

In The Florida
Sixth District Court of Appeal

| | | |
|-------------------|---|--|
| Scott Huminski, |) | |
| |) | |
| v. |) | DOCKET NO. |
| Amira Dajani Fox, |) | |
| State of Florida. |) | |
| |) | Related Cases below: |
| |) | Huminski v. Gilbert, AZ. 17-CA-421(20 th Circuit Court) |
| |) | |
| |) | State v. Huminski, 17-MM-815(Lee County Court) |
| |) | |
| |) | 2 DCA cases: 2D19-1247, 2D19-1914 |

**PETITION FOR EXTRAORDINARY RELIEF- WRITS of PROHIBITION,
MANDAMUS, ALL WRITS, CORAM NOBIS**

NOW COMES, Scott Huminski (²“Huminski”), and, petitions as above. The primary issue in this matter is the hearing and trial of Circuit Court contempt, a *sui generis* common law offense, in the Lee County Court with the State of Florida coming on as plaintiff without “... *an extant information, indictment, or presentment filed by the state.*” [*State v. Anderson, 537 So.2d 1373, 1374 \(Fla.1989\)*](#). Contempt is reserved for hearing and trial by the allegedly offended Court/judge. Circuit Court contempt tried and heard in the County Court was absent any and all jurisdiction for;

- Failure of the State of Florida, the plaintiff in County Court, to author and file a pleading, criminal information, indictment or any type of presentment valid for case initiation, standing and subject-matter jurisdiction,
- Failure of the State of Florida to serve any document that could be construed as legitimate for case initiation/commencement and personal jurisdiction.

- Improper venue, Circuit Court contempt matters get heard in the Circuit Court, not Lee County Court which has no authority or jurisdiction.
- Pursuit of a misdemeanor case in the Lee County Court by the State of Florida absent a criminal statute that would confer standing upon the State.

The 2nd DCA explains in *Ballengee v. State*, 144 So. 2d 68 - Fla: Dist. Court of Appeals, 2nd Dist. 1962,

*“The term “criminal contempt” might be somewhat misleading because of the fact that a prosecution for criminal contempt is not in itself a criminal case but a proceeding **inherent in the court**. It is **sui generis and is not, therefore, a crime**. See *State ex rel. Beck v. Lush*, 1959, 168 Neb. 367, 95 N.W.2d 695, 72 A.L.R.2d 426; *Osborne v. Owsley*, 1954, 364 Mo. 544, 264 S.W.2d 332, 38 A.L.R.2d 1128; and *Niemeyer v. McCarty*, 1943, 221 Ind. 688, 51 N.E.2d 365, 154 A.L.R. 115.”* (emphasis added).

“inherent in the court” speaks of the allegedly offended court, not a Court of inferior jurisdiction. A County Court can not hear Circuit Court contempt. The judgment of conviction is void for improper venue, no subject-matter/personal jurisdiction and no standing by the State of Florida.

This controversy arose from alleged contempt in the civil matter *Huminski v. Town of Gilbert AZ*, 17-CA-421, 20th Circuit Court (“GILBERT”). The sovereign, State of Florida, injected itself as a party without filing a notice of appearance (without filing a shred of paper) in the civil GILBERT case ambushing Huminski with the presence of a non-party at hearing. At a hearing in GILBERT dated 6/29/2017 (the “HEARING”), the State of Florida participated via their representative Assistant State’s Attorney Anthony Kunasek (deceased - suicide 2022) proffering no reason supporting his attendance as an alleged party in the lengthy HEARING. At HEARING, described as a “criminal arraignment” in the

transcript, the State participated absent the filing of an appearance, charging information, absent service and absent the existence of a criminal statute that would have conferred plaintiff/party status and standing upon the State.

The very next day on 6/30/2017, a case appeared in the Lee County Court docket captioned as State v. Huminski absent any known or legal method of case initiation under any rule, statute, procedure or authority. The only statute that exists in the GILBERT or State v. Huminski case records is F.S. 900.04 which simply defines a judge's contempt powers. F.S. 900.04 does not define a misdemeanor nor felony and does not confer jurisdiction to another inferior court or standing to the State. Absent the executive branch filing and serving of pleadings for the State of Florida in State v. Huminski and absent a statutory provision conferring plaintiff status upon the State in State v. Huminski the alleged "criminal" matter is hopelessly *void ab initio* and a bold example of weaponized justice/lawfare in the absence of any and all jurisdiction.

