

ÉDITIONS GALAAD

# **Infamy of the State**

(Reality of unconstitutional acts practiced by the  
French State in violation of its constitution).

(Revised and completed version – reissue of December 24, 2024)

**Booklet 1: Of faith, suffering and action.**

**IMPORTANT:  
Free book cannot be sold.**

Kenny Ronald MARGUERITE

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### **Thanks to my fiancée Nicole**

Thank you to my fiancée Nicole who co-wrote this book, which would never have seen the light of day without her.

I'm going to tell you about my fiancée Nicole, and to do this, I would tell you that she has collaborated on all my books, including this one, giving shape to my words and by magnifying my ideas without altering them.

It is she who gives meaning to my ideas and manages to faithfully transcribe my thought by giving it a lighter tone. Thank you for the help and support she gave me throughout the writing of this theme. She was able to give coherence to my ideas.

May God bless her!

**ÉDITIONS GALAAD**



**(Of Feather and actions)**

**Culture is the lever allowing men to aspire to excellence.**

**Do not neglect it.**

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**GOOD TO KNOW:**

This file could not be corrected by a professional proofreader and was written by a French speaker since the urgency of the situation required that it be published as soon as possible. In doing so, you will certainly find spelling, conjugation and grammatical errors, I apologize in advance.

# 1 Presentation of the booklets

To begin with, it is important to note that in order to change things, so that my rights are no longer violated by unconstitutional laws, I have taken legal action. My case is still ongoing. You will find in this book a compilation of the files that I have filed, supplemented by other important elements for the themes addressed.

This book is made up of two parts, the first is the legal file that I have set up in order to defend my rights and the second presents the research on realities linked to the abuses of Mr. MACRON's governments, having had to manage the health crisis, as well as other testimonies that I provide. Please note that as a result, given the different nature of these two writings, the legal parts, taken from the files of my case, will present as the subject **"Mr. MARGUERITE"** instead of the personal pronoun **"I"**, used for the other part.

Thus, this book presents legal bases, from legislative texts that will allow all those who, like me, have suffered discrimination and financial losses due to the existence of these two illegal laws, vaccinal against covid 19 and Sunday (dominical), to defend themselves.

Thus, this book is not simply intended to present a story, but is also a "legal sword" that should help all those who have suffered, or are still suffering, harm because of these laws that I incriminate, to defend themselves.

To present to you what I have experienced, I will give you a strong image that symbolizes what the Sunday (dominical) and vaccinal laws against covid 19 have made me endure, for years and are still making me endure:

To do this, I would tell you that my story, if I could not prove that it really existed, thanks to the evidence that I provide, could easily pass for a B-series soap opera in bad taste.

And yet! It is indeed my life and the unconstitutional laws, Sunday (dominical) laws and vaccinal laws against covid 19, have come to undermine all my efforts, for my social integration. In hindsight, my feeling is to have been on a greased pole.

At the top is success, social integration, professional and personal fulfillment. Unfortunately, this mast is greased with the most viscous liquids, which are the legislative texts, unconstitutional, which carry both the vaccinal laws against covid 19 and the Sunday (dominical) laws.

Starting from nothing, I fought to reach the top of the mast, by willpower and by the grace of God, and I was able to touch the rewards so much expected, but lo and behold, the perfidious grease of these insidious laws made me slip and I find myself again at the foot of the mast.

From then on, my condition is much worse than before because I have been soiled by this pernicious grease that are these unconstitutional laws, which have stained my clothing. This is exactly the image that comes to mind when I think of everything that has happened and which makes me dizzy. Incredible!

I ask that justice be done, because until now, neither the President of the Republic, nor the ministers concerned, nor the high authorities established on public finances have seen fit to put in place what I am asking for and which is none other than to live in dignity and no longer be kept in precariousness by laws and administrations, which have exceeded their rights and prerogatives.

I come to you, through this book, so that we do not regress and that my story is not this exception, which demonstrates that the blood of those who established our Nation, France, has not flowed in vain. My goal is that those who have suffered under the iniquitous yoke of the Sunday (dominical) and vaccinal laws against covid 19, can be compensated.

Thus, in view of what has been presented in this book, I ask that justice be done to me, as well as to all those who like me, have suffered, under the rule of the vaccinal laws against covid 19, which themselves are unfounded, because they contravene the "Declaration of Helsinki" and by extension European law.

The same goes for those who have suffered and are still suffering because of the Sunday (dominical) laws, which are nevertheless unconstitutional. I ask that we can be compensated for the losses and abuses suffered, but at what price!

Unfortunately, this compensation will never be able to provide an answer and compensate for the pain of the families of those who, under the pain, have killed themselves because of the loss of their jobs.

Thus, it is not only the covid 19 virus that kills, but also unfair and unfounded laws established in complete illegality that have led or are still leading some to the grave prematurely.

**For my part, I am alive, but the tears shed for our constitution (French) have been in vain.**

To continue, I would like to tell you that it is important for me that you understand that these situations that I have been confronted with, I did not want them because, before coming to defend my case before the courts, I believed in the integrity of the Secular Republic that is France. and for which courageous men and women shed their blood and gave their lives, as early as 1789, during the French Revolution.

This, just like for the maroon negroes (*Black Slaves Who Rebelled and Fought Against Slavery*), in search of freedom, who rose up against the colonists.

Just before I could experience the unthinkable, I had faith in our secular republic that is France and in the fact that our constitution assured us, as citizens, that no powerful iniquitous person would come to mistreat a French citizen.

Yes, my naivety was very great, I admit it!

Unfortunately, considering my history, what was decreed at the beginning of the constitution (French), liberty, legality, fraternity seems to me, today, to be nothing more than a myth, a utopia. Indeed, what I suffered while the highest French authorities were aware of it and that nothing concrete has been put in place, is in my opinion, unworthy of a country such as France.

How can a strong nation, a Republic where human rights are the banner, allow a citizen who starts from nothing, and who does not want to remain a burden for his Nation, fights like a Lion in order to ensure a better future for his children and himself and who, having reached a status that makes him a Frenchman with an average income of **3500 euros**, to be forced to receive as an income, for several months, **less than the minimum subsistence**, because of laws that flout Marianne, therefore our Nation (France) and to be lowered by those who, coming from the people, have sworn to serve the citizens. We will see it!

To you, who are reading me, can you imagine what I am going through? Often the best way to understand a person who is suffering because of a stone in their shoes is to wear them for a while.

Can you, even for a moment, put on my clogs. I am just a simple Frenchman, I do not have a prestigious name or wealthy parent, I was only naive enough to believe in the values of the Republic (French), in this inestimable heritage that is our constitution that was bequeathed to us, at the cost of the blood, of men and women of great value?

I want you to know that despite the vicissitudes that have largely been my lot, in recent years, I continue to believe in, freedom, legality, fraternity and justice.

**I will tell you my story, and I will tell you that I am coming out of this misadventure, sore.**

You who read me, you remain on this day my last hope.

I would like to tell you, to you who read me, that I am convinced that my story and especially the facts that I present in this book will mark the spirits. At least, I believe it. May this book, that we took pleasure in writing and offering you, be the glimmer of hope that will open up better tomorrows.

## **1 Good to know:**

To continue, I would tell you that this is an excerpt from a larger digital book, which contains 236 pages, entitled “Infamy of the State (Reality of unconstitutional acts practiced by the French State in violation of its constitution).”

If you would like more details, when I refer to a chapter, you can find it in the full version of the book. Finally, I would like to point out that this full version has been split into 4 booklets, including this one.

The purpose of these booklets is to be in a more manageable and transportable format, providing you with better reading comfort.

They will also allow you to more easily choose the theme that suits you.

However, they are all available to you in digital version, booklets and full version book. I invite you to download them from my site:

**<https://www.kenny-ronald-marguerite.com/infamy-of-the-state>**

You can share them with your loved ones or talk about them around you.

## 2 Contents of the booklets:

### ° **booklet 1: folder: Of faith, suffering and action.**

- ° STATEMENT OF FACTS.
- ° DISCUSSION.
- ° New evidence on the responsibility of the civil servant Mr. Vincent GUILGAULT, as head of the FIP accounting department other categories, in the alleged external illegality.
- ° New evidence on the responsibility of the civil servant Mr. Rodolph SAUVONNET, as Regional Director of Public Finances of Martinique, in the alleged external illegality.
- ° New evidence on the responsibility of the civil servant Mr. Jérôme FOURNEL, as Director General of Public Finances, in the alleged external illegality.
- ° Presentation of the loss of opportunity and loss of earnings that the covid 19 vaccination laws generated against Mr. MARGUERITE.
- ° New evidence on the alleged internal illegality of the decrees relating to the solidarity fund.
- ° Presentation of the reality of Mr. MARGUERITE's rights discriminated against by the administrative court of Martinique in the context of his case.
- ° Brief career synopsis, philosophy of life and discriminatory oppression.
- ° Of Suffering and Ink.

### ° **booklet 2: folder: the illegal nature of the vaccinal laws against covid 19.**

- ° On the alleged internal illegality of the vaccinal laws against covid 19.
- ° The reality of the legislative activation of the already programmed obsolescence of the vaccine laws against covid 19.
- ° Reality of the unconstitutional nature of the vaccinal laws against covid 19, which contravene the right of Mr. MARGUERITE, as a Frenchman, not to be vaccinated against Covid 19 because of his faith.
- ° Of Suffering and Ink.

### ° **booklet 3: folder: the illegal nature of Sunday laws.**

- ° Historical and legislative reality of the unconstitutional character of the Sunday laws.
- ° Reality of the unconstitutional nature of the Bailly report, an essential support governing the French Sunday laws.
- ° Open Letter: Case to Repeal Catholic Sunday Law That Oppress Sabbath Observers and Shabbat Observers.
- ° Of Suffering and Ink.

### ° **booklet 4: folder: various realities to take into account.**

- ° Bases presenting the responsibility incumbent on the French State for the harm suffered by Mr. MARGUERITE.
- ° Bases presenting the responsibility incumbent on the French State in the establishment of incomplete laws in the management of the discipline of civil servants who are at fault and in the damages they have caused to Mr. MARGUERITE.
- ° The reality of material and psychological damages and loss of opportunity generated by unconstitutional laws established in French legislation and the possibilities of financial compensation envisaged.
- ° The reality of the “mirror to larks” of the “vaccinal pass” instituted by the French government under cover of covid 19.
- ° The titanic fight between the clay pot and the iron pot, David and Goliath version.
- ° Of Suffering and Ink.



### **Folder: Of faith, suffering and action**

“Like a samurai in training, I learn from every twist and turn in life. My resilience, combined with my firm belief in a better tomorrow, helps me move forward, feather (pen) in hand. Indeed, writing enables me to transcend life's difficulties. The paths of suffering, if endured wisely, are divine rungs leading to eternity.”  
[Quote from Kenny R. MARGUERITE].

## **2 STATEMENT OF FACTS**

### **REMINDER OF FACTS AND PROCEDURE:**

The applicant, Mr. Kenny Ronald MARGUERITE, is a business manager and the details he provides below are intended to make the connection between the discrimination he suffered under the yoke of unconstitutional laws established in the secular Republic that is France and his disastrous financial and professional situation for years.

It all began when Mr. Ronald MARGUERITE felt, in 2014, the need to put on paper his knowledge and the advice on hair problems that he gave to his clients.

Faced with the enthusiasm generated and the feedback he received from those who had read it, he decided to market his writings by creating a company based on the world of publishing and seminars. This company is called Édition Dieu t'aime sas (EDT SAS) and began operations on November 12, 2014 (see production no. 1).

When he created his company, in order to prevent it from being weakened from the start of its activity due to a lack of working capital, Mr. MARGUERITE requested assistance from the Territorial Collectivity of Martinique. This assistance was to enable him, in particular, to publish his book "Comment bien entretenir et soigner les cheveux des femmes noires (How to properly maintain and care for black women's hair)".

This request was rejected because at the end of this book he briefly presents several of his spiritual books (see production no. 2).

An underlying problem remained, his company, Editions Dieu t'aime sas (EDT SAS) was not viable. He therefore had to carry out a thorough reorganization. From the experience of these first companies (see production no. 1) which collapsed due to lack of working capital, and for which he had to file for bankruptcy, Mr. MARGUERITE knew that the latter would not be profitable in the long term, but he chose to keep it while he cleared his debts, especially the tax ones, then his objective was to file for bankruptcy.

In order to be able to earn a salary that he could not claim with his company and not wanting to find himself surviving by receiving the RSA (Allowance constituting both a minimum income for people without employment and an income supplement in the event of a return to work), he set up a second company in July 2019, but he chose to continue the activities of les Édition Dieu t'aime sas (EDT SAS) in parallel. The new company, set up in his own name, began its activity on July 24, 2019 with the trade name, Perle Noire, the name used for its activities is Édition GALAAD (see production no. 1).

This company was set up in the legal form of an EIRL and began its activity on July 24, 2019. For the year 2018, the company les Édition Dieu t'aime sas (EDT SAS) generated a gross turnover of 45,029 euros, but once the expenses were removed, there remained an annual profit of 25,132 euros, or 2,094.33 euros at the monthly level (see production no. 3). This sum was reinvested, largely in book publishing. Although for the year 2019 this company was in deficit by 4,147 euros, it recorded a turnover of 56,684 euros, or a monthly average of 4,723.66 euros (see production no. 3).

For the year 2020, Mr. MARGUERITE was able to continue his activity from January 1, 2020 to February 28, 2020, then the pandemic put everything on hold, and he recorded a profit of 1,499 euros or 749.50 euros at the monthly level (see production no. 3).

Then, because of the bans put in place by the vaccinal laws against covid 19 which forced him to technical unemployment during the pandemic, the repercussion is that this company had no income for the years 2021 to 2024. (see production no. 3).

From the start of its activity until December 31, 2019, the company Marguerite Kenny (Édition GALAAD), generated for Mr. MARGUERITE an overall personal income for this period of 17,770 euros, which represents an average monthly income of 3,554 euros. (see production no. 4).

Then for the first months of the year (January and February) 2020, the personal income recorded was 9,293 euros or 4,646.50 per month (see production no. 4).

Mr. MARGUERITE mainly focused the activity of this second company on his work as a hairdresser consultant and seminarian around the themes of his books, especially those dealing with the hair problems of black and mixed-race women. The same causes producing the same effects, he did not repeat the same mistakes as for his previous companies with the lack of working capital. The assistance requested by Mr. MARGUERITE from the territorial community of Martinique (CTM) this time received a favorable response and 1,500 euros were granted to him (see production no. 2).

Since this grant was intended for working capital, to invest in equipment that would allow him to optimize the performance of his companies, he had to obtain other financing. He then requested a loan for the development investments planned for his businesses.

The various steps taken with banks and credit institutions having been unsuccessful, it was ADIE (Association for the Right to Economic Initiative) that responded favorably to his request on July 19, 2019 and granted him a loan of 7,592.01 euros in 2019, with a repayment schedule over 24 months of 315.00 euros (see production no. 5). In particular, he was able to invest in the acquisition of a device for analyzing hair and scalp (see production no. 6).

In 2019, he also invested in obtaining a certification, highlighting his experience as a hairdresser consultant, as no diploma certifies this branch of the profession "hairdresser consultant in hair problems" (see production no. 6).

Mr. MARGUERITE also followed training that he had to pay for out of his own pocket, in October 2019, to enable him to be more efficient as a hairdressing consultant (see production no. 6). In addition, during this same period to optimize his income, he decided to start reselling hair products by placing an order for 2,898 euros (see production no. 6), these products were also to enable him to set up hair workshops and also sell them during paid seminars and hair advice/assessments.

From the creation of his company in July 2019 to March 15, 2020, the date of the implementation of the first curfew due to the pandemic generated by covid 19, he carried out his activity in the two departments, Guadeloupe / Martinique and in mainland France. To make himself known, he set up advertising in the media (see production no. 6).

Mr. MARGUERITE's forecasts for optimizing his resources during the years 2019 and 2020 were reliable, holding seminars, setting up hair workshops, hair assessments (see production no. 7) with the newly invested device. To do this, he went to Guadeloupe. His goal was to go there regularly and stay there for a month on each trip.

He was already working with a hairdresser whose salon is quite spacious and well located (right in the center of Pointe à Pitre).

The various seminars that Mr. MARGUERITE had held in Guadeloupe had opened up a client portfolio of around 400 people between 2017 and 2019. With the owner of the hair salon who is a friend and brother in Christ of Mr. MARGUERITE, they set up paid seminars, advice to customers through hair assessments and sales of products following the different types of problems detected. (see production n° 6).

This concept allowed Mr. MARGUERITE to breathe new life into his companies by diversifying the entries. The arrangement made with the owner was a percentage on the turnover generated by Mr. MARGUERITE. To develop and publicize their concept, an advertising campaign was launched on the airwaves to present the hair assessments. (see production no. 6). In addition, being in Guadeloupe, he had set up partnerships with dietetic houses (see production no. 6), which made appointments for their clients and they made a room available to him. Once the services were provided, he paid them a percentage of the turnover made within their walls. Thus, as is generally the case, Mr. MARGUERITE sees a client again, for follow-up every 3 months.

This new concept and its established partnerships were promising for his new company.

In addition, the large number of seminars held in Guadeloupe and Martinique and its appearances on various media constituted its showcase. (see production no. 7).

Thus, with his past disappointments and the experience acquired “by taking blows”, as a business leader, Mr. MARGUERITE had finally arrived at the door of “Eldorado”, and a bright professional future was on the horizon for his two companies. With the pandemic due to covid 19, all his beautiful hopes were dashed by the restrictions imposed by the vaccinal laws which prevented him from continuing on his beautiful flight.

This is how, in an attempt to curb the pandemic, the successive known measures were taken through laws and decrees. Thus, the pandemic occurred with these restrictions, because in an attempt to curb it, successive measures were taken by the government, among others, the obligation of vaccinal for certain professionals, such as those who, like Mr. MARGUERITE, hold seminars. As soon as the “sanitary pass” was introduced, gatherings were only possible under certain conditions, his activity linked to the organization of seminars suffered the full force of these restrictions.

Indeed, it was impossible for him to organize them in the context of the health crisis, given the heavy logistics to be put in place, the constraints that had to be faced with regard to vaccinal status and the total lack of guarantee as to the actual realization of these seminars. For months, only “solid” structures could still “try the adventure”, because that was one. In addition, Mr. MARGUERITE could not take the risk of being criminally prosecuted in the event of a breach of the rules relating to “pass”.

Similarly, he would not have been able to bear the costs that would remain his responsibility in the event of the cancellation of a seminar.

Thus, with the appearance of the coronavirus, all his projects went up in smoke, including a seminar that had already been scheduled in Martinique with the CGOSH for May 21, 2020 (see production no. 8) and which could not ultimately be held, although it was postponed three times due to the ban on such gatherings during the pandemic.

This was also the case for a seminar that Mr. MARGUERITE was to hold with the city of Lamentin on May 19, 2021 (see production no. 8). These two seminars represented 1,200 euros of entry, but because of the vaccinal restrictions they were canceled and with them this “providential windfall” that would have allowed Mr. MARGUERITE to hold for a while.

Apart from the net loss corresponding to the cost of the seminar (600 euros), it is also his books on the hair problems presented above, which he was not able to offer for sale, i.e. around 500 to 1,600 euros per month, to which must also be added the new clientele who were not able to train.

Indeed, generally after each of his seminars, Mr. MARGUERITE records an increase in his clientele for hair assessments whose average cost is 90 euros (see production no. 7).

It should be noted that he also organizes paid seminars on the theme of his other books, for example on the one entitled **“Inquisitiô (tome II) Support du séminaire sur le thème : VIVRE MIEUX SES RÊVES ET SES VISIONS. Version avec images en couleur”**.

To do this, he generally rents a room to organize a paid seminar, around the theme of this book, as well as its completed version. These books were, before the pandemic, sold during seminars reserved for them (see production n° 7), but also during seminars on hair. Unfortunately, because of the pandemic and the restrictions due to the vaccination laws against covid 19, the stocks of these two books could not be sold (see production n° 9).

These books, due to their packaging, as well as the vast majority of Mr. MARGUERITE's works, could not be kept intact, moldy, they are therefore unsaleable today. This reality is presented in a report, broadcast on the Martinique la 1re television news, on August 3, 2024 (see the second subject presented on the news).

You can watch this Martinique la 1re newscast using the following link:

[https://la1ere.francetvinfo.fr/martinique/programme-video/la1ere\\_martinique\\_journal\\_martinique/diffusion/6327959-edition-du-samedi-03-aout-2024.html](https://la1ere.francetvinfo.fr/martinique/programme-video/la1ere_martinique_journal_martinique/diffusion/6327959-edition-du-samedi-03-aout-2024.html)

To continue, we will tell you that bookstores were, as previously stated, one of the sources of regular income, although insufficient, for his businesses. (see production no. 9). With covid 19, things became even more difficult, because bookstores were part of the non-essential businesses impacted by this pandemic for a time, so no income for Mr. MARGUERITE, at this level. This area of activity of his businesses was therefore undermined by the book distribution company, SOCOLIVRE.

For many years and until the end of December 2020, Mr. MARGUERITE deposited his books in consignment with this company and when they were sold, this company kept the percentage coming back to it, namely 40%.

This is how, after having restocked the bookstore shelves in January 2020, covid appeared in March 2020, leading, as we know, to the closure of non-essential businesses including bookstores for a certain period of time. Wanting to support them, Mr. MARGUERITE did not make the half-yearly reminders, especially since he was receiving the solidarity fund for his companies at that time, so he could hold on. It was only in February 2021, when he was no longer receiving subsidies for his companies and his financial situation was starting to become critical, that Mr. MARGUERITE decided to call SOCOLIVRE.

There, he was “shocked” to learn that this company had been put into receivership and that all his books on consignment had been sold. When he appealed to the liquidator, the latter informed him that he was intervening too late, because the deadline for creditors to make themselves known had been set for January 26, 2021, so he suffered a net loss with a loss **amounting to 4,100 euros (see production no. 9).**

Apart from everything we have just seen, to cope with the loss of earnings due to the technical unemployment he was suffering because of the restrictions imposed by the vaccinal laws against covid 19, initially, Mr. MARGUERITE was able to receive the subsidy set up for his two companies. Unfortunately, the (French) General Directorate of Public Finances (DGFIP) notified him on his secure mailbox that his companies were no longer eligible for this subsidy due to their tax debts which remained unpaid and the tax returns for which Mr. MARGUERITE was late.

The regularization of these two situations allowed him to receive only part of the solidarity fund for his sole proprietorship, but not for Édition Dieu t'aime (EDT) SAS.

This is why he continued these requests to benefit from this solidarity fund, despite the various rejections that were notified to him each time by the DGFIP of Martinique, from November 2020 to February 2022 for his company les Édition Dieu t'aime (EDT) SAS.

Concerning his company Marguerite Kenny (Édition GALAAD) for January and February 2021 there was no payment of this subsidy and for March 2021 to February 2022, Mr. MARGUERITE received part of the solidarity fund, but for some months the amount was less and for others, there was no payment.

It is important to note that the non-payment of the solidarity fund for Mr. MARGUERITE's two companies is the result of incomplete processing of his files and the lack of follow-up of the documents by the agent in charge of the instruction, Mr. Vincent GUILGAULT, head of the FIP accounting department – other categories – of the Lamentin tax services (Martinique).

It is important to note that from the start of the first lockdown, when he could no longer carry out his professional activities, he was finally able to set up a colossal project aimed at opening his businesses internationally.

To do this, Mr. MARGUERITE has undertaken to translate his books into English himself, and he used a large part of the payments from the solidarity fund to pay a professional proofreader to give his works in English a sustainability. He undertook 22 translations for a total amount of £7,235.12 = 8,452.03 euros. (see production no. 10).

The dates of the invoices, which were largely issued during the pandemic, and the address of the proofreader, who is in England, support this reality (see production no. 10).

Mr. MARGUERITE's plan was simple: he translated his books in order to export the concept of these seminars linked to his works to English-speaking countries, which would allow his businesses to take off again.

He held this conviction from past experiences, lived in the field during the last five years, which preceded this terrible pandemic, and which had honed him. Mr. MARGUERITE has largely achieved this translation goal, and even exceeded it, because in less than two years, by the grace of God, he has translated five books including four from the “**Inquisitiô**” series, each containing 576 pages.

However, due to lack of finances, only one book from the “**Inquisitiô**” series, as well as his work entitled “**The act of baptism and Christian growth (The reality of the latter rain that is to fall on God's people)**” of 276 pages which were completely translated by the professional proofreader.

Due to their diverse themes, each of his books are open to a specific type of Christian audience, meaning that during the seminars he plans to hold on each theme, he knows he can bring together a large audience.

Which is both a possibility of financial income through the sale of seminar tickets, but also from the sale of his books.

It should be noted that in order to keep his head above water and to support his businesses, on November 14, 2022, he took out a new loan from ADIE (association d'aide à l'initiative économique), in addition to the one already in progress.

These loans were grouped together. In doing so, he must continue to repay all of these loans until December 10, 2026. (see production no. 5).

Unfortunately, even if Mr. MARGUERITE was productive, this civil servant, Mr. Vincent GUILGAULT, “broke his wings, preventing him from taking flight”, according to the schedule he had established and which was intended to prepare for the end of this crisis due to the pandemic. To understand this, we must take into account the time needed for the correction by a professional and the reworking of the books he translated.

Which means that during these two approximate years of pandemic, without the “work” of Mr. GUILGAULT depriving Mr. MARGUERITE of this aid for which he was eligible, today, all his books would have already been corrected by the English-speaking corrector.

All this implies for him a loss of opportunity because “lost time cannot be made up for!”

In doing so, the publication of his books and the international opening of his companies are therefore compromised, because given his alarming financial situation, he will soon have to close his doors (file for bankruptcy of these companies), if nothing changes.

Thus, the pandemic led to the inactivity of Mr. MARGUERITE's businesses, which were primarily focused on conducting seminars and selling his books, and then, like the eddies caused by a stone thrown on the surface of a lake and which extend to infinity, are the disastrous repercussions on Mr. MARGUERITE's businesses (see productions no. 1, 7 to 10) of Mr. Vincent GUILGAULT's lack of professionalism in handling his files.

He was therefore suffering “double punishment”, on the one hand, not being vaccinated against covid 19, Mr. MARGUERITE could not carry out his professional activity in any of his companies and on the other hand, the mismanagement of his files by the agent previously referred to infringed his rights by not allowing him to receive, in full legitimacy, the solidarity fund to which he was entitled for his two companies.

Worse, because Mr. Vincent GUILGAULT had established his ineligibility for the solidarity fund for his company Marguerite Kenny (Édition GALAAD), the DRFIP of Martinique sent him a collection order No. 103000 007 906 075 485125 2021 0001167, invoice number: ADCE-21-2600066301, dated October 21, 2021, requesting reimbursement of the funds that were “allegedly” unduly paid to him. (see production no. 11).

It was in order to defend his case that he filed a claim on July 5, 2022 with the DRFIP of Martinique to contest the veracity of the aforementioned collection title. In return, by letter dated August 26, 2022, the DRFIP informed him that his complaint had been favorably received and that the collection title would be canceled (see production no. 11).

However, the compensation is not yet complete. Indeed, if he was eligible for these aforementioned solidarity funds, for the entire year 2020, as evidenced by the cancellation of the collection title, he was also eligible for the entire period during which this subsidy was allocated, according to the same calculation basis, since his professional situation remained the same.

These funds that were not paid to him are therefore owed to him, for his two companies, the demonstration will be made, throughout this brief. However, faced with the inertia of the administration and seeing that nothing was being done to repair the damage suffered, despite his numerous claims, in desperation Mr. MARGUERITE sent several emails to the (French) President of the Republic (see production no. 12).

In these lines, he informed him of the difficulties he was encountering in obtaining aid under the business solidarity fund for his two companies, which was having a considerable impact on him and was leading to the disastrous situation in which he found himself.

Following Mr. MARGUERITE's emails, the president, through his chief of staff, replied that he had taken note of it, that he had been attentive to his approach and that he assured him of all the attention given to the concerns he had expressed to him regarding his situation linked to the health crisis and for which he had requested the Business Solidarity Fund.

It was Ms. Olivia Grégoire, Minister Delegate to the Minister of Economy, Finance and Industrial and Digital Sovereignty, who had been requested in this context and who was to ensure the implementation of the directives of the Head of State.

On September 26, 2022, Mr. MARGUERITE was informed that it was Mr. Jérôme Fournel, Director General of Public Finances, who had the authority to implement the President's directives and that it was his department that would be responsible for the diligent examination of his file in order to provide answers (see production no. 12).

At the end of the examination of his file, according to the terms of the letter, Mr. MARGUERITE was to be informed of the follow-up that could be reserved for his request. Unfortunately, the days turned into weeks, then into months and into a year and he had no response from Mr. Jérôme Fournel, Director General of Public Finances.

While awaiting a response from the Director General of Public Finances, he sent a hierarchical appeal – by registered letter with acknowledgment of receipt dated 23 August 2022 – to the Director of the DRFIP of Martinique, claiming the subsidy due under the solidarity fund and which had not been paid to him for his company Marguerite Kenny (Édition GALAAD) (see contested acts 1 and 2).

He also implemented the same approach for his company Édition Dieu t'aime (EDT) SAS. To do this, he sent a registered letter with acknowledgment of receipt to the Director of the DRFIP of Martinique, received on 22 January 2024 (see production no. 13), claiming the subsidy due under the solidarity fund and which had not been paid to him.

In these two letters, Mr. MARGUERITE also stated his eligibility for the “solidarity fund for companies particularly affected by the consequences of the covid-19 epidemic”, from December 2021.

These new rules established that only companies that had an activity (at least 15% of turnover/reference month) and that were forced to close are eligible for this subsidy.

With these new calculation rules, Mr. MARGUERITE was not able to claim this subsidy, although he would normally have been entitled to it. This fact is a violation of his rights.

In these two letters that he sent to the director of the DRFIP, he also presented the discriminatory treatment that the civil servant Mr. Vincent GUILGAULT had reserved for his complaints, and he requested that this civil servant be sanctioned for this.

The legal deadlines for responding to his two letters (two months) having expired and the director of the DRFIP not having responded to him, the sanction incurred by Mr. Vincent GUILGAULT became impossible because only a disciplinary council of his “peers” has this authority. In addition, after three years, from the moment the DRFIP was informed of the facts by Mr. MARGUERITE's letters, he is legally “untouchable”.

