

**United States District Court
Northern District of Florida**

EQUALITY FLORIDA, ET AL,)	Number: 4:22-cv-00134-AW-MJF
PLAINTIFFS,)	
v.)	
RONALD DESANTIS, ET AL,)	
DEFENDANTS.)	

**NOTICE OF NON-SERVICE OF ORDER REGARDING INTERVENTION
– Violations of the ADA – Judicial appearance of impropriety**

NOW COMES, Scott Huminski (“Huminski”), and notices that the Order denying intervention has not been received by Huminski as follows:

1. The Court has established a custom, policy, pattern and procedure that discriminates against the disabled indigent (that can not afford to hire an attorney) that prohibits them from filing electronically and prohibits them from getting served expeditiously and electronically with papers from the Court.

2. The Court serves all Court generated papers/orders upon all the dozens of parties and their more numerous attorneys in this matter expeditiously and electronically and singles out the disabled indigent that rely upon Social Security Disability to survive without proper service of court orders and force the disabled indigent to engage in extensive travel, copy costs, shipping costs and prejudice related to the filing of documents that all the parties except Huminski can accomplish with the click of their mouse from their desks without burdening travel and excessive costs/fees.

3. This Court’s order characterization of a criminal case against Huminski by the State of Florida accepts and encourages the State’s illegal conduct of exhibiting disdain and disrespect for the dignity, integrity, powers, authority and jurisdiction of the federal courts that had jurisdiction to hear the contempt that allegedly existed in State civil case Huminski v. Town of Gilbert, et al, 17-CA-421, Fl 20th Cir., that was removed from the State courts and existed as an adversary proceeding in the U.S. Bankruptcy Court (Middle District of Florida) as Huminski v. Town of Gilbert, et al., 9-17-ap-00509-FMD.

4. There exists an appearance of impropriety regarding this Court's opinion that Chief Judge Caryl Delano is somehow sub-par or not worthy of jurisdiction over a matter that had been properly removed to her court and this appearance of impropriety requires disqualification or recusal. Gender does not impact the legitimacy of a jurist and this Court should not disrespect the legitimate authority of a federal judge by implying that a proper removal can be ignored by State actors and now this Court.

5. There was no State criminal case(s) as eluded to by this Court in the misplaced belief that a State matter existed in the State Courts after removal. The sham *void ab initio* State criminal case(s) spoken of in the Order on Intervention is/was and will always be void ab initio for lack of jurisdiction because the federal courts had jurisdiction over the contempt allegations. Additionally, there was no service of a commencement document and a Court of inferior jurisdiction (County Court) can not hear contempt allegations originating in a Court of general jurisdiction (Circuit Court). See Generally South Dade Farms v. Peters, 88 So. 2D 891 (Florida Supreme Court 1956). Even without the disrespect by State actors for the jurisdiction of the federal courts, the case termed a "criminal case" by this Court in its order on intervention was commenced in the absence of personal and subject matter jurisdiction and while the federal courts had jurisdiction.

6. It is likely that the copy of the order that was to be served upon Huminski resides at the Court at the same location that Huminski's papers received by the Court on 5/24/2022 exist.

7. This Court's attempt to legitimize a *void ab initio* "criminal case" asserts a bold disrespect for Hon. Caryl Delano, the Middle District and reveals a *per se* improper motivation and animus against a federal jurist, Huminski, other federal courts and the disabled indigent.

8. The State prosecutor, Anthony Kunasek, Esq (who committed suicide 30 days after the Motion to Intervene filed in the instant matter detailing his forgery and other State and Federal crimes) stated as follows in transcripts that this Court has had possession of since 5/24/2022, but, refuses to file:

14 THE DEFENDANT: And, one more thing, Judge.
15 May I point out that the State's Attorney had
16 zero opinion as to the jurisdiction of this court
17 when the case was removed to federal court.
18 Totally silent. So, they did not oppose --

