In the

United States Court of Appeals for the Eleventh Circuit

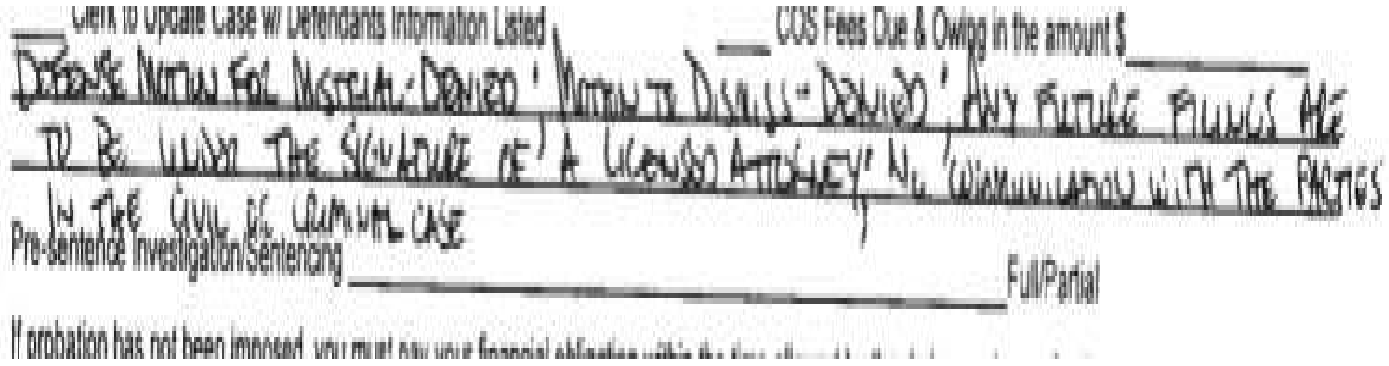
ANDREW WARREN,	)	Number: 23-xxx
APPELLANT,	)	
V.	)	
RONALD DESANTIS,	)	TRIAL NO.
APPELLEE.	)	4:22-cv-00302-RH-MAF

VERIFIED MOTION TO INTERVENE

NOW COMES, Scott Huminski ("Huminski"), and, under oath, swears, states, deposes and moves to intervene pursuant to F.R.C.P. 24 as follows:

Introduction

- Both Huminski and the Plaintiff below suffer(ed) extreme governmental retaliation for the content of core protected political First Amendment speech critical of government.
- Plaintiff below was fired from his position as a State's Attorney in retaliation for core protected political speech not consistent with the views of Mr. DeSantis.
- Huminski was prohibited from any and all communication with the entire State of Florida government for life in a court gag order retaliating for his core protected political expression [party in the "criminal case" *State v. Huminski*, 17-mm-815, Lee County Court is/was the State of Florida], to wit;


Clerk to Update Case w/ Defendants Information Listed
COS Fees Due & Owing in the amount $
Defendants Motion for Mistrial: Denied / Motion to Dismiss: Denied / Any Future Pleadings Are
To Be Under The Signature of a Licensed Attorney in Accordance with The Rules
In The Civil or Criminal Case
Pre-Sentence Investigation/Sentencing
Full/Partial
If probation has not been imposed, you must pay your financial obligation

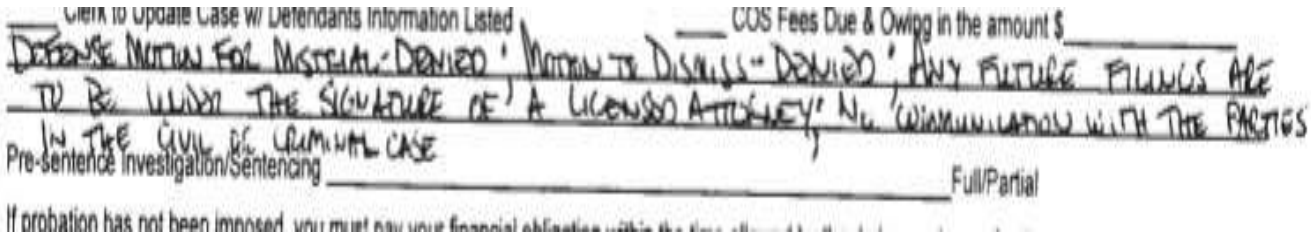
- The conduct of Mr. DeSantis set forth herein was founded in a ***quid pro quo*** favor to State's Attorney Amira Scott for her saving an early DeSantis appointee, Sheriff Gregory Tony, from perjury charges in return he didn't remove her for on-the-job felonies – forgery, official misconduct. F.S. 831.01, 838.022 (see below paragraphs 18-23)

