No. 22-

IN THE SUPREME COURT
OF THE UNITED STATES

STEPHEN LYNCH MURRAY, Petitioner

v.

JANELLE IRWIN TAYLOR, ET AL, Respondents

On Petition for a Writ of Certiorari to the
District Court of Appeal, Fourth District
State of Florida, West Palm Beach, Florida

PETITION FOR A WRIT OF CERTIORARI

APPENDIX

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Okeechobee, FL 34974

APPENDIX

A.	FL Fourth District Court of Appeal Order Affirming Dismiss Complaint	1a
B.	FL 19th Judicial Circuit Order Dismiss Complaint With Prejudice	2a
C.	FL Fourth District Court of Appeal Denies Rehearing	15a
D.	FL Supreme Court Administratively Rejects Jurisdiction	16a
E.	First Amendment and Florida Statute 784.048	18a
F.	Fake “No Social Media“ Bond Condition and Actual Warrant	22a
G.	Arrest Affidavit Using Perjury to Attack Political Speech	25a
H.	Respondents' False Article Text	32a
I.	Respondents Boast State Court Anti-1A Political VIP Privilege	34a
J.	Pinellas Sheriff Calls Petitioner Speech “toxic”	36a
K.	FL Attorney General Asserts Unlimited State Power	37a
L.	Circuit Civil Complaint	38a
M.	Dismissed Complaint Appeal Initial	61a
N.	Dismissed Complaint Appeal Reply	77a
O.	Motion for Rehearing (Denied)	81a

APPENDIX A

DISTRICT COURT OF APPEAL OF THE STATE
OF FLORIDA FOURTH DISTRICT

STEPHEN MURRAY, Appellant,
v.
JANELLE IRWIN TAYLOR, an individual,
PETER D. SCHORSCH, an individual, and
EXTENSIVE ENTERPRISES MEDIA, a Florida
LLC, Appellees.

No. 4D21-2586
[December 9, 2021]

Appeal from the Circuit Court for the Nineteenth
Judicial Circuit,
Okeechobee County;
Rebecca I. White, Judge;
L.T. Case No. 21CA000035CAAXMX.

Stephen Murray, Okeechobee, appellant.
Mark Herron of Messer Caparello, P.A., Tallahassee,
for appellees.

PER CURIAM.
Affirmed.
MAY, KLINGENSMITH and ARTAU, JJ., concur.
* * *
Not final until disposition of timely filed motion for
rehearing.

APPENDIX B

**IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR OKEECHOBEE COUNTY, FLORIDA**

STEPHEN MURRAY,

Plaintiff,

vs. Case No.: 21-CA-000035-CAAXMX

JANELLE IRWIN TAYLOR, an individual,
PETER D. SCHORSCH, an individual, and
EXTENSIVE ENTERPRISES MEDIA, a
Florida LLC,

Defendants.
_______________________________________/

ORDER GRANTING DEFENDANTS' AMENDED MOTION TO DISMISS PLAINTIFFS' COMPLAINT

This Cause came before the Court upon Defendants' Amended Motion to Dismiss Plaintiff's Complaint. Plaintiff filed a Complaint alleging defamation and seeking damages in excess of $500,000. Defendants moved to dismiss the complaint pursuant to Fla. R. Civ. P. Rule 1.140(b)(1) and Fla. Stat. § 770.01. The Court has carefully considered the matter and is fully advised in the premises.

I. BACKGROUND

Plaintiff Stephen Murray ("Murray") filed the instant action against Defendants claiming defamation and alleging that he "suffered damage to his immediate and prospective future personal and business associations and relations, emotional suffering, and other losses and financial damages in excess of $500,000." *See* Compl. ¶ ¶32-33, 38.

The Complaint alleges that Plaintiff, Stephen Murray ("Murray'), is a private citizen living in Okeechobee, Florida. *See* Compl. ¶ 1. The Complaint alleges that Defendant, Extensive Enterprises Media, LLC, is a Florida LLC with its principal office in Pinellas County, Florida; that Defendant, Janelle Irwin Taylor, an individual, is a legal resident of Pinellas County, Florida, who conducts business as an author on the website floridapolitics.com; and that Defendant, Peter D. Schorsch, an individual, is a legal resident of Pinellas County, Florida, who is the "publisher" of the website floridapolitics.com. *See* Compl. ¶ ¶2-4. The Complaint further alleges that the website floridapolitics.com, transmits files, media, and general content via the internet. *See* Compl. ¶ ¶2-4.

The Complaint alleges that Defendants published an article on its website with the headline "Okeechobee man arrested for stalking Chris Sprowls' wife." The article referenced Murray. Compl. ¶ 7. *See also* Exhibit D.[1] The article is based

1All referenced exhibits are exhibits attached to the Complaint.

official court documents attached to the Complaint. *See* Exhibit C.

According to a warrant issued against Murray, on January 6th, 2021, Murray allegedly sent an email to Phil Archer, the State Attorney for the 18th Judicial Circuit, stating: "Hey Phil, look at the attached photo. Is pimping legal in Florida? Because I am going to make the bitch in the attached photo my whore. You understand me?" *See* Exhibit C pg. 7.2. Attached to the email was a photograph of Shannon Sprowls and President Donald Trump. Mrs. Sprowls is the wife of Chris Sprowls, the current Speaker of the Florida House of Representatives. *Id.* at 8. The email was signed off "SM cops2prison.org," and records indicated that the corresponding email account is controlled by Murray. *Id.* at 8. A Twitter account alleged to belong to Murray had previously posted various tweets directed at Mr. and Mrs. Sprowls. *Id.* at 6.

On January 24, 2021, a vehicle owned by Murray entered Pinellas County, the county of residence of the Sprowls family. *Id.* at 9. Due to the fact Murray had no known associates in Pinellas County and no legitimate purpose for traveling to the county, and given his emails and Twitter posts, a warrant was requested for the arrest of Murray under charges of stalking. *Id.* 9-10. Judge Phillip Federico issued the warrant on January 24, 2021, *id.* at 1, and Murray was arrested the next day, *see* Exhibit A at 1.

On February 12, 2021, Defendant Janelle Irwin Taylor wrote a story published on the Florida Politics website detailing the criminal complaint, the warrant, and Murray's arrest. *Id.* The article in its original form made repeated references to the warrant and court records on which it relied. *Id.*

Murray contacted the Defendants on February 14th, averring that the published story contained false, inflammatory, and damaging assertions. *See* Exhibit E at 1. Murray requested specific information as to what threats he had issued, the beliefs of Judge Federico, and any supporting documentation that Murray's truck crossed the bridge as alleged. *Id.* Defendant Peter D. Schorsch replied, stating that the assertions were not made by Defendants, but by the criminal complaint upon which Defendants had relied for the story. *Id.* Murray demanded that Schorsch clean up the story with "corrections, clarifications, and retractions." *Id.*

A series of back-and-forth emails between Murray and Schorsch led to Defendants voluntarily correcting, clarifying, and retracting certain statements from the original story. *See e.g.,* Ex. E. These revisions included removing a statement that Judge Federico had issued the bench warrant as he was "concerned Murray would act on his threats to the Speaker's wife" and removing the words "incendiary" and "critical" from a sentence which had stated that the cops2prison.org website contained "incendiary posts critical of the police, criminal

justice system and other institutions." *Id.* at 4, 6. Additionally, Schorsch attached the public criminal complaint in its entirety to the article. *Id.* at 4. Despite these revisions, Murray continued to maintain that Defendants had defamed him, and that the ultimate issue is that the article stated he was arrested for stalking someone. *Id.* at 6-9.

On February 15, 2021, Murray forwarded a version of the complaint filed in this case to Schorsch. *Id.* at 8-9. Murray filed the Complaint in the above captioned case on February 17, 2021.

II. LEGAL STANDARD

A motion to dismiss is appropriate where a complaint fails to allege "ultimate facts" – the "final and resulting facts reached by processes of logical reasoning from detailed or probative facts." *See* 40 Fla. Jur. 2d Pleadings § 25 (citing Fla. R. Civ. P. 1.110(b)(2) and *Kreizinger v. Schlesinger*, 925 So. 2d 431, 432 (Fla. 4th DCA 2006)). While "courts must liberally construe, and accept as true, factual allegations in a complaint and reasonably deductible inferences therefrom," courts should dismiss complaints that rely on "conclusory allegations, unwarranted deductions, or mere legal conclusions." *W.R. Townsend Contracting, Inc. v. Jensen Civil Construction, Inc.,* 728 So. 2d 297, 300 (Fla. 4th DCA 1999).

When determining whether plaintiffs have met their burden to survive dismissal, a court is

limited to the specific allegations stated on the face of the operative complaint and its attachments. *Santiago v. Mauna Loa Invs., LLC*, 189 So. 3d 752, 755 (Fla. 2016). Any contradictions between the allegations in the complaint and the attached exhibits are resolved in favor of the exhibits. *Id.* at 756 ("It is also true that exhibits attached to a complaint control over the allegations of the complaint when the two contradict each other.") (quoting *Paladin Properties v. Family Investment Enterp.*, 952 So.2d 560, 563–64 (Fla. 2d DCA 2007)).

If a complaint cannot be amended to state a justiciable claim, the complaint should be dismissed with prejudice. *See Doe v. Am. Online, Inc.*, 718 So. 2d 385, 389 (Fla. 4th DCA 1998) (holding that the trial court did not err by not allowing the plaintiff to amend his complaint because it could not be amended to overcome the defendant's immunity from the lawsuit).

III. DISCUSSION

Plaintiff Has Failed to State a Claim Upon Which Relief May be Granted

Under Florida law, defamation requires proof of five elements: "(1) publication; (2) falsity; (3) actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person; (4) actual damages; and (5) statement must be defamatory." *See Jews for Jesus, Inc. v. Rapp*, 997

So. 2d 1098, 1106 (Fla. 2008).

1. The Publication was Substantially True

Truth is a defense to defamation. *See Lrx, Inc. v. Horizon Assocs. Joint Venture*, 842 So. 2d 881, 886 (Fla. Dist. Ct. App. 4th Dist. 2003). Based upon the exhibits attached to the Complaint, the published article is substantially true and thus not libelous. *See Rasmussen v. Collier Cty. Pub. Co.*, 946 So. 2d 567, 570 (Fla. 2d DCA 2006) ("The trial court concluded correctly that the publications were substantially truthful and, consequently, not libelous.").

While Murray claims he had not been charged with a crime at the time of his email exchange with Defendant Schorsch, and that the headline that he was arrested for stalking was false, *see* Compl. ¶¶ 20, 27, the criminal complaint attached as Exhibit C contradicts these assertions. Specifically, on page 10 of Exhibit C, the affiant, Detective Robert Weil, requested a warrant for Murray's arrest so Murray could be "made to **answer the charges of Stalking**, pursuant to F.S. Chapter 794.048(1)(d)." (emphasis added). The exhibits are controlling. *See Santiago*, 189 So. 3d at 756.

Murray disputes the charges against him and argues that Defendants "had no interest to discover or publish the truth." Compl. ¶ 28. Defendants, however, are under no obligation to verify the veracity of allegations in official documents, such as

a criminal complaint. *See Ortega v. Post-Newsweek Stations*, 510 So. 2d 972, 976 (Fla. 3d DCA 1987) ("The press has no duty to go behind statements made at official proceedings and determine their accuracy before releasing them.").

Here, it is true that a criminal complaint was issued against Murray for charges of stalking. *See* Ex. C at 1, 10. It is true that the same criminal complaint alleged Murray sent an email regarding Mrs. Sprowls to State Attorney Phil Archer that resulted, in part, to the charges of stalking, and alleged that a vehicle belonging to Murray crossed the Skyway Bridge into Pinellas County. *Id.* at 7, 9. The same complaint also alleged an association between the email address controlled by Murray and the website cops2prison.org. *Id.* at 6. Defendants relied specifically upon the court documents and warrant in their publication. *See* Ex. A at 2, 6. The full criminal complaint is now attached to the article and available for any individual to verify the truth of the article's claims.

