

**IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA**

Case No.: _____
Lower Tribunal Case No.: 26000309CCAXMX
(Also: 662026MM000362MMAXMX)

WILLIAM HENRY McGOWEN III,
Petitioner,

v.

THE HONORABLE KELVIN C. WELLS,
JUDGE OF THE COUNTY COURT, FIRST JUDICIAL CIRCUIT,
IN AND FOR WALTON COUNTY, FLORIDA,
Respondent,

and

DESTIN EAST MOBILE HOME PARK,
Real Party in Interest.

**PETITION FOR WRIT OF PROHIBITION
(EMERGENCY — HEARING SET AUGUST 10, 2026)**

Petitioner, William Henry McGowen III, pursuant to Florida Rule of Appellate Procedure 9.030(b)(3) and 9.100, petitions this Court for a Writ of Prohibition directing the Honorable Kelvin C. Wells, Judge of the County Court, to disqualify himself from presiding over all further proceedings in the above-styled cases. In support thereof, Petitioner states:

I. JURISDICTION

This Court has jurisdiction pursuant to Article V, Section 4(b)(3) of the Florida Constitution and Florida Rule of Appellate Procedure 9.030(b)(3), which authorize this Court to issue writs of prohibition to lower tribunals within its jurisdiction. A Petition for Writ of Prohibition is the proper and exclusive vehicle to challenge the wrongful denial of a motion to disqualify a judge. *Bundy v. Rudd*, 366 So. 2d 440 (Fla. 1978); *State ex rel. Davis v. Parks*, 141 Fla. 516, 194 So. 613 (1940). Walton County is within the First Judicial Circuit, and this Court has appellate jurisdiction accordingly.

II. STATEMENT OF THE CASE AND FACTS

A. The Underlying Proceedings

1. On or about April 22, 2026, Destin East Mobile Home Park, through its attorney Eric A. Krebs, Esq., filed an eviction action against Petitioner William Henry McGowen III in the County Court of Walton County, Florida, Case No. 26000309CCAXMX, assigned to Judge Kelvin C. Wells.
2. Petitioner is the titled owner of a manufactured home located at the park, with title recorded through the Florida Department of Highway Safety and Motor Vehicles. Under Florida law, a titled owner cannot commit trespass upon property he owns.
3. Before proof of service had been filed in the eviction case, Judge Wells entered a default against Petitioner and issued a writ of possession. Entry of a default before proof of service is void as a matter of law under Florida Rule of Civil Procedure 1.500(a) and Florida Statute § 48.21. The writ issued from that void default is likewise void. A void judgment or order is a nullity from inception and may be challenged at any time. Fla. R. Civ. P. 1.540(b)(4).
4. On May 27, 2026, Walton County Sheriff's deputies, acting pursuant to the void writ of possession, arrived at Petitioner's home without an arrest warrant. Petitioner asked the lead deputy whether he had a warrant; the deputy stated 'No.' Deputies then physically wrestled Petitioner to the ground, injuring his shoulder, and arrested him on charges of trespass and resisting an officer without violence. Case No. 662026MM000362MMAXMX. Petitioner was transported to the Walton County jail, where he was held from approximately May 27, 2026 until June 9, 2026. He was released with no home, no vehicle, no identification, and no access to banking.
5. On June 10, 2026 — the day after Petitioner's release from Walton County custody — Judge Schlechter of the Circuit Court entered a Final Judgment of Injunction for Protection Against Domestic Violence in Case No. 662026DR000429DRAXMX. The hearing was held without Petitioner's presence. The notice of hearing had purportedly been served on May 28, 2026 — at Petitioner's home, while Petitioner was incarcerated in the Walton County jail. Service on an incarcerated person at a home address the state knows the person cannot access violates due process. *Robinson v. Hanrahan*, 409 U.S. 38 (1972). All service method boxes on the Final Judgment for service on Respondent are unchecked; the Final Judgment was never lawfully served on Petitioner.
6. On June 15, 2026, Deputy Jeffery G. Jacomine (#417) swore an oath that Petitioner had violated the June 10 injunction by contacting his wife via text to request return of his personal property. An arrest warrant was issued by Judge Lewis on June 22, 2026. Petitioner was arrested a second time on approximately June 28, 2026. On this second arrest, Petitioner was first transported to Washington County, where he was held overnight pending first appearance, and then transferred back to Walton County. Petitioner was released on June 30, 2026. This second arrest rests on a void predicate: a person cannot violate an injunction that was never lawfully served upon him. See § 4 of the Final Judgment ('Respondent, upon service of this injunction, shall be deemed to have knowledge of and to be bound by all matters...').

7. Judge Wells is assigned to the misdemeanor trespass and resisting case (662026MM000362MMAXMX) and to the eviction case (26000309CCAXMX). Both cases arise directly from the void writ of possession that Judge Wells himself entered.

B. The Motion to Disqualify

8. On July 13, 2026, Petitioner filed a Verified Motion to Disqualify Judge Kelvin Clyde Wells from All Three Pending Cases (Exhibit A). The motion set forth the following specific, non-conclusory grounds:
 - (a) Judge Wells entered the void default judgment that served as the direct legal predicate for Petitioner's unlawful arrest and all subsequent criminal proceedings now pending before Judge Wells. This makes Judge Wells a material fact witness to, and a legally responsible party for, the events at the center of the cases he is presiding over;
 - (b) Judge Wells is named as a defendant in a pending federal civil rights action filed in the United States District Court for the Northern District of Florida (mailed July 21, 2026) under 42 U.S.C. §§ 1983, 1985, and 1986, arising from these same events. A judge who is a named civil rights defendant in a federal lawsuit brought by the party before him has a direct personal and financial interest in the outcome of the state proceedings he is presiding over; and
 - (c) The cumulative effect of Judge Wells's role as the originating source of the void writ, his status as a federal civil rights defendant sued by the party before him, and the pattern of rulings in these proceedings would cause a reasonably prudent person in Petitioner's position to fear that he cannot receive a fair hearing.
9. The motion was verified under oath and timely filed. It alleged specific facts, not mere conclusions, sufficient to support a well-grounded fear of bias in a reasonably prudent person.

C. The Order Denying Disqualification

10. On July 20, 2026, Judge Wells entered an Order Denying Defendant's Verified Motion to Disqualify Judge (Filing # 252942303, E-Filed 07/21/2026) (Exhibit B). The entire substantive text of the Order is as follows:

"The Court finds the Motion is legally insufficient. Prior adverse rulings, standing alone, are not legally sufficient grounds for judicial disqualification and do not establish the bias or prejudice necessary to warrant disqualification."
11. This Order is legally erroneous in two independent and fatal respects.

III. ARGUMENT

A. Standard of Review

Whether a motion to disqualify is legally sufficient is a question of law reviewed de novo. *Quince v. State*, 592 So. 2d 1133 (Fla. 1st DCA 1992). A writ of prohibition lies where a lower court has denied a legally sufficient motion to disqualify, thereby exceeding its jurisdiction. *Bundy v. Rudd*, 366 So. 2d 440 (Fla. 1978).

B. Judge Wells Violated Rule 2.330(f) by Ruling on the Merits Rather Than Legal Sufficiency

Florida Rule of Judicial Administration 2.330(f) provides: 'The judge against whom an initial motion to disqualify under subdivision (d)(1) is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged.'

