

## **An Extreme Case of Child Support Fraud and Extortion**

**January 9, 2009**

Another Father needs Advice and Help!

Submitted by Sam Johns,

I have been involved in a child support case for many years. My children are now 29 and 33 years old. I got a \$14,340 judgment against me in 1986. I was then ordered to pay \$400 mo for my 2 children plus \$100 on the judgment. I paid this \$500 perfectly until the oldest child had turned 18 in 1993. Even then I continued to pay \$500 until I went back in court in 1995 and had the support lowered to \$200 for the youngest child plus the \$100 on the judgment for a total of \$300 mo. I paid this \$300 perfectly until the youngest turned 18 in 1997. At that point I started paying only the \$100 as was required on the judgment.

The ex took me back to court in 1998 for contempt of court. I had done everything the court had ordered. In this trial I presented all of my cancelled checks showing all payments. The opposing attorney had no idea until the trial began that my ex had assigned her rights to OCSE. He gave the judge a document without my knowledge that only showed payments of \$2100 as the total I had paid instead of over \$51,000 which I had actually paid. (I did not know what was given to the judge at that time. I found out after the trial in a letter that I still have from this judge to the opposing attorney saying he only seen where we had paid \$2100.) The trial was to be continued in March 1999. The judge had forgotten what happened in the first court. After trial the opposing attorney then went and put a waiver in my file waiving the first day of trial from being transcribed. The court reporter was there transcribing that day. She even asked me to speak up when I was giving testimony. She later said she must have been doing some other work for the judge! I did not discover the waiver until after the last day of trial in 1999. When I first found it in the clerk's office it was not stamped filed. Later when my appellant attorney got it in 1999 it was stamped filed with a 1998 date and time of just before the first day of court! It was signed by this opposing attorney for the plaintiff and our attorney (who did not have a power of attorney for me) for the defendant although our attorney later said he did not remember signing it. This opposing attorney had 2 reasons he had to get rid of the first day of trial transcripts (1) The ex had assigned this case to OCSE and they were the real party in interest. (She then closed the case with OCSE April 27 1999 just before the Judge ruled May 6, 1999. The ex did not even have the right to initiate taking me to court! (2) I proved I was NOT behind with my payments and I had done everything the courts had required of me!

In the judge's ruling I was ordered to pay \$5000 lump sum to purge myself or spend 180 days in jail! I had to go and borrow \$5000! I was also ordered to pay the ex \$300 mo until \$40,000 additional was paid to the ex on this original \$14,340 judgment from 1986 because the judge thought I had only paid \$2100 instead of \$51,000!!!! The order was typed up saying "the parties through their attorney's agree that the total amount owed is \$40,000" It is not signed by either attorney--only the judge! There is no agreement signed anywhere! I would have NEVER agreed on anything like this! Had been totally scammed by this fake document this opposing attorney gave the judge!

I then got a new attorney to file an appeal for me. This new attorney filed the appeal late and it was thrown out! I filed a complaint on the new attorney and the opposing attorney wrote a letter on his behalf. (The opposing attorney was Chairman of the Ethics committee where this complaint had to be sent) The attorney that we filed the complaint on was only given a warning! We were now stuck with \$300 month which we kept paying on every month until March 2005 when we could no longer afford to pay.

We kept contacting OCSE and they kept telling us they did not keep balances because the case was closed in 1999. Finally in 2005 we got a document from OCSE which showed the judgment was paid off in Nov 1993. It was written "Judgment satisfied 11/93" at the top and was also in their figures! .At that time when this judgment was paid off there was still had one daughter who was 16 yrs old and there was an additional arrearage of a little over \$9000 because my monthly payments were being applied to this 1986 judgment. The ex never went back and got a new judgment on the new arrearages. These new arrearages were totally paid off in Oct 2000 and at that time I was overpaid by \$191.00 (I had no idea how they were applying payments --I just knew since 1986 I was paying \$500 mo until my oldest turned 18 then \$300 mo until my youngest turned 18. OCSE forgot to file a satisfaction or let anyone even know this 1986 judgment was paid off in 1993.

In 2006 my ex took me back into court on contempt charges because I stopped paying the \$300 in March 2005 on this totally fraud amount of \$40,000 the judge had ordered me to pay in 1999. I had already overpaid by over \$14,800 at that time! The judge in this trial refused to look at my proof of payments! He said he was not going to look at anything past the 1999 order (which was the fraud order!) He said all I had was a document from Child support services and the ex had the court figures! Her figures were done by a car salesman boyfriend who used to have CPA license years ago but they were taken away because of money laundering and he was sent to prison! Their figures were false and filed in the Clerks office as if they came from OCSE. OCSE says they do not keep balances! The judge then said I owed \$48,000 from the 1999 order and was ordered 180 days in jail or pay this \$48,000 lump sum!! I do not have \$48. Much less \$48,000! I have no way to get it! Due to all of this my current wife has lost her Real Estate business and building which she opened in 1991 before we got married. We lost our vehicles to repossession in 2007. We had our utilities cut off twice last year! We told all of this on the witness stand and the judge still ordered this \$48,000 lump sum!