1. A central gravamen of the Complaint below is that Ronald DeSantis engages in a systemic procedure, policy, custom or practice of silencing First Amendment speech via the use of notorious discriminatory tactics targeting speech of those of a specific viewpoint such as the Plaintiff below and Huminski, both staunch critics of policies of the Florida Governor and police state. In the case at Bar, one of those viewpoints is that residents of Florida have the right to freedom of speech absent the fear of governmental retaliation or viewpoint discrimination based upon a criteria such as the content of speech or, more succinctly, speech with content that discusses topics that the government is uncomfortable with, such as, what Plaintiff below and Huminski consider unconstitutional and oppressive conduct of Ronald Desantis and other government actors. The targeted speech of the Mr. Warren and Huminski is core protected political expression contradictory to the positions of Mr. DeSantis.

2. Huminski, a 10 year resident of Florida, is a long-time critic of the "plodding steer of the State" whether it be in Huminski v. Corsones, 396 F3d 53, 90 (2nd Cir 2005), or as the leader and founder of Scott X and the Constitution Commandos, an anti-Police-State rock band, with half a million views of their YouTube music videos. See Exhibit "A", WHEN COURTS SUBVERT LAW TO BANISH A CRITIC, CHARLES LEVENDOSKY c. 2000 Casper (Wyo.) Star-Tribune (discussing Huminski's First Amendment issues).

3. In retaliation for Huminski's anti-Police-State First Amendment core protected political expression, Ronald DeSantis engaged in the following retaliatory conduct:
    - In 2021 and 2022 Ronald DeSantis engaged in a course of conduct in the Florida State courts that sought to silence any and all communication by Huminski with the entire State of Florida government for life that was preceded by the following patently illegal/unconstitutional deeds which DeSantis sought to make permanent along with the perpetual speech prohibition foisted upon Huminski,
    - Huminski was criminally prosecuted in State v. Huminski, 17-MM-815, Lee County Court **absent** a State of Florida charging document authored by the State or signed by a legitimate State of Florida prosecutor with the only document that could be deemed as a commencement/charging document being a show cause order copied from another Florida Court (the 20th Circuit Court), a true and correct copy of the order attached to an associated Court Paper are attached hereto as Exhibit "B".

- A state prosecutor did show up at hearings in *State v. Huminski* and, of course, successfully pursued the case to criminal conviction absent the filing of a charging document and without bothering to serve Huminski with a commencement document and absent a criminal statute.
- At Huminski's conviction, the State of Florida insisted upon an **order barring Huminski from any contact/communication with the State of Florida for life**. A true and correct copy of a court filing of Huminski detailing the lifetime First Amendment censoring of Huminski and other case details in *State v. Huminski* is attached hereto as Exhibit "C". Included in Exhibit "C" are papers forbidding Huminski from reporting crime to his local sheriff as another violation of the First Amendment absent any procedural or substantive Due Process. A First Amendment summary punishment. The State stipulated in the case that Huminski could speak to his local sheriff only if spoken to and reporting crime and other communication was prohibited. See excerpt prohibiting Huminski communication below, for life, whereby Huminski's local sheriff was a defendant in the "civil" case, *Huminski v. Gilbert, et al.*, 17-cv-421, 20th Circuit Court, and the State of Florida was installed as the Plaintiff in *State v. Huminski*, a County Court misdemeanor contempt case based upon Huminski's alleged contempt in *Gilbert* in the Circuit (**not County**) Court despite Florida statute and authority specifying that hearing of contempt is private to the allegedly offended Court. The speech prohibition excerpted below specified no communication by a resident of the State, Huminski, with/to the entire State of Florida government – FOR LIFE. A bit over-broad considering the "parties" (i.e. one of which is the State of Florida).


Clerk to Update Case w/ Defendants Information Listed ___ COS Fees Due & Owing in the amount $_____
DEFENSE MOTION FOR MISTRIAL: DENIED ' MOTION TO DISMISS: DENIED ' ANY FUTURE FILINGS ARE
TO BE UNDER THE SIGNATURE OF A LICENSED ATTORNEY' N.C. 'CONFERENCING WITH THE PARTIES
IN THE CIVIL OR CRIMINAL CASE
Pre-sentence Investigation/Sentencing _____ Full/Partial
If probation has not been imposed, you must pay your financial obligation within the time allowed by the judge or agency

4. In 2021 and 2022 State court litigation in the 11th Judicial Circuit and the 3rd District Court of Appeal, Defendant DeSantis conspired with Florida Attorney General Ashley Moody to make the lifetime speech prohibition set forth in the prior paragraph

permanent. This conduct appears to violate 18 U.S.C. 241, 242, a criminal statute that can not be prosecuted by Huminski nor Plaintiff below. Title 18 is enforced by the Department of Justice.