The rule is unambiguous: the judge examines only whether the motion is legally sufficient on its face — not whether bias has been proven, and not whether the facts 'establish bias or prejudice' as a matter of evidence. Judge Wells's Order does exactly what the rule prohibits. His stated finding that the allegations 'do not establish the bias or prejudice necessary to warrant disqualification' is a merits determination — an evaluation of the sufficiency of the evidence — which he was expressly forbidden from making. By passing on the evidentiary weight of the allegations rather than the legal sufficiency of the motion, Judge Wells exceeded the scope of authority vested in him by Rule 2.330(f). This error alone requires the issuance of the writ.

C. The Motion Was Legally Sufficient on Its Face; Judge Wells Mischaracterized Its Contents

A motion to disqualify is legally sufficient when it alleges specific facts that would cause a reasonably prudent person in the party's position to fear that he or she could not receive a fair and impartial hearing. *MacKenzie v. Super Kids Bargain Store*, 414 So. 2d 600, 602 (Fla. 1982); Fla. R. Jud. Admin. 2.330(d)(1). The facts alleged need not be proven; they need only be sufficient, if true, to support that fear.

Judge Wells further mischaracterized the motion as raising only 'prior adverse rulings.' The motion raised three independent grounds, two of which have nothing to do with prior rulings.

First, Judge Wells is the originating source of the void writ that caused Petitioner's arrest and set the entire chain of criminal events in motion. A judge who issued the very order that produced the arrest is not merely an impartial arbiter of the resulting criminal cases — he has a direct stake in vindicating the validity of his own order. This is a structural conflict that would cause a reasonably prudent person to fear partiality.

Second — and independently dispositive — Judge Wells is a named defendant in a pending federal civil rights lawsuit brought by William Henry McGowen III, the party before him, alleging constitutional violations arising from these same proceedings. A judge who faces personal civil liability in a federal court action filed by the litigant before him has a direct pecuniary and reputational interest in the outcome of the state proceedings. This is not an adverse ruling. It is a direct personal conflict of interest. Florida Code of Judicial Conduct, Canon 3E(1) requires disqualification whenever 'the judge's impartiality might reasonably be questioned.' It cannot be questioned that a judge who is being sued for civil rights violations by the party before him presents exactly that situation.

Under *Fischer v. Knuck*, 598 So. 2d 194, 195 (Fla. 3d DCA 1992), when a motion to disqualify is legally sufficient on its face, the judge 'has no discretion' and 'must enter the order of disqualification.' The motion here was legally sufficient. Denial was error.

D. Prohibition Is the Appropriate and Necessary Remedy

A Petition for Writ of Prohibition is the established vehicle to prevent a disqualified judge from continuing to preside. *Bundy v. Rudd*, 366 So. 2d 440 (Fla. 1978). There is no adequate remedy at law. Judge Wells is scheduled to preside over the violation of injunction misdemeanor case (662026MM000457MMAXMX) on August 10, 2026, and over the continued trespass/resisting plea day (662026MM000362MMAXMX) in August 2026. Every further ruling by an improperly seated judge prejudices Petitioner and creates additional error requiring correction. Issuance of the writ at this stage prevents compounding prejudice and conserves judicial resources.

IV. CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Issue a Writ of Prohibition directing the Honorable Kelvin C. Wells to immediately disqualify himself from presiding over Case No. 26000309CCAXMX, Case No. 662026MM000362MMAXMX, and any other Walton County proceedings involving Petitioner William Henry McGowen III to which he is assigned;
2. In the alternative, issue a rule to show cause directing Judge Wells to demonstrate why a Writ of Prohibition should not issue;
3. Stay all trial court proceedings before Judge Wells pending resolution of this Petition; and
4. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

/s/ William Henry McGowen III

William Henry McGowen III

Pro Se Petitioner

9950 US Highway 98 W, B6

Miramar Beach, FL 32550

Date: July 22, 2026

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 22, 2026, a true and correct copy of the foregoing Petition for Writ of Prohibition has been served upon the following:

The Honorable Kelvin C. Wells, County Court Judge, Walton County Courthouse, 571 U.S. Hwy 90 East, DeFuniak Springs, FL 32433;

Eric A. Krebs, Esq., Dunlap & Shipman, P.A., 558 Harrison Avenue, Panama City, Florida 32401 (eric@dunlapshipman.com); and

Office of the State Attorney, First Judicial Circuit, 190 Governmental Center, 5th Floor, Pensacola, Florida 32502.

/s/ William Henry McGowen III

William Henry McGowen III

EXHIBIT LIST

Exhibit A — Defendant's Verified Motion to Disqualify Judge Kelvin Clyde Wells from All Three Pending Cases (filed July 13, 2026)

Exhibit B — Order Denying Defendant's Verified Motion to Disqualify Judge (filed July 21, 2026, Filing # 252942303)

Exhibit C — Walton County OCRS Docket, Case No. 26000309CCAXMX

Exhibit D — Arrest Warrant, Agency Case No. 2026-00078537 (Deputy Jacomine oath June 15, 2026; issued June 22, 2026)

Exhibit E — Final Judgment of Injunction, Case No. 662026DR000429DRAXMX (filed June 10, 2026; Respondent not present; service boxes unchecked)

Exhibit F — Federal § 1983 Complaint, McGowen v. Roden et al. (N.D. Fla.), identifying Judge Wells as defendant (mailed July 21, 2026)

**IN THE COUNTY COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR WALTON COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

v.

WILLIAM HENRY McGOWEN III,

Defendant.

Case No.: 662026CC000309CCAXMX
(Eviction — Motion to Vacate Pending)

AND

Case No.: 662026CC000309CCAXMX
(Eviction — Motion to Vacate Pending)

Case No.: 662026MM000362MMAXMX
(Criminal Misdemeanor)

Case No.: 662026CT000102CTAXMX
(Criminal Traffic)

Judge: Kelvin Clyde Wells

**DEFENDANT'S VERIFIED MOTION TO
DISQUALIFY JUDGE KELVIN CLYDE
WELLS
FROM ALL THREE PENDING CASES**

COMES NOW Defendant WILLIAM HENRY McGOWEN III, pro se, and pursuant to Florida Rule of Judicial Administration 2.330 and Canon 3E(1) of the Florida Code of Judicial Conduct, moves this Court to disqualify the Honorable Kelvin Clyde Wells from presiding over Case Nos. 662026CC000309CCAXMX, 662026MM000362MMAXMX, and 662026CT000102CTAXMX, and in support states:

NOTICE: (1) A Motion to Vacate Default, Final Judgment, and Writ of Possession is pending before Judge Wells in Case No. 662026CC000309CCAXMX. (2) Misdemeanor Coastal Plea Day is set for July 15, 2026 in Case No. 662026MM000362MMAXMX. Judge Wells cannot rule on either matter until this disqualification motion is resolved.

I. INTRODUCTION

Judge Kelvin Clyde Wells is assigned to three pending matters involving Defendant. He presided over the civil eviction case — Case No. 662026CC000309CCAXMX — and entered the default judgment and Writ of Possession that are now the central disputed issues in all three matters. A Motion to Vacate those very orders is pending before him in the eviction case, while both criminal cases turn on whether those same orders were lawful. Judge Wells cannot impartially rule on the validity of his own prior orders in any of these three cases. Disqualification is required across all three.

