

GLENN ALBRIGHT
Petitioner

v.

WILL ROBERTS, as VOLUSIA COUNTY
TAX COLLECTOR
ROBERT R. KYNOCH, as DIRECTOR of
FLORIDA DEPARTMENT of HIGHWAY
SAFETY AND MOTOR VEHICLES,
DIVISION of MOTORIST SERVICES
Respondents

IN THE SUPREME COURT
OF THE UNITED STATES
on petition for certiorari to
Florida Fifth District Court of Appeal

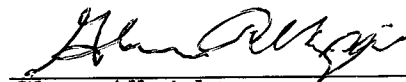
case # 2023-_____
Appeal 5D22-1909
2022-10472-CODL

**PETITIONER GLENN ALBRIGHT
NOTICE of FILING APPENDIX**

Petitioner, **Glenn G. Albright**, gives notice of filing the appendix to be used
in the petition. It contains the following papers.

A	4..5	12-Sep-2023	Final State Court Decision
B	7..7	27-Sep-2023	Order Denying Written Opinion
C	9..13	03-Jun-2022	Order Dismissing
D	15..17	04-Oct-2022	Order Granting Final Judgment
E	19..20	08-Aug-2022	Order of Indigency
F	22..23	08-Aug-2022	Acknowledgement of Appeal

Respectfully submitted,



Glenn Albright

pro se

% Tanner Andrews, PA

112 W. New York Ave., #203

P.O. Box 1208

DeLand, FLA 32721

pho +1 386 734 2111

e-mail tanner+7355@sunshine-lawyer.com

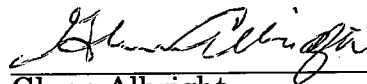
Certificate of Service

I certify that a copy hereof has been furnished to all parties listed below by the method indicated for each party.

Will Roberts (by e-mail)
J. Griffin Chumley, Esq., [V156-25722]
Fishback Dominick,
1947 Lee Rd.,
Winter Park, FLA 32789.
e-mail jgc@fishbacklaw.com [...]

Robert Kynoch (by e-mail)
Miguel A. Olivella, Jr., Esq.,
Office of the Attorney General,
The Capitol - PL 01,
Tallahassee, FLA 32399.
e-mail miguel.olivella@myfloridalegal.com

Done this 21 day of DECEMBER, 2023



Glenn Albright
pro se
% Tanner Andrews, PA
112 W. New York Ave., #203
P.O. Box 1208
DeLand, FLA 32721



app. A

[12-Sep-2023] PCA

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D22-1909
LT Case No. 2022-10472-CODL

GLENN G. ALBRIGHT,

Appellant,

v.

WILL ROBERTS, AS VOLUSIA COUNTY TAX
COLLECTOR AND ROBERT R. KYNOCH, AS
DIRECTOR OF FLORIDA DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES,
DIVISION OF MOTORIST SERVICES,

Appellees.

On appeal from the County Court for Volusia County.
Angela Dempsey, Judge.

Tanner Andrews, of Tanner Andrews, P.A., Deland, for Appellant.

J. Griffin Chumley, of Fishback Dominick, Winter Park, for Appellee,
Will Roberts.

Ashley Moody, Attorney General, and Miguel A. Olivella, Jr., Special
Counsel, Tallahassee, for Appellee, Robert R. Kynoch.

September 12, 2023

PER CURIAM.

AFFIRMED.

JAY, KILBANE, and PRATT, JJ., concur.



***Not final until disposition of any timely and authorized motion
under Fla. R. App. P. 9.330 or 9.331.***

□

app. B

[27-Sep-2023] Deny Rehear

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

GLENN G. ALBRIGHT,

Appellant,

v.

CASE NO. 5D22-1909
LT CASE NO. 2022-10472-CODL

WILL ROBERTS, AS VOLUSIA
COUNTY TAX COLLECTOR AND
ROBERT R. KYNOCH, AS
DIRECTOR OF FLORIDA
DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES,
DIVISION OF MOTORIST
SERVICES,

Appellees.

_____ /

DATE: September 27, 2023

BY ORDER OF THE COURT:

ORDERED that Appellant's "Motion for Written Opinion," filed
September 23, 2023, is denied.

*I hereby certify that the foregoing is
(a true copy of) the original Court order.*

Sandra B. Williams



SANDRA B. WILLIAMS, CLERK

Panel: Judges Jay, Kilbane and Pratt

cc:

J. Griffen Chumley
FLHSMV Agency Clerk

Miguel A. Olivella, Jr.

