

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

CASE NO. 2015CF010233BMB DIVISION "R"

STATE OF FLORIDA

vs.

MONIERAM RATHIBHAN,

Defendant.

ORDER ON DEFENDANT'S MOTION TO SUPPRESS VIDEO AND AUDIO RECORDING

THIS CAUSE having come before the Court upon Defendant's Motion to Suppress the video and audio recording; it is hereby

ORDERED AND ADJUDGED that said Motion is hereby denied based on the following:

Testimony was presented at the Motion to Suppress hearing by both the State and Defense on February 12th, 2016. Based upon the evidence presented this Court finds that Medina Farms is owned and operated by the defendant, Monieram Rathibhan and that he manages the farm, oversees its employees, and conducts all sales. This court further finds that Medina Farms is a business, open to the public for customers who wish to purchase meat and the fact that an appointment needs to be made prior to meeting with the defendant, does not make it any less a business open to the public.

Additionally, the Court finds that Florida State Statute 934 does not apply to video recordings. Chapter 934 specifically governs the Security of Communications and the Surveillance laws in the State of Florida. With regard to the audio recordings, this Court finds

FILED
2016 FEB 22 PM 3:33
SHARON A. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

that members of the Animal Recovery Mission were invited onto the property by the defendant and as a business open to the public, had a legal right to be on the premises. Once on the property members of the Animal Recovery Mission did, without the knowledge and consent of the defendant, audio and video record the words and events as they occurred. These recordings were made out in the open; at times with other individuals present. The Court, therefore, finds that the defendant did not have a legitimate subjective expectation of privacy or an expectation of privacy that society would be prepared to accept.

Lastly, this Court finds that the first video tape presented by the State was a fair and accurate representation of what occurred and represented only those relevant portions necessary to prove the elements of the alleged crime and that with regard to the second video presented by the State, there was no objection by the defense and therefore, was stipulated into evidence.

For the reasons as outlined above the Defendant's Motion to Suppress is hereby denied.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida, this
the 22nd day of February, 2016.



KRISTA MARX
CIRCUIT COURT JUDGE

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MONIERAM RATHIBHAN,

Defendant.

STATE'S RESPONSE TO DEFENDANT'S MOTION TO SUPPRESS VIDEO RECORDING

COMES NOW the State of Florida by and through the undersigned Assistant State Attorney, and respectfully moves this Honorable Court to DENY defendant's Motion to Suppress the Video Recording. As grounds therefore, the State would show the following:

FACTS

The defendant is charged by way of Information with COUNT ONE: FELONY CRUELTY TO ANIMALS, COUNT TWO: KILLING ANIMALS BY NON-HUMANE METHODS, COUNT THREE: KILLING OR AGGRAVATED ANIMAL ABUSE OF HORSES OR CATTLE, AND COUNT FOUR: KILLING ANIMALS BY NON-HUMANE METHODS. The series of events that led to the defendant's arrest began on September 4th, 2015, when Detective Senecal, a detective with the Palm Beach County's Sheriff's Office Agricultural Crime Unit, was contacted by Richard Couto, the founder/investigator of an organization named Animal Recovery Mission, hereinafter known as ARM. ARM's operations and investigations are

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IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: 50-2015-CF-010197-AXXX-MB
DIVISION: R

v.

MONIEARM RATHIBHAN,

Defendant.

MOTION TO SUPPRESS VIDEO RECORDING

Defendant, MONIEARM RATHIBHAN, by and through his undersigned counsel moves this Honorable Court pursuant to Florida Statute §934.06 for the entry of an Order suppressing a video recording of the Defendant and his property, as well as any statements made therein and in support thereof states as follows:

An Order should be entered suppressing a video recording of Defendant and his property, as well as any statements made therein by the Defendant, pursuant to Florida Statute §934.06 because the disclosure of the information would be a violation of Chapter 934 of the Florida Statutes.

FACTS

Defendant is charged with felony animal cruelty, and the inhumane killing of animals. More specifically, Defendant is accused of conducting an illegal slaughterhouse on his property, named Medina Farms. All of the charges against Defendant are the result of and video recording taken by Richard Couto, an individual who, in an attempt to prevent animal cruelty, utilizes vigilante tactics, including trespassing and burglarizing individuals and their private property, perpetrating fraud to obtain access to private property, illegally entrapping individuals to commit illegal acts and violates individual's privacy rights and other rights afforded individuals pursuant