

**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.

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**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:

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## **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.

As a victim of the crime of perjury, Appellant should be protected from publication of his name by Marsey's Law, not victimized twice. But apparently the

laws of Florida are just tools to be selectively applied and ignored for the benefit of the powerful.

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. At the same time, it enforces an official policy that the sworn statement of the only actual witness in this case means nothing. And Appellant is not able to obtain so much as a police report or a copy of his in-custody interview, to refute the lies with "official" evidence.

And while Appellant and others are witness that Appellant was not stalking Shannon Sprowls when he was falsely alleged to, there is no statement of any witness to substantiate the stalking headline published by Appellees. It's shocking that law would be designed to promote such nonsense.

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?

Does this Court not wish to preserve our Nation and traditions and laws, or admit that it bears a role in and responsibility for doing so? Or at least explain what happened in this case that this Court does not wish to, or cannot, protect citizens and the nation - by what code the Court is bound - when the Court acts against conserving truth, harmony, and national unity?

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.

This Court should at least provide a clear historical record of why this is the case - why this Court is indentured to destructive aggression - to elucidate such important factors in the decline and dissolution of our Nation. So that higher courts, voters, and legislators, can know the course we are on and how and why, and decide whether or not to adjust course.

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.

A document could say someone ate a donut. A judge could say this document can be read as saying a person ate a pie, and there is no need for a jury to decide whether it really says that or not. And then when a court says something like that, the remedy is to appeal to a higher court, vote the judge out of office, seek some legislative remedy, or whatever.

But for a higher court or the voter to review whether it is a valid reading or a charade - whether the rule needs some change - a court has to make clear that

it has read a document in a certain way. So this Court has to go on the record as saying whether the ruling was based on Appellant being arrested for common stalking being a fair reading of the affidavit, or a stretch to create clicks. Relying on the official record, why does this Court believe Appellant was arrested?

So how does one turn an affidavit which is suspicious and nonsensical on its face into one reading or another with a straight face, what are some of the rules and considerations for that? Is calling an éclair a donut something that a judge has discretion to do, or is that something for a jury to decide? Is that intentionally granted to news media by the legislature? What is the thinking and case law to decide these ambiguities and matters of discretion, and charades, in a standardized predictable way?

If the precedent is that a judge has the freedom to maybe say an éclair is a donut, but not a donut is a pie, what is the applicable rule or case law? And how is that rule or case law applied in this case? What is a fair reading of the affidavit, a fair headline, and why? Can Appellees really pretend to imagine things like what a judge was thinking, even if it is an obvious charade?

### **III. RECKLESS AND MALICIOUS STATEMENTS FOR PROFIT**

Does the Court agree Appellees' article contains numerous statements which are both false and not in the affidavit, and which statements are material to the damaging nature of the false narrative?

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 Statute 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**

Ignoring that the affidavit contains false statements, does it even show Appellant breaking the cyberstalking law? Is sending a private email to an unrelated person on the other side of the state, cyberstalking a different person? Is commenting with bible quotes on a web page engaged in political advocacy, cyberstalking of the political VIP whose name is on the page? Is driving over a bridge far from where a person lives cyberstalking of that person? Is the existence of statements, without any witness statement or evidence that a victim ever read the statements or was distressed by them or this was expected, cyberstalking?

## **VI. COMMON DEFINITION OF DEFAMATION**

Can the Court agree that Appellant was defamed with misleading and damaging statements - misinformation - whether because Appellant did not actually stalk

Shannon Sprowls, because that is not actually why he was arrested, because the common definition of stalking is not actually the basis for the jurisdiction, because the affidavit did not substantiate the charge, or whatever? Does the Court agree the reader is misled, and it is damaging to Appellant relative to the truth? Because whether the Court agrees the statements are misleading and damaging brings some additional important issues.

Does this Court agree that the definition in the cyberstalk statute is not the common definition of "stalking" which readers are expected and desired to understand from Appellees' headline?

## **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?

Appellant appreciates the Court must have some legal basis for the government destroying citizens without witness or discovery, and using perjury. Appellant only asks this Court to clarify for Appellant and many like him, what that legal foundation is, whether in tradition, law, or case law. Is it just the discretion of courts, or is there some structure of rules for how the government can destroy people with defamation?

Does an affidavit containing perjury satisfy the burden of due process for the government to choose to gentrify this defamation? Does the Court agree that Appellant swore to Appellees that the affidavit contains perjury? And Appellant is willing to swear and prove the affidavit contains perjury in court in this matter, but is deprived of the opportunity to do so for Appellees by the ruling of this Court?

