

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR LAKE COUNTY, FLORIDA

FLORIDA CARRY, INC., a Florida not for
profit corporation,

Plaintiff,

vs.

CASE NO. 2012 - CA - 001001
Division 7

CITY OF LEESBURG, FLORIDA, a
political subdivision of the State of Florida,
and JAY EVANS, City Manager of the City
of Leesburg, Florida,

Defendants.

_____ /

AFFIDAVIT IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT

STATE OF FLORIDA
COUNTY OF LAKE

BEFORE ME, the undersigned Notary Public, personally appeared Robert Hicks, who after being duly sworn, deposed and stated as follows:

1. He is Chief of the Police Department of the Defendant, City of Leesburg, Florida.
2. He has examined the records of the Leesburg Police Department (hereafter referred to as the "Department") reflecting all arrests made by officers of that Department, to determine the number of arrests made for violation of §15 – 3 of the Code of Ordinances of the City of Leesburg, prohibiting discharge of a firearm within the city limits, beginning as of June 2, 2011, and continuing to the date of this Affidavit.
3. Those records have been maintained by the Department in the ordinary course of its regularly conducted business activity, and the information compiled in those records was entered into the records at or about the time of the event recorded, by an individual with knowledge

of what was recorded or based on information transmitted by a person with knowledge. It is and has been, at all times relevant to the events recited in this Affidavit, a regular practice of the Department to make and keep such records.

4. Based upon his examination of the aforementioned records of the Department, Affiant has personal knowledge of the facts recited in this Affidavit.

5. The records of the Department containing information on all arrests made by the Department since June 2, 2011, reflect that no one has been arrested since that date, for a violation of §15 – 3.

6. Since the current record keeping system was initiated in the year 2008, §15 – 3 has not been available on the list of violations for any officer of the Department to choose for enforcement purposes. In Chapter 15 of the City Code of Ordinances, only §§15 – 14 (Youth Protection Ordinance) and 15 – 6 (Roller Skating/Skate Boarding) have been permissible choices for an officer to select as the basis for enforcement of that Chapter of the City Code.

7. The system in effect since 2008 shows there have been no arrests for violation of §15 – 3 of the Code of Ordinances.

FURTHER Affiant sayeth not.



ROBERT HICKS

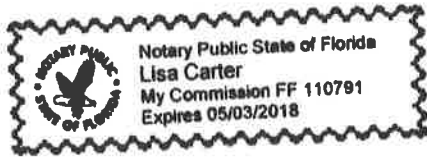
SWORN TO and subscribed before me on this 14th day of October, 2014, by Robert Hicks, who was either personally known to me, or who produced _____ as identification, and who took an oath.

Lisa Carter
NOTARY PUBLIC SIGNATURE

Lisa Carter
Type or print name of Notary Public

FF 110791
Commission Number

5/3/2018
Commission Expiration Date



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail on this 17th day of October, 2014, to Eric J. Friday, of Fletcher & Phillips, efriday@fletcherandphillips.com, and J. Patrick Buckley, III, buckley@jpbseq.com.

/s/ Fred A. Morrison
FRED A. MORRISON