

Case No.: \_\_\_\_\_

**In the Florida Supreme Court**

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In Re: Christopher Gary Baylor,

Petitioner,

vs.

TYLER AND JEREMY MULLINS,

Respondent(s).

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**EMERGENCY PETITION FOR HIGHLY SPECIALIZED  
CONSTITUTIONAL RELIEF BY MARCH 12, 2024**

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Dist. Ct. No.: 5D24-0413

L.T. Ct. No.: 2023-CA-042998

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cc: Florida Judicial Qualifications Commission  
Florida Office of the State Courts Administrator  
Florida Trial Court Administrator  
Florida Appellate Courts Marshal  
United States Department of Justice – Civil Rights Division  
United States Supreme Court Justice Clarence Thomas

## INTRODUCTION

Petitioner, homeless Native African American, military veteran, Christopher Gary Baylor, pursuant to Article V, Section 15, Section 2(c), including Section 3(b)(7) — (8); Florida Rule of Appellate Procedure 9.030(3); Rule 3-7.7(e) of Rules Regulating the Florida Bar; Florida’s Code of Judicial Conduct, Canons 2A and 3; the fundamental right of access to courts, fairness, impartial decision-maker, decision based on facts and evidence relied upon under the Due Process clause of the Fourteenth Amendment to the United States Constitution, and Article I, Section 9 of the Florida constitution; right to speak under the First Amendment to the United States Constitution, and Article I, Section 4 of the Florida constitution; Equal Protection of the law under U.S. Const. art. XIV, § 1; Chapter I, Article II,<sup>1</sup> XVIII<sup>2</sup> and XXIV<sup>3</sup> of the American Declaration of the Rights and Duties of Man, and; Florida

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<sup>1</sup>“All persons are equal before the law and have the rights and duties. . . without distinction as to race, sex, language, creed or any other factor.”

<sup>2</sup> “There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.”

<sup>3</sup> “[e]very person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain a prompt decision thereon.”

Rules of General Practice and Judicial Administration 2.205(a)(2)(B)(ii), vii and viii; urgently petitions this Court for emergency extraordinary relief in this reiteration of a Highly Specialized Constitutional Writ to compel Eighteenth Circuit Judicial Court Judge CURTIS JACOBUS, from preventing Petitioner from exercising the right to appeal.

Laws, treaties, rules and Orders are all in place to ensure the fairness and impartiality of the judiciary. This Petition is necessitated because of Judge JACOBUS's ongoing violations thereof.

### **STATEMENT OF THE FACTS**

On August 14, 2023, Petitioner, through legal counsel, commenced a personal injury lawsuit in the Eighteenth Judicial Circuit Court in and for Brevard County, Florida. On February 16, 2024, trial court Judge CURTIS JACOBUS ("CJ"), granted a "*Motion to Withdraw as Counsel*," and on the same day, Petitioner subsequently filed a timely Notice of Appeal contemporaneously with an IFP ("*in forma pauperis*") Motion ("IFPM"), seeking review in the Fifth District Court of Appeal ("5th DCA") via Writ of Certiorari of the Order granting withdrawal.

On February 16, 2024, for the first time since December 2021, the 5th DCA has provided the Petitioner with Notice. *See App. 1-2 and 3-4.*

The Notice states in relevant part:

“Inasmuch as Appellant commenced the above-styled cause by the filing of a Notice of Appeal in the lower court on February 16, 2024, but without the entry of an order of insolvency for appeal purposes or payment of the statutory filing fee, it is ORDERED that Appellant shall, within twenty (20) days of the date of this Order, either file a certified copy of a lower court order of insolvency for appellate court purposes. . . . or pay to this Court the filing fee.”

*Dist. Ct. Ord. on Fees*, 5D24-0413, Feb.16, 2024, **App.3-4**.