II. STATEMENT OF FACTS

1. In Case No. 662026CC000309CCAXMX (Destin East Mobile Home Park v. McGowen), Judge Kelvin Clyde Wells presided over the eviction of Defendant from his titled mobile home. Judge Wells entered or authorized the following orders:
 - (a) Default entered May 12, 2026 (before any proof of service was filed);
 - (b) Final Judgment for Possession entered May 14, 2026; and
 - (c) Writ of Possession issued May 19, 2026 —all entered **before proof of service was filed on May 28, 2026.**
2. On May 27, 2026, law enforcement executed the Writ of Possession and arrested Defendant. This arrest is the basis for two criminal cases, and the validity of the Writ is the subject of a Motion to Vacate pending before Judge Wells, all three cases now assigned to him:

Case No. 662026CC000309CCAXMX — Eviction (CLOSED), in which Defendant's pending Motion to Vacate asks this Court to vacate the default, final judgment, and writ that Judge Wells himself entered;

Case No. 662026MM000362MMAXMX — Obstruct Officer Without Violence and Trespass Structure or Conveyance, arising directly from the writ execution; and

Case No. 662026CT000102CTAXMX — Fail to Register Motor Vehicle, charged on May 27, 2026, the date of the writ execution and arrest.

3. The validity of the Writ of Possession is the central legal question in the criminal cases. Defendant's defense rests on the proposition that the Writ was void — and therefore that the charges arising from resisting or being present during its execution cannot stand. Judge Wells cannot impartially evaluate the validity of orders he himself entered.
4. **Defendant has a well-grounded, reasonable fear that he cannot receive a fair hearing before Judge Wells** on the lawfulness of the very orders Judge Wells issued. This fear is not speculative: the central legal dispute in both criminal cases is whether Judge Wells's own civil orders were lawful.

III. LEGAL STANDARD

Florida Rule of Judicial Administration 2.330(d) provides that a party may seek disqualification of a judge when the party has a reasonable fear that they will not receive a fair trial or hearing. The test is whether the facts alleged would place a **"reasonably prudent person in fear of not receiving a fair and impartial trial."** *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So.2d 1332, 1334 (Fla. 1990).

Once a motion to disqualify is filed and is legally sufficient on its face, the judge **must immediately enter an order of disqualification** and may not rule on the motion's merits.

Fischer v. Knuck, 497 So.2d 240, 241 (Fla. 1986) ("Once the judge finds the motion legally sufficient, he must enter an order of disqualification."). The judge has no discretion to deny a legally sufficient motion.

Canon 3E(1) of the Florida Code of Judicial Conduct independently requires disqualification when "the judge's impartiality might reasonably be questioned," including circumstances where the judge has prior knowledge of facts in dispute or has a personal bias concerning the proceeding.

IV. ARGUMENT

A. JUDGE WELLS CANNOT IMPARTIALLY EVALUATE THE LAWFULNESS OF HIS OWN PRIOR ORDERS

The central factual and legal issue in both criminal cases is whether the Writ of Possession issued in Case No. 662026CC000309CCAXMX was valid. Defendant's entire defense is that: (1) the default was entered before service; (2) the resulting writ was void; and (3) charges arising from the execution of a void writ cannot stand. If the writ was void, both criminal cases must be dismissed.

Judge Wells **issued** that writ. He presided over the eviction case, entered the default, and authorized the Final Judgment from which the writ flowed. He is therefore a material participant in the very acts whose lawfulness must now be adjudicated. It is fundamentally incompatible with due process for a judge to serve as the fact-finder on the lawfulness of his own prior official acts. *See Tumey v. Ohio*, 273 U.S. 510, 523 (1927) (due process requires that no judge have a direct, personal interest in a case's outcome).

Florida courts have recognized this principle specifically in the context of judges who presided over related proceedings. *See Hayslip v. Douglas*, 400 So.2d 553, 554 (Fla. 4th DCA 1981) (disqualification required where judge had prior involvement in related civil matter that formed the basis of the criminal proceeding). The conflict here is even more direct: Judge Wells is not merely *familiar* with the prior proceedings — he *issued* the contested orders.

B. A REASONABLY PRUDENT PERSON WOULD FEAR AN UNFAIR HEARING

The standard for disqualification does not require proof of actual bias — it requires only that a reasonably prudent person, knowing all the facts, would have a well-grounded fear of not receiving a fair hearing. Here, the facts are stark:

- (1) Judge Wells issued the Writ of Possession that law enforcement executed to arrest Defendant;
- (2) The lawfulness of that writ is the central issue in both criminal cases;
- (3) If Judge Wells rules that the writ was valid, he validates his own prior civil orders;
- (4) If Judge Wells rules that the writ was void, he repudiates his own prior civil orders;
- (5) Either outcome requires Judge Wells to judge himself.

No reasonably prudent person would accept that a judge placed in this position can remain impartial. The appearance of partiality alone is sufficient for disqualification under Canon 3E(1). The reality that Judge Wells's own judicial conduct is the subject of the dispute makes this among the most clear cases for mandatory disqualification.

C. THIS MOTION IS TIMELY

Rule 2.330(b) requires that a motion to disqualify be filed "within a reasonable time not to exceed 30 days after discovery of the facts constituting the grounds for the motion." Defendant discovered the full scope of the conflict — that Judge Wells presides over both the civil predicate case and both criminal cases — upon reviewing the court dockets. This motion is filed immediately upon that discovery, well within the required period. *See Correll v. State*, 698 So.2d 522, 524 (Fla. 1997) (motion timely when filed promptly after discovery of disqualifying facts).

V. PRAYER FOR RELIEF

WHEREFORE, Defendant William Henry McGowen III respectfully requests that this Court:

1. FIND this Motion to be legally sufficient on its face, as required by Fischer v. Knuck, 497 So.2d 240 (Fla. 1986);
2. ENTER an order immediately disqualifying the Honorable Kelvin Clyde Wells from further proceedings in: (a) Case No. 662026CC000309CCAXMX (Eviction — including the pending Motion to Vacate Default, Final Judgment, and Writ of Possession); (b) Case No. 662026MM000362MMAXMX (Criminal Misdemeanor); and (c) Case No. 662026CT000102CTAXMX (Criminal Traffic);
3. TRANSFER all three cases to a different judge with no prior involvement in any of the above matters or any related civil proceeding;
4. STAY all proceedings in all three cases pending reassignment, including the Misdemeanor Coastal Plea Day scheduled for July 15, 2026 in Case No. 662026MM000362MMAXMX, and any ruling on the pending Motion to Vacate in Case No. 662026CC000309CCAXMX;
5. GRANT such other and further relief as the Court deems just and proper.

Respectfully submitted,



WILLIAM HENRY MCGOWEN III

Pro Se Defendant

Date: July 2, 2026

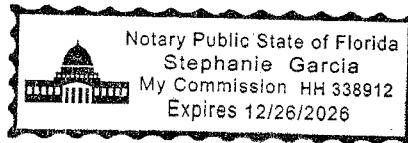
VERIFICATION

I, William Henry McGowen III, being duly sworn, depose and say that I am the Defendant in the above-captioned matters; that I have read the foregoing Motion to Disqualify; and that the facts stated herein are true and correct to the best of my knowledge, information, and belief. I have a well-grounded, reasonable fear that I cannot receive a fair and impartial hearing before Judge Kelvin Clyde Wells because he presided over and issued the civil orders that are the direct predicate and central disputed issue in both of the above-captioned criminal cases.