19 THE COURT: Do you have zero opinion?

20 MR. KUNASEK: Judge, I did remain si -- I
21 didn't argue that the court lost jurisdiction.

22 THE COURT: Okay.

23 MR. KUNASEK: In fact, I think I said that
24 the Court didn't lose jurisdiction on this
25 misdemeanor --

1 THE COURT: Okay.

2 MR. KUNASEK: -- or the case that we're here
3 for, 17 -- or, excuse me. Yes. 17-MM-815.

4 THE COURT: Okay.

5 THE DEFENDANT: Which --

6 MR. KUNASEK: The Court still has
7 jurisdiction in this courthouse.

8 THE COURT: Okay.

9 MR. KUNASEK: In the state courthouse.

10 THE DEFENDANT: Your Honor, that case that
11 he's referencing began on June 30th. The hearing

12 where the arraignment was was on June 29th. There
13 was no criminal case when we had that hearing.

14 THE COURT: Okay.

15 All right. Your lawyers will help you out.

6 THE DEFENDANT: I'd also like to point out
7 that at the 6/29 hearing, in the minutes from
8 that hearing --

9 THE COURT: Is that in front of Judge Krier.

10 THE DEFENDANT: Judge Krier, yeah.

11 It seems he is set to review how the State is
12 proceeding with the case and at that point we can
13 schedule future hearings. Also to be discussed,
14 transfer of the case from civil to criminal.

15 THE COURT: Okay.

16 THE DEFENDANT: So, at that point in time the

17 case was still civil.

18 THE COURT: All right.

19 THE DEFENDANT: So -- and I don't think the
20 State's attorney did any -- took any steps to
21 transfer the case from civil to criminal as
22 stated -- as required by Judge Krier's order.

23 THE COURT: Okay. All right. Anything else
24 on that.

25 MR. KUNASEK: I will say, Judge, that I was

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1 to, at the next court hearing, announce whether
2 or not we were going forward in a non-jury
3 capacity, knowing that our maximum penalty would
4 be limited, whereas, if we were going with a jury
5 trial, we would be able to go -- where the
6 maximum penalty would be higher.

7 So, at this point, Judge, we would announce
8 that we're going to go forward in a non-jury
9 capacity, which would limit the Court, in the
10 event the Court finds Mr. Huminski guilty and in
11 contempt of Court up to six months in the county
12 jail.

13 THE COURT: Okay. As opposed to a year?

14 MR. KUNASEK: Correct.

15 THE COURT: Okay. All right.

16 THE DEFENDANT: That -- that still doesn't
17 address the transfer from, as Judge Krier said,
18 from civil to criminal court.

19 THE COURT: Okay. All right. That may be
20 somewhat of a misnomer of sorts in there.

21 THE DEFENDANT: I've seen other cases that --
22 when the prosecuted is a felony and the felony
23 gets -- goes away for some reason and there's
24 only misdemeanors left --

25 THE COURT: Yes, sir.

1 THE DEFENDANT: -- it seems like the State's
2 attorney has to file an information in the county
3 court instead of just doing some kind of
4 transfer.

5 THE COURT: That's -- those are felony
6 reductions. I've seen that on occasion --

7 THE DEFENDANT: Yeah.

8 THE COURT: -- at the same time and they are
9 handled differently, depending upon the nature of
10 the charge and, you know, if Mr. Kunasek believes
11 there to be a procedural irregularity, as it --
12 as it holds to then and now, I'm sure he'll

13 resolve that prior to any anticipated disposition
14 or scheduling of the case (unintelligible).

15 THE DEFENDANT: Right. Right. Okay. I
16 noticed that was sort of a question mark in this
17 case.

23 THE DEFENDANT: And one more thing. Going
24 back to my argument of last time, since I pulled
25 up this order saying that the case would be

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1 transferred from civil to criminal --

2 THE COURT: Yes, sir.

3 THE DEFENDANT: -- there -- that was 6/29.

4 6/26 the case was removed to federal court.

5 THE COURT: Okay.

6 THE DEFENDANT: So, since the judge
7 considered it civil on 6/29 that was all moved to
8 federal court. And it was removed for about a
9 month and then it was remanded back around 8/1.

