

IN THE SUPREME COURT OF FLORIDA
STATE OF FLORIDA

NEIL J. GILLESPIE, ETC,

Petitioner pro se (nonlawyer),

VS.

REVERSE MORTGAGE SOLUTIONS, INC,

Respondent.

CASE NO.: SC15-1145

Lower Tribunal No(s): 5D15-340;

42-2013-CA-000115-CAAXXX

_____/

AMENDED DECLARATION OF NEIL J. GILLESPIE

Pursuant to 28 U.S.C. § 1746(2), and Fla. Stat. § 92.525, I hereby declare as follows:

1. My name is Neil J. Gillespie. I am the petitioner appearing pro se in this case. I am an indigent/insolvent non-lawyer, unable to obtain adequate counsel, a vulnerable adult with disabilities, and a consumer of legal and court services affecting interstate commerce.

2. This petition pertains to case No. 2013-CA-000115 in the Marion County trial court, a wrongful foreclosure of a Home Equity Conversion Mortgage, or a HECM reverse mortgage.

3. This Court's order entered September 18, 2015 appears at Exhibit 1 and states in part:

Petitioner is allowed to and including October 19, 2015, in which to serve the brief on jurisdiction with an appendix...

4. The order does not specify a method of computing time relative to Rule 2.514(b). The order was served through the U.S. Mail (Exhibit 1) and by email through the Portal.

5. Rule 2.514(b), Florida Rules of Judicial Administration:

(b) Additional Time after Service by Mail or E-mail. When a party may or must act within a specified time after service and service is made by mail or e-mail, 5 days are added after the period that would otherwise expire under subdivision (a).

6. On information and belief, the order calling for a brief on jurisdiction with an appendix allowed to and including October 19, 2015 is subject Rule 2.514(b), with 5 days added for service of the order by mail and e-mail, making October 24, 2015 the date for additional time.

7. Because October 24, 2015 is a Saturday, the period continues to run until the next day that is not a Saturday, Sunday, or legal holiday. Therefore, on information and belief, Monday October 26, 2015 is the time provided under Rule 2.514(b) to serve the brief and appendix.

8. I emailed Clerk John Tomasino on September 16, 2015 @ 3.45 PM as follows. A paper copy of the email appears at Exhibit 2.

Clerk, Supreme Court
RE: Case No. SC15-1145

Dear Mr. Tomasino,

Please confirm that the Honorable Jorge Labarga received the referral of Chief Inspector General Case No. 201505200004 against the Second District Court of Appeal, and any disposition thereof. As of today I do not show a response to CIG Case No. 201505200004 by the Chief Justice.

Please confirm the procedure in the Supreme Court to appoint civil counsel for a vulnerable adult under the Florida Statutes, Chapter 415 Adult Protective Services, pursuant to section 27.511 Offices of criminal conflict and civil regional counsel; legislative intent; qualifications; appointment; duties.—

27.511(6)(a) The office of criminal conflict and civil regional counsel has primary responsibility for representing persons entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law in civil proceedings, including, but not limited to, proceedings under s. 393.12 and chapters...415...

Thank you.

Sincerely,
Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Tel. 352-854-7807
Email: neilgillespie@mfi.net

9. As of today, Clerk John Tomasino has not provided a response to my email at Exhibit 2.

10. On Tuesday, July 21, 2015 at 3:12 PM, Clerk John Tomasino emailed me that he can't advise as to the calculation of due dates, and referred me to the Court's website for an ADA accommodation. A paper copy of the email appears at Exhibit 3.

Mr. Gillespie,

Unfortunately, I can't advise as to the calculation of due dates. As for an ADA accommodation, I can refer you to the Court's website at <http://www.floridasupremecourt.org/clerk/adaInformation.shtml> for information on how to request an accommodation.

I regret I am unable to be of further assistance.

Sincerely,

John Tomasino

11. I am a disabled and vulnerable adult as defined by:

The Americans With Disabilities Act (ADA 1990), as amended;
The ADA Amendments Act of 2008 (ADAAA 2008) as amended;
The Rehabilitation Act of 1973, as amended;
The Social Security Administration, ongoing disability determination since 1993
Chapter 415, Florida Statutes, Adult Protective Services; § 415.102(28) Vulnerable adult.
Chapter 425, Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults; § 825.101(3) Disabled Adult.

12. The Social Security Administration notified me by letter September 16, 2015 "that we were going to review your disability case. However, we do not need to review your case at this time." The letter appears at Exhibit 4.

13. This Court's order entered September 18, 2015 (Exhibit 1) is confusing to me because, the Court designated me a "petitioner", but the order entered September 18, 2015 (Exhibit 1) demands a response that does not conform to the requirements of any petition found in the Florida Rules of Appellate Procedure. See Rule 9.100(g) Petition:

(g) Petition. The caption shall contain the name of the court and the name and designation of all parties on each side. The petition shall not exceed 50 pages in length and shall contain

- (1) the basis for invoking the jurisdiction of the court;
- (2) the facts on which the petitioner relies;
- (3) the nature of the relief sought; and

(4) argument in support of the petition and appropriate citations of authority.

If the petition seeks an order directed to a lower tribunal, the petition shall be accompanied by an appendix as prescribed by rule 9.220, and the petition shall contain references to the appropriate pages of the supporting appendix.

This Court's order entered September 18, 2015 (Exhibit 1)

Petitioner is allowed to and including October 19, 2015, in which to serve the brief on jurisdiction with an appendix, which is double-spaced and submitted in either Times New Roman 14 point font or Courier New 12 point font. It shall contain, in the following order: a cover sheet, a table of contents, a table of citations, a statement of the case and of the facts, a summary of argument, an argument, a conclusion and include a certificate of compliance which immediately follows the certificate of service. The brief shall not exceed 10 pages. The table of contents and citations, the certificates of service and compliance, and the signature block for the brief's author, shall be excluded from the computation. The appendix shall contain only a copy of the opinion or order of the district court of appeal to be reviewed.

The above sounds like some kind of appellate brief, not a petition, which is confusing, because an appellate brief requires a record, see Rule 9.110(e). I did not get the index from the clerk.

(e) Record. Within 50 days of filing the notice, the clerk shall prepare the record prescribed by rule 9.200 and serve copies of the index on all parties. Within 110 days of filing the notice, the clerk shall electronically transmit the record to the court.

Also, the page count of the petition was reduced by the Court from 50 pages under Rule 9.100(g)

Petition, to just 10 pages, which I do not understand.

14. On May 12, 2015 I submitted a Title II ADA request to the 5th DCA using the Florida Court System Title II ADA Accommodation Request Form. (Exhibit 6). On page 5 I wrote,

I want an accommodation appropriate to my particular situation an individualized inquiry made on a case-by-case basis that will allow my case to be decided on the MERITS and not DISMISSED because I cannot do what is needed because of disability, mental impairment, or criminality of a bad judge.

I copied the foregoing in substantial part from the 5th DCA ADA website (Exhibit 7)

As required by the ADA, the determination of whether an individual has a disability and the accommodation appropriate to a particular situation is an individualized inquiry and each decision is therefore made on a case-by-case basis.

My three page ADA cover letter to Marshall Charles Crawford submitted On May 12, 2015 with my Title II ADA request included this information. The letter appears at Exhibit 8.

