

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL**

CHRISTOPHER GLEASON,
A Florida citizen, Elector, and
Candidate for Supervisor of
Elections, Pinellas County

Plaintiff,

vs.

CASE NO.: 24-003717-CI
IMMEDIATE HEARING
REQUESTED

JULIE MARCUS, in her official
capacity as Supervisor of Elections of
Pinellas County, Florida, **DUSTIN**
CHASE, in his official capacity as
Deputy Supervisor of Elections of
Pinellas County Florida, **MATT**
SMITH, in his official capacity as
General Counsel for Pinellas County
Supervisor of Elections, 99 John Does,
Individually; 99 Jane Does,
Individually

Defendants.

MOTION FOR SANCTIONS AGAINST COUNTY ATTORNEY

Plaintiff Christopher Gleason, by and through undersigned counsel, respectfully
moves this Honorable Court for sanctions against the County Attorney for the
material misrepresentation of facts and law to the Court. The actions of the County

Attorney in this matter have significantly harmed the Plaintiff, obstructed the legal process, and undermined the integrity of the election process. In support of this Motion, Plaintiff states as follows:

I. Introduction

The County Attorney's actions in representing to the Court that the Plaintiff was required to complete a form not specified by law and falsely asserting that providing electronic records would take 18,000 hours to produce, constitute a serious breach of ethical standards and legal obligations. The records requested, in their original, unaltered format as generated, transmitted, and stored, would take less than 10 minutes to provide. These actions have caused significant harm to the Plaintiff and obstructed the Plaintiff's right to access public records in a timely manner. The time-sensitive nature of the requested records, which are critical to the integrity of the August 20, 2024, election contest between Plaintiff Christopher Gleason and Defendant Julie Marcus, exacerbates the severity of this misconduct. The County Attorney's actions warrant sanctions under Florida law, ethical rules governing attorney conduct, and well-established case law.

II. Legal Framework for Sanctions

1. Florida Rules of Professional Conduct

- **Rule 4-3.3(a)(1):** Prohibits lawyers from knowingly making false statements of fact or law to a tribunal. The County Attorney's representation that the Plaintiff was required to complete a specific form constitutes a clear violation of this rule.
- **Rule 4-8.4(c):** States that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. The County Attorney's false assertion that providing the requested electronic records, public records, election records would take 18,000 hours is a prime example of conduct involving dishonesty and misrepresentation. In light of the fact that to provide these records, in their original electronic format, as they are generated, and stored would only take ten minutes and cost nothing to provide via email or shared online drive or transfer service.

2. Case Law Supporting Sanctions

- **Parsons & Whittemore, Inc. v. Metropolitan Dade County, 429 So. 2d 343 (Fla. 3d DCA 1983):** The court emphasized the importance of transparency

and truthfulness in legal proceedings. Misrepresentations that affect the administration of justice are grounds for sanctions.

- **Florida Bar v. Feinberg, 760 So. 2d 933 (Fla. 2000):** The Florida Supreme Court upheld significant disciplinary actions against an attorney for making false statements to a tribunal, underscoring the seriousness of such conduct.
- **Gadd v. News-Press Publishing Co., 412 So. 2d 894 (Fla. 2d DCA 1982):** This case underscores that intentional misrepresentations to obstruct access to public records constitute unlawful concealment and misconduct, warranting sanctions.

3. Attorney General Opinions

- **AGO 2003-26:** Reinforces that public records must be made available without unreasonable delay and that any requirements imposed on access must have a clear statutory basis. The County Attorney's actions in imposing unnecessary procedural barriers and delaying access to records are contrary to this opinion and the Florida Public Records Act.
- **AGO 99-41:** Highlights that public agencies cannot impose additional conditions or require forms that are not explicitly required by law. The County

Attorney's misrepresentation that a specific form was required is directly in conflict with this opinion.

- **AGO 2013-03:** Clarifies that public records custodians cannot impose barriers, such as excessive fees or procedural requirements, unless expressly authorized by law. The County Attorney's actions in this case violate the principles established in this opinion.

III. Basis for Sanctions

1. Material Misrepresentation of Law and Facts

The County Attorney's assertion that the Plaintiff was required to complete a specific form to access public records was a material misrepresentation. This form was neither required under Florida Statutes Chapter 119 nor under Chapter 101.62. The misrepresentation of such facts and law to the Court is a serious violation of ethical standards and professional conduct.