As such, Murray has not shown that Defendants published any false statements against him. Defendants merely reported on the criminal complaints and the allegations contained within. Because Murray has failed to plead facts to prove an essential element of defamation, and because the exhibits attached to the Complaint show that no such facts exist, the Complaint should be dismissed with prejudice.

2. Defendants are Protected by the Fair Reporting Privilege

Florida courts acknowledge the fair reporting privilege. *See Stewart v. Sun Sentinel Co.*, 695 So. 2d 360, 362 (Fla. 4th DCA 1997). Under the privilege:

> The news media has been given a qualified privilege to accurately report on the information they receive from government officials. This privilege includes the broadcast of the contents "of an official document, as long as their account is reasonably accurate and fair," even if the official documents contain erroneous information.

Woodard v. Sunbeam Television Corp., 616 So.2d 501, 502 (Fla. 3d DCA 1993).

News media will be protected by the privilege so long as a report regarding an official document is an accurate summary. *See Carson v. News-Journal Corp.*, 790 So. 2d 1120, 1122 (Fla. 5th DCA 2001); *Walsh v. Miami Herald Publishing Co.*, 80 So. 2d 669, 671 (Fla. 1955).

The article at issue details an official government document, the criminal complaint against Murray. In fact, Murray concedes that the article is based upon the criminal complaint. *See* Compl. ¶ 11. While Murray argues that the criminal complaint includes false and unfounded statements,

so long as the Defendants' account of the details of the criminal complaint is accurate, the privilege shields them from defamation, even if the document they relied upon contains erroneous information. *See Woodard*, 616 So. 2d at 502; *see also Rasmussen*, 946 So. 2d at 571 ("The trial court concluded, and we agree, that the Daily News fairly and accurately described matters of public record, including the criminal informations.... Accordingly, the fair report privilege shielded the Daily News from libel.").

Here, a comparison of the published article in its current form and the criminal complaint, attached to the Complaint as Exhibits F and C respectively, makes clear that Defendants' article accurately detailed the claims found within the criminal complaint. The criminal complaint details the context of the email concerning Mrs. Sprowls, the charge of stalking against Murray, and the association with the website cops2prison.org. While the criminal complaint does not ever state that Judge Frederico viewed the email as a threat or that any "truck was driven over a bridge with the intention to engage in prostitution," Compl. ¶ 23, it is reasonable to conclude that Judge Frederico believed the email constituted a threat as he issued a warrant for Murray's arrest.

As such, it is clear that the published article is a fair and accurate report of the official criminal complaint against Murray. Defendants are therefore shielded from any claim of defamation based upon the fair reporting privilege, and the Complaint

should be dismissed with prejudice.

Plaintiff did not Provide Requisite Notice for Correction or Retraction

Florida law requires as a condition precedent to a lawsuit for defamation concerning a publication or broadcast that a plaintiff provide at least five days' notice, in writing, to the Defendant. *See* Fla. Stat. § 770.01. The notice must specify the statements alleged to be false and defamatory. *Id.* The publisher may then correct, retract, or apologize for any misleading or false statements. *See* Fla. Stat. § 770.02.

Murray first notified the Defendants of the statements he believed defamatory on February 14, 2021. He provided notice via email. *See* Ex. E. Assuming the email constituted proper written notice, the earliest Murray date upon which he could file his lawsuit would have been February 19, 2021. On February 15, 2021, Murray forwarded a version of the complaint filed in this case to Schorsch. *Id.* at 8-9. Murray, however, filed the Complaint on February 17th, 2021.

Dismissal is appropriate when pre-suit notice has been insufficient. *See Plant Food Systems, Inc. v. Irey*, 165 So. 3d 859 (Fla. 5th DCA 2015) (affirming a dismissal with prejudice for failing to follow pre-suit notification requirements in a defamation action); *see also Canonico v. Callaway*, 26 So. 3d 53 (Fla. 2d DCA 2010) (same); *Mancini v.*

Personalized Air Conditioning & Heating, Inc., 702 So.2d 1376, 1377 (Fla. 4th DCA 1997) (finding that failure to provide notice under section 770.01 prior to commencing libel suit required dismissal).

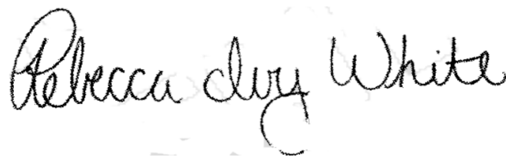
Murray has failed to follow statutory pre-suit requirements by not providing Defendants a full five days' notice. The Complaint should be dismissed with prejudice for failing to follow mandatory pre-suit notification requirements.

IV. CONCLUSION

Accordingly**,** it is **ORDERED** and **ADJUDGED** that:

1. Defendants' Amended Motion to Dismiss Plaintiffs' Complaint is **GRANTED**;
2. Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE**; and
3. Any other pending motions are **DENIED AS MOOT**.

DONE and **ORDERED** in Okeechobee County, Florida on this 27 day of August, 2021.



____

REBECCA IVY WHITE
CIRCUIT JUDGE

Copies to:

Stephen Murray
stephenmurrayokeechobee@gmail.com
Plaintiff

Mark Herron
mherron@lawfla.com
Patrick Scott O'Bryant
pobryant@lawfla.com
Cindy Lowell
clowell@lawfla.com
Counsel for Defendants

APPENDIX C

IN THE DISTRICT COURT OF APPEAL OF THE
STATE OF FLORIDA, FOURTH DISTRICT,

110 SOUTH TAMARIND AVENUE,
WEST PALM BEACH, FL 33401

January 10, 2022

CASE NO.: 4D21-2586
L.T. No.: 21CA000035CAAXMX

STEPHEN MURRAY v. JANELLE IRWIN TAYLOR, et al.
Appellant / Petitioner(s) Appellee / Respondent(s)

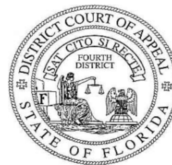
BY ORDER OF THE COURT:

ORDERED that appellant's December 4, 2021 motion for rehearing en banc, clarification, and written opinion is denied.

Served:

cc: Mark Herron Stephen Murray
kr

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



APPENDIX D

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Supreme Court of Florida
WEDNESDAY, JANUARY 19, 2022

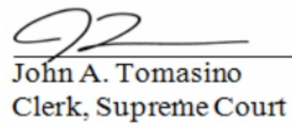
CASE NO.: SC22-81
Lower Tribunal No(s).: 4D21-2586;
472021CA000035CAAXMX

STEPHEN LYNCH MURRAY vs. JANELLE IRWIN TAYLOR, ET AL.
Petitioner(s) Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. See Wheeler v. State, 296 So. 3d 895 (Fla. 2020); Wells v. State, 132 So. 3d 1110 (Fla. 2014); Jackson v. State, 926 So. 2d 1262 (Fla. 2006); Gandy v. State, 846 So. 2d 1141 (Fla. 2003); Stallworth v. Moore, 827 So. 2d 974 (Fla. 2002); Harrison v. Hyster Co., 515 So. 2d 1279 (Fla. 1987); Dodi Publ'g Co. v. Editorial Am. S.A., 385 So. 2d 1369 (Fla. 1980); Jenkins v. State, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy
Test:



CASE NO.: SC22-81
Page Two

td
Served:

MARK HERRON
STEPHEN LYNCH MURRAY
HON. REBECCA IVY WHITE, JUDGE
HON. JERALD DAVID BRYANT, CLERK
HON. LONN WEISSBLUM, CLERK

APPENDIX E

First Amendment, Bill of Rights, Constitution of the United States

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Florida Statute 784.048 Stalking; definitions; penalties.—

(1) As used in this section, the term:
(a) "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.
(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.
(c) "Credible threat" means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or

her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

(d) "Cyberstalk" means:
1. To engage in a course of conduct to communicate, or to cause to be communicated, directly or indirectly, words, images, or language by or through the use of electronic mail or electronic communication, directed at or pertaining to a specific person; or
2. To access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person's permission,
causing substantial emotional distress to that person and serving no legitimate purpose.

(2) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
(3) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s.

775.082, s. 775.083, or s. 775.084.

(4) A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.

(7) A person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) The punishment imposed under this section shall run consecutive to any former sentence imposed for a conviction for any offense under s. 794.011, s. 800.04, or s. 847.0135(5).

(9)(a) The sentencing court shall consider, as a part of any sentence, issuing an order restraining the defendant from any contact with the victim, which may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any such order be based upon the seriousness of the facts before the court, the probability of future violations by the perpetrator, and the safety of the victim and his or her family members or individuals closely associated with the victim.

(b) The order may be issued by the court even if the defendant is sentenced to a state prison or a county jail or even if the imposition of the sentence is suspended and the defendant is placed on probation.

History.—s. 1, ch. 92-208; s. 29, ch. 94-134; s. 29, ch. 94-135; s. 2, ch. 97-27; s. 23, ch. 2002-55; s. 1, ch. 2003-23; s. 3, ch. 2004-17; s. 3, ch. 2004-256; s. 17, ch. 2008-172; s. 2, ch. 2012-153; s. 31, ch. 2019-167; s. 1, ch. 2021-220.

APPENDIX F

[FALSE BOND CONDITION REPORTED TO COERCE PETITIONER TO TAKE DOWN HIS SOCIAL MEDIA]

: PINELLAS COUNTY S O WARRANTS
: 7275826170 FAX: 7275825142
: PLEASE BE ADVISED - WARRANT # 21012421CF WAS A FICTITIOUS CASE #.
OUR TRUE WARRANT CASE # IS 21-00796-CF. CONFIRMING OUR AGENCY H
OLDS ACTIVE FELONY WARRANT / 21-00796-CF / CYBERSTALKING / BOND
$25,000 / ISSUED 01/25/2021. THERE ARE WARRANT CONDITIONS ON THI
S WARRANT - SUBJECT IS TO HAVE NO CONTACT WITH VICTIM OR FAMILY
& **SUBJECT IS TO HAVE NO SOCIAL MEDIA**.

[ACTUAL WARRANT HIDDEN FOR A WEEK IN AN EFFORT TO COERCE PETITIONER TO TAKE DOWN HIS SOCIAL MEDIA]

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

STATE 0F FLORIDA 1. Cyber Stalking

V.
STEPHEN MURRAY 21-00796-CF
W/M; DOB: 05/01/1971

WARRANT

IN THE NAME OF THE STATE OF FLORIDA,
TO ALL AND SINGULAR THE SHERIFFS AND
INVESTIGATORS OF THE STATE ATTORNEY,

WHEREAS, Detective Robert Weil has this day made oath before this Court that on or between January 6, 2021 to January 24,2021 in the County aforesaid, one Stephen Murray (W/M; DOB: 05/01/1971) did unlawfully engage in a course of conduct to communicate, or to cause to be communicated,words,images,or language by or through the use of electronic mail or electronic communication, directed at a specific person,causing substantial emotional distress to that person and serving no legitimate purpose; contrary to Chapter 784.048(1)(d),Florida Statutes,and against the peace and dignity of the State of Florida.

These are,therefore,to command you to arrest instanter the said Stephen Murray (W/M; DOB: 05/01/1971), and bring him before me to be dealt with according to law.

Given under my hand and seal this 24th day of January, 2021.

