

**DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151**

December 16, 2020

CASE NO.: 1D20-2552
L.T. No.: 2019-CFMA-0866

Steven Cooper

v.

State of Florida

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT:

In light of Petitioner's response filed October 19, 2020, the order to show cause of October 7, 2020, is hereby discharged.

The petition for writ of certiorari is denied on the merits.

LEWIS, BILBREY, and KELSEY, JJ., concur.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

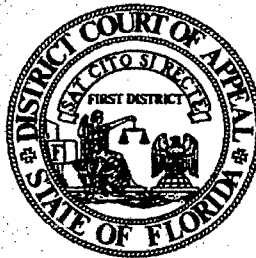
Served:

Hon. Ashley Moody, AG
Steven Cooper

Hon. Brantley S. Clark Jr.,
Judge

co


KRISTINA SAMUELS, CLERK



**In the District Court of Appeal
First District of Florida**

CASE NO. 1D20-_____

Lower Court Case No.: 2019-CFMA-0866

STEVEN COOPER

Petitioner,

v.

STATE OF FLORIDA;

Respondents,

PETITION
FOR
CERTIORARI

/s/ STEVEN COOPER

850-312-5243

P.O. BOX 18617

PANAMA CITY, FL 32417

AdversePossessionIsNotaCrime@gmail.com

Petitioner affirmatively seeks to discharge the trial court-appointed counsel due to the incompetent, intentionally ineffective assistance provided.

RECEIVED, 09/01/2020 12:00:31 AM, Clerk, First District Court of Appeal

PETITION FOR WRIT OF CERTIORARI

The petition of STEVEN COOPER shows there has been a departure from the essential requirements of the law, resulting in material injury, and seeks to have this court quash the trial courts Order Dismissing the “Motion for Hearing and Order on Pleadings” and the “Motion to Dismiss the Information”.

An action styled State of Florida Vs. Steven Cooper, Case No. 019000866CFMA, is now pending in the 14th Judicial Circuit Court for Bay County, Florida. The action was initiated in retaliation against the petitioners submission of a written complaint to the Bay County Sheriff’s Office – after more than a year of ongoing civil litigation between the petitioner, the Sheriff’s Office and the County where the petitioner sought mandamus to compel the Sheriff’s Office to comply with FS 95.18(9) after trespassing the petitioner from his adversely held property despite his established possession, paying all delinquent taxes and making the required form DR-452.

There exists an on ongoing conspiracy against the petitioner – in animosity against his adverse possession and legal action seeking mere compliance with the laws of this state –amongst the Bay County Government, the Bay County Sheriff’s Office, the State Attorney serving Bay County, and the trial judge allowing the sham proceedings to continue while doing everything they can to deprive the petitioner of his fundamental Constitutional rights, specifically his right to an unbiased judge and a fair and impartial jury trial; all while knowing the trial court does not have the requisite subject matter jurisdiction. There exist too many injustices for the petitioner to state herein therefore, only those pertinent to support the relief requested will be stated. The following is provided in support thereof:

1. On June 1, 2020, petitioner filed a pro per “Motion to Discharge Incompetent Ineffective Counsel”. The trial court continues, to this day, to intentionally ignore the pleading, refusing to hold the required *Nelson* and *Faretta* hearings, willfully and maliciously depriving petitioner of his right to self representation and affective assistance of counsel.

“The Defendant, STEVEN COOPER, moves the Court to discharge the court appointed attorney from the Office of Criminal Conflict and Civil Regional Counsel, Laura McCarthy, from any and all further representation of the Defendant for the above styled case.

This Motion to Discharge Counsel is unequivocal and is necessitated by the court appointed attorneys incompetence and current ineffective representation, resulting in an attorney/client relationship deteriorated by conflict of interests to the extent Defendant is unable to rely upon the appointed attorneys ability to provide adequate and effective representation.

WHEREFORE, the Defendant requests the Office of Criminal Conflict and Civil Regional Counsel Laura McCarthy be discharged from any and all further representation of the Defendant effective immediately.”

2. On July 14, 2020, petitioner filed a “Waiver of Right to Counsel” and an accompanying “Notice of Pro Per Appearance”. The trial court continues, to this day, to intentionally ignore these pleadings.