5. Huminski did not only suffer the same First Amendment viewpoint based discrimination as the Plaintiff below, and Due Process/Equal Protection violations – he was incarcerated for his speech "crime" and, as a fully disabled American for the last 10 years determined by the Social Security Administration, continues to suffer shock and injury to mind and body and the expected products of a *void ab initio* criminal judgment including prejudice in obtaining credit, housing, employment and continued harassment from Ronald DeSantis via on-going collection activities arising from the *State v. Huminski* void "criminal" judgment concerning fines, costs and fees that Defendant DeSantis fought vigorously to maintain in 2021 and 2022 in State courts. These ill-gotten gains and pecuniary windfalls demanded by the State, to this day, only apply to a statutory criminal conviction in a case that, in the best light, was a *sui generis* common law case – contempt, whereby, only the allegedly offended Court has the ability to hear and conduct a trial (i.e. only the 20th Circuit Court had subject matter jurisdiction to hear contempt in *Huminski v. Town of Gilbert, Et al*., 17-CA-421, not a County Court criminal case captioned as *State v. Huminki*). See *Huminski v. State*, 2d19-1247 (FL 2 DCA 2019) (hearing contempt private to the allegedly offended Court). See also Exhibit "B". See Generally, *South Dade Farms v. Peters*, 88 So. 2d 891 (Fla. 1956) (Approvingly quoting " … without referring the issues of fact or law [concerning contempt] to another tribunal or to a jury in the same tribunal.…", *Bessette v. W.B. Conkey Co.*, 194 U.S. 324 337, 24 S. Ct. 665, 48 L.Ed. [997] 1005.). If a court enters an order prior to the filing of proper pleadings, the court lacks jurisdiction (i.e. the charging document in *State v. Huminski*, did not list the State as a Plaintiff nor was it signed by a State prosecutorial authority nor did it specify a criminal statute). *Lovett v. Lovett*, 93 Fla. 611, 112 So. 768, 775-76 (1927). Despite the lack of personal jurisdiction (no service in *State v. Huminski*) and no subject matter jurisdiction, Defendant DeSantis chose to conspire with Ashley Moody, Esq. to assure that Huminski was prejudiced with the *void ab initio* perpetual speech prohibition and criminal conviction for life in contravention of the United States Constitution.

6. Huminski's long-time labeling of Florida as a Police State is not far from reality when

criminal prosecutions commence absent the participation of the State, without service and proceed to judgment in the absence of any and all jurisdiction and banish all communication with the entire State of Florida government for life. What notoriously corrupt entity filed the commencement document in State v. Huminski remains a mystery although the forgery of the County Court charging document was accomplished by Assistant State's Attorney Anthony Kunasek (suicide 2022 related to these issues) and the paper contains no signature of an attorney representing the State of Florida, yet, a criminal conviction stands to this day *per se* prejudicing Huminski preventing him from obtaining a Florida Driver's License and causing him injury and prejudice. Ronald DeSantis has done his very best to engage in conduct in other fora to cover-up the patently illegal and unconstitutional conduct foisted upon Huminski set forth in material herein and this conduct proximately caused the suicide of State prosecutor Anthony Kunasek, Esq. who forged, but did not sign, the charging document in *State v. Huminski*. The suicide occurred 30 days after the issue was brought to the attention of the federal courts. Nothing seems to shock the consciousness in a police state pursuing an agenda of silencing dissent.

7. Defendant DeSantis has directed his attorney general to obsessively oppose any attempt by Huminski regarding a collateral attack upon *State v. Huminski* or any attempt to vindicate his rights related to *State v. Huminski* in bad faith and with unclean hands on the part of the State of Florida concerning their securing of a lifetime speech prohibition and criminal conviction absent their authoring of a commencement document and absent service in *State v. Huminski* and absent a criminal statute and with the perpetual governmental speech banishment(s) on the record in that matter. See Exhibit "C". In *United States v. Stoneman*, the United States Court of Appeals for the Third Circuit found a fundamental error occurs where a defendant stands convicted of conduct that is not criminal. If a defendant is convicted and punished for an act that law does not make criminal, it "inherently results in a complete miscarriage of justice" and presents "exceptional circumstances" which justify collateral relief. See *United States v. Stoneman*, 870 F.2d 102, 105 (3d Cir. 1989). Huminski was not criminally prosecuted and convicted under or pursuant to a Florida criminal statute.

