

## EXHIBIT [E25]

### PLAINTIFF'S COMPLAINT TO SGT. DARRIN JOE OF THE NEWPORT BEACH POLICE DEPARTMENT<sup>1</sup>

PART 2 of 4

NOVEMBER 4, 2021

[(00:00)] Sgt. Darrin Joe Joe: I'm still in the same spot I was six days ago with all of this.

[(00:05)] Plaintiff: Okay, can you tell me where you're stuck? Or maybe what? What doesn't make sense or elaborate a little bit more on your position?

[(00:18)] Sgt. Darrin Joe Joe: It's all the same, Mr. Bereki. This shouldn't fall into the lap of a local police department to investigate. If it works for you, I took a step back and thought about it a little more after you and I disconnected last week. Thank you for sending me the judgment order, because that helps set up a little bit of light on things. This case was in 2015 and got, especially engage in June 2017, correct?

[(00:55)] Plaintiff: Yes.

[(00:56)] Sgt. Darrin Joe Joe: Okay. And was it a jury trial, or was it just a trial by Judge?

[(01:00)] Plaintiff: Well, that was the point I was denied a trial by jury.

[(01:04)] Sgt. Darrin Joe Joe: Okay. If this were to be your typical---

[(01:09)] Plaintiff: Hey, Darren, can I interrupt you for a second? Just one thing? I just want to know that I want to record this conversation. So I wanted to give you notice of that.

[(01:21)] Sgt. Darrin Joe Joe: Okay.

[(01:21)] Plaintiff: All right. So go ahead. I'm sorry.

[(01:24)] Sgt. Darrin Joe Joe: If this were to be a crime, typically in the state of California, when we were dealing with misdemeanors, felonies, your typical felonies. In California, the statute of

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limitations is three years, for typical misdemeanors is one year now that could change with fraud, or with homicides, or sexual assaults. But it looks like this case would be out of statute, it's four and a half years ago. Furthermore, it's out of jurisdiction because these illegal judicial activities occurred in the city of Santa Ana. If it were to go to the criminal, investigatory route, Santa Ana PD would be the agency of jurisdiction or the Sheriff's Department since they have obvious involvement with the Superior Court in that county of Orange.

So I just want to throw that out there. But you and I could talk more about the merits of your case. But like I said, we're still at square one in terms of this being a civil decision that you disagree with. There are some semantics issues when it comes to the damages of cost to fine. I did think more about the venue for the quote-unquote, "prosecution of a business and professions code violations." But I thought back to civil cases. The family of Nicole Brown Simpson sued OJ for wrongful death. I mean, essentially, that's a winning seven investigation [inaudible]. So it did happen quite often. But like I said, my familiarity is minimal with that type of stuff.

Did you have questions, though? You weren't the one that the Humphreys family and the judge ruled in their favor, therefore, that's why you have the damages attached to you. What does your attorney have to say about all of this? I mean, this issue should have been brought up then and their not four and a half years later, right?

[(03:51)] Plaintiff: Okay. You said a lot of things. So I took some notes. So I'm gonna go point by point. Okay, maybe a little bit out of order. Okay.

[(04:02)] Sgt. Darrin Joe Joe: Sure.

[(04:05)] Plaintiff: There is a big difference between damages and punitive damages, and the fine. And that's not semantics. Those are huge things and laws, just like it's a big difference between a penalty and restitution.

[(04:25)] Sgt. Darrin Joe Joe: Okay. Is that your opinion or---?

[(04:27)] Plaintiff: Everything that I'm sharing with you, I can back up with case law, whether in California or the United States Supreme Court. This is the law. Okay.

[(04:37)] Sgt. Darrin Joe Joe: Like we said earlier, why aren't there any other attorneys that are willing to hitch their wagon to your case? [inaudible] they're so [inaudible] I'm just confused.

[(04:46)] Plaintiff: Darrin. I understand and I share in your confusion on that, but that does not change the validity of the law and what I'm sharing with you. If you looked at those cases that I sent you, and the quotations that I made in the document that I sent you, it's in their own words, that it's a penalty and that it's a fine. I mean, I'm not saying it, they are. And so I agree with you.

I am as befuddled as you are, about why attorneys won't take this on. But I do. I have spoken with several attorneys and omit a majority of them don't understand the issue or two, they refuse to take on the issue because they do not want to challenge the judge. They told me it would be career suicide, even if I were correct.

So that is the issue. That is one issue. So it's not the semantics of whether the judgment order says, damages or fine or not. There are different ways. A damage is obviously like, let's say I ran into your car, and I cause \$10,000 in injury to your automobile and let's say another 10,000 to some part of your body. So in that case, the court would award damages of 20,000. Ten to you, ten for the car, and that's damages, it's recompense for an actual injury suffered.

It's a different thing if, on top of that, the court says, "Well, Adam, you were reckless driving, and that was negligent. And so because of that, I'm going to punish you \$100,000." That's punitive damage. Okay? It's a whole other thing if the court says, "Well, I'm just going to fine you because you violated the vehicle code." And the punishment for violating the vehicle code is, let's say \$10,000. So those are three different things that happen in law. Okay? When it comes to punitive damages and fines, that's where the excessive fines clause comes in, under both the California Constitution and the Constitution of the United States.

[(07:08)] Sgt. Darrin Joe Joe: If that's the case, I don't know what you did that was so awful. So I can't render an opinion as to whether or not I agree if \$48,000 is excessive.