The director of the DRFIP of Martinique, by his lack of response following the two hierarchical appeals that Mr. MARGUERITE presented to him, which hinder the establishment of these disciplinary councils, meaning that the offending official will not be worried and therefore will not be able to answer for his actions, is also liable to a disciplinary sanction. We will see. Thus, due to the various lockdowns and the fact that Mr. MARGUERITE was not vaccinated from March 16, 2019 to April 9, 2022, because of the vaccination laws he was unable to resume his activities and during this period, he had to remain on technical unemployment.

In return, he was unable to benefit from the full aid allocated by the government to companies impacted by the sanitary crisis generated by covid 19 for his two companies.

To continue, it is important to consider the elements that demonstrate the unconstitutional nature of the vaccinal laws against covid 19. Evidence is provided in this regard in the section entitled **“On the alleged internal illegality of the vaccinal laws against covid 19”** where the past and still current consequences of these laws are presented because the repercussions are still present. Thus, Mr. MARGUERITE was, on the one hand, forced by the vaccinal laws against covid 19 not to work and on the other hand, the compensation presented to him in the form of this subsidy was not paid to him for several months.

It should be noted that the sanitary situation and the measures taken led Mr. MARGUERITE to find himself for months receiving less than 300 euros of activity bonus to live, more precisely 201.16 monthly for the year 2021, then from February 2022, this sum increased to 286.54 € (see production no. 14). He reached such an extreme that he had to request food aid from the CCAS of his municipality (see production no. 15).

This violation of Mr. MARGUERITE's rights by the French State, due to the establishment of the vaccinal laws against covid 19 is at the origin of the disastrous financial situation in which he finds himself, no resources for the year 2021 (see productions nos. 3 and 4).

In addition, for the year 2022 these resources were 947 euros and for the year 2023, 908.67 euros (see productions nos. 3 and 4). In the meantime, the loss of his mother on June 23, 2023 further weakened his situation (see production no. 16).

Indeed, during her lifetime, she had made an apartment located on the ground floor of the family home available to him, it served as both his home and premises for his two companies, which did not continue after her death. Mr. MARGUERITE therefore finds himself without commercial premises and unable to rent new ones and acquire equipment in order to continue writing and managing his businesses efficiently.

This is why he had to submit a request for assistance to the CCAS of Vauclin, the new municipality where he now lives, for the purchase of a computer (see production no. 15).

In addition, he also requested social assistance in his area to have basic household equipment (see production no. 15).

In the meantime, in order to “get his head above water”, he registered with the employment center (see production no. 17) in order to apply for job offers as a hairdresser, or for any offers that would allow him to have a job.

The aim was to get his business back on track financially. Unfortunately, he has experienced discrimination, which is based among other things on Sunday laws, which, while being unconstitutional, have hindered and prevented him from reintegrating. We present these realities to you in the section entitled **“Bases presenting the responsibility incumbent on the French State for the harm suffered by Mr. MARGUERITE”**.



Thus, the repercussions of what we have just seen are that Mr. MARGUERITE received for the month of April 2024, as his sole source of income, 31.57 euros in activity bonus and 35 euros in product sales, i.e. 66.57 euros, to which are added housing benefits for an amount of 265 euros, i.e. a total of 331.57 euros, in other words a pittance, less than the social minimums (see productions no. 3, 4, 14 and 18).

In doing so, since the end of the bans linked to this pandemic, Mr. MARGUERITE has not been able to return to his pre-Covid 19 income level and he can no longer provide for his needs. Apart from this, the most dramatic impact on Mr. MARGUERITE's life of these restrictions caused by the covid 19 vaccinal laws is that for many months, he has not been able to pay child support to his children, which is psychologically a real torture for him. He already denounced this reality in the letter he sent to the president on March 22, 2021 (see production no. 12).

Returning to companies, since February 26, 2021, Mr. MARGUERITE has not been able to honor the schedule for the business property tax for his company les Édition Dieu t'aime (EDT) SAS that he had requested from the Martinique Business Tax Service which, on June 21, 2022 and April 2, 2024, had notified him of administrative seizures intended to cover the amount of his company's tax debt which amounts to 13,080.23 euros. (see production no. 19).

On the side of his company Marguerite Kenny (Édition GALAAD), not having been able to resume its activities and, considering that for years, Mr. MARGUERITE has only received the minimum to live on, he has not been able to pay his social security contributions.

As a result, he therefore received from this organization, through a bailiff, on March 13, 2024, notification of a constraint to seize his personal assets, for an amount of 5,794.91 euros (see production no. 19).

Thus, not having the means to settle these sums, his company les Édition Dieu t'aime (EDT) SAS and himself, find themselves in a situation of seizure, collateral damage, directly linked to the administrative failure of the General Directorate of Public Finances of Martinique (DGFIP) relating to the non-payment of the solidarity fund.

In addition, it should be noted that another element likely to weaken Mr. MARGUERITE's already precarious situation is that on June 30, 2024, his landlord asked him to return the apartment he was renting to him by September 30, 2024 at the latest. (see production no. 20). In doing so, not having the means to pay a deposit and rent for a new home, he therefore joined the ranks of the homeless.

Mr. MARGUERITE is currently staying with a friend free of charge and is being monitored by the SIAO (SAMU SOCIAL "le 115") of MARTINIQUE, in order to submit an application for CHRS housing (this acronym describes the accommodation and social reintegration centers that provide reception, housing, support and social integration for individuals and families experiencing serious difficulties in order to help them in a process of accessing or returning to autonomy. (see production no. 20).

This reality of the citizen who is no longer able to provide for his needs is indeed that of Mr. MARGUERITE, corroborated by his recent registration (August 19, 24) in the inclusion jobs program intended to reintegrate those who are excluded, with the PASS IAE number: 999992708306. (see production no. 20).

Unfortunately, in inclusion, it was unable to find any offers in Martinique that would allow him to return to work, regardless of the sector, the only ones remaining possible were those of maintenance or space agents, which he cannot apply for, given his history of allergies. His PASS IAE is therefore "valid but suspended".

Thus, Mr. MARGUERITE, willingly or unwillingly, remains unemployed and has thus gone from the status of business manager whose average monthly income was around 3,500 euros, before the health crisis due to covid 19 to the status of homeless person and excluded from society.

Everything we have just seen attests that what Mr. MARGUERITE experienced under the yoke of the covid 19 vaccinal laws and the repercussions of which are still being felt in his daily life, is a prejudice of the type of bad luck that the French State has caused him.

Everything we have just seen attests that what Mr. MARGUERITE experienced under the yoke of the vaccinal laws against covid 19 and the repercussions of which are still being felt in his daily life, is harm of the type of loss of opportunity that the French State has caused him.

It is in order to assert his rights relating to what has just been presented above that Mr. MARGUERITE filed a request with the administrative court of Schoelcher (Martinique) on December 22, 2022. To do this, he sent this body a brief which was registered under No. "1120921939\_Requete.pdf".

Having requested damages for the losses suffered, pursuant to *[(French) article R. 431-2 du code de justice administrative]*, on December 22, 2022, the administrative court of Martinique notified him by letter No. "1120961878\_accreq.rtf" that in this case, he could not present his case (his affair) alone, he had to call on a lawyer. In response, on January 2, 2023, he sent a new brief to the Administrative Court of Martinique, registered under No. "1121150183\_Nouveau\_memoire\_Kenny\_Ronald\_MARGUERITE\_lois\_vaccinales\_01\_01\_23.pdf" thus canceling and replacing the first defense brief.

On January 12, 2023, by letter registered under No. "1121502946\_regreq.rtf.pdf", the administrative court of Martinique asked him to produce the "contested act". On the same day, he completed his file by sending it the documents that were registered under No.: "1121512775\_Actes\_attaques\_1.pdf" et N° "1121512776\_Actes\_attaques\_2.pdf".

On February 15, 2023, the Martinique Administrative Court sent a letter to the Martinique Regional Directorate of Public Finances and a reminder on March 14, 2023. This was followed by a formal notice from the clerk sent on May 10, 2023 to all of the aforementioned defendants. Then, nothing, no news, it was nothingness.

Until the judgment, therefore on April 25, 2024 and since February 15, 2023, there was no reaction from the defendants, resulting in Mr. MARGUERITE's case being put on hold for this long period, which contributed to increasing his difficulties.

To continue on this theme, the progress of this case, on October 9, 2023, a notification was sent to the defendants as well as to Mr. MARGUERITE, announcing the closing date of the investigation relating to this case, set for November 9, 2023 (12 p.m.).

In addition, both parties were asked to provide any additional requests that would be useful to this case. No one is above the law. Thus, if the judge had not ruled for the closure of this case, what would have happened? The defendants' conduct contravened the referrals to the administrative court and undermined Mr. MARGUERITE's rights for many months by dragging out the investigation of his case.

To return to the progress of this case on October 9, 2023, the administrative court of Martinique notified the defendants and Mr. MARGUERITE of the closing date of the investigation relating to his case, set for November 9, 2023 (12 p.m.).

On January 8, 2024, the administrative court of Martinique sent Mr. MARGUERITE a letter asking him if he was maintaining the request registered under No. "1133518508\_vxdosdem.rtf.pdf".

The same day, he provided a response by sending the brief registered under No. « 1133529055\_Requete\_Kenny\_Ronald\_MARGUERITE\_lois\_vaccinales\_08\_01\_24. Pdf ».

In addition, a supplementary request "QPC" was registered under No. "1133559323\_Memoire\_pour\_demarche\_base\_sur\_Article\_61\_1\_de\_la\_constitution\_09\_01\_24.pdf".

On January 10, 2024, the administrative court of Martinique asked Mr. MARGUERITE to provide this court with a summary memorandum, which he did on January 12, 2024 and which was registered under No.:

“1133714030 MEMOIRE RECAPITULATIF Kenny Ronald MARGUERITE lois vaccinales 12 01 24 1.pdf”.

On March 14, 2024, the Martinique Administrative Court notified Mr. MARGUERITE, through its clerk, of the following:

**“[...] Sir, you benefited from the solidarity fund (decree no. 2020-371 of March 30, 2020) between March 2020 and February 2021 in the amount of 19,468 euros, taking into account the cancellation of the enforceable title issued by the DRFIP on October 21, 2021”**.

On March 15, 2024, the administrative judges of Martinique, in charge of his case, chose to place the General Secretariat of the Government and the Ministry of Economy, Finance and Industrial and Digital Sovereignty-DAJ, as observers instead of their roles as defendants, while the State's responsibility is engaged in Mr. MARGUERITE's case, which we demonstrate.

Let us now return to the letter that the administrative court of Martinique sent to Mr. MARGUERITE on March 14, 2024. In these lines, it is clearly stated that he has **“benefited from the solidarity fund (decree no. 2020-371 of March 30, 2020) between March 2020 and February 2021 in the amount of 19,468 euros”**.

This false and unfounded statement is discriminatory against him. Indeed, although he received the solidarity fund from March to December 2020, no subsidy was paid to him for the months of January and February 2021.

Mr. MARGUERITE contested these false allegations on April 11, 2024.

In this letter of complaint, he asked the administrative judges in charge of his case to allow him to register a new defense brief, intended to shed light on what they wrongly attributed to him.

Unfortunately, the judges in charge of his case discriminated against him, not only by not allowing him to register a new brief in order to defend himself efficiently, but also by deciding to judge his case anyway, on erroneous bases that they themselves had established by refusing any new element that would allow the error to be noted.

And to top it all off, instead of doing justice to Mr. MARGUERITE, based on reliable data, these magistrates chose to legally strike him, the victim, while sparing those who wronged him, because these administrative judges of Martinique established that he should pay a fine. Here is the content of what they established: **“Meaning of the conclusions: Rejection on the merits: Rejection of the request and fine for abusive appeal”**.

It is important to note that although Mr. MARGUERITE's case No. 2200745 was judged on April 25, 2024, on April 28, 2024 on his citizen tele-recourse account, at that time, the displayed note was: **“under deliberation”**.

It is with this reality relating to the progress of his case, that in order to make his voice heard so that the judgment established by these judges, on erroneous evidence, is annulled that Mr. MARGUERITE filed an urgent appeal with the interim relief judge of the Council of State before the decision of these magistrates was ratified.

This, for the establishment of an interim suspension, in accordance with the provisions of *[Article L. 521-1 of the Code of Administrative Justice]*. His application was registered under number 493865. On May 6, 2024, the interim relief judge of the Council of State dismissed Mr. MARGUERITE's application by his *[(French) Ordonnance du 6 mai 2024, affaire N° 493865]*.

Then on May 7, 2024, the notification of judgment of Mr. MARGUERITE's case was sent to him by the Administrative Court of Martinique, and the decision was as follows:

**“[...] D E C I D E S : Article 1: There is no need to transmit to the Council of State the priority question of constitutionality raised by Mr. Marguerite. Article 2: Mr. Marguerite's application is dismissed. [...]”**

This judgment based on the erroneous facts, already denounced, is a grievance to Mr. MARGUERITE, because it produces unfavorable effects with regard to his rights. He then filed an appeal in cassation with the Council of State on June 16, 2024, in the context of his case No. 2200745, registered under No. 495171, via the citizen's tele-appeal.

However, he was notified by the Council of State on June 18, 2024, that he absolutely had to be represented by a lawyer so that his appeal in cassation could be maintained.

On June 18, 2024, Mr. MARGUERITE made a request for legal aid to the secretariat of the legal aid office, litigation section, which was registered under No. 2401729, but which was refused and notified by registered letter with acknowledgment of receipt dated July 16, 2024.

On July 10, 2024, Mr. MARGUERITE not having been eligible for legal aid, and not having the means to pay for the services of a lawyer, to represent him in his case, he withdrew his appeal in cassation.

Shortly before the case he filed with the Council of State, Mr. MARGUERITE had already made a request for legal aid to the secretariat of the legal aid office of the Fort-de-France judicial court on May 13, 2024, which was registered under number C-33063-2024-010845. This court informed him, by letter dated July 16, 2024, that this jurisdiction was not competent to examine his application and that it was transferring his file to the Bordeaux judicial court.

By letter dated August 23, the Bordeaux judicial court informed Mr. MARGUERITE that his application did not fall within its remit, but within those of the administrative jurisdiction of the Bordeaux Court of Appeal, and that the number of his application for legal aid was therefore registered under the new number, 2024/2442.

Mr. MARGUERITE's application for legal aid was accepted by the legal aid office of the Bordeaux Administrative Court of Appeal, which also appointed him a court-appointed lawyer.

Mr. MARGUERITE then filed an appeal for abuse of power with the BORDEAUX Administrative Court of Appeal on 27 November 2024, which was registered under No. 2402804 and aimed at demonstrating that the judgment issued for his case No. 2200745, the hearing of which was held on 25 April 2024, was not carried out in complete fairness, in breach of *[(French) Article 47 de la Charte des droits fondamentaux de l'Union européenne – Droit à un recours effectif et à accéder à un tribunal impartial]*.

The objective of Mr. MARGUERITE's approach is to ask the administrative court of appeal of BORDEAUX to annul this judgment established for his case no. 2200745, the hearing of which was held on April 25, 2024, as well as to take into account the new elements that the administrative court prevented him from producing to defend himself effectively against the various discriminations he suffered.

These new elements presented the discriminations, against the backdrop of covid 19, suffered by Mr. MARGUERITE and were part of the new brief, which he proposed to the administrative court of Martinique, to produce on March 18, 2024, intended to assert his rights and which the administrative judges rejected.

These facts are notified in the section entitled **“Presentation of the reality of Mr. MARGUERITE's rights discriminated against by the administrative court of Martinique in the context of his case”**.

Which, among other things, motivated this appeal of his case.

As the facts that Mr. MARGUERITE incriminates, in this appeal of his case which was registered under No. 2402804 by the Télé-recours citoyens at the central registry of the administrative court of appeal of BORDEAUX on November 27, 2024, present the unconstitutional nature of the vaccinal laws against covid 19, the Sunday (dominical) laws, the laws which carry the solidarity fund, as well as those which allow a civil servant to harm an individual with impunity, without being sanctioned, they fall within the framework of the priority questions of constitutionality, in parallel with his file No. 2402804 he seized the administrative court of appeal of BORDEAUX, so that a QPC is set up.

It is in this state that the case which is the subject of the present application presents itself.

*Article 61-1 de la Constitution (French), provides that: "When, during proceedings in progress before a court, it is argued that a legislative provision infringes on the rights and freedoms guaranteed by the Constitution, the Constitutional Council may be referred to this question upon referral from the Council of State or the Court of Cassation, which shall rule within a specified period. An organic law shall determine the conditions of application of this article."*

### **3 DISCUSSION**

*1) By this statement of defence, the applicant intends to demonstrate that this application for priority questions of constitutionality on the basis of [(French) Article 61-1 de la Constitution du 4 octobre 1958], which he has filed, is well-founded, in that it tends to prove that all or part of the legislative texts on which the vaccinal laws against covid 19 and the Sunday (dominical) laws are based, are devoid of any foundation in law or in fact and suffer from external illegality in the sense that they have infringed the fundamental rights conferred on the applicant by the French Constitution and are unfounded at the legislative level;*

*In view of the foregoing, all or part of the decrees or the covid 19 vaccination laws or the Sunday laws as a whole that have been introduced in France contravene the constitution, and in so doing these laws or decrees or their parts, still in force, are unconstitutional and must be repealed;*

*2) By this statement of defence, the applicant also intends to demonstrate that this application for priority questions of constitutionality on the basis of [(French) Article 61-1 de la Constitution du 4 octobre 1958], which he has filed, is well-founded, in that it tends to prove that all or part of the legislative texts which are based on the bases allowing the secure tax server to calculate the amount of the solidarity fund for business leaders, by calculations deemed random and discriminatory and which have harmed the applicant, which contravenes European standards which take precedence over French legislation;*

*In doing so, they therefore become null and void in this case, because they suffer from external illegality in the sense that they have infringed the fundamental rights conferred on the applicant by the French Constitution and are unfounded at the legislative level;*

*3) By this statement of defence, the applicant also intends to demonstrate that this application for priority questions of constitutionality on the basis of [(French) Article 61-1 de la Constitution du 4 octobre 1958], which he has filed, is well-founded, in that it tends to prove that all or part of the legislative texts relating to disciplinary sanctions to be taken for a civil servant are deficient and leave room for discrimination;*

*Indeed, when the administrative hierarchical bodies that must appoint the disciplinary college intended for a civil servant who is at fault do not act, the civil servant in question can harm an individual with complete impunity, without being sanctioned and the administrative courts cannot uphold the victims, because only the disciplinary council of his "peers" has the competence to do so.*

*Thus, the legislative texts established in this context contravene European law.*

#### **4 New evidence on the responsibility of the civil servant Mr. Vincent GUILGAULT, as head of the FIP accounting department other categories, in the alleged external illegality:**

In this part we will present you with new evidence which demonstrates that the civil servant Mr. Vincent GUILGAULT deliberately infringed the right conferred by the European Union and French legislation on Mr. MARGUERITE.

In the context of case no. 2200745 which was handled at first instance by the administrative court of Martinique, Mr. MARGUERITE presented the abuses he suffered from the civil servant Mr. Vincent GUILGAULT, against his company Kenny MARGUERITE (ÉDITION GALAAD), bearing the Siret number 422 825 885 000 60 and the NAF code: 5811 Z.

We will provide you with proof that the acts, which are incriminated here, are not isolated or trivial facts, because the civil servant Mr. Vincent GUILGAULT also harmed Mr. MARGUERITE's second company, the company les Édition Dieu t'aime sas (EDT SAS) bearing the Siret number: 80810019200018 - NAF code: 5811 Z.

In addition, in the context of the case of No. 2200745 which was handled at first instance by the Administrative Court of Martinique, Mr. MARGUERITE presented in the context of the contradictory debate, by means of briefs the content of emails that he had exchanged with the public finances through his secure mailbox within the tax service of Lamentin (Martinique), but had not been able to demonstrate, with legislative evidence in support, the merits of these documents provided.

It is important to recall that in the context of case No. 2200745 which was handled at first instance by the Administrative Court of Martinique, that neither the tax service of Lamentin (Martinique), nor the Regional Directorate of Public Finances of Martinique, complied with the requests for additional documents from the administrative judges in charge of this case.

In doing so, it was, in our opinion, difficult for the administrative judge of Martinique to have a clear vision of the discriminatory nature of the processing of these requests that the civil servant Mr. Vincent GUILGAULT had against Mr. MARGUERITE, this contravening the obligations of civil servants to which he is subject.

These new facts and new documents deserve, in our opinion, to be taken into account by the administrative court of appeal of BORDEAUX in the context of this appeal that Mr. Kenny Ronald Marguerite requests for his case no. 2200745, because they demonstrate that the processing of Mr. MARGUERITE's files by Mr. Vincent GUILGAULT was far from complying with the applicable regulations in this matter. The facts highlighted and criticized could almost suggest that it was a "personal vendetta" orchestrated against Mr. MARGUERITE.

Let us begin this presentation by taking into account the behavior of the civil servant Mr. Vincent GUILGAULT, based on his own interpretation of the texts, with regard to the company Kenny MARGUERITE (GALAAD EDITION).

It all begins when in his *[Response email that SIP LAMENTIN sent to Mr. MARGUERITE on 01/02/2021, for his request for solidarity fund No. 1096133305 of 25/01/2021]*, Mr. Vincent GUILGAULT established the following:

*"Good morning, this notification is issued by the Directorate General of Public Finances under the solidarity fund for companies co-financed by the State and the Regions. The payment of your aid application cannot be completed. **The information in the application does not match that in the possession of the administration.***

**A new application can be filed with the administration, taking care not to make a mistake on the reference turnover.**

**You have a period of fifteen days from receipt of this message to submit your observations to the DGFIP department managing your file. Kind regards. Mr. Vincent GUILGAULT HEAD OF ACCOUNTING DEPARTMENT FIP OTHER CATEGORIES.***(translated into English from the original text).*

This official informed Mr. MARGUERITE that the payment of the solidarity fund had not been successful for his company, because the information he had provided, in this case the turnover of his company did not correspond to that held by the tax authorities.

Mr. Vincent GUILGAULT also notified him that he could repeat his request, however, taking care not to make a mistake on the reference turnover that he would declare.

Mr. MARGUERITE sent him the response email *[Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1096781962. of 02/02/2021]* which establishes the following: *“Good morning, my request for help for companies weakened by covid, was rejected because the income that I declared is not known to you, or that the amount that I declare is not the right one. I come to provide you with additional information. My income for the year 2019 was 17,770 euros for five months of activity. The company was registered on 02/08/2019. Thus by dividing my income by five, so August, September, October, November and December which gives me:*

*17,770 divided by five equals 3,554 euros. This figure is the one I declared for my income and you have in the machine, so I don't understand! In addition if I take into account my activity month by month, the month of December was the biggest month in which there was 4488 euros of turnover, the first two months of activity having been lower.*

*Normally my income was 4,488 euros in December 2019 and it is this figure that you should take into account. But I made the request successively with the 4488 euros, you rejected it, then “against bad fortune, good heart”, I have just made the declaration again with the 3554 which you also rejected. I am enclosing my Kbis which presents the start of my company's activity, and I would like to provide you with the customer invoices for the month of December 2019 who demonstrate the 4488 euros of income from my company for that month. Being at your disposal, to bring you the billers and in order to have an appointment in order to regularize this matter.*

*In everything the Lord be with you and with your family. Kenny Ronald MARGUERITE. Attachments: KBIS-GALAAD-25-09-20.pdf” (translated into English from the original text)]. (see production no. 21). (translated into English from the original text).*

Mr. MARGUERITE presented here to Mr. GUILGAULT, the problem he encountered in completing the application for the solidarity fund, due to the fact that his company was registered on August 2, 2019 and in doing so for the year 2019 he only had five months of tax activities, the turnover being **17,770 euros** for this period, which represents **3,554** average monthly. In addition, he explained to Mr. Vincent GUILGAULT that the secure tax server did not take into account the monthly base established, i.e. 3,554 euros, from the turnover over this 5-month period. His application was systematically rejected.

It is for this reason that Mr. MARGUERITE declared the amount of his turnover for that month, therefore December 2020 and which was **4,488 euros**, but his application was rejected. For greater clarity, he offered to send Mr. Vincent GUILGAULT the invoices (customers) attesting to the truth of his statements and he offered to be at the disposal of this official for an appointment to regularize the situation. It is also important to note that Mr. MARGUERITE also sent a duplicate of the email he sent to Mr. Vincent GUILGAULT to Ms. Frédérique COLIN, administrator of public finances: *[Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1096782405 of 02/02/2021].*

Thus, we have the proof that the public finances of Martinique were aware of the problem of the **5 months** of life of the company Kenny MARGUERITE (ÉDITION GALAAD) and of the request which was systematically rejected by the secure server of the Martinique taxes since the calculation of the subsidy was carried out on the turnover of this company over twelve months.

Moreover, we see that since February 2, 2021, Mr. Vincent GUILGAULT was aware of this information, especially since Mr. MARGUERITE sent him the Kbis of his company attesting to this reality. It is true that being a human being, this public finance official could have forgotten that he had already processed Mr. MARGUERITE's request. On the other hand, he could not have been unaware of this reality during the months that followed, since Mr. MARGUERITE sent him, among other things, the following additional emails:

- *[Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1097245504. of 02/09/2021]. (see production No. 21).*
- *[Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1100095336 of 03/17/2021]. (see production No. 21).*

What is presented here demonstrates that on three occasions, on **February 2, 2021, February 9, 2021** and **March 17, 2021**, as we have just seen, Mr. Vincent GUILGAULT, head of the FIP accounting department for other categories, received from Mr. MARGUERITE the KBIS of his company Kenny MARGUERITE (GALAAD EDITION) which presents the reality of the **3,554 euros** per month of turnover of this company for the **year 2019**. In addition, Mr. MARGUERITE explained each time to this official that the turnover for the **year 2019**, the basis for calculating these requests from the solidarity fund, was **3,554 euros** per month which resulted from the annual turnover of **17,770.50** euros calculated over **5 and not over 12 months**.

Thus, the reality of these 3,554 euros, Mr. Vincent GUILGAULT, had proof of it three times, in addition, Ms. Frederique COLIN, administrator of public finances, was also informed of it, by email of February 2, 2021, we have already reported it.

It is important to note that according to the statements of this official, the department responsible for managing the solidarity fund was also informed, since this is what Mr. Vincent GUILGAULT displays in the *[Response email that SIP LAMENTIN sent to Mr. MARGUERITE on February 2, 2021]* which establishes the following:

*“Good morning, I am sending your message to the service responsible for managing the solidarity fund, for further action. Cordially. Mr. Vincent GUILGAULT HEAD Head of the accounting department – FIP other categories”.* (translated into English from the original text).

In addition, Mr. Vincent GUILGAULT brought to Mr. MARGUERITE's attention a new element, that of an unpaid amount of 1,509 euros that he owed under the CFE for the years 2016 to 2020. This information was communicated by the *[Response email to his request No. 1097245504. that the SIP LAMENTIN sent to Mr. MARGUERITE on 02/09/2021]* which establishes the following: **“Good morning, given these explanations, you can renew your request, but you should also update the CFE 2016 to 2020 for 1,509 euros. Cordially”.** **Mr. Vincent GUILGAULT Head of the accounting department – FIP other categories”.** (translated into English from the original text).

This is the first time that this reason has appeared and that it was reported as an obstacle to Mr. MARGUERITE's collection of the solidarity fund.

A priori, according to what he was notified of, as soon as this unpaid amount was regularized, he could repeat his request. This is how, in order to regularize this debt, he set up a payment schedule, as evidenced by the following emails:

- *[Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1097335668 of 02/10/2021]. (see production No. 21).*
- *[Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1097523078 of 02/12/2021]. (see production No. 21).*

Following this, Mr. MARGUERITE received the response *[Response email for Mr. MARGUERITE's request No. 1097523078 that SIP LAMENTIN sent to him on 02/12/2021]* which establishes the following: **“Good morning, I have taken note of these payments.**



**Kind regards. Mr. Vincent GUILGAULT HEAD OF ACCOUNTING DEPARTMENT FIP OTHER CATEGORIES.”** (translated into English from the original text).

We discover here by his email dated February 9, 2021 that having taken note of the document that Mr. MARGUERITE sent him, therefore the KBIS of his company Kenny MARGUERITE (GALAAD EDITION), Mr. Vincent GUILGAULT, recognizes his eligibility for the solidarity fund, then in his email of February 12, 2021, he recorded the payment of Mr. MARGUERITE with regard to the schedule that he granted him in order to regularize his unpaid debts, already explained.

It should be noted that through the returns of documents that Mr. MARGUERITE sent to the tax service of Lamentin (Martinique), he proved his eligibility for the solidarity fund for his company, because here are the bases which support this subsidy and which are notified in [Décret n° 2020-371 du 30 mars 2020 relatif au fonds de solidarité à destination des entreprises particulièrement touchées par les conséquences économiques, financières et sociales de la propagation de l'épidémie de covid-19 et des mesures prises pour limiter cette propagation], which establishes the following:

“The financial aid provided for in Article 3 takes the form of subsidies awarded by decision of the Minister of Action and Public Accounts to the companies mentioned in Article 1 of this decree that meet the following conditions: [...]. - or, for companies created after **March 1, 2019, in relation to the average monthly turnover over the period between the date of creation of the company and February 29, 2020; [...]**

**8° The amount of their turnover recorded during the last closed financial year is less than one million euros. For companies that have not yet closed a financial year, the average monthly turnover over the period between the date of creation of the company and February 29, 2020 must be less than 83,333 euros.”** (translated into English from the original text).

The company Kenny Ronald MARGUERITE (ÉDITION GALAAD) having generated for the year 2019 a total turnover of **17,770 euros** which represents a monthly average of **3,554 euros** (see production n° 4) is therefore eligible for this subsidy, because this annual amount is less than **83,333 euros** monthly and is below one **million euros** for the year 2019. Thus, Mr. MARGUERITE's company therefore meets the eligibility criteria for this subsidy. In addition, having regularized his tax debt, by setting up a payment schedule, he should therefore have received this subsidy.

Considering that despite everything, the secure Martinique tax server blocks and rejects the solidarity fund requests that Mr. MARGUERITE had subscribed to since it is a programming, the hand of man, in this case, that of Mr. Vincent GUILGAULT, having received the proof of his eligibility, could have made the difference by reestablishing reality in order to avoid the systematic rejections of regularization requests.