8. Ronald DeSantis, did direct his Attorney General to use any and all methods to continue the First Amendment prohibitions foisted upon Huminski in *State v. Huminski* on or

about September 1, 2021 and also directed his Attorney general to assure Huminski's lifetime speech prohibition and criminal misdemeanor conviction for contempt stands and prejudices him for life despite the absence of a criminal statute that Huminski allegedly violated.

9. F.S. 900.04 does not define a violation of the criminal codes of Florida and it does not define a statutory misdemeanor nor felony. See a true and correct docket excerpt describing Huminski's "criminal misdemeanor" conviction intending to silence speech in perpetuity,

Uniform Case Number	Case Type	Status	Date Filed	Judge	Appear By
362017MM000815000ACH	Misdemeanor	Reopened Case Closed	06/30/2017	Josephine M Gagliardi	

Parties

Name	DOB	Connection	Attorney	Atty Phone
State of Florida		Plaintiff		
Scott Huminski	12/01/1959	Defendant		

Charge Details

Offense Date	Charge	Plea	Arrest	Disposition
06/05/2017	1. CONTEMPT OF COURT CIRCUIT OR COUNTY Statute: 900.04 No Charge - No Level	03/16/2018 Pled Not Guilty		03/16/2018 Non Jury Trial - Adjudicated Guilty

"No Charge – No Level" above is not consistent with the violation of a criminal statute.

10. Huminski was forced to enter a plea by appointed counsel in the *sui generis* common law matter despite Huminski directions to counsel to move to dismiss on jurisdictional grounds and was placed on pre-trial supervised release upon initiation of *State v. Huminski*, 17-MM-815, Lee County Court, which is not a procedure applicable in an alleged *sui generis* common law contempt case arising in *Huminski v. Gilbert*, 17-CA-421, 20th Circuit Court, nor does any procedure/statute/authority exist in Florida that transfers contempt in a Circuit Court to a misdemeanor County Court. See true and correct excerpt from a minute order in *State v. Huminski* below (next page), and See excerpt from the Florida Attorney General's brief in *Huminski v. State*, 2D19-1914, 2/21/2020 authored by Ashley Moody, Esq./Chelsea Simms, Esq. also below,

> Issue 4: Appellee concedes that imposition of the cost of prosecution was improper because contempt is a common law crime and the statutes governing contempt do not explicitly allow for the cost of prosecution to be imposed.

The term "crime" is misleading because all Florida authority and United States case law defines contempt as *sui generis,* neither a statutory misdemeanor nor felony. Spin.

17mm815

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

Huminski, Scott
Plaintiff
vs
Town of Gilbert AZ et al
Defendant

Case No: 17-CA-000421
Date: **June 29, 2017**
Judge: **Elizabeth V Krier**
Deputy Clerk: **Brenda Horton**
Court Reporter:

MINUTES

Attorney for Plaintiff: **Kevin Sarlo** ☑ Present ☐ Not Present
Attorney for Defendant: **Anthony Kunasck** ☑ Present ☐ Not Present

Hearing Information:

SHOW CAUSE / ARRAIGNMENT PROCEEDING:

-Plea of Not Guilty Entered
-CMC scheduled on 8/15/17 at 1:00 for 10 minutes
-CMC is set to review how the State is proceeding with the case and at that Point we can schedule future hearings. Also to be discussed transfer case From civil to criminal
-Pretrial release without bond / Conditions: Mr. Huminski is to check in with Pretrial officer every 2 weeks, along with the condition to not violate anymore Orders. Only Mr. Huminski's PD or licensed attorney may contact the courts. He must not contact the courts or Sheriff's Department by email

Whoever hand-wrote "17-MM-815" on this order and filed it engaged in felony official misconduct.

11. Upon information and belief, the court minute excerpt from the prior paragraph details an illegal arraignment in a non-criminal case, illegal pre-trial conditions of release in a non-criminal case and an illegal prohibition of core protected political expression threatening incarceration for speech and, finally, the minute order speaks of an illegal transfer of contempt in a civil case in Circuit Court to a County Court misdemeanor case and

someone hand wrote a misdemeanor County Court docket number on the above court filing absent any legal authority to do so and without a valid charging document. The caption in the prior paragraph minute excerpt is absolutely correct and legal, *Huminski v. Gilbert*, 17-CV-421. The State of Florida was never a proper party and no court paper exists commencing *State v. Huminski* that suggests otherwise.

12. The State filed no paper placing itself in the position of plaintiff in any case involving Huminski. The initiation of *State v. Huminski* was fraudulent, corrupt, absent a criminal statute and absent a State's charging document listing the State as a Plaintiff.

