

IN SUPREME COURT  
OF FLORIDA

CHRISTINE SCOTT

Petitioner,

v.

PIN-GRO-VIL, INC., A Florida not-for-profit corporation  
MARILYNN DRUMHEISER, Individually  
DENISE M. DENNING, Individually  
ROBERT DENNING, Individually  
DEBORAH J MITCHLER, Individually  
LAWRENCE J MITCHLER, Individually  
DREW FLYNN, Individually  
DOROTHY FLYNN, Individually  
BARBARA E HARRINGTON, Individually  
BILL DOE (B. Harrington's Boyfriend), Individually  
DIANE L HAGADORN, Individually  
DAVID HAGADORN, Individually  
JAMIE D GAUTHIER, Individually  
MICHAEL DOE, (tenant of Gauthier's), Individually  
BARBARA M PROVALENKO, Individually  
MIRIAM RICKER, Individually  
JOSEPH RICKER, Individually  
CLYDE WINN (aka Barry Montooth), Individually  
DAVE ARMSTRONG (4228 88<sup>th</sup> Ct S – FLY46SDB), Individually  
JOHN STOBAR, Individually  
NANCY MATHIEU, Individually  
DAVID MATHIEU, Individually  
STEVEN D MOORE, Individually  
RUSSELL SWEET, Individually  
CONNIE WOLVERTON, Individually  
JOYCE VAIL, Individually  
JOHN PAUL HERMAN, Individually

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LOIS A SPOO, Individually  
ANDREW DOE (ex-Gardener at PIN-GRO-VIL, INC), Individually  
MALE TRESPASSER/Voyeur– FL License Plate: ETTJ48, Individually  
FEMALE TRESPASSER – FL License Plate: ETTJ48, Individually  
MAN – Verbal Threat Beige Minivan Driver– FL License Plate DFT50, Individually  
FEMALE DOE (Maria Ramirez’s property) – Owner of Dog, Annabelle, Individually  
DON MARTIN, Individually  
CAROLE BLEECKER, Individually  
JOHN DOE - TALL SLENDER WHITE MAN WHO WORE BANDANA, Individually  
DENNIS RICKER, Individually  
CAROLYN BODMAN, Individually  
JOHN DOE2 (Bike Rider - Tenant of Steve Moore), Individually  
ANGELICA CORTEZ, Individually  
BARBARA DAWICKE, Individually  
ADAIN SKIPPER, Individually  
STEPHANIE PATTY, Individually  
LOURDES GERSTENBERGER, Individually  
EVAN GRAY, Individually  
CHARLES BRYANT, Individually  
PBCGOV.ORG TECH TEAM, Individually  
COURT TECHNOLOGY, Individually  
RAYEZ ALI, Individually  
JANIS SUSTACHE, Individually  
MARTINIQUE SANDERS, Individually  
ISAI BONILLA, Individually  
BLAKE SMITH, Individually  
KARLA GUZMAN, Individually  
SAMQUISHA LANE, Individually  
KRISTIN BUTLER WILSON, Individually  
CINDY GUERRA, Individually  
LISA SPANN, Individually  
ADRIAN ASHTON, Individually  
KARINA RODRIGUEZ-MATZEN, Individually  
KATHLEEN SAVOR, Individually  
HAMPTON PETERSON, Individually  
SHARON BOCK, Individually  
CLERKS AND COMPTROLLER, Palm Beach County, individually

JOANN NESTA-BURNETT, Individually  
GARY ROSEN, Individually  
STEVEN B. LESSER, Individually  
BECKER LAWYERS, Individually  
STEPHEN HARBER, Individually  
JORGE E TORRES-PUIG, Individually  
RICHARD P. COLE, Individually  
COLE, SCOTT AND KISSANE, P.A, Individually  
Respondents.