[(07:21)] Plaintiff: Well, I can share this if you read the letter that I sent you. I put in there the criteria that the court has to go through to determine what makes a fine, excessive or not. There are four criteria. One of them is that it has to be---

[(07:43)] Sgt. Darrin Joe Joe: I don't think that you did, Adam.

[(07:44)] Plaintiff: Darrin, I put it on there, they alleged that I was an unlicensed contractor. That's what I did. That's the crime. If you go and look at driving without a license, the maximum fine is \$250. If you go and look up, this is in professions code 7028. That's a criminal statute for our penal statute for violating, for contracting without a license. You'll see on there that [crosstalk]

[(08:18)] Sgt. Darrin Joe Joe: That's not penal, it's [inaudible]

[(07:44)] Plaintiff: Well, that's penal. If you go look up what the definition in the penal code is, it says a crime or a public offense is in violation of a law forbidding or commanding an act upon which is annexed upon conviction, a fine death, imprisonment, whatever. So if you commit a violation of the Business and Professions Code, and there is a fine or imprisonment attached to it, it's a penal offense.

[(08:46)] Sgt. Darrin Joe Joe: Okay.

[(08:46)] Plaintiff: All right. If you go and look at the maximum fine for contracting without a license under BNP 77028, the maximum fine is \$5,000. Okay? I can give you 10 cases, 10 recent cases from the Superior Court of Orange County, and shows the 10 most recent convictions of Business and Professions Code 7028. And in each case, I think the average was the person who got seven months or one year of informal probation and a \$700 fine.

[(09:24)] Sgt. Darrin Joe Joe: Okay.

[(09:25)] Plaintiff: Okay, so you can as an ordinary, rational human being, which you clearly are, otherwise you wouldn't have that job. You can see that an \$848,000 fine to financially decimate someone is not, has to be excessive and unreasonable. And it has to be cruel and unusual punishment. Okay? So if you just take into that account, there's a serious problem here. Because what I've just given you is the maximum penalty that the maximum fine that the legislature has allowed for a first-time offense of contracting without a license. That's what I allegedly did. Okay?

So right away, you have to apply the excessive fines clause and protections, all four of them. So the first one is it has to be proportional to the offense. It's clearly not. Another one is that they have to take into account my ability to pay. Now, I sent you a case on that issue, which was the people vs. Cohen case, did you read that?

[(10:34)] Sgt. Darrin Joe Joe: I did not. I thought you were sending a letter that you--- First I thought [crosstalk]

[(10:41)] Plaintiff: Okay. So that is why I sent you those cases, Darrin. It's for you to read them to understand more of the issue that I'm saying here.

[(10:48)] Sgt. Darrin Joe Joe: That's why I opened up this, we're not a proper agency to look into this for you, but I'm willing to talk to you on the phone.

[(10:41)] Plaintiff: Okay. So I'll get to that point because that was something that you brought up. Okay. So, that is a big [crosstalk]

[(11:06)] Sgt. Darrin Joe Joe: Why don't you get to that point first, Adam so that we can, [inaudible] timeline on [inaudible]

[(11:13)] Plaintiff: Okay, there is no jurisdictional issue when it comes to making a complaint for deprivation of rights or a petition for redress of grievance. It doesn't exist. I can go under Article One, I believe it's section 26 or 17, whichever on the petition for redress of grievance, right is, that means that I can make a complaint to any branch of government anywhere in the state of California at any time. Okay? And also, in regard to your [crosstalk]

[(11:43)] Sgt. Darrin Joe Joe: [inaudible] constitutional rights violation, right?

[(11:45)] Plaintiff: Right, which is [crosstalk]

[(11:47)] Sgt. Darrin Joe Joe: But you're not in agreement that's under the constitutional rights violation yet. [inaudible] I am not convinced.

[(11:51)] Plaintiff: Okay, Darrin, I understand, and that's why we were going over the other subject, and you said you wanted to go to the jurisdictional issue.

[(12:03)] Sgt. Darrin Joe Joe: Right. Okay, that makes sense.

[(12:05)] Plaintiff: Okay. Yes, and there's also no statute of limitations on constitutional rights violations. And the actual violation of my rights is an ongoing crime. So that statute has not run because the crime has not stopped. It's currently in progress. Okay, and just so you know, I have made other complaints. I'll leave it at that for now. So we're not out of the jurisdiction. We're not out of the statute. And I can make a complaint to Newport Beach, whether there's an excess to the incident or not. And in fact, there is an excess to the incident because the whole thing began in your city.

[(12:58)] Sgt. Darrin Joe Joe: [inaudible]

[(12:59)] Plaintiff: Yes. Okay. You mentioned the issue of Nicole Brown Simpson, I just want to bring that up. What the law allows sometimes is to have both criminal prosecution and a civil trial. And what happened in the civil trial is they did not prosecute OJ Simpson for 187. They received a claim of damages and punitive damages for his behavior. That is why it's so important to discern between a fine and incarceration which are penalties that happen in criminal proceedings, and damages, in punitive damages that are allowable in civil proceedings.

The reason that there's such a differentiation between those two is because of the heightened protections that the Constitution requires in criminal proceedings versus civil proceedings, like, there's a higher burden of proof, obviously, proof beyond a reasonable doubt in criminal cases. And in civil cases, it's reasonable suspicion. Okay?

There are also other substantive protections like the right to know the true nature and cause of the accusation. In some civil cases, you may not have a right to a jury trial if it's an equity case. So it's very important to discern what the type of action is, and who's bringing it. Because again, in the first part of my letter that I sent you, only the district attorney can bring claims for criminal charges against the people. Private parties cannot prosecute each other.

