

Neil Gillespie

From: "Circciv" <CIRCCIV@hillsclerk.com>
To: <neilgillespie@mfi.net>
Sent: Tuesday, May 31, 2011 5:22 PM
Subject: Indigent Status

Dear Mr. Gillespie:

With regard to the review of your civil indigent status, currently, the court should make the final determination of your indigent status.

Thank-you

Hillsborough County Clerk
Circuit Civil Department

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Circciv" <CIRCCIV@hillsclerk.com>
Cc: "Allison Raistrick" <raistrick@hillsclerk.com>; "Karin Huffer" <legalabuse@gmail.com>; "Alex Newman" <alexnewman_85@hotmail.com>; "Pat Frank" <frankp@hillsclerk.com>; "Dale Kent Bohner" <bohnerd@hillsclerk.com>; "Mark Ware" <warem@hillsclerk.com>; "Lisa Mann" <mann@hillsclerk.com>
Sent: Sunday, May 29, 2011 10:42 PM
Attach: 2011, 03-03-11, SSD check, \$1,741.pdf; 2011, 05-27-11, Approved, criminal indigent, \$50 receipt, 27.52.pdf
Subject: Re: please read email and attachments
 Hillsborough County Clerk
 Circuit Civil Department

Upon review of section 57.082 Florida Statutes your reliance on my Verified Motion to Proceed in Forma Pauperis, filed May 17, 2011 is unlawful. Under section 57.082(1) a person seeking relief from payment of filing fees based upon an inability to pay must apply to the clerk of the court for a determination of civil indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

My Verified Motion to Proceed in Forma Pauperis, filed May 17, 2011 is not an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court. In addition:

Pursuant to 57.082(1)(b) The clerk shall assist a person who requests assistance in completing the application. I request assistance in completing the application.

Pursuant to 57.082(2) The clerk of the court shall determine whether an applicant seeking such designation is indigent based upon the information provided in the application and the criteria prescribed in this subsection. You failed to make the determination based on the application.

Pursuant to 57.082(a)1. An applicant is indigent if the applicant's income is equal to or below 200 percent of the then-current federal poverty guidelines prescribed for the size of the household of the applicant by the United States Department of Health and Human Services.

For a one person household that amount is \$10,890; 200% of that amount is \$21,780. My monthly income is \$1,741 per month, see the attached social security check. My annual income is \$20,892 (\$1,741 x 12). Therefore I qualify as indigent because my annual income of \$20,892 is less than 200% of the federal poverty guidelines prescribed for a one person household. Your reliance on any other calculation is unlawful.

This appears to be the same criteria under 27.52 used by Allison Raistrick of the Clerk's Indigent Screening Unit who determined that I am indigent. See the attached approved application and payment of \$50 fee. Ms. Raistrick should be commended for following the law, and as proscribed below in 57.082(d).

Pursuant to 57.082(d) The duty of the clerk in determining whether an applicant is indigent is limited to receiving the application and comparing the information provided in the application to the criteria prescribed in this subsection. The determination of indigent status is a ministerial act of the clerk and may not be based on further investigation or the exercise of independent judgment by the clerk. The clerk may contract with third parties to perform functions assigned to

the clerk under this section. Since the clerk has not received or reviewed my application, its determination that I am not indigent is unlawful.

It appears you have acted, with malice aforethought, to deny me judicial process under the color of law, and to aggravate my disability. It also appears that Pat Frank, Clerk of the Circuit Court, and counsel Dale Bohner are ultimately responsible for this unlawful denial of judicial process under the color of law, and for aggravation of my disability. It also appears that attorney Mark Ware is complicit, either actively or passively.

A copy of this email is being provided to the Supreme Court of the United States as part of an Emergency Petition for Stay or Injunction. Thank you.

Sincerely,

Neil J. Gillespie, pro se, non-lawyer
8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807
neilgillespie@mfi.net

cc: Supreme Court Of The United States (by hard copy)
Ms. Allison Raistrick, Clerk's Indigent Screening Unit
Dr. Karin Huffer, Legal Victim Assistance Advocates
Alex Newman, Liberty Sentinel Media, Inc.
Pat Frank, Clerk of the Circuit Court
Dale Bohner, Legal Counsel to Pat Frank, Clerk of the Circuit Court
Mark Ware, Esq., Director of Appeal, Jury, Mental Health and Probate
Lisa Mann, Associate Director of Appeals Department

----- Original Message -----

From: [Circciv](#)
To: [Neil Gillespie](#)
Sent: Friday, May 27, 2011 12:34 PM
Subject: RE: please read email and attachments

Dear Mr. Gillespie:

Thank you for your inquiry regarding the indigency screening process.