Based on the 5th DCA’s Order, Petitioner’s submission of an Order of insolvency was due March 7, 2024. However, to date, no Order of insolvency has been entered by CJ. Be as it may, in anticipation of CJ’s declination to rule on Petitioner’s IFPM, on February 25, 2024, the Petitioner filed in the 5th DCA, a “Motion to Hold in Abeyance” the appellate case or any Order of dismissal in the absence of a copy of an Order of insolvency by the trial court. *See App. 5-10*. However, on March 8, 2024, following expiration of the time to file an Order of insolvency, the 5th DCA denied Petitioner’s Motion to Hold in Abeyance. *See App. 11*.

Noteworthy, on February 16, 2024 Petitioner forwarded a courtesy copy of the IFPM for immediate consideration to CJ’s judicial assistant

by email, although Petitioner's email was deleted February 25, 2024, without being read. *See App. 12.* On February 22, 2024, Petitioner sent a subsequent email asking for immediate consideration of the IFPM, which was also deleted March 02, 2024, without being read. *See App. 13.* Restated, the Petitioner's appellate case should not be dismissed for failure of the trial court to act, when Due Process and Florida law demand it.

This is not the first time CJ has declined to issue any equitable or lawful relief, remedy or redress in Petitioner's case(s). In fact, CJ, who has sat in four (4) of Petitioner's civil cases, currently presides over three (3) of Petitioner's currently pending cases. CJ has intentionally inserted itself in each of Petitioner's personal matters in order to cause irreparable harm; and sits in cases where its recusal or disqualification was sought in each case, and; sits in Petitioner's cases as a witness and party in pending litigation currently before the Florida Middle District Court of Florida and United States Supreme Court.

As it now stands, Petitioner suffers from more than thirty (30) deprivations due to CJ's ongoing violation of Petitioner's Constitutional and Civil rights, including refusals to issue any decisions on indigency

Motions filed by Petitioner, more specifically, in case(s) 05-2022-CA-020287 at ECF.Doc.54, 05-2021-CA-056712 at ECF.Doc.45, 05-2022-CA-020287 at ECF.Doc., and now in 2023-CA-042998 at ECF.Doc.No.:25.

There is no single case or circumstance in all of this United States that equates to Petitioner's. While *habeas corpus* Petitioner's may file successive Petitions for the same related issue, and estranged parents in domestic relations matters do the same in a flurry of meritless papers, nowhere in American history has any litigant been repeatedly denied on distinct and separate fundamentally important constitutional and Civil rights with respect to the deprivation of housing, employment, familial, religious, marital, reputation and now, personal physical and financial injury including the right to legal counsel.

Indeed, there are litigants who enjoy wasting the court's time with meaningless issues, however, Petitioner does not fall into this category, especially in the instant case. For example, this case was commenced by the use of legal counsel due to the fact Petitioner was injured in a no-fault automobile accident. The Petitioner's emergency response vehicle was rear ended while responding in tandem with the Brevard County local police, who were likewise attempting to thwart an instance where

an inebriated driver was heading in the wrong direction into oncoming traffic, which Petitioner was trained to assist upon issuance of a First Responder's license July 23, 2015.

Thus, it cannot be said that Petitioner intended to cause any harm through some elaborate scheme, or commenced this case in order to cause undue delay or to harass any adverse party in another case. Petitioner is not a frivolous, vexatious, malicious or serial litigant who enjoys bringing suits or actions in order to reargue the same issues with these courts. In fact, Petitioner would rather be enjoying an ordinary civilized life with the same benefits, privileges and rights as enjoyed by Whites.

However, in the series of other cases where Petitioner only seeks to vindicate specific rights that have been eviscerated without Due Process of law, in the civil context for more than six (6) years, because of the well-recognized trend of recent cases where Petitioner has patiently and respectfully asked each Florida court for certain relief, Petitioner's reputation is proceeded by the fact that an appearance before the same courts on a number of substantially unrelated issues, run on the same slippery slope of injustice for which no White judge, justice or clerk in

the State of Florida courts has ever recognized Black Petitioner's rights for more than years (5) years.

