

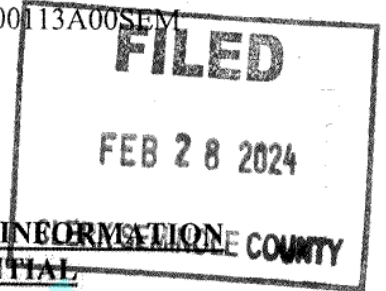
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

vs.

CASE NUMBER: 592024CF000113A00SEV

ALAN WINSTON FILION,
Defendant.



STATE'S MOTION TO DECLARE PERSONAL IDENTIFICATION INFORMATION OF COURT PERSONNEL AND WITNESSES CONFIDENTIAL

COMES NOW, the State of Florida, by and through the undersigned Chief Assistant State Attorney and files this State's Motion to Declare Personal Identification Information of Court Personnel and Witnesses Confidential and in support thereof would show as follows:

1. The State of Florida has charged the above-named defendant by way of Information with having committed four (4) criminal offenses:
 - Count 1: False Report Concerning Planting of Bomb, Explosive or use of a Weapon of Mass Destruction or Concerning the Use of a Firearm in a Violent Manner While Facilitating or Furthering an Act of Terrorism or While Evidencing Prejudice Based on the Race, Color, Ancestry, Ethnicity, Religion, Sexual Orientation, National Origin, Homeless Status or Advanced Age of the Victim (F1) (Fla. Stat. s. 790.163, 775.31, 775.085);
 - Count 2: Unlawful Use of a Two-Way Communication Device While Facilitating or Furthering an Act of Terrorism or While Evidencing Prejudice Based on the Race, Color, Ancestry, Ethnicity, Religion, Sexual Orientation, National Origin, Homeless Status or Advanced Age of the Victim (F2) (Fla. Stat. s. 934.215, 775.31, 775.085)

- Count 3: False Report to Law Enforcement Concerning Commission of a Capital Felony While Facilitating or Furthering an Act of Terrorism or While Evidencing Prejudice Based on the Race, Color, Ancestry, Ethnicity, Religion, Sexual Orientation, National Origin, Homeless Status or Advanced Age of the Victim (F2) (Fla. Stat. s. 837.05(2), 775.31, 775.085);
 - Count 4: False Report to Law Enforcement Causing a Public Safety Response (Swatting) While Facilitating or Furthering an Act of Terrorism or While Evidencing Prejudice Based on the Race, Color, Ancestry, Ethnicity, Religion, Sexual Orientation, National Origin, Homeless Status or Advanced Age of the Victim (F3) (Fla. Stat. s. 817.49, 775.31, 775.085).
2. The factual circumstances surrounding the crimes charged by the State involve a swatting incident that occurred on or about May 12, 2023, at the [Redacted] in [Redacted]. The probable cause to support the four offenses charged by the State is set forth within the Affidavit for Arrest Warrant authored by [Redacted]. Said Affidavit is in the Court file and is incorporated and made part of this Motion by reference.
 3. The State has previously filed a State's Motion to Order Pretrial Detention on January 25, 2024, and a subsequent State's First Amended Motion to Order Pretrial Detention on January 31, 2024. Both of those Motions are in the Court file and are incorporated and made part of this Motion by reference.
 4. At the time of his arrest, the Defendant was part of an online community of individuals who engaged in serial swatting and hoax calls for both profit and recreation. (See Affidavit in support of Arrest Warrant.) Swatting is a criminal harassment tactic that

involves deceiving emergency services into sending a police or emergency service response team to a victim's address where there is no actual emergency. Because a swatting call involves tricking first responders into believing there is a critical, life-or-death situation unfolding at a particular location, these incidents divert significant law enforcement and emergency services resources. As a result, these same resources are no longer available to respond to real emergencies that are occurring elsewhere in the area. Swatting conduct is dangerous for the responding officers as well as the victims. For example, in 2017, a man from Wichita, Kansas, was killed when officers showed up at his address after receiving a hoax call that the resident had killed his father and was holding his family members hostage and at gunpoint. Officers mistakenly thought the man was reaching for a weapon when he answered his door, and he was shot and killed. The defendant in that case was a serial swatter who was sentenced to 20 years in prison after being charged with making swatting and hoax calls.

