

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY FLORIDA** **CRIMINAL ACTION**

STATE OF FLORIDA

vs.

CASE NO. 03-003236 CF

JOHN F. RANDY

_____ /

Affidavit

I, Bill E. Branscum, a licensed Private Investigator, being duly sworn, depose and say:

Preliminary Matters

1. On September 4, 2003, Naples, FL, Atty. Charles A. Murray, requested that I review the facts and circumstances surrounding the arrest of Dr. John F. Randy, DDS, on charges of: Sexual Battery with a Deadly Weapon; False Imprisonment and Aggravated Assault.
2. Preliminary inquiries revealed that Complainant Pamala Phillips is a “crack” addicted prostitute whose story makes no sense. I was retained by the Firm on September 8, 2003.
3. Phillips has a life-long history of lies and false allegations. Her family disowned her, her four ex-husbands despise her, her children have been removed from her custody, and she has recanted rape allegations twice in the past – most recently in Lee County.
4. As further explicated herein, there is probably cause to believe, and I do believe, that the charges in this case are without merit, based largely upon allegations that the government has established to be false, proffered by a prostitute, convicted felon, and drug addict who conspired with her husband/pimp to orchestrate this unwarranted arrest, in order to divest the defendant of money and possessions, which they have, in fact, stolen and liquidated.

Background of Affiant

5. I am a Private Investigator employed by Oracle International, an investigative agency that I established following my career as a Special Agent, U.S. Department of the Treasury.
6. As a Private Investigator, my casework has related primarily to financial matters and securities issues. In addition to investigating a number of high profile frauds, I have been instrumental in the identification and recovery of concealed assets, contributed to numerous successful criminal prosecutions, and testified as an expert witness.
7. As a federal agent, I initiated and conducted investigations involving violations of federal law, prepared case prosecution summaries, and participated in successful criminal prosecutions and civil forfeiture actions in state and federal courts. While assigned to the FBI Organized Crime Strike Force in Miami, I investigated foreign and domestic “boiler rooms,” where telemarketing con artists perpetrated international schemes to defraud.
8. My experience relates primarily to violations of the United States Code, including, but without limitation, violations of Title 12 (Banking), Title 18 (General), Title 19 (Smuggling), Title 21 (Narcotics), Title 26 (Taxation) and Title 31 (Money Laundering); I have also conducted investigations related to the unlawful exportation of critical technology (Exodus violations), the sexual exploitation of children, and contract murder.
9. In addition to the knowledge and experience I acquired during the course of my employment, I have an academic background upon which I rely. I attended Eastern Kentucky University and was awarded a B.S. Degree in Criminal Justice upon graduating “With Distinction.”
10. I subsequently attended the United States Department of the Treasury, Federal Law Enforcement Training Center in Glynco, Georgia; I was the class “Honor Graduate.”

Preliminary Issues

11. This Affidavit was not prepared, nor is it submitted, in an effort to proffer testimony, or evidence, responsive to the criminal charges directed at the Defendant, John F. Randy.
12. This Affidavit was prepared in anticipation of a Bond Hearing scheduled for September 19, 2003, and it is submitted in an effort to address probable cause issues that properly bear upon bond determination decisions. Consequently, your Affiant believes that the evidentiary rules related to the presentation of hearsay in an Affidavit do not apply.
13. The Supreme Court of Florida addressed these issues in *Johnson v. State of Florida*, 660 So. 2d 648 (1995 Fla.) holding that:

“Unlike the burdens of proof in a criminal trial, the obligation to establish probable cause in an Affidavit may be met by hearsay . . .”
14. In this case, investigators were initially confronted with apparent facts and circumstances which would have led any reasonably prudent law enforcement officer to believe that crimes had been committed, and Dr. John F. Randy, was the perpetrator; unfortunately, there were many facts, circumstances, and prior events that they were not aware of.
15. Probable cause is a fluid concept that comes and goes with the ebb and flow of evidence and information. Your Affiant respectfully requests that the hearsay that follows be considered in light of the documentary evidence to which it led.
16. Although your Affiant acknowledges that every criminal defendant is entitled to the best possible defense, that is not the business this Agency is in. Your Affiant investigates financial crimes, frauds and securities violations – I have accepted less than two criminal defense cases a year since I established the Agency in 1997; in each case we prevailed, I have an absolute conviction that the interests of justice were thereby served, and it is my sincerest intention that my efforts shall similarly serve the interests of justice in this case.

Case Synopsis

17. Pamala Phillips [Phillips] is a forty-five year old white female, who was born Pamala Kay Herman on January 9, 1958. Her social security number, 310-70-5350, was issued in Indiana in 1973. She has no valid Drivers License.
18. It is undisputed that Phillips met the Defendant, Dr. John Francis Randy, in February 2003, when he contacted the Elegant Angels escort service and arranged a “date.”¹
19. It is undisputed that Phillips was a prostitute, in her sworn statement, appended hereto as **Exhibit 1**, she admits that she engaged in sexual activities with Dr. Randy for a fee.²
20. It is undisputed that following two “paid” sexual encounters, a relationship developed between Phillips and Dr. Randy. They began seeing each other on a daily basis beginning in, or about, early March 2003.³
21. Although the associated facts and circumstances are contested issues, and there appears to be some discrepancy as to the date, Fort Myers City PD dispatch logs reflect that Phillips called 911 on the morning of June 4, 2003, at approximately 1:40 AM and Dr. Randy was issued a trespass warning. Although the Trespass Warning is dated June 3, 2003, at 1:55AM, the date discrepancy is probably attributable to scrivener’s error as it was issued shortly after midnight.
22. On the morning of June 10, 2003, at approximately 9:17 AM, Phillips called the Fort Myers City PD and reported that:
 - a. Randy had returned to her house on June 4, 2003, entered thru a window and remained there for six days, keeping Phillips captive and refusing to let her leave.⁴