Now, the matter before this Court stems from the unconstitutional conduct by the same trial court judge, which Petitioner has sought to quell in every aspect. However, no White justice in this Court in a myriad of cases e.g.; SC21-134, SC21-321, SC21-1266, SC22-628, SC22-820, SC22-1054, SC22-1159, SC1272, has ever granted the Petitioner a single iota of lawful relief, remedy or redress even in the instance where Petitioner asked this Court to compel the 5th DCA to issue Notice, and copy of the appellate court's final Opinion in Petitioner's cases, which the 5th DCA had declined to do since December 2021.

Only through Petitioner's own action, has the 5th DCA decided, in the instant appeal, to issue requisite Notice as required by Florida law, but only after commencement of separate federal action in the Middle District Court of Florida, in *Christopher Gary Baylor v. Florida Ku Klux Klan, et. al*, 6:23-cv-748, M.D. Fla. (2023)(*pending*); see also *Christopher Gary Baylor v. John Tomasino*, 6:22-cv-01356, M.D. Fla. (2022) (*pending*). No litigant should be forced to take such drastic measures for the mere receipt of Notice or copies of papers, which are the most basic

rights protected under the constitutions.

Throughout Petitioner's litigation history, only three non-White heroic Judges have recognized Petitioner's basic rights:



Oklahoma District Court  
Judge Bernard Jones



Florida Supreme Court  
Justice Carlos Muñoz Mendoza



Florida 18th County Court  
Judge Rhonda E. Babb

In retrospect, it can never be said that Eighteenth Judicial Circuit Court Judge CURTIS JACOBUS's conduct might be derived from any other factors, such as frivolity or annoyance, but discrimination. At the risk of sounding off a self-serving affidavit or proclamation of likeness to experienced jurists, Petitioner's cases, facts, evidence and arguments are rather exceptional, and most papers that follow are well-drafted above the general pleading standard of other unrepresented litigants who generally bombard the court's docket with twenty-five consecutive unrecognized Motions. However, Petitioner's matters raise substantial fundamentally important issues, touch on issues that are matters of public importance, and are cases and papers that have only been filed as a matter of course.

On numerous occasions, some courts have compared, mistaken or confused Petitioner's papers with that of actual attorneys. Nonetheless, while most attorneys do not admonish judges for biased conduct in fear of career suicide, it is important to note these significant differences from normal cases, because unrepresented Black parties, such as the Petitioner, who bring claims before Florida courts, but in the process are faced with biased judges, should receive greater protections afforded by law.

In light of the Petitioner's unique, special, rare and extraordinary circumstances, there lies no other palpable reason other than racial, ethnic and prejudicial bias due to invidious discrimination, because White Florida judges and justices maintain an unspoken and implicit practice, policy, custom or rule against rendering public decisions in favor of Blacks. In a collection of proceedings, in the constitutional sense, so far, Petitioner has been proven that Black litigants, such as Petitioner, in the State of Florida, have no constitutional rights.

Petitioner timely filed a Petition for Writ of Certiorari in the 5th DCA on February 25, 2024. *See App. 14-113*. According to the 5th DCA's February 16, 2024 Order, *see App. 3-4*:

“[T]his case will not progress until this Order has been complied with and failure to comply with this Order may result in dismissal of this appeal sua sponte and without further notice.”

Petitioner is therefore once more at substantial risk and imminent danger of having his appellate case below improvidently dismissed for reasons beyond his control. And the Petitioner is also at grave risk of having the trial court dismiss the case for clearly erroneous reasons, as it has been the literal case in every case before CJ, which has declined to recuse, disqualify, vacate its Orders or issue any equitable or lawful relief, remedy or redress for more than three (3) years in pending cases.

The time for the trial court to act on Petitioner’s Motion has long expired, and there lies no other plain, secure, just, speedy, efficient, adequate, or inexpensive remedy-at-law for the Petitioner.

This Court is asked to take judicial Notice of the matters asserted herein. Petitioner adopts, reasserts and incorporates, as if fully set herein in all proceeding paragraphs the Petition for Writ of Certiorari attached hereto as **App. 14-113**, describing other reasons why this writ should be granted to assign another judge to Petitioner’s circuit civil court cases.

