

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT  
IN AND FOR DUVAL COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

CASE NO.: 16-2016-MM- [REDACTED]

vs.

[REDACTED]  
Defendant.

**ORDER GRANTING DEFENDANT'S AMENDED MOTION TO DISMISS**

THIS CAUSE came before the Court upon Defendant's Amended Motion to Dismiss, filed on October 17, 2016. The State of Florida demurred to the Motion, and a hearing was held on November 8, 2016 to address the legal matters presented. The Court, being fully advised in the premises and having considered the arguments of counsel at hearing, it is:

**ORDERED AND ADJUDGED:**


1. Defendant's Amended Motion to Dismiss is Granted.

2. The undisputed material facts do not establish a prima facie case of guilt for Trespass insofar as the Special Events Policies and Procedures, adopted by the City of Jacksonville Beach pursuant to its Code of Ordinances, provided legal authorization or license for the undisputed voter registration activities of Defendant. Moreover, the organizers of the Salt Life Festival were without legal authority to order that Defendant be excluded from public property for engaging in conduct that the City of Jacksonville Beach had authorized to take place at such special events.

3. In the absence of a prima facie case of Trespass, the arresting officer(s) lacked the requisite probable cause or reasonable suspicion required to arrest or detain Defendant. As such, the crime of Resisting Without Violence could not have taken place. Harris v. State, 647 So.2d 206 (Fla. 1st DCA 1994); S.G.K. v. State, 657 So.2d 1246, 1247 (Fla. 1st DCA 1995); Hadley v. State, 846 So.2d 1236, 1238 (Fla. 1st DCA 2003).

4. Based on the foregoing, the charges of Trespass and Resisting Without Violence must be dismissed.

**DONE AND ORDERED** in Chambers, at the Duval County Courthouse, Duval County,  
Florida, this 10<sup>th</sup> day of November 2016.

  
ELENI DERKE  
COUNTY COURT JUDGE

Copies to:  
Office of the State Attorney  
Attorney for Defendant