

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

JOHN WILLIAM LICCIONE,

Plaintiff,

vs.

Case No.: 24-003939-CI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections,
et. al.,

Defendants.

ORDER ON PLAINTIFF'S TRANSFERRED PETITION

THIS MATTER is before the Court on the Order (hereinafter "Transfer Order") of the Florida Supreme Court dated February 25, 2025 in Florida Supreme Court Case Number SC2025-0242. Having considered the Transfer Order, the case file, the applicable law, and being otherwise fully advised in the premises, the Court hereby **FINDS** as follows:

I. Background and Procedural History

1. On September 3, 2024, Plaintiff initiated the instant action in this Court.
2. On November 20, 2024, this Court entered an order staying the instant matter (hereinafter "Stay Order") due to the existence of analogous federal litigation filed by Plaintiff before the initiation of this proceeding.
3. On February 10, 2025, Plaintiff filed a Petition for Writ of Prohibition (hereinafter "Prohibition Petition") in Florida's Second District Court of Appeal (hereinafter "Second District") which pertained to Pinellas County Case No. 24-002994-CI rather than the instant matter.

4. On February 12, 2025, the Second District entered an Order summarily denying Plaintiff's Prohibition Petition. Said Order is attached as Exhibit A.

5. On February 20, 2025, Plaintiff filed an Emergency Petition for Writ of Certiorari, Writ of Prohibition, and Writ of Mandamus (hereinafter "Instant Petition") with the Florida Supreme Court, which requested relief as to the instant matter even though the Prohibition Petition did not pertain to this case.¹

6. On February 25, 2025, the Florida Supreme Court entered the Transfer Order without any disposition of the Instant Petition. The Transfer Order states: "The transfer of this case should not be construed as an adjudication or comment on the merits of the petition, nor as a determination that the transferee court has jurisdiction or that the petition has been properly denominated as a petition for writ of prohibition." The Transfer Order is attached as Exhibit B.

II. Request for Writ of Certiorari

7. The Instant Petition requests a "writ of certiorari to review the Second District Court of Appeal's denial of Petitioner's prior petition for writ of prohibition." Pet. at 11.

8. "The common law writ of certiorari is a special mechanism whereby an upper court can direct a lower tribunal to send up the record of a pending case so that the upper court can 'be informed of' events below and evaluate the proceedings for regularity." *Broward Cnty. v. G.B.V. Intern., Ltd.*, 787 So. 2d 838, 842 (Fla. 2001) (citation omitted).

¹ The appellate history of this matter is circuitous. Plaintiff's Prohibition Petition in the Second District only pertained to a related case in this Court: Pinellas Case Number 24-002994-CI, which is before Judge Thomas Ramsberger rather than the undersigned. Thereafter, Plaintiff filed the Instant Petition with the Florida Supreme Court. The Instant Petition went beyond seeking certiorari review of the Second District's denial of the Prohibition Petition by raising additional appellate issues for the first time as to both Pinellas Case Number 24-002994-CI and the instant matter. The Instant Petition's case caption does not include any of the respondents named as parties to the Second District case. Instead, the Instant Petition names the undersigned and Judge Ramsberger as the sole respondents. Notably, the Florida Supreme Court ignored Plaintiff's alteration to the case caption and docketed the case in accordance with the proceedings in both lower tribunals. This Court is in no position to adjudicate whether procedural irregularities existed as to the filings made in the Second District and the Florida Supreme Court, but the foregoing commentary is provided herein to clarify the record.

9. As this Court is the lower tribunal in relation to the Second District, this Court lacks certiorari jurisdiction to review the decisions of the Second District and therefore is not authorized to issue the requested writ of certiorari.