Further, a court of inferior jurisdiction, County Court, has no jurisdiction or authority to hear Circuit Court contempt cases, that task is reserved for the presiding judge pursuant to F.S. 900.04 where the contempt allegedly occurred, i.e. Circuit Court. All contempt issues should have been heard in the allegedly offended court, Circuit Court. The State (executive branch) or a County Court can not divest a Circuit Court (judicial branch) from hearing it's own contempt matters via case hijacking absent a criminal statute or charging information.

Why the County Court mistakenly thought that it had jurisdiction over Circuit Court contempt is core to the problems set forth in this paper.

The hearing of contempt is private to the allegedly offended court. See generally, *South Dade Farms v. Peters*, 88 So. 2D 891 (Florida Supreme Court 1956) (approvingly citing "*There has been general recognition of the fact that the courts are clothed with this power, and must be authorized to exercise it without referring the issues of fact or law 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.") and *Huminski v. State*, 2d19-1247 (Fl 2nd DCA, 2019)(adding emphasis to the statutory language "against it" concerning F.S. § 38.22).

The filing of no pleadings/charging information by the State renders *State v. Huminski* void (*ab intio*). Trial courts "lack jurisdiction" until proper pleadings are filed. *Lovett v. Lovett*, 112 So. 768, 776 (Fla. 1927) accord *Lewis v. Lewis*, 78 So.2d 711, 712. A trial court's lack of subject-matter jurisdiction makes its judgment void. *NWT v. LHD* (In re DNHW), 955 So.2d 1236, 1238 (Fla. 2d DCA 2007). A judgment of conviction that is entered against a defendant without service of a charging instrument is absent personal jurisdiction over the defendant and is regarded as a void judgment. [*Great Am. Ins. Co. v. Bevis*, 652 So.2d 382, 383 \(Fla. 2d DCA 1995\)](#). As there was no pleading for the State to serve and indeed the State served no commencement paper, the County Court lacked personal jurisdiction. The Circuit Court judge did author and serve a show cause order in GILBERT and the Circuit Court had both subject-matter and personal jurisdiction over the contempt matter. Unfortunately for the State, court orders can not be recycled and re-used like clothing at a Goodwill store to initiate new court cases. Someone under the employ of the State has to sit at their computer and author a document, file it and serve it to initiate a court case.

The Florida Supreme Court has explained that "jurisdiction to try an accused does not exist under article I, section 15 of the Florida Constitution unless there is an extant information, indictment, or presentment filed by the state." *State v. Anderson*, 537 So.2d 1373, 1374 (Fla.1989). Zero information, indictment or presentment was filed by the State to commence *State v. Huminski*. The State simply showed up at a civil hearing in GILBERT on 6/29/2017 and authored/filed/served nothing.

Handling of contempt is reserved for the Courts, not the sovereign, with F.S. 900.04 governing. This matter exemplifies the most fundamental violation of separation of powers conceivable. The executive branch, 20th Circuit State's Attorney, is forbidden from hijacking functions/duties of the judicial branch such as hearing/prosecuting contempt in a civil case. F.S. 900.04, the only statute existing in the record for both the civil GILBERT and so-called "criminal" *State v. Huminski* cases, governs the conduct of the judicial branch concerning contempt. F.S. 900.04 does not anticipate or authorize State government participation as a party. The executive branch must not hijack duties reserved for the judicial branch under State separation of powers doctrine constitutional law. FL Const. Section 3. Contempt is a matter between a judge and a contemnor. Courts prosecute contempt, not the executive branch. In contempt matters the offended court is the prosecutor.

The 20th Circuit State's Attorney's authority and powers do not extend to matters whereby the Judicial Branch has exclusive jurisdiction and authority – civil case contempt allegations. Even if alleged contempt occurred in a criminal case, it would only involve the Court and the contemnor, not the government/prosecutor.

There are a few exceptions for domestic violence and family law protective orders which are not applicable here.

The order allegedly violated (contempt) protected the Lee County Sheriff's Office, Huminski's only local law enforcement agency, from any and all communications from Huminski including the report of crime. See something, **say nothing** is a new twist on law enforcement in Florida and a violation of public policy. That is what is at the core of this case - silencing speech. To perfect a violation of the First Amendment, the State violated a host of other constitutional rights, most significantly Due Process.

