

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION**

CLAY G. COLSON,

Plaintiff,

v.

CASE NO.: 21-005793-CI

THE CITY OF TARPON SPRINGS, FLORIDA,

Defendant.

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**EXHIBIT A**

Clay G. Colson  
4318 Joy Drive  
Land O'Lakes, FL 34637

**FILED**  
2022 JUN -1 AM 11:00  
CLERK OF APPEAL  
DISTRICT COURT OF APPEAL  
SECOND DISTRICT

May 31, 2022

Second District Court of Appeal  
811 East Main Street  
Lakeland, FL 33801

VIA USPS Overnight Express Mail

Dear Clerk:

Enclosed you will find my Petition to Review Order Excluding Press Coverage and my Appendix for filing with this court. Also, enclosed is my approved application of indigent status.

Thanks,



Clay G. Colson

Enclosures

CLAY G. COLSON  
 Plaintiff/Petitioner or In the Interest of  
CITY OF TARPON SPRINGS, FL.  
 Defendant/Respondent

CASE NO. 21-005793-C1

2022 JUN - 14 AM 11:03  
 DISTRICT COURT CLERK  
 SECOND DISTRICT  
 FILED

**APPLICATION FOR DETERMINATION OF CIVIL INDIGENT STATUS**

**Notice to Applicant:** If you qualify for civil indigence, the filing and summons fees are waived; other costs are not waived.

- I have 0 dependents. (Include only those persons you list on your U.S. Income tax return.)  
 Are you Married?...Yes... No Does your Spouse Work?...Yes...No Annual Spouse Income? \$ \_\_\_\_\_
- I have a net income of \$ 501.00 paid ( ) weekly ( ) every two weeks ( ) semi-monthly (x) monthly ( ) yearly ( ) other ( )  
 (Net income is your total income including salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered payments such as child support.)
- I have other income paid ( ) weekly ( ) every two weeks ( ) semi-monthly ( ) monthly ( ) yearly ( ) other \_\_\_\_\_  
 (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")
 

Second Job ..... Yes \$ _____ <input checked="" type="radio"/> No	Veterans' benefits ..... Yes \$ _____ <input checked="" type="radio"/> No
Social Security benefits	Workers compensation ..... Yes \$ _____ <input checked="" type="radio"/> No
For you ..... Yes \$ <u>501.00</u> No	Income from absent family members ..... Yes \$ _____ <input checked="" type="radio"/> No
For child(ren) ..... Yes \$ _____ <input checked="" type="radio"/> No	Stocks/bonds ..... Yes \$ _____ <input checked="" type="radio"/> No
Unemployment compensation ..... Yes \$ _____ <input checked="" type="radio"/> No	Rental income ..... Yes \$ _____ <input checked="" type="radio"/> No
Union payments ..... Yes \$ _____ <input checked="" type="radio"/> No	Dividends or interest ..... Yes \$ _____ <input checked="" type="radio"/> No
Retirement/pensions ..... Yes \$ _____ <input checked="" type="radio"/> No	Other kinds of income not on the list ..... Yes \$ _____ <input checked="" type="radio"/> No
Trusts ..... Yes \$ _____ <input checked="" type="radio"/> No	Gifts ..... Yes \$ _____ <input checked="" type="radio"/> No

I understand that I will be required to make payments for costs to the clerk in accordance with §57.082(5), Florida Statutes, as provided by law, although I may agree to pay more if I choose to do so.

- I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No")
 

Cash ..... Yes \$ <u>22,710</u> No	Savings account ..... Yes \$ <u>2400</u> No
Bank account(s) ..... Yes \$ <u>21,420</u> No	Stocks/bonds ..... Yes \$ _____ No
Certificates of deposit or	Homestead Real Property* ..... Yes \$ _____ No
Money market accounts ..... Yes \$ _____ <input checked="" type="radio"/> No	Motor Vehicle* ..... Yes \$ <u>2,800</u> No
Boats* ..... Yes \$ _____ <input checked="" type="radio"/> No	Non-homestead real property/real estate* ..... Yes \$ _____ No
	Other assets* ..... Yes \$ <u>2,800</u> No

Check one: I ( ) DO NOT expect to receive more assets in the near future. The asset is \_\_\_\_\_

- I have total liabilities and debts of \$ 4,000 as follows: Motor Vehicle \$ 0, Home \$ N/A, Boat \$ N/A, Non-homestead Real Property \$ N/A, Child Support paid direct \$ N/A, Credit Cards \$ N/A, Medical Bills \$ 4,000, Cost of medicines (monthly) \$ 150, Other \$ N/A.

