

**IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CASE NO. [REDACTED]**

**STATE OF FLORIDA**

**Vs.**

**AARON SMITH-LEVIN**

[REDACTED] [REDACTED]

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**ORDER DENYING DEFENDANT'S  
MOTIONS FOR NEW TRIAL**

This Cause came to be heard before the Court on Defendant's 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 with Assistant State Attorneys, Morgan Mee, Esq. and Michael Homme, Esq., present with Defendant not present, but represented by counsel, Gerasimos Theophilopoulos, Esq. and the Court having read the two motions, heard argument of counsel and being otherwise advised of the premises, it is hereby **Ordered and Adjudged** as follows,

**Relevant Timeline of Hearings/Trials**

Based on issues raised in Defendant's two Motions for New Trial, the following is a timeline of relevant hearings and trials relating to the above

referenced case and another case, 25-10869 MM, involving this Defendant and another member of the Church of Scientology.

1. The Motion in Limine/Trial Conference in the above referenced matter was heard, by the Court, on **Friday, April 10, 2026** at 10:30 a.m.
2. The case was tried before a jury on **Tuesday, April 14, 2026**.
3. The State charged Defendant with battery against a member of the Church of Scientology, Norman Shape. The jury found Defendant guilty of the battery.
4. The essential, relevant facts, at trial, were as follows:

On **September 20, 2025**, Defendant was walking down the sidewalk by the Scientology Information Center of the Church of Scientology. The main entrance door was closed when Defendant walked by, but immediately thereafter, a person exited the door. The Defendant quickly turned, approached the door and stopped the door from closing. The Defendant stood in the doorway area, just outside the threshold of the building, blocking the door from closing. Defendant took out his cell phone, held it over his head facing the inside of the building, and said something inside the building.

A Church of Scientology member, R [REDACTED] T [REDACTED] approached the door from the inside of the building and attempted to close it. The door did not close as Defendant's foot was in the way. Another member, the victim herein, N [REDACTED] S [REDACTED] then came to the door to help close the door. Defendant's foot continued to stop the closing of the door. Defendant then yelled they were hurting his foot and pushed N [REDACTED] S [REDACTED] against the wall.

This event was on video. Defendant raised the issue of self-defense and said issue was argued to the jury as self-defense.

Defendant testified that the side of his right foot was being slammed by two grown men and his reaction of pushing N [REDACTED] S [REDACTED] was “instinctual.”

5. Prior to this case, Defendant had another battery charge involving a member of the Church of Scientology, J [REDACTED] G [REDACTED]. That case involved an allegation of Defendant throwing chalk powder in the face of John Gaffney while protesting outside the Church of Scientology on **July 29, 2025**. Defendant also raised the issue of self-defense. That case went to jury trial on **March 3, 2026** and the jury found Defendant not guilty.

6. Prior to the two trials, the following evidentiary hearings occurred:

- a. **On October 17, 2026**, the Court heard the State’s Motion for No Contact with the alleged victim, [REDACTED] G [REDACTED], in the first case, [REDACTED] [REDACTED] the alleged chalk battery. The Court entered the no contact order including staying 500 feet away from Mr. G [REDACTED]’s place of employment, the Church of Scientology.
- b. **On November 13, 2025**, the Court heard State’s Motion to Revoke Bond in the first case, the alleged chalk battery. The Court revoked Defendant’s bond on that case.

- c. **On November 21, 2025**, the Court heard Defendant's Motion to Set Bond. The Court was advised by the State that Defendant made a call, from the jail, to supporters of his YouTube Channel wherein he advised them to "double down" against the Church of Scientology. The Court denied the Motion to Set Bond.
- d. **On December 5, 2025**, the Court heard Defendant's second Motion to Set Bond and released Defendant on supervised ROR.

**Motion for New Trial Based on Improper Curative Instruction and Judicial Comment on Facts Not in Evidence**

Defendant alleges he is entitled to a new trial due to the Court's curative instruction to the jury as to Defendant stating he was standing on public property. This argument is without merit. At the motion in limine hearing, Defendant asked the Court to take judicial notice of a Pinellas County Property Appraiser's website parcel map that suggested that the entrance to the Church of Scientology was on or abutted up to public property. Defendant wanted to argue he was standing on public property while at the threshold of the Church of Scientology. The State objected to the Court taking judicial notice of the parcel map as the Pinellas County Property Appraiser website specifically stated that parcel maps may not be

relied upon by any individual for determining property boundaries or ownership; the parcel maps on this website are for the sole purpose of creating the annual property tax roll. Moreover, the State advised that it did not have the proper property survey and Defendant was standing on Church of Scientology property.

