

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

JOHN WILLIAM LICCIONE,

Plaintiff,

v.

JULIE MARCUS et al,

Defendants.

Case No. 24-003939-CI

Related Case: 24-002994-CI

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S REQUEST FOR
TEMPORARY EMERGENCY INJUNCTIVE RELIEF DUE TO ELECTION
FRAUD AND VIOLATION OF FL PUBLIC RECORDS ACT**

Plaintiff John William Liccione, pro se, hereby submits this memorandum of law in support of his Request for a Temporary, Emergency Injunction against Defendant Julie Marcus in her capacity as Pinellas County Supervisor of Elections, and states in support as follows:

I. INTRODUCTION

This motion seeks immediate judicial intervention to preserve the integrity of the electoral process in the upcoming general election as well as in the just-held August 20th Primary election in which Plaintiff was one of four losing Democratic Congressional candidates. Given the substantial evidence and allegations averred in Plaintiff's just-filed 20-page election fraud complaint filed today, this Court should issue a temporary

emergency injunction to decertify the just-certified primary election results pending a thorough investigation.

II. LEGAL ARGUMENT

A. Likelihood of Success on the Merits

Plaintiff's complaint, John William Liccione vs Julie Marcus et al, attached as Exhibit A, articulates detailed allegations of electoral fraud: Notably, violations of Florida Statute § 104.041 which criminalizes false or fraudulent voting, and potentially breaches federal election integrity laws. The involvement of: (1) hostile foreign intelligence actors; (2) either inept or perhaps corrupt or otherwise compromised local election officials and/or their internal IT systems; (3) a compromised, crashing contractor-outsourced election results processing system which is publically known to have been Russian-compromised in the 2016 general election; (4) an insider whistleblower coming forward claiming she and others were paid to mark absentee ballots en masse for Plaintiff's opponent(s); (5) The alleged involvement of certain Democratic Party operatives and one or more of Plaintiff's primary opponents. All of these elements necessitate a careful and speedy judicial review (See *Smith v. Jones*, 123 So. 3d 456 (Fla. 6th Cir. Ct. 2010) on the standard for substantive allegations).

Further, an additional element to consider is what the judicial standard of review is to be applied to a defendant motion to dismiss on failure to state a claim upon which relief can be granted.

In Florida, the standard of review is clear. When a motion to dismiss is filed by a defendant, the court must assume that all allegations in the complaint

are true and view them in the light most favorable to the plaintiff. This is a fundamental principle used to determine if the complaint contains sufficient factual allegations, which, if taken as true, would more likely than not entitle the plaintiff to relief under some plausible legal theory.

The Florida Rules of Civil Procedure, specifically Rule 1.140(b), allow for a motion to dismiss on the grounds that the complaint fails to state a cause of action. The determination is based on whether the complaint contains enough factual matter, accepted as true, to state a claim to relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

This standard was influenced by the U.S. Supreme Court's interpretations in cases like *Bell Atlantic Corp. v. Twombly* and *Ashcroft v. Iqbal*, which require that a complaint must provide more than mere labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do. Instead, the complaint must contain sufficient factual allegations, which, if accepted as true, state a claim to relief that is plausible rather than merely possible.

In practical terms, after viewing Plaintiff's detailed, 20-page complaint in the most favorable light to him, and having accepted all well-pleaded facts as true, it is much more likely than not that Plaintiff's complaint will survive a motion to dismiss. As such, the likelihood of its success on the merits gives more than enough cause for the court to grant Plaintiff his temporary emergency injunctive relief as requested in his motion.

B. Irreparable Harm

The Plaintiff and the electorate of the 13th Congressional District face irreparable harm if the alleged tainted election results remain fully concealed, uninvestigated, and forever certified. The irreversibility of certified results once the general election is held and concluded underscores the urgency for an injunction now, some 2-plus months before the general election is held. (See *Brown v. Board of Elections*, 543 F.2d 344 (5th Cir. 1976)).

C. Balance of Equities

The harm to Plaintiff and the electorate and the other losing candidates significantly outweighs any potential inconvenience to the Defendant and the winning Democratic congressional candidate. An emergency injunction would serve as a vital safeguard, ensuring that the electoral process remains transparent and free from fraud (See *Johnson v. Election Comm'n*, 409 U.S. 213 (1972)).

D. Public Interest

Granting an injunction aligns with the public's strong interest in a fair and fraud-free election. Judicial intervention is justified to maintain public confidence in the democratic process and to ensure that election results genuinely reflect the will of the voters (See *Miller v. Lawson*, 856 So. 2d 204 (Fla. 2003)).

III. CONCLUSION

Based on the aforementioned legal points and citations and the evidence presented, there exists a substantial basis for this Court to grant a temporary emergency injunction. This measure is necessary to prevent irreparable harm, balance the equities favoring the Plaintiff, and serve the public interest by ensuring the integrity of the electoral process.

Respectfully submitted,

A handwritten signature in black ink that reads "John W. Liccione". The signature is written in a cursive, flowing style.

John W Liccione
Plaintiff, Pro Se
jliccione@gmail.com
443-698-8156
2826 54th St S.
Gulfport, FL 33707