13. Upon information and belief, Mr. Warren would not engage in the above-mentioned conduct, however, Mr. DeSantis did engage in conduct in 2021 and 2022 attempting to legitimize and cover-up the aforementioned crimes and prosecutorial misconduct and to breathe life into a hopelessly *void ab initio* criminal judgment that silenced core protected political expression – for life – and failed to remove the State's Attorney engaging in the content herein. Mr. DeSantis also failed to remove the supervising Chief Assistant State's Attorney in charge of *State v. Huminski*, Amira Fox, Esq.. Amira Fox is now the 20th Circuit State's Attorney and can be prosecuted for felony official misconduct to this day for her involvement in *State v. Huminski*, a continuing criminal offense and an offense that can be prosecuted for up to 2 years after Ms. Fox leaves employment with the State.

14. The motivations of Ronald DeSantis related to Huminski's set of facts boils down to the silencing of dissent and core protected political expression that is protected at an elevated level and to provide a favor to a crony, Amira Fox. The perpetual speech prohibitions foisted upon Huminski are absolute as far as speech directed to the government of the State of Florida as ordered by the County Court in *State v. Huminski* at judgment/conviction. The speech prohibitions foisted upon the Plaintiff below are similar without the formal issuance of a final injunctive court gag order as in Huminski's scenario.

15. Huminski would be happy to withdraw this paper if the State concedes to address the *void ab initio* judgment in *State v. Huminski* (stipulating to its *void ab initio* status thus abolishing the speech prohibitions) and stops its collection activities related to the

criminal conviction and removes the criminal conviction from all records. Civilized settlement is always a preferable route to litigation, but, it requires an admission of wrong-doing which governmental entities rarely succumb to.

16. Mr. DeSantis chose to retaliate against Mr. Warren for engaging in core protected political expression while at the same time he was endeavoring to protect prosecutors involved in forgery of court orders and First Amendment deprivations in *State v. Huminski* and cover-up the crimes and torts of these rogue prosecutors instead of removing them from office. Mr. Warren is known as a progressive prosecutor while the prosecutor's involved in the forgery of a County Court order, used to initiate *State v. Huminski,* are politically affiliated with Mr. DeSantis. Upon information and belief, Mr. DeSantis conducts himself based solely upon political affiliations concerning whether he removes a prosecutor or covers-up the crimes and civil right violations of a political ally/prosecutor.

17. Mr. DeSantis is a graduate of Yale and Harvard law and knows that *State v. Huminski* was initiated with a forged commencement document which was central to the 2021 and 2022 State court matters mentioned above whereby he was a defendant. The nature of the forgery was sworn to in the two State Court matters and is sworn to in this paper in this appeal. Yet, Mr. DeSantis has taken no adverse action against the far right Republican prosecutors involved, to the contrary, he has endeavored to support the misconduct in State Court actions and cover-up the official crime of State prosecutors – as opposed to removing the prosecutors for on-the-job felonies.

18. Upon information and belief, Mr. DeSantis has the power to remove officials from office that are involved in the enforcement and collection activities related to the *void ab initio* judgment/conviction in *State v. Huminski* and refuses to do so because they are political allies. This is especially true of the supervising prosecutor in *State v. Huminski*, Amira Fox, Esq..

19. Mr. DeSantis accepts advice, counsel and recommendations from his crony Amira Fox, https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-69.pdf and Ms. Fox opined in favor of removal of Mr. Warren from office, https://www.winknews.com/2022/08/04/desantis-suspends-state-attorney-andrew-warren-

says-hes-not-enforcing-law/ and Ms. Fox is otherwise connected to/or supportive of Mr. DeSantis, https://www.fortmyersbeachtalk.com/2021/06/16/desantis-sending-police-to-mexican-border/ , https://www.naplesnews.com/story/news/crime/2020/07/01/state-attorney-requests-complaint-against-candidate-reassigned/5355223002/ , https://criminaldefenseattorneytampa.com/track-your-case/state-attorneys-offices-in-florida/ , https://www.democraticunderground.com/10142957259 . As far as the forgery of a Court order supervised by Amira Fox, Mr. DeSantis has been reciprocally supportive of Amira Fox in the 2 aforementioned State Court proceedings and instead of removing her for her crimes against the justice system, he and his attorney took no action concerning Amira Fox's crimes and misconduct.

