

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

CASE NO. 2025CF003400AMB DIVISION: "R"

STATE OF FLORIDA

vs.

NORMAN RIEMER,

Defendant.

**STATE'S TRAVERSE IN RESPONSE TO DEFENDANT'S AMENDED MOTION TO
DISMISS**

The State of Florida by and through the undersigned Assistant State Attorney and pursuant to Florida Rules of Criminal Procedure 3.190(d), files this traverse. The State alleges that there are material disputed facts, additional facts and that the undisputed facts establish a prima facie case of guilt against the defendant.

As to Count 1 which is regarding Child 1:

1. The State admits the facts in paragraphs one through seven.
2. The State admits in part and denies in part the facts in paragraph eight and nine.
3. The State admits the facts in paragraphs ten.
4. The State denies the facts in paragraph twelve.
5. The State admits the facts in paragraph thirteen.

The State, as to Count 1, in addition to the above-mentioned admissions and denials, alleges the additional material facts that form its prima facie case:

1. Child 1 described the movement as "going up and down" on his "private" and physically reenacted a motion of masturbation in her CPT interview.

2. Child 1 was naked from the waist down in bed with the defendant while touching his penis.
3. The defendant was touching Child 1 near her vagina while they both lied on the bed and Child 1 touched his penis.
4. The defendant told Child 1 to keep the touching a secret.
5. In telling Child 1 to keep the touching a secret, Child 1 remember the defendant mentioning the police as well.
6. Child 1 disclosed this would happen when no other adult was home.
7. Child 1 disclosed this would happen whenever her mother and grandmother would get their nails done.
8. Child 1 stated this happened multiple times.
9. The defendant was confronted with Child 1 and Child 2 saying they touched his penis and he confirmed he allowed them to.

As to Count 2, which is regarding Child 2:

1. The State admits the facts in paragraphs fourteen through twenty-one.

The State, as to Count 2, in addition to the above-mentioned admissions and denials, alleges the additional material facts that form its prima facie case:

1. The defendant pulled down his pants and underwear when Child 1 and 2 asked to touch his penis.
2. The defendant said “yes” when Child 1 and 2 asked to touch his penis.

LEGAL ANALYSIS

Rule 3.190(d) provides that a CF-4 motion “shall be denied if the State files a traverse that, with specificity, denies under oath the material...facts alleged in the motion” Thus, where the State

files a valid traverse, “the motion to dismiss must automatically be denied”. *Boler v. State*, 678 So.2d 319, 323 (Fla 1996); *State v. Pridemore*, 710 So.2d 604, 605 (Fla. 4th DCA 1998). Denial is also required if the State alleges additional material facts that create a material factual issue or establish a prima facie case. See *State v. Kalogeropolous*, 758 So.2d 110, 111 (Fla. 2000); *State v. Seward*, 188 So.3d 927, 929 (Fla. 5th DCA 2016). A witness’ internal inconsistency creates a material disputed fact and is sufficient to summarily deny the motion. *State v. Gutierrez*, 649 So.2d 926, 928 (Fla. 3d DCA 1995).

WHEREFORE, the undersigned Assistant State Attorney requests this Honorable Court to deny the defendant’s motion.

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT a true and correct copy of the foregoing Motion has been furnished by E-SERVICE to TYLER DIMAIO ESQ at TYLER@SUSKAUER.COM, this the 11th day of February, 2026.

Respectfully submitted,

ALEXCIA COX
STATE ATTORNEY

/s/



By: _____
NICOLE CORRING
Assistant State Attorney
Florida Bar No. 121498
E-Service E-Mail: FELSVU@SA15.ORG

STATE OF FLORIDA
COUNTY OF PALM BEACH

Appeared before me, NICOLE CORRING, Assistant State Attorney for Palm Beach County, Florida, personally known to me, who, being first duly sworn, says that she is a duly appointed Assistant State Attorney of the Fifteenth Judicial Circuit and as such she is authorized to execute and has executed the above traverse in good faith; and that traverse was based on

evidence and sworn testimony received by the Office of the State Attorney in the investigation of this case.

Wade Conroy
Assistant State Attorney

Sworn to (or affirmed) and subscribed before me, by means of physical presence or online notarization, this 1st day of February, 2026.

Jacqueline D. Heald
NOTARY PUBLIC, State of Florida



JACQUELINE D. HEALD
Commission # HH 462429
Expires November 7, 2027

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