

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO. F14-2935

Plaintiff,

JUDGE FLEUR LOBREE

v.

PASCAL REID,

Defendant.

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**MOTION FOR LEAVE TO FILE BRIEF**  
**OF AMICUS CURIAE BITCOIN FOUNDATION**

**COMES NOW**, the Bitcoin Foundation (the “Foundation”), by and through undersigned counsel, moving for leave from the Court, pursuant to the Court’s inherent authority (and in keeping with the parameters of Florida Rule of Appellate Procedure 9.370), to file the accompanying Amicus Brief in connection with Defendant Pascal Reid’s (“REID’s”) Sworn Motion to Dismiss Count Three of the Information of unlawfully engaging in an unregistered money transmitter business without being exempt from registration in violation of Florida Statutes § 560.125(1) filed on May 14, 2014, which charges REID with being an unauthorized money transmitter under Florida law.<sup>1</sup> REID does not oppose this motion; however, the State has informed undersigned counsel that it does.

**A. This Court Has The Authority To Accept Amicus Briefs**

Florida courts possess the inherent authority to accept *amicus* briefs. *See Amendments to Florida Rules of Appellate Procedure*, 827 So. 2d 888 (Fla. 2002) (courts “exercise their own inherent authority to decide if the brief should be permitted”)<sup>2</sup>; *In re Bayshore Ford Truck Sales*,

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<sup>1</sup> No counsel for any party authored this motion or the accompanying Amicus Brief in whole or in part; no party or counsel made a monetary contribution intended to fund their preparation or submission.

<sup>2</sup> Subsequent Amendments to Rule 9.370—governing filing of *amicus curiae* briefs—do

*Inc.*, 471 F.3d 1233, 1249 n.34 (11th Cir. 2006) (“[D]istrict courts possess the inherent authority to appoint ‘friends of the court’ to assist in their proceedings.”). Pursuant to this authority, Florida circuit courts have accepted amicus briefs to assist the court. *See, e.g., Pub. Defender, Eleventh Judicial Circuit of Fla. v. State*, 115 So. 3d 261, 265 (Fla. 2013) (observing that trial court permitted participation of *amicus curiae*); *Roemmele-Putney v. Reynolds*, 106 So.3d 78, 80 n.3 (Fla. Dist. Ct. App. 2013) (same); *Orange County v. Bellsouth Telecomms., Inc.*, 812 So.2d 475, 479 n.3 (Fla. Dist. Ct. App. 2002) (same). Accordingly, this Court has the authority to accept and consider the accompanying Amicus Brief of the Foundation.

### **B. Interest Of *Amicus Curiae* The Bitcoin Foundation**

The Foundation is a member-supported, non-profit organization dedicated to three goals in furtherance of the still-evolving, revolutionary technology of Bitcoin: (1) standardizing Bitcoin; (2) protecting Bitcoin; and (3) promoting Bitcoin. Founded in 2012, the Foundation represents more than 2,000 members (both individuals and entities), including most of the leading players in the fast emerging Bitcoin economy.<sup>3</sup>

The Foundation’s promotion of Bitcoin is especially relevant in this case because “[i]n the context of public misunderstandings, misinterpretations and misrepresentations, Bitcoin needs to be clearer about its purpose and technology.” Bitcoin Foundation - About, <https://bitcoinfoundation.org/about/>. Regulators and prosecuting agencies, throughout the country, including in this case, are applying to Bitcoin a set of laws designed by legislatures to apply to traditional “fiat” currency, and in doing so, in certain instances ignore the fundamental differences between them. Here, the State, operating under what appears to be a fundamental misunderstanding of Bitcoin, has unfortunately misinterpreted Florida law concerning “money

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not affect this proposition. *See Amendments to the Florida Rules of Appellate Procedure*, 894 So. 2d 202 (Fla. 2005); *In re Amendments to The Florida Rules of Appellate Procedure*, 2 So. 3d 89 (Fla. 2008).

<sup>3</sup> REID is not a member of the Foundation.

service business” by charging an individual (i.e., REID) with being an unauthorized money transmitter under Florida law. Proper interpretation is critical to the Foundation and its members.

### **C. Accepting The Bitcoin Foundation’s Amicus Brief Will Assist The Court**

The role of *amici* is to “assist[] the court in cases which are of general public interest, or aiding in the presentation of difficult issues.” *Ciba-Geigy Ltd. v. Fish Peddler, Inc.*, 683 So. 2d 522, 523 (Fla. Dist. Ct. App. 1996). In this case, the Foundation’s extensive experience with the unique attributes of bitcoin and its knowledge of bitcoin regulation—issues that are both “difficult” and “of general public interest,” *id.*—would provide significant assistance that would be helpful to the Court in rendering its decision with regard to REID’s motion to dismiss. The Amicus Brief discusses the interplay between the unique attributes of Bitcoin and the statutes at issue in this case and the challenge of applying criminal statutes to such a new technological innovation. Specifically, the brief demonstrates that Florida’s “money services business” statutory scheme is inapplicable to individuals transacting in Bitcoin; that the rule of lenity precludes conviction in this case; and that peer-to-peer bitcoin transactions are inherently local, thus the market price on an international exchange is not the price on the local market. The Foundation’s interest in this case is not specific to REID (with whom it had no prior involvement), or to the specific facts of this case.

#### **D. Conclusion**

For the foregoing reasons, the Foundation respectfully requests that this Court grant its motion for leave to file the accompanying Amicus Brief.

Respectfully submitted,

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 31, 2014, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record, and have sent a copy of the foregoing via e-mail to counsel of record in the related action.

s/Brian H. Bieber  
BRIAN H. BIEBER