¹ See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Pages 2-3

² See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Page 4

³ See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Page 5

⁴ See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Page 21-22

- b. Dr. Randy threatened to kill her, “zapped” her with a Tazer stun gun more than ten times, and shot a dart from a blowgun that missed her eye.⁵
 - c. Dr. Randy refused to allow her to go to the bathroom, and forced her to, “*pee in a tin in the bedroom.*”⁶
 - d. Although Phillips states that Dr. Randy denied her food, and refused to let her go to the bathroom, she states that he did allow her to visit Dr. Conrado by herself to get her prescription for her back.⁷
 - e. Phillips stated that Dr. Randy took her to the Winn Dixie at Weaver’s Corner in North Fort Myers so he could pick up a \$400 Western Union money transfer. She could not say what day this was, other than to say it had been at least three or four days prior to the interview.⁸
 - f. Phillips claimed that Dr. Randy raped her daily during her confinement⁹
 - g. Phillips claimed that Dr. Randy enlisted the assistance of a young Dominican male named Dee to watch her and see that she did not leave her room while he and David Phillips moved Dr. Randy’s possessions into Pamela’s house.¹⁰
 - h. Phillips claimed that she ultimately escaped by pretending to be sick and/or asleep; when Dr. Randy left, she called her husband, David Phillips.¹¹
23. According to the associated police reports, Dr. Randy was arrested at his apartment on June 10, 2003, at 10:41AM based upon the sworn statement of Pamela Phillips and a medical exam documented findings consistent with Phillips’ story.

⁵ See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Page 23-24

⁶ See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Page 25

⁷ See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Page 31

⁸ See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Page 36-37

⁹ See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Page 34

¹⁰ See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Page 38-39

¹¹ See Sworn Taped Statement of Pamala Phillips dated June 10, 2003 (5:23PM); Page 28

Pamala Phillips' Background

Reported by her First Husband, Kurt O. Williams

24. I identified, contacted and interviewed Phillips' first husband, Kurt O. Williams, a fifty year-old, white male, social security number [REDACTED], who currently resides at [REDACTED], Indianapolis, IN 46820; (317) [REDACTED].
25. According to my contemporaneous handwritten notes, appended hereto as **Composite Exhibit 3**, Mr. Williams stated that he married Phillips, who was then Pamala Kay Herman, and they had two children, Jessica Williams and Sarah Williams.
26. Williams described Phillips as a "*manipulative liar.*" He reports that she claimed she needed money for cancer treatments and then used the money for breast implants.
27. Williams also reported that, when their marriage collapsed, Phillips made false allegations against him claiming that he sexually abused her to get a Restraining Order.
28. Williams stated that Pamala subsequently married Doug Ballard; after about a month, she, "*screwed him over and stole everything from him.*"
29. Williams indicated that he has raised his daughters, Jessica and Sarah, as well as Rebecca Abigail Williams, the child conceived during Phillips' subsequent marriage to Ballard. Although there is no dispute that "Becky" is Ballard's daughter, she grew up with her half-sisters due to Ballard's bitterness towards her mother.
30. Based upon the foregoing statements, I have initiated investigative inquiries in Indiana, and obtained certified copies of documents that serve to corroborate Ballard's statements [attached hereto and subsequently addressed herein].
31. I have requested a Subpoena requiring that Mr. Williams provide a sworn statement.

Pamala Phillips' Background

Reported by Second Husband, Douglas P. Ballard

32. I identified, contacted and interviewed Phillips' second former husband, Douglas P. Ballard, a fifty year old white male, social security number [REDACTED], who currently resides at [REDACTED], Fort Wayne, IN, 46835. Mr. Ballard can be reached at (260) [REDACTED].
33. According to my contemporaneous handwritten notes, appended hereto as **Composite Exhibit 3**, Mr. Ballard stated that he had a very short relationship with Phillips, and then married her in 1983, because she deceived him to believe that she was pregnant.
34. Mr. Ballard described Phillips as, "*the most devious person he ever met,*" and reported that life with her was like the "*Twilight Zone,*" because you never knew what was real.
35. After Mr. Ballard discovered that Phillips deceived him, she made false allegations causing him to be involuntarily committed. He was picked up at work on a Friday and taken to Community Hospital in Indianapolis – he could not get out until Monday.
36. Mr. Ballard reports that Phillips used that weekend to steal everything he owned including his car, and then vandalized the house leaving graffiti on the walls.
37. Mr. Ballard states that although Phillips lied about being pregnant before the marriage, they had a daughter named Rebecca that Kurt Williams has raised along with his own.
38. Mr. Ballard described Phillips as being, "*Satan – wicked and dangerous.*"
39. Based upon the foregoing statements, I initiated inquiries in Indiana, obtained certified copies of documents corroborating these statements [attached hereto and subsequently addressed herein], and requested a **Subpoena** requiring that Mr. Ballard provide a sworn statement.

Pamala Phillips' Background

Reported by Third Husband, Atty. Jeff D. McClinton

40. I have identified, contacted and interviewed Phillips' third husband, Atty. Jeff D. McClinton, a fifty year-old white male, social security number [REDACTED]. Atty. McClinton currently resides at [REDACTED], Greenfield, IN 46140; he can be reached at (317) [REDACTED].
41. According to my contemporaneous handwritten notes, appended hereto as **Composite Exhibit 3**, Atty. McClinton stated that Phillips was first married to Kurt Williams, who had two children with her, and also raised a third child she had with the man she was subsequently married to, Doug Ballard, from Fort Wayne, Indiana.
42. Atty. McClinton indicated that Phillips' relationship with Ballard is representative of her inability to be honest in that she insisted upon claiming that he was a doctor when he was actually an orderly.
43. Atty. McClinton reported that Ballard washed his hands of Phillips and their daughter because Phillips "*screwed the guy over and took his house.*" Williams took Becky in and raised her as his own with her sisters.
44. Atty. McClinton observed that Phillips was exceptionally attractive and. "*the best liar I ever saw.*" He described her as a "*very good actress,*" "*very dramatic*" and "*crazy.*"
45. Atty. McClinton stated that he met Phillips while working as a bartender and married her because she was pregnant.
46. Atty. McClinton also warned, "*Watch her – she is very, very smart, well spoken, writes very well and knows how to dress for Court.*"