20. Mr. DeSantis assigned a perjury case against his 2019 appointed sheriff of Broward County, Gregory Tony, to his trusted ally Amira Fox who then assigned it to Anthony Kunasek. Mr. Kunasek is the actual person who engaged in the forgery in *State v. Huminski* under the guidance and supervision of Ms. Fox which eventually led to Mr. Kunasek committing suicide in spring of 2022. These 3 individuals (DeSantis, Fox, Kunasek) seem to work well in concert and cooperation with each other when an appointee of Mr. DeSantis is investigated for perjury. Of Course, the Governor's appointee was let off the hook. It seems only right for the Governor to re-pay the favor and not remove Amira Fox from office concerning the felony forgery/official misconduct in *State v. Huminski*. Political favors need to be repaid. https://www.floridabulldog.org/2022/04/state-attorneys-perjury-report-broward-sheriff-tony-omitted-key-facts/ , https://www.miamiherald.com/news/local/crime/article257905813.html , https://www.local10.com/news/local/2022/09/14/florida-ethics-commission-finds-probable-cause-that-broward-sheriff-tony-lied-misused-position/ , https://www.nbcmiami.com/news/local/ethics-commission-finds-broward-sheriff-gregory-tony-gave-false-info-misused-position/2858217/ , https://www.sun-sentinel.com/opinion/commentary/fl-op-col-bousquet-sheriff-tony-outrage-700-words-20220916-zn6ibkqbhrdhbalvcucxclpgom-story.html , https://www.pressreader.com/usa/south-florida-sun-sentinel-palm-beach-sunday/20220918/281762748111519 .

21. A ***quid pro quo*** existed concerning the DeSantis appointed Broward Sheriff's perjury

outcome from Amira Fox/Mr. Kunasek and the forgery/official misconduct in *State v. Huminski* and Mr. DeSantis' non-removal of Amira Fox for on-the-job felonies. Amira Fox and Mr. Kunasek saved a DeSantis appointee from criminal prosecution and, in return, Mr. DeSantis has not removed Amira Fox from office for her felonies targeting the justice system. Good old-fashioned corruption by team DeSantis – Fox – Kunasek.

22. Upon information and belief, if Mr. Warren rescued Sheriff Tony from felony perjury charges like Amira Fox did, he would still be in office. Similarly, if Amira Fox did not rescue Mr. DeSantis' appointee, she may have been removed for the forgery in *State v. Huminski*. It pays to do political favors. Mr. DeSantis hand-selected Sheriff Tony and he hand-selected Amira Fox to cover-up the crimes/improprieties of his appointee. In 2021 and 2022, Mr. DeSantis paid back Ms. Fox for the favor and did not remove her from office for felony misconduct despite his knowledge of the crimes set forth in sworn court papers. Upon information and belief, the guilt of Sheriff Tony was obvious, as obvious as the felony forgery and felony official misconduct of Amira Fox similarly protected by Mr. DeSantis to pay back a favor.

23. Upon information and belief, in 2019, the newly elected and narrowly elected new Governor of Florida could not have an early and major appointee, the Broward County Sheriff, being prosecuted for felony perjury and the "fix" was in by the freshman Governor … a favor he repaid to Amira Fox with not removing her from office for forgery of a County Court order in *State v. Huminski* and felony official misconduct.

Memorandum of Law

Under Fed. Rule Civ. P. 24(a)(2), upon timely application, anyone shall be permitted to intervene in an action when the applicant shows:

(1) his application to intervene is timely;

(2) he has an interest relating to the property or transaction which is the subject of the action;

(3) he is so situated that disposition of the action, as a practical matter, may impede or impair his ability to protect that interest; and

(4) his interest is represented inadequately by the existing parties to the suit.

Fox v. Tyson Foods, Inc., 519 F.3d 1298, 1302-03 (11th Cir. 2008) (quoting *Chilesv.Thornburgh*,

865 F.2d 1197, 1213 (11th Cir. 1989)).

Here, Huminski's request for intervention satisfies the requirements of Rule 24(a)(2) for intervention as of right.

1. Huminski's Motion to Intervene is Timely

The Eleventh Circuit has identified several factors relevant to determining whether a request for intervention is timely:

(1) the length of time during which the proposed intervenor knew or reasonably should have known of the interest in the case before moving to intervene;
(2) the extent of prejudice to the existing parties as a result of the proposed intervenor's failure to move for intervention as soon as it knew or reasonably should have known of its interest;
(3) the extent of prejudice to the proposed intervenor if the motion is denied; and
(4) the existence of unusual circumstances militating either for or against a determination that their motion was timely.

Georgia v. U.S. Army Corps of Eng'rs, 302 F.3d 1242, 1259 (11th Cir. 2002) (citing *Chiles*, 865 F.2d at 1213).

This Circuit has recognized that the requirement of timeliness "must have accommodating flexibility toward both the court and the litigants if it is to be successfully employed to regulate intervention in the interest of justice." *U.S. Army Corps of Eng'rs*, 302 F.3d at 1259 (quoting *McDonald v. E.J. Lavino Co.*, 430 F.2d 1065, 1074 (5th Cir. 1970)). Huminski has moved for intervention prior to the appearance of the Appellee in this appeal.