William Henry McGowen III
WILLIAM HENRY McGOWEN III

Sworn to and subscribed before me this 10th day of July, 2026.

Stephanie Garcia
Notary Public
My Commission Expires:



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to **Joshua D. Knight, Assistant State Attorney**, First Judicial Circuit, 524A US Hwy 90 E, DeFuniak Springs, FL 32435, email: jdknight@osa1.org, on July 10, 2026, 2026.

William Henry McGowen III
WILLIAM HENRY McGOWEN III

EXHIBIT B

**IN THE COUNTY COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR WALTON COUNTY, FLORIDA**

**DESTIN EAST MOBILE HOME PARK,
Plaintiff,**

vs.

CASE NO.: 2026-CC-309

**WILLIAM HENRY MCGOWEN III,
Defendant.**

ORDER DENYING DEFENDANT'S VERIFIED MOTION TO DISQUALIFY JUDGE

THIS CAUSE came before the Court on Defendant's Verified Motion to Disqualify Judge filed on July 13, 2026. The Court having reviewed the Motion, the court file, and being being otherwise fully advised in the premises, finds as follows:

The Court finds the Motion is legally insufficient. Prior adverse rulings, standing alone, are not legally sufficient grounds for judicial disqualification and do not establish the bias or prejudice necessary to warrant disqualification.

WHEREFORE, it is hereby **ORDERED AND ADJUDGED** that:

Defendant's Verified Motion to Disqualify Judge is **DENIED**.

DONE and ORDERED in Chambers at DeFuniak Springs, Walton County, Florida on this the 20th day of July 2026.


eSigned by COUNTY COURT JUDGE KELVIN WELLS in 26000309CCAXMX
on 07/20/2026 16:11:18 JB0kxL3r

**KELVIN C. WELLS
COUNTY COURT JUDGE**

Conformed copies to:
Plaintiff
Defendant



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Case Number	Filed Date	Case Type	Status	Contested	Jury Trial
662026CC000309CCAXMX [26000309CCAXMX]	04/22/2026	County Civil 6-C	CLOSED CASE	NO	NO

Filing Date	Description	Active	Contested	Judgment Date
04/22/2026	EVICION RESIDENTIAL \$0-\$15K	NO	NO	-

Party Name	Party Type	Attorney	Bar ID
WELLS, KELVIN CLYDE	JUDGE		
WELLS, KELVIN CLYDE	JUDGE AT DISPOSITION		
MCGOWEN, WILLIAM H III Search This Party	DEFENDANT		
MCGOWEN, KIMBERLY L Search This Party	DEFENDANT		
ALL PERSONS IN POSSESSION Search This Party	DEFENDANT		
MCGOWEN, BILLY Search This Party	ALSO KNOWN AS		
MCGOWEN, KIMBERLY LEVAUGHN Search This Party	ALSO KNOWN AS		
LEVAUGHN, KIMBERLY ANNETTE Search This Party	ALSO KNOWN AS		
DESTIN EAST MOBILE HOME PARK Search This Party	PLAINTIFF	KREBS, ERIC ALEXANDER	64921

Dockets

Page : 1

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Image	Doc #	Action Date	Description	Pages
	34	06/11/2026	PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL OF COUNT II WITHOUT PREJUDICE	1
	33	06/02/2026	PROOF OF SERVICE TO WILLIAM MCGOWEN, III ON 5/26/26	1
	32	06/02/2026	NOTICE OF FILING	1
	31	05/28/2026	PROOF OF SERVICE TO WILLIAM MCGOWEN, III	1
	30	05/19/2026	WRIT OF POSSESSION ISSUED	1
	29	05/18/2026	UNSIGNED WRIT OF POSSESSION	1
	28	05/14/2026	FINAL JUDGMENT FOR POSSESSION AS TO COUNT I - EVICTION	2
	27	05/12/2026	DEFAULT ISSUED ON KIMBERLY L. MCGOWEN	1
	26	05/12/2026	DEFAULT ISSUED ON WILLIAM H MCGOWEN, III	1
	25	05/12/2026	MOTION FOR IMMEDIATE DEFAULT JUDGMENT AS TO COUNT I FOR POSSESSION	3

Judge Assignment History

Court Events

Financial Summary

Reopen History

** Pursuant to Florida Statutes and Florida Rules of Court Procedure, records that have been designated as expunged, sealed or confidential may not be available through this service. For additional information on specific records please contact the Clerk of Court.

ID#: 44817

EXHIBIT D

☐ Felony
☒ Misdemeanor

☒ Adult
☐ Juvenile

Agency Case Number: 2026-00078537

ARREST WARRANT
IN THE COURT OF WALTON COUNTY, FLORIDA
STATE OF FLORIDA vs.

William H. McGowen

To all and singular the Sheriffs of the State of Florida

Whereas Deputy Sheriff Jeffery G. Jacomine #417 has made an oath that on June 15, 2026

In Walton County, Florida did unlawfully violate:

+	F.S.S.	741.31(4)(a)	, Violation of an Injunction for Protection Against Domestic Violence
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, contrary to the law in such case and provided and against the peace and dignity of the State of Florida.

Bond Set by Judge:
HOLD FOR FIRST APPEARANCE

None ROR/Signature Cash PTR Professional Hold for First Appearance

This Warrant is a command to ARREST instanter William H. McGowen

and bring said person before the Court to be dealt with according to law.

Given under my hand

06/22/2026

03:38:24

pm
Judge in and for Walton County, Florida

Print Name and Title



BY: *Janza Beck* 

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT,
IN AND FOR WALTON COUNTY, FLORIDA

EXHIBIT E

Case No.: 26000429DRAXMX

KIMBERLY LEVAUGHN MCGOWEN,

Petitioner,
and

WILLIAM HENRY MCGOWEN III,
Respondent

FINAL JUDGMENT OF INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE WITHOUT MINOR CHILD(REN) (AFTER NOTICE)

The Petition for Injunction for Protection Against Domestic Violence under Section 741.30, Florida Statutes, and other papers filed in this Court have been reviewed. The Court has jurisdiction of the parties and the subject matter.

It is intended that this protection order meet the requirements of 18 U.S.C. Section 2265 and therefore intended that it be accorded full faith and credit by the court of another state or Indian tribe and enforced as if it were the order of the enforcing state or of the Indian tribe.

SECTION I. HEARING

This cause came before the Court for a hearing to determine whether an Injunction for Protection Against Domestic Violence in this case should be ☒ issued ☐ modified ☐ extended.

The hearing was attended by:

☒ Petitioner
☐ Respondent

☐ Petitioner's Counsel
☐ Respondent's Counsel

SECTION II. FINDINGS

On May 28, 2026, a notice of this hearing was served on Respondent together with a copy of Petitioner's petition to this Court and the temporary injunction, if issued. Service was within the time required by Florida law, and Respondent was afforded an opportunity to be heard.