Please find attached a completed form 5DCA ADA Title II Accommodation request. My disabilities include the following from my 2012 request:

Medical Conditions ICD-9-CM Code
Post Traumatic Stress Disorder (PTSD) 309.81
with PTSD related panic attack in response to
stimuli associated with a serve stressor
Anxiety disorder due to medical condition 293.89
Dysthymic disorder (chronic depression) 300.4
Depression 296.3
Cleft palate with unilateral cleft lip (L) 749.21
Facial disfigurement, scarring 709.2
Velopharyngeal Incompetence (VPI) 528.9
Voice disorder, hypernasality 784.43
Retracted eardrum (L) 384.28
Eustachian tube defect 381.89
Hearing loss 389.90
Diabetes (mellitus) NOS, Type 2 diabetes, adult onset 250.00
Brain trauma, head injury from a mugging (1988) 310.20

The following supporting documents are attached:

1. The ADA: One Avenue to Appointed Counsel Before a Full Civil Gideon (law review)
2. Social Security Administration disability notice letter August 23, 1993
3. Social Security Administration disability letter August 1, 2012, no review needed
4. ER report Hahnemann University Hospital Philadelphia, August 20, 1988
5. C.A.11-No.12-11213-C Amended Disability Motion - PACER, August 9, 2012
6. C.A.11-No.12-11213-C Amended Disability Motion - PDF, August 6, 2012 (easier to read)
7. ABA Journal, Brain injury suspension for lawyer; 'I couldn't stick to tasks' (composite)
8. 31 FlaJur2d Insurance-Disability
9. 2015, 03-16-15, CT Cervical Spine NJG
10. One Page Summary Report Apr-07-15 through Apr-20-15

My ability to function in real-time in a legal proceeding is severely impaired, making court appearances without counsel impossible. Outside of proceedings I become confused with legal matters. This disability substantially increases the time needed to complete legal work required in the case, beyond established time limits, resulting in loss of participation in court activities.

In the past courts, judges, attorneys, law firms, and court employees have abused their position of power and dominance over me for advantage, knowing I am especially vulnerable because I am disabled with mental and physical impairments. This began with Mr. Rodems' misconduct and criminality. It has taken me a long time to unravel the confusion caused by abuse of power.

15. Marshall Charles Crawford wrongly denied my Title II ADA request by letter June 9, 2015 (Exhibit 9) for using ADA language taken right from the court's website, which he called "a non-specific request for accommodation".

I want an accommodation appropriate to my particular situation an individualized inquiry made on a case-by-case basis that will allow my case to be decided on the MERITS and not DISMISSED because I cannot do what is needed because of disability, mental impairment, or criminality of a bad judge.

I copied the foregoing in substantial part from the 5th DCA ADA website (Exhibit 7)

As required by the ADA, the determination of whether an individual has a disability and the accommodation appropriate to a particular situation is an individualized inquiry and each decision is therefore made on a case-by-case basis.

Crawford then falsely claimed in his letter June 9, 2015 that Clerk Simmons and Clerk Masters provided the accommodation; however if they provided an accommodation, the accommodation was not sufficient because the case was dismissed.

After the case was dismissed for not getting an accommodation, Crawford wrote, "As you have no cases pending before the Fifth District Court of Appeal, there is no ADA accommodation that can be provided to you."

16. I am a disabled and vulnerable adult under F.S. sec. 415.102(28), Adult Protective Services, requiring the appointment of legal counsel to represent me in this case by the Office of Regional Counsel. My three page ADA cover letter to Marshall Charles Crawford submitted May 12, 2015 with my Title II ADA request included this information. Exhibit 8.

In the past courts, judges, attorneys, law firms, and court employees have abused their position of power and dominance over me for advantage, knowing I am especially vulnerable because I am disabled with mental and physical impairments.

The procedure to appoint civil counsel for a vulnerable adult under F.S. ch 415 pursuant to F.S. sec. 27.511(6)(a) is set forth in F.S. sec. 27.40 (see, in particular, sections 27.40(2)&(3), according to the email September 14, 2015 4:26 PM of Greg Harrell, General Counsel to David

R. Ellspermann, Marion County Clerk of Court & Comptroller. A paper copy of the email appears at Exhibit 5).

17. Only a Florida licensed attorney in good standing is competent (Rule 4-1.1) or diligent (Rule 4-1.3) to serve the brief on jurisdiction in this case on the wrongful foreclosure of my homestead property on a Home Equity Conversion Mortgage, or a HECM reverse mortgage, relative to me as the petitioner appearing pro se in this case. I am an indigent/insolvent non-lawyer, unable to obtain adequate counsel, a vulnerable adult with disabilities, and a consumer of legal and court services affecting interstate commerce.

- The Due Process Clause of the Fourteenth Amendment, U.S. Constitution.
- Powell v. Alabama, 287 U.S. 45, for “due process in the constitutional sense”
- Due Process, Article I, Section 9, Florida Constitution
- Access to Courts, Article I, Section 21, Florida Constitution
- Basic Rights (Disability), Article I, Section 2, Florida Constitution
- The Americans With Disabilities Act (ADA 1990) as amended
- The ADA Amendments act of 2008 (ADAAA 2008) as amended
- Section 504 of the Rehabilitation Act of 1973, as amended
- Fla. Stat. § 29.007 Court-appointed counsel “This section applies in any situation in which the court appoints counsel to protect a litigant’s due process rights.”
- Chapter 415, Florida Statutes, Adult Protective Services; § 415.102(28) Vulnerable adult.
- Chapter 425, Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults; § 825.101(3) Disabled Adult.
- Civil Regional Counsel where mandated constitutionally or by general law in civil cases.
- Chapter 27 Florida Statutes, Part III, Other Court-Appointed Counsel.

18. As a nonlawyer I am not competent, and not diligent, as defined by the Rules Regulating The Florida Bar.

- Florida Bar Rule 4-1.1 Competence.

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

- Florida Bar Rule 4-1.3 Diligence.

A lawyer shall act with reasonable diligence and promptness in representing a client.

19. A counsel appointment under the ADA or based on disability is not contingent on finding the person indigent. The only requirement is disability as defined under the law.

- Social Security Disability determination

The Social Security Administration, Office of Disability, *Notice of Award* letter dated August 23, 1993 said I met the medical requirements to receive Social Security benefits, and found that I became disabled under its rules on January 17, 1992.

- Fla. Stat. § 413.30(2) disability determinations by other state or federal agencies

413.30(2) Determinations...pursuant to Title II or Title XVI of the Social Security Act shall be considered to have a physical or mental impairment that constitutes or results in a substantial impediment to employment and a significant disability.

20. In the event this Court rules to dismiss this case, any such dismissal would show grounds for a civil counsel appointment for due process under the Fourteenth Amendment of the U.S. Constitution, and Powell vs. Alabama, 287 U.S. 45 for “due process in the constitutional sense”.

MR. JUSTICE SUTHERLAND delivered the opinion of the Court....“If in any case, civil or criminal, a state or federal court were arbitrarily to refuse to hear a party by counsel, employed by and appearing for him, it reasonably may not be doubted that such a refusal would be a denial of a hearing, and, therefore, of due process in the constitutional sense...”

"...The right [p69] to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel, he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect. If in any case, civil or criminal, a state or federal court were arbitrarily to refuse to hear a party by counsel, employed by and appearing for him, it reasonably may not be doubted that such a refusal would be a denial of a hearing, and, therefore, of due process in the constitutional sense..."

Powell v. Alabama, 287 U.S. 45
Decided: November 7, 1932

Argued: October 10, 1932
224 Ala. 524, 531, 540, reversed.

21. The Supreme Court of Florida has a duty and the authority to administratively provide legal counsel under the Fourteenth Amendment of the U.S. Constitution for Due Process:

The Constitution states only one command twice. The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states. These words have as their central promise an assurance that all levels of American government must operate within the law ("legality") and provide fair procedures....

Due Process - Legal Information Institute - Cornell University
https://www.law.cornell.edu/wex/due_process

22. Constitutional requirement of due process under Florida law:

Article 1, section 9, Florida Constitution.

