racket failing to recognize what is taking place, and taking action. Under Misprision of Felony concepts we all have obligations. I would like an opportunity to work through recent events and discoveries of more than 1000 criminal fraud concealments currently and MURDER to conceal/disrupt lawful civil pursuits in this court.

The death (believed murder) of Andrew Davis Whidden leading to a period wherein this Federal Court is requiring what has been suggested to be an unlawful/unconstitutional “Mediation” with what is believed to be Domestic Terrorists (Defendants) operating under color of law seems unlikely to produce amicable results/agreement. Defendants were labeled hostiles in July 2019 when Pro Se took position in this case. Nothing has occurred to believe an amicable agreement can be reached. It is clearly not about money.

Plaintiff respectfully requests the Court remove any obstruction element and bias allowing Plaintiff to take these criminals to trial. The lower court appears to have no fear of prosecution because the superior court appears to run a cover of protection. Attorneys in the region will not address this criminality for the same reason it appears.

Plaintiff respectfully requests Federal Law oversight and investigation into the Defendants and their affiliates to protect citizens from this ongoing aggression and criminality which pervades the vast majority of judicial process and actions under Glenn Hess and local sheriffs in his district. It is simple to see Federal RICO intervention is required.

I have requested opportunity for oral arguments in this court which have been denied because of their Custom/Practice. This failure of the court is believed to be protracting harmful aggression and litigation.

As previously expressed "Mediation" with Domestic Terrorists (JCSO) is not likely to prove lawful, or to provide closure.

**MOTION IN LIMINE FOR TIME TO RESPOND**

Plaintiff hereby requests the Court allow time for Plaintiff to mourn and prepare. The lack of respect for law and integrity of my opponent seemingly knows no bounds.

Respectfully submitted,

THEODORE L. WHIDDEN  
January 13, 2019  
(Corporate Mail) P.O. Box 158,  
Chipley, Florida 32428  
850-685-2353  
[TedWhidden@gmail.com](mailto:TedWhidden@gmail.com)



**Certificate of Compliance with Word Limit:**

Plaintiff certifies this document (Foregoing) is made up of 2670 very important words according to "Word" count pursuant to local rule 7. It is made up of 9 numbered pages, plus 3 page attachments/obituaries. Submission is made by a very frustrated, untrusting Pro Se Plaintiff having been made aware that all previous State assertions of mental instability have been stripped from public record as a scheme to defraud.

Respectfully submitted,



THEODORE L. WHIDDEN

January 13, 2019

(Corporate Mail) P.O. Box 158,  
Chipley, Florida 32428

850-685-2353

[TedWhidden@gmail.com](mailto:TedWhidden@gmail.com)

# EXHIBIT A: Andrew Davis Whidden listing "Ted Whidden" as a brother.

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## Whidden, Andrew Davis

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2101 E. Highway 100, Marionna, FL 32068-8100  
(904) 248-2897

**Marionna Chapel Funeral Home 2101 E Highway Street, Marionna, FL 32068-8100** **Andrew Davis Whidden**, 57 of Marionna died on Saturday, January 7, 2014 of cardiac arrest. Andrew was born to E. L. Myers, Jr. on June 11, 1952. He married to Marionna on the age of one. Andrew graduated from Marionna High School in 1970. He was a parishioner of First United Methodist Church of Marionna. At the time of his death he was a 12 employed mechanic. Andrew was the son of the late Bill Whidden and Edith Whidden. He was preceded in death by his father, Bill Whidden, brother Bill Jr., sister Charlotte Corcoran. He is survived by Gene Brady, wife Patsy, daughter Duane, sister Cathi Whidden, brother Ted and husband of Lorraine, Jr., sisters Anne and David of Lakeland, FL, Linda Louisa Corry of Ft. Myers, FL, a best friend and Veteran State of New Orleans. Andrew is also survived by numerous nephews, nieces, and stepsons. A time of visitation will be held on Monday, Friday January 10, from 4:00 PM to 7:00 PM at the Marionna Chapel Funeral Home. A memorial service will follow in the same room at 7:00 PM. Burial will be in the Marionna Chapel Cemetery. In lieu of flowers, contributions may be made to the Marionna Chapel for Pastor and Pastor's Wife. Marionna Chapel Funeral Home is in charge of arrangements. Expressions of sympathy may be submitted on-line at [www.marionnafuneralhome.com](http://www.marionnafuneralhome.com). To view photos and videos of Andrew Whidden visit [www.marionnafuneralhome.com](http://www.marionnafuneralhome.com).