47. Atty. McClinton stated that Phillips ruined him financially and, “*continued to screw him financially long after the divorce.*” Specifically, he said that she used his name after the divorce, forged his name on credit related documents and forged his name to buy a car.
48. Atty. McClinton reports that Phillips filed false allegations of domestic violence during their divorce and stated that he was aware that she had also filed allegations against a subsequent husband, David Phillips.
49. According to Atty. McClinton, he spent years trying to get people to believe that Phillips was an incredibly devious liar who manipulated everyone by lying about everything. A CASA representative assigned to his case recognized Phillips for what she was and made the whole thing clear to the court by refusing to accept anything Phillips said at face value and checking all her allegations out.
50. Atty. McClinton indicated that Phillips has a criminal history related to forgery, prescription fraud and check fraud and had obtained a white Jeep that someone from Kentucky has been trying to repossess.
51. Atty. McClinton reports that Phillips is manipulative and devious – after they were divorced, he and Phillips had a rekindled affair and she made efforts to “put their family back together.” She told him that she had a hysterectomy and there was no reason to “be careful.” This proved to be another lie when she became pregnant with their son George.
52. Atty. McClinton reports that Phillips family “disowned” her. He says she accused her brother, John E. Herman, of molesting her daughter Becky and attempted to blackmail her family. The extortion attempt was unsuccessful, Phillips pressed charges, John was convicted and spent a year or two in prison.
53. Atty. McClinton stated that, “*Pam has a drug problem, she and Phillips do crack.*”

54. Atty. McClinton described Phillips as a “*Klepto who steals and lies without remorse.*”
55. According to Atty. McClinton, Phillips became involved with a doctor named Mark. He says she “*screwed him*” and “*got him to embezzle money from his own mother*” and caused him to “*lose his license*” circa 1998.
56. Atty. McClinton called back and identified “Mark” as Dr. Mark Albright; he reports that he went to Mississippi to “rehab” and Pam went with him – to Biloxi or Jackson.
57. After her relationship with the doctor, Phillips married David Lang from Indianapolis.
58. Atty. McClinton stated that, following her divorce from David Lang, Pamala married David Phillips and moved to Florida.
59. Atty. McClinton recalls that he met the Defendant, John Randy. He states that Phillips brought Randy to Indianapolis to bring their daughter a vehicle. He reports that Phillips and Randy had a “big fight” over something and did not leave the car for the daughter.
60. According to McClinton, his advice to Randy was, “*Run like a motherfucker.*”
61. Atty. McClinton stated that he had received a call from Phillips about six weeks prior to our conversation. At that time, she was staying at an Econo Lodge in Fort Myers, FL. She told him that David Phillips was no longer “in the picture.”
62. On September 15, 2003, Atty. McClinton called back and reported that he had been told that David Phillips was in Indianapolis. He thought it might be possible that Phillip’s parents could have traveled to Florida and brought her home.
63. Based upon the foregoing statements, I have initiated investigative inquiries in Indiana, and obtained certified copies of documents that serve to corroborate these statements [attached hereto and subsequently addressed herein].
64. I have requested a Subpoena requiring that Atty. McClinton provide a sworn statement.

Pamala Phillips' Background

Reported by Fourth Husband, David O. Lang

65. I have identified, contacted and interviewed Phillips' fourth husband, David O. Lang, a forty-four year-old white male, social security number [REDACTED], who currently resides at 1717 W 136th ST, Carmel, IN 46032; Mr. Lang can be reached at (317) [REDACTED].
66. According to my contemporaneous handwritten notes, appended hereto as **Composite Exhibit 3**, Mr. Lang first met Phillips in October 1996. His family, and her family, knew each other and they were married two months after they met.
67. The marriage was short lived. Mr. Lang states that he moved out on August 5, 1997.
68. According to Mr. Lang, Phillips "*ruined his credit and raped him financially.*"
69. Mr. Lang asserts that Phillips "*had a drug problem,*" which she attributed to a relationship she had many years previously with an OB/GYN doctor named Norris who allegedly got her hooked on drugs.
70. Mr. Lang says he, "*doubts the Norris story because Pam lies about everything.*" Mr. Lang believes that Phillips was arrested and convicted for forging prescriptions, but does not know all the details.
71. As reported by Atty. McClinton, Mr. Lang states that Phillips' parents, "*pretty much disowned her after she made allegations against her brother John that he molested her daughter.*" Mr. Lang states that Phillips' brother, John Herman, was convicted and served time in prison.
72. Mr. Lang identifies Phillips' relationship history as being: Williams → Ballard → Norris → McClinton → Lang → Dr. Mark Albright → Phillips.

73. Mr. Lang describes their marriage as being volatile and reports that Phillips took money and ran up credit card bills. He believes that she had a serious drug problem.
74. Mr. Lang says that Phillips stole his pistol, a .357 Magnum and pawned it for drug money.
75. Mr. Lang claims that Phillips got angry with him on one occasion, and gave all his clothes to Goodwill.
76. Mr. Lang reports that Phillips continued creating financial problems for him after their divorce; specifically, he reports that she stole checks from him and forged them and forged his name to a Sears credit card application, and then used it until the credit was "maxed." He indicates that Sears asked him if he would prosecute to which he agreed.
77. Mr. Lang states that Phillips' daughter reported that Phillips and Dr. Mark Albright were using crack cocaine and dealing crack from the house on Allisonville RD in Indianapolis, a house that Phillips' parents gave her.
78. Mr. Lang reports that Phillips has herpes.
79. With regard to Phillips and her family, Mr. Lang said, *"I am 6'1," I weigh 290 pounds, and I played football, but these people scare me."*
80. On September 15, 2003, David Lang agreed to provide a sworn, taped statement which was recorded telephonically. He reiterated the above referenced statements under penalty of perjury.
81. Based upon the David Lang's statements, I have initiated investigative inquiries in Indiana and obtained certified copies of documents that serve to corroborate these statements [attached hereto and subsequently addressed herein].