L.T. No. 50-2018-CA-010836

Rule 9.100(f)

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Petition for Writ of Mandamus

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Pursuant to Rule 9.100, Petitioner, Christine Scott, respectfully petitions this Court for a Writ of Mandamus ordering the Circuit Court Judge John S. Kastrenakes, to perform his ministerial duty, pursuant to Rule 57.082(5) to rule on Petitioner's (Amended) Defendant/Counter-Plaintiff, Christine Scott's Motion to Appoint Counsel, filed with the Lower Court on September 9, 2019<sup>1</sup>, as states the following:

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<sup>1</sup> Filing # 95416081, Docket #981

## I. BASIS FOR INVOKING JURISDICTION

Jurisdiction is invoked pursuant to Rules 9.030(a)(3) and 9.100(f).

Article V, section 3(b)(8) of the Florida Constitution authorizes the Florida Supreme Court to issue writs of mandamus<sup>2</sup>.

## II. STATEMENT OF THE FACTS

Petitioner, Christine Scott, has the right to appointed counsel, pursuant Florida Statue 57.082(5), which states the following:

‘APPOINTMENT OF COUNSEL. – In appointing counsel after a determination that a person is indigent under this section, the court shall first appoint the office of criminal conflict and civil regional counsel, as provided in s. 27.511, unless specific provision is made in law for the appointment of the public defender in the particular civil proceeding. The court shall also order the person to pay the application fee under subsection (1), or enroll in a payment plan if he or she is unable to pay the fee, if the fee remains unpaid or if the person has not enrolled in a payment plan at the time the court appoints counsel. However, **a person who is found to be indigent may not be refused counsel.**’

On April 16<sup>th</sup>, 2019, the Clerk of the Court of Palm Beach County, Ali Rayez, found Petitioner, Christine Scott, indigent. In such, Petitioner met the criteria for receiving appointed counsel. On September 9<sup>th</sup>, 2019, Petitioner filed an

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<sup>2</sup> The supreme court has discretionary jurisdiction to issue writs of mandamus to state officers and state agencies. Art. V, Section 3(b)(8), Fla. Const. (1980); Fla. R. App. P. 9.030(a)(3). *Gwong v. Singletary*, 683 So. 2d 109 (Fla. 1996); *Carroll v. Firestone*, 497 So. 2d 1204 (Fla. 1986); *State v. Donner*, 500 So. 2d 532 (Fla. 1987).

(Amended) Defendant/Counter-Plaintiff, Christine Scott’s Motion to Appoint Counsel with the lower court, which the judge has not ruled on.

In accordance with Florida Statute 57.082(2)(d):

‘The duty of the clerk in determining whether an applicant is indigent is limited to receiving the application and comparing the information provided in the application to the criteria prescribed in this subsection. **The determination of indigent status is a ministerial act** of the clerk and may not be based on further investigation or the exercise of independent judgment by the clerk...’

The lower court has a ministerial duty to appoint counsel for an indigent party. It has been determined Petitioner is indigent. Petitioner has a legal right to appointed counsel.

Petitioner requests this Court order the Circuit Court to rule on Petitioner’s (Amended) Defendant/Counter-Plaintiff, Christine Scott’s Motion to Appoint Counsel, filed on September 9<sup>th</sup>, 2019.

### III. THE NATURE OF RELIEF SOUGHT

The nature of relief sought by this petition is a Writ of Mandamus ordering Judge Kastrenakes to rule on the (Amended) Defendant/Counter-Plaintiff, Christine Scott’s Motion for Appointed Counsel, filed on September 9<sup>th</sup>, 2019<sup>3</sup>.

### IV. ARGUMENT

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<sup>3</sup> Filing # 95416081, Docket #981

As stated above and in accordance with Florida Statute 57.082(5), Petitioner has a ministerial right to appointed counsel. She has filed a motion with the lower court to have counsel appointed. To date, the lower court has not ruled on the motion, (Amended) Defendant/Counter-Plaintiff, Christine Scott's Motion for Appointed Counsel, filed on September 9<sup>th</sup>, 2019<sup>4</sup>. Petitioner's motion is legally sufficient.

A Writ of Mandamus is the proper procedure for a higher court to command an inferior court, to who it is directed, to perform an act that the part has a duty to perform because of his official position [State ex rel. Buckwalter v. City of Lakeland, 112 Fla. 200, 150 So. 508, 90 A.L.R. 704 (1933)].