5. The Information charging the Defendant in this case is signed by [Redacted] [Redacted] as are both the State's Motion to Order Pretrial Detention (filed on January 25, 2024), and the State's First Amended Motion to Order Pretrial Detention (filed on January 31, 2024). Since his name has appeared in these filings, [Redacted] [Redacted] has been the personal victim of two (2) hoax calls that resulted in strangers appearing at his private residence.
 - a. On February 14, 2024, at approximately 9:00 p.m., [Redacted] was at his private residence when a pizza delivery driver with Domino's Pizza attempted to deliver numerous pizzas. The delivery driver called the number that had been provided at the time the order was placed, [Redacted] That number was

determined to be a non-emergency number associated with [Redacted]

[Redacted]

- b. On February 19, 2024, at approximately 12:30 p.m., a pizza delivery driver with Domino's Pizza again arrived at [Redacted] private residence with pizza. The phone number associated with the second order, [Redacted] came back to [Redacted] which is one block from [Redacted] [Redacted] The name offered at the time of the order was [Redacted]

(See Exhibit A, sworn statement of [Redacted] one page.)

6. Defendant Filion's arrest was predicated upon the issuance of an arrest warrant, which was based upon probable cause set forth within an Affidavit authored [Redacted] [Redacted] and a co-affiant. [Redacted] has also been referenced, by name, in both the State's Motion to Order Pretrial Detention (filed on January 25, 2024), and the State's First Amended Motion to Order Pretrial Detention (filed on January 31, 2024). Since his name has appeared in these filings, [Redacted] has been the personal victim of one (1) hoax call that resulted in a stranger appearing at his private residence and one (1) separate attempted hoax call of the same nature.

- a. On February 14, 2024 [Redacted] was at his private residence when a pizza delivery driver with Domino's Pizza attempted to deliver a pizza that he had not ordered. Thereafter [Redacted] called the Domino's Pizza location and requested information associated with the order, which the location manager was unable to provide.

b. On February 19, 2024, [Redacted] received a call from the manager of the aforementioned Domino's Pizza location and learned that on that date (February 19, 2024), they had received another order for [Redacted] residence. Realizing the order was likely a hoax, the manager cancelled the order. The manager shared that said order had been placed online, that the order name was [Redacted]

(See Exhibit B, sworn statement of [Redacted], two pages.)

7. The case information associated with the Defendant's prosecution in this case is provided to the public on the [Redacted] website, which prominently identifies [Redacted] [Redacted] Additionally, the minutes issued in the case and posted online bear [Redacted] name and identify him in his professional capacity.

a. On February 14, 2024, at approximately 10:00 p.m. [Redacted] was at his private residence when a pizza delivery driver attempted to deliver pizza for an individual named [Redacted] [Redacted] spoke with the delivery driver and learned that the number associated with the order was for the [Redacted]

b. On February 21, 2024, [Redacted] spoke with his sons about the prior incident that occurred on February 14, 2024. During that conversation, [Redacted] learned that on February 19, 2024, shortly before 12:00 p.m., a second pizza delivery was attempted at his address by Domino's Pizza. The name associated with the order was [Redacted]

(See Exhibit C, sworn statement of [Redacted] one page.)

8. The unsolicited deliveries to the addresses of [Redacted] and [Redacted] have occurred multiple times, in rapid succession, on the same dates. The

call back numbers associated with the orders came back to the [Redacted] [Redacted] non-emergency line and the [Redacted] [Redacted] a local restaurant one block from [Redacted] [Redacted]. Multiple orders were placed by an individual who offered the same name, [Redacted] [Redacted]. The facts and circumstances surrounding these orders indicate that they are a hoax. They have occurred only since [Redacted] [Redacted] names appeared online associated with the Defendant's prosecution. At the time of his arrest, Defendant Filion was part of an online, international community of individuals who engage in serial swatting and hoax calls for profit and recreation. (See Affidavit in support of Arrest Warrant.) The Court file, documents contained within it, and the personal identification information of court personnel and future listed witnesses whose names appear on filings, pleadings, minutes, or documents in the Court file are all publicly available via the [Redacted] [Redacted] website which is available online. A search of the name(s) of court personnel and witnesses through internet-based search engines easily enables a bad actor to find the addresses of court personnel's personal residence(s), and those of their family, friends, and associates.

