

IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

Family Division
Case No. 501971DR004137XXDIFD

IN RE MARRIAGE OF:
SHARON ANN MAYO f/k/a
SHARON ANN CABANA
Petitioner,

and

WILLIAM A. CABANA
Respondent , pro se.

Former Husbands Motion To Request Appearance By Phone

COMES NOW WILLIAM A. CABANA, pro se, respectfully requesting the court to permit him to appear by phone for the December 9, 2008 hearing on his Exceptions to the Magistrate's Report due to his indigency and inability to pay for transportation and lodging. In support he offers:

1. The former husband was declared indigent on May 16, 2006, when the Honorable Judge Martin Colin granted Former Husband's Motion to Proceed Without Prepaying the 4th DCA appeal fees due to his indigent status. (DE 379)
2. The former husband's indigent status was ratified on August 28, 2006, when Magistrate Leonard Hanser denied a Former Wife's Motion For Contempt for not paying attorney's fees due to his indigent status. (DE 398)
3. Twelfth Circuit Court's recognition of Former Husband's status of indigency with its Order to Proceed Without Prepayment of Second District Court of Appeals Fees dated January 11, 2007. (Attached)
4. There has been no change in Former Husband's financial situation since indigent

status was ratified on August 28, 2006. Former Wife has produced no conflicting evidence of this fact.

5. He is currently receiving public welfare in the form of HUD housing assistance, Medicaid and food stamps. See Financial Affidavit (DE 429).

6. Incarceration is not a consideration in this hearing. Former Wife's alimony arrearages and attorney's fees had both been reduced to money judgments (DE 308, 334) for which incarceration for non-payment is impermissible. In the hearing of October 1, 2008, as required by Bowen v. Bowen, 471 So.2d 1274 (Fla. 1985), Former Wife did not produce any factual evidence to show that Former Husband had a present ability to pay any purge that the court might impose.

7. Former Husband's travel from his home in Venice, FL to attend a hearing is an unnecessary financial hardship that need not be imposed.

WHEREFORE WILLIAM A. CABANA prays that the Court take jurisdiction over this matter, enter such orders as are appropriate to expedite consideration of this motion, and:

1. Grant WILLIAM A. CABANA permission to attend the December 9, 2008 hearing by phone. Petitioner will make himself available at the court's pleasure for a collect call at his home phone number 941-480-1395.

Respectfully submitted,




William A. Cabana, pro se
1050 Capri Isles Blvd., Apt F-105
Venice, FL 34292
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Email: bcabana2@comcast.net

November 19, 2008

Certificate of Service

I certify that a copy of this Motion To Request Appearance By Phone was mailed to Sharon Ann Mayo, 220 Almeria Ave., West Palm Beach, FL 33405 this 19th day of November 2008



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**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

WILLIAM A. CABANA, *pro se*,

v.

Case No.: 06-CA-5063-SC

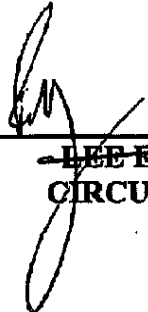
**JAMES ZINGALE, EXECUTIVE
DIRECTOR, FLORIDA
DEPARTMENT OF REVENUE
(In his official capacity)**

**ORDER GRANTING WILLIAM A. CABANA'S MOTION TO PROCEED WITHOUT
PREPAYMENT OF FEES TO 2ND DISTRICT COURT OF APPEALS**

THIS MATTER comes before the Court on William A. Cabana's Motion To Proceed Without Prepayment Of Fees To 2nd District Court Of Appeals. Upon consideration it is hereby

ORDERED AND ADJUDGED that William A. Cabana's Motion To Proceed is **GRANTED**

DONE AND ORDERED in Chambers, in Venice, Sarasota County, Florida, this 11 day of January 2007.



**LEE E. HAWORTH,
CIRCUIT COURT JUDGE**

Copies Furnished to:
George Waas, Esq. Special Counsel
Office of the Attorney General
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Tallahassee, FL 32399-1015

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FILED FOR RECORD
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KAROL S. RUSSELL
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