After hearing the testimony of each party present and of any witnesses, or upon consent of Respondent, the Court finds, based on the specific facts of this case, that Petitioner is a victim of domestic violence or has reasonable cause to believe that he/she is in imminent danger of becoming a victim of domestic violence by Respondent.

WALTON COUNTY SHERIFF'S OFFICE
SHERIFF MICHAEL A. JAMES
SERVED: *William H. McGowen*

DATE: *6/24/26* TIME: *1:54 PM*

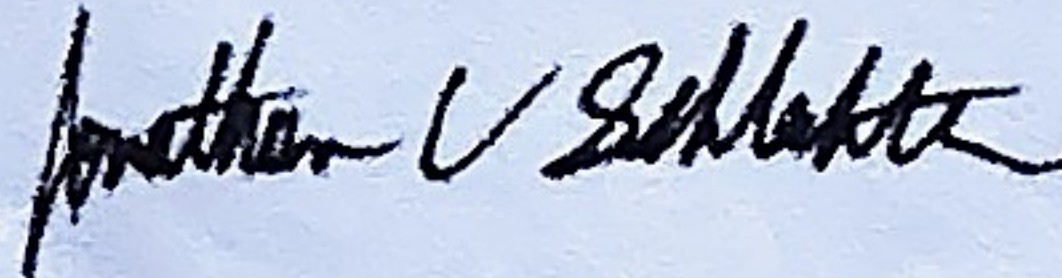
901.15(6), FLORIDA STATUTES. The arresting agent shall notify the State Attorney's Office immediately after arrest.

3. **Reporting alleged violations.** If Respondent violates the terms of this injunction and there has not been an arrest, Petitioner may contact the Clerk of the Circuit Court of the county in which the violation occurred and complete an affidavit in support of the violation, or Petitioner may contact the State Attorney's office for assistance in filing an action for indirect civil contempt or indirect criminal contempt. Upon receiving such a report, the State Attorney is hereby appointed to prosecute such violations by indirect criminal contempt proceedings, or the State Attorney may decide to file a criminal charge, if warranted by the evidence.

4. Respondent, upon service of this injunction, shall be deemed to have knowledge of and to be bound by all matters occurring at the hearing and on the face of this injunction.

5. The temporary injunction, if any, entered in this case is extended until such time as service of this injunction is effected upon Respondent.

DONE AND ORDERED in Defuniak Springs, Walton County, Florida.



eSigned by CIRCUIT COURT JUDGE JONATHAN V. SCHLECHTER in 26000429DRAXMX
on 06/10/2026 18:59:08 TJ71wSU

CIRCUIT JUDGE

Sheriff of WALTON County

Petitioner (or his or her attorney):

- ☐ by U. S. Mail
- ☐ by hand delivery in open court
- ☐ by e-mail to designated e-mail address(es)

Respondent (or his or her attorney):

- ☐ forwarded to sheriff for service
- ☐ by hand delivery in open court
- ☐ by certified mail (may only be used when Respondent is present at the hearing and Respondent fails or refuses to acknowledge the receipt of a certified copy of this injunction.)

- ☐ State Attorney's Office
- ☐ Batterer's intervention program (if ordered)
- ☐ State Disbursement Unit (if ordered)

Florida Supreme Court Approved Family Law Form 12.980(d)(2), Final Judgment of Injunction for Protection Against Domestic Violence without Minor Child(ren) (After Notice) (06/21)

William H. McGowen
9950 US HIGHWAY 98 W LOT B6
MIRAMAR BEACH FL 32550-4991

USPS CERTIFIED MAIL



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United States Courthouse, Northern District
Pensacola Division
1 N PALAFOX ST
PENSACOLA FL 32502-5665



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EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

WILLIAM HENRY McGOWEN III,
Plaintiff,

v.

DEPUTY M. RODEN, individually and in his official capacity as a Deputy Sheriff of Walton County, Florida; SHERIFF MICHAEL ADKINSON, individually and in his official capacity as Sheriff of Walton County, Florida; WALTON COUNTY, FLORIDA; DAVID LAWRENCE, individually; and ERIC A. KREBS, individually,

Defendants.

Case No.: _____
DEMAND FOR JURY TRIAL

**COMPLAINT FOR CIVIL RIGHTS VIOLATIONS UNDER 42 U.S.C. § 1983,
42 U.S.C. § 1985, AND FOR EMERGENCY INJUNCTIVE RELIEF**

INTRODUCTION

1. This is a civil rights action brought by Plaintiff William Henry McGowen III, a seventy-one-year-old homeowner, against law enforcement officers, a county, and private actors who conspired to arrest him for trespass on property he owns by legal title, pursuant to a writ of possession issued on a void default judgment entered before proof of service was filed, in violation of his rights under the Fourth and Fourteenth Amendments to the United States Constitution.
2. Plaintiff's mobile home is titled in his name through the Florida Department of Highway Safety and Motor Vehicles. He cannot, as a matter of law, commit trespass on property he owns. The arrest was the product of coordination between a private

mobile home park manager and a Walton County Sheriff's deputy, facilitated by defective eviction proceedings filed under the wrong statute by an attorney who knew or should have known that the underlying proceedings were void.

3. Plaintiff seeks compensatory and punitive damages, attorney's fees under 42 U.S.C. § 1988, and emergency injunctive relief prohibiting further enforcement of the void writ of possession and further arrest of Plaintiff based on the void trespass determination.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4), as this action arises under 42 U.S.C. §§ 1983 and 1985 and the Fourth and Fourteenth Amendments to the United States Constitution.
5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because all events giving rise to this action occurred in Walton County and Washington County, Florida, both within the Northern District of Florida, Pensacola Division.

PARTIES

6. Plaintiff WILLIAM HENRY McGOWEN III is a natural person and resident of Walton County, Florida, born August 27, 1954. At all relevant times, Plaintiff was the titled owner of a mobile home located at Destin East Mobile Home Park, Walton County, Florida.
7. Defendant DEPUTY M. RODEN is a law enforcement officer employed by the Walton County Sheriff's Office. At all times relevant herein, Defendant Roden was acting under color of state law. He is sued in both his individual and official capacities.
8. Defendant SHERIFF MICHAEL ADKINSON is the duly elected Sheriff of Walton County, Florida, and is responsible for the policies, practices, customs, and supervision of the Walton County Sheriff's Office and its deputies. He is sued in both his individual and official capacities.
9. Defendant WALTON COUNTY, FLORIDA is a political subdivision of the State of Florida. Walton County is liable for the unconstitutional policies, practices, and customs of the Walton County Sheriff's Office under *Monell v. Department of Social Services*, 436 U.S. 658 (1978).
10. Defendant DAVID LAWRENCE is the manager of Destin East Mobile Home Park, Walton County, Florida, and a private individual. At all times relevant, Lawrence acted in concert and conspiracy with Walton County Sheriff's Office personnel to deprive Plaintiff of his constitutional rights, thereby acting under color of state law.
11. Defendant ERIC A. KREBS, Florida Bar No. 64921, is an attorney currently employed at Dunlap & Shipman, P.A., 558 Harrison Avenue, Panama City, Florida

32401. Krebs represented the mobile home park in the underlying eviction proceedings and, through his actions in concert with state actors, participated in the deprivation of Plaintiff's constitutional rights, thereby acting under color of state law.

