

IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA,

v.
CHRISTINA G MARCH,

Defendant.

CASE NO.: 2019 310657 MMDB
JUDGE BELLE SCHUMANN

MOTION TO DISMISS

The Defendant, CHRISTINA MARCH, by and through the undersigned counsel and pursuant to Florida Rule of Criminal Procedure 3.190(c)(4), hereby moves this Court to dismiss the Information in the above styled case on the grounds that the material facts as stated in the Charging Affidavit, which facts the Defendant does not herein dispute, do not establish a prima facie case of guilt against the Defendant. The Defendant in this case is charged with Stalking in violation of Florida Statute § 784.048(2), and the material facts set forth by the State fail to establish that the Defendant willfully, maliciously, and repeatedly followed, harassed or cyberstalked Cayla Gayle Bartolucci. In support thereof, the Defendant states as follows:

STATEMENT OF THE UNDISPUTED MATERIAL FACTS

1. On July 8, 2016 Ms. March and her mother purchased a home in New Smyrna Beach, hereafter referred to as NSB, with the intention to fix up the property and make NSB their permanent home.
2. While fixing up the home Ms. March found it necessary to contact the code enforcement division of NSB due to multiple issues. After two years of interacting with the NSB Police Department, hereafter referred to as NSBPD, and NSB code enforcement (which is housed and

- supervised by the NSBPD) to try and handle the issues around her property, Ms. March became upset and concerned about the actions of those agencies and their employees.
3. Ms. March took to her social media accounts as a way to protest and make contact with the agencies regarding her concerns. Ms. March tagged the NSBPD social media pages.
 4. The alleged victim, Cayla Gayle Bartolucci, was employed with the code enforcement division. She was also responsible for the social media of the NSBPD.
 5. On January 3, 2018, Ms. Bartolucci noticed Ms. March's critical posts on the NSBPD Twitter page.
 6. Ms. Bartolucci went to Ms. March's LinkedIn page to verify that Ms. March was a real person. When Ms. Bartolucci accessed Ms. March's LinkedIn page, it automatically notified Ms. March that Ms. Bartolucci had visited her page. When Ms. March clicked on this notification, it brought her to Ms. Bartolucci's page, where she was able to determine that Ms. Bartolucci was working for the NSBPD. Ms. Bartolucci's LinkedIn page included information about her, such as her educational background and employment history.
 7. On January 3, 2019, Ms. Bartolucci blocked Ms. March from the NSBPD Twitter account.
 8. After noticing that she had been blocked, Ms. March took to her Facebook page and tagged NSBPD letting them know that she had been blocked and that this was a violation of the Sunshine Law.
 9. Ms. Bartolucci contacted her supervisor Robert Claudio via email at 3:35pm stating; "I blocked her on Twitter and guess started a war. She was tagging us in foul-mouthed, degrading posts about the city and PD so I blocked her. Guess she's out for blood. Sorry. Now she's calling us out on FB. She seems like a nut and we've done nothing wrong so

figure we have options on how to address.” In this email Ms. Bartolucci included a screenshot of Ms. March’s Facebook post.

10. Ms. Bartolucci unblocked Ms. March from the NSBPD Twitter page on the same day she blocked her.
11. From January 3, 2018 through the end of 2019, Ms. March continued to speak out on her personal social media accounts about the injustices she felt were occurring in the community; in particular, the wrongs she felt were being committed by members of the NSBPD, including Ms. Bartolucci. These posts included criticisms against the NSBPD, code enforcement, city management, individual employees, and Ms. Bartolucci. The posts often included very critical and colorful language.
12. On June 14, 2019, Ms. Bartolucci contacted the police to file charges against Ms. March for Stalking.
13. Per the State’s Response to Defense’s Motion for Statement of Particulars, the allegations of stalking include:
 - a) Ms. March made several posts over the course of many months criticizing Ms. Bartolucci. The criticisms included her educational background, her employment position, her job performance, intelligence, credibility, and her character. These posts included derogatory names and colorful language. Ms. Bartolucci was never “tagged” in any of the posts. The NSBPD and City of NSB were tagged in some. Many posts did not use a name and spoke in generalities or called her the “social media person.” Some of the posts referred to her as Cayla. Ms. March also criticized other government employees and the government entities themselves.