SECTION 9. Due process.—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

23. Case law for due process under Florida Law:

10A Fla. Jur 2d Constitutional Law § 480 (2007)

The guaranty of due process of law extends to every type of legal proceeding. Pelle v. Diners Club, 287 So. 2d 737 (Fla. Dist. Ct. App. 3d Dist. 1974); Tomayko v. Thomas, 143 So. 2d 227 (Fla. Dist. Ct. App. 3d Dist. 1962). Whenever life, liberty, or property rights are involved in any official action, the organic requirements of due process of law must be afforded, whether such action is the exercise of the powers of government by governmental departments, State ex rel. Barancik v. Gates, 134 So. 2d 497 (Fla. 1961); Williams v. Kelly, 133 Fla. 244, 182 So. 881 (1938) or a duly authorized administrative or ministerial function or duty. State ex rel. Barancik v. Gates. The constitutional guaranty of due process of law applies not only to court and administrative procedures, but also to legislative acts. Williams v. U.S., 179 F.2d 644 (5th Cir. 1950), cert. granted, 340 U.S. 849, 71 S. Ct. 77, 95 L. Ed. 622 (1950) and judgment aff'd, 341 U.S. 70, 71 S. Ct. 581, 95 L. Ed. 758 (1951) (implied overruling on other grounds recognized by, U.S. v. McDermott, 918 F.2d 319 (2d Cir. 1990)) and (overruling on other grounds recognized by, Brzonkala v. Virginia Polytechnic Institute and State University, 169 F.3d 820, 136 Ed. Law Rep. 15 (4th Cir. 1999)).

10A Fla. Jur 2d Constitutional Law § 483 (2007)

Due process encompasses both substantive and procedural due process. McKinney v. Pate, 20 F.3d 1550 (11th Cir. 1994); M.W. v. Davis, 756 So. 2d 90, 25 Fla. L. Weekly S334 (Fla. 2000); State v. O.C., 748 So. 2d 945, 24 Fla. L. Weekly S425 (Fla. 1999).

24. Constitutional due process is required for Access to Courts, Article I, Section 21, Florida Constitution, and Basic Rights (Disability), Article I, Section 2, Florida Constitution.

SECTION 21. Access to courts.—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

SECTION 2. Basic rights.—All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

25. A litigant has a right to conflict-free counsel, http://en.wikipedia.org/wiki/Right_to_counsel

Whether counsel is retained or appointed, the defendant has a right to counsel without a conflict of interest *. If an actual conflict of interest is present, and that conflict results in any adverse effect on the representation, the result is automatic reversal.[17] The general rule is that conflicts can be knowingly and intelligently waived,[18] but some conflicts are unwaivable. [19] *Wheat v. United States, 486 U.S. 153 (1988), conflicts of interest

[17] Burger v. Kemp, 483 U.S. 776 (1987); Cuyler v. Sullivan, 446 U.S. 335 (1980); Holloway v. Arkansas, 435 U.S. 475 (1978).

[18] See United States v. Curcio, 680 F.2d 881 (2d Cir. 1982).

[19] See, e.g., United States v. Schwarz, 283 F.3d 76 (2d Cir. 2002); United States v. Fulton, 5 F.3d 605 (2d Cir. 1993).

26. Yesterday I left a phone message on the Elder Helpline of the Florida Department of Elder Affairs, 1-800-963-5337. In 4 months and 21 days, I will be 60 years-old, and covered by the Older Americans Act (OAA) - **Title III B** Services or Activities.

Older Americans Act (OAA) - 42 U.S.C. 3001 et seq.,
as amended by Public Law 106-501;
Section 20.41 and Chapter 430, Florida Statutes, especially
section 430.101, Administration of federal aging programs

Title III B: Provides supportive services to enhance the well-being of elders and to help them live independently in their home environment and the community. Funds are allocated to Area Agencies on Aging, which contract with service providers to deliver supportive services such as...legal services... residential repair/renovation, and health support. http://elderaffairs.state.fl.us/doea/pubs/pubs/sops2015/2015%20SOPS%20C_web.pdf

Page 61, SECTION C - Older Americans Act (OAA) Programs and Services (Pages 55 - 80),
2015 Summary of Programs and Services, Department of Elder Affairs, State of Florida.

27. The Florida Supreme Court denied my Title II ADA request on July 24, 2015, by and through Marshal Silvester Dawson, *see* Exhibit 10. Reason for denial, paragraph 12: “Request is for an aid/service the courts cannot administratively grant as an accommodation pursuant to Title II of the ADA (official transcript, extension of time, etc.).”

28. It appears someone sabotaged my full access the Florida E-Filing Portal in this case SC15-1145 on or about October 19, 2015. I notified Clerk John Tomasino by email Tuesday, October 20, 2015 at 12:58 AM. A paper copy of the email appears at Exhibit 11.

John A. Tomasino
Clerk, Florida Supreme Court

RE: Case No. SC15-1145
Dear Mr. Tomasino,

It appears someone sabotaged my full access the Florida E-Filing Portal in case SC15-1145. The following names (among others) had been removed from my service list when I submitted the DECLARATION OF NEIL J. GILLESPIE, Filing # 33421436 E-Filed 10/19/2015 11:55:09 PM:

Hon. Joanne P. Simmons, Clerk Fifth District Court of Appeal
Email: simmonsj@flcourts.org
Curtis Alan Wilson
Email: MRService@mccallarayer.com
Email: spr@mccallarayer.com
Email: gal@mccallarayer.com

Furthermore, there was no way to add the above names, that function was not present.

So I served the court document to myself, then provided Notice of Service of Court Documents by email, see forwarded below. You and the Court may consider this a second Notice of Service of Court Documents. The foregoing conduct is prejudicial to the administration of justice, and conduct prejudicial to the effective and expeditious administration of the business of the courts.

The foregoing is evidence of exploiting me, a disabled vulnerable adult. I am a disabled and vulnerable adult under F.S. sec. 415.102(28), and entitled to Adult Protective Services, including the appointment of legal counsel to represent me in this case by the Office of Regional Counsel for the 2nd District. The procedure to appoint civil counsel

for a vulnerable adult under F.S. ch 415 pursuant to F.S. sec. 27.511(6)(a) is set forth in F.S. sec. 27.40 (see, in particular, sections 27.40(2)&(3)). I am also a disabled adult as defined by sec. 825.101(3), Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults.

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

29. As of today Mr. Tomasino has not responded to my accusation of sabotage. Exhibit 11.
30. The Supreme Court of Florida does not have a provision for the determination of court-appointed counsel for any reason shown above, that I know about. I am not a Florida licensed attorney in good standing. I am a non-lawyer. I did not attend law school.
31. The Declaration of Neil J. Gillespie submitted October 19, 2015 unfortunately has inadvertent errors, including the wrong date of execution. I hereby amend that document, and apologize to the Court, to opposing counsel, and to anyone else who read the document.

Pursuant to Fla. Stat. § 92.525, under penalties of perjury, I declare that I have read the foregoing Declaration and that the facts stated in it are true, or to the best of my knowledge and belief.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct. Executed on this 27th day of October, 2015.



Neil J. Gillespie (signature)

RESPECTFULLY SUBMITTED October 27, 2015.



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

Petitioner's Separate Request to Toll Time

Under Fla. R. App. P. 9.300(d)(10), I respectfully request the Supreme Court toll time for 30 days to find counsel, and to consider this Amended Declaration as a motion for that purpose.

Certificate of Service

I hereby certify that today October 27, 2015 I served the forgoing to the following names on the Florida E-filing Portal. Note: This Amended Declaration was filed after midnight October 26, 2015 because I am not competent (Bar Rule 4-1.1) and not diligent (Bar Rule 4-1.3).

Hon. John Anthony Tomasino, Clerk, Florida Supreme Court
Email: fsc-service@flcourts.org

Hon. Joanne P. Simmons, Clerk Fifth District Court of Appeal
Email: simmonsj@flcourts.org

Hon. Melinda M. Miguel, Chief Inspector General
Email: Melinda.Miguel@eog.myflorida.com

Hon. Sherrill F. Norman, CPA, Florida Auditor General
John Tenewitz, General Counsel, JohnTenewitz@aud.state.fl.us

Florida Justice Administrative Commission (JAC) and the OCCCRC
Alton L. "Rip" Colvin, Jr., Executive Director, Rip.Colvin@justiceadmin.org
Jeffrey Lewis (RC1) jeffrey.lewis@rc1.myflorida.com
Ita M. Neymotin (RC2) ineymotin@flrc2.org
Jeffrey Deen (RC5) jdeen@rc5state.com

Patricia (PK) Jameson, State Courts Administrator, jamesonp@flcourts.org
Tad David, General Counsel, OSCA, davidt@flcourts.org
OSCA ADA, ADA@flcourts.org; Debbie Howells, howellsd@flcourts.org

Jason Maine, General Counsel, Florida Department of Elder Affairs
Email: mainej@elderaffairs.org

Taroub King, Inspector General, Office of Inspector General (OIG),
Florida Department of Elder Affairs, Email: kingt@elderaffairs.org

Curtis Alan Wilson
Email: MRService@mccallarayermer.com
Email: spr@mccallarayermer.com
Email: gal@mccallarayermer.com



Neil J. Gillespie, petitioner pro se

Supreme Court of Florida

FRIDAY, SEPTEMBER 18, 2015

CASE NO.: SC15-1145

Lower Tribunal No(s): 5D15-340;

422013CA000115CAAXXX

NEIL J. GILLESPIE, ETC.

vs.

