

No.: SC2023-1246

Supreme Court of Florida

Monique Haughton Worrell

Petitioner,

v.

Ron D. DeSantis, Governor

Respondent(s).

On Petition for a Writ of Quo Warranto and Mandamus to the
Supreme Court of Florida

BRIEF OF AMICUS CURIAE MOLIÈRE DIMANCHE
IN SUPPORT OF RESPONDENT

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STATEMENT OF IDENTITY AND INTEREST OF AMICI CURIAE

Amici curiae is a civilian and resident of Orlando, Florida. Amici is subject to the jurisdiction of the Ninth Judicial Circuit and as such, has an interest in the protection of his Constitutional rights and the good riddance of incompetence and malfeasance in the Office of the State Attorney.

Amici brings expertise in the analysis of public corruption, and the right of the People to challenge bad actors within our government. As a resident of Orlando, Amici recognizes the critical role of maintaining trust and integrity in all public offices, and the dangers presented when prosecutors are negligent, incompetent, unethical, and engage in criminal activity. Although Amici is not a practitioner of law, he has litigated some of the most important public corruption relevant to the State of Florida, and has concerns regarding the parallels between the events unfolding around the Petitioner and the public corruption Amici has litigated over the years.

The Governor's order suspending the Petitioner served to protect the public and may have exceeded its intent in ways not initially considered. As such, the order is consistent with the

powers granted to the Governor granted under the Constitution. The Governor has the sole and exclusive authority to suspend bad actors like the Petitioner due to “incompetence” and “neglect of duty”, in addition to potential criminal activity.

The Governor’s order is lawful and Constitutional, and if reversed, creates potential encouragement to other incompetent officials to subject the public to oppression, corruption, criminal activity, and other egregious effects of incompetence. This risk alone is a grave concern to Amici as the issues raised in the pending writs disingenuously portray the Petitioner as a victim to a political attack and accuses the Governor of being the type of official that the Petitioner is as a matter of fact.

SUMMARY OF ARGUMENT

Public confidence in the rule of law is a hallmark of our legal system and the pursuit of justice. Under the Florida Constitution, the Governor’s ability to suspend an elected prosecutor is exclusive. The Governor’s order additionally reserved the right to amend the order to include facts not known at the time the order was issued. The Petitioner has essentially asserted that the grounds laid out for her suspension by the Governor did not establish a factual basis,

not that the Petitioner was not a candidate for the grounds laid out for suspension. As a result, the Petitioner is essentially seeking a factual basis for the grounds laid out in the order. This is not sufficient to nullify the Governor's order, but essentially seeks some sort of evidentiary hearing to prove the grounds laid out in the order. To the extent that is what the Petition seeks to do, the evidence of her incompetence in the Ninth Judicial Circuit speaks for itself.

The Governor's order should be upheld and the pending writs should be denied.

ARGUMENT

I. The Suspension Order is Constitutional because the Petitioner is, in fact, incompetent

"Each assistant state attorney appointed by a state attorney shall serve during the pleasure of the state attorney appointing him or her. Each such appointment shall be in writing and shall be recorded in the office of the clerk of the circuit court of the county in which the appointing state attorney resides. No such appointee shall perform any of the duties of assistant state attorney until he or she shall have taken and subscribed to a written oath that he or she will faithfully perform the duties of assistant state attorney and

shall have caused the oath to be recorded in the office of the clerk of the circuit court of the county in which the appointing state attorney resides. Upon the recordation of such appointment and oath, the appointing state attorney shall promptly cause certified copies thereof to be transmitted to the Secretary of State.” **Title V, Chapter 27, 27.181(1)**. “No such assistant state attorney may sign informations unless specifically designated to do so by the state attorney.” **Title V, Chapter 27, 27.181(2)**.

Against this backdrop, and the most basic guidelines for the dos and don'ts of an assistant prosecutor, the Petitioner's incompetence resulted in the imprisonment and prosecution of many people in express violation of the statute.