BOND SET IN THIS CASE IN THE AMOUNT

l. 25,000

Other conditions of release:
no contact V or family
no social media

JUDGE - Phillip Federico
Circuit Court Judge

APPENDIX G

[AFFIDAVIT RELYING ON MANY INSTANCES OF PERJURY DENIED EXAMINATION OR DISCOVERY IN CIVIL COURT]

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

STATE OF FLORIDA   l. Cyber Stalking, 3°F
V.
STEPHEN MURRAY
W/M; DOB: 05/01/1971

<u>COMPLAINT</u>

BEFORE ME, A JUDGE OF THE CIRCUIT COURT, in and for said County, personally came Detective Robert Weil of the Pinellas County Sheriff's Office, who, being duly sworn, deposes and says that he reasonably believes that on or between January 6,2021 to January 24, 2021, in the County aforesaid, one Stephen Murray (W/M;. DOB: 05/01/1971) did unlawfully engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication,directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose; contrary to Chapter 784.048(l)(d), Florida Statutes, and against the peace and dignity of the

State of Florida.

Your Affiant's reason for this belief is as follows:

Your Affiant has been employed as a sworn member of the Pinellas County Sheriff's Office since January 2013. Your Affiant is currently assigned as a Detective in the Pinellas County Sheriff's Office Criminal Intelligence Unit. Your Affiant also held a position as a Detective in the Burglary and Pawn Unit for thrée and half years. Your Affiant previously served as a Deputy with the Pinellas County Sheriff's Office Patrol Operations Bureau and as a member of the Major Accident Investigation Team (M.A.I.T). Prior to this, your Affiant was employed with the St. Pete Beach Police Department from March 2006 to January 2013 as a sworn law enforcement officer.

The following is a list of courses where your Affiant has received training and gained a level of proficiency: CMS Field Training Officer,Interviews and Interrogations,Interviews and Body Language Techniques, Introduction to Utilizing Social Media in Investigations, Undercover Surveillance Techniques, Investigating Crimes Against Children, Computer Crime Investigations, Property Crimes Conference 2017, Improvised Explosive Device Construction and Classification, Introduction to the Terrorist Attack Cycle, Webinar Case Study: Explosive Device (IED) Case in Greece, New York, School Mental Health including Threat Assessment, Protective Measures Awareness, School Safety and

Trauma and Cell Phone Investigations.

As part of his duties as a Detective with the Pinellas County Sheriff's Office your Affiant became aware of an investigation into Stephen Murray's action on Twitter as well as several of his email messages emailed to a local State Attorney's Office concerning Chris and Shannon Sprowls. Your Affiant was advised that on January 7,2021,the Office of the State Attorney for the Sixth Judicial Circuit was made aware of recent posts made to the Twitter account @Cops2prison. Your Affiant reviewed these posts and found that the posts made on this account were directed to Shannon Sprowls, the wife of current Speaker of the House of Representatives for the State of Florida, Chris Sprowls. A review of law enforcement records show that Shannon Sprowls,as well as Chris Sprowls, live within Pinellas County, Florida.

In reviewing these posts the owner of the @cops2prison twitter account "tagged" Shannon Sprowls so that her account would show these messages as well as the account belonging to Chris Sprowls. These accounts can be located at: @ShannonSprowls and @ChrisSprowls on the Twitter platform.

Your Affiant was able to locate the Twitter posts and found that the posts included a photo of Shannon Sprowls with President Donald Trump, and they include the following text:

Cops2prison.org @cops2prison
Replying to @kayleighmcenany @ShannnonSprowls and 2 others
“Whoever slanders his neighbor secretly I will destroy. Whoever has a haughty look and an arrogant heart I will not endure.”

Cops2prison.org @cops2prison
Replying to @ChrisSprowls and @ShannonSprowls
“It will also attract New Yorkers to frustrate gerrymandering”

Cops2prison.org @cops2prison
Replying to @FloridaGOP and @ShannonSprowls and...
“The pride of your heart has deceived you, you who live in the clefts of the rock, in your lofty dwelling, who say in your heart “Who will bring me down to the ground?”

Cops2prison.org @cops2prison
Replying to @ShannonSprowls
“There are six things that the Lord hates, seven that are an abomination to him, haughty eyes, a lying tongue, and hands that shed innocent blood,”

Cops2prison.org @cops2prison
Replying to @ShannonSprowls
“I will punish the world for its evil,and the wicked for their iniquity: I will put an end to the pomp of the arrogant,and lay low the pompous pride of the ruthless.”

In addition to the Twitter posts,your Affiant located an email address of 2ulive@gmail.com,which is an email address used by the Twitter account @cops2prison owner. Twitter has confirmed this email address is linked to the Twitter account. Your Affiant was made aware that on January 6,2021, the email address listed above sent an email to the 18th Circuit State Attorney's email account with the message:

"Hey Phil, look at the attached photo. Is pimping legal in Florida? Because I am going to make the bitch in the attached photo my whore. You understand me?" and is signed "SM."

This email includes a forward of an earlier email sent from the same account and states:

Dear Phil, LOL, I was trying to remember the name of your local state rep Tyler something. I meant to type "Tyler" and I accidentally typed "slimeball toady florida representative" into Google. But anyway, please pass a message along to him from the white voter to Republicans "Look at me,I did this to you."

The email contained a URL of: https://www.youtube.com/watch?v=ZDAlimed8w and continued stating:

"Have fun dreaming of monkeys screaming in a box, you sick single-brain-lobe zookeeper."

The email forward is signed off "SM

cops2prision.org" Your Affiant is aware that Phil Archer is the State Attorney in and for the 18th Judicial Circuit of Florida. Your Affiant reviewed the photo attached to the email, and it is in fact a photo of Shannon Sprowls with President Donald Trump. This is the same photo that appears in the Twitter posts. Your Affiant also reviewed the URL listed in the email. The URL links to a YouTube Video that shows a clip from the Movie "A Bronx Tale." In the video a group of individuals attaéks another group of people with fists and weapons, and the leader of the group doing the attacking leans down to a person injured on the ground and states "I did this to you", this line was repeated in the email sent from the 2ulive@gmail.com account.

With this information the Office of the State Attorney obtained warrants for the Twitter account, as well as the Google account. The returned records indicated that these accounts were controlled by Stephen Murray (W/M; DOB: 05/01/1971). Your Affiant took note that Stephen Murray has the same initials as the "SM" used to end the emails mentioned above.

On January 24,2021 your Affiant was informed that the known Florida vehicle tag number belonging to Stephen Murray, tag Y86ATK, for a Ford F 150, entered Pinellas Coufity via the Sunshine Skyway Bridge at 7:17 UTC time and left the county again via the Skyway Bridge at 8:51 UTC. Your Affiant is aware that Stephen Murray's residence is in Okeechobee, Florida. Stephen Murray has no

known associates in Pinellas county énd your Affiant knows of no legitimate purpose for Stephen Murray to be traveling to Pinellas County. Given his Twitter posts as well as his emails, Stephen Murray's actions of traveling to the county of residence of Chris and Shannon Sprowls, raise concern for the physical, mental, and emotional safety of the Victim in this case.

Your Affiant was able to locate phone calls made by Stephen Murray to his known girlfriend while she has been housed in the Florida Department of Corrections. The phone number used by Stephen Murray and recorded by the Florida Department of Corrections calling system is 305-440-8816. Your Affiant was able to research this number and found that it is serviced by Metro PCS.

At this time, Stephen Murray has not been arrested, and PCSO is actively seeking his arrest. Based on the above-mentioned events, Your Affiant respectfully requests this Honorable Court issue a Capias so that Stephen Murray can be made to answer to the charges of Stalking, pursuant to F.S. Chapter 784.048(1)(d).

RAWN # 837/ AFFIANT

Sworn to and subscribed before me
this 24th day of January , 2021.

JUDGE — Phillip Féderico
Pinellas County, Florida

APPENDIX H

Okeechobee man arrested for stalking Chris Sprowls' wife

The man made lewd comments and threats in an email about Shannon Sprowls.

A man who sent threatening and vulgar emails threatening Shannon Sprowls, House Speaker Chris Sprowls' wife, was arrested on cyberstalking charges in late January, according to court records.

Stephen Lynch Murray of Okeechobee was arrested Jan. 25 in his hometown after he previously sent an email to State Attorney for Florida's 18th Judicial Circuit Phil Archer with a photo of Shannon Sprowls with former President Donald Trump.

"Hey Phil, look at the attached photo," Murray reportedly wrote. "Is pimping legal in Florida? Because I'm going to make the b*tch in the attached photo my whore."

The email was sent Jan. 6, the same day an angry mob of Trump supporters sieged the U.S. Capitol in an insurrection at the center of Trump's ongoing impeachment trial in the Senate. It's not clear whether Murray's email was related to that event.

Concerns escalated on Jan. 24, the day before Murray was arrested, when a Ford F-150 belonging to Murray crossed the Skyway Bridge into Pinellas County. Judge Phillip Federico issued a bench warrant for Murray that day, concerned Murray would act on his threats to the Speaker's wife.

Murray was charged with cyberstalking. He has since obtained an attorney and pleaded not guilty to the charge.

The warrant for his arrest was issued in Pinellas County and carried out in Okeechobee County. Murray was released on bond the next day, Jan. 26.

The Pinellas County Sheriff's Office obtained permission to perform a forensic analysis of Murray's cell phone, which was found in his truck. According to the criminal complaint, Murray's email address is associated with a website, Cops2prison.com, which contains incendiary posts critical of the police, criminal justice system and other institutions.

The Sprowls live in Clearwater with their two young sons.

APPENDIX I

Delivered-To: stephenmurrayokeechobee@gmail.com
In-Reply-To:
<CAKQVH4WX_NAdiegNyCNfddOZ40_xjRTCs-8CXKpdj6rqDv0+FQ@mail.gmail.com>
From: Peter Schorsch <peter@floridapolitics.com>
Date: Sun, 14 Feb 2021 18:48:24 -0500
Subject: Re: please correct false story
To: Stephen Murray
<stephenmurrayokeechobee@gmail.com>
Cc: Janelle Taylor <janelle@floridapolitics.com>

Please - PLEASE - sue me for libel.

Please - PLEASE - let me go to court against the guy harassing a Florida House Speaker. You'll guarantee my business for the next eight years.

We look forward to hearing from your attorney.

Happy Valentines Day!

Peter

On Sun, Feb 14, 2021 at 18:45 Stephen Murray <
stephenmurrayokeechobee@gmail.com> wrote:

> There is no reasonable basis to infer from any criminal complaint, many o
f
> the assertions in your article. Unless you simply provide a copy or direct
> quote of the criminal complaint, then you are providing editorial
> embellishment for the sake of misleading the reader for profit.
>
> You cannot dispute that when you write sentences that are not in the
> criminal complaint, they are your own original assertions and hypotheses.
> And there is no law which prohibits me from requesting you stop libeling

APPENDIX J

US District Court for the Southern District of Florida

Case 2:21-cv-14355-JEM Document 9 Entered on FLSD Docket 09/21/2021 Page 2 of 12

MOTION TO DISMISS OF DEFENDANT PINELLAS COUNTY SHERIFF'S OFFICE

I. FACTUAL AND PROCEDURAL BACKGROUND

The gist of the complaint is that Murray wants this Court to oversee any on-going or future law enforcement investigation concerning him. Murray's toxic emails and social media posts - mere "joke[s]," he claims, Doc. 1, at 19-20 ,r,r 58, 60-61 -have, unsurprisingly, garnered the attention of law enforcement...

APPENDIX K

US District Court for the Southern District of Florida

Case 2:21-cv-14355-JEM Document 36 Entered on FLSD Docket 10/06/2021 Page 2 of 6

DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION IN RESPONSE TO MOTION TO DISMISS COMPLAINT WITH PREJUDICE

II. ARGUMENT

...

Plaintiff does not state any substantive responses to the defenses in the Motion to Dismiss. He addresses the Eleventh Amendment bar by stating that the "constitutional powers of the Governor of Florida, do not include ordering police to detain someone admittedly without probable cause and under false pretense, to threaten that person not to make political speech." (ECF 22, p. 7) There is no supporting authority behind this statement. As previously stated in Defendant's Motion to Dismiss (EFC 13), suits against a state employee in his or her official capacity "generally represent only another way of pleading an action against an entity of which an officer is an agent," and therefore are treated as suits against the State...

