

27. The proper custodian of records of the judicial branch is the Clerk of Court pursuant to § 28.13, Fla. Stat. and Rule 2.420(d)(1), Fla. R. Jud. Admin. Alternatively, the Chief Judge or each individual judge is the custodian under Rule 2.420(3).

LEGAL CLAIMS

28. The City and Detective Jackson are an “agency” as that term is defined in Section 119.011(2), Florida Statutes. It is therefore required to comply with the provisions of the Public Records Law.

29. As custodian of public records, the City and Detective Jackson have a mandatory and non-discretionary duty to permit the inspection of all public records.

30. Petitioners have a clear legal and constitutional right to inspect all public records to which no statutory exemption applies. Art. I, § 24(a), Fla. Const.; § 119.07(1)(a), Fla. Stat.

31. Petitioners made a valid request to inspect public records.

32. The City and Detective Jackson have a clear statutory duty under § 119.07(1)(a) to permit inspection and copying of public records.

33. The City and Detective Jackson have a clear statutory duty under § 119.07(1)(h) to maintain the records for a period of thirty (30) days even if they contend that the records are not a public record subject to inspection under Chapter 119.

34. The City and Detective Jackson failed to comply with the request to permit inspection and copying of public records.

35. The requested records are not subject to any statutory exemption and, to date, the City and Detective Jackson have not asserted any statutory exemption in writing as required by § 119.07(1)(e) and (f).

36. The applications and orders submitted to a judge under §§ 934.32 and 934.33, Fla. Stat., are records of the judicial branch within the meaning of Fla. R. Jud. Admin. Rule 2.420(1).

37. Petitioners have no other adequate remedy at law.

38. Petitioners seek and are entitled to an accelerated hearing under § 119.11(1), Florida Statutes.

39. Petitioners have retained the undersigned to represent them in this matter.

40. Petitioners are entitled to recover reasonable attorney's fees and costs incurred in bringing this action under § 119.12, Florida Statutes.

41. Petitioners seek and are entitled to the issuance of an order to show cause or alternative writ of mandamus directed to the City and Detective Jackson why a writ of mandamus should not issue granting the requested relief.

42. Petitioners seek and are entitled to the issuance of an injunction enjoining the City and Detective Jackson from disposing of the requested records.

43. Petitioners seek and are entitled to an Order requiring the City and Detective Jackson to deliver the requested records to the Clerk of the Court to be maintained under seal pending the Court's determination of this action.

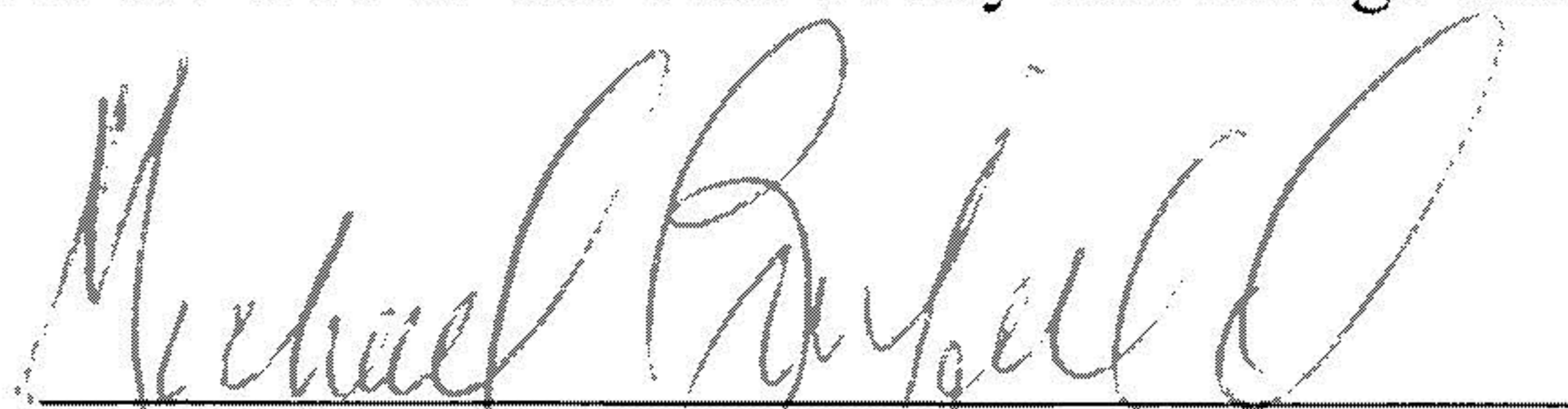
WHEREFORE, Petitioners respectfully pray that this Court enter an Order granting the requested relief of:

- A. an order to show cause or alternative writ of mandamus;
- B. setting an accelerated hearing;
- C. requiring the City and Detective Jackson to make the requested records available for inspection or assert a statutory exemption that bars such inspection;

- D. requiring the City and Detective Jackson to comply with the provisions of § 119.07(1)(h) and not dispose of or transfer the records except by court order;
- E. requiring the City and Detective Jackson to deliver the requested records into the custody of the Clerk of the Court to be maintained under seal until further order of the Court;
- F. awarding costs and attorney's fees; and
- G. any such other relief as the Court deems appropriate.

