

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT/COUNTY COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA

Lindsey Isaacs
Plaintiff

Case # _____
Judge _____

vs.

Florida Highway Patrol
Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- \$8,000 or less
- \$8,001 - \$30,000
- \$30,001- \$50,000
- \$50,001- \$75,000
- \$75,001 - \$100,000
- over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence—other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security
 - Nursing home negligence
 - Premises liability—commercial
 - Premises liability—residential
- Products liability
- Real Property/Mortgage foreclosure
 - Commercial foreclosure
 - Homestead residential foreclosure
 - Non-homestead residential foreclosure
 - Other real property actions
- Professional malpractice
 - Malpractice—business
 - Malpractice—medical
 - Malpractice—other professional
- Other
 - Antitrust/Trade regulation
 - Business transactions
 - Constitutional challenge—statute or ordinance
 - Constitutional challenge—proposed amendment
 - Corporate trusts
 - Discrimination—employment or other
 - Insurance claims
 - Intellectual property
 - Libel/Slander
 - Shareholder derivative action
 - Securities litigation
 - Trade secrets
 - Trust litigation

COUNTY CIVIL

- Small Claims up to \$8,000
- Civil
- Real property/Mortgage foreclosure

- Replevins
- Evictions
 - Residential Evictions
 - Non-residential Evictions
- Other civil (non-monetary)

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes No

IV. REMEDIES SOUGHT (check all that apply):

- Monetary;
- Nonmonetary declaratory or injunctive relief;
- Punitive

V. NUMBER OF CAUSES OF ACTION: []

(Specify)

1

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

- yes
- no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- no
- yes If “yes,” list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- yes
- no

IX. DOES THIS CASE INVOLVE ALLEGATIONS OF SEXUAL ABUSE?

- yes
- no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: s/ Marc E. Dwyer Dwyer Law
 Attorney or party

Fla. Bar # 634700
 (Bar # if attorney)

Marc E. Dwyer Dwyer Law
 (type or print name)

02/05/2026
 Date



LAURA E. ROTH
CLERK OF THE CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT - VOLUSIA COUNTY
P.O. BOX 6043 DELAND, FLORIDA 32721-6043 - WWW.CLERK.ORG

Filing #:241122398

Filer:Marc E. Dwyer Dwyer Law

Payment:\$485.00

- 1 Defendants greater than 5: \$0.00
- 2 Summons Issuance: \$0.00
- 3 Request for Non-Certified Copies (per page): \$0.00
- 4 Request for Certified Copies: \$0.00
- 5 Certification Fee (per document): \$0.00
- 6 Per severance: \$0.00
- 7 Complaints/Petitions Complaint with Replevin: \$485.00
- 8 Affidavits/Applications/Certificates Affidavit: \$0.00

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Signature: s/ Marc E. Dwyer Dwyer Law
 Attorney or party

Fla. Bar # 634700
 (Bar # if attorney)

Marc E. Dwyer Dwyer Law
 (type or print name)

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 Date



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IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.:
DIVISION:

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

VERIFIED COMPLAINT

COMES NOW, Plaintiff, LINDSEY ISAACS, (hereinafter referred to as “Plaintiff”), sues Defendant, FLORIDA HIGHWAY PATROL (hereinafter referred to as “FHP”) a division of the Florida State Department of Highway Safety and Motor Vehicles, and alleges:

JURISDICTION, VENUE, AND PARTIES

1. This is an action for damages in excess of \$50,000.00, exclusive of interest, costs, and attorneys fees.
2. Plaintiff is a resident of Flagler County, Florida.
3. Defendant, FHP is a division of the Florida State Department of Highway Safety and Motor Vehicles with its principal place of business in Tallahassee, Florida and authorized to conduct business throughout the state of Florida.
4. The Court has jurisdiction over the parties as this is where the unlawful action occurred and where the vehicle is currently located.
5. Venue is proper in Volusia County, Florida because the vehicle is currently being held at the FHP evidence facility located in DeLand, Florida.

GENERAL ALLEGATIONS

6. On October 4, 2025, an auto accident occurred on Interstate 4 in Volusia County, Florida.

7. The accident was a multi-vehicle accident which was allegedly caused by the Plaintiff's 2025 Dodge Durango, causing multiple fatalities.

8. However, upon arrival at the scene the 2025 Dodge Durango was not present, and there were no witness statements included in the accident report to indicate how the vehicle was identified.

9. On October 5, 2025, between the hours of 3:00 a.m. and 5:00 a.m. Florida Highway Patrol officers, as well as Flagler County Sheriffs arrived at the Plaintiff's residence to seize her vehicle.

10. The Plaintiff's vehicle was then towed by Johns Towing and held in evidence by the Flagler County Sheriff's Office.

11. At some point thereafter, the Plaintiff's vehicle was then transported to and logged into evidence at the FHP evidence facility located in DeLand, Florida.

12. To date, Plaintiff's vehicle remains in the custody of FHP more than ninety (90) days after its seizure without a filing of charges or any show cause as to why the vehicle is not being returned to the Plaintiff.

COUNT I
REPLEVIN

13. Paragraphs 1 through 12 are realleged and incorporated herein.

14. Pursuant to Fla. Stat. § 78.01 it states in part, "Any person whose personal property is wrongfully detained by any other person or officer may have a writ of replevin to recover said personal property and any damages sustained by reason of the wrongful taking or detention as herein provided," has a right of replevin.

15. Plaintiff's 2025 Dodge Durango, Vehicle Identification No.: 1C4SDJCT7SC529164, License Plate: RJVN10, was taken into custody and is currently at the Florida Highway Patrol evidence storage facility located at 1551 E. International Speedway Boulevard, DeLand, Florida 32724. It is Plaintiff's belief that the vehicle's value is in excess of \$50,000.00.

16. The Plaintiff is the registered owner of the vehicle and is entitled to possession of the vehicle, see attached as "Exhibit A" a copy of the Plaintiff's title and registration.

17. The Defendant came into possession of the vehicle when the vehicle was seized from the Plaintiff's residence on October 5, 2025, alleging that the vehicle had been involved in a

fatal auto accident. The Defendant currently remains in possession of the vehicle but has failed to file any criminal charges against the Plaintiff, or in the alternative show cause as to the continued detention of the vehicle.

18. The Defendant has not taken possession of the vehicle pursuant to any law related to a tax, assessment or fine against the Plaintiff.

19. Furthermore, to the Plaintiff's knowledge and belief, the Defendant has not taken the vehicle under an execution or attachment against the property of the Plaintiff.

20. As a result, the Plaintiff is entitled to a writ of replevin or in the alternative an Order to show cause as to why the vehicle should not be taken from the possession of the Defendant and delivered to Plaintiff.

21. Plaintiff has executed an affidavit swearing to these facts attached as "Exhibit B."

WHEREFORE, Plaintiff, LINDSEY ISAACS, request that this Court enter a writ of replevin to return Plaintiff's property to her or in the alternative an Order to show cause.

Respectfully submitted this 5th day of February 2026.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
Jacob B. Steele, Esquire
Florida Bar No.: 1059859
2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228
E-Mail: service@askdwyer.com
Attorneys for Plaintiff

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this Complaint and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

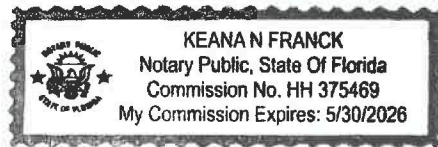
Dated: February 5, 2026.


LINDSEY ISAACS

**STATE OF FLORIDA
COUNTY OF FLAGLER**

Sworn to or affirmed and signed before me, by means of X physical presence or
 online notarization, on the 5th day of February 2026 by LINDSEY ISAACS.


NOTARY PUBLIC OR DEPUTY CLERK



[Print, type, or stamp commissioned name of notary or deputy clerk]

 Personally known
 Produced identification

Type of Identification Produced:

Driver's License
 Other: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 5th day of February and a copy delivered via formal service of process to Florida Highway Patrol, Defendant, at 1551 E. International Speedway Boulevard, DeLand, Florida 32724.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer

Marc E. Dwyer, Esquire
Florida Bar No.: 0634700

/s/ Jacob B. Steele

Jacob B. Steele, Esquire
Florida Bar No.: 1059859

2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228

E-Mail: service@askdwyer.com

Attorneys for Plaintiff

Exhibit A

IMPORTANT INFORMATION

SECTION 316.613, Florida Statutes, requires every operator of a motor vehicle transporting a child in a passenger car, van, autocycle or pickup truck registered in this state and operated on the highways of this state, shall, if the child is 5 years of age or younger, provide the protection of the child by properly using a crash-tested, federally approved child restraint device. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a child booster seat may be used. For limited exceptions, see s. 316.613, F.S.

S. 320.0605, F. S., requires the registration certificate, or true copy of a rental or lease agreement, issued for any motor vehicle to be in the possession of the operator or carried in the vehicle while the vehicle is being used or operated on the roads of this state.

S. 320.02 and 627.733, F. S., requires personal injury protection and property damage liability to be continuously maintained throughout the registration period. Failure to maintain the mandatory coverage may result in the suspension of your driver license and registration.

Mail To:

**LINDSEY BROOKE ISAACS
6127 SW 74TH CT
OCALA, FL 34474**

Important note: If you cancel the insurance for this vehicle, immediately return the license plate from this registration to a Florida driver license or tax collector office or by mail to: DHSMV, Return Tags, 2900 Apalachee Parkway, Tallahassee, FL 32399. Surrendering the plate will prevent your driving privilege from being suspended.

CO/AGY 14 / 05 T# 2247258827
B# 34738505

FLORIDA VEHICLE REGISTRATION

PLATE **RJVN10** DECAL **11816721** Expires **Midnight Fri 06/19/2026**

YR/MK	2025/DODG	BODY	UT	COLOR	BLK	Reg. Tax	Class Code	1	
VIN	1C4SDJCT7SC529164			TITLE	159989762	Init Reg.	Tax Months	0	
Plate Type	RGS	NET WT	5128			County Fee	3.00	Back Tax Mos	0
						Mail Fee		Credit Class	
DL/FEID	I220522027190					Sales Tax		Credit Months	
Date Issued	07/29/2025	Plate Issued	07/06/2024			Voluntary Fees			
						Grand Total	3.00		

**LINDSEY BROOKE ISAACS
6127 SW 74TH CT
OCALA, FL 34474**

IMPORTANT INFORMATION

1. The Florida license plate must remain with the registrant upon sale of vehicle.
2. The registration must be delivered to a Tax Collector or Tag Agent for transfer to a replacement vehicle.
3. Your registration must be updated to your new address within 30 days of moving.
4. Registration renewals are the responsibility of the registrant and shall occur during the 30-day period prior to the expiration date shown on this registration. Renewal notices are provided as a courtesy and are not required for renewal purposes.
5. I understand that my driver license and registrations will be suspended immediately if the insurer denies the insurance information submitted for this registration.

RGS - SUNSHINE STATE

Exhibit B

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.:
DIVISION:

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

AFFIDAVIT OF PLAINTIFF

The undersigned, Lindsey Isaacs, having been first duly sworn, deposes and says:

1. I am over the age of 18 and otherwise capable to assert the facts contained herein.
2. I am the Plaintiff in this matter, and I have personal knowledge of the facts contained herein.
3. I am the registered owner of the 2025 Dodge Durango whose Vehicle Identification Number is 1C4SDJCT7SC529164.
4. The vehicle was seized from my residence in Palm Coast, Florida on the morning of October 5, 2025, by John's Towing.
5. I have not been arrested or charged in a criminal capacity for my vehicle's alleged involvement in the fatal auto accident that occurred on October 4, 2025.
6. I have not been provided with any hold or probable cause affidavit relating to the vehicle.
7. Defendant has not complied with any forfeiture proceedings to include filing a Complaint, paying a filing fee, or depositing a bond.

Lindsey Isaacs

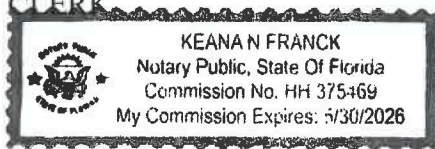
LINDSEY ISAACS

STATE OF FLORIDA
COUNTY OF FLAGLER

Sworn to or affirmed and signed before me, by means of X physical presence or
 online notarization, on the 5th day of February 2026 by LINDSEY ISAACS.

Keana Franck

NOTARY PUBLIC OR DEPUTY
CLERK



*[Print, type, or stamp commissioned
name of notary or deputy clerk]*

- Personally known
 ✓ Produced identification

Type of Identification Produced:

- ✓ Driver's License
 Other: _____

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.:
DIVISION:

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

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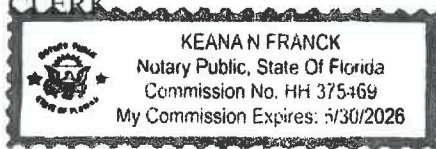
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**STATE OF FLORIDA
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- ✓ Driver's License
 Other: _____

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.: 2026 10508 CIDL
DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

SUMMONS: PERSONAL SERVICE ON AN INDIVIDUAL
ORDEN DE COMPARECENCIA: SERVICIO PERSONAL EN UN INDIVIDUO
CITATION: L'ASSIGNATION PERSONAL SUR UN INDIVIDUEL

TO/PARA/A: **Florida Highway Patrol**
1551 E. International Speedway Boulevard
DeLand, Florida 32724

IMPORTANT

A lawsuit has been filed against you. You have **20 calendar days** after this summons is served on you to file a written response to the attached complaint/petition with the clerk of this circuit court, located at: Volusia County Courthouse, 101 North Alabama Avenue, DeLand, Florida 32724. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be **filed** if you want the Court to hear your side of the case.

If you do not file your written response on time, you may lose the case, and your wages, money, and property may be taken thereafter without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court, you must also mail or take a copy of your written response to the party serving this summons at:

Marc E. Dwyer, Esquire
Dwyer Knight Law Firm

2517 West Moody Blvd.
Flagler Beach, Florida 32136

Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents, upon request.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene veinte (20) días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Localizado en: Volusia County Courthouse, 101 North Alabama Avenue, DeLand, Florida 32724. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, puede que pierda el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, usted puede consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presente su respuesta ante el tribunal, usted debe enviar por correo o entregar una copia de su respuesta a la persona denominada abajo.

Si usted elige presentar personalmente una respuesta por escrito, en el mismo momento que usted presente su respuesta por escrito al Tribunal, usted debe enviar por correo o llevar una copia de su respuesta por escrito a la parte entregando esta orden de comparecencia a:

Nombre y dirección de la parte que entrega la orden de comparecencia: Marc E. Dwyer, Esquire, Dwyer Knight Law Firm, 2517 West Moody Boulevard, Flagler Beach, FL 32136.

Copias de todos los documentos judiciales de este caso, incluyendo las ordenes, estan disponibles en la oficina del Secretario de Juzgado del Circuito [Clerk of the Circuit Court's office]. Estos documentos pueden ser revisados a su solicitud.

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Qui se trouve à: Volusia County Courthouse, 101 North Alabama Avenue, DeLand, Florida 32724. Un simple coup de téléphone est insuffisant pour vous protéger; vous êtes obligés de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats

d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de déposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedier une copie au carbone ou une photocopie de votre reponse ecrite a la partie qui vous depose cette citation.

Nom et adrese de la partie qui depose cette citation: Marc E. Dwyer, Esquire, Dwyer Knight Law Firm, 2517 West Moody Boulevard, Flagler Beach, FL 32136.

Les photocopies de tous les documents tribunaux de cette cause, y compris des arrêts, sont disponible au bureau du greffier. Vous pouvez revue ces documents, sur demande.

THE STATE OF FLORIDA

TO EACH SHERIFF OF THE STATE: You are commanded to serve this summons and a copy of the complaint in this lawsuit on the above-named person.

DATED: _____

CLERK OF THE CIRCUIT COURT

(SEAL)

By: _____
Deputy Clerk



LAURA E. ROTH
CLERK OF THE CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT - VOLUSIA COUNTY
P.O. BOX 6043 DELAND, FLORIDA 32721-6043 - WWW.CLERK.ORG

Filing #:241393474
Filer:Marc E. Dwyer Dwyer Law
Payment:\$10.00

1 Filing Fee: \$0.00
2 Summons Issuance: \$10.00
3 Complaints/Petitions Request that Summons be Issued: \$0.00

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IN THE CIRCUIT/COUNTY COURT IN AND FOR VOLUSIA COUNTY, FLORIDA

Judge : Randell H. Rowe, III - Div. 02
Case No : 2026 10508 CIDL

LINDSEY ISAACS
Plaintiff(s),

-vs-

FLORIDA HIGHWAY PATROL
Defendant(s).

SUMMONS

**THE STATE OF FLORIDA:
TO EACH SHERIFF OF THE STATE:**

YOU ARE HEREBY COMMANDED to serve this summons and a copy of the complaint or petition in the above styled cause upon the defendant(s):

FLORIDA HIGHWAY PATROL
1551 E. INTERNATIONAL SPEEDWAY BLVD.
DELAND, FL 32724

Each defendant is hereby required to serve written defenses to said complaint or petition on plaintiff or plaintiff's attorney, whose name and address is

MARC E DWYER
2517 W MOODY BLVD
FLAGLER BEACH, FL 32136

within 20 days after service of this summons upon that defendant exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

DATED : February 11, 2026

e served for sop



**LAURA E. ROTH
CLERK OF CIRCUIT/COUNTY COURT**

2/11/2026 3:17:12 PM 2026 10508 CIDL
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By : M S MacDonald, Deputy Clerk
e-Signed 2/11/2026 3:17 PM 2026 10508 CIDL

CL-0224-2401

(See reverse side for additional information.)