That's why it's important to go to the judgment order and to discern whether the judge's order was really an order for damages. Meaning I cost them \$848,000 in harm, and so I have to pay that back because I injured them, or whether or not that was a fine. Now, if you go to my letter, let me look at it real quick right here.

[(15:13)] Sgt. Darrin Joe Joe: Okay.

[(15:17)] Plaintiff: I'm just looking at my sent. There was a case in there. Let's see here. There it is. It's the Eisenberg case. Did you read that part?

[(15:33)] Sgt. Darrin Joe Joe: What page?

[(15:34)] Plaintiff: Let's see here. It's right before it says issue three. A recent California Court of Appeal held the following. Do you see that?

[(15:54)] Sgt. Darrin Joe Joe: Yes.

[(15:55)] Plaintiff: This is a California Court of Appeal in 2020. What they said is the penalty mandated by the Business and Professions Code they charged me with, is not designed to compensate the plaintiff for any harm. Meaning it's not for damages. It's intended to punish the unlicensed contractor. What that means is it's either at that point got to be a punitive damage award, or a fine. Okay? Because damages, you have to provide evidence of how you were injured. You can't just say that so and so ran into my car and I had a million dollars in damages.

[(16:34)] Sgt. Darrin Joe Joe: And you wrote that you're not aware of any injuries presented at the trial?

[(16:40)] Plaintiff: There was none. Which---

[(16:42)] Sgt. Darrin Joe Joe: So, that would mean that \$848,000 figure is way out of whack. I don't have every detail from your hearing so I don't know what the Humphrey's said or did or presented. I can't argue that right now.

[(17:04)] Plaintiff: I understand. And I appreciate the fact that you're looking at both sides. And I can give that information to you so that you can confirm that. But the point is right now, I appreciate the fact that you're also taking into account that I can back up and share with you the evidence of what I'm saying. But it seems to me you're starting to see a bit about where I'm coming from now. It feels to be more clear than ever, about the problem going on here.

[(17:36)] Sgt. Darrin Joe Joe: I'll tell you what, it's ridiculous. I mean, if I were in your shoes, I'd be doing the same stuff. I would, well [inaudible] I don't want to catch up too quick but at the end, I just wanted to run through.

[(17:52)] Plaintiff: So I think I went through them. You also mentioned station 18 and station what's Fountain Valley? Whatever they are. Or not Fountain Valley, Santa Ana.

[(18:05)] Sgt. Darrin Joe Joe: 31.

[(18:06)] Plaintiff: Yes. I'll talk with you about them later, but yes, they also have jurisdiction here. And we can talk about that issue later. I'd rather---

[(18:17)] Sgt. Darrin Joe Joe: The main law enforcement agency with jurisdiction I know that we already talked about this, would be the FBI. They're the agency in charge of denouncing civil rights statutes, as are violations of civil rights statutes.

[(18:34)] Plaintiff: Okay.

[(18:36)] Sgt. Darrin Joe Joe: [inaudible] I know you are right with that but they shot you on or [crosstalk]

[(18:40)] Plaintiff: And I also want to share with you that what you just shared is not actually

correct.

[(18:48)] Sgt. Darrin Joe Joe: Okay.

[(18:50)] Plaintiff: Constitutional rights are not civil rights violations. That's number one. Number two, they can only investigate federal crimes. Okay? That would have to be a violation of 18 USC 241 or 242. And that would have to apply to violations of the US Constitution. And clearly, in my letter, I cited both violations of the California Constitution and the US Constitution. Okay? So that being said, they can handle claims of federal constitutional issues and crimes per 18 USC 241 and 242. But now, we're talking about rights. We're talking about potential violations of California penal statutes, and also violations of the California Constitution, which the FBI cannot enforce.

[(19:47)] Sgt. Darrin Joe Joe: So that means [crosstalk] [inaudible]

[(19:51)] Plaintiff: Actually not. What actually happens is if you go to the DOJ's websites and you call the DOJ, they tell you to go make a report at your local law enforcement agency.

[(20:10)] Sgt. Darrin Joe Joe: Okay, it will be forwarded to the state DOJ? To get [inaudible] but I'm not familiar with any examples of any law enforcement agencies investigating any Californian constitution violation.

[(20:25)] Plaintiff: I understand that. I have not, I don't have experience with that myself. But what I do know is that, in my investigation experience, lawyers do not go this route to go after judges because it is career suicide. They are terrified of, I don't have a bar license. And I don't have a business representing clients that I have to worry about going before all of these judges in the future. And, of course, they all talk. And you know that I mean, I'm not saying that their brotherhood is illegal, but there are certain things that a court has the discretion to do, and they can ream your ass and make it very difficult if you mess with them. And these lawyers are very well aware of that. And they're just not going to do career suicide over it, not for my case.

If you know, if we were talking about some trillion dollar judgment, that was the be-all-end-all for their career, and they were going to do a kamikaze dive through this thing. Then maybe we'd see that, but that's not what's going on right now. So that's where we're at. So that's why I don't know, maybe I can turn it back over to you to see if you had some other questions. That's why it's so important to go through and understand each of these issues that I brought up because each of them goes to whether the court had authority under the Constitution to do what it did.

[(22:16)] Sgt. Darrin Joe Joe: Yes. Going back to our conversation last Friday, it does sound like it's tailor-made for judicial misconduct and makes it back in play. You didn't get any answers letter, right?