- b) Ms. March made posts on social media about being a rape survivor and criticizing Ms. Bartolucci's post about the Me Too movement. The post included the hashtag "FireCayla". The NSB Police and City of NSB were tagged; however, Ms. Bartolucci was not and her last name was not used.
- c) Ms. March posted about a conversation she had with a member of the NSBPD encouraging others in the community who did not feel comfortable contacting city management to contact her instead. This post included multiple hashtags, including "#FuckCaylasFeelings". Ms. Bartolucci was not tagged.
- d) In a few of Ms. March's posts she included references to the state of Texas or Long View, Texas. This is Ms. Bartolucci's hometown. Ms. Bartolucci is not mentioned by name and she is not tagged in the posts.
- e) Ms. March made posts, in which the NSBPD was tagged, criticizing their social media person for violating Sunshine Law. Ms. Bartolucci was not mentioned by name or tagged in the posts.
- f) Ms. March made a post mentioning that Ms. Bartolucci had violated Public trust law. She referred to Ms. Bartolucci as "Cayla" and tagged NSBPD, but not Ms. Bartolucci herself.
- g) Ms. March made a post stating "Hey Cayla how those white tears going." Ms. March tagged the NSBPD and City of NSB but did not tag Ms. Bartolucci.
- h) Ms. March made a post referring to young people who inherit property. There is no mention of Ms. Bartolucci, NSBPD of City of NSB and no one was tagged.
- i) A post discussing white people in relationships with people of color. The post ends with "Ahem Cayla". Ms. Bartolucci is not tagged.

- j) Ms. March reposted a social media post made from Ms. Bartolucci's personal account regarding the "MeToo" movement. This personal account was public. Ms. Bartolucci's last name was obscured with black marker, as was her avatar (showing her profile picture). Ms. March referred to her by the name "Cayla" and tagged the NSBPD and City of NSB but did not tag Ms. Bartolucci.
- k) Ms. March posted a screen shot from Ms. Bartolucci's LinkedIn page. This page was accessible to the public. Ms. March referred to her as Cayla and did not tag Ms. Bartolucci. The NSBPD social media account was tagged.
- l) Ms. March posted a screen shot of Ms. Bartolucci's employment page from the City of NSB website. The information was available to the public via that website. Ms. March did not tag Ms. Bartolucci.
- m) Ms. March posted a screenshot of a job posting for the City of NSB Human Resources. She tagged the City of NSB and NSBPD telling them they need to get rid of Cayla. Ms. Bartolucci was not tagged and her last name was not used.
- n) Ms. March filed a complaint with the City of New Smyrna Beach alleging that Ms. Bartolucci was being inappropriate in her position and accessing private information without a legal basis. The investigation did not find any misconduct.
- o) Ms. March made a post complaining about the lack of diversity in NSB. She tagged the NSBPD. The post included negative comments about someone she alleged freelanced at the Corkscrew Grill on Canal Street. Ms. Bartolucci is not referred to at all in the post. The Corkscrew Grill is the place of work for Ms. Bartolucci's husband. Included in this post, Ms. March reposted a photo from the City of NSB Facebook page. This picture was a collage of five photos. One of the pictures is of a group of people and Ms. Bartolucci is in

the background. Ms. Bartolucci is not in any of the other photos and her spot in the photo is not indicated or emphasized. Ms. Bartolucci, her husband, nor the Corkscrew Grill is tagged in the post.

- p) Ms. March changed her “cover photo” on her Facebook page to include a map of an area in New Smyrna Beach. Ms. Bartolucci’s home is within this map. Ms. Bartolucci is not mentioned and she is not tagged.
- q) On June 14, 2019 Ms. March received an anonymous threatening message on Facebook.
- r) Ms. March posted regarding this threatening message. Her post alleges that the message was sent by Ms. Bartolucci or her friends or husband. The post used insulting language and tagged the Corkscrew Bar & Grille. The post also mentions the Deputy Chief of the NSBPD. Ms. Bartolucci and her family members are not tagged in this post.
- s) Ms. March changed her cover photo to include a Google street view of Palmetto Street. This is the street Ms. Bartolucci lives on. Ms. Bartolucci’s home is not in the picture and her name is not used and she is not tagged.
- t) Ms. March submitted a complaint about Ms. Bartolucci to the chief of police, mayor, and city manager. She later posted a screenshot of her complaint to social media. Ms. Bartolucci was not tagged in this post.
- u) Ms. Bartolucci filed a complaint with her HR Department stating she was being harassed by Ms. March and ultimately filed criminal charges.