ADDRESS OF THE CLERK OF THE CIRCUIT COURT

LAURA E. ROTH
CLERK OF THE COURT
P.O. BOX 6043
DELAND, FL 32721-6043

If English is not your native language and you need assistance understanding the court's proceedings, you will need to bring someone to interpret for you as this service is not provided by the court.

Si el inglés no es su lengua materna y va a necesitar ayuda para entender el proceso judicial, tendrá que traer a alguien para que le interprete ya que el tribunal no ofrece este servicio.



REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724, (386) 257-6096, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the appearance is less than 7 days; if you are hearing impaired or voice impaired, call 711.

THESE ARE NOT COURT INFORMATION NUMBERS



SOLICITUD DE ADAPTACIONES PARA PERSONAS CON DISCAPACIDADES

Si usted es una persona con discapacidad que necesita una adaptación para poder participar en este procedimiento, usted tiene el derecho a que se le proporcione cierta asistencia, sin incurrir en gastos. Comuníquese con la Oficina de Administración Judicial (Court Administration), 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724, (386) 257-6096, con no menos de 7 días de antelación de su cita de comparecencia ante el juez, o de inmediato al recibir esta notificación si la cita de comparecencia está dentro de un plazo menos de 7 días; si usted tiene una discapacidad del habla o del oído, llame al 711.

ESTOS NUMEROS TELEFONICOS NO SON PARA OBTENER INFORMACION JUDICIAL

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,

Plaintiff,

CASE NO.: 2026 10508 CIDL

v.

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

ORDER TO SHOW CAUSE

THIS CAUSE came before the Court upon the Verified Complaint filed by the Plaintiff on February 5, 2026. The Court having examined the Complaint, and the Defendant not waiving its right to be notified and heard, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Defendant, FLORIDA HIGHWAY PATROL, shall show cause before the Honorable Judge Randell H. Rowe, III, on **April 30, 2026, at 10:00 a.m.**, at the Volusia County Courthouse, 101 N. Alabama Avenue, Hearing Room D413, DeLand, Florida, why the property claimed by the Plaintiff in the Complaint filed in this action should not be taken from the possession of the Defendant and delivered to the Plaintiff.
2. If the Defendant fails to appear as ordered, the Defendant shall be deemed to have waived the right to a hearing. The Court may thereupon order the Clerk to issue a Writ of Replevin.

DONE AND ORDERED in DeLand, Volusia County, Florida.

2/25/2026 3:57 PM 2026 10508

 CIDL

e-Signed 2/25/2026 3:57 PM 2026 10508 CIDL

Randell H. Rowe, III
Circuit Judge

Copy to counsel of record.

2026-10508-CIDL

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,

Plaintiff,

CASE NO.: 2026 10508 CIDL

DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

MOTION TO APPOINT PROCESS SERVER

COMES NOW, Plaintiff, LINDSEY ISAACS, by and through the undersigned counsel, pursuant to Rule 1.070, Florida Rules of Civil Procedure, as made applicable herein, moves this Honorable Court to constitute and appoint **Max Garcia, Inc., 145 East Rich Avenue, Suite G, DeLand, Florida 32724** to serve process in the above cause. Plaintiff would respectfully show that an agent of **MAX GARCIA, INC.** is over the age of twenty-one (21) years and is competent and a disinterested party to this action.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer

Marc E. Dwyer, Esquire
Florida Bar No.: 0634700

/s/ Jacob B. Steele

Jacob B. Steele, Esquire
Florida Bar No.: 1059859

2517 W. Moody Blvd.

Flagler Beach, FL 32136

Telephone: (386) 445-7411

Facsimile: (386) 693-4228

E-Mail: service@askdwyer.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 11th day of March and a copy delivered via formal service of process to Florida Highway Patrol, Defendant, at 2900 Apalachee Pkwy, Tallahassee, Florida 32399.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer

Marc E. Dwyer, Esquire

Florida Bar No.: 0634700

/s/ Jacob B. Steele

Jacob B. Steele, Esquire

Florida Bar No.: 1059859

2517 W. Moody Blvd.

Flagler Beach, FL 32136

Telephone: (386) 445-7411

Facsimile: (386) 693-4228

E-Mail: service@askdwyer.com

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,

Plaintiff,

CASE NO.: 2026 10508 CIDL

DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

MOTION TO APPOINT PROCESS SERVER

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By: /s/ Marc E. Dwyer

Marc E. Dwyer, Esquire
Florida Bar No.: 0634700

/s/ Jacob B. Steele

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2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411

Facsimile: (386) 693-4228

E-Mail: service@askdwyer.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

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DWYER & KNIGHT

By: /s/ Marc E. Dwyer

Marc E. Dwyer, Esquire

Florida Bar No.: 0634700

/s/ Jacob B. Steele

Jacob B. Steele, Esquire

Florida Bar No.: 1059859

2517 W. Moody Blvd.

Flagler Beach, FL 32136

Telephone: (386) 445-7411

Facsimile: (386) 693-4228

E-Mail: service@askdwyer.com

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.: 2026 10508 CIDL
DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

AMENDED MOTION TO APPOINT PROCESS SERVER

COMES NOW, Plaintiff, LINDSEY ISAACS, by and through the undersigned counsel, pursuant to Rule 1.070, Florida Rules of Civil Procedure, as made applicable herein, moves this Honorable Court to constitute and appoint **Tyree Slade (#214) of KD Process, LLC, 2957 Capital Park Drive, Suite 7, Tallahassee, Florida 32301** to serve process in the above cause. Plaintiff would respectfully show that **Tyree Slade** an agent of KD Process, LLC is over the age of twenty-one (21) years and is competent and a disinterested party to this action.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
Jacob B. Steele, Esquire
Florida Bar No.: 1059859
2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228
E-Mail: service@askdwyer.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 13th day of March and a copy delivered via formal service of process to Florida Highway Patrol, Defendant, at 2900 Apalachee Pkwy, Tallahassee, Florida 32399.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer

Marc E. Dwyer, Esquire

Florida Bar No.: 0634700

/s/ Jacob B. Steele

Jacob B. Steele, Esquire

Florida Bar No.: 1059859

2517 W. Moody Blvd.

Flagler Beach, FL 32136

Telephone: (386) 445-7411

Facsimile: (386) 693-4228

E-Mail: service@askdwyer.com

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.: 2026 10508 CIDL
DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

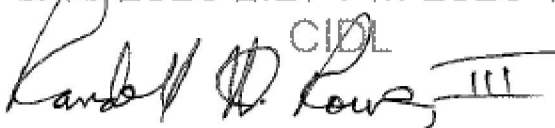
Defendant.

ORDER APPOINTING SPECIAL PROCESS SERVER

THIS CAUSE came before the court on the Plaintiff's Amended Motion to Appoint Special Process Server, and the Court being fully advised in the premises, it is:

ORDERED and **ADJUDGED** that Plaintiff's Amended Motion to Appoint Special Process Server, Tyree Slade (#214) of KD Process, LLC, 2957 Capital Park Drive, Suite 7, Tallahassee, Florida 32301 is hereby **GRANTED**.

DONE AND ORDERED in DeLand, Volusia County, Florida.

3/13/2026 2:27 PM 2026 10508
CIDL


e-Signed 3/13/2026 2:27 PM 2026 10508 CIDL

Randell H. Rowe, III
Circuit Judge

Copies to:

Marc E. Dwyer, Esquire, service@askdwyer.com
Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.: 2026 10508 CIDL
DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

**SUMMONS: PERSONAL SERVICE ON AN INDIVIDUAL
ORDEN DE COMPARECENCIA: SERVICIO PERSONAL EN UN INDIVIDUO
CITATION: L'ASSIGNATION PERSONAL SUR UN INDIVIDUEL**

TO/PARA/A: **Florida Highway Patrol
2900 Apalachee Pkwy
Tallahassee, Florida 32399**

IMPORTANT

A lawsuit has been filed against you. You have **20 calendar days** after this summons is served on you to file a written response to the attached complaint/petition with the clerk of this circuit court, located at: Volusia County Courthouse, 101 North Alabama Avenue, DeLand, Florida 32724. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be **filed** if you want the Court to hear your side of the case.

If you do not file your written response on time, you may lose the case, and your wages, money, and property may be taken thereafter without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court, you must also mail or take a copy of your written response to the party serving this summons at:

Marc E. Dwyer, Esquire

Dwyer Knight Law Firm
2517 West Moody Blvd.
Flagler Beach, Florida 32136

Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents, upon request.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene veinte (20) días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Localizado en: Volusia County Courthouse, 101 North Alabama Avenue, DeLand, Florida 32724. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, puede que pierda el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, usted puede consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presente su respuesta ante el tribunal, usted debe enviar por correo o entregar una copia de su respuesta a la persona denominada abajo.

Si usted elige presentar personalmente una respuesta por escrito, en el mismo momento que usted presente su respuesta por escrito al Tribunal, usted debe enviar por correo o llevar una copia de su respuesta por escrito a la parte entregando esta orden de comparecencia a:

Nombre y dirección de la parte que entrega la orden de comparecencia: Marc E. Dwyer, Esquire, Dwyer Knight Law Firm, 2517 West Moody Boulevard, Flagler Beach, FL 32136.

Copias de todos los documentos judiciales de este caso, incluyendo las ordenes, estan disponibles en la oficina del Secretario de Juzgado del Circuito [Clerk of the Circuit Court's office]. Estos documentos pueden ser revisados a su solicitud.

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Qui se trouve à: Volusia County Courthouse, 101 North Alabama Avenue, DeLand, Florida 32724. Un simple coup de téléphone est insuffisant pour vous protéger; vous êtes obligés de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur.

du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de déposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedier une copie au carbone ou une photocopie de votre reponse ecrite a la partie qui vous depose cette citation.

Nom et adrese de la partie qui depose cette citation: Marc E. Dwyer, Esquire, Dwyer Knight Law Firm, 2517 West Moody Boulevard, Flagler Beach, FL 32136.

Les photocopies de tous les documents tribunaux de cette cause, y compris des arrêts, sont disponible au bureau du greffier. Vous pouvez revue ces documents, sur demande.

THE STATE OF FLORIDA

TO EACH SHERIFF OF THE STATE: You are commanded to serve this summons and a copy of the complaint in this lawsuit on the above-named person.

DATED: _____

CLERK OF THE CIRCUIT COURT

(SEAL)

By: _____
Deputy Clerk



LAURA E. ROTH
CLERK OF THE CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT - VOLUSIA COUNTY
P.O. BOX 6043 DELAND, FLORIDA 32721-6043 - WWW.CLERK.ORG

Filing #:243885495
Filer:Marc E. Dwyer Dwyer Law
Payment:\$10.00

1 Filing Fee: \$0.00
2 Summons Issuance: \$10.00
3 Complaints/Petitions Request that Summons be Issued: \$0.00

This document is a Clerk generated receipt. This page was not included in the original court document submitted by the filer.

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.: 2026 10508 CIDL
DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

NOTICE OF FILING

COMES NOW, the Plaintiff, LINDSEY ISAACS, by and through the undersigned counsel hereby gives notice of filing the following:

Return of Service for Florida Highway Patrol

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 25th day of March 2026 and a copy delivered U.S. Mail to: Respondent, Florida Highway Patrol, at 2900 Apalachee Pkwy, Tallahassee, Florida 32399.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
Jacob B. Steele, Esquire
Florida Bar No.: 1059859
2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228
E-Mail: service@askdwyer.com
Attorneys for Plaintiff

RETURN OF SERVICE

State of Florida

County of Volusia

Circuit Court

Case Number: 2026 10508 CIDL

Plaintiff:
LINDSEY ISAACS

vs.

Defendant:
FLORIDA HIGHWAY PATROL, ETC.

For:
Dwyer & Knight Law Firm
1344 Cross Creek Cir.
Suite 2
Tallahassee, FL 32301



KDY2026013834

Received by TYREE SLADE on the 18th day of March, 2026 at 11:19 am to be served on **FLORIDA HIGHWAY PATROL, A DIVISION OF THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY MOTOR VEHICLES, 2900 APALACHEE PKWY, Tallahassee, FL 32399.**

I, TYREE SLADE, do hereby affirm that on the **19th day of March, 2026 at 1:48 pm, I:**

served a **CORPORATE, PARTNERSHIP, ASSOCIATION OR GOVERNMENT SERVICE** Served the within named business entity by delivering a true copy of **ALIAS SUMMONS, VERIFIED COMPLAINT, ORDER TO SHOW CAUSE AND ORDER APPOINTING SPECIAL PROCESS SERVER** to: **Katherine Wiseley** as Paralegal, an employee of the Registered Agent after confirming the Registered Agent was not in the office or was otherwise unavailable, pursuant to the requirements of Fla. Stat. 48.091, and informed said person of the contents therein, at **2900 APALACHEE PKWY, Tallahassee, FL 32399.** on behalf of **FLORIDA HIGHWAY PATROL, A DIVISION OF THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY MOTOR VEHICLES,** and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a certified process server, in good standing, in the judicial circuit in which the process was served. "under penalties of perjury, I declare that I have read the foregoing document and that the facts are true" f.s.92.525. Notary not required pursuant to fs 92.525

Description of Person Served: Age: 26, Sex: F, Race/Skin Color: Caucasian, Height: 6'0", Weight: 175, Hair: Dark Brown, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. "Under penalties of perjury, I declare that I have read the foregoing document and that the facts in it are true" F.S. 92.525. NOTARY NOT REQUIRED PURSUANT TO FS 92.525

TYREE SLADE
Process Server 214

**KD PROCESS
2957 CAPITAL PARK DRIVE
SUITE # 7
TALLAHASSEE, FL 32301
(850) 727-4363**

Our Job Serial Number: KDY-2026013834

DELIVERED 3/19/2026 1:48 PM
SERVER TS
LICENSE Process Server 214

IN THE CIRCUIT/COUNTY COURT IN AND FOR VOLUSIA COUNTY, FLORIDA

Judge : Randell H. Rowe, III - Div. 02
Case No : 2026 10508 CIDL

LINDSEY ISAACS
Plaintiff(s),

-vs-

FLORIDA HIGHWAY PATROL, ETC.
Defendant(s).

ALIAS SUMMONS

**THE STATE OF FLORIDA:
TO EACH SHERIFF OF THE STATE:**

YOU ARE HEREBY COMMANDED to serve this ALIAS summons and a copy of the complaint or petition in the above styled cause upon the defendant(s):

FLORIDA HIGHWAY PATROL, A DIVISION OF THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
2900 APALACHEE PKWY
TALLAHASSEE, FL 32399

Each defendant is hereby required to serve written defenses to said complaint or petition on plaintiff or plaintiff's attorney, whose name and address is

MARC E DWYER
2517 W MOODY BLVD
FLAGLER BEACH, FL 32136

within 20 days after service of this ALIAS summons upon that defendant exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

DATED : March 17, 2026

e served for sop



**LAURA E. ROTH
CLERK OF CIRCUIT/COUNTY COURT**

3/17/2026 11:02:22 AM 2026 10508 CIDL
3/17/2026 11:02:22 AM 2026 10508 CIDL
3/17/2026 11:02:22 AM 2026 10508 CIDL
3/17/2026 11:02:22 AM 2026 10508 CIDL

By : M S MacDonald, Deputy Clerk
e-Signed 3/17/2026 11:02 AM 2026 10508 CIDL

ADDRESS OF THE CLERK OF THE CIRCUIT COURT

LAURA E. ROTH
CLERK OF THE COURT
P.O. BOX 6043
DELAND, FL 32721-6043

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REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724, (386) 257-6096, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the appearance is less than 7 days; if you are hearing impaired or voice impaired, call 711.

THESE ARE NOT COURT INFORMATION NUMBERS



SOLICITUD DE ADAPTACIONES PARA PERSONAS CON DISCAPACIDADES

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ESTOS NUMEROS TELEFONICOS NO SON PARA OBTENER INFORMACION JUDICIAL

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.: 2026 10508 CIDL
DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

NOTICE OF FILING

COMES NOW, the Plaintiff, LINDSEY ISAACS, by and through the undersigned counsel hereby gives notice of filing the following:

Return of Service for Florida Highway Patrol

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 25th day of March 2026 and a copy delivered U.S. Mail to: Respondent, Florida Highway Patrol, at 2900 Apalachee Pkwy, Tallahassee, Florida 32399.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
Jacob B. Steele, Esquire
Florida Bar No.: 1059859
2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228
E-Mail: service@askdwyer.com
Attorneys for Plaintiff

RETURN OF SERVICE

State of Florida

County of Volusia

Circuit Court

Case Number: 2026 10508 CIDL

Plaintiff:
LINDSEY ISAACS

vs.

Defendant:
FLORIDA HIGHWAY PATROL, ETC.