The Court declined to take judicial notice of the parcel map, provided by Defendant, as it was not reliable. However, the Court advised Defendant that he could obtain the proper reliable map and the Court would take judicial notice of the property line; otherwise, the issue of whether Defendant was standing on public property was not to be addressed before the jury. The motion in limine date was on Friday with the trial on Tuesday; Defendant did not provide a proper reliable property or land survey to the Court or ask for any continuance if unable to obtain it.

Defendant further argued at the motion in limine hearing that he had relied on this parcel map before the incident and believed it was the proper boundary, so he should be able to testify that he believed he was on public property. The Court ruled that Defendant could not rely on a document as true when he obtained it from the Property Appraiser's website that clearly had a "parcel map use disclaimer." In short, he could not rely on something as true that he knew or should have known was not true. Moreover, whether

Defendant was standing on private or public property was not relevant to whether Defendant committed a battery against Norman Shape.

During the motion in limine hearing, the Court made it very clear to the Defendant that if he violated the Court's rulings in this trial that he could be facing sanctions including potential contempt of court. The Court's concerns came from violations of the Court's orders in the first trial, the alleged chalk battery. The Court also added, in capital letters, at the bottom of the typed Motion in Limine order, dated April 10, 2026, the following:

THIS COURT CAUTIONS ALL PARTIES AND ATTORNEYS THAT ANY VIOLATION OF THIS COURT'S RULING ON THE MOTIONS IN LIMINE MAY RESULT IN CURATIVE INSTRUCTIONS TO THE JURY, DIRECT CRIMINAL CONTEMPT OF COURT AND/OR ANY OTHER SANCTIONS THIS COURT DEEMS NECESSARY.

The Court notes that, in the chalk battery trial, the Court ordered, on State's Motion in Limine #1, that "any personal past history Defendant has with the Church of Scientology is not relevant." On the day of trial, the State advised the Court that Defendant told his supporters on his YouTube Channel that he was going to get into his history with the Church of Scientology. The Court admonished Defendant not to violate the Court's pretrial rulings. However, at the end of the State's cross examination, non-responsive to any question, Defendant stated, the Church of Scientology was

“masked thugs working for an organization I grew up in.” That statement was the third and most blatant violation of the motion in limine in that trial.

During Defendant’s testimony in this matter, Defendant deliberately violated the Court’s order regarding “standing on public property” on multiple occasions during direct and cross examination. During cross examination, Defendant was non-responsive to questions by stating, “I was on public property.” It was evident Defendant was deliberately violating the Court’s pretrial order; thus, the Court removed the jury from the courtroom to decide to either hold Defendant in contempt of court or give a curative instruction to the jury to disregard this testimony. The Court chose to give the curative instruction, essentially stating, “There is no evidence the Church of Scientology is on public property. The fact that Defendant has stated it several times, is not fact, and is stricken and should not be considered by you as fact.”

The Court further notes that Defendant argued at the motion in limine that he should be able to testify that he *believed* he was on public property. Defendant’s statements at trial were “I was on public property.” Defendant was given the opportunity to provide the Court with an accurate property line in which to take judicial notice. This was Defendant’s defense, so it was his burden. Defendant chose not to provide one to the Court. The Court

was very clear to Defendant as to potential sanctions for violating the Court's orders. Defendant chose to violate the Court's order regarding the property status and the Court gave a curative instruction to the jury.

**Defendant's Second Additional Motion for New Trial**

The overall allegation in Defendant's Second Motion for New Trial is the Court's refusal to allow Defendant to elicit testimony regarding his past and current relationship with the Church of Scientology and the alleged reason he went to the door of the Church of Scientology on the date of this incident. Throughout these proceedings, the Court has heard the Defendant was a member of the Church of Scientology, but he is no longer a member and disagrees with the principles of the Church of Scientology. Defendant's current vocation is protesting the Church of Scientology, overseeing a YouTube channel known as "growing up in scientology," making documentaries about the Church of Scientology, and attempting to connect members of the Church of Scientology with their non-Church of Scientology family members.