As well as being a non-party in GILBERT, the State of Florida was also not a valid party in *State v. Huminski* for lack of pleadings. A court drafted show cause order in a civil Circuit Court, GILBERT, matter does not suffice and Huminski was served with nothing by the State of Florida to commence *State v. Huminski*. Huminski was served with a judge authored show cause order in GILBERT prior to the existence of *State v. Huminski* by the Circuit Court. No pleading authored by the State exists or was served in *State v. Huminski*.

A judgment entered without due service of process is void. See [*Gelkop v. Gelkop*, 384 So.2d 195 \(Fla. 3d DCA 1980\)](#); [*McAlice v. Kirsch*, 368 So.2d 401 \(Fla. 3d DCA 1979\)](#); [*Grahn v. Dade Home Services, Inc.*, 277 So.2d 544 \(Fla. 3d DCA 1973\)](#). On motion, a court may, at any time, relieve a party from a void final judgment of conviction. See [*Sams Food Store, Inc. v. Alvarez*, 443 So.2d 211 \(Fla. 3d DCA 1983\)](#); [*Tucker v. Dianne Electric, Inc.*, 389 So.2d 683 \(Fla. 5th DCA 1980\)](#); [*McAlice*](#). See also [*Ramagli Realty Co. v. Craver*, 121 So.2d 648 \(Fla. 1960\)](#) (the passage of time cannot make valid that which has been void).

Convictions have been voided because the information filed in the court failed to allege that the defendant had committed a misdemeanor or felony. See, e.g., [Ex parte Reed, 101 Fla. 800, 135 So. 302, 303 \(1931\)](#) (concluding that judgment of conviction by circuit court was void where indictment failed to show that the defendant was charged with a felony). In the instant matter no misdemeanor statute exists in the Court record, the judgment of conviction is void along with the entirety of *State v. Huminski – the case is a fraud. Pope v. State, 268 So.2d 173, 175 (Fla. 2d DCA 1972)* (explaining that an allegation of a felony "is essential to the invocation of the jurisdiction of a felony court over the charge since the allegata of the accusatory writ are precisely the basis in the first instance upon which the court's jurisdiction over the subject matter thereof is predicated"). The same holds true concerning the non-existent misdemeanor in the instant matter. The State was not a lawful party in GILBERT or *State v. Huminski*. Without the State proffering of a violation of a misdemeanor or any crime, the matter is void. Indeed, the State filed nothing in the County Court to initiate the "prosecution" of a misdemeanor. The Chief State's Attorney (and future State's Attorney), Amira Dajani Fox, Esq., instructed ASA Anthony Kunasek to attend a civil hearing in GILBERT in a case whereby the State was not a party and by unknown means converted the hearing into a criminal "arraignment" without filing or serving a shred of paper. Only the State, the judge or court personnel would know the specifics of how *State v. Huminski* was docketed and initiated with a "MM" (misdemeanor) designation. The record sheds no light on this issue and Huminski has no idea other than a hunch of criminal *behind-the-scenes* conduct at the Lee

Court complex by clerks, judicial assistants or others. A cloak of secrecy should not envelop court cases, especially “criminal” cases where liberty interests are at stake.

The record on appeal exists below that fully supports this paper, lack of State pleading and lack of State service of a commencement document (*slight-of-hand* or *smoke-and-mirrors* does not confer jurisdiction),

https://edca.2dca.org/DcaDocs/2019/1914/2019-1914_Brief_530010_RC09.pdf

https://www.indybay.org/uploads/2024/11/25/record_on_appeal_2019-1914_comp64mb.pdf

https://web.archive.org/web/20201005171650/https://edca.2dca.org/DcaDocs/2019/1914/2019-1914_Brief_530010_RC09.pdf

**REMOVAL TO U.S.D.C. (bankruptcy unit, Middle District of Florida)
6/26/2017**

GILBERT and the contempt allegations therein were removed to federal court, United States District Court (bankruptcy unit), on 6/26/2017. The Circuit Court arraignment hearing held in GILBERT on 6/29/2017 was in the absence of any and all jurisdiction because the matter and contempt allegations therein were removed to the federal court and remained there until August of 2017 upon remand. The State just could not wait for remand to begin its campaign of terror that lasted for years. All acts of the State while the matter was in federal court are *void ab initio*. The State failed to file a motion for remand in the federal court, the only legal filing that could be made after removal, however, the State was not a party in GILBERT, thus, was not a party in the federal court proceedings.

