IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR HILLSBOROUGH
CIRCUIT CRIMINAL DIVISION

STATE OF FLORIDA CASE No.: 25-CF-014711-A

VS

LUCAS SEIDMAN DIVISION: E

DEFENDANT'S AMENDED MOTION TO DISMISS ALL CHARGES

With no judgement yet leveled by this Court and with new legal arguments having been revealed upon preponderance of the unchanged material facts of this case, LUCAS DAVID SEIDMAN, as Defendant and Conductor of His own Cause in accordance with FSS 454.18, petitions this Court for Leave to amend his previous filing of a Motion to Dismiss and enters this pleading to dismiss all charges and attached Memorandum of Law in support of its conclusion.

Made known here that a copy of this document has been furnished in digital form to the State Attorney Office on Monday, February 16th, 2026.

Offered with respect to the Court in the light of Truth and in the pursuit of Justice,

Lucas Seidman
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Defendant, *in forma pauperis*,
Conductor of His own Cause

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Memorandum of Law Supporting Defendant's Amended Motion to Dismiss All Charges

That it please the Court and Dignity of The People for its satisfaction of Justice for *their* award-winning Educator and *their* honorably discharged, decorated and still deployable military Veteran, as well as reduce extraneous expenditure of The People's limited but not scant judiciary resources, the following reasons support dismissal of charges in this Cause:

I) There is no convincing reading of Florida law in which the Defendant committed a crime

1) The State of Florida legislature has preempted the field of firearms in its entirety in FSS 790.33.
2) All employees, invitees, attendees, and other classifications of visitors to any business, with schools constituting such entities, enjoy the protections of FSS 790.251 and thus the right to constructively possess a firearm in their conveyance for self defense purposes unless otherwise compelled by State or Federal law.
3) The Florida Legislature does allow that individual school districts can waive the FSS 790.25(4) exception found in 790.115(2)(a)(3), but requires specific language according to State v. Ragland, 789 So. 2d 530, 534 (Fla. 5th DCA 2001); and Forrester v. Sch. Bd. of Sumter Cnty., 316 So. 3d 774 (Fla. 5th DCA 2021). 1997.

4) It is of note Districts are given the power to regulate "student and campus parking privileges." (FSS 790.115(2)(a)(3))
5) Hillsborough County School Board Policy 3217 does not, nor do any of the policies of Hillsborough County School District, properly waive the FSS 790.25(4) exception found in FSS 790.115(2)(a)(3), what has become commonly known as "adequate notice of waiver", as demanded by the Florida Legislature, as indicated by the above named controlling appellate court cases.
6) This means, without containing the express notice of waiver, all district policies remain generally prohibitive policies that cannot be used to move Law Enforcement to search and arrest under the power of FSS 790.115. (*St. Lucie County School Board v. Potts*, Case No. 22-3771TTS (DOAH June 20, 2023) (Recommended Order).
7) Therefore, the Defendant, at time of arrest, still enjoyed the protections of FSS 790.251, as would any invitee, customer, employee, or visitor on district property.
8) This means, specifically, according to Ragland, that Hillsborough law enforcement search, seizure, arrest and charging have been carried out unlawfully.
9) Notwithstanding this straightforward reading of controlling case law, FSS 790.251 indicates FSS 790.115, which has specifically given districts the ability to waive or abrogate the statutory protections found in 790.25(4) for parking privileges, but the legislature has not given specific Power to any body, and more importantly has reserved for itself through FSS 790.33, the ability to waive, abrogate or otherwise abridge the right to own, possess, and use firearms as found in 790.01(1)(b), 790.25(2)(a) or 790.25(2)(h).

10) This means that with or without a notice of waiver, the Defendant still enjoyed the statutory protections for the Florida Outdoorsman and Army Reservists subject to recall, constructively possessing in a locked conveyance a firearm contained within a snap button holster, and the protections of 790.01(1)(b). Further, 790.25(3) offers a superseding construction, bolstered by FSS 790.33, that overrides the State's charges.

11) The conclusion of this is that, based on the material facts, and all evidence provided by the state, Defendant was authorized to constructively possess a firearm or concealed weapon of any kind within his conveyance, and in nearly any safe manner because FSS 790.25(2) does not cause weapons to specifically be held to the scrutiny of secure encasement.

