

In The Florida
Sixth District Court of Appeal

Scott Huminski,
Petitioner,
v.
Amira Dajani Fox,
20th Cir. State Attorney,
State of Florida,
Respondents.

DOCKET NO. 6D2025-0105

Related Cases below, Appellate and in Federal Court:

State v. Huminski, 17-MM-815(Lee County Court)
Huminski v. Gilbert, 17-CA-421(20th Circuit Court)

2 DCA cases: Huminski v. State; 2D19-1247 &
2D19-1914

U.S. Bankruptcy Court, Huminski v. Gilbert, Adv. Pro. #
9:17-ap-00509-FMD (Middle District of Florida)

Motion to Stay and Enjoin Pending Appeal/writ

NOW COMES, Petitioner Scott Huminski (“Huminski”) and moves stay and enjoin the judgment and enjoin enforcement and collection on the judgment below in State v. Huminski, 17-MM-815, Lee County Court while this matter is pending as follows:

1. The State of Florida authored, filed and served NOTHING to initiate State v. Huminski as a plaintiff. See generally record on appeal in Huminski v. State, 2D19-1914, https://edca.2dca.org/DcaDocs/2019/1914/2019-1914_Brief_530010_RC09.pdf
2. The State of Florida served nothing upon Huminski to initiate the case,
3. No statute defining a State statutory crime exists in the record on appeal in Huminski v. State, 2D19-1914 nor in State v. Huminski justifying standing and plaintiff status.
4. Huminski incorporates the Amended Petition filed in this matter and Huminski v. State, 2D19-1914, with the same force and effect as if they were more fully set forth herein.

5. Huminski has not paid the fines, costs and fees levied at judgment in State v. Huminski because the Court was without jurisdiction and the majority of the financial liability arising in the case at judgment related to statutory crimes. See Para 3.
6. The Judgment levied costs/fines/fees associated solely with statutory criminal convictions not applicable here (no criminal statute exists) and in pertinent part states as follows (Huminski was also placed on pre-trial release for a non-crime):

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	Court Date	Court Clerk
	OTH	03/16/2018	_____

FINE ASSESSMENTS (statutes indicated) <input checked="" type="checkbox"/> Fine \$ <u>90</u> (775.083) <input checked="" type="checkbox"/> 5% Surcharge \$ <u>25</u> (938.04) MANDATORY ASSESSMENTS <input checked="" type="checkbox"/> Court Costs (Include Crime Stoppers & Crime Prevention) (318.18 / 775.083 / 938.01 / 938.03 / 938.05 / 938.06 / 938.185) <input checked="" type="checkbox"/> \$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)	ATTORNEY FEES & SURCHARGES <input checked="" type="checkbox"/> \$50.00 Cost of Prosecution (938.27) _____ \$50.00 Public Def Application Fee (27.52) Additional Application Fees \$ _____ (Must be addressed on the record) _____ Defense Attorney Costs at Conviction (938.29) _____ \$50.00 Other \$ _____ RESTITUTION _____ Minimum Payment of \$ _____ per Month to _____ _____ As a Condition of Probation Restitution Ordered \$ _____
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Jurisdiction Below

The aforementioned fact detail the rudimentary scenario of the lack of any and all jurisdiction of the Lee County Court because of lack of authority and personal and subject-matter jurisdiction needed to rule on any motion.

Further, the plaintiff below, the State of Florida, had no standing to participate in State v. Huminski for absence of a pleading, absence of a criminal statute and absence of a cause of action. The same fact that support a finding of lack of any and all jurisdiction of Lee County Court related to State v. Huminski.

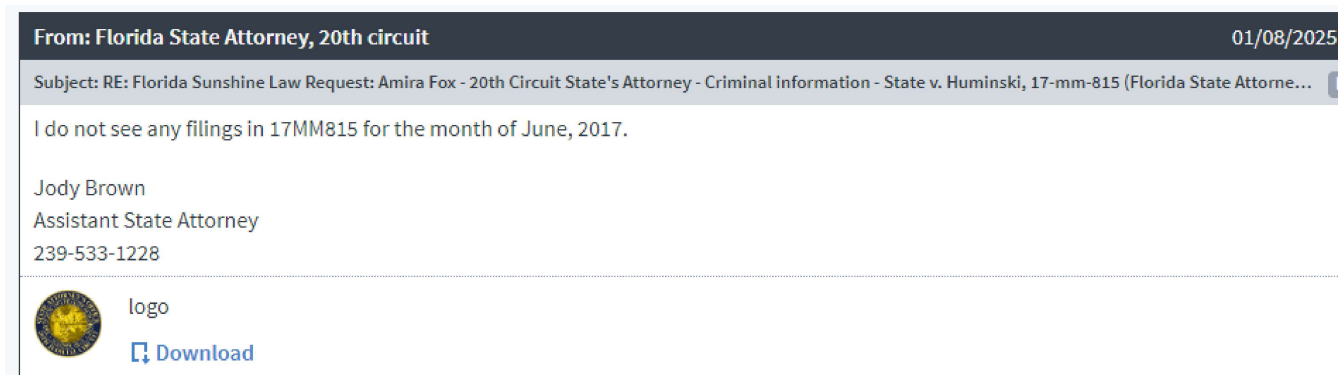
The State of Florida continuing to benefit from the judgment below prejudicing Huminski and continued attempts to enrich itself with collection activities based upon a fraudulent void case and judgment is a manifest injustice. This continuation of what only can be described as lawless State-sponsored terror and harassment must end.