However, this is what happened in the following emails. The [Response email that SIP LAMENTIN sent to Mr. MARGUERITE on 02/12/2021] establishes the following: “Good morning, **a priori, your company is not or no longer eligible for this assistance from the solidarity fund. Cordially. Mr. Vincent GUILGAULT, Head of the accounting department – FIP other categories”** (translated into English from the original text).

The [Email that SIP LAMENTIN sent to Mr. MARGUERITE on 08/16/2021 to request information on his application for solidarity fund No. 1111149663 of 08/16/2021] states the following: “**Good morning, please prove the monthly turnover for the reference period that you mention, i.e. €3,554. [...]**” (translated into English from the original text).

The [Email that SIP LAMENTIN sent to Mr. MARGUERITE on 10/15/2021 to request information on his application for solidarity fund No. 1115589227 of 10/15/2021] states the following:

“**Good morning, can you prove the monthly turnover for the reference period that you mention, i.e. €3,554? [...]**” (translated into English from the original text).

The [Mail that SIP LAMENTIN sent to Mr. MARGUERITE on 03/02/2022 in order to ask him for information on his request for solidarity fund No. 1123245815 of 03/02/2022] establishes the following: “[...] **Furthermore, please prove the monthly turnover for the reference period that you mention, i.e. €3,554. [...].**” (translated into English from the original text).

It is important to note that these rejections of Mr. MARGUERITE's solidarity fund applications by Mr. Vincent GUILGAULT, extended over many months, almost a year, here we see that the first email is dated February 12, 2021 and the last February 3, 2022.

Based on the content of the last three emails that we have just seen, dated August 16, 2021, October 15, 2021 and February 3, 2022, one might think that this person in charge of Mr. MARGUERITE's file, Mr. Vincent GUILGAULT, deliberately chose to treat him in a way that suited him, unrelated to the texts that he is supposed to apply since the reasons for the rejections were no longer coherent.

Indeed, the reasons given were this sum of 3,554 euros, which he asked Mr. MARGUERITE to justify while we saw that the tax services of Lamentin (Martinique) as well as himself had received on numerous occasions the documents attesting to his eligibility for this subsidy and that worse, he had acknowledged having received them.

To continue, we will tell you that although hurt by the fact that this official who is unknown to him seemed to act deliberately to take away this only possibility of subsistence, which remained to him due to his unvaccinated status, preventing him from exercising his professional activity, Mr. MARGUERITE nevertheless persevered.

To do this, he sent to the Lamentin tax service the [Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1115604512 of 10/15/2021] which establishes the following: **“Good morning, following my request for aid to companies weakened by covid No. 1115589227, I received in return this request for additional information.**

**“Can you prove the monthly turnover for the reference period that you mention, i.e. €3,554? Kind regards”.** In return, I will send you the requested supporting documents. 1 Kbis showing the registration date of my company as well as my tax return which shows the amount of my income for this company and for the reference period, which is 2019; as well as my 2019 tax notice.

It is important to note that for this reference period which is the year 2019 the company was registered on 02/08/21, so the income of my company must not be divided by twelve months, but by the number of months that runs from the registration of this company, namely 5 months, August 2019, September 2019, October 2019, November 2019 and December 2019. Thus 17,770 euros divided by 5 months of activity therefore represents a monthly income for this company which is 3,554 euros for the year 2019. *Best regards, Kenny MARGUERITE. Attachments:*

- *Avis\_d\_impot\_2020\_sur\_les\_revenus\_2019.pdf*
- *KBIS.pdf*
- *Declaration en ligne des revenus 2019 le 20\_04\_2020 a 22\_08 .pdf*. (voir production n° 21). (translated into English from the original text).

Here is the feedback that Mr. MARGUERITE received, the [Response email that SIP LAMENTIN sent to Mr. MARGUERITE on 10/18/2021] states the following:

**“Good morning, given these elements, can you renew your request for assistance? Best regards. Mr. Vincent GUILGAULT HEAD OF ACCOUNTING DEPARTMENT FIP OTHER CATEGORIES.”** (translated into English from the original text).

Following this, Mr. MARGUERITE resubmitted his request for the solidarity fund, which was accepted. However, there were still the months of January and February 2021, which had still not been regularized under the solidarity fund. In doing so, on November 22, 2021, almost 8 months later, since his first request, Mr. MARGUERITE therefore undertook to make a follow-up (a relaunching) which had remained, a few months ago, unanswered.

To do this, he sent to the Lamentin (MARTINIQUE) tax authorities the *[Mail from Mr. MARGUERITE to SIP LAMENTIN, No. 1118337527. Dated 11/22/2021]* which establishes the following: **“Hello, I am getting back to you with a view to being informed please.**

**While I am entitled, for my company, to aid for companies weakened by covid 19, several months have not been paid to me - this is approximately the entire first half of 2021. I have filed complaints that have remained unanswered because I have not received any feedback. The proof of my eligibility for this subsidy is that I received it before and after the period that I have just presented to you. Is this normal?**

*I am attaching one of these complaints. I would like to understand what is happening please. I thank you in advance. May God be with you. Mr. Kenny Ronald MARGUERITE.*

*My request No. 1100095464. To: SIP LAMENTIN Hello, my requests for aid No. 1099951013, No. 1099687813, No. 1099687498, No. 1098173791 for companies weakened by covid, were rejected because they do not meet the conditions set out in decree 2020-371 of March 30, as amended. I am contesting this decision because my company meets these standards.*

**I am in compliance with my tax obligations, and my company, although it had a deficit balance sheet, had revenues in 2019. Its turnover for the year 2019 was 56,684 euros, which represents 4,723.66 at the monthly level.**

**The subsidy for companies weakened by covid is paid on the basis of monthly turnover and not that of the annual balance sheet. Proof of this is on your site in the section reserved for the subsidy, here is what is presented:**

*During the period from November 1, 2020 to November 30, 2020, my company suffered a loss of turnover. Monthly turnover for the reference period: Monthly turnover for the period between.... Based on these elements, my company is therefore eligible for this subsidy.” (see production no. 21). (translated into English from the original text).*

As Mr. MARGUERITE had chosen the wrong company, in this same exchange, he sent this second email *[Additional email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1118337527. Dated 11/22/2021]* which establishes the following: **“Good morning again, I made the wrong company for this request, I apologize, I am sending you the correct information for my request and which concerns my company:**

**SIRET: 422825885 00060. Company name: MARGUERITE KENNY Address of the establishment: CALIFORNIE24, IMP PY 97232 LE LAMENTIN. Region: MARTINIQUE.**

**My request N° 1100095336. A: SIP LAMENTIN. Good morning, my aid requests N° 1099688204 and N° 1099951295 for companies weakened by the covid, were rejected because the income that I declared is not known to your services, or that the amount that I declare is not the right one. I am here to provide you with further information. My income for the year 2019 was 17,770 euros for five months of activity.**

**The company was registered on 02/08/2019. So by dividing my income by five, so August, September, October, November and December which gives me 17,770 divided by five is equal to 3,554 euros. This figure is the one I declared for my income and that you have in machine. Thank you for regularized please.**

**I attach you my Kbis which presents the beginning of my business activity.**

**In everything may the Lord guide you. Kenny Ronald MARGUERITE.” (translated into English from the original text).**

In return, Mr. Vincent GUILGAULT sent Mr. MARGUERITE for his two requests the *[Response email to Mr. MARGUERITE from SIE LAMENTIN on 11/22/2021]* which establishes the following: **“Good morning, I took note of it. Cordially. Mr. Vincent GUILGAULT Head of the accounting department – FIP other categories.” (translated into English from the original text).**

Please note that Mr. MARGUERITE made this last request on November 22, 2021 and Mr. Vincent GUILGAULT responded to him the same day. However, years later, no follow-up has been given.

This means that from Mr. MARGUERITE's first complaint in [Mr. MARGUERITE's email to SIP LAMENTIN, for his request No. 1100095336 of 03/17/2021] (see production No. 21) to this day, this matter has been pending for more than three years and he has not received any response.

Let's continue with the [Email that Mr. MARGUERITE received from the Director General of Public Finances] which establishes the following:

**“General Directorate of Public Finance. To contact us: email address to contacted:Fondsdesolidarite1030@dgifp.finances.gouv.fr. Paris, 06/11/2021, subject: Recovery of sums unduly received under solidarity funds. Madam, Sir, in accordance with article 3-1 of ordinance n° 2020-371 of March 30, 2020, a control of aid paid under the solidarity fund was carried out against MARGUERITE KENNY, RONALD (422825885).**

**By email of April 26, 2021, you were invited to provide supporting evidence for your turnover for 2019 and 2020.**

**The control leads to an undue. A collection voucher for the total amount of 19,468 euros will therefore be issued against you. [...] Please believe, Madam, Sir, in the expression of my highest consideration. The Director General of Public Finances”.** (translated into English from the original text).

Mr. MARGUERITE does not understand the content of this email, especially since it is specified that on April 26, 2021, he was asked to justify his turnover for the years 2019 and 2020, which he did.

To regularize this situation, on June 27, 2021 at 3:53 p.m., Mr. MARGUERITE sent a response email to the Director General of Public Finances and then waited, knowing that the administration has its own management time.

Nevertheless, on August 10, 2021 at 9:43 a.m., seeing nothing coming and not wanting to “give up”, Mr. MARGUERITE sent a complaint reminder email but once again, he received no response. However, at the time, he attributed this to the probable understaffing due to Covid 19 and the administrative slowness that had increased.

Mr. MARGUERITE was therefore not overly concerned, especially since the documents requested from him were already available to the tax authorities. In addition, he had all the traces of the numerous exchanges he had had with Mr. Vincent GUILGAULT and he knew that he had provided all the proof of his eligibility for this subsidy.

However, he was very surprised to receive the postal letter [Titre de perception, DRFIP MARTINIQUE, Finances Publique, numéro de factu re : ADCE212600066301, date d'émission : 21/10/2021. Numéro d'état de récapitulatif : 34269] which states the following:

**“Your situation: Amount paid: 19468,00 €. Deadline for payment: 15/12/2021.**

**Purpose of the credence: Overpayment of aid paid in application of decree n° 2020-371 of March 30, 2020 as amended, within the framework of the solidarity fund created by ordinance n° 2020-317 of March 25, following the request of the company MARGUERITE KENNY RONALD, (422825885) for your establishments for the period from March 2020 to February 2021.**

**Reason of the repetition of the undue: Non-respect of the conditions of eligibility relating to the turnover – cf letter of 11.06.21, warned by decree above. [...]”** (see production no. 11). (translated into English from the original text).

The question that Mr. MARGUERITE is asking himself is how his email could not reach the Tax Department, he is not going to play on paranoia and think that it only happened to him but in this case, if the problem of non-receipt can arise in this type of exchange with users, why does the tax department only keep contacts by email, specifying clearly that this is the only mode of communication.

Nevertheless, for the moment Mr. MARGUERITE is giving the benefit of the doubt to the Director General of Public Finances.

On the other hand, as far as Mr. Vincent GUILGAULT is concerned, there can be no doubt! So, how can we interpret what is happening?

It takes a lot of effort, with all these repeated errors in the processing of Mr. MARGUERITE's file, not to think that Mr. Vincent GUILGAULT deliberately sought to harm him because, on the one hand, he does not process his claims, more than a year without a response, for some and on the other hand, not having done his job, as he should, Mr. MARGUERITE finds himself being penalized with the *[Titre de perception, DRFIP MARTINIQUE, Finances Publique, numéro de facture : ADCE212600066301, date d'émission : 21/10/2021. Numéro d'état de récapitulatif : 34269]* (see production no. 11).

Thus, as we have just seen, one of the most flagrant proofs that demonstrates that Mr. Vincent GUILGAULT, has contravened his prerogatives as a civil servant, is this collection title, that Mr. MARGUERITE received from the DRFIP MARTINIQUE, asking him to reimburse €19,468.00. (see production no. 11).

It is the height of irony, this civil servant treats Mr. MARGUERITE's file lightly, does not transmit the supporting documents to do him justice and as a bonus, it is he who is wronged but in addition, he is being asked for a sum allegedly paid in error.

As we have seen, the turnover of Mr. MARGUERITE's company makes him eligible for this subsidy and he has repeatedly provided evidence demonstrating this to Mr. Vincent GUILGAULT, who was throughout these requests from the solidarity fund his "imposed" contact. Mr. MARGUERITE provided him with elements allowing him to clearly establish that his company Kenny Ronald MARGUERITE (ÉDITION GALAAD) met the criteria to be eligible for this subsidy.

Thus, it was 5 times that Mr. MARGUERITE had to send the documents and explanations demonstrating to Mr. Vincent GUILGAULT, his eligibility and this, by the following emails and which we have already considered:

- *[Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1096781962. Of 02/02/2021]* (see production No. 21),
- *[Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1097245504. Of 09/02/2021]* (see production No. 21),
- *[Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1100095336 of 03/17/2021]* (see production No. 21),
- *[Email from Mr. MARGUERITE to SIP LAMENTIN, for his application No. 1115604512 of 10/15/2021]* (see production No. 21),
- *[Additional email from Mr. MARGUERITE to SIP LAMENTIN, for his application No. 1118337527. Of 11/22/2021]* (see production No. 21).

In addition, we have also seen that the monthly turnover of 3,554 euros of Mr. MARGUERITE's company inducing its eligibility for the solidarity fund, Ms. Frédérique COLIN as well as the department responsible for managing the solidarity fund were also aware of it, review the *[Email from Mr. MARGUERITE to SIP LAMENTIN, for its application No. 1096782405 of 02/02/2021]*. (see production No. 21).

However, Mr Vincent GUILGAULT was, throughout the procedure, Mr MARGUERITE's contact and it was his poor analysis or quite simply his lack of analysis which was the cause of the systematic rejection of his complaints.

Based on all this, we understand that this collection order received on **October 21, 2021**, ordering him to reimburse €19,468.00 under the solidarity fund on the grounds of "**non-compliance with the eligibility conditions relating to turnover**" (see production no. 11), is one of the most flagrant proofs that Mr. Vincent GUILGAULT failed in his duty and contravened his prerogatives, as a civil servant, because if he had handled Mr. MARGUERITE's file efficiently, none of what we have just seen would have happened.

Neither these untimely rejections of the solidarity fund, nor this collection order claiming from Mr. MARGUERITE a subsidy allegedly paid in error. So when Mr. Vincent GUILGAULT again rejects the requests for the solidarity fund, this demonstrates that his behavior is discriminatory towards Mr. MARGUERITE and he puts unjustified pressure on him because, we repeat, both his department and himself in particular, as Mr. MARGUERITE's privileged contact, were aware of what we have just presented to you.

In addition, while he had an obligation to respond to requests for information from the public, he freed himself from this obligation, remaining silent for several months and not responding to the following email from Mr. MARGUERITE [*Email from Mr. MARGUERITE to SIP LAMENTIN, for his request No. 1100095336 of 03/17/2021*] (see production no. 21) and particularly damaging, he did not transmit to the appropriate person the supporting documents that he had received from Mr. MARGUERITE and which would have allowed the situation to be resolved, all of this constitutes professional misconduct.

To continue, it is important to note that Mr. Vincent GUILGAULT is not a novice agent who could make certain errors through inexperience but, he is, according to the function mentioned during the various exchanges with Mr. MARGUERITE, **the head of the FIP accounting department other categories**, which not only gives him power, but also makes his responsibility in this matter much greater.

Thus, by virtue of his position as head of the FIP accounting department for other categories, Mr. Vincent GUILGAULT could not ignore the realities presented in [*Décret n° 2020-371 du 30 mars 2020 relatif au fonds de solidarité à destination des entreprises particulièrement touchées par les conséquences économiques, financières et sociales de la propagation de l'épidémie de covid-19 et des mesures prises pour limiter cette propagation*], nor the eligibility of Mr. MARGUERITE for this solidarity fund, since the income he declared for 2019, as well as the supporting documents provided, attested to this.

To continue, we will tell you that the similar behavior of Mr. Vincent GUILGAULT, with regard to the other company of Mr. MARGUERITE, Édition Dieu t'aime sas (EDT SAS) bearing the Siret number: 80810019200018 – NAF Code: 5811 Z. For this company, Mr. MARGUERITE initially received the solidarity fund for several months (see productions no. 22 and 23), then there was a stoppage of the payment motivated by his tax debts relating to the CFE. He requested a payment schedule from the tax authorities which was accepted by Mr. Vincent GUILGAULT.

Here are the exchanges that Mr. MARGUERITE had, on this subject with this official.

The [*Email from Mr. MARGUERITE to SIP LAMENTIN No. 1097462024. of 02/11/2021*] establishes the following: “*To the attention of Mr. Vincent GUILGAULT HEAD OF ACCOUNTING DEPARTMENT FIP OTHER CATEGORIES. Hello again Mr. GUILGAULT, Thank you for your response.*”

**The total amount therefore amounts, if I have calculated correctly, to 5852.23 euros. I would like to repay, please, in twelve installments, i.e. monthly payments of 487.68 euros. Does this proposal suit you?**

**Kind regards, Kenny Ronald MARGUERITE.”** (see production no. 21). (translated into English from the original text).

Mr. MARGUERITE received in return the [*Administration's response of 02/11/2021 to Mr. MARGUERITE's email to SIP LAMENTIN*] which states the following:

**“Good morning, your payment schedule proposal is accepted. Kind regards. Mr. Vincent GUILGAULT HEAD OF ACCOUNTING DEPARTMENT FIP OTHER CATEGORIES.”** (translated into English from the original text).

Given this response from Mr. GUILGAULT, Mr. MARGUERITE began making payments to settle his tax debt for his two companies.

From the first payment on February 12, 2021, he sent Mr. Vincent GUILGAULT the [Email from Mr. MARGUERITE to SIP LAMENTIN No. 1097523078, dated February 12, 2021]. (see production no. 21) so that he would be informed of the effectiveness of his approach under the two payment schedules that he had set up for his two companies.

As this tax debt seemed to be the obstacle to his eligibility, Mr. MARGUERITE had wrongly thought that the schedule that he had set up to settle it would have automatically allowed him to benefit from the solidarity fund for his companies, but this was not the case.

He then filed a complaint to find out whether or not he was eligible for the solidarity fund for his company les Édition Dieu t'aime sas (EDT SAS) by [Email from Mr. MARGUERITE to SIP LAMENTIN No. 1098159474, dated 02/23/2021]. (see production no. 21).

The response he received is as follows [Response from the administration dated 02/26/2021 to Mr. MARGUERITE's email, No. 1098159474, sent to SIP LAMENTIN] which establishes the following:

**“Good morning, A priori, your company is not eligible for assistance from the solidarity fund. Furthermore, we cannot verify the reality of the loss of turnover. Kind regards. Mr. Vincent GUILGAULT HEAD OF ACCOUNTING DEPARTMENT FIP OTHER CATEGORIES.”** (translated into English from the original text).

In this email, Mr. Vincent GUILGAULT notifies Mr. MARGUERITE that a priori, his company was not eligible for the solidarity fund because he could not verify the reality of the loss of turnover of his company Édition Dieu t'aime sas (EDT SAS).

In return, in order to provide him with the information, Mr. MARGUERITE sent him the email [Email from Mr. MARGUERITE to SIP LAMENTIN. No. 1098657115. of 02/26/2021] which establishes the following: **“To the attention of Mr. Vincent GUILGAULT HEAD OF ACCOUNTING DEPARTMENT FIP OTHER CATEGORIES. Hello Mr. GUILGAULT.**

**Thank you for your feedback, you notify me that a priori, my company is not eligible for this aid for companies weakened by covid, and that you cannot quantify these losses, I put at your disposal the account statements of my company for the year 2019 which present the financial monitoring of the company.**

*And although the company did not make a profit in 2019, it had an activity and income. And unless I am mistaken, the subsidy for weakened companies is not awarded on the basis of profits but on income. If I am mistaken on the basis of the allocation of the aid and that it is on the profit that it is awarded, please notify me. Thanking you in advance! May the Lord guide you in everything! Kenny MARGUERITE.”* (see production no. 21). (translated into English from the original text).

In return, on March 1, 2021, Mr. Vincent GUILGAULT responded to Mr. MARGUERITE by the following email [Response from the administration dated March 1, 2021 to Mr. MARGUERITE's email to SIP LAMENTIN No. 1098657115. Dated February 26, 2021] which states the following:

**“Hello, I am forwarding your new message to the department responsible for managing the solidarity fund, for follow-up.**

**Kind regards. Mr. Vincent GUILGAULT HEAD OF ACCOUNTING DEPARTMENT FIP OTHER CATEGORIES.”** (translated into English from the original text).

This email seemed promising, however, having received no response that could explain the non-payment of this subsidy for his company, Mr. MARGUERITE sent a new complaint to the tax service on March 17, 2021, through his [Email from Mr. MARGUERITE to SIP LAMENTIN. No. 1100095464. 03/17/2021] which states the following:

**“Good morning, my requests for aid No. 1099951013, No. 1099687813, No. 1099687498, No. 1098173791 for companies weakened by covid, have been rejected, the reason is that it does not meet the conditions set out in decree 2020-371 of March 30, as amended.**

**I am contesting this decision, because my company meets these standards.**

**I am in compliance with my tax obligations, and my company, although it had a deficit balance sheet, had revenues in 2019. Its turnover for the year 2019 was 56,684 euros, which represents 4,723.66 at the monthly level.**

*The subsidy for companies weakened by covid is paid on the basis of monthly turnover and not that of the annual balance sheet. As proof, on your site in the section reserved for the subsidy, this is what is presented:*

**“During the period from November 1, 2020 to November 30, 2020, my company suffered a loss of turnover. Monthly turnover for the reference period:**

**Monthly turnover for the period between....” With these elements, my company is therefore eligible for this subsidy. May God guide you in everything. Kenny Ronald MARGUERITE.”** (see production no. 21). (translated into English from the original text).

Mr. MARGUERITE did not receive a response from the tax service to this last complaint that he sent to them. He nevertheless persevered and sent another complaint by [email from Mr. MARGUERITE to SIP LAMENTIN. No. 1100095464. 03/17/2021] (see production no. 21), to this administration.

As we have seen, it was Mr. Vincent GUILGAULT who was his referent for the processing of his files relating to the solidarity funds and this, for his two companies.

It is therefore he who did not respond to this last request, which nevertheless provided significant elements demonstrating the eligibility of his companies for this subsidy.

If necessary, we remind you that according to **“(French) Decree No. 2020-371 of March 30, 2020 relating to the solidarity fund [...]”**, the criterion taken into account for the eligibility of a company for the solidarity fund was not the profit that the latter had generated for the year 2019, but rather the turnover.

Therefore, although Mr. MARGUERITE's company, les Édition Dieu t'aime (EDT) SAS had a deficit of **4,147 euros in 2019**, its annual turnover for that year was **56,684 euros**, or a monthly average of **4,723.66 euros**, this company is therefore eligible for the solidarity fund.

Thus, if Mr. Vincent GUILGAULT had taken into account the complaint [Email from Mr. MARGUERITE to SIP LAMENTIN. No. 1100095464. 03/17/2021] (see production no. 21) that Mr. MARGUERITE had sent to the Lamentin tax service, since the date of this email which is March 17, 2021, this situation would not have continued and would have been resolved a long time ago. But, this was not the case and the inertia of Mr. Vincent GUILGAULT contravened the prerogatives that are his as a civil servant.

The facts that are here attributed to Mr. Vincent GUILGAULT are relatively serious, because he handled Mr. MARGUERITE's complaints relating to the rejections of the solidarity fund applications that he sent to him, for these two companies, with levity and lack of professional conscience and he is largely responsible for the catastrophic situation in which he found himself and still finds himself, today, having to live on minimum social benefits and no longer able to provide for his needs or those of his children (see productions no. 3, 4, 14, 15 and 18) when he could claim this subsidy.

Everything we have just seen shows us, without a shadow of a doubt, that Mr. GUILGAULT acted in a discriminatory manner towards Mr. MARGUERITE and contravened his prerogatives as a civil servant, representing the French State and which are notified in the following texts:

- [(French) Articles L121-1, L121-2, L. 121-6, L121-9, L. 121-7, L121-8 du Code général de la fonction publique],
- [(French) Article 27 de la Loi n°83-634 du 13 juillet 1983],
- [(French) Loi n° 78-753 du 17 juillet 1978 portant diverses mesures d'amélioration des relations entre l'administration et le public],
- [(French) Loi n°79-587 du 11 juillet 1979 relative à la motivation des actes administratifs et à l'amélioration des relations entre l'administration et le public],



- *[(French) Loi n° 78-17 du 6 janvier 1978 relative à l'informatique, aux fichiers et aux libertés],*
- *[(French) LOI n° 2016-483 du 20 avril 2016 relative à la déontologie et aux droits et obligations des fonctionnaires (1)],*
- *[(French) Ordonnance n° 2021-1574 du 24 novembre 2021 portant partie législative du code général de la fonction publique].*

From the above, it emerges that Mr. Vincent GUILGAULT has given rise to negative preconceptions in Mr. MARGUERITE with regard to public service, and therefore the State. Thus, Mr. Vincent GUILGAULT as head of the FIP accounting department other categories, having discredited the civil service, he must be sanctioned, according to the rules provided for this purpose and intended to frame the errors of civil servants, who contravene the duty which is theirs and which is entrusted to them, under the following texts:

- *[(French) Article L530-1 du Code général de la fonction publique],*
- *[(French) Article 66 de la loi no 84-16 du 11 janvier 1984],*
- *[(French) Loi no 83-634 du 13-07-1983 portant droits et obligations des fonctionnaires],*
- *[(French) Loi no 84-16 du 11-01-1984 portant dispositions statutaires relatives à la fonction publique de l'État],*
- *[(French) Décret no 84-961 du 25-10-1984 relatif à la procédure disciplinaire concernant les fonctionnaires de l'État].*

Furthermore, due to the dominant position conferred on him by his position as head of the FIP accounting department for other categories and because Mr. Vincent GUILGAULT appears to have deliberately harmed Mr. MARGUERITE.

Furthermore, his behaviour was similar for both of Mr MARGUERITE's companies, he should not benefit from a mitigating situation, but on the contrary, aggravating circumstances should be held against him and this in accordance with the following texts from the *[Jurisprudence en matière de fonction publique tiré du site : <https://curia.europa.eu>]* :

- *“1. Fonctionnaires – Régime disciplinaire – Sanction – Circonstance atténuante – Absence de récidive de l'acte ou de comportement fautif – Exclusion [Arrêt du 17 juillet 2012, BG / Médiateur (F-54/11) (cf. Point 127)] et [Arrêt du 22 mai 2014, BG / Médiateur (T-406/12 P) (cf. Point 75)]”,*
- *“3. Fonctionnaires – Régime disciplinaire – Sanction – Pouvoir d'appréciation de l'autorité investie du pouvoir de nomination – Prise en compte des circonstances aggravantes ou atténuantes (Arrêt du 19 novembre 2014, EH / Commission (F-42/14) (cf. Points 115, 118, 124, 125)]”,*
- *“4. Fonctionnaires – Régime disciplinaire – Sanction – Respect du principe de proportionnalité – Gravité du manquement – Critères d'appréciation (Arrêt du 21 octobre 2015, AQ / Commission (F-57/14) (cf. Point 118)]”,*
- *“8. Fonctionnaires – Régime disciplinaire – Sanction – Circonstances aggravantes – Comportement d'un fonctionnaire exposant l'intégrité, la réputation ou les intérêts de l'institution à un risque d'atteinte – Inclusion [Arrêt du 10 juin 2016, HI / Commission (F-133/15) (cf. Point 204)] et [Ordonnance du 19 juillet 2017, HI / Commission (T-464/16 P) (cf. Points 52-54)]”.*

For all of the above facts with which he is accused and which had a considerable negative impact on Mr. MARGUERITE's life, Mr. Vincent GUIGAULT as head of the FIP accounting department must be sanctioned, in accordance with the following:

- *[(French) Article 15 de la Constitution du 4 octobre 1958],*
- *[(French) Articles L530-1 du Code général de la fonction publique].*

## **5 New evidence on the responsibility of the civil servant Mr. Rodolph SAUVONNET, as Regional Director of Public Finances of Martinique, in the alleged external illegality:**

The responsibility of the civil servant Mr. Rodolph SAUVONNET, as Regional Director of Public Finances of Martinique had not been presented, in the context of the case of Mr. MARGUERITE n° 2200745 which was dealt with at first instance by the administrative court of Martinique, while his involvement is proven, with supporting evidence. We bring you here the elements demonstrating it.

Mr. MARGUERITE's misadventures began with the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, on August 23, 2022, the date on which this civil servant received from him a hierarchical appeal established on the basis of *[(French) Article L410-1 du Code des relations entre le public et l'administration]*, which he sent to him by registered letter with acknowledgment of receipt, claiming the sums owed to him under the solidarity fund and which had not been paid to him for his company Marguerite Kenny (Édition GALAAD) (see Contested Acts No. 1 and 2). Mr. MARGUERITE also implemented the same approach for his company Édition Dieu t'aime (EDT) SAS.

To do this, he also sent a hierarchical appeal set up on the basis of *[(French) Article L410-1 of the Code of Relations between the Public and the Administration]*, sent by registered letter with acknowledgment of receipt to the director of the DRFIP of Martinique, received on January 22, 2024 (see production no. 13), claiming the subsidies due under the solidarity fund and which had not been paid to him. In these two hierarchical appeals, he also stated his eligibility for the **“solidarity fund for companies particularly affected by the consequences of the covid-19 epidemic”**, from December 2021.

Indeed, from this period, the reference framework was modified, carried by new decrees. These new rules established that only companies that had an activity (at least 15% of turnover/reference month) or those that were forced to close are eligible for this subsidy. With these new calculation rules, Mr. MARGUERITE was not able to claim this subsidy, even though he was entitled to it.

This fact is a violation of his rights and we provide you with the evidence in the section entitled **“New evidence on the alleged internal illegality of the decrees relating to the solidarity fund”**.

In these two letters that Mr. MARGUERITE sent to the director of the DRFIP, he also presented the discriminatory treatment that the civil servant Mr. Vincent GUILGAULT had reserved for his complaints, for his two companies in the context of the payments of the solidarity fund that had not been paid to him and he requested that he be sanctioned for this.

The legal deadlines for responses to Mr. MARGUERITE's two letters (two months) established by *[(French) Article L411-7 du Code des relations entre le public et l'administration]* having expired and the director of the DRFIP not having responded to him, the sanction incurred by Mr. Vincent GUILGAULT became impossible because only a disciplinary council of his “peers” has this authority.

