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September 24, 2026

BY HAND DELIVERY AND E-MAIL

Sheriff Carmine Marceno Lee County Sheriff's Office 14750 Six Mile Cypress Parkway Fort Myers, Florida 33912

cc: Lt. John Desrosiers, 4th Precinct, 8350 Hospital Drive, Suite 114, Bonita Springs, Florida 34135 (JDesrosiers@sheriffleefl.org) cc: Florida Department of Law Enforcement, Missing Endangered Persons Information Clearinghouse (MEPIC@fdle.state.fl.us; (888) 356-4774) cc: National Center for Missing & Exploited Children (1-800-843-5678) cc: Office of the State Attorney, Twentieth Judicial Circuit (stateattorney@sao20.org)

Re: SWORN MISSING-CHILD REPORT and DEMAND FOR FCIC/NCIC ENTRY WITHIN TWO HOURS — DOB September 6, 2024, age 2 — LCSO Response No. 26494309 (September 10–11, 2026; badge no. 22180) — Fla. Stat. § 937.021(4)(a); 34 U.S.C. § 41308; 28 U.S.C. § 534(a)(3)

Sheriff Marceno:

This letter is a sworn missing-child report under Florida Statutes section 937.021, a demand that it be accepted and entered as the statute requires, and a request for the written confirmation that federal law entitles me to as the child's parent. It is addressed to you because your office's written position, stated by Lt. Desrosiers on September 11, 2026, rests on a reading of the statute that the statute forbids.

1. The report. My son, born September 6, 2024, is two years old. His residence is Lee County, Florida, under the only custody determination in force — the Findings and Order After Hearing of February 11, 2026, Superior Court of California, County of Mendocino, No. 25FL01030, which awards me sole physical custody and authorizes his residence with me in Florida. He was removed from my home in Bonita Springs on August 19, 2026 by deputies of your office under a California ex parte temporary order that stated on its face that it would expire at the September 2, 2026 hearing "unless extended by court order." It was not extended. Since September 2, 2026 no order of any court has placed him with anyone but me. His location has not been determined: the persons holding him have refused to disclose it despite my written demands of August 21, 22, and 31, 2026; the California court declined on September 2, 2026 to order it disclosed; and no official of either state has confirmed where he is or seen him on my behalf. Today is the thirty-sixth day. On September 22, 2026, the February 11, 2026 order was registered in the Circuit Court for Lee County under Florida Statutes section 61.528 (Filing No. 257511473, accepted 9:26 a.m.); under section 61.528(3)(a) it is enforceable in Florida as a Florida order, and it names me as the child's sole physical custodian.

2. He meets the statutory definition. Section 937.0201(3) defines a "missing child" as "a person younger than 18 years of age whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency." Each element is met: he is two; his residence

is in this state under the February 11, 2026 order; his location has not been determined; and I reported him missing to your office on the night of September 10–11, 2026 (Response No. 26494309).

3. The duty is mandatory and does not depend on a court order. Section 937.021(4)(a) provides: "Upon the filing of a police report that a child is missing by the parent or guardian, . . . the law enforcement agency receiving the report shall immediately inform all on-duty law enforcement officers of the missing child report, communicate the report to every other law enforcement agency having jurisdiction in the county, and within 2 hours after receipt of the report, transmit the report for inclusion within the Florida Crime Information Center and the National Crime Information Center databases . . . . A law enforcement agency may not require a reporter to present an order that a child be taken into custody or any other such order before accepting a report that a child is missing." Section 937.021(3) provides that the report "must be accepted by and filed with the law enforcement agency having jurisdiction in the county or municipality in which the child or adult was last seen," and that "[t]he filing and acceptance of the report imposes the duties specified in this section upon the law enforcement agency receiving the report." Federal law is to the same effect: 34 U.S.C. § 41308 requires that no agency maintain "any policy that requires the observance of any waiting period before accepting a missing child . . . report," and that the report be entered "within 2 hours of receipt."