APPENDIX L

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR OKEECHOBEE COUNTY, FLORIDA

Case No. 21-CA-000035-CAAXMX

STEPHEN MURRAY
Plaintiff,
vs.
JANELLE IRWIN TAYLOR, an individual,
and
PETER D. SCHORSCH, an individual,
and
EXTENSIVE ENTERPRISES MEDIA, a Florida LLC
Defendants.
________________________________/

COMPLAINT

Comes now, STEPHEN MURRAY, Plaintiff herein, and files this amended Complaint pursuant to Rule 1.190(a) of the Florida Rules of Civil Procedure, against JANELLE IRWIN TAYLOR, PETER D. SCHORSCH, and EXTENSIVE ENTERPRISES MEDIA, LLC, Defendants herein, and alleges:

AMENDMENT

0. Plaintiff first filed a complaint in this case on February 17, 2021. The initial complaint was never served to Defendants and no responses were filed. 0.1 Plaintiff reasonably expected additional facts of interest to Defendants, would be produced in a timely manner through a related criminal proceeding Pinellas County 21-00796-CF. 0.2 After five months, discovery was never produced in that case, and no charges were filed so Plaintiff did not obtain subpoena power. 0.3 Plaintiff then tried and failed to produce additional relevant facts about the criminal case through public records requests. 0.4 This Complaint includes all the elements of the original complaint, plus some additional facts.

PARTIES

1. ...
2. ...
3. ...
4. ...

VENUE

5. ...

JURISDICTIONAL STATEMENT

6. ...

FACTS SUPPORTING CLAIMS

7. Plaintiff had a shocking and life-changing experience, when he saw with his own eyes how the State of Florida lets dangerous felons out of prison as a reward for lying in court to take the lives of innocents. This works because the jury also can't believe this actually happens, and you are not

allowed to tell them. But it is a well-known and documented phenomenon in legal academics. Plaintiff believes even most of the popular understanding of this phenomenon among academics, and the policy prescriptions offered to mitigate it by experienced lawyers in the legislature, are misguided and ineffective, as a result of being theorized by people who have never actually seen the phenomenon in person. So Plaintiff put his observations about jailhouse witnesses on a website, to educate the public and grieve to politicians, in pursuit of the abstract goals of truth and justice.

8. Plaintiff thinks it is important to educate law students how innocents are used for sport by Florida prosecutors, for votes. 8.1 Plaintiff is an engineer with no gainful experience in politics or promotion. 8.2 One of many ideas Plaintiff had to get his message out, was to post fliers near law-school campi, to drive traffic to his website. 8.3 Plaintiff came up with this sort of idle brainstorm around Wednesday January 20, 2021.

9. On Friday January 22, 2021, Plaintiff made a graphic for the fliers, as shown in attached Exhibit J. 9.1 Plaintiff did not have a car that was reliable enough to make it to any of the major law schools. 9.2 And nor did Plaintiff think posting the fliers himself would be cost-effective, or create traffic on any kind of scale, even if his car could make it. So Plaintiff decided to post ads on Craigslist, to find students willing to post fliers for a few dollars at the different law schools. 9.3 On Friday January 22,

2021, Plaintiff went to Staples in Fort Pierce, to determine what image sizes and resolutions and file types he would need to provide, for the people he hired to print up the fliers the way he wanted them, as seen in attached Exhibit L. And Plaintiff needed to know how much it would cost, as seen in attached Exhibit K.

10. On the morning of Sunday January 24, 2021, Plaintiff still could not think of anything better to do than pay students to post fliers on college campi, to drive law-student traffic to his web site. Plaintiff found a list of law schools on the Florida Bar website. Plaintiff decided to start with the University of Florida in Gainesville for a variety of reasons. It seemed to have a large and well-respected law school with a classic full-sized college campus. So Plaintiff decided to start with just one law school, and see if it got even one click for the money and learn from his mistakes. 10.1 On the morning of January 24, 2021, Plaintiff paid for an ad on Craigslist for someone with a student ID to post fliers in high traffic areas around the University of Florida College of Law, as seen I attached Exhibit K and attached Exhibit M.

11. By late morning January 24, 2021, Plaintiff had not yet received any responses to his Craigslist ad. Plaintiff felt time was wasting. Plaintiff also worried about his ability to supervise employees to post fliers, when he had not done it himself. Plaintiff did not really know how to do it. Plaintiff also still had the experimental fliers he had just printed at Staples. So Plaintiff decided instead of waste his

Sunday, and the fliers he had already printed, he would see if there was a law school near enough that his car could get there and back.

12. Plaintiff never heard of anyone going to UCF law school. And Plaintiff saw something about them moving the law school downtown. In any case it seemed like hours of highways to get to UCF law school. Plaintiff's car had many transmission and drive-train issues, so it could not reliably drive at highway speeds. Plaintiff could only drive under 44 mph, or around 50 to 52. At other speeds Plaintiff had bad gears in the transmission, and resonant vibrations from an unbalanced drive shaft, bad cylinders, and missing suspension components. Plaintiff looked at University of Miami. But there was too much stop-and-go to get to South Miami, even if Plaintiff took 441 to Route 27 to Hialeah. Too much city traffic, the car would die. And it was too far, the car might not make it there or back.

13. Plaintiff read somewhere that Stetson University College of Law was actually in Tampa, not DeLand. Tampa looked kind of close to Plaintiff on the map, closer than Miami or Orlando. And Plaintiff saw he could drive the whole way there on local roads, specifically the Cracker Trail. Plaintiff drives on the Cracker Trail almost every day as seen in attached Exhibit K, and it is the perfect road and speed for Plaintiff's car. It looked on the map like Plaintiff could get the whole way to Stetson University College of Law without going over 50, and with very little traffic and stoplights. Plaintiff had

also heard of many people attending Stetson, like two Florida Attorney Generals. Plaintiff thought Sunday was a terrible day to post fliers, since there are no students there. It could rain, or the cleaning crew might take the fliers down, before the next classes on Monday; Plaintiff intended for his employee to post fliers early Wednesday. But Plaintiff had nothing better to do, and decided it was worth it just for the learning experience.

14. So late in the morning of Sunday January 24, 2021, Plaintiff drove to Stetson University College of Law as seen in attached Exhibit K, to see if he could get any law students to visit his website by posting fliers. 14.1 Plaintiff carried over $5,000 in cash in his pocket, so that if his car died he could just go on Craigslist and buy a new one. Had Plaintiff known he would have to drive over a bridge with a steep incline where people go highway speeds, he would not have gone. The Pinellas Skyway almost ended Plaintiff's car. 14.2 And in fact, Plaintiff's car died a week later on February 1, and Plaintiff sold it as junk to East Coast Towing and Recovery for $300 as seen in attached Exhibit N.

15. On the way to Stetson, Plaintiff stopped at Walmart Supercenter #3474 in Bradenton, and purchased a tack hammer, some tacks, and some clear tape, as well as probably a diet coke and a fried egg roll, as seen in attached Exhibit K. Because Plaintiff had read Stetson was in Tampa, Plaintiff pictured a dirty downtown area where the telephone poles were covered with old staples and tape from

club fliers like in attached Exhibit M. Plaintiff preferred to post something a little daintier with tacks. But if it was like NYU or Miami, Plaintiff feared he would have to use the tape. Plaintiff needed to know how much it all cost, so he could tell people how much he would pay them to do it. 15.1 Stetson was pristine, so Plaintiff used the tacks.

16. When Plaintiff was driving through Bradenton, he finally got a response to his Craigslist ad to post fliers at University of Florida as seen in attached Exhibit O. 16.1 When Plaintiff got home Sunday night, he made a little web page with instructions for how to post the fliers, based on what he learned at Stetson that day, as seen in attached Exhibit P. 16.2 Plaintiff texted his prospective employee a link to the instructions, as seen in attached Exhibit O.

17. There was basically nobody at Stetson and no pedestrians in the neighborhood, and nobody saw the fliers. 17.1 Plaintiff remembers perhaps two people hurried past and entered the campus, over the course of maybe forty minutes he spent in the area. Plaintiff walked a good distance out into the neighborhood, to see if there was maybe a bar or some other place students hang out, but there was nothing nearby.

18. When Plaintiff was done posting the fliers, just when he was getting into his car and leaving, a tallish 20-something man drove around to the south side of Stetson in a little security vehicle. 18.1 The

security employee looked at one of Plaintiff's fliers on a telephone pole by the parking lot. 18.2 Plaintiff saw the security employee pry a tack off, and take the flier back to his vehicle. 18.3 Then Plaintiff saw the Stetson security employee apparently visit the website address on the flier, using the "googlequicksearchbox" on his "SM-S727VL" phone from IP address "174.250.240.16" at 3:23:58 PM . 18.4 Soon after, Plaintiff got a visit from another Pinellas IP address, and another, as if the security guard told someone else about the flier, and that person told another person, which is of course the intended effect. 18.5 Shortly thereafter, a Pinellas sheriff wrote an affidavit for Plaintiff's arrest. 18.6 The next morning Plaintiff was arrested, based on a warrant claiming Plaintiff's trip to Pinellas as the immediate cause. 18.7 The affidavit said Plaintiff was in Pinellas for 94 minutes. 18.8 If the warrant was based on Plaintiff entering Pinellas, rather than what was discovered right before Plaintiff leaving, it is reasonable to speculate sheriffs would have had time to arrest Plaintiff on his way out.

19. From the moment Plaintiff was arrested, Plaintiff asked every cop when the affidavit was written, why at that time, and based on what. 19.1 Plaintiff was pretty sure it was because he posted the fliers, and they just didn't want to admit it. 19.2 The cops all refused to provide any information except 19.3 late in the afternoon a Pinellas detective said the warrant was written the previous evening, and 19.4 late Monday night they finally provided Plaintiff a document revealing what statute Plaintiff

was arrested over. 19.5 Police hid the arrest affidavit for 10 days after Plaintiff was arrested. 19.6 Plaintiff knew State Attorney Phil Archer had been sending cops to stalk Plaintiff because of Plaintiff's grievances. But Plaintiff believed that had died down, and was not an immediate cause to write a warrant on a Sunday evening.

20. The bondsman asked Plaintiff on the recorded Okeechobee jail phone why Plaintiff had $5,000 in his pocket. 20.1 Plaintiff told her it was because he expected his car to die any day, and to be ready to buy a new one to get home. 20.2 The reason Plaintiff had $5,000 cash in his pocket is the same reason he chose Stetson of all places to drive to, with no knowledge of what county it was in, or that it was near any corrupt and territorial politicians. It was because Plaintiff's car was on its last miles, and died a week later, and Stetson looked on the map like it was near Plaintiff's local road, the Cracker Trail. Neither Plaintiff's trip, nor his arrest, had anything to do with stalking Shannon Sprowls. There is no statement from Shannon Sprowls anywhere in the affidavit, it is not even clear she is a witness. And why would she be, honestly who calls the cops over some Bible tweets? 20.3 No, this was manufactured by cops and a prosecutor Phil Archer who do not like Plaintiff, and who used Shannon Sprowls and possibly even scared her themselves, to arrest Plaintiff for political grievances and posting fliers.

21. Pinellas County detectives recorded an interview at the Okeechobee County Sheriff's office,

during which Plaintiff waived his rights. 21.1 The first question they asked Plaintiff was "Cops2prison.org, that is your website isn't it?" 21.2 At no point during the interview did they use the name "Sprowls" or ask Plaintiff if Plaintiff had been to Pinellas County, or ask Plaintiff why Plaintiff traveled to Pinellas County and what he did there. 21.3 Plaintiff's in-custody police interview consisted of trying to get Plaintiff to admit he owned the website cops2prison.org, 21.4 and nothing to do with stalking anyone.