“The Defendant, STEVEN COOPER, hereby notifies the court of his decision to waive his right to counsel. Defendant states unequivocally that he waives his right to be represented by counsel.

Defendant has a general understanding of his rights and this decision to proceed without counsel is made with eyes open. *See Potts v. State*, 718 So.2d 757, 760 (Fla.1998). Defendant is aware of the dangers and disadvantages of self-representation and for the record, declares that “he knows what he is doing and his choice is made with eyes open.” 422 U.S. at 835, 95 S.Ct. 2525 (quoting *Adams v. United States ex rel. McCann*, 317 U.S. 269, 279, 63 S.Ct. 236, 87 L.Ed. 268 (1942)

The Sixth Amendment grants to each criminal defendant the right of self-representation. Under the United States Supreme Court's ruling in *Faretta*, an accused has the right to self-representation at trial. A defendant's choice to invoke this right ‘must be honored out of that respect for the individual which is the lifeblood of the law.’ ” *Tennis v. State*, 997

So.2d 375, 377–78 (Fla.2008) (quoting *Faretta*, 422 U.S. at 834, 95 S.Ct. 2525); see also *Pasha v. State*, 39 So.3d 1259, 1261 (Fla.2010) “[T]he Sixth and Fourteenth Amendments include a ‘constitutional right to proceed without counsel when’ a criminal defendant ‘voluntarily and intelligently elects to do so.’ ” *Indiana v. Edwards*, 554 U.S. 164, 170, 128 S.Ct. 2379, 171 L.Ed.2d 345 (2008) (quoting *Faretta*, 422 U.S. at 807, 95 S.Ct. 2525).”

“The Defendant, STEVEN COOPER, enters his appearance on behalf of himself after having waived his right to counsel and requests that all future pleadings and correspondence be directed to him in that capacity directly to the following:

- Email – AdversePossessionIsNotACrime@gmail.com
- Mail – PO Box 18617, Panama City Beach, FL, 32417
- Phone – 850-312-5243”

3. On the very same day, July 14th, petitioner also filed a “Motion to Dismiss the Information” and an accompanying “Motion for Hearing and Order on Pleadings”. Out of the four aforementioned motions filed the same day, the June 1st counsel discharge motion, and other not yet mentioned herein Motion for Statement of Particulars also filed on June 1st and Motion to Recall Capias filed by counsel on April 23rd – a total of seven pleadings awaiting judicial process – only these two pleadings were addressed and specifically dismissed as null and void pro se filings.

“The Defendant, STEVEN COOPER, moves the Court to dismiss the information and charges of grand theft and criminal mischief for the following reasons:

1. Florida Statute 95.18(10) states “A person who occupies or attempts to occupy a residential structure solely by claim of adverse possession under this section [prior to making a return as required under subsection (3), (95.18(9))] and offers the property for lease to another commits theft under s. 812.014”
2. The Defendant submitted the return as required under subsection (3) of 95.18 to the Bay County Property Appraiser on December 29, 2017. (copy attached)
3. The Defendant has not, nor does the information charge him with, offering “the property for lease to another”. Theft cannot be without offering for lease and making a return.

Adverse possession is not a crime. Per Florida Law, an individual commits theft if he occupies “solely by claim”, without making the required return, and offers the property for lease. The return form DR-452 serves as notice to all who would challenge establishing the adverse possession as a cause of action to which legal action may be brought. The crime of theft, is specific to – the receipt of monies in connection with offering “the property for lease”. Establishing adverse possession is no crime, it is regulated and permitted by Florida State 95.18.

WHEREFORE, the Defendant requests the court dismiss the information and charges against him and set him free of this sham prosecution.”

“The Defendant, STEVEN COOPER, moves the Court to review and address the previously submitted pleadings and thereupon issue an order in response thereof the following:

1. Motion to Recall Capias – Docketed April 23, 2020
2. Motion to Discharge Incompetent Ineffective Counsel – Docketed June 1, 2020
3. Motion for Statement of Particulars – Docketed June 1, 2020
4. Notice Waiving Right to Counsel – Docketed July 14, 2020
5. Motion to Dismiss – Docketed July 14, 2020

The Supreme Court of Florida’s AOSC20-23 Guiding Principles state presiding judges in all cases must consider the constitutional rights of criminal defendant’s right of access to the courts by maintaining judicial workflow to the maximum extent feasible and are directed to take all necessary steps to facilitate the remote conduct of proceedings with the use of technology, in part or in whole, of using telephonic or other electronic means.