[(22:30)] Plaintiff: Well, I did get an answer.

[(22:36)] Sgt. Darrin Joe Joe: In that case, through different routes, right. And they would rehear it. Is that correct?.

[(22:30)] Plaintiff: Okay, let me address the first thing. You said that I went to the Council of Judicial Commission on judicial performance, and I didn't get an answer there. That's not correct. I did get an answer.

[(22:55)] Sgt. Darrin Joe Joe: I thought the [inaudible]. I'm sorry.

[(22:56)] Plaintiff: I'm sorry. Go ahead.

[(22:57)] Sgt. Darrin Joe Joe: I thought you told me that when I asked you [crosstalk] [inaudible] or I just misremember it.

[(23:00)] Plaintiff: No, you didn't misremember, you just misstated a little bit. I did go to them. And I did get a response. But what they told me was basically they didn't think that there was any misconduct. And so they closed my case. And that is a bald-faced lie. The other issue with that is, and I could be wrong, I don't know about this, for a 100 percent certain. But the Commission on Judicial Performance is not, it's an administrative agency. And I do not believe they have, they do not have or cannot have under the Constitution full executive powers under Article Six, section one to investigate criminal acts by judges.

What they investigate are things like judges drinking on the job, judges falling asleep on the bench, judges not showing up to work, that type of thing. So that is, that's the point there. So the only other executive law enforcement agency in the state of California are police departments. There is no FBI of California. It's a police department. The police department has the duty to see that the law is faithfully executed. Period.

[(24:27)] Sgt. Darrin Joe Joe: Okay. Never goes back to, well, before we talk about the laws that are broken. Tell me more about this Jay Scott Russo, Esquire. Did he let you down on those?

[(24:42)] Plaintiff: No, he did not.

[(24:43)] Sgt. Darrin Joe Joe: [inaudible]

[(24:44)] Plaintiff: No. It wasn't me that sued the Humphrey's. It was my company. My company was called Spartan Associates Inc. or Spartan Construction. I'll just call it Spartan for now and you'll know what I mean. So, the Humphrey's didn't pay my company about 80 grand in materials and labor for the project. So my company sued them for the 80 grand, and then they cross complained or cross sued my company and me. Okay? After that, right before trial, I ran out of money to keep paying Russo to represent me. And he chose to represent my company without charge, so I did not have counsel at trial. And again, because I know we haven't gone over why exactly this issue yet, but because I was criminally prosecuted. I have a right to have an appointed counsel to a public defender. And the judge never told me that and never gave me a counsel. That's another major issue the Supreme Court has repeatedly--

[(26:07)] Sgt. Darrin Joe Joe: So you're saying that in your civil trial for which you sued them, you were criminally prosecuted, therefore, you should have had a public defender. You and your

[crosstalk] [inaudible] on your civil trial.

[(26:17)] Plaintiff: No that's not what I'm saying. You're saying that my trial was civil and I'm saying that it's not. In the same way that the damages were really disguising a very highly unconstitutional fine. The trial also disguised the fact that it was a criminal proceeding.

[(26:40)] Sgt. Darrin Joe Joe: Okay. That's confusing, right? You can't have it both ways.

[(26:44)] Plaintiff: No, the hell you can't. You can illegally conduct a trial and call it a civil proceeding and have all the makings of a civil proceeding. But it actually have it be a criminal proceeding in disguise. The way that that would happen would be like this, let's say, as outlandish as this is it's exactly what happened in my case. Let's say that I knew my neighbor didn't have a driver's license. And so I filed a case in the Superior Court for 12 500 A and I sued him for driving without a license. Okay? In my case, it's contracting without a license. So then, let's say in Superior Civil Court, I sued him and we went through the trial. And the judge said, "Okay, Mr. Neighbor, your fine is \$848,000 for not for driving without a license pursuant to 12 500 CVC." And Mr. Neighbor goes, "Well wait a minute. This is a penal statute of the vehicle code. This Adam guy can't prosecute me in a civil case for this. You have to have the district attorney bring these charges. And this is penal because I didn't cause any damages. I'm being fined \$848,000, for driving without a license. And judge, moreover, where are you getting the authority to fine me \$848,000 for driving without a license? It says right here in the book that the maximum fine is \$250 for a first offense."

[(28:35)] Sgt. Darrin Joe Joe: So why would any of these, [inaudible]. Why would this be brought up before March 27th of 2017?

[(28:43)] Plaintiff: Okay, so that was part of the fraud. So part of the fraud, in this case, is that the state of California has been, for the last hundred years conducting these criminal trials under the disguise of civil trials, okay? And I have not gone to law school to learn how to discern. Like you can just tell right now the difficulty that you're having to face a very steep learning curve. And I'm explaining every issue to you.

Now, consider me, coming straight out of the police academy, having very, you know, about 10 years of experience in law enforcement. I think you probably have 20 or something like that now. But consider that we have essentially similar levels of experience and you were to be blindsided by something like this. And not have a fricking clue what was really going on.

On top of that, thinking that, "Oh, the judges in the courts would never do something like this", you know? This can't be this. But then, after you realize something was terribly wrong, you had to put yourself through law school in your own way to figure out the fraud that was being perpetrated on you, because you knew something was wrong.

Let's just hypothetically say you were out contracting without a license. It would be fucking outrageous for you to be fined \$850,000 for doing that. And then to then attach a lien on your house and force you into bankruptcy. I mean, you know, it's like I said, you're reasonable guy, you know that something is terribly wrong.