## **VIII. FAIR USE OF DEFAMATION IN CRIMINAL JUSTICE**

Does the Court believe the legislature has the fair authority to allow defamation with false statements, as part of the designed process for criminal justice? In

other words, suppose someone jaywalks. Are police allowed to write a document slandering this person as appearing drunk, being a public nuisance, being reckless, appearing to be mentally disabled? And then a paper is allowed to embellish and sensationalize all that for clicks? Is defamation with false statements a fair part of the designed criminal justice process, to punish and deter jaywalking? Or even to punish undesirables or political opponents with false allegations of jaywalking?

And is it fair game for the legislature to intentionally write legislation, with language to create this false damaging defamation result? Like suppose a statute said "A person who distributes software that can be used to create images with a naked likeness of an underage girl shall be guilty of the crime of pedophilia." And then a paper publishes the headline "Man arrested for pedophilia of local underage girl. A man was arrested for providing software where he abused a local girl when his software produced an image of a local girl naked." Is it fair for the legislature to sort of hack the law, by defining words in new ways, to design new sensational but misleading defamation within the law, for the glorification of legislators?

## **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?

If malicious actors plot a crooked path around the rules of this Court to deprive a common citizen of his rights under common, written, and case law, is this Court truly inflexible and powerless to stop it, or rendered so by political expedience?



Are we as the great Supreme Court Justice nominee Robert Bork characterized it "slouching towards Gomorrah", if we cannot support or at least clarify these rules at the foundation of our political system?

Can Appellant be legally defamed as a stalker without recourse if, for example, he makes jokes about pimping 14-year-olds, about Florida State Attorney Barry Krischer, and about the degenerate Florida legislature which enables such pimping, through intentionally lax local regulation of prosecutors toward the end of politically-biased utilization of the criminal-justice apparatus?

Is pimping legal in the State of Florida? And if so, whom can Appellant make into his whore, and who will be denied protection of the law on behalf of whom? It does demand clarification. Not omerta, where Appellant has been denied the means to discover and adjudicate the collusion between parties in this matter. Are all citizens fair game be defamed as stalkers, who criticize State Attorneys for not prosecuting pimps?

Should the case law mention "Old Testament quotes on Twitter" or "private emails to unrelated people" or "territorial bridges" or "click-maximizing embellishments passed off as reasonable guesses"? Or merely "anybody whose speech government officials in their discretion find objectionable"?

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

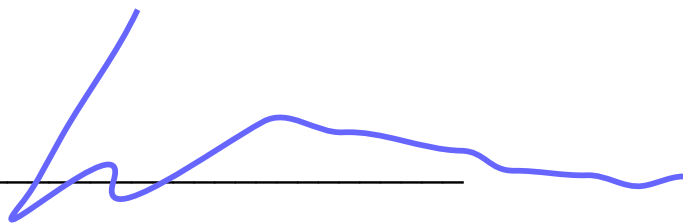
hyperbole, but a plain observation of our times which any layman can make.  
Does the Court agree such issues need to be addressed with the greatest clarity, diligence, and consensus?

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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**CERTIFICATE OF SERVICE**

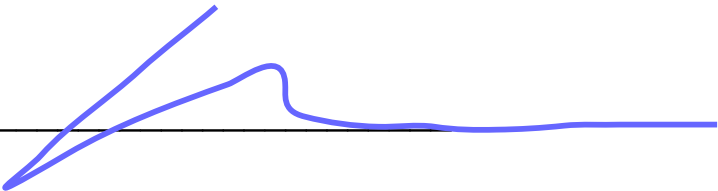
I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the District Court of Appeal, Fourth District, State of Florida, and was sent by email to Appellees' attorney

Mark Herron  
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using his provided email at all three of the following addresses:

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All on this 14<sup>th</sup> day December, 2021.

s/Stephen Murray/ 

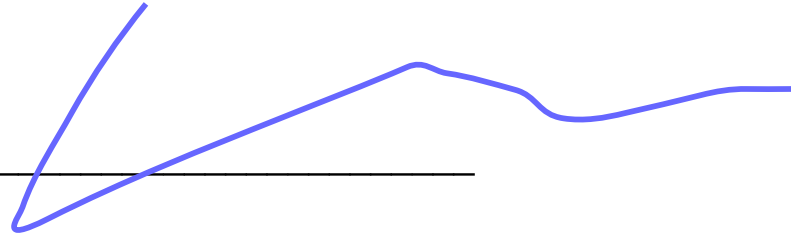
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**CERTIFICATE OF FONT**

I HEREBY CERTIFY that this document is composed in Arial 14-point, with double line spacing, and contains 3552 words.

All on this 14<sup>th</sup> day December, 2021.

s/Stephen Murray/

A handwritten signature in blue ink is written over a horizontal black line. The signature starts with a large, sweeping loop that crosses the line, then continues with a series of smaller, connected strokes that end in a horizontal tail.

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