III. Request for Writ of Prohibition

10. “Prohibition is an extraordinary writ ... by which a superior court, having appellate and supervisory jurisdiction over an inferior court or tribunal possessing judicial or quasi-judicial power, may prevent such inferior court or tribunal from exceeding jurisdiction or usurping jurisdiction over matters not within its jurisdiction.” *English v. McCrary*, 348 So. 2d 293, 296 (Fla. 1977); *see also Mandico v. Taos Const., Inc.*, 605 So. 2d 850, 853 (Fla. 1992) (“Prohibition is an extraordinary writ by which a superior court may prevent an inferior court or tribunal, over which it has appellate and supervisory jurisdiction, from acting outside its jurisdiction” (citations omitted)).

11. In the instant matter, this Court serves as the trial court and court of original jurisdiction. Under these circumstances, this Court is the lowest court in the Florida judicial system. To the extent the Instant Petition requests a writ of prohibition against the undersigned, this Court does not have appellate jurisdiction over itself and is not authorized to issue the requested writ of prohibition.

IV. Request for Writ of Mandamus

12. The Instant Petition also requests “a Writ of Mandamus ordering Judge Muscarella to vacate her sua sponte stay order in the Clearwater case in Case No. 24-003939-CI.” Pet. at 11. It also appears to request a writ of mandamus to disqualify the undersigned. See Pet. at 1.

13. It is true that mandamus is an original action which can be initiated in this Court. See *Anthony v. Singletary*, 718 So. 2d 335, 336 (Fla. 2d DCA 1998) (reversing a circuit court for

failing to make the necessary threshold determination of whether an original mandamus action filed in the circuit court was legally sufficient).

14. However, Plaintiff seeks a writ of mandamus specifically against this Court, which this Court is not authorized to rule on. See *Scott v. State*, 130 So. 3d 741, 743 (Fla. 3d DCA 2014) (“[D]istrict courts typically address mandamus actions requiring a circuit court judge to act” (citation omitted)). Accordingly, this Court is the incorrect venue for the relief requested by Plaintiff as this Court is not authorized to issue a writ of mandamus against itself.

15. Furthermore, Plaintiff’s request for a writ of mandamus does not comply with the Florida Rules of Civil Procedure. Plaintiff must plead a mandamus action in this Court as a complaint. See Fla. R. Civ. P. 1.630(b) (“The initial pleading must be a complaint”). Even if this Court was an appropriate venue for Plaintiff’s mandamus action, Plaintiff was required to either amend his complaint in this action to include a mandamus count or otherwise file a separate mandamus action in the circuit court. Plaintiff did neither. Furthermore, seeking mandamus relief in the instant action would be futile as it would violate the Stay Order.

V. Conclusion

16. Plaintiff initiated the instant matter in this Court, thus making this Court the tribunal with original jurisdiction. As such, this Court is functioning as the lowest court in the Florida judicial system as to the instant matter and therefore does not have the necessary appellate or supervisory jurisdiction to grant the relief requested by the Instant Petition.

Accordingly, it is

ORDERED and ADJUDGED:

1. Plaintiff’s request for a writ of certiorari is hereby **DENIED** for lack of jurisdiction.


2. Plaintiff's request for a writ of prohibition is hereby **DENIED** for lack of jurisdiction.

3. Plaintiff's request for a writ of mandamus is hereby **DENIED** for lack of jurisdiction and for otherwise violating the Florida Rules of Civil Procedure and the Stay Order.

4. To the extent the Instant Petition seeks disqualification of the undersigned judge, Plaintiff's motion for disqualification has been addressed separately in this Court's prior Order Denying Plaintiff's Motion for Disqualification of Judge dated March 13, 2025.

5. All additional relief requested in the Instant Petition, including but not limited to Plaintiff's request for the vacation of the Stay Order, is hereby **DENIED** as Plaintiff has failed to state a sufficient legal basis for such relief.

DONE and ORDERED in Chambers, in Clearwater, Pinellas County, Florida this ___ day of March, 2025.