10 THE COURT: All right.

11 THE DEFENDANT: So, any and all acts in that
12 timeframe were without -- totally without
13 jurisdiction because they were in the federal
14 court.

15 THE COURT: Right.

16 THE DEFENDANT: So, that's another
17 irregularity with regard to this case.

18 THE COURT: We will readdress them as the
19 case progresses.

20 THE DEFENDANT: All righty. Thank you.

7 THE DEFENDANT: Your Honor, I have something
8 to add to the recusal --

9 THE COURT: Yes, sir.

10 THE DEFENDANT: -- my attorney. The other day
11 I pressed him to answer a question saying what
12 should we do here? Should I obey the circuit
13 order of Judge Krier --

14 THE COURT: Okay.

15 THE DEFENDANT: -- and not attend, because it
16 prohibits my attendance at this proceeding.

17 THE COURT: Not really. Not really. That's

18 been taken care of by subsequent order.

19 THE DEFENDANT: Not in the circuit court.

20 THE COURT: Okay.

21 THE DEFENDANT: The circuit court order --

22 THE COURT: Well, they've divested themselves
23 of jurisdiction at this point, so the orders that
24 I signed relative to your case are the warrants
25 that you should be attending to.

1 THE DEFENDANT: I don't think they overrule
2 the circuit court orders of Judge Krier.

3 THE COURT: Sir, the circuit orders -- the
4 circuit court orders of Judge Krier have sort of
5 been dissolved into this case. So, any
6 subsequent orders addressing similar issues that
7 I've issued are the ones that you should be
8 concerned about.

9 THE DEFENDANT: That's not evident on the
10 record in the circuit court case --

11 THE COURT: Okay. Well --

1 THE DEFENDANT: it's not a civil appeal, it's
2 a criminal appeal because this case lingered in
3 the circuit court for about four months.

4 THE COURT: Okay.

5 THE DEFENDANT: So, it's not a civil case at
6 all. It's a hybrid civil/criminal case.

7 THE COURT: Okay. All right. We'll see you
8 in January. Happy New Year.

9 MR. KUNASEK: Judge, it's my understanding
10 that the law does not require the Court to
11 continue to appoint attorneys for Mr. Huminski if
12 Mr. Huminski is the basis of the -- or is causing
13 the conflicts. And it seems to me, based on the
14 information that is before us, that Mr. Huminski
15 is causing these conflicts.

16 THE DEFENDANT: I would say that there is --

17 THE COURT: Just hold on.

18 THE DEFENDANT: Okay.

19 MR. KUNASEK: So, I'm throwing that out there

20 that I don't think it's -- I don't believe the
21 Court is required to continue to appoint counsel.

22 THE COURT: Okay.

12 Coming to the next issue, Mr. Huminski, sir,
13 are you in a position to represent yourself? Are
14 you ready to proceed with trial?

15 THE DEFENDANT: Oh, no. I would like an
16 attorney appointed.

17 THE COURT: Okay. And --

17 THE COURT: Okay. And --

18 THE DEFENDANT: I would like to add one other
19 thing. I -- as far as the State's attorney goes,
20 I filed papers indicating that -- well, not even
21 papers. I'm a party to Russel versus Waterman
22 Broadcasting and the State's attorney is suing
23 NBC2. Now I'm part of that case, so that draws
24 into question the propriety of the State's
25 attorney.

25 THE COURT: Okay. Okay. Here's a couple

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1 things, Mr. Huminski. First, I'm not going to
2 appoint you another attorney to represent you,
3 all right.

4 And, second, I guess, my question then -- and
5 second, I'm not going to entertain an issue
6 involving recusal of the State Attorney's Office

17 That brings me to the next issue of are you
18 going to represent yourself in this case or are
19 you going to hire a lawyer to represent you in
20 this case?