[(30:28)] Sgt. Darrin Joe Joe: Like what we talked about earlier, approaching in another fine there might be another explanation. Because I don't know what the Humphreys are alleging.

[(30:36)] Plaintiff: Well, that's what they alleged. That I contracted without a license. And that as a result of---

[(30:43)] Sgt. Darrin Joe Joe: Can you think of any other reason why this awful thing happened?

[(30:47)] Plaintiff: No, Darrin. No. Here's the truth about the whole thing. We legitimately had a dispute over some of the things that are on the project. And those things are civil, and they require a civil trial to evidence whether damages were occurred or not. I do not dispute that all that is civil period. That's fine. That's not at issue here.

But what happened before the trial was they changed their complaint. They did what's called a First Amendment complaint. And they dropped all of their cross-claims against my company. Well, they severed them. They didn't drop them. They severed them so that when we went to trial the only issue was whether I was licensed or not. It was not an action against my company. It was an action exclusively against me, to prosecute me criminally in a civil case. And for them to get a total forfeiture of all the money that they paid both me and my company.

[(31:47)] Sgt. Darrin Joe Joe: What are some of the civil things that they are saying against the company?

[(31:53)] Plaintiff: They said that my company damaged them. That I didn't do the work. That I messed up their job. That I charged them for things that they didn't get. That I took longer than I should have. Those are all civil.

[(32:06)] Sgt. Darrin Joe Joe: The \$848,000 was essentially the money they paid you for the job, right?

[(32:12)] Plaintiff: Yes. So they paid \$848,000 for the job. And what that \$848,000 was, was I don't even remember. But I'm just going to make up a number. Let's say that I spent \$600,000 on materials and \$200,000 on labor. So I gave them the \$600,000 on materials and I gave them, well I supplied the labor, my company did, to give them the value that they agreed upon with my company for the work they wanted. They wanted a custom home remodel, so that's what my company gave them. And then what happened is when we went to trial, essentially, what the judge says was, "They get to keep the \$848,000 that you already gave them. And you have to give them another \$848,000."

[(33:01)] Sgt. Darrin Joe Joe: Right. And so I have to say that's ridiculous. We've already covered that. Did you essentially admit that money [inaudible] where they live or what they are, and then they won? And that whole [inaudible] back as punishment, or fine, or damages, or whatever.

[(33:20)] Plaintiff: No. There's a very big discernment there that we have to make clear.

[(33:25)] Sgt. Darrin Joe Joe: [inaudible] I can't repeat it back to you. But I'm starting to wrap my mind around the concept. Is this something that we can handle in mediation or arbitration? Because it clearly could be argued that they [inaudible] they already got your investment in their property. What more do they need? We're trying to [inaudible] return, right? If that's what you're telling me.

[(33:53)] Plaintiff: Well, let me just back up real quick, okay? If they go to court. What you said was is it damages, or punitive damages, or fine. I explained that discernment earlier. But if it was a damages issue, they have to go to court and prove that I harmed them. And how much that costs.

Like, let's say I put a wall where it didn't go or I didn't build a wall properly and I cost them \$50,000 in damages. What they have to do is bring in an expert that says, "Look, I've been a construction foreman for 20 years. And I looked at what this guy did. He charged them \$100,000 to build a wall that only cost \$20,000 to make. Here's a picture of what he did. Here's a picture of how it's done right. And I hired XYZ Contractor to come and fix what he did. And it cost the Humphrey's \$10,000 in damages." That's damages. So they proved, they presented evidence that did, that I harmed them, and as a result, I have to pay them to recompense or to correct the damage that I did to them.

[(34:56)] Sgt. Darrin Joe Joe: Yes, I was thinking when you were explaining it. I mean, it would make sense to me if they were going to essentially double charge you if they were completely unsatisfied or uncomfortable, or whatever, harmed by a construction project completed by an unlicensed contractor. I'm not saying that's what you were. But essentially they would have to tear it down and start over.

[(35:25)] Plaintiff: Okay.

[(35:26)] Sgt. Darrin Joe Joe: [inaudible] it will never make sense to me, I guess.

[(35:28)] Plaintiff: That's a great place to stop or consider. And if that were the case, what they would have to do is to make a civil claim for damages and they say, "Adam didn't do X, Y, and Z. And here's our expert that shows what he didn't do, and why he didn't do it, and what he should have done. And that this cost us \$848,000 to repair." None of that evidence appeared at trial. What they did was they said "We contracted with this guy. He's unlicensed. And he has to give us all our money back because of that." That's all that happened.

[(36:06)] Sgt. Darrin Joe Joe: Okay. I'm not here to, I can't redelegate this or [inaudible] obviously. We're going back to what I can do to help you. And you're aware that we don't know how a cop in Newport Beach investigates a Californian constitution. What I can do for you, Adam is try to write up something formal for me that I can put in a [inaudible] that is forwarded to the state DOJ.

[(36:53)] Plaintiff: Okay. So let me address the first thing you said. How does a police officer investigate a violation of constitutional rights? Did I get that right?

[(37:02)] Sgt. Darrin Joe Joe: Yes. I'm not familiar with that. I'm not trained in that. [inaudible] I've never seen that.

[(37:10)] Plaintiff: The same way that you investigate any other criminal activity. You interview the victim. The victim tells you what happened and you write a crime report. And you say that you know, so-and-so alleged that X, Y, and Z rights were violated and that's that. You do a report. I mean, it's the same thing as any other crime.

