

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO. 2026CF003339BXXX

vs.

CRIMINAL DIVISION "Z"

ARI DAVID BROOKS

Defendant.

MOTION TO DISMISS

COMES NOW the Defendant, ARI BROOKS, by and through his undersigned counsel, who, pursuant to Fl.R.Crim.P §3.190(b), would hereby respectfully request this Honorable Court enter an Order dismissing the charges in this matter because there are no material disputed facts and the undisputed facts do not establish a prima facie case of guilt. In support thereof the Defendant would show as follows:

1. The Defendant, ARI BROOKS, is charged by Information with count 1) Robbery by Sudden Snatching and count 2) Battery for his alleged involvement in the taking of a cell phone from G.S.
2. On April 3, 2026, co-defendant, Mitchell Schuman, observed a male juvenile doing wheelies on an e-bike down the main road of Lotus, a residential community in Delray Beach.
3. Mr. Schuman asked the juvenile to stop (doing wheelies) but the juvenile refused and began recording Schuman on his cell phone. According to Mr. Schuman he followed the juvenile on his bicycle, blowing his whistle. While following the juvenile, Mr. Schuman fell off his bicycle and the juvenile began laughing at him. Mr. Schuman stated he threw a water bottle at the juvenile and was able to knock the cell phone from the juvenile's hand. Mr. Schuman picked up the juvenile's phone to bring to security, at which point the juvenile began kicking and punching him.
4. The encounter between G.S. and Mr. Schuman was captured on video.

5. Ari Brooks was not involved in this incident and there is no evidence that Mr. Brooks had any knowledge of what transpired between Mr. Schuman and G.S. during their initial encounter.

6. A secondary video shows Mr. Brooks, along with several other males, standing on the side of the road with Mr. Schuman and G.S.

7. During this encounter, G.S. is asking for his phone from Mr. Schuman and then grabs Mr. Schuman around the neck

8. G.S. continues to grab at and jump on Mr. Schuman until Mr. Brooks and another male take hold of G.S. to get him off of Mr. Schuman. Mr. Brooks then tells G.S. to calm down before letting him go.

9. G.S. continues grabbing at Mr. Schuman and Mr. Brooks is again seen taking hold of G.S., while he and the other male continue telling G.S. to not get aggressive and calm down. At this point, Mr. Brooks asks for the phone from Mr. Schuman and states that he is going to the clubhouse.

10. G.S. then grabs Mr. Brooks trying to get his phone back when it begins ringing and Mr. Brooks returns the phone to Mr. Schuman.

11. During the entirety of the video, Mr. Brooks takes hold of G.S. to stop him from attacking Mr. Schuman, who he knows just had surgery. The video shows other males holding G.S. back from Mr. Schuman as well.

12. At no time does Ari Brooks take the phone from G.S. or his person.

MEMORANDUM OF LAW

Robbery by sudden snatching is defined as, “the taking of money or other property *from the victim’s person*, with the intent to permanently or temporarily deprive the victim or the owner of the money or other property, when, in the course of the taking, the victim was or became aware of the taking. *See*, F.S.S. §812.131.

The statue applies to property taken from a victim’s person but not when taken from the victim’s reach, proximity, or control. *See, Brown v. State*, 298 So.3d 128, 129 (1st DCA 2020) (citing

Wess v. State, 67 So.3d 1133, 1135 (1st DCA 2011).

In *Brown*, the Court reversed the judgment of robbery by sudden snatching stating the victim's cell phones were not stolen "from the victim's person" when they were taken from the dashboard of the victim's vehicle. *Id* at 129. The phones being in the victim's proximity did not mean that they were in the victim's grasp or on his person. *Id*.

In this case, Mr. Brooks was nowhere near G.S when his cell phone was initially picked up off the ground by Mr. Schuman. Moreover, when Mr. Brooks later arrived on scene, he was taking hold of G.S. to stop him from attacking Mr. Schuman and was then given the cell phone by Mr. Schuman to take to the clubhouse.

Because Mr. Brooks was not present during the initial taking of the cell phone and was given the cell phone by Mr. Schuman later that day he could not have committed the crime of robbery by sudden snatching.

Additionally, because there is no evidence that Mr. Brooks intended to assist Mr. Schuman in picking G.S.'s phone off the ground, he cannot be a principal to robbery by sudden snatching.

A battery occurs when a person actually and intentionally touches or strikes another person against the will of the other. *See*, F.S.S §784.03(1)(a)1.

The "Stand Your Ground Law" provides for immunity from criminal prosecution for persons using force as permitted in statutes governing use of force in defense of a person, use of force in home protection, or use of force in defense of others. F.S.S. §776.012.

F.S.S. § 776.012 - Use or threatened use of force in defense of person provides:

(1) A person is justified in using or threatening to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other's imminent use of unlawful force. A person who uses or threatens to use force in accordance with this subsection does not have a duty to retreat before using or threatening to use such force.

In this case, Mr. Brooks took hold of G.S. to stop him from attacking Mr. Schuman, who Mr. Brooks knew had just had surgery. Because Mr. Brooks believed taking hold of G.S. was the only way to stop him from attacking Mr. Schuman and calm the situation, he was justified in his use of force.

Because the undisputed facts fail to establish a prima facie case of robbery by sudden snatching and battery, the charges must be dismissed.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, via E-Service to KAYLIE BATALLAN, Assistant State Attorney, State Attorney's Office, 401 North Dixie Highway, West Palm Beach, Florida 33401, this 6th day of August 2026.

Respectfully submitted,

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