

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

STATE OF FLORIDA

VS.

AARON SMITH-LEVIN

DEFENDANT'S MOTION TO DISQUALIFY
JUDGE [REDACTED]

COMES NOW, [REDACTED] Counsel for the Defendant, AARON SMITH-LEVIN, and on behalf of the Defendant, pursuant to Florida Rule of Judicial Administration 2.330 (Disqualification Of Trial Judges), and hereby requests this Court grant this Motion To Disqualify itself from any further action including hearings or possible retrial, pertaining to the Defendant, AARON SMITH-LEVIN, based on the Defendant's well founded belief that the facts as alleged establish a well-founded and reasonable fear that he will not receive a fair and impartial hearing on his two Motions for New Trial, or potential retrial in the future concerning this matter. The facts are as follows supporting this Motion:

1. On March 3, 2026, the Defendant was found Not Guilty of battery against a member of the Scientology organization in Clearwater, FL in case number 25-10869-MM.
2. In this matter, the Defendant was charged with one count of battery against another member of the Scientology organization and was convicted on April 14, 2026.
3. On April 10, 2026, and April 14, 2026, this Court heard Motions in Limine and the Trial, respectively, in this matter.

4. The Defendant's two Motions filed on April 24, 2026, consisting of a Motion For New Trial Based On Improper Curative Instruction And Judicial Comment On Facts Not In Evidence, and Defendant's Second Additional Motion For New Trial are hereby fully adopted and incorporated by the Defendant into this Motion to Disqualify as **Exhibits 1 & 2**.

5. The Court completely discarded her neutrality in this case by making a pattern of adverse statements about the Defendant as early as October 17, 2025, and continuing through his trial on April 14, 2026, as laid out in both of the attached **Exhibits 1 & 2** and this Motion To Disqualify, some of which include the following:

- "Your hatred for the Scientology is going to land yourself into jail for a very long time." — November 21, 2025
- "He's making money off of his YouTube channel. Attacking the Church of Scientology." — November 21, 2025
- "If you're doing it just for social (media) content, then your whole free speech, protest, yada yada, just kind of going out the door." — October 17, 2025
- "Maybe because you're not getting enough attention, I don't know." — October 17, 2025
- "I'm not going to have somebody killed on my watch." — November 21, 2025
- "I better not show up on that YouTube channel..." — November 21, 2025
- "You're basically just stirring up trouble, stirring the pot." — November 21, 2025
- **"You can see he's deliberately walking down that sidewalk looking for an issue. Just the way he's walking. He starts walking by the door. He sees that it opens. He's like, oh, okay, great. And he sticks his head in there and he's clearly holding the door open with his foot when they're trying to close the door. And he's trespassing. I'm surprised he doesn't have a trespass charge against him. And then he clearly shoves this second person. He may be making all kinds of noise on his video, how he got battered, but I just saw the (other) video), and I didn't have to watch that one three times"** — November 13, 2025

(Prejudging the facts of this case and the Defendant by making inappropriate comments before any trial and then putting on a prosecutorial hat by commenting that the Defendant should have had an additional charge on him)

- “It shouldn’t take me lecturing you...” — November 13, 2025

6. The Court felt compelled to characterize and call the Defendant, in front of the Jury in this second trial, that the Defendant was a “protester” of the Scientologist organization and that he had a Youtube.com channel, when in truth, Mr. Smith-Levin was not protesting Scientology during this second trial but was advocating on behalf of Flavio Lugli’s parents who had retained his foundation to get a message to their son as they had not spoken to him in over a decade.

7. As a result of the above facts and statements made by the Court, including the facts as laid out in **Exhibits 1 & 2**, the Defendant, Mr. Smith-Levin has a well-founded and reasonable belief to fear that he will not receive a fair and impartial hearing on his Motions for New Trial or in a potential retrial in his case, based on what he perceives to be a severe pattern of bias against him.

8. Although all of the statements cited in this Motion, including the attached **EXHIBITS 1 & 2** that are incorporated into this Motion to Disqualify are concerning to Mr. Aaron Smith-Levin, the statements made by this Court during his sentencing are even more concerning to Mr. Aaron Smith-Levin.

