

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

STATE OF FLORIDA,

v.

BENJAMIN SEAN ALLEN,

Defendant.

CASE NO.: 2019-00124-CJJA

JUDGE CHRISTOPHER A. FRANCE

NOTICE OF INVOCATION OF CONSTITUTIONAL RIGHTS

The undersigned, now in custody and under arrest, invokes all state and federal constitutional rights, including the **RIGHT TO REMAIN SILENT** under the Fifth and Fourteenth Amendments to the United States Constitution and article I, section 9 of the Florida Constitution AND the **RIGHT TO COUNSEL** under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, article I, section 16 of the Florida Constitution, Florida Rule of Criminal Procedure 3.130; *Miranda v. Arizona*, 384 U.S. 436 (1966); *Edwards v. Arizona*, 451 U.S. 477 1880 (1981); *McNeil v. Wisconsin*, 501 U.S.171 (1991); *Michigan v. Jackson*, 475 U.S. 625 (1986). I invoke all rights to which I am entitled under international treaties and agreements.

By invoking my **RIGHT TO COUNSEL**, I hereby unequivocally ask for the assistance of a competent attorney in dealing with any custodial interrogation by law enforcement agencies and their agents about this arrest or any other crime or criminal activity under investigation. I demand that my civil rights be respected and that no local, state or federal police, prosecutors or their agents communicate with me concerning any crime or criminal activity of any type whatsoever.

I refuse to hereafter waive my constitutional rights in the absence of my attorney. Anyone violating my **CONSTITUTIONAL RIGHTS** is subject to sanctions and compensation for damages pursuant to 42 U.S.C. §1983. See *Hafer v. Melo*, 502 U.S. 21, 24 & 31 (1991).

I unequivocally state that I DO NOT AND WILL NOT:

- a. agree to speak with any jail psychologist or anyone in the ministry employed by the jail concerning the charges against me or any matter related thereto unless my attorney is present.
- b. consent to appear in any line-up, show-up or other identification procedure without consulting with my attorney and having my attorney present for that procedure.
- c. consent to interviews or communication with the media unless my attorney is present.
- d. consent to any polygraph test or voice stress examination, or the giving of any voice sample, handwriting exemplar, hair, blood, urine, saliva, skin sample or fingernail scraping.
- e. consent to any search of my residence, automobile, person or any of my property, including my personal property being kept in the County Jail.

Signed:



BENJAMIN SEAN ALLEN
A CHILD


ROSEMARIE PEOPLES

Office of Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing "Notice of Invocation of Rights" has been furnished by hand delivery to: State Attorney; Flagler County Sheriff's Department, this 15th day of July 2019.


ROSEMARIE PEOPLES
ASSISTANT PUBLIC DEFENDER
Florida Bar Number: 0498238