21 THE DEFENDANT: I would like an appointment.

22 THE COURT: I'm not going to appoint a lawyer
23 to represent you. All right.

24 THE DEFENDANT: I thought that you already
25 found that I was --

1 THE COURT: I did.

2 THE DEFENDANT: -- financially --

3 THE COURT: I did, but you can't continue to
4 put yourself in a situation of causing conflicts
5 that makes it not legally permissible for the
6 lawyer that's appointed for you at public eff --
7 expense. I was gonna say offense. Expense. To
8 constantly cause them to withdraw from further
9 representation of you in the case.

4 THE COURT: Okay. Now, I know you have an
5 issue with procedural issue of what Judge Krier
6 may have done that you perceive as being
7 procedurally incorrect, but we're sort of beyond
8 that.

9 THE DEFENDANT: No, no. Well, I'm saying
10 that there was that one, but then there was
11 another order on 6/30 in this case.

12 Now, what happened was --

13 THE COURT: Are you ready for trial, Mr.
14 Huminski?

15 THE DEFENDANT: I just want to explain this
16 to you just to -- for two minutes. The order of
17 6/5 of Judge Krier was printed out on 6/30 by
18 somebody, I don't know who.

19 THE COURT: Okay.

20 THE DEFENDANT: And on that order it was
21 modified and written in with the docket number
22 for this court and then filed in this as an
23 original and you cannot modify court orders and
24 then refile them with no knowledge of the judge.
25 And, so, there is no charging information in this

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case. The only charging information would be
2 that motion to show cause, which the one filed in
3 this case is pure fraud.

4 THE COURT: Okay.

5 THE DEFENDANT: Because they took the 6/5
6 ruling with Judge Krier's signature, printed it
7 out, somebody hand wrote a docket number on it,
8 making it seem like, oh, this is a ruling in this
9 case, which it never was, and this is what I'm
10 getting prosecuted on. It's pure fraud.

11 THE COURT: Okay. Are you -- are you ready
12 for trial?

11 THE COURT: Okay. Are you -- are you ready
12 for trial?

13 THE DEFENDANT: Well, no. I would like an
14 attorney appointed.

15 THE COURT: Okay. I'm not gonna appoint an
16 attorney to represent you.

17 THE DEFENDANT: Okay. Well, I'm not ready
18 for trial.

2 THE DEFENDANT: Yes, there is an extreme
3 amount of docket manipulation in this case.

4 THE COURT: Not on my docket.

5 THE DEFENDANT: What?

6 THE COURT: Not here.

7 THE DEFENDANT: Well, on September 22nd there
8 was a recusal of Judge Krier filed, after I
9 notified you of the problem with the -- that
10 there was no recusal filed. Then --

4 THE COURT: Mr. Huminski, are you ready for
5 trial, sir?

6 THE DEFENDANT: No.

7 THE COURT: Okay. How much time do you think
8 you're gonna need before you're ready?

9 THE DEFENDANT: Well, since I was stripped of
10 counsel on 1/8 I've contacted ten attorneys and
11 they all said that 30 days wasn't enough time for
12 them.

13 THE COURT: Okay.

14 THE DEFENDANT: So, if it wasn't enough time
15 for them it certainly isn't enough to me. I
16 would like to hire counsel, but no counsel will
17 take this case with these deadlines. They need
18 more than 30 days to prepare.

19 THE COURT: Okay. Well, I'll tell you what,
20 Mr. Huminski. I will continue your case until
21 March 6th, but I want you to work on getting a
22 lawyer and if a lawyer comes in and files a
23 notice of appearance we'll talk with them about

3 THE DEFENDANT: And I have one other issue.
4 I was asked by a deputy sheriff outside my name
5 and if I was represented.

6 THE COURT: Yes, sir.

7 THE DEFENDANT: And I had to tell them under
8 Judge Krier's orders --

9 THE COURT: Okay.

10 THE DEFENDANT: -- I could not answer their
11 questions.

12 THE COURT: Okay. That's -- that's been
13 modified to allow you to identify yourself for

14 court related purposes.

15 THE DEFENDANT: Not by Judge Krier or not by
16 the circuit court.

17 THE COURT: She's no longer on this case.
18 The case has been assigned to me, so the order
19 that I signed supersedes the prior no contact
20 provisions as it relates to law enforcement.

