

**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  
WILLIAM A. CABANA  
Petitioner, Former Husband, pro se**

**and**

**SHARON ANN MAYO f/k/a  
SHARON ANN CABANA  
Respondent/Former Wife.**

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**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 October 1, 2008 hearing. Former Wife's Motion for Contempt and Fees is based on unsupported allegations. 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. Former Wife's request for attorney fees has been ruled upon in a previous magistrate's ruling, on January 24, 2006 (DE 364) in a similar motion for contempt, and is res judicata to Former Wife's claims in the instant case.
4. There has been no change in Former Husband's financial situation since indigent status was ratified on August 28, 2006.

5. He is currently receiving public welfare in the form of HUD housing assistance, Medicaid and food stamps. [See Financial Affidavit]
6. The hearing for Former Wife's Motion for Contempt is un-necessary due to the facts brought out in Former Husband's Motion to Deny Former Wife's Motion for Contempt along with his financial affidavit, indicating his indigent status and living under the poverty level.
7. Former Husband lacks an ability to pay any purge and therefore incarceration is impermissible for Former Wife's motion.
8. Former Wife's alimony arrearages have been reduced to a money judgment and therefore incarceration for non-payment is impermissible.
9. Former Husband's travel from his home in Venice, FL to attend a hearing for this motion by Former Wife is an un-necessary, financial and time-intensive hardship that need not be imposed.
10. The court still retains jurisdiction in this case in order to revisit and re-examine the facts of the case should there be any changes that might occur in either parties financial situation.

**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 October 1, 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,



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September 15, 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 15th day of September 2008



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