For:
Dwyer & Knight Law Firm
1344 Cross Creek Cir.
Suite 2
Tallahassee, FL 32301



KDY2026013834

Received by TYREE SLADE on the 18th day of March, 2026 at 11:19 am to be served on **FLORIDA HIGHWAY PATROL, A DIVISION OF THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY MOTOR VEHICLES, 2900 APALACHEE PKWY, Tallahassee, FL 32399.**

I, TYREE SLADE, do hereby affirm that on the **19th day of March, 2026 at 1:48 pm, I:**

served a **CORPORATE, PARTNERSHIP, ASSOCIATION OR GOVERNMENT SERVICE** Served the within named business entity by delivering a true copy of **ALIAS SUMMONS, VERIFIED COMPLAINT, ORDER TO SHOW CAUSE AND ORDER APPOINTING SPECIAL PROCESS SERVER** to: **Katherine Wiseley** as Paralegal, an employee of the Registered Agent after confirming the Registered Agent was not in the office or was otherwise unavailable, pursuant to the requirements of Fla. Stat. 48.091, and informed said person of the contents therein, at **2900 APALACHEE PKWY, Tallahassee, FL 32399.** on behalf of **FLORIDA HIGHWAY PATROL, A DIVISION OF THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY MOTOR VEHICLES,** and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a certified process server, in good standing, in the judicial circuit in which the process was served. "under penalties of perjury, I declare that I have read the foregoing document and that the facts are true" f.s.92.525. Notary not required pursuant to fs 92.525

Description of Person Served: Age: 26, Sex: F, Race/Skin Color: Caucasian, Height: 6'0", Weight: 175, Hair: Dark Brown, Glasses: N

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TYREE SLADE
Process Server 214

**KD PROCESS
2957 CAPITAL PARK DRIVE
SUITE # 7
TALLAHASSEE, FL 32301
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IN THE CIRCUIT/COUNTY COURT IN AND FOR VOLUSIA COUNTY, FLORIDA

Judge : Randell H. Rowe, III - Div. 02
Case No : 2026 10508 CIDL

LINDSEY ISAACS
Plaintiff(s),

-vs-

FLORIDA HIGHWAY PATROL, ETC.
Defendant(s).

ALIAS SUMMONS

**THE STATE OF FLORIDA:
TO EACH SHERIFF OF THE STATE:**

YOU ARE HEREBY COMMANDED to serve this ALIAS summons and a copy of the complaint or petition in the above styled cause upon the defendant(s):

FLORIDA HIGHWAY PATROL, A DIVISION OF THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
2900 APALACHEE PKWY
TALLAHASSEE, FL 32399

Each defendant is hereby required to serve written defenses to said complaint or petition on plaintiff or plaintiff's attorney, whose name and address is

MARC E DWYER
2517 W MOODY BLVD
FLAGLER BEACH, FL 32136

within 20 days after service of this ALIAS summons upon that defendant exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

DATED : March 17, 2026

e served for sop



**LAURA E. ROTH
CLERK OF CIRCUIT/COUNTY COURT**

3/17/2026 11:02:22 AM 2026 10508 CIDL
3/17/2026 11:02:22 AM 2026 10508 CIDL
3/17/2026 11:02:22 AM 2026 10508 CIDL
3/17/2026 11:02:22 AM 2026 10508 CIDL

By : M S MacDonald, Deputy Clerk
e-Signed 3/17/2026 11:02 AM 2026 10508 CIDL

ADDRESS OF THE CLERK OF THE CIRCUIT COURT

LAURA E. ROTH
CLERK OF THE COURT
P.O. BOX 6043
DELAND, FL 32721-6043

If English is not your native language and you need assistance understanding the court's proceedings, you will need to bring someone to interpret for you as this service is not provided by the court.

Si el inglés no es su lengua materna y va a necesitar ayuda para entender el proceso judicial, tendrá que traer a alguien para que le interprete ya que el tribunal no ofrece este servicio.



REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724, (386) 257-6096, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the appearance is less than 7 days; if you are hearing impaired or voice impaired, call 711.

THESE ARE NOT COURT INFORMATION NUMBERS



SOLICITUD DE ADAPTACIONES PARA PERSONAS CON DISCAPACIDADES

Si usted es una persona con discapacidad que necesita una adaptación para poder participar en este procedimiento, usted tiene el derecho a que se le proporcione cierta asistencia, sin incurrir en gastos. Comuníquese con la Oficina de Administración Judicial (Court Administration), 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724, (386) 257-6096, con no menos de 7 días de antelación de su cita de comparecencia ante el juez, o de inmediato al recibir esta notificación si la cita de comparecencia está dentro de un plazo menos de 7 días; si usted tiene una discapacidad del habla o del oído, llame al 711.

ESTOS NUMEROS TELEFONICOS NO SON PARA OBTENER INFORMACION JUDICIAL

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,

Plaintiff,

CASE NO.: 2026 10508 CIDL

DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

PLAINTIFF'S REQUEST FOR INSPECTION OF PROPERTY

COMES NOW, Plaintiff, LINDSEY ISAACS, by and through her undersigned counsel, in accordance with Florida Rules of Civil Procedure 1.350, and hereby notifies Defendant, FLORIDA HIGHWAY PATROL, that the undersigned counsel accompanied by an authorized representative will inspect and retrieve data at a date and time mutually agreeable by the parties from the following property:

1. 2025 Dodge Durango, Vehicle Identification No.: 1C4SDJCT7SC529164, License Plate: RJVN10.

The subject property is currently in the possession, custody and control of the Defendant at Florida Highway Patrol Impound Lot located at 1551 Kepler Road, DeLand, Florida 32724 as a result of an incident that occurred on or about October 4, 2025. The date and time of inspection should be coordinated to take place within the next thirty (30) days from the date of this request.

Said inspection is for the purpose of inspecting, testing, measuring, surveying, photographing, and videotaping the subject vehicle involved. No disassembly or destructive testing will be performed at this inspection.

The inspection is being conducted for the purpose of discovery and use at trial and for any other purpose permitted by law.

Respectfully submitted this Tuesday, March 31, 2026.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
Jacob B. Steele, Esquire
Florida Bar No.: 1059859
2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228
E-Mail: service@askdwyer.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 31st day of March and a copy delivered via U.S. Mail to Florida Highway Patrol, Defendant, at 2900 Apalachee Pkwy, Tallahassee, Florida 32399.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
Jacob B. Steele, Esquire
Florida Bar No.: 1059859
2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228
E-Mail: service@askdwyer.com
Attorneys for Plaintiff

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

and

CASE NO: 2026 10508 CIDL
DIVISION: 2

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

FILED
2026 APR -1 AM 10:43
CLERK OF THE CIRCUIT
& CITY COURT VOLUSIA CO., FL.
CC 32

STATE'S MOTION TO INTERVENE AND RESPONSE
TO PETITION FOR WRIT OF REPLEVIN AND
OBJECTION TO RELEASE OF PROPERTY

COMES NOW the State of Florida, by and through its undersigned counsel, and hereby files this Motion as it has a necessary and important stake in the outcome of this decision, and in support thereof, states:

1. On October 4, 2025, at approximately 9:53 PM, a black Dodge Durango traveling eastbound in the center lane on Interstate 4 near mile marker 108, within Volusia County, struck the left side of a Ford Focus driving in the left inside lane of the highway.
2. The force of being struck by the Dodge Durango caused the Ford Focus to travel off the roadway to the left, striking the guardrail in the median, and then redirecting the Ford Focus to reenter the highway and striking the left side of a Honda Pilot. The impact caused the operator of the Honda Pilot to lose control of the vehicle and crash, resulting in the deaths of the two occupants inside.

3. Upon impacting the Ford Focus, the Dodge Durango swerved to the right, striking a Suzuki motorcycle causing the operator of the motorcycle to be ejected from his vehicle resulting in his death.
4. The Dodge Durango then left the scene and was tracked hours later using the Flock license plate reader system where it was located at the Integra Woods Apartments, at 1000 Integra Woods Boulevard, Palm Coast, Florida, the location where the registered owner, Lindsey Isaacs, resides.
5. The Dodge Durango was observed by Flagler County Sheriff's Office deputies parked outside Ms. Isaacs' apartment. Upon inspecting the exterior of the vehicle, investigators observed damage located on the left side matching damage located on the right side of the Ford Focus.
6. Through the use of investigative techniques and license plate reader cameras, investigators were able to track the origin of the Dodge Durango's route earlier that night to the Vape Up Café in Davenport, FL. Surveillance video from the store shows a black Dodge Durango arriving at the parking lot at approximately 8:08 PM and depicts the Petitioner exiting the driver's side of the vehicle, entering the store, and then exiting the store and re-entering the vehicle through the driver's side. Less than two hours later, the same Dodge Durango was involved in this crash.
7. The Dodge Durango was seized by law enforcement on October 5, 2025, and a search warrant for the vehicle was signed on October 10, 2025, by Judge Weston. Investigators executed the search on October 14, 2025, and the Return was filed with the Flagler County Clerk on October 22, 2025. See attached Warrant, Affidavit and Return as "Exhibit A".

8. Petitioner, Lindsey Isaacs, now seeks the return of the Dodge Durango involved in the investigation of a violation of Florida Statute 316.027(2)(c) Leaving Scene of Crash Involving Death by way of a civil petition for replevin. The vehicle is currently in the possession of Florida Highway Patrol at their evidence lot located in Deland, FL, and is being held as direct evidence in this investigation involving the deaths of three motorists.
9. The Dodge Durango is currently being held for evidentiary purposes and for further analysis as it would likely contain evidence directly linking it to the collisions on Interstate 4. This evidence would include but is not limited to the following: impact damage on the Durango consistent with impact damage to the other vehicles involved; paint transfer; and missing parts consistent with debris left on the highway. In addition, the interior of the vehicle will likely contain evidence identifying the operator at the time of the collision. Such evidence would include: DNA and fingerprint evidence on the steering wheel, shifters and door handles; and the positioning of the driver's seat consistent with the height of the operator.
10. Although the Petitioner is not currently charged criminally, charges are likely forthcoming and the release of crucial evidence such as the vehicle suspected of being involved in this crash would impact the State's ability to prosecute and unfairly prejudice the State's case.
11. There is no rule which precludes the State from commencing prosecution at any time for this charge, and for the crime of Leaving the Scene of an Accident Causing Death where three people were killed, it is not unreasonable that an investigation would take over five months to be completed for charges to be filed. Pursuant to Fla. Stat. § 775.15(1) "A

prosecution for a capital felony, a life felony, or a felony that resulted in death may be commenced at any time”.

12. F.S. § 933.14(1) governs and provides a framework through the criminal courts for petitions to return property seized pursuant to a search warrant. The remedy provided under F.S. § 933.14(1) establishes the jurisdiction for requests to release seized property is with the judge to whom the search warrant is returned, and that the filing of charges is not a prerequisite for seeking relief under the statute. *Golding v. Director, Public Safety Department, Metropolitan Dade County*, 400 So.2d 990 (Fla. 3d DCA 1981) (citing *Harvey v. Drake*, 40 So.2d 214 (Fla. 1949).
13. “If no cause is shown for the return of any property seized or taken under a search warrant, the judge shall order that the same be impounded for use as evidence at any trial of any criminal or penal cause growing out of the having or possession of said property,…” F.S. § 933.14(4).
14. The Dodge Durango was lawfully seized and searched upon a finding of probable cause, and the Petitioner has not established sufficient cause for the return of the vehicle, nor has she sought relief with the judge to whom the search warrant was returned as required under F.S. § 933.14(1).
15. Law enforcement and the State have a duty to securely maintain the integrity of all criminal evidence, and when a prosecution does commence, to ensure its availability for inspection.
16. The Dodge Durango involved in this investigation is alleged to be the instrumentality which caused a crash resulting in the deaths of three individuals and fled the scene and must be kept secure until a filing decision is made, as the release of the vehicle would

compromise the integrity of the evidence, prejudice the State in moving forward with prosecution, and deny justice to the families of the victims.

WHEREFORE, the State of Florida moves this Honorable Court to deny the petition to return the seized property.

RESPECTFULLY SUBMITTED
FOR THE STATE ATTORNEY

/s/ MICHAEL WILLARD
MICHAEL WILLARD
ASSISTANT STATE ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by U.S. mail/delivery to Marc E Dwyer, Esq. and Jacob B. Steele, Esq., 2517 West Moody Blvd., Flagler Beach, FL 32136, this 31 day of March, 2026.

/s/ MICHAEL WILLARD
MICHAEL WILLARD
ASSISTANT STATE ATTORNEY
Florida Bar No.: 0670707
101 N. Alabama Ave.
4th Floor
Deland, FL 32724
(386) 822-6400
eservicevolusia@sao7.org

Exhibit A

INVENTORY AND RETURN

Swabs of interior driver's door handle, steering wheel,
gear shift, and interior passenger's door handle
(2) water bottles from front center cup holders
rolling papers, multi-colored baggies, and smoked cigarette w/
unk. substance from center console
partial green grinder from bag in trunk

FILED
2025 OCT 22 PM 1:19
CLERK OF THE CIRCUIT
& CT. COURT VOLusia CT., FL
CCTO

(STATE OF FLORIDA
COUNTY OF FLAGLER)

I, CARMINE CERZO received this Search Warrant on the 14th day of OCT., 2025, and I executed the same
in Flagler County, Florida, on the 14th day of OCT., 2025, by making a search as therein directed and I do
swear that the above INVENTORY contains a true and detailed account of all the property taken by me on the warrant
and that I have delivered a copy of the Search Warrant and this INVENTORY AND RETURN to:
Flagler County Clerk of Court.

[Signature] #312
LAW ENFORCEMENT OFFICER

Sworn to and subscribed before me this 14th day of OCT., 2025.

[Signature]
Notary Public/Law Enforcement Officer
Savannah MacLellan
Notary Public
State of Florida
Comm# HH670202
Expires 4/28/2029



SEAL... WARRANT - Case No: FHP25ON0469308 Agency: JHP
Affidavit Checksum: 8f1dcccdd8ecaffa4facb0842c522cbd0d6ab7c9d59043cae19eb9a407211de03

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,

IN AND FOR FLAGLER COUNTY, FLORIDA

GENERAL AFFIDAVIT AND APPLICATION FOR SEARCH WARRANT

STATE OF FLORIDA)
COUNTY OF FLAGLER)
CASE NUMBER: FHP25ON0469308

BEFORE ME, the undersigned Judge of the Circuit Court in and for Flagler County, Florida, personally came, Corporal Tiffany Jateff,

Who being first duly sworn, deposes and says: That the affiant has reason to believe that a certain vehicle located in Flagler County, Florida, being known and described as follows, to-wit:

A black-in-color 2025 Dodge Durango Sport Utility Vehicle (VIN: 1C4SDJCT7SC529164) bearing Florida tag RJVN10, owned by Lindsey Brooke Isaacs,

hereinafter "the vehicle" that was occupied by and/or under the control of an unknown subject, contains evidence of a felony. The vehicle is currently located at the Flagler County Sheriff's Office Evidence Facility, with the physical address of 61 Sheriff EW Johnston Dr., Bunnell, FL 32110 in the Forensic Bay.

PROPERTY SOUGHT

Your Affiant seeks to seize and remove the items of evidence below:

1. Any and all trace evidence including but not limited to fingerprints, blood, saliva, skin/epithelial cells, DNA; and
2. Any automotive information or parts which tend to indicate the mechanical condition or technical data of the vehicle to include removing or accessing the electronic data recorder (EDR), which may be relevant to the causation of the crash, evidence of who was the operator at the time of the crash, or any other violation of law, and the Infotainment Center Data which will show any phones connected to it; and
3. Any and all deployed air bag(s) from within the vehicle to be cut and removed separately for a separate off-site examination and processing for the presence of trace evidence including but not limited to fingerprints, blood, saliva, skin/epithelial cell and/or DNA; and
4. Any and all evidence of tools, window punches, keys, key fobs, short-range wireless signal devices or other digital devices that aid in gaining entry to locked vehicles.
5. Any and all evidence related to recent operator and/or recent occupants within the vehicle including but not limited to U.S. currency, credit cards, debit cards, purses/handbags, tote bags, wallets, backpacks, i-Pod, driver's license(s), military identification, school identification card(s), gift cards, phone charger(s), keys, and
6. Any and all cellular devices within the vehicle;

as evidence of the below-described felony crimes and hereinafter referred to as "the property."

2025 OCT 22 PM 1:20
CLERK OF THE CIRCUIT COURT
VOLUSIA COUNTY, FL
EJL ED

GROUNDS FOR ISSUANCE

The property sought constitutes evidence relevant to proving that a felony has been committed and is material and relevant to proving the following violations of law:

- LEAVING SCENE OF CRASH INVOLVING DEATH, F.S.S. 316.027(2)(c)
- LEAVING SCENE OF CRASH INVOLVING BODILY INJURY, F.S.S. 316.027(2)(a)

PROBABLE CAUSE:

Your Affiant has been a State Trooper since 2017 and is currently a Traffic Homicide Investigator since 2020 and is currently assigned to the Deland District of the Florida Highway Patrol. Your affiant investigates traffic crashes and traffic fatalities and has investigated many misdemeanor and felony crimes against persons. Your affiant has investigated hundreds of traffic crashes to include crashes with serious bodily injury and death. Your affiant utilizes the resources and veteran manpower of the Florida Highway Patrol in the Deland District as well as FHP's statewide resources.