This is what was instituted by *[(French) Article L532-1 du Code général de la fonction publique]* which establishes the following: **“The disciplinary power belongs to the authority invested with the power of appointment or to the territorial authority which exercises it under the conditions provided for in sections 2 and 3.”**

Furthermore, French legislation provides in *[(French) Article L532-2 du Code général de la fonction publique]*, that after three years, from the moment when the DRFIP was informed of the facts by Mr. MARGUERITE's letters, that Mr. Vincent GUILGAULT is legally “untouchable”.

The seriousness of the facts that are here reproached to the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, comes from the content of these hierarchical appeals, because in these letters Mr. MARGUERITE, provided evidence of the professional misconduct committed by Mr. Vincent GUILGAULT, by having had in the management of the two files of his companies, a discriminatory treatment and totally inconsistent with his obligations, as well as the supporting documents of his eligibility for the solidarity funds. (see Contested Acts No. 1, 2 and production No. 13).

Due to the inertia of the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, months later Mr. MARGUERITE's situation is still the same because justice has not been done to him, and in doing so, he finds himself in greater precariousness day by day. (see productions no. 3, 4, 14, 15 and 18).

In addition, the director of the DRFIP of Martinique, by his lack of response following the two hierarchical appeals that Mr. MARGUERITE presented to him, which hinder the establishment of these disciplinary councils, meaning that the offending official, Mr. Vincent GUILGAULT will not be worried and therefore will not be able to answer for his actions, is also liable to a disciplinary sanction. By not responding to Mr. MARGUERITE's two hierarchical appeals within two months, the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, has contravened the obligations incumbent upon him and which are specified in the following texts:

- *[(French) Articles L121-1, L121-2, L121-8, L121-9 du Code général de la fonction publique],*
- *[(French) Article 27 de la Loi n°83-634 du 13 juillet 1983],*
- *[(French) Article du Code général de la fonction publique].*

All of this contravenes the responsibilities of his office. In addition, the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, has failed, on three occasions, to respond to the injunctions sent to him by the administrative court. Indeed, the administrative court of Martinique in the context of Mr. MARGUERITE's case No. 2200745 contacted the regional directorate of public finances of Martinique on **February 15, 2023**. Then, a reminder sent on **March 14, 2023** had no effect.

This was followed by a formal notice from the clerk sent on **May 10, 2023** to all of the aforementioned defendants. Then, nothing, no news, we will tell you, that it was nothingness. Until the judgment, therefore on April 25, 2024 and since February 15, 2023, there was no reaction from the defendants, resulting in Mr. MARGUERITE's case being put on hold for this long period, which contributed to increasing his difficulties.

This reality is even greater for those who hold an important position because responsibility goes hand in hand with rank and notoriety. This reality is presented in the case law on civil service in the *[Jurisprudence en matière de fonction publique tiré du site: <https://curia.europa.eu>]* which establishes the following: **“The public official, whatever his rank in the hierarchy, is responsible for the performance of the tasks assigned to him. He is not relieved of any of the responsibilities incumbent upon him by the personal responsibility of his subordinates.”**

This reality is even greater for those who hold an important position because responsibility goes hand in hand with rank and reputation. This reality is presented in the case law on civil service in the *[Jurisprudence en matière de fonction publique tiré du site: <https://curia.europa.eu>]* which establishes the following: **“3. Officials – Disciplinary regime – Penalty – Discretion of the appointing authority – Consideration of aggravating or mitigating circumstances: [...] An official commits gross negligence when he makes an error which, although not reflecting a deliberate intention to enrich himself to the detriment of the Union budget, remains difficult to excuse, especially in the light of the functions and responsibilities of the person concerned, his high grade and his length of service in the service of the institution. [...]”** *[Judgment of 19 November 2014, EH v Commission (F-42/14) (see paragraphs 115, 118, 124, 125)].*

Thus, the higher the rank of the official, the more significant the aggravating circumstances are with regard to his failings. The failings of the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET are therefore the most reprehensible due to his high position. Because of him, the situation of Mr. MARGUERITE has deteriorated more and more while the Regional Director of Public Finances of Martinique, favored and protected to his detriment, Mr. Vincent GUILGAULT.

By these acts he obstructed justice because, Mr. Rodolph SAUVONNET denied rendering justice after having been required to do so. In this area the [*Code Pénal. Partie législative (Articles 111-1 à 727-3) Section 2: Des entraves à l'exercice de la justice (Articles 434-7-1 à 434-23-1.) Article 434-7-1*] establishes the following:

**“The act, by a magistrate, any other person sitting in a judicial formation or any administrative authority, of denying to render justice after having been required to do so and of persisting in his denial after a warning or injunction from his superiors is punishable by a fine of 7,500 euros and a ban on exercising public functions for a period of five to twenty years.”**

Here, we discover that a public service agent cannot “deny to render justice” after having received the order, those who contravene this reality obstruct the proper conduct of justice and commit an obstruction of the exercise of justice. Thus, by his inaction, when the situation required them to intervene, the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, denied rendering justice to Mr. MARGUERITE, and by the same token, obstructed justice, especially by not responding three times to the injections of the Administrative Court of Martinique.

In doing so, when the Regional Director of Public Finances of Martinique, by his free will, decides not to transmit the documents requested by the administrative judge, he commits an arbitrary act, and as a result he uses his position to cover up the reprehensible acts of his collaborator, the civil servant Mr. Vincent GUILGAULT.

This fact constitutes an aggravating circumstance. This reality is presented in case law in matters of civil service in the [*Jurisprudence en matière de fonction publique tiré du site : <https://curia.europa.eu>*] which establishes the following:

**“8. Civil servants – Disciplinary regime – Sanction – Aggravating circumstances – Behavior of a civil servant exposing the integrity, reputation or interests of the institution to a risk of harm – Inclusion:**

**The independence of civil servants vis-à-vis third parties, which Articles 11 and 11a of the Staff Regulations in particular seek to preserve, must not only be assessed from a subjective point of view, since it also requires avoiding, particularly in the management of public funds, any behavior likely to objectively affect the image of the institutions and undermine the confidence that they must inspire in the public.**

**Thus, under Article 10(b) of Annex IX to the Staff Regulations, the institution may take into account as an aggravating circumstance the risk to which the official’s conduct exposed the integrity, reputation or interests of the institution, without being required to demonstrate whether and how many persons outside the institution were aware of the conduct in question of the official concerned. [...]**

We remind you that Mr. MARGUERITE's case is directly linked to public funds, since it is the non-payment of the solidarity fund that is in question here.

Thus, that Mr. Vincent GUILGAULT, acts in a discriminatory manner to prevent Mr. MARGUERITE from benefiting from this subsidy to which he is legitimately entitled, we have provided ample evidence of this, and that the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, does not implement the appropriate procedure so that this civil servant is sanctioned, the latter has behaved in a way that has exposed the integrity, reputation and interests of public finances.

Repercussion of cause and effect, Mr. Rodolph SAUVONNET has put in place aggravating circumstances and must therefore be sanctioned more harshly.

Furthermore, having received evidence of what Mr. MARGUERITE was claiming and which incriminated Mr. Vincent GUILGAULT, the fact of not responding within the time limits to his hierarchical request and not having set up a disciplinary council for this civil servant, the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, flouted Mr. MARGUERITE's right to have any harm he suffered presented before an impartial court. Which is a violation of the following texts:

- *[Charte des droits fondamentaux de l'Union européenne, Article 47 – Droit à un recours effectif et à accéder à un tribunal impartial],*
- *[Articles 6, 13, 17 de la Convention Européenne des Droits de l'Homme].*

By these unspeakable acts against Mr. MARGUERITE, Mr. Rodolph SAUVONNET, also contravened the following legislative texts:

- *[(French) Articles 4, 7 et 12 de la Déclaration des droits de l'homme et du citoyen du 26 août 1789].*

In doing so, he harmed Mr. MARGUERITE by not allowing him to seek justice for the acts perpetrated against him by Mr. Vincent GUILGAULT, thus this official has still not been able to answer for his actions towards him.

With these bases, the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, was required to ensure that his behavior could not harm the reputation of his administration and he had to act with complete impartiality in the processing of Mr. MARGUERITE's hierarchical appeals of August 23, 2022 for the company Marguerite Kenny (Édition GALAAD) and the one he received on January 22, 2024 for the company Édition Dieu t'aime (EDT) SAS, without seeking, by any means whatsoever, to advantage the incriminated agent, Mr. Vincent GUILGAULT, to the detriment of Mr. MARGUERITE.

The same applies to the letters that the DRFIP of Martinique received from the administrative court of Martinique in the context of the case of Mr. MARGUERITE n° 2200745 on February 15, 2023, March 14, 2023 and May 10, 2023, it was the responsibility of Mr. Rodolph SAUVONNET, as Regional Director of Public Finances of Martinique, to respond to them, here again, it is his inertia that is at fault.

In these situations that have just been presented, by virtue of his position as Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, had to ensure that he immediately put an end to and prevent the conflict of interest situation in which he found himself, in the context of Mr. MARGUERITE's hierarchical appeals of August 23, 2022 for the company Marguerite Kenny (Édition GALAAD) and the one he received on January 22, 2024, for the company Édition Dieu t'aime SAS, as well as for the requests addressed to him by the Administrative Court of Martinique in the context of Mr. MARGUERITE's case No. 2200745 on February 15, 2023, March 14, 2023 and May 10, 2023.

By not responding to Mr. MARGUERITE's letter within the required two months, the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET, created a situation of interference between the public interest and a private interest, namely the grievances of Mr. MARGUERITE. By this he voluntarily influenced the independent and impartial exercise which is the objective of his functions as a civil servant.

By his attitude and his lack of response, this civil servant forced Mr. MARGUERITE to take legal action to be defended. The result is that his behavior has undermined the users' consideration for the public service. Everything we have just seen shows us, without a shadow of a doubt, that Mr. Rodolph SAUVONNET acted in a discriminatory manner towards Mr. MARGUERITE and contravened his prerogatives as a civil servant, representing the French State and which are notified in the following texts:

- *[(French) Articles L121-1, L121-2, L. 121-6, L121-9, L. 121-7, L121-8 du Code général de la fonction publique],*
- *[(French) Article 27 de la Loi n°83-634 du 13 juillet 1983],*
- *[(French) Loi n° 78-753 du 17 juillet 1978 portant diverses mesures d'amélioration des relations entre l'administration et le public],*

- *[(French) Loi n°79-587 du 11 juillet 1979 relative à la motivation des actes administratifs et à l'amélioration des relations entre l'administration et le public],*
- *[(French) Loi n° 78-17 du 6 janvier 1978 relative à l'informatique, aux fichiers et aux libertés],*
- *[(French) LOI n° 2016-483 du 20 avril 2016 relative à la déontologie et aux droits et obligations des fonctionnaires (1)],*
- *[(French) Ordonnance n° 2021-1574 du 24 novembre 2021 portant partie législative du code général de la fonction publique].*

It therefore appears that Mr Rodolph SAUVONNET has given rise to negative preconceptions in Mr MARGUERITE with regard to public service, and therefore the State. Thus, Mr. Rodolph SAUVONNET as Regional Director of Public Finances of Martinique, having discredited the civil service, he must be sanctioned, according to the rules provided for this purpose and intended to frame the errors of civil servants, who contravene the charge which is theirs and which is entrusted to them, by virtue of the following texts:

- *[(French) Article L530-1 du Code général de la fonction publique],*
- *[(French) Article 66 de la loi no 84-16 du 11 janvier 1984],*
- *[(French) Loi no 83-634 du 13-07-1983 portant droits et obligations des fonctionnaires],*
- *[(French) Loi no 84-16 du 11-01-1984 portant dispositions statutaires relatives à la fonction publique de l'État],*
- *[(French) Décret no 84-961 du 25-10-1984 relatif à la procédure disciplinaire concernant les fonctionnaires de l'État].*

Furthermore, due to the dominant position conferred on him by his position as Regional Director of Public Finances of Martinique and because Mr Rodolph SAUVONNET appears to have deliberately harmed Mr MARGUERITE and on two occasions, for his two companies, he should not benefit from a mitigating situation, but on the contrary, aggravating circumstances should be held against him and this in accordance with the following texts from the *[Civil service case law taken from the site: <https://curia.europa.eu/>]*:

- *"1. Fonctionnaires – Régime disciplinaire – Sanction – Circonstance atténuante – Absence de récidive de l'acte ou de comportement fautif – Exclusion [Arrêt du 17 juillet 2012, BG / Médiateur (F-54/11) (cf. Point 127)] et [Arrêt du 22 mai 2014, BG / Médiateur (T-406/12 P) (cf. Point 75)]",*
- *"3. Fonctionnaires – Régime disciplinaire – Sanction – Pouvoir d'appréciation de l'autorité investie du pouvoir de nomination – Prise en compte des circonstances aggravantes ou atténuantes (Arrêt du 19 novembre 2014, EH / Commission (F-42/14) (cf. Points 115, 118, 124, 125))",*
- *"4. Fonctionnaires – Régime disciplinaire – Sanction – Respect du principe de proportionnalité – Gravité du manquement – Critères d'appréciation (Arrêt du 21 octobre 2015, AQ / Commission (F-57/14) (cf. Point 118))",*
- *"8. Fonctionnaires – Régime disciplinaire – Sanction – Circonstances aggravantes – Comportement d'un fonctionnaire exposant l'intégrité, la réputation ou les intérêts de l'institution à un risque d'atteinte – Inclusion [Arrêt du 10 juin 2016, HI / Commission (F-133/15) (cf. Point 204)] et [Ordonnance du 19 juillet 2017, HI / Commission (T-464/16 P) (cf. Points 52-54)]".*

For all the facts above-mentioned actions which are alleged against him and which have had a considerable negative impact on the life of Mr. MARGUERITE, Mr. Rodolph SAUVONNET, as head of the FIP accounting department, must be sanctioned, in accordance with the following:

- *[(French) Article 15 de la Constitution du 4 octobre 1958],*
- *[(French) Articles L530-1 du Code général de la fonction publique].*

## **6 New evidence on the responsibility of the civil servant Mr. Jérôme FOURNEL, as Director General of Public Finances, in the alleged external illegality:**

Now concerning the Director General of Public Finances, Mr. Jérôme FOURNEL, he is at the origin of the perpetuation of the extremely precarious situation in which Mr. MARGUERITE finds himself as well as of this case which had to be brought to court.

The responsibility of the civil servant Mr. Jérôme FOURNEL, as Director General of Public Finances had not been presented, in the context of the case of Mr. MARGUERITE No. 2200745 which was dealt with at first instance by the Administrative Court of Martinique, while his involvement is, while his involvement is proven, with supporting evidence. We provide you here with the elements demonstrating this.

To understand this, we must look at the first steps that Mr. MARGUERITE took to put an end to this discriminatory treatment orchestrated by Mr. Vincent GUILGAULT who, despite the various supporting documents produced on numerous occasions attesting to the eligibility of his two companies for solidarity funds, persisted in systematically rejecting his requests, without any apparent reason.

It was on this basis that Mr. MARGUERITE decided to send an email to the President of the Republic on **June 7, 2022**, to present to him the violations of his rights by this oft-mentioned official, in connection with the vaccinal laws against covid 19. (see production no. 12).

In return for the email that Mr. MARGUERITE sent him, here is the response he received from the Chief of Staff of the President of the Republic, Mr. Brice BLONDEL on **July 8, 2022**: *“Sir, the President of the Republic has received the e-mail you sent him.*

**Attentive to your approach, the Head of State has entrusted me with the task of thanking you and assuring you of all the attention reserved for the concerns you have expressed to him regarding your personal situation and the difficulties your publishing house is experiencing as a result of the health crisis for which you had requested the allocation of the Business Solidarity Fund.**

**This is why I did not fail to relay your letter to Mrs Olivia GRÉGOIRE, Minister Delegate to the Minister for the Economy, Finance and Industrial and Digital Sovereignty, in charge of small and medium-sized enterprises, trade, crafts and tourism and of prefect of the Martinique region, prefect of Martinique, asking them to carry out a diligent examination of the aid that could be provided to you.**

*You will be kept directly informed, by their care, of the follow-up likely to be reserved for your intervention.*

*Please accept, Sir, the expression of my best wishes. Brice BLONDEL”.* (see production no. 12). (Translated into English from the original text)

Then, Mr. MARGUERITE received the following letter from the chief of staff of Ms. Olivia Grégoire, Minister Delegate for Small and Medium Enterprises, Trade, Crafts and Tourism: *“Paris, 26 SEP 2022. Sir, you were kind enough to draw the attention of the Mister President of the Republic, who forwarded your letter to Ms. Olivia Grégoire, Minister Delegate for Small and Medium Enterprises, Trade, Crafts and Tourism, to the difficulties encountered by your publishing house in obtaining aid under the business solidarity fund.*

**The Minister has taken note of your correspondence and has asked Mr. Jérôme FOURNEL, Director General of Public Finances, to provide an update on this matter. You will be kept directly informed of the follow-up that may be reserved for it.**

*Please accept, Sir, the assurance of my distinguished consideration. Chris CHENEBAULT.”* (see production no. 12). (Translated into English from the original text).

To continue, we will tell you that by taking the time to analyze the content of these two ministerial letters, which Mr. MARGUERITE received, we easily understand what the President has acted on and what had to be put in place concerning him.

He states that he has taken due note of the electronic correspondence that Mr. MARGUERITE sent to him, assuring him of the full attention he was paying to his approach and that he was reserving for the concerns he had shared with him regarding his personal situation and the difficulties his publishing house was encountering following the health crisis for which he had requested the allocation of the Business Solidarity Fund.

To take into account the reality of the difficulties that Mr. MARGUERITE presented in his email to the President of June 7, 2022 and that he repeats in his letter, we invite you to reread an extract:

**“I am the business owner who was spolied by a tax officer from Lamentin (Martinique) by refusing me the subsidy allocated to businesses impacted by the health crisis due to COVID, when I was entitled to it.**

**This arbitrary decision completely impacted my life, reducing me to receiving social benefits lower than those of a homeless person.**

**In doing so, I lived or rather survived thanks to the assistance of my loved ones and with the supplementary RSA of €201.16 / month, revalued to €286.54 / month [...].” (see production no. 12). (Translated into English from the original text).**

To understand the content of these two letters that Mr. MARGUERITE received, we must not lose sight of the fact that the central problems that he presented to the President of the Republic on June 7, 2022, in his email and which were the source of his extremely precarious situation resulted from the approximate and erroneous processing of his file by a tax agent from Lamentin (Martinique), Mr. Vincent GUILGAULT.

The latter, by granting himself the right to establish his own management rules, by not diligently processing Mr. MARGUERITE's file, by not transmitting the documents provided which demonstrated his eligibility for the solidarity fund allocated to companies impacted by the health crisis due to COVID, was at the origin of his difficulties which grew every day, more.

Thus when the President of the Republic declares in this letter that he transmitted to Mr. MARGUERITE the following **“Attentive to your approach, the Head of State has entrusted me with the task of thanking you and assuring you of all the attention reserved for the concerns you have expressed to him regarding your personal situation and the difficulties your publishing house is experiencing as a result of the health crisis for which you had requested the allocation of the Business Solidarity Fund”**, he was responding here to his request for help against this civil servant who was despoiling him.

To do this, he asked the people in charge of this competence at the civil service level to study Mr. MARGUERITE's file in order to provide him with the solution that would suit his problem, therefore to review from another angle the disastrous treatment carried out by this civil servant, Mr. Vincent GUILGAULT. It was, through Mrs. Olivia Grégoire, Minister Delegate for Small and Medium Enterprises, Trade, Crafts and Tourism, that the President mandated the person with the most authority over this tax official Mr. Vincent GUILGAULT, namely Mr. Jérôme FOURNEL, Director General of Public Finances, so that all light could be shed on what Mr. MARGUERITE denounced, in the email he had sent him.

We therefore understand that when the President asks that Ms. Olivia GRÉGOIRE, Minister Delegate to the Minister of Economy, Finance and Industrial and Digital Sovereignty, be able to conduct a diligent review of the aid that could be provided to Mr. MARGUERITE, this also implied ensuring that all the obstacles were taken into account, including those who had created them, so that his rights were no longer violated and that they were restored.



Thus, if Mr. Jérôme FOURNEL, when he was the Director General of Public Finances, had complied with the hierarchical order that came to him directly from the President of the Republic, he would have had to set up a diligent investigation in order to know the ins and outs of Mr. MARGUERITE's affair and as a result he would have taken note of his letter sent on August 11, 2022 to the Regional Director of Public Finances of Martinique, Mr. Rodolph SAUVONNET.

In doing so, he could have noted that both Mr. Vincent GUILGAULT and Mr. Rodolph SAUVONNET had contravened their prerogatives as civil servants, by having treated Mr. MARGUERITE's file lightly, by concealing or not transmitting essential elements, thus flouting his rights.

In doing so, this letter from the President to Ms. Olivia GRÉGOIRE, Minister Delegate to the Minister of the Economy, Finance and Industrial and Digital Sovereignty (see production no. 12), representing a hierarchical directive, had to be executed by any minister, senior civil servant or civil service agent.

Thus, when the President of the Republic, through Mrs. Olivia Grégoire, Minister Delegate for Small and Medium Enterprises, Trade, Crafts and Tourism, gives a directive to follow to Mr. Jérôme FOURNEL, as part of his role as Director General of Public Finances, the latter cannot under any circumstances fail to implement it, except in cases of force majeure beyond his control.

This reality is directly linked to the fact that as a civil servant, Mr. Jérôme FOURNEL is subject to the obligation to comply with and implement a hierarchical order that he receives.

To discover this reality, we invite you to read *[(French) Article L121-10 du Code général de la fonction publique]* which establishes the following:

**“The public official must comply with the instructions of his hierarchical superior, except in the case where the order given is manifestly illegal and likely to seriously compromise a public interest.”** *(Translated into English from the original text).*

Furthermore, having failed to comply with the instructions of his superiors, which would have allowed, through a diligent analysis of Mr. MARGUERITE's file as requested, to identify the various pitfalls which had been reported very early on and to put an end to the perverse effects of this treatment “inflicted” by this official, Mr. Vincent GUILGAULT.

Thus, through his indolence, Mr. Jérôme FOURNEL, at the time when he was the Director General of Public Finances, denied rendering justice to Mr. MARGUERITE by, at the same time, obstructing justice.

Thus contravening the *[(French) Code Pénal. Partie législative (Articles 111-1 à 727-3) Section 2 : Des entraves à l'exercice de la justice (Articles 434-7-1 à 434-23-1) Article 434-7-1]* which establishes the following:

**“The act, by a magistrate, any other person sitting in a judicial formation or any administrative authority, of denying to render justice after having been required to do so and of persisting in his denial after a warning or injunction from his superiors is punishable by a fine of 7,500 euros and a ban on exercising public functions for a period of five to twenty years.”** *(Translated into English from the original text)*

To continue, let us now discover the discriminatory works of Jérôme FOURNEL, from the time when he was the general director of public finances towards Mr. MARGUERITE's company, Édition Dieu t'alme (EDT) SAS, they are not direct, but nevertheless real because the acts that Mr. MARGUERITE describes as laxity of this civil servant, have considerably impacted him.

In order to explain to you what we have just introduced, it is appropriate to come to the email that Mr. MARGUERITE sent to the President of the Republic before that of June 7, 2022 which we have already mentioned.

For a better understanding of what we want to bring here, we invite you to read an extract from this email sent by Mr. MARGUERITE to the Head of State on **March 1, 2021**:

*“Good morning, Mr. President of the Republic, my name is Kenny Ronald MARGUERITE, I live in Martinique. [...] Mr. President, I humbly come to you today to ask for your help for my two companies, which are in difficulty.*

**1) Company: ÉDITION DIEU T'AIME Siren: 808100192 Nic: 00018. Sector: Book publishers.**

**2) Company: KENNY MARGUERITE Siren: 422825885 Nic: 00060. Sector: Book publishers.**

**Now that I have introduced myself, here is my problem: I have been able to receive the covid aid for my companies since the beginning of the crisis, but my companies were not up to date with their tax procedures and their tax debts, so the aid was canceled. I have regularized the various shortcomings that were mine, and I apologized to the tax service for the inconvenience I caused them.**

*Unfortunately, my feeling is that one of the tax officials is blocking me and preventing me from having this assistance.” (see production no. 12). (Translated into English from the original text).*

Before developing the content of this email that we have just presented to you, we believe it is important that we take note of the feedback that Mr. MARGUERITE received following this email. Let's start with this letter, dated **March 5, 2021**, that Mr. MARGUERITE received from the Chief of Staff of the President of the Republic, Mr. Brice BLONDEL:

*“Sir, The President of the Republic has received the mail that you wished to send him.*

*Sensitive to the concerns you express and attentive to your personal situation, the Head of State has entrusted me with the task of assuring you that it has been taken note of.*

**Mr. Emmanuel MACRON is fully aware of the difficulties faced by his fellow citizens as well as the economic, social and psychological consequences caused by this unprecedented health crisis we have to face.**

*At his request, I did not fail to relay your request to the Minister Delegate to the Minister of the Economy, Finance and the relaunch, responsible for small and medium-sized enterprises, as well as to the Prefect of the Martinique region, Prefect of Martinique, so that the means likely to help you could be sought. [...]” (Translated into English from the original text). (see production no. 12).*

Following this, Mr. MARGUERITE received this letter dated **April 28, 2012** from the prefecture of Martinique: **“Sir, by letter of March 5, 2021, the President of the Republic communicated to me your correspondence in which you share the difficulties that your companies would encounter as a result of the health crisis.**

**You are asking for help. I will send your file to the Commissioner for Enterprise Life and Productive Development for an appropriate examination. You will be directly informed of the follow-up given to it.**

*In addition, if you wish, you can contact the social services of the Martinique local authority (0596 55 37 57, for possible financial assistance. [...]” (Translated into English from the original text). (see production no. 12).*

The most important thing in what we have just seen is the feedback that Mr. MARGUERITE received from the prefect of Martinique, following the first email he sent to the President of the Republic.

Let us reread this extract, which highlights the points that we would like to highlight:

**“Sir, by letter of March 5, 2021, the President of the Republic communicated to me your correspondence in which you share the difficulties that your companies would encounter as a result of the health crisis. You are asking for help.”**

This extract clearly establishes that in his email, Mr. MARGUERITE sent a request to the Head of State in which he presented the difficulties encountered by his two companies.

Which demonstrates that the President of the Republic and his Chief of Staff, Mr. Brice BLONDEL, who gave Mr. MARGUERITE two feedbacks on his situation on March 5, 2021 and July 8, 2022 (see production no. 12), had clearly noted that his difficulties concerned these two companies.

In doing so, by asking, through the Minister Delegate, Ms. Olivia GRÉGOIRE, Mr. Jérôme FOURNEL, Director General of Public Finances, to take stock of Mr. MARGUERITE's file and to keep him directly informed of the follow-up that could be reserved for him, this included his two companies.

If Mr. Jérôme FOURNEL had complied with the directives issued by the President of the Republic, he would have taken stock and, by returning to Mr. MARGUERITE, he would have been able to complete his need for information, which would mean that he would inevitably understand that his request was legitimate and that the reasons given were well-founded.

Thus, Mr. Jérôme FOURNEL, when he was Director General of Public Finances, harmed Mr. MARGUERITE doubly by his lack of reaction because, as a result, his two companies sank into chaos and are slowly sliding towards the limbo of non-existence.

If he had reacted to the directives given to him, all this energy that Mr. MARGUERITE is deploying to set up this legal case would never have happened.

By not implementing the presidential directives he received and which were intended to respond to the hierarchical appeals addressed by Mr. MARGUERITE to the President of the Republic, Mr. Jérôme FOURNEL, at the time when he was Director General of Public Finances, contributed to keeping him in the dark about the actions that could be implemented in order to change his situation.

As a result, the direct consequence of his behavior was the worsening of Mr. MARGUERITE's situation and his distrust of State institutions.

The above-mentioned actions of Mr. Jérôme FOURNEL, when he was Director General of Public Finances, demonstrate to us, without a shadow of a doubt, that he acted in a discriminatory manner towards Mr. MARGUERITE and contravened his prerogatives as a civil servant, representing the French State and which are specified in the following texts:

- *[(French) Articles L121-1, L121-2, L. 121-6, L121-9, L. 121-7, L121-8 du Code général de la fonction publique],*
- *[(French) Article 27 de la Loi n°83-634 du 13 juillet 1983],*
- *[(French) Loi n° 78-753 du 17 juillet 1978 portant diverses mesures d'amélioration des relations entre l'administration et le public],*
- *[(French) Loi n°79-587 du 11 juillet 1979 relative à la motivation des actes administratifs et à l'amélioration des relations entre l'administration et le public],*
- *[(French) Loi n° 78-17 du 6 janvier 1978 relative à l'informatique, aux fichiers et aux libertés],*
- *[(French) LOI n° 2016-483 du 20 avril 2016 relative à la déontologie et aux droits et obligations des fonctionnaires (1)],*
- *[(French) Ordonnance n° 2021-1574 du 24 novembre 2021 portant partie législative du code général de la fonction publique].*

From the above, it emerges that Mr. Jérôme FOURNEL has given rise to negative a priori in Mr. MARGUERITE with regard to the public service, and therefore the State.

Thus, Mr. Jérôme FOURNEL, as Director General of Public Finances, having discredited the civil service, must be sanctioned, according to the rules provided for this purpose and intended to regulate the errors of civil servants, who contravene the duty which is theirs and which is entrusted to them, by virtue of the following texts:

- *[(French) Article L530-1 du Code général de la fonction publique],*
- *[(French) Article 66 de la loi no 84-16 du 11 janvier 1984],*
- *[(French) Loi no 83-634 du 13-07-1983 portant droits et obligations des fonctionnaires],*
- *[(French) Loi no 84-16 du 11-01-1984 portant dispositions statutaires relatives à la fonction publique de l'État],*
- *[(French) Décret no 84-961 du 25-10-1984 relatif à la procédure disciplinaire concernant les fonctionnaires de l'État].*

By his actions towards Mr. MARGUERITE and towards his two companies, Mr. Jérôme FOURNEL, contravened the prerogatives that are his as a civil servant because, he flouted the texts that we have just seen and by his dominant position, at the time of the facts as Director General of Public Finances, he could not be unaware of what was incumbent on him.

Not sanctioning Mr. Jérôme FOURNEL, for his inertia, at the time when he was Director General of Public Finances, would create a precedent that would lead other senior State officials to do the same which would be the beginning of the decline of the Fifth Republic. The honors and prestige of the rank of senior civil servants go hand in hand with their obligations, especially that of obeying a hierarchical order, particularly when it comes from the Head of State.