<See removal documentation next page>

In The
United States Bankruptcy Court
For the Middle District of Florida



IN RE,)
SCOTT ALAN HUMINSKI,) CASE No.17-03658-9D7
DEBTOR)
) ADV. PROC. No.
)

NOTICE OF REMOVAL TO U.S. BANKRUPTCY COURT
and
PROSECUTION OF VIOLATIONS OF THE 11 U.S. Code § 362 –
AUTOMATIC STAY

NOW COMES, Debtor, Scott Huminski (“Huminski”), notices of the removal of Huminski v. Town of Gilbert, et al., 17CA421, 20th Judicial Circuit, Lee County, Florida.

Huminski also seeks to prosecute three violations of the automatic stay by one of the

The federal docketing information correctly stating “Date Removed from State: 06/26/2017” is as follows:

Adversary Proceeding #: 9:17-ap-00509-FMD

Assigned to: Caryl E. Delano
Lead BK Case: [17-03658](#)
Lead BK Title: Scott Alan Huminski
Lead BK Chapter: 7
[Show Associated Cases](#)

Date Filed: 06/26/17
Date Removed From State: 06/26/17

Demand:

Nature[s] of Suit: 01 Determination of removed claim or cause

Plaintiff

Scott Alan Huminski

represented by **Scott Alan Huminski**

The State pursued and litigated a matter in State Court on 6/29/2017 in Gilbert and later in State v. Huminski that had been removed to Federal Court deliberately and maliciously violating the jurisdiction, authority, powers and dignity of the Federal Courts/judiciary in their lawless quest for a pound of flesh. The most definitive example of a case prosecuted in the absence of any and all jurisdiction.

Perpetual injunction against speech with the Lee County Sheriff's Office and the entire State of Florida for life.

The papers issued as part of the judgment/sentence in the case mandated a perpetual prohibition against speech, a non-expiring gag order. Pages 1925-1926 of the Record on Appeal detail the specifics of the judgment of conviction which in pertinent part state,

Work 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

“No communication with the parties in the civil or criminal case” in the judgment refers to the GILBERT civil Circuit Court case and State v. Huminski. For life. A bold non-expiring gag order prohibiting communication with the entire State government in Huminski’s State of residence. The gag order sweeps in a large number of **non**-parties to State v. Huminski by prohibiting communication with the GILBERT parties that reside in Arizona and the entire Lee County Sheriff’s Office, a defendant in GILBERT, and other non-parties. The gag order issued at judgment constitutes a bold violation of the First Amendment and prophylactically and prospectively sweeps in a vast landscape of speech including core protected political expression with the entire State

of Florida, for the remainder of Huminski's life with zero tailoring to a legitimate State interest. At judgment, the violation of First Amendment rights shines brightly which is not the purest motive behind a void ab initio criminal prosecution and indicates evil intent and design.

The County Court in State v. Huminski had absolutely no jurisdiction to incorporate the civil defendants from a Circuit Court civil case in any form of relief. The contempt case was a matter between the offended judge/court and Huminski, the only alleged "victim" would be the Circuit Court under F.S. 900.04.

The Circuit Court is a court of superior jurisdiction concerning the County Court. The County Court seizing jurisdiction from the Circuit Court by seemingly unsavory means is core to the problems set forth in this paper. The hearing of contempt is private to the allegedly offended court. See generally, South Dade Farms v. Peters, 88 So. 2D 891 (Florida Supreme Court 1956) (approvingly citing "*There has been general recognition of the fact that the courts are clothed with this power, and must be authorized to exercise it without referring the issues of fact or law to another tribunal or to a jury in the same tribunal. ... Besette v. W.B. Conkey Co.*, 194 U.S. 324 337, 24 S.Ct. 665, 48 L.Ed. [997] 1005.") and Huminski v. State, 2d19-1247 (Fl 2nd DCA, 2019)(adding emphasis to the statutory language "against it" concerning F.S. § 38.22).