9. The State recognizes that hoax calls for pizza are of a different caliber than the swatting call with which the Defendant is charged from May 2023, but such hoax calls nonetheless demonstrate a pattern of harassment designed to target and intimidate individuals whose names appear in court filings and on pleadings in the Court file. Such hoax calls also attempt to relay a message that the address for an individual's private residence is known to nefarious actors and that such individuals are, therefore, subject to being swatted.

10. Florida Rule of Judicial Administration 2.420, Public Access to Judicial Branch Records, states, in pertinent part:

(c) Confidential and Exempt Records. The following records of the judicial branch shall be confidential: [. . .]

(9) Any court record determined to be confidential in case decision or court rule on grounds that

(A) confidentiality is required to

(i) prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice; [. . .]

(iii) protect a compelling governmental interest; [. . .]

(v) avoid substantial injury to innocent third parties; [. . .]

(B) the degree, duration, and manner of confidentiality ordered by the court shall be no broader than necessary to protect the interests set forth in subdivision (A); and

(C) no less restrictive measures are available to protect the interests set forth in subdivision (A).

11. An attempt to influence, intimidate, harass, retaliate against, or hinder court personnel or listed witnesses due to their involvement in a case constitutes a serious and imminent threat to the fair, impartial, and orderly administration of justice, in that the fear of reprisal or harassing actions could color a member of court personnel or a witness's execution and performance of their legal duty. Pursuant to Fla. R. Jud. Admin. 2.420(c)(9)(A)(i), the State requests that this Court deem the personal identification information of Court personnel and witnesses recited in the Court file as confidential in order to "prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice".

12. A confidentiality determination regarding the personal identification information of Court personnel and witnesses is alternatively required to protect a compelling governmental interest, in that such a determination serves to ensure that Court personnel and witnesses can execute their official duties and obligations to the Court without fear of retribution or deflection of their energies; to afford Court personnel and witnesses the ability to

exercise the independent judgment that is required by their position or involvement in the case; and to guarantee that their decisions and future testimony are not shaded by the threat of retribution or reprisal. Pursuant to Fla. R. Jud. Admin. 2.420(c)(9)(A)(iii), the State requests that this Court determine that the personal identification information of Court personnel and witnesses in the Court file be deemed confidential in order to “protect a compelling government interest”.

13. Confidentiality of Court personnel and witnesses’ personal identification information is also necessary in order to avoid substantial injury to third parties. On the five occasions that items were unsolicitedly sent to Redacted Redacted addresses, the third-party businesses attempting to make the deliveries sustained a pecuniary loss because they were not financially compensated for the items they attempted to deliver. Beyond that, however, the continued dispatch of strangers to the private addresses of Court personnel and witnesses subjects those innocent individuals who are unwittingly sent at the direction of bad actors to substantial injury. A person who unexpectedly and without forewarning appears at the home of a stranger is startling and off-putting. In this day and age, strangers who unexpectedly appear on one’s doorstep are met with suspicion and reluctance. Such is a situation ripe for confrontation, and with confrontation comes the probability of a heated exchange. Within seconds, what began as a well-meaning, innocent delivery driver attempting to deliver a pizza can turn into a hostile encounter. Given the state of the law in Florida regarding the justifiable use of force and deadly force (pursuant to Chapter 776), and the constitutional right of citizens to carry concealed firearms without a government-issued permit (when they are not otherwise legally precluded to do so), this scenario could easily lead to an

unsolicited delivery driver being exposed to substantial injury. Pursuant to Fla. R. Jud. Admin. 2.420(c)(9)(A)(v), the State requests that this Court determine that the personal identification information of Court personnel in the Court file be deemed confidential in order to “avoid substantial injury to innocent third parties.”

14. The State requests that that the personal identification information of Court personnel and witnesses be deemed confidential in the Court file. For purposes of this Motion, the term “personal identification information” has the same meaning as that set forth in Fla. Stat. s. 817.568, and specifically includes the following: name, postal address, physical address, phone number, email address, Florida Bar Number, Agency Identification or Badge Number, professional title, signature, or any other means by which Court personnel or witnesses could be identified.

15. The State requests that all personal identification information of Court personnel and witnesses that is deemed confidential pursuant to this Court’s Order and that appears in any filings, pleadings, minutes, or documents in the Court file be redacted by the [Redacted] without the necessity of a Notice of Confidential Information being filed contemporaneous with such filings, pleadings, minutes, or documents.

