

23-7786

No. 24 - _____

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SUPREME COURT, FLA.

ORIGINAL

Supreme Court of the United States

Christine Scott,

Petitioner,

vs.

State of Florida,

Respondent.

**On Petition for Writ of Certiorari to
the Florida Supreme Court**

PETITION FOR WRIT OF CERTIORARI

/s/Christine Scott
Christine Scott
Pro Se Petitioner
c/o General Delivery
14280 S. Military Trail
Delray Beach, FL 33484

QUESTIONS PRESENTED

Whether the right to petition, assemble and speak freely on government-owned property held open to the public exists when the publicly held land is contracted out to an association for the benefit of the citizens, or if such land loses its public identity entirely becoming private property?

Whether the right to petition, assemble and speak freely on government-owned property held open to the public exists when property is contracted out for the benefit of the citizens under the First Amendment of the Constitution of the United States of America or if the contract between the government and private entity nullifies a citizen's First Amendment rights?

Whether the right to petition, assemble and speak freely on government-owned property held open to the public exists when property is contracted out, leased or granted for the benefit of the citizens, and if so is that right more expansive under the Florida's Constitution than the U.S. Constitution?

Did the government have the right to ignore or dispose of the Constitution of the State of Florida, 1838, considering the precise wording of Section 27 of Article 1, which states, "That to guard against transgressions upon the rights of the people, we declare that every thing in this article is excepted out of the general powers of the government, and shall forever remain inviolate; and that all laws contrary thereto, or to the following shall be void."

Whether the 1838 Florida Constitution is still valid and in effect with the exception of aspects that are not consistent with the Federal Constitution?

LIST OF ALL PARTIES

Petitioner is Christine Scott, who was the petitioner in the Supreme Court of Florida, the appellant in the Fourth District Court of Florida, and the defendant in the 15th Circuit Court of Florida.

Respondent is Ashley Moody, Attorney General for the State of Florida, who was the respondent in the Supreme Court of Florida, the appellee in the Fourth District Court of Florida, and the prosecutor in the 15th Circuit Court of Florida.

A CORPORATE DISCLOSURE STATEMENT

Petitioner Scott is not a “nongovernmental corporation” within the meaning of Supreme Court Rule 29.6 and, in such, the rule is not applicable, in this case, as it relates to petitioner.

A LIST OF ALL PROCEEDINGS

Scott v. State, Florida Supreme Court, 23-1188, declined to accept jurisdiction of constitutional question entered on Nov. 22, 2023.

Scott v. State, Florida Fourth District Court Of Appeals, 4D22-1204, judgment of affirmed entered August 2, 2023.

State v. Scott, Florida Palm Beach County Circuit Court 502021MM007524AXXXMB, judgment of guilty entered on April 6, 2022.

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CITATIONS

The Florida Supreme Court declined to hear the case on Nov. 22, 2023 (*Scott v. State*, Case No. SC2023-1188). The opinion of the Fourth District Court of Appeals in the State of Florida was reported at *Scott v. State*, App. 4 Dist., 368 So.3d 8 (2023), on Aug. 2, 2023. The Palm Beach County Circuit Court's verdict and judgment (*State v. Scott*, Case No. 50-2021-MM-007524-AXXX-MB) filed on April 6, 2022 is unrecorded.

JURISDICTIONAL STATEMENT

The Florida Supreme Court declined to accept jurisdiction on November 22, 2023. The jurisdiction of this Court is invoked under 28 U.S.C. s. 1254(1). 28 U.S.C. s. 2403(a) may apply and shall be served on the Solicitor General, pending approved indigency documents. No court certified to the Attorney General the fact that the constitutionality of an Act of Congress was drawn into question.

CONSTITUTIONAL PROVISIONS AND STATUTES

See Appendix 5a1 - 5a6, 6a - 32a

STATEMENT OF THE CASE

Christine Scott ("Scott") appeals the April 6, 2022 verdict of guilty on the misdemeanor charge of 'Trespass Property Other Than a Structure' (App.5a, 132a1), decided in the County Court of the Fifteenth Judicial Circuit, Criminal Division in and for Palm Beach County, Florida, which resulted from Scott's refusal

to leave public property that was open to the public, where she was petitioning for ballot access, for the seat of United States House of Representatives, in Florida's 23rd District, at the South Florida Fair & Palm Beach County Expositions, Inc., ("The Fairgrounds") which is publicly-owned county property (App.33a-39a), operated by The Fairgrounds (App.33a-35a), and 'authorized' by the legislature, per Florida Statute Title XXXVI: BUSINESS ORGANIZATIONS Chapter 616: PUBLIC FAIRS AND EXPOSITIONS. App.6a-32a, which Scott believes gave her the right to petition at The Fairgrounds, under the U.S. and Florida Constitutions, additionally protected under Florida's 'good faith clause' (App.61a) in Fla. Stat. 810.09: Trespass on Property Other Than Structure of Conveyance (App. 135a-136a), as asserted in the Florida Criminal Jury Instruction 13.4. App.133a-134a. The trial court adjudicated Scott guilty of trespass and sentenced her to time served. App.5aa1, 132a2.

Scott filed a motion for a new trial, partially based on the trial court's decision to limit Scott's testimony about her state of mind that she believed she was permitted by law to petition at The Fairgrounds to gain ballot access. (App.5aa2-5aa3) During deliberation, the jury sent the judge a note asking 'Is there an actual law that states she was allowed to do what she is doing? That is private property opened to the public? App.132a3. The judge refused to supply the jury with the case law Scott had referenced in the case (specifically *PruneYard Shopping Ctr. v. Robins*, 447 U.S. 74 (1980) and *Kevin E. Wood v. State of Florida*, 00-0644-MMM-A, 2003). App.132aa1-132aa4. Scott's motion for a new trial was denied by the trial

court. App.5aa4. Scott filed a timely notice of appeal with the District Court of Appeal, Fourth District (4DCA), on May 2, 2022. App.5aa5. The 4DCA affirmed the lower court's ruling and filed an opinion on Aug. 2, 2023. App.2a-4a. On Aug. 22, 2023, Scott filed a timely Notice To Invoke Discretionary Jurisdiction with the Florida Supreme Court (App.1a1), for which the court 'declined to accept jurisdiction', on Nov. 22, 2023. App.1a.

Scott believed authority had been given to her by the legislature, ensuring consistency with Article 1 of the United States Constitution; Article 1, sections 4 and 5 of the 1968 Florida Constitution; and Article 1, sections 4, 5, 8, 20, 26 and 27 of the 1838 Florida Constitution, to remain on the property and to continue petitioning for ballot access, which Fla. Stat. 810.09 protects under the good faith clause (App.61a, 133a), because a person of authority cannot legally be 'authorized' to act in violation of the law. The 1838 Constitution of the State of Florida constitution is the governing document in this case because it is still in effect based on there being no valid authority to force it to be rewritten to conform with the U.S. Constitution. (The Judiciary) must construe the law as given by the legislature and may not substitute judicial cerebration for the law or require the enforcement of what they think the law should be. *In re Investigation of Circuit Judge of Eleventh Judicial Circuit of Fla.*, 93 So. 2d 601 (Fla. 1957).

