

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

CASE NO. 18-2018-MM-1241

STATE OF FLORIDA,

Plaintiff,

vs.

FLORENCE ROBERT FRUEHAN,

Defendant.

_____ /

**MOTION TO DISMISS BASED UPON
EXPIRATION OF STATUTE OF LIMITATIONS**

The Defendant, FLORENCE ROBERT FRUEHAN, by and through his undersigned attorney, hereby respectfully requests this Honorable Court to enter an Order dismissing the charges against him based upon the expiration of statute of limitations, and as grounds therefor would state:

1. That the Defendant (hereinafter sometimes referred to as "Mr. Fruehan"), is charged with misdemeanor Battery with an offense date of September 26, 2016.
2. Mr. Fruehan was served on October 9, 2018, with the Notice to Appear/Summons. See attached Notice to Appear/Summons.
3. That the prosecution of Mr. Fruehan in the instant case is barred by the statute of limitations.

4. Because the statute of limitations has run, this Court does not have jurisdiction for Mr. Fruehan to be prosecuted in the instant case.

WHEREFORE, the Defendant respectfully requests this Honorable Court to enter an Order dismissing the charges against him.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was filed utilizing the Florida Courts E-Filing Portal and was served via electronic mail this 15th day of October, 2018, to: eserviceflagler@sao7.org, Office of the State Attorney, Misdemeanor Division 60, 1769 E. Moody Blvd., Bldg. 1, 3rd Floor, Bunnell, FL 32110.

s/Warren W. Lindsey
WARREN W. LINDSEY, of
LINDSEY & FERRY, P.A.
1150 Louisiana Avenue, Suite 2
Winter Park, FL 32789
Mail: P.O. Box 505
Winter Park, FL 32790
Telephone: (407) 644-4044
Facsimile: (407) 599-2207
Attorneys for the Defendant.
warren@warrenlindseylaw.com
Florida Bar No. 299111

STATE OF FLORIDA
VS.
FLORENCE ROBERT FRUEHAN

To ALL and Singular the Sheriffs of the State of Florida, Greetings:

You are hereby commanded to summons
FLORENCE ROBERT FRUEHAN
15 FLAGSHIP DR
PALM COAST, FL 32137If he/she is found in your County, to be and appear before Judge MELISSA MOORE STENS, the Judge of our County Court of FLAGLER COUNTY, FL, at a Court for ARRAIGNMENT to be held on 11/6/2018 at 8:45 AM at the KIM C HAMMOND JUSTICE CENTER, BUNNELL, FL, then and there to answer a complaint filed to the charge(s) of

F.S. 784.03 BATTERY

And have you then and there this writ.

WITNESS, HONORABLE TOM BEXLEY, Clerk of the Circuit Court & Comptroller of our said Court, and the Seal of said Court, FLAGLER COUNTY COURTHOUSE, BUNNELL, FL, this 25th day of September, 2018.HONORABLE TOM BEXLEY
Clerk of the Circuit Court & Comptroller
FLAGLER COUNTY, State of FLAny person charged and convicted
Of section 316.193 will have their drivers
License suspended or revoked. You should
Make arrangements for transportation
To any proceeding in which the court may
Take such action

Deputy Clerk

ATTENTION: PERSONS WITH DISABILITIES

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance.

Please contact Court Administration, 125 E. Orange Ave., Ste. 300, Daytona Beach, FL 32114, 386-257-6096, within 2 court days of your receipt of this notice. If you are hearing impaired, call 1-800-955-8771; if you are voice impaired, call 1-800-8770.

PLEASE NOTE THAT ALL MINORS MUST BE ACCOMPANIED BY A PARENT/GUARDIAN FOR ALL COURT APPEARANCES.

RETURN

Received this Summons on the ____ day of _____ and executed the SAME BY delivering a copy of said summons to the within named defendant _____ on the ____ day of _____

Sheriff, FLAGLER COUNTY, FL

By: _____

Deputy Sheriff

Received 9 OCT 18 at 10:24 AM
 by A. [Signature] 236
 Deputy Sheriff
 At Test Copy
 Judicial Process Division