As is necessary by law, the act commanded by the writ is ministerial. This mandamus is being used to compel the lower court judge, Judge Kastrenakes, to exercise discretion, but not to exercise it in a particular way [State ex rel. Bottome v. City of St. Petersburg, 126 Fla. 233, 170 So. 730 (1936)].

This pleading alleges facts showing a legal duty of Judge Kastrenakes to perform a nondiscretionary act that he has not performed, the petitioner's right to have the duty performed is stated above, and there is a lack of another adequate remedy to enforce the petitioner's right [State ex rel. Kersey v. Jinkins, 152 Fla. 113, 10 So. 2d 914 (1942)].

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<sup>4</sup>Filing # 95416081, Docket #981

Judge Kastrenakes is being coerced to perform his ministerial duty [Baskin v. State ex rel. Tracy, 115 Fla. 392, 155 So. 655 (1934)].

Petitioner requests that this Court order Judge Kastrenakes to Show Cause as to why he has not ruled on the motion, pursuant Rule 9.100(h). The proper process is an order to show cause when the writ seeks review of a judicial act.

The judge's refusal to rule on the motion is not a harmless error. Petitioner has a ministerial (legal) right to appointed counsel. The delay by the lower court judge could potentially interfere with the statute of limitations in Petitioner's counterclaims which the judge has thrown out on erroneous grounds, which are not based on merit. The injury is constitutional. Petitioner has a right to counsel and she is being denied her right. Petitioner will not receive a fair trial if she is not granted appointed counsel.

Nearly two months has passed since Petitioner filed the motion for appointed counsel. This Court must order Judge Kastrenakes to rule on the motion. Petitioner deserves a fair trial which is being denied her due to Judge Kastrenakes' refusal to rule on the motion for appointed counsel.

The remedy afforded by a writ of mandamus is one that applies exclusively to the enforcement of a ministerial duty on the part of the government or a representative of the government. It is a public duty. Mandamus applies only to enforce the duties of public officers and public employees. See e.g. Sowell v. State,

136 So. 3d 1285 (Fla. 1<sup>st</sup> DCA 2014). Judge Kastrenakes is a representative of the government. This mandamus is to enforce the duties of a judge. A judge is a public officer. The duty to appoint counsel to Petitioner is ministerial, pursuant to Fla. Stat. 57.082(5).

There is no other adequate remedy. Petitioner filed a motion to appoint counsel with Judge Kastrenakes. The judge has not ruled on the motion. Mandamus is appropriate when the Petitioner has exhausted other legal or administrative remedies. See *Holland v. Wainwright*, 499 So. 2d 21 (Fla. 1<sup>st</sup> DCA 1986). Petitioner has exhausted other legal remedies.

Mandamus is used to compel a lower tribunal to decide an issue that is within its nondiscretionary jurisdiction. Mandamus is an appropriate remedy to compel the exercise of nondiscretionary jurisdiction. See *In re Estate of Laflin*, 569 So. 2d 1273 (Fla. 1990). Previous cases applying this principle typically involve writs of mandamus issued by the district courts of appeal directing the circuit court to decide a case or to rule on a motion pending in the case. Mandamus lies to compel a judge to rule on a case when there is no lawful basis to decline to rule or to reserve ruling. See *Moody v. Moody*, 705 So. 2d 708 (Fla. 1<sup>st</sup> DCA 1998).

Date November 3<sup>rd</sup>, 2019

/s/Christine Scott  
Christine Scott

No Address, No Phone  
christinehscott@hotmail.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 3<sup>rd</sup>, 2019, I electronically filed the foregoing document with the Clerk of the Court using E-Filing Portal.

/s/Christine Scott  
Christine Scott, Pro Se Litigant

**CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that this petition complies with the font requirements of Rule 9.100(1) of the Florida Rules of Appellate Procedure.

