

PETITIONER'S MOTION TO VACATE UNLAWFUL CONTEMPT PROCEEDINGS, ASSERT LACK OF JURISDICTION, SEEK RELIEF FROM JUDICIAL BIAS, AND DISQUALIFY PRESIDING JUDGE

**IN THE CIRCUIT OF THE 15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA**

ANTONIO DE ANDRADE,

Plaintiff,

CASE NO: 50-2023-SC-011007-XXXX-SB

vs.

MARCIO SOUSA SALES,

Defendant,

_____ /

**PETITIONER'S MOTION TO VACATE UNLAWFUL
CONTEMPT PROCEEDINGS, ASSERT LACK OF
JURISDICTION, SEEK RELIEF FROM JUDICIAL BIAS, AND
DISQUALIFY PRESIDING JUDGE**

COMES NOW, Petitioner, MARCIO SOUSA SALES, by and through pro se, and respectfully moves this Honorable Court to vacate the contempt proceedings scheduled for March 11, 2025, assert lack of jurisdiction, seek relief from demonstrated judicial bias, and disqualify the presiding judge. This motion is grounded upon clear violations of due process, jurisdictional overreach, and evident judicial bias, all of which undermine the integrity of the judicial process.

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This motion is supported by binding statutory provisions, well-settled case law, and clear evidence of judicial bias, misconduct, and continued violations of Petitioner's constitutional rights.

I. FACTUAL AND PROCEDURAL BACKGROUND

Improper Party and Service: The Plaintiff, Antonio De Andrade, erroneously filed a lawsuit against Petitioner, Marcio Sousa Sales, instead of the appropriate legal entity, STR Sunrise Truck Repair LLC, owned solely by his son, Marcio Luis Sales Jr. The Plaintiff failed to serve the LLC or its registered agent, thereby violating procedural requirements.

Erroneous Judgment: Despite Marcio Luis Sales Jr. appearing and defending the lawsuit, the court improperly entered judgment against Petitioner, who had no legal connection to LLC, infringing upon fundamental principles of due process and fair trial rights.

Acknowledgment of Error: During a hearing on November 5, 2024, Judge Reginald Corlew acknowledged that the Plaintiff intended to sue LLC but failed to do so correctly. Instead of rectifying this procedural error, the judge attempted to justify

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the judgment by referencing an irrelevant payment made to Petitioner's business account.

Pending Appeal and Jurisdictional Overreach: Petitioner filed a Notice of Appeal on December 13, 2024, thereby divesting the trial court of jurisdiction over matters under appellate review. Despite this, the trial court continued to enforce the judgment, including scheduling a contempt hearing and threatening Petitioner with arrest, actions that constitute jurisdictional overreach.

Pro Se Representation and Judicial Bias: Petitioner, lacking legal expertise, has represented himself pro se, with translation assistance from Mr. Rogerio Scotton for translation and procedural understanding. The court exhibited bias against Petitioner's pro se status, becoming visibly agitated when procedural errors were highlighted and retaliated by threatening incarceration.

I. THE TRIAL COURT LACKS JURISDICTION TO ENFORCE THE VOID JUDGMENT

Florida law is unequivocal: A trial court loses jurisdiction over a case once a Notice of Appeal is filed.

Florida Rule of Appellate Procedure 9.130(f) (A trial court lacks jurisdiction over matters under appeal except to enforce a judgment that is not superseded).

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Florida Power & Light Co. v. Canal Authority, 423 So. 2d 421 (Fla. 5th DCA 1982)

(A trial court loses jurisdiction over enforcement actions while an appeal is pending).

Sterling Factors Corp. v. U.S. Bank Nat'l Ass'n, 968 So. 2d 658 (Fla. 2d DCA 2007)

(A lower court may not continue enforcing a judgment under appeal).

Despite these clear jurisdictional limitations, Judge Corlew is actively attempting to enforce an unlawful judgment against Petitioner, including threatening arrest through contempt proceedings. This is a gross abuse of judicial power and constitutes an immediate and irreparable due process violation.

II. THE COURT'S DISCRIMINATION AGAINST PRO SE LITIGANTS IS UNCONSTITUTIONAL

Pro se litigants have a constitutional right to represent themselves without being held to the same standards as licensed attorneys. The U.S. Supreme Court has consistently ruled that pro se litigants cannot be expected to meet the same procedural and technical standards as licensed attorneys. See: Haines v. Kerner, 404 U.S. 519 (1972)

(Pro se pleadings are held to less stringent standards than those drafted by lawyers).

Ruotolo v. IRS, 28 F.3d 6 (2d Cir. 1994) (The courts must afford pro se litigants' fair treatment and a reasonable opportunity to be heard).

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Pliler v. Ford, 542 U.S. 225 (2004) (A court must provide guidance and fair procedures for pro se litigants navigating complex legal issues).