22. The judge who signed Plaintiff's arrest affidavit wrote "no social media" as seen in attached Exhibit C. 22.1 In the warrant that went out onto the wire, Pinellas sheriffs changed this to "subject is to have no social media" as seen in attached Exhibit Q. 22.2 It is not uncommon for a judge to forbid someone to be active using social media, making new posts and broadcasting new events, which has been defined by the courts. 22.3 But there is no reasonable definition for how someone would "have no" social media. Facebook is available 24/7 for anyone to sign up and create a new profile at any time. There is no way to then delete your facebook account. Even if you change your facebook password to something you don't know, there is always the possibility to recover the account. Like a name or a country, you will always "have" social media. 22.4 The best explanation of what Pinellas sheriffs did, is they tried to usurp the power of this Court, and said something the judge never said, to coerce Plaintiff to delete all his web presence where Plaintiff makes

political statements they find distasteful. 22.5 Police also refused to provide the arrest affidavit for 10 days after Plaintiff was arrested, during which time it was not visible on the clerk website. 22.6 And they chose not to publish Plaintiff's bond conditions on the clerk website including the social media restriction, which Plaintiff's lawyer said was unusual. 22.7 The best explanation for this, is that Pinellas sheriffs wanted to hide from Plaintiff what the judge actually said, and hide from the judge what they actually gave to Plaintiff, to obtain their own agenda which no judge signed, of coercing Plaintiff to take his political material off the web.

23. On February 12, Janelle Irwin Taylor posted an Article on floridapolitics.com listing Peter Schorsch as publisher, with the headline "Okeechobee man arrested for stalking Chris Sprowls' wife" which Article referenced Plaintiff Stephen Murray of Okeechobee County.

24. Schorsch published something that was not in the arrest affidavit, when Taylor wrote that Plaintiff is associated with a website "cops2prison.com" which contains “incendiary posts”. 24.1 Given there was no website cops2prison.com when Taylor wrote this - the domain had never been registered with any Internet registrar - they must have gotten this from police, without even bothering to check if the domain existed or what the content was. 24.2 This shows when police fed their garbage to Schorsch and Taylor, they were bothered by and chose to emphasize something that was not in the affidavit

they showed to the judge. Their distaste for Plaintiff's political policy promotion was cause to arrest Plaintiff, in their mind, and in their narrative given to Schorsch and Taylor. 24,3 But even when police were telling Schorsch and Taylor they were actually angry about a website, they were unwilling to reveal the truth about their motives, and found the website so distasteful that they gave an incorrect web address to deny Plaintiff the success of his fliers.

25. ...

26. ...

27. ...

28. The Article is based on a belief that when a person is arrested, the law protects a journalist making false and misleading statements and assertions about that person for profit, which statements and assertions are not in any court document, as long as those statements and assertions are similar to or inspired by a court document.

29. Even the criminal complaint the Article is based on, includes many false and unfounded statements that are not documented in any way. 29.1 No evidence was ever produced to support them, 29.2 and they were never presented or validated as true in court or in any other way.

30. While law enforcement and the courts may enjoy immunity making false and unfounded statements, 30.1 a journalist who advertises and cites such statements, and misleads the readers as to their reliability and veracity without attempting to

independently verify them in any way, recklessly damages a private citizen with false statements for sport and profit.

31. Even if we were to accept the statements in the court document as true, it is not a crime as characterized by Defendants, to write colorful political emails to elected officials.

32. Even if we were to accept the statements in the court document as true, an email to an unrelated person on the other side of the state about pimping and prostitution of a political figure cannot reasonably be construed as any kind of threat.

33. Even if we were to accept the statements in the court document as true, a person who is hundreds of miles away from the recipient and not copied on the email, cannot be expected or intended or even suspected to possibly receive such an email, 33.1 and nor is there any evidence that the person supposedly threatened ever viewed or received any email, 33.2 which would be necessary for it to constitute a threat to that person, as suggested by the Article.

34. Even if we were to accept the statements in the court document as true, a person who is hundreds of miles away from the recipient and not copied on the email, cannot be expected or intended or even suspected to possibly receive such an email, 34.1 and nor is there any evidence that the person supposedly threatened ever viewed or received any

email, 34.2 which would be necessary for it to constitute stalking that person, as suggested by the Article.

35. The Article alleges Plaintiff "made lewd comments and threats in an email about Shannon Sprowls", but not even any of the embellished statements in the Article include any threats.

36. No documents in the court file the Article claims to be based on included the word "threat".

37. Given that no threat took place, 37.1 and nor is any threat alleged to have taken place, 37.2 the statements in the Article are intentionally false, 37.3 with the motive of being more inflammatory and generating more clicks than either the facts or the court documents could generate without being embellished, 37.4 at Plaintiff's expense 37.5 and without regard to damage done to Plaintiff with such false statements.

38. Defendants posted a headline which says Plaintiff was arrested for "stalking" someone. 38.1 Stalking has a definition. 38.2 And there are laws against it. 38.3 Plaintiff has neither been charged with stalking, 38.4 nor alleged to have acted out its definition. 38.5 Plaintiff has been significantly defamed by the false headline that he has been arrested for stalking. 38.6 This headline is intentionally false to make a story where there is none.

39. Even if we were to accept the allegations against Plaintiff as true, 39.1 none of it is a form of stalking, as the word is actually used by anyone. Except by a person with an intent to mislead and defame. 39.2 If someone decided to call juice "fruit urine", a subsequent statement that someone drinking juice was "drinking urine" would still be false. 39.3 The intention of the person redefining words to create a story where there is none, would be to knowingly mislead and defame.

40. The Article asserts Plaintiff has an email address which "is associated with a website, Cops2prison.com, which contains incendiary posts". 40.1 Not only was this statement false, 40.2 but given there was not even a website at the provided URL "Cops2prison.com" at the time the Article was written, 40.3 this suggests the Article intended to mislead the reader with the superficial appearance that their statement was backed up by an actual investigation, and with an actual website containing incendiary material at that link. 40.4 But since the link did not lead anywhere, it suggests the Article's author's knew there was not actually any incendiary posts associated with Plaintiff, and wished to hide the truth from the readers.

41. The Article states "Judge Phillip Federico issued a bench warrant for Murray that day, [41.1] concerned Murray would act on his threats to the Speaker's wife." 41.2 Not only does the court document not include a threat or the word "threat", 41.3 the court document the Article claims to be

based on also does not state the judge believed Plaintiff would carry out any threat. 41.4 The court document the Article was based on was written before any judge was even aware of this case, and so could not make statements about a judge's beliefs or intentions at a later time. 41.5 The court document only stated that some person was concerned, not a judge. Even if we were to accept the statements in the court document as true, 41.6 there is no statement by a judge to the effect that he believed a colorful political email about pimping was a threat, 41.7 or that a truck was driven over a bridge with the intention to engage in prostitution. 41.8 Absent a specific statement by a judge that he did believe a truck may have been driven over a bridge to engage in sex for profit, 41.9 it is unreasonable to conclude, 41.10 and misleading to suggest to the reader, that any truck was driven over a bridge to engage in sex for profit, 41.11 or that anyone at any time believed it was.

42. When Plaintiff requested to Janelle Irwin Taylor's advertised email address included with her Article, that Defendants correct this Article, 42.1 Schorsch's response included "Please - PLEASE - sue me for libel. Please - PLEASE - let me go to court against the guy harassing a Florida House Speaker. You'll guarantee my business for the next eight years." 42.2 Schorsch seems to believe his statement will deter Plaintiff defending himself, based on false assumptions that 1) Plaintiff wants to see Schorsch's business fail, and 2) Plaintiff wishes to frustrate things which Schorsch desires. 42.3 This reveals

Schorsch's misunderstanding of the purpose of Plaintiff's request to Schorsch, and journalism in general, substituting perhaps his own intentions and dispositions to harm people. 42.4 Plaintiff had no desire to injure Schorsch or his business, only to defend himself from being damaged by false and misleading statements. 42.5 Schorsch is perhaps projecting his own desire to injure Plaintiff, and his belief that trashing other people for sport is a good business model. 42.6 As a person who values public engagement in politics, Plaintiff hopes Schorsch's business is successful in engaging consumers with actual political journalism, rather than resorting to embellishing court documents, and pretending they are a basis for misleading and damaging statements, in the event he fails to engage readers with substantive stories.

43. ...

44. ...

45. ...

46. ...

47. When Plaintiff requested Defendants cease advertising false, unfounded, unproven, and defamatory statements, Schorsch responded with this statement:

> "That's not our business or concern. That's for a court of law to judge. An official criminal complaint has been filed. That is the basis of our story and it is a shield against any intended litigation. THERE IS A FORMAL ACCUSATION. You've been arrested! That's the accusation. A criminal complaint by the

state could literally say you intended to invade Mars and they've arrested you for threatening martians. So long as it is from an official government entity, we have not "knowingly" written something false. Your issue is with the state, not us."

48. ...

49. Schorsch had no interest to discover or publish the truth, 49.1 but only to conspire with his friends in law enforcement to defame Plaintiff, 49.2 in a quid pro quo where he promotes their garbage gossip for clicks and makes a profit from it, 49.3 thereby relieving Shorsch of the cost of hiring investigative reporters or lawyers, 49.4 while being an accessory to law enforcement aggression to tarnish people who have not been convicted of anything, or in this case even charged, 49.5 for political gain.

50. ...

51. Schorsch admitted that he believes he can knowingly publish false and defamatory statements without consequence, 51.1 and has no duty to mitigate the damage he does, 51.2 even when presented with information, including a sworn statement - made by someone who is not immune from prosecution - that his statements are false. 51.3 Shorsch admitted to not being concerned with defaming someone, or with the truth.

52. ...

53. Nor would those given immunity to make accusations in court, be given immunity for the purpose of, or in the activity of, defamation for profit. 53.1 If police made it their business to write lies, and then sell them for entertainment, that would not be

traditional policing. 53.2 It would therefore not be protected with immunity as a result of any legal tradition. 53.3 Therefore engaging in that activity, and saying it is an immune person who made the false statement, cannot be immune. 53.4 Because the original author of the statement is not immune in that activity. 53.5 If the original author can't do it - if the police can't sell newspapers for profit - then someone who does so cannot say he is immune doing it because police are immune. 53.6 It is not so much the person, but the activity where the statement is made, that is immune. 53.7 Just like police could not arrest people for customers for profit, and say they are immune because they are police. If police don't engage in journalism, then journalism cannot use their immunity.

54. If police engage in a quid pro quo to provide juicy gossip to individuals who push their narrative outside the courts for profit, 54.1 that is not a government activity traditionally protected by immunity, 54.2 or specifically contemplated for immunity. 54.3 Hypothetical tests of the existence of such an arrangement, might include the extent to which a publisher promotes law enforcement narratives in an unbalanced way, without presenting balancing statements from opposing parties, 54.4 or without attempting any independent verification of facts, 54.5 the extent to which a publisher is critical or favorable to law enforcement versus their targets, 54.6 the extent to which an individual journalist or publisher has long or personal relationships with government officials, 54.7 and the extent to which an

individual journalist publisher performs any investigation himself, 54.8 or relies or depends on government officials to provide content, 54.9 and whether the dependence or arrangement is regular or recurring.

55. Publishers who can no longer afford to hire investigative reporters, editors and lawyers, 55.1 have developed a quid pro quo with cooperative law enforcement, 55.2 wherein they promote law enforcement narratives to the public (including to witnesses, prospective jurors, and investigators), which narratives glorify government officials and defame the targets of their aggression, 55.3 in exchange for the currency of immunity used in a venue for which it was never intended, 55.4 in the form of juicy gossip and sensational stories to agitate the mob against private citizens, which can be published without liability for libel. 55.5 The activity of Defendants includes this arrangement with police and government officials 55.6 with whom they have long individual relationships. 55.7 But the conduct of Defendants in this case goes beyond this, to the extent Defendants embellished to create a sensational story where the government did not provide one.