/s/ Christine Scott  
Christine Scott, Pro Se Litigant

E-service recipients selected for service:

Cheryl Caracuzzo, FL88692, Fifteenth Judicial Circuit Judge, \*\*\*\*\*, Palm Beach County Courthouse, 205 No. Dixie Hwy, West Palm Beach, FL 33401; Christine Scott, Self - Represented Litigant, christinehscott@hotmail.com; Marilyn Drumheiser, marilyndrumheiser@yahoo.com, 8917 Cypress St, Boynton Beach, FL 33436; Denise Denning, d.m.denning@gmail.com,

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nancy.mathieu@yahoo.com, nancy.mathieu@hotmail.com, 4215 N. Shady Lane, Boynton Beach, FL 33436; Andrew Doe, 8934 Cypress St, Boynton Beach, FL 33436; Male Trespasser (c/o Apel Jens F), 4052 88<sup>th</sup> Pl. S, Boynton Beach, FL 33436; Female Trespasser (c/o Apel Jens F), 4052 88<sup>th</sup> Pl. S, Boynton Beach, FL 33436; Man, Threat Mini Van, (c/o Jamie Gauthier), 8905 Lawrence Rd, Boynton Beach, FL 33436; Female Doe (c/o Maria Ramirez), 4185 N. Shady Lane, Boynton Beach, FL 33436; Don Martin, 8934 Oak St, Boynton Beach, FL 33436; Carole Bleecker, 8941 Oak St, Boynton Beach, FL 33436; John Doe (c/o Matthew Berg) 8925 Palm St, Boynton Beach, FL 33436; Dennis Ricker, 8904 Cypress St, Boynton Beach, FL 33436; Carolyn Bodnar, 8940 Pine St, Boynton Beach, FL 33436; John Doe2 (Steven Moore's Tenant), 8926 W. Shady Lane, Boynton Beach, FL 33436; Barbara Dawicke, 205 N Dixie Hwy, West Palm Beach, FL 33401; Lourdes Gerstenberger, Courthouse Law Library, 205 N Dixie Hwy, West Palm Beach, FL 33401; Evan Gray, Courthouse Law Library, 205 N Dixie Hwy, West Palm Beach, FL 33401; PBCGov.Org Tech Team, 205 N Dixie Hwy, 3<sup>rd</sup> Floor West Palm Beach, FL 33401; Court Tech, 205 N Dixie Hwy, 3<sup>rd</sup> Floor West Palm Beach, FL 33401; Rayez Ali, Clerks and Comptroller, 3<sup>rd</sup> Floor, 205 N Dixie Hwy, 3<sup>rd</sup> Floor West Palm Beach, FL 33401; Janis Sustache, Clerks and Comptroller, 3<sup>rd</sup> Floor, 205 N Dixie Hwy, 3<sup>rd</sup> Floor West Palm Beach, FL 33401; Sharon Bock, Clerks and Comptroller, 205 N Dixie Hwy, West Palm Beach, FL

33401; Clerks and Comptroller, 205 N Dixie Hwy, West Palm Beach, FL 33401; Steven B. Lesser, Becker Lawyers, 1 East Broward Blvd, Ste. 1800, Fort Lauderdale, FL 33301; Becker Lawyers, Becker Lawyers, 1 East Broward Blvd, Ste. 1800, Fort Lauderdale, FL 33301; Richard P. Cole, CSK Legal, 9150 South Dadeland Blvd, Ste 1400, Miami, FL, 33156; Cole, Scott and Kissane, P.A., 222 Lakeview Ave, West Palm Beach, FL 33401; Angelica Cortez, [acortez@pbcgov.org](mailto:acortez@pbcgov.org), Courthouse Law Library, 205 N Dixie Hwy, 1<sup>st</sup> Floor West Palm Beach, FL 33401; Cindy Guerra, [cguerra@mypalmbeachclerk.com](mailto:cguerra@mypalmbeachclerk.com), Clerks and Comptroller, 3<sup>rd</sup> Floor, 205 N Dixie Hwy, 3<sup>rd</sup> Floor West Palm Beach, FL 33401; Karina Rodriguez-Matzen, [kmatzen@mypalmbeachclerk.com](mailto:kmatzen@mypalmbeachclerk.com), P.O. Box 29029, Fort Lauderdale, FL 33302; Martinique Sanders, [msanders@mypalmbeachclerk.com](mailto:msanders@mypalmbeachclerk.com), Clerk, 200 W. Atlantic Ave, Delray Beach, FL 33444; Isai Bonilla, [iBonilla@mypalmbeachclerk.com](mailto:iBonilla@mypalmbeachclerk.com), 205 N Dixie Hwy, Clerk/Tech, West Palm Beach, FL 33401; Kathleen Savor, [ksavor@mypalmbeachclerk.com](mailto:ksavor@mypalmbeachclerk.com), 2514 Hollywood Blvd, Suite 306, Hollywood, FL 33302; Stephen Harber, CSK Legal, [Stephen.Harber@csklegal.com](mailto:Stephen.Harber@csklegal.com), 222 Lakeview Ave, Suite 120, West Palm Beach, FL 33401; Jorge Torres Puig, CSK Legal, [jorge.torres-puig@csklegal.com](mailto:jorge.torres-puig@csklegal.com), 222 Lakeview Ave, Suite 120, West Palm Beach, FL 33401; Adian Skipper, [askipper@pbcgov.org](mailto:askipper@pbcgov.org), 205 N Dixie Hwy, 3<sup>rd</sup> Floor West Palm Beach, FL 33401; Karla Guzman,