The facts establishing the grounds for this application and the probable cause for believing that such facts exist are as follows:

The Dodge Durango with Florida tag RJVN10, that is the subject of this warrant, was involved in a motor vehicle collision on October 4, 2025, at approximately 9:53 PM, on Interstate 4 in the area of mile marker 108, within Volusia County, Florida. The Dodge Durango was traveling eastbound on Interstate 4 in the center travel lane. The left side of the Dodge Durango struck the right side of a Ford Focus sedan (Florida tag IVTZ24). The Dodge Durango subsequently traveled to the right. The right side of the Dodge Durango struck a Suzuki GSX1300R motorcycle (Florida tag MYHH77). The driver of the Suzuki GSX1300R was thrown from the motorcycle. The force of being struck by the Dodge Durango caused the Ford Focus to travel off the roadway to the left and strike the guardrail of the median. The Ford Focus then reentered the roadway, and the front of the Ford Focus struck the left side of a Honda Pilot. The driver of the Suzuki (Joaquin A. Deno), the driver of the Honda Pilot (Jorge Ismael Salinas), and the front passenger of the Honda Pilot (Nancy Salinas) died as a result of the injuries they sustained in this crash. After the collision, the Dodge Durango fled the scene without stopping and did not report the traffic crash to law enforcement.

Based on witness descriptions of the hit and run vehicle, the Dodge Durango with Florida tag RJVN10 was located on a Flock license plate reader traveling eastbound on Interstate 4 at the Seminole County line at 9:51 PM. This location is approximately 3 miles west of the crash scene for eastbound traffic. The Dodge Durango was then located on a Flock license plate reader at 10:28 PM at northbound U.S. Highway 1 and Seminole Woods Boulevard. This location is approximately .25 miles from where the Dodge Durango was located.

The Flagler County Sheriff's Office located the Dodge Durango in the parking lot of the Integra Woods apartment complex at 1000 Integra Woods Boulevard, Palm Coast, Florida 32164. The Dodge Durango was parked outside of the registered owner, Lindsay Brooke Isaacs, apartment. The damage located on the left side of the Dodge Durango was consistent with the damage located on the right side of the Ford Focus.

Based on the totality of the circumstances, the Dodge Durango was taken into the Florida Highway Patrol's custody and was transported to the Flagler County Sheriff's Office secured forensic bay.

Your Affiant knows through training and experience that all modern vehicles contain event data recorders. An event data recorder (EDR), similar to an accident data recorder (ADR) and sometimes referred to informally as an automotive "black box" (by analogy with the common nickname for flight recorders), is a device installed in some automobiles to record information related to vehicle crashes or accidents. EDRs are capable of capturing data

including but not limited to speed of the vehicle shortly before impact, speed at impact, lane departure or evasive action, application of driver-operated braking systems, application of any automated braking system or collision avoidance system, and other mechanical and/or operational information.

Your Affiant knows through training and experience, the Infotainment Center Data can also yield similar data to the EDR but will also provide data regarding connected phones before, during and after the crash.

Your Affiant also knows through training and experience, that most people carry cellular devices on their person at all times and that cellular devices not only contain identifying information such as names, contact lists, recent call lists, bank cards, debit cards, they also contain photographs, videos, text messages, third party application messages, social media platforms and various applications that are in communication with various signals from businesses, cellular towers and other people's Wi-Fi networks that provide location information both current and historical about where the device has traveled. Likewise, communications, photographs, videos, social media accounts and the like tend to evidence dominion and control over a device and its presence in a particular location may be evidence of its user having been in that location.

The property sought is relevant to the investigation and will tend to prove the identity of the driver of the vehicle.

WHEREFORE, your Affiant hereby makes application for a Search Warrant authorizing the Affiant from the Florida Highway Patrol as well as law enforcement personnel aforementioned with proper and necessary assistance, to search the above described vehicle in the daytime/nighttime or on Sunday, and to seize any and all of the aforesaid property found by virtue of such Search Warrant and to list the property seized on a return and inventory, to be filed within the Judicial Circuit within ten days of this date.

ELECTRONIC SIGNATURE

Tiffany Jateff

10/10/2025 1:30:09 PM EST

ELECTRONIC SIGNATURE

Personally appeared before me Tiffany Jateff, a law enforcement officer known to me, who has sworn to and subscribed before me

Gregory Reed

10/10/2025 1:30:09 PM EST

Printed from: <https://esworn.volusiaSheriff.us> - Provided by Volusia Sheriff's Office

SEARCH WARRANT - Case No: FHP250N0469308 Agency: rHP
Order Checksum: 3b61c5327603aa6ce601131515e6fc4c70033ed723e9cb7290d27e087ed8e15c

SEARCH WARRANT

IN THE NAME OF THE STATE OF FLORIDA TO ALL AND SINGULAR THE SHERIFF MICHAEL CHITWOOD AND, OR DEPUTY SHERIFFS OF VOLUSIA COUNTY, SHERIFF RICK STALY AND/OR DEPUTY SHERIFFS OF FLAGLER COUNTY, THE DIRECTOR OF THE FLORIDA HIGHWAY PATROL GARY HOWZE AND, OR HIS STATE TROOPERS OF THE STATE OF FLORIDA, THE COMMISSIONER OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT MARK GLASS AND OR DULY SWORN SPECIAL AGENTS OF THE STATE OF FLORIDA, THE OFFICE OF THE SEVENTH JUDICIAL CIRCUIT STATE ATTORNEY R. J. LARIZZA AND OR DULY SWORN LAW ENFORCEMENT OFFICERS OF THE OFFICE OF THE SEVENTH JUDICIAL CIRCUIT STATE ATTORNEY R. J. LARIZZA.

WHEREAS, Corporal Tiffany Jateff, of the Florida Highway Patrol, County of Flagler, State of Florida, has this day made application before me for a Search Warrant, said application being supported by the General Affidavit and Application for Search Warrant, and said facts made known to me have caused me to certify and find that there is probable cause to believe that certain laws have been and are being violated in or on the vehicle, in Flagler County, Florida, being known and described as follows, to wit:

A black-in-color 2025 Dodge Durango Sport Utility Vehicle (VIN: 1C4SDJCT7SC529164) bearing Florida tag RJVN10, owned by Lindsey Brooke Isaacs,

and there is now being kept in or on said vehicle certain property evidencing that a felony has been committed.

PROPERTY SOUGHT

1. Any and all trace evidence including but not limited to fingerprints, blood, saliva, skin/epithelial cells, DNA; and
2. Any automotive information or parts which tend to indicate the mechanical condition or technical data of the vehicle to include removing or accessing the electronic data recorder (EDR), which may be relevant to the causation of the crash, evidence of who was the operator at the time of the crash, or any other violation of law, and the Infotainment Center Data which will show any phones connected to it; and
3. Any and all deployed air bag(s) from within the vehicle to be cut and removed separately for a separate off-site examination and processing for the presence of trace evidence including but not limited to fingerprints, blood, saliva, skin/epithelial cell and/or DNA; and
4. Any and all evidence of tools, window punches, keys, key fobs, short-range wireless signal devices or other digital devices that aid in gaining entry to locked vehicles.
5. Any and all evidence related to recent operator and/or recent occupants within the vehicle including but not limited to U.S. currency, credit cards, debit cards, purses/handbags, tote bags, wallets, backpacks, i-Pod, driver's license(s), military identification, school identification card(s), gift cards, phone charger(s), keys; and
6. Any and all cellular devices within the vehicle;

as evidence of the below-described felony crimes and hereinafter referred to as "the property sought"

GROUNDS FOR ISSUANCE

The property sought constitutes evidence relevant to proving that a felony has been committed and is material and relevant to proving the following violations of law:

FILED
 2025 OCT 22 PM 1:20
 CLERK OF THE CIRCUIT
 & COUNTY CLERK
 VOLUSIA COUNTY, FL
 CC70

SEA WARRANT - Case No: PHP25ON04693C8 Agency: HF
Order Checksum: 3b61c5327605aa6ce601131515e6fc4c70033ed723e9cb7290d27a087ed8e15c

LEAVING SCENE OF CRASH INVOLVING DEATH, F.S.S. 316.027(2)(c)

LEAVING SCENE OF CRASH INVOLVING BODILY INJURY, F.S.S. 316.027(2)(a)

THAT the following grounds for issuance of a Search Warrant, as required by Florida State Statute 933.02, exist, to wit: Property constitutes evidence relevant to proving that a felony has been committed.

NOW THEREFORE, the facts upon which the belief of said Affiant are based as set out in said General Affidavit and Application for Search Warrant, as hereby incorporated herein and expressly made a part hereof are hereby deemed sufficient to show probable cause, and I believe there is probable cause for the issuance of a Search Warrant in accordance with the application of said Affiant.

THESE ARE THEREFORE, to command you, Corporal Tiffany Jateff, of the Florida Highway Patrol, and/or law enforcement officers of the Counties of Volusia and Flagler, State of Florida, with proper and necessary assistance, to search the aforescribed vehicle as a black-in-color 2025 Dodge Durango Sport Utility Vehicle (VIN: 1C4SDJCT7SC529164) bearing Florida tag RJVN10, and to search for the aforesaid property found by virtue of such Search Warrant.

YOU ARE directed to deliver a duplicate copy of this Search Warrant to the following identified property, to wit: black-in-color 2025 Dodge Durango Sport Utility Vehicle (VIN: 1C4SDJCT7SC529164) bearing Florida tag RJVN10.

YOU ARE directed that if property be found and seized by virtue of this Search Warrant, you shall deliver to the owner of the black-in-color 2025 Dodge Durango Sport Utility Vehicle (VIN: 1C4SDJCT7SC529164) bearing Florida tag RJVN10, a written inventory of the property taken and a receipt for same.

YOU ARE further directed to make return of your actions and doings by virtue hereof to the undersigned, the Magistrate, or some other Court having jurisdiction of the offense within ten (10) days from the date hereof and to do and report concerning the same as the law further directs.

AUTHORITY is hereby granted to execute this Warrant in the Daytime/Nighttime or on Sunday.

ELECTRONIC SIGNATURE
WITNESS my hand and seal this

Kathryn Weston

10/11/2025 2:19:59 PM EST

0050402f0c0e1d0e1e4a7b1a6518e51d 78504740e1c02000115e6e6e4

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NO. 2026 10508 CIDL

LINDSEY ISAACS,
Plaintiff,

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,
Defendant

FILED
2026 APR -2 PM 3:11
CLERK OF THE CIRCUIT
& COUNTY COURT VOLUSIA COUNTY,
FLORIDA

CROSS NOTICE OF HEARING

TO: Honorable Judge Randell H. Rowe, III, Volusia County Courthouse, 101 N. Alabama Avenue, Hearing Room D413, Deland, FL 32724

Marc Dwyer, Esquire and Jacob Steele, Esquire, 2517 West Moody Blvd., Flagler Beach, FL 32136

Nathan Ross, Assistant General Counsel, Florida Department of Highway Safety and Motor Vehicles, 7322 Normandy Blvd., Jacksonville, FL 32205

PLEASE TAKE NOTICE that on **April 30th, 2026**, at the hour of **10:00 a.m.**, or soon thereafter as counsel can be heard, the undersigned will bring on to be heard the State's Motion to Intervene and Response to Petition for Writ of Replevin and Objection to Release of Property, before the Honorable Judge Randell H. Rowe, III, Circuit Judge, Deland, Florida.

PLEASE GOVERN YOURSELF ACCORDINGLY.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished via email to dwinfrey@circuit7.org, service@askdwyer.com, marc@askdwyer.com, jacob@askdwyer.com and nathanross@flhsmv.gov, this 2nd day of April, 2026.

Respectfully submitted:

/s/ MICHAEL WILLARD
MICHAEL WILLARD
ASSISTANT STATE ATTORNEY
FLORIDA BAR NO.: 0670707
101 N. ALABAMA AVENUE
DELAND, FL 32724
(386) 822-6400
eservicevolusia@sao7.org

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

Case # 2026 10508 CIDL

LINDSEY ISAACS,

Plaintiff,

v.

FLORIDA HIGHWAY PATROL, a
division of the Florida State Department
of Highway Safety and Motor Vehicles,

Defendant,

NOTICE OF APPEARANCE AND MOTION TO BE HEARD

COMES NOW, non-party, JESTENY DENO, as the Presumptive Personal Representative of the ESTATE OF JOAQUIN DENO, deceased, by and through the undersigned counsel and files this Notice of Appearance and Motion to be Heard, and further states:

1. On October 4, 2025, Joaquin Deno was a motorcyclist who was involved in a motor vehicle collision that caused his death.
2. Jesteny Deno is Joaquin Deno's surviving adult daughter.
3. Jesteny Deno is the presumptive Personal Representative of her father's estate.
4. The undersigned represents the estate for claims of personal injury and wrongful death arising out of the collision.
5. At the time of this filing, it is believed that the Florida Highway Patrol is conducting a homicide investigation. This investigation has not resulted in the creation of a Homicide Report.
6. The Estate of Joaquin Deno is unaware of the cause of the decedent's death.
7. The Estate of Joaquin Deno has an interest in preserving the vehicle as evidence in a potential civil action.
8. It is within the courts discretion to recognize the estates interest discovering the results of the Florida Highway Patrol's investigation before the vehicle is returned to the Plaintiff.

WHEREFORE, non-party, JESTENY DENO, as the Presumptive Personal Representative of the ESTATE OF JOAQUIN DENO, deceased, respectfully requests the court deny plaintiff's request for replevin and allow the Florida Highway Patrol to hold the subject vehicle until the investigation is complete and the Homicide Report is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by ECF/email, this 13th day of April, 2026, to: Marc E. Dwyer, Esq., 2517 W. Moody Blvd., Flagler Beach, FL 32136; service@askdwyer.com and Florida Highway Patrol, 1551 E. International Speedway Blvd., Deland, FL 32724.

/s/ MARK R. AHRENS, ESQ.

MARK R. AHRENS, ESQ., ESQUIRE

FBN 43137

Todd Miner Law

915 Outer Road

Orlando, FL 32814

Telephone: (407) 894-1480

Facsimile: (407) 894-1483

Attorneys for non-party, JESTENY DENO, as the Presumptive Personal Representative of the ESTATE OF JOAQUIN DENO, deceased.

PRIMARY E-MAIL ADDRESS:
ahrens-efiling@toddminerlaw.com

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,

CASE No. 2026 10508 CIDL

Plaintiff,

v.

FLORIDA HIGHWAY PATROL, a
division of the Florida State Department
of Highway Safety and Motor Vehicles,

Defendant.

_____ /

NOTICE OF APPEARANCE AND MOTION TO BE HEARD

COMES NOW, non-party, MATTHEW SALINAS, as the Personal Representative of the ESTATE OF NANCY SALINAS and the ESTATE OF JORGE ISMAEL SALINAS CABAN, deceased, by and through the undersigned counsel and files this Notice of Appearance and Motion to be Heard, and further states:

1. On October 4, 2025, Jorge Ismael Salinas Caban and Nancy Salinas were involved in a motor vehicle collision that caused their death.
2. Matthew Salinas is the surviving adult son of Nancy Salinas and Jorge Ismael Salinas Caban.
3. Matthew Salinas is the duly appointed Personal Representative of his parents' estates pursuant to Letters of Administration issued in Flagler County Probate Court.
4. The undersigned represents the estate or claims of personal injury and wrongful death arising out of the collision.
5. At the time of this filing, it is believed that the Florida Highway Patrol is conducting a homicide investigation. This investigation has not resulted in the creation of a Homicide Report.

6. The Estate of Jorge Ismael Salinas Caban and the Estate of Nancy Salinas are unaware of the cause of the decedent's death.

7. The Estate of Jorge Ismael Salinas Caban and the Estate of Nancy Salinas have an interest in preserving the vehicle as evidence in a potential civil action.

8. It is within the court's discretion to recognize the estate's interest discovering the results of the Florida Highway Patrol's investigation before the vehicle is returned to the Plaintiff.

WHEREFORE, non-party MATTHEW SALINAS, as the Personal Representative of the ESTATE OF NANCY SALINAS and the ESTATE OF JORGE ISMAEL SALINAS CABAN, deceased, respectfully request the Court deny Plaintiff's request for replevin and allow the Florida Highway Patrol to hold the subject vehicle until the investigation is complete and the Homicide Report is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing has been furnished by ECF/email this 16th day of April 2026 to Marc E. Dwyer, Esq. 2517 W. Moody Blvd., Flagler Beach, Florida 32136 [service@askdwyer.com] and Florida Highway Patrol, 1551 E. International Speedway Blvd., Deland, FL 32724

CHIUMENTO LAW, PLLC

/s/Michael D. Chiumento III

MICHAEL D. CHIUMENTO III, ESQ.

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Palm Coast, FL 32164

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CMcNeil@legalteamforlife.com

FILED

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CLERK OF THE CIRCUIT
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IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

and

CASE NO: 2026 10508 CIDL
DIVISION: 2

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

_____ /

**STATE'S MOTION TO STRIKE THE PETITION FOR WRIT OF REPLEVIN
AND REQUEST TO CANCEL HEARING**

COMES NOW the State of Florida, by and through its undersigned counsel, and moves this Honorable Court for an Order striking Petitioner's request for the return of property seized in the criminal investigation and request to cancel the hearing. In support of this motion, the State would show the following:

1. On April 16, 2026, a warrant was signed for the Petitioner's arrest for three counts of Leaving Scene of Crash With Death, three counts of Vehicular Homicide, one count of Leaving Scene of Crash with Serious Bodily Injury, and one count of Reckless Driving With Serious Bodily Injury. The Petitioner was taken into custody on April 17, 2026 and is currently held at the Volusia County Branch Jail awaiting trial.
2. Petitioner's criminal case (2026-102441CFDL) has been assigned to the criminal docket of Division 8, presided over by the Honorable Judge Karen Foxman.