2. Huminski has a Substantial Legal Interest in this Litigation

For an applicant's interest in the subject matter of the litigation to be cognizable under Rule 24(a)(2), it must be "direct, substantial and legally protectable." *U.S. Army Corps of Eng'rs*, 302 F.3d at 1249*; see also Chiles*, 865 F.2d at 1212-13 (noting that the focus of a Rule 24 inquiry is "whether the intervenor has a legally protectable interest in the litigation."). The inquiry on this issue "is 'a flexible one, which focuses on the particular facts and circumstances surrounding each [motion for intervention].'" *Chiles*, 865 F.2d at 1214 (quoting United States *v. Perry Cnty. Bd. of Educ.*, 567 F.2d 277, 279 (5th Cir. 1978)).

Huminski has a legally protectable interest in this litigation as a party impacted as greatly, or more so, by the State of Florida's retaliatory zeal to silence speech based upon

discriminatory or viewpoint based criteria inconsistent with views of the current administration. Huminski's speech, critical of government, is core protected political expression – dissent, afforded the highest level of First Amendment protection.

The Court orders issued in *State v. Huminski* have the same chilling effect upon Huminski's speech that the speech prohibitions foisted upon the Plaintiff below – retaliation and silencing of speech that the government finds distasteful or disagrees with. The speech prohibition against Plaintiff below was resolved with one event, he was fired, however, Huminski's speech prohibition will linger in perpetuity. Mr. Warren's success in this appeal, or lack thereof, will create *stare decisis* that will impact Huminski's redress concerning his similar retaliatory constitutional deprivations which includes the threat of incarceration for contempt if he merely communicates with the entire government of Florida in perpetuity.

3. The Disposition of the Instant Litigation May Impair Huminski's Ability to Protect his Interest

Huminski's ability to protect his substantial legal interest would be impaired absent intervention. Federal decisions interpreting and applying the provisions of the First Amendment, Due Process and Equal Protection are an important enforcement tool related to the Plaintiff belows' and Huminski's claims concerning the discriminatory and retaliatory silencing of speech and content-related silencing of speakers, i.e. speech critical of government. Huminski's interests in this appeal align with the interests of Mr. Warren.

The outcome of this case, including the potential for further appeals or writs by existing parties or proceedings below after a remand, implicates *stare decisis* concerns that warrant Huminski's intervention. *See* *Stone v. First Union Corp.*, 371 F. 3d 1305, 1309-10 (11th Cir. 2004) (recognizing that potential for a negative *stare decisis* effect "may supply that practical disadvantage which warrants intervention of right") (citing *Chiles*, 865 F.2d at 1214); *see also* *United States v. City of Los Angeles*, 288 F.3d 391, 400 (9th Cir. 2002) (holding that amicus curiae status may be insufficient to protect the rights of an applicant for intervention "because such status does not allow [the applicant] to raise issues or arguments formally and gives it no right of appeal"). While the existing parties to the litigation will not be prejudiced by Huminski's intervention, Huminski will be prejudiced if his request for intervention is denied. This intervention motion is prior to an appearance by Appellee.

4. The Existing Parties Do Not Adequately Represent Huminski's Interests

The fourth and final element to justify intervention of right is inadequate representation of the proposed intervenor's interest by existing parties to the litigation because the background facts present a slightly different approach to the same legal issue – out of control governmental censorship and retaliation for core protected political expression. This element is satisfied if the proposed intervenor "shows that representation of his interest 'may be' inadequate." *Chiles*, 865 F.2d at 1214 (quoting *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n. 10 (1972)). The burden on the proposed intervenor to show that existing parties cannot adequately represent its interest is "minimal." *Stone*, 371 F.3d 1311;*U.S. Army Corps of Eng'rs*, 302 F.3d at 1259 (citing *Trbovich*,404 U.S. at 538 n.10). Any doubt concerning the propriety of allowing intervention should be resolved in favor of the proposed intervenors because it allows the court to resolve all related disputes in a single action. *Loyd v. Ala. Dep't of Corr.*, 176 F.3d 1336, 1341 (11th Cir. 1999); *Fed. Sav. & Loan Ins. Corp. v. Falls Chase Special Taxing Dist.*, 983 F.2d 211, 216 (11th Cir. 1993).