REVERSE MORTGAGE
SOLUTIONS, INC., ET AL.

Petitioner(s)

Respondent(s)

Petitioner's Response to the Clerk's Order Entered August 4, 2015, has been treated as a motion for rehearing of this Court's order dated August 4, 2015, and is hereby denied.

Petitioner is allowed to and including October 19, 2015, in which to serve the brief on jurisdiction with an appendix, which is double-spaced and submitted in either Times New Roman 14 point font or Courier New 12 point font. It shall contain, in the following order: a cover sheet, a table of contents, a table of citations, a statement of the case and of the facts, a summary of argument, an argument, a conclusion and include a certificate of compliance which immediately follows the certificate of service. The brief shall not exceed 10 pages. The table of contents and citations, the certificates of service and compliance, and the signature block for the brief's author, shall be excluded from the computation. The appendix shall contain only a copy of the opinion or order of the district court of appeal to be reviewed. Failure to file a compliant brief and appendix within the allotted time could result in the imposition of sanctions, including dismissal of the petition for review.

EXHIBIT

1

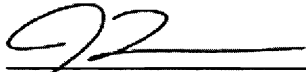
CASE NO.: SC15-1145

Page Two

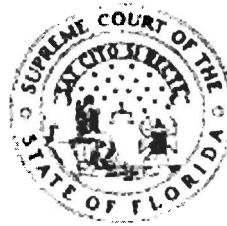
Please understand that once this case is dismissed, it may not be subject to reinstatement.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



bhp

Served:

CURTIS ALAN WILSON
NEIL J. GILLESPIE

John A. Tomasino, Clerk
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399

TALLAHASSEE FL 323

18 SEP 2015 PM 3 L



BH

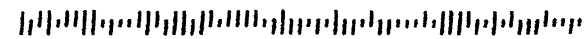
SC15-1145

NEIL J. GILLESPIE

8092 S.W. 115TH LOOP

Ocala, FL 34481

34481+3567



Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "John Anthony Tomasino" <tomasino@flcourts.org>
Cc: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Wednesday, September 16, 2015 3:45 PM
Subject: Case No. SC15-1145
John A. Tomasino
Clerk, Supreme Court

RE: Case No. SC15-1145

Dear Mr. Tomasino,

Please confirm that the Honorable Jorge Labarga received the referral of Chief Inspector General Case No. 201505200004 against the Second District Court of Appeal, and any disposition thereof. As of today I do not show a response to CIG Case No. 201505200004 by the Chief Justice.

Please confirm the procedure in the Supreme Court to appoint civil counsel for a vulnerable adult under the Florida Statutes, Chapter 415 Adult Protective Services, pursuant to section 27.511 Offices of criminal conflict and civil regional counsel; legislative intent; qualifications; appointment; duties.—

27.511(6)(a) The office of criminal conflict and civil regional counsel has primary responsibility for representing persons entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law in civil proceedings, including, but not limited to, proceedings under s. 393.12 and chapters...415...

Thank you.

Sincerely,

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



Neil Gillespie

From: "John A. Tomasino" <tomasino@flcourts.org>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Cc: <MRService@mccallarayer.com>; "David B. Sacks, Esq." <david@sackslegal.com>; "Joanne P. Simmons" <simmonsj@flcourts.org>
Sent: Tuesday, July 21, 2015 3:12 PM
Subject: RE: Case No. SC15-1145
 Mr. Gillespie,

Unfortunately, I can't advise as to the calculation of due dates. As for an ADA accommodation, I can refer you to the Court's website at <http://www.floridasupremecourt.org/clerk/adaInformation.shtml> for information on how to request an accommodation.

I regret I am unable to be of further assistance.

Sincerely,
 John Tomasino

From: Neil Gillespie [mailto:neilgillespie@mfi.net]
Sent: Tuesday, July 21, 2015 2:40 PM
To: John A. Tomasino
Cc: MRService@mccallarayer.com; David B. Sacks, Esq.; Neil Gillespie; Joanne P. Simmons
Subject: Case No. SC15-1145

John A. Tomasino
 Clerk, Supreme Court

RE: Case No. SC15-1145

Dear Mr. Tomasino,

I have the Court's Order entered Monday July 6, 2015 (PDF attached, mailed July 7, 2015). However I am confused about the message: "In reviewing our records, we note that your case is subject to dismissal for failure to comply with this Court's direction..."

Is the Order entered Monday July 6, 2015 subject to 5 additional days to respond, since it was mailed? (Rule 2.514(b))

RULE 2.514. COMPUTING AND EXTENDING TIME

(b) Additional Time after Service by Mail or E-mail. When a party may or must act within a specified time after service and service is made by mail or e-mail, 5 days are added after the



period that would otherwise expire under subdivision (a).

I was unclear how case SC15-1145 would proceed because I did not get any information other than the Acknowledgment of New Case letter dated June 19, 2015. (PDF attached, mailed June 23, 2015)

I also require accommodation under the Americans with Disabilities Act (ADA).

I am awaiting a response from David B. Sacks, Esq. for representation in the lower tribunal, 13-CA-115 Marion County, see attached.

If the Order entered Monday July 6, 2015 is not subject to 5 additional days to respond, I will require an enlargement of time to respond. If the Court requires a separate motion with my ADA request, I will require 30 days additional time on that issue alone.

Thank you in advance for the courtesy of a response.

Sincerely,

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

Cc: Hon. Joanne P. Simmons, Clerk
Curtis Alan Wilson
David B. Sacks, Esq.

Social Security Administration

Important Information



001927 1 MB 0.439 0005 LR CDRC2 0913 03

NEIL J GILLESPIE
8092 S W 115 LOOP
OACLA FL 34481-3567



Mid-Atlantic Program Service Center
300 Spring Garden Street
Philadelphia, Pennsylvania 19123-2992
Date: **September 16, 2015**
Claim Number: 160-52-5117 A

We sent you a letter telling you that we were going to review your disability case. However, we do not need to review your case at this time. Therefore, we will not contact your doctor now. We will keep any information that you have given us.

We will contact you later if we need to review your case.

Things To Remember

It is important that you report changes right away. Be sure to tell us about any of the following changes:

- You return to work.
- Your job, pay or work expenses change, if you are working now.
- Your doctor says your health is better.

Suspect Social Security Fraud?

