Supreme Court of Florida

WEDNESDAY, MARCH 17, 1999

ANTHONY R. MARTIN,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

CASE NO. 93,573

ANTHONY R. MARTIN,

Petitioner,

vs.

WALTER COLBATH, et al.,

Respondents.

CASE NO. 94,012

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ORDER TO SHOW CAUSE DIRECTED TO PETITIONER

Anthony R. Martin has filed two petitions for writ of mandamus. We have jurisdiction. Art. V, § 3(b)(8), Fla. Const. Sua sponte, this Court hereby consolidates and denies the two above-referenced petitions for the following reasons.

Anthony R. Martin, also or previously known as Anthony R. Martin-Trigona, is one of this State's most active, as well as abusive, pro se litigants. Martin's current petitions generally stem from a decision rendered by the Fourth District Court of Appeal in 1995. In Martin v. Marko, 651 So. 2d 819 (Fla. 4th DCA 1995), the Fourth District Court of Appeal issued an opinion in a writ case censuring Martin for his abusive writ practice and his "scurrilous allegations" against numerous judges. Id. at 821. There the court had issued an order to Martin to show cause why his petition for

leave to proceed without payment of filing fee should not be denied for that case and prospectively. In its order to show cause, the court commented on the large number of frivolous appeals and original writ petitions he had filed there. In 1995, the number there surpassed forty-three filings. The court also noted that Martin's filings were not only without merit, but included extremely abusive insults directed at numerous non-respondents, public officials, judges and the judicial system as a whole. The court noted that the "tactic of injecting personal insults into proceedings was first noted by the Illinois Supreme Court as part of the reason for the denial of Martin's admission to the Illinois Bar." Id. at 820 (citing In re Martin-Trigona, 302 N.E.2d 68 (Ill. 1973), cert. denied, 417 U.S. 909 (1974)). The court then found that it had inherent authority to refuse to grant indigency status to a pro se litigant as a sanction, despite his actual financial situation, in extreme situations when the litigant had thoroughly abused the court system. The court quoted from an opinion of the United States Supreme Court in which that Court had utilized the same procedure. Id. at 821. In that case, the United States Supreme Court stated:

> In order to prevent frivolous petitions for extraordinary relief from unsettling the fair administration of justice, the court has a duty to deny in forma pauperis status to those individuals who have abused the system.

In re Sindram, 498 U.S. 177, 180 (1989). Based on these findings, the court had issued the order to Martin requiring that he show cause why he should not be denied in forma pauperis status in the case pending there and prospectively due to his past "pattern and practice of filing frivolous extraordinary writs and appeals." Martin v. Marko, 651 So. 2d at 821. Martin had responded by attaching a copy of another lawsuit he was filing against all the judges of the Fourth District Court. The court found the response inadequate, dismissed the petition, and issued an order denying Martin indigency status prospectively. It further instructed its clerk's office to refuse for filing any petitions unless accompanied by the proper filing fee. Id.

The Circuit Court of the Fifteenth Judicial Circuit followed suit and issued an administrative order denying Martin indigency status as a sanction for his abuse of that court's legal processes. The Fifteenth Circuit noted that Martin had filed an estimated

twenty-seven civil cases there and an equal number in the Seventeenth Judicial Circuit. See In re Anthony R. Martin, Admin. Order No. 2.052-8/98 (Fla. 15th Cir. Ct. Aug. 18, 1998). The court noted the malicious, vindictive, and frivolous nature of those petitions and that the United States District Court for the District of Connecticut had also observed the abusive nature of Martin's petitions. Id. (citing In re Martin-Trigona, 592 F. Supp. 1566 (1984), aff'd, 763 F.2d 140 (2d Cir. 1985), cert. denied 474 U.S. 1061 (1986)).

In addition, the Eleventh Circuit Court of Appeals approved the enforcement of an injunction issued against Martin by the District Court for the Southern District of Florida. See Martin-Trigona v. Shaw, 986 F.2d 1384 (11th Cir. 1993). In that case the Eleventh Circuit noted that Martin was a "notoriously vexatious and vindictive litigator who has long abused the American legal system." Id. at 1385.

Prior to the Fourth District Court's opinion, Martin had filed some twenty petitions in this Court. After the Fourth District Court's opinion, he has filed nearly a dozen additional petitions here. See Martin v. State, No. 93,707 (Fla. Oct. 16, 1998); Martin v. Palm Beach County Sheriff, 718 So. 2d 1234 (Fla.1998)(No. 93,271); Martin v. State, No. 93,449 (Fla. Aug. 24, 1998); Martin v. Palm Beach County Sheriff, 718 So. 2d 1234 (Fla. 1998)(No. 93,493); Martin v. Fourth Dist. Court of Appeal, 707 So. 2d 1125 (Fla.1998)(No. 91,882); Martin v. Fourth Dist. Court of Appeal, 707 So. 2d 1125 (Fla. 1998)(No. 91,837); Martin v. State, 704 So. 2d 520 (Fla.1997) (No. 91,404); Martin v. Brescher, 658 So. 2d 991 (Fla. 1995)(No. 85,306); Martin v. Fourth Dist. Court of Appeal, 658 So. 2d 991 (Fla. 1995)(No. 84,596); Martin v. Towey, 630 So. 2d 1100 (Fla.1993)(No. 82,644); Martin v. Ross, 624 So. 2d 267 (Fla.1993)(No. 81,562); Martin v. State, 613 So. 2d 6 (Fla. 1993)(No. 80,885); Martin v. District Court of Appeal (Special Panel), 613 So. 2d 6 (Fla. 1992)(No. 80,593); Martin v. District Court of Appeal (Special Second DCA Panel), 599 So. 2d 657 (Fla. 1992)(No. 79,378); Martin v. District Court of Appeal (Special Second DCA Panel), 599 So. 2d 657 (Fla.1992)(No. 79,553); Martin v. Scott, 599 So. 2d 1279 (Fla. 1992) (No. 78,574); Martin v. District Court of Appeal (Special Second DCA Panel), 599 So. 2d 657 (Fla. 1992)(No. 79,353); Martin v. District Court of Appeal (Special Panel), 595 So. 2d 557 (Fla. 1992)(No. 79,167); Martin v. Florida Supreme Court, 595 So.