WHEREFORE, the Defendant requests the court schedule a hearing to be conducted “with the use of technology” to address the above referenced pleadings and matters.”

4. On July 31, 2020, the trial court entered an “Order Dismissing Pro Se Motions”; this petitioned follows within the 30 day jurisdictional time requirement.

THIS MATTER is before the Court on the Defendant's pro se "Motion to Dismiss the Information" and pro se "Motion for Hearing and Order on Pleadings" filed on July 14, 2020. Having considered said Motions, court file and records, and being otherwise fully advised, this Court finds that the Motions are due to be dismissed because the Court's records reflect that the Defendant is currently represented by counsel. As a result, he is not authorized to proceed pro se, and any pro se filings are null and void. See Booker v. State, 807 So. 2d 800 (Fla. 1st DCA 2002).

5. On August 18, 2020, petitioner filed a "Verified Motion for Disqualification" of the trial court judge after learning of the Order dismissing the two specified motions. Again, unsurprisingly, the trial judge continues to this day, to intentionally ignore the pleading and it is likely he will continue to do so until ordered otherwise. Petitioner prays this court will take appropriate action to remedy the ongoing malicious persecution of an innocent citizen in full compliance of FS 95.18, the adverse possession statute of this state.

Abuse of Discretion

The trial courts "blanket" denial, dismissal and disregard of petitioners pro se pleadings is an abuse of discretion; especially after being made aware of conflict amongst a defendant and his incompetent ineffective assigned counsel. The trial court is required to hold hearings to inquire about the alleged conflicts and incompetency and yet another hearing to determine the unequivocal request to self represent. Instead, the trial court is using the assignment of counsel and its quote "representation" as a rock to hold the defendant between it and the hard place of not being able to speak for himself and not having adequate assistance of counsel to speak for him. In effect, the assignment of "representation" is being maliciously abused to silence and mute the defendant.

Lack of Subject Matter Jurisdiction

The petitioner has an inferred immunity from the below charges because he has submitted the required return. The trial court was forced to confront the fact

that it does not possess the requisite subject matter jurisdiction in the case below where an adverse possessor is being persecuted for theft despite making the required return and, not leasing the property to another FS 95.18(9)(10). This is why the trial court dismissed only the dismissal motion and request for hearings. In doing so, the judge has forgone his immunity by knowingly acting outside of his authority without subject matter jurisdiction. There exists no offense or crime committed and a truly innocent citizen is being intentionally deprived of his rights.

WHEREFORE, the petitioner requests this court quash the trial courts Order Dismissing Pro Se Motions, remand with instructions to grant the "Motion to Dismiss the Information" and charges against him, set him free of this sham prosecution and for any other appropriate relief.

Respectfully Submitted,
/s/ Steven Cooper, Pro Per

850-312-5243
PO Box 18617, PCB FL, 32417
AdversePossessionIsNotACrime@gmail.com

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished on this 31ST day of August 2020, via email and/or electronic service to Circuit Court Judge Brantley S. Clark, Jr. at ClarkB@JUD14.FLCourts.org and Jennifer.moore@myfloridalegal.com, Attorney for State of Florida Assistant Attorney General Office of the Attorney General Pl-01, the Capitol Tallahassee, Fl 32399-1050:

Respectfully Submitted,
/s/ Steven Cooper, Pro Per

850-312-5243
 PO Box 18617, PCB FL, 32417
AdversePossessionIsNotACrime@gmail.com

CERTIFICATE OF COMPLIANCE

I certify that the size and style of type used in this brief is Courier New 12 point Font and Times New Roman 14- point Font and complies with the font requirements of Florida Rule of Appellate Procedure 9.210(a) (2).