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Scott, peggiescott@gmail.com, 4049 No. Shady Lane, Boynton Beach, FL 33436

# Appendix 1

(Amended) Defendant/Counter-Plaintiff,  
Christine Scott's Motion to Appoint Counsel  
Lower Court Motion  
Filed September 9<sup>th</sup>, 2019

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup> JUCIDIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 502018CA010836XXXXMB  
DIVISION: AF

PIN-GRO-VIL, INC., A Florida not-for-profit corporation,  
and others,

Plaintiff/Counter-Defendants,

v.

MARGARET L SCOTT, Individually,  
and CHRISTINE SCOTT, Individually,

Defendants/Counter-Plaintiffs.

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**(Amended<sup>5</sup>) DEFENDANT/COUNTER-PLAINTIFF, CHRISTINE SCOTT'S MOTION FOR APPOINTED  
COUNSEL**

Defendant/Counter-Plaintiff, Christine Scott (herein known as "OCCUPANT") moves this court to appoint her counsel pursuant Florida Statute 57.082(5) and hereby states the following:

1. I have been determined indigent.
2. Florida Statute 57.082(5) states in relevant part, 'a person who is found indigent may not be refused counsel.'

Wherefore, OCCUPANT requests that this Court stay all proceedings until she is appointed counsel.

Dated September 9<sup>th</sup>, 2019

/s/ Christine Scott, pro se litigant  
No Phone  
No Address  
[Christinehscott@hotmail.com](mailto:Christinehscott@hotmail.com)

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<sup>5</sup> For date

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 9<sup>th</sup>, 2019, I electronically filed the foregoing document with the Clerk of the Court using E-Filing Portal. I also certify that the foregoing document is being served this day on ***all parties identified on the attached Service List*** in the manner specified, either via Electronic Mail in accordance with Florida Rule of Judicial Procedure 2.516 or in some other authorized manner for those counsel or parties who are not authorized to receive electronic mailing.

### SERVICE LIST

E-service recipients selected for service:

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# Appendix 2

Indigent Paperwork  
Filed April 16<sup>th</sup>, 2019

IN THE CIRCUIT/COUNTY COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

PIN-GRO-VIL, INC  
Plaintiff/Petitioner or in the Interest Of  
vs.  
Christine Scott  
Defendant/Respondent

CASE NO. 5 02018 CA 010836  
XXXX-MB #

**APPLICATION FOR DETERMINATION OF CIVIL INDIGENT STATUS**

Notice to Applicant: If you qualify for indigence and are unable to pay the costs listed in FS 57.081, you must enroll in the clerk's payment plan and pay a one-time administrative fee of \$25.00. This fee shall not be charged for Dependency or Chapter 39 Termination of Parental Rights actions.

1. I have 0 dependents. (Include only those persons you list on your U.S. income tax return.)  
Are you Married?...Yes...No Does your Spouse Work?...Yes...No Annual Spouse Income? \$ NA

2. I have a net income of \$ 0 paid NA weekly ( ) every two weeks ( ) semi-monthly ( ) monthly ( ) yearly ( ) other ( )

(Net income is your total income including salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered payments such as child support.)