Case Hijacking flourishes

The presiding County Court judge in State v. Huminski, James Adams (retired), had been condemned for case hijacking in YORLAN ESPINOSA PENA v. STATE OF FLORIDA, 17- 4465 (Fla. Dist. Ct. App. 2018) in a time frame similar to State v. Huminski. Case hijacking appears to be

routine in the 20th Circuit and Lee County requiring administrative guidance from courts above. Amira Dajani Fox, the 20th Circuit State's Attorney, happily joined the case hijacking and fraudulent case initiation in *State v. Huminski*.

<https://www.courtlistener.com/opinion/4552265/yorlan-espinoza-pena-v-state-of-florida/>

The *State v. Huminski* instance of judicial case hijacking from a court of general jurisdiction (Circuit Court) by/to a court of limited jurisdiction (County Court) enticed the 20th Circuit State's Attorney to support and join this corrupt charade of a "criminal" prosecution. A month after the hearing on 6/29/2017 in GILBERT the presiding Circuit Court judge recused off all matters concerning Huminski after it became abundantly clear that something crooked was going on. The prosecution didn't have a similar moral compass to dismiss the prosecution for lack of standing and jurisdiction and resisted all of Huminski's attempts to dismiss the constitutionally infirm "criminal" prosecution.

20th Circuit State's Attorney admission of no pleadings

In a Sunshine Law request, State's Attorney Amira Dajani Fox admitted the filing of nothing in June 2017 in State v. Huminski, 17-mm-815. An "arraignment" of a case listing the State as a plaintiff on 6/29/2017 absent zero filings by the State is quite an achievement not to be proud of and indicative of deep seated courthouse corruption.

From: Florida State Attorney, 20th circuit

01/08/20

Subject: RE: Florida Sunshine Law Request: Amira Fox - 20th Circuit State's Attorney - Criminal information - State v. Huminski, 17-mm-815 (Florida State Attorne...

I do not see any filings in 17MM815 for the month of June, 2017.

Jody Brown
Assistant State Attorney
239-533-1228

Recusal of the 20th Circuit Judiciary

The hijacking of a contempt issue originating in GILBERT (Circuit Court) to State v. Huminski (Lee County Court) was not in a vacuum. The Circuit Court acquiesced concerning the case hijacking and abandoned its own contempt claims. The presiding judge in GILBERT recused shortly after the case hijacking and the Chief Circuit Court judge took over GILBERT and allowed the hijacking of contempt from his court to continue and flourish.

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

STATE OF FLORIDA

CASE NO: 17-MM-815

vs.

SCOTT HUMINSKI

Defendant

ORDER OF DISQUALIFICATION

THIS CAUSE having come before this Court on 8/1/17 on its own Motion, it is ORDERED and ADJUDGED:


Pursuant to Canon 3E of the Florida Code of Judicial Conduct, the undersigned Judge hereby disqualifies herself from cases involving the above Plaintiff, including the above styled Case.

DONE and ORDERED this 1st day of August, 2017.


Honorable Elizabeth V. Krier
Circuit Court Judge, 20th Circuit

Conformed copies to:
Scott Huminski at s_huminski@live.com
State Attorney's Office
Public Defender's Office
COURT ADMINISTRATION

 COPY

 CC /

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

SCOTT HUMINSKI

Plaintiff

CASE NO: 17-CA-421

vs.

TOWN OF GILBERT, AZ, et al

Defendant

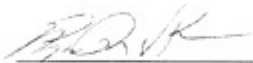
 COPY

ORDER OF DISQUALIFICATION

THIS CAUSE having come before this Court on 8/1/17 on its own Motion, it is ORDERED and ADJUDGED:

Pursuant to Cannon 3E of the Florida Code of Judicial Conduct, the undersigned Judge hereby disqualifies herself from cases involving the above Plaintiff, including the above styled Case.

DONE and ORDERED this 1st day of August, 2017.



Honorable Elizabeth V. Krier
Circuit Court Judge, 20th Circuit

Conformed copies to:

Scott Huminski, pro se Plaintiff at s_huminski@live.com

Kenneth R. Drake, attorney for Scribd, Inc at kendrake@dldlawyers.com; dweiss@dldlawyers.com

S. Douglas Knox & Keely Morton, attorneys for City of Glendale at douglas.knox@quarles.com;

keely.morton@quarles.com; docketfi@quarles.com

Robert D. Pritt & James D. Fox, attorneys for City of Surprise AZ at serve.rpritt@ralaw.com;

ifox@ralaw.com; serve.jfox@ralaw.com

Robert C. Sherman, attorneys for Lee County Sheriff at Robert.sherman@henlaw.com;

Courtney.ward@henlaw.com

COURT ADMINISTRATION

The filing of a court document with 2 "COPY" stamps on it is consistent with every other infirmity associated with this case. Manipulation of dockets/documents. The 2nd recusal order has only one "COPY" stamp on it in a different location and a different distribution list. A great deal of docket manipulation, phantom filing, cutting and pasting, has plagued the instant matter. A third, also different, recusal order exists.