12. Defendant JUDGE KELVIN CLYDE WELLS is the County Court judge who presided over the eviction proceedings in Walton County Case No. 662026CC000309CCAXMX. Wells entered the Clerk's Default on May 12, 2026, authorized the Final Judgment for Possession on May 14, 2026, and issued the Writ of Possession on May 19, 2026 — all before proof of service was filed on May 28, 2026. These acts were taken in the clear absence of personal jurisdiction over Defendant, as no proof of service had been filed and the court therefore had no jurisdiction over the person of William Henry McGowen III. Wells is sued in his individual capacity for monetary damages to the extent the 'clear absence of all jurisdiction' exception to judicial immunity applies under *Mireles v. Waco*, 502 U.S. 9 (1991), and for prospective injunctive relief under *Pulliam v. Allen*, 466 U.S. 522 (1984), which holds that judicial immunity does not bar injunctive relief against a judge.
13. Defendant FRANK BRADSHAW is the owner of Destin East Mobile Home Park, Walton County, Florida, and the employer and principal of Defendant David Lawrence. At all times relevant herein, Lawrence acted as Bradshaw's agent and within the scope of his employment in managing Destin East Mobile Home Park. Bradshaw authorized, directed, or ratified Lawrence's coordination with Walton County Sheriff's Office personnel to arrange Plaintiff's arrest. As the principal who directed and benefited from Lawrence's conspiracy with state actors, Bradshaw is liable as a co-conspirator and as a principal for his agent's unconstitutional conduct. He is sued in his individual capacity.
14. Defendant JUDGE JONATHAN VINCENT SCHLECHTER is a Circuit Judge of the First Judicial Circuit, Walton County, Florida. On June 10, 2026, Schlechter entered the Final Judgment of Injunction for Protection Against Domestic Violence in Case No. 662026DR000429DRAXMX — an injunction entered without proof of service on Plaintiff. The injunction's own text (Section 3) required that any alleged violation be reported to the Clerk of Court or State Attorney, not directly to law enforcement. When Kimberly McGowen bypassed this procedure and contacted Sheriff Adkinson directly, Schlechter presided at Plaintiff's subsequent first appearance on the alleged violation — thereby acting as the adjudicating judge on a violation of his own order, in a matter in which he had a direct and disqualifying conflict. When Plaintiff read the injunction's own procedural requirement into the record, Schlechter stated: 'That is not how we do it in Walton County.' This statement constitutes a judicial admission that Walton County maintains a custom of bypassing the court-mandated injunction violation procedure — providing critical evidence for Monell liability and for the § 1985/1986 conspiracy counts. Schlechter is also the presiding judge in the dissolution proceeding, Case No. 662026DR000451DRAXMX, creating a further conflict. He is sued under the *Mireles v. Waco* exception for actions taken in clear absence of jurisdiction, and under *Pulliam v. Allen* for prospective injunctive relief. He is sued in his individual and official capacities.

15. Defendant JUDGE JEFFREY LEWIS is a judicial officer of the First Judicial Circuit, Walton County, Florida. On June 22, 2026, Lewis issued a statewide Arrest Warrant directed 'to all and singular Sheriffs of the State of Florida,' commanding the arrest of Plaintiff William Henry McGowen III for alleged violation of Florida Statute § 741.31(4)(a). This warrant was issued without the predicate procedure specified in the injunction having been followed — Kimberly McGowen did not go to the Clerk of Court or State Attorney as the injunction required. The warrant was based solely on the affidavit of Deputy Jacomine, who also bypassed the required procedure. The warrant precipitated a multi-county manhunt and Plaintiff's arrest in Washington County, Florida, on June 27-28, 2026. Lewis is sued under the Mireles exception for acting in clear absence of jurisdiction, and under Pulliam for prospective relief. He is sued in his individual and official capacities.
16. Defendant DEPUTY J. JACOMINE (Badge No. 417) is a deputy sheriff employed by the Walton County Sheriff's Office. On June 15, 2026, Jacomine executed an Arrest Warrant Affidavit charging Plaintiff with violation of Florida Statute § 741.31(4)(a), based on a telephone call from Kimberly McGowen reporting that Plaintiff had sent a text message requesting retrieval of his personal property. Jacomine did not verify that Kimberly McGowen had followed the reporting procedure specified in the injunction — contact with the Clerk of Court or State Attorney — before presenting his affidavit to the court for a warrant. Jacomine's affidavit was the direct predicate for the statewide arrest warrant issued by Judge Lewis. He is sued in his individual capacity.
17. Defendant CHARLOTTE LEVAUGHN is the sister of Kimberly Levaughn McGowen and acted at all relevant times as an agent of Kimberly McGowen and, subsequently, of Waterhouse Law Firm (counsel for Kimberly McGowen in the dissolution proceeding). LeVaughn's role in the conspiracy includes: (a) on or about the day of Plaintiff's arrest (May 27, 2026), positioning herself as a gatekeeper and intermediary, contacting Plaintiff's known associates and stating that she 'loved Billy' — directly contradicting the domestic violence narrative used to justify the injunction — and instructing that all efforts to resolve matters should 'go through her'; (b) on or about June 27, 2026, soliciting Plaintiff's location from him under the pretext of arranging return of his personal property, then providing that location to Washington County law enforcement, who arrived and arrested Plaintiff the following morning; (c) explicitly conditioning return of Plaintiff's personal property — including his professional computers, cellular telephone, and printer — on Plaintiff signing divorce documents, thereby obstructing Plaintiff's access to the tools necessary to defend himself in pending judicial proceedings; (d) accessing Plaintiff's cellular telephone without authorization in violation of Florida Statute § 815.06 and 18 U.S.C. § 1030, and using Plaintiff's contact list of approximately one thousand professional contacts to solicit third parties, including other mobile home park owners, to speak against Plaintiff and undermine his professional network; and (e) approaching one of Plaintiff's advocates and attempting to entrap him regarding legal assistance provided to Plaintiff. As a private actor conspiring with state law enforcement officials, LeVaughn is liable under 42 U.S.C. § 1983 pursuant to *Adickes v. S.H.*

Kress & Co., 398 U.S. 144 (1970), and Dennis v. Sparks, 449 U.S. 24 (1980). She is sued in her individual capacity.

STATEMENT OF FACTS

A. Plaintiff's Ownership of the Mobile Home

18. Plaintiff William Henry McGowen III is the titled owner of the mobile home located at Destin East Mobile Home Park, Walton County, Florida. The mobile home is titled as personal property through the Florida Department of Highway Safety and Motor Vehicles (DHSMV) in Plaintiff's name, in accordance with Chapter 723, Florida Statutes.
19. The mobile home constitutes Plaintiff's homestead under Article X, Section 4 of the Florida Constitution. As a homestead property, the mobile home cannot be alienated, transferred, or subjected to dispossession without Plaintiff's consent and without compliance with applicable constitutional and statutory protections.