3. I have other income paid ( ) weekly ( ) every two weeks ( ) semi-monthly ( ) monthly ( ) yearly ( ) other 0.  
(Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

|   |   |
|---|---|
| Second Job.....Yes \$ _____ (No)                          | Veterans' benefits.....Yes \$ _____ (No)                    |
| Social Security benefits<br>For you.....Yes \$ _____ (No) | Workers compensation.....Yes \$ _____ (No)                  |
| For child(ren).....Yes \$ _____ (No)                      | Income from absent family members.....Yes \$ _____ (No)     |
| Unemployment compensation.....Yes \$ _____ (No)           | Stocks/bonds.....Yes \$ _____ (No)                          |
| Union payments.....Yes \$ _____ (No)                      | Rental income.....Yes \$ _____ (No)                         |
| Retirement/pensions.....Yes \$ _____ (No)                 | Dividends or interest.....Yes \$ _____ (No)                 |
| Trusts.....Yes \$ _____ (No)                              | Other kinds of income not on the list.....Yes \$ _____ (No) |
|   | Gifts.....Yes \$ _____ (No)                                 |

I understand that I will be required to make payments for costs to the clerk in accordance with §57.082(5), Florida Statutes, as provided by law, although I may agree to pay more if I choose to do so.

4. I have other assets: (Circle "Yes" and fill in the value of the property, otherwise circle "No")

|  |  |
|--|--|
| Cash.....Yes \$ _____ (No)   | Savings account.....Yes \$ _____ (No)                          |
| Bank account(s).....Yes \$ _____ (No)                                  | Stocks/bonds.....Yes \$ _____ (No)                             |
| Certificates of deposit or money market accounts.....Yes \$ _____ (No) | Homestead Real Property*.....Yes \$ _____ (No)                 |
| Boats*.....Yes \$ _____ (No)   | Motor Vehicle*.....Yes \$ _____ (No)                           |
| *show loans on these assets in paragraph 5                             | Non-homestead real property/real estate*.....Yes \$ _____ (No) |
|  | Other assets*.....Yes \$ _____ (No)                            |

Check one: I ( ) DO NOT expect to receive more assets in the near future. The asset is NA

5. I have total liabilities and debts of \$ 144K as follows: Motor Vehicle \$ \_\_\_\_\_, Home \$ \_\_\_\_\_, Boat \$ \_\_\_\_\_, Non-homestead Real Property \$ \_\_\_\_\_, Child Support paid direct \$ \_\_\_\_\_, Credit Cards \$ \_\_\_\_\_, Medical Bills \$ 400K, Cost of medicines (monthly) \$ \_\_\_\_\_, Other \$ 140K.

6. I have a private lawyer in this case: (Circle "Yes" or "No") ..... Yes (No)

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 57.082, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this application is true and accurate to the best of my knowledge.

Signed this 16 day of April, 2019.  
Birth Year \_\_\_\_\_ Driver's License or ID Number \_\_\_\_\_

Christine Scott  
Signature of Applicant for Indigent Status  
Print Full Legal Name Christine Scott  
Phone Number: NA

Address, P O Address, Street, City, State, Zip Code  
NA

This form was completed with the assistance of: Reyo-z Ali  
Clerk/Deputy Clerk/Other authorized person.

CLERK'S DETERMINATION

Based on the information in this Application, I have determined the applicant to be (X) Indigent ( ) Not Indigent, according to s. 57.082, F.S.

Dated this 16 day of April, 2019.

Reyo-z Ali  
Clerk of the Circuit Court  
By Reyo-z Ali Deputy Clerk



APPLICANTS FOUND NOT TO BE INDIGENT MAY SEEK REVIEW BY A JUDGE BY ASKING FOR A HEARING TIME THERE IS NO FEE FOR THIS REVIEW.  
Sign here if you want the judge to review the clerk's decision  
11/28/18 \* C. Scott has signed separate indigent paperwork for the separate cases under duress because Kathleen Savor refused to accept one filing of paperwork for all three cases -