3. The Order to Show Cause hearing for Petitioner's Writ of Replevin is scheduled for April 30, 2026 before the Honorable Judge Randell Rowe.
4. The request to return property seized as part of the criminal investigation must be made with the criminal court assigned to preside over Petitioner's charges, where an evidentiary hearing can be set to determine whether a valid basis exists for law enforcement to continue preserving the evidence.
5. According to *Brown v. State*, 613 So.2d 569, 570 (Fla. 2nd DCA 1993), "[w]hen a trial court assumed jurisdiction over criminal charges, it is thereafter vested with an inherent power to assist the true owner in the recovery of property held *in custodia legis*." Citing *Garmire v. Red Lake*, 265 So.2d 2 (Fla. 1972).
6. Once the criminal court receives a facially sufficient motion requesting the return of property and prior to making a determination, the trial court should schedule an evidentiary hearing where the movant would be required to show exclusive possession of the property, that the property is not contraband, and that it is not being held as evidence.
Id.
7. With Petitioner's arrest and the case being set on a criminal docket, the Motion for return of property seized by law enforcement during its investigation should be resolved by the trial court with jurisdiction over the criminal charges.

WHEREFORE, the State of Florida moves this Honorable Court to strike the petition to return the seized property and cancel the hearing.

RESPECTFULLY SUBMITTED
FOR THE STATE ATTORNEY

/s/ MICHAEL WILLARD
MICHAEL WILLARD
ASSISTANT STATE ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by U.S. mail/delivery to Marc E Dwyer, Esq. and Jacob B. Steele, Esq., 2517 West Moody Blvd., Flagler Beach, FL 32136, this 20 day of April, 2026.

/s/ MICHAEL WILLARD
MICHAEL WILLARD
ASSISTANT STATE ATTORNEY
Florida Bar No.: 0670707
101 N. Alabama Ave.
4th Floor
Deland, FL 32724
(386) 822-6400
eservicevolusia@sao7.org

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.: 2026 10508 CIDL
DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

CROSS NOTICE OF HEARING

COMES NOW, Plaintiff, LINDSEY ISAACS, by and through the undersigned counsel, will bring forth *Plaintiff's Request for Inspection of Property* (Dkt. #14) during the scheduled Show Cause hearing on April 30, 2026, beginning at 10:00 a.m. or as soon thereafter as counsel can be heard, before the Honorable Judge Randall H. Rowe at the Volusia County Courthouse, 101 N. Alabama Avenue, Hearing Room D413, DeLand, Florida.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer

Marc E. Dwyer, Esquire
Florida Bar No.: 0634700

/s/ Jacob B. Steele

Jacob B. Steele, Esquire
Florida Bar No.: 1059859

2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228

E-Mail: service@askdwyer.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 20th day of April and a copy delivered to Florida Highway Patrol, Defendant, at 2900 Apalachee Pkwy, Tallahassee, Florida 32399.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer

Marc E. Dwyer, Esquire

Florida Bar No.: 0634700

/s/ Jacob B. Steele

Jacob B. Steele, Esquire

Florida Bar No.: 1059859

2517 W. Moody Blvd.

Flagler Beach, FL 32136

Telephone: (386) 445-7411

Facsimile: (386) 693-4228

E-Mail: service@askdwyer.com

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.: 2026 10508 CIDL
DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

**MOTION TO STRIKE NON-PARTY'S MOTION TO STRIKE
PETITION FOR WRIT OF REPLEVIN AND REQUEST TO CANCEL HEARING**

COMES NOW, Plaintiff, LINDSEY ISAACS, by and through the undersigned counsel, and pursuant to Florida Rule of Civil Procedure 1.140 and 1.150 files this Motion to Strike Non-Party's Motion to Strike Petition for Writ of Replevin and Request to Cancel Hearing filed in the above-styled case and in support thereof would state as follows:

1. This is an action for replevin and other relief between Plaintiff, LINDSEY ISAACS, and Defendant, FLORIDA HIGHWAY PATROL (hereinafter referred to as "FHP").
2. On October 4, 2025, an auto accident occurred on Interstate 4 in Volusia County, Florida which allegedly resulted in multiple fatalities.
3. On October 5, 2025, FHP located and seized the Plaintiff's vehicle in connection with their investigation of the accident.
4. Plaintiff's vehicle has now been held at a DeLand evidence facility by FHP for over six (6) months without a showing of good cause.
5. As such, following the filing of the Petition in this action, the Court entered an Order to Show Cause [DIN #7] and a hearing was set for April 30, 2026.

6. On April 1, 2026, the State of Florida, a non-party, filed a Motion to Intervene and Response to the Petition for Writ of Replevin and Objection to Release of Property [DIN #15], which was cross noticed for hearing during the same Show Cause Hearing set for April 30, 2026.
7. On April 17, 2026, the State filed criminal charges against Plaintiff (Case No. 2026 102441 CFDL).
8. On April 20, 2026, the State filed a Motion to Strike the Petition for Writ of Replevin and Request to Cancel Hearing.
9. The State is seeking to simultaneously enter the action, improperly “strike” a Petition, and unilaterally cancel a hearing that it would need to attend in order to enter the action in one fell swoop. This does not comport with the current Florida Statutes, Rules of Civil Procedure, or relevant case law and cannot be permitted by this Court.
10. The State remains a non-party until this Court rules upon it’s Motion to Intervene, as “[e]ven a party able to intervene as a matter of right must obtain a court order allowing intervention.” *Bondi v. Tucker*, 93 So.3d 1106, 1111 (Fla. 1st DCA 2012).
11. As such, the State is unable to move for, what is in essence, the dismissal of the action as a non-party.
12. Further, the appropriate vehicle for disposal of a Petition would be a Motion to Dismiss under Fla. R. Civ. P. 1.140(b), not a Motion to Strike under an unstated and unclear statutory basis, which the State is now unable to put forth having already filed a responsive pleading in the form of their Motion to Intervene, Response, and Objection [DIN #15].
13. Fla. R. Civ. P. 1.140(b) provides that,
 - “...the following defenses may be made by motion at the option of the pleader: (1) lack of jurisdiction over the subject matter,

(2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) *failure to state a cause of action*, and (7) failure to join indispensable parties. *A motion making any of these defenses shall be made before pleading if a further pleading is permitted...*”

14. Here, the State clearly failed to move to dismiss the action based on failure to state a cause of action, improper venue, and lack of jurisdiction over the subject matter in its initial responsive pleading and is seeking to get a second attempt at the same relief under the guise of a Motion to Strike rather than the proper pleading.
15. Additionally, several issues beyond the Show Cause Order entered by the Court have now been cross noticed for hearing during the same hearing, including the State’s own Motion to Intervene which has not been withdrawn.
16. As such, the State’s Motion to Strike is a legally insufficient, untimely, and redundant attempt to dismiss this action and unilaterally cancel a hearing noticed for issues beyond the Show Cause Order despite their current status as a non-party and should be stricken.

WHEREFORE, Plaintiff, LINDSEY ISAACS, respectfully requests that this Honorable Court STRIKE the non-party’s Motion to Strike and let the Show Cause Hearing set for April 30, 2026 go forth as scheduled.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
Jacob B. Steele, Esquire
Florida Bar No.: 1059859
2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228
E-Mail: service@askdwyer.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 21st day of April and a copy delivered to Florida Highway Patrol, Defendant, at 2900 Apalachee Pkwy, Tallahassee, Florida 32399.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer

Marc E. Dwyer, Esquire
Florida Bar No.: 0634700

/s/ Jacob B. Steele

Jacob B. Steele, Esquire
Florida Bar No.: 1059859

2517 W. Moody Blvd.

Flagler Beach, FL 32136

Telephone: (386) 445-7411

Facsimile: (386) 693-4228

E-Mail: service@askdwyer.com

Attorneys for Plaintiff

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,
and

Case No: 2026-10508 CIDL
DIVISION: 2

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,
Defendant.

FLORIDA HIGHWAY PATROL'S MOTION TO DISMISS COMPLAINT

COMES NOW the Defendant, Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, and moves this Court to Dismiss the Complaint in this cause pursuant to Fla. R. Civ. P. 1.140(b) for lack of jurisdiction. In support of its Motion, Defendant states as follows:

1. On or about February 5, 2026, Plaintiff filed a Complaint seeking the return of a 2025 Dodge Durango with Vehicle Identification Number 1C4SDJCT7SC529164 and license plate RJVN10.
2. In her Complaint, Plaintiff failed to allege, as required under Section 78.055(3), Florida Statutes, that the Defendant has wrongfully detained the subject property. This vehicle was taken into custody by the Florida Highway Patrol on or about October 5, 2025, and search warrants were executed upon it on or about October 10, 2025 in connection to a fatal traffic crash that occurred on October 4, 2025.
3. On or about April 16, 2026, an arrest warrant was issued for the Plaintiff, Ms. Isaacs, for three counts of vehicular homicide, three counts of leaving the scene of a crash with

death, and one count each of reckless driving with serious bodily injury and leaving the scene of a crash with serious bodily injury.

4. According to the Affidavit for Arrest Warrant, Ms. Isaacs was the sole occupant and registered owner of a Dodge Durango (FL tag RJVN10) that was involved in a motor vehicle collision on October 4, 2025, that resulted in the death of three individuals and serious bodily injury to another.

5. On or about April 17, 2026, Ms. Isaacs was booked into the Volusia County jail on these charges, which are now pending in the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida in Case 642026CF102441XXXADL. Pursuant to Section 90.202(6), Florida Statutes, this Court may take judicial notice of the court file in Case 642026CF102441XXXADL.

6. The subject vehicle in this action is now evidence in the above-referenced circuit court criminal case. On or about April 20, 2026, Ms. Isaacs's, attorney in the criminal case filed a Demand for Discovery.

7. As this vehicle is now under the jurisdiction of the criminal court, this Court is without jurisdiction to hear this matter, to order the return of the vehicle, or to order its inspection.

8. Criminal court has the inherent authority and jurisdiction to determine the disposition of property confiscated temporarily for evidentiary purposes. Civil courts should not be permitted "to cross over and intrude in the criminal matters pending within the jurisdiction of the criminal courts. It would seriously conflict with and hamper criminal processes if evidence or contraband seized for criminal trials or purposes could be made the subject of recovery proceedings in the civil courts through procedures bypassing the criminal courts." Garmire v. Red Lake, 265 So. 2d 2 (Fla. 1972).

9. “Once a criminal prosecution is instituted, the court in which that prosecution is pending acquires jurisdiction over that property to hear and determine all questions concerning its ownership if the property seized has an evidentiary purpose.” Eight Hundred, Inc. v. State, 781 So. 2d 1187 (Fla. 5th DCA 2001). “Therefore, once a motion for return of property is filed, the trial court with jurisdiction over the criminal proceedings is laden with the responsibility to determine whether a proper basis exists to return the property to the owner.” Pondella Hall for Hire, Inc. v. City of St. Cloud, 837 So. 2d 510 (Fla. 5th DCA 2003).

10. Accordingly, this Court is without jurisdiction and this action should be dismissed. See Wolfgang v. Dawsy, 204 So. 3d 596 (Fla. 5th DCA 2016). Any ground showing that the court lacks jurisdiction of the subject matter may be made at any time. Fla. R. Civ. P. 1.140(b).

WHEREFORE, the Defendant, Florida Highway Patrol, requests this Honorable Court enter an order finding its lack of jurisdiction in the above-referenced matter and cancel the April 30, 2026, Show Cause Hearing.

DATED this 22nd day of April 2026.

Respectfully submitted,

/s/ Nathan R. Ross

Nathan R. Ross
Senior Assistant General Counsel
Florida Bar No.: 88805
Department of Highway Safety
and Motor Vehicles
7322 Normandy Boulevard
Jacksonville, Florida 32205
Telephone: 904/695-4040
Fax: 904/693-5002
NathanRoss@flhsmv.gov
WendyHigdon@flhsmv.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed this 22nd day of April 2026, via electronically using the Florida Court E-Portal Filing System and furnished by email to the following:

Marc E. Dwyer, Esquire
Jacob B. Steele, Esquire
service@askdwyer.com
(Attorneys for Plaintiff)

Michael Willard, Esquire
eservicevolusia@sao7.org
(Attorney for State)

Mark R. Ahrens, Esquire
ahrens-efiling@godminerlaw.com
(Attorney for Non-Party, Jesteny Deno)

Michael D. Chiumento III
Michael3@legalteamforlife.com
(Attorney for Non-Party, Matthew Salinas)

/s/ Nathan R. Ross _____

Nathan R. Ross
Senior Assistant General Counsel

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.: 2026 10508 CIDL
DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

CONDITIONAL OBJECTION TO NON-PARTIES' MOTIONS TO BE HEARD

COMES NOW, Plaintiff, LINDSEY ISAACS, by and through the undersigned counsel, and files this Conditional Objection to the Non-Parties' Motions to Be Heard filed in the above-styled case and in support thereof would state as follows:

1. This is an action for replevin and other relief between Plaintiff, LINDSEY ISAACS, and Defendant, FLORIDA HIGHWAY PATROL (hereinafter referred to as "FHP").
2. On October 4, 2025, an auto accident occurred on Interstate 4 in Volusia County, Florida which allegedly resulted in multiple fatalities.
3. On October 5, 2025, FHP located and seized the Plaintiff's vehicle in connection with their investigation of the accident.
4. Plaintiff's vehicle has now been held at a DeLand evidence facility by FHP for over six (6) months without a showing of good cause.
5. As such, following the filing of the Petition in this action, the Court entered an Order to Show Cause [DIN #7] and a hearing was set for April 30, 2026.

6. On April 13, 2026, Counsel for the non-party Jesteny Denos, on behalf of the Estate of Joaquin Denos, filed a Notice of Appearance and Motion to Be Heard [DIN #17] at the upcoming Show Cause Hearing.
7. On April 16, 2026, Counsel for the non-party Matthew Salinas, on behalf of the Estates of Jorge Salinas and Nancy Salinas, filed a Notice of Appearance and Motion to Be Heard [DIN #18] at the upcoming Show Cause Hearing.
8. Both Motions to be Heard assert that the Estates of the Deceased have interests in preserving the vehicle as evidence in potential civil suits and that it is within this Court's discretion to recognize the interests of the Estates in discovering the results of FHP's investigation.
9. On April 17, 2026, the State filed criminal charges against Plaintiff (Case No. 2026 102441 CFDL).
10. To date, no civil actions related to the accident have been filed against the Plaintiff.
11. Under current Florida law, non-parties are generally considered "strangers to the record" and lack standing to seek relief in an action in which they are a non-party.
12. The primary mechanism by which a non-party obtains the right to be heard is intervention under Florida Rule of Civil Procedure 1.230, which provides that "anyone claiming an interest in pending litigation may at any time be permitted to assert a right by intervention, but that intervention shall be in subordination to, and in recognition of, the propriety of the main proceeding unless otherwise ordered by the court at its discretion."
13. The Florida Supreme Court has held that the interest supporting intervention must be "that created by a claim to the demand in suit or some part thereof, or a claim to, or lien upon,

the property or some part thereof, which is the subject of the litigation.” *Union Cent. Life Ins. Co. v. Carlisle*, 593 So.2d 505 (1992).

14. Here, the Motions from both non-parties fail to invoke Fla. R. Civ. P. 1.230 or seek intervention into the action, because neither non-party has an articulable claim to, lien upon, or other cognizable interest in the property that is the subject of this action beyond preservation for a “potential” civil action.
15. The non-parties’ only other grounds for permissible entry into this action to be heard is the due process clause contained in Article I, Section 9 of the Florida Constitution which entitles legally interested non-parties to notice and an opportunity to be heard only when their interests are at stake.
16. Given the current circumstances, it is highly unlikely, unless this Court should decide otherwise, that the property subject to this action would be released from the State’s custody.
17. As such, the non-parties have no legal interest at stake and should not be permitted to invade on the hearing set for April 30, 2026, prejudicing the Plaintiff and Defendant by consuming valuable hearing time before the Court for issues that could be easily remedied by a standard spoliation letter or the bringing of the non-parties’ own civil actions against the Plaintiff.

WHEREFORE, Plaintiff, LINDSEY ISAACS, objects and respectfully requests that this Honorable Court DENY the non-parties’ Motions to be Heard and let the Show Cause Hearing set for April 30, 2026 go forth only on the issues noticed for hearing.

[SIGNATURE AND CERTIFICATION PAGE TO FOLLOW]

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
Jacob B. Steele, Esquire
Florida Bar No.: 1059859
2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228
E-Mail: service@askdwyer.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 20th day of April and a copy delivered to Florida Highway Patrol, Defendant, at 2900 Apalachee Pkwy, Tallahassee, Florida 32399.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
Jacob B. Steele, Esquire
Florida Bar No.: 1059859
2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
Facsimile: (386) 693-4228
E-Mail: service@askdwyer.com
Attorneys for Plaintiff

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,
and

Case No: 2026-10508 CIDL
DIVISION: 2

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,
Defendant.

CROSS NOTICE OF HEARING

COMES NOW the Defendant, Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, by and through the undersigned counsel, and will bring forth Defendant's Motion to Dismiss the Complaint in this cause (Dkt. #22) during the scheduled Show Cause hearing on April 30, 2026, beginning at 10:00 a.m. or as soon thereafter as counsel can be heard, before the Honorable Judge Randall H. Rowe at the Volusia County Courthouse, 101 N. Alabama Avenue, Hearing Room D413, DeLand, Florida.