It is not the province of the court to vary the clear legislative intent expressed in a statute merely because of its belief as to the lack of wisdom of the enactment. *Tatzel v. State*, 356 So. 2d 787 (Fla. 1978).

(The Judiciary) function is only to ascertain the will of the legislature. *State ex rel. Bie v. Swope*, 159 Fla. 18, 30 So. 2D 748 (1947). The court is bound to interpret the statutes as they are written and give effect to each word in the statute. *Atwater v. Kortum*, 95 So. 3d 85 (Fla. 2012). Florida Statute 616 (App. 6a-32a) addresses public fairs and expositions. On behalf of the State of Florida, Palm Beach County has contracted with the South Florida Fair & Palm Beach County Expositions, Inc. to operate an annual fair, as well as exhibitions throughout the year, on behalf of the county as a benefit to the public. Contractually, per Fla. Stat. 616.11 (App.11a-12a), The Fairgrounds operates public events, including but not limited to the South Florida Fair and the Gun Show to benefit the public, which was ministerially held open to the public on the day Scott was arrested for petitioning outside the gates of the Gun Show entrance. Petitioning is allowed on public property, quasi-public property and government property that is open to the public. The Fairgrounds is considered public property, quasi-public property and government property. Scott was standing on the sidewalk outside the event near the ticketing booth, and near the entrance of the event while she peaceably asked members of the public who were gathering in the area.

On August 2, 2023, Florida's Fourth District of Appeals ("4DCA") affirmed the circuit court's decision finding that the property was privately-owned, that Scott did not have the right to petition on the private property, and that Sections 4 and 5 of Article 1 of the Florida Constitution did not confer greater rights for the acts of petitioning, assembling and free speech, than did the First Amendment of the United States Constitution. App.2a-3a.

On November 22, 2023, the Florida Supreme Court declined to accept jurisdiction. App.1a. Scott reaffirms her constitutional right to assemble, speak freely and petition for ballot access, at The Fairgrounds, because it is government property, contracted to the Fairgrounds for public use (App.6a, 7a; also see Fla. Stat. 616.001(12) and Fla. Stat. 616.08) that was open to the public during the time Scott was petitioning, assembling with others and speaking freely on the property. Scott's right to petition on the property would be no more diminished if the land had been private property open to the public, based on the fact that the property was *open to the public* and the 'owner' were attempting to discriminate against who could and could not exercise their constitutional rights on the property, instead of embracing the non-discriminatory mandate of equal treatment under the same circumstances, which is dictated by the Fourteenth Amendment, which reads in relevant part '...nor deny to any person within its jurisdiction the equal protection of the laws'. The security guard confirmed that The Fairgrounds allows individuals to petition there, if they obtain permission (App.42a, 43a, 47a, 64a), which is an attempted removal of the constitutional right in an effort to treat the

right as a license. No state shall convert a liberty into a license, and charge a fee therefore. *Murdock v. Pennsylvania*, 319 U.S. 105 (1943). If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity. *Shuttlesworth v. City of Birmingham*, Alabama, 373 U.S. 262 (1963); There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. *Miller v. US*, 230 F 486, 489 (1956). If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity.

Scott had no obligation to ask for 'permission' to exercise her constitutional right to petition at The Fairgrounds because the constitution authorized her right to be there, since such land is there for the benefit of the people, in such, allowing for Americans to exercise their right to petitioning, assembling and speaking freely, because such acts are rights, not privileges, and must be equally available to all on both private and public property that is open to the public. Where an agency is created to accomplish a certain purpose, the acts of the agent within the general scope of the agent's authority in effecting the purpose bind the principal so far as third persons dealing with the agent in good faith are concerned. *American Lead Pencil Co. V. Wolfe*, 30 Fla. 360, 11 So. 488 (1892).

On government-owned land that is open to the public and/or contracted for use by the public, forced permission to exercise constitutional guarantees is to turn a right into a privilege, which is outside the realm of legality, which violates Scott's

sovereign rights protected by the United States and Florida Constitutions, both documents holding supremacy over all other laws of the land with Florida's Constitution holding supremacy to the U.S. Constitution when *consistent* with the latter, *even when not in conformity*. Florida 1838 and 1968 constitutions are, in relevant part, *consistent* with the federal constitution.

In Florida, rights to petition, assemble and speak freely are distinctly marked and more expansive than those of the federal constitution.

Scott seeks for this court to reverse the verdict and decision against her for the misdemeanor charge of 'Trespass Property Other Than a Structure'.

ARGUMENT

RELATING TO STATUTE

It is undisputed that Scott was petitioning for ballot access at a gun show held at 9067 Southern Blvd., West Palm Beach, FL, 33411. App.33a, 36a, 38a. Under the authority and guidance of the legislature, per Fla. Stat. 616 (App.6a-32a), the annual fair and expositions held at this location operate by South Florida Fair & Palm Beach County Expositions, Inc. on behalf of state, county, and or a municipal government and have been granted such property exclusively to operate such activities for the benefit of the people.

According to the Palm Beach County Property Appraiser (“PAPA”) (App.33a-38a), the ‘Account Name for at the location where Scott was petitioning is ‘South Florida Fair &...’ a ‘(DBA)’¹. App.33a, 38a². The property is owned by the county and contracted out to The Fairgrounds for operational purposes on behalf of the public. PAPA’s property information for The Fairgrounds reads the 109.3651 acres (App.36a, 38a) is zoned as having ‘PUBLIC OWNERSHIP’ (App.36a, 38a) to be used for tourist attractions (Property Use Code: 3500-TOURIST ATTRAC) (App.36a, 38a); Under ‘Tangible Property Information’ for The Fairgrounds the NAICS Code is ‘921190- All Other General Government’. App.33a, 38a, 39a.

The County of Palm Beach has contracted with The Fairgrounds. The statutes governing the actions of The Fairgrounds, on behalf of the government, are found in Chapter 616 of the Florida Statutes. App. 6a-32a. The chapter is entitled ‘PUBLIC FAIRS AND EXPOSITIONS’. The Fairgrounds websites states, “The South Florida Fair & Palm Beach County Expositions, Inc. is a nonprofit corporation 501(C3) organized and existing pursuant to Chapter 616 , Florida Statutes.³” App. 6a-32a.

The Fairground admits to operating under Chapter 616 (App. 6a-32a); it published a page in the media center section of its website entitled ‘The Legal Nature of the South Florida Fair’, in which it states:

1 DBA = Doing Business As

2 DBA name spelled out entirely as ‘South Florida Fair & PBC Expositions Inc’ on App.38a

3 Source: <https://www.southfloridafair.com/mediacenter> > our organization - South Florida Fair

- “As a Chapter 616, Fla. Stat., “Fair Association,” the South Florida Fair has as its primary responsibility and legislative mandate the conducting of a public fair or exposition (s.616.001(10), Fla. Stat.);
- All money and property of the South Florida Fair is legislatively declared to be “public property” and if the Fair abandons its property, ceases to exist or dissolves its corporate identity, all of its real property and improvements thereon revert to Palm Beach County. (s.616.07, Fla. Stat.)
- ...the purposes for which the Fair is organized are deemed essential governmental and public purposes⁴. (s.616.19, Fla. Stat.)