B. The Defective Eviction Proceedings

20. On or about April or May 2026, the Destin East Mobile Home Park, acting through Defendant Krebs, filed an eviction action against Plaintiff in the County Court of Walton County, Florida, Case No. 662026CC000309CCAXMX.
21. The eviction complaint was filed under Chapter 83, Florida Statutes (residential tenancies). Mobile home park tenancies in Florida are exclusively governed by Chapter 723, Florida Statutes — the Florida Mobile Home Act. The filing under Chapter 83 was facially improper and deprived the court of a proper statutory basis to proceed.
22. A default judgment was entered against Plaintiff on May 12, 2026. Proof of service was not filed until May 28, 2026 — sixteen days after the default was entered. Under Florida Rule of Civil Procedure 1.500 and Florida Statute § 48.21, a default entered before proof of service is void for lack of jurisdiction.
23. A Writ of Possession was issued on the basis of this void default judgment. A writ issued on a void judgment is itself void and confers no legal authority on any person or officer who executes it.
24. Count II of the eviction complaint, which sought monetary damages including disputed fees, was dismissed by the court on June 11, 2026 — further confirming that the eviction proceedings lacked a sustainable legal basis.

C. The Coordinated Arrest

25. Defendant David Lawrence, acting as manager of Destin East Mobile Home Park, coordinated with Walton County Sheriff's Office personnel to arrange Plaintiff's

arrest. Lawrence used his relationship with a Sheriff's deputy to cause law enforcement to act against Plaintiff in furtherance of the private landlord dispute.

26. On May 27, 2026, Defendant Deputy M. Roden arrested Plaintiff at or near the mobile home park. Plaintiff was charged with: (1) Resisting Officer Without Violence, in violation of Florida Statute § 843.02 (Count 1, M-1); and (2) Trespassing Structure or Conveyance, in violation of Florida Statutes §§ 810.08(1) and 810.08(2)(a) (Count 2, M-2). Walton County Case No. 662026MM000362MMAXMX.
27. The Criminal Information filed by the State Attorney's Office contains a blank property owner field in Count 2 (trespass). The Information states, in relevant part: 'enter or remain in any structure or conveyance the property of , ' — with no owner identified. This facial defect confirms that no legal owner of the property existed to sustain the trespass charge.
28. Plaintiff is the titled owner of the mobile home. A titled owner cannot be convicted of trespass on his own property. The trespass charge was legally impossible on the face of the public record at the time of arrest.
30. Deputy Roden, acting under color of state law, arrested Plaintiff without probable cause, pursuant to a void writ, based on a charge that was legally impossible as applied to Plaintiff.

D. Continuing Harm and Defendant Krebs's Post-Filing Conduct

31. As of the date of this Complaint, Defendant Krebs has asserted in writing that 'there is still an active trespass against [Plaintiff] at Destin East Mobile Home Park.' This assertion, made on June 30, 2026, purports to maintain a legal barrier preventing Plaintiff from accessing his own titled homestead property, based entirely on the void default judgment and void writ.
32. In the same written communication, Defendant Krebs directed Plaintiff to communicate with his wife to recover personal property withheld from Plaintiff, while Plaintiff is simultaneously subject to a no-contact order as a condition arising from a related criminal proceeding. Krebs's direction to contact a person subject to a no-contact order, while that order remains in effect, constitutes an attempt to cause Plaintiff to violate court-ordered conditions.
33. Plaintiff's personal property — including his computer, identification documents, cellular telephone, wallet, and clothing — has been withheld and not returned to him, further impeding his ability to participate in legal proceedings and defend his property rights.

CLAIMS FOR RELIEF

COUNT I — UNLAWFUL ARREST IN VIOLATION OF THE FOURTH AMENDMENT

(Against Defendants Roden and Adkinson — Individual Capacity)

34. Plaintiff realleges and incorporates by reference paragraphs 1 through 30 as if fully set forth herein.
35. The Fourth Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, prohibits unreasonable seizures of persons, including arrests made without probable cause.
36. Defendant Roden arrested Plaintiff without probable cause. Probable cause did not exist because: (a) Plaintiff is the titled owner of the property and cannot commit trespass thereon as a matter of law; (b) the Writ of Possession pursuant to which the arrest was effectuated was void ab initio; and (c) the Criminal Information filed against Plaintiff contains a blank property owner field, confirming that the trespass charge lacked a legally cognizable victim or subject property.
37. A reasonable officer in Defendant Roden's position would have known that arresting a titled property owner for trespass on his own property violates clearly established law. Defendant Roden is not entitled to qualified immunity.
38. Defendant Adkinson, as the supervising Sheriff, knew or should have known of his deputies' practice of executing civil writs without verifying their legal validity or confirming that the subject of the writ is not the legal owner of the property. Defendant Adkinson's failure to train, supervise, and correct this practice makes him individually liable for the constitutional violation suffered by Plaintiff.
39. As a direct and proximate result of Defendants Roden's and Adkinson's unconstitutional conduct, Plaintiff suffered and continues to suffer damages including loss of liberty, physical restraint, emotional distress, loss of property, and displacement from his homestead.

COUNT II — DEPRIVATION OF PROPERTY WITHOUT DUE PROCESS

(Against Defendants Roden, Adkinson, Walton County, and Wells)

40. Plaintiff realleges and incorporates by reference paragraphs 1 through 30 as if fully set forth herein.
41. The Fourteenth Amendment prohibits any state from depriving a person of property without due process of law. The Fifth Amendment's Takings Clause, incorporated through the Fourteenth Amendment, further prohibits the taking of private property without just compensation.
42. Plaintiff's mobile home is his titled homestead property. The default judgment entered May 12, 2026, sixteen days before proof of service was filed, was void for lack of jurisdiction. The Writ of Possession issued thereon was likewise void.

43. Defendants Roden and Adkinson, acting under color of state law and pursuant to official policy or practice, dispossessed Plaintiff of his homestead property through the execution of a void writ, without lawful authority, and without affording Plaintiff notice or an opportunity to be heard that comported with due process.
44. Defendant Walton County, through the Walton County Sheriff's Office, maintains a policy, practice, or custom of executing writs of possession without independently verifying proof of service, the validity of the underlying judgment, or whether the subject of the writ is a titled owner of the property. This policy or custom was the moving force behind the constitutional violation suffered by Plaintiff.
45. As a direct and proximate result of Defendants' unconstitutional conduct, Plaintiff has been deprived of his homestead property and the rights attendant thereto, and has suffered damages including loss of property, loss of shelter, emotional distress, and ongoing harm.