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

If You Have Questions

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-877-626-9911. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
933 E SILVER SPGS BLVD
OCALA, FL 34470

See Next Page

*0101NURDX002124*NOTAFP.X3.PBCDRNOT.PC2.R150908.PAM

000000000

002501063567691493734481356792



EXHIBIT

4

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

Social Security Administration



SOCIAL SECURITY ADMINISTRATION
MID ATLANTIC PROGRAM SERVICE CENTER
300 SPRING GARDEN ST
PHILADELPHIA PA 19123-2992

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ADMINISTRATION
PERMIT NO. G-11



001927 1 MB 0.439 0005 LR CDRC2 0913 03

NEIL J GILLESPIE
8092 S W 115 LOOP
OACLA FL 34481-3567



D
C

Neil Gillespie

From: "Greg Harrell" <GHarrell@marioncountyclerk.org>
To: <neilgillespie@mfi.net>
Sent: Monday, September 14, 2015 4:26 PM
Attach: Copy of AttorneyRegistry08242015.xls
Subject: Re: Record request, Adult Protective Services, Florida Statutes, Chapter 415 and Civil Regional Counsel Appointment, Office of Regional Counsel, 5th District

Mr. Gillespie:

The procedure in Marion County to appoint civil counsel for a vulnerable adult under Chapter 415 of the Florida Statutes pursuant to section 27.511(6)(a) of the Florida Statutes is set forth in section 27.40 of the Florida Statutes (see, in particular, sections 27.40(2)&(3)), a copy of which can be found using the following link:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0027/Sections/0027.40.html

A copy of the most recent court-appointed attorney registry list that the Office of the General Counsel for the Fifth Judicial Circuit prepares and sends the Clerk's Office on a quarterly basis, in accordance with section 27.40(3)(d), is attached below. The list itself and additional information about the list can be found on the Fifth Judicial Circuit's website at:

<http://www.circuit5.org/c5/programs-services/registry-information-conflict-cases/>

Gregory C. Harrell
 General Counsel to David R. Ellspermann, Marion County Clerk of Court & Comptroller
 P.O. Box 1030
 Ocala, Florida 34478-1030
 (352) 671-5603
 gharrell@marioncountyclerk.org

>>> "Neil Gillespie" <neilgillespie@mfi.net> 09/14/2015 01:39 PM >>>

>

Gregory C. Harrell
 General Counsel to David R. Ellspermann,
 Marion County Clerk of Court & Comptroller
 P.O. Box 1030
 Ocala, Florida 34478-1030
 (352) 671-5603
 Email: gharrell@marioncountyclerk.org

RE: Record request, Adult Protective Services, Florida Statutes, Chapter 415
 Civil Regional Counsel Appointment, Office of Regional Counsel, 5th District
 Jeffrey D. Deen, Regional Counsel, 5th DCA Region

Dear Mr. Harrell:

Provide records showing the procedure in Marion County to appoint civil counsel for a vulnerable adult under Florida Statutes, Chapter 415 Adult Protective Services, pursuant to Florida Statutes, section 27.511 Offices of criminal conflict and civil regional counsel; legislative intent; qualifications; appointment; duties. □

27.511(6)(a) The office of criminal conflict and civil regional counsel has primary responsibility for representing persons entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law in civil proceedings, including, but not limited to, proceedings under s. 393.12 and chapters...415... Thank you.

Sincerely,

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



**FLORIDA STATE COURTS SYSTEM
ADA TITLE II ACCOMMODATION REQUEST FORM¹
FIFTH DISTRICT COURT OF APPEAL**

RIGHT TO AN ACCOMMODATION

If you are an individual with a disability who needs an accommodation in order to participate in a court proceeding or other court service, program, or activity, you are entitled, at no cost to you, to the provision of certain assistance. Requests for accommodations may be presented on this form, in another written format, or orally. Please complete the attached form and return it to Charles Crawford, Fifth District Court of Appeal, 300 South Beach Street, Daytona Beach, Florida 32114, or FAX: 386-947-1568, as far in advance as possible, but preferably at least seven (7) days before your scheduled court appearance or other court activity.

Upon request by a qualified individual with a disability, this document will be made available in an alternate format. If you need assistance in completing this form due to your disability, or to request this document in an alternate format, please contact Charles Crawford, Fifth District Court of Appeal, 300 South Beach Street, Daytona Beach, Florida, 32114; Phone: 386-947-1544.

ADA ACCOMMODATIONS PROVIDED BY FLORIDA COURTS

Pursuant to Title II of the Americans with Disabilities Act the Florida State Courts System will make reasonable modifications in policies, practices, and procedures; furnish auxiliary aids and services; and afford program accessibility through the provision of accessible facilities, the relocation of services or programs, or the provision of services at alternative sites, as appropriate and necessary.

Examples of auxiliary aids or services that the State Courts System may provide for qualified individuals with disabilities include:

- Assistive listening devices
- Qualified ASL or other types of interpreters for persons with hearing loss
- Communication access real-time translation / Real-time transcription services
- Accessible formats such as large print, Braille, electronic document, or audio tapes
- Qualified readers

¹ This form was developed for use by individuals with disabilities who may require a modification in a policy, provision of an auxiliary aid or service, or assignment to an accessible location in order to participate in a court proceeding or other court service, program, or activity that is covered by Title II of the Americans with Disabilities Act. Court employees with disabilities who need a reasonable accommodation to be able to perform the essential functions of their jobs should contact their immediate supervisor, the ADA coordinator for their court, the OSCA Office of Personnel Services, or the State Courts ADA Coordinator.

Accommodations that are granted by the state courts are made at no cost to qualified individuals with disabilities.²

AIDS/SERVICES COURTS CANNOT ADMINISTRATIVELY GRANT AS ADA ACCOMMODATIONS

Examples of aids or services the Florida State Courts System cannot provide as an accommodation under Title II of the Americans with Disabilities Act include:

- Transportation to and from the courthouse
- Legal counsel or advice
- An official transcript of a court proceeding
- Personal devices such as wheelchairs, hearing aids, or prescription eyeglasses
- Personal services such as medical or attendant care
- Readers for personal use or study

Additionally, the courts cannot administratively grant, as an ADA accommodation, requests that impact court procedures within a specific case. Requests for an extension of time, a change of venue, or participation in court proceedings by telephone or videoconferencing must be submitted by written motion to the presiding judge as part of the case. The judge may consider an individual's disability, along with other relevant factors, in granting or denying the motion.

Furthermore, the court cannot exceed the law in granting a request for an accommodation. For example, the court cannot extend the statute of limitations for filing an action because someone claims that he or she could not make it to the court on time due to a disability, nor can the court modify the terms of agreements among parties as an ADA accommodation.

Finally, the Americans with Disabilities Act (ADA) does not require the court system to take any action that would fundamentally alter the nature of court programs, services, or activities, or that would impose an undue financial or administrative burden on the courts.

² Please note that providing accommodations for some individuals with disabilities who appear in the courtroom as part of their employment duties or professional practice is a responsibility that appropriately may be shared by the individual's employer and the courts. Title I of the Americans with Disabilities Act requires employers of 15 or more employees and Title II of the Americans with Disabilities Act requires all state and local government employers to provide reasonable accommodations to qualified employees with disabilities. In addition, Section 504 of the Rehabilitation Act of 1973, as amended, covers recipients of federal funding, and requires all covered organizations to provide accommodations for their employees. These responsibilities are concomitant with the courts' responsibility under Title II of the ADA. It is to everyone's benefit when employers and the court system work together to ensure that reasonable accommodations for individuals with disabilities are provided in the most efficient and cost effective manner.

DOCUMENTATION OF THE NEED FOR AUXILIARY AIDS AND SERVICES

If an individual has a disability that is not obvious, or when it is not readily apparent how a requested accommodation relates to an individual's impairment, it may be necessary for the court to require the individual to provide documentation from a qualified health care provider in order for the court to fully and fairly evaluate the accommodation request. These information requests will be limited to documentation that (a) establishes the existence of a disability; (b) identifies the individual's functional limitations; and (c) describes how the requested accommodation addresses those limitations. Any cost to obtain such documentation is the obligation of the person requesting the accommodation.

FLORIDA STATE COURTS SYSTEM TITLE II ADA ACCOMMODATION REQUEST FORM

Please return this completed form to: Charles Crawford, Fifth District Court of Appeal, 300 South Beach Street, Daytona Beach, Florida 32114, or FAX 386-947-1568, as far in advance as possible, but preferably at least seven (7) days before your scheduled court appearance or other court activity.