Mr Jérôme FOURNEL should not benefit from a mitigating situation, but aggravating circumstances should be held against him and this in accordance with the following texts from the *[Civil service case law taken from the site: <https://curia.europa.eu/>]:*

- *“1. Fonctionnaires – Régime disciplinaire – Sanction – Circonstance atténuante – Absence de récidive de l'acte ou de comportement fautif – Exclusion [Arrêt du 17 juillet 2012, BG / Médiateur (F-54/11) (cf. Point 127)] et [Arrêt du 22 mai 2014, BG / Médiateur (T-406/12 P) (cf. Point 75)]”,*
- *“3. Fonctionnaires – Régime disciplinaire – Sanction – Pouvoir d'appréciation de l'autorité investie du pouvoir de nomination – Prise en compte des circonstances aggravantes ou atténuantes (Arrêt du 19 novembre 2014, EH / Commission (F-42/14) (cf. Points 115, 118, 124, 125)]”,*
- *“4. Fonctionnaires – Régime disciplinaire – Sanction – Respect du principe de proportionnalité – Gravité du manquement – Critères d'appréciation (Arrêt du 21 octobre 2015, AQ / Commission (F-57/14) (cf. Point 118)]”,*
- *“8. Fonctionnaires – Régime disciplinaire – Sanction – Circonstances aggravantes – Comportement d'un fonctionnaire exposant l'intégrité, la réputation ou les intérêts de l'institution à un risque d'atteinte – Inclusion [Arrêt du 10 juin 2016, HI / Commission (F-133/15) (cf. Point 204)] et [Ordonnance du 19 juillet 2017, HI / Commission (T-464/16 P) (cf. Points 52-54)]”.*

For all of the above facts with which he is accused and which had a considerable impact on the life of Mr. MARGUERITE, Mr. Jérôme FOURNEL, at the time when he was the Director General of Public Finances, must be sanctioned in accordance with the following:

- *[(French) Article 15 de la Constitution du 4 octobre 1958],*
- *[(French) Articles L530-1 du Code général de la fonction publique].*

## 7 Presentation of the loss of opportunity and loss of earnings that the covid 19 vaccination laws generated against Mr. MARGUERITE:

In the context of case no. 2200745 which was handled at first instance by the administrative court of Martinique, Mr. MARGUERITE presented the discrimination he suffered under the yoke of the vaccinal laws against covid 19, however he did not request damages, which is not the case in the context of this appeal. Since there cannot be damages paid without the damages suffered being demonstrated, we provide you here, as well as in the following section, with evidence of the losses that Mr. MARGUERITE suffered in a discriminatory manner because of the covid 19 vaccination laws.

To begin with, we will tell you that as already presented at the beginning of this brief, following the advice of an accountant, Mr. MARGUERITE put in place plans intended to allow his businesses to become prosperous. Thanks to this, his companies began to take off, unfortunately the vaccinal laws against covid 19 put in place by the government in order to contain the Corona virus pandemic forced him into technical unemployment.

Based on the foundations we have just established, we now present to you the collateral damage he suffered because of the vaccinal laws against covid 19, which hindered him as an unvaccinated person and prevented him from working:

- He invested **€7,008.40** in a hair analysis device that was supposed to allow him **to optimize his turnover, multiplying it by three**. However, since he was unable to work because of the vaccinal laws against covid 19, he had no income, so he was unable to optimize his investment, as estimated. (see production no. 6).  
Despite everything, in return, he continues until **December 10, 2026** to pay the loan repayments, amounting to **€295.51**, which he took out with ADIE, among others, to pay for this purchase. (see production no. 5).  
This reimbursement is becoming increasingly difficult for him, given his current paltry resources that we have repeatedly highlighted.
- These losses also concern the order of hair products against hair loss that he made for an amount of **€2,898.00** and which constitute a net loss because due to the restrictions of the vaccinal laws against covid 19, he was unable to sell them, in doing so they expired, so he had to throw them away. (see production no. 6).
- Another effect of this crisis is also the investment of **€1,732.01 + 680 = €2,412.01** made for training and certification purposes, as a hairdresser who advises on hair problems. Because of the vaccinal laws against covid 19, he was unable to have a return on his investment (see production no. 6).
- Let's also talk about this other wasted investment corresponding to the translation costs of his books into English, the invoices for which total **£7,235.12 = €8,452.03 (see production no. 10)**, intended to open Mr. MARGUERITE's businesses internationally, corrected files that could not give rise to the editions, due to lack of finances, resulting from the vaccinal laws against covid 19 and the non-payment of several months of solidarity funds.
- We must also add the **€3,841.60** already invested before the crisis for the publication of his book entitled **"Inquisitiô (volume II)..." (see production no. 9)** and which, today, is sleeping in a cupboard, completely unsaleable because moldy and yellowed.
- As collateral damage from the health crisis and the constraints of closing bookstores, we must mention the net losses recorded due to the bankruptcy that followed for the company Socolivre, which, upon being liquidated, did not pay Mr. MARGUERITE the debt of **€4,100 (see production no. 9)**.

- In order to be autonomous during the seminars he holds with small structures that do not have the appropriate equipment, he invested in the acquisition of a video projector and a screen for projecting images, a portable sound system and two microphones, as well as their installation equipment. This represents an average investment of **369 + 273.94 + 459.80 + = €1,102.74** that he was unable to optimize because of the vaccinal laws against covid 19 (see production no. 6).

Mr. MARGUERITE therefore committed an average financing of **€29,814.78**, without being able to fully benefit from a return on investment. The repercussion, in the long term, is that because of the vaccinal laws against covid 19, he finds himself in great precariousness, unable to resume his activities, even if the health crisis is over.

Quite simply, because he no longer has the means to invest in the price of flyers, leaflets, banners, tickets and other consumables (see production no. 24), intended to promote his seminars within the associations with which he would be required to work in partnership or to rent a room (see production no. 24) to hold his seminars outside those carried out in partnership.

Upstream investments would allow him to continue his activity and set up new seminars.

It is the seminars that allow him to have a new clientele for the sale of his books and the hair assessments that generate the sale of hair products, so, without finance none of this is possible.

Among the other damages that have been caused to Mr. MARGUERITE due to the application of these vaccinal laws against covid 19, there is also the banking and credit ban (see production no. 24) resulting from the prevention of exercising his professional activity. This state of affairs would certainly not have happened, considering the relatively decent income he had started to receive before the pandemic. The direct impact of this banking and credit ban at the end of the health crisis was the impossibility for Mr. MARGUERITE to apply for a loan from a bank or a credit institution. This state of affairs paralyzes him because he is unable to bounce back to reinvest in his companies.

Thus, because of the restrictions that the vaccinal laws against covid 19, which are nevertheless unconstitutional, have brought about by removing from Mr. MARGUERITE for a certain time, any possibility of exercising his professional activity, the terrible observation is there, this loss of income generated which continues making him, we repeat, go from a monthly income of **€4,646.50 for January and February 2020 to €331.57, euros for April 2024**, to which are added housing benefits for an amount of €265 (see productions n° 3, 4, 14 and 18).

Knowing that his rent alone is €400, he therefore does not even have the minimum vital to live, without the help of his fiancée, he does not know how he could have done or else, he would join the ranks of the homeless, a completely surreal situation for him. In a word, these covid 19 vaccination laws have led to his bankruptcy.

The result of this discriminatory treatment is his "fall (lowering)", going from the status of a business manager earning an average of **€3,500, or even €4,646.50**, in the months preceding the health crisis, to the stage of someone "without a fixed income", surviving thanks to the help of the CCAS of his municipality, his social worker and his relatives and, at the time of writing this file, he has an income that is far from the minimum subsistence level, **to say the least**.

This disastrous situation is one of the direct repercussions of this ban put in place by the vaccinal laws against covid 19 and which prevented Mr. MARGUERITE as an unvaccinated person from working by leading seminars.

His companies have been particularly impacted and he now finds himself unable to reschedule seminars, the backbone of his business. Indeed, he does not have the means to support the costs inherent in their organization, nor to buy hair products for resale. In doing so, he most certainly risks the bankruptcy of his companies, and this in spite of himself, because the social and tax charges continue to run.

## 8 New evidence on the alleged internal illegality of the decrees relating to the solidarity fund:

In this section we will present new evidence that demonstrates Mr. MARGUERITE's eligibility for the solidarity fund, for his two companies and the discrimination and their non-payment, or their partial payment made in an arbitrary and discriminatory manner.

In the context of case no. 2200745 which was handled at first instance by the Administrative Court of Martinique, Mr. MARGUERITE presented figures, which neither he nor the Administrative Court of Martinique had been able to support or quantify with supporting evidence.

What we have just seen is supported by the request that the Administrative Court of Martinique notified to Mr. MARGUERITE, on March 14, 2024 through its clerk, and from which we invite you to read an extract again:

**“[...] Sir, you benefited from the solidarity fund (decree no. 2020-371 of March 30, 2020) between March 2020 and February 2021 in the amount of 19,468 euros, taking into account the cancellation of the enforceable title issued by the DRFIP on October 21, 2021”. The court would like to know:**

*1/ for which months you are requesting in your application the benefit of this solidarity fund;  
2/ whether you submitted requests for financial aid to the DRFIP at the time, for each of the months concerned;*

**3/ whether you are able to include in the case file the refusal decisions that the DRFIP may have made to you at the time of these requests. Please accept, Sir, the assurance of my distinguished consideration. The Chief Clerk, or by delegation the Clerk, ».** *(see production no. 25). (translated into English from the original text).*

This text shows us that as of March 14, 2024, less than two months before the judgment of Mr. MARGUERITE's case No. 2200745, which took place on April 25, 2024, the reality of the sums owed to him under the solidarity fund was still not yet known to the administrative judges of Martinique in charge of his case.

Furthermore, in the section **“Presentation of the reality of Mr. MARGUERITE's rights discriminated against by the administrative court of Martinique in the context of his case”**, we saw that the administrative judges of Martinique in charge of Mr. MARGUERITE's case discriminated against him by stating that he had **“benefited from the solidarity fund (decree no. 2020-371 of March 30, 2020) between March 2020 and February 2021 in the amount of 19,468 euros”**.

This statement, is false and unfounded. Indeed, although he received the solidarity fund for the months of March to December 2020, no subsidy was paid to him for the months of January and February 2021.

To defend himself and demonstrate, among other things, the error and defamation of which he was the victim, on **March 18, 2024**, Mr. MARGUERITE sent a request to the administrative judges of Martinique in charge of his case (see production no. 26).

Unfortunately, this request by Mr. MARGUERITE intended to defend him and provide new elements, among other things the amount of what is owed to him under the solidarity fund, was rejected on **April 4, 2024 (see production no. 27)**.

Thus, as it is Mr. MARGUERITE's strictest right to defend himself by providing irrefutable evidence demonstrating, among other things, the reality of the sums owed to him under the solidarity fund for his two companies, we present to the administrative court of appeal of BORDEAUX this part intended to shed light on this case.

To get to the heart of the matter, we will present the bases that demonstrate the discriminations that the laws established for the management of the solidarity fund have created towards Mr. MARGUERITE.

To begin, it is important to know that both of Mr. MARGUERITE's companies are eligible for the solidarity fund.

To find out, let's first take note of the [*Décret n° 2020-371 du 30 mars 2020 relatif au fonds de solidarité à destination des entreprises particulièrement touchées par les conséquences économiques, financières et sociales de la propagation de l'épidémie de covid-19 et des mesures prises pour limiter cette propagation (translated into English from the original text)*] which establishes the following:

*"The financial aid provided for in Article 3 takes the form of subsidies awarded by decision of the Minister of Action and Public Accounts to the companies mentioned in Article 1 of this decree which meet the following conditions: [...].*

**- or, for companies created after March 1, 2019, compared to the average monthly turnover over the period between the date of creation of the company and February 29, 2020; [...]**

**8° The amount of their turnover recorded during the last closed financial year is less than one million euros.**

**For companies that have not yet closed a financial year, the average monthly turnover over the period between the date of creation of the company and February 29, 2020 must be less than 83,333 euros."**

This decree is the reference text for the implementation of the solidarity fund.

Thanks to what has been presented previously, we understand that the company M. MARGUERITE registered in his own name, Kenny Ronald MARGUERITE (ÉDITION GALAAD) is therefore eligible for this subsidy, because from the start of its activity, therefore July 24, 2019 until December 31, 2019 it generated a total turnover of **17,770 euros**, therefore an average monthly turnover of **€3,554 (see production no. 4)**.

This company having had a turnover for the year 2019, representing a monthly average of **€3,554**, therefore well below **€83,333 monthly** and below one **million euros** for the year, it therefore meets the eligibility criteria and this subsidy is therefore due to Mr. MARGUERITE for his company.

Let us now come to Mr. MARGUERITE's company, Éditions Dieu t'aime SAS, and its eligibility for the solidarity fund, because the basis for calculating this subsidy is the turnover of the companies and not the profit they generated for that year.

Thus, although for the **year 2019** this company had a net operating loss of **€4,147**, nevertheless its annual turnover was **€56,684**, or a **monthly** average of **€4,723.66 (see production no. 3)**.

This company having had a turnover for the year **2019**, representing a monthly average of **€4,723.66**, therefore well below **€83,333 monthly** and below one **million euros** for the year, it therefore meets the eligibility criteria for this subsidy for the year 2020, so the solidarity fund is therefore due to Mr. MARGUERITE for this company for this period.

The payments that Mr. MARGUERITE received under the solidarity fund for these two companies demonstrate that they are eligible for this subsidy (see productions no. 22, 23, 28 and 29).

Nevertheless, although Mr. MARGUERITE's companies are eligible for this solidarity fund, it is the lack of competence or the carelessness of this Martinique tax official in processing his files that deprived him of this resource to which he should have been entitled.

We support our remarks in the section entitled **"New evidence on the responsibility of the civil servant Mr. Vincent GUILGAULT, as head of the FIP accounting department other categories, in the alleged external illegality"**.

To continue, it is important to note that two distinct periods marked the health crisis in our opinion with regard to the payment of the solidarity fund:



- The first option is the standard established for the payment of the solidarity fund, during the months when companies were in lockdown or under a total or almost total shutdown of their activities according to what was instituted by the vaccinal laws against covid 19. During this period, the amounts of the solidarity fund that companies received were optimal.
- The second option covered the other months, during the health crisis, when there was the possibility for certain companies to partially or completely resume their activity subject to constraints, such as the obligation to vaccinate against covid 19 for those who worked in these structures.  
In doing so, the amount of the solidarity fund was revised downwards for these companies.

The scene set, let us now come to the reality of what Mr. MARGUERITE experienced, to do this, it is important not to lose sight of the fact that the primary reason for his businesses was mainly the publishing of his books and the holding of seminars around their various themes.

In doing so, during the entire sanitary crisis linked to covid 19 and this from **March 16, 2020 to April 9, 2022**, the date of suspension of the “sanitary pass” in the Antilles, Mr. MARGUERITE was subject to the vaccinal laws against covid 19 and forced by them, as someone not vaccinated against covid 19 to technical unemployment, this for his two companies.

As part of his activities, he was therefore forced to close completely during the entire health crisis.

Here is one of the discriminations against Mr. MARGUERITE put in place by the French government because, due to the characteristics of his companies, already explained many times, he was forced into total technical unemployment, by the vaccinal laws against covid 19, throughout the duration of the pandemic and on the other hand, he has, for certain months during this period, received minimized payments under the solidarity fund.

For his company Édition Dieu t'aime (EDT) SAS these payments from the solidarity fund, received at a minimum, were **€770 or €1,500. (see production nos. 22 and 23).**

For his company Kenny Ronald MARGUERITE (ÉDITION GALAAD) these payments from the solidarity fund, received at a minimum, were **€296, €710, €977 or €1,500. (see production nos. 28 and 29).**

It should be noted that for some months, these payments from the solidarity fund were non-existent. For the company Édition Dieu t'aime (EDT) SAS, this was the case from November 2020 to February 2022. (see production nos. 22 and 23).

For the company Kenny Ronald MARGUERITE (ÉDITION GALAAD) this reality is clear, for the months of January, February and October 2021 as well as for the months of January and February 2022. (see production nos. 28 and 29).

How can this variable geometry regulation be explained? How can criteria that are a priori well-defined and well-framed evolve as certain files are processed?

To fully appreciate this profound inequality of treatment, let us take as an example the month of July 2021, for which the solidarity fund was not paid at all to Mr. MARGUERITE for his company Édition Dieu t'aime (EDT) SAS and concerning his company Kenny Ronald MARGUERITE (ÉDITION GALAAD), the amount allocated was **€296 (see production nos. 28 and 29).** Thus, for the month of July 2021, below, what Mr. MARGUERITE received in total as income:

**296 euros (under the solidarity fund) + 201.16 € (activity bonus - *The activity bonus is an income supplement paid to encourage professional activity, subject to resource conditions, to active people aged 18 and over, whether they are employees, self-employed workers or civil servants*) or a total of 496.16 € of income. (see productions n° 3, 4, 14, 22, 23, 28 and 29).**

We remind you that this constituted Mr. MARGUERITE's only resources since he had no professional income for this year 2021 (see productions n° 3 and 4), because he was forced not to exercise his activity, due to his status as unvaccinated against covid 19, in view of the restrictions put in place by the vaccinal laws against covid 19.

It is important to emphasize that the French State must ensure that all French people have a minimum living wage, **the active solidarity income (RSA), which in 2021 was €565.34** for a single person, which was the case for Mr. MARGUERITE.

This figure is taken from *[Le revenu de solidarité active (RSA) – Drees. PDF. Extract taken from the website: <https://drees.solidarites-sante.gouv.fr>. 2021-09]*.

Thus, we understand that Mr. MARGUERITE experienced discrimination, as because of the vaccinal laws against covid 19, his basic income fell dramatically from an average of **€3,554 per month for the year 2019 and €4,646.50 per month for January and February 2020**, just before the start of the first lockdown due to the sanitary crisis and to end up reaching this modest resource of **€496.16 for the month of July 2021**, which is below the legal minimum that the French State must provide for his survival, as we have seen.

Still in the same vein as what we have just seen, it should be noted that a difference relating to the method of calculating the solidarity fund had appeared for the months of January and February 2022 established by *[Décret n° 2022-348 du 12 mars 2022 relatif à l'adaptation au titre des mois de janvier et février 2022 du fonds de solidarité à destination des entreprises particulièrement touchées par les conséquences de l'épidémie de covid-19 et des mesures prises pour limiter cette propagation]*, which further accentuated Mr. MARGUERITE's state of extreme precariousness.

Thus, to ratify the request on the tax interface, it was necessary to have recorded for these two months mentioned above, a minimum monthly turnover which represented 15% of the monthly turnover of 2019. In doing so, for the months of January 2022 and February 2022, Mr. MARGUERITE's two companies did not receive any payment from this solidarity fund (see productions n° 22, 23, 28 and 29).

Thus, the demonstration that we have made of the eligibility of Mr. MARGUERITE's two companies for the previous years is valid for these two months.

However, due to the new criteria for allocating the solidarity fund, he was unable to claim it for January and February 2022. Below, his income for these months:

For the month of **January 2022**, he received **€201.16 relating to the payment of the activity bonus (see productions no. 3, 4, 14, 22, 23, 28 and 29)**. For the **month of February**, his income was **€286.54 for the activity bonus (see productions no. 3, 4, 14, 22, 23, 28 and 29)**.

Faced with this new blow and this new discrimination, what more can be said, except that the income received for January and February 2022 was even lower than that which Mr. MARGUERITE already deplored for the month of July 2021, even further from the RSA, i.e. almost half.

As we have just demonstrated in the specific case of Mr. MARGUERITE, the minimum payments received for the solidarity fund bring into conflict certain parts of the French Constitution, namely his right to the protection of his health and his right to material security presented in *[(French) Article 11 du Préambule de la Constitution de 1946 (translated into English from the original text)]* which establishes the following:

**“It guarantees to all, especially children, mothers and elderly workers, protection of health, material security, rest and leisure.”**

Concerning Mr. MARGUERITE, it is therefore a very great discrimination and an enormous disparity that the vaccinal laws against covid 19 have instituted, leaving him for several months in a devastating precariousness, with much less than the bare minimum to live! It is important to specify that discrimination is prohibited, the supranational texts referred to below display it:

- *[(French) Article 2, loi n° 2008-496 du 27 mai 2008 portant diverses dispositions d'adaptation au droit communautaire dans le domaine de la lutte contre les discriminations],*
- *[Article 9 de la Convention européenne des droits de l'homme Liberté de pensée, de conscience et de religion, articles 1 et 2],*
- *[Protocole numéro 12 à la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales, articles 1 et 2 (Interdiction générale de la discrimination)],*
- *[Commission des affaires européennes du Sénat. Actualités Européennes. N°67, 21 juillet 2021. Obligation vaccinale et pass sanitaire : position de l'Union Européenne et du Conseil de l'Europe].*

From the above, it follows that the laws establishing the solidarity fund and establishing the terms of the sums to be received by business leaders contravene both the French constitution and European law.

It is also important to note that these new provisions which prevented Mr. MARGUERITE from receiving this subsidy or which led him to receive it at a minimum, also contravene the right conferred on him by *[(French) Article 11 Déclaration des Droits de l'Homme et du Citoyen de 1789 (translated into English from the original text)]* which establishes the following:

**“No one shall be disturbed for their opinions, even religious ones, provided that their manifestation does not disturb the public order established by law.”**

If Mr. MARGUERITE was unable to work for months, it is because of his unvaccinated status against covid 19, particularly in connection with his religious beliefs.

We present this reality to you in the section **“Reality of the unconstitutional nature of the vaccinal laws against covid 19, which contravene the right of Mr. MARGUERITE, as a Frenchman, not to be vaccinated against Covid 19 because of his faith”**.

Thus, Mr. MARGUERITE cannot be penalized in any way because of his faith because religious freedom is a right that has also been enshrined in the texts of European law seen previously. These texts are rich in lessons.

Indeed, it is certainly mentioned that in order to protect public health, limitations can **“crop” the rights of individuals, but they “must be necessary and proportionate”**. Furthermore, let us stop at *[Article 9 de la Convention des droits de l'Homme relatif à la liberté de pensée, de conscience et de religion]*.

This is one of the dimensions highlighted by the European Union to justify that the vaccinal obligation against covid 19 should not be extended to everyone.

The fundamental bases of religious freedom are laid down here and are clear.

In light of all of the above, we understand that *“Décret n° 2020-371 du 30 mars 2020 relatif au fonds de solidarité...”* as well as *“Décret n° 2021-79 du 28 janvier 2021 relatif au fonds de solidarité...”* and *“Décret n° 2022-348 du 12 mars 2022 relatif à l'adaptation au titre des mois de janvier et février 2022 du fonds de solidarité...”* which establish the minimum payment of the solidarity fund, for Mr. MARGUERITE's companies, are based on a manifest error of judgment based on the one hand on the fact that they created an impossibility of reconciling the right of the French to have protection for their health, with that of having assurance of their material security, in accordance with the *[(French) Article 11 du Préambule de la Constitution de 1946]*.

And on the other hand, a disagreement between the part of *[(French) Article 11 du Préambule de la Constitution de 1946]*, which ensures the French the right to benefit from protection for their health, and *[(French) Article 10 déclaration des Droits de l'Homme et du Citoyen de 1789]* which states the fact of not being disturbed for their opinions, among others, religious.

These incriminated decrees establishing the new criteria for the payment of the solidarity fund cannot usefully prosper because it creates a non-reconciliation between fundamental rights established in the French constitution.

Such means, in this case these disputed decrees, contravening the French constitution and European law, can only be rejected, in the processing of Mr. MARGUERITE's case within the framework of the *"solidarity fund for companies particularly affected by the consequences of the covid-19 epidemic"*.

In light of what we have just seen, we understand that the disputed decrees, not taking into account the constitutional rights of Mr. MARGUERITE which are cited, are not adapted to manage all the ins and outs for which they were issued and in fact contravene the French constitution and European law.

Before continuing, it should be noted that the entire argument relating to what we are now going to present is based on the following texts:

- *[Guide sur l'article 7 de la Convention européenne des droits de l'homme. I. Introduction],*
- *[(French) Article 5 de la Déclaration des droits de l'homme et du citoyen de 1789],*
- *[(French) Conseil d'État. Dossier thématique du 10 mars 2022. Le juge administratif et le droit de l'Union européenne. 2-2 Un dialogue des Juges [4] a permis de concilier l'office du juge administratif Juge national et comme juge de droit commun du droit de l'Union Européenne. 2-2-1 le conseil Constitutionnel, le Conseil d'État et la CJUE ont jugé que le contrôle prioritaire de la constitutionnalité des lois était compatible avec le droit de l'Union. Tiré du site internet : <https://www.conseil-etat.fr>],*
- *[(French) Conseil d'État. Dossier thématique du 10 mars 2022. Le juge administratif et le droit de l'Union européenne. 1) Le juge administratif assure pleinement l'intégration du droit de l'Union européenne dans l'ordre juridique national. 1-1 La reconnaissance des spécificités du droit de l'union par le juge administratif : Effet direct et primauté du droit de l'union Européenne. Tiré du site internet : <https://www.conseil-etat.fr>],*
- *[(French) Conseil d'État. Dossier thématique du 10 mars 2022. Le juge administratif et le droit de l'Union européenne. 1-2 L'autonomie institutionnelle et procédurale : un mécanisme de subsidiarité juridictionnelle inhérente aux techniques d'application du droit de l'union. Tiré du site internet : <https://www.conseil-etat.fr>],*
- *[(French) Conseil d'État. Dossier thématique du 10 mars 2022. Le juge administratif et le droit de l'Union européenne. 1-3 La reconnaissance des spécificités du droit de l'union Européenne emporte des conséquences importantes pour l'administration Française. Tiré du site internet : <https://www.conseil-etat.fr>].*

Thus, as a legislative text cannot contravene the French constitution and European law, the contested decrees have established discriminations which make parts of the French Constitution in opposition, they cannot therefore in any case be retained for the calculation of the solidarity fund to be paid to Mr. MARGUERITE.

Furthermore, we recall the primacy of European texts over those of the Member States.

In doing so, as the disputed decrees, as we have seen, contravene European law, thus, in a court of justice, in the presence of such texts, the magistrates must set them aside.

To understand the scope of what we have just presented, we must not lose sight of the fact that the vaccinal laws against covid 19, which were instituted in France, contravene the supranational bases established in the "Declaration of Helsinki", to which Europe is subject.

To discover this reality, I invite you to read the part entitled "**On the alleged internal illegality of the vaccinal laws against covid 19**".

The above allows us to affirm that the vaccinal laws against covid 19 are null and void and cannot in any case find sustainability, neither in France nor before a European administrative court.

Thus, the moral and financial consequences that Mr. MARGUERITE suffered in the context of the payment of the "*solidarity fund for companies particularly affected by the consequences of the covid-19 epidemic*" based primarily on the restrictions put in place by covid 19 vaccinal laws that contravene European law and which prevented him from working, engage the responsibility of France, which is required to put an end to any inequality resulting from a misapplication or interpretation of the legislation established in this context.

In doing so, these arguments based on errors of law and which established that the payment of the solidarity fund for Mr. MARGUERITE's companies should be reduced for certain periods, during the sanitary crisis, can only be rejected.

Thus, Mr. MARGUERITE having been forced into technical unemployment from the beginning to the end of the sanitary crisis, namely from **March 16, 2020 to April 9, 2022**, the date of suspension of the "sanitary pass" in the Antilles, and France having established, through the secure dedicated tax server, the amounts that had to be paid to each company in total prohibition of work because of the vaccinal laws against covid 19, we request that these bases be retained in order to calculate the amount remaining due to Mr. MARGUERITE under the solidarity fund for his two companies.

For the months of October and **November 2020**, the dedicated server of the tax service set the amount of the solidarity fund at **€3,395** per month which had to be paid to Mr. MARGUERITE for his company Kenny Ronald MARGUERITE (ÉDITION GALAAD) (see production no. 28).

It should be noted that the dedicated tax server set the amount of **€3,590** per month for the months of January to March 2021, i.e. over 3 months, for the company Kenny Ronald MARGUERITE (ÉDITION GALAAD).

This reality shows that this amount of **€3,590** per month is the new standard established for the months of April 2021 to February 2022. (see production no. 28).

For the company les Édition Dieu t'aime (EDT) SAS, under the solidarity fund for the month of October 2020, Mr. MARGUERITE received **€3,554.00 (see production no. 22)**.

Apart from this, it should be noted that the dedicated tax server set the amount of **€3,778** per month for the months of December 2020 to April 2021, i.e. over 5 months, for the company les Édition Dieu t'aime (EDT) SAS.

This reality demonstrates that this amount of **€3,778** per month is the new standard established for the months of May 2021 to February 2022. (see production no. 22).

Thus, these are the amounts that must be taken into account for the calculation of the entire period during which the solidarity fund was in effect; taking a lower amount would be applying discriminatory treatment to Mr. MARGUERITE, given the argument developed in this section.

## 9 Presentation of the reality of Mr. MARGUERITE's rights discriminated against by the administrative court of Martinique in the context of his case

This part explains the reasons that led Mr. MARGUERITE to refer an appeal to the administrative court of appeal of BORDEAUX for abuse of power. To begin, let's rediscover the incriminated text. On March 14, 2024, the administrative court of Martinique notified him, through its clerk, of the following: “[...] **Sir, you benefited from the solidarity fund (decree no. 2020-371 of March 30, 2020) between March 2020 and February 2021 in the amount of 19,468 euros, taking into account the cancellation of the enforceable title issued by the DRFIP on October 21, 2021**”. The court would like to know:

1/ for which months you are requesting in your application the benefit of this solidarity fund;  
2/ whether you submitted requests for financial aid to the DRFIP at the time, for each of the months concerned;

3/ whether you are able to include in the case file the refusal decisions that the DRFIP may have made to you at the time of these requests. Please accept, Sir, the assurance of my distinguished consideration. The Chief Clerk, or by delegation the Clerk, ». (see production no. 25). (translated into English from the original text).

It is clearly stated that Mr. MARGUERITE “**benefited from the solidarity fund (decree no. 2020-371 of March 30, 2020) between March 2020 and February 2021 in the amount of 19,468 euros**”. This false and unfounded statement is discriminatory against him. Indeed, although he received the solidarity fund for the months of March to December 2020, no subsidy was paid to him for the months of January and February 2021.