Cooperation/conspiracy between the Circuit and County courts, re: case hijacking.

The Chief 20th Circuit Court judge ended up presiding over GILBERT. No administrative judge nor the chief Circuit Judge authored a shred of paper permitting the transfer of Circuit Court GILBERT contempt issues to the County Court as the new case *State v. Huminski*. The 20th Circuit Judiciary aided and abetted the hijacking of GILBERT contempt issues to Lee County Court as memorialized in the below order authored by the Chief Circuit Judge indicating collusion between the 2 courts in the illegal “transfer” from Circuit to County absent any administrative or assignment order,

INSTR # 2018000049299, Doc Type ORD, Pages 4, Recorded 03/01/2018 at 11:20 AM, Linda Doggett, Lee County Clerk of Circuit Court, Deputy Clerk ERECORD

2/26/2018 11:58 AM Filed Lee County Clerk of Courts

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

**SCOTT HUMINSKI, for himself
and for those similarly situated,**

Plaintiffs,

v.

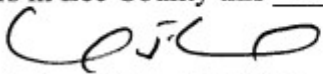
Case No.: 17-CA-000421

TOWN OF GILBERT, AZ;

<... unrelated content omitted “2017”[sic] below...>

This Order shall have no effect on the criminal case currently proceeding against Plaintiff before Judge Adams – No. 17-MM-815 – and any orders entered therein.

DONE AND ORDERED in Chambers in Lee County this 22nd day of February, 2017.



Judge Michael T. McHugh

Massive confusion at the Courthouse

The below paper is captioned as State v. Huminski in the **Circuit Court** on 7/5/2017 despite the docketing of papers in State v. Huminski beginning on 6/30/2017 in the **County Court**. All this litigation and docketing after the contempt matter had been removed to **federal court** on 6/26/2017. The same contempt claim existing in 2 State and one federal court simultaneously is quite an achievement in courthouse corruption and depravity. A Pre-trial release order (below) without the existence of a State charging document or a criminal statute makes quite a statement of unbridled abuse of the justice system for unsavory corrupt goals – terroring a citizen with potential loss of liberty – Huminski was incarcerated related to State v. Huminski.

<See next page>

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
LEE COUNTY, FLORIDA

State of Florida
v.

Case No. 17-CA-421

Scott Huminski

ORDER on Pre-Trial Release
and Case Management setting

This matter having come before the court on the June 29, 2017

It is ordered: Scott Huminski is to have NO contact with this court unless done by and through a licensed attorney, and is to obey all previously entered Orders of the Court: Orders filed on 4/20/17, 4/20/17 & 4/24/17. *
It is further ordered that the Case Management Conference is to be held on August 15, 2017 in courtroom 4H.

Print

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

Case Header

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

LEE COUNTY CLERK OF COURTS
CASE SUMMARY
CASE NO. 17-MM-000815

State of Florida
vs
Huminski, Scott A


§
§
§
§

Location: **County Criminal**
Judicial Officer: **Adams, James R**
Filed on: **06/30/2017**

CASE INFORMATION

| | | | | | |
|---|----------------|------------|-------------|--------------------|--|
| Offense | Statute | Deg | Date | Case Type: | Misdemeanor |
| Jurisdiction: Lee County | | | | | |
| 1. CONTEMPT OF COURT CIRCUIT OR COUNTY Sequence: 1 | 900.04 | N | 06/05/2017 | Case Flags: | Court Appointed Attorney Defendant Placed on Probation Appeal Under Review by Appellate Court |
| Related Cases | | | | | |
| 18-AP-000003 (Appeal) | | | | | |
| 18-AP-000009 (Appeal) | | | | | |