Tanner Andrews



□

app. C

[03-Jun-2022] Dismiss

IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NO.: 2022 10472 CODL
DIVISION: 71

GLENN ALBRIGHT
Plaintiff(s)

v.

WILL ROBERTS, As Volusia County Tax Collector; ROBERT R. KYNOCH, as Director of Florida
Department of Highway Safety and Motor Vehicles, Division of Motorist Services.
Defendant(s)

ORDER GRANTING
DEFENDANTS' MOTIONS TO DISMISS

THIS CAUSE has come before the Court upon Defendants' Motions to Dismiss. The Court being
fully advised in the premises, finds as follows:

1. Plaintiff has filed a Verified Statement of Claim against both Defendants, seeking return of a \$31.25 fee he had to pay to obtain a Florida ID card, pursuant to requirements of a criminal matter pursuant to F.S. §943.0435. Within his Statement of Claim, he also seeks judicial declaration that F.S. §943.0435 is unconstitutional as to persons whose offenses pre-dated its effective date.
2. Both Defendants sought dismissal of the action for failure to state a cause of action, and numerous other reasons.
3. The Court has reviewed the arguments and law provided by each party, and without addressing each argument made by each Defendant, the Court finds that the action should be dismissed for failure to state a cause of action against these Defendants for the following reasons:



Order-Civil - 3/11/2016

- a. Plaintiff seeks return of his money (the cost of a FL ID card) because he gave that money to Defendants, in their official capacities, allegedly under duress of potentially having charges filed against him criminally if he failed to obtain the card.
- b. Plaintiff further alleges and seeks declaratory judgment that the criminal statute which requires him to pay this money to Defendants, or be criminally prosecuted, constitutes an unconstitutional ex post facto law as applied to him.
- c. Furthermore, Plaintiff seeks this court to Order Defendant Kynoch, in his official capacity, to reinstate Plaintiff's driving privileges, which were suspended apparently due to a failure of Plaintiff to pay his court costs.
- d. Plaintiff insists his court costs were actually paid through his criminal case, and thus should never have been suspended in the first place.
- e. Plaintiff attaches various exhibits purportedly showing that the notice issued by the Clerk, which resulted in the dismissal of his Florida Drivers License was incorrect.
- f. The suspension of his Driver's License then triggered the requirement that he get an ID card.
- g. Assuming all of these allegations are true, the Court finds that the Plaintiff has failed to state a cause of action for declaratory judgment against the named Defendants, and further fails to state a cause of action for return of the fee paid for the ID card.
- h. Plaintiff alleges failure to comply with the statute in question will lead to criminal prosecution and penalties, however these penalties are not brought forth by the Volusia County Tax Collector, nor are they brought forth by the Department of Highway Safety and Motor Vehicles. As alleged, there is no "dispute" between these parties. If anything, the dispute regarding the incorrect suspension of the driver's license could have been resolved through administrative remedies which were not sought, or a simple motion to the Clerk of Court in the criminal case, advising them of their error and

seeking correction. Therefore, as it relates to the suspension of his license, the Court finds the Plaintiff failed to exhaust his administrative and other remedies, furthermore, this Court would not have authority to order the DHSMV to reinstate Plaintiff's driving privileges suspended due to another criminal case, for which this Court does not have jurisdiction over.

- i. As to the Plaintiff's request for declaratory judgment, there are specific requirements for an action in declaratory judgment which must be present, one of which is an actual bona fide dispute between the parties. *See Peoples National Bank of Commerce v. First Union Nat. Bank of Florida, N.A.*, 667 So.2d 876 (Fla 3rd DCA 1996).
- j. The Court notes a similar case in Florida, where a Plaintiff, in fear of being prosecuted for violation of a statute he alleged unconstitutional, sought declaratory judgment and injunction against the State Attorney. *See McIver v. Krischer*, 1997 WL 224878, a Circuit Court decision which was reversed by *Krischer v. McIver*, 697 So2d 97 (Fla. 1997). Ultimately, the statute in question, prohibiting assisted suicide, was upheld by the Florida Supreme Court. *See Id.* The Circuit Court opinion, however, found the declaratory judgment action appropriate because the Plaintiff doctor was reasonably in fear of being prosecuted by the Defendant, State Attorney, if he violated the statute at issue in that case.
- k. Unlike the facts in this case, the named Defendants have nothing to do with the criminal prosecutions for alleged violations of F.S. §943.0435.
- l. Defendants' involvement in Plaintiff's "dispute" is entirely collateral.
- m. Plaintiff may have a dispute, but the Court finds it is not properly alleged against these Defendants, and no amendment of the Statement of Claim/Complaint can remedy this deficiency as to these Defendants.