The notifications of rejection of the solidarity fund for the months of January and February 2021 that were sent to Mr. MARGUERITE by the General Directorate of Public Finances, on his secure tax mailbox provide proof of this reality.

The email [*Réponse de l'administration pour ma demande (KENNY MARGUERITE) N° 1099688204 du 12/03/2021 du fonds de solidarité à destination des entreprises cofinancées par l'État et les Régions. De : Direction Générale des Finances Publiques du 12/03/2021*], states the following: “Hello, this message concerns the application that you submitted under the solidarity fund for businesses. **After analysis, it seems that the monthly reference turnover for 2019 that you entered in your application is not entirely consistent with the data in the administration's possession as part of your tax returns. We are therefore unable to validate the calculation of your aid and, consequently, to put it into payment immediately. To speed up this payment, we suggest that you get back in touch with our services quickly:**

- either by submitting a new online application that will mention a 2019 reference turnover amount consistent with that appearing in your 2019 tax returns; [...]” (translated into English from the original text).

The same feedback that Mr. MARGUERITE had from the administration for the month of January 2021, he also received for that of February of the same year, by means of the email received in his secure mailbox from the Lamentin taxes and which is recorded under the following references: [*Réponse de l'administration pour ma demande (KENNY MARGUERITE) N°1099951295 du 16/03/2021 du fonds de solidarité à destination des entreprises cofinancées par l'État et les Régions. De : Direction Générale des Finances Publiques du 16/03/2021*].

These two exchanges with the DGFIP (The General Directorate of Public Finances “French”) relating to his non-eligibility for the solidarity fund for the months of January and February 2021, demonstrate that he did not receive a payment under this subsidy for these two months, even though he made the request on multiple occasions and also sent several reminders (see production no. 30).

If necessary, these account statements showing, among other things, the period from January 2021 to May 2022, constitute additional supporting documents and attest that Mr. MARGUERITE did not receive payment of this subsidy for the two months mentioned above (see production no. 29).

As additional supporting documents, so that you have as much tangible proof as possible, we are attaching the solidarity fund application receipts for the months when this subsidy was paid to him in 2021; they bear a number that is mentioned on each bank statement (see productions no. 28 and 29).

Thus, based on the evidence provided in various forms, the subsidies for the months of January 2021 and February 2021 remain due to Mr. MARGUERITE.

**Thus, when, through its clerk, the administrative court of Martinique notifies in its case no. 2200745 in the context of an adversarial debate that Mr. MARGUERITE received the solidarity fund for January and February 2021, this is an inaccurate fact that is detrimental to him.**

What has just been presented is a breach of ethics practiced by the administrative judges of Martinique in charge of Mr. MARGUERITE's case.

To understand this, it is important not to lose sight of the fact that when a case is presented before the administrative court, the contentious procedure is first called inquisitorial. In doing so, the administrative judge is called upon to play an active role in the search for the truth.

Which implies that, before taking into account the assertions of the DRFIP, based on the enforceable title **No. 103000 007 906 075 485125 2021 0001167, invoice number: ADCE-21-2600066301**, issued by this administration where erroneous information is reported, that of the payment of **19,468 euros** for the benefit of Mr. MARGUERITE for the solidarity fund, for the period from **March 2020 to February 2021 (see production no. 25)**, the administrative judges of Martinique in charge of his case should have asked Mr. MARGUERITE to provide proof of the payments or non-payments of these sums.

This is what was done in part because, considering the information provided on the enforceable title No. 103000 007 906 075 485125 2021 0001167 (see production no. 11), the administrative court of Martinique in its letter of March 14, 2024, asks Mr. MARGUERITE to prove by documents the veracity of his good right in his request for payment of this subsidy but only from March 2021.

The administrative judges cannot harm Mr. MARGUERITE of a share of the solidarity funds to which he is entitled by basing themselves on a document in the file that they consider to be irrefutable proof when this is not the case.

By therefore asserting that Mr. MARGUERITE “**benefited from the solidarity fund (decree no. 2020-371 of March 30, 2020) between March 2020 and February 2021 in the amount of 19,468 euros**” (see production no. 25) by virtue of a document considered as irrefutable proof, without requesting that supporting documents for these various payments be provided, the administrative court of Martinique established, without proof, in an adversarial debate, defamatory discrimination against him, in his case no. 2200745.

The most dramatic thing in this story is that Mr. MARGUERITE has the source document, **dated June 11, 2021 No. 4370-023087-0050 eco'pli 67 STRASBOURG PIC 15.06.21 CI1500, (see production no. 11)**, which is the first document that the general management of public finances sent to him and in which he is asked to reimburse the sums that he had allegedly unduly received under the solidarity fund.

On this document, there is a table in three parts:

- the first contains the month column,

- the second, which is attached to it, that of the amounts of aid obtained (therefore the solidarity fund),
- the third, that of the (alleged) undue payments that he received.

This document attests, unequivocally, that the sums received, for which reimbursement was requested, extend from May 2020 to December 2020.

Thus, if the administrative judges in charge of Mr. MARGUERITE's case had had the right documents, through their search for evidence, they could not have made this gross error. Here, the fact that the magistrates of the Martinique administrative court were not in their inquisitorial roles is called into question. Worse, when the administrative court uses as its sole evidence an enforceable title canceling the sums that were wrongly claimed from Mr. MARGUERITE, it is a clear sign that the DRFIP may be mistaken.

So how can we base ourselves on this document, without pushing the investigations further by looking for proof of the payments or not of this subsidy?

This case, which, in essence, concerns discrimination in the handling of Mr. MARGUERITE's case, is also doubled by defamation against him by the administrative court of Martinique, in adversarial debate.

In doing so, according to the terms of the letter from the administrative court of Martinique dated March 14, 2024, (see production no. 25), it is no longer possible for Mr. MARGUERITE to claim the sums that were not paid to him under the solidarity fund, for the months of January and February 2021 when they are owed to him.

When this jurisdiction, ex officio and without supporting evidence, removes from Mr. MARGUERITE the right to receive the payment for the solidarity fund for the months of January and February 2021, this contravenes the impartiality that the courts must have with regard to the right conferred on him by *[Articles 6 de la convention européenne des droits de l'Homme]*.

It is therefore in order to defend himself and to demonstrate, among other things, the error and defamation of which he was the victim, that on **March 18, 2024**, he sent a request to the administrative judges of Martinique in charge of his case (see production no. 26).

This request by Mr. MARGUERITE intended to defend him was rejected for the following reasons and which were ratified in a letter that the administrative court of Martinique notified to him on April 4, 2024 through the reporting magistrate, Mr. Sébastien DE PALMAERT: **“COMMUNICATION OF PUBLIC ORDER MEANS:** *Sir, Under the terms of Article R. 611-7 of the Code of Administrative Justice: When the decision appears likely to be based on a means raised ex officio, the president of the trial formation (...) informs the parties before the trial session and sets the time limit within which they may, without being hindered by the possible closure of the investigation, present their observations on the means communicated.*

**In application of these provisions, I have the honor to inform you that the court is likely, in the case cited in reference, to raise ex officio the following means:**

- *inadmissibility, for lack of interest in acting by the applicant, of the conclusions seeking the annulment of the decision not to initiate disciplinary proceedings against a DRFIP agent;*

- *inadmissibility due to the lateness of the new conclusions formulated in the applicant's brief filed on March 18, 2024, this brief having also been produced after the close of the investigation. You may submit your observations until the date of the hearing set for April 25, 2024. Please accept, Sir, the assurance of my distinguished consideration. The reporting magistrate, Sébastien DE PALMAERT.” (see production no. 27). (translated into English from the original text).*

Thus, it appears that the brief submitted by Mr. MARGUERITE on March 18, 2024 (see production no. 26) to the administrative court of Martinique was inadmissible, due to the lateness of the new conclusions he provided, moreover produced after the closing date set for the investigation of his case.



What is presented here seems clear, if we do not observe it through the magnifying glass of the legislative texts.

Mr. MARGUERITE's brief was not valid for the two reasons mentioned above, in doing so, the administrative judges put in place a "means of public order" which already decided that he would be dismissed, before the date of the hearing.

Upon receiving this new "hammer blow", Mr. MARGUERITE sought the means which would allow his case to be reopened and that he could produce a new brief which would be compliant by respecting the procedure.

It is this letter below from March 14, 2024, cited many times and which established: "[...] **Sir, you benefited from the solidarity fund (decree no. 2020-371 of March 30, 2020) between March 2020 and February 2021 in the amount of 19,468 euros, taking into account the cancellation of the enforceable title issued by the DRFIP on October 21, 2021**". (see production no. 25), which seemed to him to be the best angle of attack.

It is important to note that Mr. MARGUERITE was convinced, given the errors contained in the document on which the judges relied to issue their judgment, that his request to reopen his case, motivated by the provision of evidence to refute these false allegations, would be accepted.

This certainty was further reinforced by the provisions of *[Articles 6 de la convention européenne des droits de l'Homme]*, which give him the right to defend himself and to appear before an independent and impartial tribunal, so that his case is heard in all fairness.

However, as already mentioned, this possibility offered to him by European law was not accepted and Mr. MARGUERITE's request was rejected. By abuse of power, the administrative judges persisted in retaining erroneous elements to judge his case, instead of the reliable supporting documents that he wished to produce so that the judgment would be taken in all fairness.

From then on, he had no other alternative than to raise the formal defect of this document that the court sent him on March 14, 2024 (see production no. 25), which seems to him to be perfectly relevant, in this case.

To continue, it is important to understand that the administrative court created in Mr. MARGUERITE's case no. 2200745 a legal paradox, bringing into conflict his right to have a fair trial held by an impartial court and, on the other hand, the closure of his case on November 9, 2023, which means that he can no longer file a defense brief, even if the inaccuracy of certain reported facts is proven.

We can better understand this reality in light of the case law of *[(French) Conseil d'État, 7 / 5 SSR, du 12 juillet 2002, 236125, publié au recueil Lebon]* which established the following: "*Considering that the note in deliberation that Mr and Mrs X... produced on 24 November 2000, after the public hearing but before the reading of the decision, was indeed examined by the Council of State even if the latter did not refer to it in its decision;*

**That although this note discussed at length the question of the amount of the damage suffered by the applicants, requested a new expert appraisal, the reassessment of compensation and the capitalisation of interest, it did not mention any factual or legal circumstance making it necessary to reopen the investigation;**

*That, consequently, by not deciding, upon receipt of this note in deliberation, to reopen the investigation, the Council of State did not disregard any rule relating to the holding of hearings and the delivery of the decision;*" (translated into English from the original text).

Let us complete with this other jurisprudence of the *[Conseil d'État, 6ème – 1ère SSR, 30/03/2015, 369431. N° 369431. ECLI:FR:XX:2015:369431.20150330. Mentionné dans les tables du recueil Lebon]* which established the following:

**“2. Considering, on the one hand, that, before the administrative courts and in the interests of good justice, the judge always has the power to reopen the investigation, which he is leading, when he is seized of a production subsequent to the closure of the latter;**

**That it is up to him, in all cases, to take note of this production before making its decision and aiming for it; That, if he decides to take it into account, he reopens the investigation and submits to the adversarial debate the elements contained in this production which he must, in addition, analyze; That, in the particular case where this production contains the statement of a factual circumstance or an element of law which the party invoking it was not in a position to state before the closure of the investigation and which is likely to exert an influence on the judgment of the case, the judge must then take it into account, on pain of irregularity of his decision [...]”** (translated into English from the original text).

Thus, the statement by the Martinique administrative court claiming that Mr. MARGUERITE also received the solidarity fund for the months of January and February 2021, when this statement is erroneous, demonstrates that the judges in charge of his case ruled without evidence. They therefore set up a circumstance of facts which he was not able to report before the close of the investigation.

This circumstance of a new fact is important, especially since for the request of **March 18, 2024**, by Mr. MARGUERITE (see production no. 26), the administrative judges of Martinique, by their letter of April 4, 2024, established the following:

**“COMMUNICATION OF PUBLIC ORDER MEANS: [...] - inadmissibility due to the lateness of the new conclusions formulated in the applicant's brief filed on March 18, 2024, this brief having also been produced after the close of the investigation.”** (see production no. 27). (translated into English from the original text).

Thus, the fact that the administrative court of Martinique established that Mr. MARGUERITE's request of **March 18, 2024**, was a **“means of public order”**, as well as his brief sent on **April 11, 2024** (see production no. 31), transmitted by this court to the defendants on the same day, and registered under the reference **“COMMUNICATION IN RESPONSE TO ONE OR MORE PUBLIC ORDER MEANS”**, which implies that his case could no longer be handled on the same basis as before.

*To do otherwise would be discriminatory against Mr. MARGUERITE and would contravene European law, to which France is subject. To be clear on what a “means of public order” is, let's see how it is defined by Mr. Bernard Stirn, President of the Litigation Section of the Council of State (French), in his writing [L'ordre public : regards croisés du Conseil d'État et de la Cour de cassation. Par Bernard Stirn, Président de la section du contentieux du Conseil d'État. Discours du 6 mars 2017. Table ronde 2 - L'émergence d'un ordre public européen. <a href="/admin/content/location/52038">. Tiré du site : <https://www.conseil-etat.fr>] or it stipulates the following:*

**“[...] From a procedural point of view, the public policy argument is, as President Odent explains, “a argument relating to a question of such importance that the judge would himself disregard the rule of law that he is responsible for enforcing if the court decision rendered did not take it into account”.**

**Its scope is undoubtedly greater than in judicial proceedings. [...]**

*In a broader sense, public policy covers the essential values of social consensus and the legal system. [...] Public policy is present in EU law and the Court of Justice applies it. The European Court of Human Rights refers to it, in particular when it questions measures that affect the privacy of the person and those that aim to guarantee the rules of communal life.”* (translated into English from the original text).

First of all, in order to establish the seriousness of this text, it is appropriate not to lose sight of the fact that it is written by the person who, at the time of writing, was the President of the Litigation Section of the Council of State.

We are therefore in a most solemn and serious text. This text teaches us that as soon as it is established that there is a “means of public policy”, it is **“a argument relating to a question of such importance that the judge would himself disregard the rule of law that he is responsible for enforcing if the court decision rendered did not take it into account”**.

For a better understanding, we must add this extract from the text [*Conseil d'État, 6ème – 1ère SSR, 30/03/2015, 369431. N° 369431. ECLI:FR:XX:2015:369431.20150330. Mentionné dans les tables du recueil Lebon*], that we have seen previously and which notifies the following:

**“[...] That, in the particular case where this production contains the statement of a factual circumstance or an element of law which the party invoking it was not in a position to state before the closure of the investigation and which is likely to exert an influence on the judgment of the case, the judge must then take it into account, on pain of irregularity of his decision [...]”** (translated into English from the original text).

So, when on the one hand the administrative judges of Martinique act on false foundations that **“[...] Sir, you benefited from the solidarity fund (decree no. 2020-371 of March 30, 2020) between March 2020 and February 2021 in the amount of 19,468 euros, taking into account the cancellation of the enforceable title issued by the DRFIP on October 21, 2021”** (see production no. 25), on the other hand, they were required to allow Mr. MARGUERITE to defend himself, because we repeat, his request of **March 18, 2024** (see production no. 26) was intended for him to be able to defend himself within the framework of the **“public order means”** that these magistrates have acted on, in doing so they should have responded positively to his request because what they have instituted is:

**“A argument relating to a question of such importance that the judge would himself disregard the rule of law that he is responsible for enforcing if the court decision rendered did not take it into account”**.

Thus, by the decision of the administrative judges of Martinique to judge Mr. MARGUERITE's case without allowing him to defend himself against the false allegations that they themselves instituted in the context of the adversarial debate by means of a **“means of public order”**, they established a discrimination against him which falls within the framework of the **“penalty of irregularity of their decision”** of the judgment made.

Thus, by their decision to judge Mr. MARGUERITE's case without allowing him to defend himself, the administrative judges of Martinique in charge of his case made themselves incapable of having him appear before an independent and impartial tribunal, so that his case is heard fairly, according to the bases of [*Articles 6 de la convention européenne des droits de l'Homme*], which gives him the right to do so.

By their actions which we have reported, the judgment which was established in a discriminatory manner by the administrative judges of Martinique in the context of Mr. MARGUERITE's case falls under the scope of the [(French) Article 114 du Code de procédure civile], which established the following:

**“No procedural act may be declared null and void for a defect in form if nullity is not expressly provided for by law, except in the case of non-compliance with a substantial formality or a formality of public policy.**

**Nullity may only be declared subject to the burden on the opponent who invokes it to prove the grievance caused by the irregularity, even when it is a substantial formality or a formality of public policy.”** (translated into English from the original text).

We are exactly in this specific case in what we present in this part.

It thus appears that the administrative judges of Martinique by establishing, within the framework of the adversarial debate, a “**means of public order**” but, by refusing at the same time to reopen Mr. MARGUERITE's case, while it is they who established false and unverifiable elements, expose themselves to all the procedural acts resulting from it, particularly the judgment of this case no. 2200745, being null and void for procedural defect because there was a failure to observe substantial formalities and public order.

The members of the administrative court of appeal of BORDEAUX will be able to only recognize that the procedural act put in place on **March 14, 2024** by the administrative judges of Martinique establishing that **Mr. MARGUERITE received the sum of 19,468 euros under the solidarity fund for March 2020 to February 2021 (see production no. 25)** is a plea based on an error of law, because he did not receive this subsidy for the months of January and February 2021.

In doing so, by establishing on **April 4, 2024** “**a plea of public order**” (see **production no. 27**), the magistrates in charge of Mr. MARGUERITE's case were required to allow him to defend himself.

On the contrary, here is an extract from what was established by the administrative court of Martinique on **April 25, 2024** and which was the subject of a notification dated **May 7, 2024** worded as follows (see contested acts no. 1):

*“7. Secondly, Mr Marguerite submitted new submissions in his brief registered on 18 March 2024, now arguing that the amounts of financial aid he received in 2021 were insufficient, requesting that he be paid the sum of EUR 33,093 as a result.*

**These new submissions, submitted more than two months after the application was registered, and moreover after the investigation closed on 9 November 2023, are inadmissible. Consequently, they must be dismissed.**

**[...] D E C I D E S :**

- **Article 1: There is no need to transmit to the Council of State the priority question of constitutionality raised by Mr. Marguerite.**
- **Article 2: Mr. Marguerite's application is dismissed. [...]** (translated into English from the original text).

First of all, it is important to note that this judgment ignores any evidence that Mr. MARGUERITE presented in his letter of **April 11, 2024 (see production no. 31)** that could shed light on the decision of the administrative judges of Martinique who judged his case.

This therefore constitutes a serious infringement of his rights and he is therefore wronged.

On the contrary, his letter of March **18, 2024 (see production no. 26)** which was supposed to allow him to defend himself by proving the inaccuracy of this statement, that of the payment to his benefit of 19,468 euros relating to the solidarity fund, for the period from March 2020 to February 2021, information produced by the administrative court, without carrying out a verification, was the element used against him by the administrative judges of Martinique.

To continue, let us now refer to elements that explain that, by their approach of not allowing Mr. MARGUERITE to defend himself, the administrative judges of Martinique in charge of his case acted towards him in a discriminatory manner and demonstrated an excess of power.

To do this, let us discover this text from the [*Cour de cassation, criminelle, Chambre criminelle, 7 septembre 2021, 21-80.642, texte publié au bulletin*], which established the following: “[...] **Having regard to Articles 171 and 802 of the Code of Criminal Procedure:**

**11. It follows from the said articles that failure to observe substantial formalities or those prescribed under penalty of nullity must result in the nullity of the procedure, when this has resulted in an infringement of the interests of the party concerned.**

12. The following general principles follow.

13. Except in cases of nullity of public policy, which affect the proper administration of justice, the investigating chamber, seized of a request for nullity, must successively first determine whether the applicant has an interest in requesting the annulment of the act, then whether he has the capacity to request it and, finally, whether the alleged irregularity has caused him a grievance.

14. The applicant has an interest in acting if he has an interest in obtaining the annulment of the act.

15. To determine whether the applicant has the right to bring an action for nullity, the investigating chamber must determine whether the substantial formalities or prescribed required under penalty of nullity, of which the lack of knowledge is alleged, is intended to preserve a right or interest specific to the applicant.

16. The existence of a grievance is established when the irregularity itself has caused harm to the applicant, which cannot result solely from his being implicated by the act criticized. [...]

21. However, it follows from Article 6 of the European Convention on Human Rights, as interpreted by the European Court of Human Rights (ECHR, judgment of 10 March 2009, *Bykov v. Russia*, no. 4378/02), and preliminary of the code of criminal procedure that any applicant must be given the opportunity to challenge the authenticity of the elements of evidence and to oppose its use. [...]” (translated into English from the original text).

It is clear here that the fact of non-compliance with the substantial or prescribed formalities results in the nullity of the procedure, when in the end this creates an infringement of the interests of the party concerned.

In the case concerning Mr. MARGUERITE, this means that the administrative judges of Martinique have established as a basis for his case the document in which the DRFIP establishes on October 21, 2021, the cancellation of the enforceable title issued against him and specifies that he received the solidarity fund between March 2020 and February 2021 in the amount of 19,468 euros (see productions nos. 11 and 25), when this is not the case.

Indeed, for the months of January and February 2021, no subsidy was paid to him. Mr. MARGUERITE having asked these magistrates for the right to defend himself and the fact that they refused, in light of the aforementioned text, made the procedure null and void.

And this is all the more so since by their decisions they have harmed his interests, because, the administrative court having arrested him arbitrarily and without supporting evidence, has had a negative influence on the meaning of the judgment issued for his case no.: 2200745.

Let's continue. In the text [*Cour de cassation, criminelle, Chambre criminelle, 7 septembre 2021, 21-80.642, texte publié au bulletin*], which was taken in support, it appears that one of the points which establishes that Mr. MARGUERITE's request tending to demonstrate the nullity of the judgment of his case no.: 2200745 is admissible because, it has been proven, that he had more than an interest in requesting the annulment of the act, therefore of the judgment, since the irregularity established by the administrative judges in charge of his case, leads him to be harmed by the payment of two months of the solidarity fund, i.e. January and February 2021.

Thus, Mr. MARGUERITE could submit a new brief, so that his case is judged fairly, in doing so he has the capacity to act.

The text seen above also presents his right to question the authenticity of the evidence and to oppose its use, according to what is conferred on him by [*Articles 6 de la Convention européenne des droits de l'homme*], as interpreted in the text [*CEDH, arrêt du 10 mars 2009, Bykov c. Russie, n° 4378/02*].

Thus, he was within his strictest rights when he asked the administrative judges in charge of his case to allow him to defend himself by providing irrefutable evidence to dismantle the false allegation that they had recorded in the adversarial debate for his case. (see productions no. 26 and 31). Furthermore, instead of doing him justice, the magistrates in charge of his case noted that all the supporting documents produced in his letter of **March 18, 2024 (see production no. 26)**, as well as the entire argument supporting his statements did not deserve their attention. What should we think of such a judgment...?

It is incomprehensible! For Mr. MARGUERITE, this way of proceeding cannot find its sustainability at the level of the justice of our Nation, which has as its emblem, the inalienable rights of men and citizens.

What happened reflects the fact that the administrative judges of Martinique did not investigate and judge case No. 2200745 of Mr. MARGUERITE, in the configuration of an independent and impartial tribunal, so that his case is heard fairly, according to the right conferred on him by *[Article 6 de la convention européenne des droits de l'Homme]*.

Here, we find ourselves once again in a legal paradox, because on the one hand, the administrative judges establish, within the framework of the adversarial debate, a **“means of public order”** but, they refuse to reopen case No. 2200745 of Mr. MARGUERITE, while it is they who established false and unverifiable elements, thus all the procedural acts that these magistrates instituted in this framework are null for procedural defect because, there was the non-observance of a substantial formality of public order.

But on the other hand, they judged this case on April 25, 2024, which is a discriminatory judgment against Mr. MARGUERITE and which contravenes the rights conferred on him by the *[Article 47 de la Charte des droits fondamentaux de l'Union européenne - Droit à un recours effectif et à accéder à un tribunal impartial]*, which established the following:

**“Everyone whose rights and freedoms guaranteed by Union law are violated shall have the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.**

**Everyone shall be entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. [...]”**. (translated into English from the original text).

Thus, in the context of the discriminatory judgment that the administrative judges established for case no. 2200745, they contravened European law because it was the provisions of *[Article 6 de la convention européenne des droits de l'Homme]* that Mr. MARGUERITE invoked so that these magistrates could allow him to defend himself against the false allegations against him.

In doing so, they were required to take his request into account because European law obliges them, but the administrative judges in charge of Mr. MARGUERITE's case freed themselves from this obligation.

To understand this, we must not lose sight of the fact that the legislation of the Member States of Europe, including France, is subject to the legislation of the European Union and the law resulting from the European institutions must therefore be integrated into the legal systems of these Member States, which are obliged to respect it.

This primacy of European law over the law of its Member States is absolute. The following texts provide us with information on this subject:

- *[Arrêt Costa contre Enel du 15 juillet 1964]*,
- *[CJCE, 17 décembre 1970, Internationale Handelsgesellschaft, C/ 11-70]*.

It is important to remember that the French administrative judge is a judge of common law of European Union law, and must fulfill his role as “judge of common law of application of Union law”.

To do this, he must ensure above all that no French legal text contravenes European Union law, and ensure that the principle of primacy of European legislation over that of its Member States is preserved.

In addition, the administrative judge is called upon to dismiss and annul any legal text established within the Member States, which contravenes European standards.

These following texts inform us:

- *[CE, Section, 22 décembre 1989, Ministre du budget c/ Cercle militaire mixte de la caserne Mortier, n° 86 113],*
- *[JRCE, 30 décembre 2002, Ministre de l'aménagement du territoire et de l'environnement c/ Carminati, n° 204 430],*
- *[CE, 7 juillet 2006, Société Poweo, n° 289 012 ; CE, 27 juin 2008, Société d'exploitation des sources Roxane, n° 276 848],*
- *[CE, Ass, 30 octobre 2009, n° 298 348],*
- *[CE, Ass., 30 octobre 2009, Mme Perreux, n° 298 348],*
- *[CE, Ass., 23 décembre 2011, M. Kandyrine de Brito Paiva, n° 303 678].*

The role of French administrative judges as common law judges applying European law requires them to ensure compliance with European law by administrations and other state entities, to the detriment of specific obligations established internally or within French legislation.

Thus, the liability of the State that contravenes these rules is engaged “**regardless of the state body whose action or omission was the cause**”.

In the presence of a legislative text that contravenes European law, the Member State must “**instruct [its] services not to apply it**”.

The same applies to any legislative text that disregards France's international commitments. These following texts provide us with information on this subject:

- *[CE Ass., 3 février 1989, Compagnie Alitalia, n° 74 052],*
- *[Arrêt Francovich du 19 novembre 1991 (CJCE, aff. C-6/90),*
- *[CJCE, 5 mars 1996, aff. C-46/93 et C-48/93],*
- *[CJCE, 30 septembre 2003, aff. C-224/01],*
- *[Arrêts Société Arizona Tobacco products et SA Philip Morris France précités],*
- *[CE Ass., 8 février 2007, Gardedieu, n° 279 522 (2)],*
- *[CE Ass., 14 janvier 1938, Société La Fleurette, n° 51 704],*
- *[CE, 18 juin 2008, Gestas, n° 295 831],*
- *[CE, 13 juillet 1962, Sieur Kevers Pascalis, n° 45 891 et CE Ass., 27 novembre 1964, Dame Veuve Renard, n° 59 068],*
- *[CE, 24 février 1999, Association de patients de la médecine d'orientation anthroposophique, n° 195 354],*
- *[CE, 30 juillet 2003, Association « L'Avenir de la langue française », n° 245 076],*
- *[CE, 16 juillet 2008, M. Masson, n° 300 458],*

European legislation, which takes precedence over that of France, gives European citizens the possibility of directly invoking European standards before national courts.

Thus, in disputes between individuals and administrations, the European Union gives them the right to defend themselves by taking European law as a basis, against an administrative act in which the French State has not taken the necessary transposition measures within the time limits.

In addition, the administration at the origin of these rules that contravene both European law and those of an individual must cease to apply them and the State that had put in place this text must cancel it, therefore repeal it.

Similarly, the court handling the case must refrain from applying a procedural rule of domestic law to the detriment of a rule of European law.

Furthermore, if no text of national legislation allows the implementation of a procedure of European law, one must be created.

The following texts provide us with information on this subject:

- *[Arrêt Van Gend en Loos du 5 février 1963],*
- *[Article 288 du TFUE],*
- *[Arrêt Politi de la CJCE du 14 décembre 1971],*
- *[Arrêt du 4 décembre 1974, Van Duyn],*
- *[CE, 18 juin 2008, Gestas, n° 295 831],*
- *[CJCE, 10 juillet 1997, aff. C-261/95],*
- *[Arrêt Simmenthal],*
- *[CJCE, 19 juin 1990, Factortame, aff. C-213/89].*

From the above, we understand that when, while it is the administrative judges in charge of his case, who have established a procedural act tainted with irregularity, and that in return, Mr. MARGUERITE claims European law, in order to defend himself, these magistrates could not in any case refuse his request, because they are above all **“common law judges applying Union law”**, who have the obligation to implement requests from citizens in order to respect European law.

In addition, in the context where the national law is not adapted to European law, the administrative judges must first and foremost take European law into account.

Thus when these magistrates implement within the framework of a **“means of public order”** which is, let us recall **“A argument relating to a question of such importance that the judge would himself disregard the rule of law that he is responsible for enforcing if the court decision rendered did not take it into account”** and that in return they deprive Mr. MARGUERITE of the right conferred on him by European law to defend himself, in this case, these magistrates contravene their prerogatives as **“common law judges applying Union law”**.

Thus, they have rendered themselves incapable of rendering a judgment, as an independent and impartial tribunal, which would have allowed Mr. MARGUERITE's case to be heard fairly.

In doing so, all the acts that the administrative magistrates in charge of Mr. MARGUERITE's case have taken since they failed to take into account his request of April 11, 2024 (see production no. 31) based on this text of the aforementioned European law and intended for him to be able to defend himself, therefore including the judgment of his case no. 2200745, which occurred on April 25, 2024, are null and void.