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EXHIBIT B: Andrew Davis Whidden listing “Ted Whidden” as a brother.

Marianna Chapel Funeral Home

HOME PAGE



**Andrew Davis Whidden**

June 29, 1982 – January 7, 2020 (age 37)

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**Obituary**

**Andrew Davis Whidden, 37 of Marianna died in Jackson Hospital January 7, 2020 of cardiac arrest.**

**Andrew was born in Ft. Myers, FL on June 29, 1982. He moved to Marianna at the age of one. Andrew graduated from Maranna High School in 2001. He was a parishner of First United Methodist Church of Marianna. At the time of his death he was a self employed mechanic.**

**Andrew was the son of the late Bill Whidden and Edith Whidden. He was preceded in death by his father, Bill Whidden, brother Bill Jr., sister Elizabeth Downes.**

**He is survived by Gina Busby, son Parker, daughter Paxtynn, mother Edith Whidden, brothers Ted and Richard of Savannah, TN, sisters Dawn Hill (David) of Collinwood, TN, Della Griebel (Darry) of Ft. Myers, FL, a very special aunt Vivian Davis of New Orleans. Andrew is also survived by numerous cousins, nieces, and nephews.**

**A time of visitation will be held at 2:00 PM, Friday, January 10, 2020 at the First United Methodist Church Wesley Center. A memorial service will follow in the sanctuary at 3:00 PM with Pastor Nathan Attwood officiating.**

**In lieu of flowers contributions can be made to the scholarship for Parker and Paxtynn Whidden.**

To send flowers to Andrew's family, please visit our [floral section](#).

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**VISITATION**

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January 10, 2020  
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Wesley Center at First United Methodist Church of Marianna  
2901 Caledonia St  
Marianna, FL 32446

- [Directions](#)
- [Text Details](#)
- [Email Details](#)

**MEMORIAL SERVICE**

Friday  
January 10, 2020  
3:00 PM  
First United Methodist Church of Marianna  
2901 Caledonia St  
Marianna, FL 32446

- [Directions](#)
- [Text Details](#)
- [Email Details](#)

# EXHIBIT C: Andrew Davis Whidden listing "Ted Whidden" as a brother.

Thursday, January 8, 2020 Home Contact Subscribe

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COMMUNITY OBITUARIES POLICE SPORTS HISTORY EVENTS LEGAL NOTICES

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## Andrew Davis Whidden

By Staff January 8, 2020 237 0

Andrew Davis Whidden, 37 of Marianna died in Jackson Hospital January 7, 2020 of cardiac arrest.

Andrew was born in Ft. Myers, FL on June 29, 1982. He moved to Marianna at the age of one. Andrew graduated from Marianna High School in 2001. He was a parishner of First United Methodist Church of Marianna. At the time of his death he was a self employed mechanic.

Andrew was the son of the late Bill Whidden and Edith Whidden. He was preceded in death by his father, Bill Whidden, brother Bill Jr., sister Elizabeth Downes. He is survived by Gina Busby, son Parker, daughter Paxtynn, mother Edith Whidden, brothers Ted and Richard of Savannah, TN, sisters Dawn Hill (David) of Colliwood, TN, Della Griebel (Derry) of Ft. Myers, FL, a very special aunt Vivian Davis of New Orleans. Andrew is also survived by numerous cousins, nieces, and nephews.

A time of visitation will be held at 2:00 PM, Friday, January 10, 2020 at the First United Methodist Church Wesley Center. A memorial service will follow in the sanctuary at 3:00 PM with Pastor Nathan Attwood officiating.

In lieu of flowers contributions can be made to the scholarship for Parker and Paxtynn Whidden.

Marianna Chapel Funeral Home is in charge of arrangements. Expressions of sympathy may be submitted on line at [www.mariannachapel.com](http://www.mariannachapel.com).

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