Fla. Stat. 616.01 states in relevant part, “Twenty-five or more persons who are residents and qualified electors of the county in which the annual public fair is to be located, who wish to form an association not for profit for the purpose of conducting and operating public fairs or expositions, may become incorporated...”

The incorporation of South Florida Fair & Palm Beach County Expositions, Inc. was ‘for the purpose of conducting and operating public fairs and expositions’. In such, Scott’s petitioning on The Fairgrounds was a constitutionally protected act. Scott was not trespassing on the publicly-owned land, which the county contracted to The Fairgrounds, per legislative authority. She was exercising her First Amendment right to petition, on government property that was open to the public.

In relevant part, Fla. Stat. 616.001(12) states, “Public fair or exposition means a(n)...event...which serves the purposes specified in s. 616.08” (App.7a), which in turn states that “each fair association shall hold, conduct, and operate public fairs and expositions, including...facilities for exhibitions...(and) public gatherings...and carry out all matters, acts, and business usual or proper in connection with...”

⁴ Southfloridafair.com/p/mediacenter/148

expositions... The fair association organized under this chapter is a noncommercial activity provider” (App.10a-11a), identifying the land shall operate on behalf of the public, which gives Scott the right to petition on said property.

Fla. Stat. 616.02 reads in relevant part, “Subscribers shall make and take an oath...stating the primary objective of the association is public service and holding, conducting, and promoting public fairs or expositions...and that the association will operate in good faith to carry out the purpose and objectives set forth in its charter.” Scott’s right to petition, assemble and speak freely on public land with a ‘primary objective’ of ‘public service’ is indisputable. Sheriff Deputy Moncelli and The Fairground Security Guard Lilly gave false testimony when claiming The Fairgrounds was private property. App.50a, 56a, 56a1. The subscribers who took an oath, per Fla. Stat. 616.02, are in violation of it. A key to a valid oath is that perjury will lie for its falsity. *Collins v. State*, 465 So.2d 1266 (Fla. 5thDCA 1985)

As evidenced by Florida Chapter 616 (App.6a-32a), The Fairgrounds, upon which Scott was arrested and subsequently jailed for petitioning, under the guise of trespass, was not private property; it was government land contracted to an association for public use. Private organization which, under statute and contract, took over county’s role as provider of probation services was “agency” within meaning of statute, defining agency to include private entity acting on behalf of public agency. *Stanfield v. Salvation Army*, 695 So.2d 501 (Fla. 5th DCA 1997)

“Agency relationship” exists if the principal acknowledges that the agent will act for him, the agent accepts the undertaking, and the principal exercises control over the agent’s actions. *U.S. v. Twenty-Three Thousand Ninety Dollars in U.S. Currency*, 377 F.Supp. 2D 1223 (S.D. Fla. 2005). An agent is liable for acts outside the scope of the agency relationship or contrary to the principal’s instructions. See *Sierra v. Associated Marine Institutes, Inc.*, 850 So. 2d 582 (Fla. 2d DCA 2003); *Dorse v. Armstrong World Industries, Inc.*, 513 So. 2d 1265 (Fla. 1987)

The lower court judge erred in asserting that ‘there is no showing (the) property is under Fla. Stat. 616.11’. App.11a-12a, 63a. The 4DCA erred in not reviewing the matter de novo. Fla. Stat. 616.11 (App.11a-12a) gives the county the authority to contract with an association, such as The Fairground, to run a public fair and expositions, to benefit the public. The 4DCA erred in its assertion that ‘No record evidence suggests the property was owned or operated by the State or a government agency.’ when 1) the statute had been entered into evidence (App.2a), and 2) the 4DCA had a duty to review the purely legal matter de novo. A *de novo* standard of review generally means that the trial court’s findings are not binding on the appellate court. Appellate *de novo* review does not give deference to trial court’s legal conclusions. Joy T. Cook Carmichael, et al., *De Novo Review*, Fla. Jur. 2d, Family Law § 1230 (citing *In re Piper Aircraft Corp.*, 244 F.3d 1289, 37 Bankr. Ct. Dec. (CRR) 201 (11th Cir. 2001)). Whether Scott was petitioning on private or public property was a matter that the lower court wrongly determined since it was based on fact, and in such, was a matter for the jury to deliberate.

When the question involves both factual and legal issues, the Court will review a trial court's factual findings for competent, substantial evidence, while the legal question is reviewed de novo." *Scott v. Williams*, 107 So. 3d 379, 384 (Fla. 2013).

Fla. Stat. 616.11 reads, in part, 'Association authorized to contract with municipality, county, or state for use of land... Any fair association may enter into any contract, lease, or agreement with any municipality or county in the state...The state...or any subdivision of the state...or any municipality within the county may...in connection with public fairs and expositions...' App.11a-12a.

If the land were privately-owned and used for private purposes, taxes would have been due. The fairgrounds pays no property tax because the land is owned by the government. App.34a-35a.

Scott never entered the gun show, but even if she had, the criteria for the taking of private property could not have been met since the vendors did not oppose petitioning; they just wanted to charge a fee for it - permission was granted upon renting a booth, like any other vendor. Sidenote: The gun show appears to be a commercial enterprise, in violation of Fla. Stat. 616.08 (App.11a).

Scott petitioned on the sidewalk leading up to the ticket booth (App.47a), both of which were on The Fairground's contracted 109 acres of publicly-owned land

(App.33a, 36a, 38a, 39a) The fact that 'entry into the gun show required a ticket' (App.2a) was not relevant since 1) Scott was not seeking to enter the gun show; and 2) a ticket price to enter the specialized show had no bearing on Scott's right to petition on property that was open to the public.

During the trial, Arlene Lilly ("Lilly"), a security guard employed by The Fairgrounds, claimed 'Normally, (petitioners) approach the promoters and ask permission of the promoters to be out there talking to people.' App.56a1. Scott said she had a constitutional right to petition at The Fairgrounds (App.43a-45a), which is public property that is open to the public (App.41a, 48a, 50a). Further, neither Americans nor Floridians need permission to speak to each other, nor do they need permission to assemble; such rights are protected under both the U.S. and Florida constitutions. The Fairgrounds was attempting to deprive Scott of her constitutional rights and turn them into a privilege by demanding that a petitioner get permission by way of permit (App.64a, 67a, 69a). *see* *Murdock v. Pennsylvania*; *Shuttlesworth v. City of Birmingham, Alabama*; *Miller v. US*.