COUNT III — CIVIL CONSPIRACY TO DEPRIVE CONSTITUTIONAL RIGHTS

(Against Defendants Lawrence, Krebs, Roden, and Bradshaw — 42 U.S.C. §§ 1983 and 1985)

46. Plaintiff realleges and incorporates by reference paragraphs 1 through 30 as if fully set forth herein.
47. Under *Adickes v. S.H. Kress & Co.*, 398 U.S. 144 (1970), and *Dennis v. Sparks*, 449 U.S. 24 (1980), a private actor who conspires with a state official to deprive a person of constitutional rights acts under color of state law and is liable under 42 U.S.C. § 1983. Under 42 U.S.C. § 1985(3), a conspiracy among two or more persons to deprive a person of the equal protection of the laws or equal privileges and immunities is independently actionable.
48. Defendants Bradshaw, Lawrence, Krebs, and Roden entered into an agreement, explicit or tacit, to deprive Plaintiff of his constitutional rights, including his right to be free from unlawful arrest and his right not to be deprived of property without due process of law. The conspiracy did not end with Plaintiff's arrest — it continued through coordinated post-eviction conduct designed to sustain criminal exposure against Plaintiff and prevent him from reclaiming his property. In furtherance of this conspiracy:
 - (a) Defendant Bradshaw, as owner and principal of Destin East Mobile Home Park, authorized and directed Lawrence to arrange law enforcement removal of Plaintiff from the park, providing the private directive that set the conspiracy in motion;
 - (b) Defendant Lawrence coordinated with Walton County Sheriff's Office personnel to arrange Plaintiff's arrest, using his relationship with the park's attorney and a Sheriff's deputy to direct law enforcement against Plaintiff in a private property dispute;

(c) Defendant Krebs filed eviction proceedings under the wrong statute (Chapter 83 instead of Chapter 723, Florida Statutes), obtained a default judgment before proof of service was filed, secured a void Writ of Possession, and — after the eviction case closed — sent a written communication dated June 30, 2026 asserting that a trespass against Plaintiff remains legally 'active' at Destin East Mobile Home Park. That June 30, 2026 communication was deliberately copied to Plaintiff's wife's divorce attorney (Waterhouse Law Firm) and to Plaintiff's wife directly, coordinating the ongoing criminal trespass exposure with the parallel domestic litigation in order to leverage Plaintiff's criminal jeopardy as pressure in the divorce case;

(d) Defendant Roden executed the void writ, physically wrestled Plaintiff — a 71-year-old man — to the ground causing a shoulder injury, arrested Plaintiff without probable cause, and made the unlawful seizure the culminating act of the initial conspiracy phase; and

(f) The post-arrest coordination between Defendant Krebs and Plaintiff's wife's counsel, evidenced by the June 30, 2026 email, demonstrates that the conspiracy extended beyond the arrest to include sustained pressure on Plaintiff through the simultaneous maintenance of criminal trespass exposure and withholding of his personal property — including computers containing his professional files — to prevent Plaintiff from effectively defending himself in this and related proceedings; and

(g) Plaintiff's wife and/or her agents accessed Plaintiff's cellular telephone — withheld from him after his removal from the home — without his authorization, extracted his contact list of approximately one thousand professional and personal contacts accumulated over a forty-year legal career, and used those contacts to solicit third parties, including other mobile home park owners, to speak against Plaintiff and to discredit him with the very network he would need to mount a defense. One of Plaintiff's own advocates was approached and asked to speak negatively about Plaintiff and was questioned about whether he was providing legal assistance to Plaintiff in an apparent attempt to entrap the advocate. This conduct constitutes unauthorized access to a computer device in violation of Florida Statute § 815.06 and 18 U.S.C. § 1030, and is a continuation of the conspiracy to prevent Plaintiff from effectively accessing the courts and defending himself.

49. The object of the conspiracy was the dispossession of Plaintiff from his titled homestead property and the sustained deprivation of his ability to defend himself through coordinated use of law enforcement power, legal process, property withholding, and social isolation — none of which any single private actor could have achieved independently. The conspiracy continues: Krebs maintains an 'active trespass' against Plaintiff at Plaintiff's own manufactured home; Plaintiff's cellular telephone has been accessed without authorization and his professional contacts used to turn his own network against him; and Plaintiff's wife's counsel has been coordinated into the scheme through direct inclusion on Krebs's communications maintaining criminal exposure.

50. As a direct and proximate result of this conspiracy, Plaintiff suffered unlawful arrest, physical injury, incarceration in two county facilities, loss of his homestead property, loss of personal property including professional computers and records representing a forty-year legal career, ongoing criminal exposure, and deliberate interference with his ability to defend himself in pending legal proceedings.

COUNT IV — MUNICIPAL LIABILITY UNDER MONELL

(Against Defendant Walton County and Sheriff Adkinson in Official Capacity)

51. Plaintiff realleges and incorporates by reference paragraphs 1 through 30 as if fully set forth herein.
52. Under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), a municipality is liable under § 1983 when a constitutional violation results from an official policy, a well-settled custom or practice, or a failure to train that amounts to deliberate indifference to constitutional rights.
53. The Walton County Sheriff's Office, through Defendant Adkinson, maintains one or more of the following unconstitutional policies, practices, or customs: (a) executing writs of possession without verifying that the underlying judgment was entered after proper proof of service; (b) executing writs of possession without confirming that the subject of the writ is not the titled owner of the property; (c) arresting individuals at the behest of private parties in civil landlord-tenant disputes without independent probable cause determination; and (d) processing domestic violence injunction violations through direct calls to the Sheriff rather than through the Clerk of Court or State Attorney as required by the injunction itself and by Florida Statute. The existence of this unconstitutional custom is directly confirmed by Circuit Judge Jonathan Schlechter, who — when Plaintiff read the injunction's own text requiring the Clerk/State Attorney procedure into the record at his first appearance — responded: 'That is not how we do it in Walton County.' This judicial admission by the presiding judge establishes as a matter of record that Walton County maintains a policy that deviates from the court-mandated procedure for injunction violation enforcement, and that this deviation is known, accepted, and ratified at the judicial level.
54. These policies, practices, or customs reflect a failure to train and supervise deputies on the legal prerequisites for executing civil writs and making lawful arrests in property disputes, amounting to deliberate indifference to the constitutional rights of persons in Walton County.
55. The unconstitutional policy, practice, or custom described herein was the moving force behind the violation of Plaintiff's Fourth and Fourteenth Amendment rights, and Walton County is therefore liable for the resulting damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff William Henry McGowen III respectfully requests that this Court enter judgment in his favor and against Defendants, and grant the following relief:

A. EMERGENCY AND INJUNCTIVE RELIEF:

- (1) A Temporary Restraining Order and Preliminary Injunction prohibiting Defendants, and all persons acting in concert with them, from enforcing or relying upon the Writ of Possession issued in Walton County Case No. 662026CC000309CCAXMX, and from arresting or detaining Plaintiff based on any trespass determination arising from that void judgment;
- (2) An order requiring Defendants to take no further action against Plaintiff's person or property pending resolution of this action;

B. COMPENSATORY DAMAGES:

- (3) Compensatory damages in an amount to be determined by a jury, including but not limited to damages for unlawful arrest, loss of liberty, loss of homestead property, loss of personal property, loss of income, and emotional distress;

C. PUNITIVE DAMAGES:

- (4) Punitive damages against Defendants Roden, Lawrence, and Krebs in their individual capacities, in an amount sufficient to deter future violations of the same character;

D. ATTORNEY'S FEES AND COSTS:

- (5) Reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988;

E. OTHER RELIEF:

- (6) A declaratory judgment that the default judgment entered May 12, 2026, the Writ of Possession issued thereon, and any trespass determination based thereon, are void and of no legal effect;
- (7) Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/ William Henry McGowen III

William Henry McGowen III

Plaintiff, Pro Se

9950 US Highway 98 West, Lot B6,

Miramar Beach, Florida 32550

850-544-4774 / unitedhumanitylife@gmail.com

Date: Monday, July 20, 2026

VERIFICATION

I, William Henry McGowen III, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Complaint and that the facts stated therein are true and correct to the best of my knowledge, information, and belief.

/s/ William Henry McGowen III

William Henry McGowen III

Date: Monday, July 20, 2026