Huminski's interest is in the enforcement of the First Amendment, Due Process and Equal Protection and to advance the public interest in eliminating speech discrimination and prohibitions in the context of a court order unlike the claims of the Plaintiff below that do not involve the speech prohibition being set forth in a Court order that can lead to incarceration pursuant to common law contempt. Huminski's First Amendment deprivation is slightly more despotic and egregious as his prospective speech can result in contempt and incarceration in perpetuity if he dares communicate with the entire government of Florida. It appears that the Plaintiff below suffers a speech prohibition akin to *Huminski v. Corsones*, 396 F3d 53, 90 (2nd Cir 2005) and the illegal notice against trespass that was central to that case and the *State v. Huminski* Court order gagging Huminski carries with it the same penalties as the Notice Against Trespass issued in *Corsones* – incarceration.

Holding the position of a State prosecutor has seemed to create a "First-Amendment-free-zone" spoken of in *Corsones*. id. At 93,

> *"The Notices Against Trespass in effect prohibit indefinitely any and all expressive activity in which Huminski might want to engage in and around Rutland state courthouses. These notices are thus pervasive enough to be viewed as creating a "First-Amendment-Free Zone" for Huminski alone in and around the Rutland courts. The defendants' singling out of Huminski for exclusion, thereby permitting all others to engage in similar activity in and around the courts, suggests to us that the trespass notices are not reasonable. Such broad restrictions are generally frowned upon 93*93 even in nonpublic forums. Cf. Bd. of Airport Comm'rs v. Jews for Jesus, Inc., 482 U.S. 569, 575, 107 S.Ct. 2568, 96 L.Ed.2d 500 (1987) ("We think it obvious that ... a ban [on First Amendment activities at an airport] cannot be justified even if [the airport] were a nonpublic forum because no conceivable governmental interest would justify such an absolute prohibition of speech.")."*

Huminski, now faces a slightly different zone of speech exclusion – any speech directed to the entire government of the State of his residence. In summary, Huminski meets the Rule 24(a) requirements for intervention as of right.

Huminski Meets the Requirements for Permissive Intervention

Fed. R. Civ. P. 24(b) provides for permissive intervention as an alternative basis for Huminski's intervention in this action. Rule 24(b) states, in relevant part:

(1) On timely motion, the court may permit anyone to intervene who:

(A) is given a conditional right to intervene by a federal statute; or

(B) has a claim or defense that shares with the main action a common question of law or fact.

(2) On timely motion, the court may permit a federal or state governmental officer or agency to intervene if a party's claim or defense is based on:

(A) a statute or executive order administered by the officer or agency; or

(B) any regulation, order, requirement, or agreement issued or made under the statute or executive order.

(3) In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights.

The Eleventh Circuit has established a two-part test to guide the Court's discretion as to whether a party may intervene pursuant to Rule 24(b)(2): the applicant must show that "(1) his application to intervene is timely; and (2) his claim or defense and the main action have a question of law or fact in common." *Chiles*, 865 F.2d at 1213 (citing *Sellers v. United States*, 709 F.2d 1469, 1471 (11th Cir. 1983)).

As discussed above, Huminski's application for intervention in this litigation is timely and Huminski's participation would neither unduly delay the proceedings nor prejudice the adjudication of the rights of the original parties. Additionally, Huminski's claims against the defendant share common questions of law with Plaintiff below's claims, and rest upon common questions of law related to censorship and constitutional issues flowing from content-based censorship and retaliation causing a chilling effect. Plaintiff below's punishment for engaging in expression was limited to removal from office and can not suffer further punishment, in contrast, the Court gag order prohibiting any speech with the entire State government embodies a looming threat of prosecution and incarceration for contempt. Huminski's First Amendment peril and associated punishment is perpetual imposing a lifelong chilling effect upon speech/expression.

By avoiding multiple lawsuits/appeals and coordinating discovery, intervention will lend efficiency to further proceedings.

Accordingly, Huminski meets the requirements for permissive intervention.

Huminski understands all too well why the United States has the highest incarceration rate in the world. Government officials are willing to engage in felonies to attack targeted persons, create false crimes with felonies like forgery and then are supported by high ranking executives such as Governor DeSantis.

III. CONCLUSION/RELIEF REQUESTED

For the foregoing reasons, the Court should grant the Motion to Intervene (i) as a matter of right pursuant to Rule 24(a)(2), Federal Rules of Civil Procedure, or, in the alternative, (ii) permissively pursuant to Rule 24(b) Federal Rules of Civil Procedure.

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS

This document complies with the word limit of FRAP 27 because. excluding the parts of the document exempted by FRAP 32(f), this document contains 4758 words.

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT (CIP)

Andrew Warren *vs.* Ronald Desantis Appeal No. 23-

11th Cir. R. 26.1-1(a) (enclosed) requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response, and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. **You may use this form to fulfill these requirements.** In alphabetical order, with one name per line, please list all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

(please type or print legibly):

Ronald DeSantis

Hon. Robert Hinkle

Scott Huminski

Andrew Warren