Your non-indigency status was determined based upon our following the statutory criteria located within Florida Statute section 57.082, as it related to the information you provided within your Verified Motion to Proceed in Forma Pauperis, filed May 17, 2011. If you disagree with this determination, there is a procedure applicants may follow in the same statute (section 57.082) that will allow the issue to go before the court having jurisdiction over the matter, and that court will follow criteria within the same statute (section 57.082, Florida Statutes) to make the final determination.

If you wish to forego seeking review of this matter by the court, then the fee for the Clerk to issue the subpoenas is \$2.00 for each subpoena, and the fee for the Sheriff to serve the subpoenas is \$40 for each subpoena. We will be glad to process these once we receive the money. Should you decide to seek court review, then we will wait for the final determination to be made by the court. We wait for your decision.

Thank you.

Hillsborough County Clerk
Circuit Civil Department

From: Neil Gillespie [neilgillespie@mfi.net]

Sent: Thursday, May 26, 2011 1:05 PM

To: Circciv

Cc: Michael D. Leffel; Krista J. Sterken; Karin Huffer; Alex Newman; Frank, Pat; Bohner, Dale; Ware, Mark; Mann, Lisa

Subject: Re: please read email and attachments

Hillsborough CountyClerk
Circuit Civil Department

In response to your email, earlier today I spoke with Allison Raistrick, 813-276-8100, x3992 of the Clerk's indigent screening department who said I qualify as indigent based on our discussion. So your response that I do not qualify as indigent is confusing.

My Verified Motion to Proceed in Forma Pauperis filed May 17, 2011 was submitted in paper format and delivered by the US Postal Service to the Clerk of the Circuit Court, P.O. Box 989, Tampa, Florida, 33601, by Express Mail, Article EH600625127US. Attached you will find my cover letter to the Clerk, mailing receipt, and proof of delivery. As such I don't understand your statement that "this office is not receiving pleadings electronically". The pleading was delivered in paper format. A second PDF copy was provided by email to Mark Ware, Esq. as a guide to locate the paper format mailed to the Clerk through the US Postal Service.

While Allison Raistrick determined on the phone that I qualify for indigent status, she said I must come to her office at 700 Twiggs, Room 711 and complete the application in person and on the proper form. Therefore I don't see how you made a determination without a form and not in person. Please explain and identify yourself. Time is of the essence. Thank you.

Sincerely,

Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807
neilgillespie@mfi.net

cc: Mr. Michael D. Leffel, Foley & Lardner LLP
Ms. Krista J. Sterken, Foley & Lardner LLP
Dr. Karen Huffer, Legal Victim Assistance Advocates
Alex Newman, Liberty Sentinel Media, Inc.
Pat Frank, Clerk of the Circuit Court
Dale Bohner, Legal Counsel to Pat Frank, Clerk of the Circuit Court
Mark Ware, Esq., Director of Appeal, Jury, Mental Health and Probate
Lisa Mann, Associate Director of Appeals Department

----- Original Message -----

From: [Circciv](#)

To: [Neil Gillespie](#)

Sent: Thursday, May 26, 2011 11:08 AM

Subject: RE: please read email and attachments

Dear Mr. Gillespie:

The Circuit Civil department has received and processed your Verified Motion to Proceed in Forma Pauperis filed on May 17, 2011. Based on the financial information provided, you have been determined to be not indigent (Florida Statute 57.082). Therefore this office, will not be able to issue the subpoenas until \$2 per subpoena is received. Additionally, there is a \$40 service fee (per subpoena) charged by the Hillsborough County Sheriff's office to serve each subpoena.

Please note at this time, this office is not receiving pleadings electronically. In the future, please mail hard copies to P.O. Box 989, Tampa, Florida, 33601. This is to ensure that future pleadings will not be challenged do to electronic format.