Investigative Inquiries in Indiana

82. I contacted Private Investigator Daniel Cavallini, CyberData, LLC, P.O. Box 36591 Indianapolis, IN 46236, and sent him a cost advance on Saturday, September 13, 2003; PI Cavallini can be reached at (317) 396-0495.
83. PI Cavallini researched records in Indianapolis, Fort Wayne and surrounding counties and provided this Agency with certified copies of various documents that fully support the statements as proffered during the telephonic interviews as referenced above.
84. On July 23, 1987, Atty. Jeff D. McClinton and Pamala McClinton were divorced in Hamilton County Circuit Court case number C86 585 8609 DM 585, which case was subsequently consolidated with Marion County Circuit Court case number 49-D03-9310-DR-1730. Copies of various pleadings as filed under the latter case number are appended hereto as **Composite Exhibit 4**. If necessary, we will have the former case file retrieved from the archives.
85. According to the Justice Information System for Indianapolis/Marion County, and Case Chronology Summaries for Hamilton County, appended hereto as **Composite Exhibit 5**, Phillips, a/k/a Pamala K. McClinton, has an arrest history in Indiana as follows:
- | | | | |
|----------|----------------------|-----------------------|---------------------|
| 09/13/88 | Driving w/Susp | 49 F13 8808 CM 085780 | Dismissed 5/15/89 |
| 09/15/88 | Failure to Appear | 49 F13 8808 CM 085780 | |
| 11/18/88 | Check Deception | 49 F11 8809 CM 105693 | Guilty Plea 2/13/89 |
| 03/08/89 | Check Deception | 29 E01 8903 CM 000055 | Dismissed 05/30/89 |
| 03/16/89 | Check Deception | 49 F11 8812 CM 153041 | Dismissed 10/15/89 |
| 05/04/89 | Failure to Appear | 49 F13 8808 CM 085780 | |
| 11/13/94 | Forgery | 49 G05 9411 CF 158322 | Convicted 1/19/96 |
| | Prescription Offense | | Merged 1/19/96 |
| | Prescription Offense | | Convicted 1/19/96 |
| 08/10/95 | Failure to Appear | 49 G05 9411 CF 158322 | |
86. It is thereby unequivocally established that Phillips is a convicted felon, with a history of check fraud, forgery, and drug related convictions as alleged in the witness interviews.

87. There is evidence that Phillips was charged with other drug related offenses elsewhere.

In an Affidavit dated February 11, 1993, appended hereto as part of **Composite Exhibit 4**, Atty. McClinton references a 1990 conviction for prescription fraud.¹² He obviously could not be referring to the conviction we documented, as she was not charged in that case until almost two years after he signed the Affidavit.

88. This Affidavit also reports that on or about November 15, 1992, Phillips (then Pamala McClinton) told her husband and her children that she had been diagnosed by three different doctors as dying of terminal uterine cancer. Atty. McClinton reports that he discussed this with Dr. John F. Wagner who confirmed that she had not been diagnosed with cancer at all – he (Dr. Wagner) was merely concerned because she reported that her twin sister had developed cancer and her health problems usually mirrored those of her sister. Atty. McClinton informed Dr. Wagner that she did not have a twin sister.

89. Further, Atty. McClinton avers that Dr. Wagner advised him that Phillips (then Pamala McClinton) had told a number of lies including that she was an architect and that her uncle was a famous surgeon. Dr. Wagner, and his attorney Kevin Farrell, reportedly informed Atty. McClinton that Phillips was suspected of prescription fraud based upon deceptive behavior and information from other doctors.

90. The above referenced Affidavit, appended hereto as part of **Composite Exhibit 4**, was filed in Hamilton County Circuit Court, case number C86 585 8609 DM 585, and subsequently consolidated with Marion County Circuit Court case number 49-D03-9310-DR-1730; the court files contains no effort to refute or deny the allegations therein.

¹² See also the psychiatric report by Dr. Ten Eyck dated June 30, 2000, where he quotes Phillips as saying that she became addicted to Vicodin and Demerol was convicted of writing her own prescriptions in 1989. [bottom page 8]

91. On July 28, 2000, an Agreed Entry was filed in Marion County Superior Court, case number 49D03-9310-DR-1730, styled, In Re the Marriage of Pamala K. (McClinton) Phillips vs. Jeffrey D. McClinton, declaring that it was, “. . . *in the best interests of the minor children to be in the sole care and custody of their Father.*” [see cover page]
92. This document, and the attached exhibits that formed the basis of the order, those being the court-ordered evaluation done by Dr. Robert Ten Eych and an investigative report compiled by Court Appointed Special Advocate Janna Rhodes, are appended hereto as **Composite Exhibit 4**. This composite exhibit identifies Phillips as being a manipulative liar, exposes the horrendously egregious abuses that she perpetrated upon her children, corroborates the previously referenced statements of the witnesses, and serves to offer virtually everyone in her life some degree of vindication.
93. Specifically, the court-ordered evaluation by Dr. Robert Ten Eych:
- a. corroborates McClinton’s assertion that he married Phillips because she claimed she was pregnant.[see pages 4 and 8]; and
 - b. corroborates the assertions that Phillips parents had disowned her due to the criminal prosecution of her brother John, based upon her allegations that he had sexually molested her daughter Becky [see page 8]; and
 - c. corroborates the story about her marriage to Ballard and her insistence upon misrepresenting him to be a doctor. Dr. Ten Eych quotes her as saying that Ballard was a Radiologist, acknowledging that Ballard was the father of her daughter Becky, admitting that he has never been involved in Becky’s life and claiming that their marriage was annulled due to his infidelity¹³ [see page 8]; and

¹³ Infidelity is not grounds for annulment in Indiana, incompetence and fraud are viable reasons. In this case, a child was involved which negates the possibility of annulment as it would effectively serve to bastardize the child