## **BASIS FOR INVOKING JURISDICTION**

The jurisdiction of this Court is invoked pursuant to art. V, §15 for the discipline of attorneys. “[M]isconduct in . . . a judgeship, reflects upon an attorney’s fitness to practice law and is consequently a proper ground for discipline.” Florida Bar v. McCain, 330 So.2d 712 (Fla. 1976); Bertolotti v. State, 476 So. 2d 130 (Fla. 1985). The Florida Supreme Court “may issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction.” Fla. art. V §(3)(b)(7), Fla. const. The Florida Supreme Court “[m]ay issue writs of mandamus. . . to state officers.” The Florida supreme court has direct responsibility for the administrative supervision of all the courts, art. V, § 2(c); *See also* Roberts v. Brown, 43 So. 3d 673 (Fla. 2010).

“The supreme court may issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction, and may issue writs of mandamus and quo warranto to state officers and state agencies.” Fla. R. App. P. 9.030(3).

“The administrative powers and duties of the chief justice shall include, but not be limited to: the power to act on requests for stays during the pendency of proceedings, 2.205(a)(2)(B)(ii), Fla. R. Gen. P.

Jud. Admin.; the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice; *Id.* at (a)(2)(B)(vii); and the power to perform such other administrative duties as may be required and which are not otherwise provided for by law or rule. *Id.* at (a)(2)(B)(viii).

Pursuant to Rule 3-7.7(e) of the Rules Regulating The Florida Bar, all applications for extraordinary writs concerned with disciplinary proceedings must be made to this Court.

Due process guarantees the right to a neutral, detached judiciary in order “to convey to the individual a feeling that the government has dealt with him fairly, as well as to minimize the risk of mistaken deprivations of protected interests.” Carey v. Piphus, 435 U.S. 247, 262 (1978).

## **NATURE OF EMERGENCY RELIEF SOUGHT**

Although this Petition is filed with great haste, the Petitioner respectfully requests that this Court issue a public reprimand against Eighteenth Judicial Circuit Court Judge CURTIS JACOBUS (“CJ”) to compel the entry of an Order on Petitioner’s Motion for insolvency, but before the 5th DCA dismisses Petitioner’s appellate case. In addition, Petitioner respectfully requests that this Court assign a different judge to Petitioner’s pending circuit court case(s) 05-2021-CA-056712, 05-2022-CA-020287 & 05-2023-CA-042998. Lastly, Petitioner respectfully requests a decision by March 12, 2024, or issuance of a show cause Order to maintain the *status quo* in the lower court proceedings.

## ARGUMENT

### **Extraordinary Relief Should be Granted Because Judge Jacobus Has Refused in Four Separate Cases, to Render Any Decision on Petitioner's IFP Motions, Which Caused Petitioner's Past Appeals to Become Dismissed, And Will Cause the Present Appeal to Be Dismissed, Which Violates Petitioner's Right to Due Process, Equal Protection, Free Speech, Civil Rights and Causes Irreparable Harm**

Because the 5th DCA on March 8, 2024, entered an Order denying Petitioner's Motion to Hold Petitioner's appellate case in abeyance until trial court issues a decision on Petitioner's Motion for *in forma pauperis* relief, based on the foregoing and in light of the relief that Petitioner seeks within a limited time to plead in order to maintain the *status quo*, the Petitioner hastily Petitions this Court within one days' time, while finding it especially unnecessary to write a lengthily dissertation on the trial court's various acts of delay in every civil court proceedings.

As a matter or brevity, the gravamen of the matter before this Court is CJ's refusal to rule on Petitioner's IFPM(s), on four separate occasions, in four cases, including the instant case pending before the circuit court. In addition, CJ's retaliation against Petitioner for filing Motions to Recuse or Disqualify in each of the above named circuit civil court cases, is prejudicial, which makes CJ's impartiality questionable.

The Florida JQC and this Court found that retaliatory misconduct is impermissible in White cases, *See In re Eriksson*, 36 So.3d 580, 596 (Fla.2010)(“ordering a public reprimand where the judge was found to have retaliated against the defendant for filing a motion to disqualify.”)