Now, that's the point that I, the reason that I sent you the learning domain from the police academy. Because it outlines in there, very clearly, that officers always have their bound to protect constitutional rights, and when an officer is made aware of whenever somebody complains that their rights are being violated by another branch of government or by another executive branch officer that the law enforcement has a duty to intervene and to investigate.

Now, I don't know what that intervention may be. It may be first that you take a report of some kind and you put the facts together in your own mind to substantiate whether what I'm saying is legit or not. Another course of action I might recommend is for you to go to the city attorney and share that with him or her and see what perspective they have about if you will be the merits of the case.

Another thing could be to go talk with the Orange County Deputy DA and show them what's going on there. Now the issue is, generally speaking, the DA has discretionary authority or discretionary power on whether or not to file charges or not. But that does not apply to constitutional rights violations. Because constitutional rights aren't discretionary. It's not whether or not the government chooses to respect that.

[(39:06)] Sgt. Darrin Joe Joe: [inaudible] We're still not even-- Okay, let's say that your constitutional rights were violated.

[(39:11)] Plaintiff: Okay, and so that's where...

[(39:14)] Sgt. Darrin Joe Joe: That's where we're stuck, I guess.

[(39:15)] Plaintiff: Well, I don't think we're stuck at all. I mean, based upon our, we've had two conversations now---

[(39:22)] Sgt. Darrin Joe Joe: That's your opinion there. That's literally what you think versus what I think.

[(39:27)] Plaintiff: Okay. Well, can I finish real quick? I was going to say that we've had two conversations. And it seems to me that, I'm not saying that you're on my side, I'm just saying that it seems that you're getting a lot clearer about what really happened here during our conversations, okay?

And so, I think the only thing missing is to share with you or point you in the direction of a

source that could further illuminate you about how exactly what I'm saying is a very, very serious deprivation of constitutional rights. It's very serious.

And as you can see, I'm willing to put in the time and have the patience and whatever it needs to be able to bridge that gap so that we can work together. Because it's my understanding of the law that you have mandatory duty to intervene and investigate this. And I want to help you perform that duty.

Remember, like you said, this is like something that could occur in a movie. I want to be on the side of you being the hero and not in the defendant's table. So giving you, I'm here to help you and support you in doing your duty and doing your job. And giving you everything that I can to support you in that way. In the way that I can.

So whatever it needs to take. Whether we need to keep meeting a couple more times or you can keep asking questions, I'm here and I'm willing to do that.

[(41:15)] Sgt. Darrin Joe Joe: Okay. Yes, that's fair. That's great. But I really do think that's where we're not seeing eye-to-eye is your constitutional rights don't appear to be violated to me because you went through this court process, that didn't come out in your favor.

To me, you know, it sounds unfair. It sounds unfortunate. But, you put the system by the rules, the system didn't rule in your favor, and you need to go after the system, which maybe they made a mistake. But I don't see the crime.

[(42:07)] Plaintiff: Okay. So, let's take a couple of pieces---

[(42:10)] Sgt. Darrin Joe Joe: I got to warn you, Mr. Bereki. I've got an appointment in ten minutes. I don't want to seem like I'm cutting you off.

[(42:17)] Plaintiff: Okay. Do you want to go in ten minutes? Or do you want to resume this tomorrow?

[(42:22)] Sgt. Darrin Joe Joe: I'm not going to be in the office tomorrow, Adam. Here's what we're doing right now. We're discussing this round and round and round. You're trying your hardest to enlighten me in this case to get your way. And I can see, I can put myself in your shoes and see through the keyhole that you're showing me that something's not right.

However, like I said, I don't have the Humphrey's side of the story. I don't know about the criminal proceedings on top of that civil case. I'm not your best resource for this, unfortunately. And by going back further, the Newport Beach Police Department isn't your best resource for this. But I'm trying to come up with ways with you to try and figure out how to help.

[(43:16)] Plaintiff: I agree with that, well, part of it. I don't think that we're going round and round. I feel that this is something that's very new to you and that's understandable that we're having to work through some, the education of some new things, or getting familiar with some new things. And I do appreciate that you're taking the time to do that. So I don't feel like we're

going round and round.

Yes, I understand that you think that this was just a civil case that didn't go my way, in my favor. And there's a big difference between being unhappy with the judgment. It's like a case of he-said, she-said. Someone can be unhappy---

[(44:03)] Sgt. Darrin Joe Joe: [inaudible]

[(44:04)] Plaintiff: Okay. Someone can be unhappy with a police officer's determination in a he-said, she-said situation. But there's a very big difference if that officer comes out and beats the person in violation of their constitutional rights. It's not the person---

[(44:22)] Sgt. Darrin Joe Joe: That's obviously true, clear-cut.

[(44:24)] Plaintiff: Okay. That's what I'm saying here. And what I'm saying might---

[(44:28)] Sgt. Darrin Joe: [inaudible] this is in the case law.

[(44:34)] Plaintiff: Well, that's what-- Darrin, that's what courts use as authority. I had to tell you the constitutional, I had to give you the provisions of the constitution, right? Article 1, Section 17. Article 1, Section 6. The 8th Amendment. Article 1, Section 9. I had to give you those to show you what the law is on this situation.

[(44:56)] Sgt. Darrin Joe Joe: That's where you and I are in disagreement on the definition of clear-cut. Everybody can see the [inaudible] freeway [inaudible] "Oh, that's bad."

