

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

CHRISTOPHER GLEASON,

Plaintiff,

vs.

Case No. 24-003995-CI

JULIE MARCUS, et al

Defendant.

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**PLAINTIFF'S VERIFIED MOTION TO DISQUALIFY
JUDGE PATRICIA MUSCARELLA**

COMES NOW, Plaintiff Christopher Gleason, pro se, and pursuant to Rule 2.330 of the Florida Rules of Judicial Administration, respectfully moves this Court to enter an order disqualifying the Honorable Judge Patricia Muscarella from presiding over the above-captioned matter, case pursuant to Rule 2.330 of the Florida Rules of Judicial Administration and in support thereof states as follows:

1. Introduction

This motion is filed in good faith based upon facts and circumstances that would lead a reasonable person to fear that they would not receive a fair and impartial hearing or trial if Judge Muscarella continues to preside over this case.

2. Background

Plaintiff has been engaged in litigation against the Pinellas County Supervisor of Elections concerning allegations of unlawful concealment, delay, and alteration of public records and election records including Election Summary Reports, Precinct Summary Reports, illegal requests for vote by mail ballots, ballots being illegally and fraudulently cast and the illegal administration and illegal certification of elections using voting systems with no valid or legal certification in violation of Florida's Public Records Laws, Florida Election Code, Federal Election Code and election transparency requirements. In Case No. 23-6698, Judge Muscarella's repeated failure to rule on critical motions—particularly motions for judicial notice and discovery—combined with her failure to address serious irrefutable claims of voter disenfranchisement through the omission of thousands of blank ballots, has resulted in a well-grounded fear that Judge Muscarella cannot provide an impartial and fair hearing. Plaintiff is once again representing himself as a pro se litigant, but the ongoing issues in the present case are compounded by new evidence that suggests the Pinellas County Supervisor of Elections engaged in similar misconduct during the administration of the 2010 judicial election of Judge Patricia Muscarella. These allegations create an additional, direct conflict of interest.

3. Legal Standard

Rule 2.330(d)(1) of the Florida Rules of Judicial Administration states that a judge should be disqualified when the party fears that they will not receive a fair trial or hearing because of specifically alleged facts. The fear must be objectively reasonable. Under Canon 2A of the Florida Code of Judicial Conduct, judges must act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Canon 3B(7) requires judges to rule on all matters promptly and fairly, which Judge Muscarella failed to do by not addressing critical motions in the prior case. Furthermore, Canon 3E(1) mandates recusal where a judge's

impartiality might reasonably be questioned. In this case, the combination of Judge Muscarella's prior failure to rule fairly on motions, her unfair treatment of a pro se litigant, and the direct conflict arising from the administration of her own 2010 election by the same Supervisor of Elections, clearly meets the legal standard for recusal. In *Livingston v. State*, 441 So. 2d 1083 (Fla. 1983), the Florida Supreme Court held that the test for judicial disqualification is whether a reasonably prudent person, knowing all the facts, would have a reasonable fear of not receiving a fair trial. Here, the totality of the circumstances, including the conflict involving Judge Muscarella's election and the pattern of her conduct in the prior case, fully supports recusal.

4. Facts Supporting Disqualification

The following facts, known to the undersigned, support a well-founded fear that the Judge is biased or prejudiced against the Plaintiff:

a. Plaintiff filed a motion for judicial notice, requesting the Court to acknowledge statutory requirements regarding the Supervisor of Elections' duties under Florida law, including the obligation to provide complete, unredacted and unaltered public records and official election records. Judge Muscarella failed to rule on this motion, depriving Plaintiff of the ability to have these fundamental legal points acknowledged by the Court.

b. In connection with Plaintiff's allegations of voter disenfranchisement through blank ballots and omissions in the election summary reports also known as the EL45A reports and the precinct level election reports also known as the EL30A reports, Plaintiff sought discovery to obtain critical evidence of the Supervisor of Elections' conduct. Judge Muscarella did not rule on the motion for discovery, effectively blocking Plaintiff from gathering evidence essential to proving his claims. This failure to allow full discovery was particularly prejudicial to Plaintiff,

who was acting pro se at the time and was disadvantaged in navigating complex procedural matters.

c. Plaintiff, previously a pro se litigant, was subject to unfair treatment during the earlier proceedings, in which Judge Muscarella failed to rule on essential motions and disregarded significant claims involving voter disenfranchisement and public records concealment and alteration by the Pinellas County Supervisor of Elections.

