

**IN THE SUPREME COURT OF FLORIDA**

PEDRO DIJOLS, as candidate for the  
Broward County Judge Circuit Group 3,

Case No.

Petitioner,

v.

KURT S. BROWNING, as Secretary  
of State, State of Florida, in his official  
capacity,

Respondent.

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**PETITIONER'S MOTION FOR EXPEDITED REVIEW**

Petitioner, PEDRO DIJOLS, moves this Court for expedited review of his Emergency Petition for Writ of Quo Warranto and Emergency Petition for Writ of Mandamus, filed contemporaneously with this Motion, and in support, states:

1. Petitioner, PEDRO DIJOLS, is a sitting judge in the Circuit Bench of the 17th Judicial Circuit. PEDRO DIJOLS was appointed in 2005 by then Governor Jeb Bush.

2. This election cycle, PEDRO DIJOLS was required to run for re-election. Two candidates elected to enter the race and challenge PEDRO DIJOLS, Bernard Isaac Bober and Mardi Anne Levey.

3. Mardi Anne Levey, however, transacts both her private affairs and official business as "Mardi Levey Cohen" and/or "Mardi L.

Cohen.” She does not transact private or official business, and is not known as, “Mardi Anne Levey.”

4. After the initial election results, Bernard Isaac Bober came in first, receiving approximately 38% of the votes. The race for second, however, was extremely close. PEDRO DIJOLS and MARDI ANNE LEVEY both received approximately 30% of the votes. The “unofficial” vote count revealed that only 111 votes separated the two candidates.

5. Because the 111 vote difference between PEDRO DIJOLS and MARDI ANNE LEVEY resulted in a victory of less than  $\frac{1}{2}$  of 1%, a mandatory recount was conducted in accordance with § 102.141(7), Fla. Stat. on Saturday, August 30, 2008.

6. The results of the mandatory recount on Saturday August 30, 2008 dictated that a manual recount be performed in accordance with § 106.166(1), Fla. Stat. on Sunday, August 31, 2008.

7. The manual recount resulted in Bernard Isaac Bober receiving 36,729 votes (38.32%), MARDI ANNE LEVEY receiving 29,599 votes (30.88%) and PEDRO DIJOLS receiving 29,527 votes (30.80%).

8. Because Bernard Isaac Bober did not receive 50% of the vote, there must be a run off election in November. Bernard Isaac Bober is slated to run against “Mardi Anne Levey.”

9. Mardi Anne Levey, however, was not eligible to run in this election because her failure to use the name by which she transacts private and official business is a violation of Florida election law. Moreover, Mardi Anne Levey has misused the office of her husband, Judge Dale Cohen, in violation of the Code of Judicial conduct. This misconduct further demonstrates her ineligibility.

10. Because this is a matter of great public importance and the voters and candidates must know who will run in the general election in November, 2008, Petitioner, PEDRO DIJOLS, requests that his Emergency Petition for Writ of Quo Warranto and Emergency Petition for Writ of Mandamus be reviewed on an expedited basis.

WHEREFORE Petitioner, PEDRO DIJOLS, respectfully request that this Court grant this Motion for Expedited Review.

### **CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court and copies furnished to the process server for service upon the Defendant on the 11th day of September, 2008.

**CERTIFICATE OF TYPE SIZE AND STYLE**

The undersigned counsel certifies that the type and style used in this brief is 14 point Times New Roman.

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