12) It is of further interest that even the Federal Gun Free School Zone Act of 1990 permits those with authorization from the state to possess weapons perhaps anywhere on campus as well as those under an employment contract with the District that has not addressed waiver of any Fundamental Rights, both of which the Defendant enjoyed.

13) This means, without threat or exhibition, there is no federal, state, district, or county policy that is actionable in terms of its ability to be used for probable cause, search, seizure, arrest, and further, any kind of prosecution, making all Law Enforcement action in this case carried out against the Law.

14) Thus, simply by reviewing facts and laws, no crime was committed by Defendant, though nearly every action by Hillsborough County School District and Sheriff's is a crime.

15) As an afterthought, this Court will have to view that formal Department of Agriculture Licensure has been substituted by 790.01(1)(b) permitless carry and that the state has waived it right to verify qualification before issuing authorization, in line with the aggregate

language upholding liberal construction in favor of Fundamental Rights, and a natural conclusion after seeing "licensed" replaced by "authorized" in 790.115(2)(e) between 2018 and 2023/4 sessions.

16) Logical preponderance of the various weapons statutes compiled suggests that those individuals who are not under contract or employed by the school district enjoy parking "privileges", distinct from contracted employees as further defined below, and are subject to felonies, or in the case of those with authorization, misdemeanors, should they be found to be possessing a weapon on campus.

II) <u>Instructional Staff Parking is not a "privilege" and thus teachers fully enjoy the protections of FSS 790.251 and their CTA contract, with or without notices of waiver of the 790.25(4) exception found in 790.115(2)(a)(3), notwithstanding all other statutes that afford them the lawful right to possess lawfully owned firearms in their vehicles that the Legislature has not specifically given the District the ability to abrogate through FSS 790.115 or corresponding board weapons policies</u>

17) The primary Florida Statute addressing the Search of the private conveyance of any Employee in the State of Florida is FSS 790.251, an act designed to protect Lawful possessors of firearms from employers making terms of their employment contingent upon whether or not they possess a firearm in their vehicle.

18) For the most part, this is a protection for all Citizens in the domain of all "businesses" such that no employer may, through its own policies or interests, abridge the Second Amendment or

Florida Statutory Rights of Employees, Customers, Attendees, or other generalized Visitors to such businesses.

19) Section 790.251(3) further provides: "Legislative intent; findings.—This act is intended to codify the long-standing legislative policy of the state that individual citizens have a constitutional right to keep and bear arms, that they have a constitutional right to possess and keep legally owned firearms within their motor vehicles for self-defense and other lawful purposes, and that these rights are not abrogated by virtue of a citizen becoming a customer, employee, or invitee of a business entity. It is the finding of the Legislature that a citizen's lawful possession, transportation, and secure keeping of firearms and ammunition within his or her motor vehicle is essential to the exercise of the fundamental constitutional right to keep and bear arms and the constitutional right of self-defense."

20) This should be, as an extension of The State's Preemption of the entire Field of Firearms, the primary guiding mechanism for all employer policies, or its presence the reason for specific refusal to formulate additional policies, regarding parking and firearms in the State of Florida.

21) However, in an attempt to keep our schools safer, the Law does allow that whereas the conveyances of invitees, attendees, or other visitors could otherwise not be searched, FSS 790.115 can be utilized at a statewide level to regulate "student and campus parking privileges" on various school board properties or at various school board-sponsored events, specifically permitting the Lawful possession of securely encased firearms (790.115 2(a)(3)): "In a vehicle pursuant to s. 790.25(4); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges."

22) The purpose here, for the benefit of all Districts, Law Enforcement personnel and affected Staff, is to determine what constitutes “student and campus parking privileges.”

23) It is of note that at no time does this subsection specifically name “instructional personnel”, “teachers”, or any derivation thereof as being subject to its general regulation. The gateway to clarification of this statute and the Legislative Intent is the specific use of the word “privileges”:

Privilege, from Webster - As a noun:

1) a right, exemption, or immunity granted, as a particular benefit, advantage, or favor.

2) a right of benefit given to some people, but not others.

3) advantage that wealthy and powerful people have over other people in a society.

4) a special opportunity to do something that causes the feeling of pride

As a verb:

1) to grant a privilege to.