DATED this 23rd day of April 2026.

Respectfully submitted,

/s/ Nathan R. Ross

Nathan R. Ross
Senior Assistant General Counsel
Florida Bar No.: 88805
Department of Highway Safety
and Motor Vehicles
7322 Normandy Boulevard
Jacksonville, Florida 32205
Telephone: 904/695-4040
Fax: 904/693-5002
NathanRoss@flhsmv.gov
WendyHigdon@flhsmv.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed this 23rd day of April 2026, via electronically using the Florida Court E-Portal Filing System and furnished by email to the following:

Marc E. Dwyer, Esquire
Jacob B. Steele, Esquire
service@askdwyer.com
(Attorneys for Plaintiff)

Michael Willard, Esquire
eservicevolusia@sao7.org
(Attorney for State)

Mark R. Ahrens, Esquire
ahrens-efiling@godminerlaw.com
(Attorney for Non-Party, Jesteny Deno)

Michael D. Chiumento III
Michael3@legalteamforlife.com
(Attorney for Non-Party, Matthew Salinas)

/s/ Nathan R. Ross

Nathan R. Ross
Senior Assistant General Counsel

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,
and

Case No: 2026-10508 CIDL
DIVISION: 2

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,
Defendant.

NOTICE OF FILING

COMES NOW, the Petitioner, Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, by and through undersigned counsel, and hereby gives notice of filing of the following documents in the above-referenced matter for use in the Show Cause Hearing:

1. [*Garmire v. Red Lake*, 265 So. 2d 2 \(Fla. 1972\).](#)
2. [*Eight Hundred, Inc. v. State*, 781 So. 2d 1187 \(Fla. 5th DCA 2001\).](#)
3. [*Pondella Hall for Hire, Inc. v. City of St. Cloud*, 837 So. 2d 510 \(Fla. 5th DCA 2003\).](#)
4. [*Wolfgang v. Dawsey*, 204 So. 3d 596 \(Fla. 5th DCA 2016\).](#)

DATED this 28th day of April 2026.

Respectfully submitted,

/s/ Nathan R. Ross

Nathan R. Ross
Senior Assistant General Counsel
Florida Bar No.: 88805
Department of Highway Safety
and Motor Vehicles
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed this 28th day of April 2026, via electronically using the Florida Court E-Portal Filing System and furnished by email to the following:

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/s/ Nathan R. Ross

Nathan R. Ross
Senior Assistant General Counsel

265 So.2d 2
Supreme Court of Florida.

Bernard L. GARMIRE, Chief of Police,
City of Miami, Florida, Petitioner,

v.

John RED LAKE, Judge, Civil Court of
Record in and for Dade County, Florida,
Respondent.

No. 41469.

|
June 14, 1972.

|
Rehearing Denied Aug. 23, 1972.

Synopsis

Certiorari to review decision of the District Court of Appeal, Third District, [252 So.2d 605](#), dismissing applications for prohibition. The Supreme Court, Ervin, J., held that where money was held by chief of police as evidence in criminal prosecution pending in Criminal Court of Record, such court had jurisdiction to entertain replevin action by party seeking recovery of such money and Civil Court of Record should not have entertained replevin action seeking to recover such money.

Decision quashed.

McCain and Dekle, JJ., dissented.

Attorneys and Law Firms

*3 Alan H. Rothstein, City Atty., and S. R. Sterbenz, Asst. City Atty., for petitioner.

John A. Boccabella and Barry L. Halpern, of Law Offices of Engel & Halpern, Miami, for respondent.

Opinion

ERVIN, Justice.

This is a certiorari review of a decision of the District Court of Appeal, Third District, in State of Florida ex rel. Bernard L. Garmire, Chief of Police, City of Miami, Florida, Relator vs. John Red Lake, Judge Civil Court of Record in and for Dade County, Florida, Respondent, a case of original jurisdiction prohibition in which the court in a per

curiam order dismissed application for prohibition. See [252 So.2d 605](#).

In an accompanying order the District Court stated:

‘The suggestion in prohibition shows facts which the petitioner (defendant in the trial court) may plead as a defense in the replevin action there. The trial court is not without jurisdiction to entertain the action in replevin and to rule on the merits of the defense indicated in the suggestion. See [Adams v. Burns](#), [126 Fla. 685](#), [172 So. 75](#).

‘Accordingly, the petitioner’s application for issuance of a rule nisi in prohibition is denied, on the ground that the suggestion fails to state a prima facie case in prohibition; and the petition is dismissed without prejudice.’

We find the decision of the District Court conflicts with the decision of this Court in the case of [Adams v. Burns](#), [126 Fla. 685](#), [172 So. 75](#), as will be explained hereinafter.

From the record below it appears that Willard Bethel and Willie Henry Simmons were co-defendants in the Criminal Court of Record of Dade County, Florida, in an armed robbery case, No. 67-7536A. Bethel was tried and acquitted; however, the case stands against Simmons with alias capias remaining outstanding against him. The custodian of capias of said court has been advised that Simmons is serving a jail sentence in Nassau, N.P., Bahamas, and the custodian is to be advised when Simmons is released so that the capias as a detainer can then be promptly executed.

It further appears that Bethel after his acquittal entered into a written assignment whereby he assigned to his legal counsel, Max P. Engel and Barry L. Halpern, who represented him in the criminal case ‘any and all monies . . . which have been confiscated and held as evidence in Criminal Court of Record Case 67-7536A.’

Engel and Halpern as plaintiffs filed a replevin complaint in the Civil Court of Record in and for Dade County, Florida, Case No. 70-8237, to recover the said confiscated monies being the sum of \$1202.15, from Bernard L. Garmire, Chief of Police, City of Miami, Florida (Petitioner herein). They alleged they claimed the money by virtue of the foregoing assignment from Bethel and that Garmire unlawfully detained the money from them, the plaintiffs.

Garmire, as defendant in the replevin action, filed his answer to complaint, alleging as follows:

‘. . . Defendant states that the copy of the Assignment filed and served in this case indicates that money which constitutes evidence in the case of Criminal Court of Record Case No. 67-7536A was assigned from one of the

Defendants in said Criminal Court of Record case to the Plaintiffs in this case. On February 19, 1970 Plaintiffs made a request for the return of the money forming the subject matter of the instant suit in said Criminal Court of Record case and said request was denied by the Criminal Court of Record Judge who heard said request. Said Criminal Court *4 of Record case involves two defendants and is a pending Criminal case in which case the money which the Plaintiffs seek herein constitutes the evidence.

‘Plaintiffs are not only seeking to obtain the possession of evidence in a pending case before the Criminal Court of Record, but have made the wrong party the Defendant in the instant case, should they have any entitlement to said monetary evidence, in that the States Attorney is handling the case and the Criminal Court of Record has judicial cognizance of same.’

The information of the State filed against Bethel and Simmons in the Criminal Court of Record of Dade County reads in part as follows:

‘. . . that WILLARD BETHEL and WILLIE HENRY SIMMONS on the 11th day of November, 1967, in the County and State aforesaid, did unlawfully and feloniously make an assault upon ELMER ZAMUDIO and did by force and violence or putting in fear, rob, steal, take and carry away from his immediate person or custody and against the will of the said ELMER ZAMUDIO certain monies, goods and chattels, to-wit: Cash, in the sum of approximately ONE THOUSAND TWO HUNDRED TWO DOLLARS and FIFTEEN CENTS (\$1202.15), good and lawful money of the United States of America, a further and more particular description of said property being to the Assistant State Attorney unknown, said property being the subject of larceny and the property of WINN-DIXIE STORES, INC., a Florida Corporation, in violation of [813.011 Florida Statutes \(F.S.A.\)](#).’

After the replevin complaint and answer thereto were filed, Garmire filed suggestion for a writ of prohibition in the District Court of Appeal, Third District, which set forth that Honorable John Red Lake, Judge, Civil Court of Record for Dade County, Florida (Respondent herein) presumes to exercise jurisdiction in the replevin case, No. 70-8237, in which plaintiffs Engel and Halpern seek possession of the \$1,202.15 in money, which sum constitutes evidence in Dade County Criminal Court of Record armed robbery Case No. 67-7536A; and is held in custodia legis by Petitioner, Bernard L. Garmire, Chief of

Police, City of Miami, Florida.

The suggestion for the writ of prohibition concludes by demanding that a writ of prohibition issue directing Judge Lake to cease and desist from continuing assumption of jurisdiction in the replevin case.

As related hereinbefore, the District Court denied the writ for the reasons assigned in its order.

It is our opinion that the District Court in refusing to prohibit the continuation of the replevin action committed decisional conflict with the rationale of this Court’s holding in *Adams v. Burns*. There, it was said:

‘When a court of competent jurisdiction takes possession of property through its officers, this withdraws the property from the jurisdiction of all other courts, which, though of concurrent jurisdiction, may not disturb that possession; and the court acquiring original jurisdiction is competent to hear and determine all questions respecting title, possession, and control of the property.’ See [172 So. 75](#), text 79.

See also, [Triangle Mint Corp. v. Horgan](#), [133 Misc. 802](#), 223 N.Y.S. 570.

It is our view that the Criminal Court of Record of Dade County has inherent authority and jurisdiction to determine the disposition of the subject money confiscated temporarily for evidentiary purposes. We do not believe the civil courts should be permitted, as here attempted, to cross over and intrude in criminal matters pending within the jurisdiction of the criminal courts. It would seriously conflict with and hamper criminal processes if evidence or contraband seized for criminal trials or *5 purposes could be made the subject of recovery proceedings in the civil courts through procedures bypassing the criminal courts.

This does not mean that persons claiming money or other things of value held in custodia legis in a criminal court for evidentiary or other purposes should be without remedy. It simply means that the criminal courts have inherent jurisdiction on proper application of claimants for such items and upon due notice to the state and others of interest to determine questions concerning the ownership as well as the appropriate time to release such items held in custodia legis by the criminal courts.

We take note of [F.S. Section 811.201](#), F.S.A., which provides certain procedures for the disposition of money or a motor vehicle that is ‘being held by state, county or

municipal officials as evidence.’ While unfortunately [F.S. Section 811.201](#), F.S.A., is not sufficiently broad to cover all situations where items of evidence are held in custodia legis and are sought to be recovered by the true owner, it does serve as an example of procedures which the criminal courts may fashion within their inherent powers to provide necessary procedures and processes for the recovery of evidentiary items held by them.

We reiterate, we do not mean to imply by our action herein that the true owner of the subject money is without an adequate remedy of recovery. On the contrary, we conclude the initial jurisdiction of the subject matter lies with the Criminal Court of Record of Dade County and our action is without prejudice to application being made to the Criminal Court for recovery by the true owner of the subject money, provided, of course, due notice is given the State Attorney and any other interested party.

So that there may be no mistake of our view, we hold that the subject money held by the Chief of Police of the City of Miami is held by him in custodia legis for the Criminal Court of Record of Dade County to be used in the

prosecution of Simmons under the information triable in the Criminal Court of Record, unless and until the Criminal Court of Record concludes otherwise, subject to appellate or supervisory review.

It is directed that the decision of the District Court of Appeal, Third District, be quashed and further proceedings be in accord herewith.

It is so ordered.

ROBERTS, C.J., and CARLTON, ADKINS and BOYD, JJ., concur.

McCAIN and DEKLE, JJ., dissent.

All Citations

265 So.2d 2

781 So.2d 1187
District Court of Appeal of Florida, Fifth District.

EIGHT HUNDRED, INC., etc., et al.,
Appellants,
v.
STATE of Florida, Appellee.

No. 5D00-1902
|
April 12, 2001.

Synopsis

Corporations that were acquitted of criminal charges filed a motion requesting the Office of Statewide Prosecution to return of their seized documents. The Circuit Court, Orange County, [R. James Stroker, J.](#), denied the motion. Corporations appealed. The District Court of Appeal, [Sawaya, J.](#), held that: (1) the Department of Legal Affairs investigative subpoena was not valid, and (2) Department of Legal Affairs was not an investigatory agency when it issued subpoena for corporations property.

Reversed and remanded.

Procedural Posture(s): On Appeal.

Attorneys and Law Firms

*1189 [Thomas F. Egan](#) of Thomas F. Egan, P.A., Orlando, for Appellants.

[Robert A. Butterworth](#), Attorney General, Tallahassee, and [Rebecca Roark Wall](#), Assistant Attorney General, Daytona Beach, for Appellee.

Opinion

[SAWAYA, J.](#)

Bradenton Group, Inc. and Eight Hundred, Inc. [the Corporations] timely appeal a non-final order of the trial court denying their motion for return of property. The motion was made at the conclusion of criminal proceedings brought against the Corporations and other individuals which resulted in acquittal of the Corporations of all charges. The Corporations argue that the trial court erred in denying their motion because the law requires that their property, seized pursuant to a search warrant issued in the criminal proceedings, be returned after the criminal

proceedings concluded.

In the criminal proceedings, the Office of Statewide Prosecution [Statewide Prosecution] obtained an indictment of seventeen individuals and entities, including the Corporations. Concurrent with the criminal prosecution, the Attorney General, through the Department of Legal Affairs, initiated a civil suit which sought relief under [section 895.05, Florida Statutes \(1995\)](#).¹ Pursuant to a search warrant issued in the criminal proceedings, the Statewide Prosecution seized approximately twenty-seven boxes of documents and other tangible items from the premises of the Corporations in Lee County, Florida.² In addition to the Lee County documents, the Statewide Prosecution obtained, by other search warrants, documents and records from various other locations. Overall, the documents included corporate records, personal records, bank records, business and personal correspondence and tax records.

Subsequent to their acquittal of the criminal charges, the Corporations filed a motion requesting that the Statewide Prosecution return the seized property. The Statewide Prosecution contested the motion, arguing that the seized records were no longer in its custody because they had been turned over to the Office of the Attorney General, Department of Legal Affairs,³ pursuant to a subpoena for use in *1190 the civil proceedings. The subpoena was issued pursuant to [section 895.06, Florida Statutes](#), which authorizes the issuance of investigative subpoenas in civil proceedings seeking remedies for violation of the Florida RICO Act. *See §§ 895.01-06, Fla. Stat.* (1999). The Statewide Prosecution contended that the subpoena was necessary, despite the fact that the Department had access to the records during the criminal trial, because the documents were needed until the civil case is resolved. No evidence was presented at the hearing. After hearing arguments and reviewing the submitted pleadings, the trial court denied the Corporations' motion.

Jurisdiction To Hear This Appeal

The order appealed is a non-final order denying the Corporations' request for return of their seized property. This court treats such orders as interlocutory and appealable under [Florida Rule of Appellate Procedure 9.130\(a\)\(1\)\(C\)\(ii\)](#), which provides for appeals of non-final orders which determine the right to immediate possession of property. *See Kern v. State*, 706 So.2d 1366, 1368 (Fla. 5th DCA 1998) (quoting *Lamar v. Universal Supply Co.*, 452 So.2d 627 (Fla. 5th DCA 1984), *reversed on other grounds*, 479 So.2d 109 (Fla.1985)). Other courts,

however, treat these orders as final post-judgment orders, much like post-conviction appeals. See *Calavenzo v. State*, 695 So.2d 857 (Fla. 4th DCA 1997); *Stone v. State*, 630 So.2d 660 (Fla. 2d DCA 1994).

Under either view, we have jurisdiction in these proceedings. Thus we may proceed to resolve the issues presented on the merits.

Validity Of The Investigative Subpoena

Although the subpoena that is the subject of these proceedings was captioned as a subpoena duces tecum, it was issued as an investigative subpoena pursuant to [section 895.06\(2\)](#), which provides:

If, pursuant to the civil enforcement provisions of [s. 895.05](#), an investigative agency has reason to believe that a person or other enterprise has engaged in, or is engaging in, activity in violation of this act, the investigative agency may administer oaths or affirmations, subpoena witnesses or material, and collect evidence.

[§ 895.06\(2\)](#), Fla. Stat. (1999). An investigative agency is defined as “the Department of Legal Affairs, the Office of Statewide Prosecution, or the office of a state attorney.” [§ 895.06\(1\)](#), Fla. Stat. (1999).

The Corporations argue that the subpoena is invalid because it was not issued in accordance with the Florida Rules of Civil Procedure. We find that a review of the legislative history of [section 895.06\(2\)](#) is necessary, as case law surrounding that sub-section provides little guidance in resolving this issue.

Prior to 1984, [section 895.06\(2\)](#) provided that the investigatory agency’s collection of evidence was governed by the Florida Rules of Civil Procedure. Specifically, the subsection stated:

If ... the investigative agency has reason to believe that a person or other enterprise has engaged in ... activity in violation of this act, the investigative agency may ... subpoena witnesses or material, and collect evidence pursuant to the Florida Rules of Civil Procedure.

[§ 895.06\(2\)](#), Fla. Stat. (1983) (emphasis added). However, subsequent to 1983, the Legislature amended the statute

and deleted the requirement that the investigation proceed pursuant to the Florida Rules of Civil Procedure. If the Legislature intended to require compliance with the Florida Rules of Civil Procedure, it could have easily made that a requirement when it amended the statute. We conclude, therefore, that the Legislature did not intend *1191 to require application of the Florida Rules of Civil Procedure to the issuance of investigative subpoenas under the current version of [section 895.06](#). Thus, when an investigative subpoena is issued pursuant to this statute for legitimate investigative reasons, the Florida Rules of Civil Procedure do not apply. We next address whether the subpoena in the instant case was issued for investigative purposes.