I. Introduction

According to the Florida Standard Jury Instructions for Fla. Stat. § 784.048(2), “[t]o prove the crime of Stalking, the State must prove the following elements beyond a reasonable doubt:

(Defendant) willfully, maliciously, and repeatedly [followed] [harassed] [or] [cyberstalked]

(victim).” Florida Standard Jury Instructions, Criminal: Fla. Std. Jury Instr. (Crim.) 8.6. The jury instructions define cyberstalk to mean engaging “in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose”. Florida Standard Jury Instructions, Criminal: Fla. Std. Jury Instr. (Crim.) 8.6. For the purpose of this Motion to Dismiss, the focus will be whether the conduct was directed at a specific person, whether it caused substantial emotional distress to that person, whether there is a course of conduct, and whether it served a legitimate purpose.

II. The conduct alleged is not directed at a specific person.

A. Statement of the Law

The Florida Jury Instructions for cyberstalking specifically states that conduct must be “directed” at a specific person. Many courts in the state of Florida have found that this element is not met by posts made on social media. In Logue v. Book, No. 4D18-1112 (Fla. 4th DCA August 14, 2019), a sex offender law advocate attempted to get a stalking injunction against an opponent of sex offender laws, who she alleged had been cyberstalking her and protesting at a march she attended. *Id.* The Court ultimately held that not only was showing up at the parade not enough, because it served a legitimate purpose, but also that the social media posts were not cyberstalking due to the fact that they “were not sent directly to advocate and were therefore not directed to specific person, as required for grant of stalking injunction” *Id.* The appellant posted the appellee’s home address on his website as well as pictures of her home. *Id.* at 2. He also “posted a video of a song containing an obscene title and lyrics, as well as a cartoon depicting a tombstone with an obscene reference to the appellee.” *Id.* “He ‘tweeted’ that the song perfectly depicted the appellee.”

Id. The Court said that these were not to be considered stalking because they were not sent directly to her. “There is no doubt that the appellant's posts were aimed at the appellee. However, our court and the Second and Third Districts have interpreted “a course of conduct directed at a specific person” to exempt social media messages from qualifying as the type of conduct covered by section 784.0485, Florida Statutes.” Id. The Court also noted that the posts about her home were not only not directly sent to her, but they also included publically accessible information based on her being on a political action committee. Id.

In *Horowitz v. Horowitz*, 160 So. 3d 530 (Fla. 2d DCA 2015), a wife sought an injunction against her husband for protection against cyberstalking, based on the husband’s posts on social media. The Court disagreed with this argument based on the posts not being directed at a specific person. Id. at 531. Their reasoning included the fact that the posts were on the husband’s personal Facebook page and that the wife was not “tagged in them.” Id. They distinguished social media posts from email when they said, “[u]nlike email communication, which this court considered to be cyberstalking in Rodriguez-Linares, 143 So.3d at 1071, posts to one's own Facebook page are not directed at a specific person but are instead posted for all of the user's Facebook “friends” to see, depending on the user's privacy settings. The testimony adduced at the hearing showed that Mrs. Horowitz was able to view the posts by visiting Mr. Horowitz's Facebook page because the two were still “friends” on the social networking website.” Id.

In *David v. Textor*, 189 So. 3d 871 (Fla. 1d DCA 2016), one company alleged cyberstalking by a competitor. In this case the Court stated “where comments are made on an electronic medium to be read by others, they cannot be said to be directed to a particular person.” Id. at 875.

The Third District Court of Appeals very recently addressed this issue in *Santiago v. Leon*, No. 3D19-0011 (Fla. 3rd DCA January 2, 2020). The Court said that while social media postings

may reference the alleged victim either overtly or covertly, it is not enough to constitute “cyberstalking”. *Id.* at 3. They quoted *Logue v. Book* by stating “Florida case law has mandated that threats via social media be directed to the individual- not by content, but by delivery- to fall within the purview of section [REDACTED] *Santiago*, No. 3D19-0011 at 3. “Because social media posts are generally delivered to the world at large, the Florida appellate courts have ‘interpreted a course of conduct directed at a specific person [in section 784.048(1)(d)] to exempt social media messages from qualifying as the type of conduct covered by section 784.0485, Florida Statutes.” *Id.* The Court also noted that not only were the posts not delivered to the alleged victim directly, but that the alleged victim had to actively go to the social media sites to see these posts. *Id.*

B. Argument

This matter has not been addressed by the Fifth District Court of Appeal nor the Florida Supreme Court, therefore these cases are persuasive and not binding. However, despite this lack of case law out of the 5th District, this seems to be a settled issue. The Second, Third, and Fourth Districts are all in agreement on what is considered “to a specific person.” They have ruled that social media posts not sent directly to the person are not considered to be directed at a specific person to satisfy the statute.