2) to record a higher value or superior position to

24) Within Defendant’s filed but Unmarked Exhibit, which shall be **Defendant Exhibit C**, (Page 28)**,** the HCTA Instructional Contract (2023–2026), Article 7, specifically addresses parking for Educators. “

7 Facilities

7.1 Facilities
7.1. Each school will have the following facilities:
A. Space in each adequately furnished classroom in which teachers may store instructional materials and supplies. Itinerant teachers shall be provided space for the storage of their records and materials at each school.
B. An individual workspace.
C. Consistent and reliable high speed wireless internet access.
D. Well lighted and clean teacher restrooms.
E. A workroom for teachers containing equipment and supplies to aid in the preparation of

instructional materials.
F. All buildings that contained a furnished room used as a faculty lounge during the 2009-2010 school year shall continue, when possible, to maintain such faculty lounge. All additional buildings that can accommodate providing a furnished room to be used as a faculty lounge shall do so. In both cases, such room will be in addition to the teacher workroom referenced in paragraph 7.7.1(E).
G. Telephone service available to teachers to conduct school business which permits privacy of conversation.
H. Space in the parking lot at each school will be reserved for teacher parking.
I. Every effort should be made to provide Student Services Personnel a private area (sufficient to accommodate individual/group counseling), locked file cabinet and telephone.
J. It shall be the district's objective to provide teachers technological tools fundamental to meeting the needs of the classroom.
K. A teacher required to utilize a classroom assigned to another teacher during a class period shall be given uninterrupted use of that classroom unless prior agreement to allow access is reached.
L. Each site will guarantee reasonable and free access to copiers during the workday. Teachers should not be required to provide paper, staples or other basic copy supplies.

7.1.2 Consideration shall be given to safety and security of teachers' cars when assigning teacher parking areas."

25) With Webster's first definition of privilege, the noun speaks to a thing *granted* while the first verb falls in line contextually with a concept of something *given* to a group of people or to an individual that is theirs to enjoy that others do not have. In a modern context, it is *given*, perhaps as a reward, and it can be taken away *by the giver*.

26) *Unum non potest datum quod unum non habet.* One cannot cannot give what one does not have. This concept has appeared, worded slightly differently, for hundreds of years in the legal and philosophical domains. In the case of HCTA contract-regulated Instructional Parking, there is no body to grant a privilege, nor revoke it. The District does not hold such unilateral power. As synthesized from the HCTA document, 7.1.H, signed and agreed to by Defendant, Instructional Staff Parking is:

A *mandatory* reservation **or**

a reserved *provision* **or**

a *term or condition of employment* that cannot be unilaterally changed or removed by Defendant without negotiation **or**

a mandatory obligation *imposed* on the district **or**

a bargained-for facility provision that the district is *required* to provide.

27) There are any number of ways to describe teacher parking but "privilege", as it is afforded by one party to another, typically, with the contextual supposition that it could be taken away, is not one of them. If this sounds inaccurate, Defendant invites his accusers to a Gentleman's wager, the fate of this Cause at stake: Go ask any teacher in these United States if their parking is a privilege, or better ask any duly empowered school board member or their designee to inform any teacher in these United States that their parking is not a reserved provision or term of employment, but rather a privilege. The results should be outright incendiary.

28) Parking for students, visitors, and the focal point of all possibly dangerous traffic on a high school campus, sports event attendees, particularly during rivalries or in certain historically violent areas, *is* a revocable condition subject to a high level of regulation for the sake of the Community's safety. But not Instructional Staff parking. It's important to note that *TLO vs New Jersey* supports the assertion that FSS 790.251(7) is meant to clarify that FSS 790.115 is primarily meant for students, wherein student Constitutional protections exist on a limited basis in the specialized school environment, reducing the threshold for what can trigger a search or who can search, but is not meant to override FSS 790.251 protections for instructional or other staff.

29) Instructional Staff parking, different than student parking, which is noted as specifically being a privilege in other lesser, non-legally binding School Board communications, typically to students, is *not* a privilege, and the condition held up under legal scrutiny would not fit the definition contextually as applied to privilege.

30) Thus 790.115(2)(a)(3) does not apply to Instructional Staff when regulating campus parking as Federal and State law have preempted such application.

31) This division between campus traffic classifications is further highlighted by the presence of a Florida Teacher Bill of Rights, found in FSS 1015, including a series of Rights and Empowerments that Instructional Staff, apart from students, visitors, and other groups on school campuses, are uniformly and irrevocably endowed with.

32) To have included them in with the general campus parking privileges as found in FSS 790.115 is counterintuitive when looking at the Legislature's wording that gives teachers the Right to use force when necessary, to have control of their classroom, and to further have a series of expectations that helps them keep and maintain order while delivering instruction.