2d 557 (Fla. 1992)(No. 79,073); Martin v. District Court of Appeal, 592 So. 2d 681 (Fla. 1991)(No. 78,791); Martin v. District Court of Appeal, 591 So. 2d 182 (Fla. 1991) (No. 78,588); Martin v. District Court of Appeal, 587 So. 2d 1328 (Fla. 1991) (No. 77,991); Martin v. Marko, 582 So. 2d 623 (Fla. 1991)(No. 77,852); Martin v. Department of Health and Rehabilitative Services, 582 So. 2d 623 (Fla. 1991) (No. 77,846); Martin v. Martinez, 560 So. 2d 234 (Fla. 1990)(No. 75,475); Martin-Trigona v. District Court of Appeal, 520 So. 2d 585 (Fla. 1988)(No. 71,692).

In one of the latest petitions filed here, for example, Martin was contesting his denial of bail pending an appeal. That petition was denied as procedurally barred since he had already litigated the matter. See Martin v. Palm Beach County Sheriff, 718 So. 2d at 1234. In another recent petition, Martin was contesting the determinations by both the Fourth District Court of Appeal and the Fifteenth Judicial Circuit Court in Palm Beach County that those courts would continue to refuse submission of writ petitions without the payment of filing fees. That petition was also denied. See Martin v. State, No. 93,449 (Fla. Aug. 24, 1998). In case No. 93,271, Martin again contested the same denial of bail as he had done in case No. 93,493. In addition he personally insulted a variety of people.

In the case just preceding the instant petitions, Martin continued to challenge the Fourth District Court of Appeal's refusal to grant him indigency status. This time Martin asserted that the reason for the indigency status denial was that the judges of the Fourth District Court of Appeal wanted to disrupt his campaign for the United States Senate. That petition was also denied. See Martin v. State, No. 93,707 (Fla. Nov. 16, 1998)(unpublished order). In this Court's denial order it advised Martin that the continued filing of procedurally barred petitions could ultimately result in sanctions. Id.

Despite this Court's warning, Martin has now filed two additional writ petitions. They both concern the same matter–the continuing refusal by both the Fifteenth Judicial Circuit Court in Palm Beach County and the Fourth District Court of Appeal to permit Martin to file any more legal actions there without the payment of filing fees. The dismissal order from the circuit court dated August 18, 1998, that Martin attaches was

one of the issues in his prior petitions. He also continues to personally attack the judge that denied him bail, accusing the judge of "kidnaping" him. In addition, scattered throughout these petitions are even more atrocious insults. He makes anti-Semitic remarks against the Jewish community as a whole and now against justices of this Court. He then insinuates that if this Court does not remedy his problems, he will file a federal lawsuit.

The pertinent issues that Martin raises here have already been raised numerous times and are thus procedurally barred. Accordingly, the instant petitions are hereby denied. However, another denial without more will not solve the problem this Court and numerous other courts are having with Mr. Martin. He has clearly abused the judicial system by both the extremely excessive amount of litigation he has filed as well as the extremely malicious nature of his pleadings.

It seems clear that the Fourth District Court in its decision in Martin v. Marko, properly described Martin's petitions as containing "scandalous personal insults" and "scurrilous allegations." 651 So. 2d at 820-821. It was true of the petitions filed in that court in 1995 and it is still true of the petitions filed in this Court. Martin has not mended his ways or decreased his filings at all, despite having already been sanctioned by several courts, both state and federal. Therefore, this Court concludes that it is presented with an extreme situation and that, accordingly, there is a need to impose a significant restraint upon Martin. The United States Supreme Court itself has had to restrain indigent petitioners who have abused the system. The Supreme Court has prospectively denied litigants indigency more than once to allocate the resources of the Court "in a way that promotes the interests of justice." In re McDonald, 489 U.S. 180, 184 (1989).

Martin has flooded the courts with frivolous and malicious petitions, appeals, and other filings requesting relief to which he was not entitled. This Court has recognized that "[t]he resources of our court system are finite and must be reserved for the resolution of genuine disputes." Rivera v. State, 24 Fla. L. Weekly S59 (Fla. Dec. 10, 1998)(No. 92,601). As noted by the United States Supreme Court, "Every paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some

portion of the institution's limited resources. A part of the Court's responsibility is to see that these resources are allocated in a way that promotes the interests of justice." In re McDonald, 489 U.S. at 184. Consequently, the Court hereby issues this order to show cause:

TO: ANTHONY R. MARTIN

It appearing to the Court that you have abused the judicial system with an excessive number of frivolous and malicious pleadings, appeals, and other filings in the courts of this State, it is hereby ordered that you shall show cause on or before April 6, 1999, why you should not be prospectively denied indigency status in this Court as a sanction for abusing the judicial system.

It is so ordered.

SHAW, WELLS, ANSTEAD, LEWIS and QUINCE, JJ., concur

A True Copy
TEST:

Sid J. White
Clerk Supreme Court

sg
cc: Hon. Barry J. Stone, Chief Judge
Hon. Marilyn N. Beuttenmuller, Clerk
Hon. Robert A. Butterworth (WPB)
Mr. Charles M. Fahlbusch
Mr. Anthony R. Martin (Palm Beach and Connecticut)