1. Date request submitted: 05 / 12 / 2015

2. Person needing accommodation

Name: Neil J. Gillespie

Are you (please check one of the following seven options):

Defendant ☒ Litigant/Party Witness Juror Victim Attorney

☒ Other (please specify): Consumer court services affecting interstate commerce

3. Contact information for person needing accommodation

Street or P.O. Box: 8092 SW 115th Loop

City: Ocala

State: Florida

Zip Code: 352-854-7807

Telephone Number (include area code): 352-854-7807

Email Address: neilgillespie@mfi.net

4. Person making request (if other than the person needing the accommodation)

Name: n/a

Telephone Number (include area code): n/a

Email Address: n/a

Relationship to person needing an accommodation: n/a

5. Case information (if applicable)

Style of case (case title), if known: Gillespie v. Reverse Mortgage Solutions, Inc.

Case number, if known: Appeal No. 5D15-0340; Petition No. 5D15-0340

Judge, if known: unknown/unassigned. I believe the Clerk is making rulings now

Date accommodation needed: Now and for the duration of all my cases

Time accommodation needed: 24/7

Location (courthouse/courtroom) accommodation needed: not yet assigned

Duration for which the accommodation is requested: for the duration of all my cases

Type of case, if known (please check one of the following ten options):

☒ appeal circuit criminal circuit civil family court

probate, guardianship, or mental health county criminal county civil
traffic court small claim ✓ other (please specify) 5D15-0340/5D15-0341

Type of proceeding, if known (please check one of the following six options):

arraignment bond hearing hearing trial appellate oral argument
✓ other (please specify) Appeal 5D15-0340; and Petition 5D15-0341

6. Accommodations requested

Nature of disability that necessitates accommodation: Traumatic brain injury, etc.

See Amended Disability Motion, US11th Circuit, 12-11213-C, Neil J. Gillespie

Accommodation requested (please check one of the following six options):

Assistive listening device (*Assistive listening systems work by increasing the loudness of sounds, minimizing background noise, reducing the effect of distance, and overriding poor acoustics. The listener uses a receiver with headphones or a neckloop to hear the speaker.*)

Communication access real-time translation/real-time transcription services (*CART is a word-for-word speech-to-text interpreting service for people who need communication access. A rendering of everything said in the courtroom will appear on a computer screen. CART is not an official transcript of a court proceeding.*)

Sign Language Interpreter (*Please specify American Sign Language, oral interpreter, signed English, or other type of signing system used by persons with hearing loss.*): _____

Assignment to a courtroom that is accessible to a person using a mobility device (*Please specify wheelchair, scooter, walker, or other mobility device that is used.*): _____

Provision of court documents in an alternative format (*Please specify Braille, large print, accessible electronic document, or other accessible format used by persons who are blind or have low vision.*): _____

✓ Other accommodation (please specify): I was/am determined totally disabled by Social Security. I want an accommodation appropriate to my particular situation
an individualized inquiry made on a case-by-case basis that will allow my case
to be decided on the MERITS and not DISMISSED because I cannot do what
is needed because of disability, mental impairment, or criminality of a bad judge.

7. Use the Submit Button (immediately following) to send us your request:

Submit

THE FOLLOWING SECTION IS TO BE COMPLETED BY COURT PERSONNEL ONLY

8. Date request was received: ____/____/____

9. Additional oral or written information requested? Yes No

If so, describe information: _____

10. Describe the accommodation(s) granted by the court: _____

11. Indicate the duration the accommodation will be provided: _____

12. If an accommodation is denied, indicate reason(s) for denial:³

Based on the information provided, it appears the person does not have a disability as defined by the ADA

Requested accommodation does not directly correlate to functional limitations

Request relates to a service, program, or activity outside the court system
(transportation, legal representation, mental health counseling, parenting course, etc.)

Request is for an aid/service the courts cannot administratively grant as an accommodation pursuant to Title II of the ADA (official transcript, extension of time, etc.)

Requested accommodation would result in an undue burden

Requested accommodation would result in a fundamental alteration

Other (please specify): _____

13. Remarks: _____

14. Court staff responding to request: _____

15. Date person notified of determination: ____/____/____

³ If the request is denied, granted only in part, or if an alternative accommodation is granted, Rule of Judicial Administration 2.540 requires the court to respond in writing to the individual with a disability. Transmittal of a copy of this section of the accommodation request form by email or by U.S. Mail delivery is one means of providing the written response required by rule 2.540. If an accommodation is denied due to a finding of undue burden or fundamental alteration, the Americans with Disabilities Act requires that such determination be made in writing by the chief judge or chief judge's designee.



FLORIDA FIFTH DISTRICT COURT OF APPEAL

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Fifth District Court of Appeal
300 South Beach Street
Daytona Beach, FL 32114
(386) 947-1530

[Map and Directions](#)

[5th DCA HOME](#)

ADA Information:

The Fifth District Court of Appeal is committed to full compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations are provided for qualified court participants with disabilities, in accordance with the law. As required by the ADA, the determination of whether an individual has a disability and the accommodation appropriate to a particular situation is an individualized inquiry and each decision is therefore made on a case-by-case basis.

[ADA Guidelines](#)

[ADA Grievance Procedures](#)

Notice to Persons with Disabilities:

If you are a person with a disability who needs any accommodation in order to participate in a court proceeding or event, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Marshal, Charles Crawford, 300 South Beach Street, Daytona Beach, Florida 32114, telephone (386) 947-1544, to [request accommodations](#) at least seven (7) days before the scheduled court appearance, or immediately upon receiving notification if the time before the scheduled court appearance is less than seven (7) days. The court may, in its discretion, waive this requirement. If you are voice or hearing impaired, call 711 to reach the Telecommunications Relay Service.

[ADA Accommodation Request Form - PDF](#)

[ADA Accommodation Request Form - Word](#)

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EXHIBIT

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May 12, 2015

Charles Crawford
Fifth District Court of Appeal
300 South Beach Street
Daytona Beach, Florida, 32114
Phone: 386-947-1544.

I hereby waive confidentiality in this matter, Neil J. Gillespie

Request for Accommodation Under Americans with Disabilities Act 1990 (ADA), the ADA Amendments Act 2008, and the Rehabilitation Act of 1973, as amended,

Dear Mr. Crawford:

Please find attached a completed form 5DCA ADA Title II Accommodation request. My disabilities include the following from my 2012 request:

Medical Conditions	ICD-9-CM Code
Post Traumatic Stress Disorder (PTSD) with PTSD related panic attack in response to stimuli associated with a serve stressor	309.81
Anxiety disorder due to medical condition	293.89
Dysthymic disorder (chronic depression)	300.4
Depression	296.3
Cleft palate with unilateral cleft lip (L)	749.21
Facial disfigurement, scarring	709.2
Velopharyngeal Incompetence (VPI)	528.9
Voice disorder, hypernasality	784.43
Retracted eardrum (L)	384.28
Eustachian tube defect	381.89
Hearing loss	389.90
Diabetes (mellitus) NOS, Type 2 diabetes, adult onset	250.00
Brain trauma, head injury from a mugging (1988)	310.20

The following supporting documents are attached:

1. The ADA: One Avenue to Appointed Counsel Before a Full Civil Gideon (law review)
2. Social Security Administration disability notice letter August 23, 1993
3. Social Security Administration disability letter August 1, 2012, no review needed
4. ER report Hahnemann University Hospital Philadelphia, August 20, 1988
5. C.A.11-No.12-11213-C Amended Disability Motion - PACER, August 9, 2012
6. C.A.11-No.12-11213-C Amended Disability Motion - PDF, August 6, 2012 (easier to read)
7. ABA Journal, Brain injury suspension for lawyer; 'I couldn't stick to tasks' (composite)
8. 31 FlaJur2d Insurance-Disability
9. 2015, 03-16-15, CT Cervical Spine NJG
10. One Page Summary Report Apr-07-15 through Apr-20-15

My ability to function in real-time in a legal proceeding is severely impaired, making court appearances without counsel impossible. Outside of proceedings I become confused with legal matters. This disability substantially increases the time needed to complete legal work required in the case, beyond established time limits, resulting in loss of participation in court activities.

