

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.

Norman Riemer,
Defendant.

...../

AMENDED MOTION TO DISMISS

Norman Riemer, through counsel, and pursuant to Florida Rule of Criminal Procedure 3.190(c)(4), moves this Court to dismiss the State's information because the undisputed material facts do not establish a prima facie case of guilt for the two counts of lewd or lascivious molestation. Riemer submits the following argument in support of this motion.

SWORN TESTIMONY

The facts alleged in a (c)(4) motion "should be alleged specifically and the motion sworn to." Fla. R. Crim. P. 3.190. As this rule's purpose "is to subject those having personal knowledge of the facts recited to the penalties of perjury. This objective is met even if the affiant is merely a witness to the incident rather than the defendant himself." *State v. Betancourt*, 616 So. 2d 82, 83 (Fla. 3d DCA 1993) (internal citations omitted); *see also State v. Davis*, 890 So. 2d 1242, 1244 (Fla. 4th DCA 2005) (using transcripts of the investigating officer's deposition, and the victim's deposition, to support (c)(4) motion). Riemer's motion to dismiss, thus, relies on the investigating officer's probable cause affidavit, his sworn testimony at an Aruther Hearing, and the transcripts of the victims' interviews which is the source of each count.

FACTS¹

1. On April 28, 2025, Detective Christopher Wilson attended a Child Protection Team (hereafter, "CPT") interview involving two children.²
2. During the interviews, Child 1 stated that the charged offense occurred when she walked in on Riemer when he was using his own bathroom.
3. Child 1 claimed she was curious and asked Riemer if she could touch his penis.
4. Child 1 does not recall if Riemer gave her permission to touch him but does recall instructing him to get on his bed.
5. Child 1 does not recall if Riemer's clothing were on or off but states if his cloths were on, she would have told him to take them off.
6. Child 1 claims that she does not recall Riemer saying anything to her when, or if, his clothing was removed.
7. Child 1 states no one told her how to touch Riemer's penis and that she did it on her own and thought of it herself.
8. When asked how she touched Riemer, Child 1 provided a description but again confirmed that she wasn't told how to touch Riemer by him.
9. Child 1 claimed she touched Riemer with her hand only and that she placed her hand on him herself.
10. When Child 1 touched Riemer's penis, she claimed "a little drop of water" came out and that it was "only one drop."
11. Child 1 stated Riemer did not talk to her when she touched him.

¹ The section relies on Detective Wilson's probable cause affidavit, a portion of his sworn testimony in the Arthur Hearing, and the CPT interviews that he relies on to support his charges. The probable cause affidavit and the certified transcripts of each CPT interview for Child 1 and Child 2 are attached in full to the bottom of this motion.

² To protect the identity of the children, and with prior agreement with the State, the children will be referred to as Child 1 and Child 2. The same references were used in the previously held Arthur Hearing and will apply to the children here in the same manner.

12. Child 1 does not recall if she touched Riemer more than once but states if she did do so more than once, she would have asked to touch him each time.
13. Client 1 states Riemer never showed her pornography.
14. In Child 2's CTP interview, Detective Wilson also listened in and used her statements to support count two of the current information.
15. Child 2 stated that she also touched Riemer's penis.
16. Child 2 claimed that no one, to include Riemer, asked her to touch him.
17. Child 2 said she and Child 1 asked if they could touch Riemer.
18. Child 2 later changed her statement to claim only Child 1 asked to touch Riemer and that Child 1 thought of it herself.
19. Child 2 does not recall Riemer saying anything to her when she touched him and claimed that he never told her how to touch his penis.
20. Child 2 stated that Riemer never showed her pornography.
21. Child 2 said that she and Child 1 only touched Riemer once and that she was present when Child 1 touched him.
22. In Summary, neither child claimed that Riemer asked them to touch him. Neither child said they were told how to touch him. Each child stated that it was their idea to touch him, not Riemer's. Neither child said that Riemer said anything to them when the touching occurred.
23. Detective Wilson's affidavit concludes by claiming Riemer was later confronted by his family members about Child 1 and 2 touching him. According to a family member, Riemer admitted that the touching occurred but no details surrounding the incidents were given.

ARGUMENT

A court shall dismiss a charge if the material facts are undisputed, and "do not establish a prima facie case of guilt against the defendant." Fla. R. Crim. P. 3.190(c)(4). Riemer is charged with two counts of lewd or lascivious molestation. In order to prove those charges, Florida Statute 800.4(5)(a) and (b) require that the State show Riemer forced or enticed Child 1 and Child 2 in a manner that caused them to touch his penis, as outlined in the State's Amended Information. There is no evidence of force or enticement which is a required element of the charged offenses. This lack of element was weighed during the Arthur Hearing. The State was unable to point to any evidence that proved the element of force or enticement exists.

RELIEF REQUESTED

For this reason, Riemer asks this Court to dismiss the two counts of lewd or lascivious molestation.

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 27th day of January 2026.

Respectfully submitted by:

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