21 THE DEFENDANT: I spoke with an attorney
22 about that and he said a circuit court --

23 THE COURT: Tell the lawyer to come in and
24 tell me that, okay?

11 THE DEFENDANT: I have two things to say.

12 THE COURT: Yes, sir.

13 THE DEFENDANT: Judge McHugh vacated the two
14 orders that allegedly formed the basis for this
15 case.

16 THE COURT: Okay.

17 THE DEFENDANT: And, another thing, there's a
18 motion pending now that once you deny it it'll
19 allow direct appeal to the Florida Supreme Court
20 because it's a judicial assignment motion --

21 THE COURT: Okay.

22 THE DEFENDANT: -- which the Supreme Court

23 has exclusive jurisdiction over.

24 THE COURT: Okay.

25 THE DEFENDANT: Other than that, I assert my

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1 Fifth Amendment rights.

2 THE COURT: Okay. All right, Mr. Huminski,
3 I'm going to hand you -- Mr. Kunasek, you may not
4 have a copy of this yet, but I want you both to

5 take a look at it. My understanding is that Mr.
6 Huminski filed another affidavit of indigency for
7 appointment of the Public Defender's Office.
8 I've taken a look at it. I'm not going to
9 reappoint the Public Defender's Office to
10 represent you. They were -- originally filed a
11 motion to withdraw from your case because of the
12 nature of the conflict between you and them.

13 Subsequent to that, Regional Counsel was
14 appointed to represent you, as a result of the
15 Public Defender's conflict. There were

20 expense to represent you. I have stricken the
21 order declaring you to be indigent for purposes
22 of having access to a lawyer at public expense.

23 So, at this point I guess I need to find out
24 from you if you are ready for trial.

25 THE DEFENDANT: I assert my fifth amendment

1 rights.

2 THE COURT: Okay. All right. We'll set it -
3 -

4 MR. KUNASEK: Judge, I would like it set this
5 afternoon if that's possible.

11 THE DEFENDANT: Objection. I -- I can't hold
12 a trial if I'm asserting my Fifth Amendment
13 rights.

14 THE COURT: Okay. That's fine. And that
15 would be, I'm gonna say, March 16th at 8 -- 8:45,
16 back in this courtroom. All right. Sign for
17 your court date, sir.

18 MR. KUNASEK: Thank you, Judge.

19 THE COURT: And, Mr. Kunasek, just to be sure
20 all -- has there been discovery provided to Mr.
21 Huminski along the way?

11 THE COURT: Good morning, sir.

12 Mr. Huminski, are you prepared to go to trial
13 today, sir?

14 THE DEFENDANT: I have some issues to go
15 through prior.

16 THE COURT: Okay. But -- okay, but my
17 question to you is are you ready to proceed to
18 trial today, notwithstanding what other issues
19 you may have?

20 THE DEFENDANT: No, I believe I have the
21 right to counsel because the circuit court
22 appointed counsel, overruling your ruling that I
23 had no right to counsel.

24 THE COURT: I think circuit court appointed
25 counsel for you for the appellant case, not

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1 necessarily for the trial case. I would make a
2 distinction between that. Is there -- if you
3 would look at the case number on that, I think

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appointment of counsel is for the
5 appellant issue, not for the trial issue. That's
6 my understanding of what's going on.

7 So, are you ready for trial or otherwise?

8 THE DEFENDANT: No, I'm not.

9 THE COURT: Okay. Why not?

10 THE DEFENDANT: Well, there's pretrial
11 motions pending that haven't been ruled upon.

12 THE COURT: Okay. I think all the -- all the
13 issues that -- every motion that you have
14 submitted in there is an order signed for those
15 particular issues.

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22 THE COURT: Okay. But you can't remember
23 what your motions were.

24 THE DEFENDANT: I have PTSD. I have
25 generalized anxiety disorder.

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1 THE COURT: Okay.