56. Shorsch's responses included the statement "Im sure you, arrested Florida man, will be able to overturn mountains of precedent about libel law." 56.1 This reveals a belief by Schorch that those who have simply been arrested and not even formally charged with a crime, much less convicted, lose their

rights and protections in written and common law, and can be victimized without consequence. 56.2 This at the same time as Defendants believe the special immunity given for the activity of law enforcement, can be transferred to news media making defamatory statements for profit, as long as it is done specifically at the expense of this second class of citizens comprised of those who have been arrested.

57. ...

58. People who casually encounter the Article, are not on guard to suspect that people who call themselves journalists are just cranking out fake "Florida Man" memes as a business plan, believing they cannot be held accountable for injuring people with falsehoods based on esoteric case law. 58.1 People who read the headline are more likely to believe Plaintiff was arrested for stalking Shannon Sprowls, which never happened. 58.2 And this of course is the effect and conclusion Taylor and Schorsch intend, with perfect understanding of what they are doing, knowing they are promoting false and malicious gossip for money, 58.3 and in quid pro quo with police who also have an agenda and feed the them gossip to trash Plaintiff, 58.4 while avoiding giving coverage to Plaintiff's website.

59. ...

60. ...

61. Any promulgation of the narrative that Plaintiff stalked Shannon Sprowls is an insane slander, 61.1 and is not supported by the statements in the arrest affidavit, 61.2 even ignoring that some of those statements are false. 61.3 Rather, the

momentum driving the statements defaming Plaintiff, is a bias against Plaintiff and his political activity and policy proposals.

62. Any statement, or suggestion with no basis, that Plaintiff drove over a bridge to stalk Shannon Sprowls, when in fact Plaintiff drove over a bridge to publish political pamphlets which police and politicians found disagreeable, is an insane and corrupt slander. 62.1 Their slander was never supported by any fact, and could never have been sustained by any investigation. 62.2 Shorsch communicated that he didn't care if it was the truth. 62.3 Shorsch communicated a belief that generic "Florida man" memes would generate clicks and keep him business. 62.4 Shorsch communicated a belief that statements by police gave him immunity to use Plaintiff's name in a generic "Florida Man" meme, without investigating or even caring if story was true, and knowing he had no reasonable basis to believe it was true, and not caring whether he had any basis or not, and not caring to discover any truth. 62.5 Schorsch just wanted to use Plaintiff's name to publish what Schorsch knew to be garbage, in a simple scheme to use Plaintiff's name and Speaker Sprowls's name for clicks, 62.6 without any interest in the truth, but only in publishing some variation or iteration of a "Florida Man" meme, 62.7 while misleading the public that Schorsch and Taylor were offering journalism.

63. ...

CLAIMS

64. ...

TEMPORARY RESTRAINING ORDER

65. ...

PRAYER FOR RELIEF

66. ...

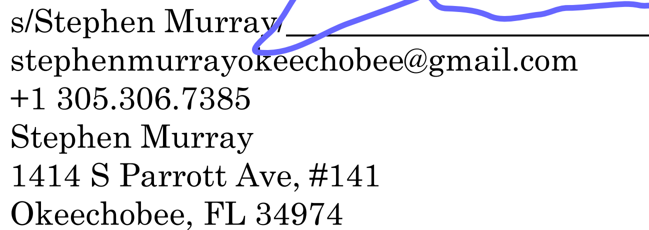
DEMAND FOR JURY TRIAL

67. Plaintiff demands a trial of this action by a duly sworn jury of the citizens of Okeechobee County, Florida.

DEMAND FOR JUDGMENT

Wherefore, Plaintiff, STEPHEN MURRAY, demands judgment for damages against Defendants, JANELLE IRWIN TAYLOR, PETER D. SCHORSCH, and EXTENSIVE ENTERPRISES MEDIA, LLC, for such other relief as the court may deem just and proper, and further demands a trial by jury on all issues so triable as a matter of right.

By:



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APPENDIX M

IN THE DISTRICT COURT OF APPEAL,
FOURTH DISTRICT STATE OF FLORIDA

CASE NO.: 4D21-2586

STEPHEN MURRAY
Appellant
vs.
JANELLE IRWIN TAYLOR, an individual,
PETER D. SCHORSCH, an individual,
EXTENSIVE ENTERPRISES MEDIA, a Florida LLC
Appellees.
_________________________________/

APPEAL FROM THE CIRCUIT COURT
IN AND FOR OKEECHOBEE COUNTY, FLORIDA

INITIAL BRIEF OF APPELLANT

TABLE OF CONTENTS

I. STATEMENT OF THE CASE 2
II. STATEMENT OF THE FACTS 4
III. SUMMARY OF THE ARGUMENT 10
IV. ENUMERATION OF ERRORS 11
V. IMPORTANT ISSUES 23
VI. CONCLUSION 26

I. STATEMENT OF THE CASE

Appellant was arrested on January 25th, 2021, based on a Pinellas County affidavit citing a relatively new and obscure statute labeled "Cyberstalk". This affidavit appeared questionable on its face, and no charges ever resulted from it. In February, Appellees put an Article on the web which they falsely claim is based on the affidavit, but which Appellant informed them was false and defamatory. Appellant contacted them using their provided email addresses accompanying the Article. Appellees responded with malicious statements and threats, and refused to stop defaming Appellant.

Appellant filed his original Complaint in his county of residence Okeechobee on February 17, 2021, but never served Appellees. For five months, Appellant reasonably expected the State would file a no-information any day, or would at least provide Appellant with discovery. Appellant did not have perfect knowledge of the actions and relationships of Appellees, and could not know what information one or another of the Appellees might be denied, missing or misled with by another Appellee. Appellant reasonably believed that Appellant had an obligation to provide to all Appellees, all new information that would be produced in the criminal case any day, before moving ahead with the civil action. Appellant therefore had good cause to delay serving his Complaint to Appellees, pending imminent events relating to the criminal allegation.

After the State filed a "no information" with regard to the arrest on June 22, 2021, and Appellant tried and failed to obtain relevant criminal discovery, Appellant filed his Amended Complaint "as a matter of course" on July 7, 2021. At this time there had been no responses to Appellant's Complaint.

Appellees filed a Motion to Dismiss with prejudice, citing a) that their Article was legally sufficiently true, both in a layman's sense, and in line with the requirements of case law, b) that Appellant had not given them 5 days to correct their Article after notifying them that it was defamatory (Florida Statute 770.01), c) that they had corrected their defamatory statements which they in fact did not, and d) simultaneously that Appellant had taken too long to serve them, more than 120 days.

While Appellees filed this 120-day dismiss argument on the same day they were served the Amended Complaint July 13, 2021, they did not notify Appellant. Appellees then filed an Amended Motion To Dismiss on August 2, 2021, and provided the Trial Court with a proposed order.

The Trial Court dismissed Appellant's Amended Complaint with prejudice after a hearing on August 27, 2021. The Trial Court did not compose an opinion, but signed the proposed order drafted by Appellees, which Order contains numerous objectively false statements of pertinent facts. The argument the Trial Court seemed to rely upon, was that Appellees' Article was a substantially accurate

account of an official document. Appellant now argues this and other conclusions were based on error.

II. STATEMENT OF THE FACTS

Over many years, Appellant sent grievance communications to elected State Attorney Phil Archer in Brevard County, about Archer's employees using perjury and fake evidence. Appellant included paper letters sent by FedEx with Appellant's true name and address, phone calls from Appellant's phone, and emails from Appellant's primary personal email address. In these communications, Appellant confronted Archer with undisputed documentation of fake evidence and perjury, which are crimes in Archer's jurisdiction.

Appellant also sent dozens of emails about Archer to elected officials, and emailed Archer that Appellant was doing so, and emailed Archer that Republicans were responding to Appellant's emails, and knew Archer was the reason Republicans were losing elections. Appellant forwarded Archer at least one example of a Florida elected official responding to an email about Archer, with the name redacted. Appellant also sent Archer server logs, from members of Congress looking at the documentation about Archer that Appellant emailed to them. Archer created an outward appearance of a policy of not paying any attention to such communications from Appellant.

Around this same time, Appellant was also active on

Twitter, replying to or commenting on Republican tweets which Appellant believed had some connection to criminal justice policy. Republicans had decided to make criminal justice policy the focus of the 2020 election, and then literally could not believe that they lost. Appellant thought they were blinded by vanity, and replied or commented with tweets containing a picture of President Trump on Air Force One, and quotes from a page of Bible quotes about hubris. This was around Christmas, when many Florida Republicans were alluding to the Bible as a source of guidance.

In January of 2021, one of Appellant's many emails to Archer, included a nasty sarcastic comment about Florida Republicans and pimping, including a picture of Trump on Air Force One with a Florida political VIP. According to a Pinellas deputy, Archer claimed that Appellant's email was some kind of crime, to obtain search warrants for Appellant's email and other accounts. Archer never took any intermediate step such as replying to the emails "Who are you and what is this about? Who are the elected officials you have emailed about me?" Archer likely already knew who Appellant was and what it was about, and just wanted an excuse to get access to Appellant's emails. Copies of these alleged search warrants have never been provided to Appellant, despite multiple requests.

Appellant also created a website cops2prison.org to record grievances. Republicans and law enforcement find this website so distasteful, that random people

have threatened to shoot Appellant at least a dozen times. Appellant promoted this website every day on Twitter and in emails.

Law enforcement from across Florida began investigating Appellant, including looking at Appellant's websites, and using the background of Appellant's youtube videos to find Appellant's property. Five armed LEO's even trespassed on Appellant's property with fingers on triggers, after being told to stay off the previous time they trespassed. They ordered Appellant out of his car on a remote country road, and threatened that Appellant should not send emails to Washington. Law enforcement was on an emotional mission to get Appellant. All this is documented in an active civil case in the US District Court for the Southern District of Florida.

Appellant brainstormed new ways to drive traffic to his website cops2prison.org. Appellant placed an ad to hire someone to post political fliers on the campus of the University of Florida. When Appellant did not receive an immediate response to his ad, Appellant found the closest law school on the map, Stetson University in Gulfport, and drove there and posted political fliers outside the campus. This was approximately three weeks, and perhaps hundreds of emails and social media posts after Appellant used the word "whore" in an email to other side of the state.

There was basically no pedestrian traffic near the

Stetson campus because it was Sunday, and nobody saw the cops2prison.org fliers. Plaintiff's web page had no traffic. Right as Appellant was leaving, Appellant saw a Stetson University security employee take down one of Appellant's fliers, and visit Appellant's website using his cellphone. This was followed by two more visits, as if the security employee told someone about the fliers, and that person told someone. The next day Appellant was arrested, using the statute with a novel and esoteric definition called "Cyberstalk", with Appellant's visit to Gulfport offered as the immediate cause.

Appellant waived his rights to be interviewed in custody. The first question the Pinellas deputy asked Appellant was "Cops2prison.org, that is your website isn't it?" Appellant demanded to know when the deputy wrote the arrest affidavit. The deputy said he wrote the affidavit the previous evening, meaning soon after Appellant's cops2prison.org fliers were discovered outside the Stetson campus in Gulfport. The arrest affidavit took the form of a sundown law arrest, using UCT times to make it seem like Appellant was in Gulfport after sundown, and saying "your Affiant knows of no legitimate purpose for Stephen Murray to be traveling to Pinellas County."

Such a statement was ridiculous on its face. And the entire affidavit was suspicious and internally contradictory on its face (in addition to containing false statements when inspected more closely). It referenced unrelated emails to an unrelated person on a different side of the state from the supposed

victim of Cyberstalk. It referenced Twitter comments containing Bible quotes, directed at multiple public political figures engaged in the use of Twitter for public political advocacy. And it did not contain any statement from the supposed victim, or even make any specific claim the supposed victim was an actual witness. It was classified as a felony, despite the document not containing the word "threat."