However, in Black cases, this Court has repeatedly allowed and condoned CJ’s repeated immoral misconduct based on personal feelings, which is capable of repeating yet evading review. The Florida Supreme Court said in *In re Inquiry Concerning a Judge*, J. Q. C. No. 77-16, 357 So. 2d 172 at 180.

“If we follow such a course in Judge [JACOBUS’s] case, in which he was motivated by compassion, we would be obliged to condone the same judicial misconduct brought about by the opposite emotion if the subject judge were to have acted in the belief that he was right. There can be no condonation of judicial failure to follow the law or failure to obey the impartiality and objectivity required by the Code of Judicial Conduct, whether the judge be tough, tender or something in between.”

The Florida Court Education Counsel said, “in some instances, legal error may amount to judicial misconduct” *citing* Alfini, Lubet, Shaman & Geyh, *Judicial Conduct and Ethics* 2.4 (LexisNexis/Matthew Bender 4th ed. 2007, 2010 supp.)(stating “if a judge makes a legal error

so extreme that it suggests a lack of minimal competence, this probably is an ethical problem.”) Here, “. . .under a realistic appraisal of psychological tendencies and human weakness,” Withrow v. Larkin,<sup>421</sup> U. S. 35,<sup>421</sup> U.S. 47(1975), and taking into account CJ’s conduct, is found to be done in such a negative way, and with enough positive force, sufficiently conveys by action, a hint of discriminatory animus.

“There are, of course, limits that every judicial officer must observe. Judges are required to follow the law and apply it fairly and objectively to all who appear before them. No judge is permitted to substitute his concept of what the law ought to be for what the law actually is. He may exercise his judicial discretion conservatively or liberally, and he may temper justice with mercy, but he may not deny justice to any person. Every judge is answerable for excesses or abuse of his awesome power. There is no place in our system for justice by whim or capricious notion. Regardless of the philosophy to which a justice or judge subscribes, he is not permitted to conduct himself in a manner which is unbecoming to a member of the judiciary and which demonstrates an unfitness to hold office.” (emphasis added) In re Inquiry Concerning a Judge, J. Q. C. No. 77-16, 357 So. 2d 172(Fla. 1978)

In Florida, the power to discipline an attorney, lawyer or judge who is an officer of the court is a summary one inherent in these Courts, and exists not to mete out punishment to the Petitioner, but that the

administration of justice should be safeguarded and the public protected from the misconduct or unfitness of those who are licensed to perform the important functions of their legal profession. “As far as his duty to his profession is concerned, a judge is a lawyer whose labors are performed behind the bench instead of before it.” Florida Bar v. McCain, 330 So.2d 712 (Fla. 1976). This authority makes it clear that this Court has broad powers over both procedural and substantive aspects of attorney/judge discipline.

The discipline concerned here is with what is morally (ethically) good and bad and morally right and wrong. Here, CJ’s wrongs clearly lie on the face of four records. Thus, no palpable reason may be asserted as a reasonable excuse for CJ’s failure to do what is required by law in the presence of objectively indisputable facts and evidence.

Petitioner does not point to a mere single instance of misconduct, but rather (4) four separate accounts where CJ has refused to rule on relief sought by a Black unrepresented party, which circles the gambit of deceitful court tactics grounded in immorality.

For example, where the Petitioner’s legal counsel filed a Motion to Withdraw, and in cases where an adverse party failed to seek any relief,

CJ entered Orders expeditiously, *sua sponte* and without hearing, but in instances where Black Petitioner has sought lesser relief using the same vehicle, CJ has declined to issue any Orders where Petitioner's request for relief has remained delayed for three (3) weeks in 05-2023-CA-042998, (6) months in 05-2022-CA-020287 for post-trial relief and nearly two (2) years for pre-trial relief, and two (2) years for post-trial relief in 05-2021-CA-056712. While this conduct is not the main reason for this Petition, it provides for subsequent analysis of the overall issues, one of many that Petitioner faces in the Florida courts.