For two years, the Petitioner allowed attorney Andrew Edwards to sign indictments, interfere with the due process of many who are falsely accused, and some of those victims did not speak English. Whether the Petitioner contends that she was with or without knowledge of these unlawful prosecutions, she took pride in the conviction rate supported by Mr. Edwards's illegal actions.

Failing to put a stop to prosecutions headed by individuals who have not taken an oath of office nor secured an actual

appointment is an egregious dereliction of duty and justifies the Governor's suspension of the Petitioner due to her incompetence.

Further, allowing these types of illegal prosecutions invite criminal activity from within the office of the state attorney. For instance, a Petition for Writ of Mandamus was filed with this Court against the Petitioner from Amici seeking a writ ordering her to end these types of illegal prosecutions, and Mr. Edwards orchestrated a kidnapping and extortion plot in order to force Amici into dismissing the Petition. This criminal activity and the Petitioner's continuation of it was submitted to the Department of Justice under record number 330227-XXL and is still under review. This satisfies the Governor's suspension of the Petitioner for potential criminal activity.

Intentionally inviting such practices to the office of the state attorney, or failing to stop these practices introduced malfeasance into the office. Mr. Edwards was not bound by an oath of office so he had no restraint regarding violating the oath that attached to other prosecutors under Florida law. As a result, he engaged in a mind-blowing scheme of corruption wherein he worked in concert with the office of Tiffany Moore-Russell, who appeared as a speaker

at a political rally held by the Petitioner at Orlando City Hall shortly after her suspension, to have Amici kidnapped for supposedly failing to appear for a cancelled court date on August 9th, 2023. Any other prosecutor bound by the statutory oath would not have engaged in such activity. Mr. Edwards's sole intention was to obtain a conviction so that a new set of facts could be introduced into a civil rights action that would benefit a friend of his.

This is oppression. The Petitioner is responsible, and this danger to the public has already affected many innocent lives as Mr. Edwards was allowed to operate from the office of the state attorney for years. It is not known how many other attorneys the Petitioner allowed to operate within the office of the state attorney in this manner.

This criminal practice has exposed the State of Florida to liability, and may eventually result in the overturning of convictions of people who are both guilty and innocent. This satisfies the Governor's suspension due to malfeasance.

General Counsel for Cord Byrd, Florida's Secretary of State, provided Amici with confirmation in writing that the Petitioner has

employed the use of a fake prosecutor in the Ninth Judicial Circuit.

Specifically, General Counsel stated:

“A search of our records shows no responsive records to your request for the appointment of Assistant State Attorney Andrew Edwards by Monique Worell. We do have Oaths of Office for Assistant State attorney Andrew Edwards but they are not current (2005-2017) and one for Andrew Edwards Jr. from 2002. Both are for the 11th Judicial Circuit. If any of these appears to be the records you seek, please be specific as to which you would like us to provide.

Respectfully,

Office of the General Counsel, Public Records

FLORIDA DEPARTMENT OF STATE

R. A. Gray Building, Suite 100

500 South Bronough Street

Tallahassee, Florida 32399

Phone: (850)245-6507

Fax: (850) 245-6127”

The State of Florida did not recognize Mr. Edwards as an authorized prosecutor for the Ninth Judicial Circuit and due to the Petitioner's gross negligence, he was allowed to put the public in danger of what is essentially the unauthorized practice of law, and impersonation of a law enforcement officer. Every person prosecuted by this person was the victim of a crime, and unfortunately, the State of Florida bears the liability as a result.

II. The Suspension Order is Constitutional and Protecting the Public is not Subject to the “not so expensive” Standard

In *Whiley v. Scott*, 79 So.3d 702, 715 (Fla. 2011), this Court held that:

“We grant Whiley's petition but withhold issuance of the writ of quo warranto. We trust that any provision in Executive Order 11-72 suspending agency compliance with the APA, i.e., rulemaking, will not be enforced against an agency at this time, and until such time as the Florida Legislature may amend the APA or otherwise delegate such rulemaking authority to the Executive Office of the Governor.”