Pinellas deputies apparently approached friendly local web promoters, resulting in a collusive effort to defame Appellant. Appellees published a false Article on the web, where they intentionally painted an inaccurate picture of a clumsy man driving over a bridge to stalk a housewife (that is what readers told Appellant they understood it to mean), for clicks. Their Article was embellished with many false statements which were not in any official document. This included using the word "stalking" with the intention that it would be understood in its common definition "to approach with stealth", which expected standard definition was not supported by any official document.

Appellant contacted Appellees to say their Article was false, misleading, and defamatory. Appellees responded in a malicious way that Appellant was an "arrested Florida man", who thereby lost his rights, and could be freely defamed for money, by people who knew the statements they were making were false and ridiculous, based on previous rulings in civil cases.

Appellant was never charged with any crime, and was never provided any discovery to support the nonsense affidavit. No document or statement has ever been produced, where any witness claims to have been stalked or “cyberstalked”, despite multiple requests from Appellant.

III. SUMMARY OF THE ARGUMENT
1) ...
2)...
IV. ENUMERATION OF ERRORS
1) ...
2) ...
3) The Order signed by the Trial Court contains the following statement which is easily verifiable as false to an objective outside observer: "Murray had... no legitimate purpose for traveling to the county". This statement is suspicious and dishonest on its face, and misleading by design. In addition, Appellant has provided ample documentation of his purpose for crossing the largest bridge in Florida in his Amended Complaint, which purpose was never disputed. The Trial Court made an error if the Complaint was dismissed with prejudice relying on said dishonest statement.
4) ...
5) ...
6) ...
7) Regarding the Article sub-headline "The man made lewd comments and threats in an email about Shannon Sprowls":

Appellant argued at hearing approximately "The

Article has a lot of s's, threatss, lewd commentss, emailss, all ending in s. But there is nothing to support all those s's, except their desire to imagine a story that didn't happen and nobody said happened and they know didn't happen. What are the two lewd comments, and what are the two threats? Two s'es means four statements, what are they? What are the two emails? It is a lot of s's which are all false, and which are used intentionally to mislead, because sending one email to an unrelated person on the other side of the state cannot even be construed as cyberstalking."

Appellees argued in response, that that there were additional emails mentioned in the affidavit to make the sub-headline "The man made lewd comments and threats in an email about Shannon Sprowls" substantially true. These unrelated emails were general political speech, intentionally used and misrepresented to falsely and maliciously defame Appellant as a stalker.

There was only one additional email mentioned, which had nothing to do with Shannon Sprowls, and was not addressed to Shannon Sprowls, and which there is no evidence Shannon Sprowls ever received. The Trial Court nevertheless seemed to accept Appellees' false argument, despite it being contradicted by exhibits, and by Appellant's verbal argument referring to those exhibits. The Trial Court therefore made an error if the Amended Complaint was dismissed with prejudice, based on false statements by Appellees, that there were multiple

emails, or more than a single statement in a single email, which single statement could refer to either Donald Trump or Shannon Sprowls.

Appellees were reckless and malicious, and the Trial Court was in error, if any decisions were based on something they were wrong about, and had little hope to be right about, since no discovery of these allegations was ever disclosed or litigated. The Trial Court was in error if false statements in regard to which neither the Trial Court nor Appellees had much idea what they were talking about, were accepted as substantially true without taking any diligent effort to examine the facts. The Trial Court seemed to accept false statements of a member of The Bar, over the statements of a pro se plaintiff who had been arrested, and actual exhibits.
8) ...
8) Appellees made several arguments which they claimed were supported by case law. These are not laws passed by the legislature or etched in stone, these are things invented on the fly for a specific situation by a judge, which must be adjusted and abandoned for new and different situations. At issue is whether Appellees, or their activities, are substantially different from past parties and cases. Appellant argues that the case law has been overstretched to give birth to a new a kind of web clickbait, which did not exist and therefore could not have been contemplated by the case law that unintentionally created it. And the types of participants are substantially different, with the advent of the Internet, and with local papers going

broke and laying off all their reporters.

How readers find and read news has changed, and therefore the definition of "news media" has changed. In the past, someone would subscribe to Newsweek. If any one issue or story delivered was false or damaged the reputation of Newsweek, then Newsweek itself was damaged, and lost credibility as news media, including all stories under the brand. You did not pick individual Newsweek stories to believe, or to be delivered to your house. Newsweek as an institution, could only be selected or passed up as a unit, not subselected as to individual articles or activities. As such, a legacy institution like Newsweek, was itself "new media."

Today, someone can enter the word "Murray" and get a list of search results from different sources. This does not necessarily make Google "news media". And it does not automatically make anyone who wrote a document that appears in search results "news media." So there are no longer protected news media institutions or actors, but protected "news media" activities. Just because a person sometimes engages in news media activities, does not make all that person's activities news media. A person who designs web clickbait which he knows will get clicks because it is embellished, based on a belief that his activity it is immune, is not engaging in a protected news media activity.

At hearing, Appellees delivered a monologue about Janelle Irwin Taylor being some kind of longstanding

reporter. This was designed to cast Taylor backwards in time, and establish that Taylor, as a person in any activity, rather than the activity itself, is immune news media. But police and Appellees have created a collusive arrangement, a quid pro quo, which inserts new behavior on both sides. No judge has infinite foresight. Whoever wrote case law in the past, could not have imagined that police would say hey, we can push out garbage to the Internet - because Google will show links from almost anywhere based on keywords not reputation - and be shielded at every point by this ruling. We can use people who sell banner ads as agents to push out one-sided garbage.

The parties in those past cases did not claim a reckless and malicious intent as Appellees have in Amended Complaint Exhibit E. The parties in those cases, did not claim to not care if they were publishing obvious garbage, like Appellees claimed to not care when they mentioned martians.

An actor who engages in news media activities, is an actor whose content is driven by a belief about what happened. The decision process for such an actor is something like "This happened and that happened, so I am going to report that this and that happened, to readers." An actor whose content is driven and shaped by what he believes he is immune to get away with, chooses a distinctly different boundary for the origin of his content. The decision process for this activity is something like "I am immune to say this, and the technicality of the law permits me to say that". That is not a news media activity, it is a

click-generating activity, exploiting the perceived technicality of the law, and hoping that lawyers and judges will not have the time, or be sophisticated enough to stop him. Or he will be protected by politics, to defame "Florida man" untermensch.

The origin and spirit of laws against libel in for-profit publishing, has always been that readers will pay more for sensational statements of things that did not actually happen, and are not as interested in real and mundane events. An actor who attempts plot a course around libel laws, or attempts to misrepresent and distort the laws in court in a spurious and sophist manner, for money, by finding misleading things he can say with immunity, is not engaged in traditional "news media" activities as contemplated by law and case law. Appellant is not the first to make these kinds of arguments; Appellant has heard of judges saying that the current framework is inappropriate to new Internet actors.

9) ...

10) The Trial Court seemed to blur the lines between civil and criminal authority and primitive tribal justice, by accepting the general idea that a person who has been arrested deserves some punishment and it is his own fault if he is defamed. The Trial Court seemed to not care to diligently examine whether Appellees were false, malicious, and defamatory, when the plaintiff is some kind of ne'er-do-well untermensch who uses the word "whore" and has been arrested. It is as if when web promoters lie for money, it is a direct and inevitable consequence of other people's poor life decisions, and the values of

police and people not accused of crimes should be held above this lower class of citizen who has been arrested, rather than diligently examine the facts of the specific case.

If the Trial Court's decision to dismiss the Amended Complaint with prejudice relied on this idea that Appellant being defamed is his own fault for being arrested or being a bad person, or relied on political expediency, the Trial Court made an error.

V. IMPORTANT ISSUES

…

…

If the Trial Court took the opinion, essentially, that it is morally acceptable for a person who has been arrested to be defamed, and that it is is beneath the time of the courts to resolve the conflict of such a pro se party diligently, the Trial Court abdicated the responsibility of the courts to resolve conflicts in society. That abdicates the responsibility of the courts, to internalize and settle with due diligence, conflicts which it has jurisdiction over, in service of many broad social benefits. Allowing some to defame others with immunity, does not lead to utopia.

Appellant engaged in political speech, but was falsely portrayed as a clumsy man who drove to another city to stalk a housewife. Appellees portrayed themselves as political news media, but instead invented a salacious story for clicks.

A Trial Court saying someone involved in a sleazy

activity - calling a person engaging in political speech a sexual predator - is protected news media making accurate statements, without even allowing it to be tried, is a serious issue for the courts and society.

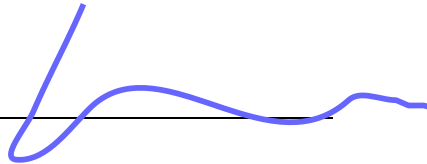
VI. CONCLUSION

Based upon the foregoing facts and arguments, and relevant case law, Appellant respectfully submits that the Order of the Trial Court to dismiss with prejudice was made in error, and should be reversed and vacated.

Respectfully submitted on September 26, 2021

By:

s/Stephen Murray/_________________________



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APPENDIX N

IN THE DISTRICT COURT OF APPEAL,
FOURTH DISTRICT STATE OF FLORIDA

CASE NO.: 4D21-2586

STEPHEN MURRAY
Appellant
vs.
JANELLE IRWIN TAYLOR, an individual,
PETER D. SCHORSCH, an individual,
EXTENSIVE ENTERPRISES MEDIA, a Florida LLC
Appellees.
________________________________/

APPEAL FROM THE CIRCUIT COURT
IN AND FOR OKEECHOBEE COUNTY, FLORIDA

REPLY BRIEF OF APPELLANT

I. SUMMARY - COLLUSION AND THE FIRST AMENDMENT

Appellees seem stuck on an email to an elected official Phil Archer mentioning an elected official Tyler Sirois, as a legal justification to broadcast reckless and malicious lies about Appellant. This is in fact a collusion with elected officials to deprive Appellant of his First Amendment rights. Any law or case law which would support this activity cannot be constitutional.

II. POLITICAL SPEECH IN AND ABOUT BREVARD

Appellant argued in his Complaint that a novel non-journalistic activity has been created, involving a quid pro quo where people post garbage on the web to attack and defame targets of elected officials, in exchange for immunity transferred from those elected officials, to game this Court and make money off shameless defamation. And this is done beyond the intent or contemplation of law and case law.

As mentioned in his Initial Brief, Appellant has documented in a separate civil action 2:21-cv-14355 in the United States District Court for the Southern District of Florida, a collusive scheme to use illegal and mock legal activities to deprive Appellant of his First Amendment Rights. These activities include the affidavit referenced by Appellees.

Appellees have argued at hearing and in pleadings, and in their Answer Brief to this Court, that their right to publish an extremely false and defamatory headline that Appellant stalked Shannon Sprowls in Pinellas, is supported by the existence of an email sent to an elected official Phil Archer mentioning another elected official Tyler Sirois, both in Brevard, which email they have never seen.

Appellees have argued at hearing and in pleadings, and in their Answer Brief to this Court, that their right to publish the false statement "The man made

lewd comments and threats in an email about Shannon Sprowls" is supported by the existence of an email sent to an elected official Phil Archer mentioning another elected official Tyler Sirois, which email Appellees have never seen.

The asserted legal theory, that Appellant engaging in political speech to and about unrelated government officials, subjects Appellant to false attacks and extreme defamation with immunity, is a direct attack on Plaintiff's right to petition his government for a redress of grievances. It is done, as claimed in Appellant's Complaint, in a collusive arrangement with the elected officials who are the subjects of Appellant's speech.

They are saying they can falsely claim Appellant is a stalker, and stalked Shannon Sprowls in Pinellas, and "made lewd comments and threats in an email", because Appellant wrote elected official Phil Archer a grievance email mentioning elected official Tyler Sirois, which they find distasteful.