24-003939-CI 3/24/2025 2:45:55 PM
Circuit Judge Patricia A. Muscarella
24-003939-CI 3/24/2025 2:45:55 PM
Honorable Patricia A. Muscarella
Circuit Civil Judge

Copies furnished to:

Parties served by email

John Liccione
jliccione@gmail.com
john@voteliccione.org
Plaintiff

Kirby Z. Kreider, Esq.
kkreider@pinellas.gov
eservice@pinellas.gov
Counsel for Defendant, Julie Marcus

George A.D. Thurlow, Esq.
gthurlow@rahdertlaw.com
tmccreary@rahdertlaw.com
service@rahdertlaw.com

Counsel for Defendant, Jennifer Griffith

James B. Lake, Esq.

jlake@tlolawfirm.com

tgilley@tlolawfirm.com

Counsel for Defendant, Cathy Salustri Loper

John F. McGuire, Esq.

info@mcguirelawoffices.com

defense@mcguirelawoffices.com

rgray@mcguirelawoffices.com

Counsel for Defendant, Mark Weinkrantz

Ryan D. Barack, Esq.

Michelle Erin Nadeau, Esq.

rbarack@employeeerights.com

mnadeau@employeeerights.com

jackie@employeeerights.com

Counsel for Defendant, Whitney Fox

Party served by U.S. mail

Patrick Heinzen

1785 40th Ave. N.

St. Petersburg, FL 33714

Defendant

**DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT**

1700 N. Tampa Street, Suite 300, Tampa FL 33602

February 12, 2025

JOHN WILLIAM LICCIONE,
PETITIONER(S)

CASE NO.: 2D2025-0297
L.T. No.: 24-002994-CI

V.

PINELLAS DEMOCRATIC
EXECUTIVE COMMITTEE,
MICHAEL JOHN SHEROSKY,
JENNIFER W. GRIFFITH,
RESPONDENT(S).

BY ORDER OF THE COURT:

The petition for writ of prohibition is denied.

SILBERMAN, MORRIS, and LABRIT, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Mary Elizabeth Kuerzel
Mary Elizabeth Kuerzel, Clerk
2D2025-0297 2/12/25



JAR

Served:
PINELLAS CLERK
JOHN WILLIAM LICCIONE
HON. THOMAS M. RAMSBERGER
GEORGE ALBERT DOYLE THURLOW

EXHIBIT

A

Supreme Court of Florida

TUESDAY, FEBRUARY 25, 2025

John William Liccione,
Petitioner(s)

v.

Pinellas Democratic Executive
Committee, et al.

Respondent(s)

SC2025-0242

Lower Tribunal No(s):

2D2025-0297;

522024CA002994XXCICI;

522024CA003939XXCICI

The petition for writ of prohibition is hereby transferred to the Circuit Court of the Sixth Judicial Circuit, in and for Pinellas County, Florida, for consideration in the context of case numbers 522024CA002994XXCICI and 522024CA003939XXCICI. The transfer of this case should not be construed as an adjudication or comment on the merits of the petition, nor as a determination that the transferee court has jurisdiction or that the petition has been properly denominated as a petition for writ of prohibition. The transferee court should not interpret the transfer of this case as an indication that it must or should reach the merits of the petition. Any determination concerning whether a filing fee shall be applicable to this case shall be made by the transferee court. Any and all pending motions in this case are hereby deferred to the transferee court.

Any future pleadings filed regarding this case should be filed in the above mentioned circuit court at 14250 49th Street North, Clearwater, FL 33762.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION
AND, IF FILED, DETERMINED.

A True Copy

Test:

EXHIBIT

B

CASE NO.: SC2025-0242

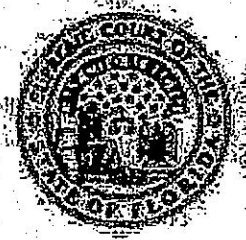
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~~John A. Tomasino~~

~~Clerk Supreme Court~~

SC2025-0242 2/25/2025



KS

Served:

2DCA CLERK

PINELLAS CLERK

KIRBY ZOE KREIDER

JOHN WILLIAM LICCIONE

HON. PATRICIA ANN MUSCARELLA

HON. THOMAS M. RAMSBERGER

GEORGE ALBERT DOYLE THURLOW