In this case, the majority of the stalking allegations involve posts made on social media. All of these posts were made on Ms. March’s personal social media pages. Most of the posts did not have Ms. Bartolucci’s name in them, and when it did they typically referred to her as “Cayla”. She was not tagged in any of the posts and none of the posts were sent directly to her. Ms. Bartolucci would have to go looking online to find these statements. It is the modern day equivalent of standing on a busy street with a poster board. Ms. Bartolucci would have to willingly look to find the comments. Ms. Bartolucci is well versed in the workings of social media. She worked as the

social media liaison for NSBPD and had her own public profiles which publicized her personal information.

In all of the months of interactions, Ms. March never followed, harassed or directly contacted Ms. Bartolucci. Ms. March did sometimes tag the City of NSB and the NSBPD. However, these are government agencies, not specific people to satisfy the statute, and they are not the ones alleging they are being cyberstalked. This specific person argument removes almost all of the stalking allegations. The only ones that remain are the complaints Ms. March filed with different government entities in NSB. As will be discussed later, these do not constitute stalking both because they fall under the legitimate purpose exception, and because constitutionally protected activity cannot be considered part of the course of conduct required.

III. The alleged conduct would not reach the level of “substantial emotional distress”

A. Statement of the Law

The Florida Statute prohibiting cyberstalking states that the conduct must cause substantial emotional distress. Fla. Stat. § 784.048 (2019). In the Florida Supreme Court case of *Bouters v. State*, 659 So. 2d 235 (Fla. 1995), the Court held that the standard of whether someone has suffered substantial emotional distress is a “reasonable person” standard and not a subjective standard. In *Klenk v. Ransom*, 270 So.3d 1272 (Fla. 1d DCA 2019), a female coworker sought an injunction against a male coworker for comments and actions she considered to be sexual harassment. The injunction was granted and the male coworker appealed. *Id.* Ultimately, the First District decided the conduct did not rise to the level of substantial emotional distress and stated that substantial emotional distress is not something a reasonable person suffers easily. *Id.* at 1273. It is not enough to be “weirded out or uncomfortable”. *Id.*

In the Fourth District Court of Appeal case of *David v. Textor*, one business owner accused a competitor of stalking. *David*, 189 So. 3d at 871. The Court reviewed all of the alleged instances of stalking and found that they did not amount to Cyberstalking. *Id.* at 875. The conduct included David's demands that Textor drop his lawsuit, an email where David said Textor would be "sorry" if he didn't settle., online postings that included retweets of articles or headlines involving Textor, and an alleged threat in an interview that David would have killed Textor if he could (the author of the article noted that David was joking). *Id.* The Court decided that while some of these things could be considered embarrassing, they did not rise to the level where a reasonable person would feel substantial emotional distress. *Id.*

B. Argument

In our case, Ms. Bartolucci is employed by the NSPBD. She works as their social media liaison. By volunteering to serve in this position she was making herself the face of the NSBPD. This puts her in a unique position where she is the go between for concerned and sometimes angry citizens and their government agency. Ms. March's posts could definitely be considered critical and included statements that would cause a reasonable person to be embarrassed. However, these posts never included any threats. Ms. March's posts were directed at the City of NSB, NSBPD, and specific other members of the government. She called out other specific government employees by name on her social media posts. However, no one else made any complaints to HR or pursued any charges. As a government official you have to expect political criticism. As the courts have stated, substantial emotional distress is not embarrassment. It is not something a reasonable person would suffer easily.

While Ms. Bartolucci may claim she felt substantial emotional distress, the standard is not subjective. Which means it should be evaluated on how a reasonable person in her situation would

feel. Based on the alleged stalking allegations and the fact that many other people were in her same position but did not report distress, this case does not reach the reasonable standard of substantial emotional distress.