16. The State is not requesting that the entire Court file be sealed, just that the “personal identification information” of Court personnel and witnesses be redacted by [Redacted] [Redacted]. Additionally, the State will continue to provide to the defense, without redaction or similar limitation, all discovery.

17. The State’s request that all personal identification information of Court personnel and witnesses in the Court file be deemed confidential and redacted by [Redacted] is

narrowly tailored and there are no less restrictive measures available to effectuate the goals recited herein, thus complying with Fla. R. Jud. Admin. 2.420(c)(9)(b), (C).

18. The State additionally requests that this Court's confidentiality determination apply should either the [Redacted] or other law enforcement agencies receive a public records request, thus permitting the [Redacted] and other recipient agencies from withholding and redacting the personal identification information of court personnel and witnesses from records, documents, or items subject to public record under Florida State Statutes Chapter 119.

19. The undersigned has had contact with the following individuals and confirmed their position(s) regarding this Motion as follows:

- a. [Redacted] [Redacted] [Redacted], has no objection to this Motion. He advised that he stipulates to the merits of this Motion and is in agreement that the Court may hear this Motion In Camera and rule on its merits before it is filed in the Court file.
- b. [Redacted] (pursuant to a Notice of Appearance filed January 19, 2024), has advised that he no longer represents the Defendant. [Redacted] indicated that he sent a Stipulation for Substitution of Counsel to [Redacted] [Redacted] on or about February 5, 2024.
- c. [Redacted] (pursuant to Notices of Appearance filed February 5, 2024), have advised that they stipulate to both the relief requested by the State in this Motion and to the Court's In Camera review of same.

WHEREFORE, the [Redacted] hereby requests that this Court FIND that the personal identification information of Court personnel and witnesses in the Court file in this matter be deemed confidential; and ORDER a.) that [Redacted] shall redact the personal identification information of Court personnel and witnesses from the Court file; b.) that [Redacted] shall make said redactions without a Notice of Confidential Information in a Court Filing being contemporaneously filed; c.) that said confidentiality determinations shall apply should the [Redacted] or other law enforcement agencies receive a public records request; and d.) the [Redacted] and law enforcement agencies shall redact the personal identification information of Court personnel and witnesses from records, documents, or items subject to public record under Florida State Statutes Chapter 119.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-MAIL to [Redacted] [Redacted] [Redacted] this 27th day of February, 2024.

[Redacted]

Redacted

STATEMENT

DATE:	CASE REF:	CASE #:
NAME:	Redacted	
ADDRESS:	Redacted	
CITY/STATE:	Redacted	
HOME TELEPHONE:	WORK TELEPHONE:	Redacted
DATE OF BIRTH:	SOCIAL SECURITY #:	

On February 14, 2023 at approximately 9:00pm an employee of Domino's Pizza arrived at my personal residence and stated he had a pizza delivery. After determining that no one in my household had ordered a pizza, the employee stated the name associated with the order was Redacted (Unknown spelling) and the phone number associated with the order was Redacted. The employee then called the phone number and determined it was the non-emergency phone number for Redacted.

On February 19, 2023 at 12:27pm a different employee of Domino's Pizza arrived at my personal residence and stated that he had a pizza delivery. After again determining the delivery was not legitimate, the employee indicated the name associated with the order was Redacted (Unknown spelling) and the phone number associated with the order was Redacted. That phone number is the listed phone number for Redacted.

Redacted

Redacted

PERSONALLY KNOWN
 _____ PRESENTED I.D. _____

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21ST DAY OF Feb, 2024

Redacted



Redacted

Sworn Voluntary Statement Form

CASE #: _____

Victim / Witness

Please print clearly in all sections

Occurred From: (/ /) : Occurred To: (/ /) :
DATE TIME DATE TIME

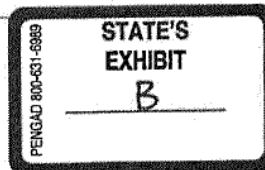
Last Name: Redacted First: Redacted M: _____
Race: _____ Sex: _____ Date of Birth: _____ Circle One: Adult / Juvenile
Hair: _____ Eyes: _____ Height: _____ Weight: _____ Ethnicity: _____
S.S. #: _____ D.L.#: _____ State: _____ Exp: _____
Birth City: _____ Birth State / Country: _____ Citizenship: _____
Address: _____ City: _____ State: _____ Zip: _____
Home #: () Cell #: () Work #: ()
Email: _____ Social Media Account(s): _____
Employer / School: Redacted Job Description: Redacted
Address: Redacted City: Redacted State: FL Zip: Redacted
Next of Kin: _____ Relationship: _____ Phone #: ()