2 THE DEFENDANT: I'm disabled and my memory is
3 not as good as your memory --

12

4 THE COURT: Okay.

5 THE DEFENDANT: -- or anybody else's memory.

6 So, I -- I would rely on my disability.

7 THE COURT: Okay. Yes, sir.

16 THE DEFENDANT: Yes, the Supreme Court has
17 exclusive jurisdiction over judicial assignments
18 and has exclusive jurisdiction on rule making and
19 rule clarification. In this case a county case
20 was transferred -- I mean, a circuit case was
21 transferred to county court, which is not in any
22 rule, no statute, no rule, no law, no authority
23 allows that. So, in this particular case that
24 assignment from circuit to county is in the
25 exclusive jurisdiction of the Florida Supreme

1 Court, as well as any role that may have been
2 applied. And I'm -- I assert there's no rule and
3 that it was a procedure seeking a rule. So, the
4 Supreme Court, would then, again, have to clarify
5 the rules or create a new rule to allow a
6 transfer from the circuit court to county.

7 THE COURT: Is it your position that that is
8 not something that is addressed in the rules of
9 judicial administration and it's up to the chief
10 judge and/or his assignees to make that
11 determination, as opposed to the Supreme Court of

12 the state of Florida making assignments of cases
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13 in each individual county within the state of
14 Florida?

15 THE DEFENDANT: It's my position that that's
16 not allowed at all.

17 THE COURT: Okay.

18 THE DEFENDANT: Judicial assignments are
19 certainly allowed and the county court judge can
20 contemporaneously be assigned to a circuit court
21 case no longer than six months, but there's no
22 such thing that exists as a transfer from circuit
23 to county. That's why I believe this Court has

24 no jurisdiction and, in fact, the case still
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25 remains in county court and this case violates

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1 double jeopardy because it could be prosecuted in
2 both places and the circuit court was never
3 divested of jurisdiction by any order.

4 THE COURT: Okay. All right. Anything from
5 the State on that issue?

6 MR. KUNASEK: No, Judge.

7 THE COURT: All right. Mr. Huminski, on the
8 issue of -- your motion to allow the Supreme
9 Court to exercise exclusive jurisdiction as to
10 the matters that we discussed in terms of
11 appointment of -- of judges and reassignment of
12 cases, I'm going to deny that motion.

13 Your -- your one motion, as it relates to
14 notice of Judge Krier's refusal to serve papers
15 or orders, does the State have any position on
16 that one way or another?

10 THE DEFENDANT: The service part is the most
11 critical part of that motion. It says parties
12 are to go to the internet to get copies of this
13 order.

14 THE COURT: Okay.

15 THE DEFENDANT: Showing the exact procedure
16 that I find is a problem in this case is that I
17 was never served with anything.

18 THE COURT: Okay. But that's the --

19 MR. KUNASEK: I don't have a position -- the
20 State doesn't have a position on that, Judge.

21 THE COURT: Okay. All right. Okay. I don't
22 -- okay. Mr. Huminski, I guess I'm not going to
23 rule on that at all. All right.

24 Your next motion is a motion to notice a
25 consent of the State to fourth amendment

1 appointment. It reads that, you know, now comes
2 Scott Huminski, and notices as above because the
3 State has not filed opposition in 18-AP-0003 to
4 the appointment of counsel for Huminski, thereby
5 consenting to representation in light of the
6 absence of a Nelson/Faretta Hearing, the position
7 of the State is constitutional.

8 Does the State have any position? I'm sorry.
9 Mr. Huminski, is there anything else you wish to
10 add to that, sir?

11 THE DEFENDANT: Just that there was no
12 Faretta Hearing, which is required to strip
13 someone of counsel, like I was. It's Faretta
14 versus California. And that's been adopted by
15 the Florida Supreme Court as a standard in
16 Florida, as well. And it's sort of like when you
17 take a plea agreement, it goes through a specific
18 colloquy with the defendant saying, you know, you
19 understand you're giving up the right to
20 attorney, etcetera, etcetera, just as -- similar
21 to a plea agreement.

