

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

STATE OF FLORIDA

CASE NO.: 17-CF-000027

VS.

DIVISION: CRAIG

AARON WHITLEY
_____ /

Motion to Dismiss

Pursuant to Fla. R.Crim. P. 3.140(b), the Defendant respectfully moves this Honorable Court to dismiss the Information filed herein, and to extend the time within which to file other defensive motions. As grounds therefore, the Defendant would allege:

1. The Information filed in this cause fails to state the exact date, time and place of the commission of the offense charged as is required in Fla. R.Crim. P. 3.140(d)(3).
2. The Information filed in this cause fails to state the essential facts constituting the offense charged, in violation of Fla. R.Crim. P. 3.140(d)(1).
3. The Information filed herein is vague and indefinite, in violation of Fla. R.Crim. P. 3.140(b), and the Defendant cannot prepare his defenses thereto.
4. The Information filed is so ambiguous that the Defendant may be subjected to double jeopardy or duplicitous prosecutions.
5. The Information filed in this case fails to state or charge an offense over which this Court has jurisdiction.
6. The Information filed in this case is not based upon sworn testimony from a material witness.
7. The Information filed in this case is not supported by facts sufficient to establish a prima facie case of guilt as to the offense charged.
8. The Information filed in this case is based upon facts that support the Defendant's immunity from prosecution.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service via the Florida Courts E-Filing Portal, in accordance with Administrative Order No. AOSC13-49, to The Office of the State Attorney, at eserviceflagler@sao7.org this 27th day of April 2017.

DAMORE, DELGADO & ROMANIK

/s/ Aaron Delgado

AARON DELGADO, ESQUIRE B.C.S.

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