The Florida Code of Judicial Conduct, Canon 3, states that “[a] judge shall perform judicial duties without bias or prejudice and dispose of all judicial matters promptly, efficiently, and fairly.” Likewise, the Florida Code of Judicial Conduct, Canon 2A states that “[a] judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” Judicial conduct has been established through a long line of cases, indeed, and has been forever upheld that there are strict Due Process requirements as to the neutrality of officials performing judicial functions. Tumey v. Ohio, 273 U.S. 510 (1927).

Other federal courts have found that even a single instance of retaliatory or discriminatory conduct that “interferes with the right to institute a suit constitutes actionable impediment to right of access” Ryland v. Shapiro, 708 F.2d 967, 973 (5th Cir. 1983); *See also* Jackson v. Proconier, 789 F.2d 307, 311 (5th Cir. 1986)(“Any deliberate impediment to access, even a delay of access, may constitute a constitutional deprivation”); McCray v. Maryland, 456 F.2d 1, 6 (4th Cir. 1972); Crews v. Petrosky, 509 F. Supp. 1199, 1204 (W.D. Pa. 1981).

Federal courts make it clear that courts may not take retaliatory action against an individual designed either to punish him for having exercised his constitutional right to seek judicial relief or to intimidate or chill his exercise of that right in the future. Sanders v. St. Louis County, 724 F.2d 665 (8th Cir. 1983); Matzker v. Herr, 748 F.2d 1142, 1150-51 (7th Cir. 1984)(“An act taken in retaliation for the exercise of a constitutionally protected right is actionable under § 1983 even if the act, when taken for a different reason, would have been proper.”)

The Petitioner cannot possibly be afforded Due Process in any proceedings where CJ presides over, irrespective of its procedures, when the fundamental procedural safeguards of neutrality and impartiality

under the Due Process Clause, as codified in the Florida Code of Judicial Conduct, are breached by CJ's interjection of discriminatory animus before, during and after the commencement of Petitioner's every proceeding in the first place.

In that respect, the fact that Petitioner has the right to appeal any decision on a Motion to Withdrawal, is of no benefit even if CJ were to render a decision by the mere filing of this Petition. In the absence of any meaningful relief by this Court, would not cure the constitutional infirmities in violation of Canons 2A and 3 of the Florida Code of Judicial Conduct.

As a result, the impartiality and neutrality requirements that serve as the ultimate guarantee of fair and meaningful proceedings in the constitutional framework, cannot be afforded to Petitioner in this case in the absence of relief by this Court. Petitioner will continue to be irreparably harmed if new judges are not assigned to Petitioner's cases.

To clarify, Petitioner does not seek an Order compelling CJ to grant any pending Motions, but rather asks this Court to compel a timely decision on pending Motions presented to it without further undue delay. The relief sought here is in the nature of an investigation

by this Court into the misconduct of one of its own officers.



Petitioner's likelihood of success on the merits outweighs any reason to deny relief. Respondents will not be substantially harmed by a stay or the filing of this Petition, because the matter is once more between the Petitioner and the Florida courts, and no opposition has been submitted in the circuit or appellate court. The public would benefit from a stay, and has an interest in the impartiality and neutrality of a fair judge. Florida Code of Judicial Conduct, Canon 2A states that "[a] judge shall. . . act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

### CONCLUSION

For all the reasons set forth above, and in the Petitioner's accompanying appendix supporting this Petition why relief should be granted, an extraordinary writ should issue because Judge CURTIS JACOBUS's refusal to rule on Petitioner's IFP Motion(s) violates the Petitioner's Due Process, Equal Protection, First Amendment and Civil Rights under both state and federal constitutions.

Respectfully submitted,

03/11/2024

  
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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that on March 11, 2024, a copy of the foregoing was served to Respondents TYLER MULLINS and JEREMY MULLINS, via counsel of record at kknight@dsklawgroup.com, and Judge CURTIS JACOBUS at Curt.Jacobus@flcourts18.org, Lori.Todd@flcourts18.org

/s/ Christopher Gary Baylor  
Christopher Gary Baylor

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this document is written in Century Schoolbook 14-point font, and the length of the document is 298 lines and 4,356, words including all text, headings, and quotations, and was prepared using Microsoft Word 2010.

/s/ Christopher Gary Baylor  
Christopher Gary Baylor