IV. The allegations do not amount to a course of conduct.

A. Statement of Law

Florida Statute § 784.048 defines course of conduct to mean “a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose.” Fla. Stat. § 784.048 (2019). While this may seem like an easy burden to meet, the statute specifically points out that “the term does not include constitutionally protected activity such as picketing or other organized protests.” *Id.* In *David v. Textor*, the Court recognized the shield the stalking statute provides for protected speech, even when that speech may be colorful or offensive in nature. *David*, 189 So. 3d at 875. They stated “the statute defining cyberstalking recognizes the First Amendment rights of individuals by concluding that a “course of conduct” for purposes of the statute does not include protected speech, which includes speech that may be offensive or vituperative.” *Id.* at 876.

In *Neptune v. Lanoue*, 178 So.3d 520 (Fla. 4d DCA 2015), the Court expanded on this by differentiating private matters and matters of public concern, stating that matters of public concern are “at the heart of the First Amendment’s protection” and that “expression on public issues has always rested on the highest rung of the hierarchy of first amendment values.” *Id.* at 522. The Florida Supreme Court has defined speech of public concern as speech that “deals with matters of public concern when it can ‘be fairly considered as relating to any matter of political, social, or other concern to the community.’” *Snyder v. Phelps*, 562 U.S. 443, 453 (2011). Criticism of government

agencies, in particular police agencies, falls in the realm of public concerns. *Neptune*, 178 So.3d at 522. “The freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state.” *City of Houston v. Hill*, 482 U.S. 451, 462–63 (1987).

B. Argument

In this era, roadside picketing and organized protests have become a rare sight; instead, most concerned citizens have taken their grievances to the internet. Social media and blogging sites are filled with comments and discussions about the current political climate and the shortcomings of our government institutions. Ms. March’s posts criticizing NSB, NSBPD, and specific members of the institutions are analogous to her marching in Tallahassee. Instead of colorful poster boards displaying her grievances, she has a keyboard and a cyberspace full of captive onlookers.

Ms. March was speaking out against what she perceived to be abuses of power, by not only Ms. Bartolucci, but by the entire NSBPD organization. Through her interactions with the NSBPD, Ms. Bartolucci, the other members of the code enforcement agency, and other government entities in NSB, she witnessed many abuses of power and conduct she considered to be racially motivated. She tried to address these matters privately but was continually ignored. Therefore, Ms. March took to the medium she and her generation know best, the internet. While the medium of her message may have been different than the protests and picketing mentioned in the Statute, the message and intent was the same. Our country protects our citizens’ rights to publically criticize our government institutions and that is exactly what Ms. March did in this situation. The language used in her message may have been offensive to some, but as discussed in *David v. Textor*,² that does not stop it from being constitutionally protected speech and therefore not considered a course of conduct in terms of the stalking statute. *David*, 189 So. 3d at 871.

V. The alleged conduct served a legitimate purpose.

A. Statement of the Law

Even if allegations of stalking meet all of the other elements of the statute, the conduct will still be excluded if it is considered to have served a legitimate purpose. According to the Florida Standard Jury Instructions, for conduct to be considered cyberstalking it must not serve a legitimate purpose. Florida Standard Jury Instructions, Criminal: Fla. Std. Jury Instr. (Crim.) 8.6. According to *David v. Textor*, the Court ruled that “whether a communication serves a legitimate purpose is broadly construed and will cover a wide variety of conduct.” *Id.* at 874.

In *Curry v. State of Florida*, 811 So. 2d 736 (Fla. 4d DCA 2002), the Court looked at whether a Defendant making complaints about an alleged victim to law enforcement agencies amounted to the crime of aggravated stalking. The Court looked to the legislative intent of the statute. *Id.* at 743. They said, “The stalking statute was intended to fill gaps in the law by criminalizing conduct that fell short of assault of battery.” *Id.* at 741. They pointed out that it was designed to stop a perpetrator before a more serious criminal offense occurs. *Id.* “The legislative history of the statute thus supports an interpretation of the statute where “stalking retains the concept of some type of contact, whether it is verbal, direct, or indirect, between the stalker and the victim.” *Id.*

The Court further held that someone making a complaint about another person to a government or administrative agency, including non-judicial agencies like the police, serves a legitimate purpose and is not considered harassment, regardless of the motivation of the reporter. *Id.* An unsavory motivation for reporting the conduct to an agency does not remove the constitutional protection. *Id.* at 743. The Court stated that petitioning the government is a constitutionally protected activity “and one of the most precious liberties ‘safeguarded by the Bill of Rights’.” *Id.* at

