

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
CRIMINAL DIVISION "R"

State of Florida,

CASE NO. 25CF003400AMB

vs.

Jail to Transport

Norman Riemer,
Defendant

MOTION FOR BOND AND REQUEST FOR A HEARING

Norman Riemer, through counsel, moves this Court, pursuant to Florida Rule of Criminal Procedure 3.131, to set a reasonable bond and conditions of release.

Facts

Case Summary

The State has charged Mr. Riemer with five (5) counts of Lewd and Lascivious Molestation – Victim Less Than 12 Years of Age / Offender 18 or Older. The charged offenses are considered life felonies. On May 1, 2025, Mr. Riemer appeared at First Appearance but was not given a bond.

Facts Supporting Riemer's Request

Mr. Riemer is fifty-four (54) years old with no prior criminal history. He has been a resident of Palm Beach County his entire adult life, teaching within the local school district and raising a family with his wife.

Mr. Riemer became aware of the allegations and their severity prior to his arrest. Through undersigned counsel, Mr. Riemer was immediately in contact with the lead detective to arrange his surrender. When law enforcement made contact with Mr. Riemer, he was fully compliant and cooperative. At no point did he leave Palm Beach County. Indeed, he is not a flight risk.

Mr. Riemer's wife is considered a State's witness; and therefore, Mr. Riemer may not have contact with her. Mrs. Riemer wishes to have contact with her husband to discuss matters not related to the pending case. Mrs. Riemer's involvement in this case has been voluntary, with her husband's knowledge.

Mr. Riemer and his wife live alone in Palm Beach County. If contact was permitted, and in-house arrest release was granted, Mr. Riemer would be able to comply with PBSO's requirements like installing a landline.

The allegations are not connected or related to Mr. Riemer's prior employment in anyway.

Analysis

I. Riemer is entitled to Bond because the State Can Not Show Proof of Guilt is Evident or the Presumption is Great

A. The State must show that Proof of Guilt is Evident or the Presumption is Great

Every person charged with a crime "shall be entitled to pretrial release on reasonable conditions" unless charged with a capital offense or an offense punishable by life imprisonment "and the proof of guilt is evident or the presumption is great." Art. I, § 14, Fla. Const; Fla. R. Crim. P. 3.131(a). Before the court can deny a defendant bond, the state must show that the proof is evident or presumption of guilt is great. *State v. Arthur*, 390 So. 2d 717, 720 (Fla. 1980). This is a higher degree of proof than that required to establish guilt beyond a reasonable doubt. *Elderbroom v. Knowles*, 621 So. 2d 518, 520 (Fla. 4th DCA 1993). Presenting the indictment or information alone is insufficient. *Arthur*, 390 So. 2d at 720. The state must also present evidence which, viewed in the light most favorable to the state, is legally sufficient to sustain a guilty verdict. *Id.*

Additionally, the Court must consider the defense to the charge in determining whether the state met its burden. *See Seymour v. State*, 132 So. 3d 300, 303-05 (Fla. 4th DCA 2014); *see also State ex rel. Freeman v. Kelly*, 86 So. 2d 166 (Fla. 1956) (“[D]efendant’s version of the homicide cannot be ignored where there is absence of other evidence legally sufficient to contradict his explanation.”). Where the facts support a guilty verdict for a lesser offense, not carrying a life sentence, then proof is not evident and the presumption is not great. *Seymour*, 132 So. 2d at 302. Even “where the state’s evidence is arguable sufficient to convict, but is contradicted in material respects such that substantial questions of fact are raised as to the [defendant’s] guilt . . .,” then the court may find that the state did not met its burden. *Id.* (quoting *Elderbrook*, 621 So. 2d at 520).

B. Riemer is Entitled to Pretrial Release on Reasonable Conditions

Because the proof of Riemer’s guilt is not evident nor the presumption great, he is entitled to pretrial release on reasonable conditions. Fla. R. Crim. P. 3.131(a). There is a presumption in favor of release on non-monetary bond conditions or the least restrictive conditions that can reasonably assure the Court of (1) the physical safety of members of the community, (2) the defendant’s future appearance in court, or (3) the integrity of the judicial process. § 907.041(3)(a), Fla. Stat. Section 903.046, Florida Statutes, requires the Court to consider various criteria when determining whether to release a defendant on bond.

II. This Court Should Exercise its Discretion to Grant Bond

A. This Court has Discretion to Grant Bond Even if the State Meets its Burden

Even if the State met its burden of proof, this Court may grant bond. *See Arthur*, 390 So. 2d at 717. Mr. Riemer is entitled to a full hearing with an opportunity to present witnesses and evidence pertaining to his guilt and amenability to bond. *Rosa v. State*, 21 So. 3d 115, 116 (Fla. 5th DCA 2009); *Brackett v. State*, 773 So. 2d 564, 565 (Fla. 4th DCA 2000).

In exercising its discretion in setting bond, this Court shall consider the various factors addressed in section 903.046, Florida Statutes.

Relief Requested

For these reasons, Mr. Riemer requests this Court to allowed Mr. Riemer to have contact with his wife and be released on PBSO In-House Arrest.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed via electronic filing with the Florida Courts E-Filing Portal with the Clerk of the Court which sent e-mail notification of such filing to all participants in the above styled case on this 7th day of May, 2025.

Respectfully submitted by:

TYLER DIMAIO, ESQ.
The Suskauer Law Firm P.A.
515 N. Flagler Drive Suite 350
West Palm Beach, Florida 33401
(561) 687-7866
Tyler@Suskauer.com

By: /s/ TYLER DIMAIO
TYLER DIMAIO, ESQ.
Fla. Bar No. 0118169