9. At the sentencing following the trial on April 14, 2026, the Court stated the following:

The Court: Mr. [REDACTED] Mr. [REDACTED], still back there?
-Sentencing, April 14, 2026

(Attorney Bruce Denson was advocating on behalf of the Scientologist organization and attended the entire trial)

The Court: can you read that quote to me that you read me this morning about what he said the day after the last trial you weren't in here that's the one I want so you'll be able to address it. – Sentencing, April 14, 2026

(It is apparent to the Defendant that the Trial Court continued to have animosity and a bias against him from the first trial wherein he was found not guilty and this animosity and bias continued throughout the second trial and culminated at his sentencing in this matter)

The Court: I remember you were leafing through some papers and it was kind of on the bottom side of something from what I could tell. – Sentencing, April 14, 2026

Mr. Denson: thank you, um so that's the one so on on March 4th on the not guilty after the not guilty verdict he stated to be honest with you the entire time I knew that I knew the entire time that we were in the court yesterday that the verdict was either was going to be either not guilty or a hung jury it was simply impossible after we finished jury selection which I was you know I was able to be part of so it was simply impossible after we did jury selection to conclude that there was any chance that all that that at any chance at all that these six jurors were going to unanimously find me guilty. – Sentencing, April 14, 2026

The Court: to me it's not the issue whether he knew that, I'm, I'm gonna go with the fact that I don't think it does, **it goes with the behavior that I have seen from Mr., Mr. Smith-Levin** from the moment that he's walked into this courtroom with these two cases, um the **disrespect for the process, the disrespect for the court** and anything that I have told him to do, and not to do, **uh his bravado** um, which is completely just reflected right here, um and you know he has said to me, oh you know since I went to jail last time I've basically been you know doing you know uh what I should be doing and and, and not, um overstepping, **but then yet the day after his trial he makes comments like this on his YouTube channel.** Um, my concerns with Mr. Smith-Levin, quite frankly, I think **the State's recommendation to the court is very low to be honest with you, my concerns with Mr. Smith-Levin is that that's exactly it he makes his living off of the church of Scientology he makes his living off of his clicks on the YouTube channel** and he is escalating his behavior and **quite frankly he just thinks it's a joke.**
– Sentencing, April 14, 2026

The Court: Um, when I saw the video of the last trial, and I understand the jury spoke on that and I

don't have any problems with that verdict, but I saw the facts of that case, that was a complete setup that day, he knew what the church of Scientology was going to do that's why he had the water barriers out there he even testified they done it before and he had the water barriers out there knowing that **he was just out there just antagonizing the church of Scientology** he even knew it when he had the video of him videotaping himself going to the car and saying *oh I got my secret stash right here this is gonna be great watch this everybody (stated with emphasis)* and then he grabs it and he runs back and then he stand with his big stash of chalk and he stands in the middle of the church of Scientology emblem and he just waits for them to come out with more water and he waits and then he goes up and he throws the chalk in that gentleman's face. **That was a game to him,** he had it all set up he had his video recorder out there *he had person watch this get me over here tell him the video guy get me right here get me watch me do this (stated with emphasis)* **it was a game and he just thinks his, his, his, um, uh, uh, interaction with the church of Scientology is just a big game and it's getting him clicks but we all know people's attention span just goes away if you don't escalate and you don't keep them entertained, and that's what he's doing that's what he did on the chalk day and that's what he's doing did this day that door was closed he saw us opening boom phone out phone in face let's start yelling things inside and cause a commotion.** – Sentencing, April 14, 2026

(The Trial Court in essence discredited the jury's verdict in the first trial where he was found not guilty instead of giving great deference to their decision and respecting it)