d. The Plaintiff, as a pro se litigant is bringing a contest of election challenge based on fraud, official misconduct, corrupt practices and further violations of the Florida Constitution, the United State Constitution, Florida Election Statutes, Federal Election Statutes, and now brings this motion in light of serious concerns regarding the administration of Judge Muscarella's own 2010 election by the Pinellas County Supervisor of Elections, implicating a conflict of interest.

e. Plaintiff filed a motion for judicial notice, requesting the Court to acknowledge statutory requirements regarding the Supervisor of Elections' duties under Florida law, including the obligation to provide complete, unredacted and unaltered public records and official election records. Judge Muscarella failed to rule on this motion, depriving Plaintiff of the ability to have these fundamental legal points acknowledged by the Court.

f. In connection with Plaintiff's allegations of voter disenfranchisement through blank ballots and omissions in the election summary reports also known as the EL45A reports and the precinct level election reports also known as the EL30A reports, Plaintiff sought discovery to obtain critical evidence of the Supervisor of Elections' conduct. Judge Muscarella did not rule on the motion for discovery, effectively blocking Plaintiff from gathering evidence essential to proving his claims. This failure to allow full discovery was particularly prejudicial to Plaintiff,

who was acting pro se at the time and was disadvantaged in navigating complex procedural matters.

g. During the previous proceeding, Plaintiff represented himself pro se and was subject to unfair treatment that further supports the reasonable belief that Judge Muscarella's handling of the case was biased. Courts have a duty to ensure pro se litigants receive fair treatment, yet Judge Muscarella's consistent failure to rule on key motions and to address substantive issues raised by Plaintiff, including substantial claims of voter disenfranchisement, demonstrates a lack of impartiality.

h. The Pinellas County Circuit Court's procedural delays and Judge Muscarella's refusal to allow discovery and take judicial notice effectively denied Plaintiff access to the evidence needed to substantiate his claims, while favoring the defense's arguments, including accepting without scrutiny the defense counsel's fraudulent misrepresentation regarding the statutory requirements for election reports. This unfair treatment of a pro se litigant raises serious ethical concerns under Florida's judicial canons.

i. Compounding these concerns is the fact that the issues being litigated in the current case involve similar allegations of unlawful election practices by the Supervisor of Elections that implicate the administration of the 2010 judicial election of Judge Patricia Muscarella. Plaintiff has obtained evidence indicating that the same practices involving the concealment of public records, the unlawful administration of elections using electronic voting systems that have modems attached voiding their certification and the failure to properly report voter data—including blank ballots, and vote by mail fraud—were employed during the election in which Judge Muscarella was elected.

j. This creates an inherent conflict of interest, as Judge Muscarella's impartiality is now in question, given that the allegations in this case directly relate to the actions of the Pinellas County Supervisor of Elections in administering her own election. A reasonable person, aware of these facts, would have a well-founded fear that Judge Muscarella cannot be impartial in ruling on a case that involves misconduct by the very office that oversaw her election.

5. Fear of Bias

Based on these facts, the undersigned genuinely fears that they will not receive a fair and impartial hearing or trial due to the judge's actions, statements, or relationships.

6. Timeliness

This motion is filed timely and within ten (10) days of discovering the facts that give rise to the fear of prejudice. Under Rule 2.330(e), the motion must be filed immediately upon discovery of the grounds for disqualification.

7. Relief Requested

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court:

1. Enter an order disqualifying the Honorable Judge Patricia Muscarella from presiding over any further proceedings in this case.
2. Reassign this case to a different judge as provided under the rules governing the Sixth Judicial Circuit in Florida.

VERIFICATION

I, Christopher Gleason, hereby verify that the facts stated in this motion are true and correct to the best of my knowledge and belief.

Respectfully submitted,

/s/ Christopher Gleason

Christopher Gleason

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this September 19, 2024 to: JARED N. KAHN, ESQ., Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, at jkahn@pinellas.gov and eservice@pinellas.gov and to JEFFREY N. KLEIN, ESQ., Attorney for Defendant Pinellas County Canvassing Board, at jklein@pinellas.gov and eservice@pinellas.gov.

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County Canvassing Board

/s/ Christopher Gleason

Dated: 09/19/2024