The writ did not issue because this Court trusted that the supposed excess of authority would not be enforced as it related to the delegation of powers that allowed the Governor to control rulemaking, so long as that authority was established with legislative intent. That is not the case here. The instant case is not a case involving rulemaking. The Governor did not seek to enforce or nullify any policies of the state attorney's office which would be the equivalent of former Governor Scott suspending rulemaking. This is a case essentially involves harm caused to the public by an individual who is not fit for office. The constitutional constraints imposed on Governor Scott would not apply in context.

Further, in dissent, this Court stated that the Governor "is this State's chief administrative officer charged with faithfully executing the law and with managing and ensuring that the agencies under his control also faithfully execute the law..." Charged with this task, the Governor is solely responsible under the Constitution for ensuring that no state attorney performs in a manner that allows a fake prosecutor like Mr. Edwards to violate §27.181 and impose irreparable harm to the public.

This Court further stated “Florida law provides no specific process for carrying out the Governor's executive duties with respect to holding his executive agencies accountable in their rulemaking functions.” By design, the Governor’s actions were purely a Constitutional performance. Outside of the executive order at issue, the Governor has no other statutory mechanism for protecting the public from harm caused by incompetent officials.

Therefore, the “not so expansive standard” does not apply as the charge of ensuring accountability amongst any executive in the state can only be done by executive order, and only by the Governor. The order was properly issued.

III. The Threat of Public Harm Outweighs any of the Issues Raised in the Petition

This Court has defined “malfeasance” and “misfeasance” to address conduct that would be similar to that of an official committing a felony¹; “malfeasance” is limited to “evil conduct” or an “illegal deed” and “misfeasance” is limited to performing the job in an “illegal manner.”² Hardie, 155 So. at 132. Similarly, this Court defined “incompetence” for §7 purposes as applicable to a “physical,

¹ The Petitioner’s allowance of Mr. Edwards to impersonate a law enforcement officer.

² Mr. Edwards orchestrating a kidnapping plot in order to extort Amici.

moral, or intellectual quality” that “incapacitates one to perform the duties of his office”³, and “neglect of duty” as a neglect or failure to perform duties required by virtue of the office, and such neglect of duty is gross when the “neglect is grave and the frequency of it is such as to endanger or threaten the public welfare.” *Israel v. DeSantis*, 269 So.3d 491, 496-97 (Fla. 2019). This low bar for conduct to be considered “neglect of duty” or “incompetence” is consistent with public trust in a system that is competent, fair and just.

IV. The Suspension Order, If Reversed, Erodes Public Trust in the Justice System, and Thus Threatens Public Safety

By depriving Orlando residents of their right to a competent and just state attorney, a reversal or quashing of the Governor’s order will subject the community to the threat of more actors just like Mr. Edwards. Prosecutors depend on the public’s trust in order to maintain faith in the system, and the Petitioner has severely damaged that faith. Such faithlessness will result in the general public not trusting anything coming out of the state attorney’s office, especially if the office is viewed as extortionists and

³ The Petitioner allowed a person who had not even been appointed by the Petitioner to sign charging Informations and pretend to be a prosecutor with the Ninth Judicial Circuit.

kidnappers. It should be of great concern to anyone who encounters the system and finds themselves in court with someone like Mr. Edwards who will go as far as to commit a crime to convict the innocent.

CONCLUSION

For the foregoing reasons, the Court should find that Governor DeSantis properly suspended Monique Worrell as State Attorney for the Ninth Judicial Circuit and deny the relief requested by the Petitioner in the pending writs.

Dated:

September 20, 2023



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Dated: September 20, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September, 2023, a true and correct copy of the foregoing amicus brief was e-filed through the Florida Courts E-Filing Portal and will be served via the portal upon the following counsel:

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CERTIFICATE OF COMPLIANCE

I hereby certify that this amicus brief complies with the font requirement by utilizing Bookman Old Style 14-point font as outlined in Rule 9.045(b) of the Florida Rules of Appellate Procedure and is within the word count as required by Rule 9.370(b) of the

Florida Rules of Appellate Procedure. This amicus brief contains
3,301 words.



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