The Court administration issues contained in the Amended Complaint suggest this action may be one of original jurisdiction before this Court or the Florida Supreme Court further supporting a ruling on this motion as an original jurisdiction case. The transfer of Circuit Court contempt to a County Court would have required an administrative order that is absent from the case record/docket.

This Court is the only Court with jurisdiction to consider the instant motion as the 20th Circuit Chief Circuit Judge has already ruled on the propriety/jurisdiction of Lee County Court concerning this Circuit Court contempt matter. (See Amended Complaint, page 16) This is the only ruling by the Chief Circuit Court Judge that could be viewed as an administrative act albeit 8 months after the commencement of the Circuit Court contempt case and transfer to County Court by unknown means.

20th Circuit State's Attorney reply to Sunshine Law Request

The 20th State's Attorney replied as follows to the request for case initiation documentation,




From: Florida State Attorney, 20th circuit

01/13/2025

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

Please see attached document uploaded to the State Attorney's File in January of 2018. There is no charge.

Jody Brown
Assistant State Attorney
239-533-1228




Order to Show Cause Huminski

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From: Florida State Attorney, 20th circuit

01/21/2025


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

As was explained to you in a previous request, we do not have any information or indictment. Your request is now closed.

Jody Brown
Assistant State Attorney
239-533-1228

~WRD0000

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The State’s Attorney stated there “*There is no charge.*”, “... *we do not have any information or indictment.*” and supplied only a show cause order authored by a Circuit Court judge in *Huminski v. Gilbert AZ*, 17-CA-421, 20th Circuit Court which in pertinent part states,

6/30/2017 4:52 PM Filed Lee County Clerk of Courts
6/5/2017 1:56 PM Filed Lee County Clerk of Court

Filed 06/30/2017

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

CIVIL CASE CAPTION

SCOTT HUMINSKI,
Plaintiff

Civil Case No.: 17CA421

v.
TOWN OF Gilbert, AZ, et al

Criminal Case No. 17-MM-000815

Not surprisingly, the above excerpt from the 6/30/2017 version of the show cause order has **3 filing time-stamps**, one from when the document was authored and filed on 6/5/2017 in the Circuit Court and the second/third time stamps were when an unknown entity/individual modified and filed it on 6/30/2017 in Lee County Court.

The phantom filer and their supervisor also engaged in forgery by adding “17-MM-815” to the 6/5/2017 Circuit Court order on 6/30/2017 which is purely deception and fraud because the order authored by a Circuit judge didn’t have a “17-MM-815” case number on it. The legitimate order contained only 17-CA-421. The phantom filer modified a one month old order by fraudulently adding “17-MM-815” to it on 6/30/2017 thirty days after the Circuit Judge signed it. The manufacture of a Court order 30 days after the order was signed, filed and issued is likely criminal conduct intending to perfect a fraudulent initiation of a fictional Lee County Court criminal case. The original Circuit Court order of 6/5/2017 states in pertinent part (see next page),

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

CIVIL CASE CAPTION

SCOTT HUMINSKI,
Plaintiff

Civil Case No.: 17CA421

v.

TOWN OF Gilbert, AZ, et al

Criminal Case No. _____

DESCRIPTION OF SCOTT HUMINSKI	
GENDER: Male	EYE COLOR: ?
RACE: Caucasian	HAIR COLOR: Brown
HEIGHT: approx. 5 ft 10 in.	LAST KNOWN ADDRESS: 24544 Kingfish St.
WEIGHT: ?	Bonita Springs, FL 34134
DOB: 12/1/59	

The manipulation and modification of court documents and even court orders indicates that the sovereign was willing to engage in criminal activity to justify the prosecution of a fraudulent and fictional “criminal” case. The handwriting on the manufactured / modified order could identify the forger of the manufactured second show cause order file stamped on 6/30/2017. Court orders don’t evolve and morph weeks after signing by a judge. Manufactured copies of judicial orders can not be filed as legitimate court orders in various courts throughout the State and a manufactured order from a different court can not initiate a criminal case. The plaintiff has the duty to author, file and serve a commencement document which is absent in this matter.

WHEREFORE, Petitioner requests the following relief pending final ruling on this action;

- A stay or injunction concerning the Judgment below,

- An injunction against enforcement of the Judgment below,
- An injunction against the continuation of collection activities related to the Judgment below against the State of Florida and it's agents, employees and assignees.

Dated at Palm Coast, Florida this 30th day of January, 2025.

-/S/- Scott Huminski

Scott Huminski, pro se
26 Fleetwood Drive
Palm Coast, Fl 32137
(239) 300-6656
s_huminski@live.com

Certificate of Service

Copies of this document and any attachment(s) was served via the court's efilng system to the parties, Amira Dajani Fox and State of Florida on this 30th day of January, 2025.

-/s/- Scott Huminski

Scott Huminski