The State's Motion in Limine #1 requested the Court to exclude any mention of the Church of Scientology at trial. The Court ruled as follows,

The fact that this matter involves the Church of Scientology is relevant. Thus, the parties can provide testimony that the alleged victim, N [REDACTED] S [REDACTED] is a member of the Church of Scientology, the

incident occurred at a building relating to the Church of Scientology, and Defendant is a protestor of the Church of Scientology and Defendant has a YouTube channel protesting the Church of Scientology. There shall be no testimony in support of or in derogation of the Church of Scientology or its principles.

The State's Motion in Limine #2 requested the Court to exclude Defendant from eliciting any testimony or making argument relating to his reasoning for leaving the Church of Scientology and/or his reasoning for protesting against the Church of Scientology. This Court ruled as follows,

Any past personal history Defendant has with the Church of Scientology, including his past membership, is not relevant and will not be admissible. Defendant or any other witness, or attorney shall not testify, admit into evidence, or argue that, at the time of this incident, Defendant was looking for a Church of Scientology member on behalf of a family or anything similar thereto. Said testimony is not relevant and will confuse the issues being tried before the jury. The State and Defendant may elicit the following bold specific testimony as to Defendant's involvement with the Church of Scientology: **Defendant is a protestor of the Church of Scientology and the Defendant has a YouTube channel protesting the Church of Scientology.**

Defendant argues that the Court erred by not allowing the jury to hear the initial part of his cell phone audio reflecting he was "at the building to speak to P [REDACTED] H [REDACTED], a Scientologist, to get a message to a Scientologist by the name of F [REDACTED] I [REDACTED]." The Court excluded the initial audio of Defendant's cell phone as it was not relevant. Why Defendant went to the

door of the Church of Scientology is not relevant as to whether he committed a battery when R [REDACTED] T [REDACTED] and N [REDACTED] S [REDACTED] attempted to close the door. This Court made it clear that this trial was about whether a battery occurred and not about the positive or negative principles of the Church of Scientology. As such, this ground is without merit.

Moreover, Defendant argues he was entitled to use the first part of the audio on his cell phone to impeach the State's witness, F [REDACTED] T [REDACTED]. Mr. T [REDACTED] testified that Defendant raised his voice in an antagonistic manner when he stood at the door with his cell phone. Defendant argues the video shows he was merely asking a question to F [REDACTED] H [REDACTED] regarding F [REDACTED] I [REDACTED]. Defendant listed F [REDACTED] H [REDACTED] as a witness and subpoenaed her for trial. Defendant could have called F [REDACTED] H [REDACTED] to testify at trial as to his tone of voice but chose not to call her. Defendant's claim is without merit.

Defendant also argues that he was prejudiced as the Court limited him to testifying that he was a protestor and had a YouTube Channel protesting the Church of Scientology. Although the Court issued said order, Defendant's attorney discussed in opening statements that Defendant had a YouTube Channel wherein he made documentaries about the Church of Scientology. Moreover, the Defendant testified that he was a journalist and made documentaries regarding the Church of Scientology. He also stated he

organized weekly protests against the Church of Scientology. Defendant testified that he has done this since 2014. As such, Defendant's argument is without merit.

Defendant further argues that the Court "handcuffed" his theory of the case by precluding Defendant from allowing testimony of the "brutal practices of Scientology against those who have left the organization or who were expelled, individuals like the Defendant." The evidence was clear that the Defendant walked by the closed door of the Church of Scientology. When someone exited the door, the Defendant abruptly turned around, approached the door and inserted himself and his cellphone into the threshold of the building. There was no evidence that anyone from the Church of Scientology invited or forced the Defendant to put himself into this situation. When members of the Church of Scientology tried to close the door, the door was stopped by Defendant's foot. As such, Defendant's argument is not relevant and without merit.

Defendant alleges that the Court prevented him from proffering testimony and showing how these members of Scientology attempted to harm the Defendant causing him to exercise self-defense with a minor shove. This argument is also without merit. At trial, the victim, N [REDACTED] S [REDACTED], testified that the Defendant was a known protestor and not welcomed

in the Church of Scientology buildings. On cross-examination, Mr. S [REDACTED] was questioned as to whether Defendant was trespassed from the property. Mr. S [REDACTED] advised Defendant was not trespassed. The defense wanted to question Mr. S [REDACTED] about past instances wherein the Church of Scientology could have trespassed Defendant from the buildings. The Court ruled that was not relevant but agreed the defense could proffer the testimony. After the conclusion of Mr. S [REDACTED]'s testimony before the jury, the Court sent the jury out of the courtroom for the proffer.

