



## PFC NOTES

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| Defendant:     | JEFFREY WEINSIER | DATE: | 11/9/07        |
| Case No:       | F07-37081        | ASA:  | MAGGIE GERSON  |
| Police Case #: | 04351            | RE:   | NO ACTION MEMO |

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This case was initially assigned to me on October 26, 2007. On October 23, 2007, the defendant Jeffrey Weinsier was arrested for Armed Trespass on School Property, Possession of a Weapon, Violation of Carrying a Concealed Weapon and Resisting Arrest Without Violence. After reviewing all applicable Florida Statutes with and/or against the pre-file notes taken from Officer Jimenez it was determined that the appropriate action in this case is to announce a No-Action.

The decision to No-Action this case is appropriate, first and foremost due to the fact that defendant was not on school grounds. This is evidenced by the video footage that was shot by the defendant's cameraman while the situation was occurring. Therefore, due to the fact that the defendant was not on school property it cannot be said that the defendant was trespassing. Since the defendant was not trespassing, anything that was found on the defendant after he was arrested will be suppressed as a matter of law. This is a well-known proposition in the law.

As to the Resisting an Officer without Violence and/or, Failing to Obey a lawful command charge, the arrest may have been lawful had there been a lawful command. However, the command does not appear to be lawful in this case since being on the sidewalk in and of itself is not illegal. Additionally, other students/pedestrians are seen on the video footage on the same sidewalk as the defendant and they were not instructed to cross the street as the defendant was. The law and justice require equal application and cannot be individually selective.

The charges regarding Possession of a Firearm and Violating the Rules of Carrying a Concealed Weapon are mute due to the fact that there was never a lawful command given. Thus, anything that is found on a defendant that may lead to further charges being added that stemmed from that wrongful arrest will be suppressed. This is a long-standing, well-established rule/law of criminal law and procedure. Also as a side note, the charge of Carrying a Concealed Weapon onto School Property would not apply since as stated above and as seen in the video footage, the defendant was not on school property.

I also took into consideration the 500ft School Safety Zone Statute. This statute essentially provides that any school property owned or leased by the school can be considered school property. Additionally, the statute provides in part that a person may be considered to be trespassing if they were not there for legitimate purposes. I determined that this is not applicable since it does not appear to be the defendant's intent to harass or interfere with any school property besides covering his news story.

Finally, the charge of disrupting a school function was reviewed and examined. According to the information provided to me by the police officer and in review of this statute it does not seem applicable since none of the



defendants actions while on the sidewalk 1) does not appear disruptive and 2) the children had already been dismissed when the defendant was arrested.