An investigatory agency may seek an investigatory subpoena when it “has reason to believe that a person or other enterprise has engaged in, or is engaging in, activity in violation of this act....” [§ 895.06\(2\)](#), Fla. Stat. (1999). In the instant case, since the civil action was filed concurrently with the criminal proceeding, it is evident that the civil action has been proceeding for quite some time. Furthermore, during the pendency of the criminal proceeding, the Department had access to the documents which are the subject of the subpoena. The Department did not need to investigate whether these materials existed, what they disclosed, or what impact they would have on the civil action because the Department possessed this knowledge long before the subpoena was issued. Under these particular facts and circumstances, we find that any investigatory need for these documents was satisfied long before the subpoena in the instant case was issued. Thus the Department was not, under the facts and circumstances of this case, an investigative agency when it issued its subpoena and compliance with the Florida Rules of Civil Procedure was necessary in order for it to take possession of the Corporations’ documents. Furthermore, even if the subpoena was issued for legitimate investigative purposes, to allow the Department to use it to obtain possession of property that is in the custody of the criminal trial court would impermissibly circumvent the trial court’s jurisdiction.

A trial court that has jurisdiction over criminal charges brought against an individual is vested with inherent authority over property held in *custodia legis*. Property is held in *custodia legis* when it is obtained for use as evidence in the criminal proceeding. See, e.g., *Helmy v. Swigert*, 662 So.2d 395 (Fla. 5th DCA 1995). This inherent authority extends to property seized from the accused as well as others and it vests in the trial court the inherent power to assist the true owner in the recovery of his property. See *Oleandi v. State*, 731 So.2d 4, 6 (Fla. 4th

DCA 1999) (“Once a criminal prosecution is instituted, the court in which that prosecution is pending acquires jurisdiction over that property to hear and determine all questions concerning its ownership if the property seized has an evidentiary purpose.”); *Kern*; *Brown v. State*, 613 So.2d 569 (Fla. 2d DCA 1993). This inherent authority to direct return of seized property continues beyond the termination of the criminal prosecution. *See Oleandi*; *Kern* (concluding that subsequent to defendant’s acquittal of the criminal charges, the trial court retained the authority to direct return of seized property); *Helmy* (holding that the trial court is obligated to exercise its authority to resolve the issue whether the defendant was entitled to return of seized property after the criminal charges were dismissed); *Coon v. State*, 585 So.2d 1079 (Fla. 1st DCA 1991).

The trial court that has jurisdiction over the criminal proceedings has priority jurisdiction over other courts to determine whether property seized for use in the criminal proceedings is to be retained or returned to the owner. *See Sawyer v. Gable*, 400 So.2d 992, 995 (Fla. 3d DCA 1981) (concluding that the criminal trial court’s priority jurisdiction “turns on the fact that the warrant and property, by *1192 virtue of the filing of criminal charges, have initially come within the jurisdiction of the respondent judge, which jurisdiction is not to be intruded upon by any court, though of concurrent jurisdiction.”). If circuit courts with concurrent jurisdiction may not seize property held in *custodia legis* through issuance of a subpoena, surely the Department may not. Therefore, once a motion for return of property is filed, the trial court with jurisdiction over the criminal proceedings is laden with the responsibility to determine whether a proper basis exists to return the property to the owner. This determination requires notice to the owner of the property and a hearing where all interested parties are given an opportunity to present evidence and argument to the trial court. *Oleandi*; *Kern*; *Brown*; *Helmy*; *Coon*.

The trial court may find that a proper basis does not exist to return seized property if, for example, it was admitted into evidence in the criminal proceeding and the time for direct appeal has not expired; post-conviction proceedings are anticipated where the evidence may be needed; the state intends and is able to pursue forfeiture against the property; the property is needed in other criminal proceedings; or if the motion is untimely because the property is considered unclaimed evidence or property seized in a lawful investigation that has vested permanently in a law enforcement agency pursuant to [section 705.105, Florida Statutes \(1999\)](#). *See McKeever v. State*, 764 So.2d 688, 689

(Fla. 1st DCA 2000) (“Once direct appeal concludes—or, as here, time for taking a direct appeal has run—the trial court cannot rely on the state’s unsupported assertion that it needs to retain private property.”); *Oleandi*; *Kern*; *Stevenson v. State*, 688 So.2d 962 (Fla. 5th DCA 1997); *McCants v. State*, 671 So.2d 221 (Fla. 1st DCA 1996); *Helmy*; *Stone v. State*, 630 So.2d 660 (Fla. 2d DCA 1994).

Moreover, specific statutory provisions may constitute the basis for refusal to return certain types of property. *See, e.g., McKinnon v. State*, 752 So.2d 134, 135 (Fla. 2d DCA 2000) (“On remand the court shall determine whether or not the property at issue was ‘unclaimed evidence or unclaimed tangible personal property lawfully seized pursuant to a lawful investigation in the custody of the court or clerk of court from a criminal proceeding or seized as evidence by and in the custody of a law enforcement agency’ ”) (citing [section 705.105, Florida Statutes \(1999\)](#)); *Almanza v. State*, 711 So.2d 253, 255 (Fla. 4th DCA 1998) (“This is not a case where forfeiture of the firearm was included as a condition of the plea, nor has the state commenced a forfeiture proceeding under the Florida Contraband Forfeiture Act, §§ 932.701–932.707, Florida Statutes (1995), or any other statute. Section 790.08(2) does not apply. The state has not pointed us to any other statute that would control.”); *see also Kern*.

Conclusion

We conclude that the trial court erred in holding that issuance of the subpoena prevented return of the property to the Corporations. We, therefore, reverse the order under review and remand this case to the trial court for further proceedings consistent with this opinion to determine whether possession of the property should be retained or returned to the Corporations.

REVERSED and REMANDED.

THOMPSON, C.J., and HARRIS, J., concur.

All Citations

781 So.2d 1187, 26 Fla. L. Weekly D980

Footnotes

- 1 See *Bradenton Group, Inc. v. Department of Legal Affairs*, 701 So.2d 1170 (Fla. 5th DCA), approved in part, quashed in part, *Department of Legal Affairs v. Bradenton Group, Inc.*, 727 So.2d 199 (Fla.1998).
- 2 In issuing the search warrant, the circuit court in Lee County found probable cause that there had been violations of [sections 895.03\(3\) and \(4\), Florida Statutes \(1995\)](#), which are designated as the Florida RICO laws, and sections 849.01 and 849.09, Florida Statutes (1995).
- 3 For brevity, we will refer to the Office of the Attorney General, Department of Legal Affairs as “the Department.”

837 So.2d 510
District Court of Appeal of Florida, Fifth District.

PONDELLA HALL FOR HIRE, INC., etc.,
Appellants,

v.

CITY OF ST. CLOUD, et al., Appellees.

No. 5D02-1728

|

Jan. 24, 2003.

Synopsis

Commercial bingo hall operator brought replevin action seeking return of bingo equipment seized for use in criminal proceeding. The Circuit Court, Osceola County, [Jeffords D. Miller](#), J., dismissed for lack of jurisdiction, and commercial bingo hall operator appealed. The District Court of Appeal, [Cobb](#), W., Senior Judge, held that court lacked jurisdiction to hear replevin action.

Affirmed in part, reversed in part.

Procedural Posture(s): On Appeal; Motion to Dismiss.

Attorneys and Law Firms

*[510 Thomas F. Egan](#) of Thomas F. Egan, P.A., Orlando, for Appellants.

[Thomas W. Poulton](#) and [Christopher J. Steinhaus](#) of DeBevoise & Poulton, P.A., Winter Park, for Appellees.

Opinion

[COBB](#), W., Senior Judge.

The issue raised by this appeal is whether Pondella Hall for Hire, Inc., can utilize a replevin action against the City of St. Cloud to recover bingo equipment seized from it by the Osceola County Investigative Bureau (OCIB), of which St. Cloud was a component, and damages for the wrongful seizure of the property. The seizure, which was pursuant to a court order and warrant, was part of a criminal investigation by OCIB and led to a forfeiture action by the State against Pondella, an action subsequently dismissed. A State criminal charge against Pondella resulted in an acquittal in 1999 and a RICO action filed by the Attorney General ultimately was invalidated by the Florida Supreme Court. See *[511 Department Of Legal Affairs v. Bradenton](#)

[Group, Inc.](#), 727 So.2d 199 (Fla.1998). Another criminal action filed by the statewide Prosecutor was nolle prossed after the 1999 acquittal.

In the replevin action against St. Cloud filed below Pondella alleged:

Presently, there are no pending criminal matters involving this property, for which the subject property may be evidence. Likewise, there are no pending forfeiture cases involving the property—the time for filing such an action has long since passed. Finally, there are no injunctions, orders, or judgments of forfeiture as to this property.

St. Cloud contended below, and now contends on appeal, that our recent opinion in [Eight Hundred, Inc. et al. v. State of Florida](#), 781 So.2d 1187 (Fla. 5th DCA 2001) clearly precludes the exercise of jurisdiction in regard to the seized property by the replevin court in this case; rather, the trial court wherein the property was originally seized must decide any issues regarding return or disposition of that property. In that case we wrote:

A trial court that has jurisdiction over criminal charges brought against an individual is vested with inherent authority over property held in custodia legis. Property is held in custodia legis when it is obtained for use as evidence in the criminal proceedings. See e.g., [Helmy v. Swigert](#), 662 So.2d 395 (Fla. 5th DCA 1995). This inherent authority extends to property seized from the accused as well as others and it vests in the trial court the inherent power to assist the true owner in the recovery of his property. See [Oleandi v. State](#), 731 So.2d 4, 6 (Fla. 4th DCA 1999). (“Once a criminal prosecution is instituted, the court in which that prosecution is pending acquires jurisdiction over that property to hear and determine all questions concerning its ownership if the property seized has an evidentiary purpose.”); [Kern \[v. State](#), 706 So.2d 1366 (Fla. 5th DCA 1988)]; [Brown v. State](#), 613 So.2d 569 (Fla. 2d DCA 1993). This inherent authority to direct return of seized property continues beyond the termination of the criminal prosecution. See [Oleandi](#); [Kern](#) (concluding that subsequent to defendant’s acquittal of the criminal charges, the trial court retained the authority to direct return of seized property); [Helmy](#) (holding that the trial court is obligated to exercise its authority to resolve the issue whether the defendant was entitled to return of seized property after the criminal charges were dismissed); [Coon v. State](#), 585 So.2d 1079 (Fla. 1st DCA 1991).

The trial court that has jurisdiction over the criminal proceedings has priority jurisdiction over other courts to determine whether property seized for use in the

criminal proceedings is to be retained or returned to the owner. See *Sawyer v. Gable*, 400 So.2d 992, 995 (Fla. 3d DCA 1981) (concluding that the criminal trial court's priority jurisdiction "turns on the fact that the warrant and property, by virtue of the filing of criminal charges, have initially come within the jurisdiction of the respondent judge which jurisdiction is not to be intruded upon by any court, though of concurrent jurisdiction").... Therefore, once a motion for return of property is filed, the trial court with jurisdiction over the criminal proceedings is laden with the responsibility to determine whether a proper basis exists to return the property to the owner. This determination requires notice to the owner of the property and a hearing where all interested parties are given an opportunity to present evidence and argument to the trial court. *Oleandi; Kern; Brown; Helmy; Coon*.

Eight Hundred, 781 So.2d at 1190–1191.

Based upon our opinion in *Eight Hundred*, it is clear that the trial judge in *512 the instant case was correct in dismissing the replevin action. It had no jurisdiction to do otherwise. In respect to the claim for money damage, Pondella is confronted with the doctrine of sovereign immunity, which requires notice pursuant to [section](#)

[768.28\(6\)\(a\), Florida Statutes](#). No such notice was given. See *Kelley v. Jackson County Tax Collector*, 745 So.2d 1040 (Fla. 1st DCA 1999), review denied, 763 So.2d 1043 (Fla.2000).

Since this matter was dismissed below for lack of jurisdiction, that dismissal should have been without prejudice so that any claims Pondella may have may be properly pursued in the appropriate circuit court in accordance with our opinion in *Eight Hundred*. Accordingly we reverse the trial court's dismissal with prejudice, but affirm dismissal for the reasons set forth herein.

AFFIRMED IN PART, REVERSED IN PART.

[PETERSON](#) and [PLEUS, JJ.](#), concur.

All Citations

837 So.2d 510, 28 Fla. L. Weekly D299

204 So.3d 596 (Mem)
District Court of Appeal of Florida, Fifth District.

Reno WOLFGANG, Appellant,
v.
Jeffrey J. DAWSY, as Sheriff of Citrus
County, Appellee.

Case No. 5D16-1797
|
Opinion filed December 2, 2016

Appeal from the Circuit Court for Citrus County, [Patricia V. Thomas](#), Judge.

Attorneys and Law Firms

Reno Wolfgang, Punta Gorda, pro se.

[R. Wesley Bradshaw](#), of Bradshaw & Mountjoy, P.A.,
Inverness, for Appellee.

Opinion

Footnotes

¹ We note that the dismissal is without prejudice to Wolfgang pursuing his claim in the appropriate court. See [Pondella Hall For Hire, Inc., 837 So.2d at 512](#).

PER CURIAM.

Reno Wolfgang appeals the dismissal of his cause of action for replevin seeking return of property seized during the course of a criminal investigation. We affirm. See [Pondella Hall For Hire, Inc. v. City of St. Cloud, 837 So.2d 510, 511-12 \(Fla. 5th DCA 2003\)](#) (concluding trial court correctly dismissed replevin action because it lacked jurisdiction; cause of action must be brought in court with jurisdiction over the criminal proceedings (citing [Eight Hundred Inc. v. State, 781 So.2d 1187, 1190-91 \(Fla. 5th DCA 2001\)](#))).¹

AFFIRMED.

[SAWAYA, COHEN](#) and [EDWARDS, JJ.](#), concur.

All Citations

204 So.3d 596 (Mem), 41 Fla. L. Weekly D2694

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,

Plaintiff,

CASE NO.: 2026 10508 CIDL

DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

PLAINTIFF'S REQUEST TO TAKE JUDICIAL NOTICE

COMES NOW, Plaintiff, LINDSEY ISAACS, by and through the undersigned counsel, Pursuant to Fla. Stat. § 90.202(6), 90.203, and 90.204, and respectfully requests that this Honorable Court take judicial notice of the proceedings in State of Florida v. Lindsey Brooke Isaacs (Case No. 2026 102441 CFDL), and states as follows:

1. Florida Courts may take judicial notice of the records of any court of this state pursuant to Fla. Stat. § 90.202(6).
2. The aforementioned case contains filings related to the facts at hand in this case, specifically the filing entitled *Motion to Quash Arrest Warrant, Suppress Evidence, and Request for Frank's Hearing* located at DIN # 15.
3. The filings in the aforementioned case constitute public court records subject to judicial notice.
4. The issues addressed in the aforementioned case bear directly on the arguments raised in the present case.

WHEREFORE, Plaintiff, LINDSEY ISAACS, respectfully requests that this Honorable Court take judicial notice of the filings in 2026 102441 CFDL.

[SIGNATURE AND CERTIFICATION PAGE TO FOLLOW]

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
Jacob B. Steele, Esquire
Florida Bar No.: 1059859
2517 W. Moody Blvd.
Flagler Beach, FL 32136
Telephone: (386) 445-7411
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 28th day of April and a copy delivered to Florida Highway Patrol, Defendant, at 2900 Apalachee Pkwy, Tallahassee, Florida 32399.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
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/s/ Jacob B. Steele
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E-Mail: service@askdwyer.com
Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,
Plaintiff,

CASE NO.: 2026 10508 CIDL
DIVISION: 02

and

FLORIDA HIGHWAY PATROL,
a division of the Florida State Department of
Highway Safety and Motor Vehicles,

Defendant.

_____ /

RESPONSE TO DEFENDANT'S MOTION TO DISMISS

COMES NOW, Plaintiff, LINDSEY ISAACS, by and through the undersigned counsel, files this Response to Defendant, FLORIDA HIGHWAY PATROL's Motion to Dismiss filed in the above-styled case and in support thereof would state as follows:

FACTUAL AND PROCEDURAL BACKGROUND

1. This is an action for replevin and other relief between Plaintiff, LINDSEY ISAACS, and Defendant, FLORIDA HIGHWAY PATROL (hereinafter referred to as "FHP").
2. On October 4, 2025, an auto accident occurred on Interstate 4 in Volusia County, Florida which resulted in multiple fatalities.
3. On October 5, 2025, FHP located and seized the Plaintiff's vehicle in connection with their investigation of the accident.
4. Plaintiff's vehicle has now been held at a DeLand evidence facility by FHP for over six (6) months without a showing of good cause.
5. As such, following the filing of the Petition in this action, the Court entered an Order to Show Cause [DIN #7] and a hearing was set for April 30, 2026.

6. On April 17, 2026, the State filed criminal charges against Plaintiff (Case No. 2026 102441 CFDL).
7. Defendant FHP now moves to dismiss the Complaint for Replevin on grounds of statutory insufficiency and improper jurisdiction.
8. *A Motion to Quash Arrest Warrant, Suppress Evidence, and Request for Frank's Hearing* is currently pending in the now related criminal case.