Despite these clear legal protections, Judge Corlew has demonstrated bias and hostility toward Petitioner for exercising his right to self-representation. This bias has been further exacerbated by Mr. Scotton's assistance in translating and clarifying legal proceedings, which is a fundamental right to ensure due process.

II. ARGUMENTS

A. The Trial Court Lacks Jurisdiction to Enforce the Judgment Pending Appeal

Filing a Notice of Appeal immediately divests the trial court of jurisdiction over matters under appellate review. The trial court's continued enforcement actions—including ordering financial disclosures and scheduling contempt hearings—constitute a direct violation of Florida law.

Florida Rule of Appellate Procedure 9.130(f): "A trial court lacks jurisdiction over matters under appeal except to enforce a judgment that is not superseded."

Florida Power & Light Co. v. Canal Authority, 423 So. 2d 421 (Fla. 5th DCA 1982):

A trial court loses jurisdiction over enforcement actions while an appeal is pending.

Sterling Factors Corp. v. U.S. Bank Nat'l Ass'n, 968 So. 2d 658 (Fla. 2d DCA 2007):

A lower court may not continue enforcing a judgment under appeal.

B. Judicial Bias Warrants Immediate Disqualification of the Presiding Judge

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Judge Corlew's actions demonstrate clear bias and judicial misconduct, particularly against Petitioner's pro se status and his reliance on a translator. Judicial bias undermines the fairness of proceedings and warrants immediate disqualification.

Canon 3E(1) of the Florida Code of Judicial Conduct: "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned."

In re McMillan, 797 So. 2d 560 (Fla. 2001): The Florida Supreme Court ruled that a judge must recuse themselves when demonstrating hostility or bias.

Thompson v. State, 990 So. 2d 482 (Fla. 2008): A court cannot proceed where judicial bias undermines impartiality.

C. Pro Se Litigants Are Entitled to Fair Treatment and Cannot Be Held to the Standards of Licensed Attorneys

The U.S. Supreme Court has consistently ruled that pro se litigants cannot be held to the same procedural standards as attorneys and must be afforded fair treatment by the courts. Judge Corlew's hostility toward Petitioner for proceeding pro se violates constitutional protections. Haines v. Kerner, 404 U.S. 519 (1972): Pro se pleadings must be held to less stringent standards than those drafted by lawyers.

Ruotolo v. IRS, 28 F.3d 6 (2d Cir. 1994): Courts must ensure pro se litigants receive fair treatment and a reasonable opportunity to be heard.

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Pliler v. Ford, 542 U.S. 225 (2004): A court must provide fair procedures for pro se litigants to navigate legal complexities.

III. RELIEF REQUESTED

WHEREFORE, Petitioner Marcio Sousa Sales respectfully requests that this Honorable Court:

Immediately vacate March 11, 2025, contempt hearing for lack of jurisdiction.

Issue an emergency stay prohibiting the trial court from enforcing any further orders while the appeal is pending.

Disqualify Judge Reginald Corlew for judicial bias, misconduct, and abuse of discretion.

Dismiss the case with prejudice due to procedural defects, wrongful service, and due process violations.

Grant any further relief deemed just and proper.

Marcio Sousa Sales
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing PETITIONER'S MOTION TO VACATE UNLAWFUL CONTEMPT PROCEEDINGS, ASSERT LACK OF JURISDICTION, SEEK RELIEF FROM JUDICIAL BIAS, AND DISQUALIFY PRESIDING JUDGE has been furnished via Email to the Plaintiff at the following address:

Email: tjlmarble@yahoo.com on March 6, 2025.

Respectfully submitted,

Marcio Sousa Sales
22187 Aquila Street
Boca Raton, FL 33528
(561) 909-8184

**JUDICIAL MISCONDUCT COMPLAINT AGAINST
H. JUDGE REGINALD CORLEW**

FLORIDA JUDICIAL QUALIFICATIONS COMMISSION (JQC)

Judicial Qualifications Commission
1110 Thomasville Road
Tallahassee, FL 32303
Phone: (850) 488-1581

COMPLAINT AGAINST JUDGE REGINALD CORLEW

15th Judicial Circuit Court
South County Courthouse
200 W Atlantic Avenue
Delray Beach, FL 33444

COMPLAINANT:

Name: Marcio Sousa Sales
Address: 22187 Aquila Street, Boca Raton, FL 33528
Phone Number: (561) 909-8184
Email: unionmoving@hotmail.com

JUDGE SUBJECT TO COMPLAINT:

Name: Judge Reginald Corlew
Court: 15th Judicial Circuit Court
Address: 200 W Atlantic Avenue, Delray Beach, FL 33444

STATEMENT OF FACTS & BASIS FOR COMPLAINT

1. Violation of Due Process and Judicial Bias

Judge Reginald Corlew has repeatedly ignored statutory requirements and due process rights in the case of Antonio De Andrade v. Marcio Sousa Sales, Case No. 50-2023-SC-011007-XXXX-SB, currently on appeal.