6. I have a private lawyer in this case..... Yes  No

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 57.082, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this application is true and accurate to the best of my knowledge.

Signed on 02/26/22 066-0  
 Year of Birth \_\_\_\_\_ Last 4 digits of Driver License or ID Number \_\_\_\_\_  
 Email address: NO INFO  
4318 JOY DR. LOL, FL 34638  
 Address: Street, City, State, Zip Code

Signature of Applicant for Indigent Status Clay G. Colson  
 Print Full Legal Name CLAY G. COLSON  
 Phone Number/s (813) 601-3391 (813) 575-2805

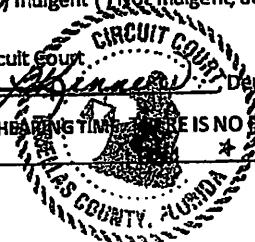
This form was completed with the assistance of: \_\_\_\_\_  
 Clerk/Deputy Clerk/Other authorized person.

**CLERK'S DETERMINATION**

Based on the information in this Application, I have determined the applicant to be  Indigent ( ) Not Indigent, according to s. 57.082, F.S.  
 Dated on May 20, 2022

Clerk of the Circuit Court Ken Burke Deputy Clerk

APPLICANTS FOUND NOT TO BE INDIGENT MAY SEEK REVIEW BY A JUDGE BY ASKING FOR A HEARING TIME. THERE IS NO FEE FOR THIS REVIEW.  
 Sign here if you want the judge to review the clerk's decision \_\_\_\_\_



IN THE DISTRICT COURT OF APPEAL  
FOR THE SECOND DISTRICT  
STATE OF FLORIDA

CLAY G. COLSON,

Petitioner,

Case No.:

L.T. No.: 21-005793-CI

v.

JUDGE PATRICIA ANN MUSCARELLA  
and THE CITY OF TARPON SPRINGS,  
FLORIDA,

Respondents. /

**PETITION TO REVIEW ORDER EXCLUDING PRESS COVERAGE  
OF PROCEEDINGS IN THE CIRCUIT COURT OF THE SIXTH  
JUDICIAL CIRCUIT, IN AND FOR PINELLAS COUNTY, FLORIDA**

I. BASIS FOR INVOKING JURISDICTION

Pursuant to Florida Rule of Appellate Procedure 9.100(d),  
Petitioner, CLAY G. COLSON, respectfully petitions this Court for  
an order allowing me to make audio and/or video recordings of all  
proceedings in the lower court.

II. STATEMENT OF FACTS

The proceedings in the lower court have been brought because  
the City of Tarpon Springs, Florida hereinafter referred to as the  
“City” violated the City’s comprehensive plan by approving a  
development order concerning nearly 74 acres of greenspace along

2022 JUN - 1 AM 11:00  
CLERK OF APPELLATE  
DISTRICT COURT OF APPEALS  
SECOND DISTRICT

FILED

the Anclote River allowing development of a proposed 404-unit multifamily project with a clubhouse, on-site recreational amenities, parking, and stormwater facilities hereinafter referred to as the "development." See Appendix 1, page 3.

Thousands of citizens like me are concerned that this development would have significant negative impacts on the Anclote River, on traffic on U.S. 19, and on City and County services to residents of and visitors to the area. See Appendix 1, page 3.

The actions taken by the City in considering and approving such development have been featured and criticized in multiple news reports by the Tampa Bay Times, the Tarpon Springs Beacon, local television stations, and online news outlets. See Appendix 1, page 3.

During its consideration and approval of such development, the City enacted various measures to restrict the First Amendment rights of those opposed to such development in an apparent effort to minimize criticism, news coverage and awareness of the many grounds and arguments raised in opposition to such development, the overwhelming opposition of citizens to such development, the lack of public support for such development, and the significant

negative impacts that such development would have on the Anclote River, on traffic on U.S. 19, and on City and County services to residents of and visitors to the area. See Appendix 1, pages 3 – 4.