The Court: You know what I didn't hear the state say in their closing is that you can't create self-defense yourself and that's what he did and the jury saw that held the door open with his foot and then claim woe is me two guys, what were his quotes today, two guys just shoving the door against me coming after me. It's just a joke for him he just likes to antagonize the church of Scientology, and I got no opinion one way or the other with the church of Scientology, but he makes me feel bad for them. **Because of his behavior and his escalating behavior and his lack of self-control, for his clicks,** and even today just the way he testified making it sound like oh yeah it's just this little thing between us almost like we have this this this cat and

mouse game that's kind of how his testimony came across today we just kind of have this cat they know me I know them I know Andrew I know Robert it's just they know me I've never had a problem with them he was trying to tell this jury it's just a cat and mouse kind of game. **And his total lack of respect for the court's orders from the day I told him not to have contact with the church of Scientology he continues to have contact with them I put him in jail and what does he do he gets on a jail call and starts stirring the pot with his followers I'm sitting here you guys go out for the fight (emphasis supplied)** of course the state brought him back in again on the motion when he brought had a motion to get out of jail **it's right there on the jail call the last trial completely ignoring this court's um uh instructions on motions in limine just throwing out things just to get them out there, and again today a being disrespectful to people he's talking about by not using proper courtroom etiquette, and then oh I can't even count how many times he said this public property public property public property knowing darn well of our conversations that we had on Friday. Actual just total disrespect for the process. Mr. Smith-Levin thinks about Mr. Smith-Levin. And then after that last trial just to even go on his YouTube channel and just say oh I knew I was gonna get a not guilty or hung jury, have some humility, which you don't have.** You've got a symbiotic relationship with the church of Scientology **Mr. um ah Smith-Levin you sit there and you protest again against them but that's how you make your money.**
– Sentencing, April 14, 2026.

10. The Defendant firmly believes this Court has great animosity towards him and is unable to and could not separate that personal animosity from her professional position while on the bench during his second trial wherein he was convicted.

11. Based on the above facts this Honorable Court should grant this Motion and disqualify herself from further proceedings in this matter.

12. The legal sufficiency of a motion to disqualify depends on “whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial.” *Livingston v. State*, 441 So.2d 1083, 1087 (Fla. 1983); *State v. Borrego*, 105 So.3d 616, 619 (Fla. 3d DCA 2013).

13. The allegations of fact that are contained in the motion must be taken as true. *Masten v. State*, 159 So.3d 996, 997 (Fla. 3d DCA 2015).

14. The question of disqualification focuses not on what the judge intended, but rather how the message is received and the basis of the feeling. *Great Am. Ins. Co. of N.Y. v. 2000 Island Boulevard Condo. Ass’n*, 153 So. 3d 384, 390 (Fla. 3d DCA 2014 (citing *Livingston*, 441 So.2d at 1086)).

15. “A motion to disqualify is legally sufficient if the facts would objectively cause a well-founded fear in the moving party that they would not receive a fair and impartial trial. *Edwards v. State*, 976 So.2d 1177 at 1178 (Fla. 4th DCA 2008).

16. The trial court shall rule only on the sufficiency of the motion and shall not pass on the truth of the facts alleged. If the motion is legally sufficient, the judge shall immediately enter an order granting disqualification and proceed no further in the action. Fla. R. Jud. Admin. 2.330(h).

WHEREFORE, the Defendant, hereby respectfully request that this Honorable Court disqualify herself from any further proceedings in this matter as her statements indicate a clear bias against Mr. Smith-Levin.

VERIFICATION

I, AARON SMITH-LEVIN, being the party in this action and pursuant to section 92.525, Florida Statutes, under penalties of perjury, I declare that I have read the foregoing DEFENDANT'S MOTION TO DISQUALIFY JUDGE [REDACTED] and that the facts stated in it are true to the best of my knowledge and belief.

DATED this 24 day of April, 2026

[REDACTED]

CERTIFICATION OF GOOD FAITH

I, Gerasimos "Jerry" Theophilopoulos, the undersigned Counsel, do hereby certify that this motion is made in good faith, and the statements of my client in the foregoing motion are made in good faith.

[REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy hereof has been furnished by electronic email to Judge Kathleen Hessinger at khessing@jud6.org; the Judicial Assistant to Judge Kathleen Hessinger, Tracy Curley, at TCurley@jud6.org; to the State Attorney's Office at eservice@co.pinellas.fl.us and sabeservice@co.pinellas.fl.us; to ASA Morgan Mee at MorganMee@flsa6.gov; and to ASA Michael Homme at MichaelHomme@flsa6.gov on this April 29, 2026.

1/1 Jerry Theophilopoulos

Gerasimos "Jerry" Theophilopoulos, Esq.

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