- **AGO 2003-26 and AGO 99-41:** Both opinions support the assertion that the imposition of unnecessary procedural requirements is unlawful. The County

Attorney's misrepresentation directly contradicts these well-established guidelines.

2. False Assertion Regarding Time Estimate to Produce Records

The County Attorney's claim that providing electronic records stored on a computer in the custody of the Supervisor of Elections Office would take 18,000 hours to produce is patently false and unreasonable. The records requested, in their original, unaltered format as generated, transmitted, and stored, would take less than 10 minutes to provide. This assertion serves as prima facie evidence of a violation of Florida Statutes § 838.022, which addresses "Official Misconduct." Such an exaggerated estimate suggests an intent to obstruct access to public records, conceal information, or mislead the Court and the public.

- **Gadd v. News-Press Publishing Co., 412 So. 2d 894 (Fla. 2d DCA 1982):**
Supports the argument that the County Attorney's intentional misrepresentation to obstruct access to public records constitutes unlawful concealment and misconduct, warranting sanctions.

3. Time-Sensitive Nature of the Requested Records

The requested records are critically time-sensitive as they pertain to the administration of the August 20, 2024, election contest between Plaintiff Christopher Gleason and Defendant Julie Marcus. The Plaintiff's requests for records were directly related to verifying the legality and integrity of the election process, specifically concerning the potential illegal casting of ballots. The willful and knowing delay in providing these records has effectively obstructed the Plaintiff's ability to timely address potential election fraud and other felonies committed by public officials within the Pinellas County government and the Supervisor of Elections Office.

- **Florida Constitution, Article I, Section 24:** The delays and obstructions violate the Plaintiff's constitutional right to timely access public records, which is essential for ensuring transparency and accountability in the electoral process.
- **Florida Statutes § 838.022:** The knowing, willful, and intentional delays and misrepresentation by the County Attorney in this case constitute official misconduct, as these actions have willfully concealed, delayed, and obstructed information crucial to the integrity of the election.

- **AGO 2013-03:** Reinforces that delays in providing public records, particularly when those records are essential for the timely administration of justice, are contrary to both the letter and spirit of the Public Records Act.

IV. Anticipated Defenses and Rebuttals

1. Defense of Good Faith

The defense may argue that the County Attorney acted in good faith, relying on a reasonable interpretation of the law, and that any errors were unintentional.

Rebuttal: The intentional nature of the misrepresentation is evidenced by the clear statutory language, the disregarded Attorney General opinions, and the unreasonable and exaggerated time estimate provided. These actions go beyond mere error and demonstrate a deliberate attempt to delay, obstruct justice and mislead the Court.

- **Parsons & Whittemore, Inc. v. Metropolitan Dade County, 429 So. 2d 343 (Fla. 3d DCA 1983):** Emphasizes the importance of transparency and truthfulness in legal proceedings, supporting the argument that the

misrepresentation was not a mere error but a deliberate attempt to mislead the Court, warranting sanctions.

2. Proportionality of Sanctions

The defense may argue that the sanctions sought are disproportionate to the alleged misconduct.

Rebuttal: The seriousness of the misconduct, including the impact on the Plaintiff's rights and the integrity of the judicial process, warrants significant sanctions. The intentional delays and misrepresentations have caused substantial harm, undermining the Plaintiff's ability to ensure a fair and transparent election process. Significant sanctions are necessary to deter such behavior in the future and to uphold the rule of law.

Florida Bar v. Feinberg, 760 So. 2d 933 (Fla. 2000): Supports the imposition of significant disciplinary actions for making false statements to a tribunal, underscoring the need for proportionate sanctions in this case.

3. Legal Precedent

The defense might attempt to distinguish the cases cited by the Plaintiff, arguing that the circumstances in those cases differ from the present situation.

Rebuttal: The principles established in the cited cases are directly applicable to the present situation. The factual differences do not undermine the relevance of the legal precedent. The intentional, willful and knowing nature of the misrepresentation and the significant harm caused to the Plaintiff make these cases directly relevant and supportive of the sanctions sought.

V. Conclusion

For the reasons stated, Plaintiff respectfully requests that this Honorable Court impose appropriate sanctions against the County Attorney for the material misrepresentation of facts and law to the Court. The County Attorney's actions have caused significant harm to the Plaintiff, obstructed the legal process, and undermined the integrity of the election process. Sanctions should include, but not be limited to, the awarding of attorney's fees, costs, and any other relief the Court deems just and proper.

Respectfully submitted this 30th day of August 2024.

/s/ Christopher Gleason

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