In the past courts, judges, attorneys, law firms, and court employees have abused their position of power and dominance over me for advantage, knowing I am especially vulnerable because I am disabled with mental and physical impairments. This began with Mr. Rodems' misconduct and criminality. It has taken me a long time to unravel the confusion caused by abuse of power.

Unfortunately matters involving me appear to present political questions, and not legal questions for a court to hear, and therefore are not justiciable under the political question doctrine.

Unfortunately it appears the Florida Court system has refused to acknowledge or follow the ADA Amendments Act 2008. Instead, Florida Courts rely on the out dated ADA 1990. The old ADA may have sufficed for a represented litigant, but certainly not a disabled pro se litigant.

C.A.11-No.12-11213-C Amended Disability Motion - PACER (251 pages) Scribd
<http://www.scribd.com/doc/102585752/Amended-Disability-Motion-12-11213-C-C-A-11>

C.A.11-No.12-11213-C; Judge Isom AFFIDAVIT Disability Motion (104 pages), July 30, 2012
<https://www.scribd.com/doc/101764386/Affidavit-Conflict-Not-Disclosed-Judge-Claudia-Isom>

C.A.11-No.12-11213-C; CM-ECF Notice, Disability Motion (84 pages), July 27, 2012
<https://www.scribd.com/doc/102594266/Notice-of-CM-ECF-Prohibition-by-the-District-Court>

Right to Counsel, Conflict-free counsel, http://en.wikipedia.org/wiki/Right_to_counsel
Whether counsel is retained or appointed, the defendant has a right to counsel without a conflict of interest *. If an actual conflict of interest is present, and that conflict results in any adverse effect on the representation, the result is automatic reversal.[17] The general rule is that conflicts can be knowingly and intelligently waived,[18] but some conflicts are unwaivable. [19]

*Wheat v. United States, 486 U.S. 153 (1988), conflicts of interest
[17] Burger v. Kemp, 483 U.S. 776 (1987); Cuyler v. Sullivan, 446 U.S. 335 (1980); Holloway v. Arkansas, 435 U.S. 475 (1978).
[18] See United States v. Curcio, 680 F.2d 881 (2d Cir. 1982).
[19] See, e.g., United States v. Schwarz, 283 F.3d 76 (2d Cir. 2002); United States v. Fulton, 5 F.3d 605 (2d Cir. 1993).

ADA Amendments Act of 2008, Wikipedia
http://en.wikipedia.org/wiki/ADA_Amendments_Act_of_2008

Americans with Disabilities Act of 1990, Wikipedia
http://en.wikipedia.org/wiki/Americans_with_Disabilities_Act_of_1990

Charles Crawford
Fifth District Court of Appeal

May 12, 2015
Page - 3

Proclamation for the ADA by Chief Justice Canady, 20th Anniversary ADA 1990
<http://www.flcourts.org/core/fileparse.php/243/urlt/Proclamation-ADA.pdf>

Proclamation for the ADA by Chief Justice Labarga
http://www.floridasupremecourt.org/pub_info/documents/pressreleases/2015/04-10-2015_ADA-Proclamation.pdf

ADA Information OSCA, Office of State Courts Administration
<http://www.flcourts.org/administration-funding/court-administration/ada-information.shtml>

ADA Information OSCA, Accessibility Statement, The Rehabilitation Act of 1973
<http://www.flcourts.org/administration-funding/court-administration/accessibility-statement.shtml>

Court urges all bars to get right with the ADA, Florida Bar News, March 1, 2014
<http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/0661ffcdbeb0dffc85257c890046538a!OpenDocument>

The U.S. Eleventh Circuit has a duty and authority to make a *Non-Criminal Justice Act Counsel Appointment*. The U.S. Eleventh Circuit adopted provisions for furnishing representation for persons financially unable to obtain adequate representation in cases and situations which do not fall within the scope of 18 U.S.C. § 3006A, as amended -- but in which the court believes that the interests of justice will be served by the presence of counsel., See Addendum Five, online, <http://www.ca11.uscourts.gov/attorney-info/criminal-justice-act>
<http://www.ca11.uscourts.gov/sites/default/files/courtdocs/clk/RulesAddendum05AUG07.pdf>

Sandy D'Alemberte, Tributaries of Justice: The Search For Full Access, 25 Fla. St. U. L. Rev 631
<http://www.law.fsu.edu/journals/lawreview/downloads/253/dalemberte.pdf>

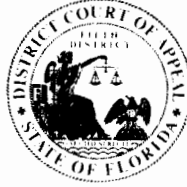
"Some court opinions hint that access to legal representation in civil cases might be a constitutional entitlement. footnote 58, See In re Amendments to Rules Regulating The Florida Bar—1-3.1(a) and Rules of Judicial Administration—2.065 (Legal Aid), 598 So. 2d 41, 43 (Fla. 1992) (noting that "the right to counsel is no longer limited to criminal cases")." ...
American Bar Association (ABA), Civil Right to Counsel, in State Civil Proceedings
http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/civil_right_to_counsel.html

Attached is a three page composite for the ABA Civil Right to Counsel in State Civil Proceedings, for a counsel appointment to protect an indigent civil litigant's due process rights.

If you require anything else, please contact me. Thank you. Sincerely,



8092 SW 115th Loop
Ocala, Florida 34481
Phone: 352-854-7807
Email: neilgillespie@mfi.net



VINCENT G. TORPY, JR.
CHIEF JUDGE

THOMAS D. SAWAYA
WILLIAM D. PALMER
RICHARD B. ORFINGER
C. ALAN LAWSON
KERRY I. EVANDER
JAY P. COHEN
WENDY W. BERGER
F. RAND WALLIS
BRIAN D. LAMBERT
JAMES A. EDWARDS
JUDGES

DISTRICT COURT OF APPEAL
FIFTH DISTRICT
300 SOUTH BEACH STREET
DAYTONA BEACH, FLORIDA 32114
386.947.1500 COURT
386.255.8600 CLERK

JOANNE P. SIMMONS
CLERK

CHARLES R. CRAWFORD
MARSHAL

June 9, 2015

Neil J. Gillespie
8092 SW 115th Loop
Ocala, FL 34481

Re: ADA Grievance

Mr. Gillespie:

On May 12, 2015, I received a request for ADA accommodation from you via e-mail. Ms. Joanne Simmons, the Clerk of the Court was copied on that e-mail and responded almost immediately; once again explaining the correct way for you to file the required documents. In that correspondence you made the following non-specific request for accommodation:

I was/am determined totally disabled by Social Security. I want an accommodation appropriate to my particular situation an individualized inquiry made on a case-by-case basis that will allow my case to be decided on the MERITS and not DISMISSED because I cannot do what is needed because of disability, mental impairment, or criminality of a bad judge.

Subsequent to receiving your request I learned that you have no cases pending before this Court. It is my understanding that Ms. Simmons and her predecessor Ms. Masters exchanged a number of communications with you concerning your cases(s) and that they were dismissed after you failed to respond within the necessary time limits.

As you have no cases pending before the Fifth District Court of Appeal, there is no ADA accommodation that can be provided to you.

Best regards

Charles R. Crawford
Marshal

cc: Debra G. Howells, State Courts ADA Coordinator

FAX NUMBER 386.947.3443
E MAIL ADDRESS SDCA@FLCOURTS.ORG

EXHIBIT

9

Neil Gillespie

From: "Charles Crawford" <crawfordc@flcourts.org>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Thursday, July 23, 2015 8:25 AM
Attach: Neil J. Gillespie.pdf
Subject: ADA
Mr. Gillespie,

The attached letter regarding your ADA request was sent to you via certified letter on June 9, 2015. It was recently returned to me as undeliverable. I have attached a scanned copy of the letter for your information.