Scott was asking people to sign her petition (App.45a, 51a-53a, 61a-62a, 85a-88a, 89a, 115a, 118a-120a), which is constitutionally authorized and cannot be construed as harassment or unauthorized use of the property. App.46a, 55a, 62a1, 96a, 114a. Scott was petitioning, assembling with others and speaking freely in a peaceable manner. Scott refused to vacate the public property because of her constitutional guarantee to petition there. App. 5a1-5aa4, 43a, 56a, 57a,

60a, 61a; see *PruneYard Shopping Ctr. v. Robins*, 447 U.S. 74 (1980) ; see *Marsh v. Alabama*, 326 U.S. 501 (1946). She was arrested and charged with trespass. App.2a-4a. In Florida, an “employee” is one who for consideration agrees to work subject to the orders and directions of another, usually for regular wages but not necessarily so, and further agrees to subject themselves at all times during the period of service to the lawful orders and directions of the other in respect to the work to be done. *Saudi Arabian Airlines Corp. V. Dunn*, 438 So. 2d 116 (Fla. 1st DCA 1983); *City of Boca Raton v. Mattef*, 91 So. 2d 644 (Fla. 1956). The several security guards and three deputies who removed Scott from the property were not following ‘lawful order and directions’.

Even if the The Fairgrounds had been privately owned, which it was not, the owner made a conscious decision to open it to the public, for public use, which gives Americans a constitutional right to petition, assemble and speak freely on the property. Scott’s actions were not related to commerce, but of the exercise of fundamental rights given to her by both the federal and state constitutions.

The Fairgrounds was not harmed when Scott exercised her First Amendment rights to petition, assemble and speak freely. The Fairgrounds agreed to the terms of the contract which is governed by Fla. Stat. 616 (App. 6a-32a), which exists to be used by the public. When Scott was placed under false arrest and wrongly imprisoned for trespass, she was deprived of her First and Fourteenth Amendment

rights. Her state rights under Article I were violated in deprivation of her Tenth Amendment protections.

There is a marked difference between a private residence and a location that holds the fair for all of South Florida, as well as numerous expositions, to the tune of 1.2M visitors annually, with over 100 shows and events every year, since 1912⁵. To equate The Fairgrounds to Aunt Minnie's front porch is a distortion of reality. When private property has taken on all the attributes of a traditional public forum, it must tolerate speech in the same manner as a public forum would."

Marsh v. Alabama, 326 U.S. 501 (1946)

The Fairgrounds lets people petition on the property, but was arguing that Scott needed 'permission' before exercising her guaranteed rights to petition, assemble, and speak freely, which was essentially an argument that constitutional rights are second to a contractor's preference. An American never needs *permission* to exercise her constitutional rights. The Fairground was attempting to usurp Scott's rights by treating them as privileges, which is beyond the authority of The Fairgrounds. Yet, it is important to note what Lilly said, which was that petitioning is allowed on the property. In such Lilly admitted Scott's right to petition there. The Fairgrounds went beyond the scope of its authority when it, in a discriminating manner, allowed some people to petition there while not letting others, often based on making them pay a fee.

5 See SouthFloridaFair.com

Scott had been warned to leave various properties that were open to the public dozens of times before the incident at The Fairgrounds. It was happening almost every time she petitioned. It was interfering with her ability to get enough signatures for ballot access. The right to petition is a fundamental right. These clandestine maneuvers by those who manage properties open to the public working in connection with law enforcement are systematically stripping away a candidate's ballot access by petition. Scott's ballot access relied on her ability to collect the necessary signatures. The deprivation of rights blocked Scott from participating fully in the political system. It was not that she wanted to take this stand on that fated day; it was that there seemed to be no alternative to protecting her right to petition, assemble and speak freely on property where it was guaranteed.

For the sake of argument, unlike in *PruneYard Shopping Ctr. v. Robins*, 447 U.S. 74, 100 S.Ct.2035, 64 L.Ed.2d 741 (1980), which was private property open to the public, The Fairgrounds did not have a blanket policy denying any and all petitioning and handbilling. Rather, The Fairgrounds wanted to pick and choose who could petition on the property, which discriminates against every American turned away, running afoul to both the state and federally-protected constitutional rights to petition, assemble and to speak freely. It also violates Scott's Tenth and Fourteenth Amendment rights to powers delegated to the State, and equal protection, respectively.

RELATING TO JURY INSTRUCTIONS

No entity had the 'authority' to arrest, or have Scott arrested, for trespass, under Fla. Stat. 810.09 (App.135a-136a), based on Scott's actions of petitioning, assembling and speaking freely, in a peaceable manner, at the The Fairgrounds because Scott believed she was on public property that was open to the public and she believed she had a constitutional right to be petition there, at that time, under both the federal and state constitutions, as well as under the Supreme Court ruling of *Pruneyard and Marsh*, which confirm Scott's right to petition on property open to the public and petitioning was already allowed on the premises; as well as Florida rulings in *Corn v. State*, 332 So.2d 4, 8 (Fla.1976) and *State of Florida v. Joyce Woods*, 624 So.2d 739 (1993), which claims that 'Shopping malls are quasi-public places which must be open to public on nondiscriminatory basis'; and *Kevin E. Wood v. State of Florida*, 00-0644-MMM-A, 2003, which asserts that 'State Constitution prohibits a private owner of a "quasi-public" place from using state trespass laws to exclude peaceful political activity.'

The Fairgrounds security guard, Arleen Lilly, testified that Scott 'It's public property...she could be there (to petition)'. Lilly said that 'if (Scott) didn't leave' she'd 'call one of (her) deputies' to have Scott removed from the premises. App.50a. Law enforcement is never 'authorized' to act under color of law. Petitioning is constitutionally granted on property that is open to the public.

Lilly testified, “Normally, (petitioners) approach promoters and ask permission of the promoters to be out there talking to people.” App.47a. The testimony is an admission The Fairgrounds discriminates and allows its vendors to discriminate to determine who they want and don’t want to exercise their politically protected constitutional rights. For the purposes of this conversation, The Fairgrounds functions in a similar manner as does a shopping mall, which *Corn* decided ‘must be open to public on nondiscriminatory basis.

The Fairgrounds is public property owned by the government and operated by the Fairgrounds, by charter, per Chapter 616 of the Florida Statutes. App. 6a-32a. But, even if that were not the case, the land is still quasi-public property open to the public, which also *authorized* Scott to petition, assemble and speak freely at The Fairgrounds. All law (rules and practices) which are repugnant to the Constitution are VOID..In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank. *Marbury v. Madison*, 5 U.S. (2 Cranch) 137, 180 (1803) App. Scott believed she was *authorized* by the supreme law of the land to petition at The Fairgrounds.