Respectfully Submitted,
/s/ Steven Cooper, Pro Per

850-312-5243
 PO Box 18617, PCB FL, 32417
AdversePossessionIsNotACrime@gmail.com

IN THE CIRCUIT COURT
FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA
IN AND FOR BAY COUNTY

CASE NO.: 19-0866-CFMA

STATE OF FLORIDA,

Plaintiff,

vs.

STEVEN ALAN COOPER,

Defendant.

BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

2020 JUL 31 P 2:27

FILED

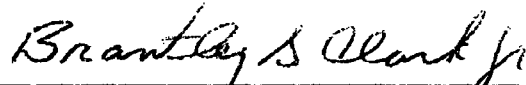
ORDER DISMISSING PRO SE MOTIONS

THIS MATTER is before the Court on the Defendant's pro se "Motion to Dismiss the Information" and pro se "Motion for Hearing and Order on Pleadings" filed on July 14, 2020. Having considered said Motions, court file and records, and being otherwise fully advised, this Court finds that the Motions are due to be dismissed because the Court's records reflect that the Defendant is currently represented by counsel. As a result, he is not authorized to proceed pro se, and any pro se filings are null and void. See Booker v. State, 807 So. 2d 800 (Fla. 1st DCA 2002).

Therefore, it is


ORDERED AND ADJUDGED that the Defendant's Motions are hereby **DISMISSED**.

DONE AND ORDERED in chambers, Bay County, Florida, this 31st day of July, 2020.



BRANTLEY S. CLARK, JR.
CIRCUIT JUDGE

I HEREBY CERTIFY that a true and exact copy of the foregoing has been provided by e-portal, email, U.S. Mail, and/or hand delivery to the Defendant, Steven Alan Cooper, P.O. Box 18617, Panama City Beach, FL 32417; the Office of Criminal Conflict and Civil Regional Counsel, ATTN: Laura McCarthy, P.O. Box 1789, Panama City, FL 32402; and the State Attorney's Office, ATTN: Calie Overstreet, P.O. Box 1040, Panama City, FL 32402, this 31st day of July, 2020.



Ann Nelson, Judicial Assistant

IN THE CIRCUIT COURT, IN AND FOR BAY COUNTY FLORIDA

STATE OF FLORIDA,
Plaintiff,

vs.

CASE NO. 019000866CFMA

STEVEN COOPER,
Defendant,

MOTION TO DISCHARGE INCOMPETENT INEFFECTIVE COUNSEL

The Defendant, STEVEN COOPER, moves the Court to discharge the court appointed attorney from the Office of Criminal Conflict and Civil Regional Counsel, Laura McCarthy, from any and all further representation of the Defendant for the above styled case.

This Motion to Discharge Counsel is unequivocal and is necessitated by the court appointed attorneys incompetence and current ineffective representation, resulting in an attorney/client relationship deteriorated by conflict of interests to the extent Defendant is unable to rely upon the appointed attorneys ability to provide adequate and effective representation.

WHEREFORE, the Defendant requests the Office of Criminal Conflict and Civil Regional Counsel Laura McCarthy be discharged from any and all further representation of the Defendant effective immediately.

Respectfully Submitted,
/s/ Steven Cooper, Pro Per

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished to the Office of the State Attorney at: 421 Magnolia Ave. Panama City, FL 32401 by electronic service or mailing by pre-paid first class U.S. mail on this 1st day of June, 2020, Attn:

1. Calie Marie

Respectfully Submitted,
/s/ Steven Cooper, Pro Per

IN THE CIRCUIT COURT, IN AND FOR BAY COUNTY FLORIDA

STATE OF FLORIDA,
Plaintiff,

vs.

CASE NO. 019000866CFMA

STEVEN COOPER,
Defendant,

DEFENDANTS WAIVER OF RIGHT TO COUNSEL

The Defendant, STEVEN COOPER, hereby notifies the court of his decision to waive his right to counsel. Defendant states unequivocally that he waives his right to be represented by counsel.