4. The September 11 refusal. On September 11, 2026, Lt. Desrosiers wrote that your office is "unable to enter your son as a missing person, as he was last observed by our agency being lawfully released into the custody of a biological parent pursuant to a court order," and that custody questions are "civil in nature." With respect, the statute does not permit the agency to condition acceptance or entry on the existence, absence, or character of a court order; it says so in terms. Nor does the statute contain an exception for a child last seen in the custody of a parent — it defines a missing child by residence, undetermined location, and report, and by nothing else. Whether the child is with a parent is a fact for the entry; it is not a ground to refuse it. The order under which your deputies released him expired eleven days before the lieutenant wrote, and the lieutenant's letter does not say otherwise.

4a. No court order affects this duty. On September 24, 2026, the Lee County circuit court entered an order holding my civil enforcement petition in abeyance pending a ruling by the California Court of Appeal. That order concerns the court's own enforcement docket. It does not, and could not, relieve a law enforcement agency of a duty that section 937.021(4)(a) imposes on the agency upon the filing of the report and that the same subsection says may not be made to depend on any court order. The registered custody determination identifies the lawful custodian for the entry; the abeyance of a civil hearing is irrelevant to whether a two-year-old whose location has not been determined is entered as missing.

5. Why the entry matters. An NCIC entry is what lets any officer in California who encounters this child — at a traffic stop, a clinic, a school enrollment — know that he is reported missing from Florida and who his lawful custodian is. Without it, the persons holding him can move him between residences in Mendocino County, as they have, without any officer anywhere being on notice. The Department of Justice's guidance to left-behind parents (OJJDP, *The Crime of Family Abduction*, 2010, p. 25) states it plainly: "Law enforcement is required to immediately enter a missing child into the National Crime Information Center (NCIC) Missing Person File."

6. Demand. I demand that the Lee County Sheriff's Office:

(a) accept and file this sworn report as a missing-child report as of the date and time of its receipt, under Response No. 26494309 or a new number;

(b) within two hours of receipt, transmit the report for entry into FCIC and NCIC, with the descriptors below and the descriptors of the persons holding him;

(c) provide me, in writing, the NCIC entry number (NIC) and the date and time of entry, which 28 U.S.C. § 534(a)(3) requires be confirmed "to the parent, legal guardian, or next of kin" of a missing person; and

(d) if the agency declines any part of this demand, state the refusal in writing, with the name, rank, and badge number of the person refusing and the statutory basis relied upon.

7. Descriptors.

- Name: Date of birth: September 6, 2024. Sex: male. Race: white. Hair: blonde. Eyes: blue. Height and weight: consistent with a two-year-old; the reporter has been denied all contact since August 19, 2026 and cannot state current measurements. Identifying: neurodevelopmental delays; he is two years old and cannot speak for himself, state his name, or identify his custodian to an officer. Photograph enclosed (most recent in the reporter's possession).
- Last seen by me: August 19, 2026, approximately 6:40 p.m., at my home in Bonita Springs, Florida, in the custody of Lee County deputies executing the pickup order in Case No. 26-DR-005826.
- Persons holding him: Vincent Michael Hyler (father; born December 20, 1992; telephone (707) 391-8996; California driver's license; on summary probation, Mendocino County No. 25CR09666; restrained party under a domestic-violence order with an unsatisfied firearm-surrender directive) and Judy Hyler (paternal grandmother). Last known addresses: 9501 Laughlin Way, Redwood Valley, California 95470; 7910 Uva Drive, Redwood Valley, California 95470; 821 Laughlin Way, Redwood Valley, California 95470.
- Medical: prescribed occupational therapy and Early Steps services interrupted since August 19, 2026; formula-dependent.

8. Enclosures available on request or attached: certified February 11, 2026 order; the August 12, 2026 FL-305 (expired); certified September 2, 2026 minutes; the California court's September 2, 2026 denial of disclosure; the Lee County registration of September 22, 2026 (Filing No. 257511473, accepted); the Lee County order of September 24, 2026; Lt. Desrosiers's letter of September 11, 2026; FDLE/MEPIC's reply of September 19, 2026 referring this report back to your office; photograph of the child.

I am available at either number above at any hour, and will come to headquarters or the 4th Precinct in person to complete any form the agency requires the moment I am told which one.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true. (§ 92.525, Fla. Stat.)