Scott’s rights are not transferrable from the constitution to the Fairgrounds, or a mere vendor. All entities within the state are subservient to the U.S. and Florida constitutions and must operate accordingly and without exception. Scott’s rights belong to her; she neither relinquished nor waived them, nor did she allow them

to be transferred to any person or entity, including The Fairgrounds or any person or governmental department authorized to act on its behalf. Scott did not need permission from The Fairgrounds or vendor to petition, assemble and speak freely at The Fairgrounds. Her rights are granted by the federal and state constitutions; such rights are not negotiable items for others to solicit or control at will. As Scott testified, she 'had a legal right to petition (on The Fairgrounds) under the Constitution, under U.S. Supreme Court law.' App.88a1.

'Permission' may be needed for commercial vendors to sell their wares on property open to the public, but Scott's right to petition on such property is constitutional, meaning she neither has to pay a fee nor ask permission on said property. She was within her constitutional right to remain on the property to petition, assemble and speak freely, without permission of The Fairgrounds or paying a fee to the vendor. Constitutional rights supersede commercial privilege. There was no cause or justification to block Scott from petitioning at The Fairgrounds, just as there was no legal basis for her arrest, which makes the judgment and verdict against her reversible error.

Pruneyard was premised under the argument that all people entering the shopping mall were treated the same; no one could handbill, no exceptions. The case would not have been in question if the owner had discriminately allowed some to petition while refusing others. To the contrary, The Fairgrounds is attempting to control who can practice political speech on the property.

Security Guard Lilly told Scott, "This is private property. You do not have the right to be here. You do not have permission to be here." App.42a. Scott explained she had a constitutional right to petition there. App.43a, 44a. Ms. Lilly testified that "(Scott) was talking to people that were in line at the ticket booth...She had a clipboard in her arms and a pen (that) (n)ormally, they approach the promoters and ask permission of the promoters to be out there talking to people...(Scott) was outside the courtyard in front of the ticket booth." App.47a. The prosecutor asked Lilly, "...was (Scott) one of the people that was authorized to be doing this?" Lilly's answer admits The Fairgrounds discriminates against some petitioners while allowing others to petition when granted approval, in violation of the Fourteenth Amendment. Lilly said, "No...I had asked her to please leave; she wasn't allowed to be there...She told me it was public property; the county owned the property...she recited me the Bill of Rights and the Constitution of the United States...I said to her "It was privately owned." Prosecutor asked Lilly what Scott's response was. Lilly claims Scott said, "...It's public property. And she can be there....I told her "No, she couldn't be...she told me no and she recited the Constitution to me again and the Bill of Rights...(I called) one of my deputies...(he) explain(ed) to her that it was private property." App.47a-49a.

Prosecutor asked Lilly, "When you heard the officer kind of resay what you said to Ms. Scott, what happened next?" Lilly replied, "She also recited the Constitution again. She knows it very well." App.50a-50a1. Lilly told Public Defender Hux

('Hux') "...the gun show was open from ten to four that day (App.52a)...(and) open to the public." App.50a-50a1. Hux asked, "(Scott) was just walking around and talking to people?" Lilly replied, "Yes." Hux asked, "Okay. And based off this, you told her to leave, right?" Lilly replied, "Yes." App.55a, 56a.

Prosecutor inquired of Scott, "(Security) asked you to leave, correct?" Scott replied, "I did not abide by it because she didn't have the authority to ask me to leave." App.96a-97a. Scott said she 'was authorized to be there" that the officer "did not have the authority to ask (her) to leave." App.101a. Scott explained that she had the authority by way of the U.S. and Florida constitutions, as well as established U.S. Supreme Court and Florida case law. App.101a, 102a.

Lilly testified saying to Scott, "You have to leave..." App.107a. Deputy Moncelli stated to Scott, "(Y)ou have to leave." App.126a. Scott "wasn't leaving. She wasn't going to leave. She said she could be there ...because it's public property. (Officer Moncelli) 'told (Scott) that it was private, like I did. And, She wasn't having it...(Officer Moncelli) told her (i)f she didn't leave, he would have to arrest her." App.50a1. The "individual" may stand upon "his Constitutional Rights" as a CITIZEN. *Hale v. Henkel* 201 U.S. 43 at 89 (1906). Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. *Davis v. Wechsler*, 263 US 22, 24 (1923). The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of practice. *Bennett v. Boggs*, 1 Baldw 60 (1830). To take away all remedy for the

enforcement of a right is to take away the right itself. But that is not within the power of the State. *City of Dallas v Mitchell*, 245 S.W. 944 (1922).

The court has a responsibility to protect any and all of Plaintiff's constitutional and statutory rights. See *United States v. Lee*, 106 US 196, 220 (1882). Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts done with sufficient awareness. *Poindexter v. Greenhow*, 114 U.S. 270, 303 (1885). *Brady v. U.S.*, 397 U.S. 742, 748, (1970). Because of what appears to be a lawful command on the surface, many Citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights due to ignorance. *Sims v. Aherns*, 271 SW 720 (1925)

Scott never wavered from knowing she had a constitutional right to petition on The Fairgrounds; a public property that was open to the public.

In Florida, according to the jury instructions (App.133a-134a), for Scott to be found guilty of trespass all four elements of 810.09 (App.135a-136a) must be met. The fourth element was not met, it reads, "(Scott's) entering upon or remaining in the property was without authorization, license, or invitation from (The Fairgrounds) or any other person authorized to give that permission." Scott's authority to remain on the public property was given to her by both the federal and state constitutions (both the 1838 and 1968 of the state constitution), as well as *Marsh, Pruneyard, State v. Woods, and Wood v. State*. In such, Scott believed

she was authorized to be on the property and had the right to remain and continue to petition there. Scott never wavered from believing she could petition on The Fairgrounds and never waived her right to do so. *No person*, on behalf of The Fairgrounds, was authorized to violate Scott's constitutional rights or to break the law. Every contracted employee and/or agent of the state is required by oath to support the state and federal constitutions 'prior to the approval of any voucher for payment of salary, expenses or other compensation', per Fla. Stat. 876.05.

The jury instructions then present a good faith clause (App.61a): "Authority to enter upon or remain in property need not be given in express words. It may be implied from the circumstances. It is lawful to enter upon or remain in the property of another if, under all circumstances, a reasonable person would believe that she had had the permission of the owner or occupant." App.133a-134a. Scott believed she had the right to remain on the property as any reasonable person would because petitioning is legal on public property, which mandated that any authorized person would be obligated to allow Scott to petition there. App.131a.

The good faith clause proves Scott's innocence. It was reasonable for Scott to believe she had permission of the owner to remain on the property since the federal and state constitutions guaranteed Scott's right to petition on public property. No owner or anyone acting on the owner's behalf is ever legally authorized to violate the supreme law of the land or state or federal law. There is no authority authorized to violate Scott's right to peaceably petition for ballot

access, to assemble, and to speak freely on The Fairgrounds, a public property open to the public.