ARGUMENT

A. The Complaint is Legally Sufficient to Establish a Cause of Action for Replevin and a Lawful Initial Seizure of Property Does Not Automatically Justify Indefinite Retention of the Property.

Defendant's Motion to Dismiss first makes the argument that Plaintiff's Complaint "fail[s] to alleged, as required under Section 78.055(3), Florida Statutes, that the Defendant has wrongfully detained the subject property." Fla. Stat. § 78.055(3) states that a complaint reciting and showing "a statement that the property **IS** wrongfully detained by the defendant, the means by which the defendant came into possession thereof, and the cause of such detention according to the best knowledge, information, and belief of the plaintiff," among other statements and descriptions. The Complaint filed in this action clearly states that Plaintiff's vehicle was taken prior to the filing of any criminal charges, that the vehicle was not taken pursuant to any law related to a tax, assessment, or fine against the Plaintiff, and that the vehicle was not taken under an execution or attachment against the property of the Plaintiff (see paragraphs 17, 18, and 19 of the Complaint at DIN #2).

While the Complaint may not have used the exact statutory language in an effort to be more specific regarding the details of the "wrongful detention," the statements made in the Complaint clearly and unequivocally challenge the continued detention of the vehicle by seeking its return

after nearly four (4) months at the time of filing, thus, satisfying the statutory requirement for a statement that the Defendant is wrongfully detaining the property. Further, the language of the statute very clearly provides that the statement allege that the property “IS” wrongfully detained, not “was” as Defendant’s Motion contends. This is an important distinction because, as previously stated, at the time of filing, no criminal action had been brought against the Plaintiff in this action in connection with the crash that allegedly involved the vehicle subject to this action. As such, the detention of the property at the time of filing may have, in fact, been wrongful. However, the now allegedly lawful seizure does not automatically justify indefinite retention of the property, particularly if the evidentiary value has already been preserved through the numerous forensic examinations the State claims to have already completed pursuant to their October 10, 2025 search warrant. Thus, at the time of filing, the Complaint was facially sufficient to support a cause of action for replevin under Fla. Stat. §78.01.

B. Jurisdiction is Determined at the Time of Filing and a Later-Filed Criminal Case Should Not Automatically Terminate Properly Obtained Jurisdiction.

Defendant’s second argument in support of dismissing the Complaint is that jurisdiction over the property subject to this action is now exclusively with the criminal court following the filing of criminal charges. Defendant’s Motion is only partially correct and neglects to consider the actual timeline of events or the totality of the circumstances. While the *Garmire v. Red Lake* case does provide that it is improper to “cross over and intrude in criminal matters pending within the jurisdiction of the criminal courts,” it says nothing about what happens when a criminal matter intrudes on a pre-existing civil action. 265 So.2d 2 (Fla. 1972). The more relevant case is surely the *Eight Hundred, Inc. v. State* case in which the Court of Appeals for the Fifth District provided that, “[o]nce a criminal prosecution is instituted, the court in which that prosecution is pending acquires jurisdiction over that property to hear and determine all questions concerning its

ownership if the property seized has an evidentiary purpose.” 781 So.2d 1187 (Fla. 5th DCA 2001). However, there is also nothing in this case or any of the other cases cited by Defendant’s Motion that definitively states that a civil court in which jurisdiction was properly established prior to the initiation of a criminal action has its jurisdiction completely and conclusively terminated.

Replevin is a possessory action and therefore requires *in rem* jurisdiction over the subject matter. *Prestige Rent-A-Car, Inc. v. Advantage Car Rental & Sales, Inc. (ACRS)*, 656 So. 2d 541 (Fla. Dist. Ct. App. 1995) (quotations omitted). *In rem* jurisdiction is established when specific procedural requirements are met regarding property within the court's territorial limits. Jurisdiction is acquired by filing a complaint with exhibits referencing the property that may be subjected to the court's processes. *Flagship State Bank of Jacksonville v. Carantzas*, 352 So.2d 1259 (Fla. 1st DCA 1977). Stated plainly, jurisdiction in replevin actions is established at the time of filing. Here, Plaintiff filed a Verified Complaint which contained and fulfilled all requirements under the relevant Florida Statutes. The Complaint also established that the property is physically located within the jurisdiction of the Civil Division of the Circuit Court for Seventh Judicial Circuit in Volusia County. As such, jurisdiction was properly established at the time of filing, *prior to* the initiation of the related criminal proceedings. So, although the criminal case may have assumed primary jurisdiction in regard to the vehicle for the time being, the Civil Division’s jurisdiction remains proper and secondary to criminal court’s current exercise of jurisdiction, which could conclude at any time. Thus, it would be wholly inappropriate to dismiss this action outright, rather than stay proceedings until this Court’s primary jurisdiction over the property is restored.

C. There is a Currently Pending Motion to Quash the Arrest Warrant in the Related Criminal Case That, Should it Be Granted, Would Restore Jurisdiction to The Civil Court.

Defendant's argument as to jurisdiction now being exclusively with the criminal court also neglects to mention the current posture of the criminal case and how that may affect jurisdiction in the short term. As noted herein, there is currently a *Motion to Quash Arrest Warrant, Suppress Evidence, and Request for Frank's Hearing* pending in the criminal case. This Motion has a strong likelihood of disposing of the criminal case altogether should it be granted. In that probable scenario, primary jurisdiction could immediately return to this Court and the proceedings could continue as if no interruption had occurred.

Although some of the case law put forth by Defendant's Motion appears to suggest that the criminal court would retain jurisdiction to hear claims as to the property, the currently available authorities seem to cover only those cases in which motions for the return of property or complaints seeking replevin were filed *after* criminal proceedings had concluded. These authorities are easily distinguishable from the case at hand, as the Complaint for Replevin has already been filed and this case precedes the criminal case by several months. As such, in the interests of judicial efficiency and preventing prejudice to the Plaintiff, claims regarding the vehicle should remain before this Court if the criminal case is resolved or dismissed. Thus, outright dismissal is, again, inappropriate in light of this Court's ability to stay proceedings.

WHEREFORE, Plaintiff, LINDSEY ISAACS, respectfully requests that this Honorable Court:

1. DENY the Defendant's Motion to Dismiss;
2. Permit the Show Cause Hearing scheduled for April 30, 2026 to go forward as ordered to address all outstanding issues at that time;
3. And grant all such further relief as the Court deems just and proper.

[SIGNATURE AND CERTIFICATION PAGE TO FOLLOW]

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this 28th day of April and a copy delivered to Nathan Robert Ross, Esq., counsel for Defendant, Florida Highway Patrol, at nathanross@flhsmv.gov and wendyhigon@flhsmv.gov.

DWYER & KNIGHT

By: /s/ Marc E. Dwyer
Marc E. Dwyer, Esquire
Florida Bar No.: 0634700
/s/ Jacob B. Steele
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Attorneys for Plaintiff

IN THE CIRCUIT/COUNTY COURT, SEVENTH JUDICIAL
CIRCUIT, IN AND FOR VOLUSIA COUNTY, FLORIDA

Case No.: 2026 10508 CIDL

Division: 02

LINDSEY ISAACS,

Judge: Randell H. Rowe, III

Plaintiff(s)

Clerk: D. Morris

vs

FLORIDA HIGHWAY PATROL, ETC

Bailiff: Jeffries

Court Reporter: _____

Defendant(s)

Court convened: 10:00 am pm

Court Date: 4/30/2026

Plaintiff's attorney: FTA court call Zoom present Marc Dwyer/ Patrick

Plaintiff(s): FTA court call Zoom present _____

Defendant's attorney FTA court call Zoom present Nathan Ross / Michael Willard

Defendant(s): FTA court call Zoom present Atty Mark Ahrens on Zoom

Key notes or Direction of Court:

Atty Dwyer updates the Court & Asks for Continuance

Judge addresses the Attys & believes good cause is shown & Motion to Dismiss should be Granted

Atty Dwyer responds

Atty Ross responds

Court grants Def's Motion to Dismiss so that all issues can be determined in Criminal Court w/out Prejudice

Filed in Open Court
Seventh Judicial Circuit
Volusia County, Florida

APR 30 2026

Ruling: Pltf's Motion for/to Request for Inspection of Property and Def's Motion to Dismiss & Show Cause

Granted Denied; and/or, Court grants Def's Motion to Dismiss w/out Prejudice

All other Pending Motions are now Moot

Order is signed in Court Order to be prepared by Atty Ross

Copies provided in Court Copies to be mailed Copies were not provided

Cancel Sale Cancel/Continue Hearing or Trial _____

Court Adjourned: 10:18 am pm

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

LINDSEY ISAACS,

Plaintiff,

v.

FLORIDA HIGHWAY PATROL, etc.,

Defendant.

CASE NO.: 2026-10508-CFDL

2026 MAY - 8 AM 9:20
CLERK OF THE CIRCUIT
& COUNTY COURT CC 50
VOLUSIA CITY, FL

FILED

**ORDER DETERMINING GOOD CAUSE SHOWN AND ORDER GRANTING
DEFENDANT'S MOTION TO DISMISS COMPLAINT**

This matter came before the Court to be heard upon (1) the Court's Order to Show Cause directing the Defendant to show cause why the subject vehicle claimed by the Plaintiff in her Verified Complaint for replevin "should not be taken from the possession of the Defendant and delivered to the Plaintiff;" and (2) the Defendant's Motion to Dismiss Complaint. The Court, having considered the motion and exhibits, having also considered argument of counsel and reviewed the entire court file, and being fully advised in the premises, hereby finds as follows:

The Court takes judicial notice of the court file in the Plaintiff's criminal case, State of Florida v. Lindsey Isaacs; Case No. 2026-102441-CFDL. Based on the Arrest Report Affidavit, Affidavit for Search Warrant, Affidavit for Arrest Warrant, and the Warrant for Arrest, all of which were verified by the arresting officer who was present at the hearing, the Court determines that good cause was shown by the Defendant why the subject vehicle now in evidence in the criminal case should not be taken from the possession of the Defendant and delivered to the Plaintiff. Therefore, replevin of the subject vehicle must be denied.


For all the reasons stated and findings made by the Court on the record at the hearing, the Defendant's motion to dismiss without prejudice must be granted because jurisdiction now lies with the court having jurisdiction over the Plaintiff's criminal case. See Wolfgang v. Dawsy, 204 So. 3d 596 (Fla. 5th DCA 2016); Pondella Hall for Hire, Inc. v. City of St. Cloud, 837 So. 2d 510 (Fla. 5th DCA 2003); and Eight Hundred, Inc. v. State, 781 So. 2d 1187 (Fla. 5th DCA 2001).

Based on the foregoing, it is hereby

ORDERED AND ADJUDGED as follows:

1. Good cause having been shown, replevin of the subject vehicle in evidence in the criminal proceeding is DENIED.
2. Defendant Florida Highway Patrol's Motion to Dismiss is GRANTED, and the Plaintiff's Verified Complaint is dismissed without prejudice.
3. All other pending motions filed in this matter are DENIED as moot.

DONE AND ORDERED in DeLand, Volusia County, Florida, this 6th day of May, 2026.



RANDELL H. ROWE, III
CIRCUIT JUDGE

Copy to all counsel of record.

FILED
2026 FEB 19 AM 8:50
CLERK OF THE CIRCUIT
& CITY COUNTY VOLUSIA CITY, FL.

**IN THE CIRCUIT/COUNTY COURT OF FLORIDA, SEVENTH JUDICIAL CIRCUIT,
IN AND FOR FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA COUNTIES**

UNIFORM CASE MANAGEMENT ORDER

NOTICE: The deadlines referenced in this Order will be strictly enforced.

This Case Management Order is issued in accordance with Fla. R. Civ. P. 1.200 and Administrative Order(s) of the Seventh Judicial Circuit Court. The deadlines referenced herein apply in conjunction with the trial date specified in the Order Setting Trial.

A. CASE DESIGNATION

All civil cases will be assigned a designation as follows: Civil cases in which trials by jury are demanded are designated as "General," except those cases in which all defendants have been defaulted. Civil cases designated as "Complex" pursuant to Rule 1.201, Fla. R. Civ. P., are exempted from the requirements of this Order and will follow the procedures outlined in the Rule. All other civil cases are designated as "Streamlined." Parties may move for redesignation in accordance with Fla. R. Civ. P. 1.200 (c)(1). Civil actions specified in Fla. R. Civ. P. 1.200(a)(1-18) are likewise exempted from the requirements of this order.

B. PROJECTED TRIAL PERIOD

The projected trial period for "General" cases will be no later than eighteen (18) months from case filing. The projected trial period for "Streamlined" cases will be no later than twelve (12) months from case filing. The parties may move the Court to fix a trial period on or before the projected trial period. For cases in which no trial order has been issued, the parties seeking affirmative relief must notify the Court no later than seventy-five (75) days before the expiration of the projected trial period that no trial order has been issued.

C. SERVICE OF PROCESS

Plaintiff(s) are required to serve each defendant with initial process and pleading no later than one hundred twenty (120) days from case filing as provided in Fla. R. Civ. P. 1.070(j). Proof of service of process is to be promptly filed with the Clerk of Court. Motions for extension of time to complete service of process must be filed no later than ten (10) days prior to the expiration of the initial time allotted for service. The motions must specify the reasons why service could not be performed within 120 days and what attempts had been made at service during that period. In its discretion, the presiding judge may grant the plaintiff(s) an additional ninety (90) days to serve any remaining defendant(s). After the expiration of the time for service, including any extensions, any unserved defendant(s) may be dismissed from the action without further notice.

D. ADDING NEW PARTIES

The deadline for adding new parties to an action is 120 days after the completion of service of process on the initial defendants in cases designated as "General" and 90 days after the completion of service of process on the initial defendants in cases designated as "Streamlined." Parties may not be added to actions after these deadlines absent a showing of good cause.

E. OBJECTIONS TO PLEADINGS

Motions objecting to pleadings must be called up for hearing no later than 120 days after the filing of the motion. Motions objecting to pleadings not called up for hearing within the time specified herein, absent a showing of good cause, may be deemed waived or abandoned.

F. DISCOVERY/DISCLOSURE DEADLINES

All discovery is to be completed according to the following schedule:

Action or Event	General	Streamlined
Mandatory Initial Disclosures	As provided in Fla. R. Civ. P. 1.280(a)	As provided in Fla. R. Civ. P. 1.280(a)
Disclosure of expert witnesses	120 days before docket sounding for parties seeking affirmative relief; 90 days before docket sounding for parties not seeking affirmative relief	90 days before docket sounding for parties seeking affirmative relief; 60 days before docket sounding for parties not seeking affirmative relief
Disclosure of fact witnesses	60 days before docket sounding	60 days before docket sounding
Service of written discovery requests	45 days before docket sounding	45 days before docket sounding
Completion of all discovery	10 days before docket sounding	10 days before docket sounding

G. DISPOSITIVE MOTIONS

Dispositive motions must be filed and served no later than 120 days prior to the scheduled or projected trial period for "General" cases and 90 days prior to the scheduled or projected trial period for "Streamlined." cases. Motions for summary judgment and responses in opposition must comply with the deadlines set forth in Fla. R. Civ. P. 1.510. Movants must promptly call up dispositive motions for hearing, but no sooner than the time specified in Rule 1.510. Replies to responses in opposition to dispositive motions are only permitted upon leave of Court.

H. EXPERT WITNESS MOTIONS

Expert witness-related motions or objections (e.g., *Daubert* motions) must be filed no later than 60 days prior to the start of the scheduled or projected trial period for “General” cases and forty-five (45) days prior to the start of the specified or projected trial period for “Streamlined” cases.

I. PRETRIAL MOTIONS

All pretrial motions, other than dispositive motions and motions directed at expert witnesses, must be filed no later than thirty (30) days prior to the trial date. Pretrial motions filed within 30 days of trial will not be considered if predicated on matters the movant knew or should have known with the exercise of reasonable diligence at least 30 days prior to the trial date. Compliance by counsel (not staff) with the conferral requirements in Fla. R. Civ. P. 1.202 is required. Failure to comply with conferral requirements may result in summary denial of motions. Because of busy court calendars, hearing time may not be available to consider motions filed close to the deadline. The inability of a party to obtain hearing time will generally not constitute grounds for a continuance of the trial.

J. MEDIATION

Unless excused by the Court or excluded pursuant to Fla. R. Civ. P. 1.710(b), mediation is to be conducted in all cases. Mediation must be concluded, and a report filed prior to docket sounding.

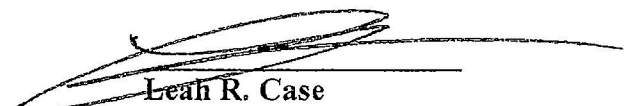
K. EXTENSIONS/MODIFICATIONS OF DEADLINES

The deadlines specified herein will be strictly enforced unless modified by Court order. The parties may submit an agreed order to extend disclosure and/or discovery deadlines; however, all remaining deadlines will remain in place absent a Court order. Continuances of deadlines are strongly discouraged.

L. SERVICE OF THIS ORDER

Plaintiff is required to serve a copy of this Order on all other parties and file a notice of service with the Clerk within 30 days of the date of its issuance.

DONE AND ORDERED in Flagler, Putnam, St. Johns, and Volusia counties.


Leah R. Case
Chief Judge

Effective: January 1, 2025
Adopted: December 2024