Defendant has a general understanding of his rights and this decision to proceed without counsel is made with eyes open. *See Potts v. State*, 718 So.2d 757, 760 (Fla.1998). Defendant is aware of the dangers and disadvantages of self-representation and for the record, declares that “he knows what he is doing and his choice is made with eyes open.” 422 U.S. at 835, 95 S.Ct. 2525 (quoting *Adams v. United States ex rel. McCann*, 317 U.S. 269, 279, 63 S.Ct. 236, 87 L.Ed. 268 (1942))

The Sixth Amendment grants to each criminal defendant the right of self-representation. Under the United States Supreme Court's ruling in *Faretta*, an accused has the right to self-representation at trial. A defendant's choice to invoke this right ‘must be honored out of that respect for the individual which is the lifeblood of the law.’ ” *Tennis v. State*, 997 So.2d 375, 377–78 (Fla.2008) (quoting *Faretta*, 422 U.S. at 834, 95 S.Ct. 2525); *see also Pasha v. State*, 39 So.3d 1259, 1261 (Fla.2010) “[T]he Sixth and Fourteenth Amendments include a ‘constitutional right to proceed *without* counsel when’ a criminal defendant ‘voluntarily and intelligently elects to do so.’ ” *Indiana v. Edwards*, 554 U.S. 164, 170, 128 S.Ct. 2379, 171 L.Ed.2d 345 (2008) (quoting *Faretta*, 422 U.S. at 807, 95 S.Ct. 2525).

Respectfully Submitted,
/s/ Steven Cooper, Pro Per

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished to the Office of the State Attorney at: 421 Magnolia Ave. Panama City, FL 32401 by electronic service or mailing by pre-paid first class U.S. mail on this 13TH day of July, 2020,

Attn:

1. Calie Marie

Respectfully Submitted,

/s/ Steven Cooper, Pro Per

Steven Cooper

850-312-5243

PO Box 18617, PCB FL, 32417

AdversePossessionIsNotACrime@gmail.com

IN THE CIRCUIT COURT, IN AND FOR BAY COUNTY FLORIDA

STATE OF FLORIDA,
Plaintiff,

vs.

CASE NO. 019000866CFMA

STEVEN COOPER,
Defendant,

DEFENDANTS NOTICE OF PRO PER APPEARANCE

The Defendant, STEVEN COOPER, enters his appearance on behalf of himself after having waived his right to counsel and requests that all future pleadings and correspondence be directed to him in that capacity directly to the following:

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Respectfully Submitted,
/s/ Steven Cooper, Pro Per

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished to the Office of the State Attorney at: 421 Magnolia Ave. Panama City, FL 32401 by electronic service or mailing by pre-paid first class U.S. mail on this 14TH day of July, 2020,
Attn:

1. Calie Marie

Respectfully Submitted,
/s/ Steven Cooper, Pro Per

850-312-5243
PO Box 18617, PCB FL, 32417
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IN THE CIRCUIT COURT, IN AND FOR BAY COUNTY FLORIDA

STATE OF FLORIDA,
Plaintiff,

vs.

CASE NO. 019000866CFMA

STEVEN COOPER,
Defendant,

DEFENDANTS MOTION TO DISMISS THE INFORMATION

The Defendant, STEVEN COOPER, moves the Court to dismiss the information and charges of grand theft and criminal mischief for the following reasons:

1. Florida Statute 95.18(10) states “A person who occupies or attempts to occupy a residential structure solely by claim of adverse possession under this section [prior to making a return as required under subsection (3), (95.18(9))]] and offers the property for lease to another commits theft under s. 812.014”

2. The Defendant submitted the return as required under subsection (3) of 95.18 to the Bay County Property Appraiser on December 29, 2017. (copy attached)

3. The Defendant has not, nor does the information charge him with, offering “the property for lease to another”. Theft cannot be without offering for lease and making a return.

Adverse possession is not a crime. Per Florida Law, an individual commits theft if he occupies “solely by claim”, without making the required return, and offers the property for lease. The return form DR-452 serves as notice to all who would challenge establishing the adverse possession as a cause of action to which legal action may be brought. The crime of theft, is specific to – the receipt of monies in connection with offering “the property for lease”. Establishing adverse possession is no crime, it is regulated and permitted by Florida State 95.18.

WHEREFORE, the Defendant requests the court dismiss the information and charges against him and set him free of this sham prosecution.

Respectfully Submitted,
/s/ Steven Cooper, Pro Per