[(45:10)] Plaintiff: Okay.

[(45:11)] Sgt. Darrin Joe Joe: And not every person can, even with the assistance of [inaudible] case law can see things your way on this one. So that's where [inaudible] clear-cut.

[(45:25)] Plaintiff: Okay. So let me address that really quick. Let's say a police officer obviously does not have authority to beat somebody, unjustifiably. You have the right to use justifiable force, but not excessively. Okay? So let's say that in the judge world of excessive force, the judge has authorized to order a fine up to a certain amount. Let's say that that fine is \$5,000. But the judge says, "Fuck that. I don't like this guy. He's getting a \$1,000,000 fine." That's comparable to excessive force in law enforcement. It's the same thing. And that's why there's an excessive fines clause that says, "Look, Judge. If you're going to give someone a fine, these are the criteria you have to follow." That's it. That's as simple as it is.

[(46:17)] Sgt. Darrin Joe Joe: There's no remedy within the court system to address that issue? I find that hard to believe.

[(46:27)] Plaintiff: Darrin, I will gladly show you that I have been to the Court of Appeals in Santa Ana, to the California Supreme Court, and to the Federal-- United States District Court, the Central District of California in Santa Ana, and the Ninth Circuit Court of Appeals. There's

nowhere else to go.

[(46:48)] Sgt. Darrin Joe Joe: So, 5 different courts of appeal have given you the same answer and you're not satisfied with that?

[(46:55)] Plaintiff: No, that's not true. That's not true. See, they have not given me the same answer. One court gave me that answer, and the other court said, "We cannot do anything about this." Okay, there's state court and there's Federal Court. I went to the Court of Appeals after the Superior Trial Court and they said that what the Superior Court did was right. So then I went to the California Supreme Court and they do not have to take your case. So they said, "We don't want to take the case." All right? So then I went to federal court and I said, "Federal Court, my federal rights are being violated." And they said, "We do not have authority to overturn a judgment, a valid judgment of a California Court." And that's it.

That, in itself, is another constitutional right. But I just want to make it clear to you that I have not gone to 5 different courts and they all said the same thing. I went to trial and the judge made an egregious error and the appellate court made the same error. So there's a big difference there.

[(48:16)] Sgt. Darrin Joe Joe: And then the next level wouldn't even take the case because this didn't have the merits.

[(48:21)] Plaintiff: No, that's not true. They did not rule on the merits. They didn't even examine the merits. They make a discretionary determination whether they want to take the case or not. They do not rule on the merits. So my case, never-- you present a case to them, but they don't make any ruling on it. So there's a big difference between a case at a court actually adjudicating something. It would be like this---

[(48:51)] Sgt. Darrin Joe Joe: Let's rehash this. If they saw something wrong, [inaudible] they would address it in the California Supreme Court?

[(49:04)] Plaintiff: Yes and no. If not, it's because they have a hundred years of fining and abusing people. I mean, I can't even tell you how many millions of dollars have been awarded under this statute. I mean, it's insane. And to make an admission like that, almost every single judge would immediately be sued. The state of California would be sued. It's enormous.

[(49:37)] Sgt. Darrin Joe Joe: [inaudible] It sounds a little conspiracy theorizing.

[(49:45)] Plaintiff: That's fine, Darrin. But here's the thing. I understand, theoretically, yes it could sound that way. But you said, you know, it's like you said to me, "Oh, you're having to prove your case with case law." That's what courts use to prove their authority. Just like in law enforcement, right? I'm sure in briefing, you guys get told about new cases that come down from the Supreme Court or from a higher California Court. And the Court says, "Look, when you're doing a search and seizure, you can't do this anymore, okay?" That's case law. That's what the courts have said that's the law. So that's why I'm---

[(50:20)] Sgt. Darrin Joe Joe: Adam, what you're trying to make is you're adding the new case

law to prove your case to me.

[(50:25)] Plaintiff: That's the point, Darrin.

[(50:28)] Sgt. Darrin Joe Joe: [inaudible] So I'm not, I don't, you know [inaudible].

[(50:30)] Plaintiff: But, Darrin, let's say this. Let's say that I made a complaint against an officer. And you're saying to me, "Adam, that's not a crime." And I say, "Darrin, look at the case law right here. The courts have said that an officer cannot do this type of search based upon these circumstances." And you're saying, "Whoa, whoa. You can't use case law to justify to me that the officer did something wrong." And I'm saying, "Yes, I can. This is what the court is saying the law is." And frankly, you know, I'm a little bit taken aback that I sent you those rulings by the court to tell you exactly what the courts have said the law is on this situation that I'm saying. They're in my favor.

[(51:14)] Sgt. Darrin Joe Joe: That's my point. It's out there, and they're still not agreeing with you. [crosstalk]

[(51:18)] Plaintiff: No, Darrin. Read the cases. They're agreeing with me.

[(51:25)] Sgt. Darrin Joe Joe: Then why are you not successful in these arguments with the court?

[(51:29)] Plaintiff: I don't know.

[(51:31)] Sgt. Darrin Joe Joe: That's not for me to decide is my point, Adam.

[(51:34)] Plaintiff: It's not for you to decide. But if I am not given a remedy from the courts or the legislature, and my rights are being violated and my property is being taken from me without lawful authority, you are the third branch of government that I have to go to to protect my rights and property. That's as simple as it is. I don't know why they're doing what they're doing. But I can prove to you that they're not doing it right. That it's unconstitutional. And possibly even criminal. And anyone of those, you have a duty to investigate what I'm saying. It's easy.