VERIFICATION

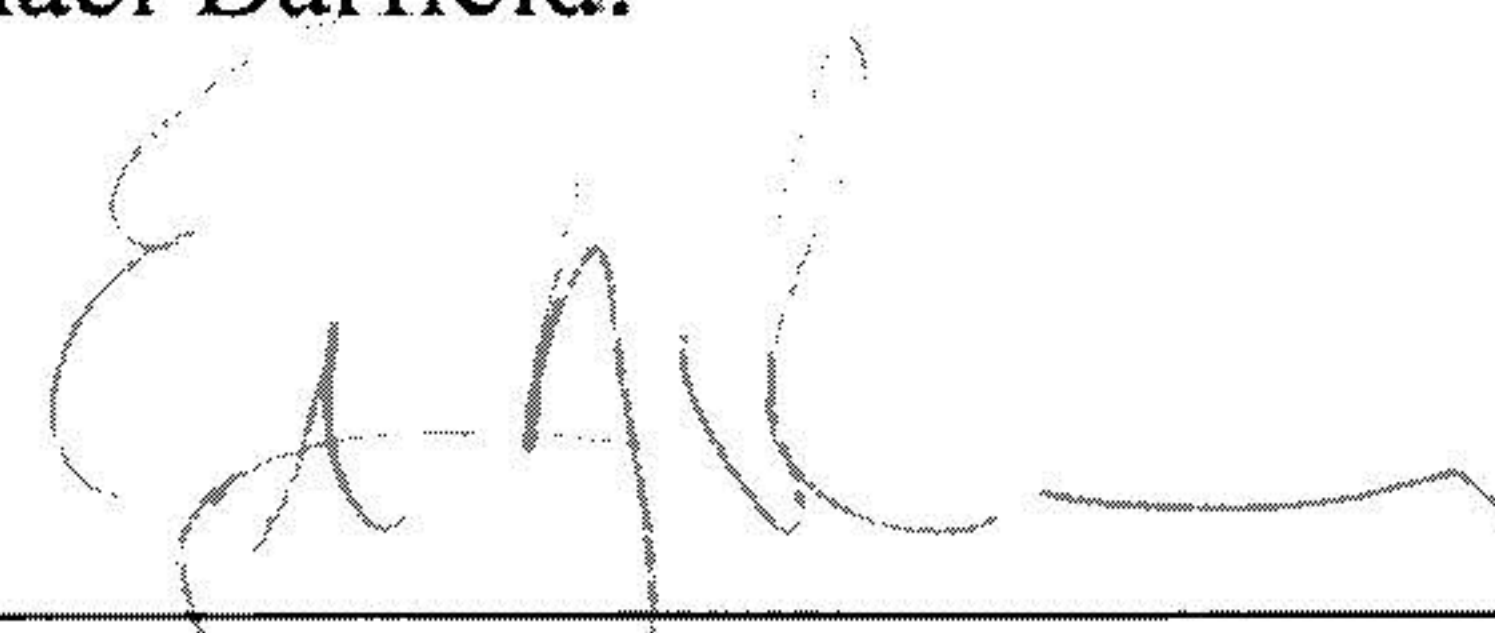
Under penalties of perjury, I declare that I have read the foregoing Emergency Petition for Writ of Mandamus and that the facts stated in it are true to the best of my knowledge and belief.


MICHAEL BARFIELD

STATE OF FLORIDA

COUNTY OF SARASOTA


Sworn to (or affirmed) and subscribed before me this 3rd day of June, 2014, by Michael Barfield.



Signature of Notary Public – State of Florida

ERIC J. ROSSI

Name of Notary Typed, Printed, or Stamped

 **ERIC J. ROSSI**
COMMISSION # FF 083554
EXPIRES: January 15, 2018
Bonded Thru Budget Notary Services

Type of Identification Produced Personally ☒ Known ☐ OR Produced Identification ☐

Respectfully submitted,

s/Benjamin James Stevenson

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