Based on all that has just been presented, the members of the administrative court of appeal of BORDEAUX will only be able to annul this judgment that the administrative judges of Martinique established in this case in a discriminatory manner against Mr. MARGUERITE, because they did not have the legitimacy of an independent and impartial tribunal when they ruled, which would have allowed his case to be heard fairly, according to the *[Articles 6 de la convention européenne des droits de l'Homme]*.

This discriminatory judgment that the administrative judges of Martinique have established must be annulled and once it has been overturned, it will be up to the members of the administrative court of appeal of BORDEAUX to put in place the new bases which will allow Mr. MARGUERITE's case to be handled by an independent and impartial tribunal, so that his case is heard fairly.



## 10 Brief career synopsis, philosophy of life and discriminatory oppression :

To begin with, we will tell you that this reality that Mr. MARGUERITE is undergoing in the face of the oppression of Sunday laws, he has not always experienced it, because he has not always observed the Sabbath, being Catholic at birth. As a result, Sunday was his day of worship and rest, so, during the first ten years of his career he always worked on Saturday while resting on Sunday. So that when he embraced the profession of mixed hairdresser at 15 and a half years old, he had no idea of the suffering that awaited him. Things got complicated when, around the **age of 27**, he took a stand for the Lord, and chose to observe the Sabbath by embracing the Seventh-day Adventist faith.

The two foundations of the faith of the Seventh-day Adventist religion that all their members must confess in order to be baptized are the acceptance of the observance of the Sabbath and the payment of tithes and offerings to this religion (see production no. 32).

The concrete proof of Mr. MARGUERITE's adherence to this religion are the tithes and offerings that he has paid to it, the oldest receipt that he was able to find dates back 20 years, that is to say to the year 2004. (see production no. 32).

It should be noted that although Mr. MARGUERITE is no longer part of this religion, because of divergence of creeds of faith, he still remains a diligent observer of the Sabbath, which is the main axis of his Christian faith.

It seems important to us to demonstrate his basis of faith in the observation of the Sabbath to present to you one of his books showing his convictions on the subject and which is entitled **“Inquisitiô (The three angels' message), tome III. The reality of the attack of the little horn of Daniel 7 against the Law of God and the times of prophecy. Prophetic part”** see the **“Booklet 4: Biblical guidelines for keeping the Sabbath”** and **“Booklet 5: Satanic Counterfeit Sabbaths”**.

This book can be downloaded for free from the site: <https://www.kenny-ronald-marguerite.com/inquisitio-tome-3-en-anglais>

Now that this point has been established, let us continue. To do this, we will tell you that being a hairdresser and not working on Saturdays was becoming a challenge. At the time, while Mr. MARGUERITE had almost never been unemployed during his ten-year career, he found himself facing a new and unexpected problem that took the form of Sunday (dominical) laws. This reality was materialized, among other things, by the fact that he had to apply for many months without success in several hairdressing salons, the reason for these refusals being that as a Sabbath observer, he does not work on Saturdays.

Indeed, these hairdressing salons were interested in Mr. MARGUERITE's profile and wanted to hire him, but to do so, he had to be present in their business one of the two days of the weekend. In the meantime, he had done odd jobs that could not bring him financial stability. However, not finding work as a mixed hairdresser because he did not work on Saturdays, he held on as best he could, but in 1999, his family situation changed and it became imperative that he find work, while preserving his faith in the Sabbath.

To do this, during the year 2000, at the age of 27, Mr. MARGUERITE had to resolve to immigrate to Guyana with his family, where he had found a job as a mixed hairdresser having managed to keep his Sabbath, at the Viviane Estétique salon.

It was a real uprooting, but he had no choice. The manager, while accepting that he continue to observe the Sabbath, had to, after the first semester, hire, in parallel, another employee for Saturdays only. However, as the requests for services became more important, she decided to hire the two employees part-time.

This situation was catastrophic for Mr. MARGUERITE because it was not the hiring basis initially planned, he therefore found himself in a foreign land, with half a salary, and he could not find another job, since he did not work on Saturdays, a busy day in hair salons.

In order to provide for his family, he therefore decided to open his hair salon (We will talk about it more later).

After this time spent in Guyana, Mr. MARGUERITE and his family returned, and since then, being now certified, because he had asserted my acquired skills and on September 9, 2000, he received the “**certificate of validation of professional skills (value of the B.P.)**” (see production no. 6), he could now apply for more important positions within hairdressing salons.

This is how, after months of struggle, on November 3, 2003, Mr. MARGUERITE was finally able to break through and he was hired by the hairdressing company GILL Coiffure. (see production no. 33).

In order to make the number of working days effective, he suggested to the owner of this hairdressing salon to open on Wednesdays, which until then had been closed, so that he could develop a new client for her instead of Saturdays, when he could not be at his post, let us remember, because he observes the Sabbath.

She agreed to open on Wednesdays during the month of notice, and the performance was such that Mr. MARGUERITE was hired at the end of the trial month.

The same causes producing the same effects, the problems encountered so many times during his career reappeared, because faced with the new influx of the clientele he had developed, he once again found himself facing the same dilemma:

*Work on Saturdays or resign, the manager having given him an ultimatum saying this: “Kenny, your customers have increased considerably, your presence is sorely missed on Saturdays, you have to find a solution”!*

Of the two solutions available to him, he chose the second, that is to resign, the objective being above all to preserve his faith in the Sabbath. Thus Mr. MARGUERITE worked as a mixed hairdresser within this company from November 3, 2003 to December 24, 2003.

We must specify that the rejections of Mr. MARGUERITE's applications were generally done either directly or by telephone, in this case, he does not have much evidence to present. Nevertheless, he has explicit feedback on the matter, that of a mixed hairdressing salon in Cergy where the same problem arose.

At the end of the telephone interview which seemed conclusive, Mr. MARGUERITE sent the email [Mail du 11 juil. 2014 12:08. Objet Candidature], to this employer and the content of which is as follows:

**“Good morning Mrs Menard, As agreed I am sending you my CV and a cover letter, I have just bought my train ticket so I confirm my appointment for Wednesday 16th at 11am.**

*In order to present my work as a hairdresser consultant I have at your disposal a series of programs that I have produced on certain radio stations and that I can send to you by email if you wish. Kind regards, Mr MARGUERITE.”*

In return, Mr. MARGUERITE received the email [Mail du 11 juil. 2014 15 : 49. Objet Candidature], who notified me of the following: **“Good evening, I have received your CV and cover letter. See you Wednesday. Kind regards. MRS Menard”.**

Although everything was well underway and a job seemed to be on the horizon, Mr. MARGUERITE preferred not to wait for the trial period to tell his employer that he would not work on Saturdays.

To do so, here is a copy of the email he sent him [Mail du 13 juil. 2014 à 04 : 16] :

*“Good morning Mrs Menard, I thought it best to respectfully revert to you today, because I believe it is more considerate to inform you of the following point before we meet! I observe the Sabbath, so I do not work from Friday at sunset to Saturday at sunset.*

*And this faith is not just a flight of fancy, since I have written two books on the subject [...] So it would be just as grave for me to work on the Sabbath as to kill or steal.*

*I was going to tell you about it during our interview on Wednesday, but out of respect and so that you don't have to waste your time, in case my profile doesn't suit you, I preferred to tell you about it in advance.*

*I have 22 years of experience in hairdressing and I know that Saturday is the biggest day of the week in terms of turnover and that a boss rarely agrees to have an employee who doesn't work on that day. I would understand if you would prefer to cancel Wednesday's appointment. May the Lord, whom I serve and love, above all bless and keep you! Sincerely, Kenny MARGUERITE”.*

And the response received from the employer was the following email: *[Mail du 13 juil. 2014 à 17:04. Objet: Candidature]* : **“Good evening, I do indeed think it would be better to cancel the appointment for Wednesday the 16th. Yours sincerely, Mrs. Menard”.**

Mr. MARGUERITE also has another example that shows how specifying to the employer that he does not work on Saturdays, due to observance of the Sabbath, closes the door to a potential job, in the exchanges he had with Mr. Pierre CABANIE the recruiter for the chain of hair salons and hairdressing schools Jean-Claude AUBRY. It all started when he applied for a job offer from this company through the Pôle Emploi.

And the response he received from the employer was the following email: *[Mail du 27 mars 2014 à 08:03:54. Objet: Votre cv]*: *“Please send it to bpc@jeanclaudaubry-coiffure.com. Kind regards, Pierre CABANIE. 0643019730”.*

His profile suited this recruiter, so it was agreed that Mr. MARGUERITE would start with a **salary of 3,000 euros, progressive**. He would have to come and settle in mainland France in order to integrate a three-month training course in order to master his new position.

However, until then he had not yet presented his basis of faith, as a Sabbath observer. To remedy this, he sent the following *[Mail du dim. 30 mars 2014 à 08:13. Objet : Re: votre cv]* to this gentleman:

*“Good morning Mr CABANIE, after reflection, the Easter holidays being a big period when I receive my clients at my salon (hairdressing), I am putting everything in place with a view to arriving after the holidays.*

*For the quote for the 3-month training, can you put the date of the start of the training from APRIL 25? PS:*

**In the training schedule, please do not include Saturday, because I do not work that day, I respect the Sabbath. Kind regards, Mr Kenny MARGUERITE.”**

Following this email, he did not receive any response, so he sent the following email to this recruiter: *[Mail du 3 avr. 2014 à 08:20. Objet : Mise au point]*:

**“Good morning Mr. CABANIE, I am writing to you today, I am very disappointed and also very saddened because I have still not received the quote for the training that you promised to send me Monday at the latest today (Thursday).**

**And after several attempts to reach you by phone, my calls were unsuccessful. My feeling is that, not meeting the selection criteria to be a teacher in your institute because I do not work on the Sabbath (Saturday), you have boycotted my training request.**

*This saddens me greatly, it is only my feeling, certainly other hazards have contributed to this situation, but nevertheless on a professional level, the image that you give of the company that you represent is very negative, because the word of man determines for me his values.*

*It would have been better for you, from Monday to let me know that you were not interested in training me instead of leaving me in this disrespectful wait. In all things, may the Eternal God whom I serve, guide you, keep you and bless you. Sincerely, Mr. MARGUERITE.”*

Subsequently, Mr. MARGUERITE was able to speak with this gentleman by telephone who explained to him that his absence on Saturday would be problematic, since he would not be able to meet their requirements in terms of timetables allocated to teachers, their schools being open from Tuesday to Saturday.

From there, so that employers would be prepared for his profile, Mr. MARGUERITE included in my CV that he did not work from Friday 3 p.m. to Saturday sunset, because he observes the Sabbath. (see production no. 33).

It should be noted that with his new seminar concept, Mr. MARGUERITE recently contacted Mr. CABANIE again for a partnership request. (see production no. 33).

Mr. MARGUERITE returned to the reality of the Sabbath which had prevented them from collaborating. However, in this partnership project, this should not pose a problem, he is still waiting for a response. Now that this parenthesis is closed, let's go back to the period that followed the first rejection of Mr MARGUERITE's application as a teacher for the Jean-Claude AUBRY brand.

Apart from that, despite these setbacks, determined to work, despite all the successive rejections to her credit throughout the years, M. MARGUERITE continued to apply for job offers and he ended up being selected for a position as technical manager of a hairdressing salon. The manager was immediately interested in her profile.

However, a major problem arose:

Mr. MARGUERITE does not work on Saturdays!

In order to resolve this problem, he offered to work on Sundays and she accepted. Unfortunately, they were very surprised to discover that she was only allowed to open five Sundays a year, under penalty of relatively high fines.

In view of the laws prohibiting working on Sundays, these examples that we have just cited are representative of the discrimination that Mr. MARGUERITE suffers, as well as all those who, like him, observe the Sabbath, because his case is not isolated.

His experience demonstrates how much employers are held hostage by these laws. Those we have cited as examples were interested in Mr. MARGUERITE's profile, but while he met all the criteria, they rejected his application because of his faith.

It is true that the obligation not to have their employees work on Sundays is a significant pressure and the repercussions are certain for employers in the hairdressing sector who would contravene the *[(French) loi du 13 juillet 1906 établissant le repos hebdomadaire en faveur des employés et ouvrier]* and to the *[(French) Article 10 de la Convention collective nationale de la coiffure et des professions connexes du 10 juillet 2006, étendue par arrêté du 3 avril 2007 JORF du 17 avril 2007]*.

The texts we are referring to below show what a company risks if it makes its employees work on Sundays when it does not have the right to do so:

- *[(French) Articles L 3132-1, L 3132-2, L 3132-3, R3135-2 du Code du travail]*,
- *[(French) Articles 131-13, alinéa 5, 132-11 et 132-15 du Code pénal]*.

In these texts it is stipulated that anyone who opens his business on Sunday when he is not entitled to will be fined **€1,500 for each employee working on that day**.

This fine may be increased to € 3,000 in the event of an immediate recurrence.

Therefore, for any new offence, the offender will be liable to pay 10 times the sum of € 1,500, i.e. **€ 15,000** for each Sunday he opens.

Thus, being a Sabbath-keeper who practices the profession of mixed hairdresser, from these two realities, Mr. MARGUERITE's faith and the Sunday (dominical) laws, result the fact that his application to be hired within a hairdressing salon has become impossible and this has lasted for **27 years**.

Indeed, because of his faith and the Sunday laws, Mr. MARGUERITE cannot be present within a company during the weekend. As a Sabbath-keeper, he cannot work on Saturday which is his day of worship and rest reserved for the Lord.

Saturday being a key day for the hairdressing profession, he could have made up for the lack of his absence by working on Sunday but the employer is constrained by Sunday laws, because French legislation has established that the weekly rest of hairdressers must be given on Sunday.

Thus, the *[Extract from: Article 9 de la Convention collective nationale de la coiffure et des professions connexes du 10 juillet 2006. Étendue par arrêté du 3 avril 2007 JORF du 17 avril 2007 (translated into English from the original text)]* establishes the following:

**“Sunday rest remains the rule of principle in accordance with Article L. 221-5 of the Labor Code. It can only be waived within the framework of the legal provisions in force. In this case, Sunday work will be done by calling for volunteers. Employees will be notified at the latest 15 days in advance.**

*Work on a Sunday will give rise to 1 day of compensatory rest in the following 2 calendar weeks and to an exceptional Sunday work bonus equal to 1/24 of the employee's monthly salary.”*

In addition, in the *[Extract from: Article 10 de la Convention collective nationale de la coiffure et des professions connexes du 10 juillet 2006. Étendue par arrêté du 3 avril 2007 JORF du 17 avril 2007 (translated into English from the original text)]*, here is what is established:

**“Employees will benefit from a rest period of 24 consecutive hours set for Sunday by application of Article L. 221-5 of the Labor Code and 1 additional day, allocated in rotation in agreement with the employer and according to the needs on duty. (1) [...]**

*(1) Paragraph extended subject to the application of the provisions of Article L. 221-4 of the Labour Code, under the terms of which the weekly rest period must have a minimum duration of 24 consecutive hours, to which must be added the consecutive hours of daily rest provided for in Article L. 220-1 (Order of 3 April 2007, art. 1).*

Like all laws prohibiting working on Sundays, this clause in the National Collective Agreement for Hairdressing is discriminatory against those who do not work on Saturdays. It should be noted that minimal exceptions exist and allow hairdressers to work a limited number of Sundays, set in advance, such as the end-of-year holidays.

Here is what we can read about it: **“Under current regulations, apart from the sectors covered by a prefectural decree pursuant to Article L. 221-17 of the Labor Code, there is no prohibition on the opening on Sunday of a commercial and craft establishment such as a hairdressing salon, but only for the employment of employees on Sundays in such establishments pursuant to Article L. 221-5 of the same code.**

**Unless otherwise ordered by the prefect, a hairdresser-owner is therefore free to open his salon on Sundays. On the other hand, since hairdressing is not an activity covered by a sectoral derogation under Article L. 221-9 of the same code, hairdressing salons employing employees cannot open on Sundays, except during Sundays (5 at most) determined by the mayors in application of article L. 221-19 of the same code when the municipal decree has specified it.**

**Hairdressing not being, as such, a retail trade, it is only by an extensive interpretation that this sector could be taken into account.**

*The Government has initiated a reflection on all the provisions relating to the employment of employees on Sundays, wishing to take into account the wishes and interests of consumers as well as those of retail employees, as well as its objective of increasing France and improving the purchasing power of the French, in particular by reducing prices. It is within this framework that sectoral issues, such as hairdressing, can be taken into consideration. [Commerce et artisanat, coiffure, ouverture le dimanche. Réglementation.*

Question N° : 11243 de M. Roubaud Jean-Marc au ministre de l'économie, des finances et de l'emploi. Réponse publiée au JO le : 25/03/2008 page : 2617. Tiré du site : <https://questions.assemblee-nationale.fr> (translated into English from the original text)].

Thus, a hairdresser who works alone is not subject to the obligation to observe Sunday rest. However, as soon as he hires employees, his company is subject to this rule for its employees. In this context, it is only during the days already established, namely 5 Sundays per year, that an employer working in the hairdressing sector can allow his employees to work on Sunday.

Which therefore means that these two weekend days, potentially interesting for this activity, cannot be included in Mr. MARGUERITE's work schedule within a company, since on the one hand on Saturday, as expressed, given his faith which is the center of his life, this is impossible for him since he observes the Sabbath which covers Saturday; on the other hand, for Sunday, it is the Sunday (dominical) laws that have been instituted in France. These Sunday laws harm all those who, like Mr. MARGUERITE, observe the Sabbath, and put their faith and their finances to the test, but are also an oppression for the bosses who are themselves victims of them.

*It is important to emphasize that in these Sunday laws there are exceptions allowing certain trades to work by rotation, such as those working in the medical field, those selling newspapers, those selling flowers, etc.*

All other trades can only work a limited number of Sundays per year, under penalty of fines. It is this ban on working in shifts that in this century paralyzes the French economy, and weighs on companies that do not benefit from an exception.

Mr. MARGUERITE's experience demonstrates how Sabbath and Shabbat observers as well as employers are held hostage by these laws, which are themselves unconstitutional. We provide you with the evidence in this book in the section entitled “**Historical and legislative reality of the unconstitutional character of the Sunday laws**”.

To return to Mr. MARGUERITE's experience, we will tell you that since he could not find work because he could not be present at the company on the two days of the weekend, on Saturday to observe his faith and on Sunday constrained by Sunday laws, the only solution available to him was to open a hairdressing salon, because as seen previously, the law allows hairdressers to work on Sundays.

In order to provide for his family, in 2001 Mr. MARGUERITE decided to open his first hairdressing salon in Guyana (see production no. 1).

He registered his business, even though he had no experience as a hairdressing salon manager or in accounting. He was a good technician, who until then had never, even for a moment, considered becoming a business manager.

This experience was brief, having set up this business in a hurry, he was unable to manage it and having started the business without working capital, a few months after its registration, he had to stop the activity of this first hairdressing salon on January 27, 2002. From then on, finding himself again without income, his family and he chose to return to Martinique less than two years after arriving in Guyana.

On their return to Martinique, things were even more difficult because, with the birth of their child, the responsibilities were now heavier.

Mr. MARGUERITE applied again as a mixed hairdresser, but it was always the same old story, his application could not be accepted because he did not work on Saturdays and all doors were closed to him for this reason.

In doing so, in order to provide for his family, he did, as we have already seen, small precarious jobs that could not bring financial stability.

Since observing the Sabbath was a hindrance to his hiring, forced by circumstances, Mr. MARGUERITE opened a new hair salon in Martinique at the age of 31. This salon was called CENTRE GALAAD, and he began his activity on June 12, 2003 (see production no. 1).

Thus, having not acquired more experience in business management, and not being in any way prepared to be a business leader, he found himself at the helm of his second hair salon, no more equipped than the first time.

The problem is that since the objective was to “to earn a loaf of bread (earn a living)”, he again started without any working capital and even without premises.

Initially, he carried out his activity by traveling to his clients' homes for his services, then he set up his hairdressing salon on his parents' veranda and later in a small studio that his mother had made available to him.

Not trained for entrepreneurship, as stated, Mr. MARGUERITE made many management errors. One of them was to set prices that were too low.

He therefore worked at a loss throughout the duration of this hairdressing salon. In addition, the income from the hair salon was not enough to allow him to hire an accountant, so he survived while being a business manager.

The inevitable consequences were the liquidation of this company on November 6, 2012, due to insufficient assets.

Mr. MARGUERITE therefore managed this hairdressing salon for a little over 9 years. When it was liquidated, he found himself in the same situation as before it opened. He was a Sabbath-observant hairdresser, unemployed again. From then on, he applied for several job offers as a mixed hairdresser, in mainland France and the Antilles (French).

As in the past, employers showed their interest in him, his skills were recognized, but when he announced that he did not work on Saturdays, it was always the same scenario that happened, his application was not accepted.

The most frustrating thing is that he had the ardent desire to work as an employee of a hairdressing salon, but he was still and always discriminated against because of these laws that regulate Sunday work in this professional category and prohibit a hairdressing salon manager from hiring a hairdresser to work on Sundays, all year round.

In doing so, finding himself still in great precariousness, the harshness of life led him on August 14, 2011, to set up a new hairdressing salon that he called Dieu t'aime SARL. (see production no. 1). Weakened by his past experiences, he had little hope for the future of his new business but his goal was just to survive.

The same causes producing the same effects, Mr. MARGUERITE still had no working capital and he could not therefore hire an accountant to follow the accounting of this new business, which lasted a little over three years, January 27, 2014 sounded the end of his activities.

Mr. MARGUERITE found himself again in the same position as in the past, he was unemployed, he received the RSA and no hairdressing salon, although interested in his application, agreed to hire him because of what was becoming a heavy constraint, he could not be present on weekends because of Sunday laws and by virtue of his convictions as a Sabbath observer.

To ensure the bare minimum, the RSA was not enough, so he tried to set up a new hair salon, the fourth, which began its activities on August 24, 2015, Mr. MARGUERITE called it Black pearls. (see production no. 1).

Very quickly this hair salon, like the others, showed the same difficulties, but he kept it alive, “**on life support**”, because he knew that as a Sabbath observer, he would not find work as a salaried hairdresser, because of this thorn that is the Sunday laws.

While this salon existed, a new door opened to him, that of writing.

Thus, in order to market his writings, Mr. MARGUERITE created in parallel with this last hair salon, a new company in the world of publishing and seminars. This company is called les Édition Dieu t'aime sas (EDT SAS) with a start of activities dating from November 12, 2014. (see production n° 1).

Unfortunately several problems “invited” themselves, the first was Mr. MARGUERITE's good heart (incompatible with the business world), and his need to share his knowledge, which leads him to give everything for free. Thus, it was only for the last seminar on the fifty that he held that he asked for remuneration.

In doing so, although his reputation was beginning to settle in and people were asking him more and more for advice, the finances did not follow.

Thus, the same problems of his former companies resurfaced, Mr. MARGUERITE was a poor manager, because he was not trained for it, but condemned to continue in entrepreneurship, under penalty of being in a perfect shortage because of the Sunday (dominical) laws, as emphasized many times.

What allowed his company to survive was the sale of books, and there again things were complicated because to do this, they were placed in bookstores on consignment sale, as is generally the custom.

In doing so, Mr. MARGUERITE was limited in the possibilities of being able to work, because the sale of books alone could not be enough to bring sustainability to this company. Thus, although it was a great adventure, at the beginning of 2017, he had to face the facts, he could not continue like this.

Indeed, his situation had not changed since this company had been created, he still did not have a fixed income allowing him to plan for the future. For things to change, he therefore had to have a salary. In the meantime, Mr. MARGUERITE was able to get advice from an accountant who pointed out his management errors.

From then on, he understood that he had to change “his approach”, because the sale of books was insufficient to allow him to have an income.

What was profitable were the hair assessments carried out but, not being equipped, he could not charge them at the right price.

Mr. MARGUERITE therefore wanted to further develop this activity of hairdresser advising on hair problems for black and mixed-race women, however, the underlying problem remained, his companies Black pearls – which still existed although moribund – and the Édition Dieu t'aime sas (EDT SAS) were not viable. He therefore had to carry out a thorough reorganization.

To do this, as he had no debt at the Black pearls hair salon, he closed it, he ceased his activities on July 3, 2019. This hair salon remained active for a little over 4 years.

On the other hand, for the company Édition Dieu t'aime sas (EDT SAS), things were more difficult, because over time this company was in debt.

From the experience of his first companies which failed, due to lack of working capital, and for which he had to file for bankruptcy, Mr. MARGUERITE knew that the latter in the long term would not be profitable, but he chose to keep it while he cleared his debts, especially the tax ones, then his goal was to file for bankruptcy.

In order to be able to earn a salary that he could not claim with his company and not wanting to find himself surviving by receiving the RSA, he set up a second company in July 2019, but he chose to continue the activities of the Édition Dieu t'aime sas (EDT SAS) in parallel. The new company M. MARGUERITE, set up in his own name, began its activity on July 24, 2019 with the trade name, Perle Noire, the name used for its activities is Édition GALAAD (see production n° 1).

This company was set up under the legal form of an EIRL and began its activity on July 24, 2019. The activities carried out by this company are as follows:



Publishing books, training, advice, organization of cultural events, advice on makeovers and hairdressing in salons, website.

From the creation of his company in July 2019 to March 15, 2020, the date of the implementation of the first curfew due to the Corona virus pandemic, Mr. MARGUERITE carried out his activity in the two departments, Guadeloupe / Martinique and in mainland France.

From the start of his activity (July 24, 19) until December 31, 2019, this company generated a personal income for Mr. MARGUERITE for this period of **17,770 euros**, which represents an average monthly income of **3,554 euros**.

Then for the first months of 2020, (for January and February 2020) this company brought him a personal income of **4,646.50 euros** per month. It is certain that with the disappointments of his first companies and with the experience acquired, "taking blows", Mr. MARGUERITE had finally arrived at having a more than decent income.

This was without counting on the pandemic due to covid 19 which swept away with a backhand the forecast put in place which seemed to hold up.

With the arrival of the pandemic there were restrictions put in place by the French government to try to curb it, to do this, successive measures were taken, among others, the obligation of vaccinal for certain professionals, such as those who like Mr. MARGUERITE hold seminars.

As soon as the "sanitary pass" was introduced, gatherings were only possible under certain conditions, his activity linked to the organization of seminars was hit hard by these restrictions.

Thus, from March 16, 2019 to April 9, 2022, due to the vaccinal laws against covid 19, Mr. MARGUERITE was unable to resume his activities and during this period, he had to remain on technical unemployment.

Thus, due to the restrictions that were put in place by the vaccinal laws against covid 19, this beautiful professional surge that was beginning to materialize, before the pandemic was reduced to dust, causing Mr. MARGUERITE's businesses to be particularly impacted and he now finds himself, due to lack of finances, unable to reschedule seminars, the backbone of his professional activities.

Considering his current particularly precarious situation, his only possibility of survival would be to find work within a company as a salaried hairdresser.

Today, through the experience acquired, often at his own expense, Mr. MARGUERITE has become a seasoned business manager, who could normally find many employers willing to employ him to manage their business.

Unfortunately, Sunday (dominical) laws still constitute a brake and an obstacle for the door of jobs as a hairdressing salon manager to be opened to him.

Still for the same reasons, he does not have the possibility of being present on weekends, even though Sunday (dominical) laws are of religious origin and therefore unconstitutional.

In this document in the section "**Historical and legislative reality of the unconstitutional character of the Sunday laws**", we bring you the evidence of the religious and therefore unconstitutional nature of the Sunday (dominical) laws forcing certain professionals to only allow their employees to work a limited number of Sundays in the year.

Unfortunately, these Sunday (dominical) laws close many doors to Mr. MARGUERITE and deny him any hope of a better professional future as an employee of a hairdressing salon.

Apart from that, we must specify, if need be, that becoming an entrepreneur and remaining one for the last 27 years was not a deliberate choice, a desire to undertake but rather a necessity, for Mr. MARGUERITE, the only possibility left to him to hope to have a decent income. Alas! This was not the case.

The constraint imposed on Mr. MARGUERITE by the Sunday (dominical) laws, instituted in France preventing him from being hired by an employer on Sunday to replace Saturday, his day of worship, was at the origin of all these difficulties encountered.

Becoming a business leader, when it is a choice, is perfect, but when you become one in spite of yourself, it is terrible, when you are neither prepared nor willing.

And all this, why?

To escape the constraints imposed by these Sunday laws which are nevertheless unconstitutional because of religious essence. And this, while France "is" a secular State, which has freed itself from religious laws, where no religious decree can come to alienate the freedom of French citizens.

Thus, Mr. MARGUERITE did not have for more than two decades, as an observer of the Sabbath, the same chances of succeeding in his professional life as those who, themselves, have Sunday as a day of rest reserved for the Lord.

Mr. MARGUERITE has thirty-five years of experience as a mixed hairdresser and employers are interested in his profile, but the Sunday laws prohibiting employers in the hairdressing sector from having an employee work on Sundays is an obstacle to his hiring, all these elements also contribute to the very great precariousness in which he finds himself.

Thus, everything that we have developed previously has accentuated Mr. MARGUERITE's financial difficulties and continues, in a discriminatory manner, to keep him in great precariousness.

This violation of his rights by the French State, due to the establishment of the vaccinal laws against covid 19 and Sundays (dominical) is at the origin of the disastrous financial situation in which Mr. MARGUERITE has found himself, for the **last 27 years**.

To continue, we will tell you that he had to put in place legal steps in order to assert these rights violated by the Sunday laws. One of them is an appeal that Mr. MARGUERITE sent to the Defender of Rights. (see production no. 34).

By reading this letter, which was intended for the Defender of Rights, we realize that the main axis that would have allowed Mr. MARGUERITE to win his case, namely the unconstitutional reality of the Sunday laws, he could not, at that time claim to demonstrate it, because citizens did not have this power at their disposal, when he appealed.

Thus, the Sunday laws having been established and being active in French legislation, no citizen or lawyer could then attack them without being dismissed and this, because no law allowed it. Things have since changed, to the great delight of Mr. MARGUERITE, with the implementation in 2008 of the following *[Par une décision rendue aujourd'hui, le Conseil d'État juge qu'une personne peut obtenir réparation des préjudices qu'elle a subis du fait de l'application d'une loi déclarée contraire à la Constitution par le Conseil constitutionnel. Tiré du site <https://www.conseil-etat.fr>].*

This part that we have just presented to you is, within the framework of a QPC, a new possibility that the legislation of our country (French) has offered, since 2008, to French citizens allowing them to attack an unconstitutional law, so that it is repealed.