742. They stressed that reporting someone to a government agency is a better course of action than the possible alternative. *Id.* at 743. “Where a person has complained to an arm of the government about another, there is not the immediate threat to personal security that arises when an emotional, angry complainant delivers his grievances directly. Section 784.048 should not be read to criminalize conduct which makes the government the intermediary between stalker and stalkee.” *Id.*

B. Argument

Ms. March’s alleged conduct cannot be considered stalking because it served a legitimate purpose. As the courts have held, what is considered a legitimate purpose covers a wide variety of conduct. The State’s Statement of Particulars listed 35 different alleged instances of stalking. Not all of these instances had the same motive, but they all served a legitimate purpose.

One of those purposes was addressing issues under the purview of Ms. Bartolucci’s agency, code enforcement. Ms. March moved to NSB with the intention of fixing up a home for her and her mother. According to their website, NSB code enforcement is tasked with enforcing non-criminal codes. “The priority of the Code Enforcement Department is to address life safety issues that pose a threat to the health, safety, well-being and quality of life for residents and guests in the City of New Smyrna Beach.” Official City of New Smyrna Beach, Code Enforcement Department, <https://www.cityofnsb.com/74/Code-Enforcement> (last visited Feb. 7, 2020). When Ms. March started working on her home she found many violations, including trash covering her street and a neighbor who had built on her property line. She did her research and found the proper agency to contact. However, they were not responsive to her requests. It became necessary for Ms. March to make multiple requests and file complaints. She found that it was the only way to get any work done. Therefore, one legitimate purpose of her posts online were to hold the agency accountable for how they were failing her and the other tax payers in the community. As a homeowner in the area,

she had a legitimate reason to contact and criticize an agency that was wronging her, and to request they act in accordance with their responsibilities. Any information she posted about Ms. Bartolucci was all information that either Ms. Bartolucci had posted on the internet publically or that was available to the public in accordance with governmental public records laws.

As Ms. March continued to interact with NSBPD and NSB code enforcement, she continued to observe things that concerned her. This lead to her next purpose, which was social activism. Ms. March is a social activist and a watchdog for political corruption. She uses her online platforms to speak out about the injustices she sees around her. Based on her own experiences and what she had seen through her government involvement, she felt that there was an issue of racism within the NSB government agencies.

Next, two of the specific alleged incidents of stalking were reports March made about Bartolucci to government agencies. According to the Court in Curry, these actions serve a legitimate purpose and are not considered harassment or stalking. Curry, 811 So. 2d at 741.

Ms. March's next purpose for some of her posts was updating her followers on what was happening around her. Ms. March has been an active member on social media. She uses social media as most of the public do, as a way to blog about her life. Gone are the days of diaries, we are now in a time where pictures of what we ate and descriptions of what we did that day are pasted all over the internet. When someone does not get the service or response they expect they go to their social media and complain to their followers (i.e members of their community), or reach out to the business via their social media page to leave their comments and reviews. Ms. March's move to a new city, the struggles of building a home, the inadequacies of her local government agencies, and the racism she felt plagued NSB was her life. She took to the internet as most people do nowadays and spoke about what she was experiencing.

Conclusion

WHEREFORE, the Defendant respectfully requests this Honorable Court to enter its order dismissing this case on the grounds that the undisputed facts do not establish a prima facie case of guilt against the Defendant.

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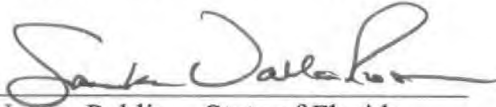
2/7/20
Date


CHRISTINA MARCH

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

BEFORE ME, the undersigned authority, personally appeared CHRISTINA MARCH, who provided her Florida driver's license to me, who first being duly sworn, deposes and says that the facts in the foregoing Sworn Motion to Dismiss are true and correct.




Notary Public -- State of Florida
Print Name:
Commission No.:
My commission expires:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by delivery to:
Daytona State Attorney Office, Assistant State Attorney, 251 North Ridgewood Avenue,
Daytona Beach, FL 32114, on February 7, 2020.

/s/ Angela Lowrey
ANGELA LOWREY
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