In spite of the City's efforts to reduce awareness of and opposition to such development, a number of members of the City's commission were voted out of office in the recent election, and I believe that such election results show that the citizens overwhelmingly disapprove of such development. See Appendix 1, page 4.

On May 2, 2022, a hearing on the City's Motion to Dismiss for Failure to Join Indispensable Parties, specifically Kamil Salame and Morgan Group Development, LLC, was held before JUDGE PATRICIA ANN MUSCARELLA, and I believed that due to the public interest in this development, this hearing and these proceedings would be considered newsworthy. See Appendix 1, page 4.

As a result, I decided to exercise my First Amendment right to gather news by recording the hearing on May 2, 2022, and as soon as possible, I informed Judge Muscarella that I was recording the hearing. See Appendix 1, page 5.

Judge Muscarella told me that it was against the rules to record hearings and directed me to stop recording and erase the recording. See Appendix 1, page 5.

Naturally, I was surprised by Judge Muscarella's statement because I have seen and heard recordings of hearings in Florida's courts. See Appendix 1, page 5.

Judge Muscarella did not enter a written order prohibiting me from recording the hearing on May 2, 2022, directing me to stop recording such hearing or directing me to erase the recording. See Appendix 1, page 5.

### III. NATURE OF THE RELIEF SOUGHT

The nature of the relief sought is an order compelling JUDGE PATRICIA ANN MUSCARELLA and any other judge presiding over the proceedings in the lower court to allow me to make audio and/or video recordings of all proceedings.

### IV. ARGUMENT

The City's approval of a development order concerning nearly 74 acres of greenspace along the Anclote River allowing development of a proposed 404-unit multifamily project has been featured and criticized in multiple news reports by the Tampa Bay

Times, the Tarpon Springs Beacon, local television stations, and online news outlets which shows that there is public interest in the proceedings, and I attempted to record the proceedings in order to exercise my First Amendment rights to gather news, publicize the information and inform the public. See Appendix 1, pages 3 – 5.

As soon as possible after the hearing began on May 2, 2022, in the lower court, I informed Judge Muscarella that I was recording the hearing, and Judge Muscarella told me that it was against the rules to record hearings and directed me to stop recording and erase the recording. See Appendix 1, page 5.

Florida Rule of General Practice and Judicial Administration 2.450 provides that judges shall allow recording of judicial proceedings.

“Freedom of the press is not, and has never been a private property right granted to those who own the news media. It is a cherished and almost sacred right of each citizen....” State ex rel. Miami Herald Publishing Co. v. McIntosh, 340 So.2d 904, 910 (Fla. 1977).

“News delayed is news denied. To be useful to the public, news events must be reported when they occur. Whatever happens



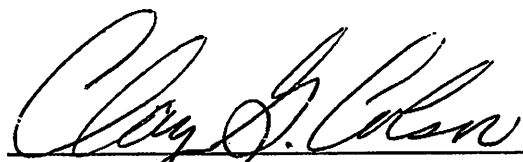
in any courtroom directly or indirectly affects all the public. To prevent star-chamber injustice the public should generally have unrestricted access to all proceedings.” Id.

“[T]he public and press have a right to know what goes on in a courtroom whether the proceeding be criminal or civil.” Id. At 908.

“A trial is a public event, and there is no special perquisite of the judiciary which enables it to suppress, edit or censor events which transpire in proceedings before it....” Id. at 908-909.

As Judge Muscarella violated my First Amendment rights, Rule 2.450 and Florida Supreme Court precedent, I respectfully request that this Court enter an order compelling JUDGE PATRICIA ANN MUSCARELLA and any other judge presiding over the proceedings in the lower court to allow me to make audio and/or video recordings of all proceedings.

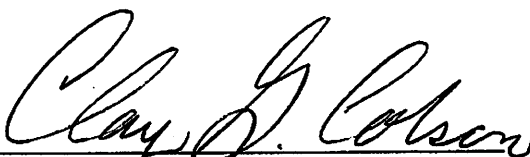
Respectfully submitted,

  
CLAY G. COLSON

**CERTIFICATE OF SERVICE**

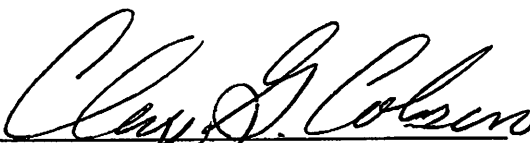
I hereby certify that a copy of this petition has been served by

U.S. Mail to Jay Daigneault, Esq. of Trask Daigneault, LLP counsel for the City of Tarpon Springs, Florida at 1001 S. Fort Harrison Ave., Suite 201 in Clearwater, FL 33756 and to Judge Patricia Ann Muscarella at 315 Court St., Room 423 in Clearwater, FL 33756 on this 31 day of May 2022.