Mr. MARGUERITE discovered this reality when the vaccinal laws against covid 19 had increased the suffering that he was already enduring with the Sunday (dominical) laws, and this, for decades, we have already expressed it through the various misadventures that he encountered, through these job searches.

Mr. MARGUERITE therefore tried to set up a QPC against the Sunday (dominical) laws, so that they are repealed, by the Constitutional Council, under the cover that his file is first accepted by the administrative judges and by the Council of State.

His aim was to make it known that by preventing him, as a Sabbath-keeper, from working on Sundays in a hair salon as an employee, the French state was imposing discriminatory oppression on him.

Mr. MARGUERITE's first step was to present the harsh realities he endured under the yoke of Sunday (dominical) laws and in order for this to stop, he first sent a letter to the DEETS (Regional Directorate for the Economy, Employment, Work and Solidarity "French") of Martinique on August 12, 2022. (see production no. 35).

In this context, he requested an exemption request which would allow him, as a Sabbath observer, to work as an employee for an employer on Sundays, but his letter remained unanswered. Still in a search for conciliation, he sent a reminder to the DEETS of Martinique, a letter received on January 24, 2023, this request also remained unanswered. Here is an excerpt: “[...] **I explain below the reasons for such a request. I am a Sabbath observer and I work as a mixed hairdresser, from these two realities result the fact that my application to be hired in a hairdressing salon has become impossible and this has lasted for 27 years.**

**I have in the meantime created my own salon to be able to practice my profession but the impacts of the health crisis have been considerable on my structure and I am considering returning to the job market. [...]**” (see production no. 35).

It should be noted that it was with the aim of changing his situation that Mr. MARGUERITE sent, on August 12, 2022, a request for exemption to the Department of Economy, Employment, Labor and Solidarity (DEETS “French”), which would allow him as a Sabbath observer, therefore someone who does not work on Saturdays, to be able to do so on Sundays, in a company that would agree to hire him as an employee. Here the primary object of his approach targets the repercussions of the health crisis, therefore of the health laws, based on the vaccinal laws against covid 19, which have impacted his companies.

These Sunday laws have had consequences just as disastrous on Mr. MARGUERITE's life as those relating to the vaccinal laws against covid 19. This is what motivates the presence of the full letter from which the above extract is taken and his file which appear to us to be admissible in the context of this QPC. The purpose of both laws is the same, they have kept Mr. MARGUERITE in a precarious situation.

Now that this point has been clarified, let's get back to this letter, its reason for being is that Mr. MARGUERITE is a Sabbath observer and he works as a mixed hairdresser, from these two realities results the fact that his application to be hired in a hairdressing salon has become impossible and this has lasted for 27 years.

Indeed, because of his faith and the Sunday laws, he cannot be present in a company during the weekend. As a Sabbath observer, he cannot work on Saturday which is his day of worship and rest reserved for the Lord. Saturday being a key day for this activity, Mr. MARGUERITE could have made up for the shortfall of his absence by working on Sunday, but the employer is constrained by Sunday laws to only allow him, as a mixed hairdresser, to work a limited number of Sundays, fixed in advance, such as the end-of-year holidays.

This reality appears in *[Article 10 de la Convention collective nationale de la coiffure et des professions connexes du 10 juillet 2006. Étendue par arrêté du 3 avril 2007 JORF du 17 avril 2007]*.

So, as long as Mr. MARGUERITE works for himself, he can now open his hair salon as many Sundays as he wants, but as an employee, the number of Sundays he can be present in a business is limited.

So he found himself at the end of this terrible pandemic, because of the technical unemployment that the vaccinal laws against covid 19 had instituted for the unvaccinated, financially unable to resume his activities, and in return, because of the Sunday laws, he could not be hired by a hair salon which, in return for his absence on Saturday due to observance of the Sabbath, would accept that he work on Sunday.

This is incomprehensible to Mr. MARGUERITE, because these laws are of a religious nature and therefore unconstitutional and therefore have no reason to exist in the secular Republic that is France.

This situation is all the more frustrating because, as an entrepreneur working on his own account, Mr. MARGUERITE was used to working on Sundays, as soon as the law allowed it. Thus, to get out of this state of precariousness into which the vaccinal laws against covid 19 had plunged him, he wanted to start working again for a company as an employee, but from experience, he knew that not being able to be there both days of the weekend would be a barrier to his hiring.

Thus, having had no response, following his first claim to the DEETS of Martinique, to defend his cause, in parallel with the reminder sent to them, Mr. MARGUERITE also made a hierarchical appeal to the General Directorate of Labor (DGT "French"). (see production no. 35). This, with a view to conciliation, this letter was received on January 26, 2023. No follow-up was given by this means either.

In doing so, as is appropriate within two months, so that his request for exemptions could be heard, he set up a file with the administrative court of Martinique. This case was registered, through the Citizen's telerecourse, by the registry of this court on April 3, 2023 under No. 2300194. Then on April 26, 2023, Mr. MARGUERITE filed a QPC.

This case was dismissed and declared null and void by the administrative judges due to the non-existence of a compliant contested act since this administration had not responded to Mr. MARGUERITE's letter. Otherwise, he could have validly made his voice heard at the administrative court level.

Here again, we note the legal vacuum that exists within the laws governing administrations. An individual cannot obtain justice, because civil servants, who have the obligation to respond within legal deadlines to the requests they receive, do not do so. In return, nothing is done to ensure that citizens' appeals are followed up and that these offending civil servants are brought before a disciplinary council.

This situation must change and this observed deficiency must no longer exist, civil servants must be able to answer for their actions and be sanctioned when, by contravening their obligations, they have significantly harmed an individual.

To continue, we will tell you that based on his past errors, Mr. MARGUERITE understood that he mastered the substance of his files presenting the unconstitutional nature of the Sunday (dominical) and vaccinal laws against covid 19, however, being neither a trained lawyer nor a lawyer, the form that the file should take is unknown to him.

This is how, in order to be efficient in this second round that is beginning, Mr. MARGUERITE was helped by a lawyer who is leading this case, the objective being that the Sunday laws as well as those against covid 19 can be recognized as unconstitutional and be repealed by the members of the Constitutional Council.

It is time for justice to be done to Mr. MARGUERITE because, although resilient and determined to continue his fight to the end, he is once again at such an extreme that he cannot decently provide for his most basic needs, and this is because the Sunday (dominical) laws prevent an employer from hiring him by allowing him to work every Sunday in compensation for the Saturdays when he cannot be there for reasons of faith.

Mr. MARGUERITE being determined to find work continues to apply, through France Travail, but the feedback is negative, always for the same reasons. Here is a rejection of an application that he recently received as part of his job search through France Travail (France Travail is a public administrative establishment responsible for employment in France), for a mixed hairdresser position: *"During our exchange on July 16, 2024, we took stock of your situation. As agreed, I am sending you the summary. You applied for Offer No. 175GMCK. The employer was won over by your experience in hairdressing. However, as a Sabbath observer, you do not work on Saturdays. This is a major constraint for the employer who had to decline your application. [...] respectfully, Your advisor"* [Extract taken from: France Travail. Pôle emploi Martinique du François. Courrier du 16 juillet 2024. N° TP6701HG ACAR FT67 P95/IL97273/ACAR]. (see production no. 37) (translated into English from the original text).

So, things are not changing. Nevertheless, still resilient and determined to earn an income, no longer finding work as a hairdresser due to the mismatch between his faith and the need to be present on Saturdays, the key day in this sector of activity, Mr. MARGUERITE therefore opted for a complete reconversion in response to an offer in the fishmonger sector. These events occurred during an information meeting held on June 13, 2024, at the France Travail branch - ZA LAUGIER Rivière Salée Martinique - which aimed to present job offers in the fishmonger sector, under the reference “#TousMobilisés - Recrutement - Réu d'information POEC POISSONNERIE”. (see production no. 37). We present the context and facts below:

Registered with France Travail, this job offer was sent to Mr. MARGUERITE by text message on May 28, 2024. Having not yet been recruited in his sector of activity, he responded positively to participate in this aforementioned information meeting, especially since there was no prior experience required.

Indeed, all trades were accepted and a 2-month training course provided by the CARREFOUR brand was to ultimately lead to a permanent contract for the selected applicants, with 13 positions to be filled, given the shortage of fishmongers in these stores. Mr. MARGUERITE was therefore very interested, on the one hand the training would allow him to acquire the skills necessary to practice this new profession, on the other hand, being already trained in sales, he knew that it was an additional asset and that he could be suitable and selected.

Let's now come to the discrimination he suffered. In order to find out about the policy of the CARREFOUR brand, Mr. MARGUERITE, in front of the three France Travail agents and all the job seekers, asked the following question to the two recruiters from this brand who had come to lead this information meeting:

**“I am a Sabbath-keeper, and therefore, to respect my faith, I do not work from Friday afternoon before sunset to Saturday evening at sunset, will this pose a problem for me to be able to join this training?”**

The following response was given to him by the representative of the CARREFOUR group who was leading this information meeting: **“This is a large-scale distribution business, and therefore weekend work is mandatory, so it will not be possible.”**

At this response, Mr. MARGUERITE therefore took his leave from the meeting.

It should be noted that this response constitutes discrimination against Mr. MARGUERITE by this representative of the CARREFOUR company because it contravenes the right conferred on her by the following texts:

- *[Article 2, loi n° 2008-496 du 27 mai 2008 portant diverses dispositions d'adaptation au droit communautaire dans le domaine de la lutte contre les discriminations],*
- *[Article 9 de la Convention européenne des droits de l'homme Liberté de pensée, de conscience et de religion, articles 1 et 2],*
- *[Protocole numéro 12 à la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales, article 1 (Interdiction générale de la discrimination)],*
- *[(French) Articles 1, 6 et 11 de la Déclaration des Droits de l'Homme et du Citoyen de 1789],*
- *[(French) Préambule de la Constitution de 1946].*

This discrimination is all the more blatant because the CARREFOUR brand is not subject to Sunday laws, which require certain trades to be unemployed on Sundays.

In this regard, if Mr. MARGUERITE had been selected, he should have been able to benefit from flexible working hours. It is also important to note that the fact that he cannot be present at the company from late Friday afternoon to sunset on Saturday evening cannot be a handicap for a brand such as CARREFOUR, given the number of positions to be filled (thirteen).

Following these events, determined not to give in to the discrimination he was the victim of, Mr. MARGUERITE sent claims to CARREFOUR Martinique, the CARREFOUR group, and at the France Travail office where these events took place. (see production no. 37).

The purpose of these complaints was to find out the position of the CARREFOUR company and the France Travail branch in Rivière-Salée, in the face of this umpteenth discriminatory practice. On July 1, 2024, CARREFOUR Martinique, in return for the letter received, presented the fact that Mr. MARGUERITE did not stay until the end of the meeting as his decision not to participate in this training. (see production no. 37).

However, this brand does not take into account the following statements from its representative: **“This is a large-scale distribution business, and therefore weekend work is mandatory, so it will not be possible”**, which was a clear refusal for Mr. MARGUERITE.

This is a typical example of the discrimination that Sabbath and Shabbat observers experience on a daily basis, and which prevents them from having the same chances of success as the rest of the French.

As a result, to date no improvement has been made to his situation and he is still under the yoke of Sunday laws that hinder him and close off any possibility of a future. This precarious situation is all the more difficult to accept given that Mr. MARGUERITE is recognized as one of the best in his specialty as a hairdresser-consultant in hair problems for black and mixed-race women – his books and seminars demonstrate his skills (see production no. 7).

Despite the recognition of his skills by his peers, Mr. MARGUERITE does not have the same chances of social integration as other hairdressers because of the laws prohibiting working on Sundays. As a result, to date no improvement has been made to his situation and he is still under the yoke of the Sunday (dominical) laws that hinder him and close off any possibility of a future.

By preventing him, as a Sabbath observer, from working on Sundays in a hairdressing salon as an employee, the French State is imposing discriminatory oppression on Mr. MARGUERITE. In doing so, by allowing the perpetuation of the Sunday laws that hinder him professionally, the French State has acted on the transgression of Mr. MARGUERITE's fundamental rights, as we demonstrate throughout this document in the section entitled **“Historical and legislative reality of the unconstitutional character of the Sunday laws”**.

In doing so, by allowing the continuation of the Sunday laws which hinder Mr. MARGUERITE at the professional level, the French State has acted on the transgression of the following laws and treaties:

- *[(French) Article 2, loi n° 2008-496 du 27 mai 2008 portant diverses dispositions d'adaptation au droit communautaire dans le domaine de la lutte contre les discriminations],*
- *[Article 9 de la Convention européenne des droits de l'homme Liberté de pensée, de conscience et de religion, articles 1 et 2],*
- *[Protocole numéro 12 à la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales, articles 1 et 2 (Interdiction générale de la discrimination)],*
- *[(French) Article 11 Déclaration des Droits de l'Homme et du Citoyen de 1789].*

All of the above clearly reflects the type of loss of opportunity that the French State caused to Mr. MARGUERITE in accordance with the *“(French) article 1240 du code civil modifié par l'article 2 de l'ordonnance n°2016-131 du 10 février 2016 portant réforme du droit des contrats, du régime général et de la preuve des obligations”* and of the *“(French) arrêt du 18 mars 1975, la chambre criminelle de la Cour de cassation, n° de pourvoi 74-92118”*.

## 11 Of Suffering and Ink

To begin this part, I would say that generally in life, following the experiences that I live, particularly the negative ones, I sit down and reflect and in a spirit of prayer, I seek to understand what happened to me and the reasons for what I lived or suffered. With these established bases, in the case of Mr. Vincent GUILGAULT, this unjust civil servant, I looked for avenues of reflection to explain his behavior.

Have other people, like me, experienced these misadventures, these tribulations under his yoke? Could it be my basis of faith that poses a problem for him, because the very names of my companies demonstrate that I am a Christian, because the first is called Éditions Dieu t'aime sas (EDT SAS) which means in English Edition God loves you and the second has the trade name Éditions Galaad.

So, is this gentleman anti-Christian? Or is he a fanatical follower of the Catholic Church and is he aware of my books which denounce the abominable acts as well as the transgressions of the word of God which are behind this religion?

To discover these realities, I invite you to read my books entitled **“Inquisitiô (The three angels' message), volume II The reality of the attack of the little horn of Daniel 7 against the Law of God and the times of prophecy. Historical part”** and **“Inquisitiô (The three angels' message), tome III. The reality of the attack of the little horn of Daniel 7 against the Law of God and the times of prophecy. Prophetic part”**.

To continue, I would tell you that to this day I am fighting like a lion so that my cause is heard. In doing so, when I realized that the President of the Republic, Mr. MACRON and his government would not provide me with any concrete help, not wanting to give up and with a view to diversifying the potential possibilities of support, I therefore undertook to make my situation known to elected officials.

To do this, I wrote an open letter that I sent on August 10, 2021 to all French senators and deputies, on their messaging services available on the websites of the Senate and the National Assembly.

Unfortunately, no one intervened. Perhaps I was naive in hoping for a response? I also sent an email to the president of the territorial community of Martinique on the same date (August 10, 2021), from this side, ditto, no response.

No one wanted to hear me at the level of the State and other political bodies, in doing so, on this day, December 18, 2024, I find myself in a more critical situation than a homeless person. Has Mr. GUILGAULT's plan finally been achieved?

Do you realize that I asked for help from the representatives of the people, our deputies and our senators, more than three years ago and no follow-up was given, leaving me **“macerate in my juice of suffering”**.

That the upper echelons of the State do not deign to hear my cry is one thing, but that the representatives of the people, the elected officials who are supposed to represent us, do the same, that devastates me. What analysis can be drawn from what is happening to me? How can we understand that no one has reacted, even by trying to inquire about my situation to know if what I am reporting is reality, especially since I have provided proof of what I am saying?

Nothing “abnormal” a priori about all this! A business leader can be prevented from working by the State, among other things because of the vaccinal laws against covid 19, therefore hindered in spite of himself and be broken, spolied by a civil servant, without anyone feeling concerned.

It is true that we know the administrative slowness but when I find myself with less than the minimum vital to live, does my case not deserve at least a verification of my statements?

To continue, I would say that the crowning glory of this affair is that this official whose name I have mentioned so many times, managed to bring a business leader who had two businesses that were beginning to prosper, to find himself in a worse financial situation than that of homeless people (SDF).

Here is an image that comes to mind when considering my situation:

I find myself like a man who was shipwrecked on a desert island with only a crate of canned goods for a living. On this island, there is no way to open these cans that do not have an easy opening. You can hit them with stones, but it only deforms them but does not open them because these cans are made of reinforced steel.

So, while there is a small fresh water point nearby, a cargo of canned goods that would have allowed him to live for months, here he is fainting, and on the verge of dying the most atrocious death, of hunger, on a load of canned goods.

This image represents well what I am experiencing because, on the one hand I have two companies, but I wasn't able to work there for months, because I am not vaccinated and the vaccinal laws against covid 19 forbade me to do so, while they themselves contravene the constitution.

On the other hand, this aid which could have allowed me to keep my head above water was no longer paid to me, because of the approximate handling of my file by this tax official. I have been living in great suffering for months!

Nevertheless, on this day, I realize that the ways of heaven are inscrutable and that the Lord guides us on the most incomprehensible paths so that we can work in his name.

When I took up the pen to write this book, my primary objective was simply to make my voice heard so that the blatant injustice of which I am a victim, under the yoke of Mr. GUILGAULT, would cease. To do this, I took several steps, I had, among other things, good hope of being heard by the President of the Republic, a deputy, a senator, the prefect of MARTINIQUE, a local elected official, etc. finally someone, but here it is, more than three years later none of them have moved.

I have already presented to you all the steps that I have put in place.

So, as already presented, at that time, things had become so difficult that I also intellectualized that from now on I was part of the "disadvantaged", by submitting, at the beginning of February 2022, an application for aid to the CCAS of my city of residence.

My words are in no way pejorative, they simply come from the fact that it is generally those who are in great precariousness who approach this organization.

In response, I was granted aid of 200 euros, 100 of which were paid in February 2022 and the rest in March. This approach that I undertook at the CCAS left two feelings in me:

The first is the need to ensure that justice is done to me and that the unspeakable acts of this tax official, making me go from the state of business leader to that of begging, are known by as many people as possible.

The second feeling that drives me towards this approach is gratitude, because seeing myself reduced to such a condition which is certainly very difficult, but that the Lord opened this door to me, allowing me to have this help from the CCAS filled me with joy.

I am grateful to those who are part of the committee for the allocation of this aid within the Lamentin Town Hall (MARTINIQUE). May the Lord bless and protect you all, as well as your loved ones.

It is comforting for me to know that these structures are listening to the needs of the little people. Yes, I still have not "digested" the non-return of the senators, the deputies or the president of the CTM, while I am in this great precariousness.

I am aware that I am not the only one in this situation, but even just a response to show that our fate does not leave our elected representatives in complete indifference would have made all the difference.

Did France need a new poor person, did it need a new person on welfare, living on minimum social benefits?



Where is France going, if from now on the iniquitous (malicious), the powerful, can oppress, with complete impunity, the little people?!

So, having found myself alone with my pain, with no one to help me, I had to do what the Lord gives me to do best, dissect texts to extract the substantive marrow. It is with a pen of suffering that I do it.

The end result is that the primary reason for which I undertook to write, and which is the chapter entitled “**New evidence on the responsibility of the civil servant Mr. Vincent GUILGAULT, as head of the FIP accounting department other categories, in the alleged external illegality**”, has become secondary and an insignificant part of my work presented in this book.

Today, I glorify God for guiding me on this path, for allowing me to search for texts in order to present my right to defend myself and along the way, by dint of “to potasser (studying)”, I came across a gold mine of information that allowed me to go well beyond my initial approach.

So, today, I am given the opportunity to defend the cause of those not vaccinated against covid 19 who have been bullied, stigmatized. Why? While the various texts that I report in this book clearly show that there is a transgression of the law in what is put in place, by France but also by many countries.

Then, in a second step, the Spirit of God inspired me to fight for my rights as well as those of all Sabbath and Shabbat observers who have been oppressed by Sunday laws for centuries.

What more noble fight than that of shedding light on what women and men have experienced and where they have unjustly lost their lives, under the wrath of the black widow that is the Catholic Church, just because they had chosen to remain faithful to the Lord and rejected the dogma of this religion.

This is how the result of my sufferings under the yoke of this iniquitous official who works in taxes gave a result in three poles which ended up in this book forming only one, as if by a fusion, thus, in these pages all my struggles found the same setting (jewel case), to be able to express themselves.

To continue, I would like to tell you a secret:

I am not a lawyer, and these subjects that are dealt with in this work, until recently, just before I started writing, I did not master them at all, and the texts that I quote in these lines were for the most part unknown to me.

Amazing, you might say, why, especially with regard to the vaccinal laws against covid 19, have lawyers not carried out these analyses that are presented here? How can a neophyte have the audacity to present such a file?

In response, I would tell you that it is the Spirit of God who guided me to these texts and I want to glorify the Lord for this spiritual sword that he gives me to carry to you, singularly, to those who are suffering because of these discriminatory laws which, concerning the vaccinal laws, prevented them from carrying out their activities because they were not vaccinated against covid 19 or, within the framework of the Sunday laws, which force them to be unemployed, in spite of themselves on Sundays.

I know that for many of you, presenting the all-powerful of God and highlighting the magnificence of his works may seem pure madness.

And yet! Only the future will tell if the legal cases that I am carrying out and which are presented in this book will be favorable to me. If I win my case, especially in the case relating to the vaccinal laws against covid 19, it will be clear that the Lord is indeed on my side and that I have not lost my mind, his all-powerful will thus be recognized. Because where jurists, lawyers, deputies, senators etc., have not been able to defeat the vaccinal laws against covid 19, I, who do not have legal training, under the aegis of God, have been able to.

So, listen, because the future will tell us what it is!

Some might have capitulated, would not have laid themselves bare by revealing such difficult and personal elements, but writing helps me to externalize the unthinkable, especially since I do not endorse violence as a means of dialogue, because other means of expression to make oneself heard exist.

Proof of this is, because although unjustly oppressed, cornered, I do not resort to violence but to the pen, to make myself heard and I thank the Lord for what he has done with me (makes me become).

One of the realities that is mine on this day is that I will not give up, until justice is done to me, and I will cry out with all my soul against the abominations that I have suffered. In the Mighty name of Jesus Christ, he the King of kings and the Lord of lords, all those who are at the origin of my downfall **“will not have my skin”**, I will fight to the end like a lion.

So, while the pitfalls present themselves like the Red Sea and the problems and difficulties follow me like the raging Egyptians. I am certainly destitute, but I continue to move forward despite life's storms thanks to my faith and the fact that I know I serve a great God. So I know he will act, one way or another!

In doing so, one thing is certain, although I am weakened by this extremely difficult and damaging situation for me (you now know the details of the case), these people will not destroy me because, as I have indicated, the Lord gives me the ability to put, through my pen, my experiences and my feelings, it is my outlet.

This book was written in French and English, so my story which goes beyond understanding will be known beyond borders.

I am not asking for vengeance, I am letting God act in his time. My goal is that justice be done to me, as well as to all those who have suffered and are still suffering the repercussions of the vaccinal laws against covid 19 and the Sunday laws, which are nevertheless unconstitutional and who therefore do not have the right to be in France.

To continue, I would say that we have come a long way, so far!

Throughout these lines I am convinced that I have armed you, with a view to asserting your rights or those of all those who are or have been suffering under the iniquitous rule of the vaccinal laws against covid 19 and the Sunday laws.

With this argument, the fruit of my reflection, I would like to challenge you, whether you are French or an inhabitant of another part of the globe:

1. Now that you have read this book, do you think I am paranoid?
2. Do my words seem like quibbles to you?
3. Do you think that in this century, in this country that is France, which prides itself on being the country of human rights, that what I have experienced has a reason to exist?
4. Can a civil servant, in an iniquitous (malicious) manner and without any reason, torment a business leader by forcing him to close his doors and reducing him to a state of begging, without anyone protesting...?
5. Can a government, which is supposed to serve the people, in the country that has the reputation of being the country of human rights, with impunity enact discriminatory and baseless laws and decrees in order to oppress a part of its people, without anyone protesting?
6. Where have gone the law, justice, fraternity and chivalrous qualities that make the honor of the human being?
7. If you were in my place what would you do, or if you were in the place of these caregivers who find themselves without resources, because they chose in their soul and conscience not to be vaccinated against covid 19, or that of these Sabbath or Shabbat observers who suffer the iron yoke of Sunday laws what would you wish?

To you who are reading me, do not forget that my current pain and that of the unvaccinated against covid 19 who have been forced into unemployment, or that of the Sabbath or Shabbat observers who are hindered by these iniquitous Sunday laws, could well be yours, or that of one of your loved ones.

### **Well, what you would have wanted for yourself, do it for us!**

Let your cries rise from the depths of the universe to denounce these abominations that we are made to experience as those who are not vaccinated against covid 19, or as Sabbath or Shabbat observers or that I lived under the yoke of Mr. Vincent GUILGAULT without the representatives of the State intervening.

I expect your help, do not wait for death to strike us to come with flowers, cry on our graves and set us up as martyrs of the system.

It is now that we need you, today is the day when you must act, not only so that justice is done for me, but even more, in order to deliver all those who have lost their jobs because of the vaccinal laws against covid 19 or the Sabbath or Shabbat observers who are dispossessed by Sunday laws.

### **It is up to us to change things, by the grace of God.**

To do this, (again I give you a little biblical wink), one of the beautiful images I have of unity that brings victory is presented in [*Ecclesiastes 4 verses 9-12, King James Bible*] which establishes the following: **“Two are better than one; because they have a good reward for their labour. 10 For if they fall, the one will lift up his fellow: but woe to him that is alone when he falleth; for he hath not another to help him up. Again, if two lie together, then they have heat: but how can one be warm alone? And if one prevail against him, two shall withstand him; and a threefold cord is not quickly broken.”**

This text in its essence, presents, for me, the union as making the strength. The victory of the Allies, despite their faith or their diverse convictions, during the Second World War, shows us the value of the unity of all against tyranny.

### **You must now act.**

My fiancée Nicole and I have done more than our part, because this book, as you have been able to realize, which is the fruit of a long and hard work, we offer it to you, so that you can change things.

Indeed, in accordance with what the Spirit of God inspired me, this document had to be free, so that all those who feel concerned by the cause can read it and mobilize.

Share this support (book) with as many people as possible, by all means, **by email, Facebook, WhatsApp, Instagram, Tik Tok, etc.**, I make it available to you in French and English, on my site. You will find these coordinates at the end of this chapter.

One of the blessings that God gave me was to touch the heart of my fiancée Nicole, so that she could agree to give shape to my ideas and correct this long document that you have in your hands in its French version.

Unfortunately, the correction could not be complete, since this file had to come out as soon as possible, so mistakes may remain, and we ask you to excuse us for this.

To continue, I would say that I have worked on average 8 to 12 hours a day on this file, in English and French versions, since October 2021 and I am in the process of finalizing it today, December 18, 2021.

The goal being that it comes out as soon as possible. At the same time, I continued, as I said, to work on my other works.

### **You received the fruit of this work for free.**

In return, I have included a request for financial assistance that I am asking from those who will read me. Thus, even if I am currently in need, because of a situation beyond my control, I am hopeful of receiving help. Thanks to her, and this already makes me happy, I will be able to share my thoughts and convictions which will not fall into disuse.

My work will therefore not be in vain because it will, I am sure, enrich those who will read my books. So that you can understand my philosophy and my faith, I will present you with an allegory:

Imagine that you have an orange tree that gives you abundant oranges that are as sweet as honey, which you intend to sell. However, situated where you are, no one knows that you have any for sale. As a result, your oranges rot on the tree while you are in need. To change this situation, you make plans to sell them and to do so you present them at a fair so that as many people as possible can taste them. Knowing that they are as sweet as you want them to be, you know that those who come and taste them will be conquered and that you will be able to live off your harvest.

This persona that I adopt to present my books may seem presumptuous to you. Nevertheless, for me, my works are like oranges, since they are the fruit of extensive research and a lot of hard work. Given their content, I am confident that they will provide you with knowledge that will strengthen you. I still have much to tell you through my books, which are in the process of being published.

I invite you, through their lines, to make new journeys. Before continuing, I would like to make it clear that I did not study literature, I am above all a passionate author not a writer.

I address various themes in my books, as is the case in this one, which are dear to my heart and which highlight my deep convictions. This love of writing came to me one day when I had to reflect on the fleeting duration of our life on Earth.

Many people have worked, enjoy the fruits of their labour during their lifetime, but often after their death there is nothing left of what they were, of their thoughts, or of their convictions. They go down into the grave and “**wither away like the ether**”.

I have no knowledge of what my forefathers were like. What their convictions were or what they did during their lives. All of this remains a mystery to me. Especially since I hail from the Caribbean, I come from a people who have experienced the chains and alienation of slavery. My need to write and my passion for words have stemmed from these reflections! On the other hand, when I read books that great authors like Tertullian, Martin Luther or Ellen G. White, the great reformers, etc., wrote a long time ago, I get to know them and their writings strengthen me. My need to write and my passion for words have stemmed from these reflections!

My ambition in this life is neither wealth nor fame. My abiding goal is to bring my knowledge to this generation and to leave a literary legacy to future generations. My deepest wish is to convey my knowledge and convictions in writing in order to share my books with those who will enjoy them and who, I hope, will be inspired by them. **There is still much to do.**

If this book you have in your hands has strengthened you, I invite you to read and distribute my other works to as many people as possible, because they will certainly bring you knowledge that will certainly also be beneficial to you. Many of these books are, or will soon be, by the grace of God available for free download on my website.

Unfortunately for me, “money being the sinews of war”, since I have already invested all of my funds in the publishing of these first books that I presented to you before, in the section entitled “REMINDER OF FACTS AND PROCEDURE”, in doing so, I no longer have the means to continue this work. Indeed, apart from these books that I mentioned, I still have *5 other works (Book)* that I have already put in place the framework but which are awaiting completion.

To conclude this beautiful journey that we have made thanks to this book, I would say to you that I hope that it will find its audience and that you, who will be led to read it, will not remain insensitive to this call for help that I address to you. I therefore appeal to your generosity. If you have been touched by this book, please help me to continue to fortify and help the greatest number of people. To do this, if you feel like it, you have the possibility to make a donation on one of the tabs “**Donate (with Paypal)**” or “**Faire un don (avec Paypal)**” present on my site: **kenny-ronald-marguerite.com**. **NB:** (tab located on the screen, on the left for computers and at the bottom for the mobile phones).