The defense and prosecuting testimonies (App.40a-132a1), confirmed that Scott *believed* she had the owner's permission because the owner was the government by way of the contracted agent that had a fiduciary duty to act on behalf of the government for the benefit of the people it was contracted to serve on the public property that was open to the public. Scott also believed that, even if The Fairgrounds was private property, that she still have the right to petition there based on *Pruneyard*, *Corn*, and *Wood*. Scott *believed* the government had no 'authority' to deny her right to petition on the land, whether it was public, quasi-public, granted, leased or contracted by The Fairgrounds. Property open for business, such as a mall, takes on a quasi-public nature and restrictions on the public's activity must be reasonable and non-discriminatory. See *Corn*. The actions of The Fairground were neither reasonable nor non-discriminatory. An agent who acts without authority or who exceeds the agent's authority may be held personally liable. *Tedder v. Riggan*, 65 Fla. 153, 61 So. 244 (1913). It would then reason that the agent must know and abide by the law and act in a fiduciary manner to protect the rights of those they have contracted to serve.

Based on the jury instruction's Good Faith Clause, it was lawful for Scott to remain in the property...under all the circumstances. App.133a.

The Fairgrounds was not a private home; it was public land upon which the contracting agent had a fiduciary duty to allow Scott to exercise her constitutional right to petition on public property, open to the public, regardless of who the contracting agent is, as long as the purpose of the property was for public use, which was in fact the contractual and statutory obligation of The Fairgrounds. App.6a, 7a, 10a-11a, 23a. A principal is bound by, and is liable upon, a contract executed in the principal's behalf by the agent when the agent is acting within the scope of the agent's actual or apparent authority. *Mead v. Pan Am. Airways*, 44 So. 2d 283 (Fla. 1950) Abuse of a duty owed to the plaintiff; Act of taking improper advantage of the parties' fiduciary relationship at the plaintiff's expense. *Beers v. Beers*, 724 So.2d 109, 116-17 (Fla. 5th DCA 1998)

The land upon which The Fairgrounds operates is owned by the government and will, eventually, be returned to the government upon completion of the charter under which The Fairgrounds operates. App6a-39a. The land is earmarked and contracted for *public use* for the benefit of the people. The fairgrounds is entrusted to 'stimulate public interest' for our enjoyment, education, cultural and civic benefit, and for 'public gatherings' (App.10a, 23a) for which 'public servants are employed to support citizens' inalienable rights to pursue happiness and prosperity (see U.S. Constitution Preamble, Fourteenth Amendment) so that 'we may thrive and enjoy the blessings of liberty'. *Understanding American Prosperity*, by Kim Holmes, 2012. Armed with a clear understanding of her constitutional

guarantees, Scott believed with absolute certainty that she had the right to petition, assemble and speak freely, at The Fairgrounds. The jury did not follow the good faith clause, which violated Scott's right to a fair trial, in deprivation of her Sixth Amendment right to a fair trial.

The definition of 'Person authorized' under Fla. Stat. 810.09(3) is "any owner, his or her agent, or a community association authorized as an agent for the owner, or any law enforcement whose department has received written authorization from the owner, his or her agent, or a community association authorized as an agent for the owner, to communicate an order to the property in the case of a threat to public safety or welfare." There was no claim that Scott was a threat to public safety or welfare, which on its face, immediately invalidates the removal of Scott from the public property. Scott was petitioning in a peaceable manner. The act of speaking to another person is not a threat to safety or welfare in an open society, nor was testimony given substantiating any such the claim. App. 40a-132a1.

Under the aforementioned definition, there is no person mentioned holding the authority to deprive Scott of her constitutional right to petition at The Fairgrounds. '(Scott)'s arguing she had permission under the law.' App.109a.

The Fairgrounds' fiduciaries - several security guards and three sheriff deputies involved in Scott's arrest and the activities leading up to it - all violated Scott's

First Amendments right to petition, assemble and speak freely at the public property, which was open to the public.

Scott believed she had the right to petition on the property because the law gave her the authority to do so; an authority The Fairgrounds had a legal obligation to uphold. The Fairgrounds is attempting to usurp power over the State and Federal government by refusing to operate within the bounds of the U.S. and Florida Constitutions, which cannot be upheld in a court of law.

According to the transcript, the county judge interpreted Scott's answer to mean that '(Scott was) not arguing she had the permission of an owner, a lawful occupant or any other person authorized. She's arguing she had permission under the law.'" App.109a. The two are one of the same. It is not possible for an owner to illegally circumvent a right given by law. If an owner takes such an action, the action is illegal and unenforceable. It was reasonable for Scott to believe she had the permission of the owner since the owner would break the law by refusing a citizen's right to petition on property open to the public.

There is no division between the two claims; if you have a legal right to do take a certain action, then no person has the legal right to block that action at the location where such an action is legally protected, which consequently means the owner had, by law, *authorized* Scott's petitioning, assembling and free speech on the public property.

**IN CONSIDERATION OF THE ORIGIN OF FLORIDA'S CONSTITUTION AND
CONCERNING THE VALIDITY OF 'CONFORMING TO' VERSUS BEING
'CONSISTENT WITH' THE FEDERAL CONSTITUTION**

The county judge, (App.57a-61a) erroneously determined a fact; whether Scott was petitioning on private or public property. The determination, of facts belonged to the jury, not the judge because the matter was not the reading of the law but rather related to the facts of the case. The judge determined the property was private on iffy hearsay by a security guard who 'thinks' 'the South Florida Fair and Palm Beach County Expositions, Inc....is a private company (because it) is a 501(c)(3) she thinks' (App.63a).

In turn, the 4DCA erred in its determination that The Fairgrounds is privately owned. App.2a, 11a, 33a, 36a, 38a, 39a. The 4DCA then premised its opinion on the flawed lower court ruling of a factual matter that should have been left in the hands of the jury. The 4DCA then determined that Scott did not have a constitutional right to petition on private property without the permission of the owner, illustrating its point by exempling six cases stemming from northern states, including MI, NY, WI, AZ, IL and MN (App.2a-4a) - none of which were the inspiration for Florida's original constitution, as were its neighboring states, especially Alabama⁶- and *Lloyd Corp. V. Tanner*, 407 U.S. 551 (1972), while 'not quarrel(ing) with Scott's contention that state constitutions may provide broader

6 See Florida's Historic Constitutions, floridamemory.gov

protections than those conferred by the United States Constitution. See *generally Pruneyard.*' App.3a.

The 4DCA is historically mistaken in its assertion that Florida's 'constitutional schema (is) akin' to those of the six previously mentioned northern states. App. 2a. Rather, Florida's 'constitutional schema' (App.3a) 'was drafted by a convention of 56 prominent Floridians in the coastal town of St. Joseph in late 1838 and early 1839 (who) drew inspiration for the document from neighboring states, especially Alabama.⁷'"

The 4DCA's opinion spurs the necessity to consider Florida's constitutional origins, relevance, how expansive it is, and what a Floridian's rights are when petitioning not only relating to the right to petition, but also to assemble and to speak freely. These questions breed the need to examine the legitimacy of the current state constitution revised in 1968, the 1868 constitution and the 1838 constitution, the latter of which was Florida's original constitution which it wrote when considering entry into the union and upon which grounds it was willing to become a member of the union and whether Congress overstepped its authority by ordering Florida to 'conform' with the federal constitution rather than simply ensuring changes were made to ensure the state constitution was consistent with the federal constitution. Just as this court erred in exceeding its authority in *Roe v. Wade*, which it has since remedied, Congress exceeded its authority, in 1867, by forcing

⁷ Constitution of the State of Florida, 1838, floridamemory.com/discover/historical_records/constitution

Florida to conform its state constitution to the federal constitution, when the state merely needed the state constitution to be *consistent* with the U.S. Constitution.