- d. corroborates Lang's story that she claimed to have been treated by an OB/Gyn doctor who got her addicted to drugs. Dr. Ten Eyck quotes Phillips as saying that she had a series of female surgeries, became addicted to Vicodin and Demerol, and was arrested for writing her own prescriptions in 1989 [see page 8]; and
- e. corroborates the references to the felony conviction in 1994. In addition to the conviction for writing her own prescriptions in 1989, Dr. Ten Eyck quotes Phillips as saying that she was "*hospitalized for psychiatric treatment for depression and anxiety at Charter in 1993*" and was subsequently convicted of forging a prescription [see top page 9]; and
- f. Dr. Ten Eyck makes it absolutely clear that there were two separate drug related convictions. He says, "*As indicated above, she has twice been convicted of issuing, or altering, a prescription*" [see end 1st paragraph page 10]; and
- g. corroborates the statements by Mr. Lang and others to the effect that Phillips became involved with Dr. Mark R. Albright following her divorce from Lang. Dr. Ten Eyck quotes Phillips as saying, "*In 1998, she established a relationship with their family physician, Mark*" [see page 9]; and
- h. quotes Phillips as describing Dr. Albright as a binge drinker with Bipolar disorder, corroborating the witness statement's to that effect [see page 9]; and
- i. describes Phillips as being "*markedly evasive and defensive*" [see page 10]; and
- j. reveals that Phillips, and David L. Phillips, portray themselves as devout Christians who are active in their Church [see page 14]; and
- k. quotes daughter Laurabeth as recounting Phillips proclivity to have others admitted to mental facilities, and specifically reports that Phillips had her eldest

daughter (Jessica) involuntarily committed to Charter “because she was mad at her which serves to lend credence to Ballard’s allegation that she did precisely that to him [see page 15]; and

- l. specifically states that “*Phillips has a long history of accessing mental health services for herself and her children*” [see page 22]; and
- m. concludes that it would be in the children’s “*best interests to be in their father’s sole custody*” [last sentence, page 22].

94. Whereas Dr. Ten Eyck’s report was based upon clinical testing, observation and the information provided by the parties involved, the report generated by the CASA (Court Appointed Special Advocate), Janna K. Rhodes, conveys the results of extensive investigation. This thirty-seven page Investigative Report, a certified copy of which is appended hereto as part of **Composite Exhibit 4**:

- a. identifies Kurt Wehmeir as Phillip’s first husband [see chart page 3]; and
- b. documents that Kurt Williams’s daughter Jessica “*cared for her younger siblings and her mother*” until she left home at seventeen [see chart page 3]; and
- c. documents that Kurt Wehmeir’s daughter Sara she left her mother’s home to move in with her father at age thirteen [see chart page 3]; and
- d. identifies Doug Ballard as Phillips’ second husband; [see chart page 3]; and
- e. documents that Rebecca is Ballard’s daughter, corroborates the statements to the effect that Kurt Williams is the “*only father she has ever known*” and specifically asserts that before Rebecca left and moved in with Kurt Williams at age fifteen, Phillips “home schooled” her so that she could use her to care for her younger siblings, Laura and George [see chart page 3]; and

- f. makes it a point to specifically note that, although Ballard pays child support to Phillips, who claims that she is forwarding the money for Rebecca's support, the CASA's investigation revealed that she has kept the child support and "*does not give [Rebecca] or Mr. Williams any support money*" [see chart page 3]; and
- g. identifies Jeff McClinton as Phillip's third husband and documents that McClinton's daughter Laurabeth "*moved out of [Phillips'] home at age twelve*" [see chart page 3]; and
- h. documents that McClinton and Phillips have a child named George (then nine years old) who was born in 1991, several years after McClinton and Phillips were divorced, [see chart page 3]; and
- i. identifies David Lang as Phillips' fourth husband [see chart page 3]; and
- j. identifies David Phillips as Phillip's fifth husband [see chart page 3]; and
- k. reports that after Laurabeth moved out of Phillips' house (at age 12), she attempted to retrieve some of her personal possessions and her mother directed her to the garage where her things were packed up in "*trash bags with other garbage, dog feces and dirty Kotex, etc.*" The CASA goes on to say that, "*Laura had to pull her things out of the trash bags and take her dirty things with her*" [see page 4]; and
- l. reports that all four daughters accused Phillips of "*grilling, drilling and coaching*" them regarding their interactions with their fathers, and others, to the point that they would cry and ultimately, "*say whatever Phillips wanted to hear*" [see prg's 4& 5 on page 5]; and

- m. reports that she had personally experienced Phillips effort to grill and coach the youngest son George [see page 7] and reports the rather dramatic experience of a former CASA assigned to the case as well [see page 30]; and
- n. reports that Phillips made false statements to the CASA, claiming that George was distraught upon returning from visitations with the father, which the CASA investigated and found not to be the case [see page 7]; and
- o. reports that Phillips subsequently made a number of specific allegations which she attributed to George (Jeff is very abusive, mean and curses; Laura curses; George fears that he will be murdered at his father's; Laura threatened to, "*blow Dr. Ten Eyck's head off,*" etc.) that the CASA investigated and determined to be untrue [see page 8]; and
- p. corroborates McClinton's story that he was arrested for battery based upon Phillip's allegations [see page 13]; and
- q. corroborates the statements to the effect that Phillip's entire family had disowned her following the prosecution of her brother, John Herman, based upon child molestation charges Phillips had pressed over their objections[see page 13]; and
- r. specifically reports that in response to Phillips allegation that her brother, John Herman, had molested her daughter Laurabeth, the CASA investigated. She stated that "Laura" advised her that she had, "*never made any such statement, nor had Uncle John molested her.*" The CASA quotes "Laura" as saying, "*where does my mother come up with this stuff*" [see page 15]; and
- s. corroborates the statements re Phillips involvement with Dr. Albright, quoting Phillips as saying that Laura moved out because of this relationship, and further

- quoting Phillips as acknowledging that she, “*eventually agreed with Laura* (who was then 12 years old) *that Dr. Albright was not right for her*” [see page 13]; and
- t. corroborates the statements that Phillips cannot be believed – as evidence of her propensity to lie, the CASA produced a chart outlining statements proffered by Phillips, and the results of her independent inquiries, including the fact that in response to her insistence that the “six cassette tapes” Phillips claimed to have recorded documenting McClinton’s abusive and profane phone conversations be produced, she received nothing but excuses. Phillips attorney ultimately admitted that all she had were two tapes with “birds chirping” [see chart page 14]; and
 - u. reports that the CASA responded to Phillip’s sworn testimony to the effect that David Phillips was a crack addict who raped her, and stole things from her and her son George, by petitioning the Court to remove George and place him in the custody of his father. In response, Phillips contacted the CASA and recanted, insisting that she had proof there was no danger [see page 16]; and
 - v. reports that when the CASA was not persuaded, Phillips threatened the CASA with legal action and made numerous allegations against the CASA, including:
 - i. the CASA’s actions caused George to feel kidnapped
 - ii. the CASA had a “personal involvement” with Phillips’ former husband
 - iii. the CASA failed to pursue child molestation allegations
 - w. describes Jessica Williams, the eldest daughter who was then 24, as having a loving, caring relationship with the younger children, and quotes her as saying that she, “*wanted to move out sooner*” but remained because she, “*wondered who would take care of them*” since she, “*believed that her mother was mentally ill*

and is not capable of taking care of herself, let alone children,” and “had never known [Phillips] not to be on some sort of prescription drug” [see page 21]; and

