

In the

# FLORIDA SUPREME COURT

Scott Huminski,	)	
Petitioner,	)	Case Number: 2025-0176
v.	)	
State of Florida,	)	Original Jurisdiction
Respondent.	)	

## EMERGENCY MOTION FOR INJUNCTION PENDING DISPOSITION OF WRITS

NOW COMES, Petitioner Scott Huminski (“Huminski”) and moves for an injunction while this matter is pending enjoining the State of Florida’s continued harassing collection activities concerning the debt that arose at final judgment/conviction in *State v. Huminski*, 17-MM-815, Lee County Court.

Most costs and fees levied upon Huminski at trial are statutorily defined and only concern violation of statutory misdemeanors or felonies such as “crime stoppers”. Huminski was not prosecuted under any Florida Statute defining a crime. Huminski was prosecuted under F.S. 900.04 which does not define a crime or cause of action. F.S. 900.04 is solely related to *sui generis* common law contempt. The State’s collection activities constitute attempts at unjust enrichment of a party without standing on a *void ab initio* judgment.

Attached hereto as Exhibit “A” is a true and correct copy of the judgement entered at “misdemeanor conviction” on 3/16/2018 that does not list a crime for

which Huminski was found guilty. Attached hereto as Exhibit “B” is a true and correct copy of the commitment form issued at conviction on 3/16/2018 containing monetary and sentencing information.

In support of this motion, Huminski incorporates with the same force and effect as if more fully set forth herein; his Petition and four (4) motions to take judicial notice filed in this matter which document the lack of any and all jurisdiction of the trial court in *State v. Huminski* and no plaintiff standing.

WHEREFORE, the State of Florida and it’s agents, employees or assignees should be enjoined from collection activities related to the judgment debt in *State v. Huminski* which is hopelessly *void ab initio* for want of jurisdiction.

Dated March 9, 2025.

Respectfully Submitted,

-/s/- Scott Huminski

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Scott Huminski, 26 Fleetwood Drive, Palm Coast, FL 32137  
(239) 300-6656 [s\\_huminski@live.com](mailto:s_huminski@live.com)

Certificate of Service

True and correct copies of the above document and any attachment was served upon the State of Florida via the Florida e-filing portal on March 9, 2025.

-/s/- Scott Huminski

Scott Huminski

# Exhibit “A”

3/16/2018 3:30 PM Filed Lee County Clerk of Courts

**IN THE COUNTY COURT, IN AND FOR LEE COUNTY, FLORIDA  
TRIAL BEFORE JUDGE WIHTOUT A JURY**

**Date: 3/16/18      Judge: Adams      Courtroom: 2A      Time: 9:36 AM**

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State of Florida  
Vs.  
Scott Huminski

Case No. 17MM815  
Offense(s)  
Contempt of Court

The State appeared by its attorney, Anthony Kunasek, Assistant State Attorney.

The Defendant appeared, in person,

Deputy Sheriff R. Downey

Deputy Clerk Sherri M.

The Court heard the sworn testimony of:

State

1. Brenda Horton
2. Richard White

Defense

Exhibits: Refer to exhibit list.

The Court found the defendant:

Not Guilty

Guilty as charged, withhold adjudication

**Guilty as charged**

Guilty of

Sentence: Refer to commitment form.

# Exhibit “B”

ORDER / COMMITMENT FORM

COUNTY COURT, LEE COUNTY, FLORIDA

17-MM-000815 State of Florida vs Huminski, Scott A

Previously FTA for assigned Judge
Felony Reduction Juvenile

1 CONTEMPT OF COURT CIRCUIT OR COUNTY No Charge - No Level \$900.04

Citation Issuing Agency
OTH

Court Date
03/16/2018

Court Clerk
BENCH

Attorney: AT Huminski, Scott A

APPEARANCE

Failed to Appear
Present w/o Attorney
Present w/ Attorney
Present by Attorney
Present w/ Interpreter
Interpreter Services Requested
Language
Victim/Other

PLEA

Guilty
Not Guilty
Nolo Contender
Lesser Offense
Degree
Statute

ADJUDICATION

Withheld by Judge
Adjudicated Guilty
Withheld by Clerk

VERDICT

Guilty by Judge
Not Guilty by Judge
Guilty by Jury
Not Guilty by Jury
Mistrial

DISPOSITION

Acquitted
Nolle Pros
No Information
Dismissed
Adm. Dismissed
Merge & Dismiss

SENTENCE

Probation Reporting 6 DD/MM/YY
Consecutive/Concurrent with
One Time Cost \$ Waive COS \$
Report to Probation Today or Upon Release Within
Probation may terminate early when conditions are met
May Transfer Probation to
May Report to Probation and/or Instruct by Mail
Ignition Interlock Device DD/MM/YY
Impound Vehicle for days as a condition of
probation unless statutory conditions are met
Statutory Exception to Vehicle Impound
Does Not Own Vehicle Shared Vehicle
Other
Random Alcohol Drug Screenings & Urinalysis
at own expense - No positive/diluted samples
No Possession or Consumption of Alcohol or Illicit Substances
DUI School - Follow recommendations/Phase I II
School to Determine which Phase
Sign up w/in days
Traffic School 4 Hr / 8Hr / 12 Hr
Attend and Complete Lee Memorial High Risk
Driver's Course or Victim Impact Panel
Psychiatric Evaluation Evaluate for
Alcohol/Substance Abuse/Anger Mgmt and follow
recommendations of...
Sign up for Batterer's Intervention Program w/in 30 Days
Attend & Complete Anti-Theft Mile Post Program
Attend & Complete Program
DNA Testing Collected in Court at LCJ
Other Testing HIV STD
Defendant Advised of Habitual and/or Felony Status