As set forth in the electronic court record, *State v. Huminski*, 17-MM-815, filing date was 6/30/2017 as a misdemeanor **without** a misdemeanor statute and **without** a charging document authored, filed and served by the 20th Circuit State’s Attorney on behalf of the State. The 6/5/2017 date relates to a show cause order filed in GILBERT then, weeks later, copied and filed in *State v. Huminski* by an unknown employee/agency at the Lee Court Complex. The phantom filer who is taking and re-filing documents from a Circuit Court case, GILBERT, and filing them into the Lee County Court, *State v. Huminski*, remains a mystery. Whoever is the phantom filer, they missed over 100 pages of attachments to the GILBERT show cause order when they copied the deficient three page 6/5/2017 order and filed that document in *State v. Huminski* instead of the full 120 page order. See below docket entries for GILBERT,

| | | | |
|------------|---|-----|---|
| 05/25/2017 | Order to Show Cause Returned Not Served | 120 |  |
| 06/05/2017 | Order to Show Cause | 3 |  |
| 06/05/2017 | Certified Copy of Show Cause Order for Service handed to LCSO | | |
| 06/14/2017 | Order to Show Cause Returned Served | 3 |  |

These docket entries reveal that Huminski was not served with the full 120 page show cause order in GILBERT nor State v. Huminski (no service at all) because it was trimmed to 3 pages on 6/5/2017, yet the order still refers to over 100 pages of non-existent/non-served attachments as exhibits. All documents hinting at service in State v. Huminski are merely copies of papers from the GILBERT case. Without a pleading authored by the State and filed in State v. Huminski, there was nothing to serve. The omission of over 100 pages of an order copied and re-filed is just another symptom of vast irregularities and courthouse confusion related to State v. Huminski.

APPEAL 2D19-1914 VOLUNTARY DISMISSAL

Huminski had counsel, Anthony Candela, for the primary appeal before this Court, however, instead of arguing *lack of jurisdiction-no statute-no standing-wrong venue* Huminski's counsel insisted on a new trial in Lee County Court subjecting Huminski to a second punishment/double jeopardy for the non-crime before the wrong court and with a plaintiff that had no standing. Huminski was forced to *pro se* voluntarily dismiss the appeal to avoid potential incarceration from a new trial, in the wrong court absent any and all jurisdiction.

Judicial Assignment of 20th Circuit Court contempt to Lee County Court – All Writs jurisdiction

There exists no order of assignment of the Circuit Court contempt allegations to a judge in Lee County Court that would explain the unorthodox transfer to the County Court while concurrently anointing a new party as plaintiff (State of Florida) without the State authoring any documents that would justify plaintiff status. [Wild v. Dozier, 672 So.2d 16, 17-18 \(Fla.1996\)](#) (finding independent basis to review judicial

assignment exists where Court has exclusive jurisdiction to review such assignments under its article V, section 2(a) authority to oversee the administrative supervision of all courts). The 20th Circuit certainly needs administrative supervision of its handling of cases, transfers between Circuit and County courts and judicial assignments to straighten out the lawless wild west scenario set forth in this paper.

Additionally, no process or procedure was followed to sever or bifurcate the contempt claim from GILBERT that would have caused it to exist as a stand alone claim in a new Lee County Court case with a new Plaintiff, the State. Whatever caused the severing or bifurcation, it was done covertly in secrecy. No legitimate process or procedure was implemented that would cause the Circuit Court in GILBERT to abandon contempt claims pending before that court and defer to Lee County Court. The 20th Judicial Circuit desperately needs guidance and correction concerning court administration procedures invoked in the instant matter. Oddly, the record on appeal in *State v. Huminski* was certified by the Clerk of Courts including papers that just migrated from the Circuit Court without the identity of who or what entity caused the migration of papers from one court into another. Generally, court filings require a filer or some legitimate means explaining how they appeared on the docket and were certified.

There exists no order of assignment/transfer concerning the severing/bifurcating of contempt issues from the 20th Circuit Court and the "transfer" to a different court (Lee County) and different judge. A litigant who is affected by a judicial assignment made by a chief judge of a judicial circuit must challenge the assignment in the trial court and then seek review in this Court by way of petition for writ of prohibition or petition for relief under the "all writs" power.^[5] See Art. V, § 3(b)(7), Fla. Const. (this Court "may issue writs of prohibition to courts

and all writs necessary to the complete exercise of its jurisdiction"); accord [*State ex rel. Treadwell v. Hall*, 274 So.2d 537 \(Fla.1973\)](#) (challenge of assigned judge's jurisdiction raised in trial court, followed by petition for writ of prohibition filed in this Court). Huminski challenged the jurisdiction of the County Court on many occasions, especially related to the federal removal, and had moved for disqualification of the County Court judge to no avail.