During a hearing on October 24, 2024, the judge acknowledged on record that the lawsuit improperly named Marcio Sousa Sales instead of the actual party in interest, the LLC owned by Marcio Luis Sales Jr.

Despite this, the judge proceeded to issue post-judgment enforcement orders and contempt threats against Petitioner, violating Fla. Stat. § 605.0304(1), which protects LLC members from personal liability.

2. Issuing Unlawful Orders Despite Lacking Jurisdiction

The judge was divested of jurisdiction upon the filing of the Notice of Appeal on December 13, 2024, pursuant to Fla. R. App. P. 9.130(f).

However, the judge ignored this jurisdiction bar and issued an unlawful financial disclosure order on February 25, 2025, threatening Petitioner with contempt and possible arrest.

Florida law is clear: once an appeal is filed, the lower court loses jurisdiction over enforcement matters.

This conduct demonstrates judicial misconduct, a violation of the Code of Judicial Conduct, and an abuse of judicial discretion.

3. Retaliation Against Pro Se Litigants and Those Assisting Them

During a hearing on November 5, 2024, the judge questioned the role of Rogerio Scotton, a legally knowledgeable individual assisting Petitioner in translating and understanding the proceedings.

Judge Corlew displayed hostility toward Scotton for pointing out legal errors and appeared to retaliate against Petitioner for exercising his legal rights by appealing.

The judge's hostility toward pro se litigants and those assisting them constitutes judicial abuse of power.

4. Ignoring Legal Precedent and Misapplying the Law

Judge Corlew justified imposing liability on Marcio Sousa Sales solely because a payment for auto repairs was deposited into his account on behalf of LLC, despite: Florida law explicitly stating that receiving funds on behalf of an LLC does not impose personal liability.

The LLC was never named in the lawsuit.

The actual owner of the LLC, Marcio Luis Sales Jr., was the one present and tried during hearings and trial.

This ruling violates well-established case law, including:

Dania Jai-Alai Palace, Inc. v. Sykes, 450 So. 2d 1114 (Fla. 1984) (LLC protections cannot be disregarded without clear fraud or improper conduct).

Gasparini v. Pordomingo, 972 So. 2d 1053 (Fla. 3d DCA 2008) (Judgments against incorrect parties are void and unenforceable).

Florida Power & Light Co. v. Canal Authority, 423 So. 2d 421 (Fla. 5th DCA 1982) (Trial courts lack jurisdiction to enforce judgments under appellate review).

Becerra v. Equity Trading, LLC, 958 So. 2d 1087 (Fla. 3d DCA 2007) (LLC protections apply unless there's a basis to pierce the corporate veil).

5. Improper Threats of Contempt and Arrest

On February 25, 2025, the judge issued an Order to Show Cause, threatening Petitioner with contempt and potential incarceration for failing to comply with an order that should never have been issued.

Threatening contempt and arrest while lacking jurisdiction is judicial overreach and a fundamental denial of due process.

The judge's conduct violates the Florida Code of Judicial Conduct, Canon 3(B)(2), which requires judges to be faithful to the law and not act arbitrarily.

VIOLATIONS OF THE FLORIDA CODE OF JUDICIAL CONDUCT

Judge Reginald Corlew has violated multiple provisions of the Florida Code of Judicial Conduct, including:

◆ Canon 1 – A Judge Shall Uphold the Integrity and Independence of the Judiciary

Judicial retaliation against pro se litigants and those helping them navigate the legal system is an abuse of power that must be investigated.

◆ Canon 2(A) – A Judge Shall Act in a Manner that Promotes Public Confidence in the Judiciary

The judge ignored jurisdictional rules and due process protections, undermining public trust in the judiciary.

◆ Canon 3(B)(2) – A Judge Shall Be Faithful to the Law

The judge blatantly ignored Florida law, enforcing a judgment against the wrong party and violating LLC liability protections.

◆ Canon 3(B)(7) – A Judge Shall Accord Every Person the Right to Be Heard

The judge wrongfully silenced Petitioner's translator, preventing proper understanding of the proceedings.

◆ Canon 3(E)(1) – Disqualification for Bias or Prejudice

The judge has demonstrated clear bias by refusing to correct errors even after acknowledging them on record.

RELIEF REQUESTED

I respectfully request that the Florida Judicial Qualifications Commission:

2. Immediately investigate the conduct of Judge Reginald Corlew.
3. Determine whether the judge's actions warrant disciplinary action, including censure, reprimand, or removal.
4. Issue an order preventing the judge from continuing to exercise jurisdiction over the case pending appellate review.
5. Ensure that pro se litigants are not unfairly prejudiced by judicial misconduct.

CERTIFICATION & SIGNATURE

I, Marcio Sousa Sales, certify that the statements made in this complaint are true and correct to the best of my knowledge.

Respectfully submitted,

Marcio Sousa Sales
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