Rather than proffer questions to the victim, N [REDACTED] S [REDACTED], as to past opportunities to trespass Defendant from the Church of Scientology buildings, the defense launched into questions about “suppressive person” practices of the Church of Scientology and viewing Defendant as an enemy to be destroyed. The Court immediately stopped the proffer as it was not the proffer represented to the Court. The Court ruled and still rules that this line of questioning to Mr. S [REDACTED] was not relevant and was a “show” for the full courtroom of anti-Church of Scientology spectators and later for Defendant’s YouTube Channel. Defendant has set forth, on page 7 of his Second Motion for New Trial, the questions the Court precluded him from proffering. The questions are not relevant to the case tried herein. The

Court did allow the proffer regarding past opportunities to trespass the Defendant from the Church of Scientology buildings.

Defendant also argues that this was a close case of self-defense and the Court's rulings precluded Defendant from a fair trial. The Court will note that Defendant requested the self defense instruction for which this Court permitted and read to the jury. Defendant stated in opening statements and argued in closing that this was self-defense. However, the Defendant did not testify as to self-defense. Defendant testified that the side of his right foot was being slammed by two grown men and he acted "instinctual" when he pushed Mr. S [REDACTED]. "Instinctual" is not intentional; a battery is an intentional touching or striking. As such, Defendant essentially testified that he did not commit the battery. He did not testify that he committed a battery in self-defense. Defendant's argument is without merit.

### **Bias and Prejudice against Defendant**

Defendant claims in both of his motions that he did not get a fair trial as the Court was biased and prejudiced against him. Defendant argues that the Court commented on his behavior and the facts of this case on **October 17, 2025, November 13, 2025, and November 21, 2025**. The Court commented on Defendant's behavior, on **October 17, 2025**, as the Court conducted an evidentiary hearing on a Motion for No Contact Order. The

Court commented on Defendant's behavior and the facts of this case, on **November 13, 2025**, as the Court conducted an evidentiary hearing on the State's Motion to Revoke Bond. Defendant's behavior and the facts of this case were the focal point of said evidentiary hearing. The Court commented on Defendant's behavior, on **November 21, 2025**, as the Court conducted an evidentiary hearing on Defendant's Motion to Set Bond. The Court set the Defendant's Motion to Set Bond before the Court's Thanksgiving vacation to allow Defendant to get out of custody before Thanksgiving. However, while in custody, Defendant made a jail call to his supporters to "double down" against the Church of Scientology. As such, the Court denied the motion. At Defendant's second Motion to Set Bond, the Court released Defendant on supervised ROR. The Court was properly commenting on issues in evidentiary hearings.

The Defendant argues that the Court was prejudiced against him in this trial as the Court was upset with the not guilty verdict on the first trial, the alleged chalk battery. The Court does not usually comment on the outcome of jury trials, but the Defendant has put the Court's opinions at issue. As stated during the oral arguments on these motions, the Court believes the not guilty verdict was the appropriate outcome in that matter. The Church of Scientology members did not need to interfere with

Defendant's protest that day by pouring water on his chalk messages. They could have waited until he finished his protest and left the location and then used a hose to wash off his messages. Instead, their actions of pouring barrels of water on the chalk messages looked foolish.

Defendant argues the Court used an "angry" tone with him and threatened him with contempt of court at the motions in limine hearing. The Court used a strong, firm tone (not an angry tone) with the Defendant during the motions in limine hearing to convey the message that the Court was not going to abide by the Defendant violating the Court's pretrial rulings in this trial as he did in the first trial. The Court also clearly set forth the potential consequences of Defendant violating the Court's order.

The facts and evidence at trial and the pretrial hearings prove the Court did not err in its rulings and the Court was not biased and prejudiced against the Defendant; thus, Defendant's motions for new trial are without merit.

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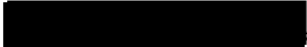
It is thereby **Ordered and Adjudged** that Defendant's Motion for New Trial Based on Improper Curative Instruction and Judicial Comment on Facts Not in Evidence and Defendant's Second Additional Motion for New Trial are **DENIED**.

**DONE and ORDERED** in Clearwater, Pinellas County, Florida, this 4<sup>th</sup> day of June, 2026.

  
**KATHLEEN T. HESSINGER**  
**COUNTY COURT JUDGE**

Copies to:

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