[(52:15)] Sgt. Darrin Joe Joe: It's not easy. We've been talking for an hour. That's how not easy this is, okay? So, I've got to go.

[(52:22)] Plaintiff: Okay.

[(52:24)] Sgt. Darrin Joe Joe: I'll sit on this. I'll stew on it for the weekend. I'll be 100% honest with you, this is, I really am struggling with finding a way to help you out. And I've given you several suggestions on how to get better help.

[(52:42)] Plaintiff: Darrin, there is no help. You have not suggested to me any place to go to get help. Not one.

[(52:50)] Sgt. Darrin Joe Joe: Yes, I have. And you shot me down.

[(52:52)] Plaintiff: What are those?

[(52:54)] Sgt. Darrin Joe Joe: [inaudible] it's not working.

[(52:54)] Plaintiff: Okay, so that's not shooting you down. I actually did what you asked me to do.

[(53:00)] Sgt. Darrin Joe Joe: Because you've already done them. If I'm where the buck stops, I'm your last hope, and I can't help you, then that's where we are.

[(53:10)] Plaintiff: Okay, so before you go, what I ask is that you actually review the documents that I sent you, the case law. And you actually go to the constitution and read what the constitution says and also---

[(53:25)] Sgt. Darrin Joe Joe: That just brings us back to the point of where, if you are able to give me a crime, a legitimate crime in California, this will be a no-brainer. But we're arguing over whether or not your rights have been violated and [inaudible] [crosstalk]

[(53:42)] Plaintiff: Darrin, you're-- okay, so maybe do this, what if you were to go to some of your partners at work there and ask them if a police officer has a duty to protect the constitutional rights of the citizens of California.

[(54:01)] Sgt. Darrin Joe Joe: We do, if their rights are being violated. But I'm still at the point where I'm not sure if your rights have been violated.

[(54:08)] Plaintiff: Okay, and part of that is because you didn't read the materials that I sent you that the courts are saying the same thing that I'm saying. So if you read them, they will support what I'm saying. And show you that this is a violation of rights.

[(54:27)] Sgt. Darrin Joe: Okay. Adam, if I can [inaudible] that this is my [inaudible] to go through the materials you sent me then I will call you back and let you know if I'm in agreement with you or not. But honestly, I cannot get around to reading these cases because they are upwards of a hundred cases.

[(54:46)] Plaintiff: I don't remember them being that, but okay.

[(54:51)] Sgt. Darrin Joe Joe: Okay. I've got to go. If anything comes up, you have my number. Feel free to reach out. Otherwise, I will contact you if I can come up with something, okay?

[(55:00)] Plaintiff: So what you're saying to me is, unless I hear from you, you're not going to do anything? But you are going to, if you feel like it, maybe look at what I sent you. Is that correct? I don't want to put words into your mouth. I want to be clear about what you're saying.

[(55:18)] Sgt. Darrin Joe Joe: You are putting words in my mouth because you said, "If I feel

like it." I said, "If I can."

[(55:24)] Plaintiff: Okay.

[(55:25)] Sgt. Darrin Joe Joe: So, at the very least, like I told you, I can have you or you can write something up for me that I can attach to an incident number that gets sent to the state DOJ. But that's another thing that's on my list of things to do is find out more about investigating constitutional rights violations. That's the very least I can do.

[(55:55)] Plaintiff: Check out that learning domain that I sent you. It's the book from the basic police academy. It says it right in there.

[(56:03)] Sgt. Darrin Joe Joe: Yes. It doesn't say how to do it. I actually did look at that. And the number 1 thing that jumped out to me was the constitutional rights violation in progress, which that's a no-brainer. How can I say that this happened back in 2017, but you're saying that your rights are continually violated because you have this judgment hanging over your head?

[(56:24)] Plaintiff: Well, it's not just over my head, I'm being forced into bankruptcy and potentially foreclosure.

[(56:29)] Sgt. Darrin Joe Joe: Right, and I would argue that that's not the same as it being in progress.

[(56:34)] Plaintiff: I don't know what else it could be.

[(56:37)] Sgt. Darrin Joe: Yes. Well, it's not that.

[(56:40)] Plaintiff: Well, double-check.

[(56:42)] Sgt. Darrin Joe Joe: Like I said, I've got 5 minutes out for my appointment now. I didn't want to be rude, but I've got to go.

[(56:47)] Plaintiff: Okay, that's fine. So, I guess I'll wait to hear from you. Is that where we're at now?

[(56:53)] Sgt. Darrin Joe Joe: Yes, and like I said, you can reach out to me should any new developments come out. I know you're going to be thinking about it in the meantime. If you come up with the smoking gun that just the most violent for me, please reach back out to me.

[(57:09)] Plaintiff: Okay. So if I come up with something, I'm supposed to contact you, but if I don't have anything else, I'm not supposed to contact you, I'm supposed to wait to hear from you. Is that correct?

[(57:20)] Sgt. Darrin Joe: Yes. Or if you want to talk about this some more, reach out to me. I'm here for you still.

[(57:25)] Plaintiff: I do. So feel free to call?

[(57:28)] Sgt. Darrin Joe Joe: Yes, feel free to call is what I'm trying to say but I have to go now.

[(57:33)] Plaintiff: Okay, great. Thank you for your time, Darrin. I'll call you next week. Okay. Bye-bye.

[(57:38)] Sgt. Darrin Joe: Okay, bye now.

[END]