Suspect / Missing Person

Last Name: _____ First: _____ M: _____
Race: _____ Sex: _____ Date of Birth: _____ Circle One: Adult / Juvenile
Hair: _____ Eyes: _____ Height: _____ Weight: _____ Ethnicity: _____
S.S. #: _____ D.L.#: _____ State: _____ Exp: _____
Birth City: _____ Birth State / Country: _____ Citizenship: _____
Address: _____ City: _____ State: _____ Zip: _____
Home #: () Cell #: () Work #: ()
Email: _____ Social Media Account(s): _____
Employer / School: _____ Job Description: _____
Address: _____ City: _____ State: _____ Zip: _____
Identifying Scars / Marks / Tattoos / Description / Gang Info: _____

***Please list and describe all items that were stolen or damaged during this incident.**

Type of Item	Color	Brand	Model	Serial #	\$ Value
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					



False Information: I certify that the statement made to the Seminole County Sheriff's Office concerning the listed incident/offense was voluntarily made. I further certify that I am aware of the following statute and penalties as provided by Florida State Statutes 837.05, 775.082, and 775.083 to-wit: *Whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime is guilty of a misdemeanor of the first degree, punishable by a definite term of imprisonment not exceeding one year and/or a fine not exceeding \$1,000.00.* Initial here: _____

Begin your statement here: On February 14, 2024, while I was at my home, Domino's Pizza attempted to deliver a pizza to home. I explained to them I did not order a pizza and they confirmed my address was what was provided to them for the delievery. I later made contact with the manager of the store to request additional information on who placed the order. The manager was unable to access th order information to provide me any information.

On February 19, 2024, I then received a call from the manager of Domino's. She informed me her store recieved an additional order for my house, but cancelled the order as she remembered the conversation she had with me prior.

The manager also informed me the order was placed online and the provided name and phone number was

Redacted

At no point did I place an order through Domino's either day.

UNOFFICIAL

Affidavit of Prosecution / Refusal to Prosecute

I, _____, will prosecute the individual(s) that are responsible for the above listed incident(s).

OR

I, _____, refuse to prosecute or cooperate with further investigation in this case. I will hold free and absolve from any further duty in regard to this matter the Seminole County Sheriff's Office and its employees.

Signature _____ Redacted

Sworn to and subscribed before me this 22 day of FEB 2024

Law Enforcement Officer or Notary _____ Redacted

Redacted

STATEMENT

DATE: 2/21/2024	CASE REF:	CASE #:
NAME: Redacted		
ADDRESS: Redacted		
CITY/STATE:		
HOME TELEPHONE:	WORK TELEPHONE: Redacted	
DATE OF BIRTH:	SOCIAL SECURITY #:	
<p>On Wednesday, Feb 14th, at approximately 10 pm, there was a knock on my residential door. I did not answer but asked who it was. They said pizza delivery. I responded I did not order a pizza and the delivery person (male) said it was for [Redacted]. I said there is not a [Redacted] here but possibly someone is working late in the Greenhouses located on the property. I texted my son who lives on the property who said he did not order a Pizza. I then noticed no lights were on in the greenhouse and the driver was not finding anyone. So, I walked Out to talk with him. He said he called the number on the order and the number went to the [Redacted]. I told him he must have been scammed and he said no worries and left.</p> <p>On Wednesday 2/21/24, while attending [Redacted] meeting, it was mentioned about Some members of law enforcement being "swatted" with a pizza. I shared the same thing happened to me.</p> <p>On Wednesday 2/21/24 I contacted my two sons to let them know about the pizza event. That's when It was relayed to me that on Monday 2/19/24, a second pizza that was not ordered appeared at the business On the property. At 11:57 am, a Domino's delivery driver brought a pizza for an [Redacted]. This was the second pizza delivery made by Domino's to a person who is not at this address.</p> <p>For clarification, my residence is [Redacted]</p>		

Redacted

PERSONALLY KNOWN
 PRESENTED I.D.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21 DAY OF FEB, 2024.

Redacted
CTING

OFFICIAL INVESTIGATION per FSS 117.10

PAGE ___ OF ___