The state constitutions encompass, in principle if not now in practice, the many fundamental powers of governance that have been reserved to the states and to the people by the Tenth Amendment to the U.S. Constitution. App.140a. In such, (1867) The Reconstruction Acts, Chapter CLIII, Sec. 5, (App.137a-139a) went beyond the authority of the federal government in an attempt to dictate the content of the state constitution in areas that did not extend beyond state borders nor were inconsistent with the federal constitution.

To order conformity rather than consistency violated the sovereign right of the state, in an attempt to make it subservient to the federal government. It was an act of fraud that misrepresented the facts by claiming Florida could not re-enter the union until the state constitution conformed with the Federal Constitution, when the reality was that consistency was the only legal demand. Effectively. Congress' misrepresentation amounted to an overt act of fraud to abolish precious freedoms and liberties enjoyed by Floridians, which far exceeded those given by the U.S. Constitution.

The validity of the 1968 Revised Florida Constitution is moot because the premise of the revisions to the 1868 constitution were based on an overreach of power by an act of congress in 1867, which duped Floridians into *conforming* the entire

state constitution with the federal constitution instead of merely ensuring all aspects of the Florida constitution were *consistent* with the United States Constitution. The latter of which was the extend of Florida's obligation to remain in the union. Since the Act of Congress was an act of fraud to dupe Floridians out of their more expansive rights (see *Pruneyard*), the 1838 Constitution of the State of Florida is still valid and in effect because fraud vitiates everything. (*Nudd v. Burrows*, 91 U.S. 426 (1875); also see *Boyce v. Boggs*, 1 Baldw 60 (1830)) The only aspects of the 1838 Florida Constitution that are not valid are matters inconsistent with the U.S. Constitution, such as disenfranchisement and slavery.

In 1867, Florida became subject to the military authority of the federal government. General John Pope issued an order for Florida delegates to frame a new constitution in *conformity* with the federal constitution and with the Thirteenth and Fourteenth Amendments. Pope's order is and was void because the congressional act governing Pope's order was a misuse of congressional power overreaching its authority. It intended to strip Floridians of their lawful constitutional rights that were *consistent* with the U.S. Constitution⁸.

The Florida Constitution had and has no duty or obligation to *conform* with the U.S. Constitution, but rather merely must be *consistent* with the federal constitution, because Florida is not subservient to the federal government, yet *must* comply with federally protected rights granted to all Americans. In such,

⁸ Florida's Historic Constitutions,
floridamemory.com/discovery/historical_records/constitution/series.php

Floridians were duped out of their more expansive rights, per the 1838 state constitution. Since those rights were stolen by an act of fraud, the new document is void, because fraud vitiates the most solemn of contracts, documents and even judgments. *Boyce v. Grundy*, 3 Pet. 210 (1830). Under Florida Law, constructive fraud occurs where the plaintiff establishes that both: a) The plaintiff and defendant were in a confidential or fiduciary relationship; and b) The defendant: c) abused a duty owed to the plaintiff; or took unfair advantage of the plaintiff. *Hansen v. Premier Aviation Holdings, LLC*, 2017 WL 8893119, at *3* (S.D. Fla. Nov. 21, 2017) (applying Florida law; *Levy v. Levy*, 862 So. 2d 48, 53 (Fla. 3d DCA 2003).

An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed. *Norton v. Shelby County*, 118 U.S. 425 p. 442 (1866). The act of congress overstepped its boundaries in all areas of Florida's valid constitution, which voids the congressional act in all aspects of the state constitution with the exception of those aspects which were not consistent with the federal constitution, namely Amendments 13 and 14.

For the Florida Constitution to be consistent with the U.S. Constitution, it needed to conform with the Thirteenth and Fourteenth Amendments of the federal constitution, which ended slavery and disenfranchisement for non-white males. Only the aspects of the state constitution which are not consistent with the

federal rights needed to be amended, the rest was an unlawful power grab, which is why the 1868 state constitution is referenced as the Carpetbagger Constitution⁹. (See Chronology of Florida's Constitution, library.law.fsu.edu/Digital-Collections/CRC/CRC-1998/newslet/nov96/chronolo.html)

For the above stated reasons, all aspects of the 1838 state constitution *consistent* with the federal constitution are still in effect and any act of fraud to dupe citizens into waiving their rights is void. Acts based on fraud are null and void, and without effect. There is no time limitation on setting aside a void judgment – it may be collaterally attacked at any time. *M.L. Builders, Inc v. Reserve Developers, LLP*, 769 So. 2d 1079, 1082 (Fla. 4th DCA 2000). A void order has no force or effect and is a nullity. *Lance Block, P.A. v. Searcy, Denney, Scarola, Barnhart & Shipley, P.A.*, 85 So. 3d 1122 (Fla. 1st DCA 2012).

The right to petition, assemble and speak freely are guaranteed under Art. 1, s. 5 and 20 of the 1838 constitution, respectively reading, as follows: Art. 1, s. 5. That every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty; and no law shall ever¹⁰ be passed to curtail, abridge, or restrain the liberty of speech or of the press; Art. 1, s. 20. That the people have a right, in a peaceable manner, to assemble together to consult for the common good; and to apply to those invested with the powers of

⁹ Definition: Carpetbaggers - HISTORICAL (In the US) a person from the northern states who went to the South after the Civil War to profit from the Reconstruction; a person perceived as an unscrupulous opportunist. (Oxford Languages)

¹⁰ Emphasis added.

government for redress, or other proper purpose, by petition, address, or remonstrance¹¹.

The preamble of Florida's 1838 Constitution reads in relevant part, "We, the People...of Florida...and of the Independence of the United States...having and claiming the right of admission into the Union, as one of the United States of America, consistent with the principles of the Federal constitution...in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and property, and the pursuit of happiness do mutually agree, each with the other, to form ourselves into a Free and Independent State, by the name of the State of Florida" (see *Id.*)

Clearly, it was never Florida's intention to surrender its freedom and independence to subserviently conform with the heavy and limiting hand of the federal government, but *rather* to join the union agreeing to *consistency*, not *conformity*, to the Constitution of the United States. The unlawful use of 'conformity' duping Floridians into waiving so many of the rights, liberties and freedoms guaranteed them, in the 1838 state constitution, has led to grave deprivations of rights, which has and is, to this day, injuring Scott and all Floridians.