- x. describes Sarah Williams, who was then 21 years old, as leaving Phillips and moving in with her father when she was 13-14 years of age, quotes Sarah as reporting that Phillips had once retaliated against her for visiting a family member by falsely alleging that she was a runaway and having her arrested, and quotes Sarah as accusing Phillips of doing the same thing to her sisters “Becky and Laura” [see page 23]; and
- y. describes Rebecca Williams, who was then 17 years old, as reporting that Phillips had agreed to allow her to leave and move in with Williams on the condition that she “*could still receive the child support from Becky’s biological Father,*” and quotes her as asserting that the real reason she was home schooled was because Phillips wanted her to be the “*caretaker of Laura and George as well as the house and also to take care of [Phillips].*” It also quotes her describing the bizarre drunken behavior of Dr. Albright, and reporting that Phillips ultimately accompanied him to rehab in some southern state, leaving Rebecca, who was thirteen or fourteen, to care for her younger sister and brother; [see page 25] and
- z. this thirty-seven page report concludes with a four page summary and recommendation that, “*Sole legal and physical custody of Michael George and Eileen Laurabeth McClinton be awarded to their Father, Mr. Jeffrey McClinton.*”

95. The record, appended to this report as **Composite Exhibit 4**, reflects that it was so ordered.

Phillips Prior Rape Allegations in Indianapolis

96. In June 2000, Phillips filed for an Emergency Protective Order against her husband, David L. Phillips in Marion County, Indiana. According to the Transcript of Evidence Hearing, dated June 14, 2000, a certified copy of which is appended hereto as part of composite **Exhibit 6**:
- a. Pamala Phillips testified that David L. Phillips was addicted to crack cocaine; and
 - b. Pamala Phillips testified that she had, at the time of her testimony on June 14, 2000, never before known anyone addicted to drugs; and
 - c. Pamala Phillips testified that David Phillips had gone through all her money and was liquidating her assets; and
 - d. Pamala Phillips testified that David L. Phillips was being, “*very mean to us*,” and
 - e. Pamala Phillips testified that David L. Phillips had assaulted and raped her; and
 - f. The Emergency Protective Order was granted and David L. Phillips was ordered to be removed from the marital home.
97. It is thereby established that Phillips accused David L. Phillips of assault and sexual battery in an Indiana proceeding on June 14, 2000, and the previously referenced witness statements to the effect that Phillips is known to have accused David Phillips of assault, and made prior rape allegations are fully corroborated.
98. As will be subsequently established herein, and as is intuitively obvious based upon the facts of the current case, Phillips reconciled with her husband, assured authorities that she could prove that he was not, in fact dangerous, and subsequently relocated to Florida with him.

Investigative Inquiries in Florida

99. On September 4, 2003, I contacted and interviewed Dr. Walter R. Vandyke, a forty-one year-old dentist, social security number [REDACTED], who currently resides at [REDACTED] [REDACTED], Inverness, FL 34453. Dr. Vandyke can be reached at (352) [REDACTED]. A follow up interview took place on September 18, 2003.
100. According to my contemporaneous handwritten notes, appended hereto as **Composite Exhibit 3**, Dr. Vandyke stated that Dr. Randy contacted him on June 18, 2003, approximately a week after he was arrested. He describes Dr. Randy as being “flabbergasted” and “in complete confusion” and reports that Dr. Randy could not believe that Phillips had not arranged for him to be released.
101. Dr. Vandyke indicated that he has known Dr. Randy for five years; he expressed profound disappointment with Dr. Randy’s judgment and behavior, but remained convinced that Phillips’ allegations cannot be true.
102. Dr. Vandyke reported that Dr. Randy mailed him an inventory of his personal property and possessions along with a Power of Attorney, asking that he retrieve and liquidate them, so that Dr. Randy could afford to retain competent counsel.
103. Dr. Vandyke reported that he and his wife drove to Fort Myers on June 28, 2003, and visited Dr. Randy’s apartment at 3791 Winkler Ave., in Fort Myers, in an effort to collect whatever property and possessions remained. Upon arrival, they found the place in “shambles” - someone had apparently “cleaned out” Dr. Randy’s apartment before he arrived as they found none of the items on the list. They noted that Dr. Randy’s Isuzu Amigo was parked at the apartment as was his boat/trailer.

104. Dr. Vandyke reports that he and his wife drove to Phillips residence at 1611 Poinsettia in Fort Myers expecting to find most of Dr. Randy's possessions there. They knocked on the door but nobody answered. They found that Dr. Randy's red Nissan truck was parked there but discovered that the stereo system had been stolen and the fancy aftermarket tires and wheels replaced.
105. While Dr. Vandyke and his wife were looking at the truck, David Phillips arrived. When they presented him with a copy of the document authorizing them to take possession of Dr. Randy's property, David Phillips opened the door, went inside and conferred with his wife. He then advised Dr. Vandyke and his wife that Pamala said there was nothing there belonging to Dr. Randy.
106. Dr. Vandyke indicated that he talked to "Bill and Marie," the neighbors across the street. They reported that Phillips held a yard sale a few weeks prior, and they expressed the belief that most of the property was Dr. Randy's. Bill specifically recalled seeing a very expensive pair of binoculars that belonged to Dr. Randy.
107. According to Dr. Vandyke, "Bill and Marie" were not aware that Dr. Randy had been arrested; they said that when they saw Phillips selling his property, they feared that he had been murdered.
108. Dr. Vandyke and his wife returned to Fort Myers the following Saturday, July 5, 2003 and discovered that Dr. Randy's Isuzu Amigo was stolen. They revisited Dr. Randy's apartment and begin sifting thru the mess. At that time, they thought the police must have "trashed" the place when they executed the search warrant, as they found a wadded up inventory of the items taken.¹⁴

¹⁴ This is merely a reiteration of what they thought at the time; the Affiant does not believe or suggest that law enforcement authorities were responsible for the mess.