33) There must be no sentiment, for the continued improvement of our educational institutions, that Instructional Staff fall into the same relative classification as students, whose own list of statutory Rights is mostly composed of clarified expectations for available considerations that they and their families can exercise to facilitate their education.

34) Teachers are simply, statutorily not the same as students, visitors to the campus, or again, most particularly, school sports or other school event attendees drawn from the general public who can easily come "off of the street", utilize campus parking, populate campus facilities and interact with the campus Community, all under a sense of general invite.

35) Because it does not name them specifically, and because the Legislature has already separated them as being outside of the scope of the general population through further empowerments, there's every reason to believe that the Legislature has indicated that Instructional Staff parking is not a privilege, and because it has specifically not named them in FSS 790.115, never intended that their exercise of FSS 790.25(4) should be addressed, nor regulated with variation by county, which would itself violate the 14th Amendment Rights of a large class of state certified employees.

36) Upon preponderance of the logical uses of FSS 790.115, upon preponderance of the inherent difference between staff parking and that of minors, age of majority students or other visitors, the straightforward conclusion is that the parking of Instructional Staff, particularly as the HCTA contract assists in its definition, is not a "privilege " and thus is not subject to the prohibitive language of FSS 790.115, the charge listed in State Information.

III) ***The District's Employee Handbook is Unconstitutional in all of its forms and represents entrapment, violation of 5th and 14th Amendments, and violation of FSS 790.33 with its generally prohibitive language***

37) HCSD Employee Handbook exists in two forms:

1) an internet repository of links to various Board policies and

2) A PDF, downloadable through the HCSD website, labeled Employee Handbook.

38) There is no indication of which is to be the authoritative source that an above average intelligence, Law abiding Employee or other person with interest in the subject matter acting in good faith can read and then be expected to have understood and fall into compliance with. The page in the PDF published version, page 27, contains the following: "

WEAPONS

HCPS Board Policy 1217, 3217, 4217, 5772, 7217

Pursuant to Florida statute, the board prohibits employees from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the board for the purpose of school activities approved and authorized by the board including, but not limited to, property leased, owned, or contracted for by the board, a school-sponsored event, or in a board-owned vehicle.

Weapons and firearms are defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, as capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

Staff members shall report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the principal or site manager. Failure to report such knowledge may subject the staff member to discipline.

The superintendent shall ensure that any staff member possessing a weapon or other device designed to inflict serious bodily harm, including a concealed weapon, is reported immediately to the appropriate law enforcement agency, regardless of whether such staff member possesses a valid concealed weapon license. As well, the staff member shall be subject to disciplinary action, up to and including termination, consistent with law, due process, and the terms of any negotiated agreement.

An exception to this policy includes weapons possessed as authorized by Florida statute.

The board directs the superintendent to post notices prohibiting the carrying and possession of concealed weapons in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities.

§§ 790.001, 790.115, 1001.43, Fla. Stat."

39) That it invokes Florida statute means it affirms and relies on Florida statute, confirming the legal explanations found in above sections.

40) While there may be more policies regarding weapons, as indicated by the links, which obviously do not work in paper form, the PDF version takes the shape of the Florida State

Statutes, with the plain title Weapons at the top and then a set of policies to be followed beneath, written plainly enough that Employees might follow them except for:

"An exception to this policy includes weapons possessed as authorized by Florida statute."

41) Our laws require, pursuant to FSS 790.115 2(a)(3), a written and published District policy denying students and campus visitors the Right to possession of a firearm pursuant to FSS 790.25(4). The specific language of the policy and its concordance with FSS 790.115(2)(e), as below: "

e) A person who is *authorized* to carry a concealed weapon or concealed firearm under s. 790.01(1) and who willfully and knowingly violates paragraph (b) or subparagraph (c)1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083."

makes it unlikely for Citizens of even a high level of intelligence to read the handbook on paper or in digital format and reach the conclusion needed for the handbook to have served as adequate waiver of the FSS 790.25(4) exception.

42) Further, and most specific to this point, the Law and District policy overlap at the term "authorized" after the updating of the 2023/2024 Florida State Statutes and could easily lead any

Citizen to the *Primum Inventum/ Primum Sufficit*[1] conclusion that Lawful concealed carry of weapons *is* "authorized" for School District Employees and any visitors, or even age of majority students, as long as it is "authorized" by Florida State Statute.