22 THE COURT: Okay. Anything from the State on

22 THE COURT: Okay. Anything from the State on
23 that issue?

24 MR. KUNASEK: No, Judge.

25 THE COURT: All right. Mr. Huminski, on that

1 issue I didn't look at it necessarily as you
2 saying I don't want a lawyer. I looked at your
3 actions as being antagonistic toward all the

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14 THE DEFENDANT: Both conflict counsel and
15 public defender were let off the case on their
16 own motions for conflict of interest, if you look
17 at the record.

18 THE COURT: Right. Issues -- conflicts that
19 you created.

20 THE DEFENDANT: And may I also say that mass
21 murderers, like Charlie Manson, etcetera, have
22 problems with counsel, yet, usually they have
23 tables full of counsel.

24 THE COURT: Okay.

25 THE DEFENDANT: So, I think I'm not Charlie

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1 Manson, so I should get the same appointment mass
2 murderers get.

3 THE COURT: Okay. Well, I don't know what
4 the relationship between Mr. Manson may have been
5 with his counsel. I'm only familiar with your
6 relationship with both the lawyers from the

12 THE DEFENDANT: Your Honor, may I also say
13 that defendants have been in various courts
14 throughout the country, sometimes have been
15 gagged and tied to their chairs and still had
16 court appointed counsel.

17 THE COURT: You're not suggesting that I do
18 that to you, are you?

19 THE DEFENDANT: No, but I'm saying --

20 THE COURT: Okay.

21 THE DEFENDANT: -- those people certainly
22 could not get along with their counsel, so I
23 don't think my conduct approaches that.

24 THE COURT: I would -- I would agree with you
25 on that, but in instances that I've been aware,

5 Is there an offer to Mr. Huminski in this
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6 particular case?

7 MR. KUNASEK: No, Judge.

8 THE COURT: Okay. Does the State wish to
9 make an offer to Mr. Huminski in this particular
10 case for a -- a resolution, if he were to enter a
11 plea?

12 MR. KUNASEK: No.

13 THE COURT: Okay. All right. Mr. Huminski,
14 are you ready for trial otherwise, sir?

15 THE DEFENDANT: I'm asserting my fourth
16 amendment right to counsel and I'm asserting my

17 fifth amendment right to remain silent.
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18 THE COURT: Okay. All right. Is the State
19 prepared to call its witnesses?

20 MR. KUNASEK: Judge, we are. We just need --
21 I can proceed and they're gonna need two minutes
22 to get here.

23 THE COURT: Okay. All right.

24 MR. KUNASEK: So, we can start that if the
25 Court wishes.

Given the content of the above transcript excerpts whereby the Clerk of Courts has refused to file in this matter, no one should be surprised that Prosecutor Anthony Kunasek committed suicide 30 days after his State and Federal crimes were exposed by Huminski's filings in this case.

Huminski did think suicide was an extreme remedy for Mr. Kunasek, however, looking at the above transcript excerpts, it seems warranted and somewhat rational.

Memo of Law

Maidman v. Jomar Hotel Corp., 384 So.2d 728, 730 (Fla. 3d DCA 1980) (“... Under 28 U.S.C. § 1446, a petition for removal divests the state court of subject matter jurisdiction.”).

A “state court is allowed to resume jurisdiction of the removed case if, and only if, the federal court grants permission by entering an order of remand.” Preston v. Allstate Ins. Co., 627 So.2d 1322, 1324 (Fla. 3d DCA 1993) (citing 28 U.S.C. § 1446(d)). Removal to federal court and the effect of removal are governed by federal law. See Harris v. State, 850 S.W.2d 41, 42 (Ark.Ct.App.1993).

Clearly, this Court’s reference to a “criminal case” in the intervention order demonstrates impropriety concerning bedrock principles of law such as federal removal.

Dated at Palm Coast, Florida this 5th day of June, 2022.

-/s/- Scott Huminski

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Certificate of Service

Copies of this document and any attachment(s) was served upon the parties via the U.S. Mails and/or email and/or the e-filing system in this case.

Dated this 5th day of June, 2022.

-/s/- Scott Huminski

Scott Huminski

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