Therefore, it is ORDERED AND ADJUDGED that Defendants respective Motions to Dismiss are both hereby GRANTED with prejudice.

DONE AND ORDERED in chambers, in Volusia County, Florida, on 03 day of June, 2022.

6/3/2022 12:51 PM 2022 10472

 CODL

e-Signed 6/3/2022 12:51 PM 2022 10472 CODL

COUNTY JUDGE

Copies to: All parties of record

CASE NO.: 2022 10472 CODL

GLENN ALBRIGHT
WILL ROBERTS
ROBERT R KYNOCH
TANNER ANDREWS P A

app. **D**

[04-Oct-2022] Final Judgment

IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA
CASE NO.: 2022 10472 CODL
DIVISION: 71

GLENN ALBRIGHT
Plaintiff(s)

v.

WILL ROBERTS, As Volusia County Tax Collector; ROBERT R. KYNOCH, as Director of Florida
Department of Highway Safety and Motor Vehicles, Division of Motorist Services.
Defendant(s)

ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF APPEALABLE JUDGMENT

THIS CAUSE has come before the Court upon Plaintiff's Motion for Final Judgment¹. The Court being fully advised in the premises, finds as follows:

1. The court granted the defendants' motions to dismiss. See docket #29.
2. The order did not include sufficient language of finality.
3. Without that language, there is no final judgment to be enforced or appealed.

Whereupon, it is ORDERED and ADJUDGED that

- (a) the motion is granted;
- (b) for reasons set forth in the order of dismissal, this action stands dismissed;
- (c) plaintiff shall take nothing by this action; and
- (d) defendants shall go hence without day.

DONE AND ORDERED in chambers, in Volusia County, Florida, on 04 day of November,
2022.

11/4/2022 12:01 PM 2022 10472

 CODL

e-Signed 11/4/2022 12:01 PM 2022 10472 CODL

COUNTY JUDGE

¹ The Court notes a proposed Order similar to this one was uploaded to the Court's documents for review on November 1, 2022. Upon review today, November 4, 2022, is the first time the Court has seen the recent filings from the Appellate Court as well as the Plaintiff's motion. Neither the Clerk nor Plaintiff provided the Court with a copy of Plaintiff's motion or the Orders from the appellate court. The Orders docketed August 30 and October 6, were copied to all parties and the Clerk. The Court will direct the Clerk to immediately forward such orders to the Court in the future.



Copies to: All parties of record

CASE NO.: 2022 10472 CODL

GLENN ALBRIGHT
WILL ROBERTS
ROBERT R KYNOCH
TANNER ANDREWS P A

app. 

[08-Aug-2022] Indigency

GLENN ALBRIGHT
Plaintiff

v.

WILL ROBERTS, as VOLUSIA COUNTY
TAX COLLECTOR
ROBERT R. KYNOCH, as DIRECTOR of
FLORIDA DEPARTMENT of HIGHWAY
SAFETY AND MOTOR VEHICLES,
DIVISION of MOTORIST SERVICES
Defendants

IN THE COUNTY COURT
OF THE 7th JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA
SMALL CLAIMS

case # 2022-10472-CODL
Div #71
The Hon. Angela A. Dempsey

AFFIDAVIT of INDIGENCY

Glenn G. Albright, after first being duly sworn, says:

I am over twenty-one years of age and under no legal disability. If called to testify, I could and would testify, based on my own personal knowledge except as indicated otherwise, to the following facts.

1. I have 0 dependents, not including children not living at home, working spouse, or myself.

2. I have a take-home income of \$0.00, paid weekly. I understand that take-home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, less deductions required by law and less other court-ordered support payments.

3. I have \$578.00 per month in other income. The income consists of

Social Security	yes	veteran's ben	no
unemployment	no	child supp	no
union funds	no	other family	no
workers comp	no	rentals	no
retire/pension	no	divs & int	no
trusts & gifts	no	other income	no

4. I have other assets as follows:

cash on hand	no	savings	no
bank accts	yes \$63.00	stocks & bonds	no
cert of dep	no	(*)real estate	no
money mkt	no	(*)vehicles	no
(*)boats	no	(*)other personalty	no

(*) This figure includes any equity which may be illiquid.