43) Anyone who Lawfully possesses a concealed weapon pursuant to FSS 790.01 and FSS 790.06 is termed "authorized" in FSS 790.115(2)(e). This is clear because before "Permitless Carry", FSS 790.115(2)(e), FSS 2018 Session, referred to such Lawful possessors as "licensed" and this was changed to reflect permission, *authorization*, without formal Department of Agriculture licensure.

44) The handbook's page 27, given its placement and format, is as far as any boundedly rational Citizen could be reasonably expected to read and fall into compliance with.

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[1] A ***Primum Inventum*** "first found" or ***Primum Sufficit*** "first that satisfies" argument in legal proceedings supposes an average or above average intelligence private citizen who makes an attempt to remain in statutory compliance by seeking out information related to clear expectation for action. This Citizen acts on information they find first in sequence, *Primum Inventum* "first found", or early information that "seems" to make sense in context and thus confirms acceptability, *Primum Sufficit* "first sufficient", but remains out of compliance. Upon being made to answer for this non-compliance, the Citizen should not be penalized because, viewing the reading of statutes through the lens of modern, computer-dependent data science, and like a majority of data seekers, the Citizen acted on the first reliable data point that satisfied the initial query and sufficed in terms of its ability to provide clear expectation for action. Any penalty applied to the Citizen would assume a greater amount of time and research spent than can be reasonably expected of a law-abiding, private Citizen in a modern era shaped by anachronistic processes leading to conditioned behaviors like the common use of a search engine, and this would represent a clear violation of their Fifth Amendment Right to Due Process of Law or 14th Amendment Equal Protection Under the Law, not unrelated to void for vagueness or overbreadth arguments, all of them taking the statutory burden for lack of clear expectations with published texts off of citizens and accounting for the unconstitutionality of arbitrary prosecutions and abrogate/non-abrogating nature of later information in a series, placing the burden of apprising Citizens of their responsibilities on policy makers, in line with relevant Florida guidelines mandating concise, clear language and intuitive presentation for all laws. A *primum inventum* or *primum sufficit* argument protects Citizens against hidden clauses in Statute or Policy or differing meanings within subsections pursuant to FSS 775.021.

45) In effect, ***Defendant was acting in accordance with District policy,*** as would any Employee, visitor or majority age student be if they were "authorized" by 790.01(1)(A or B) or subsections within FSS 790.25 or even 790.25(4), notwithstanding the aggregate number of times private Citizens are de facto "authorized" to possess firearms, particularly possession of a constructive nature, for the Lawful purpose of self defense, with a thread running through it all that the Legislature means to keep and preserve these Rights. This is still in accordance with the exact standards for by *Ragland* and *Forrester vs Sumter County School Board*.

46) That acting in accordance with the policy AND the law can lead to criminal prosecution is a form of Unconstitutional arbitrary enforcement, malicious prosecution, and nefarious entrapment, and conspiracy to deprive a class of its Fundamental Rights.

47) Because of this lexical overlap, the Board's Employee Handbook PDF in the hands of any boundedly rational, Law-abiding Citizen is Unconstitutionally vague and gives no reasonable set of expectations or expected behaviors that a human being reading it could conform to with any sense of clarity.

48) The rule of strict construction arises from the Due Process requirement that criminal statutes must apprise ordinary persons of common intelligence what is prohibited. (State v. Cohen, 696 So. 2d 435, 440 (Fla. 4th DCA 1997))

49) Any attempt at trying to discipline administratively or prosecute criminally a Citizen found to be in Violation only of these policies represents a specific Violation of 5th Amendment Due Process.

50) Let it be made clear that it should not be construed that the assertion here is that contents of the Employee Handbook *must* conform by Law to the rigorous standards of criminal statutes,

however, the Board has invited this rigor by using their published policies to move Law Enforcement to invoke criminal statutes after Violations of this policy, itself an unlawful enforcement, according to *Ragland*.

51) It is also relevant that in cases where laws are written too confusingly for citizens to be adequately apprised of expected behaviors, consideration of alternating constructions of the law, or in this case Hillsborough policy as it purports to set standards in place of State Law and "appears" as law, must favor the accused according to FSS 775.021.