  
CLAY G. COLSON  
4318 Joy Drive  
Land O'Lakes, FL 34637  
813-601-3391

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this petition complies with the applicable font and word limit requirements of the Florida Rules of Appellate procedure.

  
CLAY G. COLSON

IN THE DISTRICT COURT OF APPEAL  
FOR THE SECOND DISTRICT  
STATE OF FLORIDA

CLAY G. COLSON,

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JUDGE PATRICIA ANN MUSCARELLA  
and THE CITY OF TARPON SPRINGS,  
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Case No.:

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**APPENDIX OF PETITIONER, CLAY G. COLSON**

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**AFFIDAVIT OF PETITIONER**

**APPENDIX pages 3 - 6**

**AFFIDAVIT OF PETITIONER, CLAY G. COLSON**

1. The proceedings in the lower court have been brought because I believe that the City of Tarpon Springs, Florida hereinafter referred to as the "City" violated the City's comprehensive plan by approving a development order concerning nearly 74 acres of greenspace along the Anclote River allowing development of a proposed 404-unit multifamily project with a clubhouse, on-site recreational amenities, parking, and stormwater facilities hereinafter referred to as the "development."
2. Thousands of citizens like me are concerned that this development would have significant negative impacts on the Anclote River, on traffic on U.S. 19, and on City and County services to residents of and visitors to the area.
3. The actions taken by the City in considering and approving such development have been featured and criticized in multiple news reports by the Tampa Bay Times, the Tarpon Springs Beacon, local television stations, and online news outlets.
4. During its consideration and approval of such development, the City enacted various measures to restrict the First

Amendment rights of those opposed to such development in an apparent effort to minimize criticism, news coverage and awareness of the many grounds and arguments raised in opposition to such development, the overwhelming opposition of citizens to such development, the lack of public support for such development, and the significant negative impacts that such development would have on the Anclote River, on traffic on U.S. 19, and on City and County services to residents of and visitors to the area.

5. In spite of the City's efforts to reduce awareness of and opposition to such development, a number of members of the City's commission were voted out of office in the recent election, and I believe that such election results show that the citizens overwhelmingly disapprove of such development.
6. On May 2, 2022, a hearing on the City's Motion to Dismiss for Failure to Join Indispensable Parties, specifically Kamil Salame and Morgan Group Development, LLC, was held before JUDGE PATRICIA ANN MUSCARELLA, and I believed that due to the public interest in this development, this hearing and these proceedings would be considered newsworthy.

7. As a result, I decided to exercise my First Amendment right to gather news by recording the hearing on May 2, 2022, and as soon as possible, I informed Judge Muscarella that I was recording the hearing.
8. Judge Muscarella told me that it was against the rules to record hearings and directed me to stop recording and erase the recording.
9. Naturally, I was surprised by Judge Muscarella's statement because I have seen and heard recordings of hearings in Florida's courts.
10. Judge Muscarella did not enter a written order prohibiting me from recording the hearing on May 2, 2022, directing me to stop recording such hearing or directing me to erase the recording.

**VERIFICATION**

Under penalties of perjury, I declare that I have read the foregoing and the facts stated in it are true.

  
CLAY G. COLSON                      05/31/22  
Date

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this appendix has been served by U.S. Mail to Jay Daigneault, Esq. of Trask Daigneault, LLP counsel for the City of Tarpon Springs, Florida at 1001 S. Fort Harrison Ave., Suite 201 in Clearwater, FL 33756 and to Judge Patricia Ann Muscarella at 315 Court St., Room 423 in Clearwater, FL 33756 on this 31 day of May 2022.



CLAY G. COLSON  
4318 Joy Drive  
Land O'Lakes, FL 34637  
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LAND O' LAKES, FL  
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Second District Court of Appeal  
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