Sincerely

Charles R. Crawford, Marshal
Fifth District Court of Appeal
300 S. Beach Street
Daytona Beach, FL 32114

Neil Gillespie

From: "Silvester Dawson" <Dawson@flcourts.org>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Cc: "Debbie Howells" <howellsd@flcourts.org>; "John A. Tomasino" <tomasino@flcourts.org>
Sent: Friday, July 24, 2015 3:46 PM
Attach: ADA Title II request to Marshal Silvester Dawson for Neil J. Gillespie J....pdf; ADA Accommodation Request Response (FL Supreme Court).pdf
Subject: RE: Gillespie ADA accommodation request to Florida Supreme Court, SC14-1637
 Mr. Gillespie, please find the attached "ADA Accommodation Request Response (FL Supreme Court)." Best wishes.

Silvester Dawson
Marshal
Supreme Court of Florida
Tallahassee, FL 32399
Office: (850) 488-8845
Fax: (850) 921-2775
Email: dawson@flcourts.org



This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this not the intended recipient, you are hereby notified that any dissemination, distribution, use or copy in message may constitute a violation of §119, F. S. and is strictly prohibited. If you have received this in reply immediately to the sender and delete this message

From: Neil Gillespie [mailto:neilgillespie@mfi.net]
Sent: Tuesday, July 21, 2015 10:49 PM
To: Silvester Dawson; Kevin White; John A. Tomasino
Cc: MRService@mccallarayer.com; Joanne P. Simmons; David B. Sacks, Esq.; Neil Gillespie
Subject: Fw: Gillespie ADA accommodation request to Florida Supreme Court, SC14-1637

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

From: [Neil Gillespie](#)
To: [Silvester Dawson](#) ; [Kevin White](#)
Cc: [John F Harkness](#) ; [Adria E Quintela](#) ; [John Anthony Tomasino](#) ; [Neil Gillespie](#)
Sent: Tuesday, December 16, 2014 12:52 AM
Subject: Gillespie ADA accommodation request to Florida Supreme Court, SC14-1637



THE FOLLOWING SECTION IS TO BE COMPLETED BY COURT PERSONNEL ONLY

8. Date request was received: __07__/_21__/_2015__

9. Additional oral or written information requested? ☐ Yes ☒ No

If so, describe information: _____

10. Describe the accommodation(s) granted by the court: N/A

Indicate the duration the accommodation will be provided: N/A

12. If an accommodation is denied, indicate reason(s) for denial:¹

☐ Based on the information provided, it appears the person does not have a disability as defined by the ADA

☐ Requested accommodation does not directly correlate to functional limitations

☐ Request relates to a service, program, or activity outside the court system (transportation, legal representation, mental health counseling, parenting course, etc.)

☒ Request is for an aid/service the courts cannot administratively grant as an accommodation pursuant to Title II of the ADA (official transcript, extension of time, etc.)

☐ Requested accommodation would result in an undue burden

☐ Requested accommodation would result in a fundamental alteration

☐ Other (please specify): _____

13. Remarks: _____

_____ As stated on the instructions of your ADA Accommodation Request Form submitted, the Florida State Courts System cannot administratively provide legal counsel or legal advice as an ADA accommodation. A request for appointment of legal counsel is a legal matter that must be submitted in motion form to the Court.

14. Court staff responding to request: _____Silvester Dawson, Marshal_____

15. Date person notified of determination: __07__/_24__/_2015__

¹ If the request is denied, granted only in part, or if an alternative accommodation is granted, Rule of Judicial Administration 2.540 requires the court to respond in writing to the individual with a disability. Transmittal of a copy of this section of the accommodation request form by email or by U.S. Mail delivery is one means of providing the written response required by rule 2.540. If an accommodation is denied due to a finding of undue burden or fundamental alteration, the Americans with Disabilities Act requires that such determination be made in writing by the chief judge or chief judge's designee.

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "John Anthony Tomasino" <tomasino@flcourts.org>; "FBI Tampa Division" <tampa.division@ic.fbi.gov>; "FBI Jacksonville Division" <jacksonville@ic.fbi.gov>
Cc: "Joanne P. Simmons" <simmonsj@flcourts.org>; "McCalla Raymer E-service" <MRService@mccallarayermer.com>; <spr@mccallarayermer.com>; <gal@mccallarayermer.com>; "Sheriff Chris Blair" <cblair@marionso.com>; "Captain Bill Sowder MCSO" <bsowder@marionso.com>
Sent: Tuesday, October 20, 2015 12:58 AM
Attach: Other Miscellaneous Document Not Listed.pdf
Subject: Fw: SERVICE OF COURT DOCUMENT - CASE NUMBER SC2015-1145
 John A. Tomasino
 Clerk, Florida Supreme Court

RE: Case No. SC15-1145

Dear Mr. Tomasino,

It appears someone sabotaged my full access the Florida E-Filing Portal in case SC15-1145. The following names (among others) had been removed from my service list when I submitted the DECLARATION OF NEIL J. GILLESPIE, Filing # 33421436 E-Filed 10/19/2015 11:55:09 PM:

Hon. Joanne P. Simmons, Clerk Fifth District Court of Appeal
 Email: simmonsj@flcourts.org

Curtis Alan Wilson
 Email: MRService@mccallarayermer.com
 Email: spr@mccallarayermer.com
 Email: gal@mccallarayermer.com

Furthermore, there was no way to add the above names, that function was not present.

So I served the court document to myself, then provided Notice of Service of Court Documents by email, see forwarded below. You and the Court may consider this a second Notice of Service of Court Documents. The foregoing conduct is prejudicial to the administration of justice, and conduct prejudicial to the effective and expeditious administration of the business of the courts.

The foregoing is evidence of exploiting me, a disabled vulnerable adult. I am a disabled and vulnerable adult under F.S. sec. 415.102(28), and entitled to Adult Protective Services, including the appointment of legal counsel to represent me in this case by the Office of Regional Counsel for the 2nd District. The procedure to appoint civil counsel for a vulnerable adult under F.S. ch 415 pursuant to F.S. sec. 27.511(6) (a) is set forth in F.S. sec. 27.40 (see, in particular, sections 27.40(2)&(3)). I am also a disabled adult as defined by sec. 825.101(3), Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults.

Sincerely,

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

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

From: [Neil Gillespie](mailto:neilgillespie@mfi.net)
To: MRService@mccallarayermer.com ; spr@mccallarayermer.com ; gal@mccallarayermer.com ; [Joanne P. Simmons](mailto:Joanne.P.Simmons@flcourts.org) ; [John Anthony Tomasino](mailto:John.Antonio.Tomasino@flcourts.org) ; [Neil Gillespie](mailto:Neil.Gillespie@mfi.net)
Sent: Monday, October 19, 2015 11:58 PM
Subject: Fw: SERVICE OF COURT DOCUMENT - CASE NUMBER SC2015-1145

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

From: eservice@myflcourtsaccess.com
Sent: Monday, October 19, 2015 11:55 PM
Subject: SERVICE OF COURT DOCUMENT - CASE NUMBER SC2015-1145

Notice of Service of Court Documents

Filing Information

Filing #: 33421436
 Filing Time: 10/19/2015 11:55:09 PM ET
 Filer: Neil J. Gillespie 352-854-7807



Court: The Supreme Court of Florida
 Case #: SC2015-1145
 Court Case #: SC2015-1145
 Case Style: NEIL J. GILLESPIE, ETC. vs REVERSE MORTGAGE SOLUTIONS, INC., ET AL.

Documents

Title	File
Other Miscellaneous Document Not Listed	DECLARATION OF NEIL J. GILLESPIE.pdf

E-service recipients selected for service:

Name	Email Address
Neil J. Gillespie	neilgillespie@mfi.net

E-service recipients deselected for service:

Name	Email Address
Jeff Atwater, CFO	Jeff.Atwater@myfloridacfo.com
James Birkhold, Clerk Second District COA	Birkholj@flcourts.org
Tami McCarroll, Chief Deputy Clerk 2DCA	mccarrot@flcourts.org
Pat Frank, Clerk Circuit Court Hillsborough	frankp@hillsclerk.com
Dale K. Bohner, Legal Counsel to Clerk Pat Frank	bohnerd@hillsclerk.com

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This is an automatic email message generated by the Florida Courts E-Filing Portal. This email address does not receive email.

Thank you,
The Florida Courts E-Filing Portal