The instant matter presents a situation without any assignment order controlling the transfer of contempt from Circuit to County Court. How and why the Circuit Court contempt matter was docketed in Lee County Court remains a mystery. The complete absence of any pleading filed by the State indicates that the “transfer” and case initiation was accomplished via electronic means in the back rooms at the court complex in secrecy by an unknown entity. All writs jurisdiction is proper.

Writ of Prohibition

The Court should prohibit the Lee County Court from hearing any further post-conviction motions filed related to the instant claims of contempt in the 20th Circuit Court as such acts are without jurisdiction and in excess of a County Court’s jurisdiction/authority over Circuit Court contempt issues. Circuit Court contempt is private to the Circuit Court, not a matter for a court of inferior jurisdiction. The Lee County Court should be prohibited from the exercise of jurisdiction over future motions related to 20th Circuit GILBERT contempt matters in this case.

Writ of Mandamus

Mandamus should issue instructing the 20th Circuit Court to vacate as void the contempt proceedings held by the Lee County Court, 17-MM-815, that wrongfully litigated a contempt show cause order issued in the 20th Circuit Court in 17-CA-421,

GILBERT. Contempt is a matter private to the jurisdiction and authority of the allegedly offended court. The State should be instructed to stop all debt collection/credit reporting activities related to the judgment in 17-MM-815 because the matter is hopelessly *void ab initio* for a multitude of reasons discussed above and the lack of any and all jurisdiction. In the alternative, the 20th Circuit State's Attorney should be instructed to move to vacate *State v. Huminski*, 17-mm-815, because the judgment of conviction was rendered in the absence of any and all jurisdiction and the State lacked standing to prosecute.

Writ of Coram Nobis

Coram nobis relief should issue because *State v. Huminski* was litigated grounded upon an error of fact. The fact supportive of the entire prosecution was that there existed a legitimate document commencing the case traditionally authored by a prosecutor, executive branch official. No such documented existed – the County case is an illegitimate fiction. The entire matter was a fraud created behind closed doors by courthouse staff with zero transparency or notice to the parties or public.

To this day, how *State v. Huminski* was docketed and who caused the docketing is a mystery. The criminal justice system should not operate in shadows and be used for those who derive pleasure and amusement from terrorizing citizens with fictional and fraudulent criminal prosecutions.

WHEREFORE, for the foregoing reasons the State prosecution of *State v. Huminski*, in its entirety, should be declared *void ab initio* for wrong venue, the absence of any and all jurisdiction and lack of standing of the Plaintiff and the Courts below should act

appropriately. The executive branch and a County Court hijacking contempt cases from the Circuit Courts and federal courts should be strongly denounced along with the hijacking of judicial branch duties (prosecuting/hearing contempt) by the executive branch (prosecutor Amira Dajani Fox, Esq.) in violation of the separation of powers doctrine. The disrespect for the powers, jurisdiction, authority and dignity of the federal courts is deplorable and malicious. Federally removed cases are hands-off for State Courts (except in the 20th Circuit currently). The aforementioned fact details a manifest injustice that shocks the consciousness.

Further, Lee County Court should be prohibited from ruling on any post-conviction motions/proceedings involving GILBERT Circuit Court contempt claims. The Circuit Court should be instructed to vacate the judgment of conviction entered by the County Court on the GILBERT contempt claim. Alternatively, the 20th Circuit State's Attorney should be mandated to uphold its constitutional duties and move to vacate the vastly unconstitutional and corrupt judgement attained in State v. Huminski and to cease collection activities on the void debt.

Petitioner believes State courts should resolve this issue despite the complete refusal by the lower courts act lawfully regarding federal court removal also voiding the proceedings/judgment creating a ripe federal cause of action which is similarly not time-barred.

The petitioner seeks any other relief the Court deems fair and just associated with this abuse of the criminal justice system in Florida.

Dated at Palm Coast, Florida this 18th day of January, 2025.

-/S/- Scott Huminski

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Certificate of Services

Copies of this document and any attachment(s) was served via the court's e filing system or U.S. Mail on this 18th day of January, 2025.

-/s/- Scott Huminski

Scott Huminski