IV) <u>Failure to implement automatic downgrade of charges found in 790.115(2)(e)</u>

52) Notwithstanding the unenforceable status of District Policy for the above reasons and all of the statutory empowerments enjoyed by Defendant at time of arrest, if this Court shall make way for alternative readings or constructions of the law (which again, must favor the accused) in Information filed 11/21/2025 FSS 790.115(2)(b) is named as the charging offense but clearly this would be rendered, after consideration of information already available to the State as it is found in their evidence, as FSS 790.115(2)(e), two misdemeanors, without discussion of "willfully and knowingly", through Defendant's authorized possession pursuant to FSS 790.01(1)(b), FSS 790.06, and FSS 790.25(2) (a, h, and 4, respectively).

53) Further, the only breach of peace to alarm our Great State of Florida would be Law Enforcement's handling of the situation, with a public spectacle made and twice the Defendant exposed to the view of non-Law Enforcement personnel, including students, while in a state of near undress.

54) This voids the Information as filed, which seems mostly an attempt to save face in the wake of hasty, imprudent and poorly executed procedures on the part of the District and their Deputies, an Injustice that need not be compounded.

55) To reiterate, in accordance with the language of FSS 790.062 making Florida mostly a "shall-issue state" for qualified Veterans and linked with DD 214 Defense Exhibit A, and State's Evidence JPGs "Gun_and_Sword 2" and "Gun_and_Sword 4", which document Defendant's placard for camping at EG Simmons Park, make it here reiterated Defendant was "authorized" to carry a concealed weapon without a permit, having previously been licensed in this State, and qualifying through 790.06(1)a-f, i-n.

V) Law Enforcement's Unlawful Search followed by Unlawful Seizure

56) According to FSS 790.251(4), possession of a weapon or knowledge of possession of a weapon still requires Due Process for Law Enforcement action.

57) Law Enforcement, though they falsely indicated an emergency to the Defendant, who was caught by surprise and unaware of his specific Rights, had verbal consent to retrieve a firearm but no more and no authorization to confiscate any of the contents of the conveyance.

58) Their easily convincing an honorably discharged Soldier and dedicated Educator of Children that there was an emergency or danger he could help resolve if only he would give up his keys in the presence of his Site Manager does not excuse them from needing a warrant for anything other than a firearm(Florida Constitution Article 1, Section 12, FSS 790.251(4) and FSS 790.173(2)) and certainly represents a kind of implicit financial coercion in a school hallway wherein the encounter could not be terminated (Florida v. Bostick (501 U.S. 429).

59) As to whether there was an emergency, the Sheriff's Deputy, CPL Hess, from the morning traffic stop specifically ***emailed*** SRO Andrews about the incident, contrary to uninformed hearsay found in the State's bodycam footage.

60) Had there been any suspicion, quirks in the Defendant's demeanor, or an insinuation of credible threat, CPL Hess most likely would have called, radioed, or even driven to the school himself to follow up.

61) The search was also conducted outside of the presence of the Defendant, easily rendering all Seizures and digital evidence *inadmissible* (State v. Hampton, 333 N.J. S).

62) Further, as part of his consent, Defendant was not offered the right to terminate the consent search at any time. State v. Leslie, 338 N.J. Super. 269, 273 (App. Div. 2001); State v. Santana, 215 N.J. Super. 63, 72-73 (App. Div. 1987).

63) It is also of note that law enforcement had limited the scope of the search *through their own words* by claiming the intention of the search was to retrieve the firearm and thus the Japanese iato, unsharpened and mostly decorative in its nature, was outside of the scope of the search, which was less of a traditional "search" as there was no disagreement about *what* item they were looking for or *where* it could be found, and that retrieval (and not necessarily confiscation) was the end state of the procedure (Florida v. Jimeno (500 U.S. 248 (1991), *State v. Younger,* 305 *N.J.Super.* 250, 256, 702 *A.*2d 477 (App.Div.1997)).

64) The iato is egregiously inadmissible. Law Enforcement, as Deputy Grant identifies himself as a former firearms instructor in bodycam footage, should have known upon sight that nearly no mass shootings or other horrific, school-based events have ever been committed with a Taurus Judge, and once they had it in possession, and with active control of the Defendant's keys and

with the Defendant hard at work teaching the youth, could have taken a moment to review policy and de-escalated the situation, giving themselves time to determine what the actual charges might be, if they would have even wished to charge Defendant at all beyond a review of the misinformed, Unconstitutional policy and a warning or even written citation.