109. While sifting thru the mess, Dr. Vandyke and his wife discovered three undated handwritten notes, apparently written by Phillips to Dr. Randy. Copies of these handwritten notes are appended hereto as part of **Composite Exhibit 7**.

110. In reviewing these handwritten notes, it is undeniable that the handwriting and signatures bear a striking resemblance to known exemplars of the handwriting and signature of Pamala Phillips.

111. The four page note on lined paper is the most revealing; among other things, it says:

- *“You are so cute when you are sleeping”*
- *“I cannot believe how much I adore you”*
- *“I really am in love with you”*
- *“I do want you to move in – I want you to make a key for yourself”*
- *“I want you to bring some of your things over”*
- *“I want to know if you want to sleep with me every night”*
- *“I asked you if you needed me [to] work, and you said no, that you would take care of me. Then when I asked you to move in, you offered to pay half of the rent, and if I’m not working, how could I possibly do that?”*
- *“I think more of you than you probably realize”*
- *“There isn’t anything I wouldn’t do for you”*
- *“I would give up anything for you”*
- *“I feel so bad because I took your last \$20 bill out of your wallet and what makes me feel worse is I need more money to . . .”*

- *“If you aren’t able to give me any money . . . I can return George’s stereo”*
- *“I love my ring more than anything I have had in many years. I get wet when I look at it – things like that really turn me on.”*
- *“You’re safe to cum inside me – I’ve got the birth control thing totally under control.”*

112. Dr. Vandyke stated that he was in possession of Dr. Randy’s checking account statements from Bank of America. He reported that these statements reflect that Dr. Randy had approximately \$25,000 in his checking account in March 2003, but by May 2003, he was broke.
113. Dr. Vandyke reported that neighbors had observed, and videotaped, the theft of the jet ski; he reports that the tape is not very clear, but the person who tape recorded the theft positively identified David Phillips and Pamala Phillips.
114. Dr. Vandyke reported that the neighbors informed him that a drug dealer called “Tank” took the stereo out of Dr. Randy’s truck and absconded with the tires as well.
115. Dr. Vandyke reported that Dr. Randy had a boat/trailer parked at the apartment complex that disappeared subsequent to Dr. Randy’s arrest.
116. Dr. Vandyke stated that he had tried to file reports regarding the theft of Dr. Randy’s vehicles but the Fort Myers City PD declined to allow him to file the reports, as he was not the registered owner of the vehicles. They indicated that it was common for crack addicts to let drug dealers hold their vehicles as collateral. They referred to this as a rent-a-rock transfer.

The “Mrs. Pamala Randy” Maquerade

117. On June 25, 2003, two weeks after Dr. Randy was arrested, a woman identifying herself as “Mrs. Pamala Randy,” contacted the medical office of Dr. Douglas M. Stevens, 8380 Riverwalk Park Blvd., Fort Myers, FL 33919 and made an appointment to receive cosmetic botox injections. Her appointment was scheduled for July 2, 2003.
118. On July 2, 2003, the woman masquerading as “Mrs. Pamala Randy,” appeared at the medical office of Dr. Douglas M. Stevens, 8380 Riverwalk Park Blvd., Fort Myers, FL 33919, where she was treated with botox and collagen.
119. Following her treatment, the woman masquerading as “Mrs. Pamala Randy” was billed \$1375 for services rendered. She paid this bill with check number 1459, drawn on the account of John F. Randy, DDS, number 001152248427, at Bank of America.
120. The check was returned due to insufficient funds and an examination of this check reveals that it is an obvious forgery. This check, along with the other documents that Dr. Stevens produced responsive to subpoena are appended hereto in **Composite Exhibit 8**.
121. An examination of the medical records reveals that the woman masquerading as “Mrs. Pamala Randy” claimed to be a Registered Nurse; the social security number and date of birth she provided were the same as Pamala Phillips.
122. On September 17, 2003, Dr. Stevens’ employees, Michele Beckler and Melanie Shiralall, examined a mug shot provided by your Affiant and positively identified Pamala Phillips as the person who masqueraded as Dr. Randy’s wife and paid them with the forged check. Their sworn, notarized statements to this effect are appended hereto as part of **Composite Exhibit 8**.

Phillips' Prior Rape Allegations in Florida

123. On November 17, 2001, at 2:04 AM, Pamala Phillips contacted the Lee County Sheriff's Office and reported that she had been sexually assaulted and LCSO Deputy Sam Espinosa and Detective Scott Ceresi responded. According to the Probable Cause Affidavit, appended hereto in Composite Exhibit 9, Pamala Phillips reported that her assailant, whom she identified as being David Lawrence Phillips, had:
- a. forced his way into her apartment; and
 - b. attacked her from behind, pushing her face down on the floor; and
 - c. penetrated her both anally and vaginally; and
 - d. ejaculated inside her and fled
124. A subsequent medical examination by Nurse Practitioner Christine ShoreArmstrong documented physical findings consistent with the "victim's" allegations.
125. On that same morning, November 17, 2001, at 5:54 AM, someone notified Detective Ceresi and Deputy Espinosa that a suspicious person was in Hunter's Park near Pine Manor. Deputy Espinosa responded and arrested David Lawrence Phillips.
126. Curiously, the report reflects that Pamala Phillips admitted "knowing" David Phillips but there is no mention of the fact that he is her husband.
127. It should be noted that law enforcement authorities describe Pamala Phillips as being in "*great distress*," and "*in fear for her life*," such that Detective Ceresi felt it necessary to "*remain in constant contact with her*." The report explicitly states that Pamala Phillips expressed the desire to prosecute David Phillips.
128. Detective Ceresi indicates that interviewed David Phillips who "*made omissions [sic] which corroborated the victim's statement*."