The 4DCA asserts, "(W)e find nothing in Article 1, Section 5's text which leads us to conclude that the Florida Constitution confers political speech rights greater

¹¹ see floridamemory.com/items/show/189087?id=1

than those provided by the First Amendment to the United States Constitution.”, and then references six northern cases that neglect to consider the origins of Florida’s Constitution, but rather merely highlight the consequences of the theft by the Carpetbaggers instead of considering the true nature, source and intent of Floridians when they chose to unite with the other states.

“The (U.S.) Constitution acted like a colossal merger, uniting a group of states with different interests, laws and cultures. Under America’s first national government, the Articles of Confederation, the states acted together only for specific purposes. The (U.S.) Constitution united its citizens as a whole, vesting the power of the union in the people.¹²”

It was never the intention of people of Florida to create a document that would hinder or chip away at their already established rights, nor was the intention of the federal government to homogenize the ‘different interests, laws and cultures’ of the states. Rather, the federal constitution guarantees rights to all Americans, such as freedom from enslavement and indentured servitude, as well as the right of every American to vote. “The first ten amendments to the (U.S.) Constitution gave citizens more confidence in the new government and contains many of today’s Americans’ most valued freedoms.¹³” The federal constitution was never meant to deprive more expansive rights guaranteed by state constitutions.

12 See [archives.gov/founding-docs/constitution](https://www.archives.gov/founding-docs/constitution)

13 See [archives.gov/founding-docs/bill-of-rights](https://www.archives.gov/founding-docs/bill-of-rights)

The First Amendment in its entirety states, “Congress shall make *no law* respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” (*Id.*) “The (U.S.) Constitution might never have been ratified if the framers hadn’t promised to add a Bill of Rights¹⁴”, emphasizing the importance to Americans that their new found and hard fought freedoms were preserved, not chipped away at and throttled.

Florida’s 1838 Constitution far exceeds the liberties granted by the U.S. Constitution, which is clearly identified in Article 1, sections 4, 5, 8, 20, 26 and 27 (App.5a2-5a3), which in summary asserts that ‘all elections shall be free and equal’ (App.5a2); ‘every citizen may freely speak, write and publish his sentiments on all subjects...and no law shall ever be passed to curtail, abridge or strain the liberty of speech’ (App.5a2-5a3); ‘(t)hat no (person) shall be taken, imprisoned, or disseized of his...liberties...or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land’ (App.5a3); ‘(t)hat the people have a right, in a peaceable manner, to assemble together to consult for the common good; and to apply to those invested with the powers of government, for the redress of grievances, or other proper purposes, by petition, address, or remonstrance’ (App.5a3); ‘(t)hat frequent recurrence to fundamental principles, is absolutely necessary to preserve the blessings of liberty.’ (App.5a3); ‘(t)hat to guard against transgressions upon the rights of the people, we declare that every

¹⁴ See [archives.gov/founding-docs/bill-of-rights](https://www.archives.gov/founding-docs/bill-of-rights)

thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or to the following provisions, shall be void.’ (App.5a3-5a4) Art. 1, s. 5 of the 1838 Florida Constitution does not mince words, nor does it leave wiggle room for interpretation, in stating that ‘no law shall ever be passed...’ making Florida’s Constitution more expansive than the federal constitution. The other sections in Article I are also more expansive than the U.S. constitution, with Art. I, s. 27 having the foresight to ensure Article I ‘is excepted out of the general power of government, and shall forever remain inviolate; and that all laws contrary thereto...shall be void’, which specifically means that the removal of the provisions in Article I was unlawful and cannot stand. It is clear that the delegates added sec. 27 to Art. 1 to ensure the survival of the expansive rights that protect Floridians knowing that there would be those that would attempt through unlawful means to remove them. Neither Congress, this Court, nor any other, has the ability to remove the rights put in place by the delegates during the establishment of Florida, meant to protect the liberties and freedoms of the people of the State of Florida.

CONCLUSION

Scott had the right to petition, assemble and speak freely at The Fairgrounds - without facing retaliation and discrimination for what amounts to her political views. She was assaulted, battered, arrested and imprisoned for exercising guaranteed state and federal constitutional rights, per the First Amendment of the Constitution of the United States; Art. 1, s. 4 and 5 of Florida’s 1968 Revised

Constitution, which gives the impression of validity but is actually null and void because it was based on an act an act of coercion and fraud; and Art. 1, sections 4, 5, 8, 20, 26 and 27 of the 1838 Constitution of the State of Florida, which is still in effect because the nullification was not a legally available option based on the protective 27th section of the first article, with the exception of aspects that are not consistent with the federal constitution, such as the Thirteenth and Fourteenth Amendments. She exercised her guaranteed rights, which is not a crime, but rather is a protected right on public property that is open to the public.

The elephant in the room cannot be overlooked. Scott is an independent candidate, who cannot be bought, bribed or blackmailed, which makes her a threat to the corruption that has permeated nearly every facet of our government. Government officials, employees and contractors work side-by-side with globalist, elites, the cabal, cartels and other enemies of the State who aim to utterly gut and destroy this our country. Candidates, such as Scott, are relentlessly targeted by gangstalkers, who are often working directly for corrupt three-letter agencies, in a powerful effort to ensure U.S.-centric are unable to regain control of our government structure.

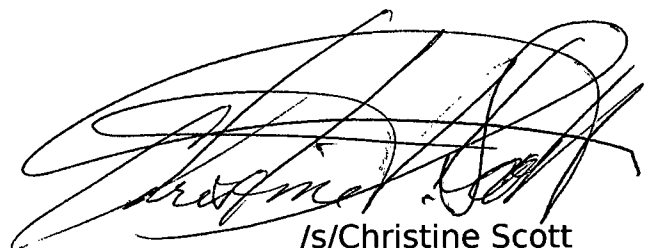
Basically, there is an quiet war by enemies of the state attempting to overthrow our country by rigging our elections, in any and every conceivable manner - from hacking into electronic voting machines, to lawfare meant to keep certain candidate off the ballot, to blocking other potential candidates from qualifying for

the ballot by blocking their ability to petition for access. This case is less about Scott's personal rights (although such rights are incredibly important to her) and more about protecting ballot access for every American and ensuring equal access to the ballot for all citizens,

It's obvious Scott was on public property and that she had every right to petition at The Fairground. Aunt Minnie's porch simply does not have the capacity to hold 1.2M visitors, annually. The argue cannot be contemplated with a straight face.

This court has confirmed the possibility that being unjustifiably shut out from an election constitutes irreparable harm. See *Brown v. Chote*, 411 U.S. 452 (1973). Three-letter agencies have 'six ways to Sunday', according to Senator Schumer, of demolishing lives the lives of Americans who have come in the cross hairs of these rogue, globalist tyrants. It is essential that every American's constitutional rights are protected, for that is the reason the constitutional guarantees exist.

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/s/Christine Scott
Christine Scott
Pro Se Petitioner
c/o General Delivery
14280 S. Military Trail
Delray Beach, FL 33484
misschristinescott@hotmail.com
682-230-2002