65) It should be reiterated that without any specific state or federal law or invocation of state of federal law pursuant to Ragland or Forrester, Defendant enjoyed the protections of 790.251, meaning there was specifically no probable cause to search during this arrest, nor any crime in constructively possessing these items for decoration or self defense.

VI) **Inaccurate, Misleading Arresting Affidavit**

66) Let Defendant's previous motion, Document #29 of these proceedings, attest that nearly the entirety of the arresting affidavit represents an incurable threat to the Impartiality of any Jury due to its negligent inaccuracy, notwithstanding its appearance at the end of Unlawful Search and Seizure after no probable cause and no crime committed.

VII) Maintenance of the Dignity of The People

67) It is offensive to the Dignity of this Court, without threat or exhibition or use as a weapon, without any crime committed as outlined above, to continue criminal proceedings,

VIII) Overbroadness in Violation of the 14th Amendment

68) The overbroadness of 790.001 is a violation of the Due Process of the United States Citizenry when concerning the definition of weapons.

69) In the language of 790.001, someone simply possessing a tire iron in the back of their car while parked at a school would be subject to arrest, or someone who possessed a pencil, or any number of items that could be used hypothetically as weapons.

70) Defendant concedes the importance of having statutory power to prosecute crimes, but Instructional Staff cannot be expected to scrub their vehicles, nor are they typically in our society, asked to scrub their vehicles or personage for anything that *could* be considered a weapon under 790.001.

71) Using the same logic and set of definitions any Law Enforcement could potentially, arbitrarily and based on bias, fear or any other kind of emotional construction that has no place in the Just application of the Law, spring false charges upon any Law-Abiding school district Staff.

72) This represents direct violation of the Right to Due Process for all United States Citizens and the 14th Amendment Right to Equal Protection under the Law. It has created a hostile work environment that unduly undermines the educational process.

IX) <u>Impossibility of Prosecutorial Success</u>

73) Even if we should ignore the more compelling legal arguments that would see these charges immediately disposed of, given that they have already supplied multiple pieces of evidence to the contrary, it will be outright, non-hyperbolically IMPOSSIBLE to prove to any Fair and Impartial Jury of this Land the "willfully" element necessary, as the definition is supplied by Bryan v United States, a firearms case, for conviction considering the substance of unlawful, confusing HCSD policy previously cited and the Defendant's demeanor and statements, as derived from sworn affidavits and body cam footage.

74) Defendant simply ***could not have been expected to know*** that officers considered his lawful constructive possession of a firearm and decorative iato (non-shinken) unlawful and would search and arrest him for his lawful constructive possession of both.

75) Any concern that the location as a school releases from professional or legal standards the school staff or Law Enforcement personnel in the interest of "protecting the children" must be considered and then eliminated, if only because through its preemption in FSS 790.33, the legislature directly addresses this in FSS 790.173 and a reminder that procedure still applies when protecting our youth. Having to speak for himself, the Defendant asserts he has worked very hard for the overall well-being of students in Palm Beach and Hillsborough counties and before all this reading of law and still afterward, has trouble perceiving any increased danger to the health, welfare, or safety of students, as addressed in Florida State Law, arising from his own lawful constructive possession of a firearm coming to and from not the nicest of RV parks in South Hillsborough County.

76) Thus, the material facts of this case, to be discerned from the available evidence, once scrubbed of Law Enforcement error or unprofessional commentary, and with the exception of inaccurate information entered into the Court by The State Attorney's Office, are not the subject disputed and yet taken into account and then compared with the Law of this Land make no basis for a conviction of *any* kind. It is the hope of Defendant that this motion shall be "well taken(as)…no material facts are in dispute and the most favorable construction of the undisputed facts in favor of the State would not establish a prima facie case of guilt.", a standard for motions to dismiss as found in State v. Sammons, 889 So. 2d 857, 858 (Fla. 4th DCA 2004).

If it please this Court, let these legal reasonings as memorandum serve as adequate support for their parent motion, and let both move the Court to lift the burden of Injustice and further issue a Waiver of any and all financial obligation heaped upon the Defendant, with special consideration for the Protection, both physical and in name, from any reprisals by the school district or Hillsborough Law Enforcement, two immeasurably large and influential bodies, the only Just end to this matter.

Made known here that a copy of this document has been furnished in digital form to State Attorney Office on Monday, February 16th, 2026.

Offered with respect to the Court in the light of Truth and in the pursuit of Justice,

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Defendant, Conductor of His own Cause