I got my attorney to file an appeal. In her appeal she forgot to argue that this had been OVERPAID or that I did not have the ability to pay it again or that it was a false document! It was very obvious that she had got in with the opposing attorney and judge! She only filed to the appellant court on the statue of limitations and that the order was not clear! Naturally I lost on Appeal after spending \$7300 with her and being billed \$4100 more! This was the last dollar I could come up with! This had come from my current wife's commercial building which was later foreclosed on because this refinance put the payment unaffordable.

On Nov 17, 2008 I got another summons to be back in AR for court on Dec 18, 2008. On Dec 17 I decided to fax the judge a letter asking for a continuance since I did not have reliable transportation to get to Arkansas from Tennessee. When the judge's secretary answered she said the judge did not have us

down for court at all. She also said he would not even be in the courtroom the next day. He was doing an estate sale! The courthouse then confirmed that no trial was to be held the next day! The opposing attorney had just sent me this fake summons so that I would show up in AR court and be taken to jail!

My current wife called the clerks office on Dec 29 2008 and the clerk's office informed her that there is a bench warrant out for my arrest! I am now a fugitive in Tennessee (where I have lived for 20 years) for a debt that I can prove is overpaid at least \$14,800 yet I am ordered to pay an additional \$48,000 lump sum on this \$14,340 judgment from 1986! I have already paid approx \$35,000 on it! This would put me paying almost \$85,000! I have ALL of my cancelled checks and clerk's office records and OCSE records but nobody will listen! I have stacks of letters of correspondence from the opposing attorney to the judge and from the judge to him (that I got from my attorney at that time), to prove total fraud! I have checks that were paid direct to my ex (at her attorney's request) totaling \$8400 that she denied getting yet her signature is on the back with her bank account number where she deposited them. There is also the \$5000 cashiers check paid Oct 1, 1999 to the clerk's office and picked up by the opposing attorney that was never reported to child support services as is required. I have EVERYTHING well documented where there is no room for doubt on this total theft! I have been denied my civil rights, due process and this fraud, extortion and theft against me just has to get before someone federally!! It should be tried as a federal civil diversity case since I have lived in TN for 20 years and this all happened in Arkansas. The opposing attorney in Arkansas is much too powerful in Arkansas to leave it there! Besides I have already been through the Arkansas state appellant court! I read where Fraud is one exception on federal people taking a domestic relations case. My losses due to this would definitely be well above the \$75,000 as required for a federal case it has not only cost me cash above \$75000 but it has cost me and my present wife our entire lives! We have NO money for another attorney and we have lost ALL faith in the judicial system! None of this is heresay! If you cannot help me would you please help me find someone who can? Thanks in advance!

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PS: I would appreciate it SO much if you will send this to anybody and everybody that you can possibly think of. If I go to jail on this bench warrant we will also lose our home that my current wife bought with her deceased husband many years before we got married. It's where she raised her children! Due to the stress of my child support problems and being too depressed to do our work we now owe approx \$80000 more on the home than it would possibly sell for even if the repairs were done which we cannot afford to do. I am now working in a restaurant making approx \$400-\$500 mo less than our mandatory bills. We have been selling of our furniture and even our clothes just to make ends meet. My ex has told my grown children (that are now 29 and 33 yrs old) that she knows this is illegal but the judge has said she can have this money and she WILL get it or I WILL sit in jail! She is from a very wealthy family there in Blytheville AR and will inherit at least 2 million just any day when her elderly mother dies. She has worked in the office at the college there for years, has a good retirement, a nice home, a nice vehicle,

and wears the finest of clothes. I am 60 yrs old and have no retirement. I am not even able to afford health insurance! I have 3 grandchildren by these children that this child support is about and I have never even been financially able to buy them a Christmas gift. (Of course I cannot buy my current wife one either!) We have always been well respected in our community but now my current wife will not go anywhere for fear of running into someone she knows after losing everything. She would be so embarrassed!

It is impossible to try to get something done with our case in the state of Arkansas. The opposing attorney is WAY too powerful there! Since he was chairman of the ethics committee there all attorneys in Arkansas are afraid of going against him! Their life is in his hands! He even has streets named after him! We went to the district attorney in Arkansas for that area and he said he would not be able to help us because he also represents the office of child support and that would be a conflict of interest! Then we went to the investigation Dept at the Police Department there. The Captain looked at our proof and just shook his head in amazement! He called a friend he had with the AR state police while we were there. His friend agreed this just could not be done! The captain told us that he could see the illegal things but the people that committed those crimes also write his checks so he could do nothing for us. He said we HAD to get it out of Arkansas! Now that we have even been through the appellant court our only thing we can do at this point in my opinion is file a civil diversity federal suit! Of course we cannot get an attorney since we have NO money! There is certainly NOBODY that can prove a case with ironclad proof any better than we can! We just HAVE to get it in the right federal hands! I would even be glad to pay somebody really good money to help me get it in those right hands. (Of course I could not pay anybody until I get some sort of settlement!) If we could even get it somehow in the news media! Words simply cannot say how much I appreciate your response! Please help me get the word out! You certainly have my permission to give anybody my e-mail, phone number, or even my address which is 287 Stonehaven Cove Jackson, TN 38305. Thanks again! Sam Johns