CLERK OF THE CIRCUIT
& CTY. COURT VOLUSIA CTY., FL
CC 48

2022 AUG - 8 PM 2: 26

FILED



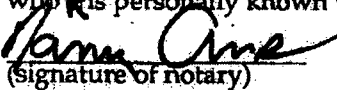
5. I have total liabilities and debts in the amount of \$0.00.
6. I have Tanner Andrews a private lawyer in this case.
7. A person who knowingly provides false information to the clerk of the court in seeking a determination of indigent status under Fla. Stat. § 57.082 commits a misdemeanor of the first degree, punishable as provided in Fla. Stat. § 775.082 or Fla. Stat. § 775.083. I understand that this information is being provided to the clerk and to the court in seeking a determination of indigent status. I attest that the information I have provided on this application is true and accurate to the best of my knowledge.


Glenn G. Albright
1917 Linda Ave.
Ormond Beach, FLA 32174

July 28, 2021
(date signed)
Fla ID: [REDACTED]
DoB: [REDACTED]

State of Florida,
County of Volusia

Sworn to and subscribed before me this 28 July 2021 by Glenn G. Albright,
who ☒ is personally known to me OR ☐ produced _____ as identification.


(Signature of notary)

TANNER ANDREWS
(name of notary)

Clerk's Determination

Based on the information in this Application, I have determined the applicant to be
☒ indigent ☐ not indigent, according to Fla. Stat. § 57.082.

Dated this 8 day of August 20 22



Laura Roth

By 
Deputy Clerk



STATE OF FLORIDA, VOLUSIA COUNTY
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office. This

August 08, 2022
Clerk of Circuit Court

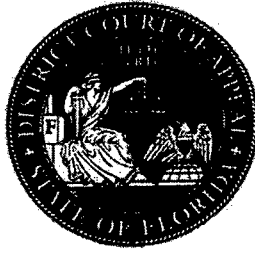


By: E. Padilla Deputy Clerk
e-signed, 08/08/2022, 2022 10472 CODL

page 2

app. **F**

[08-Aug-2022] Case Ack



District Court of Appeal
Fifth District
300 South Beach Street
Daytona Beach, Florida 32114
(386) 947-1530

ACKNOWLEDGMENT OF NEW CASE

DATE: August 08, 2022

STYLE: GLENN G. ALBRIGHT

v. WILL ROBERTS, AS
VOLUSIA COUNTY TAX
COLLECTOR AND
ROBERT R. KYNOCH, AS
DIRECTOR OF FLORIDA
DEPARTMENT OF
HIGHWAY SAFETY AND
MOTOR VEHICLES,
DIVISION OF MOTORIST
SERVICES

5DCA#: 22-1909

The Fifth District Court of Appeal has received an Appeal reflecting a filing date of August 4, 2022.

The county of origin is Volusia.

The lower tribunal case number provided is 2022-10472-CODL.

The filing fee is Waived-57.081(1)*

Case Type: County Small Claims Other Final

*Filing fees may be paid via the Statewide Portal (myflcourtaccess.com). On the "Pleading on Existing Case" screen, enter your appellate court case number and click "Search." When the case populates, click "Next." On the next screen, choose "Add." On the next screen (the "Add/Edit Document" screen), search for "pay fee," then choose the appropriate fee box. Upload a copy of the Order to Pay issued by this Court, click "save" and then "next." You do not need to serve the other party with this filing; click "next."



On the next screen, choose the appropriate payment option and enter the required credit card or banking information. If the payment information is correct, you may choose "Confirm and Submit All Now."

The Fifth District Court of Appeal's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

Pursuant to Administrative Order 5D18-02 (Amended), attorneys are required to: (1) provide their client(s) with a copy of every motion for extension of time or notice of agreed extension of time the attorney files and (2) include a statement in the certificate of service on that motion or notice certifying that a copy of the motion or notice was provided to the client and the manner in which the copy was provided (i.e. by U.S. Mail, e-mail, or hand delivery). The State of Florida and governmental agencies are excluded from the requirements of this Administrative Order.

Any party who may properly proceed in this Court pro se, i.e., unrepresented by counsel, may find useful "The Pro Se [Self-Represented] Appellate Handbook," which is provided by the Appellate Practice Section of The Florida Bar (available at www.flabarappellate.org).

Please review and comply with any handouts enclosed with this acknowledgment.

cc:	J. Griffen Chumley	Miguel A. Olivella, Jr.	Tanner Andrews
	FLHSMV Agency	Volusia Cty Circuit	
	Clerk	Crt Clerk	