Hillsborough CountyClerk
Circuit Civil Department

From: Neil Gillespie [neilgillespie@mfi.net]
Sent: Thursday, May 19, 2011 12:25 PM
To: Circciv
Cc: Frank, Pat; Bohner, Dale; Ware, Mark; Mann, Lisa; Karin Huffer; Alex Newman
Subject: please read email and attachments

Clerk of the Court
Circuit Civil Division

To Whom It May Concern:

Mark Ware in appeals provided you as contact. Attached you will find my Verified Motion to Proceed in Forma Pauperis in PDF. The original was filed May 17, 2011. Please advise if this is sufficient.

Also attached you will find the following in PDF:
Form 1.910(a), Subpoena, Deputy Christopher E. Brown, signed by NJG
Form 1.910(a), Subpoena, Donna Healy, Associate Courts Director, signed by NJG
Form 1.911(a), Subpoena Duces Tecum, Major James P. Livingston, signed by NJG
Form 1.911(a), Subpoena Duces Tecum, Ryan Rodems, signed by NJG

Please advise if the Clerk's signature is required, and if so, how I can do that by mail. I live in Ocala, Florida, a 200 mile round-trip from the court. Thank you.

Sincerely,

Neil J. Gillespie, pro se nonlawyer
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807
Email: neilgillespie@mfi.net

cc: Pat Frank, Clerk
cc: Dale Bohner, Legal Counsel
cc: Mark Ware
cc: Lisa Mann
cc: Dr. Huffer



United States Treasury

15-51
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P 404,008,140



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VOID AFTER ONE YEAR

REGIONAL DISBURSING OFFICER



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IN THE CIRCUIT/COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

STATE OF FLORIDA vs. Neil Gillespie

CASE NO. 05-CA-007205

Defendant/Minor Child

APPLICATION FOR CRIMINAL INDIGENT STATUS

I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER
OR

I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

- I have 0 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
- I have a take home income of \$ 0 paid () weekly () bi-weekly () semi-monthly () monthly () yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered support payments)
- I have other income paid () weekly () bi-weekly () semi-monthly () monthly () yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Social Security benefits.....	Yes \$ <u>1774</u>	No	Veterans' benefit.....	Yes \$ _____	No
Unemployment compensation.....	Yes \$ _____	No	Child support or other regular support from family members/spouse.....	Yes \$ _____	No
Union Funds.....	Yes \$ _____	No	Rental income.....	Yes \$ _____	No
Workers compensation.....	Yes \$ _____	No	Dividends or interest.....	Yes \$ _____	No
Retirement/pensions.....	Yes \$ _____	No	Other kinds of income not on the list.....	Yes \$ _____	No
Trusts or gifts.....	Yes \$ _____	No			
- I have other assets: (Circle "Yes" and fill in the value of the property, otherwise circle "No." Use the back of this form to provide additional information.)

Cash.....	Yes \$ <u>00</u>	No	Savings.....	Yes \$ _____	No
Bank account(s).....	Yes \$ _____	No	Stocks/bonds.....	Yes \$ _____	No
Certificates of deposit or money market accounts.....	Yes \$ _____	No	*Equity in Real estate (excluding homestead).....	Yes \$ _____	No
*Equity in Motor Vehicles/Boats/Other tangible property.....	Yes \$ <u>300</u>	No	*Equity means value minus loans. Also list any expectancy in an interest in such property.		

List the year/make/model and tag #: 1998 Dodge Van
Tag # X7254

List the address of this property:
Address _____
City, State, Zip _____
County of Residence _____
- I have a total amount of liabilities and debts in the amount of \$44,000
- I receive: (Circle "Yes" or "No")

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	No
Poverty-related veterans' benefits.....	Yes	No
Supplemental Security Income (SSI).....	Yes	No
- I have been released on bail in the amount of \$ 0 Cash 0 Surety 0 Posted by: Self 0 Family 0 Other 0

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S., commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 27 day of MAY, 2011.

Neil J Gillespie
Signature of Applicant for Indigent Status
Print Full Legal Name Neil J Gillespie
Address 8092 SW 115th Ave
City, State, Zip OCALA, FL 34817
Phone number 352-854-7807

Date of Birth 3-19-1956
Driver's license or ID number G421-630-56090

CLERK'S DETERMINATION

Based on the information in this Application, I have determined the applicant to be Indigent () Not Indigent

The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this 27 day of May, 2011
[Signature]
Deputy Clerk

PAT FRANK
Clerk of the Circuit Court

This form was completed with the assistance of _____
Clerk/Deputy Clerk/Other authorized person

APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the judge to review the clerk's decision of not indigent.