

# Criminal Defense Lawyer Andrew D. Stine Motions to Dismiss Charges

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**Attachments:** [mot-dismis-solit.doc \(67.50 KB\)](#)

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[Criminal defense lawyer Andrew D. Stine](#) has filed a motion to dismiss the charges pending on one of his clients. The motion is to dismiss the charges in their entirety, or to dismiss the singular charge of solicitation on grounds of violating Double Jeopardy. The charge of solicitation alleges that the defendant has been charged with criminal solicitation and for theft of a trade secrets.

## What is a Trade Secret

A trade secret as defined in Florida's Uniform Trade Secrets Act is defined as something that derives independent economic value, actual or potential. The trade secret is not being generally known and not readily ascertainable by anyone who can obtain economic value from the disclosed information of the trade secret. According to Florida Statute 812.081, a trade secret is a secret of value for use in the business, and an advantage to that business over other businesses who do not know the secret information. In order to be considered a trade secret, the owner must have taken measures to prevent it from becoming available to people other than those chosen by the owner to have access with limited purposes.

In this case, the defendant acquired a list from another company executive, that was comprised of potential customers and had personal information about the customers that would not be accessible to anyone else. The company executive who provided the list told investigators that he had sold these lists to vendors for marketing purposes. The motion argues that the lists have value but are not confidential or secret per se because they are sold to commercial consumers and are known to vendors who have purchased them.

Whether customer lists constitute a trade secret, per se, is not firmly established in Florida case law. In several other cases, described in detail in the attached motion, convictions have been overturned because the materials involved were not considered trade secrets.

## There was No Crime

The main argument within the motion is that the defendant's conduct is not a crime, it is business competition attempted to be misconstrued as theft of an item that barely constitutes a secret, much less a trade secret, as employees across the board had access to the same. Competition in the business environment cannot be prosecuted unless the competitor attempts to induce a customer to breach a contract that is not terminable at will.

The motion to dismiss the charges filed by criminal defense lawyer [Andrew D. Stine](#) is attached.

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