

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

CASE NO. 2016 306510 MMDB

STATE OF FLORIDA,

vs.

RICHARD JAMES THRIPP,

Defendant.

MOTION TO DISMISS

COMES NOW Defendant RICHARD JAMES THRIPP and, pursuant to Florida Rules of Criminal Procedure, Rule 3.190(b), files this Motion to Dismiss requesting this court to dismiss Case # 2016 306510 MMDB, and as grounds therefore states:

The INFORMATION filed by R.J. LARIZZA, State Attorney for the Seventh Judicial Circuit of the State of Florida on May 4, 2016, alleges as follows:

COUNT I: IN THAT RICHARD JAMES THRIPP on or about December 25, 2014, in the County of VOLUSIA and State of Florida, did access the number "911" for the purpose of making a false alarm or complaint or reporting false information which could result in the emergency response of any public safety agency, or uses or attempts to use such service for a purpose other than obtaining public safety assistance or knowingly uses or attempts to use such service in an effort to avoid any charge for service, contrary to Florida Statute 365.172(13). (1 DEG MISD)

However, § 365.172(13), Fla. Stat. (2014), FACILITATING E911 SERVICE IMPLEMENTATION, states:

“To balance the public need for reliable E911 services through reliable wireless systems and the public interest served by governmental zoning and land development regulations and notwithstanding any other law or local ordinance to the contrary, the following standards shall apply to a **local government’s** actions ...”

“For the purposes of this subsection only, “**local government**” shall mean any municipality or county and any agency of a municipality or county only.”

As defined by § 365.172(13), Fla. Stat. (2014), Defendant RICHARD JAMES THRIPP does not constitute a “local government.” Wherefore, the INFORMATION alleges that Defendant RICHARD JAMES THRIPP has violated a statute that in fact does not apply to him.

WHEREFORE, the Defendant moves this court to dismiss Case # 2016 306510 MMDB based on the preceding defect in the charging INFORMATION.

FILED
IN OPEN COURT

JAN 9 2017

Clerk of the Circuit Court
Volusia County, Florida

CERTIFICATE OF SERVICE

I, RICHARD JAMES THRIPP, HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery to the State Attorney's Office, at eservicedelivery@sao7.org, this 4 day of January 2017.

Richard James Thripp

Richard James Thripp
1829 Nelson Ave.
Ormond Beach, FL 32174
Defendant

FLORIDA JURAT
FS 117.05

State of Florida }
County of Volusia }

Sworn to (or affirmed) and subscribed before
me this 4TH day of

JANUARY 2017
Month Year

by RICHARD J. THripp
Name of Person Swearing or Affirming

Kristopher D. Nash
Signature of Notary Public — State of Florida

KRISTOPHER D. NASH
Name of Notary Typed, Printed or Stamped

- Personally Known
 Produced Identification

Type of Identification Produced _____
FLORIDA DRIVER'S LICENSE



Place Notary Seal Stamp Above

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Volusia County Case No: 2016 306510 MMDB

Document Date: JANUARY 4TH, 2017 Number of Pages: 2

Signer(s) Other Than Named Above: N/A

RICHARD THRIPP
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ORMOND BEACH FL 32174



Laura E. Roth

Clerk of the Circuit Court

125 E. Orange Ave.

Daytona Bch., Fla. 32114

RICHARD THRIPP
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Inferior court judge Schumann
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