Jail Time 45 DD/MM/YY
Consecutive/Concurrent with
Weekend Time Fri 6pm to Sun 6pm
Beginning
Day Work Program\* Days
Minimum day(s) a week consecutive weeks
Credit Time Served DD/MM/YY
Credit Time Served Applied to Straight Time
Weekends Day Work Program
Defendant Remanded Sentence Suspended -45 DAYS
DL Suspended/Revoked DD/MM/YY
Spec. Conditions - Drive for Work/Business purposes
Show Valid Driver's License within
Produced Valid Driver's License in Court
Community Service Hours and/or Pay \$
Must complete hours of community service
before buyout
Show Proof of Com. Service to Clerk w/in
Stay Away from arrest location
No Contact with victim
State Orally Amends Charge in Open Court
Formal Filing of Information is Waived
Information Filed in Open Court
Successfully Completed Pretrial Diversion Program
Judicial Warning
Defendant Accepted DV Diversion
Defendant to be Released ROR on this Charge Only

CONTINUANCES

Date Continued to
For AR DS TR DA DD DT RH
Time AM / PM Court Room
HAS MEG ZMG DSG JMG TPP ABH
Report to PTS/Screen for Public Defender

Defendant/Attorney Date
Failure to comply with any part of this order shall result in a bench warrant being issued for your arrest and/or suspension of your driver's license privilege.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Brooke Dean, Operations Division Manager, whose office is located at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901, and whose telephone number is (239) 533-1771, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Rev 05/05/2017

ORDER / COMMITMENT FORM

COUNTY COURT, LEE COUNTY, FLORIDA

17-MM-000815

State of Florida vs Huminski, Scott A

Previously FTA for assigned Judge
Felony Reduction Juvenile

1 CONTEMPT OF COURT CIRCUIT OR COUNTY No Charge - No Level \$900.04

Citation Issuing Agency
OTH

Court Date
03/16/2018

Court Clerk

FINE ASSESSMENTS (statutes indicated)

Fine \$ 400 (775.083)
5% Surcharge \$ 25 (938.04)

MANDATORY ASSESSMENTS

Court Costs (Include Crime Stoppers & Crime Prevention)
(318.18 / 775.083 / 938.01 / 938.03 / 938.05 / 938.06 / 939.185)
\$220.00 Other \$
If Ordered Under - Reason:

- \$33.00 Certain Traffic Offense Court Cost (318.17 / 318.18)
\$135.00 DUI Court Costs (938.07)
\$70.00 Reckless Driving Court Costs (318.18 / 316.192)
\$65.00 Racing Court Costs (318.18)
\$5.00 Leaving the Scene Court Costs (316.061)
\$195.00 BUI Court Costs (938.07 / 327.35)
\$201.00 Domestic Violence Trust Fund (938.08)
\$151.00 Rape Crisis Trust Fund (938.085)
\$151.00 Crimes Against Minors (938.10)
\$5000.00 Civil Penalty (796.07)
\$40.00 Contested By Nonprevailing Party Fee (34.045)

DISCRETIONARY ASSESSMENTS

\$100.00 FDLE Trust Fund/Statewide Crime Lab (938.25)
Investigative Fee \$ to
to FDLE FMP LCSO Statewide Pros.
Other (938.27)
Worthless Check Diversion Fee \$ (832.08)
Diversion Cost of Supervision \$ (948.09)
Pay Within 5 DD/MM/YY

Upon release from In-Custody

MOTION HEARINGS

Revoke Bond Reinstatement Bond
Set/Reduce/Increase Bond to
Suppress Dismiss Continue
Expunge/Seal (All outstanding monetary obligations must be
paid to the Clerk's office before the case is officially
expunged/sealed.)
Withdraw Plea
Withdraw as Counsel
Modify No Contact Order Lift No Contact Order
Other
Motion Result (Circle One): Granted Denied Reserves Ruling

State & Defense Stipulate to Suppress the Breath Test Results
State Amends Information from BAL of .15 or Above to .08
Clerk to Update Case w/ Defendants Information Listed

DEFENSE MOTION FOR MISFEASANCE DENIED. MOTION TO DISMISS DENIED. ANY FUTURE FILINGS ARE
TO BE UNDER THE SIGNATURE OF A LICENSED ATTORNEY. NO COMMUNICATION 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 sign up for the payment plan option offered by
the Clerk of Court. If sentenced to Probation, you must adhere to standards as directed.
Failure to comply with any part of this order may result in a suspension of your driver license privilege and/or warrant being issued for your arrest (322.245) .
Unpaid financial obligations still remaining 90 days after payment due date will be referred by the Clerk of Court to a collection agency and an additional fee of up
to 40% of the outstanding balance owed will be added at that time (28.246).
Mandatory assessments are imposed and shall be included in the judgment without regard to whether the assessment was announced in open court.

Asst. State Attorney Attorney A. Lunsell Bar No. 100307/26999 Date

Judge James R Adams Date

Rev.05/05/2017