129. David Phillips was incarcerated and held without bond as evidenced by the Record of First Appearance appended hereto as **Composite Exhibit 9**.
130. Afterwards, in type-written correspondence, dated December 12, 2001, appended hereto as **Composite Exhibit 9**, Phillips identifies David Phillips as being her “*estranged husband,*” stating that he is, “*completely innocent of the charges . . .*” [paragraph 1]
131. It should be noted that Pamala Phillips addressed the SAO representation that David Phillips had made a “confession” stating. “*I am sure that his ‘confession’ consists of our last consensual sexual encounter.*” [paragraph 2]
132. Pamala Phillips acknowledged that she had “ruined her credibility” because she, “*lied to the officers three times that night.*” [paragraph 3]
133. It should be noted that one of the false statements she admits to, was that she “*had not had consensual sex in a week (when we had sex earlier that night).*” [paragraph 3]
134. Furthermore, Phillips states, “*David has never raised a hand to me; he just isn’t violent. I have slapped him twice and threatened to make him blind several times . . .*”
135. On that same day, December 12, 2001, Pamala Phillips executed a General Affidavit, appended hereto as **Composite Exhibit 9**, alleging, “*That the State of Florida is willfully and intentionally trying to prosecute David Lawrence Phillips for crimes against Pamala Phillips that were not committed by him . . .*”

Therefore, there is probable cause to believe, and I do believe, that Phillips contacted the LCSO on November 17, 2001, within hours of having consensual sex with David Phillips, and falsely accused him of burglary and sexual assault. In support thereof, she used the evidence generated by consensual sex to support rape allegations, feigned “great distress,” and contrivedly expressed “fears for her life,” thereby persuading the Court deny him bond.

The Randy Case Conspiracy

136. If prostitution is the world's oldest profession, the schemes employed by prostitutes and their pimps to "set up" clients to be robbed may be the world's oldest conspiracies. The fact that Phillips and her husband/pimp manufactured this case in order to divest Dr. Randy of his money and property is self evident, but there is nothing unique or unusual about what happened here, other than the remarkably devious treachery involved. By all accounts, Phillips is a remarkably treacherous woman.
137. The SAO/Fort Myers evidently recognized that there were serious flaws in Phillips' story, as evidenced by the fact that they elected not to pursue the charge related to kidnapping and false imprisonment that formed the essential framework of Phillips' allegations.
138. Aside from the fact that the story itself is a wildly improbable tale, it was fraught with incongruities that cannot be reconciled. Specifically, on the morning of Dr. Randy's arrest, Phillips initially claimed that Dr. Randy held her hostage in her home for six days, controlling her every movement, denying her an opportunity to eat and refusing to allow her to go to the bathroom, requiring that she urinate in a tin pan.
139. Later, after FMCPD detectives determined that Dr. Randy could prove that he had been to the grocery store, and Western Union during this time period, they interviewed her again. As they now know, there were actually several trips she did not account for.
140. Also, in her second sworn statement, she recalled that she had visited Dr. Conrado's office unattended, but claimed that for no reason that she could explain, she returned to captivity rather than tell anyone what was going on.

141. Further, Phillips alleged that Dr. Randy controlled her by “zapping” her with a stun gun, claiming that he had “zapped” her at least ten times. It seems curious that neither of the investigators asked to see the telltale marks.
142. Phillips acknowledged that during the course of her kidnapping and imprisonment, her husband, David Phillips, assisted Dr. Randy, helping him move his possessions into her house, claiming that a young man named Dee kept an eye on her during this process.
143. Curiously, Phillips claims that she ultimately escaped by feigning sleep, and called her husband, David Phillips, to come rescue her when Dr. Randy left. If we are to believe that she would call upon David Phillips to rescue her, one wonders why she did not ask him to intervene while he was helping Dr. Randy move in.
144. In fact, an objective observer might well wonder why nobody seems to find it odd that Phillips husband did not notice that his wife was being held captive and raped for six days, or question why Phillips husband would help her boyfriend move in.
145. Apparently, Phillips and her husband returned to their roles as outcall prostitute, and the pimp who provides transportation. During the early morning hours of August 27, 2003, Lee County Sheriff’s Deputies observed David Phillips and his wife as they pulled into the parking lot at 1714 Parkmeadows. They appeared to be behaving suspiciously and, upon questioning, claimed to be looking for “their friend Jerry.” Questioned separately, they made conflicting statements, and a search of their vehicle yielded several rocks of crack cocaine, and a crack pipe under each of their seats. David Phillips was charged with possession of cocaine and paraphernalia. The associated documents are appended hereto as part of **Composite Exhibit 9**.

THEREFORE, AND IN SUMMATION, there is probable cause to believe, and I do believe, that Pamala Phillips, a convicted felon and prostitute addicted to crack cocaine, has conspired with her husband/pimp David Phillips to orchestrate the unwarranted arrest of Dr. John Francis Randy in an effort to divest Dr. Randy of money and possessions, which they have, in fact, stolen and liquidated. In furtherance of this scheme, they:

- a. deceived Dr. Randy to believe that they were no longer married,
- b. pretended that Phillips had fallen in love with Dr. Randy; and
- c. persuaded Dr. Randy to give Phillips money and expensive presents; and
- d. lured Dr. Randy to move his possessions into Phillips' apartment; and
- e. beguiled Dr. Randy to believe that Phillips was in mortal danger; and
- f. begged Dr. Randy to have weapons at Phillips' residence; and
- g. encouraged Dr. Randy to discontinue the use of prophylactics

thereby making it possible for Phillips to falsely claim she had been raped using the semen from consensual sex as evidence, falsely claim that she had been terrorized by the weapons intended for her protection, and secure Randy's incarceration, allowing them to steal everything he owned.

FURTHER AFFIANT SAYETH NAUGHT.

Bill E. Branscum, Investigator

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Bill E. Branscum who, after being sworn under oath by me, deposes and says that he is the individual named in the foregoing Affidavit, that he has read same, that he acknowledges the contents thereof and that he has executed same by his own hand, and of his own free will, fully cognizant of the fact that this Affidavit may be presented as evidence in a matter before state and/or federal courts.

WITNESS my hand and official seal in the County and State last aforesaid
this _____ day of _____, 2003.

(SEAL)

I HEREBY CERTIFY that the Affiant:

_____ is personally known to me, or

 X has provided the following as a means
of identification: FL DL B65-206-557-017-0.

Notary Public, State of Florida

Printed Name

Serial #: _____

Expires: _____