III. CONCLUSION

The assertion by Appellees of such a legal theory, that they are immune to publish defamatory lies about Appellant as a fair response to and punishment for political speech, proves Appellant's argument that Appellees are in a collusive quid pro quo arrangement with elected officials, not acting as journalists as contemplated by law and case law.

The objective of their collective is to punish and prevent Appellant's political speech which they specifically point to. This is not fair reporting, this is a collusive arrangement to intimidate and deter and punish political speech. Appellant refers the Court to Appellees' email in Exhibit E page 43 of Appellant's Complaint:

> “Please – PLEASE – let me go to court against the guy harassing a Florida house speaker.”

Any law or case law which they claim supports this activity , must be unconstitutional.

Because the Constitution cannot permit the arrest and defamation of Appellant for such speech as cited – and certainly cannot allow the immunization of such - Appellant respectfully submits that the Order of the Trial Court to dismiss with prejudice was made in error, and should be reversed and vacated.

Respectfully submitted on October 28, 2021

By:

s/Stephen Murray/________________________

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APPENDIX O

IN THE DISTRICT COURT OF APPEAL,
FOURTH DISTRICT STATE OF FLORIDA

CASE NO.: 4D21-2586

STEPHEN MURRAY
Appellant
vs.
JANELLE IRWIN TAYLOR, an individual,
PETER D. SCHORSCH, an individual,
EXTENSIVE ENTERPRISES MEDIA, a Florida LLC
Appellees.
_________________________________/

APPEAL FROM THE CIRCUIT COURT
IN AND FOR OKEECHOBEE COUNTY, FLORIDA

APPELLANT'S MOTION FOR REHEARING EN BANC, CLARIFICATION, AND WRITTEN OPINION

Comes now the undersigned Appellant Stephen Lynch Murray, and moves this Court for a Rehearing En Banc of Appellant's Appeal and/or Clarification Of Ruling, and Written Opinion, and as grounds offers the following:

I. BACKGROUND - STATE OF THE UNION 3

II. BOUNDARY BETWEEN DISCRETION AND LEGAL CHARADES	6
III. RECKLESS AND MALICIOUS STATEMENTS FOR PROFIT	8
IV. JURISPRUDENCE HACKED WITH PERJURY	8
V. IMMUNITY TO BROADCAST FALSE ALLEGATIONS	9
VI. COMMON DEFINITION OF DEFAMATION	9
VII. GENTRIFICATION OF DEFAMATION AND DUE PROCESS	10
VIII. FAIR USE OF DEFAMATION IN CRIMINAL JUSTICE	11
IX. ABRIDGING COMMUNICATION OF GRIEVANCES	13
X. LIMITATIONS OF GOVERNMENT ATTACKS ON INDIVIDUALS	14
XI. CLARIFICATION OF ELEMENTS IN TENUOUS ARTIFICE	16
XII. CONCLUSION - MAJOR RELEVANCE AND IMPORT	18

I. BACKGROUND - STATE OF THE UNION

This Court must agree that millions of common citizens have their lives destroyed for the profit and amusement of others, based on false and sensational defamation originating in the criminal justice process. This incites individuals, associates, and mobs against strangers without basis, with the result of neighbor hating neighbor. Some humor their impulses with a delusion that this aggression is improving the Nation, while others predict or hope for civil war.

The Court's present ruling ratchets this aggression loophole even wider, by codifying not just an attack on a dissident, but specifically a retaliation for political speech, which attack is orchestrated and gentrified by government actors. Agents of government stalked Appellant, until he unknowingly drove into a jurisdiction where they could use perjury to originate this defamation, an illegal aggression which they apparently had confidence this Court would affirm.

...

The case law created and promulgated in this case allows cops to feed garbage and even perjury to friendly web promoters in a collusive arrangement.

...

This is mass misinformation artificially created and amplified into political conflict by law and government action. Does the Court deny this, or offer a different characterization?

Does this Court agree that the existence of our Nation today, is evidence this ruling cannot resemble traditions of the past? Would our Nation exist today, if past courts had codified loopholes for political actors to selectively amplify mass defamation of common citizens into conflict and civil war?

...

If this Court disagrees about the path such brazen aggression puts the Nation on, and how this ruling plays the described role in it, Appellant asks for a clarification and consensus. So that Appellant and people like Appellant can understand what the Court is doing, and why we are destroyed with obvious and intended lies without recourse, even to the destruction of our most sacred right to petition the government with grievances.

...

Are we to conserve our way of life, or travel the path to classical barbarism without even a moment's reflection?

II. BOUNDARY BETWEEN DISCRETION AND LEGAL CHARADES

Can the Court agree that Appellant was arrested for having a website someone didn't like, and driving over a bridge into that person's jurisdiction? That is an honest reading of the arrest affidavit. It is an important issue because it deals with the discretion of parties to put on a charade, play dumb, and pretend they think a document says, or can be read as saying, something it doesn't say. Whether to make money, to dispose of a case in the docket, or

whatever.
...
III. RECKLESS AND MALICIOUS STATEMENTS FOR PROFIT
...
Is a publisher free to ignore sworn statements by a person he is defaming, such as that an affidavit contains lies? Is that the intent of law and case law, to create loopholes to create defamation, and thereby sow distrust of courts and news media, and social conflict?
...
Does the Court agree a loophole is being protected, to exploit immunity and search engines in a way not contemplated by law and case law, to broadcast known false statements for profit, in a novel activity that does not fit the noble ideals, historical practices, or valuable purposes of journalism and other protected speech?

IV. JURISPRUDENCE HACKED WITH PERJURY

Does the Court agree Florida Statute 837.02 was broken in the affidavit this case? Is Florida Statue 837.02 archaic? Did existing law and case law contemplate a scenario where Florida Statute 837.02 is abandoned? Was Florida Statute 837.02 abandoned in this case specifically to game law and case law (and this Court), for the benefit of, or at the request of, the powerful? Do laws and rulings orbit political power?

V. IMMUNITY TO BROADCAST FALSE

ALLEGATIONS

...

VI. COMMON DEFINITION OF DEFAMATION

...

VII. GENTRIFICATION OF DEFAMATION AND DUE PROCESS

Does the Court agree publishing false statements that Appellant drove over a bridge with no legitimate purpose but to stalk Shannon Sprowls is a false and damaging defamation? And this defamation is only permitted and condoned to the extent it is produced and gentrified by government through the ruling of this Court? Does this Court agree such a defamation deprives Appellant of property, in the form of reputation and opportunity?

And to the extent it was done without witness or discovery - and in fact using perjury - Appellant is deprived of property through the targeted gentrification of defamation by government, without due process?

...

VIII. FAIR USE OF DEFAMATION IN CRIMINAL JUSTICE

...

IX. ABRIDGING COMMUNICATION OF GRIEVANCES

Was Appellant's activity actually a First Amendment activity? Is Appellant sending a series of emails to elected official Phil Archer, about Republicans misreading electoral demographics and crime

politics, a First Amendment activity? If as part of that series, Appellant sends an email to Phil Archer about Republicans not realizing white voters have a grievance and their votes cannot be attributed to fraud, is that political speech? When Appellant responds to Republicans who refuse to believe white people voted against them and instead storm the legislature, by saying to Archer "white voters to Trump: Look at me, I did this to you" is that a First Amendment activity?

When Appellant emails Archer saying his fellow elected official is a "slimeball toady" is that a First Amendment activity? Is posting Bible quotes on Twitter, in response to someone posting a picture with President Trump on Air Force One while Trump's mob is raiding the capitol, a First Amendment activity? Is driving over a bridge to post political fliers outside a law school a First Amendment activity? When Florida prosecutors have a reputation for allowing VIP's to pimp underage girls, is a satirical private comment about it a First Amendment activity?

X. LIMITATIONS OF GOVERNMENT ATTACKS ON INDIVIDUALS

Suppose it is fair to use some definable amount of discretion in reading a document, and it is fair to design defamation into criminal justice, and it is fair for the legislature to allow defamation under certain circumstances and destroy people with false allegations, that is a power they have been endowed

with. And suppose it is fair to do all this indefinitely - holding a defendant on bond for five months with speech restrictions, publishing an article indefinitely - without witness or discovery. And even protecting and gentrifying perjury.

Can all these things which they have the power and discretion to do, still be done when it is a game set up and enabled by elected officials to attack and deter political speech aimed at those same elected officials?

Does that power still exist when it is not impartial actors mitigating jaywalking or pedophilia, but self-interested elected officials using that power to attack First Amendment activities directed at them?

Is the effect legal, the use, the end, when that end is to destroy voters in retaliation for political speech? Does this Court agree that is what happened? Does this Court have proof that is not what happened? Does this Court agree whether or not that happened cannot be dismissed without facts, but needs to be discovered and examined, before it can be adjudicated?

Can government officials use the gentrification of perjury at the discretion of courts to create a loophole to attack First Amendment rights? Does the means being a tenuous chain of perjury and immunity and privilege and opaque discretion, rather than a law or case law, change the fact that the end is the government attacking and deterring political speech?

Isn't one role of a jury to insulate judicial outcomes from corruptible government actors and political incentives? Would not the effect of a jury trial in this case be to appropriately disconnect the treatment of political speech from the government chain of command, collusion, and influence?

Can this Court escape the fact it is acting as an arm of the government to attack political speech, simply by refusing to clarify what it is doing and why? Is an unwritten law with the same effect as a written one, more permissible under the Constitution?

XI. CLARIFICATION OF ELEMENTS IN TENUOUS ARTIFICE

When Appellant's First Amendment Rights are attacked with a concerted defamation, is the sum legal, just because each element in the stack is legal in isolation (ignoring Florida Statute 837.02)? Is the destination automatically legal, just because each action to get there is itself legal?

What are the rules and boundaries for deciding if a deviously designed but indirect attack on First Amendment rights, constructed of tenuous elements such as false affidavits and debased "journalism" - all originating with and protected by government actors - is legally spurious?

Does this court agree this is an important issue, to clarify rules and expectations for how elected officials

(and even politically-aligned judges) can game the system to get around legal traditions and nullify the Bill of Rights?
...
Monitoring and petitioning elected officials is Appellant's responsibility as a common citizen in a democracy. The exact circumstances and mechanisms by which elected officials can obtain retaliation to repeat and reproduce the result in this case, need to be clarified. Or perhaps clarified by silence, as simple political expediency from end to end, from Patriots to "patriots", from pimping to perjury to per curiam.

XII. CONCLUSION - MAJOR RELEVANCE AND IMPORT

The activities Appellant engaged in - driving over a bridge, posting Bible quotes on Twitter, sending a snarky email to an elected official - take place perhaps millions of times a day, and involve the most sacred rights of individuals protecting them from the power of government in our way of life. Does the Court agree that legal outcomes proscribing and chilling these activities need written clarifications to publish precise elucidations of how law and case law is applied in a standard way? Are laymen to be tortured with sorcery?

And the activities of Appellees - destroying an ordinary citizen with false and malicious defamation for profit, and in collusion with a local political majority faction - are amplifiers of social conflict and

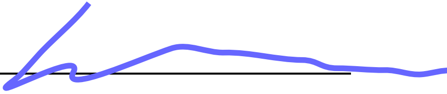
civil unrest. And nor is this theory or hyperbole, but a plain observation of our times which any layman can make. Does the Court agree such issues need to be addressed with the greatest clarity, diligence, and consensus?

Because these are important issues with great impact on large swaths of people and activities, and the most sacred inalienable right of individuals in our civilization - with immediate relevance to current events and the pressing issues of our time - Appellant moves this Court for a Rehearing En Banc, and/or that the Ruling on these matters be Clarified with a Written Opinion.

Respectfully submitted on December 14, 2021

By:

s/Stephen Murray/_________________________



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