

**IN THE COUNTY COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

STATE OF FLORIDA

CASE NO: xxxxxxxxxxxxTC10A

vs.

XXXXXXX

DIVISION: Hon. XXXXXXXX

MOTION TO DISMISS

Defendant, XXXXXXXX, by and through the undersigned attorney, files this Motion to Dismiss the Charging Instrument filed in this case under Fla. R. Crim. P. 3.190, and shows the following:

1. Defendant is charged with the offense of driving without a valid drivers license in violation of Fl. Stat. 322.03(1);
2. Defendant is a citizen of the State of El Salvador;
3. Defendant respectfully requests that the charges against him be dismissed as he had a valid International Driving Permit at the time of the incident. A copy of said driving permit is attached and made a part hereof as Exhibit "A." It is important for the court to note that the Defendant presented his International Driving Permit to the police officer at the time of the stop;
4. An International Driving Permit, (hereinafter "IDP") is a document that provides information from an individuals drivers license from his or her home country. The IDP was established at the United Nations Conference on Road and Motor Transport on September 19, 1949. A copy of the treaty is attached and made a part hereof as Exhibit "B."
5. The IDP was established as a valid driving permit in the United States pursuant to A treaty, the Convention on International Road Traffic, which was ratified by the United States Senate on August 9, 1950 and signed by President of the United States on August 30, 1950.
6. Chapter V, Article 24, Subsection 3 of The Convention on International Road Traffic States, "The international driving permit shall, after the driver has given proof of his competence, be delivered by the competent authority of a Contracting State or subdivision thereof, or by a duly authorized association, and sealed or stamped by such authority or association. The holder shall be entitled to drive in all Contracting States without further examination motor vehicles coming within the categories for which the permit has been issued."
7. Article VI, Clause 2 of the United States Constitution States that "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the contrary notwithstanding."

8. Accordingly, the treaty signed by the President of the United States pursuant to The authority vested in him by the United States Senate preempts the applicable Florida Statute and the charge of driving without a valid drivers license can not be sustained.

WHEREFORE, Defendant prays that the Court dismiss the charging instrument against him and for such other and further relief in connection therewith that is proper.

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

Dated: _____

XXXXXXXX
Defendant

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to or affirmed and signed before me on _____ by XXXXXXXX.

NOTARY PUBLIC or DEPUTY CLERK

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

_____ Personally known
_____ Produced identification
Type of identification produced _____

I certify that a copy hereof has been furnished to the State's Attorney by electronic delivery on August _____, 20____.

Respectfully submitted,

Michael A. Dye, P.A.

By: _____

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